REGULATION OF THE SECRETARY FOR ARBITRATION COURT - CENTER FOR ARBITRATION OF THE CARACAS CHAMBER (CACC for Spanish)

CERTIFICATE OF TRANSLATION. I, Anderson Barajas, hereby certify that I am competent to translate from Spanish to English language, and I also certify the translation of this document is true and accurate of the original to the best of my abilities. Name: Anderson Barajas – Email: andy_francais@hotmail.com . Signature: – Caracas, Venezuela - Date: 09/04/2023. CELTA CODE 1010-89-1725

INDEX

EXPLANATORY STATEMENTS

Article 1. The Arbitration Secretary.

Article 2. Procedures for the designation of the arbitration secretary.

Article 3. Number of arbitration secretaries.

Article 4. Notification of the parties of the intention to designate arbitration secretary.

Article 5. Documents that the arbitral secretary must accompany for its designation.

Article 6. Responsibility of the members of the arbitral tribunal.

Article 7. Challenging of the arbitration secretary.

Article 8. Duties of the arbitration secretary.

Article 9. Independence and impartiality of the arbitration secretary.

Article 10. Functions of the arbitration secretary.

Article 11. Duties and obligations of the arbitration secretary.

Article 12. Fees of the arbitration secretary.

Article 13. Causes for cessation of duties or dismissal of the arbitration secretary.

Article 14. Non-suspension of the procedure.

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Explanatory Statements

Considering the need to adapt to the incorporation of institutions innovative that help to achieve greater efficiency and brevity in the processing of arbitration proceedings, it was deemed convenient to incorporate the figure of the Secretary of the Arbitral Tribunal.

The appointment of him is contemplated as a discretionary power of the arbitral tribunal when they consider that the appointment of a secretary will be useful for the dispute resolution effectively and efficiently.

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REGULATION OF THE SECRETARY OF THE ARBITRAL TRIBUNAL

Article 1. The arbitration secretary.

To be an Arbitration Secretary, the candidate must be a professional attorney and remain independent and impartial to the parties in the case. The Arbitration Secretary, preferably, will be a member of the office of lawyer of one of the members of the arbitral tribunal or of the President of said court.

Article 2. Origin for the appointment of the arbitration secretary.

The Arbitration Secretary will be appointed to assist the arbitral tribunal when the members of this court consider that the appointment of a secretary will be useful for resolving the dispute effectively and efficiently.

Article 3. Number of arbitration secretaries.

If necessary, the CACC may authorize the appointment of more than one (1) Arbitration Secretary, when the circumstances of the case so require.

Article 4. Notification to the parties of the intention to appoint a secretary arbitral.

The arbitral tribunal must notify the parties of its intention to appoint a secretary arbitration when required by the case. The parties within a period not exceeding five (5)

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business days they must give their written consent on the designation or not the Secretary.

Unique Paragraph: The appointment of the Arbitration Secretary will not be allowed without the knowledge and consent of the parties.

Article 5. Documents that the arbitral secretary must accompany for its appointment of him.

Once the parties consent to the appointment of the Secretary Arbitration, the arbitral tribunal must send to the Arbitration Center for subsequent dissemination to the parties, the *curriculum vitae* of the proposed candidate, as well as the personal and professional references that allow determining the quality of the person to take office.

Article 6. Responsibility of the members of the arbitral tribunal.

It will be the responsibility of the arbitral tribunal:

1. Notify the parties of the intention to designate the Arbitration Secretary.
2. Select with due diligence the candidate to fill the position of Arbitration Secretary, taking into consideration all the circumstances of the case.
3. Appropriately supervise the Arbitration Secretary.
4. The President of the arbitral tribunal must ensure that he is not delegated to the Arbitration Secretary a job that may violate the duty of confidentiality of the referees.
5. The arbitral tribunal shall confirm to the CACC and to the parties that the candidate proposed to be Secretary of Arbitration is an independent person, impartial, and without conflicts of interest.
6. Notify the CACC and the parties if the circumstances related to the independence and impartiality of the Secretary of Arbitration change, or if conflict of interest of the latter during the course of the arbitration.

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Article 7. Challenge of the arbitration secretary.

The parties may challenge the appointment of the Arbitration Secretary when, at their criteria consider that the case does not merit the appointment of the Secretary, or when consider that the proposed candidate does not meet the conditions of independence and impartiality required for said position. The parties must submit a reasoned brief before the CACC justifying the reasons for said objection.

The arbitral tribunal, once the challenge from the Arbitral Secretary has been received, will have a period of three (3) business days to resolve the dispute. If the court arbitrator determines that the challenge is inadmissible, it will be considered validly appointed the Secretary of Arbitration.

Article 8. Obligations of the arbitration secretary.

The Arbitration Secretary, in the performance of his functions, is obliged to respect the principles and rules of the CACC and the Arbitration Law; comply with the procedural actions within the established periods; and, proceed in all time with due diligence and guarantee the parties confidentiality, fairness and impartiality.

Article 9. Independence and impartiality of the arbitration secretary.

The Arbitration Secretary, before assuming his functions, must inform the CACC on any circumstance that may give rise to justifiable doubts about his impartiality and independence.

The Secretary of Arbitration will be required to sign the Declaration of Independence and Annexes, as well as the Instructions of the Secretary that for this purpose the Executive Directorate will make available to you.

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Article 10. Duties of the arbitration secretary.

1. Assume administrative issues of the arbitral tribunal, provided that these do not interfere with the administrative activity of the CACC;
2. Support the CACC and the arbitral tribunal in organizing the hearings or meetings.
3. Investigate issues of law that are relevant to the resolution of the dispute at the request of the arbitral tribunal;
4. Organize writings of the parties and court-mandated evidence arbitral.
5. Write procedural orders and documents of a similar nature;
6. Write the chronology of the events (procedural iter) and memoranda, summarizing the writings and evidence of the parties.
7. To be present at the deliberations of the arbitral tribunal;
8. Any other assigned by the arbitral tribunal.

Article 11. Duties and obligations of the arbitration secretary.

1. The Arbitration Secretary agrees to carry out his function of in accordance with this Regulation, the General Regulations of the Center for Arbitration of the Chamber of Caracas, as well as to sign the Declaration of Independence.
2. Submit to the same obligations of confidentiality, independence and impartiality to which the arbitral tribunal is subjected.
3. Coordinate with the arbitrators and the Arbitration Center the dates to celebrate the hearings that may take place.
4. Assist the arbitrators when required, in the legal investigation relevant to the case.
5. Perform other administrative tasks assigned by the arbitral tribunal during the arbitration proceedings, refraining from assuming a role decision-making or evaluative of the factual or legal positions of the parts.

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Article 12. Fees of the arbitration secretary.

The fees of the Arbitration Secretary will be deducted from the fees of the appointed arbitrators. The value of these will be determined by the arbitrators in proportion to the circumstances of the case and must be previously notified to the proposed person.

Article 13. Causes for cessation of duties or dismissal of the secretary arbitral.

1. Resignation.
2. Dismissal by the arbitral tribunal when it considers that it no longer it is necessary.
3. At the request of the parties.
4. Breach of the duty of confidentiality, independence and impartiality.
5. Breach of the duties and obligations set forth in this Regulation.
6. Unethical behavior.

First paragraph: The dismissal of the Arbitration Secretary must be notified by writing to the parties and the Arbitration Center. In case the cessation of functions is by dismissal of the arbitral tribunal, it must notify the Secretary in writing, to the parties and the Arbitration Center on the dismissal.

Second paragraph: Regardless of the reasons that led to the termination of the functions of the Secretary of Arbitration, he must deliver as soon as possible to the arbitral tribunal all the documents that were delivered to it and that it has in its power linked to the case.

Article 14. Non-suspension of the procedure.

The appointment, dismissal or substitution of the Arbitration Secretary will not suspend the arbitration procedure.

These Regulations have been approved by the Board of Directors of the Chamber of Commerce, Industry and Services of Caracas, in Caracas at twenty-one (21)

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days of the month of April of the year two thousand twenty-two (2022), and will enter into force the twenty-sixth (26) of the month of May of the year two thousand and twenty-two (2022).

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