

# Kluwer Mediation Blog

## Mediation in the Czech Republic – Way forward: Act No. 202/2012

Rafal Morek (DWF LLP) · Tuesday, October 9th, 2012

The Czech Republic joined the EU Member States that have put the necessary rules in place to transpose the Directive 2008/52/EC on mediation in civil and commercial matters. The new Mediation Act ([Act No. 202/2012 Coll.](#), “the Act”) became effective on 1 September 2012. Whereas the Directive’s implementation was significantly [delayed](#) (Article 12(1) required Member States to complete it before 21 May 2011), the Act belongs to the most comprehensive and detailed mediation laws in Europe.

While mediation has been by no means unknown in the Czech Republic, the Act aims to establish a proper legal framework and thus significantly increase the amount of cases settled through mediation. Until recently, like in some other Central European jurisdictions, under Czech law mediation was regulated in the context of criminal victim–offender cases, by the Law on the Probation and Mediation Service, [No. 257/2000 Coll.](#))

The Act provides for a new legal regime applicable to mediation in civil matters. Among its most important features are the following:

- the obligatory character of the first mediation session (which may take no longer than three hours), if ordered so by a court (Section 100(3) of the Civil Procedure Code, as amended); the court may then suspend its proceedings for up to three months;
- relatively stringent requirements for “registered mediators” (the register is to be kept by the Ministry of Justice): university education with a master degree, passing the Mediator’s Exam, other requirements (Section 16 of the Act);
- explicit administrative sanctions (including fines of up to 100,000 CZK (ca. 4,000 EUR) for a breach of a range of mediator’s duties, including preserving confidentiality or documentary duties; a fine in the same amount may be levied upon an individual using the title “registered mediator” despite not being entered into the register (Sections 25 and 26 of the Act).

In conclusion, time will show whether the new Act will establish a successful “way forward” for mediation in the Czech Republic. While compulsory mediation is still very rare in Europe (with only a few exceptions, including the most widely known Italian model), it will be interesting to see how this regulation works in practice.

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The graphic features a black background with white text and a circular icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The background is accented with horizontal lines in blue and green.

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