

Approved by the Decision of
the Presidium of the Ukrainian
Chamber of Commerce and Industry
No. 18(1) of 17 April 2007,
as amended by the Decisions of
the Presidium of the Ukrainian
Chamber of Commerce and Industry
No. 24(6) of 25 October 2012,
No. 38(1) of 24 April 2014

RULES OF THE INTERNATIONAL COMMERCIAL ARBITRATION COURT AT THE UKRAINIAN CHAMBER OF COMMERCE AND INDUSTRY

SECTION I. General provisions

§ 1. International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry

1. The International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (hereinafter called the “ICAC”) is an independent permanent arbitration institution (third-party tribunal) operating under the Law of Ukraine On International Commercial Arbitration of February 24, 1994, the Statute on the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry and these Rules.
2. The ICAC has its own seal reproducing its name in Ukrainian and English languages and imaging a sword and the scales of justice.
3. The ICAC has its seat in Kyiv, Ukraine.

§ 2. Jurisdiction of the ICAC

Article 1. Disputes that may be referred to the ICAC for arbitration

1. The parties to a dispute may agree to refer to the ICAC:
 - disputes arising out of contractual or other civil law relationships connected with foreign trade and other kinds of international business where the place of business of at least one of the parties is located abroad; or
 - disputes between enterprises with foreign investment and international associations and organizations established in the territory of Ukraine or between members thereof, or disputes between them and other subjects of law of Ukraine.

Civil law relationships resulting in disputes that may be referred to the ICAC for arbitration shall include, in particular, the relationships concerning purchase and sale (delivery) of goods, labour and other services; exchange of goods and/or services; carriage of goods and passengers; commercial representation and agency; leasing; scientific and technological exchange; exchange of other intellectual products; construction of industrial and other objects; licensing operations; investment; crediting and settlement operations; insurance; joint ventures; and other forms of industrial and business cooperation.

2. The ICAC shall also accept for arbitration disputes subject to the jurisdiction thereof by virtue of international agreements.

Article 2. Legal grounds for referring disputes to the ICAC for arbitration

1. The ICAC shall accept for arbitration disputes subject to an agreement in writing between the parties to refer to the ICAC all or certain disputes that have arisen or may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of arbitration clause in a contract or in the form of a separate agreement.

The arbitration agreement shall be in writing. An agreement is in writing if it is contained in a document signed by the parties or in an exchange of letters, telex, telegrams, fax messages or other means of telecommunication which provide a record of the agreement, or in an exchange of statements of claim and defence in which the existence of an agreement is alleged by one party and not denied by another. The reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement provided that the contract is in writing and the reference is such as to make that clause part of the contract.

The arbitration clause, which forms part of a contract, shall be treated as an agreement independent of the other terms of the contract. A decision by the Arbitral Tribunal that the contract is null and void shall not entail *ipso jure* the invalidity of the arbitration clause.

2. The issue of availability of legal grounds for referring of a concrete dispute to the ICAC for arbitration shall be decided by the President of the ICAC. If it is obvious that the ICAC does not have jurisdiction to settle such dispute, the filed Statement of Claim with enclosed documents shall be returned to the Claimant without initiation of the proceedings.

Article 3. Pleas as to the ICAC jurisdiction

1. The issue of ICAC jurisdiction in a particular case shall be decided by the Arbitral Tribunal examining the case.

2. A plea that the ICAC does not have jurisdiction shall be raised not later than the submission of the Statement of Defence. A party is not precluded from raising such a plea by the fact that he has appointed, or participated in the appointment of, an arbitrator.

A plea that the ICAC is exceeding the scope of its jurisdiction shall be raised as soon as the matter alleged to be beyond the scope of its jurisdiction is raised during the arbitral proceedings.

3. The Arbitral Tribunal may rule on a plea referred to in item 2 of this article either as a preliminary question or in an award on the merits. If the Arbitral Tribunal rules as a preliminary question that it has jurisdiction, any party may request, within thirty days after having received notice of that ruling, the Shevchenkovskiy District Court of Kyiv to decide the matter, which decision shall be subject to no appeal; while such a request is pending, the Arbitral Tribunal may continue the arbitral proceedings and make an award.

Article 4. Determination of the amount and the form of the security for the claim

1. The President of the ICAC or the Arbitral Tribunal if already composed may, at the request of a party, if it considers the request to be justified, determine the amount and the form of the security for the claim.

2. The Order of the ICAC for determination of the amount and the form of the security for the claim shall be binding for the parties and shall be in force until a final arbitral award will be made.

3. It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a competent state court an interim measure of protection and for this court to grant such measure.

SECTION II. Organization of the ICAC

Article 5. Arbitrators

1. Arbitrators can be persons appointed by the parties in accordance with these Rules, or persons appointed by the President of the Ukrainian Chamber of Commerce and Industry.

2. The Presidium of the Ukrainian Chamber of Commerce and Industry shall approve, on the proposal of the ICAC Presidium, the