

ARBITRATION CLAUSE MODELS

I – Standard Arbitration Clause

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be finally settled by arbitration, under the Rules and administration of the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP. The proceeding shall be conducted by (one/three) arbitrators appointed in accordance with the Chamber Rules.

II – Detailed Arbitration Clause

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be finally settled by arbitration, in accordance with the Rules of the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP elected institution to administer the arbitral proceeding.

§1 The proceeding shall be conducted by _____ (one/three arbitrators).

§2 The seat of arbitration shall be _____.

§3 The proceeding shall be conducted in _____.

§4 The applicable law to the arbitration is _____ (law/equity)

§5 Before the constitution of the Arbitral Tribunal, the parties may resort to State Courts only when a provisional measure is required, in this occasion the State Court of _____ shall be elected, with express waiver of any other, or, at the Party discretion, initiate the Provisional Arbitrator proceeding at the Chamber.

III - Arbitration Clause involving the Public Administration

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be finally settled by arbitration, in accordance with Brazilian Federal Act nº 9.307/96.

§ 1 The proceeding shall be administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP and shall observe its Rules and any complementary rules

applicable to disputes involving the Public Administration, which provisions compose the present contract.

§2 The proceeding shall be conducted by _____ (one/three arbitrators).

§3 The seat of arbitration shall be _____.

§4 The proceeding shall be conducted in _____.

§5 The applicable law to the arbitration is _____. (law/equity)

§6 Before the constitution of the Arbitral Tribunal, the parties may resort to State Courts only when a provisional measure is required, in this occasion the State Court of _____ shall be elected, with express waiver of any other, or, at the Party discretion, initiate the Provisional Arbitrator proceeding at the Chamber.

§7 The proceeding shall respect the Constitutional principle of publicity, except in regard to information related to the dispute that eventually has confidential character, pursuant to the applicable law.

IV – Expedite Arbitration Clause

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be finally settled by Expedite Arbitration, administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, in observance of the established provisions of the Expedite Arbitration Rules, appointing a Sole Arbitrator pursuant to the Chamber Rules.

V – Arbitration Clause UNCITRAL Rules

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be finally settled by arbitration, administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, under the UNCITRAL Arbitration Rules.

§1 The proceeding shall be conducted by _____ (one/three arbitrators).

§2 The seat of arbitration shall be _____.

§3 The proceeding shall be conducted in _____.



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§4 The applicable law to the arbitration is _____ (law/equity)

§5 The Chamber is elected as naming authority in case there is no arbitrator appointment within the stipulated time limit.

§6 Before the constitution of the Arbitral Tribunal, the parties may resort to State Courts only when a provisional measure is required, in this occasion the State Court of _____ shall be elected, with express waiver of any other, or, at the Party discretion, initiate the Provisional Arbitrator proceeding at the Chamber.

MEDIATION CLAUSES MODELS

I - Mediation

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be submitted to Mediation, under the Rules and administration of the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP. An eventual commencement of an arbitral proceeding does not prevent the Parties to resume the Mediation Proceeding.

II – Standard Multi-Tier Med-Arb Clause

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be necessarily submitted to Mediation, administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, in accordance with the Mediation Rules.

The controversy not resolved by Mediation, in the terms of the clause above, shall finally be settled by Arbitration administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, in accordance with its Arbitration Rules, constituting the Arbitral Tribunal according to the said Rules.

III – Detailed Multi-Tier Med-Arb Clause

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be necessarily submitted to Mediation, administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, in accordance with the Mediation Rules.

§ 1 The controversy not resolved by Mediation, in the terms of the clause above, shall finally be settled by Arbitration administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, in accordance with its Arbitration Rules.

§2 The proceeding shall be conducted by _____ (one/three arbitrators).

§3 The seat of arbitration shall be _____.



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§4 The proceeding shall be conducted in _____.

§5 The applicable law to the arbitration is _____ (law/equity)

§6 Before the constitution of the Arbitral Tribunal, the parties may resort to State Courts only when a provisional measure is required, in this occasion the State Court of _____ shall be elected, with express waiver of any other, or, at the Party discretion, initiate the Provisional Arbitrator proceeding at the Chamber.

IV – Multi-Tier Med-Arb Clause involving the Public Administration

Any dispute arising out of or in connection with the present contract, including the interpretation, performance, or execution, shall be necessarily submitted to Mediation, administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP, in accordance with the Mediation Rules.

§ 1 The unresolved dispute, in the terms of the Clause above, shall finally be settled by Arbitration, in observance of the Federal Act nº 9.307/96. The proceeding shall be administered by the Chamber of Conciliation, Mediation and Arbitration CIESP/FIESP and shall observe its Rules and any complementary rules applicable to disputes involving the Public Administration, which provisions compose the present contract.

§2 The proceeding shall be conducted by _____ (one/three arbitrators).

§3 The seat of arbitration shall be _____.

§4 The proceeding shall be conducted in _____.

§5 The applicable law of the arbitration is _____ (law/equity)

§6 Before the constitution of the Arbitral Tribunal, the parties may resort to State Courts only when a provisional measure is required, in this occasion the State Court of _____ shall be elected, with express waiver of any other, or, at the Party discretion, initiate the Provisional Arbitrator proceeding at the Chamber.

§7 The proceeding shall respect the Constitutional principle of publicity, except in regard to information related to the dispute that eventually has confidential character, pursuant to the applicable law.