

**RULES**  
**of assistance available from the International Commercial Arbitration Court**  
**at the Ukrainian Chamber of Commerce and Industry in arbitration**  
**under the UNCITRAL Arbitration Rules<sup>1</sup>**

1. The International Commercial Arbitration Court (ICAC) at the Ukrainian Chamber of Commerce and Industry may act as an appointing authority in accordance with UNCITRAL Arbitration Rules<sup>2</sup> and provide organizational assistance in arbitral proceedings on the basis of the aforesaid Rules.

Where the ICAC acts as an appointing authority and provides organizational assistance in arbitration proceedings in accordance with the UNCITRAL Arbitration Rules, the following provisions shall apply, unless otherwise agreed by the parties.

2. If the ICAC receives a request from either of the parties for appointment of a sole arbitrator or a presiding arbitrator in accordance with the UNCITRAL Arbitration Rules, it shall make the appointment within sixty days after the receipt of the named request, using the procedure specified in paragraph 2 of article 8 of the named Rules, unless both parties agree that this procedure should not be used or unless the ICAC determines in its discretion that the use of the named procedure is not appropriate for the case.

3. If, when three arbitrators are to be appointed in accordance with article 9 of the UNCITRAL Arbitration Rules, with each party appointing one arbitrator, one of the parties fails to make such appointment within the fixed period of time, the ICAC shall, after receipt of the request from the another party for appointment

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<sup>1</sup> The UNCITRAL Arbitration Rules as revised in 2010

<sup>2</sup> Model Arbitration Clause:

Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the UNCITRAL Arbitration Rules.

The appointing authority shall be the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry.

Parties should consider adding:

- the number of arbitrators shall be ... (one or three)
- the place of arbitration shall be ... (town and country)
- the language to be used in the arbitral proceedings shall be ...

of the second arbitrator, make such appointment within thirty days after receipt of such request. In appointing of the second arbitrator, the ICAC may exercise its discretion.

4. When the ICAC is requested to appoint an arbitrator in accordance with 8-10 of the UNCITRAL Arbitration Rules, the party, which makes the request, shall send to the ICAC the copies of the notice of arbitration and, if it exists, any response to the notice of arbitration, and also a copy of the contract out of or in relation to which the dispute has arisen, and a copy of the arbitration agreement if it is not contained in the contract.

The request for appointment of an arbitrator shall be deemed to be received after the ICAC has received all the documents referred to in the first subparagraph of this paragraph.

The ICAC may require from either party such information as it deems necessary to fulfill its functions.

5. In making the appointment of an arbitrator, the ICAC shall take into account the requirements made on the qualifications of an arbitrator in the agreement between the parties, and the nature of the dispute to the extent clear from the documents submitted in order to make an appointment from among persons possessing the necessary knowledge in the respective field, and shall have regard to such considerations as are likely to secure the appointment of an independent and impartial arbitrator.

6. If an appropriate person is proposed to the ICAC for appointment or the ICAC appoints such person to act as an arbitrator, the full name, address, nationality and qualifications of such person shall be indicated.

7. When the ICAC receives a notice of challenge of an arbitrator from either party or request for termination of the mandate of an arbitrator because of inaction, or legal or actual inability to fulfill his duties, the ICAC shall, in accordance with article 13 and paragraph 2 of article 14 of the UNCITRAL Arbitration Rules, decide on the challenge or termination of the mandate of the arbitrator.

8. If, in the event of replacement of an arbitrator in accordance with articles 12-14 of the UNCITRAL Arbitration Rules, the ICAC receives a request for appointment of a new arbitrator, the ICAC shall make such appointment, subject to paragraphs 2 to 6 of these Rules.

9. The appointment of an arbitrator shall be made by the ICAC President. In the absence of the ICAC President the appointment of an arbitrator shall be made by one of the ICAC Vice Presidents.

The ICAC Presidium shall decide on the challenge or termination of the mandate of an arbitrator.

10. The ICAC may, at the request of the parties or the Arbitral Tribunal, provide organizational assistance in the arbitral proceedings, on the basis of the UNCITRAL Arbitration Rules, including such offers of assistance as:

- sending of documents to the parties and arbitrators;
- assistance to the Arbitral Tribunal in determination of the date, time and place of the hearing of the case, as well as sending of the prior notice of the hearing to the parties;
- hearing and meeting facilities for the Arbitral Tribunal;
- typewriting services;
- interpreting and translating services;
- certification of the arbitrators' signatures on the arbitral awards with the ICAC's official seal and signature of the ICAC Secretary General;
- receipt of advance amounts for arbitration costs and further transmission thereof in accordance with the specified distribution of such costs;
- keeping of the case files; and
- any other assistance to the extent possible.

11. The ICAC shall charge a fee of US Dollar 1,000 for each case of fulfilling the functions of the appointing authority, and making the decision on challenge or termination of the mandate of an arbitrator, regardless of the amount of the claim.

The amount of the fee for providing organizational assistance in arbitration also shall be calculated in the US dollars and shall be determined depending of the amount of the claim, the character and scope of the functions, of which fulfillment the request of the parties or Arbitral Tribunal was presented. Anyway the amount of the fee can not exceed the schedule of the administrative expenses, fixed by the Presidium of the Ukrainian Chamber of Commerce and Industry for the similar case to be settled by ICAC.

12. These Rules shall apply conformably to the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry when it acts as an appointing authority.