RULES OF MEDIATION

(In force from the 1st of September 2011)
INTERNATIONAL ARBITRATION CHAMBER OF PARIS
RULES OF MEDIATION

Article 1: Subject of mediation proceedings:

When a dispute arises between the parties or if they have so provided in their contract, two or more parties can initiate mediation before the International Arbitration Chamber of Paris. The International Arbitration Chamber of Paris is seized with a matter at the request for mediation, process allowing parties to find themselves a solution to their dispute, under the aegis of a mediator, independent and neutral third party.

Article 2: Recourse to mediation proceedings:

A request for mediation can be submitted during an arbitration proceeding, at any time, either as parties have provided for a preliminary mediation clause referring to the International Arbitration Chamber of Paris or referring to its mediation rules, or once the dispute has arisen.

Once the dispute has arisen, one or several parties can initiate the mediation out of any arbitration procedure when the parties have so agreed. In such case, the present mediation rules are applicable to the procedure.

Mediation can also be suggested to the parties at arbitration by the chairman of the International Arbitration Chamber of Paris if, according to the plaintiff position, he believes that a mediation is likely to solve the dispute opposing them. In such case, the chairman of the International Arbitration Chamber of Paris summons the parties and their counsel to inform them of this process. He collects their assent on the implementation of this measure and on the name of a mediator. He can also grant them a period of reflexion.

Article 3: Request for mediation:

Every request for mediation is registered by the Secretariat of the International Arbitration Chamber of Paris upon receipt. To be admissible, it must contain the parties’ civil status or company name and addresses, a synthetic memorandum explaining the dispute, and parties’ respective positions or the position of the party requesting mediation before the International Arbitration Chamber of Paris.

From the moment it was introduced, the request for mediation is immediately transferred by the Secretariat to the defendant. The defendant has a period of 8 working days to accept or refuse it. His lack of response in this period is leading to the nullity of the mediation proposal.

When it is submitted during arbitral proceedings, the arbitration operations are suspended from the date of the acceptation of mediation proceedings to the date of the record concluding to the failure of the mediation.
When the request for mediation is submitted after the first writ of summons, it is submitted to the Arbitral Tribunal who rules on this request in accordance with the Rules of the International Arbitration Chamber of Paris. If the Arbitral Tribunal considers the mediation request justified and appropriate, the International Arbitration Chamber of Paris is seized by the most diligent party.

If the mediation is declined, the Secretariat of the International Arbitration Chamber of Paris informs the party who requested it of the impossibility to follow the request up. The parties are free to request to the renewal or to the implementation of the arbitral procedure according to the terms provided by the Rules of Arbitration.

A request of mediation does not suspend delays to request arbitration.

**Article 4: Reply to the request for mediation:**

The parties’ agreement to implement the mediation results either from a contractual mediation clause established in their preliminary agreement, or from their assent, formalized in an agreement, when the dispute has occurred during the course of the initiating of the case before the International Arbitration Chamber of Paris as an arbitration or mediation organizing authority.

On the other hand, the refusal or the lack of response by one of the parties within the delay set out in Article 3, paragraph 2 of these Rules, or suggested by the chairman of the International Arbitration Chamber of Paris, lead to the nullity of the request for mediation.

**Article 5: Mediation costs:**

Upon agreement on the principle of mediation, each party must pay the advance on costs fixed by the International Arbitration Chamber of Paris on the basis of the costs scale set out in the Annexe.

These costs are fixed by the Secretariat. Each party must pay a half of the entire amount of these costs, unless they have provided otherwise.

All costs are definitively and entirely acquired by the International Arbitration Chamber of Paris.

**Article 6: Appointment of a mediator:**

The mediator is appointed by the chairman of the International Arbitration Chamber of Paris. In such case, the mediator must be accepted by all the parties. In case of disagreement, the appointment of a mediator must intervene by a mutual consent of the parties on the base of a list of mediators recommended by the International Arbitration Chamber of Paris.

The mediator cannot be appointed later as an arbitrator in the dispute that has been subject to a mediation attempt.
In the event of death, refusal of mission, incapacity, failure of the mediator, or whether he becomes ineligible to this mission, the chairman of the International Arbitration Chamber of Paris proceeds with his replacement in order to make progress in the mediation or conciliation process.

**Article 7: Conduct and progress of the mediation:**

The mediator implements the mediation process. As soon as he was appointed, he receives the parties, at their convenience and at the place he determines. He can hear them and their counsels, separately, together, or according to the parties’ wishes. He requests all useful information, guided by the principles of independence, impartiality and equity.

The mediation procedure cannot exceed two months from the parties’ agreement on the mediator. This period may be extended once for a period of one month, by mediator’s decision, with the parties’ agreement.

**Article 8: Assistance:**

During the course of the mediation procedure, the parties may be assisted by a counsel.

**Article 9: Confidentiality of the mediation:**

The mediator and the parties are held to the strictest confidentiality for everything concerning the mediation. Any observation, statement or proposal made before the mediator or by him, cannot be used later on by anyone in another arbitration or judicial procedure.

**Article 10: Closure of the procedure:**

The mediation ends either by the settlement of an agreement between the parties, either by the mediator’s record of the mediation’s failure.

In both case, the mediator informs of it the International Arbitration Chamber of Paris in writing and without delay.

In the event of the failure of the mediation procedure, the Secretariat notifies to the parties the report of the failure of the mediation and their possibility to ask to renew or implement the arbitration procedure by the International Arbitration Chamber of Paris.

**Article 11: Various provisions:**

A request for mediation is inquired in accordance with the rules in effect on the date of introduction of the request.