



CROATIAN CHAMBER OF ECONOMY

# *RULES ON MEDIATION*



**MEDIATION CENTRE**  
AT THE CROATIAN CHAMBER OF ECONOMY



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## **RULES ON MEDIATION**

Mediation Centre

at the Croatian Chamber of Economy

Zagreb, April 2012

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# **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).”*

# **MEDIATION ACT\***

## **GENERAL PROVISIONS**

### *Scope of application*

#### *Article 1*

- (1) This Act governs mediation in civil disputes including commercial, labour and other disputes, in matters involving rights which the parties may freely dispose of.
- (2) The provisions of this Act shall apply accordingly to mediation in other disputes where the nature of legal relations from which such disputes arise corresponds with these provisions, and unless the rules for the resolution of such disputes are provided for in a separate act.
- (3) The provisions of this Act shall also apply accordingly to mediations in which one of the parties is domiciled, habitually resident, or seated outside the Republic of Croatia.

### *Purpose of the Act*

#### *Article 2*

- (1) The purpose of this Act is to facilitate access to mediation as an appropriate method for the resolution of disputes, to ensure the availability of mediation, to raise awareness of mediation by promoting its implementation and by ensuring a balanced relationship between mediation and judicial proceedings.
- (2) In order to achieve the purpose of this Act, the use of mediation and the training of mediators shall be encouraged; all information on mediation, mediators and mediation organisations shall be published and made available through mass, electronic and other media.

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\* Published in "Narodne novine" (Official Gazette) No. 18/2011 on 9 February 2011, in force as of 17 February 2011

## *Definitions*

### *Article 3*

Pursuant to this Act:

- *mediation* means any proceedings, regardless of whether conducted before the court, a mediation organisation or outside such institutions, in which the parties attempt to resolve their dispute amicably, with the assistance of a mediator or mediators who assist them in reaching a settlement agreement without having the authority to impose any binding solution on them,
- *mediator* means a person who conducts mediation on the basis of an agreement made between the parties,
- *mediation organization* means a legal person, an entity of a legal person or an organizational unit of a legal person which organizes mediation proceedings.

## *The principles of interpretation of the Act*

### *Article 4*

- (1) When interpreting the provisions of this Act, the principles of good faith and internationally accepted mediation standards laid down in the documents of the European Union, the United Nations and the Council of Europe should be observed.
- (2) The issues not provided for in this Act shall be settled in conformity with the principles of voluntariness, effectiveness of the proceedings, equal treatment of the parties, party autonomy, confidentiality of the proceedings and the mediators' impartiality.

## MEDIATION PROCEEDINGS

### *Mediation and other proceedings on the merits of a dispute*

### *Article 5*

Mediation may be conducted notwithstanding any pending judicial, arbitral or any other proceedings relating to the matter in dispute.

## *Commencement of mediation proceedings*

### *Article 6*

- (1) In order to initiate mediation proceedings, it is not necessary for the parties to have made an agreement in advance binding themselves to resolve their future disputes by mediation.
- (2) Mediation commences by the acceptance of an application for mediation, unless it is prescribed or agreed otherwise for disputes where the initiation of mediation proceedings is obligatory.
- (3) Unless the parties agree otherwise, the opposing party must reply to the application for mediation within 15 days from the day it received the application or within any other time limit indicated in the application.
- (4) If the opposing party fails to reply to the application for mediation within the time limit referred to in paragraph 3 of this Article, the application for mediation shall be deemed rejected.
- (5) If the time limit for filing a claim is laid down in a separate act, mediation proceedings in the case referred to in paragraph 4 of this Article shall be considered terminated.

## *Appointment of mediators*

### *Article 7*

- (1) The appointment of mediators shall be carried out in accordance with the rules the parties agreed upon.
- (2) The parties shall agree whether mediation is to be carried out by one or several mediators and who shall be appointed as mediator.
- (3) If the parties are unable to agree on the number of or the person or persons to be appointed as mediators, they shall request that such matters be determined by a mediation organization or by a third party (the appointing authority).

## *Obligations of mediators*

### *Article 8*

- (1) In mediation proceedings, the mediator shall act professionally, to good purpose and impartially.
- (2) The person offered the appointment as a mediator shall reveal any circumstances which might give rise to justified doubt regarding his or her impartiality and independence. Upon appointment, the mediator shall communicate any such circumstances to the parties as soon as he or she acquires knowledge thereof, if he or she has not notified them previously.

## *Conduct of mediation proceedings*

### *Article 9*

- (1) Mediation shall be conducted in the manner agreed upon by the parties.
- (2) In conducting mediation proceedings, the mediator shall maintain a fair and equal relationship with the parties.

## *Meetings of mediators and parties*

### *Article 10*

- (1) In the course of mediation proceedings, the mediator may meet with each party separately.
- (2) Unless the parties have agreed otherwise, the mediator may communicate information or data received by one party to the other party only with the party's consent.

## *The mediator's right to propose a settlement agreement*

### *Article 11*

The mediator may participate in the development of the settlement agreement and propose its content.

## *Termination of mediation proceedings*

### *Article 12*

Mediation is terminated when:

- one party sends a written statement of withdrawal from the mediation proceedings to the other party and to the mediator, except when upon the withdrawal of one party, there are still two or more parties participating in the proceedings and willing to proceed with mediation;
- the parties have sent a written statement to the mediator on the termination of the proceedings;
- the mediator decides to terminate the mediation proceedings, on the grounds that, having given the parties an opportunity to state their positions, it is clear that any further effort to reach an amicable resolution of the dispute is no longer purposeful;
- if no settlement is reached within 60 days from the date of the commencement of mediation proceedings or within any other time limit in accordance with the agreement made between the parties;
- a settlement agreement is concluded.

## *Effects of the settlement agreement*

### *Article 13*

(1) A settlement agreement concluded in the course of mediation proceedings is binding on the parties. If by the settlement, the parties have taken over some obligations, they are bound to fulfil them in a timely manner.

(2) A settlement agreement concluded in the course of mediation proceedings shall be an enforcement title if it contains an obligation to perform an act over which the parties may reach a settlement and if it contains the obligor's statement on immediate authorisation of enforcement (an enforcement clause).

(3) In the enforcement clause, the obligor explicitly agrees that on the basis of the settlement agreement, in order to carry out the performance of the due obligation, immediate enforcement may be ordered. An enforcement clause may also be part of a separate document.

(4) The enforcement of a settlement referred to in paragraph 2 of this Article shall be rejected if:

- the settlement agreement is not allowed,
- the settlement agreement is contrary to public policy,
- the content of the settlement agreement is not implementable or possible.

(5) The parties may also agree that the settlement agreement shall be drawn up in the form of a notarial act, a court settlement, or an arbitral award based on the settlement.

### *Confidentiality*

#### *Article 14*

(1) Unless otherwise agreed by the parties, the mediator shall keep all information and data received in the course of the mediation proceedings confidential in relation to third persons, except where disclosure is required by the law or where it is necessary for the implementation or enforcement of the settlement agreement.

(2) The mediator shall be liable for the damage caused by his or her violation of the obligation referred to in paragraph 1 of this Article.

(3) The provisions of paragraphs 1 and 2 of this Article are applied accordingly to the parties and other persons who have participated in mediation proceedings in any capacity.

### *Admissibility of evidence*

#### *Article 15*

(1) In arbitral, judicial or any other proceedings it is not permitted to make statements, propose evidence or submit any other proof in whatever form regarding any of the following:

- the fact that a party had proposed or accepted mediation;
- the parties' statements of facts or proposals made during mediation proceedings;
- admission of claims or facts made in the course of

- mediation proceedings if such admissions and observations are not a constituent part of the settlement;
- documents prepared solely for the purpose of mediation proceedings, unless it is stipulated by law that their communication is necessary for the implementation or enforcement of the settlement agreement;
  - the parties' willingness to accept the proposals made during mediation proceedings;
  - other proposals made during mediation proceedings.

(2) Unless otherwise agreed by the parties, the mediator and the persons participating in mediation proceedings in any capacity may not be forced to testify in arbitral, judicial or any other proceedings in relation to information and data resulting from mediation proceedings or connected therewith.

(3) In judicial, arbitral or other proceedings, evidence referred to in paragraph 1 shall be rejected as not admissible. Exceptionally, the data or information referred to in paragraph 1 of this Article may be disclosed or used for evidential purposes in proceedings before arbitral tribunals, courts of law or other state bodies where:

- it is necessary for the protection of public order, but only under the conditions and in the scope prescribed by law, or
- it is necessary for the implementation or enforcement of the settlement agreement.

(4) Persons who act contrary to paragraphs 1 and 2 of this Article are liable for the damage caused thereby.

(5) The provisions of paragraphs 1 through 4 of this Article apply regardless of whether arbitral, judicial or other similar proceedings are connected with the dispute that is, or was the subject matter of mediation proceedings.

(6) Except in the case referred to in paragraph 1 of this Article, evidence that is otherwise considered admissible in arbitral, judicial or other similar proceedings shall not be inadmissible solely because they were used in mediation proceedings.

## *Incompatibility of the mediator's function*

### *Article 16*

- (1) Unless otherwise agreed by the parties, a mediator may not act as a judge or an arbitrator in a dispute that was, or is the subject of mediation proceedings, or in any other dispute arising from the same legal relationship or a relationship related to it.
- (2) As an exception to paragraph 1 of this Article, the parties may authorise the mediator to render an award based on the settlement in the capacity of an arbitrator.

## *Effects on periods of limitation and prescription*

### *Article 17*

- (1) Parties who have opted for mediation in conformity with this Act in an attempt to settle their dispute shall not be deprived of the possibility of initiating judicial, arbitral or other proceedings because of the expiry of limitation or prescription periods.
- (2) The initiation of mediation proceedings shall suspend the application of the statutes of limitation.
- (3) If mediation terminates without settlement, it is considered that no suspension of limitation occurred.
- (4) As an exception to paragraph 3 of this Article, if within 15 days after the termination of mediation, the parties file a claim, or undertake other procedural activity before the court or other competent authority in order to determine, secure or assert a claim, limitation shall be considered suspended at the moment the mediation proceedings were initiated.
- (5) If the time limit for filing a claim is provided for in a separate regulation, this time limit shall not run during mediation proceedings and it shall start running again upon the expiry of the fifteenth day following the termination of mediation.

*The relationship between mediation and other proceedings regarding the same subject matter of the dispute*

*Article 18*

If the parties have agreed on mediation and have expressly undertaken not to institute or continue judicial, arbitral or other proceedings during a specified period of time, or until the fulfilment of precisely determined conditions, such an agreement shall have a binding effect. In that case, the court, arbitrators or other bodies before which the proceedings are initiated regarding the same subject matter, shall reject, at the request of the other party, any submission by which the proceedings are instituted or continued.

*Powers of the body conducting the proceedings*

*Article 19*

(1) During judicial, administrative or other proceedings, the body conducting the proceedings may, in disputes referred to in Article 1 of this Act, recommend to the parties to resolve their dispute in mediation proceedings in accordance with the provisions of this Act if it assesses that there exists the possibility of resolving the dispute by mediation.

(2) The body referred to in paragraph 1 of this Article may invite the parties to an informative meeting to acquaint them with the use of mediation.

*Costs*

*Article 20*

Unless otherwise agreed by the parties, each party shall bear his or her own costs, and as to the costs of mediation, each party shall cover them in equal shares, or in accordance with a separate Act or rules of mediation organisations.

# MEDIATION IN CROSS-BORDER DISPUTES

## *Application of the Act to cross-border disputes*

### *Article 21*

- (1) The provisions of this Act also apply to cross-border disputes in civil and commercial matters.
- (2) Under this Act, tax, customs or administrative disputes, or disputes concerning the liability of the State for acts or omissions to act in exercising its powers are not considered to be cross-border disputes.

## *Cross-border disputes*

### *Article 22*

- (1) Under this Act, a cross-border dispute is one in which at least one of the parties is domiciled or habitually resident in a Member State of the European Union (a Member State) where the other party is not on the day when:
  - the parties have agreed to avail themselves to mediation after the dispute has arisen ;
  - the court has ordered mediation;
  - the obligation to use mediation has arisen under national law;
  - when the court before which an action is brought has referred the parties to mediation.
- (2) Exceptionally, for the purpose of the application of Articles 14 and 17 of this Act, a cross-border dispute is also one in which judicial or arbitral proceedings between the parties are initiated in Member State other than that where the parties were domiciled or habitually resident on the day referred to in the first three subparagraphs of paragraph 1 of this Article.
- (3) The provisions on cross-border disputes shall not apply in relation to the Kingdom of Denmark.

*Domicile or habitual residence in a cross-border dispute*

*Article 23*

- (1) In order to determine whether a party is domiciled in a Member State whose courts are seised of the matter, the court shall apply the law of the Republic of Croatia.
- (2) If the party is not domiciled in a Member State whose courts are seised of the matter then, in order to determine whether the party is domiciled in another Member State, the court shall apply the law of that Member State.
- (3) A company, another legal person or associations of natural or legal persons are domiciled in the place where they have their:
  - statutory seat, or
  - central administration, or
  - the principal place of business.
- (4) In relation to the United Kingdom and Ireland, «statutory seat» means the registered office or, where there is no such office, the place of incorporation or, where there is no such place, the place under whose law the company is incorporated.
- (5) In order to determine whether a trust is domiciled in a Member State whose courts are seised of the matter, the court shall apply the applicable conflict of law rules.

*Enforcement of the settlement agreement achieved by mediation in a cross-border dispute*

*Article 24*

- (1) If a Member State, in accordance with its laws, provides for the possibility for the parties, or for one of them with the explicit consent of the other party, that the content of a written settlement agreement resulting from mediation is determined enforceable, the court in the Republic of Croatia shall recognize and enforce such a settlement under the conditions referred to in Article 13, paragraphs 1 and 4 of this Act.
- (2) If the content of the settlement agreement in a Member State is included in some other enforceable document

and confirmed by a court or another competent authority in the form of a judgement, order, arbitral award or other enforceable document in accordance with the law of the Member State in which the request is made, the rules on recognition and enforcement of such enforceable documents shall apply on the recognition and enforcement of that enforceable document.

(3) For the application for recognition and enforcement of a settlement agreement referred to in paragraph 1 of this Article, as regards subject matter jurisdiction of commercial courts, the competent court shall be the Commercial Court in Zagreb, and in other matters, the County Court in Zagreb shall be competent.

## TRANSITIONAL AND FINAL PROVISIONS

### *Rules on the keeping and the form of the register of mediators and on standards for mediators and accreditation of mediation organisations*

#### *Article 25*

Within three months upon the entry into force of this Act, the minister of justice, as a competent agent for the judiciary, shall adopt the Rules on the keeping and the form of the register of mediators and on standards for mediators and accreditation of mediation organisations.

### *Termination of validity of this Act*

#### *Article 26*

- (1) With the entry into force of this Act, the Mediation Act (Official Gazette of the Republic of Croatia, Nos. 163/03 and 79/09) shall be repealed.
- (2) Prior to the adoption of the Rules referred to in Article 25 of this Act, the Rules on the keeping and the form of the register of mediators and on standards for accreditation of mediators and mediation organisations (Official Gazette of the Republic of Croatia, No. 13/10) shall remain effective.

*Entry into force*

*Article 27*

This Act shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Croatia, except for the provisions of Articles 21 through 24 of this Act which shall enter into force on the day of the accession of the Republic of Croatia to the European Union.

# **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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\* Published in “Narodne novine” (Official Gazette) No. 142/2011 on 9 December 2011, in force as of 17 December 2011

### *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 eighth day from their publication in the “Official Gazette”.

# **DECISON ON THE COSTS OF MEDIATION PROCEEDINGS\***

## *Article 1*

This Decision regulates the rules on costs in proceedings to which the Rules on Mediation of the Centre for Mediation at the Croatian Chamber of Economy apply (hereinafter: the Centre).

## *Article 2*

The parties who participate in proceedings within the Centre shall bear the costs of the proceedings, which consist of:

- a) the registration fee;
- b) the mediators' fees;
- c) administrative costs;
- d) the material costs of the proceedings: travel expenditure, fees for expert witnesses, costs of interpretation and translation and other expenditure.

If it is not established otherwise in this Decision, by agreeing to the jurisdiction of the Centre, the parties agree to payment of all these costs.

The parties shall pay the costs of the proceedings into the account designated by the Centre.

## *Article 3*

The registration fee for mediation proceedings is 120.00 EUR in the equivalent value of that amount in the currency of the seat of the Centre, calculated using the sales exchange rate from the exchange rate list of the Croatian National Bank on the day of payment.

## *Article 4*

The fee for each mediator who takes part in the proceedings shall amount to 1,200.00 HRK gross for each day of mediation started. In more complex disputes, this fee

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\* Published in "Narodne novine" (Official Gazette) No. 142/2011 on 9 December 2011, in force as of 17 December 2011

may be increased by the President of the Centre in agreement with the mediator and the parties.

#### *Article 5*

The administrative costs shall be 20% of the mediator's fee from Article 4. If the mediation is conducted by more than one mediator, those costs shall be 10% of the total fee of the mediator.

#### *Article 6*

Each mediator who takes part in the proceedings has the right to travel expenses and daily costs in the amount set by the normative acts of the Croatian Chamber of Economy, if the mediator has permanent or habitual residence outside the venue of the mediation. The amount of the travel expenses shall be established on the basis of the appropriate documentation provided.

#### *Article 7*

Translators, interpreters, expert witnesses, recorders and other persons who perform specific tasks in the mediation proceedings, who are not employees of the Croatian Chamber of Economy, have the right to payment of fees in the amount established by the President of the Centre, whereby the circumstances of the specific case and the usual fee for that work are taken into account.

The costs given in paragraph 1 shall be paid by the parties on the order of the Registrar of the Centre in equal parts, by payment into the appropriate account of the Croatian Chamber of Economy on the basis of the invoice issued.

#### *Article 8*

In mediation proceedings, if the parties do not agree otherwise, each party shall bear the costs of the proceedings in equal parts.

If the parties do not agree otherwise, each party shall bear their own costs.

#### *Article 9*

This Decision shall be applied to all disputes instituted after it has come into force, and to all disputes instituted

before it has come into force, if the registration fee has not yet been paid.

*Article 10*

When this Decision comes into force the provisions of the Decision on Costs in Arbitration and Mediation Proceedings (Official Gazette, nos. 108/2003 and 59/2007) related to the costs of mediation shall no longer be in force.

*Article 11*

This decision shall enter into force on the eighth day from its publication in the “Official Gazette”.

# **MEDIATION CENTRE CODE OF ETHICS FOR MEDIATORS\***

## *Article 1*

The purpose of this Code is to establish the ethical behaviour of the mediators concerning their function in the Mediation Centre at the Croatian Chamber of Economy (hereinafter: the Centre).

## *Article 2*

(1) The person who is being offered the appointment as the mediator shall disclose to the Centre in written form any circumstances which could raise doubts as to his or hers impartiality and independence. If such circumstances arise after the appointment is accepted, the mediator shall immediately disclose them to the Centre and the parties, and shall abide by their decision concerning the further fulfillment of his or hers mandate.

(2) If the circumstances set out in paragraph (1) of this Article appear, each party may refuse the appointment, that is, demand the termination of appointment of the mediator.

## *Article 3*

The mediator is obliged to conduct the mediation proceedings in accordance with the agreement of the parties, the Mediation Act and the Rules of Mediation of the Croatian Chamber of Economy.

## *Article 4*

During the mediation proceedings, the mediator shall assist the parties in settling their dispute as soon as possible, and at the same time take care that impartiality and equal treatment of the parties is maintained.

## *Article 5*

The mediator shall keep confidential the information which he or she has obtained during the mediation proceedings, except when he or she must communicate it

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\* The Code has been brought by the President of the Mediation Centre at the Croatian Chamber of Economy on 10 December 2009

by law. This statement of confidentiality is submitted in written form upon accepting the appointment.

*Article 6*

For conducting the proceedings, the mediator is entitled to a fee and a reimbursement of his or hers expenses, in accordance with the internal rules of the Centre.

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For the Publisher: Nadan Vidošević  
Prepared by: Mediation Centre  
at the Croatian Chamber of Economy  
Tel.: +385 (0)1 4848-622  
Fax: +385 (0)1 4848-625  
E-mail: [mirenje@hgk.hr](mailto:mirenje@hgk.hr)  
[www.hgk.hr/komora/sud](http://www.hgk.hr/komora/sud)

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