

BUSINESS MEDIATION – RULES

1) SCOPE OF APPLICATION

The International Business Mediation Service aims at settling financial disputes, arising between parties of different nationalities and, in particular, between companies, and companies and consumers.

2) HOW TO COMMENCE MEDIATION

Mediation commences with the filing of a request for mediation with the Secretariat of the International Business Mediation Service.

The parties can commence or accept mediation either by using the form provided by the Secretariat or by filing a statement containing the same information as requested in the form.

The parties may also file joint or simultaneous requests. The mediation request may be filed against multiple parties.

Each party may access the file of the proceedings, except for those documents the parties declare to be for the mediator only.

The Secretariat informs the other interested party of the filing of the mediation request immediately by a means suitable to prove receipt and invites that party to file an answer within 15 days of receiving that communication.

If the other party accepts mediation and files its acceptance, a mediator is selected and a meeting is scheduled.

3) THE MEDIATOR

The mediator does not settle the dispute but helps the parties find their own, mutually satisfactory settlement. The mediator is selected by the Secretariat from a list composed by Italian mediators and mediators of other nationalities, with a specific expertise in crossborder

disputes resolution. Where it deems it appropriate, the Secretariat selects a mediator outside of the list.

The parties may jointly agree on a mediator from the list.

The mediator shall sign a statement of independence and accept the code of conduct when accepting his/her task.

The mediator may not subsequently act as consultant, counsel or arbitrator for the same parties in the same dispute.

The Secretariat may agree with the mediator on the appointment of an assistant to help carry out the mediator's task. If all parties so agree, then they undertake to bear all related costs in equal parts.

Each party may request the Secretariat to replace the mediator on justified grounds.

4) THE SECRETARIAT

The officers of the Secretariat must be and appear to be impartial; they must not discuss the merits of the dispute nor act as legal or mediation consultants.

The Secretariat ascertains whether the parties are willing to participate in the mediation meeting, designates the mediator in the specific case, organizes the mediation meeting and takes care of all necessary communications by the most suitable means.

The Secretariat declares the proceedings closed and informs the parties:

- if the party invited to participate in the mediation expressly refuses to do so or does not communicate its acceptance within the time limit in Art. 2;
- at any time when the parties declare or show that they are no longer interested in the mediation.

Upon request of a party, the Secretariat certifies in writing that:

- a request for mediation has been filed;
- the second party has not accepted mediation;
- the mediation proceeding has been closed.

5) THE MEDIATION MEETING

The meeting is held at the premises of the Secretariat or any other venue commonly chosen by the parties and by the Secretariat.

The first mediation meeting is held within 45 days of receiving the second party's acceptance, unless the parties otherwise agree or the Service reschedules on justified grounds.

The parties attend the meeting personally or, by way of an exception, through a duly empowered representative.

The parties may be assisted by counsel, representatives of consumer associations or professional unions or other people they trust.

The parties must always inform the Secretariat adequately in advance of the names of the participants to the meeting.

The mediator conducts the meeting informally and hears the parties either together or separately. Only in specific cases does the Secretariat select a technical consultant, according to the mediator's instructions, provided that all parties so agree and undertake to bear the consultant's fees in equal parts.

The mediator may schedule further meetings in agreement with the parties.

6) OUTCOME OF THE MEDIATION MEETING

The minutes of the mediation meeting are signed by the parties and the mediator and record the outcome of the meeting and, if such is the case, a party's inability or refusal to sign.

If the mediation is successful, the mediation agreement is included in a separate document, undersigned by the parties only.

Any fiscal obligations relating to the agreement are borne by the parties.

7) CONFIDENTIALITY

The mediation proceedings is confidential and there is no record of the meeting, either in writing or otherwise.

The mediator, the parties and all participants in the meeting shall not disclose any fact and information obtained in the mediation proceeding to third parties.

The participants in the mediation meeting, other than the parties, shall sign a declaration to this effect.

The parties may not use any statement and information obtained during the proceedings in any subsequent legal proceedings brought by the parties relating to the same dispute. The parties may not summon the mediator, the officers or any other person involved in the mediation to testify in legal proceedings on facts and circumstances of which they became aware in connection with the mediation.

SCHEDULE OF FEES OF THE BUSINESS MEDIATION SERVICE

MEDIATION COSTS

Value of dispute Cost for each party

Up to	€	1.000,00			€	40,00
From	€	1.001,00	to	€	5.000,00	€ 100,00
“	€	5.001,00	to	€	10.000,00	€ 200,00
“	€	10.001,00	to	€	25.000,00	€ 300,00
“	€	25.001,00	to	€	50.000,00	€ 500,00
“	€	50.001,00	to	€	250.000,00	€ 1.000,00
“	€	250.001,00	to	€	500.000,00	€ 2.000,00
“	€	500.001,00	to	€	2.500.000,00	€ 4.000,00
“	€	2.500.001,00	to	€	5.000.000,00	€ 6.000,00
Over	€	5.000.000,00				€ 10.000,00

The mediation costs indicated above include IVA.

The costs include the mediator's and the International Business Mediation Service's fees regardless of the number of meetings.

All costs and fees must be paid by each party, regardless of the number of parties.

It must be paid (by the Banco di Sardegna - Agency n. 1 cc n° 13701 of the Chamber of Commerce at Sassari, IBAN IT40 K 01015 17203 000000013701) before the start of the mediation meeting; otherwise the Secretariat shall suspend the proceedings.

The value of the dispute is indicated in the mediation request.

If the amount in dispute is not determined, cannot be determined or is determined in a considerably different value by the parties, the Secretariat shall determine the applicable fee.

The costs above reported do not include any costs for translation services, travel expenses and the mediator's expense account.