

RECOMMENDED MEDIATION CLAUSES OF THE MEDIATION CENTRE AT THE CROATIAN CHAMBER OF ECONOMY

A. OPTIONAL MEDIATION

Clause regarding the optional resolution of dispute via mediation, even though arbitration has been stipulated as the means of dispute resolution. This clause may be an integral part of the contract or it may be stipulated following a dispute.

“Regardless of the possibility of dispute resolution before the stipulated arbitration, the parties may seek to settle the dispute through mediation before the Mediation Centre at the Croatian Chamber of Economy in accordance with the Rules on Mediation as in force.”

B. STIPULATING AN OBLIGATION TO CONSIDER MEDIATION

Clause with which the parties oblige themselves to try and settle the dispute through mediation, prior to submitting the matter to arbitral or judicial proceedings:

“In the event of any dispute arising out of or relating to this contract, including such relating to its breach, termination or invalidity, and any legal consequence thereof, the parties shall in first instance jointly consider submitting the matter to proceedings under the Rules of Mediation of the Croatian Chamber of Economy as in force.”

C. STIPULATING MEDIATION WITH AN AUTOMATIC EXPIRATION MECHANISM

Clause regarding the obligation to submit to mediation with an automatic expiration mechanism:

„All disputes arising out of or relating to this contract, including such relating to its breach, termination or invalidity, and any legal consequence thereof, shall be directed to mediation in accordance with the Rules of Mediation of the Mediation Centre at the Croatian Chamber of Economy, as in force. If any such dispute has not been settled pursuant to the said Rules within (30) days following the filing of a request for mediation or within such period as parties may agree, the parties shall not have any obligations under this provision.”

D. MEDIATION AND ARBITRATION CLAUSE

Clause on mediation which determines the resolution of dispute through arbitration before the Permanent Arbitration Court at the Croatian Chamber of Economy; if such dispute has not been settled through mediation:

“All disputes arising out of or relating to this contract, including such relating to its breach, termination or invalidity, and any legal consequence thereof, shall be directed to mediation in accordance with the Rules of Mediation of the Mediation Centre at the Croatian Chamber of Economy, as in force.”

If any such dispute has not been settled pursuant to the said Rules within (30) days following the filing of a request for mediation or within such period as parties may agree, such dispute shall be finally settled in accordance with the Rules of Arbitration of the Permanent Arbitration Court at the Croatian Chamber of Economy (the Zagreb Rules)."