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Mediation in EU countries

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Malta



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Rather than going to court, why not resolve disputes through mediation? Mediation is a form of alternative dispute resolution (ADR) where a mediator helps the parties reach agreement. Both the government and legal practitioners in Malta are well aware of the advantages of mediation.

Whom to contact?

The government body responsible for mediation in Malta is the Malta Mediation Centre, which was established under Chapter 474 of the [2004 Mediation Act](#). The Mediation Centre provides a forum to which parties to a dispute may refer, or be referred, to resolve their dispute with the assistance of a mediator.

You can contact the Centre via the Registrar of the Malta Mediation Centre, 158 Triq il-Merkanti, Valletta VLT 1176.

You can also call on +356 23279220 or send an email to info@mediation.mt.

The Centre provides parties with a list of mediators duly accredited by the Centre and asks them to select a mediator from the list who is acceptable to them all. If the parties do not agree upon a mediator who is acceptable to them both, the Centre will appoint as mediator the person whose name is next on the list of approved mediators.

In which area is recourse to mediation admissible and/or the most common?

Mediation is admissible in disputes involving civil, family, social, commercial and industrial matters. It should be noted that family mediation refers to certain family disputes, such as inheritance disputes or disputes arising from family businesses. It does not include separation or divorce, which fall under the competence of the Civil Court (Family Section) and are governed by specific legislation.

Are there specific rules to follow?

Mediation is a voluntary process. That said, parties to any proceedings may jointly request the Court to suspend proceedings while they attempt to settle their dispute by mediation. Furthermore, the Court may suspend proceedings on its own initiative for the duration of the mediation process and order the parties to try and settle the dispute by mediation. It should be noted, however, that mediation in family cases is mandatory, primarily in cases dealing with personal separation, access to children, the care and custody of children, and maintenance for children and/or spouses.

The Malta Mediation Centre has a Code of Conduct, to which mediators are required to adhere during mediation proceedings.

The Code contains inherent adherence measures. For instance, it gives the Board of Governors of the Centre the

power to take disciplinary action against any mediator whose conduct does not comply with, or falls short of, the conduct required by the principles of the Code. Any mediator found to have breached any of the provisions of the Code or behaved in an inappropriate manner will have their name removed from the list of mediators for as long as the Board of Governors deems appropriate.

Information and training

According to the Code of Conduct for Mediators, mediators should actively follow and take up education and training opportunities that promote proficiency in mediation skills, as such opportunities may arise from time to time. The Malta Mediation Centre organises occasional training courses for mediators. The first course, on mediation skills, was held in July 2008. Another course, aimed at providing training in mediation skills with focus on the psychological, social and legal aspects of separation, was held on 16-18 April 2009.

What is the cost of mediation?

The fee tariff is regulated by Regulations 2 and 4 of Legal Notice 309 of 2008, as amended by Legal Notice 365 of 2020 (see [Subsidiary Legislation 474.01](#)).

In mediation relating to the Family Court, parties may select, by mutual consent, a mediator of their choice from a list of persons appointed by the Minister for Justice for that purpose (in which case the parties bear the costs of mediation themselves) or, alternatively, the court assigns a mediator, on a rota basis, from the list of persons appointed by the Minister for Justice to act as court-appointed mediators (in which case the fees due to the mediators are paid by the Registrar of the Civil Courts and Tribunals).

Is it possible to enforce an agreement resulting from mediation?

According to [Directive 2008/52/EC](#), it must be possible to request that the content of a written agreement resulting from mediation be made enforceable. The 2004 Mediation Act was amended by Act IX of 2010, mainly for the purposes of transposing the provisions of the Directive governing cross-border disputes, extending them to apply also to domestic cases.

Related links

[Malta Mediation Centre](#)

[2004 Mediation Act, Malta](#)

[Directive 2008/52/KE](#)

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