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From: Presidency
To: Permanent Representatives Committee

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL establishing a European Labour Authority

In accordance with the guidance on Impact Assessments (doc. 6270/18), delegations will find attached the Presidency's summary of the delegations' views on the Impact Assessment on the abovementioned proposal.

Summary of the replies to the Impact Assessment (IA) questionnaire

While some delegations considered that the **legal basis** and the **policy context** were clearly explained in the IA, other delegations were only partly satisfied. The latter raised concerns about the explanation of the choice of legal basis, in particular relating to the coverage of third-state nationals entitled to intra-EU mobility under migration directives, the coverage of concerted and joint inspections and mediation between MS and the references to Article 48, Article 53(1), Article 62 and Article 91(1) TFEU.

Most delegations were satisfied with the IA analysis on **compliance with the principle of subsidiarity and proportionality**. Some delegations stressed the need for more justification of the added value of this new agency and the possible overlaps with other current or planned activities of the EU or of Member States.

Nearly all delegations agreed that the **problem definition** had been outlined clearly, or to some extent clearly; many considered that the IA did not go into enough detail about how these problems would be addressed by the proposed measures, how all the current networks, committees and institutions at national and EU level would be integrated into or work together with the ELA, how overlapping of tasks and responsibilities would be avoided, and in particular what the impact on the Administrative Commission's work would be. Many delegations considered that not any gap in evidence is acknowledged and some considered that positive examples of current structures working well had not been sufficiently taken into account.

The **policy objectives** were broadly considered by around half of delegations to be well presented and by the others to be partly well presented. Some delegations highlighted the question of consistency with other initiatives, while others wanted more detailed information.

The Impact Assessment handled the issues of **subsidiarity** and **proportionality** overall to the entire/partial satisfaction of Member States. However, many delegations considered that the compliance with the principle of proportionality had been outlined clearly to some extent only. Some Member States criticised that recent initiatives like Directive 2014/67/EU, the EURES regulation or the Platform on undeclared work, as well as ongoing legislation (Posting of workers, revision of Social security coordination), were not sufficiently taken into account.

Most of the Member States were fully or partly satisfied with the presentation of the **policy options**, although some would have liked to see other options, such as the strengthening of existing networks, notably with reference to the sub-committees of the Administrative Commission, whose tasks are to be transferred to ELA.

Delegations concurred that **stakeholders** had been identified, even though some delegations felt that the link between the stakeholders' views and the policy options could have been spelt out more clearly. Most of the delegations considered that the **impacts** of the proposal had been analysed clearly, or only to some extent clearly. Several delegations found that the future operations between the Administrative Commission and ELA could have been explained in more detail. Another point of criticism was that the analysis could have been made more specific by using more concrete empirical evidence and quantitative data. Most delegations thought that the **impact on competition** and **competitiveness** had been presented clearly, or to some extent clearly. The **impact on SMEs**, including microenterprises, the **social impact**, the **regulatory costs**, the **impact on individual Member States** and the **impact on fundamental rights** were broadly considered to have been analysed clearly, or only partly clearly.

The opinion of the **Impact Assessment Board (IAB)** of the Commission was considered to have been set out clearly, or partly clearly. As to the **measuring**, most delegations thought that the indicators were clearly, or reasonably clearly, able to measure the intended effects. Almost all the delegations recognised that **monitoring solutions** had been presented. Delegations were more divided regarding the information provided on the impact of the **transposition deadline**. Finally, the majority of delegations was satisfied, or reasonably satisfied, with the presentation of **the methodology and methodological choices, limitations and uncertainties**.