

Rules of mediation and conciliation

Mediation and Conciliation Clause

“The parties agree to submit any litigation relating to the present contract to a mediator or a conciliator appointed by the President of Tunis Center for Conciliation and Arbitration, and in accordance with the rules of the Center”.

Article 1
Any dispute can be submitted to mediation or conciliation by a sole mediator or conciliator appointed by the Center.

Article 2
A party wishing to have recourse to mediation or conciliation by the Tunis Center for Conciliation and Arbitration shall submit its request to the Secretariat of the Center. The request shall contain a brief statement describing the dispute specifying the relief claimed, accompanied, where appropriate, with all the relevant documents including a document certifying the payment of procedure and secretarial fees as referred to in Article 3 hereinafter.

Article 3
The Center shall notify without delay the other party and give it a deadline of ten (10) days to indicate whether it accepts the mediation or conciliation procedure. Where accepted, the President of the Center shall appoint, as soon as possible, a mediator or conciliator and shall notify both parties.

Once a case is filed, the Center shall fix, in light of the nature and importance of the dispute, the administrative fees and honorariums, which shall be paid in equal share by both parties. The administrative fee shall include an advance of five hundred dinars (500) to be paid in equal shares by each party, as well as the conciliator’s fee, which shall be fixed by the President of the Center in accordance with the scales referred to in Articles 25, 26 and 27 of the Center’s Rules.

Article 4
The mediator or conciliator shall fix a deadline to the parties to set out their defense and supply relevant documents, and shall decide, with the approval of the parties, on the place of mediation or conciliation. He/she shall conduct the proceedings of the mediation or conciliation independently.

The mediator shall try to reach a reasonable settlement, acceptable by both parties.

The conciliator shall be guided by principles of impartiality, justice and equity.

Article 5
The mediation and conciliation process is confidential, and each person involved in this process shall respect this.

The proceedings of mediation and conciliation shall be concluded with:

- A binding confidential agreement signed by the two parties, or ;
- The failure of the mediation or conciliation and a report by the mediator or conciliator, without stating the reasons, or ;
- The notification, by one or other of the parties, of the decision to end the proceedings.

Article

6

The mediator or conciliator shall submit to the Center, according to the circumstances, the conciliation agreement signed by the two parties, the report of the failure of proceedings, or the decision to end the proceedings.

Article

7

The mediator or conciliator cannot be an arbitrator or a witness in the same dispute. In arbitration proceedings and parties cannot subsequently make use of evidence adduced by the other party during the conciliation proceedings, or suggestions of the mediator or conciliator, or the readiness expressed by one of the parties to accept the conciliation.