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## Venezuela

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### A. Legislation and rules

#### A.1 Legislation

International arbitration in Venezuela continues to be governed by the Commercial Arbitration Law, published in the Official Gazette of the Bolivarian Republic of Venezuela No. 36.430 of April 7, 1998, to which no legislative amendment has been made since.

#### A.2 Institutions, rules and infrastructure

In Venezuela, there are two arbitration centers, (i) the Caracas Chamber of Commerce Arbitration Center (“CCC”) and (ii) the Business Center for Conciliation and Arbitration (“CEDCA”). Both have their head office in the Caracas city and do not have regional offices in the rest of the country. However, there are other organizations at the regional level that provide support to the CCC and CEDCA in case it is necessary to administer some arbitration outside of Caracas.

On 1 February 2013, the current Regulation of the CCC came into force, which was modified in 2018 in order to adjust for the

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administrative fees and the arbitrators' fees for procedures that implied a payment in foreign currency. The amendments are currently in force and have not been modified recently.

On 25 March 1998, the first Regulation of CEDCA came into force. The 2013 Regulation is currently in force and has not been modified recently. Additionally, the CEDCA has an appendix of costs and fees that was recently modified in December 2017.

## **B. Cases**

### **B.1 Caracas Chamber of Commerce Arbitration Center v. Constitutional Chamber of the Supreme Court of Justice**

The Constitutional Chamber of the Supreme Court of Justice (“Constitutional Chamber”), by ruling No. 702 of 18 October 2018 (“Ruling 702”), declared in accordance with law the non-application of article 41, literal J of the Real Estate Commercial Leasing Law which set forth that arbitration could not be applied to commercial leasing. Among other things, the SC established that the mandatory, non-waivable and public order nature of certain rules regarding commercial leasing, is not an obstacle for the parties (lessor or lessee) to exercise their fundamental right to arbitrate disputes that arise, or may arise, between them. In this sense, the Constitutional Chamber affirmed that those cases that are matters of public order can be arbitrable.

## **C. Diversity in arbitration**

Nowadays, Venezuela does not have any regulations regarding diversity in International Arbitration. However, there are no limitations in this regard. Women can be arbitrators in any kind of arbitration, and represent clients in the commercial and investment arbitrations. In Caracas, we recognize the marvelous work that María Eugenia Salazar does, in the management of the most important cases of investment arbitrations in Venezuela.