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МОРСЬКА АРБИТРАЖНА КОМІСІЯ  
при ТОРГОВО-ПРОМИСЛОВІЙ ПАЛАТІ УКРАЇНИ

## AMENDMENTS INTO THE MAC RULES 2020

### Current version 2020

### Amendments that will be effective from 01.07.2022

#### Article 2. Application of the Rules

1. The arbitral proceeding in the MAC is being conducted in accordance with the MAC Rules. The MAC Rules shall be approved by the Presidium of the Ukrainian Chamber of Commerce and Industry on the proposal of the MAC Presidium.

1. The arbitral proceeding in the MAC is being conducted in accordance with the MAC Rules.

#### Article 11. Submission and forwarding of documents in the course of the arbitral proceedings

1. All documents relating to the initiation and conduct of the arbitral proceedings shall be submitted by the parties to the MAC Secretariat or in the course of the oral hearing to the Arbitral Tribunal 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 addition, all of the above documents shall be submitted by the parties to the MAC Secretariat in electronic form.

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.

2. All documents submitted by either of the parties to the MAC Secretariat or in the course of an oral hearing to the Arbitral Tribunal shall be forwarded to the other party.

Any reports prepared by experts or other documents classified as the evidence on which an Arbitral Award may be based shall be transmitted to the parties as well.

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4. The Statement of Claim, the Statement of Defence, additional submissions of documents, the Notice of the hearing, the Arbitral Award, the Order or Ruling shall be sent to the party by registered mail with an advice of delivery or by courier mail, or may be handed over in the MAC Secretariat personally to its authorized representative against receipt.

5. Any written notification or communication shall be deemed to have been received if it is handed over to the party personally (or its authorized representative) in the MAC Secretariat or if it is delivered at its

2. The documents submitted by either of the parties to the MAC Secretariat or in the course of an oral hearing to the Arbitral Tribunal shall be forwarded to the other party.

Any reports prepared by experts or other documents classified as the evidence on which an Arbitral Award may be based shall be transmitted to the parties as well.

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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



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commercial place of business, habitual residence (location) or mailing address. If none of these can be found after making a reasonable inquiry, a written notification or communication 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 communication is also deemed to have been received if the person did not appear for receiving the communication or refused to receive it. A written communication shall be deemed to have been received on the day it is so delivered or the recording of a delivery attempt.

6. A written communication 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).

#### **Article 13. Filing the statement of claim**

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 the postmark of the post office where it has been mailed or in case of express delivery it is the date of the waybill.

#### **Article 47. Oral hearing**

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, whereof the parties are notified in the notice or ruling of the Arbitral Tribunal.

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 can not 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).

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.

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.



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3. A party, no later than 10 days before the date of the oral hearing, may submit to the Arbitral Tribunal a motion to participate in an oral hearing via the video-conferencing systems. Such request shall be considered by the Arbitral Tribunal with regard to the case circumstances and the opinion of the other party. Based on the results of the consideration, the Arbitral Tribunal issues a ruling.

In case the motion is satisfied, the party takes part in the oral hearing via video conference outside the premises of the MAC using its own technical means and electronic digital signature or using another method of identifying the party 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 participant of the case who has submitted the relevant motion.

4. The Arbitral Tribunal has the right to hear witnesses or experts via the video-conferencing systems.

**Article 72. Effect of the UMAC Rules**

1. These Rules become effective on the first of January, the year 2018 and shall be applied to the cases registered from the above date.

2. The Rules of the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry approved by the Decision of the Presidium of the Ukrainian Chamber of Commerce and Industry dated April 17, 2007, Minutes No. 18 (1), as amended, shall be applied to the cases instituted in the arbitral

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.

**Article 72. Approval and effect of the UMAC Rules**

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.

3. These Rules become effective on the first of January, the year 2018 and shall be applied to the cases registered from the above date.

4. The Rules of the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry approved by the Decision of the Presidium of the Ukrainian Chamber of Commerce and Industry dated April 17, 2007, Minutes No. 18 (1), as amended, shall be applied to the cases instituted in the arbitral



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proceedings prior to the date specified in this Article (Part 1), unless the parties have agreed otherwise.

proceedings prior to the date specified in this Article (Part 3), unless the parties have agreed otherwise.