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## Mediation in EU countries

### Italie

Rather than going to court, it is also possible to solve a dispute through mediation. This is an alternative dispute resolution (ADR) measure, whereby a mediator assists those involved in a dispute to reach an agreement. Public authorities and legal professionals consider mediation to be a particularly effective tool.

#### 1. Who do I contact?

A system of civil and commercial mediation, aimed at settling disputes in respect of any entitlement that the parties are free to renounce or transfer (*diritti disponibili*), was introduced in Italy by [Legislative Decree No 28/2010](#).

Mediation services are provided by mediation bodies, which may be public or private, and which are entered in a register of mediation bodies (*registro degli organismi di mediazione*) kept by the Ministry of Justice.

All information relating to mediation can be found on the website of the [Ministry of Justice](#).

The register of [accredited mediation bodies](#) is published on the Ministry of Justice website.

The register should make it possible for you to contact a mediation body of your choice and to call on the services of mediators who are members of that body. Further information can be obtained directly from the body in question.

#### 2. In what areas is mediation admissible and/or most common?

Mediation bodies can help to arrive at out-of-court settlements in any civil or commercial dispute which concerns entitlements that the parties are free to renounce or transfer. In Italy, mediation is a condition for bringing proceedings for disputes concerning co-ownership, rights in rem, division, inheritance, family agreements, lease, loan-for-use, leasing of companies, compensation for damage resulting from medical and health liability and defamation through the press or other means of advertising, insurance, banking and financial contracts. In such cases, the party must be assisted by a lawyer. Mediation may also be optional, at the request of the court or on the basis of an obligation laid down in the contract by the parties.

#### 3. Are there specific rules to follow?

Rules governing mediation in civil and commercial matters are currently laid down in Legislative Decree No 28/2010 (as amended by Decree-Law No 69 of 21 June 2013, converted into Law No 98 of 9 August 2013, and subsequently by [Decree-Law No 132 of 12 September 2014](#), converted, with amendments, by [Law No 162 of 10 November 2014](#) and by [Legislative Decree No 130 of 6 August 2015](#)) and in Ministerial Decree No 180/2010.

#### 4. Training

A person wishing to become a mediator must satisfy the requirements laid down in Article 4(3)(b) of Ministerial Decree No 180/2010:

in particular, they must hold a degree or diploma at least equivalent to a university degree following three years of study, or in the alternative be a member of a professional association or organisation; and have completed a refresher course lasting at least two years with a training provider accredited by the Ministry of Justice; and in the course of the two-year retraining period they must have taken part as assisted trainees in at least twenty cases of mediation. The training providers that issue certificates stating that mediators have completed the necessary training courses are public or private bodies accredited by the Ministry of Justice on condition that they meet certain requirements.

#### 5. How much does mediation cost?

The criteria that determine the mediation fee (*indennità di mediazione*), comprising the fee for initiating the procedure and the fee for mediation proper, are laid down in Article 16 of Ministerial Decree No 180/2010.

The amounts are specified in Table A annexed to the Decree. They vary depending on the value in dispute.

#### 6. Is it possible to make the mediation agreement enforceable?

Article 12 of Legislative Decree No 28/2010 states that, where all the parties taking part in the mediation are assisted by a lawyer, the agreement which has been signed by the parties and the lawyers themselves constitutes an enforceable instrument for compulsory expropriation (*espropriazione forzata*), the obligation to transfer certain assets (*esecuzione per consegna e rilascio*), performance of a positive or negative obligation (*esecuzione degli obblighi di fare e non fare*), and registration of a judicial mortgage (*ipoteca giudiziale*). Lawyers attest and certify that the agreement complies with the mandatory rules and public policy. In all other cases, the agreement annexed to the minutes is approved, at the request of a party, by decree of the president of the court, after it has been established that it is formally correct and that the mandatory rules and the requirements of public policy have been complied with. In the case of a cross-border dispute of the kind referred to in Article 2 of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008, the minutes are approved by the president of the court in whose district the agreement is to be implemented.

#### 7. Is access to the database of mediators free of charge?

At present the Ministry of Justice regularly publishes on its website a list of mediation bodies and mediators registered with each mediation body.

[This is the link](#) referred to in section 1; access to the site is unrestricted and free of charge.

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