

ACB CODE OF CONDUCT FOR MEDIATORS

Article 1 - General

In this Code of Conduct, words and terms shall have the meanings as assigned to them in the ACB Mediation Rules (hereinafter referred to as: 'the Rules').

Article 2 - Impartiality and Conflicts of Interest

- 2.1 The mediator shall at all times maintain complete impartiality with regard to the parties. The mediator shall perform his duties with complete objectivity.
- 2.2 Before accepting his appointment, the person requested to act as the mediator shall inform the parties of any facts and circumstances which could give cause to doubt his impartiality. Where such facts or circumstances are present, he shall not accept his appointment until the parties have requested him in writing to commence his work as mediator despite these facts or circumstances. Where such facts or circumstances are not apparent until after he has accepted his appointment, the mediator shall offer his resignation to the parties and shall continue his work only at the written request of the parties.
- 2.3 The following shall constitute facts or circumstances as referred to in Article 2.2:
- particularities of a personal or business nature with one of the parties;
 - the fact that the person concerned (or, if applicable, his practice or employer) has acted for one of the parties;
 - any interest (direct or indirect) that he may have, or could reasonably be expected to have, in the outcome of the mediation;
 - possession of confidential information concerning one of the parties or the subject of the mediation.
- 2.4 Except with the written consent of all the parties, no person who has acted as a mediator shall act on behalf of any party to the mediation, at law or otherwise, in a case dealing with the same subject as the mediation.

Article 3 - Confidentiality

The mediator shall provide no information on the mediation to third parties, unless the parties have granted their permission to this effect and undertake to observe the condition of Article 12 of the Rules.

The mediator shall impose confidentiality on all persons he or she shall involve in the mediation.

Article 4 - Qualities

The mediator carries out his or her duties in a professional manner and in accordance with the highest requirements of integrity. He or she shall do all that which is necessary to bring the mediation to a good conclusion. Before accepting his or her appointment, the mediator shall ensure that he or she has sufficient time to conclude the mediation in a dynamic manner.

Article 5 - Powers

The mediator shall not make any pronouncements regarding the dispute and shall refrain from making any judgement on the legal or business merits of the dispute, unless all the parties explicitly ask him to do so. His judgement shall only have the nature of a binding recommendation if an instruction to this effect is issued in a written document signed by all the parties.

Article 6 - Disciplinary rules, Disputes and Applicable Law

The mediator is subject to disciplinary rules in accordance with the Rules of the Foundation of Disciplinary Procedure for Mediators.