

THE CHARTER OF THE MEDIATION CENTER OF THE CCI

Chapter I. General Provisions

Art. 1. - (1) The Mediation Center is established within the Chamber of Commerce and Industry of the Republic of Moldova which is also a mediation organization. The Mediation Center has no legal personality but is independent in the exercise of its duties. The Center is organized and operates in accordance with the Law no. 393-XIV of 13.05.1999 on the Chamber of Commerce and Industry of the Republic of Moldova (published in the Official Monitor no.73-77 / 343 of 15.07.1999), the Law no.137 of 03.07.15 on mediation (MO No. 224-233 of 21.08.2015), international acts to which the Republic of Moldova is a party, the present Statute and the Regulations of the Mediation Center.

(2) The Executive Bureau of the Chamber of Commerce and Industry of the Republic of Moldova approves the "Regulation on Mediation Procedure", "Regulation on Quality Evaluation and Control of Services Provided by Mediators" and the List of Mediators.

(3) The Mediation Center holds a seal with its full name, written in the State and English languages.

(4) The headquarters of the Mediation Center is in Chisinau, bd. Ștefan cel Mare și Sfint 151. The Mediation Center can carry out its duties provided by the present Statute and its Regulations in each of the territorial Branches of the Chamber of Commerce and Industry of the Republic of Moldova.

Art. 2. The Mediation Center has the mission to promote and provide mediation services.

Chapter II. Duties

Art. 3. - (1) The main task of the Mediation Center is to organize and administer the settlement of disputes through mediation, under the conditions provided by the Law no.137 of 03.07.15 on the mediation, if the parties have concluded in this respect a mediation agreement or procedure was initiated by either party, on its own initiative, as well as on the recommendation of the public authorities or judicial bodies.

(2) The administration and settlement of disputes are regulated by the Regulations of the Mediation Center, supplemented by the provisions of the Law no. 137 of 03.07.15 on mediation.

(3) The Mediation Center as well as the approved mediators of the Center are independent of the interests and litigations between the parties in the cases subjects of mediation.

Art. 4. The Mediation Center has the following attributions:

a) to assist the parties in the mediation process, as well as to address, at the request of one of the parties, a written invitation to inform and to accept the mediation to the other party;

b) to elaborate models of mediation conventions and disseminates them to economic circles, stating the advantages of mediation;

c) to debate within the Mediation Center or in collaboration with the other local and foreign interested bodies on new issues emerging from the mediation practice, as well as the general issues of mediation;

d) to collaborate with the other mediation organizations in the country and abroad, as well as to pursue and contribute to the evolution of international mediation, to develop projects and programs in the framework of the national and international partnerships, implement of mediation procedure, exchange of experience and researches in the field of mediation;

e) to participate in drafting of laws and other normative acts on mediation and make proposals for amendments of the legal framework for improving the organization of mediation;

f) to organize initial and / or vocational training courses for mediators according to the training standards approved by the Mediation Council upon accreditation of the Mediation Council as a training provider;

g) to develop training programs in the field of specialized mediation and in interdisciplinary fields, based on modern training techniques, at international standards, meeting the current requirements for solving different disputes through alternative methods upon obtaining the accreditation of the Mediation Council as a trainer in the field and training provider;

(h) to determine the methods of calculating the fee and mediation expenses, applicable to disputes to be mediated within the Center;

i) to elaborate the algorithm for the distribution of mediation cases to the mediators of the Center;

j) to organize and participate in national and international competitions with the aim of obtaining social orders and state subsidies, as well as to gain grants and scholarships from foreign countries, national, foreign and international foundations;

k) to develop own media strategy and use it, in the established manner, provided by law. Publicly to express in the mass media its position on information projects, legislative and normative acts related to the mediation procedures on the territory of the Republic of Moldova;

l) to collaborate with public authorities at all levels with the intention of establishing and effectively implement the policies / regulations and the regulatory framework of the Mediation Center's activity;

m) to contribute to the implementation of good practices and to the continuous development of the mediator profession;

n) to work towards eliminating and suppressing the possible negative effects and shortcomings that arise in the mediation process;

o) to organize meetings, open sessions, debates, workshops, seminars, conferences on issues related to mediation;

p) to elaborate methodical materials, guides and guidelines for participants to the mediation process and / or for the persons, concerned in mediation;

q) to develop and disseminate norms on ethical, confidentiality and privacy, personal data retention in a mediation process;

r) to participate in solving the problems related to the regulation of mediator activity and to ensure the prestige and authority of the mediator profession in the effective settlement of disputes on the territory of the Republic of Moldova;

s) to promote in its activity the values of the rule of law, the partnership, to cooperate and develop professional relations in full equality with all legally established professional organizations and associations of lawyers, notaries, administrators, accountants, court executors, evaluators, auditors, etc.

t) to perform any other attributions provided by the present Statute and the Regulations of the Mediation Center as well as the provisions of Law no. 137 of 03.07.15 on mediation.

Chapter III. Organization and functioning

Art. 5. - (1) The Mediation Center consists of certified mediators who fulfill the conditions stipulated by the Law no. 137 of 03.07. 2015 on mediation and meet the qualification criteria established by the Mediation Center. The CCI Executive Office approves the list of mediators for a period of 2 years at the proposal of the Director of the Center after consultation with the President of the CCI RM.

(2) The list of mediators is public. Enrollment in the List of Mediators is made with the written consent of the candidates.

(3) A mediator may become a person who fulfills cumulatively the conditions provided by art. 12 of the Law no. 137 of 03.07.15 on mediation, as well as owing a high qualifications and professional experience.

(4) The list of approved mediators for a period of 2 years may be reviewed at any stage of the term and may be revised and / or completed depending on the mediator's activity within the Mediation Center at the proposal of the Director of the Center by decision of the CCI Executive Bureau.

Art. 6. - (1) The activity of the Mediation Center is coordinated by the Director of the Mediation Center, based on this Statute.

(2) The Director of the Mediation Center is appointed by the Order of the CCI President for a period of 4 (four) years. The Director holds the current management of the Mediation Center and represents it in the state institutions and bodies, decision-makers and third parties, as well as in relations with natural and legal persons in the country and abroad, without a special mandate. The Director also performs the tasks related to the organization and administration of mediation litigation, provided in the Regulations of the Mediation Center.

Art. 7. The Director of the Mediation Center may also be a mediator within the Center. The same person may not serve as Director of the Mediation Center for more than two consecutive terms.

Art. 8. - (1) The Mediation Center, beside the Director, has a Secretariat composed of an employee engaged by the Chamber of Commerce and Industry of the Republic of Moldova.

(2) The Secretariat shall provide the necessary support for the activity of the Mediation Center, namely: drafting and recording of the invitations to mediation, establishing and confirming the meetings between the parties of the conflict, preparing and registering mediation requests, drafting the pre-contracts and mediation contracts, drafting and registration of minutes on the presence of the parties to the mediation meetings, drafting and recording of the minutes of mediation termination, drafting and recording of settlement agreements, transmission and registration of mediation acceptance forms, recording of all documents related to the activity of the Mediation Center, as well as other activities necessary for the proper functioning of the Mediation Center.

(3) The Secretarial staff shall participate in the mediation procedure with the consent of the parties to the dispute, after signing a confidentiality statement.

Art. 9. The parties agree, by mutual agreement, on the conditions for the settlement of the dispute. The mediator does not have the power to decide on these conditions, but, at the request of the parties, he may submit proposals on the possibilities for solving the dispute.

Art.10 - (1) The appointment of a mediator or mediators in a particular dispute shall be carried out in accordance with the provisions of the Regulations of the Mediation Center.

(2) The appointment of one or more mediators in mediating a dispute, under the conditions provided for in paragraph (5) of art. 16 of the Law no.137 of 03.07.2015, belongs to the Director of the Mediation Center.

Art. 11. The Chamber of Commerce and Industry and the Mediation Center are not entitled, in any way, through the organization and administration of mediation, to intervene in the settlement of the dispute or to influence the mediators.

Chapter IV. Resources.

Art. 12. - (1) The financial resources of the Mediation Center are ensured from the mediation fee collected for the rendered services.

(2) The mediation fee is determined in the Regulation on the mediation procedure, approved by the Executive Bureau of the Chamber of Commerce and Industry of the Republic of Moldova.

(3) The mediation fee is envisaged for covering expenses related to organizing, conducting and settling disputes, paying the mediators' honorary and other costs necessary for activities of the Mediation Center.

Art. 13. The Chamber of Commerce and Industry of the Republic of Moldova will ensure the necessary space and material conditions for proper functioning of the Mediation Center.

Chapter V. Final and transitional provisions.

Art. 14. The Mediation Center, the mediators and the staff of the Chamber of Commerce and Industry have the obligation to ensure the confidentiality of mediation according to the Regulations of the Mediation Center.

Art. 15. The provisions of this Statute manage the organization of the Mediation Center, establishing the framework for exercising its autonomy and

relations with the Chamber of Commerce and Industry of the Republic of Moldova. The relations between the litigants and the Mediation Center are regulated, in all of cases subject to mediation, by the Regulations of the Mediation Center.

Art. 16. The present Statute shall enter into force on the date of approval by the CCI Executive Bureau.

Art. 17. The Secretariat of the Mediation Center shall provide information to parties interested in this Statute and its Annexes.

Art. 18. Annexes:

(1) Annex no.1: "The Regulation on the mediation procedure".

Annex 2: "The Regulation on quality evaluation and control of services rendered by mediators".

(2) The Regulation on the mediation procedure shall also contain models of mediation conventions, as well as Regulation on the mediation fee and other expenses of the mediation procedure, provisions that are integral parts of the present Regulation.