



2014

MEDIATION RULES



ARBITRATION INSTITUTE
OF THE STOCKHOLM CHAMBER OF COMMERCE

THE MEDIATION RULES OF THE ARBITRATION INSTITUTE OF THE STOCKHOLM CHAMBER OF COMMERCE

The Mediation Rules of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC) adopted by the Stockholm Chamber of Commerce and in force as of 1 January, 2014.

MEDIATION RULES

ADOPTED BY THE STOCKHOLM CHAMBER OF COMMERCE AND
IN FORCE AS OF 1 JANUARY, 2014.

Parties to any agreement referring to the Rules of the Mediation Institute of Stockholm Chamber of Commerce or the Mediation Rules of the Arbitration Institute of the Stockholm Chamber of Commerce shall be deemed to have agreed that the following rules, and subsequent amendments in force at the commencement of the mediation, shall apply to the proceedings unless the parties have agreed otherwise.

Article 1 About the SCC

The Arbitration Institute of the Stockholm Chamber of Commerce (“SCC”) is the body responsible for the administration of disputes in accordance with SCC Rules and other procedures or rules upon which the parties have agreed. The SCC is composed of the Board and the Secretariat. Detailed rules of the organization can be found in Appendix I.

THE MEDIATION AGREEMENT

Article 2 The Mediation Agreement and its Effect

Unless the parties have agreed otherwise, an agreement to mediate pursuant to these Rules does not constitute a bar to court proceedings or a bar to initiate arbitration.

CONFIDENTIALITY

Article 3 Duty of Confidentiality

- (1) Unless the parties have agreed otherwise, neither the parties, the Mediator nor the SCC shall disclose the existence of the Mediation and the outcome, or use any information learned in the context of the mediation.
- (2) The Mediator may not disclose information to a party that the Mediator has obtained in separate discussions with another party, unless the disclosing party has authorized such disclosure.

COMMENCEMENT OF THE MEDIATION

Article 4 Request for Mediation

- (1) Mediation pursuant to these Rules shall be deemed commenced on the date when the SCC receives a written Request for Mediation.

- (2) The Request for Mediation shall include:
 - (i) the names and contact details of the parties and their counsel;
 - (ii) a summary of the parties' dispute; and
 - (iii) a statement regarding the agreement to mediate.
- (3) Where a Request for Mediation is submitted by only one party, the SCC shall communicate the Request to the other party or parties who shall be asked to state whether they agree to participate in the Mediation.

Article 5 Registration Fee

- (1) Upon filing the Request for Mediation, a Registration Fee shall be paid. The amount of the Registration Fee shall be determined in accordance with the Schedule of Costs (Appendix II) in force on the date when the Request for Mediation is filed.
- (2) If the Registration Fee is not paid upon filing the Request for Mediation, the SCC shall set a time period within which the parties shall pay such fee.

THE MEDIATOR

Article 6 Appointment of the Mediator

- (1) Unless the parties have agreed otherwise, the SCC shall appoint one Mediator. Before the appointment, the SCC shall solicit the views of the parties.
- (2) If the parties jointly propose a person to act as Mediator, the SCC shall appoint such person.
- (3) Unless the parties have agreed otherwise, 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 may appoint one of the Mediators to act as Chairperson.

Article 7 Role of the Mediator

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

Article 8 The Mediator's Duty 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/her impartiality or independence.
- (2) A Mediator who becomes aware of any circumstances referred to in the first paragraph of this article must immediately inform the parties, in writing, of these circumstances.

Article 9 Removal of the Mediator

- (1) Where a Mediator is unable to perform his/her duties or fails to perform his/her functions, the SCC shall remove the Mediator and appoint a new Mediator in accordance with Article 6.
- (2) Before removing the Mediator, the SCC shall solicit the views of the parties and the Mediator.

ADVANCE ON COSTS

Article 10 Advance on Costs

- (1) The SCC shall set an Advance on Costs which shall be equivalent to the estimated amount of the Mediation Costs pursuant to Article 15.
- (2) Unless the parties have agreed otherwise, each party shall contribute an equal share of the Advance on Costs. One party may pay the entire amount.
- (3) After notification by the Mediator, the SCC may, throughout the course of the Mediation, decide that additional amounts should be paid.
- (4) The SCC may, during the mediation, use the amount of the advanced payments for the costs of the mediation.
- (5) If a required payment is not made, the dispute shall not proceed either wholly or partly to such an extent as is attributable to the missing payment.

Article 11 Referral of a Dispute to the Mediator

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

THE PROCEEDINGS

Article 12 Conduct of the Mediation

- (1) The Mediator shall act diligently to ensure that the Mediation is conducted without undue delay.
- (2) The Mediator shall consult with the parties to establish a timetable and to decide on any further details regarding the procedure of the Mediation.
- (3) Each party shall be given sufficient opportunity to present its case.
- (4) Unless the parties have agreed otherwise, the Mediator shall have the right to consult privately with each party.

TERMINATION OF THE MEDIATION

Article 13 Termination

- (1) The Mediation shall be terminated:
 - (i) by a settlement agreement between the parties;
 - (ii) by a declaration of the Mediator to the parties 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.
- (2) Upon the termination of the Mediation, the Mediator shall notify the SCC.

Article 14 Confirmation of a Settlement Agreement in an Arbitral Award

In case of settlement, the parties may, subject to the consent of the Mediator, agree to appoint the Mediator as an Arbitrator and request him/her to confirm the settlement agreement in an arbitral award.

Article 15 Mediation costs

- (1) The Mediation Costs consist of:
 - (i) the Mediator's fee;
 - (ii) the Administrative Fee; and
 - (iii) the expenses of the Mediator and the SCC.
- (2) The Registration Fee pursuant to Article 5 shall be deducted from the amount due to the SCC pursuant to the first paragraph of this Article.
- (3) Amounts referred to in the first paragraph of this Article shall be determined by the SCC in accordance with the Regulations for Mediation Costs in force at the date of the Request for Mediation.

Article 16 Payment of the Mediation Costs

- (1) The parties are jointly and severally liable for all payments of all costs mentioned in Article 15.
- (2) Unless the parties have agreed otherwise, the Mediation Costs shall be borne by the parties in equal shares.

APPENDIX I: ORGANISATION

Article 1 About the SCC

The Arbitration Institute of the Stockholm Chamber of Commerce (the “SCC”) provides administrative services in connection with dispute resolution. The SCC is part of the Stockholm Chamber of Commerce and acts independently in the performance of its duties in the administration of disputes.

The SCC consists of a Board and a Secretariat.

Article 2 Function of the SCC

The SCC does not itself decide disputes. The function of the SCC is to:

- (i) administer domestic and international disputes in accordance with SCC Rules and other procedures and rules agreed upon by the parties; and
- (ii) provide information concerning arbitration and mediation matters.

Article 3 The Board

The Board shall be composed of one chairperson, a maximum of three vice-chairpersons and a maximum of 12 additional members. The Board shall include both Swedish and non-Swedish nationals.

Article 4 Appointment of the Board

The Board shall be appointed by the Board of Directors of the Stockholm Chamber of Commerce (the “Board of Directors”). The members of the Board shall be appointed for a period of three years and are eligible for re-appointment in their respective capacities for one further three year period only, unless exceptional circumstances apply.

Article 5 Removal of a Member of the Board

In exceptional circumstances, the Board of Directors may remove a member of the Board. If a member resigns or is removed during a term of office, the Board of Directors shall appoint a new member for the remainder of the term.

Article 6 Function of the Board

The function of the Board is to take the decisions required of the SCC in administering the dispute under SCC Rules and any other rules or procedures agreed upon by the parties. Such decisions include decisions on jurisdiction of the SCC, determination of advances on costs, appointment of Mediators, removal of Mediators and the fixing of mediation costs.

Article 7 Decisions by the Board

Two members of the Board form a quorum. If a majority is not attained, the Chairperson has the casting vote. The Chairperson or a Vice Chairperson may take decisions on behalf of the Board in urgent matters. A committee of the Board may be appointed to take certain decisions on behalf of the Board. The Board may delegate decisions to the Secretariat. Decisions by the Board are final.

Article 8 The Secretariat

The Secretariat acts under the direction of a Secretary General. The Secretariat carries out the functions assigned to it under SCC Rules. The Secretariat may also take decisions delegated to it by the Board.

Article 9 Procedures

The SCC shall maintain the confidentiality of the mediation and shall deal with the mediation in an impartial, practical and expeditious manner.

APPENDIX II: SCHEDULE OF COSTS *

Article 1 Registration Fee

- (1) The Registration Fee amounts to EUR 1 500.
- (2) The Registration Fee is non-refundable and constitutes part of the Administrative Fee in Article 3 below. The Registration Fee shall be credited to the Advance on Costs to be paid by the Claimant pursuant to Article 10 of the Mediation Rules.

Article 2 Fees of the Mediator

The Board shall determine the fee of the Mediator, which shall include EUR 4 000 for preparation of the case and EUR 4 000 for each day of mediation hearings. If the Mediator and the parties agree on a mediation plan that requires more extensive preparation or additional time for hearings, the Board may decide on a higher fee based on those corresponding grounds. The Board may thereby decide that an additional advance on costs shall be paid pursuant to Article 10(3).

Article 3 Administrative Fee

- (1) The Administrative Fee shall be determined in accordance with the table below.
- (2) The amount in dispute shall be the aggregate value of all claims, counterclaims and set-offs. Where the amount in dispute cannot be ascertained, the Board shall determine the Administrative Fee taking all relevant circumstances into account.
- (3) In exceptional circumstances, the Board may deviate from the amounts set out in the table.

Article 4 Expenses

In addition to the Fees of the Mediator and the Administrative Fee, the Board shall fix an amount to cover any reasonable expenses incurred by the Mediator and the SCC.

* Revised and in force as of 1 January 2015

ADMINISTRATIVE FEE

| Amount in dispute (EUR) | Administrative Fee (EUR) |
|------------------------------|---|
| to 25 000 | 1 500 |
| from 25 001 to 50 000 | 1 500 |
| from 50 001 to 100 000 | 1 500 + 2 % of the amount above 50 000 |
| from 100 001 to 500 000 | 2 500 + 0,5 % of the amount above 100 000 |
| from 500 001 to 1 000 000 | 4 500 + 0,7 % of the amount above 500 000 |
| from 1 000 001 to 2 000 000 | 8 000 + 0,2 % of the amount above 1 000 000 |
| from 2 000 001 to 5 000 000 | 10 000 + 0,1 % of the amount above 2 000 000 |
| from 5 000 001 to 10 000 000 | 13 000 + 0,08 % of the amount above 5 000 000 |
| from 10 000 001 | 17 000 + 0,01 % of the amount above 10 000 000 |
| | Maximum 30 000 |

The Costs of the Arbitration may easily be calculated at www.sccinstitute.com



ARBITRATION INSTITUTE
OF THE STOCKHOLM CHAMBER OF COMMERCE

P.O. Box 16050, SE-103 21 Stockholm, Sweden
Visit: Brunnsgatan 2 | Phone: +46 8 555 100 00
arbitration@chamber.se | www.sccinstitute.com