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**МОРСЬКА АРБИТРАЖНА КОМІСІЯ**  
при ТОРГОВО-ПРОМИСЛОВІЙ ПАЛАТІ УКРАЇНИ

## AMENDMENTS INTO THE UMAC RULES 2022

(comparative table)

**Current version 2022**

**Amendments that will be effective from  
01.01.2023**

### **Article 42. RULES GOVERNING THE ARBITRAL PROCEEDINGS**

1. Subject to the provisions of the Law of Ukraine «On International Commercial Arbitration» and general principles of the arbitral proceedings specified in the present Rules, the parties shall at their own discretion agree on the procedure of the arbitral proceedings to be followed by the Arbitral.

Failing such agreement, the Arbitral Tribunal may, subject to the provisions of the Law of Ukraine «On International Commercial Arbitration», conduct the arbitration in such manner, as it considers appropriate with the purpose to ensure an effective dispute order observing in this respect an equal treatment to each party and giving each party an equal and reasonable opportunities for their interests' protection.

2. Parties and their representatives should act in the way to keep the arbitral proceedings fast and cost effective, preventing abuse of procedural rights.

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Failing such agreement, the Arbitral Tribunal may, subject to the provisions of the Law of Ukraine "On International Commercial Arbitration", conduct the arbitration in such manner, as it considers appropriate with the purpose to ensure an effective dispute order observing in this respect an equal treatment to each party and giving each party an equal and reasonable opportunities for their interests' protection.

2. The parties may agree to settle/resolve the dispute using the combined procedures ("Arbitration-Mediation-Arbitration" or "Mediation-Arbitration"). In such a case, settlement/resolution of the dispute is carried out in accordance with these Rules, the MAC Rules of Mediation, in compliance with the provisions of the Laws of Ukraine "On International Commercial Arbitration" and "On Mediation".

3. Parties and their representatives should act in the way to keep the arbitral proceedings fast and cost effective, preventing abuse of procedural rights.

### **Article 58. SUSPENSION OF THE ARBITRAL PROCEEDINGS AND ITS RENEWAL**

1. The Arbitral Tribunal upon a written request of either party or on its own initiative may order the suspension of the arbitral proceedings for an uncertain period of time in the event that: 1) the Arbitral Tribunal appoints carrying out of an expert examination;  
2) impossibility to consider a case until the other case related to it is be resolved;  
3) the Arbitral Tribunal or the parties on the consent of the Arbitral Tribunal forward a

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request to the competent court seeking to facilitate in obtaining evidence;  
4) there are other circumstances that the Arbitral Tribunal deems to prevent a case consideration.

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4) there are other circumstances that the Arbitral Tribunal deems to prevent a case consideration.

The Arbitral Tribunal upon a written request of the parties suspends the arbitral proceedings in connection with the conduct of mediation for the duration of mediation.

#### **Article 61. THE ARBITRAL AWARD ON AGREED TERMS**

1. If in the course of the arbitral proceedings, the parties settle their dispute by conclusion of an amicable agreement, the Arbitral Tribunal may, at the request of the parties and in the absence of its objections, record such settlement in a form of the Arbitral Award under the agreed terms.

1. If in the course of the arbitral proceedings, including with the use of the combined procedures, the parties settle their dispute by conclusion of an amicable agreement or an agreement based on the results of mediation, the Arbitral Tribunal terminates the arbitral proceedings and, at the request of the parties and in the absence of its objections, record such settlement in a form of the Arbitral Award under the agreed terms.

#### **Article 67. AN ORDER FOR THE TERMINATION OF THE ARBITRAL PROCEEDINGS**

2. The Arbitral Tribunal shall issue an Order for the termination of the arbitral proceedings when:

- 1) it finds that MAC does not have the jurisdiction to settle such dispute;
- 2) the Claimant withdraws his claim, unless the Respondent objects thereto and raises objections to the termination of the arbitral proceedings and the Arbitral Tribunal recognizes a legitimate interest of the Respondent in obtaining a final settlement of a dispute;
- 3) the parties agree on the termination of the proceedings;
- 4) the Arbitral Tribunal finds that a continuation of the arbitral proceedings has for any other reason become unnecessary or impossible.

2. The Arbitral Tribunal shall issue an Order for the termination of the arbitral proceedings when:

- 1) it finds that MAC does not have the jurisdiction to settle such dispute;
- 2) the Claimant has withdrawn his claim, unless the Respondent has objected thereto and raised objections to the termination of the arbitral proceedings and the Arbitral Tribunal has recognized a legitimate interest of the Respondent in obtaining a final settlement of a dispute;
- 3) the parties have agreed on the termination of the proceedings;
- 4) the Arbitral Tribunal finds that a continuation of the arbitral proceedings has for any other reason become unnecessary or impossible.

### **SCHEDULE OF ARBITRATION FEES AND COSTS**

#### **SECTION II. REGISTRATION FEE**

1. The registration fee to be paid by the Claimant when a Statement of Claim is filed with the MAC shall amount to 600 US dollars.

2. The residents shall pay the registration fee in Hryvnia (UAH) at the exchange rate of the National Bank of Ukraine on the day of payment. The amount of the registration fee shall be transferred to the account of the Ukrainian Chamber of Commerce and Industry  
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UA863223130000000260020128332 in JSC Ukreximbank, Kyiv, identification code 00016934.

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

The Ukrainian Chamber of Commerce and Industry shall be indicated as a beneficiary. The registration fee shall be paid without VAT (Value Added Tax).

3. The registration fee is not refundable. Upon subsequent payment of the arbitration fee, the registration fee is credited to the amount of the arbitration fee.

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The Ukrainian Chamber of Commerce and Industry shall be indicated as a beneficiary. The registration fee shall be paid without VAT (Value Added Tax).

3. The registration fee is not refundable. Upon subsequent payment of the arbitration fee, the registration fee is credited to the amount of the arbitration fee.

4. In case of non-settlement of the dispute through mediation using the "Mediation-Arbitration" procedure, when filing a Statement of Claim with the MAC, the registration fee provided for in Article 16(1) of the MAC Rules is not paid.

#### **SECTION IV. REDUCTION IN THE AMOUNT AND PARTIAL RETURN OF THE ARBITRATION FEE**

4. 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 remaining amount of the arbitration fee shall be apportioned among the parties, unless the parties have agreed on a different apportionment of the arbitration fee in the settlement agreement.

5. The decision on the partial return of the arbitration fee shall be inserted into the award or an order for the termination of the arbitral proceedings.

4. 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. This rule is also applied when settling a dispute using the "Arbitration-Mediation-Arbitration" procedure. The remaining amount of the arbitration fee shall be apportioned among the parties, unless the parties have agreed on a different apportionment of the arbitration fee in the settlement agreement.

5. In case of settlement of the dispute through mediation using the "Mediation-Arbitration" procedure, if the parties have applied to the MAC with a request to render an arbitral award on agreed terms, the arbitration fee shall be paid in the amount of 50% of the amount provided for in item 1 of Section III. At the same time, items 2, 3, 7-10 of Section III and item 4 of this Section shall not apply.

6. The decision on the partial return of the arbitration fee shall be inserted into the award or an order for the termination of the arbitral proceedings.