We will see if this legislation will further influence the use of mediation. 

businesses and government bodies, mediation should become the norm. The minister will also campaign for a greater familiarity with mediation with the aim that for individuals, 

expected that we will have a considerable amount of legislative activity concerning mediation.

by a Representative in the Second Chamber (House of Commons), so for the first time in history it is to be 

register for mediators to be put into effect in 2014. Also, a private member’s bill on mediation was announced 

announced supplementary legislation regulating, among other aspects, quality standards and a national 

frame, but also because of the minor political impact of this law. Moreover, the Minister of Justice has recently 

not to amend, the law. My expectation is that a rejection is not to be expected, not only because of the time 

be expected that this incomplete law will pass the Senate unchanged, because it only has the power to reject, 

Due to the fact that the Netherlands has exceeded the time limit for implementation to a large extent, it is to 

only really suitable for a comparatively small number of cases (no more than several thousands). 

Other 8% 4135 
Business to Business 8% 4135 
Government 8% 4135 
Community 18% 9304 
Labour 25% 12922 
Family 33% 17058 

Netherlands  in  2011, in  the  following  categories:

publication on mediation figures shows that there were about 52,000 mediations taking place in the 

promotion of court referred mediation led to the introduction of statistics on mediation figures. The latest 

European mediation directive is, as we speak, still before the Senate. But until implementation, there is hardly 

It is important to note that its application is not limited to cross-border mediations. The Bill to implement the 

compelled to give evidence in civil and commercial judicial proceedings or arbitration regarding information 

• The privilege of non-disclosure for the mediator. (protecting confidentiality: no parties/mediators shall be 

• A new article in the Code of Civil Procedure (22a rv) which stipulates that the judge can advise mediation in 

3: 316 paragraphs 4 and 5 and 3, 319 paragraph 3 BW), 

• New limitation rules, namely that a mediation stops the expiry of limitation and prescription periods (article 

The new law comprises: 

change this policy and to regulate mediation by law. The Law was adopted by the Lower House and is now 

under review in the Netherlands Parliament Upper House. (Bill 32555) According to the minister, it was the responsibility of the professional group to 

mediation elements is handling conflicts with individuals. 

Despite the policy to stimulate ADR, the Dutch therefore did not support regulation with regard to mediation because it’s thought it would hamper further development of mediation. With the exception of the legally regulated small but possibility for mediation, the government mediation policy was aimed at allowing mediation as much opportunity as possible by means of new rules as possible. (Imaginary) Member of Parliaments P. and (P.) introduced according to the minister, if the incapability of the professional group to 

devise quality standards and as long as they have not been crystallized and he has not be a supporter of 

the principle of non-disclosure, the government has subsequently subsidized the Netherlands 

Mediation Institute over the years to help them reach these goals. Mandatory mediation did not fit into the Dutch 

mediation policy either, according to the minister.

This minimalist approach towards regulation even led to the initial endeavours of the Dutch government to 

block the EC Commission’s effort to come up with a European mediation directive. 

The Dutch government failed in all of this in 2008 has pragmatically the Government to 

charge this policy, and to regulate mediation by law. The Law was adopted by the Lower House and is now 

under review in the Netherlands Parliament Upper House. (Bill 32555) The minister consequently 

promoted mediation, priority that a mediation stops the expiry of limitation and prescription periods (article 

A new article in the Code of Civil Procedure (22b rv) which stipulates: that the judge can advise mediation in 

• The privilege of non-disclosure of the mediator (protecting confidentiality: no parties/mediators shall be 

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There are 2 gaps in the law, which has been closed in the conference agreement. 

Finally, the fact that the Netherlands has exceeded the time limit for implementation to a large extent, it is to 

It is to be expected that the law will not be amended, but not only because of the law 

form. But also because of the minor political impact of this law. Moreover, the Minister of Justice has already 

announced supplementary legislation regulating, among other aspects, quality standards and a national 

regulation for mediators to put into effect in 2014. Also, a private member’s bill on mediation was announced 

by a Representative in the Second Chamber (House of Commons), so far the first time in history it is to be 

expected that the EC Commission’s effort to come up with a European mediation directive.

The Netherlands 

Promotion and legislation on mediation in The Netherlands

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