SL

Domov>Sprožitev sodnega postopka>Mediacija>**Mediacija v državah EU**

Mediacija v državah EU

Stopnje razvoja mediacije v državah članicah so različne. Nekatere imajo celovito zakonodajo ali postopkovna pravila na področju mediacije, v drugih zakonodajni organi niso pokazali velikega zanimanja za ureditev tega področja. Kljub temu pa je kultura mediacije, ki temelji večinoma na samourejanju, v nekaterih državah dobro razvita.

Število sporov, ki jih obravnavajo sodišča, se neprestano povečuje, Posledica so daljše čakalne dobe pri reševanju sporov, kot tudi tolikšno povišanje pravnih stroškov, da ti niso več sorazmerni z vrednostjo spora.

Mediacija je v večini primerov hitrejši in zato ponavadi stroškovno učinkovitejši postopek kot običajen sodni postopek. To velja predvsem za države, v katerih so veliki sodni zaostanki pri sodnem reševanju sporov in povprečen sodni postopek traja več let.

Zato je zanimanje za mediacijo, kot alternativno sredstvo za reševanje sporov, ki lahko nadomesti sodne postopke, vse večje, čeprav se njena področja in metode v Evropski uniji zelo razlikujejo.

Za podrobnejše informacije o posamezni državi izberite ustrezno zastavico.

Zadnja posodobitev: 17/11/2021

Stran vzdržuje Evropska komisija. Informacije na teh straneh ne izražajo nujno uradnega stališča Evropske komisije. Komisija ne sprejema nobene odgovornosti v zvezi z informacijami in podatki, vsebovanimi ali navedenimi v tem dokumentu. Pravila glede avtorskih pravic spletnih strani EU so navedena v pravnem obvestilu.

Izvirna jezikovna različica te strani fr je bila pred kratkim spremenjena. To jezikovno različico trenutno prevajajo naši prevajalci.

Mediation in EU countries - 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

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Mediation in EU countries - Bulgaria

Rather than going to court, why not try to settle your dispute through mediation? This is an alternative dispute resolution (ADR) measure, where a mediator assists the parties involved in a dispute to reach an agreement. The government and legal practitioners in Bulgaria are aware of the advantages of mediation.

Who to contact
The **Ministry of Justice of Bulgaria** has established a register of mediators as part of the central register of non-profit corporate bodies offering useful public services.
The website of the Ministry of Justice provides access to:
A list of mediators
Private organisations which train mediators

In which area is recourse to mediation admissible and/or most common?
Mediation is admissible in many areas of law. However, these areas are not regulated or limited by legislation. Up until now, most registered mediators have specialised in commercial and business mediation.

Are there specific rules to follow?
Mediation is entirely voluntary. Although it provides an alternative means of settling a dispute without going to court, it is not a prerequisite for initiating court proceedings.
There is no specific code of conduct for mediators. However, provisions on ethical standards are contained in the Mediation Act and in Regulation No 2 of 15 March 2007, which sets out the conditions and procedure for approving organisations that train mediators.

Information and training
Organisations offering training to mediators come from the private sector.
Training seminar topics include legal proceedings and ethical rules of conduct for mediators, as well as the procedure set out in the **Mediation Act and Regulation No 2 of 15 March 2007**.

What is the cost of mediation?
Mediation is not free of charge; **payment** is determined by agreement between the mediator and the parties involved.

Is it possible to enforce an agreement resulting from mediation?
According to Directive 2008/52/EC (encouraging and facilitating mediation as an alternative form of resolution of cross-border disputes in the EU), it must be possible to request that the content of a written agreement resulting from mediation be made enforceable.
The provisions of Directive 2008/52/EC on the enforceability of agreements resulting from mediation have been transposed in the Mediation Act. Member States will communicate this to the courts and other authorities competent to receive such requests.

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Mediation in EU countries - Czechia

Rather than going to court, why not resolve disputes through mediation?
This is a form of alternative dispute resolution (ADR), whereby a mediator helps the parties to the dispute to reach agreement. The advantage of using mediation is the time saved by using this form of dispute resolution (compared to a lengthy court case) and, frequently, a financial saving (compared to the costs of a court case).

Whom to contact?

The Probation and Mediation Service of the Czech Republic (*Probační a mediační služba ČR*) is the centralised body responsible for mediation as a means of dealing with the consequences of a criminal offence between the offender and the victim in criminal proceedings. **The Ministry of Justice of the Czech Republic** has responsibility for this service.
For mediation in civil law matters, you can contact one of the mediators offering that service. Contacts for mediators working in the Czech Republic may be found on various websites by entering the search term 'mediation'.
A list of mediators may be found, for example, on the websites of the Czech Mediators Association, the Czech Bar Association and the Union for Arbitration and Mediation Procedures of the Czech Republic. Contacts for the Probation and Mediation Service of the Czech Republic, acting within the remit of the relevant district courts, may be found on the Service's website.
A list of mediators registered in accordance with Act No 202/2012 on mediation, maintained by the Ministry of Justice, is available here.
A number of other non-governmental organisations (NGOs) and entities work in the area of mediation.

In what area is recourse to mediation admissible or most common?

Mediation is admissible in every area of law, except where it is excluded by legislation. This includes **family law, commercial law and criminal law**. According to the Code of Civil Procedure, the presiding judge may, if practical and appropriate, order the parties to proceedings to hold an initial three-hour meeting with a mediator. In such cases, proceedings may be suspended for up to three months.

Are there specific rules to follow?

Yes, mediation is governed both by Act No 202/2012 on mediation and, in the area of criminal proceedings, by Act No 257/2000 on the Probation and Mediation Service of the Czech Republic.

Information and training

A registered mediator acting in accordance with Act No 202/2012 on mediation must successfully complete a professional examination before a commission appointed by the Ministry of Justice. A mediator acting within the remit of the Probation and Mediation Service in accordance with Act No 257/2000 on the Probation and Mediation Service of the Czech Republic must successfully complete a qualifying examination.
The training of mediators acting within the criminal justice system is ensured by the Probation and Mediation Service; training in the area of non-criminal mediation is offered by a range of bodies and educational institutions.

What is the cost of mediation?

Mediation provided by the Probation and Mediation Service is free of charge, or the costs are paid by the state.
If a court suspends proceedings in a civil case and orders the parties to hold an initial meeting with a mediator, the first three hours of the mediation meeting are paid at the rate laid down in the implementing legislation (CZK 400 for each hour begun), and this fee is shared by both parties equally (if the parties are exempt from court fees, they are paid by the state). If mediation extends beyond three hours, the further costs will be shared by both parties equally, up to the **amount** agreed between the mediator and the parties to the mediation (i.e. to the proceedings).

Is it possible to enforce an agreement resulting from mediation?

Directive 2008/52/EC allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. An agreement between the parties to the mediation in a civil case may be submitted to the court for approval in the context of further proceedings. The results of mediation provided in the context of criminal proceedings by the Probation and Mediation Service may be taken into account by the public prosecutor and the court in their decision in a given case.

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Mediation in EU countries - Denmark

In Denmark it is possible to call on the services of a mediator on a private basis. Mediation on a private basis is not regulated by law and the costs have to be borne by the parties. In addition there is the possibility under the law of mediation in civil cases before a district court, High Court, or the Maritime and Commercial Court, and of conflict resolution in criminal cases (see below).

Mediation in civil cases

Chapter 27 of the Administration of Justice Act sets out rules on court mediation in civil cases pending before a district court, a High Court or the Maritime and Commercial Court.
At the parties' request the court can appoint a court mediator to help the parties themselves reach an agreed settlement to a dispute between the parties (court mediation).
The aim of the procedure is to give the parties in cases brought before the courts an opportunity, if they so wish, to seek to resolve the dispute in some other way than through the traditional conciliation procedure in court, which is based on the rules of the law as it stands, or through a court judgment. Court mediation can give an opportunity to reach an agreed settlement of the dispute; this is seen as more satisfactory for both parties, since a mediated settlement can give them a greater degree of influence over the course of events and can take account of their underlying interests, needs and future.
A mediator can be a judge or an officer of the court in question who is designated to serve as a mediator, or a lawyer who has been approved by the Court Administration to serve as a mediator in the High Court district concerned.
The mediator determines the course of the mediation in consultation with the parties. With the parties' agreement the mediator can hold meetings with them individually.
Each party bears his or her own court mediation costs, unless they agree otherwise.
If mediation leads to an agreed settlement, a formal record of it can be drawn up, after which the case can be dismissed.
Under § 478(1)(2) of the Administration of Justice Act execution can be enforced on the basis of a conciliation settlement before the courts or other authorities where the law allows execution of court decisions to be enforced.
Under § 478(1)(4) execution can also be enforced on the basis of a written out-of-court conciliation settlement concerning unpaid debts if the settlement explicitly provides that it can serve as the basis for execution.
The Administration of Justice Act can be found on the website Information about the law.

Mediation in criminal cases

Act No 467 of 12 June 2009 on conflict resolution councils in connection with crimes, which comes into force on 1 January 2010, introduces a permanent, nationwide system for conflict resolution in criminal cases.
The Police Commissioner for each police district establishes a conflict resolution council, where the victim and the offender together with a neutral mediator can meet following a crime.

Mediation in a conflict resolution council can only take place if the parties agree to participate. Children and young people under 18, however, can participate only with the agreement of their legal guardian. Mediation in a conflict resolution council can only take place if the offender has substantially admitted to the crime.
The mediator fixes the conduct of a conflict resolution council after discussion with the parties. During conflict resolution the mediator will help the parties to discuss the crime and can help them to formulate any agreements they may wish to conclude.
Mediation in a conflict resolution council is not a substitute for punishment or any other legal consequence of the crime.
The Act on conflict resolution councils in connection with crimes can be found on the website Information about the law.

Who can you contact?

In civil cases you can contact the court dealing with the case. The address and telephone number etc. of the court in question can be found via the website of the Domstolsstyrelsen (Court Administration).
In criminal cases you can contact the police district dealing with the case. The address and telephone number etc. of the police district in question can be found via the website of the Danish National Police.

In what areas can mediation be used/is mediation most used?

Please see above.

Are there special rules that have to be followed?

Please see above.

Information and training

Please see above.

Expenditure on mediation

Please see above.

Is it possible to enforce an agreement entered into in the context of mediation?

Please see above.

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Mediation in EU countries - Germany

Rather than going to court, why not try to settle your dispute through mediation? This is an alternative dispute resolution (ADR) measure whereby a mediator assists those involved in a dispute to reach an agreement.

Whom to contact?

Numerous organisations provide mediation services. Please see below for a non-exhaustive list of some of the larger associations:
Federal Association for Family Mediation (*Bundes-Arbeitsgemeinschaft für Familien-Mediation e.V.* (BAFM): Fritschestraße 22, 10585 Berlin, Germany)
Federal Association for Mediation (*Bundesverband Mediation e.V.* (BM): Wittestraße 30K, 13509 Berlin, Germany)
Federal Association for Economic and Professional Mediation (*Bundesverband Mediation in Wirtschaft und Arbeitswelt e.V.* (BMWA): Prinzregentenstraße 1, 86150 Augsburg, Germany)
Centre for Mediation (*Centrale für Mediation GmbH & Co.KG* (CfM): Gustav-Heinemann-Ufer 58, 50968 Cologne, Germany)
German Bar Association (Mediation working group at the German Bar Association (*Arbeitsgemeinschaft Mediation im Deutschen Anwaltverein*), Littenstraße 11, 10179 Berlin, Germany)
German Association for Mediation (*Deutsche Gesellschaft für Mediation* (DGM), Friedrich-Ebert-Straße 10, 59425 Unna, Germany)
German Forum for Mediation (*Deutsches Forum für Mediation* (DFfM), Hohe Straße 11, 04107 Leipzig, Germany)
International Mediation Centre for Family Conflict and Child Abduction (*Internationales Mediationszentrum für Familienkonflikte und Kindesentführung e.V.* (MiKK), Fasanenstraße 12, 10623 Berlin, Germany)
These associations will support parties wishing to use a mediator in finding a suitable mediator.

In which areas is recourse to mediation admissible and/or particularly common?

Generally speaking, when there is no formal legal requirement that a particular kind of dispute or matter must be dealt with in court, mediation is always permitted. The most common areas for mediation are family law, inheritance law and commercial law.

Are there specific rules to follow?

The Mediation Act (*Mediationsgesetz*) (Article 1 of the Act to promote mediation and other procedures for out-of-court dispute settlement of 21 July 2012, Federal Law Gazette I *(Bundesgesetzblatt I)*, p. 1577), entered into force in Germany on 26 July 2012. This was the first piece of legislation to formally regulate mediation services in Germany. The Act also transposes the European Mediation Directive into German law (Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, OJ L 136, 24.5.2008, p. 3). The scope of the German Mediation Act exceeds the requirements of the European Directive; while the Directive provides only for cross-border civil and commercial disputes, the German Mediation Act covers all forms of mediation in Germany, irrespective of the form of dispute or the place of residence of the parties concerned.
The German Mediation Act only establishes general guidelines, as mediators and parties concerned need significant scope for manoeuvre during the mediation process. The Act initially defines the terms ‘mediation’ and ‘mediator’, to differentiate mediation from other forms of dispute settlement. According to the Act, mediation is a structured process whereby the implicated parties voluntarily and autonomously seek a form of mutual dispute settlement with the help of one or more mediators. Mediators are independent and impartial persons, without decision-making power, who guide the parties concerned through the mediation procedure. The Act deliberately avoids establishing a precise code of conduct for the mediation procedure. However, it does set out a number of disclosure obligations and restrictions on activity, to protect the independence and impartiality of the mediator profession. Moreover, legislation formally obliges mediators to maintain strict client confidentiality.
The Act promotes mutual dispute settlement by including a number of different incentives in the official procedural codes (e.g. the Code of Civil Procedure, *Zivilprozessordnung*). Henceforth, for example, when parties bring an action in a civil court, they will have to say whether they have already sought to resolve the issue via out-of-court measures, such as mediation, and whether there are specific reasons for not considering this course of action. The court may furthermore suggest that the parties try to settle the conflict via mediation, or another form of out-of-court settlement; if the parties refuse to apply this option, the Court may choose to suspend the proceedings. Legal aid for mediation is not envisaged for the time being. Under § 278(5) of the Code of Civil

Procedure, the court may, for the purpose of the conciliation procedure and for further attempts at amicable settlement, refer the parties to a conciliation judge (*Güterichter*) who is designated specifically for that purpose and does not have decision-making powers. The conciliation judge may use all methods of dispute settlement, including mediation.

The Federal Government complied with its legal obligation to report back to the Bundestag (lower house of parliament) on the impact of the Act five years after its implementation by means of its report of 20 July 2017. The report can be found here. It shows that mediation as an alternative tool for dispute settlement in Germany is not yet used to the extent desirable. According to the report, there is no immediate need to adopt any legislative measures. On the basis of the findings in the report, the Federal Government will nonetheless examine how to better achieve the objective of promoting mediation pursued by the Mediation Act.

Information and training

General information is available on the website of the Federal Ministry of Justice (*Bundesministerium der Justiz*).

There is no legislation defining the professional profile of a mediator. Similarly, access to the profession is not restricted. Mediators are themselves responsible for ensuring that they have the necessary knowledge and experience (through suitable training and further development courses) to reliably guide parties through the mediation process. German law establishes the general knowledge, competencies and procedures that should be covered by suitable prior training. Any persons meeting these criteria may work as a mediator. There is no set minimum age, and no requirement for example that a mediator must have followed a university-level course of study.

If the parties would like to obtain guarantee that their mediator possesses qualified training and sufficient experience in the field, they are free to choose a certified mediator ('*zertifizierten' Mediator*). To this end, the Federal Ministry of Justice made use of its power to issue a statutory instrument and adopted the 'Regulation on the training and further development of certified mediators' (*Verordnung über die Aus- und Fortbildung von zertifizierten Mediatoren*), thus establishing more specific conditions for training to become a certified mediator and for further development courses for certified mediators, as well as requirements for training and further development establishments.

No formal initiative is envisaged for the time being.

Mediator training is currently offered by associations, organisations, universities, companies and individuals.

How much does mediation cost?

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

There is no legislation governing fees for mediation, nor are there statistics on the costs. It is realistic to assume that hourly fees may range approximately from EUR 80 to EUR 250.

Is it possible to enforce a mediation agreement?

In principle, a mediation agreement can be declared enforceable with the assistance of a lawyer (as a lawyers' settlement) or a notary (as a public notarial act pursuant to §§ 796a to 796c and 794(1)(5) of the Code of Civil Procedure).

Related links

Federal Association for Family Mediation
Federal Association for Mediation
Federal Association for Economic and Professional Mediation
Centre for Mediation
German Bar Association

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Mediation in EU countries - Estonia

Rather than going to court, why not try to solve your dispute through mediation? This is an alternative dispute resolution measure, whereby a mediator helps those involved in a dispute to reach an agreement. The government and legal practitioners of Estonia are aware of the advantages of mediation.

Whom to contact?

Conciliation refers to the activities of a conciliator or conciliation body in civil cases. Conciliation is regulated under the Conciliation Act. The Conciliation Act was drafted to transpose Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters into Estonian law.

Under the Conciliation Act a conciliator may be any natural person whom the parties have asked to act as conciliator. Attorneys-at-law and notaries may also act as a conciliator. Under the specific Act the role of conciliator may also be assigned to a state or local government body.

A list of notaries can be found on the website of the Chamber of Notaries.

A list of attorneys-at-law acting as a conciliator can be found on the website of the Estonian Bar Association.

You can contact the following non-government organisations:

The Estonian Association of Mediators provides information in both Estonian and English.

The Estonian Union for Child Welfare is a non-profit association that supports children's rights. Its activities include giving advice to parents who wish to separate or divorce, encouraging them to use the services of conciliators in order to protect their children's interests. The Union has organised training sessions on the subject of family mediation.

The Estonian Insurance Association has set up an insurance mediator to deal with disputes between insurance holders and insurers or insurance brokers.

The Copyright Committee, established within the Ministry of Justice, is a conciliation body within the meaning of Section 19 of the Conciliation Act. The Committee deals with applications regarding measures to be applied to enable a work protected by copyright or subject-matter protected by related rights to be used freely in certain cases.

Under the Collective Labour Dispute Resolution Act, the parties have the right of recourse to the Public Conciliator in the event of a collective labour dispute (a dispute regarding the terms of a collective agreement). The Public Conciliator is an impartial expert who helps those involved in the labour dispute to reach a compromise. The Public Conciliator for collective labour disputes is Meelis Virkebau – e-mail: meelis.virkebau@riikliklepitaja.ee. You can find more information on the website of the Public Conciliator.

In some instances the mediator may be the Chancellor of Justice. Although the concept of 'ombudsman' is not used in the Chancellor of Justice Act, the Chancellor of Justice also performs the functions of an ombudsman, in monitoring whether government bodies comply with people's fundamental rights and freedoms and with the principles of good governance and also monitoring local governments, legal persons in public law and private entities performing public functions. Since 2011, the Chancellor of Justice has also performed the functions of the Ombudsman for Children under Article 4 of the Convention on the Rights of the Child and dealt with conciliation in discrimination disputes. You can find out more on the website of the Office of the Chancellor of Justice.

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

The conciliation process provided for in the Conciliation Act may generally be used to resolve any civil dispute involving conciliatory content.There is a conciliation procedure in civil cases where the dispute concerns a relationship in private law and is being examined by a county court. While there are no comparative statistics, it is likely that mediation is more common in the field of family law.
The Chancellor of Justice resolves disputes concerning discrimination where an individual files a declaration that they have been discriminated against on grounds of sex, race, nationality (ethnic origin), colour, language, origin, religion, political or other beliefs, financial or social status, age, disability, sexual orientation or other characteristics laid down by law. Mediators may also act in the event of an infringement of fundamental rights.
The Public Conciliator acts as conciliator in collective labour disputes.

Are there specific rules to follow?

Under Estonian law recourse to conciliation is generally voluntary. The rules governing conciliation and the conditions for enforcing conciliation agreements are laid down in the Conciliation Act.
The **Estonian Code of Civil Procedure** has a special rule providing for conciliation by a judge in situations where a parent violates an order relating to contact with a child. According to Section 563 of the Code, on petition by one parent, the court may summon both parents to court in order to settle such a dispute by way of an agreement. The court summons the parents to appear in person and informs them of the potential legal consequences (fine or detention) of failing to appear.
The Code of Civil Procedure also provides that if the court considers it necessary in the interests of resolving the case given the facts of the case and the proceedings thus far, it may oblige the parties to take part in a conciliation process under the Conciliation Act.
The rules of procedure of the Estonian Insurance Association's insurance conciliator are available online.
Conciliation through the Chancellor of Justice is regulated under the Chancellor of Justice Act. The resolution of collective labour disputes, the activities of the Public Conciliator and the rights and obligations of the parties involved in the process are regulated by the Collective Labour Dispute Resolution Act.
The specific features of the conciliation procedure conducted by the Copyright Committee are set out in the Copyright Act.

Information and training

Information on conciliators acting under the Conciliation Act, including notaries and attorneys-at-law, can be found on the websites of those acting as a conciliator. A list of notaries can be found on the website of the Chamber of Notaries. A list of attorneys-at-law acting as a conciliator can be found on the website of the Estonian Bar Association.
Information on the activities of the Chancellor of Justice in their capacity as Ombudsman for Children can be found on the Chancellor of Justice's website.
Information on conciliation in discrimination disputes can also be found on the Chancellor of Justice's website.
Information on the Public Conciliator's activities as a conciliator can be found on the website of the Public Conciliator.
Training for mediators is provided by the private sector (e.g. the Association of Mediators). There is no specific regulation on the training of mediators.

What is the cost of mediation?

Under the Conciliation Act conciliation is not free of charge; the cost of conciliation is subject to agreement between the mediator and the parties involved.
In cases where a court has proposed that parties to proceedings refer to a conciliator or has ordered the parties to follow the conciliation procedure provided for in the Conciliation Act, any party who is unable to afford the costs of the conciliation procedure or can afford them only partially or by paying in instalments may apply, as a form of legal aid, to be partially or fully released from the costs of the conciliation proceedings at the expense of the Republic of Estonia.
If the Chancellor of Justice acts as conciliator, no fee is payable. However, there may be additional costs connected with the conciliation process. The Chancellor of Justice decides who is to bear these costs.
The resolution of collective labour disputes by the Public Conciliator is also free of charge. The costs arising from the resolution of a collective labour dispute are borne by the guilty party or split by common agreement between the parties.
The Estonian Insurance Association's contracting authority charges an administrative fee of €50 and the insurance conciliator a maximum fee of €160. With social security contributions and unemployment insurance contributions, this makes a total of €214.08. If conciliation is unsuccessful only half the insurance conciliator's fee is payable.

Is it possible to enforce an agreement resulting from mediation?

Under the Conciliation Act, the agreement concluded as the result of a conciliation process is enforceable after the appropriate procedure to declare it enforceable has been carried out on the basis of an application (Sections § 6271 or § 6272 of the Code of Civil Procedure). A notary may also declare enforceable a conciliation agreement concluded as the result of a conciliation process by a notary or attorney-at-law in line with the rules laid down in the Notarisation Act. The special rules governing the enforceability of agreements on the procedure for contact with a child are laid down in Section 563 of the Code of Civil Procedure.
Any agreement concluded as the result of a conciliation process approved by the Chancellor of Justice is enforceable.
An agreement reached through the Public Conciliator to resolve a collective labour dispute is binding on both parties and is valid from the date on which it is signed, unless another deadline for entry into force is agreed upon. However, this type of agreement does not constitute an enforceable title.

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Mediation in EU countries - Ireland

The Mediation Act 2017 came into operation on 1st January, 2018. The Act contains provisions for a comprehensive statutory framework to promote the resolution of disputes through mediation as an alternative to court proceedings. The underlying objective of the Act is to promote mediation as a viable, effective and efficient alternative to court proceedings, thereby reducing legal costs, speeding up the resolution of disputes and reducing the stress and acrimony which often accompanies court proceedings.
The Act:
contains general principles for the conduct of mediation by qualified mediators – sections 6 to 8;
provides for the introduction of codes of practice for the conduct of mediation by qualified mediators – section 9.
provides that communications between parties during mediation shall be confidential – section 10;
provides for the possible future establishment of a Mediation Council to oversee development of the sector – section 12;
introduces an obligation on solicitors and barristers to advise parties to disputes to consider using mediation as a means of resolving them – Sections 14 and 15:
provides that a court may, on its own initiative or on the initiative of the parties invite the parties to consider mediation as a means of resolving the dispute – Section 16;

provides for the effect of mediation on limitation and prescription periods – section 18;
provides that a court may, in awarding costs in respect of proceedings referred to in section 16 of the Act, where it considers it just, have regard to any unreasonable refusal or failure by a party to the proceedings to consider using mediation or any unreasonable refusal of failure of a party to attend mediation following an invitation by the court to do so under section 16 – sections 20 and 21;
The scope of the Act includes all civil proceedings that may be instituted before a court save for certain exceptions provided for in section 3 of the Act.
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Mediation in EU countries - Greece

Rather than going to court, why not solve disputes through mediation? It is a form of alternative dispute resolution (ADR) where a mediator assists the parties in reaching an agreement. The Greek government and practitioners in the justice system are attentive to the advantages of mediation.

Who to contact?

Mediation services in Greece are provided by the following bodies:
Under Law 4640/2019 (Government Gazette, Series I, No 190, 2019), which transposes Directive 2008/52/EC, a mediator must be: (a) a higher education graduate or holder of an equivalent diploma of an institution of recognised international standing; (b) trained by a Training Provider for mediators recognised by the Central Mediation Board or holder of an accreditation degree from another Member State of the European Union; and (c) accredited by the Central Mediation Board and registered in the Registers of Mediators. A holder of a doctoral degree or an equivalent foreign degree on mediation does not need to be further trained by a Training Provider for mediators in order to be accredited, and may participate directly in the accreditation examinations. Those serving as public, municipal and judicial officials or as employees of legal entities and institutions governed by public law, and serving judicial officers or public officials, are barred from exercising the profession of mediator. Public officials and employees of legal persons governed by public law may act as accredited mediators solely in the context of and for the needs of their work.
Candidate mediators are examined at least twice a year by the examination board, as appointed by the Central Mediation Board. The examinations include written and oral tests and also an assessment based on simulations.
The examination board decides where, when and how the examinations will be held. Its decision is notified to the licensed training providers and posted on the website of the Ministry of Justice at least 30 days in advance.
The Central Mediation Board prepares and maintains the Registers of Mediators, in electronic form, and these are posted on the Ministry of Justice website: (a) the General Register of Mediators, listing the accredited mediators in the entire country in strict alphabetical order; and (b) the Special Register of Mediators, listing the accredited mediators based in the district of each Court of First Instance.
Mediators are accredited and registered in the Registers of Mediators by the Central Mediation Board following examinations. Mediators who were already accredited when Law 4640/2019 entered into force maintain their accreditation.
The **Ministry of Labour, Social Security and Welfare** provides a government service which allows an employee to request an official hearing on an employment-related dispute. The procedure is conducted by the Labour Inspectorate *(Epitheorisi Ergasias)*. A specialised inspector will schedule a hearing for the employer to explain its position. This hearing is separate from any judicial procedure.
The **Consumer Ombudsman** *(Sinigoros tou Katanaloti)* is an independent authority operating under the Ministry of Regional Development and Competitiveness. The Ombudsman is an extrajudicial body for the consensual resolution of consumer disputes and an advisory institution acting alongside the government to resolve problems within its remit. The Ombudsman also oversees the Amicable Dispute Resolution Boards *(Epitropes Filikou Diakanonismou)* of the local Prefectural Councils *(Nomarchiakes Aftodioikiseis),* which may act if no parallel judicial procedure is taking place.

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

The mediation procedure may cover existing or future civil and commercial disputes of a national or cross-border nature, provided that the parties concerned have the authority to settle the subject-matter of the dispute in accordance with the provisions of substantive law.
Also, the following private disputes are subject to the mediation procedure, failing which the action will not be heard: (a) disputes between the owners of floors or apartments arising from the floor ownership relationship, disputes arising from the operation of simple and complex vertical ownership, disputes between floor and vertical property managers and the owners of floors, apartments and vertical properties, as well as disputes falling within the regulatory scope of Articles 1003 to 1031 of the Civil Code; (b) disputes relating to claims for compensation of any kind for car damage, between the beneficiaries of the compensation or their successors and those liable for compensation or their successors, as well as claims under a car insurance contract, between insurance companies and policyholders or their successors, unless the damaging event caused death or bodily injury; (c) disputes relating to fees under Article 22A of the Code of Civil Procedure; (d) family disputes, except for those laid down in Article 592(1)(a), (b) and (c) of the Code of Civil Procedure; (e) disputes concerning claims for compensation by patients or their relatives against doctors which arise during the pursuit of the doctors' professional activity; (f) disputes arising from the infringement of trademarks, patents, industrial designs or models; (g) disputes arising from stock exchange contracts.
in the field of labour law and for the resolution of consumer disputes, as described above;
involving victims of domestic violence (Law 3500/2006);
for certain offences as provided for in Law 3094/2010.

Are there specific rules to follow?

- Recourse to mediation for the disputes laid down in Law 4640/2019 is allowed in the following cases:
if the parties agree to use mediation after the dispute has arisen;
if the parties are called upon to have recourse to mediation and consent to it;
if the recourse to mediation is ordered by a judicial authority of another Member State and such recourse does not affect morality and public order;
if the recourse to the mediation procedure is required by law;
if there is a mediation clause in a written agreement between the parties.
- The court before which a private dispute is pending which may be subject to mediation may, at any stage of the proceedings, as appropriate, taking into account in its sole discretion all the circumstances of the case, summon the parties to use the mediation procedure to resolve the dispute. If the parties agree, the relevant written agreement is included in the minutes of the court. In this case, the court must postpone the hearing of the case to a trial date after the lapse of three months and not more than six months, not taking into account court recesses. The consequence is the same in the other cases of recourse to mediation while proceedings for the trial of the case are pending. If the parties or one of them appears before the court through an attorney, the power of attorney also covers the agreement on subjecting the dispute to mediation.

- Subjecting a dispute under private law to the process of mediation does not preclude taking an interim measure for that dispute, in accordance with the provisions of the Code of Civil Procedure. The judge ordering the interim measure may, under Article 693(1) of the Code of Civil Procedure, set out a period of not less than three months for filing the action for the main case.
- The Prosecutor of the Court of First Instance *(Eisangeleas Protodikon)*, in the context of his/her responsibilities, in accordance with Article 25(4)(a) of Law 1756/1988 (Government Gazette, Series I, No 35, 1988), is entitled to recommend that the parties use the mediation procedure, where possible.
- The parties' agreement to use the mediation procedure is governed by the provisions of substantive contract law and must describe the subject matter of such procedure.
- The parties appear in the mediation procedure together with their legal representative, except in consumer disputes and minor disputes, where the personal appearance of the parties is allowed. A third party may also participate in the procedure, if this is deemed necessary, in agreement with the parties and the mediator.
- A mediator is appointed by the parties or a third party chosen by all the parties, including the mediation centres. There is one mediator, unless the parties agree in writing that there will be more than one.
- The time, place and other procedural details of the mediation are determined by the mediator in agreement with the parties. If it is not possible for both parties and the mediator to be physically present at the same place and time, the mediation may be conducted by teleconferencing through a computer or another teleconferencing system to which the other parties to the dispute have access.
- The mediators may, in performing their duties, communicate with each of the parties and meet with them either separately or jointly. A mediator may not pass on information obtained during a meeting with one party to the other without the consent of the party who provided the information.
- The mediation procedure is in principle confidential, no records are kept, and it must be conducted in a way that does not breach its confidentiality, unless the parties agree otherwise. Before the procedure starts, all parties involved must agree in writing to keep the mediation procedure confidential. The same obligation also applies to any third party involved in the procedure. If they so wish, the parties can undertake in writing to maintain the confidentiality of the content of the agreement which they may reach during mediation, unless its notification is necessary for the implementation of the agreement, in accordance with Article 8(4), or is necessary for reasons of public order.
- If the dispute is brought before the courts or becomes subject to arbitration, the mediator, the parties, their legal representatives and those who have participated in any way in the mediation procedure will not be examined as witnesses and are prevented from presenting information arising from the mediation procedure or relating to it, and specifically from referring to the discussions, statements and proposals of the parties, as well as to the views of the mediator, unless this is required for reasons of public order, mainly to ensure the protection of minors or to avoid any risk of damage to the physical integrity or mental health of a person.
- When performing their duties, mediators are subject to civil liability only for wilful misconduct.

The practical application of alternative dispute resolution (ADR)

The only ADR mechanism which can be considered operative in Greece is arbitration:
Under Articles 99 ff. of the Greek Bankruptcy Code, a mediator may be appointed to a conciliation procedure upon request by a natural or legal person to the bankruptcy court *(ptocheftiko dikastirio)*.
The bankruptcy court determines the validity of the request and may appoint a mediator from a list of experts. The mediator's role is to use all appropriate means to achieve an agreement between the debtor and a (legally defined) majority of the creditors, in order to ensure the survival of the debtor's business. A mediator may ask a credit or financial institution for any information regarding the debtor's economic activity which could be useful for the success of the mediation process.
If no agreement can be achieved, the mediator immediately informs the president of the court, who initiates proceedings before the bankruptcy court. The mediator's role ends here.

Information and training

The Central Mediation Board is responsible for dealing with any issue related to the implementation of the institution of mediation.
The Central Mediation Board may, at its discretion, set up sub-boards for the speedy resolution and examination of issues arising from the application of Law 4640/2019. The above sub-boards are composed of members of the Central Mediation Board; there is no bar to being a member of more than one sub-board. These sub-boards are explicitly authorised by the Central Mediation Board to finalise the matters they undertake, unless Law 4640/2019 specifically stipulates that the Plenary Session of the Central Mediation Board is responsible for finalising them.
In any case, the Central Mediation Board must comprise four sub-boards, with a two-year term of office and the following responsibilities:
«the Board for the Register of Mediators», which is responsible for keeping the Registers of Mediators, for any relevant matter or issuance of an act concerning the Registers kept and for the collection of the annual Reports of Activities;
«the Ethics and Disciplinary Control Board», which is responsible for mediators' compliance with the obligations arising from Law 4640/2019, for applying disciplinary law and imposing disciplinary penalties;
«the Board for the Inspection of Training Providers», which is responsible for any matter concerning the Training Bodies for Mediators;
«the Examination Board», which is responsible for holding written and oral examinations and grading the mediators examined for the purpose of accreditation.

A training provider («'Provider'») for mediators, operating with a licence granted following a special reasoned decision of the Central Mediation Board, is:

A training provider («'Provider'») for mediators, operating with a licence granted following a special reasoned decision of the Central Mediation Board, is:
A. A legal person governed by private law, which may be established by:
one bar association or jointly by more than one bar association,
one or more bar associations in partnership with scientific, educational or professional bodies or chambers.
In cases (a) and (b) a partnership is possible with a reputable, internationally recognised foreign training provider with experience in providing mediation training and, more generally, in alternative methods of dispute resolution or in conducting mediation.
B. The Centre for Education and Lifelong Learning (KEDIVIM) of a Higher Education Institution, which has a relevant curriculum and its operation is governed exclusively by the current provisions on the operation of Higher Education Institutions, provided that all the conditions of Law 4640/2019 are met regarding the qualifications of the trainers for training on the subject of mediation and the minimum number of trainers and trainees.
C. A natural person or legal entity established in accordance with current Greek law or the law of a Member State, whose main purpose is the provision of training on mediation and other alternative ways of resolving disputes.

What is the cost of mediation?

The remuneration of the mediator is freely set by means of a written agreement between the mediator and the parties.
If there is no written agreement, the remuneration of the mediator is set as follows: (a) in cases where mediation is mandatory, the party seeking mediation pays the mediator in advance the amount of EUR 50.00 as a fee for the mandatory initial session. This amount is borne by the parties equally. If the dispute

is brought before a court, the party to the dispute who did not appear in the mediation procedure, even though they were legally summoned for this purpose, or who did not pay the amount due to the mediator for the mandatory initial hearing, will be ordered under Articles 176 ff. of the Code of Civil Procedure to pay in full the amount paid for the mandatory initial session by the party seeking mediation. This amount is considered as court costs regardless of the outcome of the trial; (b) for each hour of mediation after the mandatory initial hearing, the minimum fee is set at EUR 80.00 and is borne equally by the parties. The mediator must provide parties with full information on how he or she is remunerated.

Is it possible to enforce a mediated agreement ?

After mediation, a mediation record is signed by the mediator, the parties and their legal representatives. If mediation fails, the mediation record may be signed by the mediator alone. Either party may submit the record of the agreement at any time to the registry of the court having subject-matter and territorial jurisdiction and in which the trial of the case is pending or is to be introduced. After the mediation record is deposited with the court, an action for the same dispute is inadmissible in so far as its subject matter is covered by the agreement between the parties, and any pending trial will be terminated.

Once deposited with the registry of the competent court, the mediation record constitutes an enforcement order as provided for in Article 904(2)(c) of the Code of Civil Procedure if the agreement may be subject to enforcement. The official copy is issued free of charge by the judge or the president of the competent court.

If the agreement contained in the mediation record also contains provisions relating to legal acts which by law are subject to a notarial act, notarial acts will be necessary, as appropriate. In this case, the regulations governing the preparation of such notarial documents and their transcription apply.

Upon being deposited with the registry of the competent court, the mediation record may be used as a legal document to register or delete a mortgage, in accordance with Article 293(1)(c) of the Code of Civil Procedure.

The written notification of the mediator to the parties for holding the mandatory initial hearing or the agreement on voluntary recourse to the mediation procedure of Article 5 suspends the time-barring and the limitation period for claims and rights, if such periods have already started in accordance with the provisions of substantive law, as well as the procedural deadlines set out in Articles 237 and 238 of the Code of Civil Procedure, for as long as the mediation procedure lasts.

Without prejudice to the provisions of Articles 261, 262 and 263 of the Civil Code, the suspended time-barring and limitation period for claims and rights under substantive law resumes on the day following the drafting of the record of failure to reach an agreement, or on the day after a declaration of withdrawal of one party from the mediation procedure is served on the other party and on the mediator, or on the day after the mediation procedure has been completed or terminated in any way.

Related links

Athens Bar Association
Ministry of Labour & Social Affairs
Consumer Ombudsman
Ministry of Justice
Hellenic Centre for Mediation and Arbitration

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To jezikovno različico trenutno prevajajo naši prevajalci.

Opozarjamo, da so že na voljo naslednje jezikovne različice: es.

Mediation in EU countries - Spain

One of the phenomena affecting the administration of justice in Spain in recent years has been the increase in litigation, which is having an impact on the smooth operation of the justice system.

For this reason, alternative ways of resolving conflicts are being sought which are more efficient than those offered by the current model.

Mediation is one such way, together with arbitration and conciliation.

Who to contact?

See factsheet about how to find a mediator in Spain.

In what area is recourse to mediation admissible or most common?

Law 5/2012 of 6 July 2012 on mediation in civil and commercial matters transposes Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 into Spanish law. This Law establishes a minimum framework for the practice of mediation without affecting the provisions adopted by the Autonomous Communities.

Mediation in the labour field

Mediation is very common in labour disputes. It is sometimes compulsory to attempt mediation before resorting to the courts. Collective disputes are usually subject to mediation and in some Autonomous Communities individual disputes are mediated.

The Autonomous Communities have employment mediation bodies which specialise in such matters. At national level, the Servicio Interconfederal de Mediación y Arbitraje, SIMA, (interconfederal mediation and arbitration service) offers a free mediation service for disputes which fall outside the remit of the bodies of the Autonomous Communities.

Law 36/2011 governing the labour courts introduces a genuine novelty by establishing a general rule that all applications must be accompanied by a certificate attesting to a prior attempt at conciliation or mediation before the appropriate administrative service, the Mediation, Arbitration and Conciliation Service (SMAC), or before bodies performing such functions under a collective agreement, although the article following lists the procedures that are exempt from this requirement.

Law 36/2011 introduces express reference to mediation not only during pretrial conciliation, but also once the court proceedings are under way.

Mediation in the civil and family fields

Law 5/2012 on mediation in civil and commercial matters includes the possibility of informing the parties at the preliminary hearing that they have the option of using mediation to try to resolve the dispute and, taking into account the purpose of the court proceedings, the court may invite the parties to attempt to reach an agreement that would end the proceedings or allow the parties to request a stay so that they can undertake mediation or arbitration.

Law 5/2012 involves a major change in this area of law in that it introduces into the Code of Civil Procedure express reference to mediation as one of the nonjudicial methods of ending proceedings.

As far as the Spanish system is concerned, it is in the area of family law that the mediation process is most structured and reaches its maximum development.

At central government level, Law 15/2005 takes a significant step forward by viewing mediation as a voluntary alternative means of resolving family disputes and proclaiming liberty as one of the highest values of the Spanish legal system; it provides that the parties may at any time ask the court to stay the proceedings so that they can resort to family mediation and attempt to reach an agreed solution on the issues in dispute.
Furthermore, the Code of Civil Procedure provides for the possibility that the parties, by common accord, may request a stay of proceedings so that they can undertake mediation, but it does not require the court to suspend the process ab initio in order to refer the parties to an information session, nor does it even recommend such a step.
Family mediation services vary considerably between the various Autonomous Communities, and even within the same Community they may vary from one town to the next. In some Autonomous Communities it is the Community itself which offers the service (as in Catalonia, for example), whilst in others it is the local authorities (*Ayuntamientos*) which offer family mediation services.
The General Council of the Judiciary (*Consejo General del Poder Judicial*) supports and supervises mediation initiatives in the various courts in Spain, supported by the Autonomous Communities, universities, local authorities or associations.

Mediation in the criminal field

Mediation in the criminal field is aimed, on the one hand, at reintegrating the offender and, on the other, at compensating the victim.
In the juvenile justice system (for ages 14 to 18), mediation is expressly stipulated as a means of re-educating the minor. Here, mediation is carried out by teams supporting the service responsible for the prosecution of minors (*Fiscalía de Menores*), although it can also be carried out by organisations of the Autonomous Communities and other bodies such as associations.
In the adult justice system, there is no provision for mediation, although in practice it is carried out in some provinces on the basis of criminal codes and codes of criminal procedure which allow for plea bargaining and a reduction in the sentence by making good the loss, as well as under the applicable international rules.
Usually, mediation is carried out in connection with less serious crimes, such as petty offences, though it is also possible in cases of serious offences depending on the circumstances.
As far as domestic violence is concerned, Organic Law 1/2004 on comprehensive protection measures against gender violence expressly prohibits mediation in cases involving gender-based violence. However, there are more and more advocates of mediation in this branch of the legal system, because it makes sense to look at individual cases in order to assess whether or not mediation would be appropriate. In this regard, the General Council of the Judiciary's 2001 Report on Gender Violence in the Family emphasised that minor offences or offences involving domestic violence should be referred to the civil courts.
The General Council of the Judiciary supports and supervises mediation initiatives which are carried out in local criminal courts (*Juzgados de Instrucción*), criminal courts (*Juzgados de lo Penal*)and provincial courts (*Audiencias Provinciales*). So far, the quantitatively most significant experiments have taken place in Catalonia and the Basque Country.

Mediation in the area of contentious administrative proceedings

The Law on contentious administrative proceedings does not expressly provide for the possibility of using alternative means of resolving disputes facilitated by a third party, although nor does it prohibit such means.
This law also provides for the possibility that the legality of administrative activities can be reviewed by other means that complement judicial means, to prevent the proliferation of unnecessary court actions and provide inexpensive and rapid methods of resolving the numerous disputes.
The Administration of Justice Portal contains information about the judicial bodies in the civil, commercial, criminal, family and labour legal systems providing in-court mediation services as well as on the various out-of-court mediation services offered through various professional associations.

Are there specific rules to follow?

Generally speaking, mediation is carried out by an impartial third party bound by a duty of confidentiality.
The parties, with help from their lawyers, can decide to try mediation and notify the court, or else they may be contacted by the court when it is thought that the case is suitable for mediation.
In the criminal field, it is usual for the offender to be contacted first, and if he or she agrees, the victim is contacted in order to attempt mediation.

Information and training

Law 5/2012 on mediation in civil and commercial matters provides that the mediator must have an official university degree or advanced vocational training and have specific training to practise mediation acquired by following one or more specific courses taught by appropriately accredited institutions, which will be valid for the exercise of the mediation activity anywhere in the country.
Only certain laws and regulations in some Autonomous Communities refer to the training required to become a family mediator. Generally speaking, the mediator is required to have a university qualification, of at least diploma level plus 100-300 course hours of mainly practical training specifically in mediation.
The specific training in mediation is normally offered by universities and professional associations, such as psychologists' or lawyers' associations.

What is the cost of mediation?

Generally speaking, mediation connected with the court is free of charge.
In the employment field, the services of the Autonomous Communities and of SIMA are free of charge.
In the family field, the services offered by the bodies working with the courts are generally free of charge. In Catalonia, the cost of the mediation process is regulated for those who do not receive legal aid.
In the criminal field, the mediation offered by public bodies is free of charge.
Outside of mediation connected with the court, the parties are free to use a mediator and to pay freely agreed fees. Regarding the cost of mediation, Law 5 /2012 expressly provides that whether or not mediation has ended in an agreement, the cost will be divided equally between the parties unless otherwise agreed.
With the aim of encouraging the out-of-court settlement of disputes, Law 10/2012 regulating certain fees in the area of the administration of justice and the National Institute of Toxicology and Forensic Sciences, provides for a refund of the amount of the fee when an out-of-court settlement saves some of the costs of the services provided.

Is it possible to enforce an agreement resulting from mediation?

Law 5/2012 provides that where the parties reach an agreement through a mediation procedure they may formally record that agreement.
When the mediation agreement is to be applied in another State, in addition to the formal record, it will be necessary to comply with the requirements, if any, of the international conventions to which Spain is a party and with European Union rules.
When the agreement has been reached in mediation that took place after judicial proceedings were commenced, the parties must ask the court to approve the agreement pursuant to the provisions of the Civil Procedure Act.
The possibility of enforcing a mediation agreement depends on the parties' freedom of action in respect of the subjectmatter of the agreement.

Related Links

SERVICIO INTERCONFEDERAL DE MEDIACIÓN Y ARBITRAJE DE ESPAÑA

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Mediation in EU countries - France

Rather than going to court, why not try to resolve your dispute through mediation? This is a form of alternative dispute resolution (ADR), where an Ombudsman assists those involved in a dispute in reaching an agreement. In France, the government and legal professionals are aware of the advantages of mediation, and the legislature strongly encourages its use.

Who to contact?

In France, there is no central or government authority responsible for regulating the profession of Ombudsman.

There is no national, official website relating to mediation. However, there is a mediation section on www.justice.fr and on the website of the public Company Ombudsman service or on the website for administrative mediation.

Each court of appeal publishes lists of Ombudsmen in civil, social and commercial matters. These lists were established by Article 8 of Law No 2016-1547 of 18 November 2016 on the modernisation of the 21st-century justice system. While their main purpose is to inform judges, they may also be shared with litigants by any means. They are available on the websites of the relevant courts of appeal.

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

Parties may refer a matter to mediation at any time and in any area of law, except for those areas falling under « rules of public policy ». For example, mediation cannot be used to circumvent mandatory rules on marriage or divorce.

Mediation is practised in various fields, for example:

neighbourhood disputes

disputes between landlords and tenants

family disputes

human relations disputes within organisations

disputes between companies, in the execution of a contract or any other conflict situation

disputes between companies and the banking system

disputes involving public procurement or disputes with state administrations, public establishments or local authorities.

What are the rules?

Recourse to mediation

Law No 95-125 of 8 February 1995 on the organisation of courts and civil, criminal and administrative procedure introduced civil mediation into French law. Order No 2011-1540 of 16 November 2011 transposed EU Directive 2008/52/EC into French law. The Directive establishes a framework to facilitate the amicable resolution of disputes by the parties, with the aid of a third party, the Ombudsman. The Order broadened the scope of the provisions in the Directive to cover not just cross-border mediation but also internal mediation, with the exception of disputes relating to an employment contract or involving administrative law within the sovereign power of the State.

This Order of 16 November 2011 also amended the Law of 8 February 1995 so as to establish a general framework for mediation. It defined the concept of mediation, described the conditions the Ombudsman must meet, and confirmed the principle of confidentiality, which is vital to the success of the mediation process.

Since 2010, the Company Ombudsman, appointed by decree of the President of the Republic and placed under the Minister of the Economy, Finance and Recovery, offers a free and confidential mediation service to public and private stakeholders. In this way, the Ombudsman participates in the public interest objective of developing alternative dispute resolution methods. The Ombudsman can be called upon in disputes between companies, in the performance of a contract or any other conflict situation, or in the event of disputes involving public procurement or disputes with State administrations, public establishments or local authorities.

Finally, the Code of Administrative Justice includes a section dedicated to administrative mediation requested by the parties or the court (see Article L. 213-1 et seq.).

Mediation by agreement:

The parties may decide to consult an Ombudsman of their own accord. They need not go to court to do this.

In any case, parties who have applied to a court to rule on their dispute can still, if they agree, resort to an amicable means of resolving it, by calling upon an Ombudsman.

Court-ordered mediation:

If an action has been brought before a court: ‘the court hearing the dispute may, with the consent of the parties, appoint a third party to ascertain the parties’ positions and to compare and contrast their points of view with a view to finding a solution to the dispute’ (Article 131-1 of the Code of Civil Procedure).

In family matters, in the specific fields of the exercise of parental authority or interim measures in divorce cases, the court may also direct the parties to attend a briefing meeting on mediation, which is free of charge, and which cannot give rise to any penalty (Articles 255 and 373-2-10 of the Civil Code).

Law No 2019-222 of 23 March 2019 on programming for 2018-2022 and justice system reform introduced post-ruling mediation in Article 373-2-10 of the Civil Code:

‘Should the parties disagree, the court shall endeavour to reconcile them.

To help the parents agree on the exercise of parental authority, the court may suggest that they engage in mediation, unless there are allegations that one parent has behaved violently towards the other parent or the child. If the parents agree to mediation, the court may appoint a family Ombudsman to this end, including in the final decision on how parental authority should be exercised.

Unless there are allegations that one parent has behaved violently towards the other parent or the child, the court may also direct the parents to meet with a family Ombudsman, who will inform them of the purpose and course of the mediation measure’.

The court may also propose mediation in administrative matters: ‘when an administrative tribunal or an administrative court of appeal hears a dispute, the chair of the judicial panel may, with the consent of the parties, mandate mediation to try to obtain an agreement between them’ (Article L. 213-1 of the Code of Administrative Justice). The same rules apply before the Council of State, the supreme court of the administrative order (Article L. 114-1 of the Code of Administrative Justice).

The injunction for mediation

If an action has been brought before a court and the parties have not agreed to mediation, ‘the court may order them to meet with an Ombudsman responsible for informing them of the purpose and course of a mediation measure within a period of time determined by the court (...).’ (Article 127-1 of the Code of Civil Procedure).

'Mandatory' mediation

Recent legislative developments have made it mandatory, under French law, to use mediation in certain circumstances.

Article 7 of Law No 2016-1547 of 18 November 2016 on the modernisation of the 21st-century justice system introduced, on an experimental basis, a requirement to attempt family mediation prior to court referral in 11 courts. The experiment was initially scheduled to conclude at the end of 2019, but was extended until 31 December 2020 and then until 31 December 2022.

Anyone wishing to amend a family court decision or a provision of a court-approved agreement must attempt family mediation before referring the matter back to the court. If this is not done, the application for amendment will be inadmissible.

This applies to applications concerning:

the child's place of habitual residence;

visiting rights and the right to have the child to stay;

a parent's contribution to the education and maintenance of a minor child;

decisions relating to the exercise of parental authority.

It is not mandatory to attempt family mediation before returning to court if:

there is abuse by one parent against the other parent or against the child or there is an application to approve an agreement between the parties,

in the court's assessment, there is another legitimate reason not to require the parties to attempt mediation before returning to court.

Law No 2019-222 of 23 March 2019 on programming for 2018-2022 and justice system reform made it mandatory to use an alternative form of dispute resolution, such as mediation, for claims for payment of a sum not exceeding EUR 5,000 relating to a dispute between neighbours or an abnormal neighbourhood disturbance. Before such applications can be referred to court, the parties must, at their discretion, undergo an attempt at conciliation led by a legal conciliator, an attempt at mediation or an attempt at a participatory procedure. If they do not do this, the court may rule of its own motion that the application is inadmissible. However, the law provides for five exceptions:

if at least one of the parties is requesting that the court approve an agreement;

if an appeal must be brought before the body that issued the decision ahead of referral to a court;

if recourse to one of the means of amicable dispute resolution mentioned in the first subparagraph is unavailable for a legitimate reason, particularly if legal conciliators are not available within a reasonable period; or

if there is a specific provision requiring the court or administrative authority to make a prior attempt at conciliation;

if the creditor has unsuccessfully initiated a simplified small claims procedure.

Disputes before the administrative court may be subject to compulsory prior mediation, free of charge and with an Ombudsman appointed for each type of dispute. Currently, compulsory prior mediation is provided for disputes concerning decisions of Pôle emploi and for certain decisions concerning certain public officials (see decree No 2022-433 of 25 March 2022 relating to the compulsory prior mediation procedure applicable to certain civil service disputes and to certain social disputes).

Criminal mediation

In accordance with Article 41-1 of the Code of Criminal Procedure, if it appears that such a measure is likely to ensure compensation for the damage caused to the victim, remove the harm resulting from the offence or contribute to the rehabilitation of the perpetrator, the public prosecutor may, prior to their ruling on public proceedings, directly or through an Ombudsman of the public prosecutor, arrange for mediation between the perpetrator and the victim, at the victim's request or with their agreement.

Criminal mediation allows the victim and the perpetrator of an offence to actively participate in resolving the issues resulting from the offence and make reparation for the damage of any kind caused by the offence. This process is carried out by a criminal Ombudsman appointed by the public prosecutor and must allow the victim to express themselves freely, to relate the facts and to make their expectations known with regard to the harm suffered and the reparation sought. Through direct confrontation with the victim, the perpetrator must become aware of their actions and their consequences in order to prevent repeat offences.

If the criminal mediation measure is not carried out because of the perpetrator's behaviour, the public prosecutor may initiate proceedings, unless new evidence emerges. Criminal mediation has been prohibited in cases of violence committed within a couple under Article 132-80 of the Criminal Code since Law No 2020-936 of 30 July 2020 aimed at protecting victims of domestic violence.

Rules governing mediation

The national 'code of ethics' for Ombudsmen is the one adopted by the EU.

Company Ombudsmen also base their intervention on public principles of action.

'Accredited' family mediation services – that is, services that receive public funding from the Family Allowance Fund, the Agricultural Mutual Benefit Fund and the Ministry of Justice – undertake to comply with certain standards relating to the provision and quality of these services; these standards are set down in a national reference framework.

An ethical charter for Ombudsmen in administrative disputes was adopted in 2017 for administrative mediation.

Finally, Decree No 2017-1457 of 9 October 2017 on lists of Ombudsmen at courts of appeal laid down conditions for inclusion on such a list. These conditions stipulate that Ombudsmen must:

have no convictions, declarations of unfitness or disqualifications listed on Bulletin No 2 of their criminal record;

not have committed any acts contrary to honour, probity and morality that gave rise to a disciplinary or administrative sanction taking the form of removal, suspension, termination, withdrawal of approval or withdrawal of authorisation;

have proof of training or experience attesting to their aptitude to practice mediation, for natural persons and for legal persons: each natural person who is a member of the legal person and who carries out the execution of mediation measures must meet the conditions laid down for natural persons.

Information and training

At present, French legislation does not make any provision for specific training in mediation.

There is a state diploma for family Ombudsmen (DEMF). Obtaining this diploma is not a necessary condition to practise family mediation. However, it is required in order to work in an accredited family mediation service.

In criminal matters, natural persons as well as properly declared associations are authorised to carry out mediation functions in the jurisdictions of the judicial courts and the courts of appeal according to the procedures set out in Articles R. 15-33-30 of the Code of Criminal Procedure. Ombudsmen receive a minimum of 35 hours of initial training as well as ongoing training for the rest of their working lives.

How much does mediation cost?

When parties resort to mediation as an alternative method of resolving disputes, whether in court proceedings or out of court, fees have to be paid.

Mediation is free of charge when one of the many public service mediations is used or when it is ordered in criminal matters. The same applies when it is a mandatory prerequisite for an appeal to the administrative court.

Ombudsmen's fees may be covered by legal aid, as provided for in Articles 118-9 et seq. of Decree No 91-1266 of 19 December 1991. However, these fees cannot exceed EUR 256 for one party or EUR 512 for all parties.
For court-ordered mediation, they will be determined by the judge assessing legal costs upon completion of the Ombudsman's work, on presentation of a report or a statement of expenses (Article 119 of Decree No 91-1266 of 19 December 1991). The judge who assesses the legal costs fixes the amount of the deposit and the remuneration (Articles 131-6 and 131-13 of the Code of Civil Procedure). The legislation does not lay down any precise scale of remuneration, and therefore the unit cost for the provision of family mediation services varies.
Publicly funded mediation services undertake to apply a national scale for families' financial contribution to the cost. The financial share to be borne by each party per mediation meeting ranges from EUR 2 to EUR 131, depending on the parties' income.

Is it possible to make the mediation agreement enforceable?

When the parties reach an agreement, it is binding upon them, as with any contract.
It is possible, if the parties so wish, to make it enforceable by submitting it to the competent court for approval (see Article 1565 of the Code of Civil Procedure; Article L. 213-4 of the Code of Administrative Justice), or according to the law of 22 December 2021 by the clerk's office of the court on the lawyer's deed.
Where court proceedings have been brought, Article 131-12 of the Code of Civil Procedure provides that on application by the parties, the court hearing the case may approve an agreement that the parties submit to it.
Article L111-3 1 of the Code of Civil Enforcement Procedure provides that agreements concluded following court-ordered mediation or out-of-court mediation which are made enforceable by the ordinary courts or the administrative courts are enforceable documents.
Regarding criminal mediation, Article 41-1 5 of the Code of Criminal Procedure provides that if the offender has undertaken to pay damages to the victim, the latter may, in light of this report, request recovery of the damages in line with the injunction to pay procedure, in accordance with the rules laid down in the Code of Civil Procedure.

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Mediation in EU countries - Croatia

The Government of the Republic of Croatia, through the Ministry of Justice, provides strong support (legislative, financial, technical) to the development and promotion of mediation, and it has become one of the important parts of the Judicial Reform Strategy.

Judicial and extra-judicial mediation

Mediation can be conducted in all regular and specialised first and second instance courts (municipal, county, commercial and the High Commercial Court) in all stages of the proceedings, and therefore for the duration of the appeal proceedings. Mediation is conducted exclusively by a judge of the court concerned who is trained in mediation and who is named on the list of judge mediators determined by the President of the Court by way of an annual assignment of arrangements. A judge mediator shall never conduct mediation in a dispute for which he/she is appointed as a judge.
Extra-judicial mediation has for many years been conducted very successfully by Mediation Centres at the Croatian Chamber of Economy, Croatian Chamber of Trades and Crafts and Croatian Employers' Association and by the Croatian Mediation Association, the Croatian Bar Association, the Croatian Insurance Bureau and the Office for Social Partnership of the Government of the Republic of Croatia. However, mediation with selected mediators can be conducted outside of these centres.
Pursuant to the Mediation Act (*Narodne novine* (Official Gazette of the Republic of Croatia), No 18/11 and the Rules on the Register of Mediators and Accreditation Standards for Mediation Institutions and Mediators (NN, No 59/11), the Ministry of Justice is to maintain the Register of Mediators.

Alternative Dispute Resolution Commission

The Ministry of Justice established and appointed the Alternative Dispute Resolution Commission, the composition of which includes representatives of the courts, the Public Prosecutor's Office, the Office for Social Partnership of the Government of the Republic of Croatia, the Croatian Chamber of Economy, the Croatian Employers' Association, the Croatian Chamber of Trades and Crafts and the Ministry of Justice.
The Commission's mandate is to monitor the development of alternative dispute resolution, monitor the implementation of existing programs and propose measures to promote the development of alternative dispute resolution. The Commission's mandate also encompasses providing opinions and responses to inquiries falling within its remit.
At the meeting of the Alternative Dispute Resolution Commission, held on 26 November 2009, a Code of Ethics for Mediators was adopted.

Legislative Framework

Mediation as a means of resolving disputes was regulated for the first time by special regulation - the Mediation Act (NN, No 163/03, entered into force on 24 October 2003), which has integrated some of the guiding principles contained in the Council of Europe Recommendation on mediation in civil and commercial matters as well as the so-called Green Paper on alternative dispute resolution in civil and commercial law of the European Union. The Act was amended in 2009, and at the beginning of 2011 a new Mediation Act was passed (NN, No 18/11), which entered into force in full on the accession date of the Republic of Croatia to the European Union.
In addition to the Mediation Act, which is the most important, there are other laws governing this subject matter in part, as well as implementing regulations ensuring implementation of the law.

Mediation process

The mediation process is initiated by way of a proposal by one party to a dispute which is accepted by the other party, by way of a joint proposal by both sides for amicable resolution of the dispute, or by way of proposal by a third party (e.g. a judge in court proceedings).
Mediators are persons or several persons that based on an agreement between the parties conduct the mediation. Mediators must be trained (the expertise and skill of a mediator is one of the essential components of successful mediation), and continually undergo professional training. The Judicial Academy is of the utmost importance in organising and conducting training for mediators.
Mediation is to be conducted as agreed by the parties. The mediator, during the course of the mediation, will ensure fair and equal treatment of the parties. The mediator in the mediation procedure may meet with each party separately, and unless the parties have agreed otherwise, the mediator may disclose information and data received from one party to the other party only where permission to do so has been given. The mediator may participate in drafting the settlement and make recommendations as to its contents.
A settlement reached by way of mediation is binding on the parties that signed it. If the parties undertook certain obligations under the settlement, they are required to discharge them in a timely manner. A settlement reached by way of mediation is an enforceable document if it contains an obligation due for performance in respect of which the parties may reach a compromise, and if it contains a statement of direct permission to enforce (enforceability clause).

Unless the parties have agreed otherwise, each bears its own costs, while the parties are to bear the costs of the mediation equally, or in accordance with a special law or the rules of the mediation institutions.
According to the majority of experts in the field of mediation, any dispute relating to rights of which the parties may freely dispose is suitable for mediation and the conflicting parties should almost always be encouraged to resolve the dispute amicably. Mediation is particularly suitable for business disputes (i.e. Commercial disputes), as well as in cross-border disputes (one of the parties is domiciled or habitually resident in a Member State of the European Union) in civil and commercial matters. It should be noted that cross-border disputes do not include customs, tax or administrative proceedings or those disputes relating to state responsibility for acts or omissions in the exercise of power.

Other links

Find a mediator

More information

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Mediation in EU countries - Italy

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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Mediation in EU countries - Cyprus

Who to contact?

For information on mediation in Cyprus, please contact the Ministry of Justice and Public Order (*Ypourgeío Dikaiosýnis kai Dimosías Táxeos*), the Cyprus Bar Association (*Pankýprios Dikigorikós Sýllogos*), the Cyprus Chamber of Commerce and Industry (*Kypriako Emporikó kai Viomichanikó Epimelitírio*) or the Scientific Technical Chamber of Cyprus (*Epistimonikó Technikó Epimelitírio Kýprou).*

In what areas is recourse to mediation admissible and/or the most common?

Provided that the parties involved consent, recourse can be taken to mediation in order to resolve any civil dispute, whether cross-border or not, including commercial disputes. The law does not apply either to family disputes or to labour disputes that do not fall under cross-border disputes.

Are there specific rules to follow?

In accordance with the Law on Certain Matters of Mediation in Civil Disputes of 2012 (Law 159(I)/2012), the parties appoint a mediator consensually. The procedure is informal. In consultation with the mediator, the parties agree on the procedure to follow, its duration, the obligation of confidentiality of the procedure, the remuneration of the mediator and the conditions of payment, and any other matter deemed necessary.

What is the cost of mediation?

In accordance with the law, before initiating the mediation procedure, the parties agree on various points, in consultation with the mediator, including how to establish the mediator's remuneration and the conditions of payment of the mediator, and any other costs of the procedure. Therefore, there is no fixed cost for mediation; it basically depends on the complexity of the case.

Is it possible to enforce an agreement resulting from mediation?

If the parties reach a settlement agreement, this is drawn up by the mediator in writing, and both parties jointly, or either of them with the express consent of the other party, may file with the court a request for enforcement of the settlement agreement. In this case, it should be enforced in the same way as a court decision.

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Izvirna jezikovna različica te strani lv je bila pred kratkim spremenjena. To jezikovno različico trenutno prevajajo naši prevajalci.

Mediation in EU countries - Latvia

Why not try solving your dispute through mediation rather than go to court? Mediation is an alternative dispute resolution (ADR) measure, whereby a mediator helps those involved in a dispute to reach an agreement. The government and legal practitioners of Latvia are aware of the advantages of mediation.

Whom to contact?

The use of mediation in the settlement of civil disputes is currently in its initial stages in Latvia. There is no central government body responsible for regulating the profession of mediator.

The Mediation Council

The Mediation Council (*Mediācijas padome*) is an association founded on 25 July 2011 which brings together a number of associations registered in Latvia that are active in the field of mediation. It aims to develop common training standards for mediators and introduce certification for training programmes, to draft and adopt a Code of Conduct for certified mediators, and also to represent certified mediators, to put its views to national and local authorities, other authorities and officials, and to deliver opinions on legislative matters and legal practice pertaining to mediation.

The Mediation Council was founded by the following associations:

Mediation and ADR (*Mediācija un ADR*);

Integrated Mediation in Latvia (*Integrētā mediācija Latvijā*);

Integration for Society (Victim Support Centre) (*Integrācija sabiedrībai (Cietušo atbalsta centrs)*);

The Commercial Mediators Association (*Komercmediatoru asociācija*).

Mediation and ADR

Mediation and ADR (*Mediācija un ADR*) was established on 7 April 2005. It aims to:

promote the progressive introduction and use of alternative dispute resolution methods (mediation, conciliation, impartial fact-finding, expert reports, arbitration, etc.) in Latvia;

participate in policy-making processes, e.g. in the working groups set up by public bodies;

promote improvement in the standards of its members' professional qualifications and the provision of the highest possible level of mediation and ADR services;

bring ADR professionals together in order to achieve common objectives;

cooperate with international organisations and with other natural and legal persons.

The organisation advises the parties involved in a dispute and their representatives on the choice of a specialist, and also holds lectures and seminars on mediation and ADR. Some members of the organisation are practising mediators specialising in civil and criminal cases. Members have acquired negotiation and mediation skills both in Latvia and abroad in training with experienced mediators and conflict resolvers from the United States, the United Kingdom, Germany and other countries.

Integrated Mediation in Latvia

Integrated Mediation in Latvia (*Integrētā mediācija Latvijā* — IMLV) was founded on 10 August 2007. It envisions a society that resolves disputes successfully, where the interests of all parties are represented equally and the dispute resolution process is humane, equitable and based on cooperation. IMLV was founded in close cooperation with the *Integrierte Mediation* association in Germany. Cooperation is planned in the fields of education, additional training, supervision, the introduction of mediation services and adoption of good practice.

IMLV aims to promote the development of mediation at a regional, national and international level by integrating it into the dispute resolution process of institutions and organisations and into the work of professionals and society in general.

To achieve this aim, IMLV has set itself the following tasks:

to promote and develop the idea of integrated mediation in Latvia as a modern highquality form of dispute resolution;

to promote cooperation between professionals, organisations and institutions;

to define and advocate the concepts and benefits of integrated mediation;

to inform and educate the public about the concepts and possibilities of integrated mediation;

to make the successes of integrated mediation more widely known;

to organise training on mediation and the potential for its integration into various fields;

to conduct studies and surveys.
IMLV brings together various professionals – including practising mediators – aiming to integrate mediation skills into their activities and promote public awareness of mediation as a viable option in dispute resolution.

Integration for Society (Victim Support Centre)

The Integration for Society association's Victim Support Centre became operational in 2003. Its main objective is to support the victims of crime. Since 2004 the staff include 20 mediators well-versed in mediation procedures and able to use them in resolving civil and administrative law disputes.

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

Mediation is admissible in many areas. The area in which it could be most widely used is that of civil disputes arising in family law and commercial law.

Are there specific rules to follow?

Recourse to mediation is entirely voluntary.
Mediation is not a prerequisite to initiating certain types of judicial proceedings or continuing judicial proceedings.
Mediation in Latvia is not regulated by any external laws and regulations.

Information and training

A website dedicated to mediation: http://www.mediacija.lv.
The two associations Mediation and ADR and Integration for Society have trainers who offer a basic course in mediation intended for future mediators and a course on basic conflict resolution skills for use in professional and personal settings.

What does mediation cost?

The resolution of civil disputes via mediation is not provided free of charge. The cost of mediation depends on several factors: the mediator's qualifications and experience, the complexity of the dispute, the number of mediation sessions required and other factors.
However, in cases concerning children's interests and rights, the Foreign and Conciliation Affairs Board of the Riga Family Court (*Rīgas Bāriņtiesas Ārlietu un samierināšanas pārvalde*) provides services to residents of Riga free of charge. Disputes mostly concern maintenance, arrangements for a child's place of residence, visiting rights, custody and childraising.

Can an agreement resulting from mediation be enforced?

Directive 2008/52/EC stipulates that those involved in a dispute may request that a written agreement arising from mediation be made enforceable. Member States are to inform the Commission of the courts and other authorities competent to handle such requests.
Latvia has not yet communicated this information.

Links

Mediācija.lv

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Mediation in EU countries - Lithuania

Rather than going to court, why not try to solve your dispute through mediation? This is an alternative dispute resolution (ADR) measure, whereby a mediator assists those involved in a dispute to reach an agreement. The government and justice practitioners of the Republic of Lithuania are aware of the advantages of mediation.

Who to contact?

There is no centralised or government body in charge of mediation (tarpininkavimas), and Lithuania has no plans to create one.

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

Conciliatory mediation (taikinamasis tarpininkavimas) may be used in civil disputes (that is, disputes heard by way of civil procedure by a court of general jurisdiction).

Are there specific rules to follow?

Mediation is regulated by the **Law on Conciliatory Mediation in Civil Disputes** (Civilinių ginčų taikinamojo tarpininkavimo įstatymas). Within this framework, recourse to mediation is entirely voluntary. There are no specific regulations like codes of conduct for mediators.

Information and training

No national training programme is in place so far. However, training is provided by the training centre of the **Ministry of Justice** (Teisingumo ministerija) and by private bodies. Private bodies are not regulated.

What is the cost of mediation?

According to Law on Conciliatory Mediation in Civil Disputes, conciliatory mediation can be provided for remuneration or free of charge. Where it is provided for remuneration, the procedure may commence only after a mediator agrees in writing with both parties to the dispute about the amount to be paid and method of payment.

Is it possible to enforce an agreement resulting from mediation?

Directive2008/52/EC allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. Member States will communicate this to the courts and other authorities competent to receive such requests.
According to the Law on Conciliatory Mediation in Civil Disputes, the competent court is the choice of the parties to the dispute. This may be the district court of the place of residence, or the registered office of one of the parties to the dispute.

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Mediation in EU countries - Luxembourg

Rather than go to court, why not try to solve your dispute through mediation? This is a form of alternative dispute resolution (ADR), whereby a mediator assists those involved in a dispute to reach an agreement. The government and legal practitioners in Luxembourg are aware of the advantages of mediation.

Who should I contact?

There is no central body responsible for the regulation of mediators.
In addition to mediation in specific sectors (banking, insurance, etc.) and apart from the Ombudsman responsible for mediation in administrative matters and the Ombudskommittee fir t'Rechter vun de Kanner (Ombudsman Committee for the Rights of the Child), the following legal associations are engaged in mediation:

the Luxembourg Association of Mediation and Approved Mediators (*Association luxembourgeoise de la médiation et des médiateurs agrées* – ALMA asbl);
the Centre for Civil and Commercial Mediation (*Centre de médiation civile et commerciale* – CMCC);
the Mediation Centre (*Centre de médiation*) (asbl);
the Family Welfare Mediation Centre (*Centre de médiation SocioFamiliale*, run by the Pro Familia foundation).

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

Mediation is admissible mainly in:
administrative cases;
criminal cases;
family cases;
commercial cases; and
disputes between neighbours.

Civil and commercial mediation is a consensual and confidential process conducted by an independent, impartial and competent mediator. It may relate to the whole dispute or just part of it. It comprises both mediation by agreement and court-referred mediation, and family mediation plays an important role.

In **mediation by agreement** (*médiation conventionnelle*), either party may suggest to the other party/ies that they take the matter to mediation at any stage of the legal proceedings, independently of any court or arbitration procedure, as long as the pleadings have not ended.

In **court-referred mediation** (*médiation en justice* or *médiation judiciaire*), a civil, commercial or family dispute has already been brought before a court; the court may at any point refer the case to mediation, as long as pleadings have not ended. This does not apply to cases before the Court of Cassation or proceedings for interim measures. The court may ask the parties to enter mediation on its own initiative, or at the joint request of the parties themselves. Either way, the consent of the parties is required. In a limited number of clearly defined cases which raise a question of family law, the court may propose a mediation measure to the parties. It will then organise an information session free of charge, to explain the principles, procedure and effects of mediation.

In **criminal cases** the State Prosecutor may, on certain conditions and before deciding whether to bring a prosecution, decide to use mediation if it is likely to:
provide reparation to the victim; or
resolve the difficulties arising from the offence; or
contribute to the rehabilitation of the offender.

The use of mediation does not rule out a subsequent decision to bring a prosecution, for example if the terms of mediation are breached.

Are there specific rules to follow?

Mediation is entirely voluntary.

Mediation in administrative matters, mediation in criminal cases, and mediation in particular sectors are all governed by specific legislation.

Information and training

Mediator in criminal matters

The Act of 6 May 1999 and the Grand-Ducal Regulation of 31 May 1999 introduced the system of mediation in criminal matters. Before taking a decision on bringing a prosecution, the State Prosecutor may decide to use mediation if he or she considers that this is likely to provide reparation to the victim, resolve the difficulties arising from the offence or contribute to the rehabilitation of the offender. If the State Prosecutor decides to use mediation, he or she may appoint as mediator anyone approved for that purpose.

Approval:

Anyone wishing to be approved as a mediator in criminal matters may apply to the Minister of Justice, who will decide on approval after consulting the Supreme State Prosecutor.

Mediator in civil and commercial matters

The Act of 24 February 2012 created a national legislative framework for mediation in civil and criminal matters by adding a new title to the New Code of Civil Procedure. The Act transposes Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters. It takes up the principles laid down in the Directive for cross-border disputes and applies them to national disputes too. This Act is supplemented by the Grand-Ducal Regulation of 25 June 2012 laying down the approval procedure for mediators for the purposes of court-referred and family mediation, the programme of specific training in mediation and the holding of an information session free of charge.

The mediator is a third party whose job is to interview the parties together, or if necessary separately, with the aim of resolving their dispute. The mediator does not impose a solution on the parties, but encourages them to agree on an amicable negotiated settlement.

A mediator providing court-referred and family mediation services may be approved or unapproved. An approved mediator is a natural person accredited for this role by the Minister of Justice.

In mediation by agreement and in cross-border disputes the parties may use a mediator who has not been approved.

Approval:

The Minister of Justice is responsible for approving mediators. In civil and commercial matters mediators do not require approval to provide mediation by agreement.

Any natural person may apply for approval if he or she fulfils the conditions (1) laid down by the Act of 24 February 2012 incorporating mediation in civil and commercial matters into the New Code of Civil Procedure and (2) set out in the Grand-Ducal Regulation of 25 June 2012 laying down the approval procedure for mediators for the purposes of court-referred and family mediation, the programme of specific training in mediation and the holding of an information session free of charge.

Under Directive 2008/52/EC, referred to above, and Article 1251-3(1) subparagraph 3 of the Act of 24 February 2012 on mediation, providers of mediation services who meet equivalent or essentially comparable requirements in another Member State of the European Union are exempt from approval in the Grand Duchy of Luxembourg.

Approval is granted for an indefinite period.

Article 1251-3(2) of the New Code of Civil Procedure and the Grand-Ducal Regulation of 25 June 2012 referred to above set out the conditions which must all be met by natural persons wishing to obtain approval:
they must provide guarantees of good repute, competence, training, independence and impartiality;
they must produce an extract from the Luxembourg police records or a similar document issued by the competent authorities in the country where they have resided for the past five years;
they must enjoy civil rights and be entitled to exercise political rights; and
they must have specific training in mediation in the form of:
a Master's degree in mediation awarded by the University of Luxembourg or a university, a higher education institution or another establishment offering the same level of training, designated in accordance with the laws, regulations or administrative provisions of a Member State of the European Union; or

three years' professional experience supplemented by specific training in mediation, as laid down in Article 2 of the Grand-Ducal Regulation of 25 June 2012; or
training in mediation recognised by a Member State of the European Union.
The University of Luxembourg offers a specific training programme (a Master's degree) in mediation.

What is the cost of mediation?

Mediation is often free. If a fee is charged, it will be clearly indicated.
In the case of **mediation by agreement**, mediators' fees are set freely. The fees and costs are divided equally between the parties, unless they agree otherwise.
In the case of **court-referred mediation and family mediation**, the fees are set by Grand-Ducal regulation.

Is it possible to enforce an agreement resulting from mediation?

Agreements arising from **civil and commercial mediation** have the same probative value as a court decision. Regardless of whether such mediation agreements were reached in Luxembourg or in another European Union Member State, they are enforceable within the European Union under Directive 2008 /52/EC. The approval of all or part of the agreement by the competent court confers enforceability.
The Directive is transposed by the Act of 24 February 2012, which places mediation on the same footing as existing judicial procedures.

Related links

Ministry of Justice
Luxembourg Association of Mediation and Approved Mediators (ALMA asbl)
Centre for Civil and Commercial Mediation (CMCC)
Centre for Civil and Commercial Mediation (CMCC asbl)
Mediation Centre (asbl)
Family Welfare Mediation Centre

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To jezikovno različico trenutno prevajajo naši prevajalci.
Opozarjamo, da so že na voljo naslednje jezikovne različice: hu.

Mediation in EU countries - Hungary

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

Who to contact?

According to Act 2002 LV. on Mediation (a közvetítői tevékenységről szóló 2002. évi LV. törvény) the **Ministry of Public Administration and Justice** (Közigazgatási és Igazságügyi Minisztérium) is responsible for the registration of mediators and of legal persons employing mediators.
A register of mediators and legal entities employing mediators can be found on the website of the Ministry of Public Administration and Justice.
The website provides users with general information and it is possible to search the register of mediators by name, area of expertise, language skills and county in which their office is located. For legal entities, searches are based on name, county and abbreviated name.
Registration forms for mediators and legal entities employing mediators can also be found on the same website.
Among the non-governmental organisations active in the area of mediation are:
The National Mediation Association (Országos Mediációs Egyesület); and
the Mediation and Legal Coordination Department of the Budapest Chamber of Commerce (Budapesti Kereskedelmi és Iparkamara Mediációs és Jogi Koordinációs Osztálya).

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

Act LV of 2002 on mediation covers civil litigation, but excludes mediation in libel proceedings, administrative proceedings, guardianship proceedings, proceedings on the termination of parental responsibility, enforcement proceedings, procedures establishing paternity or ancestry, and constitutional appeals.

Are there specific rules to follow?

Recourse to mediation is voluntary, but has certain advantages in relation to the **Act on Duties** (az illetékekről szóló törvény) and the **Code of Civil Procedure** (polgári perrendtartás).
If the parties participate in mediation after the first hearing and the agreement reached is ratified by the presiding judge only half of the applicable duties are payable. Even the fee payable to the mediator + VAT (HÉA) (but not more than 50.000 forints) may be deducted from this already reduced amount. The only restriction is that the final amount of duty may not be less than 30% of the original amount. The reduction does not apply if in a certain case mediation is not permitted by the law.
If the parties participate in mediation before civil proceedings, then the amount of court duty payable is reduced by the mediator's fee + VAT, but by not more than HUF 50 000, provided that the court duty paid is not less than 50% of the original amount. The reduction does not apply if mediation is not permitted by law in the particular case or if the parties go to court in spite of the settlement reached through mediation (except to give effect to the settlement in the absence of voluntary compliance).
There is no national code of conduct for mediators, but the majority of mediation associations follow the European Code of Conduct for Mediators (közvetítők európai magatartási kódexe).
There is a specific **code of conduct for employment law disputes**, which was prepared by the Service of Conciliation and Mediation in Employment Cases (Munkaügyi Közvetítői és Döntőbírói Szolgálat).
Certain courts make mediation available to parties free of charge for on-going proceedings. Detailed rules and a list of courts is available on the central website of the Hungarian courts. (http://birosag.hu/engine.aspx?page=Birosag_showcontent&content=Birosagi_kozvetites)

Information and training

There is no specific information website available in English on mediation or national training body for mediators.
The website on mediation is available only in Hungarian.

What is the cost of mediation?

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

Is it possible to enforce an agreement resulting from mediation?

Pursuant to Directive 2008/52/EC, applicants may request that the content of the written agreement concluded as a result of mediation be made enforceable. Member States shall inform the Commission of the courts or other authorities responsible for handling those requests.
Parties may have the content of the agreement they have arrived at through mediation declared enforceable. They can request the court or a notary public to incorporate the agreement into a settlement approved by the court or into an authentic document, which can be enforced afterwards.

Related Links

Website of the Register of Hungarian Mediators (A magyar közvetítők adatbázisának honlapja)

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Mediation in EU countries - Malta

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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Mediation in EU countries - Netherlands

In mediation, parties resolve their dispute together, under the guidance of an independent mediator. There are many advantages to this type of extra-judicial dispute resolution. In many cases, mediation is required for a short time only, making it possible to avoid long, costly court cases. Mediation also helps to maintain the relationship between the parties, as they work together to find a solution.

Who should I contact?

There are various registers of mediators in the Netherlands. The Dutch Mediators' Federation (*Mediatorsfederatie Nederland*, MfN) manages the Register of Mediators (previously known as the NMI Register). The MfN is the federation representing the largest mediators' associations in the Netherlands. Its register contains only mediators who meet carefully considered quality standards. The Dutch government uses the MfN's standards as the basis for the register of mediators who work under the legal aid system (register of the Legal Aid Board (*Raad voor Rechtsbijstand*)). There is also the ADR International Register.

Address of the Dutch Mediators' Federation:
Westblaak 140
3012 KM Rotterdam
Postal address:
PO Box 21499
3001 AL Rotterdam
Telephone number: 010 - 201 23 44
Email address: info@mediatorsfederatienl.nl

In what areas is recourse to mediation admissible and/or most common?

Mediation is always allowed and is most frequently used in civil cases and public-law cases. Mediation in criminal cases has also been possible for a number of years.

Are there specific rules to follow?

Recourse to mediation is entirely voluntary. The law does not require the participating parties to sign a mediation agreement, which is an agreement with clauses on such matters as confidentiality and the representation of the parties. Under the MfN's 2017 Mediation Regulation (*Mediationreglement 2017*), however, parties who use the services of an MfN mediator must sign a mediation agreement.

MfN mediators must abide by the MfN's code of conduct and comply with its Mediation Regulation. Anyone who has a complaint about a mediator's work can file it with the Mediators Quality Foundation (*Stichting Kwaliteit Mediators*, SKM).

Information and training

To be listed in the Register of Mediators, mediators must complete a recognised basic training course in mediation, pass a theory exam and assessment and provide a certificate of good conduct (*Verklaring Omtrent het Gedrag*, VOG).

They must also keep their knowledge up to date by meeting certain requirements every three-year period. More specifically, they must handle at least nine mediation cases, with a total of at least 36 contact hours, every three-year period, and complete at least two mediation cases, with a total of at least 8 contact hours, every year. Of the nine mediation cases that they must handle in every three-year period, at least three must end with a written agreement and no more than three can be co-mediated. In addition to this, mediators must earn 48 PE (professional-development training) points in every three-year period. Some of these points must be earned through participation in peer discussion exercises. Mediators must also take part in a peer review every three years. A peer review is a quality measure and involves an independent, impartial peer assessing whether a mediator's services are up to the average standard that may be expected from a professional. In other words, the mediators listed on the Dutch Register of Mediators are subject to stringent quality requirements.

What is the cost of mediation?

Different mediators may charge different hourly rates. Mediators' rates are influenced by such factors as their experience, professional background and area of specialisation. It is therefore wise to ask mediators, before mediation begins, what their hourly rate is and what additional costs may be involved. Mediators must always specify their costs. The cost of mediation also depends on the duration of the mediation process and the number of times the mediator is consulted. On average, a mediator costs EUR 150 per hour (excluding VAT).

If you cannot afford to pay for a mediator, you may be eligible for legal aid if you meet certain criteria. If you are entitled to legal aid, you will only pay a means-tested contribution towards the cost.

Click here for more information about the cost of mediation.

Is it possible to enforce an agreement resulting from mediation?

The law allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable.

Related links

Dutch Mediators' Federation
Mediation costs
The MfN's 2017 Mediation Regulation

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Mediation in EU countries - Austria

Rather than going to court, why not try to settle 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 non-professional associations offering mediation services and a few non-governmental 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, by seeking a pre-trial settlement through the district court (a procedure known as '*prätorischer Vergleich*') or by mediation.

Are there specific rules to follow?

There are no specific rules for mediators and there is no code of conduct. Certain rights and obligations apply only to mediators included in the registered list. Mediators are not registered as specialising in a given field, such as family, medical or building disputes; details of the field in which a registered mediator works are entered separately.

Anyone who has completed the specific training and who meets the requirements can be listed as a registered mediator. ‘Mediator’ is not a protected professional title; however, the title ‘registered mediator’ may not be used by unauthorised persons.

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 generally 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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Mediation in EU countries - Poland

Rather than going to court, it is worth trying to resolve disputes through mediation. This is a form of alternative dispute resolution (ADR) in which a mediator helps the parties to a dispute reach agreement. Both the government and legal practitioners in Poland are well aware of the advantages of mediation.

Who should be contacted?

In 2010 a section was created within the Ministry of Justice to be responsible for mediation issues, currently functional in **the Division for Victims of Crime and the Promotion of Mediation (Wydział ds. Pokrzywdzonych Przestępstwem i ds. Promocji Mediacji)** within the Department of International Cooperation and Human Rights. Background information on mediation activities can be found on the website of the Ministry of Justice (Ministerstwo Sprawiedliwości).

In recent years, the Ministry of Justice has been paying particular attention to issues related to the development and popularisation of mediation and other forms of ADR in Poland and increasing the effectiveness of the justice system and its accessibility to citizens.

In 2010 **a network of mediation coordinators** were appointed upon the initiative of the Ministry.

There are currently 120 coordinators (judges, probation officers and mediators), in eight courts of appeal, all the regional courts and in six areas of district courts.

In respect of advice and opinions, the Minister for Justice works **with the Social Council on Alternative Dispute and Conflict Resolution (Społeczną Radą ds. Alternatywnych Metod Rozwiązywania Konfliktów i Sporów)** ('the ADR Council' - email: adr_rada@ms.gov.pl), which plays an important role in promoting the idea of mediation and communication between central government, the justice system and the mediation community.

It was appointed for the first time by Order of the Minister of 1 August 2005 as a body to advise the Minister on issues of alternative dispute and conflict resolution in the broad sense. The achievements of the first term of the Council included the following documents:

Code of Ethics of Polish Mediators (Kodeks Etyczny Mediatorów Polskich) (May 2008).

Standards for the Training of Mediators (Standardy Szkolenia Mediatorów) (October 2007).

Standards for the Conduct of Mediation and Mediation Proceedings (Standardy Prowadzenia Mediacji i Postępowania Mediacyjnego) (June 2006).

The ADR Council was appointed for its second term by Order of the Minister for Justice of 3 April 2009 (amended by the Order of the Minister for Justice of 1 July 2011). The most important document prepared by the Council in that term is Establishing system changes (Założenia do zmian systemowych) (March 2012).

The Council is currently made up of 23 representatives from the field of science and experienced mediation practitioners, as well as representatives of the following nongovernmental organisations, academic institutions and government departments.

The Council's powers consist above all of drafting recommendations for rules on the functioning of the national system of alternative dispute resolution, and also:

adapting the ADR system to the requirements of EU law,

developing a uniform model of mediation in the Polish legal system,

promoting standards for mediation proceedings,

promoting ADR mechanisms as a conflict resolution method among members of the judiciary and judicial staff, law enforcement services and the public, creating an institutional environment in which particular forms of ADR can develop,

undertaking other ad hoc projects to develop mediation in Poland.

There are also a large number of non-governmental organisations and companies which play an important role in promoting mediation and determining its internal standards. These organisations lay down their own standards in relation to training, requirements for candidates wishing to become mediators, mediation methods, ethical standards and good professional practice. These rules are internal in nature and are directed only to mediators who are members of those organisations.

The **biggest associations** include:

The Polish Mediation Centre (Polskie Centrum Mediacji),

The Association of Family Mediators (Stowarzyszenie Mediatorów Rodzinnych),

The Polish Association of Mediators (Krajowe Stowarzyszenie Mediatorów),

Partners Mediation Centre Poland (Centrum Mediacji Partners Polska),

The Polish Arbitration Association (Polskie Stowarzyszenie Sądownictwa Polubownego),

The Lower Silesian Mediation Centre (Dolnośląski Ośrodek Mediacji).

In addition, professional bodies carry on institutionalised activities for the promotion of mediation. These include:

The Supreme Bar Council Mediation Centre (Centrum Mediacyjne przy Naczelnej Radzie Adwokackiej).

The National Association of Lawyers Commercial Mediation Centre (Centrum Mediacji Gospodarczej przy Krajowej Izbie Radców Prawnych).

Mediation centres of some Regional Associations of Lawyers (Okręgowa Izba Radców Prawnych)

Mediation centres of some Regional Councils of Notaries (Okręgowa Rada Notarialna)
Non-governmental organisations, within the scope of their statutory duties, and universities may have lists of permanent mediators (*stały mediator*).
Information about the lists and centres are provided by the Presidents of district courts. Lists of mediators in criminal matters and cases involving minors are provided by the Presidents of district courts.

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

Disputes can be resolved through mediation in a number of areas. Under Polish law, mediation can be used in respect of the following matters:
civil
commercial
employment law
family law
minors
criminal
judicial-administrative
Detailed information on mediation can be found in brochures and leaflets produced and distributed by the Ministry of Justice.
Mediation is most widely used today in criminal and civil matters. In 2011-2012, family and commercial areas saw the most rapid growth in mediation.

Are there specific rules to follow?

Mediation is a voluntary way of resolving disputes and conflicts and is conducted on the basis of:
A mediation agreement (**out-of-court mediation**)
A decision of the court for referral to mediation **(mediation referred by the court**).
If the parties do not choose a mediator, the court is entitled to appoint one to participate in the proceedings from a list of persons holding suitable qualifications. In criminal matters and cases involving minors the court appoints the mediator.
Mediation is governed, inter alia, by the Code of Civil and Criminal Procedure, the Law of Procedure in Cases Involving Minors and the Law on Costs in Civil Cases. Instruments of subordinate legislation have also been enacted governing detailed mediation procedure in respect of specific types of cases.
In respect of **minors** the regulation governs:
the conditions to be met by institutions and persons authorised to conduct mediation proceedings,
the registration of institutions and persons authorised to conduct mediation proceedings,
the training of mediators,
the scope and conditions of access of mediators to the case file,
the form and scope of the report on the progress and outcome of the mediation proceedings.
The regulation on **criminal matters** lays down:
The conditions to be met by institutions and persons authorised to conduct mediation proceedings.
The appointment and dismissal of institutions and persons authorised to conduct mediation proceedings.
The scope and conditions of access of institutions and persons authorised to conduct mediation proceedings to the case file.
The method and procedure to be followed in mediation proceedings.
In **family cases** additional requirements apply for mediators concerning their education and experience (psychology, teacher training, sociology or law, and practical skills in conducting mediation in family cases).
An implementing regulation lays down the amount of remuneration and reimbursable expenses of mediators in civil proceedings (see below - What is the cost of mediation?)

Information and training

Basic information on mediation in Poland can be found on the website of the Ministry of Justice, including, inter alia: extracts from legal instruments concerning mediation, international mediation legal instruments and documents and recommendations drawn up by the ADR Council, as well as electronic versions of posters which are published to promote the idea of mediation. Up-to-date information is also published on activities promoting mediation and activities at national and regional level in connection with International Conflict Resolution Day. The website also brings together information, translations of legal instruments and examples of good practice from other countries.
Mediation issues are covered in general legal training and in the training of prosecutors and judges, and are also included in the training programmes of judges and prosecutors at the National School of the Judiciary and Public Prosecutors (Krajowa Szkola Sądownictwa i Prokuratury).
Training for mediation coordinators commissioned by the Ministry of Justice to prepare for the role of mediation coordinator has been carried out in the following areas: communication, team management and working with mediators.
Mediators themselves select from among the courses offered by mediation centres, universities and other entities.
The Ministry of Justice keeps statistics on mediation, including:
the number of referrals to mediation by the court,
the number of settlements reached,
the conditions of settlements (for mediation in criminal matters and cases involving minors),
the number of out-of-court mediation proceedings (for civil mediation).
In connection with project-based activities, in 2010-2011 guides, leaflets and brochures with information on the different types of mediation and their practical use were distributed in courts, provincial police headquarters and mediation centres. There was also a campaign on television, radio and billboards to inform the general public about mediation. The Ministry of Justice regularly updates and distributes brochures, leaflets and notes attached to procedural documents and posters, which are also available free of charge on the Ministry's website.
Poland has celebrated International Conflict Resolution Day for five years, and the Minister for Justice is organising a national conference on the subject. In addition, dozens of smaller conferences, events, seminars and debates are held in many cities at regional and local level to mark the event.

What is the cost of mediation?

Information on mediation is distributed free of charge by the Ministry of Justice. Research shows that mediation is more cost-efficient than court proceedings.
In criminal matters and cases involving minors **the parties do not pay the costs of mediation** – these are covered from Treasury resources. In other types of cases, **as a general rule remuneration** is subject to agreement between the mediator and the parties. The mediator may however agree to conduct mediation on a pro bono basis.
In civil matters, the costs are borne by the parties. The parties usually pay half the costs each, unless they agree otherwise. In respect of mediation proceedings instigated on the basis of a court decision, the amount of the mediator's remuneration in non-property disputes is PLN 60 (approximately EUR

15) for the first mediation session, and PLN 25 (approximately EUR 6) for each subsequent session. If the proceedings relate to property, the mediator's remuneration is 1% of the value of the subject-matter of the dispute (not less than PLN 30 (approximately EUR 7.5) and not more than PLN 1 000 (about EUR 250)). The mediator is also entitled to reimbursement of expenses (covering, for example, correspondence and telephone costs and room rental. VAT is also added to the costs.

If a settlement is reached which is the result of mediation, 75% of the court fees will be refunded to the party who brought the matter before the court. In divorce and separation cases, 100% of the fees are reimbursed.

In the case of out-of-court mediation, the mediator's remuneration and reimbursement of their expenses are priced by the mediation centre or the parties agree on them with the mediator before the mediation begins. The parties cannot be exempt from bearing the mediator's costs even if they are exempt from paying the court fees. The mediator in both types of mediation (court and out-of-court) may waive their remuneration.

Is it possible to enforce an agreement resulting from mediation?

In civil matters, if the parties have reached a settlement it is attached to the minutes. The mediator informs the parties that by signing the settlement they agree to submit it to the court for approval. The mediator forwards the minutes with the settlement to the court and sends a copy of the minutes to the parties. The court promptly conducts proceedings to approve or give a declaration of enforceability of the mediation settlement. The court will refuse to approve the settlement or declare its enforceability, in whole or in part, if the settlement is contrary to the law, contra bonos mores, intended to circumvent the law, confusing or contains contradictions contrary to the legitimate interests of the employee. A mediation settlement which has been approved by the court and declared enforceable has the legal validity of a court settlement and may be enforced.

Family matters covered by a settlement may relate to reconciliation of spouses, laying down conditions for separation, parental authority matters, contact with children, meeting family needs, maintenance and child support, and property and housing issues. After separation of parents or spouses, matters such as the issue of a passport, choice of the child's education, contacts with other family members and management of the child's property may also be agreed upon.

In civil matters the commencement of mediation proceedings interrupts the limitation period.

In **criminal matters and matters involving minors, a settlement reached during mediation does not replace a court judgment and is not binding on the court, however** the court should honour the content of the decision at the close of the proceedings. The terms of the settlement may cover the following: formal apology, compensation for material and non-material damage, community service, obligations to the party suffering loss, obligations to society as a whole and so on.

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Mediation in EU countries - Portugal

Mediation is one of the alternative dispute resolution (ADR) mechanisms in Portugal, together with arbitration and the small claims courts (*julgados de paz* – justices of the peace). Law Noº 29/2013 of 19 April 2013 (the 'Mediation Law') establishes the national framework for mediation as one of the ADR mechanisms. The Law sets out the general principles applicable to mediation in Portugal – irrespective of the nature of the dispute that is the subject of mediation – and the legal rules on civil and commercial mediation, mediators and public mediation. The Mediation Law contains the following definitions:

'Mediation' is a form of alternative dispute resolution carried out by public or private entities by which two or more parties in a dispute try voluntarily to reach agreement with the help of a mediator;

'Mediator' is an impartial and independent third party, with no power to impose a course of action on the parties receiving mediation, who helps them reach a final agreement on the disputed matter.

Nature of mediation and mediation agreements

Recourse to mediation is entirely **voluntary**. The mediation procedure is **confidential**. This confidentiality may be waived only on the grounds of public policy – in particular to protect the best interests of a child – or where the physical or psychological integrity of a person is at stake, or where it is necessary in order to apply or enforce the agreement obtained through mediation, and only to the extent that is necessary in practice to protect the interested parties. The content of mediation sessions **may not be used as evidence** by a court.

The agreement obtained through mediation is **enforceable** provided that:

it relates to a dispute that can be the subject of mediation, and the law does not require ratification by a court;

the parties have the capacity to conclude such an agreement;

it was obtained through mediation carried out under the terms laid down by law;

its content does not infringe public policy;

it involved the participation of a mediator enrolled on the list of mediators kept by the Ministry of Justice. This list can be consulted here.

A mediation agreement obtained through mediation in another EU Member State which complies with paragraphs a) and d) above is enforceable if it is also enforceable under that country's legal system.

Areas in which recourse to mediation is admissible and most common

Mediation is admissible in civil, commercial, family, employment and criminal matters. In these last three areas, there is a system of public mediation, with each area having its own specific rules.

The *julgados de paz* have a mediation service that is competent to mediate in any disputes that can be the subject of mediation even if they fall outside the jurisdiction of the *julgados de paz*.

Status of mediators

The Mediation Law contains a dedicated chapter laying down the rights and obligations of mediators (Articles 23 to 29). Mediators must also act in accordance with the European Code of Conduct for Mediators.

There is no public body responsible for training mediators; they are trained by private bodies which are certified by the Directorate-General for Justice Policy (*Direção-Geral da Política de Justiça*) under Ministerial Implementing Order (*Portaria*) No 345/2013 of 27 November 2013.

Cost of mediation

To use the **public family mediation service** each party involved in the case is charged EUR 50, except in the following situations:

where legal aid has been granted;

where the case has been referred for mediation by decision of a judicial authority under Article 24 of the legal framework of the civil guardianship procedure (*Regime Geral do Processo Tutelar Cível*);

where, at the parties' request, or with their consent, they have been referred for mediation by a decision of a judicial authority or by the commission for the protection of children and young people as part of pending child protection proceedings.

Use of the **public criminal mediation service** is free of charge.
To use the **public employment mediation service**, each party involved in the case must pay a fee of EUR 50, without prejudice to the granting of legal aid.
On top of these fees for using public mediation services, **the mediators registered to provide those services also charge fees**; the amounts are fixed but depend on whether or not an agreement is reached and what measures were taken to reach the agreement.
In the case of **mediation in the *julgados de paz***, if an agreement is reached, each party is charged EUR 25.
The **costs of private mediation** are determined by the mediator chosen by the parties.

Other useful information

The government body responsible for regulating public mediation is the Directorate-General for Justice Policy (DGPJ), through its Alternative Dispute Resolution Office (*Gabinete de Resolução Alternativa de Litígios* – GRAL). Directorate-General for Justice Policy. The DGPJ does not provide information on how to find a mediator, but it keeps lists of mediators in the public mediation services. Under the legislation on public mediation, once the decision has been taken to go to mediation, a mediator is selected automatically.

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Mediation in EU countries - 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 (Asociaţia Mediatorilor Bucureşti)
Turda Mediators' Center (Asociaţia Centrul de Mediere Turda)
Vaslui Mediators' Chamber Association (Asociatia Camera Mediatorilor Vaslui)
Vaslui Mediation Centre (Centrul de Mediere Vaslui)
Galati Mediators' Association (Asociatia Mediatorilor Galaţi)
Iasi Mediators' Chamber Association (Asociaţia Camera Mediatorilor Iaşi)
Iasi Mediation and Community Security Centre (Centrul de Mediere si Securitate Comunitara Iasi)
Craiova Mediation Centre (Centrul de Mediere Craiova)
Cluj Mediation Centre Association (Asociatia 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 si Arbitraj Maramures)
Bacau Mediation Centre (Centrul de Mediere Bacau)
Călăraşi Mediation Centre (Centrul de Mediere Calarasi)
Ialomiţa 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?

Recourses 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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Mediation in EU countries - Slovenia

Rather than going to court, why not resolve disputes through mediation? This is a form of alternative dispute resolution (ADR) where a mediator helps the parties reach agreement. The Slovenian Government and judicial officials realise the advantages of mediation.

Who to contact?

The Act on Alternative Dispute Resolution in Judicial Matters (ZARSS, *Uradni List RS* (UL RS; Official Gazette of the Republic of Slovenia) Nos 97/09 and 40 /12 – Fiscal Balance Act (ZUJF)), which was adopted on 19 November 2009 and came into force on 15 June 2010, requires first-instance and second-instance courts to adopt and bring into force a programme of alternative dispute settlement to allow parties alternative means of settlement in disputes on commercial, labour, family and other civil-law matters. Under this programme courts are obliged to allow the parties to use mediation in addition to other forms of alternative dispute resolution.
The Ministry of Justice keeps a central register of mediators who operate in court programmes for alternative dispute resolution.
A number of non-governmental organisations are involved in mediation:
Slovenian Association of Mediators (list of mediators),
Centre for Mediation at the Legal Information Centre,
Slovenian Association of Mediation Organisations – MEDIOS (list of mediators).
The Council for Alternative Dispute Resolution operates under the auspices of the Ministry of Justice and Public Administration. The Council was set up in March 2009 and is a central, independent, expert body of the Ministry with a coordinating and consultative role.

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

Mediation may be used in civil, family, commercial, labour and other property-related matters with regard to claims which can be disposed of and settled by the parties. Mediation is also admissible in other matters, as long as it is not excluded by law.
Mediation is most common in civil, family and commercial matters.

Are there specific rules to follow?

Recourse to mediation is voluntary. The Mediation in Civil and Commercial Matters Act (ZMCGZ, UL RS No 56/08) refers to mediation in general, i.e. to mediation associated with judicial procedures and to non-judicial mediation. It sets out only the basic rules for mediation procedures, leaving other aspects to self-regulating mechanisms. For example, it lays down where mediation begins and ends, who appoints the mediator, the mediator's basic rules of conduct, the form of the dispute settlement agreement, how to ensure it can be enforced, etc. Parties may deviate from provisions of the Act, except provisions regulating the principle of impartiality of mediator and the impact of mediation on preclusion and limitation periods.
The Slovenian Association of Mediators has adopted a code of conduct for mediators, but this applies only to its members.

Information and training

You can find relevant information about mediation and how to contact a mediator on various NGO websites, including:
Slovenian Association of Mediators
Slovenian Association of Mediation Organisations – MEDIOS
Centre for Mediation at the Legal Information Centre

Training for mediators is provided by a number of NGOs, including the Centre for Judicial Education at the Ministry of Justice.

What is the cost of mediation?

For the time being court-based mediation conducted under ZARSS in disputes arising from relationships between parents and children and in labour-law disputes due to termination of an employment contract is free of charge for the parties; parties pay only for their lawyers. In all other disputes, except commercial disputes, the court covers the mediator's fees for the first three hours of mediation.

Private organisations charge various fees for mediation.

Is it possible to enforce an agreement resulting from mediation?

Such an agreement is not directly enforceable. It is possible, however, the parties may agree that the dispute settlement agreement is to take the form of a directly enforceable notarial deed, a court settlement or an arbitration award based on the settlement.

Related links

Slovenian Association of Mediators

Centre for Mediation at the Legal Information Centre

Slovenian Association of Mediation Organisations – MEDIOS

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Mediation in EU countries - Slovakia

Rather than going to court, why not try to settle your dispute through mediation? This is a form of alternative dispute resolution, whereby a mediator helps the parties to the dispute to reach agreement. The government and legal practitioners in Slovakia are aware of the advantages of mediation.

Who should I contact?

The website of the Slovak Ministry of Justice has a section on mediation available only in Slovak.

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

The mediation mechanisms are described in Act No 420/2004 on mediation, amending several acts, as amended, which lays down:

how mediation is carried out;

the basic principles of mediation, and

the organisation and effects of mediation.

This Act applies to disputes in relations under civil law, family law, commercial contract law and labour law.

Mediation is an out-of-court procedure in which the parties concerned use the assistance of a mediator to resolve a dispute arising from their contractual or other legal relationship. It is a procedure whereby two or more parties to a dispute settle it with the help of a mediator.

§ 170(2) of Act No 160/2015, the Code of Civil Dispute Procedure, as amended, states that: 'Wherever possible and appropriate, the court shall attempt to settle the dispute amicably, or recommend to the parties to try to reach an amicable settlement through mediation'.

Information and training

The section on mediation on the Slovak Ministry of Justice website provides mediation information in Slovak. For more information please visit the website of the European Judicial Network.

How much does mediation cost?

Mediation is a paid service. The remuneration of the mediator is individual and is usually based on an hourly rate or a flat fee. Mediation is a business activity and there are no fixed costs.

Is it possible to enforce a mediated agreement ?

Directive 2008/52/EC allows the parties to a written agreement resulting from mediation to request that the content of the agreement be made enforceable. The Member States will communicate this to the courts and to other authorities competent to receive such requests.

Mediation is an informal, voluntary and confidential process for resolving disputes out of court with the help of a mediator. The aim of mediation is to reach an agreement that is acceptable to both parties.

The agreement resulting from the mediation procedure must be in written form. It applies primarily to the parties to the agreement and is binding on them. On the basis of that agreement the entitled party may apply for judicial enforcement of the decision or for attachment, provided that the agreement is:

drawn up in the form of a notarial act;

endorsed as a settlement by a court or arbitration body.

If no mediation agreement is reached, the matter can be pursued in court.

Related links

Ministry of Justice of the Slovak Republic

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Mediation in EU countries - Finland

Rather than going to court, why not try to solve your dispute through mediation? This is an alternative dispute resolution (ADR) measure, whereby a mediator assists those involved in a dispute to reach an agreement. The government and justice practitioners of Finland are aware of the advantages of mediation.

Who to contact?

The general management, guidance and supervision of mediation in criminal and certain civil cases are the responsibility of the Ministry of Social Affairs. Health state provincial offices must ensure that mediation services are available and appropriately implemented in all parts of the country.

You can find information on mediation on the National Institute of Health and Welfare (THL) website.

Mediation services annexed to a court are managed by the District courts. District Courts may decide upon initiating mediation in civil disputes. The purpose of mediation is to help the parties to a dispute find a solution that is acceptable to both parties. Results achieved by mediation are therefore generally based more on what is reasonable under the given circumstances than on the strict application of the law. Further information on District courts is available from the Finnish Ministry of Justice website. A brochure on judicial mediation is also available.

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

Mediation is used in both civil matters and criminal matters.

Mediation is most commonly used in civil disputes, particularly in minor civil cases. However, all civil disputes need not to be subjected to court-connected mediation. Consumer disputes, for instance, may be handled by a consumer adviser and the **Consumer Complaints Board**. However, for criminal matters, there is a specific procedure for mediation.

Civil matters and disputes submitted to general courts may be mediated as set out in the statute on court-annexed mediation (Act 663/2005). The objective of court-annexed mediation is the amicable settlement of disputes. The preconditions for court-annexed mediation are that the matter is amenable to mediation and that the mediation is appropriate in view of the claims of the parties. One or both of the parties to a dispute may make a written application before going to court. The application must be filed in writing, indicating the subject matter of the dispute and how the positions of the parties diverge. In addition, grounds must be supplied as to why the matter is amenable to mediation.

Conciliation (mediation) may also be used in civil cases in which at least one of the parties is a natural person. Civil cases, other than those involving claims for damages based on a crime, may, however, be referred to conciliation only if the dispute is of a minor nature, taking into account the subject and the claims put forward in the case. What the statute provides on conciliation in criminal cases applies, as appropriate, to conciliation in civil cases.

Conciliation may be carried out with parties that have personally and voluntarily expressed their agreement to conciliation. They must be capable of understanding its meaning and the solutions arrived at through the conciliation process. Thus, before parties agree to conciliation, they must have their rights in relation to conciliation and their position in the conciliation process explained to them. Each party has the right to withdraw its agreement at any time during the conciliation process.

Underage persons must give their agreement to conciliation in person. In addition, an underage person's participation in conciliation requires agreement by his/her custodian or other legal representatives. Legally incompetent adults may participate in conciliation if they understand the meaning of the case and give their personal agreement to the process.

Conciliation may be used for crimes that are assessed as eligible for conciliation, taking into account the nature and method of the offence, the relationship between the suspect and the victim and other issues related to the crime as a whole. Crimes involving underage victims must not be referred to conciliation if the victim needs special protection because of the nature of the crime or because of his/her age.

Mediation offices receive mediation requests and co-operate with various authorities throughout the mediation process. Each mediation case is assigned to a voluntary mediator chosen by professionals working at the mediation office. Mediators undertake mediation cases and related practicalities in co-operation with the mediation office. The office staff guides and supervises the mediators in their work.

Are there specific rules to follow?

In criminal matters, conciliation may be carried out only between parties that have personally and voluntarily expressed their agreement to conciliation and are capable of understanding its meaning and the solutions arrived at in the conciliation process. In civil matters (court-annexed mediation) the commencement of mediation requires the consent of all parties.

In Finland, there is a national code of conduct for mediators, with sectoral codes of conduct for mediators (e.g. by area of specialisation such as family law mediators, medical, construction).

Information and training

A brochure on court-annexed judicial mediation is available from the website of the Finnish Ministry of Justice.

The National Institute for Health and Welfare (THL) organises training for mediators.

The institute also compiles statistical information on mediation in criminal and civil cases, monitors and conducts research on mediation activities, and coordinates development efforts in the field. This work is supported by the **Advisory Board on Mediation in Criminal and Civil Cases**.

What is the cost of mediation?

Mediation in criminal cases is a non-chargeable service. It allows the victim of a crime and the offender to meet through an impartial mediator to discuss the mental and material damage caused to the victim and agree on measures to redress the harm (Act 1016/2005).

Mediation involves lower costs than a trial for the parties concerned. Each party pays only his or her own costs and is not obliged to pay the costs of the opponent. If the parties so wish, they may engage a legal adviser. It is also possible for a party to apply for legal aid at a legal aid office.

In judicial mediation, a judge of the district court acts as mediator. Indeed, mediation in disputes is one of the ordinary tasks of a judge. If the case requires specific knowledge in some area, the mediator may, with the agreement of the parties, engage an assistant whose fee is paid by the parties.

A fee is charged for judicial mediation, as for all other matters handled by a court.

Is it possible to enforce an agreement resulting from mediation?

Directive 2008/52/EC allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. Member States shall inform the Commission of the courts or other authorities competent to receive requests.

Finland has not yet communicated this information.

Related Links

brochure on judicial mediation, Website on mediation (The National Institute for Health and Welfare (THL)

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To jezikovno različico trenutno prevajajo naši prevajalci.

Opozarjamo, da so že na voljo naslednje jezikovne različice: sv.

Mediation in EU countries - Sweden

If you are engaged in a civil law dispute, why not try to solve it through mediation, rather than going to court? Mediation is an alternative dispute resolution (ADR) measure, whereby a mediator helps those involved in a dispute to reach an agreement. The government and justice practitioners in Sweden are aware of the advantages of mediation. Mediation can also be used in criminal cases, but is not a sanction for the offence and can never replace a criminal trial. The purpose of mediation in criminal cases is to give the offender a better insight into the consequences of the crime and to allow the victim the opportunity to work through his or her experiences.

Mediation in civil cases

Who to contact?

There is no central body responsible for regulating the profession of mediator. However, the National Courts Administration (Domstolsverket) can be contacted for information on mediation. A list of persons who have expressed a willingness to mediate in the courts has also been drawn up by the National Courts Administration and can be consulted at https://www.domstol.se.

In commercial matters the Stockholm Chamber of Commerce (Stockholms handelskammare) and the West Sweden Chamber of Commerce and Industry (Västsvenska industri- och handelskammaren) do work in the area of mediation.

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

Mediation is admissible in multiple areas, but most common in civil law matters.

There is a possibility of recourse to a mediator within the court proceeding.

Are there specific rules to follow?

Recourse to mediation is entirely voluntary. There are no specific regulations, such as codes of conduct for mediators.

Information and training

There is no specific information on mediation training, and no national training body for mediators.

What is the cost of mediation?

Mediation is not free of charge; payment is subject to an agreement between the private mediator and the parties. The cost of mediation is shared equally by the parties.

Mediation in criminal cases

Who to contact?

Since 1 January 2008 all Swedish local authorities have been required to offer mediation if the offence was committed by someone under the age of 21. Either the police or the local authority can take the initiative of asking an offender whether he or she is interested in taking part in mediation.

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

Mediation can be used for offenders of any age and at any stage of the judicial process. The Mediation Act sets no upper age limit, but since 1 January 2008 all Swedish local authorities have been required to offer mediation if the offence was committed by someone under the age of 21.

Are there specific rules to follow?

Mediation is not part of the punishment. The following conditions apply:

It must be voluntary for both parties.

The offence must have been reported to the police and the offender must have admitted guilt.

Mediation must be seen as appropriate in the light of the circumstances.

Information and training

The Act requires those designated as mediators to be competent and honest. They must also be impartial.

Further information about mediation can be obtained from the local authorities or the National Council for Crime Prevention (Brottsförebyggande rådet).

What is the cost of mediation?

Mediation is free of charge for both victim and offender.

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Mediation in EU countries - England and Wales

Rather than going to court, why not try to solve your dispute through mediation? This is an alternative dispute resolution (ADR) measure, whereby a neutral mediator assists those involved in a dispute to reach an agreement. The government and justice practitioners of England and Wales are aware of the advantages of mediation and are committed to the promotion and use of mediation to resolve disputes as an alternative to going to court, in suitable cases. Your case may be eligible to be funded by legal aid (subject to it passing the usual qualifying criteria).

Who to contact?

The Ministry of Justice is responsible for policy on civil and family mediation, including its promotion as it relates to England and Wales only.

Civil Mediation

In order to ensure the quality of court-referred mediation in civil disputes (excluding family disputes in the jurisdiction of England and Wales), the Ministry of Justice and Her Majesty's Courts and Tribunals Service (HMCTS) have established two civil mediation processes via which parties can resolve disputes depending on the value of the claim. The Small Claims Mediation Service is an in-house service provided and run by HMCTS, in relation to cases falling within the small claims track, generally cases under £10000. For higher value cases, over £10000, the Ministry of Justice has worked with the Civil Mediation Council (CMC) to introduce an accreditation scheme via which mediation provider organisations can apply to be included in the civil mediation directory and for courts to refer parties to them in suitable cases. The CMC is one organisation representing civil and commercial mediation providers.

Family Mediation

With regard to family disputes, mediation is self-regulated, consisting of a number of membership organisations or accreditation bodies to which mediators are affiliated. These bodies have converged to form the Family Mediation Council (FMC) in order to harmonise standards in family mediation. Another function of the FMC is to represent its founding member organisations and family mediation practitioners at large in the dealings of the profession with government.

The FMC is a non-governmental body and plays a central role among its member organisations, which are all non-governmental organisations/associations and founder members of the FMC. The most prominent of these are:

ADR Group

Family Mediators Association

National Family Mediation

College of Family Mediators

Resolution

The Law Society

Government has no plans at present to set up a regulatory body in relation to civil or family mediation.

You can find an accredited civil mediator on the civil mediation directory, available on the justice website. You can search the directory for a mediation provider that is local to you; and the cost of mediation is based on a fixed fee, depending on the value of the dispute. For parties who are unable to afford the cost of mediation a free mediation service is available for those who are eligible, provided by LawWorks. LawWorks can be contacted on **01483 216 815** or via the LawWorks website.

A family mediation service finder is available within the GovUK website (previously known as DirectGov) at: Family Mediation Service Finder . Please note there is no longer a Family Mediation Helpline.

You can find out more about legal aid, including whether you may eligible for legal aid on the new Legal Aid Information Service on the Gov.UK site at check-legal-aid

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

Mediation can be used to resolve a whole range of everyday civil and commercial disputes – including housing issues, business disputes, workplace disputes, small claims, debt claims, boundary disputes, employment disputes, contractual disputes, personal injury and negligence claims as well as community disputes such as nuisance or harassment issues.

Mediation can also be used in relation to family disputes, including divorce, dissolution, civil partnership dissolution, Children Act applications, including contact and residence. It is not restricted to former partners or spouses. For example, grandparents could use family mediation to help agree on arrangements for them to continue a relationship with their grandchildren.

Are there specific rules to follow?

Civil mediation procedure

Civil mediation is not regulated by law, nor is it a prerequisite to court proceedings. However, parties in civil cases are required to consider mediation seriously before going to court.

The **civil procedure rules** (CPR) govern the practice and procedure to be followed in the civil divisions of the Court of Appeal, the High Court and County Courts. The CPR has a procedural code, whose overriding objective is to help the courts deal with cases justly. Part of that overriding objective requires the court to manage cases actively, this includes encouraging the parties involved to use an alternative dispute resolution procedure if the court considers this appropriate and facilitates the use of such procedure.

While mediation is entirely voluntary, the civil procedure rules set out the factors to be taken into account when deciding the amount of costs to award. The court must have regard to the efforts made, if any, before and during the proceedings in order to try to resolve the dispute. Consequently, if a winning party has previously refused a reasonable offer of mediation, the judge could decide that the losing side will not be required to pay the winning side's costs.

Family mediation procedure

"Since April 2011 all clients (not just those in receipt of public funding) have been expected, except in specified circumstances, to consider the use of family mediation by attending a Mediation Information and Assessment Meeting (MIAM) before they can make an application to the court under the President's Pre Application Protocol (PAP) - Practice Direction 3A. At this meeting which parties can attend either together or separately, mediation or any other dispute resolution option available locally, can be discussed and considered.

Prior to April 2014 applicants were expected to file Form FM1 with their application to show that they are:

exempt from attending a MIAM; that mediation is not suitable; that they attended a MIAM but mediation is not suitable; or that mediation took place but was not able to resolve any or all of the issues. Post April 2014 the mediation declaration is contained within the relevant application form, eg C100.

It is now a legal requirement that anyone considering applying to court for an order about their children is legally obliged to attend a MIAM first. To support this, the Government has kept family mediation and Legal Help for Mediation within scope for legal aid. If one party qualifies for legal aid, the cost of the initial MIAM will be covered for both participants. There are certain exemptions to this requirement, for example in relationships involving domestic violence.

In addition to this, as of 3 November 2014, the first single session of mediation is publicly funded in all cases where one of the people involved is already legally aided. In this scenario, both participants will be funded for the MIAM and the first session of mediation. It is hoped that the combination of the compulsory MIAM with the free first mediation session will prove effective in introducing more people to the benefits of mediation, and away from the courts. However mediation is still a voluntary process and both parties must agree to mediate."

Like the **Civil Procedure Rules**, the **Family Procedure Rules** (a comprehensive set of rules that relate to court procedure) encourage the use of alternative dispute resolution (ADR) methods.

Maintaining professional standards

There is no national code of conduct for mediators specific to England and Wales. However, in order to be accredited by the CMC the civil mediation provider must adhere to a code of conduct – the **EU Code of Conduct** is used as the model. The profession is self-regulating and the government plays no role in encouraging adherence to any voluntary code

All founding members of the FMC are required to ensure that their members (family mediation practitioners) adhere to the FMC Code of Conduct.

Information and training

Information about civil mediation, services and pricing is available from the Government website at the Ministry of Justice website: civil mediation

The Civil Mediation Directory offers a search facility to find a mediator who is able to provide mediation in a location suitable to the parties. The CMC website and the websites of the CMC provider organisations provide more information about mediation and mediation services.

The Family Mediation Service Finder offers a search facility to find a mediator in a user's local area. The websites of the FMC member organisations provide more information about mediation services

There is no national training body for civil mediators in England and Wales. Civil mediators are trained by the private sector, which is self-regulated. The profession self-regulates and deals with the training of its membership.

Family mediators come from a variety of backgrounds, including legal, therapeutic and social services, and there is no legal requirement that they undertake any specialist training. The various membership/accreditation organisations do, however, maintain their own sets of training and professional standards, which feature training requirements. Mediators who have a contract to provide publically funded mediation are expected to attain a particular high standard of accreditation and training to carry out the initial Mediation Information Assessment Meeting (MIAM) and mediation.

What is the cost of mediation?

The cost of mediation varies by provider and is not generally regulated by the state. In civil matters, the cost of mediation relates to the value of the issues in dispute and the time required to undertake the mediation process. The rates for the provision of mediation provided via the online civil mediation directory are available from the justice website. The LawWorks charity provides free mediation to those who cannot afford to pay. LawWorks can be contacted on 01483216815 or via the LawWorks Mediation website.

Is it possible to enforce an agreement resulting from mediation?

Directive 2008/52/EC implemented in the UK under The Cross-Border Mediation (EU Directive) Regulations 2011 (SI 2011 No 1133) allows those involved in a cross-border dispute, where one party is domiciled in a Member State at the time of the dispute to request that a written agreement arising from mediation be made enforceable. Member States shall inform the Commission of the courts or other authorities competent to receive requests.

For England and Wales, details on competent courts are available on the website of Her Majesty's Courts and Tribunals Service.

Parties to a civil dispute, issued in court, who have reached an agreement through mediation, may apply to the court to have their agreement legal endorsed by a judge. Once endorsed by a judge the agreement becomes legally binding and enforceable 'consent order', should the court be satisfied as to the fairness of the agreement reached.

Parties to family disputes who have reached agreement amongst themselves, through their solicitors or through mediation, may apply to the court to convert their agreement into a legally binding court 'consent' order, should the court be satisfied as to the fairness of the agreement in question. This is more likely to apply to financial agreements rather than those relating to children.

Related Links

Civil Mediation Council, Family Mediation Council, Civil Mediation Online Directory, Family Mediation Service Finder, EU Code of Conduct for Mediators FMC Code of Conduct, LawWorks Mediation

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Mediation in EU countries - Northern Ireland

Rather than going to court, why not try to solve your dispute through alternative dispute resolution (ADR)? ADR, which includes mediation, conciliation and arbitration, allows parties in dispute to engage independent support to assist them in reaching agreement. ADR facilitates self-determination and when used in appropriate cases can give rise to genuine consent and sustainable workable agreements between parties. It can also be less stressful and cheaper than court proceedings.

Who to contact?

No one government department or body has responsibility for the promotion and development of ADR in Northern Ireland but the advantages are widely recognised and there are a number of private, voluntary and community organisations which provide ADR services. More information can be found in the information booklet Alternatives to Court in Northern Ireland.

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

ADR can be used in a wide range of civil/commercial disputes including business, workplace and employment disputes, contractual and debt claims, small claims, housing, boundary disputes and community disputes. It can also be used in family disputes such as disagreements between parents or members of the extended family about arrangements for children following the breakdown of a marriage or relationship.

Are there specific rules to follow?

There is no legal requirement to use ADR in Northern Ireland and process to be applied is not specified statutorily but the courts are supportive and will encourage its use in appropriate cases. Courts also likely to permit adjournment of cases where it appears issues could be resolved through ADR.

Information and training

Training and accreditation is not regulated by government. Qualifications and experience are a matter for the service provider although a number of practitioners are members of professional bodies for which training and continuing professional development is a prerequisite to membership and accreditation. Requirements vary across providers. Further information can be obtained from service provider websites.

What is the cost of mediation?

The cost of ADR is not regulated and varies by provider. Some mediation is publicly funded. The Department of Health, Social Services and Public Safety currently provide some funding for pre-court mediation in family disputes. The Northern Ireland Legal Services Commission has also met the cost of some mediation from legal aid funds.

Is it possible to enforce an agreement resulting from mediation?

Parties who have reached an agreement through mediation may be able to apply to the court to have it made into a legally binding and enforceable "consent order" if the court is satisfied as to the fairness of the agreement reached.

Directive 2008/52EC implemented under the Cross-Border Mediation Regulations (NI) 2011 (SR 2011 No. 157) allows those involved in a cross-border dispute, where one party is domiciled in a Member State at the time of the dispute to request that a written agreement arising from mediation be made enforceable. For Northern Ireland details of competent courts to receive such requests are available from the Northern Ireland Courts and Tribunals Service.

Related Links

NI Direct

Familysupport NI

Family Mediation NI

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Mediation in EU countries - Scotland

Mediation can be a practical alternative to going to court or a tribunal. It involves a third party mediator who helps people to agree a solution when there is a dispute. It is a flexible and voluntary process that can be used to settle disputes in a whole range of situations. If parties are unable to reach agreement they can still go to court. The Government and justice practitioners in Scotland recognise the potential advantages of mediation.

The Scottish Government provides funding to the Scottish Mediation Network, which acts as a professional body for mediators in Scotland, and promotes a wider understanding of the appropriate use of mediation and other related forms of conflict management and prevention.

Who to contact?

The Civil Law and Legal Systems Division in the Justice Directorate of the Scottish Government is responsible for mediation in the civil justice system in Scotland.

Relevant addresses on mediation:

Scottish Mediation, 18 York Place, Edinburgh, EH1 3EP

SACRO (Safeguarding Communities Reducing Offending), 29 Albany Street, Edinburgh EH1 3QN

Scottish Community Mediation Centre 23 Dalmeny Street, Edinburgh EH6 8PG

Relationships Scotland, 18 York Place, Edinburgh, EH1 3EP

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

Recourse to mediation is admissible in all areas of law. It is most commonly used in family conflicts and neighbourhood disputes. Increasingly, commercial and business differences are referred for mediation. Mediation must be offered in disputes about **additional support needs**, and conciliation must be available in **disability discrimination claims**.

Are there specific rules to follow?

The emerging mediation profession in Scotland does not have a mandatory regulatory framework. Nor is it a prerequisite to initiating certain types of court proceedings. Mediation is entirely voluntary.

However, there is a **code of conduct** for mediation in Scotland. The code takes into consideration the various areas of specialisation: such as family law, medicine, and construction. The Scottish Government has given its support to the work of the (SMN) and the development of the Scottish Mediation

Register (SMR). All members of the SMN are required to observe the code of conduct for mediation in Scotland. Those mediators and mediation services appearing on the SMR may also demonstrate higher standards. The websites for both these initiatives are free to access and well used, and mediators must observe the code if they are to appear on the sites.

How you can access information on mediation

Information on mediation is available on the website of the Scottish Mediation Network (SMN), and the Scottish Mediation Register (SMR) provides information about finding a mediator in Scotland. Both these websites are available to the general public and offer you free access to all information.

The Scottish Mediation Register is an independent register of mediators and mediation services. This website gives you free access to information about people who practice all kinds of mediation. The register is administered by the Scottish Mediation Network (SMN).

The data on the site is updated by the mediators at least once a year.

The aim of the Scottish Mediation Register is to reassure people of the professional quality of the mediators they select, by certifying that they meet minimum standards. These standards are set by an independent Standards Board. Mediators who appear on the SMR can call themselves a 'Scottish Mediation Registered Mediator' and use the SMR logo next to their name.

Once a regulating organisation certifies that a mediator has met the organisation's additional sectorial standards, an additional 'badge' from that organisation may be applied beside the mediator's entry on the register.

Information and training

Since 2004, the SMN network has provided a **'map of mediation'** on its website. The presentation of information has been upgraded several times – work that has been funded by the Scottish Government. The link appears in a number of leaflets and web links. This has now been linked to the Scottish Mediation Register to provide a single point of enquiry for finding a qualified mediator

The SMN office also receives telephone enquiries, which are directed to the appropriate mediation services.

The SMR sets out mediator qualifications so that parties have better information when selecting a mediator.

In Scotland, there are **training programmes** for different spheres of mediation. All are at least 30 hours long and should include training in:

Principles and practice of mediation

Stages in the mediation process

Ethics and values of mediation

The legal context of disputes (if any)

Communication skills useful in mediation

Negotiation skills and their application

The effects of conflict and ways of managing it

Diversity.

What is the cost of mediation?

The cost of mediation varies by provider and is not regulated by the state.

Mediation is generally **free** to the individual user when the dispute involves children, neighbour and community conflicts, additional support needs and disability discrimination conciliation.

Fees for private mediators range from £200 to £2000 or more per day.

Is it possible to enforce an agreement resulting from mediation?

Directive 2008/52/EC allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. Member States will communicate this to the courts and other authorities competent to receive such requests.

Related Links

Scottish Mediation Network

Scottish Mediation Register

Standards

Scottish Mediation: Registered Mediators

Regulating organisation

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