



# ARBITRATION CHAMBER OF PARIS

## **RULES OF MEDIATION- CONCILIATION**

*(In force from the 1<sup>st</sup> of March 2001)*

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## RULES OF MEDIATION-CONCILIATION

### 1 **Article 1 : Aim of the Mediation / Conciliation procedure :**

2 Two or more parties can, when a dispute arises between them or if they have so  
3 provided in their contract, refer a matter to the Arbitration Chamber of Paris to request  
4 mediation/Conciliation.

5 A/. The mediator aims to reconcile the parties by suggesting possible solutions to  
6 resolve th conflict between them.

7 B/. The conciliator helps the parties to formulate an agreement which resolves their  
8 dispute.

### 9 **Article 2 : Enforcement of Mediation/Conciliation :**

10 A Mediation/Conciliation application can be made during arbitration proceedings  
11 or outside of any arbitration.

12 When a Mediation/Conciliation application is made and registered by the  
13 Secretary's office, between the arbitration application and the first summons of the affair  
14 before the arbitrators, arbitration proceedings are suspended for a period between the date of  
15 which Mediation/Conciliation is accepted until a declaration of the failure of the Mediation/  
16 Conciliation attempt.

17 During Mediation/Conciliation proceedings, introduced according to the  
18 conditions forseen in the preceding paragraph 1, the present rules replace the rules of  
19 Arbitration.

20 However, when the Mediation/Conciliation application is made after the first  
21 summons of the affair, the application is transferred to the Arbitration Tribunal who then  
22 must examine the affair according to the rules of Arbitration of the Arbitration Chamber of  
23 Paris.

24 The Arbitration Chamber of Paris can also consider a matter referred by one or  
25 more parties through a Mediation/Conciliation application outside of any arbitration before  
26 the aforesaid Chamber. In this case, the present Mediation/Conciliation rules apply to the  
27 Mediation/Conciliation procedure.

28 A Mediation/Conciliation application does not interrupt the time limit in which to  
29 make an arbitration application.

30 In all these cases, the application, which must mention the civil status or trade  
31 name and the address of the parties, must contain a summary which presents the dispute  
32 and the respective position of the parties who refer a matter to the Arbitration Chamber of  
33 Paris.

34 **Article 3 : Reply to a Mediation /Conciliation application :**

35 The Secretary's office of the Arbitration Chamber of Paris informs the other party of  
36 the Mediation/Conciliation application and fixes a time limit of 10 days to receive the  
37 acceptance or refusal to attempt Mediation/Conciliation.

38 The agreement of the parties to put into effect Mediation/Conciliation results from  
39 the signature of both parties of a convention designating the Arbitration Chamber of Paris as  
40 the organiser of the Mediation/Conciliation in conformity with the present rules.

41 However, the refusal or failure to reply in the time period foreseen in paragraph 1 of  
42 the present article engenders the nullity of the Mediation/Conciliation application and the  
43 parties are invited to resolve their dispute through arbitration or other forms of resolution.  
44 The Mediation/Conciliation applicant is informed by the Arbitration Chamber of Paris which  
45 reimburses to each party their part of the deposit paid after deduction of expenses for opening  
46 a file.

47 **Article 4 : Fees and Retainers :**

48 In a time limit of 10 days foreseen in article 3, the parties must pay in way of  
49 deposit half the fees, a sum calculated by the Arbitration Chamber of Paris in conformity  
50 to the annexe of the table of fees.

51 These fees, calculated by the Secretary's office, are covered in half by each party,  
52 unless they have provided otherwise.

53 **Article 5 : Nomination of a Mediator/Conciliator :**

54 The designation of a Mediator/Conciliator must occur at the latest on the 10<sup>th</sup> day  
55 from the deposit of the fees, either through the common agreement of the parties after  
56 consultation of a list submitted by the Arbitration Chamber of Paris, or in the absence of such  
57 a designation, by nomination by the President of the Arbitration Chamber of Paris. In this  
58 case, the Mediator/Conciliator must be accepted by all the parties in a time period of 10 days  
59 from the nomination.

60 The Mediator/Conciliator cannot be designated as arbitrator relating to a dispute  
61 that has been the object of a Mediation/Conciliation attempt.

62 In the event of death, refusal of mission, or incapacity, the failure of the  
63 Mediator/Conciliator to make progress in the Mediation/Conciliation proceedings, or in the case  
64 where the Mediator/Conciliator is unable to carry out his function, there will be the replacement  
65 by the President of the Arbitration Chamber of Paris.

66 **Article 6 : Mediation/Conciliation procedure :**

67 The Mediator/Conciliator receives, once nominated, the parties at their  
68 convenience at the place he determines. He hears the parties and their counsels separately ( or  
69 together if the parties so wish). He requests all useful information in accordance with the  
70 principles of independence, impartiality and equity.

71 The procedure must not exceed 6 weeks from the acceptance by the parties of the  
72 Mediator/Conciliator. This time period can be extended by a period up to three weeks.  
73 During the Mediation/Conciliation the time limit for arbitration is suspended.

74 **Article 7 : Assistance**

75 In the course of a Mediation/Conciliation attempt the parties can be assisted by a  
76 counsel.

77 **Article 8 : Confidentiality of the Mediator/Conciliator :**

78 The Mediator/Conciliator and the parties are held by the most strictest of  
79 confidences in relation to the Mediation/Conciliation; no contestation, declaration or  
80 proposition made before the Mediator/Conciliator or by the parties themselves can be used  
81 afterwards by any person.

82 **Article 9 : Closure of the procedure :**

83 The Mediation attempt ends :

- 84 - either by the signature of a protocol between the parties,  
85 - either by the declaration by the Arbitration Chamber of Paris of an infutile attempt of the  
86 Mediation, without need to justify the declaration.

87 The Conciliation attempt ends :

- 88 - either by a signature of a protocol between the parties,  
89 - either by the establishment, by the Conciliator of default.

90 In the event of failure of the Mediation procedure or in default of Conciliation, at  
91 the end of the time limit foreseen in article 6, ither party can request recommencing or  
92 bginning arbitration proceedings by the Arbitration Chamber of Paris.

93 **Article 10 : dispositions diverses**

94  
95 All interpretation of the present rules fall within the jurisdiction of the Arbitration  
96 Chamber of Paris.

97 The request for Mediation/Conciliation is dealt with in conformity with the  
98 rules in force on the day the Mediation/Conciliation application was introduced.

## TABLE OF MEDIATION-CONCILIATION FEES

*(In force from the 1<sup>st</sup> of March 2001)*

<b>File fee</b>	☞	305 €	2.001 F
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<b>Charge per hour of Mediator/Conciliator</b>	☞	100 €	656 F
<i>(The charge is calculated according to the time dedicated to Mediation/Conciliation)</i>			