

Kluwer Mediation Blog

Mediation in the EU: (Three) New Comparative Perspectives

Rafal Morek (DWF LLP) · Sunday, December 9th, 2012

Mediation in Europe has evolved, including developing into a mature subject of comparative legal studies. Just in October and November of this year, three voluminous books on mediation law and practice in the EU were published. Each counting over five hundred pages, they give an interesting insight into the current status of mediation in EU countries. “Where is human nature so weak as in a bookstore?”

Today there are a few thousand books on mediation available in several languages (a quick search at [amazon.com](https://www.amazon.com) brings up 9,485 results). More than a quarter of them are labeled under “Law” or “Legal” categories. Nevertheless, these numbers could to some extent be misleading. In particular, until recently it was not easy to research and find comprehensive and reliable studies of mediation regulations in Europe. Sources of knowledge were scattered, often outdated, or available in national languages only.

The EU 2008 Mediation Directive was a new impulse for mediation development in Europe. Four years after its enactment, and more than one year since the lapse of the implementation deadline, it is possible to relatively easily retrieve information on how mediation works (or fails to) in individual EU Member States.

Three books recently released: (1) “EU Mediation Law and Practice” edited by *Giuseppe De Palo & Mary B. Trevor*, ISBN 978-0-19-966098-8, (2) “Civil and Commercial Mediation in Europe, vol. I” edited by *Carlos Esplugues Mota, José Luis Iglesias & Guillermo Palao*, ISBN 978-1-78068-077-4, and (3) “Mediation: Principles and Regulation in Comparative Perspective” edited by *Klaus J. Hopt & Felix Steffek*, ISBN 978-0-19-965348-5, will make such research even easier. While each of them includes a series of national chapters, they also differ significantly in many respects.

Mediation needs and deserves more robust legal and intellectual support for its further growth in Europe. Thus such compendia with accumulated transnational knowledge are important. It will be interesting to see how this process will impact future regulations. It should be easier to learn from the experiences in other countries, mirror their good practices, and avoid mistakes. Let us hope so anyway. “Books are the quietest and most constant of friends; they are the most accessible and wisest of counselors, and the most patient of teachers” (*Charles William Eliot*).

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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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