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Mediação

Informações nacionais relativas à Diretiva 2008/52/CE

Informações gerais

A [Diretiva 2008/52/CE](#) do Parlamento Europeu e do Conselho, de 21 de Maio de 2008, relativa a certos aspectos da mediação em matéria civil e comercial, destina-se a facilitar o acesso à resolução alternativa de litígios e em promover a resolução amigável de litígios, incentivando o recurso à mediação e assegurando uma relação equilibrada entre a mediação e o processo judicial.

As autoridades competentes, nos termos do artigo 6.º, n.º 3, são as autoridades às quais devem ser dirigidos os requerimentos para que o conteúdo de um acordo escrito, obtido por via de mediação, seja declarado executório.

A diretiva aplica-se em todos os Estados-Membros, com exceção da Dinamarca.

O Portal Europeu da Justiça disponibiliza informações sobre a aplicação da Diretiva.

Para obter informações pormenorizadas sobre o direito nacional de um país, clique na respetiva bandeira.

Ligação relacionada

[Sítio ARQUIVADO do ATLAS Judiciário Europeu \(encerrado em 30 de setembro de 2017\)](#)

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Mediation - Belgium

Article 10 - Information on competent courts or authorities

The "courts" with jurisdiction to enforce a meditation agreement if necessary are: A justice of the peace, a magistrate (police court judge), a court of first instance, a commercial court, an employment tribunal, a court of appeal, a labour court and in the case of interlocutory proceedings, the president of the court.

The only "other authority" that can, if necessary, enforce a mediation agreement is a [notary](#), on the basis of Article 19(1) of the Notarial Profession Act of 16 March 1803.

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Mediation - Bulgaria

National Law (1069 Kb) [bg](#)

Article 10 - Information on competent courts or authorities

The authorities competent to receive requests under Article 6(1) and (2) of the Directive are the district courts.

Under Section 18(1) of the Mediation Act, headed 'Enforceability of the settlement', a settlement in a legal dispute reached through mediation has the force of a court settlement and is subject to approval by the district courts.

Under Section 18(2) of the Mediation Act the court approves the settlement after it has been confirmed by the parties, provided it is not contrary to the Act or accepted principles of morality.

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Mediation - Czech Republic

Article 10 - Information on competent courts or authorities

In the Czech Republic, the authorities competent to receive requests in accordance with Article 6(1) and (2) of the Directive are:

- all district courts for matters for which they have subject-matter jurisdiction under national procedural law;
- all regional courts for matters for which they have subject-matter jurisdiction under national procedural law;
- all [notaries](#).

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Mediation - Germany

Article 10 - Information on competent courts or authorities

Responsibility for receiving applications for a declaration of enforceability is dependent upon the nature of the mediation agreement. The enforceability of mediation agreements is governed by the ordinary rules.

This means that in Germany, mediation agreements may be enforced only as judicial or judicially approved settlements (*gerichtliche oder gerichtlich gebilligte Vergleiche*, Section 794(1)(1) of the Code of Civil Procedure (ZPO); Sections 86(1)(2) and 156(2) of the Act on Proceedings in Family Matters and in Matters of Non-contentious Jurisdiction (FamFG); Sections 86(1)(3) and 36 FamFG) on the basis of enforceable notarial instruments (*vollstreckbare notarielle Urkunden*, Sections 794(1)(5) and 797 ZPO; Section 86(1)(3) FamFG, Section 794(1)(5) ZPO) or enforceable instruments from the Youth Welfare

Office concerning maintenance (*vollstreckbare Urkunden des Jugendamtes über Unterhalt*, Section 59(1), first sentence, points 3 and 4, and Section 60 of Volume VIII of the Social Code (SGB)), or on the basis of settlements drawn up by lawyers and declared enforceable (*für vollstreckbar erklärte Anwaltsvergleiche*, Sections 794(1)(4b), 796a and 796b ZPO), or on the basis of enforceable settlements reached before recognised dispute resolution bodies (*vollstreckbare Vergleiche vor anerkannten Gütestellen*, Sections 794(1)(1) and 797a ZPO). Jurisdiction falls to the courts or notaries that have competence in accordance with the ordinary rules, or to the local court for the place where the dispute resolution body has its offices.

If the mediation agreement does not take an appropriate form, and is consequently not enforceable as it stands, the substance of the agreement must be brought before the court that has jurisdiction in accordance with the ordinary rules, which may then order its enforcement.

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Mediation - Estonia

The Mediation Directive 2008/52/EC has been transposed into Estonian law by means of the [Conciliation Act](#).

Article 10 - Information on competent courts or authorities

A request that the content of a written agreement resulting from mediation be made enforceable must be submitted to the county court in whose jurisdiction the mediation took place. In some cases, a notary may validate an agreement resulting from the mediation process, at which point it becomes enforceable. You can find the contact details for notaries by clicking on the link '[Find a notary](#)'.

If the parties are disputing matters involving children, they may apply to the local authorities, who will refer the parties to family mediation services financed by the local authorities, on condition that there is a need for those services. http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/Sotsiaalhoolekanne/Muud_toetused_ja_teenused/sotsiaalministeerium_perelepitusteenus.pdf

Under the Conciliation Act, mediation is not free of charge; the fee set for mediation is subject to agreement between the mediator and the parties involved. According to the data on the website of the Association of Mediators, family mediation costs EUR 70 per session. The cost of mediation is split equally between the parties.

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Mediation - Ireland

Article 10 - Information on competent courts or authorities

1. Where a court before which an action is brought invites the parties to use mediation, and an agreement results from that mediation, that court is competent to receive the request for the enforceability of the agreement.

2. In all other cases, the Master of the High Court is the competent authority for the receipt of enforceability requests.

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Mediation - Greece

National law (312 Kb) [el](#)

Article 10 - Information on competent courts or authorities

The authority competent to receive requests in accordance with Article 6(1) and (2) of the Directive is the **Secretariat of the One-Member Court of First Instance** of the region where the mediation took place.

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Mediation - Spain

Article 10 - Information on competent courts or authorities

The competent courts in Spain shall be *the court that approved the agreement* in cases of enforcement of agreements resulting from a mediation procedure initiated while a proceeding is under way and *the Courts of First Instance* in the place in which the mediation agreement was signed in cases of agreements concluded following a mediation procedure.

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Mediation - France

Article 10 - Information on competent courts or authorities

The authorities competent to enforce agreements resulting from mediation are those which have jurisdiction *ratione materiae* to hear the dispute.

In their capacity as mediators, [notaries](#) can enforce agreements resulting from mediation provided that the agreements have been executed before them and that they have added a clause conferring authority as regards enforcement.

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Mediation - Croatia

Article 10 - Information on competent courts or authorities

In Croatia the authorities competent to receive requests under Article 6(1) and (2) are:

– in cases concerning matters under the jurisdiction of commercial courts:

Trgovački sud u Zagrebu

Petrinjska 8

10000 Zagreb

tel: + 385 1 4897 222

fax: +385 1 4920 871

e-mail: ured.predsjednika@tszg.pravosudje.hr;

<http://sudovi.pravosudje.hr/tszg/>

– in other cases:

Županijski sud u Zagrebu

Trg Nikole Šubića Zrinskog 5

10000 Zagreb,

tel: +385 1 4801 111

fax: +385 1 4920 260

e-mail: zszg.pisarnica@zszg.pravosudje.hr

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Mediation - Italy

National law (476 Kb) 

Article 10 - Information on competent courts or authorities

With specific reference to the information required under Article 6(3) of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008, it should be noted that pursuant to the first paragraph of Article 12 of [Legislative Decree No 28/2010](#), for the cross-border disputes referred to in Article 2 of the Community Directive, the written agreement is approved by the president of the court of the judicial district in which it is to be enforced.

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Mediation - Cyprus

Article 10 - Information on competent courts or authorities

The Republic of Cyprus has designated the district courts as the courts competent to receive requests in accordance with Article 6(1) and (2).

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Mediation - Latvia

Article 10 - Information on competent courts or authorities

Regarding the implementation of this Article, the Latvian authorities hereby inform you that in the Republic of Latvia, requests that written agreements resulting from mediation be made enforceable are received by district (city) courts. At the same time, the Latvian authorities would inform you that written agreements resulting from mediation can be made enforceable in Latvia only in so far as this is provided for in Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, or in Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters for proceedings instituted before 10 January 2015.

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Mediation - Lithuania

Article 10 - Information on competent courts or authorities

Pursuant to Article 6(3) of the Law on conciliatory mediation in civil disputes of the Republic of Lithuania, adopted on 15 July 2008, where a dispute being resolved by means of conciliatory mediation is not simultaneously pending before a court, the settlement can be presented to a court for approval under the simplified procedure laid down in Chapter XXXIX of the Code of Civil Procedure of the Republic of Lithuania at the mutual request of the parties to the dispute. The request to approve a settlement is presented to a district court chosen by the parties to the dispute in the district in which one of the parties to the dispute resides or has its registered office.

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Mediation - Luxembourg

Article 10 - Information on competent courts or authorities

Requests under Article 6 of Directive 2008/52/EC should be lodged with the presiding judge of the *tribunal d'arrondissement* (district court) of the place where the person against whom enforcement of the mediation agreement is sought is domiciled, or failing a domicile, is resident. If the person is neither domiciled nor resident in Luxembourg, the request should be brought before the presiding judge of the *tribunal d'arrondissement* of the place where the mediation agreement is to be enforced.

Addresses:

Luxembourg *tribunal d'arrondissement*
Cité judiciaire,
L – 2080 Luxembourg

Diekerich *tribunal d'arrondissement*

Palais de Justice
Place Guillaume
L-9237 Diekirch

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Mediation - Hungary

National law (1648 Kb) [hu](#)

Article 10 - Information on competent courts or authorities

It is possible for parties to make the content of their agreement resulting from mediation enforceable. They can request the court or a [public notary](#) (közjegyző) to approve the agreement by way of a ruling or to incorporate it into an authentic instrument (közokirat), which can be enforced afterwards.

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Mediation - Malta

National law (146 Kb) [mt](#)

Article 10 - Information on competent courts or authorities

Under Chapter 474 of the Laws of Malta, the Mediation Act, the parties, or one of them with the explicit consent of the other, may request that the content of a written agreement resulting from mediation be made enforceable subject to the provisions of Chapter 12 of the Laws of Malta - the Code of Organization and Civil Procedure. The content of such an agreement shall be enforceable unless, in the case in question, the content of that agreement is contrary to national law. The content of the agreement may be made enforceable by a court or other competent authority in a judgment or decision or in an authentic instrument in accordance with the law of the Member State where the request is made. For the competence of the different courts, see Chapter 12 of the Laws of Malta. The competent authority is the Malta Mediation Centre, Palazzo Laparelli, South Street, Valletta, VLT1100, Malta

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Mediation - Netherlands

Article 10 - Information on competent courts or authorities

The following courts or other authorities are competent to receive requests in accordance with Article 6(1) and (2):

I Courts:

Rechtbank Amsterdam
Gerechtshof Amsterdam
Rechtbank Den Haag
Gerechtshof Den Haag
Rechtbank Gelderland
Rechtbank Limburg
Rechtbank Midden-Nederland
Rechtbank Noord-Nederland
Rechtbank Oost-Brabant
Rechtbank Overijssel
Rechtbank Rotterdam
Rechtbank Zeeland-West-Brabant
Gerechtshof Arnhem-Leeuwarden
Gerechtshof 's-Hertogenbosch

A settlement agreement reached by the parties may, at their request, be laid down in a notarial act, which can then be enforced in the Netherlands under Article 430(1) of the Code of Civil Procedure (Rv).

For a list of addresses of all notaries' offices in the Netherlands go to: [Find a notary](#)

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Mediation - Austria

Article 10 - Information on competent courts or authorities

The following information is provided in accordance with Article 6(3) of 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.

To obtain an enforceable title of a written agreement reached during a mediation procedure, the parties to that procedure can go to a **notary** (*Notar*), where they can either conclude the agreement directly before the notary or make an existing written agreement into an authentic instrument by having the notary formally endorse it in accordance with § 54 of the Notary Public Code of Responsibility (*Notariatsordnung*). The parties may also conclude a settlement before any **district court** (*Bezirksgericht*) on the content of a written agreement reached during a mediation process regarding a civil case.

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Mediation - Poland

Article 10 - Information on competent courts or authorities

Pursuant to Article 18313 of the Code of Civil Procedure, the authority competent to receive applications for enforcement of a written settlement resulting from mediation is:

- In the case of mediation by a court: the court hearing the case,
- In the case of out-of-court mediation (contractual): the court that would be competent to examine the case according to general or exclusive jurisdiction, i.e. as set out under Articles 28 to 30 and 38 to 42 of the Code of Civil Procedure. The court may be located in the place of residence, in the debtor's domicile, or, for example, in the area where the property is situated. In relations between parents and children, it is the court located in the creditor's place of residence.

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Mediation - Portugal

National law (249 KB) [pt](#)

Article 10 - Information on competent courts or authorities

The competent court for the purposes of Article 6(3) of the Mediation Directive is the **court that has jurisdiction for the subject matter in question** under Article 14(2) of Law No 29/2013, laying down the general principles applicable to mediation in Portugal and the legal arrangements governing civil and commercial mediation, mediators and public mediation.

Articles 64 and 65 of the Code of Civil Procedure contain rules on subject-matter jurisdiction. Article 64 provides that courts of law have jurisdiction in cases that are not assigned to another type of court, while Article 65 states that the laws on judicial organisation are to determine which cases, by dint of their subject matter, fall within the remit of courts and sections with specialised jurisdiction.

The laws on judicial organisation are Law No 62/2013 of 26 August 2013, as amended, and Decree-Law No 49/2014 of 27 March 2014, as amended.

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Mediation - Romania

Article 10 - Information on competent courts or authorities

The competent courts or authorities designated in accordance with Article 6(3) of the Directive to receive requests pursuant to paragraphs (1) and (2) are the following:

- district courts;
- tribunals;
- courts of appeal;
- the High Court of Cassation and Justice.

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Mediation - Slovenia

Article 10 - Information on competent courts or authorities

Under Article 14(2) of the Mediation in Civil and Commercial Matters Act (Official Gazette of the Republic of Slovenia No 56/2008 of 6 June 2008), the parties may agree that the agreement resolving a dispute take the form of an immediately enforceable notarial record, a court settlement or an arbitration decision based on a settlement.

1. Drawing-up of an immediately enforceable notarial record:

Notaries are responsible for drawing up the immediately enforceable notarial record (Articles 2 and 3 of the Notary Act, Official Gazette of the Republic of Slovenia No 2/2007 – 3rd official consolidated version, with subsequent amendments in Official Gazette No 33/2007 and No 45/2008).

Up-to-date information on notaries can be obtained from the Slovenian Chamber of Notaries ([📧 Notarska zbornica Slovenije](#)).

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Mediation - Slovakia

Article 10 - Information on competent courts or authorities

The authorities competent to receive requests pursuant to Article 6(1) and (2) of the Directive are the following ones, as stipulated in Section 68a of Act No 97 /1963 on private international law and rules of procedure, as amended, provided the conditions set out in the Act are met:

- (a) the Bratislava Regional Court in the case of matrimonial matters;
- (b) the district court with jurisdiction over the place of residence of the child, or failing that, the district court with jurisdiction over the child's current place of residence. If no such court exists, the competent authority in the matters of custody or contact is the Bratislava I District Court;
- (c) the court competent to order the enforcement of a decision or to issue authorisation to proceed to enforcement where it is not possible to determine the court jurisdiction pursuant to letter (b). In the case of decisions not requiring enforcement the competent authority is the general court with jurisdiction over the person against whom the decision is to be recognised; if no such court exists, the competent authority is the Trnava District Court.

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Mediation - Finland

Article 10 - Information on competent courts or authorities

Competent court

A settlement referred to in this Chapter may be made enforceable in the District Court in the jurisdiction of which a party to the settlement is domiciled or permanently resident. If none of the parties are domiciled or permanently resident in Finland, the Helsinki District Court shall be the competent court.

Information about the competent district courts is available electronically at [📧 http://www.oikeus.fi/tuomioistuimet/en/index/yhteystiedot.html](http://www.oikeus.fi/tuomioistuimet/en/index/yhteystiedot.html), a website maintained by the Ministry of Justice.

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Mediation - Sweden

Article 10 - Information on competent courts or authorities

Competent authorities according to article 6.3: the district courts (tingsrätterna). Which district court is competent depends upon where the mediation agreement is concluded. If there is no competent court according to this rule, for example when the agreement is concluded outside Sweden, the district court of Värmland is competent. An application for a declaration of enforceability shall be made to the District court which has jurisdiction over the area where one of the parties has its habitual residence.

If none of the parties has its habitual residence in Sweden, the District Court of Värmland shall be the competent jurisdiction.

Värmlands tingsrätt

Postal address: Box 188 SE-651 05 Karlstad

Tel: + 46 (0)54 14 84 00

Fax: + 46 (0)54 18 47 35

Email: [📧 varmlands.tingsratt@dom.se](mailto:varmlands.tingsratt@dom.se)

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Mediation - England and Wales

Article 10 - Information on competent courts or authorities

If you wish to enforce in England and Wales the content of an EU cross-border mediation agreement that has not previously been declared enforceable in another EU Member State, you should make an application to do so according to the procedures as set out:

- If you **are** involved in existing proceedings in a court in England and Wales that relate to the mediated matter, you should make the application to that court;
- If you are **not** involved in existing proceedings in a court in England and Wales and the mediation concerns a **civil and commercial matter (but excluding family matters)**, you should make the application to make the content of your mediation settlement agreement enforceable either to the High Court or to any one of the other courts listed below marked as dealing with 'civil' matters that would have jurisdiction over related proceedings, had proceedings (rather than mediation) been commenced. For example, you could apply to the court local to where one or more of the parties reside, or, where the mediated matter concerns land, the court for the district in which the land is situated;
- If you are **not** involved in existing proceedings in a court in England and Wales and the mediation concerns a **family matter**, you should make the application to a court marked as dealing with "Family" matters and which would have jurisdiction over related proceedings, had proceedings (rather than mediation) been commenced. As the question of court jurisdiction in family matters is highly specific to the disputes/content of the agreement, interested parties should direct their enquiries to the court local to where one or more of the parties reside. Alternatively, interested parties may want to seek legal advice on the appropriate court from a family lawyer in England and Wales;

If you wish to enforce in England and Wales the content of an EU cross-border mediation agreement that has previously been declared enforceable in another EU Member State, you should make an application to do so according to the procedures as set out:

• *In relation to civil and commercial (non family) matters*, in Council Regulation (EC) No 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), and the application should be made in the High Court of Justice only;

• *In relation to family matters*:

i. In the above-mentioned Council Regulation (EC) No 1215/2012 of 12 December 2012; and/or

ii. In Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility;

An up-to-date list of competent courts may be found at the following link: [Court and Tribunal Finder](#)

Last update: 12/04/2016

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Mediation - Northern Ireland

Article 10 - Information on competent courts or authorities

If you wish to enforce in Northern Ireland the content of a mediation agreement, you should make an application to do so according to the procedures as set out:

- If you have not initiated proceedings in a court yet, you should lodge an application to make the mediation settlement agreement enforceable at either the High Court or any one of the other courts (see the link provided).
- However, if you have already existing proceedings in a court in Northern Ireland, you should lodge an application to make the mediation settlement agreement enforceable at the court where your case is already listed for a hearing.

A list of courts may be found on the [Courts and Tribunals](#) service

Last update: 25/02/2019

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Mediation - Scotland

Article 10 - Information on competent courts or authorities

The Cross-Border Mediation (Scotland) Regulations 2011 implement Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters. This Directive allows mediation agreements to be made enforceable in Member States. The Scottish Regulations apply to "cross-border" disputes (i. e. where at least one party to a dispute is domiciled or habitually resident in a Member State other than that of another party) in respect of certain civil and commercial matters.

If you wish to enforce the content of a mediation agreement in Scotland, either of the following procedures may be followed:

You can apply to the Court of Session or a Sheriff Court to ask the Court to "interpone" its authority to the mediated agreement. This will change the agreement into a court order.

Alternatively, self-proving written agreements can be registered for execution in the Books of Council and Session or in Sheriff Court Books. To register the agreement in the Books of Council and Session, you should apply to the Keeper of the Registers of Scotland. Information on the Books of Council and Session is available [here](#). When an agreement is registered for execution, the document becomes an authentic instrument.

Agreements that have been endorsed by the Court or registered by either of the methods outlined above may be enforceable in other EU Member States.

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Mediation - Gibraltar

Article 10 - Information on competent courts or authorities

Requests to enforce the content of a mediation agreement should be addressed to the Minister of Justice at:

Ministry of Health, Care and Justice

St Bernard's Hospital

GX11 1AA

Gibraltar

Telephone: + 350 2000 7011

Fax: + 350 2005 9942

Last update: 20/03/2017

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