

RESOLUTION N. 6/2019

THIRD-PARTY FUNDING

The President of the Chamber of **Conciliation, Mediation and Arbitration CIESP/FIESP** (“Chamber”), in the use of his attributions and powers conferred on section 4 (f) of the Chamber’s Internal Regulation;

Considering that, in the Superior Council meeting held on August 5th 2019, the present Councilors deliberated that the Chamber’s Code of Ethics (Annex II of the Arbitration Rules) should be complemented to encompass the possibility of third-party funding in the Chamber’s proceedings;

Considering the maintained opinions and suggestions presented in the aforementioned meeting;

Resolve to issue this resolution to complement the Chamber’s Code of Ethics, which shall become effective with the following inclusion:

3-A THIRD-PARTY FUNDING

3-A.1. The presence of a third-party financier might be relevant to assessing the arbitrators’ independence and impartiality, especially if there is any prior or current relationship with the financier. Thus, it is recommended to the beneficiary party to disclose, at the first opportunity and in writing, the existence of the funding and all relevant information of the financier. The Secretariat shall refer the information to the other Parties involved in the proceeding, as well the arbitrators, mediators, or dispute board members, so, when applicable, they fulfill their duty of disclosure.

3-A.2. Third-party funding occurs in the cases in which one of the parties enters a juristic act, whereby the third-party financier offers the financial resources destined to pay for the arbitral proceeding, being stipulated, to the financier, an economic benefit conditioned to the result of the proceeding.

3-A.2.1. A third-party financier means any natural person or legal entity that enters a juristic act aiming at the funding of the arbitral proceeding and do not possess any related legal interest other than the funding act.

3-A.2.2. The funding of the arbitral proceeding means the partial or unabridged provision of the financial resources necessary for the proceeding, including, but not limited to: administration fees, arbitrators’ fees, expert’s fees, attorney and representative fees, bond deposits, costs and legal fees borne by the defeated party.

ITEM 5 OF THE CODE OF ETHICS BECOMES EFFECTIVE WITH THE FOLLOWING INCLUSION:

5.7. Without prejudice to item 10.6, the party might share information regarding the proceeding, with acting or potential third-party financiers, to obtain the necessary funding, given that the beneficiary party and the financier



THE CHAMBER OF
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both undertake, in writing, an assumption of liability to respect the duty of confidentiality of the disclosed information, pursuant to item 5 of this Code.

This Resolution becomes immediately effective, except for the singularities agreed between the parties in the given case.

Sydney Sanches

President of the Chamber Ciesp/Fiesp