

**The Centre for Mediation at
The Hague Court of Arbitration for Aviation**

MODEL CLAUSES

Pursuant to Mediation Rules in force as of 26 November 2024



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**THE CENTRE FOR MEDIATION AT
THE HAGUE COURT OF ARBITRATION FOR AVIATION**

MODEL CLAUSES

1. The suggested model optional mediation clause, which in each instance should only be included in supplement to the applicable jurisdiction (including arbitration) clause, is as follows:

The Parties may, at any time and without prejudice to any other proceedings, mutually agree to seek to settle any dispute or part thereof arising out of or in connection with this Agreement through mediation in accordance with the Mediation Rules of The Centre for Mediation at The Hague Court of Arbitration for Aviation for the time being in force.

2. The above primarily serves as an aide-memoire to put mediation on the agenda and collective memory of the parties at the time that a dispute arises. It does not, however, provide any hard obligation upon them to engage in mediation. The above also contains the most critical elements that any general optional mediation clause should address, namely: (i) the parties' agreement to have or at least discuss the option to mediate; (ii) the scope of the disputes submitted to mediation; and (iii) the choice of the institution and mediation rules.
3. It is separately noted that a multi-tiered mediation clause, in the context of mandatory mediation as a preliminary step prior to the commencement of arbitration, is included in the model arbitration clauses pursuant to the Arbitration Rules of The Hague Court of Arbitration for Aviation. If the parties wish to adopt a formulation of the arbitration agreement featuring a mandatory reference to mediation as a pre-requisite to arbitration, the parties could use the following variation of the model clause:

All dispute arising out of or in connection with the present contract, including any questions regarding its existence, validity, or termination, shall be submitted to mediation in accordance with the Mediation Rules of The Centre for Mediation at The Hague Court of Arbitration for Aviation for the time being in force, which Mediation Rules are deemed to be incorporated by reference into this clause. Any mediation shall take place in [city and/or country] and be administered by The Centre for Mediation at The Hague Court of Arbitration for Aviation.

Any dispute which has not been resolved by mediation within [] days after initiation of the mediation shall be referred to and finally resolved by arbitration in accordance with the Arbitration Rules of The Hague Court of Arbitration for Aviation for the time being in force, which Arbitration Rules are deemed to be incorporated by reference into this clause.

The arbitral tribunal shall be composed of [one arbitrator / three arbitrators].

The place of arbitration shall be [city and/or country].

The law applicable to the arbitration agreement shall be [governing law].

The substantive law governing the merits of the dispute shall be [governing law].

The language to be used in the arbitration shall be [language].

Please refer to "Model Arbitration Clauses & Amendment, Pursuant to Arbitration Rules in force as of 14 February 2023" for further information.