



What is mediation?

Mediation is a **negotiation assisted by independent facilitators**. It is a form of dispute resolution in which the parties discuss the issues they are facing and try to find acceptable solutions. The mediators — officers from the Complaints Mechanism and/or external facilitators — remain **impartial** and do not impose solutions. They help the parties find **common ground** and understand each other's perspectives, positions and interests.

Who participates in mediation?

Typically, **representatives** of the complainants and the **project promoter** participate in mediation. These parties and the mediators may agree to other participants being present, such as representatives of non-governmental organisations, local authorities, experts and interpreters.

Main steps of the mediation process

The mediation process is flexible and **adjusted to each specific dispute**. It generally includes the following steps:

- signing a mediation agreement, including ground rules (such as confidentiality);
- setting the agenda for mediation meetings by listing issues and topics;
- discussing and evaluating the parties' interests and needs;
- identifying suitable solutions including specific actions;
- drafting and signing a final agreement;
- implementing the agreed actions.

Main advantages of mediation

The parties actively participate in finding workable solutions and remain in **control over the outcome** of their dispute. The mediation process is **voluntary** and does not evaluate past conduct or assess compliance.

What is expected from the parties during mediation?

The parties are expected to participate in the mediation process in a **fair manner** and to cooperate in good faith in working towards **mutually acceptable** solutions. The parties cannot exert any pressure on other participants to prevent them from expressing their views or to accept any solution. The parties need to adhere to the ground rules established at the beginning of the process.

Possible outcomes of mediation

If the parties agree on solutions and actions, they sign a **final agreement**. The mediators can help the parties draft this agreement.

The mediators from the Complaints Mechanism prepare a **report** describing the mediation process and its results. They provide the parties with copies of the report. With the agreement of the parties, the Complaints Mechanism usually **monitors** and reports on progress in the **implementation** of the agreed actions until completion.

If **no agreement** or only a partial agreement is reached, the Complaints Mechanism may recommend a **compliance review**. If the complainants agree to this compliance review, it will be performed by different members of the Complaints Mechanism team. Confidential information provided during mediation will remain confidential.



For more information, please contact
[**cm-dispute-resolution@eib.org**](mailto:cm-dispute-resolution@eib.org)