



Danish position on a possible European Labour Authority (ELA)

Denmark acknowledges that there is room for improvement regarding challenges on cross-border mobility e.g. co-operation between national authorities and exchange of relevant data across borders and between authorities. However, there are good existing practices on other ways to strengthen cooperation and better manage cross-border situations for the Commission to examine, without the need to establish an entire new authority. Free movement of workers is a fundamental pillar of the Union and there are various European cooperation structures and coordination mechanisms in place concerning European labour cross-border issues, e.g. EURES, EESSI, IMI etc.

Account must be taken of the fact that several EU Agencies are already operating in the area of social and employment policy and work of the Agencies should be streamlined rather than an ELA adding on.

There is a risk that a new coordination structure would increase the complexity rather than offer an added value. The idea of establishing an “inspection and enforcement body” should not lead to a body with new and supra-national competences, nor lead to more administrative complexity. In its impact assessment the Commission must carefully consider and assess alternative options to establishing a new authority.

Should the Commission nevertheless decide to move forward with a new authority, the following three principles must be core to the set-up and functioning of the ELA:

- Existing national competences and the principle of subsidiarity must be respected.
- Sufficient room for different national labour market and social models and priorities, including autonomy and key role of the social partners should be allowed
- No supra-national competences to ELA and tasks limited to enhancing enforcement of existing rules.

Respect for existing national competence and principle of subsidiarity

Social and employment policies are primarily competence of the Member States. There are significant differences between Member States with regard to the organization of labour markets and social protection systems.

Respecting the principle of subsidiarity is imperative. There should not be a shift of competences if the proposed ELA is established. Transparency and access to information regarding rights and obligations can be improved without a shift in competences, e.g. by performing analysis and delivering more information.

Sufficient room for different national labour market and social models and priorities

With a focus on tackling social dumping and support the enforcement of EU labour rights an ELA should leave sufficient room for different national labour market and social models and priorities. It is of utmost importance that an ELA does not interfere with the autonomy and the key role of the social partners.

ELA should not have supra-national competences

So far, the ELA is presented without specifying the possible tasks and competences. If the proposed ELA is established it is imperative that it will not have supra-national competences. There is a need to better clarify the proposed ELA regarding the scope of the authority, its contribution on cross-border cooperation at the EU level as well as its tasks and competences.