

**Statute of the International Mediation Centre  
at the international Chambers of Commerce**

**PREAMBLE**

**To observe the substantial need of entrepreneurs who conduct business activity in Poland which are related to out-of-court dispute resolution. Ewelina Stobiecka PhD, Aleksandra Ladachowska and Elisabetta Caprino initiated, together with the International Chambers of Commerce, i.e. Belgian Chamber of Commerce, British-Polish Chamber of Commerce, French –Polish Chamber of Commerce, Italian Chamber of Commerce in Poland and Polish set up the International Mediation Centre.**

**I.**

**The scope of activity of the International Mediation Centre**

The objective of the International Mediation Centre is to conduct commercial mediation between entities which express the will to solve a dispute related to commercial issues through mediation.

Mediation sessions are conducted by mediators who specialise in commercial mediation and have the adequate qualifications and experience.

**II.**

**International Mediation Centre Tasks**

The International Mediation Centre is where business entities have the opportunity to solve their commercial disputes by means of mediation conducted by professional mediators who are entered into the List of Mediators of the International Mediation Centre.

The International Mediation Centre provides the parties with a mediation proceeding conducted in compliance with the binding provisions of law, in conditions which assure respect of interests and the intentions of the parties at the mediation proceeding.

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The International Mediation Centre, apart from the mediation proceedings, may initiate events related to the promotion of an out-of-court dispute resolution through mediation.

The International Mediation Centre (after receiving the Council's opinion) will take part in discussions, give speeches and express opinions which aim to promote out-of-court dispute resolution. To influence the expansion of dispute resolution through mediation in Poland.

### III.

#### Terms and abbreviations

The Centre – the International Mediation Centre at the international Chambers of Commerce in Poland

The Chamber – The Chamber of Commerce

The Council – the Council of the International Mediation Centre

The Coordinator – the Coordinator of the International Mediation Centre

The Consultative Council – the Consultative Council of the International Mediation Centre

### IV.

#### Location

The International Mediation Centre at the international Chambers of Commerce in Poland is located in Warsaw.

### V.

#### International Mediation Centre bodies

The following bodies participate in the activity of the International Mediation Centre:

The International Mediation Centre Council

The International Mediation Centre Coordinator

The International Mediation Centre Secretary

The International Mediation Consultative Body

## VI.

### The International Mediation Centre Council

The International Mediation Centre Council comprises of representatives of each Chamber of Commerce.

Each Chamber of Commerce decides who represents its interests in the Council. A change of representative is binding when all other members of the Council are informed and become acquainted with the information. This can be done amongst others via e-mail with receipt of confirmation.

The Council is appointed for a term of 2 years. The names of members of the Council, who represent a particular Chamber are provided to the coordinator of the Centre by the Chambers on his/her request no later than two weeks prior the first meeting of the next term Council.

The first Council, engaged in setting up the Centre, comprises of:

Elisabetta Caprion (CCIIP), Joanna Jaroch-Pszenciczna (CCIFP), Jakub Piegat (BPCC), María Ruiz López (PHIG), Katarzyna Węclawiak (BBC).

The President of the Council is nominated by the members of the Council with a majority of votes for a term of 6 months, unless the Council decides otherwise.

The Council meets as necessary to meet its needs but no less than once a quarter.

The Council's task is to oversee the activity of the International Mediation Centre, discuss current issues, make decisions related to the crucial issues for the Mediation Centre and determine the direction of the International Mediation Centre's activity.

The Council appoints and recalls the International Mediation Centre Coordinator and the International Mediation Centre Secretary.

The Council oversees the accuracy and fairness of the Centre's activity, including the activities of the Coordinator and the Secretary.

The Council's activities are regulated by the Rules and Regulations of the International Mediation Centre Council.

## VII.

### **The International Mediation Centre Consultative Council**

The Consultative Council is an advisory body for the Council and provides merit related support for the Council to make a decision. The Consultative Council comprises of Ewelina Stobiecka PhD, the International Mediation Centre Coordinator, Aleksandra Ladachowska, the first International Mediation Centre Secretary.

The Consultative Council is authorised to take part in Council meetings and has the right to one vote, previously accepted through voting within the Consultative Council with the majority of the votes.

The Council decides on the acceptance of new members of the Consultative Council, taking into account the special achievements of a candidate for development of the International Mediation Centre and promotion of mediation.

Members of the first Council are entitled to join the Consultative Council once their terms in the International Mediation Centre Council have been completed.

Membership/position in the Consultative Council is life-long.

## VIII.

### **The International Mediation Centre Coordinator**

The International Mediation Centre Coordinator may be a natural person appointed by the Council to perform its duties. The Coordinator is selected for a period of 2 years by a majority of 2/3 of the Council's votes and can be recalled in the same way.

The International Mediation Centre's Coordinator deals with merit related matters of the International Mediation Centre's activity.

The Coordinator's scope of duty includes:

1. To assure the mediation proceedings are conducted in accordance with the binding provisions of law, Rules and Regulations of the International Mediation Centre, ethics principles and rules related to mediators;
2. To maintain the appropriate number of mediators who have adequate skills and qualifications;

3. To work with the mediators and supervise the highest standards of the proceedings conducted in the Centre;
4. To verify and complete the Mediators List of the International Mediation Centre;
5. To participate and coordinate other initiatives of the International Mediation Centre if such occurs;
6. To liaise with the International Mediation Centre Secretary in relation to current issues;
7. To approve document templates including motions related to the mediation proceedings;
8. To supervise the merit-content of the webpage of the International Mediation Centre;
9. To supervise issues related to the International Mediation Centre and report on them to the Council and to introduce the successor.

The 1<sup>st</sup> Coordinator of the International Mediation Centre as the initiator and the coordinator of activities related to establishment of the Mediation Centre is Ewellina Stobiecka Phd.

The term of the 1<sup>st</sup> Coordinator office is five years.

## IX.

### The International Mediation Centre Secretary

The International Mediation Centre Secretary deals with the technical and administrative issues related to the activity of the International Mediation Centre therefore the Secretary coordinates and is responsible for work of the secretarial office of the International Mediation Centre.

The Secretary's scope of duty includes:

1. To organise the mediation proceedings including maintaining the meeting calendar.
2. To organise the accurate operation of the secretarial office.
3. To supervise issues related to the correspondence regarding mediation including registration and the smooth flow of documents and information.
4. To update the mediators list and data related to the Centre's mediators.
5. To provide adequate conditions to archive and protect documents related to the mediation proceedings.
6. To provide appropriate technical, as well as physical and adequate space to conduct the meditation sessions.

7. To perform any activities related to the financial issues as a result of the mediation proceedings within the activity of the International Mediation Centre.
8. To process personal data in accordance with the binding provisions including the Act on personal data protection dated 29 August 1997 (J.L. dated 2002 No., item 926 with amendments).
9. To maintain and update the International Mediation Centre's webpage.
10. To maintain mediation proceedings statistics conducted by the International Mediation Centre.

The Secretary is appointed by the Coordinator, who specifies the criteria according to which the Secretary is chosen, however the minimum requirement is knowledge of the English language.

## X.

### Mediation

Any business entity may file a commercial dispute for mediation at the International Mediation Centre.

Any case related to the business activity with any other business entity may be the subject of mediation.

Any business entity which runs an activity in Poland may take part in a mediation proceeding conducted by the International Mediation Centre.

Parties of the mediation proceeding in the International Mediation Centre accept the Rules and Regulations which are binding during mediation. The parties confirm the acceptance of the Rules and Regulations in writing in the form of the Mediation Contract.

The mediation proceedings are conducted in accordance with the binding provisions of law and the parties' arrangements included in the Mediation Contract.

Detailed principles of a mediation proceeding are included in the Rules and Regulations of the International Mediation Centre and the Price List.

## XI.

### Mediators

1. A person who has adequate knowledge and experience within the scope of commercial activity and commercial law provisions may become a mediator in a mediation proceeding conducted in the International Mediation Centre, as well as:
  - a) a person must have the legal capacity and the capacity for legal acts and has not been convicted of a commercial crime or crimes against documents; at the point when a Mediator is entered onto the Mediator's list, he or she must be at least 30 years old;

and

  - b) a person who graduated from a course or postgraduate studies within the scope of mediation; A minimum of 40 hours training is required or warranty of the mediator for the conducted mediation by presenting fulfillment of requirements specified in point XI.3 hereof;

and

  - c) a person who has knowledge and experience related to the commercial issues and is familiar with the binding provisions of law and/or has practical knowledge of the rules related to commercial activity.
2. An attorney who specialises and has experience in commercial issues can become a mediator;
3. The status of a Mediator at the International Mediation Centre is granted by entering into a mediators list held by the Mediation Centre.

## XII.

### Entering into and removing from the Mediator's List

A mediator is entered into the list upon the request and the following details are included:

1. Personal data: name, surname, address, telephone number and e-mail address of the mediator.
2. Statement of the full legal capacity and a clean criminal record in relation to crimes listed in Point 1 of the part on the requirements concerning mediators.
3. Information on the professional experience, courses and other additional qualifications, scientific achievements and publications
4. Information on the languages in which mediations can be conducted by a particular mediator
5. When filing all the above information the mediator also gives consent to process personal data for the International Mediation Centre's purposes, in accordance with the Act on Personal Data Protection dated 29 August 1997 (J. L. of 2002 No 101, item 926 with amendments)
6. There is a fixed charge of PLN 150 for entering a mediator onto the Mediators List

A mediator can be deleted from the Mediators list when:

1. A Mediator files a motion to delete him/her from the list;
2. A Client of the International Mediation Centre has serious repeated reservations related to the work of a mediator in writing;
3. A Mediator can refuse to conduct mediation up to 4 times a year without having to give any reason. This does not apply when there is a likelihood of a violation of impartiality.
4. A Mediator no longer fulfills the requirements necessary to be entered into the Mediators List of the International Mediation Centre.

### XIII.

#### **Financing and costs of the International Mediation Centre's activity.**

The International Mediation Centre is financed from the funds obtained from the fees and costs of the parties which use mediation.

The International Mediation Centre may also gain revenue from workshops, courses, meetings and conferences organised by itself.

The International Mediation Centre, within the scope of its activity, may also be financed by the international chambers of commerce respectively for justified needs.