Regulation (EU) 2019/127 of the European Parliament and of the Council of 16 January 2019 establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75

REGULATION (EU) 2019/127 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 January 2019

establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 153(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The European Foundation for the improvement of living and working conditions (Eurofound) was established by Council Regulation (EEC) No 1365/75[(3)] to contribute to the planning and establishment of better living and working conditions through activities designed to increase and disseminate knowledge. Eurofound should also take account of the medium- and long-term perspectives in that context.

(2) Since it was established in 1975, Eurofound has played an important role in supporting the improvement of living and working conditions throughout the Union. At the same time the concepts and significance of living and working conditions have evolved under the influence of societal developments and fundamental changes in the labour markets. The terminology used to describe the objectives and tasks of Eurofound should therefore be adapted to reflect those developments.

(3) Regulation (EEC) No 1365/75 has been amended several times. Since further amendments are to be made, that Regulation should be repealed and replaced in the interest of clarity.

(4) The rules governing Eurofound should, to the extent possible and taking into account its tripartite nature, be established in accordance with the principles of the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/127 of the European Parliament and of the Council. (See end of Document for details)*

(5) Eurofound provides Union institutions and bodies, Member States and the social partners with information that is specialised and that provides added value within Eurofound's area of expertise.

(6) Eurofound should continue its production of surveys in order to secure the continuity of comparative analyses of trends in living and working conditions and of labour market developments in the Union.

(7) It is also important that Eurofound works closely with related bodies at international, Union and national level.

(8) As the three tripartite agencies, namely Eurofound, the European Agency for Safety and Health at Work (EU-OSHA) and the European Centre for the Development of Vocational Training (Cedefop), address issues related to the labour market, the working environment, vocational education and training, and skills, close coordination among them is required. In its work, Eurofound should therefore complement the work of EU-OSHA and Cedefop where they have similar fields of interest, while favouring tools that function well, such as memoranda of understanding. Eurofound should exploit ways to enhance efficiency and synergies and, in its activities, avoid duplication with those of EU-OSHA and Cedefop and of the Commission. In addition, where relevant, Eurofound should seek to cooperate efficiently with the in-house research capacities of the Union institutions and of external specialised bodies.

(9) The Commission should consult the main stakeholders including members of the Management Board and members of the European Parliament during the evaluation of Eurofound.

(10) The tripartite nature of Eurofound, EU-OSHA and Cedefop is a highly valuable expression of a comprehensive approach based on the social dialogue between the social partners and Union and national authorities, which is extremely important for the purpose of finding joint and sustainable social and economic solutions.

(11) In order to streamline the decision-making process of Eurofound and to contribute to enhancing efficiency and effectiveness, a two-level governance structure should be introduced. To that end, the Member States, the national employers' and employees' organisations and the Commission should be represented on a Management Board vested with the necessary powers, including the power to adopt the budget and approve the programming document. In the programming document, containing Eurofound's multiannual work programme and its annual work programme, the Management Board should lay down the strategic priorities of Eurofound's activities. Moreover, the rules adopted by the Management Board for the prevention and management of conflicts of interests should include measures for detecting potential risks at an early stage.

(12) In order for Eurofound to function properly, the Member States, the European employers' and employees' organisations and the Commission should ensure that persons to be appointed to the Management Board have appropriate knowledge in the field of social and work-related policies with a view to making strategic decisions, and to overseeing Eurofound's activities.

(13) The Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making and monitoring processes. In assisting the Management Board, it should be possible for the Executive Board, where necessary, for reasons of urgency, to take certain provisional decisions on behalf of the Management Board. The Management Board should adopt the rules of procedure of the Executive Board.

(14) The Executive Director should be responsible for the overall management of Eurofound in accordance with the strategic direction set by the Management Board, including day-to-day administration as well as financial and human resources management. The Executive Director should exercise the powers entrusted to him or her. It should be possible to suspend those powers in exceptional circumstances, such as conflicts of interests or a serious failure to comply with obligations under the Staff Regulations of Officials of the European Union (Staff Regulations).

(15) The principle of equality is a fundamental principle of Union law. It requires that equality between women and men must be ensured in all areas, including employment, work and pay. All parties should aim to achieve a balanced representation between women and men on the Management Board and the Executive Board. That aim should also be pursued by the Management Board with regard to its Chairperson and Deputy Chairpersons taken together, as well as by the groups representing the governments and the employers' and employees' organisations on the Management Board with regard to the designation of alternates to attend the meetings of the Executive Board.

(16) Eurofound operates a liaison office in Brussels. The possibility of operating that office should be maintained.

(17) The financial provisions and provisions for programming and reporting relating to Eurofound should be updated. Commission Delegated Regulation (EU) No 1271/2013[(4)] provides that Eurofound is to carry out *ex-ante* and *ex-post* evaluations of those programmes and activities that entail significant spending. Those evaluations should be taken into account by Eurofound in its multiannual and annual programming.

(18) In order to ensure its full autonomy and independence and to enable it properly to carry out its objectives and tasks in accordance with this Regulation, Eurofound should be granted an adequate and autonomous budget with revenue stemming mainly from a contribution from the general budget of the Union. The Union budgetary procedure should be applicable to Eurofound as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. Eurofound's accounts should be audited by the Court of Auditors.

(19) The translation services required for Eurofound's functioning should be provided by the Translation Centre of the Bodies of the European Union (Translation Centre). Eurofound should work together with the Translation Centre to establish indicators for quality, timeliness and confidentiality, to identify clearly Eurofound's needs and priorities, and create transparent and objective procedures for the translation process.

(20) Provisions concerning Eurofound's staff should be in line with the Staff Regulations and the Conditions of Employment of Other Servants of the Union (Conditions of

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Employment of Other Servants), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68[(5)].

(21) Eurofound should take the necessary measures to ensure the safe handling and processing of confidential information. Where required, Eurofound should adopt security rules equivalent to those set out in Commission Decisions (EU, Euratom) 2015/443[(6)] and (EU, Euratom) 2015/444[(7)].

(22) It is necessary to lay down transitional budgetary provisions and transitional provisions with regard to the Management Board, Executive Director and staff to ensure the continuation of Eurofound's activities pending the implementation of this Regulation,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

OBJECTIVES AND TASKS

Article 1

Establishment and objectives

1 The European Foundation for the improvement of living and working conditions, (Eurofound), is hereby established as a Union Agency.

2 Eurofound's objective shall be to provide the Commission, other Union institutions, bodies and agencies, the Member States and the social partners with support for the purpose of shaping and implementing policies concerning the improvement of living and working conditions, devising employment policies, and promoting the dialogue between management and labour.

To that end, Eurofound shall enhance and disseminate knowledge, provide evidence and services for the purpose of policy making, including research-based conclusions, and shall facilitate knowledge sharing among and between Union and national actors.

Article 2

Tasks

1 Eurofound shall have the following tasks with respect to the policy areas referred to in Article 1(2), while fully respecting the responsibilities of the Member States:

a analyse developments and provide comparative analyses of policies, institutional frameworks and practices in Member States and, where relevant, other countries;

b collect data, for instance by means of surveys, and analyse trends in living and working conditions, employment and labour market developments;

c analyse the developments in industrial relation systems and in particular social dialogue at Union level and in the Member States;

d carry out or commission studies and carry out research on relevant socioeconomic developments and related policy issues;

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e carry out, where relevant and at the request of the Commission, pilot projects and preparatory actions;

f provide forums for exchange of experiences and information between the governments, the social partners and other stakeholders at national level, including through evidence-based information and analysis;

g manage and make available tools and datasets to policymakers, the social partners, academic bodies and other stakeholders;

h establish a strategy for relations with third countries and international organisations in accordance with Article 30 concerning matters for which Eurofound is competent.

2 Where new studies are needed, and before taking policy decisions, the Union institutions shall take into account Eurofound's expertise and any studies that it has conducted in the area concerned or that it is able to conduct, in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[8].

3 Eurofound may conclude cooperation agreements with other relevant Union agencies in order to facilitate and promote cooperation with them.

4 In carrying out its tasks, Eurofound shall maintain a close dialogue particularly with specialised bodies, whether public or private, national or international, with public authorities, with academic and research bodies, with employers' and employees' organisations, and with national tripartite bodies where they exist. Without prejudice to its objectives and purposes, Eurofound shall cooperate with other Union agencies, in particular EU-OSHA and Cedefop, promoting synergies and complementarity with their activities, while avoiding any duplication of efforts.

CHAPTER II

ORGANISATION OF EUROFOUND

Article 3

Administrative and management structure

Eurofound's administrative and management structure shall comprise:

(a) a Management Board;

(b) an Executive Board;

(c) an Executive Director.

Section 1

Management Board

Article 4

Composition of the Management Board

1 The Management Board shall be composed of: