

Statutes

*Approved by the Extraordinary General
Meeting of 19 April 2017*

CIVIL AND COMMERCIAL ARBITRATION COURT

CIMA



C I M A

**CORTE CIVIL Y MERCANTIL
DE ARBITRAJE**

Sworn translation into English

© Corte Civil y Mercantil de Arbitraje – CIMA

Serrano, 16, 2.º izquierda

28001 Madrid (Spain)

Tel.: [+34] 91 431 76 90

Fax: [+34] 91 431 61 38

cima@cima-arbitraje.com

www.arbitrajecima.com

Chapter I.	General provisions	4
Chapter II.	Members	5
Chapter III.	Rights and obligations of the members ..	7
Chapter IV.	Appointment of arbitrators and Arbitral Court of Appeal	8
Chapter V.	Bodies	11
Chapter VI.	Economic and accounting system	17
Chapter VII.	Infringements and penalties	18
Chapter VIII.	Amendment of the Statutes	20
Chapter IX.	Dissolution and liquidation	21
	Additional provision and transitional provision	22

Article 1. The Civil and Mercantile Court of Arbitration (hereinafter referred as “CIMA” or “the Court”) was incorporated under Law 36/1988 passed on the 5th of December and it shall be ruled by the corresponding association and arbitration legislations and by the following Statutes.

Article 2. The main purpose of the Court is to organize and administer the arbitration of disputes, especially civil and mercantile disputes, a service that is freely available for the Parties to request to the Court, and accepted thereby. The regulation and determination of the procedure, as well as the appointment of the Arbitrators among its Members of Association, notwithstanding the free agreement reached between the parties in whatever is regulatory and the Arbitrator faculties, shall concern the Court without prejudice to Section 7 of Article 18.

Article 3. On request, the Court may also integrate or summarize elements within a contract, or it may verify the fulfilment of the requirements necessary to demand a specific obligation, as well as, at the parties request, provide mediation and concord services and any other service related to its main objective, develop studies, plans and advising proposals, raise and present motions before national and international authorities and organisms of autonomous regions in order to have a wider dissemination and effectiveness of arbitral justice and to carry out any activity authorised by the General Meeting and connected to the aforementioned activities. Whatever the required services are, the Court shall be responsible for them, therefore receiving the professional fees that are freely agreed for every case.

Article 4. The Court has legal personality and full capacity to act, as a private entity, of Spanish nationality and of indefinite duration.

Article 5. The registered office of the Court is in Madrid, calle Serrano 16, 2º izquierda. The provisional relocation thereof within the Autonomous Region of Madrid shall be within the remit of the Governing Committee. The relocation of the registered office of the Court to any place within the national territory, as well as the establishment of representation offices, branches, subsidiary companies, agencies or offices shall be the responsibility of the General Meeting.

The activities of the Court shall be developed mainly in Madrid, in spite of carrying them out in any other place within the national territory, at the request of the disputing parties.

Article 6. The internal actions performed by the Court shall be, at all times, subject to democratic criteria paying attention to the general opinion of its members of association.

Article 7. The General Meeting, by means of the majority established in Article 30, may agree any type of federation or association not entailing the loss of legal personality with other organizations or entities with similar purposes or which purposes may blend with the Court's.

Article 8. The members of the Court are those who took part in the incorporation thereof and those who were admitted as such after the said act. The members of the Court may be full members or associate members.

Article 9. In order to become a member, the interested party shall submit before the Court an application in writing addressed to the President thereof; such application shall explain that the interested party meets all the requirements established in Articles 10 and 11, depending on the case. The President shall submit the application to the vote of the Governing Committee, which shall decide on it reasonably.

Article 10. In order to submit the aforementioned application, the interested party must meet the three following conditions:

- a) To be a member of a Bar Association for no less than ten years.
- b) To be free from any disciplinary action or expulsion as a member of the said Bar Association and not having been convicted for an intentional act; and
- c) To be or have been a member of the Body of Lawyers of the Council of State, or a member of the Body of State Lawyers, or a lawyer of a recognised competence and experience, according to the Governing Committee.

The time the applicant served for any of the Bodies mentioned in Section c) above shall be taken into account to determine the years of professional practice in accordance with the aforementioned period of time.

In any case, the decision on the admission of the applicant shall be taken, on solid grounds, by the Governing Committee in accordance with the last part of the previous Article, taking into account the number of arbitrators of the Court and their relationship with the number of cases to be treated over time.

Article 11. Applicants who fail to meet the first of the three mandatory conditions for becoming full members, but fulfil the second and third conditions, are eligible to be accepted as associate members, as well as applicants who meet all the aforementioned conditions and chose such option in their application.

Article 12. Both membership categories shall be recorded in a single Book and ranked in strict order of entry. This list shall be divided into two additional lists in order to assign Arbitration in Law to full members and Arbitration in Equity to associate members.

Also, and for the relevant purposes, several lists of bilingual lawyers shall be prepared for those cases where the parties may require to carry out the arbitration in a language different from Spanish, or otherwise in Spanish and a different or foreign language.

Full members selected by the Governing Committee for handling arbitrations between States and natural and/or legal persons of different nations and those accepted for such purpose shall comprise the list of CIMA's international arbitrators, to which such arbitrations shall be assigned in accordance with rules of Article 18.

Article 13. Membership shall be suspended if the member resigns voluntary, by death or by the unexpected loss of some of the membership conditions, unless the member concerned is a full member that meets all the required conditions and wishes to continue as associate member, and this is approved by the majority of the votes of the General Meeting as established in Article 30. In any case, the members shall fail to fulfil the corporate, professional or pecuniary duties and obligations to the Court or third parties, acquired prior to the separation.

Article 14. The suspension of membership entails losing all rights with regard to the Court.

Article 15. All members shall have the following rights:

- a) To arbitrate when one or more of the litigating parties so considers it and when it is its turn to do so.
- b) To choose and be chosen for executive posts.
- c) To attend the General Meetings and take part in their debates and voting and in the activities of the Association in general. For the purpose of approving resolutions in General Meetings, full members shall be entitled to two votes and associate members shall be entitled to one.
- d) To access all data, books, files and documentation of the Court, except for those files related to the arbitrations carried out by other members. This exception does not prevent the study of arbitration awards for the purpose of reaching the desirable unification of criteria. The rules of Organic Law 15/1999 passed on December 13 on the Protection of Personal Data shall be observed at all times.
- e) To receive information on the composition of the Government Bodies and on the representation of the Association, the statement of accounts and development of the activities thereof.
- f) To hold a hearing before the application of disciplinary measures, to be informed on the facts that give rise to such measures and to receive a sanction that is based on reasoned grounds.
- g) To appeal against any agreement approved by the bodies of the Association that they deem to be contrary to Law and the Statutes.
- h) The remaining rights recognised by the Law and these Statutes.

Article 16. All members shall have the following obligations:

- a) The main obligation of all members shall be to arbitrate with perfect diligence, objectivity, dedication, celerity, effectiveness and confidentiality without refusing to do so, when necessary, for a cause different from abstention or rejection. If members refuse to arbitrate, such refusal shall be noted in their turn of arbitration; any repeated unjustified refusal may be considered by the Governing Committee as a serious misconduct.
- b) To collaborate in any assignment that the Court may entrust them with.
- c) To comply with and, where necessary, implement the general or specific decisions, agreements and guidelines that the Governing Bodies of the Court may adopt or decide on.
- d) To meet the maintenance and financing needs of the Court in the way determined by the said Bodies; in this sense, the financial contribution of full members shall be twice the financial contribution provided by associate members.
- e) To help to promote CIMA within the scope of its respective influence.

Article 17. Failure to comply with the obligations mentioned in the previous Article may give rise to a temporary suspension of membership decided by the majority of the Governing Committee and after the preliminary investigation of the corresponding disciplinary proceedings is carried out. In case of a very serious unfulfillment, the General Meeting may agree the termination of the membership.

Article 18

1. After the corresponding preliminary procedures of arbitration have been carried out, the appointment of arbitrators shall take place by means of an automatic and rotative system and by strict numeric and correlative order, in the way established in Article 16 of the Rules of Procedure. Such automatic system shall only be altered under the following circumstances:
 - a) When the parties agree to appoint an arbitrator or Arbitral Tribunal from the arbitrators included in the Court's list.
 - b) When every party has selected an arbitrator from those included in the Court's list and they have entrusted them with the task of selecting a third arbitrator to act as President of the Arbitral Tribunal and who shall also be included in the said Court's list.
 - c) When the parties appoint an arbitrator from the Court's list and they entrust the President thereof with the appointment of a third arbitrator from the said list in accordance with the rotation system and the way established in Article 16 of the Court Rules and such third arbitrator assumes the Presidency of the Arbitral Tribunal.
2. If the same arbitrator is appointed twice during one year, such arbitrator, or the designated arbitrators, as well as the members of the list proposed for every case shall forgo their turn. Notwithstanding the causes of a potential rejection, a litigating party shall not appoint the same arbitrator more than twice during a period of three years.
3. By means of a majority decision of the Governing Committee, the turn may be altered in the event that the strict implementation of the automatic and rotative system may affect, for the best fulfilment of the Court's purposes, impartiality or the maximum arbitral specialization principle, thereby allowing the parties interested in the arbitration to be heard for such purpose. The alteration of the turn by the Governing Committee's decision shall forgo its turn for those who receive the arbitral award. Likewise, the turn shall forgo for the arbitrators that have been appointed according to their bilingual or multilingual nature.
4. A list of arbitrators shall be established, to consider in the main arbitration proceedings involving amounts up to a maximum of €40,000.

The aforementioned list shall include any arbitrators who are full members of the Court and who so request, in addition to a number of arbitrators aged under 45 years and who join the Court by means of the corresponding selection process.

If the number of full member arbitrators included on the list so permits, the appointment of arbitrators shall be performed in these arbitration proceedings in the manner provided for in Article 16.2 of the Court Regulation, with the following modification: the list of possible arbitrators to be offered to the parties to the dispute shall comprise eight candidates, of whom a maximum of two shall be arbitrators aged under 45 years.

In all cases, if a majority of members of the Governing Committee so decides, it may directly appoint the arbitrator or arbitrators given responsibility for the disputes, should the circumstances thereof make this advisable.

The arbitrators on this special list aged under 45 years shall pay half of the monthly fee paid by full members”.

5. A special turn shall be established for arbitrations below €100,000. In the event that a member refuses this type of arbitration, such member shall lose the special turn and the ordinary turn in process or the next immediate turn.
6. In case that an emergency arbitrator is required, he/she shall be appointed by the President of the Court without forgoing the turn established in this Article.
7. Notwithstanding the aforementioned, the Governing Committee, by absolute majority of its component members and at the request of the parties, may exceptionally and for the specific cases it may consider especial due to their significance or importance, authorises the administration of arbitrations where a maximum of two arbitrators do not belong to the Court’s list. The arbitration thereby authorised shall be ruled, in any case, by the Rules of the Court and external arbitrators shall adapt their performance and obligations to those of any member of the said Court.
8. The provisions set forth in the preceding paragraphs regarding the appointment of arbitrators shall not be applicable to those arbitrators that are part of the Arbitral Tribunal of Appeal, who shall be appointed in the manner established in Article 57 of the Court Rules and Article 21 of the Statutes.

Article 19. The Governing Committee, after assigning the corresponding arbitration to the member with the highest rank in the Court’s list and before starting a new rotation, may assign the next arbitrations in the following order: members who, after having acted as arbitrators, were not able to collect their fees; members who had to refuse a certain arbitration due to exceptional reasons -according to the Governing Committee; members who have been appointed for exercising public functions that may give rise to legal incompatibilities, and the cause of such incompatibility has disappeared; members who have been appointed to carry out arbitrations that were dropped at the beginning of the procedure; members who, due to legal reasons, have refused to arbitrate or have been disqualified, if another arbitration had not been already assigned to them; and eventually, associate members who have become full members. In any case, the decision of the Governing Committee shall be solidly reasoned.

Article 20. In the absence of an express agreement reached by the parties, the arbitrations of the Court shall be Arbitrations in Law and conducted by a single Arbitrator. The arbitration procedure shall be subject to the Rules of Procedure thereof.

Article 21.

1. The Arbitral Court of Appeal shall be formed by three (3) Arbitrators.
2. The Arbitral Court of Appeal shall be chaired by the President of the Court or, otherwise, by the corresponding Arbitrator that, in each case, is appointed by the Governing Committee, at the request of the President of the Court and according to the Statutes.
3. Each party, or the Court, if appropriate, shall appoint one of the chairpersons of the Arbitral Court of Appeal, in the manner established in Article 16 of the Court Rules. In this case, the common list offered to the parties will comprise eight (8) candidates; this list shall be returned to the Court with four (4) names ranked in priority order.
4. The members of the Arbitral Court of Appeal, after accepting their appointment, shall be permanently available in order to be ready to act when they are summoned for such purpose. The members of the Arbitral Tribunal of Appeal must not have intervened, whether as arbitrators or as lawyers, in those arbitral procedures on which the award subject to challenge has fallen.
5. Articles 19, 20 and 21 of the Court Rules shall be applicable to the members of the Arbitral Court of Appeal.

1. Listing

Article 22. The General Meeting, the President, the Governing Committee, the Director and the Secretary are bodies of the Court.

2. The General Meeting

Article 23. The General Meeting is the supreme body of the Court that is formed by all its members who gather together to deliberate and pass resolutions, by a majority vote, on the subjects included in the Agenda.

Article 24. Each member is entitled to attend and participate in the General Meeting and vote in the proportion established in Article 15. c).

Article 25. Voting may take place by appointing a member as a proxy in writing and specifically for each meeting, provided that the said proxy is not appointed more than ten times.

In order to be effective, the recognition of members and proxies must be necessarily carried out before the General Meeting is held.

Article 26. The ordinary General Meeting shall meet during the first six month period of every year and shall be convened by the President, who will send the proposed Agenda to the members before a minimum of fifteen working days from the date thereof. The announcement shall include the time and place of the Meeting under first summons -the second summon shall take place at least thirty minutes later.

Article 27. Within the first ten days from the reception of the summons announcement, five or more members may express their interest in including in the Agenda the subjects they deem appropriate, literally expressing the agreement proposal they plan to submit before the General Meeting; therefore, the Governing Committee will be able to prepare the definitive Agenda, which will be at the disposal of the members one hour before the Meeting starts, at the latest and in the event that it is not possible to do it earlier a session.

Article 28. The President of the Court, in accordance with the Governing Committee, shall call an Extraordinary General Meeting whenever he/she deem it appropriate. An Extraordinary General Meeting may also be called by no less than 20% of the members indicating the items of the Agenda they wish to deal with and their verbatim proposals as thereby established by the preceding articles.

Article 29. The General Meeting shall be presided by the President of the Court and the Secretary thereof shall be the Secretary of the Meeting as well. In their absence, the substitute or substitutes will be appointed at the beginning of the General Meeting.

Article 30. In order to hold the General Meeting, it is necessary to constitute a quorum with one third of the members in the first call; on the contrary, no quorum is required for the second call.

Article 31. The resolutions of the General Meeting will be adopted by the simple majority of the members and proxies attending the Meeting when the positive votes exceed the negative votes. Those resolutions regarding the dissolution of the Association, the modification of the Statutes, the disposal or alienation of property, as well as other related resolutions will require the qualified majority of two thirds of the members and proxies attending the General Meeting.

3. The President

Article 32. The President of the Court must have been a full member thereof for at least fifteen years.

Article 33. The main functions of the President of the Court are the following:

- a) To represent the Court.
- b) To call the General Meeting, with the prior consent of the Governing Committee, as well as the meetings thereof and to chair the discussions of both bodies.
- c) To appoint Arbitrators, unless such appointment is the responsibility of the Governing Committee in the cases indicated in Article 18.
- d) To authorize the minutes and certifications of the meetings and agreements that are drawn up by the Secretary.
- e) To use his/her casting vote to dissolve any tie that may result from the voting carried out by the bodies he/she presides over.

Article 34. A Member may be granted the title of Honorary President, when he or she, having been President of the Court, brings exceptional merit in the opinion of the General Meeting.

Article 35. The election of President corresponds to the General Meeting. Candidates may present themselves for such election eight working days before the election, provided they are signed by twenty or more members, who may only sign one proposal.

The office of the President shall be four years, renewable for equal periods. The General Meeting may withdraw its confidence in a resolution adopted by a simple majority.

In the event of termination of the President for any reason before the end of its mandate, the members of the Governing Committee shall choose from among them, an interim President to exercise its function for the time remaining to the replaced or until the first General Meeting is held.

4. Governing Committee

Article 36.

1. The Governing Committee shall comprise the President and a minimum of four Members and a maximum of six full members elected by the General Assembly when electing the President.
2. Nominations for members of the Governing Committee shall be submitted together with that of the President within the period prescribed in Article 34, having the character of closed nominations. To be eligible, applicants must have a seniority, as members, of at least ten years.

The term of office of a member of the Governing Committee shall be four years and shall cease however, before that term by a majority resolution of the General Meeting or by resignation of the stakeholder.

The members of the Governing Committee may not act as counsel in arbitrations administered by the Court

Article 37. The Governing Committee shall meet when summoned by the President and, in any case, once a month, except for the month of August of each year. It shall also meet at the request of some of its members to the President.

The Governing Committee requires for its constitution, attendance to the meeting in person or through representation, of the majority of its members.

The Director and the Secretary of the Court, acting as notary thereof, will attend the meetings of the Committee with voice but without vote.

The President, in case of absence for any reason, will replace the board-member having the lowest number in the list of arbitrators.

Resolutions shall be adopted by majority, with the vote of the President being the casting vote in case of a tie.

In any meeting of the Governing Committee, the Secretary shall record the act that will be endorsed by the President and which may issue certifications requested by those who have a legitimate interest in the resolutions adopted.

Article 38. The Governing Committee is provided with the broadest powers regarding the goals, objectives and organization of the Court, including the following:

- a) To summon, through its President, the ordinary and extraordinary meetings of the General Meeting.
- b) To make proposals for the amendment of the Statutes and the Rules of Procedure.
- c) To make reasoned decisions on admissions and non-admissions of members.
- d) To prepare annual budgets and, where appropriate, extraordinary ones, which must be submitted for approval to the General Meeting.

- e) To know the appointments of arbitrators made by the President and to appoint arbitrators in exceptional circumstances provided in Article 18 hereof.
- f) To decide on the challenge of arbitrators.
- g) To agree the preliminary investigation of disciplinary proceedings against members, appointing an instructor and receiving the proposed resolution to adopt the same decision, or to propose, where appropriate, to the General Meeting.
- h) To propose, reasonably, to the General Meeting, the amendment of fees for arbitrators, court fees and contributions of members towards the maintenance of the Association.
- i) To decide on the filing of lawsuits requesting application of taxes, duties and fees owed to the Court.
- j) To represent the Association and grant the powers it deems necessary or convenient for the operation thereof.
- k) Any other resulting from these Statutes and those delegated to the General Meeting.

The Committee shall perform any other function for governing the Court and administering the arbitration that is not attributed to another body by law or by the Statutes.

Article 39. To achieve the most absolute correctness of the arbitration proceedings of the members, the Governing Committee may address to them generally or individually, any suggestions or recommendations deemed conducive to maintaining and raising the prestige of the role, but it may not influence, however, the actual area of responsibility of the arbitrator.

Article 40. Those attending the meetings of the Governing Committee shall receive allowances in the amount determined by the General Meeting.

5. Director

Article 41. Any full member with a seniority not less than ten years as a member thereof may be appointed Director of the Court.

Article 42. The functions of the Director are:

- a) Those inherent to the condition of executive officer of the Association and responsible for its financial and accounting management.
- b) As regards to member of the Governing Committee, to participate in its deliberations without voting.
- c) Any other resulting from the Statutes or assigned by the President of the Court or the Governing Committee.

Article 43. The Director shall be appointed at the proposal of the President, by resolution of the Governing Committee. His or her term will last four years and shall be renewable for equal periods; any cessation may be resolved by said Committee. The Director shall be an arbitrator in equal circumstances with the President, Secretary, Members of the Governing Committee and other members, and will be responsible for implementing the resolutions of the bodies of the Court referred to in the preceding Article.

6. Secretary

Article 44. The position of Secretary of the Court will be held by a full member. He or she shall be elected by the Governing Committee at the proposal of the President. His/her term will last four years and may be re-elected one or more times. Cessation of the Secretary may occur by renunciation thereby or by a majority agreement of the Governing Committee.

Article 45. The Governing Committee may also, at the proposal of the President and by majority vote, appoint a Deputy Secretary.

In order to qualify for Deputy Secretary, the quality of member is not required, but it is mandatory to be in possession of a Degree or Doctorate in Law and to belong as a practising member to any Bar Association of Spain. Preferential merit will be considered for those who in addition have a degree in Economics and Business Sciences.

As for the term of office of Deputy Secretary and its cessation, the rules adopted for the Secretary will apply.

Article 46. The Governing Committee may also appoint, on a permanent or casual basis, a Deputy Secretary to replace the Secretary in case of absence, illness, holiday, incompatibility or any other where the Secretary may not act. The appointment must necessarily fall on a full member.

Article 47. The functions of the Secretary of the Court will be the following:

- a) Keeping the official Books thereof, other than accounting books, which are the Membership and Minutes of the Governing Bodies.
- b) Executing instructions and resolutions of the General Meeting, the President and the Governing Committee, which do not fall within the competence of the Director.
- c) Attesting the acts of the Institution, where appropriate, and ensuring the custody and preservation of the records.
- d) Adopting the measures of organization of procedure and rules on advance payment of funds, taxes, fees and legal costs.
- e) Performing the duties of actuary in the proceedings, unless otherwise agreed by the parties, and ensuring the formal review of the award, referred to in Article 46 of the Rules of Procedure.

- f) Directing and coordinating the work of the staff in the service of the Court.
- g) Any other resulting from these Statutes or assigned by the Governing Committee.

Article 48. The functions of the Deputy Secretary are: Collaborating with the Secretary in processing the files.

- a) Keeping the accounts of the Association, preparing balance sheets and annual reports.
- b) Carrying out the settlement of procedures.
- c) Providing advice to the Court in accounting, tax and labour matters.
- d) Other tasks entrusted by the Governing Bodies of the Court.

In the exercise of its legal and administrative functions, the Deputy Secretary will report to the Secretary, and in economic and fiscal functions, he or she will be under the authority of the Director.

Article 49. The Court is a non-profit making organization and it has an organizational and commercial nature. It may not issue securities or distribute results and will support itself with the funds provided by its members and the arrangement and administration charges established in the tariffs.

Article 50. The budgets of the Court are annual and the approval of its guidelines and rubrics rests with the General Meeting, which will also determine the ordinary and extraordinary contributions of its members as may be necessary for the appropriate maintenance and functioning of the Court.

Article 51. The Court may also receive inheritances, legacies and donations; it can hold, encumber and dispose of all types of assets; receive compensation for services provided to third parties; and make use of its resources freely.

Article 52. The Court is liable of its obligations with all its present and future assets, without affecting its responsibilities to members in any way.

Article 53. The accounts of the Association shall comply with the provisions of the specific rules that are applicable, showing a true and fair view of the assets, the results and financial position of the Association, through the annual accounts that shall be approved by the General Meeting.

These financial statements will consist of the Balance Sheet, Profit and Loss Account and the Supplementary Report, which shall be accompanied with the Activity Report and the Inventory of assets of the Association.

The financial year shall coincide with the calendar year, beginning January 1 and ending December 31 of each year.

Article 54. The infringements that could be committed by members are classified as very serious, serious and minor.

Article 55. The following are considered very serious infringements:

- a) The acts and omissions that constitute a serious offence to the prestige or dignity of the Court, the governing bodies or any of its members.
- b) Keeping the quality of member when there exists a legal incompatibility.
- c) Failing to report to the Court the loss a quality that is necessary to remain as member.
- d) Failing to render the award or to issue it in the legal term or in that agreed by the parties.
- e) Committing frauds in any degree of participation as a result of the professional practice as an arbitrator.
- f) Reiteration of serious infringements.
- g) A final judgment of felony against a member.
- h) Committing infractions, which by their number or severity, result morally incompatible with the quality of member.
- i) Making use of the Association or its name for private purposes.
- j) Those appearing listed as such in the Statutes or Rules of Procedure or in the Regulations of the Law on Associations.

Article 56. The following are considered serious infringements:

- a) Disrespect, by act or omission, to the members of the Governing Bodies of the Court.
- b) Acts of manifest disregard the other members in the exercise of an arbitral activity.
- c) Unfair competition.
- d) Repeated unjustified resignation from the exercise of the function of arbitrator.
- e) Repeated failure to comply with its obligation to meet the needs of maintenance and financing of the Court.
- f) Repeated failure to comply with the decisions and resolutions adopted by the Governing Bodies of the Court.

Article 57. The following are considered minor infringements:

- a) Disrespect, by act or omission, to the members of the Governing Bodies of the Court, in the exercise of their functions, when these do not constitute a serious or very serious infringement.
- b) The simple dereliction of the duties of arbitrator.
- c) Delay in the payment of the contributions levied for the maintenance and funding of the Court.
- d) Acts and omissions described in the two previous articles when there aren't sufficient grounds to consider them serious or very serious infringements.

Article 58. The penalties that may be imposed on the members are:

1. For very serious infractions:
 - a) Suspension of the quality of member for a period of four to six years.
 - b) Expulsion from the Court.
2. For serious infractions:

Suspension of the quality of member for a period of three months to four years.
3. For minor infractions:
 - a) Written warning.
 - b) Private rebuke.

Article 59. The suspension penalty shall, in any case, last as long as the determining cause lasts, without the uprising thereof leading to the reinstatement of the rights or waiver of the obligations relating to that period.

Article 60. Minor infringements will be penalized by the Governing Committee and, on its behalf, by the President, without prior record and after hearing the accused.

Article 61. Serious and very serious infringements shall be penalized by the Governing Committee or by the General Meeting, respectively, after initiating the proceedings by the member designated by the Committee.

Within fifteen days from the agreement to initiate the procedure, the examining body shall transfer it to the member who is the subject of the file, who shall then have a period of fifteen days to file claims as deemed appropriate.

The examining body will carry out the measures it deems necessary in order to determine the causes which, according to the Statutes, could lead to the penalty of the member, and create a file which includes any background, data and other supporting documents. To this end, the examining body will have free access to all documentation that is related to the case. The examining period will be a maximum of one month.

After the examining period, and before drafting the proposed resolution, it shall transfer the file to the person concerned, who shall then have ten days to file claims. After this deadline, the instructor shall submit to the Governing Committee a proposed resolution of the case, who, within ten days, shall decide thereon or, if appropriate, shall raise it to the General Meeting, notifying the person concerned in every case.

Should the stakeholder disagree with the decision of the Governing Committee, it may appeal thereto, within five days. The Governing Committee will issue a report and submit all the documents of the case to the General Meeting, who will decide thereon.

Article 62. Minor infringements shall prescribe after three months, serious infringements after six months and very serious infringements one year after the acts or omissions occurred.

Article 63. Statutory amendments shall require an agreement to that effect, reached in a General Meeting, summoned specifically for that purpose, by a qualified majority of two thirds of the members present or represented. The Agenda of the General Meeting shall include the text of the proposed amendment, and this will be sent to the members in advance.

Article 64. These amendments will have no effect against third parties until registration takes place in the relevant Register in accordance with Article 16 of the Organic Law 1/2002 of March 22, regulating the right of association.

Article 65. The resolution, valid in Law and adopted by a competent authority, and the agreement by a General Meeting adopted with the affirmative votes of at least two thirds of the members present or represented, are causes for the dissolution of the Association.

Article 66. The dissolution agreement will ensure, suitably, functioning of the Court for a period of time deemed reasonable under arbitration requests which have been entered into the Court before the date of the agreement, which will be subject to the corresponding advertising.

Article 67. Should the Court, under the provisions of the two preceding articles, be dissolved, its liquidation will be carried out by the President, the remaining members of the Governing Committee, the Director and the Secretary, who shall give account of their practice in a Meeting specially summoned for that purpose. Should there remain an excess of cash, it will be donated to an officially listed charity organisation.

Additional provision

For all matters not covered by these Statutes, Organic Law 1/2002 of March 22, in force, regulating the right of association and additional provisions, shall apply.

Transitional provision

The statutory amendments made by the Extraordinary General Meeting of June 30, 2014 shall come into force on October 1, 2014, if on that date they have been entered in the Register of Associations of the Ministry of Interior. Otherwise, they will enter into force on the date of such registration.

Statutes

*Aprobados por la Asamblea General Extraordinaria
celebrada el día 19 de abril de 2017*

CIVIL AND COMMERCIAL ARBITRATION COURT

CIMA

Serrano, 16, 2.º izquierda
28001 Madrid (Spain)
Tel.: [+34] 91 431 76 90
Fax: [+34] 91 431 61 38
cima@cima-arbitraje.com
www.arbitrajecima.com

