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

Approved by the decision of the Board of the Estonian Chamber of Commerce and Industry dated 14 December 2023 and supplemented by special provisions governing sports disputes pursuant to the decision of the Board of the Estonian Chamber of Commerce and Industry dated 11 June 2026.

I GENERAL RULES

§ 1 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 the **Court of Arbitration**), which is an independent and unbiased permanent court of arbitration that is formed by the Board of the Estonian Chamber of Commerce (hereinafter also the **Chamber**) and active by the aforementioned organisation, resolves disputes arising from contractual and other civil law relationships, including international economic relations, pursuant to these rules that are approved by the Board of the Estonian Chamber of Commerce and Industry (hereinafter the **Rules**).

(2) The Court of Arbitration may act as a competent body that appoints arbitrators or other persons involved in the resolution of disputes even when the Rules are not applicable to the resolution of the dispute.

§ 2 Council

(1) The work of the Court of Arbitration is managed by the council of the Court of Arbitration (hereinafter the **Council**), which can consist of up to seven members. The members are appointed for a three-year term by the Board of the Estonian Chamber of Commerce and Industry. Members of the Council must have a higher education in law and must have obtained at least a master's degree that is recognised nationally or an equivalent (foreign) qualification. At least one member of the Council must be a serving judge of the Republic of Estonia.
(2) The Council elects a chairman and a vice-chairman from among its members.
(3) The Rules establish the competence and tasks of the Council. As required, the Council may adopt decisions in issues not directly stipulated in the Rules but which are necessary for the reasonable and efficient implementation of the objectives of the Court of Arbitration and the Rules.
(4) The Council has a quorum when at least four of its members take part in decision-making.
(5) The Council may convene meetings, including through electronic means of communication, or adopt decisions by a written procedure without holding a meeting. Council meetings are chaired or the adoption of decisions in the course of written proceedings is organised by the chairman of the Council or, in their absence, by the vice-chairman of the Council or, in the absence of the latter, a member of the Council who has been authorised by the Council.
(6) A decision of the Council is adopted by a simple majority of votes. Where the vote is a tie, the deciding vote is cast by the chair of the meeting. Council decisions do not need justification.

(7) A member of the Council must avoid conflicts of interest and remove themselves from the discussions and voting on items related to a conflict of interest. Upon withdrawal, the member of the Council must leave the Council meeting before the discussions regarding the item on the agenda begin. The withdrawn Council member is not counted when calculating the necessary decision-making quorum.
(8) A Council decision is prepared in a format which can be reproduced in writing.
(9) A Council decision takes effect upon its passing. It is final and cannot be appealed.

§ 3 Jurisdiction of the Court of Arbitration

(1) The Rules apply in the following instances:
   (a) the parties have an agreement in a format which can be reproduced in writing to resolve a dispute that arises from or could arise from a contractual or non-contractual relationship between them at the Court of Arbitration;
   (b) consent for the resolution of the dispute in the Court of Arbitration has been expressed by the claimant by filing a claim and by the defendant by any action that demonstrates voluntary submission of the parties to the jurisdiction of the Court of Arbitration.
(2) When a party has agreed to resolve a dispute in the Court of Arbitration, the party is also considered to have agreed to comply with the Rules. The stipulations of the Rules are binding on the parties and the parties cannot agree in anything else regarding them.
(3) The Council makes a preliminary (*prima facie*) decision on submitting a dispute to the Court of Arbitration.
(4) The arbitration proceedings comply with the Rules that were in force on the day of initiating the proceedings (section 12 of the Rules).
(5) In issues not clearly regulated by the Rules, the Court of Arbitration (including the Council), the arbitral tribunal resolving a dispute (hereinafter the **arbitral tribunal**), and the parties are guided by the meaning and the purpose of the Rules to ensure efficient arbitration proceedings and lawful and enforceable decisions of the arbitral tribunal.

§ 4 Administration of the Court of Arbitration

The day-to-day administration of the Court of Arbitration is managed by a secretary of the Court of Arbitration, who is also an employee of the Chamber, pursuant to the Rules, the decisions of the Council, and the order of the chairman of the Council or a member of the Council acting as a deputy. The secretary of the Court of Arbitration communicates with the parties on behalf of the Court of Arbitration.

§ 5 Confidentiality

(1) Proceedings at the Court of Arbitration are confidential.
(2) The Court of Arbitration, the arbitral tribunal, parties, and other persons involved in the proceedings (including advisers or representatives, witnesses, and experts of the parties) may divulge facts relating to the arbitration proceedings (including that it has taken place) and the decision of the arbitral tribunal to parties not involved in the proceedings only with the consent of the parties which is presented in a format that can be reproduced in writing.
(3) Facts relating to the arbitration proceedings (including that it has taken place) and the decision of the arbitral tribunal can be disclosed without the consent of the parties in the following instances:
   (a) during a court action relating to the arbitration proceedings to the court, including in proceedings for the annulment or recognition of a decision or for the recognition of a decision as enforceable;

(b) to the financial or legal advisers of the parties;
(c) after this fact has already been disclosed publicly;
(d) the obligation to divulge this fact is stipulated in a legislative act.

(4) The Court of Arbitration may divulge facts related to the arbitration proceedings and the decision of the arbitral tribunal with a decision of the Council and without the consent of the parties in the following instances:
(a) to a trustee when a trustee in bankruptcy requests it during the bankruptcy proceedings of a party;
(b) the obligation to divulge this fact is stipulated in a legislative act.

(5) The Court of Arbitration is entitled to disclose excerpts and/or summaries of the decision of an arbitral tribunal, provided that the names of the parties and the circumstances that would allow for their identification or the identification of the dispute have been removed from the text.

§ 6 Forwarding notices

(1) The Court of Arbitration, the arbitral tribunal, and the parties forward all documents of the proceedings, orders and decisions of the arbitral tribunal, and other manifestations of intention and notices (hereinafter **notice** or **notices**) through electronic means of communication or on paper and ensure that the notice and the time of sending it can be reproduced in writing.

(2) A notice is considered received when the recipient of the notice has been informed of it personally. A notice to a person who is not present is considered delivered when it has arrived at the place of residence or location of the recipient or the place of business of the recipient who is involved in the performance of the contract that is most closely related to the dispute and the recipient has had reasonable opportunity to review it.

(3) When the place of business, residence, or location of a party or a person who is authorised to accept a notice is unknown, the notice is considered delivered on the day when the party or person authorised to receive the notice would have received it in the event of a normal delivery by registered mail or another means of proof of arrival at the last known address.

(4) If a party has disclosed their email address during the arbitration proceedings, in the commercial register, or in another similar register, all notices are sent to the disclosed email address and are considered received when three days from sending the notice have passed.

(5) Where technically possible, the parties prefer to sign procedural documents digitally or by other similar means, ensuring the reliable identification of the person.

(6) If the parties have a contractual representative, sending a notice to the contractual representative is sufficient. A request for the initiation of arbitration proceedings or, in its absence, a statement of claim is forwarded to the parties, except when a party requests that it would be sent to a contractual representative in a format which can be reproduced in writing.

(7) After handing the case materials over to the arbitral tribunal, the parties send all notices to the arbitrators and simultaneously to all other parties and the Court of Arbitration. The arbitral tribunal has a right to update the procedure for forwarding notices.

(8) The arbitral tribunal sends all notices, including orders, simultaneously to all parties and the Court of Arbitration.

(9) If the notices are submitted only on paper, then the necessary number of copies is added to the notices to be distributed to arbitrators, the parties, and the Court of Arbitration.

§ 7 Calculation of time limits

(1) Time limits are calculated from the day following the calendar day when the parties received a notice regarding setting a time limit or the arrival of an event that determines the start of the calculation of a time limit.

(2) Presumably, time limits are determined based on a period that can be counted in days, and in that case, the due date will be on the last day of the period. When deciding a time limit, a period from midnight to midnight at the place of arbitration proceedings is considered a day.

(3) National holidays and weekends are also taken into account when calculating a time limit. Where the due date for the manifestation of intention or the fulfilment of an obligation falls on a national holiday or another holiday in the place of the arbitration proceedings, the due date is considered to be on the first working day after the holiday.

(4) The arbitral tribunal has a right to update the procedure for the calculation of time limits.

(5) The party setting a time limit has a right to extend or change the time limit, ensuring that the parties are treated equally and have an opportunity to express their positions.

§ 8 Limited liability

The Estonian Chamber of Commerce and Industry and its staff, the Court of Arbitration, Council members, the arbitral tribunal (arbitrators), and the secretaries of the arbitral tribunal are not liable for actions or omissions related to the arbitration proceedings, including the decisions of the arbitral tribunal, except when this limited liability is not permissible pursuant to applicable law.

§ 9 Storage of case materials

(1) The arbitral tribunal undertakes to ensure that all case materials are sent to the Court of Arbitration (statements of the parties, orders of the arbitral tribunal, Council decisions, important correspondence, decisions of the arbitral tribunal) within 10 days from the formalisation of a decision of the arbitral tribunal or an order to terminate the proceedings at the latest.

(2) The Court of Arbitration stores case materials for 10 years from the end of the arbitration proceedings and the decisions of the arbitral tribunal indefinitely. Where possible, case materials are stored electronically.

II INITIATION OF ARBITRATION PROCEEDINGS

§ 10 Application to initiate arbitration proceedings

(1) To initiate arbitration proceedings, an application to initiate arbitration proceedings must be submitted to the Court of Arbitration.

(2) The application to initiate arbitration proceedings contains the following:

(a) the name, registry code, or personal identification code (in its absence, date of birth) of the claimant;

(b) the name, registry code, or personal identification code (in its absence, date of birth) of the defendant;

(c) the contact details of the parties (address, email address, phone number, details of the representative);

(d) evidence that the dispute falls within the jurisdiction of the Court of Arbitration;

(e) a short description of factual circumstances;

(f) initial claim of the claimant, and if possible, its monetary value;

(g) where the claims of the claimant are subject to more than one arbitration agreement, a reference to which arbitration agreements form the basis for each claim;
(h) proposal of the claimant regarding the language, place, and applicable substantive law of the arbitration proceedings (taking into account the arbitration agreement);
(i) the proposal of the claimant regarding the formation of the arbitral tribunal (taking into account the arbitration agreement);
(j) where the arbitration agreement requires three arbitrators and the parties have not agreed otherwise, the name and contact details of the arbitrator selected by the claimant;
(k) proof of payment of the registration fee;
(l) if the claimant participates in the proceedings through a contractual representative, then a document proving the authorisation of the representative is added to the application to initiate arbitration proceedings; thereat, the members of Estonian Bar Association are presumed to have the right of representation.

(3) If the parties are legal persons who are registered in a public register, a copy of the registry entry, an extract from the register, or a certificate of registration is included with the application for the initiation of arbitration proceedings, except if there is free access to the information in the registry in Estonia through a European commercial register. Other proof of existence and legal capacity is submitted for other legal persons.

(4) An application to initiate arbitration proceedings must be submitted in the procedural language agreed upon in the arbitration agreement or, in its absence, in the agreed language of the arbitral tribunal or the language of the location of the arbitral tribunal.

(5) Instead of an application to initiate arbitration proceedings, a statement of claim in compliance with section 36 of the Rules may be submitted. Upon the submission of an application for interim relief through the Court of Arbitration, a statement of claim must be submitted instead of an application for the initiation of arbitration proceedings.

(6) If the application is submitted on paper or the application must be delivered to the other party on paper, the Court of Arbitration may require the party to include the necessary number of copies for the other party.

§ 11 Registration fee

(1) A registration fee in the amount stated in the guidelines of the Rules is paid to initiate an arbitration proceeding.

(2) If the claimant has not paid the registration fee when submitting an application to initiate arbitration proceedings, the Court of Arbitration sets an additional term to the claimant for paying the registration fee. If the claimant fails to pay the registration fee by the extended term, the Court of Arbitration will not review the application to initiate arbitration proceedings and will terminate the proceedings.

§ 12 Initiation of arbitration proceedings

Arbitration proceedings commence and the claim is deemed to have been filed on the date when the application to initiate arbitration proceedings or a statement of claim is received by the Court of Arbitration.

§ 13 The response of the defendant to the application to initiate arbitration proceedings

(1) After receiving an application to initiate arbitration proceedings and the registration fee, the Court of Arbitration sends the application to initiate arbitration proceedings to the defendant and sets a time limit for submitting a response to decide whether to accept the case.

(2) The response of the defendant to the application to initiate arbitration proceedings must include the following information:
   (a) possible objections to the validity of the arbitration agreement and whether the dispute falls within the jurisdiction of the Court of Arbitration (competency of the Court of Arbitration);
   (b) the name, registry code, or personal identification code (in its absence, date of birth) of the defendant;
   (c) contact details of the defendant (address, email address, phone number, details of the representative);
   (d) a short description of the facts of the dispute;
   (e) initial opinion on the claims of the claimant;
   (f) proposal of the defendant regarding the language, location, and applicable substantive law of the arbitration proceedings (taking into account the arbitration agreement);
   (g) proposal of the defendant regarding the composition of the arbitral tribunal (taking into account the arbitration agreement);
   (h) if the arbitration agreement requires three arbitrators and the parties have not agreed otherwise, the name and contact details of the arbitrator named by the defendant;
   (i) information about a potential intention to submit a counterclaim (information listed in subsection 10 (2) of the Rules).

(3) The response of the defendant to the application to initiate arbitration proceedings must be submitted in the language stipulated in the arbitration agreement or, in its absence, in the language of the arbitration agreement or the language of the location of the arbitration proceedings.

(4) The failure of the defendant to respond to the application to initiate arbitration proceedings does not prevent the proceedings from continuing.

(5) The Court of Arbitration sends the response of the defendant to the claimant, and in the case of a counterclaim, sets a time limit to the claimant to respond to the intention to submit a counterclaim with their opinion containing information stipulated in subsection 13 (2).

§ 14 Disputes with several claimants or defendants; allowing an additional party to join the proceedings

(1) Several claimants can file a claim against a single defendant, one claimant against several defendants, or several claimants against several defendants. In this case, the Rules applicable to the claimant or defendant in accordance with this document are applied to the claimants or defendants, respectively.

(2) After an application to initiate arbitration proceedings is submitted but before the materials of the case are sent to the arbitral tribunal, a party may request that the Council permit one or several additional claimants or defendants to join the arbitration proceedings.

(3) After the materials are forwarded to the arbitral tribunal, a party may request that the Council allow one or several claimants or defendants to join the arbitration proceedings if all parties and the person to be added to the proceedings agree to this.

(4) Arbitration proceedings are considered initiated regarding the person who is allowed to join arbitration proceedings from the time that the application to allow them to join is submitted to the Court of Arbitration.

(5) An application to allow another party to join the proceedings must contain the following information:
   (a) the number of the ongoing arbitration proceedings;

(b) names, registry codes, and personal identification codes (in the absence of the latter, dates of birth) of the parties, including the party requesting permission to join the proceedings;
(c) contact details of the parties, including the party requesting permission to join the proceedings (address, email address, phone number, details of the representatives);
(d) reference to the arbitration agreement or agreements and, where possible, their copies, based on which the case is being resolved;
(e) reference to the contract and the legal relationship based on which or due to which another claimant or defendant is allowed to join the proceedings;
(f) description of circumstances based on which another party should be allowed to join the proceedings;
(g) initial claim against the party who is allowed to join the proceedings and, if possible, its monetary value;
(h) proof of payment of the registration fee.

(6) An application to be allowed to join the proceedings must be submitted in the language of proceedings established in the arbitration agreement or, in its absence, in the language of the arbitration agreement or the location of arbitration proceedings.

(7) When submitting an application to join the proceedings, a registration fee is paid in the amount stipulated in the guidelines of these Rules. If the registration fee is not paid upon submitting an application to join the proceedings, the Court of Arbitration sets an additional time limit to the applicant for paying the registration fee. If the party who submitted an application to join the proceedings does not pay the registration fee by the extended term, the Court of Arbitration will not review the application to be allowed to join the proceedings.

(8) After the registration fee is collected by the Court, the Court of Arbitration forwards the application to join the proceedings to the party who is going to be allowed to join as well as to other parties, who will, in turn, submit their opinion on the application by the term set by the Council.

(9) The response to the application to join the proceedings must include the following information:
(a) name, registry code or personal identification code (in the absence of the latter, date of birth) of the person who is allowed to join the proceedings;
(b) contact details of the person who is allowed to join the proceedings (address, email address, phone number, details of the representative);
(c) opinion regarding the validity of the arbitration agreement, whether the dispute falls within the jurisdiction of the Court of Arbitration, and the formation of the arbitral tribunal;
(d) a short description of the facts of the dispute;
(e) initial opinion regarding the claims against them;
(f) in case of a possible counterclaim against the other party, information listed in subsection 10 (2) of the Rules.

(10) The Court of Arbitration forwards the opinions regarding the application to join the proceedings along with the annexes to the parties and to the person who wants to join the proceedings. The Council may set a term for the submission of an additional opinion regarding the opinions.

(11) When reviewing the application to join the proceedings, the Council considers the opinions of the parties and the arbitrators, the identities of the parties, the compatibility of the arbitration agreements, the connection between the arbitration proceedings, the general rules of proceedings (section 29 of the Rules), and other similar circumstances.

(12) If the Council decides to grant the request to join the proceedings, the Council may revoke the decision to approve the arbitral tribunal and form a new arbitral tribunal pursuant to section 21 of the Rules.
(13) If the Council decides to grant the request to join the proceedings, the Council will review the amount and distribution of the arbitration fee, taking into account the arbitration fee already paid by the parties.

§ 15 Arbitration proceedings based on several contracts and agreements

(1) Claims submitted based on several contracts or agreements may be submitted to a single arbitration proceeding regardless of whether these claims are subject to one or several arbitration agreements that stipulate the settlement of disputes in a Court of Arbitration.
(2) The Council may refuse to process these during a single arbitration proceeding if:
   (a) the arbitration agreements on which the claims are based are not compatible pursuant to the Rules in the opinion of the Council;
   (b) the parties do not agree to submit the claims to a single arbitration proceeding;
   (c) in light of all of the circumstances, including the general rules of the procedure (section 29 of the Rules), the submission of the claims to a single arbitration proceeding is not possible or justified.

§ 16 Joining arbitration proceedings

(1) Upon the request of the parties and should one of the following circumstances be present, the Council may decide to join one or several new arbitration proceedings with one or several ongoing arbitration proceedings if:
   (a) the parties agree to joining the proceedings;
   (b) the claims are submitted based on the same arbitration agreement;
   (c) the claims are submitted based on more than one arbitration agreement, but the claim of the claimant is based on the same transaction or series of transactions or the same legal relationship in some other way and, in the opinion of the Council, the arbitration agreements are compatible.
(2) When deciding to join several arbitration proceedings, the Council takes into account the opinions of the parties and the arbitral tribunal, the identities of the parties, the extent to which the proceedings are interrelated, the state of the ongoing proceedings, the general rules of procedure (section 29 of the Rules), and other similar circumstances.
(3) If the Council decides to join several arbitration proceedings into a single arbitration proceeding, the Council may revoke the decision to approve the composition of the arbitral tribunal and form an arbitral tribunal pursuant to section 21 of the Rules.
(4) If the Council decides to join the proceedings into a single arbitration proceeding, the Council will review the amount and distribution of the arbitration fee, taking into account the arbitration fee already paid by the parties.
(5) The proceedings are joined to the arbitration proceeding that was initiated first.

§ 17 Initial decision of the Council about a dispute falling under the jurisdiction of the Court of Arbitration; determining the arbitration fee

(1) After the submission of the initial response of the defendant (in case of a counterclaim, the initial response of the claimant to the counterclaim), the Council makes an initial (*prima facie*) decision about the dispute falling under the jurisdiction of the Court of Arbitration. The initial decision of the Council regarding the jurisdiction of the Court of Arbitration (including allowing arbitration proceedings based on several agreements with more than two parties) is not binding on the arbitral tribunal.

(2) If the Council decides that a dispute falls under the jurisdiction of the Court of Arbitration, the Council decides the amount of the arbitration fee in accordance with the guidelines of these Rules and sets a term to the parties for the payment of the arbitration fee.
(3) If a dispute does not fall under the jurisdiction of the Court of Arbitration, the Council will not review the application to initiate arbitration proceedings or the claim (or an application to submit a counterclaim) and will terminate the proceedings.
(4) The Council is entitled to require that a party submit additional explanations regarding their written opinion by the term set by the Council. If the claimant (or in case of a counterclaim, the defendant) refuses to give additional explanations, the Council may refuse to review the (counter)claim and terminate the proceedings. The defendant (in case of a counterclaim, the claimant) refusing to give additional explanations does not prevent the arbitration proceedings from continuing.
(5) Upon a request of the parties, the Council decides the possible joining of arbitration proceedings and allowing new parties to join the proceedings.

§ 18 Dismissal of an action

The Council will dismiss an action and terminate the proceedings if:
(a) the dispute does not fall under the jurisdiction of the Court of Arbitration;
(b) the claimant withdraws the action before it is transferred to an arbitral tribunal;
(c) the parties fail to pay the arbitration fee by the term set by the Court of Arbitration.

§ 19 Granting interim relief before the formation of an arbitral tribunal

(1) A party applying for granting interim relief may submit an application to the Council to forward a petition for granting interim relief to a court up to the time of the formation of the arbitral tribunal.
(2) The Council assesses the petition for granting interim relief and may submit the petition of a party to a court together with the decision of the Council, to which copies of the statement of claim and evidence annexed thereto are attached. The Council forwards to the court a petition for granting interim relief only if the party has paid the registration fee and 50% of the arbitration fee.
(3) If the Council terminates the proceedings before transferring the case to the arbitral tribunal, the Council will forward a decision to that effect to the court and attaches the petition for granting interim relief to it.
(4) The parties are entitled to submit a petition for granting interim relief directly to a court; this will not be considered a violation of the arbitration agreement.

III FORMATION OF THE ARBITRAL TRIBUNAL

§ 20 Number of arbitrators; procedure for the formation of the arbitral tribunal

(1) The parties may agree on the number of arbitrators (must be an odd number) and the procedure for the formation of the arbitral tribunal.
(2) If the arbitration agreement does not require an odd number of arbitrators or the agreement affords an economic or other advantage to one party when forming an arbitral tribunal which would significantly impair other parties, the Council may refuse to form an arbitral tribunal in the manner agreed by the parties. In this case, section 21 of the Rules applies.
(3) If the parties have not agreed on the number of arbitrators or the process of forming an arbitral tribunal, the Council decides the number of arbitrators (one or three) as well as the procedure for forming an arbitral tribunal, taking into account the amount of the claim,

the complexity of the case, the propositions of the parties, and other important circumstances.

(4) If, pursuant to the arbitration agreement, one arbitrator resolves a dispute, the parties may select the arbitrator together by a term set by the Council. If the parties fail to appoint an arbitrator by the term set by the Council, the Council will appoint an arbitrator.

(5) If the arbitration agreement stipulates that three arbitrators resolve a dispute:
   (a) the claimant will select one arbitrator by the term set by the Council;
   (b) the defendant will select one arbitrator by the term set by the Council;
   (c) if either the claimant or the defendant fails to select an arbitrator by the term set by the Council, the Council will appoint one on their behalf;
   (d) the arbitrators selected by the parties or appointed by the Council will jointly elect a presiding arbitrator by the term set by the Council or the parties will elect a presiding arbitrator or the Council will appoint a presiding arbitrator, depending on the arbitration agreement;
   (e) if the arbitrators selected by the parties or appointed by the Council have not jointly elected a presiding arbitrator by the term set by the Council, the Council will appoint one for them.

§ 21 Formation of an arbitral tribunal in the case of proceedings with several claimants or defendants

(1) In case of a proceeding involving several claimants or defendants, an arbitral tribunal consisting of a single arbitrator is formed in the following manner:
   (a) the claimant(s) and defendant(s) may select an arbitrator jointly by the term set by the Council;
   (b) if an additional claimant or defendant is allowed to join the proceedings pursuant to section 14 of the Rules, they may propose to select an arbitrator with the other respective party;
   (c) if the claimant(s) and defendant(s) have failed to select an arbitrator jointly by a term set by the Council, the Council will appoint an arbitrator.

(2) In the case of a proceeding involving several claimants or defendants, an arbitral tribunal consisting of three arbitrators is formed in the following manner:
   (a) the claimant (claimants jointly) select(s) one arbitrator by the term set by the Council;
   (b) the defendant (defendants jointly) select(s) one arbitrator by the term set by the Council;
   (c) if another party is allowed to join the proceedings pursuant to section 14 of the Rules, they may select an arbitrator with the claimant(s) or defendant(s) respectively;
   (d) after the claimant(s) and defendant(s) have selected arbitrators pursuant to this section, the arbitrators selected by the parties or the parties themselves will jointly select a presiding arbitrator by the term set by the Council or the Council will appoint a presiding arbitrator, depending on the arbitration agreement;
   (e) if the arbitrators selected by the parties have failed to elect a presiding arbitrator by the term set by the Council, the Council will appoint the presiding arbitrator.
   (f) If the claimant(s) or the defendant(s) have failed to select the arbitrator by the term set by the Council, the Council may at its discretion: (i) appoint an arbitrator on behalf of the claimant(s) or the defendant(s) and appoint a presiding arbitrator; or (ii) revoke all appointed arbitrators and appoint all three arbitrators.

§ 22 Consent, independence, and impartiality of an arbitrator

(1) In order to appoint an arbitrator, the consent of a potential arbitrator must be obtained first. The person who is asked to be an arbitrator is obligated to inform the party proposing this of all circumstances which could be the reason for a motion for recusal.

(2) The potential arbitrator must sign a declaration of independence and impartiality by the term set by the Council, where they disclose all circumstances which could cast doubt on their impartiality or independence or constitute other grounds for recusal. The Court of Arbitration forwards the declaration to the parties immediately.

(3) The arbitrator is obligated to inform the parties of any circumstances which may cast doubt on their impartiality or independence or constitute other grounds for recusal from the time of the appointment until the end of the arbitration proceedings without delay.

§ 23 Approval of the arbitrators

(1) The Council approves the composition of the arbitral tribunal.

(2) The arbitrators will assume the rights and duties of arbitrators stipulated in the Rules, including the authorisation to resolve the dispute and the right to ask for a fee for the performance of their duties, when the Council appoints them as arbitrators.

(3) The Council decides to appoint the arbitrators by considering all known circumstances, primarily the requirements to the independence and impartiality of the arbitrators and to their suitability for resolving the dispute. The Council does not have to justify the decision to not approve an arbitrator.

(4) If a potential arbitrator does not return the impartiality declaration by the term set by the Council, the Council is entitled to, at its own discretion: (a) extend the term set to the arbitrator for submitting a declaration; (b) extend the term for appointing a new arbitrator for the party that appointed the arbitrator in question; or (b) under exceptional circumstances, to not approve the arbitrator and appoint the missing arbitrator.

(5) If the party has submitted a candidate for the position of an arbitrator for approval twice and the Council has not approved them, the Council is entitled to appoint the missing arbitrator.

§ 24 List of arbitrators

The Council approves and publishes a list of arbitrators on the website of the Court of Arbitration. The parties are entitled to select an arbitrator who is not included in the list of arbitrators.

§ 25 Recusal of an arbitrator

(1) If the parties have doubts about the independence or impartiality of an arbitrator or if the agreed terms and conditions of the parties are not fulfilled in the case of an arbitrator, the party is entitled to submit a written motion to the Council and the arbitral tribunal for the recusal of an arbitrator until a decision is made regarding the dispute, stating the time when the party learned of the grounds for recusal. A party may apply for the recusal of an arbitrator appointed by them if they learned of the grounds for recusal after appointing the arbitrator.

(2) If the Council receives information outside the proceedings that casts doubt on the independence or impartiality of an arbitrator, the Council may forward this information to the parties.

(3) A motion for the recusal of an arbitrator must be submitted immediately, but no later than within 15 days from learning of circumstances that constitute grounds for recusal. If the motion is not filed on time or if a party has submitted a procedural document to the arbitral tribunal or participated in a hearing of the arbitral tribunal without submitting a motion

for a recusal, the party will lose the right to apply for the recusal of an arbitrator based on this circumstance.

(4) Upon receiving a motion for the recusal of an arbitrator, the Council will give the other party and the arbitrator a term of seven days for submitting their opinion.

(5) The Council will decide on the recusal of an arbitrator within seven days from the term that was set to the other party and the arbitrator for submitting their opinions regarding the motion for a recusal.

(6) The arbitral tribunal may suspend the proceedings until the Council decides on the motion for a recusal.

§ 26 Release of an arbitrator

(1) The Council releases an arbitrator after asking for the opinion of the other arbitrators and parties if:

(a) the arbitrator submits an application for resignation due to a valid reason;

(b) one party has applied for the recusal of an arbitrator pursuant to the Rules and the other party agrees to the recusal of the arbitrator;

(c) the Council grants the motion of the party for a recusal of an arbitrator;

(d) the parties apply for the recusal of an arbitrator together;

(e) an arbitrator cannot or does not perform their duties pursuant to the Rules or within a reasonable time limit.

§ 27 Replacement of an arbitrator

(1) A released or a deceased arbitrator is replaced by a new arbitrator. Unless the parties agree otherwise, a new arbitrator is selected pursuant to the same requirements that were followed when appointing the arbitrator who is going to be replaced.

(2) Taking into account the state of the proceedings (primarily after the last hearing) and the opinions of the arbitrators and the parties, the Council may, as an exception, decide to not replace a released or a deceased arbitrator and allow the arbitral tribunal to conclude the proceedings in a reduced composition.

(3) After the replacement, the arbitral tribunal decides which parts of the procedure for the resolution of the dispute must be repeated by hearing the opinions of the parties.

IV CONDUCT OF ARBITRATION PROCEEDINGS

§ 28 Submitting the materials of the case to the arbitral tribunal

After the formation of the arbitral tribunal and the full payment of the arbitration fee required by the Council, the Council transfers the materials of the case (all applications and motions of the parties, Council decisions, declarations of the independence and impartiality of the arbitrators, information on the payment of registration and arbitration fees, information about securing the claim, etc.) to the arbitral tribunal.

§ 29 General rules of procedure

(1) The arbitral tribunal conducts arbitration proceedings independently, impartially, efficiently, and according to its best judgement, taking into account the agreements between the parties, the Rules, and the law applicable to arbitration proceedings (*lex arbitri*). The parties or the arbitrators do not have the right to agree on procedural rules that differ from these Rules.

(2) The parties must be treated equally during the arbitration proceedings and both parties must be given an opportunity to express their opinions.

(3) The parties must follow the principle of good faith in regard to each other. Procedural rights must not be abused.

§ 30 Secretary of the arbitral tribunal

(1) If the parties agree thereto, the arbitral tribunal may appoint a technical secretary for the tribunal if necessary. Before appointing a secretary, the arbitral tribunal must get the approval of the parties for the responsibilities and the person of the secretary.
(2) The arbitral tribunal must ensure the independence and impartiality of the secretary of the arbitral tribunal. Before the appointment, the secretary must sign a declaration of independence and impartiality, where they undertake to disclose any and all circumstances that could cast doubt on their independence and impartiality. The arbitral tribunal will forward the declaration to the Court of Arbitration without delay.
(3) A party may request that the secretary be released following the same procedure as the motion to recuse an arbitrator. The release of the secretary does not suspend the arbitration proceedings.
(4) The possible fee for the secretary of the arbitral tribunal is covered by the fee for the arbitrators.

§ 31 Location of the arbitration proceedings

(1) The parties may agree on a location for the arbitration proceedings. In the absence of an agreement, Estonia will be considered the location of the arbitration proceedings.
(2) After consulting the parties, the arbitral tribunal may convene for hearing the witnesses, experts, or parties or reviewing the cases or documents where they see fit, including through electronic means of communication, unless the parties have agreed otherwise.
(3) The arbitrators of the arbitral tribunal may convene for discussions where they see fit, including through electronic means of communication.
(4) A decision of the arbitral tribunal is considered to be made in the location of the arbitration proceedings.

§ 32 Language of the arbitration proceedings

(1) The parties may agree on the language of arbitration proceedings. In the absence of an agreement, the arbitral tribunal will decide the language of the proceedings by taking into consideration all circumstances and the opinions of the parties.
(2) The arbitral tribunal may require that the documents submitted to the proceedings would be translated into the language of the proceedings, including if one or several arbitrators are not fluent enough in the foreign language to understand the content of the documents.

§ 33 Applicable substantive law

(1) In resolving the dispute, the arbitral tribunal applies the legislation the application of which was agreed upon by the parties. Where reference is made to the law of a state, it is presumed that the agreement does not extend to the state's conflict of laws rules unless the parties have expressly agreed otherwise.
(2) Where the parties have not agreed on the applicable law and such law has not been provided for by law either, the arbitral tribunal applies Estonian law or the laws that it considers justified in light of the circumstances and the opinions of the parties.
(3) The arbitral tribunal may resolve the dispute under the principle of equity if the parties have expressly agreed thereon. The agreement may be concluded until the tribunal has made its decision. When resolving the dispute under the principle of equity, the tribunal may not derogate from the imperative provisions of the law of the relevant state that

would be applied if the dispute were resolved without the agreement on the application of the principle of equity.

(4) When resolving the dispute, the arbitral tribunal takes account of the terms and conditions of the contract and of relevant customary practices insofar as this is possible under the legislative instrument that is to be applied.

§ 34 Jurisdiction of the arbitral tribunal in granting interim relief

(1) Unless the parties have agreed otherwise, the arbitral tribunal may grant interim relief on a party's application with measures that the arbitral tribunal considers suitable for granting interim relief.

(2) The arbitral tribunal may not impose measures of interim relief that restrict personal freedoms.

(3) The arbitral tribunal may require that the party requesting interim relief provide a reasonable security in relation to interim relief, which is paid to the bank account of the Estonian Chamber of Commerce and Industry.

(4) The arbitral tribunal sends the decision regarding interim relief to the party that applied for the relief. The party is entitled to turn to a court with an application to allow for the enforcement of the decision to grant interim relief.

(5) Where it comes to light that interim relief in arbitration proceedings was not justified, the party that applied for the relief must compensate the opposing party for the harm caused to that party as a result of the granting of relief or of providing a security to avoid the application of relief measures.

(6) The security paid by the party that requested interim relief is returned if the other party has not submitted a claim for the compensation for damages within two months from the time when:

(a) a judicial disposition that denied or dismissed the court claim in relation to which interim relief was granted enters into effect, or proceedings in the case are terminated on any other grounds except by virtue of approving a compromise between the principal parties; or

(b) it comes to light that interim relief had not been sought or no grounds for such relief were present at the time when it was granted.

§ 35 Hearing with distance participation and the organisation of the arbitral tribunal

(1) Within no more than 14 days from receiving the materials of the case from the Council and if necessary, the arbitral tribunal arranges a hearing with distance participation with the parties to determine the opinion of the parties regarding the conduct of the arbitration proceedings (primarily the location, language, schedule, exact procedure for forwarding notices, the format of hearings, potential counterclaim, possible issues related to data protection and cyber security of the arbitration proceedings, and the manner of signing orders and decisions of the arbitral tribunal).

(2) A hearing with distance participation is conducted as a meeting or through suitable means of communication. The arbitral tribunal decides the manner of conducting a hearing with distance participation after consulting the parties.

(3) Within 21 days at the latest from receiving the materials of the case from the Council, the arbitral tribunal issues an order which, among all else, approves the schedule of the arbitral proceedings and sets time limits for submitting evidence, applications, motions, and opinions.

(4) The arbitral tribunal may issue an order of the tribunal in any procedural issue, which the arbitral tribunal immediately forwards to the parties and the Court of Arbitration.

(5) The arbitral tribunal may conduct additional hearings with distance participation to specify procedural issues by issuing an order to correct the schedule if necessary.
(6) Upon a request of the parties or on its own initiative, the arbitral tribunal may change the approved schedule if it is necessary for the purposeful conduct of the arbitration proceedings in the opinion of the tribunal and when considering the general rules of procedure (section 29 of the Rules).
(7) If the arbitration proceedings deviate significantly from the approved schedule (a procedural operation is delayed for more than 14 days), the arbitral tribunal is obligated to notify the Court of Arbitration of this fact in a format which can be reproduced in writing and explain the reasons for the delay.

§ 36 Statement of claim

The claimant must submit a statement of claim by the term set by the arbitral tribunal where they disclose:

(a) the relief sought by the claimant and the value of the claim;
(b) the circumstances on which the claim is based and the evidence to prove those circumstances that the claimant is producing or intends to produce;
(c) legal grounds of the relief sought by the claimant;
(d) opinion of the claimant regarding the necessity to hold a hearing;
(e) if the claimant submits a statement of claim instead of an application to initiate proceedings, then the information listed in section (1) of the Rules.

§ 37 Response and counterclaim of the defendant

(1) By the term set by the arbitral tribunal, the defendant must submit a response to the statement of claim, where they state:
   (a) their opinion on the dispute falling under the jurisdiction of the Court of Arbitration, if the defendant has not submitted it before;
   (b) their opinion regarding the relief sought by the claimant (whether the defendant accepts the claim and to what extent);
   (c) the circumstances on which the objections of the defendant are based and evidence proving the circumstances which the defendant submits or is planning to submit;
   (d) legal grounds of the objections of the defendant;
   (e) if the defendant would like to submit a counterclaim later, then the justification for submitting a counterclaim at a later date;
   (f) opinion of the defendant regarding the necessity to hold a hearing.
(2) If the defendant would like to submit a counterclaim, then the information listed in section 10 of the Rules must be submitted regarding the counterclaim along with the response to the claim. A counterclaim may be submitted later with good reason and with the permission of the arbitral tribunal.
(3) If the arbitral tribunal believes that the counterclaim can be resolved along with the claim, the arbitral tribunal undertakes to notify the Council of the submission of the counterclaim and to request for an additional arbitration fee to be imposed pursuant to the procedure stipulated by the Rules. The arbitral tribunal will not review a counterclaim and will terminate processing the counterclaim if the arbitration fee has not been paid by the due date set by the Council.
(4) The defendant failing to submit a response does not prevent the proceedings from continuing.

§ 38 Additional opinions; updates to the schedule

(1) After the submission of a statement of claim, response from the defendant, and a possible counterclaim, the arbitral tribunal specifies the need to change/update the schedule with the parties if necessary. If a counterclaim is submitted, the fact that an arbitration fee imposed by the Council must be paid for the processing of the counterclaim is taken into consideration during the proceedings.

(2) The parties may amend and/or update their claim, response, or counterclaim until the term set by the arbitral tribunal, but on the condition that the amended claim/counterclaim does not exceed the limits of the arbitration agreement.

(3) The arbitral tribunal may set a time limit for the submission of final opinions after consulting the parties, after which only applications and motions regarding the organisation of the proceedings may be submitted. For a good reason, the arbitral tribunal may accept other applications or motions of the parties after the aforementioned term.

§ 39 Evidence

(1) During the arbitration proceedings, any information can be used as evidence, on the basis of which the arbitration tribunal ascertains the circumstances or lack of circumstances that substantiate the claims and objections of the parties as well as other circumstances relevant to the correct adjudication of the matter. The admissibility, relevance, and weight of the evidence is decided by the arbitral tribunal.

(2) Unless the parties have agreed otherwise, both parties must prove the facts on which the claims and objections of the party are based. The parties may agree a division of the burden of evidence that is different from what has been provided by law, as well as agree on the items of evidence that may be used to prove a certain fact.

(3) Evidence does not need to be provided of a circumstance of which the tribunal finds it can take judicial notice. Circumstances that the tribunal may so find are those regarding which reliable information is available from sources external to the proceedings.

(4) An assertion made by a party concerning a fact does not need to be proved if the opposing party admits it. Admission means unconditional and express acceptance of the factual assertion by means of a written representation addressed to the tribunal, or by a representation made at the hearing, where such acceptance is noted in the record of proceedings.

(5) The arbitral tribunal has the right to require:

(a) a party to specify the evidence that it offers in support of their claim as well as the items of evidence it uses to prove those facts;

(b) necessary evidence from a party for the resolution of the dispute upon a request of the parties or, as an exception, on its own initiative.

§ 40 Expert appointed by the arbitral tribunal

(1) Upon a request of the parties or on its own initiative after consulting the parties, the arbitral tribunal may appoint one or several experts to submit their expert opinion regarding issues formulated by the arbitral tribunal, unless otherwise agreed by the parties. The arbitral tribunal may require a party to provide relevant information to the expert and documents or items necessary for the expert assessment.

(2) The arbitral tribunal immediately forwards the written opinion of the expert to all parties and sets a term for submitting their opinions regarding the expert opinion. The parties are entitled to review all documents that form the basis of the expert opinion.

(3) On a motion of a party or where required by the arbitral tribunal, the expert who provided the expert opinion must participate in the hearing unless the parties have agreed

otherwise. At the hearing, the parties may ask questions from the expert and allow their own expert to submit their opinion regarding the disputed issue.

(4) An expert appointed by the arbitral tribunal must be independent and impartial in relation to the parties, their representatives, and the arbitral tribunal. An expert may be recused following the same procedure as for the recusal of an arbitrator. The release of an expert does not suspend the arbitration proceedings.

§ 41 Taking of evidence

(1) Upon a request of the parties or on its own initiative after consulting the parties, the arbitral tribunal may invite a witness to the hearing or conduct an inspection, unless agreed otherwise by the parties.

(2) A party must ensure that the witness attends the hearing. A witness failing to attend a hearing does not prevent the proceedings from continuing.

(3) The arbitral tribunal may obligate a party to allow to hold an inspection.

§ 42 Assistance of the court

Where the arbitral tribunal does not have jurisdiction to perform an evidentiary or other judicial operation, the tribunal or, with the tribunal's consent, the party may petition the court for assistance.

§ 43 Hearing before the arbitral tribunal

(1) The arbitral tribunal arranges a hearing upon a request of the parties or on its own initiative if necessary.

(2) The arbitral tribunal, taking into account the opinion of the parties, sets a schedule for the discussion of the matter, where it states the location and manner of the hearing as well as the preliminary agenda of the hearing and notifies the parties thereof in good time.

(3) Arbitrators, parties, and their representatives may participate in the hearing. The arbitral tribunal may allow the secretary of the arbitration proceedings, the person keeping a record of the hearing, and/or technical assistants to participate in the hearing. On a motion of the parties, the arbitral tribunal may allow an interpreter or another person to participate in the hearing. A person who is not related to the proceedings and who participates in the hearing must confirm in writing that they undertake to protect the confidentiality of any and all information related to the arbitration proceedings indefinitely.

(4) The absence of a party (including its representative) does not prevent the hearing from being held, unless the party has not been properly informed of the hearing taking place. The arbitral tribunal may postpone hearing the matter for other reasons.

(5) The arbitral tribunal, taking into account the opinions of the parties, may decide to hear the witnesses with the help of means of communication during a video conference.

(6) Record is kept of the hearing of the arbitral tribunal. The extent of the content of the record is decided by the arbitral tribunal. If the hearing is recorded, the recording is added to the record. The arbitrators sign the record.

§ 44 Written proceedings

(1) The arbitral tribunal is entitled to conduct written proceedings with the consent of the parties.

(2) The arbitral tribunal is entitled to decide on the jurisdiction of the arbitral tribunal by written proceedings without the consent of the parties.

§ 45 Consequences of a failure to perform an operation

(1) Where the defendant fails to respond, by the prescribed time, to a claim filed with the arbitral tribunal, the tribunal continues its proceedings. The absence of response from the defendant is not deemed an admittance of the claim.

(2) Where a party fails to appear at the hearing or fails to produce an item of documentary evidence by the prescribed time, the arbitral tribunal may continue the proceedings and make its decision based on the facts already established.

(3) Where the arbitral tribunal considers the failure to perform an operation to be sufficiently justified, the tribunal sets a new reasonable term for performing the operation to the party that failed to perform the operation.

§ 46 Reporting a violation

(1) In case of a violation of a requirement resulting from the agreement of the parties, an order of the arbitral tribunal, the Rules, and/or the laws applicable to the arbitration proceedings (*lex arbitri*), a party may not rely on the violation if they do not notify the arbitral tribunal or, in its absence, the Council without delay after it became or should have become known to them, but no later than during the first procedural operation following their learning of the violation.

(2) The Council is entitled to request explanations from the arbitral tribunal about the violation of requirements of these Rules during arbitration proceedings and to remind the arbitral tribunal that the latter is obligated to conduct the proceedings in accordance with the Rules.

§ 47 Suspension of proceedings

(1) The arbitral tribunal may issue an order to suspend the proceedings:
   (a) in case of a release of an arbitrator until selecting or appointing a new arbitrator;
   (b) in case of the death of a party for the period determined by the arbitral tribunal.

(2) Taking into account the opinion of the parties, the arbitral tribunal may suspend the arbitration proceedings in case of other circumstances that significantly interrupt the proceedings for the period determined by the arbitral tribunal. First and foremost, the submission of a motion to recuse an arbitrator is a valid reason.

§ 48 Completion of arbitration proceedings

(1) An arbitration proceeding is considered completed after the last arbitration hearing is held or the term for the submission of written opinions has passed (where this was agreed upon). After the completion of the proceedings, the parties do not have the right to submit additional claims, reasons, opinions, or evidence and the arbitral tribunal retires to consider its decision.

(2) In exceptional circumstances, the arbitral tribunal may reopen the proceedings upon a motion from a party or on its own initiative before passing a decision of the arbitral tribunal.

§ 49 Special rules of expedited proceedings

(1) Upon an agreement of the parties or based on an understanding in the arbitration agreement, the matter may be resolved by way of expedited proceedings, in which case the Rules apply along with special rules stipulated in this section.

(2) In case of expedited proceedings, the following aspects are regulated as follows:
   (a) the claimant only submits a statement of claim without submitting an application to initiate arbitration proceedings;

(b) the Council appoints an arbitrator or several arbitrators without asking for the opinion of the parties;
(c) the arbitral tribunal approves the schedule without asking for the opinion of the parties;
(d) in addition to the claim and the response of the defendant, both parties have the right to submit an additional procedural document (including one related to evidence) at most once within 14 days from the arbitral tribunal issuing an order to that effect;
(e) the dispute is resolved by way of written procedure;
(f) the decision consists of only the operative part, except in instances when a party applies for a descriptive part and a statement of reasons; a motion to that effect must be submitted with the last procedural document;
(g) the arbitral tribunal makes a decision within three months at the latest from the time that the case was transferred to the tribunal.

V DECISION OF THE ARBITRAL TRIBUNAL; TERMINATION OF THE PROCEEDINGS

§ 50 Time limit for the resolution of disputes

(1) The arbitral tribunal must resolve a dispute as fast as possible, but no later than within six months from the time that the materials of the case were transferred to the tribunal. The time limit of six months for the resolution of the dispute is suspended for the time that the arbitration proceedings are suspended.
(2) If a counterclaim is submitted in a case, then the calculation of the time limit for the resolution of the dispute is reset according to the time that the counterclaim was submitted to the tribunal.
(3) The decision of the arbitral tribunal must be made within 30 days at the latest from the conclusion of the arbitration proceedings (section 48 of the Rules).
(4) The Council may extend the time limits stipulated in subsections (1) and (3) of this section upon a justified request of the arbitral tribunal.

§ 51 Decisions and orders of the arbitral tribunal

(1) When several arbitrators participate in the proceedings, the decision or order is considered to be issued when the majority of the arbitrators vote in favour.
(2) If one of the arbitrators refuses to participate in issuing a decision or an order, the rest of the arbitrators may pass the decision or issue the order without them. The parties must be notified in advance of the intention to pass a decision or issue an order without the arbitrator who refused to participate.
(3) The presiding arbitrator may issue orders regarding individual procedural matters if other members of the tribunal have authorised them to do so.

§ 52 Format and delivery of a decision of the arbitral tribunal

(1) The decision of the arbitral tribunal is drawn up in writing in the language of the arbitration proceedings and signed by the arbitrators. When the parties agree, the decision may be signed digitally by a digital signature accepted in the agreed country if possible. A decision of the arbitral tribunal must be stamped with the seal of the Court of Arbitration unless the decision is signed digitally.

(2) Where the decision has been made by several arbitrators, the signatures of the majority of the arbitrators suffice, provided the reason why the other signatures are missing is stated.
(3) The dissenting opinion of the arbitrator whose view was shown by a vote to be the minority position is stated – where the dissenting arbitrator so wishes – after the signatures, and is signed by the arbitrator. When a decision of the arbitral tribunal is signed digitally, the minority position of a dissenting arbitrator is added to the decision and signed digitally.
(4) A decision of the arbitral tribunal must state the date it was made and the venue of the proceedings, the details of the parties, a summary of the proceedings, the claims of the parties, and the decision of the arbitral tribunal regarding the claims. The decision must distribute and determine the costs of the arbitration proceedings. A decision of the arbitral tribunal must be justified to a reasonable and necessary extent, unless the parties have agreed otherwise or the decision was made based on a compromise.
(5) The arbitral tribunal forwards the digitally signed decision of the tribunal to the party via email on the working day following the day of making the decision at the latest. The arbitral tribunal must complete (where necessary, through the Court of Arbitration) all operations for serving a paper copy of the decision of the tribunal to the parties on the working day following the day of making the decision at the latest.

§ 53 Compromise

(1) The parties are allowed to agree on a compromise.
(2) The arbitral tribunal terminates the proceedings when the parties reach a compromise. Based on a motion by the parties, the arbitral tribunal prepares the compromise in the agreed wording as a decision of the arbitral tribunal, unless the content of the compromise is contrary to public order or good morals. The parties will also sign the decision.

§ 54 Interim decision and partial decision

(1) If a party applies for a termination of the proceedings (including a dismissal of the claim) due to the Court of Arbitration not having jurisdiction, the arbitral tribunal must either: (i) pass an interim decision on the existence of jurisdiction; or (ii) pass a final decision regarding the termination of the proceedings due to the Court of Arbitration not having jurisdiction.
(2) Taking into account the opinion of the parties, the arbitral tribunal may pass separate decisions regarding separate matters under dispute, including:
    (a) if a party has invoked a limitation period, the arbitral tribunal may first resolve the objection to the limitation period, and then respectively pass: (i) an interim decision regarding the dismissal of the objection to the limitation period; or (ii) pass a final decision regarding granting the objection to the limitation period, dismissing the claim;
    (b) if proving the amount of the claim is extremely expensive or complicated in the case of a monetary claim, the arbitral tribunal may first determine whether the relief sought is justified without deciding the claim amount, and respectively pass: (i) an interim decision on the justification for the relief that is sought; or (ii) pass a final decision on the dismissal of the claim if the relief is unjustified;
    (c) if several related independent claims are joined to a single proceeding or if one claim of several claims or part of a single claim submitted in a single case is ready for a final decision, the arbitral tribunal may pass a partial decision regarding each of them where this would expedite the process;

(d) if the claimant has paid the part of the arbitration fee payable by the defendant pursuant to the Rules, the arbitral tribunal may pass a partial decision whereby the defendant must compensate this portion of the arbitration fee based on an application of the claimant.

§ 55 Rectification, supplementation, and clarification of the decision of the arbitral tribunal

(1) On the motion of a party, the arbitral tribunal may:
   (a) rectify any calculation and typing errors and other such mistakes in its decision;
   (b) clarify the decision to the extent requested;
   (c) make a supplementary decision concerning an item of relief that was notified in the course of arbitration proceedings but was not disposed of by the decision.

(2) A motion for the rectification, supplementation and/or clarification of the decision of the arbitral tribunal must be submitted within 30 days from serving the decision.

(3) The arbitral tribunal sends the motion to supplement or clarify its decision to the other party for information.

(4) The arbitral tribunal makes a provisional decision concerning the rectification, clarification, or supplementation within 30 days from receiving a motion.

(5) The arbitral tribunal may rectify a decision without a motion of a party.

(6) The rectification, supplementation, and clarification of the decision of the arbitral tribunal is subject to the provisions concerning the form of and particulars in such decisions.

§ 56 Entry into effect and operation of a decision of the arbitral tribunal

(1) The decision of the arbitral tribunal enters into effect on the date on which it is made.

(2) The decision of the arbitral tribunal is enforced immediately after taking effect. If the arbitral tribunal has set a different term for the enforcement, the decision must be enforced by the term set by the tribunal.

(3) A decision of the arbitral tribunal is set aside pursuant to the bases and procedure stipulated in legislation applicable to arbitration proceedings (*lex arbitri*).

§ 57 Termination of arbitration proceedings

(1) The Council may decide to terminate arbitration proceedings until the formation of an arbitral tribunal when:
   (a) in the opinion of the Council, the formation of an arbitral tribunal is impossible in accordance with the Rules, including when the Court of Arbitration is clearly not competent to resolve the dispute;
   (b) the parties agree on terminating the proceedings;
   (c) the parties do not participate in the proceedings;
   (d) in the opinion of the Council, the arbitration proceedings cannot continue for other reasons, including the failure of the claimant to submit information to the Court of Arbitration regardless of the request of the latter, allowing to serve the defendant the procedural documents.

(2) The Council may decide to terminate the arbitration proceedings before and after the formation of the arbitral tribunal if the parties fail to transfer the arbitration fee required by the Council or other amounts payable pursuant to the Rules to the deposit account of the Court of Arbitration by the due date set by the Council.

(3) The arbitral tribunal terminates the proceedings by an order where:
   (a) the parties agree on the termination of proceedings without reaching a compromise regarding substantive claims;

(b) the claimant submits a motion to terminate the proceedings, except in a situation where the defendant contests the withdrawal and the tribunal recognises the legally relevant interest of the defendant to obtain a conclusive resolution of the dispute;
(c) the parties do not participate in the proceedings;
(d) the tribunal finds that the continuation of the proceedings is impossible due to discharge of the arbitration agreement, to equal division of the votes of the arbitrators, or to another reason.

(4) Termination of the proceedings by a decision of the Council or an order of the arbitral tribunal does not exclude the possibility of initiating new proceedings.

(5) Arbitration proceedings are terminated when:
(a) the parties agree on the termination of the proceedings by reaching a compromise regarding substantive claims, which is formalised as a decision of the arbitral tribunal;
(b) by a final decision of the arbitral tribunal, including when the arbitral tribunal determines that the Court of Arbitration has no jurisdiction in the matter;
(c) other legal bases or grounds stipulated in the Rules exist.

VI CASE COSTS

§ 58 Case costs of arbitration proceedings

(1) The case costs of arbitration proceedings consist of the following expenses:
(a) registration fee;
(b) fees of the arbitrators (including the fee for the possible secretary of the arbitral tribunal);
(c) administrative costs of the Court of Arbitration;
(d) travel and other justified expenses of the arbitrators (expenses of the arbitrators);
(e) expenses of an expert appointed by the arbitral tribunal and other justified expenses of the tribunal (including the costs of using postal services);
(f) expenses of the parties related to the arbitration proceedings, including legal aid fees of the parties, that have been submitted to the arbitral tribunal and to the extent that is deemed reasonable by the arbitral tribunal.

(2) The arbitrators are entitled to require a fee and the compensation of travel and other reasonable expenses pursuant to the Rules. The Council decides whether the expenses of the arbitrators are justified.

(3) The costs of the arbitration proceedings are determined in the final decision of the arbitral tribunal or, if the proceedings are terminated before making a final decision, in the order to terminate arbitration proceedings.

(4) Before making a final decision or an order to terminate arbitration proceedings, the arbitral tribunal asks the Council to determine the costs listed in clauses 58 (1) d) and e) of the Rules if necessary. The Council determines the costs listed in section 58 of the Rules in accordance with the Rules and its guidelines.

(5) The direct agreements between the arbitral tribunal and the parties regarding the fees of the arbitrators are void.

(6) In its final decision or an order to terminate arbitration proceedings, the arbitral tribunal:
(a) states the costs of the arbitration proceedings;
(b) decides the fee for the arbitrators, its distribution, and the expenses of the arbitrators;

(c) decides the division of necessary costs of the arbitration proceedings and the costs related to attending the hearings between the parties, unless the parties have agreed otherwise.

(7) The arbitral tribunal may pass a separate decision on the fee of the arbitrators and its distribution.

(8) The arbitral tribunal determines the division of costs of the arbitration proceedings between the parties. Unless the parties have agreed otherwise, the party against whom the case is decided bears the costs of the arbitration proceedings, taking into account the extent of the decision to grant the relief sought. Depending on the course of the proceedings and the conduct of the parties during the proceedings, primarily the compliance of the parties with the general rules of the proceedings, the arbitral tribunal may divide the costs partly or completely differently at its own discretion.

(9) Regardless of the division of costs between the parties, the parties share the liability for paying the fees payable to the arbitral tribunal and the Court of Arbitration.

§ 59 Advance payment of costs of the arbitration proceeding, or the arbitration fee

(1) The Council decides the amount payable as a prepayment for the costs of the arbitration proceedings and their distribution (hereinafter **the arbitration fee**) pursuant to the Rules.

(2) The arbitration fee includes: (a) a fee for the arbitrators and a prepayment of the expected expenses of the arbitrators; and (b) a prepayment for the administrative costs of the Court of Arbitration.

(3) Presumably, both parties will undertake to pay half of the arbitration fee.

(4) If either party fails to pay the arbitration fee required by the Council by the due date, the Council will set a term for the payment of the arbitration fee to the other party (parties). If the other party pays the arbitration fee, the arbitral tribunal may pass a separate decision regarding the compensation of the arbitration fee based on a motion of the party that paid the fee.

(5) If the Council has previously set an arbitration fee in a case (for example, when allowing a new party to join the proceedings or joining the proceedings), the Council decision is amended and the already paid amounts are considered parts of the arbitration fee payable by the respective party.

(6) When proposed by the arbitral tribunal or when it is otherwise necessary (taking into account the changes in the claims, increase in the volume and complexity of the procedure, increase in the expected expenses of the arbitral tribunal, and other important circumstances), the Council may obligate the parties to pay an additional arbitration fee during the arbitration proceedings.

(7) The arbitral tribunal must immediately inform the Council of any circumstances that may affect the amount of the costs of the arbitration proceedings.

(8) Based on a motion of a party, the Council may decide that part of the arbitration fee may be paid as a bank guarantee or other security.

(9) After making the final decision or the termination of the proceedings for other reasons, the arbitration fee is used for covering the expenses of the arbitration proceedings listed in subsections 58 (1)–(5) of the Rules. If the arbitration fee exceeds the final costs of arbitration proceedings set by the Council, the leftover amount of the arbitration fee is reimbursed to the parties.

(10) Based on a justified request of the arbitral tribunal, the Council may use the arbitration fee for covering the expenses of the arbitration proceedings listed in subsections 58 (4) and (5) of the Rules during the arbitration proceeding as well (including to a justified extent before covering any costs).

(11) Amounts transferred to the settlement account of the Estonian Chamber of Commerce and Industry as arbitration fee are not subject to interest.

§ 60 Implementing Provisions

(1) Until the amendments to the Rules approved by the Management Board of the Estonian Chamber of Commerce and Industry on 14 December 2023 enter into force, arbitration proceedings commenced in 2023 shall be completed in accordance with the version of the Rules previously in effect.

(2) Materials related to disputes conducted under the previous version of the Rules shall be retained for a period of ten (10) years from the date of the arbitral award (amendment approved by the Board of the Estonian Chamber of Commerce and Industry (ECCI) on 15 September 2025 in accordance with the decision of the Council dated 25 July 2025, and effective as of the date of adoption of the ICCI Board of the Chamber's decision, i.e., 15 September 2025).

§ 61 Special Provisions for Sports Disputes

(1) A dispute shall fall within the jurisdiction of the ECTC Arbitration Court where the parties have entered into an arbitration agreement pursuant to an obligation arising from the rules established by the Estonian Olympic Committee (for example, a dispute between a sports federation and a licensed athlete). The registration fee shall be EUR 500 plus VAT.

(2) In sports disputes where the amount in dispute does not exceed EUR 5,000, the arbitrators' fees shall range from EUR 2,000 to EUR 4,000. Where the Council determines the value of a non-monetary claim to exceed EUR 3,500, the general schedule of fees shall apply (see Section 19 of the Guidelines for the Calculation of Arbitration Costs).

(3) Where the parties have entered into an arbitration agreement pursuant to an obligation arising from the rules established by the Estonian Olympic Committee (for example, a dispute between a sports federation and a licensed athlete), the administrative fee shall be EUR 2,000 irrespective of the amount in dispute. Prior to payment of the administrative fee, the claimant must obtain the approval of the Estonian Olympic Committee and submit such approval to the Arbitration Court together with the statement of claim or the request for commencement of arbitration proceedings.

(4) The special provisions of these Rules relating to sports disputes shall enter into force on 1 July 2026 (amendment approved by the decision of the ECTC Board of 11 June 2026 pursuant to the decision of the Arbitration Court Council of 3 June 2026).

Annex

Guidelines for the calculation of the costs of arbitration proceedings

1. **Registration fee.** The amount of the registration fee (section 11 of the Rules) is **500 euros** and it is paid to the settlement account of the Estonian Chamber of Commerce and Industry in euros. The registration fee will not be refunded.

2. **Arbitration fee.** Arbitration fee is the prepayment of costs related to the arbitration proceedings (except the expenses of the parties in relation to the arbitration proceedings) that is paid in euros. At the beginning of the proceedings, the Council determines the prepayment for the costs of the arbitration proceedings, or the amount of the arbitration fee, based on the presumable expenses of the arbitration proceedings pursuant to the Rules (including this guideline). This amount is transferred by the parties to the settlement account of the Chamber based on the decision of the Council, where it is kept. At the end of the proceedings, the arbitrators will have the right to require the parties to pay the fees of the arbitrators (jointly, see subsection 58 (9) of the Rules) based on a decision of the arbitral tribunal or an order that terminates the arbitration proceedings. In accordance with section 8, the Estonian Chamber of Commerce and Industry transfers the respective amount to the arbitrators from the account of the prepaid fees deposited on the settlement account of the Chamber. The payment of the fees to the arbitrators on account of the deposited amounts (but not by the Chamber) is considered the performance of an agreement between the Chamber, the arbitral tribunal, and the parties. Similarly, the Estonian Chamber of Commerce and Industry will transfer to the arbitrators the amount allocated by a decision of the Council as compensation for the actual expenses borne by them and the Chamber will have the right to cover the administrative costs of the Court of Arbitration allocated by a decision of the Council, which is kept on the settlement account of the Chamber. Where the arbitration fee required by the Council is larger than the final costs of the arbitration proceedings of the case (clauses 58 (1) 1)–5) of the Rules), the Council compensates the overpaid amount to the parties from the arbitration fee paid to the Chamber based on the decision of the Council (subsection 59 (9) of the Rules).

3. **Determining the amount of the arbitration fee.** The Council decides the amount of the arbitration fee (see section 59 of the Rules) according to tables 1 and 2 (in the version in force at the time when the arbitration proceedings were initiated) based on the number and amount of the claims, the number of parties to the proceedings, the complexity of the dispute, the number of arbitrators, and the expected costs of the arbitration proceedings (see clauses 58 (1) 1)–6) of the Rules).

4. **Determining the amount of the claims.**
    a) In case of a monetary claim, the amount of the claim is based on the total amount of the claim (including interest and late interest charges) at the time of submitting the claim.
    b) In case of alternative claims, it is based on the largest claim.
    c) A claim submitted in any other currency than euro is calculated into euros to evaluate the amount of the claim based on the daily exchange rate of Eesti Pank valid on the date of the application to initiate the proceedings or the statement of claim.

d) In the case of a non-monetary claim, the Council shall determine the amount of the claim on the basis of the ordinary value of the right sought to be enforced, taking into account the facts disclosed to it and the nature of the dispute. In sports disputes, the value of a non-monetary claim shall generally be deemed to be EUR 3,500. However, the Council shall have the discretion to determine a different value of the claim, taking into account all relevant circumstances, including the nature and significance of the dispute and the financial situation and income of the parties.

5. **Expedited proceedings.** In the case of expedited proceedings, the arbitration fee required by the Council in accordance with this annex is reduced by 25%.

6. **The Court of Arbitration as an authority that has jurisdiction.** When the Court of Arbitration acts as an authority that has jurisdiction to organise arbitration proceedings in accordance with other rules of the arbitral tribunal, the payment of a registration fee and the administrative costs of the Court of Arbitration in the amount of 1,000 euros is required.

7. **Additional arbitration fee.** When imposing an additional arbitration fee in accordance with subsection 59 (6) of the Rules, the Council takes into account that the entire prepayment of the fees of the arbitrators must not exceed the maximum amount for the specific claim amount according to table 1.

8. **Distribution of the fees of arbitrators between the arbitrators.** The distribution of the fees of arbitrators (in percentages) between the arbitrators is decided by the arbitral tribunal by sending the respective decision to the Council before making a final decision. Based on a justified application of an arbitrator, the Council may decide the distribution of the fee as an exception by hearing the opinions of the arbitrators. Generally, the fee of the presiding arbitrator is 40–50% of the fee of the arbitrators, and the fee of other arbitrators is 25–30% of the fee of the arbitrators.

9. **Reducing the fee of the arbitrators.** By a decision of the Council, the fee of the arbitrators may be reduced as an exception if the arbitral tribunal has delayed the arbitration proceedings without good reason, including when it has failed to pass a decision within the time limit stipulated in the Rules.

10. **Payment of the fee to the arbitrators.**
    a) The basis for the payment of the fee of the arbitrators to the arbitrators from the arbitration fee that is deposited on the settlement account of the Chamber of Commerce and Industry is a decision of the arbitral tribunal (or a respective separate decision) or an order terminating the arbitration proceedings, indicating the amount payable as a fee to each arbitrator.
    b) The fee can be paid to an arbitrator by transferring it to the settlement account of the arbitrator as a natural person or through a legal person indicated by the arbitrator.
    c) In case of paying the fee of the arbitrator to a natural person who is a tax resident of Estonia, the Estonian Chamber of Commerce and Industry withholds the income tax, unemployment insurance premium, and the mandatory funded pension contribution on behalf of the party from the fee and pays the social tax and unemployment insurance premium pursuant to the valid legislation.

d) When paying the fee of an arbitrator through a legal person or to a sole proprietor, the legal person submits an invoice for the respective amount to the party (parties) who is (are) liable for the costs of the proceedings according to the final decision (but not to the Chamber because the arbitrators did not provide the service of arbitration to the Chamber but to the parties) and informs the Chamber thereof. The invoice and the possible VAT must not exceed the amount payable as a fee to the arbitrators.
e) Every arbitrator is responsible for the calculation of taxes applicable to the arbitrators.
f) Before being approved, every arbitrator undertakes to disclose to the Council the requirements of taxation to their fee (including whether the arbitrator will be remunerated as a natural person or through a legal person and whether VAT is applicable to the fee payable to them as well as the VAT rate). In case of any changes in this information, the arbitrator undertakes to inform the Council immediately.
g) The fees of the arbitrators are paid to the arbitrators within 30 days from the performance of duties stipulated in section 28 of the Rules by the arbitral tribunal.

11. Compensation of the expenses of the arbitrators.

a) When an arbitrator requests for the compensation of expenses related to the arbitration proceedings (clauses 58 (1) 4) and 5) of the Rules) at the expense of the arbitration fee, the arbitrator submits the respective expense documents pursuant to subsection 58 (4) of the Rules to the Council (primarily invoices) and asks the Council to calculate the expenses.
b) The Council assesses the necessity and reasonableness of the expenses and determines the amount of expenses to be compensated from the arbitration fee.
c) The arbitral tribunal documents the expenses that the Council has decided to compensate in the decision of the tribunal or an order to terminate the arbitration proceedings.
d) The basis for the payment of compensation of expenses of an arbitrator from the arbitration fee deposited on the settlement account of the Chamber is a decision of the arbitral tribunal (or a respective separate decision) or an order to terminate the arbitration proceedings.
e) The arbitral tribunal may request the prepayment of expenses of the arbitration proceedings from the arbitration fee.

12. Enforceability of the claim for administrative costs of the Court of Arbitration.

a) The Estonian Chamber of Commerce and Industry will have the right to claim the administrative costs of the Court of Arbitration (see table 2) pursuant to a final decision of the arbitral tribunal or, if the proceedings are terminated before making a final decision, based on an order to terminate the arbitration proceedings or a decision of the Council to terminate the proceedings, which determine the final costs of the arbitration proceedings, including the amount of the administrative costs of the Court of Arbitration.
b) Depositing the arbitration fee on the settlement account of the Chamber based on the decision of the Council in the beginning of the arbitration proceedings is not considered a payment of the fee to the Chamber (the Court of Arbitration) or a compensation of administrative costs.

13. **Termination of the proceedings before the case is transferred to the arbitral tribunal.** If the proceedings are terminated before the case is transferred to the arbitral tribunal, the arbitration fee that was already paid is reimbursed to the parties based on a decision of the Council in the following manner:
    a) the prepayment of the fee of the arbitrators is reimbursed to the extent decided by the Council, taking into account the work performed by the arbitrators and other relevant circumstances;
    b) 80% of the prepayment of the administrative costs of the Court of Arbitration is reimbursed;
    c) actual expenses are deducted from the prepayment of other costs of the proceedings and the rest of the amount is reimbursed to the parties.

14. **Lack of jurisdiction of the Court of Arbitration.** If the arbitral tribunal or the court of the location of the arbitration proceedings determines by a decision that takes effect during the arbitration proceedings that the Court of Arbitration has no jurisdiction over the dispute, the paid arbitration fee is reimbursed to the parties based on a decision of the Council as follows:
    a) the prepayment of the fee of the arbitrators is reimbursed to the extent decided by the Council, taking into account the work performed by the arbitrators and other relevant circumstances;
    b) the prepayment of the administrative costs of the Court of Arbitration is reimbursed to the extent decided by the Council, taking into account the state of the arbitration proceedings, work performed by the Council, and other relevant circumstances;
    c) actual expenses are deducted from the prepayment of other costs of the proceedings and the rest of the amount is reimbursed.

15. **Termination of the arbitration proceedings before a final decision.** If the arbitration proceedings are terminated before a final decision is made (including when a compromise is reached and the claim is abandoned), the Council takes into account the state of the arbitration proceedings, the work performed by the arbitrator, and other relevant circumstances when determining the cost of the arbitration proceedings.

16. **Release of an arbitrator.** Pursuant to section 26 of the Rules, the Council decides that the fee payable to an arbitrator and the amount of expenses compensated to the arbitrator when releasing an arbitrator, taking into account the reason for the release, the state of the arbitration proceedings, the work performed by the arbitrator, and other relevant circumstances.

17. **Rectification, supplementation, and clarification of a decision of the arbitral tribunal.** Additional fee is not paid to the arbitrators in case of a rectification, supplementation, and clarification of the decision of the arbitral tribunal pursuant to section 55 of the Rules, also when a court sets aside the disposition of the arbitral tribunal, sends it back to the arbitral tribunal, and when the resolution of the dispute by the same arbitral tribunal is justified. The Council is entitled to impose an additional arbitration fee on the parties, considering all circumstances.

18. **Use of the administrative fee of the Court of Arbitration.** 40% of the administrative fee of the Court of Arbitration is kept by the Estonian Chamber of Commerce and Industry and 60% by the Court of Arbitration, which will keep it on a separate settlement account

of the Chamber and use it pursuant to a decision of the Council, among other things, for covering expenses related to the development of the Court of Arbitration and achieving the objectives of the Court as well as the fee of the members of the Council (including covering expenses related to participating in the activities of the Council).

19. Fees of arbitrators (Table 1)

Amount of the claim (in euros)	**Amount of the fee (in euros)**	**Additional fee as a percentage of the amount of the claim (in euros)**
Up to 20,000	4,000–5,000	
20,001–50,000	5,000–10,000	
50,001–75,000	10,000–12,000*	
75,001–100,000	12,000–14,000*	
100,001–150,000	14,000–17,000*	
150,001 -200,000	17,000–20,000*	
200,001–300,000	20,000–25,000*	
300,001–400,000	25,000–30,000*	
400,001–500,000	30,000–35,000*	
500,001–1,000,000	35,000–55,000*	
1,000,001–2,000,000	55,000–750,000*	
2,000,001–3,000,000	75,000–100,000*	
3,000,001–4,000,000	100,000–125,000*	
4,000,001–5,000,000	125,000–150,000*	
Starting from 5,000,001	150,000*	1.0% of the claim exceeding 5,000,000 euros; however, the rate of the fee of the arbitrators does not exceed 350,000 euros, unless the Council decides otherwise.
Sports Disputes Up to EUR 5,000 Where the Council determines the value of a non-monetary claim to exceed EUR 3,500, the general schedule of fees shall apply.	2000–4000	

* In case of a single arbitrator, the Council usually decides that the fee of the arbitrator is about 40–80% of the respective rate of the fee of arbitrators (table 1) based on the number of claims, the complexity of the dispute, and other circumstances.

20. Administrative fee rates of the Court of Arbitration (Table 2)

Amount of the claim (in euros)	Administrative fees (in euros)
Up to 20,000	1,000
20,001–50,000	2,250
50,001–75,000	3,250
75,001–100,000	4,500
100,001–150,000	5,000
150,001–200,000	5,500
200,001–300,000	6,500
300,001–400,000	8,000
400,001–500,000	10,000
500,001–1,000,000	12,500
1,000,001–2,000,000	15,000
2,000,001–3,000,000	17,500
3,000,001–4,000,000	20,000
4,000,001–5,000,000	22,500
Starting from 5,000,001	25,000
Sports Disputes	2000