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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I. Objective
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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