



مركز الإمارات للتحكيم البحري
Emirates Maritime Arbitration Centre

Emirates Maritime Arbitration Centre

EMAC Mediation Rules

Effective June 23, 2016



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Mediation Rules at the Emirates Maritime Arbitration Centre (EMAC)

EMAC Mediation Rules (the “Mediation Rules”) were adopted in by the Board on their first meeting held on June 23, 2016. The Mediation Rules comply with the international best practice in mediation.

The Mediation Rules may be amended by EMAC’s Board from time to time to ensure complying with the modern developments in mediation.

Model Mediation Clause

Any dispute arising out of or relating to this contract shall be settled by mediation in accordance with the mediation rules applicable at the Emirates Maritime Arbitration Centre (EMAC).

Scope of Application

Article 1

The parties’ consent to proceed with the mediation proceedings is considered an explicit consent to apply the Mediation Rules.

Article 2

Those who wish to conduct mediation must submit to the Secretariat of EMAC (the “Secretariat”) a written request to which they attach the required documents which include:

1. Name and address of the other party.
2. Description of the dispute which must include the value thereof, if possible.
3. An agreement on the language that will be used in conducting the mediation.
4. Any agreement between the parties on the appointment of the mediator.

Article 3

Upon payment of registration fee for the mediation request, the Secretariat will communicate with the other party to obtain his or her consent to conduct mediation, and if he or she agrees to that, the procedures of mediation shall continue.



Appointment

Article 4

The parties who are interested in mediation are free to appoint whoever they accept to mediate between them.

Article 5

In case the parties to mediation fail to appoint the mediator, the Executive Committee will appoint a mediator from the list accredited to EMAC or from outside the list if needed. The parties or the Executive Committee may propose to appoint more than one mediator, if the need arises.

Article 6

If the Executive Committee appoints the mediator, the Secretariat will inform the parties of the name, curriculum vitae and professional experience thereof. The parties shall reply to the Executive Committee either by acceptance or non-acceptance within 1 week from the date of receipt of the notification. The mediator shall, before his or her appointment, submit a declaration of acceptance, full –time release, impartiality and independence.

Conduct of Mediation Proceedings

Article 7

The appointed mediator shall immediately perform the tasks assigned to him or her by contacting the parties and holding the necessary meetings provided that the parties shall provide him or her with all the documents and papers of the disputed contracting relation so that he or she can identify the nature of dispute.

Article 8

The mediator shall complete his or her assignment within 30 days from the date of his or her notification to assume the task. This duration does not include vacations and official holidays.

Article 9

The Secretariat may extend the duration by consultation with the parties. The mediator shall in all cases complete his or her assignment within 90 days from the date of his or her notification to assume the task.



Termination of the Mediation Proceedings

Article 10

The mediation proceedings shall terminate in the following cases:

1. In case an amicable settlement is reached;
2. In case any of the parties notifies the mediator in writing of his or her unwillingness to continue the mediation proceedings; or
3. In case the mediator notifies the parties in writing of his or her opinion that the mediation will not resolve the dispute between them.

Settlement as Arbitral Award on Agreed Terms

Article 11

1. If the parties to the dispute reach an amicable settlement, based on their request this settlement shall be registered in writing in the form of an agreed arbitration award made by consent in which case the mediator shall act as an arbitrator and is not bound to give reasons upon which it is based.
2. With reference to paragraph 1, if the mediator agrees to issue the settlement in the form of an arbitral award, the Executive Committee shall appoint him or her as a sole arbitrator in order to make an arbitral award, if the mediator disagrees, the parties shall appoint an arbitrator or request the Executive Committee to make the appointment according to the EMAC Arbitration Rules in order to issue the settlement in the form of an arbitral award.

Mediation Fees

Article 12

The fees of the mediator shall be divided equally amongst the parties and paid by each party respectively. Such fees shall be determined by the Secretariat in accordance with approved internal regulations.

Article 13

The administrative fees of EMAC, in accordance with the regulation of fees issued in this regard, shall be divided equally and paid by each party respectively.



Article 14

The mediator's fees and/or the administrative fees of EMAC shall be due and non-refundable even if the parties fail to reach a final settlement, unless the stoppage of proceedings is caused by special reason ascribed to the mediator.

Confidentiality

Article 15

All mediation proceedings shall be confidential, as is any mediation agreement between the parties, unless one of the parties has the right or obligation, to disclose to the extent required by the law; or if this disclosure is necessary for the purpose of application or execution of any resultant settlement agreement or award.

Responsibilities

Article 16

Save for intentional wrongdoing, neither the mediators, the Secretariat, the Centre, its employees, the Chairman, the members of both the Board of Trustees and the Executive Committee nor any person appointed by the Centre shall be liable to any person based on any act or omission in connection with the mediation and by accepting these Mediation Rules, the parties waive all such claims against the above parties.

Fees

Article 17

1. Mediation registration: AED 1,000/-
2. Administrative fee to mediation a lump sum of AED 4,000/-
3. Mediator fees are determined on hourly basis and in consultation with all of the mediator, the parties and the Centre.

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End