

**ADR in 24 Countries :  
Mediators and Ombudsmen  
Who can mediate? Is there  
a law that defines who can  
perform mediation?  
What kind of training  
programme is required? Do you  
have a national organization of  
mediators? <sup>1</sup>**

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<sup>1</sup> A previous, more restricted, version of this article has been published in *ADRITALIA* 2.2017, page 66 <http://www.adritalia.net/wp-content/uploads/2017/11/adritalia02-anno4.pdf>

A few months ago a friend mediator from Cyprus sent me an e-mail proposing to set up a group of mediators, present in different countries, for an exchange of information on ADRs in their own nation.

Another mediator, from Israel, was preparing a draft, and asked the four questions mentioned in the title.

In December 2017 answers have been received, 16 from European countries, 5 from Asian countries, 1 from Egypt and 1 from Canada. Legislators are interested in the instrument, but the solutions adopted are very different from place to place. Understandable, having regard to the historical, economic and social differences of individual nations; but some common elements emerge.

Let's start from the basic element for any activity, knowledge. In other words, training. Some countries require a minimum of 40/50 hours, Slovakia 200 hours; China does not have a common minimum programme. But, as pointed out by a Romanian mediator, if the "quantity" (the number of hours) is important, even more so is the "quality" <sup>2</sup>.

And only Italy processes statistic data at national level, thanks to which some evaluations can be carried out <sup>3</sup>.

There are also many differences in the requirements to become mediators. In some nations anyone can carry out this activity, but usually an academic degree is required (often in any subject). Turkey also requires a minimum of 5 years of legal practice. In some countries there is a distinction between professional and non-professional mediators, which suggests that in some places there is a tradition in the matter.

Few countries have a national organization, that represents all mediators. A positive outcome, because mediation is a flexible procedure, which must not be "caged" by a single professional association. Provided that a third party controls compliance with the rules and, possibly, quality. *"On the other hand, a national organization taking for example the form of a federation where existing mediation associations as well as all mediators, on an individual basis can be a member (like the Federação Nacional de Mediadores de Conflitos in Portugal) could defend*

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<sup>2</sup> Pădeanu Marin, "Evolution and involution of mediation in Romania", 2017  
[https://www.academia.edu/34089971/The\\_evolution\\_and\\_involution\\_of\\_mediation\\_in\\_Romania](https://www.academia.edu/34089971/The_evolution_and_involution_of_mediation_in_Romania)

<sup>3</sup> Matteucci Giovanni, "Civil mediation, ho to kick-start it: the Italian Experience. The relevance of training", 2017  
[https://www.academia.edu/35125411/ADR\\_Matteucci\\_2017.10.30\\_Civil\\_mediation\\_how\\_to\\_kick-start\\_it\\_the\\_Italian\\_experience\\_The\\_relevance\\_of\\_training](https://www.academia.edu/35125411/ADR_Matteucci_2017.10.30_Civil_mediation_how_to_kick-start_it_the_Italian_experience_The_relevance_of_training)

*the mediators' interests, counsel Ministries and government on legislation and certification matters, promote mediation in general and create a solid 'market' for mediations of all kind*<sup>4</sup>.

Despite these differences, however, the theoretical influence of Anglo-Saxon mediation is more or less present in the various countries: communication techniques and psychology elements in training, principle of confidentiality in the procedure, the final decision that “should” be reached by the parties. Transformative aspects, however, are crucial and strongly focussed in some, especially the south-western, countries of Europe<sup>5</sup>.

A world apart China, with a millennial tradition also in mediation<sup>6</sup>: 4 kinds of procedures, 800,000 centers of mediation of the people.

Interesting the experience of Ombudsmen, “*who have a public mandate to perform mediation for free on a larger scale, aggregate data and therefore have an impact at the policy and regulatory levels; ombudsmen hereby presented also comply with the requirements of the 2013 ADR Directive (2013/11/EU)*”<sup>7</sup>.

I thank all fellow mediators for their contribution.

**Giovanni Matteucci**

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4 Ursula Caser .

5 Red Empuries-Farinha A., Caser U., Salberg, A.-C., Canyameres M., Larsson M., Espinòs F & Olalde A.) (2014), *Aspectos pertinentes de la Conceptualización de la Mediación: Perspectivas Anglo-Sajona e Latina.*, in: *La Trama*, N° 42, 14p. Buenos Aires (usuário: latrama – pass: conflicto)

6 Zeng Sophia Tang, “*Mediation in China*”, 2014 <http://www.adrmaremma.it/english/tang01.pdf>

7 Marine Cornelis.

Christopher Hodges, Iris Benohr and Naomi Creutzfeldt, “*Consumer ADR in Europe*”, Bloomsbury Publishing, 2012, Law.

# Mediators

Cyprus

Stelios



## Who can mediate?

A Mediator must be a trained and accredited person by a recognised institution. Despite any other professional capacity (lawyer, psychologist), a mediator must acquire a valid accreditation. In my humble opinion, training is the most important aspect, like of course in other professional category.

## Is there a law that defines who can perform mediation?

According to Cyprus Civil Mediation Act, a mediator must obtain the initial 40 hour training accreditation, but we must present at least 24 training hours of training every three years. (I believe that there should be changes in our law)

## What kind of training program is required - how many hours and main topics taught?

The basic training, at least based on my experience is 40 hours, which is 5 working days, including the evaluation/ exam. There is the theory and case study part (role plays).

## Do you have a national organization of mediators?

In Cyprus there is an organization which was for many years dormant, but now they are to re-group. It is recommended to have a local mediator cooperating.

## Italy

### Giovanni



#### **Who can mediate?**

University graduates (at least three years course) and technicians, but only for controversies related to their job

#### **Is there a law that defines who can perform mediation?**

Yes, Decreto Legislativo 28 / 2010 e Decreto Ministeriale 180 / 2010

#### **What kind of training program is required - how many hours and main topics taught?**

Hold a BA degree in any subject, or membership in a professional association (in this second case, mediators are only allowed to manage proceedings related to their professional competences);

- complete a 50 hour training course on theory and practice, designed for a maximum of 30 trainees, consisting of:
  - Italian, European and international laws on mediation;
  - facilitative and adjudicative mediation procedures, and mediation ordered by a judge;
  - conflict management techniques;
  - communication techniques;
  - mandatory mediation contract clauses;
  - form, content and effects of mediation demand and agreement;
  - mediator's duties and responsibilities;
  - simulated mediation sessions;
  - final 4 hour test;
- update their training every two years with an 18 hour advanced training course on the above mentioned subjects, including simulated

mediations, and attend 20 mediation procedures.

According to my opinion, 50 hours training are insufficient.

### **Do you have a national organization of mediators?**

No. The names of mediators are recorded in a register hold by the Ministry of Justice.

Mediators must operate within a mediation body (*Organismo di mediazione*).

The mediation bodies were ruled by the Ministerial Decree 180 / 2010, updated by Ministerial Decree 145 / 2011 . “*Organismo di mediazione: l’ente pubblico o privato, o la sua articolazione, presso cui può svolgersi il procedimento ai sensi del decreto legislativo 18/2010*”- “*Mediation body: public or private institution, or its branch, where the mediation proceedings can take place under Decree 28/2010*”.

We are talking about institution, not single people. Public institutions (also ruled by foreign law): chamber of commerce, council of professional bodies (not only lawyers), universities, etc.. A registered capital amounting to a minimum sum required for setting up a small joint-stock companies. An insurance policy for an amount not lower than 500,000.00 euro. An independent accounting. The mediation body applies for registration to the Ministry of Justice. The rates are established by the Ministry and are paid by the parties to the mediation body, which pays the mediator.

## **Turkey**

**Fatma**



### **Who can mediate?**

To be a Turkish citizen, a university degree in law and a minimum of five years legal practice, completion of an accredited training program on mediation. The final steps to register as a mediator are the Ministry of Justice’s written and practice exams.

## **Is there a law that defines who can perform mediation?**

Yes, Art.20, Law on Mediation in Civil Disputes No: 6325

## **What kind of training program is required - how many hours and main topics taught?**

According to the Articles 22 and 23 of the Mediation Act, these programs could only be provided by the universities, the Turkish Bars Association or the Turkish Justice Academy. For instance, The Turkish Bars Association's mediation training program are taught over 8 days/ 65 hours. According to the Act, the training includes basic knowledge, communication techniques, negotiation and dispute resolution techniques and the role of psychology in the dispute resolution.

## **Do you have a national organization of mediators?**

No. Ministry of Justice, Mediation Department keep the register of the persons who have attained the authority to mediate in private law disputes. The information pertaining to the persons included in this register is also announced electronically by the Department.

## **Greece**

### **Olga**



## **Who can mediate?**

Mediator can be anyone who has finished university as long as he attends to the 40 hours training programme, and passes double exams to both of training institute and the ministry. It is quite demanding.

In Greece there are almost 1800 mediators.

Mediation is not obligated in Greece apart from the new law that

is going to be started in August and it is about the loans that took the greek businesses and can not pay back.

**Is there a law that defines who can perform mediation?**

The law is 3898/2010 that accepted EU's directive.

**What kind of training program is required - how many hours and main topics taught?**

40 hours training programme, and passes double exams to both of training institute and the ministry. It is quite demanding.

**Do you have a national organization of mediators?**

We don't have any national organisation for mediators apart from the list/catalogue of the Ministry of Justice that includes all the mediators have the skills are defined in the greek law.

**Lithuania**

**Sarunas**



**Who can mediate?**

Today everybody can work as a mediator but situation will change Old law is very liberal, but the new one is strict. Not specified yet but 40 hours is for sure.

**Is there a law that defines who can perform mediation?**

From 2009. In June Lithuanian Parliament passed new mediation law which include serious requirements for mediators.

Mediators should be in a special register hold by Ministry of Justice where new mediator could be added after 40 hours training and special exam. Higher education, good reputation and so on are also required.

### **Do you have a national organization of mediators?**

Yes and no. Few people create but it isn't very active yet.

**Israel**

**David**



### **Who can mediate?**

Anyone can mediate and currently there is no regulation. But in order to get cases from the Courts, you have to hold an academic degree and have 160 hours of training.

### **Is there a law that defines who can perform mediation?**

No law yet, we are working on one.

meanwhile, new regulations are being drafted to define who can get cases from the Courts, aiming at a cadre of 300 - 400 mediators.

### **What kind of training program is required - how many hours and main topics taught?**

60 hour basic training course: negotiation theory and skills, mediation principles and skills, the mediation process, law and ethics of mediation, 5 simulations, no exam.

100 hour advanced training: each student conducts 6 “real” mediations (Small Claims Court) under supervision of a certified instructor.

**Do you have a national organization of mediators?**

There are a few associations.

**Andorra**

**Ramon**



**Who can mediate?**

Who can be a mediator: Anybody holding a 3 years university degree in any subject + a specific training in mediation (150 h). Other requirements is to have a civil responsibility insurance.

**Is there a law that defines who can perform mediation?**

Is there a Law: Spring 2018.

**What kind of training program is required - how many hours and main topics taught?**

150 hours specific training in mediation + 15 hours training every 2 years. The Law won't specify any contents but this will be developed by the Mediation Committee that the Law will create.

**Do you have a national organization of mediators?**

No. My company (Dialoga) functions as a social entrepreneurship project and works in promoting and lobbying for mediation. The Law will create a Mediation Committee, but it's not really an association.

## Romania

### Marin



#### Who can mediate?

According to art. 7 of the Law no. 192/2006, “the mediator may be the person who fulfils the following conditions:

A) has full exercise capacity;

B) has higher education;

C) has a working experience of at least 3 years;

D) is medically fit for the exercise of this activity;

E) enjoys a good reputation and has not been finally convicted for committing an offense likely to prejudice the profession’s prestige;

F) has completed the mediator training courses, under the law, or a postgraduate master degree program in the field, accredited by law and endorsed by the Mediation Council;

G) was authorized as a mediator, under the present law .

Therefore, from its beginning, mediation has represented a profession open to a very broad group of people, coming from various fields of activity (medical, legal, education, social work, business, insurance, etc.).

#### Is there a law that defines who can perform mediation?

Yes, Law no.192 / 2006

#### What kind of training program is required - how many hours and main topics taught?

Currently, the initial mediator training course lasts 80 hours. Although these hours may be sufficient for an initial training course, the quality

of the training is much more important. And here is one of the biggest problems: quality of the initial training course. Initial training is provided by private companies, some of them are owned by the members of the Mediation Council. No university is accredited, although the law allows it. The Mediation Council authorizes training programs. Another problem is the examination of the candidates. Currently, the graduation exam is organized by the training school and the student is examined by a committee whose members are elected by the training school itself.

### **Do you have a national organization of mediators?**

No. The Mediation Law provides that mediators can be organized in professional associations at local or national level, aimed for defending the rights and representing the interests of mediators, associations of which mediators are free to join in. The associations are independent. They are not subordinated to the Mediation Council. In other words, the profession of mediator is a liberal profession, where its members are not organized in the system of a single national association.

Although the law makes no provisions for territorial organization of mediators, the present Mediation Council created county structures, without legal personality, under its subordination, in that the leading bodies of these structures can be assigned or revoked by the Mediation Council. These structures look like territorial extensions of Mediation Council, having no independence.

### **Croatia Srdjan**



### **Who can mediate?**

Croatia adopted Law on Mediation and Book of Rules of the Registry of Mediators and Standards for Accreditations of the Mediation Institutions and Mediators, at 2003. Ministry of Justice runs national Registry of Mediators.

They have provisions about who can mediate. Those provisions are mandatory only for registered mediators. Registration is not mandatory.

### **Is there a law that defines who can perform mediation?**

Croatian Law on Mediation and Book of Rules of the Registry of Mediators and Standards for Accreditations of the Mediation Institutions and Mediators have provisions about who can perform mediation and what are the conditions for the mediation institutions. Those provisions are mandatory requirements only for mediation institutions and for the registered mediators. So far, the parties in dispute can use anybody for the mediator. But those provisions are actually strong recommendations and kind of a guide for all interested for the mediation about how to choose right mediator and/or mediation institution. Mediators can perform mediation inside or outside of mediation institutions.

### **What kind of training program is required - how many hours and main topics taught?**

Book of Rules of the Registry of Mediators and Standards for Accreditations of the Mediation Institutions and Mediators requires 40 hours basic training for mediators, plus 20 hours of advance training for mediators every two years. These are mandatory requirements for the registered mediators who want to apply and to stay in national Registry of Mediators.

Basic and advance training for mediators have mandatory topics and they are mandatory for mediation institutions accredited by the Ministry of Justice to provide trainings.

### **Do you have a national organization of mediators?**

In Croatia there is an informal umbrella organization for mediators – Hrvatska udruga za mirenje (HUM) - Croatian Mediation Association.

## Russia

### Dmitry



### **Who can mediate?**

Distinction between professional and non-professional mediators.

Mediators must have a university degree, undergo training and pass an exam at the end of each of the 3 professional levels.

### **Is there a law that defines who can perform mediation?**

Yes. Mediation Law, followed by regulations regarding training that were issued by the Ministry of Education and Science.

### **What kind of training program is required - how many hours and main topics taught?**

Training program.

Level program. 1st level allows to mediate as a professional. 2nd level is focused on specialities like family, commercial, labor etc. 3rd level certifies mediators as trainers of 1st level candidates.

Training level is concluded with an exam.

### **Do you have a national organization of mediators?**

Since 2011 there is the “National Organization of Mediators” in the form of NGO. Currently, it is optional to be a member of this organization.

## Portugal

### Ursula



### Who can mediate?

In Portugal, in addition to a course in mediation of conflicts, it has been customary to require as a requisite for their attendance, an appropriate academic degree (However, what means “appropriate” is not officially defined.) In Portugal, mediators work in different areas such as communitarian, commercial, family, workplace, victim-offender, school, etc. Regarding a liberal professional initiative, there is still no regulation of this area, except for the mediators recognized by the Ministry of Justice to practice in the public mediation systems (Julgados de Paz / Sistemas de Mediação Familiar, Laboral e Penal).

So basically anybody can call himself a mediator. This is not a protected profession. For accreditation in the public system or with the ministry of justice you have to have a university course, be more than 25 years old, no criminal past and speak Portuguese and must have passed a 90 h course

### Is there a law that defines who can perform mediation?

There is a mediation law, which says, that this law regulates all mediations performed in Portugal, but the law does not restrict performing mediation in general or defines criteria for being a mediator (The Lei n.º 29/2013, de 19 de abril establishes the general principles applicable to mediation in Portugal, as well as the legal regimes for civil and commercial mediation, mediators and public mediation, regulated by:

Ordinance No. 344/2013, of November 27 - Defines the competent service to organize the list of conflict mediators, as well as the re-

gistration requirements, the form of access and disclosure of the same Ordinance No. 345/2013, of November 27 - Regulates the regime applicable to the certification of entities forming courses in mediation of conflicts and revokes Administrative Rule no. 237/2010, of April 29

So (except for being a mediator in the public mediation services – here an accreditation is needed) anybody can be a mediator.

### **Is there a law that defines who can perform mediation?**

For getting accreditation with the ministry of justice 90 hours at least, but there are many mediators with lesser hours (esp. commercial mediation (40h). The topics are traditional topics: process of mediation / communication techniques /models of mediation / legal situation / simulations /exercises etc.

In Portugal not the courses are accredited, but the entities that promote those courses. This is regulated by the Ordinance No. 345/2013, of November 27 - Regulates the regime applicable to the certification of entities forming courses in mediation of conflicts and revokes Administrative Rule no. 237/2010, of April 29

Once a training entity is accredited (and maintains accreditation, paying the respective yearly fee, there is not much control what the courses will offer.

### **Do you have a national organization of mediators ?**

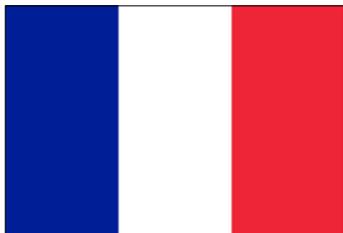
A National Federation (Federação Nacional de Mediação de Conflitos) represents the interests of all (federated) mediators and ciations). There are around 30 associations for mediation in Portugal (many do not work). and perhaps around 3000 trained mediators (but very few living solely of mediation )

The National Federation of Conflict Mediation (FNMC) is a non-profit organization established in 2012 to promote, develop and disseminate alternative means of conflict resolution, including mediation of conflicts, as well as to support the social function and dignity of mediation and the promotion of respect for best practices and techniques. The creation of this Federation intends to be a unifying element of the various institutions that have emerged over the years in order to promote the development of alternative means of conflict resolution, namely the mediation of conflicts.

<http://www.fnmc.pt>

**France**

**Sylvie**



### **Who can mediate?**

A mediator has to be trained and agreed by an authorized institution. Actually mediation is present in many fields of social life: lawyers, psychologists, architects, managers, journalists, social helpers, notaries, etc. But in all these fields they have to undergo a specific training.

### **Is there a law that defines who can perform mediation?**

The evolution of the society finally leads to changes of laws. The different ministries have their own mediators as well as the big enterprises (banks, insurance companies, post etc.). Specific professions create their... Training : notaries, bailiffs ... etc.

Of course there exist directives instructions from the European Union. In France for example the law about divorce has changed giving a bit more space to mediation. The judicial mediator, the criminal mediator, the consumption mediator have to be agreed authorized by the corresponding ministries. The same for the international family mediators.

Once again all depends on the level and training of the mediator. Associations group (together) mediators proposing them adult continuing education (training sessions) because the law requests 120 hours minimum of basic knowledge and 20 hours of ongoing education and practice supervision every year.

## **What kind of training program is required - how many hours and main topics taught?**

In France we have the possibility to obtain

- a University degree (diplôme universitaire DU) by 40 hours in 1 year (after baccalaureate +2-3 years graduate)

- a state diploma as family mediator (DEMF diplôme d'état de médiateur familial) after 595 hours including 100 hours of practical training inbetween 2 years (after baccalaureate +2-3 years).

- a diploma university as Master (1 + 2) in mediation.

The program for the master 1 and 2 (I have) in University from Luxemburg:

8 semester, 120 ects = + 3600 hours

+ 150 hours training

+ internship report

+ memory end of study

1 semester : definition and state of art of mediation; mediation, a system of conflict resolution; the mediation process.

2 semester : law, psychology, methods of conflict resolution

3 semester : different fields of mediation: environmental health, international, administrative, community, commercial, work place, consumer , family

4 semester : family law and right of the child criminal law and youth protection, social mediation, scholar , intercultural, psychology of communication, sociology of affective relationship, philosophy

5 semester : participation, approaches, planning of action in mediation, sensibilisation and diffusion

6 semester : team management, project management, methodology

7 semester : methodology of research

8 semester: research, dissertation

## **Do you have a national organization of mediators ?**

Exists in France, ad example, the Association Nationale des Médiateurs (ANM).

And many different associations

An order of mediators does not exist may be to bad it would protect a bet better the profession.

Yes it is difficult to live from the practice.

The problem is the existence of multiple low qualified trainings offers the existence of certain lobbies lobbies keeping control on the development of mediation

Some professions as lawyers, notaries etc and have appropriated the territory as well as big firms...

## **Kazakhstan**

### **Maksud**



### **Who can mediate?**

An individual chosen by the mutual consent of the parties, who is independent, impartial and not interested in the outcome of the case and who is included into the register of mediators giving his / her consent to perform the functions of mediator. The mediator's activity may be carried out on the professional basis (persons with high education, who reached the age of 25 and with certificate that confirms completion of the training program of preparation of mediators, and retired judges) as well as on the non-professional basis (persons who reached the age of 40 and included into the register of non-professional mediators and judges according to the Civil Procedural Code of RK).

*Acc. to the Art. 9 of the Law on mediation of the Republic of Kazakhstan.*

### **Is there a law that defines who can perform mediation?**

Law on Mediation of the Republic of Kazakhstan No. 401-IV dated 28 January 2011.

## **What kind of training program is required – how many hours and topics are taught?**

The training program of mediators aiming to prepare the professional mediators to regulate the disputes in the sphere of civil, labor, family and other legal relations with physical and legal entities involved as well as disputes in criminal proceedings in cases of small and medium gravity crimes.

It consists of 3 programs: a) General course of mediation (not less than 48 hours and approximately 17 topics are covered); b) Specialized course of mediation (not less than 50 hours and approximately 9 topics are covered); c) Training course for mediator trainers (not less than 32 hours and approximately 4 topics are covered).

*Acc. to the Resolution of Government of RK on the approval of Rules of the training program to prepare mediators No. 770 dated 3 July 2011*

## **Do you have a national organization of mediators?**

Yes, there is National chamber of mediators in the Republic of Kazakhstan. (<http://www.mediation.kz/>)

## **Spain**

### **Eugenia**



## **Who can mediate?**

Individuals possessing a university degree or a higher vocational education diploma and having received the specific training established by the law can practice mediation, as long as they have the appropriate professional liability insurance.

## **Is there a law that defines who can perform mediation?**

At a national level, we have the Mediation for Civil and Commercial Matters Act (Ley 5/2012, de 6 de julio, de mediación en asuntos civiles y mercantiles) whose content has been further developed by “Royal Decree” in the corresponding Regulation (Real Decreto 980/2013, de 13 de diciembre, por el que se desarrollan determinados aspectos de la Ley).

Also, there exist regional laws. For example, in the Region of Madrid, we have the Family Mediation Act (Ley 1/2007, de 21 de febrero, de Mediación Familiar de la Comunidad de Madrid).

## **What kind of training program is required - how many hours and topics are taught?**

The Mediation for Civil and Commercial Matters Act establishes that mediators must have received the appropriate training, comprising:

- mediation techniques
- mediation procedure (with special emphasis on the procedural and the material limits to the use of mediation established by the law, the professional liability of the mediator, the rights of third parties).
- ethics
- the legal framework and the psychological aspects specific to the kind of mediation to be practiced
- communication, negotiation and conflict resolution techniques

Also, the above mentioned Regulation specifies that mediators must have received 100 hours of specific training, out of which at least 35 must have been practical (preferably supervised practice in real mediation sessions). In addition, mediators shall complete 20 hours of (mostly practical) training every 5 years.

## **Do you have a national organization of mediators?**

We do not have a single national organization of mediators but a large variety of professional associations, registries and conflict resolution centers, such as AMERCO (the Association of Mediators and Conflict Resolution Experts), MediaICAM (the Conflict Resolution Center of the Madrid Bar Association of Lawyers) and the Madrid

Registry for Family Mediators. Most of these organizations operate at regional level.

However, membership or registration with them is not a mandatory condition to practice mediation (any person meeting the legal requirements can practice mediation as a *sole practitioner*).

At a national level, there exists an Official Registry of Mediators and Mediation Institutions within the Ministry of Justice. However, only Bankruptcy Mediators are subject to compulsory registration with the Ministry of Justice.

This means that registration with the Ministry of Justice or with any professional association, conflict resolution center, registry or mediation organization - which may demand further training hours and experience, is purely voluntary (with the above-mentioned exception) and has prestige and publicity effects only.

## **Macedonia**

### **Elizabeta**



### **Who can mediate?**

Article 46 of the Macedonian Law on mediation provides that only a natural person who has legal capacity and who is licensed to perform mediation activities (hereinafter: licensed mediator) can act as a mediator in the Republic of Macedonia. A license for the mediator shall be issued to the person who fulfilled the following conditions: has passed the exam for checking the theoretical knowledge and practical skills for mediator (hereinafter: mediators' exam) in front of the Board for ensuring, monitoring and evaluating the quality of mediation (hereinafter: the Board) and who has presen-

ted a contractual liability insurance. According to the previous, a system of examination and licensing of mediators has been created. Mediators` exam may be taken by individuals who submitted an application for the exam to the Board, together with a proofs of: a) a university degree VII / I or 300 credits under the European Credit Transfer System (ECTS) obtained in the Republic of Macedonia or the decision on recognition of the Macedonian Ministry of education and science for the appropriate higher qualifications acquired abroad; b) completed training according to the accredited training program for mediators in lasting of minimum 70 hours, in the country or abroad, or a decision on recognition of relevant training completed abroad and recognized by the Board; c) at least three years work experience after graduation; d) had followed at least four mediation procedures carried out by the mediator and a confirmation document issued by a mediator supported with an extract from the Register of records of the mediation of the relevant procedures; e) passed a psychological test and a test of integrity issued by a licensed expert; f) certificate of citizenship of the Republic of Macedonia and g)at least five references from people who know the applicant in professional capacity. In fact, according to the legislator, these are minimum criteria that will ensure quality and competent mediators. The person who will pass the mediators` exam and will present contract liability insurance shall be issued a license and only he or she can carry out mediation services. Issued license is valid for five years and can be extended or subtracted depending on the results of the evaluation of the quality of work of the mediator. The evaluation of the quality of work of the mediators is conducted by the Board, at least once in five years, in accordance with the methodology and procedure for monitoring and evaluating the quality of work of mediators. For conducting mediation in relations where the law provides obligatory mediation, the law may provide additional conditions for a person who takes the mediators` exam as well as supplement supervision and control. The license of these mediators contains data for the specific mediation area. Novelty which introduces law is the obligation of the mediators to conclude an insurance contract to third parties in the amount of not less than 50,000 Euros.

## **Is there a law that defines who can perform mediation?**

Yes. It is the *Law on Mediation of 2013*, Official Gazette of the Republic of Macedonia No.118/13, 148/15, 192/15, 55/16.

## **What kind of training program is required - how many hours and main topics taught?**

Completed training according to the accredited training program for mediators in lasting of minimum 70 hours, in the country or abroad. Trainings for the mediators are performed by the trainers. According to the law as a trainer for mediators can act all natural persons who have legal capacity and have the license for a trainer (hereinafter: licensed trainer). The law stipulates that the license can be issued to the persons who will submit a request for license to the Board along with the proofs for the fulfillment of the following conditions: a) completed training for trainers of mediators in lasting of minimum 32 hours, in the country or abroad in the last three years, or university diploma of higher education VII / I or 300 credits under the European credit transfer system (ECTS) in the Republic of Macedonia in the field of mediation, conflict resolution, negotiation or conciliation, or a decision on recognition of appropriate high - educational qualifications acquired abroad in the relevant field, issued by the Ministry of Education and Science of the Republic of Macedonia; b) registration of his status as mediator in the Register of mediators or appropriate register of a foreign state, if the applicant is a foreign national; c) registration from the Register of records of mediation proceedings or appropriate register of a foreign country if the applicant is a foreign national, for conducted at least 12 mediation procedures in the last three years and d) at least two references from people who know the applicant in professional capacity and attest for its ability to transfer theoretical and practical knowledge. The law provides that the license issued to the trainer can be extended or subtracted depending on the results of the evaluation of the quality of the work of trainer. The Board makes the evaluation of the quality of work of the trainers, at least once in every five years, in accordance with the methodology and procedure for monitoring and evaluating the quality of work of the trainers of mediators. The training for mediators are conducted according to the accredited training programs for me-

diators. Accreditation is granted to the programs that meet the requirements for accreditation. The conditions for accreditation of these programs and the circle of persons who are eligible to apply for are determined by the Board. Issued accreditation may be extended or subtracted depending on the results of the evaluation of the quality of the implementation of the accredited training programs. This evaluation is carried out by the Board at least once in every five years in accordance with the methodology and procedure for monitoring and evaluating the quality of the implementation of accredited training programs for mediators. Also, like many times before, the methodology and procedure for monitoring and evaluation remains unknown to the professional and general public. Training programs for mediators which have been granted with an accreditation are recorded in the Register of accredited training programs for mediators. The Board maintains The Register of trainers for the mediators and the Register of the accredited training programs for mediators.

### **Do you have a national organization of mediators?**

Yes, we have. The Chamber of Mediators (hereinafter: KMRM or the Chamber) as a professional association of mediators was introduced for the first time by Article 28 of the Law on Mediation of 2006. It was founded on 22.10.2006, with headquarters in Skopje and has its own statute, bodies, and is registered as a legal person. Article 66 of the Law on Mediation of 2013, stipulates that the Chamber of Mediators established under the Law on Mediation of 2006 shall cease to function on the day of establishment of the Chamber in accordance with the new law. As a result of failure of the Ministry of justice to adopt a necessary legislation on the one hand, and the inability to form a new Chamber on the other, a legal vacuum was created for a long time, which directly effects on the practice of mediation on the already fragile system of mediation in the Republic of Macedonia. Large part of the positive Law on mediation regulates the Chamber in detail. According to the proposer of the law, such detailed legislative regulations will have positively reflection on functioning of the Chamber. Law on mediation stipulates the obligation for the licensed mediators to be organized in the Chamber of Mediators of the Republic of Macedonia, based in Skopje. The Chamber can

have offices in other cities in the country, according to the Statute of the Chamber. With its decisions, the law precludes the opportunity for the mediators to be organized in other associations than the Chamber. Also, this solution raises up the question about the appropriate allocation of sufficient resources at the local level, needed for the functioning of KMRM, and in *ultima linea* for unfettered access to justice through this way of disputes resolving. The Chamber is entrusted with the following public authorities: maintaining the Register of mediators; certifying the facts for which the Chamber keeps records; and determining the amount of the membership fee for members of the Chamber. Actually, the only fact for which Chamber keeps records is the content of the Register of Mediators. The maintaining of the Register for records of the mediation which ended with an agreement signed before the initiation of court proceedings is obligation for the Ministry of Justice. The maintaining of the Register of trainers and the Register of accredited training programs for mediators is entrusted to the Board. Also, it should be noted that the Law on Mediation of 2013 contains unconstitutional, discriminatory provision, because it provides that as a member of the Ethics Council can be elected only persons older than 35 years of age at a time when the election takes place. It is unclear why the legislator accepted this solution. The Ministry of Justice supervises the work of the Chamber. Unsolved question is what is going to happened with those mediators who are certified according to the previous Law and don't have license.

**China**  
**Sophia**



## **Who can mediate?**

China has four types of mediation.

- 1) People's mediation—anyone with full capacity can be the mediator;
- 2) court mediation—judges act as mediators;
- 3) administrative mediation—governmental entities act as mediators;
- 4) arbitration mediation—arbitrators act as mediators.

## **Is there a law that defines who can perform mediation?**

People's Mediation Act of the PRC (Order No 34, 2010), Art 14 requires the mediators to be an adult citizen, who is fair and decent, enthusiastic in mediation, and has acquired certain knowledge in culture, policies and law.

## **What kind of training program is required - how many hours and main topics taught?**

Art 14 of the Mediation Act provides that the administrative department for justice at the county level should provide periodical training for people's mediators. It does not specify more details including the length, frequency and content of the training.

Every mediation centre will have its internal training requirements for mediators.

## **Do you have a national organization of mediators?**

China has 800,000 people's mediation centres or institutions. There is no one organisation for all mediators in this country. Some well-known mediation institutions include China Council for the Promotion of International Trade (CCPIT) and China Chamber of International Commerce (CCOIC) Mediation Centre, Shanghai Commercial Mediation Center, Beijing Arbitration Commission Mediation Center, Mainland-Hong Kong Joint Mediation Center.

## Hungary

### Judit



#### Who can mediate?

According to the Article 5. of Act LV of 2002, a mediator is the natural person who

- has a university degree and 5 years of experience in the field of the degree, and
- has passed the course mandatory to become a mediator, and
- has not committed a crime, or is not under the penalty of restriction of work.

Is there a law that defines who can perform mediation?

There are several regulation for different types of mediator.

1. The common legal source is the Act LV of 2002 on Mediation.
2. For criminal cases: Act CXXIII on Criminal Mediator.
3. So called „medical mediator” regulated by Act CXVII of 2000
4. Disputes with public authorities, regulated by 185/2009. (IX. 10.) Government Directive

#### What kind of training program is required - how many hours and main topics taught?

According to the regulation 63/2009. (XII. 17.) of the minister of justice, the mediators are trained at least in 60 hours in the following topics:

1. theory of conflicts
2. theory and practice of negotiation
3. technical tools of mediation
4. knowledge and skills of questioning
5. dealing with problematic parties

6. psychology
7. legal issues of mediation.

The mediators are also have to take courses after this 60 hours: they have to collect a certain amount of credit points from conferences, trainings and supervision.

### **Do you have a national organization of mediators?**

In Hungary the civil associations for mediators are working country-wide. The biggest one is the „National Association of Mediators”, but separately the court system has an own working group for the judicial mediation.

### **Canada Dominic**



### **Who can mediate?**

As a general rule, only those professionals that are trained in ADR are recognized as a mediators. However, any person can provide ‘mediation’ services if they are mandated by their clients to do so. In Quebec, to act as a ‘family mediator’ requires a special licence issued by a number of professional orders.

### **Is there a law that defines who can perform mediation?**

Other than special statutes that define family mediation in Quebec, there are no country wide laws or legal restrictions that clearly define and restrict who can act as a mediator. Several provinces (British Columbia, Ontario, Alberta) have special statutes on the practice of mediation and who can be appointed by their respective justice ministries.

## **What kind of training program is required - how many hours and main topics taught?**

Unfortunately, there is no uniformity across the country with regards to training in mediation (family, civil, commercial). Those organizations that provide certification do require a post secondary degree or certificate/work experience along with a basic training in ADR including an adequate understanding of legal and psychosocial issues. In Quebec, family mediators are required to be a licenced professionals (social worker, lawyer, notary, counsellor) who receive 60 hours of basic training and 45 hours of advanced training. Before being licenced, prospective family mediators need to also successfully complete 10 cases of mediation with supervision.

## **Do you have a national organization of mediators?**

There is currently no official national governing regulatory body for mediators/mediation or formal certification process for mediators. The Alternative Dispute Resolution (ADR) Institute of Canada is one of the country's most important ADR professional organizations. Through its provincial affiliates, it sets ADR education standards and professional practices, especially in civil and commercial mediation. Most practice requirements are set by law societies and bar associations in each province and territory.

In the realm of family mediation, Family Mediation Canada is the only country wide organization that attempts to set national standards of training and practice. However, each province and territory, ultimately, sets its own standards, training and can determine who can practice.

## **Egypt**

### **Medhat**



## **Who can mediate?**

Legally, anyone. Practically, you must have skills and member of a reputable ADR institute to get clients.

## **Is there a law that defines who can perform mediation?**

No, thanks God.

## **What kind of training is required - - how many hours and main topics taught?**

Again, legally nothing; but, in practice, you must be highly skilled.

## **Do you have a national organization of mediators?**

Thanks God, no.

## **Malaysia Gunavathi**



## **Who can mediate?**

Mediators in Malaysia can broadly be categorised as follows:

a) Court appointed mediators pursuant to the court-annexed mediation programme. This is a service provided by the judiciary which is free of charge. The mediators are either judges or judicial officials who have been appointed as mediators in the Court Mediation Centers' across the country;

b) Industrial Court Chairman's conducting mediation for employment disputes;

c) mediators attached to various institutions :

-The Malaysian Mediation Center (MMC) which was formed under the auspices of the Bar Council of Malaysia;

-The Kuala Lumpur Regional Arbitration Center (KLRCA);

- The Construction Industry Development Board (CIDB);
- Securities Industry Dispute Resolution Center (SIDREC);
- The Ombudsman Financial Services – mediation for banking and insurance dispute;
- d) mediators conducting mediation at various Tribunals including the following:
  - The Home Buyers Tribunal;
  - The Consumer Tribunal;
- e) Legal Aid Department – legal aid officers cum mediators conducting family mediation and
- f) private Mediators

### **Is there a law that defines who can perform mediation?**

The statute that governs mediation in Malaysia is the Mediation Act 2012 (the Act). The Act applies to all mediators who fall within the definition of mediator as provided for in Section 7(2) of the Act.

“Section 7 (2) of the Act stipulates that a mediator shall-

- (a) possess the relevant qualifications, special knowledge or experience in mediation through training or formal tertiary education; or
- (b) satisfy the requirements of an institution in relation to a mediator.”

Section 7(2) (a) of the Act provides a wide definition as to who can be a mediator. The term ‘relevant qualification’, ‘special knowledge or experience’ or ‘formal tertiary education’ has not been defined in the Act and is open to interpretation. All private mediators would have to satisfy Section 7(2) (a) of the Act to practice as a mediator in Malaysia.

By virtue of Section 7(2) (b) of the Act, the mediators, attached to the various institutions mentioned in category 1(c) above, would have to fulfil the requirements of their respective institutions to practice as a mediator.

However, Section 2(b) of the Act provides that the Act shall not apply to ‘any mediation conducted by a judge, magistrate or officer of the court pursuant to any civil action that has been filed in court’. As such, all court appointed mediators do not have to fulfil the requirements mentioned in Section 7(2) (a) of the Act.

The current Practice Direction governing mediation in the courts is Practice Direction No 4 of 2016. (PD) Further, the Court Mediation Centres set up by the judiciary in all the States across the country have their respective 'Rules', which prescribe the mediation procedures of the Centre.

As for the Industrial Court, Practice Note No 3 of 2010, governs the use of mediation in the aforesaid courts.

Further, Section 7(2)(c) of the Act provides that the Act shall not apply to the mediators conducting mediation at the Legal Aid Department.

### **What kind of training is required - - how many hours and main topics taught?**

The Mediation Act 2012 does not provide any requirement as to the kind of training programme or the number of hours one has to undergo before one can hold themselves out as a mediator. As such, there is no uniformity in the country for the type of training programme conducted for certification as a mediator.

The individual mediation institutions mentioned above namely MMC, KLRCA and CIDB have their own criteria for accreditation and regulation. There is no consistency in the criteria for practice between the organizations. Typically, the training programme consists of a 40 hours mediation skills training programme that provide certification as a mediator. Only upon successfully completing the aforesaid training which includes an oral assessment, will certification be given to practise as a sole mediator.

The topics covered in the Facilitative Mediation process model skills training programme include the following:

- Overview of dispute resolution processes
- Litigation vs Mediation
- Advantages of mediation
- Negotiation skills
- Pre-Mediation
- The Agreement to Mediate
- The First Joint Session
- . the mediator's opening statement

- . the parties' opening statement
- . issue identification
- . clarification and exploration of issues
- Private Sessions
  - The second joint session-negotiations, tabling options and evaluating offers
    - Drafting the agreement
    - Communication Skills including the following:
      - . listening skills- active listening and passive listening
      - . questioning skills
      - . reframing
      - . paraphrasing
      - . summarising
      - . mediator interventions – breaking impasse
    - Practical Strategies:
      - . reality testing
      - . role reversal
      - . converting interests into options
      - . dealing with stubborn behaviour
  - Special Issues in Mediation
    - . confidentiality
    - . co-mediation
    - . the role of lawyers in mediation

As for the court appointed mediators, the PD and the Court Mediation Centre Rules do not specify the type or model of mediation conducted by their mediators. Neither does it cover the training requirement for their mediators. Similarly, the Industrial Courts Practice Direction is also silent on this.

Save for the MMC, KLRCA and CIDB, the other organizations and tribunals mentioned above do not have any training requirements as well.

## Do you have a national organization of mediators?

Currently, there is no national registry which contains a list of mediators in the country. Neither is there a national organization regulating mediators in the country. The only list of mediators available to the public are the list of mediators empanelled with the MMC, KLRCA and CIDB. For mediation to take off successfully, it is pertinent to have mediators in the country who are appropriately skilled, qualified and have reliable standards of practice. In the near future, a national regulatory body should be set up the Government to regulate mediators in the country to ascertain a benchmark for one to practice as a mediator.

### Poland

#### Cezary



### Who can mediate ?

There are two categories of mediators in Poland. Mediator is not a protected title and anyone can call her/himself one. The only requirement is to be a natural person with full capacity to undertake legal actions, exercising full range of public rights and not to be a judge (except for retired judges). A protected title is “a permanent mediator”, with a bit higher, but still rather moderate requirements, verified by the court prior to being enlisted as permanent mediator of the specific District Court.

Vast majority of mediations in Poland are in-court mediations, either initiated by the court order to refer the case to mediation or by joint consent of the parties. When it comes to the first category, the order is made *ex parte* and the parties have 7 days to object to it. This week is probably the hardest job we have, because we learn about the possible mediation at the same

time with the parties and we need to convince them to give it a try and not to object the order - our success rate in this regard is about 50 %.

We don't mind our practice of in-court mediation. The example of the statistics that are very promising are those of the Commercial Division of the District Court of Warsaw, where so far about 30 % of the cases are referred to mediation.

We use generally joint meetings with both parties, with some short caucuses. Mediators are, to some extent, the keepers of the process, but e.g. we don't count caucuses to be super sure that both parties had the same number of them.

Mediated settlements are enforceable in Poland similarly to the settlements reached in front of the court, i.e. they may be referred almost directly to executory proceedings.

Confidentiality of mediation is not an absolute rule in Poland and the parties may waive it and e.g. call a mediator as a witness.

### **Is there a law that defines who can perform mediation ?**

Mediation is provided for in criminal law, family law, labour law, consumer law (mainly due to the EU legislation) and civil law. In July 2017 mediation was introduced into administrative proceedings

Civil mediation is regulated by our Code of Civil Procedure (mainly Articles 183(1) - 183(15)) with some additional provisions in Civil Code (regulating settlement agreement), various regulations and other acts.

Although we used to, currently we generally don't distinguish mediation from conciliation and we only use the term mediation ("mediacja" in Polish) which does not have legal definition. There were some concerns in this regard, but the flexibility of not having legal definition of mediation works just perfect in practice.

We distinguish facilitative and evaluative mediation and we use both. It is guaranteed by the law that mediator is allowed to make non-binding suggestions.

Apart from one very specific case from labour law, mediation is voluntary in Poland, with a lot of legal incentives to use it (including cost incentives) and some obligations of the legal representatives and judges to encourage amicable settlement of the dispute. We highly value voluntariness of mediation.

## **What kind of training program is required: How many hours and main topics taught ?**

There is no pre-specified amount of training hours or experience. The specific requirements differ depending on the field of law.

## **Do you have a national organization of mediators ?**

We don't have one national organisation of mediators, we either are sole practitioners or are in various private and semi-private associations and mediation centers.

Soon there will be a new project launched by the Ministry of Justice which will create 16 Centres for Mediation and Arbitration all over Poland (Poland has 16 regions) and the Lewiatan Mediation Centre in Warsaw will be coordinator of this network.

It used to participate in the pilot programme of the same kind which took place in the years 2014-2016.

## **Slovakia Frantisek**



## **Who can mediate ?**

A mediator under the Act on Mediation (2004) is defined as any natural person, entered on the list of registered mediators, and which the parties to mediation agree shall assume the function of mediator. Mediators do not need to indicate their specialization when they apply for a registration. They may specialize in particular types of disputes but the list of registered mediators does not contain this information.

Mediators are not obliged to obtain any professional indemnity insurance. Such indemnity insurance is voluntary. They are liable pursuant to provisions of general laws (Civil Code) for damage caused in mediation.

The accreditation and registration of mediators is regulated and Ministry shall register as a mediator a person who:

- a) has full legal capacity;
- b) has completed the university studies of the second degree in the Slovak Republic or holds a recognised certificate of university education of the second degree, issued by a foreign university. A mediator may have completed any university studies: for example, law, psychology, economics, pedagogy, social work, and so on.
- c) is a person of integrity;
- d) holds a certificate of vocational training of a mediator and has successfully completed the professional examination of a mediator within the past six months; and
- e) was not pursuant to the Act on Mediation removed from the register of mediators in another way than on his own request.

The Ministry of Justice of the Slovak Republic keeps a list of registered mediators, mediation centres and educational institutions. There are 1732 registered mediators, 62 mediation centres, and 29 accredited institutions that provide trainings for mediators. The registration of mediators, mediation centres and institutions that accredit mediators is regulated by the Act on Mediation. There are no court mediators in Slovakia except for probation and mediation officers who conduct mediation in criminal matters. A separate law regulates their activity.

If a person is not registered as a mediator by the Ministry, s/he is not considered to be a mediator under the Act of Mediation and therefore cannot offer mediation services within the legal framework of the Act on Mediation. Nevertheless a person not registered under the Act on Mediation may help parties to resolve their dispute using mediation techniques. For example, if the parties agree, it is possible to use a non-registered (foreign) mediator in cross-border mediation. In such cases general regulation (in particular Civil Code) will apply instead of the Act on Mediation.

## **Is there a law that defines who can perform mediation ?**

The Act on Mediation in Slovakian was adopted in June 2004 and entered into force on 1 September 2004. The transposition of the Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters has significantly influenced the development of mediation legislation in the Slovak Republic.

The legislation provides a basic regulatory framework for mediation, remaining flexible in many respects and preserving the advantages of the process. The intricacies of the mediation process (for example, private meetings of a mediator with the parties) are not regulated by the Act on Mediation.

Section 1 of the Act on Mediation provides that the Act applies to disputes arising from civil (pursuant to the Civil Code), family, commercial, and workplace relations. According to practising mediators, mediation in about 80% of cases leads to a successful outcome, i.e. it terminates by a mediated settlement agreement.

This applies to community disputes (conflicts between neighbours and at schools, financial affairs between municipalities, disputes between the mayor and inhabitants, environmental disputes, etc.), family disputes (conflicts between generations, conflicts between spouses, conflicts between spouses before a divorce, division of assets after a divorce, visits of children after a divorce, etc.), labour disputes (problems between employers and employees), disputes concerning ownership (e.g. ownership of a plot of land), commercial disputes (e.g. financial issues between corporations or organizations, controversies between distributors and subscribers, disputes concerning rights of authors, etc.).

## **What kind of training program is required: how many hours and main topics taught ?**

The content of vocational training and assessment of mediators are set out in section 9 of the Act on Mediation. Vocational training, examination and certification of mediators may be conducted only by specifically accredited educational institutions in the range of 200 hours plus oral and written examination.

Section 10a of the Act contains requirements of continuing education of registered mediators and conditions for re-examination of mediators by the Ministry. Mediators are obliged to undertake ongoing vocational training. If a mediator does not participate in at least two trainings every five years, the Ministry of Justice might prescribe re-examination of the mediator.

One of the aims of the accreditation process with the Ministry of Justice is to standardise the education of mediators. Training providers often differ in their interpretation of the Act on Mediation. Some of them focus more on psychological and social elements of mediation, others on its juridical aspects.

It is common for mediators to specialise in resolving disputes in particular fields, for example, family disputes. Mediators tend to focus on disputes that require a special approach, education or experience. Currently there is a demand for mediators specialised in intercultural and community mediation, particularly, in resolving Roma and Sinti related controversies.

## Ombudsmen

### Ombudsman - Belgium

#### Marine



Belgium has several ombudsmen schemes at the federal level to deal with disputes with energy, telecom, bank, insurance, postal services, transport etc. They are officially recognised as providers of ADR according to the 2013 directive. In addition, there is a federal service for the remaining complaints (the Consumer Mediation Service). They are members of the CPMO, the Permanent Concertation group of Mediators and Ombudsmen

Specific law per sector. The energy ombudsman has been founded by the article 27 of the electricity law of 29 April 1999. The telecom ombudsman finds its root in the law of 21 March 1991. The Consumer Mediation services was built on the law of the 4<sup>th</sup> of April 2014.

The ombudsmen are personally appointed and have a public mandate to perform their duties. They hire the relevant staff (case managers) to help them solve the cases and decide on their profiles.

Ombudsmen are appointed after an evaluation of their profiles and experiences. There is no single training process or profile.

CPMO, the Permanent Concertation group of Mediators and Ombudsmen

## **Ombudsman - France Marine**



The French national energy ombudsman is the public authority in charge of dealing with consumer disputes in the energy sector. The Ombudsman has signed a MoU with the companies' complaints departments (ENGIE, EDF).

Club des Médiateurs de Services au Public <https://clubdesmediateurs.fr>

Decree 2007-1504 of the 19 October 2007. The ombudsman is personally appointed and has a public mandate to perform their duties. They hire the relevant staff (case managers) to help them solve the cases. In general, case managers are trained lawyers.

The ombudsman is appointed after an evaluation of their profiles and political experience. There is no single training process or profile. The current energy Ombudsman, Mr Jean Gaubert, is a former MP.

## Ombudsman - UK

Marine



Ombudsman Services is in charge of dispute resolution in the energy and telecom sectors and all unresolved complaints from sectors not covered by a specific scheme.

For energy, OS is officially recognised by OFGEM, the national regulatory authority.

Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations, 2015 sets out revised standards for redress schemes such as Ombudsman Services.

Ofgem has approved OSE as an appropriate redress scheme in the UK under criteria it set out under the CEAR Act, 2007

Do you have a national organization of mediators ?

The Ombudsman Association

## Ombudsman - Spain (Catalonia)

Marine



El Síndic - El defensor de les persones' role is to handle the complaints of anyone who is unprotected before the administrations' actions or omissions. He seeks to ensure the proper working of the Catalan Government (Generalitat) and local administrations, like local councils, provincial governments or county councils. Thus, he

works as a supervisor and collaborator of the Catalan Administration, with the aim of improving its operation.

In addition to working with the administrations, the Síndic is also handling the complaints with the private companies that provide services of public interest, such as electricity, telecommunications, water, gas, the post, etc.

Elected by a majority vote of the Catalan Parliament, the Síndic is politically independent. The Síndic does not belong to any government and acts with objectivity, freedom of criteria and independence.

ACT 24/2009, of December 23, on the Síndic de Greuges (hereafter “the Catalan Ombudsman”) (Official Bulletin of the Generalitat of Catalonia number 5536 of 12 30 2009) ❖