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Policy Development Section
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FIRST ITEM ON THE AGENDA

Formalization of the informal economy: Follow-up to the resolution concerning efforts to facilitate the transition from the informal to the formal economy

Purpose of the document

The paper provides a brief overview of the rationale, objective and content of the new Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), adopted by the International Labour Conference in June 2015. It also establishes the priorities of a possible strategy for action by the Office for the period 2016–21, aimed at giving effect to the related resolution in support of constituents' efforts to implement the Recommendation.

The Governing Body is invited to provide guidance on the proposed follow-up action and to request the Director-General to implement, within the existing resources, the measures identified in the resolution (see the draft decision in paragraph 50).

Relevant strategic objective: All four strategic objectives.

Policy implications: The proposed plan of action will influence the work of the Office concerning the transition from the informal to the formal economy for the next three biennia, as well as the wider related role of the Organization at the international level, including in relation to the follow-up to the recently adopted 2030 Agenda for Sustainable Development.

Legal implications: None.

Financial implications: Implications for future programme and budget proposals beyond 2016–17. Extra-budgetary resource mobilization required for the implementation of the follow-up plan.

Follow-up action required: Adjustment of the plan of action and its implementation and notification of Recommendation No. 204 by the Director-General.

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Related documents: *Provisional Record* No.10-1, International Labour Conference, 104th Session, Geneva, June 2015, presenting in Part A Recommendation No. 204 concerning the transition from the informal to the formal economy and in Part B the resolution concerning efforts to facilitate the transition from the informal to the formal economy; Programme and Budget for 2016–17.

Introduction

1. At its 104th Session (2015), the International Labour Conference adopted the Recommendation concerning the transition from the informal to the formal economy (Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)) based on strong tripartite consensus and near-unanimous vote,¹ following a two-year process of consultation.
2. This new Recommendation is of strategic significance for the world of work and for the future of work: it concerns half of the global labour force and more than 90 per cent of small and medium enterprises worldwide who are working and operating in conditions of informality. This is the first international labour standard to focus on the informal economy in its entirety and diversity and to point clearly to transition to the formal economy as the means for realizing decent work for all and achieving inclusive development. The Recommendation, of universal relevance, acknowledges the broad diversity of situations of informality, including specific national contexts and priorities for the transition to the formal economy, and provides practical guidance to address these priorities.
3. The 2015 Conference also adopted the resolution concerning efforts to facilitate the transition from the informal to the formal economy² that invites governments, employers and workers jointly to give full effect to Recommendation No. 204.
4. This paper presents highlights of the Recommendation and proposes a follow-up strategy for Office action to give effect to the resolution. The follow-up strategy is guided by the resolution, the content of Recommendation No. 204 and its implications for members' action and needs of tripartite constituents expressed throughout the standard-setting process, starting from the Meeting of Experts in 2013 and until the adoption of the Recommendation in 2015. The plan of action is proposed initially for the six-year period of 2016–21 or three biennia. However, in view of the need for sustained efforts over a consistent period of time to facilitate the transition to the formal economy, the Governing Body may wish to review this plan of action after five years in 2020 for its renewal and adjustment as deemed appropriate by 2021.

Highlights of the Recommendation

5. Recommendation No. 204 provides guidance to Members to pursue a threefold objective:
 - (a) facilitate the transition of workers and economic units from the informal to the formal economy, while respecting workers' fundamental rights and ensuring opportunities for income security, livelihoods and entrepreneurship;
 - (b) promote the creation, preservation and sustainability of enterprises and decent jobs in the formal economy and the coherence of macroeconomic, employment, social protection and other social policies; and
 - (c) prevent the informalization of formal economy jobs.

¹ ILO, *Provisional Record* No. 16, International Labour Conference, 104th Session, Geneva, 2015, p. 14.

² ILO: Resolution concerning efforts to facilitate the transition from the informal to the formal economy, adopted on 12 June 2015, 104th Session, International Labour Conference.

6. It clearly defines a broad and detailed scope of application to all workers and economic units – including enterprises, entrepreneurs and households – in the informal economy. Such informal work may be found in all economic sectors and in both public and private spaces.
7. Recommendation No. 204 invites Members to design coherent and integrated strategies to facilitate the transition from the informal to the formal economy and sets out 12 guiding principles in Part II to frame such strategies. These principles recognize the need for tailored approaches to respond to the diversity of situations and the specificity of national circumstances. They call for coherence and coordination across a broad range of policy areas, and for a balanced approach combining incentives with compliance. They emphasize the need for the effective promotion and protection of the human rights of all those in the informal economy, respect for fundamental principles and rights at work, in law and practice, in addition to the promotion of gender equality and non-discrimination and the need to pay special attention to those most vulnerable in the informal economy.
8. The Recommendation recognizes that most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy. It clearly establishes the need to preserve and improve existing livelihoods, as well as the entrepreneurial potential, skills and creativity of those operating in the informal economy, in the process of transition to the formal economy.
9. The Recommendation is built on the shared understanding and experience of constituents of the International Labour Organization (ILO) that the transition to the formal economy can best be facilitated through an integrated strategy, a policy mix and institutional coordination to promote the employment and income opportunities, the rights and social protection of the millions involved.
10. Recommendation No. 204 identifies a range of policy areas that need to be addressed and combined according to national circumstances. Detailed and practical guidance for designing, implementing and monitoring such coherent and integrated strategies are offered in Part III on legal and policy frameworks; Part IV on employment policies; Part V on rights and social protection; Part VI on incentives, compliance and enforcement; and in Parts VIII and IX on data collection and monitoring and on implementation, respectively.
11. Recommendation No. 204 provides an all-encompassing and cross-cutting approach to the body of up-to-date international labour standards referenced in the Annex that are particularly relevant for guiding action in specific policy areas and realizing the threefold objectives of the transition to the formal economy.
12. The Recommendation recognizes the importance for those in the informal economy to enjoy freedom of association and the right to collective bargaining; the key role of tripartism and effective coordination across government bodies and other stakeholders to give effect to its provisions; and the key role of employers and workers organizations to extend membership and services to workers and economic units in the informal economy.

Proposed follow-up strategy for action

13. The proposed strategy for Office follow-up to Recommendation No. 204 aims, first and foremost, to support constituents' action in the development and implementation of integrated and coherent national strategies, according to national circumstances and priorities, in facilitating the transition to the formal economy.

14. The strategy is articulated around four interrelated components, namely: (1) a promotional awareness-raising and advocacy campaign; (2) capacity building of tripartite constituents; (3) knowledge development and dissemination; and (4) international cooperation and partnerships.
15. Building on extensive work conducted by the Office on the informal economy over a number of years, including the implementation of the area of critical importance relating to the formalization of the informal economy in the current biennium, the strategy proposes deepening and realigning current activities in specific areas in coherence with Recommendation No. 204, as well as initiating work or substantially scaling up activities with regard to the new aspects introduced by the Recommendation. Concrete activities and outputs will be sequenced over three biennia, within the scope of existing resources and those that can be mobilized.
16. In order to meet growing demands in this area of action and capitalize on the extraordinary momentum created, extra-budgetary funding will be sought for the expansion of coverage of country level support, capacity building and the development and dissemination of knowledge on transition to the formal economy.

1. Promotional awareness-raising and advocacy campaign

17. In view of the novelty of Recommendation No. 204, its comprehensive approach and broad scope of application, the Office will dedicate a great deal of effort to its promotion during the 2016–17 biennium.
18. Building on the exceptional momentum created since the adoption of the Recommendation, the Office has responded to immediate requests from constituents for the Recommendation to be presented and explained in different national, regional and international forums. It has also responded to their requests for support to the tripartite working groups, initially set up in several countries to prepare for the standard-setting discussion, which will now follow up on implementation.
19. In addition, a number of pre-planned activities to take place during the last semester of 2015, such as those under the area of critical importance relating to the formalization of the informal economy, have been expanded or reoriented to introduce Recommendation No. 204. Such activities include knowledge-sharing activities in the Latin America and the Caribbean, Europe, Asia and Africa regions, a global forum on formalization at the International Training Centre of the ILO (the Turin Centre) in November 2015, and other ILO events organized at headquarters and field levels.
20. However, it is of the utmost importance to develop a systematic awareness-raising and advocacy campaign in order to promote a common understanding of how the guidance contained in Recommendation No. 204 can be used and acted on in different contexts. Various products and means of promotion and advocacy for distinct audiences will be developed in different languages and formats and disseminated through the relevant networks as well as through the national and international institutions concerned with the transition to the formal economy. The objective of this campaign is to reach the entire tripartite constituency of the ILO and, beyond that, the considerable community of interest in the informal economy and the public at large.
21. The promotional material and campaign should also help Members fulfil their constitutional obligation under article 19(6) of the Constitution to bring the Recommendation before the authority or authorities within whose competence the matter

lies for the enactment of legislation or other action, to give it effect within a period of one year from the closing of the session of the Conference, in this case 13 June 2016, and, if this is impossible owing to exceptional circumstances, at the earliest practicable moment and in no case later than 18 months after the closing of the session of the Conference, in this case 13 December 2016.

22. The Office will pursue a promotional strategy with tripartite bodies or working groups, inter-ministerial coordination task forces, social partners, social dialogue institutions, United Nations (UN) country teams and other relevant partners at country level. It will also do so with regional institutions such as the Inter-American Development Bank (IADB), the Asian Development Bank (ADB) and the African Development Bank (AfDB), and with subregional communities such as the Southern Africa Development Coordination Conference (SADCC), the Association of Southeast Asian Nations (ASEAN) and the Common Market of the South (MERCOSUR). Communication strategies will meet the requirements and specificities of countries and regions.
23. Furthermore, Recommendation No. 204 will be promoted through the relevant ILO conferences, workshops and training activities, including through various courses at the Turin Centre. Specific material will be made available for workers' and employers' organizations.
24. A web page on the ILO website will be dedicated to the Recommendation and its implementation, displaying the latest developments and resources, including a Frequently Asked Questions section that will be regularly updated.
25. At the international level, the awareness-raising campaign will be extended to the relevant multilateral agencies as indicated in section 4, below.
26. The promotion of the new Recommendation will also form an integral part of the Office's efforts for the ratification and implementation of the international labour Conventions listed in the Annex of Recommendation No. 204.

2. Building the capacities of tripartite constituents on Recommendation No. 204 and action to support the transition from the informal to the formal economy

Country level support

27. The transition to the formal economy is already a priority in a number of Decent Work Country Programmes (DWCPs). The Office will develop a specific tool for advocacy on Recommendation No. 204, for use in the context of the design of new DWCPs. It is anticipated that 55 DWCPs will be renewed or initiated in the 2016–17 biennium, thus providing a good basis for advocating action on the Recommendation as specified in the resolution.
28. The Office will expand and update its technical and advisory services and capacity-building activities, upon request and within the scope of existing resources, to support governments, employers' and workers' organizations and tripartite bodies in designing, implementing and monitoring strategies to facilitate the transition to the formal economy according to national circumstances and priorities.

29. The emphasis will be on integrated frameworks and institutional coordination. It is estimated that over the duration of the plan of action, at least ten countries across the regions will champion the development and implementation of integrated policy frameworks to facilitate the transition to the formal economy, using the guidance contained in Recommendation No. 204 with the support of the Office. The intervention model and technical support will focus on the following: (a) diagnostics phase, the current diagnostics tool will be updated and aligned with the Recommendation; (b) comprehensive review of legal and policy frameworks and practice; (c) inclusive social dialogue and capacity building of tripartite constituency; and (d) development of an integrated strategy and the institutional framework for action and monitoring.
30. A number of countries at different levels of development, with different circumstances and incidence of informality and at various stages on the road to the transition to the formal economy, have already expressed interest in leading the implementation of Recommendation No. 204. The Office welcomes this variety of perspectives, which will enable it to fine-tune its services in response to the needs and gaps identified in the course of implementation of the Recommendation. It is proposed that the experience of these ten countries should be closely followed and documented throughout the plan of action, the lessons learned should be disseminated and the findings presented to the Governing Body as part of the overall review of the plan of action in 2020 or 2021, if so decided.
31. The Office will also continue to provide policy advice and technical cooperation support in specific policy areas and/or for specific categories of workers and economic units for the transition to the formal economy, as highlighted in Recommendation No. 204. Special efforts will be made to align and package these activities in support of and in accordance with the Recommendation.
32. With regard to data collection, the Office will develop a tailored technical assistance package to enable some countries in selected regions to adapt their current questionnaires and practices to include the various components of the definition of informal employment and/or employment in the informal sector in their household or establishment surveys.

Regional and global knowledge sharing and capacity building

33. The resolution invites the Governing Body to request the Director-General to introduce a new regular discussion point, as appropriate, in the agenda of the next cycles of ILO Regional Meetings and other ILO forums on action taken by the Office and ILO constituents to implement the Recommendation with a view to updating and facilitating the sharing of knowledge, information and good practices on the transition from the informal to the formal economy.
34. At the 13th African Regional Meeting (30 November – 3 December 2015) in Addis Ababa, the transition from the informal to the formal to the formal economy in Africa is the topic of one of the three thematic plenary discussions. With more lead time to prepare for the 16th Asia and the Pacific Regional Meeting in 2016, arrangements are in place to include this item in the Director-General's report and on the agenda of the Meeting. With respect to the European Regional Meeting in 2017, the Office is consulting to identify its special focus.
35. The Office will also propose that the issue of the transition to the formal economy be placed on the agenda of the 19th American Regional Meeting, which it is anticipated will take place in 2018. The Lima Declaration, adopted at the 18th American Regional Meeting in 2014, already prioritized action on the transition to the formal economy in the Latin America and the Caribbean region. The follow-up on Recommendation 204 will continue

to be supported through the Programme to Promote Formalization in Latin America and the Caribbean (FORLAC).

36. The Office will offer tailored regional capacity-building activities to meet the specific needs of different regions, constituents and sectors with respect to Recommendation No. 204. It is expected that during the period 2016–21, at least one tripartite capacity-building workshop will be offered in each region, every biennium.
37. In view of the importance of and the demand for sharing interregional experience and knowledge on the transition to the formal economy, three opportunities to do so are proposed, including through an academy on the transition to the formal economy at the Turin Centre, to be held once per biennium. The Centre will also create a platform for the exchange of good practice on the transition to the formal economy and on the implementation of the Recommendation. The Office will also develop and incorporate dedicated modules on Recommendation No. 204 and the transition to the formal economy into regular annual courses at the Centre, such as those on social security or employment policy.

3. Knowledge development and dissemination

38. The development of knowledge of what works in different contexts and the dissemination of that knowledge are essential to support national dialogue processes and action. While a number of member States have a proven record of developing effective legal and policy frameworks for formalization, many others have only recently embarked on similar paths or are starting to consider the possibility of doing so. There is considerable demand from member States for evidence-based practical knowledge about what works and does not work in facilitating the transition to the formal economy.
39. The follow-up strategy proposes new, policy-oriented research and tools development in four streams of work: (a) focus on the transition to the formal economy in key policy areas or for specific target groups covered by Recommendation No. 204; (b) analysis of policy combinations and interactions as well as institutional mechanisms that have an overall positive impact on the formalization of the economy; (c) data collection and monitoring; and (d) impact assessment. In all streams, emphasis will be placed on innovative strategies, gender-sensitive analysis will be conducted and due attention will be paid to proposing a range of options that can be adapted to the diversity of country circumstances.
40. The knowledge products that will be developed during the course of the plan of action will include a wide range of technical and policy briefs, an update of policy resource guides and good practice toolkits, comparative research and impact assessment tools. Selected examples of products to be developed by units across the Office are given in the appendix. These will be widely disseminated in various languages, including through the capacity-building initiatives.

4. Partnerships and international cooperation

41. The resolution requests the Office to promote cooperation and partnerships with relevant international organizations to support the development of policies and initiatives to facilitate the transition from the informal to the formal economy.
42. Recommendation No. 204 was adopted in the same year as the 2030 Agenda for Sustainable Development. The Recommendation provides a powerful policy tool for the fulfilment of the Agenda, notably sustainable development goal 8, which is to promote

sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and, in particular, for the fulfilment of target 8.3, which is to promote development-oriented policies that support productive activities and decent job creation and encourage the formalization and growth of micro-, small and medium-sized enterprises, including through access to financial services. Office follow-up to the 2030 Agenda will duly integrate Recommendation No. 204 as a core instrument to frame and support the implementation of goal 8.

43. The ILO will play a lead role in raising awareness of the new Recommendation and promoting partnerships within the multilateral system for facilitating the transition to the formal economy. A series of dedicated introductory events are envisaged, such as during the meeting of the Second Committee of the UN General Assembly in October 2015. Bilateral consultations with the World Bank and UN agencies are planned, with a view to ascertaining areas of interest and modalities of collaboration. The constitution of an international multi-stakeholder advisory board for advocacy and support to action on the transition to the formal economy and Recommendation No. 204, modelled on the experience and lessons learned from a similar initiative on social protection, will be explored.
44. Through its engagement in the Group of 20 (G20) process, in particular in the Working Group on Employment, the ILO is supporting the focus on informal employment, particularly in relation to the quality of jobs and youth employment. The G20 Meeting of ministers of employment and labour in September 2015 considered a quantitative target, committing to reduce the share of young people most at risk of being left behind in the labour market by 15 per cent by 2025, including the option of focusing on the incidence of informal employment among young people, a particularly relevant target group for G20 emerging economies. On the same occasion, the Business 20 and the Labour 20 issued a joint statement, in which the transition to the formal economy and implementation of Recommendation No. 204 were cited as key priorities for social partners. The ILO will continue to provide technical support to the above activities, as appropriate.
45. The ILO will support South–South collaboration opportunities and interregional exchange of experience on successful approaches to the transition from the informal to the formal economy. In addition, the ILO is providing technical support to BRICS on the transition to the formal economy by promoting an exchange of policy approaches and good practices to strengthen national capacities to address the informal economy.

General Survey under article 19

46. The resolution invites the Governing Body to request regular reports from member States under article 19 of the Constitution of the ILO, as part of the existing reporting mechanisms, in particular General Surveys, and to review the progress made in the implementation of the Recommendation. If so decided, a General Survey could be carried out in 2020, five years after the adoption of the Recommendation. One use of the results of the survey could be to inform the renewal of the strategy and plan of action.

Office coherent follow-up and support

47. The follow-up plan of action by the Office will be implemented in the 2016–17 biennium under the programme and budget strategic framework, in particular under outcome 6 on the formalization of the informal economy. This outcome was formulated in anticipation of the adoption of the Recommendation. Necessary adjustments will be made to reflect the thrust of Recommendation No. 204 and the plan of action as endorsed by the Governing

Body. Given the interdisciplinary nature of Recommendation No. 204, which cuts across several policy areas, the follow-up plan of action should be considered in synergy with the other nine outcomes, the three cross-cutting issues and the follow-up action on relevant International Labour Conference resolutions.

48. Awareness-raising and staff development activities will be put in place to bring all technical staff working on the informal economy up to speed with regard to the new framework for Office action, namely, that of Recommendation No. 204, which replaces previous frameworks and, in some respects, represents a new point of departure. Specific sessions in several global technical team meetings to be held in 2016 and 2017 will be dedicated to discussion of Recommendation No. 204.
49. The implementation of this strategy will include work, albeit with different intensity, by several policy departments and statistics and research departments, the Bureau for Workers' Activities (ACTRAV), the Bureau for Employers' Activities (ACT/EMP), ILO field offices in all regions, and by the Turin Centre. A strong coordination of Office action will be put in place to ensure a coherent interdisciplinary and intra-Office approach in line with Recommendation No. 204.

Draft decision

50. *The Governing Body requests the Director-General to:*

- (a) take into account its guidance in pursuing the plan of action for the implementation of Recommendation No. 204 on the transition from the informal to the formal economy, and to draw on it when preparing future programme and budget proposals and in developing resource mobilization initiatives; and*
- (b) communicate the resolution concerning efforts to facilitate the transition from the informal to the formal economy in the standard manner to the governments of member States, and through them to the national employers' and workers' organizations and, also, to partner agencies in the multilateral system.*

Appendix

Selected examples of knowledge products 2016–21

Area of work	Collaborating units
Integrated strategies on the transition to the formal economy and formal job creation	
<ul style="list-style-type: none"> ■ Update of diagnostics tool ■ Technical and policy briefs ■ Good practice toolkit ■ Impact assessment tools ■ Comparative research ■ Review of institutional models ■ Update of <i>The Informal Economy and Decent Work: A Policy Resource Guide supporting transitions to formality</i> 	Employment Policy Department (EMPLOYMENT), Social Protection Department (SOCPRO), Conditions of Work and Equality Department (WORKQUALITY), Enterprises Department (ENTERPRISES), International Labour Standards Department (NORMES), Governance and Tripartism Department (GOVERNANCE), Department of Statistics (STATISTICS), Bureau for Workers' Activities (ACTRAV), Bureau for Employers' Activities (ACT/EMP), regional offices (ROs), decent work teams (DWTs)
Employment policy and skills	
<ul style="list-style-type: none"> ■ Integration in comprehensive employment policy development and Convention No. 122 ■ Module on Recommendation No. 204 in the Employment Policy course and Academy ■ Impact assessment on effective approaches to recognition of prior learning ■ Policy guide and upgrading of informal apprenticeships ■ Good practice review of employment services and transition to formal economy ■ Research on patterns of growth, employment and informality and on institutional mechanisms to promote formalization 	EMPLOYMENT, ROs, DWTs
Formalization of economic units	
<ul style="list-style-type: none"> ■ Enabling Environment for Sustainable Enterprises Programme (EESE) ■ New training packages on formalization of small and medium-sized enterprises (SMEs) (follow-up to International Labour Conference 2015 discussion on SMEs) ■ Guides on cooperatives and formalization 	ENTERPRISES
Labour laws, occupational safety and health, labour inspection	
<ul style="list-style-type: none"> ■ Research on effective and innovative regulatory practices and effective implementation of the employment relationship ■ Policy briefs on good practice/occupational safety and health, specific occupational safety and health training manual and modules for tripartite campaign (at the sectorial level) ■ Adaptation and roll-out of the labour inspection guidance tools ■ Compliance needs assessment tool 	GOVERNANCE
Extension of social security	
<ul style="list-style-type: none"> ■ Good practice toolkit ■ Recommendation No. 204 integrated in the Academy on Social Security and other courses provided by the Turin Centre ■ Incorporation of new indicators into SOCPRO impact assessment framework 	SOCPRO

Area of work	Collaborating units
<ul style="list-style-type: none"> ■ Policy-oriented research on Recommendation No. 202 and No. 204 ■ Identifying coverage gaps and estimating the cost of the expansion of coverage 	
Transition of specific target groups to the formal economy	
(i) Young persons in informal employment: <ul style="list-style-type: none"> ■ comparative research ■ policy briefs ■ guidance notes 	EMPLOYMENT, DWTs
(ii) Women in informal employment, with special focus on the ILO centenary initiative on women at work	EMPLOYMENT, WORKQUALITY
(iii) Self-employment (new research, data and analysis)	EMPLOYMENT
(iv) Casual workers, home workers, domestic workers, migrant workers and indigenous and tribal peoples: <ul style="list-style-type: none"> ■ Policy guidelines, resource packages, specific training modules ■ Guide to formalizing migrant workers ■ Policy impact assessment tools for domestic workers 	WORKQUALITY
Formalization and trade patterns	
<ul style="list-style-type: none"> ■ Research and policy briefs on linkages between trade, global supply chains and the informal economy 	EMPLOYMENT, RESEARCH, ACT/EMP, ACTRAV and ROs
Poverty and informality	
<ul style="list-style-type: none"> ■ Special focus in <i>World Employment and Social Outlook</i> in 2016 	RESEARCH
Strengthening statistics on the informal economy	
<ul style="list-style-type: none"> ■ Expansion of coverage in at least 20 new countries ■ Update of <i>Women and Men in the Informal Economy: A Statistical Picture</i> ■ Guidelines for collecting domestic work data 	STATISTICS, EMPLOYMENT, WORKQUALITY
Role of workers' organizations	
<ul style="list-style-type: none"> ■ Review of good practices ■ Specific guides for capacity building, including for organizing ■ Creation of cooperation platforms and networks ■ Formalization and the social and solidarity economy 	ACTRAV
Role of employers' organizations	
<ul style="list-style-type: none"> ■ Guidelines, developed and tested in pilot countries, on innovative strategies to support the formalization of informal businesses ■ Entrepreneurship programme on formalization ■ Consultative workshop on the Enabling Environment for Sustainable Enterprises process and formalization 	ACT/EMP