



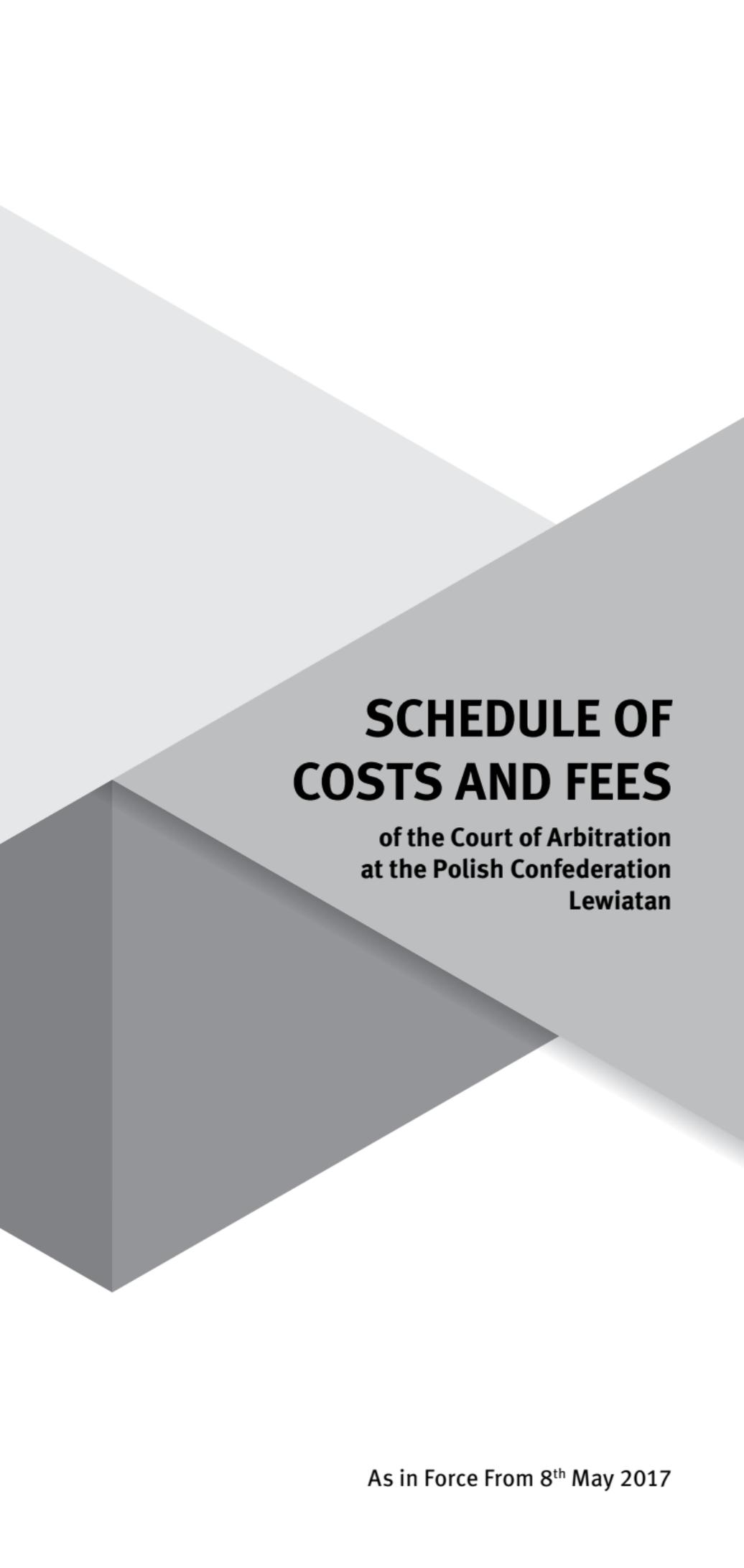
COURT OF ARBITRATION
LEWIATAN

SCHEDULE OF COSTS AND FEES

of the Court of Arbitration
at the Polish Confederation
Lewiatan

As in Force From 8th May 2017

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SCHEDULE OF COSTS AND FEES

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FEES

§ 1

1. The Court of Arbitration shall collect the following fees:
 - a. the administration fee,
 - b. the arbitration fee,
 - c. fee for issuing a certified copy of the award or other document,
 - d. fee for substitute nomination,
 - e. the advance for arbitration expenses,
 - f. fee for transcript and for drawing up a written protocol on this basis – if the party/parties requested a transcript,
 - g. fee for emergency arbitrator. Applicable VAT shall be added to the fees.
2. The fees shall be paid to the Court of Arbitration bank account, specified in the call for payment of the fee.

ADMINISTRATION FEE

§ 2

1. The administration fee shall be collected for statement of claim, counterclaim, set-off plea and third-party intervention and it is not reimbursable.
2. The administration fee shall amount to 500 PLN at the amount in dispute not exceeding or equal to 10 000 PLN.
3. The administration fee shall amount to 1 000 PLN at the amount in dispute above 10 000 PLN up to 50 000 PLN.
4. The administration fee shall amount to 2 000 PLN at the amount in dispute above 50 000 PLN.

ARBITRATION FEE

§ 3

1. The arbitration fee shall be collected pro rata to the specification of the amount in dispute:
 - a. up to 20 000 PLN: 12,5% per cent, not less than 1 500 PLN,
 - b. from 20 001 to 100 000 PLN: 2 500 PLN of the first 20 000 PLN and 7% of the amount over 20 000 PLN,

- c. from 100 001 to 1 000 000 PLN: 8 100 PLN of the first 100 000 PLN and 5% of the amount over 100 000 PLN,
 - d. from 1 000 001 to 10 000 000 PLN: 53 100 PLN of the first 1 000 000 PLN and 0,8% of the amount over 1 000 000 PLN,
 - e. from 10 000 001 to 100 000 000 PLN: 125 100 PLN of the first 10 000 000 PLN and 0,5% of the amount over 10 000 000 PLN,
 - f. over 100 000 000 PLN: 575 100 PLN of the first 100 000 000 PLN and 0,03% of the amount over 100 000 000 PLN.
2. In cases resolved by the sole arbitrator, 60% of the arbitration fee shall be collected, also as regards to Expedited Procedure.
 3. In cases resolved by more than three arbitrators, the arbitration fee shall be collected in the amount increased by 25% for each arbitrator exceeding three.
 4. If the party decreased the amount in dispute the Arbitral Tribunal may correct the amount.
 5. If amount in dispute has not been determined or it cannot be determined the Court of Arbitration collects the fee according to the lowest rate. The Arbitral Tribunal may adopt a higher amount in dispute taking into consideration the character and the circumstances of the case and the amount of work.
 6. In cases described in subsections 4 and 5 the Secretary General demands from the party the appropriate surcharge to the arbitration fee.
 7. In cases of appointment of the Emergency Arbitrator the Court of Arbitration collects the fee of 30% of the arbitration fee, but not less than 2 000 PLN and not more than 50 000 PLN.
 8. In case of giving to the settlement reached in the mediation proceedings the form of an award, the parties are obliged to make a payment in the amount of 1/2 of appropriate fee in cases solved by the sole arbitrator (§3 ss. 2) decreased by paid amount of mediation fee.
 9. In case of a re-examination of a case, after the annulment by a state court of the award of the Court of Arbitration on the same subject, the fee of 60% of the arbitration fee shall be collected.

COUNTERCLAIM FEE AND DEDUCTABLE CLAIM

§ 4

1. The full amount of the arbitration fee shall be collected for the statement of claim, the counterclaim and the set-off plea made before as well as during the arbitration proceedings.
2. For the purposes of determination of the amount of the arbitration fee, claims against more than one defendant (counterdefendant) covered by one statement of claim, or counterclaim, shall be deemed as separate statements of claim (counterclaims).

FEE FOR THIRD PARTY

§ 5

1. For a motion for notification of the third party about a pending action, the applicant shall pay the arbitration fee in the amount of 10% of the arbitration fee for the statement of the claim, and separately with reference to every third party specified in the motion.
2. In case of the third party shall join the proceedings, the third party shall pay 30% of the arbitration fee as for the statement of claim.

§ 6

1. The Court of Arbitration collects the fee for the issuance of a certified award or other document of arbitration proceeding in the amount of 1 PLN per page, but not less than 50 PLN for each document.
2. The Court of Arbitration collects the fee for preparing – at the request of a party/ parties – a transcript of the oral hearing of 12 PLN per page.

§ 7

The Court of Arbitration collects the fee for the appointment of the substitute arbitrator when it was designated in the arbitration clause as a nominating authority and the dispute is not subject to its jurisdiction, in the amount of 1 500 PLN per one nomination.

RETURN OF FEE

§ 8

1. The Court of Arbitration shall ex officio return the following part of the arbitration fee:
 - a. in case of return of the statement of claim or counterclaim – 90%,
 - b. in case of ascertainment of the Court's lack of jurisdiction – 50%,
 - c. in case of withdrawal of the statement of claim or counterclaim or admission of claims:
 - before issuance of an order on delivery of the statement of claim to the defendant – 80%,
 - before formation of the arbitral tribunal – 70%,
 - before the day of the first trial – 60%,
2. Shall the third party notified about the pending action not join the proceedings, the applicant shall receive 70% of the arbitration fee paid in accordance with § 5 section 1.

ADVANCE PAYMENTS

§ 9

1. The Court of Arbitration shall collect advance payments for arbitration expenses related to the costs of the non-local arbitrators, remuneration of the experts and translators, conduction of the trial out of the Court's seat and other costs in the amount fixed by the Secretary General.
2. Shall the arbitral tribunal not decide otherwise, the advance payment for the arbitration costs shall be paid by the party undertaking actions resulting in these expenses.

§10

Above provisions shall be applied accordingly to the Appeal Proceedings.

SCHEDULE OF COSTS AND FEES IN "AD HOC" ARBITRATION PROCEEDINGS ADMINISTERED BY THE COURT OF ARBITRATION AT THE POLISH CONFEDERATION LEWIATAN

GENERAL PROVISIONS

§ 1

1. The Schedule sets out the principles and procedures of collecting fees for activities and advances covering expenses in "ad hoc" arbitration administered by the Court of Arbitration at the Confederation Lewiatan.
2. Fees and advances shall be collected by the Court of Arbitration in the gross amount plus any value added tax (VAT) at the applicable rate.
3. All fees and costs plus advances covering them shall be borne by the parties at half pay, unless the provisions of the Schedule or the agreement between the parties provide otherwise.

TYPES OF FEES

§ 2

1. Fees for the activities of the Court are:
 - a. registration fee, collected from the request for arbitration between the parties in "ad hoc" arbitration administered by the Arbitration Court at the Confederation Lewiatan,
 - b. administrative fees collected for the activities of the Court during the proceedings.
2. The fees referred to in section 1 shall be collected in the amount specified in the table of fees.

TABLE OF FEES

§ 3

1. The registration fee is 2 500 PLN.
2. The administrative fees for the activities of the Court in the proceedings are:

- a. the appointment of the substitute arbitrator or the presiding arbitrator – 1 500 PLN,
- b. access to the meeting room of the Court – 800 PLN for each day (including the registration of the meetings on CD),
- c. the protocol of the hearing or other meeting – 30 PLN for the first hour and 20 PLN per each next hour,
- d. drawing up a written transcript of the meeting on the basis of the recording of the proceeding – 30 PLN for each started page,
- e. the certificate issued by the President and the Secretary General of the Court concerning authenticity of signatures of the arbitrators on the award or other decision – 1 500 PLN,
- f. making – on request of a party – the certified copies – 1 PLN for each page, but not less than 50 PLN per each document.

EXPENSES

§ 4

1. Each party shall bear the actual costs (expenses) to carry out activities in the proceedings, in particular:
 - a. remuneration, travel and accommodation costs of the arbitrators,
 - b. travel and accommodation costs of a party requested by the Court to appear in person,
 - c. the cost of travel and accommodation,
 - d. expenses relating to the delivery of the letters and written notifications by courier,
 - e. the remuneration and reimbursement of expenses borne by experts and interpreters,
 - f. the costs of the examination of other evidences in the case,
 - g. the costs of holding a meeting outside the seat of the Court – if that is the intention of the parties – including the costs of room rental, audio recording equipment, travel and accommodation of the recording clerk.
2. Parties shall not bear the expenses relating to:
 - a. the functioning of the administration (Secretariat) of the Court,
 - b. the delivery by the Court of correspondence by mail,
 - c. the use by the Court of electronic communication or other means of distance communication,
 - d. the return (settlement) by the Court of the charges, advances and deposits.

ADVANCES TO COVER EXPENSES

§ 5

1. The party who has requested to take a procedural step connected with the expenses, shall bear an advance payment to cover them. In case of undertaking actions ex officio by the Court, the Court shall decide which party is obliged to pay an advance on expenses related to the action.
2. The Court shall determine the amount and the deadline of the advance payment.

PAYMENTS OF FEES AND ADVANCES

§ 6

1. Due fees and advances to cover expenses shall be paid to the Court 's bank account indicated to the party/ parties.
2. The provisions of the subsection 1 shall apply accordingly to remuneration and reimbursement of costs of the arbitrators unless the parties have decided otherwise in the agreement with the arbitrator.
3. The Court shall not recognize any request or undertake any action unless a requested fee or advance payment is fully covered in a timely manner.

CONCLUSION OF PROCEEDINGS

§ 7

Delivery of an award to the parties shall take place after the full payment of the fees, remunerations and reimbursement of the costs of the arbitrators as well as after the full coverage of proceedings costs (expenses) requested from the party/parties.

