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Czech

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Mediation in EU countries

Czech Republic

Rather than going to court, why not resolve disputes through mediation? This is a form of alternative dispute resolution (ADR), whereby a mediator helps the parties to the dispute to reach agreement. The advantage of using mediation is the time saved by using this form of dispute resolution (compared to a lengthy court case) and, frequently, a financial saving (compared to the costs of a court case).

Whom to contact

The [Probation and Mediation Service](#) of the Czech Republic is the centralised body responsible for mediation as a means of dealing with the consequences of a criminal offence between the offender and the victim in criminal proceedings. The **Ministry of Justice** has responsibility for this service.

For mediation in civil law matters, you can contact one of the mediators offering that service. Contacts for mediators working in the Czech Republic may be found on various websites by entering the search term 'mediation'.

A list of mediators may be found, for example, on the websites of the Czech Mediators Association, the Czech Bar Association and the Union for Arbitration and Mediation Procedures of the Czech Republic. Contacts for the Probation and Mediation Service of the Czech Republic, acting within the remit of the relevant district courts, may be found on the Service's website. A list of mediators registered in accordance with Act No 202/2012 on mediation, held by the Ministry of Justice, is to be published shortly.

A number of other non-governmental organisations (NGOs) and entities work in the area of mediation.

In which areas is recourse to mediation admissible and/or most common?

Mediation is admissible in every area of law, except where it is excluded by legislation. This includes **family law**, **commercial law** and **criminal law**. According to the Code of Civil Procedure, the presiding judge may, if practical and appropriate, order the parties to proceedings to hold an initial three-hour meeting with a mediator. In such cases, proceedings may be suspended for up to three months.

Are there specific rules to follow?

Yes, mediation is now governed both by Act No 202/2012 on mediation and, in the area of criminal proceedings, by Act No 257/2000 on the Probation and Mediation Service of the Czech Republic.

Information and training

A registered mediator acting in accordance with Act No 202/2012 must successfully complete a professional examination before a commission appointed by the Ministry of Justice. A mediator acting within the remit of the Probation and Mediation Service in accordance with Act No 257/2000 must successfully complete a qualifying examination.

The training of mediators acting within the criminal justice system is ensured by the Probation and Mediation Service; training in the area of non-criminal mediation is offered by a range of bodies and educational institutions.

What is the cost of mediation?

Mediation provided by the Probation and Mediation Service is free of charge, or the costs are paid by the state.

If a court suspends proceedings in a civil case and orders the parties to hold an initial meeting with a mediator, the first three hours of the mediation meeting are paid at the rate laid down in the implementing legislation (CZK 400.- for each hour begun), and this is shared by both parties equally (if the parties are exempt from court fees, they are paid by the state). If mediation extends beyond three hours, the further costs will be shared by both parties equally, up to the amount agreed between the mediator and the parties to the mediation (i.e. to the proceedings).

Is it possible to enforce an agreement arising from mediation?

[Directive 2008/52/EC](#) allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. An agreement between the parties to the mediation in a civil case may be submitted to the court for approval in the context of further proceedings. The results of mediation provided in the context of criminal proceedings by the Probation and Mediation Service may be taken into account by the public prosecutor and the court in their decision in a given case.

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