



**ANNEX 1  
TO DECISION NO. 1 OF 29.05.2013**

**The Regulation  
on organization and operation of STARS Arbitration Court**

CHAPTER I

**General provisions**

Art.1. (1) The STARS Arbitration Court (hereinafter the Court) is an unincorporated entity, permanent arbitration institution, independent in the exercise of its powers, organized and functioning under the STARS Statute and Civil Procedure Code.

(2) The STARS Arbitration Court is headquartered at the STARS Association premises, namely 35 Delea Veche street, District 2, Bucharest.

Art. 2. The STARS Arbitration Court settles arbitral disputes which are submitted by litigants, Romanian and foreign, in condition of impartiality, professionalism, procedural flexibility and reasonable costs.

CHAPTER II

**Duties**

Art. 3. The STARS Arbitration Court has the following Duties:

- i) organizes and manages resolution of domestic and international disputes through institutionalized and ad hoc arbitration, under the conditions provided for in this Regulation, the **Court's Arbitral Procedure Rules**, the Civil Procedure Code, special laws in the field and international conventions Romania is party of;
- ii) If the parties have nominated the Court in their agreement or compromise clause, to solve the litigation, by this they have settled the enforcement of this Regulation and the **Court's Arbitral Procedure Rules**, regardless of the remaining provisions inserted by parties in the agreement or arbitration clause;
- iii) If the parties inserted in their agreement or compromise clause they would settle litigation by ad-hoc arbitration, and then turn to Court, they are entitled:
  - To appoint arbitrators or set the procedure for appointing arbitrators;
  - To designate the place of arbitration
  - to set down the procedure rules to be followed by arbitrators.
- iv) drafts variants of agreements and compromise clauses, which are spread internally and internationally;
- v) keeps evidence of its arbitration practice through own archive;
- vi) performs the duties set out herein and in the **Court's Arbitral Procedure Rules**;
- vii) by its administrative department, it assists the parties, at their express and written request, in organizing arbitration, providing for logistics in the conduct of arbitral process.

CHAPTER III

**Organization and operation**



Art. 4 . (1) The Court consists of arbitrators approved by the President of the Court, of persons who meet the requirements of this Article, and have submitted a request to this effect.

(2) An arbitrator may be that person, Romanian or foreign citizen, who has full legal capacity to exercise rights, enjoys a solid reputation and has a highly professional qualification and experience.

(3) The inclusion in the List of arbitrators, both for Romanian as well as for foreign arbitrators, requires submission by them of the following documents:

- a) written request;
- b) curriculum vitae;
- c) declaration they are aware of these Rules and the Court's Arbitral Procedure referring to the liability of arbitrators (Appendix 1) ;
- d) for lawyers or mediators, a declaration they are aware of these Rules and the Court's Arbitral Procedure Rules regarding incompatibilities (Annex 2);
- e) a recommendation from an arbitrator registered on the Court's List of arbitrators.

(4) The first lot of arbitrators within the List of arbitrators, which may not exceed a total of five (5) persons is appointed by the President of the Court, without meeting the condition laid down in paragraph (3) letter e) of this Regulation.

The Court's List of Arbitrators is kept in alphabetical order of arbitrators' names, specifying for each arbitrator the scientific titles held and professional activity, including any technical or legal fields specialized for, as well as the domicile or normal residence, and nationality or nationalities held.

(5) The inclusion in the List of arbitrators is for unlimited duration.

(6) The appointment as arbitrator or presiding arbitrator within an arbitral tribunal will be made only under the conditions set out herein and in the Court's Arbitral Procedure Rules, which apply to all arbitrators included in the List of arbitrators.

Art. 5. (1) Removal of arbitrators from the List is done by the President of the Court, who draws up a report on the obligations violated by the arbitrator.

(2) The President's report may be subject to reconsideration by the person concerned within 15 days of the notification, in front of the STARS Board of Directors, which will take a final decision that will be communicated forthwith to the applicant.

(3) in case of incompatibility with the quality of arbitrator, subsequent to registration on the List of arbitrators, the person concerned is suspended by the President's decision, which is final. Suspended person may, by written request, at any time require the termination of suspension, proving that incompatibility situation reached an end.

Art. 6 . (1) All arbitrators on the Lists of arbitrators constitute the Court Plenum.

( 2) The Court Plenum meets whenever needed, in whole or in thematic committees to discuss issues related to arbitration practice and improvement in the functioning of the Court, convened by the President. Unmotivated absence in two sessions of the Court Plenum draws removal from the List of arbitrators.

Art. 7 . (1) The Court has its own secretariat, established within STARS.

(2) The Secretariat operates under the Circular regarding its organization, issued by the President of the Court



(3) The Secretariat is headed by chief arbitral assistant, employed as legal counsel, who also serves as court clerk.

(4) In the absence of chief arbitral assistant, its duties or part of its duties are fulfilled by the President of the Court who, together with the person delegated by STARS to handle administrative assistance to the Court, may delegate to another person employed or collaborating with STARS.

Art. 8. (1) **The arbitral Tribunal** consists of a sole arbitrator or all arbitrators appointed in accordance with the Court's Arbitral Procedure Rules. When nominating the full arbitrators, there are also appointed the alternates.

(2) STARS and the Court do not have the right, by organizing and managing arbitration, to intervene in settlement of litigation or to influence in any way the arbitral tribunal.

(3) Resolution of the litigation is achieved solely by the arbitral tribunal and is conducted by the Court's Arbitral Procedure Rules, according to laws applicable to litigation.

Art. 9. (1) Appointment of arbitrators and alternates, as well as of presiding arbitrator and alternate presiding arbitrator in a given litigation and the formation of the Arbitral Tribunal is done in accordance with these Rules and the Court's Arbitral Procedure Rules.

(2) The appointing authority of arbitrators and presiding arbitrators belongs to the President of the Court, while exercising its mandate. The President may delegate it by decision to another arbitrator from the List of arbitrators.

(3) if the President of the Court is him/herself nominated or elected to an arbitral tribunal, the person designated by the STARS Association fulfills duties of Appointing Authority.

Art. 10. (1) The arbitrator and the presiding arbitrator operate individually, being independent and impartial and subject only to the law and evidence in the case. Assessment of evidence is based on intimate conviction of the arbitrator.

(2) The arbitrator and the presiding arbitrator that compose the arbitral tribunal must show availability required for arbitration mission, in due time, in good faith and with professionalism.

(3) The arbitration activity for the cases in which was nominated and accepted becomes for the arbitrator and the presiding arbitrator a priority over any other activity, deriving from a contract or voluntary activity.

(4) Failure or delay fulfillment of the obligations arising from the quality of arbitrator is punished with a quota of 5% of due fee for each day of delay, which becomes revenues to Court's funds.

Art. 11. Replacement of an arbitrator or presiding arbitrator will be operated for the reasons and under the conditions of Arbitral Procedure Rules.

#### CHAPTER IV

##### Resources

Art. 12. (1) The resources of the Court consist of technical fees received for services performed.

(2) Technical fees are set by Regulation on arbitration and related charges.

(3) The technical arbitration fee covers costs with initiation of administrative procedure for setting the arbitration file and the costs related to the organization and conduct of litigation, documentation of arbitrators, secretarial expenses and other expenses necessary for the operation of the Arbitration Court.

(4) related technical fees cover expenditure on making copies of the documents in the Archive, use of special technical procedures in the arbitration process, long distance communications, travel to the arbitral tribunal and other services requested by the parties or by the arbitral tribunal.



(5) the split of technical fees is governed by a Circular available only to the President and arbitrators within the List of arbitrators and the STARS Board of Directors.

CHAPTER V

**Final provisions**

Art. 13. The Court, the arbitral tribunal and the STARS members and staff are required to ensure the confidentiality of arbitration.

Art. 14. (1) The provisions of this Regulation govern the organization of the Court and the arbitral tribunal

(2) The relation between the disputing parties, on the one hand and the Court and Tribunal, on the other hand, concerning the litigations subject to arbitration are regulated by this Regulation, by the Court's Arbitral Procedure Rules and the provisions of the Civil Procedure Code.

(3) The arbitral litigation will be applied the Regulation on Organization and Operation of STARS Arbitration Court and the STARS Arbitration Court Arbitral Procedure Rules as they are in force at the time the request for arbitration was submitted.

Art. 15 (1) This Regulation, the arbitral procedure Rules, the List of arbitrators, as well as their annexes, together with the Regulation on fees and associated represent the Arbitral Codex.

(2) The STARS Secretariat will publish the Arbitral Codex on website and communicate the printed Arbitral Codex to people interested, on their request, at extra cost.