

RESOLUTION 01/2020

AMCHAM ARBITRATION AND MEDIATION CENTER

REF.: Operation of the AMCHAM Brazil Arbitration and Mediation Center (CAM-AMCHAM) in face of the pandemic caused by the coronavirus (COVID-19)

Considering the global scenario resulting from the pandemic caused by COVID-19 and in order to contribute to the collective effort to limit contamination;

Considering public health recommendations related to COVID-19;

Considering AMCHAM Brazil's commitment to preserve the well-being and safety of its collaborators and of the users, arbitrators, mediators, lawyers and technical assistants who take part in the procedures administered by CAM-AMCHAM;

The General Secretariat, in use of the powers conferred by article 5.2(e) of the CAM-AMCHAM Bylaws (approved on March 5, 2014) decides to issue this Resolution on the adaptation of CAM-AMCHAM activities, in urgent and temporary character, due to the COVID-19 pandemic. The measures are aimed at reducing the flow of people in AMCHAM Brazil, with the objective of safeguarding the health of both employees and users of CAM-AMCHAM services, simultaneously ensuring the effective management of procedures administered by this institution.

I – Compliance with Deadlines and Filings

I.I Deadlines for filing submissions set out in arbitration and mediation procedures are **maintained** and must be, as of the date of this Resolution, met **electronically**.

I.II The filing of submissions' and evidences' **originals** at AMCHAM head offices is **suspended** as long as this Resolution remains in force. Upon the normalization of the filing of originals, to be determined by a new Resolution, the Parties shall submit at least an original of every memorandum and file presented electronically, which will be filed by the CAM-AMCHAM Secretariat.

I.III With the exception of the filing of originals, all other specific rules on meeting deadline and submitting files upon which the parties may have agreed on each procedure's Terms of Reference and Terms of Mediation must be followed, unless otherwise decided by the Arbitral Tribunal (*ex officio* or at the request of the Parties) or the Mediator.

I.IV For purposes of electronic compliance with deadlines, all memoranda and other documents must be submitted by email, as provided for in the Terms of Reference and Terms of Mediation. In case the attachments are larger than supported by the email provider, the Parties may send it (i) compressed as a ZIP file; (ii) through shareable links or; (iii) in a shared folder to be created and administered by the CAM-AMCHAM Secretariat, upon request of the Arbitral Tribunal, the Mediator or the Parties.

I.V Deadlines counted from the receipt of originals will have as their initial term the first business day following the receipt of the email containing the submission and enabling access to documents.

I.VI Requests for arbitration or mediation must be sent only digitally, through the electronic address amcham.arbmed@amchambrasil.com.br.

I.VII Procedures in which an Arbitral Tribunal or Mediator are yet to be appointed will be conducted electronically by the CAM-AMCHAM Secretariat.

I.VIII If management by electronic means is not possible, the General Secretariat will analyze the case and may, if necessary, suspend the procedure until the filing of originals is normalized.

I.IX In procedures in which an Arbitral Tribunal or Mediator have already been appointed, the arbitrators and mediators may call for the suspension of the arbitration or mediation procedure at its sole discretion or due to agreement between the parties.

I.X Arbitral Awards must be sent electronically to the CAM-AMCHAM Secretariat. Originals must be filed only after the normalization of the filing of originals.

I.XI Arbitral Awards will also be sent to the Parties electronically by the CAM-AMCHAM Secretariat. Originals will be sent when the filing of originals is normalized.

II – Hearings and Meetings

II.I In order to reduce the impacts that changes in activities may have on the progression of procedures administered by CAM-AMCHAM, the Secretariat will enable hearings through digital platforms or audioconferencing, always with remote participation of at least one member of the Secretariat.

II.II Hearings and face-to-face meetings at AMCHAM Brazil head offices are suspended until otherwise determined by a new Resolution.

II.III Although not recommended by CAM-AMCHAM, the Parties, the Arbitral Tribunal, and Mediators may decide to hold hearings and meetings in person in places chosen by them, with the remote participation of the Secretariat.

III – Public Offices and Open Hours

III.I The CAM-AMCHAM Secretariat will be available to users and employees exclusively by telephone <(11) 5180-3876> and email amcham.arbmed@amchambrasil.com.br, during CAM-AMCHAM's open hours (Monday to Friday, 9 am to 12:30 pm and 2 pm to 5 pm).

IV –Term

IV.I This Resolution comes into force on March 20, 2020, and will remain in effect until the publication of a new Resolution revoking it, which will occur as soon as the risk to public health due to COVID-19 pandemic comes under control.

São Paulo, March 19, 2020

Carolina Morandi
General Secretary