



**Decision No 20/2020
of 15 December 2020
of the Management Board
setting up the ELA Working Group on mediation**

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

Having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344¹ (hereinafter “the founding Regulation” and “the Authority”), and in particular Articles 16 and 18 thereof,

Whereas:

- (1) According to Article 16(2) of the founding Regulation, the Authority may set up working groups or expert panels comprising representatives from Member States or from the Commission, or external experts following a selection procedure, or a combination thereof, for the fulfilment of its specific tasks or for specific policy areas. In this regard, it shall set up the Mediation procedure referred to in Article 13.
- (2) According to Article 18(1)(j) of the founding Regulation, the Management Board shall, in particular set up working groups and expert panels pursuant to Article 16(2) of the Founding Regulation and adopt their rules of procedure.
- (3) According to Article 18(1)(f) of the founding Regulation, the Management Board shall adopt rules for the prevention and management of conflicts of interest in respect of its members and independent experts, as well as the members of the Stakeholder Group and of the working groups and panels of the Authority referred to in Article 16(2) of the founding Regulation, as well as of seconded national experts and other staff not employed by the Authority as referred to in Article 33 of the founding Regulation, and shall publish annually on its website the declarations of interests of the Management Board members.
- (4) Commission Decision C(2016) 3301 final of 30.5.2016 establishes the horizontal rules on the creation and operation of Commission expert groups².
- (5) In its meeting of 15 December 2020 the Management Board has adopted the

¹ OJ L 186, 11.7.2019, p.21.

² To be read in conjunction with the Commission Communication C(2016)3300

work programme and budget of the Authority for 2021, with a list of preparatory activities, including the set-up of the Working Group on Mediation.

- (6) Pursuant Article 13 of the founding Regulation, in view of the preparatory work for a mediation procedure between Member States, the Authority should benefit from the expertise of specialists in the field of mediation and/or conciliation in the areas of social security coordination and labour mobility.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

The Working Group on mediation of the European Labour Authority (hereinafter referred to as the “Working Group”) is set up.

Article 2

Scope

The Working Group shall advise and assist the Authority in the implementation of the Founding Regulation concerning mediation and the establishment of the necessary arrangements.

The Working Group's tasks shall be:

1. To provide expert opinion on the development of tools and modalities to be used in the actions of the Authority related to mediation.
2. To provide expertise on matters pertaining to the legal and practical aspects of organising and conducting mediation.
3. To exchange views on and identify best practices and examples of good cooperation in the field of mediation in view of developing the activities of the Authority.

In order to achieve this, the Working Group shall specifically work on:

1. the rules of procedure for mediation;
2. working arrangements and the appointment of mediators ;
3. the applicable deadlines for mediation;
4. the involvement of experts from the Member States, the Commission and the Authority;
5. the possibility of the Mediation Board to sit in panels composed of several members;
6. assisting the Authority in establishing a cooperation agreement with the Administrative Commission;
7. assisting the Authority on any other task related to the establishment of the mediation procedure in line with the ELA founding Regulation.

The Management Board shall remain solely responsible for approving the results of

any tasks performed by the Working Group and for signing any official documents arising from it.

Once the Working Group has fulfilled the tasks set-out in this article, it shall cease its activities.

Article 3
Membership

1. The Working Group shall be composed of experts appointed by the members of the Management Board of the European Labour Authority, and of two experts appointed by the Administrative Commission for the Coordination of Social Security Systems.
2. Each Member of the Management Board may appoint one senior level expert and shall be responsible for ensuring that the experts provide a high level of expertise, in line with Article 2 of this Decision.
3. An alternate can only participate in the meeting of the Working Group in case of absence of the expert.
4. Experts shall be nominated within 30 days of the adoption of this Decision.

Article 4
Chair

The Group shall be chaired by the Executive Director of the Authority.

Article 5
Rules of procedure

The Management Board shall adopt the rules of procedure of the Working Group in annex to this Decision.

Article 6
Transparency

The following data shall be published on the Authority's website:

1. The members of the Working Group;
2. All the relevant documents, including the agenda and a summary of the deliberations of the Working Group.
3. Exceptions to publication shall be foreseen where it is deemed that disclosure of a document would undermine the protection of any public or private interest as defined in Article 4 of Regulation (EC) 1049/2001.

Article 7
Meeting expenses

1. Participants in the activities of the Working Group shall not be remunerated for the services they offer.
2. Travel expenses incurred by participants in the activities of the Working Group shall be reimbursed by the Authority in accordance with the provisions of Decision 1/2019 on the Rules for reimbursement of travel, subsistence allowances and other expenses for participants in the meetings organised by the European Labour Authority, and within the limits of the available budget of the Authority.

For the Management Board
Brussels, 15 December 2020

(e-signed)

Tom Bevers
Chairperson of the Management Board

ANNEX 1 RULES OF PROCEDURE

Article 1

Operation of the Working Group

1. The Working Group on mediation of the European Labour Authority ("the Working Group") shall act at the request of the European Labour Authority ("the Authority").

Article 2

Convening a meeting

1. Meetings of the Working Group are convened periodically or, in exceptional cases, at the initiative of the Chair.
2. Joint meetings of the Working Group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the Working Group shall, in principle, be held on Authority or Commission premises. Where appropriate, online meetings shall be held.
4. The Authority shall provide secretarial services.

Article 3

Agenda

1. The Secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the Working Group.
2. The agenda shall be adopted by the Working Group at the start of the meeting.

Article 4

Documentation to be sent to Group members

1. The Secretariat shall send the invitation to the meeting and the draft agenda to the Working Group members no later than 21 calendar days before the date of the meeting.
2. The Secretariat shall send the documents on which the Working Group is consulted to the members of the Working Group no later than 14 calendar days before the date of the meeting.
3. In urgent or exceptional cases, the Chair may authorise derogations from the deadlines referred to in paragraph 1 and 2.

Article 5

Opinions of the Working Group

The Working Group shall adopt its opinions, recommendations or reports by consensus. If consensus cannot be reached, the Chair will summarise the proceedings, and where appropriate the minority positions shall be reflected in the relevant documents.

Article 6

Subgroups

1. The Working Group may set up Subgroups for the purpose of examining specific questions on the basis of terms of reference defined by the Working Group. Subgroups shall operate in compliance with the Commission's horizontal rules on expert groups³ ('the horizontal rules') and shall report to the Working Group. Subgroups shall be dissolved as soon as their mandate is fulfilled.
2. The mandate, duration and composition of these Subgroups shall be determined by the Working Group.

Article 7

Invited experts

1. The Chair may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the Working Group or Subgroups on an ad hoc basis.
2. Invited experts may be allowed by the Chair to take part in the discussions and provide their expertise, however they shall not have voting rights and shall not participate in the formulation of recommendations or advice.

Article 8

Written procedure

1. If necessary, the Working Group's opinion, recommendation or report on a specific question may be delivered via a written procedure. To this end, the Secretariat sends the Working Group members the document(s) on which the Working Group is being consulted. The Working Group members shall reply within 21 calendar days. The outcome of the procedure is communicated to the Working Group members and observers within 14 calendar days from the deadline for receiving replies.
2. However, if a simple majority of Working Group members asks for the question to be examined at a meeting of the Working Group, the written procedure shall be

³ Decision C(2016) 3301, to be read in conjunction with the Commission Communication C(2016)3300

terminated without result and the Chair shall convene a meeting of the Working Group as soon as possible.

Article 9

Summary of the deliberations

The summary of the deliberations shall be drafted by the Secretariat under the responsibility of the Chair and submitted to the Working Group via written procedure within 21 calendar days. The Working Group members shall provide their comments, if any, to the Secretariat within 14 calendar days after receiving the Summary.

Article 10

Attendance list

At each meeting, the Secretariat shall draw up, under the responsibility of the Chair, an attendance list also specifying, where appropriate, the affiliation of the Members of the Working Group.

Article 11

Conflicts of interest

1. Each member of the Working Group shall sign a written statement at the time of his or her appointment declaring that he or she is not in a situation of conflict of interests and shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests.
2. The Chair of the Working Group shall, at the first meeting of each calendar year, remind all members of their obligation to promptly inform the Management Board of the Authority of any relevant change in the information previously provided with regard to their Conflicts of interest, including upcoming activities. In this case they must immediately submit a newly completed declaration of interests describing the change, in order to enable the Management Board of the Authority to assess it in due course, and take any appropriate measure in order to ensure the independence and impartiality of the deliberations of the Working Group.

Article 12

Correspondence

Correspondence relating to the Working Group shall be addressed to the European Labour Authority, for the attention of the Chair.

Article 13

Access to documents

Applications for access to documents held by the Working Group shall be handled in

accordance with Regulation (EC) No 1049/2001⁴.

⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

ANNEX 2 - Declaration Of Absence Of Conflict Of Interest



DECLARATION OF ABSENCE OF CONFLICT OF INTEREST

As required by Article 18(1)(f) of Regulation (EU) 2019/1149, I the undersigned in my capacity of **Member of the Working Group on mediation** of the European Labour Authority hereby declare that I have no actual or potential conflict of interest that may negatively affect the performance of the duties that I have committed to duly and appropriately serve as a member of the Working Group on mediation of the European Labour Authority.

A conflict of interest is a situation whereby my private interests and affiliations could actually or potentially be perceived to negatively influence my independence or loyalty towards the European Labour Authority, and includes:

- **Direct interests** (financial benefits arising from, for example, employment contracted work investments, fees etc.);
- **Indirect financial interests** (e.g. grants, sponsorships, or any other kind of benefit);
- Interests **deriving from my professional activities** or that of my family members;
- Any **membership role or affiliation** that I may have in an organisations, bodies, clubs with a vested interest in the work of the European Labour Authority;
- Any **other interests** or facts that I the undersigned consider pertinent.

I hereby further undertake to inform the Management Board of the European Labour Authority in writing, as soon as any situation of conflict of interest arises during the performance of my duties, by submitting without undue delay a written declaration describing the particular situation of the actual or potential conflict of interest.

If such a situation arises, I understand that the Management Board shall assess my perceived situation of conflict of interest and shall take any appropriate measure in order to ensure the independence and impartiality of the deliberations of the Working Group. The Management Board shall thus reach a duly reasoned decision with respect to my perceived situation of conflict of interest and the performance of my duties. I undertake to abide by the decision of the Management Board.

I declare on my word of honour that the information provided is true and complete.

Signed at on/...../.....

Name

Signature