

**STATUTE**  
**of The International Commercial Arbitration Court under the**  
**Chamber of Commerce and Industry of the Republic of Moldova**

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**Chapter I. GENERAL PROVISIONS**

**Article 1. The Arbitration Court**

(1) The International Commercial Arbitration Court attached to the Chamber of Commerce and Industry of the Republic of Moldova (hereinafter - Arbitration Court) is a permanent arbitral institution, non-governmental, without legal personality, independent in the exercise of its powers, which is organized and operates in accordance with the Law No. 393-XIV as of 13.05.1999 on the Chamber of Commerce and Industry of the Republic of Moldova (published in Monitorul Oficial, No. 73-77 / 343 of 15.07.1999), Law No. 23-XVI of 22.02.08 on arbitration (published in Monitorul Oficial, No. 88-89 of 20.05.08), Law No. 24-XVI of 22.02.08 on international commercial arbitration (published in Monitorul Oficial, No. 88-89 of 20.05.08), as subsequently amended and supplemented, with the international acts to which the Republic of Moldova is party, this Statute, the Regulations and Rules of Procedure of the Arbitration Court.

(2) The Arbitration Court shall have the task of organizing domestic and international arbitration, as well as other alternative means of resolving civil and commercial disputes.

(3) The organization and administration of an arbitration process by the Arbitration Court and the settlement of disputes by the constituted arbitral tribunal shall be governed by the Rules of the Arbitration

Court, which shall be supplemented if necessary, by the provisions of international law applicable to the case, as well as the Civil Procedure Code of the Republic of Moldova insofar as they are compatible with arbitration.

(4) The Chamber of Commerce and Industry of the Republic of Moldova approves the Statute, the Regulations and the procedural Rules of the Arbitration Court, the Regulations on arbitration fees and expenses, the List of arbitrators (see annexes), provides the office and proper material conditions for the activity of the Arbitration Court and the arbitral tribunals, and shall take other measures to promote the Arbitration Court.

(5) The Chamber of Commerce and Industry shall not have the right to intervene in the process of organization and administration of arbitration by the Arbitration Court or to influence in any way the arbitral tribunal in the process of dispute settlement.

(6) The General Assembly of Arbitrators which are included in the List of Arbitrators, the President and Vice-Presidents of the Arbitration Court, as well as the Secretariat of the Arbitration Court shall operate within the Arbitration Court.

(7) The Arbitration Court shall have a seal with the full name in the state language and in English.

(8) The seat of the Arbitration Court is in Boulevard Stefan cel Mare si Sfint, No. 151, Chisinau municipality, Republic of Moldova.

## **Chapter II. FIELD OF ACTIVITY**

### **Article 2. The duties of the Arbitration Court**

The Arbitration Court shall perform the following duties:

a) organizes and administers the settlement through arbitration of domestic and international commercial and civil disputes under the conditions provided by the Law No. 23-XVI of 22.02.08 on arbitration, Law No. 24-XVI of 22.02.08 on international commercial arbitration, the Code of Civil Procedure of the Republic of Moldova and the international conventions to which the Republic of Moldova is party, if the parties to the dispute have concluded an arbitration agreement to that effect. Thus, the Arbitration Court organizes and administers according to the legal provisions, within the limits of its competence, the settlement of the following categories of disputes:

- i. international commercial;
- ii. domestic commercial, civil;
- iii. corporate;
- iv. sport;

v. disputes based on arbitration clauses included in economic, commerce and trade Agreements concluded by the Republic of Moldova with other States, subject to the Arbitration Court;

b) as a competent body, assist the parties in organizing of an ad-hoc arbitration, in accordance with the Rules for delegating such powers, agreed by the parties for the settlement of a certain dispute (ad hoc arbitration).

c) promotes in the Republic of Moldova domestic and international commercial arbitration as an alternative form of disputes settlement for the defence of rights, breached in the process of execution of obligations arising out of contracts and other patrimonial and non-patrimonial legal relations;

d) drafts the examples of arbitration agreements and ensures their dissemination in economic branches; presents, in these branches, the advantages of commercial and civil arbitration;

e) debates in the Arbitration Court and / or in collaboration with other interested bodies in the Republic of Moldova, arbitration issues, as well as the general problems of domestic and international commercial arbitration, makes proposals to improve this method of disputes settlement;

f) collaborates with other permanent arbitration institutions in the Republic of Moldova and beyond its borders, and follows the evolution of arbitration on international level;

g) keep records of arbitration practice; drafts compilations of arbitration practice; provides documentation in the field of domestic and international commercial arbitration;

h) studies domestic legislation applicable to arbitration and makes proposals for its improvement, based on international arbitration practice;

i) together with the Chamber of Commerce and Industry, public associations or state institutions, conducts regular seminars, round tables, international scientific-practical conferences on topics related to arbitration;

j) performs any other powers conferred to it by this Statute and by the Rules of the Arbitration Court.

### **Article 3. Types of disputes examined by the Arbitration Court**

(1) The Arbitration Court may organize and administer the settlement, through arbitration of the disputes arising out of any of the property rights. The disputes arising from non-property rights may be examined by the Arbitration Court if the parties are entitled to enter into a Settlement agreement on the subject matter of this dispute.

(2) By agreement of the parties, it can be referred to Arbitration Court, the settlement of disputes arising out of contracts and other international trade and commercial legal relations or international economic agreements, including disputes involving individuals. These disputes shall be examined in accordance with the Arbitration Rules applicable on international commercial arbitration procedure.

(3) By the agreement of the parties, can be referred to Arbitration Court the settlement of domestic commercial and civil disputes without an international character. These disputes shall be examined in accordance with the Arbitration Rules applicable on domestic arbitration procedure.

(4) The Arbitration Court may organize and administer the settlement of the disputes related to the establishment of legal entities in the Republic of Moldova, their administration or participation in the administration process, as well as other corporate disputes, if the parties have agreed to do so. Such disputes shall be examined in accordance with the Rules on the procedure for the settlement of corporate disputes.

(5) The Arbitration Court may organize and administer the settlement of the sports disputes in accordance with the Rules on the procedure for the settlement of sports disputes.

(6) The Arbitration Court may organize, administer the settlement other disputes in accordance with the provisions of international agreements of the Republic of Moldova, with other States or national laws, including disputes out of investment agreements, if an arbitration agreement is concluded between the disputing parties in this regard.

## **Chapter III. COMPOSITION OF THE ARBITRATION COURT**

### **Article 4. Arbitrators**

(1) The dispute settlement is carried out by the arbitral tribunal.

(2) The arbitrator can be any natural person, citizen of the Republic of Moldova or any other jurisdiction, who has full legal capacity, enjoys an impeccable reputation and has a high qualification and experience in the field of domestic and international civil commercial law, but also has a special knowledge regarding settlement of disputes through the arbitration procedure.

(3) A person cannot be arbitrator if he or she:

a) is under guardianship or curatorship;

b) has unextinguished criminal record;

c) has lost the status of judge, lawyer, notary, prosecutor, criminal investigation officer or clerk of law enforcement agencies for committing actions incompatible with his professional activity;

d) cannot be chosen (appointed) in this capacity due to the status of his or her position, established by law.

(4) The arbitrators in the exercise of their powers are not the representatives of the parties. They are independent and impartial towards the parties in the dispute, as well as other participants in the arbitration proceedings.

(5) The Council of the Chamber of Commerce and Industry approves for a period of 4 years the List of arbitrators at the proposal of the President of the Arbitration Court in consultation with the President of the Chamber of Commerce and Industry, who meet the conditions of the Law on arbitration and the Law on international commercial arbitration. If he or she renounces to the exercise of his or her duties for unfounded reasons, the arbitrator shall be removed from the List.

(6) Registration in the List is made with the written consent of the candidates. The List of arbitrators is public and has the recommendation character for the parties.

(7) The parties may appoint as an arbitrator an individual who is not included in the List of arbitrators, if those individuals meet the conditions the arbitrator's statute, and the Rules of the Arbitration Court do not provide otherwise.

#### **Article 5. Liability of arbitrators**

(1) The arbitrators are liable for damages under the law, if:

- a) after acceptance, unjustifiably renounce to their duties;
- b) does not participate without a justified reason in the settlement of the dispute, or does not issue the award within the term established in the Rules;
- c) does not respect the confidential character of the arbitration, publishing or disclosing data of which they become aware as arbitrator, without the authorization of the parties;
- d) grossly violate their obligations.

(2) The procedure for liability of arbitrators shall be exercised by the Arbitration Court.

(3) In case of a crime, the arbitrator may be held criminally liable in accordance with the provisions of the Criminal Code of the Republic of Moldova.

#### **Article 6. General Assembly of arbitrators**

(1) All arbitrators registered in the List of arbitrators shall constitute the General Assembly of arbitrators of the Arbitration Court, which shall be convoked at least once a year.

(2) The General Assembly of arbitrators is deliberative, if one third of the arbitrators registered in the List of arbitrators attend it.

(3) At the meetings of the General Assembly, the organizational and legal issues in the activity of the Arbitration Court are examined, as well as those issues that appear during the examination of certain cases by the arbitral tribunal.

(4) The General Assembly has the competence to elect the leadership of the Arbitration Court: the President and two Vice-Presidents of the Arbitration Court.

(5) The decisions of the General Assembly of the arbitrators of the Arbitration Court shall be adopted by a majority of the votes of the arbitrators present at the meeting and shall be recorded in the meeting's minutes, signed by the president and secretary of the meeting. The empowerments of the General Assembly are valid until the approval of the new list of arbitrators.

#### **Article 7. The President and Vice-Presidents of the Arbitration Court**

(1) The President of the Arbitration Court is elected by the arbitrators at the General Assembly for a 4 years term.

(2) The President of the Arbitration Court shall be responsible for the organization and administration of the arbitration process, as provided for in the Rules of Arbitration Court, shall perform the current administration of the Court and shall represent it within domestic and international relations.

(3) The Vice-Presidents are deputies of the president of the Arbitration Court in the achievement of his or her powers, as well as other powers of the Arbitration Court. The Vice-Presidents are approved for a period of 4 years by the General Assembly of arbitrators at the proposal of the President of the Arbitration Court.

(4) The President of the Arbitration Court and the Vice-Presidents of the Court may be appointed as arbitrators or presiding arbitrators for the settlement of a certain dispute in compliance with the Rules on the independence and impartiality of arbitrators.

(5). The President and Vice-Presidents of the Arbitration Court shall hold office until a new leadership of the Arbitration Court is elected.

(6) The resolutions of the President of the Arbitration Court shall be issued in the form of decisions.

#### **Article 8. The Secretariat**

The Arbitration Court has a secretariat composed of a legal advisers and other personnel employed by the Chamber of Commerce and Industry of the Republic of Moldova, which perform any office and secretarial actions necessary to ensure the efficient activity of the Arbitration Court and the conduct of the arbitration procedure.

#### **Article 9. Arbitral tribunal**

(1) The settlement of the dispute belongs exclusively to the arbitral tribunal. For the purposes of this Statute, the arbitral tribunal shall be the sole arbitrator or, as the case may be, all the arbitrators appointed by the parties through the arbitration agreement or appointed in accordance with the Arbitration Court Rules of domestic arbitration procedure and of international arbitration procedure to settle a certain dispute. When the tribunal consists of several arbitrators, their number shall be odd.

(2) The appointment of arbitrators in a determined dispute and the constitution of the arbitral tribunal shall be carried out in accordance with the provisions of the Rules of the Arbitration Court.

(3) The authority to appoint arbitrators, under the conditions provided by the Rules of domestic arbitration, of international commercial arbitration, belongs to the President of the Arbitration Court.

(4) The resolutions (conclusions) of the arbitral tribunal shall be issued in the form of procedural orders or awards.

### **Chapter IV. RESOURCES**

#### **Article 10. Arbitration costs**

(1) The activity of the Arbitration Court shall be ensured at the expense of the financial means paid for the rendered services.

(2) The payment of arbitration fees and other expenses shall be made in accordance with the Regulations on the arbitration expenses, approved by the Council of the Chamber of Commerce and Industry of the Republic of Moldova.

(3) Arbitration fees are intended to cover expenses related to the organization, advance and settlement of disputes, including secretarial work, the fees of arbitrators and other participants in the organization and examination of disputes, as well as other expenses necessary for the activity of the Arbitration Court.

#### **Article 11. Record of financial means**

Arbitration fees, as well as other funds attributed to arbitration are transferred to a separate account in the accountancy of the Chamber of Commerce and Industry, where are they recorded and the use of funds.

### **Chapter V. FINAL PROVISIONS**

## **Article 12. Common provisions**

(1) The Arbitration Court, the arbitral tribunal and the personnel of the Chamber of Commerce and Industry have the obligation to ensure the confidentiality of the arbitration according to the Rules of the Arbitration Court.

(2) The provisions of the present Statute govern the organization of the Arbitration Court, establishing the framework for exercising its autonomy and its relations with the Chamber of Commerce and Industry of the Republic of Moldova. The relationships between the parties to the disputes and the Arbitration Court shall be governed, with respect to cases subject to arbitration, by the Rules of Arbitration Court.

(3) This Statute shall enter into force on 1 January 2021 and is published on the webpage of the Arbitration Court ([www.arbitraj.chamber.md](http://www.arbitraj.chamber.md))

(4) The Secretariat of the Arbitration Court shall ensure the information of the stakeholders with this Statute and its Annexes.

## **Article 13. The storage of the file**

(1) The Arbitration Court shall store and keep the arbitration files in its archives for 10 years.

(2) At the request of the court, copies of the materials in the file are made available according to the provisions of art. 479 para. (2) and art. 484 para. (2) of the Code of Civil Procedure of the Republic of Moldova.

## **Article 14. Annexes**

This Statute contains the following annexes:

Annex 1. List of arbitrators.

Annex 2. Rules of domestic arbitration procedure.

Annex 3. Rules of international arbitration procedure.

Annex 4. Rules on the procedure for the settlement of corporate disputes.

Annex 5. Rules on the procedure for the settlement of sports disputes.

Annex 6. Rules for the delegation of the powers of administration of arbitrations, agreed by the parties for the settlement of a certain dispute (ad hoc arbitration).

Each of the mentioned rules contains in the annex models of arbitration agreements, the Regulations on the independence and impartiality of arbitrators, as well as the Regulations on the arbitration fees and expenses for the settlement of arbitration procedure, and constitute integral parts of the corresponding Rules.