

Regulatory Decree n° 8/2005

Dated October 10

The Justice Sector Government Program is being implemented through a vigorous and coherent reform movement geared towards the affirmation and structuring of an effectively independent justice, accessible to citizens, in its operation, which provides security to the citizen and is capable of meeting the development challenges.

To obviate the litigation excess and the courts' overload, diplomas that promote legal dispute solution through appropriate instances, namely arbitration.

The dissemination of voluntary arbitration mechanisms may provide one of the ways to unblock the courts activity; additionally, the comparative experiences reveal that this alternative means to court justice possesses the capacity to provide an equally right and dignified justice.

It so happens that for the dissemination of this solution will significantly contribute the existence of institutionalized and permanently operating centers, as if making this activity professional; such arbitration centers have a tendency, in countries where the economic life is more intense, to absorb much of what was ascribed to arbitration.

The state, bringing other people and other institutions to actively providing justice, reserves itself, as it is its authority and duty, the right to impartially regulate and frame legislate such centers, thus preventing situations that happened in other countries, where the emergence of numerous arbitration centers of doubtful legal, naturally, that not pre-establishment of rigid legal criteria, the system natural flexibility.

Under the terms of article 46° of Law 76/VI/2005, dated August 19, 2005, and article 204°, n° 2 of the Constitution, provided by sub paragraph b) of article 204°, n° 2 of the Constitution, the following:

Article 1°

Request

1. The entities which, under the terms of article 469 of Law 76/VI/2005, dated August 16, that regulates the resolution of conflicts through arbitration, wish to promote, with an institutionalized nature, the exercise of voluntary arbitration, should request to the Ministry of Justice the authorization to create the respective centers.
2. The request should include the following documentation:
 - a) The petitioner's identification, either as a firm or individual, headquarters, and constitution date;
 - b) Headquarter's address;
 - c)

1. A Minister of Justice decree will include a list of arbitration centers authorized to conduct institutionalized voluntary arbitration, irrespective of the fact that the authorization dispatch have immediate effect.
2. The list mentioned in the previous article is to be updated yearly.

Article 5^o

Authorization Revocation

1. The authorizations granted under the term of this diploma may be revoked if any circumstances occur that proves that the center under scrutiny no longer fulfill the technical or legitimacy conditions to conduct institutionalized voluntary arbitration.
2. The Or

