

## Italy China Business Mediation Centre (ICBMC)

# 中意之桥

## Clauses

### ICBMC Mediation clause

*"Parties agree to submit all disputes arising in connection with this agreement to the mediation attempt managed by the Italy-China Business Mediation Center at the Chamber of Arbitration of Milan for the Italian side and the Mediation Center of China Council for the promotion of International Trade in Beijing for the Chinese side to solve the dispute with a mediation agreement in accordance with the Rules adopted by the same ICBMC."*

各方同意将与本合同有关的所有争议提交中意商事调解中心进行调解，意方向米兰仲裁院提交调解申请，中方向北京的中国国际贸易促进委员会调解中心提交调解申请，争议由中意商事调解中心根据既定规则进行调解。

### Multi-step clauses (Mediation + arbitration)

#### Option n.1: ICBMC mediation clause + model clause under the Rules of the Chamber of Arbitration of Milan

*"Parties agree to submit all disputes arising in connection with this agreement to the mediation attempt managed by the Italy-China Business Mediation Center at the Chamber of Arbitration of Milan for the Italian side and the Mediation Center of China Council for the promotion of International Trade in Beijing for the Chinese side to solve the dispute with a mediation agreement in accordance with the Rules adopted by the same ICBMC."*

*If the attempt fails, all the disputes arising out of or related to the present contract shall be settled by arbitration under the Rules of the Chamber of Arbitration of Milan, by a sole arbitrator / three arbitrators \*\*, appointed in accordance with the Rules, and shall be administered by the Chamber of Arbitration of Milan.*

*The Arbitral Tribunal shall decide in accordance with the rules of law of ... / ex aequo et bono\*\*.*

*The seat of arbitration shall be ... . The language of the arbitration shall be ...".*

*\*\* alternative choice, to be done considering the real circumstances and the value of the dispute.*

**Option n.2: ICBMC mediation clause + model clause under the Rule of the Arbitration Institute of the Stockholm Chamber of Commerce ([http://www.sccinstitute.com/uk/Model\\_Clauses/](http://www.sccinstitute.com/uk/Model_Clauses/)) oppure Hong Kong International Arbitration Centre ([http://www.hkiac.org/HKIAC/HKIAC\\_English/main.html](http://www.hkiac.org/HKIAC/HKIAC_English/main.html))**

*“Parties agree to submit all disputes arising in connection with this agreement to the mediation attempt managed by the Italy-China Business Mediation Center at the Chamber of Arbitration of Milan for the Italian side and the Mediation Center of China Council for the promotion of International Trade in Beijing for the Chinese side to solve the dispute with a mediation agreement in accordance with the Rules adopted by the same ICBMC.*

*If the attempt fails, all the disputes arising out of or related to the present contract shall be settled by arbitration under the Rules of the Stockholm Chamber Commerce – OR\*\* – Hong Kong International Arbitration Centre, by a sole arbitrator / three arbitrators \*\*, appointed in accordance with the Rules, and shall be administered by Stockholm Chamber Commerce – OR\*\* – Hong Kong International Arbitration Centre\*\**

*The Arbitral Tribunal shall decide in accordance with the rules of law of ... / ex aequo et bono\*\*.*

*The seat of arbitration shall be ... . The language of the arbitration shall be ...”.*

*\*\* alternative choice, to be done considering the real circumstances and the value of the dispute.*

**Option n.3: ICBMC mediation clause + model clause for ad hoc arbitration under the Uncitral Rules (www.uncitral.org)**

*“Parties agree to submit all disputes arising in connection with this agreement to the mediation attempt managed by the Italy- China Business Mediation Center at the Chamber of Arbitration of Milan for the Italian side and the Mediation Center of China Council for the promotion of International Trade in Beijing for the Chinese side to solve the dispute with a mediation agreement in accordance with the Rules adopted by the same ICBMC.*

*If the attempt fails, any dispute, controversy or claim arising out of or relating to this contract, or the breach termination or invalidity thereof, shall be settled by arbitration in accordance with the UNCITRAL Arbitration Rules as at present in force and as may be amended by the rest of this clause.*

*There shall be one sole arbitrator.*

*OR: The Arbitral Tribunal shall consist of three arbitrators; each party shall appoint an arbitrator and the two arbitrators so appointed shall agree on a chairman. If no agreement can be reached, the appointing authority shall appoint the chairman.*

*The appointing authority shall be .... (Chamber of National and International Arbitration of Milan / Arbitration Institute of the Stockholm Chamber of Commerce/ Hong Kong International Arbitration Centre).*

*The place of arbitration shall be in .... (Milan, at the Chamber of National and International Arbitration of Milan / Stockholm, at the Arbitration Institute of the Stockholm Chamber of Commerce / Hong Kong at Hong Kong International Arbitration Centre).”*

*The arbitration shall be conducted in ....., in accordance with .....law”.*

The Chamber of Arbitration of Milan provides assistance in drafting the clauses.

## **Contatti**

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