



Draft Decision No 4/2020

of XXX 2020

of the Management Board

on the consolidated annual activity report of the European Labour Authority 2019

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) 2016/344¹ (“*the Founding Regulation*” and “*the Authority*”), and in particular Article 18(1)(c) thereof,

Having regard to the Commission Delegated Regulation (EU) 2019/715 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council,² in particular Article 48 thereof,

Whereas:

- 1) In order to report on the achievements and progress of the Authority in 2019, it is necessary to adopt a consolidated annual activity report for 2019.
- 2) According to Article 18(1)(c) of the Founding Regulation, the Management Board shall assess and adopt the consolidated annual activity report on the Authority’s activities.

HAS ADOPTED THIS DECISION:

Sole Article

The consolidated annual activity report of the European Labour Authority for the year 2019 is hereby adopted.

¹ 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), PE/49/2019/REV/1, OJ L 186, 11.7.2019, p. 21–56.

² Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, C/2018/8599, OJ L 122, 10.5.2019, p. 1–38.

CONSOLIDATED ANNUAL ACTIVITY REPORT 2019

March 2020

Consolidated Annual Activity Report of the European Labour Authority 2019

Bratislava, March 2020

Doc: Decision No 4/2020 of 24 March 2020 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

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Acronyms and abbreviations

AO: Authorising Officer

DG EMPL: Directorate-General for Employment, Social Affairs and Inclusion

ELA: European Labour Authority

EURES: European Employment Services

PMO: Office for the Administration and Payment of Individual Entitlements

Introduction

The Consolidated Annual Activity Report 2019 presents the work that the European Labour Authority (*the Authority*) carried out in 2019 in accordance with its work programme for the same year,³ which was adopted by the Management Board on 17 October 2019.

The Authority is a Union (EU) body established by Regulation (EU) 2019/1149 of the European Parliament and of the Council,⁴ which entered into force on 31 July 2019.

The objective of the Authority is to contribute to ensuring fair labour mobility across the Union and assist Member States and the European Commission (hereinafter "*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 start-up phase of the Authority, and notably the initial steps taken during 2019, focuses on setting up the Authority's essential administrative and management structures and on starting the recruitment and training of staff. In 2019, the key objective was to convene the Management Board and the Stakeholder Group and to launch the selection process for the Executive Director. The various key decisions taken by the Management Board and the numerous applications received for the post of Executive Director account for the success of reaching this objective.

With this structure in place, the Authority has been able to take first steps towards the *incremental* start of its activities on all its tasks. At this early stage, the Authority is setting itself ambitious but realistic objectives, within the limits of its budget and human resources and, notably, with an emphasis on the *gradual* transfer of the activities currently carried out by the Commission or other bodies, and always with a look to ensuring business continuity.

The preparatory actions aimed at the execution of the core tasks undertaken in 2019 have included: the set-up of working groups to assist the 2020 priority tasks;⁵ the participation in the Campaign on Undeclared Work; the development of a communication and dissemination plan; and the launch of the organisation of a conference on the initial results of the work of the Authority after the first year of its activities.

As regards the overall preparations for welcoming the staff of the Authority, preparatory actions were already started for the creation of suitable office space, dedicated IT infrastructure to exchange file and store documents, conclusion of Service Level Agreements with the services of the Commission, and for the recruitment of staff of the Authority in line with the Establishment Plan.

³ European Labour Authority, Work Programme 2019, ELA/MB/2019/010. Available online at: https://ela.europa.eu/documents/European_Labour_Authority_Work_Programme_2019.pdf

⁴ 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), PE/49/2019/REV/1, OJ L 186, 11.7.2019, p. 21–56. (Hereinafter "*the Founding Regulation*")

⁵ The two priorities for 2020 are: "Facilitating access to information on labour mobility" and "Coordination and support of concerted and joint inspections". More information can be found in the ELA Work Programme 2020, available online at: https://ela.europa.eu/documents/ELA_Work_Programme_2020.pdf

Executive Summary

Main achievements	
Governance	Operational activities
<ul style="list-style-type: none"> ⇒ Set up of Management Board; 2 meetings ⇒ Key decisions: Work Programmes 2019 and 2020; Budgets 2019 and 2020; Draft estimate of the Authority's revenue and expenditure for 2021; election Chairperson and Deputy Chairperson 	<ul style="list-style-type: none"> ⇒ 2 Working Groups to assist 2020 priority actions ⇒ External consulting for developing deliverables pertaining to joint and concerted inspections
<ul style="list-style-type: none"> ⇒ Set up of Stakeholder Group; 1 meeting ⇒ Opinion on Work Programme 2020 	<ul style="list-style-type: none"> ⇒ Capacity building of staff and participation in meetings on EURES
<ul style="list-style-type: none"> ⇒ Launch selection procedure for Executive Director 	<ul style="list-style-type: none"> ⇒ Capacity building of staff and participation in meetings of the European Platform enhancing cooperation in tackling undeclared work ⇒ Preparations for #EU4FairWork Campaign on Undeclared Work
Financial and Human resources	
<ul style="list-style-type: none"> ⇒ ELA's budget for 2019 was EUR 2 124 650. 88.62%, or EUR 1 882 809 were committed.⁶ ⇒ ELA recruited its first contract agents, and completed four out of six recruitment processes for temporary agents in 2019. 	

⁶ Until the Authority reaches financial autonomy, the Commission is responsible for the establishment and initial operation of the Authority in accordance with Article 44 of its Founding Regulation. This means that the budget is committed by DG EMPL on behalf of the Authority.

Part. I Achievements of the year

Building a more social Europe and strengthening fairness in the Internal Market has been a key priority for the Juncker Commission⁷ and remains prominent in the agenda of the current Commission. Over the last years, several initiatives were presented to improve EU rules for labour mobility. To help ensure that these rules are well applied on the ground, former Commission President Jean-Claude Juncker proposed to establish a European Labour Authority in his 2017 State of the Union address to the European Parliament.

Less than two years after this announcement, the Authority has become a reality. Its establishment on 31 July 2019 was the first – and fundamental – step towards making this priority a reality. The next step was to prepare the necessary arrangements for the rollout of the operational tasks established by the Founding Regulation. This has been the key objective for 2019 and was achieved by ensuring that:

- 1) the fundamentals of the Authority's administrative structure and management structure are in place and functioning and;
- 2) the priority operational tasks on which the Authority should focus its efforts at this early stage are identified.

The section below describes the activities performed in 2019 and how this contributed to the achievement stated above. Its structure will mirror the Work Programme 2019 to the extent that it still ensures easy readability.

Given the start of the Authority's activities in Q3 of 2019, the Consolidated Annual Activity Report 2019 only reflects the preparatory actions needed to support the setting up of the Authority during the five months from the entry into force of the Founding Regulation until the end of the year (31 July to 31 December 2019).

N.B. The Management Board did not adopt any key performance indicators by the time of the adoption of the ELA Work Programme 2019. The overall assessment of the progress achieved in the implementation of the Work Programme 2019 in this document will therefore be qualitative.

1. Governance and Management Structure

In accordance with Article 44 of the Founding Regulation, “*the Commission shall be responsible for the establishment and initial operation of the Authority until the Authority becomes operational*”⁸. Correspondingly, the Commission appointed an Interim Executive Director in 2019 and set up an Establishment Group in DG EMPL to support the Authority during the initial phase and take the necessary actions. This Establishment Group has led the set-up of the administrative and management structure of the Authority in 2019. This structure comprises the Management Board, the Executive Director and the Stakeholder Group.

a. Management Board

⁷ European Commission, President Juncker's Political Guidelines, 15 July 2014. Available online at: https://ec.europa.eu/commission/publications/president-junckers-political-guidelines_en

⁸ According to Article 44(1) of the Founding Regulation: “the Authority shall become operational with the capacity to implement its own budget by 1 August 2021”.

The Management Board is composed of one representative from each Member State, two representatives of the Commission, one independent expert appointed by the Parliament and four representatives of cross-industry social partner organisations at Union level. Further, non-EU member countries applying the EU labour mobility rules (Iceland, Lichtenstein, Norway, and Switzerland) as well as other EU employment agencies may participate as observers.⁹

The Management Board has been set up to allow the start of decision making by the Authority. It met already twice in 2019 – October and December – and covered the following activities:

- **Governance:** Rules of Procedure of the Management Board; Decision for appointment the members and alternates of the Stakeholder Group; Election of the Chairperson and Deputy Chairperson.
- **Planning and reporting:** the Work Programme 2019; the Work Programme 2020.
- **Budget:** the Budget 2019; the Budget 2020; the Draft estimate of the Authority's revenue and expenditure for 2021.
- **Human Resources:** Implementing rules on Seconded National Experts to the European Labour Authority; six Implementing Rules to the Staff Regulations with ex-ante agreement from the European Commission, and an additional set of 20 implementing rules by analogy to those applicable in the Commission; Call for Seconding National Liaison Officers to the ELA; the vacancy for the function of Executive Director of the ELA.

At its second meeting on 3 December 2019, the Management Board also elected its Chairperson and Deputy Chairperson for an initial term of three years, renewable once.

b. Executive Director

The Authority also launched the selection procedure for its Executive Director, with a deadline for applications in December 2019, and expects the appointment to occur in the second half of 2020.

c. Stakeholder Group

Following the appointment of representatives of cross-industry organisations representing Union level Social Partners to the Stakeholder Group, a first meeting was held in November 2019 to discuss and issue an opinion on the Authority's Work Programme for 2020. This opinion was submitted to the Management Board prior to the adoption of the 2020 Work Programme.

2. Preparatory actions aimed at the execution of the Authority's tasks

The preparatory operational actions carried out by the Authority in 2019 have been decided in accordance with the strategic priorities defined by the Management Board in the Work Programme 2019 and 2020, and within the limits set by the Authority's budget and human resources.

⁹ Founding Regulation, Article 17.

The actions include the first steps towards the rollout of the Authority's two priority tasks for 2020, namely "Facilitating access to information on labour mobility" and "Coordination and support of concerted and joint inspections". Further, the Authority initiated the preparations for the transfer of the EURES network and the European Platform to enhance cooperation in tackling undeclared work.

a. Facilitating access to information on labour mobility

1. Working Group

To start fulfilling its mandate set out by Article 5 of the Founding Regulation, the Authority has launched in 2019 a Working Group on Information¹⁰ to 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 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, including in the framework of the single digital gateway¹¹.

b. Coordination and support of concerted and joint inspections

1. Working Group

To start fulfilling its mandate set out by Articles 8 and 9 of the Founding Regulation, the Authority has launched in 2019 a Working Group on Inspections¹² to provide opinions and develop tools and procedures for the activities of the Authority related to inspections, in particular on matters related to:

- a) The legal and practical aspects of organising and conducting concerted and joint inspections;
- b) Discuss the results of pilot inspections and identify further needs;
- c) Coordination and cooperation arrangements with other relevant agencies or bodies.

2. External consulting

Further, the Authority has launched a negotiated procedure for tender (VT/2019/046) to accompany the Authority in developing the deliverables pertaining to joint and concerted inspections.

The deliverables will include the development of practical tools necessary for concerted and joint inspections (such as a model agreement, guidelines for conducting inspections, workflow guidance and modalities for reporting the results) and trainings (3 in 2020) provided to end-users related to inspections.

¹⁰ European Labour Authority, Decision No 7/2019 of 3 December 2019 of the Management Board.

¹¹ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012

¹² European Labour Authority, Decision No 8/2019 of 3 December 2019 of the Management Board.

c. Preparatory actions for the transfer of EURES and of the Platform tackling undeclared work

In 2019, the Authority has initiated a process of capacity building of its staff in order to acquire the necessary competence to ensure a smooth transfer of EURES. In December 2019, the Authority staff attended one meeting of the European Coordination Group and met several times in 2019 with Commission staff working on EURES, also in view of agreeing on a preliminary timeline for the transfer.

In 2019, the Authority started following meetings of the Platform tackling undeclared work (hereinafter: “*the Platform*”) and met on several occasions with Commission staff working on the Platform. The Authority has also joined the #EU4FairWork campaign organised by the Platform in 2020 and has attended various meetings to this end.

d. External Communication

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

In 2019 the first steps on the communication of the Authority were taken: the logo and visual identity, the website, the social media presence (Twitter and LinkedIn) and the first communication products (video and leaflet).

In addition, the organisation of the conference on the results of the first year of activities of the Authority has been launched in 2019, with the conference expected to take place in the second half of 2020.

1. Participation in the campaign #EU4FairWork

[This section will be updated by the time of publishing (early July) to reflect the state of play as regards the organisation of the campaign].

In the context of the transition towards the integration of the European Platform to enhance cooperation in tackling undeclared work, the Authority started in 2019 its participatory actions in the campaign #EU4FairWork organised by the Platform, starting in March 2020.

The activities focus on raising awareness with workers and employers about the benefits of declared work. As well as an EU-wide social media campaign (1 March – mid-June 2020), a Week of Action was planned for the week of 16-20 March 2020.

Due to COVID-19 related measures, the Week of Action had to be postponed. The Platform is evaluating the possibility of having the Week of Action later in the year. The final event of the campaign was foreseen for June but has also been postponed for the same reason. The online campaign however goes on as planned. The Authority’s activities include: a social media content strategy and dissemination plan, the concept for two social media competitions, one short video animation about the benefits of declared work, three videos on joint inspections, the development of promotional materials for the Week of Action, organisation of the final event and the evaluation of the campaign.

Part II. Management

1. Budgetary and financial management

Until it reaches financial autonomy, the Commission is responsible for the establishment and initial operation of the Authority in accordance with Article 44 of its Founding Regulation.

For the year 2019, the contribution to the Authority from the general budget of Union amounted to EUR 2 124 650. It was the sole revenue of the Authority. Out of this amount, DG EMPL on behalf of the Authority committed 88.62%, or EUR 1 882 809.

- The appropriations committed under Title 1 (staff expenditure) amounted to EUR 354 572. It covered the salaries and allowances of the staff employed in 2019 (4 contract agents and 4 interim staff); the early childhood centres and schooling costs for the children of the recruited staff for the school year 2019-2020; recruitment costs (such as the cost of publishing the vacancy notice of the Executive Director and the travel expenses to be reimbursed to interviewed candidates), missions and training expenses; and human resources services provided by other services of the European Commission (DG HR - Directorate-General for Human Resources and Security, and PMO - Office for the Administration and Payment of Individual Entitlements).
- The appropriations committed under Title 2 (infrastructure and operating expenditure) amounted to EUR 989 824. It related to the rental of temporary office space in Brussels until the summer of 2020; information and communication technology equipment and services to ensure the effective operation of the Authority during its establishment phase in Brussels and prepare the setting up of the IT architecture of its definitive seat; the organisation of the first meetings of its governing bodies (the Management Board and the Stakeholder Group); and corporate communication activities.
- The appropriations committed under Title 3 (operational expenditure) amounted to EUR 538 413. These commitments will support a first series of operational activities that will take place or be finalised in 2020: the development of the Authority's communication and dissemination plan; the #EU4FairWork campaign for declared work; a conference about the first year of activity of the ELA; the development of arrangements and tools for supporting concerted and joint inspections; and the organisation of the first meeting of the Working Group on inspections in early February.

No interest were charged for late supplier payments.

Budgetary transfers: During the financial year 2019, 3 budgetary transfers were carried out in order to reallocate resources from areas where budgetary savings were identified towards areas of scarce resources, to ensure the achievement of the year's objectives. Details on the budgetary management are provided in Annex I.

In 2019, DG EMPL on behalf of the Authority procured all required goods and services by using Commission's Framework Contracts and by signing Service Level Agreements with other services of the Commission.

2. Human Resources (HR) management

Recruitment was a key priority for the Authority in its first year, so as to support the Authority in facing its most urgent tasks during the start-up phase and prepare for 2020. An initial team

set up by the Commission, under the remit of DG EMPL, started with the preparatory work to set up the Authority early 2019. Then, from the moment of the entry into force of its Founding Regulation on 31 July 2019, the Authority recruited its first staff members (four contract agents), launched its first six vacancies for temporary agents and completed the recruitment processes for four out these vacancies, and launched the process to recruit its Executive Director.

During a transition phase initiated in 2019, staff recruited directly by the Authority and Commission staff were working together as a single team.

Given the initial stage of the project of setting up the Authority in 2019, with 4 staff members formally recruited by the Authority as contract agents, it is too early to determine whether the indicators relating to the overheads/operational ratio, or geographical balance are reasonable. Given this limited sample, the Authority did not undertake a screening/benchmarking exercise in 2019 as the results would not be reliable.

Next to the progress on recruitment, other achievements include the adoption of Implementing Rules to the Staff Regulations by the Management Board as described above, the launch of the call for interest for National Liaison Officers, the access from its first day of operation to Sysper (the software to manage HR in the European Commission, now available to EU Agencies), access to an e-recruitment tool from the start (EU CV Online), and the development of a learning and development programme adapted to newcomers and staff recruited by the Authority.

3. Budget implementation tasks entrusted to other services and entities

A delegation was granted by DG EMPL to PMO for the payment of the salaries and related allowances and the reimbursement of the mission expenses, the expenses of experts and the expenses of candidates of the ELA.

Part III Declaration of assurance

I, the undersigned, interim Executive Director of the European Labour Authority (ELA), in my capacity as Authorising Officer (AO) for ELA,

- Declare that the information contained in this report gives a true and fair view.
- State that I have reasonable assurance that the resources assigned to the activities described in this report have been used for their intended purpose and in accordance with the principles of sound financial management, and that the control procedures put in place, gives the necessary guarantees concerning the legality and regularity of the underlying transactions.
- Confirm that I am not aware of anything not reported here which could harm the interests of the Authority.

This reasonable assurance is based on my own judgement and on the information at my disposal.

I hereby certify that the information provided in the present Consolidated Annual Activity Report of the Authority, and in its annexes, for the financial year 2019 is, to the best of my knowledge, and on the basis of the assurance given to me, accurate and complete.

Jordi CURELL
Interim Executive Director

Annex I – Statistics on financial management – Year 2019

<i>all figures in EUR</i>	Expenditure						
	Initial appropriations	Transfers	Final appropriations	Final amount committed	Paid in 2019	Carried forward to 2020	Cancelled appropriations
Title 1 - Staff expenditure	430.500	0	430.500	354.572	145.760	208.813	75.928
Salaries & allowances	200.000	-80.000	120.000	100.000	44.373	55.627	20.000
- Of which establishment plan posts	20.000	0	20.000	100.000	44.373	55.627	20.000
- Of which external personnel	180.000	-80.000	100.000				
Expenditure relating to staff recruitment	115.000	-44.940	70.060	56.972	43.712	13.260	13.088
Mission expenses	30.000	0	30.000	29.600	6.764	22.836	400
Socio-medical infrastructure	3.000	44.940	47.940	47.940	0	47.940	0
Training	15.000	0	15.000	8.938	0	8.938	6.062
External services	40.000	80.000	120.000	111.122	50.911	60.211	8.878
Receptions, events and representation	2.500	0	2.500	0	0	0	2.500
Other staff related expenditure	25.000	0	25.000	0	0	0	25.000
Title 2 - Infrastructure and operating expenditure	1.124.150	0	1.124.150	989.824	139.134	850.690	134.326
Rental of buildings and associated costs	250.000	0	250.000	245.000	0	245.000	5.000
Information, communication technology and data processing	390.000	51.216	441.216	441.216	37.667	403.549	0
Movable property and associated costs	150.000	-51.216	98.784	0	0	0	98.784
Current administrative expenditure	2.500	0	2.500	1.200	0	1.200	1.300
Postage / Telecommunications	2.500	0	2.500	500	0	500	2.000
Meeting expenses	225.000	0	225.000	203.034	74.714	128.320	21.966
Information and publishing	100.000	0	100.000	98.874	26.753	72.121	1.126
Other infrastructure and operating expenditure	4.150	0	4.150	0	0	0	4.150
Title 3 - Operational expenditure	570.000	0	570.000	538.413	0	538.413	31.587
Communication activities	430.000	0	430.000	413.053	0	413.053	16.947
Preparatory actions to start up core activities	140.000	0	140.000	125.360	0	125.360	14.640
TOTAL	2.124.650	2.124.650	2.124.650	1.882.809	284.893	1.597.916	241.841

Annex II – Establishment plan and additional information on Human Resources

1. Human Resources Overview

Human Resources	2019		
	Authorised Budget	Actually filled as of 31/12/2019	Occupancy rate(%)
Administrators (AD)	12	0	0%
Assistants (AST)	4	0	0%
Assistants/Secretaries (AST/SC)	0	0	0%
ESTABLISHMENT PLAN POSTS	16	0	0%
Contract Agents (CA)	7	4	57%
Seconded National Experts (SNE)	0	0	0%
TOTAL STAFF	23	4	17%

2. Establishment plan posts

Function group and grade	2019			
	Authorised Budget		Actually filled as of 31/12/2019	
	Permanent posts	Temporary posts	Permanent posts	Temporary posts
AD 16				
AD 15				
AD 14		1		0
AD 13				
AD 12				
AD 11				
AD 10				
AD 9		2		0
AD 8				
AD 7		4		0
AD 6				
AD 5		5		0
AD TOTAL		12		0
AST 11				
AST 10				
AST 9				
AST 8				
AST 7				
AST 6				
AST 5				
AST 4		2		0

Function group and grade	2019			
	Authorised Budget		Actually filled as of 31/12/2019	
	Permanent posts	Temporary posts	Permanent posts	Temporary posts
AST 3				
AST 2		2		0
AST 1				
AST TOTAL		4		0
AST/SC 6				
AST/SC 5				
AST/SC 4				
AST/SC 3				
AST/SC 2				
AST/SC 1				
AST/SC TOTAL				
TOTAL		16		0
GRAND TOTAL		16		0

3. External personnel

3.1 Contract Agents

Contract agents	Authorised 2019	Recruited as of 31/12/2019
Function Group IV	3	1
Function Group III	4	3
Function Group II		
Function Group I		
TOTAL	7	4

3.2 Seconded National Experts

Seconded National Experts	Authorised 2019	Recruited as of 31/12/2019
TOTAL	0	0