

CHAPTER I

The Voluntary Arbitration Center

SECTION I

General provisions

Article 1

Aim

The present regulation establishes the rules for the organization and operation of the Voluntary Arbitration Center, as authorized by Order 48/GM/98, published in the Official Gazette no. 24, of 15 June 1998, hereinafter referred to as the “Center”.

Article 2

Situs of operation

The Center operates at the World Trade Center – Macau, hereinafter referred to as “WTCM”, located in Avenida da Amizade, no. 918, World Trade Center Building, 16/F, in Macao.

Article 3

Objective

The objective of the Center is to promote the resolution, through arbitration or alternative non-contentious means, of disputes in civil, administrative or commercial issues amongst:

- a) Members of the WTCM;
- b) Members of other World Trade Centers and/or members of the World Trade Centers Association Incorporated;
- c) The members referred to in a) and b) and third parties;
- d) Any other persons or entities.

Article 4

Types of alternative extra-judicious means

The parties involved in any dispute may appeal to the Center for its resolution through:

a) A common arbitration process, under the terms of Decree-Law 29/96/M, of 11 June, and this regulation;

b) An international commercial arbitration process, under the terms of Decree-Law 55/98/M, of 23 November, and of this regulation;

c) An autonomous conciliation process as stipulated by this regulation.

Article 5

Reference

The following is applicable on all issues not stipulated by this regulation:

- a) The provisions contained in the arbitration agreement and conciliation, except those parts that are contrary to the imperative legal norms;
- b) The current legal standards concerning arbitration;
- c) The Civil Procedure Code.

SECTION II

The structure and financial regime of the Center

Article 6

General Council

1. The Center is managed by a General Council, which comprises of a President, a Secretary-General and two additional members.

2. It is the responsibility of the WTCM’s Board of Directors to, upon proposal by the Executive Committee, proceed with the appointment of the members of the General Council as well as to alter its structure, composition and modus operandi.

Article 7

Members of the General Council

1. The members of the General Council must be individual persons of renowned merit and of good repute to exercise their respective duties.

2. The President and the other members must be appointed from among the members of the WTCM, and the exercise of duties in any social body of the WTCM is not an impediment from being appointed.

3. Duties of the Secretary-General are carried out by a Law Graduate.

Article 8

Term of office

1. The term of office of the members of the General Council is three years and is renewable.

2. The definite impediment of a member of the General Council to exercise his duties during one term of office determines his substitution by a new member at a subsequent meeting of the Board of Directors of the WTCM.

3. The member appointed pursuant to the previous number shall exercise his duties for the remaining period of the term of office of other members of the General Council.

Article 9

Impediments

1. When carrying out their duties, the members of the General Council are not allowed to intervene in an arbitration tribunal as arbitrators or as the parties' attorneys and as conciliators in any ongoing process that has been organized with the support of the Center.

2. If any of the members of the General Council is, in relation to any party or representative of parties, in a situation susceptible of originating doubts in respect to his independence or his impartiality, will for that reason be impeded from assisting the discussion, participating in the deliberation of the Council and receiving any related documentation. The Secretary-General must be informed of the referred impediment.

Article 10

Duties of the General Council

1. The duties of the General Council are to:

a) Elaborate and submit the Center's panels of arbitrators and conciliators and the regime of its periodic alterations and reviews to the WTCM's Board of Directors for approval;

b) Elaborate and submit the Center's annual budget and accounts to the WTCM's Board of Directors for approval;

c) Elaborate and submit the remunerative and other conditions for carrying

out the duties of the members of the General Council and the remaining personnel of the center, as well as arbitrators and conciliators, to the WTCM's Executive Committee for approval;

d) Manage and direct the Center's administrative and technical services, and propose to the WTCM's Executive Committee any alterations that it considers necessary;

e) Encourage the study and the dissemination of the arbitrational and conciliatory principles and methodology, as well as the specific training of the arbitrators and conciliators;

f) Establish contacts with other institutions of arbitration and/or of conciliation, both local or international, with the aim of exchanging experience and a continuous process of updating and development;

g) Practice all the acts under its jurisdiction, abiding by the legal terms;

h) Practice every necessary act for the smooth operation of the center.

2. The General Council can delegate to any of its members the power to exercise one or some of its duties, and should register the respective delegation in minutes, by means of a deliberation that defines precisely its scopes.

Article 11

Duties of the President of the General Council

1. The duties of the President of the General Council are to:

a) Represent the Center in its relations with other entities;

b) Represent the Center before WTCM's Executive Committee and its other social bodies, participating in their meetings when summoned by their respective Presidents or legal substitutes;

c) Coordinate and oversee the operation of the Center;

d) Convene and preside over the meetings of the General Council;

e) Ensure the coercive collection of the arbitration fees related to the disputes brought before the Center.

2. The President of the General Council may delegate any of his duties to another member of the General Council.

3. In case of absence and impediment, the President of the General Council shall be substituted by another member of the General Council.

Article 12

Duties of the Secretary-General

The duties of the Secretary-General are to:

- a) Assist the General Council by providing administrative support;
- b) Organize and manage the administrative and technical affairs of the Center;
- c) Ensure the administrative support to the arbitration tribunals organized under the guidance of the Center;
- d) Assist the parties, their attorneys and other representatives, and the arbitrators, in all technical and practical aspects of the processes;
- e) Carry out all the acts under his competence, abiding by the terms of the regulations in force in the Center.

Article 13

Meetings of the General Council

1. The General Council meets when it is convened by the President or his substitute, and at least once every three months.
2. The meetings take place in the location referred to in Article 2, unless otherwise expressly indicated.
3. The General Council deliberates through majority of votes, provided that at least the majority of its members who are effectively in duty participate in the deliberation.
4. The President has the final vote in case of a tie.

Article 14

Financial regime

1. The sums collected as administrative fees of the arbitration and conciliation proceedings, in accordance with this regulation and its annexed tariff charts, constitute the Center's own revenues to be added to its private assets.
2. The WTCM is responsible for the liabilities of the Center.

SECTION III

The arbitrators and conciliators

Article 15

General requirements

The arbitrators and conciliators of the Center are singular persons, residing in Macao or not, of any nationality and proven moral and professional credibility, who, regardless of their professional training, are qualified to arbitrate and mediate the disputes susceptible of being submitted to arbitration or conciliation with independence and impartiality under the guidance of the Center.

Article 16

Arbitrators and conciliators panels

1. Except the cases described in the following numbers, only the arbitrators and conciliators included in the panels approved under the Article 10 (1) a) can intervene in that quality in proceedings conducted under the guidance of the Center.
2. Under exceptional circumstances, when there are no persons in the panels referred to in the previous number with qualifications as required by the specific conditions of the dispute, and if the appointment of the arbitrator(s) or conciliator(s) befalls on the President of the General Council, he may appoint persons that are not included in the panel, by force of the provisions in the arbitration agreement or in this regulation.
3. The persons appointed under the exception referred to in the previous number must comply with the general mandatory prerequisites and agree to observe the Ethical Rules. They can only be reappointed by the President of the General Council if they are subsequently included in the panels of arbitrators or conciliators.

Article 17

Appointment of the arbitrators

1. In the arbitration agreement or in subsequent writings signed by the parties, they may appoint the arbitrator or arbitrators that shall form the Arbitral Tribunal (hereinafter designated as the Tribunal).
2. In case the Tribunal is comprised of more than one arbitrator, the parties may agree in the appointment of the President, provided this comes in writing before the acceptance of the first arbitrator.

3. In the absence of an appointment by the parties of a sole arbitrator, it will be the responsibility of the President of the General Council to make that appointment.

4. In case the Tribunal is comprised of three arbitrators and the parties have not appointed them, each of the parties shall choose an arbitrator, while the appointment of the third one – the President – shall be made by the General Council.

5. If the Tribunal is comprised of three arbitrators and one of the parties fails to exercise the right to appoint its arbitrator, then the General Council shall make that appointment on his behalf.

6. If the Tribunal is comprised of three arbitrators and the parties fail to appoint their arbitrators and not being possible to form the Tribunal under the terms of Article 4, then the General Council shall appoint all the arbitrators.

7. In case the arbitrators appointed, according to the preceding number, fail to elect a President among them on their first meeting, then the General Council shall make that appointment.

8. The arbitrators appointed by the parties shall be confirmed by the General Council.

Article 18

Appointment of the conciliators

1. The conciliator is appointed by the General Council, from among the members of the Center's conciliators panel.

2. The appointment of the conciliator is notified to the parties.

3. Within ten days starting from the date of notification, the parties can refuse the appointment and suggest the appointment of another particular conciliator or of a conciliator from amongst a particular group of conciliators.

Article 19

Freedom of acceptance; excuse

1. No person can be forced to act as an arbitrator or conciliator but in case he has accepted the duty, only a justification with grounds of a supervening nature that incapacitates him from carrying out his duty is considered legitimate.

2. The duty is considered accepted when the appointed person reveals the

intention to act as an arbitrator or conciliator, or fails to declare in writing to the General Council within the ten days that follow the communication of the appointment that he does not want to exercise that duty.

3. An arbitrator or the conciliator who, while having accepted the duties, unjustifiably excuses himself from the exercise of these duties shall answer to the damages caused and may be removed from the Center's panel of arbitrators and conciliators.

Article 20

Impediments and refusals

1. The arbitrators appointed to form the Tribunal and the conciliators must be independent and impartial.

2. After their appointment or confirmation by the General Council, the arbitrators and conciliators shall inform in writing to the Secretary-General of any fact or circumstance susceptible of originating doubts concerning their independence and impartiality, of which the parties should immediately be informed.

3. It is opposable as cause of impediment or suspicion of the arbitrators and conciliators not appointed by agreement of both parties, any fact or circumstance susceptible of originating justified doubts regarding their independence or impartiality, namely those used as grounds for impediment and suspicion by the judges under the terms of procedural law.

4. The party is not allowed to refuse its appointed arbitrator or conciliator unless a supervening cause arises under the terms of the previous number.

5. The General Council shall decide, after the summary presentation of evidence, on the motive for refusal of the arbitrator or conciliator.

Article 21

Supervening impossibility of the arbitrators and conciliators

1. In case the arbitrators or conciliators are permanently unable to exercise their duties, they shall be substituted according to the rules applicable to their appointment, with the necessary adaptations.

2. If any arbitrator or conciliator excuses himself from the appointment or if for any reason the appointment is considered ineffective, then the General Council's President shall appoint the substitute arbitrator or conciliator.

3. In case the parties or one of them is responsible for the appointment of the substitute arbitrator or conciliator, and if there is no stipulation, the General Council shall fix the time limit to proceed with that substitution.

4. If no appointment for a substitute arbitrator or conciliator has been made within the period agreed upon by the parties or fixed by the General Council, this implies that the power of appointment will be returned to the Council.

Article 22

Ethical rules

Further to the additional obligations arisen from this regulation, the arbitrators and conciliators who are in the Center's panel, as well as those who are exceptionally appointed pursuant to Article 16 (2), are under the obligation of the strict compliance of the "Ethical Rules" contained in the Annex I, which is an integral part of this regulation.

CHAPTER II

Arbitration

SECTION I

Preliminary provisions

Article 23

Disputes susceptible to arbitration

1. Any dispute of civil, administrative or commercial nature that by special law is not submitted exclusively to the judicial tribunals or to compulsory arbitration and are not related to undisposable rights, may be submitted by the parties for resolution by a Tribunal operating at the Center under the terms of this Regulation.

2. The parties may agree to consider as covered by the concept of dispute in addition to issues of a strictly contentious nature any other issue, namely those related to the need of specifying, completing, updating or even reviewing the contracts or the legal relations that are at the basis of the arbitration agreement.

Article 24

Arbitration agreement

1. The arbitration agreement shall be in written form.

2. The arbitration agreement is considered written when it is presented in a document signed by the parties or the exchange of letters or other writings, as well as other electronic or telecommunications means, whereby there is a written proof, either if those documents directly contain the agreement or there is a remission clause in them to any document that includes the agreement.

3. The intention to submit the resolution of the dispute to the Center shall be expressed unequivocally and shall involve the acceptance by the parties of the provisions of this regulation, which shall be an integral part of the arbitration agreement.

4. The arbitration agreement, as a submission commitment, should determine with precision the subject matter of the dispute.

5. The arbitration agreement, as an arbitration clause, should specify the respective legal relation of the disputes.

Article 25

Revocation

The arbitration agreement may be revoked until the date the arbitral award is rendered in a written document signed by both parties, in which case the administrative and arbitrators fees will be reduced in accordance with the provisions of this regulation.

Article 26

Structure of the Tribunal

1. The Tribunal operates as a single or collective Tribunal.

2. The collective Tribunal is comprised of three arbitrators and the single Tribunal of a sole arbitrator.

3. In the absence of a provision by the parties, a single Tribunal should handle the dispute.

Article 27

Location

1. The arbitration shall take place at the Center.

2. Taking into account the specific characteristics of a particular dispute, the General Council may make an exception in authorizing the Tribunal to operate in another location inside or outside Macao but never in premises that belong to any of the parties or that of their attorneys.

SECTION II

Application for arbitration and constitution of the Tribunal

Article 28

Initial request

1. Whoever intends to commence dispute before a Tribunal to be formed under the guidance of the Center shall submit the request to the Secretary-General.

2. The request shall expressly refer to the arbitration agreement and shall contain the appointment of the arbitrator or arbitrators to be chosen by the applicant, as well as the proposal of the arbitrator or arbitrators to be appointed by agreement of the parties.

3. The request shall identify the party against whom he intends to commence the proceeding, and shall contain a summary indication of the subject matter and the basis of the applicant's claim.

Article 29

Response and counterclaim

1. The Secretary-General shall immediately send the respondent a copy of the application and all supporting documents, and shall summon the respondent to submit the response within a period of ten days.

2. The respondent shall submit the response in writing within the indicated period, and shall appoint the arbitrator or arbitrators. At the same time, he shall also express his opinion concerning the proposals of arbitrators to be appointed by agreement of the parties.

3. In the response, the respondent should provide a statement of defense concerning the claim of the claimant.

4. If the respondent wishes to raise a counterclaim, he should also provide a statement summarizing the facts and evidence on which such counterclaim is based on his response to the request of the claimant.

5. Once the response has been received, the Secretary-General shall send a copy of it together with copies of supporting documents to the claimant.

Article 30

Refusal of arbitration

1. The General Council may, without the need of providing any reasons, refuse the arbitration.

2. The arbitration shall be refused when there is no arbitration agreement or if it has an evident nullity.

3. The parties are obligatorily notified of the decision of refusal of the arbitration.

Article 31

Constitution of the Tribunal and subsequent procedural steps

1. Should an arbitration take place, and once the provision of Article 29 (5) has been complied with or as soon as the time limit fixed in Article 29 (1) has elapsed, the General Council shall define the composition of the Tribunal and appoint the arbitrator or arbitrators of its responsibility under the terms of the arbitration agreement and this Regulation.

2. The General Council shall fix the value of the claim and shall determine the amount of the initial advance on costs to be settled by the parties, to cover the arbitration expenses, under the terms of the regulation regarding arbitration fees.

3. The parties shall be notified of the decision by the General Council, and requested to settle the initial advance on costs.

4. The value of the claim referred to in number 2 is subject to revision, under the terms of Article 46 of this Regulation.

5. Once the Tribunal has been constituted and the initial advance on costs have been settled, the Secretary-General shall send copies of the process to the arbitrator or arbitrators.

Article 32

Subject matter of the dispute

In case the parties disagree on the determination of the subject matter of the dispute, the Tribunal shall be responsible for the decision of the same, after hearing the parties.

SECTION III

The arbitration proceeding

Subsection I

General provisions

Article 33

General principles

1. The rules of the proceeding to be observed in the arbitration process are those that the parties or, in their silence, the arbitrators have decided on, in addition to those of this Regulation.

2. The procedural steps must at all times respect the principles of equality between parties, the adversary system and the procedural celerity, so as to obtain a rapid and fair resolution for the dispute.

3. Whenever the procedural steps determined by the parties do not meet the principles referred to in the previous number, the arbitrators should, after having heard the parties, determine the practice of acts that better adjust to the referred principles.

4. The parties are conferred at all times with the possibility of voicing their opinion in writing before the final decision has been proffered.

Article 34

Requirement of duplicates

The requests, articulated pleadings, allegations and other written documents presented by the parties as well as the attached documents, shall be submitted with a number of copies equal to the opposing parties not represented by the same attorney, plus the number of arbitrators that comprise the Tribunal.

Article 35

Pleadings; value of the claim

1. In the petition, the contention, including the counterclaim should there be one, and in the contention defense, the parties should present the facts articulately, formulating the respective pleadings and briefly state the legal reasons.

2. When submitting the petition and counterclaim the parties should declare the respective values.

Article 36

Summon

1. The summon as referred to in Article 29 (1) is executed through a registered mail, with acknowledgement of receipt, addressed to the residence of the party.

2. In case the mailing by post fails to produce any effect, the summon shall be executed through other suitable means.

3. When summoned, the addressee shall be informed of the provisions of Article 29 (2) to (4).

Article 37

Summon by edit

1. When, due to any reason, it is impossible to deliver the summon, namely because the relevant party is absent or missing, the summon shall be published through edit.

2. The summon by edit is considered done through the publication of notifications in two consecutive issues of one of the most widely read newspapers in the location of the summoned party's last residence or main office, and the summon shall be considered delivered on the date the last notification is published.

3. The party shall be responsible for providing for the publication of the notifications.

4. In a summon by edit, an extension of eight days is added to the time limit of the defense starting from the date of the summon.

Article 38

Notifications

1. The notifications and other communications from the Secretary-General and from the Tribunal to the parties are done through their proxies.

2. The proxies are notified through registered mail, addressed to their respective offices or to the chosen residences.

3. The postal notification is considered delivered on the third day after its registration. In case the third day is not a working day, then in the first working day immediately after that shall be accounted for.

4. The notification shall not cease to produce effect due to the fact that the sent document is returned, as long as the delivery has been made to the office of the proxy or to the residence chosen by him.

5. If the party has no proxy, the notifications shall be delivered to the residence of the party or to the main office or abode chosen for that purpose, under the terms established for the notifications to proxies.

6. With each notification sent to any party, the Secretary-General shall forward a copy of all the writings and documents presented by the other party.

Article 39

Time limits and their extensions

1. In the absence of a provision stating the contrary, all the time limits set by this Regulation, as well as those set by the General Council or by the Tribunal for the practice of acts by parties or by arbitrators, shall be suspended on Saturdays, Sundays and holidays, but shall continue throughout the judicial holidays.

2. In the absence of a special provision, the time limit for the parties to request any act or service, to plead nullities and to invoke incidents or carry out any other procedural power shall be five days; the time limit for the party to answer to what has been invoked by the opposing party is also five days.

3. Should there be an agreement between the parties, the time limit can be extended for an equal period.

4. Notwithstanding the agreement, the party can only make one request to the Tribunal for an extension of an equal period.

5. The presentation of the request referred to in the previous number does not suspend the time limit. The President of the Tribunal or its sole arbitrator, according to the case, shall decide within forty-eight hours, and the petitioner will immediately be notified of the decision via facsimile, telephone communication or other identical means of telecommunications.

Article 40

Judicial sponsorship

In the arbitration proceeding, the parties may intervene by themselves or through the representation of an attorney.

Article 41

Arbitration fees

In an arbitration proceeding, the parties must pay the respective fees under the terms of the applicable provisions contained in this regulation, unless the General Council decides otherwise.

Subsection II

Articulated pleadings

Article 42

Types of articulated pleadings

1. The Tribunal shall notify the claimant to submit the petition within a time limit of no less than ten and not more than twenty days.

2. Once the petition has been received, the Secretary-General shall notify the respondent to contest within the same time limit as that granted to the claimant, warning the respondent that the non-submission of the contention shall imply the acceptance by agreement of the facts articulated in the petition.

3. If the respondent invokes exception or formulates a counterclaim, the Secretary-General after having received the contention shall notify the claimant to respond within the same time limit as that granted to the presentation of the petition, at the same time warning the claimant that the non-presentation of the response shall imply the acceptance by agreement of the invoked facts.

4. The incompetence and irregularity of the constitution of the Tribunal can only be alleged before the presentation of the contention.

Article 43

Presentation of documents

1. The documents intended to prove the grounds of the action or defense must be presented with an articulated pleading where the corresponding facts are alleged.

2. If the documents are not presented with the respective articulated pleading, they can be presented afterwards yet the Tribunal shall penalize the party with a fine except if it is proven that the party was unable to present the documents with the articulated pleading.

Subsection III

Preliminary hearing

Article 44

Preliminary hearing

1. Once the articulated pleadings have been completed, the parties will be notified for a preliminary hearing that will take place on one of the twenty subsequent days, intended for one or several of the following purposes:

a) To carry out an attempt at conciliation, under the terms of the following article;

b) To allow the parties the discussion of the facts and of law in the cases whereby some of the questions referred to in Article 42 (4) were raised, or when the Tribunal intends to know immediately, entirely or partially, the merit of the cause;

c) When the case has been challenged, the relevant subject matter should be selected after debate and will be considered established and shall constitute the base.

d) To indicate the means of proof and decide on its admission and the preparation of the probative services, required by the parties or officially determined, except if any of the parties, with founded reasons requests for its ulterior indication, immediately fixing a term of not more than eight days.

2. The decision that sets the preliminary hearing indicates its subject matter and intention, without prejudice to the Tribunal always being allowed to know of the merit of the cause.

3. The absence of the parties or of their attorneys does not constitute motive for delay.

4. The decision by which the Tribunal declares itself to be competent can only be judged by the judicial tribunal after the decision has been proffered on the background of the cause, under the terms of the law.

Article 45

Conciliation

1. An attempt at conciliation can take place at any stage of the process, as long as the parties jointly request or the Tribunal considers it to be suitable. However, the parties can only be exclusively convened for that purpose once.

2. If the parties agree on the solution of the dispute, either in the hearing

referred to in the previous article, or in any other phase of the process, the Tribunal will make a decision to ratify that agreement.

Article 46

Revision of the value of the claim

Taking into account the contents and the usefulness and/or complexity of the claim, the General Council shall revise its value and determine the value of the subsequent advance on costs to be paid by the parties, under the terms of the regulation of arbitration fees, and proceed with the respective notification.

Subsection IV

Fact-finding and discussion of the claim

Article 47

Fact-finding

1. The Tribunal shall proceed with the fact-finding of the claim as earliest as possible, taking into account what is referred to in Article 49.

2. Any evidence that is admitted by civil procedure law can be presented before the Tribunal, as long as this has been previously authorized by the Tribunal.

3. It is the responsibility of the Tribunal, through its own initiative or by request of the parties or of one of them to:

a) Collect the personal testimony of the parties;

b) Hear third parties;

c) Foster the presentation of documents held by the parties or third parties;

d) Appoint experts, define their duties and collect their testimony or their reports;

e) Proceed with examinations, site inspections or verifications.

4. The Tribunal decides freely on the admissibility of the requested probative services.

5. Under no circumstances will rogatory letters be admitted.

6. The testimonies, information and explanations rendered in the fact-finding stage are voice recorded whenever one of the parties so requests, or when the Tribunal officially determines the need for the recording.

7. In all the services of evidence presentation, the parties must be treated with absolute equality, and each one be given the possibility of seeing their rights respected.

Article 48

Discussion of the claim and final advance on costs

1. Once all the evidence has been presented, the Tribunal shall fix within reasonable notice, the date for the parties to present themselves at a designated location, for an oral discussion of the claim.

2. If the parties insist that the discussion proceeds in writing, the hearing will not take place, and the Tribunal must fix the time limit for the allegations, of no less than eight or more than fifteen days for each of the parties.

3. Together with the notification referred to in the previous Articles, the parties will be notified to make the final advance on costs.

SECTION IV

The arbitral award

Article 49

Time limit

1. The arbitral award shall be rendered within the maximum period of six months, starting from the date that the due subsequent advances on costs are made by the parties or, this not being the case, starting from the date of the notification referred to in Article 46. In case the parties establish a different time limit until the date of the constitution of the Tribunal in the arbitration agreement or in writing afterwards, this time limit shall be attended to.

2. When the special complexity of the dispute so demands, the General Council may, at the Tribunal's request, as an exception, extend the time limit referred to in the previous number to the maximum of twice its initial duration.

3. Having the parties fixed a time limit less than six months for the rendition of the award, and having a just reason to doubt that, during that time limit, even if extended under the terms of the preceding number, it is not possible to render a final award, the General Council may, officially or at the Tribunal's initiative, fix a different time limit, as long as it is assured that the term fixed by the parties is not an essential element of the arbitration agreement.

4. The time limit set by the General Council under the terms of the previous number is not extendable, unless jointly requested by the parties.

5. The arbitrators who unjustifiably hinder the arbitral award from being rendered within the time limit shall be liable for the damages caused.

Article 50

Deliberation

1. Should the Tribunal be composed by more than one arbitrator, the award must be reached by majority of votes in a deliberation whereby all arbitrators should participate.

2. If majority count cannot be reached, the award shall be rendered by the President of the Tribunal.

Article 51

Applicable law; appeal to equity

The arbitrators decide according to the constituted law unless the parties authorize them to decide according to equity in the arbitration agreement or in a subsequent document until the discussion of the claim.

Article 52

Content of the award

The final award of the Tribunal shall be in written form and contain:

- a) Names of the parties;
- b) Reference to the arbitration agreement ;
- c) Names of the arbitrators and the way they have been appointed;
- d) Subject matter of dispute and each party's position in its regard;
- e) Reasoning of the award, whether de facto or legal, unless the arbitrators have been authorized to decide according to equity, in which case only the de facto reason will be registered;
- f) Fees of the process, with the indication of the party responsible for the respective payment, or the indication of the way of sharing that obligation between the parties;

g) Venue of the arbitration and the location and date that the award was rendered;

h) Signature of the arbitrators, with the indication of the defeated votes, duly identified, if there are any.

Article 53

Notification and entrustment of the award

1. The President of the Tribunal shall notify the parties concerning the arbitral award, by means of the remittance of a copy of the notification, without prejudice to the provision of the following number.

2. Once each of the parties has paid their fees resulting from the process, the Secretary-General shall send to that party a certified copy of the award whether or not it has been requested to do so.

3. The original copy of the award is entrusted to the Secretariat of the Center, and it is possible for any of the parties to obtain a certificate of that award at any time and as long as they have paid their fees.

Article 54

Impugnation of the arbitral award

1. The award rendered by the Tribunal is final.

2. The submission of a dispute to the Center means the relinquishment of the appeals, without prejudice to the right of the parties to request, under the terms of the law, the annulment of the arbitral award.

CHAPTER III

Arbitration Fees

SECTION I

General provisions

Article 55

Notion

The arbitration fees of the proceedings include:

a) The fees and expenses of the arbitrators;

b) The administrative fees;

c) The expenses related with the evidence.

Article 56

Value of the claim for the calculation of arbitration fees

1. For the purpose of calculating of the arbitration fees, the General Council sets a value for each arbitral proceeding, corresponding to the current economic utility of the request formulated by the claimant.

2. In a counterclaim request, the value of the claim corresponds to the current economic utility of both requests.

Article 57

Exemptions

1. Whenever a dispute involves humanitarian interests of special importance, or when any other reasonable grounds justify it, the General Council can reduce or exempt the administrative fees.

2. However, the parties should pay the expenses for the services of the presentation of evidence when officially determined by the Tribunal or on their request.

Article 58

Reductions

1. In case the revocation referred to in Article 25 occurs, the charges and fees stipulated in the tariff chart I annexed to this regulation shall be reduced under the following terms:

a) Prior to the constitution of the Tribunal, under the terms of Article 31 of this regulation: a reduction of 75%.

b) Prior to the presentation of the contention: reduction of 50%;

c) After the contention has been presented, but before any preliminary hearing has taken place: reduction of 25%;

2. In the case of paragraph a) of the previous number, the provisions of Article 31 (2) of this regulation shall be applied with the necessary adaptations.

SECTION II

Fees and expenses of the arbitrators

Article 59

Calculation of the fees

1. The tariff chart I annexed to this regulation is used for the calculation of the fees of each arbitrator.

2. In the disputes submitted to the Tribunal, the General Council may, after pondering on the special complexity of the dispute or the disproportional working time required from the arbitrators, increase the fees of the arbitrators up to a maximum that corresponds to the application of the respective tariff chart.

3. The fees of each arbitrator are attributed by the General Council and calculated according to the value of the claim of the arbitral proceeding and considering the characteristics of each dispute and the circumstances of each proceeding. However, the arbitrators fees can never be less than the minimum fee stipulated in the respective tariff chart.

Article 60

Special cases

1. In case of a single Tribunal, the General Council may increase the maximum fees of that single arbitrator to up to an amount that does not exceed 50% of the fees stipulated in the respective table annexed to this regulation.

2. In case of a collective Tribunal, the respective arbitrators may agree among themselves a different form of sharing the total fees as determined under the terms of number 3 of the previous article.

Article 61

Expenses

1. The expenses of the arbitrators include the allowances for travel and accommodation expenses.

2. The General Council fixes the allowances for the travel and accommodation expenses of the arbitrators.

SECTION III

Administrative charges and evidence expenses

Article 62

Administrative fees

1. The administrative fees of the arbitral proceeding are calculated according to the value of the arbitral proceeding, in accordance with the respective table annexed to this regulation.

2. With the presentation of the initial request referred to in Article 28 of this regulation, the applicant must pay a fixed amount in a value equal to twice the minimum administrative fees, which shall be included in the initial advance on costs.

Article 63

Expenses related with presentation of evidence

The expenses related with the presentation of evidence and the rendering of services are determined by their actual cost.

SECTION IV

Payments and final account

Article 64

Types and amount of the advances on costs

1. In order to guarantee the payment of the arbitration fees, three partial advances on costs shall be made: the initial, the second and the final.

2. For each of the parties, the amount of the initial advance on costs is 35% of the minimum total stipulated for the arbitration fees of the process; the amount of the subsequent advance on costs is also 35%; and the final advance on costs is 30%.

3. During the process the General Council should determine, if necessary, the adjustment of the remaining advances on costs so as to ensure that the entire amount of the respective fees are settled before the award is rendered.

4. The General Council also determines the payment of advances on costs to cover the expenses of the arbitrators and the rendering of the services determined by the Tribunal, whenever there is a need to proceed with unforeseen expenses.

5. Both parties should make the advances on costs, which are of equal value for each of them, except for the cases specified in the following numbers.

6. The advances on costs to cover the expenses of the services rendered by request of the parties shall be supported by the respective party.

7. The advances on costs to cover the expenses of the arbitrators should be borne by the parties that have appointed them.

Article 65

Time limits

1. The advances on costs should be made within five days starting from the date the parties receive the payment notification.

2. Should advances on costs not be received within the time limit, the General Council shall notify the respective party to pay the amount due with an additional penalty of 10% within the next five days, without prejudice to the provisions of the Tribunal's regulation.

3. In case no advances on costs has been made after the time limit specified in the previous number, the provision of the following Article should be observed.

Article 66

Non-payment

1. The claimant's failure to make any of the advances on costs results in the termination of the proceedings, unless the respondent, after being notified about the fact and having interest in continuing the process, will settle the advance on costs on behalf of the claimant.

2. In case the respondent fails to settle the initial advance on costs, the opposition shall be considered void and withdrawn; if the respondent does not make the subsequent advance on costs, he will not be allowed to present any kind of evidence other than those presented with his statement of defense; should the respondent not make the final advance on costs, the Tribunal will not take into consideration the evidence presented by him in the process of fact-finding.

3. The failure to settle the advance on costs intended to cover the cost of any service implies its non-fulfillment.

Article 67

Account and its attainment

1. Once the arbitral award has been rendered, the Secretary-General immediately settles the arbitration fees and notifies the parties who should therefore pay any outstanding cost.

2. The parties may raise an objection against the settlement of the arbitration fees to the Arbitral Tribunal within eight days.

3. The Secretary-General elaborates a report to be submitted to the Tribunal together with the objection.

4. If gathering of the Tribunal is not possible, the General Council will make the decision.

Article 68

Outstanding arbitration fees

1. Any outstanding arbitration fees shall be paid within ten days counting from the date of notification sent to the respective party.

2. After the time limit set for the payment of the arbitration fees, interest on late payment at the current legal rate shall be added to the due amount.

3. Until it is shown that the due arbitration fees have been paid, the respective party shall not be allowed to obtain certificates of the process or invoke the respective award for whatever purpose.

Article 69

Review of the tariff charts

The tariff charts annexed to this Regulation are subject to periodic revision by the General Council who shall propose their alterations to the Executive Committee of the WTCM.

CHAPTER IV

Autonomous processes of conciliation

SECTION I

General provisions

Article 70

Notion and legal nature of the conciliation agreement

1. For the purpose of this Regulation, a conciliation process is an autonomous and confidential process of disputes of a friendly and voluntary composition, through which two or more individual or collective persons attempt to resolve a dispute.

2. The settlement agreement resulting from the conciliation, when in written form, constitutes a private contract, pursuant to Article 1172 of the Civil Code.

Article 71

General principles

The conciliation proceedings established in this chapter follow the principles of impartiality, confidentiality and celerity.

Article 72

Disputes admitted to the conciliation process

Any of the disputes referred to in Article 21, whose subject matter is negotiable, can be submitted by the parties to a conciliation process by a single conciliator at the Center, under the terms of this regulation.

Article 73

Reference to the norms of the arbitration proceeding

The norms of arbitration are also applicable to the conciliation process, with the necessary adaptations.

SECTION II

Conciliation proceeding

Article 74

Request for conciliation

Any party of a dispute who intends to apply for conciliation at the Center should address the respective request to the President of the General Council, through an application containing the identification of the parties and the indication of the subject matter and the basis of the claim.

Article 75

Notification to the other party

1. The other party is notified of the application for conciliation and is requested to inform the Center within 10 days whether he accepts to participate in the conciliation process.

2. If there is no reply or in case of a refusal to participate, the Center shall inform the applicant that the attempt at conciliation has not been accepted.

Article 76

Acceptance of the conciliation and preliminary meeting

1. Should the conciliation be accepted, the President of the General Council appoints a conciliator.

2. Once it is shown that the conciliator has been appointed or, if there are no refusals or suggestions, the secretariat of the center will initiate a preliminary meeting between the parties and the conciliator after the period referred to in Article 18 (3) has elapsed.

3. In the preliminary meeting, the conciliator:

a) Explains the conciliation process to the parties, its procedures and techniques;

b) Asks the parties to briefly describe the controversy and express their expectations;

c) Seeks to reach an agreement on the arrangement of a working calendar, fix a time limit for the parties to make written submissions specifying their respective intentions and basis for the arguments, as well as to present the evidence as deemed necessary.

4. The participation of the conciliator in the preliminary meeting does not result in the right to any remuneration.

Article 77

Performance of the conciliator and meetings

1. The conciliator proceeds freely with the organization of the conciliation process, but in the rigorous compliance with the Ethical Rules.

2. The conciliator may, at any time, request the parties to provide additional information and elements that are deemed necessary for a complete understanding of the facts.

3. It is preferable to carry out the conciliation meetings together with the parties, but should it be necessary and if the parties agree to it, the conciliator may meet separately with each one of them in the rigorous compliance with the provisions of the Ethical Rules, especially to what relates to equal opportunities and secrecy.

Article 78

Agreement of confidentiality

By accepting to participate in the conciliation process, the parties shall take as essential the confidentiality of the process and agree not to use the following as argument or evidence in an arbitral or legal process of any nature:

- a) The disclosed facts, the affidavits made and the suggestions presented by the other party in view of the resolution of the dispute;
- b) The proposals presented by the conciliator or by any of the parties;
- c) The fact that any of the parties has made it known in the process of conciliation that a proposal for agreement will be acceptable.

Article 79

Conclusion of the conciliation

1. The conciliation concludes with the signing of an agreement by the parties, which shall take the form that is legally demanded in each case.

2. The agreement by the parties is confidential, unless the parties wish otherwise or if its disclosure is necessary for its application or enforcement.

3. If attempt to conciliate is not possible, the conciliation proceeding concludes with the written declaration made by the conciliator and without the need of reasonable grounds.

4. The conciliation proceeding also concludes when one of the parties informs in writing to the conciliator of his wish not to continue.

5. The contract signed by the parties, the declaration of the conciliator of not having succeeded in the process of conciliation, the communication from the parties or any of them of not intending to continue the attempt to conciliation or the agreement of the parties under the terms of number 1 are entrusted to the secretariat of the Center.

6. The documents presented during the process of conciliation are returned to the parties after assessment and their copies should be destroyed or archived

according to the agreement.

Article 80

Conversion of conciliation into arbitration

1. The parties can agree in writing to delegate the power to the conciliator to determine the performance of the obligations under the contract, or to clarify, complete, update or even review the contracts or the legal relations that are at the origin of the dispute, if its entire solution so depends.

2. In the case referred to by the previous number, it is understood that the agreement of the parties constitutes an arbitration agreement, and the conciliator goes on to be endowed with the duties of a sole arbitrator. The process therefore takes the form of an arbitration process.

Article 81

Impediments of the conciliator

1. Unless the parties agree otherwise, a conciliator is not allowed to act as arbitrator and to assist any of the parties as attorney or assistant, in any arbitral or legal process relating to the dispute that is the subject matter of a conciliation attempt.

2. Unless the parties agree otherwise, it is not possible to ask the conciliator to testify in any arbitral or legal process relating to the dispute that is the subject matter of a conciliation attempt.

Article 82

Conciliation fees

The conciliation fees are calculated according to the tariff chart annexed to this regulation.

CHAPTER V

Transitory and final provisions

Article 83

Transitory provision

1. Until the secretariat referred to in this regulation is created, the Center operates with the support of the administrative and technical staff of the WTCM, under the terms to be defined by the Executive Committee of the WTCM.

2. Until the General Council begins to operate, the duties of the Council and its President shall be exercised respectively by the Executive Committee of the WTCM and by its President.

Article 84

Interpretation

In case of doubts, the Portuguese version shall prevail.

Article 85

Entry into force

This regulation comes into force after its approval by the Board of Directors of the WTCM.

Annex I

(as referred to in Article 22 of the Internal Regulation of the Voluntary Arbitration Center of the World Trade Center Macau)

Ethical rules for arbitrators and conciliators

I – Autonomy of the will of the parties

The arbitrators and conciliators must always consider the parties' autonomous will and must take this as the basis of their performance.

II – Fundamental principles

The arbitrators and conciliators use the principles of impartiality, credibility, competence and confidentiality as guidelines of their conduct under the following terms:

- 1) Impartiality – There must not be any conflict of interest or any relationship susceptible of affecting the impartiality of the arbitrators and conciliators; they should seek to understand the position of the parties, not allowing any preconception or personal values to intervene with their work;
- 2) Credibility – the arbitrators and conciliators should build and maintain their credibility when dealing with the parties, by being independent, sincere and coherent;
- 3) Competence – the arbitrators and conciliators should be capable of mediating the existing dispute. For that purpose, the arbitrators and conciliators should only accept the task when they have the necessary qualifications to meet the reasonable expectations of the parties;
- 4) Confidentiality – the facts, situations and proposals that occurred during the arbitration and conciliation proceedings are confidential and privileged. Those who participate in the proceeding are obliged to keep all the related matters confidential and should not be witnesses of the case under the agreed terms provided that this does not go against public order.

III – Arbitrators and conciliators in relation to their appointment

The arbitrators and conciliators shall:

- 1) Only accept their appointment if they are imbued with the purpose of acting in accordance with the law and the ethical rules, in order to maintain the integrity of the process;
- 2) Disclose, before accepting the appointment, the interests or relationships that might affect their impartiality, suggest any signs of partiality or the breach of independence, so that the parties are provided with information to evaluate and decide on their continuity;
- 3) Evaluate their capacity to carry out the proceeding beforehand;
- 4) Be under the obligation to follow the terms that were agreed upon, after having accepted the appointment.

IV – Arbitrators and conciliators in their relations with the parties

The choice of the arbitrator/conciliator assumes a relationship of trust that is extremely personal. This relationship can only be transferred in case of a justified reason and with the explicit consent of the parties. For that purpose, the arbitrators and conciliators should:

- 1) Concede the parties the opportunity to understand and evaluate the implications and the progress of the arbitration/conciliation process and of each issue that has been negotiated;
- 2) Provide explanations to the parties regarding remunerations, administrative fees and method of payment;
- 3) Use prudence and truthfulness, abstaining themselves from promises and guarantees regarding the results;
- 4) Only talk with one party separately after having informed the other party who has been given the same opportunity;

5) When finalizing a separate session, explain the confidential points to the party and point out those that can be disclosed to the other party;

6) Ensure that the parties are heard and have legitimacy in the proceeding, ensuring the balance of power;

7) Ensure that the parties are provided with sufficient information in order to evaluate and decide;

8) Avoid forcing the acceptance of any agreement and /or making any decisions on behalf of the parties;

9) Observe the restriction of not acting as a professional hired by either of the parties to handle any issue related with the matter in dispute.

V – Arbitrators and conciliators in relations to the process

Arbitrators and conciliators shall:

1) Describe to the parties the progress of the process;

2) Define, with the parties, all the proceedings that are necessary and pertinent to the process;

3) Elucidate on confidentiality;

4) Ensure the quality of the process, using all the techniques that are available and capable of achieving the objectives of the arbitration/conciliation process;

5) Ensure the confidentiality of the proceedings, including the discretion that employees in the administrative and information technology areas of the Center must have;

6) Suggest the cooperation of specialists, should it be deemed necessary, to clarify and inform the parties of any essential information needed for the evaluation of the dispute;

7) Interrupt the process once any ethical or legal impediment has been detected;

8) Suspend or end the process when it is concluded that its continuation can jeopardize any of the parties or when the parties so do request.

VI - Arbitrators and conciliators in relation to the Center:

The arbitrators and conciliators should:

- 1) Contribute and strive to maintain and improve the quality of the services provided by the Center;
- 2) Maintain the quality standards through training, commitment and specialization as required by the Center.

Tariff Chart I
Arbitrator fees and administrative fees of the arbitral process

Value of claim (in patacas)	Arbitrator fees (sole arbitrator)	Administrative fees
Up to 250,000.00	5%, of amount subject to minimum of 5,000.00	2.5%, of amount subject to minimum of 3,500.00
Between 250,001.00 and 500,000.00	12,500.00 plus 4% of amount in excess of 250,000.00	6,250.00 plus 2% of amount in excess of 250,000.00
Between 500,001.00 and 1,250,000.00	22,500.00 plus 2.5% of amount in excess of 500,000.00	11,250.00 plus 1.25% of amount in excess of 500,000.00
Between 1,250,001.00 and 2,500,000.00	41,250.00 plus 1.5% of amount in excess of 1,250,000.00	20,625.00 plus 0.75% of amount in excess of 1,250,000.00
Between 2,500,001.00 and 5,000,000.00	60,000.00 plus 0.75% of amount in excess of 2,500,000.00	30,000.00 plus 0.35% of amount in excess of 2,500,000.00
Between 5,000,001.00 and 12,500,000.00	78,750.00 plus 0.6% of amount in excess of 5,000,000.00	38,750.00 plus 0.3% of amount in excess of 5,000,000.00
Between 12,500,001.00 and 25,000,000.00	123,750.00 plus 0.5% of amount in excess of 12,500,000.00	61,250.00 plus 0.25% of amount in excess of 12,500,000.00
Between 25,000,001.00 and 50,000,000.00	186,250.00 plus 0.4% of amount in excess of 25,000,000.00	92,500.00 plus 0.2% of amount in excess of 25,000,000.00
Over 50,000,000.00	286,250.00 plus 0.2% of amount in excess of 50,000,000.00	142,500.00 plus 0.1% of amount in excess of 50,000,000.00

Tariff Chart II
Conciliator fees and administrative fees of the conciliation process

Value of claim (in patacas)	Conciliator fees	Administrative fees
Less than 150,000.00	2.5%, of amount subject to minimum of 3,000.00	2%, of amount subject to minimum of 3,000.00
Between 150,001.00 and 300,000.00	3,750.00 plus 2% of amount in excess of 150,000.00	3,000.00 plus 1.5% of amount in excess of 150,000.00
Between 300,001.00 and 600,000.00	6,750.00 plus 1.5% of amount in excess of 300,000.00	5,250.00 plus 1% of amount in excess of 300,000.00
Between 600,001.00 and 1,000,000.00	11,250.00 plus 1.25% of amount in excess of 600,000.00	8,250.00 plus 0.75% of amount in excess of 600,000.00
Between 1,000,001.00 and 3,000,000.00	16,250.00 plus 1% of amount in excess of 1,000,000.00	11,250.00 plus 0.25% of amount in excess of 1,000,000.00
Over 3,000,000.00	36,250.00 plus 0.75% of amount in excess of 3,000,000.00	16,250.00 plus 0.1% of amount in excess of 3,000,000.00



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