

RULES OF THE COURT OF ARBITRATION

AT THE POLISH CONFEDERATION OF PRIVATE EMPLOYERS LEWIATAN

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PART ONE

GENERAL PROVISIONS

I. General Provisions

§ 1

1. The Court of Arbitration at Polish Confederation of Private Employers LEWIATAN (hereinafter referred to as „the Court of Arbitration“ or “the Court”) shall be a permanent court of arbitration within the meaning of the provisions of the civil proceedings code.
2. The Court of Arbitration shall be an autonomous and separate organizational unit operating at Polish Confederation of Private Employers LEWIATAN (hereinafter referred to as “PCPE Lewiatan”).
3. The Court of Arbitration shall operate in accordance with these Rules.

§ 2

1. The Court of Arbitration shall have jurisdiction to resolve disputes under a valid arbitration agreement between the parties (arbitration clause) or if the defendant has not raised the plea of the Court’s lack of jurisdiction in due time.
2. The dispute shall be resolved by an arbitral tribunal appointed in an individual case.

§ 3

The seat of the Court of Arbitration shall be the Capital City of Warsaw.

II. Governing Bodies of the Court of Arbitration

§ 4

The governing bodies of the Court of Arbitration shall be:

- a. the Arbitration Committee,
- b. the Nominating Committee,
- c. the Secretary General.

Arbitration Committee

§ 5

1. The Court of Arbitration shall be headed by the Arbitration Committee consisting of the President of the Court of Arbitration, the First Vice President and three vice presidents.
2. The President of the Court of Arbitration and the First Vice President shall be elected and dismissed by Management Board of PCPE Lewiatan. The remaining members shall be elected and dismissed by Management Board of PCPE Lewiatan as agreed with the President of the Court
3. The President of the Court of Arbitration shall represent the Court and perform other functions as stipulated herein. The First Vice President and vice presidents of the Court of Arbitration shall substitute the President of the Court in matters entrusted to them by the President or by the Arbitration Committee.
4. The resolutions of the Arbitration Committee shall be adopted by a majority of votes of all its members.
5. The term of office of members of the Arbitration Committee shall be three years. Re-appointment of members of the Arbitration Committee for subsequent terms shall be allowed.
6. A member of the Arbitration Committee may not, within his term of office, act as a representative of a party in disputes resolved hereunder or in disputes, in which the Arbitration Committee, the Court of Arbitration or PCPE Lewiatan have been assigned as appointing authority competent to make a substitute nomination of arbitrators.
7. A member of the Arbitration Committee may not, within his term of office, act as an arbitrator in disputes as stipulated in section 6. The prohibition shall not apply to the arbitrator holding the office of the presiding arbitrator appointed by arbitrators or by the parties or the office of the sole arbitrator appointed by the parties.

Nominating Committee

§ 6

1. The Nominating Committee shall conduct the substitute nomination of arbitrators and shall decide on the expiration of an arbitrator's term of office in case of its exclusion or dismissal.
2. The Nominating Committee shall consist of the Chairman and two members.
3. The Chairman of the Nominating Committee and its members shall be elected and dismissed by Management Board of PCPE Lewiatan upon a motion of the Arbitration Committee.
4. Actions of the Nominating Committee shall be conducted in camera, also in relation to the parties.
5. In performing its functions the Nominating Committee shall not be bound by any instructions or opinions.
6. The resolutions of the Nominating Committee shall be taken by a majority of votes of all its members. The resolutions of the Nominating Committee shall be confirmed by a protocol signed by the Chairman.
7. The term of office of members of the Nominating Committee shall be three years. Re-appointment of members of the Nominating Committee for subsequent terms shall be allowed.
8. The restrictions stipulated in § 5 section 6 and 7 shall apply to the members of the Nominating Committee.

Secretary General and Secretariat

§ 7

1. The Secretary General and his deputies shall be appointed and dismissed by Management Board of PCPE Lewiatan upon a motion of the Arbitration Committee. The scope of activities of the Secretary General shall cover performing actions stipulated herein.
2. The deputies of the Secretary General shall perform functions of the Secretary General within the scope as assigned to them.
3. The Secretary General shall perform his functions under direction of the Arbitration Committee and after the arbitral tribunal in a given case has been appointed – under direction of the chairman of the arbitral tribunal.
4. The Secretary General shall administer the Secretariat of the Court of Arbitration. The Secretariat shall be the executive body of the Court.
5. The Secretary General of the Court of Arbitration and other Secretariat employees shall be obliged not to disclose any circumstances they have been made aware of as a result of performance of activities entrusted to them.

§ 8

The Court of Arbitration shall use the round seal with its name and description of its seat.

III. List of Arbitrators

§ 9

1. The Secretary General shall maintain, under the supervision of the Arbitration Committee, the list of arbitrators which shall include persons having qualifications suitable to perform functions of an arbitrator, who agreed to be placed on this list („the list of arbitrators”). The decision on enrollment or removal from the list of arbitrators shall be made by the Arbitration Committee.
2. The list of arbitrators shall not be binding for the parties. The parties may indicate arbitrators out of the list; the above does not, however, apply to the presiding arbitrator and a sole arbitrator.

IV. Finances of the Court of Arbitration

§ 10

1. For its activities the Court of Arbitration shall collect fees and costs and be reimbursed in accordance with the rules specified herein.
2. The Court of Arbitration shall have its own budget and it may avail itself of the subsidies from PCPE Lewiatan.

PART TWO

PROCEEDINGS BEFORE THE COURT

I. General Provisions

§ 11

1. The provisions of these Rules should be applied pursuant to the rule of equal treatment of the parties to the proceedings. The party should have the possibility to claim or defend its rights.
2. The Court of Arbitration shall not be bound by the provisions of civil proceedings, except for the prevailing mandatory provisions concerning court of arbitrations. The Court should, however, do its utmost for comprehensive clarification of the circumstances required to resolve the case.

§ 12

The party may be represented by an attorney. The attorney may be each person with full capacity to perform legal acts.

II. Adjudication Grounds

§ 13

1. The arbitral tribunal shall apply the substantive law of the country unanimously selected by the parties. In case the parties have not chosen the law, the law of the country which is most closely connected with the examined legal relationship, shall be applied.
2. Subject to consent of the parties, the arbitral tribunal may resolve the case under the general rules of law or equity.

§ 14

In every case the arbitral tribunal shall take into consideration the provisions of the agreement and the established customs.

III. Written Statements

§ 15

1. The statement of claim should contain:
 - a. information on the parties and their addresses,
 - b. exact specification of a demand in the statement of claim. Shall the claim pertain exclusively to the payment of a specified amount of money, also specification of the amount in dispute; the value in dispute shall not cover interest, proceeds and costs demanded along with the main claim,
 - c. the factual grounds of the claim and indication of evidentiary measures; providing of legal grounds of the claim shall be recommended,
 - d. reference to the arbitration clause and grounds for its binding force between the parties; in the absence of the arbitration clause, the party may file a motion as stipulated in § 21,
 - e. appointment of an arbitrator, unless the arbitration clause provides otherwise
2. The statement of claim shall be signed by the party or its attorney.
3. The following shall be attached to the statement of claim:
 - a. the power of attorney if the party has appointed an attorney,
 - b. copies of the statement of claim with attachments for each of the arbitrators and each entity participating in the proceedings.

§ 16

1. The above provisions shall apply accordingly to the counterclaim and other written statements. Had a party already been notified on a reference number assigned to the case, the reference number shall also be given.

2. The statement of claim and counterclaim as well as the motion for application of conservatory measures securing the claim shall be served on the Court of Arbitration. Copies of other statements addressed to participants of the proceedings shall be served on them directly by the party. The original copy addressed to the Court shall contain a statement on such delivery. The confirmation of delivery shall be sent to the Court or presented at the trial by the party; the presentation shall not be required if the delivery of the statement has been confirmed by the party.
3. The parties shall be obliged to enlist all the evidence in the statement of claim and statement of defense. The failure to comply with the above shall result in the loss of right to refer to not listed evidence in the course of proceedings; a party may, however, refer to evidence as to which prior reference was not possible or as to which the need of reference has emerged later. The same shall apply to the counterclaim and statement of defense accordingly.

§ 17

Shall the written statement not receive due treatment due to its failure to fulfill formal requirements, the Secretary General shall call the party filing the written statement, under pain of return of the statement, to correct it or supplement within due time, no shorter than 14 days. The erroneous title to the statement or other obvious inaccuracies shall not impede due treatment of the statement and its examination in accordance with due procedures.

IV. Service of Documents

§ 18

1. Statements addressed to the parties shall be served on the attorney's address. Had the party not appointed an attorney or had a notification on appointment of a attorney not reached the sending party, the statements referred to above shall be served on the address of the party's registered seat, or to the place of its permanent stay, or to the address indicated by the party.
2. The party and its attorney shall be obliged to inform immediately other participants of the proceedings on any changes to the above mentioned addresses. In the absence of such notification, the statements shall be served on the last known address.
3. The statement shall be deemed served if:
 - a. the addressee or its attorney has signed the confirmation of receipt of the statement or refused to receive it despite its having been served to one of the addresses as stipulated in section 1;
 - b. it has been sent by registered mail; requirements of sections 1 or 2 shall apply accordingly.
4. The statement of defense shall be served on the party at least by registered mail against return confirmation of receipt.

§ 19

1. The statements addressed to the Court of Arbitration shall be served directly on the Court's Secretariat or by registered mail.
2. The Court of Arbitration shall serve the statements by registered mail, with the reservation that the claim, counterclaim, notifications on dates of trials, decision on discontinuation of proceedings and the award shall be served by registered mail against return confirmation of receipt.
3. Upon party's motion, at its cost, and subject to the consent of the Secretary General, the service of documents may be performed in a different manner.

V. Jurisdiction of the Court of Arbitration

§ 20

1. The arbitral tribunal shall be exclusively competent to decide about the jurisdiction of the Court of Arbitration and about the existence, validity or scope of the arbitration clause.

2. The plea of lack of jurisdiction of the Court of Arbitration may be raised as of the date of filing of the statement of defense at the latest. The arbitral tribunal may permit the plea of lack of jurisdiction raised after that date, shall it acknowledge the delay resulted from an important reason.
3. Shall the lack of jurisdiction of the Court of Arbitration be ascertained, the statement of claim shall be dismissed in form of the decision of the arbitral tribunal, issued at the trial or closed session.

§ 21

Had the claimant applied in the statement of claim to the Court to address the defendant to submit to jurisdiction of the Court of Arbitration, the Secretary General shall within the fixed date address the defendant to do so in writing, simultaneously sending the defendant the Rules of the Court and the copy of the statement of claim. In case of lack of the defendant's written consent on the jurisdiction of the Court, the Secretary General shall return the statement of claim to the Claimant. In case of submission to the jurisdiction of the Court, the Secretary General shall inform the Claimant about it and shall undertake further activities provided herein.

VI. Arbitrators

Arbitral Tribunal

§ 22

1. The presiding arbitrator and arbitrators shall constitute the arbitral tribunal.
2. The arbitral tribunal consists of three arbitrators, including the presiding arbitrator, unless the parties decide otherwise.
3. In disputes resolved by a sole arbitrator, this arbitrator shall perform functions of the presiding arbitrator and the arbitral tribunal.

Appointment of Arbitrators

§ 23

1. The arbitrators shall be appointed by the parties.
2. Shall an arbitrator, be appointed out of the list of arbitrators, the party shall provide his first name, surname and actual profession.
3. Shall the term for appointment of an arbitrator by the party expired ineffectively, the Nominating Committee shall appoint an arbitrator from the list of arbitrators.
4. The presiding arbitrator of the arbitral tribunal shall be appointed by the arbitrators from the list of arbitrators. In case of failure to make such appointment within 14 days from the date of request of the Secretary General, the presiding arbitrator shall be appointed from the list by the Nominating Committee.

§ 24

Shall the appointment of arbitrators lie within the competences of the Court of Arbitration, the arbitrators shall be appointed from the list of arbitrators by the Nominating Committee.

§ 25

Shall two or more entities act as the claimant or the defendant, they shall be obliged to appoint an arbitrator unanimously, unless the parties have provided otherwise.

Sole Arbitrator

§ 26

1. The Parties may agree that the dispute shall be resolved by one arbitrator (the sole arbitrator).
2. The Parties unanimously shall appoint the sole arbitrator from the list of arbitrators within the date fixed by the Secretary General.
3. In case of failure to appoint the sole arbitrator, he shall be appointed by the Nominating Committee.

Extended Tribunal

§ 27

1. Shall the parties' agreement provide that the arbitral tribunal shall contain more than three arbitrators, each of the parties shall appoint an equal number of arbitrators.
2. The number of arbitrators of the arbitral tribunal, together with the presiding arbitrator shall be uneven.

Qualifications of Arbitrators

§ 28

1. Arbitrators appointed to resolve disputes in accordance herewith shall, in the course of the whole proceedings, be and remain impartial and independent of the parties and shall act in accordance with the rules of ethics passed by the Arbitration Committee.
2. A person who was offered a position of an arbitrator shall, prior to its acceptance of the position, disclose to the entity making the proposal, all the circumstances potentially giving rise to any justified doubts as to its impartiality or independence. The arbitrator shall immediately disclose such circumstances to the parties, unless the parties had been previously informed about such circumstances.
3. The arbitrator shall make a statement on its impartiality and independence in which it shall disclose all the circumstances potentially giving rise to justified doubts as to its impartiality and independence. The arbitrator shall, in particular, disclose information on all his business contacts during last five years with the following persons:
 - parties to the dispute and their dominating or related entities
 - attorneys of parties and their legal offices,
 - the presiding arbitrator and the arbitrator appointed by or for the other party.
4. The statement of the arbitrator as stipulated in section 3 shall be delivered to case files. The copies of statements of arbitrators forming the arbitral tribunal shall be sent to parties together with call for the first session.

Exclusion or Dismissal of Arbitrators

§ 29

1. An arbitrator may be excluded on demand of any of the parties has the circumstances raising justified doubts as to its impartiality or independence been disclosed, and also when it appears that it does not have qualifications required under the parties' agreement.
2. The party may, however, demand exclusion of an arbitrator appointed by it, only due to the reasons which have become known after his appointment.

§ 30

1. The application for exclusion of an arbitrator shall be filed by the party to the Court of Arbitration immediately after the party has become aware of circumstances constituting ground for the application.
2. A copy of an application for exclusion of an arbitrator shall be delivered by the Court of Arbitration to the other party, to the arbitrator the application concerns, and to the remaining arbitrators constituting the arbitral tribunal. The persons specified above may express their opinion in writing as to the application within 7 days from the delivery of the copy of the application.
3. If, within 7 days of the delivery to the arbitrator of a copy of an application for its exclusion, the arbitrator does not resign, the application shall be considered by the Nominating Committee within 30 days from filing of the application.
4. The decision of the Nominating Committee on exclusion of an arbitrator does not have to be grounded.

§ 31

1. Upon the motion of a party or the remaining arbitrators, the Nominating Committee may decide upon dismissal of an arbitrator, if:
 - the arbitrator persistently misconduct its duties, in particular causes significant delay in their performance for no justified reason, or
 - there are justified concerns that the arbitrator is not in the position to fulfill its duties in due time.

2. The copy of an application for dismissal of an arbitrator shall be delivered to the arbitrator the application concerns. The arbitrator may, within 7 days from the day of delivery of the copy of an application, present the Nominating Committee its explanation in writing.
3. The decision of the Nominating Committee on dismissal of an arbitrator should indicate the reason for its dismissal.

§ 32

1. In case the arbitrator appointed by the party died, was excluded or dismissed or resigned from its post, the Secretary General shall call the party to appoint a substitute arbitrator within the term stipulated in the summons, no shorter than 14 days from the delivery of the notice. After ineffective expiration of the term the substitute arbitrator shall be appointed by the Nominating Committee.
2. Nevertheless, shall the function of an arbitrator and substitute arbitrator appointed by the party, expire as a result of the exclusion, dismissal or resignation of an arbitrator or substitute arbitrator, the Nominating Committee shall immediately appoint a new substitute arbitrator for this party.
3. In circumstances other than stipulated in sections 1 and 2, in case of expiry of an arbitrator's function, the substitute arbitrator shall be appointed in accordance to the same procedure as an arbitrator whose term of office has expired.

§ 33

In case of expiry of the function of the presiding arbitrator or the sole arbitrator, the substitute arbitrator or the substitute sole arbitrator may from its own initiative or upon a motion of one of the parties, submitted in writing not later than 7 days from the party's becoming aware of appointment of a substitute presiding arbitrator or sole arbitrator, order re-conduct of previous sessions or inspections (viewing). In all other cases of appointment of a substitute arbitrator, the proceedings shall be continued without repeating of the proceedings or inspections (viewing) previously conducted, unless the arbitral tribunal decides otherwise.

VII. Course of Proceedings

Commencement of Proceedings

§ 34

The proceedings shall be commenced by submission of a statement of claim.

§ 35

1. The parties may freely agree on the language or languages of the arbitration proceedings. In the absence of the parties' consent, the decision on the language or languages used in the proceedings shall be made by the arbitral tribunal, which first of all shall take into consideration the language of the contract.
2. On demand of the president of the arbitral tribunal the Secretary General shall appoint an interpreter.

§ 36

1. Had the proceedings been commenced, the Secretary General shall call the claimant to:
 - a. pay the administrative fee, the arbitration fee and the advance for potential expenses in the amount specified by the Secretary General,
 - b. remove ascertained deficiencies of the statement of claim within the fixed period, not shorter than 14 days.
2. In case of failure to pay the administrative fee, the arbitration fee or the advance for expenses, or in case of failure to remove the deficiencies of the statement of claim which shall make it impossible to conduct the proceedings, the statement of claim shall be returned and the case shall be deemed not commenced.

§ 37

Shall the statement of claim be properly paid and shall there be no formal deficiencies as to the statement of claim, the Secretary General shall immediately:

- a. serve the copy of the statement of claim on the defendant and call it to submit the statement of defense within the term not shorter than 14 days,
- b. call the defendant to appoint an arbitrator within 14 days, forewarning that in case of ineffective expiration of the fixed period, the arbitrator shall be appointed by the Nominating Committee from the list of arbitrators,
- c. send to the defendant the Rules of the Court of Arbitration together with the list of arbitrators,
- d. inform the defendant on the arbitrator appointed by or for the claimant.

§ 38

The failure to serve the statement of defense shall not prevent to continue the proceedings.

Stay and Discontinuation of the Proceedings

§ 39

1. The proceedings may be stayed upon a motion of the claimant or upon the unanimous motion of the parties, not earlier than after expiration of the term fixed for submission of the statement of defense. The proceedings shall be discontinued, shall the motion to reopen the proceedings not be submitted by any of the parties within one year from the stay of the proceedings.
2. The proceedings may be stayed upon a motion of the defendant or ex officio in view of another action pending. The provisions of section 1 sentence 2 shall apply accordingly.

§ 40

Stay or discontinuance of the proceedings related to the main claim, after submission of a counterclaim, as well as dismissal of the main claim for lack of jurisdiction of the Court of Arbitration, shall not prevent examination of the counterclaim. An unanimous motion of the parties to stay the proceedings, in the absence of reservation as to the counterclaim, shall be deemed a motion to stay the proceedings related to the main claim and the counterclaim.

Interim and Conservatory Measures

§ 41

Unless the parties' agreement provides otherwise, the arbitral tribunal may, upon a motion of a party, order the other party to comply with any orders regarding interim or conservatory measures. Issuance of an order may depend on provision of an adequate security by the applicant.

VIII. Trial

Course of Trial

§ 42

1. The arbitral tribunal shall issue an award after conducting the trial. The trial shall be oral.
2. The presiding arbitrator shall prepare the trial in such a manner so that the award is issued, if possible, within one session. In order to accomplish the above, it may order exchange of written statements between the parties and issue other orders taking into account the circumstances.
3. The presiding arbitrator shall in particular:
 - a. call witnesses and experts indicated by a party to the trial, shall the party not provide their appearance before the Court,
 - b. order presentation of documents, subject to inspection (viewing), books, plans or other evidentiary means.
4. The presiding arbitrator may order the conduct of other actions, which may contribute to clarification of circumstances of the case and foster its resolution.

§ 43

1. The trials shall take place in Warsaw. Upon the unanimous motion of the parties and also ex officio, shall this be grounded by the nature of the case or actions conducted, the arbitral tribunal may decide that the trial or session shall take place in other place.
2. The date of the proceedings shall be determined by the presiding arbitrator, who shall take into consideration the parties' motions so that they shall be able to participate in the session.
3. The Secretary General shall notify the parties and their representatives about the date and place of the session. Failure of duly notified parties or their representatives' to appear, does not prevent the proceedings.

§ 44

1. The trial shall be held in camera. Apart from the parties and their representatives only summoned persons may be present at the sessions. Not more than two persons indicated by the parties may attend the session. The session may be attended by a person from the members of the Arbitration Committee or the Nominating Committee. Subject to consent of the parties and arbitral tribunal the session may be also be attended by other persons.
2. The trial shall be directed by the presiding arbitrator. The parties may appeal to the arbitral tribunal from the orders of the presiding arbitrator issued in the course of the proceedings.

Counterclaim

§ 45

1. The defendant may, not later than during the first session, submit a counterclaim, shall the examination of such a claim lie within the competence of the Court of Arbitration. The provisions on the statement of claim hereof shall apply to the counterclaim accordingly.
2. A party may, till the closure of the trial raise the plea of a set-off.

Outside Intervention

§ 46

1. Shall the outcome of the case affect the claims or legal standing between one of the parties and the third party, the party may, not later than during the first session, submit a motion for notification of such a person about an action pending before the Court of Arbitration and simultaneously summon this person to participate in the proceedings as an outside intervener.
2. The application shall be made in writing. The copies of the application for the opposing party and the third party as well as copies of any written statements along with attachments to them, hitherto previously submitted by the parties shall be attached thereto.
3. The Secretary General shall address the third party the statement concerns, with an application to declare in due time this party's willingness to participate in the pending action proceedings as an outside intervener.
4. The arbitral tribunal shall decide upon allowing the outside intervener to participation in the proceedings.
5. The outside intervener shall receive copies of any written statements submitted by the parties. It shall also be entitled to make statements, explanations and written statements, which does not make it the party to the proceedings.
6. A few outside interveners may act for each party.

Evidence

§ 47

The party may until the closure of the proceedings refer to factual circumstances and evidence to ground its motions or to reverse motions and claims of the opposing party. The Court of Arbitration shall omit evidentiary measures had the disputable circumstances been sufficiently cleared out or shall the party point to evidence solely to cause delay.

§ 48

The arbitral tribunal shall decide upon evidentiary motion at its own discretion.
Record of Sessions

§ 49

1. The sessions are reported shorthand or electronically.
2. The course of the session shall be protocolled. The protocol shall be made by a recording clerk appointed by the Secretary General. The protocol shall be made in the language of the proceedings, unless the parties provide otherwise. The protocol shall be signed by the presiding arbitrator and the recording clerk. The parties may demand supplementation or correction to the protocol.
3. The parties may submit attachments to protocols containing their statements and representations.

Violations

§ 50

In case of violations of the Rules, the party may file an objection. Shall the party fail to file an objection within reasonable time from becoming aware about deficiencies, the party shall be deemed to have renounced the right to the objection.

Settlement

§ 51

1. The arbitral tribunal shall in the course of proceedings persuade the parties to conclude a settlement.
2. In case of conclusion of the settlement before the Court of Arbitration, the arbitral tribunal shall, upon the motion of parties, issue an award in accordance with the content of the settlement.

Closure of the Proceedings

§ 52

The presiding arbitrator closes the trial when the arbitral tribunal recognizes the case as sufficiently clarified for material resolution.

§ 53

The arbitral tribunal may reopen the closed trial. The trial shall be reopened if material circumstances were disclosed only after its closure.

IX. Decisions of the Court of Arbitration

Award

§ 54

After closure of the trial the arbitral tribunal, shall issue the award, basing it on the state of the affairs for the moment of the closure of the trial.

§ 55

1. The arbitral tribunal shall strive to issue the award within 30 days from the closure of the trial.
2. The arbitral tribunal, shall issue the award in writing, after closed deliberation of the arbitrators. The deliberation shall cover discussion, and voting on award, and on principal motives of adjudication. The recording clerk may be present during the deliberation.
3. The award is taken by the majority of votes, unless the arbitration clause requires unanimity. In case the arbitrator shall refuse to participate in the voting, the remaining arbitrators may issue the award without his participation.

4. The arbitrator who voted against the majority standpoint, may file the dissenting opinion, by making an appropriate note while signing the award; such arbitrator should file a written statement of grounds of the dissenting opinion.

§ 56

The award of the Court of Arbitration, shall include:

- a. reference to the arbitration clause,
- b. date and place of issuance of the award,
- c. indication of the arbitrators and the parties,
- d. decision on the claims of the parties,
- e. decision on costs of the proceedings, including attorney costs for legal representation in the proceedings,
- f. indication of the court's motives at the issuance of the award,
- g. signatures of the arbitrators.

§ 57

1. An arbitrator's refusal or his inability to sign the award shall be indicated on the award. The award signed by a majority of arbitrators shall be legally binding.
2. The award of the Court of Arbitration should contain signatures of the President of the Court of Arbitration and the Secretary General confirming the authenticity of arbitrators' signatures and final character of the award, as well as the seal of the Court.
3. The Court of Arbitration shall deliver to the parties the copies of the award signed in accordance with the requirements of section 2.

§ 58

The award of the Court of Arbitration shall be final and binding for the parties; there is no appeal against it. This does not prejudice the provisions on complaint on setting aside the award of the court of arbitration.

Other Decisions

§ 59

Where issuance of an award is not necessary, the arbitral tribunal shall issue decisions or orders accordingly. The provisions award shall be applied to decisions ending the proceedings respectively.

Supplementation, Interpretation and Correction of the Award

§ 60

1. Within 14 days from receiving of the award, each of the parties may file a motion for supplementation of the award, its interpretation and correction of the spelling or numeral errors, or other obvious mistakes.
2. An applicant shall deliver the copy of the motion to the other party.
3. The arbitral tribunal shall decide on supplementation, or interpretation of the award within 30 days from filing a motion and within 14 days from filing a motion on correction of a mistake.
4. The arbitral tribunal may correct spelling or numeral errors or other obvious mistakes ex officio.

Archives

§ 61

The Secretariat of the Court of Arbitration shall store all case files in the Court's archives for 20 years.

Copies

§ 62

The parties may receive copies of case files subject to separate fee, fixed by the Secretary General.

Availability

§ 63

The President of the Court of Arbitration may make content of the Court's award available for publication, however without indication of the parties.

X. Summary Proceedings

§ 64

Shall the parties resign from the trial, the award may be issued without conducting it. Such an award may be issued on the basis of a written acknowledgement of the claim in its entirety, which shall be understood as both acknowledgement of the claim and acknowledgement of the obligation to reimburse the costs of the proceedings to the other party.

PART THREE

COSTS OF THE ARBITRATION PROCEEDINGS

Fees

§ 65

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

- a. the administration fee,
- b. the arbitration fee,
- c. the advance for arbitration expenses.

Applicable VAT shall be added to the fees.

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

Administration Fee

§ 66

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 zł.

Arbitration Fee

§ 67

1. The arbitration fee shall be collected pro rata to the value in dispute:

- | | |
|---------------------------------------|--|
| a. up to 10.000 zł | 2.000 zł, |
| b. from 10.001 to 100.000 zł: | 2.000 zł of the first 10.000 zł and
6% of the amount over 10.000 zł, |
| c. from 100.001 to 1.000.000 zł: | 7.400 zł of the first 100.000 zł and
4% of the amount over 100.000 zł, |
| d. from 1.000.001 to 10.000.001 zł: | 43.400 zł of the first 1.000.000 zł and
0,6% of the amount over 1.000.000 zł, |
| e. from 10.000.001 to 100.000.000 zł: | 97.400 zł of the first 10.000.000 zł and
0,4% of the amount over 10.000.000 zł, |
| f. over 100.000.000 zł: | 457.400 zł. |

6. In cases resolved by the sole arbitrator, 60% of the arbitration fee shall be collected.
7. 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.
8. In cases in which the value in dispute has not been determined, or it cannot be determined, or in cases which are not of proprietary character, the value in dispute shall be determined with reference to the character and circumstances of the case; the arbitration fee shall be calculated from the value determined in such a manner.

Counterclaim Fee

§ 68

1. The full amount of the arbitration fee shall be collected for statement of claim, as well as for counterclaim.
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

§ 69

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

§ 70

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

§ 71

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%,
 - b. in case of ascertainment of the Court's lack of jurisdiction – 80%,
 - c. 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%,
 - d. 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 § 69 section 1.

Advance Payments

§ 72

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.

PART FOUR

FINAL PROVISIONS

Exclusion of Liability

§ 73

The arbitrators, and the Court of Arbitration, PCPE Lewiatan and their employees, shall not bear any liability for actions or omissions related to the arbitral proceedings.