Summary of Contents

Editors	V
Contributors	vii
Foreword	xlix
Preface	liii
CHAPTER 1 Introducing Regulatory Robustness Ratings for Mediation Regimes in the EU	
Nadja Alexander	1
CHAPTER 2 Austria Christina Lenz & Martin Risak	33
Chapter 3 Belgium	
Johan Billiet & Dilyara Nigmatullina	59
Chapter 4 Bulgaria	
Evgeni Georgiev	93
Chapter 5 Croatia	
Boris Jukić & Anamarija Milanović	125

Summary of Contents

CHAPTER 6	
Cyprus	
Victoria – Zoi Papagiannis & George Mountis	141
Chapter 7	
The Czech Republic	
Martin Svatos	161
Chapter 8	
Denmark	
Louise Lerche-Gredal	101
Louise Lettie-Greun	191
CHAPTER 9	
England and Wales	
Bill Marsh, Alexander Oddy & Jan O'Neill	203
Chapter 10	
Estonia	
Maria Pihlak	239
Chapter 11	
Finland	
Petra Hietanen-Kunwald	267
retra Metanen-Kanwata	267
CHAPTER 12	
France	
Delphine Wietek	299
	2,,
CHAPTER 13	
Germany	
Kristina Osswald & Gustav Flecke-Giammarco	349
Chapter 14	
Greece	
Apostolos Anthimos	383
Chapter 15	
Hungary	
Manuela Renáta Grosu	403
Chapter 16	
Ireland	
Sabine Walsh	435

Chapter 17 Italy	
Carlo Mastellone & Laura Ristori	465
Chapter 18	
Latvia	
Dana Rone	493
Chapter 19	
Lithuania	
Virgilijus Valančius	509
Chapter 20	
Luxembourg	
Jan Kayser	529
CHAPTER 21	
Malta	
Adrian Delia & Michael Muscat	545
CHAPTER 22	
The Netherlands	
Machteld Pel	563
Chapter 23	
Northern Ireland	
Brian Speers	587
CHAPTER 24	
Poland	
Rafal Morek	601
Chapter 25	
Portugal	
Miguel Cancella d'Abreu & Sabine Walsh	623
Chapter 26	
Romania	
Constantin Adi Gavrilă & Sanda Elena Lungu	637
CHAPTER 27	
Scotland	
Charlie Imine	659

Summary of Contents

Снартек 28 Slovak Republic Alexandra Kapišovská, František Kutlik & Tatiana Hambalkova	697
Chapter 29	
Slovenia	
Aleš Zalar	717
Chapter 30	
Spain	
Mercedes Tarrazón & Marian Gili Saldaña	739
CHAPTER 31	
Sweden	
Bengt Lindell	761

Editor	S	V
Contr	ibutors	vii
Forew	vord	xlix
Prefac	ce	liii
Снарт Introd in the	ucing Regulatory Robustness Ratings for Mediation Regimes	
Nadja	Alexander	1
\$1.01 \$1.02 \$1.03 \$1.04 \$1.05 \$1.06		1 3 4 5 14 30
Снарт		
Austri <i>Christ</i>	a ina Lenz & Martin Risak	33
Editor	s' Note	33
Regul	atory Robustness Rating for Mediation	34
§2.01	Introduction	37
§2.02	Basic Terms and Definitions	38
§2.03	[A] Impact of the UNCITRAL Model Law on International	39
	Commercial Conciliation	39

	[B] Civil Mediation Act 2003 (CMA 2003)	40
	[C] EU-Mediation Act 2011 (EU-MA 2011)	40
	[D] Professional Regulations	41
§2.04	Initiating Mediation	41
§2.05	Process	44
	[A] Confidentiality	45
	[B] Neutrality and Fair Treatment	45
	[C] Transparency and Consequences	45
	[D] Legal Advice	46
	[E] Documentation	46
	[F] Use of Private Sessions (Caucus)	46
	Recognition and Accreditation of Mediators	46
	Confidentiality and Admissibility of Mediation Evidence	50
	Mediated Outcomes and Enforceability	53
	Duties and Obligations	54
§2.10	Limitation Periods	56
Снарт	ER 3	
Belgiu	ım	
Johan	Billiet & Dilyara Nigmatullina	59
Editor	s' Note	59
Regula	atory Robustness Rating for Mediation	59
§3.01	Introduction	62
§3.02	Basic Terms and Definitions	63
	[A] Cross-Border Dispute	63
	[B] Mediation	63
§3.03	Sources of Cross-Border Mediation Regulation	64
	[A] The EU Directive	64
	[B] The Belgian Law on Mediation	64
	[C] The FMC Code of Conduct	65
	[D] The Directive on C-ADR and the Regulation on C-ODR	65
	[E] Belmed: Belgian ODR Platform	65
	[F] Regulation of Mediation in Areas Other Than Civil and	
	Commercial	66
§3.04		66
§3.05	9	68
	[A] The Law on Mediation	68
	[B] Other Triggers: Referral by Lawyers	70
	[C] Use of mediation	70
	[D] Combination of Mediation and Arbitration	70
§3.06	The Mediation Process	71
	[A] The Law on Mediation	71
	[B] Codes of Conduct	72
	[C] Institutional Rules	73

§3.07 Limitation Periods	74
§3.08 Payment of Mediators	74
§3.09 Accreditation and Recognition of Mediators	75
[A] The Institutional Framework for Accreditation of Med	iators 76
[B] Accreditation Requirements under the Law on Mediat	ion 76
[C] Accreditation Requirements under the FMC Guidelines	s 77
[D] Requirements to Maintain Mediator's Accreditation	78
[E] Requirements for a Lawyer to Become Accredited as a	Mediator 79
[F] Benefits of Using an Accredited Mediator	80
[G] Rights and Obligations of an Accredited Mediator	80
[H] Liability and Immunity of an Accredited Mediator	81
[I] Quality Assurance Mechanisms	82
[1] Complaints Procedures Against Accredited Media	ntors 82
[2] Complaint Procedures Against Non-accredited Mo	ediators 82
[J] Access to information on accredited mediators	83
§3.10 Confidentiality and Admissibility of Mediation Evidence	83
[A] Insider/Outsider Confidentiality	83
[B] Insider/Insider Confidentiality	83
[C] Insider/Court Confidentiality	84
§3.11 Duty of Impartiality of Mediators	85
§3.12 Duties and Obligations of Participants Other Than Mediator	rs 85
[A] Lawyers/Legal Representatives	85
[B] Parties	86
[C] Other participants	86
§3.13 Mediated Outcomes and Enforceability	87
§3.14 Future Developments	89
[A] New Law on Mediation	89
[B] Measures Suggested by Stakeholders	90
[C] Proposals of the Chamber of Representatives	90
CHAPTER 4	
Bulgaria Evgeni Georgiev	93
Editors' Note	93
Regulatory Robustness Rating for Mediation	93
§4.01 Introduction	96
§4.02 Basic Terms and Definitions	97
[A] Cross-Border Mediation	97
[B] Other Definitions	98
§4.03 Sources of Mediation Regulation	98
[A] National Sources of Mediation Regulation	98
[B] The Mediation Act	99
[C] Model Laws Following the Adoption of the MA	100
[D] Order No. 17. Regulation No. 2. Order of 2012	100

		[1] Order No. 17	100
		[2] Regulation No. 2	101
		[3] Order of 2012	101
	[E]	Additional Legislation	101
	[F]	Court Rules	102
	[G]	Rules of the SMC	103
	[H]	Private Regulation	103
§4.04	Med	diation Triggers	103
	[A]	Disputes Suitable for Mediation	103
	[B]	Triggering Provisions	104
		[1] Legal Framework	105
		[2] Mediation Clauses	105
		[3] Parties Voluntary Recourse to Mediation Once the	
		Dispute Has Arisen	106
		[4] Initiation of Mediation by an Adjudicative Body	106
		[a] Initiation of Mediation by the Courts	106
		[b] Initiation of Mediation by Other Adjudicative Bodies	108
		[5] Attorneys and Initiation of Mediation	108
§4.05	Proc	cess	109
	[A]	· ·	109
	[B]	Instruments Regulating the Mediation Process	110
	[C]	The Mediation Process	110
		[1] Who Can Mediate a Dispute	110
		[2] Who Can Participate in Mediation	111
		[3] Payment of Mediator	111
		[4] Conducting Mediation	112
§4.06	Reco	ognition/Credentialing/Accreditation of Mediators	113
	[A]	Regulation	113
	[B]	Who Can Act as Mediator	113
	[C]	Does Accreditation Influence Practice	114
		Liability and Immunity of Mediator	115
		Quality Assurance Mechanisms	115
		Mediator Training	117
§4.07		fidentiality and Admissibility of Mediation Evidence	118
§4.08		liated Outcomes and Enforceability	119
	[A]	Forms of Mediated Settlement Agreements and Their	
		Enforcement	119
	[B]		121
§4.09	Duti	ies and Obligations	122
Снарті			
Croati Boris		& Anamarija Milanović	125
Editors	s' Not	te	125

m 1	1	C	-		
Tab	ıΙΔ	\cap t	('01	ntar	110
1 au	10	OI.	CUI	TICI.	11.

Regula	atory Robustness Rating for Mediation	125
§5.01	Introduction	128
§5.02	Basic Terms and Definitions	129
	[A] Cross-border Disputes	129
	[B] Mediation, Mediator and Mediation Institution	129
§5.03	Sources of Mediation Regulation	130
	[A] Mediation Act	130
	[B] Other Statutory Provisions	130
	[C] Ordinance on Register and Accreditation	131
	[D] Institutional Rules	131
§5.04	Initiating Mediation	131
	[A] Main Mediation Triggers	131
	[1] Court Recommendation	131
	[2] Mediation Clauses	132
	[B] Disputes Considered Suitable for Mediation	132
§5.05	Process	132
	[A] Initiation of the Mediation Process	132
	[B] Main Principles Governing the Mediation Process	133
	[C] Court Annexed Mediation	133
	[D] Termination of Mediation	134
§5.06	Recognition and Accreditation of Mediators	134
	[A] Prerequisites	134
	[B] Requirements	134
	[C] Requirements to Maintain Registered Status	135
	[D] Implications of Mediator Credentialing for Practice	135
	[E] Quality Assurance Mechanisms	135
	[F] Public Access to Information on Certified Mediators	136
§5.07	Confidentiality and Admissibility of Mediation Evidence	136
	[A] Insider/Outsider Confidentiality	136
	[B] Insider/Insider Confidentiality	136
	[C] Insider/Court Confidentiality	136
§5.08	Rights and Obligations	137
	[A] Mediators	137
	[B] Lawyers	138
§5.09	Enforcement of Mediated Outcomes	138
	[A] Enforceability Clause	138
CE 10	[B] Possible Difficulties	139
§5.10	Limitation Periods	139
§5.11	Future Developments	139
CHAPTI		
Cypru Victor	ia – Zoi Papagiannis & George Mountis	141
Editor	s' Note	141

Regula	tory Robustness Rating for Mediation	141
§6.01	Introduction	144
§6.02	Basic Terms and Definitions	145
	[A] Cross-Border Dispute	145
	[B] Mediation	146
§6.03	Sources of Mediation Regulation	146
	[A] The 2012 Law	146
	[B] European Code of Conduct for Mediators	146
	[C] Lawyers' Law, CAP. 2/Lawyers' Code of Conduct Regulations of	
	2002	146
§6.04	Initiating Mediation	147
	[A] Mediation Clauses	147
	[B] Court Referral	147
	[C] Information of the Public	148
	[D] Types of Disputes Considered Suitable for Mediation	148
§6.05	Process	149
	[A] Fair Treatment/Natural Justice	149
	[B] Use of Private Sessions	150
	[C] Reimbursement of Mediator	150
	[D] Role of Mediator	150
§6.06	Recognition and Accreditation of Mediators	151
	[A] Requirements for Professional Mediator Recognition	151
	[1] Common Criteria	151
	[2] Lawyers	152
	[3] Other Professionals	152
	[4] Loss of Accreditation	152
	[B] Implications of Mediator Accreditation for Practice	153
	[1] Liability and Immunity	153
	[2] Mechanisms to Ensure That Mediations Are Conducted	
	in a Fair, Impartial and Competent Way	154
	[3] Register of Mediators	154
§6.07	Confidentiality and Admissibility of Mediation Evidence	154
	[A] Insider/Outsider Confidentiality	155
	[B] Insider/Insider Confidentiality	155
	[C] Insider/Court Confidentiality	155
§6.08	Duties and Obligations	156
	[A] Mediators	156
	[B] Lawyers	156
	[C] Parties	157
	[D] Others	157
§6.09	Enforcement of Mediated Outcomes	158
	[A] The Form and Content of the Mediated Settlement Agreement	158
	[B] Enforcement Procedure	158
§6.10	Limitation Periods	159

§6.11	Futi	ire Developments	159
Снарті	ER 7		
The C	zech	Republic	
Martii			161
Editor	s' No	te	161
Regula	atory	Robustness Rating for Mediation	162
_		oduction	165
§7.02	Basi	c Terms and Definitions	166
	[A]	Cross-Border Dispute	166
	[B]	Mediation	167
	[C]	Mediator	167
	[D]	Visiting Mediator	168
§7.03	Sour	rces of Mediation Regulation	168
	[A]	EU Mediation Directive	168
	[B]	Mediation Law	169
	[C]	Code of Civil Procedure	169
	[D]	New Civil Code	170
	[E]	Act on Advocacy	170
	[F]	Act on Court Fees	170
	[G]	Ordinance of the Ministry of Justice	170
	[H]	Mediation Ethics Code for Attorneys-at-Law	171
§7.04	Initi	ating Mediation	171
	[A]	Disputes Suitable for Mediation	171
	[B]	Mediation Triggers	172
		[1] Court Referral	172
		[2] First Meeting with a Registered Mediator	173
		[3] Recommendation to Attend Mediation	173
		[4] Agreement to Mediate	174
§7.05	Proc	eess	174
	[A]	Instruments Regulating Mediation	175
	[B]	Issues Covered	175
		[1] Initiation, Rejection and Termination of Mediation	175
		[2] Mediators' Remuneration and Reimbursement	
		of Expenses	176
		[3] Delivery/Service of Documents	177
§7.06	Reco	ognition and Accreditation of Mediators	177
	[A]	Requirements for Professional Mediator Recognition	178
		[1] General Requirements	178
		[2] Mediator's Examination	178
		[3] Family Mediation Examination	179
	[B]	Implications of Mediator Credentialing for Practice	180
	[C]	Liability and Immunity	180
		[1] Civil Liability Exception	180

		[2] [3]	ě	180
		[3]	Mediators	181
	[D]	Med	chanisms to Ensure Mediations Are Conducted in a	101
	נטן		r, Impartial and Competent Manner	182
	[E]		ormation on Certified Mediators	182
§7.07			itiality and Admissibility of Mediation Evidence	182
37.07	[A]		der/Outsider Confidentiality	183
			der/Insider Confidentiality	184
			der/Court Confidentiality	184
§7.08			nd Obligations	184
31.00			diators	184
	[B]		orneys-at-Law	186
	[C]	Pari		186
§7.09			nent of Mediated Outcomes	186
302			diated Settlement Agreement	186
			A Enforcement by Court Approval	187
	[C]		A Enforcement by Notarial Deed	187
§7.10			on Periods	187
			evelopments	188
Снарти	er 8			
Denma	ark			
Louise	Lerc	he-Gi	redal	191
Editors	s' Not	te		191
Regula	tory	Robu	istness Rating for Mediation	192
§8.01			-	195
§8.02	Basi	c Ter	rms and Definitions	195
	[A]	Cro	ss-Border Dispute	195
	[B]		diation	196
§8.03	Sour	ces	of Mediation Regulation	196
§8.04	Initi	ating	Mediation	197
§8.05	Proc	ess		198
§8.06	Reco	ogniti	ion/Credentialing/Accreditation of Mediators	199
§8.07	Con	fiden	itiality and Admissibility of Mediation Evidence	201
§8.08	Med	iated	Outcomes and Enforceability	201
§8.09	Imp	act o	f Commencing Mediation on the Statute of Limitations	202
§8.10	Duti	es ar	nd Obligations	202
Снарти				
Englar				
Bill M	arsh,	Alex	cander Oddy & Jan O'Neill	203
Editors	s' Not	te		203

Regula	atory Robustness Rating for Mediation	204
§9.01	Introduction	207
§9.02	Basic Terms and Definitions	208
§9.03	Sources of Mediation Regulation	210
	[A] EU Mediation Directive	210
	[B] Rome I Regulation	210
	[C] EU ADR Directive	212
	[D] Court Rules	213
	[E] Case Law	213
	[F] Mediation Agreements	214
	[G] Codes of Conduct	214
	[H] Civil Mediation Council	214
	[I] International Organisations	214
§9.04	Initiating Mediation	215
	[A] Civil Procedure Rules and Court Referral	215
	[B] Costs Penalties	216
	[C] Pre-action Protocols	219
	[D] Court Schemes	220
	[E] Ad Hoc Referral by Lawyers	220
	[F] Mediation Contract Clauses	221
§9.05	Process	222
	[A] Codes of Conduct	222
	[B] Institutional Rules	222
	[C] Mediation Agreements	222
§ 9.06	Recognition/Credentialing/Accreditation of Mediators	223
	[A] Accreditation Standards	226
§ 9.07	Confidentiality and Admissibility of Mediation Evidence	228
	[A] The EU Mediation Directive	229
	[B] The Cross-Border Mediation (EU Directive) Regulations 2011	229
	[C] Mediation Agreements	230
•	[D] The Contractual Position and the General Law	230
	Mediated Outcomes and Enforceability	233
§ 9.09	Duties and Obligations	235
Снарт	ER 10	
Estoni	ia	
Maria	Pihlak	239
Editor	s' Note	239
Regula	atory Robustness Rating for Mediation	239
§10.01	Introduction	242
§10.02	2 Basic Terms and Definitions	243
§10.03	3 Sources of Mediation Regulation	244
§10.04	Initiating Mediation	244
	[A] Disputes Suitable for Mediation	245

	[B]	Triggering Mediation	246
§10.05	Proc	ress	247
	[A]	Instruments Regulating the Conduct of Mediators	247
	[B]	Main Themes	248
	[C]	Fair Treatment	248
	[D]	Use of Private Sessions	249
	[E]	Role of the Mediator	249
	[F]	Payment of the Mediator	250
§10.06	Reco	ognition and Accreditation of Mediators	251
	[A]	Accreditation of a Mediator	251
	[B]	Becoming a Mediator	251
	_	Role of a Lawyer	252
	[D]	Influence of Accreditation on Practice	252
	[E]	Effect of Accreditation on Liability and Immunity	252
	[F]	Quality Assurance Mechanisms	253
	[G]	Eligibility Requirements for Mediators	254
		Finding a Mediator	254
§10.07		fidentiality and Admissibility of Mediation Evidence	255
		General Principles Regarding Confidentiality	255
	[B]	Insider/Insider Confidentiality	256
aprillation and a		Insider/Court Confidentiality	256
§10.08		iated Outcomes and Enforceability	257
	[A]		257
	[B]	Agreements That Can Be Validated by the Court Without	
		a Formal Court Hearing	258
	[C]	Agreements That Can Be Validated by the Court in the	
	r= 1	Course of a Formal Court Hearing	258
	_	Agreements That Can Be Authenticated by a Notary	258
		Mediation During Court Proceedings	259
	[F]	The Mediated Settlement Agreement as a Legally Binding	270
610.00	Ticc	Contract	259
		ct on Limitation Periods	260
\$10.10		es and Obligations	260
		Duties and Obligations of a Mediator	261
	[B]	Impartiality	261
	[C]	Confidentiality	261
	[D]	Prohibition From Representing a Party in Other Proceedings	262
	[E]	Obligation to Explain the Proceedings	262
	[F]	Documentation Certificate Stating the Failure of the Proceedings	262
	[G] [H]		262 262
	[I]	Settlement Agreement Liability	263
	[J]	Duties and Obligations of a Legal Representative	264
	[X]	Duties and Obligations of the Participants	264
	[L]	Forthcoming Changes	264
	[ا	1 or the original ori	204

Снарте			
Finland		77	
Petra F	iietai	nen-Kunwald	267
Editors	' Not	e	267
		Robustness Rating for Mediation	268
		oduction	271
200		c Terms and Definitions	272
0		Cross-Border Disputes	272
		Court Mediation Versus Out-of-Court Mediation	272
		Other Legal Definitions	273
		Mediation Outside the Mediation Act	273
§11.03		ces of Mediation Regulation	273
0		National Sources	274
		European Union Sources	275
		Sources of Private International Law	275
§11.04		ating Mediation	276
0		Court Mediation	276
		Out-of-Court Mediation	277
		Effect of Mediation on Limitation Periods	279
§11.05		iation Process	279
•		Court Mediation	279
		Out-of-Court Mediation	280
		[1] The Mediation Rules of the Finnish Bar Association	281
		[2] Private Agreement	282
	[C]	Costs of Mediation	282
	,	[1] Court Mediation	282
		[2] Out-of-court Mediation	283
	[D]	Termination of the Process	283
	[E]	Mediator and Subsequent Court Proceedings or Arbitration	284
§11.06		ognition of Mediators	284
•	[A]	Court Mediation	285
	[B]	Out-of-Court Mediation	285
		Eligibility Requirements	287
	[D]		288
§11.07		identiality and Admissibility of Mediation Evidence	288
	[A]	Insider/Outsider Confidentiality	289
		[1] Court Mediation	289
		[2] Out-of-Court Mediation	289
	[B]	Insider/Insider Confidentiality	290
	[C]	Insider/Court Confidentiality	291
§11.08		iated Outcomes and Enforceability	292
	[A]	Confirmation of Enforceability Subsequent to Out-of-Court	
		Mediation	292
	[R]	Confirmation of Enforceability Subsequent to Court Mediation	294

	[C]	Arbitral Award	294
§11.09	Duti	es and Obligations	294
	[A]	Duties of the Mediator	294
		[1] Court Mediation	295
		[2] Out-of-Court Mediation	296
	[B]	Duties of the Parties and Their Lawyers	297
	[C]	Duties of Other Participants	297
§11.10	Con	clusion	298
Снарти	ER 12		
France			
Delphi	ne W	⁷ ietek	299
Editors	s' No	te	299
		Robustness Rating for Mediation	300
§12.01	Intro	oduction	303
§12.02	Basi	c Terms and Definitions	305
		Cross-Border Disputes	305
	[B]	Novelty of the Directive: A Uniform Definition of Mediation	306
	[C]	Difference Between Conventional and Court-Connected	
		Mediation	306
	[D]	Conciliation	308
		[1] The Directive Is Applicable to Conciliation	309
		[2] Differences Between Mediation and Conciliation	310
§12.03		ces of Cross-Border Mediation Regulation	313
	[A]	Civil Code of Procedure	314
		[1] Implementation of the Directive	314
		[2] After the Directive	315
	[B]	Code of Administrative Justice and Employment Code	316
	[C]	Codes of Conduct	316
§12.04		ating Mediation	316
	[A]	Scope of Mediation	316
		[1] Disputes Prima Facie Suitable for Mediation: Civil	
		and Commercial Matters	317
		[2] Disputes That Can Be Referred Subject to Restrictions	317
		[a] Administrative Mediation	317
		[b] Family Mediation	318
		[c] Employment Mediation	320
		[d] Consumer Mediation	321
		[3] Disputes That Cannot Not Be Referred under the Directive:	
		Criminal Mediation	322
	[B]	Processes Triggering Mediation	323
		[1] Court-Connected Mediation	323
		[2] Conventional Mediation	324
	[C]	Validity and Enforceability of Agreements to Mediate and	

m 1	1		-	
1 2	אור	Ot.	(on	tents
1 01		O1	COH	CILLO

		Conciliation Clauses	325
§12.05	Proce	ess	326
	[A]	Instruments Regulating the Conduct of Mediation	326
		[1] Formal Laws	326
		[2] Codes of Conduct and Mediation Rules	327
	[B]	Themes Covered by the Instruments Regulating the Conduct of	
		Mediations	328
		[1] Formal Laws	328
		[2] Codes of Conduct, Codes of Ethics and Mediation Rules	330
§12.06	Reco	gnition of Mediators	331
	[A]	Instruments Regulating Accreditation Mechanisms	332
		[1] Formal Laws	332
		[2] Codes of Conduct	332
	[B]	Who Can Act as Mediator?	334
		[1] Court-Connected Mediation	334
		[2] Conventional Mediation	335
	[C]	Is Mediation Considered Part of the Role of the Lawyer?	336
	[D]	Lawyer-Mediators and Non-lawyer Mediators	337
	[E]	How Accreditation Influences Practice	337
	[F]	Rights and Obligations and Accreditation Status	337
	[G]	Liability and Immunity	338
	[H]	Quality Assurance Mechanisms	338
§12.07	Conf	identiality and Admissibility of Mediation Evidence	339
	[A]	Insider/Outsider Confidentiality	339
	[B]	Insider/Insider Confidentiality	340
		Insider/Court Confidentiality	340
§12.08		ated Outcomes and Enforceability	341
		Court-Connected Mediation	342
		Conventional Mediation	343
§12.09		es and Obligations	344
		Duties and Obligations	344
		Consequences of the Breach of These Duties	344
		Duties and Obligations of Lawyers	345
§12.10	Conc	lusion	346
Снарте			
Germai	-		202
Kristina	a Oss	wald & Gustav Flecke-Giammarco	349
Editors			349
•	-	Robustness Rating for Mediation	350
913.01		duction	353
C12 00	_	Family Mediation	354
913.02		Terms and Definitions	355
	[A]	Statutory Definition of Mediation	355

	[B]	No Statutory Definition of Cross-Border Mediation	355
	[C]	Distinction Between Court-Based and Out-of-Court Mediation	356
	[D]	Institutional Mediation	356
	[E]	9	357
§13.03	Trig	gering Mediation	357
	[A]	Determining the Law Applicable to a Mediation Clause	359
	[B]	Enforceability of Agreements to Mediate and Mediation Clauses	360
§13.04			361
	[A]	Role of the Mediator	362
		Impartiality and Neutrality of the Mediator	363
	[C]	Hybrid Processes	364
	[D]	Payment of the Mediator	366
	[E]	Co-mediation and Involvement of Counsel	366
§13.05		ognition/Credentialing/Accreditation of Mediators	366
	[A]	Accreditation Mechanisms	367
	[B]	Mediator Training	367
	[C]	Lawyers as Mediators	370
	[D]	Non-lawyers as Mediators	370
	[E]	No Eligibility Requirements for Mediators	372
	[F]	Continuing Professional Education and Loss of Accreditation	372
	[G]	Finding a Mediator	373
§13.06	Con	fidentiality and Admissibility of Mediation Evidence	373
	_	Insider/Outsider Confidentiality	373
		Insider/Insider Confidentiality	374
	[C]	Insider/Court Confidentiality	375
§13.07		iated Outcomes and Enforceability	376
	[A]	Enforcement of Mediated Settlement Agreements	376
	[B]	Options Available in Domestic Mediations	377
	[C]	Options Available in Cross-Border Mediations	378
		itation Periods	379
§13.09	Duti	es and Obligations	379
Снарте	r 14		
Greece			
Aposto	los A	anthimos	383
Editors	' No	te	383
Regula	tory	Robustness Rating for Mediation	384
_		oduction	386
§14.02	Basi	c Terms and Definitions	388
	[A]	Cross-Border Dispute	388
	[B]	Mediation and Mediator	389
§14.03	Sour	rces of Mediation	389
	[A]	The Mediation Law	389
	[B]	Code of Civil Procedure	390

-		-	_			
Tal	hla	Ot	10	nt	an	t c
I a	σ	· OI	UU	111		

	[C]	Accreditation Legislation and Code of Conduct	390		
§14.04	Initiating Mediation				
	[A]	Main Mediation Triggers	391		
		[1] Mediation Clauses	391		
		[2] The Mediation Law	391		
		[3] The Code of Civil Procedure	391		
	[B]	Types of Disputes Suitable for Mediation	392		
§14.05	Proc	cess	392		
	[A]	Out-of-Court Mediation	392		
	[B]	Judicial Mediation	393		
§14.06	Reco	ognition and Accreditation of Mediators	393		
	[A]	Requirements for Professional Mediator Recognition	393		
		[1] Who May Act as Mediator	393		
		[2] Certification of Mediators	394		
		[3] Accreditation According to the Mediation Law	394		
		[4] Accreditation by Foreign Institutions	395		
		[5] Accreditation According to Code of Conduct	396		
	[B]	Implications for Practice	396		
	[C]	Mechanisms to Ensure a Fair, Impartial and Competent Process	s 396		
§14.07	Con	nfidentiality and Admissibility of Mediation Evidence	397		
	[A]	Insider/Outsider Confidentiality	397		
	[B]	Insider/Insider Confidentiality	398		
	[C]	Insider/Court Confidentiality	398		
§14.08	Duti	ies and Obligations	398		
	[A]	Mediators	398		
	[B]	Lawyers	399		
	[C]	Parties	399		
	[D]	Others	400		
§14.09	Enfo	orcement of Mediated Outcomes	400		
	[A]	Out-of-Court Mediation	400		
	[B]	Enforcing the Outcome of Judicial Mediation	401		
§14.10	Limi	nitation Periods	401		
§14.11	Futu	ure Developments	401		
Снарти	ER 15				
Hunga	ry				
Мапие	ela Re	Penáta Grosu	403		
Editors			403		
_		Robustness Rating for Mediation	404		
_		roduction	407		
§15.02		ic Terms and Definitions	407		
	100	Mediation	408		
	-	Cross-Border Dispute	408		
§15.03	Sour	rces of Mediation Regulation	408		

	[A]	Mediation Act	408
	[B]	Decrees of the Ministry of Justice	409
		Civil Code	409
		Code of Civil Procedure	409
		EU Legislation	410
		Conciliation-Mediation Rules	410
		Agreement to Mediate	411
§15.04		ating Mediation	411
_		Mediation Clauses	411
		Persuasion to Mediate	412
	[C]	Mandatory Mediation	412
		Relevant Articles of the Code of Civil Procedure	415
	[E]	Financial Motivation	415
	[F]	Disputes Considered Suitable for Mediation	417
§15.05	Proc		417
	[A]	Agreement to Mediate	418
		Appointment of a Mediator	418
		Remuneration of Mediators	418
	-	Conclusion of the Mediation Process	420
§15.06	Reco	ognition and Accreditation of Mediators	420
	[A]	Requirements of Professional Mediator Recognition	420
	-	[1] Requirements for Out-of-Court Mediators: Natural Persons	421
		[2] Requirements for Out-of-Court Mediators: Legal Entities	422
		[3] Requirements for Court-Based Mediators	422
	[B]	Maintaining Standards	423
		Implications of Mediator Credentialing for Practice	423
		Public Access to Information on Certified Mediators	423
§15.07		fidentiality and Admissibility of Mediation Evidence	424
		Insider/Outsider Confidentiality	424
	[B]	Insider/Insider Confidentiality	425
	[C]	Insider/Court Confidentiality	425
§15.08		nts and Obligations	425
	_	Mediators	426
	[B]	Before Mediation	426
	[C]	During the Mediation Process	427
		Following the Conclusion of Mediation	427
	-	Lawyers	428
	[F]	Parties	428
	[G]	Others	429
§15.09		orceability of Mediated Outcomes	429
	[A]	Enforcement of Mediated Settlement Concluded in Hungary	429
	-	[1] Contract	429
		[2] Court Approved Settlement	430
		[3] Notarial Deed	431

		[4]	Mediated Settlement Agreement in the Form of an	
			Arbitral Award	431
	[B]	Enfo	orcement of Mediated Settlement Agreement	
		Con	cluded Outside of Hungary	432
§15.10	Limi	tatio	n Periods	432
§15.11	Futu	re D	evelopments	433
Crramm	n 16			
CHAPTE				
Sabine		ch		435
Subtre	wat	311		433
Editors				435
_			stness Rating for Mediation	436
-			ms and Definition	440
§16.02			of Mediation Regulation	440
	[A]		EU Directive on Certain Aspects of Mediation in Civil and	
	r-1		nmercial Matters	440
	[B]		nestic Legislation, Court Rules & Practice Directions	441
			Rules of the Superior Courts (Commercial Proceedings) 2004	442
			S.15 Civil Liability and Courts Act 2004	442
		[3]	Draft General Scheme of Mediation Bill 2012 and the	
	3		Mediation Bill 2017	442
616.00	[C]		e law	443
\$16.03		_	Mediation	443
			es of Disputes Considered Suitable for Mediation	443
	[B]		cial Referral Provisions	445
			The Civil Liability and Courts Act 2004	447
		[2]	The Rules of the Superior Courts (Competition Proceedings) 2005	440
		[3]	Order 19 A Circuit Court Rules	448 448
§16.04	Droc		Order 19 A Circuit Court Rules	450
			on and Accreditation of Mediators	451
		_	tiality and Admissibility of Mediation Evidence	455
\$10.00			der/Outsider Confidentiality	456
	[B]		der/Insider Confidentiality	456
	[C]		der/Court Confidentiality	457
§16.07			d Obligations of Mediators and Participants in Mediation	459
510101	[A]		liators	459
	[B]	Law		460
	[C]	Part		460
	[D]	Othe		461
§16.08	_		pility of Mediated Outcomes	461
			n Periods	462
§16.10	Futu	re De	evelopments	462

Снарте	R 17		
Italy Carlo 1	Mact	ellana e Laura Distari	465
Cario 1	viasie	ellone & Laura Ristori	405
Editors	' No	te	465
Regula	tory	Robustness Rating for Mediation	466
§17.01	Intro	oduction	468
§17.02	Defi	nition of a Cross-Border Dispute	472
§17.03	Sour	rces of Mediation Regulation	473
§17.04	Initi	ating Mediation	473
	[A]	Mandatory Pre-trial Mediation	474
	[B]	Mediation Ordered by the Judge	474
	[C]	Mediation Clauses	476
	[D]	Lawyers' Obligations Concerning Mediation	476
		[1] Ethical Duty	476
		[2] Legal Duty	477
§17.05	Med	liation Process	477
	[A]	Key Features of the Mediation Process in Italy	477
		[1] The Significance of the 'First Meeting'	477
		[2] Court-Ordered Mediation	479
		[3] Consequences of Refusal to Go to Court Ordered Mediation	479
		[4] Decisions by Tribunals on Court-Ordered Mediation	480
		[5] Tax Incentives	482
	[B]	Other Issues	483
	[C]	Some Process Regulations Apply in All Instances	483
	[D]	Other General Issues	484
	[E]	Selection of Mediators	484
§17.06	Reco	ognition/Credentialing/Accreditation of Mediators	485
	[A]	Individual Mediators	485
	[B]	Mediator by Law	486
	[C]	Non-lawyer Mediator	487
	[D]	Maintaining the Qualification of Accredited Mediator	487
	[E]	Mediation Organisations	488
§17.07	Con	fidentiality and Admissibility of Mediation Evidence	489
§17.08	Med	liated Outcomes and Enforceability	489
§17.09	Effe	ct on Statutes of Limitation	490
§17.10	Duti	ies and Obligations, Liability Issues	490
Снартн	R 18		
Latvia			
Dana i	Rone		493
Editors	' No	te	493
		Robustness Rating for Mediation	494
_		oduction	496

TT 1 1	C	~	
Table	to c	(on	tanto
Labra	U	COIL	CIII

§18.02	Basic Terms and Definitions	497
§18.03	Sources of Mediation Regulation	498
	[A] International Law	498
	[B] Domestic Legislation	498
§18.04	Initiation of Mediation	499
	[A] Mediation Triggers	499
	[1] 'Mediation Contract' and Mediation Clauses	499
	[2] Court Referral	500
	[B] Types of Disputes Considered Suitable for Mediation	500
-	Process	501
§18.06	Recognition and Accreditation of Mediators	502
	[A] Requirements for Professional Mediator Recognition	502
	[1] Prerequisites	502
	[2] Certification Standards	503
	[3] Loss of Accreditation	504
	[B] Implications of Certification for Practice	504
	[C] Liability and Immunity	504
	[D] Quality Assurance Mechanisms	504
	[E] Public Access to Information on Certified Mediators	505
§18.07	Confidentiality and Admissibility of Mediation Evidence	505
	[A] Insider/Outsider Confidentiality	505
	[B] Insider/Insider Confidentiality	506
212.22	[C] Insider/Court Confidentiality	506
\$18.08	Rights and Obligations	506
	[A] Mediators	506
	[B] Lawyers	507
	[C] Parties	507
610.00	[D] Others	507
	Enforcement of Mediated Outcomes	507
	Limitation Periods	507
810.11	Future Developments	508
Снарте	r 19	
Lithuai	nia	
Virgilij	us Valanćius	509
Editors	' Note	509
Regula	tory Robustness Rating for Mediation	510
	Introduction	512
§19.02	Basic Terms and Definitions	513
§19.03	Sources of Mediation Regulation	514
	Initiating Mediation	516
§19.05	Process	518
§19.06	Recognition/Credentialing/Accreditation of Mediators	520
819 07	Confidentiality and Admissibility of Mediation Evidence	522

	[A] Insider/Outsider Confidentiality	522
	[B] Insider/Insider Confidentiality	523
	[C] Insider/Court Confidentiality	523
§19.08	Mediated Outcomes and Enforceability	524
§19.09	Suspension of Limitation Periods	525
§19.10	Duties and Obligations	526
	[A] Duties and Obligations of the Mediator	526
	[B] Duties and Obligations of Legal Representatives	527
	[C] Duties and Obligations of the Parties to the Dispute	527
	[D] Duties and Obligations of Other Participants	527
§19.11	Future Developments	528
Снарте	r 20	
Luxem	bourg	
Jan Ka	yser	529
Editors	' Note	529
Regula	tory Robustness Rating for Mediation	530
§20.01	Luxembourg Introduction	532
§20.02	Basic Terms and Definitions	533
§20.03	Main Sources of Mediation Regulation	533
	Initiating Mediation	534
	[A] Extrajudicial Mediation	535
	[B] Judicial Mediation	535
§20.05	Disputes Suitable for Mediation	536
§20.06	Regulation of the Mediation Process	536
	[A] Rules Applicable to Mediation in General	536
	[B] Rules Applicable to Judicial Mediation Only	537
	[C] Reimbursement of Mediators and Other Costs	538
§20.07	Recognition and Accreditation of Mediators	538
	[A] Requirements of Professional Mediator Recognition	538
	[1] Extrajudicial Mediation	538
	[2] Judicial Mediation	538
	[3] Private Accreditation	539
	[B] Implications of Accreditation for Practice	540
§20.08	Confidentiality and Admissibility of Mediation Evidence	540
	[A] Insider /Outsider Confidentiality	541
	[B] Insider/ Insider Confidentiality	541
	[C] Insider/Court Confidentiality	541
§20.09	Rights and Obligations of Mediators and Participants	541
	[A] Mediators	542
	[B] Lawyers	542
	[C] Parties	542
	[D] Others	542
§20.10	Enforcement of Mediated Outcomes	542

§20.11 Limitation Periods	544	
Chapter 21 Malta		
Adrian Delia & Michael Muscat	545	
Editors' Note	545	
Regulatory Robustness Rating for Mediation	546	
§21.01 Introduction	548	
§21.02 Basic Terms and Definitions	549	
§21.03 Sources of Mediation Regulation	550	
[A] Mediation Act	550	
[B] Other Sources of Mediation Regulation	551	
§21.04 Initiating Mediation	552	
[A] Mediation Triggers	552	
[B] Types of Disputes Considered Suitable for Mediation	553	
§21.05 Process	553	
[A] Initiation of the Mediation Process	554	
[B] Termination of the Mediation Process	554	
[C] Principles of the Mediation Process	554	
[D] Mediators Remuneration and Registration Fees	554	
§21.06 Recognition and Accreditation of Mediators	555	
§21.07 Confidentiality and Admissibility of Mediation Evidence	556	
[A] Insider/Outsider Confidentiality	556	
[B] Insider/Insider Confidentiality	556	
[C] Insider/Court Confidentiality	557	
[1] Admissibility of Evidence	557	
[2] Compulsion of Mediators to Act as Witness	557	
§21.08 Rights and Obligations	558	
[A] Mediators	558	
[1] Impartiality and Independence	558	
[B] Lawyers	560	
[C] Parties	560	
[D] Others	561	
§21.09 Enforcement of Mediated Outcomes	561	
§21.10 Limitation Periods	562	
§21.11 Future Developments	562	
CHAPTER 22 The Netherlands		
The Netherlands Machteld Pel	563	
Editors' Note	563	
Regulatory Robustness Rating for Mediation	564	
522.01 Introduction 567		

§22.02	Basi	c Terms and Definitions	568
	[A]	Cross-Border Disputes	568
	[B]	Mediation	568
	[C]	Mediator	568
§22.03		rces of Mediation Regulation	569
0		Cross-Border Mediation Law	569
		Draft Mediation Bill	569
		Civil Procedure Law	569
	_	Other legislation	569
		Case law	570
	[F]	Institutional Rules	570
		[1] Netherlands Mediation Institute and Quality	
		Foundation of Mediators	570
		[2] Netherlands Arbitration Institute	571
§22.04	Initi	ating Mediation	571
5		Referral by Judge	572
		Referral by the Legal Desk	572
		Advice of Lawyers or Advisers	573
	_	Mediation Advised by Medical Officers in Labour Cases	573
	[E]	Mediation Clauses	573
	[F]	Disputes Considered Suitable for Mediation	574
§22.05			575
	[A]	Appointment of Mediator	575
	-	Agreement to Mediate	575
		Procedural Rules	576
	[D]	Voluntariness and Privacy of Mediation	576
	[E]	Termination of Mediation	576
§22.06	Reco	ognition and Accreditation of Mediators	577
	[A]	Requirements for Court Related Mediation	577
	[B]	Register of Mediators Kept by QFM	578
	[C]	Implications of Mediation Accreditation for Practice	578
	[D]	Quality Assurance Mechanisms	579
	[E]	Public Access to Information on Certified Mediators	579
§22.07	Con	fidentiality and Admissibility of Mediation Evidence	579
	[A]	Insider/Outsider Confidentiality	580
	[B]	Insider/Insider Confidentiality	580
	[C]	Insider/Court Confidentiality	581
§22.08	Righ	nts and Obligations	581
	[A]	Obligations on the Mediator	582
	[B]	Obligations on Lawyers	582
	[C]	Obligations on Parties	583
	[D]	Obligations on Others	583
§22.09	Enfo	orcement of Mediated Outcomes	583
	[A]	Directly Enforceable Mediated Settlement Agreements	584

77 - 1. 1	C	Contents	
Table	Ω t	Contents	
I UDIC		COLLECTIO	٥

[B]	Enforcement in Form of an Arbitral Award	584
§22.10 Lim	itation Periods	584
§22.11 Fut	ure Developments	584
CHAPTER 23		
Northern I	reland	
Brian Spee	rs	587
Editors' No	rte	587
Regulatory	Robustness Rating for Mediation	588
§23.01 Intr	oduction	591
§23.02 Bas	ic Terms and Definitions	592
§23.03 Sou	rces of Mediation Regulation	592
§23.04 Init	iating Mediation	593
§23.05 Pro		596
§23.06 Tra	ining and Accreditation of Mediators	597
§23.07 Con	fidentiality and Admissibility of Evidence	598
	liated Outcomes and Enforceability	599
§23.09 Dut	ies and Obligations	600
Chapter 24		
Poland		
Rafal More	k	601
Editors' No	te	601
Regulatory	Robustness Rating for Mediation	602
§24.01 Intr	oduction	604
	ic Terms and Definitions	605
§24.03 Sou	rces of Mediation Regulation	605
[A]	Legislation	605
[B]	Codes of Conduct and Other Standards	607
	Private Regulation	607
	ating Mediation	608
-	Court Referral	608
[B]	Agreement to Mediate (Relating to Existing or Future Disputes)	609
[C]	Judicial Quasi-Mediation	610
	Professional Duties of Lawyers	610
§24.05 Pro		611
	Commencement of the Mediation	612
[B]	Use of Private Sessions	613
[C]	Mediator Acting as Arbitrator	613
[D]	Co-mediation	613
[E]	Payment of Mediator	614
	ognition/Credentialing/Accreditation of Mediators	614
0/4 II/ LON	HUPHILITY AND ADMISSIBILITY OF Mediation Evidence	618

§24.08 Medi	ated Outcomes and Enforceability	619
	Impact of Mediation on Litigation Limitation Periods	619
	es and Obligations	620
§24.11 Futu	621	
CHAPTER 25		
Portugal		
Miguel Cand	cella d'Abreu & Sabine Walsh	623
Editors' Note	e	623
Regulatory F	Robustness Rating for Mediation	624
§25.01 Intro		627
§25.02 Basic	Terms and Definitions	627
§25.03 Initia	iting Mediation	628
	Mediation Clauses and Agreements to Mediate	628
	Court Referral	628
§25.04 Proce	ess	629
§25.05 Reco	gnition/Credentialing/Accreditation of Mediators	630
	identiality and Admissibility of Mediation Evidence	632
§25.07 Medi	ated Outcomes and Enforceability	632
	ension of Limitation Periods	634
	es and Obligations	634
	re Developments	636
Chapter 26		
Romania		
Constantin A	Adi Gavrilă & Sanda Elena Lungu	637
Editors' Not	0	637
	Robustness Rating for Mediation	638
§26.01 Intro		641
	Terms and Definitions	641
	ces of Mediation Regulation	642
	Law on Mediation and the Mediators' Profession	642
1.78	Civil Procedure Code	642
	Civil Code	642
	Decision of the Constitutional Court	642
	Code of Ethics	643
	ating Mediation	643
	Mediation Triggers	643
[11]	[1] Obligation to Inform	643
	[2] Court Referral	644
	[3] Agreements to Refer Disputes to Mediation	044
	and Mediation Clauses	644
[R]	Types of Disputes Considered Suitable for Mediation	645
1.0	- , per an expense construction duringle for michiganity	

§26.05 M	ediation Process	645
[A	.] Basic Principles	645
[B] Mediation Model	645
[C	Pre-mediation Phase	645
[D	Agreement to Mediate	646
[E] The Role of the Mediator	646
[F]	Presence of Third Parties	647
[G	Mediators' Fees and Costs	647
§26.06 Re	ecognition and Accreditation of Mediators	647
[A] Accreditation Mechanism	648
	[1] Mediation Training Standards	649
	[2] Assessment	649
	[3] Ongoing Training Requirements	649
	[4] Suspension and Removal of Accreditation	649
[B] Foreign Mediators	650
[C] Implications of Mediator Accreditation for Practice	650
[D	Quality Assurance Mechanisms	651
[E]	Public Access to Information on Certified Mediators	652
§26.07 Co	onfidentiality and Admissibility of Mediation Evidence	652
[A] Insider/Outsider Confidentiality	652
[B]	Insider/Insider Confidentiality	653
[C] Insider/Court Confidentiality	653
§26.08 Rig	ghts and Obligations	653
[A] Mediators	654
[B]] Lawyers	655
[C]] Parties	655
-] Others	655
	forcement of Mediated Outcomes	656
[A	Legal Form of Mediated Settlement Agreements	656
[B]	Enforceability of the Mediated Settlement Agreements	656
\$26.10 Lir	mitation Periods	656
§26.11 Fu	ture Developments	657
CHAPTER 2	7	
Scotland		
Charlie In	vine	659
Editors' N		659
	y Robustness Rating for Mediation	660
	roduction	663
	sic Terms and Definitions	666
	urces of Cross-Border Mediation Regulation	667
[A]		667
[B]		668
IC ¹	Court Rules and Practice Directions	671

[D]	Industry Standards	673
§27.04 Initi	ating Mediation	674
[A]	Triggering Mechanisms for Mediation	676
	[1] Employment Tribunals	676
	[2] Other Administrative Tribunals	676
	[3] Small Claims	677
	[4] Family Actions	677
[B]	Contractual Provisions	678
[C]	Indirect Triggers	678
§27.05 Prod	cess	678
[A]	Voluntariness (7)	681
[B]	Impartiality, Independence and Neutrality; Conflict of	
	Interest (7)	681
[C]	Competence (6)	682
[D]	Confidentiality (7)	682
[E]	Understanding of Mediation (6)	683
[F]	Advertising and Solicitation; Gifts and Favours (4)	683
[G]	Respect and Non-discrimination (2)	683
[H]	Complaints (4)	683
[1]	Miscellaneous	683
§27.06 Trai	ning and Recognition of Mediators	684
	ating a Mediator	689
§27.08 Con	fidentiality and Admissibility of Mediation Evidence	690
§27.09 Med	liated Outcomes and Enforceability	691
§27.10 Duti	es and Obligations	692
§27.11 Con	clusion	694
CHAPTER 28		
Slovak Rep		
Alexandra	Kapišovská, František Kutlik & Tatiana Hambalkova	697
Editors' No		697
	Robustness Rating for Mediation	698
§28.01 Intro		700
§28.02 Back		701
_	ss-Border Mediation Practice	702
	c Terms and Definitions	703
	rces of Mediation Regulation	704
	ating Mediation	705
[A]	Dispute Categories and Mediation	705
[B]	Agreements to Mediate	706
[C]	Court Referral to Mediation	706
	Mediation Process	707
[A]		707
[B]	Payment/Costs	708

-	1 1			0	
1 2	ını	A	at i	$-\alpha n$	tents
10	געו		UI '	-	CIIL

§28.08 Registration of Mediators	709
[A] Requirements for Registered Mediators	709
[B] Training of Mediators	710
[C] Lawyers as Registered Mediators	711
[D] Non-registered Mediators	711
[E] Removal of Mediators from the Register	711
[F] The Profile of Practising Mediators	712
§28.09 Confidentiality and Admissibility of Mediation Evidence	712
§28.10 Mediated Outcomes and Enforceability	713
§28.11 Duties and Obligations	714
[A] Duties of Registered Mediators	714
[B] Duties of Lawyers	715
[C] Duties of Parties	716
CHAPTER 29	
Slovenia	
Aleš Zalar	717
Editors' Note	717
Regulatory Robustness Rating for Mediation	718
§29.01 Introduction	720
§29.02 Basic Terms and Definitions	721
§29.03 Sources of Mediation Regulation	722
[A] International Sources	723
[B] Domestic Sources	723
§29.04 Initiating Mediation	724
§29.05 Process	727
§29.06 Recognition and Accreditation of Mediators	729
§29.07 Confidentiality and Admissibility of Mediation Evidence	733
§29.08 Mediated Outcomes and Enforceability	734
§29.09 Limitation Periods	735
§29.10 Duties and Obligations	736
Chapter 30	
Spain	Vicabilities.
Mercedes Tarrazón & Marian Gili Saldaña	739
Editors' Note	739
Regulatory Robustness Rating for Mediation	740
§30.01 Introduction	742
§30.02 Basic Terms and Definitions	744
[A] Mediation	744
[B] Cross-Border Disputes	744
[C] Mediator	744
[D] Mediation Institutions	745

[E] Out-of-Court and Judicial Mediation	745
§30.03 Sources of Mediation Regulation	745
[A] The Act 5/2012	745
[B] Legislation Supplementing Act 5/2012	746
[C] Civil Procedure Act	747
[D] Legislation on Mediation in Specific Matters	747
[E] Codes of Conduct	747
§30.04 Initiating Mediation	748
[A] Mediation Triggers	748
[1] Mediation Clauses	748
[2] Agreement to Mediate	749
[3] Court Recommendation	750
[B] Types of Disputes Suitable for Mediation	750
§30.05 Process	750
[A] Initial Stage of Mediation	751
[B] Termination of Mediation	751
[C] Simplified Online Mediation Procedures	752
[D] Fees and Costs	752
§30.06 Recognition and Accreditation of Mediators	752
[A] National Level Recognition	753
[1] Full Legal Capacity	753
[2] Education	753
[3] Insurance Policy	754
[B] Quality Assurance Mechanisms	754
[C] Public Access to Information on Certified Mediators	754
§30.07 Confidentiality and Admissibility of Mediation Evidence	756
[A] Insider/Outsider Confidentiality	756
[B] Insider/Insider Confidentiality	756
[C] Insider/Court Confidentiality	756
§30.08 Rights and Obligations	756
[A] Mediators	756
[1] Impartiality and Neutrality	757
[2] Competence and Duties During Mediation	757
[3] Liability	757
[B] Parties	758
§30.09 Enforcement of Mediated Outcomes	758
§30.10 Limitation Periods	758
§30.11 Future Developments	759
CHAPTER 31	
Sweden	
Bengt Lindell	761
Editors' Note	761
Regulatory Robustness Rating for Mediation	762

Table	of	Contents

831 N1	Introduction	764
	Basic Terms and Definitions	766
301.02	[A] Mediation	766
	[B] Mediated Settlement Agreement	767
§31.03	Sources of Mediation Regulation	767
0	[A] Mediation Act	767
	[B] Code of Judicial Procedure	768
	[C] Private Regulations	768
	[D] European Code of Conduct for Mediators	769
§31.04	Initiating Mediation	769
	[A] Mediation Triggers	769
	[1] Court Referral	769
	[2] Mediation Clauses	770
	[3] Request for Mediation	770
	[B] Disputes Considered Suitable for Mediation	771
§31.05	Process	771
	[A] Initiation of Mediation and Agreement to Mediate	771
	[B] Appointment of the Mediator	772
	[C] Conduct of Proceedings	772
	[D] Termination of Mediation	773
§31.06	Recognition and Accreditation of Mediators	773
§31.07	Confidentiality and Admissibility of Mediation Evidence	774
	[A] Insider/Outsider Confidentiality	774
	[B] Insider/Insider Confidentiality	774
	[C] Insider/Court Confidentiality	775
§31.08	Rights and Obligations	775
	[A] Mediators	775
	[B] Lawyers	776
	[C] Parties	776
§31.09	Enforcement of Mediated Outcomes	776
	[A] Enforcement According to the Mediation Act	776
	[B] Enforcement According to Institutional Rules	777
§31.10	Limitation Periods	777