

**SCHEDULE OF COSTS AND FEES
OF THE COURT OF ARBITRATION
AT THE PCPE LEWIATAN**

**Fees
§ 1**

3. The Court of Arbitration shall collect the following fees:

- a) the administration fee,
- b) the arbitration fee,
- c) fee for issuing a certified copy of the award or other document,
- d) fee for substitute nomination,
- e) the advance for arbitration expenses.

Applicable VAT shall be added to the fees.

4. The fees shall be paid to the Court of Arbitration bank account, specified in the call for payment of the fee.

**Administration Fee
§ 2**

1. The administration fee, which is not reimbursable, shall be collected for statement of claim or counterclaim.
2. The administration fee shall amount to 1.000 PLN.

**Arbitration Fee
§ 3**

1. The arbitration fee shall be collected pro rata to the specification of the amount in dispute:
 - a) up to 20.000 PLN: 2.500 PLN,
 - b) from 20.001 to 100.000 PLN: 2.500 PLN of the first 20.000 PLN and 7% of the amount over 20.000 PLN,
 - c) from 100.001 to 1.000.000 PLN: 8.100 PLN of the first 100.000 PLN and 5% of the amount over 100.000 PLN,
 - d) from 1.000.001 to 10.000.000 PLN: 53.100 PLN of the first 1.000.000 PLN and 0,8% of the amount over 1.000.000 PLN,
 - e) from 10.000.001 to 100.000.000 PLN: 125.100 PLN of the first 10.000.000 PLN and 0,5% of the amount over 10.000.000 PLN,
 - f) over 100.000.000 PLN: 0,03%.

2. In cases resolved by the sole arbitrator, 60% of the arbitration fee shall be collected.
3. In cases resolved by more than three arbitrators, the arbitration fee shall be collected in the amount increased by 25% for each arbitrator exceeding three.
4. If the claimant decreased the amount in dispute, the arbitral tribunal may correct the amount.
5. If amount in dispute has not been determined, or it cannot be determined the Court of Arbitration collects the fee according to the lowest rate. The arbitral tribunal may adopt a higher amount in dispute taking into consideration the character and the circumstances of the case and the amount of work.
6. In cases described in subsections 4 and 5 the Secretary General demands from the claimant the appropriate surcharge to the arbitration fee.

Counterclaim Fee and Deductable Claim

§ 4

1. The full amount of the arbitration fee shall be collected for the statement of claim, as well as for the counterclaim and the setoff.
2. For purposes of determination of the amount of the arbitration fee, claims against one or more defendants (counterdefendants) covered by one statement of claim, or counterclaim, shall be deemed as separate statements of claim (counterclaims).

Fee for Third Party

§ 5

1. For a motion for notification of the third party about a pending action, the applicant shall pay the arbitration fee in the amount of 10% of the arbitration fee for the statement of the claim, and separately with reference to every third party, specified in the motion.
2. In case of the third party shall join the proceedings, the third party shall pay 30% of the arbitration fee as for the statement of claim.

Division of Fee

§ 6

The arbitration fee shall be divided between the Court of Arbitration and the arbitrators, in accordance with the rules specified in separate resolutions of Management Board of PCPE Lewiatan.

Return of Fee

§ 7

1. The Court of Arbitration shall ex officio return the following part of the arbitration fee:
 - a) in case of return of the statement of claim or counterclaim – 90%,
 - e) in case of ascertainment of the Court's lack of jurisdiction – 80%,
 - f) in case of withdrawal of the statement of claim or counterclaim:

- ☒ before issuance of an order on delivery of the statement of claim to the defendant – 80%,
 - ☒ before formation of the arbitral tribunal – 70%,
 - ☒ before the day of the first trial – 60%,
 - g) in case of acknowledgement of the statement of claim, or conclusion of the out of court settlement, before the beginning of the first session – 50%, and during the first session – 40%.
2. Shall the third party notified about the pending action not join the proceedings, the applicant shall receive 70% of the arbitration fee paid in accordance with § 5 section 1.

Advance Payments

§ 8

1. The Court of Arbitration shall collect advance payments for arbitration expenses related to costs of the non-local arbitrators, remuneration of the experts and interpreters, conduction of the trial out of the court's seat, and other costs in the amount fixed by the Secretary General.
2. Shall the arbitral tribunal not decide otherwise, the advance payment for the arbitration costs shall be paid by the party, undertaking actions resulting in the expenses.