

ADR: What works?

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ADR in the EU

Background (1/2)

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| 30.03.1998 | Commission Recommendation on the principles applicable for out-of-court settlement of consumer disputes |
| 04.04.2001 | Commission Recommendation on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes |
| 19.09.2002 | Green Paper on alternative dispute resolution in civil and commercial law |
| 12.03.2003 | European Parliament resolution on Commission's Green Paper |

ADR in the EU

Background (2/2)

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| 02.07.2004 | European Code of Conduct for Mediators |
| 22.10.2004 | Draft Directive on certain aspects of mediation in civil and commercial matters |
| 08.11.2005 | Draft Directive reviewed by Presidency |
| 21.05.2011 | Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters |
| 15.03.2011 | Deadline to submit comments to the "Consultation Paper on ADR as a means to resolve disputes related to commercial transactions and practices in the EU" |

ADR in the EU

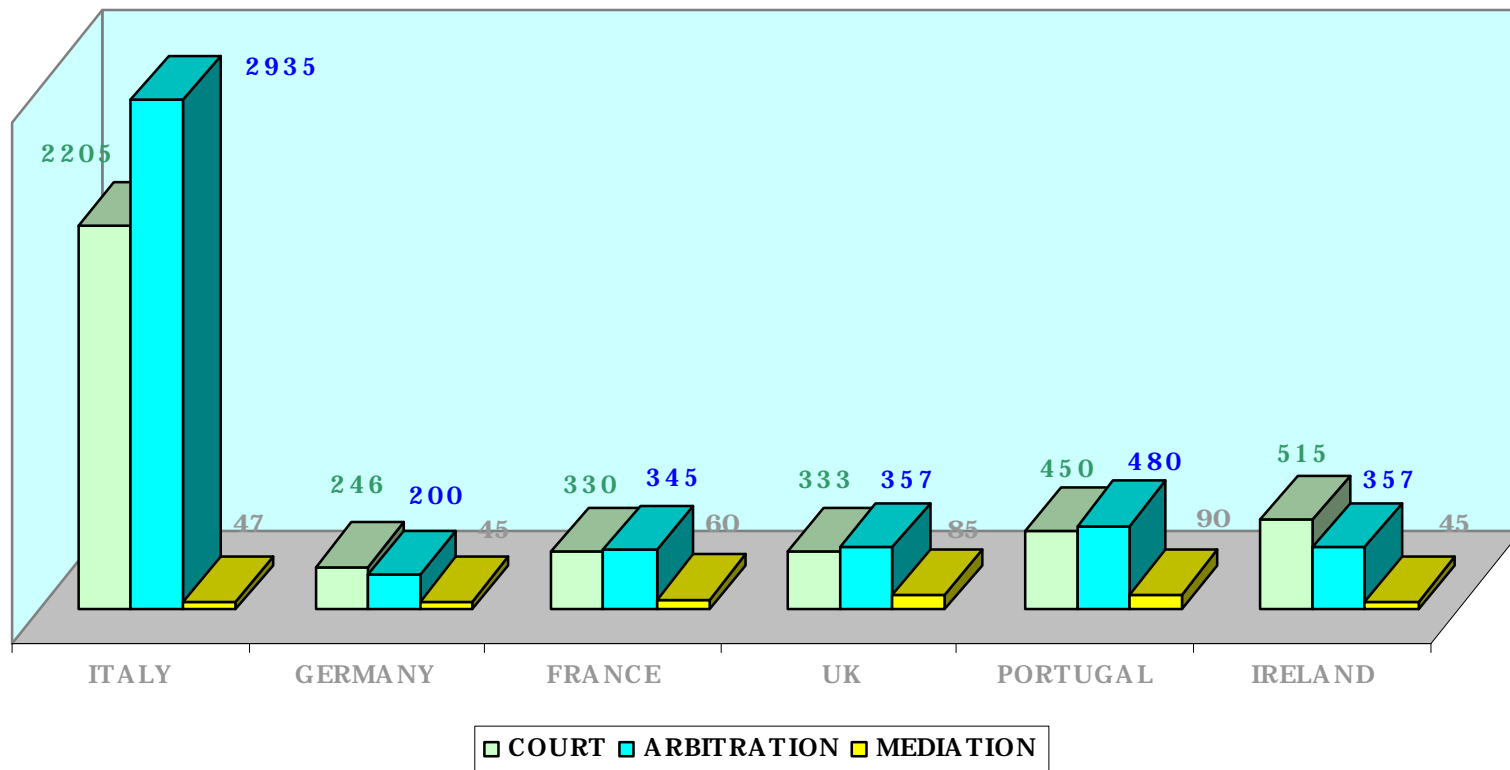
Directive 2008/52/EC

- Ü Applicable in cross-border civil and commercial disputes;
- Ü Enforceability of agreements resulting from mediation;
- Ü Confidentiality;
- Ü Limitations and prescriptions periods;
- Ü Report on the application of the Directive by 21/05/2016;
- Ü Member States required to comply by 21/05/2011.

ADR: What works?

Comparison: Litigation, Arbitration and Mediation

Duration in days*

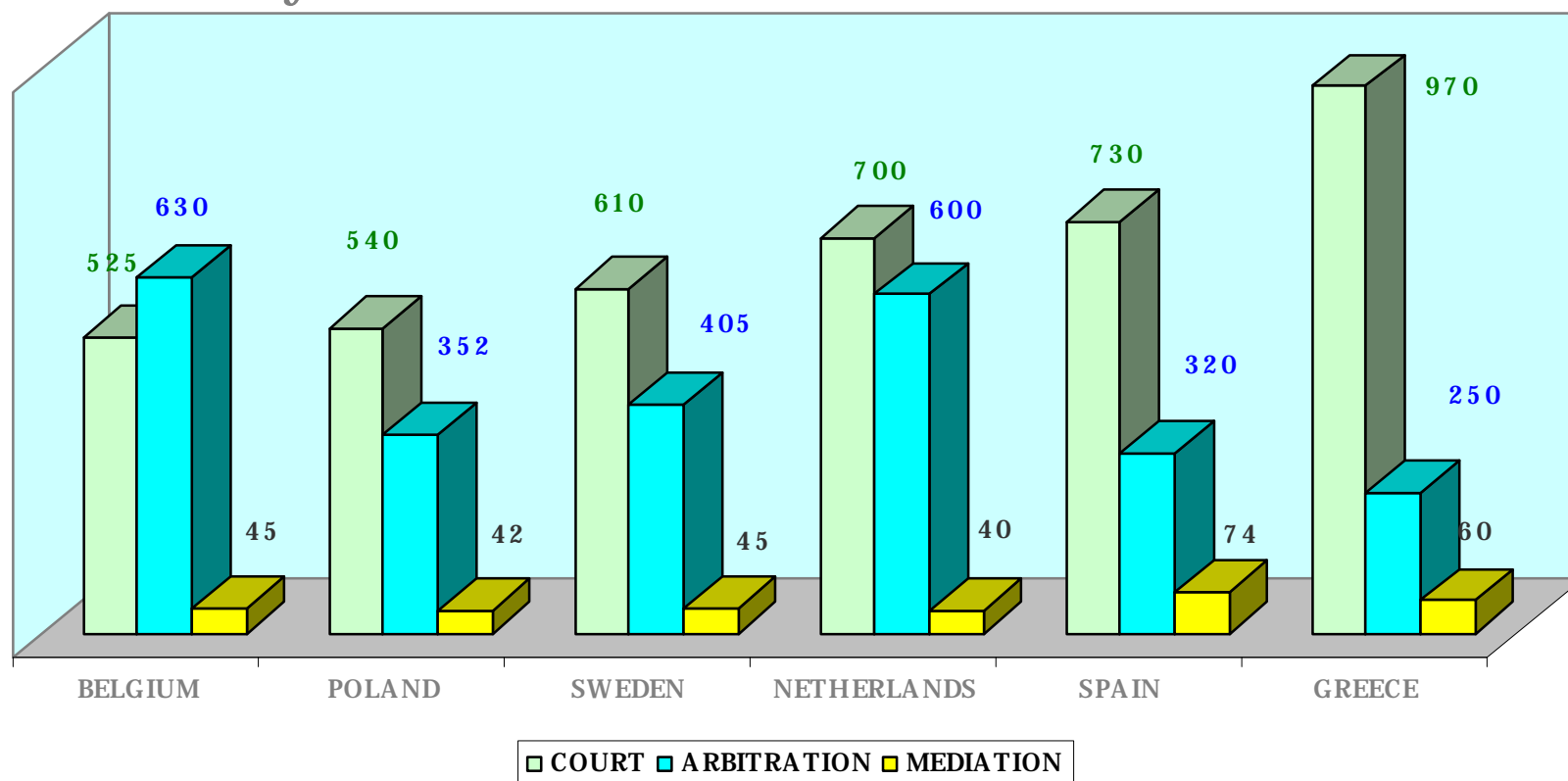


* Considering a standard commercial case of €200.000. Data taken out of “The Cost of Non ADR: Surveying and Showing the Actual Costs of Intra-Community Commercial Litigation” – ADR Center (Rome, Italy)

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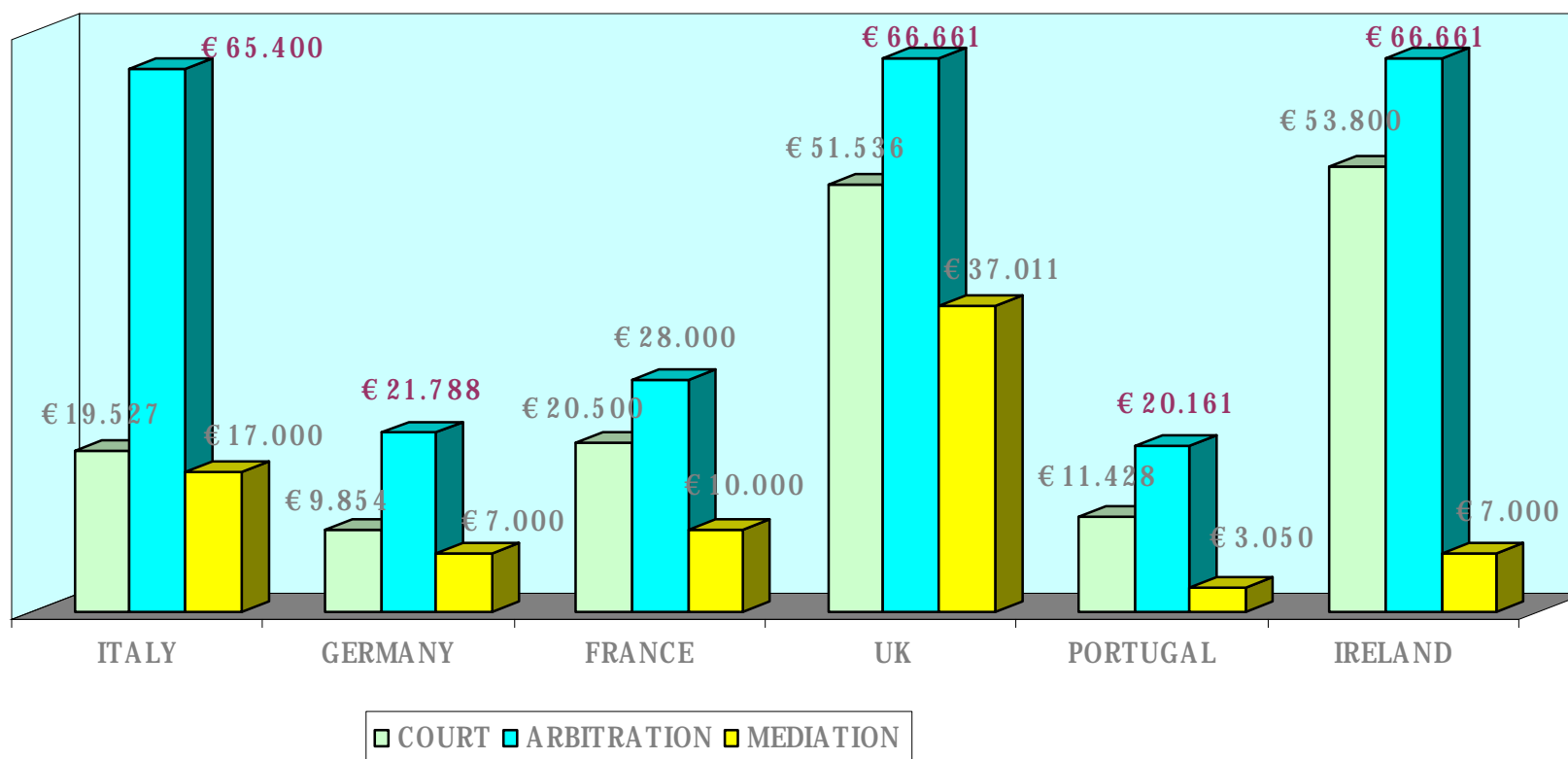
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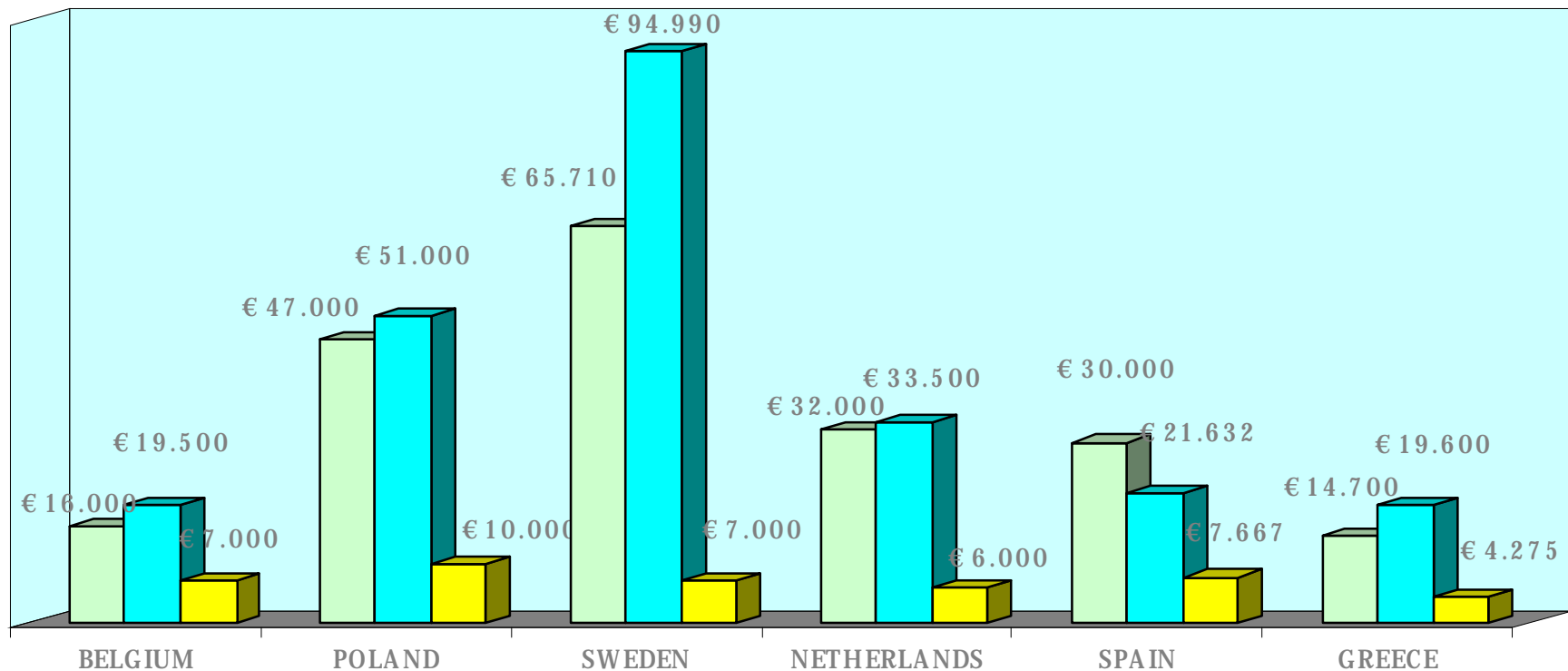
Comparison: Litigation, Arbitration and Mediation Costs*



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Conclusions*

- Ü Using a “mediation-then-court” approach generates:
 - Ü Savings in time of 331/436 days;
 - Ü Savings in costs of €12.471/€13.738 per case.

- Ü Using a “mediation-then-arbitration” approach generates:
 - Ü Savings in time 409/484 days;
 - Ü Savings in costs of €11.265/12.984 per case.

* “The Cost of Non ADR: Surveying and Showing the Actual Costs of Intra-Community Commercial Litigation” – ADR Center (Rome, Italy)