



Mediation in civil matters

Recommendation Rec(2002)10
adopted by the Committee of Ministers
of the Council of Europe
on 18 September 2002
and explanatory memorandum

French edition:

La médiation en matière civile (Rec(2002)10 et exposé des motifs)

ISBN 92-871-50-0

For further information on the Committee of experts on the efficiency of justice,...

Council of Europe Publishing
F- 67075 Strasbourg Cedex
© Council of Europe, August 2003
Printed at the Council of Europe

1. Recommendation Rec(2002)10, adopted by the Committee of Ministers of the Council of Europe on 18 September 2002, has been prepared by the Committee of Experts on Efficiency of Justice (CJ-EJ) set up under the authority of the European Committee on Legal Co-operation (CDCJ).
2. This publication contains the text of Recommendation Rec(2002)10 and its explanatory memorandum.

**Recommendation Rec (2002)10
of the Committee of Ministers to member states on mediation in civil matters**

*(Adopted by the Committee of Ministers on 18 September 2002
at the 808th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Welcoming the development of means of resolving disputes alternative to judicial decisions and agreeing on the desirability of rules providing guarantees when using such means;

Underlining the need to make continuous efforts to improve the methods of resolving disputes, while taking into account the special features of each jurisdiction;

Convinced of the advantages of providing specific rules for mediation, a process where a "mediator" assists the parties in negotiating over the issues in dispute and in reaching their own joint agreement;

Recognising the advantages of mediation in civil matters in appropriate cases;

Conscious of the necessity of organising mediation in other branches of the law;

Having in mind Recommendation No. R (98) 1 on family mediation, Recommendation No. R (99) 19 concerning mediation in penal matters and Recommendation Rec(2001)9 on alternatives to litigation between administrative authorities and private parties, as well as the results of other activities and research carried out by the Council of Europe and at national level;

Having regard more particularly to Resolution No. 1 on "Delivering justice in the 21st century" adopted by the 23rd Conference of European Ministers of Justice in London on 8 and 9 June 2000, and in particular to the invitation addressed by the European ministers of justice to the Committee of Ministers of the Council of Europe to draw up, in co-operation with the European Union, a programme of work aimed at encouraging the use, where appropriate, of extra-judicial dispute resolution procedures;

Aware of the important role of courts in promoting mediation;

Noting that although mediation may help to reduce conflicts and the workload of courts, it cannot be a substitute for an efficient, fair and easily accessible judicial system;

A. Recommends that the governments of member states:

- i. facilitate mediation in civil matters whenever appropriate;
- ii. take or reinforce, as the case may be, all measures which they consider necessary with a view to the progressive implementation of the Guiding Principles concerning Mediation in Civil Matters set out below.

B. Instructs the Secretary General of the Council of Europe to transmit this recommendation to the competent authorities of the European Union, with a view to:

– promoting co-operation between the Council of Europe and the European Union in any follow-up to this recommendation and, in particular, disseminating information on the

laws and procedures in states on the matters mentioned in this recommendation through a website;

- encouraging the European Union, when preparing rules at European Community level, to draw up provisions aiming at supplementing or strengthening the provisions of this recommendation or facilitating the application of the principles embodied in it.

Guiding Principles concerning Mediation in Civil Matters

Principle I – Definition of mediation

1. For the purposes of this recommendation, “mediation” refers to a dispute resolution process whereby parties negotiate over the issues in dispute in order to reach an agreement with the assistance of one or more mediators.

Principle II – Scope of application

2. This recommendation applies to civil matters. For the purposes of this recommendation, the term “civil matters” refers to matters involving civil rights and obligations including matters of a commercial, consumer and labour law nature, but excluding administrative or penal matters. This recommendation is without prejudice to the provisions of recommendation No. R (98) 1 on family mediation.

Principle III – Organisation of mediation

3. States are free to organise and set up mediation in civil matters in the most appropriate way, either through the public or the private sector.

4. Mediation may take place within or outside court procedures.

5. Even if parties make use of mediation, access to the court should be available, as it constitutes the ultimate guarantee protecting the rights of the parties.

6. When organising mediation, states should aim to strike a balance between the needs for and the effects of limitation periods and the promotion of speedy and easily accessible mediation procedures.

7. When organising mediation, states should pay attention to the need to avoid unnecessary delay and the use of mediation as a delaying tactic.

8. Mediation may be particularly useful where judicial procedures alone are less appropriate for the parties, especially owing to the costs, the formal nature of judicial procedures, or where there is a need to maintain dialogue or contacts between the parties.

9. States should consider the opportunity of setting up and providing mediation, wholly or partly free of charge, or of providing legal aid for mediation, in particular if the interests of one of the parties require special protection.

10. Where mediation gives rise to costs, they should be reasonable and proportionate to the importance of the issue at stake and to the amount of work carried out by the mediator.

Principle IV – Mediation process

11. States should define the extent, if any, to which mediation provisions may restrict the parties' right to legal action.

12. Mediators should act independently and impartially and should ensure that the principle of equality of arms be respected during the mediation process. The mediator has no power to impose a solution on the parties.

13. Information on the mediation process is confidential and may not be used subsequently, unless otherwise agreed by the parties or allowed by national law.

14. Mediation processes should ensure that the parties are given sufficient time to consider the issues at stake and any other possible settlement of the dispute.

Principle V – Training and responsibility of mediators

15. States should consider taking measures to promote the adoption of appropriate standards for the selection, responsibilities, training and qualification of mediators, including mediators dealing with international issues.

Principle VI – Agreements reached in mediation

16. In order to define the subject matter, scope and conclusions of the agreement, a written document should usually be drawn up at the end of every mediation procedure. The parties should be allowed a limited time for reflection, which is agreed on by the parties, after the document has been drawn up and before signing it.

17. Mediators should inform the parties of the effect of agreements reached and of the steps which have to be taken if one or both parties wish to enforce their agreement. Such agreements should not run counter to public order.

Principle VII – Information on mediation

18. States should provide the public and the persons involved in civil disputes with general information on mediation.

19. States should collect and distribute detailed information on mediation in civil matters including, *inter alia*, the costs and efficiency of mediation.

20. Steps should be taken to set up, in accordance with national law and practice, a network of regional and/or local centres where individuals can obtain impartial advice and information on mediation, including by telephone, correspondence or e-mail.

21. States should provide information on mediation in civil matters to professionals involved in the functioning of justice.

Principle VIII – International aspects

22. States should encourage the setting up of mechanisms to promote the use of mediation to resolve issues with an international element.

23. States should promote co-operation between existing services dealing with mediation in civil matters with a view to facilitating the use of international mediation.

Explanatory memorandum

I. Introduction

1. For many years, the Council of Europe has been dealing with questions relating to means of alternative dispute resolution other than through a judicial decision, and, in particular, mediation.
2. As the approach chosen by the Committee of Ministers has been a multidisciplinary one, it has adopted recommendations on family mediation (Recommendation No. R (98) 1), concerning mediation in penal matters (Recommendation No. R (99) 19) and on alternatives to litigation between administrative authorities and private parties (Recommendation Rec(2001)9).
3. Moreover, as well as scientific research on dispute resolution processes alternative to a judicial decision, multilateral, regional and bilateral meetings have been organised in the framework of the Council of Europe legal co-operation programmes, to develop a “mediation dimension” at a European level.
4. The Conclusions of the 4th European Conference on Family Law (Strasbourg, October 1998) proposed “to promote the mediation process in order to resolve problems concerning not only the family, but also other areas involving two or more parties”.
5. At the end of the Multilateral Meeting on Alternative Means of Dispute Resolution organised by the Council of Europe from 29 November to 1 December 1999, the General Rapporteur concluded, *inter alia*, that “Governments and private institutions should be encouraged to move ahead with high-quality [...] schemes” of extra-judicial dispute resolution proceedings and that “[...] for a full picture of the emergence and nature of disputes, and disputants, further research still awaits to be done”.
6. Moreover, the Committee of Ministers instructed the Committee of Experts on Efficiency of Justice (CJ-EJ) to prepare a report identifying those situations where mediation might be appropriate to resolve disputes, as an alternative to “traditional” civil dispute resolution proceedings. This comprehensive research on the subject was to be carried out by a consultant to the CJ-EJ, taking into account in particular the work of the Council of Europe in this field, as well as the activities carried out by other relevant international institutions.
7. It is in this context that Mrs Evelyne Serverin¹, specialist in the CJ-EJ, prepared a report on “What place is there for civil mediation in Europe?”. This report was examined by the CJ-EJ during its meeting held from 26 to 28 March 2001. The CJ-EJ requested that the European Committee on Legal Co-operation (CDCJ) take note of the report. The report contains ideas and suggestions on mediation in civil matters. Even if these ideas and suggestions may not necessarily be shared by all states, they resulted in a brainstorming on mediation which went beyond mere statements of principle and laid down the basis for the CJ-EJ and its working party to prepare this recommendation and explanatory memorandum.
8. Moreover, in preparing this recommendation, the CJ-EJ has taken due account of the activities carried out at European Union level on questions relating to extra-judicial dispute resolution procedures. In particular, account has been taken of European Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes, of the Resolution of the Council

1. Mrs Evelyne Serverin is Director of Research at the *Centre national de recherche scientifique* (CNRS) atf Cachan (France).

of the European Union of 25 May 2000 on a Community-wide network of national bodies for the extra-judicial settlement of consumer disputes and of the Green Paper of the European Commission on alternative dispute resolution in civil and commercial law.

9. The political and legal importance attached by the Council of Europe to these questions was shown once again on the occasion of the 23rd Conference of European Ministers of Justice, which took place in London on 8 and 9 June 2000. On this occasion, the European ministers of justice invited the Committee of Ministers of the Council of Europe to draw up, in co-operation in particular with the European Union, a programme of work aimed at encouraging the use, where appropriate, of extra-judicial dispute resolution procedures. Moreover, they invited the Committee of Ministers to disseminate information on the laws and procedures in states on the matters mentioned in this recommendation through a website.

10. The working party of the CJ-EJ held one meeting (from 26 to 28 March 2001) at which it prepared a draft recommendation on mediation in civil matters for the attention of the CJ-EJ. The CJ-EJ completed its work on the draft recommendation during its 4th meeting from 27 February to 1 March 2002. The draft recommendation was subsequently submitted to the European Committee on Legal Co-operation (CDCJ) between 27 and 31 May 2002 and adopted by the Committee of Ministers as Recommendation Rec(2002)10 at the 808th meeting of the Ministers' Deputies on 18 September 2002.

II. Comments on the different parts of the recommendation

Part A

General considerations

11. The recommendation invites, in its Part A, governments of member states to facilitate the use of mediation in civil matters whenever appropriate and to take or reinforce, as the case may be, all measures which they consider necessary with a view to the progressive implementation of the Guiding Principles concerning Mediation in Civil Matters set out in the recommendation.

Principle I – Definition of mediation

12. Principle I deals with the definition of mediation for the purposes of this recommendation.

13. Among the activities designed to provide citizens with a solution to their disputes, those involving the assistance of a third party are regarded in a very favourable light in European societies today. They are regarded even more favourably as a means of resolving civil disputes, where the parties are free to dispose of their rights as they see fit. This assistance can be distinguished from forms of dispute resolution by a public authority (a court) or by a private authority (an arbitrator). This third party, "who does not judge", may be called upon to assist in a dispute in various capacities, in particular: acting as a mediator in an extra-judicial capacity (this is without prejudice for judges to act also as mediators); as an expert appointed by the court (within the framework of the case); as a committee or authority with statutory powers to mediate in specific disputes; or as a private individual appointed by agreement in order to mediate between the parties to a dispute. Whatever the title, this third party, assisting on a friendly basis, is responsible mainly for attempting to find common ground between the parties to a dispute and enable them to find their own agreement. The

third party assisting does not impose a solution on the parties and does not guide the parties to reach particular solutions.

14. Therefore, for the purposes of this recommendation, “mediation” refers to a dispute resolution process whereby parties negotiate over the issues in dispute, in order to reach an agreement with the assistance of one or more mediators. This process is different from "traditional" forms of dispute resolution, namely judgments and arbitral awards. For the purposes of this recommendation, mediation includes both compulsory mediation and voluntary mediation.

Principle II – Scope of application

15. Principle II deals with the scope of application of the recommendation.

16. The recommendation applies to civil matters (including matters of a commercial, consumer and labour law nature) and does not apply to administrative or penal matters.

17. As far as penal matters are concerned, reference should be made to Recommendation No. R (99) 19 of the Committee of Ministers to member states concerning mediation in penal matters.

18. As regards administrative matters, reference should be made to Recommendation Rec(2001)9 of the Committee of Ministers to member states on alternatives to litigation between administrative authorities and private parties.

19. Finally, as far as family law matters are concerned (which in many legal systems are considered as civil matters), the principle that provisions concerning specific aspects of mediation (i.e. Recommendation No. R (98) 1 on family mediation) prevail over general provisions concerning mediation (i.e. this recommendation) should apply. It is therefore clear that the provisions of this recommendation are without prejudice to the provisions of Recommendation No. R (98) 1 as far as family law disputes are concerned.

Principle III – Organisation of mediation

20. The recommendation makes it clear that states are free to organise the provision of mediation as they wish, but they should ensure as far as possible that there are mechanisms in place in order to maintain standards at an acceptable level.

21. Within many states, mediation is provided by private and public sectors working in collaboration or, conversely, in direct competition. Whatever the organisational arrangement is, mediation should be available to all.

22. Mediation may take place within or outside court procedures (Principle III.4).

23. It is clear that the most rational approach would appear *a priori* to be to employ mediation as soon as possible after the dispute arises, i.e. before any court procedures. However, if a court procedure has started, mediation still remains a possibility. Here, the purpose of mediation is no longer to prevent the matter from coming before a court, but to bring the case to a conclusion without a full hearing and, in addition, to prevent subsequent disputes. The above implies that the judge may send the parties to mediation after the matter has been brought to court.

24. Principle III.5 of the recommendation underlines that access to court constitutes the ultimate guarantee of the rights of the parties.

25. In some states, mediation proceedings interrupt the limitation periods. However, in other states, the limitation periods continue to run during mediation. The effects of limitation periods on the availability, speed and quality of mediation should be taken into account by states when enacting appropriate legislation (Principle III.6).

26. In Principle III.7, the recommendation makes it clear that either within or outside court procedures, mediation should not entail unnecessary delay and should not be used by the parties as a delaying tactic. The effect of limitation periods on a claim should in particular be taken into account.

27. As regards the legal framework of the organisation of mediation, the recommendation underlines that mediation is particularly useful where judicial procedures alone are less appropriate for the parties, in particular owing to the costs, the formal nature of judicial procedures, or where there is a need to maintain dialogue or contacts between the parties (Principle III.8) (such as in the case of neighbours, members of the same family, or partners desiring to continue commercial activities).

28. Leaving aside the fact that mediation in itself may bring with it greater efficiency and rationality, it is necessary to consider the economic and social advantages which mediation brings to dispute resolution. Where mediation takes place instead of a court case, and is successful, it always appears advantageous, in so far as the arrangement reached allows the parties to avoid both the time and the expense of a court case. Account needs to be taken of the comparative costs of mediation and a court case and the comparative costs of mediation and a compromise, for various types of dispute. Furthermore, the use of mediation is likely to result in a more satisfactory solution for the parties, as it increases their awareness and their assumption of responsibilities, not only towards themselves but towards society, while at the same time contributing to the edification of a less litigious society and thereby reducing the workload of courts.

29. In its Principle III.9, the recommendation invites states to consider the opportunity of setting up and providing mediation wholly or partly free of charge, or of providing legal aid for mediation, in particular if the interests of one of the parties require special protection. In particular, where rapid and inexpensive judicial procedures are not available, there is a need for legal aid to be given. In some cases, lawyers may be involved in the provision of assistance to persons making use of mediation.

30. This principle applies in particular if the characteristics of the dispute in question are such that it appears that the claimant would not have initiated proceedings (where the amount at stake is small, where the claimant is reluctant to take the risk, or where the parties' respective means are disproportionate). The advantage does not derive from the cost of court proceedings, since such proceedings would not have been initiated: it lies in the opportunity given to reach an economically favourable outcome in a situation in which the parties are not equally matched. The use of wholly or partly cost-free mediation could be decided in the light of the type of dispute (and not necessarily of the situation of the parties in a given case) and be applied, for example, in the framework of resolving consumer disputes, disputes between employers and employees, or disputes concerning health issues; in other words, mediation could be set up and provided in the type of dispute opposing parties who are not on an equal footing.

31. Moreover, this principle is particularly relevant in cases involving large-scale litigation (often involving small sums) such as debt recovery. In these situations, for instance, creditors may tend to use private methods to encourage payment, and these more or less coercive methods might usefully be replaced by mediation.

32. As regards legal aid, it is clear that its availability in mediation procedures varies according to the specific needs of the jurisdiction concerned.

33. Moreover, in its Principle III.10, the recommendation provides that the costs of mediation should be reasonable and proportionate to the importance of the issue at stake and to the amount of work carried out by the mediator.

34. The economic advantages of mediation depend on the costs for the parties and the costs of a court case, and vary according to the types of dispute.

35. In many legal systems, disputes involving small sums are dealt with by courts, in which the procedures are relatively informal and inexpensive (in particular because the parties are not legally represented), while disputes involving larger amounts are dealt with by higher courts where the procedural stages are more numerous and where legal representation is compulsory.

Principle IV – Mediation process

36. It should be noted that some of the principles referred to in this part of the recommendation are also contained in Recommendation No. R (98) 1 on family mediation.

37. Principle IV.11 deals with provisions for mediation. The recommendation does not take a position on the nature of these provisions, leaving states free to determine whether any mediation clauses which restrict the rights of action of the parties should be reserved solely for relations between persons acting in the exercise of a trade or a profession. Moreover, states should also determine whether or not these provisions should be treated as arbitration clauses (especially in such fields as electronic commerce), as legislation on this matter varies considerably between member states. Nevertheless, the contractual restriction of the right to action should not lead to an excessive limitation of the right of access to a court as guaranteed by the European Convention on Human Rights.

38. Principle IV.12 states that mediators should act independently and impartially. They should ensure that the principle of equality of arms be respected during the mediation process.

39. As stated in Recommendation No. R (98) 1 on family mediation (see paragraphs 38, 39 and 40 of its explanatory memorandum), the “impartiality” of the mediator requires the mediator not to take sides or favour the position of one party over the other. The mediator should ensure that the views of each party are respected, although he or she has a duty to ensure that neither party is placed at a disadvantage through fear of harm or threat of violence. The mediator should conduct the process in such a way as to redress, as far as possible, any imbalance in power between the parties, and should seek to prevent threatening, intimidating or manipulative behaviour by either of them. Unlike a lawyer, who acts for one of the parties and represents that party’s point of view, the mediator is not acting for either party, nor should there be a previous or existing professional or personal relationship between the mediator and one of the parties.

40. As far as “independence” is concerned, mediators should not be under any undue influence from any quarter. They should not impose a solution on the parties or guide the latter to reach particular solutions. It is up to the parties to reach their own agreed, joint decisions, and the mediator’s role is to facilitate this process. Parties may make decisions that they consider to be appropriate to their own particular circumstances. This principle recognises the right of the parties to reach their own agreements about their own affairs in a way that suits them best. However, when courts are asked to endorse or ratify such a private

agreement, it will be necessary to satisfy the courts that the settlements comply with current legislation and do not infringe either party's legitimate interests.

41. Principle IV.13 makes it clear that mediation should be conducted in private and that discussions should be regarded as confidential. This means that the mediator should not disclose any information about, or obtained during the process of, mediation to anyone without either the express consent of each party or in cases allowed by national law. Whether a mediator has a right to refuse to give evidence in court is left to national law. The mediator should not be obliged to make official reports as to the content and discussions in mediation, although mediators may be expected to provide a report agreed by the parties to the judicial or other competent authority noting the agreements reached.

42. Principle IV.14 states that mediation procedures should ensure that the parties be given sufficient time to consider the issues at stake and any possible solution to the dispute. This principle aims at giving the parties sufficient time for reflection and to consider in depth the issues at stake before completing a mediation procedure.

Principle V – Training and responsibilities of mediators

43. Principle V.15 indicates that states should consider taking measures, in particular in cases of “compulsory” mediation, to promote the development of appropriate standards for the selection, responsibilities, training and qualification of mediators, including those dealing with international issues (e.g. to take account of specific factors, to work flexibly – using a variety of models, for example shuttle mediation, video conferencing and so on – in order to mediate across distances). States have full responsibility for such measures in the public sector and should ensure that mediators in the private sector also have access to training.

Principle VI – Agreements reached in mediation

44. Principle VI.16 deals with the form and content of agreements reached in mediation. It states that in order to define the subject matter, scope and conclusions of the agreement, a written document should usually be drawn up at the end of every mediation procedure. The term “usually” has been chosen to indicate that parties can choose not to establish such a document. Furthermore, Principle VI.16 states that the parties should be allowed a limited time for reflection, which is agreed by the parties, after the document has been drawn up and before signing it. Parties are, however, free not to use such a time for reflection. Lastly, it is specified that when parties choose to use such a time for reflection the latter must be limited in time and duly agreed by the parties, so as to avoid any delaying tactics.

45. Although the main disputes may be removed from the jurisdiction of the court, other disputes may arise when the agreements or their interpretation are challenged, and these disputes may in turn be brought before the courts. The legal questions raised by the validity and scope of agreements are very complex. Therefore, it is important to draft the agreement in such a way as to define the extent and scope of the obligations. Compromises are complex acts, which assume that the subject matter of the dispute, the rights of each party and the points compromised are specified. For this reason, the recommendation indicates that it is in most cases important to require the mediator to produce a written document and to grant the parties a period for reflection after the relevant document has been drawn up and before signing it.

46. Finally, Principle VI.17 states that mediators should inform the parties of the effect of agreements reached in mediation and of the steps which have to be taken if one or both parties wish to enforce these agreements. In some legal systems, parties may directly apply for the enforcement of such agreements, whereas other legal systems require special

formalities. In any case, an essential requirement for recognition and enforcement is that the agreement does not run counter to public order.

47. The question of the enforceability of agreements reached in mediation is dealt with differently in states. In some states, it is for the court to “approve” these agreements, while in others such agreements receive their enforceability from a body which is not a court (for example an act by a notary). Lastly, the question of the enforceability of mediation agreements should also be considered in the light of any future rule being prepared at a European Union level concerning the free circulation of writs of execution in the territory of the European Union.

Principle VII – Information on mediation

48. Principle VII takes account of the fact that mediation is not sufficiently understood or properly used in many states. However, it is clear that people prefer to resolve their dispute amicably rather than to bring their disputes before the courts.

49. In order to improve knowledge and understanding of mediation, states should promote mechanisms, especially for state-run mediation, to inform the public and the persons with civil disputes, e.g. through information programmes, written material, and the media. This information should also include references to the costs and the efficiency of mediation.

50. Moreover, the recommendation stresses that it is particularly important to ensure that lawyers and the judicial or other competent authorities understand the mediation process and can provide accurate information to parties who may wish to use it.

Principle VIII – International aspects

51. Principle VIII deals with mediation in cases where an international element is involved. This is more and more frequent in the light of the high level of social, legal, political and economic integration that has been reached in Europe.

52. In the light of the above, Principle VIII. 22 of the Recommendation encourages the governments of member states to set up mechanisms to promote the use of mediation with an international element. In particular, Principle VIII.23 requires states to promote co-operation between existing services dealing with mediation in civil disputes with a view to facilitating the use of international mediation.

Part B

53. in Part B of the recommendation, the Committee of Ministers instructs the Secretary General of the Council of Europe to transmit the recommendation to the competent authorities of the European Union, with a view to:

- promoting co-operation between the Council of Europe and the European Union in any follow-up to the recommendation and, in particular, disseminating information on the laws and procedures in states on the matters mentioned through a website;
- encouraging the European Union, when preparing rules at European Community level, to draw up provisions aiming at supplementing or strengthening the provisions of the recommendation or facilitating the application of its principles.

54. This part of the recommendation responds to an increasing need to co-ordinate the action of the Council of Europe and the European Union on questions relating to mediation.

55. Indeed, the European Commission expressed its particular interest in the recommendations contained in Resolution No. 1 adopted by the 23rd Conference of European Ministers of Justice in London in June 2000, in particular as regards the need for close co-operation between the Council of Europe and the European Union on questions relating to mediation and other extra-judicial means of dispute resolution.

56. Moreover, it is relevant in this context that Article 65 of the Treaty establishing the European Community deals with the question of the recognition and enforcement of decisions, including extra-judicial decisions.

57. Finally, this recommendation, as well as the other *acquis* of the Council of Europe on mediation questions, will be of assistance to the European Commission for the follow-up to the Green Paper on alternative dispute resolution in civil and commercial law.

58. The recommendation invites the European Union to take account of its content when preparing any rule at European Union level on these matters, with a view possibly to going further and supplementing or strengthening its provisions, or to facilitating the application of the principles embodied in it.