



Study supporting the evaluation of the European Labour Authority

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Table 1 List of abbreviations

Acronym	Definition
AC	Administrative Commission
AI	Artificial intelligence
BRG	Better Regulation Guidelines
CAAR	Consolidated Annual Activity Report
Cedefop	European Centre for the Development of Vocational Training
CJI	Concerted and Joint Inspection
DG	Directorate General
DPO	Data Protection Officer
EBA	European Banking Authority
EC	European Commission
ECG	EURES Coordination Group
ECO	European Coordination Office
ELA	European Labour Authority
EPPO	European Public Prosecutor's Office
ETF	European Training Foundation
EU	European Union
EUAA	European Union Agency for Asylum
EUDPR	Data Protection Regulation for EU Institutions, bodies, offices and agencies
EU-OSHA	European Agency for Safety and Health at Work
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
FRA	Fundamental Rights Agency
FTE	Full-time equivalent
GDPR	General Data Protection Regulation
IAS	Internal Audit Service
ILO	International Labour Organization
IMI	Internal Market Information
KPI	Key Performance Indicators
NCO	National Coordination Office
NLO	National Liaison Officer
PES	Public Employment Service
SNE	Seconded National Expert
SPD	Single Programming Document
TA	Technical Assistance
TCN	Third Country National
TFEU	Treaty on the Functioning of the European Union
UDW	Undeclared Work

Executive summary

Purpose, aims and scope of the study

The overall aim of this evaluation was to provide an objective, independent and critical assessment of the work of the European Labour Authority (ELA), assessing its relevance, effectiveness, efficiency, coherence and EU added value, in line with the obligations laid out in Art. 40 (1) of the founding Regulation (EU) 2019/1149. The assessment also took into account possible synergies with the other EMPL agencies (i.e. EUROFOUND, Cedefop, ETF and EU-OSHA). The evaluation also explored the experiences gained from the mediation procedure pursuant to Article 13 of the founding Regulation (EU) 2019/1149, and assessed whether there is a need to modify the mandate of the Authority and the scope of its activities. The evaluation aimed to answer the following three broad research questions, as per Better Regulation Guidelines of the European Commission¹:

- To what extent was ELA intervention successful and why?
- How did ELA make a difference and to whom?
- Is ELA still relevant?

This evaluation was focused on a dual inter-linked purpose, i.e. i) **assessing the performance of ELA**, consisting in the assessment of the objectives, mandate and activities of ELA in terms of their relevance, effectiveness, efficiency, coherence and EU added value and ii) **assessing ELA as an organisation**, investigating the functioning of the Authority (and how this influenced its performance, namely its governance and organisational structures, financial and human resources, mechanisms, working practices, procedures, tools and systems).

The scope of the study covered the period 2019 (Q3) to 2023 (Q2) and the entire thematic and geographical remit of ELA, including its role in dealing with cross-sector themes. **This timeframe thus fully covered the setup phase of the Authority, since its establishment (2019) up until Q2 2023².**

Methodology

The methodological approach used by the study team took into account the objectives of the study, as well as requirements set out in the Technical Specifications and in the Better Regulation Guidelines. This included mixed of secondary and primary data collection tools combining qualitative and quantitative information.

The methodological approach included:

- i) a **desk-based mapping** of ELA's activities, outputs and results;
- ii) a wide range of **consultation activities**, including:

¹ Tool #49

² As per the legislative financial statement accompanying the founding regulation, it is stated that the start-up period would have lasted five years.

- a) an **online survey** to ELA staff and Management Board members and one to representatives of ELA stakeholders³,
 - b) a set of **targeted interviews** with representatives from the European Commission, ELA, International Labour Authority (ILO), ELA Management Board members, National Coordination Offices (NCOs), and social partners,
 - c) two **workshops** (one with social partners and one with validating purpose with representatives from all stakeholder groups) and
 - d) a **Public Consultation** and a **Call for evidence**;
- iii) four thematic case studies covering ELA's specific activities, namely information and awareness raising in the field of road transport, EURES, Concerted and Joint Inspections (CJIs) and mediation;
 - iv) a cost-effectiveness analysis.

Overview of the findings by evaluation criterion

Effectiveness

This evaluation assessed ELA's effectiveness against the objectives in its founding Regulation and programming documents. Overall, it can be concluded that ELA was largely effective, with identified areas for improvement that could further enhance its contribution and support to the enforcement of EU labour mobility legislation at EU and national level.

ELA was broadly effective in several key areas of its mandate. One of ELA's most effective activities was the facilitation of CJIs, which allowed for knowledge sharing and mutual learning on inspection practices between inspectors of different Member States. Despite the geographical spread of CJIs across the Union and their recognised utility, their full potential had not yet been exploited due to limitations related to ELA's approach and the voluntary nature of Member States' participation. The effectiveness of CJIs was inherently tied to the active participation of Member States before, during, and after the inspections. To address this, ELA could consider developing mechanisms to encourage and incentivise participation from all Member States, while recognising that the Authority's role in CJIs is mainly the one of a facilitator, liaising with Member States to allow for knowledge sharing and mutual learning.

ELA was moderately effective in improving access, quality and availability of information regarding rights and obligations to facilitate labour mobility across the EU. This included sectoral support actions, the establishment of a Translation Facility, and the launch of information campaigns targeting key sectors such as road transport and construction. These initiatives positively contributed to achieving ELA's information-provision objectives, improving the availability, quality, and accessibility of information. Despite these efforts, there was still a need for more tailored and practical information dissemination. Workers and employers often require specific, actionable guidance that addresses their unique circumstances and challenges. For example, workers in the construction sector may need detailed information about their rights related to working conditions, health and safety regulations, and social security entitlements. Similarly, employers may need clear guidelines on how to comply with labour law when hiring and managing cross-border

³ EU policy makers, relevant EU agencies, ELA national counterparts (i.e., labour and social security authorities including relevant ministries, labour inspectorates, national labour courts, public employment services), EU level social partners and international organisations.

workers. To meet these needs, ELA could work closely with national authorities, social partners, and other stakeholders to develop and disseminate more targeted information resources.

The transfer of the EURES Network's coordination to ELA aimed to ensure business continuity in the provision of services, which was successfully achieved. However, the management setup between ELA and the European Commission was perceived as burdensome, leading to difficulties in collaboration. Key areas for improvement, which were highlighted in the ex-post evaluation of EURES, continued to include increasing the EURES Portal's visibility among jobseekers and employers and ensuring efficient communication and cooperation with National Coordination Offices (NCOs). Hence, despite changes and improvements in the provision of the EURES European Coordination Office's services, lessons learnt highlighted the need for strengthened collaboration between ELA and the Commission, improved visibility and usability of EURES, and better alignment with the needs of NCOs and the EURES Regulation.

ELA's efforts in capacity building were instrumental in enhancing cooperation between Member States and facilitating access to information. These activities did not only increase technical competencies in various areas but also promoted mutual learning and the dissemination of good practices. Despite these successes, challenges remained, particularly concerning the varying capacities of Member States to engage due to resource constraints and the need for improved internal coordination within ELA to prevent activity overlaps. Lessons learnt suggested the potential for extending capacity-building activities beyond national administrations to include in particular social partners and other organisations. Moreover, organising more events within Member States and achieving complementarity with existing national training programmes could address discrepancies among the competencies available to different administrations.

The mediation procedure had a slow start and was little known among stakeholders. With only one case successfully pursued and settled at the time of this evaluation, limited experience made it challenging to assess its effectiveness comprehensively. The low uptake could be attributed to its novelty, limited awareness or political sensitivity. To enhance the mediation procedure's visibility and effectiveness, ELA could play a more active role in ensuring that parties are fully aware of what the mediation entails and continue cooperation with the Administrative Commission (AC) to avoid duplication and ensure mutual learning.

The Authority had legal concerns related to data protection issues, which had an impact on the full implementation of some of its tasks, particularly in the area of risk assessments and analyses (risk assessments and analyses were also affected by a lack of resources staffed under this task in the first years of operation of the Authority). Such legal concerns called for clarity on data protection implications within ELA's mandate. Despite these challenges, there was willingness to increase ELA's capabilities in conducting thorough analyses and risk assessments to better address the complexities of cross-border labour mobility.

The transfer of the Platform Tackling Undeclared Work from the European Commission to ELA was seamless, with no significant delays in the implementation. The Platform served as a forum for representatives from responsible authorities to discuss national efforts to fight undeclared work and exchange emerging trends. Despite the Platform's overall effectiveness, there was room for further integration of the Platform in the overall ELA activities to exploit synergies and produce spillover effects on enforcement and analytical operations.

During its first years of operation, ELA prioritised those tasks through which could have the most impact, focusing on improving access, availability and quality of information (Task 1) and CJIs (Task 3), to foster cross-border collaboration and information exchange. Visibility

and engagement with stakeholders were also critical areas for ELA. While the Authority achieved a good degree of visibility among national authorities and EU-level organisations, its reach among national-level social partners was relatively limited. Enhancing engagement with these stakeholders would enhance ELA's impact and effectiveness.

ELA faced several internal and external challenges, including the impact of the COVID-19 pandemic and the Russian war of aggression against Ukraine. Despite these challenges, ELA demonstrated resilience and adaptability, adjusting its activities to continue supporting EU policy priorities.

Efficiency

ELA demonstrated a broad level of cost-efficiency, with the benefits of its activities generally outweighing the costs. Nevertheless, ELA had not managed to become a fully cost-effective Authority. The evaluation of ELA's performance and governance structures indicated achievements as well as areas that require further improvement and fine-tuning.

ELA's governance structures were broadly efficient, fostering positive outcomes in terms of labour mobility and cooperation between Member States. Nevertheless, operational challenges and minor issues in the composition of the Management Board were identified. These included the high frequency of ELA organised meetings in general and the appointment of Board members. In term of the Management Board compositions, it was noted that some members were not in decision-making positions or did not represent the most relevant stakeholders at the national level. Nevertheless, as ELA is not responsible for the appointment of board members, at most it could try to raise awareness on this issue. Despite these challenges, there was a consensus on the functionality of ELA's governance, indicating that foundational elements for effective governance and management were in place, albeit with room for improvement.

In terms of its operational efficiency, ELA encountered significant difficulties in executing committed resources, particularly highlighted by the high share of carry-overs on operational expenditure. This was mainly due to delays on staff recruitments and to the shift of in-person meetings to online formats due to the COVID-19 pandemic. The high-share of carry overs was also partly attributed to uncertainties related to the EURES portal, which is expected to improve following the adoption of the EURES portal strategy for 2023-2030. Additionally, the reliance on external contracting raised concerns regarding ELA's cost-effectiveness, with operational costs often exceeding staff costs. This situation called for a careful assessment of which activities could be more efficiently managed in-house rather than outsourced. In fact, additional in-house personnel could be needed, particularly on administrative/financial tasks (which could not be performed by Seconded National Experts (SNEs)/National Liaison Officers (NLOs)). Moreover, high operational costs could be carefully assessed against the actual quality of the outputs, as in some cases (mainly on the EURES task) the Authority's cost-effectiveness was questionable.

This evaluation highlighted that there was no clear strategy at ELA for Key Performance Indicator (KPI) measurement for the majority of the evaluation period. Moreover, indicators were excessively focused on quantitative outputs, which did not provide robust insights into the results achieved by the Authority: delays in setting up KPIs and lack of result indicators limited the qualitative assessment of results. ELA made progress in developing and implementing monitoring, reporting, and evaluation mechanisms, however these measures were still in their nascent stages and subject to further refinement. ELA staff and Management Board acknowledged that there was room for improvement, namely reporting was not fully consistent across ELA's units and there was a slight lack of transparency in the performance management system and monitoring activities.

Coherence

ELA's work was overall coherent with that of other EU entities, focusing on its unique role in addressing cross-border challenges and the facilitation of labour provision enforcement. ELA had a complementary relationship with EU agencies attached to DG EMPL such as Eurofound and EU-OSHA, as well as potential synergies with others like Europol and the Fundamental Rights Agency. Despite improved cooperation with the European Commission, a full alignment and understanding on ELA's mandate and functions had yet to be fully realised. The cooperation agreement between ELA and the Administrative Commission (AC) was designed to coordinate the activities, strengthen cooperation between the two bodies on exchange of information and avoid duplication in mediation cases which concerned both issues of social security coordination and labour law, yet its effectiveness remained to be seen due to limited mediation activities. This study highlighted areas for improvement in cooperation with international organisations like the International Labour Organisation (ILO) and with national stakeholders, noting ELA's critical role in harmonising practices and facilitating information exchange, while also acknowledging the need for enhanced engagement and familiarity with ELA's initiatives at the international and national levels.

EU added value

This evaluation outlined ELA's significant contribution to enhancing operational support for EU policies on intra-EU labour mobility and social security coordination. The evaluation highlighted the unique value ELA brought in facilitating cooperation on enforcement, information exchange and compliance with legal obligations in these domains, which surpassed what individual Member States could achieve independently. While acknowledging ELA's success in areas like CJIs and capacity building, the study also pointed out areas needing improvement, such as the depth of analyses and risk assessments, and the management of the ECO of EURES and mediation process. Despite these challenges, ELA was recognised for its potential in centralising activities related to EU labour mobility and social security coordination favouring expertise sharing. ELA provided EU added value but did not realise fully its potential, with expectations for ELA to play a key role in identifying EU-wide trends and contributing to cross-country strategies.

Relevance

ELA's mandate, objectives, and activities were found to be directly relevant to the existing need for enhanced cross-border coordination and information sharing within the fields of EU labour mobility. ELA's efforts in fostering cooperation and exchange of information among Member States, and in providing crucial information to individuals, employers, and social partner organisations were particularly appreciated and deemed most relevant by stakeholders.

Despite the positive reception of most of ELA's services, the use of its mediation services was limited, indicating either a lack of awareness or a limited need for such mediation. This aspect points to a need for further evaluation (after the procedure will have been in place for a longer period of time) and a potential enhancement of awareness and accessibility of ELA's mediation services.

ELA was also responsive to emergent challenges, such as those posed by the COVID-19 pandemic and the war of aggression against Ukraine, adapting its activities to meet the evolving needs. ELA remained relevant and responsive to changing contexts. ELA has been focusing on third-country nationals (TCNs), to a certain extent, within the scope of its mandate. Nevertheless, its initiatives linked to TCNs have sparked debates about the limits of its scope and mandate. This is particularly the case regarding whether ELA should

expand its focus to address issues faced by TCNs in general within the EU or coming to EU. However, any official enlargement of ELA's responsibilities to include a broader role with TCNs would necessitate clarity in terms of the legal basis, a political consensus, as well as additional resources and possibly alterations to its governance framework. Based on the findings of this evaluation, it is recommended that ELA's immediate priorities should be to effectively fulfill its existing mandate. Only in the medium to longer term could potential shortcomings in ELA's mandate and an eventual need to expand ELA's actions, including in relation to TCNs, be discussed.

Résumé

Objet, objectifs et portée de l'étude

L'objectif général de cette évaluation était de fournir une évaluation objective, indépendante et critique du travail de l'Autorité Européenne du Travail (AET), en évaluant sa pertinence, son efficacité, son efficience, sa cohérence et sa valeur ajoutée pour l'UE, conformément aux obligations énoncées à l'art. 40 (1) du Règlement fondateur (UE) 2019/1149. L'évaluation a également pris en compte les synergies possibles avec les autres agences de la DG Emploi (c'est-à-dire EUROFOUND, Cedefop, ETF et EU-OSHA). L'évaluation visait à répondre aux trois vastes questions de recherche suivantes, conformément aux Lignes directrices pour une meilleure réglementation:

- Dans quelle mesure l'intervention de l'AET a-t-elle été réussie et pourquoi ?
- Comment l'AET a-t-elle fait la différence et pour qui ?
- L'AET est-elle toujours pertinente ?

Cette évaluation était axée sur un double objectif interconnecté, à savoir i) évaluer les performances de l'AET, consistant à évaluer les objectifs, le mandat et les activités de l'AET en termes de pertinence, d'efficacité, d'efficience, de cohérence et de valeur ajoutée pour l'UE et ii) évaluer l'AET en tant qu'organisation, en enquêtant sur le fonctionnement de l'Autorité (et comment cela a influencé ses performances, à savoir sa gouvernance et ses structures organisationnelles, ses ressources financières et humaines, ses mécanismes, ses pratiques de travail, ses procédures, ses outils et ses systèmes).

La portée de l'étude couvrait la période de 2019 (T3) à 2023 (T2) et l'ensemble du périmètre thématique et géographique de l'AET, y compris son rôle dans le traitement des thèmes intersectoriels. Cet intervalle de temps couvre donc entièrement la phase de création de l'Autorité, depuis sa création (2019) jusqu'au T2 2023.

Méthodologie

L'approche méthodologique utilisée par l'équipe d'étude a tenu compte des objectifs de l'étude, ainsi que des exigences énoncées dans le cahier des charges techniques et dans les Lignes directrices pour une meilleure réglementation. Cela incluait un mélange d'outils de collecte de données secondaires et primaires combinant des informations qualitatives et quantitatives.

L'approche méthodologique incluait :

- i) une cartographie basée sur le bureau des activités, des résultats et des résultats de l'AET;
- ii) une large gamme d'activités de consultation, y compris:

- a) un sondage en ligne auprès du personnel de l'AET et des membres du conseil d'administration et un auprès des représentants des parties prenantes de l'AET⁴,
 - b) un ensemble d'entretiens ciblés avec des représentants de la Commission européenne, de l'AET, de l'Organisation internationale du travail, des membres du conseil d'administration de l'AET, des points de contact nationaux et des partenaires sociaux,
 - c) deux ateliers (un avec les partenaires sociaux et un avec un but de validation avec des représentants de tous les groupes de parties prenantes) et,
 - d) une consultation publique et un appel à contributions;
- iii) quatre études de cas thématiques couvrant les activités spécifiques de l'AET, à savoir l'information et la sensibilisation dans le domaine du transport routier, EURES, les Inspections Concertées et Communes (ICC), et la médiation;
 - iv) une analyse coût-efficacité.

Synthèse des résultats par critère d'évaluation

Éfficacité

Cette évaluation a évalué l'efficacité de l'AET par rapport aux objectifs de son règlement fondateur et des documents de programmation. Dans l'ensemble, on peut conclure que l'ELA a été largement efficace, avec des domaines d'amélioration identifiés qui pourraient encore renforcer sa contribution à l'application de la législation de l'UE sur la mobilité de la main-d'œuvre aux niveaux européen et national.

ELA a été globalement efficace dans plusieurs domaines clés de son mandat. L'une des activités les plus efficaces d'AET a été l'animation des ICC, qui permettent le partage des connaissances et l'apprentissage mutuel sur les pratiques d'inspection entre les inspecteurs de différents États membres. Malgré la répartition géographique des ICC dans l'ensemble de l'Union et leur utilité reconnue, leur potentiel n'a pas encore été pleinement exploité en raison des limites liées à l'approche de l'AET et de la nature volontaire de la participation des États membres. L'efficacité des ICC était intrinsèquement liée à la participation active des États membres avant, pendant et après les inspections. Pour y remédier, l'AET pourrait envisager de mettre en place des mécanismes visant à encourager la participation de tous les États membres, tout en reconnaissant que le rôle de l'Autorité dans les ICC est principalement celui d'un facilitateur, assurant la liaison avec les États membres pour permettre le partage des connaissances et l'apprentissage mutuel.

L'AET a été modérément efficace dans son objectif améliorer l'accès, la qualité et la disponibilité des informations concernant les droits et obligations afin de faciliter la mobilité de la main-d'œuvre dans l'UE. Il s'agissait notamment d'actions de soutien sectoriel, de la mise en place d'un service de traduction et du lancement de campagnes d'information ciblant des secteurs clés tels que le transport routier et la construction. Ces initiatives ont contribué positivement à l'atteinte des objectifs de l'AET en matière de fourniture d'information, en améliorant la disponibilité, la qualité et l'accessibilité de l'information.

⁴ Décideurs politiques de l'UE, agences européennes compétentes, homologues nationaux de l'AET (c'est-à-dire les autorités chargées du travail et de la sécurité sociale, y compris les ministères compétents, les inspections du travail, les tribunaux nationaux du travail, les services publics de l'emploi), partenaires sociaux au niveau de l'UE et organisations internationales.

Malgré ces efforts, il serait nécessaire de disposer d'informations plus adaptées et plus pratiques. Les travailleurs et les employeurs ont souvent besoin de conseils spécifiques et réalisables qui tiennent compte de leur situation et de leurs défis uniques. Par exemple, les travailleurs du secteur de la construction peuvent avoir besoin d'informations détaillées sur leurs droits en matière de conditions de travail, de réglementation en matière de santé et de sécurité et de droits à la sécurité sociale. De même, les employeurs peuvent avoir besoin de directives claires sur la manière de se conformer au droit du travail lors de l'embauche et de la gestion des travailleurs transfrontaliers. Pour répondre à ces besoins, l'AET pourrait travailler en étroite collaboration avec les autorités nationales, les partenaires sociaux et d'autres parties prenantes afin d'élaborer et de diffuser des ressources d'information plus ciblées.

Le transfert de la coordination du réseau EURES à l'AET visait à assurer la continuité des activités dans la fourniture des services, ce qui a été réalisé avec succès. Cependant, la structure de gestion entre l'AET et la Commission européenne a été perçue comme lourde, ce qui a entraîné des difficultés de collaboration. Les principaux domaines d'amélioration, qui ont été mis en évidence dans l'évaluation ex post d'EURES, ont continué d'inclure l'augmentation de la visibilité du portail EURES auprès des demandeurs d'emploi et des employeurs et la garantie d'une communication et d'une coopération efficaces avec les bureaux nationaux de coordination (National Coordination Offices – NCO). Par conséquent, malgré les changements et les améliorations apportés à la fourniture des services de du bureau Européen de Coordination (European Coordination Office – ECO), les enseignements tirés ont mis en évidence la nécessité de renforcer la collaboration entre l'AET et la Commission, d'améliorer la visibilité et la facilité d'utilisation d'EURES et de mieux l'aligner sur les besoins des NCO et du règlement EURES.

Les efforts de l'AET en matière de renforcement des capacités ont contribué à renforcer la coopération entre les États membres et à faciliter l'accès à l'information. Ces activités ont non seulement permis d'accroître les compétences techniques dans divers domaines, mais aussi de promouvoir l'apprentissage mutuel et la diffusion des bonnes pratiques. Malgré ces succès, des défis subsistent, notamment en ce qui concerne les capacités variables des États membres à s'engager en raison de contraintes de ressources et la nécessité d'améliorer la coordination interne au sein de l'AET afin d'éviter les chevauchements d'activités. Les enseignements tirés de l'expérience ont suggéré qu'il était possible d'étendre les activités de renforcement des capacités au-delà des administrations nationales pour inclure en particulier les partenaires sociaux et d'autres organisations. En outre, l'organisation d'un plus grand nombre d'événements au sein des États membres et la complémentarité avec les programmes nationaux de formation existants pourraient permettre de remédier aux disparités entre les compétences disponibles dans les différentes administrations.

La procédure de médiation a démarré lentement et était peu connue des parties prenantes. Étant donné qu'un seul cas a été instruit et réglé avec succès au moment de la présente évaluation, l'expérience limitée a rendu difficile l'évaluation exhaustive de son efficacité. La faible adoption pourrait être attribuée à sa nouveauté, à une sensibilisation limitée ou à une sensibilité politique. Afin d'améliorer la visibilité et l'efficacité de la procédure de médiation, l'AET pourrait jouer un rôle plus actif pour s'assurer que les parties sont pleinement conscientes de ce qu'implique la médiation et poursuivre sa coopération avec la Commission Administrative (CA) afin d'éviter les doubles emplois et d'assurer un apprentissage mutuel.

L'Autorité a été confrontée à des questionnements juridiques liés à la protection des données, ce qui a eu une incidence sur la pleine exécution de certaines de ses tâches, en particulier dans le domaine de l'évaluation et de l'analyse des risques (les évaluations et analyses des risques ont également été affectées par un manque de ressources affectées à cette tâche au cours des premières années de fonctionnement de l'Autorité). De telles

préoccupations juridiques exigeaient des éclaircissements sur les implications en matière de protection des données dans le cadre du mandat de l'AET. Malgré ces défis, il y avait une volonté d'accroître les capacités de l'AET à effectuer des analyses approfondies et des évaluations des risques afin de mieux tenir compte des complexités de la mobilité transfrontalière de la main-d'œuvre.

Le transfert de la plateforme de lutte contre le travail non déclaré à l'AET s'est déroulé sans heurts, sans retard significatif dans la mise en œuvre. Cette plateforme a permis aux représentants des autorités responsables de discuter des efforts nationaux de lutte contre le travail non déclaré et d'échanger sur les tendances émergentes. Malgré l'efficacité globale de la plateforme, il était possible de l'intégrer davantage dans d'autres activités de l'AET afin d'exploiter les synergies et de produire des retombées sur les opérations d'application de la loi et d'analyse.

Au cours de ses premières années de fonctionnement, l'AET a donné la priorité aux tâches qui pouvaient avoir le plus d'impact, en se concentrant sur l'amélioration de l'accès, de la disponibilité et de la qualité de l'information (tâche 1) et des CJI (tâche 3), afin de favoriser la collaboration transfrontalière et l'échange d'informations. La visibilité et l'engagement avec les parties prenantes sont également des domaines critiques pour l'AET. Si l'Autorité a acquis une bonne visibilité auprès des autorités nationales et des organisations au niveau de l'UE, sa portée auprès des partenaires sociaux au niveau national a été relativement limitée. Un renforcement de l'engagement avec ces parties prenantes permettrait d'accroître l'impact et l'efficacité de l'AET.

L'AET a été confrontée à plusieurs défis internes et externes, notamment l'impact de la pandémie de COVID-19 et la guerre d'agression russe contre l'Ukraine. Malgré ces défis, l'AET a fait preuve de résilience et d'adaptabilité, en adaptant ses activités pour continuer à soutenir les priorités politiques de l'UE.

Efficiences

L'AET a fait preuve d'un large niveau de rentabilité, les avantages de ses activités l'emportant généralement sur les coûts. Néanmoins, l'AET n'a pas encore réussi à devenir une autorité pleinement rentable. L'évaluation du rendement et des structures de gouvernance d'AET a révélé des réalisations ainsi que des domaines qui nécessitent d'autres améliorations et ajustements.

Les structures de gouvernance d'AET ont été globalement efficaces, ce qui a permis d'obtenir des résultats positifs en termes de mobilité de la main-d'œuvre et de coopération entre les États membres. Néanmoins, des défis opérationnels et des problèmes mineurs dans la composition de son conseil d'administration ont été identifiés. Il s'agit notamment de la fréquence élevée des réunions et de la nomination des membres du conseil, au cours desquelles il a été noté que certains membres n'occupaient pas de postes de décision ou ne représentaient pas les parties prenantes les plus pertinentes au niveau national. Néanmoins, l'AET n'est pas responsable de la nomination des membres du conseil d'administration par les États membres, tout au plus pourrait-elle essayer de sensibiliser le public à cette question. Malgré ces défis, il y avait un consensus sur la fonctionnalité de la gouvernance de l'AET, indiquant que les éléments fondamentaux d'une gouvernance et d'une gestion efficaces étaient en place, mais qu'il y avait place à l'amélioration.

Sur son efficacité opérationnelle, l'AET a rencontré d'importantes difficultés dans l'exécution des ressources engagées, notamment mises en évidence par la part élevée des reports sur les dépenses opérationnelles. Cette baisse est principalement attribuable à des retards dans le recrutement du personnel et au passage des réunions en personne à des formats en ligne en raison de la pandémie de COVID-19. La part élevée des reports a également été attribuée en partie aux incertitudes liées au portail EURES, qui devrait s'améliorer après

l'adoption de la stratégie du portail EURES pour la période 2023-2030. De plus, le recours à des contrats externes a soulevé des préoccupations quant à la rentabilité de l'AET, les coûts opérationnels dépassant souvent les coûts de personnel. Dans cette situation, il convient d'évaluer soigneusement quelles activités pourraient être gérées plus efficacement en interne plutôt qu'externalisées. En effet, si la mise en place d'AET en tant qu'organisation « allégée » était judicieuse au regard des objectifs de l'Autorité, des effectifs internes supplémentaires pourraient être nécessaires, notamment pour les tâches administratives/financières (qui ne pouvaient pas être effectuées par les Experts Nationaux Détachés/Agents de Liaison Nationaux (National Liaison Officers – NLOs)). En outre, les coûts opérationnels élevés ont pu être soigneusement évalués par rapport à la qualité réelle des réalisations, car dans certains cas (principalement dans le cadre de la mission EURES), le rapport coût-efficacité de l'Autorité était douteux.

Cette évaluation a mis en évidence qu'il n'y avait pas de stratégie claire chez l'AET pour la mesure des indicateurs de performance clés (Key Performance Indicators – KPIs) pendant la majeure partie de la période d'évaluation. De plus, les indicateurs étaient excessivement axés sur le quantitatif, ce qui ne permettait pas d'obtenir des informations solides sur les résultats obtenus par l'Autorité : les retards dans la mise en place des indicateurs clés de performance et l'absence d'indicateurs de résultat ont limité l'évaluation qualitative des résultats. L'AET a progressé dans l'élaboration et la mise en œuvre de mécanismes de suivi, de rapport et d'évaluation, mais ces mesures n'en sont encore qu'à leurs débuts et doivent être améliorées. Le personnel et le conseil d'administration de l'AET ont reconnu qu'il y avait place à l'amélioration, à savoir que les manières de communiquer les données n'étaient pas encore totalement cohérentes entre les unités de l'AET et qu'il y avait un léger manque de transparence dans le système de gestion des performances et les activités de surveillance.

Cohérence

Le travail d'AET était globalement cohérent avec celui des autres entités de l'UE, en se concentrant sur son rôle unique dans la résolution des problèmes transfrontaliers et la facilitation de l'application des dispositions relatives au travail. L'AET entretenait des relations complémentaires avec les agences de l'UE rattachées à la DG Emploi, telles qu'Eurofound et l'EU-OSHA, ainsi que des synergies potentielles avec d'autres agences telles qu'Europol et l'Agence des droits fondamentaux. Malgré une coopération renforcée avec la Commission européenne, un alignement et une compréhension complets du mandat et des fonctions de l'AET n'ont pas encore été pleinement réalisés. L'accord de coopération entre l'AET et le CA avait pour but de coordonner les activités, de renforcer la coopération entre les deux organes en matière d'échange d'informations et d'éviter les doubles emplois dans les affaires de médiation qui concernaient à la fois des questions de coordination de la sécurité sociale et de droit du travail. Cette étude a mis en évidence les domaines à améliorer dans la coopération avec des organisations internationales comme l'Organisation Internationale du Travail et avec les parties prenantes nationales, notant le rôle essentiel de l'AET dans l'harmonisation des pratiques et la facilitation de l'échange d'informations, tout en reconnaissant la nécessité d'un engagement et d'une connaissance accrues des initiatives de l'AET aux niveaux international et national.

Valeur ajoutée de l'UE

Cette évaluation a souligné la contribution significative de l'AET au renforcement du soutien opérationnel aux politiques de l'UE en matière de mobilité de la main-d'œuvre au sein de l'UE et de coordination de la sécurité sociale. Il a souligné la valeur unique qu'a apportée l'AET en facilitant la coopération en matière d'application de la loi, d'échange d'informations et de respect des obligations juridiques dans ces domaines, qui dépasse ce que les États membres peuvent accomplir de manière indépendante. Tout en reconnaissant le succès

de l'AET dans des domaines tels que les CJI et le renforcement des capacités, l'étude a également souligné des domaines nécessitant des améliorations, tels que la profondeur des analyses et des évaluations des risques, et la gestion de l'ECO d'EURES et des processus de médiation. Malgré ces défis, l'AET a été reconnue pour son potentiel à centraliser les activités liées à la mobilité de la main-d'œuvre dans l'UE et à la coordination de la sécurité sociale, en favorisant le partage d'expertise. L'AET a certainement apporté une valeur ajoutée à l'UE, mais n'a pas pleinement réalisé son potentiel, et l'on s'attend à ce qu'elle joue un rôle clé dans l'identification des tendances à l'échelle de l'UE et contribue aux stratégies transnationales.

Pertinence

Il a été constaté que le mandat, les objectifs et les activités de l'AET étaient directement liés à la nécessité actuelle d'améliorer la coordination transfrontalière et l'échange d'informations dans les domaines de la mobilité de la main-d'œuvre dans l'UE. Les efforts déployés par l'AET pour favoriser la coopération et l'échange d'informations entre les États membres et pour fournir des informations cruciales aux individus, aux employeurs et aux organisations de partenaires sociaux ont été particulièrement appréciés et jugés très pertinents par les parties prenantes.

Malgré l'accueil positif de la plupart des services de l'AET, l'utilisation de ses services de médiation a été limitée, ce qui indique soit un manque de sensibilisation, soit un besoin limité d'une telle médiation. Cet aspect laisserait entrevoir la nécessité d'une évaluation plus poussée (après que la procédure aura été en place pendant une période plus longue) et une amélioration potentielle de la sensibilisation et de l'accessibilité des services de médiation de l'AET.

L'AET a également réagi aux défis émergents, tels que ceux posés par la pandémie de COVID-19 et la guerre d'agression contre l'Ukraine, en adaptant ses activités pour répondre à l'évolution des besoins. L'AET est restée pertinente et réactive aux contextes changeants. L'AET a agi dans le cadre de ses compétences, mais ses actions en faveur des ressortissants de pays tiers (RPT) ont suscité des discussions sur l'étendue de son mandat, notamment en ce qui concerne la possibilité pour AET d'aborder davantage les questions liées aux RPT, qui, après avoir commencé à travailler au sein de l'UE, peuvent devenir des travailleurs mobiles. Toutefois, un élargissement formel du mandat de l'AET pour couvrir davantage les RPT nécessiterait un accord politique, des ressources supplémentaires et potentiellement un changement dans sa structure de gouvernance. Par conséquent, les données recueillies dans le cadre de cette évaluation suggèrent que les priorités à court terme de l'AET devraient comprendre l'exécution complète des tâches établies. Ce n'est qu'à moyen et long terme que l'on pourra discuter des lacunes éventuelles du mandat de l'AET et de la nécessité éventuelle d'étendre les actions de l'AET, y compris en ce qui concerne les RPT.

Kurzfassung

Zweck, Ziele und Umfang der Studie

Das übergeordnete Ziel dieser Evaluierung bestand darin, eine objektive, unabhängige und kritische Bewertung der Arbeit der Europäischen Arbeitsbehörde (ELA) vorzunehmen und ihre Relevanz, Effektivität, Effizienz, Kohärenz und ihren EU-Mehrwert im Einklang mit den Verpflichtungen gemäß Art. 40 (1) der Gründungsverordnung (EU) 2019/1149. Die Bewertung umfasste auch mögliche Synergien mit den anderen EMPL-Agenturen (d. h. EUROFOUND, Cedefop, ETF und EU-OSHA). Ziel der Bewertung war die Beantwortung der folgenden vier allgemeinen Forschungsfragen gemäß den Leitlinien der Europäischen Kommission für eine bessere Rechtsetzung⁵ zu beantworten:

- Inwieweit war die ELA-Intervention erfolgreich und warum?
- Wie und für wen hat ELA einen Unterschied gemacht?
- War ELA noch relevant?

Diese Evaluierung verfolgte einen doppelten, miteinander verknüpften Zweck, nämlich i) **die Bewertung der Leistung von ELA**, d. h. die Bewertung der Ziele, des Mandats und der Tätigkeiten der ELA im Hinblick auf ihre Relevanz, Effektivität, Effizienz, Kohärenz und ihren EU-Mehrwert, und ii) **die Bewertung von ELA als Organisation**, d. h. die Untersuchung der Funktionsweise der Agentur (und der Frage, wie sich diese auf ihre Leistung auswirkt), insbesondere ihrer Führungs- und Organisationsstrukturen, ihrer finanziellen und personellen Ressourcen, ihrer Mechanismen, Arbeitspraktiken, Verfahren, Instrumente und Systeme.

Der Umfang der Studie umfasste den Zeitraum von 2019 (Q3) bis 2023 (Q2) und den gesamten thematischen und geografischen Zuständigkeitsbereich der ELA, einschließlich ihrer Rolle bei der Behandlung sektorübergreifender Themen. **Dieser Zeitrahmen deckt somit die Aufbauphase der Agentur seit ihrer Gründung (2019) bis zum zweiten Quartal 2023⁶ vollständig ab.**

Methodik

Der methodologische Ansatz des Studienteams berücksichtigte die Studienziele sowie die in den technischen Spezifikationen und den Leitlinien für bessere Rechtsetzung festgelegten Anforderungen. Dazu gehörte eine Kombination aus sekundären und primären Datenerfassungsinstrumenten, die qualitative und quantitative Informationen kombinierten.

Der methodische Ansatz umfasste:

- i) eine dokumentarische **Bestandsaufnahme** der Aktivitäten, des Outputs und der Ergebnisse von ELA;
- ii) eine breite Palette von **Konsultationsmaßnahmen**, darunter:
 - a. eine **Online-Befragung** von ELA-Mitarbeitern und Verwaltungsratsmitgliedern sowie eine Befragung von Vertretern der ELA-Stakeholder⁷,

⁵ Tool #49

⁶ Laut dem Jährlichen Tätigkeitsbericht 2022 der ELA sollte die Behörde im Jahr 2024 ihre volle Betriebsbereitschaft erreichen.

⁷ Entscheidungsträger der EU, relevante EU-Agenturen, nationale ELA-Partner (d. h. Arbeits- und Sozialversicherungsbehörden, einschließlich relevanter Ministerien, Arbeitsaufsichtsbehörden, nationaler Arbeitsgerichte, öffentlicher Arbeitsverwaltungen), Sozialpartner auf EU-Ebene und internationale Organisationen.

- b. eine Anzahl von **gezielten Interviews** mit Vertretern der Europäischen Kommission, der ELA, der Internationale Arbeitsorganisation (IAO), den ELA-Vorstandsmitgliedern, den NCOs und den Sozialpartnern,
 - c. zwei **Workshops** (einer mit den Sozialpartnern und einer zur Überprüfung mit Vertretern aller Interessengruppen) und
 - d. eine **öffentliche Konsultation** und eine **Aufforderung zur Einreichung von Beweismitteln**;
- iii) vier thematische Fallstudien zu den spezifischen Aktivitäten der ELA, nämlich Information und Sensibilisierung im Bereich des Straßenverkehrs, EURES, konzertierte und gemeinsame Inspektionen (CJI) und Mediation;
 - iv) eine Kostenwirksamkeitsanalyse.

Überblick der Ergebnisse nach Bewertungskriterien

Effektivität

Im Rahmen dieser Evaluierung wurde die Wirksamkeit der ELA im Hinblick auf die Ziele der Gründungsverordnung und der Programmplanungsdokumente bewertet. Insgesamt kann der Schluss gezogen werden, dass die ELA weitgehend wirksam war und Bereiche mit Verbesserungsbedarf identifiziert wurden, die ihren Beitrag zur Durchsetzung der EU-Rechtsvorschriften zur Arbeitskräftemobilität auf EU-Ebene und auf nationaler Ebene weiter verbessern könnten.

Die ELA war in mehreren Schlüsselbereichen ihres Mandats weitgehend wirksam. Eine der wirksamsten Aktivitäten der ELA war die Erleichterung von CJIs, die den Wissensaustausch und das gegenseitige Lernen über Inspektionspraktiken zwischen Inspektoren verschiedener Mitgliedstaaten ermöglichen. Trotz der geografischen Verbreitung der CJI in der Union und ihres anerkannten Nutzens wurde ihr Potenzial aufgrund von Einschränkungen im Zusammenhang mit dem ELA-Ansatz und der Freiwilligkeit der Beteiligung der Mitgliedstaaten noch nicht voll ausgeschöpft. Die Wirksamkeit der CJI hing untrennbar mit der aktiven Beteiligung der Mitgliedstaaten vor, während und nach den Inspektionen ab. Um dieses Problem zu lösen, könnte die ELA die Entwicklung von Mechanismen in Erwägung ziehen, um die Beteiligung aller Mitgliedstaaten zu fördern und Anreize zu schaffen, wobei anzuerkennen ist, dass die Rolle der Behörde in den CJI in erster Linie die eines Vermittlers ist, der mit den Mitgliedstaaten zusammenarbeitet, um den Wissensaustausch und das gegenseitige Lernen zu ermöglichen.

Die ELA war mäßig wirksam bei der Verbesserung des Zugangs, der Qualität und der Verfügbarkeit von Informationen über Rechte und Pflichten, um die Arbeitskräftemobilität in der gesamten EU zu erleichtern. Dazu gehörten sektorale Unterstützungsmaßnahmen, die Einrichtung einer Übersetzungsfazilität und die Einleitung von Informationskampagnen für Schlüsselsektoren wie Straßenverkehr und Bauwesen. Diese Initiativen trugen positiv dazu bei, die Informationsbereitstellungsziele der ELA zu erreichen und die Verfügbarkeit, Qualität und Zugänglichkeit von Informationen zu verbessern. Trotz dieser Bemühungen bestand nach wie vor ein Bedarf an maßgeschneiderten und praxisnahen Informationen. Arbeitnehmer und Arbeitgeber benötigen oft spezifische, umsetzbare Anleitungen, die auf ihre individuellen Umstände und Herausforderungen eingehen. So benötigen beispielsweise Beschäftigte im Baugewerbe möglicherweise detaillierte Informationen über ihre Rechte in Bezug auf Arbeitsbedingungen, Gesundheits- und Sicherheitsvorschriften und Sozialversicherungsansprüche. Ebenso benötigen Arbeitgeber möglicherweise klare Richtlinien zur Einhaltung der Arbeitsgesetze bei der Einstellung und Verwaltung von Grenzgängern. Um diesem Bedarf gerecht zu werden, könnte die ELA eng mit den

nationalen Behörden, den Sozialpartnern und anderen Interessengruppen zusammenarbeiten, um gezieltere Informationsressourcen zu entwickeln und zu verbreiten.

Die Übertragung der Koordinierung des EURES-Netzes auf die ELA zielte darauf ab, die Kontinuität des Geschäftsbetriebs bei der Erbringung von Dienstleistungen zu gewährleisten, was auch gelungen ist. Die Verwaltungsstruktur zwischen der ELA und der Europäischen Kommission wurde jedoch als belastend empfunden, was zu Schwierigkeiten bei der Zusammenarbeit führte. Zu den wichtigsten verbesserungswürdigen Bereichen, die in der Ex-post-Evaluierung von EURES hervorgehoben wurden, gehörten weiterhin die Erhöhung der Sichtbarkeit des EURES-Portals bei Arbeitssuchenden und Arbeitgebern sowie die Gewährleistung einer effizienten Kommunikation und Zusammenarbeit mit den nationalen Koordinierungsbüros (NKO). Trotz der Änderungen und Verbesserungen bei der Erbringung der Dienstleistungen des ECO haben die gewonnenen Erkenntnisse gezeigt, dass eine verstärkte Zusammenarbeit zwischen der ELA und der Kommission, eine bessere Sichtbarkeit und Nutzbarkeit von EURES und eine bessere Abstimmung auf die Bedürfnisse der nationalen Entscheidungsträger und die EURES-Verordnung erforderlich sind.

Die Bemühungen der ELA um den Aufbau von Kapazitäten trugen maßgeblich dazu bei, die Zusammenarbeit zwischen den Mitgliedstaaten zu verbessern und den Zugang zu Informationen zu erleichtern. Diese Aktivitäten verbesserten nicht nur die technischen Kompetenzen in verschiedenen Bereichen, sondern förderten auch das gegenseitige Lernen und die Verbreitung bewährter Verfahren. Trotz dieser Erfolge gab es nach wie vor Herausforderungen, insbesondere in Bezug auf die unterschiedlichen Kapazitäten der Mitgliedstaaten zur Beteiligung aufgrund von Ressourcenknappheit und die Notwendigkeit einer verbesserten internen Koordinierung innerhalb der ELA, um Überschneidungen mit den Tätigkeiten zu vermeiden. Die gewonnenen Erkenntnisse deuteten darauf hin, dass die Maßnahmen zum Kapazitätsaufbau über die nationalen Verwaltungen hinaus ausgeweitet werden könnten, um insbesondere die Sozialpartner und andere Organisationen einzubeziehen. Darüber hinaus könnten durch die Organisation von mehr Veranstaltungen in den Mitgliedstaaten und die Komplementarität mit bestehenden nationalen Schulungsprogrammen die Unterschiede zwischen den Zuständigkeiten der verschiedenen Verwaltungen behoben werden.

Das Mediationsverfahren lief nur schleppend an und war unter den Beteiligten wenig bekannt. Da zum Zeitpunkt dieser Evaluierung nur ein Fall erfolgreich verfolgt und beigelegt wurde, war es aufgrund begrenzter Erfahrungen schwierig, die Wirksamkeit umfassend zu bewerten. Die geringe Akzeptanz könnte auf die Neuartigkeit, das begrenzte Bewusstsein oder die politische Sensibilität zurückgeführt werden. Um die Sichtbarkeit und Wirksamkeit des Mediationsverfahrens zu verbessern, könnte die ELA eine aktivere Rolle spielen, indem sie sicherstellt, dass die Parteien sich der Auswirkungen der Mediation voll bewusst sind und die Zusammenarbeit mit dem Schiedsgericht fortsetzen, um Doppelarbeit zu vermeiden und gegenseitiges Lernen zu gewährleisten.

Die Behörde sah sich mit rechtlichen Bedenken im Zusammenhang mit Datenschutzfragen konfrontiert, die sich auf die vollständige Wahrnehmung einiger ihrer Aufgaben auswirkten, insbesondere im Bereich der Risikobewertungen und -analysen (Risikobewertungen und -analysen waren auch durch einen Mangel an personellen Ressourcen für diese Aufgabe in den ersten Jahren der Tätigkeit der Behörde betroffen). Diese rechtlichen Bedenken erforderten Klarheit über die Auswirkungen auf den Datenschutz im Rahmen des Mandats der ELA. Trotz dieser Herausforderungen bestand die Bereitschaft, die Kapazitäten der ELA bei der Durchführung gründlicher Analysen und Risikobewertungen zu verbessern, um der Komplexität der grenzüberschreitenden Arbeitskräftemobilität besser gerecht zu werden.

Die Übertragung der Plattform zur Bekämpfung nicht angemeldeter Erwerbstätigkeit an die ELA verlief reibungslos und ohne nennenswerte Verzögerungen bei der Umsetzung. Diese

Plattform diene als Forum für Vertreterinnen und Vertreter der zuständigen Behörden, um die nationalen Bemühungen zur Bekämpfung nicht angemeldeter Erwerbstätigkeit zu erörtern und sich über neue Trends auszutauschen. Trotz der Gesamtwirksamkeit der Plattform bestand Spielraum für eine weitere Integration der Plattform in andere ELA-Aktivitäten, um Synergien zu nutzen und Ausstrahlungseffekte auf Durchsetzungs- und Analysemaßnahmen zu erzielen.

In den ersten Jahren ihres Bestehens priorisierte die ELA die Aufgaben, bei denen sie die größte Wirkung hätte erzielen können, und konzentrierte sich dabei auf die Verbesserung des Zugangs, der Verfügbarkeit und der Qualität von Informationen (Aufgabe 1) und der CJIs (Aufgabe 3), um die grenzüberschreitende Zusammenarbeit und den Informationsaustausch zu fördern. Sichtbarkeit und Zusammenarbeit mit Interessengruppen sind ebenfalls wichtige Bereiche für die ELA. Während die Behörde ein hohes Maß an Sichtbarkeit bei den nationalen Behörden und Organisationen auf EU-Ebene erreichte, war ihre Reichweite bei den Sozialpartnern auf nationaler Ebene relativ begrenzt. Eine verstärkte Zusammenarbeit mit diesen Interessengruppen würde die Wirkung und Wirksamkeit von ELA verbessern.

Die ELA stand vor mehreren internen und externen Herausforderungen, darunter die Auswirkungen der COVID-19-Pandemie und des russischen Angriffskriegs gegen die Ukraine. Trotz dieser Herausforderungen bewies die ELA Resilienz und Anpassungsfähigkeit und passte ihre Aktivitäten an, um die politischen Prioritäten der EU weiterhin zu unterstützen.

Effizienz

ELA hat ein weitgehendes Maß an Kosteneffizienz bewiesen, wobei die Vorteile ihrer Tätigkeiten in der Regel die Kosten überwiegen. Dennoch ist es der ELA noch nicht gelungen, eine vollständig kosteneffiziente Behörde zu werden. Die Bewertung der Leistung und der Governance-Strukturen der ELA ergab sowohl Erfolge als auch Bereiche, die weiterer Verbesserungen und Feinabstimmungen bedürfen.

Die Leitungsstrukturen der ELA waren im Großen und Ganzen effizient und förderten positive Ergebnisse in Bezug auf die Arbeitskräftemobilität und die Zusammenarbeit zwischen den Mitgliedstaaten. Dennoch wurden operative Herausforderungen und kleinere Probleme in der Zusammensetzung des Vorstands festgestellt. Dazu gehörten die hohe Häufigkeit der Sitzungen und die Ernennung von Boardmitgliedern, bei denen festgestellt wurde, dass einige Mitglieder keine Entscheidungspositionen innehatten oder nicht die wichtigsten Interessengruppen auf nationaler Ebene repräsentierten. Dennoch ist die ELA nicht für die Ernennung von Vorstandsmitgliedern durch die Mitgliedstaaten zuständig, sondern könnte allenfalls versuchen, das Bewusstsein für dieses Thema zu schärfen. Trotz dieser Herausforderungen herrschte Einigkeit über die Funktionalität der ELA-Governance, was darauf hindeutet, dass grundlegende Elemente für eine effektive Governance und ein effektives Management vorhanden sind, wenn auch mit Raum für Verbesserungen.

Was die operative Effizienz der ELA anbelangt, so stieß sie bei der Ausführung der gebundenen Mittel auf erhebliche Schwierigkeiten, was sich insbesondere durch den hohen Anteil der Übertragungen auf die operativen Ausgaben zeigte. Dies war vor allem auf Verzögerungen bei der Personaleinstellung und die Verlagerung von persönlichen Treffen auf Online-Formate aufgrund der COVID-19 Pandemie zurückzuführen. Der hohe Anteil der Übertragungen war zum Teil auch auf Unsicherheiten im Zusammenhang mit dem EURES-Portal zurückzuführen, das sich nach der Annahme der Strategie für das EURES-Portal für den Zeitraum 2023-2030 voraussichtlich verbessern wird. Darüber hinaus gab die Abhängigkeit von externen Aufträgen Anlass zu Bedenken hinsichtlich der Kosteneffizienz von ELA, da die Betriebskosten oft die Personalkosten überstiegen. Diese Situation erfordert eine sorgfältige Abwägung, welche Aktivitäten intern effizienter verwaltet werden

könnten als ausgelagert. Die Einrichtung der ELA als 'schlanke' Organisation war zwar im Hinblick auf die Ziele der Behörde sinnvoll, doch könnte zusätzliches internes Personal erforderlich sein, insbesondere für administrative/finanzielle Aufgaben (die nicht von ANS/NSO wahrgenommen werden könnten). Darüber hinaus konnten die hohen Betriebskosten sorgfältig gegen die tatsächliche Qualität der Ergebnisse abgewogen werden, da in einigen Fällen (hauptsächlich im Zusammenhang mit der EURES-Aufgabe) die Kostenwirksamkeit der Behörde fragwürdig war.

Diese Evaluierung zeigte, dass es bei ELA während des größten Teils des Evaluierungszeitraums keine klare Strategie für die Messung der KPIs gab. Darüber hinaus waren die Indikatoren zu stark auf quantitative Outputs ausgerichtet, was keine soliden Einblicke in die von der Behörde erzielten Ergebnisse lieferte: Verzögerungen bei der Festlegung von KPI und das Fehlen von Ergebnisindikatoren schränkten die qualitative Bewertung der Ergebnisse ein. Die ELA hat Fortschritte bei der Entwicklung und Umsetzung von Überwachungs-, Berichterstattungs- und Evaluierungsmechanismen erzielt, diese Maßnahmen befinden sich jedoch noch in der Anfangsphase und müssen weiter verfeinert werden. Die Mitarbeiter und der Vorstand der ELA räumten ein, dass es Raum für Verbesserungen gebe, da die Berichterstattung in allen ELA-Einheiten noch nicht vollständig einheitlich sei und es einen leichten Mangel an Transparenz im Leistungsmanagementsystem und bei den Überwachungstätigkeiten gebe.

Kohärenz

Die Arbeit der ELA stand insgesamt im Einklang mit der anderer EU-Einrichtungen und konzentrierte sich auf ihre einzigartige Rolle bei der Bewältigung grenzüberschreitender Herausforderungen und der Erleichterung der Durchsetzung der Arbeitsbestimmungen. Die ELA unterhielt komplementäre Beziehungen zu EU-Agenturen, die der GD EMPL angegliedert sind, wie Eurofound und EU-OSHA, sowie potenzielle Synergien mit anderen wie Europol und der Agentur für Grundrechte. Trotz der verbesserten Zusammenarbeit mit der Europäischen Kommission musste eine vollständige Abstimmung und ein Verständnis über das Mandat und die Funktionen der ELA noch vollständig verwirklicht werden. Die Kooperationsvereinbarung zwischen der ELA und dem AC zielte darauf ab, die Aktivitäten zu koordinieren, die Zusammenarbeit zwischen den beiden Einrichtungen beim Informationsaustausch zu verstärken und Doppelarbeit in Mediationsfällen zu vermeiden, die sowohl Fragen der Koordinierung der sozialen Sicherheit als auch des Arbeitsrechts betrafen. Diese Studie zeigte Bereiche auf, in denen in der Zusammenarbeit mit internationalen Organisationen wie der ILO und mit nationalen Interessengruppen Verbesserungen möglich sind, und wies auf die entscheidende Rolle der ELA bei der Harmonisierung der Praktiken und der Erleichterung des Informationsaustauschs hin, während gleichzeitig die Notwendigkeit eines verstärkten Engagements und einer besseren Vertrautheit mit den Initiativen der ELA auf internationaler und nationaler Ebene anerkannt wurde.

Mehrwert für die EU

In dieser Evaluierung wurde der bedeutende Beitrag der ELA zur Verbesserung der operativen Unterstützung der EU-Politik in Bezug auf die Arbeitskräftemobilität innerhalb der EU und die Koordinierung der Systeme der sozialen Sicherheit dargelegt. Die Evaluierung hob den einzigartigen Wert der ELA hervor, den die ELA bei der Erleichterung der Zusammenarbeit bei der Durchsetzung, des Informationsaustauschs und der Einhaltung rechtlicher Verpflichtungen in diesen Bereichen mit sich bringt und der über das hinausgeht, was die einzelnen Mitgliedstaaten unabhängig voneinander erreichen könnten. In der Studie wurde zwar der Erfolg der ELA in Bereichen wie CJI und Kapazitätsaufbau anerkannt, aber auch auf Bereiche hingewiesen, die verbessert werden müssen, wie z. B. die Tiefe der Analysen und Risikobewertungen sowie die Verwaltung der ECO von EURES

und die Mediationsprozesse. Trotz dieser Herausforderungen wurde die ELA für ihr Potenzial bei der Zentralisierung von Tätigkeiten im Zusammenhang mit der Arbeitskräftemobilität in der EU und der Koordinierung der Systeme der sozialen Sicherheit anerkannt, die den Austausch von Fachwissen fördern. Die ELA hat definitiv einen EU-Mehrwert erbracht, ihr Potenzial aber nicht voll ausgeschöpft, und es wird erwartet, dass die ELA eine Schlüsselrolle bei der Ermittlung EU-weiter Trends und bei der Gestaltung länderübergreifender Strategien spielen wird.

Relevanz

Es wurde festgestellt, dass das Mandat, die Ziele und die Tätigkeiten der ELA direkt relevant für den bestehenden Bedarf an verbesserter grenzüberschreitender Koordinierung und Informationsaustausch im Bereich der Arbeitskräftemobilität in der EU sind. Die Bemühungen der ELA um die Förderung der Zusammenarbeit und des Informationsaustauschs zwischen den Mitgliedstaaten sowie um die Bereitstellung wichtiger Informationen für Einzelpersonen, Arbeitgeber und Organisationen der Sozialpartner wurden von den Interessenträgern besonders geschätzt und als äußerst wichtig erachtet.

Trotz der positiven Resonanz auf die meisten Dienstleistungen der ELA war die Inanspruchnahme ihrer Mediationsdienste begrenzt, was entweder auf einen Mangel an Bewusstsein oder einen begrenzten Bedarf an einer solchen Mediation hindeutet. Dieser Aspekt deutete auf Raum für eine weitere Evaluierung (nachdem das Verfahren über einen längeren Zeitraum angewandt wurde) und eine mögliche Verbesserung des Bewusstseins und der Zugänglichkeit der Mediationsdienste der ELA an.

Die ELA reagierte auch auf aufkommende Herausforderungen, wie die COVID-19 Pandemie und den Angriffskrieg gegen die Ukraine, und passte ihre Aktivitäten an die sich wandelnden Bedürfnisse an und blieb dadurch relevant. Die ELA handelte im Rahmen ihrer Zuständigkeiten, wobei ihre Maßnahmen zur Unterstützung von Drittstaatsangehörigen jedoch Diskussionen über den Umfang ihres Mandats aufkommen ließen, insbesondere im Hinblick auf die Möglichkeit für die ELA, sich weiter mit Fragen im Zusammenhang mit Drittstaatsangehörigen zu befassen, die nach Aufnahme einer Tätigkeit in der EU zu mobilen Arbeitnehmern werden können. Eine formelle Ausweitung des Mandats der ELA auf Drittstaatsangehörige würde jedoch eine politische Einigung, zusätzliche Ressourcen und möglicherweise eine Änderung der Governance-Struktur erfordern. Die im Rahmen dieser Evaluierung gesammelten Erkenntnisse deuten daher darauf hin, dass die kurzfristigen Prioritäten der ELA darin bestehen sollten, die ihr übertragenen Aufgaben in vollem Umfang zu erfüllen. Erst mittel- bis längerfristig können mögliche Unzulänglichkeiten des ELA-Mandats und die Notwendigkeit einer Ausweitung der ELA-Maßnahmen, auch in Bezug auf die Drittstaatsangehörige, diskutiert werden.

1. Introduction

1.1. Purpose and scope of the evaluation

As required by Article 40 of the founding Regulation (EU) 2019/1149 of the European Labour Authority (ELA)⁸, the Commission carried out an **evaluation of ELA's performance**. This study aimed at supporting the Commission with an **objective, independent and critical assessment of the work of ELA, assessing its relevance, effectiveness, efficiency, coherence and EU added value**, in line with the obligations laid out in Art. 40 (1) of the founding Regulation. The assessment also took into account possible synergies with the other EMPL agencies (i.e. EUROFOUND, Cedefop, ETF and EU-OSHA), the functioning of the mediation process and the potential need for a revision of ELA's mandate. In terms of scope, the supporting study covered the period 2019 (Q3) to 2023 (Q2) and the entire thematic and geographical remit of ELA, including its role in dealing with cross-sector themes. **This timeframe thus fully covered the setup phase of the Authority, since 2019 up until Q2 2023**. As per ELA's Annual Activity Report 2022, the Authority full operational speed was expected to be achieved in 2024.

Thus, on the one hand, the study was **summative** in that it collected data and examined the progress made by ELA in attaining the objectives set out in Regulation (EU) 2019/1149 (i.e. ex-post evaluation of the performance since the Authority was established in 2019). On the other hand, the study included **formative** aspects, looking towards the future of ELA and how it could make better use of its resources and increase its relevance.

1.2. Overview of the methodology

In line with the Terms of Reference for this study, the methodological approach was centred around the dual, inter-linked purpose of this evaluation, namely:

- **Assessing the performance of ELA (Q3 2019 - Q2 2023):** this was the primary aspect and consisted in the assessment of the objectives, mandate and activities of ELA in terms of their relevance, effectiveness, efficiency, coherence and EU added value. This was done by answering the related evaluation questions, which were included in the Terms of Reference for this study and further developed as in the evaluation question matrix (in Annex II). The ultimate impact of the Authority and its activities on all relevant partners and stakeholders at national, EU and international level was ascertained.
- **Assessing ELA as an organisation:** the evaluation also involved the assessment of the functioning of the Authority (and how this influenced its performance) i.e. its mandate, governance and organisational structures, financial and human resources, mechanisms, working practices, procedures, tools and systems, and the degree to which these contribute (or not) to its effectiveness and efficiency in particular, as per the evaluation questions (see Annex II). This assessment also placed an emphasis on understanding the degree to which the ELA's work was cost-effective.

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1149>

The data collection tools employed were tailored to specific data collection objectives and types of stakeholders consulted, to ensure the right balance between gathering evidence on the performance of the Authority as a whole and collecting information on specific aspects. The study in fact adopted a **mix of methods**.

More specifically, our methodological approach included:

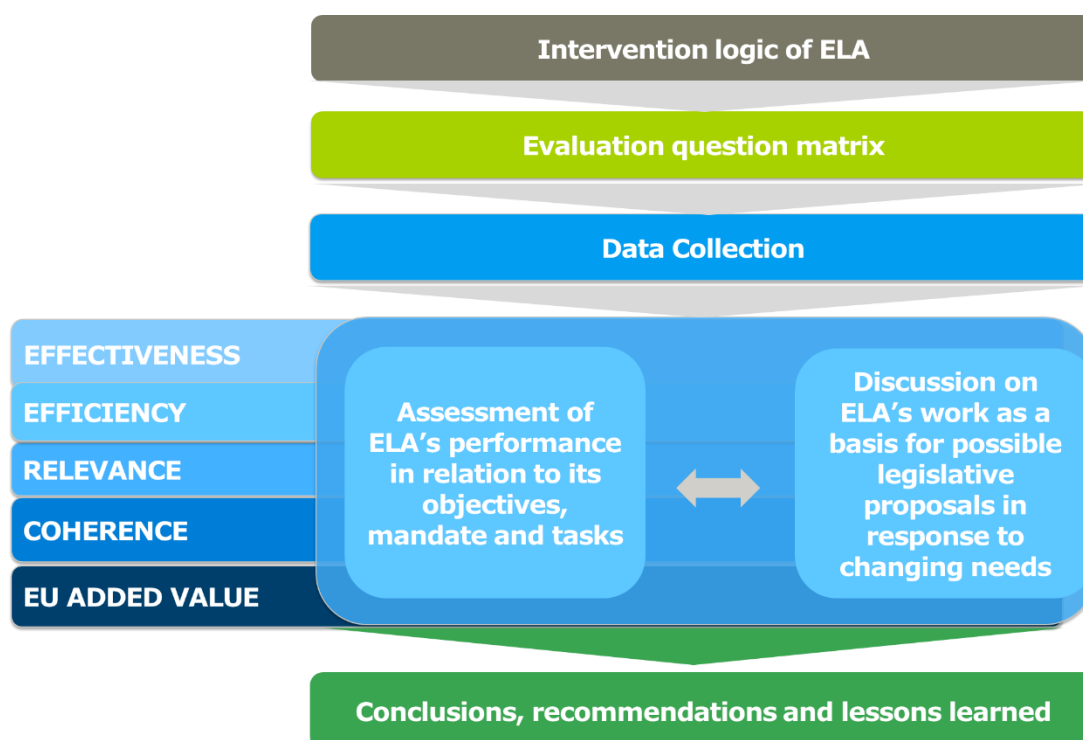
- Desk based mapping of ELA's activities, outputs and results (Annex III).
- Targeted stakeholder consultations (Annex VI), including:
 - An online survey to ELA staff and Management Board members.
 - An online survey to representatives of ELA stakeholders (including EU policy makers, relevant EU agencies, ELA national counterparts (i.e., labour and social security authorities including relevant ministries, labour inspectorates, national labour courts, public employment services), EU level Social partners and international organisations.
 - 23 interviews with representatives from the European Commission, ELA, ELA Management Board members, NCOs, social partners and ILO.
 - A workshop with eight representatives from EU and national level social partners.
- A public consultation and a call for evidence, open to the general public (Annex VI).
- Four⁹ thematic case studies (Annex VII), including:
 - Case study 1: Information and awareness raising in the field of road transport;
 - Case study 2: European Coordination office of EURES;
 - Case study 3: ELA's support in concerted and joint inspections;
 - Case study 4: Mediation task of ELA.
- A cost-effectiveness analysis (Annex V).

The methodological approach is presented in more detail in Annex I. Methodology.

The figure below provides a visual summary of the study logic:

⁹ Originally five case studies were foreseen, however the results of one of the case studies (Functioning of ELA - Synergies between core tasks) have been integrated directly into the report, in accordance with the contracting authority.

Figure 1. Overview of study logic



Source: Elaboration of the contractor

1.3. Overview of content of this report¹⁰

This study is divided into five sections:

- **Section 1**, this introduction, explains the purpose and scope of the evaluation and provides concise information about the methodology applied and the limitations of this research.
- **Section 2** provides a description of the **rationale for the intervention** at the time it was adopted (i.e. the problem or the needs the EU was trying to address and its underlying causes), what it expected to achieve and how that achievement was to be assessed. This section drew (where relevant) on the Impact Assessment accompanying the Proposal for a Regulation establishing a European Labour Authority¹¹ and it includes a desk-based assessment of the trends affecting cross-border labour mobility and the socio-economic context in which the Authority operates.
- **Section 3** explains how the situation evolved over the evaluation period, i.e. discussing the **state of play** in implementing the EU intervention (from a legal and practical perspectives). This section thus discusses the organisational and financial setup and management of the Authority, together with a synthesis of the mapping

¹⁰ This report has been structured based on the outline indicated in Tool #49 ('Format of the evaluation report') of the Better Regulation Guidelines Toolbox.

¹¹ SWD(2018) 68 final, Commission Staff Working Document - Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority {COM(2018) 131 final} - {SWD(2018) 69 final.

of the Authority's activities that took place during the evaluation period. A full mapping of the Authority's activities is presented in Annex III.

- **Section 4** presents the findings from each task performed in this study, triangulated to form the answer to the evaluation questions. This section answers the following questions:
 - (a) To what extent was the intervention successful and why?
 - (b) How did the EU intervention make a difference?
 - (c) Is the intervention still relevant?
- **Section 5** draws the conclusions, and the lessons learnt stemming from the evaluation findings in Section 4.

The report includes a series of **annexes**: the detailed **methodology** for the study tasks (Annex I), the evaluation matrix (Annex II), the full **mapping** of the European Labour Authority activities, outputs and results (Annex III), the **overview of benefits and costs** (Annex IV), the **cost-effectiveness analysis** (Annex V), the **stakeholder consultation report** (Annex VI), and the detailed presentation of the **case studies** (Annex VII). All the annexes are delivered as separate documents, except for Annex I.

1.4. Study limitations

A significant limitation to this study consists in the short timespan between the adoption of the Regulation and this evaluation. The founding Regulation was adopted in June 2019, to create a new Authority. So as from 2019 the Authority was built up and activities started successively (see Sections 4.1.1.1 to 4.1.1.4) and as from early 2020 the set-up process was impacted by the COVID-19 pandemic: this external shock forced the Authority to perform the tasks in a remote/hybrid configuration. As a consequence, the date by which the agency was planned to be fully operational was postponed from 2023 to 2024¹². The financial independence was achieved in May 2021.

This evaluation started in 2023, i.e. before the setup process was fully accomplished and with the objective of evaluating the performance of the Authority across its wide range of tasks up until Q2 2023.

Notably, not all the activities of the Authority had started at the time or immediately after the adoption of the Regulation: this report clarifies in Sections 4.1.1.1 to 4.1.1.4 the choices made by ELA's Management Board in relation to the prioritisation of the Authority's activities, and how such choices had an impact on the progress made towards the expected outputs and results of each activity. This evaluation concerns a period where primary attention was given to setting up the organisation and the experience with delivering on the task is – for large parts – still limited¹³. Furthermore, for the majority of the evaluation period, there was no clear strategy in place at ELA on the measurement of KPIs: only in 2022 the Authority developed a set of KPIs linked to the strategic areas. As discussed under section 4.1.2.3, the very **few result indicators** available in ELA's monitoring system **hampered the qualitative assessment** of the results of the Authority's activities, as the prevalence of output indicators limited the possibility to gauge the effects of the activities. Moreover, the

¹² The expectation of full operativity in 2023 was formulated in the impact assessment accompanying the Commission's proposal.

¹³ ELA was still under the remit of the Commission until mid-2021.

lack of available quantitative data (most of the indicators used in this study were only available for 2021 and/or 2022) complicated the cost-effectiveness analysis. This report distinguishes to the extent possible in its findings (Section 4) and conclusions (Section 5) those cases where there is a lack of evidence due to inconsistent KPIs/other data issues from those cases of activities that simply started too late to be thoroughly assessed.

Looking at the limitations pertaining to the evaluation criteria, the **effectiveness** criterion is the most complete in terms of evidence collected: the answers to the evaluation questions under this criterion (see section 4.1.1) allow to draw a broadly clear and evidence-based set of conclusions. Nevertheless, the robustness of the evidence varies depending on the volume of ELA's activities concerning the various tasks.

For the **efficiency** criterion, this evaluation relied to the extent possible on quantitative information, which then was complemented by qualitative information (such as stakeholder consultations). Thereby the benchmarking of the financial performance of ELA compared to other EU agencies and authorities presented issues of comparability and availability of data, for several reasons: i) the internal reporting of ELA underwent several changes and finetuning, thus not allowing to have robust time series of data; ii) despite the efforts in looking at similar agencies or authorities, quantitative data had necessarily to be complemented with qualitative evidence to better understand the context of activities; iii) a proper benchmarking with the other agencies under the remit of DG EMPL (Cedefop, ETF, Eurofound, EU-OSHA) was difficult as these agencies are operational since several years if not decades, while ELA was in its build up phase.

As per the Terms of Reference, the assessment of **coherence** focused on the coherence of ELA's mandate and activities with the other agencies under the remit of DG EMPL; with other agencies with which the Authority may cooperate, and with the wider EU policy framework. Also, the coherence with other bodies, agencies or stakeholders at national level and with international level organisations was investigated. However, less of a focus was placed on the coherence with other EU services and bodies which cooperate with the Authority and/or operate within the same work areas, such as Your Europe Advice, SOLVIT, the AC. While complementarities/collaboration between ELA and such services was explored in specific areas (e.g. in relation to the assessment of the mediation procedure), this research did not delve into the entire set of operations of such services and how these may complement or create synergies with the work of ELA. The extensive mapping performed for this report was focused on the activities, outputs and results of the Authority: triangulating the evidence from the mapping with stakeholders' consultations (i.e. interviews and case studies) was not possible to gather concrete findings and to draw conclusions on the results, synergies or overlaps in the cooperation between ELA and Your Europe Advice and SOLVIT.

Finally, the evidence gathered in this study did not allow to provide a complete answer to the following evaluation questions, for the **coherence** and **relevance** criteria:

- EQ 1.15 (cfr. Annex II), i.e. *'To what extent are the mandate and activities of the European Labour Authority coherent with DG EMPL policies and with other EU policies? To what extent does the Authority work cooperatively with DG EMPL and other Commission services'*. The cooperation between ELA, DG EMPL and other Commission services is discussed under section 4.1.3.1. However, the focus of the analysis was mostly on the coherence of the work between ELA, the Commission and other relevant stakeholders, rather than looking into any specific policy.
- EQ 3.3, i.e. *'To what extent is there a need to amend the mandate of the European Labour Authority? If yes, what would be the financial implications?'*. While the potential need to amend the mandate of ELA was discussed and our conclusions are presented in Section 5.5, due to the overall lack of quantitative evidence

available already discussed above and due to the highly speculative nature of the question, it was not possible to provide financial estimates on the possible implications of an amendment. However, as an amendment of the mandate was not among the proposed areas for improvement, such estimate was also for this purpose not possible.

- EQ 3.4, i.e. *'In terms of foresight, are there any future trends including megatrends (such as demographic change, migration, etc.) that could affect the European Labour Authority's future relevance and how?'*. In fact, while future trends were discussed with stakeholders and their presence in ELA's programming documents was analysed through the desk-based research, the information gathered did not allow to pinpoint and substantiate with facts and figures the potential impact of any specific trend.

2. What was the expected outcome of the intervention?

This section describes the **rationale for the intervention** (i.e. the establishment of the European Labour Authority) as well as the **objectives of the intervention** and what the expected achievements were (including the intervention logic). Notably, this section sets out the points of comparison against which the intervention has been assessed in this evaluation.

2.1. Description of the intervention and its objectives

2.1.1. The need for a European Labour Authority

President Jean-Claude Juncker introduced the establishment of ELA in his State of the European Union (SOTEU) speech in 2017.¹⁴ At that time, two main issues were identified: **(1) inadequate information, support and guidance provided to individuals and employers in the area of cross-border mobility and (2) limited cooperation between national authorities on rule enforcement.**¹⁵

Concerning information and guidance the European Commission had already taken steps, such as producing web-based portals and tools that provided information on areas including the posting of workers and related administrative requirements, social security benefits in another Member State, as well as developing initiatives for streamlining access to the portals and tools.¹⁶ Despite this, some challenges remained. In particular, providing tailored information to workers residing in the EU and employers that would support their mobility choices was found to be a challenge.

Concerning cooperation between national authorities, rule enforcement was found to be inadequate, which had a negative impact on mutual trust between administrations.¹⁷ This was partly due to the inadequacy of cooperation between Member States for conducting controls and inspections, and of data exchange tools used for administrative cooperation. Countries also had significant differences in the availability of staff and resources, and in the level of specialised knowledge needed for the effective management of cross-border cases¹⁸. In addition, difficulties with linguistic abilities, and differences in the level of digitalisation across countries, which affected the development of IT capacities, had an impact on the effectiveness of cross-country cooperation.¹⁹ An additional issue identified was the inadequacy of the cooperation framework at EU level. Existing EU bodies such as the Administrative Commission for the Coordination of Social Security Systems (AC) and the European Platform tackling Undeclared Work (UDW Platform), were found to have

¹⁴ [SPEECH_17_3165_EN.pdf](#)

¹⁵ EC, 2018. Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority.

¹⁶ COM(2014)6 final, Proposal for a European network of Employment Services, workers' access to mobility services and the further integration of labour markets, 17.1.2014; COM(2017)256, Proposal for a regulation on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012.

¹⁷ EC, 2018. Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority.

¹⁸ EC, 2018. Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority, pg. 13.

¹⁹ EC, 2018. Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority, pg. 12-14.

limited ability to provide operational and technical support to national authorities, and to have developed limited synergies with each other.²⁰

Within this context Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019, which entered into force in July 2019, established ELA.²¹

ELA's mission is to ensure the fair, simple and effective enforcement of EU labour mobility rules and social security coordination.²²

More specifically, **ELA's objective**, as defined in the Regulation (Article 1(2)), is to:

'...assist Member States and the Commission in their effective application and enforcement of Union law related to labour mobility across the Union and the coordination of social security systems within the Union'.²³

As per the Regulation, the scope of ELA's activities extends to encompass the following Union acts:

- Free movement of workers and EURES (Directive 2014/54/EU, Regulation (EU) No 492/2011, Regulation (EU) 2016/589)
- Posting of workers (Directive 96/71/EC, Directive 2014/67/EU, Directive 2020/1057)
- Social security coordination (Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council, Regulation (EU) No 1231/2010 of the European Parliament and of the Council and Council Regulation (EC) No 859/2003 and (EEC) No 574/72 to nationals of third countries who are not already covered by these Regulations solely on the grounds of their nationality)
- Social aspects of international road transport rules (Regulation (EC) No 561/2006, Directive 2006/22/EC, Regulation (EC) No 1071/2009)

Within this scope, ELA aims to achieve the following specific objectives²⁴ (see Section 2.1.2 for a comprehensive description of the intervention logic):

- Facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services (Specific objective 1)
- Facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections (Specific objective 2)
- Mediate and facilitate a solution in cases of cross-border disputes between Member States (Specific objective 3)

²⁰ EC, 2018. Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority.

²¹ Hereinafter referred to as 'founding Regulation'.

²² <https://www.ela.europa.eu/en/elas-mission>

²³ Founding Regulation Art. 1(2).

²⁴ Founding Regulation Art. 2(a-d).

- Support cooperation between Member States in tackling undeclared work (Specific objective 4).

2.1.2. The rationale of the intervention

2.1.2.1. The intervention logic

The impact assessment accompanying the proposal for the Regulation (EU) 2019/1149 establishing the European Labour Authority, presented key issues and drivers that the intervention aimed to address. It identified a set of tasks describing *what* should be done and a set of delivery aspects outlining *how* the tasks should be implemented. The preferred option highlighted by the impact assessment was the **establishment of a European Labour Authority with an operational role**, building on EU bodies in the area of labour mobility²⁵. Furthermore, the new Authority would also be tasked to develop enhanced cooperation with existing agencies in the employment area ensuring complementarities and ensuring the ability by the newly established Authority to adapt to the future evolution of the already existing agencies. The preferred option envisaged pro-active support to information and services to citizens and employers, cooperation, joint inspections, analysis and risk assessment, information exchange, and capacity building, while facilitating the adoption of decisions as regards conciliation mechanisms and cooperation in case of cross-border labour disruptions. While the operational objective '*cooperation in cases of labour market disruptions affecting several Member States*' was not embedded in the adopted legal text as a result of the negotiation between the co-legislators, the other objectives envisaged in the preferred option were broadly included in the Regulation: therefore, ELA's actual mandate and tasks largely match the Commission's proposal in the impact assessment. In fact, the operational objectives mentioned in the impact assessment, namely:

- '*to enhance comprehensiveness and quality of labour mobility service*';
- '*to enhance effectiveness and efficiency of information exchange between national authorities*';
- '*to provide relevant analytical and technical support to national authorities for cross-border co-operation*';
- '*to enhance up-take of joint inspections*';
- '*to enhance effectiveness of administrative dispute settlements*'.

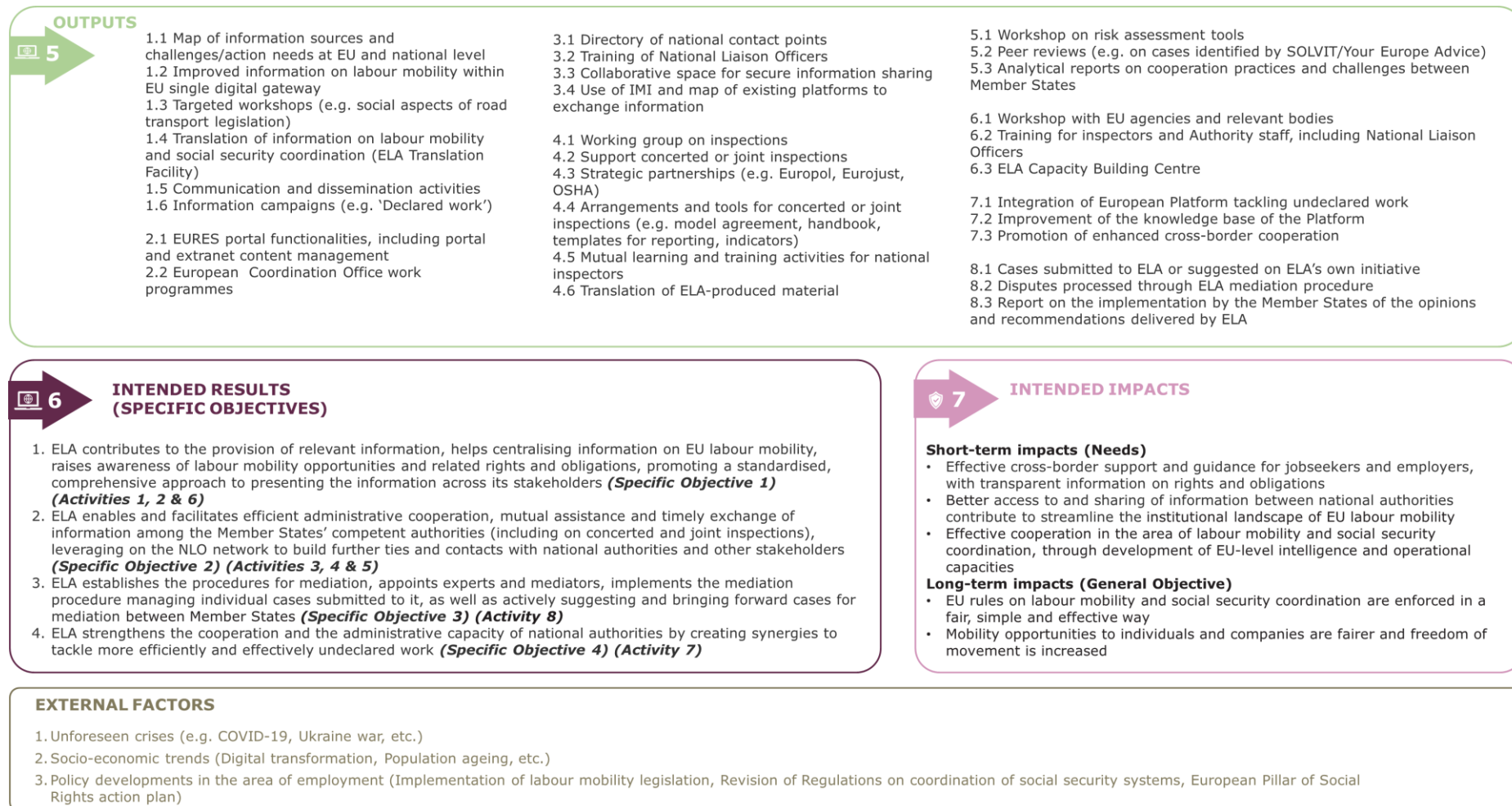
are all reflected in the tasks included in Regulation (EU) 2019/1149 (Article 4).

A visual representation of the logic of the intervention is presented in Figure 2.

²⁵ Administrative Commission for the Coordination of Social Security Systems (AC) (including its Advisory Committee for the Coordination of Social Security Systems, the Conciliation and the Audit Boards, and its Technical Commission) the Technical Committee (FMW) and the Advisory Committee (AFMW) on the Free Movement of Workers, the Committee of Experts on Posting of Workers (ECPW), the European Platform tackling Undeclared Work (UDW Platform) and the EURES coordination group.

Figure 2. Intervention logic





Source: Elaboration of the contractor

The intervention logic displayed in the figure above forms the analytical framework for the study and each of the evaluation criteria can be linked to the different elements it contains:

- **Effectiveness** links the objectives of the Regulation and the activities of ELA to the results and impacts resulting from these to judge whether the intended results have been reached;
- **Efficiency** links the inputs of ELA to its outputs to judge whether the results have been reached in a cost-effective way
- **Relevance** links the needs to the objectives of the Regulation and the activities of ELA to judge whether the latter are addressing the former properly and fully
- **Coherence** links the specific objectives of the Regulation (i.e. internal coherence) to the objectives of other EU and international policy interventions (i.e. external coherence) to judge whether these are in line with each other
- **EU added value** links the results of ELA's activities to the impacts to judge whether this EU intervention is the most appropriate to reach these impacts at EU level rather than at international, national, regional or local level.

The intervention logic thus presents the main assumptions and anticipated impact that the Regulation and ELA are supposed to have (under the activities of ELA and the objectives of the Regulation).

2.1.2.2. Evaluation matrix

The evaluation matrix in Annex II provides the links between the intervention logic and the evaluation matrix: **for each evaluation question**, the matrix specifies the **correspondence** between the **questions, the specific objectives, the activities/operational objectives and the intended results** outlined in the intervention logic.

The evaluation matrix presents a set of **indicators** closely linked to the '**Outputs**' of the **intervention logic**: in fact, the full set of indicators in the matrix represent a **granular description** of the **outputs** contained in the intervention logic. While the intervention logic aims to provide a synthetic snapshot of the expected outputs from each of the activities of the Authority, the evaluation matrix breaks down the outputs into more concrete and measurable indicators. For instance, the first set of outputs at Figure 2 relates to the information role of ELA and it will be concretely measured with the detailed indicators in the matrix: as an illustrative example, whereby in the intervention logic one of the outputs is '*communication and dissemination activities*', in the evaluation matrix this output is broken down into a granular level of activities such as support actions, information campaigns, peer reviews, joint activities with other EU bodies, national authorities and social partners. The indicators in the evaluation matrix also encompass the **monitoring indicators** listed in the impact assessment preceding Regulation (EU) 2019/1149, ensuring a comprehensive evaluation of the results and the impacts of the intervention against the expected outcomes. Therefore, the **indicators** in the evaluation matrix on one hand allow for an **answer to the evaluation questions** of this study, on the other hand enable a **link between the evaluation questions** and the **assessment** of whether the '**Outputs**' of the intervention logic resulted in the expected '**Results**' and '**Impacts**'.

2.2. Points of comparison

The points of comparison provide reference points for the evaluation, exploring what might have happened over the period covered by the evaluation, if the Regulation had not been adopted. The points of comparison describe what was the situation at the time of the intervention and normally, as specified in Tool #46 of the Better Regulation Guidelines, the impact assessment accompanying an intervention identifies a set of indicators. These indicators allow to assess the performance of the intervention against the points of comparison.

Therefore, for the purposes of this study, a set of indicators (building where relevant to the ones of the impact assessment) was defined: Table 2 outlines the points of comparison from the impact assessment and the indicators considered for each point of comparison.

The progress on the points of comparison, measured through the indicators, is presented in Sections 3 and 4 (see Table 2 for further details per each indicator).

Table 2. Points of comparison and related indicators²⁶

Specific Objective of the intervention	Operational Objectives	Point of comparison (situation prior to 2019)	Indicators (how progress is measured)
Facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services	OO1. Improve the availability, quality and accessibility of information offered to individuals, employers and social partner organisations regarding rights and obligations to facilitate labour mobility across the EU OO2. Manage the European Coordination Office of EURES to support Member States in providing services to individuals and employers	Insufficient access to information and transparency on cross-border mobility rules is a problem both for individuals and businesses. Similarly, in the context of road transport, 53% of the respondents to an Open Public Consultation carried out in 2017 considered that existing EU guidance at the time on explaining relevant EU legislation in this field was not, or only partially, useful. This is especially problematic in view of the different interpretation of EU road transport legislation According to a 2018 report by the European Court of Auditors²⁷, EU-wide information about national vacancies had still wide margins of improvement. Untapped potential remained with exploiting labour market information to improve matching and recruitment activities (e.g. analysis of labour shortages and surpluses), to strengthen	Stakeholders' satisfaction with the clarity and completeness of the information on rights and obligations in the area of cross-border labour mobility (Section 4.1.1.1) Stakeholders' satisfaction with the functionalities and information on the EURES Portal (Section 4.1.1.1) Number of support actions for information to employers and workers in specific sectors, including road transport (Section 3.2.1.1 and Annex III.) Number of persons who found a job in another country with the help of EURES (Section 3.2.1.1 and Annex III.)

²⁶ Compared to the list of indicators identified in the inception phase of the study, the following indicators were removed from the final selection of points of comparison: '*Share of vacancies posted on EURES as a proportion of national vacancies*'(OO2); '*Member States' costs for CJIs*' (OO4).

²⁷ European Court of Auditors (2018). Free Movement of Workers – the fundamental freedom ensured but better targeting of EU funds would aid worker mobility, Special Report 6/2018.

Specific Objective of the intervention	Operational Objectives	Point of comparison (situation prior to 2019)	Indicators (how progress is measured)
		the capacities of client services to operating across borders, and to provide holistic and personalised information on working and living conditions in other countries	
Facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections	OO3. Facilitate the cooperation and acceleration of exchange of information between Member States and support their effective compliance with cooperation obligations, including on information exchange OO4. Coordinate and support (at the request of one or more Member States, or by suggesting to the authorities of the Member States concerned) concerted or joint inspections in the areas within the Authority's competence OO5. Assess risks and carry out analyses regarding labour mobility and social security coordination across the EU OO6. Support Member States with capacity building aimed at promoting the consistent	Many national competent authorities lack the specialised knowledge to deal effectively with cross-border cases, e.g. due to issues with specialisation on cross-border cooperation and EU rules, as some Member States have dedicated staff working on cross-border issues, whereas others do not	Share of information exchanged within deadlines (Section 3.2.1.2 and Annex III.) Stakeholders' opinion on administrative burden related to information exchange (Section 4.1.1.2) Stakeholders' satisfaction with the timeliness and completeness of monitoring and statistical data (Sections 4.1.1.2 and 4.1.2.3) Stakeholders' satisfaction with the mutual learning assistance (Sections 4.1.1.1 and 4.1.1.2) Stakeholders' satisfaction with ELA's analysis and risk assessment activities (e.g. relevance of topics analysed, technical support, quality and value added of ELA's analysis) (Section 4.1.1.2) Number of cross-border inspections (in total, by sector and over time), at the request of Member States, suggested by ELA or resulting from cases submitted by national social partners (Section 3.2.1.2 and Annex III.) Total ELA budget spent on CJIs (Section 4.1.2.1, Annex III. and Annex V.)

Specific Objective of the intervention	Operational Objectives	Point of comparison (situation prior to 2019)	Indicators (how progress is measured)
	enforcement of EU law related to labour mobility across the EU		Stakeholders' views on benefits and limitations of CJIs (e.g. improved workers situation, collection of social security contributions, wider benefits of ELA support to all inspections, i.e. non-CJI) (Section 3.2.1.2) Cases on cross-border fines, notification of fines, recovered tax and social security contributions (Section 3.2.1.2 and Annex III.)
Mediate and facilitate a solution in cases of cross-border disputes between Member States	OO8. Facilitate a solution in the case of a dispute between two or more Member States regarding individual cases of application of EU law in areas covered by the Regulation	At EU level, a conciliation mechanism exists only in the social security coordination area. The dialogue and conciliation procedure aims at differing interpretations arising from the provisions of the Coordination Regulations. Decisions are not binding and some follow-up may be agreed upon.	Individual cases submitted to ELA/ Individual cases processed by ELA (Section 3.2.1.3 and Annex III.) Time needed to settle disputes (Section 3.2.1.3 and Annex III.) Number of implemented/respected opinions by the Member States party to disputes (Section 3.2.1.3 and Annex III.) Number of areas under ELA remit for which dispute settlement is used (Section 3.2.1.3 and Annex III.) Stakeholders' views on the role of the Authority in mediation (Section 4.1.1.3)
Support cooperation between Member States in tackling undeclared work	OO7. Tackle undeclared work and encourage cooperation between Member States through the European Platform to enhance cooperation in tackling undeclared work	The European Platform Tackling Undeclared Work was established in 2016, with the purpose of enhancing cooperation between Member States in fighting undeclared work. Nonetheless, the IA accompanying the proposal for the establishment of ELA carried out an assessment of existing agreements in the field of undeclared work in 2019. This found multiple barriers, such as the lack of cooperation and enforcement	Number of studies, toolkits and similar written outputs aiming to improve knowledge of undeclared work (Section 3.2.1.4 and Annex III.) Stakeholders' satisfaction with the quality of the informative materials, tools and events related to undeclared work (Section 4.1.1.4) Stakeholders' satisfaction with the level of cooperation between Working Group on Inspections and UDW Platform (Section 4.1.1.4)

Specific Objective of the intervention	Operational Objectives	Point of comparison (situation prior to 2019)	Indicators (how progress is measured)
		mechanisms, the volatility of political investment in cooperation, as well as technical barriers to the exchange of information (e.g. differing legal competences between the contracting authorities, languages, and data collection methods).	

Source: Elaboration of the contractor

3. How has the situation evolved during the evaluation period?

This section provides an overview of the state of implementation of the founding Regulation (EU) 2019/1149 of the European Labour Authority (ELA). It presents how the intervention has been implemented, what changed throughout the implementation period and the factors that caused these changes.

The presentation is structured across two levels; [1] first presenting the legal implementation of ELA (e.g. governance/management systems adopted and its financial management), and then the [2] practical implementation (e.g. activities undertaken and types of stakeholders impacted).

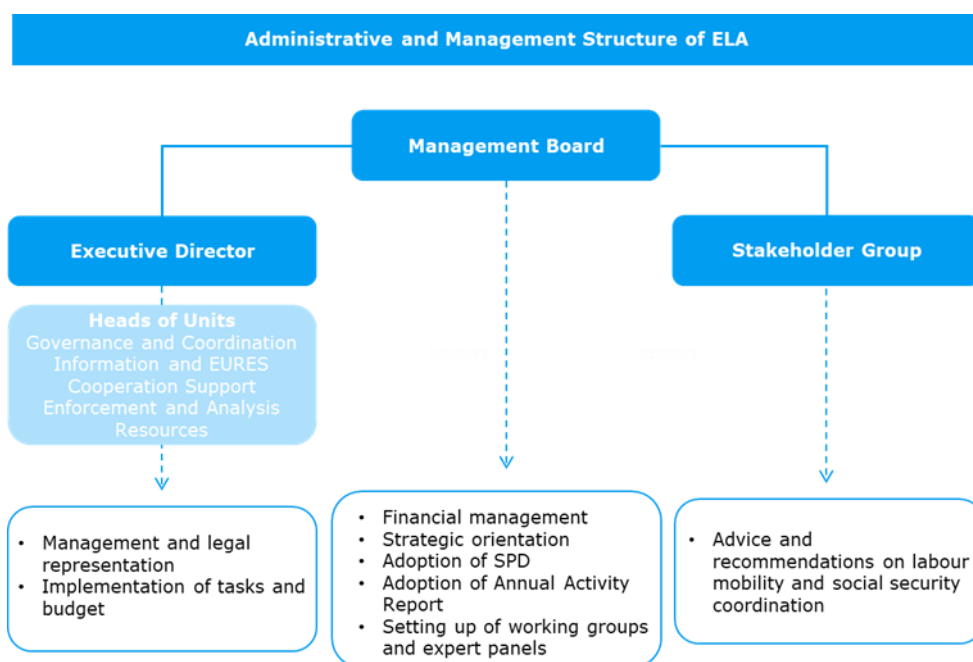
3.1. ELA's structure, governance and finances

3.1.1. ELA's organisational set up and governance model

ELA, based in Bratislava (Slovakia), employs 144 staff as of 31 December 2023²⁸ and adopted its first organisational structure in 2021.

The administrative and management structure of ELA consists of the **Management Board**, the **Executive Director** and a **Stakeholder Group**.

Figure 3. Administrative and management structure of ELA



Source: Elaboration of the contractor based on ELA's Founding Regulation

²⁸ SPD 2024-2026.

The **Management Board** is made up of one member from each Member State²⁹, two members representing the European Commission, an independent expert appointed by the European Parliament, and four members representing Union-level social partner organisations; only the Member State and the Commission representatives have the right to vote. To enhance the synergies between ELA and other agencies, a representative of Eurofound, EU-OSHA, Cedefop and ETF may be invited to take part in the Management Board meetings as observers.³⁰ A representative of each country applying Union law (but not being a Member of the Union) may also participate in the meetings as observers.³¹ The meetings are held at least twice a year, and when requested by its Chairperson, the Commission or at least one-third of its members.³² In addition to financial management, including adopting the annual budget and ELA's financial rules, the Management Board, *inter alia*, provides the Authority with strategic orientation, carries out assessments and adopts the Single Programming Document (SPD) and the consolidated annual activity report. It also adopts the communication and dissemination plans, sets up working groups and expert panels, and makes the decisions regarding the establishment of ELA's internal committees or other bodies.³³

The **Executive Director**, appointed by and accountable to the Management Board, is responsible for the management of ELA, ELA's legal representation and the implementation of ELA's tasks and the budget. Mr. Cosmin Boianiu assumed the role of ELA Executive Director on 16 December 2020, following his official appointment on 10 December 2020. The Executive Director has a mandate for five years which can be renewed once.³⁴

The **Stakeholder Group**, which was established to facilitate the consultation of relevant stakeholders and to make use of their expertise, has an advisory function within ELA and consists of two representatives of the European Commission and ten Union-level social partner representatives equally representing trade union and employers organisations, including recognised EU sectoral social partners representing sectors that are particularly concerned with labour mobility issues.³⁵ The members, who are designated by their organisations and appointed by the Management Board, give advice and make recommendations, and can submit opinions on the annual activity report and the single programming document, as well as on EU labour mobility related issues.³⁶ ELA has also set up a dedicated social partners liaison function internally to enhance engagement and outreach to a broader range of social partners.

In 2021, ELA adopted its first organisational structure: since March 2021, the internal structure of ELA is organised around five Units, each managed by a Head of Unit.

- the **Governance and Coordination Unit**, responsible for horizontal coordination, governance, external relations, compliance, programming and reporting, and communications;
- the **Information and EURES Unit**, responsible for access to information and the management of EURES;

²⁹ Plus an alternate member from each Member State.

³⁰ Founding Regulation, Art. 17.

³¹ <https://www.ela.europa.eu/en/management-board>

³² Founding Regulation, Art. 20.

³³ Founding Regulation, Art. 18.

³⁴ Consolidated Annual Activity Report 2021, p. 31. Available at: [*ela-consolidated-annual-activity-report-2021.pdf \(europa.eu\)](https://www.ela.europa.eu/ela-consolidated-annual-activity-report-2021.pdf)

³⁵ These include ETUC, the Austrian Trade Union Federation (ÖGB), the Free Trade Union Confederation of Latvia (LBAS), the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT), the European Federation of Building and Woodworkers (EFBWW), Business Europe, SME United, SGI Europe, the European Construction Industry Federation (FIEC), and Agoria.

³⁶ Consolidated Annual Activity Report 2021, p. 32.

- the **Cooperation Support Unit**, responsible for cooperation and exchange of information among EU member States, the mediation task and capacity building (capacity building is a horizontal task within ELA). Within this Unit there are the National Liaison Officers. Each Member State designates one National Liaison Officer to ELA as a seconded national expert and to contribute to ELA's tasks, including supporting and coordinating the inspections and facilitating the exchange of information. The National Liaison Officers also function as national contact points for their Member States to answer their questions directly or liaise with their national administrations;
- the **Enforcement and Analysis Unit**, responsible for facilitating the enforcement of EU legislation (through concerted and joint inspections and the Platform Tackling Undeclared Work), and carrying out analyses and risk assessment regarding labour mobility and social security coordination; and
- the **Resources Unit**, responsible for the provision of the resources necessary for the effective functioning of the Authority.

The organigram below presents ELA's organisational structure and the relationship between its tasks and Units. The organigram is in place since March 2021 and it was introduced to better foster an 'integrated, collaborative, action-oriented approach'.³⁷

³⁷ <https://www.ela.europa.eu/en/news/new-internal-structure-european-labour-authority>

Figure 4. ELA's Organigram³⁸



Source: ELA (2023). Single Programming Document 2023-2025

ELA provides for several fora for Member State to meet and discuss labour mobility. These include Mutual learning and understanding programmes (MLUPs) such as POSTING 360³⁹ and IMI-PROVE,⁴⁰ and working groups.

ELA, as per its Founding Regulation, has the option of establishing working groups to accomplish specific tasks or to address a particular policy area. Currently, following decisions of the Management Board, ELA has **four specialised working groups** consisting of experts from Member States, the European Commission, and social partners who contribute their

³⁸ From March 2021 to December 2023.

³⁹ The programme, launched in March 2023, aims to improve the exchange of information, enhance administrative cooperation and increase knowledge on EU and national rules on the posting of workers among relevant stakeholders. As part of this programme, ELA convenes the ELA Forum on the Posting of Workers twice a year. This forum brings together experts from the Commission, the Member States, the Administrative Commission, the European Parliament and the social partners to discuss the main challenges and find potential solutions. Source: <https://www.ela.europa.eu/en/activities/cooperation-between-member-states#posting360>.

⁴⁰ The programme, launched in June 2022, aims to promote a more robust and effective use of the Internal Market Information (IMI) system modules for the exchange of information on posting of workers and road transport. As part of this programme, capacity-building activities such as workshops, training and information sessions and peer-to-peer exchanges are organized together with the European Commission and the national authorities. Source: <https://www.ela.europa.eu/en/activities/cooperation-between-member-states#imi-prove>.

knowledge and experience on the relevant topics.⁴¹ Among these four groups, only one is permanent: the European Platform Tackling Undeclared Work, set up according to the Founding Regulation. The **European Platform Tackling Undeclared Work** consists of a senior representative appointed by each Member State, a representative of the Commission, and a maximum of four representatives of EU social partner organisations across sectors, encouraging Member States' cooperation by exchanging best practices and information, developing expertise and analysis, encouraging and facilitating innovative approaches to effective and efficient cross-border cooperation and contributing to a horizontal understanding of matters relating to undeclared work.⁴² The **Working Group on Information** is tasked with assisting in identifying the sources of online and offline information available to citizens and employers at EU and national level related to labour mobility, as well as analysing any related gaps, inconsistencies and necessary action on EU and national websites. The working group also provides recommendations to ELA regarding possible ways to support Member States in implementing ELA's activities related to information on labour mobility as stated in the Founding Regulation.⁴³ The **Working Group on Inspections** is tasked with providing expert opinions on the development of tools and methods for ELA's inspection-related operations, such as a practical model agreement for conducting inspections, templates for reporting on the inspections and their follow-ups. The Working Group on Inspections was also informed and consulted on the Key Performance Indicators (KPIs) relevant to CJIs. The indicators were adopted late in 2020⁴⁴ and include both quantitative indicators (e.g., Number of staff/organizations participating in CJIs, Total ELA budget spent on CJIs, etc.) and qualitative indicators (e.g., Perceived language barriers during CJI, Ease of the use of evidence in administrative or criminal proceedings resulting from CJIs, etc.), and cover both inputs, outputs and outcomes.⁴⁵ The Inspections Working Group also provides expertise in legal and practical aspects of organising and conducting concerted and joint labour inspections, and may be consulted on issues related to personal data protection resulting from the provisions of Regulations (EU) 2016/679 and 2018/1725.⁴⁶

The **Working Group on Mediation** aims to provide opinions on the development of tools and methods for ELA's mediation-related actions, provide expertise on legal and practical aspects related to organising and conducting mediation, and to share perspectives and highlight effective collaboration models and examples in mediation to enhance ELA's activities.⁴⁷

Given the start-up phase, the number of staff working at ELA grew significantly over the entire period, going from 9 in 2019 to 144 in 2023 (Figure 5).

⁴¹ <https://www.ela.europa.eu/en/what-we-do>

⁴² Founding Regulation, Art. 12.

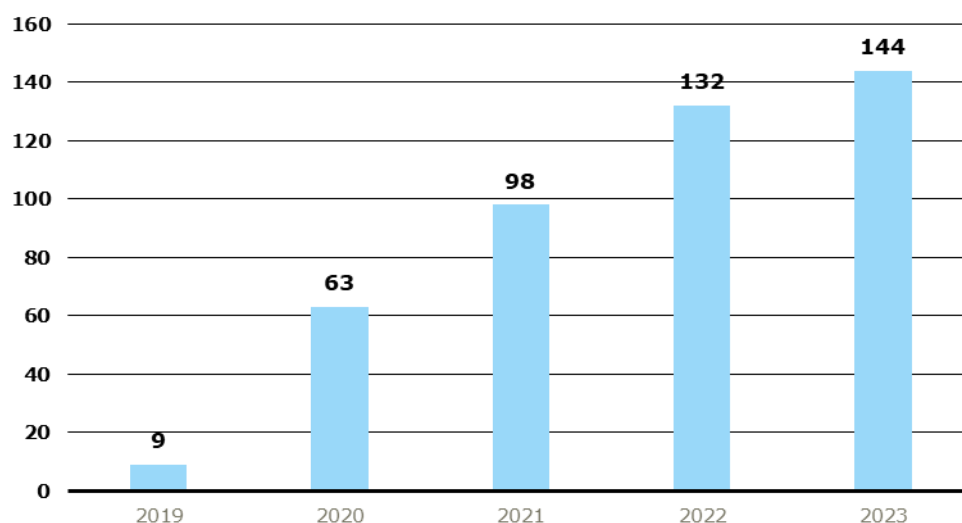
⁴³ Decision No 7/2019 of 3 December 2019 of the Management Board setting up the ELA Working Group on information, Art. 2(1-3).

⁴⁴ Fifth meeting of the European Labour Authority Working Group on Inspections 7 October 2020 - Summary of the deliberations.

⁴⁵ ELA (2021), Key Performance Indicators for concerted and joint inspections.
https://www.ela.europa.eu/sites/default/files/2021-02/Item08_List-of-ELA-KPIs.pdf.

⁴⁶ Decision No 8/2019 of 3 December 2019 of the Management Board setting up the ELA Working Group on inspections, Art. 2(1-4).

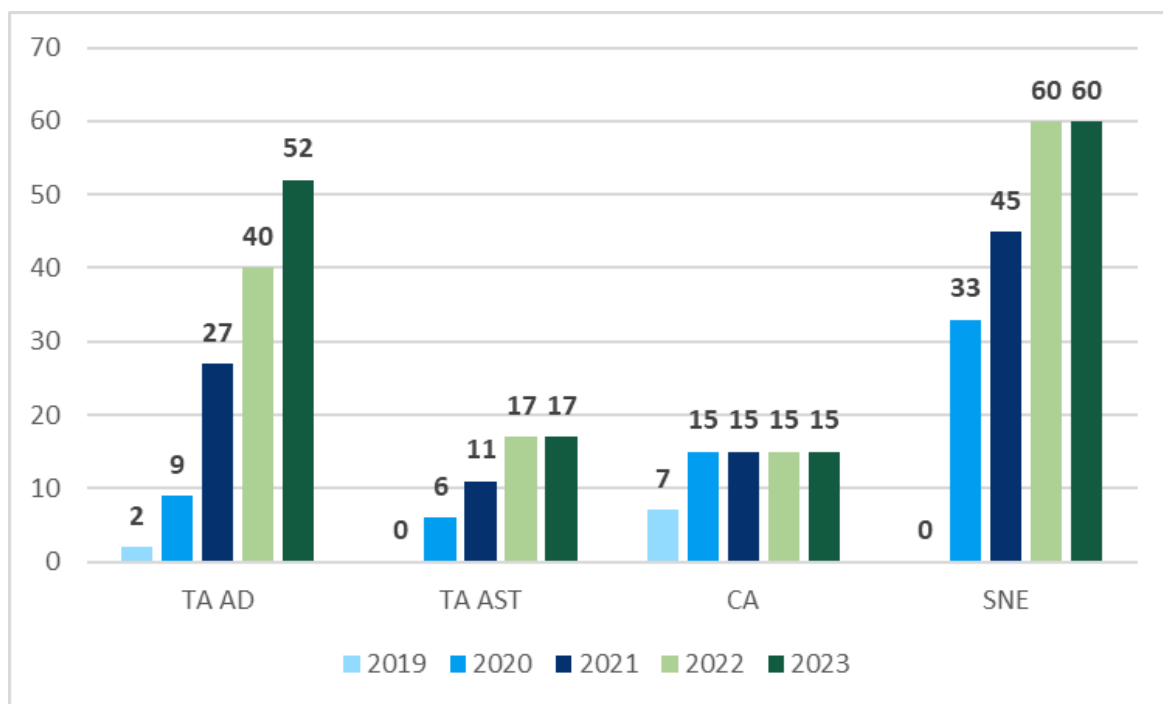
⁴⁷ Decision No 20/2020 of 15 December 2020 of the Management Board setting up the ELA Working Group on mediation, Art. 2(1-3).

Figure 5. ELA staff population, 2019-2023⁴⁸

Source: own elaboration based on ELA budgets.

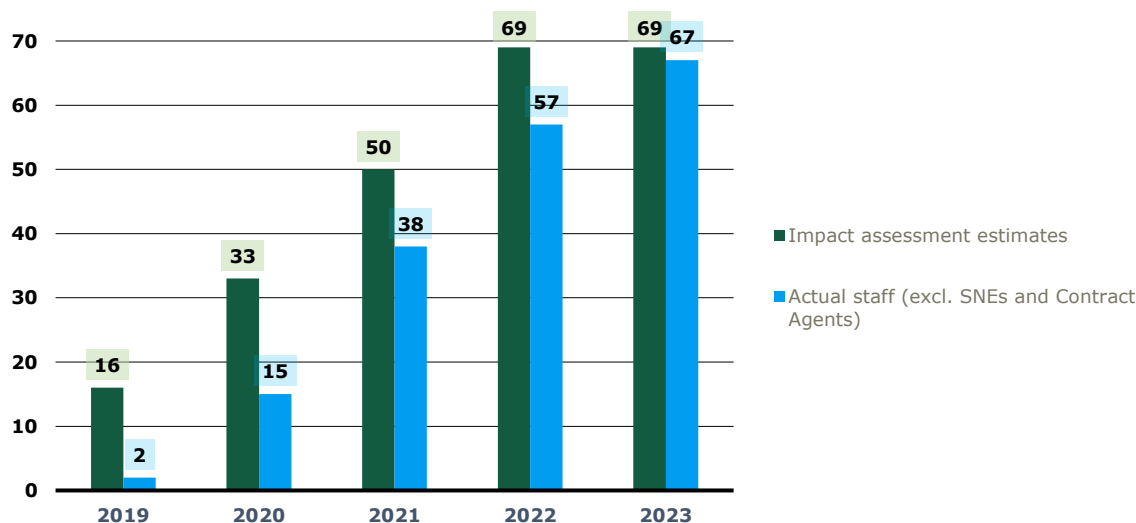
As shown in Figure 6, the number of Temporary Agents hired as administrators (TA AD) rose between 2019 and 2023, while the number of Temporary Agents hired as assistant (TA AST) grew more slowly and remained stable between 2022 and 2023. Contract Agents (CA) are also hired for a limited amount of time, to fill positions that are auxiliary in nature and do not require the same level of expertise or qualifications as those filled by Temporary agents. The number of Contract Agents grew between 2019 and 2020 and then remained stable until 2023, as per ELA's establishment plan which foresaw a maximum of 15 CA posts. Finally, Seconded National experts (SNEs) are public sector employees from their respective home countries, seconded to ELA for a predetermined duration. In 2022 and 2023, they were the biggest group within ELA.

⁴⁸ Indicator: Recruitment/turnover/establishment plans of the Authority. Operationalised questions: 1.10.1. 'Were the Authority's financial and human resources sufficient to enable them to do its work efficiently?'; 1.10.2. 'What working practices and procedures are in place? Were these appropriate?'; 1.10.3. 'Were there any differences over time? If so, what are good practices / lessons learned?'. Cfr. **Error! Reference source not found.**

Figure 6. ELA Staff composition, 2019-2023

Source: own elaboration based on ELA budgets.

As shown in the figure below, the impact assessment estimated a progressive growth in the established posts for ELA, up to 69 people employed in 2022 and 2023 (year in which ELA was expected to reach its 'cruising speed'). The impact assessment also foresaw the hiring of 60 SNEs and 15 contract agents (both targets have been reached by ELA, as shown in the figure above). The figure shows that ELA struggled (especially in 2019 and 2020) to have enough employed resources to kick-off its activities. Section 4.1.2.2 discusses the implications of this matter as well as the possible causes.

Figure 7. Comparison between impact assessment estimation of ELA staff needs and actual staff employed

Source: Contractor elaboration based on ELA's annual activity reports and impact assessment accompanying the Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority

ELA's first SPD shows that, in 2022 and until 2024, ELA planned on employing most Contract Agents and SNEs on facilitating the cooperation and acceleration of exchange of information between Member States and support their effective compliance with cooperation obligations, including on information exchange.⁴⁹ Between 2023 and 2025, ELA planned on keeping relying on SNEs primarily for the cooperation activity: in fact, this is consistent with the fact the NLO office with 27 NLOs (i.e. SNEs) sits in the Cooperation Unit. Additionally, it planned on relying uniquely on SNEs for liaising with social partners and for the facilitation of digital tools supporting labour mobility.⁵⁰ The plan between 2024 and 2026 is similar, but foresees a reduction in the total number of SNEs from 60 in 2023 to 55 in 2024. In fact, 5 SNE posts were turned in 5 Contract Agents in all units except for the Resources Unit.

3.1.2. ELA's financial management

The Executive Director presents to the Management Board the draft **annual single programming document** which contains multi-annual and annual programming, and which the Management Board adopts by 30 November each year for the year n+2. The single programming document is forwarded to the European Parliament, the Council and the Commission by 31 January of the following year, and its final version is adopted following the final adoption of the general EU budget. The annual work programme presents the objectives and expected results including performance indicators, as well as the actions to be financed and indicates the allocated financial and human resources per each action.⁵¹

Prior to ELA becoming financially autonomous in May 2021, the Commission was responsible for its initial operations. In 2019, **ELA's budget from the general budget of the Union was EUR 2 124 660**, of which DG EMPL committed approximately 89% and paid 15%. In 2020, all of ELA's activities were funded exclusively through DG EMPL and it had a **budget of EUR 12 577 525**.

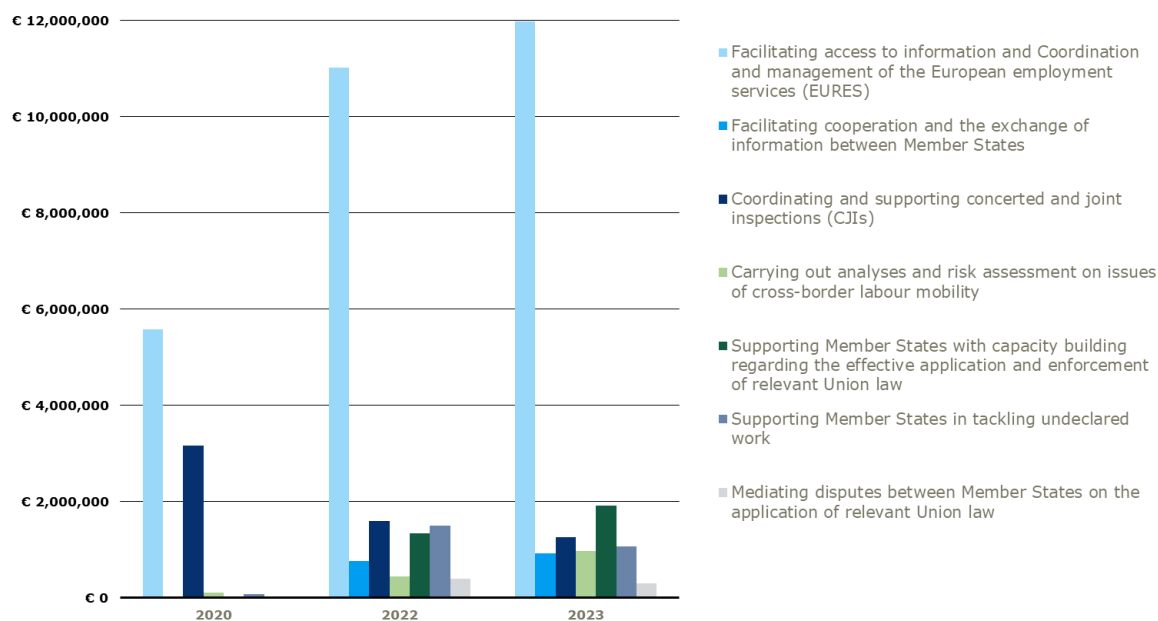
⁴⁹ SPD 2022-2024.

⁵⁰ SPD 2023-2025.

⁵¹ Founding Regulation, Art. 24.

The analysis of ELA's financial data allows (for years 2020, 2022 and 2023)⁵² to break down the Authority's financial resources according to activities. '*Mediating disputes between Member States on the application of relevant Union law*' is the activity that has received the lowest amount of financial resources in both 2022 and 2023 (see figure below):

Figure 8. Financial resources allocated to different activities (2020, 2022, 2023)



Source: Own elaboration based on ELA budgets. Data for 2019 are not available; data for 2023 refer to Commitment Appropriation Expenditure as amended by Decision No 2/2023 of 15 February 2023 of the Management Board on the Amending budget 2023

Table 3 shows the **evolution of budget and commitments between 2019 and 2023**. According to the impact assessment of ELA⁵³, cruising speed was expected to be reached in 2023 (i.e. after a five-year phasing period), based on the evolution of other newly established agencies such as EUAA⁵⁴ and EBA. ELA's annual activity report 2022 stated, that **ELA will reach full operational capacity 'by 2024 at the latest'**. The expected budget at cruising speed was expected to be EUR 54 million in the impact assessment: as shown in Table 3, the 2023 ELA's budget (EUR 40 million) is considerably lower⁵⁵ than the one envisaged in the impact assessment⁵⁶. The main difference between the impact assessment's expected budget and the actual ELA's budget in 2023 lied in the fact that the **impact assessment forecasted a much higher budget for operational tasks, compared to the actual operational budget**:

⁵² Reporting categories are not consistent throughout the period covered. For example, in 2021, figures are not reported by activity. Therefore, the graph displays ELA's financial resources only for 2020, 2022 and 2023.

⁵³ The impact assessment was done on the proposal for the ELA regulation, not on the final regulation itself. There could therefore be some differences that originate already from other choices made between the proposal and the final text of the Regulation. Nevertheless, as there is no impact assessment done on the Regulation, we need to use the impact assessment as is. Also, a comparison between tasks mentioned in the proposal of the Regulation and in the final text of the Regulation shows no significant differences that would suggest a completely different division of the budget.

⁵⁴ Formerly EASO.

⁵⁵ Notably, at the time of the impact assessment, the location of ELA's headquarters was not established. To an extent, lower budget is also due to lower wages (in Bratislava) compared to Brussels' wages, which were part of the estimates in the impact assessment.

⁵⁶ Since the budget for 2023 amounts to EUR 40 million, our assumption is that it is hard to expect that the budget for 2024 would be increased by EUR 14 million to reach the impact assessment estimate (EUR 54 million).

this aspect will be further elaborated in the following sections. Furthermore, the staff costs were expected to be higher. For 2024, the expected budget amounted to EUR 48 million.⁵⁷

While the following paragraphs will present a comparison between the expected budgetary evolution indicated in the impact assessment and the actual budget evolution of ELA between 2019 and 2023, the evidence analysed in this evaluation suggested that ELA did not fully reach its cruising speed yet. Section 5.2.2 provides further details, based on the evaluation findings (Section 4) and on the data on ELA's activities (Section 3.2) and on the financials (Section 3.1).

⁵⁷ SPD 2024-2026.

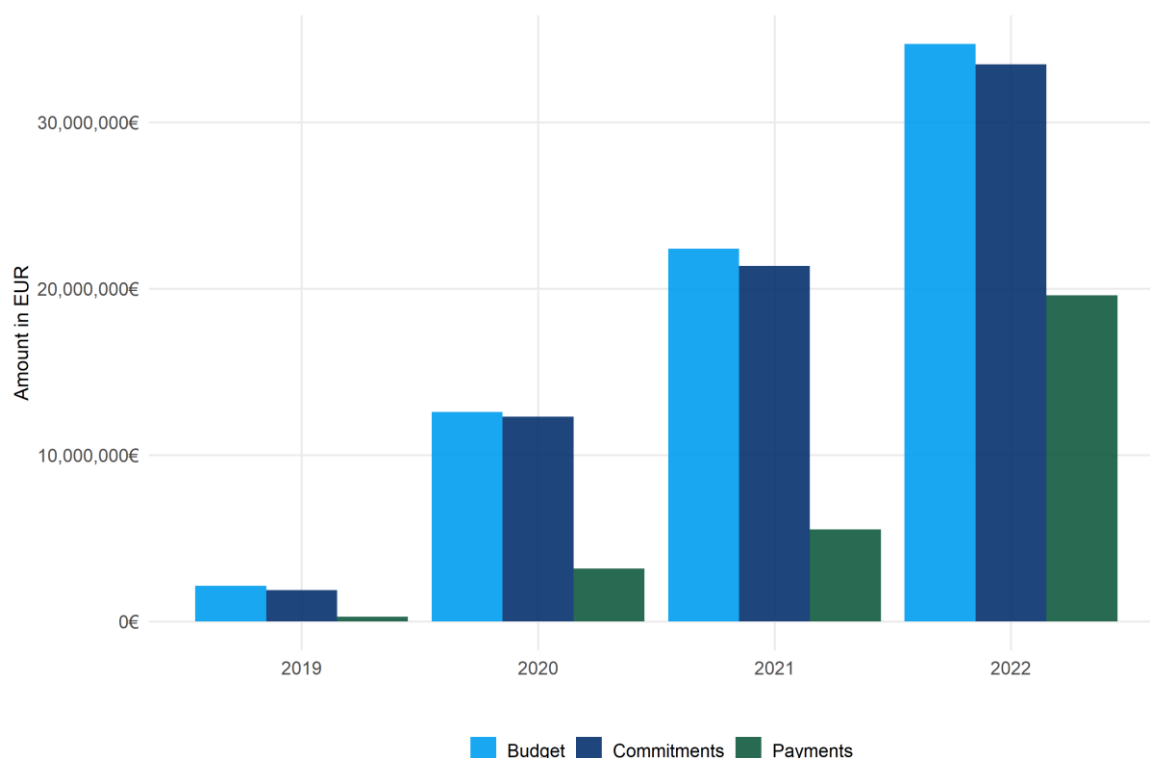
Table 3. Budget, commitments and payments ELA 2019-2023 (amounts in EUR million)

2019					2020				2021 ^a				2022				2023
	Budget	Comm.	% comm.	% Paid	Budget	Comm.	% comm.	% Paid	Budget	Comm.	% comm.	% Paid	Budget	Comm.	% comm.	% Paid	Budget
Staff	€ 0.43	€ 0.35	82%	41%	€ 3.10	€ 3.07	99%	71%	€ 6.70	€ 6.46	96%	61%	€ 11.75	€ 11.15	95%	82%	€ 13.92
Administrative	€ 0.99	€ 0.99	100%	14%	€ 3.39	€ 3.25	96%	23%	€ 3.00	€ 2.75	92%	37%	€ 4.48	€ 4.27	95%	20%	€ 5.62
Operational	€ 0.57	€ 0.54	94%	0%	€ 6.09	€ 5.99	98%	4%	€ 12.68	€ 12.16	96%	5%	€ 18.45	€ 18.06	98%	53%	€ 20.44
Total	€ 2.12	€ 1.88	89%	15%	€ 12.58	€ 12.31	98%	26%	€ 22.38	€ 21.36	95%	26%	€ 34.69	€ 33.48	97%	59%	€ 39.97

^{a)} This refers to the budget excluding the part that was implemented by the Commission. The % paid refers to the share of payment relative to the commitments.

Source: ELA Budget 2019-2023, ELA Annual Accounts 2021 and 2022, ELA Annual Activity Reports 2019-2022.

Figure 9 provides further details on the evolution of the commitments and payments during the evaluation period.

Figure 9. Evolution of ELA's budget, commitments and payments

The impact assessment also contains a year-by-year indication for the evolution of the budget, which can help to assess the budgetary evolution of ELA: *'cruising speed is expected to be reached in 2023, after a phasing in pattern 10% - 20% - 60% - 80% - 100% from 2019 on'*⁵⁸. Taking the EUR 40 million as the budget at cruising speed, we see that the pattern of budget evolution looks as follows: 5% - 31% - 61% - 87% - 100%. **The pattern is quite similar to what was expected, with slightly less budget in the first year, but somewhat more budget in the second year.** This is explained by the fact that the first year of ELA only had roughly 5 months of operation as it entered into force on 31 July 2019.

3.1.2.1. Commitments

The absorption rate of the budget (committed amount divided by the budget) was higher than 95% in all years except for 2019. In the first year of ELA, the absorption rate was at 89% and the budget was fully implemented by the European Commission on behalf of ELA. Looking at other agencies, we see that in the past five years the minimum rate in a given year was 97%. This includes agencies that are established more recently such as EBA (2011) and EPPO (2021). Agencies that exist for much longer such as Eurofound and Cedefop consistently report a commitment rate of almost 100% in the previous years.

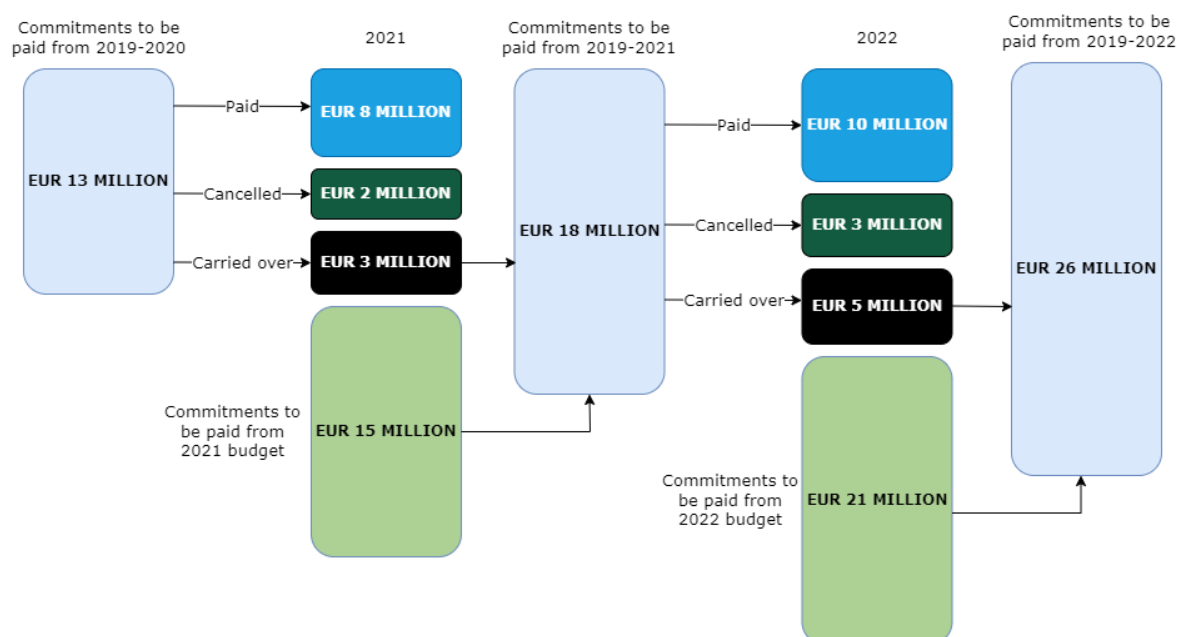
3.1.2.2. Payments

Although the share of committed resources was quite high, the **share of payment appropriations was quite low. Before 2022, in a given year not more than 26% of all the committed amounts of that year have been paid.** Some of these committed amounts were eventually cancelled, for example because of delays on staff recruitments due to COVID-19. Much of the committed budget was, however, carried over to the next year (Figure 10). **As the payments were quite low in the first three years of ELA, at the end**

⁵⁸ EC, 2018. Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority.

of 2022 there was a total amount of EUR 26 million of commitments which is needed to be paid in upcoming years.

Figure 10. Evolution of ELA's outstanding payments



Carrying over commitments is not unique to ELA, and especially in the start-up phase of such an Authority it is not unusual that the share of payments is lower. However, when comparing with other recently established agencies such as EPPO and EBA, it can be observed that these two agencies report higher payment shares in the first years. For example, the share of payments stood at around 50% for EBA in 2011 and 2012 (the first two years of this agency). This points towards the observation that **ELA encountered difficulties in actually executing the committed resources**. As already mentioned, some external factors such as the COVID-19 crisis definitely hindered ELA in the start-up phase. It can also be noted that it is **mainly on the operational side that ELA experienced really low payment rates** in the first three years (<5%).

The European Court of Auditors highlighted that a high share of carry-overs signals structural issues in the budget process and in the implementation cycle⁵⁹. ELA responded by stating that the high share of carry-overs on operational expenditure came from high uncertainty related to the EURES portal, which should be improved following the adoption of the EURES portal strategy 2023-2030. The difficulties regarding payments were also echoed in the interviews with ELA management: ELA swiftly received a full allocation of resources, as if it was already a fully operational organisation, resulting in commitments that were not fulfilled and deferred to subsequent years. The proportion of actual payments was consequently low.

Moreover, during the transition from the Commission to ELA a challenge also arose related to the inheritance by ELA of certain approaches from the Commission, particularly in the context of framework contracts used for procuring services. Some of these contracts were not tailored to ELA's specific needs, given its smaller organisational size compared to DG EMPL: ELA faced difficulties in adapting these processes to its own needs, although the Commission offered its support to ensure business continuity. Furthermore, ELA adopted the Commission's approach in handling payments and commitments, which was not aligned

⁵⁹ European Court of Auditors, Annual report on EU agencies for the financial year 2022, p.170. Luxembourg: Publications Office of the European Union, 2023.

with the organisation's requirements. In fact, given ELA's few human resources responsible for administrative tasks, the admin burden resulting from handling numerous small payments could potentially be reduced by trying to consolidate the timeframe of these payments for greater efficiency.

3.1.2.3. Budget categories and benchmarking

Table 4 contains ELA's budget allocation over different categories, namely staff costs, administrative costs and operational costs. As a benchmark, the budget allocation of five other agencies (Eurofound, Cedefop, EU-OSHA, EBA and EPPO) was computed. Eurofound, Cedefop and EU-OSHA were chosen because they also have DG EMPL as Partner-DG, they are thematically quite close to the operations of ELA and (some of the) activities carried out are complementary between these organisations. These agencies all perform analytical activities, such as employment and labour market research at both Eurofound and Cedefop, policy analysis and system wide progress monitoring at ETF, and risk assessments by EU-OSHA. Furthermore, all agencies are involved in communication activities and providing information to Member States. There are more similarities between individual agencies, for example the 'National Focal Points' at EU-OSHA, which has similarities with the National Liaison Officers at ELA. The drawback of comparing with these agencies is that they were established well before ELA.

Therefore, two agencies which were established more recently (EBA and EPPO) were also looked at. The comparisons are used to show differences between the agencies and try to explain where these differences originate.

Table 4. Division of budget over different categories (ELA and other agencies, 2019-2023)

Organisation	Year	Staff costs	Administrative costs	Operational costs
ELA	2019	20%	53%	27%
	2020	28%	23%	48%
	2021	36%	6%	58%
	2022	37%	11%	52%
	2023	35%	14%	51%
Impact assessment	-	33%	11%	55%
Eurofound	2019	64%	8%	28%
	2020	63%	8%	29%
	2021	66%	8%	26%
	2022	69%	7%	24%
	2023	67%	7%	26%
Cedefop	2019	60%	9%	31%
	2020	58%	10%	31%
	2021	61%	10%	29%
	2022	65%	11%	25%
	2023	65%	10%	25%
EU-OSHA	2019	40%	9%	51%
	2020	42%	10%	48%
	2021	42%	10%	48%

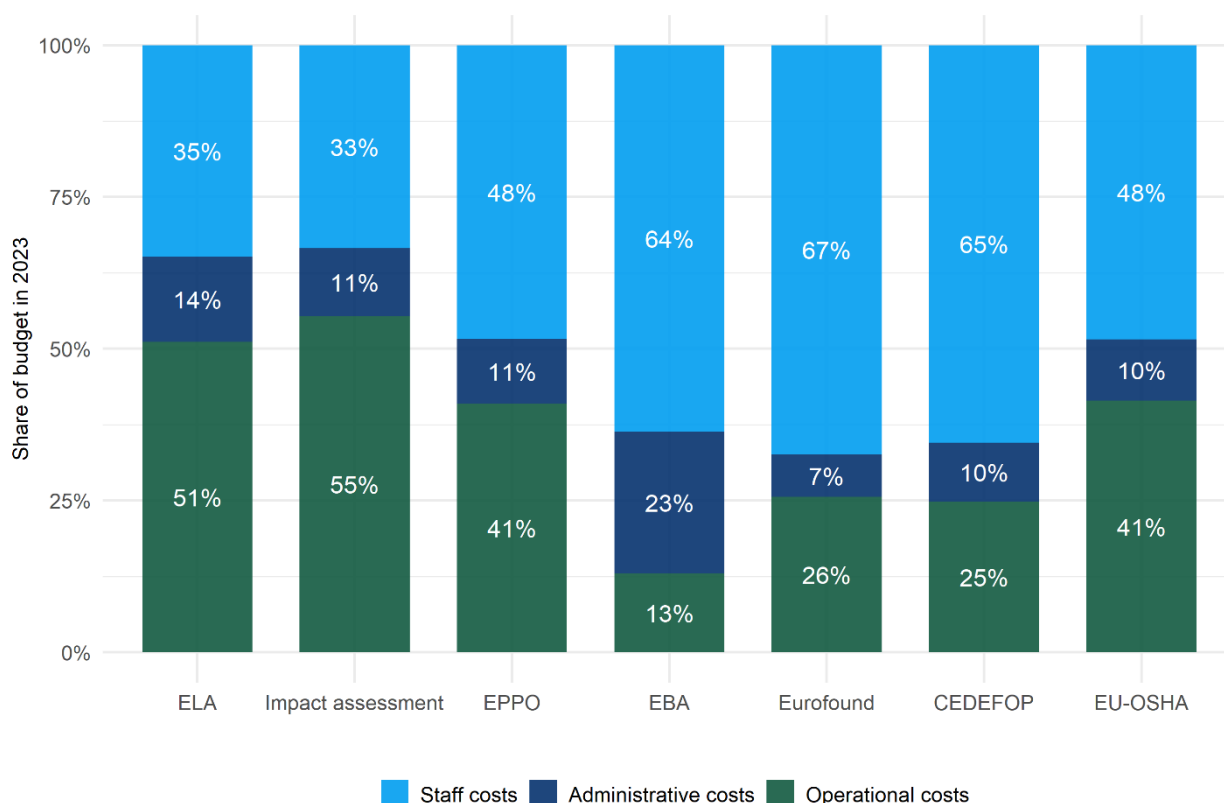
Organisation	Year	Staff costs	Administrative costs	Operational costs
	2022	46%	10%	45%
	2023	48%	10%	41%
EBA	2019	70%	16%	14%
	2020	60%	30%	9%
	2021	58%	24%	18%
	2022	55%	24%	21%
	2023	64%	23%	13%
EPPO	2021	34%	16%	50%
	2022	41%	18%	41%
	2023	48%	11%	41%

In the last two years an **increase in the share of the budget allocated to administrative costs⁶⁰** can be observed (Table 4). In 2023, the share of administrative costs was higher than what was expected in the impact assessment and also higher than that of other agencies (except for EBA, but this agency has a very different (cost) structure).

ELA's **administrative costs** were also **relatively high in the first two years, when compared to other recently established agencies** (Table 4). However, it should be noted that the Authority was formally established on 31 July 2019, giving it only five operational months in 2019, and that it only gained financial autonomy in 2021. Furthermore, in 2020 the share of administrative costs was higher in the amended budget (compared to the initial budget), due to a decrease in staff and operational costs. The 2020 Annual Activity Report states that staff costs were decreased mainly because of delays of staff recruitment due to COVID-19, while the operational costs were lower due to the switch from on-site to online meetings of the Working Groups on Information and Inspections, and because many joint inspections could not take place due to restrictions to international travel.

Overall, ELA allocates a quite **small share of the budget to staff**, and quite a **high share of the budget to operational costs** (see Figure 11 below), compared to other agencies. For example, in 2023, the staff costs entail 35% of ELA's budget, while for Eurofound and Cedefop they were at around 65% and at around 50% for EU-OSHA (Table 4). This is however in line with what was expected in the impact assessment (~33% staff costs). As discussed during interviews with ELA staff, the Authority was set up as a 'lean' organisation, where a lot of work is done via external contracting (e.g. external IT consultants).

⁶⁰ The three cost categories displayed in the table are taken from the Annual Accounts of ELA and are widely used in many EU Agencies, making comparisons with other agencies possible. **Staff costs** entail all costs related to staff including salaries and allowances, travel and mission expenses and installation and resettlement allowances. **Administrative costs** entail all infrastructure and operating expenditures such as the office rent, IT hardware and software, cleaning services, insurances, internal and external communication and organisation of the Management Board and Stakeholder Group. **Operational costs** are all costs directly associated with the operational activities of ELA, excluding the direct staff costs.

Figure 11. Budget allocation over different categories of costs (%) - ELA and other agencies (2023)

Source: Activity reports of ELA, Eurofound, Cedefop, EU-OSHA, EBA and EPPO. Impact assessment ELA

3.2. Practical implementation

3.2.1. ELA's activities by specific objective

The SPD 2022-2024 presented ELA's activities around three pillars: Enforcement, Cooperation, and Information.⁶¹ The interlinkages between the activities, the pillars, and the specific objectives (as per the intervention logic, Figure 2) are outlined in Table 5, and the structure of this section will mirror that table. Thus, the sub-sections below will outline ELA's main outputs in relation to each of the activities contributing to the relevant specific objective, since ELA's establishment until the end of Q2 2023. For the full overview, please refer to Annex III.

⁶¹ ELA, SPD 2022-2024.

Table 5. ELA's activities by specific objective and pillar

Specific Objective	Activity	Pillar
SO1: Facilitate access to information on rights and obligations with regard to labour mobility across the Union and relevant services	Improving the availability, quality and accessibility of information offered to individuals, employers and social partner organisations regarding rights and obligations to facilitate labour mobility across the EU	III - Information
	Managing the EURES network to support Member States in providing services to individuals and employers	III - Information
	Supporting Member States with capacity building aimed at promoting the consistent enforcement of EU law related to labour mobility across the EU	II - Cooperation
	Facilitating the cooperation and acceleration of exchange of information between Member States and supporting their effective compliance with cooperation obligations, including on information exchange	II - Cooperation
SO2: Facilitate and enhance cooperation between Member States in enforcing relevant Union law, such as facilitating concerted and joint inspections	Coordinating and supporting (at the request of one or more Member States, or by suggesting to the authorities of the Member States concerned) concerted or joint inspections in the areas within the Authority's competence	I - Enforcement
	Assessing risks and carrying out analyses regarding labour mobility and social security coordination across the EU	I - Enforcement
	Supporting Member States with capacity building aimed at promoting the consistent enforcement of EU law related to labour mobility across the EU	II - Cooperation
SO3: Mediate and facilitate a solution in cases of cross-border disputes between Member States	Facilitating a solution in the case of a dispute between two or more Member States regarding individual cases of application of EU law in areas covered by the Regulation	II - Cooperation
SO4: Support cooperation between Member States in tackling undeclared work	Tackling undeclared work and encouraging cooperation between Member States through the European Platform to enhance cooperation in tackling undeclared work	I - Enforcement

3.2.1.1. SO1: Facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services

Improving the availability, quality and accessibility of information offered to individuals, employers and social partner organisations regarding rights and obligations to facilitate labour mobility across the EU⁶²

Mandated by Article 5 of the founding Regulation, this activity was given priority from the outset as it laid the groundwork for the other activities within the mandate.⁶³ Building on the mapping and needs assessment exercise carried out by the Working Group on Information (set up by ELA in 2019),⁶⁴ ELA organised, throughout the years and since 2021, an increasing number of support actions⁶⁵ for specific sectors. In 2021, the focus was on seasonal work in agriculture.⁶⁶ In 2022, while additional information tools and services continued being developed on seasonal work, ELA's support actions mainly focused on road transport, and subsequently, in 2023, on the construction sector. In total, 38 support actions took place.⁶⁷ In addition, ELA launched, in 2020, a Translation Facility. In the period 2020-2023 (up to Q2) roughly 600 documents have been translated, thereby providing support to at least 21 Member States. During the first two years, most documents related to the posting of workers, while in 2022 the topic of the free movement of workers and in the first half of 2023, social security were the most important topics.⁶⁸ Finally, ELA run 4 information campaigns (#EU4FairWork on undeclared work in 2020⁶⁹, #Rights4AllSeasons on seasonal work in 2021, #Road2FairTransport on the road transport sector and #StandWithUkraine: Work in the EU⁷⁰ in 2022), and started working on a new one on the construction sector at the beginning of 2023.⁷¹

Managing the EURES network to support Member States in providing services to individuals and employers⁷²

This activity was mandated by Article 6 of the founding Regulation. In the second quarter of 2021, ELA was tasked to manage the EURES European Coordination, and became the

⁶² See Figure 2, Operational Objective 1,

⁶³ Work Programme 2020, p. 6: 'Facilitating access to information on labour mobility is seen as a priority task of the Authority to bring important added value as soon as possible, and to provide a basis for other tasks.'

⁶⁴ Decision No 7/2019 of 3 December 2019 of the Management Board setting up the ELA Working Group on information.

⁶⁵ Support actions were understood to include workshops, roadshows, good practices, leaflets, development of key campaign messages, mutual learning workshops and WG meetings.

⁶⁶ The scope of ELA's work covering seasonal workers is intrinsically connected to the Seasonal Workers Directive (Directive 2014/36/EU). The Directive primarily aims to define the conditions of entry and stay for third-country nationals working as seasonal workers in the EU, to establish their rights, and to prevent exploitation and the risks associated with seasonal work. ELA's role in this context is to ensure proper enforcement of the Directive across EU Member States, provide guidance, and improve cooperation between national authorities.

⁶⁷ Indicator: Number of support actions for information to employers and workers in specific sectors, including road transport. Operationalised question: 1.1.2. 'To what extent did the Authority facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to other relevant services?' (**Error! Reference source not found.**). Source: Consolidated Annual Activity Reports and event agendas and/or meetings provided by the client.

⁶⁸ Indicator: Number of translation requests processed. Operationalised question: 1.1.2. 'To what extent did the Authority facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to other relevant services?' (**Error! Reference source not found.**). Source: ELA Translation figures statistical sheets (extract from the monitoring register) provided by the client (2023).

⁶⁹ This campaign was co-led by ELA jointly with the European Platform tackling undeclared work.

⁷⁰ <https://www.ela.europa.eu/en/media/1080>

⁷¹ Indicator: Number of information campaigns. Operationalized question: 1.1.2. 'To what extent did the Authority facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to other relevant services?' (**Error! Reference source not found.**). Source: Consolidated Annual Activity Reports and event agendas and/or meetings provided by the client.

⁷² See Figure 2, Operational Objective 2.

system owner of the EURES IT portal.⁷³ In 2022, ELA delivered over 69 training activities assisting staff operating in the organisations participating in the EURES network.⁷⁴ Since 2020 and until the end of 2023, ELA financed 126 European Online Job Days events⁷⁵, reaching per year up to 45 000 jobseekers and nearly 2 000 employers.⁷⁶ Finally, ELA organised three EURES campaigns during the evaluation period – #Rights4AllSeasons in 2021, #EURES4Youth in 2022 and a campaign on the Talent Pool Pilot initiative in the same year.⁷⁷

By the end of 2022, and compared to the end of 2021⁷⁸:

- **the number of registrations of jobseekers via self-service on the EURES Portal had dropped by 76%** (from 62 950 to 14 685). ELA identified the introduction of the more secure EU Login double authentication requirements in January 2022 as a possible explanation for this change. By late 2023, a voluntary return to a 1-Factor Authentication system was being considered.⁷⁹
- **the number of CVs transferred by the NCOs through the single coordinated channel to the EURES Portal⁸⁰ had increased by 84%** (from 682 625 to 1 254 093).⁸¹
- **the number of employers registered on the portal had decreased by around 18%** (from 6 973 to 5 733),⁸² possibly as a consequence of the introduction of the two factor authentication mentioned above.
- **the number of unique visitors had decreased by around 8%** (from 3.7 million to 3.4 million).

⁷³ The European Commission continues to play a role in the EURES network as legislation, reporting, evaluation, and grant management remain its responsibility.

⁷⁴ Consolidated Annual Activity report 2022.

⁷⁵ Data provided by the EEA in August 2024.

⁷⁶ Indicator: Number of European Job Days events organised (after 2021). Operationalised question: 1.1.3. 'To what extent did the Authority promote the further implementation of the provisions of the EURES Regulation? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?' (**Error! Reference source not found.**). Source: Contractor's elaboration based on the E(O)JD Reports 2021, 2023, Annual Activity Report 2022.

⁷⁷ Indicator: Number of EURES campaigns (after 2021). Operationalised question: 1.1.3. 'To what extent did the Authority promote the further implementation of the provisions of the EURES Regulation? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?' (Annex II. Evaluation matrix.). Source: ELA's official website and CAAR 2022.

⁷⁸ For some years (e.g. in most cases, 2023, data are not yet available).

⁷⁹ EURES annual PMS reports 2021-2022.

⁸⁰ The single coordinated channel is a system set up by EURES countries for the transfer of CVs and job vacancies. The EURES Regulation requires all EURES Members and Partners to transfer their publicly available job vacancies and CVs to the EURES Portal and exchange apprenticeship and traineeship data, and the data exchanges must take place through the single coordinated channel. Source: Legal provisions of COM(2021)46 - EURES activity July 2018 - June 2020 Submitted pursuant to Article 33 of Regulation (EU) 2016/589.

⁸¹ Indicator: Number of jobseeker profiles registered on the EURES Portal (after 2021). Operationalised question: 1.1.3. 'To what extent did the Authority promote the further implementation of the provisions of the EURES Regulation? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?' (**Error! Reference source not found.**). Source: EURES annual PMS reports 2021-2022.

⁸² Indicator: Number of employers registered on the EURES Portal (after 2021). Operationalised question: 1.1.3. 'To what extent did the Authority promote the further implementation of the provisions of the EURES Regulation? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?' (**Error! Reference source not found.**). Source: EURES annual PMS reports 2021-2022. It should be noted that significant discrepancies were found in the reported numbers for 2022 on the CAARs.

- the **number of job vacancies had increased** from 9 455 423 to 30 230 908. **This number hides great variation across countries likely due to different practices in transferring registrations to EURES.**⁸³
- the **number of jobseekers who appeared to have found a job in a different country with the help of EURES had decreased** from 28 748 to 22 554. No explanations for this decrease were found in the relevant ELA monitoring documents, however ELA noted that the numbers may not fully reflect the countries' efforts to inform EURES of all their placements: this is because national networks did not have methodologies in place nor resources available to monitor their contribution to a placement made in a more consistent manner.⁸⁴ Furthermore, since ELA started managing ECO, the general placement report via EURES that was done by the European Commission, was discontinued, hence there is no estimation on the number of placements ensured via the EURES Portal.

Partial data for 2023 (until Q2) is presented in Annex III.

3.2.1.2. SO2: Facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections

Facilitating the cooperation and acceleration of exchange of information between Member States and supporting their effective compliance with cooperation obligations, including on information exchange⁸⁵

This activity, mandated by Article 7 of the founding Regulation, specifies that ELA shall upon request assist Member States in identifying relevant contact points in other Member States. Additionally, ELA facilitates the follow-up of requests and exchange of information between national authorities by providing logistical and technical support, promotes the dissemination of best practices among Member States, facilitates cross-border enforcement procedures related to penalties and fines within the regulation's scope when requested, and reports unresolved requests between Member States to the Commission twice a year, while considering mediation referral when necessary. For this activity, ELA relies heavily on National Liaison Officers (NLOs), which act as national contact points for questions from their Member States. NLOs either answer questions directly or liaise with other NLOs. The number of requests referred to ELA to facilitate cooperation and exchange of information as part of this activity grew rapidly (Figure 12). Between 2020 and 2022, most requests concerned social security coordination and the posting of workers, and, to a lesser extent,

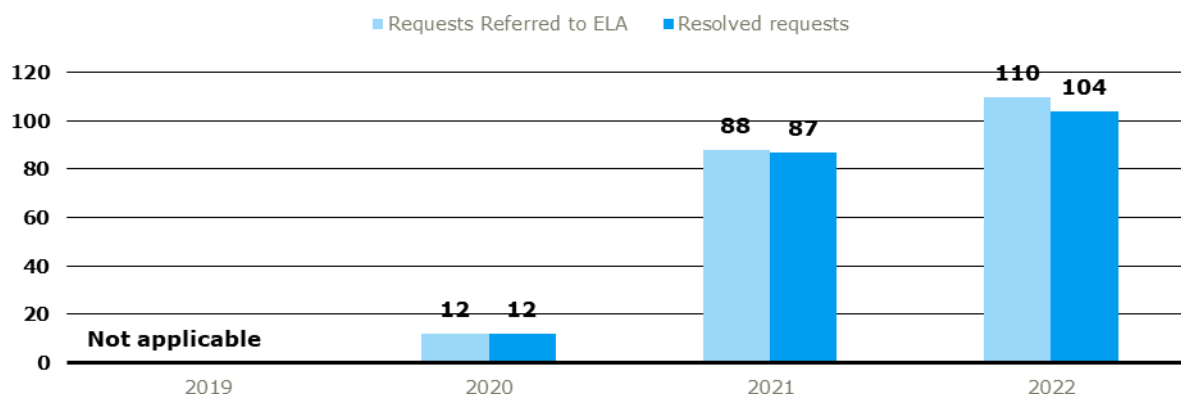
⁸³ Indicator: Number of job vacancies on EURES Portal (after 2021). Operationalised question: 1.1.3. 'To what extent did the Authority promote the further implementation of the provisions of the EURES Regulation? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?' (**Error! Reference source not found.**). Source: data provided by the client.

⁸⁴ Indicator: Number of persons who found a job in another country with the help of EURES. Operationalised question: 1.1.3. 'To what extent did the Authority promote the further implementation of the provisions of the EURES Regulation? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?' (**Error! Reference source not found.**). Source: contractor's own elaboration based on EURES Performance Measurement System Annual Reports (2021, 2022).

⁸⁵ See Figure 2, Operational Objective 3.

road transport and the free movement of workers.⁸⁶ In the same period, the average number of days to solve requests varied between 32 and 42 days.⁸⁷

Figure 12. Number of requests for information by Member States on the effective application of Union acts with regards to cooperation (2019-2022)⁸⁸



Source: Own elaboration based on the Report to the European Commission about Unresolved Requests between Member States (2023). No baseline data available.

As part of this activity, NLOs began, in 2022, to organise national events – eight of them took place during that year⁸⁹ – and supported five cooperation support events⁹⁰ between seven Member States. Additionally, Mutual Learning and Understanding Programmes (MLUP) were set up by ELA. One MLUP promoted the use of the IMI system and focused on modules in the areas of posting of workers and road transport (IMI-PROVE),⁹¹ while a second one focused on cooperation among all stakeholders involved in the application of EU labour mobility law related to posting of workers (POSTING 360).⁹² A third MLUP focuses on the transport sector, mainly the social aspects of road transport (TRANSPORT SUPPORT). Finally, reports further contributed to this activity. In the first half of 2023, ELA published two reports related to cooperation, one focusing on posting of TCNs, and one on enforcement in road transport.⁹³

⁸⁶ Indicator: Number of requests for information by Member States on the effective application of Union acts with regards to cooperation. Operationalised question: 1.1.7. 'To what extent ELA's task related to cooperation and facilitation of exchange of information between Member States was effective?' (**Error! Reference source not found.**). Source: own elaboration based on the Report to the European Commission about Unresolved Requests between Member States (2023). Data for 2023 refer to Q1 and Q2. No baseline data available.

⁸⁷ Indicator: Share of information exchanged within deadlines. Operationalised question: 1.1.7. 'To what extent ELA's task related to cooperation and facilitation of exchange of information between Member States was effective?'. Source: own elaboration based on the Report to the European Commission about Unresolved Requests between Member States (2023).

⁸⁸ Unsolved requests were still in progress.

⁸⁹ Indicator: National events (initiated by ELA's NLOs) aiming to improve cooperation between Member States and ELA's outreach. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: Consolidated Annual Activity Report 2022.

⁹⁰ Events aimed at enhancing bilateral and multilateral cooperation organised through the logistical and technical support of ELA.

⁹¹ The IMI system has since 2008, facilitated the exchange of information between public authorities and, since 2022, it features specific provisions in the area of road transport. Modules are individual building blocks that can be used independently. Source: IMI User handbook.

⁹² Indicator: Number of ELA's activities to promote the use of Internal Market Information (IMI) System. Operationalised question: 1.1.7. 'To what extent ELA's task related to cooperation and facilitation of exchange of information between Member States was effective?' (**Error! Reference source not found.**). Source: CAARs, Management Board meeting minutes.

⁹³ Report on the cooperation practices, possibilities and challenges between Member States – specifically in relation to the posting of third-country nationals (February 2023) <https://www.ela.europa.eu/sites/default/files/2023-04/ela-report->

Coordinating and supporting (at the request of one or more Member States, or by suggesting to the authorities of the Member States concerned) concerted or joint inspections in the areas within the Authority's competence⁹⁴

This activity is mandated by Article 8-9 of the founding Regulation. Since 2020, ELA produced guidelines, templates and workflow guidance (for social partner organisations at national level to bring cases to the attention of ELA, for Member States to request the coordination and support of ELA for a CJI, and for ELA to suggest to Member States to carry out a CJI, and for reporting suspected irregularities).⁹⁵ In 2021, it started publishing bulletins on CJIs, and in 2022, it adopted modalities to ensure appropriate follow-up in cases where a Member State decides not to take part in a CJI, and developed an internal reporting template to facilitate the collection of key data after each CJI.⁹⁶ Furthermore, ELA arranged several strategic partnerships in relation to CJIs (e.g., with social partners, EU-OSHA, Eurofound, Roadpol, Europol etc.).⁹⁷ Finally, as part of this activity, ELA also organised 15 mutual learning and training activities related to CJIs,⁹⁸ reaching 315 participants in 2022.⁹⁹

In 2020, ELA facilitated five pilot CJIs targeting construction, seasonal work and transport.¹⁰⁰ Due to the COVID-19 pandemic, fully-fledged CJIs only began in September 2021.¹⁰¹ Since then, ELA supported and facilitated an average of 3.6 CJIs per month,¹⁰² involving up to 25 different Member States in a year (Figure 13).¹⁰³

[posting-third-country-nationals.pdf](#) and Report on Cooperation obligations and practices in the enforcement of EU rules on International Road Transport in the EU (June 2023) <https://www.ela.europa.eu/sites/default/files/2023-10/Cooperation-roadtransport-report.pdf>.

⁹⁴ See Figure 2, Operational Objective 4.

⁹⁵ Indicator: Number of guidelines, templates and procedures developed and updated for the exchange of information between Member States. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: ELA's official website and CAAR 2019, 2020.

⁹⁶ Indicator: Number of guidelines, templates and procedures developed and updated for concerted and joint inspections. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: ELA's website and CAARs.

⁹⁷ Indicator: Number of strategic partnerships on CJIs arranged. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: Contractor's elaboration based on ELA Annual Activity Reports (2019-2022), SPD 2023-2025.

⁹⁸ Indicator: Number of mutual learning and training activities related to CJIs organised or supported. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: Contractor's elaboration based on ELA Annual Activity Reports (2019-2022), ELA Management Board meeting minutes 2023, Final Summary of deliberations of the Working Group on Inspections 2023.

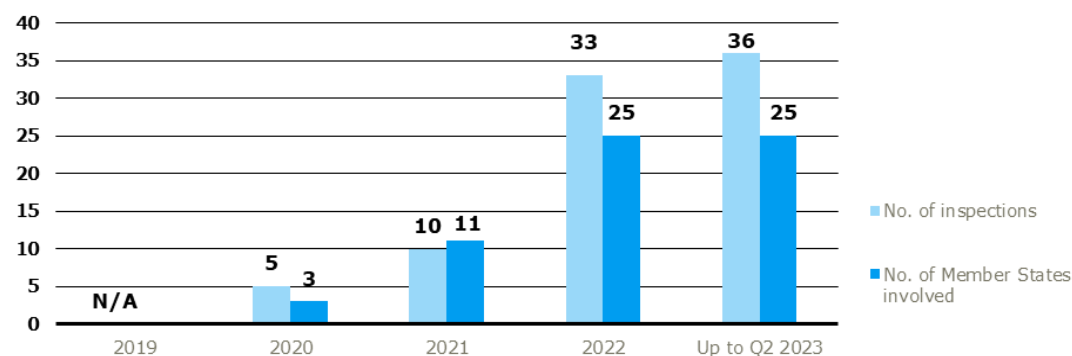
⁹⁹ ELA Annual Activity Reports (2019-2022) and data provided by the client for 2023.

¹⁰⁰ Indicator: Number of guidelines, templates and procedures developed and updated for the exchange of information between Member States. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: ELA's official website and CAARs 2019, 2020.

¹⁰¹ ELA Bulletin no.2. December 2021.

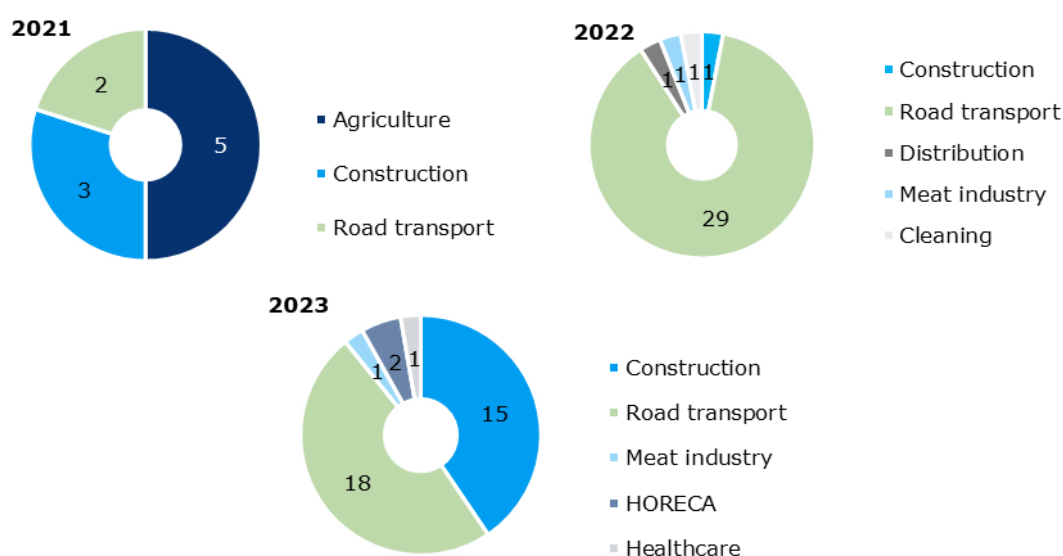
¹⁰² As shown below, these average hides great variation.

¹⁰³ Indicators: Number of cross-border inspections (in total, by sector and over time), at the request of Member States, suggested by ELA or resulting from cases submitted by national social partners; Number of Member States involved in CJIs. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**). Source: Contractor's elaboration based on ELA Annual Activity Reports (2019-2022), CJI Bulletins (2021, 2023) and the Report on CJIs (2022). Data for 2023 represents only Q1 and Q2 as per the scope of the evaluation.

Figure 13. Number of cross-border inspections and Member States involved (2019-Q2 2023)

Source: Contractor's elaboration based on ELA Annual Activity Reports (2019-2022), CJI Bulletins (2021, 2023) and the Report on CJIs (2022). Data for 2023 refers to Q1 and Q2.¹⁰⁴

Over time, the number of sectors covered increased, although road transport featured prominently in both 2022 and 2023 (Figure 14). The relative number of CJIs organised in a given sector appears to be linked to the campaigns ELA organised in a given year (#Rights4AllSeasons on seasonal work in 2021, #Road2FairTransport in 2022, and the campaign on the construction sector in 2023. See Section 3.2.1.1 for more details).

Figure 14. Sectoral distribution of CJIs (2021-2023)

Source: Contractor's elaboration based on ELA Annual Activity Reports (2019-2022), CJI Bulletins (2021, 2023) and the Report on CJIs (2022). Data for 2023 refers to Q1 and Q2.

In terms of potential infringements encountered during CJIs, exact data for 2021 is not available (due to missing post Inspection Reports) but it is reported that **several key areas of concern** were identified: **undeclared work, working conditions such as wages and working hours, accommodation conditions in the case of seasonal workers, and breaches of social security regulations**. Many of these irregularities were found to be associated with subcontracting, the involvement of employment intermediaries, or with the posting of workers.¹⁰⁵ In 2022, a total of 1 762 infringements were identified, out of which

¹⁰⁴ The total for 2023 was 76.

¹⁰⁵ ELA (2021) Annual Activity Report; Inspection bulletins 2021.

1 100 were identified in one specific inspection (it was detected that social contributions were not paid for over 1 100 workers). In 2023, 420 infringements were found (up to June 2023). Within the **road transport sector**, numerous drivers were observed to be in violation of driving and resting times. Additionally, the presence of **letterbox companies stood out as a notable concern in this sector**.¹⁰⁶ The total number of fines is not reported, as noted by ELA in fact the majority of Member States involved in CJIs so far did not comply with their obligation under Art. 9.6 to submit post-inspection reports to ELA.¹⁰⁷

Assessing risks and carrying out analyses regarding labour mobility and social security coordination across the EU¹⁰⁸

In accordance with Article 10 of the Regulation, ELA is tasked with carrying out analyses and risk assessments on cross-border labour mobility related issues to keep track of emerging trends, challenges, or loopholes in the areas of labour mobility and social security coordination and to facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union. National competent authorities are expected to benefit significantly from the insights and support provided by these analyses and risk assessments, improving their capacity to address cross-border labour issues effectively. This activity, mandated by Article 10 of the founding Regulation, did not reach full staffing until after the evaluation period, at the end of 2023.¹⁰⁹ ELA organised at least nine meetings and workshops, including one in 2020 with other EU agencies, services and networks working in relevant fields to ELA's activities (Eurofound, Cedefop, ETF, EU-OSHA, Europol, Eurojust, SOLVIT, ILO, Cepol, Your Europe Advice and DG EMPL) to ensure complementarity, promoting synergies and avoiding duplication. Moreover, to better understand the needs of Member States and to start mapping out already existing practices, in 2021 ELA continued its bilateral discussions with national competent authorities on their approaches to risk assessment: this led to a workshop on the international cooperation aspects of risk assessment (December 2021). Further information on meetings and workshops organised by ELA within the context of this task are provided in Annex III.¹¹⁰

During the evaluation period, ELA worked on over 15 mappings and analyses covering the effects of the COVID-19 pandemic, EURES, people fleeing Ukraine, appropriate data sources, legal possibilities for information sharing, the construction and road transport sector, TCNs,¹¹¹ AI, and GDPR. For the full list of mappings and analyses, as well as the description of each one of them, see Annex III.¹¹²

¹⁰⁶ ELA (2023) Biannual Report on Concerted and Joint Inspections.

¹⁰⁷ Indicator: Number of cases on cross-border fines, notification of fines, recovered tax and social security contributions. Operationalised question: 1.1.4. 'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?' (**Error! Reference source not found.**).

¹⁰⁸ See Figure 2, Operational Objective 5.

¹⁰⁹ Information provided to the contractor by ELA.

¹¹⁰ Indicators: Number of meetings; Number of workshops and stakeholders involved in risk assessment activities and labour mobility analyses. Operationalised question: 1.1.5. 'To what extent did the Authority cover the analyses and risk assessment tasks linked to issues of cross-border labour mobility?' (**Error! Reference source not found.**). Source: Consolidated Annual Activity Report 2020.

¹¹¹ This report focused on the administrative cooperation practices, possibilities and challenges between Member States' competent authorities in relation to the posting of third-country nationals.

¹¹² Indicators: Number of analytical activities (mappings, analyses, reports, etc.); Number of topics and sectors covered. Operationalised question: 1.1.5. 'To what extent did the Authority cover the analyses and risk assessment tasks linked to issues of cross-border labour mobility?' (**Error! Reference source not found.**). Source: Contractor's elaboration based on ELA Annual Activity Reports (2020-2022), Management Board meeting minutes.

Supporting Member States with capacity building aimed at promoting the consistent enforcement of EU law related to labour mobility across the EU¹¹³.

As part of this activity, which is mandated by Article 11 of the founding Regulation, ELA launched two Calls for Good Practices. The first one, launched in 2022, focused on road transport (approaches to compliance other than penal sanctions, practices enhancing cooperation between Member States, etc.) and on seasonal work (information provision to seasonal workers, practices accompanying workers and employers throughout the hiring process and working relationship, etc.). The second one, launched early in 2023 focused on construction, social security fraud, and addressing labour shortages.¹¹⁴ Furthermore, since 2021, ELA organised at least 30 peer-to-peer/group activities, workshops, and staff exchanges between national authorities.¹¹⁵ As this is a horizontal activity, more information on the materials produced as part of this activity is reported under other relevant activities.

3.2.1.3. SO3: Mediate and facilitate a solution in cases of cross-border disputes between Member States

Facilitating a solution in the case of a dispute between two or more Member States regarding individual cases of application of EU law in areas covered by the Regulation

The activity is mandated by Article 13 of the founding Regulation, and rests on the agreement of all Member States involved in the dispute. **In November 2021, ELA adopted relevant rules of procedure** and signed a **Cooperation Agreement with SOLVIT** (the network may refer unresolved cases to ELA for its consideration for admission to the mediation procedure).¹¹⁶¹¹⁷ In December 2021, **ELA signed Cooperation Agreements with the Administrative Commission for the Coordination of Social Security Systems** (to avoid duplication of mediation cases that concern both social security coordination and labour law)¹¹⁸ Since 2021, ELA delivered training/information sessions for the Member States, and produced, amongst other things, a guiding document with examples of possible cases that may be referred to ELA for mediation, a video, and a leaflet published on ELA's website.¹¹⁹ **ELA became fully operational in the mediation procedure in September 2022. Since then, and until Q2 2023, three cases were submitted to ELA, all concerning social security coordination. In two cases, the party(s) did not agree to participate** (Table 6).¹²⁰

¹¹³ See Figure 2, Operational Objective 6.

¹¹⁴ ELA's official website.

¹¹⁵ Indicator: Number of peer-to-peer and group activities organised; Number of staff exchanges and secondment schemes between national authorities. Operationalised question: 1.1.6. 'How well was the capacity building task implemented? To what extent did it promote the consistent enforcement of EU law?' (**Error! Reference source not found.**). Source: CAARs and information provided to the contractor by ELA.

¹¹⁶ Cooperation Agreement between the European Labour Authority and SOLVIT for the referral of cases for mediation (2022).

¹¹⁷ Rules of procedure for mediation (Decision No 17/2021 of the Management Board).

¹¹⁸ Cooperation Agreement between the Administrative Commission for the coordination of social security systems and the European Labour Authority (2021). It must be noted that the AC has its own conciliation mechanism, and that the AC may be involved in instances when a dispute that concerns social security coordination is brought for mediation before ELA.

¹¹⁹ CAARs 2021, 2022 and ELA (2023) Report to the European Commission about Unresolved Requests between Member States and the Mediation Procedure at ELA.

¹²⁰ Indicator: Individual cases submitted to ELA/ Individual cases processed by ELA. Operationalised question: 1.1.8 'How well was the mediation task implemented? What are the main lessons learned?' (**Error! Reference source not found.**), and Indicator: Number of areas under ELA remit for which dispute settlement is used. Operationalised question: 1.1.8 'How well was the mediation task implemented? What are the main lessons learned?' (**Error! Reference source not found.**). Source: ELA (2023) Reports to the European Commission about Unresolved Requests between Member States and the Mediation Procedure at ELA. Source: ELA (2023) Reports to the European Commission about Unresolved Requests between Member States and the Mediation Procedure at ELA.

Table 6. Mediation cases 2019-2023

Year	Case initiated by	Member States involved	Status of the procedure		Area	Sub-area	Outcome
2022-2023	Member State	Germany, Cyprus	Closed	Social security coordination	Benefits with respect to accidents at work and occupational diseases		Success
2023		Belgium, Romania			Determination of the applicable legislation		Party declined to participate
2023	SOLVIT	Croatia, Austria			Family benefits / Maternity and equivalent paternity benefits; Free movement of workers		

Source: ELA (2023) Report to the European Commission about Unresolved Requests between Member States and the Mediation Procedure at ELA

The successful case was finalised in April 2023. Considering that the first case was submitted by Germany on 2 September 2022¹²¹ and the mediator was appointed on 19 December 2022,¹²² the time needed to settle was four months.¹²³ In accordance with the indicative timelines provided in the Rules of Procedure, a non-binding opinion should generally be adopted within 45 working days from the appointment of the mediator, which could in highly complex disputes be extended by 15 additional working days.¹²⁴ The timeline for the adoption of ELA's first non-binding opinion therefore exceeded the indicative timeline specified in the Rules of Procedure.¹²⁵

3.2.1.4. SO4: Support cooperation between Member States in tackling undeclared work

Tackling undeclared work and encouraging cooperation between Member States through the European Platform to enhance cooperation in tackling undeclared work

The activity is mandated by Article 2 of the Regulation. In particular, the activities of the European Platform Tackling Undeclared Work, established by the European Commission in 2016 (Decision (EU) 2016/344) were transferred to ELA in May 2021.¹²⁶ ELA's virtual library¹²⁷ shows that since the transition, the Platform worked on over 40 mutual learning products¹²⁸ – mostly good practice fiches, learning resource papers and staff exchanges.

¹²¹ The report to the European Commission about the Mediation Procedure at ELA reports the date as 2 September 2023 but this is assumed to be a typo.

¹²² Information provided to the contractor by ELA.

¹²³ Indicator: Time needed to settle disputes. Operationalised question: 1.1.8 'How well was the mediation task implemented? What are the main lessons learned?' (**Error! Reference source not found.**).

¹²⁴ Decision No 17/2021 of 10 November 2021 of the Management Board on the Rules of Procedure for mediation of the European Labour Authority, Art. 19(9).

¹²⁵ Indicator: Opinions' timeliness with respect to the timelines specified in the Working Arrangements/Rules of Procedure. Operationalised question: 1.1.8 'How well was the mediation task implemented? What are the main lessons learned?' (**Error! Reference source not found.**). ELA noted as a cause of the delay the lack of responsiveness by the Member States' parties to the dispute - which is complemented by indicative timelines (no obligation to follow) and a voluntary procedure (any party can pull out at any time).

¹²⁶ Consolidated Annual Activity Report 2021.

¹²⁷ ELA Virtual library, consulted in September 2023.

¹²⁸ Indicator: Number of learning resource papers, seminars, workshops, webinars, follow-up/study visits and other mutual learning formats. Operationalised question: 1.1.9 'What are the concrete gains for the Platform tackling undeclared work following the integration into the European Labour Authority?' (**Error! Reference source not found.**).

Furthermore, since 2021, ELA published 12 studies, toolkits and newsletters to improve knowledge of undeclared work, and at an increasing rate.¹²⁹

3.2.2. Cooperation with other agencies/organisations/stakeholders

As per Article 14 of the founding Regulation, ELA should aim in all its activities at cooperating and creating synergies with other decentralised EU agencies and specialised bodies, ensuring that its activities are consistent with and do not duplicate or overlap with the other agencies and bodies. During the evaluation period, **ELA's relationship with other agencies/bodies/stakeholders was forged through formal and informal links.** Between 2019 and 2020, ELA signed nine service-level agreements with other European Commission Directorate-Generals, agencies, offices and joint undertakings.¹³⁰ Subsequently, between 2021 and 2023, ELA signed Cooperation Agreements/Memoranda of Understanding and cooperated with SOLVIT, the AC¹³¹, the European Commission, and three agencies under DG EMPL remit (Eurofound, Cedefop, and EU-OSHA).¹³²

Furthermore, the review of the Consolidated Annual Activity Reports of the Authority showed that **ELA cooperated with different European Commission Directorate-Generals, EMPL agencies and other agencies without necessarily having a formal agreement in place** (e.g. with the European Training Foundation, Europol, FRA, and Roadpol). Additionally, ELA collaborated, in some instances, with the International Labour Organisation and with the International Organisation for Migration,^{133, 134}

Finally, **the cooperation with other agencies is also visible in ELA's internal structures.** Representatives of EU-OSHA, Eurofound, Cedefop and ETF are observers in ELA's Management Board, and representatives of Eurofound and EU-OSHA can be invited as observers to meetings of the Platform in ELA.

¹²⁹ Indicator: Number of studies, toolkits and similar written outputs aiming to improve knowledge of undeclared work. Operationalised question: 1.1.9. 'What are the concrete gains for the Platform tackling undeclared work following the integration into the European Labour Authority?' (**Error! Reference source not found.**). Source: ELA's virtual library.

¹³⁰ Indicator: Evidence / examples of collaboration between the Authority and relevant Commission services. Operationalised questions: 1.15.1 'To what extent was the work of the Authority aligned with DG EMPL policies?' 1.15.2 'To what extent was the work of the Authority aligned with other relevant EU policies?' 1.15.3 'Is there any evidence of incoherence or misalignment with EU policies?' 1.15.4 'To what extent did the Authority work cooperatively with DG EMPL and other Commission services and how?' 1.15.5 'What are good practices / lessons learned?' (**Error! Reference source not found.**).

¹³¹ ELA and the AC are cooperating under different domains, with preparatory works and implementation started in early 2023 for three ELA&AC projects. These are a project on implementation and development of EESSI system (PROGRESS programme), a cooperation note for a project on Improvement of information resources in the field of registering for insurance and payment of contributions, and the preparatory works for a statistical project.

¹³² Indicator: Number of MoUs and cooperation agreements signed between ELA and other EMPL agencies. Operationalised question: 1.17.1 'To what extent did the Authority build synergies with other EMPL agencies (i.e. EUROFOUND, CEDEFOP, ETF and EU-OSHA) and work together (e.g. joint projects)?' (**Error! Reference source not found.**). Source: CAARs and relevant agreements.

¹³³ Indicator: Evidence / examples of collaboration between the Authority and other international organisations / stakeholders. Operationalised questions: 1.19.1 'Which other EU / national / international level organisations and stakeholders implemented activities similar to those of the Authority?', 1.19.2 'To what extent was the Authority and its activities coherent with those of other relevant organisations and stakeholders?', 1.19.3 'To what extent were synergies sought and exploited?', 1.19.4 'In case of shortcomings, what factors explain these?' and 1.19.5 'Are there noteworthy differences across relevant other organisations and stakeholders? If so, why?' (**Error! Reference source not found.**) Source: CAARs.

¹³⁴ Indicator: Evidence / examples of joint activities between the Authority and other national organisations / stakeholders. Operationalised questions: 1.19.1 'Which other EU / national / international level organisations and stakeholders implemented activities similar to those of the Authority?', 1.19.2 'To what extent was the Authority and its activities coherent with those of other relevant organisations and stakeholders?', 1.19.3 'To what extent were synergies sought and exploited?', 1.19.4 'In case of shortcomings, what factors explain these?' and 1.19.5 'Are there noteworthy differences across relevant other organisations and stakeholders? If so, why?' (**Error! Reference source not found.**). Source: CAARs.

4. Evaluation findings

4.1. To what extent was the intervention successful and why?

As specified by Tool #47 of the Better Regulation Guidelines Toolbox¹³⁵, 'success' is assessed in terms of the extent to which an intervention achieves its objectives:

- effectively;
- efficiently; and
- in a coherent way.

This section presents a summary of the findings for the three evaluation criteria (in the box below), highlighting the main themes per criterion which, taken together, help to explain the extent to which the intervention was successful. A more detailed overview of the findings is presented subsequently.

Box 1 Summary box: To what extent was the intervention successful and why?

The establishment of ELA can be considered successful to a certain extent. The success of ELA was evident through the activities implemented and progress achieved towards its Specific Objectives, as well as the positive feedback received from stakeholders. Nonetheless, room for improvement in the implementation of specific activities, and challenges related to staffing and budget management and execution, also emerged. Given the recent establishment of ELA, the evaluation suggested further fine tuning in the Authority's activities and work practices.

Effectiveness

Despite facing challenges, ELA's interventions were largely effective, with identified areas for improvement that could further enhance its contributions to EU labour mobility legislation enforcement at EU and national level.

With a view to **facilitating access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services (Specific Objective 1)**, ELA engaged in a variety of activities aimed at improving the availability, quality, and accessibility of information to individuals, employers and social partner organisations (**Operational Objective 1**) through complementary means. Significant progress was achieved in this regard, particularly through the organisation of information campaigns. However, there was still potential for improvement in making information more accessible and tailored to the needs of mobile workers and employers. In turn, ELA assumed the responsibilities associated with the management of the ECO of EURES (**Operational Objective 2**) and showed potential to support the EURES Network and Portal going forward. However, additional improvements were needed in the

¹³⁵ European Commission (2021). Better Regulation Guidelines, Toolbox, Tool #47.

collaboration and division of responsibilities between ELA and the European Commission, the management of the ECO, and the functioning and visibility of the EURES Portal.

The most significant results were achieved in relation to **facilitating and enhancing cooperation between Member States in the enforcement of relevant Union law across the Union (Specific Objective 2)**. ELA effectively coordinated and provided technical support in carrying out CJIs (**Operational Objective 4**), which facilitated cross-border cooperation and contributed to mutual learning and exchange of best practices across Member States. However, room for improvement emerged in relation to engaging relevant counterparts more promptly, increasing the involvement of social partners, and strengthening follow-up activities post-CJIs. ELA also made substantial contributions towards facilitating cooperation and accelerating the exchange of information between Member States, supporting their effective compliance with cooperation obligations (**Operational Objective 3**). Stakeholders highly valued ELA's proactive engagement and the development of tools aimed at enhancing cooperation between national authorities. ELA's support to Member States with capacity building aimed at promoting the consistent enforcement of EU law related to labour mobility (**Operational Objective 4**) further contributed to enhancing technical competencies and fostering cross-border collaboration among national level stakeholders, who were extensively involved in such activities. In turn, relatively less progress was made in terms of assessing risks and carrying out analyses regarding labour mobility and social security coordination across the EU (**Operational Objective 5**). The main hindering factors were concerns regarding the handling of personal data and the task not being fully staffed in the first years of operation of the Authority. Going forward, there was a consensus on the importance of this task for identifying strategic priorities and enhancing enforcement activities.

ELA developed the procedure to **mediate and facilitate a solution in cases of cross-border disputes between Member States (Specific Objective 3, Operational Objective 8)**. However, only three mediation cases were initiated so far, out of which one was pursued and settled. While considering the voluntary nature of the mediation procedure, other reasons might explain such a low uptake, such as limited awareness and understanding around mediation, its political sensitivity or fear of exposure of misapplication of EU law.

With the objective to **support cooperation between Member States in tackling undeclared work (Specific Objective 4, Operational Objective 7)**, the European Platform Tackling Undeclared Work was integrated into ELA to support cooperation between Member States in addressing undeclared work. The transfer process was positively assessed, and the Platform is valued for facilitating discussion, exchange of best practices, and mutual learning.

Efficiency

While ELA faced initial challenges related to staffing, budget management and execution, it was largely efficient in its operations. Key issues emerged to be the reliance on external contracting and the challenges associated with the EURES portal's operational expenditures, which are areas for improvement in terms of strategic planning and long-term cost-effectiveness of the Authority.

Specifically, there was a notable gap between the projected staffing needs and the actual number of staff employed during the early years of ELA's operation, mostly in 2019 and 2020. Despite meeting targets for hiring SNEs and contract agents, overall staffing levels fell short of expectations during the start-up phase. This discrepancy suggests initial difficulties in ramping

up operations, although it did not significantly impair ELA's ability to fulfil its mandate or maintain long-term operational efficiency. ELA demonstrated a strong alignment between planned and actual commitments. However, there were challenges in executing the committed resources within the same fiscal year, leading to carry-overs to subsequent years.

Despite these challenges, the high share of operational costs within ELA's budget was anticipated, as ELA was designed to be a 'lean' organisation, with operational costs for most tasks exceeding staff costs. This structural characteristic highlights a reliance on external contracting for significant portions of ELA's activities, raising questions about the long-term cost-effectiveness of such an approach.

Coherence

ELA's work was coherent with the current EU policy framework and complementary to the activities of other entities at EU, national and international level. Its mandate, focusing on cross-border challenges related to EU labour mobility, complemented those of existing entities, indicating strong coherence with the broader EU priorities in the field of labour mobility.

ELA was found to have a complementary role to other DG EMPL agencies. Notably, ELA's mandate and activities were most closely aligned with those of Eurofound and EU-OSHA, followed by Cedefop and ETF. At the international level, these were at least partly complementary to the work of the ILO, with some room for enhanced collaboration. Coherence was also broadly maintained with national level agencies, bodies and stakeholders.

4.1.1. Effectiveness

4.1.1.1. *Facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services*

Facilitate access to information on rights and obligations

The following section addresses the evaluation question '*To what extent did the Authority facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to other relevant services?*'¹³⁶

Article 5 of the founding Regulation mandated ELA to improve the availability, quality and accessibility of information offered to individuals, employers and social partner organisations regarding rights and obligations (Operational Objective 1). This task was prioritised by its Management Board¹³⁷. In 2021, the total expenditure for this task amounted to EUR 1 064 523, making it the second most expensive task in ELA's budget for that year (cfr. Table 8).

The working group on information was created in December 2019 and launched the work in this area by mapping relevant sources of information, with a view to identifying gaps and inconsistencies, and advising the Authority on the best way to support Member States' activities. Between 2019 and 2023, the main activities conducted consisted in: support actions; the setting up and operation of the Translation Facility, the launch of four campaigns and the

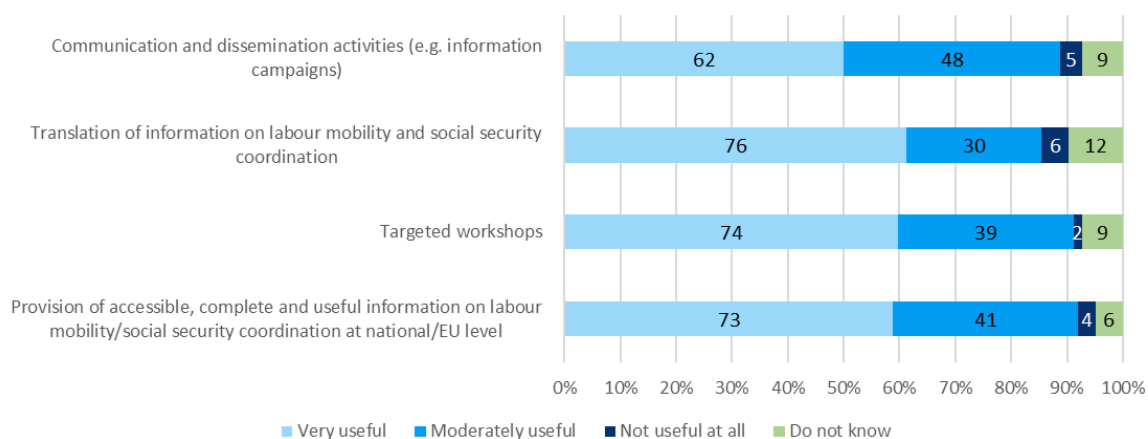
¹³⁶ Operationalised evaluation question 1.1.2, part of evaluation question 1.1 '*To what extent did the European Labour Authority achieve its objectives?*'

¹³⁷ Record of the proceedings of the first ELA Management Board meeting – 16-17 October 2019.

preparation of a fifth one. Some of these activities were sectoral, specifically focusing on the road transport and construction sectors, while others were rather thematic, focusing on undeclared work, seasonal work, and the provision of information to Ukrainian citizens fleeing Ukraine.¹³⁸ In this sense, the Authority demonstrated the **ability to intervene in some of the key sectors concerned by labour mobility and social security coordination, as well as to respond to emerging challenges and changing priorities**, primarily as a result of the COVID-19 pandemic and Ukraine crisis; examples of this include ELA's work relating to seasonal work (e.g. the #RightsforAllSeasons campaign and support actions targeting seasonal work), particularly relevant given the labour shortages resulting from the COVID-19 pandemic travel restrictions, or the support provided to Ukrainian citizens through, among others, the Talent Pool Pilot.

Facilitating access to information to individuals, employers and social partner organisations regarding their rights and obligations in the area of EU labour mobility was one of the tasks in which most consulted stakeholders were involved/benefited from, across all stakeholder categories (64% of respondents to the public consultation and 64% of respondents to the stakeholders' survey reported having benefitted from this task).¹³⁹ **The vast majority of these stakeholders broadly recognised the efforts and work carried out by ELA in this area and found all of ELA's information related services** (translations, targeted workshops, the facilitation of access to accessible, complete and useful information, communication and dissemination activities) **to be very useful or moderately useful**, as shown by **Figure 15** below.¹⁴⁰ In line with this, 72% of public consultation respondents (across stakeholder groups) judged ELA's work in the area of facilitating access to information to be of very high or rather high quality.¹⁴¹

Figure 15. Considering ELA's objective to provide information on rights and obligations concerning labour mobility, how useful do you find the following activities/ services? (n=124)¹⁴²



Source: Online survey to representatives of ELA stakeholders (2023)

Overall, the Authority undertook a varied set of activities, which contributed to improving the availability, quality and accessibility of information through complementary means. This was most notably exemplified by the information provision and

¹³⁸ Error! Reference source not found., Section 1.2.1.1.

¹³⁹ Annex VI. Stakeholder consultation report, section 4.3.2 (Figure 9).

¹⁴⁰ Annex VI. Stakeholder consultation report, section 4.3.2 (Figure 13).

¹⁴¹ Annex VI. Stakeholder consultation report, section 4.5.1 (Figure 117).

¹⁴² Annex VI. Stakeholder consultation report, section 4.3.2 (Figure 13). Question displayed to respondents who answered 'Very often', 'Often', 'Occasionally' in Q4.A.

dissemination activities undertaken in the road transport sector, which, besides the dedicated campaign, combined several training sessions, local information events, workshops and other events involving a variety of stakeholders, from national level authorities to road transport operators.¹⁴³

Synergies were achieved between the activities undertaken in the area of facilitating access to information and the rest of ELA tasks, which allowed to enhance their visibility, effectiveness and relevance.¹⁴⁴ Notably, the UDW Platform contributed to the organisation of the #Road2FairTransport Campaign, while the #RightsforAllSeasons campaign included a separate strand focused on undeclared work. The #EU4FairWork campaign was entirely focused on UDW. Similarly, EURES participated in ELA's seasonal work campaign, promoting content on social media and organised a communication campaign to promote the Talent Pool Pilot.¹⁴⁵

The training sessions organised by ELA (e.g. in the field of road transport) contributed towards both the operational objectives of providing information and of fostering cooperation between Member State authorities.¹⁴⁶ Translation services contributed to promoting cooperation and acceleration of exchange of information between Member States, as well as supporting CJIs and mediation activities.¹⁴⁷ One NCO underlined the high value of the Translation Facility for Member States, allowing them to access cost-free translations. Formal mechanisms of collaboration, particularly in sector-specific events such as those in the Horeca sector, facilitated direct interaction among stakeholders, fostering a shared understanding and cooperation on common goals. Bringing together diverse parties involved in labour mobility, including national authorities, social partners, and other stakeholders allowed to pool resources and expertise, while facilitating cross-border cooperation.

Information campaigns were the most visible means through which ELA sought to facilitate access to information. A positive assessment can be made of the preparatory work and potential added value of campaigns. Several stakeholders, including both public administration representatives and EU level social partners, positively assessed ELA's information campaigns, arguing that they were well organised and promoted, and that they represented a valuable tool to disseminate information.¹⁴⁸ As emerged from the case study on information and awareness raising, social partners and the European Commission positively viewed the #Road2FairTransport campaign's preparatory phase, which was organised in unison with Member States and social partners.¹⁴⁹

However, some criticism was also highlighted.¹⁵⁰ Firstly, information campaigns were found to have had **limited success in reaching workers and employers on the ground** by the stakeholders consulted.¹⁵¹ EU level social partners pointed out that the extent to which campaigns reached individuals working within the sectors was highly uncertain and not clearly communicated. These findings aligned with those of the Report of the Belgian Presidency of the Council of the EU, which, while recognising the scale of the work carried out by ELA,

¹⁴³ Annex VII. Case study 1, section 1.3.2 (p. 11).

¹⁴⁴ Interviews with ELA staff. *Reference to page numbers for these interviews are not presented, since they were conducted within the context of Case Study 5, no longer included in this report in agreement with DG EMPL.*

¹⁴⁵ Interviews with ELA staff. *Reference to page numbers for these interviews are not presented, since they were conducted within the context of Case Study 5, no longer included in this report in agreement with DG EMPL.*

¹⁴⁶ Annex VII. Case study 1, section 1.3.2 (p. 11).

¹⁴⁷ Interviews with ELA staff. *Reference to page numbers for these interviews are not presented, since they were conducted within the context of Case Study 5, no longer included in this report in agreement with DG EMPL.*

¹⁴⁸ Annex VI. Stakeholder consultation report, e.g. section 4.3.2.

¹⁴⁹ Annex VII Case study 1, section 1.3.3.

¹⁵⁰ Annex VI. Stakeholder consultation report, sections 4.3.2 and 4.5.1.

¹⁵¹ Annex VI. Stakeholder consultation report, sections 4.3.2 and 4.5.1; Annex VII. Case study 1, section 1.3.2.

uncovered doubts as to whether information sufficiently reached the workers concerned.¹⁵² Although the indicators monitored by ELA indicated that the campaigns had a relatively good reach,¹⁵³ particularly the #Rights4AllSeasons¹⁵⁴ and the #Road2FairTransport campaign¹⁵⁵, available campaign monitoring indicators did not allow for a granular analysis of ‘users’, ‘viewers’ and ‘website visitors’ in relation to the campaigns, which made it difficult to fully grasp who the actual end-recipients were and whether the campaign benefited those working within the targeted sectors.¹⁵⁶ The case study on information and awareness raising indicated that direct engagement at physical events, such as roadshows, can be an effective way to reach workers and employers on the ground.¹⁵⁷ It thus highlighted a need to adopt more dynamic and interactive approaches to communication and engagement, as opposed to only relying on online events.

Room for improvement was identified in the implementation and coordination of the campaigns. Social partners mentioned that the timeliness of communication on the upcoming campaigns towards them should be improved and noted that information was not always efficiently communicated between ELA and its partners, thus partly hindering cooperation.¹⁵⁸ A few EU level social partners – primarily cross-sectoral organisations – also mentioned that ELA had not sufficiently involved them in the organisation of information campaigns, which would have contributed to ensuring better reach. However, others, especially in the construction sector, reported good collaboration in the planning of more recent campaigns.¹⁵⁹ As the Case study on information and awareness raising showed, social partners played an important role in disseminating the #Road2FairTransport campaign and ELA was committed to leveraging external expertise and networks to enhance information dissemination efforts.¹⁶⁰ Such an approach should be further undertaken going forward.

At a more general level, while acknowledging the efforts undertaken by ELA towards facilitating access to information, particularly through information campaigns, several stakeholders pointed towards the **need for more tailored sectoral information, as well as for the provision of a centralised database of relevant EU and national level provisions** (primarily social partners, but also representatives of PES, national labour inspectorates, academic and research institutions).¹⁶¹ A gap was found to exist in terms of availability of complete and easily accessible information on the practical implications of social security coordination and labour law provisions relating to cross-border labour mobility, creating a need for an overview of national legislation and enforcement practices in the field of EU labour mobility. Most of the existing information in this respect was fragmented across different EU websites (such as the European Commission’s web pages, Your Europe, EURES, SOLVIT) or on national level websites and was not sufficiently specific to allow for a clear understanding of how to ensure that rights and obligations of workers and employers are respected.¹⁶² Social partners and experts in the sector thus advocated for enhanced information accessibility and

¹⁵² Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p. 44.

¹⁵³ **Error! Reference source not found.**, section 1.2.1.1 (pp. 19 – 20).

¹⁵⁴ Almost 16 million users. The campaign was viewed more than 60 million times in social media. More than 113 000 visits were made to the campaign’s website. The organic campaign was seen more than 1 049 202 times on all platforms and nearly 16 000 clicks through to ELA’s website were recorded.

¹⁵⁵ The campaign videos were watched more than 9 million times, the reach of the outdoor advertising was 15.8 million people and online impressions were over 125 million.

¹⁵⁶ Although a high degree of familiarity with the campaigns was revealed by the stakeholders’ survey, it is important to note that participants in the survey were stakeholders at EU and international level, which were closest to ELA and therefore more likely to be familiar with its campaigns.

¹⁵⁷ Annex VII. Case study 1, section 1.3.4.

¹⁵⁸ Annex VI. Stakeholder consultation report, sections 4.3.2; 4.5.1, Annex VII. Case study 1, section 1.3.1.

¹⁵⁹ Annex VI. Stakeholder consultation report, sections 4.3.2; 4.5.1.

¹⁶⁰ Annex VII, Case study 1, section 1.3.1.

¹⁶¹ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.3.7, 4.5.1, Case study 1, section 1.3.1 (p. 8).

¹⁶² Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p. 44.

streamlined sources to support workers and employers' understanding of their rights and obligations. The findings presented throughout this paragraph are largely in line with the feedback reported by the Report of the Belgian Presidency of the Council of the EU, where stakeholders indicated that the information provided by ELA was sometimes too general and theoretical and did not allow to respond to the need for concrete and comprehensive information on labour law, social security law, tax law and migration law.¹⁶³

Hence, there would be **scope for ELA to put the accent on more practical and sector-specific information**, as opposed to primarily referring to general and already-available sources e.g. on the European Commission's website. While ELA's role is to facilitate access to already existing information, according to social partners and independent experts, ELA's work in this area would be most useful if it aimed at aligning existing information, bringing clarity in relation to how relevant legislation is implemented at national level, as well as providing an easy-to-access source to applicable law within certain sectors.¹⁶⁴ For instance, as revealed by the Case study on information and awareness raising, the #Road2FairTransport Campaign primarily focused on whether a worker could be classified as posted under the provisions of Directive (EU) 2020/1057. Conversely, much less focus was placed on the consequences and implications for both the employers and the employees resulting from the posted status of a worker and on the specific rights of posted workers in each Member State. According to social partners, however, these were the main information needs in the sector.¹⁶⁵ In this respect, ELA nonetheless faced two main barriers, including the limits of its mandate, according to which the Authority is required to rely on already available information, and the availability of information at Member State level. Simultaneously, adapting the information material to the specific circumstances of each Member State would have required excessive time and resources on the Authority's part. ELA could however further rely on NLOs to access the information required, even though considerable time for this might be required.

Against this background, a clear need emerged for a **unique portal for relevant information** and **providing ad-hoc guidance** on the practical implications of the legal frameworks for free movement of labour, posting of workers, social security coordination and the social aspects of road transport (for instance, in terms of what the rights (e.g. salary rights) are for a posted worker in a given Member State.¹⁶⁶ Such information should be operational and hands-on, allowing individual workers and employers, as well as relevant administrations (e.g. desk officers in social security organisations or employment advisors) to use it to ensure their rights and obligations are enforced. While fully relying on ELA to provide this information would likely require excessive resources, the Authority may play a role in ensuring access to this type of information.

Implementation of the provisions of the EURES Regulation

The following section will address the question *'To what extent did the Authority promote the further **implementation of the provisions of the EURES Regulation**? How did the EURES network and portal develop once the European Coordination Office was transferred to the Authority?'*¹⁶⁷

¹⁶³ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p. 40.

¹⁶⁴ Annex VI. Stakeholder consultation report, sections 4.3.2 and 4.5.1.

¹⁶⁵ Annex VII. Case study 1, section 1.3.1.

¹⁶⁶ It is to note that while Your Europe already partly serves this function, the portal was barely mentioned by consulted stakeholders and experts, which suggests that it either had limited visibility, or limited use in this area.

¹⁶⁷ Operationalised evaluation question 1.1.3, part of evaluation question 1.1 *'To what extent did the European Labour Authority achieve its objectives?'*

To facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services (Specific Objective 1 of the intervention, Figure 2), Article 6 of the founding Regulation mandated ELA to **manage the European Coordination Office (ECO) of EURES to support Member States in providing services to individuals and employers** (Operational Objective 2).

ELA started managing the ECO of EURES in 2021, taking this responsibility over from the Commission. The transfer process started with a 'job shadowing' phase, meant for ELA's staff to learn about the activities performed by EURES from relevant Commission staff. As revealed by the Case study on managing the ECO of EURES, this process was met with a number of challenges. On the one hand, these were caused by COVID-19 related restrictions to in-person meetings, which required to hold the job-shadowing activities online; and on the other, by difficulties in hiring required staff, leading to temporary capacity gaps: a limited number of staff members (three until the Head of Unit joined ELA in September 2021) was responsible for the transfer process.¹⁶⁸ Despite these obstacles, however, the commitment of both ELA and European Commission staff to ensuring a successful transition allowed to overcome the challenges faced. For instance, during the final phase of the process, given the lack of necessary ELA staff, ELA and the Commission signed an agreement for the Commission to continue to ensure continuity of certain activities. Ultimately, the transfer process was successfully completed before the agreed deadline (it was planned to be finalised by 1 July 2021, but ELA achieved financial autonomy on 26 May 2021). Commission and ELA representatives, as well as NCOs consulted in the context of the Case study, **assessed the process as seamless and well planned and praised the collaboration between ELA and Commission staff.**¹⁶⁹

The main operational activities undertaken by ELA in its role as the ECO over the period 2021-first half of 2023 included the taking over of the management of the EURES Coordination Group; the annual programming cycle; the Performance Measurement System; the EURES portal, training for the EURES Academy; EURES communication activities; the European (Online) Job Days; and the Report on Labour shortages and surpluses.¹⁷⁰ **In taking over the management of the ECO, ELA adopted a 'business continuity' approach, which facilitated the acquisition and learning process of the different tasks associated with the role of the ECO.**¹⁷¹ Hence, only relatively smaller-scale changes were introduced by the Authority. For instance, efforts were made to make the EURES Portal more user-friendly and accessible to external users; some changes were introduced to the Report on Labour Shortages and Surpluses to improve the presentation and user-friendliness of the reported results; ECO introduced new ways of interacting with NCOs, with a view to increasing the networking possibilities and adopting a more customer-oriented approach towards them; the EURES Communication Strategy for 2021-2024 was drafted with the aim of increasing awareness of the EURES brand and activities; a review of the training offer, including the piloting of new trainings, was undertaken; changes to the programming cycle and performance measurement were introduced.¹⁷² These were overall positively received by NCOs and denoted ELA's efforts towards an improvement and revamp of the EURES Portal and associated activities.

However, **some weaknesses also emerged.**¹⁷³ For instance, the newly introduced EURES Portal strategy 2023-2030 was found to have an excessively long timeframe, posing the risk of making it outdated to market and technological developments.. As another example, while

¹⁶⁸ Annex VII. Case study 2, section 2.3.1.

¹⁶⁹ Annex VII. Case study 2, section 2.3.1.

¹⁷⁰ Annex VII. Case study 2, section 2.3.1 (Table 6).

¹⁷¹ Annex VII. Case study 2, section 2.3.1.

¹⁷² Annex VII. Case study 2, sections 2.3.1 and 2.3.2.

¹⁷³ Annex VII. Case study 2, section 2.3.2.

the reports on labour shortages and surpluses were deemed useful by NCOs, some highlighted their limited use in their day-to-day work and outdatedness of the information provided. In this respect, ELA planned to improve the methodology and data presentation for such reports from 2022. In addition, while several NCOs highly appreciated the new communication approach and periodical bilateral dialogue process introduced by the ECO, a few found this hindered the transparency of communication within the network. Notably, however, ECO produced a report summarising the topics that emerged from the bilateral meetings, including suggested action points which were discussed in the European Coordination Group (ECG) of EURES, which contributed to improving the transparency. With respect to trainings, NCOs generally found training activities to be well organised and managed. Others, however, pointed at certain areas which are insufficiently covered by trainings (e.g. an induction courses for new NCO staff members was missing).¹⁷⁴ Overall, as shown by these examples, while some weaknesses existed, the Authority showed a proactive approach, developing **plans to introduce further improvements going forward**.

Since ELA took over the management of the ECO (May 2021), the use of the EURES Portal by employers and jobseekers fluctuated.¹⁷⁵ The figure below provides an overview of the number of newly registered jobseeker profiles on the EURES portal per year, between 2018 and 2022, which allows to compare the number of new registrations before and after ELA took over the management of the ECO. **A very large surge in new registrations was experienced between 2020 and 2021.**^{176,177} In 2021, there were close to 63 000 new registrations of jobseekers via self-service on the EURES Portal, and approximately 680 000 jobseekers CVs were transferred through the single coordinated channel to the EURES Portal. In 2022, the number of new registrations via self-service decreased to around 14 700 (which, according to ELA, was, among others, likely related to the introduction of the more secure two factor authentication requirements), whilst, following also the efforts of the Commission to ensure compliance with the EURES Regulation, the number of jobseekers transferred through the single coordinated channel to the EURES Portal increased to approximately 1.2 million (see Figure 16 below).

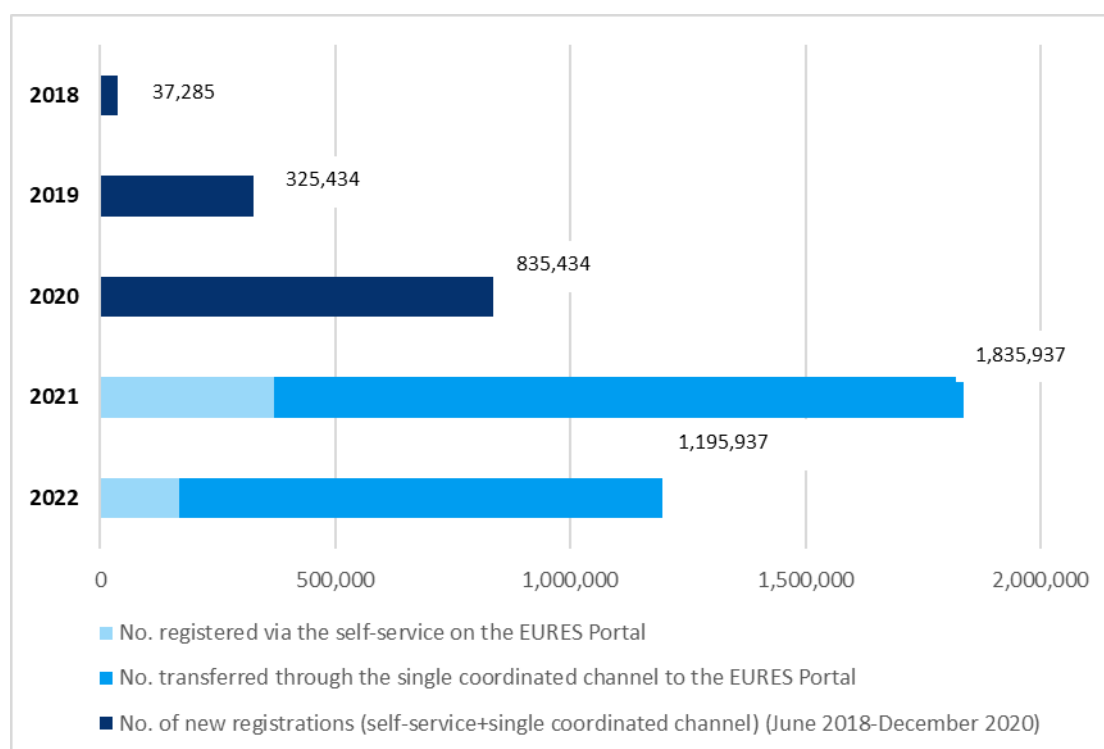
¹⁷⁴ Annex VII. Case study 2, section 2.3.2.

¹⁷⁵ **Error! Reference source not found.**, section 1.2.1.2.

¹⁷⁶ SWD(2021) 217 final, Commission Staff Working Document, Ex-post evaluation of the operation and effects of Regulation (EU) 2016/589 on a European network of employment services (EURES), Accompanying the document Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the operation and effects of Regulation (EU) 2016/589 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets (submitted pursuant to Article 35 of Regulation (EU) 2016/589), p. 35.

¹⁷⁷ No clear explanation for the significant surge in new registrations emerged as part of this evaluation.

Figure 16. Number of newly registered jobseeker profiles via self-service and CVs transferred via the single coordinated channel to the EURES Portal*



*Data for 2023 not yet available

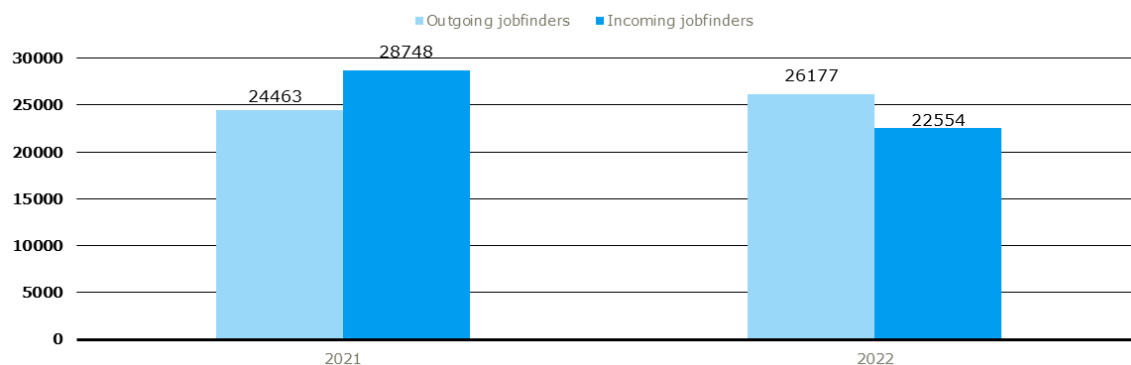
Source: Contractor's elaboration based on EURES annual PMS reports 2021-2022 and Commission SWD (2021), Ex-post evaluation of the operation and effects of Regulation (EU) 2016/589 on a European network of employment services (EURES)

The number of employers registered on the EURES Portal decreased from 6 973 in 2021 to 5 733 in 2022, indicating a 17.8% decrease in the number of registrations (which again, according to the Authority, was likely related to the introduction of the two factor authentication requirements).¹⁷⁸ On the other hand, following also the efforts of the European Commission to ensure Member States' compliance with the EURES Regulation, a substantial surge in the number of job vacancies published on the EURES Portal was registered from 2021 to 2022, with an increase from 9.5 million to over 30 million.¹⁷⁹ Over 53 000 jobseekers appeared to have found a job in a different country with the help of EURES in 2021, while the figure slightly decreased in 2022 (see figure below).¹⁸⁰

¹⁷⁸ Error! Reference source not found., section 1.2.1.2.

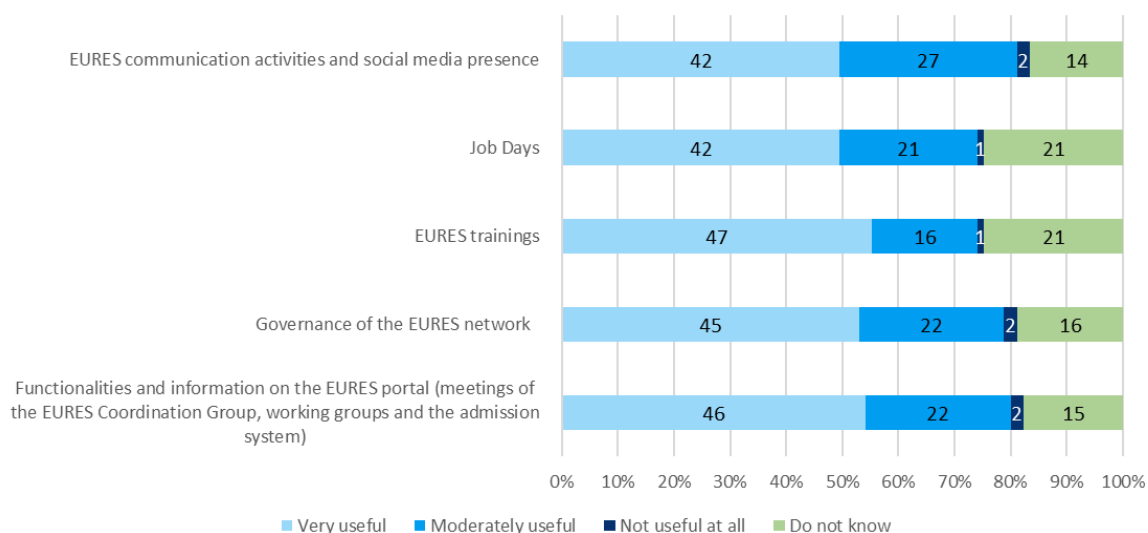
¹⁷⁹ Error! Reference source not found., section 1.2.1.2.

¹⁸⁰ Error! Reference source not found., section 1.2.1.2.

Figure 17. Number of total job placements effected as a result of recruitment and placement activity, 2021-2022

Source: contractor's own elaboration based on EURES Performance Measurement System Annual Reports (2021, 2022). There might be double counting. The numbers in the chart may not fully reflect the countries' efforts to inform EURES of all their placements. This is because the network is organised in different ways in each country. Furthermore, not all countries provided data. For S1 2021: Data not provided by DK, LI. For S2 2021: Data not available for IS. For S1 2022: Data not available for DK, FI, IS, LI. For S2 2022: Data not available for BG, CZ, DK, LU, FI, IS, LI.

Survey respondents who used EURES related services at least once largely found them to be very useful or moderately useful (namely, EURES communication activities and social media presence, job days, EURES trainings, EURES network, EURES portal), as shown in **Figure 18** below. In turn, 52% of public consultation respondents found ELA's work in relation to EURES to be of high quality or rather high quality, with 43% of respondents who indicated that they did not know about the topic.¹⁸¹

Figure 18. Considering ELA's role in managing ECO, how useful are the following activities/services? (n=85)¹⁸²

Source: Online survey to representatives of ELA stakeholders (2023)

¹⁸¹ Annex VI. Stakeholder consultation report, section 4.5.1.

¹⁸² Annex VI. Stakeholder consultation report, section 4.3.2 (Figure 18). Question displayed if respondents answered 'Very often', 'Often', 'Occasionally' to Q4.B.

Although EURES was generally seen as a useful service, knowledge and use of the EURES Portal appeared to be relatively limited among responding stakeholders. Survey and public consultation results indicated that involvement in/use of ELA's services as the ECO of EURES had been relatively more limited than for other ELA tasks (47% of respondents to the stakeholders' survey reported having used these services at least occasionally, whereas 35% of public consultation respondents indicated having been involved in/contributed to/benefited from related ELA activities as the ECO of EURES).¹⁸³ This could point to a generally low degree of awareness around the service and its functionalities.

At the same time, **many of the consulted stakeholders, who directly worked with ELA and were involved in its governance structure** – including Management Board members, staff within the national level offices that interact with ELA¹⁸⁴, social partners – **showed limited knowledge and interest regarding EURES.** The reason was primarily that EURES fell outside of their area of expertise/work and that EURES has its own governance as established by the EURES Regulation. The majority of ELA's activities fall within the realm of labour mobility, labour inspectorates and social security coordination departments, which are therefore largely represented within ELA's governance structure. However, NCOs, which are mostly PES (therefore working in a related, but different department), are the primary counterparts for EURES-related activities. In this sense, the knowledge of EURES appeared to be relatively less represented within ELA's governance structure than other tasks.

ELA undertook actions to further improve the visibility of EURES (notably with the implementation of the EURES Communication Strategy for 2021-2024 and the preparation of the Communication Plan for 2024 for the 30-year campaign).¹⁸⁵ However, results appeared to be limited at the time of the evaluation. The evidence revealed a **limited degree of use of the EURES portal among potential beneficiaries**, with social partners noting that workers and employers in their sectors were unlikely to use EURES.¹⁸⁶ Similarly, while social partners and a few public authorities reported seeing EURES as a useful tool to support job-matching, they stressed a need to strengthen its use and awareness and to enhance cooperation within EURES, in order to align supply and demand.¹⁸⁷

In terms of communication around EURES, according to several NCOs, ELA focused too much on information provision, paying an increasing attention to fair mobility topics that responded to ELA's general communication activities, and not sufficiently on 'matchmaking' (i.e. attracting the best jobseekers and recruiters). Other NCOs, however, appreciated ELA's communication approach for its comprehensive look at EU labour mobility issues.¹⁸⁸ These findings align with those reported by the Report of the Belgian Presidency of the Council of the EU, which highlighted the need for increased EURES' visibility and enhanced quality of the information provided on the EURES Portal.¹⁸⁹ At a more general level, there was also a perception that EURES and ECO were not sufficiently adapting their services and activities to the evolving European labour market context, characterised by acute labour shortages, ageing population, and competition for talent.¹⁹⁰

The limited use of EURES may also be linked to the functionality of its Portal. Despite the efforts made by ELA as the ECO of EURES to make the EURES Portal more accessible and

¹⁸³ Annex VI. Stakeholder consultation report, sections 4.3.2 (Figure 17), 4.5.1.

¹⁸⁴ i.e., labour and social security authorities including relevant ministries, labour inspectorates, national labour courts, public employment services.

¹⁸⁵ Annex VII. Case study 2, section 2.3.3.

¹⁸⁶ Annex VI. Stakeholder consultation report, section 4.3.2.

¹⁸⁷ Annex VI. Stakeholder consultation report, section 4.5.1.

¹⁸⁸ Annex VII. Case study 2, section 2.3.2, Annex VI. Stakeholder consultation report, section 4.4.2.

¹⁸⁹ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p. 85.

¹⁹⁰ Annex VI. Stakeholder consultation report, section 4.4.2; Annex VII. Case study 2, section 2.3.2.

user-friendly, interviewed NCOs pointed at the existence of **operational shortcomings within the Portal, hampering its functionality and usefulness**.¹⁹¹ For instance, NCOs, social partners and public authorities stressed that the registration procedure for a jobseeker profile should be simplified, sector-specific services and information should be added; a full operational and complete database of job offers and demands is missing; accessing the Portal can be associated with difficulties, in particular due to the EU Login system; third country nationals who are not family members of EU citizens should be excluded, the user-friendliness of the match-making engine should be improved.¹⁹² Going forward, ELA aimed to continue enhancing the visibility and functionality of EURES. In this sense, ELA was found to be well positioned to manage the ECO going forward, in terms of both its areas of competence (intra-EU labour mobility) and the synergies that could be achieved with the rest of its tasks.¹⁹³

While the evidence gathered through this evaluation overall showed that ELA made progress towards achieving its full potential as the ECO of EURES, certain weaknesses still existed. NCOs positively assessed the transfer process of the ECO to ELA and recognised the efforts undertaken to introduce incremental changes. However, they also expressed **a degree of dissatisfaction with some aspects of the current management of the ECO**.¹⁹⁴ For instance, NCOs pointed at some inefficiencies in the ECG meetings, mentioning that preparatory documents tended to be very high in number and received too close to the date of the meetings; meeting agendas often included items that did not significantly contribute to the Network's tasks and were accompanied by long presentations that subsequently did not leave enough time for discussion. In addition, when a topic was raised in one meeting, there was often no subsequent follow-up, leaving matters unresolved. According to ELA, this was normally the case where follow-up activities concerned aspects going beyond ELA's mandate. Such issues pointed at clear aspects for improvement in the management of the EURES Network.

Despite the good collaboration achieved between staff members involved in the transfer process, this evaluation found the **division of responsibilities between ELA and the European Commission to be one of the main challenges** in the management of the EURES portal. While the European Commission continued to be responsible for the technical operation of the EURES Portal and related IT services and the financial schemes under EURES (the Targeted Mobility Scheme and the Cross-Border Partnerships), ELA managed the ECO and was the system owner of the EURES portal. Such a division of roles allowed EURES to benefit from the Commission's corporate solutions and IT developments, and to re-use existing components and contracts. However, a lack of alignment in the practical implementation of each party's responsibilities, leading to cooperation difficulties, was revealed by the feedback received from the European Commission, ELA staff and NCOs, in line with similar findings from the Report of the Belgian Presidency of the Council of the EU.¹⁹⁵ According to European Commission representatives, in the management of the ECO, ELA had a tendency to go beyond its competencies, leaning towards undertaking key political steering issues related to legislation, reporting, evaluation or grant management, which however remained under the Commission's framework. Conversely, the ECO should focus more on managing the horizontal services as the ECO of EURES and supporting NCOs/Member States' activities in line with the relevant Regulations (in particular, the EURES Regulation and TFEU, Art. 46), and prioritise service provision to PES, EURES members and partners. From ELA's perspective, however, the ECO had never gone beyond EURES

¹⁹¹ Annex VII. Case study 2, section 2.3.2.

¹⁹² Annex VI. Stakeholder consultation report, section 4.3.2; Annex VII. Case study 2, section 2.3.2.

¹⁹³ Interviews with ELA staff. *Reference to page numbers for these interviews are not presented, since they were conducted within the context of Case Study 5, no longer included in this report in agreement with DG EMPL.*

¹⁹⁴ Annex VII. Case study 2, section 2.3.2, Annex VI. Stakeholder consultation report, section 4.5.1.

¹⁹⁵ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p. 85.

regulation provisions. Such disagreements point to a **lack of mutual understanding in terms of division of roles and responsibilities**.¹⁹⁶

Although the Case study on the ECO of EURES overall revealed that ELA and Commission staff were open and willing to cooperate and reach compromises, **collaboration between the two entities was found to be sometimes inefficient and time-consuming**.¹⁹⁷ Among the main issues reported, ELA underlined that their requirements for new functionalities and content were not always timely and adequately addressed by the European Commission. Moreover, the Authority was responsible for paying most of the hosting fees and licences, even though they were not responsible for deciding on employed IT tools. ELA also accepted to use the contracts for the external service providers for EURES, which was reported to be a challenge by ELA staff. On the other hand, the European Commission found that some of the ECO's new requirements went beyond existing budget possibilities, were not always fully aligned with existing technical and corporate solutions or were insufficiently clear.¹⁹⁸

Some critical opinions were also raised in relation to the priorities and limits of ELA's competencies in the management of the ECO. NCOs referred to a decline in the discussions/support provided to them: the heavy reliance on external contractors and limited in-house resources allocated to EURES caused internal competences within ELA to be limited and interdisciplinary collaboration difficult to materialise, hindering the Authority's capacity to provide timely information/responses to NCOs' queries, especially regarding information and knowledge on legal issues related to EURES regulations and free movement of workers. In this respect, the main issue might lie in the fact that, as opposed to the European Commission, ELA/ECO did not have the competency to interpret EU legislation. The European Commission was able to provide various legal perspectives on a given issue, which NCOs appreciated.¹⁹⁹

4.1.1.2. Facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections

Facilitate and enhance cooperation between Member States in the enforcement of relevant EU law, including facilitating concerted and joint inspections

The following section addresses the evaluation question *'To what degree did the Authority facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections?'*²⁰⁰

To facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union (Specific Objective 2 and Operational Objective 4 of the intervention, Figure 2), Articles 8-9 of the founding **Regulation mandated ELA with the coordination and support of Concerted and Joint Inspections (CJIs)** in the areas within ELA's competence **upon request of one or more Member States, on the basis of cases submitted by national level social partner organisations or on ELA's own initiative**. ELA was thus tasked to provide **conceptual, logistical and technical support**, including

¹⁹⁶ Annex VII, Case study 2, section 2.3.4.

¹⁹⁷ Annex VII, Case study 2, section 2.3.3; Annex VI. Stakeholder consultation report, section 4.3.2.

¹⁹⁸ Annex VII, Case study 2, section 2.3.4; Annex VI. Stakeholder consultation report, section 4.3.2.

¹⁹⁹ Annex VII, Case study 2, section 2.3.4; Annex VI. Stakeholder consultation report, section 4.3.2.

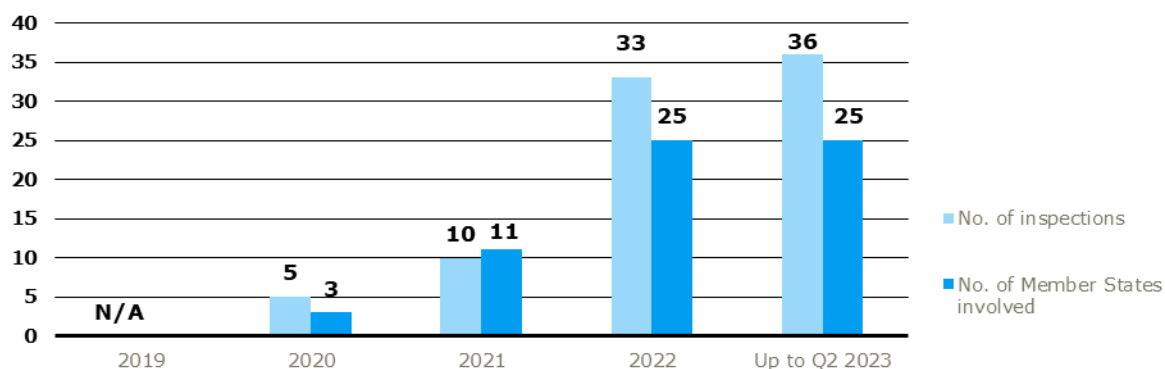
²⁰⁰ Operationalised evaluation question 1.1.4, part of evaluation question 1.1 *'To what extent did the European Labour Authority achieve its objectives?'*.

translation and interpretation, as well as legal expertise to facilitate cross-border inspections. In addition, ELA's staff could attend inspections as observers.

The mapping of ELA's activities suggests that the CJIs task of ELA was **highly prioritised during the first years of operation of the Authority**. In fact, during its first meeting in October 2019, ELA's Management Board identified 'coordination and support of concerted and joint inspections' (together with 'information on labour mobility') as priority tasks. This view was confirmed by ELA staff: 84% of the respondents to the survey for ELA staff and Management Board members considered CJIs as one of the prioritised activities since ELA's establishment (the largest share of responses across all ELA's activities)²⁰¹. CJIs also represented the **second largest task of ELA** (after EURES) in terms of **staff and operational budget allocation** (see Table 8 for a detailed breakdown), amounting to **10% of the budget for 2022**²⁰².

Data from ELA's programming documents and annual reports, as well as stakeholders' views expressed across the consultation activities, showed that the **effectiveness and the number of CJIs' and related activities increased significantly over the evaluation period**, both in terms of absolute numbers of engagement (Member States and individual staff participating) and in terms of stakeholders' satisfaction with the quality of ELA's outputs²⁰³. Between the establishment of the Authority in 2019 and Q2 2023, the number of CJIs that took place **grew from five (for 2020 as a whole) to 36 (in the first two quarters of 2023), involving 25 different Member States** (until the first half of 2023):

Figure 19. Number of cross-border inspections and Member States involved (Q3 2019-Q2 2023)



Source: Contractor's elaboration based on ELA Annual Activity Reports (2019-2022), CJI Bulletins (2021, 2023) and the Report on CJIs (2022)

Likewise, the sectoral coverage of CJIs increased progressively, while maintaining from the early stages of this task a focus on road transport²⁰⁴ (54% of all the CJIs conducted as of Q2 2023), construction (22%) and agriculture (14%)²⁰⁵. **Letterbox companies**²⁰⁶, **violations of**

²⁰¹ Annex VI Stakeholder consultation report, section 4.4.2.

²⁰² As previously mentioned across different sections, including in the introduction to this report (Section 1), the temporal scope of this evaluation covers up to Q2 2023. Therefore, most of the necessary elaborations to perform the cost-effectiveness analysis were made on the latest official budget data available at the time of the analysis (i.e. financial year 2022). Occasionally, figures or estimates for 2023 are still presented, as long as they were already available at the cutoff date of Q2 2023.

²⁰³ Annex VI. Stakeholder consultation report, sections 4.3.2 and 4.3.4.

²⁰⁴ As noted by ELA, the focus on road transport is justified by the entry into force of Mobility Package I.

²⁰⁵ **Error! Reference source not found.** (pp. 38 - 39).

²⁰⁶ In particular in road transport.

working conditions such as wages, working hours and accommodation conditions²⁰⁷, **breaches of social security regulations** were the main concerns identified across the CJIs undertaken during the evaluation period. Further information and descriptive statistics on CJIs and related activities are presented in Section 3.2.1.2 and in Annex III.

Evidence from ELA's reporting and stakeholders' views converge in identifying **growing awareness and interest towards CJIs**. In absolute figures, the number of persons trained by ELA through (mutual learning and training) activities related to CJIs grew from 70 people trained in 2020 to 300 people trained in 2022, reaching mostly national inspectors, social partners' representatives and ELA National Liaison Officers²⁰⁸. Evidence from the case study on CJIs (see Annex VII. Case studies, Case Study 3) shows that ELA **actively proposed actions to Member States, favouring the establishment of a mutual understanding of each other's work**. While some Member States had participated more actively in CJIs (Belgium, France, Romania) than others, only two countries (Luxembourg, Hungary) had up until end Q2 2023 not participated in CJIs. A common feature of all CJIs was the opportunity for participants in inspections to **get to know colleagues from different Member States in a work-setting, fostering trust among the parties**. In the past, according to some case study interviewees, requests submitted to another Member State's authority were not answered quickly or incomplete answers were given, at times provoking the suspicion of a lack of willingness to collaborate. Thanks to the cooperation in CJIs, **national authorities obtained a better understanding of the competencies and limitations of their counterparts in other Member States**. Some stakeholders (NLOs as well as social partners) also thought that CJIs produced positive results in terms of cooperation **within the same country**. In fact, through CJIs, cooperation between actors within a country that did not normally work together became possible (e.g. police officers, public prosecutors, social security or various national authorities in the road transport field).

Evidence from the case study showed that the participants in CJIs provided mostly **positive feedback regarding ELA's coordination and technical support**. This is consistent with the findings from the Public Consultation²⁰⁹, where 53% of respondents assessed the quality of ELA's work on CJIs as 'high quality' or 'very high quality' (against only 7% of 'poor quality' and 'very poor quality'). Furthermore, 50% of respondents to the Public Consultation believed that ELA should use CJIs more, whilst only the 2% thinks that ELA should stop CJIs or use them less.

Results from the targeted survey²¹⁰ (full results available in Annex VI) were also consistent with this positive feedback. At least **60% of respondents judged as 'very useful' ELA's support to communication and cooperation between Member States and capacity building activities and instruments related to CJIs**:

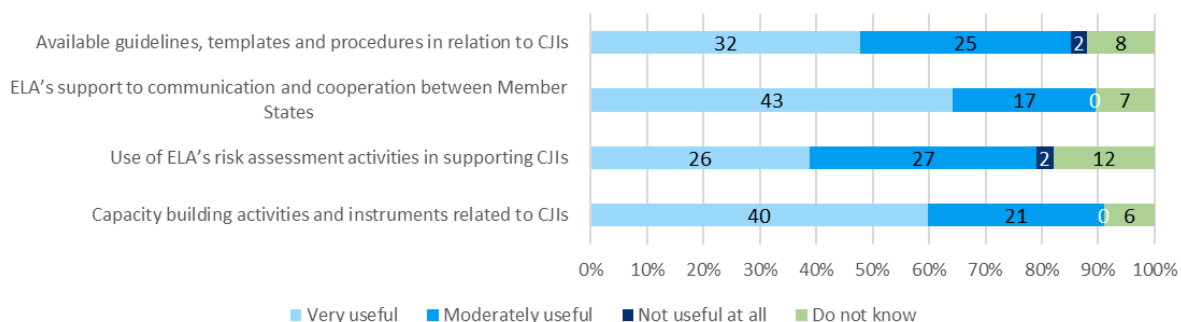
²⁰⁷ In the case of seasonal workers.

²⁰⁸ Section 3.2.1.2 and in **Error! Reference source not found.**

²⁰⁹ Annex VI. Stakeholder consultation report, section 4.5.1.

²¹⁰ Survey with EU policymakers, ELA national counterparts (e.g. ministries, labour inspectorates), social partners and international organisations.

Figure 20. Considering ELA's role in facilitating concerted or joint inspections, how useful are the following ELA activities/services? (n=67)²¹¹



Source: Survey to representatives of ELA stakeholders (2023)

Among the examples mentioned, stakeholders were positive about CJI-related technical support to translate documents relevant to specific CJIs, as well as interpretation (required in almost every conducted CJI), either for communication between inspectors and/or to interview workers during CJIs.

Furthermore, stakeholders highlighted that **ELA's financial, logistical, and organisational support was of critical importance to organise CJIs**. As further detailed in Annex VII. Case studies (Case study 3), the support provided by ELA staff to national inspectorates consists mostly in preparation meetings, briefing and debriefing, interpretation, and translation services. In addition, the important **role of NLOs** was emphasised, as they **enabled rapid exchange of information between Member States**.

Overall, there was wide consensus across all categories of stakeholders that **CJIs were particularly effective insofar as they enabled an exchange of practices between inspectors from different countries**: mutual learning allowed to identify ways to tackle certain problems and learn from one another how such approaches could be implemented within different national contexts²¹². This finding was also echoed by the Report of the Belgian Presidency of the Council of the EU, which reported that *'the exchange of information between national labour inspectorates has improved significantly, further emphasising ELA's role as a facilitator in this domain'*.²¹³

Nevertheless, the evaluation also shed light on certain **elements which limited the effectiveness of CJIs**. These related on the one hand to ELA's planning and execution of CJIs, on the other hand to the nature of CJIs and to ELA's mandate as dictated by the founding Regulation.

Concerning **ELA's approach to CJIs**, the case study on CJIs²¹⁴ and the targeted interviews²¹⁵ highlighted that **ELA's planning and engagement with counterparts was not always timely**. Social partners, but also representatives of national authorities, noted that at times ELA issued 'last minute requests' (e.g. to provide input for campaigns and flyers to support CJIs). Such short timeframes to respond to inquiries may have impacted the willingness of

²¹¹ Question displayed if answered 'Very often', 'Often', 'Occasionally' in Q4.D. See Annex VI. Stakeholder consultation report, section 4.3.2..

²¹² Annex VI. Stakeholder consultation report, sections 4.3.2, 4.5.1 and 4.6.1.

²¹³ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p. 19.

²¹⁴ Annex VII. Case studies, section 3.3.

²¹⁵ Annex VI. Stakeholder consultation report, section 7.

stakeholders to engage actively in CJIs, together with similar issues relating to events being organised with short notice and invitations for high-level personnel being sent out too late. ‘*Short timelines for post-inspection reports*’ are seen by some stakeholders as a weakness in the founding Regulation.²¹⁶

Moreover, evidence from the case study²¹⁷, survey²¹⁸, targeted interviews²¹⁹ and a dedicated workshop²²⁰, suggest that **social partners were not sufficiently consulted/involved in CJIs**: social partners flagged shortcomings (within the Stakeholders Group and in bilateral meetings with ELA) insofar as CJIs did not always involve all the relevant actors of the different national industrial relations systems (i.e. not all the relevant stakeholders in the participating Member States are appropriately informed or involved). ELA however argued that it had limited influence over the organisations that national authorities chose to consult and involve in CJIs: as per ELA Regulation, CJIs were organised in accordance with the national laws where CJIs took place, and ELA coordinated its enforcement actions through NLOs. Subsequent coordination at national level is a Member State responsibility.

Another element mentioned was the **lack of follow-up activities after CJIs are executed**. Social partners argued²²¹ that ELA simply reported on the number of infringements found (cfr. Figure 13 and accompanying paragraph), without sharing concrete takeaways with social partners, even though they would be extremely useful (e.g., trainings could be organised by employers’ representatives to prevent other employers from repeating the same mistakes). As noted by interviewed national authorities in the case study on CJIs²²², ELA’s struggles in follow-up activities were mainly due to the fact that in the case of post-inspection reports, it was at times difficult for national authorities to report the specific results within the currently foreseen deadlines, as legal investigations were often still ongoing. In relation to this aspect, it is worth mentioning the **development of the supporting materials that ELA undertook**. As further detailed in Section 3.2.1.2²²³, starting from a set of tools and procedures back in 2020, ELA reporting showed that in 2022 the Authority adopted modalities to ensure appropriate follow-up: for instance, follow-up in cases where a Member State decided not to take part in a CJI, as well as the development of an internal reporting template to facilitate the collection of key data after each CJI. Notably, there was wide consensus across stakeholders that the **more recent CJIs (undertaken in 2022 and 2023) were better planned and executed than the initial inspections**. Finally, employers’ organisations and national authorities flagged that the administrative burden of engaging in CJIs is considerable, making challenging to receive ELA’s requests of participation in CJIs (or connected activities)²²⁴.

Across all categories of stakeholders, there was wide agreement that for CJIs to be effective (and hence contribute to better enforcement across the Union), **Member States’ active participation was crucial: Member States’ participation to CJIs was not mandatory and ELA did not have direct enforcement power** (i.e. it is up to national authorities to impose fines and tackle infringements on the basis of any findings uncovered through CJIs).

²¹⁶ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p.20.

²¹⁷ Annex VII. Case studies, section 4.3.

²¹⁸ Annex VI. Stakeholder consultation report, section 4.3.2.

²¹⁹ Annex VI. Stakeholder consultation report, section 7.

²²⁰ Annex VI. Stakeholder consultation report, section 7.

²²¹ Annex VI. Stakeholder consultation report, section 4.3.2 and 7.2.2.

²²² Annex VII. Case studies, section 3.3.

²²³ See p. 64.

²²⁴ Annex VI. Stakeholder consultation report, sections 5 and 7. ELA also noted that the existing guidelines and processes were developed by the Working Group on Information, where representatives of Member States sit in. Hence, suggestions by Member States play a role in the definition and finetuning of such guidelines and processes.

Analyses and risk assessments linked to issues of cross-border labour mobility

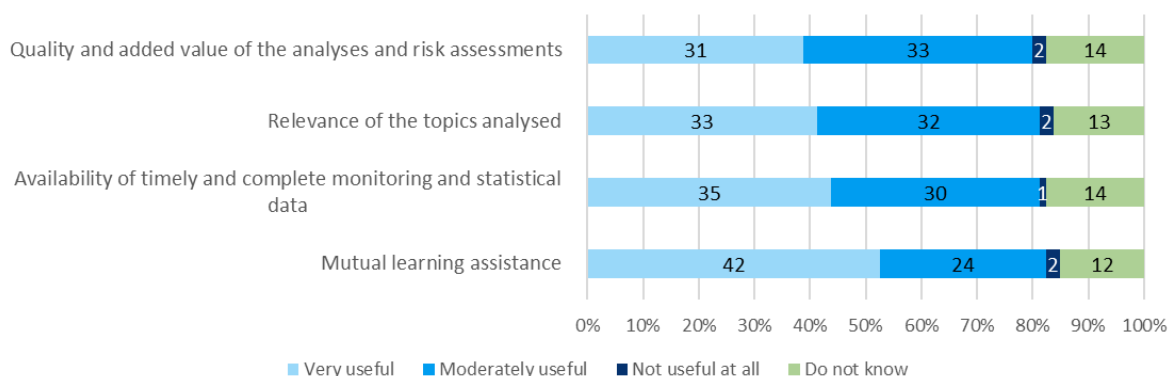
The following section addresses the evaluation question ‘*To what extent did the Authority cover the **analyses and risk assessment** tasks linked to issues of cross-border labour mobility?*’²²⁵

In accordance with Article 10 of the founding Regulation, ELA was tasked with carrying out **analyses and risk assessments** on **cross-border labour mobility related issues**, to keep track of emerging trends, challenges, or loopholes in the areas of labour mobility and social security coordination and to facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union (Specific Objective 2 and Operational Objective 5 of the intervention, Figure 2).

The topics ELA addressed when carrying out risk assessments and analyses of labour mobility and social security coordination included labour market imbalances (e.g. EURES Report on labour shortages and surpluses), sector-specific challenges and recurring problems. As detailed in the founding Regulation, ELA was also tasked with seeking input from SOLVIT and similar services on sector-specific challenges and recurring problems concerning labour mobility. ELA was also tasked to streamline data collection activities carried out by Member States to avoid duplication, and to cooperate with Eurostat to share the results of the data collection activities.²²⁶

Evidence from the survey with EU policymakers, ELA national counterparts, social partners and international organisations revealed that the **most useful** activity related to risk analyses and assessments was **mutual learning assistance** (over 50% of respondents marked it as ‘very useful’):

Figure 21: Considering ELA’s risk assessments and analyses regarding labour mobility and social security coordination, how useful are the following activities/services? (n=80)



Source: Online survey to representatives of ELA stakeholders (2023)

Nevertheless, **analyses and risk assessment on issues related to cross-border labour mobility appeared to be the least prioritised task of ELA** (together with mediating disputes between Member States on the application of relevant Union law). This is consistent with the views of the respondents to the survey targeting ELA staff and Management Board members:

²²⁵ Operationalised evaluation question 1.1.5, part of evaluation question 1.1 ‘*To what extent did the European Labour Authority achieve its objectives?*’

²²⁶ Founding Regulation Art. 10(1, 4).

only 8% of the respondents indicated this activity as one of the priorities of ELA since its establishment. This finding is confirmed by the respondents to the survey, targeting EU policymakers, national counterparts of ELA, social partners and international organisations: **only 3% of the participants to this survey claimed that they made use/benefitted from ELA's outputs 'very often'**, i.e. at least monthly (see Figure 9 of Annex VI. Stakeholder consultation report).

Less than 5% of the budget was dedicated to this task in both 2021 and 2022 (see Section 4.1.2 for a detailed breakdown). This differed from the impact assessment, that was anticipating **this task as the second largest of ELA (almost a quarter of the budget allocated towards it)**²²⁷. The analysis and risk assessment sector instead reached **operational capacity in terms of human resources only at the end of 2023**, prior to which the capacity of the team was significantly limited.²²⁸

In practice, **in 2023 ELA planned to further develop its analytical and risk assessment capabilities** by building on its existing information and data sources (e.g. through cooperation with the Member States, the Administrative Commission for the Coordination of Social Security Systems, the European Commission, SOLVIT, Your Europe Advice, Eurofound²²⁹ or Eurostat) as well as **using the information and data acquired through its own operational activities, including CJIs²³⁰ and EURES**.

The integration of information and data acquired through operational tasks was a key issue frequently mentioned by most stakeholders (especially the European Commission as well as beneficiaries of ELA's activities such as social partners) during our consultation activities²³¹. One of the limits that hampered the effectiveness of the analyses and risk assessment's task was the **lack of synergies between ELA's own analyses and the implementation of such analyses within the activities related to CJIs and information access**. In fact, as noted by survey respondents²³², there was room for improvement under this task. Initially, priorities for analyses and risk assessments were shaped by discussions with the European Commission and ad hoc topics were requested by Member States. **As ELA's team allocated to this task expanded**, objectives came to be set to deliver a pipeline of analyses and risk assessments, **ensuring that findings could guide future actions and further analyses and risk assessments and in a more structured and logical way** (e.g. to ensure that the findings guide future actions). Thus, ELA started to carry out its own analysis of national priorities in close collaboration with NLOs.

However, ELA focused excessively on mapping and analyses, rather than risk assessments: as shown by the table below, as of Q2 2023 ELA performed only two preparatory activities related to the risk assessment task (see Annex III.), for the full list of analyses conducted over the evaluation period). Notably, in line with the expectations at the time of the establishment of the Authority (intended as a 'lean organisation', as discussed in Section 3.1.2), most of the activities in this task were performed by external contractors rather than in-house. Due to the sensitivity of data collected for the purposes of risk assessments, ELA noted that risk assessments cannot be outsourced, differently from analyses.

²²⁷ It is noteworthy to specify that the impact assessment is based on the Commission's legislative proposal, which is then different to some extent from the actual Regulation adopted after the trilogue. Section 2.1 provides further details on the differences between the Commission's proposal and the final text of the founding Regulation.

²²⁸ Information provided to the contractor by ELA, as per Management decision.

²²⁹ ELA signed a Memorandum of Understanding with Eurofound in March 2022 with the aim of ensuring cooperation, complementing their activities, promoting synergies, avoiding overlaps, and sharing good practices.

²³⁰ However, ELA noted that to fully exploit synergies between ELA's own operational activities (such as CJIs) and analyses and risk assessments, it is essential to obtain data from Member States on post-inspection reports. At the time this report was written, Member States did not submit such reports for the majority of CJIs carried out.

²³¹ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.6.1. and 8.1.1.

²³² Annex VI. Stakeholder consultation report, section 4.3.2.

Overall, there was wide consensus across all categories of stakeholders (i.e. ELA, Commission, authorities and social partners)²³³ on the **importance of the analysis and risk assessment task and that ELA should enhance its activities**: risk assessments were looked at with particular interest, since they could translate into strategic priorities, common understanding of relevant challenges and ultimately enforcement activities in high-risk sectors

Table 7. ELA's risk assessment reports (as at Q2 2023)

Activity	Year	Description
Mapping of data sources	2022	ELA conducted a mapping of data sources (including databases and IT systems) used by national competent authorities for risk assessment
Handbook on Artificial Intelligence and Algorithms in Risk Assessment	2023	The handbook addresses the use of automation, rule-based models, and AI systems, with the aim of enhancing understanding about biases and legal/ethical issues associated with algorithm development and utilisation, providing insights into the legislative framework and methods to mitigate biases and discrimination ²³⁴
Manual on Application of the General Data Protection Regulation (GDPR) in exchanging data for risk assessment ²³⁵	2023	The manual summarises the main legal issues related to the processing and sharing of data for risk assessment under the GDPR, and presents examples from practice or case-law and good practices identified in an online training session and through subsequent exchanges with national competent authorities ²³⁶

Source: Elaboration of the contractor on ELA's programming documents and annual activity reports

The Manual on Application of the GDPR is related to one of the key issues which emerged during this evaluation, as discussed below. This part is also addressing the evaluation question **'How well were the data protection aspects taken into account in the deployment of the Authority's activities?'**.

The Authority started its activities in compliance with the EUDPR (Regulation (EU)2018/1725) and nominated its Data Protection Officer (DPO) in February 2022. In November 2022, the Management Board discussed and approved the Authority's Personal Data Protection Plan for 2022-2023 by consensus. In June 2023, the Management Board adopted rules and procedures for the application of the EUDPR, as well as implementing rules concerning the DPO.

Although the evidence collected in this study does not allow to draw robust conclusions on how well data protection aspects were taken into account into the deployment of ELA's work, issues of data protection had instead a sizable impact on the effectiveness of specific ELA's task.

ELA staff claimed (cfr. Annex VI. Stakeholder consultation report, section 4.4.1.5) **that concerns related to data protection rules were the main reason for the shortcomings on risk assessments**, and in general for the lack of synergies between analyses and risk

²³³ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.5.1 and 8.1.

²³⁴ <https://www.ela.europa.eu/sites/default/files/2023-08/AI-training-Handbook-summary.pdf>

²³⁵ ELA Management Board meeting minutes.

²³⁶ https://www.ela.europa.eu/sites/default/files/2023-02/ELA_GDPR_Training_Manual_final_2023.pdf

assessments and other tasks (mostly CJIs and EURES). According to ELA staff, the founding Regulation did not provide enough clarity on the extent to which ELA would be allowed to process data of individual workers, jobseekers and employers to produce analyses and risk assessments and to use such analyses and assessment to inform CJIs and EURES-related services. According to ELA (cfr. Annex VI. Stakeholder consultation report, section 4.4.1.5), concerns with data protection rules also stemmed from the fact that ELA was not the owner of some tools (e.g. IMI-system) or of the data on the EURES portal. ELA argued that a clear mandate was lacking to allow the Authority to conduct risk assessments at company level, an analytical service that Member States were asking for. ELA claimed having no mandate to proactively identify suspected cases and suggest them to Member States: according to ELA, the Authority had a mandate to refer cases to Member States, but there was no mandate to refer cases based on own analysis.

Nevertheless, the evidence analysed in this study suggested that, **upon anonymisation of personal information**, ELA is in fact legally allowed to have access to micro-data for the purposes of its own analytical activities. Furthermore, ELA can conclude specific Data Protection Agreement with MS to access targeted data, to cover the tasks allocated by its founding Regulation. Still, it could be clarified the extent to which, on the basis of these data, ELA could then process information to use it for other activities in compliance with data protection provisions. Please refer to Section 5.1.2 for further discussions on our conclusions on data protection-related issues.

Cooperation and facilitation of exchange of information between Member States

The following section addresses the evaluation question *‘To what extent ELA’s task related to **cooperation** and facilitation of **exchange of information** between Member States was effective?’*²³⁷

Article 7(1) of the founding Regulation mandated the Authority to ‘facilitate the cooperation and acceleration of exchange of information between Member States’ and to ‘support their effective compliance with cooperation obligations’. In particular, the Authority is expected, upon request of one or more Member States, to:

- Help Member States identify the relevant contact points in other Member States (upon request)
- Provide logistical and technical support to information exchanges between Member States (upon request)
- Disseminate best practices among Member States
- Facilitate cross-border enforcement procedures relating to penalties and fines (upon request)
- Report to the Commission twice a year about unresolved requests between Member States and consider whether to refer those to mediation

Furthermore, according to the same Article, the Authority should, upon request, ‘provide information to support the Member State concerned in the effective application of the Union acts that fall within the Authority’s competence’; promote the use of electronic tools for

²³⁷ Operationalised evaluation question 1.1.7, part of evaluation question 1.1 ‘To what extent did the European Labour Authority achieve its objectives?’

message exchange, including the Internal Market Information (IMI) system;²³⁸ as well as promote the potential use of electronic tools to facilitate access to data in real time and fraud detection.

This activity corresponds to Specific Objective 2 and Operational Objective 3 of the intervention (see Figure 2) and **was not considered a priority during the Authority's start-up phase**.²³⁹ In terms of financial resources, this task stood out within ELA as the only one where **staff costs surpassed operational costs**. Primarily, this was a result of **substantial involvement by NLOs across various Member States** in executing this task. This was because, from an administrative perspective all NLOs were allocated to this task, despite NLOs' involvement across all the operational tasks of the Authority.

While in 2020 internal discussions were held to lay the ground for this activity, by mapping existing communications channels and identifying their strengths and weaknesses²⁴⁰, **it was in 2022 and 2023 that this task delivered its most significant outputs to date**. In 2022, ELA started its work on the creation and establishment of workflow guidelines, model forms and templates, KPIs and other relevant documentation for dealing with requests under Article 7(1) of ELA's founding Regulation.²⁴¹ In 2023, the Authority planned on working on a *'toolbox for the exchange of information between Member States (workflow guidelines, templates, model forms)'*.²⁴² Evidence from the survey with EU policymakers, ELA national counterparts, social partners and international organisations showed that **workflow guidelines, model forms and templates, KPIs, analytical reports, workshops and seminars related to cooperation and information exchange were perceived as the most useful activities** (compared to the availability of a directory of national contact points) **under this task**²⁴³.

Overall, the survey to ELA stakeholders²⁴⁴ and the interviews²⁴⁵ highlighted that **ELA's work was largely successful with regards to cooperation and information exchange among Member States**. According to survey respondents, this was partly due to the effective contribution of NLOs to address specific issues arising in the cooperation between Member States. The importance of the NLOs' role was echoed by the Report of the Belgian Presidency of the Council of the EU²⁴⁶, which observed that *'it provides more and better information to national administrations, which can result in a more effective exchange of information between them'*. Additionally, ELA initiated cooperation efforts, including launching reports to analyse cooperation issues and provide recommendations. ELA also extended logistical expertise to Member States and introduced cooperation programs (known as 'mutual learning and understanding programmes') on topics like road transport, posting and IMI. Furthermore, as further detailed in Section 3.2.1.2 and in Annex III, NLOs supported five cooperation support events²⁴⁷ between seven Member States.

Survey respondents indicated 'Cooperation and exchange of information between Member States and compliance with cooperation obligations in the field of labour mobility' **as the most used/the most beneficial activity (selected by 66% of respondents)**. Similar results

²³⁸ The IMI system is a secure, multilingual online tool that facilitates the Exchange of information between public authorities involved in the practical implementation of EU law in different policy areas. Source: https://ec.europa.eu/internal_market/imi-net/about/index_en.htm

²³⁹ ELA Management Board meeting – 16-17 October 2019; ELA Work Programme 2020; CAAR 2020.

²⁴⁰ CAAR 2020.

²⁴¹ CAAR 2022.

²⁴² SPD 2023-2025.

²⁴³ Annex VI. Stakeholder consultation report, section 4.3., Figure 13.

²⁴⁴ Annex VI. Stakeholder consultation report, section 4.3.

²⁴⁵ Annex VI. Stakeholder consultation report, section 7.

²⁴⁶ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p.75.

²⁴⁷ Events aimed at enhancing bilateral and multilateral cooperation organised through the logistical and technical support of ELA.

emerged from the Public Consultation. **Facilitation of cooperation and exchange of information between Member States and provision of support to their effective compliance with cooperation obligations** was indicated by Public Consultation's respondents as the activity they had been involved in/contributed to/benefited the most²⁴⁸. The Public Consultation also showed that activities related to the **facilitation of cooperation and exchange of information** among Member States were judged to be of *very high quality* or *rather high quality* by the second highest numbers of respondents (67% of all respondents).

Another piece of evidence pointing towards the effectiveness of this task is the number of requests referred to ELA to facilitate cooperation and exchange of information within the meaning of Article 7(1) of the founding Regulation: despite a slight decrease in the **ratio between resolved and received requests until 2022**^{249,250}, **the number of requests processed in 2022 (110) was nearly ten times higher than in 2020 (12)**. The average number of days to solve requests was between 32 and 42 days in the period 2021 - Q2 2023.

Most requests concerned social security coordination and the posting of workers, and, to a lesser extent, road transport and the free movement of workers.

Within the overall very positive outlook on the effectiveness of this task, the important role of NLOs was much debated. NLOs were perceived as crucial due to their unique position — possessing expertise on certain topics, close ties to Member States, and being part of ELA's NLO network. **While interviewed stakeholders (mostly national authorities)²⁵¹ were overall positive, some concerns were raised about the position of NLOs, particularly that they could adopt a more neutral stance towards the activities they perform**. In fact, the opinion of some national authorities was that NLOs activities could be more 'independent' from ELA's point of view, while others considered NLOs as following too much their national agenda.

Capacity building

The following section addresses the evaluation question *'How well was the **capacity building** task implemented? To what extent did it promote the consistent enforcement of EU law?'*²⁵²

Article 11 of the founding Regulation mandated ELA to **support Member States with capacity building aimed at promoting the consistent enforcement of the Union law** (Specific Objectives 1 and 2, Operational Objective 6 of the intervention, Figure 2).²⁵³ Capacity building can be considered as feeding into two of ELA's specific objectives, namely facilitating access to information on rights and obligations regarding labour mobility across the Union (Specific Objective 1 of the intervention Figure 2); and facilitating and enhancing cooperation between Member States in the enforcement of relevant Union law, including by facilitating concerted and joint inspections (Specific Objective 2).

As per feedback from ELA staff and Management Board Members and taking into consideration relevant Management Board decisions, capacity-building received relatively low priority compared to other tasks (with only 31% of respondents to the ELA staff and Management Board survey indicating its prioritisation).²⁵⁴ Nonetheless, there has been a **growing emphasis on this task, evidenced by the gradual increase in budget allocation**

²⁴⁸ 94 out of 142 (65% of all respondents) Annex VI. Stakeholder consultation report (Figure 85).

²⁴⁹ Figures for 2023 only refer to Q1 and Q2.

²⁵⁰ Report to the European Commission about Unresolved Requests between Member States.

²⁵¹ Annex VI. Stakeholder consultation report, section 4.3.2.

²⁵² Operationalised evaluation question 1.1.6, part of evaluation question 1.1 *'To what extent did the European Labour Authority achieve its objectives?'*

²⁵³ Founding Regulation Art. 11.

²⁵⁴ Annex VI. Stakeholder consultation report, section 4.4.2.

since 2021 (from a 2% budget share in 2021, capacity building was allocated 8% of the budget in 2022 and 2023).²⁵⁵

To support capacity building activities, ELA launched a ‘Call for Good Practices’ initiative²⁵⁶ in 2022 to collect inputs from Member States and other stakeholders operating at national, regional and local levels, with a thematic focus on road transport and seasonal work.²⁵⁷ A second edition of the Call for Good Practices was launched in January 2023, to collect good practice examples from the fields of construction and preventing social security fraud. Overall, since 2019, trainings, workshops, peer-to-peer or group activities, and staff exchanges between national authorities were carried out. These fed into different ELA tasks and areas. For instance, a workshop was organised in 2021 on the outreach and dissemination strategies for seasonal workers in the agri-food sector; practical workshops on tackling letterbox companies in road transport were held; as well as staff exchanges between national authorities, part of which in the context of CJIs.²⁵⁸ This reflected the fact that **over the first years of ELA’s operation, capacity building activities were organised on more of an ad-hoc basis**. In 2023, however, a **Capacity Building strategy** for the period 2024-2030 was adopted. As explained by ELA’s staff, this was expected to allow for a more programmatic approach to the planning of capacity building activities, which will be based on identified needs and requests from Member States and other ELA units.

Capacity building was one of the areas with which most stakeholders had been in contact since ELA’s establishment, likely given the horizontal nature of this task (48% of stakeholders’ survey respondents reported having made use of/benefitted from this task at least occasionally, and 55% of public consultation respondents reported to have been involved in/contributed to/benefitted from this task).²⁵⁹ Overall, **capacity building activities** (documentation for training and capacity building, trainings and workshops) **were very positively assessed** by the stakeholders consulted through the survey (primarily including national ministries, labour inspectorates and PES), who largely found them to be very useful (as shown in Figure 23).²⁶⁰ Along similar lines, 64% of Public Consultation respondents found ELA’s services related to capacity building to be of high quality or rather high quality.²⁶¹ Capacity building was highly valued by interviewed representatives of national administrations not only for its **contribution towards increased technical competencies**, but also for its role in providing a **platform bringing stakeholders together**, particularly Member State representatives, **fostering the exchange and dissemination of good practices**. ELA also demonstrated to be receptive to the needs and suggestions of Member States, fine-tuning its activities.²⁶²

²⁵⁵ **Error! Reference source not found.** (p. 18).

²⁵⁶ Member State administrations and stakeholders operating at the national, regional or local level, including social security institutions, civil society and social partner organisations, could submit one or more good practice examples to ELA, which were then listed in the ELA good practice library and made available on ELA’s website. A ‘good practice’ was defined as ‘a policy measure targeting a clearly identified group, which has a clear objective, is highly visible and accessible for the target group, is backed by sustainable funding, and produces the intended results or at least better results than existing alternatives by using delivery mechanisms tailored to the intended target group and objectives’.

²⁵⁷ **Error! Reference source not found.**, section 1.2.1.6.

²⁵⁸ **Error! Reference source not found.**, section 1.2.1.6.

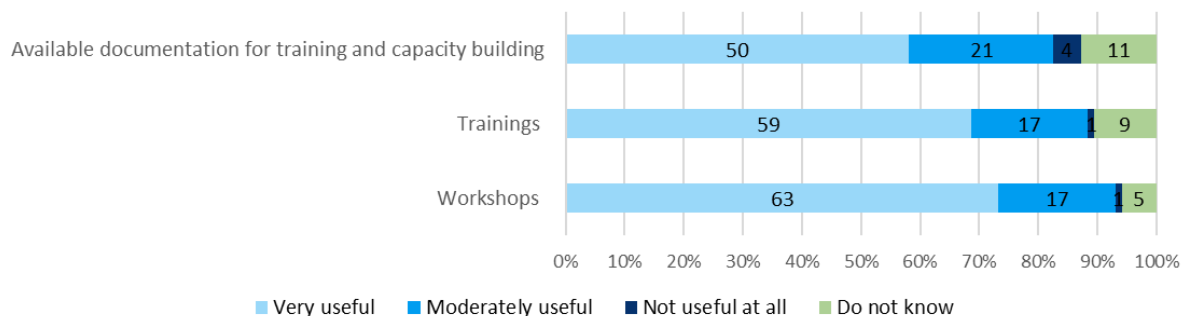
²⁵⁹ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.5.1.

²⁶⁰ Annex VI. Stakeholder consultation report, section 4.3.2.

²⁶¹ Annex VI. Stakeholder consultation report, section 4.5.1.

²⁶² Annex VI. Stakeholder consultation report, section 4.6.1.

Figure 23: Considering the capacity building activities implemented by ELA, how useful are the following ELA activities/services? (n=86)²⁶³



Source: Online survey to representatives of ELA stakeholders (2023)

One of the main challenges reported by national administrations related to **national resources and availability**: busy agendas made it difficult at times to dedicate resources to capacity building activities; moreover, due to significant differences among national level offices in terms of budgets, human resources and skills (including language skills), made it more difficult for certain administrations to participate in such activities.

According to staff and Management Board members capacity building horizontally supported ELA's work, creating synergies with the rest of its tasks.²⁶⁴ It contributed to facilitating cooperation and exchange of information between Member States, and in supporting CJIs, through targeted training sessions. Capacity building activities such as seminars, workshops, webinars, and peer-learning initiatives were part of the work of the Platform tackling undeclared work. Mutual learning events and communities of practice focusing on topics such as seasonal, cross-border, telework, and platform work also fed into ELA's efforts of facilitating access to information regarding rights and obligations to facilitate EU labour mobility. Finally, capacity-building workshops and seminars on specific themes, such as road transport and labour mobility issues, and annual workshops with mediators and experts from the mediation board indirectly supported ELA's mediation task, by aiming at stakeholders involved in dispute resolution within the labour mobility context, ensuring a comprehensive approach to addressing and mediating conflicts. However, the horizontal nature of capacity building also led to **some difficulties concerning the internal coordination between ELA units**, with perceived overlaps between activities organised by the Coordination Support Unit (where the capacity building task is centred) and other units, which planned capacity-building activities related to their tasks (e.g. EURES, mediation).²⁶⁵ ELA addressed these challenges by coordinating with other units in the drafting of the ELA Capacity Building Strategy in 2023, which is expected to limit overlaps going forward.²⁶⁶

²⁶³ Annex VI. Stakeholder consultation report, section 3.3.2 (Figure 24), Question displayed if respondents answered 'Very often', 'Often', 'Occasionally' in Q4.F.

²⁶⁴ Interviews with ELA staff and Management Board.

²⁶⁵ Interviews with ELA staff and Management Board.

²⁶⁶ Annex VI. Stakeholder consultation report, section 4.6.1.

4.1.1.3. Mediate and facilitate a solution in cases of cross-border disputes between Member States

Mediation

The following section addresses the evaluation question ‘How well was the **mediation** task implemented? What are the main lessons learned?’²⁶⁷

Article 13 of ELA’s founding Regulation mandated the Authority with **mediating and facilitating a solution in cases of cross-border disputes between Member States** regarding individual cases of application of EU law in areas covered by the Regulation (Specific Objective 3 of the intervention, Figure 2, and Operational Objective 8). If the dispute has remained unresolved, in spite of the cooperation efforts of the disputing Member States or between the national SOLVIT centres, ELA may launch a mediation procedure either upon request of one or more of the Member States or by suggesting such a procedure on its own initiative, including following an unresolved case referred by the national SOLVIT centres.²⁶⁸

At the time of this evaluation, **mediation was a novel procedure**, introduced to manage individual cross-border cases involving national authorities in two or more Member States across all domains of labour mobility and social security coordination. Preparatory activities to set up the procedure started in 2019 and continued throughout 2020 and 2021 within the Working Group on Mediation.²⁶⁹ This focused on drafting the rules of procedure for mediation, including by engaging in dialogue with the Administrative Commission and EU SOLVIT, in order to achieve synergies and avoid overlap and duplication. As highlighted by the Case study on mediation, preparatory work proceeded at a relatively slow pace, due to the need to set up the activity from scratch, to the difficulties associated with the interpretation of Article 13 of the Regulation (which was reported by ELA staff as challenging to implement) and to the political sensitivity associated with this endeavour (which led to several lengthy discussions in the Working Group), as well as to the limited ELA staff available for setting up the procedure.²⁷⁰

Simultaneously, **mediation was one of the least prioritised tasks** by the Authority over its first years of operation. Decisions No 6 and 15 of the Management Board identified facilitating access to information and relevant services on labour mobility and coordinating concerted and joint inspections as the two prioritised areas in the start-up phase of the Authority.²⁷¹ This was in line with the responses of ELA staff and Management Board members to the survey (where only 8% of respondents indicated that mediation had been prioritised),²⁷² and the very limited budget share dedicated to mediation in 2021 and 2022 (respectively, 1% and 3% of ELA’s budget)²⁷³.

The Rules of Procedure for Mediation were adopted in 2021, along with a Cooperation Agreement with SOLVIT to permit the referral of unresolved SOLVIT cases for mediation, and a Cooperation Agreement with the AC for the Coordination of Social Security Systems²⁷⁴.

²⁶⁷ Operationalised evaluation question 1.1.8, part of evaluation question 1.1 ‘To what extent did the European Labour Authority achieve its objectives?’

²⁶⁸ Founding Regulation Art. 13.

²⁶⁹ **Error! Reference source not found.**, section 1.2.1.8.

²⁷⁰ Annex VII. Case study 4, section 4.3.1.1.

²⁷¹ Decision No 6/2019 of 3 December 2019 of the Management Board on the work programme of the European Labour Authority for 2020; Decision No 15/2020 of 15 December 2020 of the Management Board, Work Programme of the European Labour Authority 2021.

²⁷² Annex VI. Stakeholder consultation report, section 4.4.2.

²⁷³ **Error! Reference source not found.** (p. 18).

²⁷⁴ Cooperation Agreement between the Administrative Commission (AC) and ELA (Decision 26/2021).

Additional guidance/information material on the mediation procedure was then produced and adopted by the Management Board in 2022. All stakeholders consulted as part of the Case Study on mediation (including ELA staff, European commission, and representatives from the Member States involved in the mediation cases opened/pursued) **positively assessed the preparatory work for the mediation activity**. The prepared documents were deemed useful, as well as of high quality, accuracy and precision, and the staff involved in the preparatory phase to be highly motivated and competent. While time was required to reach a consensus among the experts in the Mediation Working Group, the Rules for Procedure were found to adequately reflect the discussions held.²⁷⁵

Ultimately, **ELA became fully operational in the mediation procedure in September 2022, hence rather recently compared to other ELA tasks**. In 2022, the Authority organised four trainings in mediation, for a number of different stakeholders, including mediators, experts of the mediation board, ELA staff, Member State representatives and social partners. In 2023, ELA enlarged its training facilities concerning mediation, putting a mediation training strategy in place and actively organising trainings for national stakeholders. In addition, promotional materials (leaflet, video) were developed and ELA's webpage on mediation, where all the key documents and guidelines are published, translated into all EU languages, was enhanced.²⁷⁶

Only three individual cases for mediation were submitted to ELA in the evaluation period, all in the field of social security coordination. The first case was submitted by a Member State (Germany) concerning another Member State (Cyprus), the second one by the Croatian SOLVIT national centre concerning a Member State (Austria), and the third one by a Member State (Belgium) concerning another Member State (Romania). Among these, one case was successfully pursued and settled, namely the one involving Germany and Cyprus. For the other two cases, the first stage of the procedure was not launched due to the unwillingness of one of the parties to participate: it came to an early closure in the preliminary stage.²⁷⁷

The recent launch and limited uptake of the mediation task were reflected in the results of the stakeholder consultation activities conducted as part of this evaluation. **Mediation was consistently indicated as the activity that stakeholders were involved in/benefitted from the least** (only 8% of respondents to the ELA stakeholders' survey declared having used it at least quarterly during the 2019-2023 period; 22% of all public consultation respondents indicated to have been involved in/contributed to/benefitted from mediation).²⁷⁸ Simultaneously, stakeholders reported the **lowest degree of awareness and knowledge** concerning mediation activities compared to the rest of ELA's tasks. In this regard, it is also relevant to mention that mediation had a relatively more limited target audience than other tasks, concerning primarily Member State authorities.

Broadly, the stakeholders who considered themselves knowledgeable of ELA's mediation activities positively evaluated these as useful and of high quality. Among respondents to the stakeholders' survey (only considering the 33 who indicated to be familiar with mediation), the majority found ELA's mediation services (mediation procedure and its user-friendliness, support provided by ELA through mediation, informative materials, guidelines and tools, and existence of such a mediation service at EU level) either very useful or moderately useful, as shown in Figure 24 below. In turn, public consultation respondents familiar with the mediation procedure (in total 50 respondents, i.e. those who did not reply 'Do not know/Not applicable')

²⁷⁵ Annex VII. Case study 4, section 4.3.1.2.

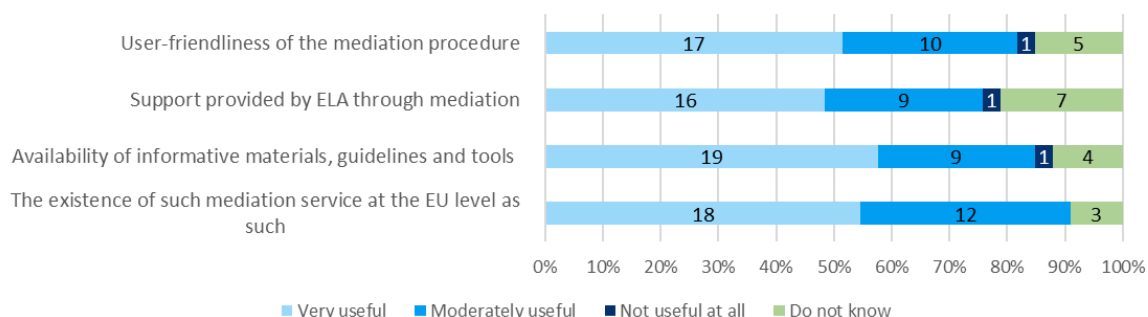
²⁷⁶ **Error! Reference source not found.**, section 1.2.1.8.

²⁷⁷ Annex VII. Case study 4, section 4.3.4.1.

²⁷⁸ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.5.1.

broadly found it to be of very high quality or of rather high quality (respectively, 42% and 30% of respondents).²⁷⁹

Figure 24: Considering ELA's mediation services, how useful are the following activities/services? (n=33)²⁸⁰



Source: Online survey to representatives of ELA stakeholders (2023)

As evidenced by the Case Study on mediation, **the only mediation case settled so far (Germany-Cyprus) can overall be considered a success**. The case concerned the issuance of forms and exchange of social security information with regard to entitlement to benefits in kind in case of occupational disease or accident at work. This dispute was settled over a period of four months from the appointment of the mediator, with the issuing of a non-binding opinion that both parties agreed upon. As such, the timeline for the adoption of ELA's first non-binding opinion exceeded the indicative timeline specified in the Rules of Procedure.²⁸¹ Following a three-month period after the adoption of the non-binding opinion, ELA enquired about the measures that the parties had taken to follow up on the non-binding opinion. Since the perspectives presented by the parties to the dispute diverged, ELA committed to further support the cooperation between them, which ultimately led to successfully solving the dispute.²⁸²

While the few stakeholders engaged in the preparation and use of mediation services expressed satisfaction with the procedure, such results have to be measured against the **limited uptake of mediation activities** so far. Although other bodies having a mediation procedure also showed a similarly low number of cases (e.g., the European Banking Authority), it is worth exploring the reasons why only very few cases were submitted and pursued for mediation.²⁸³ Firstly, this could be attributed to the **recent launch** of the mediation task and its novel nature at the time of the evaluation. Secondly, participation in the mediation procedure being of a completely **voluntary nature**, it required both parties to agree to participate (and continue to agree throughout the entire procedure, i.e. any party could decide to withdraw from the proceedings or request to suspend the procedure in certain circumstances). As demonstrated by the cases which were not pursued, lack of willingness on the part of one of the two to engage in mediation was a key challenge.²⁸⁴

²⁷⁹ Annex VI. Stakeholder consultation report, section 4.5.1.

²⁸⁰ Annex VI. Stakeholder consultation report, section 4.3.2. question displayed if respondents answered 'Very often', 'Often', 'Occasionally' in Q4.G.

²⁸¹ A non-binding opinion should generally be adopted within 45 working days from the appointment of the mediator, which could in highly complex disputes be extended by 15 additional working days.

²⁸² Annex VII. Case study 4, section 4.3.4.1.

²⁸³ Annex VII. Case study 4, section 4.3.5.

²⁸⁴ Annex VII. Case study 4, section 4.3.4.

Stakeholder consultations identified **limited knowledge/understanding** of the procedure, its related guidelines and documents, as well as the **political sensitivity** of the procedure as further factors contributing to the low uptake.²⁸⁵ Mediation was a sensitive issue during the Council negotiations for the establishment of ELA, which, as explained by ELA staff, made it a relatively more difficult task to set up. ELA staff and independent experts suggested that national authorities may prefer to solve certain issues internally or may fear an escalation of the mediation procedure towards an infringement procedure if a potential misapplication of EU law is exposed through mediation.²⁸⁶ Similarly, a national ministry representative noted that some Member States may not appreciate the involvement of ELA, as they would prefer to solve issues within existing EU mediation procedures.²⁸⁷ Conversely, however, another national ministry representative expressed being in favour of making mediation a legally binding, default procedure (in the relevant cases).²⁸⁸ At the same time, and regardless of potential beneficiaries' willingness to participate, a couple of the consulted Member State representatives reported that they had not had any relevant cases to submit for mediation. It is also worth noting that despite the fact that approximately 15% of SOLVIT cases remain unresolved,²⁸⁹ only 3 mediation cases were initiated, out of which only one was put forward by a SOLVIT centre.

Such different opinions show that **both scepticism and willingness to make use of the mediation procedure existed among Member States**, but may also indicate **limited need for and/or knowledge of the mediation procedure**. Despite the awareness-raising activities conducted by ELA, stakeholders' familiarity with mediation in individual cases in the EU labour mobility context appeared to be low. Simultaneously, given the novelty of the procedure, the large number of documents and details to initially digest for interested parties may appear daunting, which might have hindered participation. For instance, one of the requesting parties (in one of the cases submitted but not pursued) provided more details than required in the 'detailed statement' needed to open the procedure, which caused frustration once the requested party refused to participate, due to the work carried out to prepare the statement.²⁹⁰ Similarly, a social partner indicated that there was not enough legal clarity on which cases could be subject to mediation and insufficient transparency concerning the process and its outcome.²⁹¹ ELA also received requests from several Member States to provide training to their national administrations regarding the mediation procedure, which may further confirm the still limited understanding and interest of mediation at national level at the time of this evaluation.²⁹²

In parallel, besides the political sensitivity of the task as such, inherent difficulties were associated with the existence of the **AC's conciliation procedure**. The latter, applying to the social security coordination sector, created a risk of overlap with the mediation procedure. The Cooperation Agreement signed with the AC and Rules of Procedure were designed to avoid such an overlap. The former, in particular, required significant negotiations and was positively assessed as a steppingstone in ensuring the smooth cooperation between ELA and the AC.²⁹³ As demonstrated by the Case Study on mediation, the Cooperation Agreement was successfully applied to clearly identify respective competences during the Germany-Cyprus case, which allowed to test it.²⁹⁴ However, the independent experts part of the team that conducted this evaluation and interviewed stakeholders in the context of the Case study on

²⁸⁵ Annex VII. Case study 4, section 4.3.5, Annex VI. Stakeholder consultation report, section 4.6.1.

²⁸⁶ Annex VII. Case study 4, section 4.3.1.1.

²⁸⁷ Annex VI. Stakeholder consultation report, section 4.6.1.

²⁸⁸ Annex VI. Stakeholder consultation report, section 4.3.7.

²⁸⁹ Commission Staff Working Document (2022), SOLVIT's Helping Hand in the Single Market: celebrating 20 years.

²⁹⁰ Annex VII. Case study 4, section 4.3.1.2.

²⁹¹ Annex VI. Stakeholder consultation report, section 4.3.2.

²⁹² Annex VII. Case study 4, section 4.3.2.2.

²⁹³ Annex VII. Case study 4, section 4.3.3.2.

²⁹⁴ Annex VII. Case study 4, section 4.3.3.2.

mediation underlined that for certain cases it may be difficult, in practice, to clearly identify issues falling within the competence of ELA (for mediation) or within the competence of the AC (for conciliation). This was partly confirmed by the findings of the Report of the Belgian Presidency of the Council of the EU²⁹⁵, where, despite being provided with a comparative table between ELA mediation and AC conciliation procedure, survey respondents found it difficult to clearly identify when it was best to submit a case to ELA mediation or to the AC's conciliation.

Several strengths were also identified in the mediation procedure, including requiring limited cost for the involved parties; clear and effective time frames; clear workflows and available templates in support of the process; flexibility; professional accompaniment, involvement of experts with specialised expertise; logistical and translation support throughout the procedure; no personal data exchanged. Moreover, the mediation procedure was meant to complement the activities of SOLVIT and the AC, with which good cooperation was established.²⁹⁶ Nonetheless, **more time and practical use of the procedure will be required going forward, to confirm its relevance for targeted stakeholders and coherence with similar procedures.**

4.1.1.4. Support cooperation between Member States in tackling undeclared work

Integration of Platform tackling undeclared work

The following section addresses the evaluation question '*What are the concrete gains for the Platform tackling undeclared work following the integration into the European Labour Authority?*'²⁹⁷

Article 2 of the Regulation mandated the Authority to '*support cooperation between Member States in tackling undeclared work*'. The objective of tackling undeclared work was coherent with the other activities of the Authority because it aligned with the general objective of contributing to fair labour mobility across the Union and ensuring enforcement of Union law in the area of labour mobility, as per the founding Regulation. In particular, the **Authority tackled undeclared work by transferring the existing European Platform established by Decision (EU) 2016/344 to a working group within the Authority, also to be known as the Platform.**²⁹⁸ The Platform aimed to achieve its objective by exchanging best practices and information, developing expertise and analyses, encouraging innovation, as well as contributing to a horizontal understanding of the issue. This task corresponded to Specific Objective 4 and Operational Objective 7 of the intervention logic of ELA (Figure 2).

The Platform Tackling Undeclared Work was previously managed by DG EMPL and transferred to ELA in May 2021.²⁹⁹ **Data shows a significant decrease in committed amounts in the budget for 2022 compared to 2021.** ELA attributed this decrease to a residual budget from the Commission in 2021, leading to commitments made in 2021 only being executed in 2022. This is in line with the observation that – in spite of the formally lower budget (see Section 4.1.2) - there was no corresponding decrease in the activities carried out in 2022.

²⁹⁵ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), pp. 98-99.

²⁹⁶ Annex VII. Case study 4, section 4.3.6.

²⁹⁷ Operationalised evaluation question 1.1.9, part of evaluation question 1.1 '*To what extent did the European Labour Authority achieve its objectives?*'

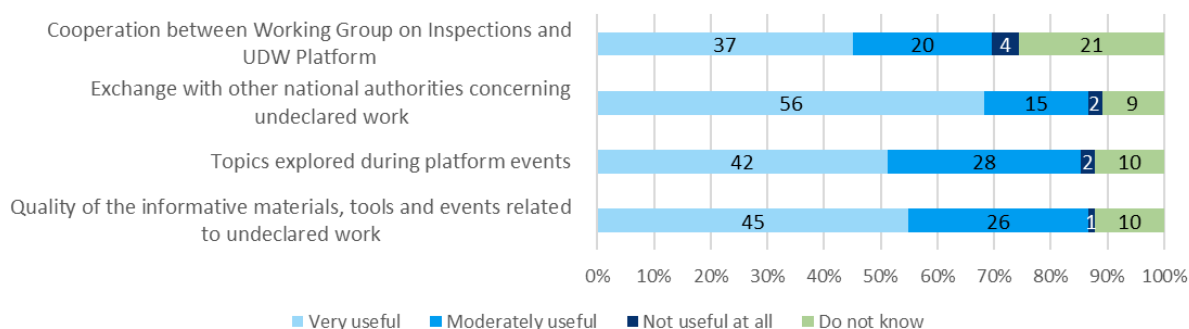
²⁹⁸ Regulation (EU) 2019/1149, whereas clause 22.

²⁹⁹ CAAR 2021.

Since the establishment of the Platform within the Authority, **all activities planned in the relevant Platform work programme were implemented, apart from** two demand-driven activities (staff exchanges and mutual assistance projects) which were **delayed due to the COVID-19 pandemic**.³⁰⁰ ELA's virtual library³⁰¹ showed that since the transition, the Platform with ELA continued to work on over four types of mutual learning products³⁰² – namely good practice fiches (20 fiches covering different sectors and countries), learning resource papers (focusing both on sectors and operational aspects, e.g. *'Cooperation between labour inspectorates and social partners'*), seminars/webinars and workshops with a scope similar to the learning resource papers, and peer learning dialogues (e.g. *'Improving cross-government data and information exchange on national level and identifying good practices'*).

In **2023**, the Platform aimed at generating network effects by ensuring that all relevant national authorities and stakeholders were actively engaged in combating undeclared work.³⁰³ This focus appears to be consistent with the opinions of the respondents to the survey to ELA stakeholders: with regards to tackling undeclared work, ELA's **most useful contribution was the opportunity to exchange with other national authorities (68% of respondents** judged the opportunity **'very useful'**). Furthermore, 55% of the respondents to the Public Consultation³⁰⁴ considered the quality of ELA's work in relation to the Platform as **'very high'** or **'rather high'**.

Figure 25. Considering ELA's role in tackling undeclared work, how useful are the following activities/services? (n=82)³⁰⁵



Source: Online survey to representatives of ELA stakeholders (2023)

As displayed in the chart above, **cooperation between the Working Group on Inspections and the UDW Platform was the least useful among ELA's activities on undeclared work**. Notably, this issue seemed to be included in ELA's Single Programming Document 2023 – 2025, in which the Authority stressed the intention to prioritise **the Platform's potential for other enforcement and analytical operations by integrating it with ELA's other tasks**. In fact, survey respondents³⁰⁶ noted that at present there was **no active/sufficient cooperation**

³⁰⁰ CAAR 2022.

³⁰¹ ELA Virtual library, consulted in September 2023.

³⁰² Indicator: Number of learning resource papers, seminars, workshops, webinars, follow-up/study visits and other mutual learning formats. Operationalised question: 1.1.9 'What are the concrete gains for the Platform tackling undeclared work following the integration into the European Labour Authority?' (**Error! Reference source not found.**).

³⁰³ ELA (2023). Single Programming Document 2023-2025 (p. 27).

³⁰⁴ Annex VI. Stakeholder consultation report, section 4.5.1.

³⁰⁵ Question displayed if answered 'Very often', 'Often', 'Occasionally' in Q4.H. See Annex VI. Stakeholder consultation report, section 4.3.2.

³⁰⁶ Annex VI. Stakeholder consultation report, section 4.3.2.

between the Working Group on Inspections and the UDW Platform³⁰⁷; there were few sectoral exchanges, which were considered useful since the determinants of UDW in the various sectors might differ from one sector to another. This finding was also consistent with the report on ELA by the Belgian Presidency of the Council³⁰⁸, which observed that stakeholders argued for *‘better cooperation with the working group on inspections and improving the use of the experience and knowledge of the Platform to shape ELA activities’*.

The interviewed members of the Platform³⁰⁹ recognised a **somewhat diminished capacity of the UDW platform (following the transfer to ELA from the European Commission) to identify new topics and issues**, as well as a lack of clear vision. Positive effects of the embedding of the former European Platform within ELA, according to interviewees from most stakeholder groups, were the increased autonomy and the decision-making powers that the UDW Platform offers, allowing for direct input from Member States. Another positive factor was the **widening of the geographical scope** (e.g. ILO having a more active role compared to the past), which in turn translated into **increased visibility of the Platform within the ILO**, and to an increase in the frequency of internal communications (members and observers are better informed of recent developments).

4.1.1.5. ELA’s prioritisation of activities and unexpected impacts

The following section addresses the evaluation questions:

- *‘To what extent did the European Labour Authority focus its work on **areas most in need and where they can have an impact**?’³¹⁰*
- *‘Were there other broader achievements/unexpected impacts arising from ELA’s work?’³¹¹*

During ELA’s start-up phase, some **tasks needed to be prioritised over others**, in order to optimise the use of available human resources (below the foreseen target), while working on setting up the Authority. Management Board Decisions No. 6 of 2019³¹² and No. 15 of 2020³¹³, identified facilitating access to information and Coordination of CJIs as the two priority areas during the startup phase of the Authority. This aligned with the perception of ELA’s staff and Management Board, who indicated that coordinating and supporting CJIs and facilitating access to information on rights and obligations regarding labour mobility were the tasks that ELA initially prioritised.³¹⁴ Conversely, carrying out analyses and risk assessment on issues related to cross-border labour mobility and mediating disputes between Member States on the application of relevant Union law were seen to be the least prioritised tasks. Figure 26 provides an overview of ELA staff and Management Board’s view on the tasks that were prioritised by ELA after its establishment. Broadly, **the majority of respondents to the survey agreed with the prioritisation of activities** adopted by ELA (76% of respondents agreed at least to a moderate extent).

³⁰⁷ Notably, the composition of the Working Group and the UDW Platform is very similar, with most members being present in both.

³⁰⁸ Fair Mobility in the EU and the role of the European Labour Authority, Report of the Belgian Presidency of the Council of the EU (2024), p.62.

³⁰⁹ Annex VI. Stakeholder consultation report, section 7.

³¹⁰ Evaluation question 1.2.

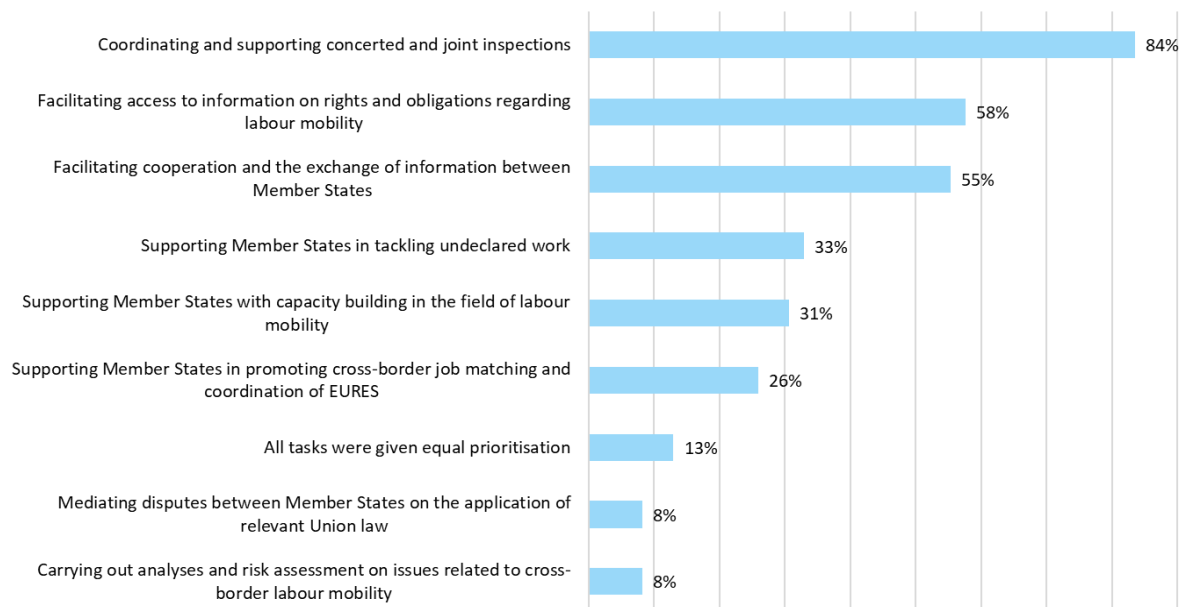
³¹¹ Evaluation question 1.5.

³¹² Decision No 6/2019 of 3 December 2019 of the Management Board on the work programme of the European Labour Authority for 2020, p. 6.

³¹³ Decision No 15/2020 of 15 December 2020 of the Management Board, Work Programme of the European Labour Authority 2021.

³¹⁴ Annex VI. Stakeholder consultation report, section 4.4.2.

Figure 26.: Which (if any) of ELA's tasks have been prioritised since its establishment? (n=85) [Multiple answers possible]³¹⁵



Source: Online survey to ELA staff and Management Board (2023)

The degree of prioritisation of ELA's tasks corresponded to the actual progress made under each of these. More limited results were achieved in the mediation task, and in analysis and risk assessment, while more substantial results were registered in the areas of CJIs, improvement of access, quality and availability of information and facilitation of cooperation between Member States. The latter three areas share the common trait and core objective of fostering cross-border collaboration and exchange of information, which was one of the most valued aspects of ELA's work so far. As such, **ELA prioritised the areas in which it could have most immediate impact and where the need for an EU authority most clearly appeared**, in terms of addressing issues related to cross-border labour mobility and fostering exchanges and collaboration between Member States. This aligned with the rationale behind the creation of a European Labour Authority, with the ultimate aim of ensuring fair labour mobility across the Union.³¹⁶ Broadly, no broader achievements/unexpected impacts arising from ELA's work were identified.

The budget allocation to the tasks only partially reflected the prioritisation and results achieved. Over the 2019-2023 period, the largest share of ELA's budget was attributed to the operational costs of EURES (see section 4.1.2.1), mainly due to the high costs of operating and maintaining the EURES Portal and supporting the network. Besides EURES, Information and Services activities and CJIs were attributed the relatively largest shares of ELA's budget, reflecting the degree of priority, and reported positive results, attributed to these tasks. As concerns the rest of ELA's tasks, the allocated budget was limited. This aligns with the relatively more limited results achieved in these areas and the degree of prioritisation attributed to them.

³¹⁵ Annex VI. Stakeholder consultation report, section 4.4.2.

³¹⁶ Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority.

Overall, while the prioritisation of tasks implemented by the Authority was adequate, some shortcomings were raised by the stakeholders consulted³¹⁷. Examples (provided by social partners, national administrations and NCOs) included short delays in the preparation and sharing of materials related to information campaigns; insufficiently tailored information (e.g. in the context of information campaigns); excessively long ECG meetings or missing some relevant discussion points; insufficient focus on promoting the enforcement of EU legislation through CJIs; limited sharing of the results associated with CJIs.³¹⁸ They suggest the existence of aspects for improvement in ELA's management of some of its activities, which is to be expected from a newly established entity.

Furthermore, consultations with ELA's staff members revealed that the Authority felt **high pressure to deliver on its objectives**. Such high pressure, coupled with the staffing issues highlighted in section 4.1.2, led to a high workload among the available staff.³¹⁹ These factors explain why the Authority may have faced difficulties in delivering all of its activities to equally high quality standards. Despite this, at a general level, ELA's activities and services were judged to be of high quality by the vast majority of its stakeholders.

4.1.1.6. Visibility and use of ELA' services by different stakeholders

The following section addresses the evaluation questions:

- *'To what extent were the **services of the European Labour Authority actually used** by their stakeholders, including EU Institutions, stakeholders in the Member States, international bodies and organizations? How do stakeholders and the wider public perceive the **quality of the services** provided by the European Labour Authority? How **visible** were the actions and to which stakeholders?'*³²⁰
- *'To which groups of stakeholders concretely did the Authority's work make a difference?'*³²¹

Substantial efforts were made by ELA to create awareness among its stakeholders about its role and activities. Such activities appeared to have been successful, given the **high degree of visibility registered at European and national level among ELA's main counterparts and beneficiaries**.³²² Respondents to the public consultation - which mainly included representatives of Member States' national administration and users of ELA's services - largely indicated that ELA had been visible with its work, at least to some extent (as shown in Figure 27 below).

³¹⁷ Annex VI. Stakeholder consultation report, section 4.4.2.

³¹⁸ Annex VI. Stakeholder consultation report, section 4.4.2.

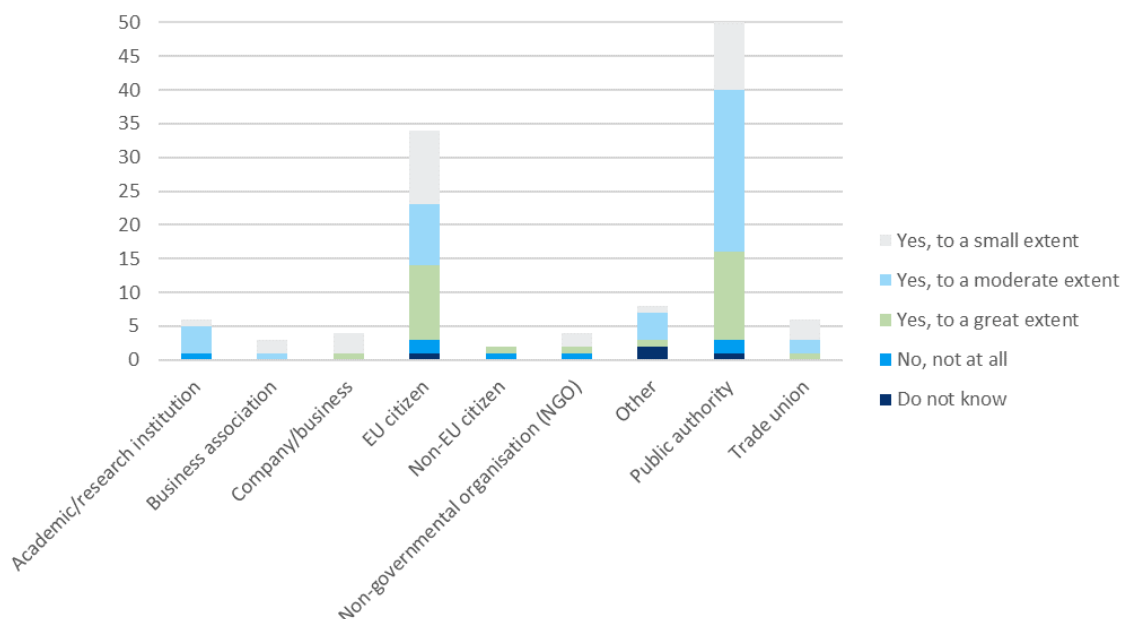
³¹⁹ Annex VI. Stakeholder consultation report, sections 4.4.3, 4.6.2.

³²⁰ Evaluation question 1.3.

³²¹ Evaluation question 2.2.

³²² Annex VI. Stakeholder consultation report, section 4.5.1.

Figure 27 Has ELA been visible with its work at EU/national level? [Distribution per stakeholder category] (n=122)³²³



Source: Public consultation (2023)

Conversely, **the degree to which ELA and its activities had been visible among national level social partners at the time of the evaluation, as well as workers and employers on the ground, was relatively limited** according to consulted EU level social partners³²⁴. This was further confirmed by the Special Eurobarometer 528 on Intra-EU labour mobility after the pandemic, where 13% of the EU27 reported having heard of ELA.³²⁵ In this respect, interviewed social partners suggested that workers and employers on the ground may see ELA (as any other European institution/agency) as relatively far from their interests and day-to-day needs.³²⁶ While workers and employers may benefit from some of ELA's activities, they may not necessarily need to be directly engaged with the Authority. In line with this, a few EU level social partners questioned the relevance of potential future attempts of the Authority to engage with workers and employers on the ground and whether ELA should prioritise this at all. On the other hand, involvement of national level social partners had been slightly increasing compared to the first few years of operation of the Authority, in particular concerning cross-sectoral organisations. This had mainly been channelled through EU level organisations.³²⁷ On a broader level, more clearly communicating on the results achieved through ELA's activities, in particular of CJIs, was underlined by both ELA representatives and social partners, as a way to enhance the visibility and impact of ELA's work. ELA's staff explained that the Authority, at the time of the evaluation, was moving towards a more standardised communication approach around its role, which was expected to enhance ELA's public perception and credibility among Member States.³²⁸

Concerning the use of ELA's services, no specific category of stakeholder benefitted from certain tasks more frequently than others, except, as expected, for a more frequent use of

³²³ Annex VI. Stakeholder consultation report, section 4.5.1.

³²⁴ Annex VI. Stakeholder consultation report, section .

³²⁵ Special Eurobarometer 528, Intra-EU labour mobility after the pandemic (2022).

³²⁶ Annex VI. Stakeholder consultation report, section 7.

³²⁷ Annex VI. Stakeholder consultation report, section 7.

³²⁸ Interview with ELA staff.

EURES by PES (as reported in the ELA stakeholders' survey).³²⁹ More generally, the main stakeholder groups who, at the time of the evaluation, were targeted by ELA's work included national authorities and administrations, national-level offices interacting with ELA (e.g. EURES NCOs, National SOLVIT centres, national public employment services, national labour inspectorates, etc.), employers, and European workers' and employers' representative organisations.³³⁰

ELA's stakeholders responding to the surveys were generally satisfied with their degree of involvement in ELA's activities. This was particularly the case for Member State authorities, which were also those most significantly targeted by/benefitting from ELA's activities.³³¹ Specifically, the involvement of Member States representatives within the Management Board, and cooperation with relevant staff and national-level offices (e.g. SOLVIT, PES) were effective and sufficient, although room for improvement was found to exist in ELA's management of the EURES Network and in its interaction with NCOs (see section 4.1.1.1). The involvement of national experts in ELA's working groups was positively received and appreciated by national authorities, adding to the quality of the discussions and providing the possibility for exchange with other Member States. The importance of raising awareness about ELA among national administrations, to improve communication with national stakeholders, leveraging NLOs for coordination, and to enhance ELA's role as a forum for national authorities, was highlighted.³³²

Member States' satisfaction with their degree of cooperation with and involvement in ELA's activities, however, also depended on their view on the relevance and role of ELA. While some found its setting up long overdue, others were more sceptical towards a potential increase of the EU's competence relative to that of Member States. Some called for support strictly based on the needs of Member States. Others stressed the need for ELA to find efficient ways to accommodate Member States depending on their national context: Member States have different ways of working and different levels of resources, which may make it difficult for certain administrations to participate in ELA's activities.³³³

Social partners at the EU level emphasised the necessity for their increased engagement throughout ELA's activities, starting from preparation through to dissemination.³³⁴ They highlighted their ability to provide expertise, adopt needs-based approaches, and facilitate effective implementation. While a few social partners acknowledged ELA's efforts to involve them in the preparation of certain activities (e.g. the EU4FairConstruction campaign), many stressed the need to improve the dialogue between ELA and social partners and underlined that their involvement had been insufficient in a number of activities, e.g. CJIs, analysis and risk assessment, provision and dissemination of information.³³⁵

ELA's activities were largely found to be useful and of high quality by its stakeholders. The majority of public consultation respondents reported that all of ELA's activities were of high quality or rather high quality, as shown by the Figure below. However, as detailed throughout the previous sections, room for improvement was found to exist in relation to each of ELA's specific tasks.

³²⁹ Annex VI. Stakeholder consultation report, section 4.3.2.

³³⁰ Annex VI. Stakeholder consultation report, section 4.3.6.

³³¹ Annex VI. Stakeholder consultation report, sections 4.3.6, 4.4.2.

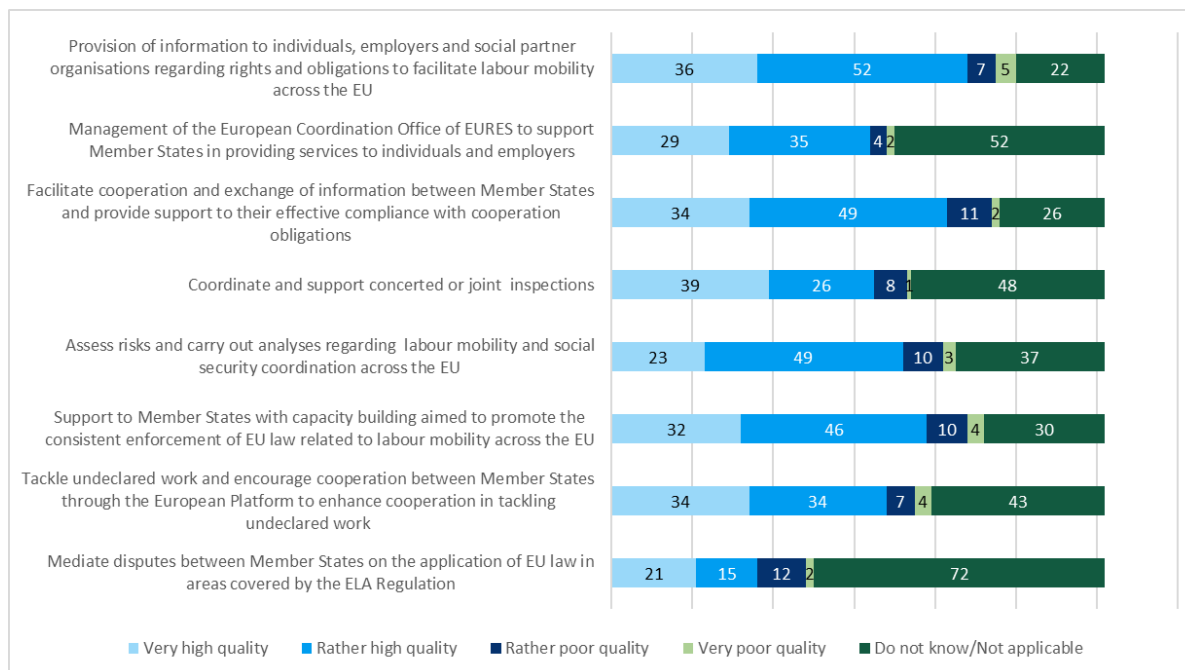
³³² Annex VI. Stakeholder consultation report, section 4.6.1.

³³³ Ibid.

³³⁴ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.5.3 and 5.

³³⁵ Ibid.

Figure 28 What is your assessment of the quality of the ELA's services/work you are familiar with in the following areas? (n=122)³³⁶



Source: Public consultation (2023)

4.1.1.7. Facilitating and hindering factors for ELA's work and indirect achievement/impacts of ELA

The following section addresses the evaluation questions:

- 'Which **factors facilitated or hindered** the effectiveness of the work of the European Labour Authority? To what degree did host Members State fulfil their **obligations as defined in the Headquarters Agreements** between the ELA and Member State?'³³⁷
- 'How did the European Labour Authority ensure a **concrete contribution with regard to the unexpected and additional challenge of the COVID pandemic and the Ukrainian crisis**, where relevant?'³³⁸

The creation of ELA was announced by President Juncker in his 2017 State of the Union Address, where he stressed the importance of having an authority tasked with ensuring fairness in the Single Market. As such, the establishment of ELA was facilitated by a favourable political environment, which allowed for its quick set-up. Increased political attention to the working conditions of mobile workers further contributed to garnering support for the adoption of ELA's founding Regulation.

The main external socio-economic events having impacted ELA's work during the 2019-2023 period were the COVID-19 pandemic and the war in Ukraine. 60% of the respondents to the ELA staff and Management Board survey, considered that unforeseen events like e.g. the COVID-19 pandemic and the war in Ukraine had a high impact on the work and set-up process of ELA.³³⁹ The COVID-19 pandemic required activities and meetings to be moved

³³⁶ Annex VI. Stakeholder consultation report, section 4.5.1.

³³⁷ Evaluation question 1.6.

³³⁸ Evaluation question 1.8.

³³⁹ Annex VI. Stakeholder consultation report, section 4.4.2.

online, which hindered both the transfer of activities from the European Commission to ELA (e.g. EURES job-shadowing had to take place online as opposed to in-person) and the establishment of new activities (e.g. CJIs could only begin in the second half of 2021, online meetings and trainings limited interaction opportunities among participants). As such, COVID-19 challenged the start-up phase of the Authority, which nonetheless, completed the foreseen activities, despite some delays. At the same time, the increase in the use of digital tools and online meetings during the pandemic also facilitated Member States' participation in meetings and allowed to plan these at a lower environmental and financial cost than what would have been possible through in-person meetings. The impact of the pandemic also gave increased visibility to certain themes, which ELA took into consideration in its work (e.g. telework, labour shortages in seasonal work, etc.).

Similarly, ELA adapted part of its activities in response to the Ukraine crisis, e.g. by launching the #StandWithUkraine campaign; undertaking analytical activities focused on the topic; collaborating in the preparation and implementation of the EU Talent Pool Pilot (which allowed beneficiaries of temporary protection to register in EURES and access job vacancies), as well as launching of a dedicated communication campaign; and creating the subgroup on tackling undeclared work among persons fleeing the Russian war against Ukraine, which contributed to monitoring and preventing the risks of labour exploitation and trafficking in human beings in relation to Ukraine.³⁴⁰

When asked whether ELA was able to adapt to such unexpected challenges, the majority of respondents across all consultation activities found that this was the case. Specifically, 58% of the respondents to ELA staff and Management Board survey believed to a great extent that ELA was able to significantly adapt its work to respond to unforeseen challenges, such as Russia's war of aggression against Ukraine, the COVID-19 pandemic, and disruptive events related to labour mobility. When considering those who also moderately agreed with this assumption, the share of respondents amounted to 90%.³⁴¹ Similarly, 69% of respondents to ELA's stakeholders survey indicated that ELA was able to adapt its work to respond to external challenges that arose during the evaluation period, although to varying degrees: 20% of respondents believed it happened to a great extent, 29% to a moderate extent, and 17% to a small extent.³⁴²

Stakeholders at both national and EU level appreciated ELA's efforts in response to Russia's war of aggression against Ukraine, referring to the flexibility of the Platform Tackling Undeclared Work in adapting its work to safeguard persons fleeing the Russian war against Ukraine, and the support provided to Member States.³⁴³ On the other hand, **a few stakeholders were more critical on ELA's capacity to adapt to unforeseen challenges:** one PES representative argued that the response to the crisis related to the war in Ukraine 'may have been slow and disruptive [...] because many Member States had already moved forward with initiatives', but also because 'there were several legal and political constraints' that went beyond ELA's control;³⁴⁴ a social partner pointed to the 'very slow start' of ELA, which was 'not operational enough to be able to provide any information on the free movement during the height of the pandemic' and called for more (and harmonised) information on national labour law to make compliance in case of posting easier.³⁴⁵

The main internal hindering factors reported by ELA staff and Management Board members related to the **challenges encountered by ELA in its setup process** (49% of respondents

³⁴⁰ Error! Reference source not found., section 1.2.1.1 (Table 2).

³⁴¹ Annex VI. Stakeholder consultation report, section 4.4.2.

³⁴² Annex VI. Stakeholder consultation report, section 4.3.4.

³⁴³ Annex VI. Stakeholder consultation report, sections 4.3.4 and 4.5.2.

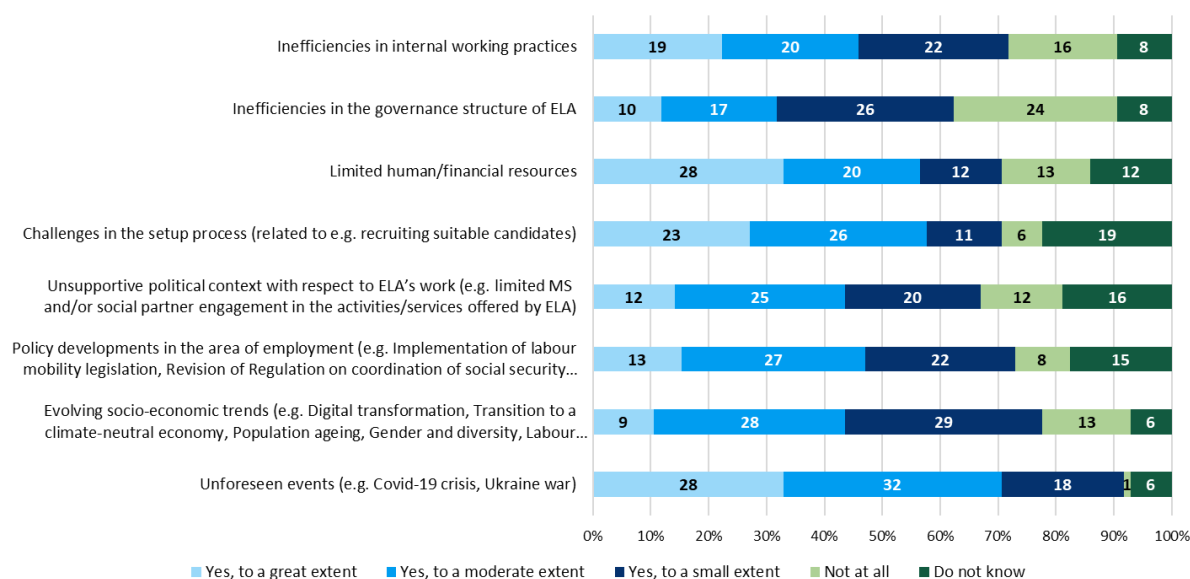
³⁴⁴ Annex VI. Stakeholder consultation report, section 4.3.4.

³⁴⁵ Ibid.

to the ELA staff and Management Board survey), and the **limited available human resources** (48% of respondents).³⁴⁶ Challenges in the set-up process stemmed from the need to define work structures and operations, poor coordination among units, and a lack of effective tools for project management and information sharing. Such challenges, however, could be considered normal for a newly established organisation. Limited human resources were associated with difficulties and delays associated with the recruitment process, as well as a high turnover rate, leading to staff being overburdened. These hindered the Authority's capacity, to a certain extent, to deliver results to the degree of quality and quantity expected.³⁴⁷ For instance, the transfer process of EURES was mainly in the hands of three ELA staff members.³⁴⁸ Recruitment challenges were accompanied by a reliance on temporary staff (SNEs) and external contractors, which multiple stakeholders, including ELA staff, European Commission representatives and NCOs, highlighted as leading to limited expertise being developed and kept in-house.³⁴⁹ Nonetheless, the staff that was present within the Authority showed a high level of **commitment and dedication**, which very positively contributed to the delivery of high-quality results despite the internal and external challenges encountered.

Figure 29 below provides an overview of ELA staff and Management Board members' opinions regarding the main external and/or internal factors having had an impact on ELA's work.

Figure 29: Have any of the following external and/or internal factors had an impact on ELA's work? (n=85)³⁵⁰



Source: Online survey to ELA staff and Management Board (2023)

According to the Management Board and ELA staff members consulted, **Slovakia fulfilled all its commitments outlined in the Headquarter Agreement with ELA. However, it faced challenges due to limited experience in dealing with international organisations.**³⁵¹ ELA's staff, registered with the Ministry of Foreign Affairs, encountered practical issues, including difficulties with car parking, rental procedures, banking services, loans, and notably,

³⁴⁶ Annex VI. Stakeholder consultation report, section 4.4.2.

³⁴⁷ Annex VI. Stakeholder consultation report, section 4.4.2.

³⁴⁸ Annex VII. Case study 2, section 2.3.5.

³⁴⁹ Annex VI. Stakeholder consultation report, sections 4.3.2, 4.3.6 and 4.3.7.

³⁵⁰ Annex VI. Stakeholder consultation report, section 4.4.2.

³⁵¹ Annex VI. Stakeholder consultation report, section 7.2.

access to medical services. Despite legal documents supporting health and insurance provisions for EU institution staff, practical challenges persisted within the Slovak health system, leading ELA staff to resort to private providers (which did not always solve the issue) and increasing organisational costs.

4.1.1.8. ELA's adaptability to EU policy

The following section will address the evaluation questions:

- *'To what degree did the European Labour Authority **adapt to changes in EU policy, to Commission political priorities** over the evaluation period and to the **political and socio-economic situation in general**?'³⁵²*

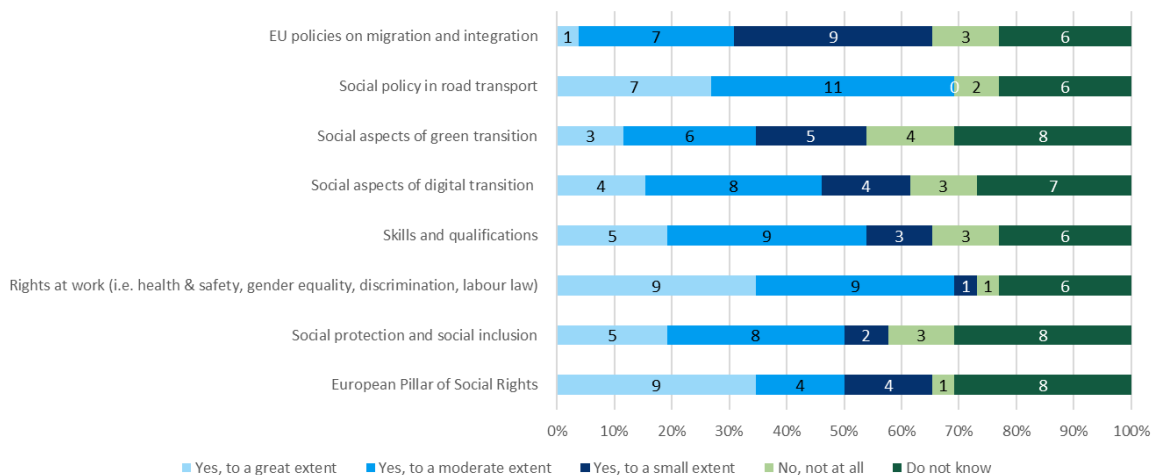
In terms of ELA's adaptability to changes in EU policy priorities, views were mixed. Consulted representatives of EU bodies, agencies and international organisations found ELA to be broadly attuned to European policy in the areas of social policy in road transport and rights at work (around 70% of relevant stakeholders' survey respondents selected these options). In this respect, a point was raised by a European Commission official, who would have liked to see ELA be more forward-looking, going beyond mere alignment with the EU agenda and providing insights that can contribute to agenda setting.³⁵³ In turn, ELA's activities did not appear to be well aligned with EU policies on migration (only 0.4% of respondents believe this alignment is to a great extent, and 27% of respondents believe it is to a moderate extent), particularly in relation to the possibility for ELA to cover TCNs through its activities (see section 4.3.1.2 for additional details on this), nor with the social aspects of the green transition (only 11% of respondents believe this alignment is to a great extent, and 23% of respondents believe it is to a moderate extent). Figure 30 below provides an overview of a range of different areas and the perceived level of alignment.

Overall, **given the establishment of ELA, only three years prior to this evaluation, no major changes were experienced in the EU policy framework relevant to the work of the Authority.** Hence, while ELA was found to be aligned with EU priorities, it was still to be explored whether it would be able to continuously adapt to potential fluctuations in political priorities and in the political and socio-economic situation in general going forward.

³⁵² Evaluation question 1.7.

³⁵³ Annex VI. Stakeholder consultation report, section 4.6.4.

Figure 30: Are ELA's activities aligned with European employment policy in the following areas? (n=26)³⁵⁴



Source: Online survey to representatives of ELA stakeholders (2023)

4.1.2. Efficiency

This section presents the findings concerning the efficiency of ELA in performing its activities and achieving its objectives. As per the Better Regulation Guidelines, **an assessment of efficiency considers the relationship between the resources used by an intervention (in this case, 'ELA') and the changes generated by the intervention (both positive and negative)**. Differences in the way an intervention is approached and conducted can have a significant influence on the effects, thus the criterion of efficiency also explores whether other choices could achieve the same benefits at a lesser cost (or greater benefits at the same cost). The starting point for the assessment of efficiency is a quantitative assessment of costs, which is supplemented by qualitative evidence on costs and benefits collected through stakeholder consultation activities.

The following section is structured according to the evaluation questions under the efficiency criterion: cost-effectiveness of ELA's activities (Section 4.1.2.1), appropriateness of staff resources, workload and budget (Section 4.1.2.2), efficiency of mechanisms for monitoring, reporting and evaluation (Section 4.1.2.3) and efficiency of ELA's governance structures and Management Board (Section 4.1.2.4).

Annex IV presents a summary table of benefits and costs, as per Tool #49 (Structure of the evaluation report) of the Better Regulation Guidelines. Annex V illustrates the full results of the cost-effectiveness analysis.

4.1.2.1. Cost-effectiveness of ELA's activities

The following section addresses the evaluation questions *'To what extent were the actions of the European Labour Authority cost-effective?'*³⁵⁵ and *'Were there any potential areas*

³⁵⁴ Annex VI. Stakeholder consultation report, section 4.3.5. Displayed if respondents answered 'European Commission', 'European Parliament', 'European Council', 'European Agency', 'International Organisation', 'Other EU body' in Q1.

³⁵⁵ Evaluation question 1.9.

and/or activities which could be subject to simplification and/or administrative burden reduction?³⁵⁶

A cost-effectiveness analysis is a comparative method which evaluates cost per result indicators against a comparable benchmark. In the initial approach, the study team opted to compare indicators either over time or against indicators at other agencies. This approach was largely unfeasible. First of all, the type of activities, outputs and results produced by ELA do not easily lend themselves to be used in a cost per output or result indicator which can be compared to similar agencies. This was also acknowledged in the four agencies evaluation, where this type of indicators were not constructed. **A comparable benchmark was therefore not present for most of the activities of ELA.**

Furthermore, important caveats in the cost-effectiveness analysis were the **unavailability of quantitative data on the level of effects and that** most of the indicators were only available since 2021 or 2022, i.e. for the majority of the evaluation period, there was no clear KPI measurement strategy. Next to this, many of the indicators were only output-related, and said little about the effects of the Authority's activities.

Due to these challenges, a more qualitative assessment of the cost-effectiveness of the different tasks of ELA was performed. With regard to the cost of specific tasks of ELA, own calculations based on the Annual Activity Reports, the Annual Work Programmes and the Annual accounts were made. Table 8 outlines the main costs per task, both operational as well as staff costs. With regard to the results of specific tasks of ELA, this section mainly relies on the detailed results of Annex III (i.e. the mapping of the activities, outputs and results) supplemented with information from surveys and interviews. The following paragraphs in this section will present key findings on the cost-effectiveness of those ELA's tasks for which availability of quantitative data was higher and reliance on stakeholders' views more limited.

When analysing costs, it is necessary to consider both the operational and staff resources allocated by ELA to specific tasks. Operational costs are broken down to the different tasks in the annual accounts of ELA, however staff costs are provided only at an aggregate level. Fortunately, there is detailed information available on the allocation of Full-Time Equivalents (FTEs) among Contract Agents, Temporary Agents, and Seconded National Experts (SNE) across different tasks, along with the average costs per staff category.³⁵⁷ Using these data, **staff costs per ELA's task for both 2021 and 2022** have been estimated.

The table below illustrates the operational, staff and total costs per ELA's task. The costs displayed in the table refer to commitments.

³⁵⁶ Evaluation question 1.14.

³⁵⁷ In 2021, although there is a division of FTEs, it is categorized only across the four pillars of ELA. We have used the division over the task within the pillars from 2022 to assign the FTE's to the different tasks in 2021.

Table 8. Operational and staff cost per ELA task 2021 and 2022

	2021			2022		
Task	Operational costs	Staff costs	Total costs	Operational costs	Staff costs	Total costs
Information and Services	€ 1 064 523	€ 563 042	€ 1 627 565	€ 888 946	€ 558 986	€ 1 447 932
EURES	€ 7 960 400	€ 223 625	€ 8 184 025	€ 11 576 697	€ 463 944	€ 12 040 641
Cooperation and exchange of information	€ 381 686	€ 465 871	€ 847 557	€ 410 666	€ 1 456 417	€ 1 867 083
Mediation	€ 95 419	€ 85 985	€ 181 404	€ 379 628	€ 167 526	€ 547 154
Concerted and joint inspections	€ 831 757	€ 490 410	€ 1 322 167	€ 1 525 000	€ 639 083	€ 2 164 083
Tackling undeclared work	€ 1 353 417	€ 151 554	€ 1 504 971	€ 415 370	€ 207 575	€ 622 945
Analysis and Risk Assessment	€ 20 000	€ 228 758	€ 248 758	€ 601 623	€ 335 052	€ 936 675
Capacity building	€ 138 995	€ 182 466	€ 321 461	€ 1 232 511	€ 431 368	€ 1 663 879
Total	€ 11 846 197	€ 2 391 712	€ 14 237 909	€ 17 030 441	€ 4 259 951	€ 21 290 392

Source: Own computations by the authors based on the Annual Activity Report of ELA, the Annual Work programmes, and the Annual accounts. The total budget committed to Contract Agents, Temporary Agents and SNE staff was divided by the respective total amount of FTE allocated in different years to obtain the average staff costs per staff category. The committed budget was taken from the Annual Activity Reports, and the amount of FTE allocated was taken from the Annual Work programmes. To obtain the total staff costs, the average staff costs per staff category were multiplied by the number of FTE in each task and for each staff category. For 2021, it is only known the division of FTEs over the Pillars, and the division over tasks within the pillars was based on the division in 2022.

In relation to the costs for 'tackling undeclared work': ELA explained the decrease from 2021 to 2022 by the Commission paying still paying for most of the Platform activities in 2021, while ELA had foreseen a budget for this task in 2021, which was therefore only spent in 2022, thus making additional commitments unnecessary. This explanation corresponded with the observation that Platform activities did not change substantially over time.

With two exceptions, **operational costs exceeded staff costs**. In 2021, the '*Analysis and risk assessment*' task **featured remarkably low operational costs**, reflecting that the task was in the **establishment phase**, with the first analytical projects performed **indicating that most analyses were conducted by ELA staff themselves**. Conversely, in 2022 there was an increase in external contractors conducting analyses, leading to higher operational costs in that year. The other and most relevant exception was the task of '*Cooperation and exchange of information*' where **staff resources significantly outweighed operational costs**. This was mainly because a substantial part of this task was carried out through **Seconded National Experts**, most notably the **NLOs who are administratively ranked under this sector, and not via external contractors**.

As explained in Section 3.1.1, in 2022 45% of all ELA staff were SNEs. Because SNEs were temporary workers not directly contracted by ELA, a high share of SNEs posed questions on the stability of the organisation. This issue was also raised by the European Court of Auditors in the annual report 2022 and was acknowledged by ELA itself: as outlined in the Single Programming Document 2023-2025, ELA foresaw to increase the number of Temporary Agents, reducing the share of SNEs to 42% (this was already the case in 2023). Nonetheless, ELA noted that its powers to change the distribution between Temporary Agents, Contract Agents and SNEs were limited, as the Authority was bound by the financial legislative statement accompanying the founding regulation of ELA. Issues related to over reliance on SNEs and external contractors and their impacts on the cost-effectiveness of ELA's tasks were discussed in the following key findings from the cost-effectiveness analysis of different activities.

EURES

The task '*Information and services and coordination of EURES*' consumed a significant portion of the budget, thereby **the management of the European Coordination Office (ECO) and the EURES portal used over half of ELA's budget**: the majority of these expenses were operational costs. While the absolute costs increased from 2021 to 2022, the relative costs remained constant, given the overall budget expansion. The Commission handled the ECO until May 2021, when it was entirely transferred to ELA.

A crucial indicator to assess the cost-effectiveness of EURES is the cost per placement, as EURES activities aim to enhance the free movement of workers. The ex-post evaluation of EURES covering 2016 to 2019 indicated an increase in EURES cost-effectiveness, evidenced by a reduction in the cost per placement. Although granular data for the same statistic is lacking in this report, an examination of placement and cost data, along with stakeholder perspectives, suggests that **cost-effectiveness did not further improve after 2019**. In terms of results, there was **a decline in EURES placements from over 80 000 in 2019 to almost 49 000 in 2022**. Several factors which were not under ELA's control, as e.g. shock due to the COVID-19 crisis, or the temporary shift to two factor authentication played a role, as well as reporting-related elements such as the fact that ELA discontinued the report based on figures extrapolated from the EURES portal (cfr. Section 4.1.1.2 with respect to access to data), limiting its reporting to the data coming from the EURES Network. Nonetheless, it is still worth considering **that placement numbers continue to follow a negative trend**.

A comprehensive cost-assessment requires consideration of costs incurred by multiple actors (ELA, the Commission, Member States) because ELA is not the sole actor in the EURES landscape. Unfortunately, not all costs could be acquired within the scope of this study. Nonetheless, looking at the costs of tasks carried out by ELA, there are **no clear indications that costs have decreased in recent years**. In the impact assessment, the total costs of activities carried over to ELA was estimated at around EUR 10 million (adjusted for inflation), which is lower than the actual costs incurred in 2022 (EUR 12 million), and the budget of 2023 (EUR 12.6 million).

Stakeholder consultations³⁵⁸ highlighted that the division of roles among different actors, was creating inefficiencies. In fact, ELA managed the ECO and was the system owner of the EURES portal, yet the Commission handled and financed the IT side of the portal and operational tasks were carried out by National Coordination Offices (NCOs) in Member States: there were thus three different parties involved in the management and operation of EURES, leading to a need for good cooperation or a high risk of inefficiencies.

³⁵⁸ Annex VI. Stakeholder consultation report, sections 4.3.7 and Annex VII. Case study 2, sections 2.3.1 and 2.3.2.

A second major issue regarding efficiency had to do with the **high number of external contractors**. This was not solely related to EURES but had an impact on this task. This point was made by multiple different actors (the Commission, ELA itself, direct stakeholders). Interviewees from all stakeholder groups (including some ELA staff itself)³⁵⁹ emphasised that the lack of in-house capacity on the EURES portal (i.e. the vast majority of the EURES portal business analysts are external contractors) posed risks to organisational stability and hindered a comprehensive perspective (*‘losing the bigger picture’*).

Information and services

Between 2021 and 2022, there was a reduction in resources allocated to the *‘Information and services’* task, both in absolute and relative terms. While cost data did not allow for a more comprehensive assessment of the wider portfolio of activities delivered under this task, evidence shows that in 2021, the Translation Facility accounted for the largest portion of the budget dedicated to information and services, with 231 documents being translated. Also in 2022, the Translation Facility took up a large part of the budget, and a total of 183 documents were translated. **Consultations and feedback from users emphasised the high value placed on the Translation Facility**³⁶⁰: users highlighted that such translations would not be achievable at the same cost (i.e. cost-free) without the assistance of ELA. For individual users it was thus more cost-effective to make use of the Translations services of ELA. Whether this means that overall costs of translations are lower because of the Translation Facility cannot be directly measured. However, centralising such a service for which a lot of overlap between the type of information that is being translated exists, could lead to efficiency gains. The average costs per translated document decreased from roughly EUR 2 300 in 2020 to less than EUR 2 200 in 2021.³⁶¹

Concerted and Joint Inspections

Estimates by ELA showed that organising and supporting an inspection cost on average around EUR 10 000 per inspection (this figure of course depends on the size and type of inspection). Based on this estimate, we could assume that in 2022 **around 15% of all the costs of the CJI task** (Table 8 above) **were related to organising and supporting of the inspections themselves. All other costs could be then related to trainings, workshops, guidelines etc.** In the end, these other outputs should make CJI’s more cost-effective insofar as they allow for a better information and preparation of the staff conducting an inspection.

A concern regarding the efficient use of CJIs was the fact that the risk assessment task of ELA was less developed (Section 4.1.1.2). **Solid risk assessments were considered important to ensure efficient concerted and joint inspections**, as already pointed out in a resource paper from the European Platform tackling undeclared work in 2018. In this report, it was stated that: *‘There is a need for synchronising the risk assessment systems and creating a common EU model for risk assessment and management. (...) This is also a relevant issue for the future European Labour Authority as ideally the venue of inspection will be decided based on joint risk assessment systems’*.³⁶²

³⁵⁹ Annex VI. Stakeholder consultation report, sections 4.6.2.

³⁶⁰ Annex VI. Stakeholder consultation report, section 4.3.2.

³⁶¹ This is based on budgets for the Translation Facility, recovered from ELA Work Programmes. From 2022 onwards, there is no separate reporting on the budget for the Translation Facility.

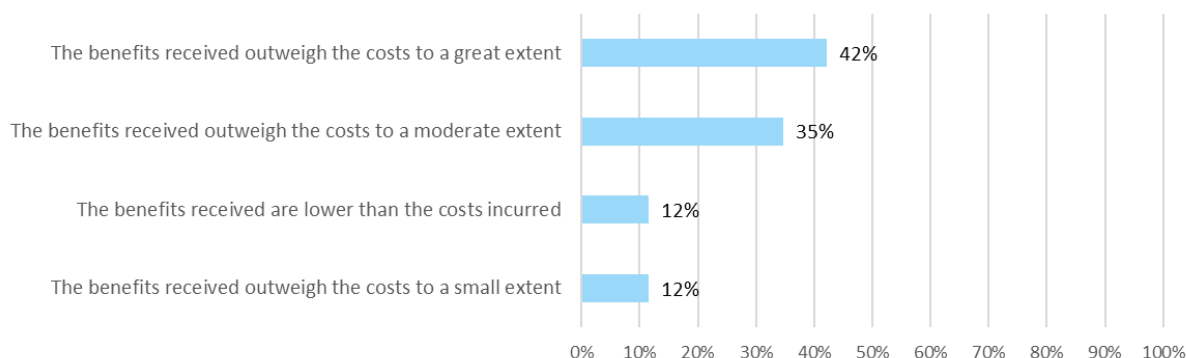
³⁶² A learning resource from the Thematic Review Workshop: Risks assessments for more efficient inspections. 14-15 June 2018, Madrid, Spain.

Stakeholders' views on ELA's cost-effectiveness

All in all, **both ELA staff and external stakeholders expressed overall positive views on the efficiency of ELA**. Perceptions tended to align when asked if **ELA performed its work efficiently: 42% of the ELA staff and Management Board respondents agreed to a great extent, 35% to a moderate extent**, echoed by a lower (but still very positive) **62% from external stakeholders**³⁶³.

Finally, although **most of the respondents** to the survey to representatives of ELA stakeholders (i.e. ELA national counterparts, social partners and international organisations) **noted that engaging with ELA led to an increase in the costs burdened by their organisations, for the large majority of respondents the benefits generated outweighed the costs**: be it to a great extent (42% of respondents selected this option) or to a moderate extent (35% of respondents selected this option).

Figure 31. How do the costs you have referred to compare to the benefits of ELA's activities and services for your organisation? (n=121)³⁶⁴



Source: Survey to representatives of ELA stakeholders (2023)

This finding was echoed by the responses to the Public Consultation. The majority of respondents to the Public Consultation indicated that the work of ELA allowed them to **achieve time and/or resource savings at least to a small extent**³⁶⁵ (19% 'to a great extent', 28% 'to a moderate extent', 12% 'to a small extent'). The most frequently reported areas of work in which such savings were accrued included:

- **Facilitating access to information** to individuals, employers and social partner organisations regarding rights and obligations to facilitate labour mobility across the EU (35% of responses);
- **Facilitation of cooperation and exchange of information** between Member States and provide support to their effective compliance with cooperation obligations, including on information exchange (34% of responses); and
- **Coordination of and support to concerted or joint inspections** (at the request of one or more Member States, or by suggesting to the authorities of the Member States concerned) (25% of responses).

³⁶³ Annex VI. Stakeholder consultation report, sections 4.3.3 and 4.4.3.

³⁶⁴ Question displayed if answered 'To a great extent', 'To a moderate extent', 'To a small extent', 'Not at all' to Q18.

³⁶⁵ Annex VI. Stakeholder consultation report, section 4.5.4.

4.1.2.2. Appropriateness of staff resources, workload and budget

The following section addresses the evaluation question *'To what extent were **staff resources and workload appropriate** to fulfil efficiently and effectively the Authority's objectives and activities? How **balanced was the administrative and operational budget** and why?'*³⁶⁶

In terms of resources for executing its tasks, a considerable proportion of **staff (62%, i.e. 35 out of 58 respondents) and the Management Board at ELA (10%, i.e. 2 out of 19 respondents) expressed** through the survey³⁶⁷ the belief that **the organisation lacked sufficient human resources for effective implementation of all its activities**. This is partly linked to the characteristics of ELA's establishment plan, partly due to the struggles in attracting staff to the organisation.

A concern raised was the substantial reliance on temporary staff (SNEs and NLOs, as shown in SNEs were 42% of ELA staff in 2023) and external contractors (56% of total staff in 2022³⁶⁸). On the one hand SNEs brought invaluable national knowledge, insights, and perspectives to ELA, enriching the organisation's operational capabilities.³⁶⁹ Therefore, their expertise allowed ELA to benefit from a deep understanding of national systems, regulations, and practices across EU Member States. However, on the other hand this reliance was criticised as resulting in a lack of in-house expertise, hampering a comprehensive understanding of the organisation's broader objectives (*'losing the bigger picture'*) and posing considerable administrative burden³⁷⁰. Through the survey, it was noted by some ELA staff that the workload exceeded available human resources, especially with a considerable number of temporary posts impacting business continuity (*'ELA's rapid growth phase strains internal processes and requires settling time'*). Notably, as previously mentioned in Section 3.1.2.2, since SNEs and NLOs could not perform any type of administrative/financial task³⁷¹, this considerably increased the workload of in-house staff.

This structural issue in ELA's organisational setup was already evident in the **expectations at the time of the impact assessment, under the assumption of ELA as a 'lean' organisation** (see Figure 11 and Table 4) the division between staff and operational costs foreseen in the impact assessment).

Discontent in relation to the workload was mentioned in the survey by ELA staff³⁷² also in relation to a tendency towards 'last-minute' organisational activities as well as the prioritisation of quantity over quality of the outputs, with outsourcing common for both expert and organisational work.

Beyond the structural challenges related to the balance between different groups of staff and the high level of outsourcing, interviews revealed comments on the location of ELA. Bratislava faced challenges in attracting high-quality staff due to factors such as a high cost of living which were not reflected accurately in the EU salary coefficient (calculated by the Commission based on the Eurostat algorithm): according to interviews with ELA staff³⁷³, this calculation negatively impacted salaries at ELA. In fact, the coefficient, based on the economic situation of the entire country, did not account for significant regional differences in Slovakia, with Bratislava having relatively high prices/costs of living compared to the rest of Slovakia. Almost

³⁶⁶ Evaluation question 1.10.

³⁶⁷ Annex VI. Stakeholder consultation report, section 4.4.3.

³⁶⁸ The latest data on ELA's external contracts date back to 2022, since the Consolidated Annual Activity Report for 2023 is not available yet.

³⁶⁹ Interviews with ELA staff. Reference to page numbers for these findings from interviews are not presented, since they were conducted within the context of Case Study 5, no longer included in this report in agreement with DG EMPL.

³⁷⁰ Due to the need of renewal of contracts every two years.

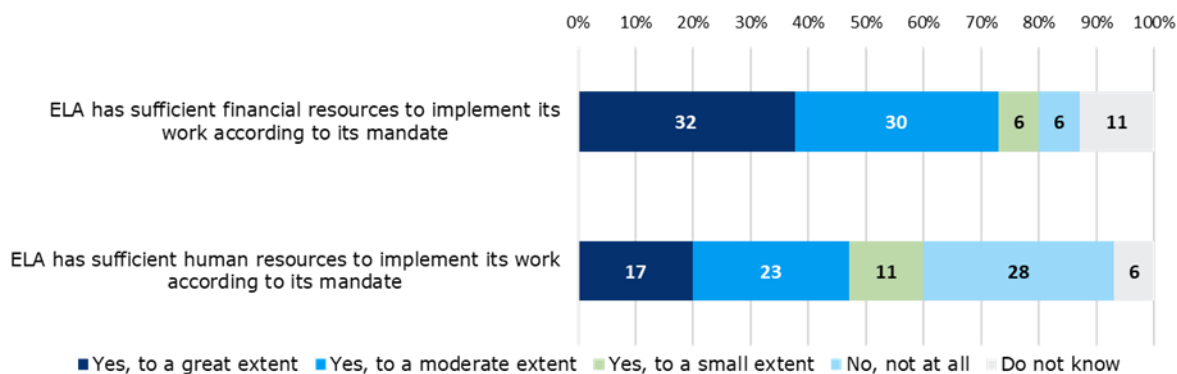
³⁷¹ SNEs and NLOs cannot represent the Authority in any administrative or financial procedure, as they are not staff members.

³⁷² Annex VI. Stakeholder consultation report, section 4.4.3.

³⁷³ Annex VI. Stakeholder consultation report, section 7.

60% of Contract Agents who were offered a job at ELA declined the offer after a solicitation procedure.

Figure 32: Do you agree with the following statements on ELA's human and financial resources?



Source: Survey to ELA staff and Management Board (2023)

From a financial perspective, the consensus among staff and management was that ELA possessed adequate resources for carrying out its tasks. However, there were noteworthy issues in the utilisation of funds, especially in the first years of operation. ELA swiftly received a full allocation of resources, as if it were already a fully operational organisation, resulting in commitments that were not fulfilled and deferred to subsequent years. The proportion of actual payments was consequently low, posing challenges in the longer run (as discussed in section 3.1.2).

4.1.2.3. Mechanisms for monitoring, reporting and evaluation

The following section addresses the evaluation question ‘To what extent were the **internal mechanisms for monitoring, reporting and evaluating the Authority adequate for ensuring accountability and appropriate assessment of the overall performance**, while minimizing the administrative burden? Did digitalization play a role in the above?’³⁷⁴

To regularly identify potential issues, inefficiencies or deviations in relation to its activities and enabling timely corrective actions, the Authority developed a number of mechanisms for monitoring, reporting and evaluation since its establishment.

In line with Article 18(1)(c) of the Founding Regulation, the Management Board has assessed and adopted Consolidated Annual Activity Reports (CAARs) on the Authority's activities since 2019. In 2020, with its Decision No 26/2020, the Authority adopted its own Internal Control Framework (ICF). In 2021, work was conducted to fine-tune the ICF: the initial risk mapping was completed and further activities, such as the internal workflows, action plan to reduce critical risks or document management policy were planned for 2022.³⁷⁵ In 2022, the Authority continued its work on the development of ICF indicators, which were finalised in 2023 to be able to incorporate the recommendations of the Internal Audit Service (IAS) audit: the first independent audits were conducted in 2022, one was carried out by the IAS of the European Commission, one by the European Court of Auditors, and one by a private firm contracted via a framework contract.³⁷⁶

³⁷⁴ Evaluation question 1.11.

³⁷⁵ CAAR 2021

³⁷⁶ CAAR 2022

In 2022 the Authority **finalised its risk register and developed a draft action plan to manage its risks**: the action plan was to be monitored by the internal control and audit assistant, who reported quarterly to senior management. Also in 2022, the Authority launched the development of dashboards for budget monitoring.

Notably, **for the majority of the evaluation period, there was no clear strategy at ELA for KPIs measurement**. In the 2021 Annual Activity report, ELA stated that *'The project dedicated to the development of a structured performance management system that will support the development of coherent key performance indicators, initially planned for 2021, was delayed and is currently in implementation. The results of the project will be used to update the Single Programming Document 2023 – 2025 before its final adoption by the ELA Management Board.'* The following year, in the CAAR 2022, ELA noted that the *'development of coherent system of key performance indicators commenced in 2022'*.

In fact, in 2022, as the **Authority identified the main strategic areas, a new set of KPIs linked to the strategic areas was developed** and the Consolidated Annual Report reported for the first time on KPIs for the Authority's activities. However, indicators for different tasks were very much focused on output (i.e. number of activities/participants etc.), providing limited insights into the effects of the Authority's activities. In fact, very few of the indicators developed by ELA were result indicators, i.e. focusing on a qualitative dimension of the results achieved by the Authority. The following table provides an overview of the result indicators currently monitored by ELA:

Table 9. Overview of ELA's result indicators

Indicator	Activity
Satisfaction rate with ELA coordination and support	CJIs
Satisfaction rate with ELA activities	CJIs
Satisfaction rate with the ease of running an inspection	CJIs
Impact and follow-up through other ELA activities	Analysis and risk assessment
The cooperation agreement leads to good cooperation and coordination between the Authority and the Administrative Commission	Mediation
Information on ELA's website and in the FAQs document is accurate and easy to understand	Mediation
Quality of training and training materials	Mediation
Interest in and impact of the analytical report, workshops and seminars	Cooperation and information exchange
Number and quality of workshops and training sessions; satisfaction rate	Cooperation and information exchange
Satisfaction rate of participants	Capacity building
Interest generated in the call; interest in the activities/relevant events (participation and media)	Capacity building
Increased satisfaction of participants (to training and to European Job Days)	EURES

Contractor own elaboration based on CAAR 2022

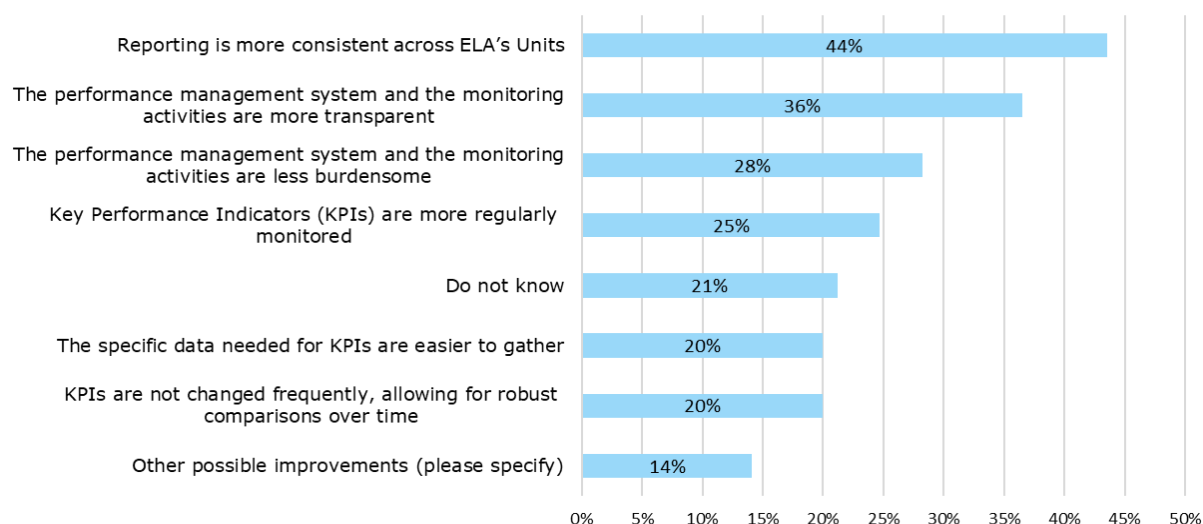
While an in-depth discussion on the suitability of each indicator is beyond the purposes of this evaluation, qualitative indicators such as 'satisfaction rates' are fairly generic, which made it difficult to draw insights on the impact of ELA. **All in all, the delays in setting up KPIs and the lack of result indicators limited the robustness of the cost-effectiveness analysis performed and hampered the assessment of the results of the Authority's activities.**

These elements highlight how, at the time of the evaluation, the **mechanisms for monitoring, reporting and evaluation were still recent, requiring improvement and fine-tuning.** This is consistent with the views from ELA staff and Management Board who responded to the survey³⁷⁷. Almost half of the respondents asked for **Reporting to be more consistent across**

³⁷⁷Annex VI. Stakeholder consultation report, section 4.4.3.

ELA's units (44%), followed by wishes for more transparent **performance management and better monitoring** (36%):

Figure 33: How could ELA improve the performance management system and its monitoring activities to effectively keep track of the Authority's performance? (n=85)



Source: Survey to ELA staff and Management Board (2023)

Some ELA interviewees³⁷⁸ argued that it was too early to produce a final assessment on ELA's mechanisms for monitoring, reporting and evaluation (by pointing at the fact that the results of the evaluation by the European Commission and the internal report made by ELA were not yet available). The findings presented in this report suggested that the reporting mechanisms and the KPI system as they were at the time of the evaluation were lacking i) a consistent monitoring timeframe and ii) a stronger link between the outputs and the actual results achieved by ELA.

4.1.2.4. Efficiency of ELA's governance structures and Management Board

The following section addresses the evaluation question '*How **efficient were the governance structures of the European Labour Authority?** To what extent is the size and the composition of the Authority's Management Board appropriate for the size and nature of the agency so as to ensure its ability to perform its tasks and effective and efficient governance?*'³⁷⁹

As further detailed in Section 3.1.1, in 2021 ELA adopted its first organisational structure. ELA's organisational structure aimed to promote an **integrated and collaborative approach** to fulfil its mandate. Since November 2022, the internal structure of ELA was organised around five Units, each managed by a head of Unit:

- the Governance and Coordination Unit;
- the Information and EURES Unit;

³⁷⁸ Annex VI. Stakeholder consultation report, section 7.

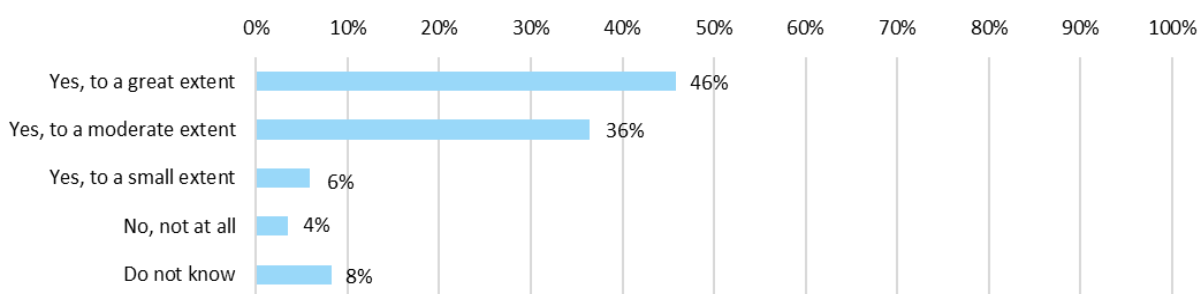
³⁷⁹ Evaluation question 1.12.

- the Cooperation Support Unit;
- the Enforcement and Analysis Unit; and
- the Resources Unit.

As mandated by Article 16 of the Regulation, the organisational structure also included the **Management Board**, the **Executive Director** and a **Stakeholder Group**. Furthermore, by decision of the Management Board, ELA established three dedicated **working groups**, while the fourth working group (the European Platform tackling undeclared work) was established by the founding Regulation³⁸⁰.

When asked if the governance structure of ELA (i.e. the Management Board, Executive Director and Stakeholder Group) had adequately supported the planning and implementation activities of ELA, **46% of the surveyed ELA staff agreed to a great extent and 36% to a moderate extent to that statement.**

Figure 34: Has the governance structure of ELA – i.e. the Management Board, Executive Director and Stakeholder Group – adequately supported the planning and implementation of ELA’s activities? (n=85)

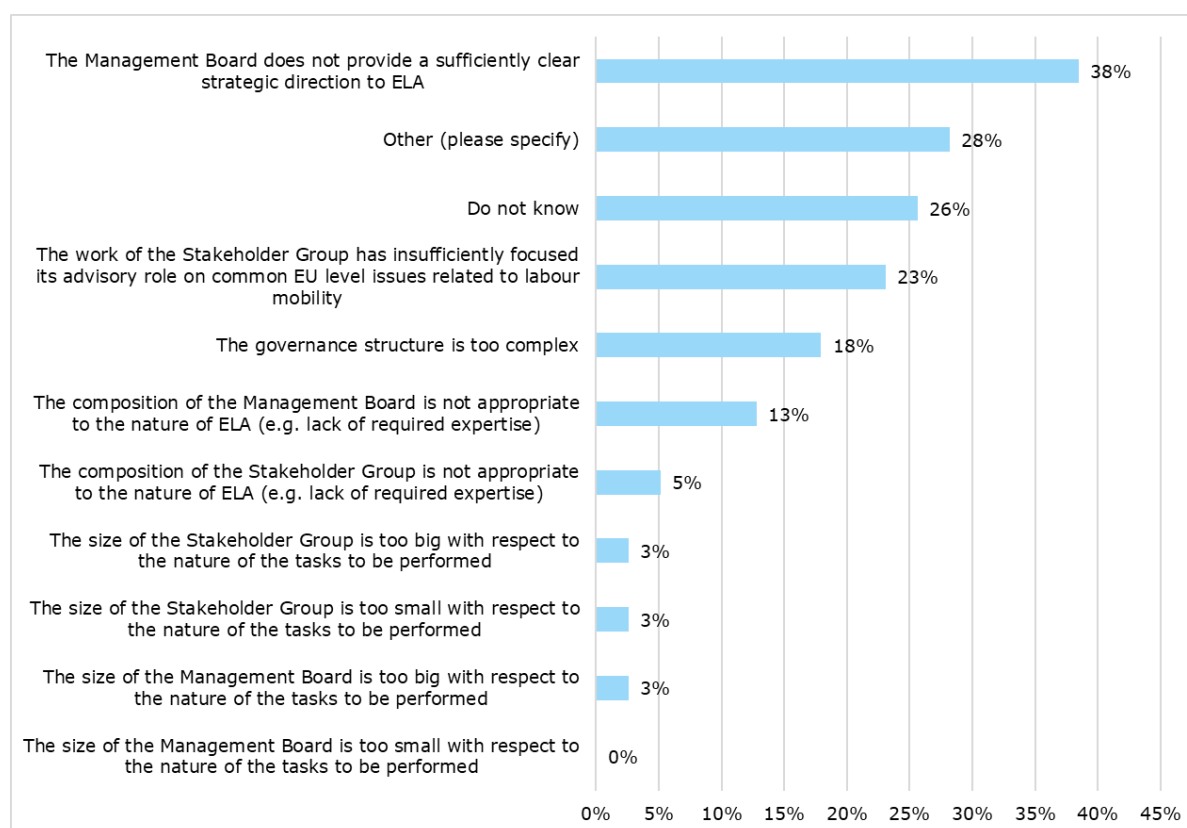


Source: Survey to ELA staff and Management Board (2023)

The respondents who believed this only to a moderate, a small extent or not at all, mainly indicated (38%) **the lack of a clear strategic direction of ELA from the Management Board** side as a reason for their answer:

³⁸⁰ European Platform Tackling Undeclared Work, Working Group on Inspections, Working Group on Mediation, Working Group on Information.

Figure 35. Please select the main reasons why the governance structure of ELA has not adequately supported the planning and implementation of its activities (n=85)³⁸¹



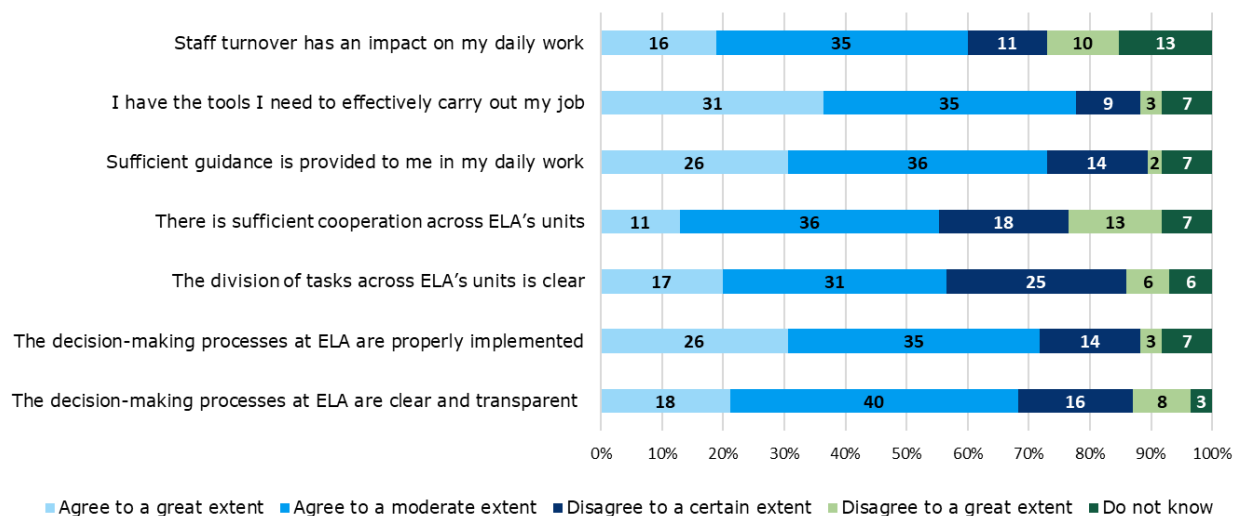
Source: Survey to ELA staff and Management Board (2023)

Among the 13% of responses indicating ‘Other’ as a potential reason why the governance structure of ELA did not fully support the planning and implementation of its activities, some **issues in the preparation and daily work processes** were mentioned: in this regard, ‘*ELA has not succeeded to establish strong and effective internal work, co-ordination and communication structures*’. The lack of project management tools, horizontal overviews of project and activities in the planning, and a predictable common valid calendar of activities were among the main shortcomings flagged by respondents.

These issues were consistent with the views of ELA staff on whether ‘**There is sufficient cooperation across ELA’s units**’, which was the item where the disagreement was the highest registered (among the other statements presented in the question, as shown in the figure below), with 15% of respondents disagreeing strongly and 21% disagreeing somewhat. ‘**The division of tasks across ELA’s units is clear**’ also registered sizable disagreement, with 7% disagreeing strongly and 29% disagreeing somewhat.

³⁸¹ Activation: if answered ‘To a moderate extent’, ‘To a small extent’, ‘Not at all’ in Q12. [Multiple answers possible].

Figure 36. Please indicate the extent to which you agree with the following statements (n=85)



Source: Survey to ELA staff and Management Board (2023)

This figure also points to the staffing issues discussed in Section 4.1.2.2: in fact, staff turnover was indicated as having an impact on staff's daily work in 60% of the responses, with a great or moderate impact.

Nevertheless, despite the areas for improvement mentioned in this section, the figures displayed above highlight that the majority of respondents had a **broadly positive opinion on ELA's governance structures**.

Findings from the interviews³⁸² suggested that the **Management Board overall worked well**, despite minor issues related to the high frequency of the meetings and to some of the members of the board (in some cases, members were either not the ones having decision-making positions or they were not the most relevant stakeholders at national level). Nevertheless, ELA is not responsible for Member States' appointment of board members, which is Member States' own decision.

Social partners highlighted some uncertainty about the benefits of the Stakeholder Group: they called for i) more focused discussions on specific topics happening within the Group, rather than it being the place where mere updates are communicated and ii) a transition of the Group into a more strategic role, with active involvement of social partners in agenda setting. Nevertheless, the evidence analysed throughout this evaluation does not suggest significant issues in the functioning of the Stakeholder Group.

4.1.3. Coherence

This section presents our evaluation findings on the coherence between ELA's mandate and activities and the European Commission, EU agencies and bodies (with a specific focus on the four agencies under the remit of DG EMPL), national authorities/bodies and other international organisations.

³⁸² Annex VI. Stakeholder consultation report, section 7.

4.1.3.1. Coherence between mandate and activities of ELA and other EU entities (Commission, Agencies, other EU bodies)

This section addresses the following evaluation questions:

- *To what extent were the **mandate and activities of the European Labour Authority coherent with the other EMPL agencies or EU bodies**? Were there any unnecessary overlaps or duplications?*³⁸³
- *To what extent does the **European Labour Authority work with the other EMPL agencies** where needed? To what extent have they developed **cooperation mechanisms** among themselves during the evaluation period?*³⁸⁴
- *'To what extent are the **mandate and activities of the European Labour Authority coherent** with DG EMPL policies and with other EU policies? To what extent does the Authority work cooperatively with **DG EMPL and other Commission services**?*³⁸⁵
- *To what extent is the **mandate and activities of the European Labour Authority coherent with those of other EU decentralised agencies**? To what extent does the Authority work cooperatively with other EU Agencies? To what extent is the **performance measurement system of the Authority in line** with the one of other relevant EU agencies?*³⁸⁶

As flagged in the study limitations (section 1.4), the evidence gathered and analysed in this study enables only partially an answer to the third question. In fact, while ELA's mandate and activities were broadly coherent with EU policies in the area of employment, neither concrete examples of coherence were identified nor specific issues on the other hand.

Overall, our analysis suggests that **ELA's activities tended to be complementary to those of the EU agencies in the domain of employment**. Complementarity was particularly marked between the work of ELA and the activities of **Eurofound** and **EU-OSHA**. In fact, domains of work which were key to the mandate of Eurofound (research on working conditions, research on employment and labour markets) and EU-OSHA (provision of tools for workplaces to manage health and safety, raising awareness activities about workplace risks) were particularly relevant to some of the activities of ELA: **synergies with ELA's work on analyses, risk assessments and CJIs** (above other activities) could be exploited, applying the topical relevance of the abovementioned activities of Eurofound and EU-OSHA with the EU cross-border dimension of ELA's activities. Furthermore, complementarity lied in the different nature of the work of ELA, that was more operational in comparison to Eurofound's research-oriented activities. During the evaluation period, as illustrated in Section 3.2.2, ELA also worked on establishing cooperation mechanisms with **EMPL** agencies, through cooperation agreements with Eurofound, Cedefop, and EU-OSHA.

With varying degrees of agreement across categories of stakeholders, based on the responses to the surveys, the Public Consultation and the interviews,³⁸⁷ the majority of ELA staff and external stakeholders agreed that ELA's activities were coherent, in particular with **Eurofound** and **EU-OSHA**. The majority of respondents believed that ELA played a complementary role with these agencies (to a moderate or great extent, cfr. detailed share of

³⁸³ Evaluation question 1.16.

³⁸⁴ Evaluation question 1.17.

³⁸⁵ Evaluation question 1.15.

³⁸⁶ Evaluation question 1.18.

³⁸⁷ Annex VI. Stakeholder consultation report, sections 4.3.5, 4.4.5, 4.6.4 and 7.5.

responses in the stakeholder consultation report³⁸⁸). These two agencies were followed by **Cedefop** and lastly **ETF**. ETF in particular was the *EMPL* agency whose work had less points of contact and synergies with ELA, given its mission focusing on transition and developing countries.

When respondents were asked to further explain their answers to the surveys, a key consideration was that **complementarity** arose from the fact that, unlike other EU agencies, ELA focused on cross-border challenges, and dealt with the facilitation of enforcement of labour provisions. Moreover, the collaboration between **ELA** and **Eurofound** was seen as particularly helpful in conducting studies regarding the working conditions of mobile workers or in identifying high-risk sectors that require targeted inspections: this partnership could yield comprehensive insights akin to detailed risk assessments, providing substantial information to guide future inspection strategies. Nevertheless, **it is important to explore such synergies while avoiding a duplication of efforts when ELA focuses on the research component** (*'producing studies like Eurofound or Cedefop'* as noted by one respondent to the survey with external stakeholders) instead of being *'action-oriented'*. In fact, in areas such as skills, AI, and research/studies, potential overlaps could be avoided by leveraging the analysis and research work done by Eurofound.

Concerning the cooperation with the European Commission³⁸⁹, during the initial phase it was necessary for ELA to understand the distribution of roles, activities, and the understanding of the mandate, as outlined in the Regulation. **The cooperation and the mutual understanding between the two entities progressively improved, although a common alignment and understanding on ELA's mandate and functioning had not been fully achieved.** It has also been flagged by interviewees³⁹⁰ that the nature of the relationship varied (based on the volume of exchanges and the work between the parties) depending on the Directorate-General with which ELA collaborated (DG EMPL, DG GROW, DG MOVE, DG DIGIT, and DG HOME). However, no specific issues were identified in relation to the cooperation with different DGs.

Coherence in the **cooperation between ELA** and the **Administrative Commission**, which occurred in relation to mediation cases, was also looked at. ELA and the AC³⁹¹ developed a **Cooperation Agreement to regulate the interaction between both bodies when disputes concern fully or in part social security coordination issues**^{392,393}. In this regard, **both the AC and ELA had the mandate to deal with questions related to social security coordination at European level**, where the AC continues to work independently and outside the ELA structures, retaining its independence and scope of action. Therefore, a Cooperation Agreement was mandatory, following Article 13(11) of the ELA Regulation: the Cooperation Agreement consisted of a part on the horizontal cooperation between the two bodies and a part with procedural rules for the exchange of information, tools used for these purposes and steps to be followed when a case submitted for mediation at ELA concerns social security coordination issues. This agreement should **provide clear rules to ensure good cooperation between the two entities, coordinate the activities in mutual agreement and avoid any duplication in cases of mediation which concern both issues of social**

³⁸⁸ Annex VI. Stakeholder consultation report, section 4.3.5.

³⁸⁹ ELA and the European Commission (DG EMPL) have signed a Memorandum of Understanding.

³⁹⁰ Annex VI. Stakeholder consultation report, section 7.5.

³⁹¹ The Administrative Commission (AC) is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009. The composition, operation and tasks of the Administrative Commission are laid down by Articles 71 and 72 of Regulation 883/2004. The Administrative Commission for the coordination of social security systems comprises a representative of the government of each EU country and a representative of the Commission.

³⁹² The Agreement was adopted by the Management Board on 17 December 2021, signed by both parties in December 2021 and enter into force on 1 June 2022.

³⁹³ Anecdotally, one of the interviewees stresses that several new ELA staff involved in the mediation task were previously members of the AC, which facilitated the interaction and negotiation process between ELA and AC.

security coordination and labour law. In applying this Cooperation Agreement, ELA and the AC committed themselves to the principles of sincere cooperation, mutual trust and co-ordination between them³⁹⁴. Given the very limited activities performed at the time of the evaluation under the mediation task (Section 4.1.1.3), it was hard to conclude on the coherence of the Cooperation Agreement between ELA and the AC.

When asked if there were **other relevant decentralised EU agencies with whom ELA held some complementarity**, both the respondents of the survey with external stakeholders and ELA staff mentioned mostly the European Union Agency for Law Enforcement Cooperation (Europol) and the Fundamental Rights Agency (FRA).

Finally, our review of the performance measurement systems of ELA showed that **ELA used a set of KPIs which was comparable to the ones of the other EMPL agencies**. While KPIs differed in the content of the indicators, which varied depending on the nature of the activities, the nature of the KPIs was similar across agencies. Output indicators were the most frequent, characterised by easily measurable numerical targets (e.g. number of documents produced, figures related to the visibility of the agencies on social media, etc.). Input indicators were essentially similar in all agencies, with efficient budget management (i.e. achievement of commitments and payments rates) being the most important KPI. Outcome/Result indicators were instead less frequent (cfr. detailed discussion about ELA's result indicators in Section 4.1.2.3)

4.1.3.2. Coherence between mandate and activities of ELA and other stakeholders, at international and national level

The following section addresses the evaluation question *'To what extent are the **mandates and activities of the European Labour Authority coherent with those of other relevant organisations and stakeholders (at EU, international and national level)**? To what extent does the Authority work cooperatively with those organisations and stakeholders? To what extent is such cooperation established with all relevant organisations and stakeholders?*³⁹⁵

The majority of respondents to the surveys, the Public Consultation and the interviews acknowledged **complementarity (at least to a moderate extent) between ELA's activities and those of other international organisations, such as the International Labour Organisation (ILO)**. Nevertheless, interviews³⁹⁶ highlighted that **cooperation with international organisations could be further improved**: concerning the ILO in particular, the relations lacked a formal and structured framework, and the ILO staff did not appear to be very familiar with the work of ELA. While the collaboration between ELA and the ILO at the time of the evaluation had focused on tackling undeclared work (within the context of the Platform), there were untapped opportunities for enhanced cooperation. For instance, in areas like inspections (where the ILO is deeply engaged) and mobility, where the ILO could offer an international perspective, a more comprehensive collaboration could yield mutual benefits.

The majority of respondents to the survey with ELA's stakeholders³⁹⁷ saw ELA's activities as complementary (to a moderate or great extent) to those of other organisations/agencies/stakeholders at national level. A small share of respondents (8%) admitted not knowing the degree of complementarity:

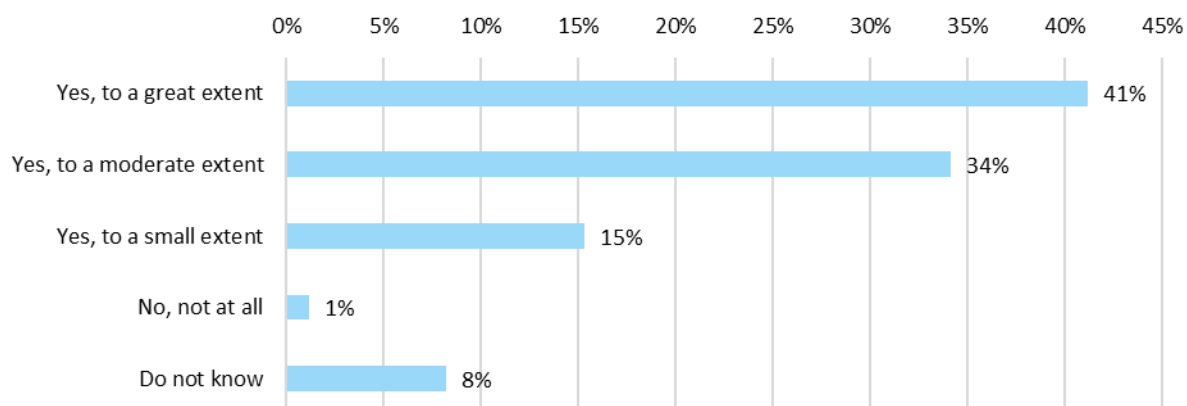
³⁹⁴ Member States are in principle free to decide which of the two alternative dispute resolution mechanisms (mediation and conciliation) they want to activate with a view to resolving their dispute.

³⁹⁵ Evaluation question 1.19.

³⁹⁶ Annex VI. Stakeholder consultation report, section 7.5.

³⁹⁷ Annex VI. Stakeholder consultation report, section 4.3.5.

Figure 37. Do you think ELA's activities are complementary to those of other organisations/agencies/stakeholders at national level? (n=85)



Source: Online survey to representatives of ELA stakeholders (2023)

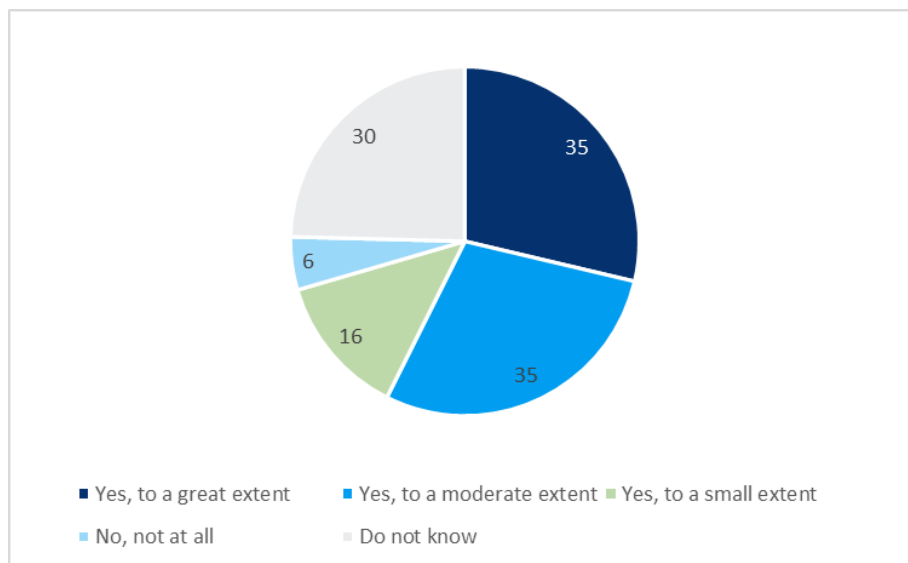
A member of ELA's Management Board added further details to his answer on the complementarity of ELA's activities with bodies at national level³⁹⁸: ELA had '*a great role to play in harmonising, facilitating the share of national experiences, and providing coordinated information*' thereby contributing to levelling up the capacities of diverse authorities. This comment was consistent with the analysis provided under the effectiveness section of this report, particularly under sections 4.1.1.1 and 4.1.1.2: **ELA's work was definitely coherent with information provision by social partners and national authorities** (although the quality and relevance of information provided can still improve, cfr. Sections 4.1.1.1 and 4.3.1) and the **role of ELA in CJIs was beneficial and facilitated synergies across national authorities**.

The majority of the respondents to the Public Consultation³⁹⁹ found that ELA's mandate and activities were **coherent with those of relevant national organisations/ agencies/ stakeholders** in their country, to a great or to a moderate extent (29% each).

³⁹⁸ Question 19a. If you wish to do so, explain your answer, in particular which other organisations/agencies/stakeholders at national level you are referring to.

³⁹⁹ Annex VI. Stakeholder consultation report, section 4.5.3.

Figure 38. Do you think that ELA's mandate and activities are coherent with those of other organisations/agencies/stakeholders in your country? (n=122)



Source: Online survey to representatives of ELA stakeholders (2023)

The survey respondents who provided explanations for their answers (mostly social partners and national authorities) indicated that the coherence of ELA's activities with those at national level was quite natural (especially in the context of CJIs), given the **different role and mandate of ELA (e.g. lack of direct enforcement power) compared to national ministries**, labour inspectorates and other national bodies that have an interaction with the Authority. Furthermore, when asked about potential overlaps in competencies throughout CJIs, interviewed stakeholders representing national authorities suggested that ELA's support was highly needed and that with the current competencies of ELA, no significant overlaps between the Authority and other participants in a CJi occurred.

4.2. How did the EU intervention make a difference and to whom?

This section presents a summary of the findings for the criterion of EU added value (in the box below), highlighting the extent to which and how this EU level intervention made a difference as opposed to Member States working alone, bilaterally or multilaterally.

Box 2 Summary box: How did the EU intervention make a difference?

The findings of this evaluation point towards clear **EU added value stemming from ELA's work, which contributed (and had the potential to further contribute) to enhancing intra-EU labour mobility beyond what individual Member States could achieve**. By centralising a set of activities in the field of EU labour mobility and social security coordination, ELA was found to be well positioned to fill a previously existing gap in operational support for the implementation of EU policies in this field.

Through its activities, ELA primarily made a difference to Member States - particularly national authorities and administrations, but also national level offices interacting with ELA (e.g. EURES NCOs, National SOLVIT centres, national public employment services, national labour

inspectors), which were the primary beneficiaries of its services and largely appreciated the Authority's added value. ELA and its activities were instead less visible to workers and employers on the ground, and even to national social partners. Social partners at EU level instead underlined the benefits associated with the Authority. Specifically, the Authority facilitated cooperation (e.g. through the development of workflow guidelines, model forms and templates) and exchange of information on labour mobility between Member States, and supported Member States' compliance with cooperation obligations. Furthermore, ELA's work led to benefits in terms of improved networking, knowledge-sharing, trust and coordination among national administrations, as well as in its training and capacity building activities.

Mixed views emerged as regards the existence of other national, EU or international level organisations that could cover the activities carried out by ELA in terms of level of expertise and organisational capacity. All in all, ELA's added value compared to what could have been expected from Member States alone was recognised, with some of its work areas being more successful than others: ELA's added value was more evident in CJIs, cooperation and exchange of information, while on EURES, mediation and analysis and risk assessment the added value of the Authority was more limited.

4.2.1. EU added value

The following section addresses the evaluation questions *'What was the added value of the European Labour Authority at EU level during the evaluation period? To what extent did its achievements add value in terms of volume, scope, process, and role effects?'*⁴⁰⁰

Evidence gathered through this evaluation highlighted the EU added value of ELA, which filled a gap in terms of operational support to the implementation of the EU policy framework in the field of intra-EU labour mobility. ELA's tasks created EU added value, to a different extent depending on the activities considered.

The findings presented in this section and in the previous sections of this report (notably sections from 4.1.1.1 to 4.1.1.8 on the effectiveness of ELA's activities) suggest that ELA had an important role to play as an operational actor, being able to deliver a wide range of labour mobility/social security coordination-related services covering the EU cross-border dimension. **ELA's added value was particularly marked under all the activities aiming to facilitate and enhance enforcement of Union law** with regards to labour mobility/social security coordination: namely those **services** which are **operational**, such as cooperation and exchange of information, facilitation and enhancement of enforcement through concerted and joint inspections, capacity building and tackling undeclared work.

Regarding EURES, as outlined in section 4.1.1.1, NCOs highlighted room for improvement in the management of ECG meetings and reported that the quality of discussions within the network deteriorated, while excessive focus was placed on information provision. In this respect, while ELA was well positioned to manage the ECO of EURES, given its overview on EU level labour mobility and potential for synergies with other tasks, ELA's added value in this role was yet to be fully achieved.

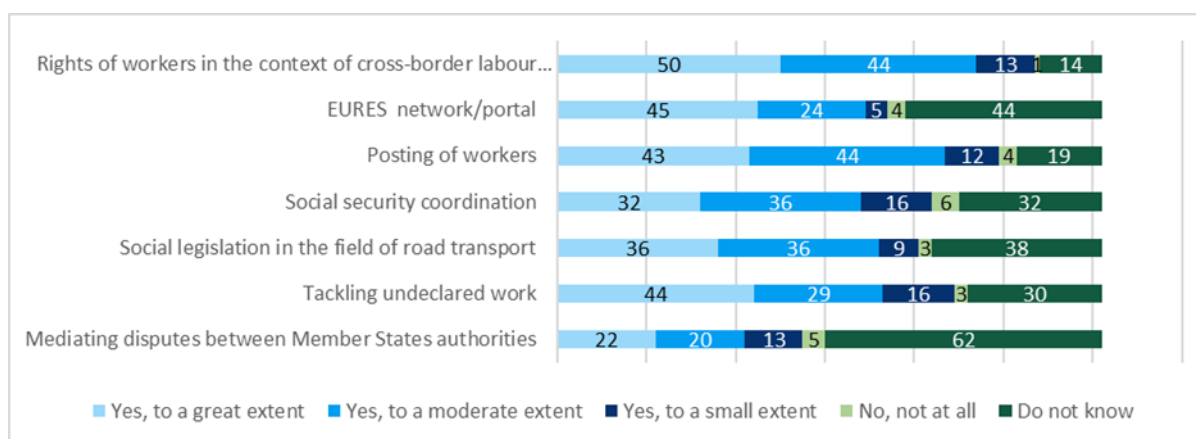
Concerning analysis and risk assessment and improving access to information, while these tasks had potential, ELA's work yielded less EU added value. At the time of the evaluation, the information provided under these two tasks tended to overlap with what was already produced by other institutions and authorities at EU and national level. The **least added value was attributed to the mediation** of disputes between Member States, however as discussed in section 4.1.1.3, this finding is consistent with the low uptake of the procedure.

⁴⁰⁰ Evaluation question 2.1.

The paragraphs below further substantiate stakeholders' views on the added value of different activities.

The **majority of respondents** to the Public Consultation **believed that ELA was able to create additional value/benefits compared to what Member States could have achieved in its absence**. This is the case for each stakeholder group, with an agreement with this statement roughly to the same degree across groups, suggesting a wide consensus. **Rights of workers in the context of cross-border labour mobility** (77%, i.e. 94 out of 122 responses), **posting of workers** (71%, i.e. 87 out of 122), and **tackling of undeclared work** (59%, i.e. 73 out of 122) were the areas where most respondents indicated that ELA's work led to additional value/benefits compared to what could have been expected from Member States' bodies alone, either to a great or to a moderate extent.

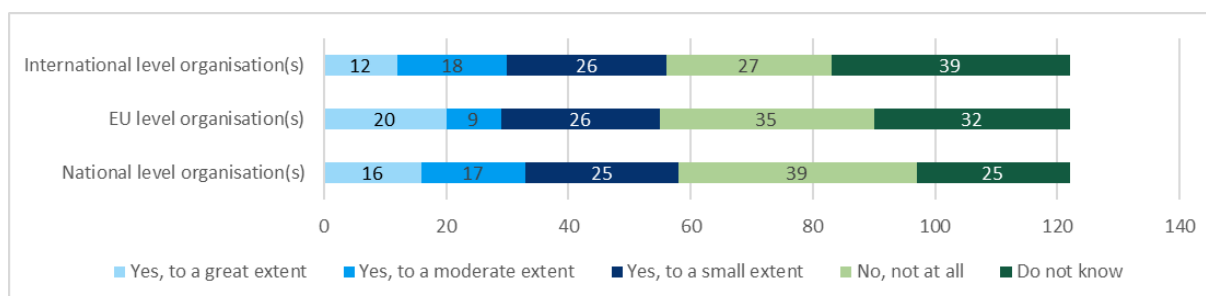
Figure 39. Do you think ELA's work ensured additional value/benefits compared to what could have been expected from Member States' bodies alone at national and/or regional levels in the following areas? (n=122)



Source: Public consultation (2023)

Mixed views emerged from the public consultation as regards the existence of other national, EU or international level organisations that could cover the activities carried out by ELA in terms of level of expertise and organisational capacity, as shown in Figure 40 below.

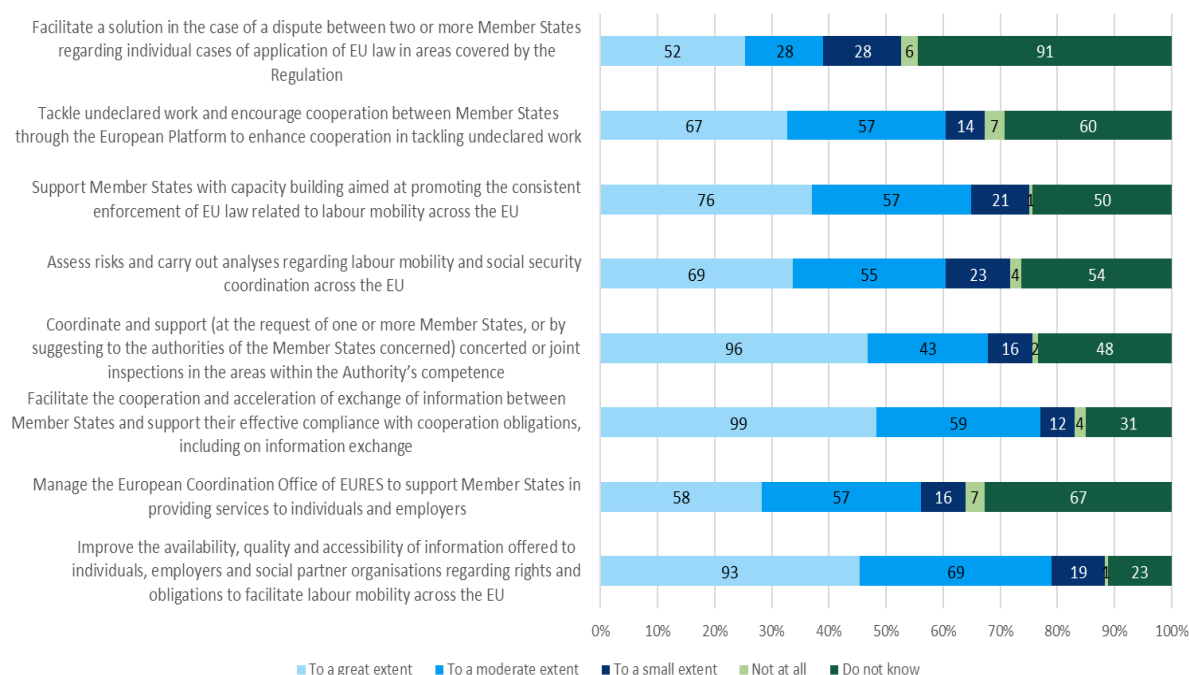
Figure 40 Are there other organisations which could cover the activities carried out by ELA in terms of level of expertise and organisational capacity? (n=122)



Source: Public consultation (2023)

Similarly to the findings from the Public Consultation, the survey with representatives of ELA stakeholders highlighted that **ELA was best placed to facilitate the cooperation and acceleration of exchange of information on labour mobility between Member States, and to support their effective compliance with cooperation obligations.**

Figure 41. To what extent is an organisation like ELA, acting at EU level, best placed to do/achieve the following? n=205



Source: Survey to representatives of ELA stakeholders (2023)

When respondents were given the opportunity to explain their answers,⁴⁰¹ some views were more frequently expressed than others (mostly by social partners and EU institutions/agencies):

- Information activities were found to be useful but should not be the main priority. In particular, *'information offered to individuals is best done via national campaigns'* and *'ELA's added value might be limited there'*;
- ELA *'remains behind its potential due to the evident limit of its mandate'*, it would *'need more autonomy, for instance in initiating inspections'*;
- ELA's analysis and risk assessment work is not yet up to standard – *'it contains basic information that is already known by public authorities'*.

Findings from the targeted interviews also align with these views. In most tasks, according to most interviewees, ELA was essential for achieving the desired results, especially where initiatives at national level would not be sufficiently prioritised. The added value of ELA lied primarily in improved networking, knowledge-sharing, trust, and coordination among national administrations, as well as in its training and capacity building activities. Coordination on operational issues was appreciated, and much needed given that Member

⁴⁰¹ Question 14a: If you wish to do so, explain your answers.

States have very different frameworks and institutional setups when it comes to labour issues. The added value was also recognised by countries that had a long tradition in cross-border cooperation on relevant matters, but in those cases the emphasis was put on the financial resources that ELA provided, or the structure and improved coverage it offered. For example, where cooperation with other countries already existed, it was more limited, i.e. either bilateral or multilateral, but not enabling an EU-wide sharing of knowledge and best practices. ELA, instead, had a privileged position as an umbrella for activities relevant to labour mobility and social security coordination, with a 'hands on' operational scope of activity (compared to the more political and more legal mandate of the European Commission). Hence, ELA was best placed to detect macro trends at EU level (e.g. on organised crime), being in-between the flows of information between national authorities, EU institutions and agencies/bodies.

In terms of **process effects**, ELA's EU added value was clear in its development of two new procedures, namely CJIs and mediation. The setup process led to the development of guidelines, templates, workflows and other relevant documentation, for both CJIs and mediation. These were very positively evaluated by the stakeholders who were involved in the process, as well as well by beneficiaries, for their accuracy and utility, despite some remaining room for finetuning and potentially a lightening of the amount of information provided. In this context, the added value of CJIs was clear and led to promising results in terms of improved cross-border cooperation and exchange of information. On the other hand, due to the low uptake of the mediation procedure at the time of the evaluation, limited EU added value had been created as a result of this task. As regards **role effects**, ELA's central position as a hub for coordination and information sharing clearly emerged, establishing it as a pivotal entity for addressing cross-border labour mobility issues. In terms of **volume effects**, ELA facilitated an increased cooperation and exchange of information between Member States, particularly through CJIs, cooperation and exchange of information and capacity building activities. The **scope effects** of ELA demonstrated its significant role as an operational actor in the EU's labour mobility framework, with a focus on supporting the implementation of relevant EU legislation and addressing issues in the field of EU labour mobility.

4.3. Is the intervention still relevant?

This section presents a summary of the findings for the criterion of relevance (in the box below) and the subsequent sections.

Box 3 Summary box: Is the intervention still relevant?

The establishment of a European Labour Authority was highly relevant. ELA responded to an existing need for an authority to address cross-border issues in the field of labour mobility. All of the Authority's activities were relevant, though to varying degrees. Among ELA's tasks, the promotion of cooperation and exchange of information between Member States and improvement of accessibility, quality and availability of information for individuals, employers, and social partner organisations in the field of EU labour mobility were found to most directly respond to the needs of stakeholders. Notably, however, there was scope for ELA to provide more tailored and practical information to workers and employers, which would allow to fully address existing knowledge gaps in the area of labour mobility and social security coordination, and thus increase the relevance of this task. The novelty of the mediation procedure partly explained its limited uptake. However, some elements might point towards limited relevance, namely the perceived lack of need on the part of certain Member States. In turn, given its role at the cross-roads of the EU labour mobility legislation, ELA was well-positioned to manage the

ECO of EURES. However, improvement needs existed in the approach adopted by ELA to the management of the ECO, in the relevance of ECG discussions and information provided to NCOs, and in the functioning of the EURES Portal, to ensure that the EURES Network and Portal fully respond to the needs of job seekers and employers.

Overall, **ELA was able to respond to existing needs in the field of cross-border labour mobility since its establishment. It adapted to the challenges associated with the COVID-19 pandemic and the Russian invasion of Ukraine and implemented activities to respond to these challenges.** ELA placed the main focus of its activities on a few specific sectors/areas, namely road transport, seasonal work and construction, which were found to be highly relevant given the Authority's scope. Requests for ELA to work in additional areas (in particular, other transport sectors) were advanced by social partners. While the Authority could indeed play a role in other sectors – to the extent that its activities remain within the boundaries of the Directives and Regulations included in its mandate – careful consideration is needed, in order to strike the right balance between tackling specific sectors with the adequate attention and the resources needed for this purpose.

ELA operated largely within the remit of its competences, though with its actions in support to TCNs raising discussions about the extent of its mandate, particularly in terms of the possibility for ELA to further address issues related to TCNs. An expansion of ELA's mandate to further cover TCNs, however, would require legal clarity in terms of legal basis, political agreement, additional resources, and potentially a change in its governance structure. Hence, the evidence collected through this evaluation suggested that short-term priorities for ELA should involve fully delivering on its established tasks.

Looking forward, digital transition and technological development; migration from outside the EU; and labour and skills shortages were identified as trends which will have a strong impact on ELA's work.

4.3.1. Relevance

4.3.1.1. Extent to which ELA's mandate, objectives and activities fulfil EU policy and relevant stakeholders' needs

This section will address the evaluation question *'To what extent did the European Labour Authority **mandate, objectives and activities fulfil EU policy needs** and those of relevant stakeholders during the evaluation period?'*⁴⁰²

Increased intra-EU labour mobility (despite the temporary slowdown associated with the COVID-19 pandemic) and revisions to the related policy framework⁴⁰³ justified the establishment of a European Labour Authority, meant to ensure the implementation of EU labour mobility rules, and thus fair conditions for mobile workers in the Single Market.⁴⁰⁴ As demonstrated by this evaluation, **ELA was able to fill this gap by providing support in the implementation of the EU legal framework for labour mobility and social security coordination.** Public consultation results revealed that the main reasons behind stakeholders' involvement in ELA's services included ELA's positioning in the cross-border context, which made it well-placed for dealing with cross-border issues (54% of respondents); respondents' intention to improve the quality and impact of their work (48% of respondents); and the lack of

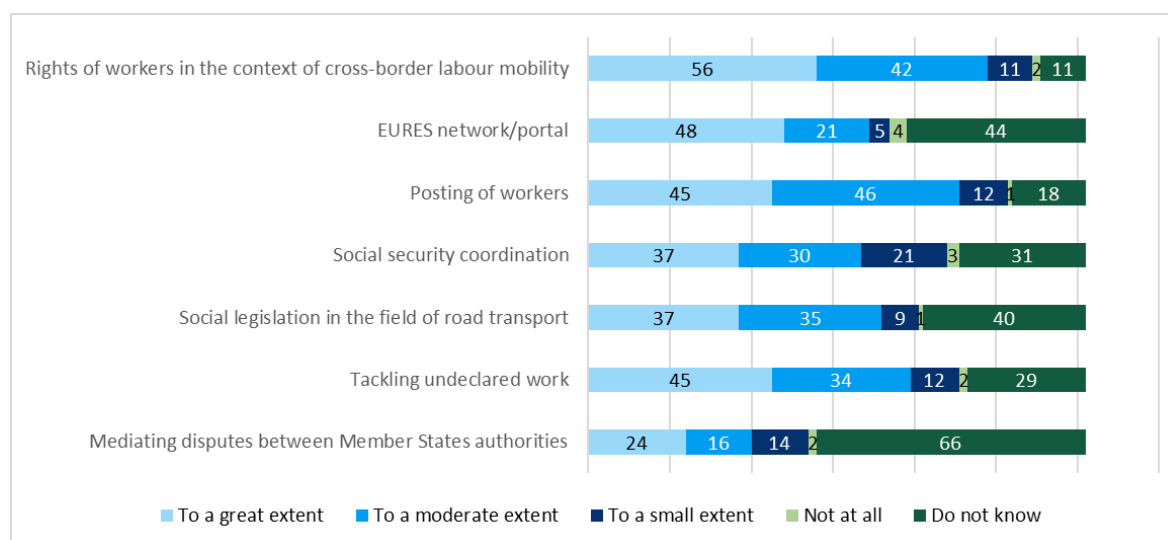
⁴⁰² Evaluation question 3.1.

⁴⁰³ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services was revised in 2018; In 2016, the European Commission proposed a revision of amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004.

⁴⁰⁴ European Commission, President Jean-Claude Juncker's State of the Union Address 2017, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165.

another national/EU/international level body who could provide the same service (41% of respondents).⁴⁰⁵ These results aligned with the views shared by stakeholders throughout the rest of the consultation activities, who identified a need for improved cross-border cooperation and sharing of information in the enforcement of legislation in the fields of EU labour mobility and social security coordination. Figure 41 below provides an overview of the degree to which public consultation respondents found ELA's work relevant in different areas.

Figure 42 To what extent do you believe that the work of ELA has been relevant to the following areas? (N=122)⁴⁰⁶



Source: Public Consultation (2023)

ELA was largely found to have been able to provide support in addressing challenges/needs in the field of cross-border labour mobility over the 2019-2023 period according to the majority of stakeholders.⁴⁰⁷ Only social partners stressed that they should be further involved and consulted by ELA in the planning and conduction of its activities, which would help increase their relevance.⁴⁰⁸ Notably, this was particularly the case for employers' organisations, who, on certain occasions (particularly in relation to non-sector specific initiatives undertaken by ELA, i.e. horizontal activities relevant to multiple sectors) perceived ELA as focusing more on workers, overlooking the needs of employers.⁴⁰⁹

Looking at each of ELA's specific activities, these were considered relevant to varying degrees by its stakeholders. The work of ELA was found to be most relevant in relation to rights of workers in the context of cross-border labour mobility (80% of public consultation respondents), posting of workers (74% of public consultation respondents), and tackling of undeclared work (64% of public consultation respondents). The least relevance was attributed to the mediation of disputes between Member States (33% of public consultation respondents); notably, however, the majority of respondents indicated that they did not know about this aspect (54% of public consultation respondents).⁴¹⁰ **The perceived relevance of each of ELA's activities corresponded to the varying degrees of use of ELA's services by its stakeholders:** these were more frequently involved in activities related to **cooperation and exchange of information between Member States** and to the **facilitation of access to**

⁴⁰⁵ Annex VI. Stakeholder consultation report, section 4.5.1.

⁴⁰⁶ Ibid.

⁴⁰⁷ Annex VI. Stakeholder consultation report, sections 4.5.2, 4.6.3.

⁴⁰⁸ Annex VI. Stakeholder consultation report, section 4.6.3.

⁴⁰⁹ Ibid.

⁴¹⁰ Annex VI. Stakeholder consultation report, section 4.5.2.

information to individuals, employers, and social partner organisations in the field of EU labour mobility.⁴¹¹ The evidence gathered throughout this evaluation indicated that a gap existed in these areas, which ELA was ideally positioned to address.

As concerns the relevance of ELA's work in relation to the improvement of the availability, quality and accessibility of information to workers, employers and social partners, however, needs and information gaps continued to exist. As previously explained (see section 4.1.1.1), activities in this area could be enhanced by the provision of more tailored and practical information on specific issues, allowing to contribute to the enforcement of rights and obligations in the field of EU labour mobility (e.g. salary rights for posted workers).⁴¹² Similarly, social partners highlighted that additional information on specific issues may be needed to address violations/infringements in the implementation of relevant legislation (e.g. number of cross-border workers, sending and receiving countries, infringement found by inspections, etc.), thus making the information provided more relevant.⁴¹³

Considering the feedback received from stakeholders and the degree of reported use of ELA's services (as outlined in section 4.1.1.4), **a positive conclusion can be reached on the relevance of activities related to supporting capacity building in Member States and tackling undeclared work. As concerns CJIs, feedback strongly pointed towards their relevance** as an instrument to improve inspection practices by favouring cross-border exchanges and learnings on the matter. While, as further detailed in section 4.1.1.2, the relevance of CJIs cases could be enhanced, increased synergies with the results of ELA's analyses and risk assessments could address this issue and increase the relevance of CJIs going forward.

The limited use of ELA's mediation services might indicate that needs for mediation are relatively limited. Indeed, a couple of interviewed representatives of national authorities explained that no cases requiring mediation had emerged in their countries since the establishment of the task (though it is important to note that this novel procedure was only very recently launched and awareness of what it offers may be limited).⁴¹⁴ Similarly, the reasons Austria and Romania declined to participate in their respective mediation requests were ultimately based – from their viewpoint – on a lack of need for the procedure: in the former case, on the basis that the contentious matters were intertwined with a new legal issue currently under consideration by the AC; in the latter case, the relevant authorities believed that the national social security legislation applied to the case at hand.⁴¹⁵ In relation to the mediation procedure, another concern identified by this evaluation relates to the risk of overlap with the conciliation procedure run by the AC in the case of disputes concerning social security coordination. Independent experts involved in the team carrying out this evaluation and a member of ELA's mediation board mentioned difficulties in drawing a clear line between the boundaries of the two procedures and underlined a risk of overlap going forward.⁴¹⁶ Although disputes on the question of which Member States' social security legislation applies in a particular cross-border case were relatively common, according to the independent experts consulted as part of the evaluation, a number of inefficiencies already existed in the conciliation procedure, with the mediation procedure introducing an additional layer of complexity. At the time of the evaluation,

⁴¹¹ Annex VI. Stakeholder consultation report, sections 4.3.4, 4.5.2.

⁴¹² Annex VI. Stakeholder consultation report, sections 4.3.4, 4.5.2.

⁴¹³ Annex VI. Stakeholder consultation report, section 7.4.

⁴¹⁴ Ibid.

⁴¹⁵ Annex VII, Case study 4, section 4.6.2.

⁴¹⁶ Annex VII, Case study 4, section 4.6.1.

The evidence collected through this evaluation identified issues in the **management structure of EURES**, which may reduce its relevance. While Figure 41 above presents an overall positive picture as regards stakeholders' opinion of ELA's work on EURES, the feedback received (see section 4.1.1.1) on the role of ELA as the ECO of EURES raised some doubts as to whether the current set-up is the most adequate for the optimal functioning of the EURES Portal and Network. A significant degree of dissatisfaction emerged among the consulted NCOs, in terms of the degree to which ELA met their needs in the management of the EURES Network. NCOs and the European Commission underlined a need for ELA to enhance staff preparedness and underscored the importance of adhering to the EURES regulation and maintaining EURES' core purpose as a matchmaking tool rather than transforming it into a dissemination instrument. At the same time, as previously mentioned, many of the stakeholders which formed part of ELA's governance and who were consulted as part of this evaluation process showed limited knowledge and interest regarding EURES. Indeed, the majority of ELA's activities fall within the realm of labour inspectorates and social security coordination departments, who are therefore largely represented within ELA's governance structure. PES and NCOs are the primary counterparts for EURES, but often fall within different departments, hence the knowledge of EURES was not as largely represented within ELA's governance structure. In this sense, **while ELA was well positioned to manage the ECO of EURES, its governance structure and approach to the management of the ECO was not yet good enough to adequately reflect the needs of the members of the EURES network and of the European labour market more broadly**. Increased internal expertise, enhanced cooperation with the European Commission and synergies with NCOs were needed in order to ensure the relevance of the ECG meetings, as well as EURES-related material and activities.

As concerns the specific themes and sectors covered through its activities, ELA primarily focused on the road transport sector, seasonal work and construction sector. According to the input of independent experts part of the team that conducted this evaluation and stakeholders, these sectors represented some of the main areas affected by the matters falling within ELA's competences. Consequently, they were perceived as **almost natural (and therefore relevant) choices for ELA to focus its efforts on**. Nonetheless, **requests for ELA to focus on additional sectors** compared to those it had worked on up to the time of this evaluation were advanced by social partners. Such requests mainly pointed at the transport sector (beyond road transport), with an emphasis on the aviation sector, where ELA was considered well-positioned to address infringements of social and labour laws affecting cross-border workers.⁴¹⁷

At the time of the evaluation, ELA had conducted **only very limited work within other transport sectors besides road transport** (namely, within the aviation and inland waterways sectors). However, such work was considered, by a few European Commission officials, as going beyond the limits of ELA's mandate, which was probably the reason why ELA took a cautious approach on those sectors. Notwithstanding this, as advised by the consulted independent experts as part of this study, ELA's activities could focus on these sectors, as long as the issues addressed fell within the limits of the directives and regulations that ELA is competent for (specifically, in relation to posting of workers, free movement of workers and social security coordination). As such, the main concern in relation to a potential expansion of ELA's work to additional sectors relates to the resources required to do so and relevance of the sectors in question. Indeed, at the time of the evaluation, ELA had only focused on few, specific sectors, which were deemed a relevant choice considering the scope of the Authority's work. While expanding ELA's activities to additional sectors was seen as relevant by multiple social partners (in particular, trade unions), some of whom would be in favour of the creation of sector-specific units within ELA,⁴¹⁸ **having an in-depth focus on too many sectors at**

⁴¹⁷ Annex VI. Stakeholder consultation report, sections 4.4.3 and 4.5.5.

⁴¹⁸ Annex VI. Stakeholder consultation report, sections 4.3.7, 4.4.2.

once would require additional resources and might cause ELA to lose focus on its specific objectives. Going forward, ELA will have to thoroughly select its main sectors of focus, working on the consolidation of its core tasks first, and allowing for adequate consultations with its key counterparts (mainly EU institutions and agencies and social partners) to ensure that its resources are dedicated to the most relevant matters.

4.3.1.2. Assessment of ELA's alignment with its mandate and scope of ELA's mandate

This section will address the following evaluation questions:

- *Did the Authority go **beyond its mandate**, and to what extent?*⁴¹⁹
- *To what extent were the activities of the European Labour Authority **link to the legal acts included in the scope of the founding Regulation** (Article 1(4)? Did the Authority go beyond these legal acts?*⁴²⁰
- *To what extent is there a **need to amend the mandate** of the European Labour Authority?*⁴²¹

As explained throughout section 4.1.1, ELA made progress in the implementation of all of its tasks, in line with what was foreseen by its mandate. The majority of the consulted stakeholders found that **ELA had largely worked within the remits of its competences**.⁴²² This section thus focuses on the parts of ELA's work which proved more contentious regarding the limits of its mandate and the issues that the Authority should prioritise. Divergent opinions arose in particular on the role that ELA should play in relation to TCNs and the potential need for a stronger mandate. These aspects are presented in more detail below.

Third Country Nationals (TCNs)

Regarding the limits of ELA's mandate, the issue that most frequently emerged among consulted stakeholders (across stakeholder groups, including ELA staff, Management Board members, social partners, NCOs) related to the **possibility for ELA to address issues related to TCNs, who, after starting to work within the EU, may become mobile workers**.⁴²³ ELA's mandate does not extend to labour migration issues (which cover a range of aspects, such as TCNs' access to the EU labour market, right to equal working conditions, protection against exploitation etc) and is limited to TCNs who already have the legal right to work in the EU. ELA's competences in relation to TCNs are linked to the Directives and Regulations included in its mandate (Article 1(4) of the founding Regulation): TCNs fall under the remit of Regulation 883/2004 on the coordination of social security systems,⁴²⁴ of Directive 96/71/EC⁴²⁵ and Directive 2014/67/EU on the posting of workers as relates to the free movement of services.⁴²⁶ Tackling undeclared work among TCNs, through the work of the UDW Platform, also falls within ELA's remit. As such, **as long as ELA's work on TCNs related to issues falling within the boundaries of these Directives and Regulations, it remained within the scope of its mandate**. Activities falling outside of such Directives and

⁴¹⁹ Evaluation question 1.4.

⁴²⁰ Evaluation question 1.2.

⁴²¹ Evaluation question 3.3.

⁴²² Annex VI. Stakeholder consultation report, section 4.6.4 and 4.6.5 and independent expert judgement.

⁴²³ Annex VI. Stakeholder consultation report, section 7.2.

⁴²⁴ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland, OJ L 166, 30.4.2004).

⁴²⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

⁴²⁶ Cfr. Judgment of the Court of 9 August 1994. Raymond Vander Elst v Office des Migrations Internationales. Reference for a preliminary ruling: Tribunal administratif de Châlons-sur-Marne - France. Freedom to provide services - Nationals of a non-member country. Case C-43/93.

Regulations, and relating to broader issues of labour migration, extended beyond the scope of ELA's work.

During its first years of operation, **ELA covered TCN-related issues more than originally foreseen, due to the crisis situation associated with Russia's war of aggression against Ukraine and the work carried out in support to persons fleeing Ukraine.** ELA's activities in this respect mainly concerned the prevention and tackling of undeclared work,⁴²⁷ the facilitation of access to information regarding the national measures adopted by EU and EFTA Member States in the field of access to employment and social security offered to displaced persons, and the support to the EU Talent Pool Pilot. Beyond the work conducted in support of persons fleeing Ukraine, ELA's activities in relation to TCNs primarily took place in the context of the Platform Tackling Undeclared Work and of posting of workers. In the case of tackling undeclared work, the link between TCNs-related work and ELA's mandate stemmed from the role of the Authority in managing the UDW Platform, which is able to address all risk factors for undeclared work. Similarly, the work conducted on the topic of posting of TCNs fell within the areas of competence of the Authority. As regards the mapping of national measures and the integration of the EU Talent Pool Pilot within the EURES Portal, however, the link to the mandate was looser, though ultimately not falling outside of it. In the former case, the focus of the mapping was not directly on intra-EU labour mobility and social security coordination at EU level, as required by ELA's mandate. However, the purpose of the mapping exercise was to assess whether and how such measures would affect labour mobility within the European Union (thus falling within ELA's area of competence). Regarding the EU Talent Pool Pilot, urgency and practicality concerns led to choosing the EURES Portal as the basis for launching the Pilot. This was assessed by the EU legal service to be aligned with ELA's mandate, given that temporary protection beneficiaries have the right to de-register from a MS and re-register in another Member State.

Given these activities, a few stakeholders (European Commission representatives and PES representatives) stressed that ELA's focus should be on issues included in its mandate only and not extend to migration issues going beyond its current mandate.⁴²⁸ Others, however, very positively viewed ELA's support to persons fleeing the Russian war against Ukraine and the work generally conducted in relation to TCNs, arguing that focusing ELA's activities on EU citizens only would not reflect the reality of intra-EU labour mobility.⁴²⁹ Further extending ELA's work in this area, however, would pose significant challenges, as Member States are competent to decide on the access of TCNs to their national labour market, which also entails certain limitations for TCNs to move freely in the EU labour market.

Considering these aspects, **further expanding the Authority's competences in relation to TCNs, as suggested by multiple stakeholders, would pose a challenge in terms of both resources and political complexity.** It would imply extending ELA's mandate into the migration policy area, which is a shared competence with the Member States. It would further require adjusting ELA's governance structure to include government representatives/stakeholders involved in the migration policy area, alongside representatives and experts in the field of employment, labour mobility and social security coordination. Additional human and financial resources to expand ELA's expertise and work beyond its current tasks would be needed. Given these challenges, in the short-term, priority should be given to fully deliver on the tasks within ELA's existing mandate. This would allow to clearly identify where shortcomings or limitations may exist in relation to the needs of TCNs in the areas falling within ELA's scope, and whether an expansion of the mandate is needed. Given the opposing views

⁴²⁷ Including: Awareness raising videos focusing on promoting declared work and preventing exploitation or abuse; Support to the Member States in translating material aimed at raising awareness about the risks of undeclared work and labour exploitation; establishing a sub-group on tackling undeclared work within the UDW Platform; Preventing and fighting trafficking in human beings for purpose of labour exploitation.

⁴²⁸ Annex VI. Stakeholder consultation report, sections 4.3.4 and 4.3.7.

⁴²⁹ Annex VI. Stakeholder consultation report, sections 4.3.4, 4.5.2.

among stakeholders concerning the role that ELA should play in relation to TCNs, a good approach may be to clarify where ELA's competences lie in this area, in line with the Directives and Regulations already covered by its mandate (e.g. guidance document prepared by the Commission, or agreed notes of joint discussions).

Going forward, however, with growing labour migration from outside the EU and an increasingly integrated EU labour market, an expansion of ELA's role in the area of labour migration from outside the EU and the labour and social security rights of TCNs might become increasingly relevant. Such an expansion would require carefully exploring where ELA could have an added value.

Considering the above, **ELA could contribute, within its remit, to supporting the implementation of the existing EU instruments relating to the possibility for certain categories of TCNs to work within the EU labour market.**

Strengthening of ELA's mandate

Several stakeholders (including Commission representatives, social partners, national administrations and ELA staff) stressed the **need to enhance the Authority's capacity to enforce relevant legislation in the field of EU labour mobility**.⁴³⁰ On this matter, mixed views were expressed, with some arguing in favour of strengthening ELA's mandate, and others suggesting that ELA should do more within the limits of its current competences.

Specifically, a couple of respondents (social partner, European Commission) mentioned that there would be scope for ELA to play a stronger role in enforcing labour-law related rules across borders on the basis of its founding Regulation.⁴³¹ Others (one academic, two trade unions) noted that a stronger enforcement mandate would be particularly relevant in relation to CJIs, where ELA did not have the power to require that Member States share information or engage in inspections, thus limiting its effectiveness.⁴³² In line with this, four members of ELA's staff and one member of its Management Board highlighted that, in contrast with the importance of enforcement and inspections in ELA's mandate, relatively limited impact had been achieved at the time of the evaluation.⁴³³

Overall, it is important to note that the Authority does not have an enforcement mandate. While through its activities, in particular CJIs, ELA can indirectly enhance the enforcement of relevant EU legislation, a number of weaknesses limited its capacity in this regard. In particular, limitations existed in the use and sharing of data for the purpose of risk assessments and CJIs; Member States could easily decide not to participate in CJIs and not to share information; at the time of the evaluation, ELA had not yet initiated any CJIs itself (i.e. the CJIs conducted had been strictly linked to the initiative and commitment of Member States). In this context, changes in the implementation procedures associated with CJIs, making them more stringent in terms of e.g. limiting Member States' reasons for not participating; or streamlining the use and sharing of data for the purpose of risk assessments and CJIs, may contribute to their increased effectiveness, leading to greater impact in terms of enhanced enforcement of EU legislation. Such changes would likely require additional resources, primarily to realise foreseen synergies, however these are expected to be limited, given that they would only require adjustments in the existing procedures.

⁴³⁰ Annex VI. Stakeholder consultation report, sections 4.3.6, 4.3.7, 4.5.2.

⁴³¹ Annex VI. Stakeholder consultation report, sections 4.3.6, 4.3.7.

⁴³² Annex VI. Stakeholder consultation report, sections 2.1, 4.5.1, 4.5.3.

⁴³³ Annex VI. Stakeholder consultation report, section 4.6.2.

4.3.1.3. Relevance of ELA's mandate and impact of external crises (e.g. COVID-19, Russian war of aggression against Ukraine,) and future trends

This section will address the evaluation questions:

- *'To what extent are the European Labour Authority mandate and activities still relevant, and has that been affected by the COVID-19 pandemic and Russian war of aggression against Ukraine (where pertinent)?'*⁴³⁴
- *'In terms of foresight, are there any future trends including megatrends (such as demographic change, migration, etc.) that could affect the European Labour Authority's future relevance and how?'*⁴³⁵

As explained in section 4.1.1.8, **the COVID-19 pandemic and the Russian war of aggression against Ukrainewere the main socio-economic events having impacted ELA's work during the 2019-2023 period.** In response to these events, ELA partly adapted its activities to address some of the challenges that had emerged, such as telework, aggravated labour shortages in seasonal work due to the Covid-19 pandemic, access to the EU labour market for people fleeing from Ukraine, tackling undeclared work among displaced persons from Ukraine. In this sense, ELA was positively evaluated by the majority of its stakeholders as having been able to provide a relevant response to the challenges associated with the COVID-19 pandemic and war in Ukraine.

However, as discussed in the previous section, a few European Commission and PES representatives expressed concerns regarding ELA's work in relation to TCNs.⁴³⁶ Similar criticism was raised as regards ELA's management of the ECO of EURES, which was found by a few Commission representatives to exceed the Authority's role (see section 4.1.1.1). These issues point to two main findings. On the one hand, they demonstrate **ELA's proactive approach towards addressing newly emerged challenges.** On the other, they indicate a **potential lack of alignment between ELA and the European Commission, on the matters and areas that ELA should prioritise and focus on.**

Looking forward, according to consulted stakeholders, the trends which are expected to have a strong impact on ELA's work included **digital transition and technological development; migration from outside the EU; and labour and skills shortages.** While ELA has already been active in partly addressing issues related to such trends, the extent to which it will be able to address them in the future will also depend on the limits of its mandate and competences, particularly as concerns migration from outside the EU, and the ability to implement the necessary digital solutions to coordinate Member States.

⁴³⁴ Evaluation question 3.2.

⁴³⁵ Evaluation question 3.4.

⁴³⁶ Annex VI. Stakeholder consultation report, sections 4.3.4, 4.5.2.

5. What are the conclusions and lessons learnt?

This section provides conclusions and lessons learnt that serve as key results of the evaluation.

The contents of this section are divided per evaluation criterion (effectiveness, efficiency, coherence, relevance and EU added value) and within each of these criteria the text is organised along the structure of section 4: for instance, the conclusions and the lessons learnt presented under effectiveness (Section 5.1) repeat the structure of the evaluation findings on effectiveness (sections 4.1.1.1 to 4.1.1.8). The same approach is applied for all the evaluation criteria.

5.1. Effectiveness

5.1.1. Facilitate access to information on rights and obligations regarding labour mobility across the Union as well as to relevant services

ELA improved the availability, quality and accessibility of information on EU labour mobility through a set of complementary means, focusing on relevant sectors and themes, and creating synergies with the rest of its tasks. However, there was room for ELA to ensure the availability of more tailored and practical information.

Work towards the improvement of information regarding rights and obligations to facilitate labour mobility across the EU was prioritised by the ELA Management Board from the outset. Activities in this area included sectoral support actions, the establishment of a Translation Facility, and the launch/preparation of five information campaigns. These positively contributed to achieving ELA's objective to facilitate access to information, targeting key sectors such as road transport and construction, and thematic areas including undeclared work and seasonal work. Moreover, synergies with other ELA tasks were achieved, which improved their visibility and effectiveness. Despite such positive achievements, **untapped potential remained in terms of filling existing knowledge gaps on the rights and obligations related to labour mobility across the EU.**

Lessons learnt:

- **Provision of tailored and practical information:** information is most valuable when workers and employers can apply it to concrete situations, to ensure the enforcement of their rights and obligations. In this respect, ELA could seek to focus campaigns on providing actionable and easy-to-understand information, applicable to workers and employers in different Member States. Campaign material could be linked to more detailed sources of information and a helpdesk service⁴³⁷ could be offered to address ad-hoc queries.
- **Cooperation with Your Europe Advice to address labour mobility and social security coordination related concerns:** ELA could strengthen its cooperation with Your Europe Advice in the area of labour mobility and social security coordination and train the legal Your Europe Advice experts when necessary or support them with

⁴³⁷ Notably, a feasibility study on this was set to start soon after this evaluation.

concrete questions in case the relevant information is not readily available, in particular on specific cases concerning the rights and obligations of mobile workers. ELA could also **promote the visibility of Your Europe Advice**, by raising awareness about the service among its stakeholders.

While ELA successfully took over the management of the ECO of EURES and introduced positive changes, a number of weaknesses associated with the management of the EURES Network and Portal hindered the effectiveness of ELA in its role as the ECO.

After the successful transfer of the ECO of EURES to ELA, ELA worked to maintain business continuity and to incrementally improve EURES. ELA was tasked to assist the EURES Network with the necessary resources and competences. Nonetheless, the management setup for EURES, between ELA and the European Commission, was sometimes perceived as burdensome, inefficient and time-consuming, leading to difficulties in the collaboration between the two parties and repercussions on the functioning of the Network as such. A need for alignment on how the ECO implements its responsibilities and priorities in practice was identified, to ensure that these fully reflect the relevant regulations and meet the needs of NCOs. These issues were partly a result of strategic decisions made by ELA after taking charge of the ECO, while others were connected to the current Rules of Procedure. Finally, stakeholder engagement and awareness of EURES services were somewhat limited, reflecting a need for increased visibility and for simplified user interactions on the EURES portal.

Lessons learnt:

- **Cooperation between ELA and the European Commission:** contrasting views between ELA and the Commission emerged around aspects such as the division of tasks between ELA and the Commission, and the main priorities of the ECO. Strengthened communication and collaboration between the two entities, as well as the EURES governance reaching a mutual understanding on the priority actions and areas that should be undertaken in practice by the ECO, might contribute to improving its efficiency.
- **Visibility and usability of EURES:** EURES was found to have limited visibility among workers and employers. Hence, ELA could explore ways to better disseminate EURES and strengthen its use. For instance, this could include:
 - Carrying out targeted communication activities, with a focus on specific sectors;
 - Strengthening coordination between EURES and Europass, building on the complementarities between the two portals and avoiding duplication;.
 - Targeting potential users that may not have been sufficiently targeted so far, such as disabled workers; well-qualified workers; 50+ employees (silver jobs); non-EU long term residents.
- **Information quality and accessibility:** While information provision is crucial, ELA could ensure that the information is tailored, practical, and directly supports the enforcement of rights and obligations within the realm of EU labour mobility. In parallel, ELA could ensure that EURES advisors are engaged and updated on any new development or initiative associated with EURES.
- **Strategy for EURES:** ELA is well-placed to ensure that EURES is suited to the needs of the EU labour market going forward, thanks to its central role in the implementation

of relevant EU policy in the field of labour mobility. Capitalising on its overview of intra-EU labour mobility trends at EU and national level, it could propose a complementary strategy for the EURES Network and Portal. Among others, this could include a plan to enhance the visibility and usability of the EURES Portal, as well as improve information quality and accessibility.

- **Structure of the ECG meetings and agenda:** given the weaknesses identified, ECG meetings and agendas could be restructured to increase their efficiency and relevance. This may imply reviewing the Rules of procedure of the ECG.
- **Alignment with the needs of NCOs:** in the management of the ECO, ELA could continue to directly and systematically consult NCOs to ensure adequate response to their needs and to the specificities of the labour market at Member State level. In parallel, together with NCOs, ELA should prioritise ensuring full compliance with the EURES Regulation and continue supporting NCOs in its implementation, in line with the recommendations of the biannual Report on EURES activity July 2020 – June 2022.⁴³⁸

5.1.2. Facilitate and enhance cooperation between Member States in the enforcement of relevant Union law across the Union, including facilitating concerted and joint inspections

Concerted and joint inspections were widely recognised as key to achieve ELA's objective of facilitating the enforcement of EU law. However, the full potential of this activity has not yet been exploited, due to limitations related to ELA's approach to CJIs and to the voluntary nature of Member States' participation.

As a newly established agency, ELA favoured mutual cooperation and trust among Member States and informed relevant national authorities about the potential benefits from cooperation, including on CJIs. CJIs were one of ELA's prioritised activities from its first years of operation and they were geographically widespread across the Union at the time of the evaluation. The key benefits of CJIs lied in the possibility of knowledge sharing, improved cooperation and mutual learning on inspection practices between inspectors of different Member States.

The number and quality of CJIs increased between 2019 and Q2 2023. As detailed in Section 4.1.1.2⁴³⁹ and in Annex VI⁴⁴⁰, ELA's support to CJIs was positively viewed in terms of the utility of the technical support, logistical organisation, and the role of NLOs in facilitating cross-border cooperation. However, some challenges remained, such as issues with ELA's planning and execution (i.e. ELA's engagement with relevant counterparts did not always take place promptly, but rather with 'last-minute' requests). The positive results achieved by CJIs and the interest demonstrated by Member States in this tool called for further support to be provided to Member States by ELA going forward. Nevertheless, the effectiveness of CJIs was inherently tied to the active participation of Member States before, during and after the inspections took place.

⁴³⁸ COM(2023) 724 final, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EURES activity July 2020 - June 2022, Submitted pursuant to Article 33 of Regulation (EU) 2016/589.

⁴³⁹ See *ibid.* p. 55 – 58.

⁴⁴⁰ Section 3.2.1.2 and Annex VI. Stakeholder consultation report, sections 4.3.2, 4.5.2.

Lessons learnt:

- **Expectations about ELA's role in CJIs:** ELA and the Commission could reach a common understanding (together with national authorities, social partners and other relevant stakeholders) about the actual impact that ELA should have on enforcement through CJIs. In fact, ELA has limited possibilities to enhance the enforcement of relevant Union law⁴⁴¹ through CJIs. ELA has a facilitator role, liaising with Member States and allowing for knowledge sharing and a fruitful exchange of inspection practices, while participation in CJIs remains voluntary for Member States. On one hand, ELA could finetune the execution of CJIs (see lesson learnt below) to be more effective in its facilitating role, on the other hand it is key to make clear that there are limits to what ELA can require (i.e. requests of information/data, requests to participate in CJIs) of Member States. The ultimate goal of CJIs remains to provide support to Member States, rather than replace their enforcement powers.
- **Planning and execution of CJIs:** evidence suggests that ELA could further refine the process leading to the initiation and the execution of CJIs. While communication with national counterparts improved over the evaluation period, there is still some room for improvement, for instance ensuring that engagement with relevant counterparts takes place promptly and without 'last minute requests' which may hamper Member States' cooperation. The guidelines and the documentation required of social partners to propose inspections could be lightened to facilitate their engagement. Finally, a more consistent and timely post-inspection reporting by Member States could ensure a thorough follow-up of CJIs by ELA, allowing for more effective communication of the key takeaways to the wider network of interested stakeholders (especially social partners).

Analyses and risk assessments linked to issues of cross-border labour mobility were not among ELA's priority activities, with limited resources allocated initially. This task can integrate the work done on other key ELA's activities (e.g. CJIs, facilitating access to information), but so far was limited by legal concerns related to data protection issues.

Analyses and risk assessment activities were among the least prioritised tasks of ELA, with only a small fraction of stakeholders acknowledging frequent use or benefits from ELA's outputs in this area. However, increased budget allocation for 2023 and a projected rise in the following years point to a will to increase ELA's capabilities in conducting thorough analyses and risk assessments to better address the complexities of cross-border labour mobility⁴⁴². This activity has the potential of becoming instrumental in preparing CJIs. Data protection issues posed limitations to the implementation of some of its tasks, calling for full clarity on data protection implications within ELA's mandate.

Notably, analyses and risk assessments could also exploit synergies and avoid overlaps with the research activities conducted by other EU agencies (e.g. Eurofound) and national authorities/organisations.

Lessons learnt:

- **Better integration of analyses and risk assessments into ELA's other activities:** to tap their potential, the results of analyses and risk assessments could be integrated

⁴⁴¹ As per Art.2 (b) of the founding Regulation, one of ELA's objectives is to 'enhance cooperation between Member States in the enforcement of relevant Union law across the Union'.

⁴⁴² An example of this is ELA's Analytical Report on Posting of Third Country Nationals.

further to enable ELA to tailor enforcement activities and target the facilitation of access to information to the most high-risk sectors/countries.

- **Extent to which the Authority can handle personal data:** the evidence analysed in this study (Section 4.1.1.2) suggested that ELA is legally entitled to handle anonymised micro-data, or conclude Data Protection Agreements with the MS to access relevant data. However, it could be clarified the extent to which, on the basis of these data, ELA could then use this information for other Authority's activities in compliance with data protection provisions.
- **Access to data when ELA is not the owner:** in cases where ELA is not the IT owner of personal data (e.g. EURES, IMI), its access to such data could be facilitated (e.g. by considering to give ELA staff direct access to IMI, as long as there is a legal basis that provides for an administrative cooperation where ELA has a role to play).

Cooperation and facilitation of exchange of information between Member States was one of the most used and beneficial activities of ELA. ELA has been effective so far in processing the requests received and in facilitating cross-border cooperation through the engagement of NLOs.

Cooperation and facilitation of exchange of information evolved, driven by the proactive engagement of NLOs and the development of tools such as workflow guidelines, model forms, templates, analytical reports, workshops and seminars. The number of requests for information exchange and support to information exchange significantly increased over the evaluation period: notably, the share of requests processed among the ones received was close to 100%. ELA's support to facilitation of cross-border cooperation was growing, a crucial driver for the effective enforcement of Union law related to labour mobility.

Lessons learnt:

- **Clarification of NLOs role:** the role of NLOs was regarded as very helpful by most stakeholders, although it could be helpful to clarify the hierarchical relationship between NLOs, ELA and their home authorities. Moreover, it could be ensured that ELA has leverage on NLOs, as they are appointed to ELA and should not be perceived as attached to their home authorities. This would ensure smooth cooperation between national counterparts and ELA.

Capacity building contributed horizontally to the activities and work areas of ELA, creating synergies with the rest of its tasks. It fostered technical competence, collaboration, and exchange of good practices among Member States. Over time, the role of capacity building has become more significant within ELA, reflected by a higher budget and the development of a strategy to guide activities from 2024 to 2030.

Capacity building activities allowed for **increased technical competences in different areas and sectors of focus for the Authority**, thus creating synergies with the rest of ELA's tasks, primarily in relation to facilitating access to information and facilitating and enhancing cooperation between Member States in the enforcement of relevant Union law. Simultaneously, capacity building contributed to **fostering cooperation and exchange among Member State representatives**, as well as to promoting mutual learning and dissemination of good practices. Challenges persisted, especially concerning Member States' varying capacities to engage due to resource constraints and the need for improved internal coordination within ELA to prevent activity overlaps. The strategy introduced in 2023 aimed to

address these issues, signalling ELA's responsive adaptation to the needs and suggestions of Member States, ensuring capacity building remains integral to facilitating a consistent enforcement of Union law, and enhancing EU labour mobility cooperation.

Lessons learnt:

- **Wider participation:** capacity building activities could be extended beyond the main current target audience (primarily staff from national administrations) to include, in particular, social partners and other organisations.⁴⁴³ Moreover, the organisation of more events within the Member States **in the local language/providing interpretation** (as already undertaken to some extent) could contribute to making activities more accessible.
- **Complementarity with existing national training programmes:** in designing training programmes, ELA could offer different levels of competence in different areas (e.g. beginners, medium, advanced). This could allow to achieve complementarities with similar trainings that may already be offered at national level, thus allowing to address discrepancies among the competences and training offer available to different administrations.

5.1.3. Mediate and facilitate a solution in cases of cross-border disputes between Member States

The mediation procedure had a slow start and is little known to stakeholders.

The mediation procedure was launched in September 2022, following the adoption of the Rules of procedure and the agreements on cooperation with SOLVIT and the AC. At the time of the evaluation, one case had been successfully pursued and settled, making it challenging to draw firm conclusions of its effectiveness. Such a low uptake could be explained by the novelty and political sensitivity of mediation, suggesting a possible lack of clarity about how to activate the procedure and which cases are eligible. The low level of engagement may also be attributed to a lack willingness on the part of Member States, which may have preferred to solve potential issues requiring mediation internally. Overall, **more time and practical use of the procedure will be required going forward, to confirm its relevance for targeted stakeholders and coherence with similar procedures.**

Lessons learnt:

- **Awareness of the mediation procedure:** ELA could further increase awareness and training around the procedure, in order to enhance potential beneficiaries' understanding and knowledge. Management Board members and NLOs could also contribute to the dissemination of information through networks of national authorities. In addition, ELA could play a more active role, once a case is submitted, to ensure that both parties (especially the requested party) are fully aware of what the mediation procedure entails, by e.g. setting up meetings to discuss and better clarify the case study dispute and to clearly lay out the step of the procedure.
- **Place a focus on the mediation procedure in the next evaluation of ELA:** given the low uptake of mediation at the time of this evaluation, limited evidence was available to assess the mediation procedure. For this reason, in the next foreseen evaluation of ELA (planned five years after the present one), it will be important to take

⁴⁴³ Notably, this was foreseen for activities to be carried out in 2024.

stock of any additional experiences and available data. In particular on whether awareness and interest in the procedure have increased and, in line with this, the number of pursued cases and their effectiveness. This will allow for a more comprehensive evidence base to assess the procedure, building on this evaluation.

5.1.4. Support cooperation between Member States in tackling undeclared work

The transfer of the Platform Tackling Undeclared Work to ELA was seamless, with no particular delays in the implementation. Nevertheless, there was room to achieve further integration of the Platform in other activities of ELA.

The transfer of the Platform from DG EMPL to ELA was seamless, with all planned activities under the Platform's work programme being implemented (except for two activities delayed due to the COVID-19 pandemic). All relevant national authorities and stakeholders had the possibility to be actively engaged in combating undeclared work. While the opportunity to exchange with other national authorities was widely appreciated by stakeholders, there was room for improvement in the **cooperation between the Working Group and the UDW Platform** and other areas of ELA's work.

Lessons learnt:

- **Value added of the UDW platform for ELA:** stakeholders broadly agreed that the effectiveness of the platform did not decrease after ELA took over the implementation, nonetheless further avenues for cooperation between the Platform and the Working Group would be valuable to produce spillover effects on other enforcement and analytical operations performed by ELA. The Platform could further exploit synergies with other ELA's activities, being a forum where representatives from responsible authorities discuss national efforts to fight undeclared work, exchange about emerging trends and contribute to ELA's activities to facilitate access to information (e.g. communication campaigns).

5.1.5. ELA's prioritisation of activities and unexpected impacts

During its first years of operation, ELA prioritised the tasks through which it could have most impact and where the need for an EU authority most clearly emerged.

Since ELA's establishment, greater prioritisation was given to coordinating and supporting CJIs, facilitating access to information on rights and obligations regarding labour mobility, and facilitating cooperation and the exchange of information on rights and obligations regarding labour mobility. These activities were the ones where ELA could have the most immediate impact, addressing the existing need for an EU authority to solve issues related to cross-border labour mobility and foster exchanges and collaboration between Member States, aligning with the ultimate objective to ensure fair labour mobility across the Union.

Lessons learnt:

- **Collaboration and synergies:** ELA's tasks are complementary and significant opportunities to achieve synergies exist. While these were already partly achieved, ELA could further seek to foster synergies between its tasks and, to this end,

collaboration across units and with external stakeholders (e.g. social partners) could be further optimised.

5.1.6. Visibility and use of ELA' services by different stakeholders

ELA reached a good degree of visibility among national authorities and EU level organisations and entities. Though with some variation across tasks, its services were used across different stakeholder categories and were positively assessed in terms of their quality.

ELA reached a high degree of visibility among its main counterparts and beneficiaries, namely national authorities and administrations, and EU level social partners. Conversely, the degree to which ELA and its activities have been visible among national level social partners as well as workers and employers on the ground, was relatively limited at the time of the evaluation. In parallel, ELA's stakeholders were generally satisfied with their degree of involvement in its activities, particularly Member States' authorities. On the other hand, room for improvement existed in the interaction with NCOs within the EURES Network, as well as in the involvement of social partners in the preparation and implementation of its activities.

Lessons learnt:

- **Reach among national social partners:** while directly engaging with workers and employers on the ground may not be relevant to ELA, they are the ultimate beneficiaries of its activities. In this respect, enhancing the engagement with national social partners could be a good step towards ensuring that ELA's activities are tailored to existing needs on the ground and at national level. In doing so, given the broad network of social partners, ELA could initially focus on specific sectors and rely on EU level sectoral social partners as a means to reach them.
- **Room for improvement in the collaboration with key stakeholders:** where room for strengthened collaboration exists, e.g. within the EURES Network or with EU social partners, ELA could explore opportunities and means for enhanced cooperation. As a first step, ELA could strengthen its communication channels with key stakeholders, identifying platform/liaison officers to ensure that communication is smooth and suggestions for improvement are received.

5.1.7. Facilitating and hindering factors for ELA's work and indirect achievement/impacts of ELA

ELA was able to adapt to internal and external challenges, including navigating the difficulties faced during its establishment, limited human resources, and responding to significant events like the COVID-19 pandemic and Ukraine crisis. In doing so, ELA was facilitated by a favourable political environment, which, together with the high commitment of the Authority's staff, still allowed it to rapidly complete its setup process and deliver high-quality results.

The main socio-economic events having impacted ELA's work during the 2019-2023 period were the COVID-19 pandemic and the Ukraine crisis. The COVID-19 pandemic and associated restrictions to in-person meetings impacted ELA both during its build-up phase and in the planning and focus of some of its activities. ELA was successful in transitioning activities online and adapting its work to the changed context. Furthermore, the Authority's proactive approach towards the Ukraine crisis reflected its capacity to address emergent issues.

Internally, the establishment and first years of operation of the Authority were faced with recruitment issues and delays, causing heavy workload on hired staff, limited development of in-house expertise and substantial reliance on temporary staff and external contractors. Moreover, challenges stemmed from the need to better define work structures and operations, poor coordination among units, and a lack of effective tools for project management and information sharing.

Slovakia fulfilled all its commitments outlined in the Headquarter Agreement with ELA. However, issues related to the country's limited experience in dealing with international organisations and the unfavourable EU salary coefficient (in comparison with cost of living in Bratislava) appear to be contributing to the recruitment difficulties faced by ELA.

5.1.8. ELA's adaptability to EU policy

ELA was attuned to EU policy priorities, particularly in areas like social policy in road transport and rights at work.

The Authority was overall attuned to the EU policy agenda. This was particularly the case in social policy domains. Room for increased alignment was identified in relation to migration policies and the social aspects of the green transition. Nonetheless, given that at the time of the evaluation ELA had only been operational for three years, the policy framework in which it operated had not evolved substantially. Hence, the Authority's ability to adapt to changing EU priorities and broader political and socio-economic conditions has yet to be fully assessed.

5.2. Efficiency

5.2.1. Cost-effectiveness of ELA's activities

ELA's activities were broadly cost-efficient, with overall benefits outweighing costs. Nevertheless, a threat to ELA's cost-effectiveness was posed by the very high operational costs, due to significant resourcing to external contracting.

There was broad alignment that **ELA performed its work efficiently and that the benefits outweighed the costs**. The activities where the **most benefits were generated** include the **facilitation of access to information** to individuals, employers and social partner organisations regarding rights and obligations to facilitate labour mobility across the EU, **facilitation of cooperation and exchange of information** between Member States and **coordination of and support to concerted or joint inspections**.

Overall, in most tasks, operational costs exceeded staff costs, a result of a structural characteristic of ELA's organisational setup, already evident in the **expectations foreseen at the time of the impact assessment: ELA was established under the assumption of a 'lean' organisation** (Section 4.1.2.1). Widespread use of external contracting posed challenges to ELA's cost-effectiveness and triggered reflections on which activities within ELA could be outsourced, and which could be prioritised and kept in-house (cfr. Section 5.2.2 for further details).

Lessons learnt:

- **ELA's resource programming and long-term cost-effectiveness:** ELA could further clarify how it intends to tackle the structural reliance on external contracting.

While the establishment of ELA as a 'lean' organisation remained compatible with the objectives of the Authority, additional in-house personnel could be needed: for instance, a replacement of a small number of SNEs/NLOs with in-house staff that could perform administrative/financial tasks could facilitate ELA's resource programming. Moreover, high operational costs could be carefully assessed against the actual quality of the outputs, as in some cases its cost-effectiveness was questionable (see following bullet point).

- **EURES' cost-effectiveness:** while the task related to '*Information and services and coordination of EURES*' consumed half of ELA's budget (the majority of these costs being operational), the task's **cost-effectiveness was questionable**. In terms of results, notwithstanding the issues related to the accuracy of data on EURES placements (as explained in Section 4.1.2.1), there was a declining trend in EURES placements that started before ELA took over the management of the ECO, and it was still negative. Finally, the costs of EURES were higher than the impact assessment's estimates of the total costs of EURES activities carried over to ELA.

5.2.2. Appropriateness of staff resources, workload and budget

ELA was on the verge of reaching its cruising speed. While the financial resources were overall more than adequate to execute ELA's mandate, the human resources were not sufficient.

ELA lacked sufficient human resources for effective implementation of all its activities. As anticipated in the previous section 5.2.1, **the substantial reliance on temporary staff (SNEs and NLOs)** had an impact on ELA's cost-effectiveness: it resulted in a lack of in-house expertise, it hampered a comprehensive understanding of the organisation's broader objectives and generated considerable administrative burden. Beyond the structural challenges related to the balance between in-house/temporary staff and external contractors, the current location of ELA (Bratislava) **posed challenges in attracting talent due to factors such as a high cost of living which was not reflected accurately in the EU salary coefficient**. This contributed to **the high rejection rate, with almost 60% of Contract Agents offered a job at ELA declining the offer**.

ELA faced sizeable struggles in implementing its budget during its first years of establishment. Although the share of committed resources remained quite high, the **share of payment appropriations was quite low: before 2022, not more than 26% of all the committed amounts were paid in a given year**. Some of these committed amounts were eventually cancelled (e.g. because of delays on staff recruitments due to COVID-19), however **most of the commitments were carried over to the next year**. Carrying over commitments to coming years is not necessarily a problem and it is also **not unique to ELA (especially in the start-up phase it is not unusual that the share of payments is lower)**. However, the benchmarking with other recently established agencies conducted as part of this study **suggested that ELA encountered significant difficulties in actually executing the committed resources**. The explanation provided by ELA was that the high share of carry-overs on operational expenditure came from a high degree of uncertainty related to the EURES portal, which should be improved following the adoption of the EURES portal strategy 2023-2030.

Lessons learnt:

- **Balance between temporary/external human resources and long-term/in-house:** the distribution of staff across different profiles (e.g. SNEs versus longer-term contracts

for AD and AST) in the establishment plan could be reassessed, to alleviate the strain on staff's workload.

- **Salaries calculation, on the basis of updated coefficients:** Eurostat coefficients, as taken into account by the Commission in establishing the salaries for EU officials, could be revised to carefully reflect the cost of living in Bratislava, which is higher than the estimated figures for wider Slovakia.
- **Rethinking of outputs and objectives for activities characterised by high operational costs:** a high-share of carry-overs on operational expenditure limited the implementation of ELA's tasks and may signal structural issues in the budget process and in the implementation cycle (see reference to European Court of Auditors' report, Section 3.1.2.2). Therefore, a concrete reorganisation of tasks like EURES could be considered (i.e. rethinking of the collaboration between the Commission and ELA).

5.2.3. Mechanisms for monitoring, reporting and evaluation

For the majority of the evaluation period, there was no clear strategy at ELA for KPIs measurement. Delays in setting up KPIs and lack of result indicators limited the qualitative assessment of results. ELA progressively developed and implemented a set of monitoring, reporting and evaluation mechanisms which were undergoing fine-tuning.

The establishment of mechanisms as the Consolidated Annual Activity Reports, the adoption of an Internal Control Framework in line with the European Commission's revised framework, and the development of a risk register and action plan for risk management and launching of development of internal monitoring tools, underscored ELA's commitment to transparency, accountability, and continuous improvement. **These measures, although still in their nascent stages and subject to further refinement (and scrutiny by internal and external auditors), represented a crucial step towards establishing efficient monitoring, reporting and evaluation practices.** However, ELA staff and Management Board acknowledged that there was room for improvement as **reporting was not yet fully consistent across ELA's units and there was a slight lack of transparency in the performance management system and monitoring activities.** This, coupled with the ongoing development of KPIs and dashboards for budget monitoring, pointed towards ELA's strengthening of its internal governance mechanisms to effectively track and enhance its performance over time.

Based on data used as evidence for this evaluation, it could be concluded that the reporting mechanisms and the KPI system had some flaws. Indicators were excessively focused on quantitative outputs which did not provide insights into the results achieved by the Authority. Furthermore, such KPIs were only finalised in 2022 and would not be tested until 2024.

Lessons learnt:

- **Implementation of future results of the audits to finalise mechanisms for monitoring, reporting and evaluation:** evidence pointed towards room for improvement despite the efforts sustained so far by the Authority in ensuring effective and efficient mechanisms. Therefore, it would be key to implement the findings that would emerge from the ongoing audits.
- **Coherence of KPIs:** KPIs could be fine-tuned to ensure a better coverage of result indicators, rather than being too focused on outputs: stronger links are needed between the outputs produced and the actual results achieved by ELA.

5.2.4. Efficiency of ELA's governance structures and Management Board

ELA established broadly efficient governance structures, nevertheless some small issues remained on the operational side and on the composition of the Management Board.

The efficiency of ELA's governance structures and Management Board revealed a complex picture of achievements and areas for improvement. Some challenges remained, including **issues related to the high frequency of meetings and the selection of Board members**, which sometimes included individuals not in decision-making positions or not representing the most relevant stakeholders at the national level⁴⁴⁴. Despite these challenges, **there was a broadly positive consensus on the functionality of ELA's governance structures, suggesting that while there was room for improvement, the foundational elements for effective governance and management were in place.**

Lessons learnt:

- **Fine-tuning of ELA's governance processes to improve efficiency and effectiveness:** governance structures could be further streamlined with very concrete actionable points (e.g. reduction of the frequency of meetings).
- **Relevance of the members of the Management Board:** ELA could consider taking stock on a periodic basis of the expertise of the different members of the Management Board. Since ELA has no competence for the appointment of Management Board members, it could at most raise Member States' awareness should a need arise to identify different profiles. This would be with no prejudice to Member States' own decisions on the appointment of Management Board members.
- **Future outlook of the Stakeholder Group:** The expertise of the Stakeholder Group could be further used. To that end, members of the Stakeholders Group together with ELA could seek ways to shift the focus towards fully exploiting the advisory function of the Group as a forum for expert discussions with social partners, rather than keeping the current focus on a forum for communication and dissemination of information.

5.3. Coherence

5.3.1. Coherence between mandate and activities of ELA and other EU entities (Commission, Agencies, other EU bodies)

ELA's mandate and activities were coherent with those of other EU entities, in particular with Eurofound and EU-OSHA. To ensure coherence going forward, ELA could maintain its focus on cross-border challenges and on an operational approach when exploring further synergies with other EU entities.

⁴⁴⁴ ELA is not responsible for Member States' appointment of board members, at most it could try to raise awareness on this issue.

ELA's activities tended to complement those of other EU agencies that work closely with DG EMPL, in particular Eurofound and EU-OSHA. Stakeholders external to ELA highlighted that **complementarity** arose from the fact that, unlike other EU agencies, ELA focuses on cross-border challenges, and deals with the facilitation of enforcement of labour provisions. Potential complementarities with agencies such as Europol and the Fundamental Rights Agency also emerged (among others), opening up possibilities for synergies.

While cooperation with the European Commission improved over time, a comprehensive common understanding of ELA's mandate and functions had yet to be fully achieved (e.g. on EURES as explained in the lesson learnt below). The cooperation agreement between ELA and the AC aimed to provide clear rules to ensure coordination and avoid duplication in mediation cases concerning both social security coordination and labour law issues. **However, with limited mediation activities performed to date, concluding on the efficacy of this agreement remained difficult.**

Lessons learnt:

- **Fine-tuning synergies with other EU institutions:** several partnerships between ELA and other entities could yield meaningful impacts and cross-fertilise the activities of each party, nevertheless **it is important to explore such synergies, avoiding duplication of efforts (i.e. by working on very similar topics)**. This is particularly relevant when ELA is performing research activities which may overlap with those of other EU agencies.
- **Coherence between ELA and the European Commission:** cooperation could be improved in those areas where lack of complementarity remains. This was the case for the interactions between ELA and the Commission on EURES, as previously explained in the conclusions and lessons learnt on effectiveness (Section 5.1.1).

5.3.2. Coherence between mandate and activities of ELA and other stakeholders, at international and national level

ELA's activities were coherent with those of international organisations and national stakeholders, with some room for improvement. ELA also provided coherent support to its national counterparts in relation to enforcement, cooperation and information exchange.

The complementary nature of ELA's activities with those of international organisations like the ILO and national-level organisations/agencies was widely recognised. However, there was room to enhance these relationships, particularly with the ILO, since the engagement of the ILO with ELA's work (mainly on the UDW Platform) was lacking and familiarity with ELA's work was limited. At the national level, ELA was recognised for its role in harmonising practices and facilitating the exchange of information, with national authorities and social partners affirming the absence of significant overlaps in competences and highlighting ELA's unique and necessary support in the realm of EU labour mobility. In fact, coherence of ELA's activities with those at national level was seen as straightforward by national authorities (especially in the context of CJIs), given the different role and mandate of ELA (e.g. lack of direct enforcement power) compared to authorities' one.

Lessons learnt:

- **ELA's mandate was very coherent with that of national stakeholders:** ELA's support was needed and with the current competences of ELA, no significant overlaps

occur between the Authority and other stakeholders such as social partners (e.g. in specific activities like CJIs).

5.4. EU added value

ELA filled a gap by providing operational support for the implementation of EU policies in the field of intra-EU labour mobility. Room for improvement was identified in ELA's autonomy, depth of analyses and risk assessments and EURES' effectiveness to fully leverage its central role and resources.

The evidence gathered through this evaluation pointed to the EU added value of ELA in providing operational support to issues associated with intra-EU labour mobility beyond what individual Member States could have achieved on their own. Having ELA as an umbrella organisation in this field enhanced networking, fostered knowledge-sharing, and built trust and coordination among national administrations and authorities, who were the primary beneficiaries of ELA's work.

Looking specifically at the added value of ELA's tasks, the Authority was **best placed to facilitate cooperation (including CJIs) and information exchange between Member States to support compliance with legal obligations in the field of EU labour mobility and social security coordination**. EU added value was achieved through ELA's activities aimed at tackling undeclared work, given its unique position at an EU-wide level. ELA's work in relation to facilitating access to information had high potential for creating benefits among stakeholders, however, its full added value had yet to be achieved. The Authority's capacity building work generated concrete benefits, through increased capacities and exchange of best practices, which would not have been equally possible for Member States alone. On the other hand, shortcomings were identified in relation to the depth and granularity of analyses and risk assessments, which hindered the added value that this task had. Nonetheless, potential for greater benefits as a result of ELA's analyses and risk assessments existed, in terms of their usefulness for its stakeholders and synergies with the rest of the Authority's tasks. ELA's role in mediating disputes between Member States and in its EURES activities delivered less added value. In the case of mediation, this was largely due to the low uptake and awareness around the procedure at the time of the evaluation. As regards EURES, the potential for ELA to deliver EU added value was confirmed by this evaluation, but room for improvement existed to fully achieve such potential.

Overall, over its first years of operation, ELA created EU added value, but had yet to fully capitalise on its unique central position and resources. Going forward, the centralisation of diverse activities relating to the implementation of the EU labour mobility policy framework was expected to allow for the pooling of resources and expertise, which could be otherwise scattered and less efficient if managed separately by each Member State. Moreover, ELA is ideally positioned to detect macro trends and issues at an EU-level, thus further feeding into the development of cross-country strategies and solutions.

5.5. Relevance

5.5.1. Extent to which ELA's mandate, objectives and activities fulfil EU policy and relevant stakeholders' needs

The mandate, objectives and activities of ELA were relevant to address an existing need for a cross-border authority in the field of EU labour mobility.

ELA's mandate, objectives and activities addressed an existing need for cross-border coordination and sharing of information in the fields of EU labour mobility and social security coordination. ELA's set of tasks were found to be useful and complementary, and to have contributed to addressing challenges and needs over the 2019-2023 period. Looking at the relevance of specific activities, cooperation and exchange of information between Member States and the facilitation of access to information to individuals, employers, and social partner organisations in the field of EU labour mobility appeared to be most relevant and appreciated by stakeholders. Conversely, the limited use of ELA's mediation services could be the result of limited awareness and/or indicate that needs for mediation were relatively limited. However, it is premature, at this stage, to definitively assess the relevance of the mediation procedure.

Lessons learnt:

- **Complementarity of ELA's tasks:** ELA's tasks are interlinked and complementary, addressing issues related to EU cross-border labour mobility and social security coordination. As such, it is useful to have all such activities concentrated within a single Authority, which allows to create synergies, as well as a single contact point for interconnected issues. While such synergies were already sought and exploited in certain areas, going forward, ELA could further enhance the sharing of information and cooperation across certain tasks, in order to further exploit potential synergies. In particular, this is the case for the information gathered through analyses and risk assessments, which could be used to feed into the activities related to CJIs.

5.5.2. Assessment of ELA's alignment with its mandate and scope of ELA's mandate

ELA operated within the limits of its competences. Regarding the potential need for an expansion of ELA's mandate, two main aspects were explored, namely the possibility for ELA to acquire additional competences regarding TCNs and a strengthening of the Authority's enforcement powers.

ELA's work with TCNs was within its legal scope, focusing on areas covered by specific EU Directives and Regulations associated with intra-EU labour mobility and social security coordination. In this respect, ELA was particularly active in response to the Ukraine crisis, though its work in relation to TCNs also went beyond this, mainly relating to posting and undeclared work. While arguments in favour of extending ELA's mandate in relation to TCNs existed, an expansion into the migration policy area would require careful consideration, additional resources, and a change in the Authority's governance structure to incorporate representatives involved in migration policy.

On the basis of its founding Regulation, ELA does not have an enforcement mandate, but it can indirectly enhance the enforcement of relevant EU legislation, particularly through CJIs. The results achieved in this regard, however, were limited at the time of this evaluation. This

was primarily associated with the Authority's dependence on Member States' willingness to participate in its activities, and restrictions in the use of personal data. Hence, changes or improvements in the implementation procedures associated with CJIs may contribute to their increased effectiveness, which may lead to achieving a greater impact in terms of enhanced enforcement of EU legislation.

Lessons learnt:

- **Pragmatic approach to TCNs:** in the short term, a first step forward in clarifying the role that ELA can play in relation to TCNs – as opposed to revising its mandate - could be to make explicit targeted references to where ELA's competences lie in relation to TCNs. This approach would aim at maintaining clarity while addressing the growing challenges posed by labour migration from outside the EU and emerging issues associated with labour shortages and an increasingly integrated EU labour market. Overall, adequately framing ELA's work in this area and fostering strong collaboration between ELA and competent migration authorities and agencies at EU and national level will be essential for it to adapt flexibly to emerging challenges.
- **Solidifying ELA's core tasks in the short-term:** in the short term, ELA could focus on fully executing its established tasks. This may lead in the medium to longer term to discerning whether there are any potential shortcomings in ELA's mandate and a need to expand its actions, including in relation to TCNs.
- **Strengthening procedures associated with CJIs:** in order to strengthen the impact of CJIs on enforcing relevant EU legislation, associated procedures could be fine-tuned, for instance by encouraging greater participation by Member States in CJIs; or by streamlining the use of data gathered through analysis and risk assessments to propose CJIs (on ELA's part).

5.5.3. Relevance of ELA's mandate and impact of external crises (e.g. war in Ukraine, COVID-19) and future trends

ELA was successful in providing a relevant response to the new challenges and priorities which emerged because of the COVID-19 pandemic and Ukraine war. The main upcoming trends, which will have an impact on ELA's work, include digital transition and technological development; migration from outside the EU; and labour and skills shortages.

ELA was able to tailor its activities to address the challenges posed by the COVID-19 pandemic and the Ukraine war, thus demonstrating its capacity to adapt and provide a relevant response to a changing context. This suggests that ELA should be sufficiently flexible to adapt to the main trends expected to impact its work in the future.

Lessons learnt:

- **New trends will impact ELA in the future, which may require to further clarify the Authority's mandate:** in order for ELA to remain relevant in a context of emerging trends, it will be key for it to be able to swiftly adapt to changing conditions. It is therefore important that the boundaries of ELA's room for manoeuvre within its mandate are clear and that agreement on the priority areas for the Authority's work is reached with the European Commission.

Annexes

The annexes are presented in separate documents following the below guidance on numbering:

Annex I. Methodology

Annex II. Evaluation Question Matrix

Annex III. Mapping of ELA's activities, outputs and results

Annex IV. Overview of benefits and costs

Annex V. Full results of the cost-effectiveness analysis

Annex VI. Synopsis report and stakeholder consultation report

Annex VII. Case studies

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