

Regulation (EU) No 492/2011 of the European Parliament and  
of the Council of 5 April 2011 on freedom of movement for  
workers within the Union (codification) (Text with EEA relevance)

CHAPTER III

**COMMITTEES FOR ENSURING CLOSE COOPERATION BETWEEN  
THE MEMBER STATES IN MATTERS CONCERNING THE FREEDOM  
OF MOVEMENT OF WORKERS AND THEIR EMPLOYMENT**

*SECTION 1*

*The Advisory Committee*

*Article 21*

The Advisory Committee shall be responsible for assisting the Commission in the examination of any questions arising from the application of the Treaty on the Functioning of the European Union and measures taken in pursuance thereof, in matters concerning the freedom of movement of workers and their employment.

*Article 22*

The Advisory Committee shall be responsible in particular for:

- (a) examining problems concerning freedom of movement and employment within the framework of national manpower policies, with a view to coordinating the employment policies of the Member States at Union level, thus contributing to the development of the economies and to an improved balance of the labour market;
- (b) making a general study of the effects of implementing this Regulation and any supplementary measures;
- (c) submitting to the Commission any reasoned proposals for revising this Regulation;
- (d) delivering, either at the request of the Commission or on its own initiative, reasoned opinions on general questions or on questions of principle, in particular on exchange of information concerning developments in the labour market, on the movement of workers between Member States, on programmes or measures to develop vocational guidance and vocational training which are likely to increase the possibilities of freedom of movement and employment, and on all forms of assistance to workers and their families, including social assistance and the housing of workers.

*Article 23*

1 The Advisory Committee shall be composed of six members for each Member State, two of whom shall represent the Government, two the trade unions and two the employers' associations.

2 For each of the categories referred to in paragraph 1, one alternate member shall be appointed by each Member State.

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**Changes to legislation:** There are outstanding changes not yet made to Regulation (EU) No 492/2011 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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3 The term of office of the members and their alternates shall be 2 years. Their appointments shall be renewable.

On expiry of their term of office, the members and their alternates shall remain in office until replaced or until their appointments are renewed.

#### *Article 24*

The members of the Advisory Committee and their alternates shall be appointed by the Council, which shall endeavour, when selecting representatives of trade unions and employers' associations, to achieve adequate representation on the Committee of the various economic sectors concerned.

The list of members and their alternates shall be published by the Council for information in the *Official Journal of the European Union*.

#### *Article 25*

The Advisory Committee shall be chaired by a member of the Commission or his representative. The Chairman shall not vote. The Committee shall meet at least twice a year. It shall be convened by its Chairman, either on his own initiative, or at the request of at least one third of the members.

Secretarial services shall be provided for the Committee by the Commission.

#### *Article 26*

The Chairman may invite individuals or representatives of bodies with wide experience in the field of employment or movement of workers to take part in meetings as observers or as experts. The Chairman may be assisted by expert advisers.

[<sup>F1</sup>The European Labour Authority established by Regulation (EU) 2019/1149 of the European Parliament and of the Council<sup>(1)</sup> shall participate in the meetings of the Advisory Committee as an observer, providing technical input and expertise as relevant.]

#### **Textual Amendments**

- F1** Inserted by Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland).

#### *Article 27*

1 An opinion delivered by the Advisory Committee shall not be valid unless two thirds of the members are present.

2 Opinions shall state the reasons on which they are based; they shall be delivered by an absolute majority of the votes validly cast; they shall be accompanied by a written statement of the views expressed by the minority, when the latter so requests.

#### *Article 28*

The Advisory Committee shall establish its working methods by rules of procedure which shall enter into force after the Council, having received an opinion from the

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Commission, has given its approval. The entry into force of any amendment that the Committee decides to make thereto shall be subject to the same procedure.

## SECTION 2

### **The Technical Committee**

#### *Article 29*

The Technical Committee shall be responsible for assisting the Commission in the preparation, promotion and follow-up of all technical work and measures for giving effect to this Regulation and any supplementary measures.

#### *Article 30*

The Technical Committee shall be responsible in particular for:

- (a) promoting and advancing cooperation between the public authorities concerned in the Member States on all technical questions relating to freedom of movement of workers and their employment;
- (b) formulating procedures for the organisation of the joint activities of the public authorities concerned;
- (c) facilitating the gathering of information likely to be of use to the Commission and the undertaking of the studies and research provided for in this Regulation, and encouraging exchange of information and experience between the administrative bodies concerned;
- (d) investigating at a technical level the harmonisation of the criteria by which Member States assess the state of their labour markets.

#### *Article 31*

1 The Technical Committee shall be composed of representatives of the Governments of the Member States. Each Government shall appoint as member of the Technical Committee one of the members who represent it on the Advisory Committee.

2 Each Government shall appoint an alternate from among its other representatives — members or alternates — on the Advisory Committee.

#### *Article 32*

The Technical Committee shall be chaired by a member of the Commission or his representative. The Chairman shall not vote. The Chairman and the members of the Committee may be assisted by expert advisers.

Secretarial services shall be provided for the Committee by the Commission.

#### *Article 33*

The proposals and opinions formulated by the Technical Committee shall be submitted to the Commission, and the Advisory Committee shall be informed thereof. Any such proposals and opinions shall be accompanied by a written statement of the views expressed by the various members of the Technical Committee, when the latter so request.

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#### *Article 34*

The Technical Committee shall establish its working methods by rules of procedure which shall enter into force after the Council, having received an opinion from the Commission, has given its approval. The entry into force of any amendment which the Committee decides to make thereto shall be subject to the same procedure.

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- (1) [<sup>F1</sup>Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (OJ L 186, 11.7.2019, p. 21).]

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- F1** Inserted by [Regulation \(EU\) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations \(EC\) No 883/2004, \(EU\) No 492/2011, and \(EU\) 2016/589 and repealing Decision \(EU\) 2016/344 \(Text with relevance for the EEA and for Switzerland\).](#)

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 7(2A) inserted by [S.I. 2022/1240 reg. 4\(2\)\(a\)](#)