



Austria

Mediation in Member States - Austria

Rather than going to court, why not try to solve your dispute through mediation? This is an alternative dispute resolution procedure, where a mediator assists those involved in a dispute to reach an agreement.

Who do I contact?

The Federal Ministry of Justice keeps a [list of registered mediators](#). All the mediators included in this list have followed specific training.

There is no central authority with responsibility for mediation services.

There are professional and nonprofessional associations offering mediation services and a few nongovernmental organisations offering support to mediators.

When should I opt for mediation?

In civil law cases, mediation can be used to resolve disputes in which the ordinary courts would normally take a decision. Parties to a dispute can opt for mediation voluntarily in order to find their own solution to the dispute.

In some neighbourhood disputes an attempt to settle the matter out of court must be made first before the case can be brought to court. This may be done by referring the matter to a conciliation board, seeking a pretrial settlement through the district court (a procedure known as '*prätorischer Vergleich*') or by mediation.

Are there specific rules for mediators?

There are no specific rules for mediators and there is no code of conduct.

Mediators are not registered as specialising in a given area, such as family, medical or building disputes, but details of the areas in which a registered mediator works can be entered separately.

Anyone who has completed the specific training and who meets the [requirements](#) can be listed as a registered mediator. There are no legal restrictions on who can use the professional title of 'mediator'.

Information and training

Additional information, including details of training and the requirements for registration as a mediator in Austria can be found [here](#). The information is available in German only.

How much does mediation cost?

Mediation is not free of charge.

The mediation fees are agreed by the private mediator and the parties to the dispute.

Can an agreement resulting from mediation be enforced?

Under [Directive 2008/52/EC](#) parties to a dispute must be allowed to submit a request for the content of a written agreement resulting from mediation to be made enforceable. It is up to the Member States to indicate which courts or other authorities are responsible for receiving such requests.

In Austria the content of an agreement resulting from mediation is enforceable only if the agreement takes the form of a settlement (*Vergleich*) before a court or a notarial act before a notary.

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