



STATUTORY INSTRUMENTS.

S.I. No. 533 of 2024



EUROPEAN UNION (REQUIREMENTS AND CRITERIA FOR
ADMISSION AS EURES MEMBERS OR EURES PARTNERS)
REGULATIONS 2024

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I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect to Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016¹ hereby make the following regulations:

Citation and Construction

1. (1) These Regulations may be cited as the European Union (Requirements and Criteria for Admission as EURES Members or EURES Partners) Regulations 2024.

(2) A word or expression that is used in these Regulations and is also used in the Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Regulation.

Definitions

2. In these Regulations –

“applicant” means an applicant for admission as a EURES Member or EURES Partner;

“the Regulation” means Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013.

Designation of National Coordination Office and appointment of Public Employment Service

3. (1) The national coordination office of EURES shall perform the functions of the NCO for the purposes of, and as provided for in, the Regulation.

(2) The national coordination office of EURES is appointed as the Public Employment Service (PES) for the purposes of the Regulation and these Regulations.

¹ OJ No. L107, 22.4.2016, p. 1.

Application for admission as EURES Member or EURES Partner

4. (1) An application for admission as a EURES Member or EURES Partner shall -

- (a) be submitted in writing by the applicant to the national coordination office of EURES,
- (b) set out the basis on which the applicant submits it meets the applicable criteria in Annex I of the Regulation,
- (c) be in such form as the national coordination office of EURES may specify,
- (d) be legible and state the full name and address of the applicant, and where the applicant is a body corporate, its principal place of business,
and
- (e) be addressed to -

The Officer in Charge,
National Coordination Office,
EURES,
Department of Social Protection,
Goldsmith House,
Pearse Street,
Dublin 2, D02 YY17.

(2) Where the application is for admission as an EURES Member, the criteria for admission shall be in accordance with paragraphs (2) and (3) of Article 11 of the Regulation and the criteria set out in Annex I to the Regulation.

(3) Where the application is for admission as an EURES Partner, the criteria for admission shall be in accordance with paragraphs (2) and (4) of Article 11 of the Regulation and the applicable criteria set out in Annex I to the Regulation.

(4) An applicant shall furnish the national coordination office of EURES with such information as demonstrates the applicant's ability to meet the criteria in Annex I of the Regulation.

(5) The national coordination office of EURES may request the applicant to provide such additional information as may be reasonably required to assess whether or not the applicant meets the applicable criteria in Annex I of the Regulation and in determining whether or not to grant admission, and in such event, no decision shall be made on the application until the further information requested is received from the applicant.

Admission

5. (1) Where the national coordination office of EURES is satisfied that the criteria in Annex I of the Regulation are met by the applicant, the national coordination office of EURES shall, subject to paragraphs (2) and (3), grant approval of admission to an applicant as a EURES Member or EURES Partner, as the case may be, and a grant of approval of admission shall be in writing and in such form as the national coordination office of EURES may decide.

- (2) (a) The national coordination office of EURES may attach any condition (including a condition as to the keeping of appropriate records consistent with the Regulation) to an approval at the time it is granted or at any time subsequently for the purpose of ensuring the EURES Member or EURES Partner complies with the requirements of the Regulation.
- (b) The national coordination office of EURES may amend or revoke a condition attached to the approval and shall notify in writing the applicant which has applied for, or a EURES Member or EURES Partner which holds, an approval of any condition, or the amendment or deletion of any condition, as the case may be, in relation to that approval.
- (c) Compliance with the relevant provisions of the Regulation and of these Regulations is a condition of any approval under these Regulations.

(3) Admission as an EURES Member or EURES Partner shall be valid for such period as the national coordination office of EURES may determine in accordance with this Regulation.

Failure to meet criteria and revocation

6. (1) Where the national coordination office of EURES is not satisfied that the relevant criteria of Annex I of the Regulation are or will be met, it shall refuse an application for admission, and shall notify the applicant in writing of the refusal.

(2) Where the national coordination office of EURES becomes aware, either through its monitoring, or otherwise, of non-compliance with the Regulation or applicable law by a EURES Member or EURES Partner, it shall revoke the admission of that EURES Member or EURES Partner.

- (3) The national coordination office of EURES shall not —
 - (a) refuse an application for admission, or
 - (b) or revoke an admission,
without —
 - (i) notifying the EURES Member, EURES Partner, or applicant for admission, of its intention to refuse the application or revoke the admission, as the case may be,
 - (ii) specifying the reasons for its intention to refuse the application or revoke the admission, and
 - (iii) affording the applicant for admission as a EURES Member or EURES Partner, or the EURES Member or EURES Partner, an opportunity to make representations or to have representations made on its behalf to the national coordination office of EURES in relation to the proposed refusal or revocation, as the case may be, within 14 days of the receipt by the applicant, the EURES Member or EURES

Partner, of the notification referred to in subparagraph (i) and having regard to any such representations.

Appeals

7. (1) If the national coordination office of EURES refuses, under article 5, to admit an applicant—

- (a) it shall notify the applicant concerned, by notice in writing, of the refusal and of its reasons for the refusal, and
- (b) the applicant may appeal against the refusal to the Minister, by notice in writing stating the grounds on which the appeal is made delivered to the Minister not later than 28 days of the date of the notice under paragraph (a).

(2) If the national coordination office of EURES revokes, under article 5, the admission of a EURES Member or EURES Partner —

- (a) it shall notify the EURES Member or EURES Partner concerned, by notice in writing, of the revocation and of its reasons for the revocation, and
- (b) the EURES Member or EURES Partner may appeal against the revocation to the Minister, by notice in writing stating the grounds on which the appeal is made delivered to the Minister not later than 28 days of the date of the notice under paragraph (a).

(3) The Minister may appoint one or more of his or her officers to be an appeals officer for the purposes of this Regulation.

(4) The functions of an appeals officer appointed under sub-article (3) shall be to consider and make a decision on any appeal made under this article and the appeals officer may –

- (a) confirm the decision, or
- (b) allow the appeal.

(5) The Minister may revoke the appointment of an officer as an appeals officer.

(6) Subject to these Regulations, appeals officers shall be independent in the performance of their functions under this Regulation.

(7) On an appeal under this Regulation, the Appeals Officer shall receive and consider such submissions as the EURES Member or EURES Partner may make to him or her, in writing, as the Appeals Officer may determine.

(8) On an appeal under this section, the Appeals Officer shall—

- (a) notify the appellant concerned of his or her decision,
- (b) give the national coordination office of EURES such directions (if any) as he or she considers appropriate.

(9) The decision of an appeals officer on any appeal made under paragraph (1)(b) or (2)(b) shall be final and conclusive.



GIVEN under my Official Seal,
30 September, 2024.

HEATHER HUMPHREYS,
Minister for Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations, made under section 3 of the European Communities Act 1972, provide that the minimum common criteria as set out in Annex I of 2016/589 of the European Parliament and of the Council are the criteria to be met by an applicant for admission into the European network of employment services (EURES) as a EURES Member or EURES Partner by an employment services organisation.

The Regulations provide that an employment services organisation in Ireland who wishes to become a EURES Member or EURES Partner shall apply for admission to the National Coordination Office EURES Ireland, which is under the aegis of the Minister for Social Protection. The applicant is required to provide such information as demonstrates the applicant's ability to meet the criteria in Annex I of the Regulation.

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