

RULES ON MEDIATION*

Article 1

- (1) The Mediation Centre (hereinafter: the Centre) operates within the Croatian Chamber of Economy.
- (2) The Centre is independent in its work.
- (3) The seat of the Centre is in Zagreb.
- (4) The Centre may have regional centres for mediation in Split, Osijek, Rijeka, Pula, Koprivnica and Varaždin and in the seats of other county chambers of the Croatian Chamber of Economy.
- (5) The Centre has a seal with the inscription: "The Mediation Centre at the Croatian Chamber of Economy" and the Centre logo.
- (6) The Centre has a President and a Registrar.
- (7) By agreeing to the jurisdiction of the Centre, parties agree to the application of these Rules.

Article 2

- (1) The Centre provides services in relation to mediation proceedings in which one or more mediators help the parties in an independent and impartial manner to reach a settlement in civil, commercial, labour and other property law disputes over rights with which they may freely dispose.
- (2) Domestic and foreign physical and legal persons may request the conduct of proceedings according to these Rules.
- (3) The parties are authorized to depart from the use of certain provisions of these Rules, by means of a written agreement, but their agreement may not be in opposition to the *ius cogens* rules of the Mediation Act currently in force.
- (4) The Centre has a list of mediators, which is published in the Official Gazette. The parties may also appoint a person to be mediator who is not on this list of mediators.

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Article 3

- (1) In order to institute mediation proceedings, it is not necessary to previously conclude a mediation agreement.
- (2) A proposal to institute mediation by one party to the other party is deemed to have been orderly served if it is delivered to the address of the registered permanent residence or seat of the opposing party or the authorised representative of that party by post or e-mail.
- (3) If the other party does not respond within 15 days of receipt of the proposal to conduct mediation or within another time limit for a response indicated in the proposal, it shall be deemed that the proposal for mediation has been rejected.
- (4) If the parties have not agreed otherwise, mediation begins when the Centre receives notification in writing or by e-mail of the fact that the parties have agreed to conduct mediation before the Centre, or when the Centre is informed in this way about the acceptance of the proposal to institute mediation proceedings.

Article 4

- (1) It is deemed that a party who moves for or who agrees to institution of mediation proceedings within the Centre accepts the provisions of these Rules and the currently valid Decision of the Centre on the costs of mediation.
- (2) During the mediation proceedings the parties shall refrain from instituting other court or arbitration proceedings to resolve the dispute which is the subject of the mediation, unless this is necessary to preserve their rights.

Article 5

- (1) The parties shall establish in agreement whether the mediation will be conducted by one or more mediators.
- (2) The parties shall select the mediator or mediators in agreement. They may agree that the mediator or mediators are appointed by the President of the Centre.
- (3) If the parties do not reach agreement about the identity of the mediator or mediators, the President of the Centre shall appoint that person or persons.
- (4) A person who is offered the appointment of mediator

is obliged to reveal all circumstances which could give rise to reasonable doubt in their impartiality and independence.

(5) A person who is taking part in mediation proceedings as mediator may not be an arbitrator in a dispute which is instituted in the same matter between the same parties.

Article 6

(1) The mediator is obliged to participate impartially and act equally towards each of the parties to the dispute, and in conducting the proceedings must have a fair relationship towards the parties.

(2) The parties shall establish in agreement the scope of the mediator's authority, and especially to what extent he is authorized or obliged to take an active role in drawing up the proposed settlement.

(3) Within the framework of the agreement by the parties, the mediator is authorized to conduct the proceedings in the manner he deems appropriate, taking into consideration the circumstances of the case, the expressed wishes and expectations of the parties, and the interest for the dispute between the parties to be concluded quickly and permanently. The mediator is as a rule authorized to examine the statements and proposals of the parties, and where necessary gather specific information and hear the parties.

(4) The mediator is authorized to hold meetings with both parties at the same time, or with each party separately.

(5) If the parties have not agreed otherwise, the mediator may only pass on information and data he receives from one party to the other party with their consent.

(6) The mediator may participate in drawing up settlements and propose their content.

Article 7

(1) The settlement is an enforceable document if it contains a statement by the debtor on immediate permission for enforcement (the enforceability clause), in that this clause may also be contained in a separate document.

(2) The settlement and the separate document on enforce-

ability, if adopted, shall be concluded in writing; these agreements shall be enclosed with the minutes signed by the parties and the mediator.

(3) The parties may agree for the settlement to be drawn up in the form of a notary public act or in another form prescribed by the Mediation Act in force.

Article 8

(1) The mediator shall keep all information on the mediation proceedings confidential in relation to third persons unless it is prescribed otherwise by law or if giving information is necessary for the sake of enforcing the settlement.

(2) The provisions of paragraph 1 of this Article shall be applied as appropriate to the parties and other persons, including employees of the Centre.

Article 9

(1) Mediation is concluded:

- if one party sends the other party and the mediator a written or electronic statement on withdrawal from the mediation proceedings, unless two or more parties who intend to continue the mediation are participating in the proceedings even after one party has withdrawn.
- if the parties send the mediator a written or electronic statement concluding the proceedings,
- by the decision of the mediator if the mediation proceedings are terminated, rendered as a rule after the parties have been given the opportunity to express their opinion on this, because continuing to find a peaceful settlement of the dispute would have no purpose.
- if a settlement is not reached within 60 days from the beginning of mediation, but this time limit may be extended by agreement between the parties.
- by the conclusion of a settlement.

(2) The conclusion of the mediation proceedings is declared, according to the circumstances of the case, in minutes drawn up by the mediator, or in written form, drawn up by the President of the Centre.

Article 10

The Centre and the mediators have the right to remuneration of costs pursuant to Rules on Costs in Proceedings conducted before the Centre currently in force. The Rules on Costs shall be adopted by a Decision of the Managing Board of the Croatian Chamber of Economy.

Article 11

- (1) The President shall represent the Centre and act on its behalf.
- (2) The President shall appoint mediators in the cases prescribed by the Rules, monitor the application of the general acts of the Centre and prepare and propose amendments to those acts in order to align them with the development of legislation and practice in the field, organize professional conferences, seminars and discussions to promote the Centre and the institution of mediation, take part in professional and scholarly conferences, publish information in professional and scientific literature on the rules and practice of the Centre, undertake activities to establish cooperation with other Croatian and foreign organizations and bodies of the European Union, whose work is of interest for the work of the Centre, sign cooperation agreements and undertake other tasks prescribed by these Rules and the acts of the Centre.
- (3) The President of the Centre shall submit an annual report of its work to the Croatian Chamber of Economy.
- (4) The President of the Centre shall be appointed by the Managing Board of the Croatian Chamber of Economy, for a term of four years.

Article 12

- (1) The Registrar of the Centre shall be appointed by the President of the Croatian Chamber of Economy, and concludes an employment contract with him.
- (2) The Registrar of the Centre shall perform administrative tasks needed for the work of the Centre, take care of the correct execution of conclusions and orders by the President and perform other work prescribed by these Rules and the acts of the Centre.
- (3) The Registrar of the Centre shall prepare the plan

of work for the current year and an annual report on its work.

Article 13

- (1) The President and the Registrar of the Centre have the right to remuneration of costs in relation to discharging their function, pursuant to the Decision on the Costs of Mediation in Mediation Proceedings at the Centre.
- (2) The President of the Centre has the right to remuneration. The amount of that remuneration shall be established at the beginning of the year for the current year by the President of the Croatian Chamber of Economy.

Article 14

The Croatian Chamber of Economy shall undertake supervision of the administrative and material-financial business of the Centre and provide for the material and financial needs of its work.

Article 15

The general acts of the Centre, the list of mediators and decisions on appointment of the President from Article 11 of the Rules shall be published in the Official Gazette.

Article 16

When these Rules come into force the Mediation Rules (Official Gazette no. 140/2009) shall no longer be in force.

Article 17

These Rules shall enter into force on the eight day from their publication in the "Official Gazette".