

Dispute resolution by mutual agreement

State-approved conciliation service



Extra-judicial negotiation
and conciliation methods



Business

Conflict resolution in commerce and the world of work



Public

Mediation and conciliation in culture, sports and public administration



Private

Conciliation assistance in private life, family, leisure and work



Research

Exchange of knowledge between research, practice, education and training

Conciliation proceedings

Your gain

With the help of CenaCom conciliation proceedings you have the opportunity to resolve conflicts amicably. Experienced CenaCom mediators can help you through this process. These negotiation experts are independent and neutral persons who can support you in a confidential and structured process of voluntary conflict resolution, while at the same time respecting your responsibility for the outcome. At the request of the parties, the mediator can make a conciliation suggestion. The result of the negotiations is binding for the parties and can be enforced without court proceedings.

Applicants so far

- Employees
- Authors
- Married persons
- Shareholders of German private limited companies (GmbH)
- Crafts and trade companies
- IT developers and companies
- Capital investors
- Local communities
- Culture and media managers
- Trademark holders
- Media
- Musicians and artists
- Neighbours
- Patent holders
- Sports professionals
- Lawyers
- Self-employed persons
- Software specialists
- Tax consultants
- Foundations
- Environmentalists
- Business companies
- Copyright holders
- Clubs and associations
- Publishers
- Copyright enforcement agencies



Engagement

Capital that counts

The 23 CenaCom mediators work effectively and professionally and act in confidentiality and with the costs in mind. They have years of experience gained in over 2,000 conciliation proceedings. Oliver Boltze has developed and supported conflict management systems in business companies since 2004. Peter Loock has trained business mediators since 2006. Prof Dr Darius O. Schindler is a lecturer and researcher in negotiation management.

Throughout Germany

Acting in your interest

Conciliation proceedings can be initiated by fax even on the last day of the period of limitations. **The application process is simplified**, it is sufficient to submit an informal designation of the claim and a brief justification, proof does **not** need to be offered.

This **postpones the expiry of the claim by limitation** (Section 204 (1) No. 4. of the German Civil Code (Bürgerliches Gesetzbuch – BGB)), even if the opposing party does not approve

of the conciliation proceedings, subject to the condition that German law is applicable.

CenaCom is responsible throughout Germany. This also applies if the place of jurisdiction for the parties as designated by law or by agreement is situated in federal states in which no comparable conciliation services are based (‘**local all-embracing competence**’ Federal Supreme Court, Civil Senate (BGHZ) 123, 337, 341).

Decidedly easy

The steps in the conciliation process

1

Application received by CenaCom by fax or post.

2

A copy of the application and the CenaCom procedural rules are delivered to the other party with confirmation of receipt.

3

The other party is called on to reply within a specified period stating whether he/she is in agreement with the conciliation proceedings.



4

If the other party rejects the proceedings or does not reply, CenaCom declares that the conciliation proceedings have failed. All parties then receive a written certificate of failed conciliation. The postponement of the expiry by limitation then ends 6 months after this moment in time (Section 204 (2) of the German Civil Code (Bürgerliches Gesetzbuch - BGB)).

5

If the other party approves of the proceedings, an initial conciliation hearing is arranged. If the conciliation negotiations lead to an agreement, a final agreement is then fixed in writing.

6

The final agreement can then be declared to be enforceable by the Local Court (Amtsgericht).



In your favour

The advantages at a glance

- Simplified application
- No extensive presentation of the facts
- Presentation of evidence not necessary
- Postponement of expiry by limitation begins when the conciliation application is submitted
- Approval by the other party is not necessary
- Postponement of the expiry by limitation ends 6 months after the end of the proceedings

CenaCom

State-approved conciliation service

CenaCom GmbH was recognised as a conciliation service as defined in Section 794 (1) No. 1 of the German Civil Procedure Code (Zivilprozessordnung - ZPO) by the President of the District Court (Landgericht) of Karlsruhe under Section 22 of the Act on the Implementation of the German Code on Court Constitution and the Procedure Laws for the System of Ordinary Courts (Gesetz zur Ausführung des Gerichtsverfassungsgesetzes und von Verfahrensgesetzen der ordentlichen Gerichtsbarkeit – AGGVG). This means that CenaCom meets the statutory requirements under Section 204 (1) No. 4 of the German Civil Code (Bürgerliches Gesetzbuch -BGB).

Management

Business mediator (university qualification) · **Oliver Boltze**

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