

RECOMMENDED MEDIATION CLAUSES (MEDIATION AGREEMENTS)

1. MEDIATION CLAUSE

«Any dispute, controversy or claim arising out of or relating to this contract, including the conclusion, interpretation, execution, breach, termination or invalidity thereof, shall be settled by mediation in the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry in accordance with its Rules of Mediation».

The following provisions may be used:

«Mediation shall be conducted: _____».
(by a mediator or «__» mediators)

«The place of mediation shall be _____».
(country, city)

«The language of mediation shall be _____».
(Ukrainian, English or other)

2. «TWO-LEVEL» CLAUSE

«Any dispute, controversy or claim arising out of or relating to this contract, including the conclusion, interpretation, execution, breach, termination or invalidity thereof, shall be settled by mediation in the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry in accordance with its Rules of Mediation. If one of the parties objects to the mediation or if the mediation was terminated without settlement of the dispute, the dispute shall be finally settled by arbitration in the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry in accordance with its Rules».

The following provisions may be used:

«Mediation shall be conducted: _____».
(by a mediator or «__» mediators)

«The place of mediation/arbitration shall be _____».
(country, city)

«The language of mediation shall be _____».
(Ukrainian, English or other)

«The number of arbitrators shall be _____».
(one or three)

«This contract shall be regulated by the substantive law of _____».
(country)

3. COMBINED CLAUSE FOR THE «MED-ARB» PROCEDURE

«Any dispute, controversy or claim arising out of or relating to this contract, including the conclusion, interpretation, execution, breach, termination or invalidity thereof, shall be settled by means of mediation in the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry in accordance with its Rules of Mediation.

If, by means of mediation during [60] days, the parties failed to finally settle a dispute, controversy or claim, then such a dispute, controversy or claim shall be finally settled by means of arbitration in the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry in accordance with its Rules.

If the parties settled a dispute, controversy or claim by means of mediation, the agreement based on the results of the mediation shall be submitted to the International Commercial Arbitration Court at the Chamber of Commerce and Industry of Ukraine for rendering an award on the agreed terms in accordance with its Rules».

The following provisions may be used:

«Mediation shall be conducted: _____».
(by a mediator or «_» mediators)

«The place of mediation/arbitration shall be _____».
(country, city)

«The language of mediation shall be _____».
(Ukrainian, English or other)

«The number of arbitrators shall be _____».
(one or three)

«This contract shall be regulated by the substantive law of _____».
(country)