

STATUTES 2018

for the

ELArb Arbitration Center

The Executive Committee of the ELARB EUROPEAN-LATINAMERICAN ARBITRATION CENTER GMBH has decided in its meeting on 25 October 2018, in accordance with § 7 sub-paragraph (3) sentence 2 of the Articles of Association on the following *Statutes 2018 for the ELArb Arbitration Center*:

Article 1 List of Arbitrators

- (1) The Executive Committee shall add to the List of Arbitrators all individual members or persons listed by corporate members of the ELARB EUROPEAN-LATINAMERICAN ARBITRATION ASSOCIATION e.V. who comply with the following conditions:
 - (a) submission of a duly signed Application Form for Arbitrators (the submission of a pdf-document by email is sufficient);
 - (b) submission of a *Curriculum Vitae*;
- (2) The admission to the List of Arbitrators shall be decided by the Executive Committee.

Article 2 Appointing Committee

- (1) ¹§ 8 sentence 1 of the Articles of Association of the ELARB EUROPEAN-LATINAMERICAN-ARBITRATION CENTER GMBH determines the formation of the Appointing Committee. ²The Executive Committee is in charge of appointing and substituting the members of the Appointing Committee.
- (2) ¹The Appointing Committee shall consist of three members. ²In principle, the Appointing Committee shall consist of at least one member from Latin America and one from Europe.
- (3) ¹The Executive Committee shall appoint a minimum of four and a maximum of six persons, which shall form the pool of Appointing Committee members for a period of three years. ²Consecutive appointments are permitted.
- (4) ¹Out of the pool of Appointing Committee members, the Executive Committee shall appoint the Chairman of the Appointing Committee for a period of three years as well as two Deputy

Chairmen. ²The two further members shall be selected from the remaining pool of Appointing Committee members according to a rotation scheme as set forth in Annex 1 to these Statutes.

- (5) ¹The Appointing Committee shall have all powers and duties as set forth in the ELArb Arbitration Rules for the ELArb Arbitration Center (“ELArb Arbitration Rules” or “ELArb Rules”), including in particular the power and obligation to appoint / nominate and replace arbitrators as set forth by Art. 4 (2) thru (4), Art. 5. (3), Art. 7 (4) and (5) and Art. 9 (2) of the ELArb Arbitration Rules.
- (6) ¹The Appointing Committee also rules on challenges and terminates the mandate of arbitrators, as provided for by Art. 8 and Art. 9 (1) of the ELArb Arbitration Rules.
- (7) ¹The Appointing Committee decides on an increase and/or a reduction of the fees to be granted to the arbitrators because of exceeding or reduced workload in the arbitral proceeding according to Art. 25 (4) of the ELArb Arbitration Rules / No. 11 of the Schedule of Costs. ²This decision shall be made by the Appointing Committee with due regard to the circumstances of the arbitral proceedings.
- (8) ¹Further functions may be assigned to the Appointing Committee by virtue of the *ELArb Arbitration Rules*.
- (9) ¹The Appointing Committee is not bound by proposals or directions. ²Its work is confidential. ³It decides by simple majority. ⁴The decisions are taken by any appropriate means. ⁵Minutes are to be taken on the decisions made.
- (10) ¹Members of the Appointing Committee who participate in any function in arbitral proceedings within the scope of the *ELArb Arbitration Rules* cannot exercise their function regarding such arbitral proceeding. ²A member of the Appointing Committee may not be nominated as arbitrator by the Appointing Committee. ³If a member of the Appointing Committee has been appointed as arbitrator by a party in a matter for which nomination of an arbitrator by the Appointing Committee is required, it shall be subrogated for that matter by the competent alternate member. ⁴These rules apply *mutatis mutandis* for substitute members.
- (11) In case of dispute, the Executive Committee shall decide (however without the participation of any person involved in the disputed proceeding).

Annex 1 to the Statutes for the ELArb Arbitration Center

(as per 25 October 2018)

Members of the Appointing Committee

1. The Executive Committee has appointed the following persons to form the pool of Appointing Committee members as of 1 January 2018 until 31 December 2020:
 - (1) Erik Schäfer, Düsseldorf, Germany (Chairman)
 - (2) Antonio Hierro, Madrid, Spain (Deputy Chairman)
 - (3) Francisco González de Cossío, Mexico City, Mexico (Deputy Chairman)
 - (4) Dr. Till Alexander Backsmann, São Paulo, Brazil
 - (5) Maria Laura Velazco, Buenos Aires, Argentina
 - (6) Carlos Alberto Soto Coaguila, Lima, Peru

2. The Executive Committee has appointed Erik Schäfer to act as Chairman of the Appointing Committee, Antonio Hierro as first Deputy Chairman and Francisco González de Cossío as second Deputy Chairman.

3. The two further members of the Appointing Committee shall be selected for each arbitration initiated under the ELArb Arbitration Rules consecutively according to the above numbering. This means that, by way of example, in the first arbitration in which a decision of the Appointing Committee is required the Appointing Committee shall consist of (1) Erik Schäfer (as Chairman), (2) Antonio Hierro, (3) Francisco González de Cossío; in the second arbitration in which a decision of the Appointing Committee is required the Appointing Committee shall consist of (1) Erik Schäfer (as Chairman), (4) Dr. Till Alexander Backsmann, (5) Maria Laura Velazco; in the third arbitration in which a decision of the Appointing Committee is required the Appointing Committee shall consist of (1) Erik Schäfer (as Chairman), (6) Carlos Alberto Soto Coaguila, (2) Antonio Hierro; etc.

4. In case any member of the Appointing Committee should be hindered to perform his/her office, the member shall be substituted for the relevant arbitration by the next person of the pool of Appointing Committee members, according to the above numbering.