

“CONCILIATORE BANCARIO”

- A PRESENTATION -

The *Conciliatore Bancario*
is the most recent service provided by Banks to their
customers and to consumers in general

Association
established by the
10 main Italian Banking groups
with the support and the coordination of
the Italian Banking Association - ABI

Original Mission:

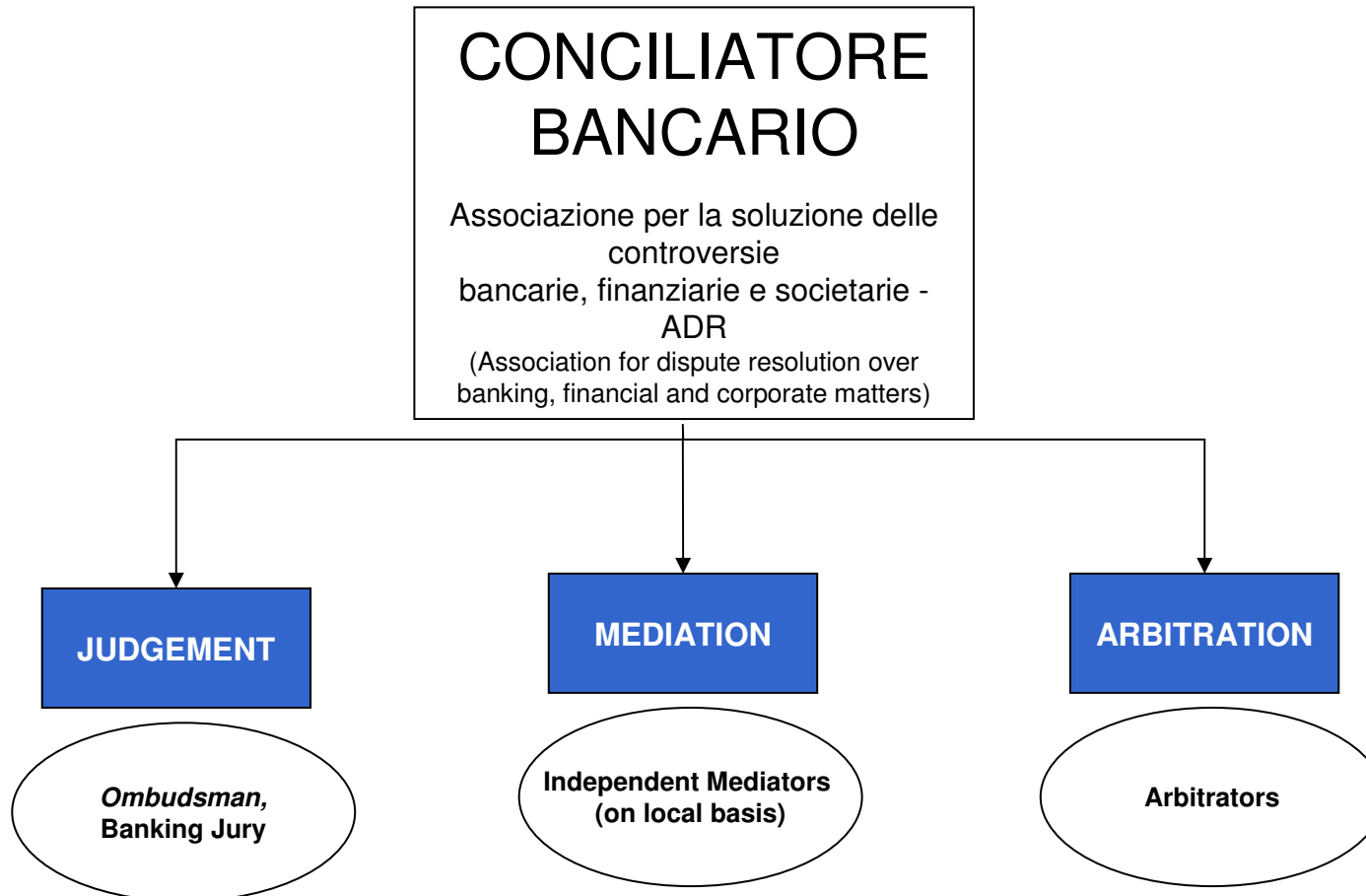
Introducing a specific mediation body dedicated to out-of-court mechanisms for dispute resolution, over banking and financial issues

Legal Framework:

Decree n. 5 of 2003 on Corporate Trial providing for mediation bodies

The “Conciliatore Bancario” is an ADR mechanism adding new specific services to those offered by the “Ombudsman-Giurì bancario”(Banking Jury)

The “Conciliatore Bancario” Association leads and coordinates 3 different Alternative Dispute Resolution mechanisms



“Ombudsman”

Its mission is to resolve disputes between Banks and Clients,
outside of the regular court system

“Arbitration”

Complementary to Mediation, this function is activated either
by general agreement or arbitration clause

“Mediation”

Technically Mediation represents a form of alternative dispute resolution aimed at assisting two (or more) disputants in reaching an agreement thanks to the assistance of a third, neutral professional party:

the Mediator

It is NOT a Judgement stating which party is wrong or right

It is NOT a Transaction where parties can reach an agreement without the assistance of a neutral professional

Mediation can be set up:

a) in court:

when the judge is required to try to convince parties to reach a settlement agreement

b) out-of-court:

when parties of a dispute agree on settlement, before or during a trial

Mediation as provided by Decree n. 5 of 2003

- Regarding:
 - Banking Law
 - Investment Service Law
 - Corporate Law

- Main effects
 - writ of execution
 - special taxation

The Mediator

Legal requirements:

a) professional competence:

- 1) professors of Law or Economics
- 2) professionals such as: experienced lawyers, accountants, notaries
- 3) retired judges
- 4) or, a specific training as required by the Italian Ministry of Justice;

b) being an honourable person

Benefits of Mediation

to Consumers:

- reducing the amount of time of justice (particularly long in Italy)
- reducing costs
- possibility of maintaining business relations with the Bank

to Banks:

- improving their image towards the public
- reducing costs for legal actions

to Justice Administration:

- reducing the number of cases and subsequent improvement in services
- eliminating trials of low legal profile

And to sum it up

Introducing “mediation clause” in banking contracts is useful for all parties, since...

...“mediation” is a new way in problem solving, a new mentality for dispute resolution, and consequently...

...“Turn your dispute from a business threat into a business opportunity”