

As of 30 June 2023, the Cartabia Reform also definitively enters into force with regard to the rules on civil and commercial mediation.

For applications filed on or after that date, several novelties apply.

Here are the main ones.

- a) New matters have been introduced in which the mediation attempt is provided for as a condition precedent for legal action (in addition to those already provided for): Partnerships, Consortium, Franchising, Work, Network, Supply contracts, Partnerships, Subcontracting
- b) From the first meeting, mediator and parties will be involved in effective mediation.

Since the Ministry of Justice has not yet established the fees for participation in the first meeting, pending the implementing legislation, the Conciliation Service of the Milan Chamber of Arbitration will not request any payment for participation in the first meeting, although it reserves the right to do so at a later date should the legislation, once in force, so provide.

In any case, the current Rules (with the relevant indemnity table) shall remain in force for all other expenses of the proceedings:

- initiation fees, to be incurred upon filing or adhering to the request for mediation
- mediation expenses, to be incurred after the first meeting, in case the parties decide to continue the attempt with further meetings.
- c) The legislation provides for tax incentives for the parties (again, implementing regulations are awaited).
- d) The mediation meeting must be convened between 20 and 40 days from the filing of the application (subject to the organisational needs of the conciliation service). The overall duration of the proceedings will be 3 months, extendable for a further 3 months.
- e) The condominium administrator may initiate the mediation or take part in it without necessarily having to call a condominium meeting to receive a proxy.
- f) The mediation clause becomes a condition for proceeding.

Milano, July 20, 2023