



MED ARB RRB
Mediation and Arbitration for
Recovery and Business

REGULATION OF
EXPEDITED ARBITRATION

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REGULATION OF EXPEDITED ARBITRATION OF MED ARB RB

PREAMBLE

- a. This regulation shall be applicable when the parties have expressly agreed with the application of the Regulation of Expedited Arbitration of MED ARB RB.
- b. If the parties consent, the parties agree that this Regulation of Expedited Arbitration shall prevail in relation to any provision otherwise in the arbitration convention.
- c. The Regulation of Expedited Arbitration of MED ARB RB shall not be applicable in case of a justified decision of MED ARB RB Chairman, after a request by one of the parties or by the Arbitration Court.
- d. Before the establishment of the Arbitration Court, MED ARB RB Chairmanship, by its own initiative or upon request by one party, may define the application of the Regulation of Expedited Arbitration as inappropriate, establishing the continuation with the Regulation of Regular Ordinary Arbitration, according with its decision.
- e. MED ARB RB Chairmanship shall analyze the appropriateness of the case in relation to the Regulation of Expedited Arbitration, in administrative headquarters, considering its complexity and other circumstances deemed as relevant.
- f. If the application of the Regulation of Expedited Arbitration is considered as inappropriate in relation to a certain case, the Arbitration Court established according with such rules shall remain performing its roles.

DEFINITIONS:

- The term “Regulation of expedited arbitration” means the MED ARB RB Arbitration Regulation, which includes the Preamble, the articles below, as well as its Appendixes and the Provisions on Experts Fees, Costs, and Expenses;
- The term “Arbitration Award” means a partial or final arbitration award;
- The term “Advisory Board” means the Advisory Board of MED ARB RB;
- The term “Secretariat” means the General Secretary of MED ARB RB and its Assistant Secretaries, as well as other members of the Secretariat;
- The term “Arbitration Court” indistinctly means the single arbitrator or all arbitrators, if more than one arbitrator is appointed; and
- The term “List of Arbitration Experts” means the staff of arbitrators or arbitration experts listed in MED ARB RB website.

CHAPTER I – RULES OF EXPEDITED ARBITRATION

1.1. The party that intends to apply for the initiation of an expedited arbitration (hereinafter referred to as “Applicant”) shall complete and submit a petition for arbitration initiation by MED ARB RB platform to inform the other party (hereinafter referred to as “Respondent”) about its intention on the website: www.medarbrb.com, in the field described as “submit case”.

1.2. The intention to initiate the expedite arbitration procedure, in addition to the information below, shall be expressly included in the petition for initiation:

- a. the names and contact information of the parties;
- b. the identification of the arbitration convention that supports the arbitration or the arbitration commitment duly executed;
- c. the identification of any agreement or other legal instrument related to the dispute;
- d. the summary of the object of dispute;

- a. the intentions involved;
- b. the estimated value of the dispute;
- c. the power of attorney of potential advocates;
- d. if the arbitration will be made online, using MED ARB RB platform, as set forth by the regulation of expedited arbitration, or in-person, in case otherwise provided by the parties;
- e. the indication that it shall be performed by a single arbitrator, since it is expedited, the language, the arbitration location, and the legal laws or standards applicable to the dispute, as agreed in the arbitration convention or as suggested by the party, in case the parties have not discussed the subject; and
- f. the proof of non-refundable payment of the Registration Fee to bear the initial expedited arbitration expenses, which may be paid through the platform.

1.2.1. When the claims are prepared based in more than one arbitration convention, the Applicant shall indicate the arbitration convention under which each claim is prepared.

1.2.2. If the requirements mentioned in this article 1.2. are not met, the Secretariat of MED ARB RB shall define a term of two (2) days for the adjustment of the petition for arbitration initiation.

1.2.3. In case of no correction, such petition will be filed, without prejudice of submission of a new petition.

1.3. The Secretariat of MED ARB RB shall submit the petition for arbitration initiation to the Respondent, as well as its annexes, notifying it to, within five (5) calendar days as from its receipt, submit its response to the Respondent.

1.4. The response to the petition for arbitration initiation shall include:

- a) The name and contact data, including physical and electronic address of the parties and lawyers, followed by the corresponding power of attorney;
- b) The response to the information presented in the petition for arbitration initiation, under article 1.2 and, as the case may be, counterclaim (in which the elements listed in article 1.2 shall be included, as applicable).

1.5. In case of request for consolidation of two or more arbitrations subject to the Regulation of MED ARB RB or the Regulation of Expedited Arbitration of MED ARB RB, the MED ARB RB Chairman shall automatically convert the expedited arbitration into ordinary arbitration.

CHAPTER II – APPOINTMENT OF THE ARBITRATION COURT

2.1. After the Secretariat of MED ARB RB receives the Response to Arbitration Petition, or after the end of the term for the Response, or at any subsequent appropriate moment, the Secretariat shall inform the Parties within five (5) days on the applicability of the Regulation of Expedited Arbitration in relation to the case and shall notify the Parties to appoint, within seven (7) days, an arbitrator(s) to act in the arbitration procedure, submitting to them the list of names included in the List of Arbitrators.

2.1.1. As a rule, the expedited arbitration shall be decided by single arbitrator, and shall be made online, unless the parties agree otherwise.

2.1.2. The single arbitrator shall necessarily be a legal professional and shall be chosen by mutual agreement between the parties, among the names included in the List of Arbitrators.

2.1.3. In case of no agreement related to the appointment of the arbitrator between the parties, the single arbitrator shall be appointed by the MED ARB RB Chairman, among the names included in the List of Arbitration Experts within seven (7) days.

2.1.4. In case the parties have agreed by the establishment of an arbitration court with three (3) members, each one of them or the procedural side, in case of multiparty arbitration, shall be responsible for appointing an arbitrator within seven (7) days.

2.1.5. In case of an Arbitration Court with three (3) arbitrators or more, only the chief arbitrator shall necessarily be a legal professional and member of the List of Arbitration Experts of MED ARB RB.

2.1.6. In case of multiparty arbitration, and in case of no agreement between the parties that occupy the same side of the procedure on the nomination of its arbitration, the nomination of all the structure of the Arbitration Court shall be made by the MED ARB RB Chairman.

2.2. After the statement on availability, non-hindrance, independence, and impartiality of the appointed arbitrators, and in case of no contestation, these shall be summoned to, within five (5) days, collectively appoint the third arbitrator, which shall act as the chief of the Arbitration Court.

2.3. The Secretariat of MED ARB RB shall inform the appointment to the chosen arbitrator(s) and shall notify them to, within five (5) days, confirm their interest and availability, submitting to them the Form of Conflicts of Interests and Availability of MED ARB RB and the Term of Acceptance duly completed.

2.3.1. Within the same term of this response, the arbitrators shall submit the Form of Conflicts of Interests and Availability of MED ARB RB and the Term of Acceptance duly completed to the Secretariat of MED ARB RB.

2.3.2. The Form of Conflicts of Interests and Availability of MED ARB RB shall be submitted to the parties, so they can express their opinion on the contents within five (5) days.

2.4. The appointed arbitrator shall inform the parties and the Secretariat of MED ARB RB about any supervening fact that, during the procedure, may cause reasonable doubt regarding his/her impartiality, independence, technical skills, or availability or that may, somewhat, cause hindrance or suspicion in relation to the dispute trial.

2.5. The members of the Board cannot be appointed as arbitrators. Members of MED ARB RB Advisory Board may be appointed as arbitrators but, in this case, shall be removed from the procedure in question, if they are acting or resolving in the administrative phase of the arbitration initiation.

2.6. The arbitration procedure shall be considered as established on the date of confirmation of the arbitrator by the MED ARB RB Chairman, in case of single arbitrator, or in case of several arbitrators, being retroactive, for all purposes, to the date of receipt of the petition for arbitration initiation by the Secretariat of MED ARB RB.

CHAPTER III – CONTESTATION OF ARBITRATORS

3.1. In case of contestation related to the independence, impartiality, or any subject related to the appointed arbitrator, there will be a term of five (5) days for the statement of the associated arbitrator and then, the parties shall have two (2) days to submit a new potential contestation.

3.2. In case of agreement between the parties on the appropriateness of the prepared contestation, the MED ARB RB Chairman shall dismiss the contested arbitrator. The contested arbitrator may also voluntarily withdraw from the position.

3.2.1. In case of no agreement, the contestation shall be decided within five (5) days by a committee comprised by three (3) arbitrators appointed by the MED ARB RB Chairman and who shall be members of the List of Arbitration Experts.

3.3. The party may only contest the arbitrator appointed by it based on facts obtained after the appointment.

CHAPTER IV – SUBPOENAS AND TERMS

4.1. All communications and statements of the parties and the Arbitration Court – including subpoenas, communications, notices, copies of statements by the parties and decisions of the Arbitration Court – shall be exclusively submitted by electronic means to the Secretariat of MED ARB RB, and the submission of the corresponding physical copy is not required, unless if otherwise set forth by the parties.

4.1.1. The petition for arbitration initiation, as well as the other communications, shall be mandatorily made by means of the platform on the website www.medarbrb.com, and in case of potential impossibility, it can be sent by email to the Secretariat of MED ARB RB, if justified.

4.1.2. Unless otherwise provided, all communications, notices, or subpoenas of procedural acts are made by the name of the attorneys appointed by the party, in the emails or addresses indicated by them through own platform.

4.1.3. The mail issued by MED ARB RB shall be considered as delivered:

- a. if electronically transmitted: on the day it is sent, except for the petition for arbitration initiation, which shall only be considered as received on the day its receipt is confirmed by the recipient or in case of electronic notice of delivery; or
- b. if physically sent: on the day of the proof of delivery at the address in which the first notice of the party was made or at the address indicated in the Term of Arbitration or in other act expressly informed by the party.

4.2. The terms shall be counted in calendar days, excluding the day of receipt of the notice and including the expiry date.

4.2.1. The terms shall only begin to be counted from the first business day after the subpoena, notice, or communication.

4.2.2. The term shall be extended until the first business day if the expiration falls not on a workday of MED ARB RB.

4.3. In case of no specific term set forth in MED ARB RB Regulation, the term set forth by the Arbitration Court or, in case of silence, a term of three (3) days shall be considered.

4.4. The parties, with the consent of the arbitrator(s), may modify the terms set forth in this Regulation, provided that the total procedure time between the execution of the Term of Expedited Arbitration and the issuance of the final award does not exceed twelve (12) months.

4.4.1. If the terms modification proposed by the parties makes a total term longer than twelve (12) months, the MED ARB RB Chairman may, after consulting the Arbitration Court, convert the expedited arbitration into ordinary arbitration.

4.4.2. 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.

CHAPTER V – TERM OF EXPEDITED ARBITRATION

5.1. Once the Arbitration Court is established, the parties shall be notified to, within five (5) days, prepare and execute the Term of Expedited Arbitration, which shall be conducted by virtual meeting.

5.2. The Term of Expedited Arbitration shall include:

- a. name and qualification of the parties and the arbitrators;
- b. name of the advocates, including electronic address;
- c. the subject that will be the object of the arbitration and the summary of intentions;
- d. the location of the arbitration;
- e. the transcription of the arbitration clause;
- f. the language in which the arbitration will be conducted;
- g. the authorization for the arbitrators to decide based on equity, if agreed by the parties;
- h. the law applicable to the procedure and the merits of the dispute;
- i. the intentions prepared by the parties;
- j. the procedure schedule, including the term for the issuance of the award, observing the limit established in article 4.4;
- k. the value of the dispute;
- l. the confirmation that the procedure will be made totally online, or a provision that it will be made in-person; in such case, the parties undertake to bear with the expenses required to perform in-person hearings;
- m. provision on the liability for the payment of expenses, administration costs, possibility of application of fine due to dispute in bad faith, determination of coercive fines, appropriateness of reimbursement of contractual fees and appropriateness of defeated party fees.

5.3. The resistance of the party duly notified to execute the Term of Expedited Arbitration shall not preclude the continuity of the arbitration.

CHAPTER VI – PROCEDURE

6.1. After the establishment of the Arbitration Court, the preparation of new petitions by any of the Parties is not possible, unless in case of express authorization by the Arbitration Court.

6.2. The Arbitration Court shall discretionarily adopt the procedural measures it deems as relevant.

6.3. The Arbitration Court shall attempt, as established by it, the conciliation of the parties.

6.4. The Arbitration Court may decide, after consulting the Parties, not to allow petitions for document productions or limit the number, extension, and the scope of written statements or written testimonies (both for witnesses and technical referees).

6.5. The Arbitration Court shall define the terms for the Parties to submit their written statements and shall decide on the dispute exclusively based in the documents presented by them.

6.6. No expert evidence shall be made via appointment of expert and/or technical assistants, but technical evidence shall be allowed, at the discretion of the arbitration, upon testimony of technical witness or submission or technical reports or opinions by both parties.

6.6.1. In case an expert evidence is required, the MED ARB RB Chairman may, after consulting the Arbitration Court, convert the expedited arbitration into ordinary arbitration.

6.7. If the procedure schedule cannot be established, the following common terms are applied:

- a. ten (10) days from the date of receipt of the Term of Expedited Arbitration to submit initial claims and evidences indication;
- b. ten (10) days for submission of contestation to the initial claims of the other party; and
- c. ten (10) days for submission of counterclaim to the contestation of the other party, and both parties, within the same term, shall submit specification of evidences.

6.8. If the Arbitration Court understands the performance of hearings as applicable, such hearings may be held by videoconference or other similar communication means and shall be held within the maximum term of twenty (20) days from the submission of the counterclaim.

CHAPTER VII – URGENT RELIEF

7.1. Unless otherwise provided, the Arbitration Court may grant urgent measures that may, at the discretion of the Arbitration Court, be issued as an award or procedural order, and it may also be submitted to the presentation of protections by the party that requested it.

7.2. In case of urgency inherent to the request of the party and in case the Arbitration Court is not established yet, such party may require urgent measures to the relevant legal authority or use the procedure or Urgent Arbitration, according with Appendix II to MED ARB RB Regulation.

7.2.1. Once the Arbitration Court is established, it shall be liable for maintaining, modifying, or revoking the measure previously granted.

7.2.2. The petition made by one of the parties to a legal authority to obtain such measures, or the enforcement of similar measures issued by an Arbitration Court shall not be considered as violation or waiver of the arbitration convention and shall not affect the relevance of the Arbitration Court.

CHAPTER VIII – ARBITRATION AWARD

8.1. The Arbitration Court shall issue the Arbitration Award within six (6) days from the date of execution of the Term of Expedited Arbitration.

8.1.1. Such term may be reasonably extended once, observing the limit set forth in article 4.4.

8.1.2. If the Arbitration Court is comprised by more than one (1) arbitrator, any decision shall be made by majority, with each arbitrator being entitled to one vote. In case of no majority, the vote of the chief arbitrator of the Arbitration Court shall prevail.

8.3. The Arbitration Award shall be necessarily in written.

8.3.1. In case of a unanimous decision, the dissenting arbitrator may present a statement of the losing vote, which shall be included in the Arbitration Award for all purposes.

8.3.2. The Arbitration Award shall be executed by all arbitrators, and the chief arbitrator of the Arbitration Court may ascribe the lack of signature by one of the arbitrators and the due rationale.

8.4. The Arbitration Award shall necessarily include:

- a) report, with the name of the parties, the summary of their claims and the registration of the relevant facts related to the procedure;
- b) the grounds for the decision, with the analysis of questions of fact and of law raised by the parties, with express statement in case it is issued by equity;
- c) the device in which the Arbitration Court will settle all the issues submitted by the parties and define the term for its fulfilment, if the case may be;
- d) the date and location in which the award was issued.

8.4.1. The Arbitration Award shall also include, as the case may be, the definition of the arbitration costs and expenses, potential fine due to dispute in bad faith, determination of coercive fines, arbitrators fees, contractual and/or defeated party legal fees, as well as the liability of the parties for their payment, observing the provisions of the arbitration convention or of the Term of Expedited Arbitration.

8.5. The Arbitration Court shall submit the Arbitration Award to Secretariat of MED ARB RB, which shall forward it to the parties and file a copy of its full content.

8.5.1. If expressly agreed in the Term of Expedited Arbitration, the Arbitration Court may submit the Arbitration Award directly to the parties and to Secretariat of MED ARB RB.

8.6. The Arbitration Award shall not be subject to appeal. It shall be binding to the parties, which undertake to comply with it without delays, under the penalty of being responsible for the losses eventually caused.

8.7. The Arbitration Court shall apply the rules of law chosen by the parties for the dispute settlement.

8.7.1. In case of omission or divergence, the Arbitration Court shall decide on the subject.

8.7.2. The trial by equity may only occur upon express authorization of the parties, which shall be made until the execution of the Term of Arbitration.

8.8. The Arbitration Court may issue partial awards and, in such case, shall indicate the subsequent stages required to the delivery of the final award.

8.8.1. The proposition of annulment action of the partial arbitration award does not prevent the continuity of the procedure and/or the delivery of the final award, with the Arbitration Court being responsible for such decision.

8.9. The Arbitration Award shall only be published with the consent of the parties.

8.9.1. For statistical and/or research purposes, excerpts of the Arbitration Award may be published, provided that the impossibility of identification of the parties or specifics of the dispute is assured.

8.10. The Arbitration Court may eventually correct material, calculation, or typing errors, which it has identified in the Arbitration Award.

8.11. The parties may, within five (5) days from the receipt of the Arbitration Award or the decision of correcting material error, under article 8.10, apply for a request of clarifications to the Arbitration Court, to rectify omission, contradiction, obscurity, or material error contained in the award.

8.11.1 The Arbitration Court shall grant a term of five (5) days for response of the clarification request.

8.11.2. The Arbitration Court shall decide on the clarification request within ten (10) days from the end of the term granted for the response.

CHAPTER IX – FINAL PROVISIONS

9.1. Issues related to:

- a. arbitration with public administration are governed by Appendix I to the Arbitration Regulation of MED ARB RB;
- b. urgent arbitrator are governed by Appendix II to MED ARB RB Regulation; and
- c. administration fee, arbitrator fees, and other procedure expenses are governed by the MED ARB RB Arbitration Regulation.

9.2. In case the MED ARB RB Chairman has converted the expedited arbitration into ordinary arbitration, the MED ARB RB Regulation of Expedited Arbitration shall be no longer applicable, and the provisions of MED ARB RB Arbitration Regulation shall be in force, including with the corresponding complementation of charges and fees, which shall be collected in full.

9.3. In cases in which this Regulation of Expedited Arbitration is silent, the MED ARB RB Arbitration Regulation shall be alternately applied.

9.4. In the procedures managed by MED ARB RB, considering that everyone is responsible as data controller and operator, whether as parties, legal representatives, lawyers, arbitrators, negotiators, conciliators, mediators, members of the secretariat, everyone is aware that they shall adopt technical measures for the protection and security of data, in compliance with law 13.709/2015, general data protection act, ensuring the appropriate handling of data from all persons involved in the procedures, cybersecurity, and secrecy of procedures.

9.5. The Secretariat of MED ARB RB, observing the principles of independence, impartiality, and availability of the Arbitrators, with the purpose of granting greater transparency to the procedures, shall publish on its website information related to the participation of the arbitrators in procedures, including the following information:

- I. Full name of the arbitrator;
- II. Citizenship;
- III. Month and year of execution of the Term of procedure initiation and its type;
- IV. Position taken in the procedure;
- V. Responsible for his/her appointment (Parties/Co-arbitrator/MED ARB RB), and
- VI. Procedure status (Ongoing/Suspended/Closed).

9.5.1. 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.

9.6. This Regulation enters in force on 11/16/2021.



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