

RULES

**OF THE PERMANENT COURT OF ARBITRATION ATTACHED
TO THE ECONOMIC CHAMBER OF MACEDONIA**
(Unofficial consolidated text)¹

PART ONE

**GENERAL PROVISIONS AND ORGANISATION OF THE PERMANENT
COURT OF ARBITRATION**

I. GENERAL PROVISIONS

Article 1

These Rules regulate the organization of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia (hereinafter: Arbitration Court), the jurisdiction and the composition of the Arbitral tribunals, and the rules on the procedure before the Arbitral tribunals in the disputes with or without international elements.

Article 2

- (1) The Permanent Court of Arbitration (hereinafter: Arbitration Court) is attached to the Economic Chamber of Macedonia.
- (2) The Arbitration Court is independent in its action.
- (3) The seat of the Arbitration Court is in Skopje.
- (4) The Arbitration Court has its seal, with the inscription: “Economic Chamber of Macedonia – Permanent Court of Arbitration”.

Article 3

The Economic Chamber of Macedonia (hereinafter: the Chamber) provides for rooming and administrative-technical services for the performance of the activities of the Arbitration Court.

¹ The consolidated text of the Rules of the Permanent court of Arbitration attached to the Economic chamber of Macedonia includes the Rules of the Permanent court of Arbitration attached to the Economic chamber of Macedonia no. 07-1177/8 from 20 April 2011, the Decision on Amendments and Modifications of the Rules of the Permanent court of Arbitration attached to the Economic chamber of Macedonia no.07-3479/8 from 15 December 2011 and the Decision on Amendments and Modifications of the Rules of the Permanent court of Arbitration attached to the Economic chamber of Macedonia no 02-2088/6 from 15 December 2016.

II. ORGANISATION OF THE ARBITRATION COURT

Article 4

- (1) The bodies of the Arbitration Court are: the Presidency, the President and the Secretary of the Arbitration Court.
- (2) The bodies of the Arbitration Court also include the Arbitral tribunals which act in the disputes before the Arbitration Court or in connection with them.

Presidency

Article 5

- (1) The Presidency of the Arbitration Court consists of seven members: the President, the Vice-president and five members with no special function. They are appointed by the Managing Board of the Economic Chamber of Macedonia for a mandate period of 5 years.
- (2) A person can be appointed two times consequently at the most for the positions of President and Vice-president of the Arbitration Court.
- (3) A person who has been appointed as President or Vice-president of the Arbitration Court twice consequently, may be appointed as a member of the Presidency of the Arbitration Court.

Article 6

- (1) The Presidency of the Arbitration Court performs the following actions:
 - performs general supervision of the work of the Arbitration Court;
 - attends the proper application of the Rules of the Permanent Court of Arbitration and the other general acts of the Arbitration Court;
 - participates in the decision making on the jurisdiction of the Arbitration Court;
 - decides for the use and the allocation of the financial resources of the Arbitration Court;
 - considers and approves the annual reports of the Arbitration Court (activity report and financial report) and the plan of activities of the Arbitration Court for the following year;
 - carries out other activities prescribed in these Rules and the other general acts of the Arbitration Court.
- (2) The Presidency of the Arbitration Court works on sessions that are held when needed.
- (3) The sessions of the Presidency are summoned and conducted by the President of the Arbitration Court, and in the case of his absence, he is replaced by the Vice-president.
- (4) The Presidency of the Arbitration Court can validly work if more than one half of the members of the Presidency are present, and the decisions are rendered with a majority of the votes of the present members.

Article 7

The President of the Arbitration Court:

- appoints the arbitrators and the Presidents of the Arbitral tribunals in the cases provided in these Rules;
- rules on the challenges of the arbitrators;
- sees to the maintaining and development of cooperation with other institutions and organizations, whose course of action is within the interest of the work of the Arbitration Court;
- signs the agreements for cooperation with other Arbitration institutions in the country and abroad;
- submits an annual program of activities of the Arbitration Court to the Economic Chamber of Macedonia;
- submits an annual report for the activities of the Arbitration Court and an annual financial report for the Arbitration Court to the Economic Chamber of Macedonia;
- performs the examination and approval of the prepared awards, or proposes the Presidency to appoint another member of the Presidency who will perform these actions;
- performs other activities, provided in the acts of the Arbitration Court.

Article 8

(1) Due to a proposal from the President, the Presidency of the Arbitration Court may transfer the undertaking of certain tasks which are within the competence of the President of the Arbitration Court, to the Vice-president or to any other member of the Presidency.

Article 9

The Vice-president of the Arbitration Court shall substitute for the President when he is prevented from carrying out his duties.

Honorary President

Article 10

- (1) The Arbitration Court may have an Honorary president.
- (2) The position of Honorary president is for life.
- (3) The decision to appoint Honorary president is rendered by the Managing board of the Economic Chamber of Macedonia.

Secretary

Article 11

- (1) The Arbitration Court has a Secretary.
- (2) The Secretary of the Arbitration Court is appointed by the President of the Economic Chamber of Macedonia.

- (3) The Secretary of the Arbitration Court may be a law graduate who has active knowledge of English language.
- (4) The Secretary of the Arbitration Court is permanently employed in the Economic Chamber of Macedonia.

Article 12

- (1) The Secretary of the Arbitration Court:
 - prepares the activities of the Presidency and the President of the Arbitration Court and carries out their decisions;
 - undertakes the administrative actions for the constitution of the Arbitral tribunal and the preparation for the hearings in a certain dispute;
 - maintains the proper execution of the conclusions and the other decisions of the Arbitral tribunals;
 - manages the activities of the Secretariat;
 - prepares the annual activities report, the annual financial report and the plan of activities of the Arbitration Court for the following year;
 - is responsible for running the library and the documentation of the Arbitration Court and for keeping the archives of the Arbitration Court;
 - performs other activities provided in the acts of the Arbitration Court.
- (2) In case of inability of the Secretary, the President of the Arbitration Court shall determine his temporary replacement.
- (3) The President of the Arbitration Court is authorized to undertake every action that is within the competence of the Secretary of the Arbitration Court.
- (4) The activities of the Secretariat are performed by a number of persons employed in the Technical service of the Economic chamber of Macedonia, in accordance with the acts for organization and systematization of the work of the Chamber.

Article 13

The President, the members of the Presidency and the Secretary of the Arbitration Court:

- follow the application of the general acts of the Arbitration Court, propose amendments and modifications of the acts or new acts of the Arbitration Court in accordance with the development of the legislation and the arbitration practice,
- organize and conduct, on the basis on a decision of the Presidency, seminars, conferences, expert discussions and other events for the purpose of introduction of the activities of the Arbitration Court to the experts and the wider public,
- participate in scientific and expert gatherings, prepare and publish professional and scientific papers, information and other articles about the work of the Arbitration Court and the arbitral method for resolution of disputes,
- perform other activities to promote the work of the Arbitration Court.

Article 14

- (1) The President, the Vice-president, the Secretary and members of the Presidency of the Arbitration Court have the right to reimbursement of expenditures and award for the work done in relation to their functions, in accordance with the decision by the Managing board of the Chamber.
- (2) The orders for payment of reimbursement of expenditures and awards to the persons referred to in paragraph 1 of this article are issued by the President of the Arbitration Court.
- (3) The order for payment of reimbursement of expenditures and awards to the President of the Arbitration Court is issued by the Vice-president of the Arbitration Court.

Arbitral tribunal

Article 15

“Arbitral tribunal” is a sole arbitrator or an Arbitration panel which decides in a particular dispute.

Lists of arbitrators

Article 16

- (1) The Arbitration Court has two lists of arbitrators from which the sole arbitrators, the members and the President of the Arbitration panel are chosen. These are:
 - list of arbitrators for the disputes with international element and
 - list of arbitrators for the disputes without international element.
- (2) The lists of arbitrators referred to in paragraph 1 of this article are determined by the Managing board of the Chamber, upon a proposal of the Presidency of the Arbitration Court.

PART TWO ARBITRATION RULES

I. JURISDICTION AND COMPOSITION OF THE ARBITRAL TRIBUNAL

Jurisdiction

Article 17

- (1) An Arbitral tribunal at the Arbitration Court has the jurisdiction for the resolution of certain disputes if the parties have so agreed.
- (2) The parties may agree for the jurisdiction of an Arbitral tribunal at the Arbitration court for the resolution of disputes for rights of which the parties may freely dispose and for which an exclusive jurisdiction of a court of the Republic of Macedonia is not provided by law.
- (3) The Presidency of the Arbitration Court shall refuse to hear a certain dispute even if the jurisdiction of the Arbitral tribunal at the Arbitration Court has been agreed

by the parties, if the arbitration agreement relates to rights of which the parties may not freely dispose.

Article 18

- (1) The Arbitral tribunal at the Arbitration Court can resolve disputes with or without international elements.
- (2) A dispute has an international element in terms of these Rules, if:
 - a) at least one of the parties, at the time when the arbitration agreement was concluded, was a natural person with permanent residence or domicile outside the territory of the Republic of Macedonia, or a legal entity whose seat is not within the territory of the Republic of Macedonia or
 - b) the place where a substantial part of the obligations of the commercial relations should be performed or the place with which the subject matter of the dispute is most closely connected, is not on the territory of the Republic of Macedonia.

Article 19

The parties may agree to depart from the application of the provisions of these Rules, except for the provisions of the articles 66 and 67 of these Rules, unless such agreement is contrary to the mandatory rules of the Republic of Macedonia.

Article 20

- (1) If the parties have agreed upon that, the Arbitration Court can perform only certain activities prescribed in these Rules, especially:
 - act as the appointing authority in “ad hoc” arbitrations and arbitrations which are conducted by other arbitration institutions;
 - provide for administrative and other services, organize hearings and make available the facilities and the equipment to hold the proceedings for arbitration and conciliation in accordance with rules different from these Rules.
- (2) When the Arbitration Court acts as an appointing authority for the purposes of paragraph 1 of this article, the provisions of these Rules for the appointment of arbitrators of an Arbitral tribunal at the Arbitration Court are applied accordingly.

Article 21

If an action is brought before a court of the Republic of Macedonia in the same subject matter and between the same parties, the Arbitral tribunal may, if it finds that there are particularly important reasons, stay the proceedings until the civil proceedings before the court are concluded.

Place of arbitration

Article 22

Unless otherwise agreed by the parties, the place of arbitration shall be in Skopje. The Arbitral tribunal may meet at any place it considers appropriate for consultation

among its members, for hearing witnesses, experts or the parties, or for inspection of goods, other property or documents, unless otherwise agreed by the parties.

Language of the Arbitration

Article 23

- (1) The proceedings before the Arbitration Court are, as a rule, conducted in Macedonian language.
- (2) The parties may agree for the proceedings to be conducted in another language.
- (3) Unless otherwise agreed by the parties, the sole arbitrator or the Arbitration panel immediately upon their appointment, shall determine the language on which the proceedings are going to be conducted, especially taking in consideration the language or the languages of the main contract from which the arbitration arises. That agreement or decision, unless otherwise provided in them, shall be applied to every written statement of the parties, any oral proceedings and any award, decision or other communication by the Arbitration Court.
- (4) The Arbitration Court may order the parties that any oral documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the Arbitration Court.
- (5) Until the moment the language of the arbitration is determined, the statement of claim, the reply to the statement of claim and any other submissions can be submitted in the language of the main contract.
- (6) The Arbitration Court shall assign an interpreter for the party that does not know the language on which the proceedings are conducted, at her dispense, regardless of the outcome of the dispute.
- (7) If the parties failed to reach an agreement, nor the arbitrators succeed to determine the language of the arbitration proceedings, the arbitration proceedings shall be conducted in Macedonian language and its Cyrillic alphabet.

Powers of the Secretary of the Arbitration Court

Article 24

- (1) The Secretary of the Arbitration Court may attend all hearings and meetings of the Arbitral tribunal for deliberation and voting for rendering a decision.
- (2) The Secretary is obliged to attend the hearings and meetings referred to in paragraph 1 of this article, if the sole arbitrator or at least one of the members of the Arbitration panel is not a lawyer.
- (3) The Secretary is authorized to call the arbitrator's attention to the legal issues that are important for decision-making, and especially the issues relating to the content and the form of the procedural actions that are taken.

Representation and counseling

Article 25

The parties may appoint a representative (plenipotentiary) or a counselor of their choice. The names and the addresses of those persons have to be submitted directly to the Arbitration Court in writing. In the statement, the party is obliged to indicate

whether the designation refers to representation or counselling, and if no such designation is made, the appointment shall be deemed to refer to representation.

Composition of the Arbitral tribunal

Article 26

- (1) The parties may agree for the dispute to be resolved by a sole arbitrator or an Arbitration panel of three arbitrators.
- (2) If an even number of arbitrators is provided in the arbitration agreement, the President of the Arbitration Court shall appoint an additional arbitrator.
- (3) The disputes whose value does not exceed 30.000 EUR shall be resolved by a sole arbitrator, unless the parties within 15 days after the delivery of the statement of claim to the defendant have expressly agreed for the dispute to be resolved by an Arbitration panel.
- (4) The disputes whose value exceeds 30.000 EUR shall be resolved by an Arbitration panel, unless the parties within 15 days after the delivery of the statement of claim to the defendant have expressly agreed for the dispute to be resolved by a sole arbitrator.

Appointment of a sole arbitrator

Article 27

- (1) If the dispute is to be resolved by a sole arbitrator, the parties are obliged to submit the name of the arbitrator to the Secretary of the Arbitration Court.
- (2) If the parties within 15 days from the day the reply to the statement of claim was submitted to the Secretary of the Arbitration Court, or the day of the omission to submit the reply to the statement of claim, fail to act in accordance with the provision from paragraph 1 of this article, the sole arbitrator shall be appointed by the President of the Arbitration Court.

Appointment of an Arbitration panel

Article 28

- (1) The Arbitration panel is composed from three members.
- (2) Unless otherwise agreed by the parties, the Arbitration panel is constituted in the manner that the claimant shall appoint one arbitrator in the statement of claim, the defendant shall appoint one arbitrator in the reply to the statement of claim, and the President of the Arbitration Panel shall be appointed by the President of the Arbitration Court.
- (3) If the party does not appoint an arbitrator in the statement of claim or the reply to the statement of claim, the Secretary of the Arbitration Court shall invite it to appoint an arbitrator within 15 days from receipt of the request to appoint an arbitrator.

- (4) If any of the parties fails to appoint an arbitrator within the period specified in paragraph 3 of this article, the arbitrator shall instead be appointed by the President of the Arbitration Court.

Article 29

The article has been deleted.

Article 30

- (1) Arbitrators are appointed, as a rule, from the list of arbitrators of the Arbitration Court.
- (2) Each party may appoint arbitrators which are not on the list of arbitrators of the Arbitration Court.
- (3) The President of the Arbitration panel is always appointed from the list of arbitrators of the Arbitration Court.

Appointment of arbitrators in multy-party arbitration

Article 31

- (1) If in a certain dispute several claimants or defendants are taking part in the same party role (co-litigants), they shall previously come to an agreement of the appointment of a common arbitrator.
- (2) If the co-litigants referred to in paragraph 1 of this article fail to reach an agreement or in their separate submissions fail to appoint the same person as an arbitrator, the arbitrator shall be appointed by the President of the Arbitration Court instead, from the list of arbitrators of the Arbitration Court.

Notification for the appointment and acceptance of the appointment

Article 32

- (1) The Secretary of the Arbitration Court shall notify the persons appointed as arbitrators, for their appointment.
- (2) Within 10 days from the receipt of the notice referred in paragraph 1 of this article, the arbitrator shall submit a written notification to the Secretary of the Arbitration Court for acceptance of the appointment, or otherwise shall be deemed to have denied the appointment.
- (3) If the arbitrator refuses the appointment by the parties, the Secretary of the Arbitration Court shall invite the party who has appointed that person as an arbitrator to propose or to designate another arbitrator within 8 days.
- (4) If the President of the Arbitration panel or the arbitrator appointed by the President of the Arbitration Court refuses the appointment, the President of the Arbitration Court is obligated to appoint a new arbitrator or a President of the Arbitration panel within 8 days.
- (5) The Secretary of the Arbitration Court shall submit the notification for the acceptance of the appointment by the arbitrators to each party, within 15 days from the receipt of the notification.

Independence and impartiality of the arbitrators

Article 33

The person who is to be appointed as an arbitrator is obligated to inform every person that may contact him with respect to the possibility of his appointment, about every circumstance that might give rise to a reasonable doubt about his independence and impartiality. The appointed or chosen arbitrator after his appointment and in the whole course of the proceedings is obligated to disclose those circumstances to the parties, unless he has previously informed them about that.

Statement of independence of the arbitrator

Article 34

- (1) When submitting the notification for acceptance of the appointment as an arbitrator to the Secretary of the Arbitration Court, the appointed arbitrator shall submit a written statement of independence.
- (2) In the notification referred to in paragraph 1 of this article, the appointed arbitrator shall disclose to the parties all circumstance which may bring into question his impartiality and/or independence, especially:
 - if he had served any tasks or orders for any of the parties, or
 - if he has a direct or indirect financial interest in connection to the resolution of the matter, or
 - if he has any confidential information concerning the subject matter of the dispute, which he had discovered from sources outside the arbitration proceedings, or
 - if he has at his disposal other information which is important to preserve the external appearance of impartiality.
- (3) The statement of independence referred to in paragraph 1 of this article shall be delivered to the parties by the Secretary of the Arbitration Court, along with the notification of the acceptance of the appointment by the arbitrator.

Challenge of an arbitrator

Article 35

- (1) An arbitrator may be challenged if there are circumstances that could give rise to justifiable doubt of his impartiality or independence, or if the arbitrator does not have the qualifications that the parties have agreed on.
- (2) A party may challenge the arbitrator appointed by him, only for reasons of which he becomes aware after the appointment has been made.

Article 36

- (1) The party who intends to challenge an arbitrator is obliged within 15 days after being notified of the appointment of the arbitrator who is challenged, or within 15 days after becoming aware of the circumstances enlisted in Articles 34 and 35 of

these Rules, to file a written statement for the reasons for the challenge to the Secretary of the Arbitration Court.

- (2) The other party and the arbitrator who is challenged have to be notified for the challenge, and the other members of the Arbitral tribunal may be notified as well. The notification must be in writing and must contain the reasons for the challenge. Unless the challenged arbitrator withdraws, or the other party agrees to the challenge, the President of the Arbitration Court shall decide on the challenge.

Failure of impossibility to act

Article 37

If the arbitrator due to legal or factual reasons becomes unable to perform his functions, or for other reasons fails to perform without undue delay, his mandate terminates if he withdraws from his function or if the parties agree on the termination. If the parties fail to agree on any of these reasons, each party may request the Presidency of the Arbitration Court to decide on the termination of the arbitrator's mandate..

Appointment of a substitute arbitrator

Article 38

Where the mandate of an arbitrator terminates pursuant to article 36 or 37 from these Rules, or due to his withdrawal from office for any other reason or due to the revocation of his mandate by agreement of the parties or in any other case of termination of his mandate, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment of the arbitrator being replaced.

Repetition of the hearings in case of a change of the composition of the Arbitral tribunal

Article 39

- (1) If in the course of the proceedings there is a change in the composition of the Arbitral tribunal, the hearings are repeated.
- (2) By accordance of the parties, the Arbitral tribunal may decide not the repeat the hearings.
- (3) If a new sole arbitrator is chosen or appointed, the hearings must be repeated.

Presumption of waiver of the right to objection

Article 40

- (1) In the proceedings before the Arbitration Court and the Arbitral tribunal, the parties have the right to submit objections concerning the application of the rules,

interpretation, issues of contractual provisions on the jurisdiction of the Arbitral tribunal and other issues.

- (2) A party who knows that a provision of these Rules or a condition that arises from the arbitration agreement has not been complied with, and yet proceeds to participate in the arbitration proceedings, or, does not state his objection in the period provided, shall be deemed to have waived his right to object.

V. COMMENCEMENT AND COURSE OF THE ARBITRATION PROCEEDINGS

Article 41

- (1) Unless otherwise provided in these Rules, the Arbitral tribunal may conduct the proceedings in a way it considers most appropriate, provided that the parties are treated equally and in every stadium of the proceedings each party is given an opportunity to present its facts, legal findings, requirements and views.
- (2) The Arbitral tribunal shall decide whether to hold a hearing, based on documents and other process materials, for hearing witnesses, experts or the parties.
- (3) All submissions, documents or other information that one party shall submit to the Arbitral tribunal, shall be delivered to the other party. The parties shall have delivered any report of an expert, evidence documents on which the Arbitral tribunal could base its decision.

Commencement of the arbitration proceedings

Article 42

- (1) Unless otherwise agreed by the parties, the arbitration proceedings are commenced by a statement of claim.
- (2) The statement of claim shall be filed with the Arbitration Court and must contain the following information:
 - a. full name of the parties (company and address of legal entity, registered in the Central register of the Republic of Macedonia or another registry supported with evidence from the register and their representative or plenipotentiary, if they have);
 - b. address of the parties, telephone, fax and e-mail address for receipt of written submissions;
 - c. the claim;
 - d. a statement of the facts on which the claim is based;
 - e. the evidence;
 - f. the arbitration agreement, if concluded;
 - g. a statement on the appointment of an arbitrator;
 - h. an indication of the value of the subject of the dispute;
 - i. signature of the submitter, or electronic signature.
- (3) A copy of the main contract or the arbitration agreement (if it is not contained in the main contract), if such documents exist, must be enclosed to the statement of claim.

- (4) The claimant shall submit to the statement of claim all documents which it considers important or he may call on documents or other evidence which he intends to submit.

Article 43

- (1) The Secretary of the Arbitration Court shall deliver the statement of claim and all the enclosures to the defendant and shall set a time-limit for submission of a reply to the statement of claim. The reply to the statement of claim shall be submitted to the seat of the Arbitration Court, and the Secretary of the Arbitration Court shall deliver it along with the enclosures to the claimant and the Arbitral tribunal.
- (2) The provisions from article 42 paragraph 2 and 4 apply to the reply to the statement of claim as well.

Article 44

Unless otherwise agreed by the parties, in the course of the arbitration proceedings, each of the parties may amend or supplement its statement of claim or reply to the statement of claim, unless the Arbitral tribunal considers it inappropriate to allow such amendment having regard to the delay that might be caused by the late actions, or the damage that might be suffered by the other party, or given other circumstances.

Counterclaim

Article 45

The defendant may, up to the conclusion of the hearings, submit a statement of counterclaim to the Arbitral tribunal, or raise an objection for set-off in the form of a statement of counterclaim, if the counterclaim or the objection arises from a legal relationship which is covered with the arbitration agreement.

Time-limits

Article 46

- (1) The time-limits set by the Arbitral tribunal for filing the submissions should not be longer than 30 days. The Arbitral tribunal may extend the time-limits, if it finds the extension justified.
- (2) In terms of these Rules, the time-limits start to run the next day after the receipt of the decision, statement or proposal.
- (3) If the last day of the time-limit falls on a public holiday or non-working day in the residence or seat of the addressee, the time-limit shall be extended until the first following working day. Public holidays or non-working days falling within the time-limit, are calculated in the time-limit.

Article 47

- (1) If in the time-limit set by the Arbitral tribunal, the defendant fails to submit a reply to the statement of claim, not providing justified reasons for the failure, the proceedings before the Arbitral tribunal shall continue.
- (2) If one of the parties, having been duly notified under these Rules, does not attend the hearing, not providing justified reasons for the absence, the Arbitral tribunal may decide based on evidence available.

Conclusion of the hearings

Article 48

- (1) When the Arbitral tribunal considers that the matter is discussed sufficiently, so that it can render a decision, it announces that the hearing is concluded and then the Arbitral tribunal shall retreat for deliberation and voting for rendering a decision.
- (2) The Arbitral tribunal may, during the deliberation and voting, decide to reopen the concluded hearings, if it is necessary to supplement the proceedings or to clarify important issues.

Receipt of written submissions

Article 49

- (1) Unless otherwise agreed by the parties:
 - (a) any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address. If none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last-known place of business address of the seat, habitual residence or seat of the addressee, by registered letter with returnees, through electronic mail, telegram, telex or telephone if the date when the written statement is received can be verified, or any other means which provides a record of the attempt to deliver it;
 - (b) the communication is deemed to have been received on the day it has been delivered.
- (2) Based on the written consent of each of the parties, contained in a written statement or minute of the hearing before the Arbitral tribunal, the written statements for the party that has agreed to it, may be submitted to it or its representative or plenipotentiary, on the address of the electronic mailbox as well, by the Secretary or other officer in the Arbitration Court. Under the same conditions, each of the parties and experts may submit written statements to the Arbitration Court at the address of the electronic mailbox of the Arbitration Court.
- (3) If the party has appointed a plenipotentiary, all the invitations and written statements shall be delivered to the plenipotentiary, in accordance with paragraphs 1 and 2 form this article.

(4) It is considered that the delivery of the written statement is executed when the party or her plenipotentiary refuses to accept it, for what a written note is composed.

Article 50

The statement of claim, the reply to the statement of claim, the attachments to the statement of claim, the attachments to the reply of the statement of claim, other submissions and attachments which the party sends to the Arbitral tribunal in the course of the proceedings, or to the Arbitration Court, are submitted through the Secretary of the Arbitration Court in a sufficient number of copies for all the opponents and for all arbitrators.

Evidence

Article 51

- (1) The Arbitral tribunal may, if deemed necessary, ask the party, within a period set by the Arbitral tribunal to send a review of documents and other evidence, which as a party it wants to propose for determining the disputed facts put forward in the statement of claim or the reply to the statement of claim.
- (2) In the course of the arbitration proceedings, the Arbitral tribunal may, at any time, request the parties to submit documents of other evidence that are determined by the Arbitral tribunal.

Article 52

- (1) Unless otherwise agreed by the parties, the Arbitral tribunal may:
 - appoint one or more experts to submit their findings of fact and opinion on certain issues that will be determined by the Arbitral tribunal. The transcript of the order that the Arbitral tribunal gives to the expert shall be delivered to the parties and
 - require a party to give the expert any relevant information or to submit all relevant documents, or to provide access to any relevant documents, goods or other property for his inspection.
- (2) The parties are obliged to give the experts all notices or make them available all relevant documents or goods that they seek. For any disagreement between a party and expert witness regarding the validity of the required notices, the Arbitral tribunal shall be informed to make a decision upon that issue.
- (3) When the report from the expert is received, the Arbitral tribunal shall submit a transcript to the parties as well, and will provide them an opportunity to declare in writing about the report. The parties are authorized to inspect any document to which the expert calls upon in the statement.
- (4) At request of one of the parties, the expert may, after he has filed his report, be interrogated at a hearing which the parties may attend and pose questions to the experts. Each party is authorized to bring other experts to such a hearing, to give their statement on disputed issues.
- (5) The provisions on the exemption of the arbitrators and failure or impossibility to act for the arbitrators from these Rules, shall apply to the experts as well.

Oral and written proceedings

Article 53

- (1) Unless otherwise agreed by the parties, an oral hearing shall be held.
- (2) If an oral hearing is held, the Arbitral tribunal is obligated to notify the parties in due time for the date, the hour and the time when the hearing will be held.
- (3) If it is necessary to hear witnesses, each party shall, at least 15 days before the hearing submit to the Arbitral tribunal and the other party the names and the addresses of the witnesses it proposes to be heard, and to announce the subject of the testimony and the language on which the testimony shall be given.
- (4) The Arbitral tribunal shall ensure translation of the oral statements at the hearing and keeping minutes of the hearing, if deemed necessary, given the circumstances of the case, or if the parties agreed on that and announced that to the Arbitral tribunal at least 15 days before the hearing.
- (5) Unless otherwise agreed by the parties, the arbitral proceedings are not public.
- (6) The Arbitral tribunal may request the witness or the witnesses to step away during the statements of other witnesses. The Arbitral tribunal may determine the manner in which the witnesses shall be heard.
- (7) The witnesses may give their statements in the form of a signed written statement.

Minutes

Article 54

- (1) On the hearings minutes are kept, which are composed in the way that the President of the Arbitration panel or the sole arbitrator loudly tells the clerk what to insert in the minute.
- (2) The minutes are signed by the arbitrators, the clerk and the parties, or their representatives or plenipotentiaries.
- (3) If one of the parties refuses to sign the minutes, the President of the Arbitration panel or the sole arbitrator shall note that in the minutes.
- (4) The clerk shall be determined by the Secretary of the Arbitration Court.

Article 55

The Arbitral tribunal shall decide which further submissions should be sought by the parties, or which submissions the parties may file and sets the time-limits for their submission.

Interim measures

Article 56

- (1) Unless otherwise agreed by the parties, the Arbitral tribunal may, at the request of one of the parties, issue an interim measure and order any of the parties to take a certain action which the Arbitral tribunal considers necessary in compliance with the subject of the dispute. The Arbitral tribunal may request any of the parties to provide an appropriate security regarding that measure.

- (2) If the party to which the interim measure applies does not agree to carry it out voluntarily, then the party upon whose proposal the measure was issued may address the competent court for its enforcement.

Form and content of the arbitral decision

Article 57

- (1) The Arbitral tribunal renders an arbitral award and other decisions with a majority of votes.
- (2) The substance of the dispute is decided with an arbitral award.
- (3) The procedural issues are decided by the sole arbitrator or the President of the Arbitration panel.
- (4) The arbitral award must be signed by the sole arbitrator or the members of the Arbitration panel. In the arbitral proceedings with more than one arbitrator, the signatures of the majority of the members of the Arbitration panel are sufficient, but the reason why some of the signatures of the arbitrators are missing must be noted.
- (5) The reasons on which it is based must be stated in the arbitral award, unless the parties have agreed that the reasons shall not be stated or if the arbitral award is based on an agreement or settlement, in accordance with article 63 from these Rules.
- (6) The date and the place where the award was rendered shall be stated in the arbitral award.
- (7) After the arbitral award has been rendered, a copy signed by the arbitrators in accordance with paragraph 3 of this article shall be delivered to each of the parties.
- (8) Unless otherwise agreed by the parties, the delivery of the arbitral award shall be conducted in accordance with the provisions from article 49 of these Rules.

Award

Article 58

- (1) The arbitral award is final and binding on the parties. The parties undertake to carry out the award without delay.
- (2) The Arbitral tribunal is obligated to state the reasons of the arbitral award, unless the parties have agreed that the stating of the reasons of the award is not necessary.
- (3) The arbitral award may be published only upon accordance of both parties.

Examination and approval of the prepared awards

Article 58-a

- (1) Before signing the award, the arbitral tribunal is obliged to present the Arbitration Court a draft of the prepared award.
- (2) The Arbitration Court may lay down modifications as to the form of the award.

(3) The examination and approval of the prepared awards is performed by the President of the Arbitration Court or other member of the Presidency, appointed by the President of the Arbitration Court.

(4) The award shall not be sent to the parties before the finalization of the process of examination and approval of the prepared award.

Partial award

Article 59

Apart from the final award, the Arbitral tribunal may render a partial award, if only one part of the claim is due.

Interpretation and correction of the award

Article 60

(1) Within 30 days from the receipt of the arbitral award, each party may, informing the other party about that, request the Arbitral tribunal to interpret a particular place or part of the award.

(2) If the Arbitral tribunal finds the request justified, it will give an interpretation of the arbitral award, in writing within 30 days from the receipt of the request. The interpretation is an integral part of the award.

Article 61

(1) Within 30 days from the receipt of the arbitral award, each party may, informing the other party about that, request the Arbitral tribunal to make a correction in the arbitral award of any computational, clerical, typographical error or any other error from similar nature.

(2) The Arbitral tribunal may, at its own initiative, make a correction of any error referred to in paragraph 1 of this article, within 30 days from the day the award was rendered.

(3) If the Arbitral tribunal finds the request justified, the correction of the award shall be made in writing, within 30 days from the receipt of the request.

Additional award

Article 62

(1) Within 30 days from the receipt of the arbitral award, each party may, informing the other party about that, request the Arbitral tribunal to render an additional award on the claims on which the Arbitral tribunal has failed to render an award.

(2) If the Arbitral tribunal finds the request justified, it shall render an additional award within 60 days from the receipt of the request for rendering an additional award.

(3) The provisions of article 61 from these Rules shall apply to the correction, interpretation of the arbitral award or for additional award.

Resolution of the dispute with a settlement

Article 63

- (1) If in the course of the arbitral proceedings, the parties settle the dispute or resolve it with an agreement, the Arbitral tribunal shall terminate the proceedings, and if requested by both parties, the Arbitral tribunal shall render an arbitral award on the base of the settlement or the agreement.
- (2) The Arbitral tribunal is not obligated to state the reasons of that award.
- (3) If before the deliberation of the award the continuation of the proceedings becomes unnecessary or impossible for reasons other than those referred to in paragraph 1 of this article, the Arbitral tribunal is obligated to inform the parties of its intention to conclude the proceedings. The Arbitral tribunal is authorised to issue a conclusion for the termination of the proceedings only if the party or the parties have not raised an objection for justified reasons.
- (4) The Arbitral tribunal shall deliver to the parties a copy of the decision for termination of the arbitral proceedings or a copy of the award rendered on the base of paragraph 1 of this article.

Termination of the arbitral proceedings

Article 64

- (1) The arbitral proceedings are terminated with the deliberation of the final award or by a conclusion for the termination of the proceedings, in accordance with paragraph (2) of this article.
- (2) The Arbitral tribunal shall render a conclusion for termination of the proceedings in the following cases:
 - if the claimant withdraws his statement of claim, unless the defendant objects thereto and the Arbitral tribunal recognizes a legitimate interest on his part in obtaining a final award in the dispute;
 - if the parties have agreed on the termination of the proceedings;
 - if the Arbitral tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible.
- (3) The mandate of the Arbitral tribunal terminates after the deliberation of the arbitral award or the conclusion for the termination of the proceedings, except in the cases when a correction is made, an interpretation is given or an additional award is rendered, when the mandate of the Arbitral tribunal terminates with the deliberation of the appropriate arbitral award for correction, interpretation or addition to the award. In the case an application for the setting aside of an arbitral award is submitted, the mandate of the Arbitral tribunal terminates with the deliberation of the appropriate award, with the end of the hearing or with the taking of an action to eliminate the grounds for setting aside.

Article 65

Against the arbitral award a remedy is not allowed before an arbitral court of higher instance.

Article 66

In the disputes without international element, the parties can not choose the applicable law for the merits of the dispute.

IV. MEDIATION PROCEDURE FOR SETTLEMENT OF DISPUTES

Article 67

At the request of one of the parties, a procedure for settlement of the dispute can be conducted within the competences of the Arbitration Court. The existence of an arbitration agreement is not necessary for the procedure for settlement of disputes.

Article 68

The request for the commencement of a procedure for settlement shall be submitted to the Secretary of the Arbitration Court, who will request the opposing party, within 30 days from the delivery to declare on that request. If the counter party opposes to the procedure for settlement, or does not declare within the given time-limits, the procedure for settlement is considered to fail.

Article 69

- (1) If the opposing party agrees with the proposal to conduct a procedure for settlement, the President of the Arbitration Court shall determine an arbitrator or another person as a mediator.
- (2) The mediator shall examine the allegations and the suggestions of the parties, and if necessary collect certain information and hear the parties.
- (3) The mediator shall prepare a written proposal for an agreement and deliver it to the parties.

Article 70

- (1) If the parties conclude a settlement, its content is inserted in a minute which is signed by the parties and the person mediating.
- (2) The minute for the settlement has the legal force of a final court decision.

Article 71

- (1) If the parties failed to reach a settlement, the procedure for settlement is considered failed.
- (2) The statements of the parties given in the procedure for settlement, which has failed, shall have no importance in subsequent arbitral proceedings.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 72

- (1) The bodies of the Arbitration Court chosen in accordance with the previous regulations remain in office until the election of bodies of the Arbitration Court in accordance with these Rules.
- (2) The provisions restricting the right of a consecutive continuous choice in certain bodies of the Arbitration Court shall be applied to the choosing and appointments which will be made after the entry into force of these Rules.

Article 73

The proceedings commenced before the Arbitration Court attached to the Economic Chamber of Macedonia until the day these Rules entries into force, shall be terminated in accordance with the Rules of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia n.07-2962/3 from 16.10.2007 and the other general acts enacted on the base of the Law on economic chambers (Official gazette of the Republic of Macedonia, n.89/04), the Statute of the Economic Chamber of Macedonia and the Rules referred to in this article.

Article 74

- (1) The rules on the costs in the proceedings before the Arbitration Court (awards for arbitrators, travel expenses, administrative costs, the advancement of the costs for presentation of evidence and other costs), shall be determined by the Managing board of the Economic Chamber of Macedonia.
- (2) The costs shall be determined by the Arbitration Court in fair amount, taking in consideration the value of the dispute, the complexity of the subject matter, the amount of time spent by the arbitrators and other relevant circumstances concerning the dispute.

Article 75

With the entry into force of these Rules, the Rules of the Permanent court of Arbitration attached to the Economic Chamber of Macedonia 07-3479/93 from 15.12.2011 shall be repealed.

Article 76

These Rules are posted on the notice-board in the Chamber and the web-page of the Economic Chamber of Macedonia within three days from the date of adoption and shall enter into force on the date of publication.

Chairman,
Antoni Peshev