Agenda

14th Meeting of the Stakeholder Group
21 October 2026

DG EMPL premises & Online

Morning session – Group meetings			
A	9:30 – 11:00	Group meeting Employers	Group meeting Trade Unions
	11:00 – 11:15	**Coffee Break**	
B	11:15 – 12:00	Bilateral meeting – Employers and Trade Unions	
	12:00 – 13:00	**Lunch break**	

DG EMPL

Group meeting employers – Floor 6, room 59 – https://ela.webex.com/meet/webex1

Group meeting trade unions – Floor 6, room 14 – https://ela.webex.com/meet/webex2

Bilateral meeting – Floor 6, room 14 – https://ela.webex.com/meet/webex2

Stakeholder Group meeting 2026

DG EMPL – Floor 3, Room 86

https://ela.webex.com/meet/webex2

Afternoon session			
1	13:00 – 13:05	Introduction by the Chair	Information
2	13:05 – 13:10	Adoption of the agenda of the meeting	Decision
3	13:10 – 13:15	Adoption of the minutes of the 13th meeting of the Stakeholder Group	Decision
4	13:15 – 13:45	Update on ELA's activities	Information
5	13:45 – 14:15	Updates from the Commission	Information
Activities			
6	14:15 – 15:05	Thematic discussion at the Stakeholder Group meetings	Discussion
7	15:05 – 15:25	Operational department – objectives and impact on Social Partners Liaison Function	Information
	15:25 – 15:40	**Coffee Break**	
8	15:40 – 16:05	Submission of CJI case proposals by the SPOs	Discussion
9	16:05 – 16:50	Update on information digital tools	Information
Other activities			
10	16:50 – 16:55	AOB	Information
11	16:55 – 17:00	Closure of the meeting	Information

13th Meeting of the Stakeholder Group followed by Outreach event for Social Partners
11 February 2026 – Brussels

Place - NH BRUSSELS BERLAYMONT, BOULEVARD CHARLEMAGNE 11-19, B-1000 BRUSSELS & online

Agenda for the meeting

Stakeholder Group meeting part			
1	9:30 – 10:30	Individual group meetings	Discussion
	10:30 – 10:45	**Break**	
2	10:45 – 11:30	Bilateral meeting	Discussion
3	11:30 – 11:40	Adoption of the meeting minutes from 12th meeting of the ELA Stakeholder Group	Adoption
4	11:40 – 12:30	Thematic discussion – Fair recruitment	Discussion
	12:30 – 14:00	**Lunch Break & Networking**	
Social partner's outreach event part			
5	14:00 – 14:10	Welcome by the ELA Executive Director	Information
6	14:10 – 14:50	Update on ELA activities and priorities	Discussion
7	14:50 – 15:15	Updates from the Commission	Information
	15:15 – 15:30	**Break**	
8	15:30 – 16:15	Update on Inspection and analytical activities	Discussion
9	16:15 – 16:40	Update on ELA Campaign activities	Discussion
10	16:40 – 16:55	Engagement with social partners	Discussion
Closure of the event			
11	16:55 – 17:00	Closing remarks	Information

Links to join the Stakeholder Group part

Group meeting employers: https://ela.webex.com/meet/webex1

Group meeting trade unions: https://ela.webex.com/meet/webex2

Bilateral meeting: https://ela.webex.com/meet/webex2

Stakeholder Group meeting 2026: https://ela.webex.com/meet/webex2

Record of the proceedings of the 13th Meeting of ELA Stakeholder Group

Brussels, 11 February 2026

1. Introduction by the Chair:

The **Chair** opened the proceedings and welcomed the participants to the 13th meeting of its Stakeholder Group (SG), held in Brussels.

2. Adoption of the minutes of the 12th meeting of the Stakeholder Group of 14 October 2025:

The **Chair** submitted to the members the adoption of the minutes of the 12th meeting of the SG of 14 October 2025. Comments by the members were well-received and the minutes were updated.

Conclusion: The SG adopted the minutes from the previous meeting.

3. Thematic discussion at the Stakeholder Group meetings:

The **social partners** introduced their document related to the importance of fair recruitment topic. From the trade union's side, the emphasis was on how unfair practices at the stage of recruitment (e. g. due to involvement of unregulated intermediaries) increase the risk of unfair labour mobility in general, stressing the need for early intervention.

On the employer's side the existing legislation was described as adequate, but more work is needed to better identify if there are issues of non-compliance, its form and underlying cause.

The social partners acknowledged ELA's role in mapping intermediaries, as well as their 'know before you go' information, but suggested to further explore (possibly through EURES) how to provide follow-ups verifying if workers do benefit from their rights. Another working point is the improvement in enforcement when it comes to the genuineness of posting, to ensure recruitment is not pursued with the objective of bogus posting, but place in the receiving Member State as the habitual place of work.

ELA aims to have a coherent process in place from recruitment to actual exercise for fair labour mobility, this by strengthening the public visibility of ELA and EURES and promoting 'fair recruitment, fair employment and fair mobility'. EURES' role will be further distinguished and could benefit from increased investment in new technologies (AI) to become a public service which reaches all individuals counting on support.

The Chair hereby opens the floor for discussion:

Social partners referred to the ILO fair recruitment principles serving as basis while stressing the importance of compliance which should protect workers from being asked to pay for by recruiters. In this context, an idea was launched to develop a tool to inform jobseekers in e.g. the transport sector which key aspects to verify when applying for jobs. ELA was considered helpful for providing support in clarifying issues in specific sectors and was encouraged to remain open to offering further thematic support.

The ED outlined idea to develop this voluntary 'fair recruiter' *brand* to certify employers who apply EU rules correctly. Besides, he shared how ELA aims to further shape EURES, putting stronger focus on quality jobs.

The EC welcomed the proposed approach, highlighting fair recruitment is essential to address labour shortages while safeguarding workers' rights. They acknowledged the need to simplify legislation in combination with stronger enforcement and implementation while sharing how the revision of the ELA mandate and labour mobility package contribute to this objective.

The Commission viewed this brainstorming as an opportunity to share ideas with ELA to further strengthen fair recruitment, such as:

- Selecting EURES, a mature and trusted network focusing on fair recruitment already, to feed into the developing of the EU Talent Pool, to set safeguards against non-compliant employers in place.
- Establishing closer cooperation between the analysis and undeclared work which could result in the development of an early warning system for workers, targeted campaigns, real-time data feeding into EURES and joint trainings with labour inspectors, all to improve efficiency and overcome structural silos.
- Further exploring how digital solutions (such as ESSPASS) can deepen enforcement and prevent exploitative recruitment practices.

On the idea of having this 'fair recruiter' *brand* in place, **social partners** showed their openness to explore, with trade unions underlining the importance to be involved in the process of validation of employers. However, caution was expressed on this *brand* not developing into a 'blacklisting' approach. Besides, stronger cooperation between national authorities is needed to tackle any further circumvention of rules and to stop abuses of third-country nationals. ELA was advised to keep on contributing by offering guidance, capacity building, mapping of intermediaries and information sharing (also through EURES).

The ED reassured social partners of being consulted at all stages whenever the Authority moves towards a new direction, this to ensure joint efforts result in fair recruitment in practice. ELA highlighted cooperation with national authorities and other institutions to further strengthen training activities. **The ED** also thanked the European Commission for its proposals.

On the 'fair recruitment' *brand*, **the ED** stressed how the initiative would be purely voluntary, not resulting in anything comparable to blacklisting, and not disadvantaging those employers who don't wish to participate.

Conclusion: ELA took note of the thematic discussion held by the SG and aims to further strengthen its cooperation with social partners.

The meeting was then followed by event organised for social partners.

Agenda

12th Meeting of the Stakeholder Group
14 October 2025

Online

Morning session – Group meetings			
A	9:30 – 11:00	Group meeting Employers	Group meeting Trade Unions
	11:00 – 11:15	Break	
B	11:15 – 12:00	Bilateral meeting – Employers and Trade Unions	
	12:00 – 13:00	Break	

Group meeting employers – https://ela.webex.com/meet/webex1

Group meeting trade unions – https://ela.webex.com/meet/webex2

Bilateral meeting – https://ela.webex.com/meet/webex2

Stakeholder Group meeting 2025

https://ela.webex.com/meet/webex2

Afternoon session			
1	13:00 – 13:05	Introduction by the Chair	Information
2	13:05 – 13:10	Adoption of the agenda of the meeting	Decision
3	13:10 – 13:15	Adoption of the minutes of the 11th meeting of the Stakeholder Group of 21 March 2024	Decision
4	13:15 – 13:45	Update on ELA's activities	Information
5	13:45 – 14:15	Updates from the Commission	Information
Activities			
6	14:15 – 15:05	Thematic discussion at the Stakeholder Group meetings	Discussion
7	15:05 – 15:20	National liability mechanisms in subcontracting chains - mapping of national legislation and practices	Discussion
	15:20 – 15:35	Break	
8	15:35 – 15:50	Updates on ELA Campaigns	Information
9	15:50 – 16:10	Presentation of the findings of the Feasibility study on a labour mobility helpdesk	Information
10	16:10 – 16:25	Update on the AI chatbot and the remuneration calculator	Information
11	16:25 – 16:40	Ongoing engagement with social partners	Information
Other activities			
12	16:40 – 16:45	AOB	Information
13	16:45 – 16:50	Closure of the meeting	Information

ELA/SG/2026/003

Record of the proceedings of the 12th Meeting of ELA Stakeholder Group

Online, 14 October 2025

1. **Introduction by the Chair:**

The **Chair** opened the proceedings and welcomed the participants to the 12th meeting of its Stakeholder Group (SG), held online.

2. **Adoption of the agenda of the meeting:**

The **Chair** introduced the draft agenda of the meeting. There were no comments to it.

Conclusion: The SG adopted the agenda.

3. **Adoption of the minutes of the 11th meeting of the Stakeholder Group of 26 February 2025:**

The **Chair** submitted to the members the adoption of the minutes of the 11th meeting of the SG of 26 February 2024. No comments were raised by the members.

Conclusion: The SG adopted the minutes from the previous meeting.

4. **Updates on ELA's activities**

ELA's Heads of Unit (HoUs) presented an overview of ELA's activities, mentioning also that a newsletter with the latest updates has been issued a week before the meeting.

Following the update, members were interested in:

The broad concept of intermediaries which appears often in discussions on subcontracting and covers many different forms of contract arrangements which could become confusing, especially to employers. Therefore, clarification in terminology would be welcome.

The cooperation between ELA and European Union Agency for Fundamental Rights (FRA) was appreciated by social partners. Questions were raised on the inclusion of the topic of irregularity and on referencing the ILO rule regarding the protection of workers by labour inspectors.

Additionally, more targeted enforcement and inspections but also detailed MS information and cooperation will be needed to address these large phenomena that affect labour mobility in the EU.

The ELA and FRA report on protecting migrant workers against labour exploitation, serves as a guide, or quick reference tool for labour inspectors. Its content is based on previous trainings and FRA reports. The report was only published internally and therefore does not focus on the topic of irregularity and third-country national workers specifically, but ELA will take note of this for future work.

Conclusion: The SG took note of ELA's update on activities.

5. **Updates from the Commission**

The Commission provided an update on their activities:

- The current state of legislative files which are under negotiation, such as the Quality Jobs Act, a deliverable of the 'Quality Jobs Road Map'. The preparatory work of the Act is ongoing, and discussions are still being held. A two-stage consultation with social partners will soon be launched.

- The outcomes of the discussions held in the implementation dialogue on Fair Labour Mobility will feed into the preparatory work of the Fair Labour Mobility Package for 2026.

- The Skills Portability Initiative is meant to enhance the portability of skills and qualifications across the EU, independently of where they were acquired. A Skills Guarantee pilot will aim to ensure that workers in sectors undergoing restructuring or at risk of unemployment can develop further their careers in other sectors or companies, through upskilling and reskilling, in line with relevant national, regional or sectoral transition strategies.

- The Fair Labour Mobility Package aims to modernize, simplify and digitalize labour mobility and Social Security coordination rules and will consist of three legislative elements. The first one consists of strengthening the ELA mandate, building *inter alia* on the extensive evidence base from the first ELA evaluation. The second element would be the proposal for a European Social Security Pass (ESSPASS), which would facilitate the interaction between citizens and public authorities. Enforcement would be simplified since this tool could be used to verify the validity and authenticity of the portable document, therefore minimizing fraud. The third element will be the Skills Portability Initiative.

- A review of the European Pillar of Social Rights is currently ongoing.

- Regarding the ongoing legislative negotiations:

    - The EU Talent Pool has its final trilogue planned for 18 November. In the case of conclusion, the implementation will start in 2026 with the tool going live by 2028.
    - The first trilogue on e-Declaration was held, followed now by a number of technical meetings, with the Danish presidency placing it high on the agenda.

SG Members were mostly interested in:

The employers' representatives highlights the extensive EU acquis that exists in the field and the need for a reduction of red tape as ways to ensure improvements on the ground and increase the level of competitiveness in the EU

The employer representatives focused on the need for better enforcement of existing rules and the issue of new initiatives not being effectively implemented on the ground. Therefore, they would like to see a specific area in the Quality Job Road Map dedicated to SME support, including on how to facilitate compliance, and a limitation to new initiatives under the Pillar of Social Rights. Further, they asked if any specific action is requested from the social partners to contribute to the making of the Fair Labour Mobility Package.

More information was asked on the involvement of other agencies in negotiations of the Talent Pool, and also on the timing and different stages of the Quality Jobs Act/Road map.

The EC responded:

The request for a reduction of red tape is noted by the EC; simplification is currently central to all EU legislative initiatives. There is an intention to reduce the burden for businesses without risking the level of protection for workers.

Through the Quality Jobs Roadmap, the Commission will prepare some areas which will be covered by the Quality Jobs Act, but this depends on the two-stage consultations and their results.

Furthermore, the EC clarified that the Talent Pool will be an EU-wide digital platform to facilitate international recruitment in sectors where EU Member States experience shortages. It will be voluntary for Member States to participate in the EU Talent Pool.

Conclusion: The SG took note of the Commission's updates.

6. Thematic discussion at the Stakeholder Group meetings:

Social partners expressed the added value in ELA's work and praise its gradual progress. Training, events, and workshops organized were much appreciated and well attended by the social partners. Here, a suggestion to increasingly include also national social partners, both cross-industry and sectoral affiliates of EU level social partner organizations was highlighted.

A suggestion has been made to ELA to further streamline its cooperation by providing regular updates and for implementing an appropriate timeline for sharing invites to activities. A proposed solution could be ELA's regular participation in European sectorial social dialogue meetings, to present valuable materials directly to the relevant group and gather feedback on it. Secondly, ELA could organize more national seminars, and use social partners or ministries as venue, which would require minimal resources and create valuable discussions. Interpretation was deemed key to ensure accessibility of national ELA events.

The work of NLO's has been recognized by the **social partners**, but there are some points that require more attention. First, information on who the responsible NLO is to national social partners would be important. Increased engagements between NLOs and social partners could also be done through inviting cross-industry or sectoral social partners to NLO-hosted events at national level. Secondly, social partners noted there is fragmentation in the approaches used by NLO's for different MS and suggested increasing visibility through dedicated meetings that would allow social partners at national levels to have regular exchanges with their respective NLO's.

To ensure effective and transparent involvement of social partners in ELA activities, EU-level social partners suggested to play a coordinating role for events such as sectoral workshops, and key initiatives. On the other hand, for national events, or smaller scale events, it could be the NLO, or ELA al large coordinating the involvement of relevant social partners.

Regarding social partner cases, employers' representatives voiced that MS should be the first point of contact and that they see a role together with ELA in joint inspections when there is EU added value.

ELA reflected that deep and operational relations with social partners are essential to ELA. The authority is hopeful that the revision of its mandate will provide the tools to further increase social partner participation in activities and to increase the consistency of approach towards national social parters in all MS, mainly by asking an increased effort by NLO's.

Currently, ELA is investigating how to increase social partner involvement in enforcement activities, which proves challenging considering the sensitivity and complexity of these activities.

On inspections, ELA noted that the role of social partners in the inspections depends on the national legislation. It would be beneficial to have this social partner involvement, since it could be beneficial to

all parties in the enforcement activities, but it currently remains an ongoing process and depends on national context.

Conclusion: ELA took note of the thematic discussion held by the SG and aims to further strengthen its relationship with social partners.

7. **National liability mechanisms in subcontracting chains - mapping of national legislation and practices**

ELA presented the work done on the Posting 360 program, including a new work stream to map national legislation and practices on liability mechanisms in subcontracting chains, particularly for posted workers.

Social partners congratulated ELA on the progress of their work and shared their thoughts and reactions. Trade unions emphasised existing evidence of increased risks to workers in long and complex subcontracting chains. The employer organizations shared their concern on the sensitivity of the topic of subcontracting and how limitations could have a possible impact on small companies and SMEs along the chain. A release from the European Employers Institute study on subcontracting chains could be considered to look at as well.

ELA proposed a dedicated event for social partners to share their input. This would allow for a broader spectrum of partners and a variety in sectors, which will help finalize the report. Moreover, ELA stated it is policy neutral, only giving information to the application of existing legislation.

The EC welcomed the focus on labour intermediaries and long subcontracting chains to protect the workers' rights.

Conclusion: The SG took note of ELA's update on the mapping of national legislation and practices regarding national liability in subcontracting chains.

8. **Updates on ELA Campaigns**

ELA shared its most recent updates on its campaigns, with key focus on the flagship campaign on Social Security Coordination, under the name of 'EU4SocialSecurity.

Social partners are pleased with the new campaign and especially how it includes the topics of return mobility and pension since EURES advisors and trade union counsellors are frequently asked about this. A question was raised on whether cooperation with the EURES network was considered.

Further, social partners wanted to know how SME's or employers in general were targeted by the campaign. Additionally, a question was made to reflect more on the timing and ways to effectively target the chosen groups, possibly extending the scope to additional groups.

ELA reacted that the EU4SocialSecurity campaign will spill over to EURES activities, e.g. in case of actions of return mobility or within the current framework focusing on the EU job days.

Further, this campaign will reach everyone, including employers, for which LinkedIn was chosen as most suitable platform, among other social media platforms.

About timing and synchronization of campaigns, ELA is aware of structural challenges but has tackled this by its plan to start the next campaign from the beginning of 2026. Also noteworthy is to mention how all ELA campaigns can be reused in the future to further multiply its effects.

The EC welcomed the social security campaign and congratulated ELA on its work done so far.

Conclusion: The SG took note of ELA's campaign updates.

9. **Presentation of the findings of the Feasibility study on a labour mobility helpdesk**

ELA shared how a long-standing request from employers' organisations led to a feasibility study on an EU help desk for labour mobility, aiming to provide personalized, multi-channel consulting services across EU and EFTA countries.

Social partners were grateful for all the effort made, as the ELA feasibility study offered a valuable overview. Additionally, a mitigation measure was proposed by the employers' side, to not sanction an employer whenever they have followed the instructions of the help desk, proving good intention and therefore showing they are willing to follow instructions. Moreover, concerns were raised by trade unions about the added value and feasibility of such helpdesk and on the sharing and updating of information.

The EC looks forward to obtaining more information on different models and options.

ELA shared that more clarity on solutions, mitigation measures and a higher focus on SME vulnerability will be clarified in the next MB meeting. The Authority sees the need to provide information to companies, since often they aim to respect the legislation but do not have the suitable means to be informed. The helpdesk would prove adequate for employers but would not be limited to them.

Working with different networks and integrating their knowledge into a common platform is a path ELA wants to follow. However, more resources and adaptations of the mandate are needed to build a more comprehensive model which would elevate the current proposed model which mainly supports the network of other available information services.

Conclusion: The SG took note of ELA's updates on this labour mobility helpdesk study

10. Update on the AI Chatbot and the renumeration tool

ELA developed and internally tested a chatbot focused on administrative requirements for posting workers, using vetted national sources and feedback from experts. Besides, ELA launched a remuneration tool pilot in the road transport sector to clarify applicable pay elements across Member States.

Social partners expressed interest in with ELA's work and a wish for deeper social partner consultation, some proposing the inclusion of additional partners when the testing phase begins.

The EC welcomes ELA's work and looks forward to obtaining more information.

ELA welcomes all support to improve these tools, especially by working together with the sectoral social partners, such as ETF and IRU and their national affiliates for the road transport sector. In particular, closer social partner involvement of those with collective bargaining agreements would be appreciated, to tackle the complexity of the project. A formal call will be launched to reach relevant stakeholders to ensure a successful pilot. ELA's goal would be to have a single tool, acting as a synthesis of functionality to offer to employers, workers or any other user.

Conclusion: The SG took note of ELA's updates on the creation of these tools.

11. Ongoing engagement with social partners

ELA plans to have a meeting with the social partners before the launch of the next sector-specific activities. It opens the floor to any proposals for the creation of follow-up workshops for a specific sector, which can be requested directly from social partner to ELA. Finally, ELA looks forward to pilot an informal meeting of the SG, which is connected to the outreach event for social partners held in the beginning of 2026.

The EC welcomed ELA's efforts to increase social partner involvement in ELA's activities.

Conclusion: The SG took note of ELA's ongoing social partner engagement.

12. AOB

There were no further requests.

13. Closure of the meeting

The Chair thanked the members for the fruitful discussion and closed the meeting.

EUROPEAN LABOUR AUTHORITY

Agenda

11th Meeting of the Stakeholder Group

26 February 2025

ELA Headquarters - Landererova 12, Bratislava

Group meetings

A	09.30 - 11.00	Group meeting *Employers*	Group meeting *Trade Unions*
B	11:15- 12.00	Bilateral meeting – *Employers* and *Trade Unions*	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting **https://ela.webex.com/meet/webex2**

Stakeholder Group meeting 2025

https://ela.webex.com/meet/webex2

12:00 – 13:00 Lunch

Introduction			
1	13:00 – 13:05	Introduction by the Chair	Information
2	13:05 – 13:10	Adoption of the agenda of the meeting	Decision
3	13:10 – 13:15	Adoption of the minutes of the 10th meeting of the Stakeholder Group of 15 October 2024	Decision
4	13:15 – 13:30	Updates from the last Management Board	Information
5	13:30 – 14:20	Update on ELA's activities	Information
6	14:20 – 14:45	Updates from the Commission	Information
	14:45 – 15:00	*Break*	
Activities			
7	15:00 – 16:00	Thematic discussion at the Stakeholder Group meetings: Collective Agreements	Discussion

8	16:00 – 16:25	Long-term care sector – state-of-play for 2026 activities	Information and Discussion
9	16:25 – 16:50	Progress report: ELA Information & EURES studies with SP contributions	Information and Discussion
Other activities			
10	16:50 – 16:55	AOB	Information
11	16:55 – 17:00	Closure of the meeting	Information

Record of the proceedings of the 11th Meeting of ELA Stakeholder Group

Bratislava, 26 February 2025

1. **Introduction by the Chair:**

The **Chair** opened the proceedings and welcomed the participants to the 11th meeting of its Stakeholder Group (SG), held in ELA headquarters in Bratislava.

2. **Adoption of the agenda of the meeting:**

The **Chair** introduced the draft agenda of the meeting. There were no comments on it.

Conclusion: The SG adopted the agenda.

3. **Adoption of the minutes of the 10th meeting of the Stakeholder Group of 15 October 2024:**

The **Chair** submitted to the members the adoption of the minutes of the 10th meeting of the SG of 15 October 2024. No comments were raised by the members.

Conclusion: The SG adopted said minutes.

4. **Update from the last Management Board meeting:**

The **Chair** informed that all the decisions submitted to the Board were adopted including SPD 2025-2027 as well as the first draft of the SPD 2026-2028. No comments were raised by the members.

Conclusion: The SG took note of ELA's update on the last Management Board meeting.

5. **Updates on ELA's activities**

The Chair noted that in 2024, ELA reached its full financial and human capacity while implementing its budget and activities and that the same operational approach will continue this year, potential organisational changes to enhance functionality will be considered from next year.

ELA's Heads of Unit (HoUs) then proceeded to present an overview of ELA activities

Members were mostly interested in:

1. The role, distinction, and future development of digital tools and support services, including the Information Webtool, feasibility study for a Help Desk, and ELA GPT.
2. Insights into inspection activities, including locations, areas of focus, and key findings and the ongoing review of the Guidelines on concerted and joint inspections
3. Trends in EURES portal participation and traffic, particularly in relation to job vacancy availability and related data.
4. Updates on the development and status of the remuneration calculator.
5. Outcomes of recent reviews of the national SSC websites, and access to relevant findings or summaries.
6. The potential relevance of mapping national qualification recognition systems within broader EU skills initiative.
7. The scope and objectives of the upcoming analytical report, focused on aircrew members, and the ongoing mapping of subcontracting practices in Member States.

ELA's initiatives were welcomed, and, in general, social partners asked for further involvement and advance notification of meeting planning as well as opportunities to contribute.

Regarding the development and use of digital tools members were informed that while the Information Webtool, the Help Desk, and ELA GPT are distinct tools, they are considered within the same strategic scope. Regarding the possibility of a Help Desk, a feasibility study is underway and expected to be completed this year, providing further clarity, including with regard to ELA's mandate, liability, added value and resources. In parallel, the development of an AI-based chatbot is in progress, with a pilot phase planned for this year.

On CJIs, members were informed that inspections related to remuneration have been conducted, with a cross-sectoral week of action on the topic. Key findings are shared within the relevant Working Group where social partners also have their representative. Temporary work agency cases are more complex to investigate.

In relation to the EURES portal activity, ELA clarified that vacancy numbers on the EURES portal are sourced through national submissions via a single coordinated channel rather than being directly managed. There is likely no direct correlation between portal visits and the number of vacancies or CVs. Statistical data would need to be reviewed for further insights.

ELA informed the members that the social security website review reports cannot be published as they are confidential between ELA and the respective Member States. Any other initiative is subject to agreement with Member States and, where relevant, the Administrative Commission.

On the pilot for a posting remuneration calculator, members were informed that preliminary desk research is being conducted with a key focus on selecting a specific sector and country to narrow the scope.

ELA stated that while it has no mandate on qualification recognition, it can assist by relaying information about national websites providing relevant information and procedures instructions. Further proposals to be presented to the Commission in due course.

On the report on the aviation sector, ELA mentioned that it will focus on labour mobility, including the posting of workers and social security coordination rules, as well as mapping the competences of national authorities and inspection approaches. Launch is expected in Q3 of 2025.

Conclusion: The SG took note of ELA's update on activities.

6. Updates from the Commission

The Commission provided an update on their activities.

- Since the last meeting, a new Commission has taken office, including the new Executive Vice-President for Social Rights and Skills, Quality Jobs, and Preparedness, Roxana Mînzatu.
- The Commission representative informed that the new Work Programme has been adopted on 11 February. It includes a renewed action plan on the European Pillar of Social Rights. This plan is expected to be adopted by the fourth quarter of this year.
- The Commission informed that the Union of Skills will be adopted on 5 March, including initiatives such as the Skills Portability Initiative.
- The Quality Jobs Roadmap is also planned for adoption in the fourth quarter of this year, addressing key issues like fair wages, good working conditions, and aligning with ELA's work including on combating undeclared work.
- DG Employment and Social Affairs will host its annual Employment and Social Rights Forum on 5-6 March, during which the new Pact on Social Dialogue is expected to be signed.

- Negotiations are ongoing with Member States under the Polish Presidency regarding the proposed e-Declaration on Posting, with the aim of finalising the proposal by the end of this year or early next year.
- The Commission also informed that the revision of Social Security Coordination Rules has progressed, however the outcome is yet to be determined.
- Negotiations are equally ongoing on the Talent Pool initiative, and they are expected to be concluded by the end of this year or early 2026.

On ELA evaluation, the Commission informed that it was submitted to the Regulatory Scrutiny Board, and the final opinion has been received. The evaluation is expected to be published in April, serving as the basis for further steps to strengthen the European Labour Authority.

Conclusion: The SG took note of the Commission's updates.

7. Thematic discussion at the Stakeholder Group meetings: Collective agreements

Following the previous Stakeholder Group meeting, **the Chair** introduced the thematic discussion on collective agreements, emphasising their significance in relation to ELA's mandate. The floor was then passed to social partners for a more detailed presentation on the relevance of collective agreements in the field of labour mobility, and a case study on collective bargaining in the Italian construction sector.

Social partners opened the discussion highlighting that collective agreements are essential to ensure equal treatment between local and mobile workers. In addition to the relevant pieces of EU legislation covered by ELA's mandate, various internal ELA documents, including guidelines for inspections, rules on procedural mediation, were also noted as directly relevant. The autonomy of social partners and respect for collective bargaining systems in accordance with national laws and practices, as enshrined in Article 1(3) and (6) of the ELA Founding Regulation, was also mentioned.

ELA inquired about the challenges in cross-border enforcement of collective agreements, particularly the lack of access to information, and sought clarification on how cross-border cooperation is implemented in practice. Additionally, it was asked whether there is a possibility to access all collective agreements, including non-published ones, for the purpose of providing accurate information.

Social partners noted two key challenges in cross-border enforcement: cooperation between trade unions and authorities and limited access to information exchange and enforcement tools in cross-border situations. Sweden was brought up as an example as trade unions play a key role in enforcement across much of the labour market, while certain aspects remain under the responsibility of national authorities. Joint inspections are not conducted.

Regarding accessibility social partners acknowledged the complexity of the issue but also emphasised the respect for diversity of national industrial relation systems. As such, there are no posting-specific collective agreements, and depending on national laws and practices, not all collective agreements may be publicly available because there is no legal obligation to publish them. Social partners also pointed out that Posting Directives make clear how collective agreements are to be considered applicable, and national competent authorities are to collaborate with national social partners to make relevant collective agreements available in an accessible and transparent way. When it comes to agency postings there are also clear information obligations between the posting and user undertakings, to ensure the correct application of collective agreements.

Social partners presented further issues related to enforcement of collective agreements, such as the intimidation of trade union representatives, the need for a collective complaint procedure, and the importance for Member States to be able to require posting companies to declare which collective agreement they apply.

On the relation between the development of the remuneration calculator and collective agreements, ELA clarified that access to accurate data is crucial, hence the importance of collaboration with social

partners and MSs for validation to ensure the correctness and applicability of the data fed into the system. Social partners reiterated the need for such collaboration to also respect the autonomy of social partners when it comes to collective agreements.

Conclusion: ELA took note of the thematic discussion on collective agreements held by the SG.

8. Long-term care sector – state of play for 2026 activities

The Chair presented the state of play for 2026 regarding long-term care sector as a part of a wider sectoral approach, then passed the floor to ELA's Governance Head of Sector.

ELA's Governance Head of Sector presented the initiative starting with the preparation of an analytical report, prepared in parallel with the development of key messages for the campaign, focusing on content development for awareness-raising targeting the sector. The involvement of social partners is foreseen throughout the year.

Members commented on the importance of focusing on this sector and sought clarification on the organisation of upcoming meetings and the expectations regarding their feedback and contributions, as well as which category of workers are included.

ELA clarified that the expert meetings will focus on identifying the key issues of the sector. Following these, a focus group will be held around mid-May, based on a draft set of key messages. The call for nominations for this group has already been sent.

On the issue of category of workers, ELA clarified that the focus is on workers providing care both in the institutions as well as in home settings, without necessarily referring to domestic workers, while these may indeed be included for certain activities, and emphasised the intention to clearly define this category.

Conclusion: The SG took note of the updates provided on the current status of the activities planned for the sectorial focus on long-term care sector

9. Progress report: ELA Information/EURES studies with social partners' contributions

The Chair introduced the point and informed that many ELA studies require active contributions from social partners. He then expressed appreciation for the support received so far and passed the floor to ELA's Head of Information and EURES unit for a more detailed overview.

ELA's Head of Information and EURES Unit outlined the progress made in the Unit's studies involving social partner contributions and presented the upcoming stages of this work.

Social partners agreed that for next year's reports, ELA can rely on already established contact points for input and encouraged maintaining this approach for future cooperation.

Social partners stated their keen and shared interest in this area and confirmed their commitment to continue providing input, then thanked ELA for the clear overview and appreciated the clarification on the status of existing reports.

Social partners then raised a follow-up question regarding the timeline of upcoming studies and reports, particularly on labour intermediaries.

ELA responded that the study on labour intermediaries is expected to be finalised by the beginning of 2026.

Conclusion: The SG took note of the progress of ELA studies.

10. AOB

Social partners suggested to reorganise future meetings into two half-day sessions, specifically on the afternoon of day one and the morning of day two**. ELA** responded that this suggestion will be considered, and further communication will follow with the coordinators. Additionally, **ELA** suggested the possibility of merging the January outreach event held in Brussels with the first meeting of the Stakeholder Group. The social partners positively reacted to this idea.

11. Closure of the meeting

The Chair provided the dates of the following SG meetings. He thanked the members for the fruitful discussion and closed the meeting.

ELA/SG/2024/010

Draft Agenda

10th Meeting of the Stakeholder Group

15 October 2024 – Brussels

DG EMPL premises - Rue du Commerce 46, 1000, Brussels

Group meetings

A	09.30 - 11.00	Group meeting *Employers*	Group meeting *Trade Unions*
B	11:15- 12.00	Bilateral meeting – *Employers* and *Trade Unions*	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting https://ela.webex.com/meet/webex1

Stakeholder Group meeting 2024

https://ela.webex.com/meet/webex1

ELA staff https://ela.webex.com/meet/webex1

12:00 – 13:00 Buffet Lunch

Introduction			
1	13:00 – 13:05	Introduction by the Chair	Information
2	13:05 – 13:10	Adoption of the agenda of the meeting	Decision
3	13:15 – 13:20	Adoption of the minutes of the 9th meeting of the Stakeholder Group of 21 March 2024	Decision
4	13:20 – 14:20	Update on ELA's activities	Information
5	14:20– 14:45	Updates from the Commission	Information
	14:45-15:00	*Break*	
Activities			
6	15:00 – 15:45	Thematic discussion at the Stakeholder Group meetings	Discussion

7	15:45 – 16:30	Discussion note on preparation of the initial draft of SPD 26-28	Discussion
8	16:30 – 16:45	Survey among EURES NCOs about their cooperation with social partners	Information
9	16:45 –17:00	Survey about 'multi-stakeholder exchange fora on transnational labour mobility'	Information
Other activities			
10	17:00 – 17:05	AOB	Information
11	17:05 – 17:10	Closure of the meeting	Information

Record of the proceedings of the 10th Meeting of ELA Stakeholder Group
Brussels, 15 October 2024

1. **Introduction by the Chair:**

ELA's Executive Director (ED) opened the proceedings and welcomed the participants to the 10th meeting of its Stakeholder Group (SG), held in the premises of DG EMPL.

2. **Adoption of the agenda of the meeting :**

The **Chair** introduced the draft agenda of the meeting. There were no comments on it.

Conclusion: The SG adopted the agenda.

3. **Adoption of the minutes of the 9th meeting of the Stakeholder Group of 21 March 2024 :**

The **Chair** submitted to the members the adoption of the minutes of the 9th meeting of the SG of 21 March 2024. No comments were raised by the members.

Conclusion: The SG adopted said minutes.

4. **Update on ELA's activities:**

The Chair provided a short update on ELA's growth. He noted that as of 2024, ELA has reached its full financial and human capacity, so ELA is now ready to deepen the delivery of its activities.

ELA's Heads of Unit (HoUs) then proceeded to present an overview of ELA activities since the last meeting of the SG in March 2024

Members were mostly interested in:

1. Ongoing and new activities, specifically the preparation of the new social security campaign and the development of analytical activities
2. EURES portal strategy implementation and development
3. The upcoming analytical report on the aviation sector
4. Revision of the CJIs guidelines
5. Post inspection reports
6. First annual capacity building event for national social partners
7. Multi-annual topics for ELA campaigns,
8. Consolidation of ELA's digitalisation activities
9. Finalisation of external relations with sister agencies.

ELA's initiatives were welcomed, and, in general, social partners asked for their further involvement..

Next to the ongoing work on the HORECA campaign a new campaign for 2025 focused on social security coordination is being developed. Consultations will be conducted to determine the direction of said initiative. Contributions from social partners are welcome.

The EURES portal strategy is being implemented. This includes technical gap analysis, a survey among portal users for which social partners' assistance in dissemination would be appreciated, and reorganisation of the job search portal's information sections.

On the report on the aviation sector, ELA mentioned that is set to be released in 2025.

ELA aims to revise the CJIs guidelines, to expedite the process by streamlining administrative and financial procedures, facilitating submission of post-inspection reports, focusing on critical elements and reallocating resources to reduce the burden on national authorities.

HORECA campaign's outcome was positively received, with plans to further audit the next campaigns to better assess their reception and impact.

ELA mentioned that digitalisation activities are being consolidated through the creation of initiatives that aim to promote innovation and help national authorities in using existing EU digital tools.

ELA mentioned that cooperation agreements with sister agencies are being implemented, i.e. the cooperation is ongoing.

Conclusion: The SG took note of ELA's update on activities.

5. **Updates from the Commission:**

The Commission provided an update on their activities.

- Commission representative stated that the work for 2024-2029 will focus on competitiveness, defense, energy, employment-related policies, and migration with reduced emphasis on green transition, climate change, investments, and cohesion. The immediate priorities can be found in the 100-day proposal.
- A new action plan to implement the European Pillar of Social Rights and Union of Skills will be presented to fill gaps and highlight the social dimension of the Union. Other initiatives include an anti-poverty strategy , the affordable housing plan, and the pact for EU social dialogue.
- The Commission will propose a quality jobs roadmap to support fair wages and training as well as collective bargaining.
- The Commission stated that the draft information requirements for the e-declaration of posting of workers was successfully finalised in December 2023, hence MSs are invited to use it once the proposal has been adopted by the co-legislators.
- The Commission also informed that in May, several MSs signed a joint declaration asking to initiate work on a common format of posting declaration, complemented by the creation of a digital multilingual portal for companies to submit such declarations. The Commission intends to propose a common declaration to be used by employers.
- The Commission presented an evaluation of the four agencies under DG EMPL remit (Cedefop. EU-OSHA, Eurofound, and ETF) that highlighted budget and staff constraints but noted good adaptability and suggested an attempt to improve communications and intra-agency cooperation.

On ELA evaluation the Commission outlined the next steps, including the preparation of the staff working document. The Commission expects to present the evaluation report during Q1 next year. Following the discussion of the points, questions as well as observations were raised, attendees were mostly interested in the:

- Commission's plan related to the ongoing revision of Regulation 883/2004 on the coordination of social security systems
- Revision of the public procurement directive and its relevance to labour mobility and subcontracting
- Use of the proposed E-declaration tool

The Commission intends to revise the public procurement directives, ensuring that ELA is fully involved in the process. On the use of the e-declaration, the Commission clarified that the proposal should respect a voluntary approach for the Member States.

Conclusion: The SG took note of the Commission's updates.

6. Thematic discussion at the Stakeholder Group meetings:

The Chair presented the Thematic Discussion prepared by social partners as a new initiative with the aim to leverage the expertise of social partners and stimulate discussions to facilitate a bottom-up approach and provide advice on ELA's work.

Starting next year, thematic points will be identified to focus on topics of joint interest and will include the possibility of inviting external experts to the meetings to facilitate discussion. A pilot exercise on collective agreements, their application and enforcement will be conducted in February.

ELA mentioned that collective agreements are a great first topic to begin with and will eventually need to be incorporated into the web tool, for this conceptual help from social partners will be required.

Social partners agreed that they have the privilege to bring input from workers and employers and highlighted how collective agreements are fundamental tools to guarantee equal treatment by seting labour standards and a level playing-field, hence they need to be properly applied and enforced.

Social partners recognised that ELA's web tool and remuneration calculator tool are relevant but complex initiatives that could benefit from the thematic discussion focused on collective agreements. Nonetheless, it could also be beneficial to add more concrete features such as targeted inspections which could require reflection on how collective agreements are enforced.

Conclusion: The SG supported the idea of thematic discussions at future SG meetings.

7. Discussion note on preparation of the initial draft of SPD 2026-2028:

ELA's Head of Governance Unit opened the discussion on the preparation of the initial draft Single Programming Document (SPD) 2026-2028 and on the annual work programme for 2026. The initial draft

will be presented in the November Management Board meeting, but SG input will be taken into account next year according to the procedure.

On the work programme for 2026, ELA stated that the care sector will receive a closer look with specifics to be defined. The focus on this sector will include analytical work, sector-specific campaigns, and targeted enforcement activities.

On continuing activities, ELA proposed the maintenance of the multi-topics campaign approach. The proposal is to continue said approach updating already existing campaigns as well as creating new ones. In general, ELA will require input and strong cooperation with social partners for more sectorial expertise.

ELA opened the discussion on the SPD 2026-2028 by submitting two questions to the members:

1. Which other sector/ categories of workers should ELA focus on,
2. Which other area should ELA pay attention to, including digitalisation

Members in response appreciated the work done in the HORECA sector specifically on the topic of seasonal work. On the new focus on the care sector, it was suggested to also take into consideration domestic workers. **The Chair** confirmed that domestic workers will be included and targeted by campaigns and enforcement activities.

Members reflected as well on the use of digital tools, to be used more to create synergies and impact to amplify the outreach of ELA's work.

Members raised attention to structural issues involving multiple sectors in relation to temporary work agencies, identifying a general lack of information on equal pay and its enforcement for temporary workers and how to control this issue. At the national level there is an issue with the identification of postings and their genuineness. **The Chair** mentioned that these concerns will be considered, and informed that a report on labour intermediaries will be released in late 2025. ELA will also work to improve the identification of postings and will commission a study on said topic.

Members highlighted that these issues were relevant as well for other sectors such as road transport and construction.

On road transport, one area that could be targeted is remuneration, specifically its components as it has a direct impact on social security and undeclared work issues.

On construction, the sector's use of subcontracting chains cross-border is often involving infringements of labour mobility rights or even criminal activities. Members suggested using the Posting 360 forum to further discuss the issue and appreciated the joint trainings with police officers, prosecutors, and judges to raise awareness.

Members positively welcomed the attention on the care sector. Other sectors such as aviation, are also good candidates for analysis related to mobility and tackling criminality.

Members suggested frontier workers as another category that could require further attention from ELA, given their relevance in relation to the political guidelines of the new European Commission. Issues linked to social security such as family benefits are of key relevance to workers in cross-border regions. **ELA** confirmed that this category will be covered in the new social security campaign.

Members expressed interest in contributing to the feasibility study on an Information Help Desk.

Social partners concluded the discussion by offering their strong support for the outreach events and capacity building initiatives.

Conclusion: The SG provided feedback to the contents of the SPD 2026-2028.

8. Survey among EURES NCOs about their cooperation with social partners:

ELA's Head of Information and EURES Unit presented the survey as an initiative to explore how to better involve social partners in EURES work at EU and national levels. It aimed to understand the current level of cooperation between the EURES NCOs and national/regional social partners and to identify potential pathways for closer cooperation.

The survey revealed that most cooperation is on an ad hoc basis, not structural or formalised and that NCOs are generally satisfied with the cooperation and are willing to intensify it.

According to NCOs, the benefits of cooperation include networking and raising EURES awareness, better outreach and better services for the end users.

NCOs suggested that the current limited cooperation is due to limited financial and human resources. To facilitate, it was suggested that ECO could help promote cooperation at national and regional levels.

ELA concluded the presentation asking for feedback and further input from social partners.

Members commented that networking might not be the most effective way to attract social partners. Providing information and demonstrating EURES's support and attention for companies is more practical. More communication and trust-building activities are needed. Further challenges include EURES's mandate and focus on jobseekers as not not being fully aligned with core activities and target groups of trade unions. Taking advantage of already existing interregional trade union councils was suggested to facilitate relations and communications.

ELA thanked them for their contributions and informed the members that an event on labour shortages is scheduled for 25 October and it will be a great occasion to showcase EURES' work for employers.

Conclusion: The SG took note of the outcomes of the survey among EURES NCOs.

9. Survey about multi-stakeholder exchange fora on transnational labour mobility:

ELA's Head of Information and EURES Unit presented the survey to the members and explained its purpose. The aim is to understand how these fora work, their functionality and ELA's potential contribution. Challenges arise from an unclear nature regarding the type of cooperation and structure. The survey was launched in 2023 and received about 50 responses, among them 23 fora were identified.

ELA then outlined the findings, clarifying that the report was a draft hence it is still open for feedback. The report stated that these fora aim to facilitate information provision, harmonise practices, and address labour mobility challenges and employment issues in cross-border regions. In terms of thematic focus, the attention is mostly on taxation, and social security issues.

In terms of participation, the report noted a strong dominance of public employment services and social partners but a much lower number of social security organisations. There is an overall dominance of

formal agreements that provide institutional support. Deliverables are rather technical, but also include awareness-raising material.

ELA offered the following recommendations to improve these fora:

1. Awareness raising of these organisations
2. Provide a forum for stakeholders to meet and enable knowledge and information exchange
3. Encourage thematic discussions
4. Implement a progress evaluation tool

Members offered the following feedback:

1. ELA and EC should reflect on how to revamp EURES cross-border partnerships by providing capacity building and offering concrete successful examples as their number is constantly decreasing
2. Issues such as housing and regional industrial clusters should be included in the fora's discussions,
3. Include practical examples of what these fora do,
4. These fora could be used to expand the cross-border cooperation approach to more EU regions.

ELA thanked the members for their recommendations and active contribution.

Conclusion: The SG took note of the outcomes of the multi-stakeholder exchange fora on a transnational labour mobility survey.

10. AOB:

There were no further requests.

11. Closure of the meeting:

The Chair provided the dates of the following SG meetings. He thanked the members for the fruitful discussion and closed the meeting.

ELA/SG/2024/001

Draft Agenda

9th Meeting of the Stakeholder Group

21 March 2024 – Bratislava

ELA's premises. 3rd floor.

Group meetings

A	9:30 - 11.00	Group meeting *Employers*	Group meeting *Trade Unions*
B	11:15- 12.00	Bilateral meeting – *Employers* and *Trade Unions*	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting https://ela.webex.com/meet/webex1

Stakeholder Group meeting 2024

https://ela.webex.com/meet/webex1

12:00 – 13:00 Buffet Lunch

Introduction			
1	13:00 – 13:05	Introduction by the Chair	Information
2	13:05 – 13:10	Adoption of the agenda of the meeting	Decision
3	13:10 – 13:15	Update on new nominations to the Stakeholder Group representatives	Information
4	13:15 – 13:20	Adoption of the minutes of the 8th meeting of the Stakeholder Group of 18 October 2023	Decision
5	13:20 – 13:30	Update from the last Management Board Meeting of 20-21 November 2023	Information
6	13:30 – 14:45	Update on ELA's activities	Information
	14:45 – 15:00	*Break*	
Activities			
7	15:00 – 15:45	SG input into the priorities for ELA for 2025 and 2026	Discussion
8	15:45 – 16:00	Events for Social partners in 2024	Information
9.	16:00 – 16:15	Introduction of the Brussels Liaison Office	Information

10.	16:15 – 16:35	Review of available information on National Social Security websites	Information
Other activities			
11		Closure	

Record of the proceedings of the 9th Meeting of ELA Stakeholder Group
Bratislava, 21 March 2024

1. **Introduction by the Chair:**

ELA's Executive Director (ED) opened the proceedings and welcomed the participants to the 9th meeting of its Stakeholder Group, held in the premises of the ELA, Landererova 12, Bratislava, Slovakia.

2. **Adoption of the draft agenda of the meeting** (ELA/SG/2024/001)**:**

The **Chair** introduced the draft agenda of the meeting. There were no comments on it.

Conclusion: Hence, the SG adopted the agenda.

3. **Update on new nominations to the Stakeholder Group representatives** (ELA/SG/2024/002)**:**

The **Chair** mentioned that there were some new designations to the Employees' organisations, since the last Management Board meeting, held on 20.11.2023. The new designations are:

Post	Last Name	First Name	Organisation
Member	*TILLING*	*Cristina*	ETF, European Transport Workers' Federation.
Member	*GOVAERTS*	*Alexandre*	Fédération Générale du Travail de Belgique
Alternate	*KARRASS*	*Anne*	DGB, German Trade Union Confederation
Alternate	*FÖLZER*	*Christian*	ÖGB, Austrian Trade Union Federation
Alternate	*UHLEROVÁ*	*Monika*	KOZ SR, Confederation of the Trade Unions of Slovak Republic

Alternate	*CARLBRAND*	*Marcus*	LO-S, Swedish Trade Union Confederation

Conclusion: The new members were welcomed. They will be appointed in the next Management Board meeting, joint with Stakeholder Group, on 15-16 May 2024.

4. **Adoption of the minutes of the 8th meeting of the Stakeholder Group of 18 October 2023** (ELA/SG/2024/003)**:**

The **Chair** submitted to the members the adoption of the minutes of the 8th meeting of the SG of 18 October 2024. No substantive comments were raised by the members.

Conclusion: The SG adopted the said minutes.

5. **Update from the last Management Board meeting of 20-21 November 2023** (ELA/SG/2024/004)**:**

The **Chair** provided short update from the last Management Board Meeting. He noted that as of 2024, ELA has reached its full financial and human capacity, so ELA is now ready to deepen the delivery of its activities, in line with the adopted the Single Programming document 2024-2026, including the annual Work Programme for 2024, as well as the budget for 2024, which we were all approved during the MB meeting. During the MB meeting, ELA, as well as COM, offered an update on activities relevant for ELA's mandate.

Furthermore, ELA provided update on the EURES portal strategy implementation. Following this, the MB held a strategic discussion on the future ELA Web Tool for labour mobility information. Likewise, the MB discussed and adopted ELA's Capacity Building Strategy and held discussion on the report on CJIs. Similarly, the MB was informed about the report on the cooperation challenges in the road transport sector.

From the administrative point of view, different issues were shortly discussed (HR, Data Protection, Anti-Fraud Strategy), with all relevant documents adopted. The same goes for the appointment of the mediators, as well as the updated list of Members/Alternates of the Stakeholder Group.

Finally, the MB agreed that next year it will hold two formal meetings on 15-16 May 2024 (joint with the Stakeholder Group), and 27-28 November 2024.

Members appreciated the debriefing.

6. **Update on ELA's activities** (ELA/SG/2024/005) **:**

ELA's Heads of Unit (HoUs) presented an overview of ELA activities since the last meeting of the SG in October 2023.

Members were mostly interested in:

1. The analytical report on labour intermediaries and specifically temporary work agencies, and its risk assessment,
2. Weeks of action focused on wages and also on road transport
3. The information provision for platform workers
4. The forum on posting of workers
5. EESSI PROGRESS Programme
6. Capacity building workshops for social partners
7. Information on labour and skill shortages
8. CJIs. Information prior to and after inspections
9. Strategic analysis. Reports on: HORECA; labour intermediaries: posting of third-country nationals: Contracting chains and recruitment patterns; enforcement of labour mobility and social security coordination rules for aircrew members
10. Wage calculator
11. ELA web-tool
12. HORECA campaign and events

ELA's initiatives were welcomed, and, in general, SPs asked for their deeper involvement in them.

On the report on labour intermediaries, ELA underlined that social partners would be involved by providing their input.

ELA mentioned that Member States will be consulted on their priorities for the weeks of actions, including on wages. A meeting will be hold in June to plan these activities, it will be open also to SPs.

The capacity building workshops for SPs were welcomed, in particular the submission of cases to ELA, with a practical focus.

ELA aims to do a mapping of available information sources for platform workers and proceed with another series of mutual learning events, as it is outlined in the 2024 work programme.

It is a priority to get follow-up information from inspections ELA is evolving towards focused inspections, with concrete cases and companies.

The **Chair** underlined that the web tool will be universal, simple to use and not limited to information on ELA's website.

ELA mentioned that the HORECA campaign material is under design; social partners will be involved of social partners. The launch will take place in October of this year.

7. SG input into the priorities for ELA for 2025 and 2026. Discussion (ELA/SG/2024/006)**:**

The **Chair** mentioned that since its establishment, ELA has managed to establish itself as a natural reference point in the EU labour mobility field. Now, ELA will enter into second cycle of its 5 years mandate.

The SPD 2025-2027, which first draft was adopted by the Management Board in January this year, it will be finished. Similarly, ELA will also commence this year with the work on the Single Programming Document 2026-28.

ELA would like to receive timely input for its priorities by firstly consulting this Stakeholder Group. The main elements for input from social partner are the following:

1. the focus areas for the social security campaign.
2. the views of the sector approach to be implemented in 2025 and 2026.
3. the facilitation of the digital innovation.
4. the potential of ELA's tools for future.

The priorities of the new European Commission and Parliament will be taken into account as well. All this information will feed into the preparation of a more structure discussion on the priorities with the Management Board in May, and will be taken into consideration for drafting ELA's programming documents.

Members underlined the following topics:

1. Focus on frontier workers
2. Improvements for posting 360
3. Building on existing campaigns, e.g. assessment of them and evaluation of impact on compliance capacity building
4. Digital tools and information gathered can be used for capacity building and good practice activities
5. Strategic orientation of the undeclared work platform
6. Social security particularly regarding to health and safety for posted workers, as well as accidents at work and occupational diseases
7. Development of infographics in all EU languages and more for cost-effective information provision, targeted placement of campaign material with aid of social partners
8. Focus on platform workers
9. Focus on temporary work agencies
10. focus on digital tools for labour inspectorates

11. ELA becoming an authoritative source for benchmarking capacity of national labour inspectorates
12. Digital tool on posting
13. Real-time cross border enforcement tools
14. Social security focus on maritime, inland waterways, aviation and road transport sectors
15. Focus on cleaning sector, HORECA, (social dumping, undeclared work…)
16. Accompany sector campaigns with targeted capacity building and inspections, to deepen their reach out

Members underlined the importance of posting and Social Security as horizontal issues, and the difficulties due to the fragmented legislation and competences, administrative practices, as well as difficulties to access information for workers, especially in frontier, cross-border situations. The on-going negotiations on the revision of social security coordination rules was also mentioned. The European **Commission** and **Chair** mentioned that they continuously encourage synergies between ELA's activities and its fora on posting, but the current legislation is in force, and it is not clear what it could be in the future.

The **Chair** mentioned that ELA should audit the existing campaign and assess their impact and efficiency thus far.

ELA aims to be in a position to deliver more trainings to allow national experts and labour inspectorates to benefit from increases in capacity building capacities.

8. Events for Social partners in 2024. Information (ELA/SG/2024/007)**:**

The **Chair** introduced the item and mentioned that this list will support forward planning for the social partners representatives. Regular updates during the year will be provided.

Members appreciated the information and asked about even more specific information in the future.

9. Introduction of the Brussels Liaison Office. Information (ELA/SG/2024/008)**:**

The **Chair** mentioned that ELA opened its liaison office in Brussels in the beginning of this year, and it is now fully operative. It is part of the Governance and Coordination Unit. The office will contribute to social partners' liaison function created within the Authority to have strengthened and more regular exchanges with social partners based in Brussels.

Members welcomed it.

10. Review of available information on National Social Security websites. Discussion (ELA/SG/2024/009)**:**

The **Chair** mentioned that the aim of the review is to improve access to and the quality of information related to social security issues. This is a joint project with the *Administrative Commission on Social Security Coordination* that started in 2023, which is now entering its next phase. It is scheduled to start from April 2024, asking for the support of interested Member States, and later with the cooperation of social partners.

Members reacted very positively to this important project and underlined the relevance of the final methodology.

11. AOB:

There were no further requests.

12. **Closure:**

The Chair thanked the members for the fruitful discussion and closed the meeting.

EUROPEAN LABOUR AUTHORITY

Draft Agenda

8th Meeting of the Stakeholder Group

18 October 2023 – Brussels

Group meetings

A	9:45 - 11.00	Group meeting *Employers*	Group meeting *Trade Unions*
B	11:15- 12.00	Bilateral meeting – *Employers* and *Trade Unions*	

Stakeholder Group meeting 2023

12:00 – 13:00 Buffet Lunch

Introduction			
1	13:00 – 13:05	Introduction by the Chair	Information
2	13:05 – 13:10	Adoption of the agenda of the meeting	Decision
3	13:10 – 13:15	Update on new nominations to the Stakeholder Group representatives	Information
4	13:15 – 13:20	Adoption of the minutes of the 7th meeting of the Stakeholder Group of 15 February 2023	Decision
5	13:20 – 13:30	Update from the last Management Board Meeting of 22 June 2023	Information
6	13:30 – 14:45	Update on ELA's activities	Information
	14:45 – 15:00	*Break*	
Activities			
7	15:00 – 15:20	EURES 30 years anniversary, activities in 2024	Information
8	15:20 – 15:50	Discussion on social partners' collaboration with EURES. Current state, ways to further improve it	Discussion
9	15:50 - 16:20	Bringing ELA closer to social partners through targeted capacity building events	Discussion
10	16:20 – 16:35	Report on construction – main findings, conclusions from launch event	Information
11	16:35 – 16:50	Communication - update on the campaigns	Information
Other activities			
12	16:50 – 16:55	AOB	
13	16:55 – 17:00	Closure of the meeting	

17:00 – 18:00 Closure networking dedicated reception

ELA/SG/2024/003

Record of the proceedings of the 8th Meeting of ELA Stakeholder Group
Brussels, 18 October 2023

1. Introduction by the Chair.

The European Labour Authority's Executive Director (ED) opened the proceedings and welcomed the participants to the 8th meeting of ELA Stakeholder Group, held in Brussels, in the premises of the Thon Hotel, Rue de La Loi 75, 1040 Brussels, Belgium.

2. Adoption of the draft agenda of the meeting.

The **Chair** introduced the draft agenda of the meeting (ELA/SG/2023/010). There were no comments on it.

Conclusion: Hence, the SG adopted the draft agenda.

3. Update on new nominations to the Stakeholder Group representatives.

The **Chair** mentioned that there have been a couple of nominations since the last Management Board meeting, held on 21.6.2023. In that session of the Management Board, held jointly with the SG, Mr. Oleg Kamberski was replaced by Ms. Victoire Couelle, both from IRU (International Road Transport Union), among the Employers' organisations.

The new nominations by Employers' organizations are:

Organization	New member	Former member
SMEunited	*Julien BOURGEOIS* Social Affairs Adviser	Liliane VOLOZINSKIS Director for Social Affairs
FIEC	*Léna GUYON* Policy Officer Social Affairs	Christine LE FORESTIER Director of Social Affairs

Conclusion: The new members were welcomed and they will be appointed by the next Management Board meeting, on 20-21 November 2023.

4. Adoption of the minutes of the 7th meeting of the Stakeholder Group of 15 February 2023

The **Chair** submitted to the members the adoption of the minutes of the 7th meeting of the SG of 15 February 2023 (ELA/SG/2023/012). No comments were raised by the members.

Conclusion: The SG adopted this minutes.

5. Update from the last Management Board meeting of 22 June 2023.

During the meeting the 2nd day, the MB had a broad discussion and endorsed the New EURES Portal Strategy. Likewise, the New Updated ELA Communication Strategy was approved. Similarly, the Opinion on the Final Accounts of the Authority and the Consolidated Annual Activity Report, both for 2022, as well as a decision concerning the function of adviser, were adopted.

Moreover, the Management Board took note on the ELA Operational Plan tool – for planning and monitoring the implementation of the Work Programme.

The **members** appreciated the debriefing.

6. Update on ELA's activities

ELA's Heads of Unit (HoUs) presented an overview of ELA activities since the last meeting of the SG in February 2023.

Members were mostly interested in:

- Assessment, analysis and debriefings of outcomes and lessons learnt from enforcement activities, like Concerted and Joint Inspections,
- Skills and labour shortages.
- Improving collaboration, communication and coordination with ELA, in particular about the available workshops and trainings for SPs eg. on how to bring cases to ELA.
- Review of national websites, posting of workers events and legislation. ELA Web Tool for labour mobility information
- Possible templates for collective agreements
- Temporary work agencies

ELA mentioned the need for a different ELA's mandate to be able to access, crosscheck and exploit data from different sources. Likewise, the convenience of increasing the resources available in Member State's administrations. Currently it is a challenging environment. Debriefing on the results of the Concerted and Joint Inspections seems a good proposal.

With regard to improving collaboration, communication and coordination, ELA answered that a meeting to discuss the situation could be held next week. Besides, that the periodical newsletter, as well as that a new framework contract for providing services, with a broader scope, should help to improve the state of affairs.

The **Chair** shared that the new office in Brussels, from the beginning of 2024, will help to improve the flow of information and accessibility.

Regarding national events on posting of workers, it was underlined that ELA can make suggestions, but the Member States have the competence to decide and lead.

On the review of national websites, it needs to be remembered that there are national legal frameworks that the national pages need to comply. So, in some cases, it seems necessary the previous revision of national legislation.

With regard to publish results on posting of workers, the ED mentioned that ELA keeps the Commission informed through its periodical analytical reports, including possible legislative loopholes. The Commission stated that it is aware of the situation. It has sent letters of notice to 7 Member States, on possible infringement proceedings on national posting legislation.

On possible templates for collective agreements, it seems an interesting approach, but it would need to be on a voluntarily basis. And there is a need to know what the different MSs are doing on this field. The webtool should be helpful.

Furthermore, the **Commission** shared the expected steps and calendar of the consultation on the evaluation and review of ELAs current legislation, in order to comply with better regulation principles. June 2024 seems to be a probable moment to make public its results.

7. <u>EURES 30 years anniversary, activities in 2024</u>

The Head of the Information and EURES Unit presented the EURES network 30th anniversary activities that will take place during 2024, their different elements, objectives and how the members of the SG and their affiliates could help to disseminate and to contribute to these celebrations (see. Doc. ELA/SG/2023/015). In summary, the campaign main topic is ‘fair labour mobility’, with 2 main strands: 1. the EURES services themselves, promoting EURES services and their benefits, and 2. policy related topics that highlight its European mission and current challenges.

Members welcomed the initiative, showed its support to EURES, and underlined the convenience of relating it to other ELA’s campaigns, and perhaps using multipliers, like the European Youth Network. Likewise, it was stated the need to improve the matching between work searchers and searched, due to its relevance in labour mobility, as well as with decent employment, and genuine posting of workers.

ELA answered that mutual benefits and synergies are some of the objectives, that multipliers, in particular SPs and students will be welcomed, and that influencers in social media could be head-hunters, activist for social rights, SPs…

8. Discussion on SPs’ collaboration with EURES. Current state, ways to further improve it.

After the introduction by the **Chair**, the Head of the Information and EURES Unit presented the current state of the collaboration between the SPs and the EURES network.

After the introduction by the Chair, the Head of the Information and EURES Unit presented the current state of the collaboration between the SPs and the EURES network.

She submitted to the SG several questions to guide the discussion, addressed mainly to identify together with SPs and NCOs, closer cooperation potentials (methodology, degree of satisfaction, plans, points of attraction, bottlenecks, increased dialogue with ECO, awareness activities, availability for further activities, mapping of the SPs at national level, nomination of contact persons…).

Members welcomed the initiative, underlined that the usefulness the system needs to be improved, that the users need to have better informed about how useful could be in order to meet the needs of both employers and employees, and minimize shortages. Others mentioned that there are other good partners, not necessarily the SPs. Likewise, the SMEs want to act, but they have not enough capacity, so the platform should be more accessible.

The **Commission** stated that even if they are still financing the network, there is a lack of enough counsellors, perhaps related to a generational change.

The **Chair** answered that ELA is aware that EURES is underperforming, but precisely for this reason there is a need to improve it. In any case, ELA is open to reconsider and the proposal, perhaps with an open consultation.

9. Bringing ELA closer to Social Partners through targeted capacity building events.

The Head of the Cooperation Support unit provided the SG members with information on the mission to bring ELA closer to national SPs through an annual capacity building event, in the framework of ELAs Capacity Building Strategy. The SPs were invited to contribute to and discuss the planning and design of the mentioned activity, as their main beneficiaries.

Members thanked the initiative, and suggested to include sectoral and national SPs. Likewise, they asked for more information about the activities and possible dates. Likewise, it was proposed to detach activities when there were different needs of employers and employees.

ELA welcomed the suggestions and showed its agreement if there were enough demand for them.

10. <u>Report on construction – main findings, conclusions from launch event.</u>

The Head of the Enforcement and Analysis Unit informed that the aim of ELA's Report on the Construction Sector is to highlight the challenges and opportunities in EU labour mobility in this sector by analysing labour mobility patterns, exploring issues identified by national authorities and SPs, and providing examples of effective approaches.

The key findings will be used to inform and tailor ELA's actions in, and will also be shared with relevant stakeholders for their use, including enforcement authorities, SPs, and workers and employers themselves.

SPs showed their satisfaction with the work done, but asked for deeper work on enforcement, compliance and subcontracting matters. However, some SPs cautioned about questioning the framework of subcontracting and posting, as they are a useful tools for companies. They underlined the need to support the companies that comply with the current legislation.

11. Communication - update on the campaigns

The *#EU4FairConstruction* Campaign was presented as an EU-wide information campaign. It will run in all Member States. It was launched yesterday, 17 October 2023. Its aim is to ensure that information about the applicable legislation effectively reaches posted workers and employers. It is multiannual, and lasts from Q4 to Q1 and the beginning of Q2 of the following year. Prepared communications materials and plans for the campaign period were presented.

SPs appreciated the work done.

12. AOB.

There were no further requests.

13. **Closure**

The Chair thanked the members for the fruitful discussion and closed the meeting, inviting the attendants to a small networking dedicated reception, in the same premises.

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EUROPEAN LABOUR AUTHORITY

Draft Agenda

7th Meeting of the Stakeholder Group

14-15 February 2023 - Online

Group meetings 14 February 2023

A	14:30 - 16.00	Group meeting *Employers*	Group meeting *Trade Unions*
B	16:15- 17.00	Bilateral meeting – *Employers and Trade Unions*	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting https://ela.webex.com/meet/webex1

Stakeholder Group meeting 2023

https://ela.webex.com/meet/webex1

Introduction			
1	14:00 – 14:05	Introduction by the Chair	Information
2	14:05 – 14:10	Adoption of the agenda of the meeting	Decision
3	14:10 – 14:15	Adoption of the minutes of the sixth meeting of the Stakeholder Group of 11 October 2022	Decision
4	14:15 – 14:30	Update from the last Management Board Meeting	Information
5	14:30 – 15:30	Update on ELA's activities	Information
	15:30 – 15:45	*Break*	
Activities			
6	15:45 – 16:30	Presentation of *Posting 360 Program*	Discussion
7	16:30 – 17:00	ELA Working Program 2023 and its engagement with Social Partners in 2023	Discussion
8	17:00 – 17:15	Presentation of the state of play of ELA website revamp and discussion on the publication policy of SG related documents	Discussion
Other activities			
9	17:15 – 17:30	Close	

Record of the proceedings of the 7th Meeting of ELA Stakeholder Group
15 February 2023

1. Introduction by the Chair

The European Labour Authority's Executive Director (ED) opened the proceedings and welcomed the participants to the seventh meeting of ELA Stakeholder Group.

2. Adoption of the draft agenda of the meeting

The Chair introduced the draft agenda of the meeting (ELA/SG/2023/2). There were no comments on the draft agenda.

Conclusion: The Stakeholder Group adopted the draft agenda.

3. Adoption of the minutes of the fifth meeting of the Stakeholder Group of 11 October 2022

The Chair submitted to the members the adoption of the minutes of the sixth meeting of the Stakeholder Group of 11 October 2022 (reference number ELA/SG/2023/2). Nobody raised comments.

Conclusion: The Stakeholder Group adopted the minutes of the 6th Meeting of the Stakeholder Group.

4. Update from the last Management Board Meeting

The Chair introduced the item related to the update on ELA's activities from the last joint meeting with the Management Board (MB), which took place on 23-24 November 2022, mentioning the re-election of Tom Bevers and Agnieszka Woloszyn, as Chair and Vice Chair, Social partners were provided with the debriefing related to key points of the program, including debriefing on the strategic discussions on the Single Programming Document (SPD).

Social Partners (SPs) appreciated detailed debriefing.

5. Update on ELA's activities

SPs were provided with an overview of ELA activities. Regarding the transport sector, ELA's activities will also look at the aviation and inland waterways and navigation sectors. ELA will engage with Social Partners and Member States to provide input into the key topics and scope of actions according to ELA's mandate.

The **Heads of Unit** (HoUs) presented the key tasks carried out under each Unit since the last meeting of the Stakeholder Group in October 2022. Social Partners were mostly interested at:

- Mediation, procedure, and cases,
- The analytical report on construction,
- The setting up of more structural cooperation with ELA,
- Assessment of outcomes and lessons learnt in enforcement - CJIs,
- Digital tools and social ID cards.
- Outcomes of the Pilot Talent Pool on Ukrainian refugees implemented through EURES portal.
- Joint projects with the Commission for the coordination of social security systems.
- Output of joint seminars with SPs organized in December in Brussels.

The Chair opened the floor to SPs for questions and comments.

Members thanked ELA for the update on activities and showed appreciation for ELA's work. SPs raised a few questions about the mediation procedure, the publication of the analytical report on the construction sector, and how to put in place a more structured sectorial cooperation. SPs also asked for the outcomes of the campaigns, missions, and trainings, which were held during the year. In addition, members asked for feedbacks on the EU Talent Pool Pilot regarding Ukrainian refugees. They also raised a question about joint projects with the Administrative Commission concerning social security rights and issues. Social ID card evaluation in relation to subcontracting chains was another topic that was touched on.

Heads of Unit, reiterating the confidentiality of the process of the mediation procedure, explained that one case dealt specifically with accidents at work and a second one concerned the right to maternity benefits of a cross-border worker. Closer and more structured engagement for sectorial Social Partners will be envisaged. Also, June was announced to be the month for presenting the final version of the analytical report on the construction sector. On the outcomes of the Road to Fair Transport Campaign, the HoUs anticipated that the main results will be presented during a workshop focused on Road Transport on the 7th of March. Regarding the outcomes of the EU Talent Pool Pilot regarding Ukrainian refugees, data on the effectiveness of the instruments in terms of placement percentages are still missing. With respect to the Administrative Commission, the HoU provided an extensive explanation of the role of the Commission, which is to deal with interpretation issues of the ELA regulation, and introduced the Cooperation and Conciliation Board, which is a special committee deciding on which projects ELA and the Administrative Commission should cooperate. ELA proposed to also contribute to the development of ESSI, following IMI-PROVE Program. Moreover, the Authority is ready to support Member States in improving the digitalization of their systems. In addition, ELA and AC intend to cooperate on a project on how to design information to reach better citizens and employers, as well as on the collection of Member States' statistics. The Authority is also planning to have an e-learning platform to share training materials to

reach a wider audience. Finally, regarding the Social ID cards, SPs will be involved in the subgroup of the Platform dealing with the assessment of the use of the card as a tool to tackle undeclared work, with a focus on subcontracting chains in the field of construction.

6. Presentation of Posting 360 Program

The Chair introduced the mutual learning, assistance and understanding programme recently developed and called Posting 360 Programme. The aim of this programme is to raise awareness of the importance of issues relating to the posting of workers for Member States and Social Partners. Six are the macro areas of work that have been identified: implementation of the directives on the posting of workers and of social security coordination rules to posted workers; posted third-country nationals; information exchange and digitalization opportunities for authorities, employers and workers; effective administrative procedures and controlled measures related to posting of workers; facilitating the collection and improvement of data on the posting of workers. One of the actions under the Posting 360 Programme is the ELA Forum on the Posting of Workers, its first edition will take place in Bratislava on 13-14 March 2023. This initiative is aimed to foster the exchange information and practices relating to the implementation and enforcement of EU and national legislation on the posting of workers. Participants will be asked to provide inputs and feedbacks for the Authority on the cooperation and capacity-building activities under the Posting 360 programme.

The Chair opened the floor to the SPs for questions and comments.

Members welcomed the initiative and its flexible approach as a forum for dialogue, including the active participation of the European Commission, as a new and important channel of discussion on this topic. Some questions were raised in relation to parallel tasks of the Working Group on Information on the Posting of Workers and of the Platform tackling undeclared work.

The Chair highlighted that ELA is not and cannot be a policy maker or formulate recommendations to policymakers in the field of posting of workers. However, ELA provides information, evidence, and tools to policymakers in this field. HoUs reiterated that the Programme is co-chaired with the Commission because some functions and tasks under the Program do not fall under the legal mandate of ELA. The Chair added that the Program is not a replacement of the former expert committee and that it only includes some of the former committee's tasks, but it has a more focused approach on operational aspects.

7. ELA Working Program 2023 and its engagement with Social Partners in 2023.

The Chair introduced the next item in the agenda, namely the ELA Working Program 2023. Adopted in December 2022 by the Management Board, the ELA Annual Work Program 2023 is part of the Single Programming Document 2023-25. The HoUs presented the Annual Work Program in more detail, presenting the 10 operational and 6 horizontal activities. Among the main projects, the preparation of the new campaign in the

construction sector, the Workshop on Aviation to be held on the 18th of April, and the publication of the Inspections 2022 Report.

The Chair opened the floor for discussion.

Members welcomed the ELA's Annual Work Program 2023, as having a forward-looking approach. One member of the SPs underlined the need for budget to grant translation during Concerted and Joint Inspections, particularly in sectors where the workers' knowledge of English is in general limited. Also, SPs demanded to be asked in due time for feedback, considering the long time needed to share information and to define proper relevant answers. Furthermore, they reiterated the importance to contact sectoral Social Partners if focus discussions on specific sectors are needed.

The Chair and HoUs confirmed that for future events interpretation will be provided. Also, HoUs confirmed that ELA is improving the information flow to give extra time to SPs to smooth their internal processes and grant them to be fully operational.

8. **Presentation of the state of play of ELA website revamp and discussion on the publication policy of SG (Stakeholder Group) related documents**

The Chair introduced the next item of the agenda and HoUs informed SPs on the state of play of the website revamp project, which is now in the phase of review and deploy in production. Indeed, concerning the ELA website, the User Experience has been enhanced and the website has been made compliant with the latest usability standards and EU requirements. User-centred surveys will be used to improve the usability of the website. Finally, a dedicated page for the Stakeholder Group will be set up, to publish the opinions, recommendations, and the results of its consultations, together with the agendas and minutes of the meetings. The SPs were asked for confirmation about the publication of these documents.

Members showed their intention to support this plan of action, taking part in the surveys and tests to improve accessibility and user's experience. Likewise, they supported the transparency measures, including publishing the conflict-of-interest declaration on ELA's portal.

9. **Closure**

The Chair informed the Stakeholder Group that the new Member of the Management Board (MB), Victoire Couelle, will be formally appointed by the MB. To include possible new designations occurring meanwhile, the Management Board is expected to take an official decision during the joint meeting taking place next June.

There were no other requests for AOB.

The Chair thanked for the fruitful discussion and closed the meeting.

ITEM 02 - ELA/SG/2022/009

Draft Agenda

Sixth Meeting of the Stakeholder Group

11 October 2022

Group meetings

No	Time	Title	
	8.30 – 9.00	*Welcome Coffee*	
A	09:00 -10.30	Group meeting employers (14th floor – Montblanc Room)	Group meeting trade unions (14th floor – Danube Room)
B	10:30- 11.00	Bilateral meeting – employers and trade unions (14th floor – Montblanc Room)	
	11.00 -11.15	*Coffee break*	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting https://ela.webex.com/meet/webex1

Stakeholder Group meeting

Introduction			
1	11:30-11:35	Introduction by the Chair	Information
2	11:35-11:40	Adoption of the Agenda of the meeting	Decision
3	11:40-11:45	Adoption of the minutes of the fifth meeting of the Stakeholder Group of 18 May 2022	Decision
4	11:45 - 12:30	Update on ELA's activities	Information
	12:30 -14:00	*Lunch break*	
Activities			
5	14.00 – 14.10	Follow up from the last Stakeholder Group Meeting: Update on the surveys on 'Labour mobility services offered to individuals and employers' and 'Availability of exchange fora on transnational labour mobility'	Information
6	14.10 - 14.30	State of play of the ongoing campaign on Road Transport	Information
7	14:30 -15:00	Construction sector – follow up on the workshop and plans for 2023	Discussion
8	15:00 – 15:20	Extension of the EURES network – potential approaches to attract social partners	Discussion

ITEM 02 - ELA/SG/2022/009

9	15:20 – 15:40	Update on ELA's activities related to Ukraine	Information
Other activities			
10	15:40 -15:50	Stakeholder Group meetings in 2023	Information
11	15:50 -16:00	AOB	
		Close	

Online participation : https://ela.webex.com/meet/webex1

Record of the proceedings of the 6th Meeting of
ELA Stakeholder Group
12 October 2022

1. Introduction by the Chair

ELA's Executive Director opened the proceedings and welcomed the participants to the sixth meeting of ELA Stakeholder Group.

2. Adoption of the draft agenda of the meeting.

The Chair introduced the draft agenda of the meeting (ELA/SG/2022/009). There were no comments to the draft agenda.

Conclusion: The Stakeholder Group adopted the draft agenda.

3. Adoption of the minutes of the fifth meeting of the Stakeholder Group of 18 May 2022.

The Chair submitted to the members the adoption of the minutes of the fifth meeting of the Stakeholder Group, of 18 May 2022 (reference number ELA/SG/2022/010). Nobody raised comments.

Conclusion: The Stakeholder Group adopted the minutes of the 5th Meeting of the Stakeholder Group.

4. Update on ELA's activities

The Chair introduced the item related to the update on ELA's activities from the last joint meeting with the Management Board in June, while mentioning briefly the ELA Tech Conference, the event with the Sister Agencies in the Parliament and the ELA participation at Talent Pool Pilot initiative recently launched.

The **Heads of Unit** presented the key activities carried out under each Unit:

- Call for papers for ELA TECH Conference 2022
- Communication: Road Transport Campaign
- Information: Further development of ELA's 'toolbox'
- EURES: Future-oriented approach
- Linking Information and EURES
- Implementation of the Framework for Action in the Road Transport Sector
- Launch of the ELA's Mediation Procedure
- Training Programme on EU Labour Mobility
- Several ad hoc activities in relation to managing the arrival of displaced persons from Ukraine

- Inspections in the road transport

The Chair opened the floor to the SG for questions and comments.

Members thanked ELA for the update on activities and showed appreciation for ELA's work. They welcomed the ELA Tech Conference and the long term investment on new digital tools research. They underlined that the topic is widespread and strictly connected to important issues such as Social ID Cards, ESPASS; they shared the expectation that the papers presented at the conference will not be only related to posting or information provision but will have a broader scope, including with a view to improve enforcement. Regarding the sectoral campaigns, they expressed their hope that all the results will be available and further disseminated. They also mentioned the involvement of social partners in the mediation cases, according to the guidelines, and showed great interest in the announced web hub, asking for more details and highlighting difficulties related to the provision of information via the existing national websites. They also showed interest in the capacity building activities carried out by ELA and explored if is results and materials will be shared. To conclude, they remarked that ELA is delivering a lot of activities, but there is still a lack of awareness among some national affiliates on what the Authority is doing in terms of activities, opportunities and visibility, and how they can get involved with ELA.

The Chair confirmed the importance of stimulating the interest of stakeholders in developing new digital tools and confirmed that the object of the upcoming ELA Tech conference will not only be posting, but will broadly cover all issues related to labour mobility in general (i.e. undeclared work, job shortages, identification of potential irregularities, artificial intelligence). He also stressed that ELA wants to avoid fragmentation and individual solutions adopted on a sectoral basis; therefore, ELA will pursue a comprehensive approach to posting. Furthermore, he confirmed that the Authority intends to create a resources hub with all materials from the previous campaigns, to be used by stakeholders, national authorities etc and able to multiply the effect and the impact of the campaigns at national level. Regarding the web hub mentioned under the update on Information and EURES activities, the Chair explained that this wants to be the response to the request of a one stop shop/helpdesk, as a way to address the complexity and multitude of information by creating our own web hub that will guide and assist everybody (workers, individuals, employers) in searching the already existing information. He confirmed it is a very ambitious idea, aimed at addressing very different target groups, different topics and it is still in a very initial phase. ELA is keen to involve social partners when developing this web hub. On the shortages and surpluses occupations report, ELA is trying to bring a more comprehensive picture on the table, organizing focus groups in which involving also social partners. On the capacity building activities and related material, he confirmed the intention to make available and to share not only the recordings of the trainings but also further interactive material. Concluding on the outreach activities to increase national affiliates' awareness of ELA's work, scope and mandate, the Chair mentioned the role of the social partners Liaison function, the National Liaison Officers and opened to the creation of a newsletter to keep updated also social partners at national level and let them better understand how to take advantage from and stimulate the activities of the Authority.

5. **Follow up from the last Stakeholder Group Meeting: Update on the surveys on 'Labour mobility services offered to individuals and employers' and 'Availability of exchange fora on transnational labour mobility':**

The Chair introduced the item, that aims to be a brief follow up from the last Stakeholder Group. Before passing the floor to the Head of Information and EURES Unit, he thanked the Stakeholder Group for its Opinion on the Establishment of the SP liaison function, sent to the Authority in July. He mentioned that the opinion was circulated internally and to the Management Board, and that the Authority will take into account and has already implemented in practice the suggestions received.

Irene Mandl, Head of Information and EURES Unit, updated social partners on the state of play of the planned surveys. Regarding the survey on 'Labour mobility services offered to individual and employers' a questionnaire was drafted and underwent several rounds of internal revision. It will be circulated for consultation before roll-out. EU level social partners will be asked to disseminate the questionnaire to their national affiliates in autumn 2022. As suggested by the Stakeholder Group, the survey on 'Availability of exchange fora on transnational labour mobility' is postponed to 2023. A kick-off meeting with the contractor to scope the questionnaire was held. Finalisation of the questionnaire is planned for the end of 2022.

The Chair opened the floor to the SG for questions and comments.

Members thanked ELA for the initiative and for the involvement in the surveys' drafting. They confirmed their availability to disseminate the surveys, while just asking to have enough time to review the drafts that will be sent to them. Regarding the Social partners liaison office, they reiterated that the function is very welcome and contributed to reach the fundamental goal of creating trust. They also invited the Authority to explore building relationships and creating contacts with national affiliates active in specific sectors in order to increase in general its visibility among them and interaction with them.

The Chair remarked that the step of the Authority will be to deepen the engagement with national social partners, to be able next to address also specific interests and specific needs and to spread more effectively the information about what we are doing.

6. State of play of the ongoing campaign on Road Transport::

The Chair announced the item related to the Road Transport campaign, to be launched on Wednesday 12 October 2022.

He passed the floor to the **Head of Governance and Coordination unit** who presented slides on the campaign, underlining that it has been fully developed in house with contributions of experts from Member States.

Main points:

- Following the information given during the joint ELA Management Board and ELA Stakeholder meeting in June 2022, the Authority continued working on the Framework for Action and the Road Transport awareness raising information campaign, in cooperation with European Commission, Member States and EU social partners.
- The aim of the campaign is to primarily reach truck drivers and operators directly with information on the applicable legislation in the road transport sector (posting of drivers and driving and resting times). The campaign will also highlight the risks associated with undeclared work and the benefits of accurately declaring working time.
- Dissemination of leaflets, campaign posters, short videos and social media posts

The Chair opened the floor to the SG for questions and comments.

Members showed appreciation for the great work on the campaign to promote fair labour mobility in road transport. They remarked the need to invest in prevention, especially in the road transport supply chains and to think at a broader vision of remedies and prevention in this field; they also mentioned the importance of due diligence in the sector. They stressed that the information campaign should also be linked to the provision of concrete support to drivers when an irregular situation emerges. Finally, they underlined the importance of cooperating with social partners during the campaign.

The Chair thanked for the observations and assured social partners that prevention is important for ELA. He recalled that the Authority has information, cooperation and enforcement in its mandate; as a consequence, in road transport, many activities are foreseen (information campaign is only a part of them) , in order to mobilize all ELA's tasks. He concluded mentioning that all Member States are participating in the campaign.

7. Construction sector – follow up on the workshop and plans for 2023:

The Chair announced the agenda point related to the 2023 ELA targeted sector - the construction sector - and mentioned the workshop organised early July in this field, to gather inputs from social partners. He mentioned that ELA activities in this sector will put emphasis on posting of workers, that all ELA units already started either to implement and plan their own action plans in this field, and that the second half of next year ELA will organise a follow up workshop and will launch an awareness raising campaign. ELA intends involve social partners since the beginning.

He then passed the floor to the **Head of Governance and Coordination unit** who updated the Stakeholder Group on the main challenges in the sector and on the points raised during the Workshop held in July. The main issues are: challenge related to data collection, need to increase numbers of CJIs, cooperation between MS and need to visit construction sites, wage differences, subcontracting chains, temporary employment agencies, third-country nationals, bogus self-employment and undeclared work, cross-border social fraud, letterbox companies, unfair competition, administrative burden in some Member States, specific issues related to public procurement, languages barriers and lack of provision of information. Then, she gave an overview of activities that ELA will carry out. Some of them have already been planned in 2022 (analytical report on the construction sector and seminar tackling undeclared work in supply chains), while other activities are planned for 2023, accordingly with SPD 2023-2025. She concluded mentioning that ELA welcomes inputs from the Stakeholder Groups as advisory body and posed some steering questions: Planned concentration on posting issues in construction sector? Which among the other issues identified during the workshop are deemed by SPs to be more pressing in current context? How can ELA ensure the best engagement of social partners into the concrete actions planned for the sector? Is there a need for follow up seminars on more specific topics?

The Chair opened the floor to the SG for questions and comments.

EC expressed full support for ELA's focus on construction, while remarking the projects already launched by EC in this field that could be synchronised, joining financial means and efforts. Furthermore, EC remarked the content of its opinion on ELA SPD 2023-2025, suggesting a more comprehensive approach regarding posting, mobilizing horizontally all ELA's tasks in relation to posting; this would guarantee the continuity of tasks previously carried out by the Expert Committee on Posting of Workers. Following a specific question on the infringement procedure

on Posting Directive, EC confirmed that the procedure started and relevant letters were sent in July to 24 Member States.

Members showed great interest for some of the activities planned or ongoing (i.e. analytical report, awareness raising campaign, web hub, social ID cards, follow up seminar) asking for more details and giving some suggestions. They also remarked the importance of involving and cooperating with the sectorial social partners, including also the paritarian institutions in the construction sector. They confirmed their availability to be involved and to fully support the campaign and ELA's actions in general and expressed the willingness to be involved since the beginning. They agreed on the main issues in the sector underlined during the workshop, especially temporary work agencies, letterbox companies, subcontracting chains.

The Chair confirmed the intention of ELA to have a comprehensive approach on posting and to deepen our knowledge of posting issues. Regarding the social partners involvement in the activities and the campaign he assured the involvement at an early stage and a consultation on a regular basis. He also mentioned the importance of cases referred by social partners. On the analytical report he confirmed it is expected in late Q2 2023. On the issues raised during the workshop he confirmed that ELA is aware that the construction sector is not only "posting of workers"; the Authority will address all the other issues, such as subcontracting chains, letterbox company, developing and deepening its analytical capacity in the sector (see analytical report already mentioned).

8. **Extension of the EURES network – potential approaches to attract social partners:**

The Chair introduced the topic related to the extension of the EURES network and explained how the Stakeholder Group is invited to discuss potential approaches to extend the EURES Network by attracting social partners.

He gave the floor to the **Head of Information and EURES Unit**, who presented slides. She gave an overview of the current composition of the EURES network and of the benefits of being part of it. Considering ELA's mandate, the intention of the Authority is to promote the extension of the network, supporting the EURES National Coordination Offices (NCOs). She listed the potential incentives for social partners to join, such as access to a European network of labour mobility experts, access to the EURES Training Academy, better quality service provision to clients due to cooperation, increased visibility and recognition due to use of the EURES brand. Then, she posed some steering questions: how can EURES attract your members? What are the main advantages for your affiliates to consider joining EURES? What prevents your affiliates to join EURES? What could the European or the National Coordination Offices do to attract social partners?

The Chair opened the floor for questions and comments.

Members thanked ELA for having taken the invitation during the EURES seminar in June to consult affiliates expert in the sector. Some points underlined by trade unions: social partners seem to be aware of what EURES is, but maybe they are not fully aware of the scope of its mandate; rather than the promotion of free movement opportunities, the primary concern of trade unions is often that cross border mobility and free movement rights are exercised as fair mobility, i.e. that working conditions are decent and effectively respected; how EURES is fully integrated in all the different tasks in ELA; lack of human and financial resources can discourage social partners, and the access to founding at EU level could help (building capacity non only with

knowledge but also with resources); possible synergies between EURES network and the EURES cross border partnership; renewal of the accreditations every five years. On the employers' side, they raised the issue on perception and awareness of the network, as interest in EURES is more at local/regional or cross border level, and it is difficult to assess it at European level; importance of promote EURES at national level among employers; involvement of youth and role of EURES in youth.

The **EC** underlined the already existing synergies between EURES network and cross border partnership (i.e. same training program, access to all information), and that EC and EURES made every kind of efforts to integrate both EURES cross border and EURES transnational mobility. He concluded commenting on the low number of cross border EURES applications that can be due to several different reasons.

The Chair and the HoU, thanked members for the effort to consult colleagues and the overview of the different issues (also if some of them are out of reach of ELA); according to the aim of the item, this represents a good starting point for further discussions. ELA is available and willing to receive additional inputs after further consultations on this topic with the local affiliates. Regarding the admission system to the network and the renewal, they are a meter of national system, but ELA can explore if there is some room in giving some support, i.e. guidelines. The Chair concluded remarking how much is important to continue the discussion, as for ELA is fundamental to maximize the potential of EURES and to cover shortages and surpluses across Europe.

9. Update on ELA's activities related to Ukraine.

The Chair introduced the last item, the update on ELA'S activities related to Ukraine, mentioning briefly the Talent Pool Pilot, launched on 11 October. He explained how the project is dedicated to the people fleeing the war in Ukraine and it represents a unique cooperation of DG HOME, DG EMPL and ELA. He mentioned how ELA continued mobilizing the main strands of its activity (access to information and prevention of the risk of those fleeing from work working undeclared or being victims of labour exploitation or trafficking in human beings), while relying on close cooperation with other institutions and bodies. Main activities carried out so far: ELA continued to be a channel for clear and understandable information for Ukrainian refugees on their rights related to the labour market and social security; support Member States in translation; set up of a specific sub-group of the UDW platform on prevention of undeclared work amongst refugees; implementation of the Talent Pool Pilot initiative through EURES portal; event with the International labour Organisation (ILO) on 4 October; mapping of national measures offered by Member States to displaced persons coming from Ukraine as a part of temporary protection or other relevant measures.

The Chair opened the floor to the SG for questions and comments.

Members remarked they are very active in supporting refugees from Ukraine and stressed the high level of willingness among employers to facilitate a labour market integration, especially in Member States closer to Ukraine. Main comments shared: risk of underemployment; support of Talent Pool Pilot initiative, while regretting few Members States are part of it so far; importance of guaranteeing access to transport, accommodation and houses, labour market integration; risk of language barriers; in the field of social security coordination, lack of bilateral agreements in some cases to grant possibility to export pension rights to Ukraine. They remarked the many challenges in the field, while reaffirming their support to the activities that will be carried out.

The Chair mentioned that 6 Member States already joined; he underlined how the notice on Talent Pool Pilot initiative was short and that ELA is confident that more countries will join it. The Head of Information and EURES Unit explained more in detail the upcoming communication campaign on the Talent Pool Pilot asking for support of social partners in disseminating material and information.

10. **Next Stakeholder Group meetings in 2022:**

The Chair announced the proposed dates for the upcoming SG meetings: 15 February 2023 and 18 October 2023, in order to ensure a fair distribution of meetings throughout the year, while considering that the joint meeting with the Management Board will take place in June.

11. AoB and Closure:

There were no other requests for AOB.

The Chair thanked for the fruitful discussion and closed the meeting.

Ref. Ares(2022)3441026 - 04/05/2022

EUROPEAN LABOUR AUTHORITY

Draft Agenda

Fifth Meeting of the Stakeholder Group

18 May 2022

Group meetings (online)

No	Time	Title	
A	09:00- 10.30	Group meeting employers	Group meeting trade unions
B	10:30- 11.00	Bilateral meeting – employers and trade unions	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting https://ela.webex.com/meet/webex1

Stakeholder Group meeting (online)

Introduction			
1	11:15-11:20	Introduction by the Chair	Information
2	11:20-11:25	Adoption of the agenda of the meeting	Decision
3	11:25-11:30	Adoption of the minutes of the fourth meeting of the Stakeholder Group of 12 October 2021	Decision
4	11:30-12:00	Implications of situation in Ukraine in the context of the EU labour market	Information
	12:00-13:30	*Lunch break*	
Activities			
5	13:30 -14:30	Update on ELA's activities	Information
6	14:30 -15:00	Update on ELA WP 2023 and medium-term planning	Discussion
	15:00 -15:15	*Break*	
7	15:15 -16:15	Social partner involvement in ELA's Information activities: • Access to information and services – social partners' needs • Exploration of the availability of social partners' exchange fora on transnational labour mobility	Discussion
8	16:15 -17:00	Establishment of a SP liaison function	Discussion
9	17:00 -17:15	Update on cases referred to ELA by SPs	Information
Other activities			
10	17:15 -17:20	Next Stakeholder Group meetings in 2022	Information
11	17:20 -17:30	AOB	
		Close	

Online participation : https://ela.webex.com/meet/webex1

Record of the proceedings of the 5th Meeting of
ELA Stakeholder Group
18 May 2022

1. Introduction by the Chair

ELA's Executive Director opened the proceedings at 11h15 and welcomed the participants to the fifth meeting of ELA Stakeholder Group.

2. Adoption of the draft agenda of the meeting.

The Chair introduced the draft agenda of the meeting (ELA/SG/2022/002). There were no comments to the draft agenda.

Conclusion: The Stakeholder Group adopted the draft agenda.

3. Adoption of the minutes of the Fourth meeting of the Stakeholder Group of 12 October 2021.

The Chair submitted to the members the adoption of the minutes of the fourth meeting of the Stakeholder Group, of 12 October 2021 (reference number ELA/SG/2022/007). Nobody opposed to their approval.

Conclusion: The Stakeholder Group adopted the minutes of the 4th Meeting of the Stakeholder Group.

4. Implications of situation in Ukraine in the context of the EU labour market.

The Chair offered an update on the actions taken by ELA regarding the many displaced persons from Ukraine in Europe:

1. ELA launched **an information campaign with videos in Ukrainian language** to inform displaced persons on their rights, but also risks of undeclared work.
2. ELA is closely cooperating with the EU Anti-trafficking coordinator and EU agencies, such as EUROPOL, to **prevent and fight trafficking in human beings.**
3. ELA **hosted the EUROPOL platform on Trafficking in Human Beings for labour exploitation**.
4. ELA set-up a **specific sub-group of the UDW platform on prevention of undeclared work amongst refugees**.
5. ELA launched a **mapping exercise** to collect information from all Member States to have a clear overview of labour market and social security measures adopted by Member States: either **those implementing the temporary protection Directive nationally, or other relevant measures**.
6. On the **EURES portal**, ELA has included a prominent link to the European Commission's information website, designated to people displaced from Ukraine. In April, a first webinar among the EURES network was organised, to exchange on first experiences with requests for advice received by Ukrainians.

7. ELA **has opened up its Information Translation Facility** to specific documents related to work and employment that might become relevant for displaced Ukrainian people.
8. ELA is ready to support and encourage Member States to carry out joint and concerted **inspections, particularly in high-risks sectors** (hospitality, cleaning) to detect early violation of working conditions or labour exploitation.
9. ELA is a **channel to collect practical experience and identify difficulties of the Member States** in the field of access to labour market for UA refugees, relying on its NLOs.

The Chair opened the floor to the SG for questions and comments.

Members expressed high level of support to Ukraine and welcomed the measures adopted. They mentioned crucial topics as information provision, risks of abuse, access to training, recognition of skills/qualifications, identification of opportunities, matching refugees with opportunities for integration, the Temporary protection Directive with the right to work in the internal market.

The Chair stated that is a complex situation, with a high concentration of refugees in Ukraine's neighboring states. The fact that they are mostly women with children makes integration in the labour market more difficult and not all MS are able to absorb them in the economy. While the risk of undeclared work increases, ELA is focusing on control, preventing abuse, offering right information and assessing impacts on EU labour market. He recalled also EURES and the relevance of national measures. He remarked this is a temporary situation as most Ukrainians seem to want to return to their country and Ukrainian business associations want people back for reconstruction.

The EC representative underlined the EC priorities: to tackle abuses, to provide information, to assess general impacts in the labour market and help facilitating the redistribution in Europe. He mentioned that only 2.5 million applied for the temporary protection status and the reasons for this could be different, and figures are not yet fully reliable. The EU is looking for the reasons. He recalled the solidarity platform managed by DG Home, its aim, and the setting up of a registration platform, with a view, among others, to have a more precise idea of the number of people displaced from Ukraine (who they are, where they are). For free movement of workers, within the Temporary Protection Directive, EC recommends to MS to apply it in a flexible way. EURES has interesting functionalities, some services are useful for beneficiaries of the temporary protection Directive, like advising on living and working conditions. However EC does not think EURES could be fully available for people without the right of free movement like displaced persons from Ukraine. EC is working on a guidance document on access to work, training, accommodation, health care for people fleeing the war from UA.

The Chair concluded that EURES has big potential, ELA has ideas about labour mobility, EURES, and the other tools to be fully developed. In any case, issues should be solved in cooperation with EC.

5. Update on ELA's activities:

The Chair mentioned that ELA is fully active, has entered into a phase of consolidation and is continuing its growth. He also gave a brief update on the current activities of ELA.

He passed the floor to the **Heads of Unit** for a detailed account of the updates of the activities in their respective units.

Information and EURES

On **information**:

1. ELA has organised a workshop on posting of workers with the National Liaison Officers on 30 November 2021.
2. ELA successfully concluded its Action Plan on Seasonal Workers and the campaign *#Rights4AllSeasons* in 2021.
3. On road transport, ELA developed its *Framework for Action*, including a comprehensive Information pillar.
4. ELA successfully closed the 2021 activities of the *Translation Facility*, with a total support on more than 230 documents from the Member States translated into various EU and non-EU languages.
5. In relation to access to services, various informal bilateral meetings took place between ELA and the European Commission.

On **EURES**:

1. Bilateral online meetings with all National Coordination Offices (NCOs) were organised in late 2021 and early 2022.
2. The EURES Coordination Group (ECG) meeting took place.
3. Following the data collection based on Article 30 of the EURES Regulation, in December 2021 ELA published a report on labour shortages and surpluses.
4. A new Framework Contract for the provision of EURES training was signed.
5. The static content of the EURES portal has been migrated to a new platform by the end of 2021, resulting in a more user-friendly presentation of the content.
6. The IT work plan for 2022 was finalised with DG EMPL.

Enforcement and Analysis

On **inspections**:

1. The Working Group on Inspections held its 10th meeting in hybrid format, on 24 to 25 March 2022.
2. Together with Roadpol, ELA organized a week of action on 7-11 February, focusing on safety on European roads, and the working conditions of drivers.
3. ELA coordinated and supported joint inspections between the Netherlands and Bulgaria, in the period between 28 March - 5 April.
4. In the beginning of April, Europol/ELA have for the first time co-organised a meeting of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), on trafficking in human beings for the purpose of labour exploitation.
5. The first training activity (webinar) of this year was held on 17 March, to labour/social security inspectors, on the posting of workers.
6. In March, ELA published the 3rd edition of the bulletin on inspections.

On the **European Platform to enhance cooperation in tackling undeclared work**:

1. Three Platform subgroup meetings were held during the last months.
2. On 2 February, the Platform held a webinar disseminating the lessons learned on successful approaches of cooperation between labour inspectorates and social partners.
3. Two Platform reports have been finalised and published in its virtual library.
4. The second in-depth mutual learning project, so called peer-learning dialogue, was held in October/November on improving cross-government data exchange.
5. The Platform plenary meeting was held on 23-24 March 2022.
6. In June, the Platform will hold a workshop on effective penalty measures for tackling undeclared work, including through cost effective administrative actions, in Athens.

On **Labour Mobility Analyses and Risk Assessment**:

1. ELA organised the kick-off online workshop on cross-border aspects of risk assessment in the field of EU labour mobility, in December 2021.
2. ELA started to collect information on national measures adopted by EU and EEA-EFTA Member States, to respond to the Ukrainian crisis, with regard to employment and social security having a potential impact on the EU labour mobility of the displaced persons.
3. In the area of operational risk assessment, procedures are being developed to provide analytical support for concerted and joint inspections.

Cooperation Support

On **Cooperation and National Liaison Officers**:

1. ELA is working on the Mutual Learning and Understanding Programme, between the competent national authorities and the social partners involved in applying the posting Directives.
2. ELA has also launched an Analytical Report to identify challenges and explore national procedures on how Member States deal with the posting of third country nationals.
3. ELA has organised together with the Commission, a set of practical trainings to the use of the new modules of IMI road transport sector.
4. ELA is in the process of launching an Analytical Report on challenges in the application of the new legislation on road transport, to be finalised by the end of 2022.
5. ELA has also supported the activities of its National Liaison Officers, including organisation of events in their home Member States; National Liaison Officers also channel requests from their national administrations as regards arising challenges in the application of the Temporary Protection Directive on Ukrainian displaced persons, as concerns labour mobility and social security coordination aspects.

On **Mediation**:

1. The Cooperation Agreement between ELA and SOLVIT entered into force on 20 January 2022.
2. The negotiations on the Cooperation Agreement with the Administrative Commission for the coordination of social security systems and the Authority were also concluded, and the agreement was adopted by the Management Board on 17 December 2021.
3. At the 9th meeting on 15 March 2022, the Management Board appointed the mediators, Chair, Deputy Chairs and experts of the Mediation Board.

4. ELA started the necessary preparations to organise several training sessions in relation to mediation techniques, on EU labour mobility law, and in the field of industrial relations and collective agreements.

On **capacity building:**

1. A framework contract for the ELA Capacity Building was awarded at the beginning of 2022 and a range of capacity-building activities will be offered, with use by all operational units within ELA.
2. ELA continues nurturing its cooperation with the national training centres for labour inspectors.

Governance

1. Platform for accessing documents for Stakeholder Group (*CIRCA BC*) is being set up with the intention to use it for the joint meeting with the Management Board in June 2022.
2. The Authority's Management Board met two times during the reporting period, in November 2021 and March 2022.
3. ELA signed Memorandum of Understanding with the European Commission in the end of April 2022 and managed to finalise the negotiations of the Memorandum of Understanding with EUROFOUND.
4. ELA opened negotiations with *EU-OSHA* and a discussion with *CEDEFOP, Europol* and *FRA* on future cooperation arrangements.
5. At the end of January 2022, the Authority submitted the final Single Programming Document for the years 2022-2024, and a draft of the Single Programming document for the years 2023-2025 adopted by the Management Board, to the European Parliament, the Council of the EU and the European Commission in line with ELA Regulation.
6. The Authority is finalising the draft of the Consolidated Annual Activity Report 2021 (CAAR 2021), with the objective to approve it in the next June meeting of the Management Board.

On **compliance**, the Authority continued in the consolidation of its internal procedures and control framework, as well as standard operating procedures.

On **Communication**:

1. The move of the Authority to its permanent premises in Slovakia was marked by the ceremonial opening of the Authority's premises in Bratislava and organisation of the ELA Opening conference on 9th November 2021.
2. The impact of the campaign *#Rights4AllSeasons*, carried out in 2021 was assessed.
3. Communication activities were further developed, including ELA's presence on social media

Resources

1. ELA achieved an important growth of its workforce; in 2022, ELA will continue to grow to the total number of 132 staff.
2. ELA continued developing the necessary human resources rules, policies, guidelines, info packages and processes to enhance working conditions.
3. After the handover of the 14th floor of the Bratislava offices in September 2021, a further two floors (11th and 13th) were handed over, finalised and are in use by ELA staff. The conference centre on the 3rd floor was handed over in December 2021.

4. The installation of equipment and implementation of audio-visual system in the conference centre has been finalised as well.
5. At the beginning of 2022, the finance sector focused on establishing the Authority's Procurement Plan and the Budget Implementation Plan for 2022, and is also preparing the Budgetary and Financial Report of 2021. EU procurement is not well known in Slovakia yet.

The Chair opened the floor to the SG for questions and comments.

Members thanked ELA for the update on activities, showed appreciation for ELA's work focused on specific sectors and raised the following points: involvement of social partners in training activities, the Authority's expectation regarding the submission of cases for mediation, next steps after the peer review of national websites.

The Chair remarked ELA's planned engagement in different sectors (construction, aviation, hospitality) within its mandate; confirmed that social partners are involved in training activities; mentioned that SOLVIT has a database of unresolved cases and potentially it could feed ELA's mediation function; on posting of workers, ELA will be proactive, to facilitate and improve information available at the national and EU websites and social partners will be fully consulted.

6. Update on ELA WP 2023 and medium-term planning:

The Chair announced that the draft Single Programming Document 2023-2025 (SPD 2023-2025), including the Work Programme 2023, will be restructured, while not containing substantial changes.

He passed the floor to the **Head of Governance and Coordination unit** who gave a presentation on ELA WP 2023. She remarked that the new structure of the SPD 2023-2025 will be built upon five Strategic and one Horizontal areas of work and will include more specific strategic and horizontal objectives and Key Performance Indicators. She announced that the restructured draft SPD 2023-2025 will be submitted for consultation to the European Commission, the Management Board and the Stakeholder Group in July, and presented for adoption by the Management Board at its meeting scheduled for 16th November 2022.

The Chair opened the floor to the SG for questions and comments.

No questions or comments were raised.

7. Social partner involvement in ELA's Information activities:

The Chair announced the two agenda points related to the social partners involvement in ELA's Information activities: social partners' needs related to the access to information and services and the exploration of the availability of social partners' exchange fora on transnational labour mobility.

Then he passed the floor to the **Head of Information and EURES Unit**, who started her presentation of two surveys to be distributed to social partners. The surveys will cover the following areas:

a) On the Access to information and services – social partners' needs:

She mentioned that ELA would like to address the need for accessible and effective assistance services to individuals, workers and employers by exploiting the synergies with and between existing services, and by identifying, and tackling the needs not covered sufficiently. In this view, the Authority proposed conducting a survey among national level social partners to explore the level of awareness of the existence of these services, the understanding of their mandate, scope, and ways to access them, the use of the existing services by social partners, which labour mobility services social partners deem necessary, what kind of support social partners expect from ELA in the field of provision of information and services, considering ELA's mandate.

The Chair opened the floor to the SG for questions and comments.

Members reacted offering full support to this relevant initiative, wishing to be involved in the drafting of the survey and proposing issues that could be added, exploring the existing differences between sending and receiving MS, mapping also information initiatives conducted by social partners and potential synergies, targeting stakeholders at sectoral level, evaluating timing for the proposed surveys and putting them in sequence in order to let some time pass between them. They also considered that static information is not always the best approach to deal with vulnerable workers, like cross border workers; reaching out to workers in the field, providing advice is more cost/work intensive, but more effective. They wondered if a short meeting could be organised once the draft survey will be ready in order to provide fast feedback on it. A meeting could be offered, once the draft is ready.

The Chair and HoU remarked that ELA is still in the assessment phase of the existing services, thanked social partners for the support and the reflections and repeated that ELA will keep close contact on planning them.

b) On the exploration of the availability of social partners' exchange fora on transnational labour mobility:

The Head of Information and EURES Unit started her presentation on the second part of her intervention. She mentioned that ELA encourages the exchange, dissemination and uptake of promising practices and knowledge, as well as promotes mutual learning of different national practices. She recalled a recent initiative of the Italian National Coordination Office (NCO), which led the initial meeting of the EURES Permanent National Board to strengthen cooperation with social partners by involving the main Italian trade unions and national employer organisations. Considering that not much is known currently about the existence of such exchange platforms, their working methods and outcomes, ELA proposed conducting a small-scale survey among EURES NCO and national social partner organisations to find out more on the existence of such labour mobility exchange fora, initiator, administrator and participating organisations, year of establishment and if applicable end date, mandate, objective of the forum, working mechanism of the forum, outcomes, achievements completed or planned, success factors and challenges in establishing and running such forum.

The Chair opened the floor to the SG for questions and comments.

Members appreciated also this initiative and raised the following remarks: exploring the possible synergies of EURES, social partners, and EURES cross-border partnerships is interesting, the scope of the surveys should be more limited, involvement of regions is necessary.

EC recalled cross-border projects funded by EU, developed by *consortia* with social partners - assessment and information about those projects are public, so there are some information available. These *cosortia* should be part of the survey, as well. Dg Empl should be also included in the survey.

The Chair agreed on the opportunity to follow up of the mapping, the need to get closer to the workers and employers. Likewise, the convenience of developing strong partnerships with Regional and Local Authorities, including already the Committee of the Regions, and remembered that EC will be consulted.

8. Establishment of a SPs liaison function

The Chair announced the establishment of a SPs liaison function in ELA, in the Governance and Coordination Unit and encouraged social partners to use it.

He gave the floor to the **Head of Governance and Coordination Unit**, who briefly described the tasks of the new function: the Stakeholder Group Secretariat and the ongoing engagement with social partners (with the following strands: first contact point to reach out ELA, handle centrally the cases reported to ELA under art. 8 of ELA Regulation, engagement in specific sectors with high proportion of mobile workers). The staff of the team was introduced to the Members. She announced that a dedicated functional mailbox (**SPliaison@ela.europa.eu**) has been set up.

The Chair opened the floor to the SG for questions and comments.

Members welcomed this new function. Questions were raised with regard to its operational extent, how users could contact it, if the function is addressed also to national social partners. The Stakeholder Group expressed its intention to provide ELA with a short joint opinion on how they understand this function, and its possible remit.

The Chair and the HoU, remarked that ELA wants to offer as much channels open, not only the SPs liaison function, but also the liaison office that will be established in Brussel and the NLOs network. They explained that the SP liaison function is envisaged mostly for EU level social partners, as NLOs are the natural channel for national social partners; however, ELA will not reject any request, but will keep NLOs involved. The Chair welcomed the proposal of a joint opinion on the liaison function.

9.Update on cases referred to ELA by SPs

The Chair introduced the last item, the update on cases referred to ELA by social partners and passed the floor to the **Head of Governance and Coordination unit**.

She recalled the 12 cases referred to ELA in 2019 and 2020 by ETUC, EFBWW, EFFAT and ETF in the following sectors: construction (10 cases) agriculture (1) and merchant shipping (1). The matters involved concerns linked to non-payment wages, posting of workers, mobility, social security, housing, undeclared work, health and safety at work. On 6 May 2021 ELA held a meeting with the SP organisations who submitted the cases giving them an overview of the state of play and of the actions undertaken by ELA, focusing on the lessons learnt and follow up. She remarked that, when cases were submitted, ELA had just been established, with little staff and few means to meet all the demands; nevertheless, all the cases have been assessed and member states were promptly involved. ELA's role was to facilitate cooperation and exchange of information. The experience on these cases stressed even more the importance of the proceedings foreseen in

the Workflow guidance for SPO at national level to bring cases to the attention of ELA and in particular the necessity for social partners of providing enough information and addressing cases initially to National authorities. She also underlined contribution of the NLOs to the assessment and the management of the cases, remarking that it will continue also in the future, as their role is expressly foreseen in the Workflow guidance.

The Chair opened the floor to the SG for questions and comments.

No questions were raised. **Members** observed that the meeting was very useful.

10. Next Stakeholder Group meetings in 2022:

The Chair announced the joint meeting with the Management Board on 15 June 2022 and the next meeting of the Stakeholder Group on 11 October 2022.

11. AoB and Closure:

There were no other requests for AOB.

The Chair closed the meeting at 16h37.

ITEM 2 - ELA/SG/2021/008

Draft Agenda
Fourth Meeting of the Stakeholder Group
12 October 2021
Hybrid

Group meetings (online)

No	Time	Title	
A	09:00-11:00	Group meeting employers	Group meeting trade unions
	11:00-11:15	*Break*	
B	11:15-12:30	Bilateral meeting – employers and trade unions	

Group meeting employers https://ela.webex.com/meet/webex1

Group meeting trade unions https://ela.webex.com/meet/webex2

Bilateral meeting https://ela.webex.com/meet/webex1

Stakeholder Group meeting (hybrid)

Introduction			
1	14:00-14:05	Introduction by the Chair	Information
2	14:05-14:10	Adoption of the agenda of the meeting	Decision
3	14:10-14:15	Adoption of the minutes of the third meeting of the Stakeholder Group of 18 May 2021	Decision
Activities			
4	14:15-14:45	Update on activities and outlook until the end of 2021	Information
5	14:45-15:30	Impact of teleworking during the COVID-19 pandemic on the applicable social security	Discussion
	15:30-15:45	*Break*	
6	15:45-16:15	Presentation on access to services in the scope of Article 5 of ELA Regulation	Discussion
7	16:15-16:30	Consultation on topics for ELA analytical reports on cooperation practices and challenges in 2022	Information
Other activities			
9	16:30-16:35	Next Stakeholder Group meetings in 2022	Information
10	16:35-16:45	AOB	
		Close	

Meeting room: 5.B. Centre de Conférences Albert Borschette, Rue Froissart 36. 1040 Etterbeek

Online participation: https://ela.webex.com/meet/webex1

Record of Proceedings of the Fourth ELA Stakeholder Group Meeting

4th Stakeholder Group – 12 October 2021

1. INTRODUCTION BY THE CHAIR

Chair welcomed the participants of the meeting as well as welcome the Heads of Units of ELA and announce the fact that ELA has now the complete middle management. Chair also thanked Stakeholder Group for their opinion on the first draft of the Single Programming Document 2023-2025.

2. ADOPTION OF THE DRAFT AGENDA

ELA Executive Director (ELA ED) introduced the draft agenda of the meeting (ELA/SG/2021/008). There were no comments to the draft agenda.

Conclusion: The Stakeholder group adopted draft agenda.

3. ADOPTION OF THE MINUTES OF THE 3RD MEETING OF THE STAKEHOLDERS GROUP

Secretariat circulated the draft minutes. Based on the comments received by one Member the draft minutes were revised and are submitted for adoption (ELA/SG/2021/007)

Conclusion: The Stakeholders group adopted revised minutes of the 3rd meeting of the Stakeholders group.

4. UPDATE ON ELA ACTIVITIES:

ELA ED said that 2021 is the first year of the full operational involvement and activities of ELA. ELA ED

- **Internal achievements**: ELA reached financial autonomy in the end of the year, signed the Headquarters Agreement with Slovakia and moved to Bratislava on 16th of September; arrival of new heads of units; arrival of further 13 seconded national experts will take their post on 1st of November and five more until the end of the year. ELA
- **Organisation of the opening conference (9/11/2021)**: ED presented the state of play ED described the preparations of the opening conference (9
- **Action Plan on the Seasonal Work**: ELA ED provided short summary of the Action Plan, including campaign on Rights For All Seasons Campaign. ELA ED also outlined

the lessons learnt so far: 1) The complexity of the problems requires mobilization of ELA's tools in integrated and simultaneous manner 2) involvement local communities and stakeholders, notably social partners is crucial 3) ELA's staff needs to be on the ground with administrations and social partners

After the introduction of ELA ED, ELA Heads of Unit introduced themselves and provided update on ELA's activities. ELA Heads of Units provided update in the relevant field of ELA's work.

Comments and questions:

The role of social partners in the interpretation of collective agreements: Some stakeholder group Member mentioned the need to involve social partners in the interpretation of the collective agreements in relation to mediation. ELA ED and Head of Unit for Cooperation provided information on the consultation of social partners on this aspect and on-going work on the mediation rules of procedure to incorporate appropriately their role.

Seasonal work: Several Stakeholder Group members asked about the next steps of the Authority after the finalization of the Action Plan. Several issues were mentioned, such as the need for stronger cooperation between receiving and sending Member State, the issue of labour market intermediaries. ELA ED confirmed that ELA work on Seasonal Work will continue. ELA will extend its activities to other sectors, such as HORECA, meat industry or other issues, such as intermediaries. The efforts will be intensified both on information and enforcement.

Road transport sector: Several Stakeholder Group Members appreciate focus on this sector. The challenges mentioned were the new legislation, time regarding its national implementation and the need to strengthen the cooperation between transport and labour authorities and the need to provide readable and clear information. ELA ED pointed out the preparatory work on the Framework for action, which will certainly include information and enforcement aspect.

Posting of workers: Several Stakeholder Group Members appreciated the peer review exercise of national websites. There were also questions regarding the former Expert Committee on posting of Workers. ELA ED maintained the ambition of ELA to take over as much as possible from the tasks of the expert Committee.

Inspections: ELA welcomed lessons learnt and recommendations from SPs; on the enforcement side. Head of Unit for enforcement e confirmed that ELA is working on the future involvement of social partners On social partners' cases submitted to ELA, ELA ED promised to contact social partners on the follow-up to the cases submitted to ELA.

Conclusion: The Stakeholders group took note on the update of the activities.

5. IMPACT OF TELEWORKING DURING COVID-19 ON THE APPLICABLE SOCIAL SECURITY

ELA introduced the report having in mind the rationale behind it, that the increased use of teleworking during the pandemic raised the question on its impact on the applicable social security legislation. COM representative provided the overview of the basic

principles related to teleworking: 1) Telework should flatten the curve caused by the COVID 2) Questions of the applicable legislation cannot impede teleworking 3) Telework in a Member State other than the competent usual one should not lead to the change of applicable legislation 4) Telework should not be impeded by the application for A1/exception. COM representative also introduced the examples of teleworking scrutinized by the Administrative Commission and conclusion, that in case of a telework, during the COVID-19 pandemic the rules of Title II on the determination of the applicable legislation should be applied as they were before the pandemic. ELA explained the procedure behind doing the report, including NLOs, national administrations, which were subsequently processed by ELA. The national fiches are done in user friendly manner, including the contact details. ELA would appreciate the further dissemination of the information.

Questions and comments:

Stakeholders group members appreciated the report and agreed to disseminate it. Some of Stakeholder Group members would appreciate to have earlier, during the pandemic. Some members also expressed wish to have guidelines for the future crisis. ELA ED pointed out that the production of guidelines may be sensitive, but also confirmed the readiness of ELA to react quickly should it be necessary and to facilitate the information.

Conclusion: The Stakeholders group took note of the report.

6. PRESENTATION ON ACCESS TO SERVICES IN THE SCOPE OF ARTICLE 5 OF ELA REGULATION

ELA made reference to its mandate, noting in particular Article 5 of the Regulation. Thereafter, it presented an overview of the EU-services available to individuals and employers such as a) Your Europe Advice; b) European Enterprise Network, and c) SOLVIT. ELA thereafter presented overview of the services available at national level Additionally, services targeted to the national level, such as (i) Bodies for Free Movement of Workers, (ii) National Liaison Offices for the posting of workers. ELA also presented its first activities in this field, e. g. dedicated workshop with the National Liaison Offices for posting of workers planed in the end November 2021.

Questions and comments: Several Stakeholder group members indicated that there is rather reduced used of existing tools. One of the issues is timing, when the information is provided as well as requirement of the understandable language. It was pointed out that employers need practical and quite detailed advice, and they reiterated the proposal of the helpdesk function proposal; but admitted the need to evaluate this proposal. Several Stakeholder group members welcomed the work of ELA in the field of the national websites on posting of workers, advocating the template approach to be reinforced with flexibility which takes into account national and sectoral specificities, e. g. for collective agreements. Several Stakeholder group members underlined the importance of the involvement of SP when designing and mapping what kind of information is available. The aspect of the different needs in the field of information of workers and employers.

Employers also pointed out to the need to have single notification schemes or template for posting related notifications.

Conclusion: The Stakeholders group took note of the presentation.

7. CONSULTATION ON TOPICS FOR ELA ANALYTICAL REPORTS ON COOPERATION PRACTICES AND CHALLENGES IN 2022

ELA explained that the topics of the reports will be chosen by ELA after consulting the Member States. The topics are following (i) Labour and social aspects of Road Transport; (ii) Posting of workers in construction sector; and (iii) The Intra-EU mobility of third country nationals. ELA will now start drafting the report and will focus on the challenges, how Member States are applying the specific provisions of EU law, recommendations and guidelines as well as tools which may assist Member States. Following the completion of these reports, ELA aims to develop workshops with relevant stakeholders to present findings and discuss any recommendations. In this regard, ELA invited social partners to provide their views in writing.

Questions and comments included: Stakeholder Group Members suggestion to widen the topic related to transport to cover operational, labour and social aspects. Social partners had clear interest in the area of Intra-EU mobility of third country nationals. Stakeholder group Members also asked about the workshops and expressed wished to be invited. They also expressed question whether analytical reports will also result in recommendation.

The Chairperson and ELA replied on the TCNs, that ELA wants to investigate whether there are any problems in the application of the relevant acquis, ECJ case law, causes, needs for ELA intervention in this area; on the analytical reports, that this will involve a mapping but ELA also wants to investigate certain good practices and to disseminate.

Conclusion: The Stakeholders group took note of the analytical reports and way of consultation.

8. NEXT STAKEHOLDER GROUP MEETINGS IN 2022

The Chairperson explained that the dates for the Stakeholder Group meetings in 2022 have not been agreed yet. ELA suggested scheduling the first meeting early mid-May, and the second one early October. The attendance at the joint meeting with MB, if in March, May or November, will be decided later.

9. AOB

As no points had been raised under “any other business”, the Chairperson closed the meeting.

Ref. Ares(2021)2802504 - 27/04/2021

EUROPEAN LABOUR AUTHORITY

Draft Agenda
Third Meeting of the Stakeholder Group
18 May 2021

Online meeting

Group meetings

No	Time	Title	
A	09:00-11:00	Group meeting employers	Group meeting trade unions
	11:00-11:15	*Break*	
B	11:15-12:30	Bilateral meeting – employers and trade unions	

Group meeting employers

Group meeting trade unions

Bilateral meeting

Stakeholder Group meeting

Introduction			
1	14:00-14:05	Introduction by the Chair	Information
2	14:05-14:10	Adoption of the agenda of the meeting	Decision
3	14:10-14:15	Adoption of the minutes of the second meeting of the Stakeholder Group of 14 December 2020	Decision
Activities			
4	14:15-14:45	Update on activities	Information
5	14:45-15:05	Action Plan on Seasonal Workers	Discussion
6	15:05-15:50	Impact of COVID-19 on labour mobility	Discussion
	15:50-16:10	*Break*	
Programming and Reporting			
7	16:10-16:25	Consolidated Annual Activity Report 2020 – final document for Management Board adoption	Discussion
8	16:25-17:05	Revised Draft SPD 2022-2024 and Input for Draft SPD 2023-2025 Document	Discussion
Other activities			
9	17:05-17:10	Next Stakeholder Group meeting	Information
10	17:10-17:15	AOB	
		Close	

Stakeholder Group meeting

Record of the proceedings of the Third ELA Stakeholder Group Meeting – 18 May 2021

1. INTRODUCTION BY THE CHAIRPERSON

The Chairperson opened the meeting and welcomed the participants. He recalled the priorities of the meeting, namely to give an update on the Action Plan on Seasonal Workers, to discuss the medium to long-term impact of the COVID-19 pandemic on ELA's fields of operations, answering last questions on the Consolidated Annual Activity Report 2020; and providing verbal input for the further revision of the draft SPD 2022-2024 and the initial draft SPD 2023-2025. The Chairperson also gave a short update on the current state of play at ELA, mentioning the soon approaching financial autonomy (26 May 2021), advancements in the negotiations concerning ELA's seat in Bratislava, and the activities carried out since the beginning of 2021.

2. ADOPTION OF THE AGENDA – ELA/SG/2021/002

The draft agenda was introduced and adopted, with no additional points raised or comments to the agenda.

3. ADOPTION OF THE MINUTES OF THE SECOND MEETING OF THE STAKEHOLDER GROUP OF 14 DECEMBER 2020 – ELA/SG/2021/001

The Chairperson introduced the minutes of the second meeting of the Stakeholder Group of 14 December 2021, informed the SG that one member had comments to the minutes, which have been taken on board, and asked the Stakeholder Group whether it would agree to those changes. As no comments were raised, the minutes were adopted.

4. UPDATE ON ACTIVITIES – ELA/SG/2021/004

The Chairperson gave an update on ELA's activities since the start of 2021.

Questions and comments raised by the members included: welcoming ELA's integrated approach to ensuring fair labour mobility in the road transport sector (information and enforcement); a question concerning ELA's future approach to providing information to workers and employers in the road transport sector; the importance of involving the sectoral social partners on any actions related to road transport; an inquiry about the outcome of last year's study on provision of information on labour mobility on EU websites and ELA's planned follow-up to this study; welcoming the workshops on seasonal workers; a suggestion to develop capacity building activities on promoting sectoral examples where labour mobility is well-functioning; a question concerning the Member States' readiness to participate in concerted and joint inspections, the importance of retaining the expertise of the Committee of Experts on the Posting of Workers and ensure

the same representation and participation of social partners in any future similar committee or group which will carry on the tasks of this Committee; a question on the recently published Communication from the Commission 'Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery' (COM(2021)350 final) and more specifically the Single Digital Form, asking whether ELA will contribute to it; a general question on how the Stakeholder Group will be informed on the follow-up of social partner cases, and a specific question on the concrete cases submitted by ETUC and ETUFs on behalf of national social partners in October 2020 and whether there were any new developments concerning these.

The Chairperson and ELA replied, stressing that the road transport sector has a complex and difficult legislation to implement, which is why ELA is planning a comprehensive action plan targeting this sector, including both information provision and enforcement activities, and taking a "lifecycle approach" (from origin to destination of the problem); stressing that beyond verbal commitment by Member States, ELA requires their active involvement in concerted and joint inspections; inviting the social partners to help ELA in assessing risks and identifying cases that require action by ELA and national administrations; asking for social partners' understanding as regards the speed of ELA's roll-out of activities, given that building a close and effective cooperation with national administrations takes time; agreeing with the importance of involving sectoral social partners; informing that ELA will discuss with the European Commission any possible input by ELA to the Single Digital Form; informing that ELA replied to ETF with an update to their case submitted on 16 October 2020, asking ETF for additional information of the case, and explaining that ELA's national liaison officers are currently working on the case submitted by EFFAT on 16 October 2020 and that ELA will reply to EFFAT as soon as this work is completed.

5. ACTION PLAN ON SEASONAL WORKERS

The Chairperson gave an update on ELA's Action Plan on Seasonal Workers, presenting the two main components of the Action Plan (i.e. awareness-raising campaign and enforcement actions), its objectives, and the various activities undertaken so far or upcoming. The Chairperson also announced that a Week of Action will take place from 20 to 24 September 2021, which will consist of information sessions and events, inspections, and communication and outreach activities throughout Europe and in cooperation with ELA's Action Plan partners.

Questions and comments included: praise for the campaign and thankfulness towards ELA for the great cooperation so far with social partners on EU level; a plea for stronger involvement of and cooperation with national social partners; a request for ELA to recommend to national administrations the better and closer involvement of national social partners in the national action plans targeting seasonal workers; the importance of closely involving sectoral (national) social partners; a call for all national labour inspectorate to publish information about the Action Plan on Seasonal Workers on their website; a question as to why ELA's planned inspections are focusing on temporary work

agencies given that these are not the main employers in the agricultural sector; the request to differentiate between temporary work agencies and recruitment agencies, the former ones not being actively involved in seasonal work in the agricultural sector; a call to address root causes of abuse and problems faced by mobile workers and not solely the symptoms; the importance to consider the working conditions of seasonal workers in the agri-food sector not simply through the angle of posting (as many workers have local/national contracts), but through the angle of equal treatment, as workers exercise their freedom of movement; and the importance to use this Action Plan as a lesson for all future ELA action plans targeting other sectors.

The Chairperson and ELA thanked the Stakeholder Group for its support; agreed with the importance of involving social partners at national level, stressing ELA's intention to do so, yet pointing out that this is ultimately the decision on national partners; mentioned the European Platform to enhance cooperation tackling undeclared work's thematic review workshop on 22-23 June entitled 'successful approaches of cooperation between labour inspectorates and social partners'; clarified that ELA is not duplicating existing campaigns but bringing these under one umbrella, making messages coherent; and pointed to the strong and tireless cooperation with national administrations, stressing that the Action Plan also serves the purpose for ELA to establish strong and efficient links with national administrations, and for ELA to test and enhance its working methods in light of future action plans.

6. DISCUSSION ON THE IMPACT OF COVID-19 ON LABOUR MOBILITY – ELA/SG/2021/006

The Chairperson introduced the discussion on assessing the COVID-19 pandemic's medium to long-term impact on labour mobility, and hereby also feed, with this discussion, in the multiannual planning of ELA's activities. The Chairperson shortly presented the mapping document developed by ELA in January and February 2021 with input gathered from Member States via ELA's national liaison officers and from social partners via the ELA Stakeholder Group. He stressed that the COVID-19 pandemic strongly highlighted and exacerbated existing structural problems of EU labour mobility and also pointed to some phenomena triggered or reinforced by the pandemic, which will need to be monitored over time. Lastly, the Chairperson enumerated a list of concrete actions for ELA to start addressing some pertinent issues, including ELA's Action Plan on Seasonal Workers, ELA's activities aimed at improving provision of information on single national posting websites, ELA's gradual focus on sectoral approaches (upcoming focus on road transport sector), and ELA's ongoing mapping exercise that focuses on teleworking situation of cross-border workers and applicable social security legislation.

The Chairperson presented three discussion questions, namely: (1) do you have any new observations compared to the assessment of the situation dating January/February that can further impact ELA's actions in 2021 and in the upcoming long-term planning? (2) do you have any new information about what COVID-19 related issues do still persist in EU labour mobility and if so, what does prevent/hinder their resolution? (3) what other

information or data can social partners share with ELA to contribute to its increasing analytical capacity?

Comments and questions included: the need for a positive narrative around labour mobility; the need to address skills mismatch and how labour mobility can contribute to this; the call for ELA to better monitor and gather information about labour mobility developments and the applicable rules in the future, so as to provide individuals and employers with accurate information in case of emergencies similar to the COVID-19 pandemic; the need to harmonise in the future across the EU the definition of what is an "essential" worker; an inquiry about ELA's role in ensuring fair labour mobility for third-country nationals; a plea for ELA to take a more active role in highlighting the shortcomings on equal treatment for mobile workers; a reference to the lack of social security coverage of seasonal workers in certain Member States; a testimonial of the emerging issue of COVID-19 testing and the related argument that employers should reimburse these when their workers travel for professional reasons; an inquiry about ELA's potential in helping counselling services reach out to workers; a comment on the increased teleworking phenomena, which raises social security coordination related questions, and the related welcoming of ELA's mapping on applicable social security rules for remote workers; a question about ELA's upcoming plans in the construction sector; the plea for ELA to closely cooperate with the EURES Cross-border partnerships which played an essential role during the COVID-19 pandemic; a question to the European Commission on the preliminary outcomes of the trilogue on the EU Digital COVID Certificate (EUDCC) which took place on 18 May and whether ELA will contribute to the promotion of the use of the certificate; an inquiry about how ELA can help ensuring that the EUDCC does not create more red-tapes; and lastly, how it is possible to make sure that the list of "essential workers" will be recognised by the EUDCC.

The Chairperson and ELA replied, ensuring that ELA also believes in the importance of promoting a positive narrative around labour mobility, giving also a central role to EURES in doing so; agreeing that ELA needs to monitor future developments in labour mobility as well as the future of work, as this may affect labour mobility patterns and future skills mismatches; stressing ELA's essential role in disseminating good practice; highlighting ELA's potential in creating, through its work, a policy-making feedback loop, where legislators will draw lessons from ELA's experiences on the ground; clarifying that ELA will concentrate on posted workers in the construction sector, undertaking both information provision and enforcement actions; clarifying ELA's role as regards third-country nationals, which fall under ELA's mandate if posted or if working undeclared; ensuring that ELA will also focus on housing issues of mobile workers, as mandated by its founding Regulation; and finally thanking social partners for their input and inviting them to continuously share with ELA knowledge and expertise gathered through their work.

7. CONSOLIDATED ANNUAL ACTIVITY REPORT 2020

The Chairperson informed the Stakeholder Group that the present version of the Consolidated Annual Activity Report 2020 has been revised following the comments sent by both the Stakeholder Group and the Management Board in March 2021. The Chairperson reminded the Stakeholder Group that the Consolidated Annual Activity Report 2020 would be adopted on 25 May 2021 during the joint Management Board-Stakeholder Group meeting. The Chairperson invited the Stakeholder Group to ask any remaining questions on the document and inquired whether the Stakeholder Group wished to present an oral opinion at the joint Management Board-Stakeholder Group meeting on 25 May 2021.

The Group Coordinators of the trade unions and employers replied that they would not provide an oral opinion on 25 May but may share individual comments during the 7th Management Board meeting.

8. REVISED DRAFT SPD 2022-2024 AND INPUT FOR DRAFT SPD 2023-2025

The Chairperson introduced the discussion on both the revised draft SPD 2022-2024 and the initial input for the draft SPD 2023-2025, inviting the Stakeholder Group to share its thoughts on both documents. The Chairperson presented the timeline for both documents, with the deadline of 8 June 2021 for written comments to both documents, and the adoption of both documents at the 8th Management Board meeting on 10 November 2021.

Comments and questions concerning the SPD 2022-2024 included: how ELA seeks to promote the use of its various approaches to the presentation of e.g. information stemming from universally applicable collective agreements[1] on national websites; the wish to collaborate with ELA on how to further improve these template; a request for ELA to assist Member States in presenting their webpages providing information on national labour law and employment conditions in a more user-friendly manner; whether ELA plans another action plan in 2022, similar to the current one on seasonal workers; the need for higher ambitions concerning the number of planned concerted and joint inspections; and a request to include in the programming document information about the role of the liaison officer for social partners and a suggestion that this official should organise annual structured dialogues with national and sectoral social partners in the Member States with a view to identify needs and challenges in terms of labour mobility, enforcement and cooperation, feeding into the design of the Authority's priorities and programming.

The Chairperson and ELA replied that ELA will first analyse the success and uptake rate of this year's concerted and joint inspections and stressed that the current aim is to familiarise national labour inspectorate with ELA's inspections guidelines and the support it can offer, whilst the future aim will be to increase the quantity and enhance the effectiveness and better targeting as well as the geographical scope of concerted and

[1] Further approaches include ones presenting information on long-term posting, declaration obligations, and penalties and fines.

joint inspections; and assured that ELA is aware of the long-standing issue of information provision about labour mobility on national websites, explained that a hands-on workshop is taking place in June to assist Member States in designing information provision on their websites, but also recalled that ELA cannot impose one single model for information provision, also given the different software used for designing the websites and the issuing technical limitations.

Comments and questions concerning the draft SPD 2023-2025 included: the need for a clearer reference to the involvement of social partners in ELA's activities (EU, national and sectoral ones); the request to involve social partners in the promotion of good practices; the closer involvement of national social partners in activities targeted at tackling undeclared work; a stronger focus on the needs of individuals and employers in the design and provision of information on labour mobility and the help social partners can provide in doing so; welcoming ELA's intentions to issue grants, especially given the often limited resources of social partners; the better involvement of social partners in the follow-up to concerted and joint inspections; the importance of developing sectoral inspection strategies, given the specificities of different areas of mobility (e.g. different modes of transport (road, rail, water, air), platform work, live-in care work, domestic work and the difficulty of inspecting domestic work places); an inquiry as to ELA's possible role in ensuring the proper enforcement of rules relating to decent accommodation; an inquiry on ELA's role in the New Pact on Migration and Asylum (cf. COM/2020/609); a reference to the upcoming review of the ELA regulation in 2023 and 2024, as mentioned in the Action Plan on the European Pillar of Social Rights, and a consideration towards expending the mandate of the Authority; a plea for ELA's national liaison officers to be in touch with national social partners; a list of thematic issues ELA should focus on, including road transport sector, temporary work agencies; a suggestion to develop minimum standards for labour inspections and support national labour inspectorates in acquiring the necessary capacity for carrying out effective labour inspections; an invitation for ELA to consider acquiring helpdesk functions in the future; the plea to develop qualitative, not only quantitative, key performance indicators for ELA's activities; and lastly, the need to promote good practices of different sectors where labour mobility happens in fair conditions. In addition, the Group Coordinators inquired whether a possible joint written opinion of the Stakeholder Group on the SPD 2023-2025 could be delivered also after the 8 June deadline for written input.

The Chairperson and ELA replied that ELA will over time move to other sectors whilst also reinforcing its activities in the ones that it already covers; agreed with the importance of looking into sector of personal and home services, whilst pointing to ELA's first activities targeting this sector (inspections in 2020 and the European Platform tackling undeclared work); mentioned that it will look at platform work; assured that ELA will address patterns of systemic problems (e.g. letterbox companies); explained that ELA cannot impose standards for labour inspections but it can support labour inspectorates through its capacity building facility; and announced that it will look at the role of the social partner liaison officer. The Chairperson accepted that a possible joint opinion of the Stakeholder Group on the SPD 2023-2025 could also be delivered after the 8 June deadline.

9. NEXT STAKEHOLDER GROUP MEETING

The Chairperson explained that the date for the 4th Stakeholder Group has not yet been chosen and announced that the Secretariat will be in touch with Group Coordinators before the summer to find a possible date.

10. AOB

As no points had been raised under “any other business”, the Chairperson closed the meeting.

ITEM 2 - ELA/SG/2020/006

Draft Agenda
Second Meeting of the Stakeholder Group
14 December 2020
Online meeting

Group meetings

No	Time	Title	
A	09:00-10:30	Group meeting employers	Group meeting trade unions
	10:30-10:45	*Break*	
B	10:45-12:30	Bilateral meeting – employers and trade unions	

Group meeting employers: https://ecwacs.webex.com/ecwacs/j.php?MTID=m20440912a805a6ef22cf27f88be52dcc

Group meeting trade unions: https://ecwacs.webex.com/meet/mbsecretariat

Bilateral meeting: https://ecwacs.webex.com/meet/mbsecretariat

Stakeholder Group meeting

Introduction			
1	14:00-14:05	Introduction by the Chair - Words by Executive Director Designate	Information
2	14:05-14:10	Adoption of the agenda of the meeting	Decision
3	14:10-14:15	Adoption of the minutes of the first meeting of the Stakeholder Group of 5 May 2020	Decision
Activities			
4	14:15-15:00	Update on activities - The Working Groups on Information and Inspection - Other (e.g. EURES, mediation)	Information
5	15:00-15:45	Submission of cases to the Authority by Social Partners	Discussion
6	15:45-16:15	Labour Mobility Analyses and Risk Assessment	Discussion
	16:15-16:30	*Break*	
Programming			
7	16:15-17:00	Draft Single Programming Document 2022-2024	Discussion
Other activities			
8	17:00-17:05	Next Stakeholder Group meeting	Information
9	17:05-17:15	AOB	
		Close	

Stakeholder Group meeting: https://ecwacs.webex.com/meet/mbsecretariat

Record of the proceedings of the Second ELA Stakeholder Group Meeting – 14 December 2020

1. INTRODUCTION BY THE CHAIRPERSON and EXECUTIVE DIRECTOR DESIGNATE

The Chairperson, Interim Executive Director Jordi Curell opened the meeting and welcomed the new ELA Executive Director Designate (ELA ED), Mr Cosmin Boiangiu. ELA ED welcomed participants and took over the role of Chairperson. He stated that ELA reached an important milestone in its establishment and that next year would be very critical for ELA. ELA ED shortly outlined the three guiding values of his mandate - efficiency, fairness and balance, value added – and stressed the importance of cooperation with social partners.

2. ADOPTION OF THE AGENDA – ELA/SG/2020/006

The Chairperson introduced the draft agenda and asked the Stakeholder Group (SG) whether anyone had any comments about the agenda or points to be raised under the agenda point 9 “Any Other Business”. No additional points were raised.

The Stakeholder Group adopted the Agenda.

3. ADOPTION OF THE MINUTES OF THE FIRST MEETING OF THE STAKEHOLDER GROUP OF 5 MAY 2020 – ELA/SG/2020/005

The Chairperson introduced the minutes of the first meeting of the Stakeholder Group of 5 May 2020 and asked whether anyone had any comments to the minutes.

The Stakeholder Group adopted the Agenda.

4. UPDATE ON ACTIVITIES – ELA/MB/2020/046

Information: ELA informed the SG on the set up of the Translation facility with over 100 translated documents in only six months. Its budget will double to EUR 500 000 in 2021. 4 Working Group (WG) on Information meetings took place. ELA and the WG finalized an Approach to presenting collective agreements on national posting websites. ELA has started to work on cross-border seasonal work and will launch a campaign on this topic in 2021. A Road transport workshop was organised in December with over 120 participants.

EURES: The SG was updated on the state of play of the roadmap for the transfer of the EURES European Coordination Office to ELA. The programming activities are already transferred; communication and training follow in January. The transfer of EURES’s network governance and portal management activities are in the pipeline for the first semester of 2021.

Inspections: The main objective and mandate for 2020 was accomplished: the tools and procedures to carry out concerted and joint inspections (CJIs) were set up and tested. The following deliverables were developed: Model agreement, case

description, reporting templates, workflows clarifying actors, steps and results expected from the procedures. They were tested in a number of pilot inspections (5, moved from March to September given the COVID related travel limitations). ELA also organised its first trainings on inspections in November 2020 – dedicated to the draft tools and procedures – and will organise a second set of trainings in January, focused on EU acquis in the area of labour mobility.

Labour mobility analyses and risk assessment (LMARA): A number of preparatory actions took place in 2020: an exchange of view with the WG on Inspections, ELA's first workshop with EU agencies, services and networks active in the field of employment and social policy to explore potential areas of cooperate (e.g. sharing databases; skill supply, mismatch and demand analysis; analytical support and cooperation) and bilateral discussions with a number of Member States on their risk assessment strategies and capacities.

Mediation: ELA's first step will be to set working arrangements and rules of procedure for mediation. On 15 December, the Management Board (MB) should establish a Working Group[1] to work on establishing rules of procedure and working arrangements for mediation, which will be composed of experts appointed by MB members. Social partner experts can be appointed to the WG but mediation *per se* is between Member States as stated by Article 13 of Regulation (EU) 2019/1149. Lastly, in October, ELA contacted the Administrative Commission (AC) to start cooperation. A cooperation agreement will be signed with the AC.

Comments and questions from the Stakeholder Group included: the need for a common approach to present information on national websites to be developed for other sectors, such as road transport (employers); the question whether ELA's training materials will be published in order to become available for relevant stakeholders at national level (employers); the questions to specify "supporting services" for the WG on Information means (mentioned in the Work Programme 2021), and what kind of technical advice by external contractors ELA needs (unions); the distinction between the work of the Platform tackling undeclared work (Platform) and the work of the WG on Inspections as well as ELA's work on inspections (unions); whether the mandate of the WG on Inspections would be expanded (unions); a question about the precise character of planning of Inspections for 2021 (unions); concerning EURES cross-border partnerships, a question about whether these would be transferred o ELA is (unions); and a remark that the 30 days deadline to appoint an expert of the WG Mediation is too short considering the holidays break.

The Chairperson explained that the inspections trainings materials should be published and made available but its format remains to be decided. He further confirmed that road transport, together with seasonal work, will be high on the priority for the start of 2021.

[1] On 15 December, the Management Board adopted Decision 20/2020 to establish the Working Group on Mediation.

ELA responded that “supporting services” secure help to ELA in organising meetings, ensuring logistical support but also for example for providing ad hoc studies. Generally, while ELA is still developing its own resources, it will rely on external support. ELA also highlighted a strong willingness to cooperate with the Platform on finding the synergies and capitalising on the experience gained in the past years; the preparations for the transfer of the Platform to ELA already started. It should not be forgotten that the Platform addresses also (if not mainly) national situations, while ELA deals with transnational situations. ELA also clarified that the WG Inspection will pursue its activities in 2021 and the broadening or reducing of its scope is up to the MB to decide. On the plan for inspections for 2021, this will depend on MS’ willingness to cooperate. Moreover, ELA’s inspection capacity is growing only incrementally giving its early stage. Concerning trainings, the WG on Inspections will be fully involved in the choice of topics to be addressed in the trainings. Concerning risk assessment, ELA will do a mapping of the COVID-19 pandemic’s impact on EU labour mobility issues. Lastly, ELA ensured that the EU Commission will continue to play a strong role in EURES and clarified that the Commission will remain responsible for grant management including cross-border partnership.

5. SUBMISSION OF CASES TO THE AUTHORITY BY SOCIAL PARTNERS

ELA informed that between October 2019 and October 2020 the Authority received 12 cases, sent by ETUC, EFBWW (European Federation of Building and Woodworkers), EFFAT (European Federation of Food, Agriculture and Tourism Trade Unions) and ETF (European Transport Workers' Federation). 10 cases concern the construction sector, 1 concerns the agricultural sector and 1 is in the sector of merchant shipping. Presumed irregularities relate to the payment of minimum wages or non-wage payment (all cases); 6 of them to fraudulent posting; 6 cases to issues with social security coordination, 4 cases to undeclared work; and the remaining 4 cases to housing conditions of posted workers.

Third country nationals are involved in 8 out of the 12 cases. In the absence of an agreed procedure on how to treat such cases, the Authority addressed the cases to the concerned Member States. On 12 November 2019 ELA brought to the attention of the Member States concerned the 10 cases initially submitted by ETUC and EFBWW on 24 October 2019. On 16 October 2020 ETUC and EFBWW resubmitted the 10 cases, together with two additional cases from EFFAT and ETF. To this date 11 of the 14 concerned Member States provided a reply. In some of the instances, the national authorities informed ELA that the cases were closed (solved or settled in arbitration), while investigations are still ongoing for other cases. The Authority is in need for an agreed procedure on how to deal with such cases.

ELA presented a workflow for Social Partners Organisations at national level to bring cases to the attention of ELA. The workflow should be adopted by the MB on 15 December.

Overall, the Stakeholder Group appreciated the work on the guidelines and thanked for the update on the follow-up to the ETUC cases.

Comments and questions from the Stakeholder Group included: the need for targeting specific sectors in ELA's activities (e.g. construction, transport and agriculture) (employers); the need for the national social partners who submitted the cases to ELA to be updated on their outcome (unions); whether any inspections or other follow-up actions to these cases are planned (unions); how ELA will be able to react quickly to urgent cases (unions); how social partners will be involved in follow-up actions to submitted cases to ELA and how the SG will be kept informed (unions); the suggestion to make information campaigns available to all MS, not only those who are more relevant for solving some specific cases (employers); the urge for ELA to send a clear message of enforcement (unions).

The Chairperson clarified that ELA will react quickly and according to the needs, especially for urgent cases, as it is one of the quality indicators for ELA's work. Regular updates on inspections and the work on submitted cases will be provided to the SG. Inspections are important in working towards solutions but they must be combined with other tools if we consider for instance that different cases showing recurring problems will also need to be addressed properly through information provision, capacity building and labour mobility analyses and risk assessment. In case ELA encounters cases with a dimension not directly linked to ELA's mandate (e.g. labour exploitation, OSH), it will report these irregularities to the MS concerned and the Commission.

6. LABOUR MOBILITY ANALYSES AND RISK ASSESSMENT

ELA presented its task on labour mobility analyses and risk assessment (LMARA) to discuss the role and involvement of social partners represented in the Stakeholder Group as regards their contribution to the work of the Authority on this task.

ELA recalled the purposes and scope of the LMARA task. This task would help to identify obstacles and disruptions of EU labour mobility at an earlier stage and to act either pre-emptively or in a more targeted way, contributing to a more efficient and fairer enforcement. ELA's risk assessment and analytical capacity is to be developed and carried out in cooperation with Member States and, where appropriate, social partners as well as relevant EU bodies, services and networks. ELA believes that the SG provides an adequate forum of exchange of information and discussion on issues at EU level and/or national level that impacts – or will impact – cross-border labour mobility, as social partners have a privileged access to this information by operating on the field.

The three main discussion points were: 1) ways how the Stakeholder Group could contribute to the development of ELA's LMARA task; 2) how could the relevant stakeholders' input be managed by the Stakeholder Group in terms of submission and discussion of opinions; and 3) how regularly should such opinions be submitted and discussed at the Stakeholder Group.

Comments and questions from the Stakeholder Group included: the importance of LMARA's activities in guiding ELA's actions (unions); social partners' important role in detecting risks and problems, given their presence on the ground and workers' preference in reaching out to trade unions rather than public authorities in case of work-related abuses (unions); the lack of specific data possessed or gathered by

social partners but instead, the possibility for social partners' to provide evidence of the problems they experience on the ground (unions and employers); the suggestion to focus on some identified sectors and invite, when necessary, experts from these sectors to the SG (unions and employers); the utility of peer reviews within ELA's LMARA task (employers); the importance of sharing experiences concerning how monitoring and compliance looks in practice in different Member States as prescribed by the posting enforcement directive and the suggestion to look into national posting notification systems in more detail (employers); looking into the link between labour mobility and skill needs/shortages/job vacancies (employers); the need for cooperation between ELA and Cedefop, as Cedefop works on labour market needs and shortages (employers); the need to remember that MS might differ in their data collection methodologies, hence why it is important to liaise with Eurostat (employers and unions); the problem of getting real time accurate data (employers); concerning the form of the SG's input to the LMARA task, a question whether ad-hoc, less formal input provision, maybe through a discussion process might not be a better way of collecting input from the SG instead of a joint opinion (employers and unions); the need to not only look at inspections enforcement where problems occur but also at the good side of mobility, demonstrating its added value for the internal market (employers); the suggestion to look into how far labour mobility has contributed to the Internal Market integration (unions); looking into the challenges causes by the COVID-19 pandemic to labour mobility, analysing medium and long term effects of the pandemic (unions); exploring the relationship between digitalisation and fair labour mobility (unions); and lastly, the suggestion to study intra-EU mobility of third country nationals (unions).

ELA confirmed the need to involve many different actors in the labour mobility analyses and risk analysis process, including social partners inputs, experience and data. ELA is already in contact with Cedefop and will explore synergies. ELA will also plan for conclusion of cooperation agreements with other relevant EU bodies, including on information processing and further working methods. Concerning the format of the "opinions", it is open for discussion, especially its less formal setting. Nevertheless, creating certain checklists on the subject matter to be discussed would facilitate the preparation of the discussions. The working models and methods of this exercise will be further developed.

The Chairperson clarified that further discussions are important. Labour mobility and EU labour market will not be the same in 5 years, so cooperation on future needs and trends is crucial. ELA would appreciate provision of any source of information or suggestion. As for the collection of data, ELA is aware gaps and the need for alignment on aggregated data collection activities and will liaise with ESTAT. The Chairperson also clarified that ELA is an enforcement agency so it tends to look at dysfunctions but agreed that the relevant point is also to look at the good examples of labour mobility as part of its long-term strategic outreach task aimed at promotion of fair labour mobility. The Chairperson agreed that ELA should look closer at the impact of the COVID-19 pandemic on the EU labour mobility.

7. DRAFT SINGLE PROGRAMMING DOCUMENT 2022-2024

The Chairperson presented the draft SPD as an outcome of the revisions to the initial draft which was submitted for comments to the MB on 23 October. The timeline for draft and final SPD 2022-2024 is the following: following the adoption of the draft SPD by the MB on 15 December 2020, it shall be submitted to the European Parliament, Council and Commission by 31 January 2021. The Commission shall send its opinion on the draft SPD 2022-2024 by 31 July 2021. The final version of the SPD 2022-2024 shall be adopted by the MB by 30 November 2021. The present document is in its draft version, i.e. it comprises a preliminary planning of the activities for the stipulated period. There will be a lot of opportunities to improve the document in the upcoming year. The Chairperson would personally like to add a reference to the impact of the pandemic on labour mobility, the relationship between digitalisation and ELA's work and refer, where necessary, to some possible changes to the legal basis for ELA's work, such as the ongoing negotiations for the revision of Regulation 883/2004.

Comments and questions from the Stakeholder Group included: the satisfaction to see that the SG's joint opinion is reflected in the draft SPD and that the role of social partners is taken into account in the document (employers); the need for establishing a sort of helpdesk function, to provide citizens and employers with practical advice (employers); the need for a designated liaison officer for social partners (employers and unions); the importance for NLOs to also be in contact with their national social partner organisations (employers and unions); the need for sectoral strategies (unions); the need to involve sectoral national social partners and reflect this involvement in the draft SPD (unions).

ELA stated that a helpdesk is very demanding in terms of resources. Several bodies and services already exist at national level (National liaison offices and authorities for posting of workers; SOLVIT; Equal treatment bodies, etc.), which are responsible for making information available and replying to requests of citizens and employers. ELA will work with them to facilitate and coordinate effective information provision.

Concerning the relationship between NLOs and national social partners**, the Interim Executive Director** clarified that in some countries social partners have a role in enforcing legislation, where it makes lot of sense. In other countries, social partners' role is different however and thus the NLO-social partner relationship will be as well.

The Chairperson stated that NLOs are part of the Authority, and their role shall be used in the most effective way. ELA's structure, together with its modus operandi, must still develop a more effective cooperation.

8. NEXT STAKEHOLDER GROUP MEETING

The final dates will be agreed with the Group Coordinators early next year as no provisional dates were agreed at the time of the meeting.

9. AOB

No AOB points were raised. The meeting was closed.

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EUROPEAN LABOUR AUTHORITY

Draft Agenda
First Formal Meeting of the Stakeholder Group
5 May 2020

No	Time	Title	
1	09:30-11:30	Group meetings	Discussion
2	11:45-12:30	Bilateral meeting	Discussion

Introduction			
3	14:00-14:05	Introduction by the Chair	Information
4	14:05-14:10	Adoption of the agenda of the meeting – *ELA/SG/2020/001*	**Decision**
5	14:10-14:40	Adoption of the Rules of Procedure of the Stakeholder Group	**Decision**
Activities			
6	14:40-15:10	Update on the Working Groups on Information and Inspection	Information
Multi-annual Programming			
7	15:30-16:15	ELA programming priorities for 2021	Discussions
8	16:15-17:00	ELA Multi-annual programming priorities for 2022-2024	Discussion
Other activities			
9	17:00-17:10	Next Stakeholder Group meeting	Information
10	17:10-17:30	AOB	
		Close	

Link morning meetings: [a separate email with the links will follow shortly]

Link afternoon meeting: https://ecwacs.webex.com/meet/ldaeff

Record of the proceedings of the first ELA Stakeholder Group meeting – 5 May 2020

1. INTRODUCTION BY THE CHAIRPERSON

The Chairperson opened the meeting with housekeeping information regarding the use of the videoconference platform. He recalled the two priorities of the meeting, being the adoption of the draft Rules of Procedure of the Stakeholder Group (ELA/SG/2020/002) and a discussion on the Authority's priorities for 2021 and 2022-2024.

2. ADOPTION OF THE AGENDA – ELA/SG/2020/001

The Chairperson introduced the draft agenda and asked the Stakeholder Group whether anyone had any comments to the agenda or any other items to be included under point 10 "AOB – Any other Business". No additional points were raised.

The Stakeholder Group adopted the Agenda.

3. ADOPTION OF THE DRAFT RULES OF PROCEDURE – ELA/SG/2020/002

The Chairperson presented the draft Rules of Procedure, for discussion and adoption by the Stakeholder Group in line with Art. 23(6) of Regulation (EU) 2019/1149. The Chairperson explained that these rules should be adopted by a majority of two-thirds of its members entitled to vote and that the rules are subject to approval by the Management Board, to which they will be forwarded following the Stakeholder Group's adoption.

Representatives of employers and trade unions requested clarification on Article 8 regarding the convening of meetings, specifically on whether the Stakeholder Group meetings could also be held in Brussels, beyond "exceptional" cases (Art. 8(5)), whether alternates could participate in the meeting via videoconference if they cannot travel to the meeting location, and whether physical Stakeholder Group meetings were to be preferred over video conferences, though this option should remain open (Art. 8(6)). Moreover, representatives enquired whether the external expert mentioned in Article 3(3) must be nominated jointly by employers and employees or only the Group who's member or alternate it may replace and whether the Rules of Procedure should include "voting rules"; and whether the Secretariat could directly send meeting documents, agenda and meeting invitation to members and alternates without passing via the Group coordinators (Article 12(5)).

Lastly, the representatives enquired whether the joint opinion by the Stakeholder Group, listed as one of its functions in Article 23 of Regulation (EU) 2019/1149, should be joint between employers and employees or whether it should also reflect the opinion of the Commission.

The Chairperson agreed on the virtual participation of alternates at meetings to the extent of technological capacity and underlined ELA's capacity to reimburse travel only for members or alternates, not both. He also spoke in favour of physical meetings, though indicating that videoconferences should also remain an option. Regarding the communication of the Secretariat with the members and alternates, the Chairperson agreed to a change in practice without however seeing a need to amend the related Article. Concerning the joint opinion, the Chairperson explained that the Commission will not vote nor intervene in the production of the joint opinion.

[Following the meeting, it was agreed to amend the Rules of Procedure to allow for meetings to take place in Brussels beyond an exceptional basis.]

The Rules of Procedure were adopted by unanimity.

4. Update on the Working Groups on Information and Inspection

The Chairperson gave the floor to Federico Pancaldi (ELA), responsible for the work on information and the Working Group (WG) on Information. Mr Pancaldi recalled the mandate of the Working Group and its membership. The first meeting took place on 17 February and included a first discussion on the landscape of EU websites on labour mobility, and a first mapping of the challenges lying ahead. The second meeting will take place on 26 May, covering *inter alia* Member States' and Social Partners' online organisation of information on COVID-19 related measures; what help ELA can give; Member States' websites on Posting; and the online presentation of collective agreements. Mr Pancaldi informed the Stakeholder Group that a study on EU websites on labour mobility would be launched in the course of this year, that the WG would be assisted by an expert on web-based communication, and that a workshop on road transport would take place on 2 December 2020 in Brussels.

Representatives of the employers called for the creation of unified templates for Member States website with a header clearly indicating the country's specificities, to facilitate the access to information. Further, they enquired ELA's plans regarding information on COVID-related measures and stressed ELA's potential in gathering and providing information. Representatives of the employees enquired what ELA would request from the Member States as regards information on COVID-related measures and whether this would also cover occupation health and safety (OSH) measures.

Mr Pancaldi clarified that ELA should not overlap with the work currently done by the Commission on the collection of information but will instead focus on sharing Member States' and Social Partners' best practices. It is essential to be realistic on what can be done in a timely manner. As OSH is not under ELA's remit, ELA is liaising with the Commission and EU-OSHA to address these aspects. Concerning the creation of a unified template for websites, common lines for information provision instead of a unified template was considered as a more promising strategy for the time being. Lastly, it was recalled that ELA does not have legislative or regulatory powers but does instead provide support and enhance cooperation.

The Chairperson then gave the floor to Leonardo Colucci, who leads the work on inspection and the Working Group on Inspection. Mr Colucci recalled the mandate of the WG, outlined its membership and summarised the WG's first three meetings.

These focused, *inter alia*, on producing a series of deliverables needed for carrying out concerted and joint inspections (e.g. model agreement, work-flow guidance and reporting procedures), training needs, COVID-19 adaptation measures for inspections, and the start of defining Key Performance Indicators for inspections.

Representatives of the employees enquired what where examples of COVID-19 adaptation measures. Further, they called for more communication on occupational safety and health and the necessity of taking this into account in ELA's inspection activities. Representatives of employers asked whether there had already been any pilot inspections with ELA's support in 2020, whether substantial changes to the deliverables produced by the WG were to be expected as a follow-up to future pilot inspections, and whether there was a need for extending the existence of the WG beyond 2020.

Mr Colucci explained that possible adaptation measures included more concerted instead of joint inspections, better information exchange and sharing of labour inspectorates' national adaptation measures. Concerning the pilot inspections, following the EU-wide confinement measures that entered into force in March 2020, the planned pilot actions for the week of action of the #EU4FairWork campaign (16-20 March 2020) did not take place. A new week of action has be planned for 16-21 September 2020 and will include new pilot inspections. ELA also stands ready to support concerted inspections at any time. No need for major adaptation of the WG deliverables is expected so far as these have been produced by the Member States' leading experts. Concerning the WG's mandate, as it is tied to the production of deliverables and necessity for expert opinion and advice to ELA, and not to a specific date, the WG is expected to continue beyond 2020, without nevertheless becoming a permanent body of ELA. Lastly, both the Chairperson and Mr Colucci agreed that OSH is fundamental, especially during the COVID-19 pandemic; however, it is not an ELA competency. An inspection supported by ELA allows for the involved parties to focus on OSH, but ELA's support will not be directed to OSH matters. ELA will nevertheless report back to the Commission on the outcomes of this inspection, including on OSH matters.