



**CÂMARA DE
CONCILIAÇÃO,
MEDIÇÃO E
ARBITRAGEM**
CIESP FIESP

RESOLUTION Nº 11/2022

Alter Annex I – Schedule of Costs and Arbitrators’ Fees

The President of the Chamber of Conciliation, Mediation and Arbitration Ciesp/Fiesp, in the use of his attributions and powers conferred on sections 4 (g) and (h) of the Chamber’s Internal Regulation;

Considering that the Chamber’s costs are not adjusted since 2013, the accumulated inflation rates within this period, and the need for the correct compensation of the acting professionals in the arbitral proceedings;

Resolves the following:

1. The Annex I “Schedule of costs and Arbitrators Fees” of the present Resolution, becomes Annex I of the Arbitration Rules of the Chamber of Conciliation, Mediation and Arbitration Ciesp/Fiesp.

This Resolution becomes effective on May 2nd, 2022, and applicable to all arbitral proceedings commenced from that date.

São Paulo, April 29th, 2022

Sydney Sanches

Chamber President



ANNEX I

SCHEDULE OF COSTS AND ARBITRATORS´

Pursuant to the terms of the Arbitration Rules, hereinafter referred to as Rules, the costs for the administration of proceedings encompass:

1. FILING FEE

1.1. The Filing Fee shall be paid by Claimant, on the date when the Request for Arbitration is submitted, on the amount corresponding to 1% (one percent) of the amount of the matter in dispute, according to the subsequent criteria:

- a) The minimum amount shall be R\$ 3.000,00 (three thousand reais);
- b) The maximum amount shall be R\$ 5.000,00 (five thousand reais).

1.2. Not being possible to define the amount of the matter in dispute, Claimant shall collect the minimum amount, that shall be supplemented when fixed the value in the Term of Reference and/or determined during the Proceeding.

1.3. The Filing Fee is non-refundable.

2. ADMINISTRATION FEE

2.1 The Administration Fee shall be collected equally by the Parties, in the proportion of 50% (fifty percent):

Amount of the dispute		Minimum	Intermediary		Maximum
Minimum	Maximum		Intermediary	Intermediary	
-	399.999,99	30.000,00	minimum + 0,0000%	30.000,00	
400.000,00	499.999,99	30.000,00	minimum + 6,0000%	36.000,00	
500.000,00	4.999.999,99	36.000,00	minimum + 1,5000%	103.500,00	
5.000.000,00	50.000.000,00	103.500,00	minimum + 0,1750%	182.250,00	
50.000.000,01	120.000.000,00	182.250,00	minimum + 0,1500%	287.250,00	
120.000.000,01	950.000.000,00	287.250,00	minimum + 0,0085%	357.800,00	
950.000.000,01	1.000.000.000,00	357.800,00	minimum + 0,0044%	360.000,00	
1.000.000.000,01	-	360.000,00	minimum + 0,0000%	360.000,00	

2.2. Not being possible to define the amount of the matter in dispute, the Parties shall collect the minimum amount, that shall be supplemented when fixed the value in the Term of Reference and/or determined during the Proceeding.



2.3. The Administration Fee shall be collected equally by the Parties, in the proportion of 50% (fifty percent).

2.4. Upon the receipt of the Request for Arbitration, the Secretary-General shall notify the Parties to collect the Administration Fee within 15 (fifteen) calendar days.

2.5. The Administration Fee is non-refundable.

3. ARBITRATORS´ FEES

3.1. The Arbitrators´ fees shall be equally divided between the Parties, in the proportion of 50% (fifty percent).

3.1.1 In the case of the conduction by a Sole Arbitrator, the fees are to be established by the table below:

Amount of the dispute		Arbitrator Fees			
Minimum	Maximum	Minimum	intermediary	Maximum	
-	399.999,99	20.000,00	minimum + 0,0000%	20.000,00	
400.000,00	499.999,99	20.000,00	minimum + 20,0000%	40.000,00	
500.000,00	999.999,99	40.000,00	minimum + 5,0000%	65.000,00	
1.000.000,00	1.999.999,99	65.000,00	minimum + 2,5000%	90.000,00	
2.000.000,00	2.999.999,99	90.000,00	minimum + 2,0000%	110.000,00	
3.000.000,00	3.999.999,99	110.000,00	minimum + 1,5000%	125.000,00	
4.000.000,00	4.999.999,99	125.000,00	minimum + 1,0000%	135.000,00	
5.000.000,00	15.000.000,00	135.000,00	minimum + 0,7500%	210.000,00	
15.000.000,01	20.000.000,00	210.000,00	minimum + 0,5000%	235.000,00	
20.000.000,01	25.000.000,00	235.000,00	minimum + 0,2000%	245.000,00	
25.000.000,01	150.000.000,00	245.000,00	minimum + 0,1000%	370.000,00	
150.000.000,01	300.000.000,00	370.000,00	minimum + 0,0500%	445.000,00	
300.000.000,01	450.000.000,00	445.000,00	minimum + 0,0400%	505.000,00	
450.000.000,01	1.000.000.000,00	505.000,00	minimum + 0,0300%	670.000,00	
1.000.000.000,01	-	670.000,00	minimum + 0,0300%	670.000,00	

3.1.2. In case of the conduction by 3 (three) Arbitrators, the fees shall be established following the table below, being 40% (forty percent) due to the Presiding Arbitrator and 30% (thirty percent) to each co-arbitrator:



Amount of the dispute		Arbitral Tribunal			
Minimum	Maximum	Minimum	Intermediary		Maximum
-	399.999,99	75.000,00	minimum +	0,0000%	75.000,00
400.000,00	499.999,99	75.000,00	minimum +	20,0000%	95.000,00
500.000,00	3.999.999,99	95.000,00	minimum +	5,0000%	270.000,00
4.000.000,00	6.999.999,99	270.000,00	minimum +	3,0000%	360.000,00
7.000.000,00	10.000.000,00	360.000,00	minimum +	2,5000%	435.000,00
10.000.000,01	15.000.000,00	435.000,00	minimum +	2,0000%	535.000,00
15.000.000,01	25.000.000,00	535.000,00	minimum +	0,5000%	585.000,00
25.000.000,01	150.000.000,00	585.000,00	minimum +	0,2500%	897.500,00
150.000.000,01	750.000.000,00	897.500,00	minimum +	0,1000%	1.497.500,00
750.000.000,01	1.000.000.000,00	1.497.500,00	minimum +	0,0500%	1.622.500,00
1.000.000.000,01	-	1.622.500,00	minimum +	0,0500%	1.622.500,00

3.1.1. The termination by withdrawal or agreement between the Parties entitles the payment of the Sole Arbitrator's fees according to the subsequent criteria:

- a) before the signing of the Term of Reference, but after the Arbitrator's nomination and acceptance, shall be due 30% (thirty percent) of the fixed fees;
- b) after the signing of the Term of Reference, and before the evidentiary hearing, shall be due 70% (seventy percent) of the fixed fees;
- c) after the evidentiary hearing, shall be due 100% (one hundred percent) of the fixed fees;

3.2. When the Request for Arbitration fails to mention the exact amount of the matter in dispute, the Secretary-General shall determine the collection of the minimum value of the Arbitrator's fees, that might be supplemented during the Proceeding, in accordance with the ascertained value

3.2.1. It shall rest on the President of the Chamber to decide on the modification of the amount of the matter in dispute. The Sole Arbitrator may, at any moment, inform the Secretary-General about the existence of elements that justify the modification of the amount of the matter in dispute.

3.3. The Secretary-General of the Chamber shall send a collection notice to the parties, demanding prepayment of the arbitrators' fees within fifteen (15) days following the request for arbitration.

3.4. The payment to the Arbitrators shall be made in three installments as follows:

- a) 30% (thirty percent) upon the filing of the replies;
- b) 30% (thirty percent) upon the closing of the production of evidence; and
- c) 40% (forty percent) following the entering of the award.

3.5. In case of the issuing of a partial award, at the request of the Arbitral Tribunal, the Arbitrators' fees might be proportionally anticipated at 50% of the value (item 3.4, c).

3.5.1 Considering the complexity of the conduction of the Proceeding until the issuing of the final Arbitral Award, and by means of a justified request by the Arbitral Tribunal, the President of the Chamber may estipulate the supplementary compensation of the Arbitrators' Fees up to 20% of the total fixed amount, pursuant to items 3.1.1 and 3.1.2.

3.6. The Arbitrator shall send the incurred expenses report, accompanied by the original receipts, whenever requested by the Secretary-General.

3.7 In case of a substitution of an Arbitrator, the substituted arbitrator shall receive the fees she/he is entitled to for the last concluded phase she/he acted in the Proceeding, under the terms of the sub-items of item 3.4. The new arbitrator shall receive her/his fees regarding the phases from the moment of her/his acceptance, pursuant to the mentioned sub-items.

3.7.1 Any request for collection in a diverse manner than the provision mentioned above, shall be submitted to the analysis of the President of the Chamber.

4. FEES AND ADMINISTRATION FEE OF THE ARBITRATORS' CHALLENGE COMMITTEE

4.1. In case of Challenge of an Arbitrator, the challenging party shall, along with the request, collect R\$ 10.000,00 (Ten Thousand reais), corresponding to the Administration Fees of the Committee for each challenged arbitrator.

4.2. The Parties shall provide the advance of payment of the fees owed to the members of the Committee installed under the terms of item 7.3 of the Arbitration Rules, in the amount of R\$ 7.000,00 (seven thousand reais) to each member, representing, in total, R\$ 21.000,00 (twenty-one thousand reais). On an exceptional basis, at the Committee's request, the Presidency might raise the value of the fees.

4.3. The failure to pay the due costs shall result in the archiving of the request, continuing with the Proceeding.

5. EXPENSES

5.1. The advance payment of expenses shall be equally collected by the Parties, in the proportion of 50% (fifty percent), whenever requested by the Secretary-General.

5.2. The party that requests any action or remedy shall anticipate its expenses for its performance.

5.3. The Parties, at the request of the Secretary-General, shall proceed with an anticipated collection concerning the Sole Arbitrator's travel expenses, expenses related to any arbitrator challenge, actions taken outside the place of arbitration, meetings held outside the Chamber working hours or at other locations, interpreter services, transcription services and other resources necessary during the Proceeding.

5.4. The party requesting expert examination shall anticipate its costs unless otherwise determined by the Arbitral Tribunal. The expert works shall only initiate upon the payment in full of the experts' fees. The Secretary-General shall pay the expert according to the Arbitral Tribunal's determination.

5.5. Whenever the language of the arbitral proceedings is a foreign language, the Secretariat may hire one or more fluent secretaries, which remuneration and expenses shall be divided between the Parties.

6. GENERAL PROVISIONS

6.1. The Arbitration costs include the Arbitrators' Fees and Expenses, the Filing Fee, and the Administration Fee, in respect to the current table on the date of the commencement of the Proceeding and the expenses incurred to its development, including those related to the use of electronic portals and data storing, as defined in the respective Terms and Conditions of Use.

6.1.1. The Parties are responsible for the payment of remittances abroad, in favor of the Arbitrator, including the ones of tax, banking, and exchange nature incurred by the Chamber for the performance of the operation.

6.1.2. The Parties are responsible for the collection of pension and tax funds that may incur for the payment of the Arbitrator that opts to receive the compensation as a private individual.

6.2. If one of the Parties fails to collect the due amount, in accordance with the provisions of this Annex and/or the Parties' agreement, the Counterpart shall proceed with the payment to prevent a suspension or extinction of the Proceeding.

6.3. Whenever the collection is made by the Counterpart, the Secretary-General shall inform the Parties and the Arbitrator not to analyze the defaulting party requests, if existent.

6.4. If there is no payment on the due date, the Secretary-General, following an inquiry with the President of the Chamber and/or the Arbitrator, may suspend the Proceeding for a period no longer

than two months. Terminated this term, without any collection, the Proceeding might be extinct at the Chamber's President and/or the Sole Arbitrator's discretion.

6.5. If there is a counterclaim, the amount of the matter in dispute shall be supplemented with the one presented on the counterclaim. Defined the final amount, the Parties shall proceed with its collection in equal proportion (fifty percent), whenever requested by the Secretariat of the Chamber.

6.6. The Chamber may refuse to administer the arbitral proceedings unless the fees, arbitrators' fees and expenses are duly paid.

6.7. Any reimbursement request concerning the Arbitration costs, as well its collection in a diverse manner, shall be analyzed by the President of the Chamber.

6.8. The Secretary-General of the Chamber might concede additional time periods for the Parties to proceed with eventual bank deposits.

6.9. In the cases in which an installment plan for the payment of the Arbitration costs is deferred shall only proceed upon the collection of the last installment.

6.10. The other expenses provisions, as well additions on the Arbitration costs, shall be requested to the Parties by the Secretary-General, if necessary.

6.11. It is under the President's exclusive jurisdiction to deliberate on the costs regarding the arbitral proceedings, except when he determines that such decision shall be made by the Sole Arbitrator.

6.12. At the end of the Proceeding, the Secretary-General shall present, to the Parties, a statement of costs, Arbitrator's fees and expenses, and request the payment of any pending amount, in observance of the liability posed in the Arbitral Award.

6.13. The Arbitral Award shall determine the liability for the payment of the Arbitration costs.

6.14. It is prohibited any alteration and/or negotiation, between the Parties and the Arbitrator, of values related to the Arbitrators' fees.

6.15. In the *ad hoc* proceedings in which the Chamber, by means of its Presidency, exercise the nomination of the Arbitrators, when agreed between the Parties in their arbitration agreement, the Claimant shall pay, in reason of the Tribunal's nomination, pay the amount of R\$ 7.000,00 (seven Thousand reais) for each nominated arbitrator.

6.16. The Arbitral Award shall be sent to the Parties, exclusively, after the payment in full of the Arbitration costs.



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6.17. Upon request, the non-defaulting Companies, associated to CIESP for a corresponding period of over 12 (twelve) months, shall have a deduction of 10% (ten percent) on the value of the Administration Fee, a benefit that will be extended to all Parties of the Proceeding.

6.17.1 0 The aforementioned discount might be extended, to the members of the entities and syndicates affiliated to FIESP, upon the signing of a specific agreement, for this means, with CIESP.

6.18. In the absence of collection of the Arbitration Costs, the Centre of Industries of the State of São Paulo (CIESP) is entitled to enforce, both in-court and out-of-court, the payment of all relevant fees, the Arbitrators' fees and expenses herein set.

6.19 The value of the costs might be adjusted through a Presidency resolution considering the current economic scenario and the accumulated inflation rate within that period of time.

6.20. Omission and particular cases shall be decided by the President of the Chamber.

6.21. This annex, approved by Resolution n° 11/2022, is an integral part of the Arbitration Rules, approved under the bylaws on November 29th, 2012, and effective as of August 1st, 2013.