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IMPACT ASSESSMENT REPORT

Accompanying the document

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2019/1149 establishing a European Labour Authority, Regulation (EU) 2016/589 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System, and repealing Commission Implementing Decisions (EU) 2017/1256, (EU) 2018/170, (EU) 2018/1020 and (EU) 2018/1021

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Glossary

Term or acronym	Meaning or definition
ELA	European Labour Authority
TFEU	Treaty on the Functioning of the European Union
NLO	National Liaison Officer: seconded national experts employed with ELA to ensure good cooperation between national authorities and ELA
DG EMPL	Directorate-General for Employment, Social Affairs & Inclusion
CJIs	Concerted and Joint Inspections
EC	European Commission
ECG	EURES Coordination Group
ECO	EURES European Coordination Office
EURES	European network of employment services
ILO	International Labour Organization
IMI	Internal Market Information System
KPI	Key Performance Indicators
NCO	National Coordination Office (EURES)
PES	Public Employment Service
SNE	Seconded National Expert
TA	Temporary Agent

1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

The Political Guidelines of the Commission (2024–2029) underline that the free movement of people and services is key to our competitiveness. This orientation is reinforced in the mission letter to Executive-Vice President Roxana Mînzatu, which assigns priority to strengthening fair mobility and tackling abuses. Furthermore, the Commission Work Programme 2026, announces the strengthening of the European Labour Authority (ELA) as part of the Fair Labour Mobility Package, in line also with the European Parliament's January 2024 resolution[1] calling for a stronger ELA mandate and capacity.

This builds on already existing calls from Enrico Letta's report on the Future of the Single Market[2], which stresses the need to reinforce the European Labour Authority to protect working conditions and strike a balance between economic development and social rights, and from Mario Draghi's report on EU competitiveness,[3] which identifies effective labour mobility and robust enforcement as key enablers to address labour shortages and sustain long-term productivity and growth. The implementation dialogue[4] led by Executive Vice-President Roxana Mînzatu in September 2025 further emphasises these priorities, calling for a strengthened European Labour Authority.

Intra-EU mobility plays a significant role in the functioning of the Single Market, with approximately 14 million EU citizens living and/or working in another Member State long term (3.9 % of the EU labour force), 1.9 million cross-border workers and 3.64 million posted workers.[5]

Third-country national (TCN) workers alleviate labour shortages and contribute to economic growth in the euro area, particularly in the context of tight labour markets.[6] At the same time, EU labour markets are becoming more complex due to the growing involvement of third-country nationals (TCNs), including through posting, which raises specific enforcement challenges. Field research and enforcement data indicate that TCNs (including posted workers) are over-represented in cases of underpayment, excessive working hours, illegal deductions, bogus self-employment and abusive subcontracting, particularly in construction, agriculture and some parts of the transport sector,[7] demonstrating that some TCNs are a particularly vulnerable group of workers (Annex 7, section 2). This applies a fortiori for TCN workers without a valid residence status in the EU, as they are more exposed to exploitation risks as more willing to accept lower pay and sub-standard working conditions (Annex 7, section 1). ELA's objective of supporting fair labour mobility is at risk where vulnerable TCN workers in the same high-risk sectors are more easily exploited, allowing non-compliant employers to lower labour costs, distort competition, weaken the level playing field. This race to the bottom can indirectly undermine the freedom of movement of mobile Union workers and their rights. As the number of TCN workers in the EU is expected to continue to grow, so is the need to ensure their protection and rights. As labour mobility and migration become central to addressing shortages and supporting competitiveness, this initiative reviews the current legal framework governing ELA, with the aim of ensuring it is adequately and appropriately

[1] European Parliament resolution on the revision of the European Labour Authority mandate.
[2] Enrico Letta, *Much more than a market*, April 2024. Pp. 83, 104
[3] Mario Draghi, A competitiveness strategy for Europe.
[4] Implementation dialogue on fair labour mobility with Executive Vice-President Roxana Mînzatu
[5] Intra-EU Labour Mobility Report 2025
[6] Arce, O. et al (2025), 'Foreign workers : A lever for economic growth'
[7] See for example ELA (2025). *Posting of third-country nationals: contracting chains, recruitment patterns, and enforcement issues. Insights from case studies*; ELA (2022). *Report on the cooperation practices, possibilities and challenges between Member States – specifically in relation to the posting of third-country nationals*

equipped to support Member States and the Commission in ensuring that mobility remains fair, enforceable and politically sustainable.

2. Problem definition

2.1. What is/are the problems?

The European Labour Authority (ELA) was established in 2019 to support Member States and the Commission in effectively applying and enforcing EU labour mobility and social security coordination rules. The 2025 Commission evaluation[8] of ELA shows that ELA started working towards the objectives and stakeholder feedback suggests that the delivered outputs were used by relevant stakeholders. Cremers (2024) notes ELA's role in filling a coordination gap that national inspectorates could not bridge alone.[9] Concretely, ELA has supported and coordinated over 300 cross-border inspections that identified thousands of irregularities, while simultaneously empowering national authorities through 60+ joint cooperation events and large-scale awareness campaigns that reached more than 500 000 mobile workers and employers across the EU.

In terms of governance, the Common Approach on EU decentralised agencies refers to the introduction of an executive board,[10] which can be seen as a technical adaptation to enhance the effectiveness and efficiency of the Authority's governance. The evaluation also points to the high share of SNE's at ELA as being detrimental to ELA's performance,[11] as it contributes to high staff turnover.[12] Excessive staff turnover often entails losing built-up expertise, specialized knowledge and contact networks, which in turn impacts business continuity and operational capabilities.[13] A conversion of some SNE positions to TA positions could increase staff retention and institutional memory, which would have a positive impact on the effectiveness and efficiency of the Authority.

The evaluation of ELA put forward a number of lessons learned. The elements raised which do not require legislative changes are tackled in the ELA Action Plan (Annex 10). The Commission has been closely involved in the establishment of the Action Plan and provided input along the process ahead of its adoption by the ELA Management Board in May 2026 and its submission to the Commission for review and approval. Several actions have already commenced and full implementation of most actions is foreseen by 2027, while some actions have a running time until 2028.

Some shortcomings cannot be resolved through an Action Plan, as the necessary changes would require adapting ELA's mandate: In addition to the 11th lesson learned, this relates to lessons 3, 4, 7 and 8 of the ELA evaluation.[14] This covers specific provisions of ELA's tasks related to information provision, EURES, enhancing cooperation between national authorities, data analysis, inspections and mediation. Furthermore, the evaluation of the Authority concluded that the current mandate of ELA is not fully clear as to the extent to which it can cover TCNs. While the current activities of ELA already to certain extent require encompassing TCNs (see baseline option), the lack of precision of the preamble (Recital 13), combined with

[8] Due to the absence of result indicators, the evaluation is unable to make definite overall assessments of ELA's performance and progress towards ELA's specific objectives.
[9] Cremers, J. (2024). "The first term of the European Labour Authority".
[10] Joint statement of the European Parliament, the Council of the EU and the European Commission on decentralised Agencies.
[11] ELA has the highest proportion of SNE posts in its staff structure among all EU decentralised agencies (in 2026: 53 SNEs out of 147 staff), as well as the highest proportion of SNEs compared with other EU authorities (e.g. CEDEFOP: 4 SNEs out of 125 staff; EBA: 19 SNEs out of 231 staff; EIOPA: 29 SNEs out of 209 staff). ELA also has the lowest number of statutory staff relative to its total budget when compared with other EMPL agencies or agencies with similar resources (Eurofound – 91 staff/budget of EUR 24.5 million; EU-OSHA – 40/16.6 million; Cedefop – 91/19.8 million; FRA – 72/25.5 million; ETF – 86/23.5 million; Eurojust – 246/68 million).
[12] ELA evaluation Annex VI. Stakeholder consultation report, sections 4.3.2, 4.3.6 and 4.3.7.
[13] EP resolution on ELA mandate and Annual report on EU Agencies for the financial year 2022, p 169
[14] ELA evaluation Staff Working Document, section 5.2.

the absence of any other indication in the operative part of the Regulation, has made it difficult to clearly understand the mandate entrusted to ELA and the type of activities that would remain ancillary to ELA's core mandate under Articles 46 and 48 TFEU. The limitation to address employment-related and social matters involving all TCNs - whether or not they are in regular administrative situation or engage in cross-border mobility - due to the current legal framework is a cross-cutting issue which will be assessed for several different policy areas rather than being seen in isolation. In this regard, the revision of ELA's mandate will clarify the Authority's role as regards information provision, and inspections involving third country nationals, keeping the enforcement of labour standards separated from immigration enforcement.

2.1.1. Information

Facilitating access to information of a general nature on rights and obligations regarding labour mobility is a core pillar of ELA's mandate.The Authority supports Member States in complying with their obligations regarding access to information and facilitates cooperation. Concretely, ELA organises information and awareness raising campaigns, reviews national and EU websites, translates relevant documents and more. However, all the information provided is of a general nature. ELA does not provide direct and personalised information to individuals and employers, while there is a demand for more personalised information and counselling. ELA's campaigns and other activities that target high-risk sectors are useful, but at the same time the number of queries in SOLVIT and Your Europe Advice (YEA) show that there is a need for more personalised and tailored information provision.

The scale of the information deficit can be seen in the high volume of queries handled by EU advisory services; in 2025, out of 3 600 cases handled by SOLVIT (up from 2 300 in 2022), 86.8% concerned social security and free movement[15], while Your Europe Advice[16] handled 20 900 questions in 2025, out of which one third concerned social security or work (compared to one third of 20 100 questions in 2022).[17] The latest numbers from Europe Direct Contact Centre (EDCC)[18] shows that EDCC answered 159 300 questions in total, about 5% of which were about employment and social affairs in 2022.[19]

There is consensus among social partners[20] that existing national and EU resources on social security and free movement are insufficient, forcing users to navigate multiple websites, which makes finding critical administrative information time-consuming and difficult. Additionally, the ELA evaluation concluded that ELA's added value did not fully materialise yet in the facilitation of access to information[21]. Current guidance on essential issues, such as posting requirements and social security eligibility, is criticized for being incomplete, outdated, or too theoretical.[22] These deficiencies particularly impact vulnerable groups such as some third country workers,[23] who often lack the necessary knowledge to enforce their rights and face difficulties contacting the correct national authorities.[24] Lack of knowledge of their rights exposes in particular some third-country nationals to a heightened risk of labour exploitation[25] and trafficking in human beings. In addition, they might not report abuse or violations of the

[15] SOLVIT is an informal problem-solving network provided by national administrations to help EU citizens and businesses resolve cross-border disputes. See the SOLVIT Scoreboard.
[16] Your Europe Advice provide tailored explanations of how EU law applies to your specific situation,
[17] Your Europe Advice. Annual trends. [2022] [2025]
[18] EDCC is the European Union's helpline when you want to know something about the EU, answering general questions about the EU.
[19] Last published Annual activity report from the EDCC.
[20] This view is expressed by both large EU-level employer and business membership organizations, as well as EU-level trade unions.
[21] ELA evaluation SWD(2025) 128 final, p. 139
[22] Lack of accessible and easily understandable information on rights and obligations is mentioned by major employer and business membership organizations as well as trade unions. See annex 2 for more details.
[23] More details in annex 7.
[24] ELA (2025). "Posting of third-country nationals"
[25] European Union Agency for Fundamental Rights. "Protecting Migrant Workers from Exploitation – FRA Opinions"

law due to dependence on their employers and the fear of losing their only income. In the case of TCNs in an irregular situation, this is compounded by their fear of being returned. This in turn also impacts the enforcement capacities of ELA, as access to sufficient information for TCN workers and their employers, is a pre-condition to ensure that labour rights are appropriately applied.

The lack of personalised information creates a dual burden. For individuals, including workers: a lack of clear, multilingual guidance relevant for their situation leads to increased vulnerability to exploitation, fraudulent recruitment, and substandard working conditions, as well as preventing some from moving. For businesses: it increases the administrative costs of cross-border operations – especially for SMEs. It could also lead to businesses abstaining from international recruitment and operating in other countries, thereby not fully making use of the benefits the Single Market offers. According to the Draghi report, more than half of SMEs consider regulatory burden and administrative challenges as their greatest obstacles.[26] Providing tailored information to SMEs could reduce the amount of resources required to acquire the necessary information. This also leads to a higher burden of information provision for national authorities. Furthermore, because the lack of accessible and tailored information leads to some employers involuntarily breaching EU law, national authorities are forced to spend time investigating and rectifying administrative errors, diverting focus away from tackling deliberate fraud and more severe cases of labour exploitation.

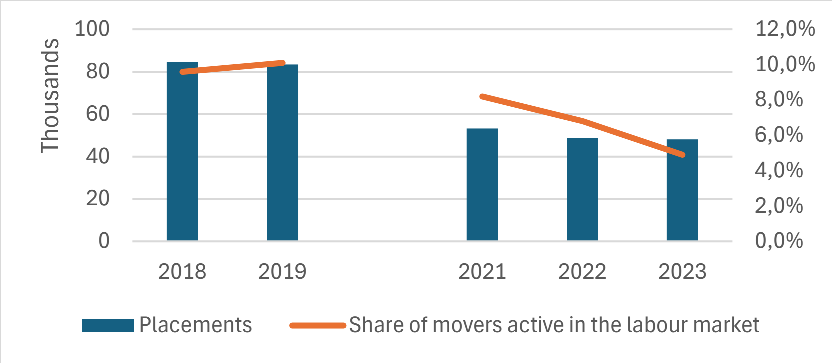
2.1.2. EURES

EURES contributes to labour mobility through its network for job matching, information sharing and recruitment services. In addition to its network, the most important tool for EURES is the EURES portal, where job seekers can search for jobs and find information on living and working conditions in different countries, while employers can search for employees based on a CV database.

While intra-EU labour mobility has remained stable in the last few years, the contribution of EURES to cross-border mobility has decreased. According to the 2022–2024 EURES activity report, the network has seen a decline in placements from over 83 000 in 2019 to just over 48 000 in 2023 (figure 1), whilst the number of newly registered jobseekers decreased from 63 000 in 2021 to 14 700 in 2022[27]. In addition, EURES suffers from poor visibility, with public awareness levels ranging from only 9%[28] to 36%[29], depending on the source. Furthermore, a number of national authorities and EURES NCOs report that the usability of the EURES portal should be improved (Annex 2, section 2.1.2.3), as users are currently left underserved. In 2025, the budget allocated by ELA to EURES amounted to EUR 15.65 million, representing almost one third of the Authority's total budget. This concentration of resources raises concerns regarding the direction of cost-effectiveness of EURES activities after most responsibilities was moved from the Commission to ELA.

Figure 1: Placements facilitated by EURES. Total number and share of all EU movers active in the labour market.

[26] Draghi, M. (2024). The future of European competitiveness – Part A: A competitiveness strategy for Europe. European Commission, p. 8.
[27] ELA evaluation SWD(2025) p. 20.
[28] Special Eurobarometer report 528, *Intra-EU labour mobility after the pandemic, p 97.*
[29] ELA: EURES visibility study. Not published.



Source: 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 2022-2024.

2.1.3. *Cooperation and Enforcement*

There remains a high incidence of non-compliance[30] with Union law regarding workers' rights in cross-border situations.[31] The ELA evaluation suggests that ELA's support for Member States and the Commission in effectively applying and enforcing EU labour mobility and social security coordination rules is constrained by its current operational limits.[32] National labour inspectorates largely operate within "siloed" territorial jurisdictions. As some sectors such as transport, construction, HORECA and agriculture are highly international, with a high share of mobile/posted workers, or complex international subcontracting chains,[33] national labour inspectorates acting alone face structural obstacles such as fragmented information,[34] territorial limits on powers, and complex subcontracting chains across borders.

While ELA coordinates a growing number of CJIs, its role remains largely reactive. The Authority currently has limited capacity to access, integrate and analyse relevant cross-border information that could support strategic risk assessment and the early identification of sectors, operators or mobility patterns presenting an increased risk of non-compliance. As a result, ELA is not yet able to fully exploit its unique EU-wide perspective to identify cross-border risks that may not be visible to individual national authorities.

Improved access to and analysis of relevant data would enable ELA to better identify emerging trends, detect recurring patterns of fraud or labour exploitation across Member States, and support the targeting of CJIs where the likelihood of detecting infringements is highest. This would allow national authorities to make more efficient use of limited inspection resources, reduce duplication of effort, and strengthen the intelligence-led planning of enforcement activities. By providing a common analytical basis for cross-border cooperation, ELA could also help ensure a more consistent application of Union law, facilitate earlier intervention in cases of systemic non-compliance, and enhance the deterrent effect of coordinated enforcement actions. Without such analytical capacity, Member States cannot fully benefit from the economies of scale and the transnational perspective that an EU-level enforcement support body is uniquely placed to provide, resulting in fragmented enforcement and missed opportunities to tackle cross-border fraud effectively.The EU is experiencing an increased need for TCNs to address widespread labour and skills shortages. Violations of labour law can affect workers regardless of their nationality or legal status. Some high risk sectors (such as construction,

[30] Non-compliance in this context refers to employers intentionally or unintentionally breaching the regulations regulating the rights of workers in a cross-border context, as falling within the remit of ELA.
[31] Houwerzijl, M. (2022). "Enforcement of EU Labour Law in a transnational context."
[32] ELA evaluation SWD, p 64
[33] Andriescu, M, et al. (2024). Study supporting the Monitoring of the Posting of Workers Directive 2018/957/EU and of the Enforcement Directive 2014/67/EU
[34] Due to limited data sharing between Member States, previous infringements and other relevant information from another Member State is often not available.

HORECA, agriculture, transport or personal and household services and care) are characterized by reliance on mobile EU workers and TCN workers, including TCN workers employed locally without engaging in intra-EU mobility. Evidence shows that TCNs with certain immigration statuses[35] are at higher risk of substandard working conditions (see Annex 7, section 2). In addition to wage-related abuses and excessive working hours, research shows that third-country workers face disproportionate occupational safety and health risks, due to their overrepresentation in these high-risk sectors and limited language skills.[36] TCN workers in an irregular situation are overrepresented in the high-risk sectors and their vulnerability is compounded by their fear of being returned, which prevents them from exercising their rights vis-a-vis their employers.[37] Where such risks are insufficiently addressed, the impact is not limited to the TCN workers concerned. Non-compliant employers may exploit the weaker enforceability of TCN workers' rights to reduce labour costs below lawful standards. This can distort competition, lower the working conditions for mobile Union workers, and reduce the attractiveness of intra-EU mobility opportunities in affected sectors.

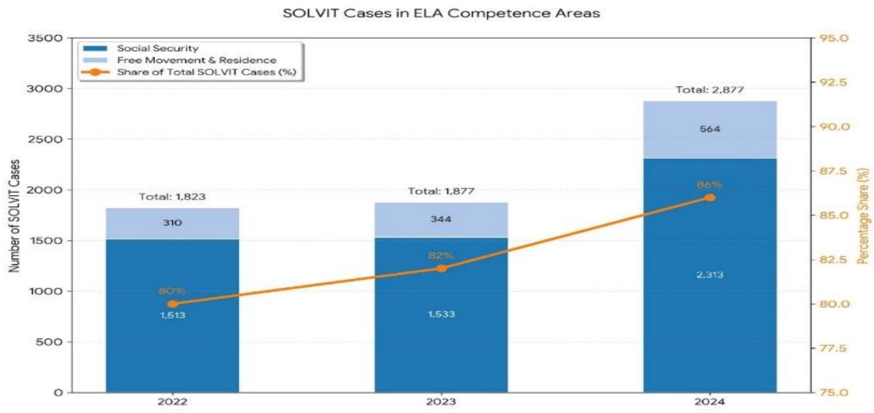
2.1.4. Mediation

Cross-border litigation cases are often complicated and take a long time to resolve. This translates into costs for companies and national administrations, as well as non-compliance with rights for workers. Mediation is a procedure which aims to cut the time it takes to resolve these cases. As an illustrative example, researchers show that in Belgium, litigation takes on average 505 days, compared to 45 days for mediation, while in Italy the respective figures are 1210 days for litigation and 47 days for mediation. This is reflected in lower costs overall for mediation compared to litigation (see Annex VIII for more details). At the European level, before the creation of ELA, there was no cross-border mediation mechanism between Member States across all domains of labour mobility and social security coordination. In case of administrative disputes between two or more Member States, recourse may be made to national courts and ultimately to the European Court of Justice (ECJ). However, judicial recourse and infringement proceedings are costly in terms of time and resources. The creation of mediation within ELA was thus aimed at facilitating solutions in cases of disputes between national authorities and cross-border labour market disruptions.

The ELA evaluation shows that the mediation function was little used in the first years of ELA's operation up to 2024 (four mediation procedures were opened, of which one led to a non-binding opinion). More up-to-date figures show that subsequent uptake remains low, but has increased slightly, with eight new cases suggested in 2024-2025. In contrast, the high number of SOLVIT cases in the area of social security in cross-border situations and free movement of persons and right to reside (Figure 2), point to persistent conflicts in the application of EU law in the area. While SOLVIT resolves around 77% of cases, there are systemic issues which lead to cases being closed unresolved. This suggests that more substantial follow-up is needed.

Figure 2: Number of SOLVIT cases in ELA's areas of competence.

[35] This can include posted workers, workers without regular residence status, workers with a regular residence status but without the authorisation to work, seasonal workers, or workers whose residence status depends on a specific employer, such as third-country nationals holding single-employer visas that tie their legal stay to one employer.
[36] Trivellato, M. and Weatherburg, A. (2025) 'Realising Fair and Just Working Conditions for Migrant Workers in Europe'
[37] Ibid.



According to input gathered for the ELA evaluation, there is a potential for 10-20 unresolved SOLVIT cases to be sent to ELA mediation per year.[38] This indicates that there is a demand for a mediation function. The limited use of the procedure, despite potential cases could lead to disputes between Member States being left unresolved. Unresolved disputes leads to continued administrative frictions, and costs for businesses and citizens affected by the disagreement.

2.2. What are the problem drivers?

Across all policy areas, two types of problem drivers can be distinguished. First, implementation related drivers linked to internal organisation, prioritisation, coordination or operational practices within ELA. These can be addressed through the ELA Action Plan adopted in May 2026. Second, structural drivers rooted in the current legal framework of Regulation (EU) 2019/1149 which constrain the ability of ELA to act and cannot be remedied through non-legislative measures alone. The analysis of problem drivers below therefore focuses on explaining these drivers while clearly distinguishing them from drivers addressed through the Action Plan.

2.2.1. Information

The primary driver underlying the difficulties in facilitating information is the **mismatch between the demand for personalised support and the current mandate for providing such support**. individuals, including workers, and businesses frequently require more than general information; they seek personalised advice and counselling relevant for their situation to navigate the complexities of cross-border mobility. While digital portals provide general information, there is limited easily accessible tailored guidance or advice to individuals and businesses to understand specific rights and obligations in a foreign jurisdiction.

Furthermore, **ELA has limited outreach and visibility** at national, regional and cross-border level. ELA has not yet succeeded in making itself sufficiently known towards individuals and employers. According to a Eurobarometer survey from 2022, only 13% of respondents have heard about ELA. Stakeholder input indicates that ELA's activities in this area do not sufficiently meet the needs and reach individual workers and employers on the ground.[39] This lack of awareness limits the effectiveness of ELA's information initiatives, as the intended beneficiaries are often unaware of the resources available to them.

Most established information structures at EU level are designed for specific stages of the mobility process, primarily recruitment and the initial search for work. For instance, EURES is

[38] ELA Evaluation Annex VII Case studies, page 80.
[39] Major trade unions as well as employer and business membership organizations want more active information provision . Employers want a helpline, while trade unions prefer a network of physical centres providing information (see annex 2)

not equipped to provide post-placement counselling or legal support. There are local or regional initiatives aimed at providing multilingual, sector specific advice for mobile and migrant workers[40] but they are project based, do not have stable funding and do not provide continuous long-term support opportunities for workers and employers. This leaves a void for workers and employers who require ongoing support once they are active in a host Member State, particularly when facing issues related to the enforcement of rights or even risk of labour exploitation.

The 2023 ELA report on Social partners' and EURES staff awareness of EU-level labour mobility information and services presents a picture of the existing services and of the persistent gaps and existing needs on information provision. It explores the existing EU advisory networks and platforms, which the new information and counselling network would complement, notably Your Europe Advice, SOLVIT, Enterprise Europe Network, the bodies to promote equal treatment and to support Union workers and members of their family, and the national liaison offices for the posting of workers.

SOLVIT and Your Europe Advice (YEA) can provide some support. However, SOLVIT is limited to cross-border cases involving alleged misapplication of EU internal market law by public authorities.[41] While it promotes compliance by public authorities,[42] it does not cater to situations where workers or self-employed experience infringements of their employment and social rights by private actors and where employers would need advice on how to comply with the EU legal framework on labour mobility. YEA is an EU-funded service providing free, personalised and non-binding legal advice on EU internal market and EU citizenship rights. It is addressed to EU nationals and to TCNs insofar as they already benefit from EU rights. While it covers areas relevant to ELA's mandate, notably free movement of workers and social security coordination, it is delivered remotely via an online platform, and does not offer in-person counselling. The service is available only in official EU languages and requires a level of digital literacy, which may limit accessibility for vulnerable groups.

Finally, The Europe Direct Contact Centre (EDCC) operates as an administrative helpline of the European Commission, but does not offer tailored guidance or personalised advice to individuals or businesses on their rights and obligations in cross-border or national contexts.

In the context of return migration, Commission guidance emphasises that counselling is a trust-based and individualised process, which cannot be replicated through digital helplines, particularly in enforcement-sensitive situations. Such counselling needs to be tailored to the specific circumstances of the individual, including their migration trajectory, vulnerabilities and identified needs[43], and should provide guidance and support throughout the process, including follow-up and access to established referral networks where necessary.[44] Similarly, in relation to the integration of vulnerable jobseekers, analysis by the European Network of Public Employment Services finds that, for vulnerable groups, most outreach activities are more effective when delivered face-to-face and that online counselling has clear limitations, especially in complex or challenging situations.[45] More generally, digital interactions tend to require a relatively high degree of autonomy and self-management, which evidence suggests

[40] Faire Mobilitat, GrensInfoPunten and also the European Commisison – Pilot Projects and Preparatory Actions (PPPA)
[41] Commission recommendation of 17 September 2013 2013/461/EU
[42] Commission recommendation of 17 September 2013 2013/461/EU
[43] In relation to return and reintegration counselling, the building of trust has been identified as an essential element in information and knowledge management (SWD(2021) 121 final, p. 8, 10, 17)
[44] SWD(2021) 121 final, p. 22.
[45]European Network of Public Employment Services. "PES digital services to successfully integrate vulnerable jobseekers", p. 6, 13 and 25.

may be more limited among vulnerable individuals, thereby constraining the effectiveness of digital-only support models.[46]

TCNs have a higher risk of violations of their employment and social rights.[47] Research shows that **lack of information and awareness of their labour rights is one of the drivers of this risk** (see Annex 7, section 2). Current efforts to disseminate information about labour rights generally rely on passive channels of communication. In addition, the information provided is typically broad and general, available only in a few languages, which often fail to reach the most marginalised workers. Cultural barriers[48] and limited access to traditional information channels contribute to this issue. In this regard, the **Regulation (EU) 2019/1149 lacks clarity on whether ELA's activities in the field of availability, quality and accessibility of information can also be extended to TCNs**, regardless of their legal status or whether they engage in cross-border mobility.

The current Article 5 of the Regulation (EU) 2019/1149 limits ELA to providing largely general information. This legal constraint prevents ELA from facilitating sustained personalised guidance to individuals and employers, which in turn explains why information remains fragmented and fails to reach vulnerable groups, including TCNs, and those needing compliance support, such as SMEs. While EU initiatives such as YEA and others partly cater to some of the information needs, they have a limited reach or access. While the ELA Action Plan (Annex 10, LL4) commits to explore new methods of involving social partners to improve targeting and impact of information activities and to develop and implement methodology to measure campaign use and impact and as such it can improve the quality of information campaigns within the existing mandate, it is not sufficient to address the need for personalised and individual information and advice.

2.2.2. EURES

This section examines the structural and operational problem drivers constraining the effectiveness of the EURES network, focusing on its fragmented governance model, underlying data quality issues and subpar usability of the EURES portal, and the institutional hurdles affecting Member State commitment. Together, these elements limit the consistency, efficiency, and overall performance of the network.

An important driver of the shortcomings of EURES, and in particular the EURES portal, is the **current division of responsibilites and atypical governance structure between the European Commission and ELA**. In most EU initiatives, the Commission acts as the system owner while the agency acts as the solution provider.[49] By contrast, the current framework for the EURES portal follows a reversed logic, with ELA responsible for defining business needs while the Commission acts as the technical solution provider. This misalignment weakens strategic steering as no single actor has end-to-end responsibility for aligning policy objectives, operational priorities and technical delivery.[50] It creates a structural disconnect between the formulation of business requirements and their implementation, thereby not reaping the full benefits of utilizing the Commission IT ecosystem, which limits the system's ability to swiftly respond to evolving needs of the users. The current division of governance responsibilities,

[46] idem, p. 29.
[47] FRA(2019): Protecting migrant workers from exploitation in the EU: workers' perspectives
[48] European Labour Authority (2025) 'Posting of third-country nationals: contracting chains, recruitment patterns and enforcement issues. Insights from case studies'
European Union Agency for Fundamental Rights (FRA) (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[49] For example EU-LISA
[50] The European Parliament Research Service warned about this before the establishment of ELA.

described by the European Parliament as a 'complex organisational arrangement',[51] contributes to the declining effectiveness of the EURES portal. The evaluation identified that the transfer to ELA brought no significant added value to EURES.

The success of the EURES network depends critically on sustained commitment from Member States, for example in transmitting relevant data to the EURES portal. Institutional and regulatory hurdles may weaken this commitment. According to the evaluation, the current division of governance between the Commission and ELA leads to unclear divisions of responsibility regarding the EURES portal and legal interpretations, which stakeholders found to reduce the effectiveness of EURES.[52] Stakeholders also criticized ELA for spreading its efforts too thin, weakening its ability to provide appropriate support for key EURES functions.

The ELA Action Plan (Annex 10, LL7) commits to further integrate EURES in ELA activities and to facilitate closer relationship between ELA and EURES network as well as to improve cooperation between DG EMPL and ELA on technical cooperation and development. Some elements of EURES performance, such as network cooperation and monitoring, can be improved through the Action Plan, whilst the fragmented governance structure between the Commission and ELA is rooted in the current legal framework.

2.2.3. Cooperation and Enforcement

Under the current legal framework (Regulation (EU) 2019/1149), **ELA lacks an explicit competence to gather, store and process personal data and other sensitive operational information**, including ownership, commercial practices and company structures, which would aid data analysis and risk assessments.[53] As a result, ELA cannot systematically analyse operational data including personal data or produce efficient risk-based intelligence to support national enforcement authorities in investigations in cases. This limitation significantly constrains ELA's capacity to conduct operational analysis and also exchange of data before, during and after CJIs. This hampers ELA's ability to proactively suggest to the authorities of the Member States concerned to carry out targeted inspections of high-risk cases.

Regulation (EU) 2019/1149 allows ELA to coordinate and support Concerted and Joint Inspections (CJIs) either at the request of one or more Member States or on its own initiative, provided that Member States agree. However, in practice, the absence of a clear mandate to access and process such data prevents ELA from identifying high-risk patterns or emerging cross-border non-compliance trends and consequently, ELA is unable to proactively suggest to the competent authorities of the Member States concerned that targeted inspections be carried out on the basis of own risk assessment. While the CJI tool is intended precisely for cross-border situations where national inspectorates acting alone face structural obstacles, ELA cannot oblige Member States to participate in CJIs, even in cases where cross-border fraud or labour law violations appear evident.[54] The combination of (1) the absence of a mandate to process operational data and (2) the voluntary nature of Member State participation results in inspections being predominantly triggered by ad-hoc national requests rather than by data-driven intelligence generated at EU level.

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[51] Ibid, p 7

[52] ELA Evaluation Staff Working Document, p 65.

[53] Some examples of databases which would aid ELA's work includes ORBIS, Creditreform, personal data from national authorities, IMI, EESSI. More details in Section 5.2.4.

[54] There have been few instances of CJIs proposed by ELA due to the lack of mandate to obtain and process operational information, including personal data, on own initative. Based on information received form ELA, in two instances where CJIs were proposed by ELA, in one case ELA received no reaction from one Member State and refusal from another. In another instance, where CJI was proposed to 17 Member States, in response inspections took place in 5 Member States. More detailed information cannot be shared due to sensitivity and on-going status of one of the cases.

These limitations are further compounded during the execution of CJIs. T**he role of visiting inspectors[55] remains entirely dependent on national law in the host Member State, and is formally restricted to an observational function**. Even in cases where visiting inspectors possess the necessary language skills to communicate with workers from their home country, they are legally prevented from conducting interviews or taking an active role in the inspection process.

Finally, the responsibility on reporting on the outcomes and follow-up of CJIs lies solely with the Member States. This leads to fragmented and incomplete information on inspection results. As highlighted in the ELA evaluation, this **prevents ELA from building a comprehensive database** of non-compliance patterns.[56] This, in turn, reinforces the cycle of reactive enforcement and limits the Authority's capacity to support Member States with strategic, risk-based inspection planning.

The uncertainty about the TCNs and the Union instruments dealing with TCNs that fall under the scope of ELA (see section 2.1) limits ELA's contribution in supporting the Member States and the Commission in enforcing employment and social rights of TCNs effectively, and may lead to uneven practice, legal uncertainty and fragmented operational follow-up. As outlined in the problem definition, there is an increased need for protection of the employment and social rights of TCN workers. Vulnerability to exploitation increases where workplace conditions are insufficiently monitored. Furthermore, ineffective inspections that fail to identify exploitation, sanction abusive employers or support exploited workers' access to justice are perceived as legitimising exploitative practices[56]. Low institutional capacity is an obstacle to effective monitoring of labour conditions in sectors related to seasonal work [57]. Evidence from CJIs coordinated and supported by ELA shows that TCNs that are not in a posting situation already represent a substantial share of workers encountered during enforcement activities[57] (see Annex 7, section 1). Thus, the current mandate creates uncertainty preventing ELA from enforcing employment and social rights of TCNs effectively, for instance: whether ELA can systematically request Member States to include findings, identified infringements and follow-up measures concerning such TCNs in the reporting and follow-up mechanisms to CJIs; whether ELA support can be extended to cover subsequent coordinated enforcement actions involving them; or contribute to capacity building activities in this area. If TCN workers are excluded from ELA-supported analysis, inspection preparation or information exchange in mobility contexts, Member States may lack the evidence needed to identify systemic non-compliance. An additional challenge stems from the vulnerability of TCN workers vis-à-vis employers, which may in some cases impact the ability of labour inspectorates to detect cases of inadequate working conditions and other type of violations. TCN workers' vulnerability may arise from language barriers, limited knowledge of rights, weak access to advice or trade-union support, dependence on employers for employment, accommodation or work authorisation, restricted possibilities to change employer[58] and fear of losing residence or work status and subsequent return if they report abuses (Annex 7, section 2). These factors can reduce reporting and make infringements such as underpayment, excessive working time, unlawful deductions, unsafe accommodation or non-payment of social-security contributions harder to detect.

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[55] By visiting inspector we mean an inspector participating in a joint inspection in another Member State.
[56] SWD(2025) 128 final, p. 31-33 and Study supporting the evaluation of the European Labour Authority, p. 55-58.
[57] ELA own analysis based on the preliminary reporting data from CJIs and post inspection reports submitted by the Member States in line with Article 9(6) of ELA Regulation
[58] The recast Single Permit Directive introduces for third-country workers holding a single permit a right to change employer under certain conditions (this right can be limited by MSs, e.g. allowing the change of employer only after 6 months of employment) and the possibility to stay in the territory of the Member State concerned during a limited period of unemployment.

2.2.4. *Mediation*

The evaluation could not draw conclusions on the effectiveness of the mediation due to the low number of cases. However, the case study pointed to several possible reasons for the limited use of the mediation procedure.[59] First, the procedure is relatively recently established, which may lead it to be little known among potential users. Second, participation in mediation is entirely voluntary. Both requesting party, and party being requested to participate, are required to agree to mediation before the procedure can begin, and **either party may decide to withdraw from mediation at any stage**. This creates an asymmetry of risk: the party requesting mediation must invest significant resources in preparing a case without any assurance that the other party will agree to participate or remain engaged. In practice, the possibility that this investment may be rendered redundant if the requested party refuses or withdraws may **discourage parties from initiating mediation in the first place to avoid wasting resources.[60]** Stakeholders interviewed as part of the ELA evaluation **saw the mediation procedure as complex.**[61] The current procedure involves a detailed and rigid multi-stage process.

The combination of limited awareness, voluntary participation with asymmetric risk, institutional overlap and procedural complexity creates structural disincentives to use mediation. As a result, the procedure remains underutilised, despite its potential to offer a structured alternative to bilateral dispute resolution.

Table 1: Intervention logic

Policy area	Problem drivers	Problems	Consequences	Objective
Information	Mismatch between demand for personalised advice and ELA's general and limited information mandate, including for TCNs Limited reach: ELA has low visibility (13% awareness)	Information is criticised for being incomplete, outdated, fragmented, or too theoretical. The generic nature of the information provided makes it more difficult to be informed about rights/obligations. Information often fails to reach those who need it most, including vulnerable groups like TCNs.	Higher administrative costs and risk of unintended non-compliance for businesses; Increased risk of worker exploitation and lower willingness to move due to lack of awareness, especially for TCNs; Higher burden of information provision on national authorities, and more cases of non-compliance to handle.	To improve access to, and quality of, information and support in cross border labour mobility situations, so that individuals, intra EU mobile workers (including cross border workers), third country nationals, and employers are better able to exercise their rights and comply with their obligations.
EURES	Split ownership between the Commission and ELA	EURES is underperforming; placements and Member-state commitment are declining; Subpar portal usability	Inefficient job matching; potential for alleviating skills shortages not achieved	To increase the number of individuals benefiting from cross-border mobility support and improve job-matching outcomes by increasing the efficiency of governance and operation of the EURES network and portal.
Cooperation and Enforcement	ELA lacks competence to process personal data, to impose conduct or lead inspections; legal ambiguities concerning ELA's ability to tackle different categories of TCNs and employment related elements of the	ELA's contribution to the enforcement of Union law is below needs; ELA is forced into a reactive role rather than providing proactive, data-driven intelligence.	Higher rate of non-compliance and social fraud; ELA may not act to improve the working conditions of TCNs due to legal ambiguities.	To improve the targeting and effectiveness of enforcement actions in cross-border situations, including cases involving third-country nationals by strengthening ELA's analytical and operational support for concerted and joint inspections.

[59] ELA evaluation SWD, pp 79-81
[60] An example of this is found in the Mediation Case MED (2023)-2-MS between Belgium and Romania, where Belgium provided very detailed information at the preliminary stage, after which Romania refused to participate. Study supporting the evaluation of the European Labour Authority. Annex VII, Case studies, p 80
[61] Study supporting the evaluation of the European Labour Authority. Annex VII, Case studies, p 80

	Union instruments dealing with TCNs.			
Mediation	Mediation function is complex; Members States can opt out at any time	The mediation function is little used despite a number of unresolved SOLVIT cases within ELAs remit	Unresolved conflicts lead to continued administrative friction and costs for businesses and individuals	To reduce the number of cross-border disputes by improving the effectiveness of the mediation function.

2.3. How likely is the problem to persist?

Intra-EU mobility is an economic adjustment mechanism; free movement triggered a 2.7% Gross Value Added per capita increase in border regions.[62] While important for productivity and market stability, persistent obstacles related to intra-EU mobility remain and, if unaddressed, will further hinder development. Although ELA will implement an action plan, the primary drivers of the problems are rooted in the existing legal framework. Therefore they cannot be fully resolved through non-legislative measures without changes to the ELA Regulation.

Without legal amendment, ELA's mandate's scope ambiguity in relation to TCN workers is likely to persist because operational guidance, work programs or risk analysis cannot provide the same level of legal certainty, consistency and accountability across Member States. For legally employed non-mobile TCN workers in high-risk sectors or mixed workforces, where inclusion would go beyond mere operational clarification and may require an express task clarification or ancillary targeted extension to protect fair labour mobility, a level playing field and Article 45 TFEU objectives, the problem would persist without such legal amendment. Similarly, without a legal amendment the inclusion of illegally employed TCN workers present in previously referred higher risk sectors in ELA's mandate would remain uncertain at best, and the protection of their labour-related rights would remain outside ELA's remit.

With respect to information provision, AI tools could potentially reduce demand for ELA's services, as the capabilities of LLMs increase. However, the effectiveness of AI relies on high-quality, updated data sources – such as what ELA provides currently. AI also lacks the quality control necessary to prevent misinformation. The legal certainty depends on the reliability of the source – which AI cannot provide. Furthermore, while AI services may benefit most workers and businesses, they are less likely to be sufficient for the most vulnerable workers who might benefit more from traditional forms of information acquisition.

For EURES, the fragmented governance model, where the Commission acts as the technical solution provider while ELA defines business needs, is likely to continue to impede the improvement and optimisation of EURES.

In the area of enforcement, the problem of a reactive rather than proactive approach will very likely persist. Without the explicit legal competence to process personal data and to request and process sensitive commercial and operational data, ELA will remain unable to provide the data-driven intelligence needed to proactively identify targets for inspection. While better synergies between analytical efforts and CJIs could be achieved within the current mandate, they would remain generic and ineffective without competence to handle personal data, and access to the relevant data. The challenges linked to third-country workers are also likely to persist as EU

[62] Basboga, K (2020): «The role of open borders and cross-border cooperation in regional growth across Europe»

labour markets are increasingly relying on third-country nationals due to the demographic situation and persistent skills and labour shortages.

The mediation function might see increased use in the coming years, as it becomes more known to the Member States, and builds trust with Member States through proving positive results. However, it is likely that the procedural complexities will continue to be seen as a hindrance to its use, and that the low barriers to refusing to participate in the procedure will continue to lead to underuse.

3. WHY SHOULD THE EU ACT?

3.1. Legal basis

The proposed initiative is based on Articles 46 and 48 of the Treaty on the Functioning of the European Union (TFEU), which provides the legal basis for adopting measures to facilitate the free movement of workers and to ensure coordination of social security systems within the Union. Pursuant to Article 46 TFEU, the European Parliament and the Council are mandated to adopt the necessary measures to effectuate the freedom of movement for workers. This includes, inter alia, the establishment of mechanisms for cooperation between national employment services and the systematic removal of administrative and legislative obstacles hindering the search, matching, and take-up of employment across Member States. Complementing this, Article 48 TFEU establishes a specific legal basis for the adoption of social security coordination measures essential for the practical exercise of such mobility. The current legal framework for ELA is established by Regulation (EU) 2019/1149, which defines the Authority's objectives, tasks, and structure.

3.2. Subsidiarity: Necessity and added value of EU action

The need for EU-level coordination in cross-border labour mobility and social security coordination by a specialized body was demonstrated and accepted with the establishment of ELA, in light of the diversity of national systems and the emergence of enforcement gaps. The objectives of Regulation (EU) 2019/1149 - to ensure fair labour mobility and assist Member States and the Commission in coordinating social security systems - remain essential. A revision of the Regulation would retain these core objectives, which cannot be sufficiently achieved by Member States acting in isolation due to the inherent cross-border nature of these activities. Furthermore, the clarification of ELA's mandate in relation to the enforcement of social and employment rights of TCNs would remain ancillary to ELA's core mandate under Articles 46 and 48 TFEU (as detailed in section 2.1), by ensuring that the rights of EU mobile workers are not undermined by sub-standard conditions applied to TCNs.

These objectives are better achieved at Union level for the following reasons:

a) providing high quality and up-to-date information and services to the public about their rights and obligations in cross-border situations needs to be coordinated at Union level in order to ensure consistent, clear, and efficient messaging;
b) the application of Union law in the fields of cross border labour mobility and social security coordination relies on cooperation between Member States, meaning that no Member State can act alone;
c) in order to increase synergies and support cooperation between Member States in the application of Union law and to ensure legal certainty for administrations and individuals alike, it is necessary to develop a coordinated and joint approach at Union level instead of relying on what can be a complex network of bilateral or multilateral agreements.

While the recent ELA evaluation found that ELA has addressed a previously unmet need for support in the implementation of EU labour mobility policies, it also identified weaknesses in the current Regulation.[63] Member States acting individually cannot sufficiently address issues that span borders, nor can they remedy the structural deficiencies of an existing EU Authority. The drivers of the identified problems are rooted in regulatory issues at the EU level. As the identified weaknesses stem from the limitations of the establishing Regulation itself (Regulation (EU) 2019/1149), the remedy can only be achieved through legislative intervention at the EU level. The added value of further EU action is to equip ELA with the necessary legal and operational means to perform its tasks more effectively.

4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1. General objectives

This initiative aims to enhance ELA's strategic and operational capacity to assist the Member States and the Commission in the effective application and enforcement of Union law related to labour mobility across the Union and the coordination of social security systems within the Union.[64]

Building on the findings of the 2025 ELA Evaluation, and in line with principles of subsidiary and proportionality, the Commission will review Regulation (EU) 2019/1149 to address identified legislative shortcomings that limit ELA's ability to support cross-border enforcement with the final aim of strengthening the enforcement of Union law and improve the functioning of the internal market. The revision will be limited to targeted legal adjustments, while leaving ELA's core objectives and tasks unchanged.

4.2. Specific objectives

The specific policy objectives addressed in this impact assessment respond to the problems identified in section 2. They derive from the general objectives set out in section 4.1. They are result-oriented and capable of being operationalised through a performance monitoring framework. The indicators to be used to assess progress towards these objectives are described in section 9.

The specific objectives of this initiative through which the general objective will be addressed are:

- **To improve access to, and quality of, information and support in cross-border labour mobility situations**, so that individuals, intra-EU mobile workers (including cross-border workers), third-country nationals, and employers are better able to exercise their rights and comply with their obligations. This objective focuses on improving outcomes for users of information and support services, including their ability to clarify their situation and act in compliance with applicable rules. Achievement of this objective could be measured by the reach – the number of individuals and businesses receiving advice, as well as the level of satisfaction with the advice they receive;
- **To increase the number of individuals benefiting from cross-border mobility support and improve job-matching outcomes** by increasing the efficiency of governance and operation of the EURES network and portal. This objective targets improved labour-market outcomes facilitated by EURES, while leaving open the institutional arrangements through which these results are achieved. Performance will be monitored through indicators related to the number and share of job placements facilitated by EURES, the CV and job vacancy

[63] ELA evaluation SWD, p. 63.

[64] C.f. Art. 46 and Art. 48 TFEU and in line with ELA's scope, as defined in Article 1 of its founding Regulation.

coverage of the EURES portal, the satisfaction of the users with the EURES portal, as well as the satisfaction of the EURES Network with the governance of the Network;

- **To improve the targeting and effectiveness of enforcement actions in cross-border situations, including cases involving third-country nationals** by strengthening ELA's analytical and operational support for concerted and joint inspections. The objective aims at more risk-based, evidence-informed enforcement support at EU level, contributing to more consistent enforcement of Union law. Progress will be assessed through indicators on the number and coverage of concerted inspections, the share of CJIs made targeted by ELA's analytical efforts, and the level of satisfaction with ELA's operational support for CJIs;
- **To reduce the number of cross-border disputes** by improving the effectiveness of the mediation function. This objective focuses on increasing the practical usefulness of mediation as a dispute-resolution tool, while preserving its cooperative nature. The performance will be assessed through indicators on uptake, resolution rates and the level of satisfaction with the procedure.

The specific objective are further operationalised through the monitoring framework set out in Section 9, which sets out measurable indicators to be used to assess the degree to which different policy options would achieve those objectives.

5. WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1. What is the baseline from which options are assessed?

Under the baseline scenario, ELA Regulation would not be revised. Identified challenges would be addressed through non-legislative measures, notably a **Commission Communication under the Fair Labour Mobility Package** and the **ELA Action Plan** implementing the evaluation's recommendations within the current legal framework.[65] The Action Plan would address the main issues identified in the evaluation and implement the lessons learned – relating to monitoring, enhanced strategic management, concerted and joint inspections, mediation, information and campaigns, capacity building, data and analytical capacity, and the European Platform tackling undeclared work – through adjustments to internal monitoring system, working methods, and coordination mechanisms. The Action Plan has been adopted by the Management Board in May 2026 and the timeline for the implementation of the actions is foreseen to be finished by 2028.

The baseline scenario also assumes the continuation of general economic, labour market and demographic developments. According to the latest Intra-EU Labour Mobility report 2025, labour mobility flows are quite stable and still sees a slight increase in the numbers of movers. Similar trends can be seen regarding posted workers. The number of third-country nationals living in the EU/EFTA was 20.8 million on 1 January 2024, having increased by 7% on average every year since 2019.[66] The labour market in the European Union is impacted by other general trends, particularly technological transformation, transition to a green economy, ageing of population as well as other societal or geopolitical factors, such as the housing crisis or the efforts of eradicating poverty. In line with it's mandate, ELA will continue to monitor the societal trends and cooperate with the Commission and other EU agencies following the Action plan on labour shortages.[67]

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[65] The baseline scenario builds on the assumption that ELA will develop an action plan which is in line with the lessons learned from the ELA Evaluation Staff Working Document: Section III, Lessons learned and the way forward.

[66] Annual report on Intra-EU Labour Mobility 2025 edition

[67] Labour and skills shortages in the EU: an action plan COM(2024) 131 final

As part of the Action Plan, ELA will **enhance the measurement of the impact and use of the information campaigns by developing and implementing a methodology with relevant indicators that measure impact.** The work on the methodology has started, with the aim of implementing it before the planned campaign in 2027 that allows to measure this campaign's impact after its run. In addition, ELA will work to **further increase the effectiveness of its campaigns. It will enhance cooperation with information providers, social partners, and the Commission in defining campaign content and key messages** and better take into account the needs of its partners. ELA will work to optimise the life-cycle of campaigns, from conceptualisation and inception up until implementation and follow-up. Such revised campaigns can go hand-in-hand with improving the efficiency and usefulness of other information activities through cooperation with stakeholders, such as the wage calculator or webpages to inform mobile citizens.

With the Action Plan**, ELA will aim to further enhance the services to the EURES network** through new training modules in the EURES Training Academy and a reorganisation of the EURES portal's labour market information section, addressing also the subpar usability and low quality of data of the EURES portal. While ELA will work on improving the management of the EURES European Coordination Group, the division of labour between ELA and the Commission regarding IT tools would remain unchanged. Finally, the review and update of the monitoring system in EURES will be tackled through the overall exercise of ELA renewing its operational objectives and KPIs.

The implementation of the Action Plan should lead to **enhanced synergy between ELAs analytical efforts and the organisation of CJIs** (Annex 10, LL3**).** With the involvement of the Management Board, Member States will be encouraged to provide more timely feedback on the results of CJIs. ELA will endevour to establish a closer connection between inspections and analysis, in order to better identify potential targets for inspections. **ELA will continue to target sectors with high labour mobility and higher risk of inadequate employment conditions**. These are often the sectors with a high participation of TCNs. To this end, **ELA would also continue its on-going work on TCN workers**. Recent internal data from ELA suggests that TCNs are a structural feature of the inspections supported by ELA, with CJIs involving TCNs accounting for around three-quarters of finalised inspections. ELA can, based on Management Board decisions, and after approval by the Commission, continue to conclude cooperation agreements with non-EU countries, including accession countries, and continue its on-going activities supporting certain categories of TCN workers in cross-border situation, as per its current mandate.

To address the limited use of the mediation function, ELA has set out in its Action Plan **targeted actions to improve the effectiveness and functionality of the mediation procedure**. The Rules of Procedure and the related templates of the mediation tool have been revised with the aim of simplifying the procedure while ensuring compliance with the existing legal framework as set out in the Regulation. In addition, a voluntary preliminary meeting has been added, with the goal of the parties subject to the mediation procedure coming to a common understanding about the procedure and expectations in an informal setting.

Following the evaluation and in line with the Action plan, ELA will improve its **monitoring system, through defining SMART objectives and by identifying meaningful KPIs that measure the progress on all its objectives**. The improved monitoring system will also enhance the strategic management of the Authority. With this in place, ELA will be able to better identify in which areas it can improve its performance – and thereby define more targeted where action needs to be taken.

The baseline scenario anticipates operational improvements through the ELA Action Plan and the forthcoming Commission Communication. While full implementation of the Action Plan is expected by 2028, several measures have already been completed or are underway, providing a solid foundation for progress. The pace of implementation may vary across actions, particularly those requiring multilateral agreement, such as cross-border risk-based targeting methodologies, which depend on Member State capacity and ELA's access to relevant data.

5.2. Description of the policy options

5.2.1. Structure and logic of the policy options

The policy measures are analysed at the level of policy areas, in accordance with the specific policy objective they aim to achieve (Table 1). This section focuses on problems that cannot be addressed by ELA's Action Plan and/or non-legislative measures. The options in each policy area are presented separately. The overall consistency is examined in a second step. All policy options could be introduced in combination with accompanying non-legislative measures, such as those suggested in ELA's Action Plan. The matter of how ELA should address issues relating to third-country nationals has been addressed in the individual policy areas, as this is a cross-cutting issue (see also options discarded at early stage).

Table 1: Policy Options

Policy area	Objective	Policy options
1. Information	To improve access to, and quality of, information and support in cross border labour mobility situations, so that individuals, intra EU mobile workers (including cross border workers), third country nationals, and employers are better able to exercise their rights and comply with their obligations.	**1.1.** ELA to support/coordinate external networks for more personalised information provision and guidance to workers and/or employers by managing grants **1.2.** ELA to provide directly more personalised cross-border information to workers and/or employers through its own offices and staff
2. EURES	To increase the number of individuals benefiting from cross-border mobility support and improve job-matching outcomes by increasing the efficiency of governance and operation of the EURES network and portal.	**2.1**. Reassign specific EURES responsibilities to the Commission, including the European Coordination Group chair and the EURES portal business management **2.2.** All EURES ECO-related tasks are grouped under the Commission responsibility **2.3**. All EURES ECO-related tasks are grouped under the ELA responsibility
3. Cooperation and Enforcement	To improve the targeting and effectiveness of enforcement actions in cross-border situations, including cases involving third-country nationals by strengthening ELA's analytical and operational support for concerted and joint inspections.	**3.1**. Provide ELA with the possibility to access and process personal data and allocate/identify more resources for ELA to support concerted and joint inspections. Introduce explicit provisions on how to manage cooperation and enforcement-related activities, including CJIs where TCNs are involved. **3.2.** Empower ELA to initiate, conduct and impose inspections, in addition to the other changes included in option 3.1. This option makes participation in CJIs mandatory for Member States.
4. Mediation	To reduce the number of cross-border disputes by improving the effectiveness of the mediation function.	**4.1.** Simplify mediation to incentivise its use **4.2.** Introduce stricter mediation opt-out conditions

5.2.2. Policy options related to the Information task of ELA (Policy area 1)

Here we look at different, mutually exclusive, options to tackle the issue of the lack of personalised information for individuals and employers.

Both options are explicitly addressed to employers (including SMEs), individuals, including intra EU mobile workers, cross-border workers, and TCNs, and their needs concerning the exercise of employment and social rights as well as compliance with obligations related to cross-border labour mobility and social security coordination. Both options will also explicitly enable the Authority to act in the area of information and awareness raising on the employment and social rights and obligations of all third-country nationals, regardless of their legal status or mobility, including those that are in irregular situation and those that are not engaging in cross-border mobility. This would entail targeted awareness raising campaigns in the EU for third country national workers and their employers. These may, for instance, provide information on the right to equal treatment, adequate accommodation, recovering outstanding remuneration from an employer or lodging complaints (outlined in Articles 6 and 13 of the Employers Sanctions Directive and Articles 11, 20, 23 and 25 of the Seasonal Workers Directive as well as Articles 12, 14 and 16 of the Recast Single Permit Directive) and preventing the risk of labour exploitation and trafficking in human beings. This may also entail cooperation with non-EU/accession countries to facilitate access to existing pre-departure information to incoming third-country workers, for instance by contributing information to pre-departure events on the rights and obligations in the labour mobility field before their entry into the EU labour market.

Option 1.1. ELA to support/coordinate external networks for providing personalised information and advice to individuals and employers by managing grants, which would provide contributory financing of the network(s).[68] Such networks could take different forms. Trade unions call for an in-person network of advisors. Employer and business membership organisations call primarily for a) a web tool that should constitute a single-entry point to all mobility-relevant information sources, and b) a helpdesk for employers, providing on-demand, practical and individualised help and guidance.[69] Web tools or helpdesks for employers could either be provided by an external organisation (or network), or directly by ELA itself (as in the next option). A network of in-person advisors would cover the most common corridors of labour mobility to start with, but should be scalable in case a larger network is feasible at a later stage.

Delivery of information under this option relies on a combination of local and regional advisory services operated by partner organisations, sector-specific outreach activities and multilingual helplines, complemented by digital tools where appropriate. The added value compared to existing EU-level advisory services lies in the provision of tailored, local-context-specific[70] and proactively delivered information, particularly for vulnerable and hard-to-reach groups as well as making sure that the information provision is context-specific.

The value of personalised, in-person support is likely to be particularly significant in the context of cross-border labour mobility, where citizens must navigate unfamiliar legal and administrative systems, communicate in another language, and adapt to different labour market practices and institutional settings[71]. The challenge for citizens is often the fragmentation of information across multiple authorities and websites, making it difficult to identify which rules apply to their individual circumstances; cross-border labour mobility frequently requires navigating interactions between different national systems and administrations. While online information provides general guidance, personalised assistance helps workers understand their specific rights and obligations, identify the competent authorities and complete the relevant procedures, thereby reducing the administrative burden and facilitating informed mobility decisions. Compared with domestic jobseekers, mobile workers therefore face higher information and transaction costs, increasing the importance of context-specific guidance provided by trained advisers. While the precise magnitude of the additional impact cannot be

[68] One example of such a network currently operating is the Faire Mobilität network. The Faire Mobilität network is a trade union-affiliated advisory network operating in Germany, currently across 12 different locations nationwide. The objective of the network is to improve working conditions for workers from central and eastern Europe by, amongst other things, providing information, advice and support to workers, at decentralized advice centres, in the workers' own languages.

[69] See annex 2 for more detail on these positions.

[70] In comparison to SOLVIT and YEA, the Option foresees that support will be oferred via local actors with experience of labour mobility issues from specific national and local perspective (see also Section 2.2.1 above).

[71] The challenges and limitations of the currently available systems, notably the ones relying solely on digital tools, are also explained by De Wispelaere, F. & De Smedt, L. (2023). *Access to information on the posting of workers: Are we blinded by the importance given by EU legislation to the single official national website?*.

estimated, as a proxy, evidence from the OECD[72] indicates that personalised face-to-face guidance leads to better employment outcomes than remote or purely digital services, with tailored guidance substantially improving individuals' ability to make informed labour market decisions. Given the additional complexity of cross-border mobility, it is reasonable to expect that the benefits of personalised advice in this context would be greater than those observed in domestic settings, particularly for vulnerable and hard-to-reach groups.

Unlike generic tools, which largely provide standardised and user-initiated guidance, this approach allows for human-mediated, personalised, updated and fact-checked advice and counselling combined with targeted outreach. It therefore fills the gaps left by the existing advisory instruments rather than duplicates them. This option could, in part, build on the existing experience of the Fair European Labour Mobility 2 (FELM2) project by offering funding for similar functions towards modified target audience for whom the current network members might consider applying. The overall objective, however, is to replicate a support system inspired by FELM2 for a broader set of users and within a broader geographic area. In addition, experience can be drawn from EU-OSHA regarding their cooperation with national authorities and employers on their online interactive risk assessment tool (OiRA) that allows small organisations to assess OSH risks themselves. The evaluation of EU-OSHA found that the tool is highly appreciated, and widely used especially by SMEs.[73]

Option 1.2. ELA to provide directly cross-border information provision support to individuals and/or employers through its own offices and staff.

Under this option, ELA would provide a personalised advice service directly to individuals and employers on questions falling within the scope of its mandate. However, offering an open model with multi-channel access including live chat, phone, video and email in multiple languages would be extremely costly, even though it would respond well to the range of information needs.[74] For this reason, this option, while addressing the needs in terms of the scope of the information to be provided, would rely largely on automated, but tailored self-directed solutions, including tools such as chatbots, interactive decision pathways based on personal circumstances and multilingual question-and-answer resources. Due to the fact that ELA staff is largely required to operate from its premises, the scope for human-mediated, case-specific counselling would remain limited. This means that the model would depend heavily on digital and technical infrastructure.

Stakeholder views[75]

*Some **national authorities** support enabling ELA to engage directly with individuals or employers to offer guidance or assistance in cross-border situations. Nevertheless, the majority of the ELA Management Board members are in favour of ELA maintaining its scope to support primarily Member State institutions with the enforcement of relevant EU legislation. The **European Parliament** highlight that there is a lack of sufficient support services for mobile workers and especially TCN. It called for ELA's mandate to be extended to cover information provision to third-country nationals. Several **employer and business membership organisations** call for the creation of an ELA helpdesk. Nordic business organisations are more cautious about the establishing of new EU-level structures, emphasising the importance of avoiding parallel systems. **Trade unions** support ELA increasing its information provision efforts by providing multilingual information tailored to workers' needs. Several trade unions stress that information provision is most effective when it is delivered in cooperation with trade unions. They also caution against over-reliance on digital-only tools, as they may not reach the most vulnerable workers.*

[72] OECD (2021), *Career Guidance for Adults in a Changing World of Work*
[73] Evaluation of EU Agencies : Eurofound, Cedefop, ETF and EU-OSHA, SWD (2024)222 final (p.24)
[74] See section 6.
[75] Unless otherwise indicated, more details can be found in annex 2.

5.2.3. *Policy options related to EURES (Policy Area 2)*

All options presented are mutually exclusive.

All options aim to solve the issues arising from the split of responsibilities between the Commission and ELA. Under all options, simplification measures to the EURES Regulation will be also put forward, to reduce administrative burden and enhance efficiency, such as: reducing the number of implementing acts (currently six) through integrating most relevant aspects directly into the EURES Regulation[76] and adjusting the frequency of reporting on EURES activity (currently the Commission is obliged to report on EURES every two years, with five years being a more suitable).[77] **Option 2.1.** would consist of a targeted change in the management of certain tasks of the European Coordination Office (ECO) of EURES, while **Options 2.2.** and **2.3.** involve one organisation managing all ECO EURES-related responsibilities.[78]

Option 2.1. entails reassigning specific EURES portal/governance responsibilities to the Commission, while ELA will continue to concentrate its efforts on the operational support to the EURES network (National Coordination Offices, EURES advisors, EURES Members and Partners). Concretely:

- The Commission chairs the EURES European Coordination Group. This implies that the EURES Coordination Office (managed by ELA) will be further focused on the concrete support for the Member States to deliver on the implementation of EURES.
- The Commission would regain the EURES portal system ownership and have the full responsibility for its development and management, further integrating the portal with other EU initiatives like Europass, ESCO, the Public Employment Services (PES) network and the upcoming EU Talent Pool for TCNs.

Under this option, tasks for which ELA provides clear added value to EURES would remain within the remit of ELA. These tasks include, for example: the organisation of meetings, the training of EURES advisers, communication campaigns, the programming cycle, gathering data for the Performance Measurement System, delivering the EURES shortages and surpluses report. This way, ELA will maintain synergies between EURES and other networks it manages, including the free movement of workers bodies, as well as a potential information and counselling network, as presented in option 1.1.

Option 2.2. would return all ECO tasks to the Commission. This means that all EURES-related tasks, including operational tasks, such as the coordination and operational maintenance of the network of EURES advisors, will be moved to the Commission. This also involves transferring the corresponding part of ELA's budget to the Commission. This option corresponds to the situation before the creation of ELA.

Option 2.3. would fully assign the management of the tasks of the European Coordination Office of EURES to ELA. This option consists of the Commission transferring to ELA the role of solution provider, i.e. the full IT development of the EURES portal. It also implies that ELA will become the de facto IT solution provider for systems with strong interconnections with EURES, such as the Talent Pool and Europass, meaning that they must fully comply with corporate web and IT governance. Specific arrangements will be needed to allow the Commission to further develop the IT ecosystem by reusing the EURES infrastructure for developments related to the EU Talent Pool, Europass, ESCO and other linked tools.

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[76] E.g. the provisions of the Programming Cycle and Performance Measurement System implementing acts currently place a substantial burden on national administrations and private members and partners. These obligations would be substantially reduced.
[77] The biennial report brings limited added value, since there are not many substantial changes worth reporting in 2 years.
[78] See Section 5.1 for actions improving the quality of EURES to address "subpar quality" under the ELA action plan.

Furthermore, transferring the solution provider task will imply that the according resources will need to be allocated to ELA. Giving ELA the consolidated ownership of EURES will require changes to the EURES Regulation, as the Commission will no longer be able to take on the responsibilities it is foreseen to cover.

Stakeholder views[79]

Member States *generally acknowledge the value of EURES, while flagging some shortcomings and room for improvement. It is stressed by several* ***Member States*** *that insufficient attention was given to the governance of the network, while noting the room for improvement for the EURES Portal. Stakeholders, especially* ***EURES National Coordination Offices****, frequently criticize the lack of clarity regarding roles and responsibilities for EURES between ELA and the Commission, and acknowledge the challenges of the current model of shared governance between the Commission and ELA.*[80] *The* ***European Parliament*** *stresses that the full potential of EURES has not been reached, and calls for a more user-friendly EURES portal.*[81] *While EURES is not always mentioned in the input from social partners, certain* ***employer and business membership organisations*** *mention that an improved EURES, with a better web portal and more coherence with other EU services, could play a bigger role in tackling labour shortages. Likewise, some* ***trade unions*** *highlight the potential for improvements in the EURES Portal, while also stating that EURES should do more to ensure fair recruitment practices.*

5.2.4. Policy options related to the Cooperation and Enforcement tasks of ELA (Policy area 3)

In order to provide ELA with the necessary tools to contribute more to cooperation and enforcement of Union law, we envisage two differently packaged options.

The first one, **Option 3.1**, is built around the voluntary nature of ELA's Concerted and Joint Inspections (CJIs) task – hence requiring the agreement of the involved Member States. The difference between the first and the second option, **Option 3.2**, is that option 3.2 proposes a mandatory approach for inspections, with ELA being able to initiate, conduct and impose inspections on its own.

Both options include measures addressing the need for ELA to access and process personal data, as this is fundamental for the improvement of CJIs, measures tackling the protection of employment and social rights of third-country nationals, and to include a definition of risk assessment. Both options require changes to the ELA Regulation.

Option 3.1 is a package consisting of options in a number of different areas:

Accessing and processing personal data

In terms of accessing and processing personal data, this option involves clarifying and, where necessary, extending ELA's ability to process personal data in order to fulfil its analytical and risk assessment tasks. While Regulation (EU) 2019/1149 refers to analytical functions, it does not provide a sufficiently detailed legal basis for the processing of personal data underpinning those activities as also repeatedly pointed out in the ELA evaluation.[82] This option involves expanding ELA's data handling mandate, while ensuring full compliance with EU data protection rules. Only with such an amendment will ELA be able to use company-data bases (like Creditreform), obtain personal data from national authorities, or obtain access to tools such as the Internal Market Information System (IMI), the Electronic Exchange of Social Security Information (EESSI) and the European Registers of Road Transport Undertakings (ERRU). This will also further enable ELA to have access to detailed information concerning the results

[79] Unless otherwise indicated, more details can be found in annex 2.
[80] Report of the Belgian Presidency of the Council: "Fair Mobility in the EU and the Role of the European Labour Authority, p. 85.
[81] European Parliament resolution of 18 January 2024 on the revision of the European Labour Authority mandate.
[82] For example: ELA evaluation staff working document, page 34.

of CJIs and the related follow-up. Providing ELA access to IMI serves a dual purpose. Firstly, ELA could use the information provided by Member States on the platform for analytical purposes. Secondly, ELA could play a more active role in facilitating the cooperation between Member States, by encouraging active use and prompt replies to requests from other Member States.

By establishing an explicit legal basis for data-sharing agreements, ELA can transition from ad-hoc exchanges to a structured framework similar to other EU agencies. This amendment addresses current regulatory gaps to ensure consistent, systematic information flows while strictly safeguarding national competences and data protection requirements. Under the founding regulations of both Eurojust and Europol, the agencies are allowed to use personalised data.[83] Evaluations of Eurojust's joint investigation teams demonstrate clear EU added value from early risk-based analysis, structured EU-level coordination and systematic information-sharing, while enforcement remains at national level. Europol's complementary analytical support to joint investigation teams has likewise been consistently assessed as delivering tangible EU added value.[84] In addition, the evaluation of Europol in 2025 found that Europol's operational analysis functions provide significant added value to Member States, while remaining dependent on the availability and quality of data supplied by national authorities and other contributors.[85]

Together, this indicates that strengthening ELA's analytical, risk-assessment and information sharing and coordination functions is aligned with established EU agency practice and represents a proportionate and effective approach to reinforcing cross-border inspections.

Option 3.1 envisages voluntary agreements, because inspections and enforcement remain a core national competence and effective cross-border action depends on Member States' cooperation and ownership, while EU-level coordination and cooperation can be strengthened without imposing mandatory data and information sharing. The data and information sharing agreements could be concluded on bilateral or multilateral basis and contain necessary safeguards to ensure processing of personal data in line with Regulation (EU) 2018/1725 and dedicated rules in the Regulation (EU) 2019/1149 (as revised). *Strengthening ELAs possibility to trigger inspections, while maintaining their voluntary nature*

This involves introducing a reinforced duty of cooperation and mandatory response timeline for Member States in the context of concerted and joint inspections. This could require Member States to provide strong justifications when they decide not to participate in a proposed inspection. While participation would remain voluntary, such a provision would strengthen transparency and accountability and help ensure that cooperation mechanisms are used more systematically. In this context, Article 8(3) could be revised to replace the phrase "*shall endeavour to participate*" with a stronger obligation that Member States "*shall participate unless duly justified*."

Strengthen ELAs role in protecting employment and social rights of third-country nationals

To maintain a level playing field, this option would entail targeted legal amendment clarifying the scope of ELA's activities to explicitly cover all TCN workers. This would be the case regardless of their legal status or mobility, including those that are found in illegal employment and those that are not engaging in cross-border mobility. This would enable the agency to support those TCN workers that are most likely to be affected by labour exploitation and

[83] See Articles 22, 23 and Chapter IV and Chapter V Section IV of Regulation (EU) 2018/1727 and Chapters IV (especially Article 18 on purpose for processing activities), V and VI of Regulation (EU) 2016/794.
[84] Fifth JITs Evaluation Report, p. 24; Fourth JITs Evaluation Report, p. 36.
[85] SWD(2025) 404 final, p. 24-29.

inadequate working conditions (see Annex 7, section 2). This would allow to cover more clearly the situations of mixed workforces, where mobile Union workers and TCN workers are exposed to the same compliance risks, such as in mixed worksites, subcontracting chains, temporary agency work or high-risk sectors. ELA should provide operational support, capacity building and training for joint and concerted inspections to identify possible abuses of third-country workers' rights and also targeting illegal employment of TCNs, notably in high-risk sectors (in relation to Article 14 of the Employers Sanctions Directive, Article 24 of the Seasonal Workers Directive and Article 13 of the Recast Single Permit Directive). Such support and training would also cover situations where TCN workers who are not in a cross-border situation are encountered during CJIs. This would entail closer cooperation with migration services, civil society organisations and social partners, to facilitate access to additional support to TCNs found in an exploitative situation and to better address cases of abuses of TCN workers. Furthermore, ELA will be able to conduct targeted data collection and risk analysis on employment-related and social matters involving vulnerable TCNs with a view to monitor the current situation, prioritize inspections and inform the Commission and other relevant competent national authorities of potential infringements and evolving trends. Through exchange of information on inspection results using ELA's existing information exchange channels between Member States, ELA would also facilitate follow-up where illegal employment of TCN, abuses of third-country workers' rights and possible situations of trafficking were identified. These changes are ancillary to ELA's core mandate[86] under Articles 46 and 48 TFEU, serving to prevent social dumping and ensure that the rights of EU mobile workers are not undermined by sub-standard conditions applied to some TCNs. Lastly, and extension of the scope would also allow ELA's information capacities to cover TCN workers, which would also contribute to making ELA's cooperation and enforcement related activities more effective and coherent (see section 5.2.2.).

In conclusion, even where TCN workers are already close to ELA's current remit, such as posted TCN workers, TCNs legally residing in the EU exercising intra-EU mobility, or TCNs in cross-border undeclared work, a legal amendment would be more suitable to clarify the personal scope, avoid uneven interpretation and ensure that ELA-supported analysis, information exchange, inspections and support systematically include them.

Ensuring the adequate staff for the data analysis and inspection tasks

To strengthen ELA's operational capacity and proactiveness, three sub-options are considered for how to place labour inspectors at the Authority's disposal.

Under **Sub-option 3.1.1.**, Member States would nominate national inspectors as designated contact points who, while remaining within their local inspectorates, receive specialized ELA training and remain available to carry out Concerted and Joint Inspections (CJIs) under their national flag upon ELA's request.

Moving toward a more integrated approach, **Sub-option 3.1.2.** involves doubling the existing National Liaison Officer (NLO) framework to create a "standing pool" of seconded experts from the Labour Inspectorates. These inspectors would function as an operational bridge – similar to the dual-role models used by Eurojust or Europol – by combining their national expertise with an EU mandate and gaining structured access to national databases. This option involves moving some capacity from the national authorities to ELA, to fill critical enforcement

[86] Meaning that the proposed changes are supportive or complementary measures rather than fundamental changes to the main purpose or responsibilities of ELA.

gaps that national authorities, often constrained by territorial silos, cannot address alone with the same degree of effectiveness.

Alternatively, **sub-option 3.1.3** proposes that ELA hire inspectors as permanent staff, shifting the financial and administrative responsibility to the Authority to ensure a constant, dedicated resource for enforcement tasks. To anchor these efforts, each Member State would establish/utilize an existing national coordination structure - a "National Labour Authority" - to consolidate expertise and serve as a flexible central focal point for systematic cross-border engagement.

Feature	3.1.1: Local Contact Points	3.1.2: Seconded Pool (NLO+)	3.1.3: ELA Statutory Staff
Employment	National Inspectorates	Seconded to ELA	Permanent ELA Employees
Data Access	Local/National only	Structured national database access	ELA-centralized access
Funding	Member-State funded	Shared EU/ Member State	ELA (EU) funded
Key Benefit	Low cost, local expertise	Strong coordination "bridge"	Full ELA control & stability

Option 3.2. would provide ELA with the possibility to access and process personal data and empower ELA to initiate, conduct and impose inspections.

This option would significantly strengthen ELA's operational/enforcement role. In this option, ELA would be empowered to initiate concerted or joint inspections itself. This would represent a shift from a purely reactive to a more proactive support role, while continuing to respect the primacy of national authorities in carrying out inspections.[87] By enabling ELA to take the initiative, inspections could be launched more swiftly, particularly in areas where clear cross border risks have been identified through data analysis and risk assessments. This option also includes providing ELA with the possibility to access and process data, strengthening ELA's role in protecting employment and social rights of TCNs, and establishing a group of inspectors at ELA's disposal (sub-option 3.1.2. or sub-option 3.1.3.), as presented in option 3.1.. Apart from giving ELA the competence to impose inspections, meaning that participation would be mandatory for Member States, this option is equal to option 3.1.

Stakeholder views[88]

*Several **Member States** support empowering ELA to be able to access and process personal data. Five Member States explicitly support an extension of ELAs mandate regarding TCNs, while three Member States express sentiment in support of doing more on TCNs. No Member State wants ELA to go beyond its current legal basis of Art. 46 and 48 TFEU. No Member State has expressed clear support for allowing ELA to autonomously initiate inspections (as in option 3.2.). Three Member States expressed support for ELA having a more proactive role in initiating inspections, while leaving enforcement powers with authorities.[89] Two Member States clearly express that the power to initiate inspections should remain exclusively with the Member States. The **European Parliament** supports providing ELA with the requisite legal provisions to be able to collect, process and handle relevant data. They further call for ELAs scope to be expanded to include TCNs, within the framework of EU labour legislation. The Parliament also supports ELA being able to conduct inquiries and inspections into cross-border cases on its own initiative. **Employer and business membership organisations** are against expanding ELAs mandate in terms of enforcement, and stress that inspections must remain voluntary for the Member States. However, several organisations acknowledge the role for ELA in analytical support, and the value of improved follow-up after inspections. **Trade unions** support expanding the number, scope and follow-up of CJIs. They call for ELA getting access to relevant data systems and strengthening the in-house analytical capacity. Some trade unions call for an expansion of ELAs mandate to cover migration-related EU directives.*

[87] ELA's efforts would serve as an addition to efforts by national authorities.
[88] Unless otherwise indicated, more details can be found in annex 2.
[89] Two of them express support for expanding mandate to strengthen their role, while one wants ELA to be more proactive, while maintaining the current mandate.

5.2.5. *Policy options related to the Mediation task of ELA (Policy area 4)*

The following options are complementary.

Option 4.1. involves simplifying the mediation procedure. This option would imply a targeted legal simplification to lower the procedural barriers, improve efficiency and increase uptake, while maintaining its voluntary nature. The Regulation would be simplified in such a way as to provide a more flexible approach to mediation, with simpler steps to submit a case and get an opinion, wherein the involved parties can find the most appropriate approach for each case. The 2018 Commission proposal for the mediation procedure[90] was simpler than the one that was eventually adopted and could be the reference for the simplification. Accordingly, the procedure would be reduced to a single stage and more flexibility afforded to the parties as regards the outcome of mediation.

Option 4.2. would introduce stricter conditions for opting out of mediation, by requirng the requested party to provide *reasoned and substantiated justifications* when they decide not to participate in mediation, or leave the mediation at a later stage. While participation would remain voluntary, such a provision would re-balance the burden between the requested party and the requester of mediation, in the sense that it heightens the barrier for opting out. The logic of the legislation would shift from Member States opting-in, to Member States having to opt-out. This option also includes making it obligatory to participate in a preparatory meeting. During this introductory meeting, the mediator, experts and parties would introduce themselves, the mediator would set out the framework and explain the mediation process. This would allow questions to be answered, the (broad) subject matter of the request to be clarified and ensuring that people with the appropriate mandate are represented. This would aid the Member States in making an informed decision about whether to participate in the mediation.

Stakeholder views[91]

*One **Member State** suggests simplification, more promotion of mediation and a more proactive role for ELA in initiating mediation. Another Member State suggests reallocating resources away from mediation, while a third emphasises that mediation should remain voluntary and only at the request of the relevant parties. Two national authority representatives interviewed in the evaluation state that the reason they have not used the mediation mechanisms is that they have not seen the need for it. The **Belgian Presidency report** on ELA suggests increasing awareness, empowering ELA to initiate cases, simplifying procedures and restricting Member States from withdrawing early from mediation.*[92] ***Employer and business membership organisations*** *express opposition against a mediation role for ELA which allows them to interfere in national competences. They generally stress that the participation in mediation should remain voluntary. One **trade union** notes insufficient use of mediation, and that a stronger role for ELA in mediation procedures is needed. Other trade unions stress the need for ELA to focus on a more limited number of tasks to ensure cost-effective and targeted operation – and implied that the mediation function should be deprioritized.*[93]

5.3. Options discarded at an early stage

Consistent with the Better Regulation Toolbox (specifically Tool #14 on the "No policy change" and "Discontinuation" options), the **discontinuation of ELA** was not considered as a viable alternative for this Impact Assessment. This approach is directly linked to the findings of the ELA evaluation, which highlighted that the agency fills a gap and addresses an otherwise unmet need for operational support in implementing EU policies related to EU labour mobility.[94] ELA was established to strengthen the capacity of national labour inspectorates and

[90] See article 13 of COM(2018) 131 final.
[91] Unless otherwise indicated, more details can be found in annex 2.
[92] Belgian Presidency of the Council of the EU (2024) "Fair Mobility in the EU and the role of the European Labour Authority".
[93] ELA evaluation SWD, p 62.
[94] ELA evaluation SWD, p 63

to provide information and support to businesses and workers. Through these activities, it makes an indirect but very important contribution to facilitating fair labour mobility within the EU. Furthermore, stakeholder consultations revealed no support for dismantling the Authority; consequently, an analysis focused on its termination would be inconsistent with both the evident operational needs and the clear mandate for enhancement expressed by the European Parliament, Member States and social partners.

Similarly, options of **discontinuing ELA's core operational activities** were also discarded at an early stage of the analysis. The evaluation found that, despite differences in performance across individual activities and the need for targeted improvements, ELA's operational tasks remain relevant, provide clear EU added value, and continue to respond to identified needs of Member States, stakeholders and mobile citizens. Moreover, neither the stakeholder consultation nor the political consultations revealed support for discontinuing ELA's core activities. Instead, stakeholders and Member States consistently called for improving their delivery, strengthening governance arrangements and increasing their effectiveness. In most cases, stakeholders identified specific areas of improvement related to the efficiency, governance or implementation, but do not question their underlying rationale or objectives. Discontinuing these activities would therefore risk reducing support for labour mobility, weakening cooperation between national authorities and diminishing the protection of mobile workers, while generating only limited budgetary savings. Consequently, the analysis focused on options to improve the effectiveness and efficiency of ELA's activities rather than on their discontinuation. The rationale for discarding discontinuation is set out below for each of the main operational activities.

The option of **discontinuing EURES** was discarded at an early stage. The ELA evaluation indicated that EURES activities were generally found to be very useful by stakeholders.[95] Although job placements were declining in the first years after the business ownership of EURES was transferred to ELA, EURES still facilitated 48 000 job placements – the successful matching and recruitment of a worker into a job – in 2023. The platform furthermore facilitated, between 2022-2024, 475 000 job applications and 660 000 job vacancies. In this period, EURES also managed 3.6 million individual contacts with workers and 380 000 contacts with employers. These numbers show that EURES contributes to facilitating mobility within the Union. See the baseline for more details on ELA will improve the functioning of EURES going forward, within the current legal framework, in terms i.a. of recourse to new technologies, further involvement of private partners, and synergies with other systems. The evaluation indicates that the network itself remains useful, and that its shortcomings should be resolved by implementing an action plan and by addressing the governance fragmentation between the European Commission and ELA rather than by discontinuing the service altogether. This is also suggested by the ex post evaluation of the EURES regulation, which found that EURES provides added value, is coherent with other EU policies and that Member States acting alone would not be able to achieve the same results.[96]

Discontinuing information provision was not considered as an option because stakeholders consistently identified it as a highly relevant task and the most frequently requested area for further ELA involvement (annex 2, section 3.2.1). The evaluation indicated that ELA’s efforts in this area, particularly its translation facility and information campaigns, are widely used and considered highly useful by national authorities, social partners, and public employment services. In 2025 the ELA translation facility for information material for Member States

[95] ELA evaluation SWD, p. 133.
[96] Ex-post evaluation of EURES (2021), Section 3.1 Conclusions. Note that there have external changes since 2021, such as the technological advances in AI technology, which to some degree has changed the foundation on which the conclusions were made.

received 74 requests to translate 92 documents resulting in 393 language versions.[97] The information campaigns have a wide reach. For example, ELA recently performed an information and awareness-raising campaign on EU social security rules. In five months it achieved 34.6 million video views and 1.9 million clicks to the campaign website.[98] These numbers indicate that ELA, despite the room for improvement that has been identified, reaches a considerable audience. Although the Commission and ELA are not able to measure the ultimate impacts of these campaigns, these millions of viewers would be less well-informed about their rights and obligations in the absence of these information provision efforts.

While acknowledging the challenges in the use of **mediation service** (see sections 2.1.4 and 2.2.4), **discontinuing** it was deemed premature. The mediation function only became fully operational in September 2022, while the evaluation covered the period up to mid-2023. Rather than abandoning the task, the evaluation proposes to explore options for delivering the service more cost-effectively. The number of cases sent to mediation increased to eight in 2025, and, according to the supporting study to the evaluation, 10-20 cases could be sent to mediation each year[99]. This suggests that there could be a demand and a need. Furthermore, the existence of ELA may itself reduce the number of cases being sent to formal mediation because ELA facilitates cooperation and dialogue between Member States, potentially leading to some cases being resolved informally[100]. However, the mediation service should be kept notably to address the cases that are not solved through the mentioned cooperation and dialogue. The budget allocated to mediation is also small, at EUR 107 000 per year, or 0.21 % of ELAs total budget.[101] The appropriate course of action at this point is therefore to identify the causes of why these cases are not sent to mediation currently, and make targeted changes to increase use.

The option of **expanding ELA's mandate to support Member States' in the implementation of the EU legal migration acquis in its entirety was discarded at an early stage. This option** would entail broadening ELA's mandate to cover areas that go beyond employment and social-related provisions of EU legal migration acquis[102] and it was discarded for the detailed assessment at an early stage for the following reasons:

- It would represent a major policy and institutional shift as it would move ELA from a labour-mobility authority towards a broader EU body supporting enforcement of migration management related rules. That would go beyond the current core of Regulation (EU) 2019/1149, which is labour mobility across the Union and social-security coordination.
- As the identified problem is that ELA cannot fully address TCN situations affecting fair labour mobility and the level playing field, an expansion to cover all acquis-protected TCN worker situations, even where there is no impact on mobile Union workers, no cross-border enforcement difficulty and no internal-market labour-mobility nexus is disproportionate and goes beyond what is needed to tackle the problem.
- The incompatibility of the legal bases between Articles 46 and 48 TFEU and Article 79 TFEU would require the adoption of a separate ELA Regulation, given that a combination of legal bases is not possible where there is substantial and/or procedural incompatibility. The adoption of a separate Regulation would entail a dedicated, self-standing impact assessment.

[97] Internal ELA data, draft CAAR 2025.
[98] Internal ELA data.
[99] ELA Evaluation Annex VII Case studies, page 80.
[100] Data from ELA shows that since 2021 on average around 68 requests to facilitate cooperation and dialogue between Member States are send to ELA annually.These requests are mostly handled by the NLO network with a high rate (over 95%) of solution.
[101] Provisional numbers for 2025 – draft CAAR.
[102] Such as the entirety of the Employers Sanctions Directive, Seasonal Workers Directive, Single Permit Directive, EU Talent Pool Regulation, and the Directive on preventing and combating trafficking in human beings and protecting its victims

- This would also require an establishment of a parallel governance structure (i.e. separate Management Board) within the existing one to execute the new tasks. This would lead to a substantial budgetary increase and require additional administrative and human resources. Such a specific governance structure would be required considering the opt-out by Ireland and Denmark on some areas of the migration acquis and could ultimately lead to complex decision-making on the future of the Authority.
- Such a change would lead to diversion of resources from the Authority's initial mandate and create an issue with the prioritization of competing priorities. This could lead to reputational risk in case of non-fulfilment of the current objectives of the agency.
- Concerning the possibility for ELA to have a role in the attraction of third-country nationals to the EU (i.e. with the implementation of the EU Talent Pool), the unresolved governance fragmentation linked to ELA's involvement in the EURES network (see Section 2.2.2 on problem drivers – EURES) make ELA's involvement in this area premature.

The vast majority of the key stakeholders, including the co-legislators, as well as the members of the Management Board, do not want a complete overhaul of ELA's scope *(*see Annex 2 on Stakeholders' consultation, section 3*)*, but rather point to specific areas for improvement. Thus, a targeted approach is prioritised, focusing on employment-related aspects of the relevant migration acquis. This approach preserves proportionality and avoids the legal, operational, and resource complexities that would arise with an expansion of ELA's mandate to support Member States across the entire spectrum of the migration acquis. This option, which allows ELA to play a more significant role in enforcing TCNs' rights and ensuring they have access to information about their rights, is thoroughly assessed under the policy options 1.1 and 3.1.

Finally, **extending ELA's mandate to perform inspections in areas where labour mobility or labour migration aspects play no or no major role** was not considered a relevant option, as in such cases there is neither a need for a concerted nor for a joint inspection.

6. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

This section presents a systematic assessment of the impacts associated with the policy options retained for in-depth analysis, including the baseline scenario (no policy change) and the policy options identified in Section 5. The analysis considers the likely economic, social, administrative and environmental consequences of each option (when relevant), drawing on evidence from stakeholder consultations, desk research[103], and the evaluation of the current ELA Regulation. The assessment focuses on the impacts that are most relevant to the purpose of the targeted revision: *enhancing the Authority's effectiveness in facilitating cooperation between Member States, improving enforcement of EU labour mobility rules and strengthening operational capacity while ensuring proportional use of resources*.

Consistent with the Better Regulation guidelines, the impacts are assessed relative to the baseline scenario, which reflects the continuation of current ELA functions and resources, including improvements to the working of ELA that are being introduced by the Action Plan and the clarifications on the ELA activity to be provided in the Communication accompanying the Fair Labour Mobility Package. For each policy option, the analysis identifies: the nature of the impact (qualitative or quantitative), the affected stakeholders (e.g. national authorities, businesses, workers, social partners, the European Commission and the Authority itself), the timing and duration of expected effects. No distributional implications across Member States or sectors are relevant.

[103] See Annex 8.

Where possible, the assessment quantifies impacts and monetises costs and benefits; where quantification is not feasible, robust qualitative evidence is provided. Uncertainties and assumptions underpinning the analysis are explicitly described, and sensitivity analysis is applied where relevant to test the robustness of results. Cumulative and interaction effects across impact dimensions are also considered to inform a balanced comparison of options.

Each policy option's impacts are presented in dedicated sub-sections, summarising the key findings. Comparative tables to support transparent evaluation can be found in Annex 9.

6.1. Baseline scenario

Under the baseline scenario, Regulation (EU) 2019/1149 establishing ELA would not be revised, and the existing legal framework governing its mandate, tasks and governance would remain unchanged. Identified challenges will be addressed through non-legislative measures, notably a **Commission Communication under the Fair Labour Mobility Package** and an **ELA Action Plan** implementing the Evaluation's recommendations within the current legal framework.

Economic impacts

From an **effectiveness perspective**, clearer guidance on ELA's role and better internal prioritisation will contribute to more consistent delivery of activities, including support for joint inspections, mediation and information provision.

The baseline would entail **low additional costs** for Member States, social partners and businesses, as no new legal obligations or reporting requirements would be introduced. Incremental efficiency gains may arise from improved coordination, better use of digital tools and more targeted support to national authorities. For instance regarding the enhanced synergies between the analytical work of ELA and its organisation of CJIs as foreseen in the Action Plan that will lead to a greater emphasis on targeted CJIs that address specific irregularities and violations. These gains are expected to be modest and uneven across Member States, depending on levels of engagement with ELA activities. In addition, the limitations in data access and processing for ELA remain, refraining the Authority from systhematic analyses and providing further insights on structural problems. The baseline would preserve stability and continuity, avoiding transitional costs or implementation risks. However, it would also maintain existing ambiguities and reliance on voluntary cooperation.

Social impacts

The **social impacts** of the baseline scenario would be positive but limited. Improved guidance and coordination as foreseen in the Action Plan should enhance access to information for mobile workers and contribute to fairer labour mobility outcomes, including in relation to third-country nationals. Nevertheless, without changes to the regulatory framework, ELA will not be able to provide tailored support to TCNs who have a higher risk of violations of their employment and social rights and the baseline would not substantially strengthen enforcement capacity or legal certainty for workers and employers in cross-border situations.

Overall assessment

In summary, the baseline scenario would allow for gradual improvements through clarification, guidance and better use of existing tools, resulting in **limited, but positive impacts**. The implementation of an improved monitoring system is expected to enhance strategic management. However, the absence of legislative changes would mean that structural constraints identified in the evaluation – such as the limitation to provide personalised and tailored guidance and counselling to individuals and employers and limitations linked to mandate clarity, scope of tasks or operational flexibility – would persist. These limitations provide the benchmark against which the impacts of the policy options are assessed. While the improvements introduced by the Action Plan are expected to enhance the efficiency of ELA's work, these gains are anticipated to translate into increased delivery capacity and not into a reduction of the needed budget.

6.2. Impacts of the policy options for the targeted revision of Regulation (EU) 2019/1149

6.2.1. Impacts of options under policy area 1: Information

Economic impacts

Benefits

The improved access to, and quality of, information could reduce unintentional non-compliance, lower dispute and litigation costs and support smoother labour market functioning.

According to the latest data[104], there are approximately 26.1 million SMEs in the EU. Available data indicate that 14% of these SMEs have attempted to hire third-country nationals over the past 24 months, while 12% have sought to recruit workers from other EU Member States. This provides a reasonable estimate of the potential pool of SMEs requiring information and counselling services: around 3.1 million SMEs when considering intra-EU labour mobility alone, and over 3.6 million SMEs when the recruitment of third-country nationals is also taken into account.

On the workers' side, an estimated 10.1 million EU movers of working age, together with approximately 20 million third-country nationals of working age residing in the EU[105], provide a useful indication of the population potentially seeking information and counselling services.[106] While information services are expected to be most effective when targeted at Member States and sectors characterised by high volumes and intensity of labour mobility, notably those with significant shares of workers exercising their labour mobility rights, as evidenced by for example data from prior declaration tools concerning posted workers (Annex 8, section 3).

Under Option 1.1. the expected benefits would be concentrated in Member States and sectors characterised by high and recurrent labour mobility.[107] Posting activity is highly concentrated in a limited number of receiving Member States and along specific bilateral corridors. Sectoral data further indicate that construction, manufacturing and transport account for a large share of declarations and posted workers, with construction alone representing a substantial proportion of posting activity and sectoral employment in several Member States.[108] By focusing on high-intensity corridors and sectors, Option 1.1. is expected to achieve higher cost effectiveness by reducing information gaps and unintentional non-compliance where mobility-related complexity or intensity is greatest, allowing resources to be deployed more efficiently than under untargeted information provision.

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[104] Schulze Brock, P. et al. (2025). "Annual Report on European SMEs 2024/2025, SME performance review".
[105] Data from the 2025 Intra-EU labour mobility report.
[106] For an indication of how insufficient information can be a barrier to free movement of workers, see ELA (2023) Social partners' and EURES staff awareness of EU-level labour mobility information and services.
[107] See Annex 8 – section on sources related to information.
[108] See section 3 of Annex 8.

Administrative impacts would primarily relate to ELA's responsibility for managing grants, including calls for proposals, selection, monitoring and reporting. While this would require additional internal capacity and clear procedures (see below), the overall administrative burden is expected to remain manageable, in line with the required by standard EU funding rules. Employers and workers would face no new obligations.

Option 1.2. could enhance consistency of information and reduce fragmentation across Member States, potentially leading to similar economic benefits to Option 1.1 in terms of reduced non-compliance and improved labour market functioning. At the same time, the cost effectiveness and the alignment to local realities and needs and the opportunity to build upon already existing local counselling networks or institutions would remain untapped, thus leading to lower overall cost-efficiency. While this option avoids the grant management procedures, it entails higher fixed administrative demands for the Authority. This option would also provide less flexibility to adapt to future needs. As in Option 1.1., employers and workers would face no new legal obligations.

Costs for stakeholders

For ELA, **option 1.1.** would generate additional operational and administrative costs linked to grant management, communication and coordination, estimated at approximately EUR 5 million per year, including around one additional FTE.[109] The information and counselling network for individuals and/or employers can be developed gradually, starting with up to seven receiving countries and seven sending countries, including three candidate countries, with a budget of EUR 5 million. The project could later be scaled up by expanding the network to other countries (see Annex 4 for details on the estimation of costs).

Option 1.2. would entail ELA developing internal operational capacity, including recruitment, training, and day-to-day service management. This would lead to higher and more structural costs, related to staffing of ELA (estimated at 20 additional FTEs), operational infrastructure, training and maintenance of information tools, with estimated recurrent annual costs of EUR 7 million (see Annex 4 for details on the sources and methodology for the estimation of costs). This approach would be accessible to all individuals and employers seeking guidance on labour mobility matters and would be based largely on automated, self-directed solutions, including IT/AI tools such as chatbots, interactive decision pathways and multilingual question-and-answer resources. While this model would allow for high scalability and relatively low operating costs, it would provide only limited opportunities for direct human support and would have limitations in terms of the reliability of and accountability for the information provided. An approach based on open consultation, with the possibility to ask specific questions to the information network, would likely increase costs by a factor of four to five, resulting in total annual costs exceeding EUR 30 million.[110]

For other stakeholders, **option 1.1.** would involve some costs for grant beneficiaries related to proposal preparation, implementation and reporting, partially offset by EU funding and subject to co-financing requirements. Member States may face a small burden due to the need to share necessary information. Member-state authorities and social partners may complement EU

[109] As a basis for the estimation of the costs, the project Fair European Labour Mobility 2 (FELM 2) was set to develop and expand the counselling network of European trade unions to support posted workers in the EU. It runs trade-union counselling centres in six countries (Bulgaria, Hungary, Poland, Romania, Serbia, Slovenia), which cooperate closely with the trade union counselling centres in the receiving countries Germany and Austria. FELM 2 was launched on 1 January 2024 with a budget of EUR 1.2 million for 24 months. The scope of FELM 2 was narrower both in terms of topics (only posting), audience (only workers), and geographical coverage, which justifies the EUR 5 million per year estimated for the launching of option 1.1.

[110] The estimations of costs in this paragraph are based on the conclusions of feasibility study on an ELA helpdesk done after the evaluation of ELA. The study envisioned three models to ensure a continuous flow of accurate and up-to-date information from the Member States as well as the financial, technical, and human resources needed for the implementation of the models. The study is still to be published but were presented to the ELA Management Board in November 2025.

funding with national resources, with potential synergies reducing overall costs. Under **option 1.2.**, direct financial costs for other stakeholders would be limited, with only modest indirect costs linked to cooperation and coordination. In both options, employers and workers would face minimal and voluntary indirect costs.

Social impacts

Both options are expected to deliver positive social impacts by improving access to information and counselling, supporting fair labour mobility, preventing labour exploitation and enhancing legal certainty. **Option 1.1.** would benefit from proximity to users and existing expertise at local and sectoral level, allowing flexible targeting of vulnerable groups and border regions (e.g. through criteria in calls for proposals, or targeting of funding). **Option 1.2.** would strengthen ELA's visibility and role as a frontline actor, potentially improving consistency and responsiveness, but its effectiveness would depend on ELA's capacity to ensure sufficient geographical and linguistic coverage.

Providing clearer, accessible and reliable information to workers and employers on labour mobility would contribute positively to the protection and effective exercise of fundamental rights as enshrined in the Charter. In particular, improved information supports **Article 15 (freedom to choose an occupation and right to engage in work)** by enabling workers to make informed decisions about employment opportunities across borders and by reducing uncertainty linked to mobility, such as applicable rules on access to employment, social security coordination and recognition of qualifications. For employers, better information facilitates lawful recruitment and fair use of cross-border labour, thereby supporting a more transparent and efficient labour market. It also potentially contributes to **Article 47 (Right to an effective remedy and to a fair trial)**, notably regarding the possibility of being advised.

Enhanced information provision, including for TCN workers, also contributes to **Article 27 (workers' right to information and consultation)** and **Article 31 (fair and just working conditions)** by increasing awareness of applicable labour standards, rights and obligations in cross-border situations. By improving understanding of working conditions, employment rights and enforcement mechanisms, ELA's information activities help prevent abuses, reduce risks of undeclared or unfair work, and support compliance with EU and national labour law. At the same time, the provision of information is designed and delivered in full respect of **Article 8 (protection of personal data)**, ensuring that any processing of personal data linked to information services complies with data protection rules and safeguards individuals' privacy.

6.2.2. Impacts of options under policy area 2: EURES

Economic Impacts

Benefits

Under **Option 2.1.**, **the European Commission would assume the chairmanship of the European Coordination Group (ECG) and system ownership of the EURES IT portal**. This option is expected to improve **strategic coherence and accountability** across the EURES network by strengthening EU-level oversight of governance and IT operations. Economically, clearer central responsibility could reduce inefficiencies linked to fragmented decision-making and support more effective prioritisation of investments, particularly in IT. From an administrative perspective, the Commission would need to reinforce internal capacity, notably for the business analysis of the EURES portal and for stakeholder coordination. These requirements can be considered manageable and could lead to more consistent system performance. Member States would benefit from clearer strategic guidance and a better functioning EURES portal, while employers and workers would face no new legal obligations and could benefit from more reliable EURES services. A better functioning EURES, maximizing synergies with other IT tools – ESCO, Europass, EU Talent Pool –, will ensure economies of scale, avoid duplication of investments, and will contribute to more workers taking better informed decisions on cross-border mobility.

Under **Option 2.2.**, **all EURES-related tasks are grouped under the Commission responsibility**, with the aim of reducing fragmentation and strengthening organisational coherence. Economically, full centralisation, by avoiding duplications in developments and reusing IT infrastructure, could generate **economies of scale**, especially in IT infrastructure and operational support. However, administrative impacts would be higher, as the managing entity would need to develop substantial internal operational capacity and absorb transition costs. Stakeholders could benefit from simplified governance and clearer lines of responsibility in the longer term, but they would lose the benefits of having information to and communication with stakeholders organised by an entity that has the full know-how to it. As with Option 2.1., employers and workers would not face new legal obligations.

Under **Option 2.3.**, **all EURES-related tasks are grouped under the ELA responsibility**, with the same advantages of Option 2.2. As in that option, administrative impacts would be higher. Stakeholders could benefit from simplified governance and clearer lines of responsibility in the longer term, but they would lose the benefits from the synergies with other EU IT tools managed by the Commission, including the future EU Talent Pool. EURES is part of a larger ecosystem, including strong interconnections with the Talent Pool, ESCO, Europass – themselves connected to Euraxess (DG RTD) and the Single Candidate Portal (DG HR). Removing EURES form this ecosystem would disrupt these integrations and degrade user experience by duplicating the platforms and services provided. The unclear repartition of tasks between ELA and the European Commission would remain since the European Commission would still be responsible for the compliance with the EURES Regulation. As with Options 2.1. and 2.2., employers and workers would not face new legal obligations.

The proposed changes in governance across the policy options all aim to create a more efficient EURES platform, which could facilitate a higher volume of job placements.[111]

Easing mobility by making international job vacancies more available, by providing easy access to information on living and working conditions in different countries, by providing tailored, personal guidance, like EURES does, makes labour mobility more accessible, and could therefore facilitate intra-EU labour mobility. However, it is important to note that because these policy options represent targeted, administrative adjustments to the EURES governance, the resulting increase in placements – and consequently, the absolute scale of these socio-economic benefits – is expected to be relatively small regardless of the option chosen. In addition, any reliable quantification of potential impacts is very difficult. Adding to this difficulty, the benefits of each individual case will vary depending on what the previous situation of the person seeking advise on mobility.

Costs

Under **Option 2.1.**, the Commission would incur operational and administrative costs related to the additional responsibilities for coordination and IT management. The costs of ELA would be reduced by a similar amount . With the creation of ELA in 2019, ELA received EUR 8.357 million shifted from the European Commission for EURES activities. The EURES budget in ELA has increased to around EUR 12 million in 2025, without taking the staff costs into

[111] See Section 5.3 for some details on how EURES facilitates job placements.

account.[112] The transfer back to the Commission of responsibility for the development and maintenance of the EURES Portal, including translations, would lead to the transfer of the corresponding budget, and therefore to a reduction in ELA's operational expenditure related to EURES of approximately EUR 2.3 million.[113] In addition, two FTEs would be reallocated from ELA to the Commission, representing an estimated cost of EUR 330 000. Overall, ELA's costs would decrease by approximately EUR 2.63 million, while the Commission's expenditure would increase by a corresponding amount (see Annex 4 for details on costs).

This option could also generate internal efficiency gains for both ELA and the Commision. While the precise outcomes are difficult to quantify there are potential savings in terms of reduced coordination costs and staff resources. In particular, bringing these functions back to the Commission could streamline governance arrangements and reduce the number of staff involved in coordination activities across both ELA and the Commission. Simplifying governance arrangements would reduce the number of reporting and coordination layers and limit the occurrence of duplicated meetings that may currently take place across institutions. While the exact amount of resources that could be saved is difficult to estimate, any resulting efficiency gains could be reallocated within ELA and the Commission to support other activities, whether related to EURES or to other areas.

Other stakeholders would face minimal direct costs, as adjustments mainly involve adapting to clearer strategic guidance; any administrative efforts are largely offset by EU funding. Employers and workers would not incur new obligations. With regard to resources, the change of chairmanship in the ECG has minimal implications.

While **Options 2.1. and 2.2.** are expected to be largely cost-neutral, involving mainly a transfer of responsibilities from ELA to the European Commission, for **Option 2.3.** additional costs would arise, as potential synergies between EURES IT development and other Commission-managed projects / IT tools would be reduced, leading to slightly higher operational and coordination expenditure. Furthermore, this option would entail additional costs for the Commission, as certain components would need to be redeveloped within the Commission's IT environment (e.g. the EU Talent Pool). It should be highlighted that **Option 2.2.** would imply the full transfer of the ELA EURES budget of more than EUR 12 million (including the cost of staff transferred) to the European Commission.

In addition, ELA is not subject to the Commission's governance framework with regard to the reuse of existing systems and compliance with common visual identity standards. This creates a risk of reduced consistency in the services provided to EU citizens, who could be confronted with a fragmented service landscape in terms of accessible functionalities. Such fragmentation would likely result in a multiplication of platforms, duplication of services, and, ultimately, a diminished overall impact of EU policies.

While the precise implications in terms of additional FTEs and budgetary requirements are difficult to quantify at this stage, the IT-related costs for EURES under this option are expected to increase by approximately 50% to 100%, according to an estimation from DG EMPL services. The Commission currently allocates an annual budget of EUR 3 million for EURES IT development, excluding hosting costs and software licences. The additional expenditure resulting from the proposed changes in option 2.3. is estimated at between EUR 1.5 million and EUR 3 million per year.

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[112] See SWD accompanying the Evaluation of the European Labour Authority (ELA) {COM(2025) 256 final} - {SEC(2025) 157 final}, page 18.
[113] See full overview in the Impact Assessment of the ELA Regulation [SWD(2018) 68 final], page 93. This includes the detail of the amounts transferred to ELA by activity.

Additionally, for **options 2.2. and 2.3.** transition efforts could marginally increase costs in the short term. Stakeholders would face modest indirect costs linked to cooperation and adaptation to a unified system, but employer and worker costs would remain minimal and voluntary.

Social Impacts

Option 2.1., with a more cohesive coordination and management framework for EURES, brings more policy coherence and coordination, with a division of tasks more in line with the practice for big EU IT projects, when compared to the baseline scenario. At the same time, greater attention to the network could help mainstream cross-border advice into regular PES activities, and managing networks is a key strength of ELA that would be kept under this option. **Option 2.1.** respects subsidiarity by limiting EU intervention to strategic coordination, leaving operational delivery largely with national authorities. **Options 2.2. and 2.3.** adopt a more centralised approach, strengthening coherence at EU level. While they are also an improvement compared to the baseline scenario in terms of repartition of tasks, they score lower when compared to option 2.1.; either because there are lost synergies with other EU tools, or because the experience and know-how of ELA in managing information, coordination and communication would not be utilized.

Options 2.2. and 2.3., could improve consistency, but would to a lesser degree exploit the strengths of each organisation, leading to a lower quality of service when compared to option 2.1.

6.2.3. Impacts of options under policy area 3: Cooperation and enforcement

Economic impacts

Benefits

Under **Option 3.1.**, ELA would be granted the **possibility to access and process personal data** and **allocate/identify more resources to initiate and support concerted and joint inspections**. This option would also **introduce explicit provisions covering TCN workers,** in particular to improve the risk analyses underpinning CJIs and on how to manage CJIs where TCN are involved. Enhanced analytical capacity would allow ELA to better identify high-risk sectors, patterns of non-compliance and cross-border cases requiring coordinated action. This would increase the effectiveness and targeting of CJIs, potentially reducing economic distortions arising from undeclared work, social dumping and unfair competition.

Option 3.1. would also **strengthen ELA's ability to trigger CJIs**, by increasing ELA's capacity and clarifying and reinforcing its role in initiating joint or concerted inspections while preserving Member States' responsibility for their conduct. If we consider that Option 3.1. would lead to a 30% increase in the number of missions performed by ELA, as a result of the increase of resources available, and considering that ELA coordinated 137 missions in 2025, this would result in 41 additional missions per year.

Option 3.2. would go significantly further by also **empowering ELA to conduct and impose inspections**. While this could substantially increase enforcement capacity and consistency at EU level, it would represent a qualitative shift in the nature of ELA's powers. Administratively, this would require ELA to develop full inspection capacity, including operational planning, deployment of inspection teams and follow-up procedures, resulting in a more complex organisational model.

Both options would ensure ELA's **access** to the relevant data, generating efficiency gains by improving the speed, reliability and traceability of information exchange between competent authorities. In addition, both options would **consolidate ELA's role in addressing the equal treatment of TCN workers in respect of employment and social rights/working conditions**, contributing to more consistent handling of cases involving TCN workers and closing existing gaps. **Both options** would increase the effectiveness of the enforcement activities of ELA, as it would have to, and be able to request and handle data from different countries. ELA also has NLOs from all Member States, meaning that they are more easily able to identify the correct national enforcement authorities and contact the inspectors responsible from the different Member States in the investigation of cases than Member States acting bilaterally. Both options are expected to lead to the discovery of more infringements, which would also act as a deterrent for others.

Available evidence[114] indicates that risk-based labour inspections and enhanced cooperation between enforcement authorities improve the detection of labour law infringements and increase compliance. OECD and ILO guidance on labour inspection emphasises the importance of data analysis and risk-based approaches to better identify non-compliance and enable more targeted, effective and efficient inspections. Similar principles are reflected in the work of the EU Senior Labour Inspectors' Committee (SLIC)[115].

Although there is limited evidence to quantify the direct impact of increased data analysis and joint investigations on overall labour mobility, stronger enforcement is ultimately expected to improve compliance, reduce unfair competition, and increase confidence in the fair functioning of the internal market. These effects are likely to encourage lawful labour mobility by ensuring that mobile workers benefit from effective protection of their rights and that compliant businesses are not disadvantaged by operators engaging in fraudulent practices. By reducing the risk of labour exploitation and other forms of non-compliance, effective enforcement, notably through CJIs, helps ensure that decisions to work abroad are based on genuine choice rather than on abusive or unfair working conditions.

Costs for stakeholders

For ELA, **Option 3.1.** would entail additional costs linked to building internal data-analysis capacity, including recruitment of specialised staff, investment in secure IT systems and compliance with data-protection requirements. As enhanced analytical work would need to be increasingly internalised, this option would reduce reliance on external contractors but increase fixed staffing and infrastructure costs. Additional resources would also be required to support a higher number of inspections triggered at ELA's initiative, and for staff training for IMI access. An additional 13 full-time equivalent (FTE) staff would be required to carry out operational analyses and follow-up activities in the Member States. This staffing would include the necessary IT experts to establish and maintain the IT infrastructure for managing data and databases. The associated costs would primarily relate to staffing and, to a lesser extent, to additional enforcement activities, amounting to an estimated total of EUR 2.9 million per year. These estimations result from exchanges with ELA on these activities and an analysis of similar activities (more details are provided in Annex 4).

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[114] See, e.g., Eurofound (2019), *Joint cross-border labour inspections and evidence gathered in their course*, Publications Office of the European Union, or International Labour Organization (ILO) (2013), *Labour inspection and undeclared work in the EU*.

[115] See, e.g., OECD (2018), *OECD Regulatory Enforcement and Inspections Toolkit, OECD Publishing, Paris; OECD (2020), Data-Driven, Information-Enabled Regulatory Delivery*; and International Labour Organization (2022), *Guidelines on General Principles of Labour Inspection; International Labour Organization (2024), Data Mining and Machine Learning: Supporting Labour Inspectorates to Address Undeclared Work.*

Furthermore, extending the scope of the ELA to include relevant provisions of the migration acquis related to employment and social rights – such as the Employer Sanctions Directive (Directive 2009/52/EC), the Seasonal Workers Directive (Directive 2014/36/EU) and the Recast Single Permit Directive (Directive (EU) 2024/1233) – would generate additional costs due to an increase in operational activities. On the assumption of a 20% increase in ELA outputs, the additional costs to include relevant provisions of the migration acquis are estimated at EUR 3.6 million per year, including the recruitment of an additional 10 FTEs (more details in Annex 4).

Strengthening ELA's role in initiating joint or concerted inspections would require increased inspection capacity. This capacity could be expanded through **three alternative sub-options**:

- **3.1.1. Reinforcing the existing network of inspectors in the Member States** by ensuring they are trained by ELA and available to participate in inspections initiated by ELA. The costs of this sub-option would be negligible, consisting of extra training for inspectors.
- **3.1.2**. Establishing a **second cohort of National Liaison Officers** which would entail the deployment of an additional 27 Seconded National Experts to ELA and would require an estimated additional budget of EUR 3.5 million.
- **3.1.3.** Establishing a **dedicated team of 27 inspectors** as ELA staff members with an estimated total annual cost of EUR 5.5 million (see Annex 4 for the details of the estimation of costs for the three sub-options).

While sub-options 3.1.1 and 3.1.3 would entail limited cost implications for national authorities, **Sub-option 3.1.2**. would require each Member State to second one additional staff member. The presence of additional SNEs is expected to generate positive effects for national authorities by enhancing coordination with ELA and with counterparts in other Member States. As noted in the 4th evaluation of the Joint Investigation Teams, Seconded Members were seen as highly useful in the investigations, providing local knowledge, information as well as language skills.[116]

Option 3.2. would imply substantially higher and structural costs, as ELA would need to recruit inspection staff, establish permanent operational units and cover travel, logistics and enforcement-related expenses. A significant increase in budget and FTEs would be unavoidable. The establishment of an additional pool of 27 inspectors (with a similar capacity as for sub-options 3.1.2. and 3.1.3.) would entail total annual costs of EUR 5.5 million (as for sub-option 3.1.3., see Annex 4). This would bring the overall cost of **option 3.2.**, compared to the baseline, to EUR 12 million per year. These costs would cover a total of 50 additional full-time equivalent (FTE) staff,[117] encompassing all resources estimated under option 3.1. as well as the new pool of 27 inspectors, as defined in sub-option 3.1.3..

For Member States, **Option 3.1.** would largely preserve existing responsibilities while benefiting from better-targeted inspections and analytical support, potentially reducing duplication and administrative burden. Under **Option 3.2.**, Member States could face adjustment costs linked to coordination with an EU-level inspection authority and possible overlaps with national enforcement systems. Employers and workers would not incur direct costs but could be affected indirectly by increased inspection activity; more informed and targeted inspections – as a result of increased data intelligence – would also redistribute the likeliness of inspections among sectors or types of employers and focus where risks are higher.

[116] EUROJUST (2023). Fourth JITS Evaluation Report, p 15

[117] Composed of 13 FTEs to carry out operational analyses and follow-up activities in the Member States, 10 FTEs to deal with the extension of the scope of the ELA to include relevant provisions of the migration acquis, and 27 inspectors resulting from empowering ELA to initiate, conduct and impose inspections.

For both options, possibility to access and process personal data could also improve the efficiency of cross-border enforcement activities carried out by ELA. In particular, it could facilitate a greater use of concerted inspections compared to joint inspections. Potential cost savings could be estimated on the basis of the average costs of concerted inspections compared to joint inspections, as concerted inspections typically involve lower operational costs. Unlike joint inspections, they do not require travel, accommodation or catering for visiting inspectors, as inspections are carried out by national authorities in their own territory and may require limited or no participation from ELA staff.

A higher infringement detection rate through more risk-based targeting of CJIs could lead to a better use of resources. Improved access to relevant data could enable a greater share of inspections to be targeted rather than general. Targeted inspections typically have a higher likelihood of detecting infringements, thereby increasing the overall yield per inspection. Potential efficiency gains could therefore be monitored through the proportion of inspections resulting in no infringements ("clean checks"). A reduction in the share of such clean checks, resulting from improved targeting, would indicate avoided unnecessary inspections and controls and corresponding savings in resources for both ELA and the participating national authorities. While the exact amount of resources that could be saved is difficult to estimate, the resulting capacity gains in relation to CJIs would enable ELA to prioritise other CJI-related activities.

Social impacts

Both options are expected to have strong positive social impacts by reinforcing enforcement, improving compliance and contributing to fair labour mobility. **Option 3.1.** would significantly enhance the effectiveness of inspections ensuring they are more evidence-based, more risk-focused and better coordinated. Improved analytical capacity and clearer treatment of TCN-related cases would strengthen protection of vulnerable workers and support equal treatment. Improved access to IMI and reinforced cooperation on TCNs would support fair labour mobility, help prevent exploitation and reduce gaps in enforcement. **Option 3.2.** could further increase enforcement intensity and visibility, potentially acting as a strong deterrent against non-compliance. However, the effectiveness of inspections relies heavily on cooperation with national authorities, familiarity with national systems and acceptance by stakeholders. A fully EU-led inspection model could face practical limitations and resistance, which may reduce its effectiveness despite stronger formal powers.

Prior Declaration Tool (PDT) data provide an evidence base for identifying sectors and geographical areas where information provision and enforcement support are most relevant. Posting activity is highly concentrated in a limited number of receiving Member States and bilateral corridors, with particularly high volumes in Germany, Belgium, France and Austria, and dominant flows from Poland, Germany and Romania (for details, see Annex 8, section 3).

Increased access to relevant data by ELA, combined with more frequent and better targeted CJIs, would contribute positively to the effective protection of fundamental rights under the Charter. In particular, enhanced data access would strengthen ELA's capacity to identify risks, patterns of non-compliance and sectors or situations where workers are most vulnerable, thereby supporting Article 31 (right to fair and just working conditions). More targeted CJIs based on robust data analysis can help prevent and address abuses such as undeclared work, social dumping or infringements of health and safety rules, ensuring that mobile and posted workers benefit from working conditions that respect EU and national labour standards. This also supports Article 15 (freedom to choose an occupation and right to engage in work) by fostering fair competition and lawful access to employment opportunities across borders.

Improved data sharing and targeted enforcement activities further contribute to **Article 27 (workers' right to information and consultation)** insofar as they reinforce compliance with obligations related to workers' representation and information rights in cross-border contexts. At the same time, increased access to data by ELA would be strictly framed by and implemented in full compliance with **Article 8 (protection of personal data)**. Appropriate safeguards, purpose limitation and secure handling of personal data would ensure that enhanced enforcement capacity does not undermine individuals' privacy rights, while allowing ELA to perform its coordination and support role more effectively.

By clarifying ELA's mandate in relation to TCN workers that are most likely to be affected by inadequate working conditions, it would strengthen the practical implementation of Article 31 of the Charter in high-risk sectors. It would also support Article 15(3) of the Charter by making TCN workers' working conditions more enforceable in practice, as well as Article 21 of the EU Charter by reducing the risk of structural enforcement gaps affecting workers on the basis of nationality, language or migration-related vulnerability.

Environmental impacts

If we consider that **Option 3.1.** would lead to a 30% increase in the number of missions performed by ELA, given the increase in available resources, and considering that ELA coordinated 137 missions in 2025, this would result in **41 additional missions per year**. Assuming **3 inspectors travel for each mission**[118], the increased travel would generate additional CO_2 emissions. According to the European Aviation Environmental Report 2025, the average intra-EU flight distance is approximately 1,730 km, and the average CO_2 emission intensity for commercial flights is about 83 g CO_2 per passenger per kilometre.[119] This corresponds to approximately 144 kg CO_2 per passenger per one-way flight, or 287 kg CO_2 per passenger for a round-trip.

Based on these assumptions, the 41 additional missions with 3 inspectors each would involve 123 passenger journeys, resulting in an estimated 35 tonnes of CO_2 emissions per year. At the current EU carbon price of EUR 85 per tonne[120], the environmental cost of these emissions would be approximately EUR 3 000 annually. While this represents a measurable environmental impact, it remains very limited in the context of the benefits generated by the CJIs. **Option 3.2.** would entail similar environmental costs to option 3.1, and would continue to be limited even if the increase in the number of CJIs would be higher than 30%.

6.2.4. Impacts of options under policy area 4: Mediation

Economic impacts

Benefits

Under **Option 4.1.**, **simplification of the mediation procedure** would reduce procedural complexity, clarify roles and timelines, and lower administrative barriers for Member States, making mediation easier to use in practice. Such simplification is expected to reduce administrative friction, avoid duplication of bilateral exchanges and lower the economic costs associated with unresolved disputes. **Option 4.2.** would go further by **introducing stricter conditions for Member States to opt out of mediation**. This could lead to more frequent recourse to mediation and potentially faster resolution of disputes.

[118] According to figures provided by ELA, on average around 4 visiting inspectors travel per CJI, with around 75% of these travelling by plane.
[119] EASA (2025).
[120] https://tradingeconomics.com/commodity/carbon

Both options would increase the effectiveness and efficiency of the mediation function, primarily by increasing usage. It is estimated that 10-20 SOLVIT cases could be sent to mediation each year. These are cases where differing interpretations and practice of EU rules leads to negative consequences for employers and/or employees. If left unresolved, these conflicts could lead to for example citizens left without social security benefits in vulnerable situations, difficulties in doing business across borders remaining unresolved, or persisting hurdles in the exercise of free movement.[121] As an example of the benefit of mediation, the first case successfully mediated by ELA resolved a long-standing dispute in the field of social security between Germany and Cyprus. The low number of cases brought to and completing mediation means cases provide limits evidence of the benefits of mediation. Quantifying the benefits of more cases completing mediation is not feasible, as every case is different, and vary greatly in terms of how many people/businesses are affected, and what the consequences are in each case. Nevertheless, when differences in applying rules become a hurdle to moving to another EU Member State or operating a business across borders this leads to fewer people and businesses engaging in cross-border activity and erodes the benefits and the cohesion of the Single Market.

Costs for stakeholders

For ELA, costs under **both options** would be limited and mainly related to adapting internal procedures, and enhanced facilitation of cooperation and mediation. Under **Option 4.2.**, ELA could face somewhat higher operational costs due to increased involvement in mediation cases, but these are not expected to be significant. For Member States, **Option 4.1.** is expected to reduce administrative costs over time through simpler procedures. Under **Option 4.2.**, additional costs may arise from mandatory participation in mediation or from the need to justify opt-outs, potentially increasing administrative workload. It should be taken into account that in the absence of mediation, Member States may face costs in alternative resolution procedures. Employers and workers would not face direct costs under either option and could benefit indirectly from quicker and more consistent resolution of cross-border issues.

Social impacts

Both options are expected to deliver positive social impacts by enhancing legal certainty. Simplified mediation under **Option 4.1.** would make the mechanism more accessible and practical, increasing its attractiveness without undermining its consensual nature. **Option 4.2.** could increase the formal use of mediation by limiting opt-out possibilities, potentially improving consistency in dispute resolution. However, the effectiveness of mediation depends heavily on mutual trust and voluntary engagement. More restrictive conditions may risk reducing willingness to engage constructively, which could undermine the practical effectiveness of mediation despite higher formal uptake.

7. HOW DO THE OPTIONS COMPARE?

Having regard to the assessment of impacts of the policy options described in Section 6, the options are compared per policy area based on the criteria effectiveness, efficiency, coherence and proportionality. Tables in Annex 9 provide an overview of the comparative scoring of options against the baseline. In the table, "+" is used to indicate an improvement as compared to the baseline, while "-" indicates that the option is worse than the baseline. More than one symbol indicates that the impacts are greater.

[121] ELA web page on mediation, including ecamples of cases which may be referred for ELA mediation.

7.1. Effectiveness

'Effectiveness' refers to the extent that options help achieve the objectives of the initiative, as outlined in Section 4. See **Annex 9, Table 1** for a table comparing the different options.

Under Policy Area 1, both options score positively compared to the baseline, under which the Action Plan will improve general guidance, but not meet the demands of workers and businesses for more targeted information. **Option 1.1.** benefits from proximity to users, local expertise high degree of recognition, and the advise being personal. It would only include a handful of countries, but being focused on the most common corridors of mobility, many would benefit. Drawing from the results of the FELM2 project shows that in 94% of the cases the support and counsel provided was deemed helpful by the advice seekers.[122] **Option 1.2.** would be available across the EU from the start, and it could strengthen ELAs visibility and role as a frontline actor, which could make ELA more impactful in other areas, however it would not benefit from the proximity to users that option 1.1 does, and would not involve human interaction, making it slightly less effective.

Under Policy Area 2, all options score positively compared to the baseline, and are considered equally effective. **Option 2.1.** leverages the strengths of both institutions. It addresses the lack of clarity regarding roles and improves strategic coherence. **Options 2.2.** and **2.3.** both benefit from all of EURES being gathered in one organisation, thereby minimising coordination issues and frictions arising from split governance. Despite this advantage, they are considered to be equally effective as option 2.1, as Option 2.2. foregoes ELA's existing synergies with related networks, while option 2.3 is weighted down by the fact that ELA currently lacks the specific expertise to act as a solution provider for complex IT systems like the EURES portal, and that EURES would not under this option benefit from synergies with IT tools like Europass, ESCO and future Talent Pool – all under Commission remit.

The different policy options are expected to deliver broadly similar levels of effectiveness with regard to the functioning of EURES, as all envisage a clear and operational division of responsibilities between the European Commission and the European Labour Authority. This allocation of tasks would provide legal certainty, avoid duplication of responsibilities, and ensure continuity of service delivery. As a result, differences in effectiveness across the options are expected to be limited.

While the magnitude of the impact is difficult to estimate ex ante, a more efficient functioning of the EURES portal, brought about by a more efficient repartition of tasks between ELA and the Commission, is expected to in turn increase the number of successful cross-border job placements. By improving the quality of vacancy and CV matching, facilitating access to employment opportunities, and reducing search and recruitment costs for workers and employers, the improved system should enable a higher volume of successful matches. These improvements are expected to support labour mobility by making it easier and faster for workers and employers to connect across Member States.

Under Policy Area 3, both options improve compared to the baseline by reinforcing enforcement and strengthening ELAs contribution to fair labour mobility, including by enabling risk-based inspections. While the Action Plan intends to bring about synergies between ELA's analytical work and its organisation of CJIs, the lack of ability to gather and handle data limits the effectiveness of the baseline. **Sub-option 3.1.1.** (local contact points) offers the benefit of local expertise, but risks lower effectiveness if national authorities are overstretched and not able to make staff available upon request. **Sub-option 3.1.2.** (increasing the number of SNEs)

[122] Information based on project report summary of 1 January 2024 to 31 December 2024 available: EU Funding & Tenders Portal

is considered more effective, as the SNEs offer local expertise and network, while ensuring that they are available when needed. SNEs are considered very useful in Joint Investigation Teams, which serve a similar purpose.[123] Therefore, the effectiveness of sub-option 3.1.3. is also assessed as high. **Option 3.2.** scores high in terms of effectiveness, as giving ELA the possibility to autonomously initiate inspections would grant ELA a more proactive role, increasing the enforcement intensity.

Under Policy Area 4, both options increase the effectiveness of the mediation function by increasing the likelihood that it would be used and their effectiveness is assessed to be the same. **Option 4.1.** makes the tool more accessible and practical. By allowing a more flexible approach, where parties decide the best format, it removes the rigidity that currently contributes to low uptake. However, as it still remains voluntary, the uptake is still subject to parties' decision. **Option 4.2.,** with stricter opt-out, can potentially increase the number of resolved disputes. However, there is a risk that forcing a justification could reduce the "mutual trust" required for successful mediation, which could reduce the effectiveness of this option.

7.2. Efficiency

'Efficiency' refers to the cost-effectiveness of the options, meaning how well the options meets its objectives, taking into consideration the related costs. See **Annex 9, Table 2** for a table comparing the different options.

Under Policy Area 1, **Option 1.1.** (Grants and network coordination) is the most efficient option. It would leverage existing national and regional networks, where EU funding can be complemented by Member States, and allow ELA to coordinate information provision without the need for large investments in setting up such information services themselves. In contrast, **Option 1.2.** entails significantly higher and more fixed costs. While **Option 1.2.** might offer economies of scale in certain centralized tasks, it requires ELA to develop substantial internal operational capacity, creating higher fixed administrative demands and offering less flexibility than the grant-based approach of Option 1.1. Therefore **Option 1.1** offers the best value for money.

Under Policy Area 2, **Option 2.1.** is efficient, as it is largely cost-neutral, while increasing effectiveness, involving only a minor increase in budget for the Commission that is offset by similar reductions at ELA. This option creates synergies and avoids duplication of investments by co-locating EURES with other Commission-managed tools like Europass, ESCO and the EU Talent Pool. Co-locating the ownership of these tools at the Commission leads to economies of scale, centralized procurement and a unified digital ecosystem. **Options 2.2.** and **2.3.** are also efficient, but slightly less so than option 2.1. due to transition costs. **Option 2.2.** would increase costs by reducing the synergies between EURES and other networks managed by ELA, such as the free movement of workers bodies, while **option 2.3.** would require ELA to develop new internal operational capacities.

Under Policy Area 3, **Option 3.1.** is the most efficient. Both options increase the efficiency of CJIs by ensuring they are more targeted, which means resources are better used. **Sub-option 3.1.1.** has the lowest financial cost for ELA, consisting mostly of training of existing national inspectors. **Sub-option 3.1.2.** is more costly than **3.1.1.**, but less costly that **3.1.3.**. **Sub-option 3.1.2.** is considered more efficient than **sub-option 3.1.1.** because the increase in effectiveness is greater than the additional cost the option entails. **Sub-option 3.1.2.** is also considered more effective than **sub-option 3.1.3.** as it entails the same level of effectiveness at a lower cost. In addition to the higher costs, **option 3.2.** also risks creating administrative duplication with

[123] EUROJUST (2023). Fourth JITS Evaluation Report, p 15

national enforcement systems. This option requires ELA to replicate national capabilities by developing full inspection capacity, which creates a more complex organisational model and potential adjustment costs for Member States attempting to coordinate with a parallel EU authority.

Under Policy Area 4, **Option 4.1.** has the greatest potential for efficiency gains. By implementing a targeted legal simplification, it reduces administrative friction and lowers the costs associated with the current detailed and rigid procedures. It specifically aims to lower administrative barriers for Member States. In contrast, **Option 4.2.** introduces a slight trade-off in efficiency: it creates a new "burden" by requiring Member States to draft formal justifications for opting out, which in turn could prevent the “waste” of preparatory work that occurs when a requested party simply refuses without explanation. While both options improve efficiency of mediation as compared to the baseline, **Option 4.1.** scores slightly higher than **4.2.**, as it entails a simplification of the current procedure, which could reduce administrative costs associated with use, while potentially increasing the uptake of mediation.

7.3. Coherence

‘Coherence’ refers to the coherence of each option with the values, aims, objectives and existing and forthcoming initiatives of the EU. See **Annex 9, Table 3** for a table comparing the different options.

Under Policy Area 1, all options score positively in terms of coherence, in so far as they contribute to the Treaty-based goal of facilitating the freedom of movement for workers (Article 45 TFEU) and the implementation of the European Pillar of Social Rights, notably Principle 4 on ‘Active support to employment’ and Principle 7 on ‘Information about employment conditions.’ **Option 1.1.** (Grants and network coordination) is considered coherent with the broader EU approach to funding and support. By utilizing existing organisations, this option creates synergies with established national and regional networks, avoiding the creation of parallel structures that might duplicate efforts. Duplication with the FELM2 initiative will need to be avoided through the EC stopping the co-financing of the information/counselling aspects of FELM. During the implementation phase, safeguards would need to be set in place to make sure that grant applicants for 1.1. do not apply or receive funding for the same objectives under ESF+. **Option 1.2.** (Direct ELA support), while contributing to the same social objectives, scores lower on coherence, as it risks providing somewhat overlapping services with existing local/regional networks.

Under Policy Area 2, all options aim to support the functioning of the internal market, but **option 2.1.** (Transfer to Commission) obtains the highest score, by aligning the system ownership of the EURES portal with other EU initiatives like Europass, ESCO and the EU Talent Pool which are already managed by the Commission, thereby ensuring technical consistency and alignment. The option also allows ELA to maintain synergies between EURES and other networks it manages, such as the free movement of workers bodies. **Option 2.3.** (transfer to ELA) scores slightly lower on policy coherence, as the Commission would remain the primary authority for ensuring compliance with the EURES Regulation, creating a gap if the development of EURES were to be performed by a separate entity. Moreover, ELA would de facto become IT solution provider for systems with strong interconnections with EURES, such as the Talent Pool and Europass. This could create inconsistencies in terms of priorities or implementation choices. **Option 2.2.** also scores slightly lower than Option 2.1. as it fails to utilize ELA’s specialized know-how in stakeholder management and by creating a rift in operations, by separating EURES from the labour mobility networks managed by ELA.

Under Policy Area 3, all options reinforce the application of EU law, contributing to EPSR Principle 10 (Healthy, safe and well-adapted work environment). By explicitly clarifying ELA's scope includes the employment-related aspects of the Employer Sanctions Directive (2009/52/EC), the Seasonal Workers Directive (2014/36/EU) and the Recast Single Permit Directive (Directive (EU) 2024/1233), both options close existing gaps in the protection of TCN workers, ensuring a consistent application of fundamental rights across different categories of workers. Moreover, this is fully coherent with the EU's migration agenda and policies, notably with the goal of the EU Asylum and Migration strategy to step up the fight against illegal employment as a major driver of illegal migration. The strategy also lays down the need to improve labour and talent mobility to boost competitiveness. In line with Commission's strategic framework[124], reinforcing the protection of legally residing TCN workers against abuses and labour exploitation can leverage labour mobility as one of the tools to address labour shortages. Lastly, the revised ELA framework is complementary to the work of EUROPOL and FRONTEX, as well as to Eurojust[125], while maintaining a clear division of responsibilities. Europol supports Member States in preventing and combating serious and organised crime[126], including trafficking in human beings, migrant smuggling, document fraud, and labour exploitation linked to criminal networks Frontex is responsible for supporting integrated border management, return operations, and the implementation of the EU's external border policy. By contrast, ELA focuses on administrative cooperation, labour inspections, mediation between Member States, and ensuring the effective application of EU labour mobility rules. Europol's strategic and operational support focuses on criminal networks engaged in trafficking in human beings for the purposes of labour exploitation and other criminal cases of labour exploitation, where it provides criminal intelligence and support to investigations of serious and organised crime (including trafficking for labour exploitation); secure channels (SIENA), analysis projects. Frontex's role is centred on supporting EU Member States and Schengen-associated countries in the management of the EU's external borders and the fight against cross-border crime and its operations focus on border surveillance, fighting cross-border crime, and assisting in return operations. Frontex and Europol do not carry out inspections or any administrative labour inspection support that conflict or overlap with ELA's current or expanded role on TCN workers. The roles of ELA and the Agencies would be complementary as it is already the case in the Joint Action Days against human trafficking for labour exploitation in priority sectors, within the existing EMPACT (European Multidisciplinary Platform against Criminal Threats), the collaborative security initiative led by EU Member States to address serious and organised international crime. Under EMPACT THB, there is an Operational Action (OA) on labour exploitation where ELA already collaborates with Europol as well as with Frontex. With the exception of FRA, whose mandate is complementary to ELA's, no other EU agencyies act on the protection of TCN workers against abuses and exploitation as ELA does for EU mobile workers. **Sub-options 3.1.1.** and **3.1.2.** score positively in terms of coherence since they ensure continuous contact between ELA and the national labour inspectorates, guarding against overlaps. The coherence of **Option 3.1.3.** is lower than the other suboptions, since the statutory staff would have less of a direct connection with the national labour inspectorates, meaning overlaps are slightly more difficult to avoid. The coherence of **Option 3.2.** (autonomous inspection powers) is considered to be worse compared to the baseline. Allowing ELA to autonomously initiate inspections would potentially duplicate the functions of national labour inspectorates, creating friction within the Single Market's shared enforcement model, and is less coherent with the principle of national enforcement primacy.

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[124] E.g. Quality Jobs Roadmap (2025), the Action Plan to tackle labour and skills shortages in the EU (2024) and the Communication on Skills and Talent Mobility (2023).

125 The Eurojust mandate is currently under revision.

126 See Europol Regulation (EU) 2016/794, notably in article 3.

<u>Under Policy Area 4</u>, both options score positively and are fully complementary, enhancing coherence with the Treaty-based goals of promoting the smooth functioning of the internal market and the free movement of workers by addressing persistent conflicts in the application of EU law. **Option 4.1.** is coherent with the EU goal of simplifying rules and procedures. **Option 4.2.** strengthens coherence with the principle of sincere cooperation (Article 4(3) TEU) by ensuring Member States provide reasoned justifications for refusing mediation.

7.4. Proportionality

'Proportionality' refers to the extent to which each option limits its intervention strictly to what is necessary to achieve the identified objectives. See **Annex 9, Table 4** for a table comparing the different options.

<u>Under policy area 1</u>, **Option 1.1.** is highly proportional as it addresses the information deficit without requiring a fundamental change to ELA's governance structure. It respects the principle of subsidiarity by empowering national and sectoral organizations to deliver services, using ELA only to provide the funding. The objective is achieved in the least restrictive way to the existing support systems. **Option 1.2.** is less proportional because it requires a significant change in the scope and tasks of the Regulation to allow ELA to provide individual advice directly. This expansion of the mandate into direct service delivery goes beyond what is necessary to solve the problem, taking also into consideration that national authorities differ in their view on whether ELA should engage directly with individuals.

<u>Under policy area 2</u>, **Option 2.1.** adheres to the principle of proportionality by proposing only targeted changes to the management of specific tasks rather than a complete overhaul. **Options 2.2.** and **2.3.**, by comparison, require somewhat more comprehensive modifications to the current arrangements, including more substantial transfers of budget and human resources.

<u>Under policy area 3</u>, **Option 3.1** is strictly proportional. It addresses the specific structural obstacles such as fragmented information and territorial limits by granting ELA data processing powers and a coordination role, but it respects the voluntary nature of inspections. It goes only as far as necessary to ensure Member States cannot arbitrarily refuse cooperation (requiring "duly justified" reasons). **Sub-options 3.1.1.** and **3.1.2.** are more proportional than **3.1.3.**. **Option 3.2.** exceeds what is necessary to achieve the objective. By empowering ELA to impose inspections on its own, it overrides national decision-making in a sensitive area of national jurisdiction. Given that no Member States explicitly supports this option, and that improved coordination can be achieved through **Option 3.1.**, the mandatory nature of **Option 3.2.** is disproportionate to the problem drivers.

<u>Under policy area 4</u>, **Option 4.1.** is strictly proportional as it respects the voluntary nature of mediation while removing "procedural barriers" that go beyond what is necessary to manage a case. **Option 4.2.** is more assertive, shifting the logic from "opting-in" to "opting-out". However, it remains proportional because it addresses a specific disproportionate burden on the requesting party. It does not force participation – maintaining the core voluntary principle – but merely requires transparency (reasoned justification) to refuse. Both options balance the right of Member States to decide (voluntariness) with the Union's need to ensure that cross-border disputes do not result in continued administrative frictions.

8. PREFERRED OPTION

The preferred option is a package of targeted measures comprising **Option 1.1. (**Information), **Option 3.1.** (Cooperation and Enforcement) and **Option 4.1.** (Mediation). No preferred option is identified for EURES (see rationale in text). This package addresses the identified shortcomings which are rooted in the current legal text and which cannot be resolved through non-legislative measures, while maintaining the core objectives and tasks of the Authority. It represents a balanced approach that enhances ELA's operational capacity without exceeding the boundaries of proportionality or subsidiarity.

Policy area	Options
1. Information	**1.1.** ELA to manage grants and support/coordinate external networks for cross-border information provision to individuals (including TCN) and/or employers
3. Cooperation and Enforcement	**3.1**. Provide ELA with the possibility to access and process personal data and allocate/identify more resources for ELA to initiate and support concerted and joint inspections and to report on the results and follow-up of inspections. Introduce explicit provisions on ELA' activities in relation with TCNs, including how to manage CJIs where TCN are identified in situations infringing the legal acquis and remove legal ambiguities concerning TCNs. 3.1.2. Double the existing National Liaison Officer (NLO) framework to create a "standing pool" of seconded experts from the Labour Inspectorates.
4. Mediation	**4.1.** Simplify mediation to incentivise its use

Under Policy Area 1 (Information), the preferred option is for ELA to support/coordinate external networks for cross-border information provision by managing grants (**Option 1.1.**). This option is the most effective and efficient means to address the information deficit, including with regard to third country nationals. By leveraging existing organisations, such as for example social partners, this approach makes it possible to create a personalised helpdesk, fulfilling businesses' and workers' expectations in a way it would not be possible to achieve at the same cost through Option 1.2.. The option also benefits from proximity to users and local expertise, allowing for the flexible targeting of vulnerable groups. Unlike **Option 1.2.**, which would require high fixed costs for ELA to build internal capacity from scratch, **Option 1.1.** offers better value for money and avoids the creation of parallel structures that might duplicate efforts. It respects subsidiarity by empowering national, regional and/or sectoral organisations to deliver services while using ELA to provide the necessary funding and coordination.

Under Policy Area 2 (EURES) no preferred option is identified. While all options perform positively in terms of effectiveness and efficiency, and Option 2.1. scores higher on coherence, several contextual factors limit the robustness of a definitive preference. These include the political sensitivity surrounding EURES, notably due to its central role in the EU labour mobility policy, its interaction with areas of national competences, and its links with PES. Additionally, EURES faces budgetary uncertainties tied to the forthcoming Multiannual Financial Framework (MFF) negotiations. Unlike other policy areas, which could simply revert to the baseline scenario if new resources are unavailable, EURES is vulnerable to structural changes. For example, if EURES were transferred back to the Commission (Option 2.2) without securing the corresponding MFF budget allocations, neither ELA nor the Commission would have sufficient resources to operate the network. Finally, significant global volatility – such as ongoing geopolitical conflicts in Europe and the Middle East, the accelerating digital transition and deployment of artificial intelligence, and persistent demographic pressures – are likely to have substantial and potentially disruptive impacts on EU labour markets, including migration patterns.

Under Policy Area 3 (Cooperation and Enforcement), the preferred option is to provide ELA with the possibility to access and process personal data and to allocate resources to initiate and support inspections, while maintaining their voluntary nature (**Option 3.1.**). This option also includes removing legal ambiguities concerning Third-Country Nationals (TCNs) to ensure that ELA's mandate would extend to all TCN workers, regardless of their legal status or mobility, enabling the agency to support those TCN workers that are affected by labour exploitation and inadequate working conditions. This option is considered effective as it resolves the operational limits hindering ELA by granting the necessary powers to enable evidence-based and risk-based inspections. By introducing a reinforced duty to provide justifications for refusing an inspection, it increases accountability without interfering with the cooperative model that forms the basis of cross-border enforcement. The preferred sub-option is **Sub-option 3.1.2.** This option significantly strengthens ELAs capacity to aid Member States in enforcing Union Law, at a reasonable cost. It has the advantage of the seconded labour inspectors having the knowledge about local realities, while ensuring that they are always available for inspections. It has both a lower cost than **Sub-option 3.1.3.** and is considered more effective due to the seconded inspectors having local knowledge as well as a network within the national labour inspectorates. **Sub-option 3.1.1.** is the second-best option, as it provides extra capacity to enhance ELA's work, at a minimal cost. As opposed to **Option 3.2.**, **option 3.1.** it is strictly proportional, not including mandatory inspection powers, which are not supported by Member States and override national decision-making in a sensitive area of national jurisdiction.

Under Policy Area 4 (Mediation), the preferred option is to simplify the mediation procedure to incentivise its use (**Option 4.1.**). This option addresses the "complex multi-stage procedure" that stakeholders cited as a barrier, making the tool more accessible and practical. By allowing a more flexible approach where parties can decide the best format, it reduces administrative friction and increases efficiency compared to the baseline. **Option 4.2.** (introducing stricter conditions for Member States to opt out) could potentially lead to more frequent recourse to mediation, **but** was ultimately not preferred. Because the success of mediation relies heavily on mutual trust and voluntary engagement, the more restrictive conditions of **Option 4.2.** risk reducing the parties' willingness to engage *constructively*, which could undermine the tool's practical effectiveness despite a higher formal uptake.

Legal Instrument: The preferred option requires a targeted revision of Regulation (EU) 2019/1149. This legislative instrument is necessary as the identified drivers of the problems, such as the lack of competence to process personal data and the fragmented governance of EURES, are rooted in the current legal text and cannot be resolved through non-legislative measures alone. The revision remains limited to necessary legal adjustments while leaving ELA's core objectives and tasks unchanged. This approach allows the initiative to comply with the EU's principles of subsidiarity and proportionality, as it focuses strictly on areas where EU-level coordination provides clear added value over Member States acting in isolation.

8.1. REFIT (simplification and improved efficiency)

The 2025 evaluation found that the current Regulation does not impose significant direct compliance costs on businesses or citizens,[127] limiting the scope for quantitative burden reduction for the private sector.

8.2. Application of the 'one in, one out' approach

The preferred package does not impose any new administrative burden on businesses or citizens and therefore does not require offsetting under the 'one in, one out' approach. The initiative targets the operational framework of ELA and its cooperation with Member States, without introducing new reporting obligations or compliance requirements for private undertakings or individuals. While the proposal creates some adjustment costs for the Authority, employers and workers would face no direct costs. Conversely, the initiative is expected to generate indirect cost savings for businesses, particularly SMEs, in particular by improving the provision of information and legal certainty. By reducing the complexity of navigating varying Member

[127] ELA evaluation staff working document, p 112

State requirements, the initiative aims to lower the administrative costs of cross-border operations, which are currently estimated to be significantly higher than those for domestic activities. Consequently, the net impact on the administrative burden for businesses and citizens is considered positive, with no 'in' to offset.

9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

With the envisaged strengthening of ELA's mandate, new tasks will be attributed to the Authority and their monitoring will be included in ELA's performance measurements systems. As a follow-up to the lessons learnt from the Evaluation,[128] ELA's existing performance measurement system will also be reformed in line with the Action Plan (Annex 10) and, as a member of the Management Board, the Commission will actively contribute to update ELA's performance monitoring framework.

The monitoring will be done in line with Article 24 of the ELA Regulation that requires that the annual work programme sets out detailed objectives and expected results including performance indicators and that the multi-annual work programme sets out the overall strategic programming including objectives, expected results and performance indicators. The evaluation of ELA's revised mandate will be performed according to Article 40 of the ELA regulation, that foresees an evaluation every five years which assess the Authority's performance in relation to its objectives, mandate and tasks and may address the possible need to modify the mandate of the Authority. The next evaluation will cover the time period from 2024 – 2028, and the following one 2029 – 2033. In line with the better regulation rules, the evaluation of the revision of ELA's mandate is an evidence-based assessment that measures the effectiveness, efficiency, relevance, coherence and EU added value of the strengthened mandate.[129] In order to ensure an effective implementation of the preferred policy options and to monitor their results DG EMPL will also work closely with the relevant Member States' authorities, other Commission services (e.g. DG MOVE, DG GROW, DG HOME, ESTAT), EU Agencies and make use of EU instruments such as Eurobarometer.

The actual impacts of the preferred policy options will be monitored and evaluated against the specific objectives defined in Section 4. To this end, the table in Annex 11 presents an overview of the tentative indicators to monitor the achievement of the specific objectives of the revision and the operational objectives.

The tentative indicators will be finetuned and finalised in line with the developments in the legislative process. It should be noted that these indicators do not include quantitative targets as they are dependent on external factors and they should be developed with links to either the information available on the current performance of ELA (for example, the current data on targeted/non-targeted CJIs[130]) or estimated based on similar initiatives or projects (such as FELM2). The indicators will form an integral part of the overall ELA performance measuring framework following the targeted revision. With this objective in mind, they have been formulated in a way that is linked to the current objectives of ELA and their planned revision of ELA tasks based on the preferred policy options in order to allow also for comparative assessment of ELA's performance before and after revision, at least in so far as the tasks already exist in the baseline scenario and the targeted revision only modifies them by improving their effectiveness and/or efficiency or extends their scope.

[128] ELA Evaluation SWD, p.64.
[129] European Commission (2021), *Better Regulation Guidelines*, SWD(2021) 305 final, p.26-28.
[130] Data submitted by ELA (on 6 May 2026) and based on the biannual CJI reports reveal that from all CJIs, in 2023 53% were targeted, in 2024 52% and in 2025 48%.

ANNEX 1: PROCEDURAL INFORMATION

Lead DG, Decide Planning/CWP references

The lead DG is DG EMPL, DG Employment, Social Affairs and Inclusion.

Agenda planning: PLAN/2025/2389

Work Programme reference: Commission work programme 2026 (Annex 1, initiative no. 25)

Organisation and timing

An Interservice Steering Group (ISSG) was established to accompany the work on the initiative. The following DGs participated in the ISSG: SG, SJ, EMPL, BUDG, CNECT, DIGIT, ECFIN, GROW, HOME, HR, JUST, MARE, MOVE, REGIO, SANTE, TRADE.

The Impact Assessment was discussed in the ISCGs on 12 February 2026 (present DGs: SG, EMPL, BUDG, ECFIN, GROW, HOME, MOVE, REGIO) and on 5 March 2026 (present DGs: SG, CNECT, COMM, DEFIS, DIGIT, EAC, ECFIN, EMPL, ENV, ESTAT, GROW, HOME, HR, JUST, JRC, MOVE, REGIO, RTD, SANTE, SG REFORM, SJ).

Consultation of the RSB

The draft Impact Assessment was assessed by the Regulatory Scrutiny Board (RSB). The RSB meeting was held on 29 April 2026 and the RSB delivered a negative opinion following the meeting. The revisions made to address the RSB opinion are summarised in the table below.

On 3 July 2026, the RSB delivered a positive opinion with reservations. The revisions made to address these reservations are also summarized in the table below.

Evidence, sources and quality

The following Commission reports have fed into the Impact Assessment:

Intra-EU Mobility Report

The Evaluation of the European Labour Authority, staff working document, SWD(2025) 128, and the Study Supporting the Evaluation.

The following expert advice has fed into the Impact Assessment:

1) External studies commissioned from external experts:

- Reports from MoveS network of legal experts (unpublished)

- Reports from Statistical network led by KU Leuven (unpublished)

European Parliament resolution on the revision of the European Labour Authority mandate. Available online: https://www.europarl.europa.eu/doceo/document/TA-9-2024-0052_EN.html

Relevant academic literature, as referred to in footnotes, and in Annex 8, section 5.

Table: How RSB comments have been addressed

1st RSB Opinion (copy of the RSB comments from the opinion)	How and where the comments have been addressed
The Board notes the additional information provided and commitments to make changes to the report. However, the Board gives a negative opinion because the report contains the following serious shortcomings that the lead Service must address: (1) The report does not adequately reflect the findings of the 2025 evaluation as well as the recommendations of the related RSB opinions. (2) The intervention logic, including the assessment of the problems and their magnitude as well as related problem drivers, lacks an evidence base beyond opinion data. (3) The report lacks clarity on the extent of the proposed Third-Country Nationals' (TCN) coverage. It does not adequately assess the coherence of this action with other EU policies and objectives. (4) The effectiveness of the proposed options is not sufficiently analysed. The assessment of ELA's activities, such as information provision, EURES and mediation, which the evaluation showed to be underperforming, is insufficient. (5) The report lacks appropriate key performance indicators (KPIs) for effective monitoring and future evaluation.	• The Impact Assessment has been significantly revised to take on board the RSB comments contained in the opinion and the quality checklist from the RSB. See below the main changes made to address the points to improve: • accurately integrated the findings from the evaluation SWD throughout the report and explicitly clarified how the proposed changes and new Action Plan enable ELA to fulfill its mandate. • refined specific objectives to be SMART, strengthened problem drivers with observational data, and detailed the baseline scenario alongside the contents of ELA's internal Action Plan. • incorporated additional data on Third-Country Nationals (TCNs) and clarified the scope of the mandate expansion, data processing rules, information provision, and cooperation frameworks. • added a dedicated section on benefits and detailed the expected impacts of ELA's information provision, EURES, and mediation activities to justify their continuation. • introduced a performance monitoring system (in Section 9) featuring tentative KPIs tied to the initiative's specific and operational objectives.
(1) The report should correctly reflect the findings of the agency's 2025 evaluation. It should explain to what extent the proposed targeted initiative will to enable ELA's to fulfil its mandate to effectively apply and enforce EU labour mobility and social security coordination rules.	• The accurate reflection of the findings of the Evaluation Staff Working Document (SWD) was ensured, without reference to the summary report, throughout the document. • Greater clarity was provided regarding how the proposed changes affect ELA's ability to fulfil its mandate, in the context of the targeted revision proposed, and in conjunction with the Action Plan now presented in Annex 10. This is done throughout the text of the Impact Assessment but notably in chapters 2, 5, and 6, and in section 4.2.
(2) The report should substantiate how ELA's activities contribute to fair labour mobility, to better substantiate why the EU should act by performing all current tasks. It should provide information on the precise content, means and expected time horizon of ELA's internal action plan and assess the extent of its expected impact in reaching the agency's objectives. It should better explain the value added of the initiative compared to the ELA action plan.	• Explanation and analysis were included as to why the discontinuation of mediation, information provision, and EURES were not assessed as separate options, including a brief assessment of how they contribute to fair labour mobility, in section 5.3 on discarded options. • Detailed information on the contents of the action plan under the baseline scenario was added, in section 5.1 and, where relevant, in

	the different sections of the text. The full Action Plan is included in Annex 10. • We have included details on how the initiative compares to the baseline in section 7.
(3) The report should strengthen the analysis of problems and problem drivers and assess their magnitude, based to the extent possible on observational data. Specific objectives should be SMART and the baseline description better substantiated regarding the implementation of ELA's internal action plan and related uncertainties. Regarding information provision, the corresponding analysis should be improved as the report does not provide sufficient detail, to whom and through which channels information should be provided. It should clarify why existing EU advisory services or publicly available tools are not adequate to tackle the issue. Similarly, the analysis of problem drivers related to EURES should consider the portal's 'subpar usability' and low quality of data. Regarding mediation, the analysis should build on comprehensive (including recent) evidence, ensure that all drivers have been considered and include the concrete changes to the mediation procedure, based on the internal action plan's deliverable for Q2 2026.	• The specific objectives were refined to ensure that they are SMART (Section 4.2). • The description of the baseline scenario was revised to better reflect the newly approved action plan, including through the addition of a description of the changes in the recently adopted rules of procedure for the mediation procedure (Section 5.1). • Additional detail regarding the channels and tools for disseminating information was provided on the policy options relating to the information provision. It has also been clarified what the target group of the information provision task is, including further streamlining of the terminology throughout the text (Section 5.2.2). • The distinction between the options for information provision and the existing alternatives was clarified (Section 2.2.1 and 5.2.2). • The analysis of the problem drivers was strengthened, including through the addition of further data on their magnitude (Section 2). • Greater consistency was ensured between the problem description and the identified problem drivers relating to EURES, notably in section 2.2.2.
(4) The report should clarify the extent of the proposed extension of ELA's mandate also to TCN workers regardless of their legal status or mobility. In this respect it should assess the coherence of ELA's activities with other relevant EU policies on migration with some potentially diverging objectives. The report should substantiate the cross-border dimension of TCN workers without legal status for ELA's remit, justifying related action at EU level. It should explain how the exchange of information on inspection results and a closer cooperation with third country entities on facilitating access to support for TCNs in an exploitative situation is to be concretised to make this option operational. In addition, the report should describe more precisely how the cooperation with other entities for exchanging data and information will take place and assess its related impacts.	• Additional figures on third-country nationals (TCNs) without a work or residence permit, and on the prevalence of TCNs in ELA inspections, were included in Annex 7. • Clarifications regarding the possible expansion of the mandate to all TCNs were added in Section 2.1 ("What is/are the problem(s)?"). • Clarifications concerning the processing of TCN data were added in Section 5.2.4 on access to and processing of personal data and enforcement. • Clarifications regarding the possible expansion of the mandate to all TCNs were added in Section 5.2.2 on information provision. • Examples of actions that ELA could undertake in the exchange of information on inspection results and data concerning TCNs identified during inspections were added in Section 2.2.3 on cooperation and enforcement. • Clarifications regarding the possible expansion of the mandate to all TCNs were added in Section 2.2.1 on the problem drivers related to information provision.

	• Clarifications regarding data sharing were added in 5.2.4.
(5) The analysis of effectiveness and efficiency should be improved. The report does not demonstrate what results will be attained and what impacts the proposed measures would have in terms of contributing to fair labour mobility. The report should in particular assess the expected impacts of the proposed measures on information provision, EURES and mediation activities, in order to justify their continuation, considering their effectiveness so far.	• A section on benefits was added to the assessment of impacts across the different policy areas, highlighting how the proposed measures would contribute to fair labour mobility. • Additional detail was provided on the expected impacts of the proposed measures concerning information provision, EURES and mediation activities. • The consistency of the analysis of effectiveness and efficiency was improved, and the ratings for effectiveness was adjusted for policy areas 1 and 3. For coherence, a comparison was added between the different suboptions of policy area 3. For proportionality, the magnitude of the effects was adjusted down, while keeping the same comparative ranking. Corrections in Chapter 7 and in the tables in Annex 9.
(6) The report should include an adequate performance monitoring system based on sound key performance indicators for monitoring and future evaluation, taking into account the internal action plan's deliverable for Q2 2026.	• The performance monitoring system has been added in Section 9 and annex 11, including tentative Key Performance Indicators (KPIs) to monitor the impact and achievement of the specific objectives, as well as the operational objectives linked to the policy options of the revision. • In Section 2.1, information on how the ELA Action Plan will address the development of SMART objectives and renewed meaningful KPIs in its existing performance measurement system is addressed
2nd RSB Opinion (copy of the RSB comments from the opinion)	**How and where the comments have been addressed**
The Board gives a positive opinion with reservations because it expects the DG to rectify the following aspects: (1) The report does not sufficiently substantiate the identified problems, their magnitude and drivers. (2) The report does not sufficiently analyse the full range of options and their impacts, in particular as regards their effectiveness.	• The report was revised to strengthen the evidence base underpinning the identified problems and their drivers, including through additional analysis of the need for enhanced information provision, improved targeting of coordinated and joint inspections, and clearer differentiation between issues that can be addressed within the existing legal framework and those requiring legislative action. • The assessment of policy options was also expanded by providing a more robust justification for discarded options, further analysing the effectiveness of the retained options, strengthening the assessment of their expected impacts, and refining the monitoring framework to better demonstrate how the success of the initiative will be measured.
What to improve	• The analysis of the problem drivers was further strengthened. In particular, Section

(1) The report should demonstrate the magnitude of the problems addressed based on more robust evidence, including where available observational data. The analysis of problem drivers related to EURES should be more specific with regard to the portal's 'subpar usability' and low quality of data. The analysis of the provision of information and the conduct of joint investigations should be based on data reflecting the needs for information and investigations. Based on an improved analysis of problems the report should consider a full range of options including the discontinuation of activities.	5.1 was revised to clarify that the current shortcomings relating to the usability and quality of data available through the EURES portal are expected to be addressed, in the first instance, through the implementation of the ELA Action Plan within the framework of ELA's existing mandate. This clarification better distinguishes between issues that can be resolved through operational improvements under the current legal framework and those requiring legislative intervention. • Additional analysis and, when possible, supporting evidence were incorporated to further substantiate the need for improved targeting of coordinated and joint inspections, notably through enhanced risk assessment and data analysis (Section 2.1.3). The report was also expanded to provide further evidence on the need to strengthen information provision (Section 2.1.1), including the rationale for more tailored, proactive and context-specific advisory services for mobile workers and employers. • The assessment of discarded policy options was further developed in Section 5.3. In particular, the analysis provides a more comprehensive justification for excluding the discontinuation of ELA's core operational activities, drawing on the findings of the evaluation, stakeholder consultation, and the continued operational relevance and EU added value of these activities. It also explains why the identified shortcomings are more appropriately addressed through targeted improvements to governance and implementation rather than by discontinuing the activities altogether.
2) The effectiveness analysis should be improved, in particular through better use of evidence to substantiate the description of impacts. When looking, for example, at the role played by in-person human interaction in terms of the effectiveness of the provision of information, the analysis should substantiate the conclusion in the report and indicate the magnitude of this effect. Similarly, when looking at the policy options related to EURES, the report should explain in more detail how it has reached the conclusion that, despite the different set-ups, some of the policy options analysed would be equally effective. The report should make better use of observational data to substantiate the description of impacts. For EURES, it should explain how the proposed changes would create a more efficient platform, which could facilitate a higher volume of job placements. Regarding increased data analysis and joint investigations the report needs to demonstrate how, and to what extent, such activities would inhibit unfair employment practices and enhance labour mobility. This should include quantitative data analysis, to the extent possible, to estimate the magnitude of this change. To the extent that opinion	• Section 5.2.2 was further strengthened through the inclusion of additional analysis and supporting evidence on the effectiveness of personalised, in-person interaction in the provision of information and advisory services. The revised text explains why human-mediated support is particularly valuable in the context of cross-border labour mobility, especially for vulnerable and hard-to-reach groups, and refers to the available evidence demonstrating the added value of tailored guidance compared with purely digital information tools. • The assessment in Section 7.1 was expanded to provide a more detailed explanation of why the different policy options are expected to achieve broadly similar levels of effectiveness with regard to EURES. The revised analysis clarifies that all options ensure a clear and appropriate allocation of responsibilities between the European Commission and the European Labour Authority, with the main differences between the options relating to operational efficiency

data is utilised, the report needs to collect a broader and more representative evidence base.	and administrative simplification rather than policy effectiveness. • Section 7.1 was also revised to further explain how improvements in the efficiency and functioning of the EURES platform are expected to contribute to an increased number of successful job placements. The analysis elaborates on the mechanisms through which enhanced matching, improved data quality, and reduced search and recruitment costs for workers and employers are expected to facilitate a higher volume of successful cross-border labour market matches. • Section 6.2.3 was further developed to provide a more detailed explanation of how enhanced data analysis and more effectively targeted coordinated and joint inspections are expected to contribute to reducing unfair employment practices and supporting fair labour mobility. Additional evidence and references were included to substantiate the intervention logic, explaining how improved risk assessment and intelligence-led enforcement can increase the detection of cross-border infringements and lead to more targeted CJIs, improve compliance with Union labour mobility rules, and strengthen the functioning of the internal market.
(3) The conclusions on coherence that the intervention is aligned with other relevant EU actions, such as those related to migration, asylum and security, and the work of EUROPOL and FRONTEX should be corroborated with a more thorough analysis.	• Section 7.3 was further developed to strengthen the analysis of the coherence of the proposed intervention with other relevant EU actions. In particular, the revised text explains how the proposed measures complement EU policies on migration, asylum and internal security, while clarifying their consistency with the respective mandates of the European Labour Authority, Europol and Frontex.
4) The monitoring framework should include more specific references to the expected changes arising from the intervention, allowing an understanding of what success would look like for this initiative.	• The monitoring framework in Annex 11 was further refined by specifying, where feasible, the expected indicators of success for the proposed initiative.

ANNEX 2: STAKEHOLDER CONSULTATION (SYNOPSIS REPORT)

This report provides an overview of all formal consultation activities carried out in relation to reviewing and strengthening the mandate of the European Labour Authority (ELA), as outlined in the main report of the impact assessment.

Overall, the consultation package has met the general principles and minimum standards for consultation of interested parties by the Commission.

A derogation was granted from a public consultation for this impact assessment, considering that the Commission recently conducted both a public consultation and a call for evidence for the ELA evaluation[131]. Those exercises covered the same ground and provided up-to-date evidence, which has been complemented with targeted input.

The stakeholder synopsis report is structured as follows:

The first section briefly outlines the stakeholder consultation stages, providing an overview of the objective of the consultation activities and the various consultation activities carried out.

The second section describes the overall content of each consultation activity, including the number and type of stakeholders consulted.

The third section examines stakeholder views on the extent of legislative action and highlights the different stakeholder positions in relation to the identified key challenges as outlined in the inception paper accompanying the Call for Evidence.

1. Consultation activities

This impact assessment builds partly on the data collected during the evaluation of ELA, published in May 2025, for which extensive consultation was carried out. The objective of the consultation activities was to supplement the information gathered through the desk research, the cost-effectiveness analysis and the case studies. The activities included:

- An online survey targeting ELA staff and Management Board.
- An online survey targeting ELA stakeholders.
- A public EU survey.
- A public Call for Evidence.
- In-depth interviews with 23 key stakeholders.
- A workshop with social partners.

To avoid duplicating existing surveys and interviews, the additional consultation activities for the impact assessment applied a targeted approach with the objective to supplement the former findings and focus on key issues raised in the evaluation. The opinions of stakeholders were collected via the following consultation activities ensuring all identified stakeholder groups were reached:

- Feedback from ELA Management Board members (oral and written input).
- An implementation dialogue on fair labour mobility.
- A dedicated hearing of Social Partners (oral and written input).
- A new public Call for Evidence.

[131] European Labour Authority – 2024 evaluation

2. Description of consultation activities

2.1 Consultations included in the ELA evaluation

On 26 May 2025, the Commission published the evaluation of ELA covering the period from July 2019 until the end of the first semester 2023. The main consultation activities during the ELA evaluation, with a relevance for the impact assessment, are presented in this section.

2.1.1 Targeted surveys

The first survey targeted ELA stakeholders at both national and EU level, namely: EU institutions (i.e., relevant DGs, relevant European Parliament and Council committees) and relevant 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; international organisations. The second survey targeted ELA staff, NLOs and Management Board members.

2.1.1.1 Survey targeting ELA stakeholders

A total of 205 complete questionnaires were received in this survey. By stakeholder group, respondents working for national ministries were the largest group of respondents (23.4% - 48 out of 205 respondents); together with respondents working for national public employment services and national labour inspectorates, representing over 61% of the total number of respondents (125 out of 205 respondents). As regards geographical distribution, Belgium was the most represented country (26 out of 205 respondents), followed by Sweden (18 out of 205 respondents), and the Netherlands (13 out of 205 respondents). Estonia was the least represented country with only one respondent.

2.1.1.2 Survey targeting ELA staff and Management Board members

A total of 85 complete questionnaires were received in this survey with respondents working as staff members of ELA being the largest group of respondents (56 out of 85 respondents), followed by members of the Management Board of ELA (19 out of 85 respondents). Lastly, National Liaison Officers were the smallest group of respondents (10 out of 85 respondents). From a geographical point of view, among the respondents from Members of the Management Board of ELA and National Liaison Officers, Sweden and Denmark were the most represented countries (each accounting for 10% of the respondents). These were followed by Belgium, Finland, Lithuania, Portugal, and Spain (each accounting for 7% of the respondents).

2.1.2 Public survey

An online survey was made available between 6 October 2023 and 5 January 2024 for all citizens, organizations, companies and public authorities to share their opinion on ELA. Overall, 144 responses were submitted online, and five additional ad hoc contributions were shared via email. Based on quality checks (i.e. removing artificially created replies), the total number of results considered for the analysis was 142.

Out of these **142 responses**, 60 came from public authorities, and 43 came from EU citizens. The rest included non-EU citizens, academic/research institutions, trade unions, companies, NGOs, and employer and business membership organizations. The highest number of responses came from Romania (17 out of 142), Belgium (16 out of 142) and Spain (12 out of 142), while 18 responses were received from non-EU countries. A majority of the non-individual respondents claimed to be part of a large organisation (250 people or more), whereas 23 out of the 142 respondents were part of a medium organisation (50 to 249 employees), 13 of a small organisation (10 to 49 employees), and five of a micro-organisation (1 to 9 employees).

2.1.3 Call for Evidence

Simultaneously with the public survey, a Call for Evidence was made available for free-text form submissions to support the evaluation of ELA. In total, it gathered **30 responses from six different stakeholder groups**, notably employers' organisations, trade unions, public authorities, companies/business organisations, EU citizens, and NGOs. Almost 70% (20 out of 30) of the responses came from employers' organisations (8), trade unions (8), and EU citizens (4).

2.1.4 Interviews with key stakeholders

After the closure and analysis of the public and targeted surveys, **23 in-depth interviews** were conducted with ELA key stakeholders, including representatives from the Commission (4), ELA staff (6), Member State representatives (10), social partners (2), and ILO (1). This allowed for an elaborate insight into the knowledge gaps that emerged from the surveys.

Table 1: List of EU-level and international interviewees

Category of stakeholder	Type of stakeholder	No of interviews
EU-institutions	DG EMPL	1
	DG MOVE	2
	DG GROW	1
EU Agencies	ELA	6
International organisations	ILO	1
Public authorities at national level	Management Board Members	7
	EURES National Coordination Office	3
Social partner at EU level	ETUC	1
	Business Europe	1
Total		**23**

2.1.5 Workshop with social partners

A workshop was conducted with EU and national level social partners following the surveys and subsequent analysis. The discussions focused on the degree of awareness about ELA among EU and national social partners, as well as among workers and employers on the ground, and on the impact of ELA's activities. The workshop took place online and included **eight participants, representing four different sectors (construction, road transport, food, and agriculture).**

2.1.6 Validation workshop with key stakeholders

Following the enlisted consultation activities and analysis, **a final validation workshop was conducted to present and gather key stakeholders' views on the conclusions and lessons learnt** of the study accompanying the evaluation. The workshop took place online on 5 June 2024 and saw the participation of nine stakeholders. These included a representative from the European Commission, two ELA Heads of Unit, two members of ELA's Management Board, two from the EURES coordination group, one from the ELA working group on mediation, and one representing the social partners. Overall, the validation focus group confirmed the conclusions and lessons learnt of the study, thus serving as a robustness check instrument.

2.2 Consultations following the ELA evaluation

2.2.1 Feedback from ELA Management Board members

Following the publication of the evaluation of ELA in May 2025, the 17th ELA Management Board meeting was held on 16-17 June 2025. At the board meeting, the Commission presented the results of the evaluation and discussed lessons learned with Board members. Members of the ELA Management Board also had the opportunity to provide input at the 18th ELA Management Board meeting on 25-26 November 2025.

Furthermore, Members of the ELA Management Board were invited to share their written input on the revision of the ELA mandate from 18 December 2025 until 15 January 2026. **A total of 12 submissions were received by national board members** (AT, BG, CZ, DE, EE, EL, ES, FR, IE, NL, NO, SE). These submissions are not publicly available (as per the Call for Evidence contributions), but their content has been analysed and included in this report.

2.2.2 Implementation dialogue

An implementation dialogue on fair labour mobility was held in Brussels on **16 September 2025** in the presence of the Executive Vice-President Roxana Mînzatu, the Director-General Mario Nava of the Directorate-General for Employment, Social Affairs and Inclusion and 29 external stakeholders (See Table 1 at the end of Annex 2 for a list of participants). The implementation dialogue featured a constructive exchange with representatives of Member States, social partners, social security institutions, healthcare providers, public employment services and businesses on the implementation, enforcement and simplification of the labour mobility rules and the future strengthening of ELA.

2.2.3 Social Partners Hearing

Following the implementation dialogue, a dedicated hearing with social partners on the Fair Labour Mobility Package (FLMP) was held on **6 November 2025**. The hearing was split into three sessions: one on the overall approach of the package, one on ESSPASS, and one on the revision of the ELA mandate. In total, 51 different employer and business membership organizations and trade unions participated in the hearing, representing both European and national levels, as well as cross-industry and sector-specific interests. Following the hearing, 10 written contributions were sent to the Commission; six written reports from the employers' delegation and four from trade unions (See Table 2-3 at the end of Annex 2 for a list of participants and written submissions).

2.2.4 Call for Evidence

A public Call for Evidence on strengthening ELA through a mandate review took place from **5 December 2025 to 2 January 2026**. A total of 56 written submissions were received: 13 from trade unions, 12 from employer and business membership organizations, 13 from public authorities, 12 from citizens, one from an NGO, and 3 from companies or enterprises. All contributions can be found publicly available on the official Commission website[132].

Replies to Call for Evidence (incl. submissions by members of ELA MB)	
Organisation type	*Number of responses*
Trade unions	**13**
European trade unions	*5*
National trade unions	*8*
Employer and business membership organizations	**12**
European employer and business membership organizations	*5*
National employer and business membership organizations	*7*
Public authorities	**13**
NGOs	**1**
Individuals	**12**
Companies	**3**
TOTAL	**56**

[132] Call for Evidence – Strengthening the European Labour Authority through a mandate review

3. Outcome of the consultation responses

This section summarises the views shared by stakeholders during consultation activities, structured in line with the extent of legislative action and key policy areas as outlined in the impact assessment. While the stakeholder contributions were not initially categorised by these policy areas, their input has been systematically organised within this analytical framework to facilitate a coherent and accessible overview. Nevertheless, due consideration has been given to the individual nature of each stakeholder's submission in the analysis of responses. It should further be noted that given the non-legislative measures will be addressed by ELA's Action Plan, this comparative analysis focus on identified issues that require legislative action.

3.1 Extent of legislative action and ELAs mandate

In the Call for Evidence for the impact assessment, three options for strengthening ELA were put forward:

1. **Baseline scenario** (no revision of the ELA Regulation/Action Plan).
2. **A targeted revision of Regulation (EU) 2019/1149** ('light' legislative option).
3. **A broad revision of Regulation (EU) 2019/1149** ('broad' legislative option)

The following section outlines the positions on the preferred extent of legislative action as expressed by employers' organisations, trade unions, national authorities, EU citizens, companies and NGOs.

3.1.1 General views of stakeholders regarding the revision of ELA's mandate.

Across **employer and business membership organizations** that replied to the Call for Evidence, the prevailing position is scepticism toward reopening Regulation (EU) 2019/1149. Most employers' organisations (*BusinessEurope, SGI Europe, SMEunited, FIEC, CEI-Bois, Cyprus Employers and Industrialists Federation (CY), the Swedish Construction Federation (SE), Confederation of Swedish Enterprise (SE), Swedish Association of Local Authorities and Regions (SE), Transport and Logistics Poland (PL)*) advocate for the **baseline scenario**, counting on the Action Plan being prepared by ELA to improve the effectiveness and efficiency of the Authority within the current legal framework. In general, these organisations consider ELA to be a relatively young organisation whose existing mandate has not been fully implemented or explored and therefore argue against legislative action at this stage. Some employer and business membership organizations(*BusinessEurope, SGI Europe, SMEunited, FIEC, Cyprus Employers and Industrialists Federation (CY), Confederation of Swedish Enterprise (SE), Swedish Association of Local Authorities and Regions (SE)*) reinforce this view by explicitly referring to the concluding remarks by the Commission in the evaluation of ELA from May 2025 *("Despite calls for the strengthening of ELAs mandate, the evaluation does not point to a pressing need for the revision of the mandate."*[133]) and conclude that it does not justify a revision of the Regulation. However, most European and national-level organisations also adopt a slightly more nuanced secondary position that does not exclude a targeted revision per se, if it addresses information provision (*BDA, BusinessEurope, SGI Europe, SMEunited, Confederation of Danish Employers, Cyprus Employers and Industrialists Federation, WEC*); complements the competitiveness and simplification agenda (*BDA, Confederation of Danish Employers*); does not lead to any expansion of ELA's enforcement or inspection powers (*BDA, BusinessEurope, SGI Europe, SMEunited, Cyprus Employers and Industrialists Federation, Confederation of Danish Employers).* Other employers' organisations, such as *FIEC*, do not explicitly leave room for a revision, while still outlining a number of operational changes to

[133] ELA Evaluation, Staff Working Document, p. 63

ELA's activities that may require a change in the Regulation, while others, such as *EBC (construction),* explicitly supports a targeted revision.

Trade unions broadly converge on the view that the current mandate of ELA is insufficient to address persistent and evolving challenges linked to labour mobility, enforcement gaps and/or exploitation of mobile and migrant workers (*EFBWW, ETUC, EFFAT, CETUN, FH (DK), 3F (DK), ÖGB (AT), ConfProfessioni (IT), CGIL (IT)*). However, they differ in how explicitly they align with the three policy options. The European trade union federations *(EFBWW, ETUC, EFFAT)* highlight that ELA's Action Plan will be insufficient for ELA to achieve its objectives. Consequently, they explicitly support a **targeted or broad legislative revision** of the Regulation that significantly strengthens ELA's powers and scope. These European unions express that ELA must evolve into a more operational authority, capable of supporting enforcement, ensuring follow-up of cases, and protecting mobile and migrant workers more effectively. This view is supported by some national unions (*CETUN, FH (DK), 3F (DK), ÖGB (AT), ConfProfessioni (IT), CGIL (IT))* that adhere to strengthening ELA's mandate, although differentiating on their main priorities in a revision. Nevertheless, it is the prevailing opinion that **ELA must ensure the enforcement of EU rules on labour mobility and social security coordination.** Or as expressed by *CETUN (Central European Trade Union Federation),* ELA must become a powerful guardian of social fairness throughout the entire European mobility area and not only an effective coordinating body. Support for the baseline scenario is limited to a small number of Swedish national confederations (*SACO, LO Sweden*), who argue that ELA should be given time to consolidate its current role and that labour market regulation, particularly enforcement, should remain firmly national.

Among **public authorities**, the dominant and **most coherent position is the support for a targeted ("light") revision** of Regulation (EU) 2019/1149. This position is the most clearly articulated position by ministries and central government authorities *(AT, BG, CZ, FI, SK, and to some extent DE)* and national inspectorates *(ES – Spanish Labour and Social Security Inspectorate, PL – State Labour Inspection, BE – SIOD)* and EURES NCOs/PES *(SI)* and local authorities *(NL – City of Rotterdam).* Other authorities are less explicit in their position on the three different options, instead focusing on areas of improvement for ELA *(NL, SK)* and, if necessary, being open for a review of the mandate on specific areas (*EL)*. Although a revision of the mandate is generally requested, it is also the prevalent consensus among these national authorities that **ELA should not develop into a supranational enforcement body or migration authority**. Nonetheless, several national authorities indicate that structural limitations have become evident in ELAs mandate, which hinders the fulfilment of ELA's objectives as outlined in 2019.

Support for a **broad legislative revision** exists but is **selective and not representative of the dominant ministerial view**. It is most explicitly visible among EURES-related bodies *(BE, EE, CY),* although extending ELA's scope beyond labour mobility is primarily linked to evolving labour market challenges with TCNs. One national ministry *(FR)* also argues for stronger EU-level coordination in response to growing labour mobility and third-country national recruitment, explicitly expressing that a stronger ELA mandate for TCNs will need to be articulated with the tasks of the European migration agencies, although not explicitly supporting a broad legislative revision (Option 3). The implicit request for a broad revision is also the case for the French social security institution, *FR – REIF,* who notes that the revision provides an opportunity to considerably strengthen ELA's resources and tasks.

Support for the **baseline scenario** is, however, also common among some ministries and central government authorities *(NO and to some extent DE)* and national inspectorates *(PL – Chief Inspectorate of Road Transport)* and EURES NCOs/PES *(RO, NL)* and social security institutions *(IE – Department of Social Protection).* Where it appears, it tends to reflect a preference for operational stability and maximizing the potential within the current mandate rather than a rejection of the future development of ELA. In general, the non-legislative adjustments proposed in the evaluation is seen to be adequate, although many authorities also express a willingness to discuss a targeted and "needs-based revision" of ELAs mandate to fully harness the agency's potential without extending the scope beyond labour mobility. Additionally, it bears mentioning that the support for the baseline scenario is often presented in relation to non-negotiable limits for national authorities. These include, but are not limited to ELA's enforcement powers, operational capacities, mediation role, process and storage of personal data, respect for national labour market models, and overall, national competencies.

EU citizens, companies and NGO submissions express a highly heterogenous set of views without a single or dominant position to a mandate revision. The three contributions from companies or enterprises in the Call for Evidence (*International Law Firm – Avv. Simona Putzu (IT), LaSila Education and Training (UK)* and *IDEE ECONOMICHE (IT))* call for a stronger and more strategic role for ELA regarding labour mobility, often emphasizing improved analytical capacity, digital tools and coordination. By contrast, some individual (and often anonymous) submissions oppose any expansion of the mandate while arguing for a need to prioritize national labour markets and local citizens before importing workers from abroad. A group of anonymous citizens *(BE, BG, DE, ES)* stress clearer information systems, digital platforms and better coordination, though they differ on enforcement. The NGO submission (*FEANTSA*) stands out for emphasizing protection of vulnerable mobile EU citizens and the prevention of exploitation and destitution. Overall, these contributions differ in their position, but reinforce recurring themes around information gaps, coordination challenges and uneven protection in cross-border labour mobility but also showcase a general opposition to labour mobility from some EU citizens.

3.2 Stakeholder inputs in relation to policy areas in a targeted revision

The ELA evaluation highlighted several areas of focus and shortcomings that cannot be resolved without adapting ELA's mandate. These areas were also addressed in the Call for Evidence, which, as part of a broader consultation process, allowed stakeholders to provide their feedback and insights. The Call for Evidence focused on the key elements that would inform a targeted revision of ELA's mandate, exploring a 'light' legislative option.

In the following sections, the different views of stakeholders on the revision of ELA's mandate are outlined in relation to the policy areas included in the description of a targeted revision, which were described in the Call for Evidence. Forward-looking inputs from the evaluation of ELA are included as they established the foundation for later targeted consultations with stakeholders.

3.2.1 Information

In this section, stakeholder inputs and feedback are outlined in relation to identified challenges with providing tailored information and guidance to employers or workers and strengthening the supporting function of ELA vis-à-vis employers and workers as presented in the inception paper accompanying the Call for Evidence.

3.2.1.1 Inputs from the ELA evaluation

The consulted stakeholders in the public and targeted surveys **broadly recognized the work carried out by ELA on information provision** to individuals, employers and social partner organizations. Despite the overall usefulness and quality of ELA's work in facilitating access to information, **areas for improvement were also highlighted by stakeholders**[134]. Social partners (both employers and trade unions) observed during interviews and consultations that information campaigns were found to have had **limited success in reaching workers and employers on the ground**[135]. These findings aligned with those of the Report of the Belgian Presidency of the Council of the EU from January 2024, which, while recognizing the scale of the work carried out by ELA, uncovered doubts as to whether information sufficiently reached the workers concerned[136].

Another picture that emerged from the multiple stakeholder consultations was that **while ELA communicated effectively with cross-industry social partners at a national level, it struggled to engage sector-specific partners**. Trade unions in particular expressed concerns during different consultation sessions that information from ELA arrived late or not at all and was often too broad, not sector specific, and hence not tangible for their members[137]. On the other hand, in the views of some employer and business membership organizations, there was a too predominant emphasis on information provision to workers rather than a balanced consideration of employees and employers[138]. Furthermore, several respondents to the Call for Evidence in October-December 2024 expressed concerns about ELA's information accessibility vis-à-vis employers and workers, advocating for streamlined sources to facilitate labour mobility, and ensure compliance with labour laws across Member States[139]. Suggestions included establishing a central, multilingual online hub (an ELA helpdesk), launching a chatbot, and strengthening ELA's role as a primary cross-border contact.

3.1.1.2 Inputs from Social Partners following the evaluation

Employers' organisations

In the submissions for the Call for Evidence in December 2025 – January 2026 and during ad hoc consultation activities, **improving the information provision of ELA appeared as one of the most important priorities for many employers' organisations** *(including BusinessEurope, SGI Europe, SMEunited, BDA, EBC, FIEC),* and one of the policy areas with the widest and strongest consensus among employers' organisations. *BusinessEurope, SGIeurope and SMEunited* advocate that **ELA should develop clearer and more user-friendly information**, such as common templates, minimum information standards and support for Member States on posting, remuneration and PD-A1 forms. For some of the sectoral organisations, such as *FIEC* (construction), it is seen as highly valuable to also strengthen the sectoral expertise of ELA. In addition, target support tools and/or best practices aimed towards SMEs would be appreciated by *SMEunited*. Furthermore, it has been expressed by *Pearle* (live performance) that information should also be tailored to sectors dominated by micro-employers (such as performers) with frequent cross-border activities.

Notably, it is accepted by *BusinessEurope, SGI Europe, SMEunited and HOTREC* that **information provision to TCNs could be included in a targeted revision**, yet emphasizing ELA's role relates to cross-border situations. This information provision could focus on the use of bilateral agreements with third countries to provide information to TCNs about their rights and responsibilities *before* entering the EU.

[134] ELA SWD (2025), Supporting Study, Annex VI Section 4.6.1.1
[135] Annex VI. Stakeholder consultation report, Sections 4.3.2 and 4.5.1; Annex VII. Case study 1, Section 1.3.2.
[136] 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
[137] ELA Evaluation, Staff Working Document, p. 131
[138] ELA Evaluation, Staff Working Document, p. 133
[139] Six employers' organisations, five trade unions, three EU citizens, two public authorities, one Company/business (ELA Evaluation, SWD, p. 133)

If the mandate is to be revised, **it is also a key preference for the European employers' organizations that a helpdesk is created** to provide more targeted on-demand advice for companies and mobile workers. More generally, a helpdesk should form part of a broader strengthening of ELA's information provision. This include e.g. a chatbot or improving the accessibility, multilingual availability, and accuracy of national information portals. However, there are national differences on the requested format of information provision. In particular Nordic employers' organisations are cautious about creating new parallel EU-level structures such as a helpdesk, while still placing strong emphasis on clarity and accessibility of information[140]. Rather, they stress the need for any revision to focus on competitiveness, simplification, and reducing administrative burdens to improve conditions for European businesses, including through better information provision.

Trade unions

European trade union federations *(ETUC, EFFAT, EFBWW, ETF)* advocate across different stakeholder consultations for better information provision on rights and obligations for mobile workers. However, **a helpdesk is not considered to be the proper solution**. In their view, support should be delivered through personal counselling as close to workers as possible. *ETUC and EFBWW* therefore **call for the establishment of permanent EU funding for trade union-led counselling and support services for mobile and migrant workers,** arguing these services provide trusted, confidential, and independent guidance that public authorities are not always able to offer, and are better placed to deliver such information that a remuneration tool *(ETUC)* and provide workers with multilingual information on pay, rights and conditions *(EFBWW).*

Overall, several European and national trade union *(ETUC, EFFAT, EFBWW, CETUN, OGB (AT) FH (DK), 3F (DK))* stress that **information provision must be worker-centered and enforcement-relevant.** Unlike employers' organisations, trade union federations do not see information provision as an end, but as a tool that must be closely linked to detection of abuse and access to remedies. According to *ETUC*, **multiple information services already exist at EU level** as well as nationally, and hence rather than allocating additional resources to information services, ELA should focus on stimulating synergies between existing structures and channelling more resources towards operational enforcement activities. Consequently, if ELA were tasked to serve as (or provide access to) a multilingual information hub, guidance must 1) explain how workers can claim rights and lodge complaints; 2) be tailored to different worker categories (posted, seasonal, platform workers), and 3) avoid becoming a substitute for enforcement.

3.1.1.3 Inputs from Member States

Overall, many national authorities commend the work of ELA and state that over the past six years **ELA has developed into an important hub for information exchange and cooperation** among Member States. In general, information provision is a core priority across public authorities yet framed differently than by employers and trade unions. National authorities **generally emphasise administrative usability and coordination, rather than customer-service style support.**

Several national authorities across the EU, such as *Belgium's SIOD (BE), the Greek Ministry of Labour and Social Security (EL), and the Polish State Labour Inspection (PL),* suggest that ELA should improve its information provision to both national administrations, workers,

[140] Swedish Association of Local Authorities and Reigons (SALAR), Confederation of Danish Employers (DA), The Swedish Construction Federation (Byggföretagen), and the Confederation of Swedish Enterprises (Svensk Näringsliv)

employers, and other stakeholders. *Belgium's SIOD* notes that EU-level information is often perceived as too general, fragmented, and insufficiently targeted, particularly for vulnerable workers. *EL* proposes to examine an enhanced role for ELA in supporting Member States in the application of relevant EU law. *PL's State Labour Inspection Authority* recommends that ELA strengthen its competence in conducting research and analyses related to new and emerging risks in the field of cross-border labour mobility. Other national authorities, such as the *Slovak Ministry of Labor, Social Affairs and Family (SK)* suggests that ELA could issue thematic methodological guides and case studies, while the *Norwegian Ministry of Labor and Social Inclusion (NO)* indicates better coordination of the existing information activities targeting workers could be envisioned. Overall, there are many suggestions on how ELA can improve its information provision.

In general, written or oral inputs from ELA Management Board members and submissions by national authorities during the Call for Evidence in December 2025-January 2026 show that **while the information provision from ELA has been promising, national authorities largely agree that ELA has not yet lived up to its potential.** This especially concerns information provision to workers and employers on the ground, although improved information provision to different national authorities is likewise requested.

As regards information provision to TCNs, several national authorities from a wide range of Member States have expressed views on the role of the ELA. *AT* advocate for clarifying ELA's role in providing information on the rights and obligations of employees and employers, particularly in the context of intra-EU posting, while ensuring that ELA does not take on any role in the recruitment or admission of TCNs to the European labour market. *DE* and *NL* support adjusting ELA's mandate to allow for outreach activities in relevant third countries of origin. Furthermore, *DE* suggests that ELA develop concrete information measures ("know before you go") for TCNs. *EL* notes that the increasing trend of non-EU mobile workers exposed to lack of information and labour exploitation may require strengthening ELA's mandate in this area. However, *EL* also emphasizes that any enlargement of ELA's responsibilities would require clarity on the legal basis, political consensus, and additional resources. *The French Government (FR) and French REIF* stress the importance of clarifying ELA's competences regarding the growing demand for mobility of TCN workers in the EU labour market. Consequently, *FR* suggests strengthening ELA's mandate on the mobility of workers from third countries, including dissemination of good practices or cooperation on information measures.

As regards the creation of an ELA helpdesk, multiple Member States *(FR, BE, EL, AT, LU)* have voiced concerns at Management Board meetings, mainly due to the implied costs, competence, and liability issues. A couple of Member States go further explicitly warning against ELA giving direct advise to individuals *(expressed by three MS at the informal Management Board meeting in September 2025)* instead advocating for a network of advisors. Nevertheless, *DE* support a stronger mandate to enable ELA to engage directly with individuals or employers to offer guidance or assistance in cross-border situations.

3.2.2 EURES

In this section, stakeholder inputs and feedback are outlined in relation to identified challenges with EURES.

3.2.2.1 Inputs from the ELA evaluation

In the evaluation of ELA, it is concluded that **EURES remains an area where improvements are needed**[141]. The consultations during the ELA evaluation showed that the knowledge of

[141] ELA Evaluation, Staff Working Document, p. 30

EURES appeared to be relatively less represented within ELA's governance structure than other tasks[142], while consultations also showed room for improvement regarding the EURES Portal, with social partners and national ministries being the more vocal actors in terms of proposing solutions to improve ELA's effectiveness in this activity[143]. Overall, **ELA did not fully meet stakeholders' expectations regarding EURES**. In the views expressed by several national stakeholders, ELA primarily emphasised information provision rather than matchmaking, and insufficient attention was given to the governance of the network. During interviews, NCOs also stressed the importance of maintaining EURES' core purpose as a matchmaking tool rather than transforming it into a dissemination instrument.

3.1.2.2 Inputs from Social Partners following the evaluation

Employers' organisations

Compared to information provision more broadly, **EURES plays a very limited role in consultations with employers' organisations**. In fact, EURES is only explicitly mentioned in two out of 12 submissions by business organisations to the Call for Evidence, namely *BDA (DE)* and *Transport and Logistics Poland (PL)*. Furthermore, several European and national employer and business membership organizations did not address EURES at the Social Partners Hearing, suggesting that it is not a central concern unless closely linked to other areas of interest for employers. Although EURES is not a top priority for employers, *HOTREC (hospitality)* voiced support for EURES to fulfil its potential in the written submissions following the social partners hearing, particularly in terms of promotion across Member States, coordination, and closer integration with other EU digital tools. As regards the governance of EURES, *BDA (DE)* explicitly states that it does not consider it appropriate to extend ELA's mandate in the field of EURES, questioning the added value of such an extension. It is noted that the shared competence of the Platform creates structural inefficiencies, adding that EURES does not yet provide sufficiently targeted information to employers.

Trade unions

As with employers' organizations, EURES is **not one of the main priorities in consultations and submissions by European and national trade unions**. EURES is only explicitly mentioned by three European trade union federations and two national trade unions out of the overall 13 trade union submissions to the Call for Evidence *(EFFAT, EFBWW, ETUC and 3F (DK), FH (DK))*. When mentioned, trade unions request significant improvements to the EURES platform to better align it with existing EU labour supply and industry demands. *EFFAT* and *ETUC* call for a **general revamp or overhaul of EURES for the platform** to contribute more concretely to the fair mobility mission of ELA than merely job placements. This includes ensuring fair recruitment practices, promoting direct employment, quality verification of job offers, suspension of fraudulent employers, and/or assist with follow-up support for workers exercising their freedom of movement, encountering problems or wishing to undertake return mobility. Furthermore, *EFBWW* advocates for strengthening EURES in areas where it contributes to safe and transparent recruitment and employment, particularly seasonal workers and migrants. Danish trade unions *(FH and 3F)* recognize the platform's potential to promote mobility and call for ELA to further strengthen and expand its work with EURES to ensure **full utilization of the European workforce rather than sourcing labour from third countries.** Simultaneously, the EURES platform can contribute to reducing unemployment among the millions of unemployed people in the EU, as expressed by *3F*.

[142] Study supporting the ELA evaluation, Annex VII. Case study 2, Section 2.3.3.
[143] Supporting Study, Annex VI - Figure 17

3.1.2.3 Inputs from Member States following the evaluation

EURES features more prominently in consultations with public authorities, particularly among EURES NCOs *(from AT, BE, CY, EE, NL, PL, RO, SI).* Generally, EURES NCOs support further development of EURES as a core instrument for ELA in ensuring fair labour mobility, including better digital tools, improved matching, and clearer guidance for workers and employers. By contrast, national ministries and labour inspectorates tend to treat EURES as complementary, not central to ELA in their submissions. According to several Member States *(including DE and FR)* and NCOs, EURES has not lived up to its expectations. For *DE*, this responsibility lies with ELA while many NCOs indicate the **overall division of tasks between the Commission and ELA as the reason for the underperformance.** Furthermore, it is noted by several NCOs that the EURES portal has become less attractive in recent years due to a lack of expansion and improvements.

Overall, **many NCOs and national ministries agree with the recommendation in the evaluation that ELA should examine how the effectiveness, efficiency and visibility of EURES could be improved**. In particular, the responsibilities between the Commission and ELA should be clarified regarding the IT tools according to multiple stakeholders. Moreover, governance, coordination and monitoring of EURES should be ensured under a clearly defined institutional framework at EU level (either in the Commission or through ELA) as the current division of responsibilities for EURES coordination limits the network's effectiveness and strategic coherence. Going even further, the ministries of *FR* and *DE* support an ambitious overhaul of the EURES portal to make it a genuine European labour market intermediation tool, geared towards placement and recruitment, and based on functionalities suited to the uses of applicants, businesses and practitioners.

3.2.3 Cooperation and enforcement

The following section presents the opinions by stakeholders in relation to two overall subjects. First, strengthening concerted and joint inspections (CJIs) and related issues with TCNs. Secondly, the analytical and risk assessment function of ELA as well as the possibility of ELA to process personal data and to grant ELA access to IMI and company registers to support national social partners.

3.2.3.1 Inputs from the ELA evaluation

Regarding concerted and joint inspections (CJIs), stakeholders widely regard them as the flagship activity of ELA[144]. 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. **Areas for improvement**, identified mostly by social partners and one national labour inspectorate, included a reconsideration of the costs covered by ELA, to allow more Member States to participate[145]. In fact, according to these two groups of stakeholders, some Member States were not actively involved in CJIs due to financial and human resource constraints at the national level. Employers' representatives also contributed to this perspective, stressing the need for ELA to provide administrative support to employers, as CJIs can impose a significant administrative burden on employers. Finally, employers' and workers' representatives expressed the need to have better follow-up activities after CJIs. Communicating on numbers of infringements per se was not particularly insightful, while sharing lessons learnt with social partners and organising training activities (e.g. to prevent

[144] ELA Evaluation, Supporting study, Annex VI Stakeholder consultation report, Section 4.4.2
[145] Supporting Study, Annex VI - Figure 28 & Section 5.4.1.4

other employers from the same infringements) would increase the impact of CJIs[146]. Overall and across all categories of stakeholders, there was wide agreement that Member States' active participation is crucial for CJIs to be effective (and hence contribute to better enforcement across the Union)[147].

Regarding inspections and TCNs, social partners (both workers' and employers' representatives[148]) were overall in favor of the inclusion of TCNs within ELA's scope. The Commission and some national authorities were instead more sceptical about the inclusion of TCNs within ELA's mandate, fearing that the expansion of the mandate could overload the Authority, encroach on Member States' competencies, or create duplicate structures[149]. All in all, while a few stakeholders[150] argued that ELA's mandate should be strengthened to allow to enhance its enforcement role, others[151] argued that ELA should keep the current division of competences with the Member States[152].

On analyses and risk assessments, survey results revealed that only 8% of respondents from ELA staff and the Management Board viewed analyses and risk assessment as one of the priorities of ELA since its establishment. While ELA interviewees argued that constraints on personal data have limited comprehensive assessments, the Commission's interviewees believed that ELA could have nonetheless conducted more general assessments. Overall, there was wide consensus across all categories of stakeholders (i.e. ELA, the Commission, authorities and social partners) on the **importance of the analysis and risk assessment task and that ELA should enhance its activities**. Accordingly, 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[153].

Suggestions for improvement, made mostly by national ministries and social partners, included increasing the involvement of social partners, as well as producing more comprehensive reports[154], which include disaggregated data at the national level, targeting the needs of different organisations and effectively engage with the existing literature. According to stakeholders, this would better guide on-the-ground actions stemming from the results of these analyses[155].

3.2.3.2 Inputs from Social Partners following the evaluation

Employers' organisations

As regards employers' organisations view on CJIs, they are largely aligned in maintaining ELA's role to facilitation and support of CJIs. It is a consistent position across employers' organisations *(including BusinessEurope, SGI Europe, SMEunited, BDA, FIEC, Pearle and EBC)* that inspections must remain voluntary, enforcement must remain a national competence, and ELA must not initiate inspections or act as a supervisory authority. In the context of the Call for Evidence, cross-sectoral and sectoral as well as national and European employers repeatedly stressed that ELA should not be transformed into a supranational inspectorate. As expressed by *BusinessEurope* at the social partners hearing, ELA must continue to play the role of facilitator and coordinator, not initiator. Moreover, CJIs must be conducted in a targeted way

[146] Staff Working Document, p. 134
[147] Supporting Study, Section 4.1.1.2
[148] Five respondents to the call for evidence (two employers' organizations, one trade union, one company/business and one public authority)
[149] Supporting Study, Annex VI, Section 2.1
[150] One trade union, one public authority, one academic/research institution
[151] One trade union and one employers' organization
[152] Staff Working Document, p. 132
[153] Supporting study, Section 4.1.1.2
[154] Supporting Study, Annex VI - Figure 33
[155] ELA Evaluation, Staff Working Document, p. 135

and always at the initiative of the Member States concerned. Additionally, it is essential for Danish and Swedish employers' organisations that ELA's role regarding inspections fully respects national labour market models *(DA, Byggföretagen, SALAR, Confederation of Swedish Enterprise).* Overall, employers do not support any revision in which the voluntary nature of inspections is not upheld. If there were a targeted revision of ELA's mandate, the issue of facilitating ELA's access to relevant data is nevertheless something that *BusinessEurope, SGI Europe, and SMEunited* highlight in their joint submission as potentially relevant.

As regards risk assessments and better access to data, *BDA (DE)* notes in their submission that when ELA carries out its own risk analysis, receives complaints or launches inspections based on its own data, it interferes with national competences and that such duplication of enforcement structures must be avoided. Furthermore, company data must be reliably protected.

Regarding inspections-related data, *FIEC (construction)* encourage Member States to share the data and outcomes of the inspection with ELA so that a full assessment of the results of an inspection can be done, and to see if there would be further areas for follow-up. *The Confederation Danish Employers (DA)* places particular emphasis on data collection and digital tools and acknowledges the intention to strengthen ELA's analytical and support functions through improved access to data and digital tools. *DA* therefore considers it essential that ELA's access to and use of data is confined to analytical, statistical and guidance-related purposes. Further processing of inspection-related data for enforcement-oriented objectives would raise concerns in terms of legal certainty, data protection and respect for Member States' competences. Consequently, the use of data should serve to improve understanding of labour mobility patterns, enhance cooperation and contribute to clearer and more practical guidance - not to expand ELA's operational involvement in inspections or create indirect enforcement functions beyond its mandate. As regards cross-border labour market data, *HOTREC (hospitality)* also notes that ELA could gather and analyse this data and help identify trends and skills gaps. Regarding access to the Internal Market Information System (IMI), it is noted by *BDA (DE)* and *Transport and Logistics Poland (PL)* that ELA needs to make progress on EU digitalization projects, including access to IMI.

Regarding inspections and TCNs, broadening ELA's mandate should focus on the use of bilateral agreements with third countries to provide information to TCNs about their rights and responsibilities before entering the EU, as expressed collectively by *BusinessEurope, SGI Europe, and SMEunited.*

Trade unions

On concerted and joint inspections (CJIs), several European and national trade unions support expanding the number, scope and/or follow-up actions of CJIs, particularly in high-risk sectors and in relation to posting and social dumping (*ETUC, EFBWW, EFFAT, CETUN, ÖGB (AT), Flight Personnel Union (RO)),* while others focus on enhancing the use of CJIs in cooperation with Member States (*FH (DK), 3F (DK)).* The European trade union federations generally stress that inspections must lead to consequences, including sanctions and recovery of unpaid wages or contributions. Furthermore, they argue social partners should be greater involved in enforcement activities. Overall, inspections and enforcement are among the **core priorities for both European and national trade unions** across stakeholder activities. According to *ETUC*, ELA must have the authority to request information, investigate cases and initiate CJIs with the involvement of Member States and social partners, respecting national trade union roles and prerogatives.

As regards data access and analysis, stronger use of risk analysis and more targeted inspections are generally requested. *ETUC* calls for direct or facilitated access to key EU data systems, such as IMI, EESSI, ERRU, stronger in-house analytical capacity, and intelligence-led targeting of inspections. *CETUN* (Central European Trade Union Network) specifically warns that outsourcing analytical work weakens ELA's role and calls for early-warning systems and systematic risk assessment. Granting ELA access to IMI is only mentioned by three trade unions in the replies to the Call for Evidence (*ETUC, EFBWW, 3F*), yet all support granting ELA direct access, although the access should be closely linked with enforcement and risk analyses to identify high-risk sectors and create an enhanced approach to data exchange and cross-references.

Regarding inspections and TCNs, European trade unions *(ETUC and EFFAT)* consistently identify posted TCNs as a particular vulnerable and high-risk group acquiring systematic attention. They therefore call for extending ELA's operational focus and mandate to cover relevant migration-related directives *(Seasonal Workers Directive, Anti-Trafficking Directive and Employers Sanctions Directive)* and for closer cooperation with enforcement bodies to combat severe exploitation. According to *ETUC*, false posting and complex subcontracting disproportionately affect third-country nationals, reinforcing the demand for stronger tools on EU-level. Trade unions (both national and European) also highlight particular risks and vulnerabilities linked to recruitment chains, notably subcontracting and intermediaries, while the Nordic unions particularly emphasize the risk of social dumping *(FH (DK), 3F (DK))*. Additionally, *The European Cabin Crew Association (EurECCA)* notes that the revision should explicitly confirm that cabin crew fall fully within ELA's mandate to combat social dumping in aviation cases.

3.2.3.3 Inputs from Member States following the evaluation

Regarding concerted and joint inspections (CJIs), several labour inspectorates and Member States see a great added value in them. They support the continuation of CJIs, and they support the coordinating role of ELA. However, several labour inspectorates and Member States also believe that CJIs could be improved, while differing as to how, to what extent, and whether improvements require a change in the Regulation.

Overall, the majority of labour inspectorates and Member States endorse the view that any right for ELA to initiate inspections should not lead to mandatory action in the Member States *(including FI, NO, and SE at technical level)*. Accordingly, the competence to carry out inspections should remain with national authorities and ELA should only be able to propose inspections on well-founded grounds and the Member States must retain the right to decline such proposals. As stated by *NO*, initiatives should originate from the Member States.

In light of the above, *FR* however proposes enhancing ELA's mandate and grant the Authority a stronger role in initiating, structuring, and coordinating joint inspections, while leaving enforcement powers with national authorities. Still, *FR* has reservations about granting ELA autonomy to trigger inspections on its own initiative but stresses the need to make ELA a real lever to mobilise and coordinate institutions at European level on large-scale international fraud. The *City of Rotterdam (NL)*, concurs on this view and highlights the need for enhanced coordination in the implementation of CJIs, as they have experienced challenges with labour mobility. Others emphasize that inspections and sanctions must remain the responsibility of Member States, with ELA acting as a facilitator, coordinator and analytical hub rather than an enforcing body *(FI, NO)*.

On analyses and risk assessments, there is broad support among national ministries for improving the coordination, preparation and follow-up of joint inspections, including access to relevant EU information systems *(CZ, DE, EL, NL, NO)*. Additionally, several of these MS suggests that ELA's mandate should be extended to include the possibility of processing personal data, which would allow for in-depth analysis of specific issues and individual cases. Overall, MS and labour inspectorates acknowledge that ELA's analytical capacity remains constrained by legal and operational limitations and consequently support granting ELA access to the Internal Market Information System (IMI) to facilitate communication with Member States and gain insight into statistical data. When mentioned, no MS explicitly rejects the idea of granting ELA access to IMI. However, some Member States *(FI, FR, CZ, NL)* express caution when it comes to extending ELA's mandate to process personal data, highlighting the need for clear definitions of the purposes for which personal data would be used. As stated by *NL*, data access requires clear, transparent and proactive communication by ELA about its method for collecting, processing and publishing data, in accordance with the General Data Protection Regulation (GDPR).

In terms of TCNs, several national ministries *(DE, EL, FI, FR, NL)* support clarifying ELA's role concerning TCNs. Overall, many ministries and labour inspectorates stress that current frameworks do not adequately capture abuses involving posted TCNs, false posting and complex cross-border arrangements, and therefore call for clearer mandates, better data access and stronger analytical support at EU level.

3.2.4 Mediation

The following section presents the opinions by stakeholders during the consultation activities in relation to the mediation procedure in ELA.

3.2.4.1 Inputs from the ELA evaluation

One of the main findings emerging from stakeholder consultations were that **mediation continues to be a politically sensitive mechanism with too few cases to assess its effectiveness and efficiency**[156]. Moreover, mediation was one of the least prioritised operational objectives by the Authority according to ELA staff and Management Board members as well as the service that the fewest respondents to the surveys were aware of[157].

One national ministry noted in the survey targeting ELA stakeholders that they do not appreciate the involvement of ELA, as they would rather prefer to solve issues within the already existing EU mediation procedures (e.g. the conciliation procedure under the Administrative Commission for the coordination of social security systems): thus, ELA could support these existing procedures instead of creating another one. Another national ministry proposed making the mediation procedure "legally binding and a default tool in disputes regarding the application of Regulation 883/200463 and other work-related EU legislation", while a social partner called for reflection on how to improve the mediation process, as there is not enough clarity on which cases can be subject to mediation, and there is not enough transparency when it comes to the process and its outcome[158].

3.2.4.2 Inputs from Social Partners following the evaluation

Employers' organizations

The mediation function and the role of ELA were **only briefly mentioned by employer and business membership organizations** at the social partners hearing and in the context of the Call for Evidence. In the submissions to the Call for Evidence, an opinion on the mediation

[156] ELA evaluation, Staff Working Document, p. 136
[157] In the ELA Staff survey only 8% considered mediation as prioritized. – Annex VII, p. 131 and Supporting Study, Annex VI, p. 72 (Figure 68) + p. 125 (Figure 113)
[158] Supporting Study, Annex VI, Section 4.3.2, p. 68

function was only expressed by two out of the 12 submissions by employers' organisations, who represent two Swedish sectoral employers' organisations *(Byggföretagen, Confederation of Swedish Enterprise)*, who mention mediation in relation to maintaining the supporting and advisory role of ELA.

Trade unions

At the implementation Dialogue and the Social Partners Hearing the mediation function of ELA was not one of the main issues to be raised by trade unions, although *ETF (transport)* indicated at the social partners hearing that a stronger role for ELA in mediation procedures is needed. Out of the 13 submissions by trade unions to the Call for Evidence, **mediation is only explicitly mentioned by two trade unions** *(ETUC and ÖGB).*

When mentioned in writing by respectively *ETUC* and *ÖGB*, the insufficient use of the mediation function is addressed alongside the proposition that greater involvement of social partners is essential. As outlined by *ETUC*, the procedure should be improved in terms of legal clarity on what kind of cases can be subject to mediation, while the process and outcomes of mediated cases need to be transparent to make sure social partners are adequately involved. As for *ÖGB,* the mediation function is mentioned in relation to strengthening social partners role in ELA's operations.

3.2.4.3 Inputs from Member States following the evaluation

Mediation is only explicitly mentioned in three of the written submissions by national authorities and members of Management Board, hence indicating it not an issue of great importance for Member States. When mentioned, reference to the limited use of the function is made as an argument to whether the mediation function should be maintained in its current state. *FR* advocates for **the possibility of redistributing the resources allocated to other priority objectives**. According to *BE (SIOD)*, increased promotion and training, greater transparency, procedural simplification, fast-track mechanisms and clearer differentiation from other conciliation procedures could enhance its effectiveness, while calling for a reflection on a more proactive role for ELA in triggering mediation in appropriate cases. Lastly, according to the *Chief Inspectorate of Road Transport in Poland (PL)*, the mediation function should be carried out on a voluntary basis and should be initiated only at the request of interested parties.

Tables

Table 1. Participants at the Implementation Dialogue on 16 September 2025
Member States (12 out of 27 Member States participated)
BE - Belgium: Social Information and Investigation Service (SIOD)
CY - Cyprus: Department of Labour, Ministry of Labour and Social Insurance
CZ – Czechia: Permanent Representation
DE – Germany: Federal Ministry of Labour and Social Affairs
DK – Denmark: Department of Labor Law, Public Law and International Affairs

EE – Estonia: Permanent Representation
ES – Spain: Permanent Representation
FR – France: Department of Social Security
IE – Ireland: Permanent Representation
IT – Italy: Directorate General for Labour Relation
LT – Lithuania: Labour Market Policy Group
NL – The Netherlands: Permanent Representation
EU level cross-industry and sectoral social partners
Cross-industry organisations
ETUC – European Trade Unions Confederation
Business Europe
SGI Europe – Service of General Interest Europe
SME United
Sectoral European trade union organisations
EFBWW – European Federation of Building and Woodworkers
EFFAT – European Federation of Food, Agriculture and Tourism Trade Unions
ETF – European Transport Workers’ Federation
IndustriAll European Trade Union
FGTB/ABBVV - General Labour Federation of Belgium (ETUC Affiliate)
Sectoral organisations representing employers
FIEC – European Construction Industry Federation
HOTREC – Committee of the Hotel and Restaurant Industry in the European Community
IRU – International Road Transport Union
Social security institutions
ESIP – European Social Insurance Platform
Healthcare providers
HOPE – European Hospital and Healthcare Federation

Businesses / private entities
Dacia – Renault
Werk
EU Agencies and Networks
PES Network – Network of Public Employment Services
ELA – European Labour Authority (as observer)
ETF – European Training Foundation (as observer)

Table 2. Participants at Social Partners Hearing on 6 November 2025	
Employers' delegation	
Codes	*Organization*
AT	Federation of Austrian Industries (IV)
BG	Bulgarian Industrial Association (BIA)
CZ	Confederation of Industry of the Czech Republic (SPCR)
CY	Cyprus Employers and Industrialists Federation (OEB)
DE	Ausfuhrkredit-Gesellschaft mbH (AKA)
DE	Confederation of German Employers Association (BDA)
DE	German Association of Public Services (BVÖD)
DE	German Confederation of Skilled Crafts (ZDH)
DK	Confederation of Danish Employers (DA)
DK	Danish Agency for Competence and Personnel (MEDST)
EU	European Tech and Industry Employers (Ceemet)
EU	BusinessEurope
EU	European Builders Confederation (EBC)
EU	European Chemicals Employers Group (ECEG)
EU	European Construction Industry Federation (FIEC)

EU	International Road Transport Union (IRU)
EU	Live Performance Europe (Pearle)
EU	SGI Europe
EU	SMEunited
EU	World Employment Confederation (WEC)
FI	Confederation of Finnish Industries (EK)
FR	Mouvement des Entreprises de France (MEDEF)
FR	Union des entreprises de proximité (U2P)
LU	Luxembourg Industry (FEDIL)
MT	The Malta Chamber of Commerce, Enterprise and Industry
IE	Irish Business and Employers Confederation (IBEC)
NO	Confederation of Norwegian Enterprises (NHO)
SE	Swedish Association of Local Authorities and Regions (SALAR)
SE	Confederation of Swedish Enterprise (Svenskt Näringsliv)
Trade unions	
Codes	*Organisation*
AT	Austrian Trade Union Federation (ÖGB)
BE	General Labour Federation of Belgium (FGTB)
BE	Confederation of Christian Trade Unions (ACV-CSC)
BG	Confederation of Independent Trade Unions of Bulgaria (CITUB)
DE	Deutscher Gewerkschaftsbund (DGB)
DK	Danish Trade Union Confederation (FH)
ES	Unión General de Trabajadores (UGT-E)
EU	European Federation of Building and Woodworkers (EFBWW)
EU	European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT)
EU	European Trade Union Confederation (ETUC)
EU	Council of European Professional and Managerial Staff (Eurocadres)

EU	European Trade Union Committee for Education (ETUCE-CSEE)
EU	European Transport Workers' Federation (ETF)
EU	IndustriAll European Trade Union
FR	Confédération générale du travail (CGT)
IT	Italian Labour Union (UIL)
LT	Lithuanian Trade Union "Solidarumas" (LPSS)
LV	Free Trade Union Confederation of Latvia (LBAS)
NL	Federation of Dutch Trade Unions (FNV)
PL	All-Poland Alliance of Trade Unions (OPZZ)
SE	Swedish Confederation of Professional Employees (TCO)
SE	Swedish Confederation of Professional Associations (SACO)

Table 3. List of organisations that sent written submissions to the Commission following the Social Partners Hearing on 6 November 2025	
Employers' delegation	
Code	*Organisation*
EU	SGI Europe, BusinessEurope and SMEunited
EU	European Woodworking Industry Organization (CEI-bois)
EU	Live Performance Europe (Pearle)
EU	Committee of the Hotel and Restaurant Industry in the European Community (HOTREC)
EU	World Employment Confederation (WEC)
EU	Confederation of German Employers Association (BDA)
Trade unions	
EU	European Trade Union Confederation (ETUC)
EU	European Federation of Food, Agriculture, and Tourism Trade Unions (EFFAT)
EU	Council of European Professional and Managerial Staff (Eurocadres)

Other interest groups	
EU	European Network Airlines Association (ENAA)
EU	Europeans for Fair Competition (E4FC) (aviation)

ANNEX 3: WHO IS AFFECTED AND HOW?

Practical implications of the initiative

The preferred policy options (POs), i.e. options 1.1., 3.1. (sub-option 3.1.2.), 4.1., and the options related to EURES 2.1., 2.2., 2.3. are expected to positively impact both workers (including third-country nationals) and employers within the EU, as well as national authorities. An overview of the main implications per target group is provided in the following:

Workers would be in a position to make better-informed decisions regarding cross-border labour mobility thanks to improved access to information and counselling (PO 1.1.) as well as better job-matching through more reliable EURES services (POs 2.1., 2.2., 2.3.). In addition, increased awareness / understanding of their rights (PO 1.1.) and more targeted enforcement of labour standards (PO 3.1.) would enhance the protection of workers' rights and reduce the risk of abuse. Improvements to the mediation procedure (PO 4.1.) would only have more indirect benefits for workers. None of the policy options would impose new legal obligations on them.

Third-country national workers would be particularly affected by the above-mentioned improvements, as ELA's role regarding infringements of their rights would be clarified (PO 3.1.) and some of the information activities (PO 1.1.) would be specifically targeting their situation.

Employers would not be concerned by new legal obligations either. By contrast, the improved access to information and counselling (PO 1.1.) and more reliable EURES services (POs 2.1., 2.2., 2.3.) would be advantageous to them in facilitating cross-border operations and recruitment processes. Moreover, better targeted enforcement (PO 3.1.) and resulting improvements in compliance would be beneficial to them in that they would reduce unfair competition. Similarly to workers, improvements to the mediation procedure (PO 4.1.) would only have indirect advantages for employers.

National authorities, while having to make minimal adjustments in this respect, would benefit from clearer strategic guidance concerning EURES and a better functioning EURES portal (POs 2.1., 2.2., 2.3.). They would incur certain additional costs due to the secondment of additional staff to ELA (PO 3.1.2.) but would also have the advantage of better coordination and targeted support in the context of enforcement activities (PO 3.1.). Simpler mediation procedures (PO 4.1.) would lower administrative barriers and ultimately the cost of unresolved disputes for national authorities.

ELA would be put in a position to better carry out its tasks, notably due to the possibility to access and process personal data (PO 3.1.). The Authority would incur additional costs for the extension of its activities notably as regards information provision (PO 1.1.) and targeted enforcement (PO 3.1.). The cost of adapting mediation procedures (PO 4.1.) is not expected to be significant. With respect to EURES, POs 2.1. and 2.2. imply a reallocation of existing resources, whereas P.O. 2.3. involves an increase in costs for ELA. The **Commission** would require additional internal capacities to take on the added responsibilities with respect to EURES under PO 2.1. or 2.2., which would be transferred from ELA.

Summary of costs and benefits

An overview of the benefits and costs associated with the preferred policy options (1.1., 3.1. (sub-option 3.1.2.), 4.1.) and options related to EURES (2.1., 2.2., 2.3.) can be found in the following tables. Benefits for **workers and employers** are expected thanks to the facilitation of labour mobility and concurrent safeguarding of compliance with applicable labour standards but are difficult to quantify; a qualitative assessment of the economic benefits of a more efficient labour mobility is presented in Annex 8. Costs were mainly identified in relation to the **EU budget**, but in respect of several policy options, this involves a redistribution of existing resources rather than requiring additional ones. A detailed explanation of the methodology used for the calculation of costs can be found in Annex 4, section 3.

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
	Direct benefits	
Improved compliance with labour standards and fairer labour mobility through better information provision and more targeted enforcement	Benefits not quantifiable Considerable number of affected persons: 10.1 million EU movers of working age, 20 million TCNs working in the EU[159]	**Workers** would benefit from respect for their rights and prevention of exploitation and abuse. This applies in particular to vulnerable groups, including **TCNs**. **Employers** would benefit from reduced economic distortions arising from undeclared work and unfair competition. **National authorities** would benefit from more targeted enforcement support / coordination and ultimately a reduction of the cost arising from non-compliance.
Facilitation of cross-border labour mobility owing to improved access to information and a better management / functioning of EURES	Benefits not quantifiable Considerable number of affected persons (see above) and companies, in particular SMEs: 3.6 million SMEs looking to recruit workers from other EU Member States / third countries[160] Information deficit: over 3000 SOLVIT cases concerning social security and free movement (2025)[161], over 7000 Your Europe Advice requests concerning social security or work (2024) [162]	**Workers**, including **TCNs** would benefit from the possibility to make better-informed decisions about mobility / reduced uncertainty. **Employers** would benefit from lower administrative costs of cross-border recruitment and operations. Both **workers and employers** would benefit from improved job-matching through EURES. **National authorities** (employment services) would benefit from clearer strategic guidance on EURES / a better functioning of the portal.

[159] Data from the 2025 Intra-EU labour mobility report.
[160] See Section 6.2.1. for calculation
[161] Single market scoreboard
[162] Your Europe Advice annual trends 2024

Lower costs of disputes and litigation through better information provision, reduced unintentional non-compliance and quicker and more consistent resolution of cross-border issues through less complex mediation	Benefits not quantifiable Considerable scope for disputes due to lack of clarity evident from number of SOLVIT cases / YEA enquiries (see above)	**National authorities** would benefit from increased legal certainty and simpler mediation procedures. **Employers and workers** would also benefit from quicker resolution of disputes where they are directly affected, and in the long run from increased legal certainty, with similar effects (better informed decisions) as mentioned above.
Indirect benefits		
Economic and social gains brought about by furthering labour mobility	Benefits not quantifiable	More efficient allocation of (human) resources: Workers relocating to where their skills are most needed benefits both receiving countries (addressing labour / skills shortages thus increasing productivity, counteracting demographic changes, broadly neutral or positive impact on wages, fiscal revenue) and countries of origin (reduced labour-market pressure / positive wage effects for workers who remain there, transfers from those working abroad).[163] [164] [165] [166]

(1) Estimates are gross values relative to the baseline for the preferred option as a whole (i.e. the impact of individual actions/obligations of the preferred option are aggregated together); (2) Please indicate in the comments column which stakeholder group is the main recipient of the benefit;(3) For reductions in regulatory costs, please describe in the comments column the details as to how the saving arises (e.g. reductions in adjustment costs, administrative costs, regulatory charges, enforcement costs, etc.;);.

II. Overview of costs – Preferred option									
		Citizens/Consumers		**Businesses**		**Administrations**		**EU budget**	
		One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**
Policy Option 1.1.	Direct costs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	~EUR 5,000,000 p.a., increasing in case of network expansion

[163] Ritzen, J., Kahanec, M. & Haas, J. (2017). EU mobility. IZA Policy Paper, No. 125, Bonn: IZA Institute of Labor Economics.
[164] Șerban, A. C., Aceleanu, M. I., Dospinescu, A. S., Țîrcă, D.-M., & Novo-Corti, I. (2020). The impact of EU immigration on economic growth through the skill composition channel. *Technological and Economic Development of Economy*, *26*(2), 479-503.
[165] Arce, O., Consolo, A., Dias da Silva, A., Weissler, M. (2025). Foreign workers: a lever for economic growth. ECB blog, European Central Bank.
[166] Martinsen, D.S. & Rotger, G P. (2017). The fiscal impact of EU immigration on the tax-financed welfare state: Testing the 'welfare burden' thesis. *European Union Politics*, 18(4), 620-639.

	Indirect costs	N/A	minimal, voluntary: accessing information	N/A	minimal, voluntary: accessing informatio n	N/A	N/A	N/A	N/A
Policy Option 2.1.	Direct costs	N/A	N/A	N/A	N/A	minimal: adapting to clearer strategic guidance	N/A	N/A	Cost-neutral, costs being incurred by EC (~EUR 2,630,000 p.a.) offset by reduction in costs of ELA
Policy Option 2.2.	Direct costs	N/A	N/A	N/A	N/A	modest: adaptation to unified governance	N/A	Transitio n costs: EC to develop operatio nal capacity	Cost-neutral, costs being incurred by EC offset by reduction in costs of ELA loss of synergies
Policy Option 2.3.	Direct costs	N/A	N/A	N/A	N/A	modest: adaptation to unified governance	N/A	Transitio n costs: ELA to develop operatio nal capacity	~ EUR 1,500,000 to 3,000,000 p.a. loss of synergies
Policy Option 3.1. & sub-option 3.1.2.	Direct costs	N/A	N/A	N/A	N/A	minimal: adapting coordination with ELA on data sharing / inspections		N/A	~EUR 10,000,000 p.a.
	Indirect costs	N/A	minimal: increased inspection activity	N/A	minimal: increased inspection activity	N/A	N/A	N/A	N/A
Policy Option 4.1.	Direct costs	N/A	N/A	N/A	N/A	N/A	N/A	limited: adapting internal procedur es	limited: enhanced facilitation of mediation

(1) *Estimates (gross values) to be provided with respect to the baseline; (2) costs are provided for each identifiable action/obligation of the preferred option otherwise for all retained options when no preferred option is specified; (3) If relevant and available, please present information on costs according to the standard typology of costs (adjustment costs, administrative costs, regulatory charges, enforcement costs, indirect costs;).*

The contribution of the initiative to administrative burden reduction targets are small and not quantifiable. It will not lead to a very significant reduction of net costs for businesses and administrations. In the table below we indicate the general direction the initiative will affect the administrative burden.

III. Contribution to the administrative burden reduction targets[167] – Preferred option(s)					
Administrative costs **[M€]**	**New recurrent costs (INs)** (nominal values per year)	**Removed recurrent costs (OUTs)** (nominal values per year)	**Net cost (INs – OUTs)** (nominal values per year)	**New one-off costs (INs)** (annualised total net present value over the relevant period)	**Removed one-off costs (OUTs)** (annualised total net present value over the relevant period)
All businesses	N/A	Administrative cost savings for cross-border recruitment and operations due to better access to information / counselling / job-matching through EURES	Negative (OUTs > INs)	N/A	N/A
- in which SMEs	N/A	SMEs benefitting especially from the above, due to being more affected by regulatory complexity / resource constraints, more likely to be reliant on EURES services	Negative (OUTs > INs)	N/A	N/A
Public administrations	N/A	Administrative cost savings due to better guidance on EURES, more targeted enforcement support, simpler mediation procedures and less unresolved disputes	Negative (OUTs > INs)	N/A	N/A
Citizens	N/A	Facilitation of access to information / counselling / job-matching through EURES, thus lowering the cost of mobility, including for TCNs Reduced cost of non-compliance with labour standards / abuse		N/A	N/A

Relevant sustainable development goals

[167] No reliable quantification of cost is available, as the necessary evidence and implementation parameters do not allow for a sufficiently robust estimate at this stage.

IV. Overview of relevant Sustainable Development Goals – Preferred Option(s)		
Relevant SDG	**Expected progress towards the Goal**	**Comments**
SDG no. 1 – no poverty	Contributing to decent work, including for TCNs in the EU (see SDG no. 8), as well as to the reduction of income inequality (see SDG no. 10), would indirectly aid the reduction of poverty.	To be considered together with SDGs no. 8 and 10 below.
SDG no. 8 – decent work and economic growth	By improving access to information about workers' rights, enhancing legal certainty and strengthening enforcement, the preferred options are expected to improve compliance with labour standards in the EU. They would contribute to the prevention of exploitation and abuse, reduce the risk of undeclared work and thus support fairer labour mobility outcomes. This applies notably with respect to TCNs, a particularly vulnerable group, thanks to the clarification of ELA's mandate in this regard.	
SDG no. 10 – reduced inequalities	The preferred options aim to advance fairer labour mobility. As such they would contribute to the chances of workers from lower income countries (including third countries) to earn fair wages in the receiving countries, as well to pay higher remittances.	SDG no. 10 recognises safe migration and mobility as an important factor in reducing income inequality.

ANNEX 4: ANALYTICAL METHODS

This annex describes the analytical methods used for the purposes of this impact assessment. It provides an overview of the data sources, the methodological framework for assessing the policy options, and the specific limitations inherent to measuring impacts of labour mobility and enforcement phenomena. The assessment relies on a pragmatic mixed-method approach, ensuring that the scope of analysis remains proportional to the proposed changes.

1. Overview of the analytical methods used

The following methods were used to develop this impact assessment, including the evaluation that preceded it:

- **Economic analysis:** To the extent possible given the available data, the consequences of taking no EU-action (baseline) and the impacts of the policy options were monetised based on quantified cost-analysis, as described in detail in Section 3 below. Benefits are analysed largely in qualitative terms, for the reasons explained in Section 2 below.

- **Survey and interview methodology**: in the context of the evaluation of ELA[168], evidence from key stakeholders was collected by means of targeted interviews. The population, methodology and results of these exercises are described in the evaluation. We briefly summarize the results in annex 2.

- **Literature review:** A comprehensive review of available literature concerning issues of relevance was performed in the context of this impact assessment. It is attached in annex 8.

2. General principles and data sources

The analysis is based on a triangulation of evidence from statistical data, administrative records, and qualitative stakeholder feedback. The European Union Labour Force Survey (EU-LFS) [169] serves as the primary reference, covering an average quarterly sample of 979 thousand individuals aged 15 to 89 in 2024.[170] However, analysis for detailed breakdown at the country level need to be carried out with caution, particularly when analysing smaller population subgroups where sample size can become limited. For instance, a combination of small samples and a low share of mobile workers can result in too few observations for robust statistical analysis. These limitations may similarly restrict the usability of the EU-LFS to study third-country nationals.

Beyond sample size, the EU-LFS presents specific challenges when it comes to the group which is within the scope of ELA's mandate. Much of ELA's work regards workers in a transitional phase, workers who have recently relocated, or are in another country only temporarily (such as posted workers). However, this group represents only about 10% of all movers identified in the EU-LFS. The EU-LFS tends to underrepresent short-term, regional, or cross-border mobility. Consequently, EU-LFS figures for mobile workers are significantly lower than those recorded in population statistics.

Finally, because the EU-LFS does not capture specific phenomena like posting or seasonal work, this assessment incorporates administrative data. This data is inherently difficult to

[168] ELA evaluation SWD
[169][https://ec.europa.eu/eurostat/statistics-explained/index.php?_sample_size_and_sampling_errors&oldid=457143 EU Labour Force Survey - Statistics Explained](https://ec.europa.eu/eurostat/statistics-explained/index.php?_sample_size_and_sampling_errors&oldid=457143)
[170] I.e. this scope is broader than the core working age population (employment targets as part of the European Pillar of Social Rights are defined for the age group 20-64 included).

aggregate due to varying national definitions. To tackle these issues, we try to only draw conclusions based on a combination of several different sources.

The impact assessment has looked at the work done by other researchers. Some of them produced in the context of the evaluation, which is also an important source. Another source is anecdotal evidence: building on the reasoning that malpractices linked to labour mobility and labour migration brought to public attention, are probably the tip of an iceberg and need to be addressed.

A significant methodological challenge lies in quantifying the volume of infringements of Union law. While statistics on infringements are used where available, they serve primarily as explanatory context rather than definitive quantitative evidence. This is due to the unknown volume of undetected cases and the variability of reporting across Member States.

These data limitations mirror the challenges found in estimating undeclared work, where results fluctuate significantly depending on the chosen methodology. Ultimately, while these figures may provide useful indications, they should not be treated as absolute benchmarks. Therefore, the impact assessment relies on a qualitative triangulation of these figures with findings from the evaluation of ELA, academic literature, and anecdotal evidence regarding malpractices in labour mobility.

See Annex 8 for an overview of the relevant literature considered.

3. Methodology for the monetisation of costs

This section explains the methodological approach, assumptions and data sources used to estimate the budgetary and administrative costs of the policy options assessed in this Impact Assessment.
Unless otherwise specified, all cost estimates are expressed in current prices and refer to annual costs. Where relevant, estimates are based on average staff costs and standard budgetary assumptions used by the Commission and ELA.

Average staff costs used are from the estimates on ‘Human resources’, applicable as of January 2026:[171]

Category of personnel	Total average cost to be used for the financial and digital statements*
Official	EUR 194 000 per year
Temporary agent	EUR 194 000 per year
Seconded National Expert	EUR 108 000 per year
Contractual agent	EUR 105 000 per year

(*) The average cost includes an amount of 31.000 EUR/year corresponding to operating expenditure, mainly building and IT related costs.

These costs are correct by the Slovakia correction coefficient for remuneration, of 85.1%, applicable from 1 July 2025, leading to the following amounts, used in this Impact Assessment:

Correction Coefficient for Slovakia	85,1%	
	Total average cost	**Total average corrected cost**
Temporary Agent	194.000,00 €	**165.094,00 €**

[171] BUDGpedia (2026), legislative financial and digital statement

Contractual Agent	105.000,00 €	**89.355,00 €**
Seconded National Expert	108.000,00 €	**91.908,00 €**

2.1. Information (Option 1.1)

The cost estimates for grants are based on discussions with relevant stakeholders, and on the experience of DG EMPL in relevant projects. For example, the project Fair European Labour Mobility 2 (FELM 2) was set to develop and expand the counselling network of European trade unions to support posted workers in the EU. It runs trade-union counselling centres in six countries (Bulgaria, Hungary, Poland, Romania, Serbia, Slovenia), which cooperate closely with the trade union counselling centres in the receiving countries Germany and Austria. FELM 2 was launched on 1 January 2024 with a budget of EUR 1.2 million for 24 months.

According to the reporting from the project the main achievements included establishment and operation of transnational network of trade-union-based counselling centres for posted workers, covering six sending countries (Bulgaria, Hungary, Poland, Romania, Serbia and Slovenia) and two receiving countries (Austria and Germany), and therefore improving access to reliable information and support on labour and social security rights. All counselling centres became operational in early 2024 and provided tailored advice and practical assistance, including document checks, mediation with employers and support for out-of-court claims, with 839 cases handled and 1 415 posted workers advised in the first year. In most cases, counselling went beyond information provision and included concrete follow-up actions such as document checks, mediation with employers and support for out-of-court claims, resulting in a high reported usefulness rate (94%). The project also strengthened cross-border cooperation and capacity through trainings, workshops and stakeholder engagement, contributing to the effective implementation of the EU Posting of Workers framework.[172]

At the same time, the scope of FELM 2 was narrower both in terms of topics (only posting), audience (only workers), and geographical coverage than envisaged for option 1.1., which justifies the EUR 5 million per year estimated for the launching.

Concerning employers, the Enterprise Europe Network (EEN)[173] is an EU-funded business support network established by the European Commission in 2008 to help SMEs to operate across borders. EEN provides free, tailored advisory services to businesses, including information on EU legislation and standards, posting of workers and employment rules, access to finance and EU funding, innovation support, and assistance in finding international business, technology or research partners through a large partnership database. The Network is funded under the Single Market Programme[174] and implemented by the European Commission through the European Innovation Council and SMEs Executive Agency (EISMEA). While EEN supports cross-border business activity and compliance at a general level, it operates exclusively through its members and its services focus on business internationalisation and regulatory guidance, rather than individual labour-law counselling or enforcement-related support to facilitate compliance with EU legal framework on labour mobility. Further employer-oriented networks include Eures employer support and cross-border partnerships but they do not offer services comparable to worker counselling. The baseline allocation would be EUR 5 million. For beneficiaries, administrative costs linked to applications and reporting would be proportionate and largely offset by EU funding.

[172] Information based on project report summary of 1 January 2024 to 31 December 2024 available: EU Funding & Tenders Portal
[173] Enterprise Europe Network | Enterprise Europe Network
[174] Overview - European Commission

Option 1.1 is a scalable grant-based model with 5 million in annual costs. It is possible to add average costs per worker/employer advised based on the Fair European Labour Mobility 2 (FELM2) project data (EUR 509 on average in 2024-2025). Based on the EUR 5 million budget the target would be around 10, 000 workers/employers advised annually. The gradual annual increase target would be around 20% increase in terms of worker/employer coverage per year until the objective of 10 000 workers/employers is reached with a starting point of about 2,000 workers ((FELM2) advised 1,415 workers in the first year of implementation).

Helpdesk in ELA (Option 1.2)
The cost estimates are based on the Helpdesk study produced by ELA (not published), notably on the guidance note presented to the ELA Management Board in November 2025.

Two operational models were considered. **Model 8 of the ELA study (limited scope option)** – initially designed for provision of information to companies, and doubled to include workers, would entail higher and more structural costs, related to staffing of ELA (estimated at [20] additional FTEs), operational infrastructure, training and maintenance of information tools, with estimated total annual costs of EUR 7 million.

Model 10 (full-fledged option) – requiring 42 FTEs instead of 10, according to the ELA study. An approach based on open consultation would likely increase costs by a factor of four to five, resulting in total annual costs exceeding EUR 30 million

The total cost of each model was calculated by:

1. Taking the number of required FTEs as identified in the ELA study and adapting it to cover the scope of the proposal;
2. Applying an average annual staff cost;
3. Adding estimated operational expenditure (IT tools, communication, overheads), where applicable.

Option 1.2 is a fixed, structural cost model (with a budget of EUR 7 million as baseline). Again, the estimated costs per user/clientworker/employer advised would higherbe higher than in Option 1.1 due to the associated labour costs per case workerclient advised likely being higher since work will be done by ELA staff. To achieve the same efficiency as FELM, 13,752 workers would need to be advised on an annual basis. In option 1.2 the target speed of the uptake estimation by workers/employers users/clients should be slower than for decentralized counselling since information campaigns and awareness of this, direct, counselling option would probably require take more time to reach the potential users. With the same starting point of about 2,000 workers/employers the annual increase would be about 15%.

2.2. EURES (Option 2.1)

The cost estimates reflect a transfer of budgetary responsibility from the Commission to ELA, as reported in the ELA Impact Assessment[175] and confirmed by ELA's Annual Activity Report 2024.

Baseline situation

[175] SWD(2018) 68 final.

Following the establishment of ELA in 2019, an amount of EUR 8.357 million was transferred from the European Commission to ELA to cover EURES-related activities. This envelope includes expenditure for:

- Development and maintenance of the EURES Portal;
- Translations;
- Other operational and coordination activities.

The figures of 2019, together with the current cost structure was used as the baseline for estimating the financial effects of transferring specific responsibilities back to the Commission.

Operational expenditure

The estimated reduction in ELA's operational expenditure is based on the budget line of the EURES budget transferred to ELA in 2019 dedicated to:

- IT development and maintenance of the EURES Portal.

On the basis of the 2019 Impact Assessment and of ELA's budgetary data, these activities represent approximately EUR 2.3 million per year. Under Option 2.1, this amount is assumed to be fully reallocated to the Commission.

The calculation assumes no change in the scope or intensity of the activities concerned; therefore, the financial impact is treated as a budget-neutral transfer between institutions rather than as a net increase or decrease in overall EU expenditure.

Administrative expenditure (staffing)

In addition to operational costs, the transfer of responsibilities would entail the reallocation of two full-time equivalent (FTE) posts from ELA to the Commission.

The cost of these posts has been estimated using the average annual cost per FTE. On this basis:

2 FTEs × average annual cost per FTE = approximately EUR 330 000 per year.

This amount is deducted from ELA's administrative expenditure and added to the Commission's administrative budget.

Net budgetary impact

The total estimated financial impact is therefore:

- Operational expenditure: EUR 2.3 million
- Administrative expenditure: EUR 0.33 million
- Total: approximately EUR 2.63 million per year.

ELA's costs are estimated to decrease by approximately EUR 2.63 million annually, while the Commission's expenditure would increase by a corresponding amount.

As the EURES budget in ELA has increased to around EUR 12 million in 2025, without taking the staff costs into account, the exact figure to be transferred to the budget of the European Commission may need to be slightly adapted.

The methodology assumes a full and immediate transfer of responsibilities and does not include potential transitional costs (e.g. temporary parallel systems, migration costs, or recruitment delays), which are assumed to be limited and one-off in nature.

Extra IT costs if all EURES tasks are brought to ELA (Option 2.3)

The estimated increase in IT-related expenditure is based on estimations made by the Commission of the inefficiencies generated under this option by the loss of synergies with other IT tools developed and maintained by DG EMPL. The Commission's current annual allocation of EUR 3 million for EURES IT development, excluding hosting and software licence costs.

Under Option 2.3, a cost increase of 50% to 100% compared to the current baseline is estimated. This percentage increase was applied to the existing EUR 3 million envelope for the IT development and maintenance of the EURES IT Portal, resulting in additional annual expenditure estimated at between EUR 1.5 million (50%) and EUR 3 million (100%).

The estimate assumes that hosting and licence costs remain outside the baseline calculation and that the functional expansion does not fundamentally alter the underlying IT architecture.

2.3 Cooperation and enforcement (Option 3.1)

Internal data-analysis capacity

The strengthening of ELA's internal analytical capacity was assessed by reference to similar functions currently performed within DG EMPL and ELA, including data analysis, case follow-up, and IT system management.

The estimate assumes the recruitment of 13 additional full-time equivalent (FTE) staff to perform operational analyses, follow-up activities in the Member States and the establishment and maintenance of secure IT systems. The staff profile includes policy officers, data analysts and IT specialists. Based on the average cost of an TA FTE (EUR 165 000 per year), this entails a total cost of EUR 2.145 million per year. The total annual staff cost was complemented by:

- Investment and maintenance costs for secure IT infrastructure and databases;
- Expenditure linked to compliance with data-protection requirements;
- Additional operational costs related to enforcement activities and inspections initiated by ELA;
- Training costs for staff requiring access to data.

The combined annual cost of these elements is estimated at approximately EUR 2.9 million. The calculation assumes a reduction in expenditure on external contractors as analytical work is progressively internalised; however, this reduction does not fully offset the increase in fixed staffing and infrastructure costs.

Extension to relevant provisions of the migration acquis

The extension of ELA’s mandate to cover relevant employment-related provisions of the migration acquis (including Directive 2009/52/EC and Directive 2014/36/EU) was assessed by estimating the additional operational workload generated.

On the basis of DG EMPL’s and ELA’s experience with similar expansions of operational scope, the extension is assumed to increase ELA’s outputs by approximately 20%. This proportional increase was applied to the current cost base of operational activities.

The estimate includes:

- Recruitment of an additional 10 FTEs, calculated using the average annual cost per FTE (10x EUR 165 000= EUR 1.65 million);
- Additional operational expenditure linked to inspections, coordination activities and case follow-up (around EUR 2 million).

On this basis, the additional annual cost of extending the mandate is estimated at approximately EUR 3.6 million.

The cost estimates for sub-options 3.1.2 and 3.1.3 are based on standard staff cost calculations used by DG EMPL and ELA for comparable operational functions.

Sub-option 3.1.2. – Second cohort of National Liaison Officers (SNEs)

This sub-option additionally assumes the deployment of 27 additional Seconded National Experts (SNEs) to ELA (one per Member State). The estimated annual budget was calculated by applying the average annual cost of one SNE (including allowances, mission costs and administrative overheads) and multiplying this amount by 27 posts, arriving to an amount of EUR 2.484 million per year. Additionally, limited operational support costs where added bringing the total budget to EUR 3.5 million.

The estimate reflects the fact that SNEs remain formally employed and remunerated by their national administrations, while ELA bears the related allowances and operational expenditure.

From the perspective of national authorities, this option entails the opportunity cost of seconding one additional staff member. These effects are not monetised in the EU budget but are qualitatively acknowledged.

The **total cost of Sub-option 3.1.2.** is of EUR 10 million [EUR 2.9 million + EUR 3.6 million + EUR 3.5 million].

Sub-option 3.1.3 – Dedicated team of 27 ELA inspectors (Temporary Agents)

This sub-option assumes the recruitment of 27 inspectors as ELA staff members (Temporary Agents).

The estimated total annual cost million was calculated by applying the average annual cost of a Temporary Agent (including salary, social contributions and overheads) and multiplying this amount by 27 posts, arriving to an amount of EUR 4.455 million per year. Additionally, limited operational support costs where added bringing the total budget to EUR 5.5 million.

The higher overall cost compared to sub-option 3.1.2 reflects the full budgetary cost of employing Temporary Agents under the EU Staff Regulations, as opposed to seconded staff.

The estimates are indicative and assume full-year deployment of all posts. They are intended to provide a comparable order-of-magnitude assessment of the different staffing models.

The **total cost of Sub-option 3.1.3.** is of EUR 12 million [EUR 2.9 million + EUR 3.6 million + EUR 5.5 million].

Own team of inspectors (Option 3.2)

The costs for this option are exactly the same and estimated in the same way as those of sub-option 3.1.3..

General assumptions and limitations

All figures should therefore be interpreted as indicative and suitable for comparative analysis across options rather than as precise budgetary forecasts.

Environmental costs

The estimation of additional CO_2 emissions resulting from the increase in inspection missions is based on a set of simplifying assumptions and publicly available reference data.

Number of additional passenger journeys

It is assumed that each additional mission involves 3 inspectors travelling by air. With 41 additional missions per year, this results in:

41 missions × 3 inspectors = 123 passenger round-trips per year.

Each inspector is assumed to undertake one return journey per mission.

Average flight distance

According to the European Aviation Environmental Report 2025, the average intra-EU flight distance is approximately 1 730 km (one way). A return flight is therefore assumed to cover:

1 730 km × 2 = 3 460 km per passenger.

Emission factor

The same source indicates an average CO_2 emission intensity for commercial aviation of approximately 83 grams of CO_2 per passenger per kilometre (g CO_2/pkm).

Emissions per passenger

Emissions per passenger are calculated as follows:

One-way flight:

1 730 km × 83 g CO_2/pkm = 143 590 g CO_2 ≈ 144 kg CO_2

Round-trip flight:

3 460 km × 83 g CO_2/pkm = 287 180 g CO_2 ≈ 287 kg CO_2

Total annual emissions

Total annual emissions are estimated by multiplying the number of passenger round-trips by emissions per round-trip:

123 passengers × 287 kg CO_2 = 35 301 kg CO_2 ≈ 35.3 tonnes CO_2 per year

Monetisation of emissions

To estimate the environmental cost, the total emissions are multiplied by the assumed EU carbon price of EUR 85 per tonne[176]:

35.3 tonnes × EUR 85/tonne = EUR 3 001 ≈ EUR 3 000 per year.

[176] Cost from https://tradingeconomics.com/commodity/carbon, extracted on 23 January 2026.

Key assumptions and limitations

- All inspectors are assumed to travel by air and to undertake flights of average intra-EU distance.
- No differentiation is made between short- and long-haul intra-EU routes.
- The emission factor used reflects average commercial aviation emissions and does not include potential non-CO_2 climate effects.
- No account is taken of possible mitigation measures (e.g. rail alternatives, use of sustainable aviation fuels, or internal carbon compensation mechanisms).

ANNEX 5: COMPETITIVENESS CHECK

1. Overview of impacts on competitiveness

The following table provides an overview of the expected impacts of the preferred option on competitiveness.

Dimensions of Competitiveness	**Impact of the initiative** (++ / + / 0 / - / -- / n.a.)	**References to sub-sections of the main report or annexes**
Cost and price competitiveness	0/+	Section 6.2.1; Section 6.2.3; Section 8.3; Annex 3
International competitiveness	0/+	Section 6.2.2
Capacity to innovate	0/+	Section 6.2.2
SME competitiveness	+	Section 6.2.1

The preferred option, which constitutes a targeted revision of the ELA Regulation is expected to have a small net positive impact on the competitiveness of EU businesses.

2. Synthetic assessment

The preferred option, which constitutes a targeted revision of the ELA Regulation is expected to have a small net positive impact on the competitiveness of EU businesses.

Regarding cost and price competitiveness, the initiative is expected to exert a small, but positive influence primarily by reducing administrative friction and levelling the playing field. The initiative does not impose any new reporting obligations or compliance requirements on businesses, ensuring that the direct cost impact remains neutral. The proposal addresses the high administrative costs associated with cross-border operations, which are currently estimated to be significantly higher than domestic activities due to the complexity of navigating varying Member State requirements. By improving the provision of targeted information through grant-supported networks and simplifying the mediation procedure, the initiative aims to lower the costs associated with disputes and finding information. Furthermore, by strengthening the Authority's capacity to support CJJIs and using data analysis to identify high-risk sectors, the initiative aims to discourage non-compliance and social fraud. This reduces economic distortions arising from undeclared work and social dumping, ensuring that compliant undertakings - which may face higher labour costs than non-compliant competitors - can compete on a fair basis.

In terms of international competitiveness, the initiative indirectly supports the position of EU firms by improving the functioning of the Single Market's labour dimension. Empirical labour-market analysis suggests that without effective mobility, shortages risk becoming a constraint on growth and innovation.[177] By enhancing EURES efficiency and facilitating fair mobility, the initiative helps EU companies access the talent necessary to compete globally. Nevertheless, the impact of this initiative on international competitiveness is expected to be minimal.

The capacity to innovate is supported through improved skills matching. Demographic ageing and skills mismatches reinforce the need for labour mobility to boost competitiveness and support the green and digital transitions. By reassigning EURES IT ownership to the Commission, the initiative allows for better integration with other EU skills tools like Europass, ESCO and the EU Talent Pool. This aims to improve job matching, aiding innovative sectors in more effectively recruiting the specialized personnel they need from across the EU. However, the overall impact of this initiative on the capacity to innovate is expected to be negligible.

SME competitiveness is expected to be moderately positively impacted, as SMEs are the primary beneficiaries of the proposed changes given that they are often disproportionately affected by regulatory complexity. There are approximately 3.1 million SMEs affected by intra-EU labour mobility, and a significant number have sought to recruit workers from other Member States or third countries (see Section 6.2.1). Improved information provision to businesses, through for example AI-assisted chatbots, will aid these SMEs with finding the information they need to operate across borders, thereby lowering the barrier to expanding to other countries within the EU. Additionally, a more efficient EURES system provides SMEs with a cost-effective recruitment channel to address labour shortages.

3. Competitive position of the most affected sectors

The initiative is horizontal in nature but will most significantly impact sectors characterized by high rates of mobility, posting, and subcontracting. Based on the share of mobile workers in these sectors, the most affected sectors are construction, agriculture, some parts of the transport sector, and horeca.[178]

These sectors currently face specific competitive challenges due to their high degree of internationalization and complex subcontracting chains. Compliant companies in these sectors face a competitive disadvantage due to social dumping, where unscrupulous competitors exploit gaps in enforcement to undercut prices via underpayment or bogus self-employment. Furthermore, these sectors face chronic labour shortages and a high reliance on TCNs, who are often over-represented in cases of substandard working conditions.

The proposal aims to increase fairness in these sectors by aiding the Member States in improving enforcement in cross-border cases, thereby increasing the competitive position of legitimate businesses. Moreover, by extending the Authority's mandate to explicitly cover the working conditions of TCNs, the initiative aims to reduce the substandard working conditions that undermines the attractiveness of these sectors. This is expected to support sustainable recruitment and the workforce stability necessary for long-term sector performance.

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[177] See for example Draghi, M. (2024). [The future of European competitiveness – A competitiveness strategy for Europe](). European Commission.

[178]Francesco Fasani, Jacopo Mazz.a Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response. IZA Policy Paper No. 155

ANNEX 6: SME CHECK

Overview of impacts on SMEs

Relevance for SMEs
Based on the ISG discussion, this initiative is relevant for SMEs.[179]

(1) IDENTIFICATION OF AFFECTED BUSINESSES AND ASSESSMENT OF RELEVANCE
Are SMEs directly affected? In which sectors?
Yes. The initiative is not specific to SMEs but impacts on employers of mobile workers regardless of the size of the company. Nonetheless, SMEs might benefit from the envisaged amendments e.g. in the area of information provision to a greater extent, given that they are likely to be more affected by regulatory complexity. The initiative is not sector specific but horizontal in nature. However, due to labour mobility (e.g. posting of workers, seasonal work) being especially prevalent in certain sectors, such as transport, construction, agriculture and horeca,[180] its impacts are likely to be particularly relevant for those fields.
Estimated number of directly affected SMEs
There are approximately 3.1 million SMEs in the EU looking to recruit workers from other EU Member States. That figure rises to 3.6 million when also taking into account the recruitment of workers from third countries.[181] This provides an estimate of the number of SMEs potentially requiring information and counselling services and a significant share of them are thus likely to benefit from the envisaged networks coordinated by ELA. Concerning EURES, for the period from July 2022 to June 2024, 383,325 contacts between EURES staff and employers in the context of EURES services were reported, i.e. approximately 190,000 contacts per year.[182] Assuming that most of the companies reliant on those services were SMEs (larger companies being able to rely on other means of recruitment), the number of SMEs affected is likely to be significant.
Estimated number of employees in directly affected SMEs
SMEs in the EU employ close to 90 million persons.[183] Given that around 14% of those SMEs are expected to be affected by the information provision aspect of this initiative[184], it can be expected that these enterprises employ approximately 12.6 million persons (14% of 90 million, assuming that all sizes of SMEs are equally represented among those 14%).
Are SMEs indirectly affected? In which sectors? What is the estimated number of indirectly affected SMEs and employees?
No.

(2) CONSULTATION OF SME STAKEHOLDERS
How has the input from the SME community been taken into consideration?
The cross-industry European employers' organisations (SMEunited, BusinessEurope, SGI Europe) submitted their input in relation to both the social partners' hearing as well as the call for evidence jointly. Therefore, it is difficult to identify specific views from the SME community. Overall, the position expressed by these organisations, while highlighting a preference for the baseline scenario, emphasised the importance of improving information provision (including to TCNs), the voluntary nature of participation in CJIs, and the usefulness of facilitating ELA's access to relevant data – all of which are elements that are reflected in the preferred policy options.
Are SMEs' views different from those of large businesses?

[179] EU SME Envoy – SME filter
[180] Andriescu, M., Buckingham, S., Broughton, A., De Wispelaere, F., De Smedt, L., Gascon, O., Ongono Pomme, A., Voss, E. & Vitols, K. (2024). Study supporting the Monitoring of the Posting of Workers Directive 2018/957/EU and of the Enforcement Directive 2014/67/EU - The situation of temporary cross-border mobile workers and workers in subcontracting chains. European Commission
[181] See Section 6.2.1. for calculation.
[182] Report on EURES activity 2022-2024, COM(2025) 538 final,
[183] Schulze Brock, P., Katsinis, A., Lagüera González, J., Di Bella, L., Odenthal, L., Hell, M., Lozar, B. and Secades Casino, B. Annual Report on European SMEs 2024/2025, SME performance review, Publications Office of the European Union, Luxembourg, 2025.
[184] See Section 6.2.1.

No.

(3) ASSESSMENT OF IMPACTS ON SMEs[185]
What are the estimated direct costs for SMEs of the preferred policy option?
Qualitative assessment
Employers / companies, including SMEs, would not be concerned by new legal obligations in the context of this initiative, see Annex 3.
Quantitative assessment
N/A.
What are the estimated direct benefits/cost savings for SMEs of the preferred policy option[186]?
Qualitative assessment
As described in Annex 3, improved information provision / counselling, through the envisaged coordination of external networks by ELA, would support employers in accessing the necessary information for cross-border operations, thereby lowering the associated cost. Additionally, more reliable and efficient EURES services would facilitate cost-effective cross-border recruitment. These benefits are likely to be particularly pronounced for SMEs, which may be hindered by resource constraints in otherwise obtaining such information.
Quantitative assessment
See Annex 3, Table I for certain indicators of the magnitude of these benefits (while exact quantification has not been possible).
What are the indirect impacts of this initiative on SMEs?
N/A.

(4) MINIMISING NEGATIVE IMPACTS ON SMEs
Are SMEs disproportionately affected compared to large companies? **If yes, are there any specific subgroups of SMEs more exposed than others?**
No, since no new obligations for companies are envisaged, see above.
Have mitigating measures been included in the preferred option/proposal?
No, not applicable in the absence of new obligations.

CONTRIBUTION TO THE 35% BURDEN REDUCTION TARGET FOR SMEs

[185] The costs and benefits data in this annex are consistent with the data in annex 3. The preferred option includes the mitigating measures listed in Section 4.
[186] The direct benefits for SMEs can also be cost savings.

Are there any administrative cost savings relevant for the 35% burden reduction target for SMEs?
The administrative cost savings for SMEs in particular that this initiative would entail do not relate to the reduction of existing bureaucratic requirements. Rather, cost savings are expected owing to improved information provision / job-matching services, which would facilitate cross-border recruitments and operations for SMEs. Currently, 29% of SMEs exporting goods or services report access to information on rules and requirements being an obstacle to cross-border growth.[187] Moreover, enhanced overall compliance resulting from better targeted inspections should over time lead to a reduction in regulatory complexity, which would in turn benefit SMEs.

[187] Schulze Brock, P., Katsinis, A., Lagüera González, J., Di Bella, L., Odenthal, L., Hell, M., Lozar, B. and Secades Casino, B. Annual Report on European SMEs 2024/2025, SME performance review, Publications Office of the European Union, Luxembourg, 2025.

ANNEX 7: ANALYTICAL CONTEXT TCNS

1. State of play: Third Country National workers in the EU

Estimates suggest that just under 29.0 million third-country nationals (TCNs) were living in the EU in 2024, representing 6.4% of the EU's population[188]. Around 20.7 million of them were of working age, representing approximately 8% of the total working age population in the EU – by comparison, the share of EU and EFTA movers of working age is only half that (3.9%).[189]

Overall, the available data point to an upward trend in TCN labour migration to the EU, with some variation across types of residence permits. Although the number of first residence permits issued for employment purposes declined between 2023 and 2024, employment nevertheless remained the main reason for non-EU citizens to obtain a first residence permits in the EU in 2024, accounting for 31.9% of the total[190].

Authorisations for seasonal work granted to non-EU citizens increased by 42.8% between 2023 and 2024[191]. A Commission report indicates that more than 420 000 TCNs take up seasonal work in agriculture each year. It also confirms that seasonal-sector work is not limited to cross-border mobility situations for TCNs.[192] The construction sector is another "critical job destination" for TCN workers in EU labour markets, with an 8.5% TCN share, and with much higher shares in some Member States. This includes posted workers and TCN workers as part of the local workforce.[193] For the food processing sector, it is estimated that a "vast proportion" of staff in the European meat sector are mobile Union workers and mobile and locally employed TCN workers. Both are often employed through temporary agencies via subcontracting, while letterbox companies, wage disparities and deductions for accommodation, transport and tools are frequent.[194] In care, personal and household services and cleaning-related activities, 4.5 % of the EU long-term care workers were TCN (vs 3.4% of EU mobile workers). Live-in care is usually provided by mobile citizens or TCN workers.[195] ELA's study on personal and household services, which includes childcare, long-term care, cleaning and domestic work, estimates that up to one-sixth of personal and household services workers are TCNs and EU mobile workers, and notes that many undeclared PHS workers are legally or illegally residing TCNs or EU mobile workers.[196]

The number of EU Blue Cards issued to highly qualified non-EU citizens registers a positive trend since 2020, reaching a record high in 2023[197]. Intra-corporate transfer authorisations – referring to persons posted from a company outside the EU to a branch in one of the EU countries – granted to non-EU citizens rose sharply from 2021 to 2022/23, before experiencing

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188 Eurostat 2025, [1], [2]
189 Calculations from KU Leuven
190 Eurostat 2025, Residence permits - statistics on first permits issued during the year - Statistics Explained - Eurostat
191 Eurostat 2025https://ec.europa.eu/eurostat/statistics-explained/index.php?oldid=539496
192 European Commission. (2026). Report from the commission to the European parliament and the council in accordance with Article 27 of Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (COM(2026) 261 final).
193 FELM__summary__EN.pdf.
194 EFFAT-Report-Covid-19-outbreaks-in-slaughterhouses-and-meat-packing-plants-State-of-affairs-and-proposals-for-policy-action-at-EU-level.pdf.
195 Public services - Long-term care workforce: Employment and working conditions.
196 Study-report-on-personal-and-household-sector.2021_EN.pdf.
197 Eurostat 2025

a slight decrease thereafter[198]. The number of non-EU citizens obtaining the right to reside and work in the EU through a single permit increased by 28% between 2022 and 2024[199].

Furthermore, companies established in third countries may provide services within the EU and have their workers temporarily work in the EU. Data from the prior declaration tools for posted workers can be used to roughly estimate the size of this group. In 2024, there was a substantial flow of 'postings' from outside the EU/EFTA to Germany (134 727 postings) and France (73 824 postings and 43 309 persons sent).[200] Preliminary data from the European Labour Authority also show a marked increase 2023 and 2024 in the number of inspections where posted TCNs where identified, followed by a continued, though slightly lower, in the first half of 2025[201].

These trends are expected to further continue, driven by the EU's widespread labour and skills shortages as its population is ageing and its labour force shrinking. Employers are struggling to find the right people across many sectors, as shown by the latest Eurobarometer results.[202] . Public opinion data from Standard Eurobarometer 105 confirm that labour-market-related issues remain salient across the EU. In Spring 2026, unemployment and immigration were identified among the most important issues facing respondents' countries, with particularly high salience in several Member States characterised by intensive labour mobility flows.[203]

There is a clear need to attract TCNs to occupations experiencing Union-wide labour shortages across all skill levels. This approach is supported by evidence suggesting that foreign workers expand labour supply, alleviate labour shortages and contribute to economic growth in the euro area, particularly in the context of tight labour markets.[204] As the number of TCN workers in the EU is expected to grow, so is the need to ensure their protection and rights.

This is relevant for TCNs in both regular and irregular residency or work situations, as CJEU case law established that core EU employment law safeguards apply to any employee, including TCNs in an irregular situation.[205] Although, by definition, undocumented third-country nationals do not appear in official statistics, various attempts have been made to estimate the size of this population.

According to Eurostat data, 918 925 TCNs were found to be present in the EU without a regular residence permit in 2024[206], of whom 734 300 were aged 18 or older[207]. Meanwhile, the EU-funded MIIrreM (Measuring Irregular Migration) project estimated that between 1,966,000 and 2,435,000 undocumented migrants lived in 11 Member States between 2016 and 2022, excluding the UK208. While this does not cover the entire EU-27, the report notes that the excluded countries contribute relatively little to the overall undocumented population.

As regards undocumented workers, official EU data indicates an increase in the detection of illegally employed TCN workers with irregular residence status, rising from 23,514 detected

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198 Eurostat 2025
199 Eurostat 2025
200 Calculations from KU Leuven
201 Preliminary data provided by ELA based on internal reporting templates and PIRs
202 Eurobarometer to be published in late February
203 Standard Eurobarometer 105, Public opinion in the European Union. Data annex, March – April 2026.
204 Arce, O. et al (2025), ' Foreign workers : A lever for economic growth'
205 While TCN workers in an irregular situation do not enjoy rights equivalent to those regularly residing in the EU, they are nonetheless covered by a number of protective measures accorded to them under the Charter of Fundamental Rights of the European Union and legislation which regulates working conditions for every worker – regardless of their nationality and their migration status (see van Nierop, P., Schoenenberg, L. and Terziev, P. (2021) 'Counter-acting undeclared work and labour exploitation of third-country national workers'
206 Eurostat 2025
207 Calculations from KU Leuven
208 EU-funded MIIrreM project, Working Paper No.11/2024

workers in 2021 to 40,560 in 2024.[209] _More generally, the literature suggests that 70% of irregular undocumented foreigners are employed.[210] This aligns with findings from the Platform for International Cooperation on Undocumented Migrants (PICUM) which state that 'the majority of undocumented migrants are workers'.[211] Applying the 70% estimate to the figures yielded by the MIIrreM project suggests that abetween 1,376,200 and 1,704,500 undocumented migrant workers in 11 EU Member States (including the five most populous ones) between 2016 and 2022. [No reliable additional data are available regarding individuals with a residence permit but no work authorisation.]

TCNs in concerted and joint inspections (CJIs) Evidence from CJIs coordinated and supported by ELA in 2023-2025 shows that TCNs represent a substantial and persistent share of workers encountered during cross-border enforcement activities212. Data from 2023, 2024 and 2025 indicate that TCNs are present in the majority of inspections supported by ELA. In 2024, national authorities encountered TCN workers in 77 out of 117 CJIs, meaning that nearly two thirds of all inspections that year involved TCNs. Across inspections that have been finalised and where post inspection reports have been submitted, CJIs involving TCNs consistently accounted for around three quarters of cases (71% in 2023, 75% in 2024 and 76% in the first half of 2025).

In absolute terms, inspectors interviewed 890 TCNs in 2023 (19% of all workers checked), 1,220 TCNs in 2024 (17%), and 1,113 TCNs in 2025 (15%). TCNs were identified across a wide range of economic sectors, notably construction, road transport and manufacturing, as well as in HORECA and other services. Post-inspection data show that in 2023 only 90 of the 890 TCNs encountered were in a posting situation. In 2024, 537 out of 1,220 TCNs were posted workers, and in 2025, 198 out of 1,113 TCNs were identified as posted. This indicates that inspections supported by ELA regularly involve TCNs whose legal status cannot be determined ex ante and is only clarified during the inspection itself.

2. Reasons for the greater vulnerability of TCNs

While labour exploitation can affect any worker, TCN workers are particularly vulnerable due to a combination of structural, legal and socio-economic factors.

Third country national workers are **overrepresented in shortage and surplus occupations**, particularly those requiring **lower level of skills** and in **labour-intensive sectors** with higher risk of inadequate working conditions, such as construction or transport,[213] as well as hospitality, care and agriculture. **Poverty** significantly increases the vulnerability to exploitation. Factors such as the urgent need to earn a living, limited employment opportunities, the responsibility to sustain a family, and the pressure to repay debts incurred to finance travel to the EU all contribute to this risk.[214] The 2025 Atlas of Migration reflects this vulnerability: in 2024, 43.8 % of non-EU citizens living in the EU were at-risk-of-poverty, compared to 18.5% of EU citizens living in their own country, and 26.9% of the EU's mobile population.[215]

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[209] Data provided by DG HOME

210 'Forecasting Labour and Skills Shortages', Boswell, Stiller, Straubhaar, 2004

211 Picum (2013) 'Advocating for the Rights of Undocumented Migrant: An Overview of PICUM's Work Since 2001'.

212 ELA own analysis based on the preliminary reporting data from CJIs and post inspection reports submitted by the Member States in line with Article 9(6) of ELA Regulation

[213] https://www.eurofound.europa.eu/en/publications/all/working-conditions-sectorsand European Labour Authority (2025), 'Posting of third-country nationals: contracting chains, recruitment patterns and enforcement issues. Insights from case studies'

[214] Fundamental Rights Agency, How workplace inspectors can protect third-country workers' rights - Training manual

[215] Joint Research Council (2025) Atlas of Migration

Social isolation also plays a significant role. Many TCN workers live in a country without family or established social networks and are employed in 'invisible' sectors (such as domestic work, fisheries, agriculture or horticulture) with limited interaction beyond the workplace.[216] This isolation can embolden exploitative employers. TCN women are at particular risk as they are overrepresented in sectors such as domestic work, where labour inspections are rare[217], and are more likely to experience violence and abuse.[218]

A **lack of awareness of labour rights,**[219] including the functioning of complaint mechanisms[220], further contributes to TCNs' vulnerability. **Language and cultural barriers** often prevent workers from fully understanding their rights, employment contracts or the legal and institutional frameworks in place.[221] This also applies to the case of posted TCN workers, whose short stays limit opportunities to acquire language skills. When information is available only in the host country's language, TCN risk not understanding it.[222] Language barriers can also reduce the variety of jobs accessible to TCN workers, often pushing them into the low-skilled sectors where the overall risk of labour exploitation is high.[223]

Subcontracting and dependency on recruitment agencies may further increase the risk of exploitation, with trade unions reporting a growing number of TCN workers who have been required to pay recruitment fees to agencies and intermediaries.[224] Generally, such arrangements create complex legal relationships in which responsibility and applicable labour law may be unclear.[225] The use of private recruitment agencies is notably higher for international recruitment, suggesting that SMEs turn to intermediaries to navigate the recruitment of TCN.[226] In the case of posted TCN workers, fragmented monitoring and enforcement competences across different national authorities responsible for migration, employment and social protection can create enforcement gaps.[227]

Workers in **irregular status** are often reluctant to exercise their rights due to the fear of detection and deportation.[228] The absence of effective firewalls between labour inspectorates and immigration authorities, as well as lack of access to or knowledge of effective complaint mechanisms[229] means that, despite formal entitlements under EU law, TCN workers in irregular situations are frequently unable to exercise their rights in practice.

Dependency on an employer also increases the vulnerability of TCN workers. Irregularly residing TCNs depend on their employer as work contracts presents one of the only ways to regularise their status in Europe and obtain authorised residence.[230] However, even regularly residing TCN workers may be dependent on their employer where residence permits do not allow them to change employers.[231] In such cases, workers may stay with abusive employers to

[216] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[217] Le politiche di prevenzione e contrasto dell'informalità e dello sfruttamento dei lavoratori migranti
[218] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[219] idem
[220] EU Fundamental Rights Agency (2021), Protecting migrants in an irregular situation from labour exploitation – Role of the Employers Sanctions Directive
[221] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[222] European Labour Authority (2025) 'Posting of third-country nationals: contracting chains, recruitment patterns and enforcement issues. Insights from case studies'
[223] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[224] Syndicat European Trade Union (2025) 'Ensuring fair recruitment for migrant workers in the EU'
[225] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[226] https://europa.eu/eurobarometer/surveys/detail/3365
[227] European Labour Authority (2025) 'Posting of third-country nationals: contracting chains, recruitment patterns and enforcement issues. Insights from case studies'
[228] Trivellato, M. and Weatherburg, A. (2025) 'Realising Fair and Just Working Conditions for Migrant Workers in Europe'
[229] idem
[230] Ruiz-Ramirez, C., Castillo-Rojas-Marcos, J. and Molinero-Gerbeau, Y. (2024) 'Essential but invisible and Exploited – A literature review of migrant workers experiences in European Agriculture'
[231] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual

avoid losing their residence status,[232] preventing them from exercising their rights vis-a- vis their employer, not only related to wages but also to housing.[233] The confiscation of workers' passports by employers also ties workers to employers.[234]

Generally speaking, vulnerability to exploitation increases where workplace conditions are insufficiently monitored.[235] **Ineffective inspections** that fail to identify exploitation, detect trafficking in human beings, sanction abusive employers or support exploited workers' access to justice are perceived as legitimising exploitative practices[236]. In addition, low institutional capacity is reported as a main obstacle to effective monitoring and preventing worker exploitation of labour conditions in sectors related to seasonal work.[237]

Most prevalent forms of breaches of third-country national workers' rights

Third-country nationals are included in Union labour policies to varying degrees. Conditions for employment as well as provisions on equal treatment for social rights may depend on the residence status of the TCN. Like Union citizens, TCN are subject to the Treaty rules on Social Policy.

On the basis of ILO indicators, the EU Agency for Fundamental Rights has compiled the most common indicators of severe exploitation.[238] Evidence from labour inspectorates, research and trade unions consistently shows that TCN workers face a systematic risk of exploitation and trafficking in human beings, with widespread reports of labour rights violations.

Excessive working hours are frequently reported. For instance, a study on the working conditions of farm employees in the EU agriculture sector has found that TCN workers are highly susceptible to exploitation and showed that targeted labour inspections in Hungary's agricultural sector in late 2023 found that the most frequently observed violation (40 % of cases) concerned the absence of work schedules and falsified records of working hours, often resulting in unrecorded cash payments for overtime[239]. Other recurring practices include employers under-declaring work to remain within legal boundaries[240] and withholding written work agreements, especially for short-term seasonal work.

Underpayment is also widespread, with TCN workers receiving very low wages, facing illegal deductions or not being paid for overtime[241]. Exploitation can involve the denial of leave entitlements or the withholding of benefits[242]. Limited evidence indicates[243] that TCNs frequently report not getting social security contributions during posting assignments, not receiving annual leave payments or being asked to repay leave payments to their employer. Internal preliminary data from ELA shows that 20% of CJIs with cases of infringements,

[232] idem
[233] Syndicat European Trade Union (2025) 'Ensuring fair recruitment for migrant workers in the EU'
[234] Internal preliminary report from the ELA
[235] EU Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights - Training manual
[236] idem
[237] DG HOME, Targeted study on the need and potential policy options to better protect third-country nationals under the Seasonal Workers Directive, unpublished (upcoming)
[238] EU Agency for Fundamental Rights and European Labour Authority (2025) 'Detecting and addressing labour exploitation: a guide for labour inspectors', DETECTING AND ADDRESSING LABOUR EXPLOITATION
[239] DG AGRI and Milieu Law & Policy Consulting (2025) 'Study on working conditions of farm employees in the EU agricultural sector'
[240] idem
[241] Trivellato, M. and Weatherburg, A. (2025) 'Realising Fair and Just Working Conditions for Migrant Workers in Europe'
[242] idem
[243] European Labour Authority (2025) 'Posting of third-country nationals: contracting chains, recruitment patterns and enforcement issues. Insights from case studies'

involving only TCNs, included the underpayment or non-payment of wages – compared to 4.76% of cases involving only EU nationals.

Poor housing conditions is another concern for workers whose accommodation is provided by employers, especially seasonal workers[244] and posted TCNs[245]. In addition, in some areas, like the textile industry or the care sector, overlaps between production and living space has been observed. This represents 'a form of total control over the lives of workers, which transcends the mere working relationship and extends the employer's influence to the private and domestic sphere', thereby further facilitating exploitation[246].

Health and safety breaches are a particular issue in high-risk sectors (including agriculture, construction, and domestic care) sectors, where TCNs are overrepresented[247]. A recent report on TCN seasonal workers outlined that this stems from inadequate risk assessments, insufficient training in languages understood by workers, inappropriate protective gear, and excessive workload [248]. An internal report by ELA also illustrated a case of serious breaches of OSH requirements, where workers in the waste recycling sector worked excessive shifts, sometimes up to 24 hours, without protective equipment and in very low temperatures.

Trafficking in human beings remains a serious issue, with a notable increase in the number of registered victims trafficked for forced labour or services (37% of the total in 2024)[249]. 64% of all victims of trafficking were third-country nationals.[250] Preliminary internal data from the ELA shows that cases explicitly flagged as involving the trafficking in human beings are consistently linked to inspections involving third-country nationals, with 10% of CJIs with cases of infringements involving only TCN workers finding suspected THB/labour exploitation. Cases of labour exploitation often combine several of these elements, as shown by internal data from ELA.

ANNEX 8: ANALYTICAL CONTEXT LABOUR MOBILITY

1. The economic rationale of ELA

ELA aims to support fair labour mobility in the EU. Fair labour mobility supported by ELA concerns regional labour mobility with a cross-border element touching on more than one country, encompassing both permanent relocation and short-term movements such as posted workers or commuters. Movements within a single country, such as moving from one job to another, or relocating within a Member State are not considered within ELA's remit.

As such, the key 'target population' for ELA consists of around 10 million working-age (20-64) EU citizens who live in a Member State other than the one of their citizenship, as well as approximately 1.9 million cross-border workers who travel for their job to one country while living in another (e.g. commuters). Finally, ELA's scope covers companies and workers making use of the single market by 'sending' workers to another Member State to provide services on

[244] Draft of the Seasonal Workers Directive Implementation Report with information on the situation of TCN seasonal workers in seasonal sectors (upcoming)
[245] European Labour Authority (2025) 'Posting of third-country nationals: contracting chains, recruitment patterns and enforcement issues. Insights from case studies'
[246] Consiglio Regionale del Veneto I (2025) Sfruttamento del lavoro e caporalato in Veneto
[247] Trivellato, M. and Weatherburg, A. (2025) 'Realising Fair and Just Working Conditions for Migrant Workers in Europe'
[248] DG HOME, Draft of the Seasonal Workers Directive Implementation Report with information on the situation of TCN seasonal workers in seasonal sectors (agriculture and accommodation and food services) and references to further information (upcoming)
[249] Trafficking in human beings statistics - Statistics Explained - Eurostat
[250] idem

a temporary basis. This concerns around 5.5 million postings, corresponding to almost 2 million full-time equivalents.[251]

Beyond these reasonably well captured groups, cross-border seasonal work or similar short-term assignments (such as certain models of temporary live-in care) also fall within the scope of ELA. Estimates of the volume of such short-term mobility vary widely, depending in particular on whether third-country nationals are included. They range from below one million to several million cases. In this context 'cases' may refer either to individual workers or to mobility episodes, meaning that the same worker may be counted more than once (for example, in the case of successive e assignments), while the duration of the assignments is often not known.[252]

Within and beyond the key target population identified above, third country nationals are a group of particular concern for ELA. In 2024, around 20.8 million working-age (20-64) third country nationals lived in the EU.[253] With recent annual growth rates of 7% in 2023 and 8% in 2024, this group is growing considerably faster than the group of intra-EU mobile workers (approximately +2). Third country nationals frequently work alongside EU mobile workers, but often in a more vulnerable position. As a result their risk of working under unfair conditions is substantially higher than that of EU mobile workers. This concerns in particular, though not exclusively, the situation of third-country nationals in cases of intra-EU posting.

For the purpose of this Annex, three main tasks of ELA are distinguished:

1. ELA as a facilitator of cross-border labour mobility
2. ELA as a body contributing to increased compliance with legislation in situations related to cross-border labour mobility
3. ELA as a body facilitating the resolution of disputes and conflicts

While this structure differs from ELA's internal operating structure, it allows all tasks identified in the Founding Regulation to be covered. It also has the advantage of embedding 'enforcement' within a broader context, thereby enabling a more holistic approach to law enforcement.

This approach furthermore corresponds to the one proposed by the ILO.[254]

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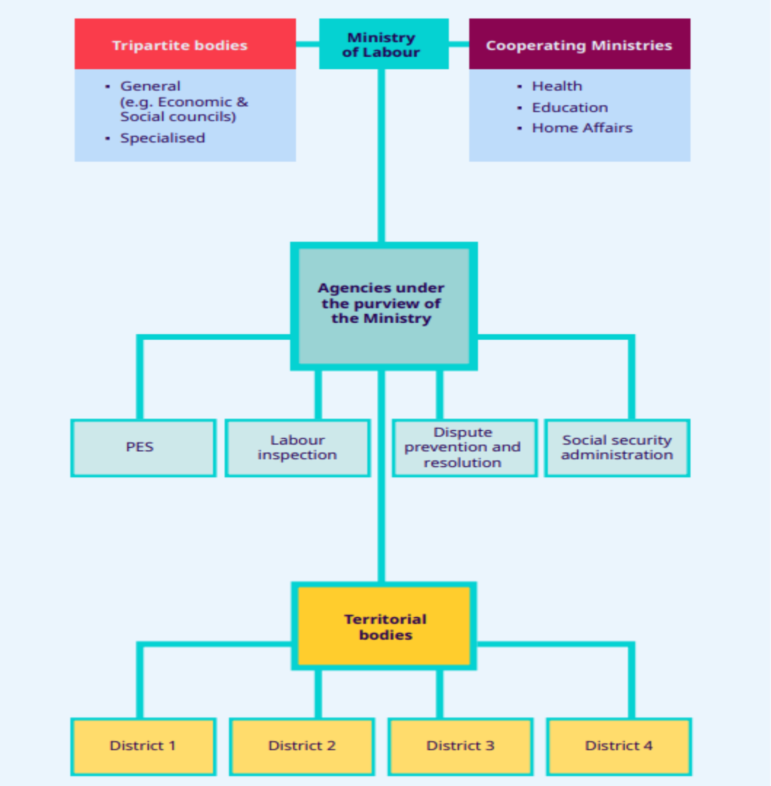
[251] EC (2026) Report on Intra-EU labour mobility, edition 2025, p. 13.
[252] For the issues concerning short-term mobility see: Akgüç, Mehtap and Wouter Zwysen (eds.) (2025): Moving under the radar, Ongoing Challenges for short-term intra-EU mobility, ETUI and also Fries-Tersch, Elena et al (2021) [Intra-EU mobility of seasonal workers](), Sjoeland, Linus et al. (2023) [Report on mobile seasonal workers and intra-EU labour mobility]() and Soldi, Rossella; Simona Cavallini (2023) [Collecting data on the situation of social protection of seasonal workers in the agriculture and food sectors in EU Member States after COVID-19]().
[253] EC (2026) Report on Intra-EU labour mobility, edition 2025, table 25.
[254] ILO (2025) Indicators and Methods for Measuring Effective Governance in the Field of Labour Administration, p. 16. Quoted from : Rychly, L. (2013) Ministries of Labour: Comparative Overview Database, Organograms, ILO Action. Working Paper No.27. Geneva: ILO.

▶ **Figure 1: A basic model of a national labour administration system**[10]



10 Based on Rychly (2013).

2. ELA as a facilitator of cross-border labour mobility

Standard Eurobarometer 105 confirms that free movement of EU citizens continues to command broad public support across the European Union.[255] This sustained support indicates that challenges linked to labour mobility relate primarily to implementation and safeguards rather than to the principle of free movement itself, reinforcing the relevance of EU-level action aimed at improving information provision, coordination and compliance.

According to Flash Eurobarometer 559 (2025), only around one quarter of EU SMEs (26%) engage in cross-border economic activity within the EU, while the large majority (70%) operate exclusively in their domestic market.[256] At the same time, in the assessment of the business environment, 40% of SMEs rate the availability of staff with the right skills as fairly poor or very poor[257] and 35% of EU SMEs rate the quality of public and private business support services as fairly or very poor.[258] This reiterates the need for fluid labur mobility enabling good skills matching across borders and indirecntly indicates that it should be supported by quality support structures.

EURES is the European Union's main instrument for facilitating cross-border labour mobility. ELA has been tasked with coordinating EURES.[259]

[255] Standard Eurobarometer 105, Public opinion in the European Union. Data annex, March – April 2026, p. 159.
[256] Flash Eurobarometer 559, Startups, scaleups and entrepreneurship. Eurobarometer report February – April 2025, p. 46-47.
[257] Flash Eurobarometer 559, Startups, scaleups and entrepreneurship. Eurobarometer report February – April 2025, p. 16.
[258] Flash Eurobarometer 559, Startups, scaleups and entrepreneurship. Eurobarometer report February – April 2025, p. 12.
[259] Art. 6 ELA Regulation

ELA's budget allocated to EURES amounted to 15.6 million in 2025 and 13 million in 2026,[260] meaning that around 25 – 30% of ELA's overall budget is spent on EURES. Of this amount, approximately 2.6 million EUR per year are used for a framework contract delivering services to ELA. In parallel to this expenditure the Commission invests additional resources in further development of the EURES job mobility portal.[261]

The evaluation of EURES (2021) concluded that in 2019 the EURES budget, composed of financing the horizontal support activities, such as the development and maintenance of the EURES portal, the common training programme, communication, analytical and network activities, amounted to 24.5 million EUR, up from around 22 million in 2016. In parallel, the number of placements increased from about 45 000 to above 80 000, thus leading to declining costs per placement (down to 288 Euro in 2019) and per individual contact between EURES staff and EURES users (11.88 Euro). While ELA has abandoned this indicator system[262], the Action Plan will re-establish this approach and ensure that the costs of a placement achieved with the support of EURES are measured again.

Based on the most recent figures on EURES placements, EURES facilitates around 7-8% of annual labour mobility. In 2024, the total flow of mobile workers amounted to approximately 957 000 persons. Among mobile workers, 32% have a high level of educational attainment, 39% a medium level, and 29% a low level. Within this group the share of low-skilled is about 10 ppt higher than among all EU citizens, but 16 ppt lower than among third country nationals. Furthermore, mobile workers display higher labour-market participation and employment rates than both other EU citizens and immigrants. Participation and employment rates among movers reach 83.4% and 77.5% respectively, compared with 80.9% and 76.7% for other EU citizens and 73% and 64% for immigrants.

Empirical evidence suggests that such mobility has positive macroeconomic effects. Jaumotte *et al.* (2016) concluded that advanced EU economies benefit from immigration, estimating that a 1 ppt increase in the *migrant share of adult population* raises GDP per capita by up to about 2% in the long run.[263] This finding is consistent with the estimation made by Șerban et al. (2020)[264] who estimate that a 1 ppt increase in the share of skilled intra-EU movers in the population results in an almost 0.2% increase in GDP per capita in host old EU Member States in the short term. The estimated impacts for host new Member States were insignificant, and the mobility of unskilled workers did not contribute to GDP growth.[265]

To illustrate the potential magnitude of these effects, if 75 000 EURES placements where skilled workers moving to Belgium (with a workforce (15-65) of around 7.5 million persons), this would correspond to a 1 ppt increase in the share of skilled intra-EU movers in the relevant population. Given Belgium's GDP of around 620 billion in 2025, a 0,2% increase in GDP would translate into an additional 1.2 billion in economic output.

While mobile workers are in practice more evenly distributed across Member States, it nevertheless appears realistic to conclude that the mobility facilitated by EURES, which also supports qualification recognition and direct transitions into employment, thereby reducing job-

[260] ELA (2025) SPD, p. 63
[261] EaSI annual work programme 2025, Annex 1, p. 5.
[262] ELA-evaluation.
[263] Jaumotte et al (2016). Impact of Migration on Income Levels in Advanced Economies
[264] Serban et al (2020). The impact of EU immigration on economic growth through the skill composition channel
[265] These conclusions are in line with the more detailed literature analysis provided by wiiw (2025) On the economic costs and benefits of migration: A literature review. The literature review confirms that low-skilled immigration is likely to have more

search frictions, generates short-term growth effects in the range of 750 – 1000 million Euro in the short term and long-term effects approximately 10 times larger.[266]

Further studies examining the costs and benefits of intra-EU labour mobility and immigration from multiple perspectives, including the effects on countries of origin of the (intra-EU) movers, conclude that labour mobility generates clearly net-positive effects both in destination[267] countries and in the countries of origin. Outward mobility can lead to improvements ranging from reduced unemployment and higher employment rates to lower poverty levels (including through remittances), rising wages, and higher productivity.

Concerns that outward mobility may result in brain-drain, potentially hampering economic development in countries of origin, would only be justified if mobility primarily involved the most productive segments of the workforce. This is unlikely to be the case for EURES, as it in its operations otherwise.[268]

On this basis, it is reasonable to assume that the GDP growth linked to mobility facilitated by EURES by far exceeds the budget spend on EURES.[269] Past experience with EURES has also shown that as the budget increased, the costs per placement and per contact declined, underlining that the effective delivery of such service requires a critical volume of activity.

Improvements in the functioning of EURES will therefore contribute to more workers taking better-informed decisions on cross-border mobility and, ultimately, lead to higher levels of satisfaction with cross-border labour mobility.

3. Increasing compliance with legislation in particular in situations of cross-border labour mobility

The value of cross-border labour mobility has been extensively researched and confirmed by wide range of economic studies.[270] Mobility decisions are shaped by a combination of push and pull factors, among which wage differentials play an important role[271] However, when asked about their motivation to be mobile, EU citizens also frequently refer to gaining additional experience and improving longer-term career prospects.[272] In addition, so-called 'softer' factors, such as cultural or linguistic affinity with the destination country, as well as perceptions of security and political stability, have gained increasing importance in the choice of destination.[273] While employment services and dedicated job search tools have their place when citizens search for jobs abroad, the most common pathways to employment in another country remain personal contacts and online social networks.[274] As a result, previous mobility experience has the potential to influence future mobility decisions.

To ensure that labour mobility is perceived positively by mobile workers, local workers and employers, it needs to be fair. While agreeing on what 'fair' exactly entails is challenging[275], a basic understanding of the main elements of this – ultimately normative – concept, is necessary. Consensual aspects of fair labour mobility include the notion that the same work at the same

[266]It is reasonable to assume that the majority of these workers would engage in mobility also without the help of EURES, meaning that the value-added of EURES is lower than these figures.
[267] Wiiw-literature review and Edo, A. (2015). The impact of immigration on native wages and employment. The B.E. Journal of Economic Analysis & Policy, 15(3), 151-1196
[268] Wiiw paper, p. 10 and 24/25.
[269] Mobility of unskilled workers was estimated to have a negative impact of about the same magnitude.
[270] See section 1 or wiiw-literature review.
[271] Kiss, Aron et al. (2026), DG ECFIN Discussion paper No 241, Migration, mobility and the EU labour market: Recent developments, p. 30.
[272] Special Eurobarometer 528 (2022): Intra-EU labour mobility after the pandemic, Summary, p. 18.
[273] Special Eurobarometer 528 (2022): Intra-EU labour mobility after the pandemic, Summary, p. 19.
[274] Special Eurobarometer 528 (2022): Intra-EU labour mobility after the pandemic, Summary, p. 7.
[275] See e.g. John Rawls, Justice as Fairness, 1971.

place should come with the same remuneration and similar working conditions and should be open to any EU citizen (with the appropriate qualification). In principle this corresponds to the Union's commitment to ensuring no discrimination on the grounds of nationality. A more substantive articulation of this concept, illustrating the different dimensions relevant in this context, was proposed by de Wispelaere[276] with a particular focus on social security coordination:

a) Individual fairness – no benefit disadvantage for mobile persons. – Movements between Member States should not lead to lower benefits or gaps in coverage.
b) Financial fairness – no financial burden should arise for the social security institutions of host or source member State while the Social Security institution of the other member state benefit from any provision on portability or the lack thereof
c) Administrative ease – the administrative provisions or the lack thereof should not cause a bureaucratic burden for the institutions involved and should be easy for mobile persons to navigate.

Clarifying the notion of fairness is important, as Member States have distinct and often highly complex systems of working conditions and social rights, with differing roles and responsibilities and varying involvement of social partners in setting working conditions.

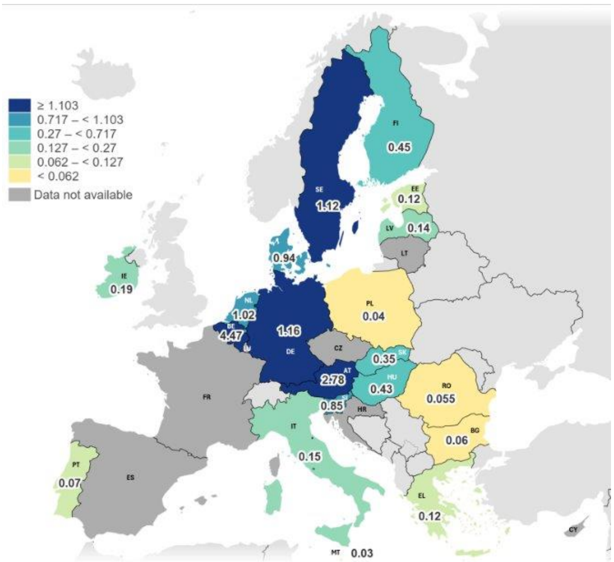
ELA was established to assist Member States and the Commission in supporting the enforcement of Union law within its area of competence. Incidents such as the strike of transport workers in Graefenhausen,[277] media reports such as the VRT investigation into working conditions, primarily of non-national construction workers[278], or official reports on inspections revealing severely inadequate housing conditions of EU-mobile workers living in Germany and working in the Netherlands,[279] illustrate the continued relevance and importance of making sure that the rules facilitating labour mobility, notably regarding working conditions, renumeration, social security coordination and protection of vulnerable workers are adequately enforced. Furthermore, regular reporting by national authorities (see box below) shows that a substantial share of the infringements detected by national authorities concerns situations involving workers who are not fully integrated into the national labour market. This includes, in particular, short-term mobile or migrant workers, posted workers, and third country nationals with limited access to the host labour market.[280]

The posting of workers constitutes an important form of short-term labour mobility and is one of the key domains of activity for ELA and accounts for a significant share of its operational efforts. According to data from national prior declaration tools (PDT) for 2023[281], the highest numbers of inbound postings were reported in a limited number of receiving Member States. Germany accounted for the biggest number of inbound postings of workers (1.4 million postings notified[282]), followed by Belgium (234 020 posted workers), France (234 363 posted workers, 2022 data) and Austria (121 705 posted workers).[283] When considering sending countries, Germany (19%), Poland (15%) and Romania (5%) were the main Member States of

[276] De Wispelaere, Frederic (2019) 60 years of coordination of social security systems: still room for improvement, in: Belgisch Tijdschrift voor sociale zekerheid (1/2019), p. 159-181, p. 160.
[277] Protest gegen ausbleibende Löhne: Lkw-Fahrer treten in Hungerstreik | tagesschau.de
[278] Pano - woensdag 19 november 2025 om 17:00 | VRT MAX
[279] Ministerium für Heimat, Kommunales, Bau und Digitalisierung des Landes Nordrhein-Westfalen and Lighthouse reports on invisible workers
[280] e.g. no permission to work at all (illegal entry to the Union, entry via tourist/student visa which does not allow to work), permission to stay linked to employment with a specific employer, doubts about the rights/requests not welcome by national/regional authorities, lack of knowledge how to claim rights, assessment that – in particular in cases of short-term stays/seasonal work – the efforts to claim rights would be disproportionate to the efforts required)
[281] Posting of workers – prior declarations 2023, p. 10.
[282] Germany only provided data on postings not posted workers
[283] Posting of workers – prior declarations 2023, p. 24-25.

establishment of posting undertakings. In terms of the share of postings by country of origin, Poland accounted for 24% of all notifications, followed by Germany (10%) and Romania (7%).[284]

Figure No 1: Share of incoming posted workers against the employment of the receiving Member States (%)



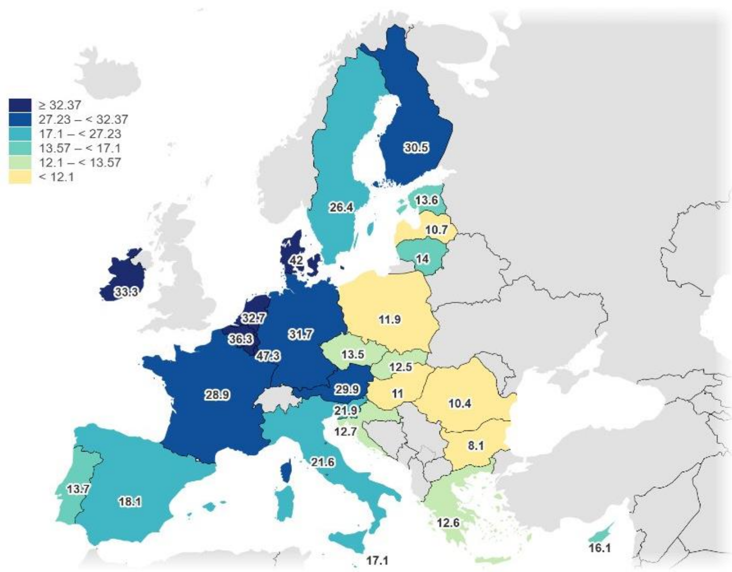
Source: ELA compilation based on PDT (2023) Number of postings notified in the national declaration tool of the host country in 2023

Figure 1 illustrates the share of incoming posted workers as a proportion of total employment in the receiving Member States. While absolute volumes are concentrated in larger economies, smaller and highly integrated labour markets display higher relative exposure to posting when measured against total employment.

The most significant bilateral posting flows identified in 2023 were from Poland to Germany (526 049 postings) and from Germany to Austria.[285] These flows reflect both geographical proximity and structural wage and labour market differentials across Member States. **Figure 2** presents hourly wage levels in the EU-27. The figure highlights substantial differences in labour costs across Member States, which constitute an important structural factor[286] underlying posting movements, particularly from lower-wage to higher-wage economies.

Figure No 2: Hourly wages in EU27 (EUR) in 2023

[284] Posting of workers – prior declarations 2023, p. 10.
[285] Posting of workers – prior declarations 2023, p. 27.
[286] Kiss, Aron et al. (2026), DG ECFIN Discussion paper No 241, Migration, mobility and the EU labour market: Recent developments, p. 30.



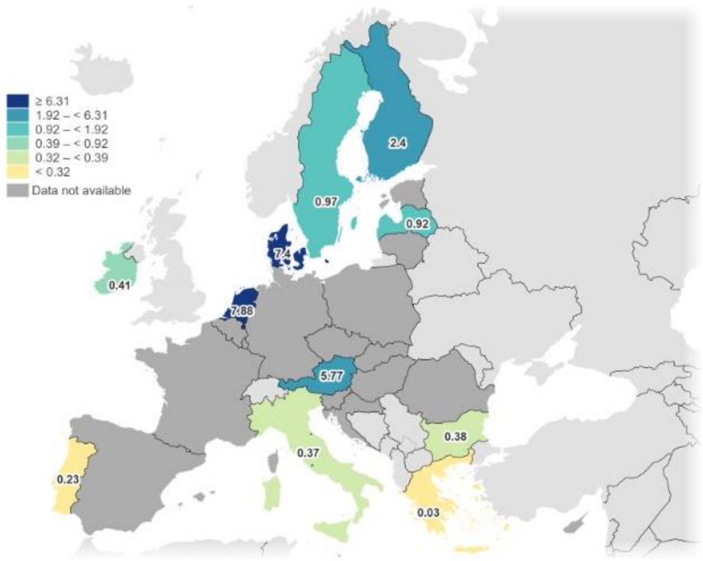
Source: ELA compilation based on Eurostat. Labour cost levels by NACE Rev. 2 activity [lc_lci_lev]

In 2023, postings were concentrated in a limited number of economic sectors. Construction accounted for 28% of posted workers and 50% of all posting declarations, followed by manufacturing (22.8% of posted workers and 9.1% of postings).[287] The transportation and storage sector represented 11.3% of posted workers and 9.4% of postings.[288]

Sector-specific exposure varies considerably across Member States. **Figure 3** shows the share of incoming posted workers relative to total employment in the construction sector in 2023. In several Member States, posted workers represent a significant proportion of the construction workforce, underlining the relevance of cross-border enforcement and coordination in this sector.

Figure No 3: Share of incoming posted workers against Member State employment in construction sector, 2023 (%)

[287] To note that from 2023 the majority of prior declarations in road transport sector were submitted via a dedicated portal (Road Transport - Posting Declaration). Therefore, the road transport data were not accounted for in the overall reporting, except in certain types of posting such as intra-corporate or temporary agency posting (Article 1(3)(b) and (c) of the Directive 96/71/EC). In contrast, according to the 2022 data 32,4% of postings were registered in the transportation and storage sector (Posting of workers – prior declarations 2022, p. 29).
[288] Posting of workers – prior declarations 2023, p. 33.



Source: ELA analysis based on PDT (2023) data: Number of postings notified in the national declaration tool of the host country in 2023

Another specific challenge to cross-border enfocement and cooperation are the growing numbers of third country nationals, driven both by refugee movements and by labour-migration policies aimed at addressing workforce shortages, this challenge is increasingly perceived as urgent.

Cross-border cooperation and national authorities

In 2025, in consultation with its stakeholders the Belgian labour inspectorate identified 'social dumping' as the area with the highest risk. In second place comes fraud related to social security contributions, third place was undeclared work, fourth place human trafficking and in fifth place benefit fraud. Thereby the difference in importance attributed to the five categories was relatively limited and changed over time – however, social dumping continuously ranked first.[289] According to the Belgian understanding or the category 'social dumping' is closely related to cross-border social fraud and the illegal posting of employees and self-employed workers. Social dumping is defined as 'a form of unfair competition between national and international companies because European and national regulations are not being followed.'[290] To address the problem, improved cooperation with authorities in other Member States is very much highlighted as a necessity to address the problem. This concerns prevention (ensuring EU-wide consistent interpretation of rules and linked information to EU citizens and third country nationals); good cooperation in the detection (including concerning data-mining and data-matching); concerted inspections to increase the effectiveness of controls; establishing procedures which ensure that fines in cases involving cross-border situations are collected (and safeguarding that social security contributions payment in Belgium is enforced in case of a withdrawal of the PD A1 certificate). Similar to social dumping, undeclared work, including bogus self-employment, is in Belgium often considered to be linked with workers from outside the country.[291]

[289] Sociale Inlichtingen - en opsporingsdienst , p. 6
[290] Sociale dumping | Sociale Inlichtingen-en Opsporingsdienst
[291] Sociale Inlichtingen - en opsporingsdienst, p 22.

Available figures for Germany report that in 2024, in the context of the fight against undeclared work, illegal employment and social security fraud, the responsible authority launched 96 813 criminal proceedings and 49 686 proceedings for administrative offenses.[292] Among the administrative offenses, Horeca ranked first: 12 440. It followed construction (6 856), transport and logistics (3 169); industrial cleaning (1 927), hair-dressing and beauticians (1 406) and temporary work agencies (1 070).[293] The most pertinent infringements concerned misuse of benefits (31.8%), problems with work and/or residence permit (29.5%); non-compliance with minimum-wage requirements (12.4%) and 'other administrative offenses' (20.4%). The volume of damages registered by the German authorities in 2024 amounted to 766 million Euro, with more than 369 million Euro linked to the construction sector, 63 million to transport and logistics, 62 million to agriculture, 47 million to industrial cleaning and 25 million with the Horeca sector. These five sectors, all characterised by a substantially over-proportionate presence of mobile and migrant workers, often in engaged in short-term or seasonal assignments, together accounted for around ¾ of the overall impact.

As identified by the Belgian authorities, effective enforcement of the rules requires well-functioning cooperation, at least at European level.

Compliance is best supported through an integrated or 'holistic' approach that addresses the various dimensions of effective public governance. Such an approach does not focus solely at preventing non-compliance, but also on actively encouraging compliance.[294] This makes it possible to link enforcement actions to the underlying motivations for infringements., such as a lack of knowledge, the complexity of applicable rules, perceived economic disadvantages when competitors are perceived as non-compliant without being sanctioned, or, in some cases, a deliberate disregard for the rules.[295] Analytical work done in relation to enforcement theory is united on the necessity to apply such a holistic approach.[296]

Enforcement theory defines 'smart enforcement' as a combination of risk-based targeting and behaviour-responsive enforcement.[297] Both are important elements in supporting and facilitating compliance. More broadly the European Commission in the last years has also moved towards adopting and facilitating 'smart enforcement' approach which includes, first, preventing breaches of EU law from happening and then offering support for compliance.[298]

In the context of ELA this means that the exchange of information and mutual learning between national experts needs to be complemented with a more practical strand of joint inspections as well as further joint action, such as information to workers and employers, data exchange or mutual assistance when it comes to the enforcement of sanctions, therewith touching on preventative as well as on strictly enforcement related aspects. The 'full spectrum' support offered by ELA including information provision, cooperation and information exchange, mediation and concerted and joint inspections aligns well with the ideas behind holistic approach to enforcement. At the same time, the targeting and promotion of more risk-based

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[292] Bundesfinanzministerium (2026). https://www.bundesfinanzministerium.de/Content/DE/Standardartikel/Themen/Zoll/Gerechtigkeit-faire-Arbeit/illegal-ist-unsozial.html. The authority launched 96 813 criminal proceedings. In 85% of cases this concerned the abuse of benefits or the non-payment of social security contributions by workers. Thus, a link with labour mobility was not obvious from the statistic as such.
[293] German toll authority (2025)
[294] Williams, Collin; Horodnic, Alexandra (2022) Progress of national authorities towards a holistic approach (ELA).
[295] Werkegeverspiramide en Interventiemix, p. 8.
[296] Williams, Colin C (2016) Developing a Holistic Approach for Tackling Undeclared Work. Learning Resource from Holistic Seminar_0.pdf See also 'enforcement pyramid' a core concept of responsive regulation developed by Ian Ayres and John Braithwaite which describes a graduated system of enforcement responses, arranged hierarchically from least intrusive at the bottom to most severe at the top. The central idea is that the enforcement actors should normally start with cooperative and persuasive measures and escalate only if necessary (Ayres and Braithwaite, Responsive Regulation (1992)).
[297] Blanc Florentin and Faure Michael (2020), Smart enforcement in the EU, Journal of Risk Research 23(11), pp.1405-1423.
[298] Monitoring the implementation of EU law: tools and challenges, p. 25.

approach within the more punitive arm of enforcement (inspections) would be in line with the fundamental principles of smart enforcement promoted by EU.

Three interlinked dimensions of enforcement can be seen as difficult to tackle in cross-border situations:

- **Knowledge**: ensuring that authorities, workers, and employers understand their rights and obligations and know which institutions are competent. This primarily relates to ELA's role in information provision and transparency, including information campaigns and practical tools that simplify compliance, such as renumeration tool. In order to be of use information must be clear, easy to obtain and adjusted to the individual needs of the addressee.
- **Detection**: supporting the ability of national authorities to **detect non-compliance** and encouraging workers and employers to report problematic situations. ELA contributes through its **analytical work, concerted and joint inspections (CJIs), and mutual learning**, as well as by fostering cooperation with social partners and other organisations that can raise awareness, act as whistle-blowers, and support workers in situations of perceived exploitation. At the same time, for detection to work well it has to be based on sufficient data and information as well as adequate risk assessment.
- **Sanctioning**: facilitating that detected infringements can be effectively sanctioned and enforced. Cross-border obstacles, such as difficulties in recovering fines from employers established in another Member State, can discourage authorities from pursuing more complex cases, especially in a context of limited resources and pressure to deliver results, which may favour action against simpler infringements. While sanctioning remains in the hands of the Member States, for it to work in cross-border context, efficient recovery is key.

Hurdles to fair mobility:

In situations of posting, workers are paid according to the rules of the place of their work. But what does this mean in practice, e.g. when one Member State structures the '13th salary' as part of the extra bonus related to the quality of work, while another counts it in the brut monthly salary calculation even though overall brut salary is higher in the first member State Situations like that as well as the highly diverse practices in structuring payslips across Member States create additional burden for employers and complicates checks by labour inspectors.

Remuneration is often not openly discussed at the workplace. As a result, it can be difficult for newcomers and even more so for workers staying only for a short period, to understand how much their colleagues performing similar work actually earn. This applies even more to 'fringe-benefits', such as contributions to a second or third pillar pension or other additional allowances paid by the employer. This lack of transparency creates challenges for both inspectors and workers.

Even when a worker knows or suspects that they are not being remunerated appropriately, or is uncertain whether social security contributions are being paid correctly:, it might be unclear whom to approach and how to do so without worsening their situation. Workers may fear losing their job or income, being dismissed, or becoming involved in a lengthy and costly legal process and, in the case of third-country nationals, even the risk of having to leave the EU.

This comes with an immediate disadvantage to the workers, but also the information about the problem does not reach the enforcement bodies (which could lead to targeted enforcement efforts) and compliant employers are at a disadvantage. A researcher therefore well summarises the problem: 'Many workers in organised and structural cross-border fraud and social dumping schemes quickly become aware that they are being exploited but will seldom complain or seek assistance. Regularly, by the time they seek help, they have been exploited for a long period.'[299]

Without good cooperation and sufficient transparency with other national authorities, the 'easiest' way in case of registered infringements, is to sanction those whom authorities easily get hold of, i.e. the workers who are already disadvantaged and to perform checks more on formalities (correct registrations, compliance with OSH-rules, compliance with minimum wage requirement, instead of equal pay), than on ensuring really fair working conditions in substance. In the context of short-term labour mobility such as posting of workers, this situation might be especially challenging for enforcement authorities since such workers might seek redress after returning to their 'home' country, once the situation has already passed and local enforcement authorities are then asked to address a past situation which took place in another jurisdiction.

An instructive point of comparison for ELA is Directive 2015/413/EU on facilitating cross-border exchange of information on road-safety related traffic offences (CBE Directive). Based on Art. 91(1)(c) TFEU (measures to improve transport safety), the Directive made it possible for traffic offences, such as speeding[300] committed in a Member State other than the one where the car is registered to be effectively sanctioned. To this end, the Directive granted Member State authorities access to each other's vehicle registers via an electronic tool which meant that the Member State in which a road traffic offence was committed could access information from the Member State in which the vehicle was registered.[301] Prior to the Directive, non-resident drivers accounted for around 5 % of road traffic in the EU, yet were responsible for approximately 15 % of speeding offences, meaning they were, on average, three times more likely than resident drivers to commit such offences.[302][303] The Directive has considerably improved the cross-border sanctioning of offences.[304] The number of investigated cases has multiplied and the payment of fines has improved.[305]

In the area of ELA's work, the functional equivalent of a a vehicle registration register is the company register. In situations where problems are detected, national authorities require effective access to company-register information in order to obtain necessary background information for starting to address non-compliance.

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[299] Buelen, W. (2024). Searching for the DNA of the European labour authority: the urgent need for more coherence, mandate, tasks and competence. ERA Forum. Vol. 25, No. 3, pp. 313-326. Berlin/Heidelberg: Springer Berlin Heidelberg., p. 324.

[300] The Directive identifies 8 offences: (1) speeding, (2) failing to use a seat belt, (3) failing to stop at a red traffic light, (4) drunk driving, (5) driving while under the influence of drugs, (6) failing to wear a safety helmet, (7) the use of a forbidden lane and (8) illegally using a mobile phone or any other communication device while driving.

[301] This is particular important in situations where offences are detected without stopping the respective vehicle (radar-checks etc).

[302] SWD(2016)355 final, p. 3 and 4.

[303] Already before the adoption of the Directive, it was (in theory) possible to use the electronic information system EUCARIS to exchange vehicle registration data under juridical cross-border cooperation, Member States, however, did not do so for minor offences such as most road traffic offences. This was due to the fact that the Decisions imposed very strict and administratively demanding procedures, targeting the investigation of serious cross-border crimes, including terrorism. An alternative pathway too exchange information were bilateral agreements, which, however, were scarce and did in many instances not work well.

[304] SWD(2023)126 final, p. 6. – even so it is acknowledged that further measures to streamline mutual assistance and recognition of procedures between MS in the investigation of offences as well as the enforcement of financial penalties was needed.

[305] SWD(2023)126 final, p. 14. Previous enforcement mechanisms, even so more binding, play a negligible role (1% of cases).

4. ELA as a body to facilitate the resolution of conflicts

As a third function ELA is supposed to contribute to is the resolution of disputes regarding individual cases of application of Union law within the areas of competence within itsv mandate.

The most visible indicator for such disputes is the number of SOLVIT[306] cases in the area of ELA's competence. A further indication that additional efforts are needed, are the 535 cases closed unresolved. Many of these cases concern issues within ELA's potential scope of action, such as questions related to pensions or residence rights, difficulties to enforce adequate pay etc. The cases submitted to SOLVIT can be seen as the tip of the iceberg, as many affected citizens will not bother to submit a formal complaint. Regardless of whether a case is resolved or closed without resolution, each case registered with SOLVIT may indicate frictions in the functioning of the Single Market, suggesting the need for structured follow-up and dialogue with the authorities concerned.

The existing costs of mobility were also estimated by an economic model, calibrated on the data for the top 5 labour sending and receiving countries in the EU for the period 2006–2021. It estimated that labour flow cost in the EU lowered welfare by 11%–60% relative to a free mobility scenario.[307]

SOLVIT cases in areas of ELA competence[308]

	2022	2023	2024	2025
Social Security	1513	1533	2313	2390
Free movement of persons and right to reside	310	344	564	743
Share in all cases	80%	82%	86%	87%

Analytical work considers mediation to be "'a cornerstone of Alternative Dispute Resolution', often leading to more satisfactory outcomes compared to traditional litigation".[309] A key feature of mediation is, that an independent neutral third party assists the parties of the dispute by helping them to reach a mutually acceptable solution. The 'mediator does not have the power to impose a solution or a decision, as the parties retain ultimate control over the outcome'.[310] Mediation is a non-binding procedure, but once an agreement is reached it becomes binding and enforceable. With the Mediation Directive (Directive 2008/52/EC) the European Union has provided for such mechanism for the resolution of conflicts in civil and commercial matters. However, under the proposed mechanism, situations involving conflicts between national authorities of different Member States were not considered, cross-border disputes, that would

[306] SOLVIT is an informal network of 30 centres in EU Member State plus Iceland, Liechtenstein and Norway. It helps people or businesses free-of-charge when their cross-border rights in the Single Market are breached by public authorities. SOLVIT looks for swift and pragmatic solutions to make sure the four freedoms of movement of people, services, goods and capital are upheld. It offers a faster, informal alternative to starting a court case, submitting a formal complaint to the European Commission or launchhng a petition.
[307] Sargent, Kristina (2024) Unpacking migration costs: Heterogeneous effects in EU labour markets
[308] SOLVIT Portal Scoreboard
[309] Evaluating the Cost-Effectiveness of Mediation in Legal Disputes - EmpowerLaws.com
[310] European Parliament (2011) : Quantifying the cost of not using mediation – a data analysis, (PE 453.1800 , p.9.

fall within the scope of the Directive.[311] The requirements laid down in that Directive did not provide for the establishment of an independent and neutral third party to mediate such conflicts. With the creation of ELA, however, a body with the potential to assume such a role was established.

Research identifies a so-called ‘mediation paradox’: while the use of mediation yields highly successful results, it is rarely used in a systematic way by disputants and lawyers.[312] A detailed World Bank analysis illustrates this. In Belgium, litigation takes on average 505 days, compared to 45 days for mediation, while in Italy the respective figures are 1210 days for litigation and 47 days for mediation.[313] A similar contrast emerges with regard to costs. In Italy the average costs of a litigation procedure were 15 370.50 Euro and in Belgium 16 000 Euro, whereas mediation cost 4369 Euro in Italy and 7000 Euro in Belgium. Despite these advantages, mediation remains underused, even though it leads to a settlement in around 70 % to 85 % of cases.

The researchers also calculated which success rates of mediation were necessary to ensure that an obligatory two-stage approach, would yield on average cheaper and quicker solutions than the prevailing practice to go to litigation directly. Based on EU figures, they found that if mediation was successfully used in 19% of cases (in terms of duration) and 24% of cases (in terms of monetary costs), the average duration and the average costs for conflict resolution would decline. Courts would also be less overburdened with cases, potentially leading to a reduction in the duration of litigation. Beyond savings in time and money, mediation is further valued for its ability to preserve relationships among parties.[314] To overcome the ‘mediation paradox’ research advocates a ‘carrot and stick approach’, combined with communication on the advantages of mediation. This would entail rewarding the use of mediation where this makes sense, and in cases where voluntary uptake is less likely, requiring an attempt at mediation as a preliminary step before court proceedings. A ‘communication only’ (i.e. only advertising the advantages of mediation) approach is considered as insufficient.

However, where Member States may prefer to leave the conflicts unresolved rather than pursuing formal litigation, mandatory mediation may be less effective. A more promising approach lies in actively engaging the parties to the conflict and demonstrating the advantage of more structured resolution, namely, showing that the current situation is Pareto inefficient. This, in turn, would require ELA to place more emphasis on the economic implications of unresolved issues.

5. Relevant literature

A literature survey identified the following published analytical documents as relevant:

<u>General literature:</u>

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[311] Directive 2008/52/EC : Art. 1: ‘This Directive shall apply, in cross-border disputes, to civil and commercial matters except as regards rights and obligations which are not at the parties’ disposal under the relevant applicable law. It shall not extend, in particular, to revenue, customs or administrative matters or to the liability of the State for acts and omissions in the exercise of State authority (acta iure imperii).’

[312] European Parliament (2011) : Quantifying the cost of not using mediation – a data analysis, (PE 453.1800 , p.10.

[313] Open Knowledge Repository – doing business report 2009

[314] https://empowerlaws.com/cost-effectiveness-of-mediation/#Factors_Influencing_the_Cost-Effectiveness_of_Mediation see point : non-monetary benefits of mediation.

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ANNEX 9: TABLES - COMPARISON OF OPTIONS

Table 1: Comparison of options in terms of effectiveness.

	Indicators of effectiveness for comparing options					
1. Information	**Options**	**Baseline**	**1.1**	**1.2**		
	Rating	**0**	++	+		
	Criteria for comparing options	- Access and reach: improvement in access to information and targeted counselling for individuals and employers - Targeting: Capacity to reach vulnerable groups effectively				
2. EURES	Options	Baseline	2.1	2.2	2.3	
	Rating	0	+	+	+	
	Criteria for comparing options	- Clarity of governance: the extent to which the option provides a clear division of tasks that leverages the strengths of both institutions - Strategic coherence: improvement in accountability and alignment with EU strategies on skills and mobility				
3. Cooperation and Enforcement	Options	Baseline	3.1.1	3.1.2	3.1.3	3.2
	Rating	0	+	++	++	++
	Criteria for comparing options	- Targeting of inspections: ability to identify high-risk sectors and patterns of non-compliance for better-targeted inspections - Enforcement capacity: The extent to which the option closes enforcement gaps and increases the number of cases of non-compliance discovered.				
4. Mediation	Options	Baseline	4.1	4.2		
	Rating	0	+	+		
	Criteria for comparing options	- Likelihood of increased uptake and completion rate				

Table 2: Comparison of options in terms of efficiency.

	Indicators of efficiency for comparing options			
1. Information	**Options**	**Baseline**	**1.1**	**1.2**
	Rating	**0**	++	+
	Criteria for comparing options	- Cost structure: The comparison of high fixed costs (establishing permanent staff and infrastructure) versus flexible costs (grants and coordination).		

		- Synergies: ability to leverage existing networks to reduce duplication				
2. EURES	Options	Baseline	2.1	2.2	2.3	
	Rating	0	++	+	+	
	Criteria for comparing options	- Economies of scale: potential savings in IT infrastructure and operational support through centralization - Synergies with EU Tools: Cost savings or value added by aligning with other Commission-managed IT projects and initiatives				
3. Cooperation and Enforcement	Options	Baseline	3.1.1	3.1.2	3.1.3	3.2
	Rating	0	++	+++	++	+
	Criteria for comparing options	- Cost-effectiveness of CJIs: the extent to which the option achieves better targeting of inspections, leading to a higher likelihood of detecting infringements per inspection - Administrative duplication: the risk of creating parallel EU structures that replicate national capabilities rather than supporting them.				
4. Mediation	Options	Baseline	4.1	4.2		
	Rating		++	+		
	Criteria for comparing options	- Procedural burden: Resources spent on facilitation and coordination - Prevention of waste: The ability to minimize resources wasted on preparing cases that are subsequently refused without explanation.				

Table 3: Comparison of options in terms of coherence.

	Indicators of coherence for comparing options					
1. Information	**Options**	**Baseline**	**1.1**	**1.2**		
	Rating	**0**	++	+		
	Criteria for comparing options	- Synergies vs. duplication: The extent to which the option utilizes existing national/regional networks to create synergies versus creating parallel structures that risk overlapping with other EU services				
2. EURES	Options	Baseline	2.1	2.2	2.3	
	Rating	0	++	+	0	
	Criteria for comparing options	- Alignment with other EU instruments and tools - Operational synergies: The ability to maintain links between EURES and other labour mobility networks managed by ELA (free movement bodies) to avoid operational rifts.				
3. Cooperation and Enforcement	Options	Baseline	3.1.1	3.1.2	3.1.3	3.2
	Rating	0	+	+	0	-
	Criteria for comparing options	- Regulatory consistency and coherence with the responsibilities other EU agencies - Institutional coherence (national primacy): compatibility with the Single Market's shared enforcement model and the principle of national enforcement primacy (avoiding the duplication of national labour inspectorate functions).				
4. Mediation	Options	Baseline	4.1	4.2		
	Rating	0	+	+		

	Criteria for comparing options	- Coherence with other procedures for conflict resolution - Procedural alignment: consistency with the broader EU goal of simplifying rules and procedures

Table 4: Comparison of options in terms of proportionality.

1. Information	**Options**	**Baseline**	**1.1**	**1.2**		
	Rating	**0**	+	**-**		
2. EURES	**Options**	**Baseline**	**2.1**	**2.2**	**2.3**	
	Rating	0	++	+	+	
3. Cooperation and Enforcement	**Options**	**Baseline**	**3.1.1**	**3.1.2**	**3.1.3**	**3.2**
	Rating	0	+	+	-	--
4. Mediation	**Options**	**Baseline**	**4.1**	**4.2**		
	Rating	0	++	+		

ANNEX 10: ELA'S ACTION PLAN

The document referenced below is the draft ELA Action Plan, prepared in response to the lessons learned identified in the 2025 ELA Evaluation.

This draft was adopted by the ELA Management Board in May 2026 and will be transmitted to the European Commission for review, in accordance with the applicable procedures. The European Commission has been involved throughout the drafting process and has provided input during the preparation of the draft Action Plan.

ELA
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Draft action plan following ELA's evaluation

Lesson learned 1 - Monitoring

An evaluation of ELA performance in line with Article 40 of the Founding Regulation relies on the availability of clear objectives, performance indicators, including targets, and the measurement of these indicators during the evaluation period. This resulted in difficulties assessing the cost-effectiveness of ELA's activities. ELA could thus improve its monitoring system. This could be achieved by:

- *(i) defining SMART objectives at the level of the general objective as well as at the levels of specific and operational objectives.*
- *(ii) identifying meaningful Key Performance Indicators (KPIs) to measure achievements.*
- *(iii) systematically setting targets for all KPIs; and*
- *(iv) better monitoring of services/outputs use and the effects at the national level.*

(Section 4.1.1.1.) To develop an effective monitoring system, it is essential to distinguish between activities (e.g., meetings and social media posts) and objectives (e.g., cross-border recruitment, resolving irregular employment cases). Furthermore, an intervention logic should be underpinned by an operational understanding of 'fair labour mobility' and SMART objectives; for example, beyond assessing stakeholder satisfaction with information accessibility, ELA could create indicators to measure the time and effort required for stakeholders to obtain necessary information, or the impact of activities. (see also points 3 and 5 below).

Objective

Improvement of ELA's monitoring system through redefining SMART objectives and KPIs on a general, as well as on specific and operational levels.

Action Plan narrative

Following the ELA evaluation, one lesson learned concerns improving the ELA monitoring system. The Commission identified that ELA could improve its monitoring by redefining its objectives, identifying outcome-related KPIs, and strengthening monitoring of these KPIs. ELA welcomes the lesson learned and has identified several actions to address it. In the first place, ELA introduced an improved monitoring system in Q3 of 2023 by launching and implementing the ELA Operational Plan (OP) digital application, which links all annual work programme activities of the Authority to the multiannual strategic objectives and enables quarterly reviews. In addition, the system stores historical data, leading to improved monitoring of services and outputs. ELA also integrated Power BI dashboards for real-time KPI tracking and reporting. Next steps include the internal evaluation of ELA's strategic objectives and operational activities, as set out in the ELA programming documents; this began in Q4 2025.

Followed by a redefining of the operational objectives into SMART objectives, matching the strategic objectives. Here, ELA will also seek alignment with the other four agencies under EMPL remit, similar to lessons learned in their joint evaluation, with the aim of exchanging practices and ideas.

In conjunction with the development of the redefined operational objectives, and considering that ELA is a demand-driven agency that is highly dependent on voluntary cooperation, ELA will also redefine its KPIs, focusing on measurable indicators that are not only output-oriented but also, where possible, outcome-related, making them targeted and clearly defined in scope. To ensure that the newly defined KPIs are measurable, achievable and relevant, they should also reflect the voluntary participation and operational goals of the main stakeholders. To this end, ELA will organise three workshops in Q3 2026 with the involvement of Member States, the Commission, and social partners (invitations will go through the Management Board to assist in defining the KPIs).

ELA plans to implement these newly defined objectives and indicators in the SPD 2027-2029. Where needed, ELA will evaluate and adapt the monitoring tools to align with the new objectives and KPIs, including biannual updates to the Power BI dashboards for real-time tracking and reporting.

Deliverables

- Redefined SMART objectives
- Newly defined measurable KPIs, including output-related KPIs
- Tool for monitoring and reporting of KPIs

Steps in the Action Plan and Timeline

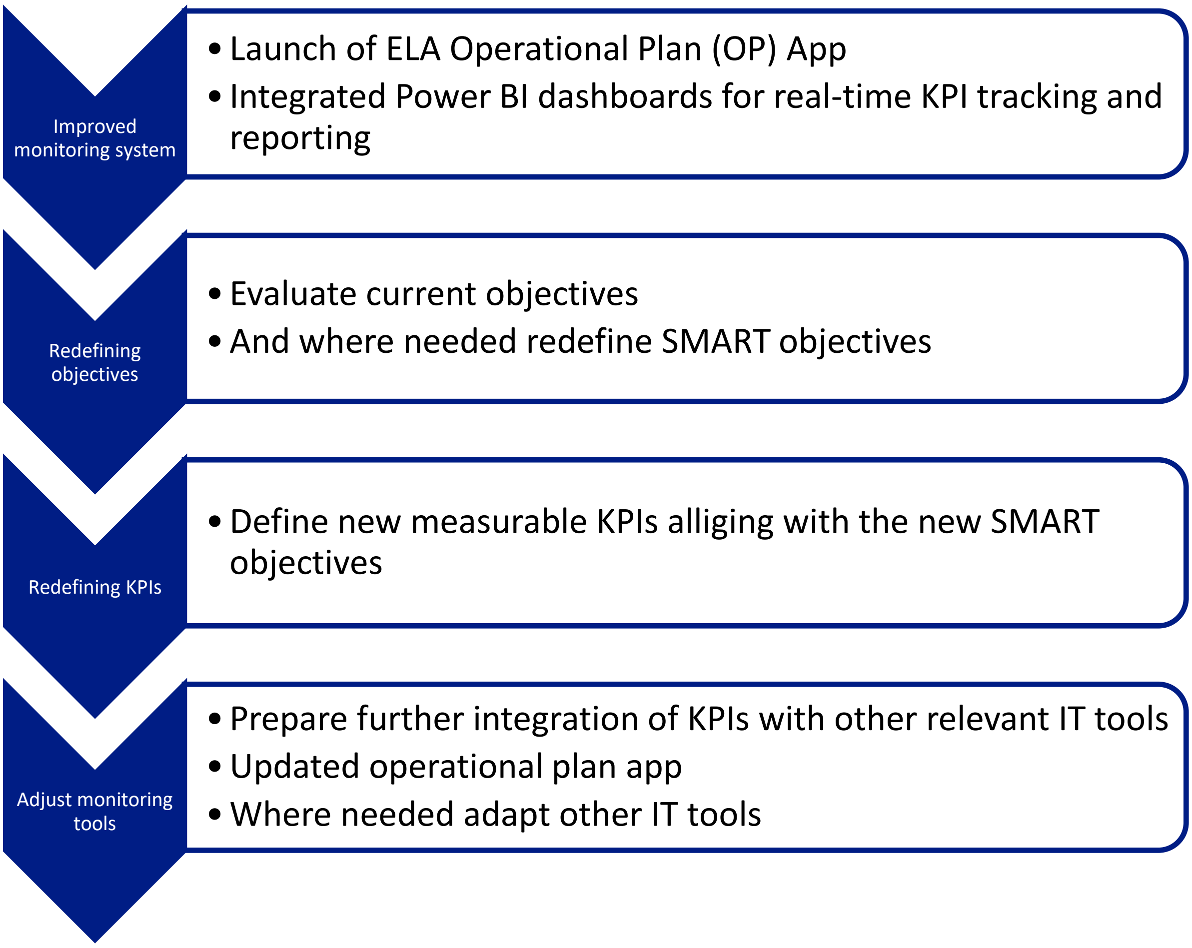
Launching the Operational Plan application	Q3 2023
Implementation of integrated Power BI dashboards (including biannual updating of the dashboards)	Q3 2023 (latest update Q3 2025)
Evaluation of current strategic objectives	Q4 2025
Redefine new SMART objectives based on internal evaluation.	Q2 2026

Redefine KPIs, including output-related KPIs, based on new SMART objectives (including workshops with MSs, Commission and social partners).	Q3 2026
Implementation of objectives and KPIs in programming documents	Q3 and Q4 2026
Integrate new objectives and KPIs in monitoring tools	Q4 2026
Monitoring and reporting on now-defined KPIs Development of the new Operational Plan application	2027 2027

Interdependencies and alignments

1. The newly defined SMART objectives will be built around the principles contained in ELA vision until 2030 presented at the ELA vision until 2030, as presented at the Management Board meeting in November 2025. Aligning SMART operational objectives with ELA's vision will provide a clear way forward for improving strategic management.
2. ELA has a close cooperation with the other four agencies under the DG EMPL remit. This also applies to evaluation and follow-up through Action Plans. The four other agencies published a joint evaluation in 2024 and, to that end, defined a joint Action Plan. Where possible, ELA will join forces with the other agencies to address 'lessons learned' of a similar nature. This also applies to the lesson learned regarding SMART objectives and monitoring systems. The lesson learned number 8 from the joint agency evaluation also refers to the SMART objectives and improved monitoring. ELA will join the efforts of the other four agencies in the continued work within the EUAN Performance Development Network (PDN), and specifically between the five agencies, to explore possibilities and practices for measuring the outcomes and impact of the SMART objectives.
3. The operational plan will continue to support the monitoring of ELA's activities and KPIs. The newly developed application should further support the planning and integration of ELA's overall activities, incorporating financial and operational planning in a single tool.

Schematic view of intervention logic



Lesson learned 2 - Enhanced strategic management

Besides providing the necessary input for future evaluation of the agency, such a monitoring system could support enhanced strategic management by the agency's leadership, providing direction to the organisation and increasing its overall performance. Particular attention could be paid to setting meaningful objectives in areas that have been less developed thus far (i.e. analysis/risk assessment, mediation), to mainstream digitalisation efforts, and to enhancing cooperation and coherence within the organisation and with other organisations, in particular EU agencies. To fully develop and benefit from better coordination and synergies between activities, the organisational structure will be revised.

Objective

Taking ELA strategic management to the next level

Action Plan narrative

ELA reached full operational capacity in 2024, and until then, the Authority had been in a growth phase, including building its strategic management and leadership. In 2023, ELA mapped the existing planning and reporting processes across all units, identified overlaps, and streamlined them where needed. This led to the implementation of the Operational Plan application in Q3 2023, which consolidated activities and aligned them with the Authority's strategic objectives. To ensure adequate monitoring of activities and facilitate reporting, ELA established quarterly management reviews using Power BI dashboards that also enable cross-unit coordination, and introduced integrated reporting by linking activities to the annual work programme and multiannual goals.

In 2024, ELA began an assessment and conceptualisation of IT tools for a stakeholder relations management (SRM) system to further improve coordination of stakeholder involvement across ELA's operational activities. This is followed by the development of an SRM system that encompasses all ELA IT tools (NLO cases, database for experts, case management system, inspections and events application) in 2025 and 2026. Final implementation of all IT tools is planned for 2027, completing the SRM system deployment.

With the Authority's growth and increased activities, ELA saw a need to improve internal coordination and coherence. To that end, in Q2 2023, ELA introduced horizontal operational task forces on the thematic areas under ELA’s mandate: free movement of workers, posting of workers, transport, social security coordination and digitalisation (set up in Q2 2024). In these task forces, staff from all operational units and sectors work together to coordinate ELA's work in a thematic area. The task forces will be internally evaluated in 2026 and, where needed, adapted to optimise their use.

In line with the ELA vision by 2030, the decision to renew the Authority's organisational structure was adopted in May 2026, with the objective, inter alia, of further strengthening the coordination and integration of the Authority’s activities. All operational units will be grouped into a single operations department. The head of the operations department, supported by a coordination and liaison sector, shall be responsible for ensuring the overall coordination of all operational streams of the Authority. Furthermore, several operational activities will be merged to ensure operational coherence and efficiency. Administrative and logistical support will be centralised under a dedicated services unit.

Regarding cooperation and coherence with other organisations, and in particular EU Agencies, ELA has concluded cooperation agreements with the other four agencies under EMPL's remit (Cedefop, EUROFOUND, EU-OSHA and ETF). These cooperation agreements are implemented through hands-on, yearly action plans in which the Agencies commit to concrete joint activities of mutual interest. In addition, ELA works closely with other EU agencies, such as Europol – where formalisation of relations is foreseen – and FRA, and aims to establish formal cooperation links with ILO, where the cooperation instrument is being negotiated, and with OECD. ELA will continue to closely cooperate with other agencies and international organisations.

Finally, as noted under lesson learned 1, ELA will evaluate and redefine its operational objectives, including those related to mediation, analysis, and risk assessment. ELA is set to develop a longer-term (5-year) vision for the Authority that will be considered when developing the new ELA SMART objectives, as well as the future development of the ELA ICT and AI/innovation strategies. As outlined under lessons learned one, a new operational plan app is being developed to further integrate operational and financial planning.

Deliverables

- SRM system
- Evaluation and further optimisation of internal organisation
- Vision for ELA

Steps in the Action Plan and Timeline

Mapping existing planning and reporting processes across all units to identify overlaps.	Q1 2023
Implementing the Operational Plan App to consolidate activities and align them with strategic objectives.	Q3 2023
Establishing quarterly management reviews using Power BI dashboards to ensure cross-unit coordination.	Q3 2023
Introducing integrated reporting linking activities to the Annual Work Programme and multiannual goals.	Q3 2023
Introducing horizontal operational task forces in ELA on all thematic areas of ELA's mandate (free movement of workers, posting of workers, transport, social security coordination, and digitalisation).	Q2 2023 (Q2 2024 for digitalisation)
Implementation of the Stakeholder Relations Management (SRM) system and other IT tools, such as the inspection application, to further improve coordination across operational activities in ELA, including CJIs, analysis, and stakeholder engagement. (same as action in Recommendation 1)	Q1 2024: assessment and conceptualisation of IT tools for SRM with an external contractor S2 2026: finish development of all IT tools (NLO cases, database for experts, case management system, Inspections and events app) 2027: Implementation of all IT tools, completing the deployment of the SRM system.
Presentation of a longer-term (5-year) vision of ELA that will be considered for the development of ELA SMART objectives and monitoring system. (same as action in Recommendation 1)	2025: Define the scope of vision and its presentation and discussion at the MB
The future development of ELA ICT strategy and AI/innovation strategy	2026
Internal evaluation and further optimisation of ELA's internal structure and functionalities	2025: commence internal evaluation 2026: where needed, further adapt the internal structure and functions for optimisation.

Decision on the internal reorganisation of the Authority	Q2 2026

Interdependencies and alignments

1. The European Commission announced in its work plan for 2026 a proposal for a strengthened ELA mandate. This means the Commission will most likely propose a revision to the ELA regulation.
2. The new operational plan app developed during 2026 should further integrate the future operational and financial planning of the Authority.
3. ELA will closely cooperate with the four agencies under EMPL remit regarding their evaluation and action plan, notably, lesson learned 11, to continue to explore areas in which working together brings the most added value to all agencies. In their joint Action Plan, the agencies focus on working with enlargement and neighbouring countries to generate comparable data and support their accession readiness. ELA will join this effort where possible and within the remits of its mandate, for instance, regarding its work with Moldova and Ukraine.

Lesson learned 3 - CJI and analysis/risk assessment activities

A clear example of the potential benefits of enhanced internal coordination and coherence concerns the ***concerted and joint inspections (CJIs) and analysis/risk assessment activities.*** *While the analysis/risk assessment could help better target inspections, the outcomes of the CJIs could, in turn, feed into the analysis, help identify systemic problems, and inform training courses and capacity building. Reporting from inspections could be provided by Member States within a limited timeframe, even if some follow-up to CJIs might still be ongoing. A clarification on ELA's position regarding data protection and privacy could help gather national data. Pending input from Member States, ELA could envisage conducting surveys to obtain more immediate feedback on the support provided. (Section 4.1.1.3.). Relevant indicators that would be helpful could be e.g. the number of inspections initiated by the ELA's analysis/risk assessment, the number of targeted inspections as a proportion of the total, benefits generated by joint inspections (e.g. improved workers' situation, collected/ recovered taxes and/or social security contributions) and other information about cases on cross-border fines and penalties.*

Objective

Leveraging the full potential of enforcement through further integration of ELA enforcement activities.

Action Plan narrative

As stated in the bi-annual report on CJIs, ELA has increased the number of CJIs every year since commencing the activities. More CJIs were held, and more Member States became involved. However, to ensure effective use of the CJI instrument, ELA places greater emphasis on targeted CJIs that address specific irregularities and violations to generate greater impact on the ground. At the same time, ELA has put in place a more structured collection of CJIs' results due to the introduction of the preliminary CJI report template. The introduction of the task forces (as stated in lesson learned 2) also supports horizontal coordination in ELA. The renewed organisational structure adopted at the end of March 2026 will further increase the integration of ELA's activities. ELA also ensured that experiences with CJIs feed into capacity-building activities, such as the modular training for labour inspectors that has been in place since Q4 2023.

ELA aims to further enhance knowledge and draw on the benefits of its enforcement activities by developing and using an inspection case management system to improve coordination, support, and overall implementation of CJIs. Including the reporting of CJI-relevant data to allow their use for further analytical activities, including reporting and risk assessment. The development of such a system is planned for 2026, with implementation and deployment in 2027.

In the meantime, in 2025, ELA is revising the guidelines on CJIs to improve organisational and logistical support for CJIs, and to collect feedback on the support provided and the outcomes of past inspections. Implementation of the revised guidelines is planned for Q1 2026. This goes hand in hand with the revision of internal rules and procedures for analytical services to expand the use of analysis as a supporting tool for CJIs, including those initiated by the Authority.

Finally, ELA is set to review the operational objectives and KPIs as a whole (see also lesson learned 1). This will include CJIs, as well as analytical and risk assessment activities. KPIs should align with ELA competences and recognise that CJIs are carried out by national authorities, while ELA plays a coordinating and supporting role.

Deliverables

- Revised guidelines on CJIs
- Inspection case management system
- Enhanced synergies between analytical activities and CJIs, leading to more targeted inspections

Steps in the Action Plan and Timeline

A more structured collection of CJIs' results is now in place thanks to the introduction of the preliminary CJI report template.	2024
Stronger emphasis is placed on targeted CJIs that address specific irregularities and violations, with a focus on generating impact on the ground.	2024
Introduction of thematic taskforces (see lesson learned 2).	Q2 2023
The experience with CJIs informs capacity-building activities (e.g., modular training for labour inspectors).	Q4 2023

Develop and use an inspection case management system to improve coordination, support provision, and overall implementation of CJIs, including reporting CJI-relevant data and enabling their use for further analytical activities, including reporting and risk assessment.	2026: Development of a case management system 2027: Implementation and deployment of the case management system.
Revision of guidelines on CJIs to improve the organisation and support to CJIs, as well as to collect feedback on support and relevant results of past inspections.	2025: evaluation of guidelines, gathering feedback and opportunities for improvement, development of revised guidelines Q1 2026: Implementation of revised guidelines.
Revision of ED Decision and SOP on analytical services to expand the use of analysis to support CJIs, including ELA-initiated CJIs.	Q2 2026

Interdependencies and alignments

1. Upcoming proposal for a revision of the ELA mandate and possible inclusion of clarification on ELA's position regarding data protection and privacy regarding the gathering of national and personal data.

Lesson learned 4 - Information

*ELA's activities, building on the work by its information working group and with the involvement of social partners, could be further intensified to increase usefulness and targeting (e.g. specific sectors), addressing the persistent fragmentation at both the EU and national levels of **information** on the rights and obligations of mobile workers and employers. (Section 4.1.1.2) ELA could further explore efficiency gains by using digital tools (machine translation) for its Translation Facility. (Section 4.1.2.1).*

Objective

Improving the efficiency and usefulness of information activities

Action Plan narrative

Facilitating information on labour mobility has been one of the Authority's core activities from the beginning. Together with the working group on information, ELA has been continually exploring opportunities to further improve the accessibility of information for workers, job seekers, employers, and social partners. To that end, ELA started in 2023 with various mutual learning and exchange activities involving EU-level and national stakeholders, notably in the field of seasonal work and EU labour mobility services, to jointly identify issues related to information provision. In 2024, ELA launched and completed a large-scale analysis to better identify end-user information needs, aiming to improve the targeting and tailoring of information provision. The same aim applies to the development of the ELA webtool/chatbot, which should also make fragmented information more accessible to end users. ELA started this project in 2024 and plans to finish it in 2026/first semester 2027.

The number of local information events where ELA directly addresses workers and employers has increased in recent years, and it also targets specific sectors with high labour mobility.

Regarding other sectoral information activities, ELA has previously introduced a model for the systematic involvement of social partners before, during, and after their launch. At the same time, the Authority looks ahead and is testing new methods of involving social partners and other relevant cooperation partners in the preparation or implementation of information activities. The work on the thematic focus areas is closely connected to the other ELA activities. Including a study by analysis and risk assessment sector, information and campaign activities and targeted enforcement actions that also include an information aspect.

The ELA Translation facility is one of the first tools that ELA made available for Member States' authorities. The procedure for using the tool has been adapted and revised several times, and ELA is determined to further explore efficiency gains in this regard. For translation services, the Authority uses the Translation Centre for the Bodies of the European Union (CdT), which employs a combination of human and machine translation. The advice so far is that, in most cases, exclusive machine translation does not yet achieve sufficient quality, and therefore human interaction in translation remains important. ELA will continue to collaborate with CdT to monitor the quality of machine translations.

Deliverables

- New methods of involving social partners in information activities to improve targeting and impact of information activities.

Steps in the Action Plan and Timeline

mutual learning and exchange activities, involving EU-level and national stakeholders, notably in the field of seasonal work and EU labour mobility services, to jointly identify issues related to information provision;	2023 - ongoing
Labour Mobility Labs aimed at mutual understanding and at establishing connections that result in seamless service provision for end users.	Q2 2024 - ongoing
Developing the ELA webtool/chatbot to make fragmented information better accessible for the end user;	2024 - 2027
Increasing the number of local information events directly addressing workers and employers	2024
Large-scale analysis to better identify information needs of the end-user for better targeted and tailored information provision	2024

Systematic involvement of social partners before, during and after launching sectoral activities of ELA.	Q1 2025
Testing new methods of involving social partners and other new cooperation partners in the preparation or implementation of ELA's Information/Services activities	2025 – 2027
Collaboration with CdT to explore the progress of the quality of machine translations	2025 - 2027

Interdependencies and alignments

1. Dependency on CdT regarding the use of digital tools such as machine translation for the ELA translation facility, as the advice so far is that, in most cases, exclusive machine translation does not yet result in sufficient quality, and therefore, human interaction regarding translations remains needed.

Lesson learned 5 - Information campaigns

*Regarding **information campaigns**, ELA could enhance the measurement of their impact and use. The themes (e.g., sector) for such campaigns should be based on a thorough analysis and could help define the precise objectives and target groups for these information campaigns. Relevant indicators that would be helpful could be, e.g. requests by employers and workers for additional information about the rights and obligations of specific groups of mobile workers targeted by the campaign*

Objective

Impactful and targeted information campaigns

Action Plan narrative

ELA has been gradually building up its information campaigns, starting with a campaign on EU 4 fair work in cooperation with the Platform tackling undeclared work in 2020, followed by campaigns on seasonal work, international road transport, construction and Horeca and social security The scope and reach of the campaigns have increased over the years as well, and ELA conducts a target audience and strategic analysis for each of the campaigns. Further efficiency and targeting have also been improved through the information needs analysis conducted by the information sector (see lesson learned 4), and ELA has, since 2024, improved the comprehensive process for defining the content and key messages for campaigns. To this end, enhanced cooperation with information providers, social partners, and the Commission has been implemented and will be further expanded in the coming years. ELA also aims to reuse campaigns and, where needed, slightly shift the focus. A good example here is the campaign ELA did in 2022 regarding the social aspects of the international road transport sector. In Q4 2025, ELA will launch a campaign on small commercial vehicles (as new legislation will be effective from 1st of July 2026), building on the material of the 2022 campaign, but creating new targeted key messages. ELA will also consider new approaches to campaign delivery, with the objective of applying a more tailored approach to the Member States.

Finally, to improve the measurement of the impact and use of the ELA information and awareness-raising campaigns, ELA will launch the work to develop a methodology to measure the impact in Q4 2025 and further develop the methodology in 2026 in cooperation with the external contractor, with the aim of implementing it for the baseline scenario before our planned campaign in 2027. And measure the campaign's impact after its run in Q2 2027.

Deliverables

- Development and implementation of methodology to measure campaign use and impact.

Steps in the Action Plan and Timeline

ELA conducts target audience analyses and strategic analyses for each campaign.	2023 - ongoing
Information needs analysis was launched to identify general information gaps (see also lesson learned 4);	2024
An improved, comprehensive process for defining key messages for campaigns was implemented. Enhanced cooperation with information providers at the EU and national levels to get access to additional insights into the information needs	2024
Tailored-made approach to campaign delivery	Q4 2025: Launch of the Work – assessment and design Q4 2026: Piloting the new approach
Development of methodology for measuring the impact of campaigns.	Q4 2025: Launch of work Q3 2026: development of the methodology Q3-Q4 2026: measure baseline scenario before campaign Q2-Q3 2027: measure impact after campaign

Interdependencies and alignments

Lesson learned 6 - capacity building

*While ELA has already established a first strategy for **capacity building**, it could be further clarified whether this strategy will be limited to the mentioned programmes or whether and to which extent further efforts are to be expected.*

Objective

Providing further clarification on the scope of the capacity-building strategy

Action Plan narrative

The ELA Capacity Building Strategy 2024-2030 outlines ELA's mission, vision and objectives to be achieved under the task of capacity building during the period in question. The programmes outlined in the strategy document were launched or planned at the time the document was published. However, the multiannual strategy is broken down into annual plans for capacity-building activities, which are presented to the ELA MB each year, ensuring the strategy can respond to changing and emerging issues and needs not considered or evident in its initial design.

Several new workstreams have been added to each programme under the ELA capacity-building strategy to ensure they remain relevant and address stakeholders' needs. ELA will continue this practice in the future with annual plans of capacity-building activities. The new program, which focused on the free movement of workers, was launched.

Deliverables

- Annual updating of ELA capacity building strategy

Steps in the Action Plan and Timeline

Development of the Mutual Learning and Understanding Program focused on the Free Movement of Workers Adding several new workstreams to each programme in the ELA Capacity Building strategy to ensure relevance and address stakeholders' needs.	2025 2023 - ongoing

Interdependencies and alignments

Lesson learned 7 - EURES

ELA could increase its efforts to ensure that EURES becomes fully part of its activities and to focus its analytical work on labour mobility. At the same time, ELA could enhance the provision of adequate services to the EURES network, enabling it to offer services to jobseekers and employers, making optimal use of digital tools. ELA could examine how to improve the effectiveness and efficiency of EURES, the overall management of the EURES coordination group and it could be explored how to come to a clearer division of tasks and responsibilities between ELA and the Commission services, especially in relation to IT tools (EURES portal) and legal interpretation of different aspects of the EURES Regulation (Section 4.1.1.2.). When *it comes to the increased use of digital tools such as algorithmic management, ELA, by its management of the European Coordination Office of EURES, could play a central role in identifying and addressing related risks such as potential job displacement, biased algorithms, and loss of human interaction and empathy in the recruitment process. ELA could further support the use and development of digital tools by the Member States.*

Objective

Improving the effectiveness and efficiency of EURES through a further integration of EURES into ELA activities.

Action Plan narrative

The first evaluation of ELA has identified that ELA could further enhance the effectiveness and efficiency of EURES and suggests fully integrating EURES into ELA activities.

Improve integration of EURES into ELA and support digital tools

ELA has been working continuously to establish a closer link between EURES and the Authority's activities. In 2024, a closer link has been achieved through enhanced use of the EURES portal's labour market insights (LMI) information, the new job vacancies insights tools, and an improved methodology for analysing labour shortages and surpluses in relation to ELA strategic analysis.

ELA is developing the EURES Strategy 2030 to align EURES governance and activities with ELA's broader initiatives. The aim is to adopt the strategy in Q1 2026 and start the implementation in Q2 2026. In addition, ELA has had thematic task forces in place since 2023 that work horizontally across ELA to coordinate work on our thematic areas (posting, social security coordination, transport, free movement and digitalisation). EURES and EURES colleagues are fully integrated in these task forces.

A closer connection between EURES activities and labour market mobility trends has been achieved by leveraging enhanced labour market information (LMI) from the EURES portal. New analytical tools, such as the “Job Vacancies Insights” feature and improved methodologies for assessing labour shortages and surpluses, now complement ELA’s strategic analyses. These innovations ensure that EURES remains responsive to current labour market dynamics. To that end, EURES and ELA are working together to integrate the development of EURES’ reports on labour shortages and surpluses into ELA’s analytical and risk assessment activities. By Q4 2025, the position coordinating the report will be moved from the EURES sector to the analytical and risk assessment sector.

For 2026 and 2027, ELA plans to engage in EURES, analysis, and risk assessment activities in the respective labour markets, as well as in technology analysis. This integration will foster mutual learning and exchange, and provide a forum for EURES countries to benefit from shared insights in labour market and technology analysis.

Digital transformation and support for digital tools are central themes within ELA. In 2024, ELA launched the Digitalisation Knowledge Hub, which runs projects to collect and share knowledge on existing digital tools in the field of labour mobility, promote their use, and explore further opportunities. And the ELA Innovation Facilitator, where the Authority provides hands-on experience through solution mapping, workshops and Tech events. These initiatives are active horizontally in ELA and are also designed to facilitate the digitalisation of EURES services and support the implementation of the EURES portal strategy.

Finally, ELA is set to review the operational objectives and KPIs as a whole (see also lesson learned 1). This will include the monitoring system regarding EURES efficiency as well. KPIs should respect ELA competences and take into account the specificities of EURES and its legislative framework.

The organisational change implemented in Q2 2026 will further reinforce effective operational coordination and achieve stronger integration of the Authority's activities through more systematic and streamlined approaches, including the designation of the operational department, which will further strengthen coordination of ELA's operations.

Better serving the EURES network

In an effort to enhance the provision of adequate services to the EURES network, ELA is determined to improve the end-user experience. The EURES portal's labour market information section was reorganised in 2024, making it more accessible for EURES advisors, jobseekers, and employers while reducing the administrative burden on National Coordination Offices (NCOs).

ELA is committed to continuous professional development within the network. In 2024, the Authority introduced a new set of training modules in the EURES Training Academy, along with enhanced quality assurance and digitalisation of the training catalogue. Innovations piloted at the "EURES in Action" event, along with new communication support tools, will further empower the network. ELA will, in this regard, also aim to strengthen its cooperation with the Authority's capacity-building activities in 2026 and beyond.

Improve the effectiveness and efficiency of EURES

ELA aims for a more structured, systematic approach to preparing for and following up on EGC meetings. In 2025, ELA, as the EURES Coordination Office (ECO), introduced new ways of engaging with NCOs, including regular bilateral dialogues to foster networking and a more customer-oriented approach. ELA will continue with this approach in 2026, evaluate the results and adapt where needed. Reports summarising these bilateral meetings are transformed into action points discussed at the ECG meetings.

Future-proof cooperation on EURES between ELA and the Commission

The evaluation also calls for a clearer division of tasks and responsibilities between the Commission services and ELA, especially regarding the EURES portal and the legal interpretation of various aspects of the EURES Regulation. Several steps have already been taken, for instance, regarding the EURES-Europass synergies project that has been in place since Q1 2025.

ELA developed the EURES portal strategy as a longer-term initiative, alongside improvements to the portal. The strategy was developed, approved and implementation started in 2024. ELA will closely cooperate with the Commission to monitor and evaluate the implementation of the strategy on the technical operation and development side.

Following the same logic, ELA developed the longer-term EURES strategy that mainly focuses on the network. ELA will seek approval for the strategy in Q2 2026 and begin implementing it immediately. Also, here, close cooperation with the Commission is foreseen for monitoring implementation and evaluating outcomes.

Finally, ELA sees a need to closely evaluate the current working arrangements and cooperation structure in place between ELA and the Commission regarding EURES, also in light of the audit results. To this end, ELA will cooperate with the Commission to improve the current working arrangements in 2026, leading to a clearer and more effective division of responsibilities. I

Deliverables

- Further integration of EURES in ELA activities
- Closer relationship between ELA and EURES network
- Improved cooperation between DG EMPL and ELA on EURES's technical operation and development

Steps in the Action Plan and Timeline

Closer link of EURES activities with labour market/mobility developments achieved through enhanced drawing on the EURES portal LMI information, the new job vacancies insights tools, the improved methodology for analysing labour shortages and surpluses and ELA strategic analyses.	2024 - ongoing
Reorganisation of the EURES portal section on labour market information	2024
Introduction of new training in the EURES Training Academy	2024
More structured and systematic activities to prepare and follow up on ECG meetings	2025
Introduction of new ways of interacting with NCOs, including periodical bilateral dialogue to increase networking and adopt a more customer-oriented approach.	2025
Development of programmes facilitating digitalisation (Digitalisation Knowledge Hub and ELA innovation facilitator)	2024
Development and approval of the EURES portal strategy	2024

Implementation of the EURES portal strategy	2024 - 2028
Development and approval of the EURES strategy	2025-Q2 2026
Implementation of the EURES strategy	2026 – 2028
Engaging EURES and ELA Analysis and Risk Assessment task in respective labour market and technology analysis, and facilitating a mutual learning and exchange forum among the EURES countries	2025-2027
Integrate the development of the EURES report on labour shortages and surpluses into the ELA analytical and risk assessment work.	Q4 2025
Bilateral meetings with NCOs on ECO service needs, including evaluation and adjustments of these meetings where needed	2025 - 2026
Evaluation and adjustment of the current working arrangement and structure between the Commission and ELA	2025: Start discussions with DG EMPL Q2- Q3 2026: agree on adjustments and implementation

Interdependencies and alignments

1. Legal obligations in the EURES regulation might hinder the full integration of EURES activities in ELA activities.
2. Cooperation with Commission DG EMPL, on which ELA is dependent for the technical implementation of improvements in the EURES Portal.
3. EURES' governing structure is different from ELA's governance structure; further alignment and cooperation need to be sought there as well.
4. Further cooperation regarding the synergies project between EURES and Europass.
5. Close cooperation with other EU agencies under EMPL remit (notably EUROFOUND and Cedefop) regarding the European labour market and living and working conditions. ELA and EURES make use of statistical data from both Agencies in this regard.

Lesson learned 8 - Mediation

The very limited use of ELA's ***mediation*** *function requires a better understanding of its potential in terms of the number of cases that could be presented. A discussion with Member States could start with a further exploration of the underlying reasons for the limited use of this function and, building upon that, the identification of options to allow ELA to deliver on this task in a cost-effective way. (Section 4.1.1.4.)*

Objective

Improved delivery of the ELA mediation function

Action Plan narrative

ELA has identified a number of opportunities to improve the effectiveness and functionality of the mediation procedure. These proposals were presented to the ELA Management Board already before the publication of the Evaluation in Q2 2024, where a note was presented outlining the main issues behind the limited use of the mediation procedure and a proposal for a few improvements within the current mandate, with and without a change to the rules of procedure for mediation. Following the meeting, action has been taken to reactivate the mediation working group.

In Q3 2024, the Management Board adopted a revised mandate for the working group on mediation, with the aim of starting discussions on proposals to improve the mediation function and to provide an expert opinion on any other changes that may be necessary as a result of the evaluation.

Deliverables

- Re-activation of the working group on mediation in 2024
- Evaluation of the limited use of the mediation procedure
- Opportunities to improve the use of mediation in ELA.

Steps in the Action Plan and Timeline

Re-activate the WG on mediation	2024
Following WG discussions, present a revised set of rules of procedure for mediation	Q2 2026

Interdependencies and alignments

Lesson learned 9 - Platform tackling undeclared work

*ELA could re-examine the role of the **European Platform Tackling Undeclared Work** and its place within the organisation. A key question in this regard is whether the Platform can be given a more strategic role and how it could be better integrated with the Authority's other activities, such as the working group on inspections. (Section 4.1.1.5)*

Objective

Further integration of the European Platform Tackling Undeclared Work in ELA.

Action Plan narrative

The evaluation of ELA confirms the smooth transfer of the European Platform Tackling Undeclared Work from the Commission to ELA. ELA has been working on closer cooperation between the working group on inspections and the Platform since 2024; the plenary meetings are organised back-to-back, the agendas are coordinated and include a joint session, and there is also a certain (approximately one-third) overlap in membership between the groups.

Further integration of the Platform into ELA is possible, especially by recognising its important role as a platform for cooperation, mutual learning and understanding among stakeholders. To that end, Platform members were consulted on the Platform's future direction through an online survey in 2025. Furthermore, the discussion of the Platform's further integration, enhanced role and activities is planned for Q2 2026.

ELA adopted a new organisational structure, which will take effect in Q2. To enhance internal coordination, ensure better conceptual planning and integration of activities, and realise economies of scale, the topic of tackling undeclared work will be mainstreamed across all ELA operational units. Consequently, activities supporting Member States in tackling undeclared work will be implemented by all relevant sectors of the Authority, rather than by a single thematic sector.

The Platform will also benefit from the reinforced coordination of ELA's activities under the Department of Operations. The alignment of the programming will be finalised during 2026 and 2027 - the Platform will be regularly invited to support the development of the Authority's Single Programming Documents (SPDs) by providing suggestions for future priorities, activities and key thematic areas to be addressed (see lesson learned 1). Given that undeclared work will be mainstreamed across the Authority, the Platform will be invited to provide suggestions for activities to tackle undeclared work that can be implemented by various ELA sectors.

Deliverables

- Closer integration between Platform and all operational units

Steps in the Action Plan and Timeline

Consultation platform members on future direction	2025
Closer cooperation between WG Inspections and Platform	2024

Discussion of future activities and enhanced role of the platform at the informal Platform meeting and the informal MB meeting	Q3 and Q4 2025 and Q 2026
Exploring how to focus the joint sessions on content-related matters of interest for both groups	2025-2026
Exploring the reinforced synergies with the programming of the Authority	Q2 – Q4 2026
Further integration of activities on tackling undeclared work within the ELA	2026

Interdependencies and alignments

Lesson learned 10 - Resources

ELA could still improve efficiency in organising its meetings and in its overall use of resources, both financial and human. As to the latter, ELA could further explore the best ways to achieve an appropriate balance between developing in-house expertise and relying on external contractors. Furthermore, establishing a robust administrative framework is crucial for improving budget and financial management (especially during budget execution), procedural efficiency, and HR management. This includes formalising written procedures and, if appropriate, adopting ISO processes to ensure streamlined operations and strategic resource allocation. The further stabilisation of ELA staff should be ensured, as ELA has a high share of SNEs. The possibility of converting SNEs into temporary agents could help in addressing this challenge (Section 4.1.2.2).

Objective

Improve the efficiency of financial and human resources, organisation, and administrative services

Action Plan narrative

ELA gained financial autonomy in May 2021 and was still in the build-up phase until 2024. Now that the Authority has reached cruising speed, there is room to evaluate and improve the efficiency of its organisation and the use of financial and human resources. The Authority has started a process of further standardising its budget and financial management, including deploying digital tools and providing staff training, and will continue this in 2026.

Following the internal evaluation in 2025, ELA began centralising its event organisation. The aim is to avoid process duplication across the different units and sectors by moving the responsibility for organising meetings and events away from the operational Units and centralising it within the corporate services unit under the finance and budget sector, to streamline implementation and compliance. ELA will also evaluate the use of external contractors, and where needed and possible, adapt activities to rely more on in-house expertise.

In the field of human resource management, ELA provided training on effective meetings as part of the ELA workload and well-being action plan, delivering a total of 18 sessions in 2024 and Q1 of 2025. A talent and knowledge management framework was adopted in 2024, and ELA formalised the job descriptions in Q2 2025. The Authority will conduct a workforce planning exercise for strategic resource allocation from Q3 2025 – 2026 and perform a functional workload analysis to further identify opportunities for efficiency and process streamlining.

Finally, ELA will continue to request the conversion of SNE posts into statutory staff posts to further stabilise ELA staff and build a future-proof organisation.

Deliverables

- Centralisation of events management
- Functional workload analysis and workforce planning
- Conversion of SNE posts into statutory staff posts

Steps in the Action Plan and Timeline

Training for ELA staff on effective meetings	2024-Q1 2025

Workforce planning for strategic resource allocation	Q3 2025 -2026
Conversion of SNE posts into statutory staff posts	2023 – ongoing
Talend and knowledge management framework	2024
System for adopting internal rules	2024
Standardisation of budget and financial management	2024-2026
Training ELA staff on financial management	2023- continuous
Evaluation of the use of external contractors and, where needed, adaptation of plans to rely on in-house expertise	2024-2026
Centralisation of ELA events organisation	2025-2026
Functional workload analysis	2025-2026

Interdependencies and alignments

1. For the conversion of SNE posts to temporary staff posts, ELA is dependent on the Commission regarding the budget and establishment plan posts.

ANNEX 11: MONITORING TABLE

Table: List of KPIs

Specific objective	Operational objective	Indicator	Source

To improve access to information and support in cross-border labour mobility situations	Provide targeted information provision and guidance to individuals including mobile workers and third country nationals Provide targeted information provision and guidance to employers To support through grants external networks for more targeted information provision and guidance to workers and employers	Number of individuals reached (including geographical coverage and high-risk groups) Number of employers reached Level of satisfaction with clarity and completeness of the information provided **The initiative would achieve its objectives if at least 30% more individuals and employers are reached with high-quality information (high satisfaction rate), at a reasonable cost-per-consultation.**[315]	ELA Annual Activity Report Evaluation of grants
To increase the efficiency of the governance and operation of the EURES network and portal	Streamline and strengthen EURES governance and coordination by clarifying roles and decision-making workflows Improve EURES Portal usability and accessibility by implementing user-centred design and continuous improvement Enhance data quality and interoperability by strengthening common data standards and validation rules	Level of EURES Network satisfaction with governance of the Network Number and share of job placements Satisfaction with the EURES portal CV and job vacancy coverage on the EURES portal **The initiative would achieve its objectives if at least 10% more people benefit from the assistance of EURES, if the EURES portal becomes more used, and the satisfaction of the EURES network with the governance increases, and the satisfaction of user with the portal increases.**	ELA Annual Activity Report EURES biennial reports EURES portal data
To strengthen ELA's analytical and operational support for concerted and joint inspections	Enable ELA to process personal data, including high volumes of personal data, as part of risk assessment activities. Establish and implement a structured data collection framework to systematically capture cross-border inspection-relevant information,	Number, ratio and coverage of targeted and concerted inspections Level of satisfaction with ELA operational support for CJIs Share of CJIs based/supported by risk-based analysis. Share of clean checks compared against the average cost of CJI. **The initiative would achieve its objectives if ELA becomes more effective in identifying potential targets for inspections, and assisting Member States in carrying out CJIs. This could be**	ELA Annual Activity Report

[315] See annex 4, section 2.1 for details on the experiences from the FELM2 network, which can serve as a comparison.

	including on third-country nationals. Develop and operate an integrated data processing and risk-analysis capability that supports actionable leads to support the targeting of CJIs.	**measured as an increase in Member State satisfaction with operational support, and if a greater share of the CJIs is more targeted, according to the indicators mentioned above.**	
To improve the effectiveness of the mediation function	Review the mediation procedure Provide trainings to relevant Authorities on the renewed mediation procedure Increase the uptake of the mediation procedure Decrease the duration of the mediation procedure	Number of cases brought to mediation Number of cases resolved Duration of the mediation procedure Level of satisfaction with the procedure **The initiative would achieve its objectives if the number of cases brought to mediation, and the share of cases completing mediation, increases by at least 50%.**	ELA Annual Activity Report