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PUBLIC CONSULTATIONS/FEEDBACK

Call for evidence for an impact assessment - Ares(2025)10762705

Summary: The European Labour Authority, set up in 2019, helps EU countries and the Commission effectively apply and enforce EU laws on labour mobility and the coordination of social security systems. The first evaluation of the Authority provided insights to guide its future strategic direction and improve its performance. Building on these insights and the rapidly changing labour market, this initiative aims to strengthen the Authority by proposing a revision of its founding regulation.

Topic: Employment and social affairs

Type of act: Proposal for a regulation

Category: Commission Work Programme, REFIT

Commission adoption: Planned for Third quarter 2026

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Feedback on the document “Call for Evidence for an Impact Assessment – Strengthening the European Labour Authority by revising its mandate”

1. General framework and objectives of the initiative

The document under review fits coherently within the European Union’s political priorities for the 2024–2029 cycle, notably the promotion of fair labour mobility, the strengthening of the Single Market, and the improvement of enforcement of EU social and labour law.

The initiative aims to assess whether and how the mandate of the European Labour Authority (ELA), established by Regulation (EU) 2019/1149, should be reinforced in light of the shortcomings identified in the 2025 evaluation report, as well as the political guidance provided by the European Commission, the European Parliament, and strategic policy reports such as those by Letta and Draghi.

From a methodological perspective, the initiative is sound, as it is grounded in an ex post evaluation and anticipates a comprehensive impact assessment before any legislative proposal is made.

2. Problem definition and EU added value

The document correctly identifies the main structural challenges affecting fair labour mobility in the EU:

- inconsistent and fragmented enforcement of EU labour and social security coordination rules;
- insufficient operational cooperation among national authorities in cross-border situations;
- emerging challenges linked to digitalisation, platform work and complex subcontracting chains;
- increased reliance on third-country nationals, who are often more exposed to exploitation;
- limitations in ELA’s current mandate, operational tools and resources.

Given the intrinsically cross-border nature of these issues, EU-level action clearly provides added value. Uncoordinated national approaches would be insufficient to ensure legal

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certainty for workers and businesses, effective enforcement, and equal treatment across Member States. The initiative therefore complies with the principle of subsidiarity.

3. Legal basis and compliance with subsidiarity and proportionality

The reliance on Articles 46 and 48 TFEU as the legal basis is appropriate insofar as the initiative remains focused on:

- free movement of workers, and
- coordination of social security systems.

However, the document correctly acknowledges that:

- this legal basis is fully adequate only for limited or targeted revisions of the ELA mandate;
- a broader extension of ELA's competences beyond cross-border labour mobility could require additional Treaty bases and amendments to other EU legal acts.

From the perspective of proportionality, any reform should remain strictly aligned with ELA's coordinating and supporting role, avoiding the creation of a supranational enforcement authority that could encroach upon national competences.

From this perspective, the line between simplification and weakening protections is particularly delicate. Information and procedural requirements often described as "bureaucratic" actually constitute essential guarantees for compliance with common rules, worker protection, and the maintenance of fair competition between companies. Excessive reductions or overly general definitions of the information required risk encouraging evasive practices aimed at reducing labor costs, with direct impacts on employment conditions and remuneration.

4. Assessment of policy options: pros and cons

It is necessary a targeted revision of Regulation (EU) 2019/1149:

Pros

- Proportionate response to the shortcomings identified in the 2025 evaluation.

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- Strengthens coordinated and joint inspections (CJIs), including:
 - clearer legal framework,
 - improved data collection and storage,
 - possibility of non-simultaneous inspections,
 - better risk analysis and case management.
- Improves cooperation between national authorities through enhanced access to information systems (IMI, business registers).
- Clarifies ELA's role in relation to EURES and digital tools (Single Digital Gateway, "Your Europe").
- Enhances transparency and access to rights and obligations for workers and employers.
- Clarifies ELA's support role regarding third-country nationals in cross-border situations.
- Maintains Articles 46 and 48 TFEU as legal basis, ensuring legal certainty.
- Limits interference with national competences while increasing operational efficiency.

Cons

- Requires careful safeguards on data protection and GDPR compliance.
- May increase administrative coordination costs in the short term.
- Effectiveness depends on Member States' willingness to actively engage.
- Does not fully address broader labour market enforcement issues beyond mobility.

In this context, strengthening the ELA's mandate should result in:

- an effective strengthening of the Authority's analytical, coordination, and intervention capabilities;
- a substantial improvement in the effectiveness of concerted and joint inspections, based on reliable data, predictive analytics, and risk indicators;
- particular attention to working conditions and remuneration, which remain among the areas most exposed to irregularities in transnational mobility contexts.

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Identifying the highest-risk sectors, organizational chains, and business models requires an approach based on solid information and structured and balanced discussions between social partners, avoiding purely voluntary solutions. Instruments based primarily on voluntary action risk producing inconsistent results if not incorporated into a clear framework of responsibility, enhanced cooperation, and accountability among the competent authorities.

Overall assessment:

This option represents the most balanced and effective solution, combining legal certainty, proportionality and tangible operational improvements.

5. Expected impacts: benefits and potential risks

Positive impacts

- Improved enforcement of EU labour mobility rules.
- Better protection of mobile, posted and third-country workers.
- Increased legal certainty for employers operating cross-border.
- More effective and coordinated labour inspections.
- Enhanced labour market matching via improved EURES governance.
- Stronger impact in border regions and high-mobility Member States.

Potential risks

- Data protection challenges if safeguards are insufficient.
- Uneven implementation across Member States.
- Risk of mandate creep if ELA's role is not clearly defined.

6. Final assessment and conclusion

Overall, the initiative is well-founded, timely and aligned with EU strategic priorities.

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A targeted revision of Regulation (EU) 2019/1149 appears to be the most appropriate and proportionate approach. It allows ELA to better fulfil its coordinating and support role while respecting Member States' competences and ensuring legal certainty.

The opinion on the initiative is therefore positive, provided that:

- the reform remains focused on cross-border labour mobility,
- strong data protection guarantees are ensured,
- and the reinforcing of ELA does not evolve into a substitution of national enforcement authorities.