



Decision No 12/2021
of 6 August 2021
of the Management Board
on amending the Work Programme 2021

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,
Having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labour Authority amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (hereinafter “the founding Regulation” and “the Authority”), in particular 24 thereof,

Having regard to Decision No 15/2020 of 15 December 2020 of the Management Board on the work programme of the European Labour Authority for 2020 (hereinafter the “Decision 15/2020”),

Whereas:

- 1) The pandemic has impacted the way the Authority delivers its activities, in that the measures adopted to prevent the spread of COVID-19 include travel restrictions and other sanitary measures, consequently preventing the organisation of physical meetings. The physical meetings planned to be organised in the first half of 2021 had to be organised in a digital environment.
- 2) The move to a digital environment has not substantially affected the work of the Authority. Nevertheless, it has impacts from a budgetary perspective, considerably reducing travel, catering and venue-related costs associated with the organisation of physical meetings.
- 3) Sound resources and financial management require revising accordingly the activities planned for 2021. The allocated budgetary resources not spent are made available to other activities, to new proposed activities, or transferred to other titles of the Authority’s budget to support and consolidate the foundation for the delivery of the Authority’s activities or its move to Bratislava and start of its operation in the new premises.

- 4) With Decision No 15/2020 of 15 December 2020 of the Management Board, a work programme for the year 2021 and the financing thereof was adopted. It is necessary to amend the above-mentioned decision in order to take into account the impacts of the pandemic as well as the revision of the Authority's activities in light of the sound management of resources.
- 5) According to Article 24 of the founding Regulation, any substantial amendment to the annual work programme shall be adopted in accordance with the same procedure as the initial annual work programme.

HAS ADOPTED THIS DECISION:

Article 1
Amending Decision 15/2020

The amendment to the work programme, which shall be equivalent to a financing decision for the activities it covers, as set out in the Annex, is hereby adopted.

Article 2
Non-substantial amendments

The Management Board delegates the power to make non-substantial amendments to the work programme for the year 2021 as amended by this decision to the Executive Director.

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

Article 3
Entry into force

This decision shall enter into force on the day following that of its adoption.

Done by written procedure
Brussels, 6 August 2021
For the Management Board

(e-signed)

Tom BEVERS
Chairperson of the Management Board



Non-substantial amendment to the Work programme 2021

Introduction

The pandemic context has impacted the way ELA delivers its activities. While most of activities are carried out as planned, when it comes to actions that imply physical meetings, due to travel restrictions, physical meetings scheduled for the first part of 2021 had to be moved online. **While such a transfer to a digital environment did not significantly impact the work to delivered, this, however, had an impact from a budgetary perspective.** Namely, amounts allocated for physical meetings like for venue, travel, accommodation or catering, have not been used.

In the spirit of sound financial management, ELA took the initiative to revise accordingly the activities planned for 2021. Where amounts are not consumed, these are assessed and made available to other activities, to new proposed activities, or transferred to another budget titles (Title I or Title II). In the event that it will not be possible to organise planned physical meetings, for example due to a persisting COVID-19 pandemic, the meetings will take place online.

The amounts freed this way are going to be used to support other activities. Some of them are new activities (presented in the document, for the budget that remains in Title III) or are used to consolidate the budgetary requirements related to the move to Bratislava and the start of the operations in the new building (in Title II and reflected in the budget amendment).

The present document details how the Work Programme 2021 will be amended to adjust to this context. The amendments are listed by section, and for each section amended, a new amendment is defined. The amendment reflects changes in comparison with Work Programme 2021 adopted by the ELA Management Board on 15 December 2020.

Amendments

The following sections contains the amendments of the work program and their justification. Several sections only see their allocated budget being revised, without any further changes in the description of the activities, as the relevant activities are implemented for instance in an online environment instead of physical meetings. Other activities are also revised, better described, or clarified, to reflect the current context or available financial or human resources. The deletions of the text are marked as **[...]**, the new text is marked as **[...]**.

Amendment 1

Section **“2.1 Facilitating access to information and relevant services on labour mobility”** is amended as follows:

1) Summary Table at the end of Section “2.1 Facilitating access to information and relevant services on labour mobility”:

Activity “Working Group (2.1.1)”, in column “Estimates 2021 (in euro)” number “120 000” is replaced by “50 000”.

Activity “Translation Facility (2.1.2)”, in column “Estimates 2021 (in euro)” number “500 000” is replaced by “ 640 000”.

Activity “Support actions in specific sectors (2.1.3)”, in column “Time”, word “continuous” is replaced by “Q4”.

Activity “Workshop on other EU information and services relevant for labour mobility (2.1.4)”, in column “Time”, word “Q3” is replaced by “Q4” “ and in column “Estimates 2021” number “50 000” is replaced by “30 000”.

In section EURES, title of the activity “Communication activities (2.1.5.5) European (Online) Job Days (2.1.5.6)” is split in two rows for the two activities, with respective budget divided between them. For “Communication activities (2.1.5.5)” and in column “Estimates 2021” number “1 530 400” is replaced by “830 400”.

In section EURES, below the activity “Communication activities (2.1.5.5)” the following row is inserted:

<u>European (Online) Job Days (2.1.5.6)</u>	<u>Service contract</u>	<u>Q2</u>	<u>700 000</u>
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In row “Total”, text “8 908 400 (of which 1 020 000 for information)” is replaced by “9 030 400 (of which 1 070 000 for information)”.

Justification:

Due to the pandemic, the Working Group meetings were organized in videoconference format, while one meeting is foreseen to be organised as an in-person event. The allocated budget was reduced by EUR 70 000 EUR.

More budget was allocated to the Translation Facility — increase of EUR 140 000. It will also grant additional support for the translation of relevant material for the campaign on seasonal workers.

The budget for the Workshop on other EU information and services relevant for labour mobility was reduced by EUR 20 000 due to online meetings. A workshop will be organised with staff from the National Liaison Offices for the posting of workers to exchange practices related to services to workers and employers in the area.

Activities related to Communication Activities and European (Online) Job Days from the EURES section are marked separately. Accordingly, the budget is split into two, with EUR 700 000 now being dedicated to the second activity - European (Online) Job Days.

In summary, the section 2.1 has a budget increase of EUR 50 000 (for the Information).

Amendment 2

Section “**2.2 Facilitating cooperation and exchange of information between the Member States in the enforcement of relevant Union law**” is amended as follows:

- 2) Subsection “**2.2.1. Develop a framework for cooperation and exchange of information between ELA and national authorities**”:

The following paragraph is added at the end of the subsection:

“With the aim of providing information to support Member States in the effective application of Union law which fall within the Authority’s competence, ELA will carry out comparative and/or analytical reports on issues of cooperation and exchange of information between Member States. ELA will also aim to organise a seminar to discuss different aspects of cross-border cooperation. Potential topics of reports will be chosen by ELA after consultation of Member States through the NLOs.”

Justification:

This initiative, is a step towards the development of the framework for cooperation by analysing selected issues affecting cooperation between Member States, analysing the underlying causes and explore potential solutions towards their resolution and will rely on budget released from other activities that assumed physical meetings and meanwhile were organized online.

- 3) Subsection “**2.2.2 Analyse issues related to personal data protection arising from the provisions of Regulations (EU) 2018/1725 and 2016/679**”:

The original text:

“The Authority will assess, with the help of NLOs and an external consultant, different data protection legislation and map existing electronic tools and databases across the Member States with a view to establishing potential and limitations of sharing individual data in the context of the Authority, in particular as regards the coordination and carrying out of concerted and joint inspections.”

Is replaced by:

“The Authority will assess, with the help of NLOs and an external consultant, different data protection legislation ~~and map existing electronic tools and databases across the Member States~~ with a view to establishing potential and limitations of sharing individual data in the context of the Authority, in particular as regards the coordination and carrying out of concerted and joint inspections.”

Justification:

The text is updated due to limited human resources available to perform this task.

4) Subsection “**2.2.3 Promoting the use of the IMI and exploring information exchange systems for ELA**”:

The original text:

“In parallel to this, and building on an analysis of the extent to which IMI can be used by ELA, the Authority will also map existing methods and platforms to exchange information between Member States, ELA and the Commission, with a view to finding the most appropriate tool to support the efficient and effective carrying out of activities under ELA’s realm.”

Is replaced by:

“In parallel to this, ~~and building on~~ an analysis of the extent to which IMI can be used by ELA will be initiated, ~~the Authority will also map existing methods and platforms to exchange information between Member States, ELA and the Commission~~, with a view to finding the most appropriate tool to support the efficient and effective carrying out of activities under ELA’s realm.”

Justification:

The text is also modified due to limited human resources available to perform this task as initially described.

5) **Summary table at the end of “Section 2.2 Facilitating cooperation and exchange of information between the Member States in the enforcement of relevant Union law”:**

Activity “Workshops and trainings (2.2.1)” is replaced by “Workshops and trainings (2.2.1 and 2.2.3)”, in column “Time”, word “Q2-Q4” is replaced by “Q3-Q4” “ and in column “Estimates 2021 (in euro)” number “100 000” is replaced by “50 000”.

Below the activity “Workshops and trainings (2.2.1 and 2.2.3)” the following row is inserted:

Comparative-analytical reports (2.2.1)	Request for service (FWC Legal Services)	Q3 – Q4	227 000
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In row “Total”, the number “175 000” is replaced by “352 000”.

Justification:

Summary table at the end of Section 2.2 Facilitating cooperation and exchange of information between the Member States in the enforcement of relevant Union law is updated, reflecting the changes described above, namely a initiative is added linked to subsection 2.2.1. This initiative aims to consume EUR 227 000, part of this (EUR 50 000) being available due to shift to online events.

Amendment 3

Section “**2.3 Coordination and support of concerted and joint inspections**” is amended as follows:

1) Subsection “**2.3.5 Information and campaigns**”:

This subsection **is deleted**.

The numbering of the following subsections is adjusted.

Justification:

This subsection is deleted due to delays in organizing joint cross-border inspections because of the pandemic context. The associated budget is released. The numbering of the following subsections is adjusted.

2) Subsection “**2.3.6 Support with translation**”:

The original text:

“The Authority will translate the relevant materials, such as case-specific documentation, templates and training material for inspections, where appropriate and within budget. In specific cases, the Authority may also translate communication material produced by Member States and other stakeholders in order to facilitate their dissemination during campaigns or inspections.”

Is replaced by:

“The Authority will translate the relevant materials, such as ~~case-specific documentation~~, templates and training material for inspections, where appropriate and within the available budget. In specific cases, the Authority may also translate communication material produced by Member States and other stakeholders in order to facilitate their dissemination during campaigns or inspections.”

Justification:

Subsection “2.3.6 Support with translations” is modified as described above, because the translation of inspections relevant materials will be carried out from the budget of the-subsection 2.3.1.

3) Summary table at the end of section “**2.3 Coordination and support of concerted and joint inspections**” is amended as follows:

Activity “Inspections”, in column “Estimates 2021 (in euro)” number “600 000” is replaced by “500 000”.

Activity “Working group”, in column “Estimates 2021 (in euro)” number “100 000” is replaced by “30 000”.

In the summary table, the following row is **deleted**:

Information campaigns	Service contract	Q3 – Q4	50 000
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Activity ‘Translations’ , in column ‘Estimates 2021 (in euro)’ number ‘200 000’ is replaced by ‘300 000’.

In row ‘Total’, the number ‘1 425 000’ is replaced by ‘1 305 000’.

Justification:

Summary table at the end of section “2.3 Coordination and support of concerted and joint inspections” is revised, and contains following changes of the estimated resources:

- a) EUR 100 000 are moved from Inspections related activities to Translation related activities to cover translation of training materials related to inspections;
- b) also EUR 70 000 are removed from Working Group related activities;
- c) budget of EUR 50 000 foreseen for information campaign is released.

Amendment 4

Section “**2.4 Labour mobility analyses and risk assessment**” is amended as follows:

- 1) Subsection 2.4.1 “**Workshops on labour mobility and risk assessment:**”

The original title of the subsection 2.4.1

“Workshops on labour mobility and risk assessment”

Is replaced by

“Workshop on ~~labour mobility and~~ risk assessment”

The original text:

“Building on the work carried out by the European Platform tackling undeclared work, the Authority will organise a series of workshops on labour mobility analysis and risk assessment, which will include experts from the Member States, the social partners and, where necessary, relevant EU agencies, services and networks.”

Is replaced by:

“Building on the work carried out by the European Platform tackling undeclared work, the Authority will organise a ~~series of~~ workshops on ~~labour mobility analysis and~~ risk assessment, which will include experts from the Member States, the social partners and, where necessary, relevant EU agencies, services and networks. **The workshop will focus on cross-border aspects of risk assessment with a focus on cooperation and exchange of information between Member States.**”

Justification:

The subsection is renamed to ‘Workshop on risk assessment’ to clarify the topic of the one-off event. Due to the limited human resources and the COVID-19 pandemic situation, the series of workshops could not take place. Instead, the Authority scheduled a series of bilateral meetings with Member States to discuss their approach to risk assessment. The description of the subsection reflects these changes.

- 2) Subsection “**2.4.2 Mapping of Member States’ tools and approaches to risk assessment**” is amended as follows:

The original text:

“The Authority will prepare for the mapping exercise of Member States’ tools and approaches to risk assessment with a view to developing further strategies in that field. The mapping of Member States’ tools and approaches will also support the Authority in carrying out its tasks, mostly related to the provision of information and services, the planning and organisation of concerted and joint inspections, and support to capacity building. The mapping exercise will be covered by an external consultant by way of a framework contract launched in Q3/Q4. Based on the mapping exercise, the creation of a separate working group on labour mobility analyses and risk assessment will be considered as a forum for further discussions on ELA’s activities in that domain”.

Is replaced by:

“The Authority will prepare for the mapping exercise of Member States’ tools and approaches to risk assessment with a view to developing further strategies in that field. The mapping of Member States’ tools and approaches will also support the Authority in carrying out its tasks, mostly related to the provision of information and services, the planning and organisation of concerted and joint inspections, and support to capacity building. ~~The mapping exercise will be covered by an external consultant by way of a framework contract launched in Q3/Q4. Based on the mapping exercise, the creation of a separate working group on labour mobility analyses and risk assessment will be considered as a forum for further discussions on ELA’s activities in that domain”.~~

Justification:

The last two sentences of the sub-sections are removed, as there are limited human resources to launch this procurement call by the end of the year. The Authority is, however, continuing with adequate preparations for this action to be undertaken within the 2022 Work Programme by having bilateral meetings with Member States on national risk assessment tools and practices. In addition, the outcomes of the workshop on risk assessment in Q4 will feed into the planning of the mapping exercise.

- 3) Subsection “**2.4.3. Peer reviews**”

This subsection is deleted.

Justification:

This subsection is removed due to the ongoing negotiations on the memorandum of understanding with the SOLVIT network within the field of mediation.

4) Summary table at the end of Section “2.4 Labour mobility analyses and risk assessment”:

Title of the Activity “Workshop on labour mobility analysis and risk assessment, is replaced by “Workshop on ~~labour mobility analysis and~~ risk assessment”.

In the same activity, in the column “Time 2021”, the original text “Continuous” is replaced by “Q4”, the row “2021 Estimate (in euro)” the original number “100 000” is replaced by “50 000”.

The following rows are deleted:

Support and analytical services for risk assessment	Service contract	Q3/Q4	300 000
Peer reviews	Organisation of meetings, reimbursement of costs	Q3/Q4	50 000

In row “Total”, the number “450 000” is replaced by “50 000”.

Justification:

Summary table is revised, and contains the changes of the estimated resources to reflect the updates in the description of the activities:

- a) EUR 50 000 out of EUR 100 .000 is released from activity 2.4.1. in view of the hybrid nature of the planned event for Q4 in the context of the COVID-19 pandemic;
- b) EUR 300 000 is released from activity 2.4.2. since it will be performed within the framework of the Work Programme 2022 and the preparatory actions do not require any budgeting due to the online nature of the meetings;
- c) EUR 50 000 is released from activity 2.4.3. due to the ongoing negotiations on the memorandum of understanding with the SOLVIT network within the field of mediation.

Amendment 5

Section “2.5 Support to capacity building” is amended as follows:

- 1) Subsection “2.5.1. Launch of the ELA Capacity Building Centre”:

The original text:

“The design of the trainings will be developed and implemented with the help of an external contractor. A framework contract will be launched to this end and the Authority will conclude the first service level agreements in 2021. The scope of the framework contract will include consultancy on strategy, followed by the design of appropriate capacity building activities and their delivery (including any cost such as for external trainers, travel and accommodation, etc.). The framework contract equally covers the continuation of the EURES Academy as well as provisions for ELA staff training in its operational areas.”

Is replaced by:

“The design of the trainings will be developed and implemented with the help of an external contractor. A framework contract will be launched to this end and the Authority will conclude the first service level agreements in 2021. ~~The scope of the framework contract will include consultancy on strategy, followed by the design of appropriate capacity building activities and their delivery (including any cost such as for external trainers, travel and accommodation, etc.). The framework contract equally covers the continuation of the EURES Academy as well as provisions for ELA staff training in its operational areas.~~

In this context, the Authority will work on preparing a multi-annual capacity building strategy in line with ELA’s overall objectives, built on a stakeholder mapping and analysis exercise in view of capacity building, taking on board the views of key stakeholders of the Authority, as well as a feasibility study of an online learning presence or learning platform.”

Justification:

As it is more realistic to envisage the launch of the ELA Capacity Building Centre in the first half of 2022 (tendering procedures ongoing), this activity has been converted into one which focuses on developing ELA’s capacity building strategy, with the assistance of a specialised external consultant. It will include the definition of needs across different tasks and stakeholders, as well as different delivery methods.

- 2) The summary table at the end of Section 2.5 “Support to capacity building” is amended as follows:

Title of the activity “ELA Capacity Building Centre (2.5.1)” is replaced by “ELA Capacity Building ~~Centre~~ Strategy **formulation** (2.5.1).”

In the same row, in the column “Method” the original text “Service contract, reimbursement of travel and accommodation costs” is replaced by “Service contract, ~~reimbursement of travel and accommodation costs~~”.

In the same row, the column “2021 Estimates (in euro)” the number “750 000” is replaced by “115 000”.

Activity “Workshop with national training centres in the field of inspections (2.5.3)“, in the column “2021 Estimates (in euro)” the number ‘15 000’ is replaced by “25 000”.

In row “Total”, the number “765 000” is replaced by “140 000”.

Justification:

The changes in the summary table related to the activity ELA Capacity Building Strategy formulation reflect the changes in the descriptive text, including the decreased budgetary resources estimated for the implementation of this activity.

For activity described in “2.5.3 Workshop with national training centres in the field of inspections”, the budget has been increased by EUR 10 000 considering that the participants requested simultaneous interpretation which were not envisaged initially.

Amendment 6

Section “2.6 Enhancing cooperation in tackling undeclared work”

The summary table at the end of Section 2.6 “Enhancing cooperation in tackling undeclared work” is amended as follows:

Activity “Activities from the Platform’s Work Programme for 2021”, in the column “2021 Estimates (in euro)” the number “1 450 000” is replaced by “1 325 000”.

In row “Total”, the number “1 500 000” is replaced by “1 375 000”.

Justification:

The budget allocated in section “2.6 Enhancing cooperation in tackling undeclared work” is reduced due to savings resulting from the lack of physical meetings. Furthermore, besides transferring the meetings in the online environment, there was no need for ad-hoc requests beyond the Platform campaign on seasonal workers. Consequently, 125 000 EUR can be allocated to another activity. The table is amended by removing this amount from the activities linked to the Platform.

Amendment 7

Section “2.7 Mediate and facilitate a solution in cases of cross-border disputes between Member States on the application of relevant Union law”

The summary table at the end of Section “2.7 Mediate and facilitate a solution in cases of cross-border disputes between Member States on the application of relevant Union law” is amended as follows:

Activity “Working Group (2.7.1)”, the column “2021 Estimates (in euro)” the number “125 000” is replaced by “75 000”.

The following row is deleted:

Translations	CdT	Continuous	50 000
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In row “Total”, the number “225 000” is replaced by “125 000”.

Justification:

The summary table at the end of Section 2.7 is revised as follows:

- a) For the activity “**2.7.1 Setting up a working group on mediation**”, the budget has been decreased by EUR 50 000 in view that the first three meetings of the WG were held in an online format, and thus incurred no cost.
- b) For the activity “**Translations**” (within the framework of 2.7.1) that was dedicated to the rules of procedures, the line with the budget and the budget has been removed, since it is more likely that the rules of procedure will be adopted at the end of the year, thus requiring translations in 2022.

The amounts released are allocated for other activities.

Amendment 8. Section “2.8 Integration of the tasks of existing bodies”

The summary table is amended as follows:

Activity “**Tasks of the committees**” in the column “2021 Estimates (in euro)” the number “100 000” is replaced by “0”.

In row “Total”, the number “125 000” is replaced by “0”.

Justification:

The planned amount of EUR 100 000 for organisation of the meetings is not going to be used as there are not foreseen physical meetings before the end of the year. The amendment does not in any way preempt the discussion on the future work of the Committees.

Amendment 9.

Section “2.9 Communication and dissemination activities”

This section is amended as follows:

- a) The following sentence is added after the third subparagraph: “**ELA’s annual conference will be organised¹ in Bratislava in November 2021.**”
- b) **The summary table at the end of the section:**

Activity “**Tasks of the committees**”, in the column “2021 Estimates (in euro)” the number “150 000” is replaced by “0”.

In row “Total”, the number “536 000” is replaced by “386 000”.

Justification:

The amount foreseen for Conferences are not going to be used anymore. The ELA conference foreseen for November 2021 will use budget reserved already last year. As

¹ Relying on budget reserved last year.

such, the amount of EUR 150 000 is released (in the summary table at the end of the section).