

Administrative Resolution No. 11/20

Related to: Arbitration, Mediation

Re: Use of the administrative fee for mediation procedures in subsequent arbitration proceedings between the same parties

The President of CAMARB – Chamber of Business Mediation and Arbitration – Brazil, in the exercise of his powers provided for in the Bylaws and **CONSIDERING** the provisions of the CAMARB Business Mediation Rules, in force since May 07, 2018; **WHEREAS**, in order to initiate institutional mediation administered by CAMARB, the requesting party must make a non-refundable deposit of 50% (fifty percent) of the administrative fee, and the respondent must make a non-refundable deposit of the remaining 50% (fifty percent) of the administrative fee when expressing their opinion on the mediation request.

Resolves that:

1. The amounts paid by the parties as an administrative fee in mediation procedures will be deducted from the amount of the administrative fee in any subsequent arbitration procedure, in compliance with the following:
 - a. when only the party requesting mediation pays the administrative fee for the procedure, this amount will be discounted from the amount owed by it as an administrative fee for the arbitration procedure instituted;
 - b. when both parties to the mediation pay the administrative fee for the procedure, this amount will be deducted from the total amount due by the parties as an administrative fee for the arbitration procedure initiated.
2. The use of the administrative fee is linked to the initiation of arbitration proceedings whose object is related to the same contract and there is identity of parties.
3. If the parties jointly decide to suspend or terminate the arbitration proceedings in order to initiate a mediation proceeding, they will be exempt from paying the mediation administrative fee, which in this case will be replaced by the arbitration administrative fee that has already been paid. This exemption applies only to the party that is in good standing with the arbitration administrative fee.
4. If the amount paid by the parties as an administrative fee for the mediation procedure exceeds the amount of the administrative fee due in the arbitration procedure, this amount will not be reimbursed to the parties, so that the discount will be applied up to the limit of the amount of the administrative fee for the arbitration procedure.
5. The provisions of this Resolution do not apply to fees of arbitrators, mediators or advance payments of expenses.
6. The provisions of this Resolution apply to procedures requested from this date onwards.
7. Item 1.2.2 is hereby revoked.^[1] of the Schedule of Costs of mediation in force on this date.

Belo Horizonte, May 13, 2020

Augusto Tolentino
President of CAMARB

[1] 1.2.2 If the respondent does not respond to the request or refuses to participate in the mediation and the claimant or group of claimants initiates the arbitration proceedings before CAMARB, the amount deposited as the mediation administrative fee will be considered to be the arbitration registration fee.