

Arbitration Rules
of the Court of International Commercial Arbitration
of the Chamber of Commerce and Industry of Romania

adopted by
the Board of the Court of International Commercial Arbitration

in force as of January 1st 2018

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ARBITRATION RULES
of the Court of International Commercial Arbitration
of the Chamber of Commerce and Industry of Romania

Chapter I
Preliminary Provisions

Article 1. - *Scope of the Arbitration Rules*

These Rules set forth the principles and regulations for the resolution of domestic and international disputes subject to institutionalized arbitration organized by the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania, hereinafter referred to as the “Court of Arbitration”.

Article 2. - *Definitions*

In these Rules, the terms and expressions below shall have the following meaning:

1. *arbitral assistant* – the specialized person within the Secretariat of the Court of Arbitration fulfilling roles related to the administration of the proceedings before the constitution of the arbitral tribunal, of recording the arguments of the parties, as well as any other roles provided by these Rules or by the Regulation for the Organization and Operation of the Secretariat of the Court of Arbitration;
2. *hearing* – any arbitration session which shall constitute the frame for the oral phase of the arbitration;
3. *request for arbitration* – a request to resolve a dispute by arbitration;
4. *counterclaim* – the request for arbitration filed by a respondent within an existing arbitration;
5. *Board of the Court* – the collective body managing the Court of Arbitration;

6. *arbitration agreement* – an arbitration clause or a submission agreement concluded by any individuals or legal persons of private or public law; the model for the arbitration agreement is included in annex I to these Rules;
7. *procedural order* – any preliminary or interlocutory decision rendered during the arbitration, which shall not decide in full the merits of the case or terminate the role of the arbitral tribunal;
8. *arbitration dispute* – any domestic dispute (i.e. without foreign element) or international dispute (i.e. with foreign element), arising from a contractual or extra-contractual relation, subject to resolution by arbitration;
9. *memorandum* – the procedural document whereby a party presents its claims or defenses, prepared upon a request of the arbitral tribunal or upon a request of a party and with the approval of the arbitral tribunal;
10. *party* – any claimant, respondent, intervening party or additional party, participants in the arbitration;
11. *President of the Court* – president of the Court of Arbitration;
12. *answer* – the document whereby the respondent, intervening party or additional party is answering to the request for arbitration;
13. *Rules* – these Arbitration Rules of the Court of Arbitration;
14. *Secretariat of the Court* – the Secretariat of the Court of Arbitration;
15. *award* – the final award which resolves in full the merits of the case or terminates the role of the arbitral tribunal;
16. *arbitral tribunal* – the sole arbitrator or, as the case may be, the arbitrators and the chairperson.

Article 3. - *Principles of the Arbitration*

- (1) Throughout the entire proceedings, the Court of Arbitration, the President of the Court, the Board, the Secretariat of the Court, the arbitral tribunal and the parties shall act in good faith, in an effective and expedited manner, with the observance of the equal treatment, of the right of defense and of the adversarial principle.
- (2) During the arbitration, each party has the right to the fair adjudication of its case, within an optimal and predictable time limit, by an independent and impartial

arbitral tribunal.

- (3) The parties have the right of access to all the documents in the case file, subject to the observance of the principle of confidentiality of the arbitration.
- (4) In case of discrepancy between the arbitration agreement and these Rules, referred to in the arbitration agreement, the arbitration agreement shall prevail, unless these Rules expressly provide otherwise.

Article 4. - *Confidentiality of the Arbitration*

- (1) Unless the parties agree otherwise, the Court of Arbitration, the President of the Court, the Board of the Court, the Secretariat of the Court, the arbitral tribunal, the arbitral assistants and any person involved in the organization of the arbitration shall maintain the confidentiality of the entire arbitration.
- (2) Awards and procedural orders may be published in full only subject to the approval of the parties. However, they may be published partially or in summary or analysed from the perspective of the legal issues raised, in magazines, scholarly works or arbitration case-law digests, without nominating the parties or providing other information potentially harmful to the interests of the parties.
- (3) After the communication of the award and on a case-by-case basis, the President of the Court may authorize the consultation of the case files for purposes of scientific research, subject to the observance of the confidentiality obligation.

Article 5. - *Notifications and communications*

- (1) Any notification or other communication from the Secretariat of the Court, the President of the Court, the Board of the Court, the arbitral tribunal or between the parties shall be delivered to the last known address of the addressee or the address provided by the latter, as the case may be.
- (2) The delivery shall be made by registered mail with acknowledgment of receipt and with declared content, by courier, electronic mail, telefax or any other means of communication that allow for proof of communication and of the contents. In case of telephone communications, the arbitral assistant shall draft a telephone record specifying the time and date of the communication, the identity of the person with whom the discussion took place and providing a summary of discussion.
- (3) Any notification or other communication sent in accordance with the provisions of para. (2) shall be deemed to have been acknowledged by the addressee on the date on which it would have been normally received given the means of

communication used.

- (4) The communication shall also be deemed as duly served in cases where the addressee refused receipt thereof or, despite evidence that the party was duly notified, failed to collect the relevant communication from the post office.
- (5) Any written document may be also be delivered by hand to the party or its representative, under signature certified by the arbitral assistant or an agent of the Secretariat of the Court, with the specification of the hand-over date.
- (6) The communication evidence and the telephone records shall be attached to the case file.

Article 6. - *Time Limits*

- (1) The arbitral tribunal or, until it is constituted, the President of the Court, may extend, for substantiated reasons, pursuant to a request filed by any of the parties or by its own motion, any time limit established for the performance by a party of its obligations.
- (2) A party who was present or represented at a hearing shall not receive subsequent notice of proceedings throughout the arbitration, being held to be aware of the ensuing hearing dates, unless these Rules or the arbitral tribunal require otherwise.
- (3) Hearing dates acknowledged personally by the parties or for which notice had been given cannot be changed by the arbitral tribunal except for substantiated reasons. The parties may express their written agreement for changing the hearing date without being given notice for the new date. If the case, the parties shall immediately be noticed for the new hearing date.

Article 7. - *Territorial Application of the Rules*

- (1) These Rules shall apply whenever, pursuant to the arbitration agreement, the parties refer to, in any manner, to the arbitration body of the Chamber of Commerce and Industry of Romania or to the Arbitration Rules of the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania.
- (2) Where the parties chose to apply other arbitration rules than those of the Court of Arbitration, such application shall be permitted only where the said rules do not explicitly prohibit their application. If the rules indicated by the parties expressly prohibit their application by another arbitration body, the present Rules shall apply.

- (3) The arbitral tribunal has the sole authority to establish whether and if other rules of arbitration, different from those of the Court of Arbitration, are compatible and applicable, taking into consideration the circumstances of the dispute and the provisions of the arbitration rules indicated by the parties. The jurisdiction of the Court of Arbitration and the constitution of the arbitral tribunal shall continue to remain subject to the present Rules.

Article 8. - *Application of the Rules in Time*

Unless the parties agreed otherwise, the arbitration shall be organized and carried out in accordance with the arbitration rules in force at the date of commencement of the arbitration.

Article 9. - *Interpretation of the Rules*

- (1) The authentic interpretation of these Rules shall be made only by the Court of Arbitration.
- (2) The interpretation of these Rules by the arbitral tribunal shall be made only for the purpose of applying them in the relevant dispute.

Chapter II

Commencement of Proceedings

Article 10. - *Request for Arbitration*

- (1) The request for arbitration filed with the Court of Arbitration must include the following:
- a) the name in full, domicile or, as the case may be, residence of the parties, or, for legal persons, their registered name and registered office. In addition, it must include the personal identification number or, as the case may be, the sole registration number or fiscal identification code, the entry number used in the trade registry or used for registration in the registry of legal persons and the claimant's and respondent's bank accounts, if they are known by claimant, the e-mail address, telephone number, fax number or other similar information and, if necessary, the domicile or address designated for the service of process;
 - b) the name and capacity of the person who represents the party in the arbitration dispute, and, in case of representation by a lawyer, the name, telephone and fax numbers of the lawyer, their e-mail address and professional address. Evidence of the power of representation shall be attached to the request;
 - c) a summary presentation of the dispute, which shall state the relief sought and the monetary value of the claims, indicating the factual and legal reasons, with references to the means of evidence that the claimant intends to use;
 - d) a description of the arbitration agreement accompanied by a copy of the contract in which it is included or the instrument from which it derives;
 - e) claimant's proposal concerning the number of arbitrators and the seat of arbitration;
 - f) claimant's option with respect to whether the Expedited Arbitration Procedure provided by Annex V applies or not;

- g) the name of the appointed arbitrator, and, where the person in question is not included in the list of arbitrators of the Court, the address, telephone number, fax number and e-mail address of the appointed arbitrator;
 - h) the signature of the claimant or of its representative, where applicable.
- (2) The request for arbitration and the annexes shall be filed in the language of the arbitration, in electronic and paper format, one copy submitted for each of the respondents and one additional copy for the case file. Where there is no agreement between the parties with respect to the language of the arbitration, the provisions of Article 29 shall apply.
 - (3) The request for arbitration shall also include any requests for joinder of a third party or request to consolidate pursuant to Article 16 and Article 17. Where such a request is filed, the request for arbitration shall include the information set forth in para. (1) d) above concerning the arbitration agreement concluded with these persons.
 - (4) The provisions of this article shall apply accordingly to the counterclaim filed by the respondent or by one of the respondents.

Article 11. - *Registration of the Request*

- (1) The request for arbitration, accompanied by proof of payment of the registration fee, in the amount set forth in the Schedules of Arbitral Fees and Expenses in force on the date when the request for arbitration is filed, shall be registered with the Secretariat of the Court.
- (2) Where the registration fee is not paid by the date of submission of the request for arbitration, the Secretariat of the Court shall grant the claimant a 5-day time limit, to be calculated from the date of communication, to pay the fee.
- (3) If the registration fee is not paid within the time limit, the request for arbitration shall be returned pursuant to an order of the President of the Court.

Article 12. - *Arbitration Fee*

- (1) The claimant shall pay the arbitration fee, to be calculated in accordance with the Schedules of Arbitral Fees and Expenses in force on the date when the request for arbitration is filed, within a 10-day time limit running from the date of communication of the notice by the Secretariat of the Court.
- (2) Upon the claimant's request and subject to the circumstances of the case, the time limit set forth in para. (1) may be extended pursuant to a reasoned decision of the President of the Court.

- (3) If the proof of payment of the arbitration fee is not submitted within the time limit and subject to the conditions communicated by the Secretariat of the Court, the request for arbitration shall be returned to the claimant.

Article 13. - *Date of Commencement of the Proceedings*

- (1) The arbitration shall be deemed commenced on the date when the request for arbitration is received at the Secretariat of the Court, subject to the payment of the registration fee and of the arbitration fee, under the conditions communicated by the Secretariat of the Court.
- (2) If the request for arbitration is delivered by mail, expedited courier service or other communication service, the date of commencement of arbitration shall be the date specified by the post office or by the courier, or the date indicated in the printed copy of the confirmation that the request was sent, certified by the person charged with the delivery. The envelope bearing proof of delivery shall be attached to the case file.

Article 14. - *Answer*

- (1) If the arbitration fee was paid under the conditions communicated by the Secretariat of the Court, the latter shall deliver to the respondent a copy of the request for arbitration and of its annexes. The respondent may file an answer within 30 days from the date of communication of the request for arbitration. The answer shall include the following:
 - a) a summary response to claimant's request, indicating the factual and legal reasons on which respondent's defense is based, with references to the means of evidence it intends to use;
 - b) any objections with respect to the existence, validity and application of the arbitration agreement;
 - c) respondent's answer to claimant's proposal concerning the number of arbitrators and the seat of arbitration;
 - d) respondent's option with respect to whether the Expedited Arbitration Procedure provided by Annex V applies or not;

- e) the name of the appointed arbitrator and, if appropriate, the address, fax number and e-mail address of the appointed arbitrator or, if applicable, the answer to claimant's proposal regarding the appointment of a sole arbitrator, as well as the name of that arbitrator;
 - f) the name and capacity of the person representing the party in the arbitration dispute, and, in case of representation by a lawyer, the name, telephone and fax numbers of the lawyer and professional address. Evidence of the power of representation shall be attached to the answer;
 - g) the signature of the party or its representative, where applicable.
- (2) The answer and its annexes shall be delivered, in the language of the arbitration, in hard copy, in a number of copies equal to the number of claimants, plus one for the case file, as well as in electronic format.
 - (3) The absence of an answer from respondent shall not be deemed to represent a recognition of claimant's claims and shall not prevent the continuation of the arbitration.
 - (4) Any counterclaims by the respondent shall be filed together with the answer and shall include the items indicated in Article 10 (1) c) and d).
 - (5) The answer shall also include any request to join additional parties to the case or a request to consolidate filed in accordance with Article 16 and 17. If respondent files such request, its answer to the request shall include the information required in Article 10 (1) d) above, and Article 10 (2) shall apply accordingly.
 - (6) The Secretariat of the Court shall deliver a copy of the answer to the claimant, for information purposes or to enable it to file an answer to the counterclaim, if applicable, within 20 days from communication.
 - (7) The provisions of this article shall apply accordingly to the answer to the counterclaim to be filed by the original claimant or to the answer to be filed by the party joined to the case at respondent's request.

Article 15. - *Request for Additional Information*

- (1) If the request for arbitration or the counterclaim fail to include all the information and requirements provided in Article 10, the President of the Court, acting through the Secretariat of the Court, shall immediately ask the relevant party to provide the missing information or satisfy the relevant requirements, within a time limit that shall not exceed 10 days from the communication of the notice.
- (2) If any of the parties fails to comply with the request for providing additional

details, in the absence of which the arbitration cannot continue, the President of the Court may order the return of the request for arbitration or of the counterclaim, as the case may be.

- (3) If the parties do not comply in any other way with the request for providing additional details, this shall not prevent the continuation of the arbitration.
- (4) If a party fails to appoint the arbitrator, the provisions of Article 19 shall apply.

Article 16. - *Participation of Third Parties*

- (1) The request for arbitration filed against other persons who may claim the same right as the claimant or the request by which an intervening party claims for itself the same right which is subject to the dispute is admissible only with the approval of the arbitral tribunal, or if this was not constituted, with the approval of the Board of the Court.
- (2) In all cases, the arbitral tribunal or, in its absence, the Board of the Court, shall also take into account, *inter alia*, the fulfilment of the following conditions:
 - a) all parties, including the intervening party or the additional party, agreed, even before the arbitral tribunal, that the disputes between them should be subject to the arbitration conducted in accordance with these Rules and also agreed on the method of choosing the arbitral tribunal;
 - b) the main voluntary intervention or the request for joinder have been filed at the latest at the first hearing date;
 - c) the party filing the request for intervention or the request for joinder paid the arbitration fee in the amount established by the Schedules of Arbitral Fees and Expenses, as well as the potential additional costs.
- (3) The provisions of para. (1) și (2) shall apply accordingly to requests for joinders filed against additional parties against whom the claimant or the respondent may file separate claims, which are conditional upon the claimant or respondent receiving an adverse award.
- (4) The accessory voluntary intervention shall be admissible at all times and until the closing of the proceedings if the intervening party proves the existence of an arbitration agreement concluded with all parties in the case, or, in absence of such agreement, if all parties agree. The accessory intervening party shall not be entitled to nominate an arbitrator.
- (5) The main voluntary intervention and the request for joinder of additional parties that was filed after the first hearing date shall be resolved separately by a different

arbitral tribunal, unless all parties and the intervening parties or the additional parties agree and the arbitral tribunal finds that the joint resolution of these claims is more appropriate.

- (6) The provisions of this article shall also apply where the parties or third parties assert claims under multiple arbitration agreements.
- (7) The provisions of Article 15 (1) and (3) shall apply accordingly.

Article 17. - Consolidation of Proceedings

- (1) Either party may apply, within the request for arbitration or the answer, for the consolidation of the new arbitration with an already pending arbitration. In this case, the first arbitral tribunal may accept the consolidation request, if:
 - 1. all parties agree to the consolidation; or
 - 2. all claims are made under the same arbitration agreement; or
 - 3. where the claims are made under more than one arbitration agreement, the relief sought arises out of the same transaction or series of transactions and the arbitral tribunal considers the arbitration agreements to be compatible.
- (2) In deciding whether to consolidate, the arbitral tribunal shall consult with the parties and may have regard to, *inter alia*, the stage of the pending arbitration, whether the arbitrations raise common legal or factual issues, as well as the efficiency and expeditiousness of the proceedings.
- (3) Where there is a decision to consolidate, any arbitrator already appointed in the new arbitration shall be automatically released from his mission.
- (4) If the consolidation request is dismissed, the arbitral tribunal in the new case shall be appointed in accordance with Article 19.
- (5) Where the request to consolidate is not be filed in accordance with para. (1), within the request for arbitration or the answer, it may be filed only with the parties's agreement. In this situation, the case shall be submitted to the first arbitral tribunal already constituted, unless all parties agree to request the constitution of a new arbitral tribunal.

Chapter III Constitution of the Arbitral Tribunal

Article 18. - *Number of Arbitrators*

- (1) The Parties may agree on the number of arbitrators, which must be always an odd number, either a sole arbitrator or three arbitrators.
- (2) Where the parties have not agreed on the number of arbitrators, the arbitral tribunal shall consist of three arbitrators.
- (3) By exception from the provisions of para.(2), unless otherwise agreed by the parties, in the cases provided in Annex II and Annex V, the arbitral tribunal shall consist of a sole arbitrator.

Article 19. - *Nomination and Appointment of Arbitrators*

- (1) Where the parties have not agreed on the procedure for the nomination of the arbitrators or if the arbitral tribunal has not been nominated within the time period agreed by the parties or, where the parties have not agreed on a time period, within the time period set by the President of the Court, the nomination or the appointment of the arbitrators, as the case may be, shall be made pursuant to the following provisions.
- (2) Where the arbitral tribunal is to consist of a sole arbitrator, the parties shall be given 30 days to jointly nominate the arbitrator. If the parties fail to nominate the arbitrator within this time, the President of the Court shall make the appointment within 5 days.
- (3) Where the arbitral tribunal is to consist of three arbitrators, the claimant and the respondent shall each nominate an arbitrator, as per Article 10 (1) g) and Article 14 (1) e), and the third – the chairperson – shall be elected by these two arbitrators. Where a party fails to nominate the arbitrator within the time period indicated in Article 15 (1), the President of the Court shall make the appointment within 5 days. Where the nominated arbitrators do not agree within 5 days on the person who shall act as chairperson, the President of the Court, shall make the appointment within the same time limit.
- (4) Where there are multiple claimants or, as the case may be, respondents and the arbitral tribunal is to consist of three arbitrators, the claimants, jointly, or, as the case may be, the respondents, jointly, shall nominate an arbitrator each. If either side fails to make such nomination within the time limit indicated in para. (2), the Board of the Court shall appoint all the arbitrators.
- (5) When appointing arbitrators pursuant to the provisions of this article, the President of the Court or the Board of the Court, as the case may be, shall consider the nature and circumstances of the dispute, the substantial applicable law, the

seat and language of the arbitration, as well as the nationality of the parties.

- (6) The filing of an ancillary claim or incidental request shall not result in the modification of the composition of an already constituted arbitral tribunal.

Article 20. - *Date of Constitution of the Arbitral Tribunal*

- (1) The arbitral tribunal shall be constituted on the date when the chairperson or, as the case may be, the sole arbitrator accepts their election or appointment.
- (2) From the date of its constitution, the arbitral tribunal shall be vested with the authority to adjudicate the request for arbitration and the other requests regarding the arbitration procedure, except for the requests that, according to the law and these Rules, fall under the exclusive jurisdiction of other jurisdictional bodies.

Article 21. - *Impartiality and Independence of the Arbitrators*

- (1) Every arbitrator must be impartial and independent.
- (2) Within 5 days from the date when the appointment proposal was communicated to them, the arbitrator shall fill in and sign the statement of acceptance, independence, impartiality and availability, where they shall indicate any circumstances that may give rise to justifiable doubts with respect to their impartiality or independence. The statement shall be given based on the form provided in Annex III to these Rules and shall be submitted or transmitted, as the case may be, in electronic format, as well, to the Secretariat of the Court.
- (3) The failure to fill in and sign the statement of acceptance, independence, impartiality and availability within the time limit provided in para. (2) shall be deemed a refusal to fulfill the mission of arbitrator.
- (4) The Secretariat of the Court shall transmit to the parties and the other arbitrators a copy of the statement and shall keep the original in the case file.
- (5) An arbitrator shall immediately inform the parties and the other arbitrators in writing if any circumstances that may give rise to justifiable doubts as to the arbitrator's impartiality or independence arise during the course of the arbitration.

Article 22. - *Incompatibility Cases*

- (1) Arbitrators shall be incompatible in the following cases:
 - 1. they are in one of the incompatibility situations provided by the Code of Civil Procedure with respect to judges;

2. they fail to meet the qualification conditions or other conditions regarding the arbitrators, as provided in the arbitration agreement;
 3. they are partners, have a cooperation relationship with or are members of the management bodies of an entity without legal personality or of a legal person that has an interest in the case or is controlled by one of the parties or is under joint control together with this party;
 4. the arbitrator has employment or work relations with one of the parties, with a legal person controlled by one of the parties or is under joint control together with this party;
 5. the arbitrator provided advisory services to one of the parties, assisted or represented one of the parties or testified in the preliminary stages of the dispute.
- (2) The arbitrator who is also a lawyer, registered in the list of eligible lawyers, may not be part of an arbitral tribunal vested with the authority to adjudicate an arbitration dispute with respect to which they performed or shall perform legal assistance activities.
- (3) The person listed in the list of arbitrators of the Court of Arbitration may not perform legal representation activities in arbitration disputes that are adjudicated on the basis of these Rules.

Article 23. - *Challenge of Arbitrators*

- (1) The parties may challenge any arbitrator, if circumstances exist that give rise to justifiable doubts with respect to the arbitrator's impartiality or independence or if the arbitrator does not possess the qualifications agreed by the parties. The situations listed in Article 22 (1) shall be deemed to represent such circumstances.
- (2) A party may challenge the arbitrator it has nominated only for reasons it becomes aware of or which occurred after the nomination.
- (3) The challenge request shall be filed and reasoned in writing and be submitted to the Secretariat of the Court, under the sanction of loss of right to request the challenge, within 10 days from the date of constitution of the arbitral tribunal. Where the incompatibility reasons occurred or became known to the party only after the constitution of the arbitral tribunal, the challenge of the arbitrator shall be requested within 10 days from the date when the party became aware of the circumstances giving rise to the challenge.
- (4) The Secretariat of the Court shall give notice of the challenge to the parties and

the arbitrators, who shall have the opportunity to submit their comments on the challenge within 10 days from its communication.

- (5) If all parties agree with the challenge, the arbitrator's mission shall terminate.
- (6) The challenge of any member of an arbitral tribunal consisting of multiple arbitrators shall be adjudicated, in the absence of parties, by an arbitral tribunal constituted by three members appointed by the President of the Court.
- (7) If the challenge concerns the sole arbitrator, it shall be resolved, in the absence of the parties, by an arbitral tribunal constituted from the President of the Court or an arbitrator appointed by it.
- (8) The person with respect to whom a challenge was filed may resign. In this case, the provisions of Article 24 shall apply.

Article 24. - *Termination of the Mission of Arbitrator*

- (1) The mission of arbitrator shall terminate by: resignation, challenge, physical or moral incapacity, revocation or death.
- (2) The Board of the Court shall take note of the termination of the mission of arbitrator in any of the following cases:
 - 1. the arbitrator resigns, in the conditions provided by Article 23 (8); any resignation shall be reasoned and may only refer to the entire case, and not only to certain procedural acts or stages of the arbitration;
 - 2. a challenge with respect to such arbitrator is granted in accordance with Article 23;
 - 3. the arbitrator is in a physical or moral incapacity to fulfil their mission continuing for a long time, due to reasons occurred or of which they became aware after accepting the mission of arbitrator;
 - 4. death of an arbitrator occurring during the arbitration.
- (3) The Board of the Court, upon request by a party or upon proposal by an arbitrator, takes note of the termination of the arbitrator's mission in the cases provided in para.(2) or orders the revocation, when an arbitrator fails to perform their obligations.
- (4) The parties and the arbitrators shall be given the opportunity to comment in writing before the revocation of any arbitrator.

Article 25. - *Replacement of Arbitrators*

- (1) If an arbitrator's mission terminates, they shall be replaced and the provisions of Article 19 shall apply accordingly.
- (2) Where the entire arbitral tribunal is replaced, the newly composed arbitral tribunal shall decide whether and to what extent it is necessary to repeat part of the proceedings or the entire proceedings.

Chapter IV

Proceedings before the Arbitral Tribunal

Article 26. - *Conduct of Proceedings. Applicable Procedural Rules*

- (1) Immediately after the constitution of the arbitral tribunal, the Secretariat of the Court shall refer the case file to the tribunal.
- (2) In the absence of an agreement of the parties or if these Rules do not provide otherwise, the arbitral tribunal may conduct the arbitration as it considers appropriate. In all matters not expressly regulated in these Rules, the arbitral tribunal shall act in accordance with the spirit of the Rules. Where the parties, these Rules or the arbitral tribunal have not established any rules or where such rules are insufficient, the provisions of the Civil Procedure Code shall apply accordingly.
- (3) The arbitration shall consist of a written and an oral phase.
- (4) The arbitral tribunal shall conduct the arbitration in an impartial, efficient and expeditious manner, giving each party reasonable opportunity to present its case and argue its defenses.
- (5) After consulting the parties, the arbitral tribunal may also apply one or several of the case management techniques described in Annex IV to these Rules.
- (6) At any stage of proceedings, the arbitral tribunal shall try to reach an amicable settlement subject to the agreement of the parties.
- (7) If a party who has been duly given notice does not appear before the tribunal, the arbitration shall continue, even if none of the parties requested the adjudication of the case *in absentia*.

Article 27. - *Procedural Orders*

- (1) A summary of the arguments of the parties and any decision adopted by the arbitral tribunal within or outside arbitration hearings shall be recorded in a procedural order.
- (2) In addition to the specifications set forth in Article 46 (1) a), b), f) and g), the procedural order shall include, the following:
 - a) the manner in which the parties have been given notice or consulted;

- b) a brief description of the parties' requests and arguments;
 - c) the reasons that substantiate the measures ordered.
- (3) The procedural orders may be issued between hearings, subject to the prior consultation of the parties, including by electronic means of communication, if possible.

Article 28. - *Seat of Arbitration*

- (1) Unless the parties have agreed otherwise, the seat of the arbitration shall be at the offices of the Court.
- (2) The arbitral tribunal, after consulting the parties, shall be able to conduct the arbitration, in full or in part, at any place that it deems appropriate, and the additional costs incurred shall be borne by the parties.
- (3) In all cases, the award shall be deemed to have been made at the seat of the Court.

Article 29. - *Language of the Arbitration*

- (1) Unless the parties have agreed otherwise, the language of the arbitration shall be Romanian.
- (2) Upon request by any of the parties, the arbitral tribunal, considering the relevant circumstances and the position of the parties, may decide that the arbitration shall be conducted in other language than the one provided under para. (1).
- (3) The Secretariat of the Court or the arbitral tribunal may request that any documents, drafted in languages other than the language of the arbitration determined in accordance with para. (1) or (2), be accompanied by a translation into the language of the arbitration.
- (4) Where a party does not have the command of the language of the arbitration, at that party's request and expense, the arbitral tribunal shall ensure the services of an interpreter.
- (5) The parties may participate in the oral arguments accompanied by an interpreter.

Article 30. - *Applicable Substantial Law*

- (1) The arbitral tribunal shall decide the dispute on the basis of the applicable written or non-written legal norms, taking into consideration all the circumstances of the case and, *inter alia*, the general principles of law, the requirements of fairness and good faith.

- (2) If the dispute is international, the arbitral tribunal shall decide the matter pursuant to the laws or other legal norms chosen by the parties, and if the parties did not designate the governing law, on the basis of the laws or other legal norms which it believes to be appropriate. Any choice by the parties of the laws of a certain state shall be deemed as referring to the substantive law of the relevant state and not to its rules on the conflict of laws.
- (3) The arbitral tribunal may render awards *ex æquo et bono* or as *amiable compositeur* only with the express authorization of the parties.

Article 31. - Case Management Conference

- (1) After the referral of the case to the arbitral tribunal, the arbitral tribunal shall order giving notice to the parties for the case management conference, aimed to organize, schedule and establish the applicable procedural rules, including with respect to evidence, and the stages for filing the written submissions, subject to the application of Article 26 (5).
- (2) The date of this conference represents the first arbitration hearing date.
- (3) The case management conference may be conducted in person or any other remote audio or video means of communication.
- (4) The written phase of the arbitration under these Rules contains, in principle, two stages for filing the written submissions and of any other requests filed or communicated by the parties:
 - a) the stage of filing the request for arbitration and the answer to the request for arbitration;
 - b) the stage of filing additional memoranda in support of the request for arbitration and the answer to the request for arbitration.
- (5) Subject to the agreement of the parties, the arbitral tribunal may dispense with filing additional memoranda whenever the parties filed requests and answers which provide sufficiently relevant details on the particularities of the case.
- (6) Prior to or at the latest during the conference, the parties have the obligation to inform the arbitral tribunal whether:
 - a) they object to the manner in which the arbitration is organized or intend to waive the opportunity to file memoranda;
 - b) they wish the case to be adjudicated *ex æquo et bono*;

- c) they raise any objections and defenses that, in full or in part, render unnecessary the submission of evidence or the assessment of the merits of the case;
 - d) they have any requests for joinder as per Article 16;
 - e) they choose the appointment of an independent expert or intend to file expert reports prepared by party-appointed experts.
- (7) The arbitral tribunal shall verify its jurisdiction to decide the dispute.
 - (8) At the end of the case management conference or immediately thereafter, the arbitral tribunal shall have the power to establish, by a procedural order, a provisional procedural timetable for the arbitration, including, *inter alia*, the time-limits for the submission of memoranda, if applicable, and the approximate date set for oral arguments and for the issuance of the award.
 - (9) The arbitral tribunal may hold other case management conferences, upon parties' request or by its own motion, as it may deem necessary for the efficient conduct of arbitration. Each conference shall be considered an arbitration hearing.

Article 32. - *Submission of Memoranda by the Parties*

- (1) Within the deadline set by the arbitral tribunal, the claimant shall submit, if necessary, a memorandum that shall include, except for the case where these items have been presented in prior submissions:
 - a) the exact value of the claims and the exact description of the relief sought;
 - b) the detailed presentation of the factual and legal grounds on which the claimant relies for its request for arbitration; and
 - c) any evidence on which claimant relies for its claims, in accordance with Article 34;
- (2) Within the deadline set by the arbitral tribunal, the respondent shall also submit a memorandum that shall include, except for the case where such information has been presented in prior submissions:
 - a) a detailed presentation of any objections related to the existence, validity or enforceability of the arbitration agreement, unless such matters had already been decided earlier in the proceedings;

- b) a declaration indicating whether respondent accepts or rejects claimant's claims, in full or in part;
 - c) a detailed presentation of the factual and legal grounds on which it relies for its defenses and
 - d) any evidence on which it relies for its defenses.
- (3) The arbitral tribunal may order the parties to submit supplementary memoranda.
 - (4) The provisions of this article shall apply accordingly to the memoranda presented by the intervening party, the additional party or the respondent in the counterclaim.

Article 33. - *Amendments*

After the first arbitration hearing, no party shall amend its existing claims or make new claims, objections or requests, unless it has been authorized to do so by the arbitral tribunal, which shall consider the nature of such new claims, objections or requests, the stage of the arbitration, the harm caused to the other party by delaying the proceedings, as well as other relevant circumstances.

Article 34. - *Evidence*

- (1) The arbitral tribunal shall decide on the admissibility, relevance, weight and materiality of the evidence.
- (2) The parties shall specify the evidence they wish to introduce in the case and indicate, as the case may be, its relevance and the facts and acts they intend to prove.
- (3) Documents must be filed by the parties in certified copy, but the arbitral tribunal may request the original at any time.
- (4) The arbitral tribunal may order the parties to identify the written evidence they intend to submit in support of their claims and specify the circumstances they intend to prove by the relevant evidence.
- (5) Upon any of the parties' request, or, exceptionally, by its own motion, the arbitral tribunal may require the parties to produce any documents or other evidence that may be relevant in the case and material for its decisions.
- (6) In case of witness testimony, the parties shall indicate the name and domicile of the witnesses. Where they apply for the preparation of an expert report, the parties shall indicate the objectives of the expertise and the name of the proposed

counsellor-expert and, where they apply for a written cross-interrogation and if the other party is a legal person, they shall also provide the questions to be asked to the other party.

- (7) The arbitral tribunal, following the parties' agreement, may apply the Rules on the Taking of Evidence in International Arbitration adopted by the International Bar Association.

Article 35. - *Hearings*

- (1) Hearings shall be organized if requested by a party or if the arbitral tribunal finds it appropriate.
- (2) The arbitral tribunal, after consultation with the parties, shall determine the date, time and, as the case may be, location of the hearings and shall provide the parties with reasonable notice thereof.
- (3) Unless otherwise agreed by the parties, only the parties or their representatives shall attend the hearings.

Article 36. - *Witnesses and Experts*

- (1) Witness statements may be submitted as notarized instruments or with a legalization of the signature of the witness or confirmation of its identity by a lawyer.
- (2) The witnesses proposed by the parties or the party-appointed experts will appear to provide testimony before the arbitral tribunal or the parties, unless the arbitral tribunal, after consulting the parties, decides otherwise.

Article 37. - *Experts Appointed by the Arbitral Tribunal*

- (1) After consulting the parties, the arbitral tribunal may appoint one or several experts who shall submit their reports in the case file, accompanied by proof of communication to the parties.
- (2) The arbitral tribunal shall decide, after consulting the parties and, as the case may be, the appointed expert, the fees, expenses and method of payment, always taking into consideration the complexity of the expertise. If the expert appointed by the arbitral tribunal fails to fulfil or fulfils its obligations with an unjustifiable delay, the arbitral tribunal may order a corresponding decrease in the fee, or, as the case may be, may dismiss any request to increase the provisional expert fee.
- (3) The arbitral tribunal may invite the expert to provide a provisional calendar for its actions.

- (4) Upon request by any party, the arbitral tribunal may grant them the right to appoint a counsellor expert to participate in the expertise.
- (5) The parties shall have the opportunity to submit comments or objections with respect to the expert report.
- (6) Upon request by one of the parties, the arbitral tribunal may grant the parties the possibility to examine, in a hearing, any expert appointed by the arbitral tribunal.
- (7) The arbitral tribunal may, whenever it finds that the field in which the expertise is to be carried out is a specialized one, and its complexity mandates it, after consultation with the parties, resort to other specialists who have an unblemished professional reputation, outside the lists of experts. The provisions of para. (1)-(6) shall apply accordingly.

Article 38. - *Cases of Default in Complying with Obligations*

If a party, without good cause, fails to comply with any provision of, or requirement under these Rules or any order of the arbitral tribunal, the tribunal may order the suspension of the arbitral proceedings or adopt any other appropriate measures, according to the circumstances.

Article 39. - *Loss of Rights*

- (1) Any objections with respect to the breach of these Rules or other rules applicable to the arbitration shall be raised, subject to the sanction of loss of the right, within 10 days from the date on which the relevant party became aware of the ground for the objection or, as the case may be, the date on which the party has been duly given notice of a hearing.
- (2) No one may invoke a procedural irregularity caused by its own action.

Article 40. - *Interim and Conservatory Measures*

- (1) The arbitral tribunal may, at the request of a party and by means of a procedural order rendered under an expedited regime, grant any interim or conservatory measures that it deems appropriate.
- (2) The arbitral tribunal may order the party requesting an interim or conservatory measure to provide the necessary security in connection with the measure requested.
- (3) Requests for interim or conservatory measures filed before the initiation of the arbitration or before the case file was referred to the arbitral tribunal shall be decided by an emergency arbitrator, in accordance with the procedure set forth in

Annex II.

- (4) A request for interim or conservatory measures made by a party to a judicial authority is not incompatible with the arbitration agreement or with these Rules.

Article 41. - *Closing of Proceedings and Deliberations*

- (1) The arbitral tribunal shall close the proceedings when it is satisfied that the circumstances of the case are sufficiently clarified and the parties enjoyed in a reasonable manner the opportunity to present their case and arguments.
- (2) In exceptional circumstances and always on the basis of substantiated reasons, the arbitral tribunal may reopen the case.

Article 42. - *Abandonment of Arbitration*

- (1) The request for arbitration shall be deemed abandoned if, by fault of the relevant party, there is no progress in the proceedings for a period of six months.
- (2) The abandonment shall be acknowledged by the own motion of the tribunal or upon request from an interested party. In both cases, the chairperson, or, as the case maybe, the sole arbitrator, shall set a hearing date, order the giving of urgent notice to the parties and instruct the Secretariat of the Court to prepare a report with respect to the procedural acts concerning the abandonment.

Article 43. - *Term of the Arbitration. Time Limit for the Award*

- (1) Unless the parties have agreed otherwise, the award shall be made no later than six months from the date on which the arbitral tribunal has been constituted.
- (2) The term shall be suspended throughout the duration of the following events:
 - 1. settlement of a request for challenge of an arbitrator;
 - 2. settlement of a plea of unconstitutionality;
 - 3. settlement of an incidental request addressed to a court of law;
 - 4. the stay of the proceedings pursuant to a legal provision;
 - 5. the preparation of an expert report ordered by the arbitral tribunal.
- (3) The parties may agree at any time during the arbitration to extend the term of the arbitration, by either written or oral statement, made before the arbitral tribunal and recorded in a procedural order.

- (4) The arbitral tribunal may order, by way of a procedural order, the extension of the term of the arbitration, if it finds that a party obstructs the conduct of the arbitration or for other justified reasons.
- (5) The term shall be automatically extended by three months where the legal personality of a party ceases to exist or in case of the death of one of the parties.
- (6) Where at least a party has declared in writing to the arbitral tribunal, until the first hearing, that it intends to avail itself of the lapse of the term of arbitration, the arbitral tribunal, upon the expiry of the time limit set forth in the aforementioned paragraphs, shall render an award whereby it shall declare that the arbitration has lapsed, except for the case where the parties issue an explicit waiver of the time limit requirement.
- (7) The party who delayed the proceedings through its conduct may not avail itself of the lapse of the time limit for award, even if it raised the objection as set forth in para. (6). In this case, the arbitral tribunal shall record in the award the causes for which it dismissed the objection.

Article 44. - Awards. *The Order of the President of the Court*

- (1) The arbitration shall be finalized through the rendering of an award.
- (2) Where the respondent accepts part of the claims of the claimant, the arbitral tribunal, upon claimant's request, may issue a partial award within the limits of the accepted claims.
- (3) Where the claimant withdraws its request for arbitration or waives its claimed right after the constitution of the arbitral tribunal, the tribunal shall issue an award to close the proceedings or dismiss the request for arbitration on the merits, as the case may be.
- (4) If the parties enter into a settlement before the award is rendered, the arbitral tribunal shall make, upon request from the parties, an award that shall reiterate, in its operative part, the settlement between the parties.
- (5) If the arbitration is closed due to any other reason after the constitution of the arbitral tribunal but before the case is decided on the merits, the arbitral tribunal shall render an award which shall specify the reason why the proceedings have been closed.
- (6) Where the claimant withdraws its request for arbitration or waives its claimed right before the arbitral tribunal is constituted, the arbitration shall be closed pursuant to an order of the President of the Court, to be issued on the basis of a report prepared by the chief arbitral assistant.

Article 45. - *Making of the Award*

- (1) The deliberations shall take place in a private session with the participation of all arbitrators. If one of the arbitrators refuses without grounds to take part in the deliberations, they shall take place with the participation of the majority of the arbitrators. The deliberations may also take place by remote means of communication that preserve the secrecy of deliberations.
- (2) The award shall be made in writing within a term of maximum one month from the date of closing of the proceedings or, as the case may be, from the date of the filing of the post-hearing submissions or, as the case may be, within the time limit agreed upon with the parties.
- (3) The President of the Court may extend the time limit for making and drafting the award on the basis of a reasoned request from the arbitral tribunal.
- (4) Where the arbitral tribunal is composed of three arbitrators, any award shall be made with the majority vote of the arbitrators. If more than two opinions result during the deliberations, the arbitrators having the more similar views shall have the duty to join their opinions. Where no majority is formed, the award shall be made only by the chairperson.
- (5) The arbitrator who had a different opinion shall draft, indicate its grounds and sign the dissenting opinion. The same rule shall apply in the case of a concurring opinion.
- (6) The dissenting opinion or concurring opinion shall be drafted within the time limit set forth in para. (2) and shall be attached to the award.

Article 46. - *Content of the Award*

- (1) The award shall be drafted in writing and shall include:
 - a) the names of the arbitrators, the name of the arbitral assistant, the place and date of making of the award;
 - b) the name of the parties, their domicile or residence, or the name and headquarters, as the case may be, as well as the name of the parties' representatives and of the other persons who participated in arbitration;
 - c) an indication of the arbitration agreement based on which the arbitration was initiated;
 - d) the subject matter of the dispute and a brief presentation of the arguments of the parties;

- e) the factual and legal grounds for the award, or, in case the arbitration was decided *ex æquo et bono*, the grounds considered by the tribunal;
 - f) the operative part;
 - g) the signatures of all arbitrators, subject to the provisions of para.(2), as well as the signature of the arbitral assistant.
- (2) If one of the arbitrators fails to sign the award, the award shall include an indication of the reason for such failure, which shall be confirmed under the signature of the chairperson, or, in the case of the chairperson, under the signature of the President of the Court.
 - (3) If the arbitral assistant cannot sign the award, it shall be signed by the chief arbitral assistant or their substitute, with the specification of the reason that prevented the arbitral assistant from signing the award.

Article 47. - *Effects of Award*

- (1) The award is final and binding. It shall be complied with voluntarily by the party against which it was issued, immediately or within the time limit indicated in the award.
- (2) The arbitral assistant must communicate the award to the parties within 3 days from the date it is signed by the arbitrators.
- (3) The award communicated to the parties has the effects of a final court decision.
- (4) The award is a writ of execution and shall be enforceable according to the provisions of the Code of Civil Procedure.
- (5) By agreeing to arbitration under these Rules, the parties undertake to carry out the provisions of the award without delay.
- (6) The award can be set aside only following an action for annulment for the reasons expressly and limitatively provided by the Code of Civil Procedure.

Article 48. - *Correction and Interpretation of the Awards*

- (1) Errors or omissions with respect to the name, capacity and arguments of the parties or calculation errors or omissions, as well as any other clerical errors in the award or in the procedural orders can be corrected by the own motion of the tribunal or following a request by a party, to be filed within 15 days from the date of communication of the award.
- (2) If interpretations are necessary with respect to the meaning, extent and

application of the operative part of the award or if an award includes inconsistent terms, a party may request the arbitral tribunal that made the award, within 15 days from the date of communication of the award, to give an interpretation of the operative part or to remove the inconsistencies.

- (3) If the arbitral tribunal finds that the request to correct the clerical errors or to give an interpretation to the award is justified, it shall make the requested corrections or shall provide the requested interpretation within 30 days from the receipt of the request.
- (4) The arbitral tribunal may rectify any error of the kind referred to in para. (1) above by its own motion within 30 days from the date of making of the award.
- (5) Any correction of a clerical error or interpretation of an award shall be made in the form provided for the award, shall be attached to the award and shall be an integral part thereof. It shall also be attached in the dispute file and in the awards file of the Court of Arbitration and shall be communicated to the parties.
- (6) The provisions of this article shall also apply accordingly for the correction and interpretation of procedural orders.

Article 49. - *Supplementing of Awards*

- (1) If the arbitral tribunal omitted in its award to issue a decision with respect to a main or secondary claim or with respect to a related or associated claim, any party may request the supplementing of the award within 15 days from its communication. The other party shall be given notice of the request.
- (2) The provisions of this article shall also apply when the arbitral tribunal omitted to issue a decision on requests filed by witnesses, experts, translators, interpreters or legal representatives, with respect to their rights.
- (3) The arbitral tribunal shall decide the request urgently, after giving notice and consulting the parties, by means of a separate award.
- (4) The supplementing award shall be drafted in the form provided for the award, shall be attached to the award and shall be an integral part thereof. It shall also be attached in the dispute file and in the awards file of the Court of Arbitration and shall be communicated to the parties.
- (5) The provisions of this article shall apply accordingly also for the supplementing of procedural orders.

Article 50. - *Costs of the Arbitration*

- (1) The costs of the arbitration include the registration fee, the arbitration fee, which

consists of the administrative fee and the fee of the arbitrators, the costs for the administering of evidence, the costs for the translation of documents and of oral arguments, the lawyers fees, the experts and advisors fees, the travel costs for the parties, arbitrators, witnesses, experts and legal counsel and other costs related to the arbitration.

- (2) The registration fee and the arbitration fee remunerate the services provided by the Court of Arbitration in organizing and conducting the arbitration. The registration fee shall not be reimbursed under any circumstances.
- (3) The fees of the arbitrators established in the Schedules of Arbitral Fees and Expenses shall apply for one arbitrator only.
- (4) The arbitration costs shall be established and paid according to the Schedules of Arbitral Fees and Expenses.

Article 51. - *Allocation of the Arbitration Costs*

Unless otherwise established by the parties, the arbitral tribunal, upon request by a party, shall order in the award the payment by one of the parties of any reasonable costs incurred by the other party, including the costs related to representation before the arbitral tribunal, taking into consideration the result of arbitration, the manner in which each party contributed to ensuring the efficiency and expeditiousness of the proceedings and any other relevant circumstances.

Chapter V

Final Provisions

Article 52. - *General Rules*

These Rules are supplemented by the provisions of the Code of Civil Procedure.

Article 53. - *Liability of Arbitrators*

The Court of Arbitration, the arbitrators, the arbitral assistant, the experts appointed by the arbitral tribunal shall not be liable to any of the parties for any action or omission in connection with the arbitration, unless such action or omission is due to their willful misconduct or gross negligence.

Article 54. - *Annexes*

Annexes no. I – V are an integral part of these Rules.

Annex I A

STANDARD ARBITRATION CLAUSE

“Any dispute arising out of or in connection with the present contract, including with respect to its conclusion, nullity, interpretation, performance or termination thereof shall be resolved by final arbitration organized by the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania, in accordance with its Arbitration Rules. The award shall be final, binding and enforceable”.

Recommended additions:

“The arbitral tribunal shall consist of [... to insert the option of the parties for three arbitrators/sole arbitrator and the method for their appointment]”.

“The seat of arbitration shall be [to insert the country/ city...]”.

“The language of arbitration shall be [... to insert the language chosen by the parties]”.

“The dispute shall be governed by the substantive law of [... to insert]”.

Or

“The arbitral tribunal shall decide the dispute *ex æquo et bono* or as *amiable compositeur*”.

Annex I B

STANDARD SUBMISSION AGREEMENT

The undersigned:

1. (name/designation; name of the legal or conventional representatives; domicile/headquarters; number of registration with the Trade Registry; telephone, telex, fax numbers, e-mail address and other identification data, as the case may be), hereinafter referred to as party 1, and

2. (the same details), hereinafter referred to as party 2,

we ascertain that a dispute arose between us in connection with Contract no. dated....., which has the following subject matter:

Party 1 claims that (brief presentation of the claims)

Party 2 claims that (brief presentation of the objections).

The undersigned agree that this dispute shall be settled by arbitration organized by the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania, in accordance with its Arbitration Rules. The award to be made in this dispute shall be final, binding and enforceable.

The Parties may also add, at their discretion, the following information:

1. "The arbitral tribunal shall consist of Mrs./Mr. as sole arbitrator."

Or

"The arbitral tribunal shall consist of a sole arbitrator appointed by the President of the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania".

or

"The arbitral tribunal shall consist of three members: Mrs./Mr. arbitrator appointed by party 1 and Mrs./Mr.: arbitrator appointed by party 2. The two arbitrators shall elect a chairperson, subject to the terms and conditions provided by the Arbitration Rules of the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania." (alternate solution: "The chairperson shall be appointed by the President of the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania".

or

"The arbitral tribunal shall be constituted according to these Arbitration Rules".

2. "The arbitral tribunal shall decide the dispute under the law, with the application of the Romanian law/norms of substantive law of [... to insert]".

Or

"The arbitral tribunal shall decide the dispute in equity (*ex æquo et bono*) or as *amiable*

compositeur".

3. "The seat of arbitration shall be (if different from the seat of the Court of Arbitration)".

4. "The arbitral tribunal shall issue the award within months (if the parties agree to set a period longer or shorter than 6 months, as provided by the Arbitration Rules of the Court of International Commercial Arbitration of the Chamber of Commerce and Industry of Romania)".

Concluded in two originals, at , today,

Signature of party 1,

Signature of party 2,

Annex II

EMERGENCY ARBITRATOR

Art.1 Emergency Arbitrator

- (1) A party may apply for the appointment of an emergency arbitrator for interim or conservatory measures requested as per the provisions of Article 40 (3) of the Rules.
- (2) The powers of the emergency arbitrator terminate on the date when the arbitral tribunal is constituted or as provided under Article 9 (4) 3, 4 and 5 below.

Art.2 Application for the Appointment of an Emergency Arbitrator

An application for the appointment of an emergency arbitrator shall include:

- a) the information required under Article 10 (1) a), b) and d) of the Rules;
- b) a summary of the dispute;
- c) a statement of the requested interim or conservatory measure and the reasons that justify the urgency of the measure;
- d) its comments or the presentation of the agreements existing between the parties with respect to the place for conducting the emergency proceedings, the applicable law and the language of the arbitration;
- e) proof of payment of the costs for the emergency proceedings pursuant to the Norms Regarding the Arbitration Fees and Costs;
- f) documents or information that contribute to the efficient examination of the application for taking the interim or conservatory measures.

Art.3 Notification of the Other Party

After the receipt of an application for the appointment of an emergency arbitrator, the Secretariat of the Court shall send the application to the other party.

Art.4 Appointment of the Emergency Arbitrator

- (1) The President of the Court shall appoint an emergency arbitrator within 48 hours from receipt of the application by the Secretariat of the Court.
- (2) The application shall be dismissed if the President of the Court finds that there is a manifest lack of jurisdiction of the Court of Arbitration.
- (3) The provisions of Article 21 - 23 of the Rules shall be applicable. A challenge request may be made only within 24 hours from the time the circumstances giving rise to the challenge became known to the party.
- (4) All parties must be afforded the opportunity to submit their comments in writing with respect to the request for challenge.
- (5) An emergency arbitrator may not be a member of the arbitral tribunal to be constituted in connection with the dispute, unless otherwise agreed by the parties.

Art.5 Seat of the Emergency Proceedings

The seat for the proceedings shall be that which has been agreed upon by the parties as the seat of arbitration. If the seat of arbitration has not been agreed by the parties, the emergency arbitrator shall establish the seat for the emergency proceedings.

Art.6 Referral to the Emergency Arbitrator

Once an emergency arbitrator has been appointed, the Secretariat shall promptly inform them of such and shall refer the file to the emergency arbitrator.

Art.7 Conduct of the Emergency Proceedings

Within two days from its appointment, the emergency arbitrator shall establish an interim procedural timetable and also decide with respect to the need to provide security, as well as with respect to the period in which the party against which the interim or conservatory measure is requested may submit its answer to the request.

Art.8 Procedural Orders with Respect to the Interim or Conservatory Measures

- (1) Any procedural order with respect to the interim or conservatory measures shall be issued no later than 10 days from the date when the appointment was communicated to the emergency arbitrator as per Article 6. The President of the

Court may extend this period upon a reasoned request of the emergency arbitrator.

- a) Any procedural order with respect to the interim or conservatory measures shall contain the items provided by Article 27 of the Rules.
- (2) The Secretariat of the Court shall promptly deliver a copy of the procedural order to each party.

Art.9 Binding Effect of the Procedural Order

- (1) A procedural order shall be binding upon the parties when rendered.
- (2) At the reasoned request of a party, the emergency arbitrator may amend or revoke the procedural order.
- (3) By agreeing to arbitration under the Rules, the parties undertake to immediately comply with any procedural orders regarding the interim or conservatory measures ordered by the emergency arbitrator.
- (4) A procedural order shall cease to produce effects if:
 - 1. the emergency arbitrator or the arbitral tribunal so decides;
 - 2. the arbitral tribunal makes an award;
 - 3. arbitration is not commenced within 30 days from the date of the procedural order;
 - 4. the arbitral tribunal is not constituted or the costs of the proceedings provided in this Annex are not paid within 90 days from the date of the procedural order;
 - 5. claimant has withdrawn the Request for Arbitration;
- (5) The arbitral tribunal is not bound by the procedural order or by the reasons held by an emergency arbitrator and may amend or cancel the interim or conservatory measures taken by the emergency arbitrator.
- (6) Upon the request by a party, the arbitration fee related to the proceedings provided in this annex may be allocated in accordance with the provisions of Article 51 of the Rules, when the final award is made.

Annex III

STATEMENT OF ACCEPTANCE, INDEPENDENCE, IMPARTIALITY AND AVAILABILITY

Mr./ Mrs.....

Profession.....

Registered/ unregistered on the List of Arbitrators of the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania (Hereinafter called Court of Arbitration), I hereby state the following:

1) Accept/decline the mission as arbitrator:

☐ I accept to be part of the Arbitral Tribunal that shall settle the dispute registered with the Court of Arbitration under no. .../.....,as arbitrator/ chairman;

☐ I decline to be part of the Arbitral Tribunal that shall settle the dispute registered with the Court of Arbitration under no. /..... (in this case, only the signature and date are necessary for the present Statement).

2) Observing the Arbitration Rules of the Court of Arbitration

☐ I hereby take note of the provisions of the Arbitration Rules of the Court of Arbitration and I understand to duly observe them

3) Independence and impartiality:

☐ I don't find myself in neither of the cases of incompatibility provided by Art. 22 of the Arbitration Rules that may question my independence and impartiality

☐ I consider that I am able to fulfill my mission as arbitrator in an independent and impartial manner; however I understand to declare the following circumstances:

.....
.....

4) Availability:

☐ I confirm based on the information that I hold at present time that I am able to dedicate the necessary time to execute and finalize the arbitration procedure within the time extent dedicated pursuant to the Arbitration Rules of the Court of Arbitration.

Signature.....

Date.....

Annex IV

CASE MANAGEMENT TECHNIQUES

This annex provides an illustrative list of methods for increasing the efficiency of the proceedings that can be used by the arbitral tribunal and by the parties for the purpose of reducing the duration and costs of the arbitration. Arbitration must be conducted in an expedited manner, especially in cases of low complexity and value, where the arbitral tribunal shall ensure that the duration and costs of the proceedings shall be commensurate with what is at stake in the dispute.

It follows that the arbitral tribunal, relying on its procedural autonomy, may use any of the methods presented below:

- a) the bifurcation of the proceedings, when the arbitral tribunal finds that such measures may result in a more effective conduct of the arbitration:
 - (i) the bifurcation of the proceedings means the split of the proceedings into two or multiple stages, in order to decide on certain disputed matters that might make unnecessary the administering of evidence and submissions with respect to the merits of the case;
 - (ii) the bifurcation of the proceedings may consist, for instance, in the stage of determining the jurisdiction or the stage of establishing if a party is liable in principle. Such determination may be made by means of an interlocutory minutes or award, as the case may be, and may be followed or not by the determination of the quantum of financial damages by means of the award.
- b) the issuance of one or multiple partial awards, whenever permitted by law.
- c) the identification of the issues that can be resolved by agreement between the parties or their experts.
- d) the identification of the issues to be decided solely on the basis of documents, rather than by hearing witnesses or experts or the presentation of oral arguments by the lawyers.
- e) the production of documentary evidence:
 - (i) requiring the parties to produce with their written submissions, the documents on which they rely;
 - (ii) avoiding requests for document production, when appropriate in order to control the duration and costs of the proceedings;

- (iii) in those cases where the requests for document production are found justified, the limitation of such requests to documents or categories of documents that are relevant and material to the outcome of the case;
 - (iv) establishing reasonable time limits for the production of documents;
 - (v) the use of a timetable for the production of documents to facilitate the resolution of issues with respect to the document production.
- f) establishing the length and scope of written submissions, as well as for the written and oral statements of the witnesses and experts, in order to avoid repetition and maintain the focus on key issues.
 - g) the use of remote, audio and video communication means for procedural hearings where attendance in person is not essential and the use of electronic means that enables online communication among the parties, the arbitral tribunal and the Secretariat.
 - h) the organization of a preliminary conference with the arbitral tribunal to discuss and determine the organizational aspects related to the hearing as well as the issues that the arbitral tribunal believes that the parties should address with priority at the hearing.
 - i) the establishment of the procedural timetable, indicating the dates when each procedural act should be made.
 - j) the selection, if appropriate, of neutral experts and specialists with adequate training, professional experience and availability for the issues in dispute.
 - k) the amicable settlement, in full or in part, of the dispute.

Annex V

SPECIAL RULES FOR EXPEDITED ARBITRATION

Art.1 Scope

- (1) These special rules for expedited arbitration (the “Special Rules”) shall apply where the amount of the dispute is lower than 50,000 lei or if the parties agree so.
- (2) For the purpose of determining the value of the claim as per para.(1) the interest, arbitration costs and other ancillary income shall not be taken into consideration.
- (3) After receipt of the answer as provided in Article 14 of the Rules or after the expiry of the period provided by the Rules for submitting the answer, the Secretariat shall inform the parties that the arbitration shall be conducted on the basis of these Special Rules.
- (4) The Board of the Court may at any time during the arbitration, by its own motion or upon a request of a party, and after consultation with the arbitral tribunal and the parties, decide that the Special Rules shall no longer apply to the case. The arbitral tribunal shall remain in place, unless otherwise decided by the Board of the Court.

Art.2 Constitution of the Arbitral Tribunal

- (1) In the cases indicated in Article (1), unless otherwise expressly agreed by the parties, the arbitral tribunal shall consist of a sole arbitrator.
- (2) The parties shall nominate the arbitrator within a time limit to be communicated by the Secretariat. In the absence of such nomination, the arbitrator shall be appointed by the President of the Court within the shortest possible time.

Art.3 Arbitration Proceedings

- (1) After the arbitral tribunal has been constituted, no party shall amend or make new claims unless it has been authorized by the arbitral tribunal to do so, which shall consider the nature of such new claims, the stage of the arbitration, the harm caused to the other party by delaying the proceedings, as well as any other relevant circumstances.
- (2) The case management conference referred to by Article 31 of the Arbitration Rules of the Court of Arbitration shall take place no later than 15 days from the

constitution of the arbitral tribunal. The President of the Court may extend this period at the substantiated request of the arbitral tribunal or by its own motion, if it decides it is necessary to do so.

- (3) The arbitral tribunal shall have the discretion to adopt the procedure that it considers appropriate. The tribunal shall not allow the evidence which would incur expenses that are disproportionate to the claims in the request for arbitration or the counterclaim. After consultation with the parties, the arbitral tribunal may decide that the arbitration shall be decided solely on the basis of the documentary evidence filed.
- (4) The hearings may be conducted by videoconference, telephone or by any similar means of communication.
- (5) The communication of the written instruments by the parties and the arbitral tribunal is carried out by e-mail only, unless otherwise specified by the arbitral tribunal.

Art.4 Award

The award shall be issued within no later than 3 months from the first hearing date. The President of the Court may extend this period upon a reasoned request by the arbitral tribunal or by its own motion, where it considers it necessary.

Art.5 General Rules

These Special Rules are supplemented by the provisions of the Arbitration Rules of the Court of Arbitration.

Art.6 Application in Time

Unless otherwise agreed by the parties, these Special Rules shall apply to disputes contemplated by arbitration agreements concluded after their entry into force.

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

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 number 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 and the chief arbitral assistant 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 a 5% share of arbitrators' fees shall be set up, which is intended to reward the personnel of the Court of Arbitration the basis of its performance, special facilities of the Court of Arbitration, business trips made by the Court personnel as well as other expenses related to the 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.

(2) From the arbitrators' fees, a share of 10% is retained for the institution organizing the arbitration, respectively the Chamber of Commerce and Industry of Romania.

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.

Rules of the Management Board
of the Court of International Commercial Arbitration
attached to the Chamber of Commerce and Industry of Romania

Chapter I

General provisions

<i>The Management Board of the Court Structure</i>	Art. 1. The general management of the activity performed 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 is ensured by the Management Board of the Court of Arbitration, composed of the President of the Court of Arbitration, the Vice president of the Court of Arbitration and other five members, hereinafter referred to as the Court's Board.
<i>Constitution of the Management Board</i>	Art. 2. (1) The President of the Court of Arbitration is approved by the Management Board of the Chamber of Commerce and Industry of Romania pursuant to the proposal of the President of the Chamber of Commerce and Industry of Romania from among the arbitrators on the List. (2) The Vice president and the members of the Court's 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.

Chapter II

Organization and operation

<i>Members' office</i>	Art. 3 (1) The office of the Court's Board members shall be of 5 years and may be renewed. (2) The office may end prior to expiry date: <ul style="list-style-type: none">- due to natural causes,- through resignation,- based on office release, pursuant to art 6 para. (4) from the
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Regulations on the organization and operation of the Court of Arbitration.

*Powers of the
Court's President*

Art. 4. The President of the Court of Arbitration shall have the following powers:

- a) manages the Court's Board;
- b) chairs the meetings of the Court's Board and the Court of Arbitration sessions in plenum;
- c) represents the Court of Arbitration in domestic and international relations;
- d) submits to the Court's Board for approval, the Rules of Arbitration;
- e) exercises the powers related to organization and administration of arbitration disputes provided by the Rules of Arbitration of the Court of Arbitration;
- f) proposes to the Court's Board to review and approve the draft Regulations of the Court's Board, as well as the draft Regulations on fees and expenses, in order to be approved by the Management Board of the Chamber of Commerce and Industry of Romania;
- g) observes the appropriate performance of the Court's Board activity and coordinates the activity of the Court of Arbitration specialized committees;
- h) endorses the arbitrators' fees calculated by the Secretariat of the Court of Arbitration;
- i) orders the resolution for closing the arbitration proceedings, in compliance with the Rules of Arbitration;
- j) submits on regular basis to the Management Board of the Chamber of Commerce and Industry of Romania the activity report of the Court of Arbitration;
- k) proposes to the Court's Board the assessment and approval of the List of Arbitrators, as well as, the removal from the List, under the conditions provided by the Regulations on organization and operation of the Court of Arbitration;
- l) may propose to the Management Board of the Chamber of

Commerce and Industry of Romania, removal of Court's Board members, for solid reasons, related to their capacity of arbitrators and members of the Board.

m) in order to observe the provisions of Art 4 and Art 5 of the Regulations on organization and operation of the Court of Arbitration, it proposes to the Court's Board the reconfigured List of Arbitrators.

n) fulfills any other duty provided by the Regulations on organization and operation of the Court of Arbitration in order to ensure a proper functioning of the Court of Arbitration.

o) may delegate one or more of his or her duties to the vice president.

(2) In case of temporary impossibility of acting as president, the substitute is the vice president. The Vice president will also exercise the powers delegated by the President.

(3) If the President is in a case of temporary impossibility of performing the duties and the Vice President cannot, for any reason, replace him/her, his/her duties shall be exercised by the oldest member of the Court's Board.

*Convening the
Court's Board*

Art. 5. (1) The Court's Board shall meet based on the convocation made by the President of the Court of Arbitration, once a month or whenever required. The convening notice may be sent by mail, fax, phone or e-mail; three days prior to the meeting scheduled date, and shall include the agenda.

(2) The President of the Chamber of Commerce and Industry of Romania may request to the President of the Court of Arbitration to convene the Court's Board.

*Presence and
quorum*

(3) The Court's Board shall be duly gathered in the presence of half plus one of its members.

(4) The Court's Board renders decisions by a majority of the votes cast by its members who may participate to debates. Members of the Court's Board have deliberative voting rights.

Meetings conduct

(5) The meetings of the Court's Board shall be chaired by the President of Court of Arbitration.

*Decisions of the
Court's Board*

(6) The decisions of the Court's Board are mandatory for the activity of the Court of Arbitration.

*Debates of the
Court's Board*

(7) The debates of the Court's Board shall be registered in the minutes of the hearing, drafted by the hearing secretariat, ensured by the chief arbitration assistant or, by one of the arbitration assistants appointed by the latter.

*The Court's
specialized
Commissions*

Art. 6 (1) Pursuant to Article 11 from the Regulations on organization and operation of the Court of Arbitration, the Court's Board may constitute specialized committees, consisting of an uneven number of members.

(2) By the decision establishing the commission, the Court's Board approves the members of the commission, the coordinator of the commission from among the Board's members, agenda, topics and duration of the commission.

Chapter III

Powers

*Powers of the
Court's Board*

Art. 7 The Court's Board shall have the following main powers, pursuant to Article 8 from the Regulations on organization and operation of the Court of Arbitration:

- a) ensures the general management of the Court of Arbitration;
 - b) adopts the Rules of Arbitration of the Court of Arbitration;
 - c) exercises the powers related to organization and administration of arbitration disputes provided by the Rules of Arbitration of the Court of Arbitration;
 - d) confirms the arbitrators appointed by the parties in the case provided by art. 4 para 3 of the Regulation on the organization and operation of the Court of Arbitration;
 - e) adopts the draft Rules of the Management Board of the Court of Arbitration and submits it for approval to the Management Board of the Chamber of Commerce and Industry of Romania;
 - f) proposes, if the case, amending the Regulations on the organization and operation of the Court of Arbitration, as well as the Schedules of arbitral fees and expenses;
 - g) approves the Lit of Arbitrators;
 - h) convenes the Court of Arbitration in plenum.
 - i) adopts the Regulations of the Court of Arbitration Secretariat;
- organizes the development of Court of Arbitration jurisprudence compendia and approves the publication thereof; ensures the procurement of domestic and international documentation, necessary

for a proper activity of arbitrators;

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) request points of view of the members of the Scientific Council;

m) may decide to postpone the payment of arbitrators' fees until the award rendered on the action for annulment is final in cases where the exception on the lack of jurisdiction was raised before the arbitral tribunal or the unlawful constitution of the arbitral tribunal;

n) may decide to reduce the amount of arbitrators' fees in the case of unjustified delay in drafting of arbitral awards by more than 2 months;

o) drafts compendia on Court of Arbitration jurisprudence and advises on their publication; ensures the procurement of national and foreign documentation necessary for the performance of arbitrators' activity;

p) performs other current administration and representation activities of the Court;

q) appoints the Honorary President of the Court of Arbitration, from among personalities with highly acclaimed academic reputation, with wide recognition in the field of law and with a major contribution to the activity and affirmation of the Court of Arbitration prestige;

r) designates the Honorary Members of the Court of Arbitration - *in honorem* or *in memoriam*, from among former arbitrators or distinguished personalities of the domestic or international legal world;

s) performs any other duties provided by law, by the Regulations on the organization and operation of the Court of Arbitration and by the Rules of Arbitration of the Court of Arbitration.

*Allowances for
members of the
Court's Board*

Art. 8 The monthly allowances of the President, Vice-President and members of the Board as well as the allowance of the President of Scientific Council shall be established by a decision of the General Assembly of Members of the National Chamber.

Chapter IV

Final provisions

*Approval and entry
into force*

Art. 9. (1) This Rules were approved during the Session held on the 10th of November 2017 by the Management Board of the Chamber of Commerce and Industry of Romania, according to art. 29 para. (3) of the Law no. 335/2007, as subsequently amended and supplemented.

(2) This Rules shall enter into force on the 1st of January 2018.

(3) Any other contrary provisions shall be abrogated on the date of entry into force of this Regulation.