

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, 3rd 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 of the Court of Arbitration

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

- a) organizes and administers domestic and international disputes by means of institutionalized arbitration under the terms set out in the Regulations herein, by the Rules of Arbitration of the Court of International Commercial Arbitration, hereinafter referred to as the *Rules of Arbitration of the Court of Arbitration*, by the provisions of Law No. 134/2010 regarding the Civil Procedure Code, republished, hereinafter referred to as the Civil Procedure Code, by special laws in the field and by international conventions ratified by Romania;
- b) organizes for the benefit of the parties, upon their request, ad hoc arbitration, for case files where by the means of arbitration convention they have requested this form of arbitration;
- c) organizes for the benefit of the parties, upon request, other alternative forms of dispute settlement as mediation, conciliation, adjudication of disputes within business contracts and others likewise.
- d) drafts arbitration convention templates which are made available for the business environment.
- e) organizes debates related to legal issues or jurisprudence;
- f) cooperates with other Courts of Arbitration attached to the Chambers of Commerce and Industry in Romania, with other similar arbitration institutions, domestic and international and with various important figures from areas of interest;
- g) keeps records of the arbitration jurisprudence, prepares arbitration jurisprudence compendia and provides documentation in the field of domestic and international commercial arbitration;

h) makes recommendations in order to improve the administration and performance of domestic and international arbitration.

i) performs other duties provided by law, by the Regulations herein and by the Rules of Arbitration of the Court of Arbitration.

Chapter III

Organization and operation of the Court of Arbitration

Court structure. Becoming an arbitrator

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 among the individuals who have met the requirements set out by the Regulations herein and by the Rules of Arbitration of the Court of Arbitration.

(2) On the list of arbitrators of the Court of Arbitration, hereinafter referred to as the *List of Arbitrators*, can be registered, if they meet the requirements provided by the Regulations set out herein and by the Rules of Arbitration of the Court of Arbitration, individuals that are registered on the lists 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 in this position, in a certain dispute and, these individuals meet the requirements provided by the Regulations set out herein and by the Rules of Arbitration of the Court of Arbitration.

(4) Any individual may be an arbitrator, Romanian or foreign citizen, provided that he or her has the full capacity to exercise his or her rights, who benefits of an outstanding reputation and enjoys a high level of qualification and professional expertise in the

field of law, domestic and international economic relations and domestic and/or international arbitration.

(5) Individuals that have been irrevocably sentenced of an act provided by the criminal law, committed intentionally, may not become an arbitrator except for the case of amnesty or rehabilitation.

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

- a) written application, which shall enclose an affidavit of knowledge of the Rules of Arbitration of the Court of Arbitration and does not find itself in any situation of incompatibility;
- b) a law degree;
- c) evidence of actual experience in law and juridical activities of at least 8 years;
- d) filling in the questionnaire drafted by the Court of Arbitration Management Board;
- e) approval by the Management Board of the Court of Arbitration.
- f) confirmation from the Management Board of the Chamber of Commerce and Industry of Romania.

(7) The Court of Arbitration Management Board 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, indicating for each arbitrator the scientific titles held and his or her defining professional activity, seniority in the specialty, citizenship and domicile or habitual residence.

Removal and suspension from the List of arbitrators

Art. 5. (1) Removal of arbitrators from the List of arbitrators can take place by the means of a reasoned decision of the Court of Arbitration Management Board, 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 removal can also be made for the inactivity of the arbitrator for more than five years.

(3) 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 render a final resolution immediately notified to the claimant. Until the final resolution is rendered the challenged arbitrator shall be suspended.

(4) In case of incompatibility in his/her mission as arbitrator, occurred thereafter his/her registration on the List of arbitrators, or in the case of an irrevocable penal conviction, it shall be ordered on request or ex officio for the arbitrator to 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 4 members. The president of the Court of Arbitration is approved by the Management Board of the Chamber of Commerce and Industry of Romania, upon the proposal of the president of the Chamber of Commerce and Industry of Romania, from among the arbitrators registered with the list for a 5-year term that may be renewed.

(2) The vice president and the members of the Management Board 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.

(3) The president, vice president and members of the Management Board of the Court of Arbitration may be appointed as arbitrators and presiding arbitrators.

(4) The president, vice president and members of the 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 the members, the revocation shall be made upon proposal of the president of the Court of Arbitration.

The president of the Court of Arbitration

Art. 7 – The president of the Court of Arbitration

- (1) The president of the Court of Arbitration exercises the current Court of Arbitration leadership and it represents it in all domestic and international relations. Also, the president exercises the powers with regard to the organization and administration of arbitration disputes which are conferred by the Rules of Arbitration of the Court of Arbitration.
- (2) In case of temporary unavailability to perform his/her duties as president, the replacement is the vice president. Also, the vice president shall exercise the powers delegated by the president.
- (3) In the event that the President is in a temporary inability to perform the duties and the Vice President may not, for any reason, replace him/her, the duties shall be exercised by the oldest member of the Management Board of the Court of Arbitration.

The Management Board of the Court of Arbitration

Art. 8. - (1) The Management Board of the Court of Arbitration makes decisions by a majority of the members who can participate in the debates.

(2) The Management Board of the Court of Arbitration has the following main attributions:

a) ensures the general management of the Court of Arbitration;

b) adopts the Rules of Arbitration of the Court of Arbitration;

- c) performs the tasks related to the organization and administration of arbitration disputes, which are conferred by the Rules of Arbitration of the Court of Arbitration;
- d) confirms the arbitrators appointed by the parties in the hypothesis provided by art. 4 paragraph 3 of this Regulations set out herein;
- e) adopts the draft Regulation of the Management Board of the Court of Arbitration and submits it to the Management Board of the Chamber of Commerce and Industry of Romania for approval;
- f) proposes, if necessary, amendments to the Regulations set out herein, as well as to the Schedules of arbitral fees and expenses;
- g) approves the List of Arbitrators;
- h) convenes the Plenum of the Court of Arbitration;
- i) adopts the Regulations of the Secretariat of the Court of Arbitration;
- j) may set up specialized committees, determining their composition, their scope of activity and their duration;
- k) elects the members of the Scientific Council of the Court of Arbitration;
- l) may decide to postpone the payment of arbitrators' fees until the final ruling on the award rendered by the action for annulment in cases where the exception on the lack of jurisdiction has been raised before the arbitral tribunal or the exception on **unlawful constitution** of the arbitral tribunal;
- m) may decide to reduce the amount of arbitrators' fees in the case of unjustified delay in the drafting of arbitral awards by more than 2 months;
- n) organizes the drawing up of jurisprudence collections of the Court of Arbitration and advises on their publication; ensures the procurement of national and foreign documentation necessary for the performance of the arbitrators' activity;

o) performs any other duties provided by law, by the Regulations set out herein and by the Rules of Arbitration of the Court of Arbitration.

(3) The Management Board of the Court of Arbitration exercises its prerogatives on the basis of its own program of activity, which will be evaluated annually during the session of the Plenum of the Court of Arbitration.

(4) The Management Board of the Court of Arbitration may designate an Honorary President of the Court of Arbitration, from among personalities with high academic reputation with wide recognition in the field of law and with a major contribution to the activity and affirmation of the prestige of the Court of Arbitration.

(5) The Management Board of the Court of Arbitration may also designate Honorary Members of the Court of Arbitration - in honorem or in memoriam, from among former arbitrators or outstanding personalities in domestic or international legal world.

The Scientific Council of the Court of Arbitration

Art. 9. - (1) The Scientific Council of the Court of Arbitration, hereinafter referred to as the *Scientific Council*, is an advisory body attached to the Management Board of the Court of Arbitration. The members of the Scientific Council are proposed by the President of the Court of Arbitration and elected by the Management Board of the Court of Arbitration from among specialists with a high academic reputation and / or wide professional experience and recognition in the areas of law, domestic and international economic relations and domestic and / or international arbitration.

(2) The members of the Scientific Council may also be arbitrators or presiding arbitrators.

(3) The Scientific Council shall be headed by a president, appointed by the President of the Court of Arbitration at the proposal of the members of the Scientific Council;

he/she will be able to attend, at the invitation of the Management Board of the Court of Arbitration at any Board meeting with an advisory vote.

(4) The Management Board of the Court of Arbitration may ask the Scientific Council for views on any matter concerning the management or the activity of the Court of Arbitration; they have consultative value.

The plenum of the Court of Arbitration

Art.10. - (1) All the arbitrators registered on the List of arbitrators constitutes 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 with regard to the activity performed by the Court, debates legal issues occurred during the activities of the Court of Arbitration, in order to provide a uniform jurisprudence and examines the proposals with regard to the regulations concerning domestic and international arbitration and other modalities of alternative dispute settlement.

(3) The sessions of the Plenum of the Court of Arbitration are convened 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. 11 – (1) In the event that the Management Board of the Court of Arbitration shall form specialized committees, they will be composed of an uneven number of arbitrators (3 or 5), coordinated by a member of the Management Board of the Court of Arbitration and it 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. 12 – (1) The Court of Arbitration operates under a functional structure consisting of: Secretariat composed of specialized personnel and auxiliary personnel coordinated by the chief arbitration assistant.

(2) The specialized personnel is composed of the chief arbitration assistant and arbitral assistants and the auxiliary personnel is composed of referents, typists, archivers – registrars, translators and other employees.

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

(4) The positions chart, the number of personnel, the employment and remuneration of the specialized and auxiliary personnel shall be approved by the management of the Chamber of Commerce and Industry of Romania, on the proposal of the Management Board of the Court of Arbitration

(5) The Secretariat operates under a regulation approved by the Management Board of the Court of Arbitration.

Dispute settlement

Art. 13. – (1) The settlement of the arbitration disputes shall be made by an arbitral tribunal.

(2) For the purposes of this Regulation, the arbitral tribunal shall consist of an uneven number of arbitrators; the appointment of arbitrators shall be made by the parties to the dispute in accordance with the parties' agreement and the Rules of Arbitration of the Court of Arbitration.

(3) The Chamber of Commerce and Industry of Romania and the Court of Arbitration are not entitled, by organizing and administering the arbitration, to intervene in the settlement of the dispute or to influence in any way the arbitral tribunal.

Obligations of arbitrators and presiding arbitrators

Art. 14. – (1) The arbitrators and the presiding arbitrator shall perform their activity individually, independently and impartially, governed only by the law. The administration of evidence and decision making are made only pursuant to each of the members of the arbitral tribunal’s intimate belief.

(2) The arbitrators and the presiding arbitrator must show the availability requested in order to exercise his or 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 fulfill 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.

Chapter IV

Resources

Court of Arbitration resources

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

(2) Registration and arbitration fees shall be set out by the Schedules of arbitral fees and expenses, approved by the Management Board of the Chamber of Commerce and Industry of Romania, pursuant to the Management Board of the Court of Arbitration’s proposal.

(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 are entitled to an allowance covered from the administrative fees pursuant to the conditions set out herein by the Rules of the Court of Arbitration Management Board.

(5) Within the Court of Arbitration, a fund consisting of an 8% share of the arbitrators' fees shall be set up, which is intended to award the personnel of the Court of Arbitration on the basis of its performance, the special facilities of the Court of Arbitration, business trips made by the Court personnel, as well as other expenses related to good functioning of the Court of Arbitration set out by Management Board of the Court of Arbitration decision: the book collection, the access to legislative databases, subscriptions, the organization of arbitration events intended to promote the commercial arbitration, as well as others similar to this.

Ensuring the conditions necessary to performing the activities of the Court of Arbitration

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

Chapter V

Common, final and transitional Provisions

The confidentiality obligation

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

The Regulations' approval

Art. 18.– (1) The Regulations set out herein have been approved on the 10th of November 2017 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 subsequent modifications and completions.

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

(3) The Court Secretariat shall ensure upon request, by any means, access to whoever may be interested to the Rules of Arbitration and the Schedules of arbitral fees and expenses.

(4) The Regulations set out herein shall enter into force starting the 1st of January 2018.

Abrogation of the contrary provisions

Art. 19. – On the date entering into force of the Regulations set out herein, the Rules on the organization and operation of the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania approved by the Decision of the Management Board of the National Chamber, published in the Official Gazette of Romania, Part I, No. 265 from the 7th of Aril 2016, as any other contrary provisions are abrogated.