



C.A.M.P.

**CHAMBRE ARBITRALE
MARITIME DE PARIS**

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Mediation Rules

In force as from 31st May 2012

In case of a conflict of interpretation, the French printed version prevails

MEDIATION RULES

I. General

Any dispute arising within the subjects defined in Article I of the Arbitration Rules may be referred, as provided for in Article 1532 et seq. of the “Code de procedure Civile”, (the CPC) to a mediation process conducted by a mediator appointed by agreement between the parties or, in the absence of agreement, by the Committee of the Chambre.

The mediator will have to fulfil the conditions set out in Art. 1533 of CPC.

II. Request for Mediation

Any party which requires to use the mediation procedure shall address to the Secretariat of the Chambre a request including a brief outline of the matter in dispute, together with the payment on account of the deposit specified in Article VII below.

Following receipt, the Secretariat shall inform the opposite party of the request for mediation requiring it to advise within 15 days whether it agrees to a mediation process or not.

In the absence of any response within this period, or in the case of a negative response, there shall be no mediation and the requesting party shall be so informed immediately by the Secretariat which shall at the same time point out that a normal arbitration procedure may be undertaken subject to the provisions of Article V of the Arbitration Rules.

III. Procedure

When the process is agreed to, the Secretariat shall advise the requesting party and invite the parties to appoint by agreement, within one month, a mediator from the list of arbitrators referred to in Article IV of the Arbitration Rules.

The parties may equally, if they so wish, require the Chambre by a joint request to appoint a named mediator from the list referred to in Article IV of the Arbitration Rules.

In the absence of a choice by the parties, the Committee of the Chambre shall appoint a mediator within 15 days from the expiry of the one month period referred to above.

The parties will be immediately informed of the acceptance of his appointment by the mediator.

The mediation will be started within the shortest possible time and at the latest following payment of the deposits.

IV. Powers of the mediator

The mediator shall have a period of two months for the completion of his mission, such period being renewable once for the same period by decision of the Committee of the Chambre. The mediator shall have complete discretion in conducting the mediation process whilst respecting the normal principles, in particular skills, impartiality and diligence:

- he may grant the parties time to submit their arguments and where appropriate to provide the documents on which they expect to rely,
- he may receive the parties separately before meeting them together,
- he may decide in accordance with the parties the date and place of mediation meeting,
- he may, at any stage, invite a party to provide any information which he considers necessary.

The parties may be assisted by representatives of their choice.

V. Confidentiality

The mediator's findings and all statements collected during the mediation must not be disclosed to any third party nor be used in any other judicial or arbitral process without the prior approval of the parties.

VI. Outcome of the mediation procedure

The outcome of the mediation process shall be recorded in an agreement prepared by the mediator, signed by the parties and co-signed by the mediator. This agreement may be submitted to the competent court for judicial approval as set out in Art.1533 of CPC.

If the mediation process fails, whether because of persistent disagreement between the parties or because of the decision of one or both parties not to pursue the process, the mediator shall prepare a notice of default which shall bring the process to an end and which shall be addressed to the parties and to the Secretariat of the Chambre.

In this case the dispute may be submitted to any appropriate jurisdiction, provided that, if the jurisdiction in question is the Chambre Arbitrale Maritime de Paris, the mediator shall not, without the express agreement of the parties, be appointed as one of the arbitrators making up the arbitral tribunal, whether at first or second degree.

VII. Fees and expenses

The payment on account of the deposit which must accompany any request for mediation is fixed at 800 €.

The total amount of the deposit in respect of fees, which must be paid in half shares by each of the parties subject to deduction of any payment or payments on account already made, will be notified to the parties as soon as the mediator accepts his appointment. It shall be equal to 50% of the deposit payable for arbitration calculated according to the tariff annexed to the Arbitration Rules applicable to a tribunal composed of three arbitrators.

If the amount of the claims cannot be quantified, the payment on account shall be fixed by the Committee of the Chambre in accordance with what is known of the case and of the charges of the Chambre and of the mediator.