

**Approved
by the Decision of the Presidium
of the ICAC at the Ukrainian CCI
dated 25 October 2022**

RECOMMENDATIONS OF INTERNATIONAL COMMERCIAL ARBITRATION COURT AT THE UKRAINIAN CHAMBER OF COMMERCE AND INDUSTRY (ICAC) REGARDING SUBMISSION OF DOCUMENTS IN ELECTRONIC FORMAT

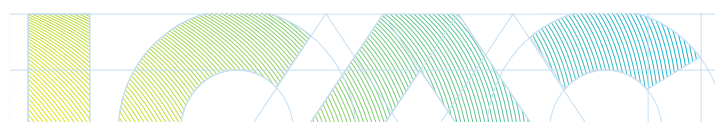
Starting 1 July 2022, according to Article 11 of the ICAC Rules, all documents related to the initiation of proceedings and the implementation of arbitration proceedings must be submitted by parties to the ICAC Secretariat in electronic form.

To ensure effective arbitration and proper fulfilment of the requirements of Article 11 of the ICAC Rules, the parties and other participants in the arbitration shall comply with these Recommendations when preparing and sending documents to the ICAC Secretariat in electronic format.

I. REQUIREMENTS TO DOCUMENTS SUBMITTED TO ICAC:

- 1.** The content of the document (including page order, format, and text) submitted in electronic form must be identical to the content of the same document submitted in hard copy. The responsibility for the identity of the content of submitted documents is taken by a person who submitted them. If there are differences between electronic and hard copy document samples, the document in hard copy keeping in the case file will prevail.
- 2.** Procedural documents shall be drawn up in the form of separate documents and must be signed by a person whose authority is duly confirmed. The sending of an ordinary e-mail is not considered to be a properly filed procedural document.
- 3.** Each document submitted in electronic form (regardless of its page number) must be created as a separate file. Sending one document in different files in the form of its separate pages is not allowed.
- 4.** The image in the electronic document must be clear and allow easy perception of its details and content. If scanned copies of documents are submitted, scanning shall be done with a resolution from 75 to 200 dots per inch and, if possible, in colour. All scanned pages (keeping their order) shall be combined into one file for each separate document in PDF/A format.

Additionally, at the request of the Arbitral Tribunal, the parties or other participants in the arbitral proceedings must submit procedural documents created in text document



formats (.doc, docx, rtf) and in formats of .xls, .xlsx by converting them to PDF/A format, which enables contextual searches.

5. If the ICAC Secretariat provides a link to the repository of case files in electronic format, all files must be downloaded exclusively through this link. After uploading documents, the party or other participant in the arbitral proceedings must notify the ICAC Secretariat on it by e-mail.

If there is no link to the repository of case files in electronic form provided by the ICAC Secretariat, files may be uploaded to cloud file sharing services (Google Disk, One Drive, etc.) with sending to ICAC by e-mail an active link for downloading them. Access to files on cloud file sharing services for employees of the ICAC Secretariat shall be carried out without any time restrictions, and it shall not require entering a login, password, pin code, etc.

If the largest file size for sending photos and videos or pdf files does not exceed 20 MB, such files may be sent by e-mail to the e-mail address of the ICAC Secretariat: icac@icac.org.ua, by one at a time. If the total volume of files does not exceed 20 MB, such files may be sent by e-mail in one message.

6. The name of the file shall be given in the language of the arbitration proceedings and shall contain:

- name of the document;
- status of the person submitting the document (party, other participant in the arbitration proceedings);
- date of the document.

Example:

"Statement of Claim dated 01 October 2022"

"Statement of Defence dated 01 November 2022"

"Respondent's Petition dated 02 October 2022"

7. Appendices submitted together with procedural documents must be created as separate files with the sequence specified in the procedural document.

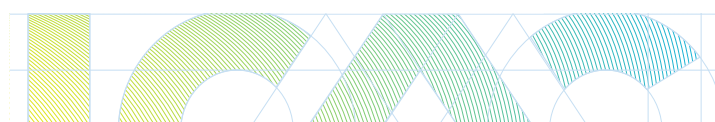
Appendices to procedural documents are marked with through numbering, and their naming is carried out in the following format:

1) for those submitted by the Claimant ("C"):

- to confirm the actual circumstances: C-###, for example C-001;
- to refer to legal sources and judicial practice: CL-###, for example CL-001.

2) for those submitted by the Respondent ("R"):

- to confirm the actual circumstances: R-###, for example R-001;



- to refer to legal sources and judicial practice: RL-###, for example *RL-001*.

8. If the arbitral proceedings are conducted in two or more languages, each of the procedural documents shall be named separately in each of the languages of the arbitral proceedings.

In the case of submission of documentary evidence prepared in a language different from the language of the arbitration proceedings, the language in which it was prepared shall be indicated in the title of the document. The translation of such documents into the language of the arbitration proceedings must be sent in one file with the documentary evidence.

“Testimony of the Respondent’s witness Ivanova M.L. dated 02 December 2022”

“Appendix C-023 German”

9. The documents submitted by a party of the arbitral proceedings shall be accompanied by a *“Consolidated Aggregate Index”*, which shall be sent in a separate file and shall contain hyperlinks to all documents submitted by the party. The mentioned index shall reflect the document number, its name and contain an indication of the appendix to which procedural document it is.

II. SUBMISSION AND RECEIPT OF DOCUMENTS

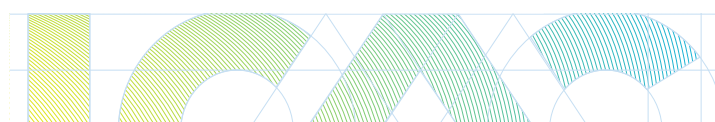
10. The procedural documents sent by a party to ICAC by e-mail must be simultaneously sent to the other party and its representatives to their verified e-mail addresses - *“Mailing list”* in each case formed by the ICAC Secretariat.

11. A party or other participant in the arbitral proceedings submitting documents in electronic form must ensure the safety (absence of viruses, malicious software, etc.) of such documents and of the electronic message by which they are sent.

12. A person submitting documents in electronic form on an external medium is obliged to check the external medium for the absence of viruses, malicious software, and inappropriate formatting before transferring the external medium to the ICAC Secretariat.

13. The parties (their representatives) and other participants in the arbitral proceedings must confirm the fact that they have received the documents in electronic form by sending a corresponding electronic message to the e-mail address of the ICAC Secretariat at icac@icac.org.ua.

The ICAC Secretariat, arbitrators and reporters are obliged to confirm the receipt of documents in electronic format and their suitability for use for arbitration without undue delay.



- 14.** The parties (their representatives) and other participants in the arbitral proceedings must immediately replace damaged files, attachments that cannot be viewed, illegible scanned copies of documents and unworkable links, on their own initiative or after receiving a corresponding notification from the ICAC Secretariat.
- 15.** The party is also recommended to indicate a contact person of the technical support service if there are any difficulties with access to the file sharing resource.
- 16.** According to Second part of Article 52 of the ICAC Rules, a party, at the request of a member of the Arbitral Tribunal, is obliged to provide him/her with the original of any document submitted to the ICAC in electronic form for review.
- 17.** The parties (their representatives), other participants in the arbitral proceedings, the Arbitral Tribunal must make efforts for the safe joint use and exchange of documents and information in the case, as well as take the necessary measures to comply with the legislation on the protection of personal data and information in force in the country location of the party (its representative) or other participant in the arbitral proceedings, the arbitrator.

