



MILAN  
CHAMBER OF  
ARBITRATION

# ANNUAL REPORT

## MEDIATION SERVICE

# 2023

Statistical data referring to 2022

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BLOGMEDIAZIONE

## MEDIATION SERVICE

*In 2022, there was a growing trust of users towards the mediation tool: compared to the previous year's figures, the percentage share of parties' no-shows in proceedings initiated at our Conciliation Body decreased. It is also worth noting the steady increase in the use of telematics: 96% of proceedings were conducted remotely, enhancing the needs of the parties and ensuring that communication is always effective and efficient.*

*There were 917 mediation applications filed in 2022, an average of three new applications per day, which is in line with the results of previous years. The success rate, i.e. the percentage of mediations closed with an agreement, was 57.8 %. This is higher than in proceedings conducted at other Italian mediation organisations (IMOs), whose success rate stands at 47.4 %. The time factor: the average duration of mediation proceedings at our Organisation is 115 days, compared to 186 days at other IMOs (a time saving of 38%). As regards the subjects of dispute, disputes on services increased fivefold (from 6 proceedings in 2021 to 30 in 2022); disputes on corporate law doubled (from 13 in 2021 to 25 proceedings in 2022), as well as those in procurement, energy and gas and defamation. By contrast, disputes on financial and insurance contracts, franchising, commodities and business lease have decreased. 2022 has been the year of transition from the pre-reform discipline to the full implementation of the new 'Cartabia' law, which, in innovating the civil process, has given new impetus to alternative dispute resolution tools, primarily mediation.*

*In 2023, we will witness a change in the discipline of civil and commercial mediation: among the most significant changes are the expansion of the matters in which mediation becomes mandatory and the strengthening of the judge's power to instruct the parties to initiate an attempt to settle the dispute through mediation, even at late stages of the process.*

*The reform will also regulate the area of signatures placed by the parties on minutes and agreements, with a view to digitisation and greater certainty of the authenticity of the signature.*

*CAM's Conciliation Service operates in the territories of Milan, Monza-Brianza and Lodi and also deals with mediation in the environmental and art sectors.*

Settlement rate

57.8%

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

917

New filings

-38%

Length of proceedings compared to those by other IMOs'

# MEDIATION IN ITALY: WHAT YOU SHOULD KNOW

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.

**A first informative meeting with a mediator is mandatory.** Parties must be **assisted by their Counsel**.

Furthermore, the **judge** can also order the mediation attempt irrespective of the subject matter, after taking into consideration the nature of the proceedings, the phase of the process and the behaviour of the parties.

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).



**Settlement agreements** reached under the law, if signed by the parties and their lawyers become immediately enforceable titles.

Parties can choose the **mediation service provider**; even though there is a territorial competence requirement, parties can opt for a different forum consensually.

**Mediation providers** can offer their services under the Italian mediation law if registered at a special **registry** at the Ministry of Justice – which evaluates the trustworthiness of the centres.

Currently, the list counts about 500 mediation providers in Italy.

There is no “free-lance” mediation in Italy. A **mediator** should be listed in a mediation centre. In addition, mediators have to be **trained** by approved mediation training centres, which are also registered at the Ministry of Justice. For this reason, most of the mediators who can perform mediations in Italy are Italian.

On the website of the Ministry of Justice it is possible to find [national mediation figures](#). Those are available also in English.

## THE "CARTABIA" REFORM: FOCUS ON MEDIATION



The most significant novelty of the legislative decree implementing the civil reform on mediation is certainly the extension of the list of matters in which mediation is mandatory. The following will be added to the subjects already set out in Article 5 of Legislative Decree 28/2010:

- **association in participation**
- **consortium**
- **franchising**
- **work contracts**
- **network contracts**
- **supply contracts**
- **partnerships**
- **subcontracting**

Another important innovation concerns the extension of the **judge's powers**: the judge will be able to order an attempt at mediation, up to the time of the statement 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.



## NEW CASE FILINGS

# 917

New filings in 2022  
An increase by 128% since  
2012



## ON-LINE MEETINGS

# 96,6%



96.6% of mediation meetings in 2022 were held remotely; in the pre-Covid period the share was 1%.

**January to April 2022:** 100% online meetings

**May-December 2022:** the share was 95%



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# MATTERS BROUGHT TO MEDIATION: VARIATIONS



**SERVICE CONTRACTS +400%**



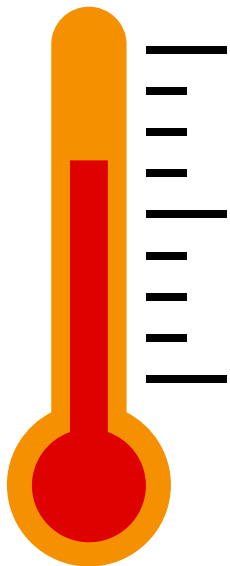
**SUBCONTRACTING +100%**



**INSURANCE  
CONTRACTS -41%**



**RENT OF COMPANY -69%**



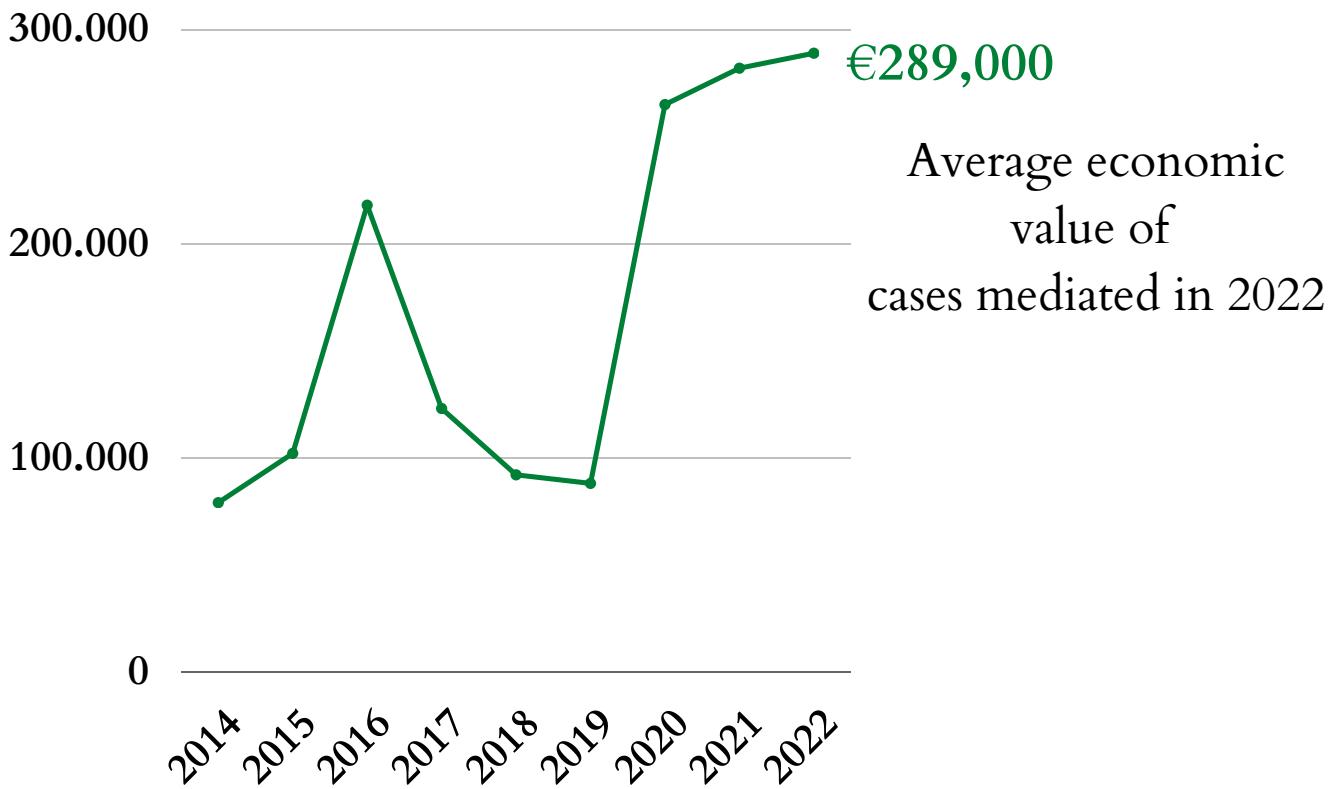
Mediation gives a clear picture of the economic context.

In one year, mediation in service and subcontracting matters increased exponentially, as did cases in company law; in contrast, litigation in condominium matters decreased.



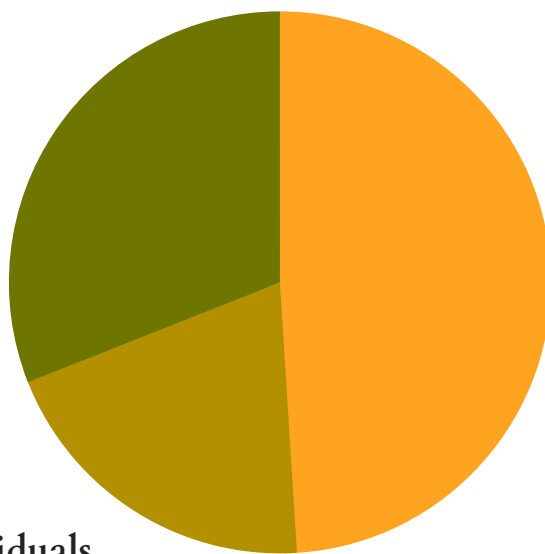
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## AVERAGE ECONOMIC VALUE INVOLVED



## MEDIATION PROCEEDINGS BY TYPOLOGY

Business to Business  
31%



Business to Consumers  
49%

between individuals  
20%



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## SETTLEMENT RATE



**Milan Chamber of Arbitration  
Mediation Service**

**57,8%**

**Mediation providers  
in Italy**

**47,4%**

- Of the total number of CAM proceedings in which the parties decided to continue the mediation process after the first meeting, 57.8 per cent ended with an agreement.

- Agreement was reached in 47.4% in the proceedings of the other IMOs (considering - as above - only those cases where the parties decided to continue the mediation process after the first meeting).

(source: webstat.giustizia.it data updated to 31 December 2022)



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## AVERAGE LENGTH OF MEDIATION PROCEEDINGS

115  
days

for the CAM  
mediation service

186  
days

for other Italian  
mediation  
providers

*Source: [webstat.giustizia.it](http://webstat.giustizia.it)  
September 2022*

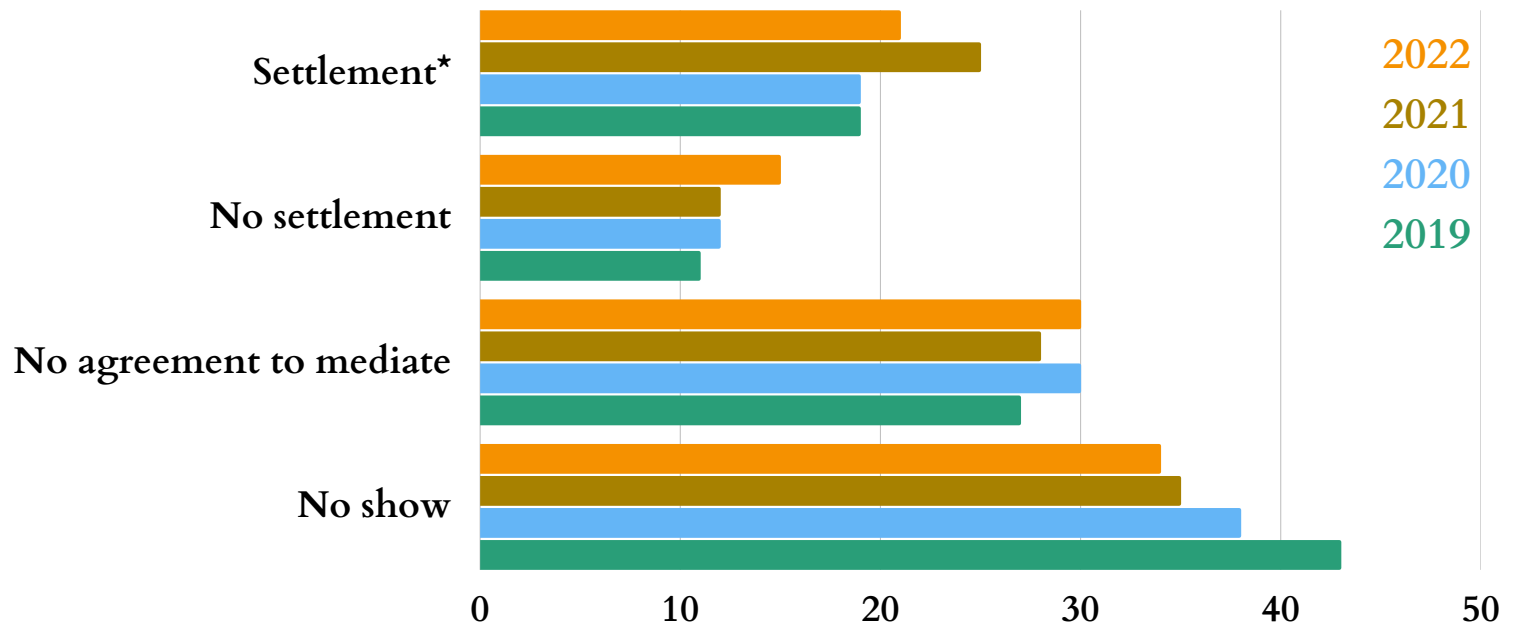
**-38%**

It is the time saving of the  
duration of CAM mediations  
compared to the national average



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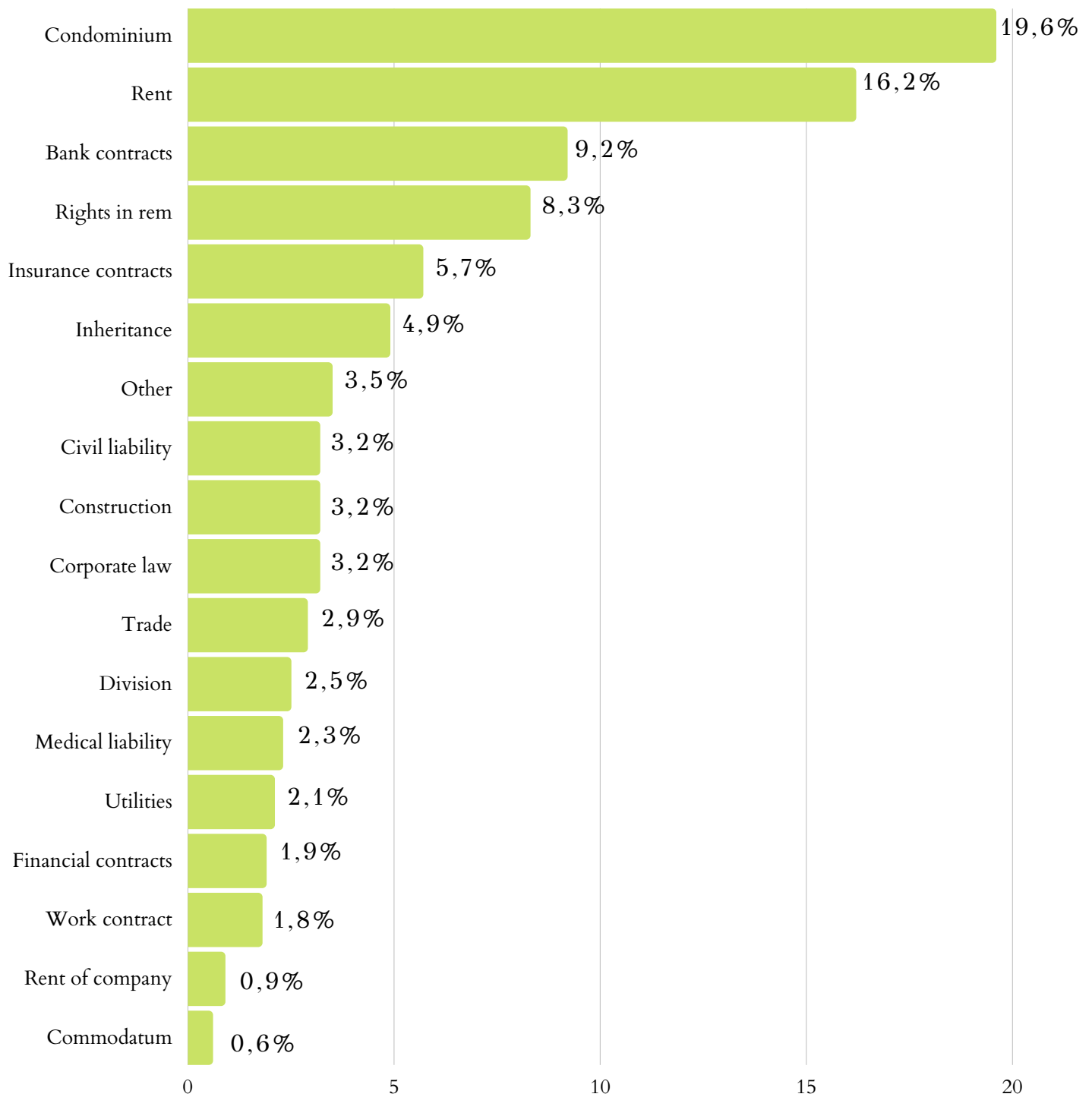
## OUTCOME OF THE PROCEEDINGS



- **Settlement** = the parties have resolved their dispute.
- **No settlement** = the parties have not resolved their dispute.
- **No agreement to mediate** = after the first informative meeting one or all the parties have decided not to proceed with the mediation.
- **No show** = the parties or the invited party refused to participate in the first informative meeting and in the mediation proceedings.

It is worth noting the **positive** figure of the reduction in the percentage of non-appearances of the parties in mediation proceedings, indicating a growing attitude of **trust** among users.

# CASE FILINGS SORTED BY BUSINESS SECTORS



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**24%** of mediation cases filed at CAM are voluntary\*

\*Mediation is voluntary when the matter in dispute is not listed in the Decree 2010/28 as a matter for which a first meeting with a mediator is a precondition to legal action.

The obligation to see a mediator before filing a case to court can also stem by an order by the Judge or a contractual clause.

# MEDIATION DISTRIBUTION BY ORIGIN OF THE PROCEEDINGS



79

cases referred by the judge



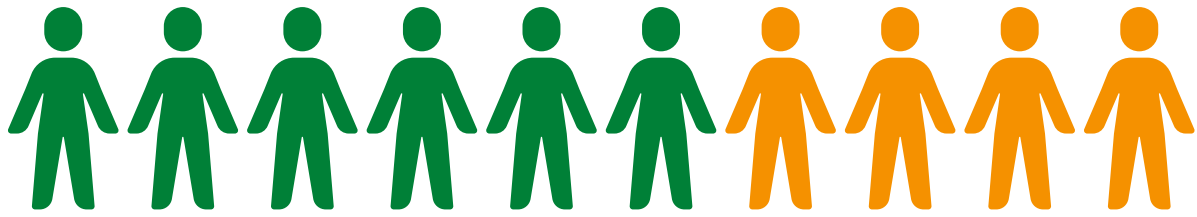
75

provided for by a  
contractual clause



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## GENDER GAP: APPOINTMENTS OF FEMALE MEDIATORS IN 2022 PROCEEDINGS

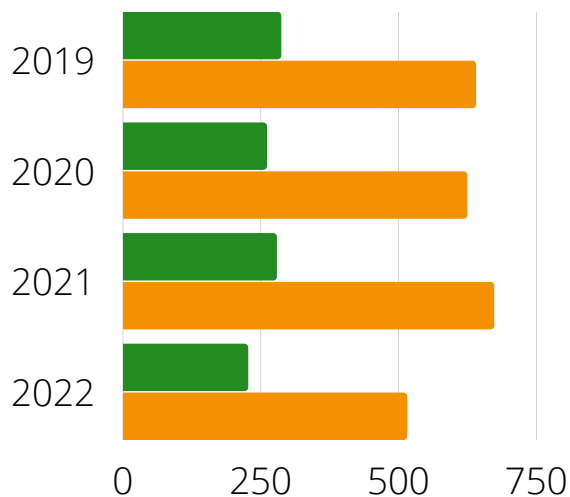


### CAM MEDIATORS' LIST

There are **50** mediators available for appointment, of which:

**33 WOMEN**  
**17 MEN**

Of the total proceedings assigned in 2022,  
**69%**  
were assigned to female mediators



CAM has been the first Italian mediation provider to tackle art disputes



## Which are those disputes?

They might be of contractual and non-contractual nature with regard 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, etc.);
- a matter regarding arts (copyright, restitution of stolen works, art collection management).

*Artistic conflict is characterised by its multidimensionality, internationality and confidentiality.*

contact us at  
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# "ENVIRONMENTAL MEDIATION"

CAM has been the first Italian mediation provider to tackle environmental disputes



**FacilitAmbiente**  
PREVENIAMO I CONFLITTI AMBIENTALI

In 2021 CAM, together with the Chamber of Commerce of Milan, MonzaBrianza and Lodi, started the project

## FACILITAMBIENTE

Facilitambiente is a procedure aimed at preventing environmental conflicts related, for example, to the construction of industrial sites, infrastructure and property development projects



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# "FAST TRACK MEDIATION"

**Fast Track Mediation Rules (FTMR)** is a parallel track that offers an informal and adaptable scheme which can be customized according to the parties' needs. The proceedings is very simple and straightforward and leaves to Parties the full control of the proceedings and its outcome.

The choice between the Italian Mediation System under Decree 28/2010 or FTMR is upon the parties and it can be a matter of conflict management strategy. In general, it could be more convenient to resort to the mediation under the Decree 28/2010 if the subject matter falls under the mandatory scope of application or if the parties intend to file for court - in case of failure of the mediation - or when the Parties need a decision enforceable in Italy.

However, if court proceedings is not an option or the subject matter is not falling within the mandatory matters or the obligation doesn't have to be executed in Italy, FTMR could be a valuable choice which leaves much more space to self-determination of the parties.

Under the FTMR, the agreement reached is a contract between the parties. Legal assistance is not mandatory and parties can have a mediator of their choice: a person they both know and trust. Alternatively, the parties can ask the Secretariat to choose the mediator in their place by picking the name from the relevant list or from the lists of other mediation service providers in partnership with CAM.



## Please, contact us for any enquiry

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