

RULES

of the Court of Arbitration of the Estonian Chamber of Commerce and Industry

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03.09.1998, 30.09.1999, 13.12.2007, 17.01.2013, 11.04.2019.

I. General provisions

§ 1 Jurisdiction of the Court of Arbitration of the Estonian Chamber of Commerce and Industry

(1) The Court of Arbitration of the Estonian Chamber of Commerce and Industry (hereinafter „Court of Arbitration“) as a permanent court of arbitration resolves disputes arising from private law relationships, including foreign trade and other international economic relations.

(2) The Court of Arbitration shall accept a dispute for resolution if:

- 1) the parties have a written agreement to refer an existing or potential dispute to the Court of Arbitration for resolution;
- 2) consent for resolution of the dispute in the Court of Arbitration has been expressed by the plaintiff by filing an action and by the defendant by any action that demonstrates voluntary submission to the jurisdiction of the Court of Arbitration;
- 3) the dispute falls within the jurisdiction of the Court of Arbitration pursuant to an international agreement.

(3) The Court of Arbitration may act as a competent body for the organisation of arbitration proceedings pursuant to the rules of other courts of arbitration, including as a body that appoints arbitrators pursuant to the rules of another court of arbitration.

(4) The Board of the Court of Arbitration shall make the initial decision on whether a dispute falls within the jurisdiction of the Court of Arbitration.

(5) The Court of Arbitration shall resolve disputes pursuant to these rules (hereinafter “Rules”), the provisions of which are binding on the parties and cannot be deviated from by agreement of the parties.

(6) The invalidity or cancellation of a contract that foresees the resolution of disputes in the Court of Arbitration shall not render invalid the agreement of the parties to refer disputes to the Court of Arbitration set out in the contract.

(7) The term “Court of Arbitration” is used in the Rules both in the meaning of the institution and in the meaning of the court of arbitration that is resolving a specific dispute.

§ 2 Council of the Court of Arbitration

(1) The activity of the Court of Arbitration shall be directed by the Council of the Court of Arbitration that has up to six members who shall be appointed for a term of three years by the Board of the Estonian Chamber of Commerce and Industry. Members of the Council must have higher education in law and must have obtained at least a master’s degree. At least one member

of the board must be a serving judge. The Council of the Court of Arbitration shall elect a Chairman and Vice-Chairman of the Council from among its members.

(2) The Council shall adopt decisions as necessary and resolve matters pursuant to the Rules. The Council may convene meetings or adopt decisions by a written procedure without holding a meeting.

(3) The Council shall have a quorum if at least three of its members take part in its activity. Council meetings shall be chaired by the Chairman of the Council or, upon his or her absence, by the Vice-Chairman of the Council or a Member of the Council. A decision of the Board shall be adopted by a simple majority of votes. Upon an equal distribution of votes, the deciding vote shall be cast by the chair of the meeting.

(4) A decision of the council must not be justified. A decision of the Council enters into force upon adoption, is final and not subject to appeal.

§ 3 Administration of the Court of Arbitration

(1) The Estonian Chamber of Commerce and Industry shall organise the administration of the Court of Arbitration.

(2) The Secretary of the Court of Arbitration is an employee of the Estonian Chamber of Commerce and Industry who shall organise the day-to-day administration of the Court of Arbitration on behalf of the Court of Arbitration, pursuant to the Rules and the decisions of the Council and the orders of the Chairman or the Deputy Chairman of the Council.

§ 3.1. Place of Arbitration Proceedings

(1) The location of the arbitration proceedings is Tallinn.

(2) Regardless of the stipulation of subsection 1 of this section, the Court of Arbitration may assemble to a hearing of witnesses, experts or parties, meeting of members of the arbitration or to acquaint with documents and affairs wherever they deem suitable, unless parties have not agreed differently.

II. Composition of Court of Arbitration

§ 4 Formation of Court of Arbitration

- (1) The court of arbitration resolving a dispute shall be formed in one of the following manners:
- 1) the parties appoint one or several (an odd number of) arbitrators, including a presiding arbitrator;
 - 2) each party appoints one arbitrator and proposes that this arbitrator, together with the arbitrator appointed by the other party, appoint a third arbitrator who will serve as the presiding arbitrator;
 - 3) each party appoints one arbitrator and the parties authorise the Council of the Court of Arbitration to appoint a third arbitrator who shall serve as the presiding arbitrator;
 - 4) the parties form the Court of Arbitration in some other agreed manner (there must be an odd number of arbitrators);

5) the parties authorise the Council of the Court of Arbitration to appoint the Court of Arbitration.

(2) If upon receipt of a request for the initiation of arbitration proceedings it becomes evident that no court of arbitration has been formed, the Council of the Court of Arbitration shall propose to the parties that they form a court of arbitration in a manner set out in this section. If the parties fail to form a Court of Arbitration in a manner of their choice by a deadline determined by the Council of the Court of Arbitration or if the Council of the Court of Arbitration does not confirm a candidate for arbitrator who has been appointed by a party for confirmation at least three times, the Court of Arbitration shall be formed by the Council of the Court of Arbitration, which shall appoint the missing arbitrator or the entire composition of the court of arbitration resolving the dispute.

(3) The Council of the Court of Arbitration has the right to refuse to form the court of arbitration resolving the dispute in the manner set out in clause 4 (1) 4) of the Rules, if appointment of an odd number of arbitrators is not foreseen or if one party would have a procedural or other advantage that could significantly harm the other party upon formation of the court of arbitration.

(1) In such a case the Council of the Court of Arbitration shall propose to the parties to form a court of arbitration in any manner set out in subsection 1 of this section.

(4) An arbitrator may be nominated or appointed only with the consent of the arbitrator. A candidate for arbitrator must confirm his or her consent and impartiality by submission of an arbitrator's declaration of impartiality to the Council of the Court of Arbitration by a deadline set therefor. If a candidate for arbitrator fails to return an arbitrator's declaration of impartiality by the deadline, the Council of the Court of Arbitration has the right to refuse to confirm the candidate and to appoint the missing arbitrator itself.

(5) The term of an arbitrator shall begin upon confirmation of the arbitrator by the Council of the Court of Arbitration. Upon approving an arbitrator, the Council of the Court of Arbitration shall consider all information at its disposal, above all the arbitrator's declaration of impartiality, the characteristics of the arbitrator and the ability of the arbitrator to resolve the dispute. The decision to not approve shall not be justified.

(6) Upon approval, an arbitrator acquires the obligations arising from the Rules and the right to demand payment for fulfilment of such obligations in accordance with the Rules.

(7) Upon annulment of an arbitration award in connection to violation of the requirements of the Rules, the court of arbitration resolving the dispute shall hear the arbitration case again. If a decision of a court of arbitration establishes that the Court of Arbitration is not competent to hear the case but a court annuls the decision of the court of arbitration, the court of arbitration that resolved the dispute shall hear the arbitration case again.

§ 5 List of Arbitrators and Obligation of Arbitrator to Give Notice of Grounds for Removal

(1) The Council of the Court of Arbitration shall confirm and publish on the website of the Court of Arbitration a list of recommended arbitrators for the appointment of arbitrators.

(2) A person who is invited to serve as an arbitrator shall notify the person who made the proposal of all circumstances that may provide grounds for his or her removal. If the person is nevertheless appointed as an arbitrator, he or she must notify the other party of such circumstances without

delay and set out such circumstances in the arbitrator's declaration of impartiality submitted to the Council of the Court of Arbitration. During the arbitration proceedings, an arbitrator shall also notify the parties of any circumstances that may provide grounds for his or her removal.

§ 6 Removal of Arbitrator

(1) If a party doubts the independence and impartiality of an arbitrator, the party has the right, up to the adoption of a decision resolving the dispute, to submit a reasoned petition of challenge in writing to the Council of the Court of Arbitration and the court of arbitration resolving the dispute. Such a right must be used by a party immediately after the party becomes aware of the circumstance that provides grounds for removal. If a party submits a procedural document to the Court of Arbitration or participates in a session of the Court of Arbitration and the party has not submitted a motion for the removal of the arbitrator in the procedural document or during the session, the party shall lose the right to remove the arbitrator on these grounds.

(1.1) If the Council of the Court of Arbitration receives information from a person who is not a participant in the proceeding that casts doubt on the independence or impartiality of an arbitrator, the Council of the Court of Arbitration may forward this to the parties for their opinion.

(2) The Council of the Court of Arbitration shall request from the other party an opinion on the petition of challenge regarding an arbitrator and the Council of the Court of Arbitration shall adjudicate the petition within 10 days as of the deadline for providing an opinion on the petition.

(3) The court of arbitration resolving the dispute must suspend the proceedings until the petition of challenge is adjudicated by the Council of the Court of Arbitration.

§ 7 Release of Arbitrator from Performance of Duties

(1) The Council of the Court of Arbitration has the right to decide, upon prior consultation with the parties, if necessary, to release from performance of duties an arbitrator who fails to perform his or her obligations as required or is unable to fulfil the conditions of an arbitration agreement, or in the case set out in subsection 2.

(2) An arbitrator shall not have the right to withdraw from performance of duties. With a good reason, an arbitrator may submit an application to the Council of the Court of Arbitration to release him or her from the performance of duties of an arbitrator.

§ 8 Replacement of Arbitrator

(1) An arbitrator who has been removed or released or has died shall be replaced by a new arbitrator pursuant to the same procedure used to nominate or appoint the arbitrator to be replaced.

(2) After replacement, the arbitrators shall decide which of the procedures that have been performed for the resolution of the dispute shall be performed again. If the sole arbitrator of a dispute is replaced or all of the arbitrators who are resolving a dispute are replaced, the court of arbitration resolving the dispute shall decide, upon hearing the positions of the parties, which of the procedures that have been performed for the resolution of the dispute shall be performed again.

III Initiation, Suspension and Termination of Arbitration Proceedings

§ 9 Participants in Proceedings

- (1) The parties and third parties are the participants in proceedings.
- (2) The plaintiff(s) and the defendant(s) are the parties.
- (3) A plaintiff is a person who files an action and a defendant is a person against whom an action is filed.
- (4) The court of arbitration resolving a dispute may, at the request of one party and with the consent of the other party, involve another person in the proceedings as a third party, if the third party consents to the legal relations that affect them due to being subject to the jurisdiction of the Court of Arbitration.

§ 10 Request for Initiation of Arbitration Proceedings

- (1) To initiate arbitration proceedings, the plaintiff shall submit a request for initiation of arbitration proceedings to the Court of Arbitration, and shall include the necessary number of copies for the defendant.
- (2) The date on which a request for initiation of arbitration proceedings or a statement of claim is received by the Court of Arbitration is deemed as the date of submission of the statement of claim.
- (3) A request for initiation of arbitration proceedings shall set out:
 - 1) the names, addresses and contact details of the parties and their representatives;
 - 2) a short description of matters of fact, the claim of action and the value of the action;
 - 3) evidence that the dispute is within the jurisdiction of the Court of Arbitration;
 - 4) the names, residential and work addresses and contact details of the arbitrator or arbitrators (and the presiding arbitrator) appointed by the parties or information on the Court of Arbitration not having been formed;
 - 5) proof, in a format that enables written reproduction, of the formation of the Court of Arbitration in a manner set out in section 4 if the parties have so agreed;
 - 6) proof of payment of the registration fee.
- (4) With regard to a natural person, his or her personal identification code or, if no such code exists, his or her date of birth shall be set out in a request for initiation of arbitration proceedings. For legal persons in a public register, the registry code or, if no such code exists, the legal basis for the activities of the legal person shall be set out.
- (5) If the plaintiff or the defendant is a legal person who is registered in a public register, a copy of the registry card, an extract from the register or a registration certificate shall be included with the request for initiation of arbitration proceedings, except if there is free of charge access to the information in the registry in Estonia through public electronic channels. Other proof of existence and legal capacity shall be submitted for other legal persons.

(6) Upon submission of a request for securing an action, a statement of claim with the amount of detail set out in the Rules shall be submitted instead of a request for initiation of arbitration proceedings. If a plaintiff submits a statement of action instead of a request for initiation of arbitration proceedings, proceedings shall be conducted for the statement of claim pursuant to the procedure prescribed in the Rules without a further request for its submission.

§ 11 Procedures Performed after Receipt of Request for Initiation of Arbitration Proceedings

(1) After receipt of a request for initiation of arbitration proceedings, the Council of the Court of Arbitration shall make an initial decision on whether the dispute is in the jurisdiction of the Court of Arbitration.

(2) The Council of the Court of Arbitration shall make a decision to accept a statement of claim or to refuse to accept a statement of claim.

(3) If the dispute does not fall within the jurisdiction of the Court of Arbitration, the Council of the Court of Arbitration shall return the request for the initiation of arbitration proceedings and all annexed evidence to the plaintiff.

(4) If a statement of claim has an important omission that hinders its acceptance and cannot be eliminated, the Council of the Court of Arbitration shall refuse to accept the statement of claim.

(5) If a statement of claim has an omission that hinders its acceptance but can be eliminated, the Court of Arbitration shall provide the plaintiff a term for eliminating the omission. If the omission is not eliminated within the term, the Council of the Court of Arbitration shall refuse to accept the statement of claim.

(6) The defendant shall submit a written response to the request for initiation of arbitration proceedings without presenting evidence. The response must include, among other information, a position regarding referral of the dispute to the Court of Arbitration and a summarised position on the substance of the dispute. The defendant shall also send a copy of the response and the annexed evidence to the plaintiff. Failure to provide a response shall not hinder the resolution of the dispute. After receipt of the response, the Council of the Court of Arbitration may make an additional initial decision on whether the dispute should be in the jurisdiction of the Court of Arbitration.

§ 12 Implementation of Measures to Secure an Action

(1) The Council of the Court of Arbitration may, up to the formation of the court of arbitration resolving the dispute, forward a petition for securing an action to a court.

(2) The Council of the Court of Arbitration shall assess the petition for securing an action and may submit the petition to a court together with the decision of the Council of the Court of Arbitration, to which a copies of the statement of claim and evidence annexed thereto shall be attached.

(3) The Council of the Court of Arbitration shall petition the court for revocation of a ruling on securing an action if the Council of the Court of Arbitration terminates the proceedings before delivery of the statement of claim to the court of arbitration resolving the dispute.

(4) The court of arbitration resolving the dispute may, pursuant to a petition submitted by a party, make a ruling to secure a claim, which shall be delivered to the party that submitted the petition. The parties have the right to petition the court to permit enforcement of a ruling to secure a claim.

(5) The following measures may be applied to secure a claim in proceedings of a Court of Arbitration:

- 1) the establishment of a judicial mortgage on an immovable, ship or aircraft belonging to the defendant;
- 2) the seizure of the property of the defendant that is in the possession of the defendant or another person, including making a notation in a property register concerning a prohibition on disposal of property;
- 3) a prohibition on the defendant from entering into certain transactions or performing certain acts;
- 4) a prohibition on other persons from transferring property to the defendant or performing other obligations with regard to the defendant, which may include an obligation to transfer property to a bailiff or to transfer money on a bank account prescribed by the court;
- 5) imposition of an obligation on the defendant to deposit a thing with the bailiff;
- 6) suspension of the enforcement proceeding, permitting the continuation of the enforcement proceeding only against a security, or revocation of the enforcement action if the enforcement instrument has been contested by the filing of an action, or if a third party has filed an action for the release of property from seizure or for declaration of inadmissibility of compulsory enforcement due to another reason;
- 7) imposition of an obligation on the defendant and above all, an insurer, to make payments to the extent of the minimum amounts likely to become payable in the course of a proceeding conducted in a matter of illegal causing of damage or in a matter of an insurance contract;
- 8) imposition of an obligation on the defendant to terminate the application of an unfair standard term or that the person recommending application of the term terminate or withdraw the recommendation of the term in an action for termination of application of an unfair standard term or for termination and withdrawal by the person recommending application of the term of recommendation of the term;
- 9) another measure considered necessary by the court of arbitration.

(6) The court of arbitration resolving the dispute may require a reasonable security from the party that petitions for a claim to be secured, which shall be transferred to the bank account of the Estonian Chamber of Commerce and Industry.

(7) The security that the person who petitioned for a claim to be secured has been required to pay to compensate for damage that may be caused by securing the claim shall be returned to the party who petitioned for the claim to be secured if the other party does not submit a claim for compensation for damage within two months from that time, if:

- 1) a decision of the court of arbitration on refusal to satisfy or hear the secured action enters into force, or if the proceeding in the matter is terminated on any other grounds except due to the approval of a compromise of the parties;
- 2) it becomes evident that no claim for securing a claim or no cause for securing the action existed at the time of securing the action.

§ 13 Payment of Arbitration Fee

(1) After receipt of a request for the initiation of arbitration proceedings, the Council of the Court of Arbitration shall make a proposal to the parties to pay the arbitration fee in equal shares, based on the rates prescribed in the guidelines annexed to the Rules, by a deadline determined by the Council of the Court of Arbitration, unless the plaintiff has expressed a desire to pay the entire chargeable arbitration fee.

(2) If the Council of the Court of Arbitration has decided to submit a petition to secure a claim to a court on the petition of the plaintiff, the Council of the Court of Arbitration shall make a proposal to the plaintiff to pay the plaintiff's share of the determined arbitration fee before the petition is submitted to a court. If the arbitration fee is not paid, the Council of the Court of Arbitration shall not submit the petition of the plaintiff to a court.

(3) If the defendant fails to pay the defendant's share of the arbitration fee, the Council of the Court of Arbitration shall make a proposal to the plaintiff to also pay the defendant's share of the arbitration fee. If the arbitration fee is not paid, the Council of the Court of Arbitration shall refuse to hear the action and shall return the request for initiation of arbitration proceedings to the plaintiff

(4) If resolution of the dispute proves to be more expensive than initially estimated or if due to the presentation of additional facts in the course of resolving the dispute, it becomes evident that the arbitration fee has been calculated based on incomplete information or if the plaintiff increases the value of the action after the case is referred to the court of arbitration resolving the dispute, or if an interim decision has been made in the arbitration proceedings regarding the competence of the Court of Arbitration and the Court of Arbitration is competent to resolve the dispute, or if the proceedings turn out to be complex and parties have submitted more procedural documents than usual (except where a counterclaim has been accepted), the Council of the Court of Arbitration shall, on the proposal of the arbitrator or arbitrators, make a proposal to the parties to pay an additional arbitration fee. If the plaintiff increases the value of the action before the case is referred to the court of arbitration resolving the dispute, the Council of the Court of Arbitration shall make a proposal to the parties to pay an additional arbitration fee.

(5) The amount of a previously paid or additional arbitration fee subject to payment shall not exceed the maximum rate of an arbitration fee prescribed in the guidelines annexed to the Rules, based on the value of the action.

§ 14 Referral of a Request for Initiation of Arbitration Proceedings or Statement of Claim to a Court of Arbitration and Confirmation of Schedule

(1) After the arbitrators have been confirmed, the Council of the Court of Arbitration shall give the request for initiation of arbitration proceedings or the statement of claim and all annexes to the arbitrator or, in the case of several arbitrators, to the presiding arbitrator of the court of arbitration resolving the dispute.

(2) The Court of Arbitration shall compose a draft schedule for all necessary procedural acts and shall send it to the parties for examination and, taking the opinions of the parties into account, approve the schedule with an order not later than within 3 weeks after referral of the arbitration case to the court of arbitration resolving the dispute, and shall send the schedule to the Council of the Court of Arbitration for their information. If the arbitration proceedings deviate significantly

from the schedule (more than a two-week delay for a procedural act), the court of arbitration resolving the dispute shall inform the Council of the Court of Arbitration thereof.

(3) A court of arbitration shall send copies of the approved schedules and the possible amendments thereof, of all orders and letters and notices sent to the parties to the Council of the Court of Arbitration for their information.

(4) The representatives of the parties shall send to the Council of the Court Arbitration for their information copies of all petitions submitted to a court in connection to the arbitration proceedings and the court decisions.

§ 15 Statement of Claim

(1) The plaintiff shall submit a statement of claim to the court of arbitration resolving the dispute by the term determined thereby. The statement of claim shall set out:

- 1) the names, addresses and contact details of the parties and their representatives;
- 2) the claim of the action and the value of the action;
- 3) the facts on which the claim of the action is based and evidence;
- 4) evidence that the dispute falls within the jurisdiction of the Court of Arbitration (unless this has been set out in the request for initiation of arbitration proceedings);
- 5) whether the plaintiff agrees to written proceedings in the matter or wants a session to be held;
- 6) the names, residential and work addresses and contact details of the arbitrator or arbitrators (including the presiding arbitrator) appointed by the parties, or information that the court of arbitration has not been formed (unless this has been set out in the request for initiation of arbitration proceedings).

(2) With regard to a natural person, his or her personal identification code or, if no such code exists, his or her date of birth shall be set out in the statement of claim. With regard to a legal person entered in a public register, the registry code or, if no such code exists, the legal basis for the activities of the legal person shall be set out (unless this has been set out in the request for initiation of arbitration proceedings).

(3) If the plaintiff or the defendant is a legal person who is registered in a public register, a copy of the registry card, an extract from the register or a registration certificate shall be annexed to the statement of claim, except if there is free of charge access to the information in the registry in Estonia through public electronic channels. Other proof of existence and legal capacity shall be submitted for other legal persons (unless this has been set out in the request for initiation of arbitration proceedings).

(4) The following shall be annexed to the statement of claim:

- 1) evidence supporting the claim of the action;
- 2) in the case provided for in subsection 10 (4), proof that copies of the statement of claim and the evidence annexed thereto have been sent to the defendant;
- 3) proof, in a format that enables written reproduction, of the formation of the Court of Arbitration in a manner set out in section 4 if the parties have so agreed;

(5) If the plaintiff has not submitted a request for initiation of arbitration proceedings, then all the data and documents required in section 10 of the Rules shall also be annexed to the statement of claim.

(6) Upon submission of statement of claim only on paper, it must be submitted according to the number of arbitrators.

§ 16 Response to Statement of Claim

(1) The defendant shall submit to the court of arbitration resolving the dispute a written response to the statement of claim by the term determined by it. The response to the statement of claim shall set out:

- 1) a position concerning whether the dispute is in the jurisdiction of the Court of Arbitration;
- 2) a position on the substance of the dispute;
- 3) whether the defendant agrees to written proceedings in the matter or wants a session to be held;
- 4) whether the defendant wants to file a counterclaim;
- 5) whether, in the opinion of the defendant, it may be possible to resolve the dispute by agreement (compromise).

(2) The defendant shall send to the plaintiff a copy of the response and evidence annexed thereto.

(3) Failure to provide a response shall not hinder the resolution of the dispute.

(4) If the defendant wants to file a counterclaim, the court of arbitration resolving the dispute shall determine a term for filing the counterclaim.

§ 17 Counterclaim

(1) The defendant has the right to file a counterclaim with the Council of the Court of Arbitration up to the end of the term established, or upon written proceedings, until the end of term for submission of requests according to the requirements for filing an action.

(2) The Council of the Court of Arbitration shall take a decision on hearing a counterclaim or refusal to review thereof, if the arbitration fee has not been paid or if the term for filing a counterclaim has passed. The Council of the Court of Arbitration may also refuse to review a counterclaim, among other reasons, if hearing the main action and counterclaim simultaneously would significantly extend the time needed to resolve the dispute.

(3) An arbitration fee shall be paid upon filing a counterclaim pursuant to the procedure provided for in the Rules.

§ 18 Applicable Law

(1) Upon resolving a dispute, a Court of Arbitration shall apply the substantive law agreed by the parties. Upon reference to the law of a specific state it is presumed that the agreement does not include the conflict of law rules of that state, unless the parties have expressly agreed otherwise.

(2) If the parties have not agreed on the applicable law and it is not possible to determine the applicable law pursuant to law or international law norms, the Court of Arbitration shall apply Estonian law.

(3) A court of arbitration may resolve a dispute based on the principle of equity if the parties have expressly agreed so. Such an agreement may be concluded until the adoption of the arbitration award. Upon resolving a dispute according to the principle of equity, there shall be no derogation from the imperative legal norms of the state which would be applied upon resolving the dispute without an agreement on the principle of equity.

(4) Upon resolving a dispute, a Court of Arbitration shall consider contractual terms and conditions and custom in the case provided for in subsections 1 and 2 of this section in so far as this is permissible under the applicable law.

§ 19 Evidence

(1) In a case, evidence is any information on the basis of which the Court of Arbitration ascertains the existence or lack of facts that support the claims and objections of the parties.

(2) Each party must prove the facts on which the claims and objections of the party are based, unless otherwise provided by law. The parties may agree on a division of the burden of proof other than that provided by law and on the evidence that can be used to prove a fact, unless otherwise provided by law.

(3) Facts which the court of arbitration deems to be a matter of common knowledge need not be proved. Facts concerning which reliable information is available from sources outside the proceedings may be deemed to be a matter of common knowledge. Arguments made by a party based on a fact need not be proven if the opposing party admits the fact. Admission means unconditional and express agreement with a factual allegation by means of a written statement addressed to the Court of Arbitration or made during an Arbitration Court session, where such agreement shall be entered in the minutes.

(4) The Court of Arbitration has the right to demand evidence necessary for resolving the dispute and replies to the positions of the parties at the request of a party or on its own initiative.

§ 20 Assistance of a Court

(1) If the Court of Arbitration is not competent to perform an attestation act or to conduct another court procedure, the Court of Arbitration may make a decision to request the assistance of a court or make an order by which it permits a party to request the assistance of a court.

§ 21 Witnesses, Inspections and Experts

The Court of Arbitration has the right on the petition of a party or on its own initiative to summon witnesses to a court session, perform inspections or summon experts to a court session.

§ 22 Suspension of Proceedings

- (1) The court of arbitration resolving the dispute shall suspend the proceedings with an order:
- 1) until the Council of the Court of Arbitration decides on a petition of challenge against an arbitrator or;
 - 2) until a court procedure is conducted, except upon filing a petition to a court to annul an interim decision ordering payment of the arbitration fee by the defendant.

(1) The court of arbitration resolving the dispute may suspend the proceedings with an order for some other good reason.

§ 23 Refusal to Hear Action

- (1) A Court of Arbitration shall refuse to hear an action if:
- 1) court proceedings have been initiated with the same cause of action and the same object of dispute or;
 - 2) the plaintiff has failed to submit information to the Court of Arbitration, regardless of the demand of the Court of Arbitration, that would allow for the delivery of procedural documents to the defendant or;
 - 2.2) the parties do not participate in the proceedings or;
 - 3) the Court of Arbitration is not competent to resolve the dispute or;
 - 4) on some other grounds prescribed by law or the Rules.
- (2) Upon refusal to hear a claim, it is deemed that the statement of claim has never been heard by the Court of Arbitration and the plaintiff may file a statement of claim against the same defendant with the same cause of action regarding the same object of action with the Court of Arbitration again.

§ 24 Termination of Proceedings

- (1) A court of Arbitration shall terminate proceedings if:
- 1) the plaintiff discontinues the action, except if the defendant objects to the discontinuation and the court of arbitration recognises the legal interest of the defendant to have a final resolution to the dispute or;
 - 2) the parties agree to terminate the proceedings or;
 - 3) the court of arbitration is of the position that it is impossible to continue the proceedings due to termination of an arbitration agreement or;
 - 4) the Court of Arbitration recognises with an interim decision the lack of competence of the Court of Arbitration or the groundlessness of the claim and upon contestation, this interim decision has been left in force with a binding court judgment.
- (2) Upon termination of proceedings, the plaintiff can not file a statement of claim against the same defendant with the same cause of action regarding the same object of action with the Court of Arbitration again.

IV Hearing the Case

§ 25 Arbitration Court Session

(1) A Court of Arbitration, taking into account the opinions of the parties if possible, shall determine the time and place for the hearing of the case and shall inform the parties thereof in due time. A Court of Arbitration may hear a case in written proceedings without convening a session, if the parties have given their consent. A Court of Arbitration has the right to adopt a decision in written proceedings without convening a session, if the Court of Arbitration finds that the dispute is not within the jurisdiction of the Court of Arbitration.

(2) A case shall be heard in a closed session by the arbitrator or arbitrators and the representatives of the parties. The Court of Arbitration may allow the participation of a secretary and technical support personnel in the session. At the request of a party, the court of arbitration may allow an interpreter or other person to participate in the session. Persons who participate in a session and who are noted in this subsection shall confirm in writing their obligation to maintain the confidentiality of all information pertaining to the arbitration proceedings.

(3) At the request of a party, the court of arbitration may hear a case without the representative of the party. If a party does not request that the case be heard without a representative and does not participate in the session nor sends a representative to the session, the court of arbitration may postpone the hearing of the case. If the party also fails to send a representative to the next session, the court of arbitration shall hear the case without the representative of the party.

(4) The Court of Arbitration may also postpone the hearing of the case for some other good reason.

§ 26 Language of the Proceedings

If the parties have not agreed on the language of the proceedings, the language shall be determined by the Court of Arbitration based on the language of the statement of claim, among other considerations.

§ 27 Minutes of Sessions

(1) Minutes shall be kept of arbitration court sessions, which shall set out the following:

- 1) the name of the Court of Arbitration;
- 2) the time and place of the session;
- 3) the names of the parties;
- 4) the names of the arbitrators, representatives of the parties, witnesses and experts;
- 5) the petitions and requests of the parties;
- 6) the essential content of the claims and objections of the parties to the extent that is not reflected in the written documents submitted to the court of arbitration;
- 7) the essential content of the statements of witnesses, the oral replies of experts and inspection results;
- 8) a short description of the session.

(1.1.) In the circumstances provided in clauses 6–8 of section 1 and on the decision of the Court of Arbitration, the session may be recorded in an audio or video recording, which shall be added to the minutes and for which a note is made in the minutes.

(2) The minutes shall be signed by the arbitrator or arbitrators who heard the case. The arbitrator does not have the right to refuse to sign the minutes.

(3) Upon written procedure, the minutes are not recorded.

§ 28 Specifics of Expedited Procedure

(1) Upon the consent of the parties or pursuant to an agreement within an arbitration agreement, the Court of Arbitration may hear a case under an expedited procedure, in which case the Rules shall be applied together with the specific provisions provided for in this section.

- (2) Upon expedited procedure, the following issues shall be regulated as follows:
- 1) the plaintiff shall only file a statement of claim without filing a request for initiation of arbitration proceedings;
 - 1) the Council of the Court of Arbitration shall appoint one arbitrator or several (an odd number of) arbitrators without asking the opinion of the parties;
 - 2) the schedule shall be approved by the court of arbitration resolving the dispute without asking the opinion of the parties;
 - 3) in addition to a statement of claim and response to the statement of claim, each party has the right to submit one additional procedural document (including with regard to evidence) a maximum of once every 14 days as of the time the party is informed;
 - 4) the case will be heard in written proceedings unless the court of arbitration resolving the dispute deems it necessary to hold a session;
 - 5) the decision shall comprise only the resolution, except if a party requests the descriptive and reasoned parts during the final session at the latest or, in the case of written proceedings, no later than 14 days before the date on which the arbitration award is made;
 - 6) The decision must be made no later than within three months from delivery of the statement of claim and its annexes to the court of arbitration resolving the dispute.

VI Arbitration Award and Final Provision of the Rules

§ 29 Term for Resolution of Dispute

- (1) A court of arbitration shall resolve a dispute as quickly as possible but no later than within six months after delivery of the request for initiation of arbitration proceedings or statement of claim together with its annexes to the court of arbitration resolving the dispute. The term for resolution of the dispute shall be suspended during the time the arbitration case file is in a court.
- (2) If necessary, the Council of the Court of Arbitration may, at the request of the court of arbitration resolving the dispute, extend this term.
- (3) If a counterclaim has been filed, the term for resolution of the dispute shall begin again as of the delivery of the counterclaim to the court of arbitration resolving the dispute.

§ 30 Making of an Arbitration Award

- (1) The hearing of a case shall terminate upon the making of the arbitration award and signing thereof by the arbitrators. The arbitration award shall be made and signed within 30 days since the last day of the arbitration court session or the term set out for parties to submit a compromise or the last day of written procedure. The court of arbitration shall notify the parties of the end of the written procedure and start of the decision making process.
- (2) An award is made if the majority of the arbitrators vote in favour.
- (3) The parties may agree on a compromise. The court of arbitration shall, pursuant to a petition of the parties, formalise the compromise in the wording agreed by the parties as the arbitration award if the content of the compromise is not contrary to good morals or public order.

§ 31 Formalisation and Delivery of Award

(1) The arbitration award shall be formalised in writing in the language of the arbitration proceedings and shall set out, in addition to the information prescribed in subsection 27 (1) of the Rules, the substance of the dispute, the reasoning of the decision, a decision on the claim and the term for enforcement of the decision and on the division of the arbitration fee, the procedural expenses of the parties and the procedure expenses related to the arbitration proceedings. The arbitration award shall set out the amount to be paid in euros if the seat or residence of the debtor is in Estonia or another country in the Eurozone, or in the currency in which the claim was filed.

(2) The arbitration award shall be signed by all arbitrators who made the decision, who shall not have the right to refuse to sign the award. An award may be signed by all arbitrators by digital signature, except if the residence or seat of one of the parties is in a foreign country or if a party has petitioned for the award to be signed on paper. If an award is not made unanimously, an arbitrator in the minority may issue a dissenting opinion together with the award, which he or she shall sign.

(3) Dissenting opinions shall be presented at the end of the arbitration award.

(4) An arbitration award must bear the seal of the Court of Arbitration except where the award is signed digitally.

(5) An arbitration award shall be delivered to the parties by the Court of Arbitration no later than within 5 working days after the award is made.

§ 32 Interim Decisions, Partial Awards and Orders

(1) Upon hearing an action for the receipt of money and above all, an action for compensation for damage, where proving the amount of the claimed sum is extremely costly or difficult but the Court of Arbitration is able to decide on whether the claim is found to be reasoned or unreasoned, on the petition of a party, the Court of Arbitration may make an interim decision on whether the claim is reasoned or unreasoned.

(2) If a party petitions for refusal to hear a claim because of a lack of jurisdiction on the part of the Court of Arbitration, the Court of Arbitration must make an interim decision on the existence or lack of jurisdiction.

(3) If a claim is found to be reasoned or if the Court of Arbitration is found to have competence by an interim decision, the court of arbitration shall continue the proceedings regarding the size of the claim and shall make a decision in this regard. If the Court of Arbitration recognises that a claim is unreasoned, it shall terminate the proceedings by a decision. If the Court of Arbitration recognises that it does not have competence, it shall refuse to hear the claim.

(4) On the petition of the plaintiff, the Court of Arbitration may by an interim decision require the defendant to pay the defendant's part of the arbitration fee as paid by the plaintiff pursuant to subsection 13 (3) of the Rules, if payment of the arbitration fee in full by the plaintiff would be unreasonably cumbersome for the plaintiff.

(5) If several independent but related claims have been joined in one proceedings or if one claim or part of one claim presented in an action with multiple claims is ready for a final decision or, in

the case of a counterclaim, only the claim or the counterclaim is ready for a final decision, the Court of Arbitration may make a partial award with regard to each, if this expedites the hearing of the case. The Court of Arbitration shall continue proceedings with regard to the unresolved claims.

(6) The arbitrator or, in the case of several arbitrators, the presiding arbitrator of the court of arbitration resolving the dispute if so authorised by the other arbitrators, may issue obligatory orders to the parties.

§ 33 Correction and Additional Award

- (1) The court of arbitration resolving the dispute may, on the petition of a party:
 - 1) correct computation, spelling and other similar errors in the arbitration award;
 - 2) make an additional arbitration award concerning a claim that, although filed during the arbitration proceedings, was not resolved in the award.
- (2) A petition set out in subsection 1 of this section may be submitted within 30 days after delivery of the arbitration award unless the parties have agreed to another term.
- (3) The Court of Arbitration shall also send a petition for an additional award to the other party for its information.
- (4) The Court of Arbitration shall make an initial decision on the correction of an award within 30 days after receipt of a petition and a decision on an additional award within 60 days after receipt of a petition.
- (5) The Court of Arbitration may also correct an award on its own initiative within 30 days after delivery of the award.
- (6) The provisions applicable to the form and content of arbitration awards shall apply to the correction of arbitration awards and additional awards.

§ 34 Annulment of Award

An arbitration award is final and is not subject to appeal. An arbitration award shall be annulled on the grounds and pursuant to the procedure prescribed by law.

§ 35 Entry into Force, Recognition and Enforcement of Award

- (1) An arbitration award shall enter into force on the date it is made.
- (2) An arbitration award shall be enforced immediately after its entry into force. If the Court of Arbitration has determined another term for enforcement, the award shall be enforced within the term determined thereby.
- (3) Arbitration awards that are not enforced within the term shall be enforced in accordance with the law and international agreements.
- (4) Arbitration awards shall be recognised and enforced without recognition and without being declared to be subject to enforcement by a court.

§ 36 Deposit of Case Materials

After an award has been formalised, the case file shall, by a decision of the Court of Arbitration, be deposited with the Estonian Chamber of Commerce and Industry, which shall ensure that the file is archived indefinitely.

§ 37 Violation of Requirements of the Rules

(1) A party who believes that the requirements of the Rules and/or law have been violated shall submit an opinion and any potential petitions arising therefrom without delay to the court of arbitration resolving the dispute and to the Council of the Court of Arbitration or, if there is no court of arbitration resolving the dispute, only to the Council of the Court of Arbitration. If such an opinion and petition are submitted after the arbitration award has been made, the Council of the Court of Arbitration shall not examine them.

(2) The Council of the Court of Arbitration has the right to demand explanations from the court of arbitration resolving the dispute regarding violation of requirements and to issue a mandatory order to the court of arbitration resolving the dispute to conduct proceedings in accordance with the Rules.

(3) In the case of violation of mandatory requirements prescribed by the Rules or by law, a party cannot rely on the violation if the party fails to notify the Court of Arbitration of the violation without delay after the party becomes aware or should have become aware of the violation.

§ 38 Preclusion of Liability

A person may claim compensation for damage caused in the course of arbitration proceedings, including by a decision of the Court of Arbitration only if the Court of Arbitration has committed a criminal offence.

§ 39 Expenses of the Court of Arbitration, Expenses of the Estonian Chamber of Commerce and Industry, Arbitrators' Fees and the Division Thereof

(1) Expenses incurred by the Court of Arbitration and expenses incurred by the Estonian Chamber of Commerce and Industry shall be compensated, and arbitrators' fees shall be paid to arbitrators in accordance with the guidelines annexed to the Rules.

(2) Upon satisfaction of a claim, the plaintiff shall be compensated in full, at the expense of the defendant, for the arbitration fee or for expenses related to payment of the deposit set out in the guidelines to the Rules, however, if a claim is satisfied in part, the plaintiff shall receive compensation in proportion to the amount which the defendant must pay pursuant to the award. Upon the partial satisfaction of a non-pecuniary claim, the plaintiff and the defendant shall receive compensation for the arbitration fee or for expenses related to payment of the deposit set out in the guidelines to the Rules at the expense of the defendant in the amount determined by the Court of Arbitration.

(3) If a claim is not satisfied, the defendant shall be paid compensation for the arbitration fee at the expense of the plaintiff or for expenses related to payment of the deposit set out in the guidelines to the Rules at the expense of the plaintiff; if a claim is satisfied partially, the defendant shall be paid compensation in proportion to the amount that the plaintiff was not required to pay.

(4) In deciding on compensation of expenses, the Court of Arbitration may diverge from stipulations in subsections 2–3 if reasoned grounds exist for this in connection to circumstances of submitting claims or behaviour of the parties during the arbitration proceedings.

(5) A party has the right to request an order of payment with the arbitration award which ends the proceeding.

§ 40 Division of Expenses related to Arbitration Proceedings

(1) The Court of Arbitration shall award expenses related to arbitration proceedings in a justified and necessary amount.

(2) Upon satisfaction of a claim, the plaintiff shall be paid compensation in full at the expense of the defendant for the expenses related to the arbitration proceedings incurred by the plaintiff or, if the claim is satisfied in part, in proportion to the extent to which the claim was satisfied.

(3) If a claim is not satisfied the defendant shall be paid compensation at the expense of the plaintiff for the expenses related to the arbitration proceedings in full or, if the claim is satisfied in part, in proportion to the amount that the plaintiff was not ordered to pay.

(4) In deciding on compensation of expenses, the Court of Arbitration may diverge from stipulations in subsections 2–3 if reasoned grounds exist therefor in connection to circumstances of submitting claims or behaviour of the parties during the arbitration proceedings.

(5) A party has the right to request an order of payment with the arbitration award which ends the proceeding.

§ 41 Confidentiality of Arbitration Proceedings

(1) Proceedings in a Court of Arbitration are confidential. The parties to the proceedings and the Court of Arbitration may divulge facts relating to the arbitration proceedings and the arbitration award only with the written consent of both parties, which shall be added to the case file by the Court of Arbitration. Upon bankruptcy of a party, the Council of the Court of Arbitration may allow, without the consent of parties, to divulge to the trustee in bankruptcy the facts relating to the arbitration proceedings and the arbitration award.

(2) The Court of Arbitration has the right to divulge excerpts of the arbitration award on the condition that names, personal identification codes, dates of birth, registry codes, addresses and circumstances referencing the nature of the dispute which may disclose the content of the arbitration proceedings are not divulged.

§ 42 Implementing Provision

Arbitration proceedings that have been initiated in 2019 before the amendments to the Rules, which were confirmed by a decision of the Board of the Estonian Chamber of Commerce and Industry on 11.04.2019, shall be conducted pursuant to the version of the Rules that was in force until that time.

Guidelines for Arbitration Fees and Arbitrators' Fees of the Court of Arbitration of the Estonian Chamber of Commerce and Industry

1. An arbitration fee shall consist of a registration fee and an arbitration fee and, in the case set out in clause 3, the administrative fee. The registration fee, arbitration fee and administrative fee shall be paid to the bank account of the Estonian Chamber of Commerce and Industry in euros. The registration fee is 500 euros.

2. The Council of the Court of Arbitration shall determine the amount of the arbitration fee based on the value of the action according to the following table, taking into account the number of claims, the complexity of the case, and the number of plaintiffs, defendants and arbitrators resolving the dispute. At the request of the court of arbitration resolving the dispute, the Council of the Court of Arbitration may, during the arbitration proceedings, impose an additional arbitration fee of up to 50% of the original arbitration fee but not over the maximum range of sum of the value of the action if an interim decision has been made in the course of arbitration proceedings regarding the competence of the Court of Arbitration and the Court of Arbitration is competent to resolve the dispute, the proceedings are complex and the parties have submitted a larger than usual amount of procedural documents (except if a counterclaim has been presented in the proceedings). The value of the action shall be calculated based on the normal value of that which is claimed in the action, which shall not include fines for delay and interest that are considered collateral claims.

Value of action in euros in absolute figures	Amount of fee in percentages of the value	Additional fee
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Up to 5,000 (but not less than 1,000 euros)	-	30%
5,001 – 10,000	1,000 – 1,500	20%
10,001 – 20,000	1,500 – 3,000	10%
20,001 – 50,000	3,000 – 5,000	7.5%
50,001 – 75,000	5,000 – 7,500	6.5%
75,001 – 100,000	7,500 – 10,000	5.5%
100,001 – 150,000	10,000 – 12,500	4.5%

150,001 – 200,000	12,500 – 15,000	4%
200,001 – 300,000	15,000 – 20,000	3.5%
300,001 – 400,000	20,000 – 25,000	3%
400,001 – 500,000	25,000 – 30,000	2.5%
From 500,000	30,000	2%

3. If the Court of Arbitration is acting as an authorised body in organising arbitration proceedings pursuant to the rules of another arbitration court, a registration fee shall be paid and the administration fee is 1,000 euros.

4. In the case of expedited procedure, the arbitration fee provided in clause 2 shall be decreased by 25%.

5. The arbitration fee shall be transferred to the bank account of the Estonian Chamber of Commerce and Industry pursuant to the procedure provided in section 12 of the Rules in euros or in a currency determined by the Council of the Court of Arbitration.

6. In case of a non-pecuniary claim, the Council of the Court of Arbitration shall determine the amount of the arbitration fee based on the type of dispute and the total number of claims.

7. The arbitrators' fees shall, in the case of three or more arbitrators, equal 75% and, in the case of one arbitrator, equal 40–60% (but not more than 90%) of the arbitration fee actually paid, and this is determined by the Council of the Court of Arbitration. The arbitrators fee shall be shared between three or more arbitrators on the basis of an agreement, for which a corresponding decision of the Court of Arbitration shall be sent to the Council of the Court of Arbitration by the court of arbitration resolving the dispute. The arbitrator's fee can be paid to an arbitrator resolving the dispute who is either a natural person or to the arbitrator via a legal person. Upon payment of the arbitrator's fee to a natural person, income tax, unemployment insurance premium and funded pension payment shall be withheld, and social tax and an unemployment insurance premium shall be paid in accordance with applicable legislation. Upon payment of the arbitrator's fee via a legal person, the legal person shall provide an invoice. The invoice with VAT may not exceed the amount to be paid to the arbitrator.

8. The arbitrators fees may be reduced by a decision of the Council of the Court of Arbitration if an arbitrator does not participate to the necessary extent and/or delays the arbitration proceedings without good reason or if the court of arbitration resolving the dispute does not make an award during the prescribed term.

9. Ten percent of the paid arbitration fee (excluding the registration fee) shall be retained by the Estonian Chamber of Commerce and Industry and 15% shall go to the Court of Arbitration, which shall be deposited in a separate bank account of the Estonian Chamber of Commerce and Industry, which is used pursuant to a decision of the Council of the Court of Arbitration to cover, among other costs, the costs of compensation for activities of the Members of the Council of the Court of Arbitration for management thereof (including for participation in meetings of the Council of the

Court of Arbitration) and to cover the expenses of arbitration proceedings and communication with other permanent arbitration courts and other costs.

10. If an arbitrator who is resolving a dispute is a person who does not reside in Estonia, the Council of the Court of Arbitration has the right to require the party who appointed the arbitrator or requested the appointment of the arbitrator to pay a deposit before approval of the arbitrator, to cover the potential travel costs of the arbitrator. If the court of arbitration resolving the dispute decides to order an examination, the court arbitration of resolving the dispute has the right to require that the parties pay a deposit to cover the expert's fees, in equal parts, before any questions are sent to an expert. If the court of arbitration resolving the dispute incurs expenses regarding the delivery of documents to parties via postal service or courier service, the court of arbitration resolving the dispute has the right to require the parties to pay a deposit to cover these costs in equal parts.

11. If an arbitration award is made that reflects the compromise of the parties, paid arbitration fees and registration fees shall not be refunded to the parties. The court of arbitration resolving the dispute may request the partial refund of the arbitration fees from the Council of the Court of Arbitration who decides the amount of the refunded arbitration fees, taking into account the complexity of the case and the volume of procedures conducted by the court of arbitration resolving the dispute in regard to resolving the dispute.

12. If an action is discontinued before the statement of claim is delivered to the court of arbitration resolving the dispute or if the Council of the Court of Arbitration establishes that the dispute is not within the jurisdiction of the Court of Arbitration, 90% of the arbitration fee paid shall be refunded to the parties, while the registration fee shall not be refunded.

13. If the court of arbitration resolving the dispute or a court establishes, with a decision that has entered into force, that the dispute is not within the jurisdiction of the Court of Arbitration, 50% of the arbitration fee paid shall be refunded to the parties (a minimum of 1,000 euros is not subject to refund), while the registration fee shall not be refunded.

14. Upon termination of the arbitration proceedings due to other reasons stipulated in section 24 (including suspension of the action after the statement of claim has been delivered to the court of arbitration resolving the dispute), the amount of refunded arbitration fee shall be decided by the Council of the Court of Arbitration, taking into account the complexity of the case and volume of procedures conducted by the court of arbitration resolving the dispute in regard to resolving the dispute, and the registration fee shall not be refunded. The Council of the Court of Arbitration has the right to refuse to refund the entire arbitration fee paid on the basis of the circumstances.

15. Arbitrators fees shall be paid to the arbitrators within 45 days after the case file is deposited with the Estonian Chamber of Commerce and Industry, if no petition has been filed with a court to annul the arbitration award. If a petition has been filed with a court to annul the arbitration award, the arbitrators' fees shall be paid to the arbitrators after a court decision enters into force by which the petition to annul the arbitration award has not been satisfied. If the arbitration award is annulled, the arbitrators' fees shall be paid to the arbitrators after a new decision is made, within 45 days after the case file is deposited with the Estonian Chamber of Commerce and Industry.