



Decision No 06/2026

of 06 May 2026

of the Management Board

**on the Revised Rules of Procedure for mediation as adopted by Management Board
Decision No 17/2021 of 10 November 2021**

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 (“the founding Regulation” and “the Authority”), and in particular Article 13 thereof,

Whereas:

- (1) The Authority was established in order to help strengthen fairness and trust in the internal market. The objective of the Authority is to contribute towards ensuring fair labour mobility across the Union and assist Member States and the Commission in the coordination of social security systems. To that end, the Authority should mediate and facilitate a solution in the case of disputes between Member States regarding individual cases of application of Union law in areas covered by the founding Regulation.
- (2) The founding Regulation entrusts the Management Board to adopt the rules of procedures for mediation, including working arrangements and the appointment of mediators, the applicable deadlines, the involvement of experts from the Member States, the Commission and the Authority, and the possibility of the Mediation Board to sit in panels composed of several members.
- (3) The mediation procedure aims to reconcile the divergent points of view between Member States who, upon request and subject to their agreement, decide to refer the case for mediation. The outcome will be a non-binding opinion by common agreement of the Member States that are party to the dispute, which may be adopted with the

¹ OJ L 186, 11.7.2019, p. 21–56

- involvement of other stakeholders included in the mediation process, as provided in Article 13 of the founding Regulation.
- (4) The rules of procedure should provide for an efficient and effective mediation procedure, based on internationally recognized principles and norms which apply to this kind of dispute resolution mechanism. They should also provide for a timely resolution of disputes referred by the Member States.
 - (5) On 10 November 2021, the Management Board adopted Decision 17/2021 on the Rules of Procedure for mediation of the European Labour Authority.²
 - (6) The Authority's mediation procedure should be without prejudice to the competences of the Administrative Commission, as provided in Article 72 of Regulation (EC) No 883/2004³. These competences include, inter alia, dealing with all administrative questions and questions of interpretation arising from the provisions of Regulations (EC) No 883/2004 and 987/2009⁴.
 - (7) In order to ensure good cooperation between the Authority and the Administrative Commission as regards cases of mediation which concern, fully or in part, matters of social security, a cooperation agreement was concluded between the two bodies.⁵
 - (8) With a view to better coordinating the referral of cases and the exchange of information between the Authority and the SOLVIT network, a cooperation agreement was concluded between the two bodies.⁶
 - (9) On 28 November 2024, the Management Board adopted Decision No 18/2024 setting up the Working Group on mediation to advise the Authority in the implementation of the founding Regulation concerning the mediation task.⁷ The Working Group's tasks are to improve the effectiveness and functionality of the mediation procedure, and to examine any other proposal which contributes towards achieving this aim. In order to achieve this, the Working Group shall advise ELA, inter alia, on revising and simplifying the existing Rules of Procedure.
 - (10) On 26th May 2025 the Commission published the Evaluation of the European Labour Authority⁸ and the Commission Staff Working Document⁹ (Evaluation of the European

² Decision No 17/2021 of 10 November 2021, available at: [management-board-17-2021.pdf](#)

³ *OJ L 166, 30.4.2004, p. 1–123*

⁴ *OJ L 284, 30.10.2009, p. 1–42*

⁵ *Cooperation Agreement between the Administrative Commission for the coordination of social security systems and the ELA*, available at: [AC-ELA Agreement for signing 17.12.2021 NB.pdf](#)

⁶ *Cooperation Agreement between the ELA and SOLVIT for the referral of cases for mediation*, available at: [ELA-SOLVIT-agreement signed.pdf](#)

⁷ Decision No 18/2024 of 28 November 2024, available at: [Decision 18 WG mediation.pdf](#)

⁸ Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the Evaluation of the ELA, available at: [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2025:256:FIN](#)

⁹ Commission Staff Working Document Evaluation, available at: [EUR-Lex - 52025SC0128 - EN - EUR-Lex](#)

- Labour Authority). The evaluation identified, inter alia, as one of the areas of improvement the simplification and facilitation of access to mediation procedure.
- (11) With regard to the above context, the Working Group reviewed the Rules of Procedure, taking into account the above mandate and the findings of the Commission's Evaluation, and at its eleventh meeting on 10 March, the Working Group reached a consensus on the revised Rules of Procedure for mediation.
- (12) The provisions contained in these revised Rules of Procedure supplement and clarify the provisions contained in the founding Regulation, in particular Article 13 thereof.

HAS DECIDED AS FOLLOWS:

Article 1

The revised Rules of Procedure for mediation as annexed to this Decision are hereby adopted.

Done in Bratislava, 6 May 2026

For the Management Board,

Rits DE BOER
Chair of the Management Board

RULES OF PROCEDURE FOR MEDIATION

Article 1

Definitions

For the purposes of these Rules of Procedure, the following definitions apply:

- i. 'founding Regulation' means Regulation (EU) 2019/1149 establishing a European Labour Authority¹;
- ii. 'Management Board' means the Management Board referred to in Article 16 of the founding Regulation;
- iii. 'social partner organisations' means the members of the social partner organisations at Union level, in accordance with Article 17(1) of the founding Regulation, as well as national and sectoral social partners;
- iv. 'National Liaison Officers' means the officers referred to in Article 32 of the founding Regulation;
- v. 'Administrative Commission' means the Administrative Commission for the coordination of social security systems referred to in Article 71 of Regulation (EC) No 883/2004²;
- vi. 'SOLVIT network' means the network established by Commission Recommendation of 17.9.2013 on the principles governing SOLVIT³;
- vii. 'national SOLVIT centres' means both the 'home centre' and the 'lead centre' in the Member State as defined in Commission Recommendation of 17.9.2013 on the principles governing SOLVIT;
- viii. 'individual case of application of Union law' means cases of application of Union law which may be referred for mediation by the Member States involving institutions, persons and legal entities who are identifiable for the Member States that are party to the dispute, and where two or more Member States have a divergent point of view regarding the application of Union law in the areas covered by the founding Regulation;
- ix. 'Parties' means the Member States that agreed to enter into mediation before the European Labour Authority;
- x. 'national representative' means a person appointed by the Member State, that is party to the dispute to act, on its behalf, as its representative and main contact person for the purposes of the mediation procedure;

¹ 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) 2016/344 (OJ L 186, 11.7.2019, p. 21–56)

² Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1)

³ Commission Recommendation 2013/461/EU of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2013, p. 10–15)

- xi. 'mediator' means a person who conducts a mediation in accordance with Article 13(3) of the founding Regulation, and is appointed by the Management Board in accordance with Article 7 of the Rules of Procedure;
- xii. 'expert of the Mediation Board' means a person who sits on the Mediation Board in accordance with Article 13(5) of the founding Regulation, and is appointed by the Management Board in accordance with Article 7 of the Rules of Procedure;
- xiii. "experts participating in an advisory capacity" means the experts from the Member States, the Commission and the Authority referred to in Article 13(3) of the founding Regulation (as regards the first stage of mediation), the experts from the Commission and the Authority referred to in Article 13(5) of the founding Regulation (as regards the second stage of mediation), as well as the experts referred to Article 20(7) of the Rules of Procedure.

I. RULES OF PROCEDURE

A. General provisions

Article 2

Objective

The purpose of mediation shall be to reconcile divergent points of view between the Parties

Article 3

Scope

(1) Disputes admissible for the mediation procedure shall be disputes between Member States regarding individual cases of application of Union law in areas covered by Article 1(4) of the founding Regulation.

(2) The outcomes of the mediation procedure shall be without prejudice to the exclusive jurisdiction conferred upon the Court of Justice for the interpretation of Union law. However, disputes regarding individual cases of application of Union law in areas covered by this Regulation, based on an interpretation that has already been provided by the Court of Justice of the European Union or any other specialised body entrusted by Union law to provide such interpretations, shall be admissible.

(3) Cases in which there are ongoing court proceedings at national or Union level shall not be admissible for mediation by the Authority. Where court proceedings at national or Union level are initiated during the mediation procedure, the Member States that are party to the dispute shall without delay inform the Authority and the other Member State/s of this fact, and the mediation procedure shall be suspended in accordance with

Article 19(3) of these Rules of Procedure.

Article 4

Basic principles

- (1) The mediation procedure shall be based on the principles of efficiency, neutrality, impartiality, sincere cooperation and confidentiality.
- (2) Mediators, experts of the Mediation Board, experts participating in an advisory capacity in the mediation procedure shall keep confidentiality in respect of the data, documents, findings, discussions and results pertaining to the mediation procedure, without prejudice to the reporting provisions in the founding Regulation and of these Rules of Procedure.
- (3) Mediators, experts of the Mediation Board and experts participating in an advisory capacity in the mediation procedure shall act independently and on the basis of their professional expertise and shall not act as representatives of their Member State. They shall abstain from participating as mediators or experts in a dispute to which one of the parties is the Member State that nominated them. Individuals appointed as mediators or experts may, however, act as national representatives in accordance with Article 20(5) of these Rules of Procedure, where the Member State that nominated them is a Member State party to the dispute.

Article 5

General conditions

- (1) The mediation procedure shall be launched upon request of one or more Member States concerned. The Authority may also suggest launching a mediation on its own initiative, including upon referral from SOLVIT. The mediation procedure shall be voluntary and conducted only with the agreement of all Member States that are party to the dispute.
- (2) Member States shall ensure that all personal data related to a case which is presented for mediation is anonymised in such a manner that the data subject is not or no longer identifiable. This shall also apply to national SOLVIT centres who may refer cases for the Authority's consideration. The Authority shall not process the personal data of individuals concerned by the case at any point in the course of the mediation.
- (3) In accordance with the principle of sincere cooperation, the Member States party to the dispute shall make every effort to comply with the indicative deadlines specified in these Rules of Procedure, in order to preserve the efficiency and effectiveness of the mediation procedure.

Article 6

Access to documents

Applications for access to the Authority's documents shall be handled in accordance with Decision No 8/2020 of 24 April 2020 of the Management Board laying down the rules for applying Regulation (EC) 1049/2001 with regard to European Labour Authority documents. Switzerland should also consider applications with due consideration to the principle of sincere cooperation.

B. Structure and organisation

Article 7

Appointment of mediators and experts of the Mediation Board

(1) Pursuant to Article 13(3) of the founding Regulation, the mediator shall conduct the first stage of mediation between the parties to the dispute and will facilitate their negotiations. Pursuant to Article 13(4) of the founding Regulation, the second stage of mediation shall be conducted before its Mediation Board. Pursuant to Article 13(5) of the founding Regulation, the Mediation Board shall be composed of experts from the Member States other than those that are party to the dispute.

(2) The Management Board shall appoint an adequate number of mediators for the first stage of the mediation and adequate number of experts from the Member States to sit in the Mediation Board for the second stage. To this end, the Authority shall invite the members of the Management Board representing the Member States to nominate persons to act as mediators or experts to sit on the Mediation Board. The standard nomination form annexed to these Rules of Procedure shall be used when nominating a mediator or an expert.

(3) Persons nominated as mediators and as Chair/Deputy Chairs of the Mediation Board shall possess the necessary knowledge and skills in the field of dispute resolution mechanisms including mediation, and preferably, relevant knowledge related to any of the different areas within the scope of the mediation procedure. Persons nominated as experts of the Mediation Board shall possess the requisite expertise and competence for dealing with disputes related to any of the different areas within the scope of the mediation procedure. The appointed mediators and experts of the Mediation Board shall participate in specialised training on mediation techniques including on the Rules of Procedure for mediation, and in the field of industrial relations and collective agreements, in order to ensure the high-quality standard of the mediation procedure and its outcome.

(4) The Management Board shall appoint at least six mediators, and at least eighteen experts, including the Chair and the two Deputy Chairs, of the Mediation Board from the list of nominations drawn up by the Authority in accordance with paragraph 2 of this

Article. The mediators and experts of the Mediation Board shall be appointed for a term 36 months and may be reappointed for consecutive terms. The Authority shall keep the list of mediators and experts of the Mediation Board up to date. In order to ensure the continuity of the mediation procedure, the existing list shall remain in force beyond the 36-month term until a new list has been formally adopted by the Management Board. If an appointed mediator or expert of the Mediation Board leaves office before the expiry of the term, the Management Board shall appoint a replacement for the remainder of that term, where the number of mediators or experts on the list has fallen below six and eighteen respectively. Subject to the mutual agreement of the Member States that are party to the dispute, all mediators or experts of the Mediation Board shall continue hearing disputes which were launched before the end of the term and shall retain office until mediation reaches the end in accordance with Article 19.

(5) Mediators, experts of the Mediation Board, including the Chair and Deputy Chairs of the Mediation Board, as well as experts participating in an advisory capacity, shall avoid any situation liable to give rise to potential conflicts of interest. Each mediator or expert of the Mediation Board shall, upon being appointed on a specific dispute, sign a declaration declaring that he or she is not in a situation of conflict of interests and shall update the Authority in the case of a change of circumstances about any conflict of interests. The declaration of absence of conflict of interest to be used is annexed to these Rules of Procedure.

(6) The Management Board shall ensure that the list of appointed mediators and experts of the Mediation Board achieves the necessary geographical, professional and gender balance.

Article 8

The Mediation Board

A. Establishment of panels

(1) Pursuant to Article 13(6) of the founding Regulation, the Mediation Board may sit in plenary or in panels composed of several members.

B. System of Chairmanship

(2) Subject to paragraph 3 of this Article, the appointed Chair, the first and second Deputy Chairs shall originate from different Member States, respecting to the extent possible the necessary geographical and gender balance. Should the number of persons nominated for the office of Chair and Deputy Chairs exceed the number required, the Management Board shall take a decision by vote, in accordance with Article 21 of the founding Regulation.

(3) The Chair and the Deputy Chairs shall participate in the second stage of a mediation procedure in so far they originate from Member States other than those that

are party to the dispute and are not prevented from doing so by a direct or perceived conflict of interest. To this point, the first, respectively the second Deputy Chair shall carry out the functions of the Chair.

(4) The Chair shall:

- a) convene the Mediation Board or appoint a panel of the Mediation Board composed of experts with the relevant expertise in the field of the dispute, and inform the Member States that are party to the dispute, including their respective national liaison officers, and the Authority about its composition, as provided for in Article 16(3) of these Rules of Procedure;
- b) nominate a rapporteur from amongst the experts of the Mediation Board or the panel, depending on the case, as provided for in paragraph 8 of this Article;
- c) preside meetings of the Mediation Board or the panel, depending on the case;
- d) acting as the representative and main point of reference for the Mediation Board in the communications and relations with the Management Board, Member States that are party to the dispute including their respective national liaison officers and the Authority;
- e) coordinate the work of the Mediation Board, ensuring that the basic principles provided in Article 4 and the work arrangements provided in Article 20 of these Rules of Procedure are observed by the Mediation Board;
- f) ensure the high quality of the mediation procedure and of its outcome;
- g) put in place the most effective working arrangements for conducting the second stage of the mediation procedure, in consultation with the Member States party to the dispute, in accordance with Article 16(4) of these Rules of Procedure.

In carrying out these functions, the Chair shall consult and be assisted by the Deputy Chairs.

C. Composition

(5) A panel of the Mediation Board shall consist of the Chair, the Deputy Chairs and a minimum of four and a maximum of nine experts.

(6) A panel shall consist of experts of the Mediation Board with relevant knowledge and expertise in relation to the nature and subject area of the dispute, and where possible, respect the necessary geographical and gender balance.

(7) For each dispute which is referred to the Mediation Board, the Chair shall nominate a rapporteur from amongst the experts of the Mediation Board or the panel, depending on the case, taking into account the nature of the dispute and the expertise, competence and availability of that expert.

(8) The rapporteur shall be responsible for supporting the Mediation Board or the panel, as well as the Member States that are party to the dispute, by facilitating the preparation and formulation of the non-binding opinion concluding the mediation

procedure. To this end, the rapporteur shall prepare the necessary documents, including the factual report and, where applicable, a non-binding opinion, reflecting the views of the Parties in accordance with Article 16 of these Rules of Procedure.

C. Preliminary stage of the mediation procedure

Article 9

Request by the Member States

- (1) Pursuant to Article 13(2) of the founding Regulation, one or more of the Member States concerned may request the Authority to launch a mediation procedure.
- (2) The requesting Member State shall ensure that reasonable efforts to resolve the dispute by direct contact and dialogue have been exhausted. A lack of response or a failure to act in sincere cooperation shall be sufficient to consider this requirement met.
- (3) The requesting Member State(s) shall submit a request for mediation. The request shall contain sufficient information, as regards the Member States concerned, the subject matter of the dispute and the Union act(s) concerned.
- (4) The detailed statement⁴ shall be submitted to the Authority within 15 working days after all Member States concerned accept to participate in the mediation.
- (5) The Authority may request additional information and/or clarifications from the Member State/s concerned that are necessary for the preliminary assessment of the dispute.
- (6) The Member States concerned shall anonymise all personal data related to the case as provided in Article 5(2) of these Rules of Procedure.
- (7) Upon receiving such request, the Authority shall acknowledge its receipt. If the dispute relates, fully or in part, to matters of social security, the Authority shall give due consideration to any requests by the Administrative Commission or the Member States to refer the issue concerning social security to the Administrative Commission, as provided in Article 11, prior to launching the mediation procedure.
- (8) Once the Authority has received the detailed statement referred to in paragraph 4 and has verified that the dispute is admissible, the Authority shall launch the first stage of the mediation procedure in accordance with Article 15.
- (9) When the request is not received from all the Member States that are party to the dispute, the Authority shall, prior to launching the first stage of the mediation procedure, contact the Member State/s that did not make a request to confirm their participation in

⁴ A model of the detailed statement, including the information to be included therein is annexed to these Rules of Procedure.

mediation. The Member State/s concerned shall confirm in writing, within 15 working days from the receipt of the request, including by electronic means, of their agreement or otherwise. When all Member States concerned agree to participate in mediation, they shall provide the Authority with the detailed statement referred to in paragraph (2) of this Article.

(10) Where one or more Member States decide not to participate in mediation, Article 13 of these Rules of Procedure shall apply accordingly.

Article 10

Mediation at the Authority's own initiative

(1) Pursuant to Article 13(2) of the founding Regulation, the Authority may suggest launching a mediation procedure on its own initiative, including as regards unresolved requests under Article 7(1) of the founding Regulation.

(2) When suggesting launching a mediation procedure, the Authority shall invite each Member State concerned to confirm, within 15 working days from the receipt of the invitation, in writing, whether the efforts to resolve the potential dispute through direct contact and dialogue have already been undertaken and whether they would consider beneficial to enter into mediation with the Authority.

Mediation shall be conducted only where all Member States that would be party to the dispute confirm their agreement to participate.

Article 11

Disputes relating, fully or in part, to matters of social security

(1) Pursuant to Article 13(10) of the founding Regulation, mediation shall be without prejudice to the competence of the Administrative Commission. Furthermore, mediation shall take into account all relevant decisions of the Administrative Commission.

(2) The Authority and the Administrative Commission shall collaborate on the basis of the Cooperation agreement concluded pursuant to Article 13 (11) of the founding Regulation, ensuring good cooperation, coordination of the activities in mutual agreement and avoiding any duplication in cases of mediation which concern both issues of social security and labour law.

Article 12

Referral of cases by the SOLVIT network

(1) In accordance with Recital (23) of the founding Regulation, SOLVIT may refer to

the Authority for its consideration cases in which the problem cannot be solved due to differences of view between national administrations.

(2) Cases referred by SOLVIT to the Authority for its consideration shall be processed in accordance with the Cooperation agreement concluded in 2021.

Article 13

Refusal by a Member State to participate in mediation

Pursuant to Article 13(7) of the founding Regulation, where a Member State decides not to participate in mediation, it shall inform the Authority and the other Member States that are party to the dispute in writing, including by electronic means, of the reasons for its decision within 15 working days from receipt of request by the Authority in accordance with Article 9(6) of these Rules of Procedure.

D. Meeting preliminary to launching a mediation procedure

Article 14

The Authority shall offer to the Parties the possibility of a meeting prior to launching the mediation procedure. Participation in such a meeting shall be voluntary. At this meeting, the Authority shall explain the mediation procedure, its stages, and the possible outcomes.

E. Stages and conduct of the mediation procedure

Article 15

First stage of mediation

(1) When the Authority initiates the first stage of the mediation procedure, it shall notify the Parties in writing. The date of that notification shall constitute the date of the launch of the first stage of mediation.

(2) Pursuant to Article 13(3) of the founding Regulation, the first stage of mediation shall be conducted between the Member States that are party to the dispute by a mediator.

(3) As soon as the first stage of mediation is launched in accordance with paragraph 1 of this Article, the Authority shall invite the Member States that are party to the dispute to mutually agree on a mediator from the list of mediators appointed by the Management Board in accordance with Article 7(4) of these Rules of Procedure and may assist them by proposing a suitable mediator. The mediator shall be appointed no later than 10 working days from the launch of the first stage. If no common agreement can be reached on the selection of the mediator, the Authority shall, without delay, appoint a mediator by

considering the nature of the dispute and the expertise, competence and availability of the mediators on the list.

(4) As soon as the mediator is appointed, the Authority shall make available to the appointed mediator the request and detailed statements, and any other additional relevant information and/or clarifications submitted by the Member States in accordance with these Rules of Procedure.

(5) The mediator shall decide, after consulting the Parties, on the most appropriate approach to organise the proceedings. Having regard to the approach decided, the mediator shall either facilitate a discussion between the Parties with a view to reach an agreement in the form of a non-binding opinion or shall offer advice and propose a solution.

(6) The mediator may organise meetings between the Parties, consult them jointly or individually, and provide any additional support requested by the Parties. In cases where the mediator wishes to meet or talk to one of the Parties, he or she shall inform the other Party in advance and/or as soon as possible after his or her unilateral meeting with the first Party.

(7) The Parties, with the support of the mediator, shall endeavour to adopt a non-binding opinion by common agreement within 45 working days from the appointment of the mediator. In the case of highly complex disputes, the mediator may, in agreement with the Parties, extend the timeframe by 15 additional working days for the purpose of undertaking further discussions. The mediator shall immediately inform the Authority about the agreement of such an extension.

(8) By the end of the time limits provided for in paragraph 7 of this Article, the mediator shall submit in writing a draft factual report to the Parties and to the Authority. The mediator may, in agreement with the Parties, request an additional 10 working days for completing the report. A model of the report is annexed to these Rules of Procedure. The mediator shall grant the Parties 15 working days to comment on the draft report and, where applicable, on the agreement reached by the Parties.

(9) Where a non-binding opinion is to be adopted, the Authority shall provide, within the same time limits, non-binding guidance as regards the application of Union law on the non-binding opinion. After considering the comments submitted within the deadline provided, the mediator shall submit, in writing, a final factual report and, where applicable, the non-binding opinion to the Parties and to the Authority within 15 working days.

Article 16

Second stage of mediation

(1) No later than 10 working days from the submission of the final factual report by the mediator as provided in Article 15 (8), indicating that no solution was found during the first stage of mediation, the Authority shall, subject to the agreement of the Parties, launch the

second stage of mediation. The Parties shall be notified in writing accordingly. The date of that notification shall be considered as the date of the launch of the second stage of mediation.

(2) The Authority shall make available to the Chair of the Mediation Board the final factual report prepared by the mediator, the detailed statements and any other additional relevant information and/or clarifications in relation to the dispute which were submitted by the Member States that are party to the dispute.

(3) Unless the Mediation Board sits in plenary, its Chair shall appoint the panel within 10 working days from the launch of the second stage of mediation, in accordance with Article 8(c) of these Rules of Procedure. The Chair shall inform the Member States that are party to the dispute and the Authority of the panel's composition. The panel of the Mediation Board shall dissolve at the end of the second stage of mediation. However, the Chair may decide that the same panel be used to reconcile the divergent points of view in several disputes, in particular in cases of multiple disputes which are related or which contain similarities.

(4) The Chair of the Mediation Board shall, after consulting the Parties, decide on the most appropriate approach to organise the proceedings.

(5) At the request of the Chair of the Mediation Board, and after consulting the Parties, a hearing shall be convened in order to allow for an oral submission. At least 15 working days in advance of the hearing, the Authority shall notify the parties on the date, time, venue and modalities of the hearing. The following persons shall attend the hearing:

- a) the Chair and the Deputy Chairs;
- b) the experts of the Mediation Board or the panel, depending on the case, hearing the dispute, including the rapporteur;
- c) the national representatives appointed by the Parties, who may be supported by other experts from the same Member State;
- d) the National Liaison Officers from the respective Member States that are party to the dispute;
- e) experts from the Commission, experts from the Authority, and experts from social partner organisation who may participate in an advisory capacity as provided in Article 20(7) and (8) of these Rules of Procedure.

(6) The Chair of the Mediation Board shall ensure that the Parties are afforded equal speaking time during the hearing. The Mediation Board may direct questions to all Parties during the hearing. Each Party may provide to the Mediation Board and to the other Parties supplementary written submissions on any matter arising during the hearing, within 15 working days from the date of the hearing. The time allowed to provide supplementary written submissions shall not affect the running of the overall timelines for concluding the second stage of mediation as provided in paragraph 9 of this Article.

(7) Article 15(5) of these Rules of Procedure shall apply mutatis mutandis.

(8) The Parties, with the support of the Mediation Board, shall endeavour to adopt an agreement within 45 working days from the appointment of the Mediation Board or the panel, depending on the case. In the case of highly complex disputes, the Chair of the Mediation Board may, in agreement with the Parties, extend the timeframe by 15 additional working days for the purpose of undertaking further discussions. The Chair shall immediately inform the Authority about the agreement on such an extension.

(9) By the end of the time limits provided for in paragraph 8 of this Article, the rapporteur shall submit in writing a draft factual report to the Parties and to the Authority. The rapporteur may, in agreement with the Parties, request an additional 10 working days for completing the report. A model of the report is annexed to these Rules of Procedure. The rapporteur shall grant the Member States concerned 15 working days to comment on the draft report and, where applicable, on the agreement reached by the Parties. In case a non-binding opinion is to be adopted, the Authority shall provide, within the same time limits, non-binding guidance as regards the application of Union law on the non-binding opinion. After considering the comments submitted within the deadline provided, the rapporteur shall submit, in writing, a final factual report and, where applicable, the non-binding opinion to the Parties, the Mediation Board, and to the Authority within 15 working days.

Article 17

Fast track mediation

The Parties may commonly agree, together with the mediator during the first stage of mediation, or the Chair of the Mediation Board during the second stage of mediation, to indicative deadlines shorter than those provided in the working arrangements, provided that the quality of the procedure and of the non-binding opinion can be preserved.

Article 18

Mediation outcome

(1) Pursuant to Article 13(3) and 13(5) of the founding Regulation, the outcome of the mediation procedure shall be the adoption of the non-binding opinion. If there can be no common agreement reached on a certain issue, a non-binding opinion shall not be adopted. A model of the non-binding opinion is annexed to these Rules of Procedure.

(2) The opinion shall not have any legal effect, be legally binding or be enforceable. Nevertheless, once the Parties have agreed to a solution, each Member State should take the measures necessary to implement it within the agreed time limit and report to the Authority in accordance with Article 21 of these Rules of Procedure.

(3) The Authority shall maintain a record of disputes referred and resolved through its mediation procedure in an electronic format.

Article 19

End and suspension of the mediation procedure

(1) The mediation procedure shall end on the date of the adoption of a non-binding opinion.

(2) The mediation procedure may also:

a) **End at the first stage of mediation:** On the date of the receipt by the Authority of the written declaration of the mediator, after consultation with the Parties to the dispute, stating that:

1. further efforts at mediation would be to no avail, or
2. no common agreement on the adoption of a non-binding opinion has been reached by the end of the time limits provided in Article 15(7) of these Rules of Procedure, and
3. the Parties do not agree that the second stage of mediation is launched;

b) **End at the second stage of mediation.** On the date of the receipt by the Authority of the written declaration of the Chair of the Mediation Board, after consultation with the Parties, stating that:

1. further efforts to reconcile the Parties' divergent points of view would be to no avail, or
2. no common agreement on the adoption of a non-binding opinion has been reached by the end of the time limits provided in Article 16(8) of these Rules of Procedure;

c) **End due to need for verification.** On the date of the receipt by the Authority of the written declaration of either the mediator or the Chair of the Mediation Board, after consultation with the Parties, stating that:

1. the information, evidence, facts or circumstances presented by the Member States require verification, or
2. further information is necessary, and
3. there is no agreement amongst the Parties on the suggestion by the mediator or the Chair of the Mediation Board in accordance with Article 20(12) of these Rules of Procedure;

d) **End at the request of a Member State.** On the date of the receipt by the Authority of the written request of any Party, at any stage of the mediation procedure;

e) **Referral to the Administrative Commission before first stage.** On the date of receipt by the Authority of the written request of the Administrative Commission, before the launch of the first stage of the mediation procedure, in agreement with the Member States concerned, to refer the issue concerning social security to the Administrative Commission;

f) **Referral to the Administrative Commission at any stage of the**

mediation procedure., On the date of receipt by the Authority of the Administrative Commission and in agreement with the Parties to the dispute, to refer the issue concerning social security to the Administrative Commission, indicating that the dispute concerns elements of new interpretation of Regulations (EC) No 883/2004 and 987/2009 which were not evident or documented when it was informed before the launch of the first stage of the mediation procedure, on the date of that request;

g) **Referral at the request of a Member State.** On the date of the receipt by the Authority, at any stage of the mediation procedure, of the written request by a Party, to refer the issue concerning social security coordination to the Administrative Commission, at any stage of the mediation procedure;

(3) The mediation procedure shall be suspended:

a) **Due to the initiation of court proceedings.** On the date of the receipt by the Authority, at any stage of the mediation procedure, of written information by a Party, indicating that court proceedings were initiated after the launch of the mediation procedure on the same subject matter of the mediation procedure;

b) **Due to referral of social security matters to the Administrative Commission.** When, a mediation procedure has been launched on a dispute which relates, fully or in part, to matters of social security, and which has been referred to the Administrative Commission, in line with the Cooperation agreement with the Administrative Commission.

c) **Due to need for verification.** On the date of the receipt by the Authority of the written declaration of either the mediator or the Chair of the Mediation Board, after consultation with the Parties, stating that:

- the information, evidence, facts or circumstances presented by the Member States require verification,
- the Parties request the Authority to support a concerted or joint inspection, in accordance with Articles 8 and 9 of the founding Regulation.

II. WORKING ARRANGEMENTS APPLICABLE TO BOTH STAGES OF MEDIATION

Article 20

(1) The conduct of the mediation procedure shall be commonly agreed upon by the Parties and, as applicable, the mediator or the Chair of the Mediation Board, and shall rely on practical and flexible working methods.

(2) The working language for the mediation procedure shall be English, unless commonly agreed otherwise by the Parties and the mediator during either the first stage of mediation or the Chair of the Mediation Board during the second stage of mediation.

(3) The Authority shall provide secretarial services, including any translation and

interpretation services required for the proper functioning of the mediation procedure during both stages of mediation, including during hearings.

(4) Costs incurred by mediators or experts of the Mediation Board, including the Chair and Deputy Chairs of the Mediation Board, and experts participating in an advisory capacity, for fulfilling the functions as provided in these Rules of Procedure shall be reimbursed in accordance with the rules on reimbursement applicable at the Authority.

(5) The Parties shall appoint a national representative to represent them during the mediation procedure. The Parties may be supported by other experts in advisory capacity.

(6) The National Liaison Officers of the Parties shall be informed and, where necessary, support any communication during the mediation procedure.

(7) Upon request and subject to the agreement of the Parties, the mediator or the Chair of the Mediation Board shall invite experts from the Member States, the Commission and the Authority to participate in an advisory capacity. Such experts shall contribute to the mediation procedure by submitting opinions, making recommendations and proposing solutions, which shall be taken into account by the Parties and the mediator or the Chair of the Mediation Board.

(8) Where the dispute concerns issues related to provisions in collective agreements in Member States where the social partner organisations are competent for their application, supervision, interpretation and enforcement, the mediator and the Chair of the Mediation Board shall consult the competent social partner organisations to hear their views on the subject matter of the mediation procedure. This is without prejudice to the autonomy of social partners in accordance with Article 1(3) and (6) of the founding Regulation. Social partner organisations at Union level appointed in accordance with Article 17 of the founding Regulation shall communicate to the Authority a first point of contact through which all communications shall be channelled, including the consultations that take place during mediation.

(9) Any physical meetings during both stages of mediation, shall take place at the seat of the Authority, unless agreed otherwise between the Parties and the mediator or Chair of the Mediation Board. Physical hearings convened during the second stage of mediation shall take place at the seat of the Authority.

(10) The mediator and the Chair of the Mediation Board may, at any time during the mediation procedure, address questions in writing or via any other means to any of the Parties. Each Party shall receive a copy of any questions and shall also provide the other Party with a copy of its written response to such questions. Each Party shall be given the opportunity to provide written comments on the other Party's reply within 15 working days of the date of receipt of that response. The time allowed to provide written comments shall not affect the running of the overall timelines as provided in Articles 15 and 16 of these Rules of Procedure.

(11) The mediator or the Chair of the Mediation Board may request the assistance of

the Authority or the Commission in cases which require the clarification of questions related to the application of specific legislation, or any other information which is required in order for the mediator or the Mediation Board to be in a position to assist the Parties to agree on a non-binding opinion. The mediation proceeding shall be suspended between the date of the written request for assistance and the date of receipt of the requested information.

(12) In cases where a dispute contains conflicting information, evidence, facts and circumstances which cannot be verified by the Parties or the experts in advisory capacity, or where the collection of further information is necessary for the mediation procedure to follow its ordinary course, the mediator or the Chair of the Mediation Board may suggest to the national representatives of the Parties that they request the Authority to support a concerted or joint inspection, in accordance with Articles 8 and 9 of the founding Regulation.

The information collected during the concerted or joint inspection shall be presented in a report as provided in Article 9(6) of the founding Regulation, to the Parties, any Member State concerned and the mediator or Chair of the Mediation Board, with sensitive information and personal data duly redacted. The mediation proceeding shall be suspended between the date of the written suggestion by the mediator or the Chair of the Mediation Board and the date of the receipt of the report.

Should there be no agreement by the Member States concerned on the suggestion by the mediator or the Chair of the Mediation Board, leading to a situation where the mediation procedure cannot follow its ordinary course, the mediation procedure may come to an end in accordance with Article 19(2)(c) of these Rules of Procedure.

III. FINAL PROVISIONS

Article 21

Reporting by Member States that are party to a dispute

Parties shall report to the Authority, within three months of the adoption of the non-binding opinion with regard to the measures that they have taken for the purpose of following up on the non-binding opinion or, where they have not taken measures, with regard to the reasons why they have not done so.

Article 22

Reporting by the Authority

(1) The Authority shall report to the Commission twice a year concerning the outcome of the mediation cases it has conducted and about cases which were not pursued.

The reports shall be presented at the end of quarter 1 (covering quarters 3 and 4 of the previous year) and 3 (covering quarters 1 and 2 of the same year).

(2) The Authority shall monitor and follow-up on the implementation by the Member States of the non-binding opinions adopted during the first and second stages of mediation and it shall report such information to the Management Board on a yearly basis.

Article 23

Evaluation

(1) Every 36 months, the effectiveness and functionality of the present rules shall be assessed. If necessary, amendments for improving these instruments, based on the experiences gained in the previous months will be proposed to the Management Board.

(2) No later than one year from the assessment referred to in Article 40(1) of the founding Regulation, the Authority shall evaluate any need to modify these Rules of Procedure based on that assessment, and if necessary, propose amendments to these Rules of Procedure to the Management Board.

ANNEXES

I. **Nomination form for mediators/experts of the Mediation Board, Chair and Deputy Chairs of the Mediation Board, referred to in Articles 7(2) and 7(4)**

Purpose: To be used by the Management Board members from the Member States to nominate persons to act as mediators, experts of the Mediation Board, Chair and Deputy Chair of the Mediation Board. The information submitted will also be compiled in a document to enable the Member States party to the dispute to select a mediator which best fits the nature of the dispute, and for the Chair to compose the panel, matching the available experts to the nature and area of the dispute.

1. **Details of nominated person**

- Name
- Nominating national institution (employer)
- Address of nominating national institution, contact details, email address
- Member State/nationality
- Current position/ job/ details of employer
- Main responsibilities

2. **Professional background and skills of nominated person**

- Professional background
- Language skills
- Area/s of expertise in relation to legal areas within ELA's scope of mediation
- Relevant work experience in relation to legal areas within ELA's scope of mediation
- Experience in mediation/dispute resolution
- Experience in collective agreements/industrial relations

3. **Nominated by:** [Management Board member of Member State]

4. **Nominated as:**

- Mediator
- Expert of the Mediation Board
- Chair of the Mediation Board
- Deputy Chair of the Mediation Board

5. **Short explanation/justification why the person is being nominated for the position indicated in point**

II. Declaration of absence of conflict of interest referred to in Article 7(5)

Purpose: to be signed by each person appointed to act as mediator, expert of the Mediation Board, Chair or Deputy Chair of the Mediation Board, and by experts participating in an advisory capacity to declare that he or she is not in a situation of conflict of interests.

As required by Article 4(3) of the Rules of Procedure adopted by Decision of the Management Board, I the undersigned 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:

- Mediator
- Expert of the Mediation Board
- Chair of the Mediation Board
- Deputy Chair of the Mediation Board
- Expert participating in an advisory capacity to the specific case on which I have been appointed or invited to participate.

Furthermore, as provided in Article 7(5) of the Rules of Procedure, I hereby undertake to inform 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.

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 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.

If such a situation arises, I understand that the European Labour Authority 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 mediation procedure. The European Labour Authority 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 European Labour Authority.

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

Name:

Signature:

Date:

III. Model of the detailed statement referred to in Article 9(4)

Detailed Statement

[Mr/Ms Insert name and last name of the addressee]

Head of the Cooperation Support Unit

European Labour Authority

Landererova 12

81109 Bratislava Slovakia

mediation@ela.europa.eu

Subject: Detailed Statement of *[Please write here the name of the Member State]*

Ref.: *[Please write here the reference number]*

[To whom it may concern/Dear Sir/Dear Madam],

With reference to the request for mediation sent to the European Labour Authority (hereafter 'ELA), on the [_____] day of the month of [_____] , in the year [_____] , I, the undersigned, of *[Please indicate your name and last name]* , in the role of *[Please indicate your role]*, on behalf of *[Name of the Member State]*, on the [_____] day of the month of [_____] , in the year [_____] ,is hereby submitting the detailed statement, in accordance with Articles 9 and 14 of the Rules of Procedure for mediation of the European Labour Authority.

1) Please indicate which is/are the other Member State(s) involved. <i>Write your answer here:</i>
2) Please describe the nature and the timeline of the dispute including the main issues of contention. <i>Write your answer here:</i>
3) Please indicate which public institutions in your Member State are directly concerned by the subject matter. <i>Write your answer here:</i>
4) Please indicate which public institutions in the other Member State(s) are directly concerned by the subject matter. <i>Write your answer here:</i>
5) Please indicate whether there are (or not) pending or ongoing court proceedings on the subject matter. <i>Write your answer here:</i>

6) Please describe whether, if the dispute concerns social security coordination, any of the parties have ever referred the case to the Administrative Commission for the coordination of social security systems.

If yes, please provide details, date and relevant documents together with this request (to the extent that this is possible and with due regard to the confidentiality).

Write your answer here:

Does the dispute concern relevant European legislation within ELA's mandate? (Article 1(4) Regulation (EU) 2019/1149)?

Posting of workers <input type="checkbox"/> YES <input type="checkbox"/> NO	Directive 96/71/EC Directive 2014/67/EU
Additional observations:	
Social security coordination <input type="checkbox"/> YES <input type="checkbox"/> NO	Regulation (EEC) No 1408/71 Regulation (EEC) No 574/72 Regulation (EC) 883/2004 Regulation (EC) 987/2009
Additional observations:	
Free movement of workers <input type="checkbox"/> YES <input type="checkbox"/> NO	Regulation (EU) No 492/2011 Directive 2014/54/EU Regulation (EU) 2016/589
Additional observations:	
Social legislation in road transport <input type="checkbox"/> YES <input type="checkbox"/> NO	Regulation (EC) 561/2006 Directive 2006/22/EC Regulation (EC) 1071/2009
Additional observations:	

1) Please describe all efforts, exchanges and the outcome of previous contact and dialogue to resolve the dispute.
<i>Write your answer here</i>
2) Is there agreement between all the parties to refer the dispute for mediation before ELA?
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT SURE
List of documents attached in support of the detailed statement
Please indicate the documents attached below: <ul style="list-style-type: none">•

Name and Last name _____

Organisation/Entity/Department _____

Function _____

Place and date of signature _____

Signature _____

IV. Model of the report to be prepared by the mediator or the rapporteur in accordance with Article 15(8) and 16(9), including the model non-binding opinion referred to in Article 18

Purpose: To be issued by the mediator during the first stage of mediation, and the rapporteur during the second stage of mediation, to give a factual account of the proceedings of mediation. If the mediation procedure leads to a mutually acceptable solution, a non-binding opinion will be adopted and included in the factual report.

The report shall include:

1. Introduction

- An introduction to the dispute, the parties, and an account of steps undertaken before the mediation procedure has started
- Background of the dispute

2. Legal context

- An account of the Union act/s on which the dispute is based

3. Problem determination

- An account of each party's version of the issue/s at stake
- Mediator/rapporteur summarises the issue/s at stake in a neutral and non-judgmental way

4. Issue identification

- Identification of the issues subject to mediation, in agreement with the Member States party to the dispute

5. Generation and evaluation of explored solutions

- An account of the proposed solutions explored for resolving the dispute by the parties, and if applicable, the opinions expressed by the experts who may participate in an advisory capacity, and, if applicable, the views expressed by the competent social partner organisations

6. Non-binding opinion

- If the parties agree on the solution for resolving the dispute, the non-binding opinion should be included here, with the following information:
 - Mutually acceptable solution
 - Timeline for implementing the solution
 - Agreed follow-up
 - Recommendations, if applicable

- If the parties do not agree on the solution for resolving the dispute, the mediator/rapporteur should state the facts here

7. Conclusion

- Concluding comments by the mediator/rapporteur on the mediated case (neutral and non-judgmental)