



Institut für
Europäische
Mediation und
Schiedsgerichtsbarkeit e.V.

Selected Issues in Cross Border Mediation

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Riga, 23 May 2013

A. Advantages

- Costs
- Confidentiality / Behind Closed Doors
- Duration
- Avoiding Direct Confrontation
- Keeping Important Business Contacts Intact
- Bridging Different Cultures and Languages
- Control over the Subject Matter: neither Foreign Courts nor Laws
- Enforceability
- Creative Solutions beyond the Legal Framework

B. Disadvantages

- Language
- Access to Courts
- Culture
- Qualifications of Mediators
- Costs
- Fishing Expeditions
- Enforceability of the Final Settlement
- Conflict of Laws

C. Issues and Options

- Language and Culture: the Role of the Mediator
- Mediation and Court Proceedings (Interlocutory)
- Place of Mediation
- Mediation Agreement: Applicable Law and Rules (Rome I)
- Mediation Proceedings: Applicable Law (European Code of Conduct for Mediators, Mediation Directive)
- Institutional vs. *ad hoc* Mediation
- Suitable Mediators: Different Education in Different Countries
- Consumers and Mediation (1993 Unfair Contract Terms Directive)
- Enforceability of the Final Settlement (Brussels I)

Thank you!

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