

## French Civil Procedure Code

### TITLE VI bis

#### MEDIATION Articles 131-1 to 131-15

##### Article 131-1

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

A judge seized of litigation may, after having obtained the consent of the parties, appoint a third person who will

hear them and confront their points of view to help them resolve the dispute dividing them.

This power is also given to the summary procedure judge in the course of the proceeding.

##### Article 131-2

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The mediation may concern the whole or a part of the litigation.

In no case, it may remove the case from the judge who may take at any time other measures that appear necessary

to him.

##### Article 131-3

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The initial duration of the mediation may not exceed three months. This mission may be renewed once, for the

same duration, at the request of the mediator.

##### Article 131-4

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The mediation may be entrusted to an individual or to an association.

If the designated mediator is an association, its legal representative must submit to the approval of the judge the

Updated 09/30/2005 - Page 12/175

#### CODE OF CIVIL PROCEDURE

name of the individual (s) who will ensure, within this one and on its behalf, the carrying out of the measure.

##### Article 131-5

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The individual implementing mediation must satisfy the following conditions:

1° He must not have been the subject of a criminal sentence, of incapacity or forfeiture as indicated in the n° 2

criminal record bulletin.

2° He must not have acted contrary to honour, probity and good virtue which gave rise to disciplinary or administrative sanctions of dismissal, removing off, revocation, or that of a withdrawal of accreditation or authorisation;

3° He has, by virtue of his actual and past occupation, the required qualifications with respect to the subject matter

of the dispute;

4° He must prove, as the case may be, an appropriate training or experience for the practice of mediation;

5° He must demonstrate the capacity to be independent which is necessary to conduct the mediation.

##### Article 131-6

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The decision ordering mediation must state the parties' agreement, must specify the mediator and the initial duration

of his mission and must state the date on which the matter will be called for a hearing.

It (the decision) sets the amount of the retainer fee for the remuneration of the mediator on a level as close as

possible to the foreseeable remuneration and will specify the party or parties who must deposit within the given

time-limit. If several parties are appointed, the decision will specify the share that each party must deposit.

In default of deposit, the decision will lapse and the proceeding will continue.

##### Article 131-7

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

As from the pronouncement of the decision appointing the mediator, the clerk's office of the court will notify a copy

thereof by ordinary letter to the parties and the mediator.

The mediator will immediately inform judge of his acceptance.

As soon as the clerk of the court informs him of the deposit, he (the mediator) will summon the parties.

##### Article 131-8

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The mediator does not have the power of direction. However, he may, with the consent of the parties and for the purpose of the mediation, hear voluntary third parties.

The mediator may not be appointed, in the course of the same proceeding, to execute investigation measures.

**Article 131-9**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The individual who carries out the mediation will inform the judge of the difficulties encountered in the implementation of his mission.

**Article 131-10**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The judge may put an end, at any time, to the mediation upon the request of the party or on the initiative of the mediator.

The judge may also sua sponte put an end thereof where the good progress of the mediation appears compromised.

At all events, the matter must be called beforehand for a hearing to which the parties are to be summoned with the

diligence of the clerk's office by letter registered with request for notice of receipt.

At such hearing, the judge, if he puts an end to the mission of the mediator, may revive the proceeding. The mediator must be informed of the decision.

**Article 131-11**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

At the end of his mission, the mediator will inform in writing the judge whether the parties have or have not worked

out a solution for the dispute opposing them.

On the day fixed, the matter is brought again before the judge.

**Article 131-12**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

Upon the request of the parties, the judge will homologate the agreement that they submit to him.

The homologation will appertain to non-contentious matters.

**Article 131-13**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

At the end of his mission, the judge will set the remuneration of the mediator.

The burden of the cost of the mediation will be distributed as provided under Article 22 of Act n° 95-125 of the 8

February 1995 relating to the organisation of courts and that of civil, criminal and administrative procedures.

The judge will grant leave to the mediator to be given, up to a just limit, the amount paid to the clerk's office.

Updated 09/30/2005 - Page 13/175

CODE OF CIVIL PROCEDURE

He will order, where necessary, the payment of additional sums and will specify the party or parties who must pay

these sums or the return of the excess amount deposited.

A writ of execution will be delivered to the mediator upon his request.

**Article 131-14**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The findings of the mediator and the declarations he has collected may not be produced nor cited in the subsequent

proceeding without the consent of the parties, nor, in any case, be referred to in any other proceeding.

**Article 131-15**

*(Decree n°96-652 of 22 July 1996, Article 2, Official Journal of 23 July 1996)*

The decision ordering, renewing or putting an end to the mediation will not be subject to appeal.

**TITLE VII**