

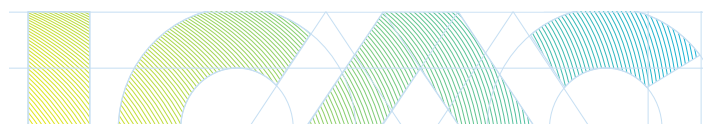
APPROVED
By the decision of the Presidiums of
the ICAC and the UMAC
dated 06 March 2024

COMPLIANCE POLICY **of the ICAC and the UMAC** **relating to cases with a sanctioned element**

I. GENERAL PROVISIONS

- 1.** The ICAC/UMAC Compliance Policy is developed in order to inform the parties and other participants of arbitration proceedings about the administration of cases with a sanctioned element, as well as to ensure transparent and sustainable practice of considering cases with a sanctioned element, registered by the ICAC/UMAC.
- 2.** Both the ICAC/UMAC and the Arbitral Tribunals (Arbitral Commissions), shall, when administering cases, take necessary measures to ensure the equality of the parties, offering every opportunity provided by *lex arbitri* to present their positions, and shall make all reasonable efforts to ensure the enforceability of arbitral awards.
- 3.** Special economic and other restrictive measures (sanctions) imposed by Ukraine, the United Nations, the European Union and/or other foreign states and international organizations within the competence of the latter may, in some occasions affect the administration of cases, consideration/resolution of disputes and motivate the ICAC/UMAC and/or the Arbitral Tribunal (Arbitral Commission) to take additional measures in accordance with internal compliance procedures.
- 4.** Said sanctions shall not prevent the parties from applying to the ICAC/UMAC in accordance with the procedure provided for by the applicable law and shall not prevent them from exercising the procedural rights provided for by the relevant Rules of the ICAC/UMAC¹.

¹ In this ICAC/UMAC Compliance Policy, in the absence of reservations to the contrary, any reference to the ICAC/UMAC Rules shall be interpreted as a reference to the respective applicable Rules of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry, the Rules of the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry, as well as the Rules of Mediation of the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry and the Rules of assistance available from the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry in arbitration under the UNCITRAL Arbitration Rules.



5. In the context of this ICAC/UMAC Compliance Policy, the sanctioned element means, in particular, but not exclusively, occasions when:

- a) a party to the dispute is sanctioned; or
- b) sanctions have been imposed on legal entities, affiliated with a party to the dispute (including affiliates, beneficial owners (controllers) and individuals affiliated to a party to the dispute; or
- c) the subject matter of the dispute is subject to the sanctions regime; or
- d) the parties or their affiliated legal entities and individuals are citizens or residents of a country subject to the sanctions regime.

II. ADMINISTRATION OF CASES AND CONSIDERATION/RESOLUTION OF DISPUTES WITH A SANCTIONED ELEMENT

Registering the case and preparation of the case for consideration

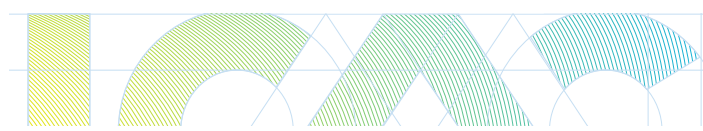
6. The ICAC/UMAC administers cases in accordance with the relevant Rules of the ICAC/UMAC and the provisions of the applicable law.

7. In order to comply with special economic and other restrictive measures (sanctions), the ICAC/UMAC take certain additional measures in accordance with the internal compliance procedures, which may cause a delay in the consideration of the case.

8. By sending written notices to the parties (other participants of the arbitral proceedings), the ICAC/UMAC may request them to promptly provide the ICAC/UMAC with information on the application of special economic and other restrictive measures (sanctions) to them or their affiliated persons, in particular, but not exclusively, about their contents, indicating the date and title of the act which imposed or terminated (if terminated\canceled) such measures, as well as relevant supporting documents.

9. For the purpose of preliminary preparation of the case for consideration and at any time during case consideration, if the circumstances provided for in clause 5 of this Compliance Policy are detected, the ICAC/UMAC or the Arbitral Tribunal (Arbitral Commission) may request from the parties (other participants in the arbitration proceedings) additional information regarding any written statements submitted by them, and may also request additional documents and/or information, including documents and/or information related to their ownership structure, information about the ultimate beneficial owners (controllers) and other required information (documents) relating to the affiliated parties.

10. Regardless of whether the party (other participant of the arbitral proceedings) has received a request for information referred to in clauses 8-9 of this ICAC/UMAC Compliance Policy, it shall promptly inform the ICAC/UMAC without undue delay about any restrictive measures (sanctions) ever applied to it or existing restrictive measures (sanctions), as well as of any changes in the regime of such measures, including but not limited to their termination.



Consideration of the case on the merits

11. The Arbitral Tribunal (the Arbitral Commission) considers cases in accordance with the ICAC/UMAC Rules and the provisions of the applicable law.

12. The provisions of the regime of special economic and other restrictive measures (sanctions) may be taken into account by the Arbitral Tribunal (Arbitral Commission) to the extent that the Arbitral Tribunal (Arbitral Commission) deems it necessary.

Payments

13. In order to respect compliance measures, the ICAC/UMAC may establish additional requirements for making payments under the ICAC/UMAC Rules.

III. FINAL PROVISIONS

14. Without prejudice to the provisions of the ICAC/UMAC Rules, the application of the measures provided for in this Compliance Policy may affect the duration of the consideration of the case and resolution of the dispute, which in itself cannot be interpreted as an unreasonable delay on the part of the ICAC/UMAC and/or the Arbitral Tribunal (Arbitral Commission).

15. Under no circumstances the ICAC/UMAC and/or the Arbitral Tribunal (the Arbitral Commission) shall be liable for violation of the regime of special economic and other restrictive measures (sanctions) committed by any party to the arbitration.

16. The provisions of this Compliance Policy shall be interpreted by the ICAC/UMAC solely for the purpose of ensuring completeness and compliance with the internal compliance procedures of the ICAC/UMAC.

