



INTERNAL RULES OF THE ADVISORY COUNCIL FOR MEDIATION

For the purpose of providing arbitration and mediation services, the Chambers of Commerce in Basel, Bern, Geneva, Lausanne, Lucerne, Lugano, Neuchatel, and Zurich founded the Swiss Chambers' Arbitration Institution ("SCAI") which administers mediations pursuant to the Swiss Rules of Mediation ("SRM"). SCAI is a not-for-profit association registered in the Basel Trade Register.

The mediation cases subject to the SRM are administered by the SCAI Secretariat (the "Secretariat"). In order to provide guidance and assistance for these mediations, SCAI also established the Advisory Council for Mediation (the "Advisory Council")

These Internal Rules have been adopted in accordance with the SRM for the purpose of organising the work of the Advisory Council.

Article 1: Composition of the Advisory Council

- 1.1 The Advisory Council consists of experienced mediation practitioners elected by the SCAI Board of Directors (the "Board"). The Board appoints the President, two Vice-Presidents, and four or five ordinary members (collectively designated as "Members").
- 1.2 The President and Vice-Presidents are elected for a term of three years, renewable once. The ordinary Members are also elected for a period of three years, but renewable twice.
- 1.3 In addition to having the same powers and duties as the ordinary Members, the President and Vice-President are in charge of the internal organisation of the Advisory Council and of the setting up of regular meetings.

Article 2: Powers and Duties of the Advisory Council

- 2.1 The main task of the Advisory Council is to render recommendations regarding the matters within its competence as provided for under the SRM or as requested by SCAI (collectively designated as "Recommendations"). The SCAI Secretariat may in particular ask the Advisory Council for advice for appointments and confirmations of mediators and in case of complaints.
- 2.2 The Advisory Council may delegate to one or more Members or committees the task to address requests for Recommendations and advice, as well as complaints, and to issue related formal Recommendation(s) when appropriate.
- 2.3 The Advisory Council may request, via the Secretariat, information and/or the views of the parties and mediators regarding the issues submitted to their review. All communications from the Advisory Council or from any of its committees to the parties or mediators concerning mediation proceedings under the SRM shall take place exclusively through the Secretariat. The Secretariat will in particular be solely responsible for informing the parties and mediators of the Recommendation made by the Advisory Council.



- 2.4 Recommendations related to a mediator's fees and expenses are to be made by at least 3 Members. All Recommendations are to be made in the name of the Advisory Council. The Members of the Advisory Board and of the SCAI Secretariat are not allowed to disclose to parties or mediators the names of the Members having participated in the issuance of a Recommendation.

Article 3: Participation of the Members in Mediations and Arbitrations under the Swiss Rules

- 3.1 The Secretariat shall not appoint any of the Members of the Advisory Council as mediator or arbitrator in proceedings conducted under the SRM or the Swiss Rules of International Arbitration. The Members may, however, be designated for such duties by the parties to such proceedings, or pursuant to any other procedure agreed upon by the parties, subject to confirmation by the Secretariat.
- 3.2 Whenever a request for Recommendation or a complaint is received, the Secretariat will conduct a conflict of interest check with the Members. The conflicted Members shall announce their conflict within 24 hours. Conflicted Members will not be involved in the administration of the cases in which he/she has a conflict of interest. Such Members will not be invited to and must refrain from participating in the discussions and in the decisions of the Advisory Council, or any of its committees, concerning the proceedings in question. Conflicted Members must also be physically absent whenever the proceedings are being considered either by the Advisory Council or by any of its committees. Such Members shall not seek to obtain and will not receive any documentation or information pertaining to such proceedings.

Article 4: Confidentiality

The documents submitted by SCAI, the Secretariat, the parties and the mediators directly or indirectly to the Members, the documents drawn up by the Members while fulfilling their tasks according to the Internal Rules, the discussions held between the Members and/or with SCAI and/or the Secretariat, and the deliberations in preparation of a Recommendation shall be kept confidential by the Members and the Secretariat.

Article 5: Entry into Force

These Internal Rules were approved by the SCAI Board of Directors on 18 March 2019 and enter into force on 1 July 2019.