

***STATUTE**
of the Court of Arbitration at the Polish Chamber of Commerce

§ 1

General provisions

1. The Court of Arbitration at the Polish Chamber of Commerce (the “**Court**”) is a permanent arbitration court.
2. The Court is an independent, functionally and organizationally distinct unit of the Polish Chamber of Commerce (“**PCC**”).
3. The Court uses the following names in foreign languages:
 - English: *Court of Arbitration at the Polish Chamber of Commerce*
 - French: *Cour d'Arbitrage près de la Chambre Polonaise de Commerce*
 - German: *Schiedsgericht bei der Polnischen Wirtschaftskammer*
 - Russian: *Арбитражный Суд при Польской Хозяйственной Палате.*
4. The registered office of the Court is in Warsaw.
5. The Court uses a round seal bearing its name and registered office.

§ 2

Purposes and activity of the Court

1. The purpose of the Court is to organize amicable resolution of disputes, and more specifically to administer arbitration proceedings in compliance with the highest standards recognized in this field.
2. The Court undertakes initiatives to promote arbitration and other methods of alternative dispute resolution.
3. The Court conducts research, publishing and educational activity in the field of arbitration and other methods of alternative dispute resolution.

§ 3

President of the Court

1. The President of the Court leads and represents the Court.
2. The President of the Court is authorized to establish additional units and advisory committees within the structure of the Court.
3. The President of the Court is appointed for a four-year term by the Presidium of the PCC at the motion of the President of the PCC, after seeking the opinion of the Arbitral Council. The term is calculated in calendar years and begins on the 1st of January.

4. The appointment of the President of the Court will terminate as a result of submission of a written resignation to the President of the PCC.
5. The following may be grounds for removal of the President of the Court by the Presidium of the PCC at the motion of the President of the PCC:
 - 1) failure to comply with the provisions of the Statute and rules, undermining confidence in the office;
 - 2) a determination that further performance of the office may negatively affect the activity of the Court or injure its reputation.

Removal of the President of the Court shall be effective as of the date indicated in the resolution of the Presidium of the PCC.

6. The duties of the President of the Court include:
 - 1) performing actions during proceedings reserved to the competence of the President of the Court in the Statute and in the Arbitration Rules and specific rules;
 - 2) substantive supervision of the activity of the Secretary General of the Court and his or her assistants, and employees of the Court;
 - 3) formal analysis of the current decisions of the Court;
 - 4) informing the Arbitral Council of the current activity of the Court through submission of periodic written reports;
 - 5) submitting individual motions to add or delete entries from the lists referred to in § 9 par. 1 Article for consideration by the Arbitral Council;
 - 6) presenting motions for adoption of drafts of the Arbitration Rules, the Mediation Rules and the Rules for Resolution of .PL Domain Name Disputes (specific rules), or amendments thereto, and for appointment of the relevant committees supporting preparation of such drafts;
 - 7) organizing scholarly research concerning arbitration and mediation, maintaining contacts and sharing knowhow with courts and other arbitration and mediation institutions;
 - 8) conducting publishing activity, including appointment of organizational units for the purpose of drafting, preparing and editing specific arbitration publications issued by the Court or under the patronage of the Court, issuing by-laws for such units and appointing the editor-in-chief;
 - 9) appointment of domestic and international advisory bodies and commissions;
 - 10) organizing training for arbitrators and mediators;
 - 11) representing the Court in international cooperation;
 - 12) other matters reserved to the competence of the President of the Court in the Statute.

7. If the President of the Court is unable to take actions reserved to his or her competence in the Statute or the rules, or in his or her absence, such actions shall be taken by the President of the Arbitral Council in place of the President of the Court.

§ 4

Arbitral Council

1. The Arbitral Council operates in accordance with the Statute and the Arbitration Rules as well as the By-laws of the Council adopted by the Council at the motion of its President. The Arbitral Council shall be composed of 5 to 15 members.
2. A person of distinguished legal or business knowledge, high moral character and experience in commercial arbitration may be a member of the Arbitral Council.
3. The President and members of the Arbitral Council are appointed by the Presidium of the PCC for a joint four-year term, calculated in calendar years, regardless of the date of appointment of specific members. The term of the Council begins on the 1st of January.
4. Upon motion of the President of the Arbitral Council, the Arbitral Council may appoint up to three vice presidents.
5. The appointment of a member of the Arbitral Council will expire upon submission of a written resignation to the President of the PCC.
6. The following may be grounds for removal of a member of the Arbitral Council by the Presidium of the PCC at the motion of the President of the PCC:
 - 1) failure to comply with the provisions of the Statute and rules, undermining confidence in the office;
 - 2) a determination that further performance of the office may negatively affect the activity of the Court or injure its reputation.

Removal shall be effective as of the date indicated in the resolution of the Presidium of the PCC.

8. In the event of termination, resignation or removal of a member of the Arbitral Council before the end of the term, the Presidium of the PCC may elect a new member of the Arbitral Council for the period through the end of the current term of the Arbitral Council.
9. The activity of the Arbitral Council includes:
 - 1) default appointment of arbitrators as provided for in the Arbitration Rules and other rules concerning proceedings administered by the Court;
 - 2) removal of an arbitrator from ruling in a matter insofar as reserved to the competence of the Arbitral Council in the Arbitration Rules or other rules concerning proceedings administered by the Court;
 - 3) taking other actions provided for in the Arbitration Rules and specific rules;
 - 4) adopting the lists referred to in § 9 par. 1

- 5) at the motion of the President of the Court, determining the conditions for entry on the list of arbitrators, including without limitation the ethical, professional and intellectual qualifications;
 - 6) taking decisions on publication of rulings of the Court concerning important legal issues, if the parties to the proceeding do not object;
 - 7) at the motion of the President of the Council or the President of the Court, considering other matters related to the activity of the Court of Arbitration, including matters concerning performance of duties by arbitrators and mediators and compliance with rules of ethics.
10. In order to perform the duties specified in §4(9)(1), the Arbitral Council may appoint a Nominating Committee. The Nominating Committee shall include three members of the Arbitral Council elected by resolution for a period of one year.
 11. Decisions of the Arbitral Council shall be taken in the form of resolutions adopted by a simple majority of votes with the presence of at least half of the members of the Arbitral Council. In the event of a tie, the President's vote shall prevail.
 12. Under the rules specified in the By-laws of the Arbitral Council, the Council may adopt resolutions by circulation, that is, by agreeing on the positions of its members by correspondence or other means of direct communication at a distance.
 13. The President of the Arbitral Council shall direct the work of the Council, represent it, and perform other actions specified in the Statute, the Arbitration Rules, the specific rules, and the By-laws of the Arbitral Council. The Vice Presidents of the Council shall take actions for the President of the Council within the bounds of the written authorizations given them or during the absence of the President.
 14. The Arbitral Council shall meet as needed, but at least once per quarter.
 15. Sessions of the Arbitral Council shall be convened by the President at his or her own initiative, by the President of the Court, or by at least two members of the Council, who may demand that a session be convened while also stating the proposed agenda. The President shall convene a session within one week after receipt of the application, scheduling the session for no later than one month after receipt of the application. If the President does not convene a session in accordance with the foregoing rules, the applicant may convene a session himself, stating the date, place and proposed agenda. In the absence of the President, actions with respect to convening sessions shall be taken by the Vice President.
 16. Members of the Arbitral Council may not serve as an arbitrator or mediator pursuant to a default appointment or appear before the Court as representatives of the parties to a proceeding.

§ 5

Secretary General of the Court

1. The Secretary General of the Court is an executive body reporting to the President of the Court with respect to the substantive activity of the Court and other matters entrusted by the President. In other respects the Secretary General reports to the Vice President—Director General of the PCC.
2. The activity of the Secretary General of the Court includes:
 - 1) performing activities specified in the Statute and the Arbitration Rules;
 - 2) executing decisions of the President of the Court specified in the Statute and the Arbitration Rules;
 - 3) maintaining day-to-day contacts and ongoing cooperation with the Vice President—Director General of the PCC in all matters connected with the activity of the Court;
 - 4) providing oral and written statements regarding the functioning of the Court and the rules of procedure under the Arbitration Rules;
 - 5) preparing and presenting to the Arbitral Council current information on the activity of the Secretariat of the Court, at least once per quarter, as well as an annual written report on the activity of the Secretariat of the Court;
 - 6) preparing reports and statistical information on the activity of the Court;
 - 7) overseeing the assets entrusted to the Court by the PCC;
 - 8) together with the Court’s accountant, preparing data concerning the financial plan and the annual balance sheet;
 - 9) approving documents constituting the basis for making payments by the Court;
 - 10) incurring obligations in the name of the Court provided for in the financial plan;
 - 11) maintaining employment discipline at the Court and directly supervising the employees of the Court.
 - 12) publishing and updating the lists referred to in § 9 par.1
3. The Secretariat of the Court, directed by the Secretary General of the Court, shall handle matters administered by the Court.
4. The Assistant Secretary General of the Court, if appointed, shall act for the Secretary General of the Court within the bounds of the written authorization given to the Assistant by the Secretary General and in the absence of the Secretary General.
5. The Secretary General of the Court and the Assistant Secretary General of the Court may not serve as an arbitrator or mediator or appear as representatives of the parties to a proceeding.

§ 6

Board of Arbitrators of the Court

1. At least once per year the President of the Court shall convene the Board of Arbitrators of the Court of Arbitration at the Polish Chamber of Commerce (the “**Board**”).

2. The Board shall be composed of the arbitrators and mediators entered on the lists referred to in §9(1).
3. The role of the Board is to provide opinions and conduct discussions.
4. Sessions shall be chaired by the President of the Court. Members of the authorities of the Court may participate in the Board, as well as persons invited by the President of the Court to participate in the sessions or portions thereof.

§7

Honorary President of the Court

1. At the motion of the President of the PCC and with the person's consent, the Presidium of the PCC may award the title of Honorary President of the Court of Arbitration to a person who has served as President of the Court of Arbitration.
2. An Honorary President of the Court of Arbitration may participate in the Board of Arbitrators, and at the invitation of the President of the Arbitral Council may take part in a session of the Arbitral Council or a portion thereof to provide opinions and advice.

§ 8

Mediation Centre

1. The Mediation Centre is a distinct unit of the Court. The work of the Centre shall be directed by the President of the Court.
2. The range of activities of the President of the Court with respect to the activity of the Mediation Centre includes:
 - a) performing actions during proceedings reserved to the competence of the President of the Court in the Arbitration Rules and specific rules,
 - b) informing the Arbitral Council of the current activity of the Mediation Centre and preparing an annual written report on the activity of the Mediation Centre, and
 - c) performing other actions provided for in the Statute and entrusted by the Arbitral Council.

§ 9

Arbitrators and mediators

1. The Court maintains:
 - a) the List of Arbitrators Recommended by the Court of Arbitration at the Polish Chamber of Commerce,
 - b) the List of Mediators at the Mediation Centre of the Court of Arbitration at the Polish Chamber of Commerce, and

- c) the List of Arbitrators and Mediators Recommended by the Court of Arbitration at the Polish Chamber of Commerce in .PL Internet Domain Name Disputes.
2. The lists referred to in par. 1 are adopted by the Arbitral Council for a four-year term at the request of the President of the Court.
3. The detailed procedure for adopting the lists is determined by the President of the Court in consultation with the President of the Arbitral Council.
4. In justified cases, when requested to do so by the President of the Court, the Arbitral Council may add and remove entries from the lists during the then-current term of the lists.
5. Provisions regarding arbitrators and the list of arbitrators apply accordingly to mediators and the list of mediators.
6. A natural person with full legal capacity and full civil rights and possessing the qualifications specified by the Arbitral Council pursuant to §4(9)(5) may serve as an arbitrator or mediator.
7. When assuming office, an arbitrator or mediator shall conclude an agreement with the Secretary General of the Court, acting for the Court, in which the arbitrator or mediator undertakes to properly perform the duties connected with the proceeding for a fee.
8. The President of the Court may not serve as an arbitrator or mediator under a default appointment or appear as a representative of the parties to a proceeding.
9. Arbitrators and mediators must be impartial and independent, and perform their duties to the best of their knowledge and ability in compliance with the Court's Code of Ethics for Arbitrators.
10. An arbitrator may not be appointed as an expert in a proceeding in which he or she is a member of the Arbitral Tribunal.
11. Members of the authorities or employees of another permanent, general arbitration court in Poland may be entered on the Court's list of arbitrators or mediators only with the consent of the Presidium of the PCC after obtaining the opinion of the Arbitral Council.
12. If an arbitrator or mediator entered on the Court's list of arbitrators or mediators assumes office in the authorities of another permanent, general arbitration court in Poland or employment at such court, he or she shall be removed from the list of arbitrators or mediators if the Presidium refuses to provide the consent referred to in par. 8 or if the arbitrator or mediator does not promptly seek such consent.

§ 10

Prohibition of activity conflicting with the interests of the Court

1. Employees of the Court may not, without the consent of the Presidium of the PCC, participate in the activity of any other permanent, general arbitration court in Poland as members of the authorities or employees of such court, nor promote its activities.

2. Employees of the Court may not serve as an arbitrator or mediator or appear as representatives of parties to a proceeding.

§ 11

Transitional and concluding provisions

1. The Statute shall enter into force on 1 January 2015.
2. If pursuant to the second sentence of Civil Procedure Code Art. 1161 §3 Rules of the Court of Arbitration at the PCC are applied assigning certain rights and obligations to the Presidium of the Court of Arbitration, the members of the Presidium of the Court of Arbitration or the Secretary of the Court of Arbitration, then:
 - a. The rights and obligations of the Presidium of the Court of Arbitration to:
 - I. decide in light of the circumstances of the case that the Arbitral Tribunal shall be composed of one arbitrator,
 - II. rule on challenges to an arbitrator,
 - III. find that an arbitrator is not properly performing his or her duties,
 - IV. grant the right to appoint an arbitrator to the President of the Court, or
 - V. consent to publication of rulings in whole or in part,
—shall be performed by the Arbitral Council;
 - VI. rule on reappointment of an arbitrator by the parties, a party, or the arbitrators, or
 - VII. rule on discontinuance of the proceeding in instances specified in the Rules,
—shall be performed by the President of the Court of Arbitration;
 - VIII. rule on extension of certain periods specified in the Rules
—shall be performed by the Secretary General of the Court;
 - IX. rule on the jurisdiction of the Court and issue orders dismissing the statement of claim if the Court is found not to have jurisdiction
—shall be performed by the Arbitral Tribunal;
 - X. rule on designation of the location of hearings outside of Warsaw
—shall be performed by the Arbitral Tribunal.
 - b. The right of members of the Presidium of the Court to attend hearings shall be exercised by the members of the Arbitral Council.
 - c. The rights and obligations of the Secretary of the Court of Arbitration shall be performed by the Secretary General of the Court of Arbitration.

3. If the parties apply for a stay of the proceeding before the Arbitral Tribunal is appointed, the order on stay of the proceeding shall be issued by the President of the Court.
4. The term of the lists referred to in § 9 par. 1, which entered into force on 1 January 2012, elapses on 31 December 2016.
5. The Arbitral Council adopts lists for the following term by 30 November of the year in which the current term elapses, with effect from 1 January of the following year.

*Consolidated text of the Statute adopted by Resolution No. 103/2014 of the Presidium of the Polish Chamber of Commerce dated 27 November 2014, effective from 1 January 2015, as amended by resolution No. 148/2016 of 17 March 2016; amendments are effective as of the date of their adoption.