



STATUTE

of the Court of Arbitration at the Polish Chamber of Commerce of 13 December 2018, adopted
by Resolution No. 31/2018 of the Presidium of the Polish Chamber of Commerce

THE PRESIDIUM OF THE POLISH CHAMBER OF COMMERCE,

taking into consideration that, in accordance with Article 5 Section 1(8) of the Statute of the Polish Chamber of Commerce, attached to Resolution No. 3/2014 of the Extraordinary General Meeting of the PCC of 26 June 2014, (respectively, “**Statute of the PCC**” and “**PCC**” or “**Chamber**”), the statutory responsibilities of the PCC include creating conditions for the operation of a permanent arbitral tribunal at the Chamber, appointed to independently and impartially resolve, under its auspices, disputes arising during domestic and international trading and to develop the practice of mediation in business disputes;

taking into account that to perform the tasks indicated in Article 5 Section 1(8) of the Statute of the PCC, the permanent arbitral tribunal at the Chamber referred to in that provision should be a unit of the Chamber with an individual status, organisationally and functionally segregated within the Chamber as a unit whose scope of activity is significantly different from that of the organisational units created to perform other statutory tasks of the Chamber;

acting pursuant to Article 27 Section 11 of the Statute of the PCC, which states that the responsibilities of the Presidium of the Polish Chamber of Commerce (“**Presidium**”) include adopting resolutions to appoint, terminate or set out the rules of operation of the Court of Arbitration at the Polish Chamber of Commerce (“**CA PCC**”), and also considering the history and tradition of CA PCC, which is a permanent arbitral tribunal performing the statutory tasks of the Chamber to the extent indicated above, being the largest and the best known arbitration institution in Poland, operating continuously since 1 January 1950;

ADOPTS THE FOLLOWING:

CHAPTER 1

Article 1



General provisions

1. CA PCC is an arbitration institution based in Warsaw, a permanent arbitral tribunal within the meaning of Article 5 Section 1(8) of the Statute of the PCC, hereinafter referred to as the **“Court”**.
2. The Court is an independent, organisationally and functionally separate unit of the PCC.
3. The Court is the only competent arbitration institution to administer arbitral proceedings conducted in accordance with the arbitration rules adopted for its purposes.
4. The reservation of the Court’s competence indicated in Section 3 shall be included in any amended or adopted arbitration rules.
5. The name of CA PCC in foreign languages is determined by the General Director of the Court after consultation with the Arbitral Council and published on his or her website together with the model arbitration clauses referred to in Article 3 Section 3.

Article 2

Chamber

1. Without prejudice to the powers of the Presidium indicated in Article 5 Section 1(8) of the Statute of the PCC and Article 27 Section 11, the bodies of the Chamber perform creative and supervisory functions over the Court, provided for only in this Statute.
2. The Bodies of the Chamber exercise any powers indicated in this Statute, having regard to the obligation to support independent and impartial resolution of commercial disputes, and to develop mediation practices in the trading referred to in Article 5 Section 1(8) of the Statute of the PCC.
3. Exercising any powers indicated in this Statute by the bodies of the Chamber, in particular the supervisory functions over the bodies of the Court, shall not affect the course or substantive outcome of proceedings under the auspices of the Court.

Article 3

Activities of the Court

1. The basic objective of the Court’s activities is to organise the resolution of broadly understood commercial disputes through arbitration and mediation, including – as part of the arbitration



- to exclusively administer proceedings conducted in accordance with the arbitration rules adopted for the Court’s purposes and to administer proceedings conducted in accordance with other arbitration rules, in particular with the UNCITRAL Arbitration Rules (as revised in 2010) or the original version of those rules, hereinafter jointly referred to as the “**UNCITRAL Rules**”.
- 2. The Court’s activities for the purposes indicated in Section 1 are carried out with respect for recognised arbitration and mediation standards; in the case of arbitration – taking into account in particular the International Bar Association’s guidelines.
- 3. For the purposes indicated in Section 1, the General Director of the Court publishes and updates, on the Court’s website, model arbitration clauses referring to the arbitration rules adopted for the Court’s purposes as well as model arbitration clauses referring to the UNCITRAL Rules. The model arbitration clauses referring to the UNCITRAL Rules are published in a version covering administering proceedings conducted in accordance with those rules where the Court also acts as appointing authority and in a version limiting the Court’s role to that of an appointing authority.
- 4. The Court undertakes activities aimed at promoting arbitration and mediation as well as other alternative methods of dispute resolution. This includes, in particular, the promotion of the model clauses published on its website, to avoid pathological clauses, which threaten the procedural reliability of arbitral disputes. For this purpose, the Court organises training for lawyers involved in transaction services and for in-house lawyers.
- 5. The Court may conduct scholarly, publishing and educational activities in the field of arbitration and mediation as well as other alternative methods of dispute resolution, in particular, create special research teams or committees analysing selected practical issues in the above fields, independent job positions of a scholarly research nature, and also conduct, independently or in cooperation with universities or scholarly institutions as well as legal professional organisations, lecture series, training and academic programmes.

CHAPTER 2

Article 4

Court Bodies



1. The bodies of the Court are the Arbitral Council and the General Director of the Court, hereinafter jointly referred to as the **“Court Bodies”**.
2. The Court Bodies perform the activities provided for in the arbitration rules adopted for the purposes of the Court, in the organisational rules referred to in Article 5 Section 8 and Article 8 Section 2, and also in this Statute.
3. Section 2 shall apply mutatis mutandis to the President of the Arbitral Council.
4. In the case of Court-administered arbitral proceedings in accordance with the UNCITRAL Rules and also in the event that parties to arbitral proceedings in accordance with the UNCITRAL Rules requested the Court to act as an appointing authority only, the Court Body acting as an appointing authority shall be the Arbitral Council, unless the parties decide otherwise.
5. Upon the motion of the General Director of the Court or the President of the Arbitral Council, the Arbitral Council may adopt rules for administering arbitral proceedings conducted in accordance with the UNCITRAL Rules or other, ad hoc, arbitral proceedings, including determine the powers of the Court Bodies in such arbitral proceedings.
6. Where there is a need to administer arbitral proceedings in accordance with institutional arbitration rules other than the rules adopted for the purposes of the Court, Section 5 shall apply mutatis mutandis.

Article 5

Arbitral Council

1. The Arbitral Council is a collective body composed of people with outstanding legal or business knowledge, high moral values and arbitration experience recognised by the legal community. The Arbitral Council co-shapes and supervises the substantive aspects of the Court’s activity in a self-regulating manner. The Arbitral Council is composed of 5 to 15 members, including the President of the Arbitral Council.
2. Members of the Arbitral Council, together with the President of the Arbitral Council, are appointed by the Presidium of the PCC upon the motion of the President of the PCC for a joint term of four years, calculated in calendar years, regardless of the date of appointment of particular members of the Arbitral Council. The term of the Arbitral Council begins on 1



January.

3. Upon motion of the President of the Arbitral Council, the Arbitral Council may appoint from among its members any number of Vice Presidents of the Arbitral Council. The powers of the Vice Presidents of the Arbitral Council are set out in the Rules of the Council referred to in Article 5 Section 8.
4. The appointment of a Member of the Arbitral Council terminates upon submission of a written resignation to the President of the PCC.
5. A Member of the Arbitral Council may be removed by the Presidium of the PCC upon the motion of the President of the PCC for the following reasons:
 - 1) failure to comply with the Statute and the arbitration rules adopted for the purposes of the Court, which undermines confidence in the office;
 - 2) determination that remaining in the office may adversely affect the operation or harm the reputation of the Court.Removal becomes effective on the date indicated in the resolution of the Presidium of the PCC.
6. 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 remaining period of the current term of the Arbitral Council.
7. The activities of the Arbitral Council – or in the cases clearly outlined below, the activities of members of the Arbitral Council – include:
 - 1) adopting, upon the motion of the President of the Arbitral Council, arbitration, mediation and domain rules for the purposes of the Court or amending the existing rules with the Presidium of the PCC remaining entitled to object within a month of adopting a relevant resolution of the Council;
 - 2) performing activities reserved to it in the Statute and the arbitration rules adopted for the purposes of the Court or indicated in the rules referred to in Article 4 Section 5-6, in particular appointing substitute arbitrators and restraining an arbitrator from ruling on a case;
 - 3) adopting the lists referred to in Article 10 Section 1 and Article 11 Section 1;



- 4) adopting resolutions concerning individual motions of the President of the Arbitral Council for inclusion on or removal from the lists referred to in Article 10 Section 1 and Article 11 Section 1;
 - 5) after obtaining permission from the parties to the arbitral proceedings – making decisions to publish rulings regarding important legal issues;
 - 6) considering, upon the motion of the President of the Arbitral Council or the General Director of the Court, other matters related to the activities of the Court, including matters concerning the performance of duties by the arbitrators and mediators and compliance with ethical standards;
 - 7) requesting from the General Director of the Court and examining written reports on the substantive aspects of the Court's activities, including analysing current information on the activities of the Secretariat of the Court, provided not less frequently than once every six months, and a written report on the Court's activity – referred to in Article 7 Section 3(11);
 - 8) adopting, upon the motion of the President of the Arbitral Council and after consulting the General Director of the Court, long-term plans for the development of the Court, taking into account the areas and lines of action;
 - 9) giving opinions on the directions of development of the Court planned by the General Director of the Court and supervising their substantive aspects;
 - 10) creating, on its own initiative or upon the motion of the General Director of the Court, the special committees and research teams referred to in Article 3 Section 5, including such that support the Arbitral Council in developing proposed amendments to the arbitration rules adopted for the purposes of the Court;
 - 11) members of the Arbitral Council giving lectures or talks as part of the lecture series, training and academic programmes, conducted by the Court, independently or in cooperation with universities or scholarly institutions as well as legal professional organisations, referred to in Article 3 Section 5.
8. Upon the motion of the President of the Arbitral Council, the Arbitral Council adopts its own organisational rules, hereinafter referred to as the **“Rules of the Council”**. To ensure the effectiveness of the arbitral proceedings administered by the Court, the Rules of the Council



should favour electronic communication between its members, determining the procedure for it and the rules for archiving electronic correspondence. In particular, the Rules of the Council may state that resolutions shall be signed by the President of the Arbitral Council or a Vice President of the Arbitral Council on behalf of the Arbitral Council.

9. To perform the duties specified in Section 7(2), in the Rules of the Council the Arbitral Council may appoint from among its members and set the rules for a nominating committee, hereinafter referred to as the **“Nominating Committee”**. For the avoidance of doubt, it is assumed that any activities of the Nominating Committee are subsequently approved by the Arbitral Council.
10. Decisions of the Arbitral Council are taken by resolution adopted by an absolute majority of votes in the presence of at least half of the members of the Arbitral Council. In the event of an equal number of votes, the President of the Arbitral Council will have the casting vote.
11. In line with the rules set out in the Rules of the Council, the Council may adopt resolutions by circulation, i.e. by agreeing on the positions of its members by means of direct remote communication, in particular via electronic mail. The Arbitral Council shall set out detailed rules for the circulation procedure in the Rules of the Council, having regard to the principles of security of communication by electronic mail.
12. The Arbitral Council shall meet as necessary.
13. Meetings of the Arbitral Council are convened by the President of the Arbitral Council on his or her initiative, on the initiative of the General Director of the Court or of at least two members of the Arbitral Council, who may request a meeting and propose an agenda at the same time. The President of the Arbitral Council convenes a meeting of the Arbitral Council immediately, not later than one working day after receipt of the request, scheduling the meeting to take place within two weeks of receipt of the request. If the President of the Arbitral Council fails to convene a meeting in line with the rules set out above, the requestor may convene it independently, stating the date, place and proposed agenda. In the absence of the President of the Arbitral Council, activities relating to convening meetings shall be carried out by a Vice President of the Arbitral Council appointed by the President, or failing that, they will be carried out by the oldest member of the Arbitral Council.
14. Upon the motion of the President of the Arbitral Council, the General Director of the Court may request the designated member of the staff of the Secretariat of the Court to provide



administrative support for the meetings and works of the Arbitral Council.

Article 6

President of the Arbitral Council

1. The President of the Arbitral Council prepares draft resolutions of the Arbitral Council and manages its works, represents it before the General Director of the Court and the Chamber Bodies, and performs other tasks specified in this Statute, the Rules of the Council and in the arbitration rules adopted for the purposes of the Court or indicated in the rules referred to in Article 4 Section 5-6.
2. The President of the Arbitral Council manages the substantive supervision of the Arbitral Council over the Court's activity. The General Director of the Court may consult the President of the Arbitral Council in performing his or her duties, and also on any matter that requires consultation.
3. Moreover, the responsibilities of the President of the Arbitral Council include:
 - 1) formal analysis of awards before they are rendered, including signing them together with the General Director of the Court;
 - 2) submitting to the Arbitral Council motions to establish arbitration rules adopted for the purposes of the Court or motions to amend the existing arbitration rules;
 - 3) submitting to the Arbitral Council motions to adopt the lists referred to in Article 10 Section 1 and Article 11 Section 1;
 - 4) submitting to the Arbitral Council motions to appoint the special committees and research teams referred to in Article 5 Section 7(8) read together with Article 3 Section 5, including proposing their composition, and also submitting to the Arbitral Council motions to appoint relevant committees supporting the Arbitral Council in preparing amendments to the arbitration rules adopted for the purposes of the Court;
 - 5) stimulating the planning of the directions of development of the Court referred to in Article 7 Section 4(16) by the General Director of the Court;
 - 6) submitting to the Arbitral Council motions to adopt long-term plans for the development of the Court, taking into account the areas and lines of action;
 - 7) after adopting the lists referred to in Article 10 Section 1 and Article 11 Section 1, organising training for arbitrators and mediators as well as for administrative secretaries



- in consultation with the General Director of the Court;
- 8) convening the General Meeting of Arbitrators and Mediators of the Court referred to in Article 10 Section 10 for consultative and advisory purposes.
4. To perform the task indicated in Section 2(1), the President of the Arbitral Council, before signing an award, consults the member of staff of the Secretariat of the Court assigned to given arbitral proceedings and also consults the General Director of the Court to obtain his or her opinion on the procedural aspects of the proceedings administered, including on the possible problems.
5. Upon the motion of the President of the Arbitral Council, the General Director of the Court may request the designated member of the staff of the Secretariat of the Court to provide administrative support for the President's tasks, in particular to develop, at the request of the President of the Arbitral Council, first drafts of resolutions of the Arbitral Council.
6. A Vice President of the Arbitral Council shall assume, within the limits of the written authorisations granted to him or her, the duties of the President of the Arbitral Council or in his or her absence.

Article 7

General Director of the Court

1. The General Director of the Court manages the Court's affairs and represents it externally, acting in particular with a view to the long-term development of the Court, aiming at achieving the statutory objective of the Chamber indicated in Article 5 Section 1(8) of the Statute of the PCC. In carrying out his or her managerial activities, the General Director of the Court reports to the Vice President – General Director of the PCC, unless otherwise stated in this Statute.
2. The General Director of the Court, as a Court Body, is independent in performing in arbitral proceedings administered by the Court the activities reserved to him or her in the arbitration rules adopted for the purposes of the Court and other activities performed in arbitral or mediation proceedings.
3. The activities of the General Director of the Court include in particular:
- 1) performing activities reserved to him or her in the Statute and the arbitration rules adopted for the purposes of the Court or indicated in the rules referred to in Article 4



Section 5-6;

- 2) implementing the Arbitral Council's decisions specified in the Statute and the arbitration rules adopted for the purposes of the Court;
- 3) maintaining ongoing contact and cooperation with the Vice President – General Director of the PCC, and also with the Presidium of the PCC, in matters related to the activity of the Court, particularly those affecting its long-term development or the financial and economic aspects of the activity;
- 4) providing to any interested parties other than parties to pending arbitral and mediation proceedings oral and written clarification concerning the operation of the Court, including the rules of procedure arising from the arbitration rules adopted for the purposes of the Court and from the mediation rules, as well as the practices of the Secretariat of the Court;
- 5) preparing reports on the activities of the Court, including compiling statistical data with the assistance of the Secretariat of the Court;
- 6) overseeing the property entrusted to the Court by the Chamber;
- 7) preparing data relating to the financial plan and the annual balance sheet together with the Court's accountant;
- 8) approving documents constituting the basis for making payments by the Court;
- 9) representing the Court in relations with financial institutions, including entering into commitments arising from the financial plan on behalf of the Court;
- 10) setting organisational rules for the Secretariat of the Court, managing the Secretariat of the Court, maintaining work discipline at the Secretariat of the Court and supervising the staff of the Secretariat of the Court;
- 11) developing and submitting to the Arbitral Council, not less frequently than once every six months, current information on the activities of the Secretariat of the Court and a written annual report on the Court activities regarding their basic objective, including statistical data on the number and type of arbitral proceedings administered, and also informing the Arbitral Council about the current activity of the Court by providing it on its request with written reports on the substantive aspects of the Court's activity;
- 12) publishing and updating the lists referred to in Article 10 Section 1 and Article 11 Section 1;



- 13) planning and coordinating the performance of tasks involving promotion, in its broadest sense, of the Court's activity in the Internet, social media, traditional media as well as in the legal, business and academic communities, in particular conducting publishing activities and organising on behalf of the Court the lecture series, training and academic programmes, conducted independently or in cooperation with universities or scholarly institutions as well as legal professional organisations, referred to in Article 3 Section 5;
 - 14) organising conferences and other national and international events aimed at shaping the image of the Court, in particular at promoting the model clauses referred to in Article 3 Section 4, including conferences in cooperation with the Honorary Committee of the Court and the Committee of Business Representatives at the Court referred to in Article 12 Section 5 and 7;
 - 15) establishing cooperation with the public administration to enhance the role of arbitration and mediation in the Polish legal system;
 - 16) planning, in consultation with the Arbitral Council, the directions of development of the Court, including:
 - a) analysing, after consulting the Secretariat of the Court, the need for the Arbitral Council to amend the arbitration, mediation and domain rules adopted for the purposes of the Court and proposing such amendments, and also analysing, after consulting the Secretariat of the Court, the need for the Arbitral Council to amend the rules referred to in Article 4 Section 5-6, as well as proposing relevant amendments in this regard;
 - b) creating at the Secretariat of the Court for the purposes of providing support for analytical works and hence for the development of the Court the independent job positions of a scholarly research nature referred to in Article 3 Section 5.
 - 17) regardless of the powers indicated in Section 16(b), the General Director of the Court may, for the purposes of providing support for analytical works and hence for the development of the Court, bring a motion to the Arbitral Council to create the special research teams or committees referred to in Article 3 Section 5.
4. The Deputy General Director of the Court, if appointed by the Vice President – General Director of the PCC, shall assume the duties of the General Director of the Court within the



limits of the written authorisations granted to him or her and in the latter's absence.

Article 8

Secretariat of the Court

1. The Secretariat of the Court provides support for the arbitral proceedings administered by the Court, excluding editing and technical activities typical for the administrative secretaries of the Arbitral Tribunals.
2. The support for the arbitral proceedings administered by the Court is provided in accordance with the organisational rules referred to in Article 7 Section 4(10), hereinafter referred to as the **"Rules of the Secretariat"**.
3. The Rules of the Secretariat set out in particular the rules for the assignment of tasks to the members of the staff of the Secretariat of the Court, including the maximum number of arbitral proceedings assigned to a given staff member as well as the rules and procedure for informing the General Director of the Court or the President of the Arbitral Council on the progress of particular arbitral proceedings to support them in carrying out their activities provided for in the arbitration rules adopted for the purposes of the Court.
4. The Rules of the Secretariat may set out the rules under which and the extent to which the staff of the Secretariat of the Court are entrusted by the General Director of the Court with the administrative tasks in respect of support for the Arbitral Council or the President of the Arbitral Council, referred to in Article 5 Section 14 and Article 6 Section 5, as well as the rules under which and the extent to which the staff of the Secretariat of the Court are entrusted by the General Director of the Court with the tasks in respect of support for mediation proceedings, referred to in Article 9 Section 4.
5. Within the Secretariat of the Court, the independent job positions of a scholarly research nature referred to in Article 3 Section 5 read together with Article 7 Section 4(16)(b) may be created.

CHAPTER 3

Article 9



Mediation

1. One separate unit of the Court is the Mediation Centre (“Centre”). The works of the Centre are managed by the General Director of the Court.
2. The activities of the General Director of the Court with respect to the activity of the Centre include:
 - 1) carrying out activities reserved to him or her in the mediation rules during pending proceedings;
 - 2) informing the Arbitral Council of the current activity of the Centre, including preparing a written report on its activities on its request;
 - 3) carrying out other activities to promote mediation, provided for in the Statute and entrusted to him to her by the Arbitral Council.
3. The General Director of the Court may, with the permission of the Presidium of the PCC, entrust the management of the Centre’s works to a designated member of the staff of the Secretariat of the Court or person with outstanding knowledge and experience in the field of mediation.
4. The General Director of the Court may request a designated member of the staff of the Secretariat of the Court to provide ongoing support for the mediation proceedings conducted by the Centre.

CHAPTER 4

Article 10

Lists of arbitrators and mediators

1. Guided by its tradition, the Court may maintain:
 - 1) A list of arbitrators recommended by the Court, referred to as the “**List of Arbitrators Recommended by the Court of Arbitration at the Polish Chamber of Commerce in Warsaw**”, which includes persons with outstanding knowledge and experience in the field of arbitration;
 - 2) A list of mediators of the Centre, referred to as the “**List of Mediators of the Mediation**”



Centre of the Court of Arbitration at the Polish Chamber of Commerce in Warsaw”, which includes persons with outstanding knowledge and experience in the field of mediation;

- 3) A list of arbitrators and mediators recommended by the Court in matters relating to the Internet domain name “.pl”, referred to as the **“List of Arbitrators and Mediators Recommended by the Court of Arbitration at the Polish Chamber of Commerce in domain name matters”**, which includes persons with outstanding knowledge and experience in the field of arbitration and mediation, including knowledge of intellectual property law, in particular Internet law.
2. The lists referred to in Section 1 are adopted for a period of four years by the Arbitral Council upon the motion of the President of the Arbitral Council.
3. A detailed procedure for adopting the lists, including criteria for persons included in the lists, is established by the Arbitral Council after consulting the General Director of the Court.
4. In justified cases, upon the motion of the President of the Arbitral Council, the Arbitral Council may make entries and deletions during the current list period.
5. A natural person having full capacity for acts in law and enjoying full civil rights can become an arbitrator and/or mediator.
6. When assuming office, an arbitrator or mediator concludes a relevant agreement with the General Director of the Court acting on behalf of the Court.
7. An arbitrator or mediator is impartial and independent, and performs his or her duties to the best of his or her knowledge and ability in compliance with the Code of Ethics for Arbitrators published on the Court’s website, and in the case of arbitrators, also having regard to the IBA Guidelines on Conflicts of Interest in International Arbitration.
8. Members of the authorities and employees of another permanent general arbitral tribunal in Poland may be included in the lists indicated in Section 1 only with the permission of the Presidium of the PCC, given after obtaining the opinion of the Arbitral Council.
9. Arbitrators and mediators included in the lists referred to in Section 1 are part of the General Meeting of Arbitrators and Mediators of the Court. The President of the Arbitral Council may convene a General Meeting of Arbitrators and Mediators of the Court for consultation and discussion purposes.
10. If an arbitrator or mediator included in the lists referred to in Section 1 assumes office in the



authorities of another permanent general arbitral tribunal in Poland or becomes employed by such tribunal, he or she will be deleted from the lists indicated in Section 1 if the Presidium of the PCC refuses its permission referred to in Section 8 or if the arbitrator or mediator fail to promptly request it.

11. Upon expiry of the first validity period of lists adopted after the entry into force of this Statute, the Arbitral Council in agreement with the General Director of the Court shall present to the Presidium of the PCC a joint recommendation on continuing with the tradition of maintaining the lists indicated in Section 1. Should they recommend against it, the Presidium of the PCC will make a decision to further maintain the lists or stop maintaining some of them, including to possibly amend this Statute and the arbitration rules or other rules adopted for the purposes of the Court in this regard.

Article 11

Administrative secretaries

1. Apart from the lists indicated in Article 10 Section 1, the Court may maintain a list of administrative secretaries recommended for the purposes of the Arbitral Tribunals, hereinafter referred to as the **“List of Recommended Administrative Secretaries”** and a **“Recommended Administrative Secretary”**, respectively.
2. A Recommended Administrative Secretary is selected by an Arbitral Tribunal to carry out in arbitral proceedings any editing and technical activities at its request and under its supervision. When accepting his or her role, the Recommended Administrative Secretary makes a written statement on accepting it, on his or her impartiality and independence, and also on having the time necessary to perform the duties.
3. Article 10 Section 2-5, Section 7 and Section 11 apply mutatis mutandis to the List of Recommended Administrative Secretaries.
4. The costs of work of a Recommended Administrative Secretary shall be borne in equal part by the members of the Arbitral Tribunal and under no circumstances may be passed on to the parties to the arbitral proceedings. When accepting his or her role, a Recommended Administrative Secretary enters into an agreement with the members of the Arbitral Tribunal, with a wording proposed by the General Director of the Court, under which he or she undertakes to duly perform his or her duties for remuneration. The remuneration of a



Recommended Administrative Secretary is deducted by the General Director of the Court on the basis of the indicated agreement from the remuneration of the members of the Arbitral Tribunal.

5. Detailed rules for disclosing conflicts of interest and for payment of remuneration as well as the rules and procedure for cooperation between Arbitral Tribunals and Recommended Administrative Secretaries shall be determined by the General Director of the Court in agreement with the Arbitral Council.

Article 12

Honorary and advisory roles

1. The Arbitral Council, upon the motion of the President of the PCC, after consultation with the General Director of the Court, may establish a Honorary Committee of the Court composed of persons with outstanding knowledge and international experience in the field of arbitration and mediation, in particular such who have gained reputation as arbitrators in the international community. The Honorary Committee of the Court shall be composed of 10 to 20 members. Candidates for the Honorary Committee of the Court are selected by the President of the Arbitral Council in agreement with the General Director of the Court.
2. The Honorary Committee of the Court co-shapes the image of the Court and promotes the Court outside Poland, in particular cooperates with the General Director of the Court in organising international conferences devoted to arbitration and mediation. Members of the Honorary Committee of the Court may be consulted by the Arbitral Council or the General Director of the Court on matters within their duties. Section 2 shall apply mutatis mutandis to members of the Honorary Committee of the Court.
3. The Arbitral Council, upon the motion of the President of the PCC, after consultation with the General Director of the Court, may establish a Committee of Business Representatives at the Court composed of business representatives, in particular of legal department directors or other in-house lawyers. The Committee of Business Representatives at the Court shall be composed of 20 to 30 members. Candidates for the Committee of Business Representatives at the Court are appointed by the General Director of the Court after consultation with the President of the Arbitral Council.
4. The Committee of Business Representatives at the Court co-shapes the image of the Court



and promotes the Court in the business community, in particular cooperates with the General Director of the Court in organising conferences devoted to arbitration and mediation, addressed to business owners or in-house lawyers, and also participates in the promotion of the model clauses by the Court, referred to in Article 3 Section 4.

5. Upon the entry into force of the Statute, the position of Honorary President of the Court of Arbitration shall not longer be awarded. The position of Honorary President of the Court of Arbitration shall be held by persons to whom it has been awarded so far. An Honorary President of the Court of Arbitration is involved in national activities aimed at the broadest possible shaping of the image of the Court and promotion of the Court, as well as arbitration and mediation, particularly in the academic community. Section 2 shall apply mutatis mutandis to an Honorary President of the Court of Arbitration.

Article 13

Conflicts of interest and confidentiality obligation

1. The General Director of the Court, the Deputy General Director of the Court, the staff of the Secretariat of the Court and members of the Arbitral Council, including the President of the Arbitral Council, may not participate in the activity of another permanent arbitral tribunal in Poland, as members of the authorities or employees of that court, or promote its activity, without the permission of the Presidium of the PCC.
2. The General Director of the Court, the Deputy General Director of the Court and the staff of the Secretariat of the Court may not perform the duties of arbitrator or mediator, nor may they act as legal representatives of parties to any arbitral or court proceedings. Members of the Arbitral Council, including the President of the Arbitral Council, may not be appointed as substitutes to perform the duties of an arbitrator or mediator in proceedings administered by the Court, nor may they appear before the Court as legal representatives of parties.
3. Members of the Arbitral Council, including the President of the Arbitral Council, exclude themselves from participation in meetings or other works of the Arbitral Council if they concern matters in which they have previously acted as a representative, arbitrator or mediator, and also when the role of a representative, arbitrator or mediator was or is performed in given arbitral or mediation proceedings by a person employed by or collaborating with the law firm



with which they are associated.

4. The obligation to exclude oneself from participation in meetings or other works of the Arbitral Council, indicated in Section 3, shall apply mutatis mutandis to Honorary Members of the Arbitral Council, Honorary President of the Court of Arbitration and members of the Honorary Committee of the Court.
5. The General Director of the Court, in agreement with the Arbitral Council, shall determine the policy for the Court's management of conflicts of interest arising from cooperation with members of the Committee of Business Representatives at the Court where they represent or are associated with business entities being parties to pending proceedings. Relevant provisions for this purpose are included in the Rules of the Secretariat and the Rules of the Council or in attachments thereto.
6. The staff of the Secretariat of the Court, the General Director of the Court, the Deputy General Director of the Court, and members of the Arbitral Council, including the President of the Arbitral Council, shall keep confidential any information and documents concerning arbitral and mediation proceedings.
7. The General Director of the Court, upon the motion of a researcher, may grant access to the files of arbitral and mediation proceedings for scholarly and research purposes, provided that the researcher undertakes in writing to keep confidential and not publish the documents disclosed to him or her.
8. For the purpose indicated in Section 7, the General Director of the Court shall prepare a standard confidentiality agreement, which can oblige the researcher to submit for approval the text of the publication prepared on the basis of the documents disclosed to him or her by the Court.

CHAPTER 5

Article 14

Transitional provisions

1. In the event of application, in accordance with Article 1161 par. 3 sentence 2 of the Civil Procedure Code, of such arbitration rules adopted for the purposes of the Court that confer specific rights and obligations on the Presidium of the PCC, members of the Presidium of the



Court of Arbitration, the Secretary of the Court of Arbitration or the President of the Court:

- 1) the rights and obligations of the Presidium of the Court of Arbitration to:
 - a) decide that due to the circumstances of the case the Arbitral Tribunal shall be composed of one arbitrator;
 - b) decide on the challenge of an arbitrator;
 - c) state that an arbitrator fails to properly perform its duties;
 - d) delegate the power to appoint an arbitrator to the President of the Court;
 - e) grant consent to the publication of decisions in full or in part,
 - shall be performed by the Arbitral Council, and in the case indicated in letter (c), the Arbitral Council delegates this power to the President of the Arbitral Council; decide on the re-appointment of an arbitrator by a party, the parties or the arbitrators;
 - f) adjudicate on discontinuation of debt in the cases indicated in the rules,
 - shall be performed by the President of the Arbitral Council;
 - g) adjudicate on the competence of the Court and render decisions on rejection of a statement of claim, if the Court is found to be incompetent,
 - shall be performed by the Arbitral Tribunal;
 - h) decide that hearings should be held outside Warsaw;
 - shall be performed by the Arbitral Tribunal;
 - i) the rights of members of the Presidium of the Court to attend hearings shall be performed by members of the Arbitral Council;
- 2) the rights and obligations of the President of the Court,
 - i. set out in the Rules of CA PCC 2015, to:
 - a) attend hearings, shall be performed by the President of the Arbitral Council as



- member of the Arbitral Council;
- b) render a decision to stay proceedings before the appointment of the Arbitral Tribunal;
- c) render a decision to discontinue proceedings in the event that the statement of claim is withdrawn before the appointment of the Arbitral Tribunal;
- d) request that the presiding arbitrator explain the reasons for the Arbitral Tribunal's failure to render an award in a timely manner;
- e) sign awards;
- f) hand over the award to the chairman of the Arbitral Tribunal to make the necessary formal corrections or to rectify evident mistakes,
- shall be performed by the President of the Arbitral Council;
- ii. the rights and obligations of the President of the Court set out in the Rules of 1 January 2007 shall be assumed, in accordance with Article 15 of the indicated rules, by the President of the Arbitral Council, including in particular the rights and obligations to:
 - a) accept statements of refusal to accept the role from arbitrators and mediators;
 - b) accept statements of resignation from the role of an arbitrator;
 - c) accept statements of removal of an arbitrator by the parties;
 - d) decide on the re-appointment of an arbitrator by a party, the parties or the arbitrators;
 - e) discontinue proceedings due to withdrawal of the claims by the claimant and waiver of the claim before the appointment of the presiding arbitrator;
 - f) discontinue proceedings prior to the appointment/nomination of the Arbitral Tribunal;
 - g) request that the chairman of the Arbitral Tribunal explain the reasons for the arbitral tribunal's failure to render an award in a timely manner;
 - h) sign arbitral awards;
 - i) hand over an award to the chairman of the Arbitral Tribunal to make the necessary formal corrections and to rectify evident mistakes;
 - j) appoint an arbitrator in accordance with Article 65 or in other cases of appointing substitutes;
 - k) exclude an arbitrator within five days following receipt of the motion for exclusion or following the day such challenge is made at a hearing;



- l) appoint a mediator;
- m) receive the written explanations, specifying the status of arbitral proceedings and the anticipated date of completion thereof, referred to in Article 80;
- iii. the rights and obligations of the President of the Court set out in the Rules of 1 January 2006 and of 1 January 2006, as amended, to:
 - a) deprive the presiding arbitrator and the other arbitrators, in whole or in part, of their right to payment for the performance of the duties of an arbitrator,
 - shall be performed by the Arbitral Council;
 - any remaining rights shall be performed by the President of the Arbitral Council;
- iv. the rights and obligations of the President of the Court set out in the Rules of 1 January 2005, of 1 January 2003, of 1 January 2000, and of 1 January 1990 to:
 - a) appoint substitutes, as well as other rights and obligations to appoint and nominate arbitrators, including a presiding arbitrator, or to appoint and nominate a mediator;
 - b) decide on the re-appointment of an arbitrator by a party, the parties or the arbitrators;
 - c) discontinue proceedings;
 - d) sign arbitral awards and scrutinise them before signing;
 - e) increase or decrease an amount in dispute;
 - f) rule on the possibility of bringing a case where there are doubts about the competence of the Court;
 - g) finding a case to have not been brought in the event of failure to remedy the formal defects of the statement of claim;
 - h) grant consent to the publication of an award in full or in part,shall be performed by the Arbitral Council, except for the cases indicated in Article 18 Section 3 of the Rules of 1 January 2005 and of 1 January 2003, under which the right to appoint an arbitrator may be transferred to the President of the Arbitral Council;
- i) extend a date of rendering an award for a fixed period of time,



- shall be performed by the General Director of the Court;
- v. the rights and obligations of the President of the Court set out in the Mediation Rules of the Court of Arbitration at the Polish Chamber of Commerce in Warsaw, adopted by resolution of the Arbitral Council on 16 December 2014, and also set out in the Rules for Resolution of Disputes Involving Infringement of Rights in Result of Registration of the Internet Domain Name “.pl” of the Court of Arbitration at the Polish Chamber of Commerce in Warsaw, adopted by resolution of the Arbitral Council on 16 December 2014, shall be performed by the Arbitral Council;
- 3) any rights and obligations of the Secretary of the Court of Arbitration, the Secretary General of the Court, the Secretary of the Court or the Secretary provided for thus far in the arbitration, mediation and domain rules:
 - shall be performed by the General Director of the Court.
- 4) In cases not regulated above or in the event of doubts as to the powers, the General Director of the Court and the Arbitral Council shall rule on the most effective manner of resolution.
- 2. In the event of application in given proceedings administered by the Court of such arbitration rules adopted for the purposes of the Court that confer specific rights and obligations on the Presidium of the Court of Arbitration, members of the Presidium of the Court of Arbitration, the Secretary of the Court of Arbitration or the President of the Court, for the avoidance of doubt, the General Director of the Court shall be obliged to inform the parties of institutional changes in the Court, in particular of changes in the powers relating to the activities carried out in arbitral proceedings.
- 3. The lists referred to in Article 10 Section 1 shall be valid as of 1 January 2020. In the event that a List of Recommended Administrative Secretaries is adopted, its validity period shall be the same as that of the lists referred to in Article 10 Section 1, regardless of when it is adopted.
- 4. Upon the entry into force of this Statute, and until a new version of the arbitration rules for the purposes of the Court is adopted, the Arbitral Council shall start working on adopting a unified version of the Arbitration Rules of the Court of Arbitration at the Polish Chamber of Commerce in Warsaw, adopted by resolution of the Arbitral Council on 14 October 2014,



hereinafter referred to as the **“Rules of CA PCC 2015”**, in particular on adjusting Article 2 of the Rules of CA PCC 2015 (“Court of Arbitration Bodies”) and Article 39 of the Rules of CA PCC 2015 (“Decisions”) to the reformed institutional structure of the Court. The General Director of the Court shall publish the unified version of the Rules of CA PCC 2015 on the Court’s website alongside the existing one, indicating in the name that it is a unified version adjusted to this Statute and stating the unification date.

5. Upon adopting a resolution to accept this Statute, the words “...President of the Court” in Article 53 Section 6(3) in fine, Section 7 and Section 8 in fine of the Rules of CA PCC 2015 (“Expedited procedure”), adopted by resolution of the Presidium of the PCC on 19 April 2018, hereinafter referred to as the **“Expedited Procedure of CA PCC 2018”**, shall be amended to read “Arbitral Council”. The General Director of the Court shall publish the amended version of the Expedited Procedure of CA PCC 2018 on the Court’s website alongside the existing one, indicating in the name that it is a unified version adjusted to this Statute and stating the unification date.
6. As of the date of entry into force of this Statute, the current General Director of the Court, acting under the statute adopted by resolution No. 103/2014 of the Presidium of the PCC of 27 November 2014, as amended by resolution No. 148/2016 of 17 March 2016 and resolution No. 11/2017 of 21 September 2017, shall be the General Director of the Court within the meaning of the new Statute.

Article 15

Entry into force

The Statute shall enter into force on 1 January 2019, except for Article 6 Section 1, which shall become effective upon enactment.