

**MARITIME ARBITRATION COMMISSION  
AT THE UKRAINIAN CHAMBER OF COMMERCE AND INDUSTRY  
ACTIVITIES 2017**

In 2017 there were 13 cases in the MAC at the Ukrainian CCI, including 9 cases registered during the reporting period and 4 cases left from the year 2016. Among them 8 cases have been considered, 2 cases have been terminated by the orders of the President of the MAC at the Ukrainian CCI, 1 case is scheduled for the oral hearing, 2 cases are at the stage of the preliminary preparation for consideration.

Foreign respondents in the cases registered in 2017 were parties including: Estonia and British Virgin Islands - 2 cases, Belize, Panama, Russian Federation, Georgia, People's Republic of China - 1 case each.

Out of the 9 cases registered by the MAC at the Ukrainian CCI in 2017, the amount of claim in 1 case was to US Dollar 10,000; in 6 cases to US Dollar 100 000; in 2 cases to US Dollar 200,000.

Claims registered by the MAC in 2017 arise out of relationships concerning:  
affreightment - 3 cases;  
repair of vessel - 6 cases.

On December 14, 2017, the General Meeting of the MAC and the ICAC at the UCCI took place at the Chamber of Commerce and Industry of Ukraine. Mykola Selivon, President of the ICAC and MAC at the UCCI, reported the results of current year activity of arbitration institutions, outlined directions for further work of the arbitrators and the Secretariat in the frame of carried out judicial reform, modernization of procedural legislation and challenges of the present. Also, the arbitrators discussed practical issues related to the entry into force on January 1, 2018 of the new Rules of the MAC and the ICAC at the UCCI and the conduct of the arbitral proceedings in accordance with the requirements of the Rules. It was also decided to launch in 2018 work on promotion of arbitration as an effective tool to resolve disputes, in particular, to engage in an expert discussion of the draft Law of Ukraine «On Inland Water Transport».

In 2017 the Recommendatory List of Arbitrators of the MAC at the UCCI was expanded by a new arbitrator from China. Thus, there are 28 arbitrators in the Recommendatory List of Arbitrators of the MAC at the UCCI, including 24 Ukrainian arbitrators and 4 foreign ones from the UK, Spain, China and Poland.

In 2017, a new edition of the Rules of the MAC at the UCCI was finalized. In accordance with the established procedure, the new edition of the Rules of the MAC at the UCCI was submitted for consideration by the Presidium of the UCCI and was approved by its Decision No. 25 (6) of July 27, 2017. The new Rules were brought in force from January 1, 2018.

The main provisions of the organization of arbitration in the MAC (the procedure for applying to the MAC, the main stages of the arbitral proceedings, the procedure of constitution of the Arbitral Tribunal, the rates of registration and

arbitration fees) in the new edition of the Rules of the MAC at the UCCI remain unchanged. At the same time, a number of innovations were introduced.

A new section «Interim measures» was introduced. This section defines the conditions and grounds for taking interim measures by the President of the MAC or the Arbitral Tribunal, stipulates the principle of proportionality of the interim measures and claims, provides for the possibility of modification and termination of interim measures, introduces the notion of cross-undertaking in damages, due to which under certain conditions, reimbursement for damages caused by granting of interim measures in favour of the other party may be provided. The MAC President, in addition to the aforementioned, regardless of whether the Arbitral Tribunal is constituted or not, upon the written request of either party, if it considers the petition to be justified, may issue an order to impose an arrest on a vessel or cargo of the other party located in the Ukrainian port. In a petition for the imposition of an arrest on a vessel located in the Ukrainian port, it shall be substantiated that the securing claim is maritime.

The Rules introduce expedited arbitral proceedings, when the parties provided for it in the arbitration agreement or subsequently have agreed on such proceedings, no later than filling a response to the Statement of Claim. The expedited arbitral proceedings is carried out by a sole arbitrator on the basis of written materials just without an oral hearing unless the parties have agreed otherwise.

A more flexible approach to determining arbitration fees and costs is established:

- the right of the MAC Presidium on the proposal of the Arbitral Tribunal, in connection with the special complexity of the case, the multiplicity of claims or participants within one arbitral proceeding, the significant time costs and expenses connected with arbitration, to make a decision to increase the size of the arbitration fee;

- the maximum amount of the arbitration fee shall not exceed 230 000 USD;

- the provision of granting a deferral in payment of the arbitration fee upon the grounded request of the Claimant is legitimated;

- payment of the arbitration fee in the amount of 50% of the amount of the arbitration fee is stipulated in case of a repeated application to the MAC and initiation of the arbitral proceedings between the same parties to dispute, about the same subject-matter and on the same merits in connection with the setting aside of the MAC award by the state court;

- when the Arbitral Tribunal renders an Arbitral Award on agreed terms in the first meeting, 25% of the arbitration fee without registration fee shall be returned to the Claimant.

The new provisions of the Rules of the MAC at the UCCI are aimed at enhancement of efficiency of arbitration, on making arbitration an expeditious, cost-effective and comfortable for the parties.

**Mykola SELIVON**

**President of the ICAC and MAC at the UCCI**