

THE NEW ICC MEDIATION RULES

Hannah Tümpel, Senior Counsel and Manager
Cyprus, 29 April 2014

THE NEW ICC MEDIATION RULES





TWO PLAYERS, ONE INSTITUTION

ICC Dispute Resolution Services

**ICC International Court
of Arbitration**

**ICC International Centre
for ADR**

Arbitration

**Mediation, Expertise,
Dispute Boards, DOCDEX**

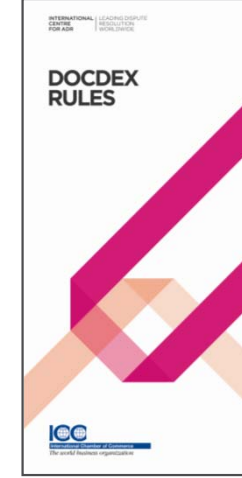


TWO PLAYERS, ONE INSTITUTION

ICC Dispute Resolution Services

ICC International Court
of Arbitration

ICC International Centre
for ADR





STATISTICS

- 80% international and 20% domestic proceedings
- ICC mediation involved parties from over 70 different nationalities
- Brought range of amounts in dispute but average at approx. 30 Mio. USD
- Disputes from all sectors
- Different types of contracts
- Often multi-party scenarios
- 10% of the cases involving states or state entities



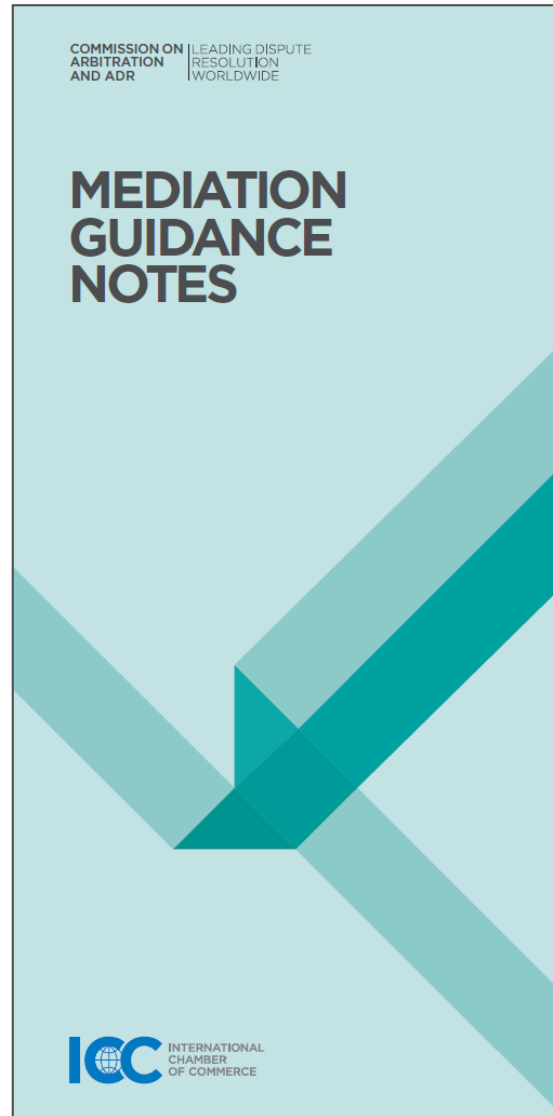
STATISTICS

- Average duration of cases below 4 months
- Average costs of the proceedings around US\$ 20 000 (except counsel costs)
- Settlement rate if file is transferred to the mediator = 74%
- Settlement rate if first meeting took place with the mediator = over 80%
- Over 90% of users of the ICC mediation services are satisfied with the process

ICC MEDIATION RULES | 仲裁规则 调解规则 | SCHIEDSGERICHTSORDNUNG | MEDIATIONS-REGELN |
RÈGLEMENT DE MÉDIATION | REGULAMENTO DE MEDIAÇÃO | ПРИМИРИТЕЛЬНЫЙ РЕГЛАМЕНТ |
REGLAMENTO DE MEDIACIÓN

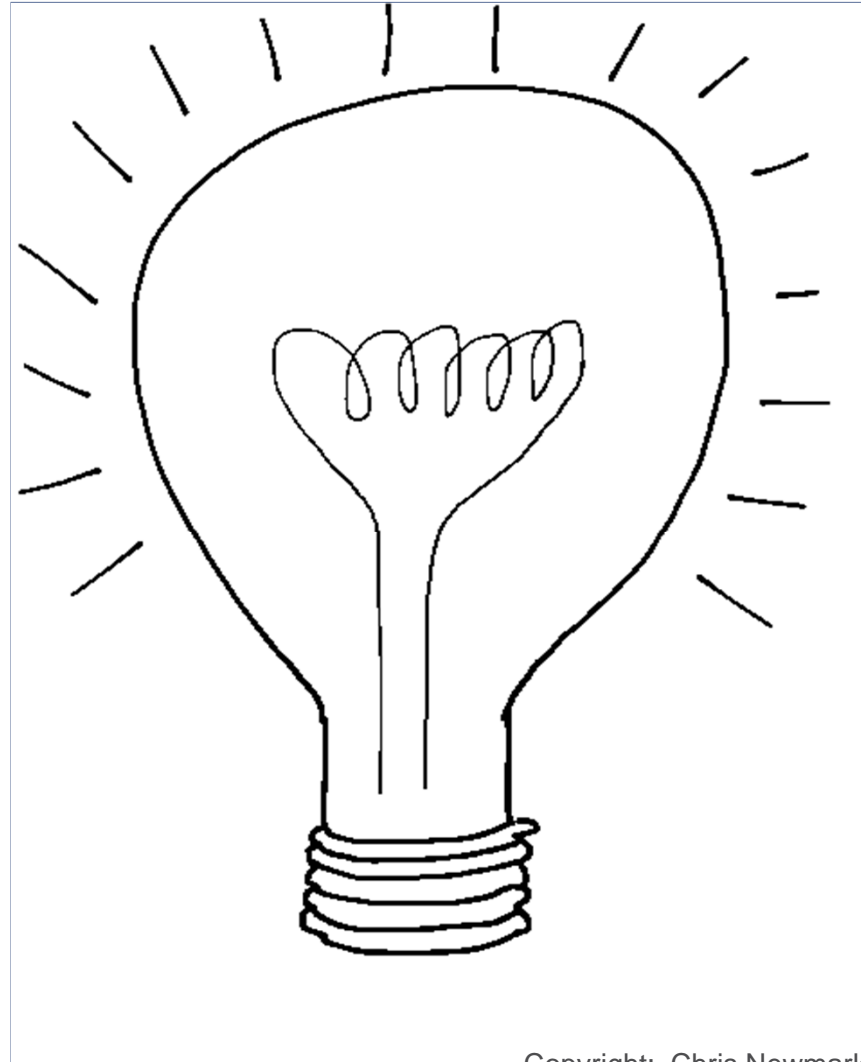


ICC MEDIATION GUIDANCE NOTES

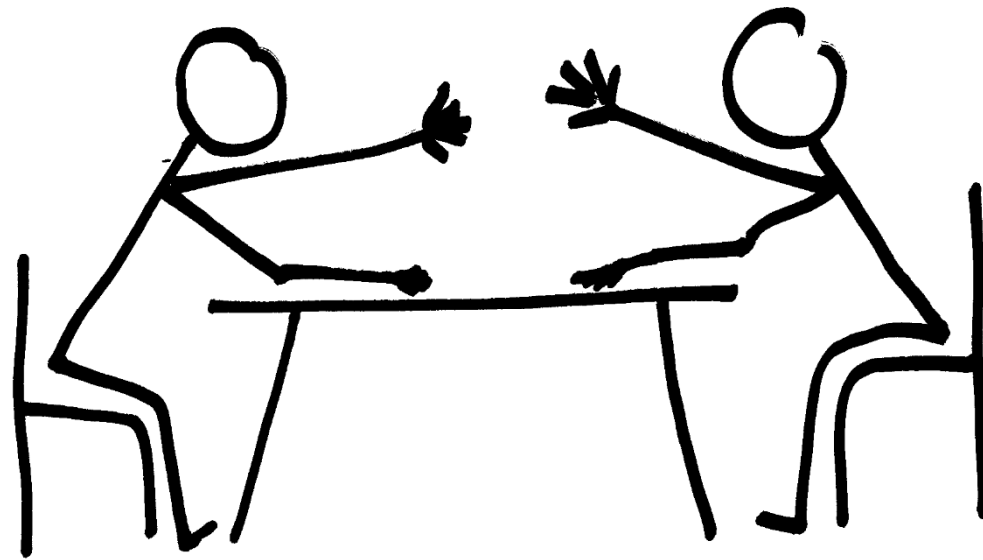


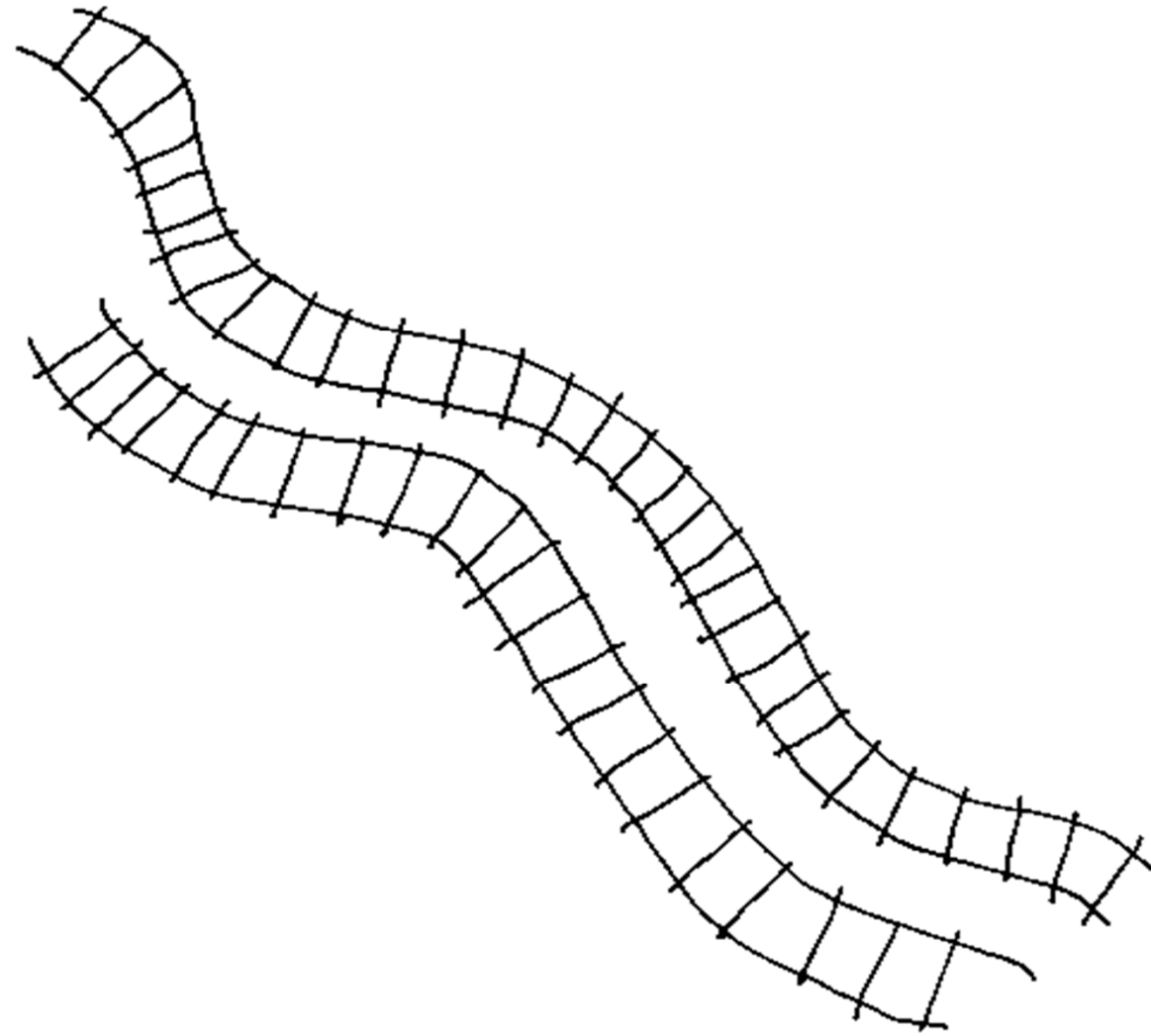
ICC MEDIATION RULES

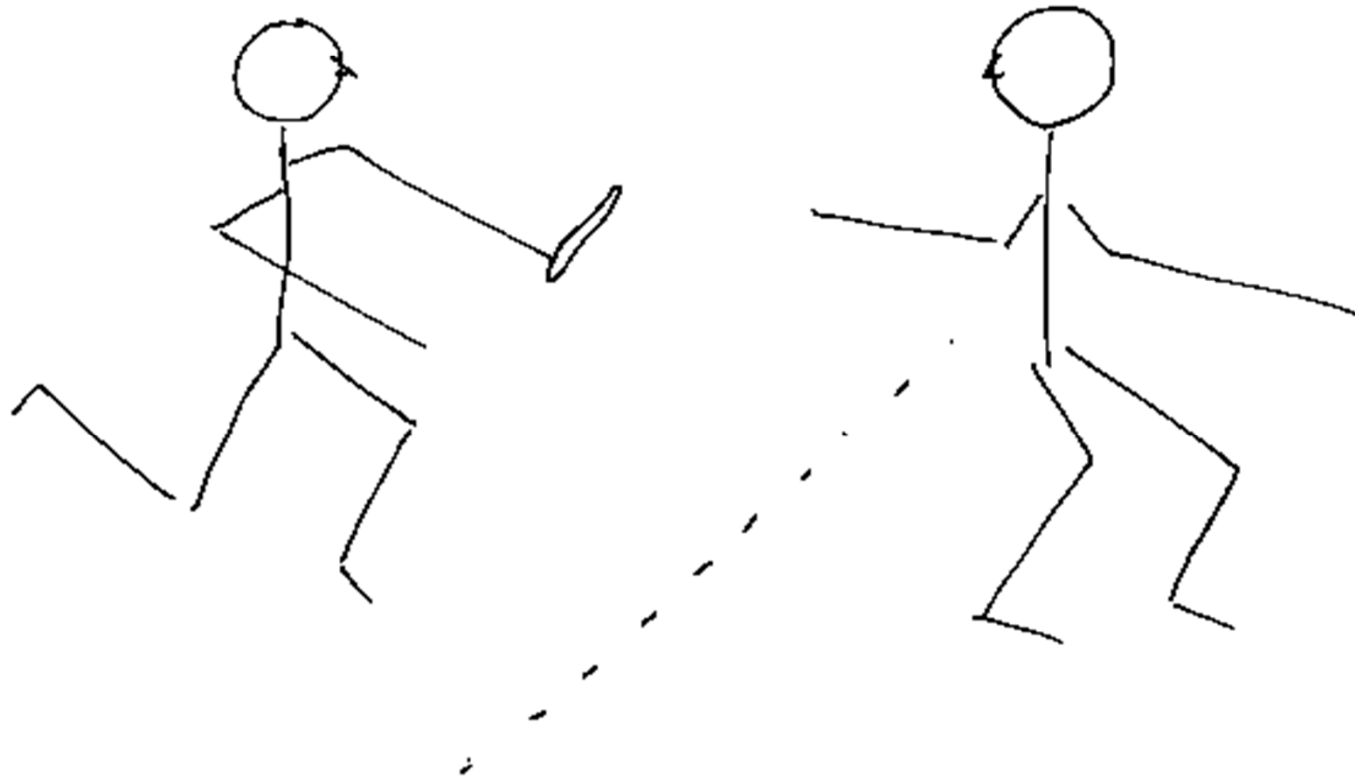
- Administration by the Centre (Article 1(5))
- Can be adapted to other settlement procedures (Article 1(3))
- Commencement with prior agreement (Article 2) and without prior agreement (Article 3)
- Decision on language and place with the Centre or the mediator (Article 4)
- Attributes of the mediator and availability (Article 5)
- List of mediators (Article 5)
- Change in cost structure (Article 6 and Appendix to the Rules)
- Obligatory first meeting with subsequent note from the mediator (Article 7)
- Confidentiality (Article 9)
- Parallel (arbitral) proceedings and transition (Article 10(2))



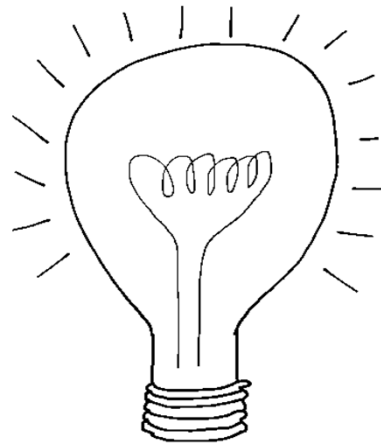
Copyright: Chris Newmark, Spencer Underhill Newmark, London (UK)





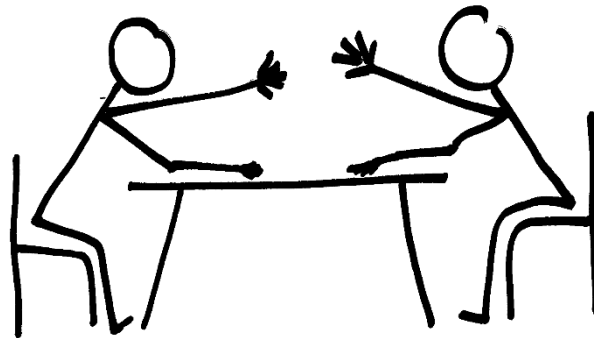


CLAUSE A



*The parties **may at any time**, without prejudice to any other proceedings, seek to settle any dispute arising out of or in connection with the present contract in accordance with the ICC Mediation Rules.*

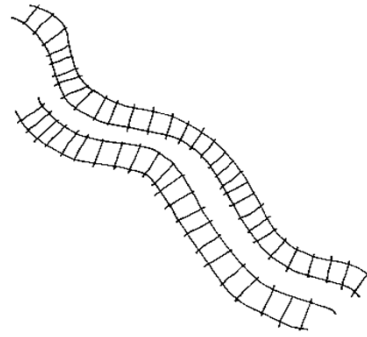
CLAUSE B



In the event of any dispute arising out of or in connection with the present contract, the parties agree in the first instance to discuss and consider referring the dispute to the ICC Mediation Rules.

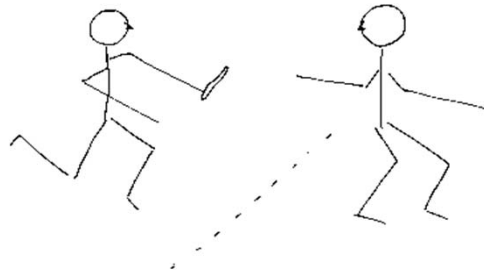


CLAUSE C

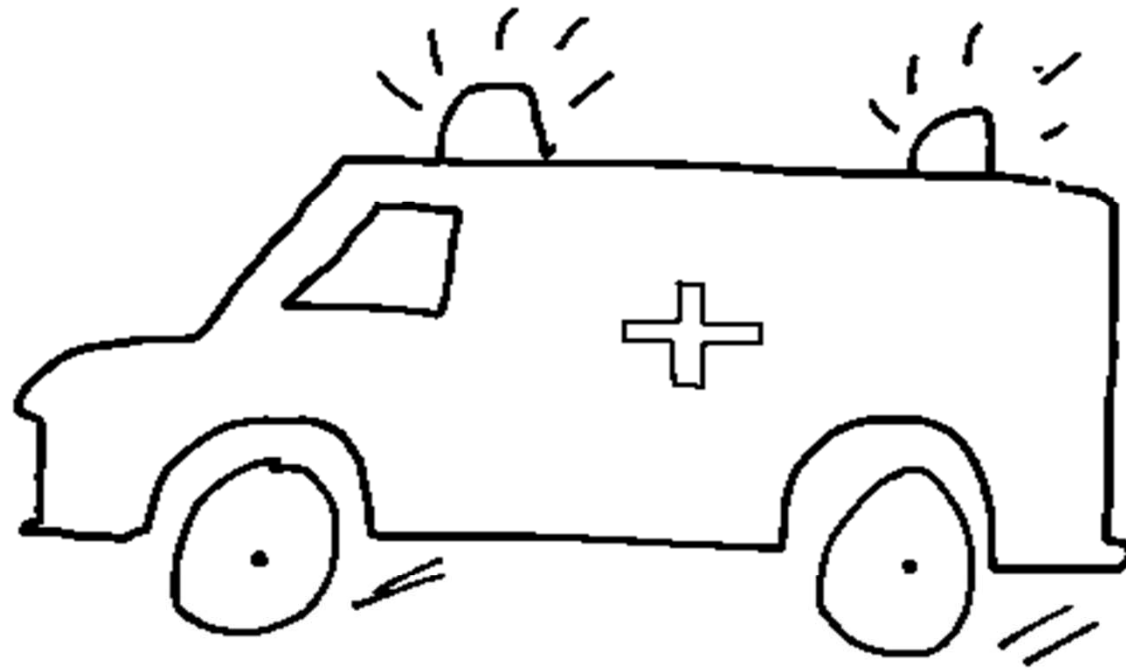


*(x) In the event of any dispute arising out of or in connection with the present contract, the parties shall first refer the dispute to proceedings under the ICC Mediation Rules. The commencement of proceedings under the ICC Mediation Rules **shall not prevent any party from commencing arbitration in accordance with sub-clause y below.***

CLAUSE D



*In the event of any dispute arising out of or in connection with the present contract, the parties **shall first refer** the dispute to proceedings under the ICC Mediation Rules. **If the dispute has not been settled pursuant to the said Rules within [45] days following the filing of a Request for Mediation or within such other period as the parties may agree in writing, such dispute shall thereafter be finally settled** under the Rules of Arbitration of the International Chamber of Commerce by one or more arbitrators appointed in accordance with the said Rules of Arbitration.*



SAVE THE DATE



5TH ICC  TM
**INTERNATIONAL MEDIATION
CONFERENCE**
18 September 2014

CONTACT US

INTERNATIONAL CENTRE FOR ADR
33-43 AVENUE DU PRÉSIDENT WILSON
75116 PARIS
FRANCE

TEL: +33 1 49 53 30 53
ADR@ICCWBO.ORG
WWW.ICCADR.ORG



#ICCMR, @ICCMediation