

E I M I – Association of Conflict Mediators  
CODE OF ETHICS, PROFESSIONAL CONDUCT AND BEHAVIOR  
CEDeC

The drafting of this CODE OF ETHICS, PROFESSIONAL CONDUCT AND BEHAVIOR (CEDeC) is the responsibility of the Board of Directors appointed at the time of the Association's establishment and approved by the Assembly of Founding Members on 11.04.2024. The Board of Directors approved on 21.10.2024 the reformulation of Article 2.9 and Article 3.1 paragraph 2 without modifying their content, as well as the integration of Article 7 with the specification of sanctions graduated in relation to the seriousness of the violations committed by the Member, as detailed in Article 18 of the Disciplinary Board Regulations.

Art. 1 – DEFINITION, PURPOSE AND SCOPE OF APPLICATION

1.1 – Through this Code of Ethics, Professional Conduct and Behavior (hereinafter CEDeC), EIMI outlines the ethical and professional principles and the rules of conduct to which all professional Members who are Mediators/Conciliators/Experts in ADR methods and Trainers in the same fields (hereinafter Mediator Members) must adhere in the exercise of their profession, in order to ensure the highest quality of service and to protect the User as provided for in Article 27-bis of Legislative Decree no. 206 of 6 September 2005.

1.2 – The CEDeC contains the criteria and indications for self-regulation and identification that all Mediator Members are obliged to comply with in order to qualify their membership in EIMI, within the scope of their professional practice as mediators/conciliators/ADR professionals and Trainers in the same fields, with the aim of preserving and enhancing its reputation, competence, and professionalism. Conduct contrary to the ethical rules constitutes a disciplinary offense.

1.3 – EIMI presents this CEDeC to every Mediator Member and records their acknowledgement and full acceptance thereof.

1.4 – Knowledge and compliance with the CEDeC are mandatory in the exercise of the profession in all its forms; ignorance of the rules contained therein does not exempt one from disciplinary responsibility.

1.5 – Mediator Members contribute to the correct application of the CEDeC both by faithfully observing it and by reporting any non-compliance to the Disciplinary Board.

1.6 – Adherence to this code does not prejudice the application of National Legislation or the rules governing individual Professions within the field of mediation/conciliation/ADR methods (hereinafter Mediation).

ART. 2 – ETHICAL PRINCIPLES OF THE MEDIATOR'S PROFESSION

2.1 – Mediator Members are prohibited from:

- a) Participating in Mediations involving individuals with whom there is or has been a prior personal or professional relationship, as specified in point 2.3 below;
- b) Providing services to the parties that fall outside the specific scope of the Mediation model applicable to the Mediator Member;

- c) Pressuring the parties into agreeing to a settlement that does not arise from their free and informed consent;
- d) Accepting assignments or performing services that are reserved by law exclusively for individuals registered in professional orders, colleges, rolls, lists, or registers.

## 2.2 – Voluntariness

The work of Mediator Members, as guarantors of the freedom of the Mediation process, is aimed at enhancing individuals, their resources, and potential.

Mediation is a voluntary process for the parties involved, who may terminate it at any time, even when it concerns matters that are mandatory or court-ordered.

Even the content of any agreements reached by the parties—where the form of Mediation practiced provides for such outcomes—must be considered voluntary in nature.

## 2.3 – Independence

Mediator Members must refrain from participating in or accepting cases in which they are or have been involved in any way—due to family, emotional, or financial matters, having performed a role other than that of Mediator for one or more parties, or any other reason—where such circumstances could even potentially compromise their professional independence or give rise to conflicts of interest.

In particular, Mediator Members are prohibited from participating in Mediations that involve their own interests, those of their spouse or cohabitant, their relatives up to the second degree, or their in-laws, as well as persons with whom they have ongoing close personal relationships, or with whom they have ongoing litigation, strong animosity, significant creditor-debtor relationships, or over whom they serve as guardian, curator, proxy, or agent.

Mediator Members are also prohibited from offering or accepting gifts, requests, or favors from the parties, their lawyers, or other individuals directly or indirectly involved in the Mediation process.

## 2.4 – Impartiality and Neutrality

Every Mediator Member must ensure absolute impartiality and adopt the same attitude toward all parties participating in Mediation sessions.

## 2.5 – Absence of Judgment

Mediator Members must always operate without judgment regarding the content presented by the parties, refraining from expressing opinions or assessments about positions, behaviors, interests, emotions, or the causes of the conflict.

Trainer and Supervisor Members must also base their work on the absence of judgment regarding the content shared by trainees and Mediators under supervision, and must strive to constructively support their personal growth and professional development.

## 2.6 – Confidentiality and Professional Secrecy

The CEDeC requires Mediator Members to observe total confidentiality regarding the content that emerges during meetings, starting from preliminary contacts, both with referring entities and with the conflicting parties. They must also adopt all reasonable measures to protect confidentiality, with particular reference to Regulation (EU) 2016/679 of April 27, 2016, as well as to Legislative Decree No. 196 of June 30, 2003, without prejudice to the provisions of the law concerning professional secrecy.

Similarly, interns, trainees, and students in training—and, in general, all those who, with the consent of the parties, attend preliminary talks and Mediation sessions—are also bound to respect confidentiality and professional secrecy.

Trainers, Supervisors, trainees, and Mediators under supervision are obliged to maintain confidentiality and professional secrecy regarding the content shared by colleagues during training and supervision activities.

## 2.7 – Continuing Education

Every Member, whether a Mediator, Trainer, or Supervisor, is required to fulfill the mandatory continuing education needed to maintain their professional preparation, with the goal of preserving and increasing knowledge, skills, and competencies in the interest of themselves, the users, and EIMI. This must be done in accordance with the current Guidelines on Continuing Professional Education applicable to the practiced Mediation model.

Upon submitting the application for admission to EIMI, or for its annual renewal, the Mediator Member must provide certificates of continuing education courses completed for each of the disciplines practiced.

If they fail to demonstrate that they have fulfilled the training obligations provided by sector-specific regulations and EIMI's internal rules, they will not be admitted as Members but may apply as Supporters.

## 2.8 – Professional Supervision

In the event of difficulties in performing professional duties, an EIMI Member has the option to request supervision from a Supervisor or Trainer in the type of Mediation applicable to the case in question, in order to ensure the highest quality of professional service to the user.

If professional supervision is part of Continuing Education, the Mediator Member must refer to the Regulation on Continuing Education in force for the respective Mediation model and the applicable sector Rules and Regulations.

## 2.9 – Specific Ethics of Humanistic Mediation, Family Mediation, Civil and Commercial Mediation, and of Each Discipline within the Mediation, Conciliation, and ADR Field

The Humanistic Mediator and the Trainer of Humanistic Mediators are additionally required to cultivate humility as a ritual posture, rooted in the Socratic wisdom of “I know that I do not know,” which constitutes a way of being and acting in a communal manner, as outlined in Article 2 of the Implementing Regulation for Humanistic Mediation.

This humility also manifests in the setting, where the Humanistic Mediator operates only within a team that includes the simultaneous presence of at least three Mediators.

Likewise, the Trainer of Humanistic Mediators is accompanied by at least one Mediator who has completed basic training and aspires to become a Trainer.

The provisions of the Decree of the Minister of Enterprises and Made in Italy, in agreement with the Minister of Justice and the Minister of Economy and Finance, dated October 27, 2023, No. 151, apply to the Family Mediator, as well as to Trainers and Supervisors in the Family Mediation field.

The provisions of the Decree of the Ministry of Justice dated October 24, 2023, No. 150, apply to the Civil and Commercial Mediator, as well as to Trainers in the field of Civil and Commercial Mediation.

Mediator Members are in any case required to comply with the specific ethical and professional conduct standards provided by the regulations of the discipline they practice.

### 2.10 – Insurance Policy

All Mediator and Trainer Members are required to obtain Civil Liability (C.L.) insurance coverage and to notify EIMI accordingly, as specified in Article 4 of the Internal Regulations. Failure to do so will result in exclusion from EIMI.

Failure to renew such insurance will result in removal from the Association.

### 2.11 – Tax and Social Security Obligations

Mediator Members are required to strictly comply with State legislation, particularly concerning the professional and fiscal system in force at their place of fiscal residence.

### 2.12 – Fees for Professional Services

Except for Mediator Members who practice their profession at Civil and Commercial Mediation Organizations and Training Entities under Legislative Decree 28/2010, or at Structures/Associations/Public or Private Entities that establish their own fee schedules or are subject to fee schedules imposed by internal regulations or sector laws, Mediator Members who independently and directly provide professional services in the fields of mediation, conciliation, ADR methods, and training in these areas must ensure transparency in the cost of services provided.

They must comply with applicable regulatory or professional category guidelines, where present, and must provide users with all relevant information in writing.

## Art. 3 – FORMS OF GUARANTEE FOR USER PROTECTION

3.1 – EIMI, as established in the Articles of Association and in Article 2, paragraph 1, letters g) and i) of the Statute, promotes all necessary forms of guarantee for user protection, including:

Monitoring the professional conduct of its Members by establishing disciplinary sanctions applicable for violations of the Code of Ethics, Professional Conduct and Behavior, in compliance with the provisions of the Consumer Code, as well as sector-specific regulations in the field of mediation, conciliation, and ADR methods, with particular reference to Decree No. 150/2023 and Decree No. 151/2023;

Verifying the integrity, impartiality, independence, and professional eligibility of all Members and Associates for the purpose of exercising the profession in accordance with the criteria required by EIMI for membership in the Association. Verifying the same requirements for inclusion of Mediators and Trainers in the lists, registers, and rolls required by sector regulations on mediation, conciliation, and ADR methods—with particular reference to Decree No. 150/2023 and Decree No. 151/2023—not in substitution of the provisions of sector regulations, but rather by adopting such criteria for the purpose of admission to the Association;

Establishing a Help Desk for the consumer citizen, to which clients of professional services may turn in the event of complaints against professionals, pursuant to Article 27-ter of the Consumer Code, Legislative Decree No. 206 of 6 September 2005, and to obtain general information regarding professional activities, as also provided by Decree No. 151/2023 and the UNI Technical Standard 11644, where applicable;

Issuing a Quality Certification, as a guarantee of transparency in the professional services market, to its Mediator Members, attesting their membership in the Association and compliance with the

requirements necessary to participate in EIMI, as specified in the Statute, the Internal Regulations, and all specific sector regulations;

The obligation for Mediator Members of EIMI, in accordance with sector-specific regulations and EIMI's internal rules, to communicate to users/consumers all information regarding:

a) the specific nature of their intervention, describing their operational model and methodology, distinguishing it from that of other social, health, or legal professionals registered in professional orders or colleges;

b) the obligation for Mediator Members to include in all communications with clients an explicit reference to the applicable legislation, i.e. Law 4/2013, together with EIMI's identifying details (name, registered office, website);

c) costs, fees, and methods of payment, specifying that under no circumstances may the cost be tied to the outcome achieved;

d) the Mediator's civil liability insurance policy, specifying its number and details, as required by the Internal Regulations;

e) privacy protection, by having users read and countersign a document drafted in compliance with Regulation (EU) 2016/679 of the European Parliament and Council of 27 April 2016 (General Data Protection Regulation – GDPR 2016/679) and Legislative Decree No. 196 of 30 June 2013 (Privacy Law);

f) confidentiality protection, as described in Article 2.6 of this CEDeC;

g) oversight by the competent Social Bodies of compliance with the rules set out in the Statute, Regulations, Code of Ethics, Professional Conduct and Behavior, and the criteria for the proper execution of professional activities;

h) the possibility to view the CEDeC on the website, in order to verify the conduct of the Mediator Member affiliated with EIMI.

#### Art. 4 – OTHER DUTIES OF PROFESSIONAL MEMBERS

4.1 – Mediator Members affiliated with EIMI, in relation to their specific ADR method, have the duty to:

Inform in advance the interested citizen about the objectives, characteristics, and various phases of the proposed Mediation process, as well as the specificity of the requested intervention;

Inform requesting users/consumers of the cost of the requested services from the first meeting, including the methods and deadlines for payment, which can in no case be influenced by the outcome of the Mediation session, except in cases where specific regulations are in force for certain forms of Mediation;

Obtain informed consent from the parties involved and requesting Mediation, with respect to privacy as defined by the GDPR, before initiating mediation services, including reference to any sensitive data, if relevant to the professional service;

Communicate the absence of obligation to participate in a predetermined number of sessions: both the parties and the Mediators may interrupt the mediation talks or meetings at any time if they consider continuation impossible or inappropriate. In the event of interruption or suspension of a mediation session or mediation process, the Mediator Members must provide justification for their decision to the parties, whereas the parties themselves may interrupt without the obligation to explain their reasons;

Inform the citizen-user of any outcomes of the Mediation, if a communication to third parties (lawyers, judges, relatives, etc.) is foreseen, including the methods and type of content that may be transmitted;

Not offer or accept gifts, requests, or favors from the parties, their lawyers, or any other individuals directly or indirectly involved in the mediation process;

Provide the parties with all useful information, in defense of their rights as consumers, regarding the establishment of the Consumer Desk and methods of access, in accordance with Article 2, paragraph 4 of Law 4/2013.

#### Art. 5 – PUBLIC STATEMENTS

Mediator Members, when making public statements, must remain consistent with the content of this CEDeC and with the Statute of EIMI.

#### Art. 6 – ADVERTISING

Mediator Members, in their self-promotion activities, must act truthfully and fairly so as not to cause harm to potential users/clients or to the integrity of the profession or to EIMI.

Moreover, they must refrain from any form of misleading or comparative advertising that could compromise the accuracy of information provided to citizens, in compliance with Legislative Decree No. 206 of 2005, Decree No. 151/2023, and regulations related to specific ADR methods.

In advertising materials, Mediator Members must not claim professional titles, diplomas, or competencies that they do not actually possess, in accordance with Decree No. 151/2023 and the applicable regulations for specific ADR methods.

#### Art. 7 – NON-COMPLIANCE AND VIOLATION OF THE CEDeC

Failure to comply with the obligations contained in this CEDeC, and any conduct—including by omission—not consistent with the dignity or proper exercise of the Mediator's profession, results in a report and the initiation of disciplinary proceedings, in accordance with the procedures defined in the specific Regulation of the Disciplinary Board. This Body is responsible for examining every reported and/or alleged violation or omission involving a Mediator Member.

At the conclusion of the inquiry—conducted according to the procedures established in the Disciplinary Board's Regulation—the Disciplinary Board, based on the seriousness of any violations found of the Statute, the Internal Regulations, specific sector Regulations, or the CEDeC, shall issue, and notify the Member in writing, the most appropriate disciplinary measure among the following:

a) **WARNING** – Issued in cases of questionable behavior of minor significance, reminding the Member to exercise prudence, courtesy, and correctness.

b) **REPRIMAND** – Issued in cases of partial violation of the standards of professional conduct outlined in the Statute, EIMI Regulations, and the CEDeC, where the violation is not serious enough to damage the image and reputation of EIMI and/or hinder its social aims. A reprimand also follows three consecutive warnings within a two-year period.

c) **SUSPENSION** from EIMI – Applied in cases where a verified and evident professional incompetence of the mediator/conciliator/trainer/ADR professional is identified through reports or complaints, such that it undermines, contradicts, or compromises the social aims established by the Statute, EIMI Regulations, and the CEDeC.

Suspension entails the following consequences for its duration: exclusion from participation in association life, from attending and voting at ordinary and extraordinary Assemblies, prohibition on using the EIMI logo, and the temporary withdrawal of the membership card. Multiple reprimands may also lead to suspension.

The decision issued by the Disciplinary Board will indicate the duration of the suspension (ranging from 1 to 12 months depending on the severity of the violation) and the terms and conditions for enforcing the sanctions imposed.

Refusal to participate in the verification meeting and/or training program described in Article 19 of the Disciplinary Board Regulation will result in denial of membership renewal.

d) **EXPULSION** from EIMI – Issued for extremely serious conduct; violations of the law; repeated breaches of the Statute, EIMI Regulations, and the CEDeC; violations that damage the image and reputation of EIMI and/or hinder the achievement of its social aims; or the repetition of violations that have already resulted in suspension.

#### Art. 8 – FINAL PROVISIONS

Unfair commercial practices, as defined by Legislative Decree No. 206/2005, are prohibited.

The provisions of this CEDeC refer to the most recurring types of conduct and do not limit the broader scope of application of the general principles it expresses.

Ethical misconduct includes behaviors contrary to professional dignity and any violation of the Penal Code.