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Mediation in EU countries

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Romania



Romania

Rather than going to court, why not solving disputes through Mediation? It is a form of alternative dispute resolution (ADR) where a mediator will assist disputants in reaching an agreement. The Romanian government and justice practitioners are attentive to the advantages of mediation.

Who to contact?

The [Mediation Council](#), established by Law 192/2006 on mediation, is responsible for supervising mediation in Romania. It is an autonomous legal entity which acts in the public interest and has its headquarters in Bucharest.

Law 192/2006 provided the legislative framework for the introduction of mediation, within which the mediation profession operates.

The members of the Mediation Council are elected by the mediators and approved by the [Ministry of Justice of Romania](#).

The main responsibilities of the Mediation Council are to adopt decisions in the following areas:

- To set the training standards in the field of mediation, on the basis of best international practice and to supervise their adherence by the professionals;
- To authorise mediators and to maintain and update the List of Mediators;
- To approve the training curricula for mediators;
- To adopt the Ethical and Deontological Code for authorised mediators, as well as the regulations regarding their disciplinary liability;
- To adopt regulation on the organisation and functioning of the Mediation Council;
- To initiate proposals to amend or to correlate legislation on mediation.

The [Mediation Council](#) 's contact details are:

Address: Cuza Vodă Street, 64, sector 4, Bucharest

Telephone: 004 021 315 25 28; 004 021 330 25 60; 004 021 330 25 61

Fax: 004 021 330 25 28

E-Mail addresses: secretariat@cmediere.ro , Consiliul_de_mediere@yahoo.com

The National Register of Mediator's Professional Associations

The [Mediation Council](#) has established the [National Register of Mediator's Professional Associations](#). This Register lists the non-governmental organisations which promote mediation and represent mediators' professional interests.

Below is a list of professional associations active in mediation services:

- [Bucharest Mediators' Association](#) (Asociația Mediatorilor București)
- Turda Mediators' Center (Asociația Centrul de Mediere Turda)
- Vaslui Mediators' Chamber Association (Asociația Camera Mediatorilor Vaslui)
- [Vaslui Mediation Centre](#) (Centrul de Mediere Vaslui)
- Galati Mediators' Association (Asociația Mediatorilor Galați)
- Iasi Mediators' Chamber Association (Asociația Camera Mediatorilor Iași)
- Iasi Mediation and Community Security Centre (Centrul de Mediere și Securitate Comunitară Iași)
- [Craiova Mediation Centre](#) (Centrul de Mediere Craiova)
- [Cluj Mediation Centre Association](#) (Asociația Centrul de Mediere Cluj)
- [Neamt Mediation Centre](#) (Centrul de Mediere Neamt)
- Sibiu Mediation Centre (Centrul de Mediere Sibiu)
- [Constanta Mediation Centre](#) (Centrul de Mediere Constanta)
- Alba Mediation Centre (Centrul de Mediere Alba)
- [Timisoara Mediation Centre](#) (Centrul de Mediere Timisoara)
- Maramures Mediation and Arbitral Centre (Centrul de Mediere și Arbitraj Maramures)
- [Bacau Mediation Centre](#) (Centrul de Mediere Bacau)
- [Călărași Mediation Centre](#) (Centrul de Mediere Calarasi)
- [Ialomița Mediation Centre](#) (Centrul de Mediere Ialomita)

The Panel of Mediators

In accordance with Article 12 of Law 192/2006, authorised mediators are registered in the "Panel of Mediators" managed by the [Mediation Council](#) and published in the Romanian Official Journal, Part I.

The "Panel of Mediators" is also available from the official websites of the [Mediation Council](#) and of the [Ministry of Justice](#).

The list of authorised mediators contains information on:

- Their membership to professional associations,
- The institution from which they graduated,
- The mediation training programme they followed,
- Foreign languages in which they are able to conduct mediation services,
- Their contact details.

Persons interested in resolving their dispute through mediation can contact a mediator within 1 month of the date of publication of the "panel (list) of mediators" on the premises of the courts and on the website of the Ministry of Justice.

The Mediation Council is legally obliged to regularly update - at least once a year - the Panel (List) of mediators, and to communicate updates to the courts, to local government authorities, and to the Ministry of Justice.

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

Article 2 of Law 192/2006 allows parties to seek mediation in disputes relating to civil or penal matters, family matters and other fields of law subject to the legal provisions. Consumer disputes, and other disputes subject to renounceable rights, can also be resolved using mediation. However, matters relating to personal rights and to non-renounceable rights cannot be the subject of mediation.

Are there specific rules to follow?

Recourse to mediation is voluntary. There is no obligation for parties to look for mediation services, and they may opt out of mediation at any stage. In other words, parties are free to seek other means of dispute resolution at any point: court proceedings, arbitration. Interested parties may contact a mediator before coming to court, and also during court proceedings.

However, various national legal provisions in the field of mediation oblige judges, in certain cases, to inform

parties of the possibility of opting for mediation and the advantages of doing so. In other cases, a number of financial incentives are offered to parties who choose mediation or other alternative dispute resolution proceedings.

On 17 February 2007 the [Mediation Council](#) approved the Ethical and Deontological Code for mediators. The Code is binding on all mediators included in the Panel of Mediators.

Information and training

The [Mediation Council](#) website is the main source of information about mediation in Romania.

Training on mediation is provided only by the private sector, but the [Mediation Council](#) is responsible for authorising training courses providers in order to ensure that all courses offer trainings of the same standards.

A list of training programme providers is also included in the [Mediation Council's](#) official website.

Training courses are run on a regular basis. One training programme which counts for mediators' initial training course (80 hours) is currently in place. The programme sets learning objectives, skills to have developed by the end of the programme and the evaluation methods. The 8 providers authorised by the Mediation Council are responsible for developing support material and exercises following the frame set by the national training programme.

What is the cost of mediation?

Mediation is not free of charge; the level of payment is subject to agreement between a private mediator and the parties.

Currently no legal or financial support to provide mediation services is available from local or national authorities.

Is it possible to enforce an agreement resulting from mediation?

[Directive 2008/52/EC](#) creates the possibility to request that the content of a written agreement resulting from mediation be made enforceable. Member States shall inform the Commission of the courts or other authorities competent to receive requests.

Romania has not yet communicated this information.

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