

**Court of International Commercial Arbitration
attached to
the Chamber of Commerce and Industry
of Romania**

Rules of Arbitration

CHAPTER I

General provisions

Art. 1. Object of these Rules of Arbitration

These Rules of Arbitration shall apply to domestic and international arbitration organised by the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania (hereinafter referred to as the Court of Arbitration).

Art. 2. Legal grounds of the Rules of Arbitration

The Rules of Arbitration were adopted by the Court of Arbitration Board in accordance with the provisions of Article 29 paragraph (5) of the Law No. 335/2007 and of the Regulation on Organisation and Operation of the Court of Arbitration, published in the Romanian Official Journal, Part 1, No. 328 of 6th of May 2014.

Art. 3. Jurisdiction of the Court of Arbitration

(1) The Court of Arbitration shall organise and manage the settlement of domestic and international disputes by permanent arbitration, where parties concluded a written arbitration agreement in this respect and seized this Court with a claim under the present Rules.

(2) For the purpose of these Rules, an arbitration dispute is any dispute deriving from or related to an agreement, including disputes referring to the conclusion, interpretation, execution or termination of such agreement as well as disputes resulting from other legal relations.

(3) The dispute is domestic whenever the parties hold Romanian nationality or citizenship and the legal relation has no extraneity elements that might require foreign jurisdiction.

(4) The dispute is international whenever it originates from legal civil relations with extraneity elements.

Art. 4. Individuals' capacity to enter into arbitration agreements

All individuals with full capacity of exercising their rights may agree to settle by arbitration their patrimonial disputes, except for the disputes implying rights upon which the law does not allow for a settlement agreement to be concluded by the parties.

Art. 5. The arbitral tribunal

(1) For the purpose of these Rules, the sole arbitrator or, as the case may be, all invested arbitrators, shall constitute the arbitral tribunal of the Court of Arbitration.

(2) In accordance with these Rules, the constituted arbitral tribunal shall be entitled to settle a dispute and to render a final, enforceable and binding award for the parties.

(2) The settlement of the dispute shall be the exclusive power of the vested arbitral tribunal.

Art. 6. Application of these Rules. Exceptions

(1) Where the Court of Arbitration is entrusted with the organisation of arbitration, the parties agree *ipso facto* these Rules to be applied.

(2) Where upon requesting the organisation of the arbitration, the parties have already agreed, in writing, on other arbitration rules, the Court of Arbitration Board, taking into consideration the case conditions and the content of the rules of arbitration indicated by the parties, may decide for the rules chosen by the parties to be applicable, and the same are accepted by the arbitral tribunal.

(3) Where the parties opted that the Court of Arbitration applies the entire set of arbitration rules of other court of arbitration, such application is possible whenever is not explicitly prohibited by those rules.

(4) In organising and conducting arbitration, the arbitration rules of the Court of Arbitration in force at the time of its notification shall apply, unless the parties agreed otherwise.

Art. 7. The principles of arbitration procedure

(1) The arbitral tribunal shall exercise its powers and shall fulfil its mission in accordance with the provisions of Article 21 paragraphs (1)-(3) of the Romanian Constitution as republished and of Article 6 paragraph (1) of the European Convention on Human Rights, that guarantees the right to a fair hearing within a reasonable time, as well as the right to an independent and impartial tribunal.

(2) Throughout the arbitral proceedings the parties shall be ensured equal treatment, the right to defence and a reasonable opportunity to present their case, under the sanction of nullity of the arbitral award.

(3) The file of the dispute is confidential. No person, with the exception of those directly involved in the resolution of that particular dispute, shall have access to the file without the written agreement of the parties.

(4) The Court of Arbitration, the arbitral tribunal as well as the personnel of the Chamber of Commerce and Industry of Romania shall be bound to ensure confidentiality of arbitration, refraining from publishing or disclosing, without the consent of the parties, the data they took knowledge while fulfilling their duties.

(5) The arbitral awards may be published in their entirety only upon the parties' agreement. However they may be published in part, or summarized, or commented with respect to the legal issues that had arisen in journals, arbitral practice books or

compilations, without mention of the name or denomination of the parties, or of the data that may be prejudicial to their interests.

(6) The president of the Court of Arbitration may authorise, case by case, the study of the files for scientific or documentation purposes, after the settlement of the disputes, and only if in those disputes irrevocable arbitral awards have been rendered.

(7) The parties shall be bound to exercise their procedural rights *bona fide* and in accordance with the purpose they are granted by these Rules and by other applicable procedural rules. They shall co-operate with the arbitral tribunal for the appropriate progress of the arbitral proceedings and the settlement of the dispute in due time.

(8) The arbitral procedure is not conditioned by any prior mediation or conciliation procedure to be fulfilled by the parties.

(9) At any stage of the dispute, the arbitral tribunal shall attempt settlement upon the parties' agreement.

CHAPTER II

The Arbitration Agreement

Art. 8. Forms of arbitration agreement

(1) The arbitration agreement shall be concluded in writing either under the form of an arbitration clause, stipulated in the main contract, or of a separate agreement called compromise.

(2) Under the arbitration clause, the parties agree that disputes that may arise out of the contract where such clause is included or in connection with the same shall be settled by arbitration.

(3) The validity of the arbitration clause shall be independent of the validity of the contract it is included in.

(4) Under the terms of the compromise the parties agree that a dispute that is already arisen between them shall be settled by arbitration, while indicating the object of the dispute.

(5) Models of arbitration clause and compromise as recommended by the Court of Arbitration are contained in Appendix 1 and Appendix 2 of these Rules.

(6) The arbitration agreement may also originate in the filing by the claimant of a request for arbitration and the agreement by the respondent that such request be settled by the Court of Arbitration.

Art. 9. Conclusion of arbitration agreement by the State and the public authorities

(1) The State and the public authorities are entitled to conclude valid arbitration agreements only if they are authorised by the provisions of law and international conventions which Romania is a party to.

(2) The public law legal persons having economic operations in their activity object have the faculty to enter arbitration agreements, unless the law or their act of incorporation or organization states otherwise.

Art. 10. Effects of an arbitration agreement

The conclusion of an arbitration agreement excludes the jurisdiction of the courts of law for the dispute making its object, it conferring legal standing to the arbitral tribunal.

CHAPTER III

Constitution of the arbitral tribunal Time, seat and place of arbitration

Art. 11. Constitution of the arbitral tribunal

(1) According to the parties' agreement, the arbitral tribunal shall consist of either a sole arbitrator or three arbitrators of which one is the presiding arbitrator.

(2) Where parties have not determined the number of arbitrators, the dispute shall be settled by three arbitrators, one appointed by each party and the third arbitrator – the presiding arbitrator – appointed by the two arbitrators or, in case of disagreement, by the president of the Court of Arbitration.

(3) Where there are several claimants or respondents, the parties who have joint interests shall appoint one arbitrator. In case of disagreement, the common arbitrator shall be appointed by the president of the Court of Arbitration.

(4) Neither party shall be allowed to appoint an arbitrator on behalf of the other party or to have more arbitrators than the other party.

Art. 12. Arbitrators' independence

The arbitrators shall be independent and unbiased in fulfilling their duties. They shall not be the representatives of the parties.

Art. 13. Arbitrators' appointment, dismissal and replacement

The arbitrators shall be appointed, dismissed or replaced in compliance with the arbitration agreement and these Rules.

Art. 14. Arbitrators' appointment

(1) Where the sole arbitrator or, as the case may be, the arbitrators have not been appointed by arbitration agreement, and where the Rules are silent, the arbitral tribunal shall be appointed as follows:

a) in the request for arbitration or a subsequent request, the claimant shall nominate an arbitrator or shall propose that the dispute be settled by a sole arbitrator, indicating his/her name;

b) in the statement of defence or in a separate notification, addressed to the Court of Arbitration within maximum 10 days from the receipt of the request for arbitration, the respondent shall nominate an arbitrator indicating his/her name or, as the case may be, shall reply to the claimant's proposal concerning settlement of the dispute by a sole arbitrator and with reference to the person of the arbitrator.

(2) The parties are recommended to nominate, apart from an arbitrator, a substitute of the same. In case of nomination and after signing the Statement of Acceptance, the substitute arbitrator shall replace the arbitrator in case of its absence. For his/her activity in replacing the arbitrator, the substitute arbitrator is entitled to a fee corresponding with the degree of involvement in solving the case.

(3) The due share of fee for each arbitrator shall be determined by the arbitrators and, in case of disagreement, by the president of the Court of Arbitration.

(4) Upon a party's request, the arbitrator and the substitute arbitrator shall be appointed by the president of the Court of Arbitration.

Art. 15. Presiding arbitrator's appointment

In case of an Arbitral Tribunal made up of three arbitrators, the two arbitrators appointed in accordance to the provisions under Article 14 shall nominate a presiding arbitrator from among the arbitrators mentioned in the List of arbitrators within 5 days from the receipt of the notification by the Court of Arbitration.

Art. 16. Statement of Acceptance

(1) Within 5 days from the receipt of the nomination proposal, the arbitrator or the presiding arbitrator shall fill in and sign the Statement of acceptance, independence, impartiality and availability (hereinafter referred to as the Declaration of Acceptance). The Statement may be filled in and sent by electronic mail.

(2) The Statement of Acceptance shall contain the following:

a) the arbitrator's/ presiding arbitrator's acceptance or refusal to serve as arbitrator in that case;

b) in case of acceptance, the arbitrator's / presiding arbitrator's statement that he/she has knowledge of the Rules of arbitration of the Court of Arbitration and intends to strictly observe them;

c) the arbitrator's / presiding arbitrator's statement regarding the inexistence of either incompatibility circumstances provided by Article 20 of these Rules such as questioning his/her independence and impartiality. In case the arbitrator considers that his/her mission may be fulfilled independently and impartially although such cases exist, he/she shall declare the relevant facts and circumstances;

d) the arbitrator's / presiding arbitrator's statement that he/she is able to devote the time necessary to carry out and finalize the arbitral procedure in due time as provided by these Rules.

(3) When facts and circumstances referred to in letter c) of the preceding paragraph occur during the dispute, the arbitrator shall declare them at once.

(4) The initial statement as well as the subsequent statements, if any, shall be submitted at the case file for the parties to have knowledge of their content.

(5) The arbitrator's failure to sign the Statement of Acceptance within the term set out at paragraph (1) shall be deemed as a refusal to serve as arbitrator.

(6) The Statement of Acceptance shall be drafted on a standard form and shall be communicated to the nominated arbitrators and presiding arbitrators by the Secretariat of the Court of Arbitration. The standard form is included in Appendix 3 to these Rules.

Art. 17. Powers of the president of the Court of Arbitration in arbitrators' and presiding arbitrators' appointment

(1) Should the claimant and/or respondent fail to comply with the request to appoint an arbitrator, or should a disagreement regarding the appointment of the sole arbitrator arise between the parties, or should the two arbitrators not agree on the person of the presiding arbitrator, the president of the Court of Arbitration, after the deadlines provided under Articles 14 and 15 are elapsed, shall appoint the sole arbitrator or, as the case may be, the claimant's and/or respondent's arbitrator, or the presiding arbitrator. Provisions of Article 16 shall remain applicable.

(2) Unless otherwise provided by the arbitration agreement, the appointment of the arbitrator shall be made from among the List of arbitrators of the Court within 5 days from the date the president of the Court of Arbitration has become aware of the circumstances provided under paragraph 1 hereinbefore.

(3) However, should the respondent, after the appointment of the arbitrator under the provisions of paragraphs 1 and 2 above, appoint his/her arbitrator no later than the date of constitution of the arbitral tribunal, the appointment already made shall become null and void.

Art. 18. Challenging the arbitrators and arbitrators' abstention

(1) An arbitrator may be challenged for reasons calling in question his/her independence and impartiality. The reasons for challenge are those provided by Article 20 of these Rules.

(2) A party may not challenge its own appointed arbitrator except for reasons supervened, or of which the party has become aware after appointment.

(3) A person aware of a challenging reason regarding himself/herself shall be bound to inform the parties and the other arbitrators before accepting the office of arbitrator, or, should such reasons supervene after his/her acceptance of the office as soon as he/she has knowledge of them.

(4) The same may not participate in the arbitral proceedings unless the parties, apprised thereupon in compliance with the paragraph hereinbefore, notify in writing that they do not intend to challenge the arbitrator. Even in this particular case, that person has the right to refrain from judging the dispute.

(5) The challenge shall be made, under the sanction of forfeiture, within 10 days from the date the party has taken knowledge of the appointment of his/her arbitrator or, as the case may be, after the supervening of the reason for challenge. The challenged

arbitrator has the right to submit an abstention statement, without such abstention signifying recognition of the challenging reason.

(6) The challenging petition shall be solved by the arbitral tribunal, in the absence of the challenged arbitrator, as he/she shall be replaced by the president of the Court of Arbitration or by an arbitrator appointed by the same.

(7) In case the challenging petition regards the sole arbitrator, it shall be settled by the president of the Court of Arbitration or by an arbitrator appointed by the same.

(8) When all members of an arbitral tribunal are challenged, the challenging petition shall be settled by an arbitral tribunal appointed by the president of the Court of Arbitration.

(9) If the challenging petition is accepted, the arbitrator, the presiding arbitrator or the sole arbitrator shall be appointed as provided by these Rules.

(10) The abstention statement shall be in writing and must not be substantiated. The requirement of written form is met if the statement is recorded in the minutes of the hearing.

(11) The provisions of previous paragraphs shall equally apply to arbitral experts and assistants. In such case, the challenge shall be settled by the arbitral tribunal.

(12) By means of the minutes of the hearing admitting the challenging claim, shall be decided whether to maintain the procedural acts of the challenged arbitrator.

Art. 19. Arbitrators' and presiding arbitrators' dismissal

(1) The arbitrator or the presiding arbitrator shall be dismissed from a certain dispute in case of one of the following actions, in relation to the gravity of such action:

a) should they, after acceptance, unduly abandon their duty of arbitrator;

b) should they, without solid reason, repeatedly fail to participate to the hearings or commit other acts that lead to unjustified delays of the settlement of the dispute, or fail to render the award within the time limit provided by the arbitration agreement or these Rules,

c) should they fail to observe the confidentiality of the arbitration, by intentionally publishing or disclosing without the parties' authorisation data of which they took knowledge as arbitrators.

(2) The dismissal shall be decided by the Court of Arbitration Board upon the proposal of any of the members of the Board, hearing the arbitrator whose dismissal is required / proposed, the member making the proposal not having the right to vote.

(3) When committing one of the above mentioned facts in bad faith or gross negligence, the arbitrators shall be liable to damages within the fee received.

Art. 20. Arbitrators' incompatibility

(1) The arbitrators shall be incompatible for settling a certain dispute for the following reasons, questioning their independence and impartiality:

a) find themselves in one of the situations of incompatibility provided for judges in the Code of Civil Procedure;

b) do not meet the qualifications or other requirements regarding arbitrators provided in the arbitration agreement;

c) a legal person whose associate is the concerning arbitrator or in whose governing bodies the concerning arbitrator is part has an interest in the case;

d) the arbitrator has employment relationships or direct trade links with one of the parties, with a company controlled by one party or that is placed under common control with the same;

e) the arbitrator has provided consultancy to one of the parties, assisted or represented one of the parties or testified in one of the earlier stages of the case.

(2) The arbitrator who is also an attorney-at-law, listed on the panel of compatible attorneys-at-law, may not be an arbitrator in a dispute in respect to which he/she carried out or is going to carry out attorney-specific activities; also, he/she may not represent or assist either of the parties in that dispute before the tribunals set up within the Court of Arbitration.

(3) The attorney-specific activities specified under paragraph 2 may not be performed by the attorney-at-law who is also an arbitrator in a certain dispute, either directly or by replacement by an attorney-at-law within the form of performing the attorney-at-law profession to which that arbitrator belongs.

(4) The arbitrator who is incompatible in relation to the office of arbitrator, due to circumstances which occurred after his inclusion on the list of arbitrators, which puts him/her in physical or moral impossibility to fulfil his/her mission for a longer period of time may request to be suspended or such measure shall be decided by the Court of Arbitration Board.

Art. 21. Arbitrators' and presiding arbitrators' replacement

(1) In case of vacancy for any reason – challenge, abstention, dismissal, suspension, removal, death – and if no substitute has been appointed or if the substitute has been prevented from exercising his/her charge, the arbitrator shall be superseded by the party which appointed him/her within 10 days of the date at which the party has taken knowledge of the same.

(2) Should the party fail to appoint an arbitrator within that time limit, the president of the Court of Arbitration shall appoint a new arbitrator.

(3) These provisions shall also apply to the presiding arbitrator.

Art. 22. Arbitral tribunal set up date

(1) The arbitral tribunal shall be considered constituted on the date the presiding arbitrator or, as the case may be, the sole arbitrator takes up his/her duties.

(2) As soon as it is set up, the arbitral tribunal shall be entitled to adjudicate the request for arbitration and other requests concerning the arbitral proceeding, except

requests which, as a result of imperative provisions of the law, fall under the jurisdiction of the courts of law.

Art. 23. Term of arbitration

(1) Unless otherwise agreed by the parties, the arbitral tribunal shall render the award within maximum six months from the date of its set up.

(2) The above time limit shall be suspended for the extent of time necessary for the following events: settlement of a challenging request; settlement of a plea of unconstitutionality; settlement of an incidental request lodged with the competent court of justice; replacement of arbitrators or presiding arbitrator as provided under Article 21; any suspension of the dispute based on a legal provision; performance of a judicial expertise decided by the arbitral tribunal.

Art. 24 Extent of the term for arbitration

(1) The parties may agree, at any time in the course of the arbitral proceedings, to delay the time limit of arbitration, by either written or oral statement, made before the arbitral tribunal and noted down in the minutes of the hearing.

(2) The arbitral tribunal may order, by means of reasoned minutes, the extension of the time limit of arbitration if it finds that a party obstructs the conduct of the arbitration proceedings or for other solid reasons.

(3) The time limit shall be extended *de jure* by three months in case one legal entity is deprived of its legal capacity or in case of death of one of the parties.

Art. 25. Nullity of arbitration

(1) The cause of nullity of arbitration is considered the case where one party has notified the arbitral tribunal in writing at the first day of hearings that it understands to disclaim the validity of arbitration and recalls it at the first hearing after the expiry of the term for arbitration.

(2) The absence of a specific request within the period specified under paragraph (1) does not produce any effect on the time of settling the dispute.

(3) The exceeding of the time limits, as provided by this article, shall not be considered as a reason for nullity of the arbitration, even if this plea was invoked within the period specified under paragraph (1), where the party obstructed the celerity of settling the dispute by its own attitude. This finding shall be made by the arbitral tribunal and noted down in the minutes of the hearing.

Art. 26. Seat and place of arbitration

(1) The seat of arbitration is in Romania, Bucharest, 2 Octavian Goga Boulevard, 3rd District.

(2) The place of arbitration shall be at the seat of the Court of Arbitration.

(3) In case the parties request the arbitral tribunal by means of a grounded application to perform the arbitration hearings in another place, the arbitral tribunal

may approve the parties' request. All costs related to above shall be borne by the parties.

CHAPTER IV

Pre-arbitration proceedings. Communication of documents. Provisional and conservatory measures. Arbitral expenses

SECTION 1

Pre-arbitration proceedings

Art. 27. Request for arbitration. Elements

(1) The claim through which the claimant notifies the Court of Arbitration regarding a dispute settlement, hereinafter referred to as the request for arbitration, shall contain the following elements:

a) surname and forename, domicile and, as the case may be, residence of the individual or, in case of legal entities, the name and registered office thereof. There will also be mentioned the claimant's and respondent's personal identification code or, as the case may be, the sole registration code or the tax number, the registration number with the trade register or with the legal entities register and the bank account, to the extent known by the claimant, as well as the e-mail address, phone number, fax number or other such details. In case the claimant lives/is based abroad, shall also mention the address for service in Romania, where all arbitration dispute notices shall be served;

b) name and capacity of the person representing the party in the lawsuit, and in case of an attorney, his name and registered office. The representative capacity evidence shall accompany the claim, including the document proving the quality of legal representative or, where appropriate, extract from the public register referring to the power of attorney of the representative of the private legal person;

c) the object and the amount of the claim, including the method of calculation;

d) statement of the *de facto* and *de jure* grounds for each head of the claim, with reference made to the relevant written or other evidence. Pointing out the required evidences shall be made by presenting, when appropriate, the written instruments and their relevance, the name and domicile of the witnesses and the facts to be proved, the objectives of the expert report and the appointed expert, the questions for the interrogatory of the opponent party, in case of the legal entities;

e) reference to the arbitration agreement, with a copy of the contract stipulating it annexed thereto; provided that there is a compromise, a copy thereof shall be attached;

(f) the party's signature and stamp, in case of legal entities. In case of claims filed through an attorney, it shall be signed and stamped by the latter.

(2) All documents shall be filed in duplicate bearing the party's certification, but the arbitral tribunal may ask for the originals at any time.

(3) Where the request for arbitration or the documents in the file have been written in a foreign language, the Secretariat of the Court of Arbitration may order *ex officio* the involved party to submit a Romanian translation or, in case of international arbitration, a translation into an international language. The parties may request in writing the Secretariat of the Court of Arbitration to provide for translation at their expense.

(4) The request for arbitration and all documents annexed thereto shall be filled on hard copy in a sufficient number of copies in order to be submitted to the case file, the opposing parties and each arbitrator. The copies shall be communicated also in electronic format.

Art. 28. Registration of the request for arbitration

(1) The request for arbitration accompanied by the proof of payment of the registration fee provided by the Schedules of arbitral fees and expenses shall be registered with the Secretariat of the Court of Arbitration and shall be distributed to an arbitration assistant for the preparing procedures, in accordance with the Regulations of the Secretariat of the Court of Arbitration.

(2) The request for arbitration shall be also registered without the proof of payment of the registration fee, but in this case the Secretariat of the Court of Arbitration shall grant the claimant maximum 5 days to pay the fee. This term shall run from the date of registration, if submitted in person, or from the date the claimant receives the communication of Secretariat of the Court of Arbitration in this respect, if the claim was sent by mail. Unless the proof of payment is submitted, the request for arbitration shall remain inactive.

(3) The request for arbitration shall be considered to have been filed on the date of its registration with the Secretariat of the Court of Arbitration, or, if mailed, on the date specified by the post-mark of the forwarding post-office. The envelope shall be attached to the claim.

Art. 29. Information provided to the claimant

(1) Should the request for arbitration fail to meet all the requirements and specifications stipulated under Article 27, the Secretariat of the Court of Arbitration shall notify the claimant, as soon as possible, to revise them accordingly within a period of time no longer than 10 days since the date of receipt of the notification.

(2) If the claimant failed to specify the arbitrator's name, it shall appoint such arbitrator within the time limit provided by paragraph (1). In case of non-compliance thereto, the provisions of Article 17 paragraphs (2) and (3) shall apply.

(3) The Secretariat shall also verify the payment of the arbitral fee, and if the claimant has failed to pay it in accordance with the Schedules of Arbitral Fees and Expenses, it shall notify the claimant the amount and the method of payment of the fee due.

Art. 30. Information provided to the respondent

Where the request for arbitration has not been communicated to the respondent by the claimant, the Secretariat of the Court of Arbitration shall serve the respondent a copy of this request, together with the accompanying documents. Also, the

respondent shall be notified about the amount and the method of paying the arbitral fees and shall receive these Rules and the List of arbitrators, in case they were not published on the website of the Court of Arbitration.

Art. 31. Respondent's statement of defence

(1) Upon receipt of the request for arbitration, the respondent shall submit a statement of defence including:

- the name in full of the arbitrator appointed by it or its answer to the claimant's proposal regarding the settlement of the dispute by a sole arbitrator and the person of the arbitrator;
- the special pleas to the claimant's request;
- *de facto* and *de jure* answer to such request;
- the evidence to be used in defence for each claim;
- all the other documents and requirements provided under Article 27 for the admission of a request for arbitration, accordingly.

(2) Within 20 days of the receipt of the request for arbitration, the respondent shall communicate to the claimant its statement of defence together with the accompanying documents and shall also submit a copy thereof to the Court of Arbitration, together with evidence of it having notified the claimant.

(3) Upon the respondent's request, the statement of defence shall be communicated by the Secretariat of the Court of Arbitration.

(4) If several claimants have only one representative or if one claimant stands in trial in several legal qualities, it shall be communicated and, respectively, filed only one statement of defence for these parties. .

(5) In case of several respondents, all or part of them may answer by means of only one statement of defence.

(6) Provisions of Article 27 paragraph (4) shall apply accordingly.

(7) Failure of the respondent to communicate or to submit the statement of defence shall not imply its acceptance of the claims laid by the claimant.

(8) Where proceedings are adjourned because of the respondent's failure to communicate or submit the statement of defence, the arbitral tribunal may sentence it to bear the cost of expenditure caused by the delay.

Art. 32. Counterclaim

(1) Should the respondent have claims against the claimant on grounds derived from the same legal relationship, the former may file a counterclaim.

(2) The counterclaim shall be filed within the time limit for filing the statement of defence or no later than the first day of hearings and shall comply with the same requirements as the request for arbitration. However, the arbitral tribunal may allow receipt of a counterclaim after the first day of hearings for reasons of good

management of contentious relations between the parties, always respecting the claimant's procedural rights.

(3) The counterclaim shall be settled at the same time as the request for arbitration. Whenever the request for arbitration can be solely settled, the counterclaim may be settled separately. The arbitral tribunal shall resolve in this respect by means of the minutes of the hearing.

(4) The claims in the counterclaim shall be subject to arbitral fees and expenses calculated in accordance with the Schedules of arbitral fees and expenses. Provisions of Article 29 paragraph (3) and Article 30 shall apply accordingly.

Art. 33. Participation of third parties

Third parties may participate in the arbitration proceedings under Article 61-77 of the Code of Civil Procedure where such participation is possible under an arbitration agreement or where the effects of the arbitration agreement between the parties to the dispute may be extended to other participants.

Art. 34. Payment of arbitral fee

(1) Within 10 days since the receipt of the notification from the Secretariat of the Court of Arbitration, the claimant and the respondent shall be bound to pay the arbitral fee in equal shares, in the amount determined in accordance with the Schedules of arbitral fees and expenses.

(2) In case of respondent's failure to provide evidence regarding the payment of half of the arbitral fee in due time, the claimant shall be invited to pay the arbitral fee in full within another 10 days granted in this respect.

(3) At the claimant's request and based on the circumstances of the case, the deadline provided as in paragraph (1) may be extended by means of grounded resolution by the president of the Court of Arbitration.

(4) Should the evidence of the payment of the arbitral fee fail to meet the terms notified by the Secretariat of the Court of Arbitration, the request for arbitration shall remain inactive.

Art. 35. Setting out the first date for arbitration and forwarding the file to the arbitral tribunal

(1) Within no more than 5 days since the date of receipt of the statement of defence or, as the case may be, since the termination of the time limit stipulated under Article 31 paragraph (2), the president of the Court of Arbitration shall set the first date for arbitration for which the parties shall be summoned. The date for arbitration shall not be sooner than 21 days since forwarding the subpoenas.

(2) As soon as the arbitral tribunal has been set up, the Secretariat of the Court of Arbitration shall forward the file to the arbitral tribunal and shall make record of such fact and of the remittance date.

SECTION 2

Communication of documents

Art. 36. Communication means

(1) The notification, by the Secretariat of the Court of Arbitration, of the request for arbitration, statement of defence, subpoenas and arbitration awards shall be made by registered letter with confirmation of delivery or by express delivery mail.

(2) All the other documents, information and various notifications may also be forwarded by registered letter with post note of delivery, by express delivery mail, e-mail, telegram, telex, telefax or any other means of communication that allows evidence of the delivery and wording transmission. In case of telephone communications, the assistant arbitrator shall record in the file the date and hour of the call.

(3) Written notifications to the parties shall be deemed to have been forwarded even if the recipient either refuses receipt or does not take the delivery from the post office, although there is evidence of it being notified thereof.

(4) Any written statement may also be handed over directly to the party or its representative under his/her signature which shall be certified by the assistant arbitrator or an agent of the Court of Arbitration with mention of the date of delivery.

(5) Evidence of the communication shall be included in the file.

(6) Whenever the claimant shall state and produce evidence that, despite his reasonable efforts, it could not find out the respondent's domicile/registered office address or another place where the latter can be legally summoned, the arbitral tribunal shall be entitled to approve the summoning thereof by means of publicity, the provisions of the Code of Civil Procedure applying accordingly.

Art. 37. Communication address

(1) As the case may be, the notification is delivered to the address mentioned in the request for arbitration, statement of defence, counterclaim or in the parties' contract and mail correspondence. Any change of address shall not be taken into consideration unless the other party and the Secretariat of the Court of Arbitration have been notified in writing of the change or the arbitral tribunal have been notified during the hearings of the same.

(2) To the claimant or respondent having a domicile/registered office abroad and summoned for the first date of arbitration in compliance with the terms provided by these Rules, but who has failed to fulfil its obligation of selecting an address for service in Romania, all further notices shall be sent by registered letter, and the letter delivery note issued by the mail office, setting out the transmitted documents, shall be deemed as a procedure fulfilment evidence.

(3) The parties having the domicile/registered office abroad shall be provided with the procedural deeds in bilingual forms, both in Romanian language and in an international language, on the parties' expense.

SECTION 3

Provisional and conservatory measures

Art. 38. Applying the interim measures by the court of justice

(1) Before or during the arbitration proceedings, either party may request the competent court to institute provisional and conservatory measures with regard to the object of the dispute or to decide on findings of factual circumstances, following the special procedure provided by Article 585 of the Code of Civil Procedure.

(2) Copies of the request for arbitration and the arbitration agreement shall be annexed to the above request.

(3) The arbitral tribunal shall be notified by the party, having requested provisional and conservatory measures, that such request has been granted.

Art. 39. Applying the interim measures by the arbitral tribunal

(1) In the course of the arbitration proceedings, the arbitral tribunal shall have the power to decide on provisional and conservatory measures or on findings of factual circumstances, by means of reasoned minutes, following the provisions of the Code of Civil Procedure.

(2) Should any objection arise, the competent court shall be requested to rule on the execution of the measures, according to the provisions on enforcement of the Code of Civil Procedure.

SECTION 4

Representation

Art. 40. Representation before the Court of Arbitration

Parties shall be represented by an attorney-at-law or in-house lawyer before the Court of Arbitration. This conventional representation may double the legal representation of the party.

Art. 41. Power of attorney

The power of attorney granted to an attorney-at-law or in-house lawyer before the Court of Arbitration is supposed to be given for all pleadings to be met in the arbitration proceedings except those of disposal nature.

SECTION 5

Arbitral expenses

Art. 42. Structure of arbitral expenses

(1) The arbitral expenses include: the registration fee, the arbitral fee containing the administrative fee and the arbitrators' fees, the expenses for producing evidence, expenses incurred by the translation of documents and of the proceedings,

attorneys', experts' and advisers' fees, travel expenses of the parties, arbitrators, witnesses, experts and advisers as well as other expenditure relating to the settlement of the dispute.

(2) The registration fee and the arbitral fee cover the services provided by the Court of Arbitration in organising and conducting the arbitration procedure. The registration fee is non-refundable.

(3) The amount of the arbitrators' fees provided by the Schedules of arbitral fees and expenses shall apply for one arbitrator.

(4) The arbitral fees are established and paid in accordance with the Schedules of arbitral fees and expenses.

(5) Unless the arbitral fee and the other arbitral expenses are paid in compliance with the Schedules there above, no account shall be taken of the request for arbitration and the arbitration proceedings shall not be carried out.

Art. 43. Bearing the arbitral expenses

(1) The arbitral expenses shall be borne according to the parties' agreement.

(2) In default of such an agreement, the arbitral expenses shall be borne by the party that has lost the case, in full where all the claims of the request for arbitration have been accepted in full. If the request for arbitration is accepted in part, the cost represented by the arbitration fee shall be awarded in accordance to the accepted claims. The arbitral tribunal shall award the other expenses to the extent it will consider them to be justified, according to the circumstances of the case.

(8) Upon request, the arbitral tribunal may order the party whose fault caused undue expenses to the other party to indemnify the latter.

CHAPTER V

Arbitration proceedings

SECTION 1

Hearings and debates

Art. 44. The first day of hearings

(1) The first day of hearings shall be the first date of arbitration when the duly summoned parties can file conclusions.

(2) At the first day of hearings, the parties shall be bound to inform the arbitral tribunal: a) whether they have any unclear issues related to the organisation of arbitration; b) whether they have any objections regarding the arbitral tribunal constitution and jurisdiction; c) whether they consider a reconciliation; d) whether they request to be arbitrated in equity; e) whether they have other claims, memoranda or other documents.

Art. 45 Verifying the jurisdiction of the arbitral tribunal

The arbitral tribunal shall verify its own jurisdiction for settling the dispute and shall decide in this respect by means of minutes of the hearing that can only be cancelled through the set aside claim filed against the arbitral award.

Art. 46. Opening of the arbitration hearing

(1) The hearing is opened by the presiding arbitrator, who gives the floor to the assistant arbitrator for presenting the case report.

(2) The case report consists in announcing the dispute pending with the arbitral tribunal; introducing the members of the arbitral tribunal; making the parties' roll call; ascertaining the summoning procedure fulfilled/unfulfilled; setting out the dispute arbitration stage, based on the previous minutes of the hearing, as the case may be.

Art. 47. The role of the presiding arbitrator during the debates

(1) The presiding arbitrator chairs the arbitration hearing.

(2) During the hearing, the arbitrators and the parties may take the floor and ask questions through the presiding arbitrator or directly with his/hers approval.

(3) After consulting with the arbitrators, the presiding arbitrator may order the suspension of the debates, announcing the time of the continuation thereof. Such situation shall be recorded in the minutes of the hearing, showing the reasons for suspension.

Art. 48. Persons participating at the hearings

(1) The arbitration hearing is not public.

(2) The parties may participate at hearings either in person or through representatives and may be assisted by attorneys, in-house lawyers, interpreters or other persons.

(3) Where both parties agree, and provided that the arbitral tribunal grants approval, the hearings may be attended by other persons as well.

Art. 49. Failure of the party to participate at the hearing. Adjournment of the hearing. Notice of hearing date

(1) Failure of one party, although duly summoned, to attend the hearing shall not prevent the progress of the proceedings, unless the absent party submits, the day before the date of the hearing at the latest, a request to the arbitral tribunal for adjournment of the hearing on solid grounds and notifies the other party thereof. Only one adjournment may be granted.

(2) The adjournment may be granted at the beginning of the hearing also by only one member of the arbitral tribunal.

(3) The party having attended or been represented in one hearing shall no more be summoned in the course of arbitration proceedings, being deemed to have knowledge of the next hearing dates, unless otherwise provided by these Rules or the arbitral tribunal.

(4) The hearing dates, of which knowledge has been taken or for which subpoenas have been served, may not be changed, unless sound grounds are provided. The parties shall be summoned at once for the new hearing date.

(5) When the summoning procedure has been duly performed, the trial, even on the merits, may continue the next day or at short successive time intervals, set with the parties' taking knowledge thereof.

Art. 50. Provisional procedural timetable

In complex disputes, with the consent of the parties, the arbitral tribunal may establish, by means of the minutes of the hearing, a timetable for the arbitration proceedings. The arbitral tribunal may modify this timetable at any time if evolution of arbitration proceedings requires.

Art. 51. Recording of the hearing

The debates may be recorded only with prior parties' consent.

Art. 52. Procedural steps taken in writing

The arbitral tribunal may approve certain stages of the procedure to be achieved by written or electronic mail, except for the hearing of witnesses and experts, as well as formulating arguments on the merits of the case.

Art. 53. Settling the dispute in the party's absence

Either party may request in writing for the dispute to be settled in its absence, in consideration of the documents filed.

Art. 54. Settling the dispute in both parties' absence

(1) In case both parties, although duly summoned, do not attend the hearing on the due date, the arbitral tribunal shall proceed with the settlement of the dispute, except where adjournment for justifiable grounds is requested.

(2) The arbitral tribunal may also adjourn rendering the award and summon the parties where their presence at the hearings or production of evidence is deemed necessary.

SECTION 2

Exceptions. Evidences

Art. 55. Claiming exceptions

(1) Any plea against the existence or validity of the arbitration agreement, the composition of the arbitral tribunal, the limits of the arbitrators' authority, and any other plea, shall be claimed, under sanction of forfeiture, in the statement of defence or by the date of the first day of hearings, at the latest.

(2) Public policy pleas may be claimed at any moment during the arbitration proceedings.

(3) The plea against the jurisdiction of the arbitral tribunal shall be claimed by the date of the first day of hearings.

Art. 56. The plea of non-compliance with the constitution

(1) The plea of non - compliance with the may be raised by either party or *ex officio* by the arbitral tribunal, under the terms of the law on the organization and operation of the Constitutional Court.

(2) The submission of the plea to the Constitutional Court shall be ordered by the arbitral tribunal, by means of a hearing report which shall include the parties' standpoints, the opinion of the arbitral tribunal on that plea, and which shall be accompanied by the proofs submitted by the parties.

(3) If the plea is inadmissible, the arbitral tribunal shall dismiss it through reasoned hearing report, without submitting the plea to the Constitutional Court.

Art. 57. Evidences

(1) Each party shall have the burden of proof either claim or in defence.

(2) Any requests, statements or other written documents shall be submitted no later than the first day of hearings.

(3) Subject to the law, the arbitral tribunal may accept one party's request for production of evidence only if such evidence has been asked for by the request for arbitration, the statement of defence or written statements submitted prior to the first day of hearings and notified to the other party. Evidence for the production of which such requirements are not observed, cannot be subsequently called upon during the arbitration unless: a) the necessity of such evidence arises from the pending hearings or production of other evidences; b) the production of evidence is not a cause for the delay the settlement of the dispute.

(4) However, in settling of the dispute, the arbitral tribunal may request the parties at any stage of the arbitration proceedings to present written explanations relative to the claim and the facts of the dispute and order production of any evidence as provided by the law.

(5) Evidence shall be produced during the sessions of the arbitral tribunal.

(6) Witnesses and experts shall be heard without being asked to take the oath.

(7) The parties may agree on evidences and methods of producing them.

(8) The arbitral tribunal is not qualified to exert coercion or punish witnesses or experts. To have these measures decided, the parties shall apply to the competent courts of law. However, the arbitral tribunal may order the decrease of the expert's fee in case he/she seriously and unreasonably delayed in filing the expert report or committed other obvious acts of deferring in producing this evidence.

(9) Arbitrators shall value the evidence in accordance with their intimate conviction.

Art. 58. Procedural irregularities

(1) Any irregularity in the performance of the procedure acts shall be covered if the party did not invoke it on the first hearing date following such irregularity and before it makes its arguments on the merits of the case.

(2) No one can invoke the irregularity caused by his/her own action.

SECTION 3

Hearing report

Art. 59. Content of the hearing report

(1) The arbitration proceedings shall be recorded in a hearing report.

(2) Any decision of the arbitral tribunal and the grounds thereof shall be written down in the hearing report.

(3) Along with the mentions set forth under Article 67 paragraph (1) letters a) and b), the hearing report shall include: a) the summoning procedure fulfilment method; b) a brief description of the proceedings; c) requests and pleas made by the parties; d) the reasons underlying the decided measures; e) the order of the tribunal; f) the signatures of the arbitrators with observance of the provisions under Article 65 paragraph (2) and the signature of the assistant arbitrator.

Art. 60. The parties' rights regarding the hearing report

(1) The parties are entitled to take knowledge of the content of the hearing report and of the documents in the file.

(2) Upon the parties' request or *ex officio*, the arbitral tribunal may amend or complement the hearing report by other hearing report, under the provisions of Article 68.

(3) The parties shall be provided, upon request, with a copy of the hearing report, through the arbitration assistant. The application shall be filed during the hearing or separately, in which case shall be filed with the Secretariat of the Court of Arbitration.

SECTION 4

Arbitration Award

Art. 61. Arbitral decisions name

Arbitral judgements solving the merits of the case are called "awards" and other judgements given during the proceedings are called "hearing reports".

Art. 62. Arbitration award

(1) The arbitration proceedings shall end by rendering the arbitration award.

(2) Where the respondent acknowledges partially the claimant's claims, the arbitral tribunal shall render, upon the latter's request, an interim award in accordance to the acknowledgement.

(3) Should the claimant withdraw its request for arbitration or waives its claimed right before the arbitral tribunal has been set up, the arbitral proceedings shall end by closing minutes rendered by the president of the Court of Arbitration, based on a report drafted by the chief assistant arbitrator.

(4) Should the claimant withdraw its request for arbitration or waives its claimed right after the arbitral tribunal has been set up, the arbitral proceedings shall end by closing hearing report.

Art. 63. Dispute settlement

(1) The arbitral tribunal shall settle the dispute based on the main agreement and the applicable legal regulations, by also considering the commercial practice and general principles of law, as the case may be.

(2) Based on the parties' express agreement, the arbitral tribunal shall be entitled to settle the dispute in equity.

Art. 64. Closure of the debates

(1) As soon as the arbitral tribunal considers that all circumstances of the case have been clarified correspondingly, it shall declare the proceedings closed and proceed to deliberations and the rendering of the award *in camera*, with the participation of all its members.

(2) The ruling of the award may be delayed by 21 days at the latest, provided that the term of arbitration is observed.

Art. 65. Making of the award

(1) Where the arbitral tribunal is composed of three arbitrators, the award shall be given, unless the unanimity is reached, by majority of arbitrators.

(2) The arbitrator who is of a different opinion shall write and sign his/her dissenting opinion, showing the reasons on which it rests. This rule shall also apply in case of concurrent opinion.

(3) The dissenting or concurrent opinion shall be attached to the arbitration award rendered by the majority of arbitrators.

Art. 66. Resuming the case

Should the arbitral tribunal, in the course of the deliberations and prior to the delivery of the award, deem that further clarifications are necessary, it shall issue a minute and the dispute shall be resumed for additional hearings, a new hearing date being fixed for arbitration with the parties being duly summoned, on condition that the new hearing date should not be later than the term of arbitration provided for that dispute.

Art. 67. Dispositive part of the award

(1) Immediately after the closure of the deliberations and once the decision is reached, the dispositive part of the award shall be written and it shall bear the signatures of all the members of the Arbitral Tribunal.

(2) Where there is a dissenting opinion, it shall be recorded in the dispositive part of the award, and its reasons shall be provided separately.

(3) The dispositive part of the award shall be written by the sole arbitrator or, as the case may be, by a member of the arbitral tribunal, shall be attached to the case file and registered in the Book of arbitration sessions.

Art. 68. Contents of the arbitration award

(1) The arbitration award shall be drawn up in writing and shall include:

a) the names of the members of the arbitral tribunal and of the assistant arbitrator, the place and date of rendering the award;

b) the names of the parties, their domicile or residence or, as the case may be, name and registered office, as well as the names of the parties' representatives and of the other persons having attended the hearings of the dispute;

c) mention of the arbitration agreement underlying the arbitral proceedings;

d) the object of the dispute and a summary of the parties' respective claims;

e) the *de facto* and *de jure* grounds of the award, and in case of an arbitration in equity the grounds underlying from this point of view the solution;

f) the dispositive part;

g) the signatures of all arbitrators, unless the provisions under Article 65 paragraph (2) are applicable, and the signature of the assistant arbitrator.

(2) Where one of the arbitrators is prevented from signing the award, the cause of the prevention shall be confirmed under signature by the presiding arbitrator, and in case the latter is prevented as well, by the president of the Court of Arbitration.

(3) Where the assistant arbitrator is prevented for signing the award, the award shall be signed by the chief assistant arbitrator or by the replacement thereof, mentioning the cause that prevented the assistant arbitrator from signing the award.

Art. 69. Material errors correction

(1) Any errors or omissions relative to the names, capacity or claims of the parties or of calculation as well as any other material errors in the text of the arbitration awards or hearing reports may be corrected *ex officio* or upon the request of either party.

(2) The party's request shall be made within 15 days of the receipt of the award, and, in the case of the hearing reports, by the following hearing at the latest.

(3) The arbitral tribunal shall decide on such request in a hearing report. The parties shall be summoned only if the arbitral tribunal considers they should provide clarifications.

(4) Such hearing report shall be attached to the award both in the case file and in the file containing the decisions of the Court of Arbitration. In case the correction was issued *ex officio*, it shall also be sent to the parties.

Art. 70. Clarifying the dispositive part of the award

(1) In case clarifications are needed with respect to the meaning, scope, and application of the dispositive part of the arbitral award or the latter contains conflicting provisions, either party may ask the arbitral tribunal which made the award to clarify the dispositive part or to remove the conflicting provisions, within 15 days from the receipt of the award.

(2) The arbitral tribunal shall settle such request in emergency, in a hearing report, summoning the parties.

(3) The provisions of Article 69 paragraph (4) first thesis shall apply accordingly.

Art. 71. Award completion

(1) Where the arbitral tribunal omits to decide in its award on an individual, main or accessory, claim or on a connected or incidental, either party may request the completion of the award within 15 days from its receipt.

(2) Such request shall be settled urgently, with the summoning of the parties, by a separate award. The provisions of Article 69 paragraph (4) first thesis shall apply accordingly.

(3) The provisions of this Article shall also apply where the arbitral tribunal failed to decide on requests made by witnesses, experts, translators, interpreters or counsels, relative to their rights.

Art. 72. Common provisions on the judgements rendered according to Article 69, 70 and 71

(1) The hearing report made under Articles 69 and 70 and the arbitration award rendered under Article 71 can be disaffirmed only through a claim for setting aside the arbitral award rendered on the merits of the case.

(2) The parties cannot be compelled to bear the award correction, clarification or completion costs.

Art. 73. Notification of the arbitration award

(1) The arbitration award shall be drafted and signed within one month, at the latest, of the date of its rendering. For solid reasons, the president of the Court of Arbitration may extend the said term by maximum 30 days.

(2) The assistant arbitrator shall be bound to provide the arbitration award to the parties within 3 days from its signing date by the arbitrators.

Art. 74. Character of the arbitration award

(1) The arbitration award shall be final and binding. The party against which it is rendered shall freely perform it either immediately or by the deadline set out therein.

(2) The arbitration award communicated to the parties shall have the effects as a final decision rendered by a court of law.

(3) The arbitration award shall be a writ of execution and can be enforced in accordance with the provisions of the Code of Civil Procedure.

Art. 75. Setting aside an arbitration award

The arbitration award may only be set aside following a claim in cancellation, for the reasons provided by Article 608 of the Code of Civil Procedure:

CHAPTER VI

Special provisions regarding international arbitration

Art. 76. Applicable rules

(1) Alongside the provisions of these Rules, the provisions of the international conventions to which Romania is a party shall also apply in the settlement of international disputes.

(2) The parties shall be free to decide either for these Rules, or for other rules of arbitral procedure. The provisions of Article 6 shall remain applicable.

Art. 77. Applicable law

(1) The parties shall be free to determine, by their agreement, the law applicable to the merits of the case.

(2) In default of such agreement, the arbitral tribunal shall decide on the applicable law, according to the pertinent conflict of laws rules.

Art. 78. Place of arbitration

(1) By the arbitral agreement, the parties may establish that the place of arbitration be in Romania or in a different country.

(2) During the arbitral proceedings, the arbitral tribunal may decide, upon the parties' consent, to conduct arbitral hearings elsewhere than at the seat of the Court of Arbitration.

(3) The arbitral tribunal may deliberate at any place it considers appropriate.

(4) The provisions of Article 26 paragraph (1) shall remain applicable.

Art. 79. Terms duration

The duration of the time limits provided under Article 14 paragraph (1) letter b, Article 23 paragraph (1), Article 24 paragraph (3), Article 31 paragraph (2) and Articles 69-71 shall be double.

Art. 80. Language of proceedings

(1) The hearings of the dispute before the arbitral tribunal shall be in Romanian language, in the language established by the arbitral agreement or, unless otherwise provided or a subsequent convention intervenes, in an international language decided by the arbitral tribunal.

(2) Where a party is ignorant of the language in which the arbitration proceeds, the arbitral tribunal shall provide for the services of an interpreter upon the request and at the expense of that party.

(3) The parties may attend the hearings with their interpreter.

Art. 81. Evidences

The arbitral tribunal, with the parties' consent, may apply the Rules on the Taking of Evidence in International Arbitration adopted by the International Bar Association.

CHAPTER VII

Special provisions regarding ad-hoc arbitration

Art. 82. Support granted by the Court of Arbitration

(1) In case of an ad-hoc arbitration organised by the parties for the settlement of a certain dispute, the Court of Arbitration may provide assistance to them upon their joint request or upon one party's individual request followed by the other party's agreement formulated in writing, and the payment of the due administrative fee according to the Schedules of arbitral fees and expenses.

(2) The assistance of the Court of Arbitration in ad-hoc arbitration consists in fulfilling all or a part of the following tasks, in accordance with the agreement with the parties:

a) appointment of the arbitrators and of the presiding arbitrator, in accordance with the arbitral agreement and these Rules of Arbitration and, in general, carrying out or, as the case may be, verifying the fulfilment of the formalities required for the composition of the arbitral tribunal and the establishment of the arbitrators' fees;

b) making available to the parties these Rules of Arbitration and a list of arbitrators, both of which being optional to the parties;

c) providing, upon arbitrators' request, of data, information or documents relative to doctrinal and jurisprudential solutions in a particular matter;

d) providing secretarial services for arbitration such as: receipt and registration of mailed documents, issue of subpoenas and communication of written documents, issue of various notifications to the parties and arbitrators, record of the proceedings in the minutes of the sessions, file registration of documents, filing and keeping of files, as well as other similar activities which may be required for a proper development of the arbitration proceedings;

e) providing adequate rooming for arbitration proceedings;

f) monitoring and facilitating arbitration proceedings in order to ensure their proper on-schedule development;

g) examination, upon the arbitral tribunal's and the parties' request, of the draft arbitration award in terms of its wording and/or legal matters, without, however, influencing upon the arbitrators' free decision.

Art. 83. The competence of the president of the Court of Arbitration

In case the parties have opted for the UNCITRAL (United Nations Commission for International Trade Law) Rules of Arbitration, under the assistance of the Court of Arbitration, the arbitrator Appointing Authority shall be the president of the Court of Arbitration, unless the parties agreed otherwise.

CHAPTER VIII

Removing a dispute from the docket. Lapse procedure

Art. 84. Removing a dispute from the docket

(1) In case the normal conduct of the dispute is prevented by fault of the claimant, because of its failure to perform its obligations under these Rules, it shall be served with a written notification, whereby the obligations incumbent on it shall be indicated, the time limit in which to perform them, and also the consequences of its failure to comply.

(2) The time limit referred to in the preceding paragraph shall be of 10 days in case the arbitral tribunal has not been set up or it shall be established by the arbitral tribunal.

(2) If the claimant does not answer thereto or does not comply with the obligations incumbent on it, the dispute shall be removed from the docket under the resolution of the president of the Court of Arbitration and the arbitral proceeding shall remain inactive, the arbitral fees being not reimbursed.

Art. 85. Lapse procedure for a request for arbitration

(1) The request for arbitration shall expire *de jure* if no progress in its resolution has been made for six months by fault of the party.

(2) The lapse shall be ascertained *ex officio* or at the request of the interested party. In either case, the president of the Court of Arbitration shall set a hearing date and order the urgent summoning of the parties and the drafting by the Secretariat of a report on the procedural acts pertaining to the lapse.

(3) The arbitral tribunal shall consist of a sole arbitrator in the person of the president of the Court of Arbitration or of an arbitrator appointed by the latter.

(4) Where the arbitral tribunal has been set up and the dispute is pending, the lapse shall be decided by the arbitral tribunal as established.

(5) If the procedure of summoning one of the parties has not been completed because the party is not known or moved away and its new address is not known or refuses receipt of the subpoena, or no person is found at the domicile or headquarters specified in documents of the case file, that party shall be summoned

for the lapse procedures by a subpoena posted on the door of the Court of Arbitration.

CAPITOLUL IX

Final and transitory provisions

Art. 86. Applicable common law

These Rules shall be complemented by the provisions of the ordinary rules of the Code of Civil Procedure insofar as the same are compatible with the arbitration and the nature of the disputes.

Art. 87. Effective date and cancellation or any contrary provisions

(1) These Rules shall come into force on the date of approval by the Court of Arbitration Board in accordance with the provisions of Article 29 paragraph (5) of Law No. 335/2007 and shall be published on the website of the Court of Arbitration, in the Arbitral Codex and/or as a separate publication, as well as in the Romanian Official Journal, Part I.

(2) The Rules of arbitration as published in the Romanian Official Journal, Part. I, No. 184 of 2nd of April 2013, as well as any other contrary provisions shall be repealed as of the date of coming into force of these Rules.

Art. 88. Transitory provisions

The disputes in progress on the date of enforcement of these Rules shall be settled in compliance with the Rules in force on the date of submission of the request for arbitration, unless the parties choose these Rules.

Art. 89. Appendixes

The Appendixes 1-3 are an integral part of these Rules.