



**EFFAT**

EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS

**Meeting of the EFFAT Executive Committee  
BRUSSELS, 03 and 04 March 2020**

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**Agenda item 9: Update on EU issues**

**G) European Labour Authority**

**Decision:** The Executive Committee takes note of the reports and endorses the documents presented.

**EFFAT**



**Decision No 6/2019  
of 3 December 2019  
of the Management Board  
on the work programme of the European Labour Authority for 2020**

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

Having regard to 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<sup>1</sup> (“the Founding Regulation” and “the Authority”), and in particular Article 24 thereof,

Whereas:

- 1) In order to ensure the implementation of the activities of the Authority, it is necessary to adopt an annual work programme for 2020 that shall be equivalent to a financing decision for the activities it covers.
- 2) According to Article 24 of the Founding Regulation, the Management Board should adopt the annual Work Programme.
- 3) Having regard to the opinion submitted by the Stakeholder Group, in line with Articles 23 (2) and 24 (1).
- 4) In order to allow for flexibility in the implementation of the annual work programme, it is appropriate to delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

HAS ADOPTED THIS DECISION:

*Article 1  
The work programme*

The annual work programme for the implementation of the activities of the European Labour Authority for the year 2020, which shall be equivalent to a financing decision for the activities it covers, as set out in the Annex, is hereby adopted.

*Article 2  
Non-substantial amendments*

The Management Board delegates the power to make non-substantial amendments to the work programme for the year 2020 to the Executive Director.

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<sup>1</sup> OJ L 186, 11.7.2019, p.21.

Cumulated changes to the amounts estimated in the annual work programme, not exceeding 20%, shall not be considered to be substantial, where those changes do not significantly affect the nature and the objective of the actions.



# **WORK PROGRAMME 2020**

**DECEMBER 2019**

**Work Programme of the European Labour Authority 2020**

Bratislava, 3 December 2019

Doc: Decision No 6/2019 of 3 December 2019 of the Management Board

If you have questions or comments in relation to this document please send them (quote the reference) to [EMPL-ELA-INFO@ec.europa.eu](mailto:EMPL-ELA-INFO@ec.europa.eu)

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## Introduction

The year 2020 will be the first full year of activity for the European Labour Authority. The Authority will initiate the rollout of operational tasks established by Regulation (EU) 2019/1149 ('the Regulation'), building on the foundations set in 2019, whilst strengthening in parallel its administrative and management structure and expanding its human and financial resources.

The Authority has given itself an ambitious and realistic programme. It is ambitious because it addresses priority challenges in the labour mobility area by setting up processes and tools that will form the backbone of operations for the coming years. It is realistic because it takes a gradual approach based on the available resources for the year 2020: a budget of EUR 15.6 million and a recruitment process reaching 66 staff by the end of the year, including National Liaison Officers.

This Work Programme lays down a set of operational actions aimed at delivering on the ambitions underpinning the creation of the Authority. Amongst the operational activities launched in 2020, two will feature as priorities, namely: the support to citizens and employers to understand their rights and obligations related to labour mobility rules; and supporting the enforcement of these rules.

The Work Programme also foresees a number of preparatory actions spanning over the full range of tasks covered by the Regulation. Indeed, the Authority's seven tasks are intertwined, acting either as a premise or follow-up to another task. Risk assessments are essential for the planning of concerted and joint inspections whilst the campaign on "Declared Work" will contribute to the Authority's goal of preventing fraud and promote the Authority among relevant stakeholders and target groups. Overall, the Work Programme sets strong foundations for the rollout of all the operational tasks in the coming years and anticipates the smooth transition of the activities to be transferred from other bodies to the Authority by 2021 (e.g. the European Platform tackling undeclared work, the work of the EURES Coordination Office).

The Work Programme also includes several actions aimed at welcoming and introducing the newly recruited staff to the Authority, in order to ensure they can work at full capacity as soon as possible. For example, the integration of all incoming staff, including of National Liaison Officers, will be prepared and supported through an offer of training and networking activities.

The Authority will also kick-start cooperation with the other EU Agencies and bodies relevant to its work.

The implementation of this Work Programme will give way to the preparation of an ambitious and forward-looking Single Programming Document framing the consecutive programming period, which will be prepared over the course of 2020.

## Mission Statement

The European Labour Authority ('the Authority') is a Union (EU) body established by Regulation (EU) 2019/1149 of the European Parliament and of the Council, which entered into force on 31 July 2019.

The objective of the Authority, as set out in Article 2 of Regulation (EU) 2019/1149, is to contribute to ensuring fair labour mobility across the Union and assist Member States and the Commission in the coordination of social security systems within the Union.

The Authority will improve cooperation and the implementation of EU rules in this field, by carrying out its tasks in full cooperation with the Union institutions and bodies and the Member States, while avoiding any duplication of work and promoting synergy and complementarity.

The Authority will deliver the following essential tasks for a well-functioning European labour market:



1. Facilitate access to information, and coordinate EURES;
2. Facilitate cooperation and the exchange of information between Member States with a view to the consistent, efficient and effective application and enforcement of relevant Union law;



3. Coordinate and support concerted and joint inspections;
4. Carry out analyses and risk assessment of issues of cross-border labour mobility;



5. Support Member States with capacity building regarding the effective application and enforcement of relevant Union law;
6. Support Member States in tackling undeclared work;
7. Mediate disputes between Member States on the application of relevant Union law.

The scope of the Authority includes:

- Free movement of workers (Regulation (EU) No 492/2011; Directive 2014/54/EU);
- EURES (Regulation (EU) 2016/589);
- Posting of workers (Directive 96/71/EC (as amended by Directive 2018/957/EU) and Directive 2014/67/EU);
- Social security coordination (Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009, Regulation (EU) 1231/2010) and insofar as they are still applicable, Council Regulations (EEC) No 1408/71 and (EEC) No 547/72, and (EC) No 859/2003;
- Social aspects of international road transport rules (Regulation (EC) No 561/2006; Directive 2006/22/EU; Regulation (EC) No 1071/2009).

## 1. GENERAL CONTEXT

Over 17.5 million Europeans live or work in a Member State other than that of their nationality. This figure has almost doubled compared to a decade ago. At the same time, businesses benefit from the Internal Market and operate across borders on a daily basis. Cross-border activity is an inherent feature of the EU, which benefits individuals, economies and societies as a whole.

Free movement is also one of the most cherished freedoms of the Internal Market. According to the Eurobarometer (Spring 2018), more than 8 in 10 Europeans support "free movement of EU citizens who can live, work, study and do business anywhere in the EU".

To facilitate free movement of workers within the Union, we need clear, fair and enforceable rules. The EU has developed an extensive body of legislation pertaining to EU-level labour mobility, which keeps evolving to ensure the effectiveness and completeness of the acquis. The past years brought enforcement rules adopted for free movement of workers and for posting, the revision of the posting of workers rules and of the framework governing the European Employment Services (EURES), the proposal to create the European Labour Authority, and the proposal to revise the social security coordination rules. These proposals come on top of previous EU legislation to facilitate the free movement of workers and job-seekers and initiatives such as the set-up of a European Platform to tackle undeclared work.

The coming period will see the stabilisation of the new rules on labour mobility and a reinforced focus on their correct implementation, along with a strengthened enforcement. This will need to be complemented with a sustained effort to support free movement of workers as one of the pillars of the internal market, and to combat misperceptions surrounding it.

The key new tool for strengthening enforcement of the labour mobility rules is the European Labour Authority. Inaugurated in October 2019, the Authority must now deliver on its tasks and respond to the ambitions which underpinned its creation.

Reinforcing and supporting the correct implementation of the European labour mobility acquis will require concrete and sustained actions in all fields covered by the Regulation establishing the Authority. Whilst starting to look ahead for the longer term, the Authority's goals for 2020 are set to be ambitious yet realistic.

The Work Programme 2020 foresees a number of operational and preparatory actions spanning across the full range of the Authority's seven tasks, including in view of the transfer of the European Platform tackling undeclared work and the EURES network. In addition, the Authority will consolidate its administrative and governance structure, which will prepare for even more ambitious activities for the year 2021.

## 2. OPERATIONAL ACTIVITIES

This section defines the actions to be carried out by the Authority during the year 2020 in accordance with the strategic priorities defined by the Management Board and within the limits set by its budget and human resources.

The Work Programme takes inspiration from the Final Report of the European Advisory Group on the European Labour Authority<sup>2</sup> and from the results of the survey that was circulated amongst the Management Board members as a follow-up from the first Board meeting.

In this light, the two tasks of “*Facilitating access to information on labour mobility*” and “*Coordination and support of concerted and joint inspections*” represent priorities of action for the Authority and resources are allocated accordingly.

The Authority will undertake preparatory actions on all other tasks also with a view to supporting activities carried out in the framework of priority tasks and to focusing on training needs of the Authority’s own staff, including National Liaison Officers.

While the transfer of the EURES network and the European Platform tackling undeclared work will take place starting from 2021, this Work Programme encompasses a number of initiatives aimed at ensuring the participation of the Authority in administrative processes and meetings in order to promote appropriate opportunities for exchange with the stakeholders.

The **conference on the first year** of activity<sup>3</sup> of the Authority will be the opportunity to take stock of the results achieved and to programme ahead for the next period.

### 2.1 Facilitating access to information on labour mobility

Facilitating access to information on labour mobility is seen as a priority task of the Authority to bring important added value as soon as possible, and to provide a basis for other tasks.

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<sup>2</sup> Commission Decision (EU) 2018/402 of 13 March 2018 setting up the European Advisory Group for the European Labour Authority (OJ L 72, 15.3.2018, p. 20). The European Advisory Group for the European Labour Authority was established by the European Commission to discuss, in parallel to the legislative process leading to the adoption of the Regulation, the proposed tasks assigned to the Authority. The Group comprised Member States, social partners, EFTA States and EU Agencies. It met 5 times between March 2018 and May 2019.

<sup>3</sup> On 17 October 2019, the Management Board agreed within the context of the Work Programme 2019, that a conference on the initial results of the work of the Authority after the first year of activity shall be organized in 2020. The budget for the conference has already been committed in 2019.

The Authority is set to improve the availability, quality and accessibility of information offered to individuals, employers and social partner organisations regarding the rights and obligations stemming from EU legislation on labour mobility and social security coordination (see box).

**Article 5** lists the following actions to be taken by the Authority in this respect:

- Contribute to the provision of information on labour mobility rights and obligations, including via the single digital gateway<sup>4</sup>;
- Support Member States in the application of the EURES Regulation;
- Support Member States in complying with the obligations on the access to and dissemination of information related to free movement of workers, posting of workers, living and working conditions (EURES), social security coordination;
- Support Member States in improving the accuracy, completeness and user-friendliness of national information sources;
- Support the streamlining of the provision of information by Member States;
- Facilitate cooperation between the 'national bodies' on information, guidance and assistance set up in accordance with the enforcement Directive on free movement of workers.

### Key objective

The Authority will set up a structure to identify and address outstanding challenges relating to the information provided to citizens and employers at EU and national level across the spectrum of labour mobility areas and prepare for further initiatives to be carried out beyond 2020.

### Main actions and outputs

#### **2.1.1 Setting up a working group on information**

The Authority will set up a working group on information, including experts from the Member States and the social partners. This group will provide expertise in a horizontal manner across all labour mobility fields with the objectives of: a) mapping sources of online and offline information provision to citizens and employers at EU and national level; b) analysing information gaps, inconsistencies and action needs

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<sup>4</sup> Regulation (EU) 2018/1724

on EU and national websites in the labour mobility domain; c) advising the Authority as regards to the support to Member States in meeting their obligations on the access to and dissemination of information, as well as on the improvement of accuracy, completeness and user-friendliness of national websites d) discussing EU and national strategies on dissemination of information to citizens and employers. Where relevant, this group will cooperate with existing EU-level bodies such as the single digital gateway, the Expert Committee on the Posting of Workers, the EURES European Coordination Office. The working group will report to the Management Board on the results of its activities.

### **2.1.2 Preparatory work: mapping sources and identifying the challenges**

The Authority will organise preparatory work to map information sources and identify challenges and action needs at the EU and national level. This work will be the basis for future activities at both levels. Activities will include a **stakeholder survey** to map the most widely used sources of information on labour mobility legislation, identify existing information gaps with particular attention on users' needs, including as regards to translation into other languages and collect views on possible solutions, also through the identification of best practices; a **study** will be launched to assess possible options to improve the accessibility, user-friendliness and quality of EU websites providing information on labour mobility; further **small-scale studies** may be planned to assess similar gaps and possibility of improvement with respect to national websites, which may also serve as a basis for peer reviews to be organised in the context of the working group.

### **2.1.3 Improvement of EU sources of information**

On the basis of discussions within the working group and on the results of the survey, the Authority will undertake targeted actions to improve EU sources of information on labour mobility, in the framework of the single digital gateway. These actions may include the articulation of links to national single websites on posting relating to specific aspects of the relevant legislation (e.g. employers' administrative requirements, details of remuneration) or links to sector-specific information websites or campaigns, including by the social partners.

### **2.1.4 Organisation of targeted workshops**

The Authority will organise a **set of workshops** targeted at specific groups of stakeholders and aiming at spreading awareness, promoting exchange and fostering future common initiatives on a number of tools and labour mobility areas which fall under the scope of the Authority. These may include the single digital gateway, the bodies promoting equal treatment and supporting workers in the European Union and their family members, and the social aspects of road transport legislation. The

relevant bodies at EU level will be called upon to participating.

### 2.1.5 Support with translation

The Authority will support the translation of national websites providing information on labour mobility and social security coordination. The working group on information will define access criteria to and scope of translation services, also in line with the similar practice in the context of the single digital gateway.

Activity	Method	Time	2020 Estimate
Working Group	Organisation of the meetings, reimbursement of costs	4 meetings	120 000
Exploratory work (survey and studies)	Service contract	Q2 - Q4	300 000
Workshops	Organisation of the meetings, reimbursement of costs	Q3 - Q4	75 000
Translation	Translation Centre or service contract	Q3 – Q4	250 000
<b>Total</b>			<b>745 000</b>
<b>Human Resources (FTE)</b>		<b>Q1 – Q4</b>	<b>3 - 5</b>

### 2.2 Coordination and support of concerted and joint inspections

The European Labour Authority is tasked with coordinating and supporting concerted and joint inspections. Subject to the prior agreement of the participating Member States, the Authority will facilitate the conclusion of an inspection agreement specifying the terms and conditions of the inspection, and will provide support to carrying out such inspections. The founding Regulation defines the role of the Authority and some procedural standards to be complied with (see box below). Some pilot activities have been carried out in the context of the European Platform to tackling Undeclared Work, which will provide an important starting basis.

**Articles 8 and 9** of the Regulation define the role of the Authority in the “Coordination and support of concerted and joint inspections” (Article 8) and the necessary “Arrangements for concerted and joint inspections” (Article 9).

**Article 8** of the Regulation specifies that at the request of one or more Member State, the Authority shall coordinate and support concerted or joint inspections in the areas within the Authority’s competence. The European Labour Authority may also, on its own initiative, suggest to the authorities of the Member States concerned that they carry out a concerted or joint inspection. Social partner organisations at national level may bring cases to the attention of the Authority.

Furthermore, recital 19 specifies that where trade unions are in charge of inspections at national level, concerted and joint inspections should take place following the agreement of, and in cooperation with, the relevant social partners.

In all cases, concerted and joint inspections are subject to the agreement of the Member States concerned, which notify their agreement via their National Liaison Officers.

The Authority is tasked to establish and adopt the modalities to ensure appropriate follow-up where a Member State decides not to participate in a concerted or joint inspection.

**Article 9** further specifies the arrangements to be put in place by the Authority for supporting concerted and joint inspections:

- the Authority will establish a model agreement to carry out a concerted or joint inspection, setting out terms and conditions, including the scope of the inspection and, if relevant, any arrangements regarding the participation of the staff of the Authority;
- the Authority will provide support for carrying out the inspection and legal expertise, if requested by Member States.

### Key objective

The Authority will set up the necessary arrangements to carry out concerted or joint inspections, with the aim of supporting at least one pilot inspection during the year 2020 to test the adequacy and effectiveness of the procedures and tools developed for common initiatives. At the same time, it will start providing learning and training opportunities for national inspectorates.

### Main actions and outputs

#### **2.2.1 Setting up a working group on inspections**

The Authority will set up a working group on inspections, composed of experts appointed by the Members of the Management Board, to provide opinions and develop tools and procedures for the activities of the Authority related to inspections. In particular, experts of the working group should provide expertise on matters related to the legal and practical aspects of organising and conducting concerted and joint inspections, discuss the results of pilot inspections and identify further needs. The working group will also discuss coordination and cooperation arrangements with other relevant agencies or bodies. The working group will report to the Management Board on the results of its activities.

### **2.2.2 Elaboration of arrangements and tools for supporting concerted or joint inspections**

In the framework of the working group referred above, and building on the work carried out mainly by the European Platform tackling undeclared work, the Authority will start developing – with the help of a consultant - the necessary arrangements to carry out concerted or joint inspections, including a *model agreement* in line with the requirements set out in Article 9 of the Regulation including aspects such as the role and status of officials from another Member State, the possible role of the Authority staff during an inspection and the usability of obtained evidence across Member States; *workflow guidance* specifying the necessary legal and practical characteristics pertaining to conducting the inspection, including procedures to present a case to the Authority; a *handbook* providing an overview on the relevant legislation for inspections across the Member States; *templates to report about the results of and follow-up* to an inspection; and a *set of appropriate indicators* to measure inputs, process, outputs and performance.

### **2.2.3 Supporting a number of pilot concerted or joint inspection**

The Authority will test the above material developed at this stage by supporting a number of pilot inspections in the course of the year 2020, ideally also in the framework of the campaign to “Declare Work” of the European Platform tackling undeclared work. The participant Member States will be identified on a voluntary basis also building on their existing planning of operations. The Authority may provide logistical and translation support, to be determined with the participating Member States. The results of the pilot inspections will be assessed in the working group on inspections (as referred to in section 2.2.1) and will provide material for further improvement in carrying out the task.

### **2.2.4 Mutual learning and training activities for national inspectors**

The Authority will organise a set of mutual learning and training activities, including e.g. staff visits, aimed at national inspectors and practitioners, including National Liaison Officers, with the objectives of promoting the exchange of practices, knowledge about national legislation and inspection practices, as well as bilateral agreements in place, and of fostering a culture of cooperation on cross-border inspections. This activity will build on relevant activities carried out thus far by the European Platform tackling undeclared work and EU-funded projects such as Eurodetachement. The Authority will finally analyse issues related to personal data protection arising from the provisions of Regulations (EU) 2018/1725 and 2016/679.

### **2.2.5 Translation of ELA-produced material**

The Authority, where appropriate, will translate the relevant materials, such as the model agreement for inspections, in order to facilitate the dissemination and use of ELA material.

<b>Activities</b>	<b>Method</b>	<b>2019</b>	<b>Time</b>	<b>2020 Estimate</b>
Working Group	Organisation of the meetings, reimbursement of costs	40 000	6 Meetings Q1 - Q4	180 000
Arrangements and tools, incl. consultancy services	Service contract	100 000	Q1 - Q4	150 000
Pilot inspections	Service contracts for logistics and interpretation, reimbursement of costs		Q2	65 000
Learning and training	Service contract		Q3 - Q4	100 000
Translations	Translation Centre or service contract		Q3/Q4	250 000
<b>Total</b>		<b>140 000</b>		<b>745 000</b>
<b>Human Resources (FTE)</b>			<b>Q1 – Q4</b>	<b>3 - 5</b>

### 2.3 Other actions

In 2020, the Authority will undertake preparatory actions on all its tasks with a view to developing the foundations for starting operational activities on more areas from 2021, once the Authority reaches adequate staffing levels and budgetary resources.

Such preparatory actions will pursue the following objectives:

- complying with legal requirements stemming from the Regulation;
- setting up the necessary arrangements and tools to deploy the tasks over the following years;
- developing complementary activities to support the implementation of the priority tasks.

#### 2.3.1 Cooperation and exchange of information between Member States

Enhancing the cooperation and exchange of information between Member States across the entire range of labour mobility legislation is a key task for the Authority. The role of National Liaison Officers (NLO) will be essential in this respect, because they will provide a physical contact point between the EU level, the home administration and the authorities of other Member States, working shoulder to shoulder with their peers from other countries (see box below).

**Article 7** of the Regulation defines the role of the Authority in facilitating the cooperation and acceleration of exchange of information between the Member States.

The Regulation specifies the following main actions that are expected from the Authority for this purpose:

- Support in the identification of relevant contact points in other Member States;
- Facilitate follow-up to ongoing requests for information, by providing logistical and technical support (including translation or interpretation; exchanges on the status of cases);
- Promote and disseminate best practices;
- Facilitate the enforcement procedures relating to penalties and fines;
- Report to the Commission twice a year about unresolved cases, refer them to mediation where necessary.

In addition, the Authority is expected to:

- provide information to support national authorities on the effective application of EU mobility legislation;
- promote the use of electronic tools and procedures for message exchange (such as IMI);
- encourage the use of innovative approaches to cooperation and promote the use of electronic exchange mechanisms and databases.

### Key objective

Developing adequate support tools for the operability of National Liaison Officers, upon their joining the Authority.

### Main actions and outputs

#### **2.3.1.1 Creating a directory of national contact points**

With a view on facilitating the identification of the relevant contact points for national authorities and National Liaison Officers, the Authority will develop a directory of contact points (“who-is-who”) to all relevant national institutions in the labour mobility

areas covered by its scope. The list will include the relevant social partners. The directory is intended for internal use only within the Authority, including staff, Management Board and Stakeholders Group members.

### **2.3.1.2 Training of National Liaison Officers**

In the context of this task, the training of National Liaison Officers on EU labour mobility legislation, processes and tools will be key. Such training will be provided in the context of the training which the Authority will offer to its staff.

### **2.3.1.3 Developing a collaborative space for secure information sharing**

The Authority will prepare a collaborative space for secure sharing of information to facilitate the work of its staff, and notably of National Liaison Officers.

### **2.3.2 Labour mobility analyses and risk assessment**

Article 10 of the Regulation specifies that the Authority shall assess risks and carry out analyses regarding labour mobility and social security coordination (see box below).

**Article 10** of the Regulation specifies that the Authority shall assess risks and carry out analyses regarding labour mobility and social security coordination, on topics such as labour market imbalances, sector-specific challenges and recurring problems. The Authority can also prepare at hoc analyses and studies.

The task includes:

- Organisation of peer reviews on topics concerning implementation of Union law, on the provision of services to individuals and businesses, mutual understanding of different systems and practices;
- Reporting on findings from risk assessment or analytical work;
- Streamlining of current data collection.

#### Key objectives

The Authority will initiate cooperation with other EU agencies on labour mobility analyses and initiate work to explore options for the development of ELA-specific and national risk assessment tools also with a view to support the planning of future concerted and joint inspections.

#### Main actions and outputs

### 2.3.2.1 Organising a workshop with EU agencies and relevant bodies

The Authority will organise a workshop with the other EU agencies, as well as with other relevant bodies for its activities to explore synergies and cooperation opportunities for the future work programmes, and avoid duplication of activities.

### 2.3.2.2 Organising a workshop on risk assessment tools

Also building on the work carried out by the European Platform tackling undeclared work, the Authority will organise at least one expert workshop to explore tools, challenges, and needs with a view on defining a work plan beyond 2020. The workshop may address issues such as national tools operability, data transfer, data availability, and data protection. The development of this task will be an essential complement to the coordination and support of coordinated and joint inspections.

Activities	Method	Time	2020 Estimate
Workshop with other agencies and bodies	Contract for services	Q2/Q3	10 000
Workshops on risk assessment	Contract for services	Q3 - Q4	100 000
<b>Total</b>			<b>110 000</b>
<b>Human Resources (FTE)</b>		<b>Q1 – Q4</b>	<b>1 - 2</b>

## 2.4 Capacity building

The Authority is tasked with supporting Member States in building the necessary capacities at national level to enforce labour mobility legislation consistently and effectively. The founding Regulation lists a number of possible actions that the Authority could undertake to this purpose (see box below).

**Article 11** of the Regulation lists the following actions that the Authority is expected to undertake to support capacity building:

- Development of non-binding guidelines;
- Promote mutual assistance, staff exchanges;
- Support exchange of good practices;
- Develop training programmes and training material;
- Promote awareness-raising campaigns.

### Key objective

Offering adequate training programmes and learning material to inspection authorities’ officers involved in carrying out concerted and joint inspections, and staff recruited by the Authority, including the National Liaison Officers.

Main actions and outputs

**2.4.1 Training for inspectors and Authority staff, including National Liaison Officers**

In line with the action planned under section 2.2 on inspections, the Authority will organise mutual learning and training activities tailored on national inspectorate’s staff participating in cross-border activities. Moreover, the Authority will organise internal training sessions on EU labour mobility legislation, processes and tools targeted at its staff, including National Liaison Officers.

**2.4.2 Participating in the campaign for Declared Work**

The Authority will participate in the campaign on “Declared Work” organised by the European Platform tackling undeclared work, as approved in the Work Programme 2019. The campaign will start in 2019 and continue over the course of 2020.

Activities	Method	2019	Time	2020 Estimate
Campaign on “Declared Work”	Contract for services	250 000	Q1 – Q2	
<b>Total</b>		<b>250 000</b>		
<b>Human Resources (FTE)</b>		<b>1</b>	<b>Q1 – Q2</b>	<b>1-2</b>

**2.5 Mediation between Member States**

Mediating and facilitating a solution in case of administrative disputes between Member States is one of the objectives of the Authority. In order to develop the related task, the Authority needs to establish the procedure for mediation as set out in the Regulation, though a first stage supported by a mediator, and a second stage supported by a Mediation Board, and to establish a cooperation agreement with the Administrative Commission for the coordination of social security systems (see box below).

**Article 13** of the Regulation defines the mediation task.

A two-stage mediation procedure is established:

- First stage: mediation is conducted between the Member States that are party to the dispute and a mediator;

- Second stage: mediation is carried out by a Mediation Board to be established by the Authority.

According to Article 13(6) of Regulation (EU) 2019/1149, the Management Board will adopt the rules of procedures for mediation, including working arrangements and the appointment of mediators, the applicable deadlines, the involvement of experts, and the possibility of the Management Board to sit in panels composed of several members.

For matters relating to social security, the Administrative Commission will be informed. The Authority and the Administrative Commission will establish a cooperation agreement.

#### Key objective

Initiating the preparation of the mandatory arrangements for carrying out the task of mediation, including draft rules of procedure and a cooperation agreement with the Administrative Commission for the coordination of social security systems.

#### Main actions and outputs

### **2.5.1 Working relations with the Administrative Commission on social security coordination**

The Authority will start discussions with the Administrative Commission on social security coordination with a view to developing the cooperation agreement mandated by Article 13 of the Regulation.

### **2.6 Preparatory actions for the transfer of EURES and of the Platform tackling undeclared work**

The Authority is set to integrate the EURES European Coordination Office and the European Platform tackling undeclared work, no later than by August 2021.

The Commission will continue to manage both bodies in 2020 as mandated by Article 44 of the Regulation. The Authority will organise preparatory actions with a view to ensuring knowledge transfer, and business continuity following the transfer.

#### Key objective

Preparing for a smooth transition of the EURES European Coordination Office and the Platform tackling undeclared work and ensuring business continuity.

#### Main actions and outputs

### 2.6.1 Preparatory work for the transition of EURES European Coordination Office

The Authority will initiate a process of capacity building of its staff with a view on acquiring the necessary competence to ensure a smooth transfer of EURES. In this view, it will organise practices such as job shadowing of current Commission staff working on different aspects of the network and the portal, training internal ELA EURES staff in EURES areas to be transferred to ELA in 2021, in particular in network governance, communication, training for EURES advisers, facilitation activities, definition of business requirements for the EURES Portal and related IT services.

The Authority will start participating in the meetings of the EURES Coordination Group, in particular on a dedicated section devoted to the modalities and timing of the transfer of the European Coordination Office to the Authority.

The Authority, in cooperation with the Commission, will prepare a detailed plan for transfer of EURES activities from the Commission to the Authority, which may, if necessary, constitute an addendum to this Work Programme.

### 2.6.2 Preparatory work for the transition of the European Platform tackling undeclared work

The Authority will start participating in the activities of the European Platform tackling undeclared work in a systematic manner.

First, it will participate in the Platform's working group elaborating the draft work programme 2021-2022. This will ensure coordination and coherence of the activities of the Authority and of the Platform, and give the possibility to look into the practical aspects of the transfer of the Platform to the Authority. Second, it will accompany current Commission's staff working on the Platform in the carrying out of key activities foreseen for 2020, such as plenary sessions, information seminars and learning activities. Finally, the Authority will take part in the campaign on "Declared Work" organized by the Platform (see 2.4.2).

Activities	Method	Time	2020 Estimate
Preparatory works	Contract for services	Q3 - Q4	75 000
<b>Total</b>			<b>75 000</b>
<b>Human Resources (FTE)</b>		<b>Q1 – Q4</b>	<b>1 - 2</b>

### 2.8 Preparatory works for integration of existing bodies

The European Labour Authority aims to simplify the current institutional setup in the field of labour mobility and social security coordination by pooling operational tasks that are currently dispersed across different EU bodies into a permanent structure that provides a strengthened forum for cooperation and joint investigative activities.

By doing so, the Authority will incorporate over the course of 2020 and 2021 two existing EU bodies:

- the Technical Committee on the Free Movement of Workers;
- the Committee of Experts on Posting of Workers;

In 2020, the Authority will closely cooperate with the Commission services currently supervising the work of these bodies.

## **2.9 Cooperation with other bodies**

The Authority will also cooperate closely with EU bodies that continue to operate under their current setup, such as the Administrative Commission for the Coordination of Social Security Systems, the Advisory Committee for the Coordination of Social Security Systems, and the Advisory Committee on the Free Movement of Workers, in order to ensure complementarity in their work. This streamlining of the institutional landscape should create valuable synergies and eliminate duplications, thereby improving the quality of discussions and policy outcomes.

## **2.7 Communication and dissemination activities<sup>5</sup>**

As a newly established EU body, the European Labour Authority is not yet widely known to the public. With a growing number of Europeans living and working in a different Member State than their own, there is undoubtedly interest from citizens in learning more about the Authority and its activities. In 2020, the Authority will improve its online presence and visibility.

The development of the European Labour Authority communication and dissemination plans has started in 2019. This work should be finalised in 2020 and the communication and dissemination plans should move to the implementation phase. These strategic documents will set out overall communication goals, objectives and strategies and work as a roadmap for communication for the Authority.

A conference about the first year of activity of ELA will take part in the second half of 2020 and will be an opportunity to take stock of the achievements so far and challenges

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<sup>5</sup> This part does not include corporate communication activities, e.g. Web page, brochures, communication materials that are of an administrative nature (Title 2)

ahead. This will also be an opportunity to communicate about ELA to a wider public.

<b>Activities</b>	<b>Method</b>	<b>2019</b>	<b>Time</b>	<b>2020 Estimate</b>
Communication and dissemination plan	Service contract	30 000	Q1- Q3	
Conference on ELA	Service contract	150 000	Q3-Q4	
<b>Total</b>		180 000		
<b>Human Resources (FTE)</b>		<b>1</b>	<b>Q1 – Q4</b>	<b>1 - 2</b>

### 3. GOVERNANCE AND SUPPORT ACTIVITIES

The Authority's administrative and management structure includes a Management Board, an Executive Director and a Stakeholder Group. The start-up phase of the Authority will continue in 2020, consolidating the Authority's essential administrative structures set up in 2019 (i.e. Management Board, Stakeholder Group) and carrying out the selection process for the Executive Director. Additionally, the Authority will continue with recruitment and training of staff.

#### 3.1 Management Board

The Authority is governed by a Management Board, which met for the first time on 16-17 October 2019. The Board appoints the Executive Director, who is in charge of the day-to-day management and administration of the Agency

##### **Composition of the Management Board:**

- One representative from each Member State;
- Two representatives of the Commission;
- One independent expert appointed by the European Parliament;
- Four representatives of cross-industry social partner organisations at Union level;

##### **Observers to the Management Board:**

- Representatives from Iceland, Lichtenstein, Norway, and Switzerland;
- Representatives of Eurofound, EU-OSHA, Cedefop and ETF.

The members of the Management Board and their alternates are appointed for four years (renewable). They may, subject to its rules of procedure, be assisted at the meetings by advisers or experts.

#### 3.2 Executive Director

The Executive Director is the legal representative, responsible for the day-to-day management of the Authority and the implementation of the tasks assigned to the Authority by its Regulation.

The selection procedure for the Executive Director was launched in November 2019.

Until the arrival of the new Executive Director, the interim Executive Director appointed by the Commission in line with Article 44(2)(c) of the Regulation – Jordi Curell Gotor – will exercise this function. During the set-up phase of the Authority he is supported by the ELA Establishment Group.

### **3.3 Stakeholder Group**

To facilitate the consultation of relevant stakeholders and to benefit from their expertise in areas covered by the Regulation, a Stakeholder Group attached to the Authority with advisory functions has been created. The Group submits opinions on issues relating to EU labour mobility, on the annual activity report and the single programming document of the Authority.

The Management Board adopted at its first meeting in October 2019 the procedure for selecting the members and alternates of the Stakeholder Group. The members of the Stakeholder Group have been appointed in 2019 by the Management Board, after designation by cross-industry organisations representing Union level social partners. The first meeting of the Stakeholder Group took place on 22 November 2019.

#### **Composition**

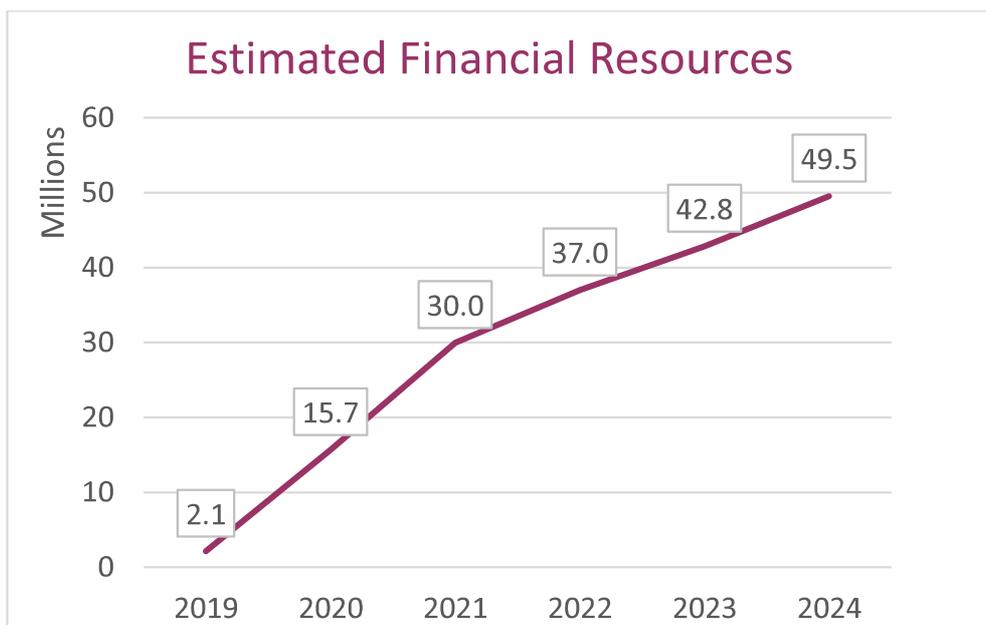
- Two representatives of the Commission;
- Ten representatives of Union-level social partners, equally representing trade unions and employer's organisations, including recognised Union sectoral social partners representing sectors particularly concerned by labour mobility issues.

## **4. RESOURCES**

Financial, human resource, corporate service, communications and Information Communications Technology (ICT) functions are needed for an organisation with stable and reliable funding, services, competences and a place of work.

### **4.1 Financial resources**

In the first years of operation, financial resources are used intensively to set up the new organisation and build capacity, notably in view of the move to the seat. The administrative expenditure includes: salaries and related allowances, expenditure relating to staff recruitment, missions and training expenses, IT equipment and services to ensure the effective administration of the Authority, technical equipment and furniture, costs of the organisation of the meetings of its governing bodies, as well as external communication activities.



The Authority will continue developing its capacity for the financial autonomy<sup>6</sup>. Beyond establishing its governing bodies, recruiting its Executive Director and building its physical and IT infrastructure, it requires to set-up an adequate financial management environment, inter alia: developing policies, procedures and processes, installing the necessary ICT systems for accounting and budgeting, and recruiting and train financial staff. Preparatory work will also be performed to ensure a timely installation of the necessary ICT systems for accounting and budgeting (ABAC) and a swift implementation of the key Internal Control Principles.

Until it becomes financially autonomous, the Authority will rely on the European Commission for the implementation of its budget.

#### 4.2 Human resources

As a decentralised agency of the European Union, the European Labour Authority (ELA) will be employing staff on a temporary basis (as “temporary agent” and “contract agents”). The Staff Regulations of Officials and the Conditions of Employment of Other Servants (CEOS)<sup>7</sup> of the EU, as well as implementing rules giving effect to these will apply to the staff of the Authority. The Authority will also host seconded national experts, including National Liaison Officers.

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<sup>6</sup> The ELA Regulation states that the Authority shall become operational with the capacity to implement its own budget by 1 August 2021.

<sup>7</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501>

The ELA will continue selection and recruitment of experts in labour mobility and social security, but also professionals in human resources management, finance, communication, and ICT related areas.

Human Resources activity will also cover Authority's staff planning and reporting on an organisational basis. Other activities include: the management of personnel and payroll administration, in line with applicable rules and regulations; the management of staff welfare and well-being actions including matters related to individual well-being, schooling matters and the integration of staff initially in Brussels and following the move to the seat; the management of performance appraisal, reclassification and related HR exercises to ensure that organisational objectives are met and that staff receive accurate feedback and recognition on their performance; and the management of the Authority's learning and development function.

#### **4.3ICT**

In the setting-up phase the Authority's operations utilise the Commission infrastructure in Brussels. In parallel, the Authority will develop the designs and solutions necessary to establish ICT infrastructure in the new seat. This will include the following activities:

- Review the requirements of the Authority, to ensure that the applicable business requirements are considered during the design and architecture phase, and to be able to confirm that these requirements are met post deployment.
- Assess the available ICT solutions and technologies and recommend based on the requirements and available funding the recommended architecture and solutions portfolio; this includes the evaluation between on-premises, managed hosting or cloud-based solutions.
- Develop an ICT strategy and portfolio management programme of the Authority, including the development of an ICT information architecture and outline delivery plans, with a view to ensuring these are in alignment with plans for readiness and deadlines for moving to the new seat.
- Commissioning the ICT Strategy and agreed designs, establishing the ICT infrastructure and the Authority's ICT Services to ensure that all systems operate at optimal performance, availability and reliability according to the technical specifications, operating procedures and security regulations of the Commission.
- Establish Cyber protect strategy and deploy this to ensure the infrastructure is appropriately protected against cyber-attacks and suitable monitoring is operational to proactively manage any such potential or real attacks.
- Designing of the necessary ICT operations activities, such as but not limited to, maintenance of information systems, management of the infrastructure, helpdesk coordination, security coordination of the Authority.

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