



CYPRUS CONSUMER CENTER
FOR ALTERNATIVE DISPUTE RESOLUTION

CONCILIATION RULES

(EN)
Version 1.02

Article 1 Application of the Rules

1. These Rules apply to conciliation of disputes arising out of or relating to a contractual or other legal relationship where the parties seeking an amicable settlement of their dispute have agreed that the rules of conciliation (the “**Rules**”) of the Cyprus Consumer Center for Alternative Dispute Resolution (the “**Center**”) apply.
2. The parties may agree to exclude or vary any of these Rules at any time.
3. Where any of these Rules is in conflict with a provision of law from which the parties cannot derogate, that provision prevails.
4. The Center is not obliged to consider a dispute that has been submitted to it under these Rules in case of the following circumstances arising:
 - (a) the dispute is frivolous or vexatious;
 - (b) the dispute is being or has previously been considered by another ADR entity or by a court;
 - (c) dealing with such a type of dispute would otherwise seriously impair the effective operation of the Center;

Furthermore, in case that the dispute has been submitted by a consumer against a trader, the Center is not obliged to consider the dispute in the case where:

- (a) the consumer did not attempt to contact the trader concerned in order to discuss his complaint and seek, as a first step, to resolve the matter directly with the trader;
 - (b) the consumer has not submitted the complaint to the Center one year from the date upon which the consumer submitted the complaint to the trader;
5. Where, in accordance with its procedural rules, the Center is unable to consider a dispute that has been submitted to it, the Center shall provide both parties with a reasoned explanation of the grounds for not considering the dispute within three weeks of receiving the complaint file.

Article 2 Commencement of Conciliation Proceedings

1. The party initiating conciliation sends to the other party an invitation to conciliate under these Rules, briefly identifying the subject of the dispute or it shall send to the Center a written request (the “**Request**”) to invite the other Party to conciliate under these Rules.
2. The Center which has received a Request, notifies the parties to the dispute as soon as it has received all the documents containing the relevant information relating to the complaint.
3. Conciliation proceedings commence when the other party accepts the invitation to conciliate. If the acceptance is made orally, it is advisable that it be confirmed in writing.
4. If the other party rejects the invitation, there will be no conciliation proceedings.
5. If the party initiating conciliation does not receive a reply within twenty days from the date on which he sends the invitation, he may elect to treat this as a rejection of the invitation to conciliate. If he so elects, he informs the other party accordingly. Where the party against whom the request is made is obliged or committed to use conciliation then the procedure will proceed.

Article 3 Number of Conciliators

There shall be one conciliator unless the parties agree that there shall be two or three conciliators. Where there is more than one conciliator, they ought, as a general rule, to act jointly.

Article 4 Appointment of Conciliators

1. The parties agree that the appointment of one or more conciliators be made directly by the Center. In recommending or appointing individuals to act as conciliator, the Center shall have regard to such considerations as are likely to secure the appointment of an independent and impartial conciliator and, with respect to a sole or third conciliator, shall take into account the advisability of appointing a conciliator of a nationality other than the nationalities of the parties.
2. In case the Conciliator is unwilling or incapable to perform the Conciliation for any reason and there are no other physical persons available to choose as Conciliators, the Center suggests to the Parties to submit their dispute to another Alternative Dispute Resolution Center and in case this cannot be achieved, the Parties are informed of this and in case they do not object the Conciliator may continue with the Conciliation.

Article 5 Submission of Statements to Conciliator

1. The conciliator¹ upon his appointment, requests each party to submit to him a brief written statement describing the general nature of the dispute and the points at issue. Each party sends a copy of his statement to the other party.
2. The conciliator may request each party to submit to him a further written statement of his position and the facts and grounds in support thereof, supplemented by any documents and other evidence that such party deems appropriate. The party sends a copy of his statement to the other party.
3. At any stage of the conciliation proceedings the conciliator may request a party to submit to him such additional information as he deems appropriate

Article 6 Representation and Assistance

The parties may be represented or assisted by persons of their choice. The names and addresses of such persons are to be communicated in writing to the other party and to the conciliator; such communication is to specify whether the appointment is made for purposes of representation or of assistance.

¹ In this and all following articles, the term "conciliator" applies to a sole conciliator, two or three conciliators, as the case may be.

Article 7 Role of Conciliator

1. The conciliator assists the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute.
2. The conciliator will be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties, the usages of the trade concerned and the circumstances surrounding the dispute, including any previous business practices between the parties.
3. The conciliator may conduct the conciliation proceedings in such a manner as he considers appropriate, taking into account the circumstances of the case, the wishes the parties may express, including any request by a party that the conciliator hear oral statements, and the need for a speedy settlement of the dispute.
4. The conciliator may, at any stage of the conciliation proceedings, make proposals for a settlement of the dispute. Such proposals need not be in writing and need not be accompanied by a statement of the reasons therefor.

Article 8 Administrative Assistance

The Center will facilitate the conduct of the conciliation proceedings.

Article 9 Communication between Conciliator and Parties

1. The conciliator may invite the parties to meet with him or may communicate with them orally or in writing. He may meet or communicate with the parties together or with each of them separately.
2. Unless the parties have agreed upon the place where meetings with the conciliator are to be held, such place will be determined by the conciliator, after consultation with the parties, having regard to the circumstances of the conciliation proceedings.

Article 10 Disclosure of Information

When the conciliator receives factual information concerning the dispute from a party, he discloses the substance of that information to the other party in order that the other party may have the opportunity to present any explanation which he considers appropriate. However, when a party gives any information to the conciliator subject to a specific condition that it be kept confidential, the conciliator does not disclose that information to the other party.

Article 11 Co-Operation of Parties with Conciliator

The parties will in good faith co-operate with the conciliator and, in particular, will endeavour to comply with requests by the conciliator to submit written materials, provide evidence and attend meetings.

Article 12 Outcome of the Procedure

The outcome of the Conciliation is made available as soon as the procedure is complete and in the case of consumer disputes, within a period of 90 calendar days from the date on which the Center has received the complete complaint file. In the case of highly complex consumer disputes, the Center may, at its own discretion, extend the 90 calendar days' time period. The parties shall be informed of any extension of that period and of the expected length of time that will be needed for the conclusion of the dispute.

Article 13 Suggestions by Parties for Settlement of Dispute

Each party may, on his own initiative or at the invitation of the conciliator, submit to the conciliator suggestions for the settlement of the dispute.

Article 14 Settlement Agreement

1. When it appears to the conciliator that there exist elements of a settlement which would be acceptable to the parties, he formulates the terms of a possible settlement and submits them to the parties for their observations. After receiving the observations of the parties, the conciliator may reformulate the terms of a possible settlement in the light of such observations.
2. If the parties reach agreement on a settlement of the dispute, they draw up and sign a written settlement agreement.² If requested by the parties, the conciliator draws up, or assists the parties in drawing up, the settlement agreement.
3. The parties by signing the settlement agreement put an end to the dispute and are bound by the agreement.

Article 15 Confidentiality

The conciliator and the parties must keep confidential all matters relating to the conciliation proceedings. Confidentiality extends also the settlement agreement, except where its disclosure is necessary for purposes of implementation and enforcement.

Article 16 Termination of Conciliation Proceedings

The conciliation proceedings are terminated:

- (a) By the signing of the settlement agreement by the parties, on the date of the agreement; or
- (b) By a written declaration of the conciliator, after consultation with the parties, to the effect that further efforts at conciliation are no longer justified, on the date of the declaration; or

² The parties may wish to consider including in the settlement agreement a clause that any dispute arising out of or relating to the settlement agreement shall be submitted to arbitration.

- (c) By a written declaration of the parties addressed to the conciliator to the effect that the conciliation proceedings are terminated, on the date of the declaration; or
- (d) By a written declaration of a party to the other party and the conciliator, if appointed, to the effect that the conciliation proceedings are terminated, on the date of the declaration.

Article 17 Resort to Arbitral or Judicial Proceedings

The parties undertake not to initiate, during the conciliation proceedings, any arbitral or judicial proceedings in respect of a dispute that is the subject of the conciliation proceedings, except that a party may initiate arbitral or judicial proceedings where, in his opinion, such proceedings are necessary for preserving his rights.

Article 18 Costs

1. The party or parties filing a Request shall include with the Request the non-refundable filing fee required as set out in Appendix A. No Request shall be processed unless accompanied by the filing fee.
2. Following the commencement of the Proceedings, the Center shall request the parties to pay the fees and expenses of the Center and of the Conciliator, as set out in Appendix A hereto.
3. The Center may stay or terminate the Proceedings under the Rules if any requested payment is not made.
4. Upon termination of the Proceedings, the Center shall fix the total costs of the Proceedings and shall, bill the parties for any balance required pursuant to the Rules.
5. With respect to Proceedings that have commenced under the Rules, all costs and fees shall be borne by the parties in accordance with Appendix A.

Article 19 Role of the Conciliator in other Proceedings

The parties and the conciliator undertake that the conciliator will not act as an arbitrator or as a representative or counsel of a party in any arbitral or judicial proceedings in respect of a dispute that is the subject of the conciliation proceedings. The parties also undertake that they will not present the conciliator as a witness in any such proceedings.

Article 20 Admissibility of Evidence in other Proceedings

The parties undertake not to rely on or introduce as evidence in arbitral or judicial proceedings, whether or not such proceedings relate to the dispute that is the subject of the conciliation proceedings;

- (a) Views expressed or suggestions made by the other party in respect of a possible settlement of the dispute;
- (b) Admissions made by the other party in the course of the conciliation proceedings;
- (c) Proposals made by the conciliator;

- (d)** The fact that the other party had indicated his willingness to accept a proposal for settlement made by the conciliator.

APPENDIX A – FEES AND COSTS

i) FOR CONCILIATION IN CIVIL AND COMMERCIAL DISPUTES

Filing Fees for a Request (payable by either one or both parties)

€50 non-refundable filing fee, to file the dispute with the Center.

Conciliation Fees

Amount of the Dispute in Euro (€)	Trader Fees in Euro (€)
Up to 10.000	600
10,001 -50,000	900
50,001 - 100,000	1200
100,001 – 500,000	1700
500,001 and over	2500

1. All the above fees are exclusive of VAT and are payable prior to the initiation of the Conciliation.
2. The above fees are based on 8 hours of Conciliation. For every extra hour required for Conciliation the following fees are payable:
 - An additional fee of €80 plus VAT per hour for disputes between €0 – €10,000.
 - An additional fee of €120 plus VAT per hour for disputes over €10,000.

ii) FOR CONCILIATION IN CONSUMER DISPUTES

Filing Fees for a Consumer who files the Request

€20 non-refundable filing fee, to file the dispute with the Center.

Conciliation Fees

Amount of Purchased Goods or Services in Euro (€)	Consumer Fees in Euro (€)*	Trader Fees in Euro (€)
Up to 500	20	80
501 - 2.000	40	160
2.001 - 10.000	80	320
10,001 - 50,000	160	640
50,001 - 100,000	320	1280
100,001 and over	640	1700

1. All the above fees are exclusive of VAT and are payable prior to the initiation of the Conciliation.
2. The above fees are based on 8 hours of Conciliation. For every extra hour required for Conciliation the following fees are payable:
 - a) An additional fee of €20 plus VAT per hour for the Consumer and €60 plus VAT per hour for the Trader for any disputes between €0 – €10,000.
 - b) An additional fee of €40 plus VAT per hour for the Consumer and €100 plus VAT per hour for the Trader for any disputes over €10,000.

* For financial disputes, no Conciliation Fee is payable by the Consumer. For all other cases, the maximum amount payable by the Consumer is €800