



MED ARB RB
Mediation and Arbitration for
Recovery and Business

INTERNAL REGULATION

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INTERNAL REGULATION OF MED ARB RB

CHAPTER I – NAME, HEADQUARTERS, AND PURPOSE

Article 1 – MED ARB RB shall act under this name, is governed by this internal regulation as described below, and has as headquarters the city of São Paulo, Capital of the State of São Paulo, Avenida Angélica, número 1761, Cj. 33/34, 3º andar, Consolação, Zip Code 01227-200, with corporate name CÂMARA DE ARBITRAGEM MEDARBRB EMPRESARIAL LTDA, enrolled with the National Register of Legal Entities (CNPJ) under no. 44.089.905/0001-55, and may maintain affiliates, perform, or manage online or in-person procedures, at any location in Brazil or abroad.

Article 2 – MED ARB RB has as purpose to manage procedures of arbitration, expedited arbitration, ultra expedited arbitration, mediation, conciliation, negotiation, dispute boards, MED-ARB, ARB-MED-ARB procedures, and others submitted to it, and may also act as the appointing authority for “ad hoc” procedure, always complying with the legislation in force, online or in-person, regardless of the citizenship, residency, or origin, performing the acts and services set forth in this Regulation.

Article 2.1. – MED ARB RB cannot decide on the merit of the disputes submitted to it; MED ARB RB shall only manage and ensure the appropriate development of the procedure chosen by the parties or with the indication or appointment of experts, under its regulations, who shall act in the procedures.

Article 3 – MED ARB RB may join associations or agencies that assemble institutions of mediation, arbitration, reorganization, of corporate segments or associate with other similar entities, in Brazil and abroad, and may maintain agreements, partnerships, and interactions with such entities.

Article 4 – MED ARB RB may perform any other activity related with the legal processes of mediation, arbitration, reorganization, in addition to other appropriate means of disputes settlement, national and international, conduct courses, internships for qualification and/or specialization of mediators, conciliators, arbitrators and events for the promotion of the culture of dialog, access to a fair legal order, good practices for the uplift of companies and for the solution of corporate disputes, by means of lectures, training, courses, congresses, seminars, webinars, general events for disclosure and networking, coordination and release of books, e-books, study and research centers for the awareness of all regarding the benefits arising from the appropriate means of dispute settlement in the corporate scope.

CHAPTER II – MANAGEMENT

Article 5 – The following are divisions of MED ARB RB:

- I. BOARD OF DIRECTORS;
- II. ADVISORY BOARD;
- III. EXPERTS STAFF;

SECTION I – BOARD OF DIRECTORS

Article 6 – The Board of Directors of MED ARB RB is comprised by one (1) Chairman, two (2) Deputy Chairmans, and one (1) General Secretary, who shall manage and govern the entity according with the attributions established in this Regulation.

Article 6.1. The Chairman and the Deputy Chairmans of MED ARB RB shall be elected by the members of MED ARB RB for a term of office of two (2) years, with reelection being allowed. The voting shall be made in General Meeting or upon statement of the members, with the managing member having the casting vote.

Article 6.1.2. The Chairman and Deputy Chairmans shall not be compensated.

Article 6.2. The General Secretary of MED ARB RB shall be contracted by the regimen of Consolidations of Labor Laws (CLT), and may be replaced by the Chairman, at his/her exclusive discretion.

Article 6.3. The MED ARB RB Chairman, Vice Chairmans and General Secretary, these members of the board of directors, shall not act as Expert arbitrators in procedures managed at MED ARB RB, but may be appointed by interested parties to act as expert mediators and in other methods of dispute settlement, and in such case, shall be removed from the administrative roles in the procedures in which they were appointed.

Article 7. The MED ARB RB Chairman shall:

- a. Represent MED ARB RB;
- b. Convene, chair, participate of meetings and vote in the meetings of the ADVISORY BOARD;
- c. Issue administrative resolutions;
- d. Issue complementary standards with the purpose of settling doubts, govern the application of MED ARB RB regulations, including regarding omitted cases;
- e. Approve regulations and standards related to other alternate means of dispute settlement;
- f. Apply and enforce the standards of this Regulation and other MED ARB RB Regulations;
- g. Act as the appointing authority in “ad hoc” procedures, upon request of the interested parties, thus being liable for the appointment of experts to act in arbitration procedures and ad hoc mediation, in addition to dispute boards, and may appoint arbitrators, urgent arbitrators, mediators, members for dispute board, upon the request of the interested parties;
- h. Appoint arbitrators, urgent arbitrators, mediator, member of dispute boards, as well as other experts in other methods of disputes settlement, in the cases set forth in MED ARB RB Regulations;
- i. Resolve on the extension of terms that are not the jurisdiction of the Arbitration Court, as well as those terms related to the appointment of arbitrators, mediators, and members of dispute boards;
- j. Appoint arbitrators, mediators, and other members that shall comprise the LIST OF EXPERTS of MED ARB RB, according with its regulations;
- k. Perform the other attributions granted by this Regulation and other Regulations of MED ARB RB;
- l. Resolve on the extension of terms that are not the jurisdiction of the Arbitration Court, as well as those terms related to the appointment of arbitrators and mediators;

- m. Resolve on contestations, mediators or arbitrators fees, request for expenses installment plan, contestations to appointments of arbitrators or mediators, when the appointment of board is not applicable to decide on the expert contestation, if the procedure shall be conducted online or in-person, the type of procedure, as well as resolve on any other issues related to the appropriate application of the Regulations, application of the Provisions on Experts Fees, Costs, and Expenses, applicable ethics issues, among others, or omissions related to it;
- n. Apply and enforce the standards of MED ARB RB Regulations;
- o. Resolve on the winding-up of MED ARB RB; in such case, the archives of procedures shall be allocated to an institution with similar purpose, which shall proceed with its actions;
- p. Resolve on the Provisions on Experts Fees, Costs, and Expenses of MED ARB RB;
- q. Establish Committees to perform studies, researches, development of appropriate methods of dispute settlement, congresses and general events, specific recommendations, when required, in order to improve and develop the activities performed by MED ARB RB;
- r. Execute covenants and partnerships under this Regulation;
- s. Consult, if appropriate, the Advisory Board in cases expressly set forth in this regulation; the Advisory Board may be convened whenever deemed as required;
- t. Perform any other attribution granted by the other clauses of this Internal Regulation and by MED ARB RB Regulations.

Article 8 – The Vice-Chairman shall:

- a. Replace the Chairman in case of his/her absence or hindrance, according with the Chairman appointment, or in case the Chairman cannot make such appointment, according with the appointment of MED ARB RB members;
- b. Assist the Chairman in the performance of his/her attributions; and
- c. Perform the roles attributed to them by the Chairman.

Article 9 – The General Secretary shall:

- a. Keep, under his/her responsibility, the records and documents of MED ARB RB;
- b. Be liable for the surveillance and coordination of the administrative activities of MED ARB RB; and
- c. Ensure the satisfactory progress of the procedures managed by MED ARB RB, specifically in relation to the compliance with the terms, as well as to perform the attributions granted to them by the Chairman;
- d. Be in charge for the organization of events associated with the disclosure of appropriate methods of disputes settlement and the entity activities, as well as other administrative tasks, such as Quality Management System.

SECTION II – ADVISORY BOARD

Article 10 – The ADVISORY BOARD is comprised by MED ARB RB chairman and by at least five (5) representatives of the expert staff, chosen by MED ARB RB Chairman among the experts of the LIST OF EXPERTS to represent the several methods of dispute settlement, whether arbitration, mediation, dispute board, among others, with term of office of two (2) years, with reelection being allowed.

Article 10.1 - In case of draw in the resolutions of the ADVISORY BOARD, MED ARB RB Chairman shall issue the casting vote.

Article 10.2 - The members of the ADVISORY BOARD shall elect one (1) of their members to be the Chairman and one (1) Vice Chairman, which shall replace him/her in case of hindrance.

Article 10.3 – The chairman of the ADVISORY BOARD of MED ARB RB may be replaced at any time, upon request of MED ARB RB Chairman, with a new representative being elected according with the terms of article 10.2.

Article 11 – The MED ARB RB CHAIRMAN may consult the ADVISORY BOARD in the cases expressly mentioned in this regulation and may convene such board whenever required.

Article 12 - The ADVISORY BOARD shall:

- a. Assist the MED ARB RB Chairman in his/her attributions whenever required by him/her, as well as to suggest measures to enhance the reputation of the institution and the excellent quality of services;
- b. Assist the MED ARB RB Chairman in the creation of criteria for the admission of new experts and in the process of screening members of the LIST OF EXPERTS, complying with the criteria already defined in MED ARB RB Regulations.
- c. Assist the MED ARB RB Chairman in the preparation and update of the Provisions on Experts Fees, Costs, and Expenses.

Article 13 - The ADVISORY BOARD shall meet whenever convened by its Chairman or by the majority of its members, online or in-person, with minimum advance of 2 days, and shall be established with the presence of the majority of its members, in the first convening and with the presence of 30 per cent of its members in the second convening.

Article 14 – Each advisor shall be entitled to one (1) vote in the resolutions of the Advisory Board, and the decisions are taken by the simple majority of votes of the advisors present; in case of draw, the MED ARB RB Chairman shall have the casting vote.

CHAPTER III – STAFF OF EXPERTS

Article 15 - The STAFF OF EXPERTS, also entitled list of experts, comprised by Mediators, Conciliators, Negotiators, Arbitrators, experts in dispute board, among others, is formed by professionals resident in the country or abroad and of undoubted reputation, with corporate expertise, meeting the regulatory requirements of MED ARB RB, appointed by MED ARB RB Chairman, after consulting the ADVISORY BOARD, for a period of two (2) years, with reelection being allowed.

Article 15.1 – The screening process of members of the staff of experts shall comply with the criteria defined in the regulation and own resolution of the ADVISORY BOARD.

Article 15.2 – The Secretariat of MED ARB RB, observing the principles of Independence, impartiality, and availability of the EXPERTS, with the purpose of granting greater transparency to the procedures, shall publish on its website information related to the participation of the EXPERTS in procedures, including the following information:

- I. Full name of the EXPERT;
- II. Citizenship;
- III. Month and year of execution of the Term and type of procedure;
- IV. Position taken in the procedure (in case of arbitration, Chief/Co-arbitrator/Arbitrator, single arbitrator; in case of Mediation, Mediator/co-mediator);
- V. Responsible for his/her appointment (Parties/Co-arbitrator/MED ARB RB), and
- VI. Procedure status (Ongoing/Suspended/Closed).

Article 15.2.1. Observing the duty of secrecy, information related to the procedure shall not be disclosed, including, but not limited to, the procedure number, names of the parties and their lawyers.

Article 15.2.2 – In cases of replacement of the EXPERT due to resignation, death, disability, or suspension due to contestation or supervening fact attributed to the EXPERT, MED ARB RB shall update the information on its website.

Article 15.3 - Upon the acceptance to act in procedures of MED ARB RB and be part of the list of experts, the EXPERT agrees, under this regulation, with the disclosure of the information indicated in article 15.2. on MED ARB RB website, as well as the release and disclosure of his/her personal information on the website, such as full name, address, phone, contact email, picture, and full curriculum, his/her fields in the corporate scope, including with the release in the international scope for his/her indication by potential interested parties.

Article 15.4 Upon the acceptance to act in procedures of MED ARB RB and be part of the list of experts, the EXPERT agrees and authorizes the use of his/her images recorded in events, videos, lectures, or congresses for the release of the several appropriate methods of dispute settlement, with disclosure of the services of MED ARB RB, including within the national and international scope, for undetermined period.

Article 16 - MED ARB RB Chairman, after consulting the ADVISORY BOARD, may replace any member of the LIST OF EXPERTS at any time.

Article 16.1 – MED ARB RB Chairman shall remove from the LIST OF EXPERTS the individuals who:

- a. Have a penal or civil conviction with transit in rem judicatum;
- b. Act with negligence in the provision of the services attributed to them;
- c. Adopt unethical conduct in the performance of his/her roles;
- d. Directly charge the parties;
- e. Violate the secrecy on any procedure managed by MED ARB RB.

Article 17 - The parties involved in procedures of MED ARB RB may appoint professionals of its trusts, members or not of the LIST OF EXPERTS, upon the mutual agreement with the appointment, and with the control on the appointment being authorized by MED ARB RB Chairman, according with its Regulations.

CHAPTER IV – FINAL PROVISIONS

Article 18 – As a rule, the procedures of MED ARB RB are confidential, except for the cases set forth by law, such as in cases with the participation of the public administration with its disclosure duties or by express consent by the participants.

Article 18.1 – MED ARB RB, within the national and international scope, may disclose statistics of cases managed on its website and specialized journals, indicating the areas, dispute subjects, values involved, duration of procedures, diversity of gender in the appointment of experts in procedures or repositories of contents of arbitration decisions, however, regarding this subject, without the identification of the parties, arbitrator, procedure number, also omitting excerpts that may indirectly identify the involved parties.

Article 19 - In case of procedures involving members of the BOARD OF DIRECTORS or the ADVISORY BOARD, whether as a party, legal representative, arbitrator, mediator, or conciliator, such members shall be provisionally replaced in his/her functions in the BOARD OF DIRECTORS or ADVISORY BOARD, so they cannot assess or vote in cases in which they are hindered, being replaced according with this regulation.

Article 20 - MED ARB RB complies with the general data protection act, and all members of the ADVISORY BOARD, the BOARD OF DIRECTORS, and the LIST OF EXPERTS, when acting and integrating MED ARB RB, are expressly aware and agree that they shall have their data handled for the purposes of this regulation and other regulations of MED ARB RB, including within the national and international scope, during the period of their performance, and at the end of the specified purposes, their data shall be deleted under art. 16 of law 13.709/2018.

Article 21 - In the procedures managed by MED ARB RB, considering that everyone is responsible as data controller and operator, whether as parties, legal representatives, lawyers, members who comprise the ADVISORY BOARD, the Board of Directors, and EXPERTS, mediators, arbitrators, negotiators, conciliators, everyone is aware that they shall adopt technical measures for the protection and security of data, in compliance with law 13.709/2018, general data protection act, ensuring the appropriate handling of data from all persons involved in the procedures, cybersecurity, and secrecy of procedures.

Article 22 - Between December 22 and January 5, there will be an end of year recess in Med Arb RB, period in which there will be no workdays and which days are not considered as business days.

Article 23 - This regulation enters into force upon its issuance on November 16, 2021.



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