

# Mediation Country Report

## Spain

by  
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### 1) Definitions

*What are the definitions for mediation and conciliation in the legal framework of your jurisdiction?*

There is no statutory definition of mediation in Spain. In addition, as there are no key mediation providers sue to lack of demand, there are no definitions from this source either.

There is no official distinction between mediation and conciliation.

### 2) Legal Framework

- *What are the Statutes, procedural rules and case law that demonstrate how intertwined mediation is with the legal system in your jurisdiction?*
- *What is the protections provided to confidentiality of mediation proceedings under the law?*
- *Are the commercial contracts and mediation settlement agreements enforceable in your jurisdiction?*
- *Are the parties bound by terms of contracts that require mediation and is a settlement agreement they may reach enforceable?*

Spain has a number of laws relating to family mediation, however, there are no laws governing commercial mediation.

There are no established guidelines relating to **confidentiality** in connection with mediation.

Neither the **enforceability** of settlement agreements nor of meditation clauses in commercial contracts have been addressed yet in Spain.

### 3) Mediation Schemes and Providers

- *What is the basis and the procedure for court-annexed schemes?*
- *Who are the major mediation providers in your jurisdiction?*

Spain has a successful labor mediation scheme, which was implemented in 1996. Despite the success of this program, there are no court-annexed schemes for commercial mediation.

### 4) Regulation of Mediators

- *What training courses and accreditations are required for to be an accredited mediator in your jurisdiction?*
- *How many training hours are required for accreditation?*

No accreditation is required at the moment. Training courses are being offered through private organizations, such as ARyME.

### 5) Uptake and Future Developments

- *What is the success rate of mediation? Please reference statistics, where available.*
- *Is there any potential future legislation, plans or court-annexed schemes? If so, please discuss in detail.*

Draft Bill regulating civil and commercial mediation was presented to the Council of Ministers in February 2010.

**6) Costs**

*What are the costs of mediation? Please assume that the duration of the procedure is one day for a dispute valued at 100.000 €.*

Information is unavailable.

**7) Mediation Advocacy Training**

*Training schemes and providers are outlined, including the distinction between mandatory and optional training, length of the training and percentages of lawyers who have completed the courses.*

Training is available at some universities, but it focuses on family mediation.