

REQUIREMENTS TO BECOME AND BE A MEDIATOR IN AUSTRIA

Nr.	QUESTION	INFORMATION
1	Who can be a mediator? Normative regulation	Anyone who completed the training within the The Civil Law Mediation Act (hereinafter – ZivMediatG) regulation can be a mediator https://www.ris.bka.gv.at/Dokumente/BgblPdf/2003_29_1/2003_29_1.pdf Other regulations for the mediators are in ZivMediat-AV: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003180 and EU Mediation Law (hereinafter - EU-Mediations-Gesetz) (cross boarder mediation): https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007234
1.1	Definition of mediator / certified mediator / mediator in criminal cases	§ 1 (1) ZivMediatG Mediation is an activity based on the voluntary nature of the parties, in which a professionally trained, neutral intermediary (mediator) systematically promotes communication between the parties with the aim of resolving their conflict.
1.2	Which legal norms regulate becoming a mediator?	Regulation of the Federal Minister of Justice concerning the Training of Registered Mediators (Zivilrechts-Mediations-Ausbildungsverordnung) Professional law
1.3	Can anyone be a mediator? Are there certified / registered and non-certified / non-registered mediators	Anyone can be a mediator. There are registered and non-registered mediators.
1.4	Are there civil law / criminal law / other divisions of mediators?	There are no divisions.
2.	Requirements raised towards mediator	

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2.1	Age	From the age of 18, it is possible mediate with a trade translucent/trade certificate. If a person has reached the age of 28, he/she can file application to get registered in the list of the Ministry of Justice. If you work as an attorney or a notary, it depends on your professional law.																												
2.2	Reputation	A person needs an impeccable reputation to get a trade translucent, to get registered in the list of the Ministry of Justice or to work as a lawyer or notary.																												
2.3	Education	There are no differences. A person can be a mediator with any education.																												
2.4	Knowledge of languages and level of knowledge	A person doesn't need a special knowledge of languages.																												
2.5	Previous learning (hours of courses in mediation, which courses)	<p>The candidate mediator shall undergo the following studies:</p> <ul style="list-style-type: none"> • Training content in general <table border="1"> <thead> <tr> <th>Part 1: Theoretical part</th> <th>Hours</th> </tr> </thead> <tbody> <tr> <td>Total part 1</td> <td>200</td> </tr> <tr> <td>1. Principles and development of mediation, including their basic assumptions and mission statements</td> <td>12</td> </tr> <tr> <td>2. Procedure, methods and phases of mediation with special consideration, negotiated and solution-oriented approaches</td> <td>26</td> </tr> <tr> <td>3. Basic principles of communication, in particular communication, questioning and negotiation techniques, the discussion and moderation with special consideration of conflict situations</td> <td>32</td> </tr> <tr> <td>4. Conflict analysis</td> <td>15</td> </tr> <tr> <td>5. Forms and fields of application of mediation, e.g. single, co- or team mediation as well as large group mediation; Family, business and intercultural mediation</td> <td>20</td> </tr> <tr> <td>6. Introduction to personality theories, especially personality structures, Basic principles of group psychology and psychosocial forms of intervention as well as gender problems</td> <td>20</td> </tr> <tr> <td>7. Ethical questions of mediation, in particular role understanding and attitude of the mediators, Self-perception and image of man in mediation</td> <td>15</td> </tr> <tr> <td>8. Principles of legal provisions</td> <td>40</td> </tr> <tr> <td>9. The Principles of Economic</td> <td>20</td> </tr> <tr> <td>Part 2: Application-oriented part</td> <td></td> </tr> <tr> <td>Total part 2</td> <td>165</td> </tr> <tr> <td>1. Individual and group experience</td> <td>40</td> </tr> </tbody> </table>	Part 1: Theoretical part	Hours	Total part 1	200	1. Principles and development of mediation, including their basic assumptions and mission statements	12	2. Procedure, methods and phases of mediation with special consideration, negotiated and solution-oriented approaches	26	3. Basic principles of communication, in particular communication, questioning and negotiation techniques, the discussion and moderation with special consideration of conflict situations	32	4. Conflict analysis	15	5. Forms and fields of application of mediation, e.g. single, co- or team mediation as well as large group mediation; Family, business and intercultural mediation	20	6. Introduction to personality theories, especially personality structures, Basic principles of group psychology and psychosocial forms of intervention as well as gender problems	20	7. Ethical questions of mediation, in particular role understanding and attitude of the mediators, Self-perception and image of man in mediation	15	8. Principles of legal provisions	40	9. The Principles of Economic	20	Part 2: Application-oriented part		Total part 2	165	1. Individual and group experience	40
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	2. Practical-based seminar for exercise the techniques of mediation using rolling games, simulation and reflection	58
	3. Peer group work	24
	4. Case work	17
	5. Accompanying participation in the practical supervision in the field of mediation (3 Units single-supervisions)	26
	Total	365
	<p>One unit is 45 minutes</p> <ul style="list-style-type: none"> Educational content for lawyers, notaries, judges, prosecutors and lawyers of the financial services, university lecturer from a legal subject Educational content for economists, business consultants and civilian technicians, university lecturer from a relevant subject 	
	Part 1: Theoretical part	Hours
	Total part 1	136
	1. Principles and development of mediation, including their basic assumptions and mission statements	8
	2. Procedure, methods and phases of mediation with special consideration, negotiated and solution-oriented approaches	24
	3. Basic principles of communication, in particular communication, questioning and negotiation techniques, the discussion and moderation with special consideration of conflict situations	32
	4. Conflict analysis	14
	5. Forms and fields of application of mediation, e.g. single, co- or team mediation as well as large group mediation; Family, business and intercultural mediation	18
	6. Introduction to personality theories, especially personality structures, Basic principles of group psychology and psychosocial forms of intervention as well as gender problems	20
	7. Ethical questions of mediation, in particular role understanding and attitude of the mediators, Self-perception and image of man in mediation	12
	8. Principles of legal provisions	0
	9. The Principles of Economic	8
	Part 2: Application-oriented part	
	Total part 2	84
	1. Individual and group experience	20
	2. Practical-based seminar for exercise the techniques of mediation using rolling games, simulation and reflection	32
	3. Peer group work	10

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	4. Case work	6
	5. Accompanying participation in the practical supervision in the field of mediation (3 Units single-supervisions)	16
	Total	220
	One unit is 45 minutes	
	<ul style="list-style-type: none"> Educational content for psychotherapists, clinical psychologists and health psychologists, life and social counsellors and social workers 	
	Part 1: Theoretical part	Hours
	Total part 1	136
	1. Principles and development of mediation, including their basic assumptions and mission statements	8
	2. Procedure, methods and phases of mediation with special consideration, negotiated and solution-oriented approaches	24
	3. Basic principles of communication, in particular communication, questioning and negotiation techniques, the discussion and moderation with special consideration of conflict situations	12
	4. Conflict analysis	10
	5. Forms and fields of application of mediation, e.g. single, co- or team mediation as well as large group mediation; Family, business and intercultural mediation	18
	6. Introduction to personality theories, especially personality structures, Basic principles of group psychology and psychosocial forms of intervention as well as gender problems	5
	7. Ethical questions of mediation, in particular role understanding and attitude of the mediators, Self-perception and image of man in mediation	12
	8. Principles of legal provisions	35
	9. The Principles of Economic	12
	Part 2: Application-oriented part	
	Total part 2	84
	1. Individual and group experience	20
	2. Practical-based seminar for exercise the techniques of mediation using rolling games, simulation and reflection	32
	3. Peer group work	10
	4. Case work	6
	5. Accompanying participation in the practical supervision in the field of mediation (3 Units single-supervisions)	16
	Total	220

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		<p>Professionally qualified is any person who, on the basis of appropriate training is in possession of knowledge and skills of mediation and who is also familiar with its legal and psychosocial basic principles. The training shall be completed in training courses and practical workshops of those institutions, including the universities, which the Federal Minister of Justice has registered in the List of Training Institutions for mediation in civil law matters.</p> <p>The assessment of the professional qualification shall take into account the knowledge gained by and the level of completion of qualification of the members of specified professions, in particular Psychotherapists, Clinical Psychologists and Health Psychologists, Lawyers, Notaries, Judges, State Prosecutors, Accountants, Civil Engineers, Consultants, Social Workers, Management Consultants, or Secondary School Teachers, in the course of their own training and their professional practice and which may assist in their practice of Mediation.</p>
2.6	Necessity of registration / certification	<p>§ 11 ZivMediatG (1) The procedure for registration in the List of Mediators is initiated on the basis of the written request of the applicant to the Federal Minister of Justice. The application shall provide the information required by § 8.</p> <p>(2) The requirements of §§ 9 and 10 are to be evidenced by appropriate documents, such as references, confirmations and professional certificates. The trustworthiness of the applicant, in so far as it is not a legal requirement of the other professional activity of the applicant, is to be proven by a criminal records statement, which is no older than three months, and which confirms that there has been no conviction which might lead to doubts as to the reliability of practice as a mediator.</p> <p>(3) In the application shall be included a description of previous professional activities as well as the training undertaken to become a mediator, including a list of the institutions where the training has been completed.</p>
2.7	Prohibition to be criminally convicted / in the status of suspect in the criminal case	<p>The trustworthiness of the applicant, in so far as it is not a legal requirement of the other professional activity of the applicant, is to be proven by a criminal records statement, which is no older than three months, and which confirms that there has been no conviction which might lead to doubts as to the reliability of practice as a mediator.</p>
2.8	Other requirements / prohibitions (recommendations, previous practice, CV, etc.):	<ol style="list-style-type: none"> 1) The mediator must have concluded a liability civil insurance policy (minimum insurance € 400.000). 2) The applicant for registration shall identify in his application the premises at which he practices mediation.

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3	Institution certifying mediators	
3.1	Name of the institution certifying mediators	Ministry of Justice, Museumstraße 7, 1070 Vienna.
3.2	Supervision of the institution certifying mediators	Ministry of Justice, Museumstraße 7, 1070 Vienna.
3.3	Contents of the institution certifying mediators	§ 27 ZivMediatG The registered training institutions in order to prove the sustainability of their activity shall in writing report to the Federal Minister of Justice, at the latest by 1st of July of each year, on the extent, the contents and the success of the training over the past year.
3.4	Restrictions for members of the institution certifying mediators (family ties, professional ties, etc.)	General bias rules
4	Process to become a certified / registered mediator	
4.1	Where and when to apply to become a certified / registered mediator?	A person has to send all the documents, which are necessary for the registration, to the Ministry of Justice. Furthermore a person needs to pay an application fee of EUR 308.
4.2	How often per year certification / examination process of candidate mediators proceed?	There is no test, but mediators have to file application.
4.3	Payment to become a mediator:	Depends on the training institution Furthermore you need to pay an application fee of EUR 308 to become a registered mediator.
4.4	Documents to be submitted to become a mediator:	See point 2.6 above
5	Contents of the exam for mediators	There is no exam for mediators. The overall training in the sense of Annex 1) of the Civil Law Mediation Training Ordinance should cover at least three semesters. At the end the mediator has to mediate a real case.

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6	Mediator's certificate (form, contents, validity term)	The mediator's certificate is a document, in which all contents and trainings are listed.
7	In which cases certificate of the mediator is annulled / stopped?	§ 14 (1) ZivMediatG The Federal Minister of Justice shall, if necessary after obtaining an opinion from the Board for Mediation, by a formal Decision remove the mediator from the list if he becomes aware that a requirement of § 9 has ceased to be met or has not been confirmed, the mediator has not attended to his duties in accordance with § 20 or he has despite warnings grossly or repeatedly violated his duties. (2) Furthermore, the mediator shall be removed from the list in the case of his resignation, his decease or because of the expiration of the time limit (§ 13). (3) In the case of a removal the previous registration shall be kept on the record.
8	Obligations of the mediator	
8.1	Towards supervisory institution of the mediators (participation in annual meetings, annual payment to the mediators' supervisory institution, etc.)	Continuing education duty; at least to the extent of 50 hours within one period of 5 years.
8.2	Towards clients in mediation (working in accordance with rules, principles, code of ethics, conclusion of agreement with client, issue of certificate about participation in mediation, etc.)	Secrecy, documentation obligation, storage duties, referring duty, reconnaissance duty
9	Supervision of mediators	
9.1	Institutions supervising mediators:	Ministry of Justice
9.2	Review of complaints about mediators (statistics, typical	Ministry of Justice

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	complains, results, tendencies)	
9.3	Are decisions of institution certifying mediators appealable and where?	Yes, Federal Administrative Court.
10	Process of repeated attestation of mediators (if any).	See point 2.6 above
11	Envisaged future developments in mediation	Advisory Council for Mediation at the Federal Ministry of Justice

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