

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

Article 7

Confidentiality of mediation

1 Given that mediation is intended to take place in a manner which respects confidentiality, Member States shall ensure that, unless the parties agree otherwise, neither mediators nor those involved in the administration of the mediation process shall be compelled to give evidence in civil and commercial judicial proceedings or arbitration regarding information arising out of or in connection with a mediation process, except:

- a where this is necessary for overriding considerations of public policy of the Member State concerned, in particular when required to ensure the protection of the best interests of children or to prevent harm to the physical or psychological integrity of a person; or
- b where disclosure of the content of the agreement resulting from mediation is necessary in order to implement or enforce that agreement.

2 Nothing in paragraph 1 shall preclude Member States from enacting stricter measures to protect the confidentiality of mediation.