

## RECOMMENDED MEDIATION CLAUSES (MEDIATION AGREEMENTS)

### 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 Maritime Arbitration Commission 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)

### «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 Maritime Arbitration Commission 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 Maritime Arbitration Commission 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)

## 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 Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry in accordance with its Rules of Mediation.

If, by means of mediation during [60]<sup>1</sup> 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 Maritime Arbitration Commission 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 Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry 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 \_\_\_\_\_».  
(країна, місто)

«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)

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<sup>1</sup> or during another period agreed by the parties