

## **FEDERAL LAW**

### **On alteration in separate legal acts of the Russian Federation in relation with passing of the Federal law « On alternative procedure of dispute resolution with participation of a mediator (mediation procedure)»**

#### **Article 1**

To alter article 202 of the first part of the Civil code of the Russian Federation (Collected Legislation of the Russian Federation, 1994, № 32, art. 3301) as follows:

1) point 1 to add with subparagraph 5 with the following wording:

«5) if the parties of the relations have entered into the agreement on the provision of mediation procedure according to the Federal law «On alternative procedure of dispute resolution with participation of a mediator (mediation procedure)»»»;

2) to add with point 4 with the following wording:

«4. In case provided by subparagraph 5 of point 1 of the present article, the duration of limitation period is saved from the moment of conclusion of agreement on mediation procedure carrying out between the parties till the moment of the termination of procedure, defined according to the Federal law «On alternative procedure of dispute resolution with participation of a mediator (mediation procedure)»»».

## **Article 2**

To alter the Arbitration Procedure Code of the Russian Federation (Collected Legislation of the Russian Federation, 2002, № 30, art 3012) as follows:

1) article 56 to add with part 5.1 with the following wording:

«5.1. The intermediaries rendering assistance to the parties in dispute resolution, including mediators, are not subject to questioning as witness about the circumstances that they became aware of in the course of performance of their corresponding duties.»;

2) point 2 of part 1 article 135 to state in the following edition:

«2) explains to the parties their right for a dispute consideration with participation of commercial court assessors, the right to transfer dispute to the arbitration consideration, the right to apply for assistance to the intermediary for the purpose of dispute resolution at any stage of the process, including to mediator according to the procedure established by the federal law, and consequences of such actions performance, takes measures for the conclusion between the parties of the amicable settlement agreement, promotes reconciliation of the parties;»;

3) part 2 of article 138 to state in the following edition:

«2. The parties can resolve dispute by concluding the amicable settlement agreement or applying other reconciliation measures, including mediation procedure if it does not contradict the federal law.»;

4) point 9 of part 2 of article 153 after words "amicable settlement agreement" to add with words «or to use mediation procedure »;

5) in article 158:

Part 2 after the word "to intermediary" to add with words «, including mediator,»;

Part 7 to add with the sentence of the following content: «In case specified

in part 2 of the present article, proceeding can be postponed for the term which does not exceed sixty days».

### **Article 3**

To alter the Federal law dd. July, 24, 2002 № 102-FZ «On the arbitrations in the Russian Federation» (Collected Legislation of the Russian Federation, 2002, № 30, item 3019) as follows:

1) article 5 to add with point 5 with the following wording :

«5. Dispute may not be transferred to the arbitration consideration in case there is mediation clause in the Contract.»;

2) chapter I to add with article 6.1. of the following content:

«Article 6.1. The utilization of mediation procedure in the dispute, transferred to the consideration of arbitration.

1. The utilization of mediation procedure is allowed at any stage of arbitration proceeding.

2. In case of taking of the decision on provision of mediation procedure by the parties, any of the parties is entitled to make the corresponding application to the arbitration. Thus the parties should provide the court with the agreement on the provision of mediation procedure, concluded in writing and corresponding to the requirements provided by the Federal law « On alternative procedure of dispute resolution with participation of a mediator (mediation procedure)».

3. In case the agreement specified in point 2 of the present article is provided to the arbitration, the court shall rule out decision about mediation procedure carrying out by the parties.

4. Term of mediation procedure carrying out is determined under the agreement of parties according to the order established by the Federal law «On alternative procedure of disputes resolution with participation of a mediator

(mediation procedure)», and shall be specified in arbitration decision. Arbitration proceeding shall be postponed for this term.

5. The mediated agreement concluded by the parties in writing by results of mediation procedure carrying out concerning dispute being on consideration in the arbitration, can be confirmed by the arbitration as an amicable settlement agreement according to the rules established by the present Federal law.».

#### **Article 4**

To alter the Civil Procedure Code of the Russian Federation (Collected Legislation of the Russian Federation, 2002, № 46, item 4532) as follows:

1) point 1 of part three of article 69 to state in the following edition:

«1) representatives in a civil case, or defenders in a criminal case, administrative offence case, or mediators – about the circumstances, which they became assure of in the course of their duties performance as a representative, a defender or a mediator;»;

2) point 5 of part one of article 150 to state in the following edition:

«5) takes measures for the conclusion of amicable settlement agreement between the parties, including by results of the provision of mediation procedure in the order established by the federal law, which the parties may use at any stage of judicial proceeding, and explains to the parties their right to refer for dispute resolution in the arbitration and consequences of such actions;»;

3) part 1 of article 169 to add with the sentence with the following wording: «The Court may postpone examination of case for the period not exceeding sixty days, under the petition of both parties in case of decision-taking about the provision of mediation procedure »;

4) article 172 to add with words «or to carry out mediation procedure».

#### **Article 5**

Chapter 3 of the Federal law dd. March, 13, 2006 № 38-FZ «On advertising» (Collected Legislation of the Russian Federation, 2006, № 12, item 1232; 2007, № 7, item 839; 2008, № 20, item 2255; 2009, № 51, item 6157) to add with article 30(1) of the following content:

«Article 30(1). Advertisement of mediators providing mediation<sup>1</sup>.

1. Advertisement of mediators providing mediation by those who have not passed corresponding professional training and do not have documents confirming such training issued by the corresponding noncommercial organization, carrying out the activity on mediators training, shall not be allowed.

2. Advertisement of mediators providing mediation shall contain data on the documents confirming passing through the corresponding professional training course by the mediator, and advertising of the activity of the organization providing mediation shall contain source of the information on the rules of conduct of mediation procedure adopted by this organization, as well standards and rules of mediators' professional activity.

3. Advertisement of mediators providing mediation shall not contain the statement that the use of mediation procedure as means of dispute resolution has advantages against the resolution of dispute in court, commercial court or the arbitration. ».

## **Article 6**

The present Federal law becomes effective from January 1, 2011.

The President  
of the Russian Federation

D.Medvedev

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<sup>1</sup> Exact wording: “Advertising of the activity of mediators providing the provision of mediation procedure”.