

**REGULATIONS**  
**on the Organization and Operation**  
**of the Court of International Commercial Arbitration**  
**attached to the Chamber of Commerce and Industry**  
**of Romania**

**CHAPTER I**  
**General Provisions**

**The Court of Arbitration definition and offices**

**Art. 1.–** (1) The Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania, hereinafter referred to as the *Court of Arbitration*, is a permanent arbitration institution, without legal personality, independent with respect to the exercise of its powers, organized and operating in accordance with the Law on Chambers of Commerce of Romania No. 335/2007, as subsequently amended and completed and in accordance with the present Regulations.

(2) The head office of the Court of Arbitration is in Romania, Bucharest, 2 Octavian Goga Boulevard, 3<sup>rd</sup> District.

**The Mission of the Court of Arbitration**

**Art. 2. –** The Court of Arbitration has the mission to organize domestic and international commercial arbitration procedures, as well as other alternative solutions for settlement of legal disputes.

## Chapter II

### Powers

#### Powers of the Arbitration Court

**Art. 3.–** (1) The Court of Arbitration has the following powers:

a) organizes and manages the domestic and international disputes settlement by means of institutionalized arbitration under the terms set out herein, by the Rules of Arbitration Procedure of the Court of International Commercial Arbitration, hereinafter referred to as the *Rules of Arbitration Procedure of the Court of Arbitration*, by the provisions of the Law No. 134/2010 regarding the Civil Procedure Code, republished with the subsequent amendments, hereinafter referred to as the *Civil Procedure Code*, by special applicable laws and by international conventions ratified by Romania;

b) organizes for the benefit of the parties, upon their request, ad hoc arbitration, in case that they requested such, by the means of arbitration convention;

c) drafts arbitration agreements templates and disseminates such to the business environment.

d) debates legal issues and arbitration case law;

e) cooperates with other courts of arbitration attached to the chambers of commerce and industry in Romania, with other domestic and international similar institutions of arbitration and with various important figures from areas of interest;

f) keeps records of the arbitration case law, prepares arbitration practice compendia and provides documentation in the field of domestic and international commercial arbitration;

g) makes recommendations related to the improvement of domestic and international arbitration organization and performance;

- h) organizes, upon request, alternative disputes resolution methods;
- i) performs other duties as provided by the Regulations herein and by the Rules of Arbitration Procedure of the Court of Arbitration.

### **Chapter III**

#### **Organization and operation**

#### **Court of Arbitration structure. Eligibility for the arbitrator position**

**Art. 4** (1) The Court of Arbitration consists of arbitrators, approved by the Management Board of the Chamber of Commerce and Industry of Romania, upon recommendations made by the Management Board of the Court of Arbitration, from the individuals who have met the requirements set out herein and in the Rules of Arbitration Procedure of the Court of Arbitration.

(2) On the list of arbitrators of the Court of Arbitration, hereinafter referred to as the *List of Arbitrators*, may be registered, if they meet the requirements provided by the Regulations set out herein and by the Rules of Arbitration Procedure of the Court of Arbitration, individuals that are registered within the list of arbitrators of other permanent arbitration institutions from abroad.

(3) Within the arbitration proceedings organized by the Court of Arbitration there can be also appointed, as arbitrators, individuals that are not registered on the List of Arbitrators, if the parties appointed them by the means of arbitration convention to undertake such duty for a particular dispute and, only if these individuals meet the requirements provided by the Regulations set herein and by the Rules of Arbitration Procedure of the Court of Arbitration.

(4) An arbitrator may be any individual, Romanian or foreign citizen, with full exercise capacity of his/her rights, who benefits of an outstanding reputation and enjoys a high level of qualification and professional expertise in the field of private law, domestic and international economic relations and commercial arbitration.

(5) Individuals that were convicted through a final court decision due to a willingly performed criminal offence may not be included in the List of Arbitrators.

(6) The registration on the List of Arbitrators for the Romanian and foreign citizens shall take place under the following conditions:

- a) written application, which shall enclose an affidavit of knowledge of the Rules of Arbitration Procedure of the Court of Arbitration;
- b) a law degree;
- c) proof of actual experience in law and juridical activities of at least 8 years;
- d) filling in the questionnaire drafted by the Management Board of the Court of Arbitration;
- e) approval of the Management Board of the Court of Arbitration.

(7) The Management Board of the Court of Arbitration examines the applications for registration with the List of Arbitrators once a year.

(8) The arbitrators shall be mentioned in the List of Arbitrators in alphabetical order, for each arbitrator setting out the scientific titles held and the professional background, seniority in the specialty, citizenship and domicile or habitual residence.

**Art. 5.** (1) The arbitrators may only be removed from the List of Arbitrators, due to a reasoned decision of the Management Board of the Court of Arbitration, by the Management Bureau of the Chamber of Commerce and Industry of Romania, in case of serious breaching of the obligations related to their arbitrators' mission.

(2) The Management Bureau of the Chamber of Commerce and Industry of Romania resolution may be challenged by the relevant person within 15 days from the service thereof, at the Management Board of the Chamber of Commerce and Industry of Romania, which shall pass a final resolution immediately notified to the claimant.

(3) In case of incompatibility in his/her mission as arbitrator, occurred thereafter his/her registration on the List of Arbitrators, the arbitrator shall be suspended by the Management Board of the Court of Arbitration.

### **The Management of the Court of Arbitration**

**Art. 6** (1) The Court of Arbitration shall be headed by a Management Board composed of the President, the Vice-president and 5 members. The President of the Court of Arbitration shall be approved by the Management Board of the Chamber of Commerce and Industry of Romania, upon recommendation made by the President of the Chamber of Commerce and Industry of Romania, from the arbitrators enlisted on the List of Arbitrators, for a term of 5 years, which may be renewed. The Vice-president and the members of Management Board of the Court of Arbitration are proposed by the President of the Court of Arbitration and approved by the Management Board of the Chamber of Commerce and Industry of Romania.

(2) The Management Board of the Court of Arbitration shall take decisions by the absolute majority of its members.

(3) The major responsibilities of the Management Board of the Court of Arbitration are as follows:

- a) provides general management of the Court of Arbitration;
- b) approves the Rules of Arbitration Procedure of the Court of Arbitration;
- c) adopts the Regulations of the Management Board of the Court of Arbitration;
- d) proposes amendments, if necessary, to the Regulations set out herein, as well as to the Schedules of arbitration fees and expenses;
- e) approves the List of Arbitrators;
- f) calls the Court in plenum;

g) prepares compendia of case law of the Court of Arbitration and approves their publication thereof; provides procurement of domestic and international documentation necessary for the ongoing activity of the arbitrators;

h) adopts the Rules of the Secretariat of the Court of Arbitration;

i) may constitute specialised committees, establishing their structure, object of activity and functioning period;

j) appoints the members of the Scientific Council of the Court of Arbitration;

k) may decide postponement of arbitrators' fees payment until a final court decision is delivered regarding a claim in annulment in case pleas of lack of jurisdiction or unlawful constitution of the arbitral tribunal were invoked in the arbitral procedure.

(4) In the case of temporary impossibility to exercise his/her position of President, his/her replacement shall be the Vice-president. The Vice-president shall also discharge powers assigned by the President.

(5) The President of the Court of Arbitration provides the current management of the Court of Arbitration and represents it in domestic and international relations. The President shall also discharge powers with respect to the organization and unfolding of the arbitral disputes, as provided by the Rules of Arbitration Procedure of the Court of Arbitration.

(6) In the case of temporary impossibility to exercise his/her position of President and the Vice-president is not able to replace him/her for any reason, his/her replacement shall be the oldest of the members of the Management Board of the Court of Arbitration.

(7) The President, the Vice-president and the members of the Management Board of the Court of Arbitration may be appointed as arbitrators and presiding arbitrators.

(8) The President, the Vice-president and the members of Management Board of the Court of Arbitration may be revoked by the Management Board of the Chamber of Commerce and Industry of Romania – in the case of the Vice-president and members, on the recommendation made by the President of the Court of Arbitration.

(9) The Management Board of the Court of Arbitration is exercising its prerogatives based on its own schedule of activity, which shall be annually assessed during the session of the Plenum of the Court of Arbitration.

(10) The Management Board of the Court of Arbitration may appoint a President of honour of the Court of Arbitration among personalities with high academic reputation, with a wide recognition in legal field with a major contribution to the activity and prestige of the Court of Arbitration.

(11) Also, the Management Board of the Court of Arbitration may appoint honorific members of the Court of Arbitration, *in honorem* or *in memoriam*, among the former arbitrators or remarkable personalities from domestic or international legal environment.

### **The Scientific Council of the Court of Arbitration**

**Art. 7–** (1) The Scientific Council of the Court of Arbitration is a consultative body functioning attached to the Management Board of the Court of Arbitration. The members of the Scientific Council of the Court of Arbitration are proposed by the President of the Court of Arbitration and appointed by the Management Board of the Court of Arbitration, from specialists who benefits of an outstanding academic reputation and/or enjoys a high level of qualification and professional expertise in the field of private law, domestic and international economic relations and commercial arbitration. The members of the Scientific Council of the Court of Arbitration may be appointed as arbitrators or presiding arbitrators.

(2) The Management Board of the Court of Arbitration may ask for opinions regarding any issue related to the management or the activity of the Court of Arbitration.

(3) The Scientific Council of the Court of Arbitration shall be headed by a president appointed by the Management Board of the Court of Arbitration.

(4) In exercising its prerogatives, the Scientific Council of the Court of Arbitration shall issue opinions or resolutions. They have consultative value.

(5) The President of the Scientific Council of the Court of Arbitration may participate at any meeting of the Management Board of the Court of Arbitration, following its invitation and having a consultative vote.

### **The Plenum of the Court of Arbitration**

**Art. 8–** (1) All the arbitrators included in the List of Arbitrators compose the Plenum of the Court of Arbitration.

(2) The Plenum of the Court of Arbitration debates on the activity reports of the Management Board of the Court of Arbitration with regard to the activity performed by the latter, debates legal issues occurred during the activities of the Court of Arbitration, in order to provide a uniform case law and examines the proposals with regard to the regulations concerning the commercial arbitration.

(3) The sessions of the Plenum of the Court of Arbitration are called pursuant to the decision of the Management Board of the Court of Arbitration and are conducted by the President of the Court of Arbitration.

(4) The sessions of the plenum of the Court of Arbitration are biannual.

### **Specialized Committees of the Court of Arbitration**



**Art. 9.**– In case the Court of Arbitration forms specialized committees, they shall be composed of an odd number of members (3 or 5), coordinated by a member of the Management Board of the Court of Arbitration, and shall operate under the program and topics approved by the Management Board of the Court of Arbitration.

### **The Secretariat of the Court of Arbitration**

**Art. 10.**– (1) The Court of Arbitration operates under a functional structure composed of: Secretariat, Archive – Registration Office and Registration of the Court, with an auxiliary and specialized personnel coordinated by the chief arbitration assistant.

(2) The positions held, number of staff, classification of personnel and payroll are approved by the management of the Chamber of Commerce and Industry of Romania at the proposal of the Management Board of the Court of Arbitration.

(3) Specialized personnel is composed of the chief arbitration assistant and the arbitration assistants and the auxiliary personnel of reviewers, secretaries, typewriters, archivers - registrators, ushers and other employees.

(4) The Secretariat, the archive-registration office and the registration office of the court, operates pursuant to the regulations approved by the Management Board of the Court of Arbitration.

(5) The arbitration assistants are employed as legal advisers under the organizational chart of the Chamber of Commerce and Industry of Romania.

### **Definition of the Arbitral Tribunal**

**Art. 11.**– (1) For the purpose of this Regulations, the Arbitral Tribunal consists of an odd number of arbitrators appointed pursuant to the Rules of Arbitration Procedure of the Court of Arbitration.

(2) The Chamber of Commerce and Industry of Romania and the Court of Arbitration are not entitled to interfere through arbitration organization and administration, in the dispute settlement nor to influence the Arbitral Tribunal in any way whatsoever.

**Art. 12.**– (1) The appointment of arbitrators shall be made by the parties involved in the dispute, pursuant to the parties’ agreement and the Rules of Arbitration Procedure of the Court of Arbitration.

(2) The arbitrators appointed by the parties nominate the presiding arbitrator pursuant to the terms and conditions provided by the Rules of Arbitration Procedure of the Court of Arbitration.

(3) In the case that the parties does not appoint the arbitrators or the latter does not nominate the presiding arbitrator pursuant to the Rules of Arbitration Procedure of the Court of Arbitration, the appointment shall be made by the President of the Court of Arbitration.

### **Arbitrators’/ Presiding arbitrators’ obligations**

**Art. 13.**– (1) The arbitrator and the presiding arbitrator shall exercise his/ her powers individually, being impartial and independent governed only by the law. The administration of the evidence and decision making are made only by based on the arbitrator’s intimate belief.

(2) The arbitrator and the presiding arbitrator must have the needed availability required by the exercise of his/ hers arbitral competences, in due time, pursuant to the agenda of the Court of Arbitration, in good faith and with professionalism.

(3) The arbitrators and the presiding arbitrators exercise their prerogatives and fulfil their missions pursuant to Article 21 paragraph (1)-(3) of the Constitution of Romania, republished and to the provisions of Article 6, paragraph (1) of the European

Convention of Human Rights, which guarantees the right to a fair trial and settled in a reasonable timeframe, as well as the right to an independent and impartial tribunal.

### **Arbitrators' and Presiding arbitrators' replacement**

**Art. 14.** – An arbitrator or a presiding arbitrator shall be replaced for the reasons and under the terms set out herein in the Rules of Arbitration Procedure of the Court of Arbitration and in the Civil Procedure Code.

## **Chapter IV Resources**

### **Court of Arbitration resources structure**

**Art. 15.**– (1) The financial resources of the Court of Arbitration shall be formed from registration and arbitration fees, collected in consideration of the rendered services.

(2) Registration and arbitration fees shall be set out by the Schedules of arbitration fees and expenses, approved by the Management Board of the Chamber of Commerce and Industry of Romania at the recommendation made by the Management Board of the Court of Arbitration.

(3) The registration fees cover the costs of initiation of the administrative procedure in order to set up the arbitration file. The arbitration fees are intended for covering the costs related to disputes organization, performance and settlement activities, arbitrators' fees and documentation, Secretarial Office expenses, as well as other expenses required for the Court of Arbitration operation.

(4) The members of the Management Board of the Court of Arbitration and the arbitration assistants are entitled to an allowance covered from the administrative fees pursuant to the conditions set out herein by the Regulations of the Management Board of the Court of Arbitration and the Rules of the Secretariat of the Court of Arbitration.

(5) The Court of Arbitration shall establish a fund consisting of a share of 8% of arbitrators' fees, which is intended for rewarding the personnel of the Court of Arbitration based on its performance, for the special accessories of the Court of Arbitration, the business trips made by staff of the Court as well as for other expenses related to the effective exercise of the Court of Arbitration, established by the decision of the Management Board of the Court of Arbitration: book collection, access to legal databases, subscriptions, events promoting commercial arbitration.

### **Ensuring the conditions for the activity of the Court of Arbitration**

**Art. 16.** – The Chamber of Commerce and Industry of Romania shall ensure appropriate conditions required for the Court of Arbitration activity performance.

## **Chapter V**

### **Common and Final and Transitional Provisions**

#### **The confidentiality obligation**

**Art. 17.**– The Court of Arbitration, the Arbitral Tribunal, as well as the employees of the Chamber of Commerce and Industry of Romania shall be bound to ensure the arbitration confidentiality pursuant to the Rules of Arbitration Procedure of the Court of Arbitration.

#### **Approval of Regulations**

**Art. 18.**– (1) The Regulations set out herein have been approved during its session from the 10<sup>th</sup> of December 2015 by the Management Board of the Chamber of Commerce and Industry of Romania, pursuant to Article 29 paragraph (3) of Law No. 335/2007, with the subsequent modifications and completions.

#### **Arbitration Codex . Transitional Provisions**

(2) The content of the Arbitration Codex is set out by the Management Board of the Court of Arbitration, which approves its drafting and dissemination.

(3) The Law and Legislation Division of the Chamber of Commerce and Industry of Romania shall ensure the dissemination of the Arbitration Codex to those who are interested, upon request.

### **Abrogation of the contrary provisions**

**Art. 20.**– It shall be abrogated the Regulations on the organization and operation of the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania from the 10<sup>th</sup> of April 2014, published in the Official Gazette of Romania, Part I, No. 328, issued on the 6<sup>th</sup> of May 2014, as well as any other contrary provision.