

# THE STRUCTURE OF THE MEDIATION

Simple, fast and effective

## Initiation phase



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.

## First stage



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.

## Second stage



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.

For more information, please visit  
[www.ela.europa.eu/en/mediation](http://www.ela.europa.eu/en/mediation)  
or contact the ELA Mediation Secretariat at  
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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

