

**Terms and conditions of a mediation proceeding at the International Mediation Centre  
at the International Chambers of Commerce**

**I.**

**Subject of the Terms and Conditions**

This document is related to mediation proceedings in commercial disputes conducted by the International Mediation Centre at the International Chambers of Commerce in Poland.

**II.**

**Commencement of a mediation proceeding**

1. Mediation may commence when:
  - a) the parties file a mutual motion on mediation
  - b) one of the parties files a motion on mediation and the other party expresses consent on mediation. The other party must respond no later than 10 days after the issuance of the request to attend mediation. The other party's failure to respond is treated as not accepting consent for mediation.
2. When the parties agree on mediation, the International Mediation Centre Coordinator presents a mediation agreement to the parties.
3. When preparing for mediation the International Mediation Centre Coordinator:
  - a) liaises with the parties to evaluate the subject, scope and character of the dispute,
  - b) aides in the selection of the most suitable mediator,
  - c) agrees the scope of the issues with the parties and the selected mediator, which is to be discussed in the mediation proceeding.
4. A mediation proceeding can commence only when the party or parties file a complete motion, pay the mediation fee and sign the mediation agreement.

**III.**

**Principles of a mediation proceeding**

1. The parties file a case to the mediation acting in a good faith both in the scope of the presented information and the documents and position in the dispute.

2. The parties of a mediation proceeding liaises with the mediator and the Centre's Coordinator regarding the presented information, documents and participation in the mediation sessions.
3. A mediator should conduct a mediation proceeding in accordance with the principle of impartiality and if any circumstances occur which may influence the proceeding the mediator should refuse to conduct it.
4. A mediator may refuse to conduct a mediation proceeding also due to other important factors.
5. The circumstances, information and documents related to the mediation proceeding are confidential. This information cannot be used in any other court proceedings, mediation or any other proceedings. The parties of the proceeding cannot cite any positions or suggestions of any other party or mediator which were stated during the mediation proceeding, as well as any concessions of the parties within a mediation proceeding, suggestions, proposals or opinions of the mediator, positions of the parties related to the acceptance or failure to accept an amicable settlement to a dispute.  
The Mediator is bound by the confidentiality during and subsequent to the mediation proceeding.  
Confidentiality does not relate to the issues which may be revealed elsewhere.
6. The presence of third persons during a mediation proceeding requires the consent of the parties of the mediation proceeding and the mediator.
7. The proceeding is conducted in accordance with the current provisions of Polish and European Law, with respect to Standards of Mediation and Code of Ethics of the Polish Mediators of the Council for the Alternative Methods of Disputes and Conflict Resolution and in accordance with the provisions of this document. The parties can agree on different conditions than those stated in this document. Such a situation must be described in the mediation protocol.
8. The Parties of a mediation proceeding may act personally or through a plenipotentiary.
9. The International Mediation Centre provides basic conditions to the participants which are adequate to conduct a mediation proceeding.
10. On the motion of a party or parties of a meditation proceeding, such proceeding can be conducted in another place. In such a situation the costs related to the change of the place, a mediator's transport costs are born by the parties of a mediation proceeding.
11. A mediation proceeding is conducted in the language agreed by parties.

#### IV.

#### Mediator

1. A person who is entered into the Mediators List of the International Mediation Centre is authorised to act as a Mediator.
2. If the parties do not appoint a mediator, the Coordinator will appoint a mediator.
3. If the appointed mediator cannot conduct a mediation proceeding, refuse to conduct or stop a meeting, the Coordinator will appoint a new mediator or summon the parties to appoint a new mediator from the Centre's list.
4. A mediator, prior to the mediation proceeding, files a statement on impartiality, independence and confidentiality related to the proceeding. Statements are enclosed in the case files.
5. A mediator can be dismissed upon his own motion or motion of the parties. After the dismissal of a mediator, the parties can file motion on the appointment of a new mediator from the Mediators List of the International Mediation Centre.
6. If the appointed mediator was deleted from the mediators list, waived the role of a mediator or has died, the parties of a dispute may appoint a new mediator within 10 days otherwise the International Mediation Centre Coordinator will appoint a mediator from the list.

## V.

### Mediation sessions.

1. A mediator starts the mediation session by the commencement of mediation.
2. The Mediation sessions may be conducted with the presence of both parties (common sessions) or in the presence of one party (individual sessions).
3. One session can last no longer than 4 hours including breaks
4. Following each mediation session, the parties should agree on the shortest possible breaks unless both parties agree for longer breaks or are due to important personal or professional reasons. In justified circumstances a mediation proceeding can be suspended.
5. Parties in a mediation session can participate in person or through proxies.
6. A Mediator can take notes during the mediation session in order to better understand the position of the parties. Such notes are confidential and are shredded by the mediator after the mediation proceeding.

## VI.

### Suspension of mediation

Mediation can be suspended when:

1. both parties agree up to no longer than 1 month and only once during the whole proceeding.
2. the mediator makes such a decision in justified cases, or when additional circumstances must be clarified or when parties need some time to obtain the necessary and important materials and documents for the case or when the parties need some time to rethink the position in the mediation proceeding.

## VII.

### End of mediation

1. Mediation is finished when:
  - a) the parties reach an agreement and sign a contract with the mediator,
  - b) the parties believe there is no likelihood to reach an agreement through mediation,
  - c) one of the parties, during the mediation proceeding, refuses to further participate in the mediation,
  - d) one or both of the parties fail to appear on at least two of the sessions without reasonable justification.
2. An Agreement, which has been reached through mediation, can be approved by the Court. All formalities related to such an approval of agreement are coordinated by the mediator or the International Mediation Centre Coordinator.

## VIII.

### Costs of mediation

1. Mediation costs include the initial fee for analysis of the case files necessary to commence the mediation proceeding.
2. Mediation costs also include additional costs, which are born by the party which requests the conduct of some action or introduces changes in the proceeding which result in additional costs.
3. The party specified the above payments as advanced costs related to the mediation proceeding.

4. The mediation proceeding fees are included as Appendix No 1 to this document.
5. Revenue generated from a mediation proceeding is divided in the following manner:
  - a. 20% of the initial fee and the fee for the mediation proceeding is income for the Chamber, whose member is the party which files the motion on mediation,
  - b. 80% of the initial fee is the Coordinator's income,
  - c. 80% of the fee for the mediation proceeding is the mediator's income.

## IX.

### Final provisions

1. Changes to this document requires the consent of the International Mediation Centre Council by a majority vote.
2. Any changes to this document are binding after 7 days from the date of the announcement.

### Appendices

Price list of the fees and mediation proceeding costs is appendix to this document.

## LIST OF FEES AND MEDIATION PROCEEDING COSTS

### Appendix to the Terms and Conditions of the mediation proceeding at the International Mediation Centre

#### At the International Chambers of Commerce in Poland

#### 1. INITIAL FEE

An Initial fee to the amount of PLN 1,000 from each of the parties is made when the motion on mediation is filed.

When only one party files a motion on mediation the fee amounts to PLN 1,500.

#### 2. THE COSTS OF MATERIAL AND ANALYSIS OF DOCUMENTATION NECESSARY TO START THE MEDIATION PROCEEDING, COST OF EXPERTS

When additional material and analysis of documents or opinion from an independent expert are necessary to a start mediation proceeding, the costs are born by the parties of the mediation proceeding according to the price list of the advisors and experts.

#### 3. COSTS OF MEDIATION SESSIONS

Mediation session up to 4 hours (including breaks) net PLN 5,000 paid by the parties of the mediation proceeding.

#### 4. ADDITIONAL ADMINISTRATIVE COSTS

When additional costs (according to point VIII of Terms and Conditions) arise, they should be born by the party or parties who requested the activities which generate costs.

The fees and costs specified in this price list increase by 25% when the mediation proceeding is conducted for the companies which are not members of any International Chamber of Commerce which create the International Mediation Centre.

Legal and expert consultation and current strategic planning: EUR 250 net (i.e. PLN 1000) per hour of work of an expert recommended by the International Mediation Centre.