



MILAN
CHAMBER OF
ARBITRATION

Beyond judgments. Towards solutions

ANNUAL REPORT

MEDIATION SERVICE

2024

Referring to 2023 data

Milan: Via Meravigli, 9/b
Monza: Piazza Cambiaghi, 9
Lodi: Via Haussmann, 11
Tel: +39 02 8515 4501

www.camera-arbitrale.it
servizio.conciliazione@mi.camcom.it
www.blogmediazione.com



BLOGMEDIAZIONE



ANNUAL REPORT 2024

MEDIATION SERVICE

2023 data

The high rate of agreements reached out of the total number of procedures that passed the first meeting illustrates the degree of effectiveness of the mediation process by the parties involved.

In 2023, the Conciliation Service of the Milan Chamber of Arbitration (CAM) observed a set of positive indications that highlight an increased confidence on the part of businesses and private citizens in the use of mediation as a tool for resolving civil and commercial disputes. One of the most significant confirmations of this trend is the 11% increase in new mediation requests filed in CAM, with a total of 1016 requests in 2023, up from 917 in 2022. Similarly, there was a 23% increase in cases concluded with an agreement, a sign of the parties' willingness to complete the mediation process in order to preserve relationships and find a shared solution. The success of mediation at CAM can be quantified at a rate of 58.4% for proceedings that continue beyond the first information meeting and conclude with an agreement, a higher percentage than the 48.2% recorded by other mediation institutions in Italy, according to the data of the first 6 months of 2023 at a national level (Ministry of Justice). The year 2023 represented a key moment for the effective implementation of the Civil Justice Reform, with important innovations such as the extension of the subjects for which mediation is compulsory and the enhancement of the judge's power to direct the parties to attempt mediation, even at advanced stages of the process. Despite its non-compulsoriness in certain cases, mediation is increasingly considered a voluntary option by the parties to resolve disputes, evidenced by a 34.4 % increase in voluntary mediations, which constitute 28 % of the total number of cases handled by the CAM. Another positive aspect concerns the duration of mediation proceedings, with an average time of 112 days at CAM, which is quicker than the 183 days recorded by other institutions, marking a time saving of 39 %. In addition, the average value of disputes handled through mediation at CAM saw a 10 % increase in the total number of cases handled by the CAM. Another positive aspect concerns the duration of mediation proceedings, with an average time of 112 days at CAM, which is shorter than the 183 days recorded by other institutions, marking a time saving of 39 per cent. In addition, the average value of disputes handled through mediation at CAM saw a 10 per cent increase. The CAM conciliation service, also specialised in the environmental and art sectors, is committed to providing a high quality service and to being at the forefront in the promotion and adoption of mediation as an effective solution for conflict resolution.

SUCCESS RATE

57,4%

When the parties decide to proceed with mediation after the first informative meeting

MEDIATION CASES FILED

+11%

E' l'incremento delle nuove domande depositate in un anno.

TIME SAVINGS

-39%

Length of proceedings compared to those by other IMOs'

THE CONTEXT: THE REFORMS OF CIVIL PROCESS AND MEDIATION

The following information are key to a better understanding of our statistics. In Italy, the legislative decree D.Lgs. 28/2010 has regulated mediation for commercial and civil disputes. According to the law, mediation can represent a pre-condition for filing a lawsuit for the following subject matters: Joint ownership Property rights Division Inheritance Family agreements Renting Commodatum Rent of company Damages arising from medical and healthcare liability Defamation through the press or by other means of advertising Insurance, banking and financial contracts. The most significant novelty of the legislative decree implementing the civil reform on mediation (2023) is certainly the extension of the list of matters in which mediation is mandatory: association in participation consortium franchising work contracts, network contracts, supply contracts partnerships and subcontracting. Another relevant innovation concerns the extension of the judge's powers: the judge may order the trial of a mediation attempt, up to the time of the specification of conclusions, by means of a reasoned order. These and other innovations in the Reform of the Civil Process aim to enhance mediation as an opportunity for the parties to reach a satisfactory agreement and, at the same time, to significantly reduce the time devoted to dispute resolution. All other dispute matters fall under the “voluntary mediation” field. For “voluntary” mediation proceedings, the assistance of a counsel is not mandated (but it is allowed).



NUMBERS

1016

new filings in 2023

+ 11% in a year



ON-LINE

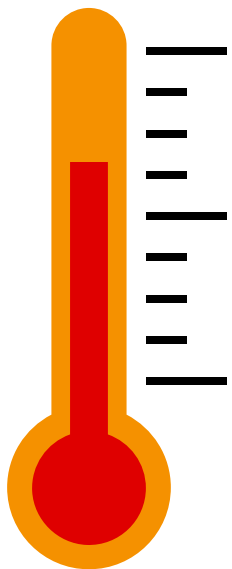
ON-LINE PROCEEDINGS

92,6%



92,6% of mediation meetings in 2023 took place online, confirming the almost complete telematisation of the procedure.

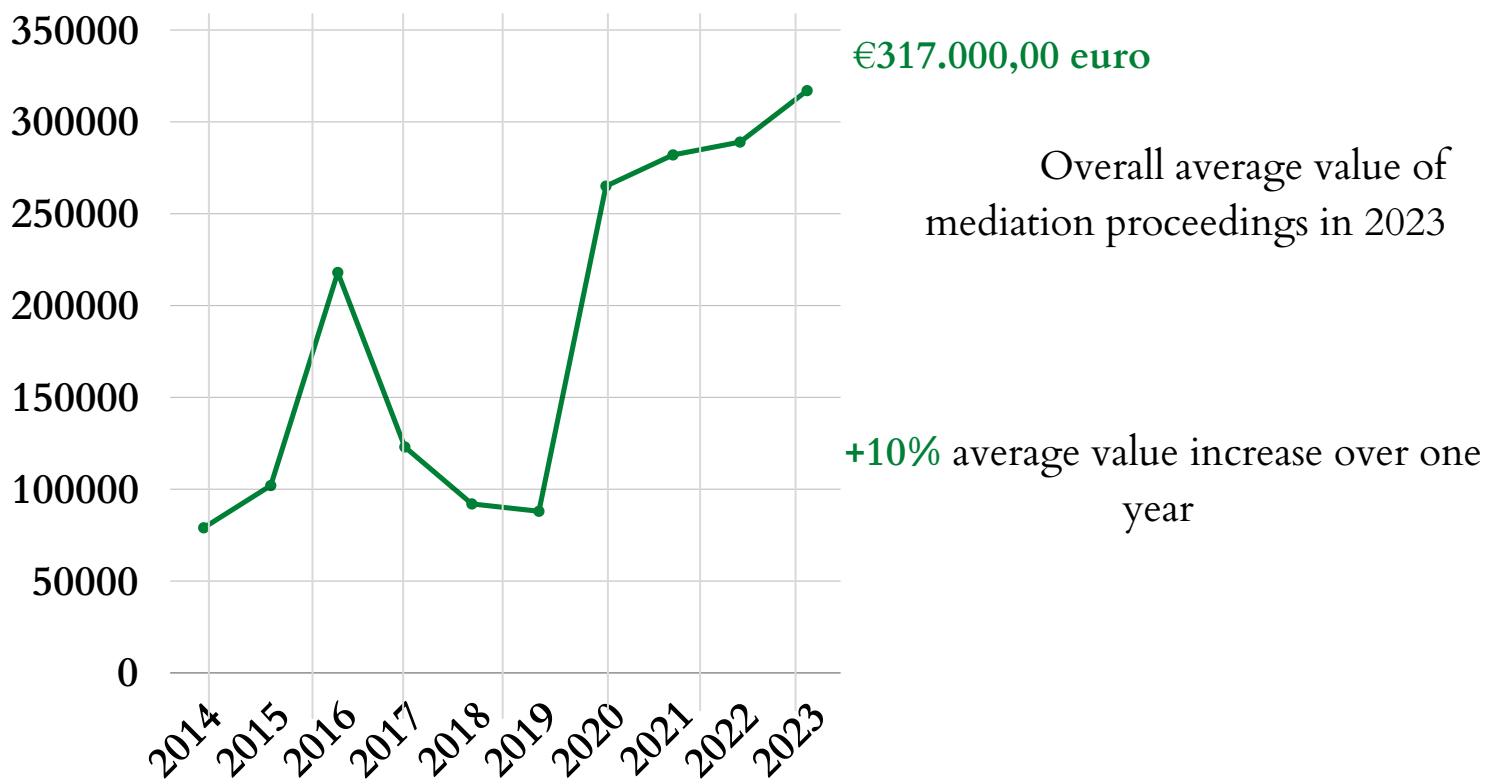
SUBJECT MATTERS: VARIATIONS OVER ONE YEAR



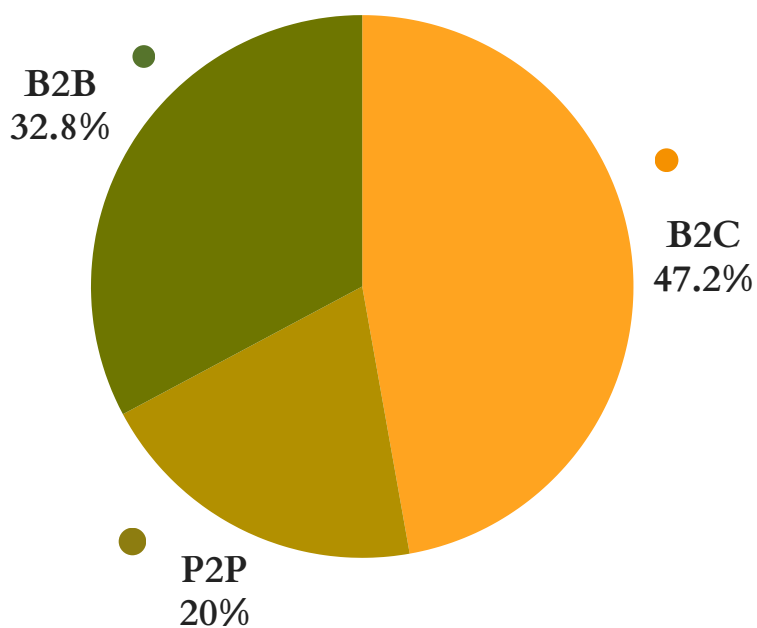
Mediation provides a clear and timely feedback on the economic environment.

In one year, disputes concerning procurement and those concerning services and insurance contracts have increased; disputes concerning banking and financial contracts, on the other hand, have decreased.

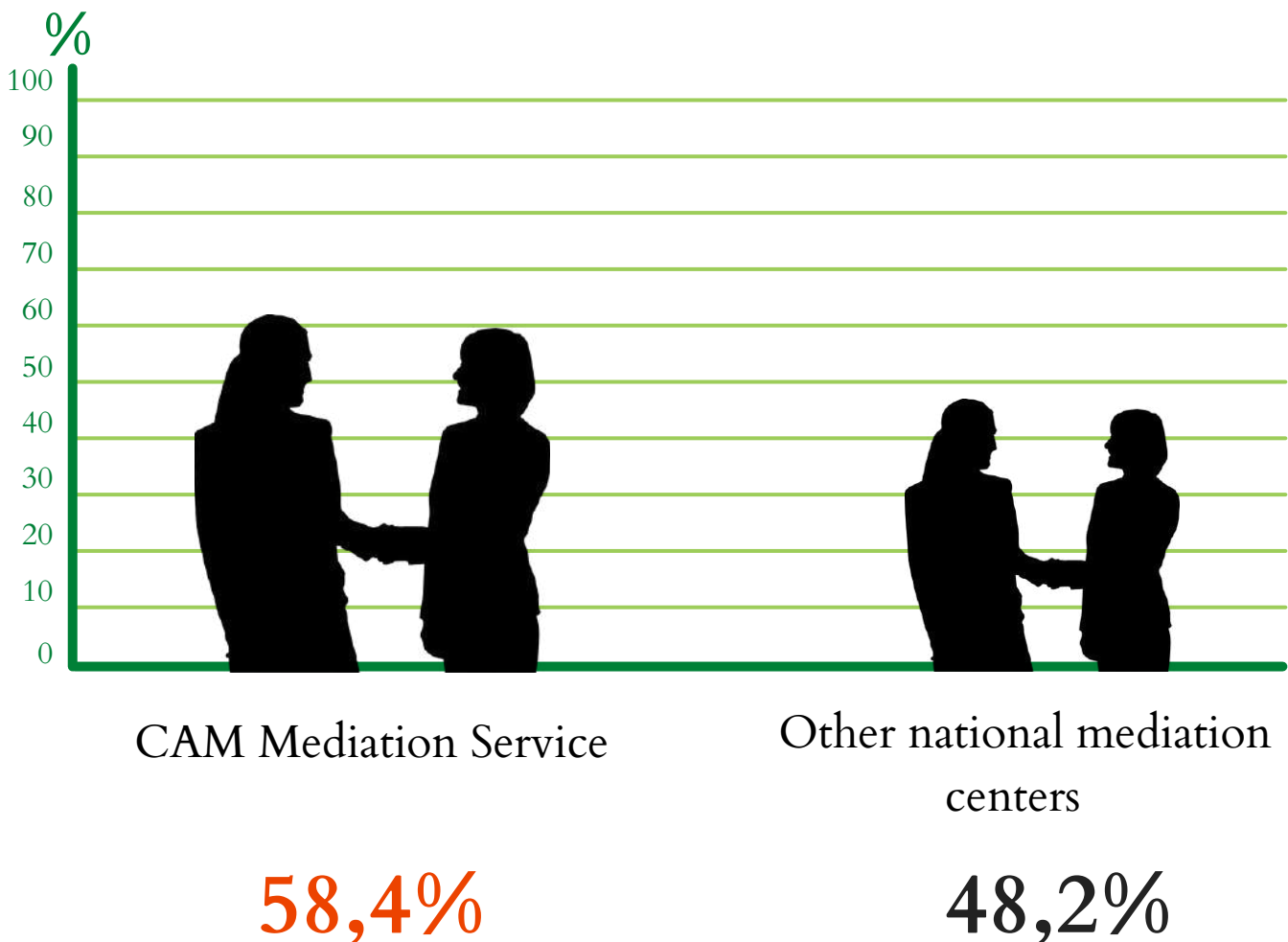
AVERAGE ECONOMIC VALUE OF MEDIATION PROCEEDINGS



MEDIATION PROCEEDINGS BY SUBJECTS INVOLVED



SUCCESS RATE



- Of the total number of CAM proceedings in which the parties decided to continue the mediation process after the first meeting, 58.4 per cent ended with an agreement.
- Agreement was reached in 48.2 per cent in the proceedings of the other CAMs (considering - as above - only those cases in which the parties decided to continue the mediation process after the first meeting).

(source: webstat.giustizia.it latest available data - first half of 2023)

AVERAGE DURATION OF PROCEEDINGS



112
DAYS
(for CAM mediation proceedings)

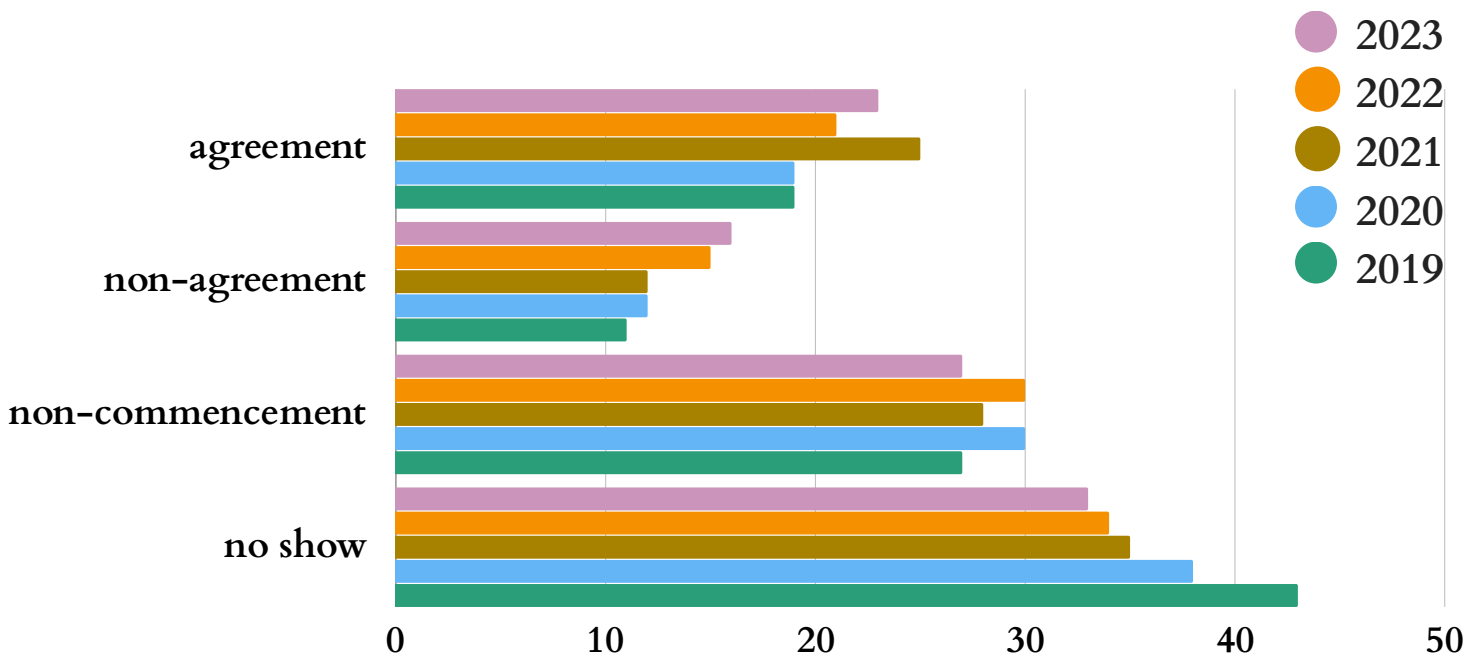
183
DAYS for other national OMI*

*(OMI= Italian mediation centers)
source: webstat.giustizia.it)

-39%
time saved by CAM mediation proceedings compared to the national average

-3%
average duration of CAM mediation proceedings 2023 vs 2022

OUTCOME OF PROCEEDINGS



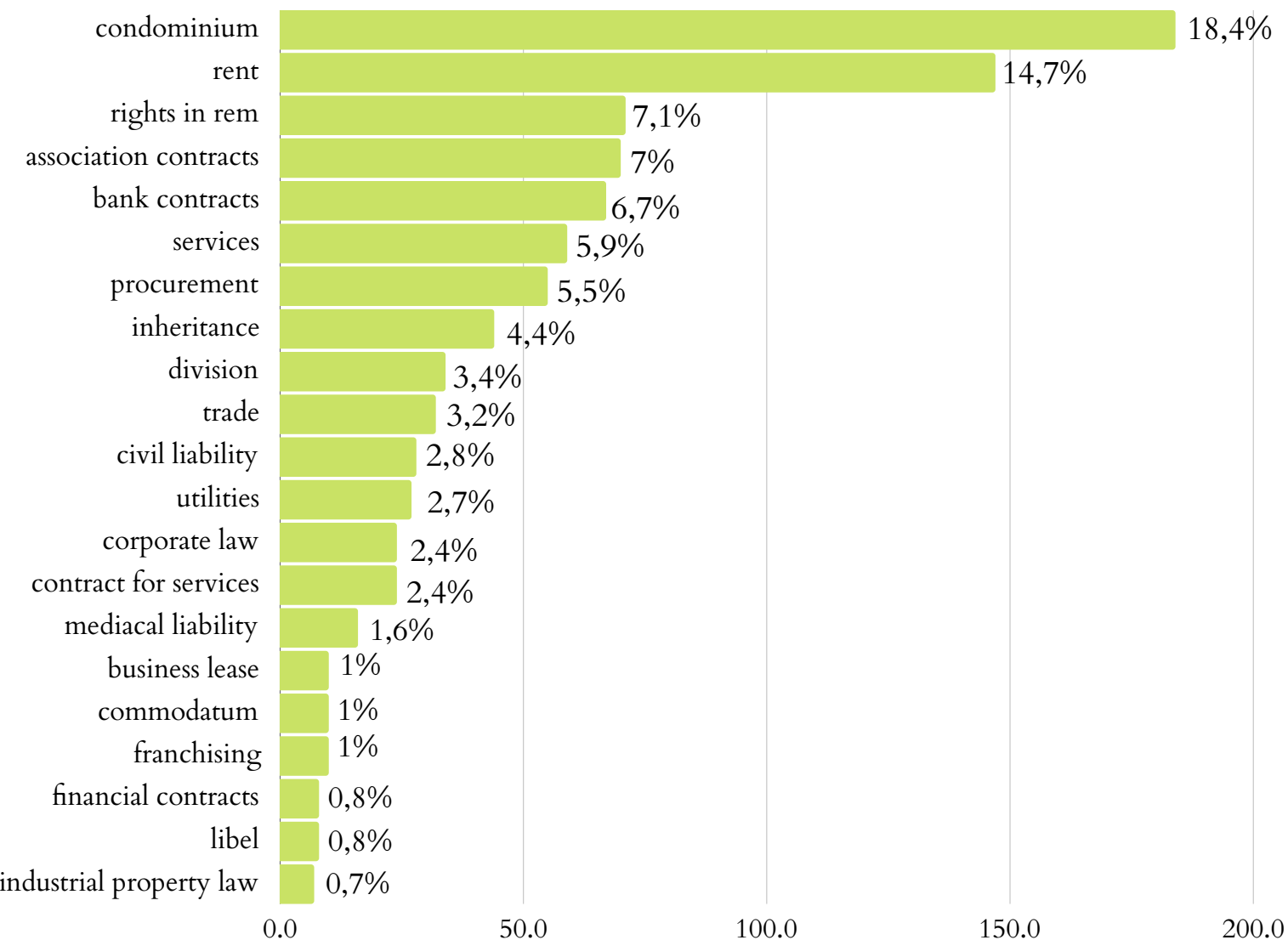
+23%

the one-year change in proceedings closed with an agreement



- **Agreement:** these are the proceedings that end with a settlement between the parties.
- **Non-agreement:** these are the proceedings that continued beyond the first intake meeting but did not lead to a settlement.
- **Non-commencement:** these are the intake meetings with the mediator at the end of which at least one of the parties decided not to continue the proceedings.
- **No-show:** all cases in which the parties did not appear or the invited party refused to participate.

DATA ON PROCEEDINGS-BY SECTOR



12 INTERNATIONAL* MEDIATION FILINGS

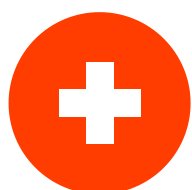
(*one party at least is non Italian)



25%



8,3%



8,3%



16,7%



8,3%



8,3%



8,3%



8,3%



8,5%

VOLUNTARY MEDIATION



28% of total CAM mediation cases
is voluntary

Voluntary CAM mediations
grew by
34,4%

Mediation is **voluntary** when the matter in dispute does not fall within the subjects indicated by law.

Mediation is instead **compulsory** when it derives from a legal obligation (in the cases provided for by Legislative Decree 28/2010, for certain matters mediation is a pre-condition before filing a legal proceeding).

78

mediations requested by the judge
(who may invite the parties to enter
into mediation regardless of the subject
matter of the dispute)



40

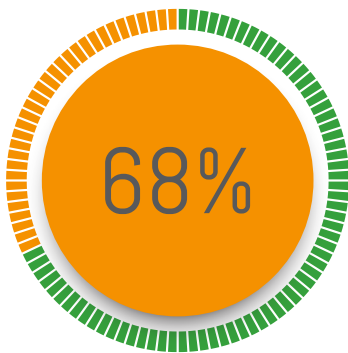
mediation arising from a conciliation
clause inserted in a contract
(the parties themselves decide in
advance that, in the event of a dispute
arising, a mediation attempt should be
made)



GENDER - APPOINTMENTS OF FEMALE MEDIATORS IN THE 2023 PROCEEDINGS

There are 44 mediators registered and available for appointment, with a three-year term of office, including:

♂ 15 MEN
♀ 29 WOMEN

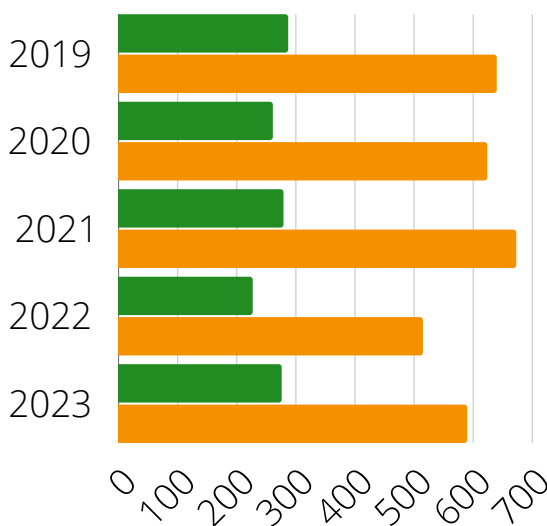


Out of 866 proceedings assigned in 2023:

2/3 were assigned to female mediators (590 are the proceedings assigned to women, or 68% of the total);

- 1/3 of the proceedings were assigned to mediators (276 proceedings were assigned to men, or 31.8% of the total).

GENDER - WOMEN MEDIATOR APPOINTMENTS TREND IN FOUR YEARS



- 2019: 927 proceedings assigned of which 31% to mediators, 69% to female mediators;
- 2020: 885 proceedings assigned of which 29.5% to mediators, 70.5% to female mediators;
- 2021: 952 proceedings assigned of which 29.3% to mediators, 70.7% to female mediators.
- 2022: 742 proceedings assigned of which 30.5% to mediators, 69.5% to female mediators.
- 2023: 866 proceedings assigned of which 31.8% to mediators, 68% to female mediators.

● → MEN
● → WOMEN

CAM was the first institution in Italy to deal with disputes in the art sector



Managed in 2023

23

mediation cases in the artistic field

up from the previous year
(there were 13 in 2022)

What kind of disputes?

Contractual and non-contractual disputes relating to:

a subject (artist, gallery owner, collector, restorer, art advisor, auction house, museum, art foundation, art association)

an object (painting, sculpture, photograph, collector's item);

an art object (copyright, copyright, return of stolen work).

The 'artistic' conflict is characterised by its multidimensionality, internationality and confidentiality.

For info write to adrarte@mi.camcom.it

ENVIRONMENTAL MEDIATION



CAM is the first mediation body in Italy to have launched a dispute resolution service dedicated to environmental disputes.

In 2022 our organisation received

18

mediation applications concerning environmental issues
+20% compared to 2021.

In 2021 CAM together with the Chamber of Commerce of Milan
Monza Brianza Lodi launched



FacilitAmbiente
PREVENIAMO I CONFLITTI AMBIENTALI

Facilitambiente is a new service for the prevention of environmental conflicts related, for example, to the construction of industrial sites, infrastructure, real estate developments



facilitambiente@mi.camcom.it



Tel. 02 8515 4293 – 02 8515 4437



<https://www.facilitambiente.it/>



"FAST TRACK MEDIATION"

The **Fast Track Mediation Rules (FTMR)** can be widely adapted to the specific needs of users and follow international mediation standards.

They are totally unrelated to Legislative Decree 28/2010 regulating mediation in Italy.

Fast Track Mediation rules are particularly suitable in cases where parties need to adapt the procedure to their own strategic needs and requirements.

In addition, parties using FTMR have the possibility to select the mediator from a dedicated list or, again, to use mediators recommended by other institutions with which CAM has collaborative agreements.



Thank you!

To find out more
contact us

Milan: Via Meravigli 9/b
Monza: Piazza Cambiagli 9
Lodi: Via Hausmann 11
Tel: 02 8515 4501

www.camera-arbitrale.it

www.blogmediazione.com

servizio.conciliazione@mi.camcom.it

Visit our blog

BLOGMEDIAZIONE

We are on



MILAN
CHAMBER OF
ARBITRATION

Beyond judgments. Towards solutions

