

# MEDIATION RULES

## 1. MEDIATION

- 1.1. Mediation is a non-adversarial method for settling disputes in an amicable manner, with results that are deemed as efficient.
- 1.2. Mediation characterizes as spontaneous, informal, and confidential proceedings.

## 2. SUBMISSION TO THE PRESENT RULES

- 2.1. The Ciesp/Fiesp Chamber of Conciliation, Mediation, and Arbitration (Chamber) establishes these present Mediation Rules, which may be adopted by the parties interested in settling disputes regarding freely transferable property rights.
- 2.2. Any party involved in disputes regarding freely transferable property rights may request the services of the Chamber in pursuit of an amicable resolution of a conflict concerning the interpretation or performance of agreement made with the other party.

## 3. PRELIMINARY ACTIONS

- 3.1. The party interested in filing for mediation proceedings shall send a written notice to the Secretariat of the Chamber, and the Secretariat of the Chamber shall set a date and time for the party to attend, free of charge, a non-binding interview, referred to as pre-mediation meeting, accompanied by legal counsel, if the party so wishes, for presentation of the work methodology and the responsibilities of both the mediators and the parties.

- 3.2. The party shall have two (2) days to determine whether it deems the mediation proceedings to be useful and appropriate for the case at issue. Should the party opt for mediation, the Secretariat of the Chamber shall invite the other party to attend a pre-mediation meeting, following the procedure of item 3.1.
- 3.3. The other party shall have two (2) days to express its desire to mediate or not. Should the party opt for mediation, the Secretariat of the Chamber shall submit to the parties a list of mediators for them to mutually choose, within five (5) days, a professional to conduct the mediation. If no agreement is reached to such effect, a mediator shall be appointed by the President of the Chamber.

#### **4. THE STATEMENT OF MEDIATION**

- 4.1. A meeting shall then be set to be held within no more than three (3) days following the nomination of the mediator, unless otherwise stipulated by the parties, whereupon the parties and their counsel, if any, and the mediator, shall establish the meetings' timetable, execute the Statement of Mediation, and pay for the costs estimated by the Chamber, as set out in the Schedule of Costs.
- 4.2. Unless otherwise agreed by the parties, the mediation proceedings shall not exceed thirty (30) days from the date of execution of the Statement of Mediation.
- 4.3. The mediation meetings shall be held at the Chamber's facilities, unless otherwise determined by the mediator.

## **5. AMICABLE SETTLEMENT**

- 5.1. If the mediation is successful and an amicable settlement is reached between the parties, the mediator shall draft the relevant Settlement Agreement together with the parties and their counsel. An original counterpart of the Settlement Agreement shall be filed with the Chamber, for record purposes and to provide security to the parties.

## **6. FINAL PROVISIONS**

- 6.1. The mediator or either party may interrupt the mediation proceedings at any time should they consider that the parties have reached a deadlock that cannot be resolved.
- 6.2. If the attempts to reach an agreement are unsuccessful, the mediator shall state such fact and recommend that the parties submit the case to arbitration, if applicable.
- 6.3. Unless otherwise agreed between the parties, anyone who has functioned as mediator shall be prevented from acting as arbitrator, in the event the dispute is submitted to arbitration.
- 6.4. No fact or circumstance disclosed or occurring during the mediation shall adversely affect the right of either party, in any arbitral or judicial proceedings following the mediation, in case the latter proves unsuccessful.
- 6.5. The mediation proceedings are strictly confidential; the members of the Chamber, the mediator and the parties shall not disclose any information related thereto which they became aware of as a result of their work or participation in the mediation.

- 6.6. Upon the closing of the Mediation proceedings, the Secretary General of the Chamber shall provide a report to the parties with the amounts paid, as stated in the Schedule of Costs and Mediators' Fees, and request payment of any pending amounts, if any, or return any exceeding balance.
- 6.7. The Chamber's List of Mediators shall include reputable professionals renowned for their technical qualification, subject to the same causes leading up to disqualification on the basis of impediment, inability or suspicion applicable to arbitrators.
- 6.8. Any questions arising from the adoption of these Rules as well as all cases not provided for herein shall be resolved by the President of the Chamber.
- 6.9. These Rules, duly approved under the Bylaws on November 29, 2012, are effective as of August 1, 2013.
- 6.10. Unless otherwise agreed between the parties, these Rules apply to proceedings filed as of this present date.