

Schedules of arbitral fees and expenses

Art. 1 Arbitration fee value

(1) In order to remunerate the arbitration services rendered 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, there will be charged a registration fee in amount of Euros 150 or the equivalent in Lei at the NBR exchange rate of the day, as well as an arbitration fee consisting of an administrative fee and arbitrators' fee.

(2) The amount of the arbitral fee consisting of the administrative fee and the fees of the arbitrators is set out in Annex no. 1 to these Norms.

(3) If the claim matter value is denominated in another foreign currency other than Euro, the arbitration fee shall be determined based on the exchange rate established by the National Bank of Romania of such currency into Euro on the date the statement of claim is submitted and shall be paid in Euro or in other freely convertible currency.

(4) The provisions of paragraph (3) shall properly apply also in cases where claims are formulated in different currencies. However, the Court Secretariat may decide a single currency for the arbitration fee.

(5) The arbitrators' fees quantum provided by para. (1) and the Annex no. 1 is applicable to only one arbitrator.

(6) The registration fee shall not be reimbursed under any circumstances.

Art. 2 The object of the claim value

(1) The parties have the obligation to assess for taxation purposes any claim submitted to arbitration, under the sanction of its restitution, in accordance with the provisions of Art. 12 of the Rules of Arbitration.

(2) The claim matter value shall be determined, usually, as follows:

a) in cases related to financial claims, based on the claimed amount;

b) in cases related to delivery of certain goods, based on the value of such goods on the claim submission date;

c) in cases related to obligation of doing or not doing something, based on the value set out by the claimant.

d) in cases related to performance of a contract or other legal act, based on the value of the object of the contract or part of the object which is submitted to arbitration;

e) in cases related to partial debt payment, at the value alleged by the claimant as being exigible or that it shall be enforced on the date it becomes exigible;

f) in cases related to the right of ownership or other real rights over a immovable property, at the taxable value of such property;

(g) in cases where it was found absolute nullity, cancellation, termination of rental or leasing contracts, including parties' reinstatement to a previous state, as well as for the requests related to rendition or restitution of the rented or leased good, at the value of annual rent or lease.

(3) For claims with several counts of claim, the value of each count of claim shall be determined separately; the claim matter value shall be determined based on the total amount of all counts of claim.

(4) The Court of Arbitration Secretariat will calculate the arbitration fee pursuant to parties' assessment on their claims.

(5) In all circumstances, the arbitral tribunal may reasonably determine the real value of claims. The arbitral tribunal shall, if necessary, order supplementary charging only after the parties have been questioned of the real value of claims submitted to arbitration.

Art. 3 The value of the claim in special situations

(1) The claims on nullity, annulment, cancellation or termination of a patrimonial legal act, other than those stated in art. 2 lit. g), as well as the claims related to finding the existence or lack of existence of a patrimonial right, shall be charged with the arbitral fee provided in Annex no. 1, depending on the amount claimed to be enforced or, where the case, not to be enforced. The claim for reinstatement of the parties in the previous state is exempt from the arbitration fee if it is incidental to the claim on nullity, annulment, cancellation or termination of the patrimonial legal act.

(2) Where the act in respect of which finding the nullity, annulment, cancellation or termination is sought is a preferential pact, an option pact or a promise to contract (for sale, rental or any other kind) or any other, then the arbitration fee shall be calculated by reference to the amount of the advance payment of the amounts to be paid under the promised contract or in respect of which the pre-contract is due, due pursuant to the pact, the promise or the pre-contract, or the value of the price of the promise or the pre-contract, if the parties have expressly provided such value.

(3) Where the object of the statement of claim encloses counts of claim having the same purpose, alternative counts of claim, such as restitution in kind or equivalent, or main or subsidiary, a single arbitration fee shall be charged, calculated at the highest amount of the claim's object according to Annex no.1.

(4) If a party requests, by way of statement of defense or counterclaim, to offset its claim with that of the other party, the claimant shall be required to pay the arbitration fee at the amount to be offset.

(5) The claims challenging an arbitrator shall be charged with 1,500 lei.

(6) Claims for granting precautionary measures and provisional measures as well as requests for finding certain factual circumstances shall be charged with 1.500 lei.

(7) The requests for certificates indicating the status of certain arbitration disputes shall be charged with 100 lei.

(8) When interests, penalties or late payment interests are claimed by the statement of defense, the amount thereof, from the date when it begins to run until the date of submission of such statement or its increase with such claims, it shall cumulate for the purposes of taxation with the value of other monetary claims (damages, refunds, etc.).

(9) In order for the arbitral tribunal to be legally vested with a count of claim related to granting interests, late payment penalties or late payment interests further on and after the award shall be rendered, such claims must be evaluated and charged at their value until the last hearing date.

(10) The provisions of art. 9 shall apply accordingly.

Art. 6. Other claims taxation

- (1) The counterclaim, the request for impleader and the application for joinder as a party with a personal interest shall be charged exactly as the application for arbitration, including the registration fee.
- (2) The provisions of art. 9 shall apply accordingly

Art. 7. Arbitration fee for emergency procedure

- (1) The arbitration fee for the emergency procedure is composed of the following items:
 - a) 150 Euro, representing the registration fee;
 - b) 3,750 Lei, representing the administrative fee;
 - c) 11,250 Lei, representing the Emergency Arbitrator's fee.

(2) The Party requesting the appointment of the Emergency Arbitrator shall pay the related arbitration fee until the submission of claim.

(3) Upon reasoned request of the Emergency Arbitrator or, if deemed so, the President of the Court of Arbitration may decide to increase or reduce the amounts provided in paragraph (1) lit. (b) and (c), taking into account the nature and complexity of the case or other relevant circumstances.

(4) If no proof of arbitration fee is submitted, the Secretariat of the Court of Arbitration shall not send the request to the President of the Arbitration Court, but shall return it to the applicant.

(5) At the request of a party, the arbitration fee may be shared between the parties by the final Award of the Arbitral Tribunal.

Art. 8 Arbitrators fees

(1) In the event of a dispute settlement by an arbitral tribunal, the arbitrator's fees shall be calculated in accordance with Annex no. 1 and multiplied by the number of arbitrators in the arbitral tribunal.

(2) In the situation stipulated in par. (1), the amount representing the arbitrators' fees shall be distributed according to the arbitrators' agreement and, in the absence of an agreement, as follows:

- a) 10% for the presiding arbitrator or, as the case may be, for the arbitrator that drafts the Award;
- b) The remaining 90% is shared between all members of the arbitral tribunal.

(3) In the case the dispute shall be settled by a sole arbitrator, the value of the sole arbitrator's fee shall be calculated according to art. 1, plus 33% of this amount.

Art. 9 Fee Payments

Arbitration fees shall be paid by the Claimant in respect of the main claim and respectively by the Respondent for the Counterclaim.

Art.10 Other arbitration costs

(1) In addition to registration fee and administrative fee, the parties are bound to pay, in the following circumstances, the arbitration expenses consisting of: costs of evidence administration; translation of documents and debates; expenditure on summoning or communicating procedural documents by express mail, arbitrators' fees; lawyers' fees; travel expenses of parties, arbitrators, experts, counselors and witnesses, as well as other expenses required to arbitrate the dispute.

(2) If such a measure is ordered ex officio, the arbitral tribunal may order either party or both, at a ratio to be determined, to advance the cost of its performance.

(3) VAT is added to the paid sums.

Art.11 Reimbursement of Arbitral Fee

(1) Where the Claimant waives arbitration or subjective right or the parties conclude an amicable settlement before the constitution of the arbitral tribunal, the arbitration fee shall be reimbursed in a proportion of 75%.

(2) If the Claimant waives arbitration or the subjective right or the parties conclude an amicable settlement earlier or at the first hearing date, the arbitration fee shall be reimbursed in a proportion of 50%.

(3) When an Award is rendered by which is found the lack of jurisdiction of the Arbitral Tribunal, the arbitration fee shall be reimbursed in the proportion of 50%.

(4) If the Claimant reduces its claims earlier or during the first hearing date, for which the parties have been legally summoned, the arbitration fee shall be calculated at the reduced amount of claim's object. If the value of claims submitted in the claim subsequently diminishes, the already paid arbitration fee shall not be reimbursed.

(5) The minimum arbitration fee is irreducible.

Art.12 Expenses of ad hoc arbitration

In ad hoc arbitration organized by the Court of Arbitration, in accordance with its Regulation on Organization and Operation, the administrative fee is the same as the administrative fee charged for the settlement of the dispute through institutionalized arbitration and is paid within 10 days after the registration fee has been paid.

Art.13 Payment Conditions

(1) The arbitration fee shall be paid in full by the relevant parties within 10 days after receiving the Notification deed or, as the case may be, in case of a counterclaim or some other taxable claims, within 10 days since the submission date. The proof of payment shall be submitted to the case file through the arbitration assistant.

(2) Upon request of the relevant party and for solid reasons, the President of the Court of Arbitration may approve to docket the case if at least one third of the arbitration fee has been paid. The balance due of two thirds shall be paid pursuant to the decision of the Arbitral Tribunal.

Art.14 Penalty for non-payment of the fee in due time. Request for reexamination

(1) If the proof of payment of the arbitration fee is not submitted within the term established for this purpose, the arbitration claim shall be returned.

(2) The party dissatisfied with the calculation method and the resolution given for the request upon the payment schedule may submit a request for reexamination that shall be answered by the President of the Court by the means of a reasoned resolution.

Art.15 Calculation of the administrative fee and payment of arbitrators' fees

(1) The administrative fee and arbitrators' fees shall be calculated pursuant to the spreadsheet by the designated arbitration assistant and shall be included in the amount of the arbitral fee.

(2) The payment of the arbitrators fees shall be done through the Chamber of Commerce and Industry of Romania, after rendering, drafting, signing and remittance to the parties of the arbitral award, in case of an institutionalized arbitration, and according to the parties' agreement, in case of an ad-hoc arbitration.

(3) The arbitrators' fees related to disputes in which the tribunal has ordered the suspension of the proceedings, pursuant to certain mandatory provisions of law, shall be determined in order to be paid as follows: 50% on the date of the suspension and 50% on the date of the final award, including by rendering a preemptory award or, as the case may be, the final decision to open the insolvency proceedings.

(4) The arbitrators' fees, paid through the Chamber of Commerce and Industry of Romania from the deposit made by the parties for this purpose, represents net amounts. The calculation and deduction of income tax, statutory social contributions and any other tax obligations fall within the Chamber of Commerce and Industry of Romania, according to the law.

Art.16 Payment Methods

(1) The registration fee, the arbitration cost and other arbitration expenses shall be paid by means of payment accepted by the Chamber of Commerce and Industry of Romania or in cash, directly at the pay desk of the Chamber of Commerce and Industry of Romania.

(2) Travel expenses of an arbitrator, in the amount determined by the arbitral tribunal, may also be paid directly to the arbitrator on the basis of a receipt accompanied, where appropriate, by supporting documents. A copy of the receipt will be kept in the case file.

(3) In the case of payment made through payment documents, the registration fee, the arbitration fee and the arbitration expenses shall be considered paid on the day of entry of the amounts into the bank account of the Chamber of Commerce and Industry of Romania. The gap between the date of payment and the date of operation into the account of the Chamber of Commerce and Industry of Romania once with the payment registration has no legal consequences for the provided payment terms.

Art.17 Arbitration fees and expenses

(1) Any difference, in addition or decreasing, related to the payment of arbitration fees or expenses shall be settled and paid immediately.

(2) The remittance of the arbitral award may be postponed until the parties' financial obligations are paid in full.

Article 18 Transitory provisions

The arbitration claims registered until the date the present schedules enter into force, remain to be settled under the fees in force on the date of their registration.

Art. 19 Entry into force

(1) The Schedules set out herein shall be approved by the Management Board of the Chamber of Commerce and Industry of Romania pursuant to Article 30 of the Law No. 335/2007 and shall enter into force on the 1st of January 2018.

(2) These Schedules of arbitral fees and expenses shall be published on the Chamber of Commerce and Industry of Romania website and the Official Gazette of Romania, Part I.

(3) On the date entering into force of the Schedules set out herein, the Schedules approved by the Management Board of the Chamber of Commerce and Industry of Romania on the 5th of June 2014, as well as any other contrary provisions are abrogated.

ANNEX NO.1

Administrative fee and arbitrator's fee

A. Whenever the claim matter value is denominated in RON

Claim matter value (in RON)	Administrative fee
a) up to RON 2,000	RON 300 (minimum administrative fee)
b) between RON 2,001 and RON 5,000	RON 300 plus 5% for the amounts exceeding RON 2,000
c) between RON 5,001 and RON	RON 450 plus 4% for the amounts

10,000	exceeding RON 5,000
d) between RON 10,001 and RON 50,000	RON 650 plus 3% for the amounts exceeding RON 10,000
e) between RON 50,001 and RON 100,000	RON 1850 plus 2% for the amounts exceeding RON 50,000
f) between RON 100,001 and RON 200,000	RON 2850 plus 1% for the amounts exceeding RON 100,000
g) between RON 200,001 and RON 700,000	RON 3850 plus 0.5% for the amounts exceeding RON 200,000
h) more than RON 700,000	RON 6350 plus 0.3% for the amount exceeding RON 700,000

Claim matter value (in RON)	Arbitrator's fee
a) up to RON 2,000	RON 200 (minimum fee)
b) between RON 2,001 and RON 5,000	RON 200 plus 5% for the amounts exceeding RON 2,000
c) between RON 5,001 and RON 10,000	RON 350 plus 4% for the amounts exceeding RON 5,000
d) between RON 10,001 and RON 50,000	RON 550 plus 3% for the amounts exceeding RON 10,000
e) between RON 50,001 and RON 100,000	RON 1,750 plus 2% for the amounts exceeding RON 50,000
f) between RON 100,001 and RON 200,000	RON 2,750 plus 1% for the amounts exceeding RON 100,000
g) between RON 200,001 and RON 700,000	RON 3,750 plus 0.5% for the amounts exceeding RON 200,000
h) more than RON 700,000	RON 6,250 plus 0.3% for the amounts exceeding RON 700,000

B. Whenever the claim matter value is denominated in a foreign currency

Claim matter value (in EUR)	Administrative fee
a) up to €20,000	€800 (minimum administrative fee)

b) between €20,001 and €50,000	€800 plus 5% for the amounts exceeding €20,000
c) between €50,001 and €100,000	€2300 plus 3% for the amounts exceeding €50,000
d) between €100,001 and €500,000	€3,800 plus 1.5% for the amounts exceeding €100,000
e) between €500,001 and €1,000,000	€9,800 plus 0.7% for the amounts exceeding €500,000
f) between €1,000,001 and €2,000,000	€13,300 plus 0.5% for the amounts exceeding €1,000,000
g) over €2.000.000	€18,300 plus 0.3% for the amounts exceeding €2,000,000

Claim matter value (in EUR)	Arbitrator's fee
a) up to €20,000	€400 (minimum fee)
b) between €20,001 and €50,000	€400 plus 5% for the amounts exceeding €20,000
c) between €50,001 and €100,000	€1,900 plus 3% for the amounts exceeding €50,000
d) between €100,001 and €500,000	€3,400 plus 1.5% for the amounts exceeding €100,000
e) between €500,001 and €1,000,000	€9,400 plus 0.7% for the amounts exceeding €500,000
f) between €1,000,001 and €2,000,000	€12,900 plus 0.5% for the amounts exceeding €1,000,000
g) over €2,000,000	€17,900 plus 0.3% for the amounts exceeding €2,000,000