

REGULATION OF THE MEDIATION PROCEDURE

CHAPTER I

GENERAL PROVISIONS

Art. 1 The mediation procedures submitted to the Specialized Mediation and Arbitration Chamber - CAMES must comply with the Mediation Regulation, the Code of Ethics, the Table of Costs and Mediation Fees, the CAMES Privacy Policy and other applicable rules.

Single paragraph. The CAMES internal rules mentioned in the caput will be applicable according to the version in force on the date of signature of the Initial Mediation Term.

Art. 2 In this Regulation, the following words and expressions have the meaning indicated below:

I - CAMES Brazil: CAMES unit responsible for supervising local units;

II - CAMES Location: CAMES unit operating in a given territory, linked to CAMES Brasil;


III - Deliberative Council: independent and impartial body that integrates the structure of CAMES, with powers defined in these Regulations; It is

IV - Pact System: CAMES electronic process system in which the mediation procedure necessarily takes place.

CHAPTER II

FROM THE ORGANIZATION OF THE CHAMBER TO MEDIATION

Art. 3 It is incumbent upon the CAMES Deliberative Council to resolve issues concerning the challenge of a mediator or appoint him when there is no consensus between the parties.

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Art. 4º The Deliberative Council will be composed of 5 (five) members, being a chairman and a vice-chairman.

§ 1 The members of the Board will be appointed by the Executive Board of CAMES Brasil.

§ 2 The members of the Deliberative Council will have a mandate of 2 (two) years, renewable.

§ 3 The Deliberative Council will observe the other norms and procedures established in its Internal Regulations.

Art. 5th The Council will be provoked by CAMES Local upon request via the Pact System.

Single paragraph. The Deliberative Council may, before taking its decision, request a statement from CAMES Local, from the party that did not present opposition or from the impugned mediator, seeking clarification if necessary.


Art. 6th The Permanent Board of Mediators - QPM is composed of mediators of recognized competence, who are chosen among people of notorious knowledge, recognized capacity, professional experience and unblemished reputation.

§ 1 Upon accepting the designation to compose the QPM, the mediator will be accredited by CAMES to exercise mediation on behalf of and for the benefit of the parties in conflict.

§ 2 The QPM is available for consultation by the parties on the CAMES website.

CHAPTER III

START OF THE PROCEDURE

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Art. 7 The parties may submit to CAMES mediation disputes over available rights or over unavailable rights that admit transaction.

§ 1 Mediation may deal with the entire conflict or part of it, according to the will of the parties.

§ 2 The parties will preferably be accompanied by a lawyer appointed throughout the mediation procedure.

Art. 8 Mediation is governed by the following principles:

I - impartiality of the mediator;

II - isonomy between the parties;

III - orality;

IV - informality;

V - autonomy of the will of the parties;

VI - consensus;

VII - confidentiality; It is

VIII - good faith.

Art. 9. Those interested in initiating a mediation procedure must file a Request for Mediation via the CAMES website or submit it directly to CAMES Local.

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§ 1 The Request, when filed on the CAMES website, must be digitally signed, observing the provisions of art. 39 of this Regulation.

§ 2 The Request, when submitted in writing, may be filed at CAMES Local or sent to it by parcel service with acknowledgment of receipt.

§ 3 The Request, when physically filed, will be scanned and attached to the Pact System, and the physical document will be returned to the applicant.

§ 4 CAMES does not file physical documents in its units, and the parties, when necessary, must be responsible for the maintenance and safekeeping of these documents.

Art. 10. The Request for Mediation must contain:

I - name, CPF/CNPJ, e-mail, telephone, address and complete qualification of the parties;

II - name, CPF/CNPJ, e-mail, telephone, address and complete qualification of the parties' lawyers, accompanied by the respective instruments of power of attorney;

III - copy of the articles of incorporation and document that confers the powers of representation of the legal entity , when applicable ;

IV - the object of the controversy, with a brief exposition of the reasons that support the claim;

V - full copy of the document containing the mediation clause, if any; It is

VI - estimate of the value assigned by the applicant to the dispute.

§ 1 The documents essential for understanding the conflict must accompany the Request for Mediation.

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§ 2 If it is detected in the course of the procedure that the estimate does not correspond to the real amount involved in the conflict, the costs will be recalculated, and the parties must pay the difference within 5 (five) working days from the receipt of the notification.

§ 3 For cases in which the value of the conflict involves monthly installments, 12 (twelve) times the value of a monthly installment will be considered.


§ 4 For cases in which the value of the conflict is indeterminate, inestimable, or there is a divergence, the chairman of the Deliberative Council of Cames will fix the value, for the purpose of calculating the registration fee, administration fee and mediator fees, taking into account the complexity of the matter and other circumstances it deems relevant.

Art. 11. Once the Request for Mediation is in compliance with this Regulation, CAMES, after opening the procedure in the Pact System, will contact the invited party informing about the request for mediation and will invite it to participate in the prior or pre-mediation meeting. The invitation will contain links to access the Rules of Mediation, the Table of Costs and Fees for Mediation and the updated version of the QPM.

§ 1 The invitation to participate in the prior or pre-mediation meeting must be accepted within the period referred to in article 21, sole paragraph, of Law No. 13,140/2015. Failure to respond within the specified period will imply a tacit refusal and will be communicated to the requesting party, with the issuance of a refusal term.

§ 2 If the invited party cannot be found at the address provided by the requesting party, the latter must be informed so that they can provide a new address within the period defined by CAMES Local. After this deadline without providing a new address or other form of contact, the procedure will be archived.

§ 3 The express refusal of the invited party regarding the mediation invitation will be communicated to the requesting party and will imply the filing of the procedure, with the issuance of a refusal term.

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§ 4 This article does not apply to cases in which there is a mediation clause provided for the resolution of the conflict, in which case the procedure set out in article 19 of these Regulations will be observed.

CHAPTER IV

PREVIOUS MEETING OR PRE-MEDIATION

Art. 12. If the parties agree to participate in the prior or pre-mediation meeting, CAMES will schedule the date and time.

§ 1 The prior or pre-mediation meeting will be individual, except when the parties request that it be held jointly, and may be held at the headquarters of CAMES, by videoconference or teleconference.

§ 2 The prior or pre-mediation meeting, for information purposes only, does not matter at the beginning of the mediation procedure and aims to:

I - highlight the role of CAMES facilitators and their mediators throughout the procedure, not being able to be held responsible for the frustration of the agreement or even for the content of what was agreed upon;

II - clarify the techniques and stages of the mediation procedure, as well as the costs involved;

III - explain the role and responsibilities of the mediator in conducting the mediation procedure, and what posture is expected by the parties, attorneys and lawyers;

IV - define who will be the participants of the mediation meetings, and the inclusion of new participants, in the course of the process, must have the consent of all parties involved in the mediation meetings; It is

V - resolve any doubts concerning the mediation procedure.

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Single paragraph. Signing the Initial Mediation Term is allowed during the prior or pre-mediation meeting.

CHAPTER V

MEDIATOR'S CHOICE

Art. 13. Once the preliminary or pre-mediation meeting is concluded and if the parties are interested in continuing with the procedure, CAMES Local will designate a mediator who is part of the QPM according to criteria that observe their qualification, independence and impartiality.

§ 1 The parties may choose, by consensus, the mediator responsible for conducting the work.

§ 2 Alternatively, CAMES Local may adopt the following procedure:

I - present to the parties a list containing the name of up to 5 (five) mediators among those contained in the QPM;

II - each party may refuse the name of up to 2 (two) mediators, indicating their order of preference in relation to the remaining ones; It is

III - forward the procedure to the CAMES Deliberative Council to arrange for the appointment of the mediator from among the remaining names.

Art. 14. The parties may, by mutual agreement, choose a mediator not registered with CAMES.

Single paragraph. In the case of the caput , the professional must sign the partnership contract and observe the CAMES Code of Ethics.

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Art. 15. It is possible, at any time, by request of the parties or recommendation of the mediator, with their consent, to designate more than one mediator to act in the same case (comediation), observing the complexity of the conflict.

§ 1 If the mediation is accepted by the parties, it will be up to the mediator responsible for the procedure to choose the mediator.

§ 2 The amount of fees provided for in the CAMES Mediation Costs and Fees Table corresponds to the payment of a single mediator. In the case of mediation, the fee shown in the table must be paid to each mediator who participates in the procedure.

Art. 16. The rules of this Regulation referring to the mediator also apply to the mediator.


Art. 17. Once the mediator has been chosen, and when applicable the comedians, if the choice has not been by consensus, the parties will be notified to manifest, within 5 (five) days, as to the existence of impediment or suspicion.

§ 1 In the event of suspicion or impediment, the mediator will have a period of 5 (five) working days to manifest itself.

§ 2^o CAMES, through its Deliberative Council, may remove the mediator in a situation of impediment or suspicion, or who does not observe, in his performance, the principles of mediation and the entire content of this Regulation.

§ 3 The mediator has the duty to reveal to the parties, before accepting the function, any fact or circumstance that may raise justified doubts regarding his impartiality to mediate the conflict.

Art. 18. The mediator must sign a Term of Acceptance and Declaration of Independence before starting his activities.

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§ 1 The mediator is prevented, for a period of 1 (one) year, counting from the end of the mediation procedure, from advising, representing or sponsoring any of the parties.

§ 2 The mediator may not act in an arbitration proceeding related to the same dispute.

CHAPTER VI

THE SIGNATURE OF THE INITIAL MEDIATION TERM

Art. 19. If there is a contractual provision for mediation, CAMES will contact the invited party to initiate the mediation procedure, regardless of holding a prior meeting or pre-mediation.

Single paragraph. The invitation made will be considered as not accepted if it is not answered within 30 (thirty) calendar days from the date of receipt.

Art. 20. All parties involved in the mediation will meet at CAMES headquarters or at a previously designated place, on a previously scheduled date and time, for the signing of the Initial Mediation Term and initiation of the mediation procedure.

§ 1 The draft of the Initial Mediation Term and the slips for payment of the administration fee and fees will be attached to the procedure in the Pacto System, at least 7 (seven) business days before the date scheduled for the signature of said term and the beginning of the procedure, notifying the parties.

§ 2 The slips referring to the administration fee and fees must be paid prior to the start of the mediation procedure.

§ 3 The mediation procedure only begins with the signing of the Initial Mediation Term, which can only occur after confirmation of payment, by CAMES, of the slips referring to the administration fee and the honorary amount.

Art. 21. The Initial Mediation Term shall specify the measures to be adopted for the protection of personal data, if any.

CHAPTER VII

MEDIATION

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Art. 22. The chosen mediator will conduct the communication procedure between the parties, seeking understanding and facilitating the resolution of the conflict.

Single paragraph. No one can be compelled to remain in the mediation procedure.

Art. 23. Each mediation cycle will last four hours, under the terms of article 37 of these Regulations, divided into as many meetings as necessary, at the discretion of the mediator.

Art. 24. The parties may be represented by a person with a power of attorney who has been granted decision-making powers.


Art. 25. At the beginning of the first mediation meeting, the mediator must make the parties aware of the confidentiality rules applicable to the procedure.

Sole paragraph: The assistants, interns, listeners or any person who is not a party to the mediation, but who is accompanying the session with the authorization of the parties, must sign the Confidentiality Agreement.

Art. 26. The mediator may, at his discretion, limit the number of parties accompanying the parties, when the excess results in damage to the smooth development of the mediation procedure.

Art. 27. If there is a contractual clause providing for CAMES as the Chamber responsible for resolving disputes between the parties, the refusal to participate in the procedure or the absence of any of the parties to the first mediation meeting will result in a fine equivalent to 5% for the missing party (five percent) on the value of the conflict in favor of the party that attended the act.

Art. 28. If only one of the parties appears accompanied by a lawyer, the mediator will suspend the procedure, in order to make legal assistance available to all participants.

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Art. 29. The mediator may hear the parties, one or more times, together or separately, as well as request the presentation of clarifications or additional documents.

Art. 30. The mediator will ensure that there is a balance of participation, information and decision-making power between the parties.

Art. 31. If an agreement is not possible, the mediator must draw up a term ending the mediation, stating the option of the parties not to continue the mediation, or to submit the conflict to arbitration, when applicable.

§ 1º It is understood that the agreement is not possible when the parties so manifest, or by decision of the mediator.

§ 2 The Term of Arbitration Commitment may be drawn up and signed by the parties during the mediation meeting.

Art. 32. Any and all information relating to the mediation procedure will be confidential in relation to third parties, and may not be disclosed even in arbitration or judicial proceedings, unless the parties expressly decide otherwise or when its disclosure is required by law or necessary for compliance settlement reached through mediation.

Single paragraph. The duty of confidentiality applies to everyone who participated in the mediation procedure, including:

I - statement, opinion, suggestion, promise or proposal made by one party to the other in the search for an understanding of the conflict;

II - acknowledgment of fact by any of the parties in the course of the mediation procedure;

III - manifestation of acceptance of the proposed agreement presented by the mediator; It is

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IV - document prepared solely for the purposes of the mediation procedure.

Art. 33. In the event of a mediation procedure involving a direct or indirect public administration entity, CAMES is authorized, by the parties and Mediators, to disclose the existence of the mediation procedure, the name of the parties involved, the value of the dispute and the full content of the final term of mediation, unless expressly expressed by either party to the contrary.

§ 1 In any case, CAMES is authorized, by the parties and mediators, to disclose to the control bodies the entirety of the mediation procedure, when requested.

§ 2 CAMES will not provide documents and information regarding the procedure at the request of third parties unrelated to the process, the parties being responsible, as provided by law, for disclosing additional information.

CHAPTER VIII

FINAL TERM OF MEDIATION


Art. 34. If there is an agreement, the mediation procedure will be closed with the drafting of the Final Term of Mediation, including the signature of the parties' lawyers, if applicable.

Single paragraph. Agreements in the mediation procedure can be total or partial.

Art. 35. The Final Term of Mediation constitutes an extrajudicial enforceable title and, when judicially approved, a judicially enforceable title.

§ 1 The transaction on undisposable right that admits transaction must necessarily be judicially approved.

§ 2 It is incumbent upon the parties, through their lawyers, to adopt the necessary measures for the judicial ratification of the agreement, when applicable.

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CHAPTER IX

ADMINISTRATION FEE AND FEES

Art. 36. The values of the costs of the mediation procedure, understood as the Administration Fee and the fees of the mediator, are those contained in the CAMES Table of Mediation Costs (available on the website: www.camesbrasil.com.br), with the values in force at the time of signing the Initial Term of Mediation.

§ 1 Any other expenses necessary for the proper development of the mediation will be borne by the party requesting the act, or divided between the parties, when requested by the mediator, and must be paid in advance to carry out the requested measure.

§ 2 If the parties opt for a mediator registered in a CAMES unit other than the location of the conflict, they must bear the costs corresponding to their travel and possible accommodation.


Art. 37. The CAMES mediation procedure is carried out in cycles of hours of mediation, comprising 4 (four) hours of mediation.

§ 1 For each cycle of mediation, the payment of the administration fee and the respective fees is due in advance.

§ 2 The mediation cycle only starts after confirmation by CAMES of the payment of the administration fee and the mediator's fees.

§ 3 After the first cycle of mediation, the fees will be equivalent to the hours actually worked.

§ 4 The costs of the mediation procedure will be borne equally by the parties, unless there is a contractual provision or agreement to the contrary.

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§ 5 Non-payment of costs suspends the mediation procedure, which, if it lasts for more than 30 (thirty) consecutive days, will imply its closure .

CHAPTER X

DEADLINES AND COMMUNICATIONS

Art. 38. All communications of procedural acts will be made through the Pacto system, in the person of the parties or their representatives in the mediation procedure.

Art. 39. The documents attached to the Pact System may be signed electronically using any system that allows the unique identification of its signatory or that is chosen by consensus by the parties.

§ 1 All procedural documents and documents presented by the parties, after signing the Initial Mediation Term, must necessarily be filed through the Agreement.

§ 2. The representative of the party that will collect the petitions and documents in the Covenant will be personally responsible for their authenticity.

Art. 40. Communication will be considered completed two business days after the procedural act is made available in the Pacto System.

§ 1 In cases where the provision of the procedural act takes place on a non-business day, the provision will be considered to have been made on the first following business day.

§ 2 For information purposes, electronic correspondence may be sent, confirming the existence of communication in the Pact System, under the terms of this article.

§ 3 The electronic correspondence referred to in § 2, due to its merely informative nature, does not exempt the representatives of the parties from the responsibility of accessing the Pacto System to view the existence or not of new procedural acts and communications in their procedures.

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Art. 41. All deadlines relating to the mediation procedure will be counted in business days, excluding the starting day and including the expiration date.

§ 1 Business days are those on which CAMES Local is open, as per the calendar available on the CAMES website.

§ 2 Between December 22nd and January 5th there will be a year-end recess at CAMES, a period in which there will be no business hours at CAMES Locals, all deadlines being considered suspended .

§ 3 The days of the beginning and expiration of the deadlines will be postponed to the first following business day, if they coincide with a day when the Pacto System is unavailable.

CHAPTER XI

FINAL PROVISIONS

Art. 42. The occurrence of any circumstance that may affect the mediation procedure must be immediately communicated to the mediator by the parties, and by the former to CAMES.

Art. 43. The mediation may be carried out over the internet or by another means of communication that allows dialogue at a distance, provided that the parties are in agreement.

Art. 44. The deadlines established in this Regulation are counted in working days, unless expressly provided otherwise.

Art. 45. The CAMES Code of Ethics is part of this Regulation and must guide the interpretation of the rules contained therein.

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Art. 46. Five years after the conclusion of the procedure, all documents related to the mediation procedure will be deleted, except for the Final Term of Mediation, unless otherwise agreed by the parties.

Art. 47. Omitted cases will be resolved by the CAMES Deliberative Council, at the request of the mediator.

Art. 48. The rules of Law No. 13,140, of June 26, 2015, apply to this Regulation.

Art. 49. This regulation was approved by the Executive Board of CAMES at a meeting held on 03/28/2023 , coming into force on May 1, 2023.

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