

**Mediation Rules of the International Commercial and Industrial Court  
(CARICI) of the International Commercial and Industrial Association  
(ARICI)  
[In effect, February 1, 2000]**

**REQUEST FOR MEDIATION**

**Article 1**

1.1 When a dispute arises relating to issues of a modest amount or when it appears to one or more of the parties involved that an independent appreciation of their claims by a qualified third party may lead to an amicable solution, CARICI may, upon request, open a mediation proceeding.

1.2 The request for mediation shall be made by filing an individual or a joint application to the CARICI Secretariat. In the absence of a request by the parties concerned, the request shall be accompanied by the written consent of the other party or parties, CARICI may itself seek such consent.

1.3 The request shall state the name, professional description, capacity and address of the parties, as well as a copy of the document(s) establishing the basis of the intervention by CARICI. It shall state briefly the facts of the dispute.

**APPOINTMENT OF THE MEDIATOR**

**Article 2**

2.1 If and when the request is accepted by CARICI, it shall, within 10 days, appoint a mediator or send to the parties concerned a proposal as to the procedure for the mediation.

**POWERS OF THE MEDIATOR AND PROCEDURE**

**Article 3**

3.1 The role of the mediator shall be to assist the parties to reach a settlement. The mediator shall have full discretion as to the means used. However, the mediator shall not have the power to impose agreement on a party. It is up to him or her to emphasize features of the claims, to propose the terms of a fair solution, to point out the risks and inconveniences of litigations, and in general to try to help the parties to resolve their dispute.

3.2 At any time, the mediator may terminate the procedure of mediation if in his judgement, further efforts will not contribute to a solution of the dispute.

3.3 The mediation procedure is strictly confidential. CARICI, the mediator as well as the parties hereby undertake not to divulge to third parties facts or other elements linked with the content of this proceedings, save when the divulging of the same is necessary to the implementation of the amicable settlement achieved.

**Article 4**

4.1 Within 10 days from the receipt of a request by all concerned parties, the mediator shall call the parties to a mediation hearing set shortly thereafter. Each party may submit to the mediator a brief memo summarising its position in the dispute.

4.2 With the agreement by the parties, the mediator may conduct, outside the mediation hearing, separate meetings with any of the parties and formulate recommendations. Upon prior written consent by the parties, the mediator may also arrange an expert opinion(s) or any other investigatory measures.

4.3 The proceedings shall end on the reaching of an amicable settlement, or at a decision of the mediator or at the request from a party.

An amicable settlement, the decision by the mediator or the request from a party to terminate the proceedings shall be notified to CARICI without delay.

The proceedings shall also end when no amicable settlement is reached within two months after the filing of the request for mediation by the parties, except that the parties may request for an extension of this time-limit.

## **Article 5**

5.1 The administrative charges regarding the mediation proceedings shall be US\$ 2,000.-. These charges shall be paid upon the filing of the mutual requests by the parties for the mediation, in order that the proceedings may be immediately commenced, and shall be non-refundable by CARICI.

5.2 The above-mentioned payment, as well as any other costs incurred with the prior consent of the parties, shall be paid in equal shares by the parties.

5.3 CARICI shall set the amount of a payment on account of the costs which the parties shall be requested to deposit.

5.4 If, after the first hearing, the mediator considers that no negotiated solution is possible, he may so state as a record of the hearing and propose a total or partial refund of the deposit paid.

5.5 If an amicable settlement is reached by the parties, the mediator shall be entitled to fees to be set by agreement by the parties.

5.6 If the mediation fails to reach a settlement, the parties may proceed with an arbitral proceedings before CARICI. If so, the deposit paid shall be taken into account within the arbitration proceedings.

**Source: AryMe (aryme.com)**