

**WORKING REGULATIONS OF MEDIATION COUNCIL OF
VIETNAM CASHEW ASSOCIATION**
(Promulgated together with Decision No.29 /2020/QĐ-HHD dated on 15/01/2020 of
the President of Vietnam Cashew Association)

**Chapter I
GENERAL REGULATIONS**

Article 1. Scope of regulation

1. These Regulations specify the operation of the Mediation Council of Vietnam Cashew Association.
2. Regulations on the process of receiving, classifying and handling complaints and organizing mediation of disputes of members of Vietnam Cashew Association in the production, processing and sale of cashew and products from cashew.

Article 2. Subjects of application

1. These Regulations shall be applicable to Members of the Vietnam Cashew Association (Or members of a foreign association who has signed a cooperation document with the Vietnam Cashew Association; requested in writing by the leader of the foreign association) that need the Association to assist in the mediation of disputes relating to members of Vietnam Cashew Association in the production, processing and sale of cashew and products from cashew.
2. These Regulations shall not be applicable to complaints that have not been accepted by the Arbitration Center or the Court for settlement.

**Chapter II
FUNCTIONS AND TASKS OF MEDIATION COUNCIL OF VIETNAM
CASHEW ASSOCIATION**

Article 3: Functions and tasks of the Council

1. The mediation Council of Vietnam Cashew Association established by the Executive Members' Board of Vietnam Cashew Association is the standing agency that directly carries out mediation works in case of complaints of members of the Vietnam Cashew Association (or members of a foreign association that meets the requirements in Clause 1, Article 2) about disputes in the production, processing and sale of cashew and products from cashew.
2. The mediation Council has the following specific tasks:
 - a) For complaints of members of the Vietnam Cashew Association (or members of

a foreign association that meets the requirements in Clause 1, Article 2) sent to the Association:

- Gather, review and compare dossiers related to contents of complaints; organize investigation and verification of dossiers when necessary

- Get comments on solutions of relevant parties

- Hold a dialogue between the parties to find the best way to settle the disputes agreed by the parties.

- If the complained party does not cooperate and through the review of the dossiers, finding a violation causing damages to the complaining party, the Council shall choose and implement appropriate measures and warning levels in the Vietnamese and international cashew industry; If the complained party is a member of Vietnam Cashew Association, the Association shall consider discipline level in accordance with the Association's Charter.

- Proposing the Vietnam Cashew Association leader to ask the foreign association which signed a cooperation document with the Vietnam Cashew Association to coordinate in the implementation of mediation when it comes to that country's cashew enterprises; Directly coordinate with foreign associations to take mediation steps.

b) On behalf of Executive Board of the Association within the scope of their functions, tasks and powers, coordinate with the People's Procuracy, People's Court and Arbitration Center in the settlement of complaints and denunciations upon request.

c) Advise and propose to the Executive Board of Vietnam Cashew Association to issue mechanisms and policies in managing and handling complaints in the Cashew industry of the Vietnam Cashew Association.

d) Periodically report on the settlement of complaints and denunciations to the Executive Board and Inspection Board of Vietnam Cashew Association.

Article 4: Rights and responsibilities of Chairman of the Council

1. The Chairman of the Council which is the incumbent President of the Vietnam Cashew Association or the person authorized by President of the Association is the official representative of the Council.

2. The Chairman of the Council is responsible for building and organizing the Council's personnel apparatus as well as deciding on all activities of the Council, convening and managing meetings of the Council.

3. Rights and responsibilities in mediation of each case:

- Directly handle or assign members of the Mediation Council in charge of each case to review dossiers and preside over dialogues;

- Sign and issue a Notice of Mediation Results;

- Decide on measures and warning levels of the Mediation Council with violating enterprises causing damages to other enterprises but not cooperating in the mediation process;

- Proposing disciplinary measures according to the provisions of the Vietnam Cashew Association's Charter for enterprises that are members of the cashew Association violating and causing damages to other members (or members of the foreign association that meet the requirements in Clause 1, Article 2) but did not cooperating in the mediation process. The highest level of discipline is the Exclusion from the Association.

4. Be responsible for creating favorable conditions for media agencies in providing information about dispute mediation results.

Article 5: Duties of Vice Chairmans and members of Mediation Council

- Perform tasks assigned by the Chairman of the Council;
- When assigned by the Chairman to conduct mediation:
 - + Research carefully the dossiers of the case and reports of the Standing Members and Investigation team;
 - + Request the Standing Members, Investigation team and parties related to the case to clarify the contents of the case;
 - + Directly preside over dialogues; at the end of each dialogue session on mediation, there must be conclusions about the mediation results and the requirements of the subsequent work (if any).
- If the case involves a leader or a member of the Mediation Council, that person shall not be assigned to take charge of and/or attend meetings during the mediation process.

Article 6: Responsibilities of Standing Members of the Mediation Council

The Standing Members of the Mediation Council are officials who advise and assist the Mediation Council and the Chairman of the Council; they have the following specific tasks:

1. Perform daily and periodic tasks of the Council;
2. For specific complaints:
 - Receive and process complaints dossiers; gather, review and clarify the dossiers, documents and opinions of the parties related to the complaints; report and propose mediation plans to Chairman and members of the Council in charge of the case;
 - Perform professional tasks for organizing mediation dialogues;
 - Draft Notice of mediation results and submit it to the Chairman of the Council;
 - For enterprises violating and causing damages to other enterprises but not cooperating in the mediation process:
 - + Propose measures and warning levels in Vietnamese and international cashew industry to the Chairman of the Council;
 - + In case of members of Vietnam Cashew Association, additional propose disciplinary forms in accordance with the Charter of Vietnam Cashew Association to the Chairman of the Council.
 - Action as the contact point for foreign cashew industry associations that have signed cooperation documents with the Vietnam Cashew Association to mediate disputes between members of the Vietnam Cashew Association and members of the foreign Cashew Industry Association

Article 7: Supervision agency

Head of Inspection Board of the Vietnam Cashew Association is responsible for verifying and evaluating mediation results; measures and warning levels of violations; petitions on disciplinary forms against the offending Members of the Mediation Council upon request; has the right to request the Mediation Council to reconsider mediation

results; measures and warning levels; disciplinary forms against Members when it is found to be inaccurate or inappropriate.

Chapter III

PROCESS OF RECEIVING AND PROCESSING DOSSIERS AND DISPUTE MEDIATION

Article 8: Receipt of dossiers

Upon receiving the complaint dossiers (sent directly or sent by post, including email, fax ...), the Association office must immediately forward them to the Standing Members of the Council. The Standing Members shall examine Dossiers and receive them only in the following cases:

1. The Complainant is a member of the Vietnam Cashew Association or a member of a foreign association that signed a cooperation document with the Vietnam Cashew Association; was requested by the leader of the foreign association in writing to the Vietnam Cashew Association.

2. There is a written statement of the case and a proposal of the Vietnam Cashew Association taking charge of mediation; if one of the disputing parties is a foreign enterprise or organization, there must be a written statement in English.

3. Complaining organizations and individuals are subjects with legitimate rights and interests over the contents of their complaints;

4. Complaining organizations and individuals are subjects having full civil act capacity in accordance with the law. In the case through a representative to make a complaint, the representative must have a valid power of attorney.

5. In case the complaining organization or individual has the help of lawyers, the lawyers must ensure the conditions in accordance with the law.

6. Complaints have not been accepted by the Arbitration Center or the Court for settlement.

7. There are sufficient dossiers and documents related to the contents of the complaint (letter of complaint, contract and related documents, etc.). The Standing Members may request complaining organization or individual to submit the original dossiers and documents related to the complaint and return them to complaining organization or individual after comparing them with the copies.

8. Depending on complexity level and specific conditions in mediation of the case, the Standing Members and representative of complaining party shall agree on the expenses of gathering, reviewing, verifying the dossiers and organizing the mediation (expenses of communication and telephone exchange; expenses of sending letters and dossiers; expenses of on-site verification; translation expenses; expenses of organizing mediations, etc.) in accordance with the Mediation Council.

Article 9: Handling and collection of dossiers, documents and opinions of the parties

1. For cases that have not yet met the requirements according to regulations of Article 7, the Standing Members of the Council shall directly guide the applicants to supplement their dossiers; If the Standing Members of the Council finds that the contents of the complaint is beyond the authority of the Association, they shall report it to the

Chairman of the Council; send a written reply on the reasons for not accepting and instructing the complaining organization or individual to meet the competent authorities for settlement.

2. For cases with full dossiers and within the authority of the Association, within 2 working days after receiving the complete dossiers, the Standing Members of the Council shall send a written request to the complained parties to get comments on the contents of the complaint and request them to provide relevant dossiers and documents to prove their opinions (provide them within 7 working days).

3. Standing members of the Council shall consider and compare opinions, dossiers and documents provided by the parties; if there is any content that is unclear or unmatched or inconsistent, the Standing Members shall send a written request to the parties to clarify. The Standing Members of the Council may invite authorized representatives of related parties to the Association Office to directly exchange and receive information, dossiers and documents to clarify the contents of the case.

4. No later than 3 days after the parties clarify the relevant contents, the Standing Members of the Council shall report in writing to the Chairman of the Council the results of the collection of dossiers, documents and opinions of the parties; clearly stated their judgment and propose mediation plans.

Article 10: Investigation and verification of the dossiers and case

The Mediation Council may establish a working team or assign professional staff to visit the establishments for investigation and verification. At the end of the investigation and verification, the working team or the person assigned the task must report in writing to the Chairman of the Council. The report must clearly state the conclusions on the contents of investigation and verification together with proving dossiers and documents and proposal for mediation plan.

Article 11: Organization of dialogue for mediation

1. No later than 2 days after receiving dossiers, documents, reports of the Standing Members of the Council and investigation and verification reports, the Chairman of the Council directly handle or assigns one or several members of the Council to take charge of the case and presides over the dialogue (In case of 2 or more members, the person taking main responsibility must be appointed).

2. Within 15 working days after being assigned, the person in charge of the case must research the dossiers and relevant reports as well as holding the dialogue; if the dossiers are complicated or having unclear contents, it may be extended for 10 more working days to request the Standing Members, Investigation team and related parties to clarify.

3. The person in charge of holding dialogue must carry out the role of conciliator; analyze the case in a reasonable way to help the parties come to agreement; but always respect the opinions of the parties.

4. Dialogue participants include: complaining party, complained party and representatives (in case of complaining party and complained party authorizing the representative), lawyers (in case the complaining party requests lawyers to provide legal assistance) and persons with related rights, interests and obligations.

5. The standing members of the Council shall be responsible for providing written notice to the parties participating in the dialogue specified in Clause 4 of this Article about the time, place and content of the dialogue.

6. Participants in the dialogue shall have the right to express their opinions, to provide evidences relating to the complaint and their requests; discuss opinions of other related parties; propose solutions that are legal and appropriate for the case and harmonize the interests of the parties.

7. When holding a dialogue, written minutes must be made to record full and correct opinions of the parties participating in the dialogue; to summarize the contents of the dialogue, the requirements and requests of the complaining party and the complained party and persons with related rights, interests and obligations; to record the agreements reached through dialogue; with signatures of the participants of the dialogue. In case dialogue participants do not to sign the minutes, the Chair of the dialogue must write down the reason in the minutes and request the participants of the dialogue to confirm.

8. The minutes of the dialogue must have the following contents:

- Date, month and year of making the minutes;
- The chair and secretary
- Name and address of the complaining party and the complained party and persons with related rights, interests and obligations;
- The content of the complaint;
- Opinions of related parties;
- Agreements reached through dialogue;
- The requirements and contents of the next dialogue (if any);
- Conclusion of the chair of the dialogue.

9. In case one of the two disputing parties is not present, the Chair shall take the opinion of the present party and makes minutes. In case both parties are not present, the Chair shall make minutes of the meeting and report to the Chairman of the Council to decide whether to continue the mediation or not.

10. The Chairman of Mediation Council shall issue a Notice of Mediation Results in writing and send this Notice to the complaining party and the complained party and persons with related rights, interests and obligations;

11. The complaint settlement process must be recorded in to dossiers and kept at the Association's Office in accordance with regulations.

12. Upon the request of the next settlement agencies (Arbitration Center or Court), the Mediation Council must copy and send all mediation dossiers to these agencies.

Article 12: For non-cooperative complained enterprises for Mediation

When the complained enterprise does not respond to the request of Mediation Council on the proposal to give its opinion on complaining content of the complaining party; does not come to the Association Office to directly provide information at the request of the Standing Members or does not attend the dialogue when invited even though the Mediation Council has invited 2 times:

- For enterprises that are not members of Vietnam Cashew Association: The mediation council shall send a request/Invitation Letter for the third time with the notice that the Council shall consider to take appropriate measures to warn the violations of the

enterprises against Vietnamese and international cashew industry if they continue to not cooperate.

- For enterprises that are members of Vietnam Cashew Association: The Mediation Council shall contact to directly work at the enterprise headquarters to grasp the situation and advise mediation; at the same time notice that: if they continue not to cooperate, the Mediation Council shall consider to take appropriate measures to warn enterprises' violations against Vietnamese and international cashew industry; as well as proposing disciplinary forms for Executive Board of Vietnam Cashew Association to consider.

If the complained enterprise still does not cooperate and through the review of dossiers and documents, finding a violation causing damages to the complaining party, the Mediation Council shall consider and decide measure and warning level in the Vietnamese and international Cashew industry as well as proposing disciplinary form in case it is a Member of the Vietnam Cashew Association.

For the complained enterprises that do not cooperate for mediation, which are foreign enterprises that the Cashew Industry Association of that country has signed a cooperation document with the Vietnam Cashew Association, the Mediation Council proposes the Association's leaders have a written request for foreign associations to support and directly coordinate with them to carry out the above steps.

Article 13: For non-cooperative complaining enterprises for Mediation

When the complaining enterprise does not respond to the Mediation Council's written requesting additional documents; or does not come to the Association Office to directly provide information at the request of the Standing Members or does not attend the dialogue when invited ... The Standing Member of the mediation Council contacts to work directly; at the same time notifying: If the enterprise continues to not cooperate, the Standing Member of the Mediation Council will report to the Chairman to not continue performing the Mediation.

If the complaining enterprise still does not cooperate, the Mediation Council will issue a notice to stop mediation

Chapter IV

INFORMATION AND REPORTING REGIME

Article 14. Periodical reports of the Council

1. For 06-month report: sent before July 1 every year.
2. For annual report: sent before January 1 of the following year.
3. For irregular report: In case unusual and complicated cases arises.
4. For thematic report: in several specialized events, information and reports on dispute mediation shall be required.

Chapter V

REWARDS AND VIOLATION SETTLEMENT

Article 15. The Chairman of the Council and members of the Council in settlement process of handling and mediating the letters of complaints and disputes who achieve good results shall be considered for reward according to the Association's regulations.

Article 16. Members of the Council who violate the provisions of these Regulations causing serious consequences shall be prosecuted; depending on the nature

and seriousness of the violation, it shall be settled by one of the following disciplinary forms: Reprimand, Warning and dismissal of the membership of the Council.

Chapter VI IMPLEMENTATION PROVISIONS

Article 17: These Regulations take effect from 15/01/2020; replace the Working Regulations of Mediation Council for cashew trade disputes of the Vietnam Cashew Association issued together with Decision No. 46/2018/QĐ-HHĐ dated on December 19, 2018 of the Vietnam Cashew Association.

Article 18: Assign the Mediation Council to organize the implementation of these Regulations. In the course of implementation, if any problems arise, the related organizations and individuals shall promptly report them to the Standing Executive Board of the Association for summarizing and reporting to the Executive Board of the Association for consideration and decision./.

**ON BEHALF OF EXECUTIVE BOARD OF VIETNAM CASHEW ASSOCIATION
President**

Pham Van Cong