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REGULATIONS
of the mediation procedure
in the Joint Mediation Council of the International Union of Commerce and Industry (UK)
and American International Commercial Arbitration Court (USA)

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of the International Union of Commerce and Industry (UK)
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Chapter I. General Provisions

Article 1. General concept of the mediation procedure in the framework of activities of the American International Commercial Arbitration Court

1. This Regulation establishes the procedure for the conduct of the mediation procedure (hereinafter - the mediation procedure) with participation of one or more mediators in the framework of activities of the American International Commercial Arbitration Court (hereinafter - the Arbitration Court). This procedure is aimed at resolving international economic (commercial, trade) disputes arising between residents of different states, economic (commercial, trade) disputes, as well as the disputes arising from civil and labor relations between residents of the United States.
2. The mediation procedure can be used to settle disputes between non-residents of the USA, arising from civil and labor relations, as well as disputes arising from agreements and contracts in professional sports, if it isn't contrary to the law of the countries represented by the disputing parties.
3. The mediation procedure specified and regulated by this Regulation is carried out by the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the American International Commercial Arbitration Court (hereinafter - Mediation Council). The list of Council members shall be formed in accordance with the rules established by this Regulation.
4. Mediation is an alternative (non-judicial) method to settle disputes. It implies negotiations, reconciliations and compromises conducted by the disputing parties with the help of one or more mediators.

Article 2. Normative regulation of the mediation procedure

1. The mediation procedure is regulated by this Regulation. All issues and relations associated with the mediation procedure, which are not directly regulated by this Regulation, shall be resolved in accordance with the rules established by the Regulations of the Arbitration Court.
2. The Regulations of the Arbitration Court are used to regulate the mediation procedure to the extent not contrary to this Regulation.
3. Issues and relations associated with the rules of the mediation procedure implementation, which are not directly regulated by this Regulation and cannot be directly regulated by the rules of the Arbitration Court Regulations because of being contrary to certain norms of this Regulation, shall be resolved in the context of general principles and ideology of UNCITRAL Model Law on International Commercial Arbitration, taking into account the generally accepted business practice, international arbitration practice, as well as criteria of social justice.

Article 3. Mediation provision (mediation clause)

1. The parties have the right to add a mediation clause to the main contract (agreement), which regulates their relations, or to the separate agreement between them. This clause will determine the competence of the Mediation Council for resolving possible disputes.

2. Effects of the mediation clauses of any of the types specified by this Regulation, if executed officially by the parties, do not depend on the contracts to which they may be added (or in connection with which they may be stated in separate agreements).

3. Mediation clause should be comprehensive. It should provide for the submission of the dispute to the arbitration institution if it is impossible to settle such dispute by conducting the mediation procedure.

4. In practice the Arbitration Court uses the following mediation clauses and offers the interested parties to use them in contracts (agreements) regulating their economic (commercial, trade), civil or labor relations:

4.1. *Concise mediation clause:*

a) Clause containing the reference to the Regulations of the Arbitration Court:

"Any disputes, controversies, claims or demands arising from this agreement or relating to it, as well as those related to execution, breach, termination or invalidity of the agreement (hereinafter - the disputes) shall be referred for settlement by means of the mediation procedure to the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the Arbitration Court. If the disputes are not settled through mediation, they shall be referred to the "American International Commercial Arbitration Court (LLC)" to be finally settled in accordance with its Regulations by one or more arbitrators appointed in accordance with the specified Regulations".

b) Clause containing the reference to the UNCITRAL Arbitration Rules:

"Any disputes, controversies, claims or demands arising from this agreement or relating to it, as well as those related to execution, breach, termination or invalidity of the agreement (hereinafter - the disputes) shall be referred for settlement by means of the mediation procedure to the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the Arbitration Court. If the disputes are not settled through mediation, they shall be referred to the "American International Commercial Arbitration Court (LLC)" to be finally settled in accordance with the UNCITRAL Arbitration Rules by one or more arbitrators appointed in accordance with these Rules."

4.2. *Full mediation clause:*

a) Clause containing the reference to the Regulations of the Arbitration Court:

"Any disputes, controversies, claims or demands arising from this agreement or relating to it, as well as those related to execution, breach, termination or invalidity of the agreement (hereinafter - the disputes) shall be referred for settlement by means of the mediation procedure to the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the Arbitration Court. If the disputes are not settled through mediation, they shall be referred to the "American International Commercial Arbitration Court (LLC)" to be finally settled in accordance with its Regulations by one or more arbitrators appointed in accordance with specified Regulations. The proper law of the contract – the substantive law of _____. Number of arbitrators - _____. Place of arbitration - _____. Language of arbitration proceeding - _____».

b) Clause containing the reference to the UNCITRAL Arbitration Rules:

"Any disputes, controversies, claims or demands arising from this agreement or relating to it, as well as those related to execution, breach, termination or invalidity of the agreement (hereinafter - the disputes) shall be referred for settlement by means of the mediation procedure to the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the Arbitration Court. If the disputes are not settled through mediation, they shall be referred to the "American International Commercial Arbitration Court (LLC)" to be finally settled in accordance with the UNCITRAL Arbitration Rules by one or

more arbitrators appointed in accordance with these Rules. The proper law of the contract – the substantive law of _____. Number of arbitrators - _____. Place of arbitration - _____. Language of arbitration proceeding - _____».

Article 4. Peculiarities of the mediation procedure implementation

1. Regulatory power and remedial nature of the mediation procedure are based on the fact of confidence of the disputing parties in a mediator, as an authoritative person facilitating the negotiations between such parties and assisting them in reaching a compromise settlement of the conflict by finding a mutually acceptable and effective solution unambiguously acknowledged by the parties.
2. The disputing parties have the right to resort voluntarily to the mediation procedure defined by this Regulation and intended to settle their dispute, regardless of the fact that such dispute may be pending in any state court or arbitration court and regardless of the procedural phase of the consideration. However, the dispute shall not be referred for settlement by means of the mediation procedure, if a decision of a court or arbitration tribunal on it has entered into force, or if in the course of its consideration in an arbitration tribunal or a court, in accordance with the will of the parties, the procedure of peaceful settlement of the dispute is being carried out (which should lead to the conclusion of a settlement agreement).
3. Implementation of mediation is based on the principles of free and equal access of the parties to the procedure, the voluntary consent of the parties to participate in it, and their desire to settle the disputes through negotiation, as well as confidentiality, objectivity and impartiality of the mediation procedure, free selection of mediators, their neutrality and independence.

Article 5. Participants of the mediation procedure

1. Participants of the mediation procedure are the parties and the mediator. Parties of mediation may be both individuals and legal entities, including state government bodies of different countries.
2. Mediation can be initiated between two or more parties. It can be conducted with assistance of one or more mediators.
3. The parties have the right to participate in the procedure of mediation in person or through their official representatives. In the course of mediation the parties, by mutual consent, may be assisted by lawyers, consultants, translators and other persons.
4. The mediator is not authorized to represent the parties in the dispute consideration process. Such person may not thereafter be an arbitrator in the same dispute, unless the parties have not specified otherwise.

Chapter II. Mediation procedure

Article 6. Request for mediation

1. If the parties wishing to settle their dispute through the mediation procedure, have added a mediation clause into the main contract (agreement) regulating their relations (or into a separate agreement), they may send a joint request to organize the mediation procedure to the Secretariat of the Arbitration Court.
2. The request for the conduct of the mediation procedure shall be addressed to the Secretariat of the Arbitration Court and the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the Arbitration Court.
3. A joint request of the parties for the mediation procedure must contain the following information:
 - names of the parties, their addresses, telephone and fax numbers, emails;
 - personal data of authorized representatives of the parties, if present;
 - brief description of the substance of the dispute, including the assessment of its value;
 - list of key documents related to the nature of the dispute;
 - indication of one or more mediators selected by the parties, or a joint request for the appointment of a mediator (indicating the requirements for his/her qualification).

4. The joint request of the parties for the conduct of the mediation procedure shall be accompanied by:

- duly attested copies of documents related to the nature of the dispute;
- proof of payment of the registration fee, established in accordance with the rules stated in the provisions of this Regulation.

5. If the request for the conduct of the mediation procedure is submitted in the absence of some of the parties actually involved in the dispute, applicants of the request must send its copy to the parties to the dispute, who were not involved in its submission, within 10 days from the date of the submission. In the event that the parties duly notified by the above indicated method about the request for the conduct of the mediation procedure do not address the Secretariat of the Arbitration Court with the application for joining such request within 15 days of receiving its copy, the mediation procedure shall be considered to not have been agreed upon by all parties to the dispute and shall not be conducted.

6. The mediation procedure commences from the date of registration by the AICAC Secretariat of the corresponding joint request of the parties.

7. If the mediation procedure related to a certain dispute was not conducted because of the reasons specified in par. 5 of this Article of the Regulation, or if previously conducted mediation did not lead to full and final reconciliation, the parties can request second mediation for the same dispute.

8. A mediator is not allowed to accept the request for mediation directly from the parties. In case all parties to the dispute or some of them appeal directly to a mediator, the mediator must explain them the established herein order of conducting the mediation procedure.

Article 7. Formation of the Joint Mediation Council of the International Union of Commerce and Industry (London, UK) and the Arbitration Court and appointment of the Chairman (Speaker) of the Mediation Council

1. The Mediation Council is formed from among arbitrators of the Arbitration Court, other authoritative lawyers, human rights advocates, public men, as well as other highly qualified professionals in various fields from around the world.

2. The list of Mediation Council members is approved and corrected every year (once in 4 calendar months) by issuing a joint order of the President of the Arbitration Court and the President of the International Union of Commerce and Industry (London, UK).

3. In their first (in each calendar year) joint order on the formation of the Mediation Council, the persons specified in par. 2 of this Article of the Regulation shall appoint one of mediators as the Chairman (Speaker) of the Mediation Council.

Article 8. Election (appointment) of mediators

1. Unless the parties agree otherwise, the mediation shall be conducted by one mediator.

2. The provisions of this Regulation, regulating the functions and official operation procedure of the sole mediator, cover the cases of participation of two or more mediators in the mediation procedure. Allocation of duties between these mediators is made by agreement with the parties and, if necessary, with participation of the President (Speaker) of the Mediation Council.

3. The mediator is selected by the parties from the List of mediators of the Mediation Council (hereinafter - the List of mediators). Also, with the mutual consent of the parties, other persons can be appointed as mediators if their personal qualities meet the requirements for mediators. The parties may agree that a sole mediator or more mediators shall be elected by the Chairman (Speaker) of the Mediation Council, appointed jointly by the Presidents of the International Union of Commerce and Industry and the Arbitration Court.

4. If the parties fail to agree on the name of a mediator within 15 days after the Secretariat of the Arbitration Court receives the corresponding request, the mediator shall be appointed by the Chairman (Speaker) of the Mediation Council taking into account the wishes of the parties, if declared.

5. The elected or appointed mediator makes a signed statement to be neutral, independent, objective and impartial, to maintain confidentiality regarding the information disclosed to the mediator during the mediation.

6. If an elected or appointed mediator for any objective reason cannot start the mediation or continue the process started earlier, the Chairman (Speaker) of the Mediation Council shall appoint another mediator, if the parties do not agree otherwise.

Article 9. Preparation for conducting the mediation procedure

1. In the course of preparation for the mediation, the parties to the dispute shall hold a special meeting together with the selected or appointed mediator. At this meeting the procedures and rules of dispute settlement will be defined. But the parties may also agree on some other mechanism to establish such rules.

2. When preparing for mediation the mediator shall arrange and conduct preliminary individual and joint consultations with the parties to the dispute.

Article 10. Consultations of the mediator with the parties

1. Consultations of the mediator with the parties concerning issues of conducting mediation procedures commence only upon the parties provide proofs of having paid their registration fee.

2. Consultation between the parties and the mediator has the following objectives:

- clarifying the circumstances of the dispute and the positions of the parties;
- defining the necessary documents related to the dispute;
- preliminary definition of conditions, requirements and wishes of the parties in relation to the conduct of mediation and its results;
- clarifying views of the parties on the estimated time necessary to conduct and complete mediation;
- defining the place and time of initiation of the mediation.

3. After completion of consultations, the day of the beginning of the mediation procedure and, if necessary, subsequent dates of meetings are jointly determined by the parties and the mediator. This is aimed at ensuring the maximum convenience of participation in this procedure for the parties or their authorized representatives.

Article 11. Conduct of mediation

1. The mediation procedure will be conducted only after the parties pay a corresponding part of remuneration, administrative and compensation fees. Amounts of such payments, as well as the way and terms of payment are determined by the Act of expenses published by the Secretariat of the Arbitration Court in accordance with the provisions of this Regulation.

2. Meetings held in the course of the mediation procedure, begin with the identification of persons participating in the settlement of the dispute and verification of the corresponding authority of official representatives of the parties to the dispute.

3. The mediator elected or appointed in accordance with the rules established by this Regulation introduces him(her)self to the parties as a public official of the Arbitration Court. In the process of acquaintance of the mediation procedure participants, the mediator informs the parties of his professional experience and explains the basic principles of the conciliation procedure. Parties are informed about the role of the mediator in the mediation procedure intended to assist the parties in reaching the Settlement Agreement (Agreement of reconciliation), and about their right to refuse to continue mediation at any time.

4. Even being limited by provisions of this Regulation, the mediator is completely free to choose the method of conducting mediation. The mediator shall arrange the process at his/her own discretion in order to ensure the maximum efficiency of conciliation of the parties and to reach a final result in the form of a fair Settlement Agreement mutually acceptable for the parties.

5. In the course of mediation the mediator studies the documents related to the dispute; the parties state their views on the nature of the conflict between them, substantiate their positions in the dispute and make proposals in relation to its settlement.

6. If the mediator considers it necessary, he/she will communicate with each of the parties separately. Information received by the mediator in a conversation with one of the parties may be given to another party only with the consent of the party having provided the corresponding information.

7. The mediator gives the parties an opportunity to speak and to formulate proposals which they believe could lead to the settlement of their dispute.

8. Among the main tasks of the mediator in the process of conciliation are:

a) identification of real interests and intentions of each of the parties within their relations and in the process of mediation;

b) development and implementation of measures for convergence of interests and intentions of the parties, leading to the settlement of the conflict between the parties and achievement of a mutually acceptable agreement on the nature of the dispute.

9. Following the principles of neutrality and equality of the parties, the mediator may make, with their consent, his/her proposals regarding the possibility to settle the dispute and conclude the corresponding Settlement Agreement.

10. Unless the parties agree otherwise, the mediation procedure is conducted at the seat of the Arbitration Court.

Article 12. Suspension and termination of the mediation procedure

1. In the following cases the mediator will suspend the mediation procedure for a particular period or for a term directly related to occurrence of a specific event, fact or circumstance relevant for the mediation procedure:

- when the mediator considers it advisable, in particular, in the event the parties face temporary difficulties in achieving a mutually accepted approach to the dispute settlement;

- in other cases - at the request of one or both parties.

2. Mediation is finally terminated in the following cases:

- if due to inactivity of at least one of the parties to the dispute, after the suspension of the mediation, it is not continued within 30 days or other agreed term;

- if continuation of the mediation procedure, resumed after its suspension is considered unpromising by the mediator, or at least one of the parties, or if it becomes impossible due to other reasons;

- if the term agreed upon to settle the dispute expires, and the parties have not agreed to extend it;

- if the parties fail to pay the required fees specified in this Regulation, associated with the mediation procedure.

3. The mediation procedure is considered to be terminated when the parties sign the Settlement Agreement (Agreement on reconciliation) or Act on termination of the mediation procedure due to the impossibility to reach a compromise between the parties.

Article 13. Settlement Agreement of the parties (Agreement of reconciliation)

1. The Settlement Agreement is drafted by the Secretariat of the Arbitration Court with participation of a mediator. It is signed by the parties.

2. The Settlement Agreement consists of indicative, descriptive, operative and legalizing parts.

3. Indicative part of the Settlement Agreement includes the date, time and place of its drafting, the parties to the dispute, the arbitral tribunal represented by the Mediation Council (as the organizer of the mediation procedure), as well as information about mediators involved in the mediation procedure.

4. The nature of the dispute, a list of key documents related to the dispute, the basic arguments of the parties in a dispute, as well as the methods used during the mediation procedure are briefly stated in the descriptive part of the Settlement Agreement.

5. The operative part of the Settlement Agreement clearly defines the terms of the dispute settlement and contains the obligation of each of its parties to voluntarily execute the Settlement Agreement (with the timeframe for such execution).
6. The names of the parties together with the officials representing them, their signatures and the corresponding seals (if any), as well as the signature of the mediator and the Arbitration Court seal stamped on behalf of the Mediation Council can be found in the legalizing part of the Settlement Agreement.
7. The Settlement Agreement is drafted in the number of copies corresponding to the number of the parties to the Settlement Agreement. One more copy of the Settlement Agreement, shall be deposited in the Office of the Mediation Council after official registration.
8. If in future for various reasons the parties refer the dispute (previously settled through the mediation procedure) to arbitration or any national court, the status and the content of the Settlement Agreement allow the mediator to act in such process as an objective witness or a duly informed expert (with the consent of the parties to the dispute).
9. Separate elements of the procedure of drafting and execution of the Settlement Agreement, which are not directly regulated by this Regulation, to the extent not contrary to this Regulation shall be regulated in accordance with the rules established by the Regulations of the Arbitration Court for the final arbitration award.

Article 14. Report on the procedure of mediation

1. If the parties achieve consensus in relation to the Settlement Agreement, the Secretariat of the Arbitration Court issues the Report on the mediation procedure, which is endorsed by the mediator.
2. The Report on the mediation procedure shall include all terms of the Settlement Agreement, which the parties committed themselves to conclude. The Report finally sets the total amounts **of fees associated with the mediation procedure to be paid by the parties, taking into account the previous payments and the need to redistribute the costs associated with payment of these fees between the parties.**

Chapter III. Expenses of the parties related to the conduct of mediation

Article 15. Fees related to the mediation procedure

1. Fees associated with the mediation procedure (to be paid by the parties) include: the registration fee, administrative fee, remuneration fee and compensating fees.
2. Fees associated with the mediation procedure are established and paid in accordance with the rules established by this Regulation.
3. Specific amounts of fees and mechanism of payment associated with the mediation procedure are established by the Secretariat of the Arbitration Court in coordination with the Chairman (Speaker) of the Mediation Council.
4. If the fees associated with the mediation procedure established in accordance with the rules of this Regulation are not paid by the bound parties in due time and in full, the request for conduct of the mediation procedure or the mediation process will remain shelved.
5. Expenditures related to the mediation fees shall be distributed among the parties in equal parts, unless otherwise stipulated by the agreement between them.
6. Issues of distribution of expenditures associated with the mediation fees among the parties, as well as the mechanism and terms of payment by the parties, not directly regulated by this Regulation to the extent not contrary to this Regulation, shall be regulated in accordance with the rules established by the Regulations of the Arbitration Court for arbitration fees.
7. The mediation procedure will not commence (and the one having been started will not continue) until the parties pay the fees associated with the mediation procedure in accordance with the rules established by this Regulation and the Act of expenses.

8. In case of refusal or inability of the parties to pay the corresponding fee or the remainder, the mediation procedure shall be suspended. If the corresponding fee is still not paid within thirty days since the moment the obligation of the parties to pay it occurred, the mediation procedure can be terminated.

9. Amounts of fees established in this Regulation include all the taxes and fiscal charges to be paid by the Arbitration Court and mediators according to the law the corresponding obligations are based on.

Article 16. Amounts of fees related to the mediation procedure

1. The general concepts of a registration fee, administrative fee, remuneration fee and compensating fee correspond to the content of similar concepts, which can be found in the Regulations of the Arbitration Court.

2. The registration fee to be paid by the parties having requested the mediation procedure is 500.00 U.S. dollars. It shall be paid by the parties when filing a request for the mediation procedure.

3. The remuneration fee to be paid by the parties having requested the mediation procedure shall include: a) 380.00 U.S. dollars a day - for the time spent by each mediator on participation in meetings held in the course of the mediation procedure, and b) 170.00 U.S. dollars - per each hour spent by each mediator on participation in the mediation procedures, including the time spent by each mediator to reach the places where the mediation procedures are conducted (except for time spent on participation in meetings held in the course of the mediation procedure). Several mediators may take part in the procedure. In this case, on the initiative of one of the mediators and in coordination with the Secretariat of the Arbitration Court, they will have the right to set the partial redistribution of remunerations owed to them in a way that the mediators, who were most actively involved in the mediation procedure or who have found effective ways to resolve the dispute between the parties, receive greater amounts of remunerations. Such redistribution of remunerations must be based on a special Resolution of the Secretariat of the Arbitration Court, entering into force upon its signature by all mediators involved in the mediation procedure.

4. Amounts of administrative fees to be paid by the parties to the dispute when conducting the mediation procedure depend on the sum in dispute (actual or comparative value of goods, services, obligations, other valuables, benefits or advantages constituting the subject of the dispute). These amounts are presented in the following table:

Sum in dispute (dispute value) (USD)		Administrative fees (USD)
	up to 50 000.00	1000.00 + 70.00 USD per each hour spent by the Secretariat of the Arbitration Court for the organization of the mediation procedure
from 50 001.00	up to 100 000.00	1 500.00 + 85.00 USD per each hour spent by the Secretariat of the Arbitration Court for the organization of the mediation procedure
from 100 001.00	up to 500 000.00	2 000.00 + 100.00 USD per each hour spent by the Secretariat of the Arbitration Court for the organization of the mediation procedure
from 500 001.00	up to 1 000 000.00	2 500.00 + 115.00 USD per each hour spent by the Secretariat of the Arbitration Court for the organization of the mediation procedure
Over 1 000 000,00		3 000.00 + 130.00 USD per each hour spent by the Secretariat of the Arbitration Court for the organization of the mediation procedure

5. Compensating fees are paid by the parties in equal parts, according to the rules established by the Regulations of the Arbitration Court.

6. Specific or final amount of the mediator's remuneration is determined by the President of the Arbitration Court or the authorized official after consultations with the parties and the mediator. This amount depends on the complexity of the dispute and the estimated time needed to settle it.

7. The President of the Arbitration Court or the authorized official, in coordination with the mediator and the parties, may decide to increase, at their discretion, the amount of the previously established (agreed) mediator's remuneration. This may occur in the event of unforeseen circumstances, significantly complicating the possibility to settle the dispute, or if it took a lot more time to carry out the procedures than it had been previously estimated during the consultations.

8. All estimated expenditures of the parties associated with fees related to the mediation procedure shall be registered in the Act of expenses. This Act is published by the Secretariat of the Arbitration Court after holding a meeting aimed at preparation of the mediation procedure (stipulated in Article 9 of this Regulation), and based on consultations between the President of the Arbitration Court (or the authorized official), the mediator and the parties.

9. Expenditures of the parties associated with fees related to the mediation procedure, which are specified in the Act of expenses, can be adjusted and become final amounts of the fees to be paid by the parties in the Report on the procedure of mediation.

Article 17. Other expenses of the parties

Each party pays its own expenses not related to the fees associated with the mediation procedure independently as they arise.

Article 18. Rewards to persons contributing to the development of arbitral proceedings in the Arbitration Court

Administrative fees, as well as the total remunerations of mediators charged by the Arbitration Court when the Mediation Council conducts the mediation procedure, are covered by the rule of total deductions aimed at rewarding the persons contributing to the development of arbitral proceedings in the Arbitration Court. This rule is established by the Regulations of the Arbitration Court.