



MEDIATION INSTITUTE

OF THE STOCKHOLM CHAMBER OF COMMERCE

Rules of the Mediation Institute of the Stockholm Chamber of Commerce

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RULES OF THE MEDIATION INSTITUTE OF THE STOCKHOLM CHAMBER OF COMMERCE

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FOREWORD

The SCC Mediation Institute has been established to assist in the settlement of domestic and international disputes in accordance with the SCC Mediation Rules. The SCC Mediation Rules offer an efficient dispute resolution to parties not wishing to engage in formal arbitral proceedings. The salient features of the Rules are the following.

- A sole Mediator is appointed, unless otherwise agreed by the parties. The Mediator may be appointed by the parties jointly, or by the SCC Mediation Institute.
- The time limit for the Mediation is two months, unless otherwise agreed by the parties.
- After having reached a settlement agreement, the parties may agree to appoint the Mediator as arbitrator in order to enable him to confirm the settlement agreement in an arbitral award.

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I. MEDIATION RULES OF THE SCC MEDIATION INSTITUTE

THE MEDIATOR

Article 1 Role of the Mediator

- (1) A Mediator must be impartial and independent.
- (2) A Mediator may not act as arbitrator in any future arbitration relating to the subject matter of the dispute, unless otherwise agreed by the parties.

Article 2 Duty of the Mediator to Disclose

- (1) A person asked to accept appointment as Mediator must disclose any circumstances likely to give rise to justifiable doubts as to his impartiality and independence.
- (2) A Mediator who becomes aware of any circumstances referred to in the first paragraph of this article, must immediately inform, in writing, the parties thereof.

CONFIDENTIALITY

Article 3 Duty to Respect the Confidentiality of the Mediation

- (1) The Mediator, the SCC Mediation Institute, the parties, and any other persons participating in the Mediation, shall respect the confidentiality of the Mediation, unless otherwise agreed by the parties. The need for appropriate confidentiality undertakings should be taken into consideration.
- (2) At the request of a party, any submission, document or other materials supplied in the course of the Mediation, shall be returned to the party having provided it, without any copy being retained.
- (3) At the request of a party, any notes taken in the course of the Mediation shall be destroyed upon the termination of the Mediation.
- (4) A party may not introduce as evidence in any judicial or arbitration proceeding any views expressed or statements made in the course of the Mediation. A party may not involve as witness in any judicial or arbitration proceeding the Mediator or any expert that has participated in the Mediation.

INITIATION OF MEDIATION

Article 4 Request for Mediation

- (1) A Request for Mediation shall be submitted to the SCC Mediation Institute by the parties jointly or by one of them. It shall be in writing and include:

- (i) a statement of the names, addresses, telephone and facsimile numbers and e-mail addresses of the parties and their counsel,
- (ii) a summary of the dispute, and
- (iii) a statement whether the parties have agreed to mediate the dispute

(2) Where a Request for Mediation is submitted by one party only, the SCC Mediation Institute shall communicate the Request to the other party who shall be asked to state whether or not it agrees to participate in the Mediation.

Article 5 Registration Fee

(1) At the same time as the Request for Mediation is filed, a Registration Fee of EUR 400 shall be paid.

(2) If the Registration Fee is not paid when the Request for Mediation is filed, the SCC Mediation Institute shall fix a period of time within which the parties may pay such fee.

Article 6 Appointment of Mediator

(1) Unless otherwise agreed by the parties, a sole Mediator shall be appointed by the SCC Mediation Institute. Before the appointment, the SCC Mediation Institute shall solicit the views of the parties.

(2) If the parties jointly propose a person to act as mediator, such person shall be appointed by the SCC Mediation Institute.

(3) In absence of an agreement between the parties to the contrary, where more than one Mediator shall be appointed, each party shall appoint an equal number of Mediators and, in case of an odd number of Mediators, the SCC Mediation Institute shall appoint a Mediator who shall act as Chairman.

Article 7 Removal of the Mediator

(1) Where the Mediator is prevented from *de facto* fulfilling his duties or fails to perform his functions in an adequate manner, the SCC Mediation Institute shall remove the Mediator and appoint a new Mediator in accordance with Article 6.

(2) Before removing the Mediator, the SCC Mediation Institute shall solicit the views of the parties and the Mediator.

Article 8 Advance on Costs

(1) The SCC Mediation Institute shall fix an Advance on Costs which shall be equivalent to the estimated amount of the Mediation Costs pursuant to Article 13.

(2) Each party shall contribute half of the Advance on Costs, unless otherwise agreed by the parties. One party may pay the entire amount.

(3) After notification by the Mediator, the SCC Mediation Institute may, in the course of the Mediation, decide that additional amounts are to be paid.

(4) The SCC Mediation Institute may during or after the Mediation draw on the Advance on Costs to cover the cost of the Mediation.

(5) If a required payment pursuant to paragraph (2) of this article 8 is not made, the dispute shall be dismissed either wholly or partly to such an extent as is attributable to the missing payment.

Article 9 Referral of a Dispute to the Mediator

When the Mediator has been appointed and the Advance on Costs has been paid, the SCC Mediation Institute shall refer the dispute to the Mediator.

THE PROCEEDINGS BEFORE THE MEDIATOR

Article 10 Conduct of the Mediation

(1) Giving consideration to the wishes of the parties, the Mediator shall determine the conduct of the Mediation, with a view for reaching an expeditious and efficient resolution of the dispute.

(2) Each party shall be given sufficient opportunity to present its case.

(3) Where the Mediator believes that the dispute between the parties is not likely to be resolved through mediation, the Mediator may propose other means of resolving the dispute, for the consideration of the parties.

TERMINATION OF THE MEDIATION

Article 11 Termination

(1) Unless otherwise agreed by the parties, the Mediation shall be terminated within two months of the date when the dispute was referred to the Mediator pursuant to Article 9. At the request of the Mediator, the SCC Mediation Institute may extend this period of time.

(2) The Mediation shall be terminated

- (i) by a settlement agreement between the parties,
- (ii) by a declaration of the Mediator to the parties and the SCC Mediation Institute, to the effect that further efforts of Mediation are unlikely to lead to the resolution of the dispute, or
- (iii) by a written request from a party to the Mediator that the Mediation shall be terminated.

(3) Upon the termination of the Mediation, the Mediator shall notify the SCC Mediation Institute.

Article 12 Confirmation of a Settlement Agreement in an Arbitral Award

Upon reaching a settlement agreement the parties may, subject to the approval of the Mediator, agree to appoint the Mediator as an Arbitrator and request him to confirm the settlement agreement in an arbitral award.

COSTS

Article 13 Mediation Costs

(1) The Mediation Costs consist of

- (i) the Mediator's fee;
- (ii) the Administrative Fee of the SCC Mediation Institute; and
- (iii) compensation due to the Mediator and the SCC Mediation Institute to cover their expenses in the course of the Mediation.

(2) The Registration Fee under Article 5 shall be deducted from the amount due to the SCC Mediation Institute pursuant to the previous paragraph.

(3) Amounts referred to in paragraph(1) in this article 13 shall be finally fixed by the SCC Mediation Institute in accordance with the Regulations for Mediation Costs in force at the date of the Request for Mediation.

Article 14 Payment of Mediation Costs

(1) The parties are jointly and severally liable for all payments of all costs mentioned in Article 13.

(2) Unless they agree differently, the parties shall, as between themselves, bear the Mediation Costs in equal shares.

II. ORGANISATION OF THE MEDIATION INSTITUTE

Article 15 The SCC Mediation Institute

The Mediation Institute of the Stockholm Chamber of Commerce is part of the Arbitration Institute of the Stockholm Chamber of Commerce. Its objectives are

- to assist in the settlement of domestic and international disputes in accordance with the Rules of the Mediation Institute;
- to assist, as determined by the SCC Mediation Institute, in mediations which are conducted in a manner which differs, either in part or in whole, from that anticipated by the SCC Institute Mediation Rules, and

- to provide information on mediation matters.

Article 16 The Board

(1) The SCC Mediation Institute shall have a Board composed of six members who shall be appointed for a period of three years by the Board of the Arbitration Institute of the Stockholm Chamber of Commerce. The Board of the Arbitration Institute of the Stockholm Chamber of Commerce shall appoint a Chairman and a Vice Chairman from among the members of the Board of the SCC Mediation Institute. The Chairman and the Vice Chairman shall be lawyers.

(2) The Board of the Arbitration Institute of the Stockholm Chamber of Commerce may, if there are extraordinary reasons for doing so, remove a member of the Board of the SCC Mediation Institute. If a member resigns or is removed during his term of office, the Board of the Arbitration Institute of the Stockholm Chamber of Commerce will appoint a new member for the remainder of his term.

Article 17 Decisions by the Board

Two members of the Board shall form a quorum. If no majority is attained, the Chairman shall cast the deciding vote. The Chairman or the Vice Chairman shall have the power to take decisions on behalf of the Board in urgent matters. Decisions by the Board are final and cannot be reviewed by the Board of the Arbitration Institute of the Stockholm Chamber of Commerce.

EFFECTIVENESS

These Regulations enter into force on 1 April 1999 and will replace the former Conciliation Rules of the Arbitration Institute of the Stockholm Chamber of Commerce. These Rules will be applied to any Mediation commenced on or after this date, unless otherwise agreed by the parties.

APPENDIX

REGULATIONS FOR MEDIATION COSTS

Article 1 Mediator's Fee

(1) Unless otherwise agreed by the parties, the SCC Mediation Institute shall decide the fee of the Mediator in accordance with the table below, based on the amount in dispute. If so required by law, value added tax shall be added to such fee.

(2) Where the amount in dispute is not specified, the SCC Mediation Institute will fix the fee on an assessment of the size of the dispute. Each party must provide the SCC Mediation Institute with the information deemed necessary for such assessment.

(3) If a Mediation has required substantially more or less work than is considered normal, the SCC Mediation Institute may deviate from the amounts stated in the table.

Article 2 Administrative Fee of the SCC Mediation Institute

(1) The SCC Mediation Institute shall decide the Administrative Fee due to it. The decision is based on the amount in dispute in accordance with the table below. If so required by law, value added tax shall be added to the Administrative Fee.

(2) Where the amount in dispute is not specified, the SCC Mediation Institute will fix the fee on an assessment of the size of the dispute. Each party must provide the Institute with the information deemed necessary for such assessment.

(3) If a Mediation has required substantially more or less work than is considered normal, the Institute may deviate from the amounts stated in the table.

Article 3 Expenses

In addition to the fee of the Mediator and the Administrative Fee of the SCC Mediation Institute, the SCC Mediation Institute shall fix an amount to be provided by the parties, to cover reasonable expenses of the Mediator and the SCC Mediation Institute.

Effectiveness

These Regulations enter into force on 1 April 1999 and will be applied to any Mediation commenced on this date or thereafter.

Amount in Dispute (EUR)	Mediator's Fee (EUR)
to 25 000	1 200
from 25 001 to 50 000	1 200 + 2% of the amount above 25 000
from 50 001 to 100 000	1 700 + 1% of the amount above 50 000
from 100 001 to 500 000	2 200 + 0,5 % of the amount above 100 000
from 500 001 to 1 000 000	4 200 + 0,4 % of the amount above 500 000
from 1 000 001 to 2 000 000	6 200 + 0,3 % of the amount above 1 000 000
from 2 000 001 to 5 000 000	9 200 + 0,1 % of the amount above 2 000 000
from 5 000 001 to 10 000 000	12 200 + 0,05 % of the amount above 5 000 000
from 10 000 001	14 700 + 0,03 % of the amount above 10 000 000

Amount in Dispute (EUR)	Administrative Fee of the SCC Mediation Institute(EUR)
to 25 000	400
from 25 001 to 50 000	400 + 0,8 % of the amount above 25 000
from 50 001 to 100 000	600 + 0,6 % of the amount above 50 000
from 100 001 to 500 000	900 + 0,3 % of the amount above 100 000
from 500 001 to 1 000 000	2 100 + 0,2 % of the amount above 500 000
from 1 000 001 to 2 000 000	3 100 + 0,1 % of the amount above 1 000 000
from 2 000 001 to 5 000 000	4 100 + 0,06 % of the amount above 2 000 000
from 5 000 001 to 10 000 000	5 900 + 0,03 % of the amount above 5 000 000
from 10 000 001	7 400 + 0,01 % of the amount above 10 000 000
	Maximum 15 000