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Mediation in EU countries

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Belgium



Belgium

Rather than taking legal action, why not resolve a dispute through mediation? This is an alternative form of dispute resolution in which a mediator helps the parties to reach agreement. In Belgium the Government and the professionals recognise the benefits of mediation.

Who to contact?

The Federal Mediation Commission.

While it does not itself conduct any mediation, the Federal Commission regulates the profession and keeps an updated list of accredited mediators.

The Commission secretariat provides information in [Dutch](#) and [French](#). It may be contacted via [e-mail](#) and at the following address:

FPS Justice Commission fédérale de médiation Rue de la Loi, 34 1040 Bruxelles Tel: (+32) 2 224 99 01 Fax: (+32) 2 224 99 07

The Federal Mediation Commission guarantees (through mediator accreditation) the quality and development of mediation.

The List of Mediators is available in [Dutch](#) and [French](#).

In what areas is recourse to mediation admissible/the most frequent?

Mediation is admissible in:

- Civil law (including family disputes);
- Commercial law;
- Employment law;
- Victim-offender and restorative mediation also exists but these areas do not fall within the jurisdiction of the Federal Mediation Commission.

The most frequent area of mediation is civil law, and more specifically family matters.

What are the rules to follow?

Recourse to mediation is a voluntary choice by the parties, and there is no penalty if it fails.

Under the recent provisions of family law, the judge is required to inform the parties of the existence and potential of mediation.

There is a 'Code of Conduct' for mediators, available in [Dutch](#) and [French](#).

Information and training

A large amount of information is available on the Internet site in [Dutch](#) and [French](#), outlining the various aspects of mediation (how mediation is conducted, cost, addresses, etc.).

Professionals' corner

This part of the Internet site outlines the accreditation criteria and training requirements for mediators.

The Federal Mediation Commission has regulated mediator training but training itself is provided by the private sector.

The programme comprises a common core of 60 hours, divided into at least 25 hours of theoretical training and at least 25 hours of practical training.

- The common core covers the general principles of mediation (ethics/philosophy), study of the various Alternative Dispute Resolution Methods, applicable law, the sociological and psychological aspects and the process of mediation.
- The practical exercises cover the subjects in the programme and, through role-play, develop negotiation and communication skills.

In addition to this common core, there are programmes specific to each type of mediation (at least 30 hours, freely divided between theoretical and practical training time).

There are specific programmes in family, civil and commercial, and community mediation.

Accreditation criteria

- Mediator accreditation criteria,
- Instructions on submitting an application for mediator accreditation based on the Act of 21 February 2005.
- A checklist for applying for mediator recognition (Word)

Training criteria/continuing training

Basic training

- The Decision of 1 February 2007 establishing accreditation requirements and procedures for training centres and for training of accredited mediators (PDF)
- The mediator training bodies accredited by the Federal Mediation Commission

Continuing training

- The Decision of 18 December 2008 defining the obligations of accredited mediators with regard to continuing training and the accreditation criteria for programmes in this field

Code of Conduct

- The Code of Conduct for accredited mediators (Word)

Handling of complaints

- The Decision on the procedure for withdrawing accreditation, the determining of sanctions resulting from the Code of Conduct and the procedure for applying these sanctions

What is the cost of mediation?

Mediation is not free of charge. The mediator's fees are agreed between the private mediator and the parties. The law does not regulate them. Generally, each party pays half of the fees.

It is possible for a party to obtain aid to pay a mediator's fees if that party's income is modest and provided that the mediator is accredited.

Is it possible to make an agreement resulting from mediation enforceable?

According to [European Directive 2008/52/EC](#), it must be possible to request that a written agreement resulting from mediation be enforced. The Member States indicate which courts or other authorities are competent to receive such requests. Belgium has not yet provided this information.

However, in conformity with Articles 1733 and 1736 of the Judicial Code, it is possible to have the mediation agreement approved by a judge, which makes such an agreement authentic and enforceable. In terms of form, the agreement then becomes a judgement.

There is an alternative to approval. It is possible to have the mediation agreement made into a notarial instrument by a notary. In this way the agreement is also made authentic and enforceable without recourse to a judge. This option is only possible with the agreement of all of the parties.

Related Links

[Federal Public Service Justice](#)

[Federal Mediation Commission](#)

■ Last update: 06/08/2019

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