

European Code of Conduct for Mediators – Summary

The **EU Code of Conduct for Mediators** was launched by the European Commission in **2004**.

It sets out principles that mediators and mediation providers must follow to ensure **professional, fair, and transparent practice**.

It covers **four main areas**: competence, independence, fairness, and confidentiality.

1. Competence and Appointment

- Mediators must be **competent and properly trained**.
 - Before accepting an appointment, a mediator must **confirm they are qualified** and have the necessary skills for the type of dispute.
 - They must conduct the mediation **diligently and professionally**, using appropriate procedures and managing the process fairly.
 - If at any time the mediator believes the mediation will not be effective or appropriate, they should **terminate or suspend** the process.
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2. Independence and Impartiality

- A mediator must always be **independent, neutral, and impartial**.
 - Any **conflict of interest** — financial, professional, or personal — must be disclosed immediately.
 - If such a conflict arises, the mediator must **withdraw** unless all parties agree to continue.
 - Mediators must treat all parties **equally**, ensuring each has an opportunity to participate fully.
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3. Fairness of the Process

- The mediator must ensure that all parties understand the **nature and terms of mediation**, including its **voluntary** and **confidential** character.
- The mediator is responsible for maintaining a fair and balanced process, giving each side time to express their views and consider options.
- Mediators should not impose solutions or give legal advice, but may **encourage settlement discussions** and **reality-test options**.
- Any agreement reached must be based on the **informed consent** of the parties.

4. Confidentiality

- Everything disclosed during mediation — whether orally or in writing — is **confidential** and **without prejudice**.
- The mediator may not disclose information to anyone, including a court, unless:
 - All parties consent;
 - Disclosure is required by law; or
 - It is necessary to implement or enforce the settlement.
- Mediators must store all mediation documents securely and destroy notes after the process ends.

5. Fees

- Mediators must **disclose their fees and terms** in advance and ensure they are **fair and proportionate**.
- Fee arrangements should be agreed before the mediation begins.

6. Promotion of Good Practice

- Mediators should continue their **professional development (CPD)** to maintain competence.
- They are encouraged to belong to a **recognised mediation body**, such as the Civil Mediation Council, which monitors professional standards and complaints.