AK EUROPA

Position Paper
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Social



Revision of the mandate of the European Labour Authority (ELA)

Executive summary

On 15 September 2026, the European Commission presented the 'Fair Labour Mobility Package' to ensure fairer working conditions for mobile workers across the EU. The package included a proposed regulation revising the mandate of the European Labour Authority (ELA). Established in 2019 to promote fair labour mobility and combat wage and social dumping, the ELA has so far mainly provided support and coordination. AK, trade unions and the European Parliament have long called for a stronger mandate to enable the ELA to act more effectively and fulfil its potential.

Key points at a glance

- We welcome the revision of the European Labour Authority's (ELA) mandate and the more proactive role of ELA.
- The explicit inclusion of third-country nationals within the ELA's scope is considered particularly appropriate. The exhaustive list in Article 1(4) should be removed, and the mandate should clarify that the ELA is in principle responsible for applying and coordinating Union law on labour mobility across the EU and social security systems.
- We welcome stronger obligations for Member States to participate in inspections. Requiring Member States to explain their reasoning for non-participation in concerted or joint inspection on duly justified grounds in writing within 10 days in future is key to greater accountability. However, the ELA should also be given the opportunity not only to request inspections but to initiate them on its own initiative.
- We also welcome the improvements in the revised mandate regarding data access and processing. However, these activities must remain strictly limited to the direct scope of ELA and therefore employment and social affairs.
- Penalties and back payments owed to workers and social security institutions must be easier to enforce and effectively recovered. We propose that in future Member States report annually to the ELA on penalties collected, outstanding social security contributions and progress in enforcing wage payments. The ELA should include these findings in its annual report.

AK's position

General remarks

We generally welcome the Commission's proposal to revise the ELA's mandate through Regulation (EU) 2026/0272. The revision of the ELA's current mandate is a positive step towards improving compliance with and practical enforcement of EU rules on cross-border labour mobility. A stronger mandate can help make the ELA a more effective and transparent authority and to be better equipped to enforce these rules, protect workers' rights and ensure fair competition. The Commission proposal also aims to streamline operations by simplifying the requirements for agreeing on joint inspections, improving cooperation between national authorities and facilitating information exchange with the ELA.

1. Scope

AK **welcomes the explicit inclusion of third-country nationals**, for example in Articles 1(2), 2a, 5a, 8a and 10a.

We **call for the scope of the ELA's mandate to be further clarified** in order to avoid any potential ambiguities in the future. We welcome the inclusion of two additional legal acts in the revised ELA mandate: Regulation (EU) 2026/XXX, linking the Internal Market Information System (IMI) to the Declaration of Posted Workers, and Directive (EU) 2020/1057, setting out specific rules for the posting of drivers in road transport sector. We propose amending Article 1(4) and (4a) to establish an illustrative, non-exhaustive list. This would avoid the need to amend the scope of application with each revision and the risk of it becoming outdated just two years later. The mandate should clarify **that the ELA is in principle responsible for applying and coordinating EU law on labour mobility across the EU and for coordinating social security systems**. The Article 1 list could serve as an illustrative list, with paragraph 4 expanded to include Directive 2008/104/EC on temporary agency work and Directive (EU) 2019/1152. Temporary agency workers make up more than 10 per cent of all posted workers in some Member States. Their exclusion from an illustrative list in Article 1(4) and (4a) therefore appears unjustified.

We welcome the clearer wording in Article 2d, which confirms that the ELA's work to support cooperation between Member States does not only focus on undeclared work but also on labour exploitation.

2. A more proactive role of the ELA

AK welcomes **the ELA's new ability to "request" joint inspections by Member States** (Article 8 (1) but calls for it to be able to "initiate" these inspections directly. The current wording is considered insufficiently strong. The continued need for the consent of the Member States concerned also significantly limits the ELA's operational capacity.

Another positive aspect is the planned general strengthening of the ELA's investigative powers, both in relation to cooperation between Member States and on the ELA's own initiative. Previously, the ELA could only provide support for cross-border enforcement and for following up on enquiries and exchanges of information at the request of a Member State Article 7(1)(b) and (d). Alongside the ELA's existing requirements, Member States will also be able to request risk assessments from the Authority (Article 9(4)). These may be undertaken at Member States' request or on the ELA's own initiative. Personal data may be used for this purpose in accordance with Chapter IIIa. The results must be communicated to the relevant authorities without delay new Article 10(1a). Under the ELA's first mandate, it was not able to access or process the relevant operational information (including personal data).

The European trade union movement, the European Parliament and AK have long called for a less reactive ELA mandate and welcome the Commission's agreement with this position.

3. Improved data access, processing and exchange

This is closely linked to supporting the ELA's more proactive role by strengthening its ability to facilitate cooperation, asses risks and initiate inspections. Closer links between risk analysis and inspection planning are particularly relevant and valuable for road freight

transport. Better access to information from the European Register of Road Transport Undertakings (ERRU) and posting notifications provides a key basis for more targeted, risk-based roadside inspections.

The revised mandate incorporates many of the lessons learnt by the ELA during its first few years of operation. This is particularly evident in Chapter IIIa's clarifications on data processing. **We welcome the provision allowing the ELA to process personal data** (including Chapter IIIa with Articles 23a to 23d, as well as Articles 7, 9(6a), 14 and 36). Additional improvements to data collection and sharing would also be desirable. Data collected by the ELA, Member States and the Commission **should also be made directly available to the national social partners**. The collected data could then help recover unpaid wages and outstanding social security contributions and speed up enforcement of existing entitlements.

With regard to migration and immigration law, **we endorse the Commission's clear distinction between employment and social matters**, which fall within the scope of application of ELA, and **immigration law and right of residence**, which fall outside it. To protect workers' data protection rights, no information must be passed on to residence authorities, nor must there be any cooperation with them. As stated on page 6 of the Explanatory Memorandum, the ELA's remit under directives such as the Employers' Sanctions Directive, the Seasonal Workers Directive, the Temporary Protection Directive and the Single Permit Directive must be strictly limited to employment and social rights. Workers must be able to exercise their rights regardless of their residence status, without fear of consequences for their right of residence. Otherwise, they face an even greater risk of exploitation.

4. Greater involvement of the social partners

We welcome the fact that the ELA's analyses and risk assessments are now to explicitly incorporate the experiences of the social partners and civil society.

Minor refinements are required in Article 10(1). It should be made clear here that the social partners are to be involved as a matter of general principle, and not merely 'if appropriate'. Proposed rewording: 'The Authority shall, in cooperation with Member States and the social partners, assess risks (…)'. Looking ahead, **greater involvement of the social partners** would be welcome overall.

We welcome the explicit provision for social partners to benefit from sectoral or cross-sectoral training programmes in the future (Article 11(d)).

5. Strengthening the role of National Liaison Officers (NLOs)

AK welcomes the greater involvement of National Liaison Officers in concerted and joint inspections (Article 9(5)). It also considers **adding a second National Liaison Officer in each case** (Article 32(2a)) **a sensible step** to support the ELA's more proactive role. We welcome further increases in the ELA's human and financial resources, which should obviously go hand in hand with tangible improvements for cross-border workers.

6. Strengthening the obligation for Member States to participate in inspections

We consider the strengthened obligation for Member States to participate in concerted and joint inspections (Article 8(3), first subparagraph) as a positive development.

We also see the future requirement that **Member States may only decide to not participate in concerted or join inspections on duly justified grounds that have to be to submitted in writing within 10 days** as a key element to making participation more binding.

7. Providing the opportunity for financial support

The information provided by the ELA to workers, businesses and other stakeholders has been deemed by the European Commission to be too generic. **We welcome the ELA's future ability to provide funding directly,** as set out in the new paragraph in Article 5, to providers of specialised support for individuals and employers, particularly SMEs, in the context of labour mobility. According to the Commission's proposal, support for individuals shall be granted regardless of their legal status and mobility status within the Union. The funding of external service providers, such as chambers of labour and trade unions, to provide multilingual, personalised advice and support to mobile and migrant workers is considered useful. Advisory services should also specifically address the needs of particularly vulnerable workers.

8. Enforceability/actual enforcement of penalties and back payments to workers and social security institutions

We see **a clear need for substantial improvements to the Commission proposal** on the enforceability and effective enforcement of penalties.

We call for the effectiveness of the enforcement of legal claims and penalties in cross-border situations

to be strengthened through improved analytical and operational support for the ELA. This support should be based on better data and risk assessment.

We propose that, in order to ensure the high level of protection for cross-border workers sought by the Commission, **Member States should in future report to the ELA on the fines imposed and executed, outstanding social security contributions and the enforcement of wages, salaries and allowances**. The ELA should be required to include these findings in its annual report, to publish them and to submit them to the European Commission and the European Parliament.

9. Strengthening mediation

The ELA may offer mediation in cases of disputes between Member States concerning the application of EU law falling within the scope of this Regulation.

The proposed amendment aims to resolve cross-border disputes more effectively through improved mediation procedures, support by the ELA and a simpler application process. In future, the ELA will also be able to initiate mediation itself, but only with the consent of all Member States concerned in each case. This tool was rarely used in the ELA's first few years because Member States could withdraw from the mediation process at any time.

In our view, it would be sensible to introduce a similar provision at our discretion, mirroring the requirement to explain non-participation in inspections in writing within 10 days. We propose that Article 13(7) require **duly justified grounds for non-participation or opting out to be submitted in writing**.

10. Making better use of the EURES network's potential

AK welcomes the planned technical and administrative harmonisation of the responsibilities within the EURES network, which were previously shared between the ELA and the Commission.

The EURES network has the potential to make a significant contribution to reducing disparities between the labour markets of the Member States. Better framework conditions for the free movement of workers can help **reduce unemployment in individual Member States and, ideally, ease skilled-worker shortages elsewhere**.

We agree that the EURES network is currently underused and therefore falls short of its full potential. This is particularly important amid current discussions about skilled worker demand in many EU Member States. The **EURES network should take priority over labour migration from third countries in meeting skills needs**. Success, however, depends on an appropriately structured EURES network that strengthens cooperation between Member States. The proposed administrative standardisation of the EURES network therefore appears sensible and can support this goal. We welcome the **opportunity for social partners to comment** on draft national EURES action plans, as provided in the draft amendment to Article 31 of Regulation (EU) 2016/589.

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About us

The Austrian Federal Chamber of Labour (AK) is by law representing the interests of about 4 million employees and consumers in Austria. It acts for the interests of its members in fields of social-, educational-, economical-, and consumer issues both on the national and on the EU-level in Brussels. Furthermore, the Austrian Federal Chamber of Labour is a part of the Austrian social partnership. The Austrian Federal Chamber of Labour is registered at the EU Transparency Register under the number 23869471911-54.

The main objectives of the 1991 established AK EUROPA Office in Brussels are the representation of AK vis-à-vis the European Institutions and interest groups, the monitoring of EU policies and to transfer relevant Information from Brussels to Austria, as well as to lobby the in Austria developed expertise and positions of the Austrian Federal Chamber of Labour in Brussels.