

ICC CENTRAL AND EASTERN EUROPEAN INSTITUTIONAL ARBITRATION GROUP REPORT OF THE ACTIVITIES in Bulgaria, Croatia, Estonia, Finland, Kazakhstan, Makedonia, Moldova, Romania, Russia and Ukraine in 2017–2018.

Prepared for publication
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On 24 October 2018 a regular annual meeting of the ICC Central and Eastern European Institutional Arbitration Group was held in Paris (France). The ICC Central and Eastern European Institutional Arbitration Group annually gathers members of international arbitral institutions of Central and Eastern Europe in order to exchange information on current developments and best practices in the field of international commercial arbitration. The 2018 ICC Central and Eastern European Institutional Arbitration Group meeting was devoted to the presentation, exchange of views and questions on the activity reports of international arbitral institutions that are members of the Central and Eastern European Institutional Arbitration Group. In addition, the meeting brought up for discussion a separate question concerning institutions' "standard" documents.

This article presents a short reference on the activities of arbitration institutions from 10 countries: Bulgaria, Croatia, Estonia, Finland, Kazakhstan, Makedonia, Moldova, Romania, Russia and Ukraine in 2017-2018.

INTERNATIONAL COMMERCIAL ARBITRATION COURT ATTACHED TO THE CHAMBER OF COMMERCE AND INDUSTRY OF REPUBLIC OF MOLDOVA

Report of the activities for the period of 2017-2018 (until October)



Address: 151, St. Cel Mate Str
City: Chisinau
Country: Moldova
URL: <http://www.chamber.md>
E-mail: arbitration@chamber.md

Election/appointment method of governing bodies:

The International Commercial Arbitration Court attached to the Chamber of Commerce and Industry of Moldova has the Secretariat, Chairman and two Deputy Chairmen, elected for 4 years by the General Assembly, which is formed by all the appointed arbitrators. Arbitrators are appointed by the Counsel of the Chamber of Commerce and Industry of Moldova also for a term of 4 years.

Number of staff/members of the Court:

The Secretariat's functions are performed by one Secretary, employed by the Chamber of Commerce and Industry of Moldova. Administrative support (such as accountancy and maintenance of the building) is provided by CCI's staff, not engaged directly

in the Court's activity. Arbitrators are not Court's employees, but independent professionals in the exercise of their function.

Nationalities:

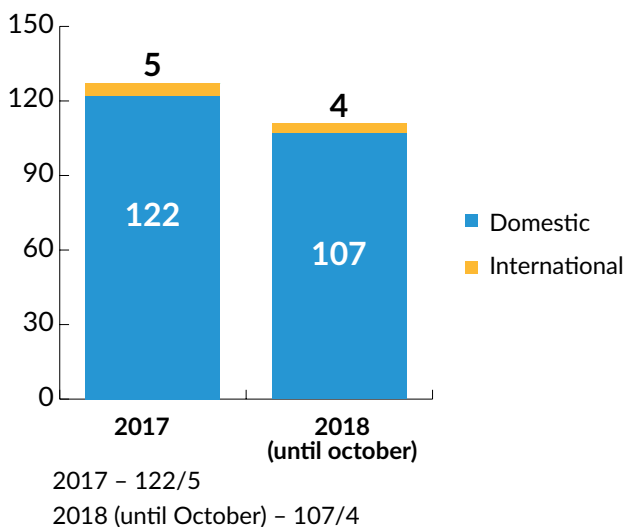
The staff of the Court's Secretariat is holding Moldovan citizenship.



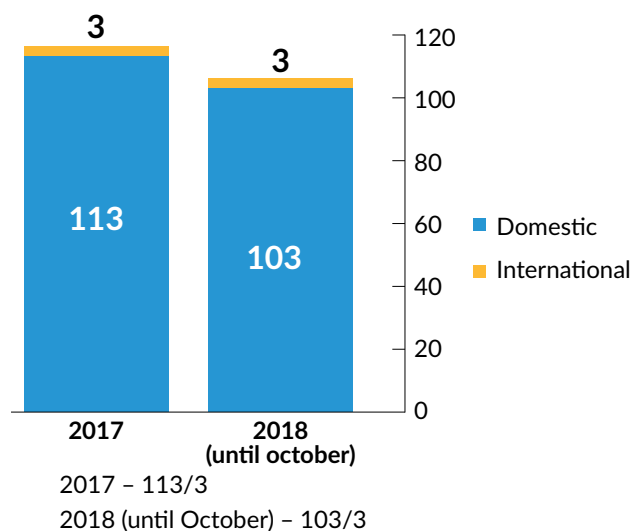
Working languages:

The working language of the Court is Romanian. According to the Court's Rules for Domestic Arbitration, oral debates are conducted in Romanian and all documents must be in Romanian, or if in another language, accompanied by a translation. In case of international arbitration, oral proceedings are held in either Romanian or the language parties have agreed on.

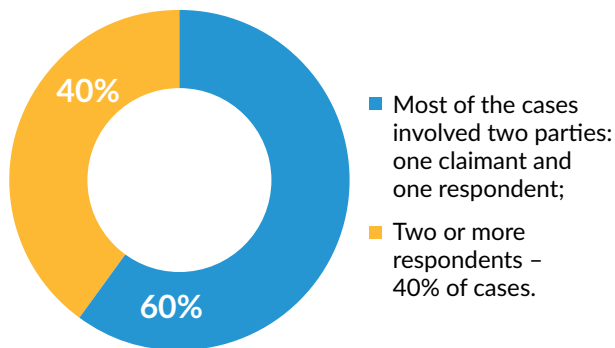
Number of cases registered:



Domestic/international awards ratio:



Number of parties involved:



Origin of the parties:

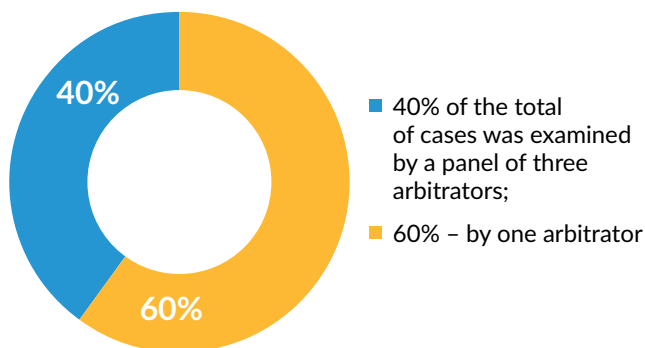
Most of the parties are Moldovan nationals;

Other parties are from Lithuania, Romania, Poland, Slovak Republic, Russia, Serbia and Ukraine.

Types of contracts:

Sale-purchase, delivery, carriage, supply.

Number of arbitrators involved:



Origin of the arbitrators:



The cases these years are referred to Moldovan arbitrators.

Number of arbitrators chosen from the list/ outside the list:

The arbitrators in most cases were chosen by the parties from the Recommended List, or appointed by the president of ICAC only based on the List.

In 2018 in two cases the arbitrator was chosen from outside the List.

Place/seat of arbitration:

The venue of the arbitration is the office of International Commercial Arbitration Court at the Chamber of Commerce and Industry in Chisinau, Moldova.

Name of the rules of arbitration applied:

- “ICAC CCI RM Rules on international commercial arbitration procedure”
- “ICAC CCI RM Rules on domestic arbitration procedure”

Version of arbitration rules in force:

April 1, 2009

Publication number and/or web site address where the rules can be found:

Monitor Official no. 19-21/69 of 03.02.09.

Web site: www.arbitraj.chamber.md

Legal framework:

The arbitral tribunal applies the procedural rules and, in addition, the civil procedural law.

As substantive law, the arbitral tribunal applies for the settlement of the domestic disputes – the Moldovan substantive law in force, and for the settlement of international disputes – law chosen by the parties.

Form of the arbitration text: specific law on arbitration procedure:

Law on arbitration no. 23-XVI of 22.02.08

Law on international commercial arbitration no.24-XVI of 22.02.08, (based on the UNCITRAL Model Law on International Commercial Arbitration)

(Both published in Monitor Official no. 88-89 of 20.05.08)

Number and names of other arbitral institutions active in the country:

There are some arbitral courts, organized by some professional associations, with a reduced activity:

- Court of Arbitration attached at the International Association of Automobile Transporters.
- Court of Aeronautical Arbitration at the Federation of civil aviation.
- Court of International Arbitration at the AMCHAM Moldova.

Sectors in which competitors are active:

Commerce, transport, agrarian, aviation.

COURT OF ARBITRATION AT THE BULGARIAN CHAMBER OF COMMERCE AND INDUSTRY

Report of the activities for the period of October 2017-September 2018



Address: 9 Iskar Str.
City: Sofia
Country: Bulgaria
URL: <https://www.bcci.bg/arbitration/>
Email: acourt@bcci.bg

Election/appointment method of governing:

The Court of Arbitration at the Bulgarian Chamber of Commerce and Industry („CA”) has the following bodies:

- Arbitral Collegium (consisting of all arbitrators – art. 3, para 2 of the Statute). Arbitrators are included in the lists of arbitrators by decision of the Presidency taken by a simple majority through secret vote;
- Presidency – 7 members elected by the Management Board of the BCCI;
- President – elected by the Management Board of the BCCI (in both cases the election is held by a simple majority of the members present at the meeting).

Number of staff/members of the Court:

The administration of the arbitration cases is carried out through a Secretariat.

Currently the staff members of the CA Secretariat are six: two legal experts; two technical secretaries and two technical assistants.

Nationalities:

All staff members are Bulgarian nationals. The members of the Presidency, the President and the three vice-presidents are also Bulgarian nationals.



Bulgarian nationals

Working languages:

The working language in domestic cases is Bulgarian; the working language in international cases is to be chosen by the parties. When no agreement on the language is reached by the parties the Tribunal determines the language of their proceedings.



Bulgarian

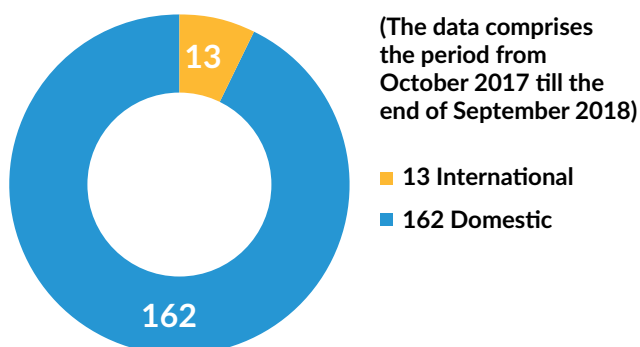
International cases:

The working language in international cases is to be chosen by the parties.

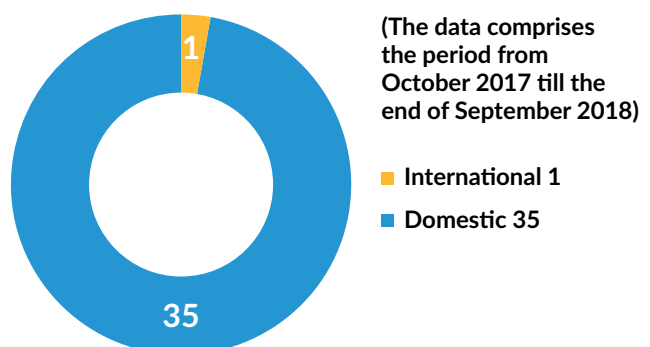
When no agreement on the language is reached by the parties the Tribunal determines the language.



Number of cases registered:



Number of awards rendered:



Number of post awards proceedings: recognition, enforcement, annulment:

From Oct. 1, 2017 until Sept 30, 2018 there have been 9 motions for setting aside of CA at the BCCI arbitral awards. One has been set aside. The rest of the motions have been denied.

A Domestic award is a title for forced execution under Bulgarian law. From the beginning of 2017 the venue for the issue of writs of execution was changed. Until that moment only Sofia City Court was competent to issue such while now all 28 regional courts and Sofia City Court are competent. No information about that process is available.

There is no official source of information concerning recognition and enforcement of CA awards in foreign countries. It is only through the parties to arbitration that such information could be obtained. In recent years there has been no information about a particular award that was denied recognition and/or enforcement under a foreign jurisdiction.

Parties:

During the above period the prevailing country of origin was Bulgaria both in domestic and international cases. There were parties from Austria, Croatia, Cyprus, France, Germany, Great Britain, Greece, Holland, Macedonia, Republic of Korea, Moldova, Poland, Romania, Serbia, Singapore, Slovakia, Spain, Turkey, Ukraine and USA involved in international cases. As a matter of fact, companies from all over the world have been involved in arbitration before the CA through their subsidiary companies registered in Bulgaria.

State, para-statal or public entities:

A significant number of such legal subjects participate in arbitrations before the CA. Those are ministries, public agencies, municipal bodies, as well as a great number of companies in which the capital or a part of it is held by the state or by municipalities.

Economic sector:

The CA services are sought after by subjects from literally all sectors of economy: production and construction business, financial, banking and insurance business, transportation and trade business, supermarkets and malls, leasing companies, etc. Parties with no profit profile and physical persons have also participated in arbitrations.

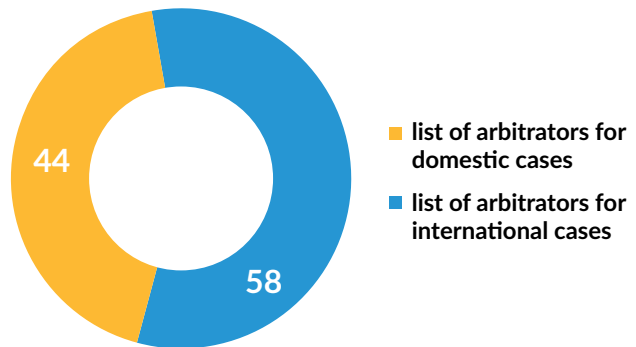
Types of contracts:

The prevailing number of contracts are commercial, there is a significant number of procurement, concession and some privatization contracts. Very often an arbitration clause is contained in General Conditions or in a separate agreement. Standard form contracts (such as FIDIC) are quite common.

Number of arbitrators involved:

There are two lists of arbitrators: A list of arbitrators for domestic cases (44 persons) and a list of arbitrators for international cases (58 persons) from which Bulgarian citizens – 32 and foreign citizens 26). The list on international

cases is recommended. Parties to domestic cases where one or all parties are Bulgarian companies with prevailing foreign participation are not bound by the List of arbitrators for domestic cases. They can choose arbitrators outside the otherwise binding list.



Place/seat of arbitration:

The seat of CA is the city of Sofia, the Republic of Bulgaria. Sometimes parties on domestic arbitration agree on a seat of arbitration in some other Bulgarian cities – Plovdiv, Bourgas, etc. There have been arbitration clauses pointing to the CA as a competent arbitration body while the seat of arbitration is in a different country but no actual cases with this type of clause have occurred.

Name of the rules of arbitration applied:

The name is: "Rules of the Court of Arbitration at the Bulgarian Chamber of Commerce and Industry" Since 01.01.2005 "Rules on Expedient Procedure in Arbitration Cases" have been in force. Gradually these Rules have become popular with the parties and currently between 10 and 15% of the cases are conveyed under these Rules.

Version of arbitration rules in force:

- The current Rules were adopted by the Management Board of the Bulgarian Chamber of Commerce and Industry under a resolution recorded in Minutes No. 1 of 31 March 1993 and came into force as of 1 July, 1993. They were amended by a resolution of the Executive Council of BCCI under No.47/3-2002 of 29.01.2002 in force as of February 1, 2002, with Resolution No. 95/1-2008 of the Executive Council of BCCI from 15.01.2008, that become effective as of 01.02.2008 as well as with Resolution No 67/21.11.2011, effective as of January 1, 2012.
- The latest version of the Rules of the CA has been in force since 01.01.2017.
- The latest version of the Bylaw (Statute) of the CA has been in force since 01.01.2017.
- A Unified Tariff for Arbitration Charges in Domestic and International Cases came into force as of 01.09.2015.

Publication number and/or web site address where the rules can be found:

www.bcci.bg

Important case law on arbitration:

Bulgarian law belongs to the continental legal system. No specific or binding case law on arbitration exists.

Form of the arbitration text: specific law on arbitration/incorporation into a code of civil procedure:

The very basics of the general legal framework of arbitration are contained in the Civil Procedure Code ("CPC").

The general law on arbitration is the Law on International Commercial Arbitration ("LICA").

There are special provisions on arbitration in other laws, for example, the Law on Collective Labor Disputes Settlement and the Law on Youth and Sports.

Thus, arbitration is regulated by a special law and this regulation is not a part of any general law or code.

The Republic of Bulgaria is a party to the Convention on Recognition and Enforcement of Foreign Arbitral Awards ("the New York Convention"), to the European Convention on International Commercial Arbitration; to the ICSID ("the Washington Convention") as well as to the so called Moscow Convention of 1972 which has not been abrogated by a few countries like the Russian Federation and the Republic of Bulgaria. Nevertheless in Bulgaria this act is considered non-functional due to *disuetudo*. The Republic of Bulgaria is also a party to a number of bi-lateral international treaties that have certain effect on investment arbitration. Under the current Bulgarian Constitution (1991) the international treaties to which the Republic is a party (upon condition they have been ratified by the National Assembly and published in the Official Gazette) prevail over domestic legislation.

New laws and regulations related to arbitration:

The general law on arbitration is the Law on International Commercial Arbitration ("LICA") adopted in 1988. This law contains the prevailing part of the statutory regulation in the field of arbitration.

A preliminary general statement can be made that the legal regulation concerning arbitration in Bulgaria is almost identical with the solutions offered by the UNCITRAL Model Law on Arbitration prior to the revision as of 2006. This makes the matter of arbitration one of the legal spheres where Bulgarian law is harmonized with the international standards to the highest level.

The following could be outlined as peculiarities of the legal regulation concerning arbitration:

- A special law contains the regulations on arbitration;
- A single law is applicable for both international and domestic arbitration. The title of the law (the Law on International Commercial Arbitration) is almost totally misleading nowadays: since 1993 it regulates both international and domestic, and both commercial and non-commercial arbitration. This situation occurred because at the time the law was adopted in 1988 (during the communist rule) domestic and non-commercial arbitration were not admitted at all and the law became applicable to such types of arbitration only as a result of subsequent changes while the title was preserved;

As a result of an amendment of 2001 a provision allowing government bodies to be parties to domestic arbitration was introduced. This amendment has had a serious positive effect – a considerable number of government bodies prefer using arbitration than the state courts;

Before the change in 2001 (Official Gazette # 38 of 2001) government bodies were not allowed to agree on domestic arbitration. Nevertheless there were quite a number of cases when such arbitration was agreed to despite the existing ban.

Unfortunately, the amendment is not clear what procedural rules are to be followed in connection with nullity of awards. There was a legislative change in the beginning of 2017 which was reported in the previous report.

- The prevailing number of provisions of the LICA reproduce the rationale of and very often literally the procedural solutions offered by the UNCITRAL Model Law;
- Under the existing law, widely established doctrinal views and the constant state courts practice an arbitral award is generally considered as an equivalent of a state court decision. It is considered to have a *res iudicata* (or an analogous) effect and in principle enjoys the same enforceability. Dependent on the nature of the claim an arbitral award can result in a new legal situation in the case of a successful claim through which a potestative right is exercised;
- The grounds for review over arbitral awards coincide with those given in the UNCITRAL Model law. The last amendment of 2017 reintroduced absolute nullity of arbitral awards (concerning disputes involving consumers).
- The procedure for setting aside of arbitral awards is another specific feature of the legal regulation. A petition for setting aside of an arbitral award can be filed only within 3 months after the award was communicated to the respective party and the procedure comprises only one instance before the Supreme Court of Cassation ("SCC") - after the model of the Swiss Federal law.
- For certain grounds for setting aside of arbitral awards (in hypotheses predominantly related to faults concerning the work of the arbitral tribunal) the law provides that the SCC shall revert the case to the arbitral tribunal.
- LICA regulation provides for no specific requirements for persons and institutions or formations that would decide to act as arbitrations/arbitrators. And, of course, unfortunately there have been cases of abuse. Given this fact it appears quite strange that the same legislators have put forward a serious number of formal requirements before institutions and persons that would wish to offer mediation services.

It was such abuse that brought about the change in 2017 when all disputes involving consumers were left unarbitrable. The same change provided for powers of the Minister of Justice to impose sanctions on arbitrators who have not observed rules of arbitrability. These powers have provoked serious controversy in the arbitration community.

Competition:

As mentioned above the current Bulgarian law poses absolutely no requirements for the practising of arbitration activity.

Number and names of other arbitral institutions active in the country:

The most popular Bulgarian legal site (<http://lex.bg>) points to the existence of 21 arbitration institutions. The names and other details can be found at the same web site.

Sectors in which competitors are active:

The activity of the competitors can hardly be traced. A number of those institutions turn out to have mute web-pages while others do not release any reports. According to personally obtained information the most important have between 20 up to 40 cases per year. Many of the listed arbitrations have no real activity. There have been at least a few cases when parties have shown an arbitration agreement pointing to some arbitration institution but after a real dispute had arisen the interested party discovered that such an institution did not exist at all or had ceased its existence. Such parties have tried to refer their disputes to the CA at the BCCI.

PERMANENT ARBITRATION COURT AT THE CROATIAN CHAMBER OF ECONOMY

Report of the activities for the period of October 2017 – October 2018



Address: Rooseveltov trg 2
City: Zagreb
Country: Croatia
URL: <http://www.hgk.hr/>
Email: hgk@hgk.hr

Structure of the Court:

Permanent Arbitration Court at the Croatian Chamber of Economy (hereinafter: PAC CCE) is the oldest and largest institution in Croatia for resolving of commercial and business disputes through arbitration. The history of the PAC CCE dates back to 1853 when the first institutional arbitration court was established at the Chamber of Economy. The Arbitration Court was abolished at the end of World War II but re-established in 1965 as the arbitral institution competent to administer internal disputes (disputes between legal persons established in the former Yugoslavia). When the Republic of Croatia gained its independence in 1992, the PAC CCE expanded its jurisdiction to also include the administration of international disputes. This was confirmed by the Arbitration Rules of 1992 (Zagreb Rules 1992).

Election/appointment method of governing bodies:

Pursuant to Article 2 of the Rules of the Permanent Arbitration Court attached to the Croatian Chamber of Economy (Official Gazette, No. Nos. 129/15 and 50/17, in force as 6 November 2015) (Zagreb Rules) (hereinafter: PAC CCE Rules), the bodies of the PAC CCE are the Presidency, the President, Vice-Presidents and the Secretary of the PAC. The bodies of the PAC CCE are also arbitral tribunals when acting in proceedings before the PAC CCE.

Pursuant to Article 3 PAC CCE Rules, the Presidency of the PAC CCE consists of nine members: the President, three Vice-presidents and five members with no special functions. They are appointed for a period of four years by the Management Board of the Croatian Chamber of Economy.

Number of staff/members of the Court:

The Secretariat consists of a Secretary and three administrative assistants.

Working languages:

The PAC is equipped to administer proceedings in Croatian and foreign languages. A foreign language selected mostly by the parties is English. However, there were several cases administered in German language.

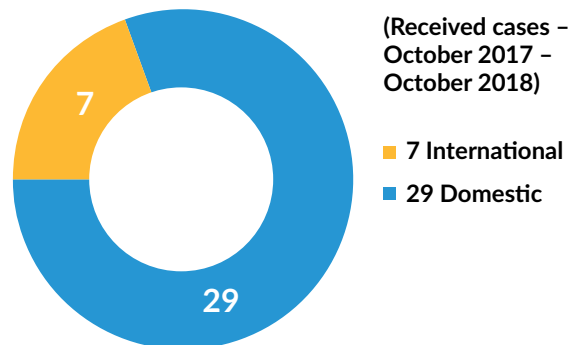


Nationalities:

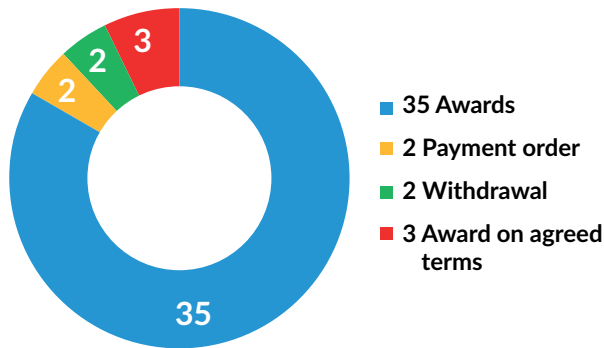
All members of the Presidency and Secretary are Croatian Nationals.



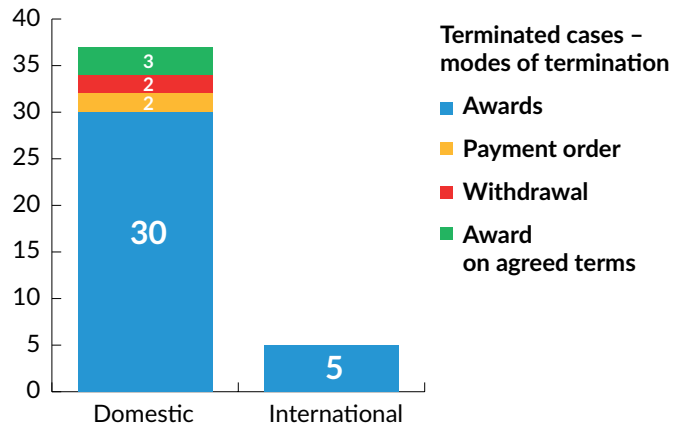
Number of cases registered:



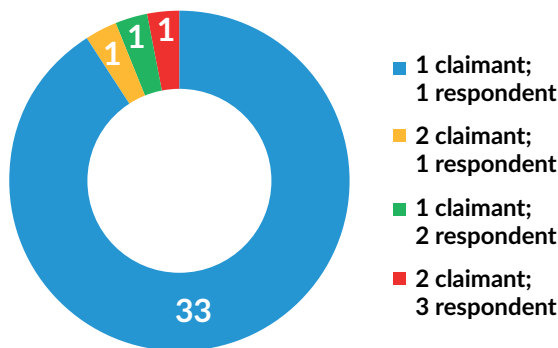
Number of awards rendered:



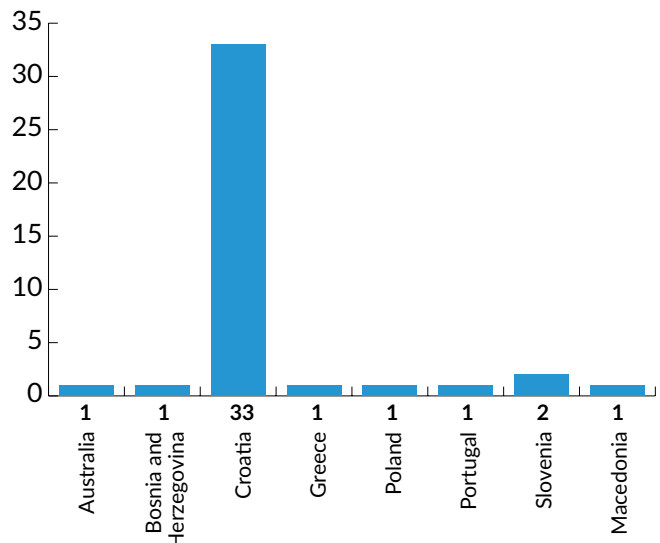
Distinction domestic/international awards:



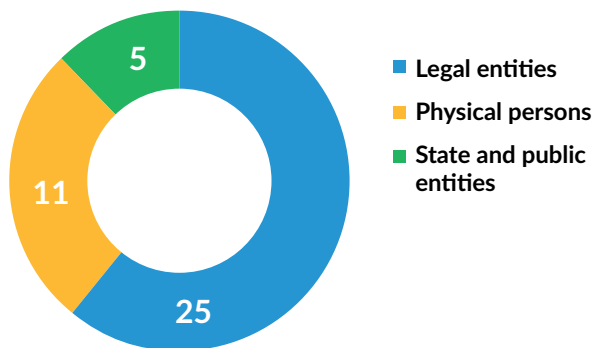
Number of parties involved:



State of origin:



State, parastatal or public entities:



Types of contracts:

Types of contract disputes arising out are: purchase contracts, sale contracts, contracts for provision of services, contracts of agency, insurance contracts, real estate contracts, contracts of commercial brokerage, employment contracts, rental of space contracts, building contracts, shipbuilding contracts, supply contracts and prospectuses.

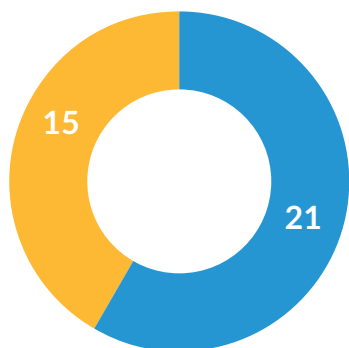
Economic sector:

The economic sectors to which arbitral proceedings relate are: commerce, shipbuilding, building, constructing, hotel management, labour market, capital market, real estate market, insurance market and sport.

Arbitrators:

The PAC CCE has one list of arbitrators:

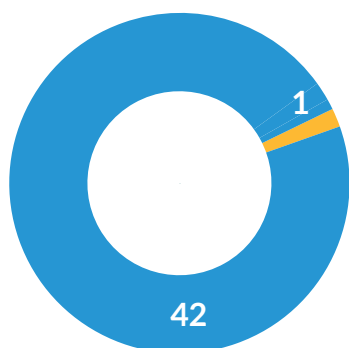
- List of arbitrators in disputes with and without international element (Official Gazette, No. 14/2017);
- List is not binding for the parties.

Number of arbitrators involved:

There are 43 arbitrators acting in panels in 21 cases. In 15 cases a sole arbitrator is nominated.

Origin of the arbitrators:

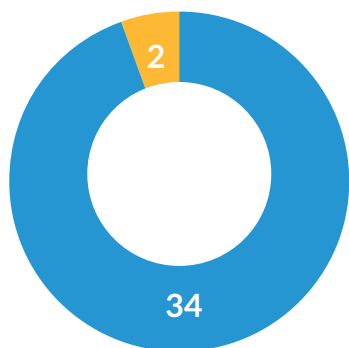
Most arbitrators are coming from Croatia.

**Number of arbitrators chosen from the list/ outside the list:**

Out of 43 arbitrators, 42 arbitrators have been chosen from the Lists.

Place/seat of arbitration:

In 34 cases Zagreb is chosen by the parties or determined by the arbitral tribunals or sole arbitrator as a place of arbitration. Under the arbitration agreements, in two cases the seat of arbitration was Split.

**Name of the rules of arbitration applied:**

- The Rules of arbitration of the Permanent Arbitration Court at the Croatian Chamber of Economy (Official Gazette, No. 150/02) – Zagreb Rules 2002;
- The Rules of arbitration of the Permanent Arbitration Court at the Croatian Chamber of Economy (Official Gazette, No. 142/11) – Zagreb Rules 2011;
- The Rules of arbitration of the Permanent Arbitration Court at the Croatian Chamber of Economy (Official Gazette, Nos. 129/15 and 50/17) – Zagreb Rules 2015.
- Rules of the Permanent Arbitration Court at the Croatian Chamber of Economy (Official Gazette, No. 50/17)
- Decision on the costs of arbitration proceedings (Official Gazette, Nos. 142/11, 37/15, 109/16 and 87/18).

Publication number and/or web site address where the rules can be found:

All rules cited here are available at the web site of the PAC CCE – www.hgk.hr.

Rules are published in Croatian and English in a booklet available at the PAC CCE.

Version of arbitration rules in force:

The Rules of arbitration of the Permanent Arbitration Court at the Croatian Chamber of Economy (Official Gazette, Nos. 129/2015 and 50/2017) – Zagreb Rules 2015.

Important case law on arbitration:

Excerpts from arbitral awards rendered by the PAC CCE are published in Croatian Arbitration Yearbook, e.g.:

- Čavlina, Andreja, Arbitration Agreement in the Practice of the Permanent Arbitration Court of the Croatian Chamber of Economy, Croat. Arbit. Yearb. Vol. 21-22 (2014-2015), pp. 247-259.
- Matić, Tin; Čavlina, Andreja, Costs of Arbitration in the Practice of the Permanent Arbitration Court at the Croatian Chamber of Economy, Croat. Arbit. Yearb. Vol. 21-22 (2014-2015), pp. 259-277.
- Sikirić, Hrvoje, Arbitration Agreement in the Practice of the Permanent Arbitration Court of the Croatian Chamber of Economy, Croat. Arbit. Yearb. Vol. 12 (2005), pp. 45-78.
- Sikirić, Hrvoje, Lex arbitri in the Proceedings before the Permanent Arbitration Court attached to the Croatian Chamber of Economy – The Zagreb Rules and?, Croat. Arbit. Yearb. Vol. 17 (2010), pp. 145-182.
- Decision of the Constitutional Court of the Republic of Croatia with two dissenting opinions in a case where a constitutional complaint has been launched against arbitral award rendered by the PAC CCE is published in: Croat. Arbit. Yearb. Vol. 12 (2005), pp. 281-287.

Decisions of the High Commercial Court of the Republic Croatia, which is competent for appeals against decisions rendered by the Commercial Court in Zagreb in the annulment proceedings against awards of the PAC CCE are available in Croatian at the web site of the High Commercial Court – www.vtsrh.hr.

Form of the arbitration text:

Arbitration in Croatia is regulated under Arbitration Act (Official Gazette, No. 88/01) which is in force as of 19 October 2001. It relates to domestic and international disputes. It is based on the UNCITRAL Model Law on International Commercial Arbitration (1985).

English translation of the Arbitration Act is available at the web site of the PAC CCE – www.hgk.hr.

Number and names of other arbitral institutions active in Croatia:

Apart from the PAC CCE, there are two arbitral institutions active in Croatia: The Arbitration Court of the Croatian Football Association, The Sport Arbitration of the Croatian Olympic Committee, and the Litigious Arbitration Court (hereinafter: LCA).

Sectors in which competitors are active:

Arbitration Court of the Croatian Football Association and the Sport Arbitration of the Croatian Olympic Committee arbitrate disputes between sportsmen and their clubs or associations. Therefore they cannot be seen as competitors to the PAC CCE.

The LCA was established on 17 January 2015 in order to decide over all matters which are arbitrable under the Arbitration Act. Data on its activities are not available and it is not known whether the LCA is still active.

THE ARBITRATION COURT OF ESTONIAN CHAMBER OF COMMERCE AND INDUSTRY

Report of the activities for the period of 01.01.2017 – 12.10.2018



EESTI
KAUBANDUS-
TÖÖSTUSKODA

Address: Toom-Kooli 17
City: Tallin
Country: Estonia
URL: <http://www.koda.ee/>
Email: arbitraaz@koda.ee

Election/appointment method of governing bodies:

Arbitration Court is not separate legal entity and is attached to Estonian Chamber of Commerce and Industry (Estonian CCI). The Council of the Arbitration Court (6 members) are elected for 2-year period by the Board of Estonian CCI and is reviewing the submitted claims, arranging the formation of arbitral tribunal, deciding upon the applications, supervising the activities of the secretary of the Arbitration Court.

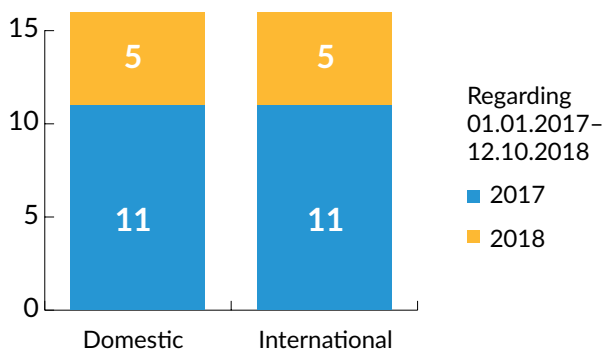
The Council members are elected as follows:

- 1 employee of Estonian CCI (Councillor of Estonian CCI);
- 1 acting judge (Justice of the Supreme Court);
- 1 representative from Ministry of Justice (Vice Chancellor of Ministry of Justice);
- 1 representative from Estonian Bar (starting from 2017);
- 2 other lawyers with at least the degree of magister (2 attorney-at-laws).

Number of staff/members of the Court:

6 council members, 1 secretary.

Number of cases registered:



Nationalities:

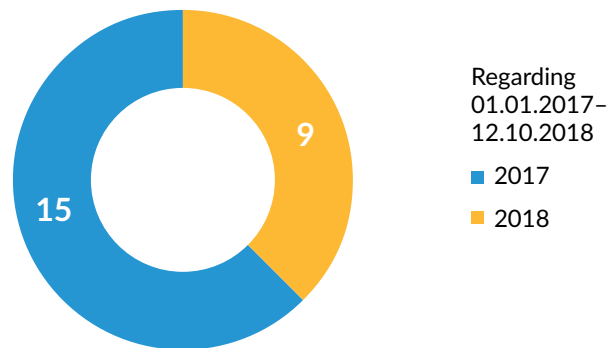


Working languages:

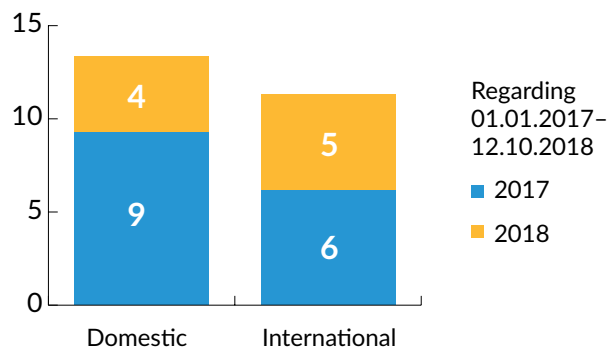
Estonian, English, Russian



Number of awards rendered:



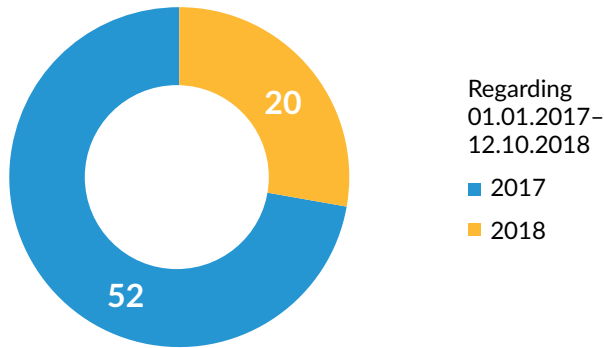
Distinction domestic/international awards:



Number of post awards proceedings: recognition, enforcement, annulment:

In 2017 or 2018 none of the final awards or awards regarding jurisdiction have been annulled.

Number of parties involved:

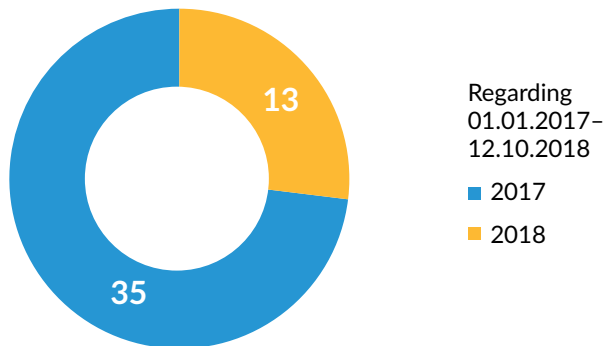


Origin of the parties:

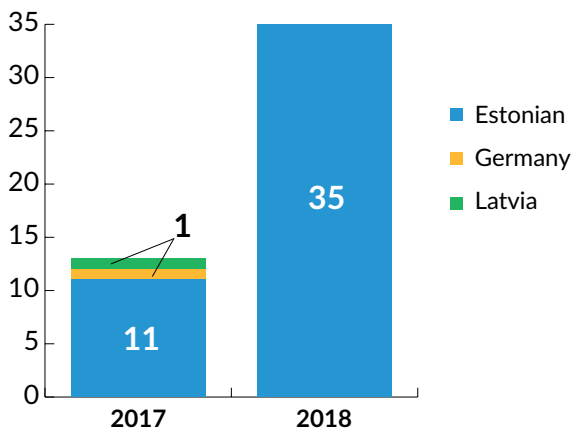
In 2018: Estonia, Russian Federation, UK, Norway, UAE (Dubai), Germany, Virgin Islands;

In 2017: Estonia, Kazakhstan, Sweden, Poland, Latvia, Switzerland, Belarus, Russian Federation, Finland, United Emirates, Turkey.

Number of arbitrators involved:



Origin of the arbitrators:



Place/seat of arbitration 2017/2018:

Tallinn, Estonia.

Name of the rules of arbitration applied:

Rules of the Arbitration Court of Estonian Chamber of Commerce & Industry.

Version of arbitration rules in force:

In force from February 1, 2013, third version
Publication number and/or web site address where the rules can be found: General information in English:
<https://www.koda.ee/en/about-chamber/court-arbitration>
Rules in English:
https://www.koda.ee/sites/default/files/content-type/content/2017-03/Reglement_2013- inglise_keelne_1.pdf

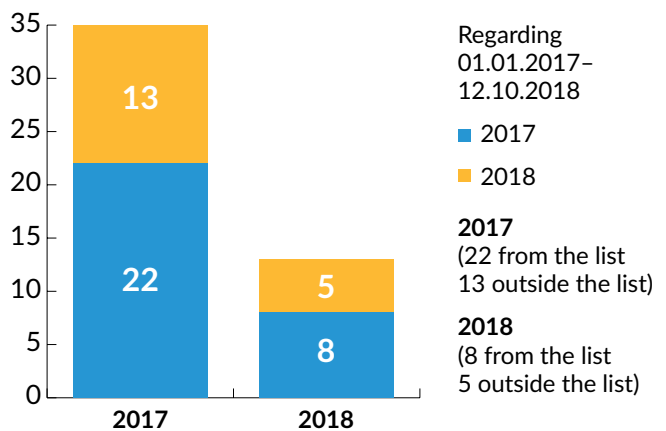
Economic sector:

Trade (sale of goods), construction, real estate, shipping, machinery building, legal laid, agriculture.

Types of contracts:

Sales contract, civil engineering contract, electricity plant construction contract, shares purchase contract, services agreement, loan agreement, charterparty.

Number of arbitrators chosen from the list/ outside the list:



Important case law on arbitration:

In the decision of the Tallinn District Court No 2-17-5977 (09.02.2018) the issues of party autonomy and applicability of the Rules of the Arbitration Court of Estonian CCI were discussed:

Background:

Arbitration agreement did not contain agreement on formation of arbitral tribunal, but claimant proposed to elect sole arbitrator, which was forwarded to the respondent. The latter was given the possibility to reply to the made proposal. The respondent proposed to elect 3 arbitrators. As the parties did not agree on the formation of arbitral tribunal, the Council

of Arbitration Court of Estonian CCI (Arbitration Court) nominated sole arbitrator to solve the dispute (according to the Rules of Arbitration Court).

Respondent applied to set aside the final award as was not given possibility to participate on the formation of the tribunal. Also, according to section 1 of § 721 of CCP (Code of Civil Procedure) if there is no agreement, a dispute is resolved by three arbitrators.

The District Court agreed with respondent and set aside the award. The National Court nullified the decision of the district court on the following grounds:

- The party autonomy includes the right of the parties to decide upon arbitral proceedings, including formation of arbitral tribunal. Therefore according to section 2 § 732 of CCP the parties have the right to agree on the arbitral proceeding or refer to the rules of some. In this case the rules of arbitration court become a part of the parties agreement and arbitral tribunal shall be formed according to the rules of arbitration court.
- In such situation respondent has no right to apply section 1 of § 721 of CCP, according to which the parties agree on the number of arbitrators and if there is no agreement, a dispute is resolved by three arbitrators.
- In this case section 1 of § 716 of CCP is applicable, according to which if the parties have agreed upon conduct of arbitration proceedings in a permanent arbitration court, it is presumed that the agreement of the parties also extends to the procedural rules prescribed by the rules of the arbitration court. Therefore such agreement should be viewed as agreement on the number of arbitrators.
- Therefore the second sentence of section 1 of § 721 of CCP is applicable only in the case when parties have no any agreement on the number of arbitrators, including to reference to the rules of some arbitration court.
- Accordingly the formation of the tribunal was made according to the Rules of the Arbitration Court and there are no basis for setting aside the award.

The District Court decided the case second time and according to the findings of National Court did not set aside the award of the Arbitration Court.

Form of the arbitration text:

Arbitration law is incorporated into Chapter 14 of Code of Civil Procedure (2006).

Competition:

No important changes compared with 2017. At the present time there are approximately 20 other institutional arbitration courts in Estonia. Up to 2009 there were only 2 institutional arbitration courts in Estonia: Arbitration Court of Estonian CCI and Arbitration Court of Tallinn Stock Exchange.

Sectors in which competitors are active:

- Arbitration Court of Tallinn Stock Exchange is solving only disputes connected with stock exchange transactions and relations between the stock exchange and participants, therefore is not competitor;
- Arbitration Court of Chambers of Notaries may solve all disputes and is therefore competitor. No information is available regarding the sectors of disputes;
- Association Estonian Arbitration Court is partially competitor as they may solve smaller claims up to EUR 25000. No information is available regarding the sectors of disputes.

THE ARBITRATION INSTITUTE OF THE FINLAND CHAMBER OF COMMERCE (FAI)

Report of the activities for the period of 2017 – until 10 October 2018



Address: Aleksanterinkatu 17, World Trade Center Helsinki
City: Helsinki
Country: Finland
URL: <https://arbitration.fi>
Email: info@arbitration.fi

Structure of the Court:

The Arbitration Institute of the Finland Chamber of Commerce (the "FAI") is an autonomous arbitration body of the Finland Chamber of Commerce. Although part of the organization of the Finland Chamber of Commerce, the Institute carries out its functions independently of the Finland Chamber of Commerce and its organs.

The FAI is composed of a Board of Directors and a Secretariat. The Board may set up one or more committees and delegate certain decision-making powers to such committees. The Board is assisted in its work by the Secretariat, which is responsible for the day-to-day administration of cases. The Secretariat may also take decisions on matters delegated to it by the Board.

Election/appointment method of governing bodies:

The FAI Board

The Board shall consist of a Chair, a maximum of three Vice-Chairs and a maximum of twelve additional members. The Board shall include both Finnish and non-Finnish nationals. The members of the Board shall be appointed by the Finland Chamber of Commerce. The term of office for the Members is three years and may be renewed twice.

The FAI Secretariat

The Secretariat consists of a Secretary General, case managers, an assistant and a trainee. The members of the Secretariat are employed by the Finland Chamber of Commerce.

Number of staff/members of the Court:

The FAI Board

The Board currently consists of 13 members with background in legal academia, justice system in addition to advocates and in-house counsel.

The Board is currently chaired by Ms Petra Kiurunen (Partner, Lindfors & Co Attorneys, Helsinki). The Vice-Chairs of the Board are Mr Marko Hentunen (Partner, Castrén & Snellman Attorneys, Helsinki) and Mr Mikko Kemppainen (Head of legal Affairs, Orion Corporation).

The FAI Secretariat

The Secretariat is headed by the Secretary General Ms Heidi Merikalla-Teir. The Secretary General is currently assisted by three case managers, an assistant and a trainee.

Nationalities:

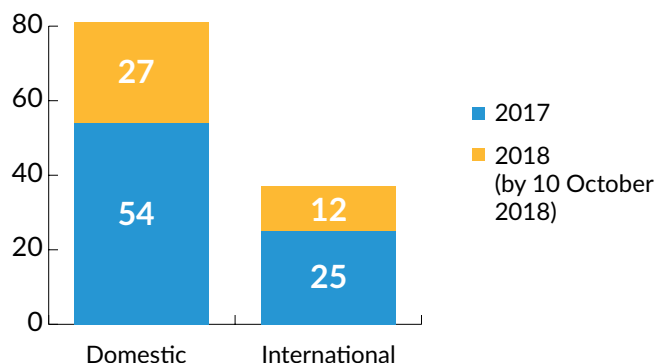
The members of the FAI Secretariat have Finnish nationality. Further, Case Manager Adriana Aravena-Jokelainen has dual nationality, Chilean and Finnish.

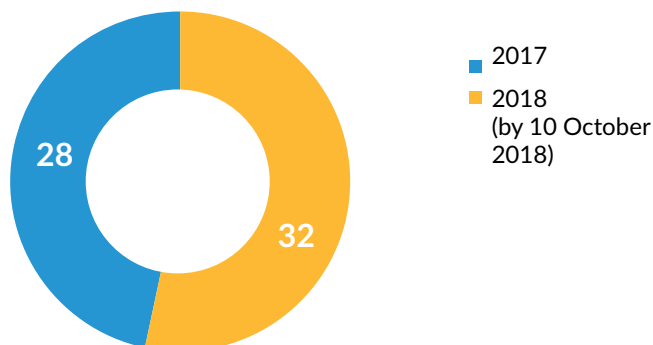
Working languages:

In principle, the FAI may administer cases in any language agreed by the parties or determined by the arbitral tribunal. The FAI's most common working languages are English, Finnish and Swedish. Further, the FAI Secretariat may be contacted in Spanish and German. If the language of the arbitration is other than any of these, the Secretariat may need to ask the parties to produce translations of relevant documents to be able to administer the arbitration in practice.



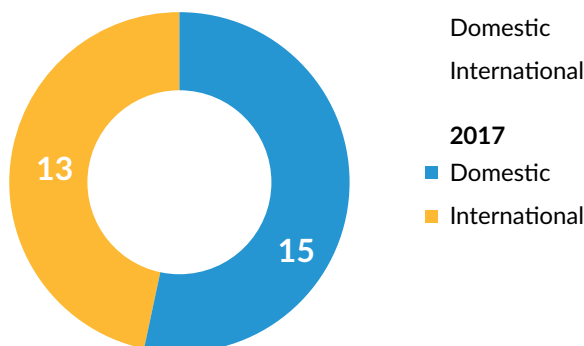
Number of cases registered:



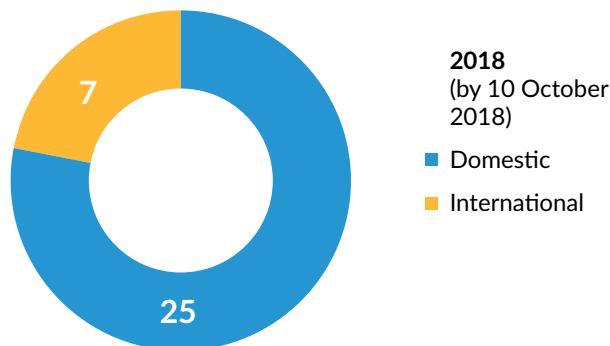
Number of Awards rendered:

In 2017, 28 final arbitral awards were rendered in arbitral proceedings under the FAI Arbitration Rules and Expedited Rules. In 11 cases, the arbitral proceedings were terminated before the final arbitral award was rendered.

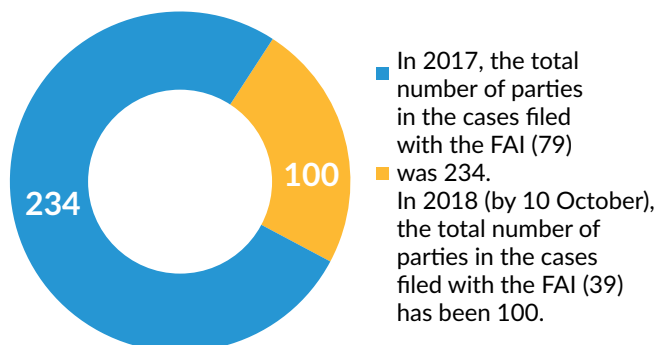
In 2018 (by 10 October), 32 final arbitral awards have been rendered under the FAI Arbitration Rules and Expedited Rules. In 11 cases, the arbitral proceedings have been terminated before the final arbitral award was rendered.

Distinction domestic/international awards:

In 2017, 46% (13 awards) of all the final arbitral awards under the FAI Arbitration Rules and Expedited Rules were rendered in international cases. The share of final arbitral awards rendered in domestic cases was 54% (15 awards).



In 2018 (by 10 October 2018), 22% (7 awards) of all the final arbitral awards rendered so far under the FAI Arbitration Rules and Expedited Rules have been in international cases. The share of final arbitral awards rendered in domestic cases is currently 78% (25 awards).

Number of parties involved**Origin of the parties:****In 2017, many parties were of European origin:**

Czech Republic, Denmark, Estonia, Germany, Ireland, Spain, The Netherlands, Norway, Poland, Sweden, UK. Further, there were parties from China, Russia, Singapore, South-Korea, Turkey, Vietnam and the USA.

In 2018, further to Finnish parties, many foreign parties come from Europe:

Belgium, Estonia, Italy, Latvia, Lithuania, Luxembourg, Norway, Sweden, The Netherlands.

Parties outside Europe come from Taiwan, Turkey and the USA.

Economic sector:

In 2017, the cases filed with the FAI originated from the following economic sectors:

Manufacturing, Construction, Wholesale and retail trade; repair of motor vehicles and motorcycles, Information and communication, Finance and insurance activities, Real estate activities, Professional, scientific and technical activities, Administrative and support service activities, others.

Types of contracts:

In 2017, the cases filed with the FAI had the following subject matters:

Franchising/Cooperation Agreement, IT Agreement, Director's Agreement, Real Estate Transaction, Consulting Agreement, Shareholders' Agreement, Service Agreement, Construction, Delivery/Supply Agreement, Lease Agreement, Company Acquisition/ Sale of Business, others.

Origin of the arbitrators:

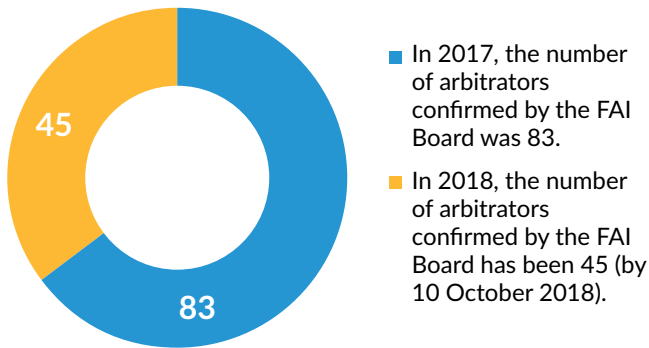
In 2017, the confirmed arbitrators were nationals of Denmark, Estonia, Finland, France, Germany, Iceland, Sweden, Switzerland, Vietnam and UK.

In 2018, the confirmed arbitrators are nationals of Finland, France, Germany, Lithuania, Sweden and Switzerland.

Number of arbitrators chosen from the list/ outside the list:

The FAI does not maintain a pre-established list of arbitrators. Instead, when appointing arbitrators, the Board will have an open discussion at the Board meeting on suitable candidates for each individual case.

Number of arbitrators involved:



Place/seat of arbitration:

In cases filed with the FAI, the seat of arbitration is often Helsinki, or some other city in Finland.

Version of arbitration rules in force:

The revised Arbitration Rules and Expedited Rules came into force on 1 June 2013. The Rules apply to all arbitrations commenced on or after that date, unless otherwise agreed by the parties.

If the arbitration agreement was concluded before the date on which the Rules came into force, certain articles do not apply, unless otherwise agreed by the parties (see Article 52.2 (a) of the Arbitration Rules), and the Institute may publish anonymous excerpts or summaries of awards, orders and other decisions only with the prior written consent of all parties to the arbitration (see Article 52.2 (b) of the Arbitration Rules).

On 1 June 2017, the FAI published revised fee tables A and B of Appendix II to the FAI Arbitration Rules and Expedited Rules regarding the determination of the FAI Administrative Fee and the arbitrators' fees. They replace the prior tables effective as of 1 June 2013, in respect of all arbitrations commenced on or after 1 June 2017, irrespective of the version of the Rules applying to such arbitrations. In this way, the FAI has endeavoured to meet both the arbitrators' and the parties' justified expectations as to a reasonable level of fees and costs. Accordingly, in arbitrations conducted pursuant to the FAI Arbitration Rules, the arbitrators' fees are increased to some extent, whereas the FAI Administrative Fee is raised only moderately. Further, in arbitrations pursuant to the FAI Expedited Rules, the arbitrators' fees are increased quite considerably, but the FAI Administrative Fee has remained virtually unaltered.

Rules of arbitration applied:

The Finland Chamber of Commerce adopted new Arbitration Rules and Expedited Rules on 16 May 2013. They entered into force on 1 June 2013. The Rules are available in several languages on the FAI's website: <http://arbitration.fi/arbitration/rules/>.

On 1 June 2017, the FAI published revised fee tables A and B of Appendix II to the FAI Arbitration Rules and Expedited Rules regarding the determination of the FAI Administrative Fee and the arbitrators' fees. They replace the prior tables

effective as of 1 June 2013, in respect of all arbitrations commenced on or after 1 June 2017, irrespective of the version of the Rules applying to such arbitrations. In this way, the FAI has endeavoured to meet both the arbitrators' and the parties' justified expectations as to a reasonable level of fees and costs. Accordingly, in arbitrations conducted pursuant to the FAI Arbitration Rules, the arbitrators' fees are increased to some extent, whereas the FAI Administrative Fee is raised only moderately. Further, in arbitrations pursuant to the FAI Expedited Rules, the arbitrators' fees are increased quite considerably, but the FAI Administrative Fee has remained virtually unaltered.

Important case law on arbitration:

There is only a limited amount of case law relating to arbitration. Finnish case law can be found at <http://www.finlex.fi/en/oikeus/>.

The FAI publishes anonymous case commentary articles addressing landmark decisions in FAI cases.

Form of the arbitration text: specific law on arbitration/incorporation into a code of civil procedure:

Arbitration has a long tradition as the preferred method of resolving commercial disputes in Finland. The inclusion of an arbitration clause in business contracts is the rule rather than the exception among Finnish companies.

Finland's legislative framework and national court system are considered hospitable to both domestic and international arbitration.

The Finnish Arbitration Act currently in force (967/1992; the "Act") was enacted in 1992. The Act is based on the same principles as the UNCITRAL Model Law. It is, for the most part, compatible with the Model Law irrespective of the fact that it applies to both domestic and international arbitration. There are some minor differences between the Model Law and the Act, but these are hardly substantial.

Finnish law is largely identical to the New York Convention—ratified by Finland in 1962. Finland has not made the reciprocity nor the commercial nature reservations provided for in the New York Convention. Therefore, the recognition and enforcement of foreign arbitral awards in Finland are not restricted to awards rendered in countries that have ratified the New York Convention, nor to matters of commercial nature.

The Act provides that the award rendered by the arbitral tribunal is a final award and will be recognized as binding and enforceable whether rendered in Finland or in a foreign state. A court may, however, refuse an application for the enforcement of an arbitral award on the basis that it is null and void within the meaning of section 40 of the Act, or if the arbitral award has been set aside by a court, or if a court, because of an action for declaring null and void or for setting it aside, has ordered that any enforcement of the award shall be interrupted or suspended. The Act includes only limited grounds for setting aside an arbitral award.

In Finland, there are no special courts for arbitration-related matters. These matters are heard by the Finnish state courts (district courts as the first instance). Finnish state courts are considered “arbitration friendly”. There is a high threshold for refusing the recognition and enforcement of arbitral awards.

New laws and regulations related to arbitration:

There is an on-going discussion about the need to revise the current Finnish Arbitration Act. The Act has been in force almost unchanged for over 25 years since its enactment in 1992. It is considered outdated and in need of reform, as it deviates in important aspects from today's international best standards reflected in the UNCITRAL Model Law on International Commercial Arbitration (1985; with amendments adopted in 2006).

The FAI and the Finland Chamber of Commerce have made a proposal to the Finnish Ministry of Justice regarding the needed revisions to the Act to bring it fully consistent with the UNCITRAL Model Law, thereby increasing Finland's attractiveness as a venue for international arbitrations. We hope that our active engagement in the promotion of the revision of the Act will be fruitful in the near future.

Number and names of other arbitral institutions active in the country:

The FAI is the most important arbitral institution in Finland. Besides the FAI, Turku Chamber of Commerce appoints arbitrators, and a research institute of the University of Helsinki (Conflict Management Institute Association ry/r.f.) has its own arbitration rules.

CENTER OF ARBITRATION OF THE NATIONAL CHAMBER OF ENTREPRENEURS OF THE REPUBLIC OF KAZAKHSTAN “ATAMEKEN”

Report of the activities for the period of October 2017 – October 2018



Address: 8 D. Kunayev Str., Block «B»,
17-floor, office 172
City: Astana
Country: Kazakhstan
URL: <http://www.aca.kz/>
Email: arbitration@palata.kz

Structure of the Court:

The Center of Arbitration of the National Chamber of Entrepreneurs of the Republic of Kazakhstan “Atameken” was established in 2014 as a result of the reorganization of the International and Domestic Arbitration Courts at the Chamber of Commerce and Industry of the Republic of Kazakhstan. This reorganization took place as a result of amendments to Kazakhstani law relating to the liquidation of the Chamber of Commerce and Industry and the establishment of the National Chamber of Entrepreneurs (“NCE”).

Whilst the CA of the NCE signed assignment agreements with the International and Domestic Arbitration Courts at the Chamber of Commerce and Industry of the Republic of Kazakhstan, technically, it is not a successor of these arbitration institutions. However, because, for most local companies, membership of the NCE is mandatory, and the CA of the NCE will open branches in all Kazakhstani regions, this institution will be the biggest in Kazakhstan.

The CA of the NCE handles all types of commercial disputes between local and foreign companies, except disputes that are non-arbitrable under Kazakhstani law (such as disputes relating to the registration of rights over immovable property, challenges to decisions of state authorities, etc.).

Election/appointment method of governing bodies:

Governing bodies are appointed by the NCE.

Number of staff/members of the Court:

Twelve.

Nationalities:

Kazakh.

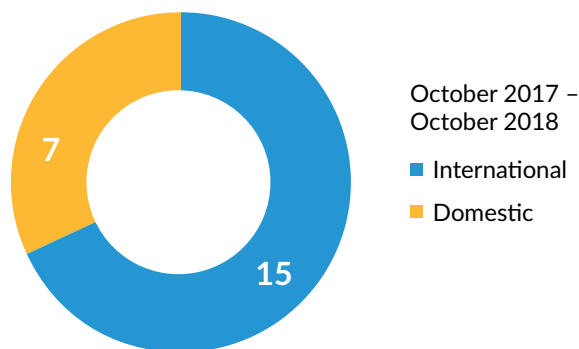


Working languages:

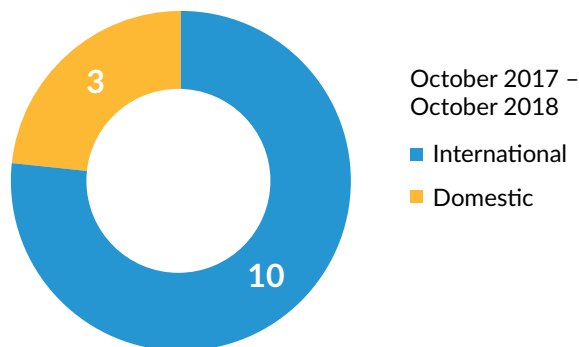
Russian, Kazakh and English.

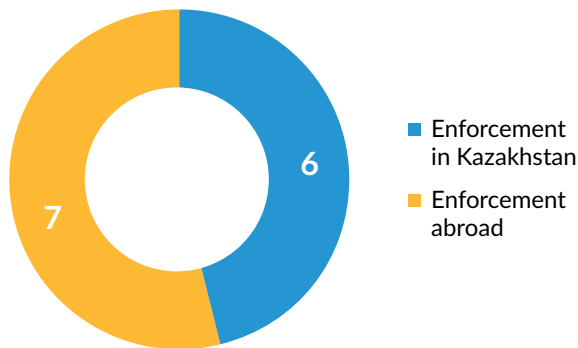
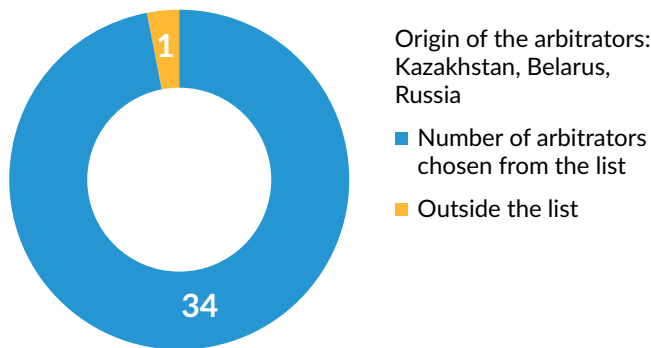
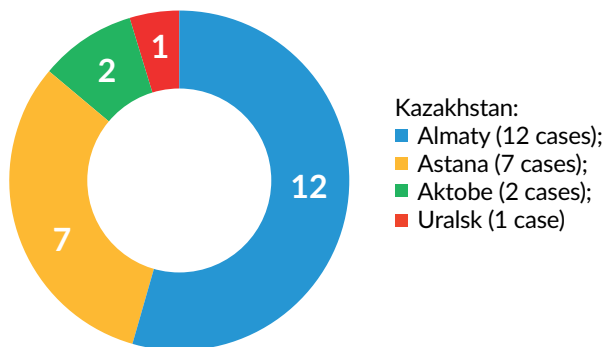


Number of cases registered:



Awards:



Enforcement:**Arbitrators:****Place/seat of arbitration:****Parties:**

Kazakhstan, Russia, Azerbaijan, Cyprus, Seychelles Islands, China, Nevis Island

Rules of arbitration applied:

Rules of the Center of Arbitration of the National Chamber of Entrepreneurs of the Republic of Kazakhstan "Atameken" Private Institution dated 16 May 2016.

<http://aca.kz/uploads/pages/acaruleseng-8e760fb435.pdf>

Legal framework:

In April 2016, as a result of the reform of the judicial system, the Law On Arbitration (the "New Arbitration Law") was adopted. This law is also based on the UNCITRAL Model Law. It governs both international and domestic arbitration proceedings.

In addition to unifying the procedural rules for international and domestic arbitration proceedings, the New Arbitration Law implements the following changes to the previous rules:

- i. State-owned companies may only execute arbitration agreements with Kazakhstani companies after getting consent from the superior state authority.
- ii. An arbitration agreement must set forth the name of the arbitration institution to be used. Due to this provision, it is not entirely clear whether arbitration agreements that refer to ad hoc arbitration rules will be valid.
- iii. A party has the right to terminate an arbitration agreement unilaterally before the origin of the dispute.
- iv. A new association of arbitration institutions and arbitrators — the Arbitration Chamber — was established. This chamber is responsible for maintaining a Register of Arbitrators and represents local arbitration institutions to local state authorities and foreign organizations.
- v. When reviewing disputes with state-owned companies, arbitrators are required to apply Kazakhstani law only, unless otherwise provided, in the international treaties of the Republic of Kazakhstan.
- vi. Parties have the right to seek the reconsideration of arbitral awards based on so-called "newly opened circumstances" (i.e., facts that are material to the case, but were not previously known to an applicant). This provision has been copied from the Civil Procedure Code, and it is not entirely clear how it should be applied by arbitrators.
- vii. In addition to the currently existing grounds for challenging an arbitral award, the New Arbitration Law will allow parties to challenge the award if there is a judgment or an award that has a *res judicata* effect on the subject matter of the challenged award.

Generally, while the unification of procedural rules for international and domestic arbitration proceedings is a positive change, other provisions of the proposed New Arbitration Law will make the regulation of arbitration proceedings in Kazakhstan more restrictive. Additionally, it is not entirely clear how these new provisions will interrelate with the provisions of international treaties ratified by Kazakhstan.

In addition, under the new version of the Civil Procedural Code of the Republic of Kazakhstan, adopted in October 2015 and in force since 1 January 2016, the procedure for enforcing domestic arbitration awards has become more complicated.

In particular, in addition to the grounds for refusing to enforce an arbitral award listed in Article V of the New York Convention, the enforcement of an award may now be rejected if: (i) there is a judgment or an arbitral award issued on the same dispute between the same parties and based on the same grounds (i.e., a judgment or award that has *res judicata* effect);

or (ii) an award is issued as a result of a crime confirmed by the sentence of a criminal court.

While it is not entirely clear, because Kazakhstan is a member of the New York Convention and the Geneva Convention, it is our understanding that these new grounds will be applied only to domestic arbitral awards.¹

However, this issue will need to be clarified by local court practice.

Under the most recent local court decisions, Kazakhstani courts refer to provisions of the New York Convention rather than to local rules and usually take a pro-arbitrable position. In particular, in June 2017 the Almaty City Court decided to enforce the ICC interim measures award based on provisions of the New York Convention.

Please note that some of the provisions of the New Arbitration Law (especially relating to the right of parties to terminate an arbitration agreement unilaterally before the origin of the dispute) were criticized by local scholars and practitioners.

As a result of the efforts of local arbitration institutions in February 2017, the provision of the New Arbitration Law that provides the above right was terminated.

In addition, new amendments to the New Arbitration Law are currently being considered by the parliament.

In particular, these amendments should cancel the mandatory application of Kazakhstani law to settle disputes with state-owned companies.

Competition

At present, there are around 20 arbitration institutions in Kazakhstan. The most famous of these competitors are the Kazakhstani International Arbitrage and the International Arbitration Court IUS.

¹ Please note that some local scholars and practitioners argue that Kazakhstan did not properly ratify the international treaties above (i.e., by a law adopted by the Kazakhstani Parliament) and, therefore, these treaties cannot prevail over national laws. However, there are a number of court decisions that confirm that the provisions of the New York Convention and Geneva Convention will overrule the national laws in the case of a conflict.

PERMANENT COURT OF ARBITRATION ATTACHED TO THE ECONOMIC CHAMBER OF MACEDONIA

Report of the activities for the period of 2017 – until 10 October 2018

Address: Dimitrie Cupovski 13
City: Skopje
Country: Macedonia
URL: <http://www.mchamber.mk/>
E-mail: tatjana@mchamber.mk

Structure of the Court:

The Permanent court of Arbitration attached to the Economic Chamber of Macedonia is a permanent arbitral institution functioning as a part of the Economic Chamber of Macedonia, using its spatial and administrative – technical conditions for performing arbitration activity.

Although the Permanent court of Arbitration attached to the Economic Chamber of Macedonia is without a status of a legal entity, according to the Rules of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia, it is independent in its action.

Bodies of the Arbitration Court are: the Presidency, the President and the Secretary of the Arbitration Court.

Election/appointment method of governing bodies The Presidency:

The Presidency of the Arbitration Court shall consist of 7 members: President, Vice- President and 5 members with no special function appointed by the Management Board of the Economic Chamber of Macedonia. Mandate period of the members of the Presidency is 5 years. The Presidency performs general supervision of the work of the Arbitration, attends the proper application of the Rules of the Permanent court of Arbitration and other general acts of the Arbitration, participates in the deciding over the jurisdiction of the court, decides for the use and the disposition of the financial resources of the Arbitration, examines and approves the annual reports of the Arbitration and the plan of activities for the following year and performs other activities defined in the Rules and other general acts of the Arbitration.

A person can be appointed two times consequently at the most for the positions of President and Vice-president of the Arbitration Court. A person who has been appointed as President or Vice-president of the Arbitration Court twice consequently, may be appointed as a member of the Presidency of the Arbitration Court.

The President:

The President of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia is appointed by the

Management Board of the Economic Chamber of Macedonia. The president of the Arbitration appoints the arbitrators and the presidents of the arbitral tribunals in the cases provided in the Rules, decides the exemption of the arbitrators, sees to the maintaining and development of cooperation with other institutions and organizations, whose course of action is within the interest of the Arbitration, signs the agreements for cooperation with other Arbitration institutions in the country and abroad, submits an annual program and an annual report for the work of the Permanent court of Arbitration to the Economic Chamber of Macedonia and performs other activities provided in the Acts of the Arbitration.

The Secretary:

The Arbitration Court has a Secretary, appointed by the President of the Economic Chamber of Macedonia. The secretary of the Arbitration prepares the activities of the presidency and the president and carries out their decisions, undertakes the administrative actions for the constitution of the arbitral tribunal and the preparation of hearings in a certain dispute, maintains the proper execution of the conclusions and other decisions of the arbitral tribunals, manages the activities of the Secretariat, prepares the annual activities report, annual financial report and the plan of activities of the Arbitration for the following year and performs other activities provided in the acts of the Arbitration.

Number of staff/members of the Court:

The Court consists of 8 members including the members of the Presidency and the Secretary. All members are prominent experts in their field of work.

Nationalities:

Within the current mandate period, all members of the Presidency and also of the Secretariat of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia are Macedonians.



Working languages:

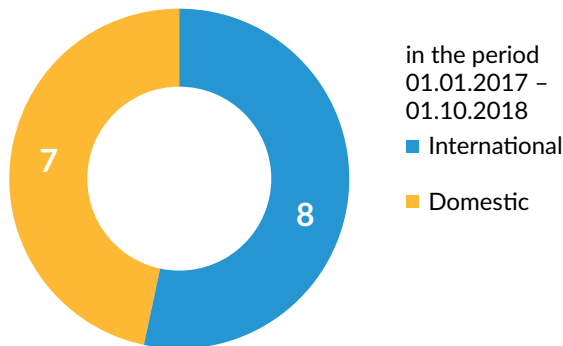
Working language of the proceedings is Macedonian, but the parties may agree for the proceedings to be conducted in another language. If the parties have not otherwise agreed, the sole arbitrator or the Arbitration panel immediately upon their appointment shall determine the language of the proceedings, especially taking in consideration the language or the languages of the main contract from which the arbitration arises.

That agreement or decision, unless otherwise provided in them, shall be applied to every written statement of the parties, any oral proceedings and any award, decision or other communication by the Arbitration Court.

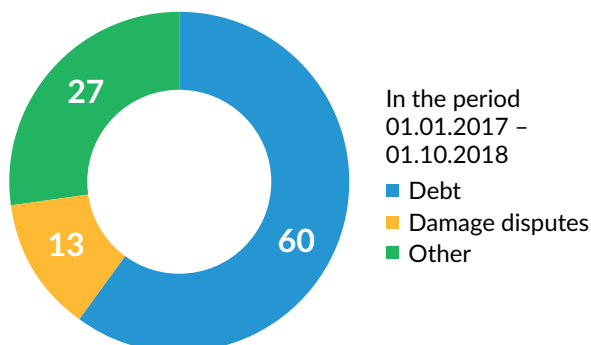
If the parties failed to reach an agreement, nor the arbitrators succeed to determine the language of the arbitration proceedings, the proceedings shall be conducted in Macedonian language and its Cyrillic alphabet.

In the last two years, proceedings in English language have also been conducted before the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia. Hence all submissions, decisions of the Arbitration Court and written correspondence have been submitted and rendered, and hearings have been conducted in English. The arbitrators decided the language of the proceedings to be in English by taking into consideration the language of the main contract, as it is prescribed in the Rules of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia.

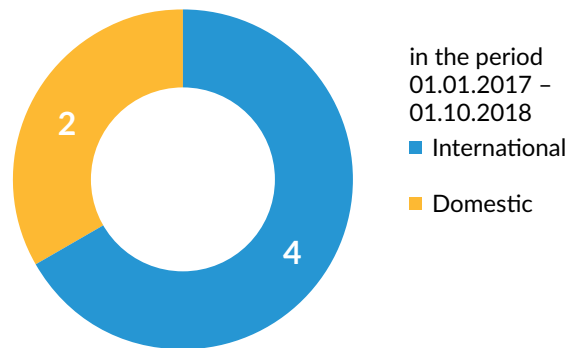
Number of cases registered:



Basis of the claims stated in disputes initiated before the Permanent court of Arbitration attached to the Economic Chamber of Macedonia:



Awards:



Types of contracts:

Sale of goods, construction, performing security services, shipping services; public procurements.

Number of arbitrators involved:

Until 01.10.2018, 15 arbitrators have been involved in the cases registered in the registry of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia. However, in the current moment another two of the registered cases are in the stadium of constitution of the arbitral tribunal.

Origin of the arbitrators:

All arbitrators appointed in the registered cases are Macedonians.

Number of arbitrators chosen from the list/ outside the list:

All appointed arbitrators were chosen from the Lists of arbitrators (List of arbitrators for disputes with international element & List of arbitrators without international element).

Place/seat of arbitration:

The seat of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia is in Skopje, and the place of all registered arbitration cases in the period from 01.01.2017 to 01.10.2018 is in Skopje.

Name of the rules of arbitration applied:

Rules of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia.

Rules on the costs in the proceedings before the Permanent court of Arbitration attached to the Economic Chamber of Macedonia.

Version of arbitration rules in force:

Rules of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia (no.07-1177/8 from 20 April 2011, no.07-3479/8 from 15 December 2011 and no.02-2088/7 from 15 December 2016).

Rules on the costs in the proceedings before the Permanent court of Arbitration attached to the Economic Chamber of Macedonia (no. 08-2087/3 from 15 December 2016 and no. 02-585/4 from 11 April 2017)

Important case law on arbitration:

In Macedonia, the state courts have obligation to make all awards available to the public, including also the awards rendered in arbitration proceedings. In the recent period, the web pages of the state courts, have been upgraded and modified, so now significant amount of the awards that constitute the case law on arbitration are available to the public. However, important arbitral awards that may constitute new and seriously change the current case law on arbitration have not been rendered.

Form of the arbitration text: specific law on arbitration/incorporation into a code of civil procedure:

Macedonian legal framework makes distinction between domestic and international arbitration, resulting in two separate laws covering the arbitration.

The current legal framework for international arbitration in Macedonia has been laid down in the Law on International Commercial Arbitration of the Republic of Macedonia, enacted on 21 March 2006 and based on the UNCITRAL Model Law on International Commercial Arbitration of 1985 and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. It did not take account of the amendments of the Model Law that took place in 2006 and therefore it calls for further slight revision and fine-tuning.

On the other hand, domestic arbitration is still under the regime of Law on Civil Procedure from 2005, based on the old provisions of Federal Law on Civil Procedure of former Yugoslavia of 1976 and is waiting to be updated for a long time.

New laws and regulations related to arbitration:

In Macedonia, there are not any new laws or regulations related to arbitration. However, in April 2017, upon a proposal of the Presidency of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia, Amendments and Modifications of the Rules on the costs in the proceedings before the Permanent court of Arbitration attached to the Economic Chamber of Macedonia were made. These amendments envisaged the possibility for the party, by exception, when the total amount of the advance payment of the costs of the proceedings exceeds 25.000,00 EUR, in order to cover the advance payment, to post a bank guarantee. The bank guarantee shall be issued by any domestic bank or first class foreign bank, and shall be unconditional, irrevocable and payable on the first call made by the President of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia.

Number and names of other arbitral institutions active in the country:

In the current moment, the Permanent court of Arbitration attached to the Economic Chamber of Macedonia is the only functioning arbitral institution in the country.

COURT OF INTERNATIONAL COMMERCIAL ARBITRATION ATTACHED TO THE CHAMBER OF COMMERCE AND INDUSTRY OF ROMANIA

Report of the activities for the period of October 2017 – September 2018



The Court of International Commercial Arbitration

Address: 2 Octavian Goga Blvd.
City: Bucharest
Country: Romania
URL: <http://arbitration.ccir.ro/en/>
E-mail: ccir@ccir.ro

Structure, tradition and recent developments of the Court:

Established in 1953, the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania (CCIR) – firstly named “Committee of International Commercial Arbitration” – has built along 65 years of activity a remarkable practice and a good reputation. Under the aegis of this Court more than thirty thousand disputes have been solved, releasing a valuable case law, seldom quoted in the Romanian and foreign literature. Within the process of modernisation and liberalisation started in 1990, the Court of International Commercial Arbitration attached to the C.C.I.R. switched to the system of open roster, expanding in this manner the capacity of the parties in dispute to apply to the arbitrators which they know and trust. Also, within the recommended List of the Court arbitrators have been included well known names coming from outside Romania and representing different cultures and linguistic, juridical and economical customs from many continents.

On the 1st of January 2018, the new Rules of Arbitration of the Court of International Commercial Arbitration were adopted following the need to rally with the European and International standards. The Board of the Court of Arbitration is comprised of seven specialists in international arbitration, commercial law, public and EU law, financial law, international trade, practitioners in educational and research activities, attorneys-at-law, re-elected by the Management Board of the Chamber of Commerce and Industry of Romania during its last session held on the 19th of September 2018.

Also, pursuant to art 9 on the organisation and cooperation of the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania, the Management Board of the Court has a consultative body, namely the Scientific Board.

Attached to the Chamber of Commerce and Industry of Romania, the Court of International Commercial Arbitration is autonomous in exercising its functions. According to the law, it is authorised to arbitrate both domestic and international

commercial and civil disputes. As an expression of the institutionalised arbitration, the activity of the Court is coordinated by the Board conducted by a President and benefits of the specialised assistance of a Secretariat provided by CCIR.

Number of staff/members of the Court:

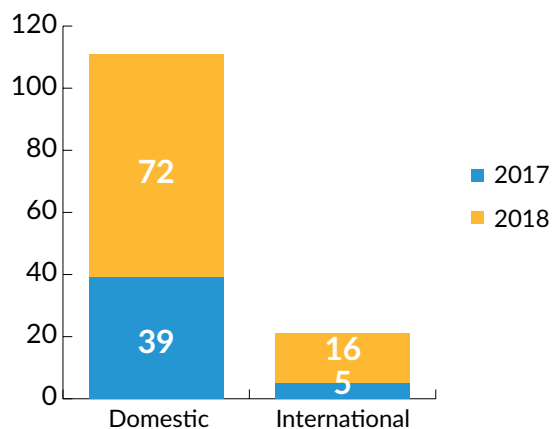
7 staff and 9 members

Number of cases registered:

The number of disputes referred for settlement to the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania* in the period October 2017 – September 2018 reaches the figure of 132.

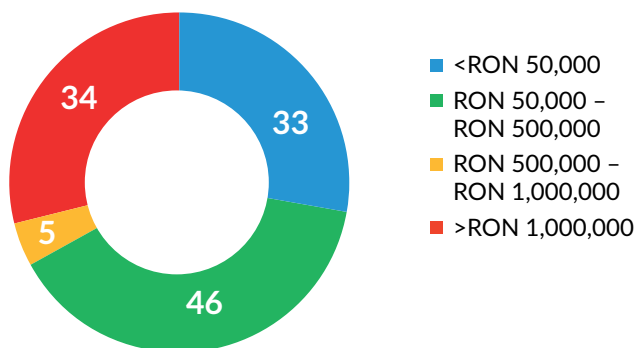
*The Court operates on the basis of Article 29,30 of the Law of chambers of commerce no. 335/2007 and of Title IV “On Arbitration” of the new Code of Civil Procedure in force since February 15th, 2013

Requests for arbitration registered at the Court of International Commercial Arbitration between October 2017 – September 2018:

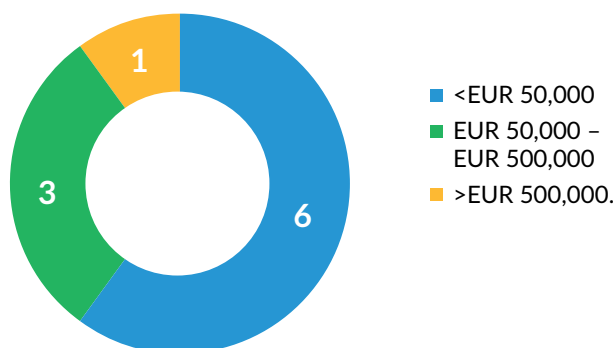


The requests for arbitration registered at the Arbitration Court between October 2017 – September 2018 varied both in terms of their value and in terms of currency of the claims – RON and EUR. In the referred period, we notice that the values of the object of claims in domestic disputes and international disputes with the claim matter value denominated in RON were up to RON 50,000 in 33 case files, in 46 cases was between RON 50,000 and RON 500,000, in 5 cases was between RON 500,000 and RON 1,000,000 and over RON 1,000,000 in 34 cases. In international disputes with the claim matter value denominated in EUR, 6 cases had the value of the object of the claim up to EUR 50,000, in 3 cases was between EUR 50,000 and EUR 500,000, in 1 case exceeded EUR 500,000.

Domestic disputes:



International disputes:

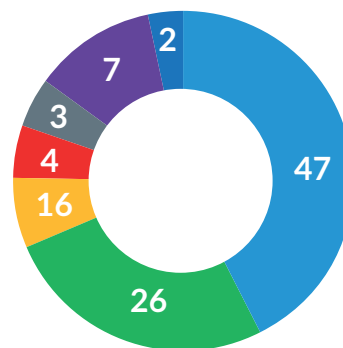


Awards:

Between October 2017 – September 2018, the Court rendered a total number of 108 final awards out of which 47 of admittance, 26 of partially admittance, 16 of rejection of claims, 4 awards were agreed in terms of taking note of the agreement concluded by the parties, in 3 awards it was taken note of judgement waiver as a consequence of the amiable settlement of the disputes, in 3 awards it was ascertained that the Court of Arbitration has no jurisdiction and the case was sent to the state court for competent settlement, in 7 awards it is acknowledged the expiration de jure, in 2 awards it was taken note that the request for arbitration become devoid of purpose.

Arbitral awards become irrevocable when the time limit of 30 days since the receipt of the award by the parties expired and

none of the parties used the petition of annulment provided by Art.608 of the Code of Civil Procedure. In the referred period, no arbitral awards were set aside by the competent court of law falling under the provisions of Art. 608 of the Code of Civil Procedure.



Working languages:

The language used during the proceedings of the litigations with international character, requested by the parties, was English language. There were situations in the domestic disputes when the parties, Romanian companies with foreign majority capital, agreed under the arbitration clause to perform the proceedings in the English language.

Origin of the parties:

Predominant foreign parties were from countries such as Spain, France, Hungary, United States of America, Bahamas, Bulgaria, Italy, India, Austria, and Moldova.

Economic sector:

The requests for arbitration referred to different sectors of economy such as: finance-banking, real estate, construction, agriculture, transport, technology of information etc. prevailing being the claims relative to due price, deductions, rents, penalties, interests, damages, requests for ascertaining of the existence or non-existence of certain rights and requests for ascertaining the contract cessation etc.

Types of contracts:

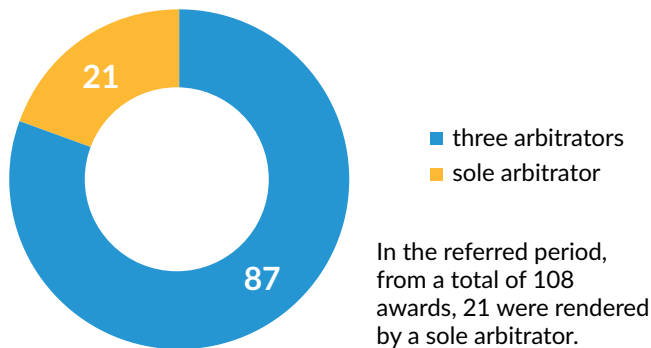
The litigations arose out from different types of contracts: construction, transport, enterprise, technical assistance, franchising, assignment of receivable, agency, manufacturing, leasing, partnership agreements, concession, loan, sell and purchase contracts, renting and lease.

The contractual relations referring to construction, sale and purchase and transports were situated on the first place. The construction field arose more disputes settled by our Court compared with the previous years.

Number of arbitrators involved:

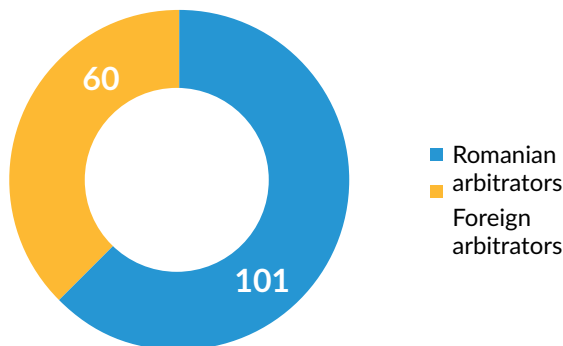
According to the provisions of the Rules of Arbitration in force since January 1st, 2018, the number of arbitrators shall be one or three. In case the parties fail to agree on the number of arbitrators or on another appointment method, there will be three arbitrators appointed, one by the claimant, one by the respondent and one chairman appointed by the two co-arbitrators.

In case one party fails to appoint an arbitrator in due time or the two co-arbitrators fail to agree on a chairman, the appointment is made by the President of the Court.



The List of Arbitrators of the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania was updated on November 10th, 2017 following the provisions of the new Regulations on the organisation and operation of the Court, being comprised of 101 Romanian arbitrators and 60 foreign arbitrators.

Origin of the arbitrators:



Number of arbitrators chosen from the list/ outside the list:

According to the regulations, the parties may appoint arbitrators from outside the list of arbitrators only in case the name of a certain arbitrator was included in the arbitral agreement. In the referred period, there were no cases in which such an arbitrator was appointed.

Place/seat of arbitration:

The place of arbitration in all cases settled by the Romanian Court of International Commercial Arbitration in the referred period was in Bucharest, at the premises of the Court – 2, Octavian Goga St., 3rd District. In one of the files the parties and arbitrators decided that the witness hearings and the discussions on the merits of the case to take place in Paris.

Rules of arbitration applied:

The Rules of arbitration entered into force on January 1st, 2018 and comprises provisions in accordance with the new Romanian Civil Procedural Code in force since February 15th, 2013 and also with the international regulations.

Also, the Schedules of Arbitral Fees and Expenses in force were amended on January 1st, 2018.

The Rules of Arbitration, the Schedules of Arbitral Fees and Expenses, the Regulations on Organisation and Operation of the Court of International Commercial Arbitration attached to the C.C.I.R., the Rules of the Management Board and the List of arbitrators may be found on our web site: <http://arbitration.ccir.ro>.

Law applicable to the disputes:

Under the principle of *lex voluntatis*, in most cases the parties agreed on *lex contractus* in their contracts. Where the law governing the contract was not selected by the parties, the arbitral tribunal determined it by applying the provisions of the new Civil Code in force since October 2011. In cases with foreign elements, the applicable law was determined having in view the rules of international private law.

According to the Romanian Constitution, the unconstitutionality plea may be invoked also in arbitration courts.

As for the procedure rules, in most cases, based on the parties' agreement, the Rules of the Court of International Commercial Arbitration applied, sometimes supplemented by the IBA Rules as permitted by the set of procedural rules adopted in 2014 and 2018.

Competition:

In Romania, the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania is the main arbitration institution in the country.

According to the Law no. 335/2007 of the chambers of commerce, any chamber of commerce and industry of any of the 40 counties of Romania may organise arbitration, but these courts are functioning at a regional level. Also, there are some specialised arbitration institutions organised according to specific laws in fields such as insurance-reinsurance, intellectual property, health insurance system.

THE INTERNATIONAL COMMERCIAL ARBITRATION COURT AT THE CHAMBER OF COMMERCE AND INDUSTRY OF THE RUSSIAN FEDERATION

Report of the activities for the period of October 2017 – October 2018



Address: Ulitsa Iliyinka 6
City: Moscow
Country: Russian Federation
URL: <http://mkas.tpprf.ru/en/>
E-mail: mkac_arbitration@tpprf.ru

Structure of the Court:

By virtue of the Law of the RF No 5338-1 dated 07.07.1993 "On International Commercial Arbitration" (with amendments dated 29.12.2015) (Appendix No. 1 to the Law) is an independent permanent arbitration institution, which administers arbitration in accordance with mentioned Law and the Federal Law No 382-FZ dated 29.12.2015 "On Arbitration (Arbitral Proceedings) in the Russian Federation". The Federal Law "On Arbitration (Arbitral Proceedings) in the Russian Federation" mostly regulates domestic arbitration proceedings.

In accordance with § 1 of the Regulations on organizational principles of activity of the ICAC (Appendix No. 1 to Order No. 6 of the RF CCI, 11.01.2017) (the Regulations) the ICAC may conduct the following types of activities in accordance with above mentioned laws:

- administering of international commercial arbitration;
- administering of domestic arbitration;
- administering of corporate arbitration;
- administering of sports arbitration;
- performance of certain functions on administering of ad hoc arbitration;
- administering of arbitration of other disputes in cases provided by international treaties of the Russian Federation or Federal laws.

Election/appointment method of governing bodies:

The ICAC Presidium

In accordance with §6 of the Regulations, the ICAC Presidium is comprised of the President of the ICAC and his/her Vice Presidents for relevant types of disputes, six persons from the List of Arbitrators elected for a period of six years by the General Meeting of Arbitrators, and three persons appointed by the President of the RF CCI. The President of the ICAC acts as a Chairman of the Presidium.

The ICAC Presidium is in charge of the analysis of arbitration practice, the practice of application of the ICAC Regulations

and Rules, as well as the review of issues related to dissemination of information about the activities of the ICAC, international links of the ICAC, and other issues relating to the activities of the ICAC.

The ICAC Presidium makes decisions by a simple majority vote, provided that at least six members of the Presidium, including the Chairman of the Presidium, are present at the meeting. In the event of vote parity, the Chairman of the Presidium has the decisive vote.

The Executive Secretary of the ICAC attends meetings of the Presidium with the right of a deliberative vote who acts in the capacity of secretary of the Presidium.

Nomination Committees

In accordance with § 7 of the Regulations, the Nomination Committees take decisions on issues related to nominations, challenges and termination of powers of arbitrators. The Nomination Committees are formed for a period of six years and shall operate until a new committee is elected by the General Meeting of arbitrators included in the new list.

The following Nomination Committees were formed within the ICAC:

- The Nomination Committee for arbitration of international commercial disputes consisting of six members elected by the General Meeting and three members nominated by the President of the RF CCI;
- The Nomination Committee for arbitration of domestic disputes consisting of six members elected by the General Meeting and three members nominated by the President of the RF CCI;
- The Nomination Committee for arbitration of corporate disputes consisting of four members elected by the General Meeting and two members nominated by the President of the RF CCI;
- The Nomination Committee for arbitration of sports disputes consisting of four members elected by the General Meeting and two members elected by the President of the RF CCI.

The Nomination Committee makes decisions by a simple majority vote provided that at least half of its members are present at the meeting. In the event of vote parity, the Chairman of the Nomination Committee has the decisive vote.

The ICAC Secretariat

According to §9 of the Regulations, the Secretariat fulfills its duties in accordance with the Regulations, including the duties related to organizing arbitral proceedings and relevant paperwork.

The Secretariat is headed by the Executive Secretary of the ICAC who is appointed by the President of the RF CCI. The Executive Secretary of the ICAC has four deputies for international commercial disputes, domestic disputes, corporate disputes and sports disputes appointed by the RF CCI.

All Secretariat staff members belong to the personnel of the Center of Arbitration and Mediation of the RF CCI. In the course of performing functions related to administering arbitration of disputes the Secretariat is subordinated to the President of the ICAC.

ICAC Branches

By virtue of the Law of the RF "On International Commercial Arbitration" (Appendix No. 1 to the Law) the ICAC may open branches outside of its place of location.

In 2017-2018 eight ICAC branches in different regions of Russia (Rostov-on-Don, Ufa, Irkutsk, Kazan, Nizhny Novgorod, St. Petersburg, Tyumen, Voronezh) were opened.

Number of staff/members of the Court:

The Secretariat currently consists of 19 members.

Nationalities:

All the Secretariat staff members are Russian citizens.

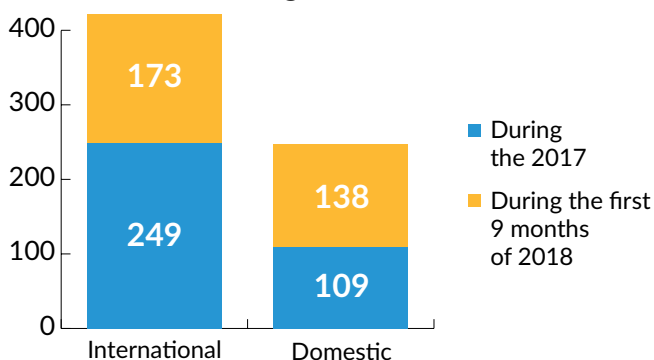


Working languages:

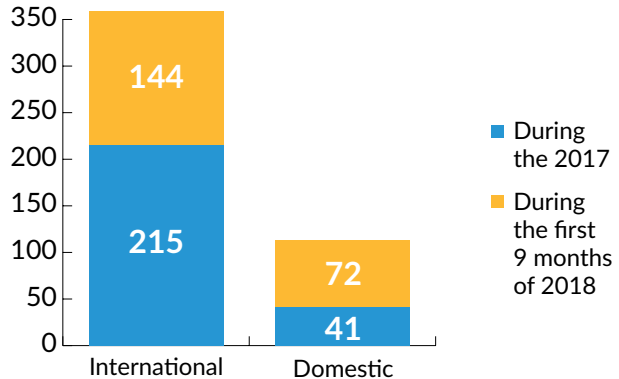
As a rule the main working language of arbitration proceedings is Russian and in the majority of cases the hearing is conducted in Russian. However, the parties may choose other languages of arbitration, and a number of arbitral proceedings were conducted in English.



Number of cases registered:



Number of awards rendered:



Parties (international):

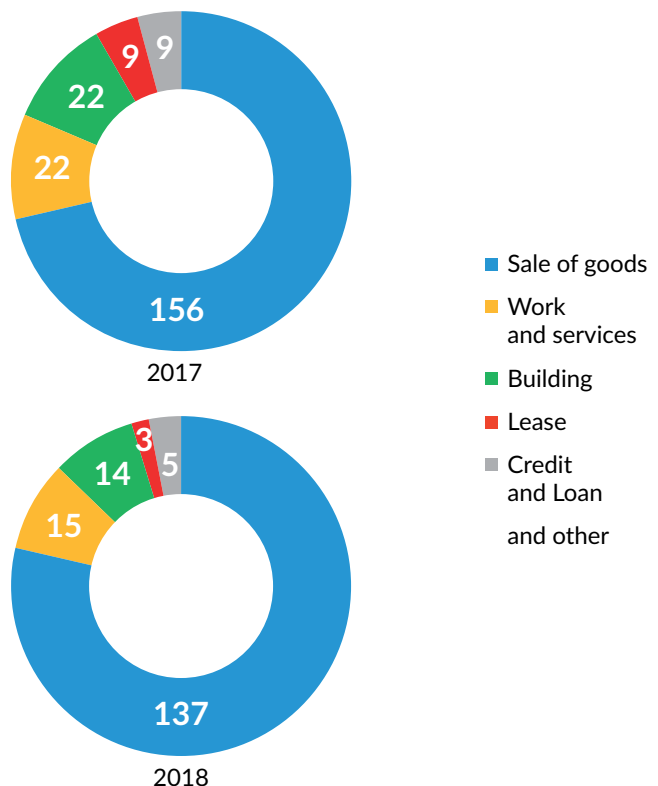
Number of parties involved (2017)

As mentioned above during the 2017 there were 249 claims brought by companies from 50 different countries.

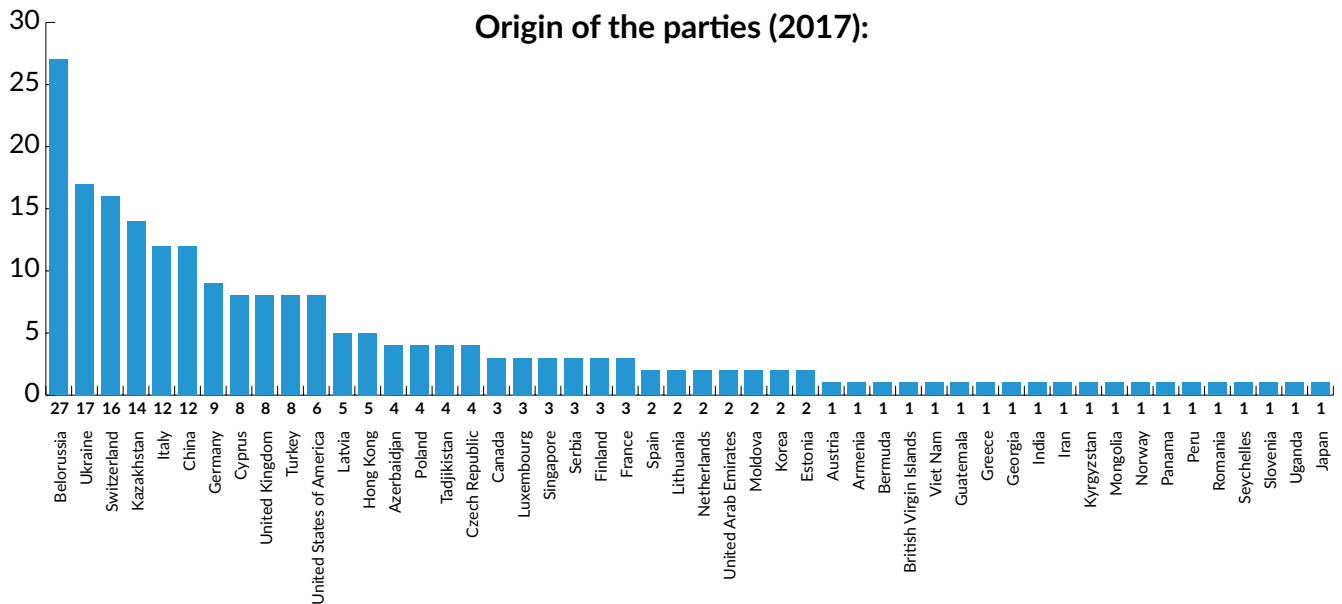
Economic sector:

Parties mainly represent the following economic sectors: industry, trade, communication, construction, transportation, finance and insurance, etc.

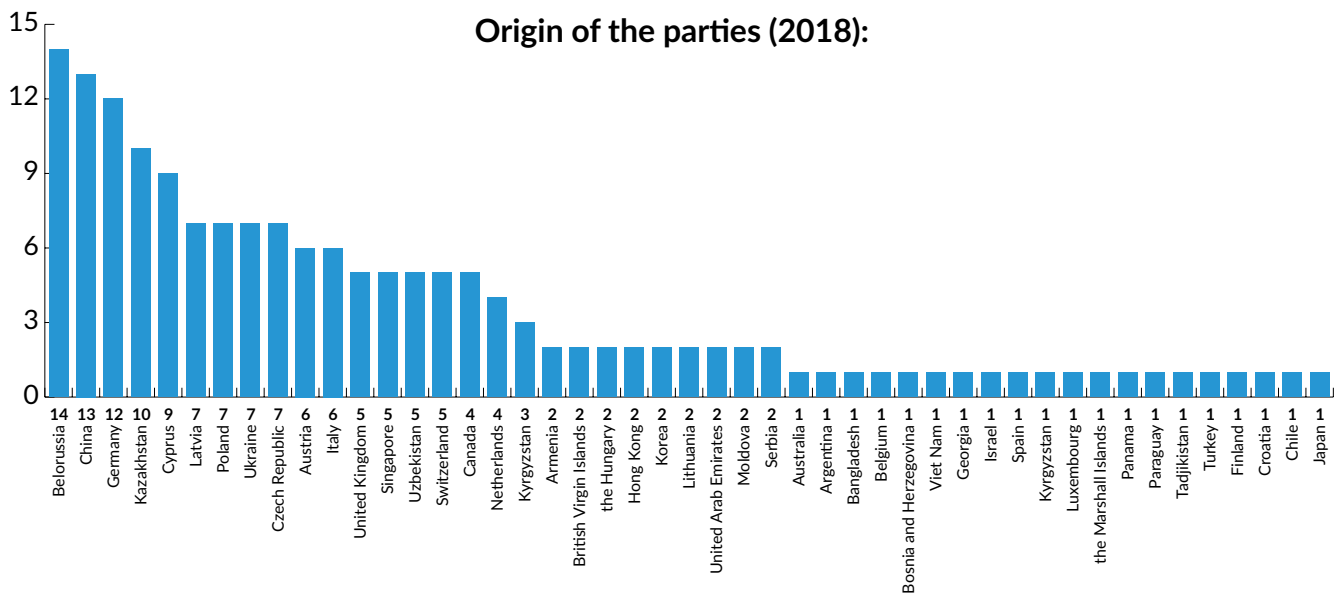
Types of contracts:



Origin of the parties (2017):

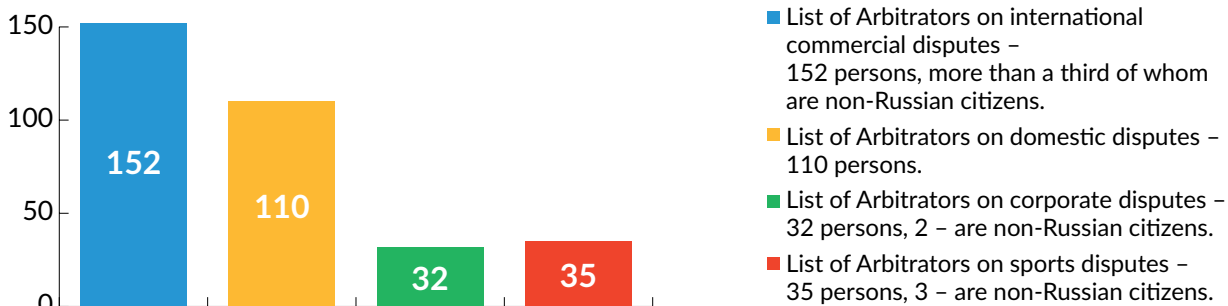


Origin of the parties (2018):



Number of arbitrators involved:

The following Lists of Arbitrators were approved by the RF CCI President on February 3, 2017.



Place/seat of arbitration:

According to the ICAC Rules, the place of arbitration is Moscow, Russia, unless the parties agreed otherwise. All cases in 2017 and the first 9 months of 2018 took place in Moscow, Russia.

Rules of arbitration applied:

The Regulations and the Rules of the ICAC approved by Order No. 6 of the RF CCI dated 11.01.2017.

The Regulations on organizational principles of activity of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (Appendix No. 1 to Order) The Rules of Arbitration of International Commercial Disputes (Appendix No. 2 to Order No. 6)

The Rules of Arbitration of Internal Disputes (Appendix No. 3 to Order) The Rules of Arbitration of Corporate Disputes (Appendix No. 4 to Order) The Rules of Arbitration of Sports Disputes (Appendix No. 5 to Order)

The rules can be found on the ICAC official web site: mkas.tpprf.ru

New laws and regulations related to arbitration:

The Federal Law "On Arbitration (Arbitral Proceedings) in the Russian Federation" came into force on September 1, 2016, which regulates domestic arbitration proceedings. Also the Federal Law provides for the mandatory permission to be granted by the Russian Government in order to exercise functions of a permanent arbitral institution in the RF. The ICAC and the Maritime Arbitration Commission at the RF CCI are exempted from the duty to obtain such governmental permission.

Russia preserved dualistic legislative framework with separate federal laws for domestic and international commercial arbitration. As for the legal framework regarding the conduct of arbitral proceedings, both Russian laws follow very closely main approaches of the UNCITRAL Model Law on International Commercial Arbitration.

ICAC representatives were playing active role in the drafting activities with regard to the Russian arbitration reform.

INTERNATIONAL COMMERCIAL ARBITRATION COURT AT THE UKRAINIAN CHAMBER OF COMMERCE AND INDUSTRY

Report of the activities for the period of 01.01.2018-10.10.2018



Address: 33 Velyka Zhytomyrska Street
City: Kyiv
Country: Ukraine
URL: <https://icac.org.ua/en/>
E-mail: icac@icac.org.ua

Election/ appointment method of governing bodies:

The International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (the ICAC) as an independent permanent arbitration institution consists of the arbitrators, ICAC Presidium, ICAC President, Vice Presidents and ICAC Secretariat.

In accordance with Art. 8 of the ICAC Rules the ICAC President and his Vice Presidents shall be appointed by the Presidium of the Ukrainian Chamber of Commerce and Industry on the proposal of the ICAC Presidium for a period of five years from the number of persons included in the Recommendatory List of ICAC Arbitrators.

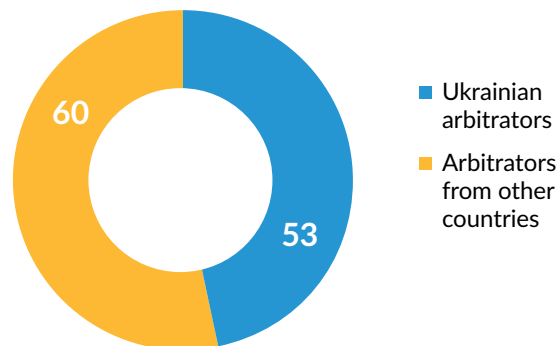
The ICAC Presidium shall comprise ex officio of the President and Vice Presidents of the ICAC, and also of seven members appointed by the Presidium of the Ukrainian Chamber of Commerce and Industry on the proposal of the President of the ICAC among persons of the Recommendatory List of the ICAC Arbitrators for a period of five years. The President of the ICAC shall act as Chairman of the ICAC Presidium. Arbitrators can be persons appointed in accordance with the ICAC Rules (by the parties or by the President of the Ukrainian Chamber of Commerce and Industry).

The Secretary General of the ICAC, who is the head of the Secretariat, shall be appointed by the President of the Ukrainian Chamber of Commerce and Industry on the proposal of the ICAC President. The Secretary General of the ICAC shall have two deputies. The employees of the ICAC Secretariat shall be appointed by the President of the Ukrainian Chamber of Commerce and Industry on the proposal of the ICAC President.

Number of staff/members of the Court:

President, 2 Vice Presidents, Advisor to President, Secretariat (4 employees), Arbitrators (113).

Nationalities:



The ICAC President, both Vice-Presidents and all employees of the ICAC Secretariat are citizens of Ukraine. Among 113 arbitrators included into the Recommendatory List of the ICAC Arbitrators, there are 53 Ukrainian arbitrators and 60 foreign arbitrators from 32 countries (Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Estonia, Finland, France, Germany, India, Kazakhstan, Latvia, Lithuania, Hungary, Macedonia, Moldova, the Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Sweden, Turkey, United Kingdom and USA).

Working languages:

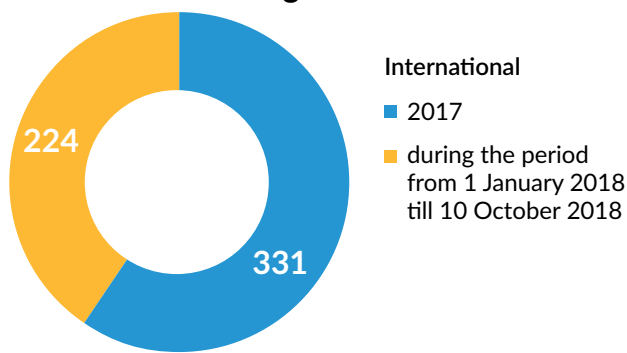
In accordance with Article 40 of the ICAC Rules the parties are free to agree on the language or languages to be used in the arbitral proceedings. When failing such agreement, the Secretary General of the ICAC upon the receipt of the Statement of Claim shall determine the language or languages to be used at the stage of the preliminary case preparation. The issue of the language of the arbitral proceedings is finally decided upon by the Arbitral Tribunal.



The working languages of the ICAC are Ukrainian, Russian and English.

From a total number of cases considered by the ICAC within a period from 1 January 2018 till 10 October 2018 (153 cases) the arbitral proceedings in 37 cases have been conducted in the Ukrainian language, in 8 cases – in the English language, in 4 cases – in the English language and in the rest of cases – in the Russian language.

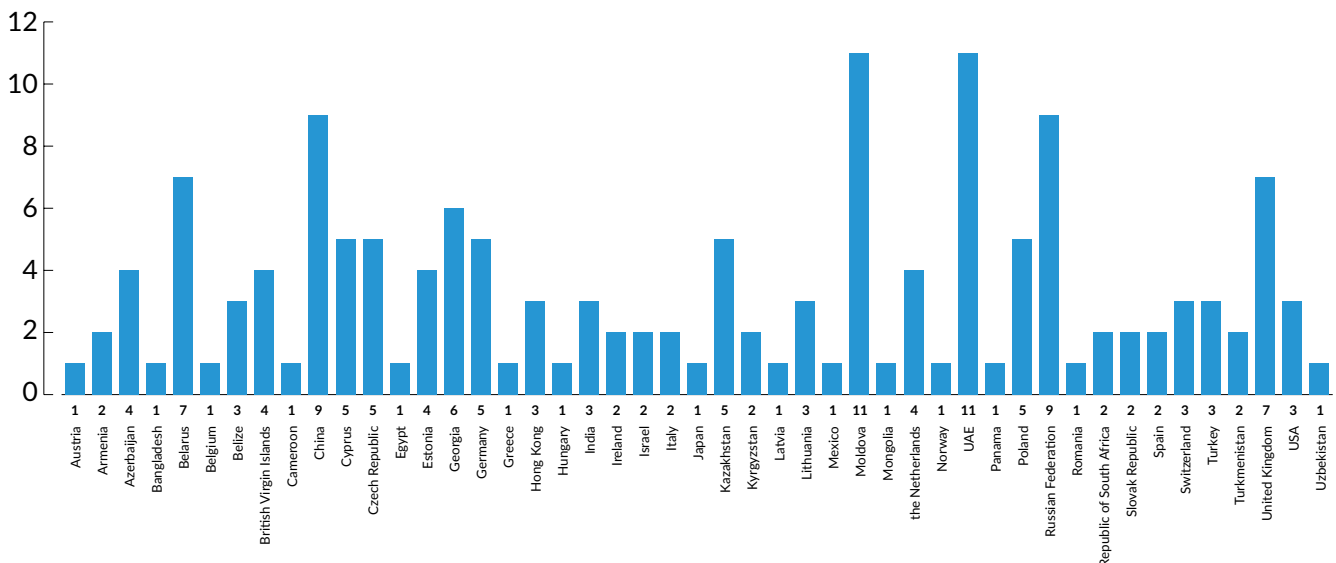
Number of cases registered:



Domestic

By virtue of the Statute on the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (Annex 1 to the Law of Ukraine “On International Commercial Arbitration”) and the Rules, the ICAC does not accept for arbitration domestic commercial disputes.

Parties from far-abroad countries were as follows:



Number of awards rendered:

During the period from 1 January 2018 till 10 October 2018 – 153 awards.

Distinction domestic/international awards:

As it is already mentioned above, the ICAC does not accept for arbitration domestic commercial disputes.

Number of post awards proceedings: recognition, enforcement, annulment:

Within the reporting period 10 applications for setting aside were filed to the state court. 1 arbitral award of the ICAC at the UCCI was set aside, 2 applications are left without satisfaction, and consideration of the remaining applications is pending.

The ICAC has not information as to the number of awards recognized and enforced.

Number of parties involved:

In accordance with the ICAC Rules, two parties participate in the arbitral proceedings – the claimant and the respondent. At this, the Rules provide for the possibility of involvement of several claimants or respondents. Thus, in the reporting period 2 cases involved two claimants, 2 cases involved two respondents and 1 case involved 3 respondents.

The ICAC Rules (Art. 22) provide for the possibility of the participation of a third party in the arbitration. However, in the reporting period the cases with the participation of a third party were not considered by the ICAC.

Origin of the parties:

Parties to the cases, which were considered by the ICAC in the reporting period (153 cases), were from 47 far-abroad countries and Ukraine.

State, parastatal or public entities:

From a total number of cases considered by the ICAC in the reporting period state entities were parties to 17 cases (as Claimants in 12 cases and as Respondents in 5 cases).

Economic sector:

Parties mainly represent the following economic sectors: industry (heavy, light, extractive, pharmaceutical, manufacturing, food, etc.), agriculture, transportation, etc.

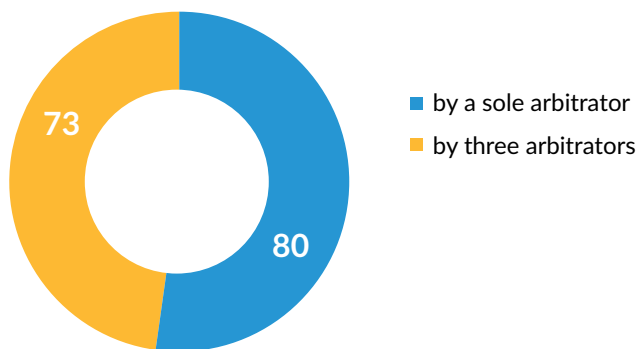
Types of contracts:

The majority of cases, considered by the ICAC in the reporting period as well as in previous years arose out of the sales contracts and concerned the breach of contractual obligations as to the opportune payment or delivery of goods as well as to the quality of delivered goods. To a lesser extent the disputes dealt with provision of services, work and labour, surety agreements, loan agreements, etc.

From the total amount of cases considered by the ICAC in the reporting period (153 cases), the overwhelming majority of cases – 131 cases (i.e. 85,6%) related to the contracts of international purchase and sale/delivery of goods, 10 cases related to the contracts of provision of services, 5 cases – to work and labour contracts, 3 cases – to surety agreements, 1 case related to lease agreement and 1 case related to loan agreement.

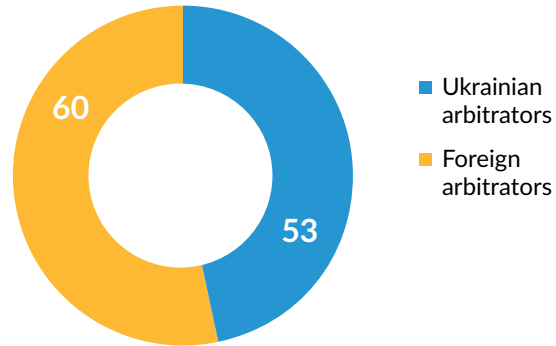
Number of arbitrators involved:

In accordance with Art. 30 of the ICAC Rules the parties are free to determine the odd number of arbitrators, including one arbitrator. Failing such determination, three arbitrators shall be appointed, unless the ICAC Presidium or, on its behalf, the ICAC President, taking into account the complexity of the case, the price of the Claim and other circumstances, decides that the dispute shall be subject to be resolved by a sole arbitrator.



Origin of the arbitrators:

Among 113 arbitrators included into the Recommendatory List of the ICAC Arbitrators there are 53 Ukrainian arbitrators and 60 foreign arbitrators from 32 countries (Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, India,



Kazakhstan, Latvia, Lithuania, Macedonia, Moldova, the Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Sweden, Turkey, United Kingdom and USA).

In the reporting period most of the ICAC cases have been considered by the Ukrainian arbitrators. At the same time, foreign arbitrators from Belarus, Bulgaria, Latvia and Moldova also took part in the consideration of a number of cases.

Number of arbitrators chosen from the list/ outside the list:

All arbitrators who participated in the arbitral proceedings in the reporting period have been chosen from the Recommendatory List of the ICAC Arbitrators.

Place/seat of arbitration:

The place of arbitration in all cases, which were considered by the ICAC in the reporting period, was Kyiv, the premise of the ICAC at the UCCI (33, Velyka Zhytomyrska street, Kyiv, Ukraine).

Name of the rules of arbitration applied:

Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry.

Version of arbitration rules in force:

The actual version of the ICAC Rules was approved by the Decision of the Presidium of the Ukrainian Chamber of Commerce and Industry of 27 July 2017, is effective as of 1 January 2018 and applied to cases accepted by the ICAC from the above date.

Publication number and/or web site address where the rules can be found:

As mentioned above, the actual version of the ICAC Rules was approved by the Decision of the Presidium of the Ukrainian Chamber of Commerce and Industry of 27 July 2017. The previous two versions of the ICAC Rules were approved by the Decisions of the Presidium of the Ukrainian Chamber of Commerce and Industry of 17 April 2007 and of 25 August 1994.

The actual version and the previous version of the ICAC Rules are available on the web site of the ICAC:

<https://icac.org.ua/wp-content/uploads/Rules-of-the-ICAC-at-the-UCCI.pdf>

(the actual version of the ICAC Rules)

<https://icac.org.ua/wp-content/uploads/Rules-of-the-ICAC-at-the-UCCI-2007.pdf> (the previous version of the ICAC Rules).

Form of the arbitration text: specific law on arbitration/ incorporation into a code of civil procedure:

The ICAC operation in Ukraine is regulated by a separate law - the Law of Ukraine "On International Commercial Arbitration" of 24 February 1994 based on the UNCITRAL Model Law, the New York Convention (1958) and the European Convention (1961) and annexed by the Statute on the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (Annex I) and the Statute on the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry (Annex II).

In accordance with Article 6 (2) of the Law of Ukraine "On International Commercial Arbitration" and part 4 of Article 454 of the Code of Civil Procedure of Ukraine, the ICAC and MAC awards may be set aside by the Kyiv Court of Appeal (general appellate court at the place of arbitration) in the manner provided for by Section VIII of the Code of Civil Procedure of Ukraine.

The enforcement of the ICAC and MAC awards in the territory of Ukraine shall be carried out by the Kyiv Court of Appeal in the manner prescribed by Section IX of the Code of Civil Procedure of Ukraine.

Separate provisions concerning the arbitrability of disputes are set forth in Articles 20, 22 of the Code of Economic Procedure of Ukraine.

New laws and regulations related to arbitration:

The Law of Ukraine "On Amendments to the Code of Economic Procedure of Ukraine, the Code of Civil Procedure of Ukraine, the Code of Administrative Procedure of Ukraine and other legislative acts" No. 2147-VIII of 3 October 2017 adopted the new edition of the Code of Economic Procedure of Ukraine and the Code of Civil Procedure of Ukraine, as well as amended a number of laws of Ukraine, including the Law of Ukraine "On International Commercial Arbitration". The novelties contained in the new editions of the Code of Economic Procedure of Ukraine and the Code of Civil Procedure of Ukraine are aimed at supporting the international commercial arbitration by the state and contributing to the establishment of an arbitration-friendly climate and increasing the investment attractiveness of Ukraine:

- for the first time at the state level, a pro-arbitration policy on the development of alternative methods of dispute resolution has been declared and the procedure for performing by courts the functions of assisting and control in regard to international arbitration has systematically been regulated in the procedural legislation;

- the number of judicial authorities in the consideration of all issues of judicial control and the assistance of international commercial arbitration has been reduced.
- General appellate courts (at the place of arbitration) as courts of first instance consider applications for setting aside, recognition and enforcement of awards of the international arbitration, as well as petitions for interim measures, discovering and securing evidence, examination of witnesses.
- Considering that the ICAC and the MAC at the Ukrainian CCI have their location in Kyiv, the court of first instance in cases of the above category is the Kyiv Court of Appeal. The appeal body in these cases is the Supreme Court;
- the possibility of consideration in one joint proceeding of the application for permission to enforcement of the arbitral award along with the application for its setting aside is provided; the clear terms for such consideration are established;
- the powers of the competent court to suspend proceedings on challenging the award of international commercial arbitration are procedurally ensured in order to enable the composition of the Arbitral Tribunal to resume the arbitral proceedings and to avoid grounds for setting aside the award of international commercial arbitration;
- the legal regulation gap is filled and the right of the parties to arbitration to re-apply to international commercial arbitration in case of setting aside of the arbitral award by the court is provided;
- procedures for the assistance of state courts to international commercial arbitration in granting interim measures have been regulated, and the institution of counter security is introduced;
- procedures for the assistance of state courts to international commercial arbitration for the securing of evidence have been regulated;
- the jurisdiction of the court to recover money in the currency of the arbitral award and determine the interests and/or penalty to be paid before the enforcement of the award of international commercial arbitration, the final amount of which will be calculated according to the rules specified in the court decision is provided.

the arbitrability of disputes has been expanded and the legal uncertainty regarding the arbitrability of certain categories of disputes has been eliminated. Thus, in accordance with Articles 20, 22 of the Code of Economic Procedure of Ukraine, disputes arising out of corporate relations are deemed to be arbitrable, provided that such disputes arise out of a contract and an arbitration agreement between the legal entity and all its participants has been concluded; as well as civil aspects of disputes arising:

- at the conclusion, amendment, termination and execution of public procurement contracts;
- at property privatization, except disputes on privatization of the state housing stock;
- out of relations connected with the protection of economic competition, restriction of monopolism in economic activity, and protection from unfair competition;

- out of relations connected with protection against unfair competition regarding: unlawful use of signs or goods of another manufacturer; copying the appearance of the product; collection, disclosure and use of trade secrets.

Hope that the judicial reform and the procedural legislation reform made in Ukraine in 2017-2018 will contribute to the development and popularization of arbitration, will make Ukraine an attractive platform for commercial disputes resolution.

Since 1 January 2018 the new ICAC Rules approved by the Decision of the Presidium of the Ukrainian Chamber of Commerce and Industry of 27 July 2017 came into force.

The main provisions of the organization of arbitration in the ICAC (the procedure for filing the claim in the ICAC, the main stages of arbitral proceedings, the procedure of the constitution of the Arbitral Tribunal, the rates of registration and arbitration fees) remain unchanged. At the same time, new provisions to improve the efficiency of arbitral proceedings, to make arbitral proceedings faster, more cost-effective and more comfortable for the parties have been added.

The novelties of the ICAC Rules:

- the procedure for the application of the Rules is determined;
- the institution of interim measures is thoroughly regulated;
- the procedural legal succession is regulated;
- organizational meetings to prepare the case for consideration are introduced;
- the expedited arbitral proceedings are introduced;
- the rules of evidence in the ICAC are clarified and the concept of “electronic evidence” is defined;
- the status of witnesses and rules for involvement of witnesses to participate in the proceedings are regulated;
- two categories of experts (experts appointed by the party and experts appointed by the Arbitral Tribunal) are distinguished;
- the use of online technologies in arbitration proceedings is provided;
- the stage of rendering of the award is introduced and the approach to determining the date of the arbitral award is changed;
- the control of the draft text of arbitral award is introduced;
- a more flexible approach to determining arbitration fees and costs is established.

Number and names of other arbitral institutions active in the country:

The peculiar feature of the international commercial arbitration in Ukraine is that at the legislative level the operation of two permanent international arbitration institutions has been arranged. These are the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry and the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry. These two arbitration institutions as well as ad hoc arbitration have jurisdiction over consideration of foreign economic disputes.

Sectors in which competitors are active:

The domestic disputes, by agreement of the parties, shall be considered by the arbitration tribunals (the third-party tribunals) established and operating under the Law of Ukraine No. 1701-IV of 11 May 2004 on Arbitration Tribunals. This law does not apply to international commercial arbitration. More than 900 arbitration tribunals have been established in Ukraine, about 100 of which are functioning; however, the consideration of foreign economic disputes does not fall within their jurisdiction.