



REPORT ON IMPLEMENTATION OF ADR IN EUROPE

We would like to inform you that we sent out a questionnaire to all the FBE Bar Members with the intention of determining what the status of implantation of Alternative Dispute Resolution (ADR) is in the different countries.

The main objective of this research was to be able to promote actions and take a universal approach without exception, focusing on vulnerable groups and citizens in general.

Bars from the following countries successfully participated by answering this questionnaire: Belgium, Czech Republic, Spain, Italy, Germany, Poland, Switzerland, Austria, Portugal, Bulgaria, Netherlands, Romania and Turkey. We are endlessly grateful for their cooperation.

The most valuable conclusions that we have obtained were that the alternative methods of conflict resolution are regulated in the totality of the legal systems of the consulted FBE members. It is accentuated that, in addition to mediation, the ADRs that are contained within the majority of the jurisdictions are Arbitration and Conciliation, methods which seem to be largely consolidated within Europe as alternative means of conflict resolution.

There was also a virtually unanimous agreement that the Mediator must be educated and trained as such. For this reason, the majority of those consulted have recognized that their legislations ensure that the Mediator receives the official training that is required for them to practice.

With regard to the scope of the dissemination and empowerment of ADR methods, it is observed that some legal systems have required the use of certain ADR processes as a prior and mandatory instance that must be foreseen before accessing the judicial route.

In relation to the effectiveness of the alternative conflict resolution methods, it is possible to extract that there is a general unawareness of the efficacy of ADR in terms of reducing litigation. However, it can also be appreciated that Mediation has been gaining ground hand in hand with the Bar Associations who have proposed themselves to be promoting entities of alternative dispute resolution methods.

A final conclusion from the results obtained is that it is possible to see that the matters subject to mediation that are mostly dealt with in said centers of the Bar Associations are about Civil and Family Law.

Therefore, we are incredibly thankful for the Bar Associations who participated with the questionnaire since their collaboration was essential and very valuable in the preparation of this study.

FUTURE PROJECT “FBE ADR AWARDS”

On another note, we have taken the initiative to begin another project that we believe would be beneficial to our Federation. We have created the ‘**FBE European ADR Awards**’, in order to award professionals of Mediation in all different forms, from the best theoretical researchers to the most effective practitioners of the profession.

It will be open to all the FBE-Member Bars and any of their lawyers who have an interest in Mediation on any level.

We intend to recognize the most relevant contributions in the field of mediation with the goals of promoting, recognizing and spreading innovative progress and the application of increasingly successful research techniques, practical experiences, and publications.

The three Awards that will be have selected are as follows: “**Awards for Trajectory in Mediation/ADR**”, “**Award for the Best Publication or scientific work**”, and “**Award for the Best Mediation Institution and/or Mediation Services Provided**”.

Applications for the Awards will be evaluated by a jury comprised of the members of the Mediation Commission, alongside with the former President of this Commission.