

Pursuant to Article 66 of the Arbitration Rules of the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia (*Skopje Arbitration Rules*) No. 02-605/6 of 29/04/2021, and in accordance with Article 27 of the Statute of the Economic Chamber of North Macedonia No. 02-598/4 of 29/04/2021 (consolidated text), the Management Board of the Economic Chamber of North Macedonia, in an online session held on 02/02/2022, adopted the following

RULES

on the Costs in the proceedings before the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia

I. GENERAL PROVISIONS

Article 1

These Rules shall regulate the costs of the proceedings conducted under the Arbitration Rules of the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia (hereinafter: Arbitration Court), which are born by the parties in the proceedings.

Article 2

(1) The registration fee is paid by the claimant shall when submitting the Statement of Claim, and the counterclaimant shall pay the registration when submitting the Statement of counterclaim.

(2) The Secretary General of the Arbitration Court shall deliver the Statement of Claim or the Statement of counterclaim for a Reply only after the registration fee is paid.

(3) The paid registration fee is non-refundable. If the claimant/counterclaimant fails to pay the registration fee, the Secretary General of the Arbitration Court shall terminate the proceedings.

Article 3

(1) The claimant shall pay the costs of the proceedings in advance, and the respondent (counterclaimant) shall pay the advance on the costs of the proceedings upon the submission of a counterclaim.

(2) The President of the Arbitration Court shall determine the amount of the advance on the costs of the proceedings upon the submission of the Statement of claim to the Arbitration Court, within 3 days from the payment of the registration fee.

Article 4

(1) The Arbitration Court shall invite in writing the claimant or the respondent (counterclaimant) to pay the advance on the costs determined pursuant to Article 3 paragraph (2) of these Rules, within 15 days from the day of delivery of the notice.

(2) If a party fails to pay the advance on the costs referred to in paragraph (1) of this Article within the provided time limit, the President of the Arbitration Court shall render a decision to delete the Statement of Claim or the Statement of counterclaim from the dispute records of the Arbitration Court.

Article 5

(1) The costs related to performing certain procedural actions (costs of expert witness, witness testimony, inspection, translation, transcript, and other costs of the proceedings) shall be covered by the party that proposes such actions and the said party shall pay the appropriate fee in advance. Where the Arbitral Tribunal takes certain procedural actions of its own motion, in the decision stating those actions to be undertaken it shall determine the party that is to cover the costs of those actions.

(2) The sole arbitrator or the panel of arbitrators shall render a decision on paying an advance of the costs referred to in paragraph (1) of this Article. If a party fails to pay the advance on the costs referred to in paragraph (1) of this Article, the procedural actions that were to be covered by the advance shall not be undertaken.

(3) Where the costs of the arbitral proceedings referred to in paragraph (1) of this Article are incurred at the request or with consent of the two parties, each of the parties shall pay one half of the advance. If a party fails to pay its half of the advance, the Secretary General of the Arbitration Court shall without delay invite the other party to make the payment within 15 days from the day of delivery of the notice. If the other party fails to make the payment of the advance (which the first party failed to pay) within the set time period, the procedural actions that were to be covered by the advance shall not be undertaken.

Article 6

(1) The sole arbitrator or the panel of arbitrators shall determine in the final award rendered in the arbitral proceedings which party and to what extent said party is obligated to reimburse the other party for the costs of the proceedings, including costs of representation, and to bear its own costs.

(2) Unless otherwise agreed by the parties, the losing party will be obligated to bear the costs of the proceedings, and in case the claim is accepted in part, the costs shall be born by both parties, proportionally to the accepted, or the refused part of the claim.

II. TARIFFS

Article 7

The registration fee for the conduct of the proceedings amounts to EUR 100.

Article 8

(1) The fee of the **sole arbitrator** in disputes with or without international element shall amount to **EUR 500**.

(2) The fee of the **panel of arbitrators** in disputes with or without international element shall amount to **EUR 1000**.

(3) Where a foreign exchange value of the subject matter of the dispute is not expressed in EUR, it shall be calculated in EUR by applying the selling rate of the relevant currency in the Foreign Exchange Rates List of the National Bank of the Republic of North Macedonia, which is effective on the day the Arbitration Court is introduced to the subject matter of the dispute.

(4) A fee of 1% of the fee of the arbitrators shall be paid for the scrutiny and approval of the rendered arbitral awards.

(5) After the fee for the scrutiny and approval of the rendered arbitral awards is deducted, the remaining amount of the arbitrator's fee shall be allocated among the members of the panel of arbitrators in the following proportion: the president of the panel of arbitrators shall be entitled to forty percent (40%) of the fee, and the members of the panel of arbitrators shall be entitled to thirty percent (30%) of the fee.

Article 9

(1) Where the arbitral proceedings are terminated without an arbitral award being rendered, the President of the Arbitration Court, at a written request of a party, shall make a decision to reduce the advance on the costs determined pursuant to Article 3 paragraph (2) of these Rules, namely:

- by forty percent (40%) of the fee of the arbitrators, where the proceedings were terminated before the constitution of the Arbitral Tribunal;
- by twenty percent (20%) of the fee of the arbitrators, where the proceedings were terminated before a hearing is held.

(2) The amount to which the advance has been reduced shall be returned to the party that paid the advance.

Article 10

Where the claimant withdraws the Statement of Claim after the constitution of the Arbitral Tribunal, but before the conclusion of the hearings, the arbitrators shall be entitled to a fee amounting to fifty percent (50%) of the fee that they would have received pursuant to Article 9 of these Rules.

Article 11

(1) The administrative costs of the arbitral proceedings amount to **EUR 900**.

Article 12

(1) A party that is a natural person with permanent residence or common temporary residence in the Republic of North Macedonia, or that is a legal entity with headquarters in the Republic of North Macedonia, shall pay the costs in MKD at the EUR selling rate as set by the National Bank of the Republic of North Macedonia on the day of the payment.

(2) A party that is a natural person with permanent residence outside the territory of the Republic of North Macedonia, or that is a legal entity with headquarters outside the territory of the Republic of North Macedonia, shall pay the costs in EUR.

(3) The parties shall pay the costs of the arbitral proceedings at:

- the dedicated denar account of the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia with NLB Banka AD Skopje under No. 210-040644700387;
- the dedicated foreign exchange account of the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia with NLB Banka AD Skopje under No. 0072200011202, IBAN: MK07210722000112005, SWIFT Code: TUTNMK22.

Article 13

Costs of the emergency arbitrator proceedings

(1) The party is obligated to pay the costs of the emergency arbitrator proceedings when submitting the application for emergency arbitrator proceedings.

(2) The costs of the emergency arbitrator proceedings consist of:

- a) the fee of the emergency arbitrator in the amount of EUR 300, and
- b) a non-refundable administrative fee in the amount of EUR 100.

(3) If the party fails to pay the costs of the proceedings within the time limit referred to in paragraph (1) of this Article, the Secretary General shall not consider the application and will terminate the proceedings.

(4) At the request of a party, the Arbitral Tribunal shall decide, in the arbitral award, on the allocation of the costs of the emergency arbitrator proceedings between the parties.

III. TRANSITIONAL AND FINAL PROVISIONS

Article 14

(1) These Rules shall apply to all arbitral proceedings commenced after their entry into force.

(2) These Rules shall apply to arbitral proceedings commenced before their entry into force, provided that the registration fee for those proceedings was not yet paid on the day of entry into force of these Rules, pursuant to the previous rules.

Article 15

The Rules on the Costs of Proceedings before the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia No. 02-2087/3 of 15/12/2016 and the Decision amending the Rules on the Costs of Proceedings before the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia No. 02-585/4 of 11/04/2017 shall cease to be valid with the entry into force of these Rules.

Article 16

These Rules shall be published on the bulletin board at the Chamber and on the web portal of the Economic Chamber of Macedonia within three days from their adoption and shall enter into force on the day of their publication.

No. 02-76/11
Of 02/02/2022, Skopje

President,
Branko Azeski
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