

**REGULATIONS
on the Organization and Operation of the Arbitration and Mediation Court within the
Republican Union of Agricultural Producers' Associations "UNIAGROPROTECT"**

**Chapter I.
General Provisions**

Article 1.

- (1) The Arbitration and Mediation Court within the Republican Union of Agricultural Producers' Associations "UNIAGROPROTECT", hereinafter referred to as the Arbitration and Mediation Court, is an independent, non-governmental permanent arbitration institution, not having a status of a legal entity, which is organized and operates in accordance with the legislation of the Republic of Moldova and the present Regulations.
- (2) The goal of the Arbitration and Mediation Court is to organize and administer the resolution of commercial and other types of disputes arising from civil relations through arbitration, mediation and conciliation procedure, as well as through other alternative methods of dispute resolution.
- (3) The office of the Arbitration and Mediation Court is located in Chisinau municipality, Stefan cel Mare 162 Boulevard, offices 1209-1210.
- (4) The Arbitration and Mediation Court has a seal with its full name.

Article 2.

- (1) The responsibilities of the Arbitration and Mediation Court include organization and resolution of disputes arising among members of agricultural producer's associations, which are members of "UNIAGROPROTECT" Union, as well as of disputes with participation of other subjects of civil relations, legal entities and natural persons, provided that the parties of the dispute have signed an arbitration convention for this purpose.
- (2) The Arbitration and Mediation Court is empowered to resolve disputes arising from civil relations for which the law provides the Arbitration Clause, including the following disputes:
 - a) commercial disputes (sale, exchange, donation, render of services, intermediary service, commission, etc.), including upon signing, execution or dissolution of the contract;
 - b) disputes arising from signing, execution or dissolution of lease agreements for land or other agricultural assets;
 - c) disputes related to establishment of the procedure for using assets jointly privatized by groups of farm privatization participants, including disputes related to division of these assets;
 - d) disputes arising from other civil relations.
- (3) Resolution of a dispute submitted to the Arbitration and Mediation Court shall be regulated by the Rules of Arbitration and the Rules of Mediation and Conciliation.

Article 3.

The Arbitration and Mediation Court also has the following responsibilities:

- a) provides information and consultation support in organization and functioning of permanent arbitration courts created within agricultural producers' associations – members of the "UNIAGROPROTECT" Union;
- b) provides assistance in organizing ad-hoc arbitration if requested by the parties;
- c) cooperates with the International Commercial Arbitration Court within the Chamber of Commerce and Industry and other permanent arbitration courts by sharing experience, joint

- promotion of arbitration and of other alternative methods of dispute resolution, elaborating suggestions for improvement of the legal and institutional framework needed for this purpose, as well as through joint discussion of legal issues regarding the arbitration experience;
- d) take actions to promote the activity of the Arbitration and Mediation Court among citizens and groups of entrepreneurs;
 - e) make summaries of arbitral case law;
 - f) fulfill other functions provided for in these Regulations, the Rules of Mediation and Conciliation, the Rules of Arbitration as well as the legislation on arbitration.

Article 4.

The Arbitration and Mediation Court can provide assistance in ad-hoc arbitration proceedings upon request of the parties, and namely:

- a) provides assistance in fulfilling the formalities related to formation of the Arbitral Tribunal;
- b) provides the parties with the Arbitration Rules, as well as with the List of Arbitrators;
- c) upon request of the elected arbitrators provides data and information of a normative character related to the dispute;
- d) provides secretarial services associated with the receipt, registration, and record keeping of the correspondence; citation of parties to the court; informing the parties and arbitrators about any decisions and various notifications; registration of debates in the minutes of the arbitration hearing, as well as perform any other duties necessary for the successful conducting of the arbitration;
- e) insures availability of place and other conditions required for the conducting of the arbitration.

Chapter II.

Organization and Operation of the Arbitration and Mediation Court

Article 5.

(1) The Arbitration and Mediation Court includes 50-60 arbitrators who, upon their consent, are included in the List of Arbitrators approved by the Council of the “UNIAGROPROTECT” Union. If needed, the list can include a larger number of arbitrators.

(2) The List of Arbitrators includes the first name and the last name; occupation and/or specialization; professional skills; scientific titles; and other relevant information. A brief description of professional activities of each arbitrator shall be attached to the List of Arbitrators.

(3) The list of arbitrators shall be approved every 4 years by the Council of the «UNIAGROPROTECT» Union. If needed, the list of arbitrators can be changed by the decision of the Chairperson of the «UNIAGROPROTECT» Union before the expiration of the four-year term.

Article 6.

(1) An arbitrator can be any natural person who has full legal capacity, good reputation, qualification and practical experience in Civil Law and Civil Procedure Law, land relations, as well as commercial and economic relations issues. Foreign citizens with relevant qualification and experience can also serve as arbitrators provided that their number does not exceed 10% of the total number of arbitrators included in the List.

(2) While fulfilling their duties, the arbitrators shall stay impartial and independent. Although the parties designate the arbitrators, they shall not act as their representatives.

Article 7.

(1) The Arbitration and Mediation Court shall be presided by the Chairperson and the Deputy Chairperson appointed by the Council of the “UNIAGROPROTECT” Union for a period of 4 years.

(2) The Chairperson shall have the following main responsibilities:

- a) ensures overall and current management of the Arbitration and Mediation Court;

- b) represents the Arbitration and Mediation Court in relations with the “UNIAGROPROTECT” Union, as well as with other institutions and organizations;
 - c) performs obligations associated with the organization and management of the resolution of the disputes submitted to the Arbitration and Mediation Court in accordance with these Regulations, the Rules of Mediation and Conciliation, the Rules of Arbitration and the Norms of Arbitration Fees and Expenses;
 - d) if needed, suggests amendments to these Regulations, the Rules of Arbitration, the Rules of Mediation and Conciliation, and the Norms of Arbitration Fees and Expenses;
 - e) establishes the obligations and manage the activity of the Secretariat of the Arbitration and Mediation Court;
 - f) performs other obligations deriving from these Regulations, the Rules of Arbitration, the Rules of Mediation and Conciliation, and the Norms of Arbitration Fees and Expenses.
- (3) The Deputy Chairperson shall assist the chairperson in fulfilling his (her) obligations and substitute the chairperson in his (her) absence.

Article 8.

A consultative council providing support in generalization of the arbitration case law and developing recommendations on the correct and uniform application of the arbitration legislation could also function within the Arbitration and Mediation Court. The creation and management of this council shall be the competence of the Chairperson of the Arbitration and Mediation Court.

Article 9.

(1) The Arbitration and Mediation Court shall have a Secretariat presided by the Chairperson of the Arbitration and Mediation Court.

(2) To insure access to services provided by the Arbitration and Mediation Court, the Secretariat shall conduct its activity in the office of the Arbitration and Mediation Court and in other administrative centers of the republic, functioning through the local secretariat offices placed in the premises of agricultural producers’ associations – members of the “UNIAGROPROTECT” Union.

(3) The Secretariat shall perform all its duties needed for the activity of the Arbitration and Mediation Court and for the conducting of the arbitration procedure, as well as of the mediation and conciliation procedure.

Article 10.

(1) Each dispute submitted to the Arbitration and Mediation Court shall be resolved exclusively by Arbitral Tribunal vested with the right to resolve a specific dispute and pronounce the final decision that is binding for the parties.

(2) The Arbitral Tribunal shall be comprised exclusively of arbitrators included in the List of Arbitrators of the Arbitration and Mediation Court. The formation of the Arbitral Tribunal shall take place in accordance with the provisions of the Rules of Arbitration.

Article 11.

(1) The Arbitration and Mediation Court and the Arbitral Tribunal formed to resolve a dispute shall be guided by the following principles:

- a) voluntary acceptance of the Arbitration and Mediation Court’s jurisdiction;
- b) free selection of arbitrators;
- c) equal and impartial treatment of the parties;
- d) making efforts for resolving the dispute by reaching a reconciliation of the parties;
- e) contribution to the maintenance and strengthening of good relations between the parties;
- f) final and mandatory character of the Arbitration Decision.

(2) The heads of “UNIAGROPROTECT” Union and of the agricultural producers’ associations – members of “UNIAGROPROTECT” Union, as well as the heads of the Arbitration and Mediation Court shall have no right to interfere in a dispute resolution or influence the Arbitral Tribunal.

(3) The Arbitration and Mediation Court, the Arbitral Tribunal, arbitrators and employees of the “UNIAGROPROTECT” Union shall insure confidentiality of the arbitration procedure, of the mediation and conciliation procedure, and of the decisions and documents included in the file of the case under examination.

Chapter III. Financial resources

Article 12.

The management of the “UNIAGROPROTECT” Union shall insure availability of the location and conditions corresponding to the activities carried out by the Arbitration and Mediation Court, while the associations – members of the “UNIAGROPROTECT” Union shall insure conditions needed for the activity of the local secretariat offices of the Arbitration and Mediation Court and for the conduction of the arbitration procedure as well as of the mediation and conciliation procedure in their offices.

Article 13.

(1) The funds of the Arbitration and Mediation Court shall be composed of the funds allocated by the “UNIAGROPROTECT” Union, the arbitration fees collected in conformity with the Norms of Arbitration Fees and Expenses, as well as of donations and other means.

(2) The funds collected by the Arbitration and Mediation Court shall be used to cover the Expenses associated with the dispute resolution activity, including for:

- a) payment of arbitrators’ honoraria;
- b) payment of salaries to the Secretariat staff;
- c) other Expenses related to the activity of the Arbitration and Mediation Court.

(3) Record-keeping of the funds accumulated and used by the Arbitration and Mediation Court shall be done in accordance with the internal regulations of the “UNIAGROPROTECT” Union.

Chapter IV. Final Provisions

Article 14.

Interpretation of the items included in these Regulations shall be the competence of the Chairperson of the Arbitration and Mediation Court.

Article 15.

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

Article 16.

(1) These Regulations, the Rules of Mediation and Conciliation, the Rules of Arbitration, the Norms of Arbitration Fees and Expenses, and the List of Arbitrators are open for public access.

(2) The Chairperson of the Arbitration and Mediation Court shall insure the publication and dissemination of these Regulations, the Rules of Mediation and Conciliation, the Rules of Arbitration, the Norms of Arbitration Fees and Expenses and of the List of Arbitrators among all interested persons.