



CHAMBRE
DE MÉDIATION,
DE CONCILIATION,
ET D'ARBITRAGE
D'OCCITANIE

JUNE 2023

CONCILIATION RULES

**CHAMBER OF MEDIATION, CONCILIATION AND
ARBITRATION OF OCCITANIA**

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PREAMBLE.

The present Rules shall apply to conciliation in disputes resulting from a judicial, contractual, or other relationship, or when parties, looking for an amicable solution to their dispute, have agreed to apply the present Rules.

Parties may agree to exclude any provision of these Rules.

ARTICLE 1. DEFINITIONS

In these Rules:

- (i) “Chamber” refers to the Chamber of Mediation, Conciliation, and Arbitration of Occitania (CMCAO);
- (ii) “Conciliation Committee” refers to the collegial body responsible for implementing the conciliation procedure - its members are the President of the Chamber, the Secretary, the Treasurer, and the Vice President in charge of the Rules.
- (iii) “conciliator’s fees” refers to the conciliator’s remuneration;
- (iv) “provision” refers to the sum the claimant shall pay when filing a request for conciliation;
- (v) “Rules” refers to the Rules of conciliation;
- (vi) “Secretariat” refers to the Chamber’s General Secretariat.

ARTICLE 2. REQUEST FOR CONCILIATION

1. The party taking the initiative of conciliation shall address a written request to the Chamber.
2. The request for conciliation shall contain the elements available in Appendix 1.
3. The Secretariat shall indicate the amount of the provision the claimant shall pay.
4. The Secretariat shall notify the request to the other party.

ARTICLE 3. REFUSAL OF THE REQUEST FOR CONCILIATION

1. Upon the notification of the request to the Secretariat, the other party shall have 15 days to accept or refuse the conciliation.
2. Lack of an answer to the request within the time limit shall amount to a refusal.
3. In case of refusal or lack of an answer, the Secretariat shall advise the claimant to act in his best interests. The part of the provision corresponding to the overpayment shall be given back.
4. If the initial request contained a request for arbitration in the case of failure of the conciliation, and if the other party refused conciliation, the request shall be considered as a request for arbitration only.

ARTICLE 4. ACCEPTATION OF THE REQUEST

1. Acceptation of conciliation shall be made in writing and shall be addressed to the Secretariat, who shall then inform the claimant.
2. Conciliation proceedings start when the other party accepts the request for conciliation.

ARTICLE 5. NOMINATION OF THE CONCILIATOR

1. As soon as the conciliation is accepted by the other party, the Conciliation Committee shall appoint a conciliator and notify the parties.
2. There shall be one conciliator, unless the parties have agreed otherwise.

ARTICLE 6. PROCEDURE

1. Once the request for conciliation is accepted and the conciliator is nominated, the latter shall summon the parties at their earliest convenience.
2. The conciliator shall determine the place of conciliation.
3. The conciliator shall ask for a written note from each party so that they can express the nature of the dispute as well as the elements they wish to settle.
4. The conciliator shall hear each party, and if applicable their representatives, together or separately. He shall ask them for every useful information.
5. The conciliator shall conduct the proceedings as he deems appropriate, with regard to the circumstances of the dispute.

ARTICLE 7. COMMITMENTS OF THE CONCILIATOR

1. The conciliator shall follow the principles of independence, impartiality, justice, and equity.
2. The conciliator shall be conscious of the need to quickly reach a settlement of the dispute.

ARTICLE 8. MEETINGS AND COMMUNICATIONS

1. The conciliator may meet or communicate with the parties, either orally or in writing.

2. The conciliator may meet or communicate with the parties, either together or separately.
3. When the conciliator is informed of something by one of the parties, he shall reveal the content to the other party, in order to allow the latter to present any explanation that he deems useful.
4. However, when a party gives information to the conciliator asking for it to remain confidential, he shall not reveal the information to the other party.

ARTICLE 9. PLACE AND LANGUAGE OF CONCILIATION

1. The conciliator shall determine the place of conciliation, unless parties have already agreed on the place.
2. The place of conciliation shall be determined after consulting the parties and taking into account the circumstances of the dispute.
3. The language of conciliation shall be decided by the parties. Otherwise, the Conciliation Committee shall determine it. Until the language has been determined, the French language shall be used.

ARTICLE 10. TRANSACTION AGREEMENT

1. If the conciliator considers an agreement to be acceptable for the parties, he shall write the terms of a possible transaction agreement and shall submit his proposal to the parties.
2. Each party, at his own initiative or following the conciliator's invitation, may submit suggestions.
3. If the parties reach an agreement, they shall write a transaction agreement.

4. At the parties' request, the conciliator shall write or help write the transaction agreement.
5. By signing the transaction agreement, the parties settle the dispute and shall be bound by this agreement.

ARTICLE 11. CONFIDENTIALITY

1. The conciliator and the parties shall respect the confidentiality of the conciliation proceedings.
2. Confidentiality shall be extended to the transaction agreement unless the implementation of this agreement requires disclosure.

ARTICLE 12. TIME LIMITS

1. The conciliation deadline shall be of 2 months, starting from the first meeting of conciliation.
2. Parties may agree to extend this deadline.

ARTICLE 13. END OF CONCILIATION

1. Conciliation shall either end upon the establishment of a transaction agreement or following a written declaration noting the failure of the conciliation.
2. The written declaration of the failure of conciliation does not need to be motivated. The conciliator shall however send the declaration under his only signature to both parties.

3. Conciliation shall also end when one of the parties notifies the conciliator of his choice to give up conciliation.

ARTICLE 14. NOTIFICATION TO THE CHAMBER

1. The conciliator shall notify the Chamber at the end of the conciliation proceedings and shall either address the transaction agreement or the written declaration on the failure of conciliation.

ARTICLE 15. CONCILIATION FEES

1. When starting conciliation, the Chamber shall determine, depending on the nature and importance of the dispute, the sum of the provision the claimant shall pay.
2. At the end of the conciliation, the conciliation fees and the conciliator's fees shall be liquidated and split between the parties, unless the transaction agreement states otherwise.
3. Fees include the conciliator's fees as well as the Chamber's administrative fees.
4. Any expense incurred by a party shall be the party's responsibility.

ARTICLE 16. OTHER PROCEEDINGS

1. The conciliator shall not act as a judge, arbitrator, or representative to any of the parties in arbitration or judicial proceedings related to the dispute that is the subject of the conciliation.



2. Parties shall undertake to not take a conciliator as a witness in these proceedings.

3. Parties shall undertake to not invoke what was said, written, admitted, or indicated during the conciliation proceedings as elements of proof in arbitration or judicial proceedings, whether those proceedings are related to the conciliation or not.

ARTICLE 17. INTERPRETATION OF THE RULES

1. The Conciliation Committee has exclusive jurisdiction to interpret these Rules.

2. In the event of contradictions between the different language versions of these Rules, the French version shall prevail over the translated versions.

APPENDIX 1. SCHEDULE OF COSTS

FEES

TIME	CONCILIATOR FEES (euros/hour)
up to 25 hours	120
above 25 hours	150

ADMINISTRATIVE COSTS

AMOUNT OF THE DISPUTE (euros)	ADMINISTRATIVE FEES (euros)
up to 5000	150
from 5 001 to 10 000	250
above 10 001	500

APPENDIX 2. CONCILIATION CLAUSE

It is recommended that parties wishing to make reference to the Chamber's conciliation in their contracts use the standard clause below:

- 1. Any dispute arising out of or in connection with the present contract, in particular any question relating to its existence, negotiation, validity or termination, shall be finally settled through conciliation, under the Rules of conciliation of the Chamber of Mediation, Conciliation and Arbitration of Occitania (CMCAO) in its [date of Rules] version.***
- 2. The language to be used in the conciliation proceedings shall be French.***

Parties remain free to adapt the clause according to the dispute's circumstances. They shall freely decide on the place and language of conciliation.

REQUEST OF CONCILIATION - C.M.C.A.O.

PART 1. INFORMATION ON THE CLAIMANT

Surname:

Name(s):

Address(es):

Phone(s):

Email(s):

Representative(s):

PART 2. INFORMATION ON THE OTHER PARTY

Surname:

Name(s):

Address(es):

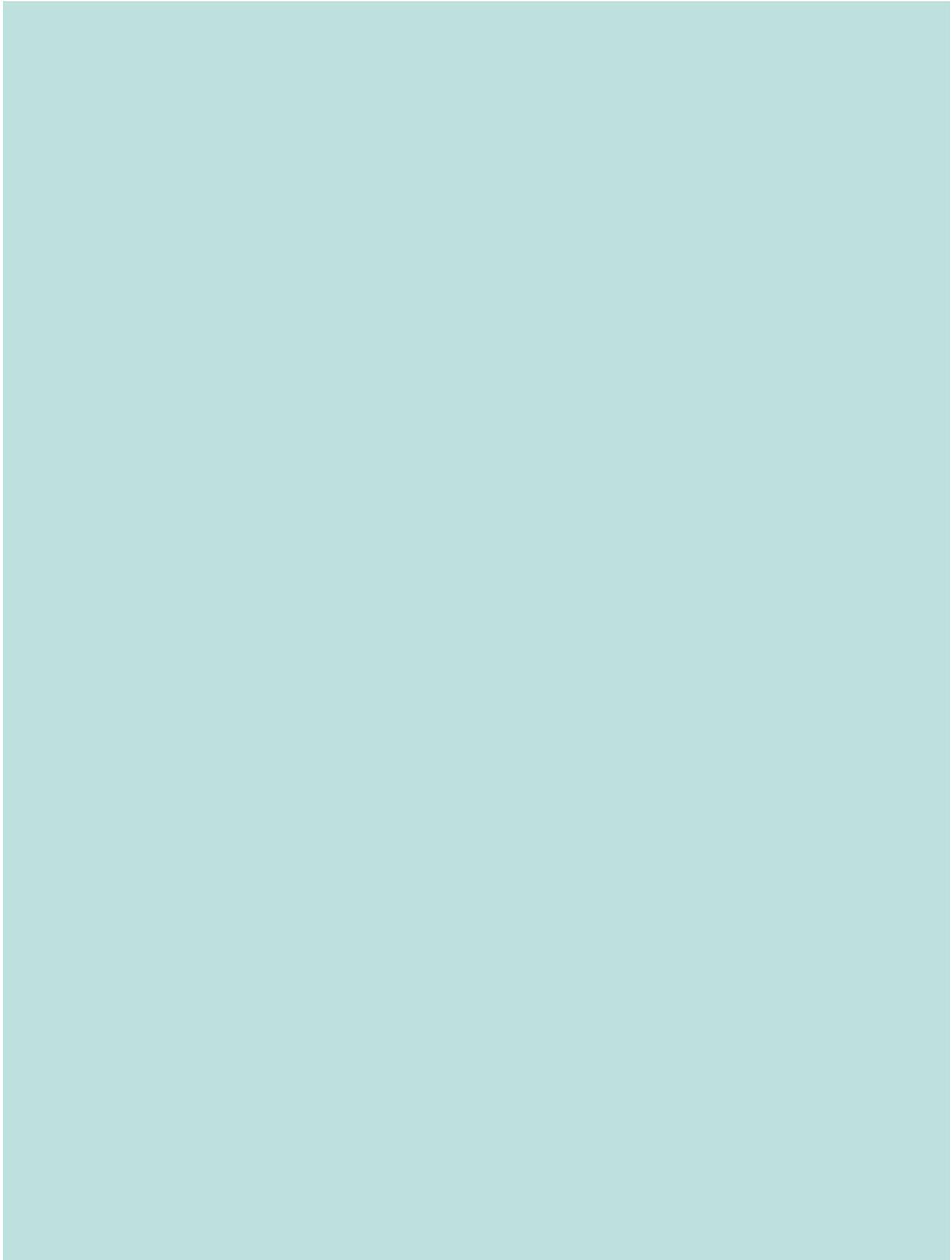
Phone(s):

Email(s):

Representative(s):

PART 3. INFORMATION ON THE DISPUTE

Description of the dispute and its estimated value:



PART 4. ARBITRATION

The party filing the Request shall indicate if, in case of failure of conciliation, parties will resort to arbitration.

In this case, if conciliation fails, the Request shall become an arbitration Request.

For the Request to be registered, it shall be accompanied by the payment of the administrative fees, the amount of which is indicated in the Appendix to the Conciliation Rules.

Done in:

on:

Signature(s):