



Centre for alternative
dispute resolution



Government of Montenegro
Ministry of Justice

ALTERNATIVE DISPUTE RESOLUTION ACT

*EXCERPT FROM LAW ON CIVIL PROCEDURE
EXCERPT FROM THE FAMILY LAW*



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ALTERNATIVE DISPUTE RESOLUTION ACT

I BASIC PROVISIONS

Scope of the Act

Article 1

This Act shall govern alternative dispute resolution in civil law relations (hereinafter referred to as: alternative dispute resolution) by mediation, Early Neutral Assessment and other alternative dispute resolution methods, in compliance with internationally recognized standards.

Exceptions

Article 2

This act shall not be applied to the procedure of amicable dispute resolution before an arbitrator and on the disputes for which exclusive jurisdiction of a court or any other body is stipulated.

Definition of Alternative Dispute Resolution

Article 3

Alternative dispute resolution means resolution of disputes with participation of a third neutral person assisting the parties to solve their dispute before or after judicial or any other proceedings are initiated.

Centre

Article 4

As a holder of public authorities, the Centre shall do expert tasks related to mediation, Early Neutral Assessment and other alternative dispute resolution methods, as well as the tasks of encouraging and improving accessibility of alternative dispute resolution (hereinafter referred to as: “the Centre”).

Principles

Article 5

Alternative dispute resolution is based on the principle of voluntariness.

Parties that participate in the alternative dispute resolution procedure shall act in line with the principles of conscientiousness and honesty.

In the alternative dispute resolution procedure parties are treated in line with the principles of equality and fairness.

Alternative dispute resolution procedure is confidential, unless this Act requires otherwise.

Attempt at Amicable Dispute Resolution

Article 6

Whenever possible the parties shall try to resolve their dispute amicably before court proceedings or any other proceedings are initiated.

Amicable dispute resolution referred to in paragraph 1 of this Article shall include alternative dispute resolution and negotiations of the parties aimed at resolution of the dispute without participation of a neutral third party.

Use of Gender Sensitive Language

Article 7

Terms and expressions used herein for physical persons in male gender shall include the same terms and expression in female gender.

II MEDIATION

Definition

Article 8

Mediation is the procedure where parties endeavour to solve their dispute amicably with the support of one or several mediators.

Mediator

Article 9

Mediator is the person that conducts the mediation procedure and assists the parties to reach settlement without any authority to impose binding solution, and is issued a licence for work according to this Act.

Voluntary Nature of Mediation

Article 10

Parties participate in the mediation procedure on a voluntary basis.

Article 11

Parties can undertake in a contract to attempt to solve any specific dispute or all disputes that might arise from certain legal relations (contractual clause) by mediation before initiating court proceedings.

Unless a dispute referred to in paragraph 1 of this Article is solved in mediation, the party can lodge a claim and initiate a dispute in the court with jurisdiction.

Obligation to Attempt Dispute Resolution in Mediation Procedure

Article 12

Before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediator in the following disputes:

- the disputes stipulated as small value claims according to the law governing civil proceedings;
- the disputes for damages arising from insurance contracts if one of the parties is an insurance company;
- the disputes for which special law stipulates the obligation to do so.

In the case referred to in paragraph 1 of this Article and in the case where court refers the parties to the first meeting with mediator, the Centre shall, in line with Article 15 of this Act, appoint a mediator to hold the first meeting unless the parties appoint the mediator before that.

In the first meeting the mediator shall inform the parties of the advantages of solving their dispute in mediation and issue a certificate confirming their attendance in the first meeting.

In the first meeting with the mediator, parties may conclude mediation agreement aimed at attempting to solve their dispute amicably or they may choose the mediator from the register of mediators referred to in Article 48 of this Law with whom they will conclude a mediation agreement aimed at attempting to solve their dispute amicably.

Inviting parties to the first meeting with mediator

Article 13

If the parties that are mandatorily referred to the first meeting with the mediator fail to apply to the Centre within eight days from the day of receiving the decision on referral to the first meeting with the mediator, the Centre shall invite the parties and their proxies, if any, according to the rules on servicing documents in person, to attend the first meeting with the mediator, unless a special law stipulates otherwise.

If one or both parties, in spite of being dully invited, fail to accept the invitation of

the Centre to attend the first meeting with the mediator, and fail to justify their absence, the mediation shall be considered unsuccessful.

Mediation Agreement

Article 14

Parties that intend to solve their dispute in the mediation procedure shall conclude a mediation agreement.

Mediation agreement shall be concluded in written form and shall contain the following: names, surnames, i.e. titles of the parties, addresses of their permanent or temporary residence, i.e. registered office, type of dispute, name and surname of the mediator and the rules for his appointment, deadline for completing mediation, as well as a note that the parties will try to solve their dispute in the mediation procedure.

Mediation agreement can be used by the parties to define rules for mediation in line with the alternative dispute resolution principles.

Where the parties have concluded a mediation agreement, the procedure before court with jurisdiction may not be initiated before the parties have tried to solve the dispute in the mediation procedure.

If the dispute is not solved in the mediation procedure, parties can lodge a claim to the court with jurisdiction and start the court proceedings.

When initiating the proceedings the party shall submit to the court the proof that he/she attempted to resolve the dispute by mediation.

Appointing a Mediator

Article 15

If the parties in their mediation agreement have not appointed a mediator, the Centre shall appoint the mediator complying with the order of mediators from the register referred to in Article 48 of this Act.

If the mediation procedure requires particular expertise and experience, the Centre can appoint a mediator regardless of the order referred to in paragraph 1 of this Article.

Particular expertise and experience referred to in paragraph 2 of this Article shall be assessed on the basis of completed trainings and the number of resolved cases in the mediation procedure in the field related to the matter of dispute the mediation procedure is initiated for.

Commencement of Mediation Procedure

Article 16

Mediation procedure shall be considered commenced at the time when the mediator and the parties sign the mediation agreement or when the mediator appointed on the basis of the mediation agreement or decision of the Centre accepts to conduct mediation by giving his written consent in a separate document, unless the law or mediation agreement stipulate otherwise.

Article 17

Initiating mediation procedure and applying to the Centre with an intention to solve a dispute in mediation in cases referred to in Article 12 paragraph 1 of this Law, shall stop the running of time for the purposes of initiating court or other proceedings as well as for the limitation periods related to the subject matter of mediation.

If in the cases referred to in Article 12 paragraph 1 of this Law the procedure of mediation does not commence, the stay in the running of time referred to in paragraph 1 of this Article shall be in effect until the mediator issues a certificate to the parties confirming their participation in the first meeting with the mediator.

If the procedure of mediation commences the stay in the running of time referred to in paragraph 1 of this Article shall last until the finalization of the mediation procedure.

Mediator's Duties

Article 18

Mediator shall have the duty to conduct the mediation procedure in a neutral, professional and purposeful manner, treating the parties and their proxies in a fair and impartial way, in line with the Code of Ethics of Mediators and rules according to which the mediation is conducted.

Mediator shall be liable for any damage that he inflicts on the party intentionally or through gross negligence, in line with general rules about liability for damage.

Mediator's Recusal

Article 19

Mediation shall not be conducted by the mediator:

- who, as an authorised person for conducting administrative procedure, a judge, arbitrator, or an attorney-at-law, participated in the dispute that is subject to mediation or in any other dispute that preceded or arose from the same legal relation or is related to it;
- who has a personal interest in the dispute that is subject to mediation or is in a personal, family or business relation with any of the parties in the dispute;
- in relation to whom there are any circumstances that can cast a doubt on his fairness and impartiality in relations to the parties.

Mediator shall immediately inform the parties and the Centre of any facts or circumstances referred to in paragraph 1 of this Article.

If, after learning of the facts and circumstances referred to in paragraph 1 of this Article, the parties state that they agree that the mediator that the facts and circumstances refer to should continue conducting the mediation procedure, a written note shall be made thereof by the mediator who will then continue conducting the mediation.

The note referred to in paragraph 3 of this Article shall be signed by the mediator and the parties.

Conducting Mediation Procedure

Article 20

Mediator shall conduct the mediation procedure in the manner that he considers appropriate, in line with the mediation agreement and this Act, taking into account the circumstances of the case.

Unless the parties agree otherwise:

- 1) mediator shall be authorized to meet each of the parties separately;
- 2) mediator can disclose data and information he receives from one party to the other party if the former gave its explicit consent that certain data or information can be disclosed to the latter;
- 3) each party may withdraw from further participation in the mediation procedure at any stage;
- 4) mediator can take part in drafting settlement.

Possibility to Use Evidence in Other Proceedings

Article 21

Statements and evidence proposed by the party or submitted by the party in the mediation procedure shall not be taken into account in the court, arbitration or any other proceedings, if they refer to:

- 1) the fact that one of the parties proposed or accepted mediation;
- 2) the fact that the party within the mediation accepted one or several disputable requests or facts, unless such acceptance was a constituent part of settlement;
- 3) other statements of facts or proposals of the parties given in the mediation procedure;
- 4) documents composed solely for the purposes of mediation;
- 5) willingness of the parties to accept proposals of other parties or mediator within the mediation;
- 6) other proposals given within the mediation procedure.

As an exception, the evidence referred to in paragraph 1 of this Article may be used in court proceeding, arbitration procedure or any other procedure:

- 1) if producing of those evidence is necessary for the protection of public order, under the terms and in the scope required by the law, or
- 2) if it is required for voluntary or forced enforcement of settlement.

Unless the parties have agreed otherwise, no mediator and no person participating in the mediation procedure in any capacity shall be obliged to testify in court, arbitration, or any other procedure related to the facts and data that stem from the procedure of mediation or are connected with it.

Termination of Mediation Procedure

Article 22

Mediation procedure is terminated:

- 1) by conclusion of a settlement before the mediator;
- 2) at the expiry of deadline for settlement defined in the mediation agreement, or in the law if the settlement is not concluded by such a date;
- 3) by a written declaration on withdrawal from mediation, unless after such a withdrawal at least two parties declare that they wish to continue the mediation procedure;
- 4) by a mediator's notification suspending the procedure, if the mediator is of the opinion that further efforts to reach a settlement are no longer purposeful.

Settlement concluded before the mediator shall be signed by the parties and the mediator.

If a party has submitted the declaration referred to in paragraph 1 item 3 of this Article, the mediation procedure shall be considered terminated after the other party and the mediator have received that declaration.

If mediation is terminated by suspension referred to in paragraph 1 item 4 of this Article, the mediation procedure shall be considered terminated at the time when both parties have received the notification of suspension.

After the mediation procedure is terminated, the mediator shall promptly inform the Centre of the activities that were undertaken and of the outcome of the procedure, while the Centre shall inform the court thereof.

Binding Nature of the Settlement

Article 23

Settlement concluded before a mediator shall bind the parties that concluded it.

Obligations from the settlement referred to in paragraph 1 of this Article shall be met by the parties within the term set in the settlement.

Settlement concluded in the dispute for which no court proceedings were started

Article 24

Settlement concluded before a mediator in a dispute where no court proceedings have been started, i.e. in a dispute where the court proceedings ended in a withdrawal of the claim, shall become an enforceable enactment after being confirmed in the court with jurisdiction, i.e. after a notarial deed is composed in line with the law regulating activities of notaries.

The mediator shall deliver the settlement referred to in paragraph 1 of this Article to the Centre that will promptly submit it to the court with jurisdiction for confirmation.

Confirmation of settlement referred to in paragraph 1 of this Article shall be done

by a single judge of the court with jurisdiction by affixing a certificate on the settlement. Such a certificate shall contain: administrative insignia of the case, name and registered office of the court, note that it is the settlement concluded before the Centre that is thereby confirmed and the date on which the settlement was concluded, insignia of the Centre's case, date of issuance of the confirmation, signature of the judge and seal of the court.

The court with jurisdiction shall inform the Centre that the requirements for issuing of the certificate referred to in paragraph 3 of this Article are not met, i.e. the notary shall refuse to make a notarial deed on settlement:

- 1) if the contents of the settlement is contrary to public order;
- 2) if the settlement is not allowed for the subject matter of the dispute;
- 3) if the contents of the settlement is unenforceable.

The settlement referred to in paragraph 1 of this Article may be refuted only by a claim, in line with the law regulating civil procedure.

Settlement concluded in the dispute in relation to which court proceedings were initiated

Article 25

The settlement before a mediator in the mediation procedure where the court referred the parties to mediation shall be concluded in a written form.

The mediator shall promptly deliver the settlement referred to in paragraph 1 of this Article to the Centre that will deliver the settlement to the court.

Costs

Article 26

Mediator shall be entitled to remuneration for work and compensation of costs he had in relation to the mediation procedure.

Unless the parties have agreed otherwise and unless the law has stipulated otherwise, each party shall bear its own costs, while the joint costs for remuneration for the work of the mediator and compensation of the costs that the mediator had in relation to the mediation procedure shall be covered by the parties in equal parts.

The parties that are not exempt from paying the costs of mediation shall pay to the Centre the advance amount for joint costs referred to in paragraph 2 of this Article.

The amount of remuneration for the work of mediator and compensation of costs referred to in paragraph 1 of this Article shall be set by the Government of Montenegro (hereinafter referred to as: the Government).

Exemption from the Obligation to Pay for the Costs

Article 27

The parties that are exempted from the obligation to pay the costs of court proceedings according to the special law shall also be exempted from covering the costs referred to in Article 26 paragraph 2 of this Law.

In the case referred to in paragraph 1 of this Article, and in the case of mediation in divorce disputes and other disputes related to family relations according to the law regulating family relations, as well as in the disputes where Montenegro is the defendant, the costs referred to in Article 26 paragraph 2 of this Law shall be covered from the budget of Montenegro.

In the disputes where the defendant is the Capital, Historic Capital or a municipality, the costs referred to in Article 26 paragraph 2 of this Law, shall be covered from the budget of the Capital, Historic Capital or the municipality.

Mediation with International Element

Article 28

Mediation with international element means mediation where one of the parties, at the beginning of the mediation procedure, has permanent or habitual residence in terms of the law regulating international private law (hereinafter: habitual residence), i.e. registered office outside of Montenegro.

Provisions of this Act shall apply to mediation referred to in paragraph 1 of this Article, unless the parties have explicitly agreed to conduct the procedure in line with the legislation of another state and with participation of the mediators authorized to conduct mediation in line with the legislation of such other state.

If the mediation with international element is conducted according to the rules of another state, the concluded settlement shall acquire the capacity of an enforceable document according to this Act or the provisions of applicable law of another state under the conditions of reciprocity.

Mediation in Cases of Cross Border Dispute

Article 29

Mediation in case of cross-border dispute means mediation where one of the parties, at the beginning of the procedure, has permanent or habitual residence, i.e. registered office in the European Union Member State

In the procedure referred to in paragraph 1 of this Article, conducting the mediation, the mediator shall take into account the provisions of the European Union instruments on mediation in civil and commercial matters.

III EARLY NEUTRAL ASSESSMENT

Definition

Article 30

Early Neutral Assessment of a dispute is the procedure where, on the basis of the

parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.

Dispute Evaluator

Article 31

Dispute evaluator is the person that conducts the procedure of Early Neutral Assessment of dispute on a licence for work issued according to this Act.

Early Neutral Assessment Agreement

Article 32

Parties that intend to resolve their dispute in the Early Neutral Assessment Procedure shall conclude an Early Neutral Assessment Agreement.

Early Neutral Assessment Agreement shall be concluded in a written form and shall contain: names and surnames, i.e. titles of the parties, addresses of their permanent or temporary residence, i.e. registered office, type of dispute, name and surname of the dispute evaluator, or the rules on the basis of which the dispute evaluator is to be appointed.

Appointing Dispute Evaluator

Article 33

Unless the parties appoint a dispute evaluator in their Early Neutral Assessment Agreement, dispute evaluator shall be appointed by the Centre following the order in the register of dispute evaluators referred to in Article 48 of this Act.

Commencement of the Procedure

Article 34

Early Neutral Assessment procedure shall be considered commenced after the parties and dispute evaluator have signed Early Neutral Assessment Agreement or after the dispute evaluator appointed on the basis of the Early Neutral Assessment Agreement or decision of the Centre has accepted to conduct the Early Neutral Assessment of the dispute by issuing a separate written statement.

Conducting the Procedure of Early Neutral Assessment

Article 35

Dispute evaluator shall conduct the procedure of Early Neutral Assessment in the manner he considers appropriate, in line with the Early Neutral Assessment Agreement and this Act, taking into account the circumstances of each specific case.

Unless the parties agree otherwise:

- 1) The first meeting shall be conducted in the presence of the parties and their representatives, i.e. proxies;
- 2) Dispute evaluator shall ensure that the parties and their representatives, i.e. proxies can use a joint meeting to make oral presentation of all the facts and evidence related to disputable relations subject to the Early Neutral Assessment;
- 3) Within the period that may not exceed 15 days from initiating Early Neutral Assessment procedure, the parties shall deliver to the dispute evaluator their written statements and evidence regarding all the facts related to the disputable relationship that is subject to assessment;
- 4) Any party may withdraw from further participation in the Early Neutral Assessment procedure at any stage.

Assessment

Article 36

On the basis of written statements of the parties and submitted evidence, as well as on the basis of the facts and evidence presented in the joint meeting, dispute evaluator shall compose a reasoned neutral assessment of the facts and legal elements of the disputable relation that is subject to Early Neutral Assessment.

Dispute evaluator shall compose the assessment referred to in paragraph 1 of this Article in written form and deliver it to the parties within 30 days from the day of the joint meeting.

Upon request of any of the parties, dispute evaluator shall schedule a meeting with the parties where he will present and reason in oral form the assessment referred to in paragraph 1 of this Article.

Assessment referred to in paragraph 1 of this Article may be the basis for concluding a settlement before the dispute evaluator.

In the case referred to in paragraph 4 of this Article, the settlement concluded before the dispute evaluator shall acquire the capacity of an enforceable enactment in the manner referred to in Article 24 paragraph 1 of this Act.

Costs

Article 37

Dispute Evaluator shall be entitled to remuneration for work and compensation of costs he had in relation to the Early Neutral Assessment procedure.

Unless the parties have agreed otherwise and unless the law has stipulated otherwise, each party shall bear his/her own costs, while the joint costs of remuneration for the work of the dispute evaluator and compensation of the costs that he had in relation to the Early Neutral Assessment procedure shall be covered by the parties in equal parts.

The parties shall pay to the Centre the advance for the costs referred to in paragraph 2 of this Article.

The amount of remuneration for the work of dispute evaluator and compensation of costs referred to in paragraph 1 of this Article shall be set by the Government.

Article 38

Provisions of Article 18 and 19 of this Act shall apply accordingly to the duties and recusal of dispute evaluator.

IV MEDIATORS AND DISPUTE EVALUATORS

Requirements for Granting Licence to Mediators

Article 39

Licence for the work of mediators shall be granted to the person:

- 1) who holds Montenegrin nationality or nationality of a Member State of the European Union;
- 2) who holds the VIII level of educational qualification;
- 3) who has general health capacity;
- 4) who has minimum five years of work experience in the jobs where the VIII level of education qualification is required;
- 5) who completed a training programme for mediators;
- 6) who has not been convicted of any offence which makes him unworthy of conducting mediation;
- 7) who has not been imposed security measure which involved prohibition to take up occupation, perform activity or duty;
- 8) against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated *ex officio*.

The training referred to in paragraph 1 item 5 of this Article shall be implemented by the Centre.

The Centre shall issue a certificate on completed training referred to in paragraph 1 item 5 of this Article.

The program of training referred to in paragraph 1 item 5 of this Article, the manner of implementing the training and the template for the certificate on completed training shall be stipulated by the Ministry.

Requirements for Granting of the Licence to Dispute Evaluators

Article 40

Licence for the work of dispute evaluators shall be granted to the person:

- 1) who holds Montenegrin nationality or nationality of a Member State of the European Union;
- 2) who passed the judicial exam and has minimum 15 years of work experience in the field of law after passing the judicial exam, or who is a full-time professor of the

Law Faculty in the subjects in the field of civil law;

- 3) who has general health capacity;
- 4) who completed a training for dispute evaluator;
- 5) who has not been convicted of an offence which makes him unworthy of conducting Early Neutral Evaluation;
- 6) who has not been imposed any security measure that involved prohibition to take up occupation, perform activity or duty;
- 7) against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated ex officio.

The training referred to in paragraph 1 item 4 of this Article shall be implemented by the Centre.

The Centre shall issue a certificate on completed training referred to in paragraph 1 item 4 of this Article.

The program of training referred to in paragraph 1 item 4 of this Article, the manner of implementing the training and the template for the certificate on completed training shall be stipulated by the Ministry.

Granting Licences to Mediators and Dispute Evaluators

Article 41

Application for licence for mediators, i.e. dispute evaluators, accompanied by proofs of meeting requirements set out in Articles 39 paragraph 1, i.e. Article 40 paragraph 1 of this Act shall be submitted to the Ministry, through the Centre.

The person who meets requirements set out in Article 39 paragraph 1 of this Act, i.e. person who meets requirements set out in Article 40 paragraph 1 of this Act shall be granted operating licence for mediator, i.e. operating licence for dispute evaluator on the stipulated template.

Licences referred to in paragraph 2 of this Article shall be issued by the Ministry for a five-year period and they may be extended by the same period in accordance with this Act.

Licences referred to in paragraph 2 of this Article shall be issued within 15 days from the day of receiving the application referred to in paragraph 1 of this Article.

If the applicant for licence for mediators does not meet the requirements stipulated in Article 39 paragraph 1 of this Act, i.e. if the applicant for licence for dispute evaluators does not meet the requirements stipulated in Article 40 paragraph 1 of this Act, the Ministry shall render the ruling rejecting the application.

The template and contents of the licence for the work of mediators and licence for the work of dispute evaluators shall be stipulated by the Ministry.

Extension of Mediator's Licence

Article 42

Application for extension of mediator's licence shall be submitted by the mediator to

the Ministry through the Centre at the latest three months before expiry of validity period of the licence.

The Ministry shall decide on the application referred to in paragraph 1 of this Article on the basis of prior opinion obtained from the Centre within 15 days from the day of receiving the application.

In the opinion referred to in paragraph 2 of this Article the Centre shall state: the number of proceedings in which the mediator rejected to act, providing the reasons for rejection; the data about the conducted proceedings and the decisions rendered by the Ethics Committee for monitoring implementation of the Code of Ethics of Mediators and Code of Ethics of Dispute Evaluators and this Act (hereinafter referred to as: Ethics Committee) upon complaints submitted against that particular mediator; as well as other relevant data about the work of the mediator.

Mediator's licence shall be extended if the mediator:

- meets the requirements stipulated in Article 39 paragraph 1 of this Act;
- had minimum 20 mediations conducted during validity period of the licence and minimum 10 hours of professional development during one year period, and
- obtains a positive opinion about his work from the Centre.

Along with the application referred to in paragraph 1 of this Article, the mediator shall submit proof of meeting the requirements referred to in Article 39 paragraph 1 items 1, 3 and 8 of this Act.

The Ministry shall refuse to extend mediator's licence if it establishes that mediator does not meet the requirements set out in paragraph 4 of this Article.

Extension of Dispute Evaluator's Licence

Article 43

Application for extension of licence shall be submitted by the dispute evaluator to the Ministry through the Centre not later than three months before expiry of validity period of the licence.

The Ministry shall decide on the application referred to in paragraph 1 of this Article on the basis of prior opinion obtained from the Centre within 15 days from the day of receiving the application.

In the opinion referred to in paragraph 2 of this Article, the Centre shall list the number of proceedings in which dispute evaluator refused to proceed and the reasons for the refusals, as well as the data about the procedures conducted and decisions rendered by the Ethics Committee upon complaints submitted against that dispute evaluator, and other relevant data about the work of the dispute evaluator

Dispute Evaluator's licence shall be extended if the dispute evaluator:

- meets the requirements stipulated in Article 40 paragraph 1 of this Act;
- obtains a positive opinion about his work from the Centre.

Along with the application referred to in paragraph 1 of this Article, the dispute evaluator shall submit proof of meeting requirements referred to in Article 40 paragraph 1 items 1,3 and 7 of this Act.

The Ministry shall refuse to extend dispute evaluator's licence if it establishes that dispute evaluator does not meet requirements set out in paragraph 4 of this Article.

Reasons for Termination of Validity of Licence Held by Mediator and Dispute Evaluator

Article 44

Mediator's licence, i.e. dispute evaluator's licence shall cease to be valid:

- upon expiry of the period for which it was granted, i.e. extended;
- at the request of mediator, i.e. dispute evaluator;
- if it is established that at the time of granting the licence the mediator did not meet the requirements set out in Article 39 paragraph 1 of this Act, i.e. that dispute evaluator did not meet requirements set out in Article 40 paragraph 1 of this Act;
- if it is established that the mediator does no longer meet the requirements set out in Article 39 paragraph 1 items 1, 3, 6, 7 and 8 of this Act, i.e. that dispute evaluator does no longer meet the requirements set out in Article 40 paragraph 1 items 1, 3, 5, 6, and 7 of this Act;
- if Ethics Committee establishes that mediator or dispute evaluator violated provisions of the Code of Ethics for mediators, i.e. Code of Ethics for dispute evaluators or provisions of this Act, which significantly damages the level of standards of his professional conduct or that he conducted the mediation or Early Neutral Assessment of a dispute contrary to the principles of alternative dispute resolution.

Initiating the Procedure for Termination of Validity of Mediator's Licence and Dispute Evaluator's Licence

Article 45

Centre shall promptly inform the Ministry about the expiry of the period for which the mediator's licence, i.e. dispute evaluator's licence was issued, i.e. extended.

The request referred to in Article 44 paragraph 1 item 2 of this Act shall be submitted by mediator i.e. dispute evaluator to the Ministry through the Centre.

In case referred to in Article 44 paragraph 1 items 3, 4 and 5 of this Act the initiative for establishing the termination of validity of mediator's licence, i.e. dispute evaluator's licence can be submitted to the Ministry by the Centre, party in the procedure, representative or proxy of any of the parties.

The initiative referred to in paragraph 3 of this Article shall be reasoned.

Decision on Terminating Validity of Mediator's and Dispute Evaluator's Licence

Article 46

The decision terminating validity of mediator's licence, i.e. dispute evaluator's licence shall be rendered by the Ministry.

In case referred to in Article 44 paragraph 1 items 3, 4 and 5, the decision on terminating validity of the licence shall be rendered based on the prior opinion of the

Centre, except in cases where the Centre submitted the initiative referred to in Article 45 paragraph 3 of this Act.

Judicial Protection

Article 47

Administrative dispute may be initiated against the decision on rejecting application for mediator's i.e. dispute evaluator's licence and application for mediator's or dispute evaluator's licence extension, as well as against the decision on termination of validity of the mediator's licence i.e. dispute evaluator's licence.

Registers

Article 48

Mediator who is granted the licence shall be entered into the register of mediators, while dispute evaluator who is granted the licence shall be entered into the register of dispute evaluators.

If a decision is rendered terminating the validity of mediator's or dispute evaluator's licence, the mediator, i.e. dispute evaluator that the decision refers to shall be deleted from the register of mediators, i.e. dispute evaluators.

The registers referred to in paragraph 1 of this Article shall be kept by the Ministry and posted on its website.

The registers referred to in paragraph 1 of this Article shall contain: names and surnames of mediators i.e. dispute evaluators, telephone numbers, e-mail addresses, numbers and dates of issuance of mediator's i.e. dispute evaluator's licence.

V SPECIAL RULES FOR ALTERNATIVE DISPUTE RESOLUTION IN CERTAIN FIELDS

1. Alternative Resolution of Commercial Disputes

Amicable Dispute Resolution

Article 49

In commercial disputes, except in those with international element, status disputes and disputes where party in bankruptcy is referred to civil proceedings, the party shall, prior to initiating civil proceedings, notify the other party of any essential elements of disputed claims and shall afford the other party the opportunity to make a statement regarding his/her claim and take any appropriate actions to resolve dispute amicably.

2. Alternative Resolution of Labour Disputes

Alternative Resolution of Individual Labour Disputes

Article 50

Where an employee, according to the law that stipulates the duty to initiate procedure of amicable solution of a dispute which arises in exercising of employees' rights originating from employment or based on employment (hereinafter referred to as: individual labour dispute) applies to the Centre, the provisions of this Act referring to mediation shall apply to such procedure.

Parties to Individual Labour Dispute

Article 51

Parties to the individual labour dispute shall be employee and employer.

3. Alternative Resolution of Family Disputes

Scope of Application

Article 52

Mediation in disputes for divorce of marriage, and in other disputes related to family relations (hereinafter referred to as: family mediation) shall be conducted according to this Act and according to the law governing family relations.

Special Duties of Mediator

Article 53

In the procedure of family mediation, mediator shall:

- 1) give particular consideration to the protection of the best interests of the child;
- 2) give particular consideration, prior to commencement and in the course of proceedings, to whether circumstances of the case give any indication of existence of domestic violence;
- 3) refer parties to marriage counselling or to some other professional institution, or to a professional, for the purpose of resolving family issues that cannot be resolved in mediation.

Mediator is obliged to suspend the procedure of family mediation in all cases where, due to a suspicion of the existence of domestic violence, mediation would not be purposeful.

Participation of a Child

Article 54

In the course of family mediation proceedings, mediator may conduct an interview with the child regarding family relations that concern him, after having assessed that such

an interview is appropriate given the age and capability of the child to understand its importance.

Where the child in judicial proceedings related to family relations has been assigned a person to provide support to the child according to the law regulating family relations, the mediator shall notify that person of the intention to conduct an interview with the child.

Exceptions to Confidentiality

Article 55

In the family mediation proceedings, the information which according to the law must be disclosed in order to prevent harm to be inflicted on physical or psychological integrity of the child or other family members shall not be deemed confidential.

VI CENTRE FOR ALTERNATIVE DISPUTE RESOLUTION

Centre's Activities

Article 56

The Centre shall

- 1) do expert and administrative tasks related to mediation, Early Neutral Assessment of disputes and other methods of alternative dispute resolution;
- 2) inform expert public and general public of the possibilities and advantages of alternative dispute resolution;
- 3) initiate adoption, i.e. amendment of legislation to ensure alignment with international standards in the field of alternative dispute resolution;
- 4) issue opinions about the work of mediators and dispute evaluators in the procedures for extension of mediator's i.e. dispute evaluator's licence;
- 5) monitor and evaluate the work done by mediators and dispute evaluators and submit reports to the Ministry thereon;
- 6) implement training for mediators and dispute evaluators, as well as for other persons that conduct other procedures of alternative dispute resolution and organize their specialization;
- 7) adopt Statute and enactment on internal organization and systematization, with consent from the Ministry;
- 8) pass the Code of Ethics for mediators and Code of Ethics for dispute evaluators;
- 9) keep records of alternative dispute resolution, collectively and by individual types of proceedings;
- 10) receive complaints against the work done by mediators and dispute evaluators;
- 11) issue publications in the field of alternative dispute resolution and organise expert and scientific events in this field;
- 12) also perform other tasks set out by the law and general enactments of the Centre.

Article 57

Centre shall do expert and other tasks related to alternative dispute resolution in other fields, where that is stipulated in special law.

Centre may conduct out-of-court resolution of consumer disputes under the conditions stipulated in the law governing consumer protection, and it can conduct other alternative dispute resolution procedures according to special law.

Status of the Centre

Article 58

The Centre shall have capacity of a legal person.

Head office of the Centre shall be in Podgorica.

The Centre may have its organisational units outside of the place of its head office.

Centre's Bodies

Article 59

Centre's bodies shall be Management Board and Executive Director.

Management Board

Article 60

Management Board of the Centre shall have a chairperson and four members.

Members of the Management Board shall include two representatives of the Ministry, judge of the basic court proposed by the Judicial Council, an attorney-at-law proposed by the Bar Association of Montenegro and a mediator proposed by Association of Mediators of Montenegro.

Chairperson and members of the Management Board of the Centre shall be appointed and dismissed by the Government upon the proposal of the Ministry, for a four-year period, and they can be re-appointed.

Chairperson and members of the Management Board are entitled to remuneration for their work, unless otherwise stipulated in a separate law.

Mandate of the Centre's Management Board

Article 61

Management Board of the Centre shall:

- 1) adopt Statute and other general enactments of the Centre;
- 2) establish annual programme of work of the Centre and financial plan;
- 3) adopt annual report on work and financial report of the Centre;

- 4) render decision on the amount of remuneration for the chairperson and members of the Management Board of the Centre, as well as for the work of the chairperson and members of the Ethics Committee and their deputies with prior consent of the Ministry;
- 5) appoint members of the Ethics Committee;
- 6) render decision on the amount of remuneration for the chairperson and members of the Ethics Committee and their deputies;
- 7) also perform other tasks stipulated in this Act and Statute of the Centre.

Executive Director of the Centre

Article 62

Executive Director of the Centre shall be appointed by the Government upon the proposal of the Minister of Justice.

Term of office of Executive Director shall be 5 years and he may be reappointed.

The person who, in addition to the general requirements for employment in state authorities, also meets the following requirements may be appointed to the position of Executive Director:

- 1) he holds the VII 1 level of educational qualification – law faculty;
- 2) he has minimum 10 years of work experience in the tasks requiring VIII level of education qualification, of which minimum 3 years of experience in managerial positions.

Mandate of Executive Director of the Centre

Article 63

Executive Director of the Centre shall:

- 1) represent the Centre, manage and organise work at the Centre;
- 2) be held accountable for legality and quality of the work done by the Centre;
- 3) adopt enactment on internal organization and systematization;
- 4) propose enactments adopted by the management board;
- 5) prepare report on work and financial report of the Centre;
- 6) propose member to the Ethics Committee from among mediators;
- 7) propose the amount of remuneration for work of the chairman and members of the Ethics Committee, as well as for their deputies;
- 8) manage human and financial resources;
- 9) inform the public about the work done by the Centre;
- 10) issue certificates on completed training for mediators and dispute evaluators;
- 11) also perform other tasks stipulated by the Statute of the Centre.

Article 64

Ethics Committee shall be established to monitor implementation of the Code of Ethics for mediators and Code of Ethics for dispute evaluators.

Ethics Committee shall have a president and two members appointed by the Management Board of the Centre for the term of office of two years and they can be reappointed.

Chairperson and members of Ethics Committee shall have deputies.

President of the Ethics Committee and his deputy shall be nominated by the Judicial Council from among judges of basic court, one member and his deputy shall be nominated by the Bar Association of Montenegro from among attorneys-at-law, while the second member and his deputy shall be nominated by Executive Director of the Centre from among mediators.

President and members of Ethics Committee from among judges and attorneys-at-law and their deputies may not act as mediators or dispute evaluators.

President and members of the Ethics Committee and their deputies are entitled to remuneration for their work in the amount determined by the Management Board of the Centre upon the proposal by Executive Director of the Centre.

Mandate of the Ethics Committee

Article 65

Anyone may file a complaint against the work of mediator and dispute evaluator due to violation of the Code of Ethics for mediators, i.e. Code of Ethics for dispute evaluators and provisions of this Act.

The complaint referred to in paragraph 1 of this Article shall be submitted to the Ethics Committee through the Centre.

Ethics Committee shall act and decide upon the complaints referred to in paragraph 1 of this Article.

The complaint referred to in paragraph 1 of this Article shall contain the name and surname of mediator, i.e. dispute evaluator the complaint is submitted against and the description of the conduct of mediator, i.e. dispute evaluator that constitutes violation of the Code of Ethics and provisions of this Act.

In the procedure aimed at rendering the decision on whether the Code of Ethics for mediators, i.e. Code of Ethics for dispute evaluators and provision of this Act are violated, the Ethics Committee shall procure statements from the mediator, i.e. dispute evaluator the complaint is submitted against.

The manner of operation and decision-making of the Ethics Committee shall be stipulated in more details in its Rules of Procedure.

Rules of Procedure referred to in paragraph 6 of this Act shall be adopted by the Ethics Committee.

Judicial protection

Article 66

Administrative dispute may be initiated against decision rendered by Ethics Committee establishing violation of the Code of Ethics for mediators, i.e. Code of Ethics for dispute evaluators or provisions of this Act.

Staff

Article 67

Provisions of the law that regulate rights, duties and responsibilities of civil servants and state employees shall apply to the procedure for establishing employment relationship, rights, duties and responsibilities of employees at the Centre.

Financing

Article 68

The Centre shall be financed from the budget of Montenegro and from its own revenues.

Supervision

Article 69

Supervision of the work done by the Centre shall be exercised by the Ministry.

The Centre shall submit annual report on its work to the Ministry.

The report referred to in paragraph 2 of this Article shall contain data on meeting the Centre's obligations in the implementation of the strategic documents related to alternative dispute resolution; data on the conducted alternative dispute resolution proceedings; general assessment of the work done by mediators, dispute evaluators, and other persons conducting alternative dispute resolution proceedings, as well as the assessment of the state of affairs in the field of alternative dispute resolution and proposals for its improvements.

VII TRANSITIONAL AND FINAL PROVISIONS

Transformation of the Centre for Alternative Dispute Resolution

Article 70

The current Centre for Mediation of Montenegro shall continue operating as the Centre for Alternative Dispute Resolution.

Centre for Alternative Dispute Resolution shall assume all the rights, duties and employees of the Centre for Mediation of Montenegro.

Centre for Alternative Dispute Resolution shall continue using the funds used by the Centre for Mediation of Montenegro by the day on which this Act comes into force, with the balance on that day.

Executive Director and Management Board of the Centre

Article 71

Executive Director and members of the Management Board of the Centre for Alternative Dispute Resolution shall be appointed within 60 days from the day of coming of this Act into effect.

Executive Director and Management Board of the Centre for Mediation of Montenegro elected in line with the Mediation Act (Official Gazette of the Republic of Montenegro 30/05 and Official Gazette of Montenegro 29/12 and 18/19) shall continue working by the time of election of the Executive Director and Management Board of the Centre for Alternative Dispute Resolution according to this Act.

Adoption of General Enactments of the Centre

Article 72

Statute and Enactment on internal organization and systematization of the Centre shall be adopted within two months from the day of entry of this Act into force.

Commenced Procedures

Article 73

Mediation procedures commenced before the day of entering of this Act into force shall be finalized according to the provisions of this Act.

Validity of Granted Licences

Article 74

Mediators that were granted mediator's licences according to the Mediation Act (Official Gazette of the Republic of Montenegro 30/05 and Official Gazette of Montenegro 29/12 and 18/19) shall be obliged to apply for mediator's licence according to this Act within 30 days from the day of coming of this Act into force.

The mediators referred to in paragraph 1 of this Article shall be recognized the training they completed according to Mediation Act (Official Gazette of the Republic of Montenegro 30/05 and Official Gazette of Montenegro 29/12 and 18/19).

Mediators that fail to apply for mediator's licence within the term set in paragraph 1 of this Article shall be deleted from the register of mediators.

Decision on deleting the mediators referred to in paragraph 3 of this Article from the register shall be rendered by the Ministry.

Mediators that apply for mediator's licence referred to in paragraph 1 of this Article shall continue working as mediators with the rights and duties of mediators stipulated in this Act until they obtain mediator's licence according to this Act.

Mediators in Criminal Matters

Article 75

Mediation in line with the Law on Treatment of Juveniles in Criminal Proceedings (Official Gazette of Montenegro 64/11 and 1/18) shall be conducted by mediators granted a licence according to the Mediation Act (Official Gazette of the Republic of Montenegro 30/05 and Official Gazette of Montenegro 29/12 and 18/19).

Adoption of Secondary Legislation

Article 76

Secondary legislation for implementation of this Act shall be adopted within three months from the day of entry of this Act into force.

Until adoption of the secondary legislation referred to in paragraph 1 of this Article, the secondary legislation adopted on the basis of the Mediation Act shall be applied (Official Gazette of the Republic of Montenegro 30/05 and Official Gazette of Montenegro 29/12 and 18/19), provided that they are not contrary to this Act.

Deferred Application

Article 77

Provisions of Article 29 of this Act shall apply from the day of accession of Montenegro to the European Union.

National of the European Union Member State may act as mediator or dispute evaluator in accordance with this Act from the day of accession of Montenegro into the European Union.

Repealing Previous Legislation

Article 78

On the day of entry into force of this Act, the Mediation Act (Official Gazette of the Republic of Montenegro 30/05 and Official Gazette of Montenegro 29/12 and 18/19) shall be repealed.

Entry into Force

Article 79

This Act shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

EXCERPT FROM LAW ON CIVIL PROCEDURE

(Official Gazette of the Republic of Montenegro 22/04, 28/05 and 76/06, Official Gazette of Montenegro 48/15, 51/17, 75/17, 62/18, 34/19 and 76/20)

(Excerpt)

LAW ON CIVIL PROCEDURE

RECUSAL

Article 69

A judge may not adjudicate the case if:

- 1) he/she is the party, legal representative or agent, co-agent, co-debtor, regressive debtor, or has taken or is to take the stand as a witness;
- 2) the party, legal representative or agent of the party is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses, non-marital spouses or in-laws up to second degree, regardless of whether the marriage has been terminated or not;
- 3) he/she is the guardian, adoptive parent or adopted child of the party, party's legal representative or an agent;
- 4) he/she has participated in rendering decision of the inferior instance court or another authority or has participated in alternative disputes resolution;
- 5) he/she has participated in reaching the judicial settlement on the case, whereby setting aside that settlement is requested in the appeal;
- 5a) there is a pending litigation between the judge and the party;
- 6) he/she is a shareholder or member of the company that is party to the procedure;
- 6a) he/she rendered as a judge is in the bankruptcy procedure the decision that is subject of the dispute;
- 7) there are other circumstances that call into question his/her impartiality.

ALTERNATIVE DISPUTE RESOLUTION

Article 329

In the preparatory hearing, or in the first hearing for the main trial if no preparatory hearing was held, the court shall inform the parties of the possibility to resolve their dispute in mediation procedure or using any other alternative dispute resolution method.

If during the proceedings the court is of the opinion that the dispute could be successfully resolved in mediation, the court shall recommend to the parties to resolve the dispute in mediation procedure in line with the law regulating alternative dispute resolution.

If the court is of the opinion that, given the circumstances of the specific case it is justified, the court can refer the parties to the first meeting with the mediator at any

time until the final completion of the proceedings to try to resolve their dispute in the mediation procedure.

The court is obliged to render a special ruling referring the parties to the first meeting with mediator:

- 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality;
- 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in bankruptcy procedure is referred to civil procedure;
- 3) in other cases required by special law.

No appeal is admissible against the ruling referred to in paragraphs 3 and 4 of this Article.

Article 330

In the case referred to in Article 329 paragraph 4 of this Law the court shall render the ruling referring the parties to the first meeting with mediator within 15 days from the day of receiving the answer to the claim, or, if the answer to the claim was not submitted, within 15 days from the expiry of the deadline for submitting the answer to the claim.

If in the case referred to in Article 329 paragraph 4 of this Law the claim is not submitted to the defendant for answer, the court shall render the ruling on referring parties to the first meeting with mediator in the preparatory hearing, i.e. in the first hearing for the main trial if the preparatory hearing did not take place.

In the ruling referred to in paragraphs 1 and 2 of this Article the court shall instruct the parties to apply to the Centre for Alternative Dispute Resolution within eight days from the day on which the ruling was served.

The court shall deliver to the Centre for Alternative Dispute Resolution the ruling referred to in paragraphs 1 and 2 of this Article, together with the claim, answer to the claim and other writs and data relevant for mediation.”

Article 330a

When the court refers the parties to the first meeting with the mediator according to Article 329 paragraphs 3 and 4 of this Law, the parties are obliged to attend the first meeting with mediator in person.

In the case referred to in paragraph 1 of this Article, in addition to the parties the meeting with the mediator can be attended by their proxies.

If the party, without a justified reason, fails to appear in the first meeting with the mediator, the party is obliged, regardless of the outcome of the court proceedings, to compensate the opposite party for the costs that it caused.

The costs referred to in paragraph 3 of this Article shall include all the expenditures made in relation to the first meeting with the mediator, including the remuneration for the work of attorneys-at-law and other persons that according to the law are entitled to remuneration.

Article 330b

Where the court refers the parties to the first meeting with mediator, the procedure shall stay for the maximum of 90 days from the day on which the parties were referred to the first meeting with the mediator.

After the term referred to in paragraph 1 of this Article expires and the parties do not resolve their dispute in mediation, the court will schedule a hearing.

If the Centre for Alternative Dispute Resolution delivers to the court the settlement concluded in the procedure of mediation within the term referred to in paragraph 1 of this Article, that settlement shall be the basis for concluding the settlement before the court.

EXCERPT FROM THE FAMILY LAW

(Official Gazette of the Republic of Montenegro 1/07 and Official Gazette of Montenegro 53/16 and 76/20)

(Excerpt)

FAMILY LAW

BASIC PROVISIONS

Article 14

It is the custodial body, the court and the mediator that shall be competent for providing expert assistance and protecting the rights and interests of the child and of other members of the family, for resolving disputes between family members, as well as in all other cases where family relationships are disturbed.

THIRD PART

RELATIONS BETWEEN PARENTS AND CHILDREN

I PARENTAL RIGHT

1. Rights of a child

Article 63b

A child has the right to maintain personal relations also with relatives and other persons it is in particular close to if this is in the child's best interest.

Relatives and other persons referred to in paragraph 1 of this Article shall be brothers and sisters, grandmothers and grandfathers, former foster parents, earlier or current spouse or partners in extra-marital relation of the parent and other person that the child is particularly close to.

Persons referred to in paragraph 2 of this Article shall have the rights to maintain personal relations with the child.

The manner of maintaining personal relations shall be defined by an agreement between the parents, the child, if the child is able to understand the importance of the agreement, and persons referred to in paragraph 2 of this Article.

If the persons referred to in paragraph 2 of this Article do not reach an agreement with the parents of the child and the child, if the child is able to understand the importance of the agreement, they can apply to a mediator in an attempt to reach such an agreement.

If the persons referred to in paragraph 5 of this Article fail to reach an agreement with the support of the mediator, the manner of maintaining personal relations shall be defined by the court.

A claim for regulating the manner of maintaining personal relations may be filed by the child, parents and the persons referred to in paragraph 2 of this Article.

Before rendering its decision the court shall seek the opinion of the custodial body about whether maintaining of the concerned personal relations is in the best interest of the child.

If the person that filed the claim referred to in paragraph 7 of this Article is not the child, the court shall make it possible for the child to express his/her opinion freely and shall take into account such an opinion in line with this law.

In the process of regulating the manner of maintaining personal relations with the child of 15 and above capable of reasoning the court shall render its decision in line with the child's wish, unless it is contrary to the child's best interest.

PART NINE

SPECIAL COURT PROCEEDINGS

1. Common provisions

Article 316a

In the procedures related to family relations the court shall put efforts into reaching an agreement between the parties.

The court may instruct the parents to apply to a family guidance clinic or a similar professional institution or a person of appropriate specialization dealing in family matters, if the court is of the opinion that it is in the best interest of the child.

In addition to mandatory referral to the first meeting with mediator referred to in Article 326 of this Law, the court may refer the parents to the first meeting with mediator with a view to attempting to solve their dispute in the mediation procedure or in other procedure related to family relations, if the court is of the opinion that it is in the best interest of the child.

2. Procedure in marital disputes

Article 326

Court shall refer the parties to the first meeting with mediator with a view to achieving an agreement between the spouses on exercising parental rights after divorce of marriage and an agreement on division of joint property, unless reconciliation occurs during mediation.

As an exception to paragraph 1 of this Article, the court shall not refer spouses to the first meeting with mediator in cases in which, due to the suspicion of existence of domestic violence, mediation would not be purposeful.

Article 327

After the court has rendered the decision on referring the parties to the first meeting

with the mediator, the court is obliged to deliver that decision to the Centre for Alternative Dispute Resolution.

In addition to the decision referred to in paragraph 1 of this Article the court shall deliver to the Centre the claim, names and addresses of spouses and their attorneys and data about their children, if any, and other data relevant for mediation.

Article 328

Mediation procedure referred to in Article 326 of this Law shall be conducted within 60 days from the day of its commencement.

Article 329

Mediator shall inform the Centre about success of mediation and submit the minutes on settlement containing the agreement of spouses about exercising parental rights and division of joint property, i.e. notification that the agreement was not reached or that the parties conciliated during the mediation procedure.

The Centre shall promptly deliver the minutes and notification referred to in paragraph 1 of this Article to the court.

Article 330

If the spouses reach reconciliation during the mediation, the claim shall be considered withdrawn.

Article 331

Settlement of spouses concluded in the mediation procedure about division of the joint property shall be entered in the operative part of the judgment divorcing the marriage.

Settlement of spouses about exercising parental rights shall be entered in the operative part of the judgment divorcing the marriage, if the court is of the opinion that such a settlement is in the best interest of the child.

Article 332

If one or both spouses, although duly invited, do not accept the invitation of the Centre for reaching a settlement about exercising of parental rights and division of joint property and they fail to justify their absence, the mediation shall be considered unsuccessful and the procedure upon claim for divorce of marriage shall resume.

Article 333

Mediation procedure for reaching settlement on exercising parental rights and division of joint property after the marriage is annulled shall end within 60 days from the day of commencement of the mediation procedure.

Articles 334, 335 and 337 shall be deleted.

