

REGULATION
on arbitration fees and expenses for the settlement of international commercial disputes

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Article 1. General notions

(1) The activity of the Arbitration Court is ensured by the financial means paid by the parties for the services provided.

(2) Notions and terms used:

a) *registration fee* - is the fee paid by the Claimant when submitting the request to cover the costs related to the initiation of the arbitration proceedings;

b) *arbitration fee* - is the fee, paid by the Claimant for each request for arbitration received for examination by the Arbitration Court, intended to cover all expenses related to its settlement and includes the administrative fees and the arbitrator’s fee;

c) *administrative fee* - constitutes a part of the arbitration fee, which covers the expenses for the organization and conduct of the arbitration procedure, including expenses for the activity of the Arbitration Court;

d) *arbitrators fee* – constitutes a part of the arbitration fee which covers the remuneration of the work of arbitrators and other individuals involved in the organization, examination and settlement of disputes;

e) *additional costs of the arbitration proceedings* - expenses which incur during the arbitration proceedings in connection with the examination of the case (expenses related to expertise, for translating the documents or hearings, expenses for summoning or communicating procedural documents by express mail, travel expenses of arbitrators, witnesses, etc.);

f) *expenses of the parties* - the expenses incurred separately by each party in connection with the advocating of its interests before the Arbitration Court (travel of representatives, fees of lawyers, etc.), except for those indicated above;

Article 2. Determination of the claim value

(1) Claimant shall establish in the request the money value of its object, even in the cases when it does not formulate monetary claims.

(2) The value of the claim is established, as a rule, as follows:

- a) in cases related to financial claims, based on the claimed amount;
- b) in cases related to delivery of certain goods, based on the value of such goods valued on the date of claim submission;
- c) in the requests to declare (recognize) or reorganize (transform) a relationship, a legal fact, based on the value of the claim/the legal relationship on valued on the date of claim submission;
- d) in cases related to obligation of doing or not doing something, based on the value set out by the Claimant.

(3) For requests for arbitration that include several claims, the value of each claim shall be determined separately. The value of the request shall be determined based on the total amount of all claims.

(4) If the Claimant has not determined or incorrectly determined the claim value, the Arbitration Court shall determine, ex officio or at the request of the Respondent, the value of the claim based on the information available to it.

(5) When penalties or late payment interests are claimed by the request for arbitration, the amount thereof, from the date when it begins to run until the date of submission of such request or its increase with such claims, it shall cumulate for the purposes of charging with the value of the other monetary claims

(6) Claims for arbitration costs are not included in the claim value.

Article 3. Registration fee

(1) The registration fee is 200 US dollars.

(2) The registration fee is distributed in equal parts between the administrative fee and the arbitrator's fee.

(3) The registration fee is non-refundable.

Article 4. Arbitration fee

(1) The arbitration fee shall be calculated as follows:

Claim value in US dollars (\$)	Arbitration fee in US dollars (\$)
Up to 50 000 \$	5% but not less than 1 000 \$
From 50 001 \$ to 100 000 \$	2 500 \$ + 3% for the amounts exceeding 50 000 \$
From 100 001 \$ to 500 000 \$	4 000 \$ + 2% for the amounts exceeding 100 000 \$
From 500 001 \$ to 1 000 000 \$	12 000 \$ + 1% for the amounts exceeding 500 000 \$
From 1 000 000 \$ to 2 000 000 \$	17 000 \$ + 0,5% for the amounts exceeding 1 000 000 \$
Over 2 000 001 \$	22 000 \$ + 0,3% for the amounts exceeding 2 000 000 \$

(2) If the claim value is denominated in a foreign currency other than US dollars the arbitration fee shall be determined based on the exchange rate of such currency into US dollars at the date when the request for arbitration is submitted.

(3) The residents of the Republic of Moldova shall transfer the arbitration fee in Moldovan Lei at the exchange rate established by the National Bank of the Republic of Moldova on the date of submitting of the request for arbitration to the service account of the Chamber of Commerce and Industry of the Republic of Moldova.

(4) Non - residents of the Republic of Moldova shall transfer the arbitration fee to the account of the CCI of RM in freely convertible currency - US dollars, Euro.

(5) The arbitration fee shall be paid in full upon the submission of the request for arbitration or, as the case may be, of other requests that are charged. The proof of payment is also attached to the request. The proof of payment may be submitted within a time limit set by the Secretary of the Arbitration Court, but not later than 5 days from the date of registration of the request.

(6) If the payment of the arbitration fee is not made at the time of the submission of the request or within the term prescribed for this purpose, the request for arbitration shall be returned to the Claimant.

(7) The arbitration fee, as well as the other fees of the Arbitration Court, shall be considered paid on the day of their transfer to the account of the Chamber of Commerce and Industry of the Republic

of Moldova. These taxes are paid without the value added tax (VAT). The costs of bank transfer of the amounts paid for the services of the Arbitration Court shall be borne by the party making them.

(8) At the request of the Claimant, the President of the Arbitration Court may accept the postponement of the payment of the arbitration fee, except for the registration fee, which shall be paid upon submission of the request for arbitration. However, this period may not exceed 30 days, at the same time, until the full payment of the arbitration fee, the request will be left without movement.

(9) Given the complexity of the case, the significant increase of the time spent in connection with the arbitration procedure, upon the submission by the arbitral tribunal of a well-founded request, the President of the Arbitration Court may decide to increase the arbitration fee.

Article 5. The Arbitrators fees

(1) The amount intended for the payment of the arbitrators' fees, the fees of the secretary and the president of the Arbitration Court shall constitute 50% of the arbitration fee.

(2) The payment of arbitrator's fees shall be made through the Chamber of Commerce and Industry of the Republic of Moldova, at the end of the dispute, after the drafting and issuance of the arbitral award according to the Rules of the Arbitration Court.

(3) The fees shall be distributed by a decision of the President of the Arbitration Court, taking into account the value and complexity of the dispute, as well as other relevant circumstances, such as the contribution of each arbitrator in settlement of the claim and in issuance of the awards.

(4) Any agreement between the party and arbitrator regarding the fees is void.

Article 6. Administrative fee

The administrative fee constitutes 50% of the arbitration fee, out of which 30% is intended to cover the management and administration expenses of the Arbitration Court, and 20% remain at the disposal of the Chamber of Commerce and Industry.

Article 7. Reduction of the arbitration fee

(1) The provisions of this article do not refer to the registration fee.

(2) If the arbitration procedure is terminated by the decision of the President of the Arbitration Court, the Claimant shall be reimbursed 75% of the arbitration fee.

(3) If the arbitration procedure is terminated in connection with the waiver of the Claimant's claims before the first hearing, as a result of the amicable settlement of the dispute, or in any other case of receipt by the Arbitration Court of such requests by the indicated day, the Claimant is reimbursed 50% of the arbitration fee.

(4) If the arbitration procedure is terminated at the first arbitration hearing, without the issuance of the award on merits, the arbitration fee shall be reduced by 25%.

(5) The President of the Arbitration Court, taking into consideration the specific circumstances of the case, shall be entitled to issue a decision to reduce the arbitration fee in cases other than those provided for in this Article.

(6) The grounds for the reduction of the arbitration fee shall be indicated either in the decision of the President of the Arbitration Court or, as the case may be, in the award issued by the arbitral tribunal.

Article 8. Charging of the counterclaim

(1) The counterclaim and other such claims shall be charged in the same way as the main claim.

(2) The arbitration fee for the counterclaim shall be calculated according to the provisions applicable on the date of submission of the main claim and shall be paid according to Art. 4 of this Regulation.

Article 9. Distribution of the arbitration fee between the parties

(1) Unless otherwise agreed by the parties, the arbitration fee shall be charged to the party against which the decision of the arbitral tribunal was issued, except where other rules apply.

(2) If the claim was partially admitted, the arbitration fee is charged to the Respondent proportionally with the admitted claims, and to the Claimant - proportionally to the part of rejected claims.

Article 10. Additional expenses

(1) The Arbitration Court may order both parties or one of them to advance the coverage of the additional expenses related to the conduct of the arbitration procedure. The advancement of these costs may, in particular, be requested from the party who has made a request as to the need to undertake some action for the resolution of the dispute which could lead to such costs, if such request is considered to be well founded.

(2) The Arbitration Court may condition the performance of certain actions for the settlement of the dispute to the payment by the parties or by one of the parties of the advance to cover the additional costs within the prescribed time limits.

(3) In case of appointment by one of the parties of the arbitrator domiciled outside the seat of arbitration, including outside the Republic of Moldova, this party shall introduce in advance the costs of participation of the arbitrator in the arbitration procedure (travel expenses, accommodation, per diem, visa, etc.). If this person is appointed as a chairman of the arbitral tribunal or if this person serves as a sole arbitrator, the advancement of expenses for his or her participation in the arbitration procedure shall be introduced in equal shares by both parties to the proceedings. In the event of non-introduction of the advance within the time limits set by the Respondent, the payment of this fee shall be borne by the Claimant.

(4) The party which requested the translations of the documents of the file, as well as the translation made by interpreters during the oral hearing, has the obligation to advance the costs for those translations.

(5) If the arbitration procedure takes place in a language other than the state language, the payment of eventual translation costs may be attributed equally to both parties. Advancement of these expenses may be requested.

(6) If the parties have agreed that the place of the hearings to be other than the seat of the Arbitration Court, all additional expenses for this purpose shall be borne by the parties jointly, with the advancement of these expenses. If the advancement is not made within the deadlines established by the Arbitration Court, the hearings take place at the headquarters of the Arbitration Court (Chisinau Municipality).

(7) The additional costs of the arbitration proceedings are established in the currency in which they are incurred. The day of their payment is determined according to the rules indicated in Art. 4, paragraph (7) of this Regulation.

(8) If one of the parties does not fulfil its obligation regarding the payment of the fee or the arbitration expenses, the other party may execute it so that by the arbitral award there will be established the manner of bearing the respective amounts.

(9) Any difference in addition or minus of fees or arbitration expenses are calculated and paid immediately.

(10) If the respective fees are not paid according to the provisions of the present Regulation, the request for arbitration or the arbitration procedure will be frozen.

Article 11. Parties's expenses

(1) Each party shall bear the expenses indicated in Art.1, paragraph (6) of this Regulation.

(2) The costs incurred by the party in favour of which the award was issued in connection with the defence of its interests (travel expenses of the parties, the fees of attorney, etc.) may be attributed to the opposing party insofar as the arbitral tribunal recognizes them as well-founded and rational.

Article 12. Final provisions

(1) This Regulation shall form an integral part of the Rules of international arbitration procedure and shall apply starting with 1 January 2021

(2) The requests for arbitration registered until this date remain subject to the fees in force at the date of their registration, if the full payment of the amount has been made until this date. If the arbitration fee has been paid in part, the unpaid difference shall be paid proportionately, in accordance with this Regulation.

(3) Starting with the date of entry into force of this Regulation, any provision contrary to it is repealed.