**Declaration**

**on establishment of**

**THE INTERNATIONAL MEDIATION CENTRE**

**at the international Chambers of Commerce in Poland**

**Preambule**

We, the undersigned, the members and representatives of the International Chambers of Commerce in Poland aim to assure conditions facilitating the development of a business activity of the entrepreneurs, which interests we represent within our activity in Poland. We would therefore like to create these conditions/circumstances which help to function in a commercial environment including effective dispute resolution therefore we express our intention to establish a Mediation Centre at the international Chambers of Commerce in Poland.

The Mediation Centre shall be an inter-chamber/over-chamber platform for out-of-court dispute resolution, which will be available to entrepreneurs including especially members of the international Chambers of Commerce in Poland as toll facilitating their activity in Poland.

The objective of the Mediation Centre is to solve commercial disputes by means of private mediation conducted by an independent and professional mediator. Depending on the needs of entrepreneurs, mediation may be conducted in foreign languages appropriate for the respective Chamber.

The mission of the Mediation Centre is to help entrepreneurs to facilitate conducting a business activity in Poland. The Mediation Centre also aims to introduce and promote the best standards related to out-of-court commercial dispute resolution.

Bearing in mind the development of the Mediation Centre and the best interest of the entrepreneurs represented by us, we hereby present the Statute, which shall show the direction of Mediation Centre’s activity.

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*(data and signatures)*

**Statute of the International Mediation Centre**

**at the international Chambers of Commerce**

**I.**

**The scope of activity of the International Mediation Centre**

The objective of the International Mediation Centre shall be to conduct commercial mediations between entities which express the will to solve a dispute related to commercial issues through mediation.

The mediation sessions will be conducted by mediators who specialise in commercial mediations and have the adequate qualifications and experience.

**II.**

**Tasks of the International Mediation Centre**

The International Mediation Centre is a place where business entities have opportunity to solve their commercial disputes by means of mediation conducted by professional mediators who are entered into the List of Mediators of the Mediation Centre.

The International Mediation Centre provides the parties with a mediation proceeding conducted in compliance with the binding provisions of law, in conditions which assure respect of interests and the intentions of the parties at the mediation proceeding.

The International Mediation Centre, besides the mediation proceedings, may initiate events related to the promotion of an out-of-court dispute resolution through mediation.

The International Mediation Centre (after receiving the Council’s opinion) will take part in discussions, give speeches and express opinions which aim to promote an out-of-court dispute resolution. We would like to influence on the expansion of dispute resolution through mediation in Poland.

**III.**

 **Terms and abbreviations**

The Centre – the International Mediation Centre at the international Chambers of Commerce in Poland

The Chamber – The Chamber of Commerce

The Council – the Council of the Mediation Centre

The Coordinator – the Coordinator of the Mediation Centre

**IV.**

**Seat**

The Seat of the International Mediation Centre at the international Chambers of Commerce in Poland is located in Warsaw.

**V.**

**International Mediation Center bodies**

The following bodies will participate in the activity of the Mediation Centre:

The Mediation Centre Council

The Mediation Centre Coordinator

The Mediation Centre Secretary

**VI.**

**The International Mediation Centre Council**

The International Mediation Centre Council comprises of representatives of each Chamber of Commerce.

Each Chamber of Commerce decides who represents its interests in the Council. A change of representative is binding when all other members of the Council are informed and become acquainted with the information. This can be done amongst others via e-mail with receipt confirmation.

The President of the Council is nominated by the members of the Council.

The Council meets as necessary to meet its needs but no less than once a quarter.

The Council’s task is to oversee the activity of the International Mediation Centre, discus current issues, make decisions related to the crucial issues for the International Mediation Centre and determine the direction of the International Mediation Centre’s activity.

The Council appoints and recalls the International Mediation Centre Coordinator and the Mediation Centre Secretary.

The Council oversees the accuracy and fairness of the Centre’s activity, including the activities of the Coordinator and the Secretary.

The Council’s activities are regulated by the Rules and Regulations of the International Mediation Centre Council.

**VII.**

**The International Mediation Centre Coordinator**

The International Mediation Centre Coordinator may be a natural person appointed by the Council to perform its duties. The Coordinator is selected for a period of 2 years by a majority of 2/3 of the Council’s votes and can be recalled in the same way.

The International Mediation Centre’s Main Coordinator deals with merit related matters of the International Mediation Centre’s activity.

The Coordinator’s scope of duty includes:

1. To assure the mediation proceedings are conducted in accordance with the binding provisions of law, Rules and Regulations of the International Mediation Centre, ethics principles and rules related to mediators;
2. To maintain the appropriate number of mediators who have adequate skills and qualifications;
3. To work with the mediators and supervise the highest standards of the proceedings conducted in the Centre;
4. To verify and complete the Mediators List of the International Mediation Centre;
5. To participate and coordinate other initiatives of the Mediation Centre if such occurs;
6. To liaise with the International Mediation Centre Secretary in relation to current issues;
7. To approve document templates including motions related to the mediation proceedings;
8. To supervise the merit-content of the webpage of the International Mediation Centre;
9. To supervise issues related to the International Mediation Centre and report on them to the Council and to introduce the successor.

The 1st Coordinator of the International Mediation Centre as the initiator and the coordinator of activities related to establishment of the International Mediation Centre is Ewellina Stobiecka Phd.

**VIII.**

**The International Mediation Centre Secretary**

The International Mediation Centre Secretary deals with the technical and administrative issues related to the activity of the International Mediation Centre and the secretary coordinates and is responsible for work of the secretarial office of the International Mediation Centre.

The Secretary’s scope of duty includes:

1. To organise the mediation proceedings including keeping the meeting calendar.
2. To organise the proper operation of the secretarial office.
3. To supervise issues related to the correspondence regarding mediations including registration and the smooth flow of documents and information.
4. To up-date the mediators list and data related to the Centre’s mediators.
5. To provide adequate conditions to archive and protect documents related to the mediation proceedings.
6. To provide appropriate technical, as well as physical and adequate space to conduct the meditations.
7. To perform any activities related to the financial issues resulting to the mediation proceedings within the activity of the International Mediation Centre.
8. To process personal data in accordance with the binding provisions including the Act on personal data protection dated 29 August 1997 (J.L. dated 2002 No., item 926 with amendments).
9. To maintain and up-date the International Mediation Centre’s webpage.
10. To keep mediation proceedings statistics conducted by the International Mediation Centre.

The Secretary is appointed by the Coordinator, who specifies the criteria according to which the Secretary is chosen, however the minimum requirement is knowledge of English.

**IX.**

**Mediation**

Any business entity may file a commercial dispute to the mediation at the International Mediation Centre.

Any case related to the business activity with any other business entity may be the subject of mediation.

Any business entity which runs an activity in Poland may take part in a mediation proceeding conducted by the International Mediation Centre.

The parties of the mediation proceeding in the International Mediation Centre accept the Rules and Regulations which are binding during mediation. The parties confirm the acceptance of the rules and Regulations in writing in the form of the Mediation Contract.

The mediation proceedings are conducted in accordance with the binding provisions of law and the parties’ arrangements included in the Mediation Contract.

Detailed principles of a mediation proceeding are included in the Rules and Regulations of the International Mediation Centre and the Price List.

**X.**

**The Mediators**

1. A person who has adequate knowledge and experience within the scope of commercial activity and commercial law provisions may become a mediator in a mediation proceeding conducted in the International Mediation Centre, as well as:
2. a person has to have the legal capacity and the capacity for legal acts and has not been convicted of a commercial crime or crimes against documents; at the point when a Mediator is entered onto the Mediator’s list, he or she must be at least 30 years old;

and

1. a person who graduated from a course or postgraduate studies within the scope of mediation; A minimum of 40 hours training is required or warranty of the mediator for the conducted mediation by presenting fulfillment of requirements specified in point XI.3 hereof;

and

1. a person who has knowledge and experience related to the commercial issues and is familiar with the binding provisions of law and/or has practical knowledge of the rules related to commercial activity.
2. An attorney who specilises and has experience in commercial issues can become a mediator;
3. The status of the Mediator at the International Mediation Centre is granted by entering into a mediators list kept by the International Mediation Centre.

**XI.**

**Entering into and removing from the Mediator’s List**

 A mediator is entered into the list upon the request and the following details are included:

1. Personal data: name, surname, address, telephone number and e-mail address of the mediator.
2. Statement of the full legal capacity and a clean criminal record in relation to crimes listed in Point 1 of the part on the requirements concerning mediators.
3. Information on the professional experience, courses and other additional qualifications, scientific achievements and publications
4. Information on the languages in which mediations can be conducted by a particular mediator
5. When filing all the above information the mediator also gives consent to process personal data for the International Mediation Centre’s purposes, in accordance with the Act on Personal Data Protection dated 29 August 1997 (J. L. of 2002 No 101, item 926 with amendments)
6. There is fixed charge of PLN 150 for entering a mediator onto the Mediators List

A mediator can be deleted from the Mediators list when:

1. A Mediator files a motion to delete him/her from the list;
2. A Client of the International Mediation Centre has serious repeated reservations related to the work of a mediator in writing;
3. A Mediator can refuse to conduct mediation up to 4 times a year without stating any reason. This does not apply when there is a likelihood of a violation of impartiality.
4. Mediator no longer fulfills the requirements necessary to be entered into the Mediators List of the International Mediation Centre.

**XII.**

**Financing and costs of the International Mediation Centre’s activity.**

The International Mediation Centre is financed from the funds obtained from the fees and costs of the parties which use mediation.

The International Mediation Centre may also gain profit from workshops, courses, meetings and conferences organised by itself.

The International Mediation Centre, within the scope of its activity, may also be financed by the international chambers of commerce respectively to the justified needs.