

New EU Directive on Mediation Conference 2008

Association for International Arbitration

Directive of the European Parliament and the Council
on certain aspects of mediation in civil and commercial matters

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General Presentation

I. Objective

II. Scope

III. Content of the Directive

IV. Conclusion

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. Conclusion