

**COMMERCIAL ARBITRATION CENTRE  
PORTUGUESE CHAMBER OF COMMERCE AND INDUSTRY**

**RULES OF APPOINTMENT, RECUSAL AND SUBSTITUTION OF ARBITRATORS  
IN NON-INSTITUTIONAL ARBITRATIONS AT THE CAC**

Article 1

**Scope of Application**

- 1 – The Commercial Arbitration Centre of the Portuguese Chamber of Commerce and Industry may appoint, recuse and substitute arbitrators in non-institutional arbitrations at the Centre, with the agreement of the parties.
- 2 – The Centre may also appoint, recuse and substitute arbitrators by application of other judicial entities or of other national or foreign institutions.

Article 2

**Arbitrator Appointment Application**

- 1 – A person who wishes to submit a request for an arbitrator appointment to the Commercial Arbitrator Centre, shall submit to the Secretariat an Arbitrator Appointment Application, which shall:
  - a) Identify the parties, attorneys, their addresses and emails.
  - b) Identify the arbitrator already appointed, including their nationality;
  - c) Attach the arbitration agreement or subsequent agreement relating to the competence of the Commercial Arbitration Centre for the appointment;
  - d) Briefly describe the dispute indicating the value in dispute, even if estimated;
  - e) Attach all communications and documents exchanged between the parties that are relevant;
  - f) Make reference to any other relevant circumstances;
  - g) Attach proof of payment of the due charges.
- 2 – If the request is made by a judicial entity or other institution, it shall contain:
  - a) The applications of the parties relating to the appointment of the arbitrator;
  - b) An order relating to the attribution of competence to appoint the arbitrator.

Article 3

**Rules for the Appointment**

- 1 – On receipt of the application, the Secretariat shall notify the parties to, within eight days, if they so wish, provide references which better define the desired arbitrator profile, if not already defined.
- 2 – The Secretariat shall inform the President of the Centre within two days, after having obtained the information established in the previous paragraph, and the decision must be issued within eight days.
- 3 – When the value of the proceeding is greater than 5 million euros, the President of the Centre shall, within five days, submit to the parties a list of five arbitrators, so that they can agree on one of them or indicate the ones that they would prefer not to be appointed, for which no grounds are required.
- 4 – After returning the lists to the Secretariat, the President of the Centre shall appoint, within eight days, the chosen arbitrator or one of the arbitrators who was not opposed, or if this is not possible, another who is not on the list.

5 – When one of the parties is a foreigner, or is controlled by a non-Portuguese entity, the rule of appointing five arbitrators is applied regardless of the value of the arbitration, and at least two of the five arbitrators proposed shall be of different nationality from the parties.

6 – The President of the Centre shall decide on the appointment of the arbitrators, after hearing the Vice Presidents.

7 – If the President is impeded from acting; they shall be substituted by the Vice Presidents, having duly heard one or two of the members of the Board, meaning that all decisions shall be made after hearing the members of the Board.

#### Article 4

##### **Arbitrator Recusal**

1 – A person who wishes to submit a request for arbitrator recusal to the Commercial Arbitration Centre, shall submit to the Secretariat an Arbitrator Recusal Application, which shall:

- a) Identify the parties, attorneys, their addresses and emails.
- b) Identify the arbitrators;
- c) Attach the arbitration agreement or subsequent agreement related to the competence of the Arbitration Centre to recuse the arbitrator;
- d) Set the grounds for the arbitrator recusal application;
- e) Make reference to any other relevant circumstances;
- f) Attach proof of payment of the due charges.

2 – After receiving the application, the Secretariat shall notify the parties and the arbitrators to comment on the matter within ten days.

3 – The President of the Centre shall give a decision about the arbitrator recusal within 20 days.

#### Article 5

##### **Arbitrator Substitution**

1 – A person who wishes to submit a request for the substitution of an arbitrator to the Commercial Arbitration Centre, shall present to the Secretariat an Arbitrator Substitution Application, which shall:

- a) Identify the parties, attorneys, their addresses and emails.
- b) Identify the arbitrators already appointed, including their nationality;
- c) Attach the arbitration agreement or subsequent agreement related to the competence of the Arbitration Centre to substitute the arbitrator;
- d) Make reference to any other relevant circumstances;
- e) Attach proof of payment of the due charges.

2 – After receiving the request, the Secretariat shall notify the parties and the arbitrators so they may comment on the matter within ten days.

3 – The President of the Centre shall then substitute the arbitrator, applying the rules relating to the appointment of the arbitrator, with appropriate adaptations.

#### Article 6

##### **Charges**

1 – For appointment and substitution of the arbitrator, the charges payable are €2,500.

- 2 – For the decision made about the arbitrator recusal, the charges payable are:
- a) €7,500 when the ad hoc arbitration takes place in the Commercial Arbitration Centre;
  - b) €15,000 in other cases.
- 3 – The amounts established are not refundable, and proof of payment must be attached to the initial application.
- 4 – If, during the course of arbitration, the Parties agree to institutionalise the arbitration in the Centre:
- a) The administrative charges of the arbitration are deducted in the scope of these Rules.
  - b) The fixed amount equal to the minimum level of table number 2 of the Rules of Arbitration, shall not be payable.