The aim of the mediation procedure is to reconcile divergent points of view between the Member States that are party to the dispute and to adopt a non-binding opinion by common agreement.

THE STRUCTURE OF THE MEDIATION
Simple, fast and effective

The initiation phase of the mediation process concerns all actions that are to be taken before ELA formally decides whether or not to launch the first stage of the mediation procedure.

This includes an admissibility check on the basis of the written request and detailed statements that are provided by the Member States which are party to the dispute.

The first stage of mediation concerns the selection and appointment of a single mediator, the actual mediation process and the production of a final factual report. When a mediated agreement or solution is found, the first stage is concluded with the adoption of a non-binding opinion.

The second stage of mediation is launched only if:
- no agreement has been reached by the Member States during the first stage of mediation; and
- all Member States involved in the dispute agree to bring their dispute to the second stage.

It is conducted before ELA’s Mediation Board.

Both stages of the mediation procedure have clear indicative time frames and workflows.

Templates for the various notifications, statements and reports are made available by the ELA Mediation Secretariat to the Member States.

The aim of the mediation procedure is to reconcile divergent points of view between the Member States that are party to the dispute and to adopt a non-binding opinion by common agreement.
The Mediation Procedure at the European Labour Authority

Mediation is a voluntary process to which all Member States concerned must agree before participating in it. Mediation is facilitated by a mediator (during the first stage) or by a panel of experts in the area of EU labour mobility (during the second stage). ELA’s Mediation Secretariat supports the process through the different stages with logistical support and assistance.

When can the mediation procedure be launched?

National authorities can request that ELA launch a mediation procedure. ELA can also propose mediation to Member States on its own initiative. Unresolved disputes arising from the Solvit mechanism can also be referred to ELA for mediation.

All Member States involved in the dispute need to agree to enter into mediation before mediation can start.

European Labour Authority mediation procedure features

CORE PRINCIPLES

• Neutrality and impartiality
• Sincere cooperation and inclusivity
• Confidentiality
• Rapid, effective and efficient procedure
• Voluntary process to reconcile divergent points of view between Member States

STRENGTHS

• No cost for the involved parties
• Clear and effective time frames
• Clear workflows and available templates in support of the process
• Flexibility
• Professional accompaniment
• Involvement of experts with specialised expertise
• Logistical and translation support throughout the procedure
• No personal data exchanged