

APPROVED

by the Minister of Justice of the Republic of Lithuania

Order of the Republic of Lithuania of 31 December 2018 No 1R-289

(Minister of Justice of the Republic of Lithuania

Order No 1R-411 of the Republic of Lithuania of 8 December 2020

wording)

SYLLABUS FOR THE QUALIFYING EXAMINATION FOR MEDIATORS

CHAPTER I

THE CONCEPT OF CONFLICT AND DISPUTE AND METHODS OF RESOLVING THEM

1. The concept of conflict. Characteristics of conflict. Causes of conflict. Classifications of conflicts. Stages of conflict. Escalation and de-escalation of conflict. Conflict resolution styles: adversarial, cooperative, compromise, avoidance and adaptive.

Point changes:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.c. 2024-21327

2. Relationship between the concepts of conflict and dispute. Concepts of civil and administrative dispute. Similarities and differences, advantages and disadvantages of conciliatory and adjudicative dispute resolution. Methods of conciliatory dispute resolution: negotiation, conciliation, mediation. Methods of resolving disputes of a conciliatory nature: court, arbitration.

CHAPTER II

THE CONCEPT OF MEDIATION

3. Concept and distinctive features of mediation. Assessment of the suitability of a dispute for mediation. The origins of mediation and the development of the modern concept. The development of mediation in Lithuania. The objectives of mediation. Legal regulation of mediation in the European Union and the Council of Europe and in the national law of the

Republic of Lithuania. The relationship between mediation and the right to a judicial remedy.

CHAPTER III

PRINCIPLES OF MEDIATION

4. The principle of voluntariness of the disputing parties and its limitations. Mandatory mediation. Application for compulsory mediation. Model of compulsory mediation. Payment for compulsory mediation services.

Amendments to the paragraph:

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5. Principle of mutual respect, tolerance, tolerance. The principle of confidentiality. The principle of neutrality and impartiality of the mediator. The principle of the mediator's skilled performance. The principle of cooperation. The principle of fairness. The principles of informality, cost-effectiveness and universality of mediation.

CHAPTER IV

ROLE OF THE MEDIATOR

6. Definition of mediator. Functions of the mediator in mediation. The specificities of the mediator's role in different styles of mediation. Facilitative, evaluative and transformative mediation styles. Conducting mediation with another mediator or mediators (comediation).

CHAPTER V

THE MEDIATION PROCESS

7. Participants in the mediation process: parties to civil and administrative disputes, representatives, the mediator, other persons who may participate in the mediation. Stages of mediation: preparation for mediation; mediation session and its stages (introduction of the mediator to the mediation, statements by the parties, identification of issues to be resolved and exploration of interests, joint discussion, decision-making); post-mediation

stage. Organisation of private meetings with the parties. Mediation agreement. Suspension of limitation periods for actions for the duration of the mediation. Suspension of time limits for lodging complaints/applications/proceedings in administrative proceedings for the duration of mediation. Termination of mediation and its legal consequences. Mediation settlement agreement: requirements for the content and form of the settlement agreement. Court approval of the peace agreement . Enforcement of an agreement reached in mediation. Stamp duty exemptions following mediation or amicable settlement and special rules on the allocation of costs when bringing an action before a court in respect of a dispute which has not been settled by mediation.

Amendments to the paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.e. 2024-21327

CHAPTER VI

COMMUNICATION AND NEGOTIATION TECHNIQUES OF THE MEDIATOR

8. Features of verbal communication, features of non-verbal communication. Mediator's communication techniques: active listening, paraphrasing, neutralising, reframing, effective questioning, summarising. Use and management of emotions in mediation. Testing the realism and feasibility of the parties' ideas. Techniques for overcoming impasses in mediation. Problem-solving techniques: separating people from problems; focusing on interests rather than positions; considering options that benefit all parties; relying on objective evaluation criteria.

CHAPTER VII

SPECIFIC FEATURES OF MEDIATION FOR INDIVIDUAL CATEGORIES OF DISPUTES

9. Features of family mediation. The specificity of family disputes: psychological vulnerability of the disputants, the abundance of emotions, the need to preserve the relationship. Impact of domestic violence on mediation. Protection of children's interests in family mediation. The meaning and forms of child involvement in mediation. Specific features of international mediation of family disputes.

10. Features of mediation of consumer disputes. Specific features of mediation of business disputes. Specific features of mediation of disputes between patients and healthcare institutions.

11. Features of mediation of administrative disputes.

CHAPTER VIII

FEATURES OF JUDICIAL MEDIATION

12. Concept of judicial mediation. The difference between judicial mediation and judicial conciliation by a judge. Differences between judicial and non-judicial mediation. Separation of the functions of the judge and the mediator, who is a judge, in the same civil or administrative proceedings. Initiation of judicial mediation. Compulsory judicial mediation. Selection and appointment of mediators for judicial mediation. Procedure for judicial mediation. Conclusion of judicial mediation. Conclusion of a civil or administrative case in judicial mediation by means of a settlement agreement.

CHAPTER IX

PROFESSIONAL ACTIVITIES OF THE MEDIATOR

13. Requirements for persons wishing to become mediators. A mediator's good repute. Entry in the list of mediators of the Republic of Lithuania. Removal from the list of mediators of the Republic of Lithuania. Suspension of mediator's activity. Appointment of mediators. Requirements for the provision of mediation services. Further training of mediators. Professional ethics and disciplinary liability of mediators. Procedures for lodging and dealing with complaints concerning the professional conduct of mediators. Compensation for damage caused by mediators. Mediation management bodies and their functions in the field of mediation.

CHAPTER X

THE FUNDAMENTALS OF LEGAL KNOWLEDGE

14. General principles of civil law: fairness, justice, reasonableness.

15. Concept and types of transactions. Form of expression of will. Procedure for concluding transactions. Forms of transactions: oral, written, notarial. Conclusion of transactions in forms other than those permitted by law. Grounds for invalidity of transactions.

16. Concept of limitation of actions.

17. Capacity of a natural person. Representation of a natural person. Legal representation of an incapacitated person and a person with limited legal capacity. Representation of a legal person.

18. Power of attorney, form of power of attorney.

19. Dissolution of marriage. Legal regime of matrimonial property. Civil liability of the spouses in respect of pecuniary obligations. Division of property which is community property.

20. Rights and obligations between children and parents. Disputes concerning children.

21. Concept of contract. Principles of freedom of contract and fairness. Conclusion of contracts. The force and form of contracts. Contents of contracts. Enforcement of contracts. Legal consequences of non-performance of contracts. Termination of contracts.

22. Conciliation agreement. Cases in which a peace agreement is invalid. Effect of a peace agreement. Approval of a peace agreement by a court. Invalidity of a peace agreement.

23. Principles of administrative law. Principles of public administration.

24. System of public administration entities. Areas of public administration. Administrative act. Types of administrative acts. Administrative procedure.

CHAPTER XI

PRACTICAL TASKS FOR MEDIATION

25. A person taking the qualifying examination for mediators will be required to demonstrate the following competencies in the practical tasks:

Be able to assess the suitability of a dispute for mediation. Be able to prepare adequately for mediation. Be able to give an appropriate mediator's introduction to mediation. Be able to ensure impartiality and independence in mediation. Be able to establish a relationship of trust with the parties and their representatives. Be able to disclose the real interests of the parties. To be able to use in practice the mediator's communication and negotiation techniques such as: active listening, rephrasing, neutralisation, reframing, effective questioning, summarising. Be able to use and manage emotions in mediation. To be able to carry out a reality and feasibility check on the parties' ideas. Be able to apply techniques for overcoming impasses in mediation, problem-solving techniques: separating the people from the problem; focusing on interests rather than positions; considering options that are beneficial to all parties; using objective evaluation criteria. Be able to draw up a peace agreement in mediation.

Changes to the Annex:

No [1R-411](#), 8.12.2020, published in the TAR on 8.12.2020, i.c. 2020-26510

Qualifying examination for mediators

Programmes

Annex 1

LEGAL ACTS AND OTHER DOCUMENTS, THE PROVISIONS OF WHICH, INsofar AS THEY RELATE TO THE SPECIFIC TOPICS OF THE QUALIFYING EXAMINATION PROGRAMME FOR MEDIATORS, MUST BE KNOWN BY PERSONS SEEKING TO BE INCLUDED IN THE LIST OF MEDIATORS OF THE REPUBLIC OF LITHUANIA

1. the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

2. the Convention of 20 November 1989 on the Protection of Children with Disabilities. United Nations Convention on the Rights of the Child.

3. *No longer in force as of 1.1.2025*

Deletion of paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.e. 2024-21327

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.

5. 25 June 2019. Council Regulation (EU) 2019/1111 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and international child abduction.

Added point:

No [1R-317](#), 03/12/2024, published in TAR on 03/12/2024, i.c. 2024-21327

6. European Code of Conduct for Mediators of 2 July 2004

http://tm.lrv.lt/uploads/tm/documents/files/Europos_mediatoriu_elgesio_kodeksas.pdf.

Renumbering of the paragraph:

No [1R-317](#), 03.12.2024, published by TAR on 03.12.2024, i.f. 2024-21327

7. Recommendation No R(98)1 of the Committee of Ministers of the Council of Europe of 21 January 1998 on family mediation

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804ecb6e.

Renumbering of the paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.c. 2024-21327

8. Recommendation Rec (2002)10 of the Committee of Ministers of the Council of Europe of 18 September 2002 on Mediation in Civil Matters.

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e1f76.

Renumbering of the paragraph:

No [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.e. 2024-21327

9. European Commission for Effective Justice (CEPEJ) Guidelines for better implementation of the Recommendations on Family Mediation and on Mediation in Civil Matters CEPEJ(2007)14E of 7 December 2007

<https://rm.coe.int/16807475b6>.

Re-numbering of the paragraph:

No [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.e. 2024-21327

10. Guide of the European Commission for Effective Justice (CEPEJ) of 7 December 2022 on the promotion of mediation in the resolution of administrative disputes in the Member States of the Council of Europe CEPEJ(2022)11

<https://rm.coe.int/cepej-2022-11-promoting-administrative-mediation-en-adopted/1680a95692>.

Supplemented by the point:

No [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.c. 2024-21327

11. Recommendation Rec(2001)9 of the Committee of Ministers of the Council of Europe of 5 September 2001 on alternative dispute resolution between administrative authorities and private parties.

[https://search.coe.int/cm#{%22CoEIdentifier%22:\[%2209000016805e2b59%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm#{%22CoEIdentifier%22:[%2209000016805e2b59%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}).

Point added:

No. [1R-317](#), 03-12-2024, published in TAR on 03-12-2024, i.e. 2024-21327

12. European Commission for Effective Justice (CEPEJ) Guidelines for a better implementation of the Recommendation on Alternative Dispute Resolution between Administrative Authorities and Private Parties of 7 December 2007 CEPEJ(2007)15E

<https://rm.coe.int/1680747683>.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.c. 2024-21327

13. Law on Administrative Proceedings of the Republic of Lithuania.

Amendment of the numbering of the paragraph:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.k. 2024-21327

14. Civil Code of the Republic of Lithuania.

Amendment of the item numbering:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.k. 2024-21327

15. Code of Civil Procedure of the Republic of Lithuania.

Amendment of the item numbering:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.k. 2024-21327

16. Law on Pre-Trial Administrative Dispute Procedure of the Republic of Lithuania.

Amendment of the paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.e. 2024-21327

17. Law on Mediation of the Republic of Lithuania.

Amendment of the paragraph numbering:

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18. Law on State Guaranteed Legal Aid of the Republic of Lithuania.

Amendment of the item numbering:

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19. Law on Public Administration of the Republic of Lithuania.

Amendment of the item numbering:

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20. Resolution of the Council of Judges of 30 November 2018, No. 13P-125-(7.1.2) "On the Approval of the Rules of Judicial Mediation".

Change in the numbering of the paragraph:

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21. Order of the Minister of Justice of the Republic of Lithuania of 31 December 2018, No. 1R-289 "On the Implementation of the Law on Mediation of the Republic of Lithuania".

Supplemented by para:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i. k. 2024-21327

Amendments to the Annex:

No. [1R-411](#), 8.12.2020, published by TAR on 8.12.2020, i.k. 2020-26510

Qualifying examination for mediators

Programmes

Annex 2

RECOMMENDED LITERATURE AND OTHER RECOMMENDED SOURCES FOR THE PREPARATION OF THE QUALIFYING EXAMINATION FOR MEDIATORS

1. Ambrasienė, D. et al. Law of Obligations. Textbook. Vilnius, Mykolas Romeris University, 2009.
2. Bakaveckas, A. Administrative law: theory and practice, Part I. Textbook. Vilnius, Mes, 2012.
3. Banys, A. Non-judicial mediation in Lithuanian administrative proceedings: concept and development directions. *Jurisprudence*, 21(4), pp. 1117-1139, 2014.
4. Baranauskas, E. et al. Civil law. General part: textbook. Vilnius, Mykolas Romeris University, 2008.
5. Bublienė, D. The Impact of the Directive on Alternative Dispute Resolution for Consumers on Lithuanian Law: Challenges and Possibilities. *Teisė*, 93, pp. 95-112, 2014.
6. Čepeliauskaitė, Ž. Prerequisites and preconditions for the involvement of a child in the mediation process: master's thesis, 2014.
7. Čiočys, P. Fundamentals of law: a training book. Vilnius School of Management, 2008.
8. Čivilytė-Gylienė, V. A short guide to family law. Vilnius, Vilnius Pedagogical University, 2006.
9. Dervinytė-Bongarzoni, A., Gutauskienė, N. Difficulties of ensuring the child's psychological well-being in cases of conflicting families. *Health Sciences*, 24 (1), 42-49, 2014.
10. Dominas, G., Mikelėnas, V. International commercial arbitration. Vilnius, Justitia, 1995.
11. Fisher, R., Ury, W. L. The Art of Negotiation. How to negotiate without conceding. Harvard Negotiation Project. Vilnius, Alma littera, 2007.
12. Intė, O., Sondaitė, J., Tvaronavičienė, A. A methodological guide to listening to children's opinions. Vilnius, State Child Rights Protection and Adoption Service, 2023.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i. k. 2024-21327

13. Juškaitė-Vizbarienė, J. Does a mediator face civil liability for defective management of the mediation process? *Legal Review*, 1(11), pp. 99-138, 2014.

Re-numbering of the paragraph:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

14. Kaminskienė, N. Alternative Dispute Resolution in Civil Disputes. Vilnius, Registrų centras, 2011.

Change of item numbering:

No. [1R-317](#), 03-12-2024, published in the TAR on 03-12-2024, i. k. 2024-21327

15. Kaminskienė, N. Mandatory mediation - opportunities and challenges. *Jurisprudence*, 20(2), pp. 683-705, 2013.

Re-numbering of the paragraph:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

16. Kaminskienė, N. et al. Mediation. Textbook. Vilnius, Mykolas Romeris University, 2013.

Re-numbering of paragraph:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

17. Kaminskienė, N. et al. Mediator's Guide. Methodological publication. Ministry of Justice of the Republic of Lithuania, 2019

[https://tm.lrv.lt/uploads/tm/documents/files/Mediatoriaus%20vadovas_%20Metodinis%20leidinys%20TM%20\(pdf\).pdf](https://tm.lrv.lt/uploads/tm/documents/files/Mediatoriaus%20vadovas_%20Metodinis%20leidinys%20TM%20(pdf).pdf)

Change in paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

18. Kaminskienė, N., Tvaronavičienė, A., Žemaitaitytė, I. Development of judicial mediation in Lithuania and possible directions for improvement: a study of judges' attitude. *Jurisprudence*, 30(1), pp. 209-237, 2023.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

19. Lakis, J. Conflict resolution and management: a textbook. Vilnius, Mykolas Romeris University, 2008.

Re-numbering of the paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

20. Langys, E., Tvaronavičienė, A. Application of mediation in disputes between healthcare institutions and patients. *Jurisprudence*, 23(1), pp. 108-125, 2016.

Change of paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

21. Lekavičienė, R., Vasiliauskaite, Z., Antinienė, D., Almonaitienė, J. Psychology of communication in a modern way. Vilnius, Alma littera, 2013.

Re-numbering of paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

22. Michailovič, I. et al. Prospects for Restorative Justice in Lithuania. Vilnius, Lietuvos teisės institutas, 2014.

Re-numbering of the paragraph:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i. k. 2024-21327

23. Mikelėnas, V. Family Law. Textbook. Vilnius, Justitia, 2009.

Re-numbering of the paragraph:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

24. Milašius, T. Mediation as an alternative dispute resolution method. *Teisė*, 63, pp. 43-58, 2007.

Re-numbering of the paragraph:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

25. Navarro, J. L. Body language: an FBI agent's tips on how to understand people quickly. Vilnius, Alma littera, 2014.

Paragraph renumbering:

No [1R-317](#), 03-12-2024, published in the TAR on 03-12-2024, i.c. 2024-21327

26. Pease, A. Body language: how to "read" other people's minds through gestures. Kaunas, Dajalita, 2003.

Re-numbering of paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.c. 2024-21327

27. Petrauskas, F. Alternatives to Consumer Dispute Resolution. Vilnius, Registrų centras, 2015.

Change of paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

28. Račelytė, D. Fundamentals of Conflict Studies: textbook. Vilnius, Mykolas Romeris University, 2009.

Re-numbering of the paragraph:

No [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

29. Sagatys, G., Intė, O. Removal of a child from Lithuania: legal regulation and practice. *Jurisprudence*, 24 (1), pp. 89-110, 2017.

Change of paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

30. Sondaitė, J. Family mediation: the experience of foreign countries. *Social work: scientific works*, 5(2), pp. 24-28, 2006.

Change of paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

31. STRATA. 30 December 2022. Report on the *ex-post* impact assessment of the current legal framework for compulsory mediation in family disputes

<https://tm.lrv.lt/lt/teisine-informacija/galiojancio-teisinio-reguliavimo-poveikio-ex-post-vertinimas/>.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.c. 2024-21327

32. Tvaronavičienė, A., Kaminskienė, N. Mandatory mediation in family disputes. Lithuanian law 2019: essential changes. Vilnius, Mykolas Romeris University, pp. 52-58, 2020.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

33. Tvaronavičienė, A., Kaminskienė, N. Application of Judicial Mediation in Administrative Justice. Lithuanian Law 2019: Substantial Changes. Vilnius, Mykolas Romeris University, pp. 29-33, 2020.

Supplemented by para:

No. [1R-317](#), 03-12-2024, published in TAR on 03-12-2024, i. k. 2024-21327

34. Tvaronavičienė, A., Korsakovienė, I. *Ex Post* Evaluation of the Impact of the Legal Regulation of Mandatory Mediation in Family Disputes as an Incentive for Further Positive Changes. Lithuanian Law 2023: Essential Changes. Vilnius, Mykolas Romeris University, pp. 176-90, 2023.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.k. 2024-21327

35. Tvaronavičienė, A., Milius, V. Application of mediation in the pre-trial stage of administrative disputes: preconditions and conditions for a more peaceful process. Lithuanian Law 2020: essential changes. Vilnius, Mykolas Romeris University, pp. 34-44, 2021.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.k. 2024-21327

36. Tvaronavičienė, A., Mulevičienė, S. Mediation of administrative disputes and the concept of its success in the context of the constitutional principle of responsible governance. Liber Amicorum to Vytautas Sinkevičius. Vilnius, Mykolas Romeris University, pp. 539-569, 2021.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.c. 2024-21327

37. Tvaronavičienė, A., Mulevičienė, S. The need and possibilities of preventive and early stage mediation of administrative disputes in Lithuania. Liber Amicorum to Algimantas Urmonius. Vilnius, Mykolas Romeris University, pp. 350-375, 2022.

Supplemented by:

No. [1R-317](#), 03.12.2024, published in TAR on 03.12.2024, i.k. 2024-21327

38. Vėbraitė, V. Conciliation of parties in civil proceedings: doctoral dissertation. Vilnius, Vilnius University, 2009.

Change of paragraph numbering:

No. [1R-317](#), 2024-12-03, published in TAR 2024-12-03, i. k. 2024-21327

39. Vileita, A. et al. Civil Law. General part: textbook. Vilnius, Justitia, 2009.

Re-numbering of paragraph:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

40. Vitkevičius, P. S. Property legal relations of family members. Vilnius, Justitia, 2006.

Change of paragraph numbering:

No. [1R-317](#), 03.12.2024, published in the TAR on 03.12.2024, i.k. 2024-21327

41. Žukauskaitė-Tatorė, M. Problems of the relationship between compulsory mediation in civil disputes and the right to judicial defence: doctoral dissertation. Vilnius, Vilnius University, 2021.

2020, 2021, supplemented by:

No. [1R-317](#), 03-12-2024, published in the TAR on 03-12-2024, i. k. 2024-21327