

MEDIATION RULES
MEDIATION CENTRE AT THE POLISH CHAMBER OF COMMERCE

§ 1.

Preliminary provisions

1. The Mediation Rules of the Mediation Centre at the Polish Chamber of Commerce, hereinafter referred to as the Rules, specify in particular the rights and obligations of the participants in mediation proceedings, the types of mediation proceedings and their course from initiation to completion, as well as the fees and expenses related thereto.
2. The terms and expressions used in the Regulations shall have the following meaning:
 - 1) Centre – the Mediation Centre at the Polish Chamber of Commerce;
 - 2) President of the Mediation Centre – the President of the Mediation Centre at the Polish Chamber of Commerce;
 - 3) Vice-President of the Mediation Centre – the Vice-President of the Mediation Centre at the Polish Chamber of Commerce;
 - 4) Mediator – a person entered on the List of Mediators of the Mediation Centre at the Polish Chamber of Commerce in Warsaw, kept pursuant to § 9 of the Statute of the Mediation Centre at the Polish Chamber of Commerce;
 - 5) President of the Court – the President of the Court referred to in § 7 of the Statute of the Arbitration Court at the Polish Chamber of Commerce of 13 December 2018, adopted by resolution of the Polish Chamber of Commerce’s Presidium No. 31/2018, as amended on 18 November 2021;
 - 6) Arbitration Court – the Arbitration Court at the Polish Chamber of Commerce;
 - 7) Arbitration Council – the Arbitration Council referred to in § 5 of the Statute of the Court of 13 December 2018, adopted by resolution of the Polish Chamber of Commerce’s Presidium No. 31/2018, as amended on 18 November 2021;
 - 8) Arbitration Rules – the Arbitration Rules of the Arbitration Court at the Polish Chamber of Commerce as amended on 8 November 2021 in force from 01 April 2022.
3. The parties to the dispute, in agreement with the Mediator, may agree on different rules for the conduct of the mediation proceedings, otherwise the Rules shall apply.

§ 2.

Types of mediation procedures

1. Mediation proceedings constitute structured proceedings of a voluntary nature in which at least two parties to a dispute attempt to reach an agreement to resolve their dispute with the assistance of a Mediator.
2. The Centre conducts the following types of mediation proceedings:
 - 1) contractual proceedings – based on a request by a party or parties to the dispute;
 - 2) judicial proceedings – based on an order of a common court or other authority directing mediation;
 - 3) proceedings based on an order of the Arbitration Board.
3. To the extent permitted by law, mediation proceedings may be conducted in whole or in part by electronic means of remote communication.

§ 3.

Parties to the mediation proceedings

A party to mediation proceedings may consist of any entity that is granted judicial capacity by law as well as a public administration body.

§ 4.

Contractual mediation proceedings

1. A party's request for mediation should include:
 - 1) identification of the parties and their representatives (if any), their addresses, e-mail addresses and telephone numbers;
 - 2) a precise statement of the claim and a concise statement of the circumstances justifying the claim;
 - 3) indication of the value of the subject matter of the dispute in property disputes;
 - 4) confirmation of payment of the registration fee and the mediation fee;
 - 5) a copy of the mediation agreement – if the parties concluded such agreement in writing;
 - 6) list of appendices.
2. The request for mediation may also include the appointment of a Mediator.
3. If the request for mediation is submitted by all parties, they shall attach proofs of payment of the registration fee and mediation fees.
4. If the request does not comply with the requirements set out in paragraph 1 or paragraph 3, the President of the Court calls the applicant to remedy the deficiencies within 7 days. The

request for mediation corrected or supplemented within the time limit shall have effect from the time it is submitted.

5. If mediation is requested by one party, the President of the Court serves a copy of the request on the other party and invites the other party to declare in writing whether it agrees to mediation, and to submit proof of payment of the mediation fee within 7 days.
6. If the other party has not consented to the mediation or the mediation fee has not been paid in time, the mediation proceedings shall be deemed not to have been initiated. The President of the Court notifies the parties that mediation is not possible and returns the mediation fee paid to the requesting party.
7. If the parties did not conclude a mediation agreement, the mediation proceedings shall be deemed to have been initiated as of the date on which the other party agrees to mediation. If the request for mediation is made by all parties, the mediation proceedings shall be initiated on the date of the request for mediation.
8. The request for mediation shall be deemed to have been served on the date on which it is submitted to the Centre or posted to the Centre by registered mail.

§ 5.

Mediation proceedings based on the decision of the Arbitration Board

1. The Centre conducts mediation proceedings on the basis of an Arbitration Court order.
2. The Arbitration Court serves the order referring the parties to mediation on the parties, the President of the Mediation Centre and the President of the Court.
3. The Rules shall apply to mediation proceedings at the referral of the Arbitration Court.

§ 6.

Judicial mediation proceedings

1. The Centre conducts mediation proceedings on the basis of an order of a general court or other authority directing mediation.
2. If the order of the general court or other authority directing mediation includes the designation of a Mediator, the President of the Court immediately forwards to the designated Mediator any documentation received from the court or authority. The Mediator is obliged to act without delay, without prejudice to the statutory time limits.

§ 7.

Mediator

1. As soon as the mediation proceedings are initiated, the President of the Court sends the list of Mediators to the parties by e-mail and invites the parties to appoint a Mediator in agreement within 7 days.
2. The President of the Mediation Centre or the Vice-President appoints the Mediator in the event of:
 - 1) failure to appoint a Mediator at the unanimous request of the parties;
 - 2) failure to appoint a Mediator in an order of the common court or other authority directing mediation.
3. The President of the Court immediately notifies the person appointed as Mediator, inviting him or her to declare his or her acceptance within two business days, his or her impartiality and independence, and the availability of the time necessary to perform the Mediator's duties. In the declaration, the Mediator undertakes to perform his or her duties with the diligence required of a professional. The President of the Court promptly serves it on the parties by e-mail.
4. The President of the Court immediately notifies the parties of Mediator's refusal to accept the function by e-mail. Failure to submit the declaration referred to in paragraph 3 shall be tantamount to the refusal to accept the function.
5. The Mediator remains impartial, neutral and independent throughout the mediation proceedings and is obliged to promptly disclose to the parties any circumstances that may cast doubt on his or her impartiality, neutrality and independence.
6. The Mediator performs his or her function to the best of his or her knowledge and skills, in accordance with the Code of Ethics for Polish Mediators, adopted on 19 May 2008 by the Social Council for Alternative Conflict and Dispute Resolution at the Ministry of Justice and the European Code of Conduct for Mediators.
7. The function of the Mediator in the mediation proceedings under the Rules may not be performed by the President of the Court and Deputy Presidents of the Court, as well as employees of the Arbitration Court and the Mediation Centre.
8. The mediation proceedings are conducted by one Mediator, unless the parties have agreed to appoint two or more Mediators.

§ 8.

Mediation proceedings

1. The parties and the Mediator are obliged to cooperate with each other in good faith and with mutual respect.
2. The mediation proceedings are conducted by the Mediator through joint mediation hearings – with all parties and individual mediation hearings – with one party.
3. The Mediator draws up and signs a protocol of the mediation, in accordance with the principle of confidentiality of the mediation, in which he or she specifies:
 - 1) the place and time of mediation;
 - 2) the name and addresses of the parties and the Mediator;
 - 3) the outcome of the mediation.
4. In the case of mediation conducted on the basis of a decision of a common court to refer the parties to mediation, when drawing up the mediation protocol, the mediator is obliged to comply with the requirements indicated in the Civil Procedure Code.
5. If the parties have reached a settlement before the Mediator, the settlement is either be included in the protocol or attached thereto, and bears the signatures of the parties.
6. The Mediator serves copies of the minutes on the parties without delay.

§ 9.

Confidentiality of mediation

1. The mediation proceedings are confidential. The parties, the Mediator and other persons participating in the mediation proceedings are obliged to keep confidential the facts of which they have become aware in connection with the mediation, in particular the content of the settlement proposals, and not to refer to them in any other proceedings, including arbitration or court proceedings.
2. The Mediator is obliged to keep confidential the facts of which he or she becomes aware in the course of an individual hearing or other communication with one party only, unless that party releases the Mediator from this obligation.
3. Parties entering into mediation proceedings in accordance with the Rules undertake not to call the Mediator as a witness in any proceedings.

§ 10.

Completion of mediation proceedings

1. Mediation proceedings should be completed within 30 days counting from the date of submission by the Mediator of the declaration referred to in § 7 subsection 3, unless the

parties have agreed to a longer mediation period or the court or other authority referring the case to mediation has set a different period.

2. The mediation proceedings end on the day of:
 - 1) signing by the parties of the settlement reached before the Mediator;
 - 2) serving of Mediator's notice on the parties that, in the Mediator's opinion, mediation will not lead to a resolution of the dispute;
 - 3) serving on the parties the mediation report stating that the mediation did not result in a settlement agreement.
3. Upon completion of the mediation proceedings, the Mediator shall immediately inform the President of the Court of this fact by e-mail.

§ 11.

Appointment of the Mediator as arbitrator

1. At the unanimous request of the parties, the Arbitration Council may appoint a Mediator as an arbitrator with the power to give the settlement agreement the form of an award. In such a case, the restrictions under § 16 paragraph 3 sentence 1 and § 20 paragraph 2 sentence 1 of the Arbitration Rules do not apply to the appointment of an arbitrator.
2. The President of the Court calls upon the parties to pay the arbitration fee, including the mediation fees paid, within a specified period of not less than 14 days. The amount of the arbitration fee is set out in the Tariff of Fees for the Court of Arbitration at the Polish Chamber of Commerce in force on the day the request is filed.

§ 12.

Fees and expenses of contractual mediation proceedings

1. The costs of contractual mediation proceedings include:
 - 1) registration fee;
 - 2) mediation fee;
 - 3) expenses.
2. The registration fee is PLN 500.
3. The mediation fee is:
 - 1) in cases with the value of the subject matter of the dispute specified in the request for initiating mediation proceedings up to PLN 50,000: PLN 1.000 from each party and includes two mediation hearings lasting up to two hours each;

- 2) in cases with the value of the subject matter of the dispute specified in the request for initiating mediation proceedings in excess of PLN 50,000 up to PLN 100,000: PLN 1.500 per party and includes three mediation hearings lasting up to two hours each;
 - 3) in cases with the value of the subject matter of the dispute specified in the request for initiating mediation proceedings in excess of PLN 100,000 up to PLN 200,000: PLN 2.000 from each party and includes four mediation hearings lasting up to two hours each;
 - 4) in cases with a value of the subject of the dispute specified in the request for initiating mediation proceedings of more than PLN 200,000.00 to PLN 500,000: PLN 3.000 from each party and includes five mediation hearings lasting up to two hours each;
 - 5) in cases with a value of the subject matter of the dispute specified in the request for mediation exceeding 500,000.00, the mediation fee will be determined on a case-by-case basis with the President of the Court before the request for mediation is submitted;
 - 6) in cases involving non-property rights: PLN 1.000 from each party and includes two mediation hearings lasting up to two hours each;
4. The mediation fee for a settlement previously negotiated by the parties for signing before the Mediator is PLN 500 per party.
 5. In the event that the parties wish to hold more hearings than specified in paragraph 3, they pay a fee for each additional mediation hearing in the amount of PLN 350 from each party, which is to be paid to the Centre prior to the mediation hearing.
 6. If, in the course of the mediation, the parties decide to expand its subject matter to include another matter or to expand the value of the subject matter of the dispute in the mediation, they are obliged to pay the registration fee and the mediation fee or to supplement the fees before the next mediation hearing.
 7. The mediation fee covers all activities related to the preparation and conduct of the mediation, such as reading the documents, conducting the mediation hearings, preparing summaries, exchanging statements and settlement proposals between the parties, correspondence with the parties and drafting letters to the court or the body referring to the mediation, including the mediation report.
 8. In the event that a party or parties abandon the mediation proceedings before the first mediation hearing, the mediation fee is to be refunded in full.
 9. Expenses include, in particular: the Mediator's travel expenses, experts' and interpreters' opinions and the rent of the room for the mediation hearing. The President of the Court calls on the parties to advance expenses after agreeing with the Mediator on the amount of the

anticipated expenses. In the case of mediation hearings held by means of remote communication, no expenses are to be charged in relation to the Mediator's travel expenses and the rental of the mediation hearing room.

10. If the parties agree that one of the parties bears the entire mediation fee or expenses, the Mediator's impartiality, neutrality and independence will not be affected.
11. Registration fees, mediation fees and expenses are increased by the applicable rate of value added tax.

§ 14.

Costs of court mediation proceedings

The costs of court mediation shall be determined in accordance with the applicable legal provisions.

§ 15.

Costs of appointing a Mediator as an arbitrator

The costs of appointing a Mediator as an arbitrator authorised to give the settlement agreement the form of an award shall be determined on the basis of the applicable Tariff of Fees for the Activities of the Court of Arbitration at the Polish Chamber of Commerce.

§ 16.

Final provisions

1. The regulations were adopted by a resolution of the Presidium of the Polish Chamber of Commerce on 26 October 2023.
2. The regulations shall enter into force on 1 January 2024.