Appendix No. 1

to the Decision of the Presidium of the Ukrainian Chamber of Commerce and Industry No. 9 (3.2) of 01 July 2022

Amendments

into the Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry

I. Make the following amendments to the Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (Decisions of the Presidium of the Ukrainian Chamber of Commerce and Industry No. 25(6) of 27 July 2017, No. 2(2) dated 17 September 2020):

1. **The second sentence of Article 2 (Part 1) shall be excluded.**

2. **In Article 11:**

1) Part 1 should be set out in the following wording:

"1. All documents relating to the initiation and conduct of the arbitral proceedings shall be submitted by the parties to the ICAC Secretariat in electronic form and, in addition, in paper form no less than in three copies (with a corresponding increase in the number of copies if several claimants, respondents or third parties participate in the dispute).

In case of submission of documents in paper form to the Arbitral Tribunal in the course of the oral hearing (subject to the number of copies provided for in the previous paragraph), the mentioned documents in electronic form shall be submitted to the ICAC Secretariat.

The submitting party is responsible for their authenticity in electronic and paper forms";

2) in the first paragraph of Part 2 the word "All" should be excluded;

3) Parts 4 and 5 should be set out in the following wording:

"4. The documents in the case shall be sent to the party by e-mail or by registered mail, or by courier mail, or by any other means of communication, including those specified by the parties, confirming the fact of sending, or may be handed over to the party in the ICAC Secretariat against receipt.

5. Any written notification shall be deemed to have been received if it is:

1) sent to the party to its e-mail address specified by it or indicated in the contract, on the official website or in official documents, or confirmed, in particular, by registration documents, or used by the party during the conclusion and/or execution of the contract; or

2) handed over to the party in the ICAC Secretariat against receipt; or

3) delivered to the party at the address specified by the party; or

4) delivered to the party at its commercial place of business, habitual residence or mailing address.

If the commercial place of business, habitual residence or mailing address cannot be

found after making a reasonable inquiry, a written notification is deemed to have been received by the party if it is sent to the addressee's last-known commercial place of business, habitual residence or mailing address by registered letter or any other means which provide a record of the attempt to deliver this notification. A written notification is also deemed to have been received if the person did not appear for receiving the notification or refused to receive it. A written notification shall be deemed to have been received on the day it is so delivered or the recording of a delivery attempt.

A written notification sent to a party by electronic means of communication shall be deemed to have been received on the day it is so sent (the time is determined by reference to the recipient's time zone)";

4) Part 6 shall be excluded.

3. **In Article 13:**

1) Part 2 should be set out in the following wording:

"2. The filing date of the Statement of Claim shall be the date on which it is handed over to the ICAC, or if the Statement of Claim is sent by mail it shall be the date of registration of the electronic communication by the ICAC, or the date of the postmark of the post office where it has been mailed or in case of express delivery it is the date of the waybill, depending on the form in which the Statement of Claim has been sent earlier".

4. **Article 47 (Parts 2 -4) should be set out in the following wording:**

"2. The Arbitral Tribunal has the right to conduct an oral hearing of the case, or an arbitrator has the right to take part in such a hearing via video conference outside the premises of the ICAC.

The parties shall be notified in writing or at the meeting of the Arbitral Tribunal about conducting the oral hearing of the case with participation of the arbitrator(s) via video conference.

3. A party, no later than 5 days before the date of the oral hearing, has the right to file to the ICAC an application on its participation in the oral hearing via video conference. Such application shall contain the name and surname of the persons who will participate in the meeting of the Arbitral Tribunal via video conference, as well as contact information, including e-mail address to which the ICAC Secretariat shall send the technical details necessary for connection to video conference. Documents confirming the authorities of these persons and their identification shall be attached to the application.

The party takes part in the oral hearing via video conference outside the premises of the ICAC using its own technical means and method of identifying the party's representative that is acceptable to the Arbitral Tribunal. Risks of technical impossibility of participating in a video conference outside the premises of the ICAC, interruption of communication, etc. shall be borne by the party who has submitted the relevant application.

4. The Arbitral Tribunal has the right to hear witnesses or experts via the video-conferencing systems, whereof the Arbitral Tribunal issues a ruling".

5. **In Article 72:**

1) put the title of the Article in the following wording:

"**Article 72. Approvement and effect of the ICAC Rules**";

2) to supplement parts 1 and 2 with the following wording:

"1. The ICAC Rules and amendments thereto shall be approved by the Presidium of the Ukrainian Chamber of Commerce and Industry on the proposal of the ICAC Presidium.

2. In exceptional circumstances that require the adoption of an urgent decision, the ICAC Presidium may make amendments and supplements to the ICAC Rules on conducting arbitration proceedings, as well as to the Recommendatory List of Arbitrators. These amendments and supplements become effective from the date specified by the ICAC Presidium, and are subject to subsequent approval by the Presidium of the Ukrainian Chamber of Commerce and Industry".

In this regard, Parts 1 and 2 shall be considered as the third and fourth parts, respectively.

3) in the new Part 4 replace the words "in the first part" with the words "in the third part".

II. These Amendments become effective on 01 July 2022 and shall be applied to the consideration of cases registered by the ICAC from 01 July 2022, as well as, in the absence of objections from the parties, to all arbitration proceedings of the ICAC as of 01 July 2022.

Appendix No. 2

to the Decision of the Presidium of the
Ukrainian Chamber of Commerce and
Industry No. 9 (3.2) of 01 July 2022

Amendments

into the Rules of the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry

I. Make the following amendments to the Rules of the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry (Decisions of the Presidium of the Ukrainian Chamber of Commerce and Industry No. 25(6) of 27 July 2017, No. 2(2) dated 17 September 2020):

6. **The second sentence of Article 2 (Part 1) shall be excluded.**

7. **In Article 11:**

5) Part 1 should be set out in the following wording:

"1. All documents relating to the initiation and conduct of the arbitral proceedings shall be submitted by the parties to the MAC Secretariat in electronic form and, in addition, in paper form no less than in three copies (with a corresponding increase in the number of copies if several claimants, respondents or third parties participate in the dispute).

In case of submission of documents in paper form to the Arbitral Tribunal in the course of the oral hearing (subject to the number of copies provided for in the previous paragraph), the mentioned documents in electronic form shall be submitted to the MAC Secretariat.

The submitting party is responsible for their authenticity in electronic and paper forms";

6) in the first paragraph of Part 2 the word "All" should be excluded;

7) Parts 4 and 5 should be set out in the following wording:

"4. The documents in the case shall be sent to the party by e-mail or by registered mail, or by courier mail, or by any other means of communication, including those specified by the parties, confirming the fact of sending, or may be handed over to the party in the MAC Secretariat against receipt.

5. Any written notification shall be deemed to have been received if it is:

1) sent to the party to its e-mail address specified by it or indicated in the contract, on the official website or in official documents, or confirmed, in particular, by registration documents, or used by the party during the conclusion and/or execution of the contract; or

2) handed over to the party in the MAC Secretariat against receipt; or

3) delivered to the party at the address specified by the party; or

4) delivered to the party at its commercial place of business, habitual residence or mailing address.

If the commercial place of business, habitual residence or mailing address cannot be found after making a reasonable inquiry, a written notification is deemed to have been

received by the party if it is sent to the addressee's last-known commercial place of business, habitual residence or mailing address by registered letter or any other means which provide a record of the attempt to deliver this notification. A written notification is also deemed to have been received if the person did not appear for receiving the notification or refused to receive it. A written notification shall be deemed to have been received on the day it is so delivered or the recording of a delivery attempt.

A written notification sent to a party by electronic means of communication shall be deemed to have been received on the day it is so sent (the time is determined by reference to the recipient's time zone)";

8) Part 6 shall be excluded.

8. **In Article 13:**

1) Part 2 should be set out in the following wording:

"2. The filing date of the Statement of Claim shall be the date on which it is handed over to the MAC, or if the Statement of Claim is sent by mail it shall be the date of registration of the electronic communication by the MAC, or the date of the postmark of the post office where it has been mailed or in case of express delivery it is the date of the waybill, depending on the form in which the Statement of Claim has been sent earlier".

9. **Article 47 (Parts 2 -4) should be set out in the following wording:**

"2. The Arbitral Tribunal has the right to conduct an oral hearing of the case or an arbitrator has the right to take part in such a hearing via video conference outside the premises of the MAC.

The parties shall be notified in writing or at the meeting of the Arbitral Tribunal about conducting the oral hearing of the case with participation of the arbitrator(s) via video conference.

3. A party, no later than 5 days before the date of the oral hearing, has the right to file to the MAC an application on its participation in the oral hearing via video conference. Such application shall contain the name and surname of the persons who will participate in the meeting of the Arbitral Tribunal via video conference, as well as contact information, including e-mail address to which the MAC Secretariat shall send the technical details necessary for connection to video conference. Documents confirming the authorities of these persons and their identification shall be attached to the application.

The party takes part in the oral hearing via video conference outside the premises of the MAC using its own technical means and method of identifying the party's representative that is acceptable to the Arbitral Tribunal. Risks of technical impossibility of participating in a video conference outside the premises of the MAC, interruption of communication, etc. shall be borne by the party who has submitted the relevant application

4. The Arbitral Tribunal has the right to hear witnesses or experts via the video-conferencing systems, whereof the Arbitral Tribunal issues a ruling".

10. **In Article 72:**

2) put the title of the Article in the following wording:

"**Article 72. Approvement and effect of the Mac Rules**";

3) to supplement with the 1 and 2 parts in the following wording:

«1. The MAC Rules and amendments thereto shall be approved by the Presidium of the Ukrainian Chamber of Commerce and Industry on the proposal of the MAC Presidium.

2. In exceptional circumstances that require the adoption of an urgent decision, the MAC Presidium may make amendments and supplements to the MAC Rules on conducting arbitration proceedings, as well as to the Recommendatory List of Arbitrators. These amendments and supplements become effective from the date specified by the MAC Presidium, and are subject to subsequent approval by the Presidium of the Ukrainian Chamber of Commerce and Industry".

In this regard, Parts 1 and 2 shall be considered as the third and fourth parts, respectively.

3) in the new Part 4 replace the words "in the first part" with the words "in the third part".

II. These Amendments become effective on 01 July 2022 and shall be applied to the consideration of cases registered by the MAC from 01 July 2022, as well as, in the absence of objections from the parties, to all arbitration proceedings of the MAC as of 01 July 2022.