

Clávio Valença Filho

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PROFESSIONAL EXPERIENCE

2011 – Present	Valença Arb. – São Paulo – Founding Partner Arbitrator, counsel in arbitration and arbitration-related litigation and consultant
2006 – 2008	Mediation and Arbitration Center of the Portuguese Chamber of Commerce in Brazil President
2006 – 2008	Board of Trade – State of Pernambuco Board Member
2006 – 2008	Brazilian Bar Association – Pernambuco Section Board Member
2002 – 2011	Valença Advogados Founding Partner Counsel for parties in civil litigation
2001 – 2002	Veirano Advogados Associados – Recife Counsel for parties in commercial arbitration proceedings
2000 – 2001	Clifford Chance Roger and Wells – São Paulo Associate – finance disputes and projects
1998 – 1999	Arnoldo Wald Sociedade de Advogados Counsel for parties in international arbitration and consultant
1994-1996	Procuradoria Regional da República nos Estados de Pernambuco e Amapá Assistant of the Federal Circuit's Prosecutor
1994	Procuradoria da República no Estado de Pernambuco Assistant at the Federal Prosecution Service

LANGUAGES

Portuguese
English
French
Spanish

EDUCATION

2015	Law School of University of São Paulo (Brasil) <i>PhD in International Law, under the supervision of Prof. Maristela Basso</i> Theme: Arbitragem em Juízo (Arbitration in Courts)
2011	Pontifical Catholic University of São Paulo – PUCSP (Brasil) <i>Masters in Commercial Law, under the supervision of Prof. Maristela Basso</i> Dissertation: A Participação do Juiz Estatal na Fase Pós-Arbitral (The judge's intervention in the post-arbitral phase)
1997	Paris II - Université Panthéon-Assas (France) <i>D.E.A. (Master) in Private International Law and International Commerce</i> <i>under the supervision of Prof. Philippe Fouchard</i> Dissertation: <i>Le Contrôle Judiciaire des Sentences Arbitrales au Brésil</i> (The judicial control of arbitral awards in Brazil)
1996	Catholic University of Louvain – UCL (Belgium) <i>Diplôme d'Etudes Spécialisées en Droit International et Européen</i>
1990 – 1995	Law School of the Federal University of Pernambuco (UFPE) LL.B (Brasil)

ACADEMIC PROJECTS

2020 – current	ICC Commission on Arbitration and ADR – Brazilian Committee
2015 – 2017	Comitê Brasileiro de Arbitragem (Brazilian Arbitration Committee) Vice-President
2009 – 2015	Comitê Brasileiro de Arbitragem (Brazilian Arbitration Committee) CBAr Director
2006 – 2008	Lawyer's School of São Paulo – ESA-OAB- SP Teacher in the Arbitration Post-Grad Course
2003 - 2016	Revista Brasileira de Arbitragem (Brazilian Arbitration Review) Secretary General
2004 – 2006	Law School of Fundação Getúlio Vargas – GVLaw Teacher of Arbitration
2002 – 2004	Universidade Católica de Pernambuco – UNICAP Teacher of Commercial Law and Private International Law
2001 – 2002	Law School of Olinda – FADO Teacher of Commercial Law

REPRESENTATION OF PARTIES IN ARBITRATION

- Representing import and distributor company in international arbitration under ICC rule, against an American manufacturer (place of arbitration: Brasilia; applicable law: Brazilian; language: Portuguese/English).
- Representing sugar company in international arbitration administered by ICC involving a share purchase agreement (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Providing strategic consulting to an insurance company in arbitration proceedings under the rules of ICC in a dispute

involving a contract for the purchase and assembly of a turbine for electrical power generation (place of arbitration: London; applicable law: Brazilian; language: English).

- Representing a hotel owner in arbitration proceedings under the rules of ICC in a dispute against an international hotel administrator company (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese/English).
- Representing the companies of a Brazilian logistics group in several arbitration proceedings under the rules of CAM-CCBC, involving a share purchase agreement (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing a business company in the sugar/ethanol industry in arbitration proceedings under the rules of CAM-CCBC in a dispute involving a consortium agreement for biomass power generation (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing Brazilian football club, in ad hoc arbitration administered by CAM-CCBC, against concessionary entitled to the stadium's exploration (place of arbitration: Recife; applicable law: Brazilian; language: Portuguese)
- Representing foreign telecommunication companies in arbitration proceedings under the rules of CAM/BOVESPA in a dispute involving corporate law (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing a dealership of vehicles and agricultural machinery in arbitration proceedings under the rules of ICDR in a dispute involving the termination of a commercial distribution contract (place of arbitration: Chicago; applicable law: Illinois; language: English).
- Representing electric transmission company in arbitration administered by CAM-BOVESPA in case involving share purchase agreement, shareholders' agreement and the construction of transmission lines (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing an insurance company and a reinsurance company in arbitration proceedings under the rules of AMCHAM-SP in a dispute involving risk related to the construction of an industrial plant (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing electric generation company in arbitration administered by FGV in case regarding construction of hydraulic dam (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing investment fund in arbitration administered by FGV in a corporate case (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Representing investment fund in arbitration administered by CAF-FEDERASUL in a corporate case and related court proceeding (place of arbitration: Porto Alegre; applicable law: Brazilian; language: Portuguese).
- Representing an industrial company in arbitration proceedings under the rules of the Pernambuco state mediation and arbitration center – CEMAPE in a dispute involving a contract for the construction of a cornstarch plant (place of arbitration: Recife; applicable law: Brazilian; language: Portuguese).

ARBITRATION – AS PRESIDENT OF THE TRIBUNAL

- Chairman of the arbitral tribunal in an international arbitration under the rules of ICC initiated by the shareholders of a thermal power station (place of arbitration: Rio de Janeiro; applicable law: Brazilian; language: Portuguese).
- Chairman of the arbitral tribunal in a domestic case under the rules of CBMAE-ES, involving the public administration and private party in concession contract (place of arbitration: Vitória/ES; applicable law: Brazilian; language: Portuguese).
- Chairman of the arbitral tribunal in case administered by CAM-CIESP/FIESP regarding share purchase agreement in the securities sector (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Chairman of the arbitral tribunal in case administered by CAM-CIESP/FIESP regarding partial corporate dissolution (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Chairman of the arbitral tribunal in case administered by CAM-CIESP/FIESP regarding purchase of a chemical distributor

company (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).

- Presiding arbitrator in proceeding under the rules of CAMARB, involving a construction of a mining station (place of arbitration: Belo Horizonte; applicable law: Brazilian; language: Portuguese).
- Presiding arbitrator in case administered by CAMINAS, involving mining company and quarry's owner (place of arbitration: São Paulo; applicable law: Brazilian; language: Portuguese).
- Presiding arbitrator in case administered by ARBITAC, involving limited company and excluded partner discussing liquidation of assets (place of arbitration: Curitiba; applicable law: Brazilian; language: Portuguese).
- Presiding arbitrator in international arbitration administered by ARBITAC, involving Brazilian chemical industry and Argentinian distributor (place of arbitration: Curitiba; applicable law: Brazilian; language: Portuguese).

ARBITRATION – AS SOLE ARBITRATOR

- Emergency Arbitration administered by ICC involving the public administration regarding a construction contract.
- Arbitration under the rules of CMA-CIESP/FIESP involving the termination of a franchise agreement.
- Arbitration administered by CEMAPE involving a soda producer and an energy generation company.
- Arbitration administered by CAMARB involving competition law in a partner's exclusion from a company in the outsourcing sector.
- Arbitration administered by CAE regarding a construction dispute between owner and contractor.

ARBITRATION – AS CO-ARBITRATOR

- Co-arbitrator in international arbitration under the rules of ICC, place of arbitration Paris, involving German chemical industry and Brazilian distributor.
- Co-arbitrator in international arbitration administered by ICC, place of arbitration Paris, to resolve a dispute arising from the sale of an energy company.
- Co-arbitrator in arbitration under the rules of CMA-IE (Engineering Institute), place of arbitration in São Paulo, involving a dispute arising from an agreement for the assembly and operation of a natural gas processing plant.
- Co-arbitrator in arbitration under the rules of LCIA, place of arbitration in São Paulo, involving exploration of an oil field.
- Co-arbitrator in arbitration under the rules of CAM-CCBC, place of arbitration in São Paulo, regarding share purchase agreement of a cotton mill.
- Co-arbitrator in arbitration under the rules of CAM-CCBC, place of arbitration in São Paulo, involving the sale of a company for distribution of safety equipment.
- Co-arbitrator in arbitration under the rules of CAM-CCBC, place of arbitration in São Paulo, involving real state and rent.
- Co-arbitrator in arbitration under the rules of CAM-CCBC, place of arbitration in São Paulo, regarding the share purchase of a bank.
- Co-arbitrator in arbitration under the rules of CAM-CCBC, place of arbitration in São Paulo, involving the acquisition of turbines for the generation of electric energy.
- Co-arbitrator in arbitration under the rules of CAM-CCBC, place of arbitration in São Paulo, involving a contract for

assembly and commissioning of power stations.

- Co-arbitrator in arbitration under the rules of CIESP/FIESP, place of arbitration in São Paulo, involving a consortium for construction of highways.
- Co-arbitrator in arbitration under the rules of CIESP/FIESP, place of arbitration in São Paulo, involving incorporation and construction contract of a real state project.
- Co-arbitrator in arbitration under the rules of CIESP/FIESP, place of arbitration in São Paulo, regarding a trade licensing contract.

PUBLICATIONS

A. Books

VALENÇA FILHO, Clávio; LEE, João Bosco. *Estudos de Arbitragem*. Curitiba: Juruá, 2007.

VALENÇA FILHO, Clávio. *Poder Judiciário e Sentença Arbitral*. Curitiba: Juruá, 2002.

BOSCO LEE, João; VALENÇA FILHO, Clávio. *A Arbitragem no Brasil*, Programa CACB-BID de Fortalecimento da Arbitragem no Brasil. Brasília: Confederação das Associações Comerciais do Brasil, 2002.

B. Organized publications

VALENÇA FILHO, Clávio; VISCONTE, Débora; NANNI, Giovanni (Coord.) *O Consentimento na arbitragem internacional*. São Paulo: Cbar, 2017.

VALENÇA FILHO, Clávio de Melo; VISCONTE, Débora; NANNI, Giovanni Ettore. *Devido Processo Legal na Arbitragem*. São Paulo: Cbar, 2018.

VALENÇA FILHO, Clávio; ABDALLA, Letícia; LESSA NETO, João Luiz (Coord.) *Negócios jurídicos processuais na Arbitragem*. São Paulo: CIESP, 2017.

VALENÇA FILHO, Clávio; VISCONTE, Débora; LESSA NETO, João Luiz; PERETTI, Luís (Coord.) *Debates de Arbitragem e Processo – Ano II: Direito Probatório Entre Arbitragem e Processo Civil*. São Paulo: CIESP-Cbar, 2018.

VALENÇA FILHO, Clávio; VISCONTE, Débora; LESSA NETO, João Luiz; PERETTI, Luís (Coord.) *Debates de Arbitragem e Processo – Ano III: Tutelas Provisórias e Urgência*. São Paulo: CIESP-Cbar, 2019.

C. Articles

El árbitro, el juez y el otorgamiento de la tutela de urgencia, in *Revista de la Comisión de Arbitraje: Comemorativa a los 100 años de Fundación de la ICC*, ano 1, nº 1, Cidade do Panamá: Editora Sibauste, 2019, pp. 342-356.

A propósito do art. 2, § 10, da Lei de Arbitragem: o direito aplicável à convenção de arbitragem, à jurisdição direta do juiz do foro e à indireta do juiz estrangeiro. in: *20 anos da Lei de Arbitragem: homenagem a Petrônio R. Muniz*. Carmona, Carlos Alberto; Lemes, Selma Ferreira; Martins, Pedro Batista (coord.), São Paulo: Atlas, 2017. pp. 23-40.

O árbitro, o juiz e a distribuição da tutela de urgência. in: *A Reforma da Arbitragem*. Campos Melo, Leonardo de; Beneduzi, Renato Rezende (coord.), Rio de Janeiro: Forense, 2016. pp. 649-671, em co-autoria com João Bosco Lee.

Article 8 – Provisional Measures, in: *The CAM-CCBC Arbitration Rules: A Commentary*. Straube, José Frederico; Filinkelstein, Cláudio; Casado Filho, Napoleão. (Coord), Eleven Publishing: The Hague, 2016, pp. 143-154, em co-autoria com Isabela Lacreta.

Arbitragem e Falência: o mito da inarbitrabilidade superveniente e a legitimidade da massa para o processo arbitral. *Revista de Direito Empresarial*, n. 12, 2015, pp. 255-282.

Tribunal de Apelação de Amsterdam, 23ª Secção Cível, 29 de abril de 2009, Yukos Capital S.A.R.L. c. OAO Rosneft, *Revista Brasileira de Arbitragem*, Vol. 6, n. 23, 2009, pp. 222-226, em co-autoria com Jan Kleinheisterkamp.

Le code de commerce: un point de vue brésilien. *In: Bicentenaire du code de commerce 1807 – 2007. Les actes des colloques.* Paris: Dalloz, 2008, pp. 265-270.

TMC – Terminal Multimodal de Coroa Grande Spe S.A. v. Ministro da Ciência e Tecnologia”, *Journal of International Arbitration*, Vol. 24, n. 4, 2007, pp. 431-438.

Validade e Eficácia da Convenção de Arbitragem em Contratos Administrativos: a ótica judiciária, *in Arbitragem – Estudos Em Homenagem ao Professor Guido da Silva Soares, in memoriam.* Selma Maria Ferreira Lemes, Selma Maria; Carmona, Carlos Alberto; Batista Martins, Pedro (Coord.). São Paulo: ATLAS, 2006, pp.234-255.

Sentença Arbitral e Juízo de Execuções, *Revista do Advogado - AASP*, nº 87, set. 2007, pp.36-45.

“Brazil’s New Public-Private Partnership Law: One Step Forward, Two Steps Back”, *Journal of International Arbitration*, Vol. 22, n. 5, 2005, pp. 419-426.

Tutela Judicial de Urgência e a Lide Objeto de Convenção de Arbitragem, *Revista Brasileira de Arbitragem*, n. 07, 2005, pp. 07-29.

MBV Commercial and Export Management Establishment c. Resil Indústria e Comércio Ltda., *Revista Brasileira de Arbitragem*, n. 3, jul-ago-set 2004, com João Bosco Lee.

“La constitutionnalité et l’efficacité de la clause compromissoire en droit brésilien, note sous Supremo Tribunal Federal, 12 décembre 2001 , *MBV Commercial and Export Management Establishment c/Resil Indústria e Comércio Ltda.* *Revue de l’arbitrage.* N.º 2, Paris: Litec, 2003, pp. 529-536.

Ratificação da Convenção sobre o Reconhecimento e a Execução de Sentenças Arbitrais Estrangeiras. *Revista de Direito Bancário, do Mercado de Capitais e da Arbitragem*, vol. 16, São Paulo: RT, abr-jun, 2002, pp. 387-390.

“I Love New York”. *Boletim Informativo da Câmara de Arbitragem de Minas Gerais – CAMARB.* 2º Trimestre, n.º 9, 2002. p.5.

Sentença Arbitral Inexistente. *Reflexões sobre a Arbitragem – Estudos em Homenagem ao Desembargador Cláudio Vianna.* BATISTA MARTINS, Pedro; GARCEZ, José Maria Rossani (Coord), Rio de Janeiro: Forense, 2002. pp. 333-354.

Os Efeitos da Convenção de Arbitragem em Face da Constituição Federal. *Revista de Direito Bancário, do Mercado de Capitais e da Arbitragem.* São Paulo, a.5, n.º 15, jan.-mar., 2002. pp. 361- 391.

Aspectos de Direito Internacional Privado na arbitragem. *Revista de Direito Bancário, do Mercado de Capitais e da Arbitragem.* São Paulo, a. 3, n.º 7, jan./mar., 2000. pp. 370-391.

Arbitragem e contratos administrativos. *Revista de Direito Bancário, do Mercado de Capitais e da Arbitragem.* São Paulo, a.3, n.º 8, abr./jun., 2000. pp. 359-373.

Requalificação de ato de órgão arbitral por jurisdição estatal. *Revista de Direito Bancário, do Mercado de Capitais e da Arbitragem.* São Paulo, a.3., n.º9, jul./set., 2000.

As regras de *disclosure* como instrumento de competição e fomento no mercado primário internacionalizado. *Revista de Direito Bancário, do Mercado de Capitais e da-Arbitragem.* São Paulo, a.3., n.º 10, out./dez., 2000. pp. 231-241. «Texto agraciado com menção honrosa no concurso de monografias do XVI Congresso da Associação Brasileira dos Analistas de Mercado, em São Paulo, 16 de agosto de 2000.

Arbitragem e monopólio judiciário: um falso problema. *Jornal do Direito.* Recife, mar./abril 1998. p. 9.

D. Translations

JARROSSON, Charles. Reflexões sobre o *Imperium*. *Revista Brasileira de Arbitragem*, n. 27, jul/ago/set., 2010, pp. 203 – 231.

OPPETIT, Bruno. Justiça Estatal e Justiça Arbitral. *Revista Brasileira de Arbitragem*, n. 25, jan./fev./mar., 2010, pp. 184 – 195, com Bruno LEMOS.

GAILLARD, Emmanuel. O Efeito Negativo da Competência-Competência. *Revista Brasileira de Arbitragem*, n. 24, out./nov./dez., 2009, pp. 219-234, com Gisela MATION.

MAYER, Pierre. O Mito da Ordem Jurídica de Base. *Revista Brasileira de Arbitragem*, nº 23, jul/ago/set., 2009, pp. 253-269, com Luiza KARMANDAYAN.

FOUCHARD, Philippe. Aonde Vai a Arbitragem Internacional? *Revista Brasileira de Arbitragem*. *Revista Brasileira de Arbitragem*, n. 21, jan./fev./mar., 2009, pp. 281-297, com Gisela MATION.

FOUCHARD, Philippe. Sugestões para aumentar a eficácia internacional das sentenças arbitrais. *Revista de Direito Bancário, do Mercado de Capitais e da Arbitragem*. São Paulo, a.3, n.º 8, abr./jun., 2000, pp. 331-345.

