

**REGULATION
ON ARBITRATION FEES AND COSTS
OF THE INTERNATIONAL COURT OF ARBITRATION
IN AFFILIATION WITH
THE CHAMBER OF COMMERCE AND INDUSTRY
OF THE KYRGYZ REPUBLIC**

APPROVED BY

Resolution of the Supervisory Board of the International Court of Arbitration in affiliation with the Chamber of Commerce and Industry of the Kyrgyz Republic dated of March 15, 2021

1. Definitions

“Registration fee” shall mean a fee paid at the time of filing with the ICA CCI a statement of claim to cover expenses arising prior to the beginning of dispute resolution by the court of arbitration.

“Arbitration fee” shall mean a fee charged in respect of each claim filed with the ICA CCI to cover general expenses connected with the work of the ICA CCI, arbitrators fees, expenses on organization of the arbitration proceedings.

“Additional costs of the ICA CCI” shall mean specific expenses incurred by the ICA CCI in connection with examination of a particular case (expenses of conducting expert examination and preparing translations, remuneration of experts, interpreters, compensation of witnesses’ expenses, expenses for the travel and accommodation of non-resident and foreign arbitrators, reimbursement of traveling expenses, etc.)

“Expenses of the parties” shall mean expenses, incurred by the parties in defending their interest when the case proceeds in the ICA CCI.

2. Registration fee

2.1. Where the amount in dispute is up to 500 US dollars the registration fee shall be paid in sum equivalent to 10 US dollars; where the amount in dispute is from 501 to 1000 US dollars – in sum equivalent to 25 US dollars; where the amount in dispute is from 1001 to 5000 US dollars – in sum equivalent to 150 US dollars; where the amount in dispute is from 5001 to 10000 US - in sum equivalent to 300 US dollars; where the amount in dispute is from 10 000 US dollars – in sum equivalent to 500 US dollars at exchange rate of the National Bank of the Kyrgyz Republic at the date of payment of the registration fee. When the arbitration fee is subsequently paid the registration fee shall be counted towards the sum of the arbitration fee.

2.2. The registration fee is not refundable.

3. Arbitration fee

3.1. The arbitration fee shall be calculated in sum equivalent to US dollars at exchange rate of the National Bank of the Kyrgyz Republic at the date of the payment of the arbitration fee according to the following scale:

Claim amount, US \$	Arbitration fee
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Up to 250		10+5% on the amount above
from 251	up to 500	15+10% on the amount above 15
from 501	up to 750	25+10% on the amount above 25
from 751	up to 1 000	35+10% on the amount above 35
from 1 001	up to 5 000	150 + 4 % on the amount above 1 000
from 5 001	up to 10 000	310 + 3 % on the amount above 5 000
from 10 001	up to 50 000	500 + 2 % on the amount above 10 000
from 50 001	up to 100 000	1 300 + 1,5 % on the amount above 50 000
from 100 001	up to 200 000	2 050 + 1 % on the amount above 100 000
from 200 001	up to 500 000	3 050 + 0,9 % on the amount above 200 000
from 500 001	up to 1 000 000	5 750 + 0,8 % on the amount above 500 000
from 1 000 001	up to 2 000 000	9 750 + 0,7 % on the amount above 1 000 000
from 2 000 001	up to 5 000 000	16 750 + 0,6 % on the amount above 2 000 000
from 5 000 000		34 750 + 0,5 % on the amount above 5 000 000

3.2. From the claims on disputes, arising from the change, denouncement of an agreement, on disputes concerning declaration of transactions as invalid, on statements of claim on application of the consequences of invalidity for nullity transactions and other disputes of non-property character as well as from applications on declaration of the right to fulfill the duties in kind, the arbitration fee shall be levied in accordance with the rates set below based on price of the challenged contract, transaction or the amount of the claim to fulfill the duties in kind, and is calculated in the amount of equivalent to US dollars at the rate of the National Bank of the Kyrgyz Republic on the date of payment of the arbitration fee in accordance with the following scale:

<u>Claim amount, US \$</u>	<u>Arbitration fee, US \$</u>
up to 5 000	250
from 5 001 up to 7 500	350
from 7 501 up to 10 000	500
from 10 001 up to 50 000	1 000
from 50 001 up to 100 000	1 500
from 100 001	2 000

3.3. Taking into account the complexity of the case and considerably increased time consumption and costs related to the arbitration proceedings, the Chairman of the ICA CCI may entitle to raise the amount of the arbitration fee.

3.4. The fees of arbitrators shall be set in accordance with the Regulations for arbitration fees and costs of the International Court of Arbitration in affiliation with Chamber of Commerce and Industry of the Kyrgyz Republic.

3.5. The arbitration fee shall be paid in advance.

3.6. The arbitration fee shall be paid in Kyrgyz soms, if the claim amount is expressed in the national currency of the Kyrgyz Republic. When the claim amount is recalculated in USD, the use shall be made of the exchange rate of the National Bank of the Kyrgyz Republic as of the date of the claim. At the claimant's option the arbitration fee may be paid by him in USD, unless it does not contradict to the current currency regulations.

3.7. The arbitration fee shall be paid in USD, if the claim amount is expressed in any foreign currency.

3.8 The claimant may, at his request, be allowed to pay the arbitration fee in any hard currency other than USD, after such permission is given by the Chairman of the ICA CCI.

4. Diminution of the arbitration fee

4.1. Where the case is considered by a sole arbitrator (except if the case is considered by a sole arbitrator following the Rules of accelerated arbitration) the arbitration fee shall be diminished by 30 %,

4.2. Where the claimant withdraws his claim before the notice of the date of the hearing is sent to him, the arbitration fee shall be diminished by 75 %.

4.3. Where the claimant withdraws his claim after the notice of the hearing is sent to him but before the date of the first hearing, particularly owing to the parties having settled the dispute amicably, as well as in other instances of the ICA CCI receiving, before the above-mentioned date, notification of the parties' refusal to have their dispute examined by the ICA CCI, the arbitration fee shall be diminished by 50 %.

4.4. Where owing to the circumstances mentioned in item 4.3. the proceedings are terminated at the first or subsequent hearing without an award being made, the arbitration fee shall be diminished by 25 %.

4.5. In instances stipulated by items 4.1 - 4.4, the diminution of the arbitration fee shall be reflected in the award or in a ruling terminating the proceedings. Where the proceedings are terminated before the formation of the court of arbitration the decision to diminish the arbitration fee is made by the Chairman of the ICA CCI.

4.6. Where the claimant reduces the amount of plaintiff's claim in the course of arbitration proceedings the amount of the arbitration fee shall not be re-calculated or reduced.

5. Arbitration fee in respect of counterclaim or set-off claim

5.1. The rules as to the arbitration fee relating to the principal claim shall also apply to a counterclaim and to a set-off claim.

6. Apportionment of Arbitration Fee

6.1. Unless otherwise agreed by the parties, the arbitration fee shall be borne by the losing party.

6.2. Where the claim is satisfied partially, the arbitration fee shall be borne by the defendant in proportion to the satisfied amount of the claim demand and by the claimant in proportion to the dismissed part of the claim.

7. Covering of additional costs of the ICA CCI

7.1. The Court of arbitration may impose on the parties or either of them an obligation that an advance sum be deposited to cover additional costs of the ICA CCI in connection with the conduct of the arbitration proceedings.

7.2. An advance sum to cover additional costs may, in particular, be demanded by the ICA CCI or the Court of arbitration from the party requesting that an act which may cause additional costs should be done in conduct of the proceedings if the Court of arbitration finds the request

justified. The ICA CCI or the Court of arbitration may condition doing such acts against payment by that party of the advance sum within the specified period to cover additional costs.

7.3. If the defendant fails to pay the relevant advance, stipulated by items 7.1 and 7.2, within the specified term, the payment of such advance shall be effected by the claimant.

7.4. If a party chooses an arbitrator permanently resident outside the place of holding the ICA CCI hearings, this party shall deposit an advance sum to cover his expenses on participation in the arbitration proceedings (traveling, accommodation, etc.). If such a person is elected the chairman of the court of arbitration the advance sum to cover his expenses on participation in the arbitration proceedings shall be deposited by both parties in equal shares.

7.5. If, at any party's request, in the course of arbitration proceedings the participation of an interpreter is necessary, the additional costs in this connection shall be charged in order, established in item 7.2. of present Regulations.

7.6. If the hearing, as agreed by the parties, is conducted in the language other than Russian, the possible costs of the translation may be charged on either party.

7.7. Apportionment of additional costs of the ICA CCI or the Court of arbitration between the parties shall be made in accordance with the rules of article 6 of the present Regulations.

8. Procedure for Payment of Arbitration Costs and Fees

8.1. The arbitration costs and fees shall be deemed to be paid on the date they are entered to the account or to the cash of the ICA CCI.

8.2. All expenses connected with bank transfer of sums of the arbitration costs and fees paid to the ICA CCI shall be borne by the party which effects the relevant payment.

9. Expenses of the Parties

9.1. The party, in favor of which the decision is made, may demand that the other party be obliged to reimburse expenses incurred the former party in connection with the arbitration proceedings and, in particular, the expenses connected with defending its interest through legal representatives.

10. Specific apportionment of arbitration costs and fees

10.1 Taking into account the circumstances of a particular case the ICA CCI or the Court of arbitration may establish other apportionment among the parties of the arbitration fee, additional costs of the ICA CCI and expenses of the parties than specified in Articles 6, 7, and 9 of the present Regulations, and, in particular, direct that a party reimburse the other party's excessive expenses caused by the former party's inappropriate or unfair acts, including acts causing an unjustified delay in the proceedings.

10.2. At making of the final award the Court of arbitration shall point in the award the sum of arbitration fees and costs in the case and their apportionment among the parties.