



Consolidated Annual Activity Report of ELA 2020

May 2021

ELA/MB/2021/035

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MANAGEMENT BOARD ASSESSMENT

Management Board Assessment

The Management Board of the European Labour Authority ('ELA' or 'Authority') takes note of the Consolidated Annual Activity Report (CAAR) prepared by ELA for the financial year 2020, and submitted for adoption to the Management Board on 25 May 2021, in accordance with article 22.4.(e) of ELA regulation. The Management Board provides here below its assessment of the CAAR as required by Article 18.1(c) of ELA regulation.

The Management Board, based on its analysis and assessment of the Consolidated Annual Activity Report 2020:

- ▶ Welcomes the achievements of the Authority and, in particular, the capacity that ELA showed to adapt to the unprecedented conditions given by the COVID pandemic while still in a startup phase.
- ▶ Congratulates the Authority for managing to deliver outstanding results on the priority tasks as agreed for 2020, while carrying preparatory actions for all the tasks assigned by the mandate, in particular:
 - ▷ Carrying out several pilots inspections and at the same time preparing with relevant stakeholders a comprehensive set of tools and procedures to facilitate concerted and joint inspections;
 - ▷ Organising its first 'train the trainers' trainings in the field of inspections, targeting national inspectors and other relevant stakeholders;
 - ▷ Co-leading, together with the European Platform enhancing cooperation in tackling undeclared work, the campaign #EU4FairWork;
 - ▷ Developing an approach on presenting collective agreements on single posting websites and setting up a Translation facility to support the translation of content of national official websites providing information on labour mobility and social security coordination;
 - ▷ Organising an extensive workshop on road transport, with the participation of around 120 participants from national administration, social partners, enforcement organisations and the European Commission.
- ▶ Praises the Authority for its effort on initiating a smooth transfer of the EURES European Coordination Office activities to ELA, with first activities already transferred in 2020 (programming) and the rest to be transferred during 2021, in accordance with the agreed roadmap and ensuring full business continuity.
- ▶ Takes notes of the preparations for the transfer of the European Platform enhancing cooperation in tackling undeclared work to ELA and encourages the continuation of current efforts for ensuring full business continuity.
- ▶ Remarks that, as the Authority was during 2020 in its early stage of development, a number of requests received from social partner organisations could not be directly addressed. The Management Board acknowledges that the Authority prepared the necessary processes that were adopted at the end of the year by the Management Board, meanwhile redirecting the requests to concerned parties.
- ▶ Takes note of first steps of collaboration with other EU agencies, services or bodies to enhance cooperation on similar fields of operation, most notably the cooperation with Europol during the EMPACT days and a first workshop with Cedefop, ETF, EU-OSHA, Eurofound, Europol, Eurojust, SOLVIT and Your Europe Advice on labour mobility analyses and risk assessment. The Management Board encourages the Authority to further enhance cooperation with its European counterparts to avoid duplications and seek synergies.
- ▶ Takes note that given the context of the COVID pandemic, the ELA conference was postponed to 2021 to allow for a physical event.

- ▶ Welcomes the adoption of the first communication and dissemination plan of the Authority in December 2020 and appreciates the increasing visibility of ELA, and the activities aimed to strengthen its presence online.
- ▶ Welcomes the adoption of the internal control framework and encourages the further development of its standards and methodologies for ensuring appropriate internal control and the prevention, detection and sanctioning of fraud.
- ▶ Acknowledges the efforts taken by the Authority to adjust to the context of the pandemic, reducing significantly physical interactions while setting mechanisms and processes to move all the activities online. The Management Board recognises that the online format meant less budget used than initially planned for physical meetings and activities, which meant that the Work Programme 2020 and related budget were amended accordingly.
- ▶ Takes note that ELA recruited its staff according to the establishment plan 2020, with only a few taking up their duties in 2021 (including NLOs) and welcomes the Authority's efforts to provide for flexible working conditions, including distant teleworking, to all staff and NLOs, thus ensuring recruitment and allowing full business continuity of operations despite the COVID-19 pandemic.

Overall, the Management Board takes note of the achievements of ELA during 2020. The results and the pace of growth of the Authority showing a good capability to adjust to unforeseen circumstances. Except the ELA conference that is postponed for 2021, and some onboarding of staff that takes place during the first part on 2021 as results of recruitment processes of 2020, all the activities for 2020 were delivered as planned.

The Management Board notes that there are no critical issues to be reported by the Authority.

The Management Board recognizes the instrumental role of the ELA Establishment Group of the European Commission (DG EMPL) in performing and delivering the initial ELA activities and the development of its financial and operational capacity of the Authority. The Management Board thanks the ELA Establishment Group, the interim Executive Director Jordi Curell Gotor, and acknowledges the hard work of all ELA staff that made these results possible.

The ELA Management Board, having concluded the above assessment, taking account of the Article 18.1(c) of the ELA regulation, hereby instructs the Secretariat of the Management Board to finalize the process. Namely, to submit the Consolidated Annual Activity Report for 2020, together with this assessment, to the European Parliament, the Council, the Commission and the Court of Auditors and to make the Consolidated Annual Activity Report public by 1 July 2021.

For the Management Board

Tom BEVERS

Chairperson of the Management Board

EXECUTIVE SUMMARY

Executive Summary

The European Labour Authority was established as a Union (EU) body by Regulation (EU) 2019/1149 of the European Parliament and of the Council,¹ which entered into force on 31 July 2019.

In 2019, ELA started 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. During this interval in 2019, ELA achieved its objectives, namely, ensuring that²: (a) the fundamentals of the Authority's administrative structure and management structure are in place and functioning and (b) the priority operational tasks on which the Authority should focus its efforts at this early stage are identified.

2020 was for ELA the first full year of activity, where the priority operational tasks identified with its *Management Board (MB)* and *Stakeholder Group (SG)* took shape and the administrative structure was further developed. The sections below describes the activities performed in 2020 and how these activities contribute to the achievement of the overall EU objective of building a more social Europe while strengthening fairness in the Internal Market and improved enforcement of EU rules on labour mobility and social security coordination.

2020 will remain a reference year for many developments in labour mobility and the way society coped with the COVID-19 pandemic. The extent and length of the pandemic's impact on cross-border labour mobility but also on undeclared work is yet to be fully grasped, though having already left its marks. The problems that the crisis has exposed but also exacerbated, such as the precarious working and living conditions of mobile workers, are in many ways not new and they have motivated the establishment of ELA in the first place. In that sense, the activities carried out in 2020, whether targeted at issues highlighted by the pandemic (e.g. provision of information on seasonal workers' working conditions by national competent authorities and social partners) or as previously planned (set of tools and procedures for concerted and joint inspections), are as much a response to the pandemic as they go beyond, in so far as they fall within the overarching aim of facilitating and supporting fair labour mobility. Drawing learnings from 2020, ELA is aware of the need for better cooperation and exchange of information between competent national authorities, better cooperation with social partners, and a more effective enforcement of EU rules. These learnings will pave the way for 2021.

Authority in brief

During 2020, ELA was in its early growing phase, with progress on all dimensions: staff were recruited, priority activities chosen by its MB initiated and delivered on, while others where in preparatory stage, and at the same time internal systems and processes were gradually put in place.

In agreement with ELA's MB, from the seven operational tasks defined in ELA regulation³, the Authority focused on delivering on the activities planned within the realm of its priority tasks, which are *facilitating access to information on labour mobility* and *coordinating and supporting concerted and joint inspections*. Additionally, ELA undertook preparatory actions in a number of tasks, including the preparation for the transfer of the European Coordination Office of the EURES network and the European Platform enhancing cooperation in tackling undeclared work to ELA. In the next sections more details are provided on these activities.

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. (Hereinafter "*the Founding Regulation*", or "*ELA regulation*")

² For more details please see ELA Consolidated Annual Activity Report 2019, available here: [https://www.ela.europa.eu/sites/default/files/2020-12/Consolidated Annual Activity Report 2019.docx](https://www.ela.europa.eu/sites/default/files/2020-12/Consolidated%20Annual%20Activity%20Report%202019.docx)

³ ELA regulation, namely Regulation (EU) 2019/1149, published of 20.06.2019, Article 4.

To support its activities and the recruitment process, ELA paid a lot of attention to proper external and internal communication via social media, indispensable in today's world. In 2020, ELA continued growing its online presence by increasing the number of followers on its social media channels (+2 300 followers on Twitter and +2 200 followers on LinkedIn) and started working on a new website.

Before the summer, ELA prepared and submitted a building file for its future headquarters in Bratislava, which was approved by the Budgetary Authority, namely the European Parliament and the Council. This enabled ELA to enter into negotiation of contractual relations with the relevant parties. In parallel, ELA has been negotiating its Headquarters Agreement with the aim to sign it before the move to its seat location.

While still using the European Commission ICT infrastructure, ELA has also made substantial progress with an innovative strategy for full cloud based services for all necessary ICT⁴ services. This included the integration with the Commission's services, allowing remote access, with the ultimate aim to support ELA's ICT infrastructure in Bratislava. This approach proved to be the most suitable one in a year of pandemic, when teleworking became the norm. As such, the Authority continued to function and to deliver on its initial objectives, moving most of the planned meetings to an online environment.

Until financial autonomy, the European Commission⁵ was also responsible for the implementation of ELA's annual budget. To this end, ELA processed dozens of financial transactions.

The Year 2020 in brief

2020 was the first full year of activity for the Authority. ELA initiated the rollout of operational tasks prioritised in agreement with its MB in the ELA Work programme for 2020⁶, building on the foundations set in 2019, whilst strengthening in parallel its administrative and management structure and expanding its human and financial resources.

While 2020 will remain in the history as the first year of the COVID-19 pandemic, ELA managed to adapt to the context and move its activities online. Most of the meetings planned took place online, ensuring business continuity⁷. During 2020, ELA delivered its first results, including:

- ▷ the development of a comprehensive set of tools and procedures to facilitate concerted and joint inspections, allowing for their operationalisation and implementation in 2021. One of these instruments is practical guidelines for national enforcement bodies on how to carry out an effective cross-border inspection using ELA tools and procedures. A mapping of the national legislations applicable to concerted and joint inspections is also provided;
- ▷ the coordination, support and participation in the first 5 ELA pilot inspections, implemented as part of the [#EU4FairWork campaign](#) and in cooperation with EUROPOL, providing ELA staff with on the ground experience necessary for further improvement of inspections capacity;

⁴ Information Communications Technology

⁵ ELA Establishment Group is part of the Commission's Directorate General Employment, Social Affairs and Inclusion

⁶ ELA Work Programme for 2020 (revised), available at: https://www.ela.europa.eu/sites/default/files/2020-12/ELA_Work_Programme_2020_-_revised.docx

⁷ The COVID-19 related measures, including travel restrictions, led to the rescheduling and cancellation of some activities. This concerns the cancellation of the third Management Board meeting, the postponement of the Annual ELA Conference to 2021 (see section 1.4) and the rescheduling of the five pilot inspections initially planned for March, due to the COVID-19 pandemic, to September – October (see section 1.2.3). All other meetings were moved online, thus ensuring full business continuity.

- ▷ the first ever training on cross-border labour inspections on 26-27 November, structured under a “train the trainers” format, targeting national inspectors and other relevant stakeholders;
- ▷ the launch of the ELA Translation Facility to support the translation of relevant content of national websites on labour mobility into other languages. Since its launch in July, the Facility has supported the translation of about 100 documents, mainly into English, the vast majority of which dealing with information on the posting of workers;
- ▷ an Approach to presenting applicable collective agreements on single posting websites. It serves as a non-binding source of inspiration for Member States when complying with their legislative obligations on the provision of information deriving from Directive 2018/957/EU.
- ▷ the first online workshop dedicated to the road transport sector, with around 120 participants, during which ELA introduced itself to the relevant stakeholders working on the social aspects of the road transport legislation, and discussed and agreed on possible actions that the Authority may carry out in this field in the near future;
- ▷ the organisation of the first ever ELA workshop with other EU agencies, services and networks active in the field of employment and social policy (Eurofound, EU-OSHA, Cedefop, ETF, Europol, Eurojust, Your Europe Advice and SOLVIT, and DG EMPL). With the workshop, ELA kicked-off cooperation in the area of labour mobility analyses and risk assessment;
- ▷ the preparatory work for the setting-up of the ELA Mediation task, including the establishment of the Working Group on Mediation and the development of a multi-annual strategy within the framework of the ELA Single Programming Document 2022-2024;
- ▷ Kicking off the transfer of EURES European Coordination Office (ECO) activities to ELA according to the agreed roadmap, which is divided into three work packages. The first package contains the transfer of the programming cycle, communication and training activities to the Authority;
- ▷ Preparing for the transfer of the European Platform (‘Platform’) enhancing cooperation in tackling undeclared work to ELA by participating in the activities of the Platform. This includes the participation in the Platform’s working group elaborating the work programme 2021-2022 and co-leading the campaign #EU4FairWork.
- ▷ ELA enhanced its online presence and visibility through an increased social media presence and by leading, alongside the European Platform tackling undeclared work, the [#EU4FairWork campaign](#). Running between March and October 2020, the Platform’s first EU wide campaign on declared work reached over 16 million people across the EU on social media.
- ▷ the move from short-term to mid-term planning of activities, via the preparation and adoption of the first ELA multi-annual Single Programming Document for the period 2022-2024;
- ▷ the development of ELA’s first communication and dissemination plan.

In summary, despite the unpredictable context of 2020, the Authority managed to deliver on all aspects of its mandate, in line with the priorities set with the ELA MB for 2020. For detailed information please see ELA website⁸.

⁸ <https://www.ela.europa.eu/what-we-do>

Key conclusions

ELA's results in 2020 were in line with the objectives set in its Work Programme 2020, and the Authority marked a significant start in achieving its strategic objectives. 2020 was a successful year for ELA, despite the pandemic and the start-up challenges of a growing organisation.

In 2020, ELA celebrated its first year of existence, and the Authority successfully set initial important milestones:

- ▶ Managed to deliver on all the activities agreed with its MB; its first tangible outcomes in the field of information provision and inspections are a sign that ELA can already deliver on its mandate to facilitate and support fair labour mobility; these outcomes also pave the way for the tasks and activities to come;
- ▶ Ensured support and remote access to services in a challenging context based on an innovative strategy for full cloud based services for all necessary services. With teleworking being the norm for a major part of 2020, the Authority continued to efficiently and effectively function and to deliver its initial objectives;
- ▶ Recruited staff according to the establishment plan 2020⁹, forming the backbone of the organisation;
- ▶ Modernisation of the ELA website took place and the first communication and dissemination plan was developed;
- ▶ Delivered most of the preparatory work for the seat agreement and financial autonomy;
- ▶ Planned and received the approval of the ELA MB on its first Draft Single Programming Documents (SPD) 2022-2024.

⁹ Some staff recruited during 2020 will take up their duties in 2021.



**PART I. POLICY
ACHIEVEMENTS OF
THE YEAR 2020**

1. Policy achievements of the year

The next sections are summarizing the achievements of the year 2020, reflecting the structure of the ELA work programme for the year 2020, after the last amendment¹⁰ and in line with the European Commission Guidelines¹¹.

Qualitative indicators were provided in the Work Programme 2020's planned activities. Therefore, the overall assessment of the progress achieved in the implementation of the ELA 2020 Work Programme detailed in this document will therefore be qualitative.

1.1. Facilitating access to information on labour mobility

Facilitating access to information on labour mobility was a priority task of the Authority in 2020. The key goal for this year was to set up a structure to identify and address outstanding challenges relating to information provision to citizens and employers at EU and national level across the spectrum of labour mobility areas, and to prepare for further initiatives to be carried out beyond 2020.

To this end, the objectives for the year were to i) map sources of information at EU and national level; ii) establish a working method with the Member State experts and social partners; and iii) lay the foundation for activities in the coming years.

1.1.1. Setting up a Working Group on Information

To support its activities with relevant expertise in the field of information, the Authority set up a Working Group on Information composed of experts from the Member States, the social partners and other independent experts.¹²

The Working Group met four times throughout 2020. During the meetings, the Group discussed a selected number of main challenges that Member States face in the provision of information on labour mobility at EU and national level. First, the Group addressed the information provided by EU websites, including Your Europe¹³ and the EURES portal¹⁴, in the context of the Single Digital Gateway¹⁵ and took stock of the first results of an external study on the provision of information on labour mobility on EU websites (see 1.1.3) commissioned by the Authority. Second, the experts discussed challenges and national practices in the provision of information in the fields of posting of workers, cross-border seasonal work and social security coordination. The Group's work was oriented at analysing websites from the perspective of users, through the active role of the social partners and other independent experts. Finally, upon the Authority's initiative, the Group discussed and endorsed an ELA Approach to presenting applicable collective agreements on national posting websites, which is a methodology aimed as source of inspiration for Member States when presenting information about remuneration rules. The Group's

¹⁰ ELA revised Work Programme for 2020, available at: https://www.ela.europa.eu/sites/default/files/2020-12/ELA_Work_Programme_2020_-_revised.docx

¹¹ C(2020) 2297 final of 20.04.2020, *Annex 2 Template for Consolidated Annual Activity Report*, to the Communication from the Commission on the strengthening of the governance of Union Bodies under Article 70 of the Financial Regulation 2018/1046 and on the guidelines for the Single Programming Document and the Consolidated Annual Activity Report

¹² As a Management Board member, the independent expert appointed by the European Parliament to ELA's Management Board may appoint, like all Management Board members, either himself or other experts to ELA's Working Groups. These are referred to as 'other independent experts'.

¹³ Your Europe available at: <https://europa.eu/youreurope/index.htm>

¹⁴ EURES Portal available at: <https://ec.europa.eu/eures/public/homepage>

¹⁵ The Single Digital Gateway is still in development, more information available at: https://ec.europa.eu/growth/single-market/single-digital-gateway_en

experts were constantly informed and acted as contact points for the functioning of the Translation Facility (see 1.1.5).

1.1.2. Preparatory work: mapping sources and identifying the challenges

The Authority has done preparatory work to map information sources and identify challenges and action needs at EU and national level. The mapping of sources was done through a stakeholder survey amongst the experts of the Working Group, mapping the most widely used sources of information on labour mobility legislation.

The mapping provided ELA with the necessary information to organise work concerning the activities of the Working Group in various areas and conduct preliminary analysis. During the four meetings of the Working Group, challenges and practices in different labour mobility areas were discussed, notably posting of workers, free movement with a focus on seasonal work, and social security coordination, also with a view to identifying possible information gaps with particular attention on users' needs and different possible solutions.

Following this preparatory action, in 2021 ELA will begin in-depth peer reviews of websites and hands-on workshops on specific labour mobility areas and topics.

1.1.3. Improvement of EU sources of information

The Authority has started its work by addressing information on labour mobility provided by EU websites. Following a preliminary discussion in the Working Group on Information, also aimed at promoting awareness of the Single Digital Gateway (see 1.1.1), the Authority has procured an external study to analyse the accuracy, user-friendliness and completeness of the information provided by different EU websites, including Your Europe and the EURES portal and suggest possible directions of further work on the websites content. The initial findings from the external study on information provision on EU websites were presented to the Working Group, and the study is expected to be finalised early 2021. The results of this study will inform the work of ELA to contribute to EU sources of information, in the context of the Single Digital Gateway.

1.1.4. Organisation of targeted workshops

The Authority organised a large workshop on the social aspects of road transport legislation, which falls under the scope of the mandate of ELA, on 2 December 2020. The workshop was attended by around 120 participants representing the European Commission¹⁶, the Member States and EFTA countries, the independent expert appointed by the European Parliament to ELA's Management Board, sectoral social partners, the two intra-European road transport sector enforcement organisations and ELA staff. The workshop introduced the Authority to the road transport community and discussed with the relevant stakeholders possible concrete activities across the various tasks of ELA (including amongst others information to workers and employers, concerted and joint inspections and capacity building), with a particular focus on the recently adopted Mobility Package I¹⁷. It provided an outstanding example of tight cooperation between ELA and the European Commission in preparing activities to support information about and the enforcement of relevant legislation. The results of the workshop will form the basis for ELA's activities in the road transport sector from 2021 onwards.

¹⁶ i.e. DG MOVE and DG EMPL

¹⁷ More on the Mobility Package I available at: https://ec.europa.eu/transport/modes/road/mobility-package-ga_en

1.1.5. Support with translation

The Authority launched the ELA Translation Facility in mid-2020, in order to support the translation of content of national official websites providing information on labour mobility and social security coordination. ELA defined the scope of translation support, identified clear procedures to access the Facility and distributed the overall budget equally across the Member States. The Working Group was fully and timely informed. 21 Member States made use of the Translation Facility in 2020, submitting a total number of 37 requests accounting for a total number of 108 documents to be translated. Requests for translation were made into 18 different EU languages as well as a number of different non-EU languages. 62 documents were submitted in the area of posting of workers, 24 documents on social security, 10 documents on free movement, and 12 documents on other topics.

1.1.6. Summary of achievements

Activities	Method	Results
Working Group	Organisation of the meetings, reimbursement of costs	<ul style="list-style-type: none"> ▷ Four meetings were organised, in February, May, September and December 2020 (one meeting in-person in Brussels, three meetings online). The approach¹⁸ on presenting collective agreements on national websites was endorsed by the Group.
Exploratory work (survey and studies)	Stakeholder survey Service contract	<ul style="list-style-type: none"> ▷ Stakeholder survey was completed in early 2020; ▷ A service contract for an external study was launched in mid-2020, the inception and midterm reports were submitted in June and November, finalisation expected in Q1 2021.
Workshops	Organisation of the meetings, reimbursement of costs	<ul style="list-style-type: none"> ▷ Online workshop on social aspects of road transport was held in December 2020, attended by around 120 cross-sector participants, joined future activities were agreed on.
Translation	Contract with Translation Centre	<ul style="list-style-type: none"> ▷ ELA Translation Facility became operational in mid-2020, used by 21 Member States for translation of documents into 18 different EU languages plus a number of different non-EU languages in the areas of posting of workers, social security, free movement, and other topics.

¹⁸Approach to the presentation of information stemming from universally applicable collective agreements, available at: <https://www.ela.europa.eu/sites/default/files/2021-01/ELA-Approach-to-presenting-collective-agreements.pdf>

1.2. Coordination and support of concerted and joint inspections

One of the priority tasks of the European Labour Authority at the starting-up stage was the coordination and support to concerted and joint inspections in the labour mobility field. The Authority, in close cooperation with Member States and other stakeholders, succeeded in setting up the necessary arrangements to carry out concerted and joint inspections and supported pilot inspections to test the adequacy and effectiveness of the procedures and tools developed, and assess possible concrete outcomes. At the same time, the very first capacity building activity dedicated to national inspectorates took place. The COVID-19 pandemic made it necessary to adapt ELA's working methods (e.g. concerted rather than joint pilot inspections).

1.2.1. Setting up a working group on inspections

The Authority organized five meetings of the Working Group on Inspections, composed of Member States' experts, representatives of social partners, the Commission and other independent experts.¹⁹

The Working Group has successfully finalized the procedures and tools for ELA to coordinate and support cross-border labour inspections (see the following section). This was the primary objective established by the MB for the Working Group. The Group also contributed to conceptualising pilot inspections (and other cross-border actions) and developing arrangements to evaluate requests for inspections. In addition, the Group discussed capacity building activities, the impact of COVID-19 on cross border enforcement as well as results of pilot inspections that already took place.

1.2.2. Elaboration of arrangements and tools for supporting concerted or joint inspections

During 2020, ELA, in consultation with relevant stakeholders, developed a number of arrangements and tools for supporting concerted and joint inspections. These tools are operational documents which help Member States to request ELA to coordinate and support concerted and joint inspections, social partners' organisations to bring a case to the attention of ELA, and ELA to suggest inspections to the Member States. Moreover, they enable to handle the cases and requests brought to ELA in a transparent and timely manner, by identifying the roles of all the involved actors and the necessary steps.

The Case description template will help to structure the necessary information that is provided to ELA. Based on this and additional information, once ELA decides to coordinate and support an inspection, it will sign the Agreement together with participating Member States. The model of this Agreement sets the main terms and conditions for carrying out an inspection; its Annex, the Inspection Plan, allows to clearly lay down the practical more detailed arrangements for an inspection.

Following an inspection, the relevant information and main findings will be filed in the Post-inspection report. This report will also help to gather information on an ongoing basis on the progress towards the achievement of the agreed objectives. For that purpose, the Working Group developed a set of quantitative and qualitative indicators, the Key Performance Indicators. These indicators will allow ELA to build on the experience, to improve its tools and procedures, as well as to enhance the efficiency of the inspections.

¹⁹ As a Management Board member, the independent expert appointed by the European Parliament to ELA's Management Board may appoint, like all Management Board members, either himself or other experts to ELA's Working Groups. These are referred to as 'other independent experts'.

Three Workflow guidance documents (for Member States, ELA, and social partner organisations at national level) clarify the procedures and roles applicable to launching and carrying out concerted or joint inspections or bringing cases to the attention of the Authority.

In addition, the WG also developed a workflow guidance and a template for ELA to report suspected irregularities in the application of Union law which do not fall directly within its scope to the Member States and the Commission.

Most of these deliverables are presented and explained in more detail in the Guidelines for concerted and joint inspections. The aim of the Guidelines is to give practical guidance elements for national enforcement bodies and other relevant stakeholders on how to prepare, implement, and follow up on effective cross-border inspections using available tools and procedures. The Guidelines also include a mapping of the national legislations applicable to concerted and joint inspections which, in particular, will help the planning of an inspection. First, it shows whether there is a specific legal basis for cross-border inspection in national legislation. Second, it provides the overview on whether evidence gathered during inspections in one Member State may be used in national court proceedings or administrative proceedings in another Member State. Third, it explains what competences a visiting inspector has in the host country.

ELA is committed to discuss the use of the above documents in the Working Group and, if need be, will propose the necessary improvements to take into account experience gathered in particular from on-field inspections.

1.2.3. Supporting pilot concerted or joint inspections

Five pilot inspections targeting the construction, agriculture, and transport sectors, initially planned for March, took place in September – October, due to the COVID-19 pandemic. The level of involvement of ELA varied from the coordination and support of preparatory actions and follow-up measures to participation (observation) on the field. Pilot inspections took place during the #EU4FairWork campaign co-organised by ELA and the Platform tackling



undeclared work²⁰ and in the context of the EMPACT Joint Action Days organised by EUROPOL to tackle human trafficking, labour exploitation and undeclared work. This is a first concrete step taken in developing synergies between ELA's tasks to ensure fair labour mobility and tackling undeclared work.

ELA also aims to build on these examples of cooperation to pave the way for future close involvement in joint or concerted

actions with other organisations. An ancillary aim of these pilot inspections was testing (at that time) draft ELA tools and templates. In particular the Case description, the Agreement, the Inspection Plan, and the Post Inspection Report templates proved their worth and confirmed their readiness for application in practice during regular cross-border inspections.

²⁰ <https://www.ela.europa.eu/news/european-labour-authority-coordinates-its-very-first-concerted-inspection>

Cases brought to the attention of the Authority by social partner organisations. Between October 2019 and October 2020 the Authority received 12 cases submitted by social partner organisations. In the absence of an agreed procedure on how to treat such cases, the Authority addressed the cases to the concerned Member States. In December 2020 the ELA Management Board adopted the procedures to handle such cases.

1.2.4. Mutual learning and training activities for national inspectors

The Authority has organised the first set of online two days training for over 70 national inspectors, social partners representatives as well as ELA National Liaison Officers.

The training focused on the understanding and use of ELA tools and procedures²¹ to facilitate the planning, execution and follow up of a concerted or joint inspection. It also dealt with the secure exchange of information – a crucial element to successfully tackle cross-border abuse – mainly, the Internal Market Information System (IMI), and the key principles and rules on personal data protection with relevance to cross-border action. Several Member States shared their practical experience about continued bilateral cross-border cooperation and making the most of IMI.

The training was based on the "train the trainer model", which means that participants will be encouraged to conduct similar trainings for other stakeholders in their respective Member States/organizations. To facilitate this task, ELA has made available detailed material to conduct these trainings²² and offered translation of the presentations when required.

The feedback received following the training confirmed the usefulness of the training and phrased the availability of training material for future events. However, the online format of the trainings brought challenges (like connectivity issues, limited interactions etc.) that ELA will seek minimizing in the future training activities.

The second set of trainings, scheduled for January 2021, addresses the EU acquis in the area of labour mobility, in particular as regards posting of third country nationals and highly mobile workers.

1.2.5. Translation of ELA-produced material

The Authority is set to translate the arrangements and tools mentioned above, such as the Model agreement for inspections etc., in order to facilitate the dissemination and ease of use of this material.

1.2.6. Summary of achievements

Activities	Method	Results
Working Group	Organisation of the meetings, reimbursement of costs	▷ ELA organized 5 meetings of the Working Group; limited costs were incurred since most of the meetings took place online
Arrangements and tools, incl. consultancy services	Service contract	▷ A call to select a contractor to provide consultancy services has been successfully launched; ELA is expected to sign the contract in the beginning of 2021

²¹ Including newly developed tools as described in section 1.2.2.

²² Some material is published on ELA website - <https://www.ela.europa.eu/what-we-do#ecl-inpage-168>

Pilot inspections	Service contracts for logistics and interpretation, reimbursement of costs	▷ ELA assisted in 5 pilot inspections in close cooperation with MS and other stakeholders which addressed certain abuses in labour mobility field; it also helped to test the effectiveness of ELA's tools and procedures in action. Following the pilot inspections, interpretation and translation costs were reimbursed.
Learning and training	Service contract	▷ A call to select a contractor to facilitate the provision of learning and training activities has been drafted and is planned to be launched in the beginning of 2021.
Translations	Translation Centre or service contract	▷ Not used. (Only interpretation and translation costs related to pilot inspections were reimbursed under above activity 'Pilot inspections').

1.3. Other actions

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

Such preparatory actions covered the following objectives, and referred to all other tasks presented in ELA regulation, article 4:

- ▷ 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.

1.3.1. 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) is essential in this respect, because they provide a physical contact point between the EU level and ELA, the national administrations and the authorities of other Member States, working shoulder to shoulder with their peers from other countries. Work in this area was launched with internal discussions and trainings aimed at better understanding the existing channels of communications and their limitations. Among others, ELA staff, including the NLOs, participated in trainings on the IMI and the secure exchange of information reflecting the role of the GDPR²³ and data protection. In addition, the importance and future application of this task for the road transport sector was discussed with Member States and sectoral stakeholders.

1.3.1.1. Creating a directory of national contact points

With a view of facilitating the identification of the relevant contact points, ELA, together with National Liaison Officers, developed a draft concept directory of contact points ("who-is-who") covering a broad range of relevant institutions and organisations in the labour mobility areas. The list includes, among others, social partners, relevant international institutions such as the ILO, OECD and UN; candidate countries and EFTA countries; national stakeholders such as relevant ministries, in-house agencies, social security institutions, and labour inspectorates;

²³ General Data Protection Regulation (EU) 2016/679

as well as stakeholders at EU level such as Directorates General of the Commission, working groups, committees and EU Agencies. The directory is intended for internal use only. In order to make it accessible online, a test will be carried out in 2021 exploring ways to integrate it in the ELA ICT environment.

1.3.1.2. Training of National Liaison Officers

The training for National Liaison Officers on EU labour mobility legislation, processes and tools was provided in the wider context of the training which the Authority offered to its staff. The trainings were delivered by experts from ELA as well as several directorates-generals of the European Commission: DG EMPL, DG MOVE and DG GROW. Topics covered ELA key tasks such as concerted and joint inspections, tackling undeclared work, EURES or analysis and risk assessment, as well as tools relevant for ELA but not managed by it, such as SOLVIT, IMI, or Your Europe portal.

1.3.1.3. Developing a collaborative space for secure information sharing

The Authority launched internal discussions with the view to establishing a collaborative space for secure sharing of information to facilitate the work of its staff, and notably of National Liaison Officers.

1.3.2. 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. The Authority engaged in preparatory actions and organised activities with a view to developing a strategy for the development of this task and informing its planning for the next years.

1.3.2.1. Organising a workshop with EU agencies and relevant bodies

In November 2020, ELA hosted its first ever ELA (online) workshop with other EU agencies, services and networks active in the field of employment, social policy and beyond (Eurofound, EU-OSHA, Cedefop, ETF, Europol, Eurojust, Your Europe Advice and SOLVIT, and DG EMPL). With the workshop, ELA kicked-off cooperation in the area of labour mobility analyses and risk assessment. ELA and the participants discussed other EU bodies' activities in the field of analyses and risk assessment to ensure complementarity of actions and to promote synergies and avoid duplication of work. Following the workshop, bilateral follow-up meetings will be held so as to set the ground for any future cooperation agreements or memoranda of understanding.

1.3.2.2. Organising a workshop on risk assessment tools

Due to the COVID-19 pandemic, instead of a physical workshop on risk assessment tools, an online exchange of views on Member States' experience with risk assessment took place with the experts of the Working Group on Inspections in October 2020. As a follow-up, the Authority engaged in bilateral discussions via its network of National Liaison Officers with national competent authorities of selected Member States to preliminary map Member States' tools and approaches to risk assessment with a view to preparing further comprehensive activities in this field.

1.3.2.3. Other activities on labour mobility analyses and risk assessment

In addition to the planned activities defined in Work Programme 2020, within the online ELA Road Transport Workshop on 2 December 2020 (see section 1.1.4. for further details), on the basis of a questionnaire circulated among national competent authorities, social partner organisations, and enforcement organisations, ELA held a

discussion with the experts attending the Road Transport Workshop on sector-specific priorities to inform its planning for 2021.

Also, in December 2020, ELA held a discussion with the ELA Stakeholder Group on the task of labour mobility analyses and risk assessment, with a particular focus oriented at the engagement of social partners into its works. The Stakeholder Group agreed to continue discussing possible working models (e.g. checklists) and methods for the Stakeholder Group’s contribution to labour mobility analyses and risk assessment in 2021.

Activities	Method	Results
Workshop with other agencies and bodies	Contract for services	<p>Due to the COVID-19 pandemic, physical meetings were replaced by online ones and no contract was required. The results of the workshop with other EU bodies are the following:</p> <ul style="list-style-type: none"> ▷ Mapping of other EU agencies, services and networks competences having an impact on labour mobility analyses and risk assessment. ▷ Exploration of potential avenues of cooperation between ELA and other EU bodies within their mandates. ▷ Follow-up bilateral discussions will be initiated with a view to promoting synergies, ensuring complementarity of actions and avoiding overlap.
Workshops on risk assessment	Contract for services	<p>Due to the COVID-19 pandemic, physical meetings were replaced by online ones and no contract was required. The results of the series of meetings with Member States are the following:</p> <ul style="list-style-type: none"> ▷ Engaging the network of the NLOs to prepare bilateral meetings with national competent authorities on national tools and approaches to risk assessment. ▷ Gathering and processing input received by national competent authorities for ELA’s planning on risk assessment activities for 2021.

1.3.3. 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. Throughout 2020, the operational area of capacity building has engaged in mapping capacity building efforts in similar settings, either by similar actors or in similar topic areas. This work was partly undertaken in preparation of the Intra-agency workshop on capacity building organised in January 2021.

A second stream of work focused on drafting a framework contract for service provision set out to provide strategic input but also operational assistance in putting in place capacity building activities in the name of ELA. The framework contract will be launched in 2021. In addition, several discussions took place aiming to scope the capacity building needs across various ELA tasks for the coming years.

Besides these preparatory activities, several capacity building activities were organized during 2020 by the teams responsible for inspection and information activities. A short presentation of these actions and cross reference to this activities are introduced in the next subsections.

1.3.3.1. Training for inspectors and Authority staff, including National Liaison Officers

As already presented in Section 1.2.4, the Authority has organised in 2020 the first set of online two days training, on inspections, for over 70 national inspectors and trade union’s representatives, where ELA National Liaison Officers participated as well. In addition to these trainings, several trainings for new staff joining ELA were organized, where ELA NLOs attended, covering a broad range of topics, from policy related topics within the remit of the Authorities, up to using the systems and communication technologies available for working at ELA, especially useful during long term teleworking conditions.

1.3.3.2. Participating in the campaign for Declared Work

The Authority co-lead the #EU4FairWork campaign, on “Declared Work”, jointly with the European Platform tackling undeclared work as detailed in section 1.6. Running between March and October 2020, the Platform’s first EU wide campaign on declared work reached over 16 million people across the EU on social media.

Activities	Method	Results
Campaign on “Declared Work”	Contract for services	ELA co-lead the #EU4FairWork campaign, alongside the European Platform tackling undeclared work. <ul style="list-style-type: none"> ▷ The campaign reached over 16 million people across the EU on social media.

1.3.4. Mediation between Member States

Mediating and facilitating a solution in cases of cross-border disputes between Member States is one of the objectives of the Authority. Even though this activity was not a priority during 2020, the Authority initiated preparatory activities by engaging in dialog with the Administrative Commission and establishing a working group dedicated to this activity. As a result, at the 5th meeting of the Management Board on 15 December 2020, the decision to set-up the working group on mediation was adopted.

1.3.4.1. Working relations with the Administrative Commission on social security coordination

In 2020, the Authority initiated contacts with the Administrative Commission on social security coordination with the aim to start discussions on cooperation in relation to social security, including mediation. The Authority informed the Administrative Commission that it will be setting up a working group on mediation. The working group will be tasked to discuss and agree on the set-up of the mediation procedure, to propose draft rules of procedure and working arrangements for adoption by the Management Board. The Authority invited the Administrative Commission to nominate two experts to the working group. These two experts would contribute with their expertise in the conciliation procedure in the area of social security coordination, which would be of benefit for the working

group. For these reasons, and with a view to start discussions, the Authority proposed an introductory meeting with the Administrative Commission²⁴.

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

The Authority has started the work to integrate the activities of the EURES European Coordination Office and the European Platform to enhance cooperation in tackling undeclared work ('Platform'), and aims to finalize the integration process by 2021.

The Commission has continued to manage both bodies in 2020 as mandated by Article 44 of the Regulation. The Authority has started organising preparatory actions in 2020 with a view to ensuring knowledge transfer and business continuity following the transfer.

1.3.5.1. Preparatory work for the transition of EURES European Coordination Office

ELA will be in charge of managing the activities of the *European Coordination Office (ECO)* of EURES. In 2020, a number of activities took place in order to ensure the transfer of ECO from the Commission to ELA. The activities carried out are presented in the next subsections.

During 2021, the Authority will progressively integrate all the responsibilities of the ECO managing the EURES network, thus completing the transfer of EURES tasks from the European Commission. The Authority will pursue business continuity for EURES as a first priority.

Ensuring business continuity during transfer

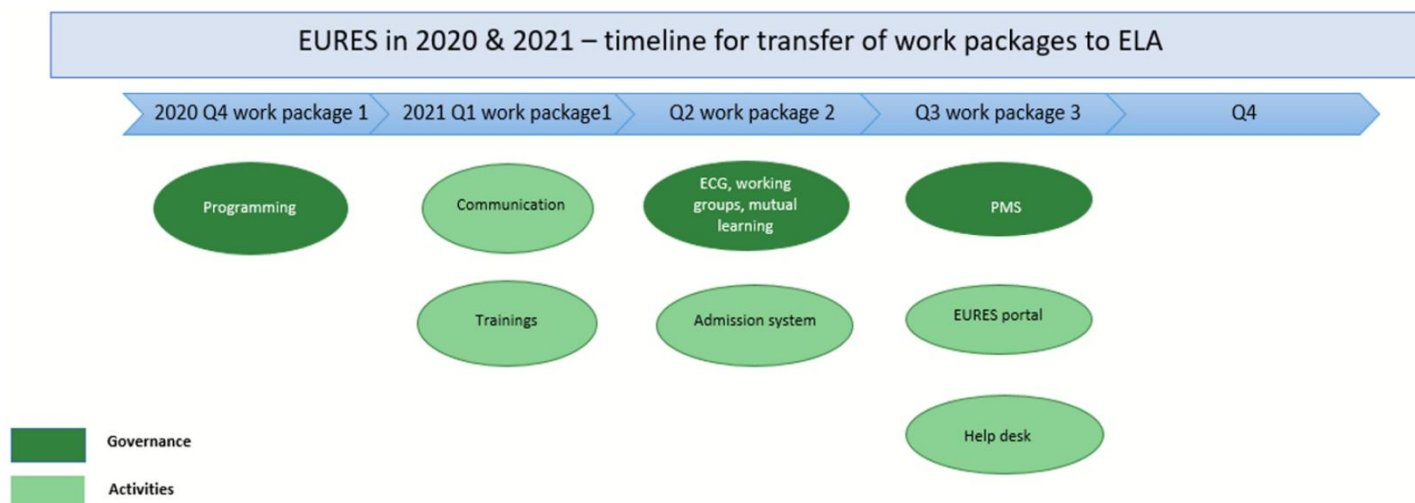
In view of having ECO transferred from the Commission to ELA by 2021, ELA closely cooperated with the Commission in 2020 in order to programme and participate in upcoming events, including by liaising with external contractors and preparing the relevant documentation. The main objective has been to ensure full business continuity through an orderly transfer from the Commission of skills, knowledge, and contracts. According to the roadmap²⁵ agreed with the Commission, preparatory actions for the transfer of activities have started in 2020 and they are divided into three work packages:

- ▷ The first package contains the transfer of the programming cycle, communication and training activities to the Authority. The transfer of the programming cycle has proceeded according to plans in 2020; ELA organised online the Programming Cycle workshop and two roundtables in October with the European Commission and was involved in follow-up activities. Job shadowing for EURES Training and Communication has started and ELA signed a specific contract to cover EURES Training in Q1 2021 and a new framework contract for EURES Communication and European (Online) Job Days (E(O)JDs).
- ▷ The second package covers transfer of the EURES network governance (*EURES Coordination Group (ECG)* meetings, working groups and admissions system). ELA has assisted the Commission in the preparation of the ECG meetings scheduled for the first quarter of 2021.

²⁴ During this meeting (which was held in January 2021) the Authority explained in more detail the work planned for mediation in 2021, discussed future cooperation on the coordination of social security, including on mediation, and the participation by the Administrative Commission representatives in the working group.

²⁵ The Commission's opinion of 27.10.2020 on the draft Programming Document 2021 of the European Labour Authority (ELA) acknowledges the agreement between ELA and the Commission on the roadmap.

- ▷ The third package is dedicated to the transfer of the EURES portal management and the Performance Management System to ELA.



Human resources

ELA started a process of targeted recruitment of EURES human resources in 2020 to ensure the above mentioned transfer of competences. In addition ELA staff have been “job-shadowing” the Commission’s staff during 2020 on most EURES activities.

The successful recruitment of a Labour mobility Officer and a Project Officer to deal with the coordination of the EURES activities at ELA took place in 2020. The recruitment process of a EURES Communication Officer started at the end of 2020 and on-boarding is foreseen for Q1 2021.

With regard to the EURES Portal, the recruitment process of an experienced Business Manager in charge of defining business needs and priorities, lead and coordinate all the activities and processes to maintain and further develop the EURES Portal was finalised. ELA Business Manager took up functions on 1 December 2020. Lastly, the recruitment of Seconded National Officers is planned for 2021.

Operational Activities

This section presents an overview of the EURES preparatory operational activities that took place in 2020 in view of their full transfer in 2021, which will fall under the competence of the ELA.

European Coordination Office

The ELA has assisted the Commission in the preparation of the two ECG meetings scheduled in 2020 in order to be prepared to organise meetings in 2021. The transfer of EURES to ELA and current ELA staff working on EURES activities have been presented to ECG members, allowing them to start familiarising with the new management of ECO in June and an update of the roadmap was presented in the ECG meeting in November.

Annual programming cycle

The ELA took over the activities in relation to the programming cycle in Q4 2020 and cooperated with the Commission in the organisation and management of the workshop initiating the annual programming cycle 2021, which took place in October 2020. The ELA is already actively involved in the following phases of the cycle, which includes the joint review of annual work programmes set in Q4 2020 and the drafting of the public summary of the work programmes by the end of the programming cycle 2020, in Q1 2021. In this context, ELA benefited from the contract providing services for the Commission to the programming cycle.

Performance Measurement System (PMS)

In order to monitor the performance of EURES activities, Member States collect comparable qualitative and quantitative data at national level on an annual basis in line with Article 32 of the EURES Regulation and [Decision \(EU\) 2018/170](#). Member States collect data on their information and guidance activities, employment performance (including placement and recruitment) and customer satisfaction with the EURES network, which feeds into a semester report and an annual report.

Part of the job shadowing activities, ELA staff attended the Hands-on Communication Training on PMS and participated the session dedicated to integrate the single digital gateway requirements into EURES in order to be prepared to assist the Commission in the production of the semester reports (first semester report was published in September 2020 and the annual consolidation report related to the year 2020, to be presented in July 2021), which includes both national analyses and EU-wide assessment.

Training

ELA started coordinating with the Commission to ensure a smooth transfer of EURES Training activities by 1 of January 2021. A first Specific Contract to cover activities in Q1 2021 was signed by ELA in December 2020 under the Commission's framework contract. The ELA has also started drafting the tender specification for a new EURES Training framework contract that will start covering activities upon expiration of the Commission's last specific contract in mid-December 2021. A meeting took place in December 2020 with the Commission to discuss necessary changes and improvements to be implemented through the new framework contract.

In addition, ELA staff has been involved in all relevant meetings with the contractor and the Commission, which ensured a successful transfer of knowledge regarding the organisation of Trainings.

Communication activities

In view of the expiration of the DG EMPL communication framework contract in 2020, ELA signed a new communication framework contract in December 2020, which will also cover specific needs of the EURES communication activities – previously covered by DG EMPL's expiring contract. In addition, ELA staff has been involved in all relevant meetings with the contractor and the Commission as a part of the job-shadowing exercise. An agreement between ELA and the Commission has been made regarding the necessary meetings to take place in Q1 2021 for the proper handover of the different Communication activities.

European (Online) Job Days

ELA tendered a new communication framework contract, signed in December 2020, through which the maintenance and development of the E(O)JDs platform will be covered from March 2021 and E(O)JDs events organisation from September 2021, upon expiration of the Commission's specific contract. In addition, ELA staff has been involved in all relevant meetings with the contractor as a part of the job-shadowing exercise.

EURES Portal

The new EURES Portal Business Manager at ELA started the job shadowing of activities from 1 December 2020 to ensure the continuity of such services by taking over the contribution to the related framework contract, managed by the Commission in July 2021 according to the agreed roadmap on the transfer.

Communication and dissemination activities: Communication framework contract

ELA launched and signed in Q4 2020 a new service framework contract in order to be able to implement EURES communication activities and execute its information and communication budget.

Activities	Method	Results
European Coordination Group	Specific contracts for the organisation and reimbursement of travel expenses	▷ ELA has participated to ECG meetings that took place in 2020. The Programming Cycle roundtables and workshop were organised online together with the Commission.
Training	Contract for services	▷ ELA was included in the Commission’s framework contract for EURES Training as contracting party. ELA agreed on the training calendar for S1 2021 and signed a first specific contract in December 2020 to cover and provide training activities for EURES advisors in Q1 2021.
EURES Communication activities	Contract for services	▷ ELA tendered a new communication framework contract, signed in December 2020, through which EURES Communication activities will be covered from March 2021 upon expiration of the Commission’s specific contract to ensure business continuity in EURES communication moreover, to develop and implement a new communication strategy.
European (Online) Job Days	Contract for services	▷ ELA tendered a new communication framework contract, signed in December 2020, through which E(O)JDs events will be covered from March 2021 upon expiration of the Commission’s specific contract. ELA assisted the Commission managing the E(O)JDs events and website.
EURES Portal: - consultancy - helpdesk - translations - hosting fee - licences	Contract for services	▷ According to the roadmap, the portal management including helpdesk, translation, hosting fees, licences and employing business analysts will be transferred to ELA in 2021. Therefore, ELA recruited a Business Manager for the EURES Portal and job shadowing with the Commission started in December 2020.

1.3.6. Preparatory work for the transition of the European Platform tackling undeclared work

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

First, it participated in the Platform’s working group elaborating the work programme 2021-2022. This helped to ensure coordination and coherence of the activities of the Authority and of the Platform. Second, Commission staff working on the Platform and the Authority agreed to work together and keep each other informed in preparing and

carrying out key activities foreseen for 2021, such as plenary sessions, information seminars, and learning activities. The close cooperation should continue at least until the transition of the Platform takes place and the Authority accumulates the necessary know-how and experience in managing it, later in 2021. Among others, the Authority received access to the Platform's collaborative workspace. Finally, the Authority co-lead the campaign #EU4FairWork alongside the Platform. The activities and results described above did not require support in the form of a contract of service, as initially planned in the Work Programme 2020.

Activities	Method	Results
Preparatory works	Contract for services	<ul style="list-style-type: none"> ▷ The preparatory works implemented and the results achieved (see above) did not require support in the form of a contract of service, as initially planned in the Work Programme 2020. [The contract of service may be used in 2021.]

1.3.7. Preparatory works for integration of existing bodies

The European Labour Authority engaged in close dialogue with the Commission and the Technical Committee on the Free Movement of Workers and the Committee of Experts on Posting of Workers by participating in the meetings of these two committees under the Commission's leadership providing updates with respect to the Authority's activities. Discussions are on-going with the Commission with a view to incorporating the activities of these bodies into the ELA structure and activities in the most efficient and comprehensive way possible.

1.3.8. Cooperation with other bodies

Several activities aiming to create synergies and avoid duplication with relevant stakeholders and other agencies were organized by ELA during 2020. Some of these activities were already presented:

- ▷ Collaboration with EUROPOL within the context of pilot joint and concerted inspections – more details in section 1.2.3;
- ▷ The first ELA workshop in the area of labour mobility analyses and risk assessment with other EU agencies, services and networks active in the field of employment and social policy. More details in section 1.3.2.1;
- ▷ Preparation of the Intra-agency workshop on capacity building to be organised in January 2021 (see section 1.3.3.);
- ▷ Liaison with the Administrative Commission for the Coordination of Social Security Systems as presented in section 1.3.4.1.

1.4. Communication and dissemination activities²⁶

As a newly established EU body, the European Labour Authority is not yet widely known to the public. During 2020, ELA enhanced its online presence and visibility through an increased social media presence and by leading, alongside the European Platform tackling undeclared work, the [#EU4FairWork campaign](#). Running between March

²⁶ This part does not include corporate communication activities, e.g. Web page, brochures, communication materials that are of an administrative nature (Title 2). Further information on these activities is available in the section 2.1.6 *External communication infrastructure*

and October 2020, the Platform’s first EU wide campaign on declared work reached over 16 million people across the EU on social media.

A priority for ELA was to finalise its communication and dissemination plan, which started being developed in 2019. In the course of 2020, the Authority’s communication service developed a comprehensive, multiannual communication plan (valid until 2023) with the support of an external contractor. This plan sets out ELA’s communication objectives, target audiences, main messages and challenges, and was adopted by ELA’s Management Board in December 2020.

A conference about the first year of activity of ELA was expected to take place in the second half of 2020, taking stock of the achievements and to communicate about ELA to a wider public. Because of the COVID-19 pandemic, this conference could not take place and has been rescheduled to 2021 with the agreement of the MB. A provider has been hired and a location preliminary identified.

Activities	Method	Results
Communication and dissemination plan	Service contract	▷ Finalised and approved by ELA’s Management Board in December 2020.
Conference on ELA	Service contract	▷ ELA conference is on hold because of the COVID-19 pandemic. It is indicatively rescheduled for 2021.



**PART II.
MANAGEMENT**

2. Management

This section includes updates on the cross cutting activities, including governance, management of resources and other support activities for all the Authority. The section also covers an overview of significant risks and control issues signalled to and discussed with the Management Board and significant items approved or decided by the Management Board.

2.1. (a) Governance and Management Board

The Authority's administrative and management structure includes a Management Board, a Stakeholder Group and an Executive Director. The start-up phase of the Authority continued 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, which was successfully finalised. The Authority continued shaping its structures with recruitment, HR policies and rules, including on-boarding and training of staff.

2.1.1. Management Board

The Authority is governed by a Management Board, which meets at least twice a year. The Management Board provides the strategic orientations and oversees the Authority's activities.

The Management Board was set to meet three times in 2020 (March, June and December) but the March meeting was cancelled due to the COVID-19 related measures. The meeting was replaced by the launch of written procedures for the documents to be adopted during the meeting and a number of bilateral discussions with Management Board members on ELA's priorities for 2021 and the period 2022-2024. Additionally, one extraordinary meeting took place in October, dedicated to the nomination of ELA's first Executive Director.

Over the course of 2020, 73 documents were presented to the attention of the Management Board, of which 26 decisions²⁷. Among the number of important issues on which the Management Board deliberated, are:

- ▷ the appointment of ELA's first Executive Director;
- ▷ the move from short-term to mid-term planning of activities, with the preparation and adoption of the first ELA multi-annual Single Programming Document for the period 2022-2024;
- ▷ ELA's budget for 2021 and draft estimate budget for 2022;
- ▷ the Rules of Procedure of the Stakeholder Group;
- ▷ the appointment of the ELA Accountant;
- ▷ ELA's Internal Control Framework;
- ▷ the development of a comprehensive set of tools and procedures to facilitate concerted and joint inspections, allowing for their operationalisation and implementation in 2021;
- ▷ ELA's first communication and dissemination plan;
- ▷ preparatory work for the setting-up of the ELA Mediation, including the establishment of the Working Group on Mediation;
- ▷ the transfer of EURES European Coordination Office (ECO) activities to ELA;
- ▷ a decision to delegate relevant appointing authority powers to the ELA Executive Director;
- ▷ a number of Human Resources related decisions (e.g. education costs for children of ELA staff, appraisal of temporary and contract agents).

²⁷ ELA MB decisions are available on the ELA website at: <https://www.ela.europa.eu/governance>

2.1.2. Executive Director

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

The Executive Director, Mr Cosmin Boiangiu, was nominated on 22 October by the Management Board of the Authority. He received the confirmation by the European Parliament, following which he was officially appointed on 10 December 2020 and took office on 16 December 2020.

2.1.3. Stakeholder Group

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

The first official Stakeholder Group meeting took place on 5 May 2020, where the Stakeholder Group adopted its Rules of Procedures and discussed ELA's priorities for 2021 and the period 2022-2024. The Stakeholder Group met a second time in December and held one joint meeting with the Management Board on 15 December 2020.

On 15 June, the Stakeholder Group submitted an opinion on ELA's priorities for 2021 and the period 2022-2024. It was presented to the Management Board during its fourth meeting on 29 June 2020.

2.2. Major developments

Financial, human resources, 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. The following sections provide updates on the developments in these areas, which are supporting ELA's growth stage during the first full year of operation.

2.2.1. Financial resources

In the 2020, the Authority's financial resources focused intensively on setting up its administrative capacity, implement the actions in the Work Programme 2020, prepare for the financial autonomy and build the financial and procurement sector.

Regarding the setting up of the administrative capacity, several Service Level Agreements with Commission services or other Agencies, as well as, Memoranda of Understanding for participation in Inter-Institutional Framework contracts have been signed. Moreover, the Authority has launched its own tender procedures and made use of Inter- Institutional Framework contracts for equipment and services in view of the relocation to its seat in Bratislava in 2021.

Regarding the implementation of the Work Programme 2021, the Authority has launched its own open or negotiated tenders and proceeded with the necessary signature of the contracts and payments. To be noted that as the Authority continues not being financially autonomous all financial transactions were implemented by DG EMPL according to its internal rules and procedures.

Regarding the Financial autonomy, the Authority's MB has adopted²⁸ the ELA Financial Rules and Financial Autonomy Requirements after consulting relevant services of the European Commission. The Authority remains

²⁸ Management Board Decision of 15 December 2020

in contact with the relevant services to ensure the timely achievement of its financial autonomy, whilst also focusing on preparing its future financial procedures.

Regarding the building up of the finance and procurement sector, in 2020 the Authority has launched two selection procedures: one for the Finance and Procurement Assistants profile and one for the Budget Officer profile. Whilst the COVID-19 pandemic initially delayed some recruitments, all the recruitments for this sector will be completed by 1 March 2021.

2.2.2. Human resources

As a decentralised agency of the European Union, the Authority employs 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)²⁹ of the EU, as well as implementing rules giving effect to these, apply to the staff of the Authority. The Authority also hosts Seconded National Experts, including National Liaison Officers.

Among others, Human Resources activities cover the Authority’s workforce planning and reporting, recruitment and selection, the management of personnel and payroll administration; the management of staff welfare and well-being actions incl. integration of staff initially in Brussels and following the move to the seat; the management of performance appraisal and reclassification; the management of the Authority’s learning and development, organisational design and development, HR rules, various policies, etc.

In 2020, the Human Resources activities were in a start-up phase, and will be further developed and shaped following the financial autonomy of ELA planned for 2021, its removal to Bratislava in 2021, and future ELA developments and reinforcement of its resources.

2.2.3. ICT

The ICT Services from the European Commission were successfully used throughout the year for all staff, with especially successful tele-working provisions enabled by DIGIT.

The appropriate solutions available for ELA that would meet the requirements and available budgets were assessed and taking in account the Commission’s requirements for digitalisation of the Commission and the recommendations in the European Commission’s Digital Strategy³⁰ and it was decided that ELA would adopt a Cloud based/Outsourcing strategy to the greatest extent, which would deliver on all of the goals in the Commissions Digital Strategy.

The designs for the new ICT Solutions were discussed with appropriate team members and the ICT Director at DG EMPL and this resulted in engagements with the appropriate Owners of the framework contracts that would be required to be used for the procurement of the appropriate services. Based on the overall architectural topology for the ICT solution, engagements with the appropriate vendors of all the relevant framework contracts were commenced and where necessary procurements were activated to ensure that ELA took advantage of budget allocations in this financial year.

ELA procured the necessary licences, so that configuration of the environment could commence. Upon the full configuration, this will allow not only standard office collaboration features around Microsoft Teams, but also telephony integration into Teams and security features that are not standard with other licence options.

²⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501>

³⁰ European Commission’s Digital Strategy - C(2018)7118 available at: https://ec.europa.eu/info/sites/info/files/strategy/decision-making_process/documents/ec_digitalstrategy_en.pdf

ELA has started consultancy engagements with the vendor of the Cloud Broker Framework Contract which ELA is participating in for the majority of the ICT Services that are required. The consultancy engagements are defining the services in line with ELA's requirements, installing network circuits to the new building in Bratislava and defining the full service catalogue for all services being procured through the Cloud Broker Framework Contract.

2.2.4. Building

ELA prepared and submitted a building file on 2 July 2020 for its future headquarters in Bratislava, which was approved by the European Parliament and the Council. This enabled ELA to enter into further negotiations on the Sublease Agreement with the relevant parties. The new premises are located in the building Landererova 12, an administrative building where ELA will rent three office floors and one floor for a conference suite, sharing the common spaces of the main entrance and facilities with other tenants.

In view of the move to its permanent seat during 2021, ELA prepared all the necessary documentation required for the architectural definition of spaces and carried out a complete development of the design of the floorplans. In provision of the delivery of equipment on time, ELA arranged the access to relevant OIB framework contracts that allowed to complete the orders of the different type of furniture to equip every workstation, meeting rooms and social areas.

2.2.5. External communication infrastructure

During 2020, ELA developed its overall communication infrastructure. In particular, the Authority implemented an improved version of its website and developed an initial visual identity. New service contracts were also set up to further improve ELA's visual identity, as well as existing communication materials (brochure, corporate video).

2.3. Budgetary and financial management

In 2020 the Authority was not financially autonomous and all its activities were exclusively financed through the operational budget line of the European Commission - DG EMPL.

In order to achieve its objectives as stated in the Work Programme 2020, the Authority has proceeded to a number of financial transactions as detailed in the table 1 below.

Table 1: Number of Commitments and Payments done in 2020 per title.

Budgetary Title	Number of Commitments	Number of Payments
Title I - Staff expenditure	32	206
Title II - Infrastructure and operating expenditure	41	30
Title III - Operational expenditure	23	14
Total	96	250

In 2020, ELA managed a budget of EUR 12.577.525 in commitment appropriations and EUR 3.171.951,74 in payment appropriations.

The Authority had a high budget implementation rate at the end of 2020:

- 1) **97.85 %** for commitment appropriations, taking into account the non-automatic carry-over of commitment appropriations authorised by the Management Board in February 2021, as summarised in Table 2.

The commitments booked under title III – Operational Expenditure will extent to more than one financial year in accordance with the Work Programme 2020 actions.

Table 2: Commitment appropriations

Budgetary Title	Budget 2020	Implemented Budget	Implement Budget (%)
Title I - Staff expenditure	3.096.915,96	3.065.288,64	98,98%
Title II - Infrastructure and operating expenditure	3.393.692,04	3.253.588,65	95,87%
Title III - Operational expenditure	6.086.917	5.988.032,93	98,38%
Total Budget	12.577.525	12.306.910,22	97,85%

- 2) **85,74 %** for payment appropriations, including the carry-forward of administrative expenditure from 2019 to 2020, as summarised in Table 3.

Table 3: Payment appropriations

Budgetary Title	Budget 2020	Implemented Budget	Implement Budget (%)
Title I - Staff expenditure	2.176.719,06	1.786.642,81	82,08%
Title II - Infrastructure and operating expenditure	760.357,82	737.857,82	97,04%
Title III - Operational expenditure	234.874,86	195.064,76	83,05%
Total Budget	3.171.951,74	2.360.016,06	85,74%

There were no interest charged to late payments concerning the Authority's activities.

Regarding the implementation of appropriations carried forward from the 2019, the implementation rate is 74,32%.

	Budget carried forward from 2019	Implemented Budget	Implement Budget (%)
Total Budget	1.597.916,32	1.187.667,4	74,32%

Regarding the appropriations carried forward to 2021 they amount to EUR 10.134.284 commitment appropriations, out of which EUR 7.144.820,80 are global commitments and 3.538.411, 56 are individual commitments.

Amending Budget

The Management Board approved on 22 October 2020 one amendment to the budget.

The Amending Budget concerned returning EUR 3.105.725 in commitment appropriations to the European Commission due to the reasons highlighted below:

- ▷ The **staff expenditure** (title 1) has been decreased from EUR 5 085 000 to EUR 3 572 358 mainly due to the delays of staff recruitment due to the COVID19.
- ▷ The Infrastructure and Operations Expenditure (title 2) has remained unchanged.
- ▷ The **operational expenditure** (title 3) has been decreased from EUR 7 680 000 to EUR 6 086 917 mainly due to the fact that the Undeclared Work Platform will be handed over by the European Commission to the Authority in summer 2021. Moreover, due to the COVID19 pandemic, the majority of the on-site meetings of the Working Groups on Information and Inspections have become online, while many joint inspections have been cancelled.

The Table 4 provides a detailed breakdown of the amending budget by title.

Table 4: Breakdown of 2020 amending budget

Budgetary Title	Initial Budget 2020	Amended Budget 2020	Returned amount
Title I - Staff expenditure	5.085.000	3.572.358	1.512.642
Title II - Infrastructure and operating expenditure	2.918.250	2.918.250	0
Title III - Operational expenditure	7.680.000	6.086.917	1.593.083

Total Budget	15.683.250	12.577.525	3.105.725
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Budget Transfer

The Management Board approved on 8 December 2020 one amendment to the budget.

The budget transfer 2020 **was** the result of **the budget optimization exercise** on the remaining unspent **commitment** appropriations of ELA during November 2020, as well as, of the communication of the Slovak Authorities on the estimate of the fit out costs in charge of the Authority **for its future premises in Bratislava**.

The Budget transfer concerns, as detailed in Table 5 below:

1. The transfer amount of EUR 475.442,04 from title I to title II.
2. The transfer of EUR 740.134,62 within Title II.

Table 5: Breakdown of 2020 budget transfer

	COMMITMENT APPROPRIATIONS	
	Appropriations Budget 2020	Appropriations to be transferred
Salaries & allowances	1.515.269,00 €	- 84.731,00 €
- <i>Of which establishment plan posts</i>	675.835,00 €	
- <i>Of which external personnel</i>	839.434,00 €	
Expenditure relating to staff recruitment	551.000,00 €	- €
Mission expenses	50.000,00 €	- €
Socio-medical infrastructure	527.500,00 €	- 401.865,74 €
Training	337.638,00 €	- 58.784,94 €
External services	490.000,00 €	85.209,03 €
Receptions, events and representation	100.951,00 €	- 100.000,39 €
Other staff related expenditure	- €	- €
Title I - Staff expenditure	3.572.358,00 €	- 475.442,04 €
Title I - Staff expenditure in %	100%	
Rental of buildings and associated costs	59.700,00 €	1.050.000,00 €
Information, communication technology and data processing	843.666,00 €	83.147,87 €
Movable property and associated costs	1.279.041,00 €	- 294.596,63 €
Current administrative expenditure	60.000,00 €	- 50.000,00 €
Postage / Telecommunications	40.000,00 €	- 40.000,00 €
Meeting expenses	179.075,00 €	- 124.869,99 €
Information and publishing	305.268,00 €	- 214.168,00 €
Other infrastructure and operating expenditure	151.500,00 €	- 16.500,00 €
Title II - Infrastructure and operating expenditure	2.918.250,00 €	393.013,25 €

Carry-over by decision

On 9 February 2021, the Management Board approved a non-automatic carry-over of the budget 2020.

The amount to be carried-over is EUR 640.720,43 from title II. This concerns three requests for service under the Framework Contract No SCIC-2016-S5-3471731 Lot 1 and Lot 2 for audio visual and meeting rooms' equipment for ELA's premises in Bratislava.

Procurement procedures

In 2020, the Authority made as much as possible use of existing Inter-Institutional Framework contracts for its administrative and operational activities, while launching calls for tender (negotiated, open) when required the Table 5 presents the number of procedures launched in 2020.

Table 5: Breakdown of number and type of procurement procedures

Type of Procurement Procedure	Number of procurement Procedure
Open Procedure	3
Negotiated Procedure	9
Request for Service	26
Total	38

Service level agreements

In 2020, the Authority signed 4 more Service level Agreements:

1. EUROFOUND for sharing their Accounting officer.
2. FCH and Shift2 Rail Joint Undertaking for provision of TESTA-ng services
3. The British International School in Bratislava
4. OIB for operational, logistical, administrative and real estate services, goods and work

More detailed information on the current SLAs of the Authority can be found in Annex VI.

Controls and results

As the Authority is not financially autonomous, all financial transactions were implemented in accordance with the standard operating procedures and checks in place of the European Commission – DG EMPL.

2.4. Delegation and sub-delegation

Not applicable; no delegations signed during 2020. During 2020, DG EMPL Directorate D Director acting as the AOSD for ELA budget.

2.5. Human Resources management

The Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants (CEOS)³¹ of the EU, as well as implementing rules giving effect to these, apply to the staff of the Authority. Throughout 2020, in its start-up phase, ELA continued the adoption of HR rules and regulations and the adaptation of templates, processes and procedures, in line with the Staff Regulations (SR) (Art.110 of the SR).

Several rules pursuant to Article 110(2) of the SR were adopted by the Management Board in 2020, for a detailed list please see Annex IV.

Recruitment was a key priority in 2020. Therefore, ELA successfully continued the selection and recruitment of staff in the area of labour mobility and social security, and also professionals in human resources, finance,

³¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501>

procurement, communication, ICT and other horizontal areas enabling the functioning of the Authority as in line with the authorised establishment plan and budget envelope 2020. In parallel, the selection process to recruit the Executive Director was ongoing, with a successful candidate appointed and taking up duties on 16 December 2020.

The Authority further launched several recruitment procedures in 2020, which will be finalised in Q1 2021- Heads of Unit, Legal Officer, Senior Labour Mobility Officers, Budget Officer, etc. Moreover, further vacancies for Human Resources and Communications were published before the end of 2020, with a view to recruit as soon as possible. ELA is an equal opportunities employer and is strongly committed to promoting equality, diversity and respectful behaviour as part of its workplace culture.

The Authority welcomed a significant growth of its capacity, i.e. 43 new staff members by December 2020, incl. 18 National Liaison Officers (NLOs) on 16 September 2020. During 2020, ELA welcomed its first Head of Unit and 2 Head of Sector.

On 31 December 2020, ELA employed 25 staff (Temporary Agents and Contract Agents) and 18 National Liaison Officers. The table below shows the staff breakdown of filled posts by contract type and function group as at 31 December 2020.

Statutory staff and SNE

Staff	Year 2020		
	Authorised Budget	Filled as of 31/12/2020	Occupancy rate %
ESTABLISHMENT PLAN POSTS			
Administrators (AD)	14	13	93%
Assistants (AST)	6	3	50%
Assistants/Secretaries (AST/SC)	0	0	-
TOTAL ESTABLISHMENT PLAN POSTS	20	16	80%
EXTERNAL STAFF	FTE corresponding to the authorised budget	FTE as of 31/12/2020	Execution Rate %
Contract Agents (CA)	15	9	60%
Seconded National Experts (SNE, incl. NLOs)	30	18	60%
TOTAL EXTERNAL STAFF	45	27	60%
TOTAL STAFF	65	43	66%

Changes in the establishment plan 2020: The Establishment plan of the Authority for 2020 was modified with Decision No 3/2020 of 19 February 2020 of the Management Board on amending the European Labour Authority's Establishment Plan using the flexibility mechanism of 10% of the total amount of posts, by adding a new AD10 position (instead of AD9).

Next to the significant progress on recruitment, other achievements during 2020 include:

- ▷ the integration of all newcomers in the organisation. For that, ELA has carried out various dedicated training and (online) events focusing on knowledge sharing and team building, both with the help of existing colleagues and external consultants. Given the workforce's growth and the importance of proper introduction at the workplace, this has become an essential activity for ELA staff;
- ▷ Schooling is a key factor in fostering multilingualism and enabling ELA to attract and retain diverse qualified staff. In the area of the seat of the Authority, there is no European school. To that end, the Authority adopted two Management Board Decisions on schooling and pre-school facilities costs for the children of ELA staff;

- ▷ in response to the COVID-19 pandemic, ELA developed a guide on teleworking aiming at operational efficiency, business continuity and effectiveness.

Given the initial stage of growth of the Authority in 2020, it is too early to determine the numbers relating to the Inter-agency screening / benchmarking methodology (i.e. overheads/operational ratio). Given the limited (and yet further to grow) sample, the Authority did not undertake a screening/benchmarking exercise in 2020 as the results would not be reliable nor comprehensive.

2.6. Strategy for efficiency gains

With the aim of efficient and effective management of resources, several actions took place that reflect attention to efficiency gains:

- ▷ The Authority is using, as much as it can, MoUs and framework contracts developed by the European Commission or other EU bodies to cover outsourced services, in compliance with the EU financial rules;
- ▷ The Authority's ICT strategy is based on using as much as possible existing services provided by the Commission i.e. HR system SYSPER, Accounting System ABAC, Document Management System – ARES etc. The "cloud only" approach to ICT solutions is allowing for minimal capital investment in infrastructure, and reduction of need for ICT staff. Focus on M365 based collaboration features is expected to improve collaboration efficiency in office and teleworking work scenarios.
- ▷ ELA appointed the accountant of another Agency to cover specific tasks in financial management.
- ▷ Participation in the European Union agencies networks.

2.7. Assessment of audit and ex-post evaluation results during the reporting year

2.7.1. Internal Audit Service (IAS)

Not applicable.

2.7.2. Internal Audit Capability (IAC)

Not applicable.

2.7.3. European Court of Auditors (ECA)

The European Court of Auditors (ECA) published in 2020 the report 'Future of EU agencies – Potential for more flexibility and cooperation'³², which makes reference to ELA. References cover the political decision, the impact assessment (for which a new version was produced by the Commission services during the negotiations) and possible overlap of mandate with other agencies under remit of DG EMPL. The European Commission provided replies to all the aspects noted, which refer to ELA, however they cover phases that took place before the Authority was established.

³² Available at: https://www.eca.europa.eu/Lists/ECADocuments/SR20_22/SR_Future_of_EU_Agencies_EN.pdf

2.8. Follow up of recommendations

a Follow up of recommendations and action plans for audits and evaluations

Not applicable.

b Follow up of recommendations issued following investigations by OLAF

(2.8b Follow up of recommendations issued following investigations by the European Anti-Fraud Office (OLAF)³³)

Not applicable.

2.9. Follow up of observations from the discharge authority

Not applicable.

2.10. Environment management

Annex VII provides information on the actions taken by the Authority to reduce the carbon footprint, including the approach to reduce the environmental impact of ICT.

2.11. Assessment by management

The Authority has been established in 2019 and it is not financially autonomous yet. Furthermore, the Authority has to recruit more staff including on managerial positions.

2.12. Part II (b) (when relevant) External Evaluations

Not applicable.

³³ Article 11 Regulation (EU/Euratom) 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF)

**PART III. ASSESSMENT
OF THE
EFFECTIVENESS OF
THE INTERNAL
CONTROL SYSTEMS**

3. Assessment of the effectiveness of the internal control systems

3.1. Effectiveness of internal control systems

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. This includes all financial transactions and the responding exception reports. Compliance with the Internal Control Framework of the Commission is a compulsory requirement applicable.

3.2. Conclusions of assessment of internal control systems

The assessment of the internal control system is the responsibility of the Commission and will be reflected in the relevant section of the Annual Activity Report of DG EMPL.

3.3. Statement of the manager in charge of risk management and internal control

The Authority has been established in 2019 and it is not financially autonomous yet. Furthermore, the Authority has to recruit more staff and appoint a manager in charge of risk management and internal control.

**PART IV.
MANAGEMENT
ASSURANCE**

4. Management assurance

Until it reaches financial autonomy, the Commission is responsible for the establishment and initial operation of the Authority.

**PART V.
DECLARATION OF
ASSURANCE**

5. Declaration of assurance

I, the undersigned, Director of (agency),

In my capacity as authorising officer,

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 give the necessary guarantees concerning the legality and regularity of the underlying transactions.

This reasonable assurance is based on my own judgement and on the information at my disposal, such as the results of the self-assessment, ex-post controls, [the work of the Internal Audit Service – delete this if not applicable], [the work of the Internal Audit Capability - delete this if not applicable] [and the lessons learnt from the reports of the Court of Auditors - delete this if not applicable] for years prior to the year of this declaration.

Confirm that I am not aware of anything not reported here which could harm the interests of the agency.

[However the following reservations should be noted:] (delete this sentence if not applicable)

Place, date

..... (signature)

Name of the Authorising Officer

ANNEXES

Annex I. Core business statistics

The Authority plans to run a project dedicated to development of performance measurements during 2021 to cover all planning and reporting objectives of ELA. However, the results of the performance measurements project will be initially used to update the first draft SPD of ELA, namely the one dedicated to 2022-2024, before its final adoption by the ELA MB in November 2021. At this moment, it is assumed that the Consolidated Annual Activity Report 2022 will be the first report assessing the KPIs for ELA's activities. Nevertheless, in this document, chapter I and part of chapter II aim to address all the performance indicators included in the Work Programme of the Authority for 2020.

Annex II. Statistics on financial management

A. Detailed Budget execution

	COMMITMENT APPROPRIATIONS			PAYMENT APPROPRIATIONS			
	Appropriations Budget 2020	Appropriations Committed	Appropriations Available	Appropriations Budget 2020	Appropriations Paid - Budget 2020	Appropriations Paid - Budget 2019	Appropriations Available
Salaries & allowances	1.515.269,00 €	1.515.269,00 €	- €		1.384.481,23 €	- €	
- Of which establishment plan posts							
- Of which external personnel							
Expenditure relating to staff recruitment	551.000,00 €	551.000,00 €	- €		566,28 €	7.360,00 €	
Mission expenses	50.000,00 €	50.000,00 €	- €		3.461,33 €	4.126,59 €	
Socio-medical infrastructure	125.634,26 €	125.634,26 €	- €		50.306,76 €	- €	
Training	337.638,00 €	396.430,74 €	58.792,74 €		67.082,44 €	- €	
External services	516.424,09 €	426.004,03 €	90.420,06 €		238.250,92 €	30.246,20 €	
Receptions, events and representation	950,61 €	950,61 €	- €		761,06 €	- €	
Other staff related expenditure	- €	- €	- €		- €	- €	
Title I - Staff expenditure	3.096.915,96 €	3.065.288,64 €	31.627,32 €	2.176.719,06 €	1.744.910,02 €	41.732,79 €	390.076,25 €
Title I - Staff expenditure in %	100%	98,98%	1,02%	100,00%	80,16%	1,92%	12,60%
Rental of buildings and associated costs	1.109.700,00 €	1.101.975,00 €	7.725,00 €		233.004,38 €	24.803,29 €	
Information, communication technology and data processing	926.813,87 €	842.290,67 €	84.523,20 €		242.653,73 €	177.752,82 €	
Movable property and associated costs	1.016.069,77 €	1.016.069,77 €	- €		- €	- €	
Current administrative expenditure	10.000,00 €	10.000,00 €	- €		2.270,12 €	166,39 €	
Postage / Telecommunications	- €	- €	- €		- €	- €	
Meeting expenses	95.008,40 €	54.205,01 €	40.803,39 €		5.130,00 €	43.457,29 €	
Information and publishing	101.100,00 €	99.048,20 €	2.051,80 €		8.619,80 €	- €	
Other infrastructure and operating expenditure	135.000,00 €	130.000,00 €	5.000,00 €		- €	- €	
Title II - Infrastructure and operating expenditure	3.393.692,04 €	3.253.588,65 €	140.103,39 €	760.357,82 €	491.678,03 €	246.179,79 €	22.500,00 €
Title II - Infrastructure and operating expenditure in %	100%	95,87%	4,13%	100,00%	64,66%	32,38%	2,96%
Task 1: Access to information and coordination of EURES	5.585.717,00 €	5.508.832,32 €	76.884,68 €		104.899,51 €	- €	
Task 2: Cooperation and exchange of information between Member States	- €	- €	- €		- €	- €	
Task 3: Concerted and joint inspections	316.200,00 €	294.200,61 €	21.999,39 €		18.528,50 €	15.727,19 €	
Task 4: Analyses and risk assessment	110.000,00 €	110.000,00 €	- €		- €	- €	
Task 5: Capacity Building	- €	- €	- €		- €	- €	
Task 6: Support to Member States in tackling undeclared work	75.000,00 €	75.000,00 €	- €		- €	55.909,56 €	
Task 7: Mediation disputes between Member States	- €	- €	- €		- €	- €	
Title III - Operational expenditure	6.086.917,00 €	5.988.032,93 €	98.884,07 €	234.874,86 €	123.428,01 €	71.636,75 €	39.810,10 €
Title III - Operational expenditure in %	100%	98,38%	1,62%	100,00%	52,55%	30,50%	16,95%
TOTAL EXPENDITURE	12.577.525,00 €	12.306.910,22 €	270.614,78 €	3.171.951,74 €	2.360.016,06 €	359.549,33 €	452.386,35 €
TOTAL EXPENDITURE in %	100,00%	97,85%	2,15%	100,00%	74,40%	11,34%	14,26%

As the budget lines used by the Authority were all operational ones of DG EMPL, all payments were done using C1 Fund sources and not C8 for 2019. The appropriations committed for movable property and associated costs include the EUR 640.720,43 carried over by Management Board's decision in February 2021.

B. Cancellation of commitment appropriations

The total amount of cancelled commitment appropriations for 2020 as seen above is EUR 270.614,78, the majority of which concerns the cancellation of physical meetings and inspections due to COVID19, as well as, for delays on the fit out works for ELA' premises in Bratislava that did not allow further consumption of appropriations on ICT equipment.

C. Cancellation of payment appropriations for the year

The total amount of cancelled payment appropriations for 2020 as seen above is EUR 452.386,356, the majority of which concerns salaries and allowances not paid as there were delays on the staff recruitments due to COVID19.

D. Budget Outturn

As the Authority has been established in 2019 and it is not financially autonomous yet, the calculation of the budget outturn is not applicable.

Annex III. Organisational chart

According to Article 22.4. "The Executive Director shall be responsible for [...] (l) taking decisions with regard to the Authority's internal structures [...]". As the Executive Director took up his duties in December 2020, the decisions regarding the organization of ELA will probably take place during the first part of 2021.

Annex IV. Establishment plan and additional information on Human Resources management

ELA Establishment plan 2020

Function group and grade	Year 2020			
	Authorised budget		Actually filled as of 31/12/2020	
	Permanent posts	Temporary posts	Permanent posts	Temporary posts
AD 16	-	-	-	-
AD 15	-	-	-	-
AD 14	-	1	-	1
AD 13	-	-	-	-
AD 12	-	-	-	-
AD 11	-	-	-	-
AD 10	-	-	-	1
AD 9	-	4	-	-
AD 8	-	-	-	-
AD 7	-	4	-	3
AD 6	-	-	-	-
AD 5	-	5	-	8
AD TOTAL	0	14	0	13
AST 11	-	-	-	-
AST 10	-	-	-	-
AST 9	-	-	-	-
AST 8	-	-	-	-

AST 7	-	-	-	-
AST 6	-	-	-	-
AST 5	-	-	-	-
AST 4	-	2	-	-
AST 3	-	2	-	3
AST 2	-	2	-	-
AST 1	-	-	-	-
AST TOTAL	0	6	0	3
AST/SC 6	-	-	-	-
AST/SC 5	-	-	-	-
AST/SC 4	-	-	-	-
AST/SC 3	-	-	-	-
AST/SC 2	-	-	-	-
AST/SC 1	-	-	-	-
AST/SC TOTAL	0	0	0	0
TOTAL	0	20	0	16
GRAND TOTAL	20		16	

External personnel

Contract Agents

Contract agents	FTE corresponding to the authorized budget 2020	Executed FTE as of 31/12/2020
Function Group IV	7	5
Function Group III	8	4
Function Group II	-	-
Function Group I	-	-
TOTAL	15	9

Seconded National Experts

Seconded National Experts	FTE corresponding to the authorized budget 2020	Executed FTE as of 31/12/2020
TOTAL	30	18

Implementing rules of the Staff Regulations

Several Implementing rules (Art.110 of the SR) were adopted in 2020, mainly:

- ▷ Decision No 6/2020 of 24 March 2020 of the MB on the delegation to the Executive Director of ELA of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority empowered to conclude contracts of employment;
- ▷ Decision No 7/2020 of 24 March 2020 of the MB of ELA concerning the annual appraisal, probationary and management trial period of the Executive Director of the Authority;

- ▷ Decision No 23/2020 of 15 December 2020 of the MB on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the EU and implementing the first paragraph of Article 44 of the Staff Regulations;
- ▷ Decision No 24/2020 of 15 December 2020 of the MB laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff.

Annex V. Human and financial resources by activity

The Authority made an estimation of the human and financial resources per core activities in the WP 2020. While for financial situation more information can be located in Annex II, for the use of human resources the Authority is not in possession of tools to keep track of the actual consumption per activity. However a summary of estimated human resources (FTEs) for 2020, based on data estimated in WP2020, is provided here below.

Planned activities in Work Programme 2020	Estimated resources (FTEs)
1. Facilitating access to information on labour mobility	3 - 5
2. Coordination and support of concerted and joint inspections	3 - 5
3. Other actions	
<i>Cooperation, exchange of information, labour mobility analyses and risk assessment</i>	1 - 2
<i>Capacity building</i>	1 - 2
<i>Preparatory actions for the transfer of EURES and of the Platform tackling undeclared work</i>	4 - 5
<i>Preparatory work for the transition of the European Platform tackling undeclared work</i>	1 - 2
4. Communication and dissemination activities	1 - 2
Summary of estimated resources	14 - 23

Annex VI. Contribution, grant and service level agreements. Financial Framework Partnership Agreements

General information						Financial and HR impact				
Service-level agreements										
Actual or expected date of signature	Total amount	Duration	Counterpart	Short description	Amount/ Nr of CA/ Nr of SNEs	N	N+1	N+2	N+3	
27/03/2020		From 01/04/2020 renewable yearly	The British International School Bratislava	In non-existence of European school, several SLAs to be concluded to provide schooling services	Not known					
01/07/2020		09/2020 ongoing	Eurofound	Accounting Officer	Not known					
13/10/2020		10/2020	Shift2Rail Joint Undertaking	provision of TESTA-ng services	Not known					

05/08/2019			DG DIGIT	Global SLA, Procurement, Website, NDP, EU CV Online	Not known				
16/12/2019			DG DIGIT	Digital Workplace Services	Not known				
12/08/2019			DG HR	Global SLA and annexes A, B, D, DS, E and IDOC	Not known				
12/08/2019			CDT	Global SLA – translation services	Not known				
05/08/2019			EPSO and EUSA	Global SLA	Not known				
25/10/2019			SCIC	Global SLA in the area of conference interpretation	Not known				
20/12/2019			PMO	Global SLA	Not known				
12/12/2019		Start on 01/03/2021 at the earliest	DG BUDG	Global SL	Not known				
29/11/2019			EUAN	Global SLA	Not known				
08/07/2020			OIB	OIB's operational, logistical, administrative and real estate services, goods and work	Not known				

Annex VII. Environment management

As a cornerstone to ELA's Environmental strategy, the premises that ELA will occupy is the newly constructed building, Landererova 12, which is located in the developed Eurovea district (Bratislava, Slovak Republic), completed in 2018 and received Leadership in Energy and Environmental Design (LEED) Gold certificate. The building uses 32 % less primary energy and 50% less drinking water usage than conventional buildings, resulting a total consumption of energy is 75 kWh/m2.a, with primary energy: 116 kWh/m2.a; CO2 Emission 13.9 kg/(m .a). Features include recharging stations for e-cars, showers and changing rooms for cyclists, and good connections to surrounding cycle routes.

ELA designed the offices in accordance with OIB recommendations for efficiency and utilisation for open space accommodation. This enables ELA to optimize the office space providing all the advantages of the collaborative working environment and flow of information, minimising the operations' environmental impact of the Authority.

Furniture for the office was selected from the existing OIB Framework Contracts taking into consideration staff comfort, working conditions, ergonomics and acoustic performance.

ELA addressed COVID reinforced measures, facilitating guidance to ELA staff and reducing the presence in the office, through a shift system, to 20% of its capacity in the temporary seat in Beaulieu 29, Brussels.

From an ICT perspective ELA adopted an approach to reduce the environment impact of ICT through a Cloud based strategy which ensured all service are consumed from the cloud, where they benefit from shared resources and therefore lessen the environmental impact of providing these. Printing is performed using follow-me printing, which ensure that printing is only performed when someone attends the printer and selected the printing required, thereby avoiding unnecessary printing and resulting waste of environmental resources.

Annex VIII. (draft/final) Annual Accounts

The Authority has been established in 2019 and it is not financially autonomous yet.

Annex IX. List of abbreviations

AC: Administrative Commission for the coordination of social security systems
AFMP: Agreement on Free Movement of Persons
CDT: Translation Centre of the Bodies of the European Union
CJI: Concerted and Joint Inspections
DG EMPL: (EC) Directorate General Employment, Social Affairs and Inclusion
EC: European Commission
ECA: European Court of Auditors
ECO: European Coordination Office (EURES)
ECG: European Coordination Group (EURES)
EEA: European Economic Area
EFTA: European Free Trade Agreement
ELA: European Labour Authority
E(O)JDs: European (Online) Job Days
EU: European Union
EURES: EUROpean Employment Services
FTE: Full Time Equivalent
GDPR: General Data Protection Regulation (EU) 2016/679
IAS: Internal Audit Service
ICT: Information Communications Technology
IMI: Internal Market Information system
MB: Management Board
MSs: Member States
NCO: National Coordination Office (EURES)
NLO: National Liaison Officer
PES: Public Employment Services
PMS: EURES Performance Measurement System
SLIC: Senior Labour Inspectors' Committee
SDG: Single digital gateway
SG: Stakeholders Group
SOLVIT: Solving in the Internal Market; online service provided by the national administration in each EU country and in Iceland, Liechtenstein and Norway dedicated to problem-solving in internal market
SPD: Single Programming Document
UN SDGs: United Nations Sustainable Development Goals
WP: Work Programme, part of SPD

