



## **FBE MEDIATION COMMITTEE ACTION PLAN**

In accordance with the proposal put forward by the Committee, in October 2015, the Bar Association of Barcelona committed itself to carrying out research work on the real situation of mediation in the Federation's associations – the details of each association's mediation centres and committees – and to drawing up of a new list of transnational mediators with common training and ethics.

This task has been carried out and organised under the following parameters:

**ONE.-** Comparison of FBE member countries on the applicable law and training required for mediators, in accordance with the appendix attached as an example.

**TWO.-** Each of the associations is being contacted directly to give us information about the following aspects:

- 1) *Is there a Mediation Centre in your bar? If not, which centre is responsible for it?*
- 2) *What is the legislation regarding mediation?*
- 3) *What is the necessary education of the Mediators? (degree...)*
- 4) *What is the judicial recognition?*
- 6) *What are the requirements of the Mediators?*

Once all the responses have been received, the aim is to update the contacts with all those responsible for mediation and to invite them to participate in the FBE and on our committee as active, members, necessary for exchanging information. Those responsible for mediation at each association should attend the two annual meetings of the FBE to join the committee and prepare the annual course.

We find very diverse situations, from associations that do not even have a mediation committee to associations with mediation centres, so updating the information and finding out about them is essential.

**THREE.-** We are delivering eight sheets with the following details: members of the FBE, their telephone numbers and e-mail addresses. This will provide links through the FBE secretary's office to each of the associations in order to check the details appearing on each of them, as well as indicating the contact person for mediation matters. One of the common problems is that the details appearing in the FBE's files are old and not updated and that the current members responsible for mediation are not known.

**FOUR** - Once we have all these details, which we will present in Strasbourg, we will analyse the minimum essential training all countries have for lawyers-mediators and draw up proposed requirements for appearing as a transnational mediator on the FBE website.

**FIVE.**- We also attach the ethical code for lawyers-mediators which was approved by the FBE two years ago. Compliance with this is necessary in order to be included on this list of transnational mediators with the FBE guarantee. Complaints about the actions of FBE mediators will be analysed by the Mediation Committee, which will send them to the corresponding association with its decision.

**SIX.**- The updated map of the exercise of mediation by lawyers will allow us to request the inclusion of our associations as receivers of European funds for the exercise of mediation. The FBE, through the list of transnational lawyers/mediators, may also receive subsidies for the practical application of mediation.

**SEVEN.**- This research work will allow us to find out the level of involvement of mediation in the different countries and associations and establish some kind of continuing training for the lawyers who want to use mediation to resolve their customers' disputes.

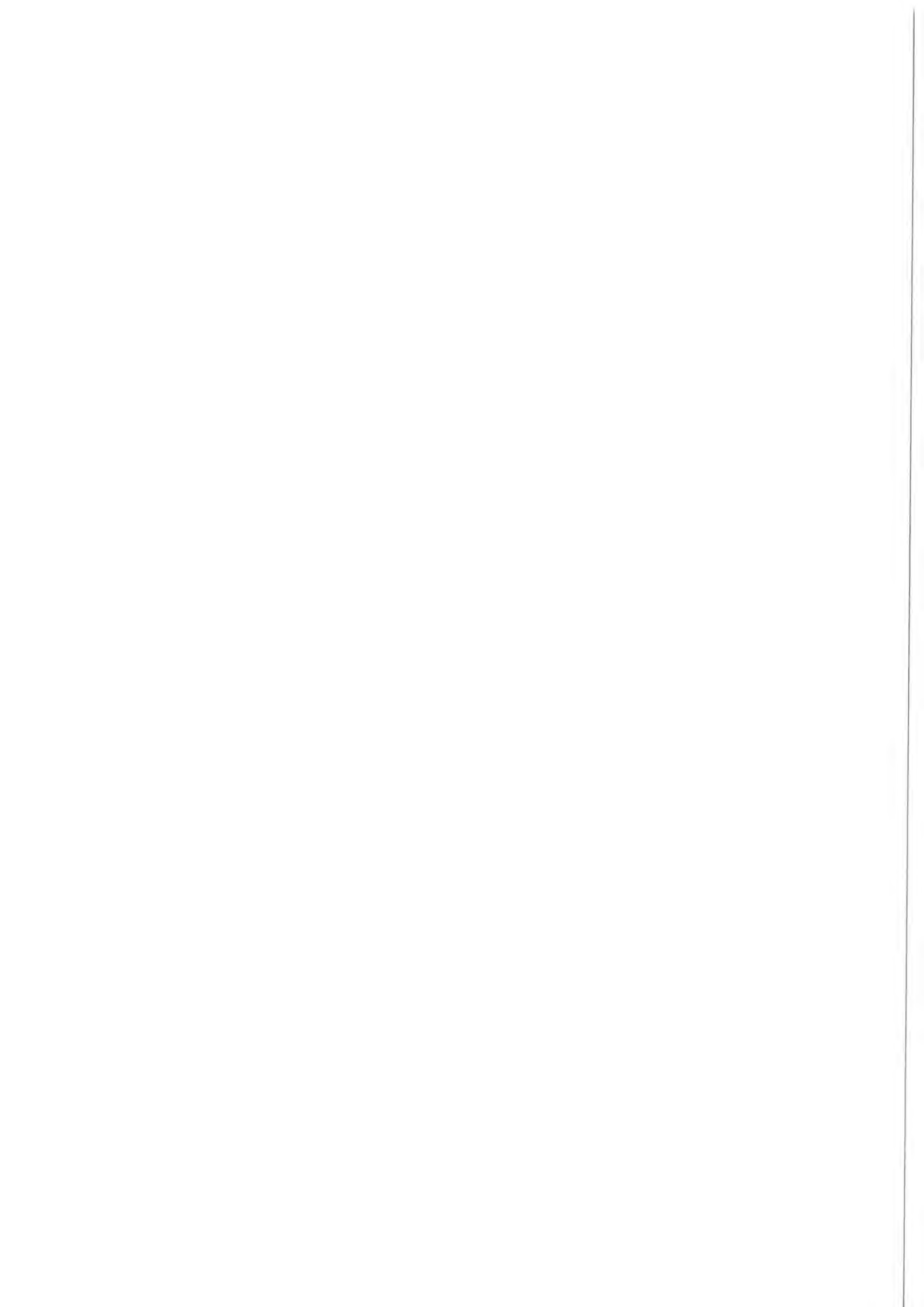
For this, the presence on the committee of new members responsible for mediation in their associations will be essential. They will help us establish minimums for programmes so associations can publicise their characteristics and the involvement of lawyers in their capacity as legal advisers in mediation processes. This is an essential element so any mediation can have legally acceptable and enforceable results in all the countries involved.

To achieve this, lawyers for the parties involved in mediation must not to withdraw from it. Instead, they must instruct their clients about the legal acceptability of the possible agreements and whether they can easily be enforced.

Barcelona, 12 April 2016

Signed: Silvia Gimenez-Salinas Colomer  
FBE Mediation Committee

Country	Bar Association	Telephone number	Contact person	Pending	Does the Bar Association have a CENTER and/or MEDIATION COMMISSION?	If not -who manages it?
ANDORRA	Andorra la Vella	(+34) 376.80.69.30	Board of the Andorra Bar Association	Completed	No	No centers are currently managing it associations.
AUSTRIA	Vienna	(+43) 1.533.27.18/0		Association role		
BELGIUM	Brussels	(+32 2.227.54.70	Evelyne Meissirel De Souza	Requirements for mediator, Bar Association role		The Federal Mediation Commission (Commission fédérale de médiation )
BULGARIA	Sofia	(+359) 2 987 05 19		Training, Bar Association role, Mediation Centers.		The Bulgarian Ministry of Justice has set up a register of mediators, integrated in the central register of collective non-profit organizations offering public utility services
CZECH REPUBLIC	Prague	(+420) 221 729 031	Martina Doležalová	Completed	The Czech Bar Association has its own ADR Section as a board's advisory body	Evidence submission and mediation service of the Czech Republic.
GERMANY	Berlin	(+49) 030 28 49 39 0		Bar Association role	Yes, Mediaicam	Several Organizations (German Bar Association, mediation center. ...)
SPAIN	Madrid	(+34) 91.435.78.10				
FRANCE	Paris	(+33) 01 80 27 19 20		Bar Association role		FENAMEF...)
GREECE	Athens		ΤΣΙΠΗ ΑΝΑΣΤΑΣΙΑ	Bar Association role	A.K.K.E.D. "Prometheus" is a non-profit organisation created by the Bar Association of Athens, providing training and seminars on mediation.	Mediator Certification Commission (Εντροπή Πιστοποίησης Διαμεσολαβητών), working under the supervision of the Ministry of Justice (Lawyers and Attorneys Department of the Justice Administration Directorate-General of the Ministry of Justice, Transparency and Human Rights)
HUNGARY	Budapest	(+36) 1-353-0155		Bar Association role		Ministry of Justice and Security Forces. Also non-governmental Organizations
ITALY	Rome	(+39) 06 6840961				The mediation activities are managed by the mediation agencies, which are the public or private agencies registered in the list of mediation agencies -under the supervision of the Ministry of Justice.
LUXEMBOURG	Luxembourg	(+352) 46 72 72-1	Charles Kauffhold	Completed	Yes, Mediation Center of the Luxembourg Bar Association (Centre de Médiation Civile et Commerciale du Barreau de Luxembourg,	Ombudsman, mediation centers ...
NETHERLANDS (HOLLAND)	Amsterdam	(+31) 20.589.60.00		University degree, Bar Association role		Netherlands Mediation Institute (NIMI)
POLAND	Krakow	(+48) 12 - 429 20 25, (+48) 12 - 396 54 40	Szymon Gostyński	Completed	COUNCIL. The other Bar Associations belong to that center.	
PORTUGAL	Lisbon	(+351) 21.882.35.50	Dr. Carla Morgado /Rebeca Ribeiro Silva	Completed	NO	Directorate-General for Justice Policy (DGPJ)
UNITED KINGDOM	London	(+44) 0207 960 7115	Sara Chandler	Completed	No (however, the Law Society is relaunching the accreditation of mediators in civil and commercial matters. The Law Society is represented on the Civil Mediation Council	Ministry of Justice, Council of Mediation in civil matters, Council of Mediation in family matters and other organizations
ROMANIA	Bucharest	(+40) 21.315.45.38		Mediator requirements and Associations role		The Mediation Council headquartered in Bucarest
REP.KOSOVO	Pristina	(+381) 38 244 586				
SERBIA	Belgrade	(+381) 11 32 39 805		Training		Ministry of Justice
SWITZERLAND						
TURKEY	Istanbul	(+90) 212 25 163 25	Ece Basmaci Karalar	Completed	No	Ministry of Justice





## ANDORRA

The Andorra Bar Association is contacted. We are informed that the mediation is a project and that currently there is no law.

Andorra Bar Association contact: E-mail: [caa@cada.ad](mailto:caa@cada.ad)

We have contacted the University of Andorra and they inform us that last year the first Master's Degree on mediation was organised and that they do not know yet whether there will be another this year.

Contact of the University's coordinator: Ramon Tena E-mail: [rtena@uda.ad](mailto:rtena@uda.ad).

### EMAIL

Good morning,

Herewith you will find some questions that have been raised in relation with the mediation in Andorra.

Whether in Andorra there is a law regulating mediation. No, a bill on mediation is being drafted. Training requirements for becoming a mediator in Andorra. It is still under study as the bill on mediation law is being drafted. A University Degree plus a specific training will probably be requested.

Whether it is compulsory to go to mediation. Currently it is not compulsory to go to mediation.

What are the mediation scope of action. It is under study, but in principle it is open to all areas.

Requirements for lawyers to become a mediator in Andorra. It is under study, but in principle a complementary and specific training will be requested.

Role of the Andorra Bar Association in relation to mediation (whether they encourage mediation, whether they deliver training courses...) Yes, it encourages mediation. The Association together with the University of Andorra organises a Master's Degree on Mediation.

Whether there is an own mediation centre Currently there is not an own mediation centre.

Sincerely,

The Board

Col·legi d'Advocats d'Andorra

c/ Prat de la Creu, 59-65 baixos C

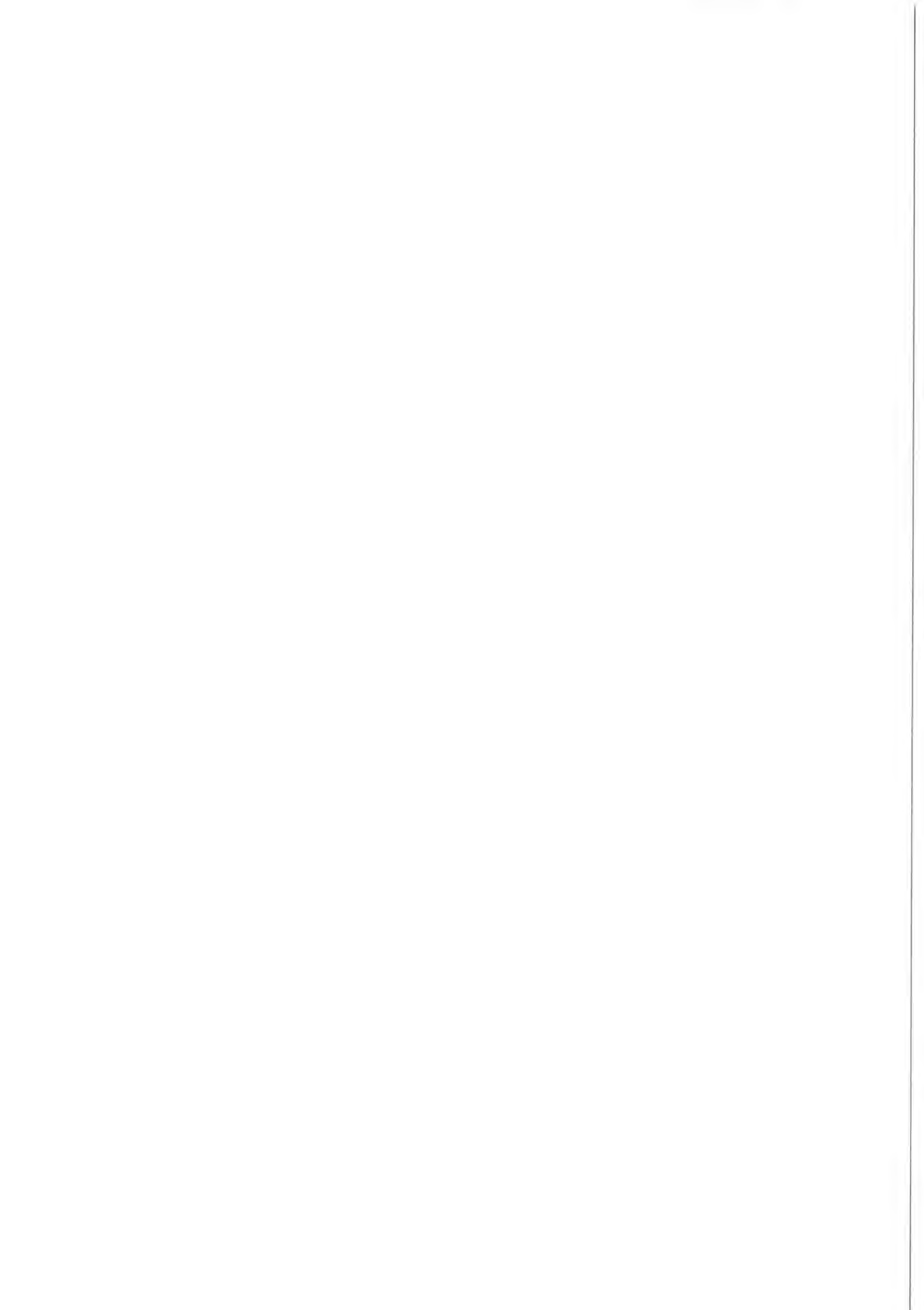
AD500 ANDORRA LA VELLA

Phone: + 376 806930

Fax: + 376 869669

[caa@cada.ad](mailto:caa@cada.ad)

[www.cada.ad](http://www.cada.ad)





## AUSTRIA

### 1. LEGISLATION

Civil Mediation Law Gazette No. 29/2003 (Zivilrechts-Mediations-Gesetz – ZivMediatG, BGBl. I Nr. 29/2003). This standard is completed with the Zivilrechts-Mediations-Ausbildungsverordnung of 2004. The transposition of the 2008 Directive is also completed with the EU-Mediationsgesetz of 2011 and through the introduction of a precept, the 433, in the Zivilprozessordnung of 1950.

### 2. TRAINING

Training takes place in registered training organizations including universities.

Article 29 of the Act: The Federal Minister of Justice has established the training modalities for mediators after consultation with the Advisory Council for mediation.

The theoretical part of the training, divided into different courses, including 200- 300 training units, the application-oriented part with 100-200 training units. It will include, in particular:

1. The theoretical part:

- a) An introduction to the history, problems and development of mediation, including assumptions and models;
- b) Procedure, methods and phases of mediation with special consideration for negotiation and solution-based approaches;
- c) Principles of communication, questioning techniques and negotiation and facilitation with particular consideration to the conflict situations;
- d) Conflict analysis;
- e) Mediation areas of application;
- f) Theories of personality and types of psychosocial intervention;
- g) Ethical issues in mediation, in particular, the mediator's stance.
- h) legal, in particular civil, mediation issues and conflict-related legal matters that are particularly eligible for mediation;

2. The application-oriented part:

- a) Self-awareness and practical seminars on mediation techniques, using role-playing exercises, simulation and reflection;
- b) Group work
- c) Case studies and participation in supervised practice in mediation.

The required time for professional training and practice considered as appropriate.

A 50-hour continuous training accredited by the Federal Minister of Justice is expected in 5 years.

### 3. ENFORCEABILITY

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

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

### 4. JUDICIAL RECOGNITION

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.

### 5. SCOPE OF ACTION

Mediation is expected in the area of civil law (especially in family matters)

### 6. REQUIREMENTS FOR MEDIATORS

There are no specific rules for mediators and there is no code of conduct. Mediators are not registered as specialising in a given area, such as family, medical or building disputes, but details of the areas in which a registered mediator works can be entered separately. Anyone who has completed the specific training and who meets the [requirements](#) can be listed as a registered mediator. There are no legal restrictions on who can use the professional title of 'mediator'.

Prerequisites to registration (Article 9 of the Act):

- Candidates must submit a written request to the Federal Ministry of Justice
- Minimum age of at least 28 years
- Professional qualifications
- Criminal record Certificate not older than three months, stating that there are no criminal records.
- Have signed a liability insurance (under Austrian law), with a minimum coverage of 400,000 Euro (Article 19 of Act 29/2003).
- Indication of where mediation is exercised





A mediator can be considered technically qualified when (Article 9 of the Act):

- Has received an appropriate training.
- Has knowledge and mediation skills.
- Is familiar with legal and psychosocial issues.

Knowledge and skills of certain profession members, especially psychotherapists, clinical psychologists and health psychologists, lawyers, public notaries, judges, prosecutors, public accountants, civil engineers, social counsellors, social workers, university advisors or teachers will be considered when assessing the technical qualification.

## 7. ROLE OF THE BAR ASSOCIATIONS

FBE members in Austria:

- Innsbruck
- St. Pölten
- Viena

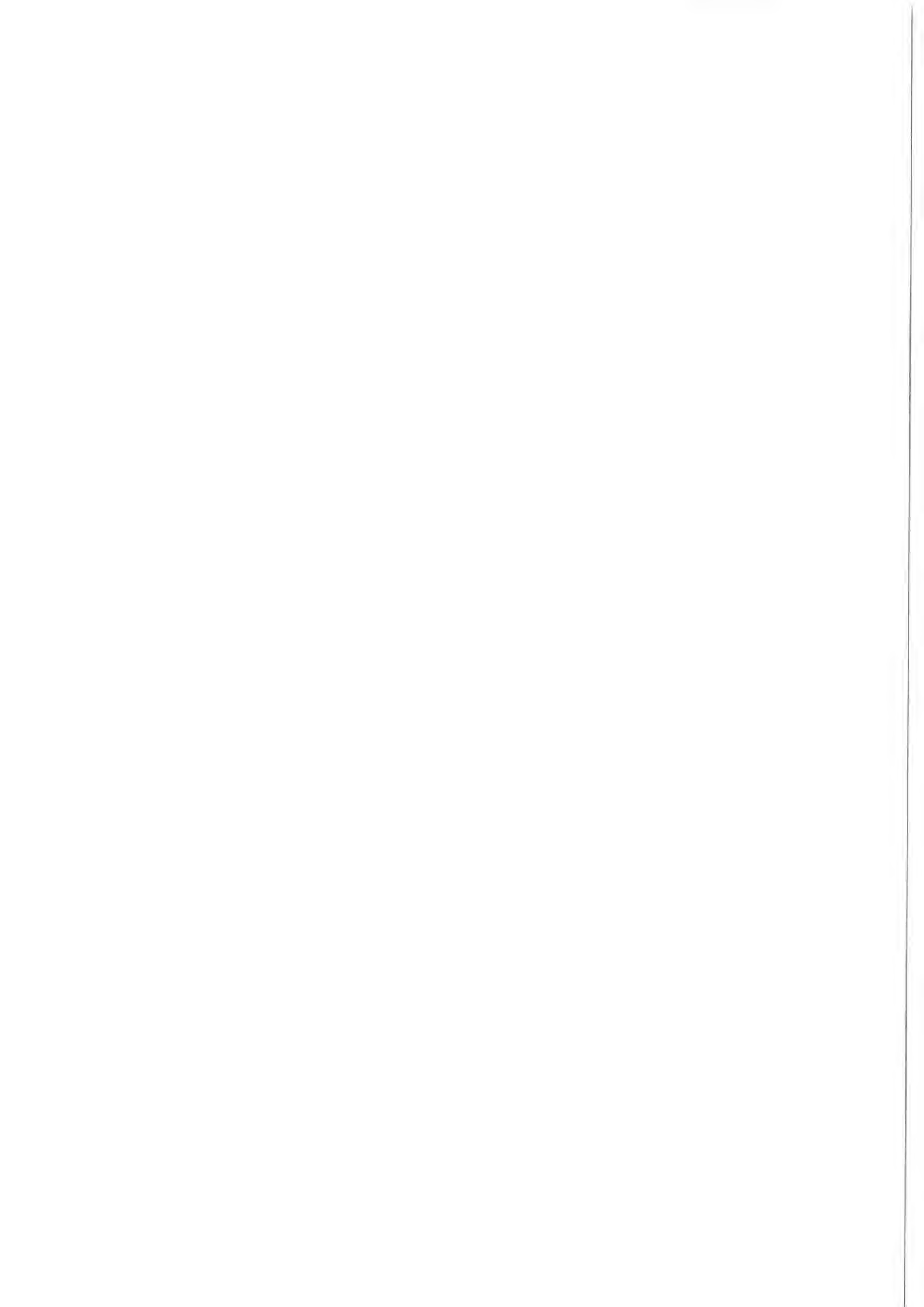
## 8. MEDIATION CENTRES

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 organizations offering support to mediators.

***IS A UNIVERSITY DEGREE REQUIRED? (PROFESSIONAL QUALIFICATIONS)  
ROLE OF THE BAR ASSOCIATIONS***





## BELGIUM.

**INTRODUCTION:** Mediation is carried out in presence of all of the parties involved (together or separately).

The mediator is an expert conflict issue: he/she may be a lawyer, a notary public, a certified public accountant, an engineer, an architect or any other specialised expert.

During mediation, any of the parties may be assisted by a lawyer or another expert. Initially, the mediator cannot give a personal opinion, despite knowing law professionally, since this would waive his status of neutrality.

**1-LEGISLATION:** Despite that the general regulations are found in the articles 1724-1737 of the Code Judiciaire, of 10 October 1967, since 2005 there are also a few specific regulations, such as the act referring to the continuity of companies, of 31 January 2009; the law referring to patients' rights, of 22 August 2002; articles 1675-2 et seq. of the CCP (*médiation de dette — schuldbemiddeling*); as well as the regulations introduced in the latest modification of the CCP in 2011, referring to the need to inform the parties of potential mediation in divorce cases.

### **2-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

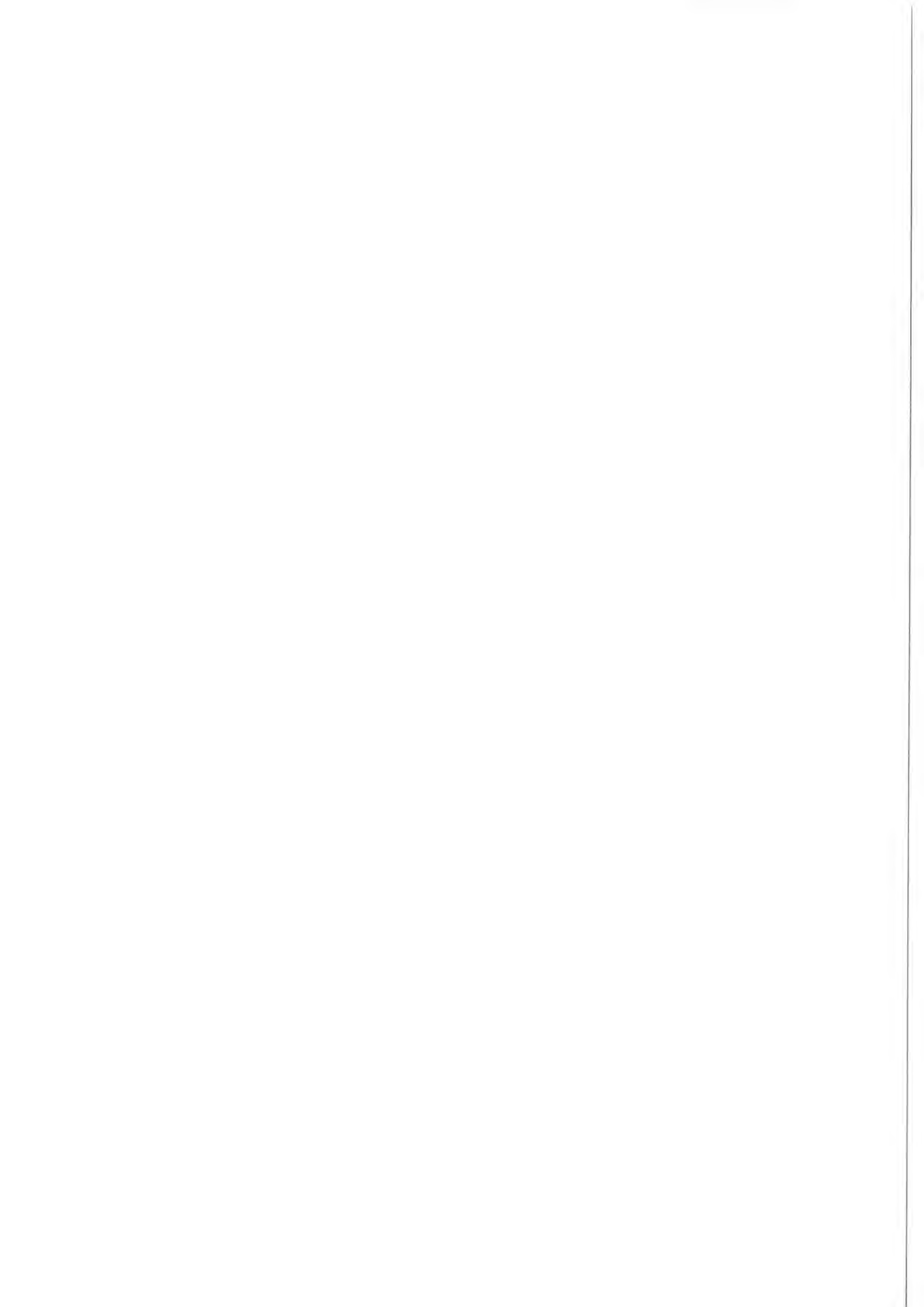
Continuing training:

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

### **3-ENFORCEABILITY:**

Recourse to mediation is a **voluntary choice by the parties**, and there is no in the event no agreement is reached. Under the recent provisions of family law, the judge is required to inform the parties of the existence and potential of mediation and the options it offers.

**4-JUDICIAL RECOGNITION:** 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.

**5-SCOPE OF ACTION:** Mediation is **admissible** in:

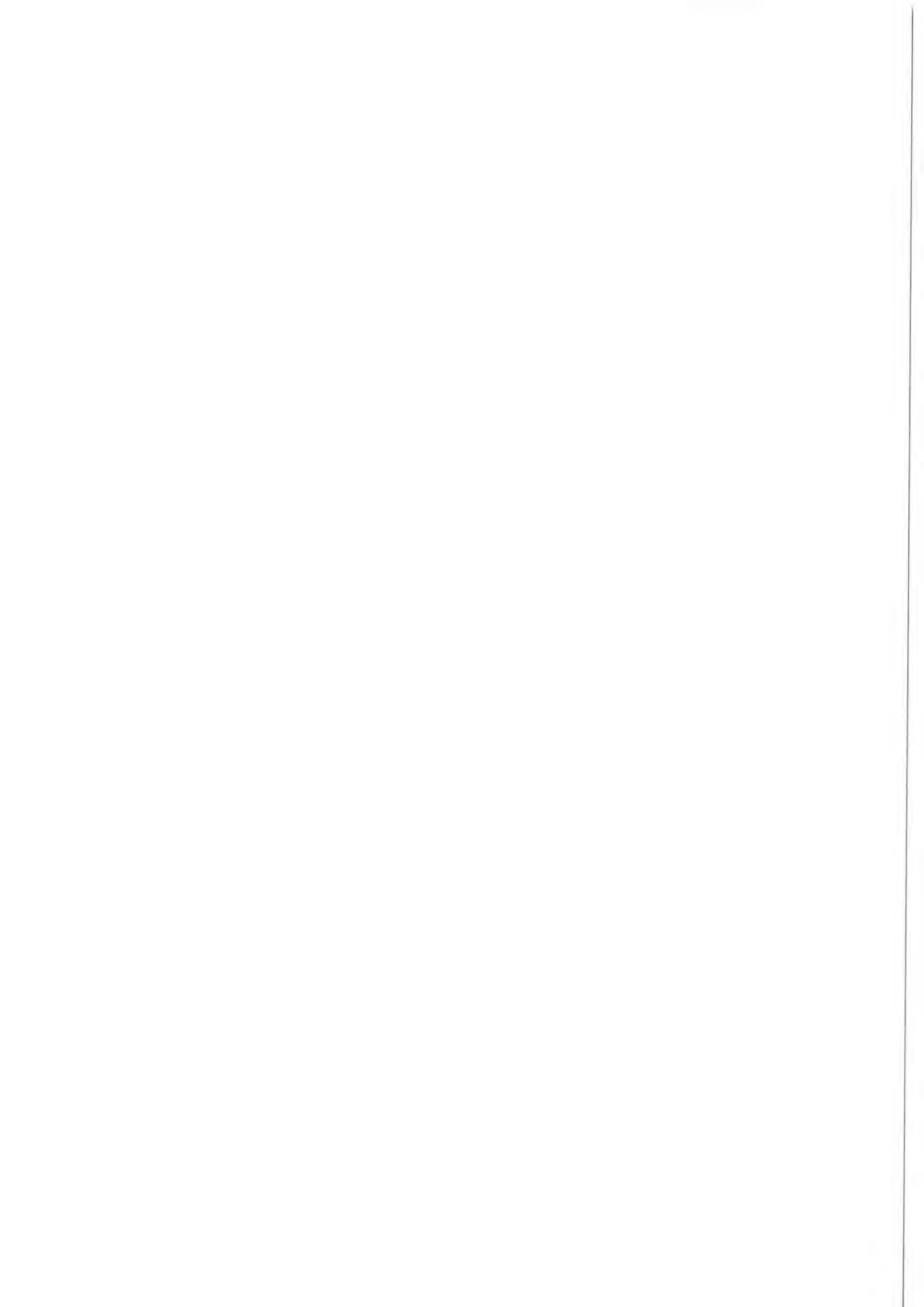
- Civil law (including family disputes);
- Commercial law
- Labour law
- Victim-offender and restorative mediation also exists but these areas do not fall within the jurisdiction of the Federal Mediation Commission.

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

**6-REQUIREMENTS FOR MEDIATORS. (PENDING)**

**7-THE ROLE OF THE BAR ASSOCIATIONS. (PENDING)**

**8-MEDIATION CENTRES. (PENDING)**





## BULGARIA

### **1.-LEGISLATION**

These activities are regulated by the Mediation Act 2004, completed and modified in 2007 and 2011. There are also a few specific regulations that may be interesting for mediation, such as articles 140 (3), 321 and 374 (2) of the Code of Civil Procedure of 2008; article 123 (2) of the Family Code of 2009; article 40 of the Copyright and Related Rights Act of 1993; articles 182 et seq. of the Consumer Protection Act of 2005, or articles 128 et seq. of the Payment Services and Payment Systems Act of 2009.

### **2.-TRAINING (PENDING)**

### **3.-ENFORCEABILITY**

Mediation is entirely voluntary. Although mediation provides an alternative means of resolving a dispute without going to court, it is not a prerequisite when initiating court proceedings.

Article 5 of the Mediation Law establishes that "The parties shall have equal opportunities to participate in a mediation process. They shall participate in the process of their own free will and may withdraw at any time."

There is no specific code of conduct for mediators. However, provisions on ethical standards are contained in the Law of Mediation and Regulation No. 2 of 15 March 2007, which sets out the conditions and process of approving organisations that provide mediation.

### **4.-JUDICIAL RECOGNITION**

According to Directive 2008/52/CE, which aims to encourage and facilitate 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.

Member states shall communicate this to the courts and other authorities competent to receive such requests.

Article 18 establishes that the agreement concerning a dispute within the meaning of article 1 of this act reached in a mediation process shall be subject to approval by regional courts in the country.

The court shall approve the agreement, once acknowledged by the parties, if it does not contradict the law or the principles of morality.

## **5.-SCOPE OF ACTION**

Article 3 of the law establishes that the subject of mediation may be civil, commercial, labour, family and administrative disputes related to consumer rights.

Article 4 of the law establishes that mediation shall be implemented by natural persons. Such persons may associate for the purpose of implementing of the activity. No persons performing functions of administration of justice in the judiciary system may operate in the mediation.

## **6.- REQUIREMENTS FOR LAWYERS**

1. Has not been convicted for criminal offences
2. Has successfully undergone his training
3. Has not been deprived of the right to exercise a profession or conduct an activity
4. Has a permit for long-term or permanent residence in the Republic of Bulgaria, in the event the person is a foreign national
5. Has been entered in the Uniform Register of Mediators with the Minister of Justice

The Minister of Justice shall issue a certificate to the mediator ascertaining his/her entering in the Uniform Register of Mediators

The Minister of Justice shall approve by issuing an order the organizations which deliver training to mediators. The terms and conditions for their approval, as well as the requirements for mediation training are to be defined in an ordinance of the Minister of Justice.

## **7.-THE ROLE OF THE BAR ASSOCIATIONS (PENDING)**

## **8.-MEDIATION CENTRES (PENDING)**





## CZECH REPUBLIC

### 1. LEGISLATION

Mediation is now 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. It is completed with the Civil Procedure Code (CPC of 1963)

### 2. TRAINING

The Act 202/2012 establishes that in order to act as a mediator it is required to have a Bachelor's Degree in Education or Master in the Czech Republic or acquired abroad through similar education.

A registered mediator acting in accordance with Act No 202/2012 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 must successfully complete a qualifying examination.

The content of the tests is intended to verify the knowledge and needed professional skills to act as mediator and other forms of alternative dispute resolution.

Training in the area of non-criminal mediation is offered by a range of bodies and educational institutions.

### 3. ENFORCEABILITY

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.

The Act of 202/2012 establishes a new legal regime for mediation in civil matters. Among its most important features are the following:

The mandatory nature of the first mediation session (lasting more than three hours), if ordered by a court (Section 100 (3) of the Code of Civil Procedure, as amended); then the court may stay the proceedings for up to three months

### 4. JUDICIAL RECOGNITION

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.

## **5. SCOPE OF ACTION**

Mediation is admissible in every area of law, except where it is excluded by legislation. This includes family law, commercial law and criminal law.

## **6. REQUIREMENTS FOR MEDIATORS**

Requirements for certified "mediators" are set (the registry shall be maintained by the Ministry of Justice).

According to Article 16 of the Act 202/2012 on mediation conditions to register as a mediator are:

- a) being competent to perform legal acts,
- b) having no criminal record,
- c) having a university education in the Czech Republic or has a similar international university education recognised by an international treaty or law.
- d) having passed a Mediator's examination by the Ministry of Justice or by the Czech Bar Association.
- E) has not been struck off the Register in the manner according to Section 22 (4) in the last 5 years prior to filling an application (concerning expiration of authorisation).

## **7. THE ROLE OF BAR ASSOCIATIONS**

FBE Bar Associations members: Prague

The Czech Bar Association has its own ADR Section and a board counselling body

## **8. MEDIATION CENTRES**

The Probation and Mediation Service of the Czech Republic 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 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, held by the Ministry of Justice, is to be published shortly.

A number of other non-governmental organisations (NGOs) and entities work in the area of mediation.



## FRANCE

**1.-LEGISLATION:** Family mediation in France was implemented and developed after the 1980s, more specifically in 1986, using the experience from Québec (Canada), after a team of marriage counsellors and therapists were trained in mediation by part of the Montréal Family Mediation Institute. It began as private practice within associations that were concerned about family affairs, just like in the United Kingdom. In France, mediation was legally recognised in 1995 by Law 125/1995, of 8 February, related to the organisation of the jurisdictions and civil, criminal and administrative procedure (more specifically, article 21). This law was developed in 1996 with Decree 96-652, of 22 July, related to conciliation and judicial mediation. This regulation does not refer solely to family mediation nor does it include it in its entirety, since it leaves out extrajudicial mediation; but both texts have great relevance insofar as they indicate to the judge that he may intervene in a different way to the resolution of the case with a decision issued from his authority, and despite them emerging from the prior consensus from the parties, they give enormous importance to the judge. On 5 March 2002, the "Law on parental authority" came into force, introducing the following precept into the French Civil Code (art. 373.2.10): "in the event of a disagreement, the judge will try to reconcile the parties. In order to facilitate the search of a consensual exercise of parental authority by the parents, the judge may propose a mediated solution and, after having obtained their consent, will designate a family mediator for this purpose. Additionally, he may order them to go to a family mediator to obtain information on this subject and the development of this measure". This is the first legal text that expressly references family mediation, a major step in order to achieve a regulation like the one being proposed by the EU, which will be later analysed. In addition, since December 2nd, 2003, there is a "State Diploma for family mediation" in France, which attributes the necessary competences to whomever obtains it in order to intervene as a mediator in situations of marital crisis with the purpose of favouring the reconstruction of the family environment.

There is also an «ethics code» of mediators on a national scale.

The Paris Chamber of Commerce and Industry has elaborated a code of conduct and is in charge of its regulation.

In the area of family affairs, whether it is by personal adhesion or adhesion to their employers, family mediators are guided by the **ethics code or letters** by the two member associations of the family-mediation bodies, the **Family Mediation Association (APFM)** and the **National Federation of Family Mediation Associations (FENAMEF)**. These codes or letters gather the «ethical rules of family mediation» adopted on 22 April 2003 by the CNCMF. And so, as indicated on their website, «the APMF promulgates the ethics code of the profession, which establishes the ethical regulations of professional practice and the conditions of exercising family mediation in France. The Code is binding for all professionals».

The FNCM, (**National Federation of Mediation Centres**) adopted an «ethics code» based on the «European Code of Conduct for Mediators».

**2.-TRAINING:** At present French legislation does not make any provision for specific training in mediation, except in family matters, where a **family mediator's diploma** was introduced by the decree of 2 December 2003 and a ministerial order of 12 February 2004.

In regards to family mediation, training by authorised centres and a diploma issued by the regional prefect or successfully passing certification tests of the acquired skills are required. The training must be carried out at centres authorised by the **Regional Health and Social Affairs Board**, the DRASS. In these centres, students undergo 560 hours of training spread over three years, with at least 70 hours of practice. The training ends with an examination.

### **3.-ENFORCEABILITY:**

The mediation recourse is subject to **prior agreement of the parties**.

However, when a court lawsuit is filed, «the judge aware of this issue, upon receiving the agreement from the parties, may designate a third-party to listen to and compare their points of view so they can find a solution to the dispute» (article 131-1 of the Civil Procedure Code).

The judge may also order the parties, only in the context of determining the exercise of parental authority or provisional measures on the subject of divorce, to attend a meeting to learn about mediation, free for all parties and which cannot be subject to any individual sanction (articles 255 and 373-2-10 of the Civil Code).

Ordinance 2011-1540, of 16 November 2011, incorporate Directive 2008/52/CE to French law, establishing a framework intended to incite parties to find, with help by third-parties, a mediator, a friendly solution to the disputes on going between them, extending their application not just to cross-border mediations but also to internal mediations, except in the case of disputes that have emerged in a context of a labour contract and real administrative law.

The Ordinance of 16 November 2011 modified the aforementioned Act of February 1995, with the purpose of establishing a general framework for mediation. The Ordinance offers a definition of the concept of mediation, specifies the skills that the mediator must meet and recalls the confidentiality principle of mediation, essential for its success.

**4.-JUDICIAL RECOGNITION:** In the case of extrajudicial mediation, article 1565 of the Civil Procedure Code states that with the purpose of conferring executive power to the agreement reached by the parties, it may be subjected to approval by the competent judge to learn about the type of lawsuit in question.

When mediation is carried out within the framework of a judicial process, article 131-12 of the Civil Procedure Code states that, at the parties' request, the judge of the lawsuit will homologate the agreement submitted to him by the parties.



Article L. 111-3 1 of the Civil Execution Procedures Code states that the agreements reached by judicial or extrajudicial mediation to which the civil jurisdictional or administrative bodies confer enforceability, shall be enforceable.

**5.-SCOPE OF ACTION:** Under French law, parties may refer a matter to mediation in any area of law, provided the mediation does not undermine «**rules of public policy**». For example, it will not be possible to conclude a mediation agreement in order to circumvent mandatory rules on marriage or divorce.

Mediation is exercised especially in **family matters** (competent judge in family affairs through a family mediator) and in **minor lawsuits** (procedures before a local magistrate or a court of first instance and instruction, through a legal conciliator).

**6.-MEDIATOR REQUIREMENTS:** (PENDING)

**7.- THE ROLE OF BAR ASSOCIATION:** (PENDING)

**8.-MEDIATION CENTRES:**

There is no central or governmental authority responsible for regulating the mediator profession and, for now, there are no plans to create one.

There are some non-governmental organisations who carry out their activities in the field of family affairs.

- The [APME](#) (**Association for Family Mediation**) had 700 members in 2012, mostly family mediators. It provides an easily accessible directory of mediators for each region.

- The [FENAMEF](#) (**Fédération Nationale des Associations de Médiation Familiales — National Federation of Family Mediation Associations**) covered more than 480 meeting places for family mediation in 2012, and offers a list of mediation services.

- CMAP (**Paris Mediation and Arbitration Centre**), specialised in lawsuits between (large) companies.

- IEAM (**Institute of Expertise, Arbitration and Mediation**), grouped more than 100 court experts and specialists working in dispute resolution in the areas of economics and finance, law and taxation, medicine, building and public works, industry, raw materials and transport.

- FMCML (**Federation of Mediators and Professional Project Coordinators**), brings together around 100 experts who can act as mediators alongside their role in giving expert opinions in a number of areas (building, property, industry, services, the distributive trades, social affairs and taxation, information technology, the environment, and, medicine and alternatives medicines), and whose mediation activity completes their expertise work in different fields.

- **FNCM (National Federation of Mediation Centres)**, represented 79 bar association mediation centres, organised along regional lines. The members are mainly lawyers; the

Federation has the support of the National Council of Bar Associations (CNB), and has numerous contacts in the world of the courts. A directory is available on its website.

- **ANM (National Association of Mediators)**, founded in 1993 and represents about 20 associations and about 300 members grouped in 11 regional delegations. It has drawn up a national code of conduct for mediators.



## GERMANY

### 1. LEGISLATION

It is governed by the law on mediation of 26 July 1012 (*Gesetz zur Förderung der Mediation und anderer Verfahren der außergerichtlichen Konfliktbeilegung*). 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. 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. This regulation is completed with the 15th EGZPO, by Law of 15 December 1999, allowing *mandatory pre-trial* meditation in certain civil conflicts, and also coexists with standards set out in the ZPO and the BGB.

### 2. TRAINING

A "certified mediator" requires at least 120 hours of intensive training.

Concerning the mediator initial and regular continuing training (to become a certified mediator): The mediator himself shall be responsible for ensuring that by virtue of appropriate initial training and regular continuing training, he possesses the theoretical knowledge and practical experience to enable him to guide the parties through mediation in a competent manner. The initial training shall comprise:

- Knowledge about the fundamentals of mediation as well as the process and framework conditions therefore.
- Negotiation and communication techniques,
- Conflict competence.
- Knowledge about the law governing mediation.
- Practical exercises, role playing and supervision.

Certified mediators shall undergo continuing training in accordance with the requirements of the Federal Ministry of Justice.

### 3. ENFORCEABILITY

According to the law, the mediation is a confidential and structured process in which the parties strive, on a voluntary basis and autonomously, to achieve an amicable resolution of their conflict with the assistance of one or more mediators. The parties can terminate mediation at any time.

### 4. JUDICIAL RECOGNITION

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.

In principle, a mediation agreement can be enforced with the assistance of a lawyer or notary (cf. sections 796a to 796c and section 794(1)(5) of the Code of Civil Procedure). During the mediation procedure, the limitation periods are suspended.

## **5. SCOPE OF ACTION**

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.

Examples of mediation areas of application in Germany:

Family matters, particularly in relation to separation or divorce.

International cases, such as cases of custody and access rights.

Disputes related to inheritance.

Economy.

Civil law (neighbourhood, leasing, consumer rights)

Construction rights.

Public administration (focused on environmental mediation).

Labour law.

Conflicts between doctor and patient.

Criminal law, on victim/ofender mediation.

Schools (school mediation).

Political conflicts

## **6. REQUIREMENTS FOR MEDIATORS**

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.

The Federal Ministry of Justice is empowered to make regulations introducing additional training and further development criteria for the profession. In such an instance, persons having successfully completed a form of training corresponding to the prerequisites of that legislation would henceforth be entitled to use the professional title 'certified mediator' (*zertifizierter Mediator*). No formal initiative is envisaged for the time being.





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

## 7. THE ROLE OF BAR ASSOCIATIONS

FBE members in Germany:

BERLIN

BRAUNSCHWEIG

CELLE

DRESDEN

FRANKFURT AM MAIN

FREIBURG

HAMM

KASSEL

COLOGNE

NUREMBER

TÜBINGEN

## 8. MEDIATION CENTRES

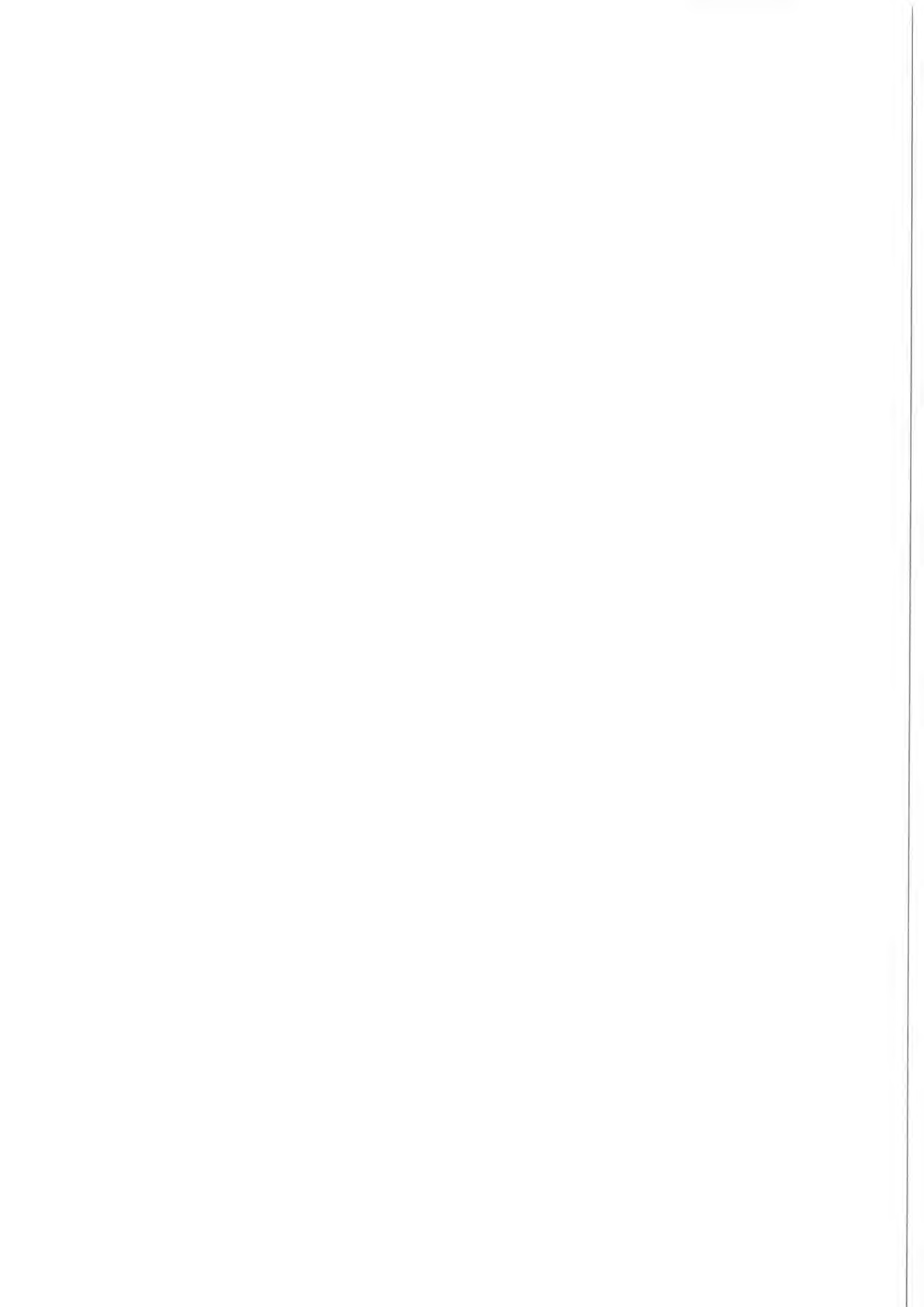
Many organizations provide mediation services. Please see below for a non-exhaustive list of some of the larger associations:

[Federal Association for Family Mediation](#) (Bundes-Arbeitsgemeinschaft für Familien-Mediation e.V., BAFM) Rosenthaler Straße 32, 10778 Berlin, Germany

- [Federal Association for Mediation](#) (Bundesverband Mediation e.V., BM), Kirchweg 80, 34119 Kassel, Germany
- [Federal Association for Economic and Professional Mediation](#) (Bundesverband Mediation in Wirtschaft und Arbeitswelt e.V., BMWA), Prinzregentenstr 1 86150 Augsburg, Germany)
- [Centre for Mediation](#) (Centrale für Mediation GmbH & Co. KG, CfM) Gustav-Heinemann-Ufer 58, 50968 Cologne, Germany
- German Bar Association (Arbeitsgemeinschaft im Deutschen Mediation Anwaltverein, Littenstraße 11 10179 Berlin, Germany)

These associations will support parties wishing to use a mediator.

### *The Role of Bar Associations*





## GREECE

### **1.-LEGISLATION:**

Mediation as a new institution joined Greek legislation under Law 3898/2010 (Government Gazette No. 211, 16.12.2010) on "Civil and Commercial Mediation", which considers private legal disputes may be subject to mediation, either before or during the procedure.

### **2. TRAINING:**

Under article 4 of the Act 3898/2010 "a mediator must be a lawyer, accredited as a mediator in accordance with article 7. First of all, only lawyers may act as mediators in Greece. Thus, other professional groups, such as psychologists, economists and sociologists, will be excluded from the exercise of mediation in civil and commercial matters.

Also, it seems that mediation in Greece will be oriented to lawyers with several years of experience, not to law students, who may not consider may not become a mediator before 18 months of practice and once they have passed the required examinations to be able to register as lawyers in the national Bar Association.

However, according to the same article 4, the prerequisite of being a lawyer is not necessary in the case of a cross - border dispute. An exception to the general rule requirement of being a lawyer to mediate, approaching this way the Greek regulation to the provisions of Directive 2008/52/EC, which defines the mediator "regardless of their denomination or profession in the Member State concerned" (article 3.b).

### **3. ENFORCEABILITY:**

Mediation is possible if:

- a) The parties agree to mediation, once the dispute arises, before or after legal proceedings.
- b) An invitation is sent to the parties to use mediation.
- c) A court in another Member State orders mediation.
- d) Mediation is required by law.

Recourse to mediation excludes temporarily, and until its finalisation, the proceedings before courts.

The judicial body, where the case is pending, if appropriate and taking account of all aspects of the case, may propose to the parties to use mediation to resolve the dispute at each stage of the trial. Provided that the parties are agreed, the court will suspend obligatorily the case, fixing a new date between three and six months.

#### **4. JUDICIAL RECOGNITION:**

After mediation, a mediation record is signed by the mediator, the parties and their lawyers. At the request of at least one of the parties, the mediator ensures that the original record is deposited with the secretariat of the single-member court of first instance of the region where the mediation took place. This requires payment of a fee, the base and adjusted amount of which have been established by a joint decision of the Minister for Finance and the Minister for Justice, Transparency and Human Rights. If mediation fails, the mediation record may be signed by the mediator alone.

Once deposited with the secretariat of the single-member court of first instance, the mediation record is an enforcement order as provided for in Article 904(2)(c) of the Code of Civil Procedure if it includes an agreement between the parties on an enforceable demand.

A legally mediation process suspends the time-barring period and the limitation period for demands until complete. Subject to Article 261 ff. of the Civil Code, suspended time-barring and limitation periods resume once a record of failed mediation is drawn up or one of the parties serves the other party and the mediator with a notice or other act ending the mediation process. Under Article 10 of Directive 2008/52/EC, requests should be submitted to the secretariat of the single-member court of first instance of the region where mediation took place, which is competent authority (as provided for in Article 6(1) and (2) of the Directive).

#### **5. SCOPE OF ACTION:**

Disputes submitted to mediation:

- Civil and commercial law.
- Protection of consumer's rights.
- Labour law.
- In cases with victims of domestic violence (Law 3500/2006).
- For certain offences as provided for in Law 3094/2010.

#### **6.- REQUIREMENTS FOR MEDIATORS. (PENDING).**

#### **7. THE ROLE OF BAR ASSOCIATIONS. (PENDING).**

#### **8. MEDIATION CENTERS. (PENDING).**



## HUNGARY

### 1. LEGISLATION

Act LV of 2002 on Mediation (*a közvetítői tevékenységről szóló 2002. évi LV. törvény*). Korm in child protection matters (*Korm rendelet a gyámhatóságokról, valamint a gyermekvédelmi és gyámügyi eljárásról, Magyar Közlöny 1997/78*)

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*).

### 2. TRAINING

A university degree and professional specialization is required for at least 5 years.

In practice, usually sociologists, psychologists and lawyers occupy these functions.

### 3. ENFORCEABILITY

The law as it stands does not make it compulsory for parties to use alternative dispute resolution mechanisms to settle disputes.

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).

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](http://birosag.hu/engine.aspx?page=Birosag_showcontent&content=Birosagi_kozvetites))

### 4. JUDICIAL RECOGNITION

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.

The start of a mediation process interrupts the limitation period.

## **5. SCOPE OF ACTION**

Under Act LV of 2002 on Mediation, the parties (natural persons, legal persons, business entities without legal personality, other organisations) to a civil dispute connected with their personal and pecuniary rights may, if they so agree and if the law does not limit their right of disposition, use a mediation procedure to seek resolution. The law 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.

## **6. REQUIREMENTS FOR MEDIATORS**

The Ministry of Justice maintains a register of mediators, also containing the names of legal persons and unincorporated business associations employing mediators.

To be admitted to the register the applicant must:

- a) have a degree in higher education and at least five years experience in the respective field,
- b) have no prior criminal record,
- c) not to be under guardianship or conservatorship or be otherwise incapacitated.

Upon admission of a mediator in the register, the Ministry shall issue a license to certify that the person \_\_\_\_\_ in question is authorized to act as a mediator.

There is no requirement to complete mediation training according to the 2002 Act on Mediation. Relevant regulations allow, in addition to intermediaries in contacts with other EEA countries established in Member States (ie those living in the European Economic Area) that a mediator can act on a current case in Hungary. However, this requires that foreign mediators announce their intention to provide such services to the Ministry; giving this authority for one year.

## **7. THE ROLE OF BAR ASSOCIATIONS**

FBE association members: Budapest



## **8. MEDIATION CENTRES**

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.

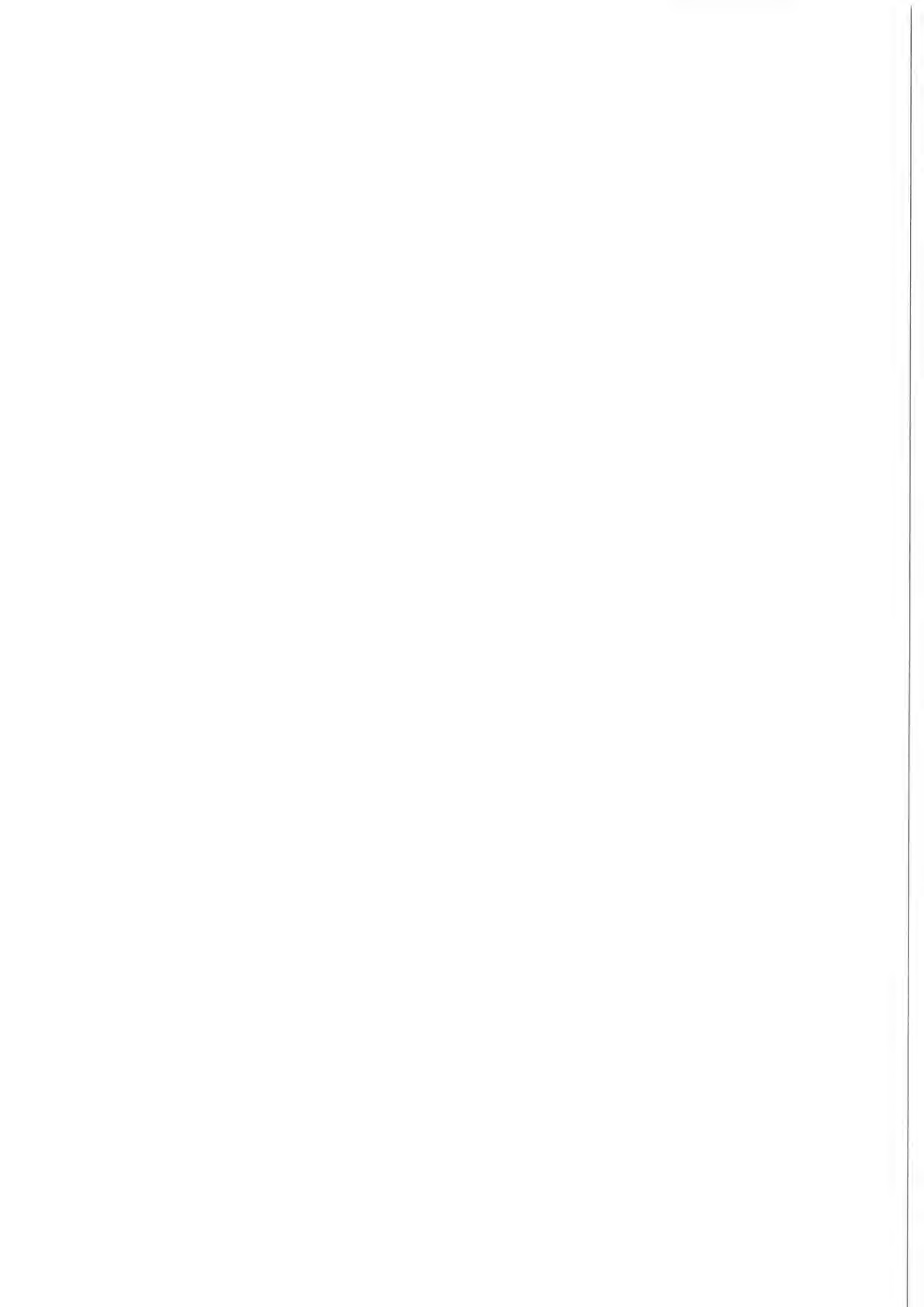
For legal entities, searches are based on name, county and abbreviated name.

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).

## **THE ROLE OF BAR ASSOCIATIONS**







## ITALIA

1. **LEGISLATION** Currently, civil and commercial mediation is governed under the Legislative Decree 28/2010 and the Ministerial Decree 180/2010.

2. **TRAINING** To be mediator you must meet the requirements set out in Article 4 paragraph 3 letter b) of the Ministerial Decree 180/2010, namely hold a diploma equivalent to three-year studies or university diploma, alternatively, be enrolled in a professional association; possess specialized and continuous training at least every two years - acquired in training bodies accredited by the Ministry of Justice; participate in the biannual revision of at least twenty cases of assisted mediation regime practices.

Training bodies, issuing the certificate of the training of mediators, public or private subjects are recognized by the Ministry of Justice, after verification of compliance with certain requirements.

3. **ENFORCEABILITY** Since 20 March 2010, in Italy it is compulsory to make an attempt at mediation before taking the matter to a civil court. The main reason for this newness is the willingness to lighten the load of the judicial machinery, which requires too many years to reach a final judgement. In fact, the excessive length of proceedings frustrates civil justice, so the European Union has scheduled a specific provision that has conditioned the European legal area. The need to shorten processing times has produced a paradoxical result that probably has not yet been studied in depth (Carrara, 2011: 145). In fact, the idea of mandatory mediation is not always convincing. While it makes sense to mediate between people who want to reach an agreement, you can not force someone to agree with his/her opponent. Especially if rights that we are hardly willing to give up without a fight, are at stake.

4. **SCOPE OF ACTION:** You can use mediation agencies for out-of-court resolution of all civil and commercial matters related to available rights.

5. **JUDICIAL RECOGNITION** According to Article 12 of the Legislative Decree 28/2010, the record of the agreement, provided that its content is in accordance with public order and mandatory legislation, must be approved at the request of a party, by the president of the court in the agency mediation district. In cross-border disputes referred in Article 2 of the 2008/52/EC Directive of the European Parliament or of the Council, the record must be approved by the president of the court in the agency mediation district.

The approved agreement record constitutes an enforceable document for the purposes of expropriation, specific execution and registration of legal mortgage title.

6. **REQUIREMENTS FOR MEDIATORS (PENDING)**

## **7. THE ROLE OF BAR ASSOCIATIONS (PENDING)**

**8. MEDIATION CENTRES:** Mediation services are provided by mediation organisations which may be public or private and which are entered in a register of mediation organisations kept by the Ministry of Justice.



## LUXEMBURG

### 1. LEGISLATION

Mediation is governed under the New Code of Civil Procedure through the Act on mediation in civil and criminal matters of 24 February 2012. This Act is supplemented by the regulation of 25 June 2012.

### 2. TRAINING

Mediators come from all sectors of economic activity (business leaders, jurists, lawyers, accountants, auditors, engineers ...).

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
- training in mediation recognised by a Member State of the European Union.

The "specific training in mediation", includes at least 150 hours of theoretical and practical program.

The theoretical program with at least 40 hours, includes the following: 1. mediation: definition and description of mediation; 2. Legal aspects of mediation (the Luxembourg law on mediation, ethics of mediation as determined by the Code of Conduct for Mediators in the European Union); 3. mediation tools (EA techniques, analysis, negotiation, listening); 4. the mediation process.

The practical program, with at least 50 hours, is in the form of practices and / or role playing exercises.

### 3. ENFORCEABILITY

Recourse to mediation is entirely voluntary.

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

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 either party may suggest to the other 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 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;
- to resolve the difficulties arising from the offence; or
- to 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.

#### **4. JUDICIAL RECOGNITION**

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.

#### **5. SCOPE OF ACTION**

Mediation is admissible mainly in:

- Administrative matters,
- Criminal matters,
- Family matters,
- Commercial matters,
- Disputes between neighbours.

#### **6. REQUIREMENTS FOR MEDIATORS**

##### 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.

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 General State Prosecutor.

##### Mediator in civil and commercial matters



Governed under the Act of 24 February 2012 which incorporated mediation in civil and commercial matters into 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. The Law is complemented with 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.

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.

As for mediators' 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 laid down by the Act of 24 February 2012 which incorporated mediation in civil and commercial matters into the New Code of Civil Procedure as well as the conditions foreseen in the 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 1251-1 paragraph 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 of residence 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:

o

- o 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
- o 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 aforementioned; or
- o training in mediation recognised by a Member State of the European Union.

## **7. THE ROLE OF THE BAR ASSOCIATIONS**

Bar associations that are part of the FBE: Luxembourg

The Bar Association has a Mediation Centre. CMBL

## **8. MEDIATION CENTRES**

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 Ombudskomitee fir t'Rechter vun de Kanner (Ombudsman Committee for the Rights of the Child), the following legal associations are engaged in mediation:

- Luxembourg Association of Mediation and Approved Mediators (ALMA asbl);
- The Centre for Mediation of the Luxembourg Bar (CMBL asbl);
- The Mediation Centre (asbl);
- Family Welfare Mediation Centre (run by the Pro Familia foundation);

*IS A UNIVERSITY DEGREE REQUIRED?*



## NETHERLANDS

### 1. LEGISLATION

Mediation in civil and commercial matters is governed by the Act of 15 November 2012, although it applies only to cross-border disputes. This Act is completed with a few specific regulations, such as articles 900-906 of the Civil Code, where provisions on settlement agreements (*vaststellingsovereenkomst*) are embodied in Book 7, Title 15, and Procedural Code, articles 815 to 818, regarding divorce proceedings, and 1013-1018, on mass claims.

### 2. TRAINING

The NMI (Dutch Mediation Institute) manages a national register of mediators which includes only qualified mediators. These mediators will have completed a basic mediation training recognised by the NMI and then passed a theory exam and an assessment. NMI registered mediators are required to keep their knowledge and skills up to date, and this will be verified by the NMI.

Mediators wishing to be included in the NMI register must fulfil two basic requirements:

- Successful completion of the mediation training accredited by the NMI
- Passing an assessment of relevant knowledge

The NMI has accredited several mediation training institutes. Their training programmes vary from a six-day (plus a few afternoons) basic course to courses lasting 20 days or more. Successful completion of one of these training courses is one of the two basic conditions for admission to the NMI Register of Mediators. The second basic condition for admission is to pass the test of relevant knowledge. Once registered they shall have the specific training and qualifications to act as mediators.

### 3. ENFORCEABILITY

Art 5 of the NMI Mediation Rules: Mediation is based on the continuing voluntary consent of all parties. Each party, as well as the mediator, can terminate mediation at any time. The parties are not obliged by the positions adopted or proposals made either by them or the mediator, during mediation. The parties shall be obliged only by the provisions under the agreement, after having been signed by both parties.

### 4. JUDICIAL RECOGNITION

The NMI offers information about mediation and mediators in the Netherlands, based on criteria adapted to the interests and preferences of the person and according to his/her needs. For example, a person can search for a mediator specialized in a particular area.

In the Netherlands a judicial mediation initiative has been launched, the *Mediation naast rechtspraak*. The district court or court of appeal aware of the issue shall notify to the parties the mediation procedure option. This can be communicated in writing, in which case the parties would receive a letter with an informative leaflet, the auto evaluation for the mediation and a response form. Or at the hearing the judge can indicate the possibility of submitting the issue to mediation, proposing this option to both parties.

The party can also go to the mediation functionary on its own initiative. Each district court and court of appeal have a mediation functionary ready to answer any questions, present the mediation proposal to the other party, help the parties find a suitable mediator and set up the first meeting.

The Law from 15th November 2012 foresees in article 6 that the start of the mediation means the interruption of the limitation of the action, applying to cross-border litigations.

#### **5. SCOPE OF ACTION**

Mediation is always allowed and is most frequently used in civil law and public law.

#### **6. REQUIREMENTS FOR MEDIATORS**

Mediators can register at the NMI, and must then adhere to the code of conduct for mediators. Registration is voluntary (as is adherence to the code of conduct), but mediators wishing to work within the Dutch system of subsidised legal aid or referral by the courts must register with the NMI and also obtain accreditation and undergo an assessment.

#### **7. THE ROLE OF THE BAR ASSOCIATIONS**

Bar associations in the Netherlands that are part of the FBE: Amsterdam, two in The Hague, 's-Hertogenbosch and Rotterdam

#### **8. MEDIATION CENTRES.**

The **Netherlands Mediation Institute** (*Nederlands Mediation Instituut – NMI*) is an independent institute which aims to raise awareness of mediation in the Netherlands and improve the standard of the services available. The NMI has developed various models and rules for this purpose.

**IS A UNIVERSITY DEGREE REQUIRED?**  
**THE ROLE OF THE BAR ASSOCIATIONS**





## POLAND

**1. LEGISLATION** The Act of 10 September 2015 (Journal of Laws of 13.10.2015) amending the Act of 17 of November 1964 of the Code of Civil Procedure.

**2.-TRAINING:** Requested training to become a mediator:

The mediator certification is obtained as a result of a theoretical and practical training of at least 40 hours with the corresponding certificate of completion.

Mediation training include the following aspects:

1. Basic rules and elements of mediation proceedings
2. Psychological mechanism for creation and resolution of a conflict.
3. Training on practical skills in mediation
4. Legal and organizational aspects of mediation proceedings

### Standards for Mediators' Training

#### 1. Mediation proceedings

Rules of mediation -- voluntary character of mediation, impartiality and neutrality of mediator, confidentiality.

3. Roles of a mediator, mediator's duties and rights.
4. Application of mediation, indications and contraindications.
5. Issues concerning the ethics of the mediator profession.
6. Standards for conducting mediation and the conduct of a mediator.

### Psychological mechanism for creation, escalation and resolution of a conflict.

1. Basic background of psychological knowledge in regard to the mechanism of escalation and resolution of conflicts.
2. Procedures for conflict resolution (negotiation, mediation, arbitration, court procedures) – similarities  
Elements of negotiation theory, basic definitions in negotiation (such as issues, positions, and interests)

### Training on practical skills in mediation

1. Conducting introductory meetings with the parties, which includes the mediator's opening statements and the mediation ground rules.
2. Skills for conducting a mediation session according to mediation rules and application of the proper techniques. Mediation techniques
3. Skills in effective communication, particularly:
  - active listening
  - asking questions
  - using neutral language (orally and in written form)
4. Skills in proper analysis and diagnosis of a conflict under mediation, particularly:
  - evaluation, whether mediation should be applied in the particular case
  - identification of positions and interests of the parties to a conflict
  - differentiation between position, needs and interests and transition from position to interests
5. Support of the parties in creating different solutions, particularly:
  - in seeking for creative solutions
  - in identification of rules and criteria for making a decision
6. Preparation of a final agreement
7. Cooperation and exchanging experiences with other mediators.

## 8. Cooperation with specialists in different fields.

### Knowledge of legal and organizational aspects of mediation proceedings

1. Legal basis for applying mediation, including amendments in the codes.
2. Practical issues connected to the organization of mediation proceedings.
3. Principles of cooperation with the judicial system institutions.
4. Maintaining of registries
5. National and international standards for conducting mediation.
6. Application of mediation procedures in Poland and internationally in criminal, civil (family and commercial), neighborhood, local government conflicts and collective bargaining.

### Requirements concerning individuals and institutions who conduct mediation trainings.

1. Requirements for individuals conducting training on practical mediation skills:
  - a) University Diploma
  - b) minimum 2 years of mediation practice experience
  - c) certified training or didactic experience in teaching and in conflict resolution training.
  - d) knowledge and acceptance of ethical rules in regard to profession of mediators,
  - e) knowledge of current binding laws and regulations concerning mediation,
  - f) knowledge of and acceptance of the standards for conducting mediation and the conduct of mediation.
2. Requirements for organizing the training for mediators
  - a) preparation of a detailed training program (minimum of 40 hours) together with costs of training and the amount of the participation fee
  - b) providing the tests which cover topics discussed during mediation training, as well as recording participants' attendance

**3.-ENFORCEABILITY:** Mediation is a voluntary way of resolving disputes and conflicts and is conducted on the basis of:

- a mediation agreement
- a decision of the court for referral to mediation

### **4-JUDICIAL RECOGNITION:**

**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.

**In 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.

## 5-SCOPE OF ACTION

Disputes can be resolved through mediation in a number of areas. Under Polish law, mediation can be used in the following matters:

- Civil
- Commercial
- Labour Law
- Family law
- Minors
- Criminal
- Judicial-administrative

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.

## 6. REQUIREMENTS FOR MEDIATORS

- 1) Mediation knowledge and skills
- 2) At least 26 years' old
- 3) Polish speaker
- 4) Not to have been convicted by an intentional crime or a tax offense.

## 7-THE ROLE OF THE BAR ASSOCIATIONS

Professional bodies carry on institutionalised activities for the promotion of mediation. There is a mediation centre in the POLISH BAR COUNCIL. The other Bar Associations belong to that center.

## 8-MEDIATION CENTRES.

### Other centres:

- The Supreme Bar Council Mediation Centre (The Supreme Bar Council Mediation Centre).
- The National Association of Lawyers Commercial Mediation Center (Center of Commercial mediation of the Chamber of legal advisors).
- Mediation centres of some Regional Bar Associations

- Mediation centres of some Regional Notary Public Councils

Non-governmental organisations, within the scope of their statutory duties, and universities may have lists of permanent mediators (staly mediator). Information about the lists and centres are provided by the Presidents of district courts. 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 also provided by the Presidents of district courts.



## PORTUGAL

### **1. LEGISLATION**

At present, mediation is regulated by Law 29/2013, of April 19, related to the general principles of mediation carried out in Portugal, as well as the judicial framework for civil and commercial mediation and public mediation.

Ordinance 344/2013, of 27 November - Establishes the body responsible for organising the list of conflict mediators as well as the registering requirements and the form of access, information and disclosure.

Ordinance 344/2013, of 27 November - Regulates the rules for the certification of the training providers of conflict mediation courses.

There is no national code of conduct for mediators, who act in accordance to the European Code of Conduct for Mediators. The European Code of Conduct lists a series of principles that must be respected both by mediators individually and by those who provide mediation services.

There is a specific legislation for family, labour and criminal mediation.

### **2. TRAINING**

University degree required.

There is no national mediator-training service, carried out instead by private entities. The Ministry of Justice certifies that such institutions are in conditions to teach mediation courses without the need to certify the course itself. The idea is to give certain flexibility to the institutions during the planning of the course and, at the same time, guarantee that the courses are adequate for mediation activity. Thus, it guarantees that they possess the professional capacity and suitability to resolve family, labour, criminal and civil conflicts through mediation.

### **3. ENFORCEABILITY**

Article 4 of Law 29/2013, of 19 April, regulated the principle of wilfulness, thus making the mediation procedure voluntary, making it necessary to obtain consent from both parties to carry out mediation, for which they shall be responsible for the decisions made throughout the procedure. During the mediation procedure, the parties may, at any time and jointly or unilaterally, revoke their consent to participate in this procedure. Refusal from the parties to initiate or continue the mediation procedure shall not constitute a violation of the obligation to cooperate in accordance with the provisions of the Portuguese Civil Procedure Code.

#### 4. JUDICIAL RECOGNITION

The mediation that takes place outside the courts is binding. However, judicial authorisation is necessary for the agreements obtained in mediation prior to the trial.

Article 9 of Law 29/2013 refers to mediation's enforceable character, making the mediation agreement enforceable without needing judicial homologation in the following cases:

- a) That it refers to a controversy that may be submitted to mediation and for which the law does not call for judicial homologation.
- b) That the parties have the capacity to reach an agreement on it;
- c) Obtained by mediation in the terms stipulated by the law.
- d) The content of which does not breach public order; and
- e) Which had the participation of a mediator who is registered on the mediator list organised by the Portuguese Ministry of Justice.

The provisions in point e) are not applicable in mediations carried out in the scope of a public-mediation system.

A mediation agreement carried out in another EU-member state who respects the provisions of points a) and d) shall also be enforceable, subject to the agreement also being enforceable in their own state.

Within the third chapter of Law 29/2013, related to civil and commercial mediation, article 12 refers to the mediation agreement and establishes that the court before which an action that is subject of a mediation agreement is filed, at the defendant's request when submitting their first declaration on the substance of the dispute, shall suspend the procedure and submit the case to mediation.

The second section refers to pre-judicial mediation and, article 13, related to period suspension, establishes that mediation suspends expiry and prescription periods from the date of the mediation agreement's signing or, in the case of mediation carried out in public mediation systems, in all cases in which parties have agreed to carry out mediation. The expiry and prescription periods are restarted with the termination of the mediation procedure resulting from the refusal from one of the parties to continue it, due to the completion of the maximum period established for the duration of the procedure, or when the mediator determines the end of the procedure. The actions that determine the expiry and prescription of the scheduled period are certified by the mediator or, in the event that the mediation is carried out in public-mediation systems, by the managing entity, who shall have to issue, when requested, proof of the suspension of the periods, which shall include the following elements: statement of the identity of the party who submitted the request and that of the counterpart; the indication of the matter which is under mediation; the date of the mediation agreement signing, or, if the mediation case is carried out in public-mediation systems, the date in which all parties agreed to act as a



mediator; the reason of the mediation procedure termination, in the event that it occurred; and the termination date of the mediation procedure, in the event that it occurred.

Article 14, related to the homologation of the agreement obtained through mediation, establishes that, in those cases in which the law does not determine its obligation, parties have the option to request judicial homologation for the agreement obtained through pre-judicial mediation. The aforementioned request is submitted jointly by the parties, preferably via an electronic channel, in any state court that is competent on this subject.

Judicial homologation for an agreement obtained via pre-judicial mediation is used to verify whether the agreement is referring to a controversy that may be subject to mediation, the parties' capacity, whether it respects the general principles of law and good faith, whether it constitutes an abuse of rights or not and whether its content breaches public order. The aforementioned request is an urgent one. In the event that the homologation is rejected, the agreement shall be null and void and the parties shall be able to submit a new agreement for homologation within 10 days.

Article 15 establishes that the provisions related to pre-judicial mediation are applicable, with the necessary adaptations, to the mediation procedures carried out in other EU-member states, subject to them respecting this state's principles and rules of law.

Article 34 of the law refers to the start of the mediation procedure in public systems. This way, it can be requested by the parties, the court, the prosecutor and the Civil Register, notwithstanding the reference of mediation requests of managing entities by other public or private bodies.

## **5. SCOPE OF ACTION**

Mediation is admissible in different fields. Civil and commercial mediation (distinguished by general provisions and pre-judicial mediation), and, subsequently, public-mediation systems, are regulated by Law 29/2013. Mediation in family, labour and criminal affairs (special public systems) has its own structures and its own specialised mediators.

## **6. REQUIREMENTS FOR MEDIATORS**

Article 3 of Ordinance 344/2013, of November 27, regulates the registration requirements for the list of conflict mediators, resulting in the mediator needing to meet the following requirements:

a) Being in full possession of their civil and political rights;

b) Having carried out a conflict-mediation course taught by a training entity that is authorised under Portuguese regulations.

c) Having knowledge of the Portuguese language.

The request established in paragraph b) also considers to be conflict mediators those who:

a) Are nationals of European Union or European Economic Area states, or have obtained their qualifications outside of Portugal, recognised by the DGPJ pursuant to Law 9/2009, of March 4, modified by Law 41/2012, of August 28.

b) Are nationals of other countries who, after submitting requests before the DGPJ, have been conceded a status of equivalence and recognition for their qualifications obtained outside of Portugal, according to the reciprocity principle in their country of origin.

Article 4 establishes that the registration in the mediator list is carried out through a request that must be accompanied by the following elements:

a) Conflict-mediator identification, which is indicated by the civil-identification number;

b) Tax-identification number;

c) Copy of the conflict-mediation course certificate;

d) Sworn declaration in which the conflict mediator states to be in full possession of his civil and political rights and to respect to the conflict-mediator regulations, enshrined in Law 29/2013, of April 19, while exercising his duties.

In the aforementioned request, the conflict mediator must also indicate his company name, business address, telephone number and business e-mail address.

Article 39 of Law 29/2013: The necessary requirements to carry out the duties of mediator in each of the public-mediation systems are defined in their respective constituent acts.

## **7. THE ROLE OF THE BAR ASSOCIATIONS**

There are three Bar Associations in Portugal that are part of the FME, two of which are based in Lisbon ("Conselho Distrital de Lisboa" and "Ordem dos Advogados de Portugal"), and the other in Porto ("Conselho Distrital do Porto").

There is no mediation centre

## **8. MEDIATION CENTRES**

Portugal has a centralised administrative centre in charge of regulating public-mediation activities: The Directorate-General for Justice Policy (DGPJ), which is part of the Ministry of Justice.





## SPAIN

### 1. LEGISLATION

- European law: DIRECTIVE 2008/52/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL 21 of May 2008 on certain aspects of mediation in civil and commercial matters.
- Spanish law: Civil and Commercial Mediation Act 5/2012, of 6 July  
(applies in Autonomous Communities without their own laws and subsidiarily concerning everything not regulated by autonomous community legislation).  
Royal Decree 980/2013, of 13 December, developing certain aspects of the Civil and Commercial Mediation Act 5/2012, of 6 July.
- Autonomous regulations covering family mediation can also be highlighted:
  - Act 1/2009 of 27.2.2009 governing family mediation in the Autonomous Community of Andalusia.
  - Act 9/2011 of 24.3.2011 concerning family mediation in Aragon.
  - Act 3/2007 of 23.3.2007 of the Principality of Asturias, covering family mediation.
  - Act 14/2010 of 9.12.2010 concerning family mediation in the Balearic Islands.
  - Act 15/2003 of 8.4.2003 concerning family mediation in the Canary Islands, amended by Act 3/2005.
  - Act 1/2011 of 28.3.2011 of Cantabria, concerning family mediation in the Autonomous Community of Cantabria.
  - Act 4/2005 of 24.5.2005 concerning the specialised family mediation social service in Castile-La Mancha.
  - Act 1/2006 of 6.4.2006 concerning family mediation in Castile and Leon.
  - Act 15/2009 of 22.6.2009 concerning mediation in private law in Catalonia.
  - Act nº 12716 of 31.5.2001 of the Parliament of Galicia governing family mediation.
  - Act 1/2007, of 21.2.2007, concerning family mediation in the Madrid region.
  - Act 3/2011 of 17.3, in Navarre, concerning the custody of children if their parents separate.
  - Act 1/2008 of 8.2.2008 concerning family mediation in the Basque Country.
  - Family Mediation Act of Valencia of 29.11.2001.

### 2. TRAINING

A university degree or professional higher education is required along with specific training to carry out mediation by taking one or more specific courses offered by duly accredited institutions (Act 5/2012).

In articles 3 to 7, Royal Decree 980/2013 develops the provisions of Act 5/2012 concerning training and establishes firstly that a mediator must have specific training to carry out mediation activity. Mediator training can be acquired on one or more courses and should make it possible

to master mediation techniques and develop an agreement procedure with the principles and guarantees established by law, particularly concerning subjects that cannot be submitted to mediation and respect for the rights and legitimate expectations of third parties, as well as the mediator's responsibility.

In relation to the content of mediator training, specific mediation training should provide mediators with enough knowledge and skills to mediate professionally. At least in relation to the specialisation in which they provide their services, this should include the legal framework, psychological aspects, the ethics of mediation, processes and communication, negotiation and conflict resolution techniques. Specific mediation training will be carried out at both theoretical and practical level, with at least 35 per cent of the minimum period established in this Royal Decree for mediator training taken up by the latter. Practical training will include exercises and case simulation and, preferably, assisted participation in real mediation.

The minimum duration of the specific mediator training will be 100 hours of actual teaching. Training received with foreign institutions will be valid provided it is properly accredited in the respective country. It will be taken into account for completing the required minimum duration, as appropriate.

Royal Decree 980/2013 governs the continuing training of mediators. Mediators must carry out one or more entirely practical continuous training activities concerning mediation, lasting a minimum of 20 hours, at least every five years. Carrying out specialisation courses in a particular area of mediation will meet the continuing training requirement for mediators.

In relation to training centres, specific training for mediators, including their continuing training, must be given by training centres or public or private organisations with legal permission to carry out such activities and with the proper authorisation from the public authority with competence over the matter.

The centres that give specific training for carrying out mediation will have to have teachers with the necessary experience of the subject and who at least meet the requirements of having official university or vocational higher education qualifications. In addition, those who give practical training will have to meet the conditions established in this Royal Decree for entry in the Register of Mediators and Mediation Institutions.

The centres will send the Ministry of Justice, through its electronic office, their mediation training programmes indicating their content, methodology and evaluation of the training they are going to give, as well as the profile of the professionals it is aimed at in terms of their qualifications and experience, attaching a model of the digital training certificate they give to their students.

The certificate issued by the training centres will have to show at least the student's qualifications, the characteristics of the training received and the fact that the course has been passed.



The training centres will be able to organise continuing training activities, particularly practical ones aimed at the mediators who will already have initial training in carrying out mediation.

The Register of Mediators and Mediation Institutions, supervised by the Ministry of Justice, is governed by Royal Decree 980/2013, articles 8 to 25. However, it is voluntary except concerning insolvency. This Register coexists with the Register of Mediators in each region.

In Catalonia, training is acquired by taking certain courses lasting a minimum of 230 hours approved by the Centre for Private Law Mediation of Catalonia, which must be given by teaching or university centres or by official professional associations or other corporations under public law.

### 3. ENFORCEABILITY

Mediation is a voluntary process and there is no obligation to take part in it or to reach an agreement.

The preamble to Act 5/2012 establishes that the mediation model is based on the voluntary free choice of the parties and on the involvement of a mediator, who is expected to provide active intervention aimed at resolving the dispute between the parties. The system contained in the Act is based on flexibility and respect for the independent will of the parties. Their will, expressed in the agreement putting an end to the dispute, can be considered as an enforcement order, if the parties so wish and it is made a public document.

Article 6 of the same Act governs, among the main factors involved in mediation, its voluntary nature and free will, firstly indicating that mediation is voluntary. When there is a written agreement expressing a commitment to submit disputes arising or which may arise to mediation, the agreed procedure must be attempted in good faith before any legal action or other extra-judicial solution is attempted. This clause will be effective in this respect even when the dispute concerns the validity or existence of the contract in which it appears. Finally, no-one is obliged to remain in the mediation procedure or to conclude an agreement.

Concerning the possibility of referring a matter which is subject to legal proceedings to mediation, Act 5/2012 amends the Civil Proceedings Act 1/2000, of 7 January 2000, in the sense that during the hearing the judges will inform the parties of the possibility of going to negotiation to attempt to resolve the conflict, including the use of mediation. Meanwhile, with regard to the purpose of the proceedings, the court may invite the parties to attempt to reach an agreement and put an end to the proceedings, possibly through a mediation process, urging them to attend an information session (article 414, Act 1/2000). Finally, once the facts in dispute

have been established during the hearing, the courts can suggest that the parties, their representatives and their lawyers should try to reach a mediation agreement to put an end to the legal proceedings (articles 415 and 428, Act 1/2000). By common agreement, the parties may also request the suspension of the legal proceedings so they can be submitted to mediation provided this does not prejudice the public interest or that of third parties and that the period of suspension does not exceed sixty days (articles 415 and 19.4 of Act 5/2012). If the parties decide not to submit to mediation or do not reach an agreement, the legal proceedings will continue their course.

Meanwhile, article 10 of Act 5/2012 establishes that, while mediation is going on, the parties may not exercise any judicial or extra-judicial action in relation to its purpose except for applying for precautionary measures or other urgent measures essential to prevent the irreversible loss of property and rights. Commitment to submit to mediation and the beginning of mediation proceedings prevents the courts accepting the disputes submitted to mediation for the period during which it continues, provided the interested party invokes this through a jurisdictional plea.

#### **4. JUDICIAL RECOGNITION**

Act 5/2012 governs the effects of mediation on the expiry or limitation periods. Thus, an application to begin mediation will suspend the expiry or limitation of actions from the date of receipt of the application by the mediator or when it is lodged before a mediation institution, as appropriate.

If, within fifteen calendar days counted from receipt of an application to begin mediation, the minutes of the constitutive sitting are not signed, the calculation of periods will begin once again.

Suspension will continue until the date of the signing of the mediation agreement or, failing this, the signing of the final act, or when the mediation is ended for any of the reasons established in this Act.

Concerning the mediation agreement, Act 5/2012 establishes that the mediator will inform the parties of the binding nature of the agreement reached and that they may request it to be made a public document in order to establish the agreement as an enforcement order.

Against the terms of a mediation agreement only a nullity action may be undertaken on the grounds that invalidate contracts.

Concerning the enforcement of mediation agreements, the parties may make the agreement reached following a mediation procedure into a public document. The mediation agreement will be presented by the parties before a notary public, accompanied by a copy of the minutes of the constitutive and final session of the proceedings. It is not necessary for the mediator to be present.

To make the mediation agreement a public document, the notary public will confirm compliance with the requirements of this Act and ensure its content does not contravene any law.



When the mediation agreement must be enforced in another country, as well as being made a public document, some requirements will need to be met. These may be demanded by the international agreements to which Spain is part or by European Union regulations.

When the agreement has been reached in mediation carried out after the beginning of judicial proceedings, the parties may ask the court to approve it, in accordance with the provisions of the Civil Proceedings Act.

The enforcement of agreements resulting from mediation begin while proceedings are under way will be applied for before the court that approved the agreement. In the case of agreements concluded after a mediation process, the Court of First Instance of the place where the mediation agreement has been signed will be have enforcement powers.

In relation to the enforcement of cross-border mediation agreements, without prejudice to the provisions of European Union regulations and the applicable international agreements in Spain, recognition and enforcement of a mediation agreement will occur in the form established in the International Civil Law Cooperation Act. A mediation agreement that has not been declared enforceable by a foreign authority may only be enforced in Spain if it has first been made a public document by a Spanish notary public at the request of the parties, or of one of them with the express consent of the others. The foreign document may not be enforced when it is contrary to Spanish public order.

## **5. SCOPE OF ACTION**

Act 5/2012 indicates that this Act applies to mediations on civil or commercial matters, including cross-border disputes, provided they do not affect rights and obligations not available to the parties under the applicable legislation. If matters are not expressly or tacitly subject to this Act, it will continue to apply if at least one of the parties has its official address in Spain and mediation is carried out on Spanish territory.

In all cases, the following are excluded from the sphere of application of this Act: a) Criminal mediation. b) Mediation with public authorities. c) Employment mediation. d) Consumer mediation.

## **6. REQUIREMENTS FOR MEDIATORS**

Individuals holding full civil rights may be mediators provided they are not prevented from doing so by the legislation they may be subject to in the exercise of their profession. Organisations dedicated to mediation, whether they are professional associations or any others established by the legal system, must appoint an individual who meets the requirements established in this Act

in order to carry it out. The mediator must hold an official university or professional higher education qualification and have specific training for carrying out mediation, which will be acquired by taking one or more specific courses offered by duly accredited institutions valid for carrying out mediation activity anywhere on Spanish territory. The mediator must take out insurance or an equivalent guarantee covering the civil liability deriving from his/her action in the disputes in which he/she is involved.

#### **7. ROLE OF THE BAR ASSOCIATIONS.**

Art 5 of the Bar Associations Act 2/1974, of 13 February, indicates that it is the role of bar associations to carry out the following functions in their territorial area:

ñ) To promote and develop mediation, as well as performing national and international arbitration functions in accordance with the provisions of the applicable legislation.

The Bar Associations of Alicante, Barcelona, Madrid, Malaga, Palma de Mallorca, Santiago de Compostela and Valencia have their own mediation centres.

#### **8. MEDIATION CENTRES**

Mediation centres at each of Bar associations in Spain belonging to the FBE:

- ALICANTE: IMICALI: Mediation Institute of the Bar Association of Alicante.
- BARCELONA: CEMICAB: Mediation Centre of the Bar Association of Barcelona.
- BILBAO: Being established. Approved by the assembly at the beginning of February.
- CEUTA: No mediation centre.
- DONOSTÍA (SAN SEBASTIÁN): No mediation centre.
- MADRID: medialCAM
- MALAGA: CMICAMALAGA: Mediation Centre of the Bar Association of Malaga.
- PALMA DE MALLORCA: Mediation Institute of the Balearic Islands (IMIB)
- SANTIAGO DE COMPOSTELA: ICAS MEDIATION SERVICE
- VALENCIA: cmicav Mediation Centre of the Bar Association of Valencia.



## UNITED KINGDOM: ENGLAND AND WALES

### 1. LEGISLATION

The Directive of 2008 was incorporated to the legislation through the so-called Cross-Border Mediation (EU Directive) Regulations 2011 (SI 2011/1133), in England and Wales.

### 2. TRAINING

There is no national training body for civil mediators in England and Wales. They obtain their training from the private sector, whose service is not regulated.

Family mediators come from different origins, among which are legal, therapeutic and social services, with no legal requirement that obliges them to receive specialised training. In any case, the different affiliation/accreditation organisations maintain their own professional training regulations, which include different requirements regarding this matter.

### 3. ENFORCEABILITY

#### Mediation procedure in civil affairs

Civil mediation is not regulated by law nor does it constitute a prior requirement to initiate a judicial process. Notwithstanding, the parties in civil affairs are obliged to consider it carefully before resorting to the courts.

The civil procedure rules (CPR) govern the practice and procedure that must be followed in the civil courts of the Court of Appeal, the High Court and the county courts. The CPR include a procedural code; whose main objective is to support the courts that are actively managing these matters. Such work includes encouraging the parties to use alternative procedures for resolving disputes if the court involved considered this option appropriate and enables its use.

Despite mediation being completely voluntary, the civil procedure rules exhibit the factors that must be taken into account when deciding the total of fees. The court must take into account the efforts carried out, where appropriate, before and after the procedure in order to try to resolve the dispute. Consequently, if the trial's winning party has previously rejected a reasonable mediation offer, the judge may determine that the losing party shall not be liable to pay the fees.

#### Mediation procedure in family affairs

Family mediation is currently an entirely voluntary procedure. When spouses and civil partners divorce or separate, they resort to the courts in order to obtain a decree in regards to the goods and finances (a financial decree that is commonly known as a «resolution of financial disputes»). However, this is not considered family mediation, since it is part of the judicial process. In this stage, a judge (exercising his non-judicial competence), facilitates negotiations between the parties but does not intervene in the result. If the negotiations fail, the judge will not participate in subsequent disputes of this particular case.

Like in civil-procedure rules, family-procedure rules (an exhaustive set of rules regarding the judicial process) promote the use of alternative methods of conflict-resolution. On the other hand, the rules of public funding demand that parties in family disputes that seek public funding first attend a meeting to consider family mediation as an alternative before taking the matter to court. In this sense, family mediation may constitute an indirect prior requirement in some cases.

#### **4. JUDICIAL RECOGNITION**

Directive 2008/52/CE allows those involved in a dispute to request enforceability for the written agreement resulting from mediation.

The parties in family disputes who have reached an agreement, whether it is through lawyers or mediation, may request the court to convert this agreement in a judicial "conformity" decree that is legally binding, subject to the court being convinced of the equity of this agreement.

In accordance to the Cross-Border Mediation (EU Directive) Regulations 2011 (SI 2011/1133), there is an expiry to matters subjected to mediation in the case of cross-border disputes.

#### **5. SCOPE OF ACTION**

The main areas are the civil and commercial area, the family area, the labour area and community mediation.

#### **6. REQUIREMENTS FOR MEDIATORS**

There is no specific code of conduct for mediators that is specific to England and Wales. However, to be accredited by the CMC, the civil mediation service provider must comply with a code of conduct (the EU Code of Conduct is used as an example). All FMC founding members are obliged to guarantee that their members comply with the FMC Code of Ethics.

Requirements to register at the CMC: accredited mediation training, observation of experienced mediators, ONGOING mediation practice, CPD (Continuous Professional Development), professional indemnity insurance.

#### **7. THE ROLE OF THE BAR ASSOCIATIONS**

Bar associations in the United Kingdom that are part of the FBE: Exeter, London and Monmouthshire.

There is no centre in the Law Society. However, it is re-launching an accreditation system for civil and commercial mediators. the Law Society is represented in the Civil Mediation Council and the Family Mediation Council.





## 8. MEDIATION CENTRES

The Ministry of Justice is responsible for mediation policies, including its promotion.

In order to guarantee the quality of mediation proposed by the courts in civil disputes (excluding family ones in England and Wales), authorities have collaborated with the Civil Mediation Council (CMC) in adopting an accreditation system. The CMC is a body that represents those that provide civil and commercial mediation services. The courts refer certain cases only to CMC-approved mediation-service providers.

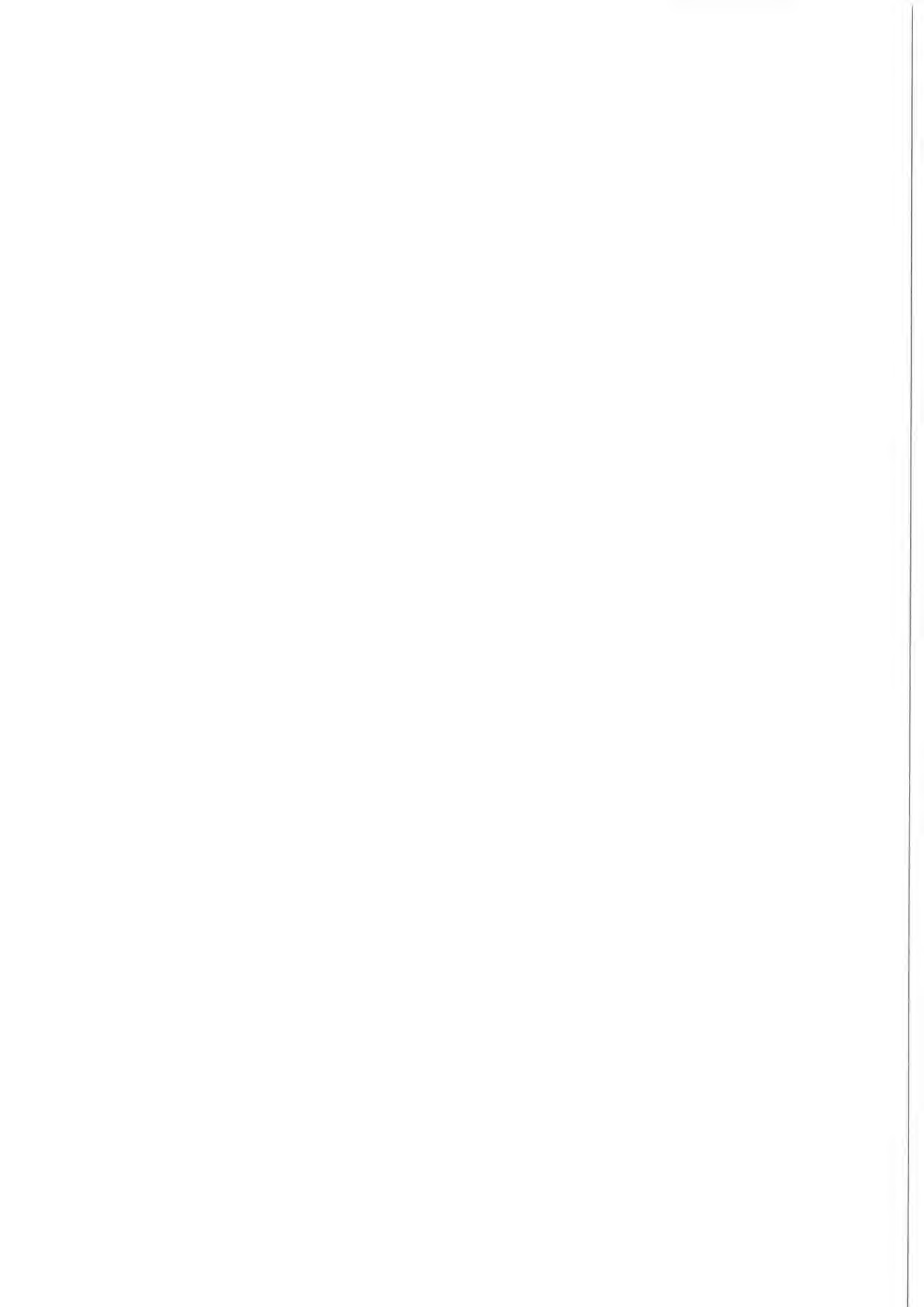
In regards to family disputes, different organisations intervene, as well as bodies that are affiliated to the mediators. These institutions have converged to constitute the Family Mediation Council (FMC), with the purpose of coordinating the rules of family mediation. Another role of the FMC is representing its organisations, founding members and family mediators in general in regards of the job's dealings with the Administration.

The most important organisations are:

- ADR Group;
- Family Mediation Association
- National Family Mediation
- UK College of Family Mediators
- Resolution;
- Solicitors' Regulation Authority's Family Mediation Accreditation Scheme, previously «Law Society Family Mediation Accreditation Panel».

Today, the Administration does not foresee the constitution of a governing body.

For more information on family mediation or to find a family mediator in England and Wales, you can access the Family Mediation Helpline, a body which offers general information on family mediation and helps interested parties to contact mediators in their area.





## ROMANIA

**INTRODUCTION:** Mediation is a method for solving disputes amicably with the help of a third party mediator, with the free consent of the parties. The use of mediation voluntarily before coming to court.

Romania has currently more than 3000 certified mediators and last year according to the Mediation Council and the Ministry of Justice about 1600 cases were removed from the courts and resolved through mediation.

For instance, in cases of divorce before applying at court both spouses must attend to a first mediation session. Each party may choose a mediator and one of them will be selected to deal with mediation or both parties may jointly agree on a mediator.

### **How shall I request a mediator**

In accordance with Article 12 of Law 192/2006, authorised mediators are registered in the "List of Mediators". The list is managed and updated by the Mediation Council (Consiliul de Mediere). The "List of Mediators" is also available on the official websites of the Mediation Council and of the Ministry of Justice.

A mediator can be searched introducing the name and family name of the mediator or the province where he/she operates as a mediator. There is a section for additional information (detalii) on the mediator which includes:

Professional associations or NGOs of whom mediators are members.

Training program they have completed.

Languages in which the mediators provide services.

Contact data.

**1. LEGISLATION** The mediation and mediator profession is governed under the Act 192/2006 of 22 May 2006, and amended by the Act 370/2009 and Governmental Order 12/2010 on transposition of the Services Directive as well as the Act 115/2012 of 4 July 2012 (No. 462 of 9 July 2012) and the emergency Order 90/2012.

Also to be considered: provisions for public legal assistance in civil matters (Government Emergency Ordinance 51/2008); amendments to the Romanian Civil Procedure Code by the Act 202/2010, as well as the rules established by the Superior Council of Magistracy 504/2011, which alter the internal regulation of the activity of the Romanian courts of justice.

**2.-TRAINING:** 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.

**3.-ENFORCEABILITY:** The parties involved in a dispute must necessarily undergo the procedure of mediation before going to court. The new law 115/2012 thus aims to streamline the dispute resolution to decongest the courts.

The law applies to both individuals and corporations for all types of litigation, regardless of their nature, except in cases where there is specific legislation on that. The parties will come at a preliminary stage to the mediator to conduct an information session where they will explain the benefits of mediation. At the end of the session, the mediator will issue a report which reflects the decisions of the parties with respect to attempt mediation or go to courts.

Once the case is brought to court the document issued during the briefing preliminary to prove that mediation was attempted previously will be requested. Since January 2013 no person may go to court without this document. For those who refuse to participate at this preliminary informational session the law provides penalties ranging from 100 to 1000 lei.

For instance, in cases of divorce before applying at court both spouses must attend to a first mediation session. Each party may choose a mediator and one of them will be selected to deal with mediation or both parties may jointly agree on a mediator.

#### **4-JUDICIAL RECOGNITION:**

The Directive 2008/52/CE allows enforcement of agreements resulting from mediation. Member States shall inform the Commission of the courts or other authorities competent to receive requests.

Romania has not yet communicated this information.

#### **5.-SCOPE OF ACTION:**

##### **Disputes submitted to mediation:**

**-Consumer Protection:** When the consumer complaint damage as a result of the acquisition of a defective product or service. When the agreed contractual terms or warranties, if any abusive clauses in contracts between the consumer and the service provider, violation of other rights regulated by national and European legislation on consumer protection are not respected.

**-Cases Related to family law:** Divorce, division of property, exercise of parental authority and guardianship of minors, determining children housing after parental separation (divorce or separation), food and contributions to growth pensions, children education and professional training, any dispute of rights recognized by law that can occur between spouses.



**-Disputes related to:** property rights (rights of possession, demarcation of plots, boundaries and other issues related to neighborhood disputes).

**-In case of professional responsibility:** especially cases involving malpractice unless there are special laws that establish another procedure.

**-Labor law cases:** signing, execution or dissolution of individual employment contracts.

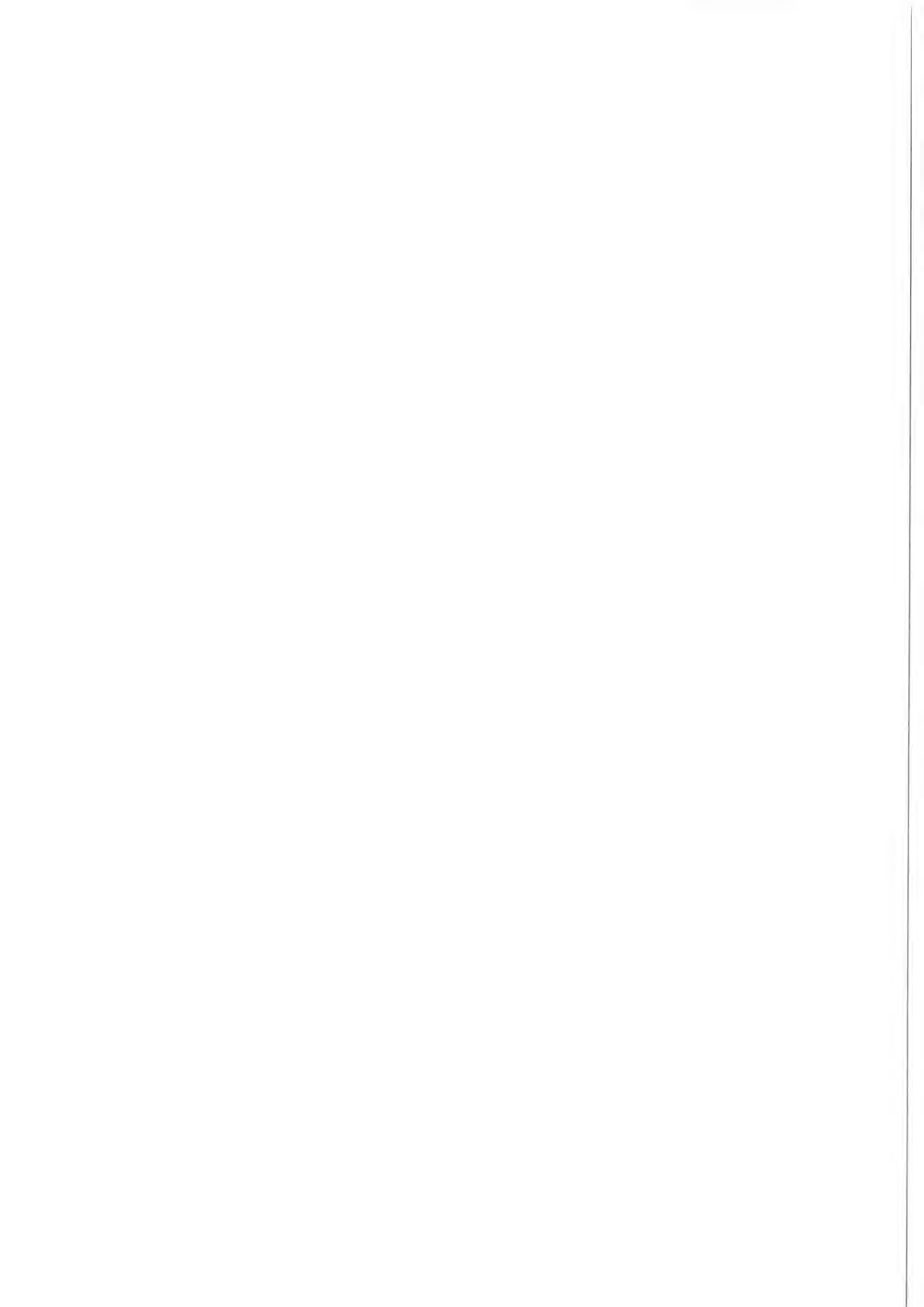
**-Civil cases whose value does not exceed 50,000 lei:** except in those disputes in which an enforceable opening of insolvency proceedings sentencing, actions concerning the Register of Commerce and cases in which the parties prefer to go to the foreseen procedures under articles 999 -108 of the Romanian Code of Civil Procedure.

**-In the case of offences where criminal proceedings are initiated by a previous complaint by the injured person:** Once made the complaint if the perpetrator of the acts is known or identified and the victim consents to participate in a mediation session with the aggressor, and in the event there is reconciliation between both parties, criminal liability will be eliminated.

**6.- REQUIREMENTS FOR MEDIATORS Pending**

**7.-THE ROLE OF BAR ASSOCIATIONS. Pending**

**8.- MEDIATION CENTRES. Pending**





## SERBIA

### 1. LEGISLATION

The new Mediation Act came into force on 31 May 2014 applying from 1 January 2015. It replaces the Mediation Act n. 18/2005. (Nr. 18/2005).

### 2. TRAINING

The mediator is highly qualified, specialized in different areas of mediation and able to work under difficult circumstances.

Judges, lawyers and other prominent experts from different fields of specialization can act as mediators depending on the kind of dispute they have to mediate.

The program for training of mediators shall be specified by the Ministry of Justice.

### 3. ENFORCEABILITY

It is a voluntary process carried out only when both parties agree.

### 4. JUDICIAL RECOGNITION

The legal effectiveness of the agreement reached through mediation procedure it is equal to the legal effectiveness of the court decision and the agreement is enforceable in the enforcement proceedings according to the new law of mediation.

### 5. SCOPE OF ACTION

- Civil mediation, property disputes
- Criminal matters (Restorative Justice)
- Workplace matters
- Mobbing
- Family matters
- Community mediation (neighbour disputes)
- Administrative disputes
- Commercial disputes
- Mediation among equals (peer mediation)
- Peace negotiations
- Discrimination

### 6. MEDIATOR REQUIREMENTS

Mediator must meet the following requirements:

1. A university degree;
2. Experience minimum of five years' work;
3. Training program for mediators;

4. To be registered on the list of mediators of the Ministry of Justice;
5. Not to have criminal records;
6. To have integrity in carrying out the role of mediation.

Exceptionally, a mediator can also be a person who does not meet all the requirements above mentioned if he/she has the experience and special knowledge in the field of mediation.

In disputes or conflicts with a foreign element, a mediator may be a foreign citizen, provided that is authorized to carry out international mediation, with the consent of the parties.

## **7. THE ROLE OF THE BAR ASSOCIATIONS**

FBE associations members: Belgrade

## **8. MEDIATION CENTRES**

The Ministry of Justice is responsible for licensing to mediators and in general for supervising their work. It is also supposed to adopt the Code of Ethics for mediators.

Serbian National Association of Mediators (NUMS), non - governmental association.





## SWITZERLAND

**1-LEGISLATION:** In Geneva, the Civil and Commercial Mediation Law entered into force on 1 January 2005.

**2-TRAINING:** The training required to become a mediator is:

- training of at least 200 hours
- owning a university diploma
- observing the ethical standards
- attending in a regular basis to continuing education courses and sharing the experiences with the other mediators
- being disciplined
- holding a good curriculum vitae

**3-ENFORCEABILITY:** The resource of mediation is a voluntary option from the parties and is not subject to sanctions in the event that no agreement is reached.

In accordance with the recent family-law provisions, the judge must inform the parties about the existence of mediation and the options that it offers.

**4-JUDICIAL RECOGNITION:** In accordance with the directive 2008/52/CE the option of requesting enforceability to a written agreement that has resulted from mediation must be guaranteed. The member states communicate which courts or other authorities are competent to receive the aforementioned requests. Belgium has yet to communicate this information.

Notwithstanding, in accordance with articles 1733 and 1736 of the Judicial Procedure Code, a judge may approve the agreement that has resulted from mediation, thus giving the aforementioned agreement authenticity and enforceability. In regards to the form, the agreement becomes a sentence.

There is an alternative to the homologation. It is possible to transfer the agreement that has resulted from mediation to a notary act before a notary public. Thus, the agreement has authenticity and enforceability without the need to resort it to a judge. This option is only applicable if all parties are in agreement.

**5-SCOPE OF ACTION:** Mediation is admissible in the following areas:

- Civil law, including family law suits.
- Commercial law
- Labour law

## **6- REQUESTS FOR MEDIATORS**

- Be over 37 years of age
- Have a successful experience in mediation
- Sufficient experience or knowledge about his mediation activity area
- Hold specific qualifications and skills on mediation
- No criminal records of any intentional crime against honour and integrity.

## **7-THE ROLE OF THE BAR ASSOCIATIONS (PENDING)**

## **8-MEDIATION CENTRES. (PENDING)**



## TURKEY

### **1. LEGISLATION**

The Turkish Mediation Act in legal disputes was approved on 7 June 2012 and came into force on 23 June 2013.

### **2. TRAINING**

A law degree and a minimum of five years of legal practice is required, as well as completing the education program in mediation (48 hours) and passing the exams organized by the Ministry of Justice.

### **3. ENFORCEABILITY**

Mediation is defined in the Act as a "voluntary method of conflict resolution", which allows a communication process between the parties for the purpose of negotiating, reach an agreement, through an impartial process and an independent third person who has knowledge and a specialized training.

### **4. JUDICIAL RECOGNITION**

At the end of the mediation process a protocol with the outcome will be drawn up. The mediator will inform about this protocol to the Directorate-General of Legal Affairs of the Ministry of Justice.

If the parties reach an agreement, they may request the relevant court an annotation on the applicability of this agreement. This annotation will give the agreement the effect of a court ruling.

The period between the starting and ending of the mediation process is not taken into account in the calculation of the limitation period of the legal proceedings so that the parties are not affected subsequently, when starting a judicial proceeding related to the dispute, by the expiry of the limitation period during mediation.

If during the litigation, parties declare their intention to go to mediation, the trial may be suspended up to three months. This period may be extended for another three months in case of joint request of the parties.

### **5. SCOPE OF ACTION**

The scope of application of the Law has been limited to civil conflicts, including those with a foreign element, except for matters that are not available to the parties. Mediation is not applicable in disputes arising from accusations of domestic violence. There is also the reconciliation of criminal litigation.

## **6. REQUIREMENTS FOR MEDIATORS**

Mediators must be registered in the List of mediators of the Ministry of Justice. Registration requirements include Turkish nationality, a law degree and a minimum of five years of legal practice, as well as finalising the education program in mediation (48 hours) and passing the exams organized by the Ministry of Justice.

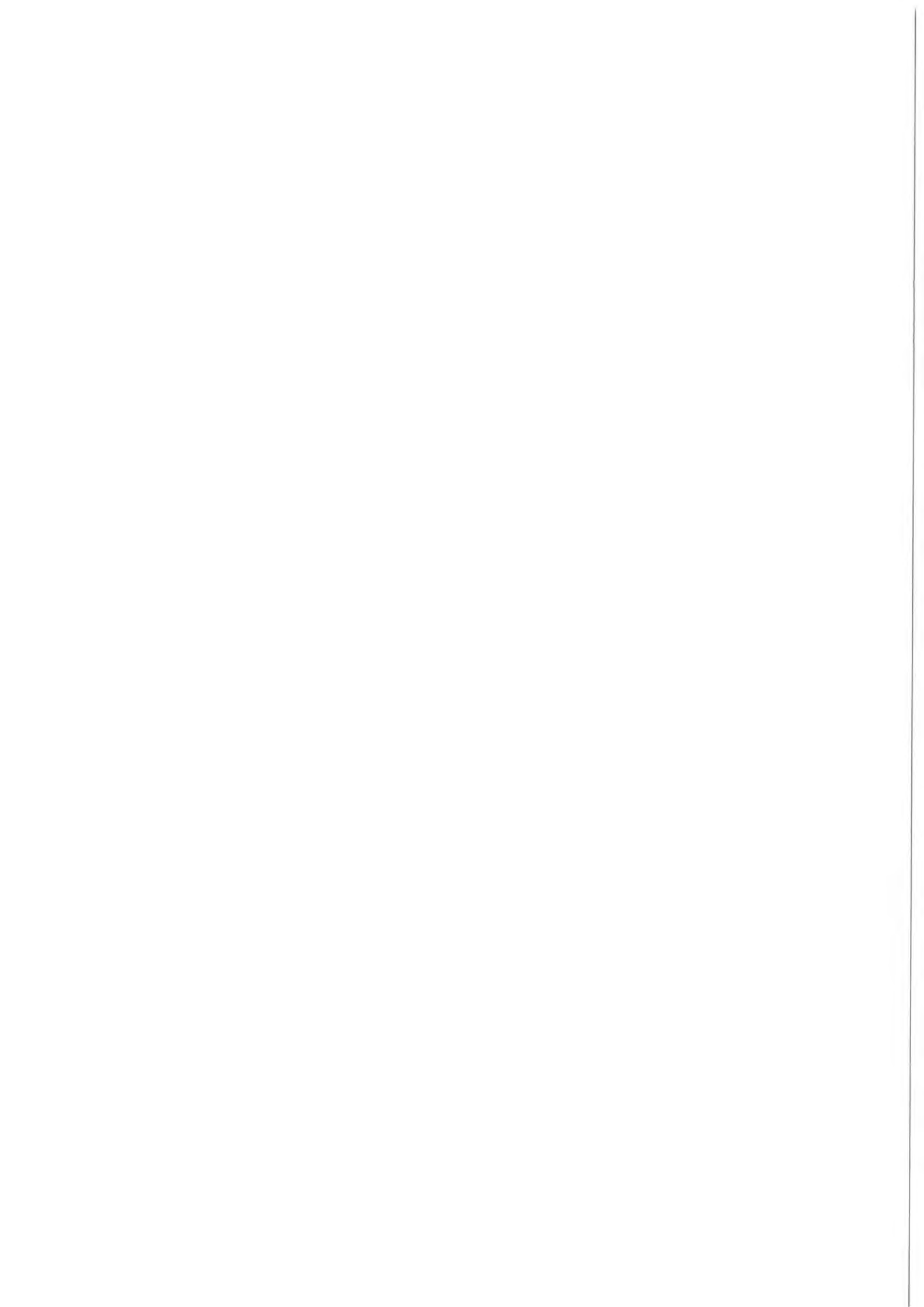
## **7. THE ROLE OF THE BAR ASSOCIATIONS**

The Istanbul Bar Association does not have a mediation centre.

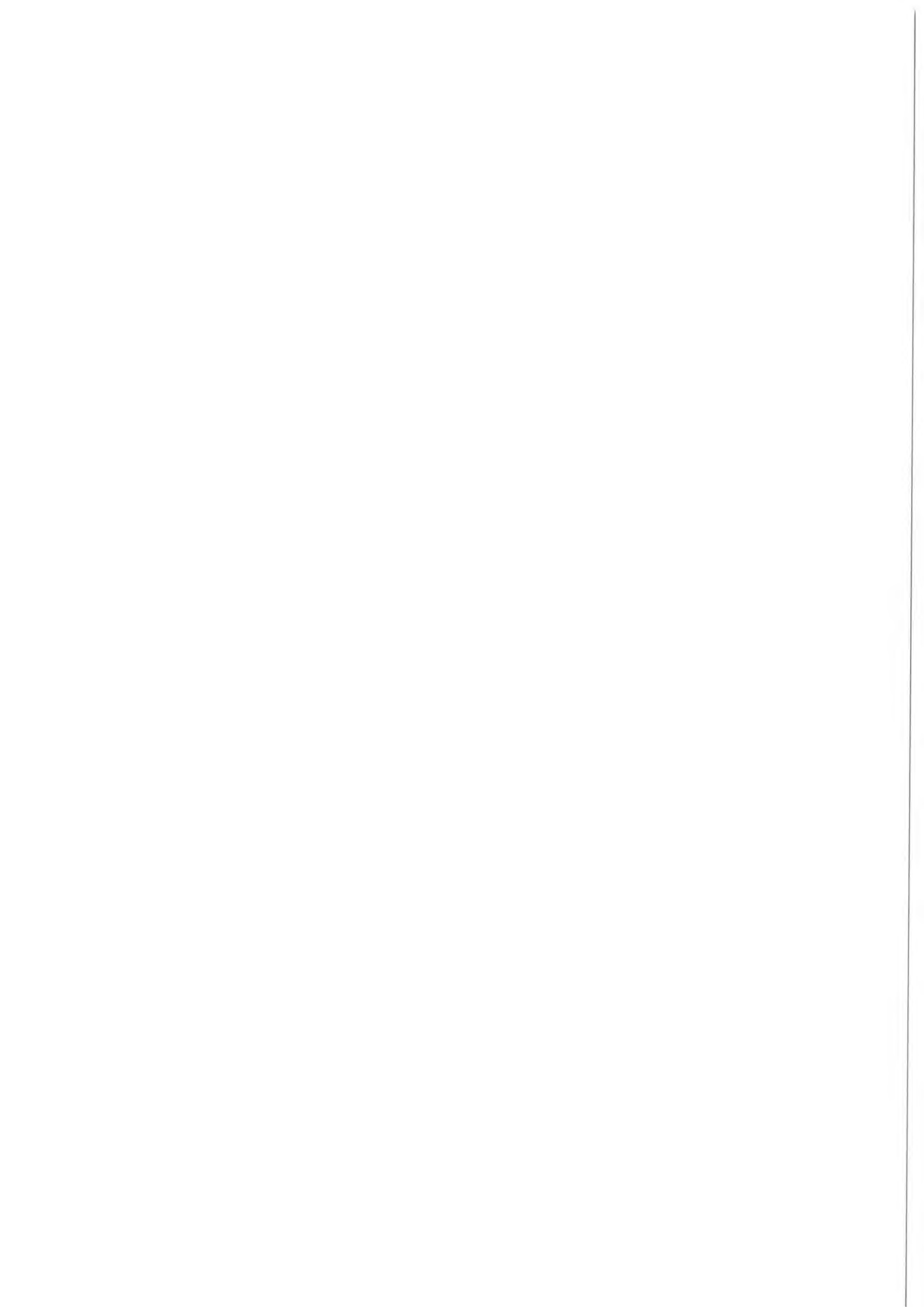
## **8. MEDIATION CENTERS.**

The Ministry of Justice has a Department of Mediation.

PAIS	CIUDAD	INSTITUCIÓN	TLF	E-MAIL	PERSONA CONTACTO	ESTADO	PENDIENTES	Tiene centro y/o comisión mediación?	No tiene - quien lo gestiona?
ANDORRA	ANDORRA LA VELLA	Collegi d'Advocats d'Andorra	00.376.80.69.30	caa@cada.ad					
BELGIUM	ANTWERPEN	Orde van Advocaten te Antwerpen	32 (0)3 260 72 50	info@balieantwerpen.be					
BELGIUM	BRUGGE	Orde van Advocaten te Brugge	050 33 16 80	secretariaat@balie-brugge.be					
BELGIUM	BRUSSEL	Nederlandse Orde van Advocaten bij de balie te Brussel	32.02.508.67.62	orde@baliebrussel.be					
BELGIUM	BRUXELLES	Barreau de Bruxelles Ordre Français	32.02.508.66.59	judith.menet@barreaudebruxelles.be					
BELGIUM	BRUXELLES	Ordre des Barreaux francophones et germanophone de Belgique	32.02.648.20.98	info@avocats.be					
BELGIUM	BRUSSEL	Orde van Vlaamse Balies	32.2.227.54.70	info@advocaat.be					
BELGIUM	DENDERMON	Balie Dendermonde	32.052.21.56.48	balie.dendermonde@skynet.be					
BELGIUM	DE	Balie Kortrijk	32.056.26.95.55	balie.kortrijk.secretariaat@skynet.be / balie.kortrijk.stafhouder@telenet.be					
BELGIUM	KORTRIJK	Balie Kortrijk	32.056.26.95.55	stafhouder@balie-gent.skynet.be / secretariaat@balie-gent.skynet.be					
BELGIUM	GENT	Orde van advocaten Gent	32 09 234 56 20	secretariaat@balie-gent.skynet.be					
BELGIUM	HASSELT	Balie Hasselt	32.11.37.98.83	secretariaat@baliehasselt.be					
BELGIUM	IEPER	Balie Ieper	32.57.22.40.40	administratie@bib-ieper.be					
BELGIUM	LIEGE	Ordre des Avocats du Barreau de Liège	32.4.232.51.11	info@barreaudeliege.be					
BELGIUM	LEUVEN	Balie Leuven	32.16.21.45.47	secretariaat@balieleuven.be					
BELGIUM	MECHELEN	Balie Mechelen	32.015.20.90.63	info@balie-mechelen.be					
BELGIUM	OUDENAARD	Balie Oudenaarde	32.055.33.16.49	info@balieoudenaarde.be					
BELGIUM	E	Balie Oudenaarde	32.055.33.16.49	info@balieoudenaarde.be					
BELGIUM	TONGEREN	Balie Tongeren	32.012.23.63.13	secretariaat@balietongeren.be					
BELGIUM	TURNHOUT	Balie Turnhout	32.14.42.22.77	conferentie@balieturnhout.be					
BELGIUM	BEVEREN-AAN-DE-IJZER	Balie Veurne	32.058.62.64.96	christel.desmyter@telenet.be					
BELGIUM	SOFIA	Conseil supérieur des Avocats Bulgarie	359.2.987.55.13	arch@vas.bg					
BULGARIA	SOFIA	Conseil de l'Ordre des Avocats de Kardjali	359.361.62.536	adv.kak.31@gmail.com					
BULGARIA	SOFIA	Bar Association of Sofia	359.2.987.05.19	sak_sas@abv.bg					
BULGARIA	VIDIN	Bar Association of Vidin	359.94.600.708	office@vdak.lex.bg					
CZECH REPUBLIC	PRAGUE 1	Czech Bar Association	420.221.729.011	sekr@cak.cz					

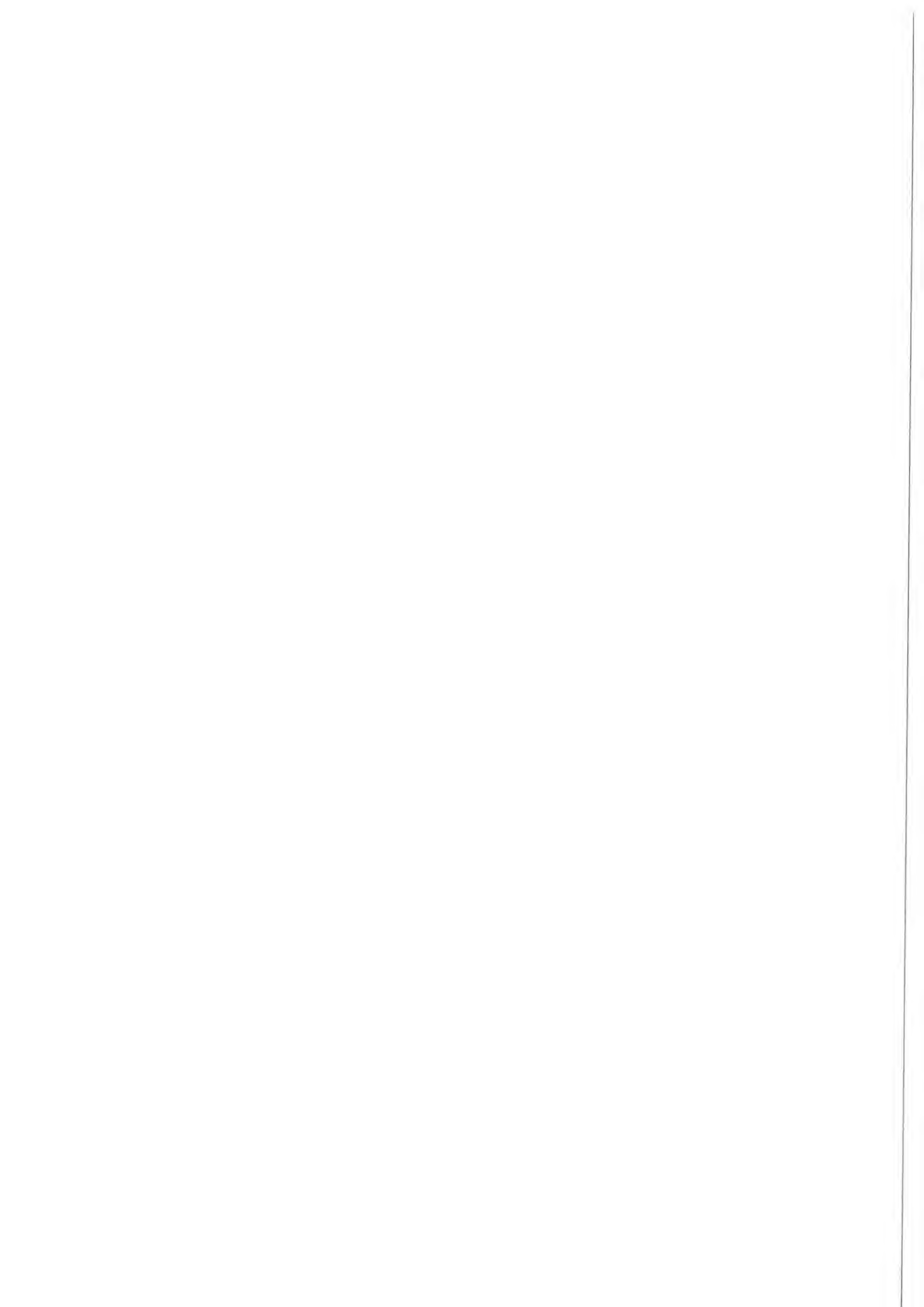


DEUTSCHLA ND	BERLIN	Rechtsanwaltskammer Berlin	49 69 31 0 030/30	<a href="mailto:info@rak-berlin.org">info@rak-berlin.org</a>
DEUTSCHLA ND	BRAUNSCH WEIG	Rechtsanwaltskammer Braunschweig	49 0531/123 35 0	<a href="mailto:info@rak-braunschweig.de">info@rak-braunschweig.de</a>
DEUTSCHLA ND	CELLE	Rechtsanwaltskammer Celle	49.051.41.92820	<a href="mailto:info@rakcelle.de">info@rakcelle.de</a>
DEUTSCHLA ND	DRESDEN	Rechtsanwaltskammer Sachsen	49351318590	<a href="mailto:info@rak-sachsen.de">info@rak-sachsen.de</a>
DEUTSCHLA ND	FRANKFURT AM MAIN	Rechtsanwaltskammer Frankfurt Am Main	49 069 17 00 99 01	<a href="mailto:info@rak-ffm.de">info@rak-ffm.de</a>
DEUTSCHLA ND	FREIBURG	Rechtsanwaltskammer Freiburg	49 0761 3 25 63	<a href="mailto:info@rak-freiburg.de">info@rak-freiburg.de</a>
DEUTSCHLA ND	HAMM	Rechtsanwaltskammer Hamm	49.023.81.98.50.00	<a href="mailto:info@rak-hamm.de">info@rak-hamm.de</a>
DEUTSCHLA ND	KASSEL	Rechtsanwaltskammer Kassel	49.0661.788 098 0	<a href="mailto:rak@rechtsanwaltskammer-kassel.de">rak@rechtsanwaltskammer-kassel.de</a>
DEUTSCHLA ND	KOLN	Rechtsanwaltskammer Köln	49 221 97 30 10 0	<a href="mailto:kontakt@rak-koeln.de">kontakt@rak-koeln.de</a>
DEUTSCHLA ND	NÜRNBERG	Rechtsanwaltskammer Nürnberg	49.911.92.63.30	<a href="mailto:info@rak-nbg.de">info@rak-nbg.de</a>
DEUTSCHLA ND	TÜBINGEN	Rechtsanwaltskammer Tübingen	49 07071 7 93 69 10	<a href="mailto:info@rak-tuebingen.de">info@rak-tuebingen.de</a>
ESPAÑA	ALICANTE	Ilustre Colegio de Abogados de Alicante	34.96.514.51.80	<a href="mailto:colegio@icall.es">colegio@icall.es</a>
ESPAÑA	BARCELONA	Il·lustre Col·legi d'Advocats de Barcelona	34.93.496.18.80	<a href="mailto:decarat@icab.es">decarat@icab.es</a>
ESPAÑA	BILBAO	Ilustre Colegio de Abogados del Señorío de Vizcaya	34.94.435 62 00	<a href="mailto:juntag@icasv-bilbao.com">juntag@icasv-bilbao.com</a> <a href="mailto:administracion@icasv-bilbao.com">administracion@icasv-bilbao.com</a>
ESPAÑA	CEUTA	Ilustre Colegio de Abogados de Ceuta	34.956.51.10.99	<a href="mailto:icace@icace.org">icace@icace.org</a>
ESPAÑA	MADRID	Consejo General de la Abogacía Española	34915232593	<a href="mailto:informacion@abogacia.es">informacion@abogacia.es</a>
ESPAÑA	MADRID	Ilustre Colegio de Abogados de Madrid	34.91.435.78.10	<a href="mailto:decanato@icam.es">decanato@icam.es</a>
ESPAÑA	MÁLAGA	Ilustre Colegio de Abogados de Málaga	34951017900	<a href="mailto:webmaster@icamalaga.es">webmaster@icamalaga.es</a>
ESPAÑA	PALMA DE MALLORCA	Ilustre Colegio de Abogados de Baleares	34971179400	<a href="mailto:secretaria@icalb.org">secretaria@icalb.org</a>
ESPAÑA	DONOSTÍA (SAN SEBASTIÁN) SANTIAGO DE	Ilustre Colegio de Abogados de Guipúzcoa	34943440118	<a href="mailto:secretaria@icagi.net">secretaria@icagi.net</a>
ESPAÑA	COMPOSTEL A	Ilustre Colegio de Abogados de Santiago de Compostela	34.981.58.17.13	<a href="mailto:icasantiago@avogacia.org">icasantiago@avogacia.org</a>
ESPAÑA	VALENCIA	Ilustre Colegio de Abogados de Valencia	34 96 394 18 80	<a href="mailto:icav@icav.es">icav@icav.es</a>
FRANCE	AIX-EN- PROVENCE	Ordre des Avocats d'Aix-en-Provence	33-4-42.21.72.30	<a href="mailto:ordreaavocats.aix@avocatline.com">ordreaavocats.aix@avocatline.com</a>
FRANCE	ALES	Ordre des Avocats d'Alès	33-4-66.52.64.70	<a href="mailto:barreau.ales@wanadoo.fr">barreau.ales@wanadoo.fr</a> <a href="mailto:ordre-avocats-amiens@wanadoo.fr">ordre-avocats-amiens@wanadoo.fr</a>
FRANCE	AMIENS	Ordre des Avocats d'Amiens	33.3.22.92.31.52	<a href="mailto:amiens@wanadoo.fr">amiens@wanadoo.fr</a>
FRANCE	ANGERS	Ordre des Avocats à la Cour d'Appel d'Angers	33.2.41.25.30.70	<a href="mailto:contact@barreau-angers.fr">contact@barreau-angers.fr</a> <a href="mailto:ordredesavocatsardeche@wanadoo.fr">ordredesavocatsardeche@wanadoo.fr</a>
FRANCE	PRIVAS	Ordre des Avocats de l'Ardèche	33-4-75.64.34-40	<a href="mailto:ordre-des-avocats@wanadoo.fr">ordre-des-avocats@wanadoo.fr</a>
FRANCE	FOIX	Ordre des Avocats de l'Ariège (Foix)	33-5-61.02.71-40	<a href="mailto:ordre-des-avocats@wanadoo.fr">ordre-des-avocats@wanadoo.fr</a>

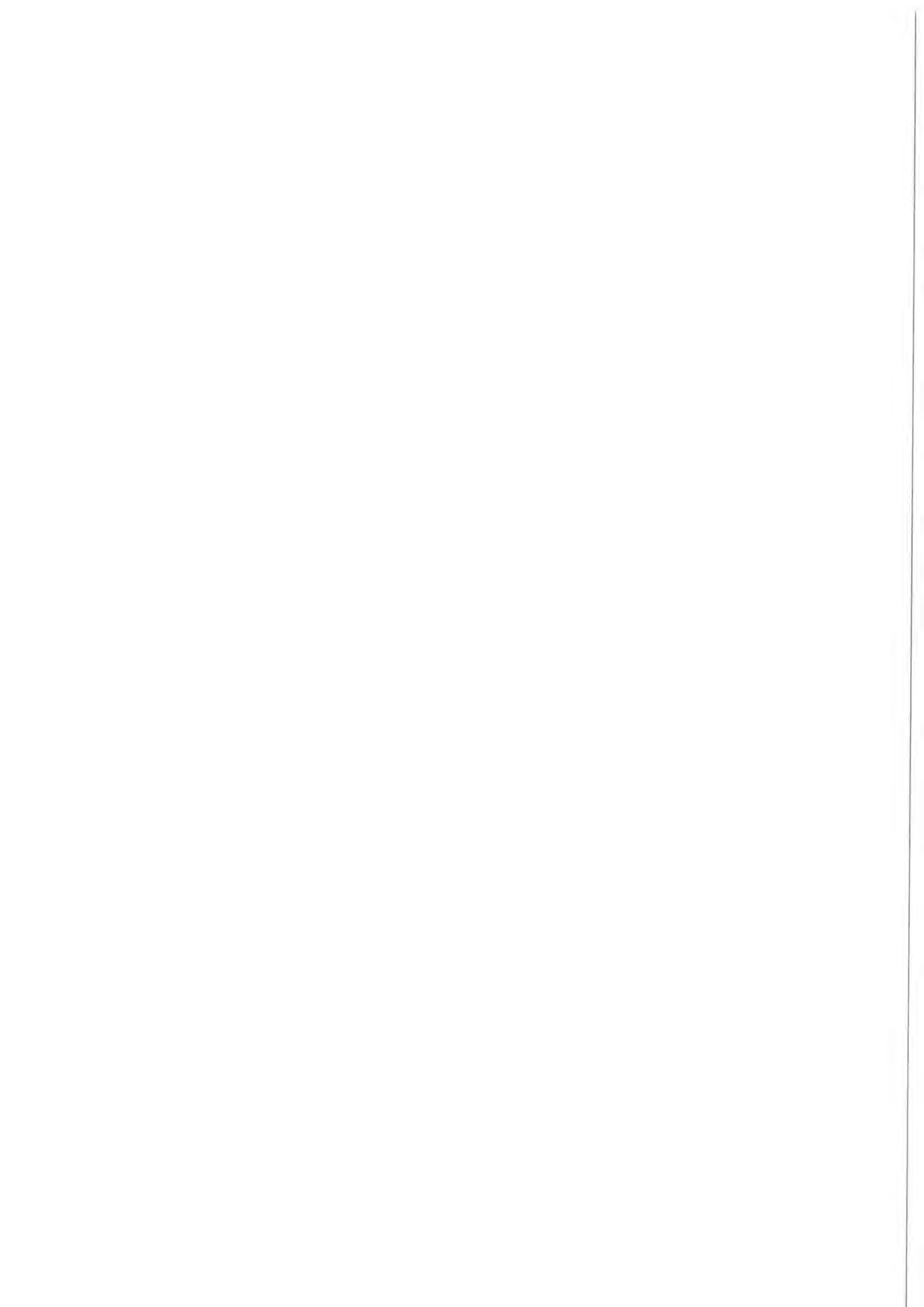




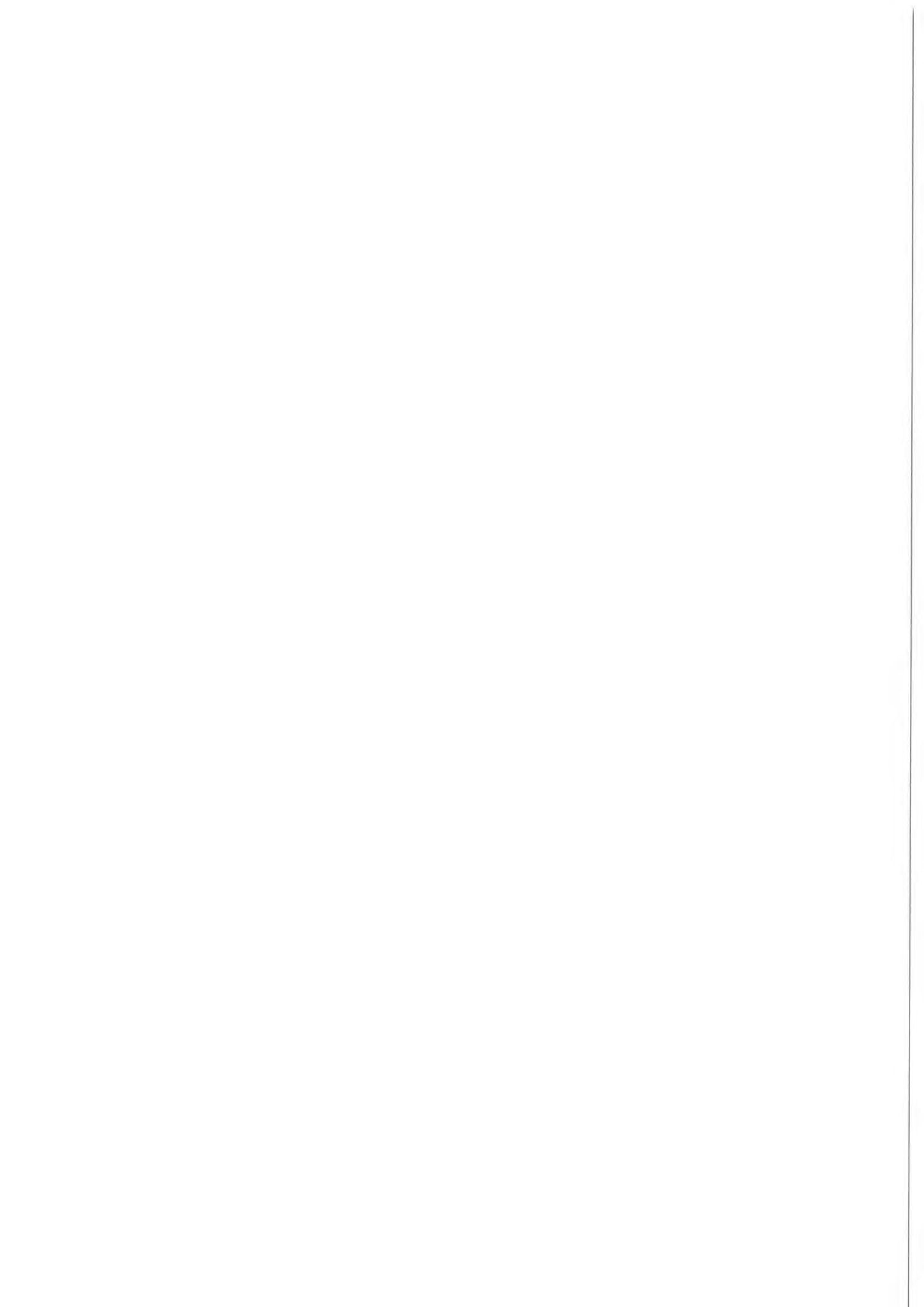
FRANCE	BLOIS	Ordre des Avocats de Blois	33.2.54.74.02.73	<a href="mailto:ordreamocats41@9business.fr">ordreamocats41@9business.fr</a>
FRANCE	BORDEAUX	Ordre des Avocats du Barreau de Bordeaux - Maison de l'Avocat	33.5.56.44.20.76	<a href="mailto:contact@barreau-bordeaux.com">contact@barreau-bordeaux.com</a>
FRANCE	BOURGOIN-JALLIEU	Ordre des Avocats de Bourgoin-Jallieu	33.4.74.28.20.65	<a href="mailto:avocatsbj@nerim.net">avocatsbj@nerim.net</a>
FRANCE	CAEN	Ordre des Avocats de Caen	33.2.31.86.37.11	<a href="mailto:barreau@caen-avocats.net">barreau@caen-avocats.net</a>
FRANCE	CARPENTRAS	Ordre des Avocats de Carpentras	33.04.90.67.13.60	<a href="mailto:oda.carpentras@wanadoo.fr">oda.carpentras@wanadoo.fr</a>
FRANCE	DRAGUIGNAN	Ordre des Avocats de Draguignan	33.4.94.60.44.33	<a href="mailto:batonnier@avoceazur.com">batonnier@avoceazur.com</a>
FRANCE	CLERMONT-FERRAND	Ordre des Avocats de Clermont-Ferrand	33.4.73.37.39.04	<a href="mailto:barreau.clermontferrand@avocat-conseil.fr">barreau.clermontferrand@avocat-conseil.fr</a>
FRANCE	EPINAL	Ordre des Avocats de D'Epinal	33.03.29.31.48.29	<a href="mailto:carpa.38@wanadoo.fr">carpa.38@wanadoo.fr</a>
FRANCE	EVRY	Ordre des Avocats de l'Essonne	33.01.60775551	<a href="mailto:batonnier@avocats91.com">batonnier@avocats91.com</a>
FRANCE	GRASSE	Ordre des Avocats de Grasse	33.4.92.60.77.50	<a href="mailto:ordre@avocats-grasse.com">ordre@avocats-grasse.com</a>
FRANCE	GRENOBLE	Ordre des Avocats de Grenoble	33.4.76.15.10.36	<a href="mailto:ordre@avocats-grenoble.com">ordre@avocats-grenoble.com</a>
FRANCE	NANTERRE Cedex	Ordre des Avocats des Hauts-de-Seine	33.1.55.69.17.00	<a href="mailto:bra.nanterre@barreau92.com">bra.nanterre@barreau92.com</a>
FRANCE	ROCHELLE	Ordre des Avocats de La Rochelle	33.5.46.41.47.06	<a href="mailto:batonnier@avocats-larochelle.com">batonnier@avocats-larochelle.com</a>
FRANCE	LA ROCHE-SUR-YON	Ordre des Avocats de la Roche-sur-Yon	33.2.51.36.14.99	<a href="mailto:ordre.avocats.lrsy@wanadoo.fr">ordre.avocats.lrsy@wanadoo.fr</a>
FRANCE	CAHORS	Ordre des Avocats du Cahors	33.05.65.23.46.50	<a href="mailto:ordre.lot@avocat-conseil.fr">ordre.lot@avocat-conseil.fr</a>
FRANCE	LIBOURNE	Ordre des Avocats de Libourne	33.05.57.51.59.70	<a href="mailto:avocats.barreaulibourne@wanadoo.fr">avocats.barreaulibourne@wanadoo.fr</a>
FRANCE	LILLE Cedex	Ordre des Avocats au Barreau de Lille	33.3.20.12.16.90	<a href="mailto:secretariat.batonnier@avocats-lille.com">secretariat.batonnier@avocats-lille.com</a>
FRANCE	LYON Cédex 03	Ordre des Avocats au Barreau de Lyon	33.4.72.60.60.00	<a href="mailto:secretariat.batonnier@barreaulyon.com">secretariat.batonnier@barreaulyon.com</a>
FRANCE	MARSEILLE	Ordre des Avocats de Marseille	33.04.91.15.31.13	<a href="mailto:sao@barreau-marseille.avocat.fr">sao@barreau-marseille.avocat.fr</a>
FRANCE	MEAUX	Ordre des Avocats de Meaux	33.01.60.09.03.60	<a href="mailto:ordre.avocats-meaux@wanadoo.fr">ordre.avocats-meaux@wanadoo.fr</a>
FRANCE	MONTPELLIER	Ordre des Avocats de Montpellier	33.04.67.61.72.60	<a href="mailto:secretariat.batonnier@avocats-montpellier.com">secretariat.batonnier@avocats-montpellier.com</a>
FRANCE	MOULINS	Ordre des Avocats de Moulins	33.04.70.46.01.65	<a href="mailto:ordre.avocats.moulins@wanadoo.fr">ordre.avocats.moulins@wanadoo.fr</a>
FRANCE	MULHOUSE	Ordre des Avocats de Mulhouse	33.3.89.56.00.46	<a href="mailto:ordre.avocats.mulhouse@orange.fr">ordre.avocats.mulhouse@orange.fr</a>
FRANCE	NANCY NANTES, Cedex 2	Ordre des Avocats de Nancy	33.03.83.41.13.84	<a href="mailto:secretariat@avocats-nancy.com">secretariat@avocats-nancy.com</a>
FRANCE	PARIS	Ordre des Avocats de Nantes	33.02.40.20.48.45	<a href="mailto:secretariatbatonnier@barreanantes.fr">secretariatbatonnier@barreanantes.fr</a>
FRANCE	PARIS	Ordre des Avocats à la Cour de Paris	33.01.80.27.19.20	<a href="mailto:delegationgenerale@avocatparis.org">delegationgenerale@avocatparis.org</a>
FRANCE	PARIS	Conseil National des Barreaux	33.01.53.30.85.60	<a href="mailto:cnb@cnb.avocat.fr">cnb@cnb.avocat.fr</a>
FRANCE	PARIS	Conférence des Bâtonniers de France et d' Outre Mer	33.01.44.41.99.10	<a href="mailto:contact@conference-des-batonniers.com">contact@conference-des-batonniers.com</a>
FRANCE	RENNES	Ordre des Avocats de Rennes	33.02.23.20.90.00	<a href="mailto:mvasseur@ordre-avocats-rennes.fr">mvasseur@ordre-avocats-rennes.fr</a>
FRANCE	ROUEN	Ordre des Avocats de Rouen	33.02.32.06.32.70	<a href="mailto:ordre@barreau-rouen.avocat.fr">ordre@barreau-rouen.avocat.fr</a>



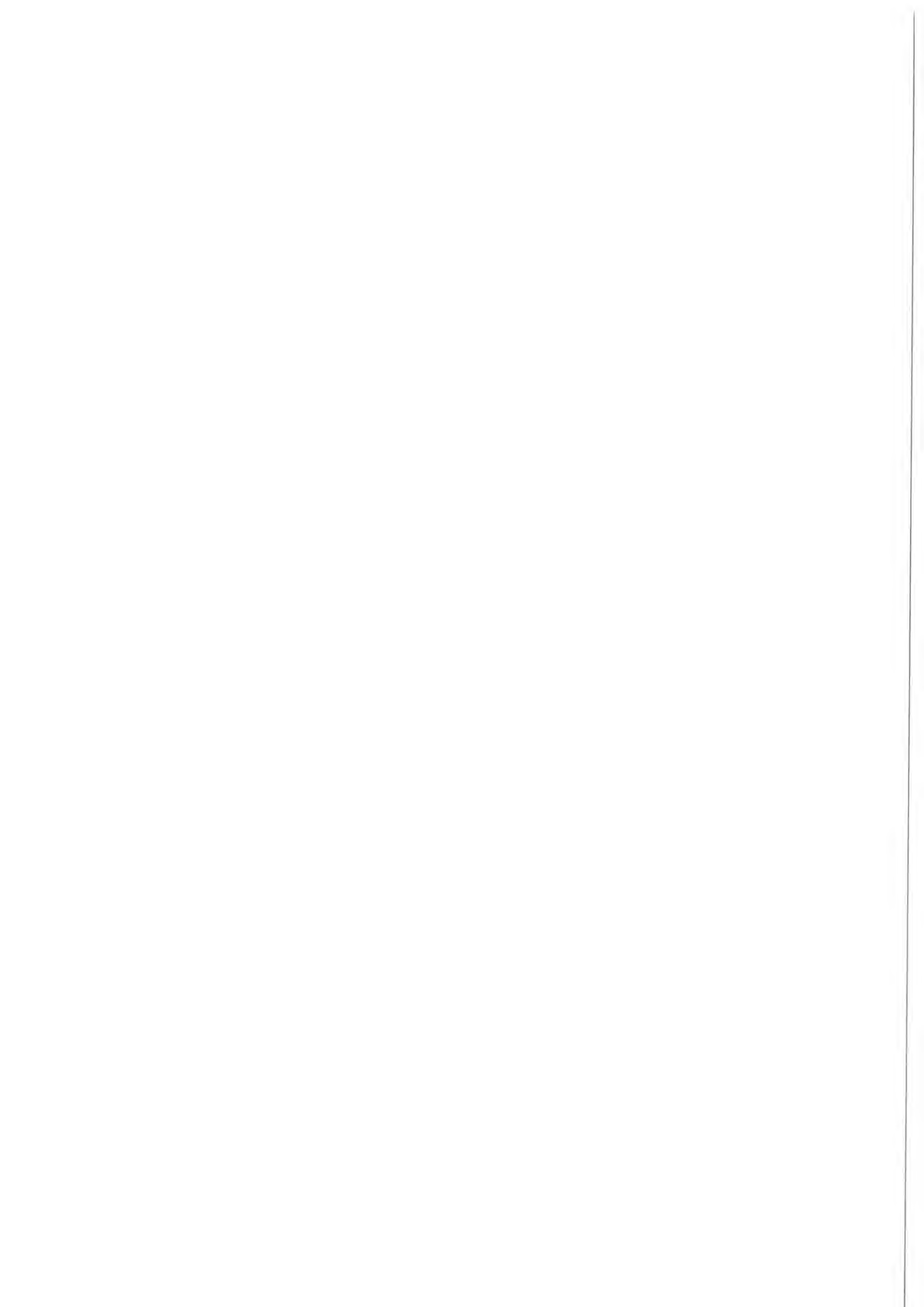
FRANCE	SAINT-BRIEUC	Ordre des Avocats de Saint-Brieuc	33.02.96.33.73.05	<a href="mailto:barreau.saint-brieuc@wanadoo.fr">barreau.saint-brieuc@wanadoo.fr</a>
FRANCE	BOBIGNY STRASBOURG	Ordre des Avocats Seine-Saint-Denis	33.01.41.60.80.80	<a href="mailto:avocats@avocats-bobigny.com">avocats@avocats-bobigny.com</a>
FRANCE	TOULOUSE	Ordre des Avocats de Strasbourg	33.03.88.37.12.66	<a href="mailto:contact@ordre-avocats-strasbourg.fr">contact@ordre-avocats-strasbourg.fr</a>
FRANCE	TARASCON	Ordre des Avocats de Toulouse	33.05.61.14.91.50	<a href="mailto:ordre@avocats-toulouse.com">ordre@avocats-toulouse.com</a>
FRANCE	CRÉTEIL	Ordre des Avocats de Tarascon	33.04.90.91.23.61	<a href="mailto:ordre.tarascon@avocat-conseil.fr">ordre.tarascon@avocat-conseil.fr</a>
FRANCE	PONTOISE	Ordre des Avocats au Barreau de Val de Marne	33.01.45.17.06.06	<a href="mailto:ordre.avocats94@wanadoo.fr">ordre.avocats94@wanadoo.fr</a>
FRANCE	VANNES	Ordre des Avocats du Val d'Oise	33.01.34.35.39.39	<a href="mailto:ordre1@avocat-95.fr">ordre1@avocat-95.fr</a>
FRANCE	VERSAILLES	Ordre des Avocats de Vannes	33.02.97.54.29.53	<a href="mailto:avocatsvannes@wanadoo.fr">avocatsvannes@wanadoo.fr</a>
FRANCE	LARISSA GR	Ordre des Avocats de Versailles	33.01.30.83.26.26	<a href="mailto:secretairegeneral@avocats-versailles.com">secretairegeneral@avocats-versailles.com</a>
GREECE	VEROIA	Bar Association of Larissa	30.241.0532044	<a href="mailto:dsiar@dsiar.gr">dsiar@dsiar.gr</a>
GREECE	XANIA	Bar Association Veroia	30.23.310.24.715	<a href="mailto:info@dsb.gr">info@dsb.gr</a>
HUNGARY	BUDAPEST	Bar Association Chania	30.2821054529	<a href="mailto:proedros@dsch.gr">proedros@dsch.gr</a>
ITALIA	RAVENNA	Budapest Bar Association	36 (1) 953-0155	<a href="mailto:foreign@bobar.hu">foreign@bobar.hu</a>
ITALIA	TIVOLI	Consiglio dell'Ordine degli Avvocati di Ravenna	39.0544.40.42.63	<a href="mailto:segreteria@ordineavvocatiravenna.it">segreteria@ordineavvocatiravenna.it</a>
ITALIA	ROMA	Consiglio dell'Ordine degli Avvocati di Tivoli	3.90774E+11	<a href="mailto:av.ariano@tiscali.it">av.ariano@tiscali.it</a>
ITALIA	CASTROVILLARI	Consiglio Nazionale Forense	39.06.6840961	<a href="mailto:giurisdizionale@consiglionazionaleforense.it">giurisdizionale@consiglionazionaleforense.it</a>
ITALIA	ISERNIA	Consiglio Ordine Avvocati	39.0981.21.303	<a href="mailto:cons.ordineforense@libero.it">cons.ordineforense@libero.it</a>
ITALIA	LATINA	Consiglio Ordine Avvocati Isernia	39086550753	<a href="mailto:isernia@cameraminiore.it">isernia@cameraminiore.com</a>
ITALIA	ROVIGO	Consiglio Ordine Avvocati Latina	39.0773.69.30.40	<a href="mailto:segreteria@ordineavvocatlatina.it">segreteria@ordineavvocatlatina.it</a>
ITALIA	CAGLIARI	Consiglio Ordine Avvocati Rovigo	39042522871	<a href="mailto:ordavv.rovigo@ordineavvocatirovi.go.it">ordavv.rovigo@ordineavvocatirovi.go.it</a>
ITALIA	ACQUI TERME	Ordine degli Avvocati di Cagliari	39.070.30.83.04	<a href="mailto:avv.ca@libero.it">avv.ca@libero.it</a>
ITALIA	BARI	Ordine Avvocati di Acqui Terme	39.0144.35.62.22	<a href="mailto:pieropirotti@libero.it">pieropirotti@libero.it</a>
ITALIA	BOLOGNA	Ordine degli Avvocati Bari	39.080.574.91.54 / 39.080.527.73.24	<a href="mailto:info@ordineavvocati.bari.it">info@ordineavvocati.bari.it</a>
ITALIA	BRINDISI	Ordine degli Avvocati di Bologna	0039.051.58.22.09	<a href="mailto:info@ordineavvocatibologna.net">info@ordineavvocatibologna.net</a>
ITALIA	CALTANISSE	Ordine degli Avvocati di Brindisi	39.0831586993	<a href="mailto:segreteria@ordineavvocatibrindisi.it">segreteria@ordineavvocatibrindisi.it</a>
ITALIA	CAMPOBASSO	Ordine Avvocati di Caltanissetta	3.90935E+11	<a href="mailto:ord.caltanissetta@cert.legalmail.it">ord.caltanissetta@cert.legalmail.it</a>
ITALIA	CATANIA	Ordine Avvocati di Campobasso	39.0874.927.74	<a href="mailto:segreteria@ordineavvocaticampobasso.it">segreteria@ordineavvocaticampobasso.it</a>
ITALIA	FERMO	Ordine Avvocati Catania	39095.8314100	<a href="mailto:segreteria@ordineavvocaticatania.it">segreteria@ordineavvocaticatania.it</a>
ITALIA	FORLÌ	Ordine Avvocati di Fermo	39.0734.22.87.14	<a href="mailto:info@ordineavvocatidifermo.it">info@ordineavvocatidifermo.it</a>
ITALIA	LECCE	Ordine Avvocati di Forlì Cesena	39.0543.33.431	<a href="mailto:ordine@ordineavvocatiforlicesena.it">ordine@ordineavvocatiforlicesena.it</a>
ITALIA	LOCRI	Ordine Avvocati di Lecce	3.90832E+11	<a href="mailto:info@ordineavvocatilecce.it">info@ordineavvocatilecce.it</a>
ITALIA	LOCRI	Ordine Avvocati di Locri	39096420469	<a href="mailto:ord.locri@cert.legalmail.it">ord.locri@cert.legalmail.it</a>



ITALIA	LUCCA	Ordine Avvocati di Lucca	3.90583E+11	<a href="mailto:info@ordineavvocati.lu.it">info@ordineavvocati.lu.it</a> <a href="mailto:segreteria@ordineavvocati.messina.org">segreteria@ordineavvocati.messina.org</a>
ITALIA	MESSINA	Ordine Avvocati di Messina	39 090 71 36 10	<a href="mailto:segreteria@ordineavvocati.milano.it">segreteria@ordineavvocati.milano.it</a>
ITALIA	MILANO	Ordine Avvocati di Milano	39 02 549 29 21	<a href="mailto:segreteria@ordineavvocati.napoli.it">segreteria@ordineavvocati.napoli.it</a> <a href="mailto:presidente@ordineavvocati.napoli.it">presidente@ordineavvocati.napoli.it</a>
ITALIA	NAPOLI	Ordine Avvocati di Napoli	3.90817E+11	<a href="mailto:segreteria@avvocati.palermo.it">segreteria@avvocati.palermo.it</a>
ITALIA	PALERMO	Ordine Avvocati di Palermo	39091331401	<a href="mailto:info@ordineavvocati.ragusa.it">info@ordineavvocati.ragusa.it</a> <a href="mailto:ord.reggiocalabria@cert.legalmail.it">ord.reggiocalabria@cert.legalmail.it</a>
ITALIA	RAGUSA	Ordine Avvocati di Ragusa	390 932 621 253	
ITALIA	REGGIO CALABRIA	Ordine Avvocati di Reggio Calabria	39096528423	
ITALIA	REGGIO EMILIA	Ordine Avvocati di Reggio Emilia	39 0522 922392	<a href="mailto:info@ordineforense.re.it">info@ordineforense.re.it</a>
ITALIA	ROMA	Ordine Avvocati di Roma	39.06.68.47.41	<a href="mailto:consiglio@ordineavvocati.roma.it">consiglio@ordineavvocati.roma.it</a>
ITALIA	SANREMO SANTA MARIA CAPUA VETERE	Ordine Avvocati di San Remo	3.90185E+11	<a href="mailto:segreteria@avvocatisanremo.it">segreteria@avvocatisanremo.it</a>
ITALIA	SIRACUSA	Ordine Avvocati di Santa Maria Capua Vetere	39 0823 84 7792	<a href="mailto:info@ordineavvocatis.mcv.it">info@ordineavvocatis.mcv.it</a>
ITALIA	TORINO	Ordine Avvocati di Siracusa	39.0931.49.45.99	<a href="mailto:info@ordineavvocatisr.it">info@ordineavvocatisr.it</a>
ITALIA	TRANI	Ordine Avvocati di Torino	39.011.433 04 46	<a href="mailto:segreteria@ordineavvocati.torino.it">segreteria@ordineavvocati.torino.it</a>
ITALIA	VELLETRI	Ordine Avvocati di Trani	39.088.358.76.01	<a href="mailto:info@ordineavvocati.trani.it">info@ordineavvocati.trani.it</a>
ITALIA	VENEZIA	Ordine Avvocati di Velletri	39069630825	<a href="mailto:info@ordineavvocati.velletri.it">info@ordineavvocati.velletri.it</a> <a href="mailto:consiglio@ordineavvocativenezia.net">consiglio@ordineavvocativenezia.net</a>
ITALIA	VERONA VIBO VALENTIA	Ordine Avvocati di Venezia	39.041.520.45.45	
ITALIA	VERONA VIBO VALENTIA	Ordine Avvocati di Verona	39.045.800.54.03	<a href="mailto:info@ordineavvocati.vr.it">info@ordineavvocati.vr.it</a> <a href="mailto:segreteria@ordineavvocativibovalentia.it">segreteria@ordineavvocativibovalentia.it</a>
ITALIA	AREZZO TORRE ANNUNZIATA	Ordine Avvocati di Vibo Valentia	39 0963 94495	<a href="mailto:info@ordineavvocati.arezze.it">info@ordineavvocati.arezze.it</a>
ITALIA	SAVONA ALESSANDRIA	Ordine Avvocati Provincia di Arezzo	39057523890	<a href="mailto:ordineavvocati.torre@gmail.com">ordineavvocati.torre@gmail.com</a> <a href="mailto:segreteria@ordineavvocatisavona.191.it">segreteria@ordineavvocatisavona.191.it</a> <a href="mailto:segreteria@ordineavvocati.alessandria.it">segreteria@ordineavvocati.alessandria.it</a>
ITALIA	ANCONA BARCELLON A POZZO DI GOTTO	Ordine degli Avvocati di Ancona	39.081.8622039	<a href="mailto:info@ordineavvocati.ancona.it">info@ordineavvocati.ancona.it</a>
ITALIA	BASSANO DEL GRAPPA CIVITAVECCHIA	Ordine degli Avvocati di Savona	39019824785	<a href="mailto:segreteria@ordineavvocati.barcellona.pozzo.it">segreteria@ordineavvocati.barcellona.pozzo.it</a>
ITALIA	COMO	Ordine degli Avvocati di Barcellona Pozzo di Gotto	39.090.9791042/090.9701525	<a href="mailto:consiglio@ordineavvocati.vicenza.it">consiglio@ordineavvocati.vicenza.it</a>
ITALIA	FIRENZE	Ordine Avvocati Bassano del Grappa	3.90425E+11	<a href="mailto:procura.civitavecchia@giustizia.it">procura.civitavecchia@giustizia.it</a>
ITALIA		Ordine degli Avvocati di Civitavecchia	39076629284	<a href="mailto:consiglio@ordineavvocati.como.it">consiglio@ordineavvocati.como.it</a> <a href="mailto:uffici.segreteria@ordineavvocati.firenze.eu">uffici.segreteria@ordineavvocati.firenze.eu</a>
ITALIA		Ordine degli Avvocati di Como	39031269335	
ITALIA		Ordine degli Avvocati di Firenze	39.055 48 34 06	

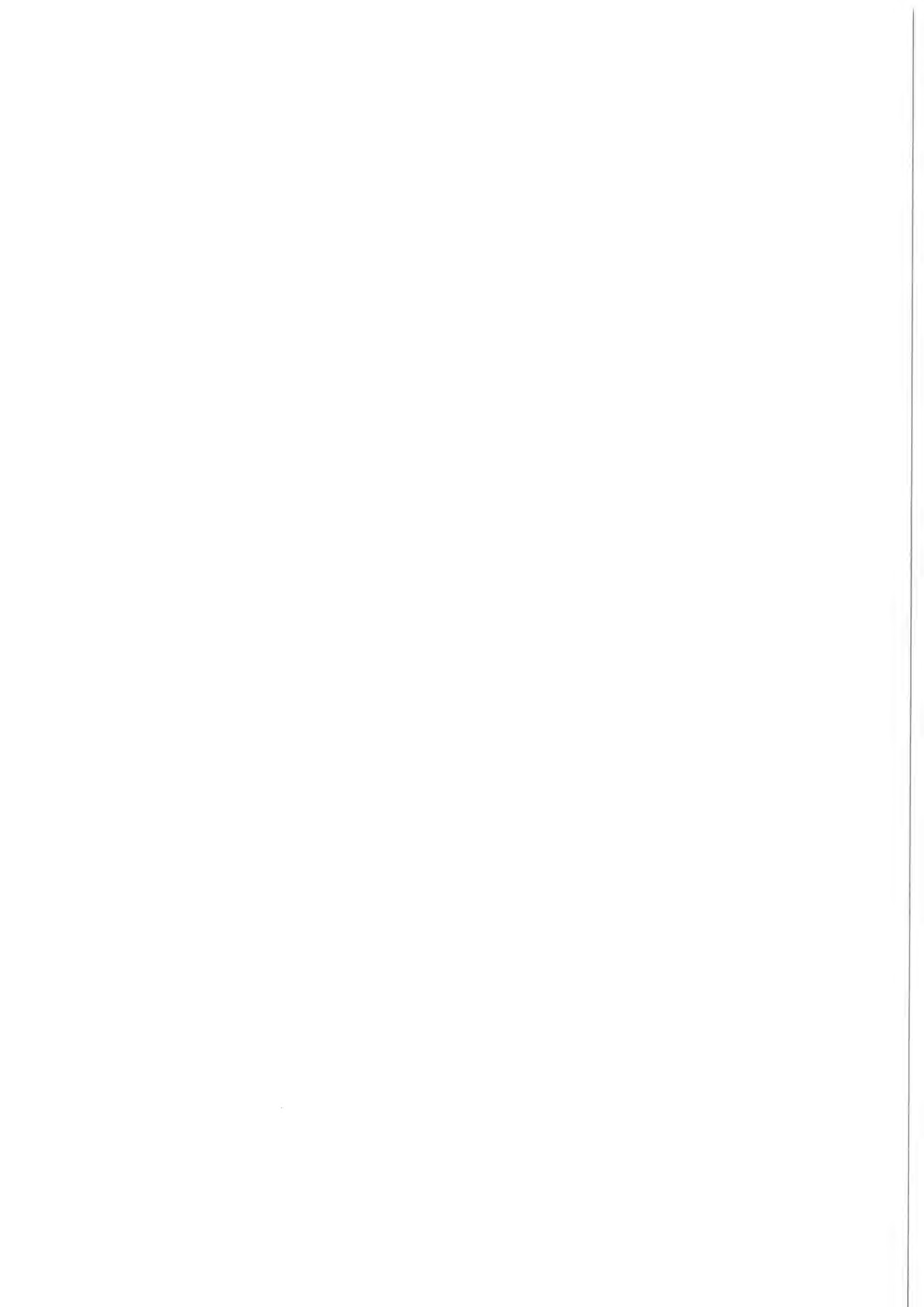


ITALIA	FOGGIA	Ordine degli Avvocati di Foggia	3.90862E+11	<a href="mailto:segreteria@avvocatifoggia.legalmail.it">segreteria@avvocatifoggia.legalmail.it</a>
ITALIA	FROSINONE	Ordine degli Avvocati di Frosinone	39 0775 291110	<a href="mailto:ordineavvocatifrosinone@ordineavvocatifrosinone.it">ordineavvocatifrosinone@ordineavvocatifrosinone.it</a>
ITALIA	GROSSETO	Ordine degli Avvocati di Grosseto	39056425103	<a href="mailto:info@ordineavvocatigrosseto.it">info@ordineavvocatigrosseto.it</a>
ITALIA	LUCERA NOCERA INFERIORE	Ordine degli Avvocati di Lucera Ordine degli Avvocati di Nocera Inferiore	39.0881.52.28.19 39081929600	<a href="mailto:Presidente@ordineavvocatilucera.it">Presidente@ordineavvocatilucera.it</a> <a href="mailto:foronocera@foronocera.it">foronocera@foronocera.it</a>
ITALIA	NOLA	Ordine degli Avvocati di Nola	39 081.512.56.40	<a href="mailto:ordineavvocatinola@legalmail.it">ordineavvocatinola@legalmail.it</a>
ITALIA	ORISTANO	Ordine degli Avvocati di Oristano	39078372220	<a href="mailto:info@ordineavvocatoristano.it">info@ordineavvocatoristano.it</a>
ITALIA	PARMA	Ordine degli Avvocati di Parma	390521 2822259	<a href="mailto:segreteria@ordineavvocatiparma.it">segreteria@ordineavvocatiparma.it</a>
ITALIA	POTENZA	Ordine degli Avvocati di Potenza	39 0971 47 13 27	<a href="mailto:avvocati.pz@tiscali.it">avvocati.pz@tiscali.it</a>
ITALIA	PRATO	Ordine degli Avvocati di Prato	3.90575E+11	<a href="mailto:segreteria@pec.avvocati.prato.it">segreteria@pec.avvocati.prato.it</a>
ITALIA	SALERNO	Ordine degli Avvocati di Salerno	39 089 241 388	<a href="mailto:info@ordavvsa.it">info@ordavvsa.it</a>
ITALIA	SCIACCA	Ordine degli Avvocati di Sciacca	39.0925.24.132	<a href="mailto:info@ordineavvocatsciacca.it">info@ordineavvocatsciacca.it</a>
ITALIA	TARANTO	Ordine degli Avvocati di Taranto	39.099.739.04.93	<a href="mailto:ufficio.segreteria@oravvra.it">ufficio.segreteria@oravvra.it</a>
ITALIA	TRIESTE	Ordine degli Avvocati di Trieste	39 040 63 53 03	<a href="mailto:ordineavvocati@ordineavvocati.ts.it">ordineavvocati@ordineavvocati.ts.it</a>
ITALIA	VIGEVANO	Ordine degli Avvocati di Vigevano	39 0381 64 32 53	<a href="mailto:avvocativigevano@alice.it">avvocativigevano@alice.it</a>
ITALIA	GORIZIA	Ordine degli Avvocati i Gorizia The Annual General Meeting of the European Young Bar Association	390 481 53 03 09	<a href="mailto:segreteria.ordine@avvocatigorizia.it">segreteria.ordine@avvocatigorizia.it</a>
ITALIA	PADOVA	Organismo Unitario dell'Avvocatura Italiana	39 049 875 13 73	<a href="mailto:ordine@ordineavvocati.padova.it">ordine@ordineavvocati.padova.it</a>
ITALIA	ROMA	Unione degli Ordini Forensi della Sicilia	39.06.3218983	<a href="mailto:segreteria@oua.it">segreteria@oua.it</a>
ITALIA	CATANIA		39095536400	<a href="mailto:segreteria@unioneforiscicilianii.it">segreteria@unioneforiscicilianii.it</a>
ITALIA	NAPOLI	Consiglio Regionale Avvocati della Campania	39.081.77.83111	<a href="mailto:protocollo.generale@consiglio.regione.campania.it">protocollo.generale@consiglio.regione.campania.it</a>
ITALIA	VENEZIA	Unione Triveneta del Consiglio dell'Ordine degli Avvocati	3.90433E+11	<a href="mailto:rosa-ferrarese@iol.it">rosa-ferrarese@iol.it</a>
LUXEMBOURG	LUXEMBOURG	Ordre des Avocats de Luxembourg	352 46 72 72-1	<a href="mailto:info@barreau.lu">info@barreau.lu</a>
NETHERLANDS	DEN HAAG	Nederlandse Orde Van Advocaten	31.070.335.35.35	<a href="mailto:info@advocatenorde.nl">info@advocatenorde.nl</a>
NETHERLANDS	AMSTERDAM	Orde Van Advocaten Amsterdam	31.20.589.60.00	<a href="mailto:orde@zoava.nl">orde@zoava.nl</a>
NETHERLANDS	HERTOGENBOSCH	Orde Van Advocaten Herthogenbosch	31 073 691 17 86	<a href="mailto:algemeen@ova-denbosch.nl">algemeen@ova-denbosch.nl</a>
NETHERLANDS	DEN HAAG	Orde van Advocaten Den Haag	31.70.4166122	<a href="mailto:bureau@haagseorde.nl">bureau@haagseorde.nl</a>
NETHERLANDS	ROTTERDAM	Orde Van Advocaten Rotterdam	31.10.22.40 709	<a href="mailto:secretariaat@deken-rotterdam.nl">secretariaat@deken-rotterdam.nl</a>
OSTERREICH	INNSBRUCK	Tiroler Rechtsanwaltskammer	43 0512 58 70 67	<a href="mailto:office@tiroler-rak.at">office@tiroler-rak.at</a>
OSTERREICH	WIEN	Rechtsanwaltskammer Wien	43.1.533.27.18/0	<a href="mailto:office@rakwien.at">office@rakwien.at</a>
OSTERREICH	ST. PÖLTEN	Rechtsanwaltskammer Nordösterreich	43.27.42/71 6 50-0	<a href="mailto:office@raknoe.at">office@raknoe.at</a>

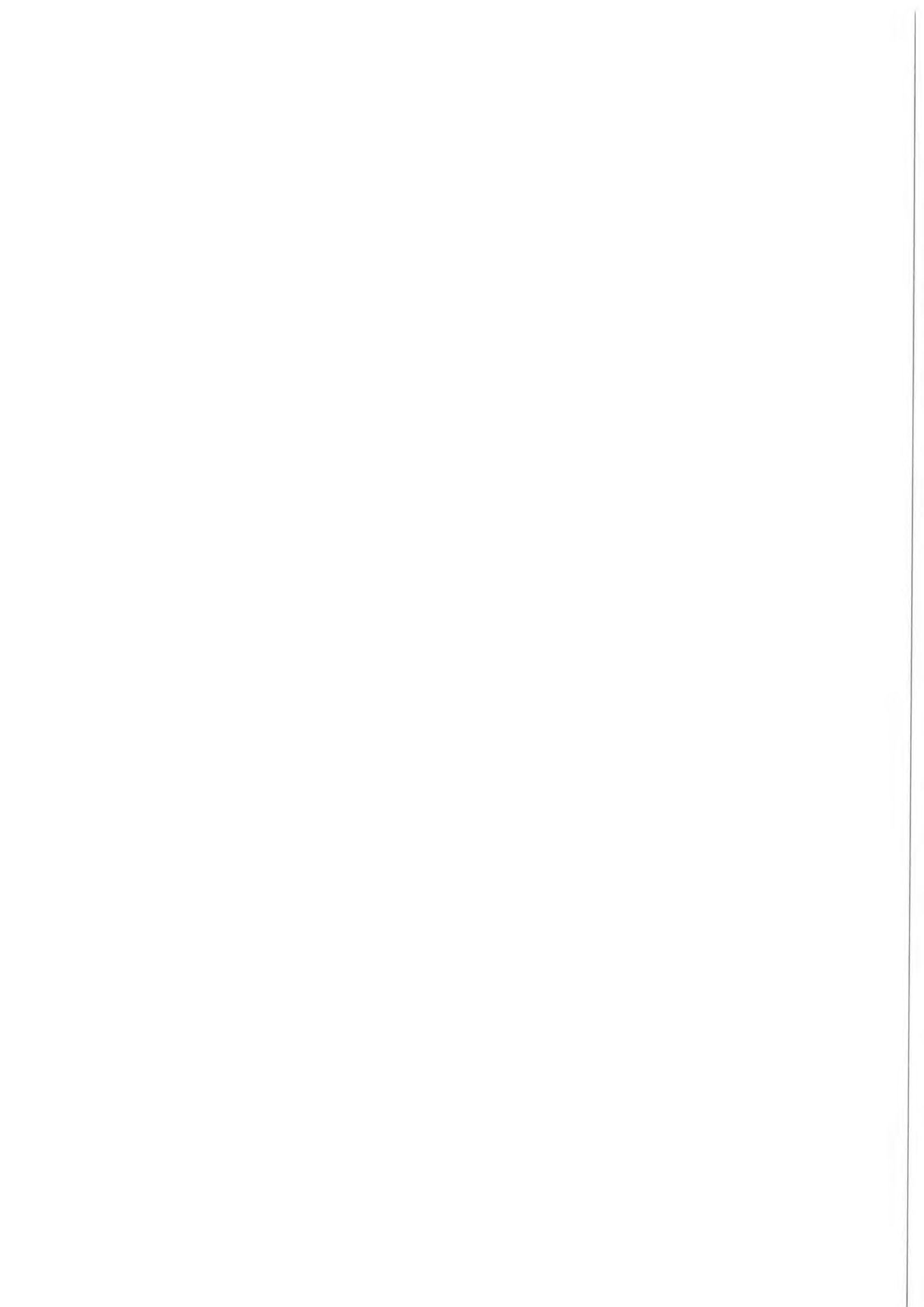




POLAND	KRAKÓW	Cracow Bar Council (Okregowa Rada Adwokacka w Krakowie)	48 12 6335763	<a href="mailto:gra.krakow@adwokatura.pl">gra.krakow@adwokatura.pl</a>
POLAND	KATOWICE	Okregowa Rada Adwokacka (Silesian Regional Bar Association)	48.32 259 82 50	<a href="mailto:sekretariat@adwokatura.katowice.pl">sekretariat@adwokatura.katowice.pl</a>
POLAND	WALBRZYCH	Bar Association of Legal Advisers of Walbrzych	074 84 268 76	<a href="mailto:biuro@oalp.walbrzych.pl">biuro@oalp.walbrzych.pl</a>
POLAND	SZCZECIN	OIRP Szczecin	48 91 4882722 48793-70 71-94 to 96	<a href="mailto:sekretariat@oalp.szczecin.pl">sekretariat@oalp.szczecin.pl</a>
POLAND	WROCLAW	OIRP we Wroclawin	48602188346	<a href="mailto:biuro.rady@oalp.wroclaw.pl">biuro.rady@oalp.wroclaw.pl</a>
POLAND	WARSAW	Warsaw Bar of Legal Advisers	48.61.853.53.11	<a href="mailto:oirp@oalp.waw.pl">oirp@oalp.waw.pl</a>
POLAND	POZNAN	OIRP Poznan	48.89 527 98 63	<a href="mailto:rada@poznanoalp.pl">rada@poznanoalp.pl</a>
POLAND	OLSZTYN	OIRP Olsztynie		<a href="mailto:biuro@oalp.olsztyn.pl">biuro@oalp.olsztyn.pl</a>
POLAND	ZIELONA GÓRA	OIRP Zielonej Górze	48 68 452 96 66	<a href="mailto:oirp_zielonagora@radca.lex.pl">oirp_zielonagora@radca.lex.pl</a>
PORTUGAL	LISBOA	Conselho Distrital de Lisboa	351.21.312.98.50	<a href="mailto:presidencia@cdl.ao.pt">presidencia@cdl.ao.pt</a>
PORTUGAL	CEDEX	Ordem dos Advogados de Portugal	351.21.882.35.50	<a href="mailto:cons.geral@ca.ao.pt">cons.geral@ca.ao.pt</a>
PORTUGAL	PORTO	Conselho Distrital do Porto	351.22.207.45.70	<a href="mailto:cdporto@cddp.ao.pt">cdporto@cddp.ao.pt</a>
REP. KOSOVO	PRISHTINA	Chamber of advocates of Kosovo	381 38 244 586	<a href="mailto:info@oak-ks.org">info@oak-ks.org</a>
ROMANIA	BUCARESTI	Baroul Bucarest	40.21.315.45.38	<a href="mailto:secretariat@baroul-bucuresti.ro">secretariat@baroul-bucuresti.ro</a>
ROMANIA	ARAD	Baroul Arad	40257257421	<a href="mailto:secretariat@baroul-arad.org">secretariat@baroul-arad.org</a>
ROMANIA	CLUJ-NAPOCA	Baroul Cluj	40 2 64 43 02 69	<a href="mailto:contact@baroul-cluj.ro">contact@baroul-cluj.ro</a>
ROMANIA	MIERCUREA-CIUC	Baroul Avocatilor Harghita	40 2 66 312 98 4	<a href="mailto:baroulharghita@yahoo.com">baroulharghita@yahoo.com</a>
ROMANIA	ORADEA	Baroul Bihor	40 259 411 7 99	<a href="mailto:baroul_bihor@gmail.com">baroul_bihor@gmail.com</a>
ROMANIA	SIBIU	Baroul Sibiu	40 269 211 669	<a href="mailto:contact@baroulisibiu.ro">contact@baroulisibiu.ro</a>
ROMANIA	DOLJ	Baroul Doj	40251413940	<a href="mailto:office@barouldolj.ro">office@barouldolj.ro</a>
ROMANIA	TULCEA	Baroul Tulcea	40 0340,102,836	<a href="mailto:contact@baroultulcea.ro">contact@baroultulcea.ro</a>
SERBIA	BELGRADE	Advokatska Komora Beograda	381.11.32 39.805	<a href="mailto:adv.komora.beograda@gmail.com">adv.komora.beograda@gmail.com</a>
SUISSE	BASEL	Advokatenkammer Basel	41 061 366 90 65	<a href="mailto:sekretariat@advokaturambahnhof.ch">Sekretariat@advokaturambahnhof.ch</a>
SUISSE	BERNE	Schweizerischer Anwaltsverband	41.31.313.06.06	<a href="mailto:info@sav-fsa.ch">info@sav-fsa.ch</a>
SUISSE	BURGDORF	Association des Avocats Bernois	41 034.423 11 89	<a href="mailto:bav@solnet.ch">bav@solnet.ch</a>
SUISSE	FRIBOURG	Ordre des Avocats Fribourgeois	41263221156	<a href="mailto:nicolas.charriere@rsnc.ch">nicolas.charriere@rsnc.ch</a>
SUISSE	CHIASSO	Ordine degli Avvocati del Cantone Ticino	41.91.682.95.61	<a href="mailto:info@oati.ch">info@oati.ch</a>
SUISSE	GENÈVE	Ordre des Avocats de Genève	41.22.310.50.65	<a href="mailto:secretariat@odageneve.ch">secretariat@odageneve.ch</a>
SUISSE	NEUCHÂTEL	Ordre des Avocats Neuchâtelois	41.32.722.60.00	<a href="mailto:info@oan.ch">info@oan.ch</a>
SUISSE	LAUSANNE	Ordre des Avocats de Vaudois	41.21.311 77 39	<a href="mailto:info@oav.ch">info@oav.ch</a>
SUISSE	SION 2 Nord	Ordre des Avocats Valaisans	41 027/321.21.26	<a href="mailto:leonard.pember@omedia.ch">leonard.pember@omedia.ch</a>
SUISSE	ZÜRICH	Zürcher Anwaltsverband	41 44 211 51 81	<a href="mailto:sekretariat@zav.ch">sekretariat@zav.ch</a>
TURKEY	ISTANBUL	Istanbul Bar Association	90 212 25 163 25	<a href="mailto:information@istanbulbarosu.org.tr">information@istanbulbarosu.org.tr</a>
TURKEY	BALGAT-ANKARA	The Union of Turkish Bar Associations	90 312 292 59 00	<a href="mailto:barobirlik@barobirlik.org.tr">barobirlik@barobirlik.org.tr</a>



TURKEY UNITED KINGDOM UNITED KINGDOM UNITED KINGDOM	SIHIYE- ANKARA EXETER LONDON MONMOUTH SHIRE	Ankara Bar Association Devon & Somerset Law Society The City of Westminster and Holborn Law Society The Monmouthshire Incorporated Law Society	90 312 416 72 00 44 0 1392 36 63 33 44.0207 960 7115 4,41496E+11	<a href="mailto:ankarabarasu@ankarabarasu.org.uk">ankarabarasu@ankarabarasu.org.uk</a> f <a href="mailto:mail@dasis.com">mail@dasis.com</a> <a href="mailto:admin@cwrls.org.uk">admin@cwrls.org.uk</a> <a href="mailto:enquires@monlawsoc.co.uk">enquires@monlawsoc.co.uk</a>
---	--	---	---	---





## **MEDIATION COMMISSION**

---

### Preamble

In 2008, the European Union adopted a Code of Conduct, as stated in its preamble, which established a set of principles whose implementation is left to individual mediators at their own responsibility and which may be applied to any type of mediation in civil and commercial matters.

Attending to the condition of mediators of the lawyers, specifically their dual training as lawyers and mediators, their performances in the two areas to avoid conflicts of interest and incompatibilities, and after seeing the various codes of professional and ethical conduct that different mediation centers and associations have regulated, we propose a Code of Conduct for Mediators which covers in its entirety the European Code of Conduct, which is applicable to all those which have the status of lawyers and colleges that are found in any of the professional associations that are part of the FBE.

## Articled Text

### **1. COMPETENCE, APPOINTMENT , AND FEES OF THE MEDIATORS AND PROMOTION OF THEIR SERVICES**

#### **1.1. COMPETENCE**

Mediators must be competent in the field of mediation and should know its procedures. It is considered essential that they have the appropriate training and constantly upgrade their theoretical and practical skills, taking into account current standards of accreditation systems.

The professional colleges establish specific training needed by mediators who enroll in the register of mediators that the professional colleges may have.

The practice of mediation is not incompatible with the practice of law.

#### **1.2. APPOINTMENT**

The mediator will confer with the parties on the dates that are most convenient to them for the development of mediation. The mediator will make sure that you have the training and expertise necessary to mediate in a concrete case before accepting your appointment. At the request of the parties, the mediator will provide them with the information on your training and experience.

### **1.3. FEES**

When not otherwise provided for, the mediator shall inform the parties involved as to which forms of payment they will be subject to. The mediator shall not participate in any mediation before the principles of payment have been accepted by all parties involved.

When the legal aid for the process of mediation in the State is recognized, the mediator will state their fees to the amounts which are accepted by this concept, always providing that they have been recognized by the paying parties as the legal aid for the process of mediation.

### **1.4. Promoting the services of the mediator**

Mediators may advertise their services, so long as they are professional, honest and dignified.

## **2. INDEPENDENCE, IMPARCIALITY AND CONFIDENCIALITY**

### **2.1. Independence**

Before starting or continuing ones work, the mediator must reveal any circumstance which affects or could affect their independence, or create a conflict of interests.

Such circumstances include – all types of personal or business relations with any of the parties – any financial interests, or other type, direct or indirect, in the

outcome of the mediation, or – if the mediator, or a member of their firm, has previously acted in favor of one or more of the parties under any circumstances, with the exception of mediation.

In such cases the mediator may only accept or continue the mediation on the condition that they are sure to be able to mediate with total independence in order to guarantee their complete impartiality, provided that the parties involved offer their explicit consent.

The duty of disclosure of information holds throughout the mediation process.

## **2.2. Impartiality**

The mediator will act impartially with the parties at all times, and endeavor to demonstrate their impartiality, and also will commit to serve all parties equally during the mediation process.

## **2.3. Confidentiality**

The mediator will respect the confidentiality of all the information arising from or concerning the mediation, including the mere existence of the mediation, in the present or the past, unless there are substantial legal reasons or public policy to the contrary. Excepting laws to the contrary, any information revealed in confidence to the mediators by one party may be disclosed to other parties without your authorization.



Supposing that the mediator, for whatever reason, was summoned as a witness in court or in an arbitration process for disputes arising after the mediation agreement, the mediator is protected by professional secrecy, though they can be relieved of this by the express permission of both parties.

The mediator's duty of confidentiality extends to all people who collaborate and work with the mediator during the mediation process.

### **3. Willfulness**

The parties will voluntarily submit to the mediation process, and can withdraw from it at any time.

## **4. MEDIATION AGREEMENT, PROCEDURE AND CONFLICT RESOLUTION**

### **4.1 Procedure**

The mediator will ensure that the parties understand the characteristics of the mediation procedures, its role as mediator, and his role as a mediator and that of the parties in its procedure.

The mediator in particular will ensure that before the start of the mediation, the parties have understood and expressly agreed to the conditions of the terms of the mediation agreement, including the provisions relating to the confidentiality obligation of the mediator and the parties involved.

The agreement of the mediation agreement shall be in writing, at the request of the parties.

The mediator will conduct the proceedings in an appropriate manner, taking into account the circumstances of the case, the potential power imbalances, the desires that are expressed by the parties, the applicable law and the need to reach a quick resolution of the conflict. The parties will be free to agree with the mediator, referring to the way in which a standard will be carried out in the mediation.

If they find it necessary, the mediator may listen to the parties separately.

#### **4.2. Suspension of the mediation or end of mediation due to exceptional circumstances**

The mediator will be obliged to suspend or end the mediation:

- If the mediation is being used for inappropriate purposes
- If the behavior of one of the parties is incompatible with the proper conduct of the mediation
- If one of the parties is not a constructive part of the mediation and is using the information obtained from it.
- If any of the parties breaches the rules previously established rules of mediation
- If any of the parties fails to attend sessions of mediation without justified cause .
- If the existence of criminal acts or threats to life or the physical integrity of either party is inferred, the mediator is released from the obligation of confidentiality and must make a report to the proper authorities.

- If in the opinion of the mediator, mediation for any reason become purposeless

#### **4.3 Procedural fairness**

The mediator will ensure that all parties can participate effectively in the process.

The mediator shall inform the parties and end the mediation when:

- The mediation has concluded in an agreement that the mediator considers inapplicable or illegal, taking into account the circumstances of the case, or when it does not seem responsible to conclude it, or
- The mediator considers that it is unlikely that further mediation results in an agreement

#### **4.4 End of procedure**

The mediator shall take all appropriate measures to ensure that the parties give their consent to the agreement fully informed and in understanding of its terms.

The parties may resign from the mediation at any time without need of justification.

The mediator shall inform the parties, at their request and within the limits of its jurisdiction, on how to formalize the agreement and on the possibilities that are applicable.

4.5 The process of mediation does not interrupt the expiration terms or the fulfillment of actions, unless positive or procedural rules of the State are expressly collected.

4.6 Implementation of the mediation agreement. The mediation agreement is enforceable in accordance with the provisions of Directive 2008/52 and the provisions of positive and procedural laws of each state.

## **5. PENALTIES FOR THE BREACH OF RULES OF CONDUCT.**

Every professional Bar shall regulate the rules on penalties applicable to the mediators and these must include at the least:

### **A) Punishable behaviors** classified as:

1. Very serious breach of the obligations of independence, impartiality and confidentiality when they have caused injury to any of the parties.
2. Conducts that, contrary to the obligations cited as very serious, have not caused any prejudice to any of the parties
3. Slight breach of any of the obligations contained in this code of conduct.

### **B) Penalties**

1. For very serious offenses, the loss of status as a mediator.
2. For serious offenses, the suspension of the status of mediator for three to six months

3. For slight offenses, written warning and/or suspension of the status of mediator for one day to two months and thirty days.

#### PROPOSAL FOR ADOPTION

As indicated in the preamble, this incorporates the standards and behavior conducts tested by the EU, to which have been added some specialties that are typical of the practitioners of mediation and advocacy.

**We propose the adoption of the text articulated above to be subsequently developed for each of the colleges that comprises the FBE, complete with the specificities of the regulations of each state.**

The approval of a text base allows uniformity of mediators and the mediation process in its essential aspects, which is of great importance as the conflict can fall under a the domain of territories of other mediators.

This translates into an important element of security for the parties, since it ensures the quality of mediation and the professionalism of the mediators.

Barcelona, 31 de octubre de 2012

**Silvia Giménez-Salinas Colomer**  
**Presidenta Comisión de Mediación de la FBE**

