ADMINISTRATIVE PARTIAL REGULATION OF THE CENTER OF ARBITRATION FOR THE CARACAS CHAMBER (CACC for Spanish)

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Explanatory Statements

The Arbitration Center of the Caracas Chamber (CACC) attending to the need to adapt the regulation regarding the rates and fees of arbitrators, mediators and negotiation coordinators, to the current economic reality, developed an intense work in the search of adjustment mechanisms or formulas that allow mitigating its impact given the existing hyperinflationary situation.

Indeed, both the administrative fees for the services provided by the CACC as the fees of arbitrators and mediators established in Annexes I and II of the General Regulations in force, which regulate these aspects in the case of applications presented in bolivars (Annex I) and in foreign currency (Annex II) respectively, were clearly dissociated from economic reality.

The review of the aforementioned Annexes jointly by specialists members of the Executive Committee, the administration department of the Chamber of Caracas and this Arbitration Center, culminated in the preparation of this Partial Administrative Regulation. It is a regulation that seeks a fair adequacy of their amounts considering the economic impact that this entails for the parties interested in resorting to dispute resolution mechanisms conflict managed by this Center.

Within the modifications that are incorporated in this Partial Regulation Administrative is the unification of Annexes I and II, whose consequence immediate is the use of the US dollar as currency of account, allowing the convertibility of this based on the legal system law in force when the requests are estimated in a currency other than the one regulated in this Partial Administrative Regulation. This modification allows equality of conditions in the calculation of rates and fees of the CACC in the cases that are estimated in currencies other than the one used as the currency of account.

By recommendations of the administration department of the Chamber and specialists consulted, the following terms were substituted*: (I) "rate of registration" by "registration*

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service fee", (II) "administrative fee" by "registration fee" administrative service", (iii) "arbitrator fees" for "guarantee deposit of arbitrator fees"; and (iv) "mediator fees" for "guarantee deposit of mediator fees".

Following the regulation order of the Partial Administrative Regulation, in the Section I sets the amount of the registration service fee with a single value regardless of the procedure involved in 300 American dollars

Subsequently, in section II the aspects related to the costs are regulated, initials in the arbitration procedure, reforming the table to incorporate ranges less than $50,000.00 to make the payment of both the administrative service and arbitrator fees when the amount of the request is less than said amount.

Regarding the administrative service fee and arbitrator fees, when In the case of emergency precautionary measures, section III establishes a calculation mechanism similar to that used to calculate the rates and fees of the arbitration procedure, taking into account the amount of the estimate of the request for precautionary measure, thus replacing the fixed amount mechanism for both aspects provided in the Annexes that this Regulation repeals.

In the case of mediation procedures, regulated in section IV, the maintained the same mechanism for calculating the administrative service fee and mediator fees established in Annex II of the RGCACC, with the provision of new segments and the respective percentage.

Section V, constitutes a novelty in attention to the incorporation of this alternative dispute resolution mechanism. Regarding the rate of administrative service, a fixed amount was established and regarding the fees of the coordinator, the possibility is contemplated that the parties and the coordinators fix it by mutual agreement.

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In the common provisions, a new article relating to the conversion (article 16) in which it is provided that when the amounts of the application must be converted to a currency other than the one presented in the request, for the purposes of determining the amount that as a fee for registration service, administrative service fee, arbitrator fees of emergency fees, arbitrator fees, mediator fees, and negotiation coordinator established in this Partial Regulation Administrative, these will be set in accordance with the legal system in force in the opportunity for the Executive Directorate to notify the payment request. So it is also established, this communication must include the amount corresponding by concept of the taxes to which there is place.

Finally, and regarding applicable taxes, a new article is incorporated (article 17) in which it is regulated that the amounts established in this Regulation they do not include the corresponding legal taxes. Once the CACC issues the invoice for registration service or administrative service fees, the parties will be obliged to assume the tax expenses that are caused, as well as how to apply withholdings by law. Likewise, a single paragraph was incorporated relative to the opportunity and requirements of the invoices to be issued for concepts of fees.

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BOOK I

FEE FOR SERVICES OF THE CACC AND FEES OF THE ARBITRATORS AND MEDIATORS

Section I

Registration service fee

Article 1. Registration service fee.

Any request for arbitration, counterclaim, emergency precautionary measure, mediation or coordination of negotiation, it will cause the payment of the registration service fee of three hundred United States dollars (USD 300.00) or its equivalent in bolivars calculated based on the current legal system, without no type of surcharge or deduction. Said payment is non-refundable and covers the initial operating expenses of the corresponding procedure.

Unique Paragraph: The registration service fee will not be charged and, in consequently, the payment of the same will not be required in the case of requests for precautionary measure in the course of arbitration proceedings.

Section II

Administrative service fee and arbitrator fees in the arbitration procedure.

Article 2. Initial costs of the abbreviated arbitration procedure.

When the amount of the arbitration request does not exceed the amount of fifty thousand United States dollars (USD 50,000.00), or its equivalent in bolivars calculated based on the current legal system, will be applied by concept of administrative service fee and sole arbitrator fees amounts established in this section, applied up to the

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segment that corresponds according to the estimation of the value of the request for arbitration or counterclaim in the specific case.

Article 3. Administrative service fee.

For the calculation of the administrative service fee, the CACC will subsume the estimate of the value of the request for arbitration or counterclaim in the specific case, estimated in foreign currency or its equivalent in bolivars in the segment that corresponds to it, in this case, said estimate will represent the maximum range of that segment. Subsequently, the average calculation will be carried out between the minimum and maximum range of each segment and the percentage that corresponds to the case. Obtained the amount of each segment, proceed to the sum of the values obtained in each of the ranges until reaching the estimate segment.

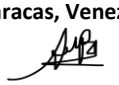
The amount that results will be the one that the CACC will charge for administration of arbitration proceedings.

For the purposes of calculating the administrative service fee, it will be done according to the following table:

ADMINISTRATIVE SERVICE FEE

Up to10.000,00$	500
From 10.001,00 $ to 20.000,00$	2,60%
From 20.001,00$ to 30.000,00$	2,00%
From 30.001,00$ to 40.000,00$	1,50%
From 40.001,00$ to 50.000,00$	1,45%
From 50.001 $ to 100.000 $	1,35%
From 100.001 $ to 300.000 $	1,20%
From 300.0001 $ to 600.000 $	1,15%
From 600.001 $ to 1.000.000 $	1,10%
From 1.000.001 to 3.000.000	1,05%

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From 3.000.001 to 6.000.000	0,95%
From 6.000.001 to 10.000.000	0,45%
From 10.000.001 to 50.000.000	0,15%
From 50.000.001 to 80.000.000	0,08%
From 80.000.001 to 100.000.000	0,05%
More than 100.000.001	0,03%

Article 4. Arbitrator fees.

For the calculation of the security deposit for arbitrator fees, the CACC will subsume the estimate of the value of the request for arbitration or counterclaim in the specific case, estimated in foreign currency or its equivalent in bolivars in the segment that corresponds to it, in this case, said estimate will represent the maximum range of that segment. Subsequently, the calculation of the average between the minimum and maximum range of each segment and the corresponding percentage will be applied according to the case. Obtained the amount of each segment, the sum of the values obtained in each of the segments will be the ranges until reaching the segment of the estimate.

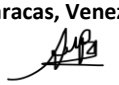
The resulting amount will be multiplied by the number of arbitrators that will make up the arbitral tribunal to determine the amount that the CACC will charge for security deposit for arbitrator fees.

For the purposes of calculating the guarantee deposit, the arbitrator fees will be made according to the following table.

ARBITRATOR FEES

Up to 10.000	700
From 10.001 to 20.000	3,20%
From 20.001 to 30.000	2,90%

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From 30.001 to 40.000	2,65%
From 40.001 to 50.000	2,35%
From 50.001 $ to 100.000 $	2,00%
From 100.001 $ to 300.000 $	1,75%
From 300.0001 $ to 600.000 $	1,35%
From 600.001 $ to 1.000.000 $	1,15%
From 1.000.001 to 3.000.000	0,70%
From 3.000.001 to 6.000.000	0,45%
From 6.000.001 to 10.000.000	0,30%
From 10.000.001 to 50.000.000	0,15%
From 50.000.001 to 80.000.000	0,08%
From 80.000.001 to 100.000.000	0,05%
More than 100.000.001	0,03%

Paragraph One: The payment corresponding to the fees of each of the arbitrator members of the arbitral tribunal will attend to their status as president or co-arbitrator, unless otherwise agreed by them.

Paragraph Two: The fees of arbitrators that are caused on the occasion of the arbitration procedure, will be paid by the CACC to the arbitrator once finalized said procedure, causing the corresponding taxes and withholdings according to the law.

Article 5. Payment of arbitrator fees before the termination of the case.

In case of recusal of any of the arbitrators, or when one of them so request, they may receive advance payment on the fixed fees, in this case, the percentages corresponding to the phase of the procedure in which it is located will be applied.

Up to the Date of the Mission Statement	15%
Until the completion of the evidentiary stage	25%
At the end of the instruction	40%

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Unique paragraph: The arbitrators may request advance payments to the fees of the amounts set by this regulation in the percentages provided for in this article. In the event that what is requested is not carried out in each of the stages, the arbitrator may collect only in the stage in which it is without there being a place for the accumulation of said percentages.

Article 6. Payment in installments of the initial costs.

If the estimate of the request for arbitration exceeds the amount of five hundred thousand US dollars (USD 500,000.00) the Executive Committee may authorize the payment of the initial costs of the arbitration in installments, subject to the conditions that the Executive Committee deems appropriate.

If the payment in installments is approved, the communication from the Management Executive will indicate the number of quotas approved, the percentage assigned to each one of them, and the payment opportunity.

Paragraph One: In no case may more than three (3) installments be approved for the payment of initial costs, and the date of payment of the last installment it cannot be after the date of the Mission Statement.

Paragraph Two: Payment of fees may be in foreign currency or its equivalent in bolivars, calculated based on the legal system valid for the date of payment of each of them.

Article 7. **Costs for the procedure to challenge the arbitration award.**

In those cases where the challenge of the award is requested, the fee for administrative service and deposit in guarantee of fees of the arbitrators of the arbitral court of challenge, will be calculated in accordance with the provisions of the Section III of this Regulation relating to emergency precautionary measures.

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The total amount to be deposited as a guarantee deposit for fees of the arbitral court of challenge, will be the one that results from multiplying the result that throw the calculation previously indicated by the number of arbitrators.

Section III
Administrative service fee and arbitrator fees in emergency precautionary measures.

Article 8. Administrative service fee.

To calculate the administrative service fee for appropriation requests urgent precautionary measure, the CACC will subsume the estimate of the value of the application for arbitration estimated in foreign currency or its equivalent in bolivars in the segment that corresponds to it, in this case, said estimate will represent the maximum range of that segment. Subsequently, the calculation of the average between the minimum and maximum range of each segment and the corresponding percentage will be applied according to the case. Obtained the amount of each segment, the sum of the values obtained in each of the segments will be the ranges until reaching the segment of the estimate.

The amount that results will be the one that the CACC will charge for administration of the emergency precautionary measure procedures.

For purposes of calculating the administrative service fee, it will be done according to the following table.

ADMINISTRATIVE SERVICE FEE

Up to 200.000 $	1.500
From 200.001 $ to 500.000$	0,90%
From 500.001 $ to 2.000.000 $	0,50%

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From 2.000.001 $ to 5.000.000 $	0,10 %
From 5.000.001 $ to 10.000.000 $	0.05%
More than 10.000.001	0,03%

Article 9. Fees of the emergency arbitrator.

For the calculation of the emergency arbitrator fee escrow, the CACC will subsume the estimate of the value of the estimated request for arbitration in foreign currency or its equivalent in bolivars in the segment that corresponds, in this case, said estimate will represent the maximum range of that segment. Subsequently, the calculation of the average between the minimum and maximum range of each segment and the percentage that corresponds to the case. Obtained the amount of each segment, proceed to the sum of the values obtained in each of the ranges until reaching the estimate segment.

The amount that results will be the one that the CACC will charge for the concept of deposit in guarantee of emergency arbitrator fees.

For the purpose of calculating the security deposit for emergency arbitrator fees, it will be done according to the following table.

ARBITRATOR FEES

Up to 200.000$	2.000
From 200.001$ to 500.000$	1.00%
From 500.001$ to 2.000.000$	0,75%
From 2.000.001$ to 5.000.000$	0,50%
From 5.000.001$ to 10.000.000$	0,09%
More than 10.000.001	0,05%

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Unique Paragraph: The fees of the emergency arbitrator that are caused with occasion of the request for precautionary measure, will be paid by the CACC to the arbitrator once said procedure is finished, causing the taxes and withholdings that correspond according to the law.

Section IV

Administrative service fee and mediator fees.

Article 10. Administrative service fee.

For the calculation of the fee for administrative service of procedures of mediation, the CACC will subsume the mediation request value estimated in foreign currency or its equivalent in bolivars in the segment that corresponds to it, in this case, said estimate will represent the maximum range of that segment. Subsequently, the average calculation will be carried out between the minimum and maximum range of each segment and the percentage that corresponds to the case. Obtained the amount of each segment, proceed to the sum of the values obtained in each of the ranges until reaching the estimate segment.

The amount that results will be the one that the CACC will charge for administration of mediation procedures.

For purposes of calculating the administrative service fee, it will be done according to the following table.

ADMINISTRATIVE SERVICE FEE

Up to 200.000$	1500$
From 2000.001,00$ to 500.000,00$	0,085%
From 500.001,00$ to 2.000.000,00$	0,068%
From 2.000.001$ to 5.000.000,00$	0,045%
From 5.000.001,00$ to 10.000.000,00$	0.033%

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More than 10.000.000,01$	0,022%

Article 11. Mediator fees.

For the calculation of the guarantee deposit of the mediator's fees, the CACC will subsume the estimate of the value of the mediation request estimated in foreign currency or its equivalent in bolivars in the segment that corresponds, in this case, said estimate will represent the maximum range of that segment. Subsequently, the calculation of the average between the minimum and maximum range of each segment and the percentage that corresponds to the case. Obtained the amount of each segment, proceed to the sum of the values obtained in each of the ranges until reaching the estimate segment.

The amount that results will be the one that the CACC will charge for the concept of deposit in guarantee of mediator fees.

For the purposes of calculating the deposit in guarantee of mediator fees, it will be done according to the following table.

MEDIATOR FEES

	Per Hour
Up to 200.000$	120$
From 200.001,00$ to 500.000,00$	160$
From 500.001,00$ to 2.000.000,00$	190$
From 2.000.001,00$ to 5.000.000,00$	240$
From 5.000.001,00$ to 10.000.000,00$	300$
More than 10.000.000,00$	350$

Unique paragraph: The fees of the mediator that are caused on the occasion of the mediation, will be paid by the CACC to the mediator once said procedure, causing the corresponding taxes and withholdings according to the law.

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Section V
Administrative Service Fee and Coordinator Fees Negotiation.

Article 12. Administrative service fee.

The CACC will charge an administrative service fee for the application of negotiation coordination the amount of five hundred US dollars (USD 500.00) or its equivalent in bolivars calculated based on the current legal system.

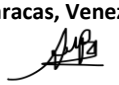
Article 13. Negotiation coordinator fees.

The amount per hour of counseling by the coordinator will be set in dollars US dollars or their equivalent in bolivars calculated based on the current legal system, by mutual agreement between the parties involved and the coordinator according to the procedure established in the respective regulation.

The coordinator will collect as a fee guarantee deposit the amount resulting from multiplying the amount per hour of counseling by the coordinator by the number of hours of the session or sessions carried out.

Unique paragraph: The fees of the coordinator that are caused on the occasion of negotiation coordination, will be paid by the CACC to the coordinator once said procedure has been completed, causing the taxes and withholdings that correspond according to the law.

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BOOK II

COMMON DISPOSALS

Article 14. Other concepts

Photocopies of the documents will not be included in the administrative service fee documents that make up a certain file, as well as the expenses in incurred by the CACC to make the notifications, nor the expenses that may be considered extraordinary by the Executive Directorate.

Unique Paragraph: The Executive Directorate will set the rates for the other services provided by the CACC.

Article 15. Additional expenses.

The additional expenses that originate in the procedures will be in charged by the party that performs or promotes the action. When the performance is ordered by the arbitral tribunal, the expenses must be paid by both parties, without prejudice that they be compensated by ordering costs in the final award.

Article 16. Conversion.

When the amounts of the request must be converted to a currency other than the one presented in the application for the purpose of determining the amount that concept of registration service fee, administrative service fee, emergency arbitrator fees, arbitrator fees, mediator and negotiation coordinator fees set forth in this Partial Administrative Regulation, these will be established according to the order law in force at the time that the Executive Directorate communicates the payment requirement. Said communication must include the amounts corresponding by concept of the taxes to which there is place.

Article 17. Applicable taxes.

The amounts established in this Regulation do not include legal taxes corresponding. Once the CACC issues the invoice for the fees for registration service or administrative

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service, the parties shall be obliged to assume the tax expenses that are caused, as well as to apply the withholdings of law.

Unique Paragraph: The invoices that must be issued for the fees referred to in this regulation, will be issued by the arbitrator, arbitrator of emergency, mediator or negotiation coordinator as the case may be, once completed the corresponding procedure, in accordance with the forms, requirements and other requirements established in the legal system current. The obligations or amounts of a tax nature that are determined in the invoices issued in accordance with this paragraph will be supported by the parties, having to comply with the formal obligations and duties provided for in the legal system, whatever its source or nature.

BOOK III

FINAL PROVISIONS

Article 18. Modification.

This Partial Administrative Regulation may be modified by the Board Directive without implying that the General Regulation of the Arbitration Center of the Chamber of Caracas will be modified.

This Partial Administrative Regulation has been approved by the Board Director of the Chamber of Commerce, Industry and Services of Caracas, in Caracas on the twenty-one (21) day of April of the year two thousand and twenty-two (2022), and will enter into force on the twenty-sixth (26) of the month of May of the year two thousand and twenty-two (2022).

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