

# **Rules of Procedure of BRICS Expert Committee on Commercial and Contract Law**

## **Article 1 Purpose of establishment**

The BRICS Commercial law and Contract law Committee (hereinafter referred to as the “Committee”) is jointly advocated and established by the Chinese Law Society, the Brazilian Bar Association, the Russian Lawyers Association, the Indian Bar Association and the South African Law Society. It is one of the professional committees established under the BRICS Legal Forum. The purpose of this Committee is to promote the overall development of in the BRICS countries, to achieve the integration of legal culture in the region, to prevent and resolve disputes arising from commercial law within the region, and discussion on the major issues of commercial law and contract law in the region. In order to facilitate and standardize the daily operation of the Committee and improve the working procedures, these rules of procedure are formulated.

## **Article 2 Objectives**

The Committee aims to build ? involving BRICS countries. It also targets to bridge the gap of economic and trade exchanges between the parties due to differences in language, culture and legal systems. The Committee will study the new situation and trends faced by the development of

commercial law and contract law in the BRICS countries as well, continuously build expert resources, and improve the internationally accepted commercial law and contract law of independence, fairness, professionalism and efficiency.

### **Article 3 Responsibilities**

The Committee is non profit consulting institution and academic institution established under the BRICS Legal Forum. The Committee negotiates through the meeting to discuss and decide on the following major issues:

- (1) Deliberating and deciding on the work items, issues and suggestions of the committee;
- (2) Deliberating or amending the Rules of Procedure of the Committee;
- (3) Deliberating and formulating commercial law and contract law applicable to the BRICS countries;
- (4) Deliberating, recommending and deciding on Business law and contract law experts who meet the requirements of the BRICS countries;
- (5) Negotiating other matters.

### **Article 4 Committee members**

The Committee has one director, who is recommended by BRICS countries in turn.

The Committee has four deputy directors, recommended by each BRICS countries (except those countries that have served as director);

The Committee has a number of members who will be recommended by the BRICS countries and each country has two seats.

The directors, deputy directors and members constitute the members of the Committee.

The director is responsible for convening and leading committees, the director can authorize the deputy director to be responsible for the relevant work of the Committee.

The term of members of the Committee is one year and is eligible for reappointment. When a member of the committee resigns or fails to perform his duties for any reason, the vacancy will also be recommended by the original recommendation country.

## **Article 5 Conference mechanism**

In order to achieve the purpose and objectives of the Committee, strengthen the exchanges and cooperation between the Committee members, and build a multi-participation commercial law and contract law development platform, the Committee holds an annual meeting during the BRICS legal forum. The information of the annual meeting shall be notified to the members of the Committee 45 days before.

General matters within the committee may be consulted in writing and

important matters may be voted on at the time of the meeting of the committee. When a member of the Committee exercises the right to vote at the meeting, he shall follow the principle of one person one vote.

The Committee meeting is presiding by the director of the committee or the deputy director authorized by the director.

For meetings which do not have the agenda of voting matters, there is no requirement for attendance.

Material resolutions such as the amendment of the Rules of Procedure shall be approved by more than half of all the members of the committee, the consent can be passed. Other resolutions concerning the replacement of the constituent personnel and the new members of the Committee shall be approved by more than half of the members attending the meeting voted to agree. Members of the Committee sign or raise their hands when voting on the items on the agenda of the meeting; the entrusted members must also indicate the names of the entrusted members.

The working expenses of the committee are shared by the BRICS countries.

## **Article 6 Secretariat**

The Secretariat, consists of the secretaries from each of the BIRCS countries, set up a Secretary-General( From the Secretary of director's country) shall be responsible for daily contact, meeting organization and

arrangement and other work.

#### **Article 7 Mutual trust and cooperation**

The members of the Committee shall fully utilize their respective strengths and professional expertise, and motivate themselves. All parties jointly promote the development of the BRICS Commercial law and Contract law Committee in the BRICS countries through information sharing and resource complementarity.

The members of the Committee shall abide by the purpose of the establishment of the Committee, fully implement the collective consultation decision-making mechanism, respect all parties concerned and provide them with an effective way to fully express their views and suggestions, actively pay attention to and respond to reasonable demands of all parties, and ensure effective implementation of the committee's resolutions without delay.