

## **Mediation:** **A Directive only applicable to a limited number of cases**

Today the European Institutions missed a great opportunity to improve access to dispute resolution with the adoption of a weak Directive on mediation in civil and commercial matters.

The Directive voted today by the European Parliament will apply only to cross border disputes, i.e. disputes where parties in conflict are not resident in the same country.

Arnaldo Abruzzini, Secretary General of EUROCHAMBRES, commented: *“We regret the limitation of the principles of the Directive to cross border cases which represent, at the moment, a very small percentage of mediation cases in Europe. Also, the definition of ‘cross border’ disputes can lead to legal uncertainty and practical difficulties in certain scenarios.”*

EUROCHAMBRES hopes that this limitation to cross border disputes will not hamper Member States from applying the principles of the mediation directive spontaneously to national cases and will nevertheless lead systems towards a common framework. Both businesses and citizens stand to gain a lot from developing efficient alternative dispute resolution schemes.

*“Mediation can assist in reaching a settlement agreement that is acceptable for both parties and should be a natural part of any conflict solution process. Mediation is quicker and more cost efficient than court proceedings and arbitrations, and has the benefit of also dealing with the parties’ emotions and other non-legal issues that otherwise would remain unaddressed”*, said Mr Abruzzini.

Fortunately, the Directive usefully tackles a number of important aspects, such as the promotion of the use of mediation, the quality of the mediation, the confidentiality of the process, the enforcement of the agreements resulting from mediation and a more technical point: the effect of mediation on limitation and prescription periods.

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