

# PRACTISING FAMILY LAW IN EUROPE

Mediation Directive on Mediation  
in Civil and Commercial Matters

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# General Presentation

- I. Objective of the Directive
- II. Scope
- III. Content of the Directive
- IV. Other aspects
- V. Conclusions

# I. Objective

## II. Scope

1. Material scope
2. Cross-border situations
  - a) Mediation
  - b) Judicial proceedings
3. Territorial scope

# III. Content of the Directive

1. Aspects relating to the mediation process
2. Effect of mediation on judicial proceedings

# 1. Aspects relating to the mediation process

- a) Definition of mediation
- b) Definition of a mediator
- c) Quality of mediation
- d) Recourse to mediation
- e) Enforceability of the mediation agreement

## 2. Effect of mediation on judicial proceedings

### a) Confidentiality

(i) the general rule

(ii) the exceptions

### b) Limitation and prescription periods

## IV. Other aspects

1. Information to the general public
2. Information on competent courts and authorities
3. Date of application of the Directive

# V. Conclusions