



**Record of proceedings**  
**15<sup>th</sup> Meeting of the Management Board of the European Labour Authority (ELA)**  
**15-16 May 2024, Bratislava, Slovakia**

**1. INTRODUCTION BY THE CHAIR**

**The Chair** opened the proceedings and welcomed all the Members of the ELA Management Board (MB) to the 15<sup>th</sup> MB meeting joint with the ELA Stakeholder Group.

**2. ADOPTION OF THE AGENDA**

**The Chair** presented the final draft of the agenda of the first day of the 15<sup>th</sup> ELA Management Board meeting.

**Conclusion:** The agenda of the first day of the 15<sup>th</sup> ELA Management Board was adopted by consensus.

**3. FOLLOW-UP ON PREVIOUS MEETINGS AND WRITTEN PROCEDURES**

**The Chair** informed about the successful adoption of two written procedures – first on the Draft SPD 2025-2027, and second on the Carryover of the non-automatic payment appropriations.

There were no interventions.

**Conclusion:** The Management Board took note of the written procedures since the last meeting.

**4. UPDATE OF ACTIVITIES**

**The Chair** introduced the regular Update on ELA's activities and then passed the floor to the ED.

**The ED** mentioned the pre-distributed ELA newsletter which included key activities from the last MB meeting. He also mentioned the subscription option to ELA newsletter. Following this, he gave an overview of different activities planned in the near future per individual units.

**The members:**

- Expressed interest in receiving ELA's non-paper on the practical experience with the application of ELA Regulation
- COM mentioned the need for enhanced synergy between EURES and Europass to improve job matching and CV preparation processes
- Raised the issue of administrative hurdles related to delays in reimbursement for inspectors involved in ELA activities
- Acknowledged the value of ELA's training programmes, especially related to the mobility package and posting rules

**Conclusion:** The Management Board took note of the update on activities as well as the request of MB members for the circulation of the non-paper.

## **5. UPDATE FROM COMMISSION**

**The Chair** introduced the point and then passed the floor to the representative of the European Commission to give a brief oral update on the latest policy developments relevant to ELA's work.

**The EC** provided an update on the intra-EU labor mobility report, the action plan on labor and skill shortages adopted by the College of Commissioners, and the state of play of the ongoing ELA evaluation, among others.

**The members:**

- Raised questions about the EU Talent Pool proposal as well as the e-declaration and remuneration calculator
- Inquired about the problems in genuine posting, subcontracting issues, social dumping availability of relevant data, as well as actions to tackle problems.
- Expressed concerns about the timing of ELA's evaluation

**The EC** thanked them for all the interventions, highlighting the hands-on experience brought by the ELA MB members, and elaborated on the most pertinent points.

**Conclusion:** The Management Board took note of the update from Commission.

## **6. IMPROVING THE EFFECTIVENESS AND FUNCTIONALITY OF THE ELA MEDIATION PROCEDURE**

**The Chair** introduced the point and then passed the floor to the Head of the Cooperation and Support Unit.

**The HoU** presented a proposal to enhance the effectiveness and functionality of the mediation procedure based on experience gathered so far since the launch of the mediation procedure, feedback from various mediation stakeholders and the Belgian conference and report on ELA which took place in January 2024. Key improvement opportunities include simplifying the mediation procedure, raising awareness, organizing preparatory meetings, allowing the launch of mediation procedures by ELA, and revising deadlines and mediation methods.

**The members:**

- Supported proposed adjustments to the mediation procedure, particularly regarding the possibility of revising procedures based on gathered experience, especially those which do not require a change to the Mediation rules of procedure.
- Expressed reservations about rushing procedural changes based on limited number of mediation cases and suggested to wait for the evaluation report from the EC before making significant modifications.
- Highlighted the voluntary nature of mediation and suggested focusing on awareness-raising activities to increase its use, especially through NLOs.

**The ED & HoU** thanked all members for their input and especially their interest, hoping to make ELA's mediation more visible and more efficient.

**Conclusion:** The MB discussed the provided proposal to improve the efficiency and functionality of the ELA Mediation Procedure. The working group on mediation should be convened at least once more to also discuss these proposals to see which ones can be implemented immediately, and which need further discussion.

## **7. DRAFT CONSOLIDATED ANNUAL ACTIVITY REPORT 2023**

**The Chair** introduced the point and explained that the discussion will be followed by a written procedure, that would adopt the final text. He then passed the floor to the ED.

**The ED:** highlighted three key achievements: surpassing 100 cross-border inspections, launching a successful EU-wide awareness campaign for fair construction, and strengthening analytical capabilities and cooperation programmes, he then passed the floor to the Head of Governance and Coordination Unit to present the CAAR.

**The HoU** presented the CAAR, highlighting its restructuring to align with strategic objectives and KPIs as outlined in the Single Programming Document 2023-2025. She emphasised the evaluation of 16 activities, tracking progress through an internal tool and detailing specific outputs achieved, including inspections, training materials, and cooperation cases.

**The members:**

- Congratulated ELA on their accomplishments, including the successful execution of campaigns and joint inspections.

**Conclusion:** The MB discussed the Consolidated Annual Activity Report. The final version of the report will be submitted to the Management Board for adoption via written procedure in June 2024.

## **8. ELA'S PRIORITIES FOR 2025 AND 2026**

**The Chair** introduced the agenda item and stressed that the discussion will be important for ELA to prepare the Single Programming Documents.

**The ED** highlighted ELA's transition into a new phase with full staff and budget, aiming for a more targeted approach and higher impact based on five years of experience and lessons learnt. He also invited members to present their comments and passed the floor to the Head of the Governance and Coordination Unit.

**The HoU** presented the structure of the note with emphasis on five thematic areas (posting, free movement, undeclared work, social security coordination and road transport), plus additional area - digitalisation - as a horizontal focus. She explained the objectives within each thematic area aim to improve accessibility, awareness, and efficiency of cooperation. Then, she mentioned that new projects include expanding information activities, exploring new sectors for posting of workers, and supporting digitalisation initiatives.

**The members:**

- Appreciated the document quality and thoroughness, while asking for an extended period for review and inputs.
- Supported ELA's capacity-building activities and support for national administrations.
- Encouraged ELA to strengthen social security coordination aspects and include them horizontally in its actions.
- Acknowledged the scope of ELA's information and awareness-raising campaigns.
  - o Positive comments were made about the involvement of social partners and a further call for coordination for the future was made.
- Praised enforcement activities, with further calls to boost the number and scope of CJIs.
- Expressed reservations about initiatives like the remuneration calculator and e-declaration, citing that further discussions are needed before decisions are made.
  - o It was also emphasised that these instruments should remain voluntary, not mandatory for all MS. This would allow flexibility for countries to opt-in based on their preferences and needs.
- Expressed interest in strengthening ELA's cooperation with national and sectoral social partners, particularly trade unions, for effective enforcement.
- Additionally concerns about potential duplication of efforts, and exceeding of ELA's mandate or competencies.

**The ED and HoU** thanked all debate contributors and appreciated its richness, with the assurance given that all points raised will be incorporated into future plans. There will be opportunities for further input, with a new draft expected in July and a final draft targeted for November.

**Conclusion:** The MB discussed the ELA priorities for 2025 and 2026 and provided input for ELA's SPDs.

## **9. APPOINTMENT OF NEW STAKEHOLDER GROUP MEMBERS AND ALTERNATES**

**The Chair** introduced the point and invited the MB to appoint Members and Alternates of the ELA Stakeholder Group.

**Conclusion:** The MB adopted the decision on the appointment of the members and alternates of the Stakeholder Group.

## **10. CONCLUSION OF THE FIRST DAY**

**The Chair** concluded the first day of the meeting, informing that one point of the agenda will be moved to the second day due to time constraints. The Secretariat was tasked to send the updated agenda for day two to all Members.

## **11. INTRODUCTORY REMARKS BY THE CHAIR**

**The Chair** opened the day with practical information to the MB Members.

## **12. ADOPTION OF THE AGENDA**

**The Chair** presented the updated final draft of the agenda of the second day of the 15<sup>th</sup> ELA Management Board meeting.

**Conclusion:** The agenda of the second day of the 15<sup>th</sup> ELA Management Board was adopted by consensus.

## **13. ADOPTION OF THE MINUTES OF THE 14<sup>TH</sup> ELA MANAGEMENT BOARD MEETING**

**The Chair** presented the final draft of the minutes of the 14<sup>th</sup> ELA MB meeting, mentioning that comments from individual members were reflected.

There were no interventions.

**Conclusion:** The Management Board

## **14. FUTURE OF ELA'S WORKING GROUPS**

**The Chair** introduced the point and then passed the floor to the ED.

**The ED** provided an overview by explaining that ELA currently has four working groups. The proposal is for the Inspections Working Group to remain unchanged, reinforcing ties with the Undeclared Work Platform, while the Mediation Working Group, having fulfilled its mandate, would be dissolved in favour of ad hoc workshops for mediation-related discussions. The Information Working Group would be maintained with a more strategic approach, meeting twice a year and organising flexible workshops, while the future of the Undeclared Work Platform will be decided after ELA's review.

**The members:**

- Welcomed the strive to streamline the processes of the WGs.
- Asked for broader elaboration on the plan for individual changes outlined in the document, especially cooperation between WG on inspection and the Undeclared Work Platform.
- Suggested having the right experts for different topics, broadening the number of experts when relevant to a given topic(s), and keeping the appointment more flexible.
- Were not in favour of dissolving the WG on mediation, but instead to revise its mandate in order to implement measures intended to improve the effectiveness and functionality of the mediation procedure, as well as to take into account any possible recommendations from the Commission review of Article 13.
- Asked for an extended deadline to comment on the prepared document.

**The ED and HoUs** followed up on the discussion, confirming ELA's strive to be more targeted with its WGs and have better processes to help deliver on ELA's mandate.

**Conclusion:** The Management Board held an exchange of views on the future of the working groups. ELA is invited to take into account the outcomes of the discussion and come back to the Management Board with further proposals.

## **15. REPORT ON CONCERTED AND JOINT INSPECTIONS**

**The Chair** introduced the point and then passed the floor to the ED.

**The ED** provided an overview of the concerted joint inspections (CJIs) carried out this year. Following this, the Head of Enforcement and Analysis unit (ENF) presented the report's scope and findings in further detail.

**The members:**

- Positively evaluated the report and highlighted significant progress in CJIs, with increasing participation from member states and successful outcomes.
- Mentioned the need to improve statistical data collection as well as the more detailed breakdown of inspection findings and follow-up actions.

**The ED and HoU** thanked all Members for their interventions answering their queries and further confirmed ELA's commitment to

**Conclusion:** The Management Board took note of and discussed the outcomes from the latest report on CJI prepared by ELA.

## **16. STRENGTHENING THE COOPERATION BETWEEN ELA AND MEMBER STATES**

**The Chair** introduced the point and then passed the floor to the ED.

**The ED** explained that ELA has identified two main options on how to address the growing demand for ELA's services. Those include opening national/regional offices and, second, creating national desks within ELA. National desks would involve cost-free seconded national experts (SNEs) to support NLOs at ELA, starting with a pilot in Germany, while national/local offices, like the proposed one in Madrid, would be located in the given region in the EU and focused on helping organise and coordinate ELA's activities in the region.

**The members:**

- Member States wishing to avail of the tabled options explained the background of their thoughts for the two scenarios and the need for pilot projects to see how it works in practice.
- Others suggested that the two scenarios should be considered as two separate items, rather than in bulk.
- Raised questions about possible decentralisation and concerns about establishing offices in different locations, stipulating also the debate about the availability of resources.
- Questioned the feasibility of establishing local offices and the process linked with it.
- Welcomed the idea of the national desks created via secondment of the additional cost-free SNEs, but asked the ED and ELA to elaborate on the idea in written format following the MB discussion.

**The ED** based on questions received further explained the need to establish proposed formats of closer cooperation with the Member States. He also highlighted the aspect of easing the

coordination of ELA's activities in individual Member States should both pilot programmes be established.

**Conclusion:** The Management Board discussed the two proposed scenarios of how ELA could strengthen the cooperation with Member States. On the first scenario – national desk using cost-free SNEs, Management Board invited ELA to submit short note on the model of such solution for written procedure. On the second scenario – regional offices - the MB invited ELA to prepare the more elaborated note to provide more comprehensive justification for the establishment of such offices to be presented at the next meeting of the MB.

## **17. COOPERATION ARRANGEMENT WITH MOLDOVA AND COOPERATION WITH 3<sup>RD</sup> COUNTRIES**

**The Chair** introduced the point by citing that it follows the previously held initial discussion from previous MB meetings. He then passed the floor to the ED.

**The ED** explained that ELA aims to cooperate with third countries, focusing on candidate countries to support their accession process and achieve the objectives of the ELA Regulation. He also mentioned that the proposed working arrangement with the Ministry of Labour and Social Protection of the Republic of Moldova could serve as a model for future agreements.

**The members:**

- Endorsed this aim and also emphasised that ELA should focus on other countries and regions, for example, Ukraine.

**The ED** confirmed that ELA will continue talks also with other candidate countries and will do so through structured approach.

**Conclusion:** The Management Board took note of the structured approach toward cooperation with third countries and invited ELA to prepare the formal decision for written procedure in relation to pilot case of working arrangement between ELA and the Republic of Moldova..

## **18. SECURITY RULES ON SENSITIVE NON-CLASSIFIED INFORMATION AT THE EUROPEAN LABOUR AUTHORITY**

**The Chair** introduced the reasoning behind this agenda item, as well as the principles of the Security Rules, and then passed the floor to the Head of Sector – ED Office

**The HoS** explained that the rules are submitted with the aim to protect the sensitive information that ELA deals with against any unauthorised disclosure. Additionally, the rules will also help staff evaluate which information is subject to the rules of security and should help in the evolving area of AI.

**Conclusion:** The Management Board adopted the decision unanimously.

#### **19. DECISION ON APPLYING BY ANALOGY AMENDMENTS ON COMMISSION DECISION C(2011)1278 FINAL ON THE GENERAL IMPLEMENTING PROVISIONS FOR ARTICLES 11 AND 12 OF ANNEX VIII TO THE STAFF REGULATIONS ON THE TRANSFER OF PENSION RIGHTS**

**The Chair** introduced the point, citing that this EC decision to be applied by analogy by ELA provides the updated conversion coefficients used in the field of transfer of pension rights.

**Conclusion:** The Management Board adopted the decision unanimously.

#### **20. DECISION ON THE REQUEST FOR THE COMMISSION AGREEMENT FOR DEROGATION FROM IMPLEMENTING RULES TO THE STAFF REGULATIONS**

**The Chair** introduced the point, citing that the new EC rules on anti-harassment are not suitable to apply by analogy now Model decision adapted to the agencies will be drafted at later stage.

**Conclusion:** The Management Board adopted the decision unanimously.

#### **21. REVISION OF THE RULES ON THE SECONDMENT TO THE EUROPEAN LABOUR AUTHORITY OF NATIONAL EXPERTS. DECISION 2021/19**

**The Chair** introduced the point, citing that this revision is minor in substance, enabling further clarity on the recruitment of cost-free SNEs. All other provisions are mostly kept the same.

**Conclusion:** The Management Board adopted the decision unanimously.

#### **22. UPCOMING WRITTEN PROCEDURES**

**The Chair** informed that following this meeting, there will be a couple of written procedures, namely on the adoption of the Consolidated Annual Activity Report, and the authorisation of establishing working relations between ELA and the Ministry of Labour and Social Protection of the Republic of Moldova. Finally, a written procedure on the establishment of local desks at ELA with cost-free SNEs should also be prepared.

There were no interventions.

**Conclusion:** The Management Board took note of the upcoming written procedures.

#### **23. ANY OTHER BUSINESS**

**The Chair** opened the floor for interventions.



**The members:**

- Asked if ELA could support MS efforts to make predictions regarding the flow of workers from the new candidate countries to the Union

**The ED** responded that it depends on ELA's mandate and was complemented by the Commission which said that they will look into it.

**24. CONCLUSION**

**The Chair** closed the MB meeting at 13.00 pm, thanking all interested parties.