

## **CONCILIATION**

Conciliation is a tool applied in the resolution disputes among enterprises or between enterprises and consumers. Through the assistance of a neutral and an impartial third party, mutual consent can be reached that is satisfactory for all.

Since 20<sup>th</sup> of March 2011, as provided by the law 28 of the 4<sup>th</sup> of March 2010, the attempt of mediation is effective in the following fields:

- real rights
- divisions
- inheritances
- family agreements
- rentals
- loans
- enterprise rentals
- claims for libel damages through the medium of the press or another medium of advertising insurance
- banking and financial contracts

Therefore, for all the listed fields, the attempt of mediation is a necessary step before the regular court settlement: whoever wishes to settle in court must necessarily go through the process of mediation first. It is a necessary procedural condition of the legal process.

Pending controversies can also be the object of mediation by the legal authority.

Mediation involves considerable advantages:

### **Volunteering**

Decisions are not imposed, the parts find a solution of the controversy voluntarily.

### **Rapidity**

A mediation procedure lasts four months at the utmost.

### **Cost effectiveness**

All the costs are kept low and previously established.

### **Privacy**

The mediator, the parties and all those who operate in the process cannot disclose facts and information concerning the proceedings of mediation.

### **Professionalism**

The Justice of the Peace is specialized in mediation techniques. He must be

neutral and impartial and assist the parties in order to find a solution of the controversy.

### **Conciliation application**

In order to begin the procedure of conciliation, it is sufficient to fill the form "Conciliation application" in every part and to send it to the secretariat of the Service of Conciliation of the Chamber of Commerce.

It is possible to write the application, specifying all the data required on the form. The parties have the right to access to the documentation of the court settlement, except when the other parties have specifically asked for restrictions of secrecy.

The secretariat delivers the conciliation requirement to the second party.

Subsequent to the delivery of documents and proof of receipt, the invitation to reply is set within the timeframe of 15 days. If the other party accepts to participate, a written confirmation is sent and a conciliator has to be appointed to deal with the specific case. Hence, the date of the settlement is agreed upon.

The parties must participate in the settlement hearing personally.

In particular cases, by a written proxy, the parties can be replaced by a delegate, who is informed of the facts and has the necessary power of attorney.

The parties can be assisted by a defense lawyer or by a trusted advisor.

The mediator conducts the hearing informally, accepting the deposition of both parties jointly and separately.

The proposal of conciliation is communicated to the parties through the secretariat, who then receives acceptance or the rejection of the proposal. If there is no reply within this period, the proposal is rejected.