



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

RESOLUTION Nº 12/2022

Institutes the Schedule of Costs and Arbitrators' Fees for the Expedited Arbitration Rules

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

Considering the Expedited Arbitration Rules enacted, on March 5th, 2021, by Resolution n° 7/2021;

Resolves to fix the Schedule of Costs and Arbitrators' Fees for the Expedited Arbitration Rules through Annex IV below.

This resolution will come into force on May 2nd, 2022, applicable to the proceedings commenced from that date.

São Paulo, April 27th, 2022.

Sydney Sanches

Chamber President



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ANNEX IV

SCHEDULE OF COSTS AND ARBITRATORS' FEES FOR THE EXPEDITED ARBITRATION RULES

Pursuant to the Expedited Arbitration Rules ("Rules"), the arbitral proceeding costs encompass:

1. FILING FEE

1.1. The Filing Fee shall be owed and paid by Claimant on the date when the Request for Arbitration is submitted, under the table below:

Amount of the matter in dispute		Registry Fee
From	To	
-	400.000,00	2.100,00
400.000,01	500.000,00	2.800,00
500.000,01	1.000.000,00	3.200,00
1.000.000,01	1.500.000,00	3.600,00
1.500.000,01	2.000.000,00	4.000,00

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), as described in the following table:



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Amount of the matter in dispute		
From	To	Administration
-	400.000,00	21.000,00
400.000,01	500.000,00	22.500,00
500.000,01	1.000.000,00	28.800,00
1.000.000,01	1.500.000,00	33.800,00
1.500.000,01	2.000.000,00	38.800,00

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

2.3. Upon the receipt of the Request for Arbitration, the Secretary-General shall notify the Parties to collect the Administration Fee within 7 (seven) calendar days.

2.4. The Administration Fee is non-refundable.

3. ARBITRATORS´ FEES

3.1. The Sole Arbitrator fees shall be equally divided between the Parties, in the proportion of 50% (fifty percent), accordingly to the following table:

Amount of the matter in dispute		
From	Até	Honorários R\$
-	100.000,00	14.000,00
100.000,01	200.000,00	15.500,00
200.000,01	300.000,00	17.000,00
300.000,01	400.000,00	18.000,00
400.000,01	500.000,00	19.000,00
500.000,01	1.000.000,00	32.000,00
1.000.000,01	1.500.000,00	39.000,00
1.500.000,01	2.000.000,00	45.500,00

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 Sole 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 start of the deadline set on item 5.1 of the Rules, shall be due 70% (seventy percent) of the fixed fees;
- c) after the start of the deadline set on item 5.1 of the Rules, 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, which might be supplemented during the Proceeding, following 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 shall send, to the Parties, the billing notification concerning the advance payment of the Arbitrators' Fees, within 7 (seven) days of the commencement of the Proceeding.

3.4. The payment to the Sole Arbitrator shall be made in two installments as follows:

- a) 15% (fifteen percent) after the signing of the Term of Reference;
- b) 85% (eighty-five percent) after the presentation of the last decision of the Proceeding;

3.5 In the cases in which the evidentiary hearing is dismissed, if solicited by the Parties, there might be conceded a 10% (ten percent) discount on the total amount of the Administration Fee, according to the Secretariat deliberation.

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

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

4.1. In case of challenge of the Sole Arbitrator, it shall be applied the proceeding present on item 4.2 of Annex I of the Arbitration Rules.

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. 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 request 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 IV 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 Sole 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 Sole 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 The segregation of costs provisions are not applicable to the Expedited proceedings.

6.6. 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.

6.7. The Chamber may refuse to administer the Proceeding if the Arbitration costs are not collected.

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

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

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

6.11. In the Expedited Arbitration proceedings administered by the Chamber, 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.

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

6.13. The President of the Chamber is exclusively competent to decide on costs relative to arbitral proceedings, except where he determines that such decision shall be made by the Sole Arbitrator.

6.14. 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.

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

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



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

6.18. 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.

6.19. 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.

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

6.21. This annex, approved by Resolution n°12/2022, is an integral part of the Expedited Arbitration Rules, and applies to the upcoming proceedings, as of May 2nd, 2022.