

# OMBUDSMAN OFFICE

[Under the Federal Financial Services Act of June 15, 2018 (FinSA)]

## MEDIATION RULES

(With reference to the FinSA)

### 1. Commitment

Terraxis Ombudsman Office ('TOO') is committed to guarantee that each mediation managed under its guidance is:

- Non-bureaucratic
- Fair
- Fast
- Impartial
- Economical for the client or even free (ref. art. 10 of these rules)

### 2. Privacy

The procedure is confidential. Statements made by the parties in the mediation process as well as correspondence between one of the parties and the TOO cannot be used in any other proceeding. The parties are not entitled to consult the correspondence between the TOO and the opposing party. (Art. 75 al 2.)

The statements of the parties cannot be considered in the judicial proceedings. (Art. 216 of CPC AI 2.)

The place of mediation chosen by TOO with the agreement of the parties must ensure the confidentiality of the mediation process.

### 3. Admission of mediation application

An application for mediation is eligible at all times if it meets the conditions set out in the "mediation application" form available on the TOO website.

### 4. TOO decision-making autonomy

TOO freely appreciates the cases submitted to it and is not subject to any directive. (Art. 75 al 6.)

The TOO takes appropriate steps towards mediation, provided that it does not immediately fail to be successful. (Art. 75 al 7.)

### 5. Parties' adherence to this settlement

Any mediation entrusted to the TOO will result in the support of the parties to this settlement.

### 6. Appointment of the mediator

The parties jointly select the mediator from a list of trained, experienced mediators who do have the technical knowledge required as per Art.84, b.

This list is created by TOO which will propose mediators from its direct contacts and swiss mediation associations such as the SDM-FSM, SKWM-CMSC and/or FGEM. If the parties cannot agree on the choice of mediator, TOO will designate the mediator from this list.

7. Representation

The parties agree to be present at each mediation sessions. Corporations must be represented by one or more persons who can engage the company and who have knowledge of the dispute. If a party wishes to be assisted by an agent during mediation, it must inform the mediator as well as the opposing party.

8. Agreement to mediate

This tripartite agreement set the rules and principles of mediation. It is to be signed before the mediation process by each of the parties and the mediator.

9. Closing Mediation

Mediation is closed by the signing of a final agreement on the mediation process. During the process, each party can unilaterally terminate the mediation process if it wishes. The mediator also has this provision if he/she deems it necessary. TOO can, on the basis of the information available to it, communicate its own material and legal assessment of the dispute to the parties and incorporate it into its closing communication of the proceedings. (Art. 75 al 8.)

10. Cost of mediation

The costs of mediation are published at all times on the TOO website and are almost entirely at the charge of the financial services provider (Art. 75 al 1).

11. Advance on fees

TOO may require advance payment which will have to be paid before the start of the mediation process by the financial service provider and as per payment terms set by TOO.

