

NCAC

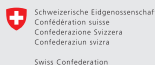
មជ្ឈមណ្ឌលជាតិលែមជ្ឈត្តការផ្នែកពាណិជ្ជកម្ម
NATIONAL COMMERCIAL ARBITRATION CENTRE



RULES *on* QUALIFICATIONS *and* REGISTRATION *of* MEDIATOR

18 March 2023

Supported by



RULES ON QUALIFICATIONS AND REGISTRATION OF MEDIATOR

Article 1. Purpose

The purpose of the Rules on Qualifications and Registration of Mediator of NCAC (“**Rules**”) is to provide parties with a List of Mediators meeting minimum qualification criteria for registration in NCAC’s List of Mediators (such mediators are referred to as “**Registered Mediator**”).

Article 2. Qualifications of Mediators

2.1 The qualification criteria for registration as a Mediator in NCAC’s List of Mediators (“**List of Mediators**”) are as follows:

- (a) being at least 30 (thirty) years old, or a minimum of 5 (five) years of experience in business industry or profession;
- (b) holding a bachelor’s degree specialized in any field of study from any faculty in Cambodia or overseas;
- (c) having attended training courses on commercial mediation organized by the NCAC, or training courses organized by any professional commercial mediation institution recognized by the NCAC; and

- (d) having passed an accreditation exam organized by the NCAC or by any commercial mediation institution recognized by the NCAC.

2.2 The Mediator shall not:

- (a) be an official or hold any title or position with the hierarchy of the executive, legislative, or judiciary branches;
- (b) have any circumstances referred to in Article 5 below be applicable or relevant to him or her.

Article 3. Registration of Mediators

- 3.1 The applicant shall submit his or her full and complete application and relevant contact details to the NCAC using the application form for registration of mediator together with the documents demonstrating that the applicant fulfils the qualification criteria mentioned above and the evidence of payment of application fee as may be determined by the NCAC Executive Board from time to time.
- 3.2 Within 30 (thirty) calendar days after receipt of the full and complete application, NCAC Membership Committee will examine and review the application and submit its recommendation to the NCAC Executive Board for final approval. The NCAC Executive Board shall decide and inform the applicant in writing of its decision within 60 (sixty) calendar days after receipt of the application. If required, the NCAC Executive Board may extend the time to inform the applicant whether the applicant fulfils the qualification criteria by 120 (one hundred and twenty) calendar days after receipt of the application.

- 3.3 If the applicant does not fulfil the qualification criteria, the NCAC Executive Board shall inform the applicant the reasons thereof and allow the applicant a period of 30 (thirty) calendar days to submit further documents to demonstrate that the applicant does fulfil the criteria. Within 30 (thirty) calendar days after receipt of such documents, the NCAC Executive Board shall inform the applicant of its final decision.
- 3.4 The decision to register mediators in List of Mediators is the discretion of NCAC. It is a decision that takes into account the existing number of mediators, the types of cases submitted to NCAC, diversity, and desired sectors.
- 3.5 If the NCAC Executive Board decides that the applicant fulfils the qualification criteria, the Secretary General shall inform the applicant that the applicant shall pay the full amount of the annual contribution fee for the time being applicable to NCAC Registered Mediator. The NCAC Executive Board shall ensure that the General Secretariat registers the applicant as a mediator in the List of Mediators with effect from the first day of the month following receipt of the payment of the contribution until and including 31 December of that same year. The Secretary General shall inform the applicant thereof.
- 3.6 Only mediator registered in NCAC List of Mediators are entitled to use the expression **“NCAC Registered Mediator”**. In the event that an NCAC Registered Mediator fails to maintain NCAC’s requirements for registration, use of the title NCAC Registered Mediator will end, and the mediator’s profile will no longer be included on the NCAC website.

Article 4. Renewal of Registered Mediators

The following procedure shall apply to the application for the annual renewal of a Registered Mediator in the List of Mediators:

- 4.1 The NCAC shall renew the registration of a Registered Mediator for the succeeding year upon the receipt of payment of the annual contribution unless:
- (a) the Registered Mediator has informed the NCAC that he/she does not want to renew its registration as Registered Mediator;
 - (b) one or more of the circumstances referred in Article 5 below is applicable or relevant to the Registered Mediator involved; or
 - (c) the Registered Mediator has failed to submit a self-declaration in a form prescribed by the NCAC, and any other documents as may be determined by the NCAC Executive Board from time to time, asserting that all qualifications and requirements applicable to him/her still remain satisfied.
- 4.2 If any information registered with the NCAC is unclear or insufficient at any time, the NCAC may require the Registered Mediator to furnish more information. In any event, the Registered Mediator shall reply within 15 (fifteen) calendar days from the date of the receipt.
- 4.3 If the Registered Mediator does not fulfil the aforementioned qualification criteria, the NCAC Executive Board shall not proceed to renew the registration. The NCAC Executive Board shall inform the Registered Mediator and explain the reason thereof. The Registered Mediator shall have 30 (thirty) calendar days to state in writing

and submit documents establishing the grounds for its registration to be renewed for the following year. Within 30 (thirty) calendar days after receipt of such documents, the NCAC Executive Board shall inform the applicant of its final decision.

- 4.4 If, following the procedure in this Article, the Registered Mediator fulfils the qualifications criteria, the Secretary General shall send an invoice to the Registered Mediator for the amount of the annual contribution for the year for which renewal of registration is sought. The NCAC Executive Board shall ensure that, upon receipt in full of the annual contribution for the year for which renewal of registration is sought, the General Secretariat renews the registration of the Registered Mediator effective from 1 January of the year for which the renewal is sought.

Article 5. Removal of Registered Mediators

The NCAC Executive Board shall remove any Registered Mediator if such person:

- (a) become physically or mentally incapable of performing his or her duties;
- (b) is declared bankrupt or placed under liquidation proceeding;
- (c) submits his or her resignation in writing to the NCAC;
- (d) is convicted of a misdemeanor or felony;
- (e) breaches the NCAC Code of Conduct for Mediator or any other rules of the NCAC;
- (f) breaches the duties of confidentiality owed to the NCAC;

- (g) conducts activities or has any financial, political, legal or social affiliations that could discredit or impair the integrity of the NCAC;
- (h) dies; or
- (i) fails to pay his or her annual contribution within 60 (sixty) calendar days after receiving the invoice without reasonable justification.

Article 6. Final Provisions

- 6.1 The Rules are adopted by the General Assembly of NCAC on 18 March 2023.
- 6.2 The Rules shall become effective from 18 March 2023 onwards.

Phnom Penh, 18 March 2023

National Commercial Arbitration Centre

President



SAN Kiri

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