

RESOLUTION N. 5/2019

SEGREGATION OF COSTS

The President of the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP (“Chamber”), in the use of his attributions and powers conferred on section 4 (f) of the Chamber’s Internal Regulation;

Considering that, in the Superior Council meeting held on August 5th 2019, the present Councilors deliberated that items 2.3, 3.1, and 6.7 of Annex I of the Arbitration Rules (Schedule of Costs and Arbitrators’ Fees) should be complemented to enable the segregation of costs in the Chamber’s proceedings;

Considering the maintained opinions and suggestions presented in the aforementioned meeting;

Resolve to issue this Resolution that regulates the segregation of costs in the Chamber’s arbitral proceedings:

1. Whenever a counterclaim is made and there is a manifest disproportion between the value of the Parties’ claims, either Party may request the segregation of costs, to the Chamber’s President, for a reassessment of the advanced costs of the proceeding.
2. Without prejudice to the Tribunal’s prerogative to fix costs, procedural expenses, attorney fees, as well as the respective apportionment, pursuant to item 15.6 of the Arbitration Rules, the Chamber’s President may determine the segregation of the amount in dispute for purposes of advanced costs of the proceeding.
3. Whenever the President determines the segregation of the amount in dispute, the costs and fees will be calculated separately as in two different proceedings and each party shall provide the advance payment in full, pursuant to Annex I of the Arbitration Rules (Schedule of Costs and Arbitrators’ Fees).
4. The failure to pay the advance payment by one of the Parties shall not impair the continuation of the proceeding regarding the claims of the compliant Parties.
 - 4.1 In case of failure to pay, the amount in dispute shall be readjusted to only contemplate the claims of the compliant party.
 - 4.2 To the claims of the defaulting party, shall apply the provisions of item 6.4 of Annex I of the Arbitration Rules (Schedule of Costs and Arbitrators’ Fees). In such case, there will not be any refund of the values paid in advance or payments made regarding the defaulting party’s claims.
5. This Resolution is not applicable to the proceedings which the amount in dispute does not exceed the amount provided on item 3.1.1 of Annex I of the Rules and do not alter the manner of collection of the costs foreseen on item 5.1 of Annex I of the Rules.



THE CHAMBER OF
CONCILIATION,
MEDIATION AND
ARBITRATION

CIESP FIESP

This Resolution becomes immediately effective, except for the singularities agreed between the parties in the given case.

Sydney Sanches

President of the Chamber Ciesp/Fiesp