



RULES FOR COLLECTIVE MEDIATION IN CONSUMER MATTERS

Within the meaning of these rules, the parties are:

- a company or companies,
- a nationally-recognized consumer protection organization (or organizations).

1 Initiation of mediation proceedings

Mediation proceedings are initiated upon the request of a party or the parties, where they have so agreed, at the outset of a collective dispute.

Mediation proceedings may also be initiated at the request of one party that wishes the Centre to propose the mediation proceedings and if the other party is not opposed.

Any mediation entrusted to CMAP entails acceptance by the parties of these Rules.

CMAP's Mediation Committee is responsible for:

- establishing all the procedures proposed by CMAP;
- exercising the administrative powers in respect of the procedures, pursuant to the rules;
- issuing prior approval to the mediators;
- designating the mediators for each procedure.

The Committee shall determine whether or not to initiate the collective mediation.

2 Request for mediation

2.1 The Centre is seized with a request for media-

tion that contains:

- a description of the collective dispute,
- the company details and address of the parties,
- the parties' respective position or the position of the party requesting mediation.

2.2 The request is registered if it is accompanied by payment of the administrative fees for opening the matter, calculated in accordance with the scale of fees in effect. Under no circumstances is this sum refundable.

3 Informing the other party

As soon as the request is registered, the Centre shall so inform the other party and invite it to participate in collective mediation proceedings. The Centre shall send these Rules to the other party and allow it fifteen (15) days from receipt of CMAP's letter to reply to the invitation.

4 Response to the request

If the other party so agrees, the General Secretariat submits the case to CMAP's Mediation Committee so that a mediator may be designated.

If the other party explicitly refuses to participate in mediation proceedings or fails to respond once the time limit defined in Article 3 above has expired, the Centre shall so advise the party that submitted the request for mediation and close the file, without refunding the administrative fees for opening the matter.

5 Appointment of the mediator

As soon as the parties have agreed to participate in mediation proceedings, the Mediation Committee shall appoint a mediator based on the nature of the dispute or, as the case may be, on a suggestion from the parties.

6 Independence, neutrality and impartiality of the mediator

- 6.1 The mediator must be impartial, neutral and independent of the parties. Where appropriate, (s)he must disclose to the parties and to CMAP's General Secretariat any circumstances that might affect his/her independence and/or impartiality in the eyes of the parties. In such case, (s)he may be confirmed or maintained as a mediator only after a decision by the Mediation Committee and with the written consent of all the parties.
- 6.2 The mediator appointed by the Committee shall sign a statement of independence.
- 6.3 If, over the course of the mediation, the mediator becomes aware of any factor or information liable to call into question his/her independence, (s)he shall so inform the parties. The mediator shall continue his/her assignment if the parties so agree in writing. Otherwise, (s)he shall stay the mediation proceedings. The Mediation Committee shall then appoint a replacement mediator.

7 Role of the mediator and conduct of mediation proceedings

- 7.1 The mediator helps the parties find a negotiated solution to their dispute. The mediator has full discretion in respect of the performance of his/her task, subject to obligations of loyalty and respect of the interests of each of the parties. If the mediator considers it useful, (s)he may hear the parties separately, if they so agree. In this case, (s)he works to ensure that all parties are treated equally and that the confidentiality of the procedure is respected (see paragraph 7.3 below).
- 7.2 The mediator draws up an end of mission report if the mediation concludes without an

agreement among the parties. CMAP's General Secretariat then closes the file and so informs the parties.

7.3 The mediator and any party or person who participated in a mediation meeting are held to the strictest obligation of confidentiality in respect of everything related to the mediation; no finding, statement or proposal made by or before the mediator may be used subsequently, even in court proceedings, without the formal agreement of all parties.

7.4 The duration of the mediation shall not exceed three months starting on the date on which the Centre appoints the mediator. CMAP may extend that period with the agreement of the mediator and all the parties, with the Centre retaining the possibility of terminating the mediation proceedings six months from the date on which the mediator is appointed, without refunding the administrative fees.

7.5 If it appears to the mediator that the mediation process will not result in an agreement, (s)he may terminate his/her mission. Similarly, either party may freely terminate the mediation proceedings at any time.

7.6 Should the mediator consider that (s)he is unable to pursue his/her mission, (s)he shall stay the mediation proceedings and so notify CMAP's General Secretariat promptly. The Accreditation and Appointments Committee shall then appoint a replacement mediator as soon as possible, if the parties so request.

7.7 The agreement reached at the conclusion of the mediation shall be written up in a document that is signed by the parties.

This document shall specify the beneficiaries of the agreement, the terms and conditions of its implementation and its effects on the parties and on third parties. In that regard, the parties may derogate from Article 7.3 in order to inform third parties of the agreement.

8 Fees and expenses

- 8.1 The fees of the mediation and the expenses of the mediator(s) shall be set in accordance with the scale annexed to these Rules in effect on the date CMAP receives the request for mediation.
- 8.2 During the course of the mediation proceeding, the Centre may request an advance against final fees and expenses.

9 Interpretation of the rules in effect

- 9.1 CMAP shall have the sole authority to interpret these Rules.
- 9.2 A request for mediation shall be processed in accordance with the Rules and the scale of fees and expenses in effect on the date of receipt of the request.