European Commission

Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters

Directorate-General Justice and Consumers
Unit A.1 Civil justice

Disclaimer: These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

Scope

‘Civil and commercial matters’ include mediation in family, consumer and employment matters

Limitation to ‘cross-border cases’, but broad definition:

- Parties’ domicile or habitual residence in different MS

- Member States are free to apply the Directive also to internal mediation processes

Content of the Directive – Five basic principles

Ensuring the quality of mediation

Recourse to mediation

Enforceability of settlement agreements

Confidentiality of mediation

Effect of mediation on limitation and prescription periods

Implementation

Entry into force on: 13 June 2008

Transposition by: 21 May 2011

Continuing cooperation with other international organisations active in the area, such as the Council of Europe and UNCITRAL

Provision of funding for mediation training through the Justice Programme