

**STATUTES OF THE ARBITRATION CENTRE OF THE PORTUGUESE CHAMBER
OF COMMERCE AND INDUSTRY¹**

ARTICLE 1

1 – The Arbitration Centre of the Portuguese Chamber of Commerce and Industry is the arbitration institution through which the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry promotes and conducts institutionalized voluntary arbitration in accordance with its legal mandate, and through which it carries on activities and provides services connected to voluntary arbitration and alternative dispute resolution procedures.

2 – The Centre has its head offices at the offices of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry, situate at Rua das Portas de Santo Antão, no. 89, in Lisbon.

ARTICLE 2

The Arbitration Centre of the Portuguese Chamber of Commerce and Industry, referred to below as the Commercial Arbitration Centre, has the following objects:

- a) To promote and disseminate dispute resolution through arbitration or alternative means of dispute resolution, namely conciliation and mediation, by organizing and sponsoring the dissemination of information and research into and exploration of any issues in the field of business disputes;
- b) To administer institutionalized voluntary arbitration procedures and alternative dispute resolution procedures, domestic or international, on business matters not excluded by law, of a public or private nature;
- c) To provide services connected to the administration of arbitration procedures and alternative means of dispute resolution.

ARTICLE 3

The Commercial Arbitration Centre shall be directed by a Board and shall have a Secretariat, providing the technical and administrative services required for the workings of the Centre.

ARTICLE 4

1 – The Board of the Commercial Arbitration Centre shall comprise nine members, appointed by the Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry, consisting of one chairman, two deputy chairmen and six members, all of whom shall be persons of acknowledged merit and good standing, possessing the technical and personal qualifications required for exercise of Board's responsibilities.

2 – The Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry shall designate the chairman and one of the

¹ Approved by the Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry, on 13 December 2005.

deputy chairmen; the other deputy chairman shall be chosen by the Board from amongst its members.

3 – Unless otherwise resolved by the Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry, the members of the Board shall not be entitled to any remuneration for exercise of their duties.

4 – The members of the Board shall be appointed for terms of office of three years, renewable.

5 – In the event of a member of the Board being subject to a definitive impediment he shall be replaced by a new member, whose term of office shall cease on expiry of the term of office of the other members.

ARTICLE 5

1 – In the exercise of their duties and responsibilities, the members of the Board shall be fully independent of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry and its officers, and shall therefore not be subject to the latter's instructions nor be required to render account to the same of their activities as members of the Board.

2 – The members of the Board shall be subject to the duty of confidentiality with regard to all arbitration procedures and alternative dispute resolution procedures organized at the Commercial Arbitration Centre.

3 – If, in relation to any arbitration procedure or dispute resolution procedure underway under the auspices of the Centre, any member of the Board finds himself in a situation which may give rise to doubts as to his independence or impartiality, he shall not, in such proceedings, carry out any act for which he may have powers under these statutes or the arbitration rules, nor shall he receive any information relating to the respective proceedings, nor take part in any discussion of the said proceedings in the body to which he belongs.

4 – The provisions of the preceding paragraphs shall not prevent a member of the Board from depositing as witness or as an independent expert in institutional arbitration proceedings or other dispute resolution proceedings administered by the Commercial Arbitration Centre.

ARTICLE 6

1 – The Board of the Commercial Arbitration Centre shall:

- a) Propose amendments to the Centre's statutes to the Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry;
- b) Approve the Arbitration Rules;
- c) Approve the Charges Regulations and the table of arbitrators' fees and administrative costs;
- d) Approve the Centre's lists of arbitrators and mediators, and any changes thereto;
- e) Define the policy on how the law, rules and statutes are to be applied to arbitration proceedings and to alternative dispute resolution proceedings administered by the Centre;
- f) Approve and organize steps to promote the study and dissemination of arbitration and other dispute resolution procedures;
- g) Resolve on specific training to be provided by the Centre for arbitrators and mediators;
- h) Approve the plan of activities for each year;
- i) Establish relations with other institutions, in Portugal and abroad, with a view to progress in arbitration;

- j) Exercise any other powers or responsibilities committed to it by the statutes, the rules or the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry.

2 – Ordinary meetings of the Board shall be held once every six months and extraordinary meetings shall be held when called by the Chairman, on his own initiative, or else on the request of no less than half the Board's members or of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry.

3 – The resolutions of the Board shall be adopted by a majority of the votes cast by no less than half the members in full office, the Chairman having a casting vote should it not be possible to form a majority.

ARTICLE 7

1 – The chairman of the Board of the Commercial Arbitration Centre shall:

- a) Exercise all the powers assigned to him by the statutes and the rules in force from time to time;
- b) Represent the Commercial Arbitration Centre in its external dealings;
- c) Coordinate the activities of the Commercial Arbitration Centre;
- d) Call the meetings of the Arbitration Centre and direct the respective proceedings.

2 – In the event of his absence or impediment, the chairman shall be replaced by the deputy chairmen.

ARTICLE 8

1 – The Secretariat shall comprise a secretary-general, case secretaries and the technical and administrative staff deemed necessary for exercise of their responsibilities.

2 – The members of the Secretariat shall be employees of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry and shall report to the secretary-general of the Commercial Arbitration Centre who shall report in turn, as the case may be, to the Chairman of the Board of Arbitration or the Chairman of the Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce, notwithstanding the technical autonomy required by the exercise of his duties.

3 – The members of the Secretariat shall be appointed, after consultation with the Board, by the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry, which shall set their pay and terms of employment.

4 – The secretary-general shall:

- a) Organize and direct the Centre's Secretariat;
- b) Assist the Chairman and the Board;
- c) Participate in meetings of the Board, without voting rights;
- d) Administer proceedings organized under the auspices of the Commercial Arbitration Centre or underway at its premises, assuring to this end administrative support for the tribunals and other third parties and providing the parties, their attorneys, the arbitrators and other third parties a high standard of technical and practical assistance as may be requested or as he sees fit in each case;
- e) Collect the costs for proceedings and advances on account of the same, giving quittance for the same, and order payment of the arbitrators' fees or other charges, under the terms of the Rules.
- f) Draw up and submit for the approval of the Board of Directors of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry the Centre's annual budget and accounts.

5 – As required by the number of procedures or the geographical distance between the Centre's central premises and the venues of proceedings, the secretary-general shall be assisted by case secretaries who, under his guidance, may exercise any of the powers of the Secretariat relating to the administration of arbitration proceedings.

6 – The secretary-general and the members of the Secretariat may not take part in arbitration proceedings, of any nature whatsoever, or in any alternative dispute resolution proceedings underway under the auspices of the Commercial Arbitration Centre or at its premises, as either arbitrator or other third party, or as a representative of the parties.

7 – If the secretary-general, or any member of the Secretariat, finds himself, with regard to any party or representative of a party in arbitration proceedings conducted by the Commercial Arbitration Centre, in a situation which may give rise to doubts as to his independence or impartiality, he shall notify the Board the parties of such fact, prior to taking any step with regard to such proceedings, and shall not perform any duties in respect of any aspect of such proceedings.

8 – All the members of the Secretariat are subject to the duty of confidentiality with regard to all arbitration proceedings and alternative dispute resolution proceedings organized at the Commercial Arbitration Centre.

ARTICLE 9

1 – The arbitrators and mediators on the Centre's lists shall be Portuguese or foreign individuals, with full capacity, with proven academic, professional or technical qualifications permitting them to judge, or mediate, with independence and high ethical standards the disputes which may be submitted to an arbitration tribunal set up under the auspices of the Commercial Arbitration Centre or to mediation organized by the same Centre.

2 – The lists of arbitrators and mediators shall be reviewed every three years by the same Board, notwithstanding alterations made from time to time by the Arbitration Board.

ARTICLE 10

1 – The Commercial Arbitration Centre shall be administratively and financially autonomous.

2 – Charges collected in arbitration proceedings and alternative dispute resolution proceedings conducted under its auspices, the return on financial investments and the price payable for the services provided shall constitute the Arbitration Centre's revenues.

ARTICLE 11

Arbitration agreements which directly or indirectly refer to the Commercial Arbitration Centre in its previous form shall be deemed to refer to the Arbitration Centre of the Lisbon Commercial Association – Portuguese Chamber of Commerce and Industry.