

## Norms on Arbitration Fees and Expenses

### Article 1.

(1) With the purpose of examination and settlement of a dispute through the Arbitration and Mediation Court within to the Republican Union of Agricultural Producers Associations UNIAGROPROTECT, hereinafter referred to as Arbitration and Mediation Court, an arbitration fee shall be charged for arbitrators' remuneration and cover of the maintenance and administrative expenses of the Arbitration and Mediation Court.

(2) The arbitration fee shall be established, depending on the following criteria :

- a) the value of the claims of the Arbitration Request;
- b) the legal status of the parties (economic entities and natural persons);
- c) the object of the dispute.

### Article 2.

For the commercial disputes where both parties are economic entities including those working on the basis of a business patent, the arbitration fee is charged as follows:

Object of the Arbitration Request	Arbitration fee
a) over 500 000 lei	1% for the amount of 500 000 lei plus 0.1% for the amount exceeding 500 000 lei
b) up to 500 000 lei	1%

### Article 3.

For the disputes among natural persons including agricultural land and property shareowners involved, the arbitration fee is charged as follows:

Object of the Arbitration Request	Arbitration fee
c) over 500 000 lei	0.5% for the amount of 500 000 lei plus 0.1% for the amount exceeding 500 000 lei
d) up to 500 000 lei	0.5%

### Article 4.

(1) The minimal arbitration fee constitutes:

- a) 150 lei for the disputes specified in art. 2;
- b) 50 lei for the disputes specified in art. 3.

(2) The Chairperson of the Arbitration and Mediation Court can reduce the value of the fee stipulated in art.3 taking into account the specific elements of the dispute, its complexity and other circumstances.

### Article 5.

(1) The value of the claim of the Arbitration Request shall be also stated, where the Claimant does not draw up any financial claims. In these cases, the value of the claim of the Arbitration Request shall be established as follows:

- a) in Arbitration Requests related to transfer of some goods, at the value of those goods at the moment when the Arbitration Request is submitted;
- b) in Arbitration Requests related to an obligation to do or not to do, at the value stated by the Claimant.

(2) In Arbitration Requests including several claims, the value of each claim shall be established separately, while the value of the claim of the Arbitration Request shall be established as a total amount of all claims.

(3) For disputes among groups of co-owners, i.e. at the privatization of collective farms, on the usage of jointly-privatized assets, including in-kind property share separation from the jointly owned assets, the arbitration fee shall be charged based on the value of property (share) belonging to those owners who claim the establishment of the method for using the assets, including in-kind separation.

(4) For the Arbitration Requests on modification or dissolution of a contract or of contract clauses, the fees shall be charged in accordance with art. 4 of these Norms.

#### **Article 6.**

(1) If the Claimant has not fixed or failed to correctly calculate the value of the claim in the Arbitration Request, the Arbitration and Mediation Court shall establish the value in accordance with the data referring to the claim.

(2) Should the Claimant reduce his requests before the arbitration hearing, the arbitration fee shall be calculated at a lower value of the claim.

#### **Article 7.**

The Counterclaim shall be charged in the same amount as the Arbitration Request.

#### **Article 8.**

(1) The fee is reduced by 25% if:

- a) the dispute is resolved by a single arbitrator;
- b) the dispute is resolved through a compromise agreement between the parties.

(2) The arbitration fee shall be reduced by 75% should the Claimant withdraw his/her Arbitration Request before the subpoenas are issued.

#### **Article 9.**

(1) The arbitration fee shall be completely refunded if:

- a) the Arbitral Tribunal issues ruling stating that the dispute is not within the competence of the arbitration;
- b) the court cancels the Arbitration Decision for the reasons provided in the law.

#### **Article 10.**

Under the conditions stated in art. 8 and art. 9, the decision or the ruling of the Arbitral Tribunal shall contain instructions on partial or complete refunding. Should the arbitration procedure be discontinued until the Arbitral Tribunal is set up, the instruction on the arbitration fee refunding shall be issued by the Chairperson of the Arbitration and Mediation Court.

#### **Article 11.**

Should assistance be provided in ad-hoc arbitration, the Chairperson of the Arbitration and Mediation Court shall fix the procedure for application of the given rules for each case separately.

#### **Article 12.**

(1) In case of a mediation and conciliation procedure, the parties are obliged to pay 50% of the arbitration fee that would have been due, should an arbitration procedure be held instead. Other provisions of these Rules shall apply correspondingly.

(2) All other expenses incurred by the parties related to mediation and conciliation shall be on their own responsibility.

#### **Article 13.**

- (1) The arbitration fee shall be paid completely upon submission of the Arbitration Request or of the Counterclaim depending on the case. The document confirming the payment of the fee shall be annexed to the Arbitration Request.
- (2) The Chairperson of the Arbitration and Mediation Court can issue a latter payment of the arbitration fee after the submission of the Arbitration Request, as well as payment in installments of the arbitration fee.
- (3) If the arbitration fee is not paid in accordance with these Norms, the Arbitration Request is returned to the Claimant.

**Article 14.**

- (1) In addition to the arbitration fees, the parties shall cover arbitration expenses including: the Expenses on obtaining evidence, translation of documents and discussions, as well as other expenses related to dispute settlement.
- (2) The party that requests obtaining of evidence, expertise or other actions needed for the dispute examination shall cover in advance the required expenses related to the submitted Arbitration Request. Should the Arbitral Tribunal initiate such actions, the latter has the right to oblige one or both parties to cover in advance the cost of the taken actions.

**Article 15.**

- (1) The arbitration fee and the expenses incurred by the party having won the case shall be refunded completely or partially by the second party proportionally to what one party won. The parties may agree on a different method for refunding their expenses.
- (2) Should one of the parties fail to fulfill its obligations related to the payment of the arbitration fee, whereas the other party fulfills this obligation, the procedure for the payment by the parties of these expenses shall be established in the Arbitration Decision.

**Article 16.**

The arbitration fees and expenses shall be paid in MDL to the “UNIAGROPROTECT” cashier's office or by wire transfer. The arbitration fees and expenses shall be considered paid on the date when the required sum entered the cash register or the “UNIAGROPROTECT” Union's account.

**Article 17.**

- (1) Arbitrators' honoraria shall be established by the Chairperson of the Arbitration and Mediation Court taking into account the complexity of the dispute, as well as other circumstances. Total honoraria cannot exceed 50% of the arbitration fee received from the solved dispute. In exceptional cases, the Chairperson of the Arbitration and Mediation Court may decide to pay the arbitrators a honoraria which represents more than 50% of the fee paid by the parties.
- (2) The honoraria shall be paid upon completion of the dispute, after pronouncing and handing out the Arbitration Decision in accordance with the Rules of Arbitration Procedure.

**Article 18.**

As a rule, the publications and written information related to the Regulations on the Organization and Operation of the Arbitration and Mediation Court, Rules of Arbitration Procedure, as well as Rules of Mediation and Conciliation of the Arbitration and Mediation Court, the List of Arbitrators and these Norms shall be provided to the interested parties free of charge.

**Article 19.**

These Norms shall enter in force on the date of their approval.