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Mediation

Disputes can be solved without going to court. If you are in dispute with a firm, a tradesperson, your employer, even a member of your family, in your own country or abroad and are unable to settle the dispute by yourself, you can go to court, of course, but you can also consider alternative dispute resolution (“ADR”) techniques such as mediation.

Mediation can be defined as a structured process whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to reach an agreement on the settlement of their dispute with the assistance of a neutral and qualified third party (“mediator”). This process may be initiated by the parties or suggested or ordered by a court or prescribed by the law of a Member State.

The mediator helps the parties to come to an agreement without actually formally expressing an opinion on one or other possible solution to the dispute. During mediation, the parties are invited to open or resume a dialogue and avoid confrontation. They themselves choose the technique for settling the dispute and play a particularly active role in endeavouring to find the solution that suits them best. In other cases, especially in consumer disputes, it is the mediator who finds the solution and puts it to the parties. Resolution of the dispute depends on the parties reaching agreement; if the parties fail to reach agreement, the mediator does not impose a solution.

Mediation is considered faster and, most often, cheaper than ordinary court proceedings. It avoids the confrontation between the parties which is inherent in judicial proceedings and allows the parties to maintain their professional or personal relationship beyond the dispute. Mediation also enables the parties to find creative solutions to their dispute which they could not obtain in court.

More detailed information is to be found in [EU overview](#) and [Member States'](#) pages.

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