

Appendix No. 1
to the Rules of Mediation
of the Maritime Arbitration
Commission at the Ukrainian
Chamber of Commerce and
Industry

SCHEDULE OF MEDIATION FEES AND COSTS

SECTION I. DEFINITIONS

1. “Registration fee” shall mean a fee to be paid by the party(s) when an application(s) for mediation is filed with the UMAC to cover the costs to be incurred in connection with preparation to the mediation proceedings.

2. “Mediation fee” shall mean a fee to be paid by the party(s) for each accepted mediation proceedings in the UMAC to cover the costs to be incurred in connection with such proceedings, including the remuneration payable to the mediator(s) and an administration fee payable to cover the costs of conduct of the mediation proceedings.

3. “Additional mediation costs” shall mean special-purpose expenses arising in connection with the mediation (expenses for translations, travelling expenses of the mediator(s), and so on).

4. “Expenses of the parties” shall mean expenses incurred by each of the parties separately in connection with participation in the mediation (travelling expenses of the parties’ representatives, lawyers’ fees, and so on).

SECTION II. REGISTRATION FEE

1. The registration fee to be paid by the applicant(s) when an application for mediation is filed with the UMAC shall amount to 300 US dollars.

2. The residents shall pay the registration fee in Hryvnia (UAH) at the exchange rate of the National Bank of Ukraine as of the day of payment by means of a bank transfer to the account of the Ukrainian Chamber of Commerce and Industry IBAN: UA863223130000000260020128332 with JSC Ukreximbank, Kyiv, MFO code 322313, identification code 00016934.

The non-residents shall pay the registration fee in a freely convertible currency to the foreign currency account of the Ukrainian Chamber of Commerce and Industry IBAN: UA863223130000000260020128332 with the same bank.

The Ukrainian Chamber of Commerce and Industry shall be indicated as a beneficiary.

As the purpose of the payment, "Registration fee for conducting mediation" shall be indicated.

3. The registration fee is non-refundable.

SECTION III. MEDIATION FEE

1. In the order on accepting the case for proceedings, the UMAC President determines the amount of the advance payment to be paid by the parties and later on to be included in the total amount of the mediation fee.

2. The amount of the mediation fee shall be determined at the rate of 100 US dollars per 1 hour of mediation.

The actual mediation time shall be the time directly spent on the preparation and conduct of the mediation, including studying the case materials, holding organizational meetings, joint and individual meetings with the parties and other participants in the mediation proceedings.

In order to start the mediation proceedings, the parties shall pay an advance payment to cover 8 hours of mediation. In order to continue the mediation after the end of those 8 hours, the parties shall pay another advance payment to cover at least 8 hours more of mediation within the time limits to be determined by the mediator. The mediation shall be suspended until such payment is effected.

The mediator(s) jointly with the parties shall keep the record of the actual time spent. Upon the termination of the mediation, the remaining funds for the unused paid hours of mediation shall be returned to the parties, wherefore a relevant statement shall be included in the order on termination of the mediation.

3. The amount of the mediation fee as established in paragraph 1 of this section shall be payable in case a single mediator conducts the mediation. In the event the mediation is conducted by two mediators (co-mediators), the amount of the mediation fee shall be increased by 50%.

4. If more than two parties participate in the mediation, the amount of the mediation fee shall be increased by 10% per each additional party, however not more than by 70%.

5. The residents shall pay the mediation fee in Hryvnia (UAH) at the exchange rate of the National Bank of Ukraine as of the day of payment by means of a bank transfer to the account of the Ukrainian Chamber of Commerce and Industry IBAN: UA863223130000000260020128332 with JSC Ukreximbank, Kyiv, MFO code 322313, identification code 00016934.

The non-residents shall pay the mediation fee in a freely convertible currency to the foreign currency account of the Ukrainian Chamber of Commerce and Industry IBAN: UA863223130000000260020128332 with the same bank.

The Ukrainian Chamber of Commerce and Industry shall be indicated as a beneficiary. As the purpose of the payment, "Mediation fee for mediation proceedings No. ____" shall be indicated.

6. The mediation fee and any and all other amounts payable to the UMAC shall be deemed paid as of the day they are credited to the bank account of the Ukrainian Chamber of Commerce and Industry.

The expenses in connection with the bank transfer of the amounts of the mediation fees and costs payable to the UMAC shall be borne by the party that is effecting the respective payment.

7. The mediation fee shall be paid within the time limits as determined in the order of the UMAC President and/or by the mediator(s).

The mediation proceedings shall be suspended until the amount of the mediation fee is credited to the bank account of the Ukrainian Chamber of Commerce and Industry.

SECTION IV. DISTRIBUTION OF THE MEDIATION FEE

1. Unless the parties agreed otherwise, the registration and mediation fees shall be paid by the parties in equal shares.

SECTION V. COVERING ADDITIONAL COSTS OF THE MEDIATION PROCEEDINGS

1. The UMAC may require the parties to deposit an advance for the additional costs in connection with the mediation proceedings.

2. The UMAC may make the implementation of appropriate actions to settle the dispute through mediation subject to payment by the parties of an advance for the additional costs within the established time limits.

3. If parties (a party) appoint a mediator residing permanently out of the place of mediation at the UMAC, those (that) parties (party) shall be required to deposit an advance for the costs associated with his participation in the mediation (travelling expenses, accommodation, meals, obtaining visa, and so on).

4. If the mediation is conducted in a language other than Ukrainian or English, the costs of translation of the UMAC documents and the interpreter's participation in the mediation procedure shall be charged to the parties in equal amounts.

The UMAC may require the parties to deposit an advance for such costs.

5. If the parties have agreed to hold joint or individual meetings outside the location of the UMAC, any and all additional costs related to holding such meetings, including travel and accommodation of the mediator(s), shall be charged to the parties in equal amounts, unless the parties have agreed otherwise.

The UMAC may require the parties to deposit an advance for such costs.

SECTION VI. EXPENSES OF THE PARTIES

1. Each party shall bear its own expenses specified in paragraph 4 of section I.