

# **INTERNAL REGULATION OF CIESP/FIESP CHAMBER OF CONCILIATION, MEDIATION AND ARBITRATION**

## **NAME AND LOCATION**

1. The SÃO PAULO CHAMBER OF CONCILIATION, MEDIATION AND ARBITRATION – CIESP/FIESP shall be designated “Ciesp/Fiesp Chamber of Conciliation, Mediation and Arbitration,” hereinafter referred to as “Chamber,” located at Avenida Paulista, 1313, in the City of São Paulo, State of São Paulo, Brazil.

## **OBJECTIVES**

2. The objective of the Chamber is to administer the conciliations, mediations and arbitrations that are submitted to it, providing assistance in the development of conciliations, mediations and arbitrations pursuant to the Chamber’s Rules, in addition to the following functions:
  - a) to draft standard arbitration clauses, without prejudice to any other clause voluntarily stipulated by the parties;
  - b) to exchange and congregate with conciliation, mediation and arbitration institutions or bodies in Brazil or abroad, as well as to enter into collaboration or mutual cooperation or partnership agreements through Ciesp and/or Fiesp;
  - c) to engage in any activity related to conciliation, mediation and arbitration in Brazil and abroad.

## ADMINISTRATION OF THE CHAMBER

3. The Chamber shall consist of a Presidency, a Superior Council and a Secretariat.
  - 3.1. The Presidency of the Chamber shall be exercised pursuant to the terms provided for in this Regulation.
  - 3.2 The Superior Council shall be composed of a President, a Vice-President and Councilors, who shall not be less than five, and always in an odd number.
  - 3.3 The Secretary General shall be responsible for the operational administration of the Chamber.
  
4. The President of the Chamber shall:
  - a) administer and represent the Chamber, delegating powers as needed;
  - b) comply and demand compliance with both this Internal Regulation and the Rules;
  - c) designate the members of the permanent list of conciliators, mediators and arbitrators;
  - d) perform other functions as necessary for the fulfillment of both this Regulation and the Rules;
  - e) appoint conciliators, mediators and arbitrators, except as otherwise agreed between the parties, according to the nature and characteristics of the dispute, without prejudice to the terms of item 4.1;
  - f) issue supplementary and procedural rules intended to clarify doubts on the adoption of this Regulation and the Rules as regards cases not covered hereby;
  - g) review the schedule of costs and fees of the Chamber;

- h) amend the Rules when necessary;
  - i) initiate, either *sua sponte* or upon request, and preside over administrative investigations with respect to the conduct of conciliators, mediators and arbitrators, by proposing to the Superior Council, if applicable, their removal from the Chamber, with due regard for their right of defense;
  - j) attend, as a permanent member, the meetings held by the Superior Council.
- 4.1. Where the President of the Chamber is absent and/or unable, the conciliators, mediators and arbitrators mentioned under item 'e' shall be jointly appointed by the President, the Vice-President of the Superior Council, and the Vice-President of the Chamber.
5. The Vice-President of the Chamber shall:
- a) assist the President in the performance of his functions, in all relevant matters;
  - b) substitute for the President in his absences and inability, without prejudice to the terms of item 4.1;
  - c) attend meetings held by the Superior Council.
6. The Superior Council of the Chamber shall be responsible for:
- a) coordinating, supervising and guiding the Chamber's mission through strategic policies designed to accomplish its purposes;
  - b) organizing, governing and issuing norms to ensure achievement of its goals;
  - c) promoting its activities and disseminating the culture of alternative dispute resolutions of controversies and disputes, thus contributing to social peace;

d) proposing that Ciesp and Fiesp enter into partnership agreements so as to expand their activities, and to engage in exchanges with cultural, scientific and technological institutions, professional and academic associations, government-owned and private companies, as a means to enhance the development of alternative dispute resolution methods;

e) proposing strategies and planning to the Chamber;

f) deciding on any incidents and resolving any inquiries made by the President of the Chamber in the course of conciliation, mediation and arbitration proceedings;

g) clarifying doubts and providing assistance to the Presidency of the Council in administrative decisions;

h) ratifying the designation of conciliators, mediators and arbitrators for the permanent list of the Chamber, pursuant to item 4.c herein;

i) imposing administrative actions for removal of conciliators, mediators and arbitrators from the respective list, subject to item 4.i.

7. The President of the Superior Council shall:

a) represent the Superior Council and perform functions inherent in the Presidency;

b) schedule and preside over meetings, by issuing the relevant call notices;

c) delegate functions to the members of the Chamber's Superior Council.

8. The Vice-President of the Superior Council shall:
  - a) assist the President in the performance of his functions, in all matters relevant to the Chamber's objectives;
  - b) substitute for the President in his absence and inability.
  
9. The Councilors shall:
  - a) submit proposals for improving the functioning of the Chamber and of the Superior Council;
  - b) attend meetings, debates and participate in the resolutions made by the Council.
  
10. The Secretary General shall:
  - a) ensure the proper execution of the Chamber's services, which includes providing information to the parties and their counsel, as needed;
  - b) receive and issue notices and communications as stipulated under the Rules;
  - c) keep custody of the Chamber documents and update records, by preserving confidentiality thereof;
  - d) arrange for the payment of costs and fees, by providing the parties with the relevant documentation.
  
- 10.1. The Secretary General shall be remunerated and appointed by the Center of Industries of the State of São Paulo – Ciesp, from among specialized professionals.

11. The President and Vice-President of the Chamber, the President and Vice-President of the Superior Council and the other Councilors shall be appointed by the President of the Center of Industries of the State of São Paulo – Ciesp and by the President of the Federation of Industries of the State of São Paulo – Fiesp among reputable persons regarded as renowned legal or technical specialists.
- 11.1 The President of the Chamber, the Vice-President of the Chamber, and the members of the Superior Council shall not be remunerated on any account whatsoever for the performance of their functions, which are deemed to be honorary positions.

## **CONCILIATORS, MEDIATORS AND ARBITRATORS**

12. Conciliators, mediators and arbitrators shall be honest and honored persons, renowned as legal or technical specialists, who shall be included in the relevant permanent list following appointment made by the President of the Chamber and ratified by the Superior Council;
- 12.1 In the performance of their functions, conciliators, mediators and arbitrators shall be impartial, discrete, competent, diligent, and shall strictly conform to the norms of the Code of Ethics.
13. Within the ambit of the Chamber, the President, the Vice-President, the members of the Superior Council, the Secretary-General and the Secretariat employees shall not participate in conciliation, mediation and arbitration proceedings if they have any interest in the dispute.

14. Except as otherwise agreed between the parties, conciliators, mediators and arbitrators who have acted in conciliation and mediation proceedings preceding the subsequent arbitration proceedings shall not participate therein as arbitrators.
  
15. Each and every change to be made in the Chamber structure or Internal Regulation shall necessarily be approved by the President of Ciesp and Fiesp.

**São Paulo, October 6, 2011**

Center of Industries of the State of São Paulo (Ciesp)  
Federation of Industries of the State of São Paulo (Fiesp)

Paulo Antonio Skaf  
President