



**Decision No 18/2024
of 28 November 2024
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) The Management Board adopted by Decision No 17/2021 of 10 November 2021 the Rules of Procedure for mediation of the European Labour Authority, which entered into force on 11 November 2021, provide for an evaluation to be carried out no later than 36 months from their entry into force. At the 15th meeting of the Management Board on 15-16 May 2024, ELA presented a list of proposals to improve the effectiveness and functionality of the ELA mediation procedure.
- (5) The year 2024 also marks the year when the Commission is assessing the experiences gained from the mediation procedure pursuant to Article 13, in accordance with Article 40 of the founding Regulation.
- (6) At its meeting of 15-16 May 20254, the Management Board has mandated ELA to restart discussions in the Working Group on mediation to work on the proposed

improvements.

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

1. The Working Group shall advise the Authority in the implementation of the founding Regulation concerning the mediation task. The Working Group's tasks shall be:
 - a) To improve the effectiveness and functionality of the mediation procedure, and to examine any other proposal which contributes towards achieving this aim.
 - b) To provide expert opinion on any other changes that may be necessary as a result of the Commission's evaluation of Article 13 of the founding Regulation.
2. In order to achieve this, the Working Group shall advise ELA on:
 - a) increasing the number of referrals to ELA for mediation;
 - b) identifying cases for which ELA may launch a mediation procedure on its own initiative;
 - c) improving the information provision on the ELA mediation procedure, including by producing information documents and other materials to be published on ELA website;
 - d) improving guidance and assistance for the parties, including by clarifying the requirements for referring a case including the necessary documents to be submitted, organising preparatory meetings and working more closely with the parties before and/or at the preliminary stage;
 - e) revising and simplifying the existing Rules of Procedure and the current templates used in the mediation procedure, including by exploring the possibility:
 - i) to remove some logistical parts from the Rules of Procedure, while ensuring compliance with the requirements of Article 13 of the ELA Regulation;
 - ii) to improve the efficiency of the mediation procedure, in particular during the first stage of mediation;
 - iii) to revise some of the deadlines;
 - iv) to introduce other methods of mediation.
3. The Management Board shall approve results of the Working Group, which are intended to be used by external stakeholders.
4. The Chair of the Working Group referred to in Article 4 of the present Decision shall regularly report to the Management Board on the activities of the Working Group.
5. 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 Member States, European Commission, Union-level social partner organisations which are members of the Management Board and the independent expert appointed by the European Parliament who is member of the Management Board.
2. Member States and Union level social partners and the independent expert of the European Parliament referred to in paragraph 1 may appoint one member and up to two alternates. The European Commission may appoint up to two members and two alternates.
3. Observers may be appointed by countries or EU-agencies which have observer status to the Management Board.

Article 4

Chair

The Working Group shall be chaired by the Executive Director or an ELA staff member appointed by the Executive Director.

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:

- a) the members and alternates of the Working Group;
- b) the agenda and a summary of the deliberations of the Working Group.

Article 7

Meeting organisation

1. The Working Group meetings shall be attended by members and observers. If a member cannot participate onsite, they shall be replaced by their respective alternates.
2. If it is justified by the agenda of the meeting, the Authority may allow simultaneous participation of the Member and Alternate.
3. If the meeting is organised online or in hybrid form, the participation online shall be open for all Working Group members, alternates and observers.
4. If members, alternates or observers wish to be accompanied by experts for a specific agenda item, the Authority may allow such participation.
5. External experts may be invited by the Authority to take part in a Working Group meeting and provide their expertise on specific agenda item priorly agreed upon. This includes experts in the area of mediation and out-of-court alternative dispute resolution mechanisms
6. Participants in the activities of the Working Group shall not be remunerated for the services they offer.
7. Travel and accommodation expenses incurred by participants in meetings of the Working Group shall be reimbursed by the Authority in accordance with the provisions of Decision 22/2021 and subsequent decisions 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

Article 8

Repeal

This decision shall repeal and replace Decision No 20/2020 of 15 December 2020 of the Management Board setting up the ELA Working Group on Mediation, including the annexed rules of procedure.

Article 9

Entry into force

This Decision shall take effect on the day following its adoption.

Bratislava, 28 November 2024

Tom Bevers
Chair of the Management Board

Annex 1

Operation of the Working Group

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 shall be convened periodically or, 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. Where appropriate, online or hybrid 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

Written procedure

1. If necessary, the Working Group's outcome 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 within 14 calendar days from the deadline for receiving replies.
2. The absence of reply within the deadline of 21 calendar days shall be considered as an agreement with the document.

Article 7

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. The Working Group members shall provide their comments, if any, to the Secretariat within 14 calendar days after receiving the Summary.

Article 8

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 9

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 10

Correspondence

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

Article 11

Access to documents

Applications for access to documents held by the Working Group shall be handled in accordance with Regulation (EC) No 1049/2001.

ANNEX 2 - Declaration of absence of conflict of interest for Working Group on mediation



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/alternate 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 interest and affiliations could actually or potentially be perceived to negatively influence my independence or loyalty towards the European Labour Authority, and includes:

- Direct interest (financial benefits arising from, for example, employment contracted work investments, fees etc.);
- Indirect financial interest (e.g. grants, sponsorships, or any other kind of benefit);
- Interest 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 interest or facts that I the undersigned consider pertinent.

I hereby further commit 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