

**Observation-files: Portugal 1**  
**Wednesday, 5 October**

**GERMANY 1 v HUNGARY 2**

Being discussed the alteration of directive **2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters**, the articles regarding cross-border disputes (Article 2), problems raised by the enforceability provisions and limitations on the confidentiality provisions (Article 7).

It would be also interesting to further discuss:

- the qualifications of the mediator: he doesn't need to have a law degree. The parts can have lawyers and the mediator can be helped by lawyers;
- the way the judge suggests the mediation;
- the confidentiality provisions in civil procedures and criminal procedures.

*On this basis:*

**Germany 1** argued that the provisions of the Directive should be strengthened in order to make the mediation process more binding to the parties and suggested amendments to the Directive, while **Hungary 2** argued that more certainty is required in the wording of the referred articles, in the way that is better to achieve the intentions that underpin it as set out in the Preamble clauses.