

The President of the Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada, hereinafter referred to as CAM-CCBC, in the exercise of the powers conferred upon him by article 2.6(d) of the CAM-CCBC Rules and motivated by the edition of a legal framework in Mediation, namely (i) Law No. 13,140 of 26 June 2015; and (ii) Law No. 13,105 of 16 March 2015, issues these Rules.

The President of the CAM-CCBC, in the exercise of the powers conferred upon him by article 2.6(d) of the CAM-CCBC Rules, approved on 01 August 2011, after hearing the Advisory Council of CAM-CCBC, approves the Code of Ethics and Conduct for Mediators in Procedures Managed by CAM-CCBC.

MEDIATION RULES

(Approved by the President of the CAM-CCBC, in the exercise of the powers conferred upon him by article 2.6(d) of the CAM-CCBC Rules, on 01 August 2016)

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CAM-CCBC

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CHAPTER I – INITIAL ACTS

ARTICLE 1 – MEDIATION REQUEST

- 1.1. The person(s) interested in proposing Mediation may do so with or without the provision of a contractual clause, upon request in writing, addressed to the Secretariat of the CAM-CCBC, attaching the Registration Fee payment receipt, as per article 9.2 hereof.
 - 1.1.1. In the event of participation of a direct or indirect entity from the Public Administration, these articles shall be adapted as necessary to meet legal requirements, subject to the approval of the President of the CAM-CCBC.
- 1.2. The President of the CAM-CCBC shall evaluate the admissibility of the Mediation request, admitting it or refusing it.

ARTICLE 2 – PRECEDING MEETING

- 2.1. Once the Mediation request is admitted, the Secretariat of the CAM-CCBC shall invite, within five (5) days, both the person(s) who proposed the mediation and the other possible participant(s) for preceding meetings.
 - 2.1.1. The preceding meetings have an informative nature and do not constitute the beginning of the Mediation proceeding, which will take place only before the Mediator, pursuant to article 5.1 hereof.

¹Art. 2.6. The President of CAM-CCBC is in charge of deciding: (...) (d) to approve Regulations and standards related to other alternative methods of dispute resolution;

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- 2.2. The preceding meetings must be made, as a rule, separately for the person(s) who proposed Mediation and the other possible participant(s).
- 2.3. The preceding meetings must be conducted by the Executive Secretariat responsible for managing the Mediation proceeding of the CAM-CCBC.
- 2.4. After the preceding meetings, the Participants shall establish the value of the dispute and pay the fees to CCBC (opening and administration fees) and the Mediator's fees, as set forth in article 9 hereof.

ARTICLE 3 – CHOOSING THE MEDIATOR

- 3.1. Once the preceding meetings are completed, the Secretariat of the CAM-CCBC shall present the CAM-CCBC the List of Mediators for participants to choose, jointly, the name of the professional who will carry out the proceeding.
- 3.2. If there is no consensus on the choice of the Mediator, each participant will be asked to submit a shortlist of five (5) names from the List of Mediators, within five (5) days, by order of preference.
- 3.3. If there is a name in common, this will be the Mediator who will carry out the proceeding.
- 3.4. If there is more than one name in common, the tiebreaker will be the sum of the preference order of each name on those lists.
- 3.5. If the criteria in articles 3.1 to 3.4 of these Rules are not sufficient to choose the Mediator, the President of the CAM-CCBC will choose one.
- 3.6. In exceptional circumstances and with the approval of the President of the CAM-CCBC, the participants may indicate a consensual name that is not on the List of Mediators.
- 3.7. The chosen Mediator will be invited by the Secretariat of the CAM-CCBC to confirm their acceptance by answering the questions from the CAM-CCBC Conflict of Interest and Availability Questionnaire (referred to as "Questionnaire") within five (5) days.
- 3.8. The Questionnaire answered by the Mediator will be sent to the participants, who will have five (5) days to submit any comments, questions or objections.

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- 3.9. Any issue in relation to the Mediator's Questionnaire or the comments from the participants shall be decided by the President of the CAM-CCBC.

ARTICLE 4 – CO-MEDIATION

- 4.1. The Mediator can recommend and the participants can, jointly, request a Co-mediation.
- 4.2. Once the Co-mediation is accepted by all, the Co-mediator is appointed by the Mediator.
- 4.3. Any and all reference to Mediator in these Rules also applies to Co-mediator.

CHAPTER II – MEDIATION PROCEEDING

ARTICLE 5 – TERMS OF REFERENCE

- 5.1. The Secretariat of the CAM-CCBC, after establishing a day, time and place, shall invite the participants to the first Mediation meeting in order to establish the proceeding, upon signing the Terms of Reference.
- 5.2. The Terms of Reference must contain:
 - (A) the identification of the participants and their representatives or lawyers, as appropriate;
 - (b) the identification of the Mediator;
 - (c) a brief indication of the matter that will be the subject of the Mediation;
 - (d) the place and the language of Mediation;
 - (e) the mediator's fees and forms of payment; and
 - (f) the start date, provisional timetable and the possible closing date of the Mediation.
- 5.3. The participants, through their representatives, where appropriate, as well as the Mediator, shall sign the Terms of Reference, in as many

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copies as necessary. One of these copies must be filed at the Secretariat of the CAM-CCBC.

- 5.4. Unless otherwise specified in the Terms of Reference or if agreed by the Parties in the course of the proceeding, the Mediation will be closed after a period of thirty (30) days as of the execution of the Terms of Reference.

ARTICLE 6 – MEDIATION MEETINGS

- 6.1. The Mediator, who will chair the meetings, and the participants, their representatives and lawyers (joint meetings) will participate in the mediation meetings held preferably at the CAM-CCBC facilities; the Mediator may also choose to conduct individual meetings, where only one of the parties and their representatives and lawyers are present.

CHAPTER III – TERMINATION OF THE MEDIATION PROCEEDING

ARTICLE 7 – AGREEMENT

- 7.1. If agreed, the participants will sign a Settlement Agreement, in as many copies as necessary, in compliance with the legal requirements, and file one of the copies at the Secretariat of the CAM-CCBC.

ARTICLE 8 – OTHER KINDS OF TERMINATION

- 8.1. The mediation proceeding will also be terminated:
- (a) at any time, by written communication from the Mediator to the participants, or any of those participants to each other and the Mediator;
 - (b) after the period provided for in article 5.4.
- 8.2. In any of the cases of articles 7 and 8.1, the Mediator shall communicate the termination of the Mediation proceeding to the Secretariat of the CAM-CCBC.
- 8.3. With the termination of the Mediation proceeding, the Secretariat of the CAM-CCBC shall destroy all documents presented during the proceeding,

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unless the participants wish to retrieve them, in which case they shall bear the respective costs and shipping charges.

- 8.4. In any event, one copy of the Terms of Reference, one copy of the Settlement Agreement and one copy of the Closing Agreement, if any, will be digitally filed at the CAM-CCBC.

CHAPTER IV – MEDIATION EXPENSES

ARTICLE 9 – TABLE OF EXPENSES AND MEDIATORS’ FEES

- 9.1. The Table of Expenses and Mediators’ Fees (hereafter “Table”), which concerns the provisions of administrative fees, mediators’ fees and expense fund, is available at the CAM-CCBC website (www.ccbc.org.br).
- 9.2. At the time of submission of the Mediation request, the requesting participant must pay the CAM-CCBC the Registration Fee, non-refundable, in the amount provided in the Table.
- 9.3. The Mediation proceeding will only be commenced after the confirmation, by the Secretariat of the CAM-CCBC, of the payment of Registration, Administrative Fees and the expense fund, as well as the full deposit of the Mediator’s fees.
- 9.4. The CCBC may require in or out of judicial courts the reimbursement of expenses incurred, payment of Fees (Registration and Administrative) and/or Mediator’s fees, which will be considered net and certain values, and are likely to be charged through execution proceeding, plus interest and monetary restatement, when the anticipated and/or advanced values are not sufficient for the final conclusion of the accountability.

ARTICLE 10 – ACCOUNTABILITY

- 10.1. Once the Mediation proceeding ends, the Secretariat of the CAM-CCBC shall elaborate the final calculation, based on what is provided by the CCBC, and report to the participants the amounts paid, asking for supplementary funds, if any, or returning any remaining balance.

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- 10.2. In the cases of articles 7 and 8.1 of these Rules, participants shall be reimbursed for any amounts anticipated and related to hours not worked by the Mediator, exceeding the minimum hours set out in the Table.

CHAPTER V – FINAL PROVISIONS

ARTICLE 11– FINAL PROVISIONS

- 11.1. Anyone who has acted as a Mediator will be prevented from acting as an arbitrator (and vice-versa) in the same dispute, in whole or in part.
- 11.2. Mediation proceedings are strictly confidential, except as otherwise provided by law or by express agreement of the participants.
- 11.3. The Mediator, any of the participants, their representatives, lawyers and other persons acting in the Mediation may not disclose to third parties or be called to reveal facts, proposals, documents and other information obtained during the Mediation proceeding, including in subsequent arbitration or judicial or extrajudicial proceeding.
- 11.4. All deadlines contained in these Rules are continuous and only working days will be considered and counted, excluding the day of receipt and including the due date.
 - 11.4.1. The time limits start on the first working day following the summons, notice or other communication received by the Secretariat of the CAM-CCBC.
 - 11.4.2. The due date is extended to the first following working day if it falls on a day when there are no office hours at the CAM-CCBC.
- 11.5. The Code of Ethics and Conduct for Mediators in Proceedings Managed by the CAM-CCBC (referred to as the “Code of Ethics and Conduct”) is part of these Rules for all legal purposes and shall support the interpretation of the provisions of these Rules.
 - 11.5.1. The Code of Ethics and Conduct aims to guide the conduct of Mediators acting in the mediation, and aims

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also to guide the participants, representatives and lawyers, as well as CAM-CCBC's representatives in dealing with the Mediator and each other.

11.6. It is up to the President of the CAM-CCBC to interpret and apply these Rules in specific cases, solving any gaps or omissions.

11.7. The Mediator, the Presidency and the Secretariat of the CAM-CCBC and CCBC are exempt from liability towards the participants and their representatives and lawyers by any act or omission in relation to a Mediation started, interrupted, suspended or concluded, in whole or in part, in accordance with these Rules.

11.8. These Rules revoke the previous ones and shall enter into force upon its issuance on 03 August 2016, being valid for Mediation proceedings started before CAM-CCBC from the issue date onwards.

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CODE OF ETHICS AND CONDUCT FOR MEDIATORS

(Approved by the President of the CAM-CCBC, in exercise of his powers conferred by art. 2.6(d) of the CAM-CCBC Rules in 1 August 2016)

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CODE OF ETHICS AND CONDUCT FOR MEDIATORS IN PROCEEDINGS MANAGED BY THE CENTER FOR ARBITRATION AND MEDIATION OF THE CHAMBER OF COMMERCE BRAZIL-CANADA (CAM-CCBC)

INTRODUCTION

The purpose of this Code is to guide the individuals working in Mediations administered by the Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC), before, during and after the mediation proceeding, also serving as a guide for users of the Mediation Service and their attorneys.

The provisions of this Code of Ethics and Conduct observe the principles that should guide the actions of the parties and Mediators as a peaceful method of conflict resolution.

The Mediation proceeding aims to turn an adversarial context into a collaborative one. It has a confidential and voluntary nature and relies on the direct participation of the parties and their lawyers in the negotiations, coordinated by the Mediator, aiming to achieve the settlement of the dispute through composition.

The rules of this Code establish the ethical and conduct standards to be adopted by the Mediators, the parties and their representatives.

These rules do not exclude other rules that the common sense and ethics recommend, as subsidiary ones for specific cases not provided herein.

All Mediators that integrate the Mediators Body and/or work in Mediations administered by CAM-CCBC shall observe the following:

MEDIATION PRINCIPLES

1. Autonomy of the will of the participants of the proceeding

Mediation is based on the autonomy of the will of the participants. It has, as a precondition, the freedom of the participants to opt for the proceeding, including: (i) the decision, together with the other party and the Mediator, to establish its form and execution; (ii) its interruption or termination at any time and (iii) making their own decisions, during or at the end of the proceeding.

2. Equality of the participants in the proceeding

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Participants should receive equal treatment from the Mediator, and be assured equal opportunity of speech and preservation of balance of power among all participants in the proceeding.

3. Confidentiality of the Mediation proceeding

Mediation is governed by confidentiality, which covers and binds all who participate in it and comprises the secrecy of information, facts, reports, situations, proposals and documents obtained or produced during the proceeding. Confidentiality may be dismissed by consent of the parties or by operation of law.

4. Informality of the Mediation proceeding

The mediation proceeding is governed by flexibility in its development, creating a proper environment as to improve dialogue among the participants.

5. Impartiality of the Mediator

The Mediator must be and remain equidistant from the participants and give them equal treatment.

6. Independence of the Mediator

The Mediator must be and remain independent, have no links with the participants and ensure no conflict of interest.

7. Duty of Disclosure

The Mediator has the duty to disclose any facts related to the parties and the dispute that might compromise his impartiality and/or independence.

8. Diligence of the Mediator

The Mediator must act with care and caution to ensure the ethical principles that instruct the Mediation, ensuring the quality and credibility of the proceeding, as well as service excellence.

9. Competence of the Mediator

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The Mediator must have the ability, time and skill to develop the mediation proceeding.

10. Credibility of the Mediator

The Mediator must maintain his credibility with the participants of the Mediation proceeding, acting with independence, openness and consistency.

11. Orality of the Mediation proceeding

The informality of the Mediation proceeding allows its development in accordance with the principles of orality, with no harm to written communications and records agreed by the parties.

12. Consensus Search

Mediation allows the formation, by the participants, of proposals intended for the resolution of the dispute through consensus or for the proper administration of the conflict.

13. Good faith

The participants must refrain from unfair and bad faith practices that impede the proceeding of Mediation and which can lead to its closing by the Mediator.

The participants shall be guided by adequate and good faith practices in order to enable the Mediation proceeding and to make it successful.

RULES TO BE OBSERVED BY THE MEDIATOR IN PROCEEDING MANAGED BY CAM-CCBC

Taking into account that the excellence of the Mediation is directly linked to the work of the Mediator, the latter must observe the standards of conduct below:

A- Mediator

1) shall answer questions relating to the questionnaire sent to him by the CAM-CCBC before accepting the appointment;

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- 2) shall reveal if there is any interest or relationship with the parties and their attorneys that may affect the impartiality, create the appearance of bias or breach of independence, so that the participants have elements to evaluate his permanence in the proceeding;
- 3) shall decline the cases where he lacks knowledge and/or technical skills necessary to assure quality to the conduction of the proceeding;
- 4) shall refrain from making promises and guarantees regarding the results;
- 5) shall ensure that, in signing the Terms of Reference, the participants were informed about its content, the ethical principles, the purposes of the Mediation and its proceeding, and that he has the ability and willingness to base his conduct according to these principles, and
- 6) shall be bound, by accepting the appointment, by the provisions of the Mediation Rules, the Terms of Reference and this Code of Ethics and Conduct for Mediators in proceeding managed by the CAM-CCBC.

B- Relationships of the Mediator with the participants of the Mediation proceeding

- 1) in case of inability to act in the Mediation, he shall decline the exercise of his role, in which case the parties may appoint another mediator to replace him;
- 2) shall separately dialogue with the participants, giving equal opportunity to all;
- 3) shall clarify to the participant, at the end of a separate meeting, which are the confidential points and which can be of the knowledge of the other participant;
- 4) shall ensure balance and equitable treatment to participants;
- 5) shall recommend to the participants the legal review of the agreement before subscribing to it;
- 6) shall exempt from forcing the acceptance of an agreement and/or making decisions for the participants;
- 7) shall be prevented from: (i) for at least one (01) year, as of the end of the Mediation proceeding, providing services of any other nature to the participants of the Mediation proceeding and; (ii) acting as an arbitrator and/or acting as a witness in court or arbitration proceeding pertaining to a conflict in which he worked as a mediator;
- 8) shall, in case of partial or full agreement, make sure that the parties understand the commitments made and their effects.

C- The Mediator and the proceeding

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- 1) shall describe the proceeding of Mediation to the participants;
- 2) shall define, with the participants, the relevant proceedings;
- 3) shall clarify about secrecy and shall ensure it throughout the proceeding;
- 4) shall ensure the participants the opportunity to understand and assess the implications and the consequences of the proceeding;
- 5) shall ensure the quality of the proceeding, using the techniques available and capable of bringing the goals of mediation to a fruition;
- 6) shall suggest the search and/or the participation of experts as necessary;
- 7) shall interrupt the proceeding if there is ethical or legal impediment;
- 8) shall suspend or terminate the mediation if he concludes that his continuity can harm any of the participants, or if both or one of them so requests;
- 9) shall recommend to the participants that the agreements be previously submitted to judicial review;
- 10) shall refuse to act in the proceeding in which the principles of Mediation of this Code of Conduct and Ethics are not fully ensured.

D- The relationships between Mediators in the same proceeding.

- 1) shall assume the personal obligation of accepting his appointment to serve in the Mediation proceeding;
- 2) shall establish with his pairs work dynamics guided by mutual respect and competition exemption when acting in mediation together with other mediators;
- 3) shall accept his appointment in an ongoing Mediation proceeding after the express consent of the acting Mediator and the participants of the proceeding.

E- The relationships of the Mediator with CAM-CCBC

- 1) shall always cooperate for the quality of the services provided by the CAM-CCBC;
- 2) shall keep the qualification standards of training, improvement and specialization required by the CAM-CCBC;
- 3) shall defer to the institutional and ethical standards of the activity;
- 4) shall abide by the Mediation Rules, the Terms of Reference and this Code of Ethics and Conduct.