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Mediation in EU countries

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Netherlands



Netherlands

In mediation, parties resolve their dispute together, under the guidance of an independent mediator. There are many advantages to this type of extra-judicial dispute resolution. In many cases, mediation is required for a short time only, making it possible to avoid long, costly court cases. Mediation also helps to maintain the relationship between the parties, as they work together to find a solution.

Who should I contact?

There are various registers of mediators in the Netherlands. The [Dutch Mediators' Federation](#) (*Mediatorsfederatie Nederland*, MfN) manages the [Register of Mediators](#) (previously known as the NMI Register). The MfN is the federation representing the largest mediators' associations in the Netherlands. Its register contains only mediators who meet carefully considered quality standards. The Dutch government uses the MfN's standards as the basis for the register of mediators who work under the legal aid system ([register](#) of the Legal Aid Board (*Raad voor Rechtsbijstand*)). There is also the [ADR International Register](#).

Address of the Dutch Mediators' Federation:

Westblaak 140
3012 KM Rotterdam

Postal address:

PO Box 21499
3001 AL Rotterdam

Telephone number: 010 - 201 23 44

Email address: info@mediatorsfederatienl.nl

In what areas is recourse to mediation admissible and/or most common?

Mediation is always allowed and is most frequently used in civil cases and public-law cases. Mediation in criminal cases has also been possible for a number of years.

Are there specific rules to follow?

Recourse to mediation is entirely voluntary. The law does not require the participating parties to sign a mediation agreement, which is an agreement with clauses on such matters as confidentiality and the representation of the parties. Under the [MfN's 2017 Mediation Regulation](#) (*Mediationreglement 2017*), however, parties who use the services of an MfN mediator must sign a mediation agreement.

MfN mediators must abide by the MfN's code of conduct and comply with its Mediation Regulation. Anyone who has a complaint about a mediator's work can file it with the Mediators Quality Foundation (*Stichting Kwaliteit*

Mediators, SKM).

Information and training

To be listed in the Register of Mediators, mediators must complete a recognised basic training course in mediation, pass a theory exam and assessment and provide a certificate of good conduct (*Verklaring Omtrent het Gedrag*, VOG).

They must also keep their knowledge up to date by meeting certain requirements every three-year period. More specifically, they must handle at least nine mediation cases, with a total of at least 36 contact hours, every three-year period, and complete at least two mediation cases, with a total of at least 8 contact hours, every year. Of the nine mediation cases that they must handle in every three-year period, at least three must end with a written agreement and no more than three can be co-mediated. In addition to this, mediators must earn 48 PE (professional-development training) points in every three-year period. Some of these points must be earned through participation in peer discussion exercises. Mediators must also take part in a peer review every three years. A peer review is a quality measure and involves an independent, impartial peer assessing whether a mediator's services are up to the average standard that may be expected from a professional. In other words, the mediators listed on the Dutch Register of Mediators are subject to stringent quality requirements.

What is the cost of mediation?

Different mediators may charge different hourly rates. Mediators' rates are influenced by such factors as their experience, professional background and area of specialisation. It is therefore wise to ask mediators, before mediation begins, what their hourly rate is and what additional costs may be involved. Mediators must always specify their costs. The cost of mediation also depends on the duration of the mediation process and the number of times the mediator is consulted. On average, a mediator costs EUR 150 per hour (excluding VAT).

If you cannot afford to pay for a mediator, you may be eligible for legal aid if you meet certain criteria. If you are entitled to legal aid, you will only pay a means-tested contribution towards the cost.

Click [here](#) for more information about the cost of mediation.

Is it possible to enforce an agreement resulting from mediation?

The law allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable.

Related links

[Dutch Mediators' Federation](#)

[Mediation costs](#)

[The MfN's 2017 Mediation Regulation](#)

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