



## **Record of the proceedings of the first ELA Management Board meeting – 16-17 October 2019**

The launch event for the European Labour Authority (ELA) and first meeting of the Management Board was held in Brussels on 16 and 17 October.

### **Inauguration ceremony of the European Labour Authority**

The inauguration ceremony of 16 October was presided by European Commission President Jean-Claude Juncker and Prime Minister Peter Pellegrini of the Slovak Republic, in the presence of Commission Vice-Presidents Valdis Dombrovskis, and Maroš Šefčovič, Commissioner Marianne Thyssen (Commissioner for Employment, Social Affairs, Skills and Labour Mobility), (Commissioner for Energy Union (temporarily in charge of the Digital Single Market)), Commissioner-designate Schmit, Jeroen Lenaers (MEP and Rapporteur on the Regulation establishing the ELA), Ján Richter (Minister of Labour, Social Affairs and Family of the Slovak Republic), and Joost Korte (Director General of DG Employment, Social Affairs and Inclusion).

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### **First Meeting of the European Labour Authority's Management Board**

#### **(1) Introduction by Chair (ELA/MB/2019/001)**

The acting Chair, Joost Korte, Director General of DG Employment, Social Affairs and Inclusion, welcomed the participants attending the first meeting of the ELA Management Board (MB), recounting the strong support for a successful launch of ELA communicated at the previous day's launch event. The Chair underlined that the MB should seek to proceed on the basis of consensus, and recalled that in case a vote would be necessary, a two-thirds majority is required for budgetary matters, and simple majority for other items. The Chair thanked the Advisory Group (which included some members of the new MB) whose expertise and final recommendations (ELA/MB/2019/012) provided valuable groundwork and support to the ELA Establishment Group within DG EMPL, which supports the setting up of ELA in this initial stage. The MB discussions are pivotal in building up ELA operational capacity, including staff and all logistical and structural preparations, ahead of the full handover.

#### **(2) Adoption of the agenda of the meeting (ELA/MB/2019/002)**

The agenda of the first meeting (ELA/MB/2019/002) was adopted by the Management Board.

#### **(3) Introduction of participants (ELA/MB/2019/003)**

A *tour de table* and brief introductions by the Management Board members followed.

**The Management Board took note of the appointments and all members and observers were welcomed on the Board.**

## WORKING METHODS

### **(4) Adoption of the Rules of Procedure of the Management Board (ELA/MB/2019/004)**

The Chair presented the draft Rules of Procedure, for discussion and adoption by the Management Board in line with Article 18(1)(h) of Regulation (EU) 2019/1149.

Representatives of social partners requested clarifications on Article 8 regarding the deliberations on sensitive issues, concerning the circumstances under which members can be requested not to participate in deliberations. Delegates also made requests for clarification on Article 9 regarding the minutes of the meetings in relation with Article 14 on transparency and access to information as regards the way in which these documents will be published on the website, on Article 5 concerning the notification of attendance to meetings, and who can be invited to attend MB meetings, on Article 6 on the timing of when documentation is provided before MB meetings; discussed overall on the roles of the Chairperson, Deputy Chairperson, Executive Director and the MB as a whole; and clarified the Article 3 about the selection of the Chair and Deputy.

An amended text based on the comments received was presented by the Chair. Amongst the points clarified, the Chair explained the intended roles and responsibilities of the Chair, Deputy and Executive Director, the practical implications of different deadlines in preparation of MB meetings, the publication of MB documents which were adopted and approved by the MB; and that the secretariat of the MB will manage communications with the MB in consultation with the Chairperson.

**The Decision No 1/2019 of 17 October 2019 of the Management Board on the Rules of Procedure of the Management Board of the European Labour Authority was adopted, with the revisions agreed during the meeting.**

### **(5) Update on the conflict of interest declarations of Management Board members (ELA/MB/2019/005)**

**The Management Board took note that all those present signed the declarations on the absence of conflict of interest prior to the meeting, which will be published on the ELA website. The Chair invited delegates to inform the MB secretariat should their circumstances change.**

### **(6) Presentation of the selection procedure of Chairperson and Deputy Chairperson**

The Chair explained the planned procedure for the selection of the Chairperson and Deputy Chairperson of the MB, in line with Article 19 of the ELA Regulation and the MB Rules of Procedure adopted earlier.

**The Management Board took note of the selection procedure for its Chairperson and Deputy Chairperson, and members were asked to start reflecting on their**

**candidacies, with the election planned to take place at the second MB meeting on 3 December.**

**(7) Adoption of the procedure for selecting the members and alternates of the Stakeholder Group (ELA/MB/2019/006)**

The Chair presented the draft Decision regarding the procedure for selecting the members and alternates of the Stakeholder Group (SG), explaining the proposed steps: the interim Executive Director would address a letter to cross-industry Union level social partners, inviting them to coordinate and designate the members, taking into account the criteria set out in Article 23 of Regulation (EU) 2019/1149. In order to allow for a speedy setting up of the SG, following the designation of the SG members and alternates, the MB may be invited to appoint them by written procedure.

Delegates proposed refinements to the draft text, to refer to cross-industry social partner organisations, and the need for both gender and geographic balance.

Representatives of social partners confirmed that they will prepare the list of designated members based in line with the agreed procedure. In reply to a clarification request, the Chair explained that Regulation (EU) 2019/1149 does not set a time limit regarding the length of the mandate of persons appointed to the Stakeholder Group.

**The Decision No 2/2019 of 17 October 2019 of the Management Board on the procedure for selecting the members and alternates of the Stakeholder Group was adopted, with the revisions agreed during the meeting; and the Management Board took note that a written procedure will be launched for the appointment of the SG members.**

## STAFF MATTERS

### **(8) Human resource planning**

The Interim Executive Director presented the ELA's target to reach a staffing level of 144 persons (69 temporary agents, 15 contractual agents and 60 seconded national experts including one National Liaison Officer per Member State) by 2024, and the need to fill key roles in the ELA Establishment Group during the setup phase. Recruitment has started for temporary agents to cover six profiles in areas such as public procurement, financial management, and human resources. Over 2400 applications have been received, demonstrating high interest. The Authority will need 20 full-time staff by Q1 2020 and up to 65 by Q4. Recruitment of operational unit Heads is scheduled to be launched in 2020, with the final selection to be made by the future Executive Director. The recruitments follow the standard open and transparent procedures in place for all EU bodies.

Representatives of social partners considered it advisable to have a contact point in ELA for cases referred to inspections by national social partners. Delegates also discussed the timing of recruitments, with administrative profiles in focus in the beginning, and more operational profiles to follow once the ELA activities for 2020 have been defined.

**The Management Board took note of the basic principles applicable to the recruitment of staff members of the Authority and of the ongoing recruitment.**

**(9) Procedure for the selection of the Executive Director – (ELA/MB/2019/007)**

The Chair presented the draft vacancy notice for ELA's Executive Director and the steps of the procedure, which includes, in line with Article 31 of Regulation (EU) 2019/1149: 1) Publication of the post in the Official Journal, 2) Pre-selection of candidates by the Commission, 3) Appointment by the MB based on a shortlist, and 4) Exchange of views with the European Parliament. This is a standard procedure, which may take 9-12 months. A member of the Management Board will be invited to participate as observer in the pre-selection phase, a decision on this can be scheduled for the second MB meeting. The Chair invited the participants who plan to apply for the Executive Director post not to take part in the discussion on this agenda item to avoid any conflicts of interests, and noted that the persons concerned were not present during the deliberations on the vacancy notice.

There was broad agreement on the text and approach proposed, with a number of modifications suggested by participants regarding the selection criteria (the management experience and technical knowledge), to best cover the desired profile of the future Executive Director.

In reply to clarification requests, the Interim Executive Director responded that many of the eligibility requirements, such as 15 years' experience and retirement limits, are obligatory under EU staff regulations at this grade of recruitment. On languages, it was clarified that the thorough knowledge of one, and satisfactory knowledge of a second EU official language is a mandatory eligibility criteria, while a proficient level of English is desirable.

**The Management Board adopted the Executive Director Vacancy Notice in its revised version**, and took note of the next steps of the procedure, which will include the launch of the selection procedure through publication of the notice in the Official Journal, and the selection during the second MB meeting of an observer from among the MB members to participate in the pre-selection.

**10) Implementing rules for the Seconded National Experts (ELA/MB/2019/008)**

After a brief explanation of the procedure for seconding national experts at EU level and the European Commission rules and conditions that apply to these positions, the Chair recommended that ELA relies also on the established rules.

**The Decision No 3/2019 of 17 October 2019 of the Management Board laying down rules on the secondment to the European Labour Authority of national experts and national experts in professional training was adopted.**

**11) National Liaison Officers: principles (ELA/MB/2019/009)**

The Management Board discussed the principles for seconding National Liaison Officers (NLOs) to ELA. It was explained that the working conditions and administrative status of NLOs will be covered, as for all SNEs, by the rules on secondment adopted earlier,

however in terms of their job description, role, and relation to their sending Member States some specific principles are advisable to be jointly agreed.

The delegates were broadly in favour of the draft principles for NLOs presented in ELA/MB/2019/009. A discussion took place on the timeline for seconding NLOs, with some members calling for their recruitment as soon as possible, others pointing to the need to have sufficient time to prepare the designation of the persons concerned and their secondment to ELA. Delegates also discussed the extent to which ELA should play a role in the selection or verification of the profiles of the proposed NLOs, considering that the designation of NLOs is a choice of Member States. The relations between NLOs and their sending state, their access to national information, alongside the need for training and best practice exchanges between Member States during the preparatory phases were also raised.

The Chair explained that the timing of arrival of NLOs will need to take into account the availability of physical premises, as well as of a critical mass of NLOs being ready and equipped to start on the job, allowing that they can fulfil their main task on facilitating cooperation between Member States. A general agreement on the main principles Member States are invited to follow to take into account when designating the NLOs can help also their internal decision making. The details of how the relations of NLOs with their sending Member States – both with national authorities and social partners – will be organised will depend on each country, however a training programme for all newcomers is planned to ensure consistency and to facilitate their start on the job, and best practices can be exchanged between countries.

**The Chair concluded that the approach and proposed timeline for the recruitment of NLOs will be revised based on the feedback received during the meeting, and the Management Board will finalise its discussion on this point at its next meeting.**

## WORK PLANNING

### **12)A. Work programme 2019 (ELA/MB/2019/010)**

The draft ELA Work Programme for 2019 was presented, which outlines preparatory actions supporting the setting up of the ELA during the five months from entry into force of the Regulation until the end of the year (31 July to 31 December). These cover external communication, working groups, and external consulting.

The participants enquired about the need for funds for conferences and consultants in the remaining months of 2019; about the plans to ensure business continuity for structures to be transferred to ELA such as the Platform on tackling undeclared work and EURES; and noted the association planned between the ELA and the 'Declare Work' campaign in 2020. The need to start thinking about specific tasks was also raised.

The Interim Executive Director explained that business continuity will be crucial in the planning of the transfer of activities, which will start in the coming year. Endorsement of the 2019 Work Programme and the allocated budget will allow the planning of activities in 2019, to be executed during 2020, for example the organisation of a conference and

the participation of ELA in the campaign on declared work. The set-up of working groups will be decided based on priorities to be agreed for 2020.

**The Management Board took note of the clarifications received and approved the 2019 Work Programme of the European Labour Authority.**

**B. Budget 2019 (ELA/MB/2019/011)**

The ELA budget for the year 2019 was presented to the Management Board. The 2019 budget (EUR 2 124 650), reflects the 2019 Work Programme, and covers expenditure on staff, infrastructure, and operational expenditure.

**The Management Board adopted the Budget 2019 and took note of the appropriations committed since the Authority's establishment on 31 July 2019.**

**13)A. Final report of the European Advisory Group on the European Labour Authority (ELA/MB/2019/012)**

The Chair presented the Final Report of the European Advisory Group on ELA, which provides an account of the Advisory Group's deliberations and recommendations for the setting up of ELA.

**B. Priority actions of the European Labour Authority in 2020**

The Chair explained that the adoption of the 2020 Work Programme before the end of 2019 is a formal condition for implementing ELA's operational activities and budget in the coming year. The objectives and work priorities need to take into account the provisions set by the founding Regulation, can be inspired by the recommendations of the Advisory Group, and will need to remain within the available human and financial resources in this early phase. Based on these considerations, two of ELA's tasks were accentuated as candidates to focus on during ELA's start-up phase:

- Facilitate access to information on labour mobility
- Coordinate and support concerted and joint inspections

The Management Board was invited to discuss the broad strategic orientations for 2020. It was announced that they will receive a survey following the meeting to collect further MB input with the deadline of 6 November. Based on the input the draft work programme 2020 will be sent to the MB (and SG if established meanwhile) two weeks before the second MB meeting of 3 December, when the 2020 Work Programme will be on the agenda for discussion and adoption.

The participants expressed support for the proposed approach, and called for an ambitious and realistic 2020 Work Programme, taking into account the Advisory Group's recommendations, and focusing on a set of priorities, especially during ELA's early stages. The remarks reinforced the focus on **facilitating access to information** and **coordinating and supporting concerted and joint inspections**. In addition several delegates also referred to the importance and complementary role of the task focused on facilitating **cooperation and information exchange between Member States**.

The participants also signalled the need to start thinking ahead to longer-term planning, look into the planned transition of activities to ELA, with a few participants referring also to the importance of preparatory actions on capacity building, in particular for newly

recruited ELA staff including NLOs, and the need to consider the best approach on developing the mediation task and the cooperation with the Administrative Commission for the Coordination of Social Security Systems; with the independent expert appointed by the European Parliament (formal appointment pending) also drawing attention to the importance of taking stock and building on the experience and expertise of relevant bodies and projects in the field. The social partners representing trade unions referred to the high expectations of national social partners as regards the Authority and its support to find solutions to the concerns they have, and called for urgent attention to setting up procedures for handling joint inspections. The social partners representing employer organisations underlined the importance of access to information for businesses.

**The Chair welcomed all contributions, concluding that these point to a strong basis for consensus on the first two priorities of ELA (information and inspections), and announced that the Board will receive a survey to collect further input, with the deadline of feedback by 6 November. Based on this, the draft 2020 Work Programme will be presented for discussion and adoption at the second MB meeting.**

#### **14)Next meetings**

**The Chair announced that the second Management Board meeting will take place on 3 December in Bratislava.** The agenda will include the election of Chairperson and Deputy Chairperson of the Management Board, appointment of a Member of the Board as observer in the Executive Director's Selection Board, adoption of the 2020 Work Programme 2020 and budget, and other administrative and human resources items. For any questions, the Chair urged Board members to contact the secretariat via the usual channels.