International ADR

Building a Mediation Structure in Brazil

The Case for Corporate ADR

BY MARIA FERNANDA PECORA GÉDÉON

In the past few years in Brazil, conciliation and mediation have been gaining momentum as instruments for speedy and peaceful conflict resolution, both judicially and extra-judicially. Neither mediation nor conciliation are new to the legal framework. But they have always been applied very timidly.

The National Council of Justice, or CNJ, which aims at improving the operations of the Brazilian judicial system, has had a fundamental role in stimulating mediation and conciliation by publishing Resolution 125/2010.

This resolution created the Judicial Centers for Conflict Resolution and Citizenship, also known as CEJUSC, which are tasked with performing pre-trial conciliation and mediation sessions, whose hearings are carried out by tribunal-accredited conciliators and mediators.

In 2015, conciliation and mediation received a further boost due to two new statutes:

(i) the new Civil Procedure Code (Statute 13.105 from March 16th 2015), which brought forth several mediation devices, a clear incentive for the mediation use, and
(ii) the Statute of Mediation (Statute 13.140 from June 26th 2015), which deals mainly with mediation between private parties as a way of solving disagreements. [See the accompanying article at right.]

The introduction of mediation in national law is certainly a great encouragement to the practice. In actuality, however, its use as a manner of extra-judicial conflict resolution is independent of the existence of specific legislation.

Now, the parties can always negotiate and, to that end, their willingness to talk to each other does not depend on any specific legislation, although the Civil Code establishes, for instance, some law-of-obligations regulations on good faith in negotiation.

One should not "straitjacket" mediation, given that one of its basic principles is voluntary action and trust of the parties in the process,

(continued on next page)

The author is a partner in the São Paulo office of Gouvêa Vieira Advogados, which also has offices in Rio de Janeiro and Paris. She coordinates the firm's corporate area, and is a mediator of the Conciliation, Mediation and Arbitration Chamber—CIESP/FIESP—Federation of Industries of the State of São Paulo, of the CBMA—Centro Brasileiro de Mediação e Arbitragem (Rio de Janeiro), and the Mediação Online.

The Law, Exposed

PREPARED BY ALEXANDRE P. SIMÕES & PAUL E. MASON

To help resolve a wider spectrum of disputes, Brazil enacted its first Mediation Law on June 26, to take effect in 180 days.

The law was the product of deliberation in the Brazilian Senate and lower Chamber of Deputies since 2013, when the Senate created a special commission to amend the Brazilian arbitration law.

That commission also proposed the Mediation Law, something that had been debated in the Congress in the 1990s, but was not passed at the time because of differences over whether mediation should be mandatory, as it has been in neighboring Argentina.

The law does not make all mediation efforts mandatory, but it does make an attempt at mediation mandatory if there is a mediation clause in the parties' contract.

The law authorizes both in-court and out-of-court mediation. Perhaps most important, the law authorizes Brazilian government bodies at all levels to engage in mediation and consensus-based forms of dispute resolution (*autocomposição*). This is especially important for commercial disputes because of the large role played by governmental bodies in the Brazilian economy.

Under the law, almost any type of dispute may be mediated. It focuses specifically on those disputes involving so-called disposable rights, which can be negotiated. Mediation of labor disputes is the main exception, where the Mediation Law calls for such cases to be governed by specific law—for example, handled by the separate labor court system.

A translation of the new Mediation Law appears below. It has been prepared by Brazilian mediator Alexandre Simões (biography available at http://ow.ly/UjudY), with assistance from attorney, mediator, and arbitrator Paul E. Mason, who is a member of the Panels of Distinguished Neutrals maintained by the CPR Institute, which publishes this newsletter (full bio at www.paulemason.info).

* * *

LAW NO. 13140, OF JUNE 26, 2015

Provides for mediation between private parties as a means to settle disputes and the self-resolution of disputes in the scope of public administration; amends Law No. 9469, of July 10, 1997, and Decree No. 70235, of March 6, 1972; and revokes paragraph 2 of art. 6 of Law No. 469, of July 10, 1997.

(continued on page 166)

International ADR: Simões & Mason

(continued from page 163)

THE PRESIDENT OF BRAZIL

I hereby make it known that the National Congress enacts and I approve the following Law:

Art. 1—This Law provides for mediation as a means to settle disputes between private parties and the self-resolution of disputes in the scope of public administration.

Sole Paragraph—Mediation shall mean the technical activity exercised by an independent third party without decision making power, who, upon being chosen or accepted by the parties, assists and encourages them to identify or develop mutually agreed solutions to a dispute.

CHAPTER I
MEDIATION

Section I
Miscellaneous

Art. 2—Mediation shall be governed by the following principles:

I—independence of the mediator;
II—equality between the parties;
III—orality;
IV—informality;
V—free will of the parties
VI—search for consensus;
VII—confidentiality;
VIII—good faith.

Paragraph 1.—If there is a mediation section provided for in a contract, the parties shall attend the first mediation meeting.

Paragraph 2.—Nobody shall be required to remain at a mediation proceeding.

Art. 3—The object of mediation may be a dispute over "disposable" (transferable or waivable) rights or non-disposable, non-waivable rights which are able to be negotiated.

Paragraph 1.—The mediation may deal with the whole conflict or part thereof.

Paragraph 2.—The parties' agreement involving non-waivable but negotiable rights shall be confirmed by a court, and the testimony of the Public Prosecutor's Office shall be required.

Section II
The Mediators
Subsection I
Common Provisions

Art. 4—The mediator shall be appointed by the court or chosen by the parties.

Paragraph 1.—The mediator shall conduct the communication process between the parties, seeking the parties' understanding and agreement, as well as facilitating the settlement of conflicts.

Paragraph 2.—Mediation shall be free of charge for those in need.

Art. 5—The same legal provisions concerning a judge's impediment and disqualification shall apply to the mediator.

Sole Paragraph—The person appointed to act as mediator shall have the duty to disclose to the parties, prior to accepting such assignment, any fact or circumstance that may cause justified doubt with respect to his/her independence to mediate the conflict, and at such time he/she may be rejected by any of the parties.

Art. 6—The mediator shall be prevented, for a period of one year as from the end of the last hearing attended, from assisting, representing or defending any of the parties.

Art. 7—The mediator may neither act as an arbitrator nor as a witness in legal or arbitration proceedings concerning a dispute in which he/she has acted as a mediator.

Art. 8—The mediator and all those assisting him/her in the mediation proceeding, when exercising their duties or in furtherance thereof, shall have the same treatment as a public employee, for the purposes of the criminal law.

Subsection II
Out-of-Court Mediators

Art. 9—Any competent person who is trusted by the parties and is able to carry out mediation may act as an extrajudicial mediator, irrespective of being a member of or registered with any kind of council, group entity or association.

Art. 10—The parties may be assisted by lawyers or public defenders.

Sole Paragraph—If one of the parties appears with his/her lawyer or public defender, the mediator shall suspend the procedure, until all of them are duly assisted.

Subsection III
Judicial Mediators

Art. 11—A competent person having a college degree for at least two years from a university acknowledged by the Ministry of Education and being qualified by a mediators' graduate school or institution recognized by the National School for Graduation and Improvement of Magistrates—ENFAM or by the courts, in compliance with the minimum requirements established by the National Council of Justice together with the Ministry of Justice, may act as a judicial mediator.

Art. 12—The courts shall establish and keep updated registers for qualified mediators who are authorized to act in judicial mediations.

Paragraph 1.—The registration on the list of judicial mediators shall be requested by the interested party at the court of jurisdiction in the area he/she intends to exercise said mediation.

Paragraph 2.—The courts shall regulate the procedures for registration and de-registration of its mediators.

Art. 13—The remuneration due to judicial mediators shall be fixed by courts and paid by the parties, in compliance with the provision set forth [in] paragraph 2 of art. 4 of this Law.

Section III
The Mediation Proceeding
Subsection I
Common Provisions

Art. 14—In the beginning of the first mediation meeting, and whenever he/she deems necessary, the mediator shall warn the parties about the confidentiality rules applicable to the proceeding.

Art. 15—Upon request by the parties or the mediator, and with their consent, other mediators may be admitted to act in the same proceeding, whenever it is recommendable in view of the nature and complexity of the conflict.

Art. 16—Even if there is an arbitration or legal action in course, the parties may

submit to mediation, and in such case they shall request the judge or arbitrator to stay the proceeding for a term sufficient to settle the litigation amicably.

Paragraph 1.—The decision staying the proceeding under the terms mutually agreed upon by the parties shall be final.

Paragraph 2.—The stay proceeding shall not hinder the granting of provisional injunctions by the judge or arbitrator.

Art. 17—A mediation shall be deemed as initiated on the date scheduled for the first mediation meeting.

Sole Paragraph—The limitation period shall be suspended for the time the mediation proceeding takes place.

Art. 18—As soon as the mediation starts, the subsequent meetings attended by the parties may only be scheduled with their consent.

Art. 19—When performing his/her duty, the mediator may meet with the parties, whether collectively or separately, as well as ask the parties to provide information he/she deems necessary to enable the understanding between them.

Art. 20—The mediation proceeding shall be closed upon drawing up of its final instrument, when an agreement is reached or whenever new efforts to reach an agreement are not justified, whether by means of a statement by the mediator in that regard or by statement by any of the parties.

Sole Paragraph—If an agreement is entered into by the parties, the final mediation instrument shall become an instrument enforceable out of court and, if such agreement is ratified by a court, it shall be a judicially enforceable instrument.

Subsection II
Out-of-Court Mediation

Art. 21—The invitation to start an out-of-court mediation proceeding may be made by any communication means and it shall mention the scope proposed for the negotiation, the date and place of the first meeting.

Sole Paragraph—The invitation made by one party to another shall be deemed as refused if it is not replied to within thirty [30] days as from the date of its receipt.

Art. 22—The contractual provision on mediation shall mention at least:

I—a minimum and maximum term for holding of the first mediation meeting, as from the invitation receipt date;

II—a place of the first mediation meeting;

III—criteria to choose the mediator or mediation team;

IV—a penalty in case of non-attendance by the party invited to the first mediation meeting.

Paragraph 1.—The contractual provision may replace the specification of the items listed above with indication of a regulation, published by a reliable institution providing mediation services, which includes clear criteria to choose the mediator and the holding of the first mediation meeting.

Paragraph 2.—In the event there is no complete contractual provision, the following criteria shall be complied with for the holding of the first mediation meeting:

I—a minimum term of ten [10] business days and maximum term of three months, as from receipt of the invitation;

II—a place suitable for a meeting involving confidential information;

III—a list of five names, contact information and professional references of qualified mediators; the invited party may expressly choose any of the five mediators and, if the invited party does not make an objection, the first name in the list shall be deemed as accepted;

IV—the non-attendance by the invited party to the first mediation meeting shall cause the latter to bear fifty per cent [50%] of the loss of suit costs and fees if the same wins the subsequent arbitration or legal proceeding involving the scope of the mediation to which he/she has been invited.

Paragraph 3.—In the litigations arising from commercial or corporate agreements without a mediation provision, the out-of-court mediator shall only charge for his services if the parties decide to sign a mediation initiation instrument and willfully remain in the mediation proceeding.

Art. 23—If, as provided for in a mediation contractual provision, the parties undertake not to start an arbitration proceeding or a legal proceeding during a fixed term or until the implementation of a certain condition, the arbitrator or judge shall suspend the course of arbitration or the action for the previously agreed term or until the implementation of such condition.

Sole Paragraph—The provisions in the head paragraph hereof shall not apply to preliminary injunctions where the access to the Judiciary is necessary to avoid loss of a right.

Subsection III
Judicial Mediation

Art. 24—The courts shall create judiciary centers to amicably settle disputes, and such centers shall be responsible for holding pre-procedural and procedural conciliation and mediation sessions and hearings, and for the developing programs intended to assist, guide and encourage the self-resolution of disputes.

Sole Paragraph—The composition and organization of the center shall be defined by the respective court, in compliance with the rules issued by the National Council of Justice.

Art. 25—In a judicial mediation, the mediators shall not be subject to the previous acceptance by the parties, in compliance with the provision set forth in art. 5 of this Law.

Art. 26—The parties shall be assisted by lawyers or public defenders, except for the events set forth in Laws numbers 9099, of September 26, 1995, and 10259, of July 12, 2001.

Sole Paragraph—Assistance by the Public Defender's Office shall be ensured to those evidencing insufficiency of resources.

Art. 27—If the complaint fulfills the essential requirements and the pleading is not provisionally dismissed, the judge shall designate a mediation hearing.

Art. 28—The judicial mediation proceeding shall be concluded within sixty [60] days, counted from the first session, except when the parties, as per mutual agreement, request the extension thereof.

(continued on next page)

(continued from previous page)

Sole Paragraph—If an agreement is reached, the records shall be submitted to the judge, who shall determine the filing of the proceeding and, provided that it is requested by the parties, he shall ratify the agreement, by means of a court decision and final mediation instrument, and the same shall determine the filing of the proceeding.

Art. 29—Upon settlement of the dispute by mediation prior to defendant's summoning, final court's costs shall not be due.

Section IV
Confidentiality and its Exceptions

Art. 30—Any and all information concerning the mediation proceeding shall be confidential with respect to third parties, and said information may not be disclosed even in arbitration or legal proceeding, except if the parties expressly decide otherwise or whenever the disclosure thereof is required by the law or is necessary to comply with the agreement achieved by mediation.

Paragraph 1.—The duty of confidentially shall be applicable to the mediator, the parties, their agents, lawyers, technical advisors and other persons of his/her trust who directly or indirectly have participated in the mediation proceeding, thus, obtaining:

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

II—acknowledgment of a fact by any of the parties in the course of the mediation proceeding;

III—a statement of acceptance of the agreement proposal presented by the mediator;

IV—a document solely prepared for the purpose of the mediation proceeding.

Paragraph 2.—The evidence submitted in disagreement with the provision set forth in this article shall not be admitted at an arbitration or legal proceeding.

Paragraph 3.—The information concerning the occurrence of a public crime shall not be bound by the confidentiality rule.

Paragraph 4.—The confidentially rule does not exclude the duty of the parties mentioned in the head provision hereof to provide information to tax authorities after the final mediation instrument is completed, and the agents of said parties shall also be bound to the obligation of keeping the confidentiality of the information shared under the terms of art. 198 of Law No. 5172, of Oct. 25, 1966–National Tax Code.

Art. 31—The information provided by one party at a private session shall be deemed as confidential, and the mediator may not disclose it to the other parties, except if expressly so authorized.

CHAPTER II
SELF-RESOLUTION OF THE DISPUTE WHEN ONE PARTY IS A LEGAL ENTITY GOVERNED BY PUBLIC LAW

Section I
Common Provisions

Art. 32—The Government, the States, the Federal District and the Municipalities may create chambers to prevent and administratively settle disputes, within the scope of the respective Public Advocate General Office entities, if any, with authority to:

I—settle disputes among public administration bodies and entities;

II—evaluate the admissibility of the requests to settle disputes, by means of an agreement by the parties, in case of a dispute between an individual and a legal entity governed by public law;

III—promote, when applicable, the execution of a conduct adjustment instrument.

Paragraph 1.—The manner of formation and operation of the chambers mentioned in the head provision hereof shall be established by a regulation issued by each State.

Paragraph 2.—The submission of the dispute to the chambers mentioned in the head provision hereof is optional and shall be applicable only to the cases provided for in a regulation of the respective State.

Paragraph 3.—If an agreement is reached by the parties, it shall be written in the form of an instrument and the same shall be deemed as an instrument enforceable out of court.

Paragraph 4.—The authority of the entities mentioned in the head provision hereof shall not include disputes that may only be settled by acts or granting of rights subject to the authorization of the Legislative Branch.

Paragraph 5.—The authority of the chambers mentioned in the head provision hereof shall include the prevention and settlement of disputes involving economic-financial balance of agreements executed by the administration with individuals.

Art. 33—While said mediation chambers are not created, the disputes may be settled according to the mediation proceeding provided for in Subsection I of Section III of Chapter I of this Law.

Sole Paragraph—The Government's, the States', the Federal District's and the Municipalities' Public Advocate General Office, wherever they exist, may start, by their own motion or pursuant to a call, a collective mediation proceeding for disputes related to the provision of public services.

Art. 34—The initiation of an administrative proceeding for the amicable settlement of a dispute in the scope of public administration stays the statute of limitations.

Paragraph 1.—A proceeding shall be deemed as initiated when the body or public entity issues an admissibility judgment, making retroactive the stay of statute of limitations to the date of formalization of the request for amicable settlement of the dispute.

Paragraph 2.—In case of a tax matter, the stay of statute of limitations shall comply with the provisions set forth in Law No. 5172, of October 25, 1966–National Tax Code.

Section II
Disputes Involving the Direct Federal Public Administration,
Their Agencies and Foundations

Art. 35—Legal disputes involving the direct federal public administration, their

A look at Brazil's new, comprehensive mediation statute, which pushes parties and government agencies away from court fights and toward negotiations. It even provides a blueprint for private agreements to mediate.

agencies and foundations may be subject to compromise by adhesion, based on:

I—authorization of the Federal Advocate General, based on the consolidated court precedents of the Federal Supreme Court or higher courts; or

II—opinion issued by the Federal Advocate General, approved by the President of Brazil.

Paragraph 1.—The requirements and conditions of operation by adhesion shall be defined by a specific administrative resolution.

Paragraph 2.—When applying for adhesion, the interested party shall attach evidence of compliance with the requirements and conditions stipulated in the administrative resolution.

Paragraph 3.—The administrative resolution shall have general effects and it shall be applied to identical cases, timely qualified pursuant to an adhesion request, even if it resolves only part of the dispute.

Paragraph 4.—Said adhesion shall imply waiver by the interested party to the right upon which the action or appeal is grounded, which may be pending a decision, of administrative or legal nature, with respect to the points included in the purpose of the administrative resolution.

Paragraph 5.—If the interested party is a party to a legal proceeding filed by means of a collective action, the waiver to the right upon which the action is grounded shall be expressed by a petition addressed to the presiding judge.

Paragraph 6.—The formalization of an administrative resolution intended to the operation by adhesion shall neither imply an implicit waiver to the statute of limitations nor the interruption or stay.

Art. 36—In case of disputes involving litigation between bodies or entities governed by the public law comprising the federal public administration, the Federal Advocate General Office shall carry out an out-of-court settlement of the dispute, in compliance with the procedures set forth in an act by the Federal Advocate General.

Paragraph 1.—In the event mentioned in the head provision hereof, if an agreement concerning the legal dispute is not achieved, the Federal Advocate General shall be responsible to settle the same, with grounds on the applicable law.

Paragraph 2.—In the cases where the resolution of a dispute implies the acknowledgement of existence of Government's, its agencies' and foundations' credits enforceable against legal entities governed by federal public law, the Federal Advocate General Office may request to the Ministry of Planning, Budget and Management the budgetary adjustment for settlement of debts acknowledged as lawful.

Paragraph 3.—The out-of-court settlement of disputes shall not exclude the determination of liability of the public agent giving rise to the debt, whenever it is found out that his/her action or omission is, in theory, a disciplinarian infraction.

Paragraph 4.—In the events where the litigation matter is discussed under an action against a corrupt public employee or if a decision has been issued in this regard by the Federal Accounting Court, the conciliation mentioned in the head provision hereof shall depend upon the express agreement of the presiding judge or the Reporting Judge.

Art. 37—The States, the Federal District and the Municipalities, their agencies and public foundations, as well as public companies and federal public and private companies may submit their litigations with public administration entities or bodies to the Federal Advocate General Office, for the purposes of an out-of-court settlement of the dispute.

Art. 38—In cases where the legal dispute is related to taxes managed by the Federal Revenue Service of Brazil or to credits registered as federal debts:

I—the provisions set forth in items II and III of the head provision of art. 32 shall not apply;

II—public companies, public and private companies and their subsidiaries conducting the economic activity of production or marketing of goods or the rendering of services under the competition system may not exercise the option set forth in art. 37;

III—when the parties are those mentioned in the head provision of art. 36:

a) the submission of the dispute to the out-of court resolution of dispute by the Federal Advocate General Office implies the waiver of the right to resort to the Administrative Council of Tax Appeals;

b) the reduction or cancelation of credit shall depend upon the joint statement by the Federal Advocate General and the State Minister of Finance.

Sole Paragraph—The provisions set forth in item II and letter "a" of item III shall not exclude the authority of the Federal Advocate General Office provided for in items X and XI of art. 4 of Supplementary Law No. 73, of Feb. 10, 1993.

Art. 39—The filing of a legal action where bodies or entities governed by public law comprising the federal public administration concomitantly appear as plaintiff and defendant shall be previously authorized by the Federal Advocate General.

Art. 40—Public employees and agents participating in the process of out-of court resolution of disputes may only be made civilly, administratively and criminally liable when, by willful misconduct or fraud, they receive any undue equity advantage, allow or facilitate the reception thereof by a third party, or contribute therefor.

CHAPTER III
FINAL PROVISIONS

Art. 41—The National School of Mediation and Conciliation, within the scope of the

(continued on next page)

International ADR: Simões & Mason

(continued from previous page)

Ministry of Justice, may create a database on the good practices of mediation, as well as keep a list of mediators and mediation institutions.

Art. 42—This Law shall apply, where applicable, to other amicable forms of resolution of disputes, such as community and school mediations, as well as those carried out at out-of-court offices, provided that they are in the scope of their authority.

Sole Paragraph—Mediation in labor relations shall be governed by specific law.

Art. 43—Public administration bodies and entities may create chambers to settle disputes among private parties regarding activities governed or supervised by the same.

Art. 44—Articles 1 and 2 of Law No. 9469, of July 10, 1997 shall be in force with the following wording:

Art. 1—The Federal Advocate General, directly or by delegation, and the highest officers of federal public companies, together with the statutory officer of the area relating to the matter, may authorize the execution of agreements or operations to prevent or terminate litigations, including court litigations.

Paragraph 1.—Specialized chambers may be created, and such chambers shall be formed by public employees or registered public agents, for the purpose of analyzing and preparing proposals for settlement or compromise.

(. . .)

Paragraph 3.—A regulation shall provide for the kind of composition of the chambers mentioned in paragraph 1, which shall be formed by at least an effective member of the Federal Advocate General Office or, in case of public companies, a legal assistant or someone holding an equivalent position.

Paragraph 4.—Whenever the litigation involves amounts above those fixed in a regulation, the settlement or compromise shall, under penalty of being null and void, depend on the prior and express authorization of the Federal Advocate General Office and the Minister of State to which area of authority the matter is related, or also the President of the House of Representatives, the Federal Senate, the Federal Accounting Court, the Court or Council, or the Federal Attorney General, in case of interest of the bodies belonging to the Legislative and Judiciary Branches or the Public Prosecutor's Office, excluding the independent federal public companies, which will need only the prior and express authorization of the officers mentioned in the head provision hereof.

Paragraph 5.—In the compromise or agreement entered into directly by the party or by means of an attorney in fact to terminate or close a legal action, including the cases of administrative extension of payments demanded in court, the parties may define the liability of each one for the payment of fees due to their respective lawyers.

Art. 2—The Federal Attorney General, the General Attorney of the Central Bank of Brazil and the officers of federal public companies mentioned in the head provision of art. 1 hereof may authorize, directly or by delegation, the execution of agreements to prevent or terminate, in court or out-of court, a ligation involving amounts lower than those fixed in a regulation.

Paragraph 1.—In case of federal public companies, said delegation shall be restricted to a collegiate body formally constituted and formed by at least one statutory officer.

Paragraph 2.—The agreement mentioned in the head provision hereof may consist in the payment of the debt in monthly and consecutive installments up to the maximum limit of sixty [60].

Paragraph 3.—The amount of each monthly installment, at the time of the payment, shall be increased by interest equivalent to the reference rate issued by the Special System of Settlement and Custody–SELIC for federal notes, which shall be monthly accrued and ascertained from the month subsequent to that of consolidation up to the month before the payment plus one percent [1%] concerning the month when the payment is made.

Paragraph 4.—Whenever any installment is in default, after thirty [30] days, an execution proceeding shall be filed or followed , for the balance.

Art. 45—Decree No. 70235, of March 6, 1972, shall become effective with the inclusion of the following art. 14-A:

Art. 14-A—In case of determination and requirement of Government tax credits, the taxpayer of which is a body or entity governed by public law belonging to the federal public administration, the submission of the litigation to an out-of-court resolution of dispute by the Federal Advocate General Office shall be deemed as a claim, for the purposes of the provisions set forth in item III of art. 151 of Law No. 5172, of October 25, 1966 – National Tax Code.

Art. 46—The mediation may be made via Internet or by another communication means allowing remote transaction, provided that the parties are in agreement.

Sole Paragraph—A party residing abroad is permitted to have mediation according to the rules established in this Law.

Art. 47—This Law becomes effective after one hundred and eighty [180] days as from its official publication.

Art. 48—Paragraph 2 of art. 6 of Law No. 9469, dated July 10, 1997, is hereby revoked.

Brasília, June 26, 2015; 194th anniversary of the Independence of Brazil and 127th anniversary of the proclamation of the Republic.

Dilma Rousseff (President of the Federative Republic of Brazil)

José Eduardo Cardozo (Justice Ministry)

Joaquim Vieira Ferreira Levy (Finance Minister)

Nelson Barbosa (Planning Minister)

Luís Inácio Lucena Adams (Chief Minister of the Attorney General's Office)

* * *

This text is an unofficial translation, made on Aug. 7, 2015, by mediator/professor/attorney Alexandre P. Simões of the law firm Ragazzo, Simões, Spinelli, Lazzareschi e Montoro Advogados, in São Paulo, with the assistance of Paul E. Mason, an attorney, mediator and arbitrator based in Rio de Janeiro and Miami.