



Discussion paper

Multiannual strategy 2022-2024

Introduction

This discussion paper presents a proposal for ELA's multiannual strategy for 2022-2024 – ELA's first multiannual programming cycle. It includes a set of four multi-annual objectives, a list of suggested areas of operation, which now stand for confirmation by the Management Board during its fourth meeting on 29 June 2020. It also includes some points for discussion.

The present proposal is based on the replies to the survey for the Work Programme 2021 and Single Programming Document 2022-2024 (ELA/MB/2020/008) by the ELA Management Board and a first discussion at the Stakeholder Group meeting on 5 May 2020. Overall, ELA received 28 survey replies (25 Member States, 2 Social Partners and the European Parliament expert) and conducted a number of bilateral exchanges with Member States.

Some Management Board members highlighted that given the ongoing COVID-19 crisis, it is challenging to set out the strategic objectives and expected results for the years 2022-2024, without knowing what the short-, mid- and long-term effects of the crisis will be on the national labour market and the European internal market and more specifically EU labour mobility. With this challenge in mind, the objectives and areas of operations listed below are thought so as to allow for adaptation to future emerging needs, whilst remaining ambitious enough to ensure ELA's full operational capacity by 2024.

The Single Programming Document

The Single-Programming Document 2022-2024 will describe the medium term, strategic objectives of the Authority and explains what actions need to be done to achieve the objectives. These objectives are fixed for a certain number of years and are usually not updated annually.

In accordance with Article 24 of Regulation (EU) 2019/1149, the Executive Director shall draw up a single programming document (SPD), in line with the Communication from the Commission on the guidelines for programming document for decentralised agencies¹. The SPD must contain, amongst other:

1. A **multiannual Work Programme**, which includes overall strategic programming for the years 2022-2024, including objectives, expected results and performance indicators;
2. An **annual Work Programme** for the year 2022, with expected outputs linked to the objectives set in the overall strategic programming, and description of the activities to be financed together with an indication of the financial and human resources needed.

See the [Guidelines for the programming document](#) for the full table of content of a SPD.

The Management Board adopts the draft Single Programming Document (SPD) in Q4, taking into account the advice of the Stakeholder Group. The SPD is then forwarded to the

¹ C(2014) 9641 final

European Parliament, the Council and the Commission who may provide comments on the draft. It becomes definitive after final adoption of the general budget of the Union.

Indicative timeline for SPD 2022-2024

29 June 2020	16 Oct 2020 – 6 Nov 2020	15 December 2020	31 January 2021	Q1/Q2 2021	Q4 2021	Q4 2021
Discussion at the 4 th MB meeting	Initial draft SPD for comments	Adoption draft SPD 2022-2024	Forwarding draft SPD to EP, Commission, and Council	Opinions	Adoption budget of the Union	Final adoption SPD 2022-2024 by MB

The context

One central challenge over the coming years will be to integrate the expertise and knowhow that is now still spread over too many disciplines and instruments and functions “in silos”. Moreover, it will be of great importance to monitor the evolution of policy areas underlying and tangent to ELA’s working areas (social policy, working conditions and labour standards, social security) to identify emerging issues but also ensure that all of ELA’s activities are developed in consistency and coherence with changes to the Internal Market and EU labour mobility, and future accompanying legislative projects.

A further challenge will be for ELA to establish itself as the ‘natural’ network for national competent authorities when investigating and solving problems where cross-border mobility is at stake. In order to achieve this, ELA will invest in collaboration platforms, informal communication opportunities, working visits and joint trainings that will build the trust between all relevant actors but also in ELA that is necessary for smooth cooperation and the efficient enforcement of fair EU labour mobility.

Lastly, the recent and ongoing COVID-19 crisis has shown the necessity of having an Authority fit for working under but also responding to emergency situations that affect EU labour mobility. It is why the Authority should develop over the coming years an “emergency plan” to be able to respond quickly and efficiently to future crises affecting EU labour mobility whilst also retaining a smooth running of its governance and administrative structures.

ELA from 2022 to 2024

The Authority’s main priority until 2024 will be to have the operational, human and financial capability of delivering on the mandate given by its founding Regulation (see table below). It is a necessary step and building-block for all future objectives and plans the Authority will have.

Table: Overview of expected available resources 2020-2024

Resources	2020	2021	2022	2023	2024
ELA Staff	35	53	72	84	84

NLOs	27	27	27	27	27
SNEs	3	18	33	33	33
Estimated Operational budget (only Title 3)	7.680.000	14.156.500	18.084.750	20.441.700	25.900.000

The objectives and areas of operations listed below were selected on the basis the support received by the Management Board's replies. These now stand for confirmation by the Management Board. The present discussion paper also list further points, for which there were either divergent or non-conclusive opinions. These stand for discussion and further exploration during the meeting. The discussion at the fourth Management Board will feed into the drafting of the draft Single Programming Document.

As in all its previous work programmes but even more so in its multiannual strategy, the Authority will leverage synergies and complementarities between its seven tasks and across its four objectives, as set out in its founding Regulation.

Objective 1: The European Labour Authority will be the main facilitator of fair labour mobility for citizens and employers, facilitating access to reliable, complete, quality information and relevant services.

Suggested areas of operation

- a) Within the framework of Your Europe and EURES websites, and in coordination with the Single Digital Gateway, ELA will develop a European Labour Mobility Portal by restructuring and upgrading in an integrated, coherent and user-friendly manner all necessary information and access to services for citizens and employers as regards to all aspects of EU labour mobility.
- b) ELA will create a permanent forum for peer review and support, including through translations, to the development of national online and offline information tools to mobile citizens and employers.
- c) ELA will organise specific trainings and develop further learning tools for national administration staff and the social partners on online and offline communication methods and tools.
- d) In tight cooperation with the social partners, ELA will periodically support specific information campaigns and actions directed to citizens and employers on specific aspects of EU labour mobility legislation, including in specific sectors such as road transport.
- e) ELA will ensure tight cooperation with all relevant EU mobility networks, including SOLVIT and Your Europe Direct services to citizens and businesses in order to complement their services where necessary and to improve the provision of information as one response to recurring problems encountered by citizens, workers and undertakings when operating across borders and discuss them with the relevant

authorities, including also carrying out labour mobility analyses and risk assessment by ELA.

- f) In cooperation with Cedefop and the network of the Heads of Public Employment Services, EURES will continue developing its work on identifying labour shortages in different countries and sectors, and to raise awareness of mobility opportunities in other Member States.

Points for discussion

1. The EURES network managed by the European Coordination Office ('ECO'), as stipulated by the EURES Regulation, will be managed by the Authority. The ECO develops its multiannual work programmes in consultation with the European Coordination Group (ECG), which is composed of representatives of the EURES National Coordination Offices. By 2024, ELA will integrate the EURES network and portal fully into its strategy of support to fair labour mobility, promoting the expansion of the EURES network and the constant upgrading of its portal also in line with the results of the ex-post evaluation of the EURES Regulation².
 - *How should ELA envisage the alignment between its (multiannual) operational programming plan and EURES's programming plan, given that the European Coordination Group is responsible for the development and the implementation of the activities of the network in line with the EURES Regulation?*
 - *How should ELA envisage the alignment and synergy between ELA's communication and information activities and EURES's communication activities, especially as regards the living and working Conditions?*
2. Some Management Board members suggested in their survey replies that ELA's information activities should target some specific economic sectors and workers' groups. Suggestions included: road transport, posted workers, seasonal workers, third country nationals, live-in care, platform workers, cross-border subcontracting schemes.
 - *Should ELA have target sectors and target groups in the programming period 2022-2024? If yes, which ones?*

Objective 2: The European Labour Authority will be the leading EU body supporting cooperation between Member States in the cross-border enforcement of relevant Union law, including exchanging information/data and facilitating concerted and joint inspections

Suggested areas of operation

- a) ELA will develop an efficient framework for the cooperation between national authorities, including through the work of NLOs. This work will build on the activities carried out in the second half of 2020 and 2021. NLOs are essential for building trust in the quality of cooperation amongst the Member States and with ELA.

² The survey replies specific to EURES and the Platform tackling undeclared work will be forwarded to their relevant governance bodies so that these can already be taken into consideration ahead of EURES and the Platform's transfer to ELA in 2021.

- b) ELA will consolidate a fully-functioning framework for the coordination and support of concerted and joint inspections. It will improve both the quality of cross-border enforcement, through shared procedures and common approaches, and the scope and geographical spread of joint activities, through coordination and financial support.
- c) ELA will set-up an “ELA network of inspectors”, with the objective of having a critical mass of labour inspectors across national competent authorities with a sound understanding of how to organise and conduct concerted and joint inspections. This network will be set-up in synergy with ELA Capacity Building Centre and ELA’s staff exchange scheme.
- d) ELA will enhance the cooperation between Member States and, where relevant, with social partners, by deepening the shared understanding of the applicable legislations (EU and national) in the field of labour mobility, making use of a variety of tools and activities ranging from guidelines to training programmes, exchanges, mutual assistance and awareness raising campaigns.
- e) ELA will make full use of the intelligence capacity provided by the work on analyses and risk assessment to encourage a proactive approach to concerted and joint inspections and to organise peer reviews among Member States.
- f) ELA will work on increasing the speed and seamlessness of information exchange between Member States. This work will build on the work done in 2021, including the analyses regarding the use of the Internal Market Information system (IMI), as well as a mapping of existing methods/platforms to exchange information between Member States, ELA and the Commission.
- g) ELA will develop sector specific strategies and, where appropriate, analyses, including through close cooperation with relevant EU agencies, services and networks. It will also create a framework for operational coordination to respond to emerging risks or sudden shocks to cross-border cooperation.
- h) Within the framework of the ELA Capacity Building Centre (cf. Work Programme 2021), the Authority will invest in the technology and expertise needed to carry out virtual capacity building activities.

Points for discussion

1. In the survey sent to the Management Board, ELA proposed to support 50% more inspections per year until cruising speed, assuming the target of 27 inspections in 2021 as starting point³. Management Board members reacted differently to this proposition. Meanwhile, ELA’s Working Group on Inspection provided the figures for concerted and joint inspections (CJIs) in Europe in 2019 below, to be used as a benchmark.
 - *Should ELA have a target for the number of ELA supported inspections to be performed on an annual basis by 2024? If yes, what should it be?*

Overview of the number of CJIs in Europe (2019)*

³ The progression of 50% would lead to: 2021: 27; 2022: 40; 2023: 60; 2024: 90. It is worth clarifying how the number of CJIs is reported. In 2021 the target is for each MS to participate in at least one inspection, not to lead one. This means that if two MS carry out a joint inspection this will be counted twice, as it is currently counted twice also in the survey of the Working Group on Inspection. In practice, the figures reported refer to “participations in joint inspections” rather than to CJIs in absolute numbers.

Member States	Number of CJIs	Member States	Number of CJIs
AT	1	IE	0
BE	14	IT	0
BG	1	LV	?°
CY	0	LT	?°
CZ	0	LU	3
DE	0	MT	0
DK	5	NL	0
EE	?°	PL	1
ES	2	PT	8
FI	37	RO	5
FR	15	SE	6
EL	0	SI	0
HR	?°	SK	0
HU	0	TOTAL	XXX

Source: Working Group on Inspections

* The figures presented by the Member States are preliminary, as Member States might have calculated their number of inspections differently. If necessary, updated figures will be shared with the Management Board at its meeting on 29 June 2020.

° by 15 June, ELA had not yet received the figures from these Member States.

2. Some Management Board members asked that ELA should provide as much data as possible in an open and accessible portal to support an integrated European internal labour market. This would require access to information at the national level.
 - Should ELA develop tools and working methods for seamless, time-efficient data, risk assessment and information sharing? Should it be open source or restricted to sharing with national administrations and selected stakeholders?
3. Some Management Board members suggested in their survey replies that ELA's activities (e.g. inspections, risk assessment) should target some specific economic sectors and workers' groups. Suggestions included: road transport, posted workers, seasonal workers, third country nationals, live-in care, platform workers, cross-border subcontracting schemes.
 - Should ELA have target sectors and target groups in the programming period 2022-2024? If yes, which ones? (See also the same question under objective 1)

Objective 3: The European Labour Authority will be an effective mediator in cases of cross-border disputes between national authorities in the area of labour mobility and social security

Suggested areas of operation

- a) ELA will inform, and where necessary train, the relevant institutional actors, including the appointed mediators and members of the mediation board on its rules of procedure, working arrangements and mediation skills and techniques. Exchanges of best practices in the area of mediation will also be encouraged between the Member States.
- b) ELA will perform its mediation role in a number of initial cases submitted by Member States to ensure that the rules of procedure, working arrangements, and the cooperation agreement with the Administrative Commission function properly, while improving them as needed.

- c) ELA will develop an FAQ document which will also be published on its website with regards to mediation function, in particular as regards the Authority's competences in the area of mediation.
- d) ELA will report regularly on the outcome of finalised cases, and will set-up a database of cases resolved through mediation, which will include information such as actors involved, subject matter, lessons learned, etc. to be used as a reference by all Member States.
- e) ELA will strive to have access to the experience and knowledge of experts in the social security coordination field.

Point for discussion

1. As stipulated by ELA's founding Regulation, ELA and the Administrative Commission shall establish a cooperation agreement, in order to coordinate the activities in mutual agreement, to avoid any duplication in cases of mediation which concern both issues of social security and labour law, and to ensure good cooperation.
 - a. *How should ELA best ensure effective cooperation with the Administrative Commission? And how can ELA ensure access to the experience and best practices of the Administrative Commission?*
 - b. *Should there be a formal periodic exchange of experiences and views between the Administrative Commission and ELA?*
2. ELA is tasked to mediate disputes between Member States on the application of the relevant EU law, listed in Article 1(4) of the Regulation. One of the areas where disputes arise is social security coordination.
 - a. *Do you envisage any other areas or instances of disputes arising from the relevant EU law listed in Article 1(4) of the Regulation between the Member States which may be referred to ELA for mediation?*
3. For the mediation function to be effective, the mediation function should be efficient and deliver workable results in a timely manner.
 - a. *What is an acceptable time limit for the mediation procedure from the moment a dispute is referred at first stage to the adoption of the non-binding opinion at the end of the first stage or from the moment a dispute is referred at second stage to the adoption of the non-binding opinion at the end of the second stage?*

Objective 4: The European Labour Authority will establish itself as the European centre of expertise and action on undeclared work issues.

Suggested areas of operation⁴

⁴ The survey replies specific to EURES and the Platform tackling undeclared work will be forwarded to their relevant governance bodies so that these can already be taken into consideration ahead of EURES and the Platform's integration in ELA in 2021.

- a) ELA will implement the Platform work programme 2022 as integrated in the ELA WP 2022. Ensure complementarity with other ELA activities, while retaining its activities targeting undeclared work at national level, and integrate the programming activities of the Platform into the Authority's programming cycle.
- b) Strengthen the development and dissemination of expertise on tackling undeclared work focusing on facilitating exchange of good practices, training activities, peer reviews, benchmarking exercises and information campaigns.

Points for discussion

1. As stipulated by ELA's founding Regulation, the platform tackling undeclared work will be replaced by a permanent working group in ELA, which will carry out the Platform's activities. As such, the Platform will become an integrated part of the ELA-structure and an important focal point for 'new' or emerging forms of circumvention and/or evasion of fair EU labour mobility.
 - *How do you envisage the alignment between the (multi-annual) operational objectives of ELA and the operational objectives of the future Working Group "Platform to enhance cooperation in tackling undeclared work"?*
 - *How should the Platform tackling undeclared work balance between its activities targeting undeclared work at cross-border and at national level?*

Emergency situations and contingency plan

The experience of the COVID-19 crisis showed the necessity of having a contingency plan in case of emergency situations to ensure ELA's business continuity and to react adequately to the emerging needs of Member States, citizens and employers.

Moreover, the COVID-19 crisis proved the importance of ELA having the operational capacity to identify imbalances or critical situations related to EU labour mobility, issue early warnings, help coordinating the response of Member States, and quickly inform citizens and employers on the response measures in place which affect free labour mobility and questions of social security coordination.

The crisis confirmed the need for ELA's National Liaison Officers. NLOs are the cornerstone of quick and reliable information on the state of Member States' labour market and measures imposed by national administrations. They are also the most direct information and communication channel to home administrations. NLOs therefore play a central role in the future development and running of a future early warning and response mechanism.

Based on the suggestions made in the survey replies by the Management Board, ELA proposes the following:

- a) In tight cooperation with other EU agencies, services and networks, ELA will explore how to best identify and issue warnings for imbalances or critical situations related to EU labour mobility, in relation to its task of labour mobility analyses and risk assessment.
- b) ELA will work on the development of a framework for cooperation between Member States, and other EU institutions and bodies, in case of emergency situations affecting EU labour mobility and social security coordination.
- c) ELA will develop a contingency plan to allow a redirection of the necessary operational resources to the operational activities needed for responding adequately and in a timely

manner to the emerging needs of Member States, citizens and employers in emergency situations.

- d) ELA will work on a contingency plan to ensure business continuity of the Management Board and other governing structures in emergency situations (e.g. restrictions to travel), without losses in effective communication and decision-making. This will include the development of online collaboration platforms, with a specific view to insuring timely and secure exchange of information and decision-making.

Communication

Building on the first year of implementation of ELA's communication plan (to be presented to and approved by the Management Board by end of 2020), ELA will further develop and adapt its communication plan to the needs of a growing agency. The ambition is for ELA to effectively communicate its work and achievements in promoting fair labour mobility to the national authorities and to the wider public.

Key Performance Indicators

Building on the work started in 2021 on defining its Key Performance Indicators (KPIs), ELA will work on developing a Performance Scoreboard. This will allow for an effective assessment of results achieved against objectives, both regarding the achievement of operational objectives and human and financial resources management.