



**CIVIL MEDIATION  
EX LEGISLATIVE DECREE 28/2010**

**STATISTICS FOR THE PERIOD  
JANUARY 1<sup>ST</sup> – DECEMBER 31<sup>ST</sup> 2023**



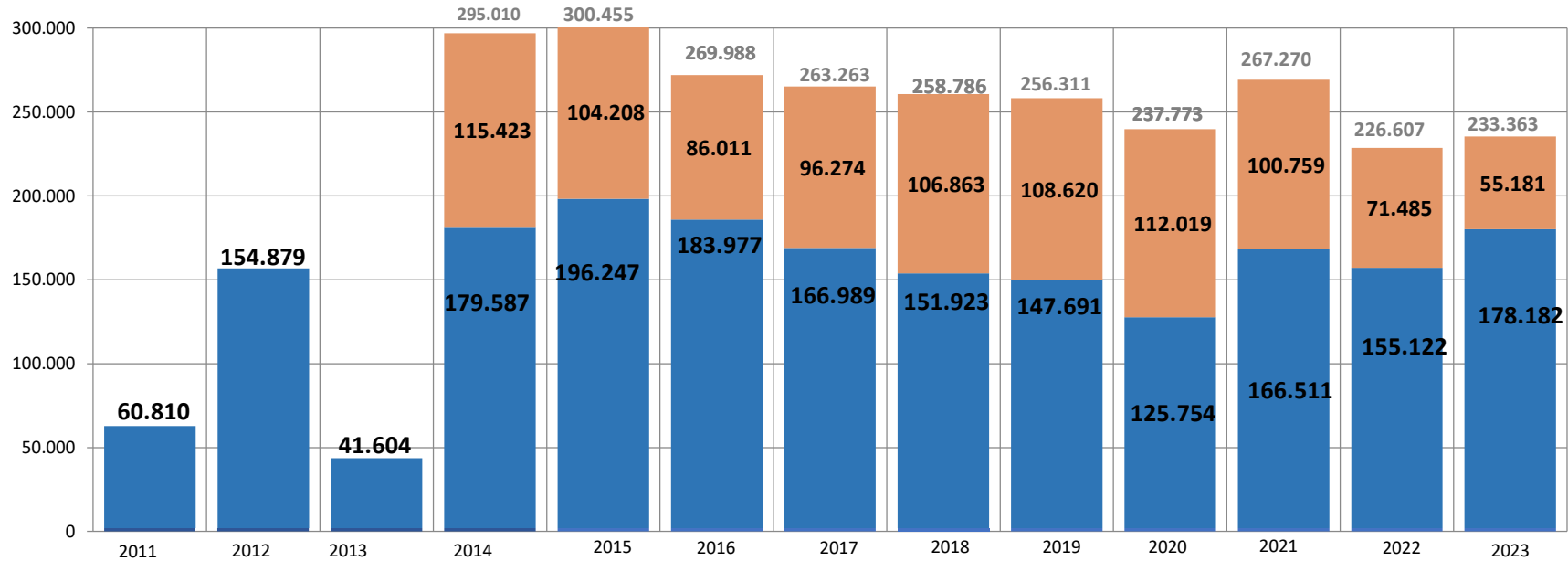
*Ministero della Giustizia*



# Incoming mediations

## National level projection

March 2011 – December 2023



Please note that:

- Mandatory mediation was suspended between 13<sup>th</sup> December 2012 and 30<sup>th</sup> September 2013;
- In 2012 there were approximately 45.000 mediation proceedings (an average of 11.165 per quarter) related to road and nautical damages, a subject that ceased to be mandatory from September 20, 2013.

- Incoming mediations
- Incoming mediations from mediation bodies considered «outlier» from a statistical point of view

Mediation bodies exhibiting a significantly high and anomalous percentage of cases ending in the "non-appearance of the respondent" (99%).

Response rate - 4<sup>th</sup> quarter 2023

378/550

## Data by subject matter

Condominium
Property rights
Partition
Wills and inheritance
Family covenants and agreements
Lease
Loans
Business rents
Medical malpractice damages
Libel
Insurance contracts
Bank contracts
Financial contracts
Participation Associations
Consortium
Franchising
Service Contract
Network Contracts
Supply contracts (including the provision of electricity, gas, and water)
Partnership Companies
Subcontracting contracts
(*) Other proceedings (non mandatory mediations)
Breach of contractual obligations due to COVID containment measures d.l.6 / 20 art. 3 co. 6bis and 6ter
<b>Totale</b>

January 1 <sup>st</sup> – December 31 <sup>st</sup> 2023			
INITIAL PENDING	INCOMING	RESOLVED	FINAL PENDING
19.669	24.596	21.125	23.140
25.751	27.519	23.304	29.966
10.313	9.399	8.168	11.544
8.938	9.601	8.411	10.129
244	150	126	268
14.864	18.059	16.142	16.782
1.771	1.928	1.724	1.974
1.823	1.055	981	1.897
6.030	4.887	4.273	6.644
1.176	1.275	1.044	1.408
9.354	15.381	13.371	11.363
27.094	22.335	17.999	31.431
3.936	6.143	4.234	5.845
0	34	21	14
0	53	24	29
0	83	47	36
0	1.815	923	891
0	26	15	11
0	780	426	354
0	153	96	58
0	216	55	161
29.274	32.616	27.976	33.914
132	77	100	109
<b>160.369</b>	<b>178.182</b>	<b>150.585</b>	<b>187.967</b>



2023

Legislative Decree 149/2022 implementing the Delegated Law No. 206/2021 ("Cartabia Reform") extended the mandatory mediation to the subject matters highlighted in red. Consequently, as of 30<sup>th</sup> June 2023 (the date the reform came into force) they are regularly monitored.

(\*) Procedures not explicitly referred to in Article 5 co.1-bis of Legislative Decree 28/2010 (as amended by Legislative Decree 149/2022) and those of a voluntary nature are classified under this item.

The comparison between 2023 and 2022 shows an increase of about 15% in incoming cases and 11% in resolved cases. The comparison between 2023 and 2019 (pre-pandemic year), shows an increase of 21% in incoming cases and 7,5% in resolved cases. These figures suggest that mediation is experiencing overall growth, though the rate of case resolution appears somewhat slower.



## Data by subject matter: focus on insurance contracts

In 2023, the number of incoming cases related to insurance contracts decreased by about 17% compared to 2022. This is mainly due to a reduction in incoming cases registered at the 'outlier' mediation bodies (-24% approx.). However, the absolute number (54,693) is still numerous. On the other hand, the number of incoming cases registered at 'non-outlier' mediation bodies increased by approximately 23%.

Compared to 2019, there was a significant reduction in the number of incoming cases registered at 'outlier' bodies(-50% approx.), while incoming cases registered at 'non-outlier' mediation bodies increased by 23.5%.

The increase, noted in previous periods, seems to be the result of the Supreme Court's ruling No. 19596/2020 of 18.09.2020

		January 1st – December 31st 2023					
		INITIAL PENDING	INCOMING	RESOLVED	FINAL PENDING	% Variation incoming 2023 vs 2022	% Variation incoming 2023 vs 2019
Insurance contracts		9.354	15.381	13.371	11.363	23,3%	23,5%
Insurance contracts "outlier"		6.254	54.693	51.882	9.065	-23,5%	-49,6%
	<b>Total</b>	<b>15.608</b>	<b>70.074</b>	<b>65.253</b>	<b>20.428</b>	<b>-16,5%</b>	<b>-42,1%</b>

## Data by subject matter: focus on cases related to COVID containment measures



2023

	January 1 <sup>st</sup> – December 31 <sup>st</sup> 2023			
	INITIAL PENDING	INCOMING	RESOLVED	FINAL PENDING
Condominium	19.669	24.596	21.125	23.140
Property	25.751	27.519	23.304	29.966
Partition	10.313	9.399	8.168	11.544
Wills and inheritance	8.938	9.601	8.411	10.129
Family covenants and agreements	244	150	126	268
Lease	14.864	18.059	16.142	16.782
Loans	1.771	1.928	1.724	1.974
Business rents	1.823	1.055	981	1.897
Medical malpractice damages	6.030	4.887	4.273	6.644
Libel	1.176	1.275	1.044	1.408
Insurance contracts	9.354	15.381	13.371	11.363
Bank contracts	27.094	22.335	17.999	31.431
Financial contracts	3.936	6.143	4.234	5.845
Participation Associations	0	34	21	14
Consortium	0	53	24	29
Franchising	0	83	47	36
Service Contract	0	1.815	923	891
Network Contracts	0	26	15	11
Supply contracts (including the provision of electricity, gas, and water)	0	780	426	354
Partnership Companies	0	153	96	58
Subcontracting contracts	0	216	55	161
Other proceedings (non mandatory mediations)	29.274	32.616	27.976	33.914
Breach of contractual obligations due to COVID containment measures d.l.6 / 20 art. 3 co. 6bis and 6ter	<b>132</b>	<b>77</b>	<b>100</b>	<b>109</b>
<b>Totale</b>	<b>160.369</b>	<b>178.182</b>	<b>150.585</b>	<b>187.967</b>

**In 2023, incoming mediation cases related to the COVID containment measures were 3.988 (2% of the total).**

This number is the sum of **77** cases in the specific matter «Breach of contractual obligations due to COVID containment measures d.l.6 / 20 art. 3 co. 6bis and 6ter» introduced in Q3 2020, and **3.911** cases related to COVID containment measures in already existing subject matters.



## Focus on the impact of the changes introduced by the Cartabia Reform: 1 July - 31 December 2023

Legislative Decree 149/2022, implementing Delegated Law no. 206/2021 ("Cartabia Reform"), by amending Legislative Decree 28/010, has:

**1.** extended the Judge's powers to promote a conciliatory solution to the case (art. 5c). During an appeal proceeding and until the conclusions are finalised, the Judge may assess the nature of the case, the state of the preliminary investigation, the behaviour of the parties and other relevant circumstances and decide, by means of a reasoned order, to request an attempt at mediation.

**As of 30 June 2023, the date the Reform took effect, the monitoring of court-ordered mediations has also been extended to proceedings registered in mediation. Before that date, monitoring was only performed on finalised proceedings. In the second half of the year, the incoming mediations ordered by the judge were approximately 11.170, 13% of the total registrations in the period. Approximately 56% of these proceedings are related to bank contracts and leases.**

**2.** Make changes to the discipline of the first mediation meeting (Article 8. co.6). In the first meeting, the mediator shall explain the function and modalities of the mediation and endeavour to ensure that the parties reach a conciliation agreement.

**As of 30 June 2023, how the 'first meetings' are recorded has changed.**

**In the second half of 2023, for 74.040 proceedings about - 28% of the total of those pending on 30 June plus those registered between 1 July and 31 December 2023 - the first mediation meeting took place. In 52% of cases, the parties decided to continue mediation; the subjects with the highest percentage of continuation were Other proceedings (non-mandatory mediations), Property, Condominium and Lease.**

**3.** introduced online mediation (Article 8 bis).

**Since 30 June 2023, the modalities of conducting mediations have been monitored. Telematic mediation accounted for 34% of the proceedings settled in the second half of the year, but face-to-face mediation is still the most widely used mode.**

**4.** made changes to the use of legal aid (Art. 17co. 6).

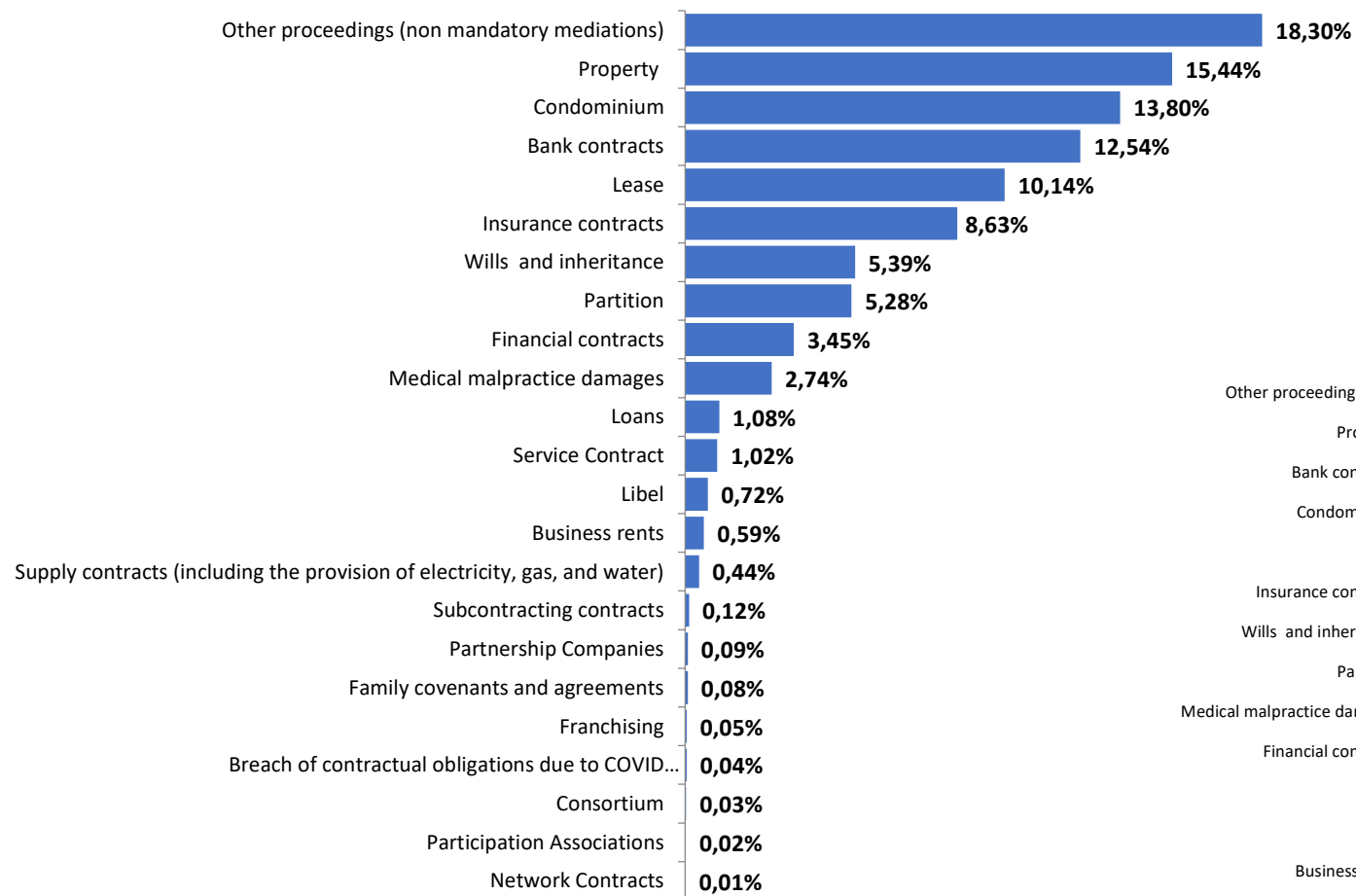
No fee is due to the body by the party admitted to legal aid when mediation is a condition for the application to proceed.

**Data collected in the second half of the year do not yet show any significant changes compared to the data collected in 2011-2023.**

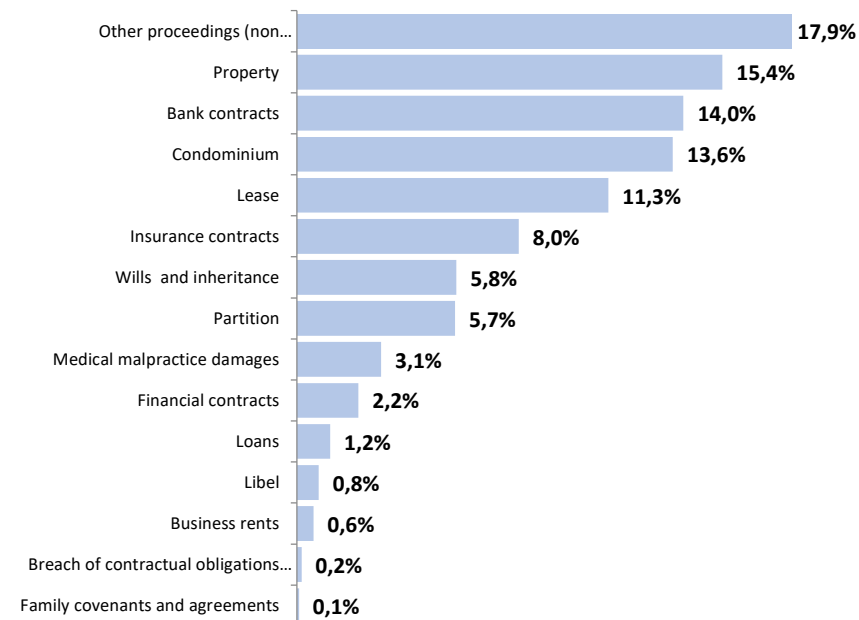


2023

## Incoming mediations by subject

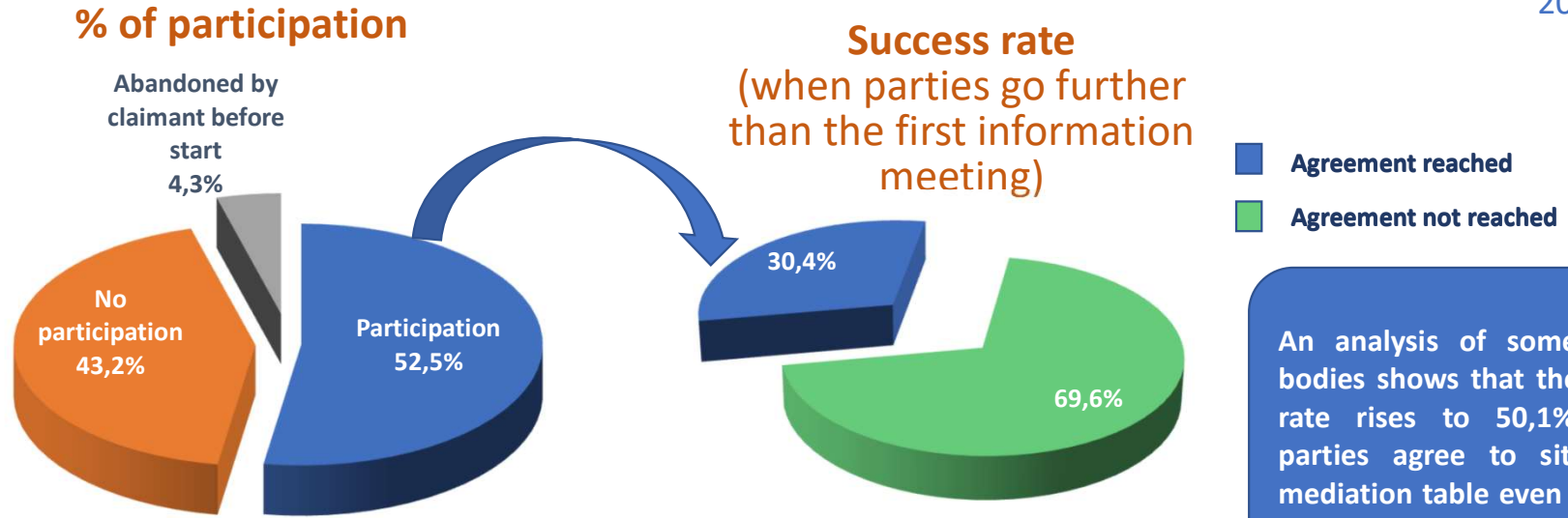


Year 2022





## Success rate



An analysis of some of the bodies shows that the success rate rises to 50,1% if the parties agree to sit at the mediation table even after the first meeting introduced by Law 98/2013 and amended by Legislative Decree 149/2022

	03/2011 – 12/2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Participation	27,0%	32,4%	40,5%	44,9%	46,9%	48,2%	50,4%	49,2%	47,8%	50,0%	51,8%
Success rate	43,9%	42,4%	24,2%	22,6%	23,7%	25,4%	27,3%	28,6%	28,7%	27,3%	28,9%



## Participation by subject



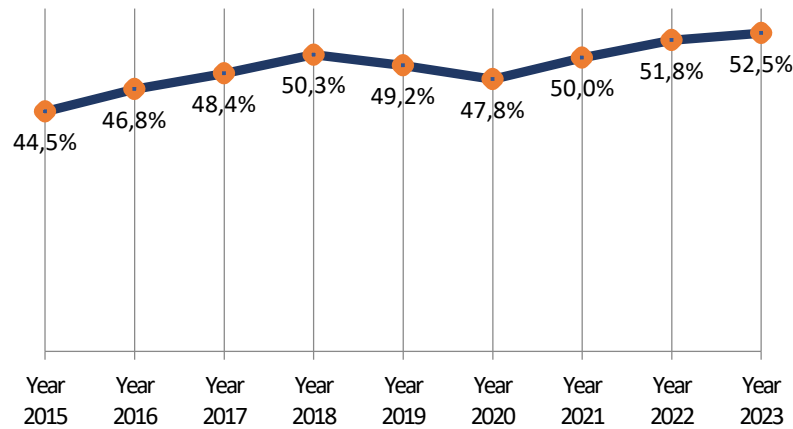
2023

Subject	% of participation
Franchising	73,2%
Consortium	71,4%
Wills and inheritance	70,2%
Partition	65,1%
Business rents	63,0%
Network Contracts	61,5%
Property	60,7%
Lease	58,2%
Family covenants and agreements	58,2%
Partnership Companies	57,6%
Subcontracting contracts	57,4%
Condominium	56,8%
Bank contracts	55,1%
Breach of contractual obligations due to COVID containment measures d.l.6 / 20 art. 3 co. 6bis and 6ter	54,5%
Service Contract	50,7%
Loans	49,6%
Libel	49,5%
Other proceedings (non mandatory mediations)	48,8%
Medical malpractice damages	47,6%
Participation Associations	44,4%
Financial contracts	42,0%
Supply contracts (including the provision of electricity, gas, and water)	41,1%
Insurance contracts	14,4%

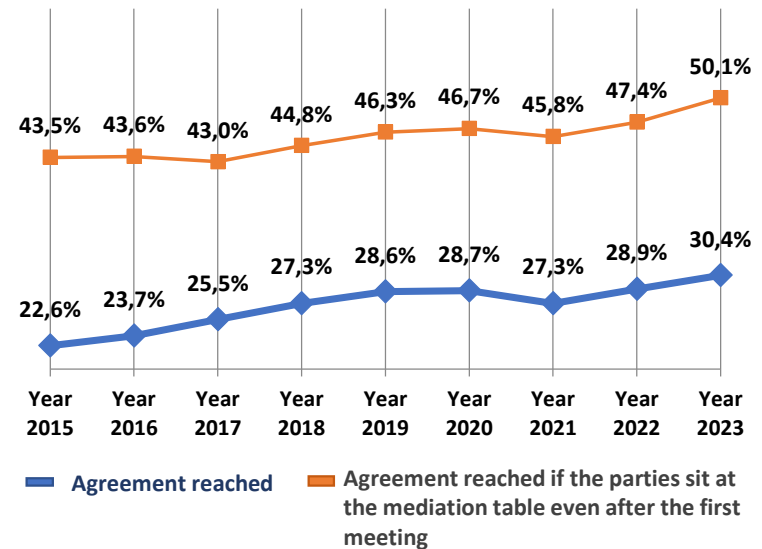


## Trend of success rates and Trend of participation of Counterparty in a Mediation Process

### Participation of Counterparty (%)



### Success rate (%)

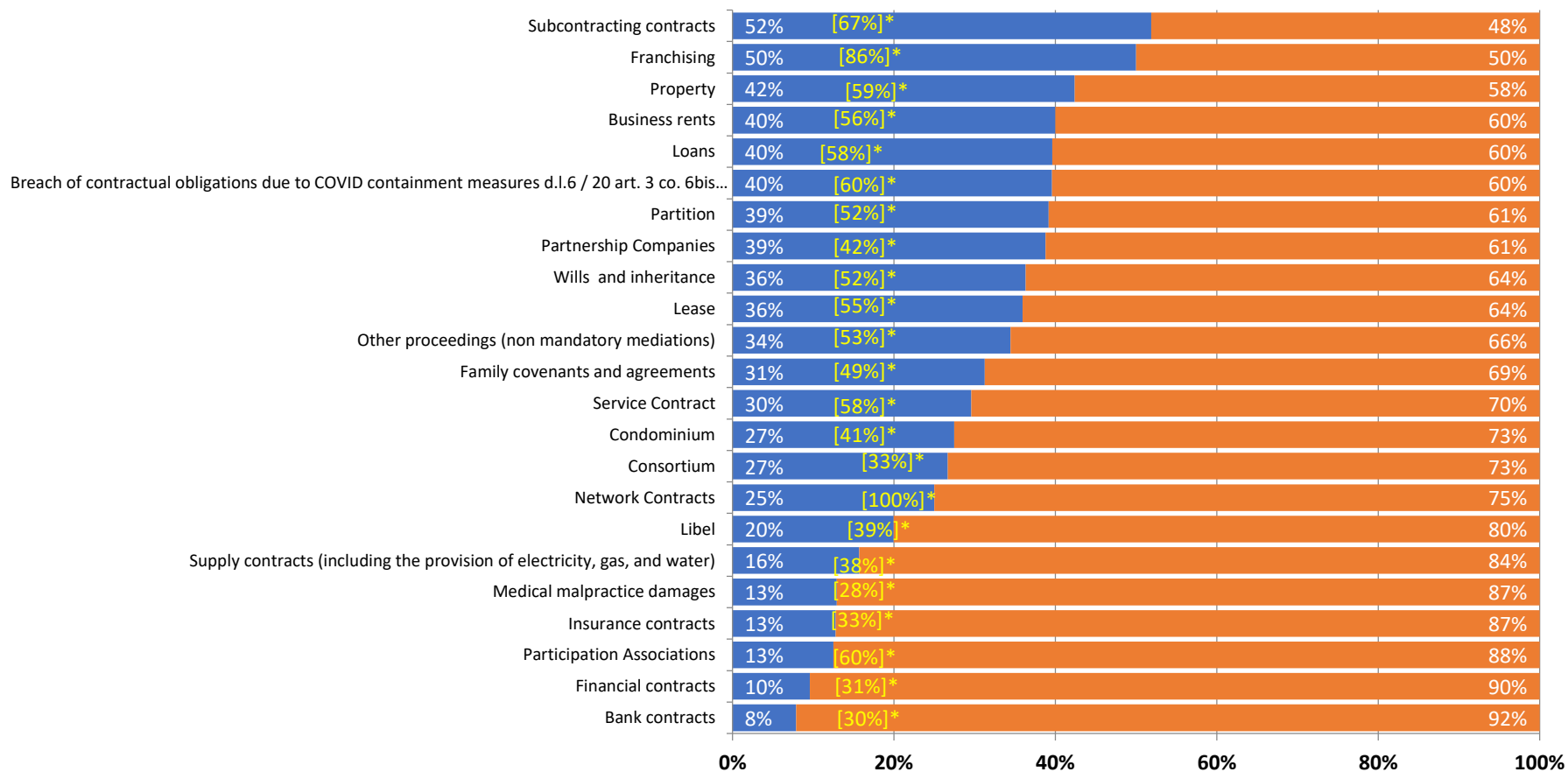


- ✓ In 2022, there is a tendency for an increase in agreement reached, which is fully confirmed in 2023.
- ✓ Looking at the 1st and 2nd semesters of 2023 separately, it can be seen that, even though the counterparty's attendance in the 2nd semester falls by about 1%, probably due to the holiday period from 15 June to 15 September (52.9% 1st semester and 52% for the 2nd semester. ), agreement is reached to a greater extent in the second half of the year, both when the percentage of agreement is calculated not considering the meetings held between the parties (1st semester 29.2% and 31.7% in the 2nd semester), and when meetings are considered (1st semester 48% and 52.5% in the 2nd semester).
- ✓ Therefore, it seems that the Cartabia Reform has stimulated the use of mediation.



2023

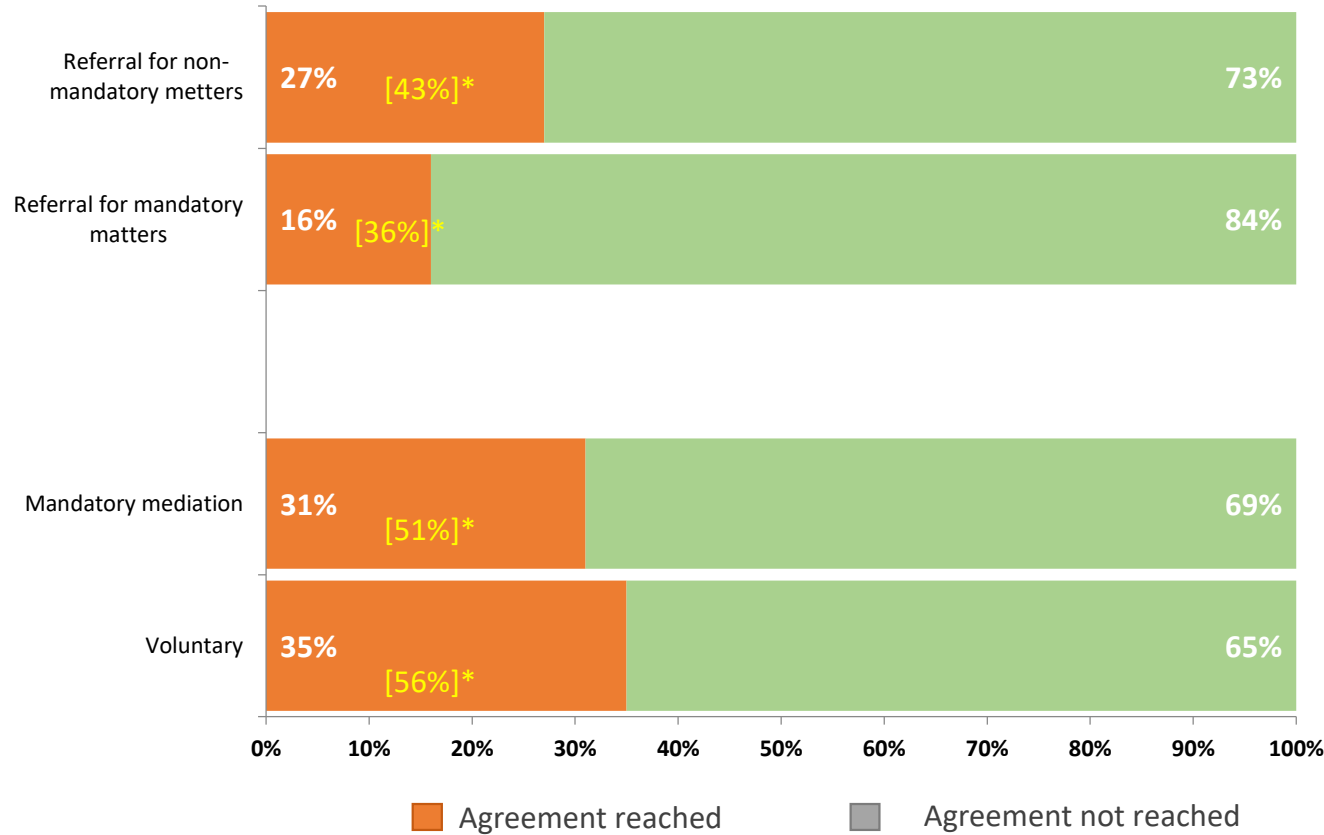
## Success rate by subject



■ Agreement reached      ■ Agreement not reached

\* Outcome of the procedures when parties agree on meeting

## Success rate by Type of Referral



% resolved cases

0,9%

12,9%

73,7%

12,5%



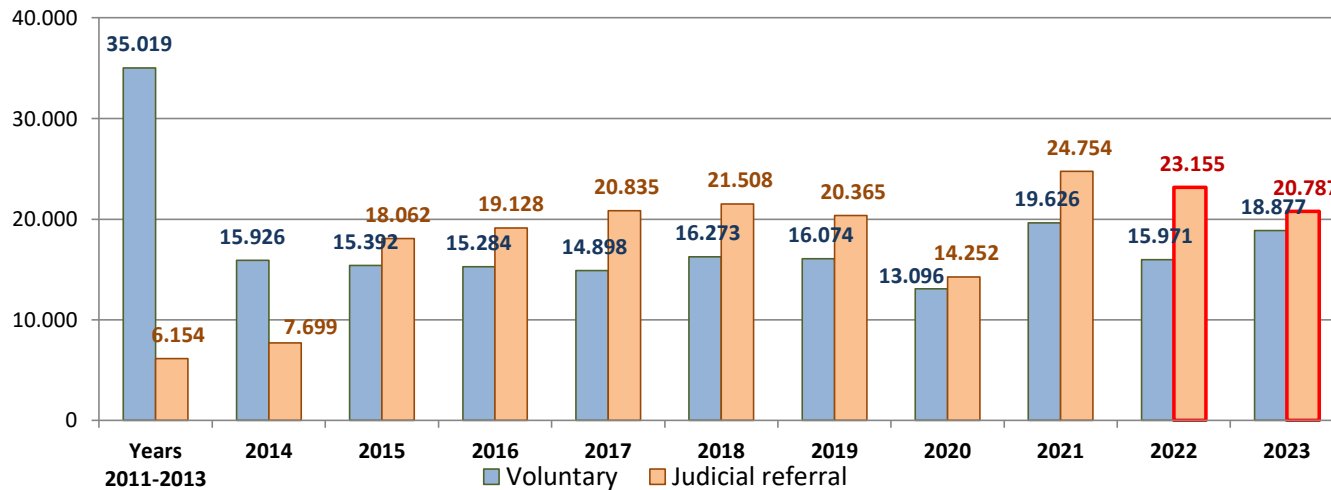
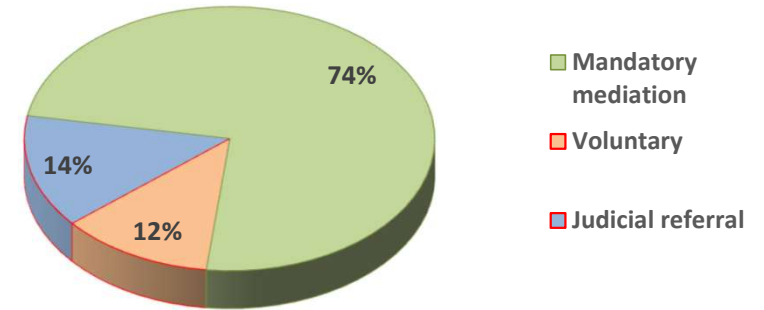
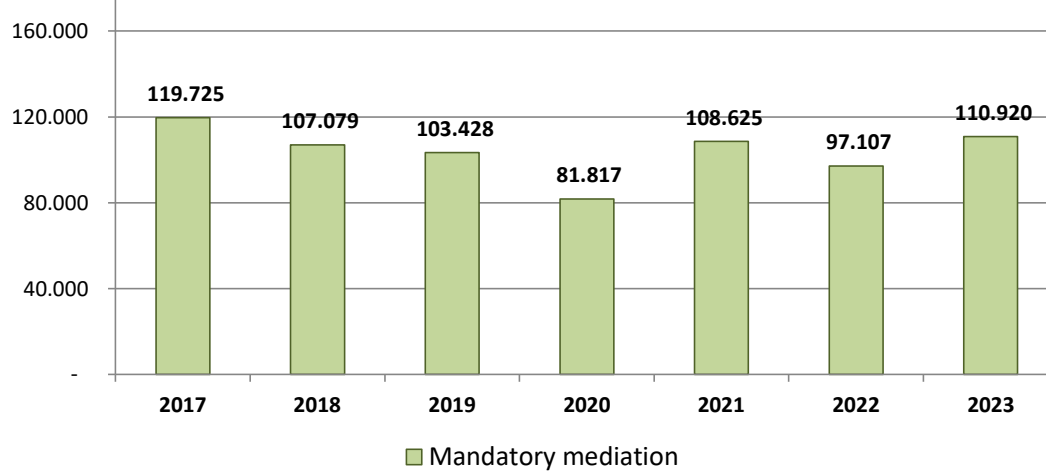
2023

\* Outcome of the procedures when parties agree on meeting



2023

## Categories of mediation – resolved cases

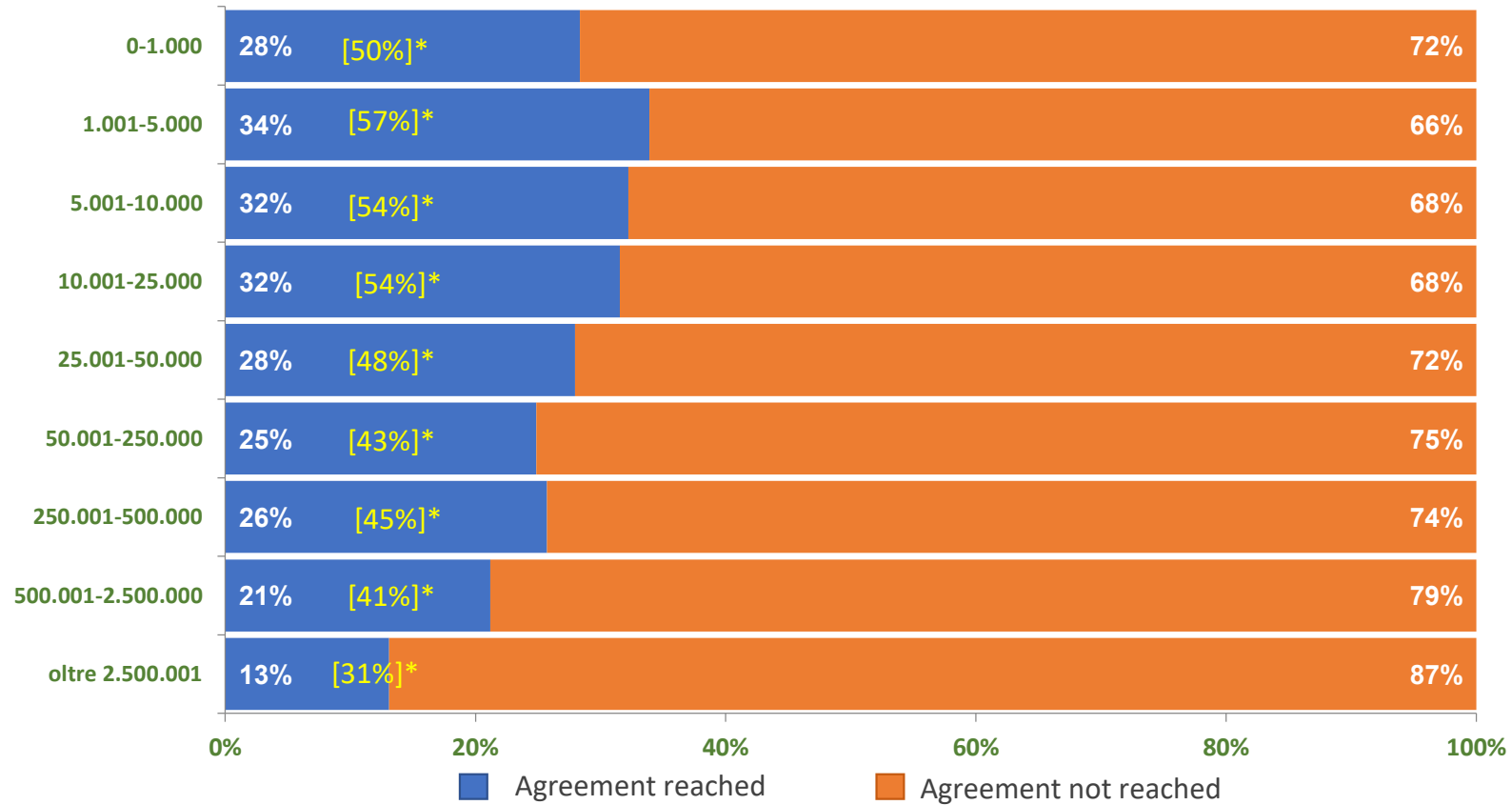


In 2023 the judicial referral are lower than in 2022.

It is considered premature to attribute any such evidence to the Cartabia Reform, having been in force since 1 July



## Success rate by value range (Participation of Counterparty )



\* Outcome of the procedures when parties agree on meeting



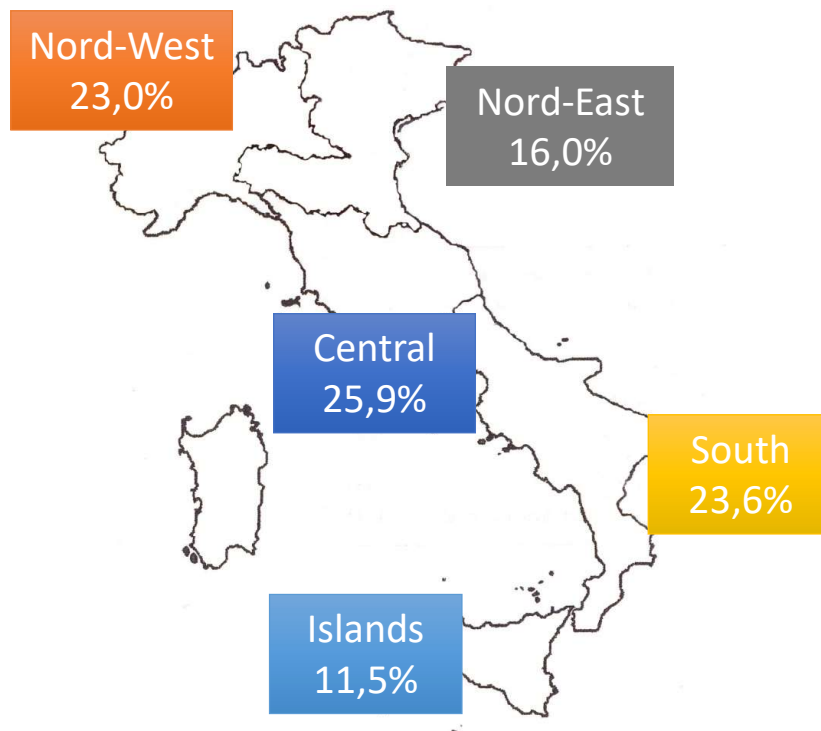
2023

## Success rate by type of mediation body

Type of mediation organization	Number of organizations as of 31.12.2023 (*)	Resolved	Sample Survey	
			Success rate including cases where the other party did not participate in the process	Success rate including only cases in which both parties participated in meetings following the first information one
CHAMBERS OF COMMERCE	65	10.080	33,5%	53,0%
PRIVATE ORGANIZATIONS (*)	342	92.972	30,1%	53,3%
BAR ASSOCIATIONS	108	46.780	30,1%	45,5%
OTHER PROFESSIONAL ASSOCIATIONS	32	753	40,9%	53,8%
<b>Total</b>	<b>548</b>	<b>150.585</b>	<b>30,4%</b>	<b>50,1%</b>

(\*) Outlier bodies are not included in the count

## Geography of mediations

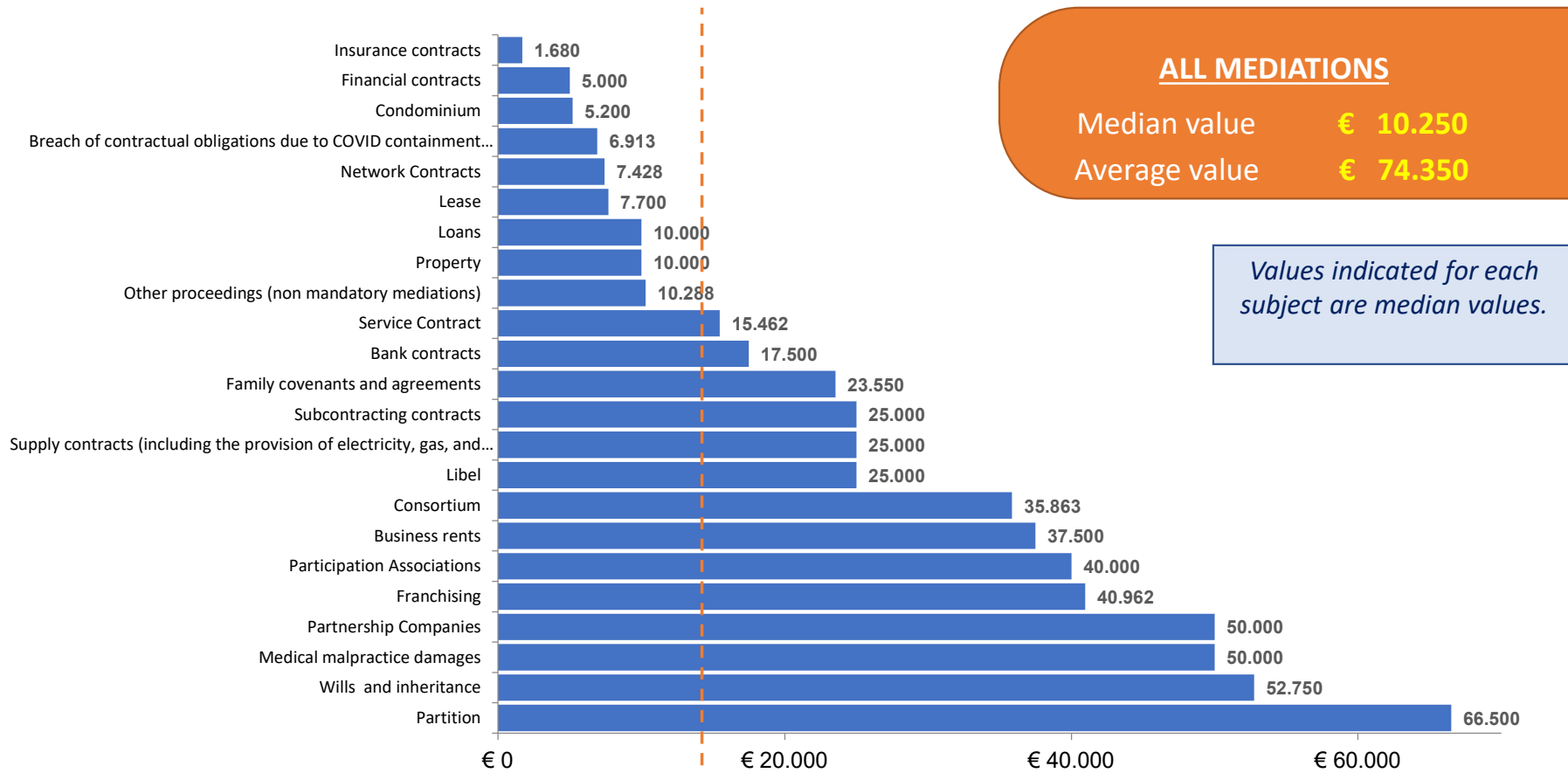


REGIONS	%
LOMBARDY	13,3%
LAZIO	12,1%
TOSCANY	11,2%
CAMPANIA	10,5%
EMILIA-ROMAGNA	8,9%
SICILY	8,5%
PIEDMONT	6,4%
PUGLIA	6,2%
VENETO	4,7%
CALABRIA	3,3%
SARDINIA	3,0%
LIGURIA	3,0%
ABRUZZO	2,5%
MARCHE	1,5%
FRIULI-VENEZIA GIULIA	1,3%
UMBRIA	1,1%
TRENTINO-ALTO ADIGE	1,1%
BASILICATA	0,7%
MOLISE	0,4%
VALLE D'AOSTA	0,2%

*Analysis made with a sample of resolved cases*



# Economic value of mediation disputes

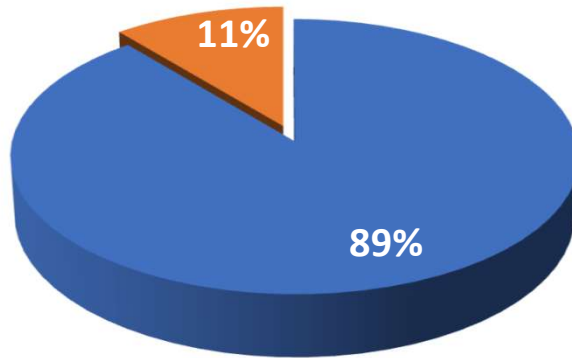




2023

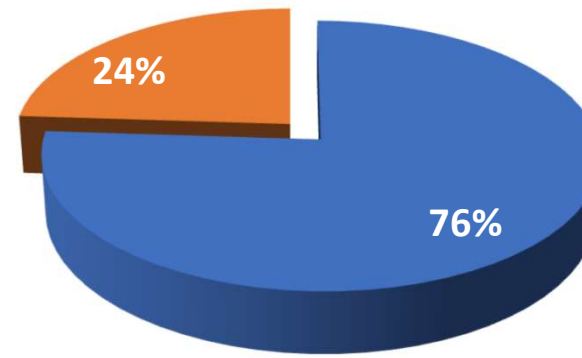
## Lawyer's assistance in voluntary mediation

### Total claimants



Year 2022	78% Assisted by lawyer
	22% NOT Assisted by lawyer

### Total defendants



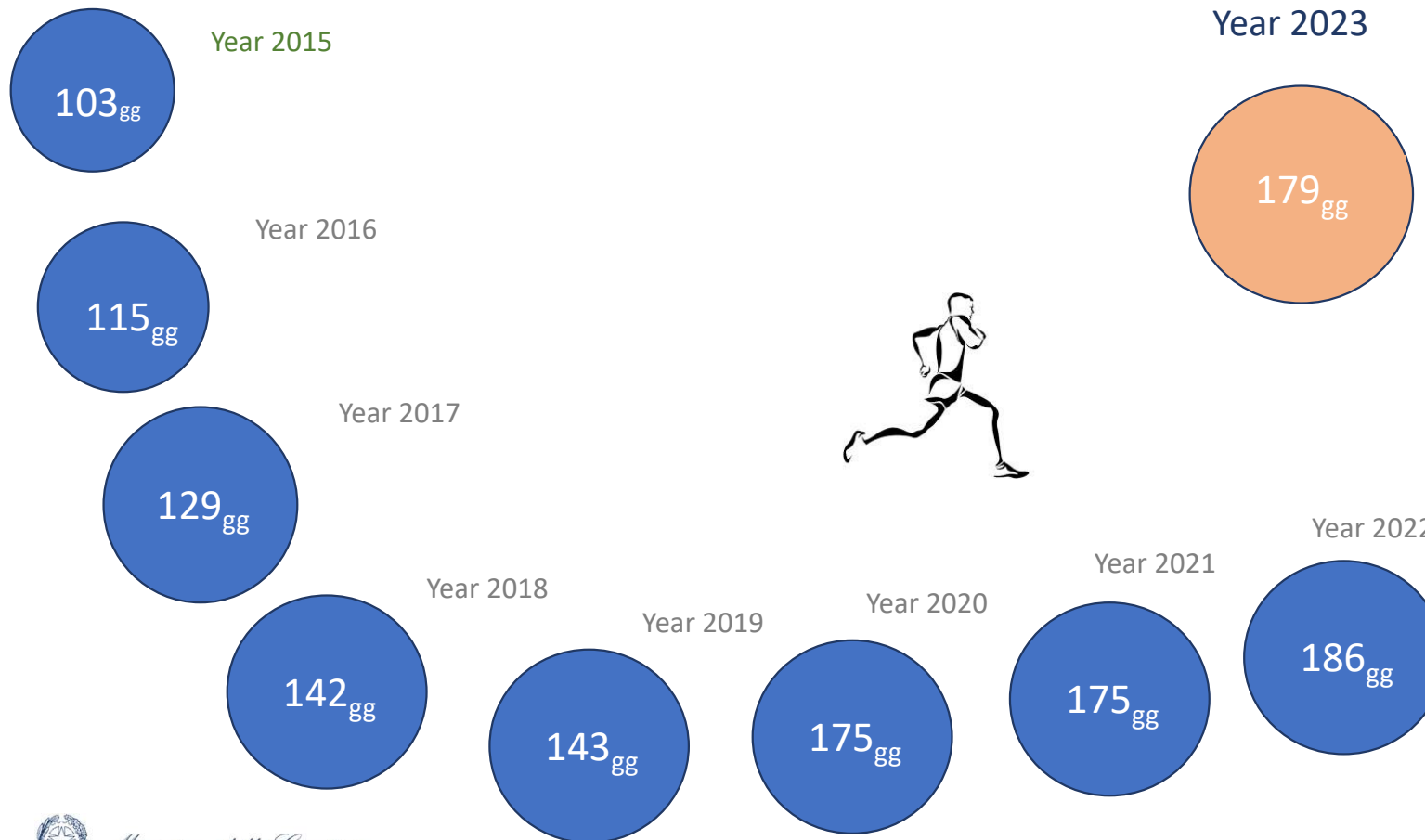
Year 2022	86% Assisted by lawyer
	14% NOT Assisted by lawyer

■ Assisted by lawyer  
■ NOT assisted by lawyer

***From September 21<sup>st</sup> 2013 the assistance of parties by lawyers is mandatory for all mandatory mediations***



## Days in mediation (Cases when an agreement is reached)



Document available at  
<https://webstat.giustizia.it>



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