



Arbitration and
Mediation
Center of Armenia

MEDIATION RULES

First edition

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Chapter I. General Provisions

Article 1. Arbitration and Mediation Center of Armenia

1. The “ARBITRATION AND MEDIATION CENTER OF ARMENIA” Foundation (“AMCA”) is a non-profit organization established by the “Center for Legislation Development” Foundation, the Armenian Bar Association and the Armenian General Benevolent Union. The structure, functions and authorities of the AMCA’s bodies are defined by the Charter of the AMCA.
2. Within the scope of these Mediation Rules, AMCA acts as a permanent mediation institution registered in the registry of the Ministry of Justice of the Republic of Armenia in accordance with the “Law on Mediation”, which has published Mediation Rules (“the Rules”) and a list of mediators.
3. The AMCA itself does not resolve disputes; it administers mediation cases. Mediation is carried out by the mediators appointed by the AMCA, who resolve the disputes in accordance with the Rules.
4. The AMCA’s staff acts as a Secretariat, ensuring the implementation of the functions of the secretariat for the mediation processes.
5. The AMCA’s Director acts as the Secretary General within the framework of the Rules. The Secretary General organizes and manages the work of the Secretariat in accordance with the Rules, the Charter of the AMCA and other legal acts adopted by the AMCA.

Article 2. Scope of Application

1. The Rules have been approved by the Board of Trustees in accordance with the Charter of the AMCA and apply to all mediation processes managed by the AMCA.
2. Before or after the appointment of the mediator by the AMCA, the parties may, with the mediator’s consent, reach an agreement on a procedure not provided for by the Rules or on another procedure that differs from the provided rules. Each procedural change is subject to approval by the Secretariat.
3. In the case provided by part 2 of this article, the AMCA may refuse to administer the mediation process if it finds that the procedural change does not correspond to the spirit of the Rules.
4. Each mediation case should be managed under the mediation rules in effect at the time of

submission of the mediation request, unless otherwise agreed by the parties.

5. In any matter not directly regulated by these Rules, the mediator and the Center shall act in accordance with the spirit of the Rules.

Article 3. Definitions

1. The definitions used in these Rules have the following meanings:

Mediation – a process, agreed by the parties and aimed at amicably resolving the dispute between the parties with the help of an impartial third person, a mediator,

Mandatory mediation – pretrial mediation in the cases provided for by law, or court-appointed mediation,

Mediator – an independent, impartial, natural person with no interest in the outcome of the case, who has obtained qualification of a licensed mediator in accordance with the established procedure and is appointed by the AMCA to conduct mediation in order to amicably settle the dispute between the parties,

A permanent mediation institution – a legal entity that provides mediation services on a permanent basis,

Parties to mediation – natural and or legal person(s) with a dispute,

Mediation case manager – an employee of the AMCA who is responsible for managing mediation cases,

Secretariat – staff member(s) of the AMCA, including the Mediation Case Manager, who carry out the secretariat of mediation cases,

Request – in the case of a prior mediation agreement between the parties, an application to start a mediation process together with the required documents,

Inquiry - in the absence of a prior mediation agreement between the parties, an application to start the conciliation process, together with the necessary attached documents,

Mediation agreement - an agreement reached between the parties regarding a particular legal relationship, whether contractual or non-contractual, to resolve their dispute through mediation,

Settlement agreement – a document concluded in writing as a result of mediation, which prescribes the mutually agreed terms of the settlement of the dispute between the parties to mediation.

Chapter II. Commencement of Mediation

Article 4. Initiation of Mediation

1. Mediation at the AMCA can be initiated both in the case of the existence of a prior mediation agreement between the parties to refer the dispute to the AMCA, and in the absence of such an agreement.
2. If there is a prior mediation agreement between the parties to settle the dispute through mediation at the AMCA, the mediation process is initiated upon the submission of a written request to the AMCA by the parties or at least one of the parties.
3. In the absence of a prior mediation agreement between the parties to resolve the dispute by mediation at the AMCA, the parties or at least one of the parties may propose to submit the dispute to the AMCA by sending a written inquiry to the AMCA.
4. In the cases of mandatory pretrial mediation provided for by law, mediation may be initiated at the AMCA in accordance with the procedure prescribed by part 3 of this article.
5. In the case of mediation appointed by the court, mediation is initiated at the AMCA based on the court's decision to appoint mediation.

Article 5. Commencement of the mediation, where there is a prior mediation agreement between the parties to resolve the dispute by mediation at the AMCA

1. In the case of a prior mediation agreement between the parties on referring their dispute to the AMCA, the moment of submission of a written request for mediation to the AMCA by the parties or at least one of the parties is deemed to be the beginning of mediation at the AMCA. The request should include:
 - 1) information about the parties to the dispute: full names, addresses, telephone numbers, e-mail addresses and any other contact information of the parties, as well as information about any person(s) representing the parties,
 - 2) description of the dispute, (if possible, also the estimation of the monetary value of the subject of the dispute),
 - 3) information about resorting to settlement procedure(s) other than mediation for the resolution of the dispute or possible agreement on resorting to them,
 - 4) a copy of the contract or written agreement, which stipulates the consent of the parties on referring their dispute to the AMCA.

- 5) evidence on sending the offer to mediate to all the other parties, except for the cases where the request is submitted jointly by all parties.
2. The request may also include:
 - 1) any agreement on the timelines for conducting the mediation, or in the absence thereof, a proposal on it,
 - 2) any agreement on the language(s) of the mediation, or, in the absence thereof, a proposal for such language(s);
 - 3) agreement on the place and format of the meetings, or in the absence thereof, a proposal on them,
 - 4) nomination of a mediator jointly chosen by all parties or a proposal on the requirements for the mediator to be appointed by the AMCA,
3. Within three days after receiving the request, the Secretariat notifies in writing the parties, confirming the receipt of the request and providing them with the mediation budget and other required documents. If the request lacks any information prescribed by the part 1 of this article, the Secretariat informs about it in writing the party or parties submitting the request within three days, asking them to rectify or fill in the missing information. Within three days after completing the request, the Secretariat notifies in writing the parties, confirming the receipt of the request and providing them with the mediation budget and other required documents.

Article 6. Commencement of the mediation, where there is no prior mediation agreement between the parties to resolve the dispute by mediation at the AMCA

1. In the absence of a mediation agreement between the parties to refer their dispute to the AMCA, any person who wishes to propose to the other party to refer the dispute to the AMCA may do so by sending a written inquiry to the AMCA containing the information mentioned in part 1(1)-1(3) of the Article 5. Upon receipt of such an inquiry, the Secretariat shall notify about the proposal all the other parties in writing within three days and if necessary, assist the parties in considering the proposal by providing relevant information regarding mediation.
2. In the event that the parties reach an agreement to refer their dispute to the AMCA, the starting date of the mediation at the AMCA shall be considered the day when the Secretariat sends a written confirmation to the parties that such an agreement has been reached, simultaneously providing the mediation budget and other required documents.

3. In the case where the parties do not reach an agreement on referring their dispute to the AMCA within one month of receiving the inquiry, the mediation process does not commence.

Article 7. Commencement of the mediation in case of mandatory mediation

1. In the case of mandatory pretrial mediation provided for by law, the procedure defined by Article 5 or Article 6 of these Rules shall be applied, subject to the existence of a mediation agreement between the parties.
2. In the case of mediation appointed by the court, the date of receipt of the court's decision to appoint mediation is deemed to be the commencement of mediation at the AMCA. After receiving the court's decision, the Secretariat provides the parties with the mediation budget and other required documents within three days.

Article 8. Mediation Costs

1. Fees and costs, as well as the terms and procedure for the payments related to mediation are defined in the Appendix to these Rules. The parties to the mediation shall bear the expenses related to the mediation equally, unless otherwise provided for by law or agreed by the parties.

Chapter III. The Mediator, Parties to Mediation and other Participants

Article 9. Selection and Appointment of the Mediator

1. The parties to mediation may nominate a mutually acceptable mediator for the AMCA's approval, indicating about that in their written request or inquiry for mediation.
2. In case of no nomination of a joint candidate for mediator, the AMCA, taking into account the parties' proposals on the requirements for the mediator indicated in the written request or inquiry for mediation, presents to the parties a list of potential mediator for the given case, which is provided to the parties together with the receipt provided for in Article 5, part 3 or Article 6, part 3 of these Rules.

3. After receiving the list mentioned in the part 2 of this article, the parties to mediation shall nominate a mutually acceptable mediator(s) from the list within three days for the approval of the AMCA.
4. After receiving the nomination for the mediator(s) by the parties within the specified period, the AMCA adopts a decision on approval or rejection of the mediator(s)'s candidacy within two days. In the case of not receiving a nomination of a candidate within the specified period, the selection and appointment of the mediator is made by the AMCA within two days after the expiration of the specified period.
5. When approving or appointing a mediator, the AMCA takes into account the prospective mediator's qualities, including the knowledge of language(s), experience and qualifications, as well as the mediator's workload and ability to conduct mediation in accordance with the Rules.
6. The AMCA rejects the approval of the mediators(s)'s candidacy, if there are reasonable doubts about the impartiality, objectivity, independence of the nominated candidate or any other reasonable obstacle to the conduction of mediation in the given case. When rejecting the approval of the mediator(s)'s candidacy nominated by the parties to mediation, the AMCA shall propose other mediator(s)'s candidacy to the parties.
7. The AMCA, as a rule, proposes and appoints a mediator from the mediators included in its list of mediators.
8. If any party to the mediation objects to the mediator appointed by the AMCA for mediation in the given case and notifies the AMCA and the other party(ies) of the objection in writing, stating the valid reasons for the objection, the AMCA shall appoint a new mediator as soon as possible after receiving the said notification.
9. In the event that a mediator is not appointed, the Secretary General adopts a decision to discontinue the mediation process.

Article 10. The Mediator

1. Before appointment or approval, the prospective mediator for the given case submits a statement about his/her availability, impartiality and independence regarding the case. The prospective mediator for the given case shall disclose in the written statement to the AMCA any facts or circumstances that may call into question the mediator's independence and impartiality. In the event of such circumstances, the AMCA provides this information in writing to the parties and sets a deadline for their comments.

2. In case of revealing reasonable doubts about the independence or impartiality of the prospective mediator for the given case, and in the absence of a written agreement of the parties to mediation to disregard those circumstances, the AMCA shall elect a new mediator in line with the procedure prescribed by Article 9 of these Rules.
3. In the absence of reasonable doubts about the independence or impartiality of the prospective mediator for the given case, or in the existence of a written agreement of the parties to the mediation to disregard those circumstances, the AMCA appoints the given person as the mediator for the case.
4. The mediator appointed by the AMCA is obliged to conduct mediation in accordance with these Rules, complying with the requirements established by the legislation and the internal legal acts of the AMCA and the Code of conduct of mediator.

Article 11. Co-Mediation

1. A mediator is appointed for each case of mediation, unless otherwise agreed by the parties.
2. Given the nature of the mediation case, the parties to mediation or the AMCA with the agreement of the parties may propose a co-mediation appointing more than one mediator. Each mediator for the co-mediation is appointed in accordance with the procedure defined in Article 9 of these Rules.

Article 12. Replacement of the Mediator

1. In the case of the death of the mediator appointed for the mediation case, the impossibility of fulfilling his/her duties, or in the case of emergence of grounds that raise reasonable doubts about the mediator's independence or impartiality during the mediation, and in the absence of a written agreement of the parties to disregard those grounds, as well as in the event of other cases of impossibility of carrying out further mediation by a mediator or a co-mediator, in case of a co-mediation, the AMCA shall replace the mediator or one of the mediators by appointing a new mediator in accordance with the procedure defined by Article 9 of these Rules.
2. The newly appointed mediator, after listening to the parties, decides on recommencement or continuation of the mediation process.
3. In case of impossibility of replacing the mediator, the Secretary General adopts a decision on the impossibility of continuing the mediation process and the discontinuation of the case.

Article 13. Parties to the Mediation

1. The parties to the mediation can participate in the mediation both on their own and together with their representatives.
2. The parties to the mediation shall act in good faith throughout the mediation and cooperate with the mediator and each other, thus contributing to the quick and efficient conduct of the mediation.

Article 14. Other participants of Mediation

1. In order to effectively conduct the mediation, the mediator, on his own initiative or upon the initiative of the parties to the mediation, and after receiving the consent of the parties to mediation, may also engage in the mediation or in a part of it experts, specialists or other participants who are not party to the mediation

Article 15. AMCA's Participation in Mediation

1. The Mediation case manager, subject to a prior consent of the mediator and the parties to mediation, can also participate in the entire mediation process or in a part of it.
2. The Mediation Case Manager takes part in the mediation as an observer and has no right to interfere in the conduct of mediation.

Chapter IV. The Conduct of Mediation

Article 16. Flexibility of the Mediation Process

1. Mediation is a flexible process. The mediator and the parties to the mediation, guided by the guidelines adopted by the AMCA, are free to decide the preferable format and procedure for the conduct of the mediation.
2. The chosen format and procedure of conducting the mediation process cannot contradict to the legislative requirements, these Rules and the internal legal acts of the AMCA.

Article 17. The Place of Mediation

1. The place of mediation shall be the location of activity of the AMCA, unless otherwise agreed by the parties.
2. With the agreement of the parties to the mediation and the mediator, the mediation or a part of it may be conducted online, using audio-visual telecommunication means, including a combination of various available information and telecommunication technologies.

Article 18. The Language of Mediation

1. The language of each case of mediation is Armenian.
2. If a language other than Armenian is prescribed for the mediation process, an interpreter may be involved in the mediation as needed.

Article 19. The First Session of Mediation

1. The first session of mediation shall be scheduled as soon as possible after the approval/appointment of the mediator by the AMCA, but not later than within ten days.
2. The day, time, place, agenda and other relevant issues of the first session of mediation are decided by the mediator following consultations with the parties to mediation. In preparation for the first session of mediation, the mediator may have joint or separate meetings with the parties to the mediation online, by telephone or in person.
3. At the first session of mediation, the mediator identifies the parties and their representatives, other participants, and together with the parties to mediation, decide the format and procedure of the mediation, discussing the matters provided by Articles 16-18 of these Rules, as well as other relevant procedural issues.

Article 20. The Course of Mediation

1. Mediation is carried out in accordance with legislation, these Rules, the internal legal acts of the AMCA, taking into account the nature of the mediation case and the observations of the parties to mediation.
2. The mediator does not have the right to provide legal advice to the parties to mediation or other participants or to express a position on any substantive issue of the mediation.
3. During the mediation, the mediator may ask the parties to mediation and other participants to provide additional information, written statements or perform other actions that will contribute to the mediation process.

4. With the agreement of the parties to mediation, the mediation can be carried out in joint or separate meetings, as well as in the way of their combination.
5. At the proposal of the parties or at the initiative of the mediator and with the agreement of the parties to the mediation, the mediator may receive expert (specialist) opinion and advice on issues related to the mediation process.

Article 21. Administration of Mediation

1. The administration of each case of mediation, including the communication, is carried out by the Secretariat. The Mediation case manager ensures the proper and timely implementation of the case administration.
2. The Secretariat shall send all notifications related to the mediation case to the parties and other participants by e-mail or other means of telecommunication. In case of the impossibility of sending electronic notifications, they are sent by registered mail or delivered by hand.

Chapter V. Termination of Mediation**Article 22. Termination of Mediation**

1. The mediation process initiated under these Rules shall be terminated with the mediator adopting the corresponding protocol about the termination of the mediation process, which shall be provided to the parties no later than the next day. At the same time, the mediator shall notify the AMCA about the protocol on the termination of the mediation, providing information about the mediation procedure, the agreement reached between the parties or the reasons for not reaching such an agreement, the basis for the termination of the mediation and providing a copy of the protocol.

Article 23. Settlement Agreement

1. In the case of terminating the mediation process amicably, an agreement is signed between the parties to amicably settle the dispute. At the request of the parties to mediation, the AMCA may provide the parties with an opinion on the settlement agreement.
2. In addition to the parties, the settlement agreement concluded as a result of the mediation process is also signed by the mediator, noting that the agreement has been concluded as a result of mediation.

Chapter VI. Other Provisions

Article 24. Confidentiality

1. Mediation is a private and confidential process. The parties to mediation, the mediator, the AMCA and other persons engaged in mediation shall in all cases maintain the confidentiality of any information related to the entire mediation process. Any document, communication, or information discovered, revealed, or produced by either party during or for the mediation process may not be disclosed unless the parties otherwise agree in writing. Confidentiality also extends to the settlement agreement, unless its publication is necessary to enforce the agreement.
2. Any information disclosed during mediation, including documents, communications, correspondence, position expressed by a party, proposal or statement made, including that the latter is ready to accept any proposal for mediation, or acceptance (recognition) of any fact, any position expressed or recommendation made by the mediator may not be used as evidence or in any way affect the rights of the parties to mediation in any subsequent arbitration, litigation or other dispute resolution proceeding, except as required by applicable law or as otherwise agreed by the parties.
3. The parties to the mediation may stipulate other regulations in writing about the confidentiality of the mediation.

Article 25. Prior, parallel and subsequent proceedings to mediation

1. Mediation may be initiated and conducted at any time, regardless of whether there are ongoing or completed arbitration, court or other dispute resolution proceedings between the parties, unless there is a written agreement between the parties to the contrary or the initiation and/or conduction of mediation is prohibited by applicable law.
2. The mediator shall have no right to act as a judge, arbitrator, expert, party representative, attorney or any other participant in any court, arbitration or other dispute resolution proceeding, if those refer to the mediation case mediated out by him/her.
3. A person having act as a judge, arbitrator, expert, lawyer or other representative of a party, or any other participant of a dispute in a judicial, arbitral or other dispute settlement proceeding, may not mediate the same dispute in accordance with these Rules, except for the case provided by the written agreement of the parties.

Article 26. Exclusion of Liability

1. The mediator, the AMCA, its employees and representatives shall not be liable for any action or inaction related to the mediation process, except as provided by law.

APPENDIX: MEDIATION COSTS AND FEES

1. Costs related to mediation include:
 - 1) Mediation administrative fee,
 - 2) Mediator(s)'s remuneration,
 - 3) Costs of the involved expert, specialist or any other costs required for the effective conduction of mediation process.
2. For each mediation case, the Secretary General prepares a mediation budget, calculating all costs and fees for the mediation.
3. The following amounts serve as a guideline for the calculation of costs and fees related to mediation
 - 1) Mediation administrative fee - AMD 70,000 (including taxes and other mandatory fees defined by law);
 - 2) Mediator(s)'s remuneration - AMD 150,000 for a mediation lasting up to four hours, after which hourly rate of AMD 50,000 shall apply (excluding taxes and other mandatory fees defined by law). Calculation is done on an hourly basis. The amounts provided for in this part do not include taxes and other mandatory fees established by law.
 - 3) Other costs incurred for the effective implementation of the mediation process are calculated and approved with the parties to the mediation as needed.

These amounts are subject to change, taking into account the nature, complexity and other relevant circumstances of the mediation case.
4. The mediation budget is presented to the parties to the mediation. After receiving the mediation budget, the parties to the mediation shall pay the full amount specified in the budget within three days or submit their objections to the estimate. Failure to pay the amount within the specified period shall mean a renunciation of the mediation case.
5. On the costs incurred during the mediation case, which have not been included in the mediation budget, the Secretariat submits a new bill for the consideration and payment by the parties to mediation, as needed.
6. The mediation administrative fee is non-refundable, unless the Secretariat decides otherwise, taking into account the exceptional circumstances of the case.

7. In case of withdrawal or in other case of failure of mediation, the mediator's remuneration shall be returned, offsetting the actual work performed by the mediator according to the established hourly rate.