THE STRUCTURE OF THE MEDIATION

Simple, fast and effective

Initiation phase

ELA

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 initiation phase of the mediation process

stage of the mediation procedure.

concerns all actions that are to be taken before ELA formally decides whether or not to launch the first

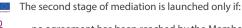








Second stage









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.

For more information, please visit www.ela.europa.eu/en/mediation or contact the ELA Mediation Secretariat at mediation@ela.europa.eu



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THE MEDIATION PROCEDURE AT THE **EUROPEAN LABOUR AUTHORITY**

A SERVICE OFFERED TO MEMBER STATES TO RESOLVE DISPUTES **BETWEEN NATIONAL AUTHORITIES** OF DIFFERENT COUNTRIES ON THE APPLICATION OF EU LABOUR **MOBILITY LAW**

#EULabourAuthority



The Mediation Procedure at the **European Labour Authority**



When national authorities from different Member States have different viewpoints regarding individual cases of application of EU labour mobility or social

security coordination legislation which they are unable to resolve through direct contact and dialogue, those Member States may request that the European Labour Authority (ELA) launch a mediation procedure with a view to finding a solution to the issue in question.



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.

Which disputes can be mediated by the European Labour Authority?

All disputes concerning individual cases between national authorities from two or more Member States regarding the application of EU legislation in the following areas can be mediated with the support of ELA:

- · free movement of workers:
- posting of workers;
- social security coordination; and
- social aspects of international road transport which fall within the scope of ELA's mandate.

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

