

Pursuant to Article 50 of the Statute of the Economic Chamber of North Macedonia (consolidated text) No. 02-256/4 of 01/03/2021, in the session held on 29/04/2021, the Assembly of the Economic Chamber of North Macedonia adopted the following

**ARBITRATION RULES OF
THE PERMANENT COURT OF ARBITRATION
attached to the Economic Chamber of North Macedonia

(SKOPJE ARBITRATION RULES)**

INTRODUCTORY PROVISIONS

**Permanent Court of Arbitration attached to the Economic Chamber of North
Macedonia
Article 1**

(1) The Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia (hereinafter Arbitration Court) is a permanent arbitral institution that provides support and organizes resolution of disputes with and without international element in accordance with the Arbitration Rules of the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia (hereinafter Arbitration Rules).

(2) The organization of the Arbitration Court is regulated by Appendix I, constituent part of these Arbitration Rules.

**Application of the Arbitration Rules
Article 2**

(1) Where the parties have agreed to submit their dispute for resolution to the Arbitration Court or to refer their dispute to an arbitral tribunal constituted in accordance with these Arbitration Rules, they shall be deemed to have agreed to the application of these Arbitration Rules, provided that the proceedings are commenced after these Arbitration Rules have entered into force.

(2) Parties may agree not to apply the provisions of the Rules, except for the provision in Article 54 paragraph 5 of these Arbitration Rules, provided that their agreement is not contrary to the mandatory rules of the Republic of North Macedonia.

(3) Where the arbitration agreement was concluded before the entry into force of these Arbitration Rules, the provisions in Articles 15 and 16 of these Arbitration Rules and Appendix II, which is constituent part of these Arbitration Rules, shall not apply, unless otherwise agreed by the parties.

**Jurisdiction of the Arbitration Court and of Arbitral Tribunal of the Arbitration
Court
Article 3**

(1) The Arbitration Court, that is, the Arbitral Tribunal of the Arbitration Court shall have jurisdiction in resolving a specific dispute where the parties have so agreed,

(2) “Arbitral Tribunal” of the Arbitration Court means a sole arbitrator or panel of arbitrators that conducts the proceedings and decides on a particular dispute.

(3) The parties may agree on the competence of the Arbitration Court, that is, of the Arbitral Tribunal of the Arbitration Court, with regard to resolution of disputes over rights that the parties may freely dispose of and that are and for which exclusive jurisdiction of a court of the Republic of North Macedonia is not provided by law.

(4) Unless otherwise determined by the arbitration agreement, agreeing to the competence of the Arbitration Court shall imply that the parties have agreed to the competence of the bodies of the Arbitration Court concerning:

a) appointment of arbitrators and the decision upon challenge b) conducting other activities provided by these Arbitration Rules.

(5) If the parties so agree, the Arbitration Court may conduct only some of the activities provided by these Arbitration Rules, and particularly:

a) act as a body authorized to appoint arbitrators in ad hoc arbitral proceedings or in arbitral proceedings conducted by other arbitration institutions;

b) provide administrative and other services, organize hearings, and make facilities and equipment available for conducting arbitral proceedings and conciliation or mediation proceedings according to rules other than these Arbitration Rules.

(6) Where the Arbitration Court acts as an appointing authority with respect to paragraph (5)a) of this Article, the provisions of these Arbitration Rules for appointment of arbitrators to the Arbitral Tribunal of the Arbitration Court shall apply.

Resolution of disputes with or without international elements

Article 4

(1) The Arbitral Tribunal of the Arbitration Court may resolve disputes with and without international element.

(2) In terms of these Arbitration Rules, a dispute shall be considered to have international element if:

a) at least one of the parties, at the time when the arbitration agreement was concluded, is a natural person with temporary or permanent residence outside the territory of the Republic of North Macedonia, or a legal entity headquartered outside the territory of the Republic of North Macedonia or

b) the place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected is not in the territory of the Republic of North Macedonia.

Refusal of disputes

Article 5

(1) The Presidency of the Arbitration Court may decide to refuse to administer a certain dispute even when arbitration is agreed upon, if the arbitration agreement involves rights that the parties may not freely dispose of.

(2) The Presidency of the Arbitration Court may also decide to refuse to administer a certain dispute if the parties have agreed to a seat, language, composition, method of constitution of the Arbitral Tribunal or arbitral proceeding rules that would make conducting the proceedings disproportionately difficult or expensive or if this implies substantial deviation from the method of dispute resolution as per these Arbitration Rules.

(3) Where the Presidency of the Arbitration Court decides as in the cases referred to in paragraphs (1) and (2) of this Article, it shall be deemed that no valid arbitration agreement exists on the jurisdiction of the Arbitration Court, that is Arbitral Tribunal at the Court.

(4) The Presidency of the Arbitration Court may make the decision referred to in paragraph (1) of this Article prior to the constitution of the Arbitral Tribunal, at the proposal of the President of the Arbitration Court or the Secretary General of the Arbitration Court, and the decision referred to in paragraph (2) of this Article may be made after the constitution of the Arbitral Tribunal, at the proposal of the President of the Arbitration Court, the Secretary General of the Arbitration Court, or the Arbitral Tribunal of the Arbitration Court.

Communication with the Arbitration Court

Article 6

Irrespective of the language of the proceedings, communication between the parties and the Arbitration Court shall be in Macedonian or in English.

Confidentiality

Article 7

Unless otherwise agreed by the parties, the bodies of the Arbitration Court, the Arbitral Tribunal, the emergency arbitrator, the parties, the witnesses, and the expert witnesses shall maintain the confidentiality of the arbitral proceedings and the awards made, to the extent that it is not contrary to the applicable mandatory rules or to the need to exercise or protect the rights of the parties in enforcement procedures, procedures for recognition and enforcement of awards or procedures for setting aside an award.

Submissions and other written notices

Article 8

(1) The parties shall submit submissions and other written notices, along with the attachments thereof, to the Arbitration Court in writing at the address of the Arbitration Court, in sufficient number of copies for the other party, for the arbitrator(s), and for the Secretary General of the Arbitration Court.

(2) Other participants in the proceedings shall submit their written notices to the Arbitration Court in writing at the address of the Arbitration Court.

(3) The parties and other participants in the proceedings may submit submissions and other written notices via electronic mail to the email address provided by the Arbitration Court, while one copy must be submitted in writing at the address of the Arbitration Court.

(4) Case records kept with the Arbitration Court in writing must contain at least one copy of every written notice based on which the Arbitration Tribunal acted upon and decided.

Delivery **Article 9**

(1) Unless otherwise provided by these Arbitration Rules, submissions and other written notices shall be delivered to the last known address of the addressee. Submissions and written notices may be delivered via courier service, registered mail with proof of mailing, electronic mail, or via any other means of communication that provide a record of the sending or that a delivery attempt was made.

(2) A submission or written notice shall be deemed to have been received on the day when it is factually delivered to the addressee or on the day when the submission or written notice can be deemed to have been received according to the means of communication provided by paragraph (1) of this Article.

(3) Where a party has appointed a representative, any submissions or written notices shall be delivered to the representative pursuant to the provisions in this Article. Submissions or written notices delivered to the representative shall be deemed as delivered to the party.

(4) Submissions or written notices shall be deemed as delivered even when the party or its representative refuse to receive it, about which a written note shall be made.

COMMENCEMENT OF THE ARBITRAL PROCEEDINGS

Statement of Claim to the Arbitration Court **Article 10**

(1) The arbitral proceedings shall commence with the Statement of Claim

(2) The Statement of Claim shall be submitted to the Arbitration Court in writing or via electronic mail at the electronic address provided by the Arbitration Court.

(3) The Statement of Claim must contain:

- a) the names of the parties in full (company and headquarters of the legal entity, registered with the Central Registry of the Republic of North Macedonia or with other register, supported by proof from the respective register and their authorised representative or plenipotentiary, if applicable),
- b) the addresses of the parties, telephone and fax numbers, and electronic address for receiving submissions or written notices,
- c) the relief or remedy sought,
- d) the statement of facts supporting the claim,

- e) evidence,
- f) the arbitration agreement, if such was concluded,
- g) a proposal as to the number of arbitrators, the language of the proceedings, and the seat of the arbitration, if the parties have not previously agreed thereon,
- h) the nomination of arbitrator,
- i) an indication as to the value of the claim,
- j) the signature or electronic signature of the claimant.

(4) The Statement of claim must include a copy or photocopy of the main agreement or of the arbitration agreement (if not contained in the main agreement), if such documents exist.

(5) The claimant shall include any documents in the Statement of claim it deems as relevant, or it may refer to documents or other evidence it intends to submit.

(6) Where the Request for Arbitration is submitted in writing, the claimant shall submit a sufficient number of copies of the Statement of claim and the attachments thereof for the other party, each arbitrator, and for the Secretary General of the Arbitration Court.

(7) In the event that the Statement of claim fails to comply with the requirements referred to in paragraphs (3) and (4) of this Article or it is not submitted in sufficient number of copies as per paragraph (6) of this Article, the Secretary General of the Arbitration Court shall invite the claimant to supplement the Statement of claim or submit sufficient number of copies within a time limit determined by the Secretary General. If the claimant fails to supplement the Statement of Claim or submit a sufficient number of copies, the Secretary General shall terminate the proceedings.

Commencement of arbitral proceedings

Article 11

The arbitral proceedings shall commence on the date the Statement of claim is received by the Arbitration Court in writing or via electronic mail at the electronic address provided by the Arbitration Court.

Registration fee

Article 12

(1) Upon filing the Statement of claim, the claimant shall pay a registration fee in accordance with the Rules on the Costs of Proceedings before the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia.

(2) Until the registration fee has been paid, the Secretary General of the Arbitration Court will not send the Request for Arbitration to the respondent.

(3) If the claimant fails to pay the registration fee, the Secretary General of the Arbitration Court shall set an additional time period for payment. If the registration fee is not paid within this time period, the Secretary General shall terminate the proceedings.

Reply to the Statement of claim

Article 13

(1) The Secretary General of the Arbitration Court shall send the Statement of claim and the attachments thereof to the respondent and invite the respondent to submit a Reply to the Statement of claim within 30 days upon receipt of the Statement of claim and the attachments thereof.

(2) The Secretary General of the Arbitration Court shall send the Statement of claim and the attachments thereof to the respondent in writing or at the electronic address for receiving submissions or written notices provided in the Statement of claim in accordance with the provisions in Article 9 of these Arbitration Rules.

(3) The respondent shall send the Reply to the Statement of claim to the Arbitration Court in writing or via electronic mail at the electronic address provided by the Arbitration Court.

(4) The Reply to the Statement of claim must contain:

- a) the names of the parties in full (company and headquarters of the legal entity, registered with the Central Registry of the Republic of North Macedonia or with other register, supported by proof from the respective register and their authorised representative or plenipotentiary, if applicable),
- b) the addresses of the parties, telephone and fax numbers, and electronic address for receiving submissions or written notices,
- c) any objection as to the jurisdiction,
- d) response to the statements made by the claimant,
- e) response to the relief or remedy sought by the claimant,
- f) response as to the estimate of the value of the dispute, where the claim is non-monetary,
- g) a proposal as to the number of arbitrators, the language of the proceedings, and the seat of the arbitration, if the parties have not previously agreed thereon,
- h) the nomination of arbitrator,
- i) the signature or electronic signature of the respondent.

(5) The provisions in Article 10 paragraphs (5) and (6) of these Arbitration Rules shall also apply to the Reply to the Statement of claim.

(6) The Secretary General of the Arbitration Court shall send the Reply to the Statement of claim and the attachments thereof to the claimant.

(7) If the Respondent fails to submit a Reply to the Statement of claim, the proceedings shall continue pursuant to Article 44 paragraph (1) of these Arbitration Rules.

Counterclaim and set-off claim

Article 14

(1) The respondent may submit a Statement of counterclaim or a set-off claim with the Reply to the Statement of claim the latest, provided that the counterclaim or the set-off claim arise from the legal relationship covered by the arbitration agreement.

(2) Articles 9 and 11 of these Arbitration Rules shall apply to any counterclaims.

(3) The claimant may submit a Reply to any Statement of counterclaim or a set-off claim within 30 days from the receipt of the Statement of counterclaim.

(4) The Arbitral Tribunal shall decide on the admissibility of any additional counterclaims or set-off claims by taking into account all circumstances of the case, and particularly the stage of the proceedings.

Consolidation of proceedings

Article 15

(1) The Presidency of the Arbitration Court may, at the proposal of the parties, consolidate two or more separate proceedings pending under these Arbitration Rules where:

- a) all parties have agreed to consolidation, or
- b) all of the claims in the proceedings are covered by the same arbitration agreement, or
- c) when not all of the claims in the proceedings are covered by the same arbitration agreement, if the proceedings are between the same parties, the claims arise from the same legal relationship and the Presidency finds the arbitration agreements compatible.

(2) In deciding whether to consolidate the proceedings, the Presidency of the Arbitration Court shall take into account all circumstances it considers relevant, including whether arbitrators have been appointed in any of the proceedings and, if so, whether the same or different arbitrators have been appointed. Before adopting the decision on the consolidation, the Presidency of the Arbitration Court shall consult with the parties and the arbitrators already appointed.

(3) The proceedings are consolidated into the proceedings that commenced first, unless otherwise agreed by all parties.

Joinder of additional parties

Article 16

(1) The Arbitral Tribunal of the Arbitration Court may, at the request of any party, allow one or more third persons to be joined in the proceedings as a party, provided such person is bound by the same arbitration agreement.

(2) Before making the decision referred to in paragraph (1) of this Article, the Arbitral Tribunal shall give the parties, including the third persons, the opportunity to submit comments about the joinder request.

(3) The Arbitral Tribunal may decide not to permit the joinder, if doing so would cause disproportionate prejudice to the interests of any of the parties.

(4) If the joinder of the party takes place after the constitution of the Arbitral Tribunal, the joining party shall consent to the appointed arbitrator(s). If the joinder of the party takes place before the constitution of the Arbitral Tribunal, the joining party shall take part in the appointment of arbitrators pursuant to Article 21 of these Arbitration Rules.

Representation and counselling

Article 17

(1) The parties may appoint a representative (plenipotentiary) or adviser of their choice. The party must communicate the names and addresses of the aforementioned persons to the Arbitration Court in writing. In the notice, the party shall specify if the appointment refers to representation or counselling, and if no such specification is given, the Arbitration Court shall regard the appointment as referring to representation.

(2) Each party must promptly inform the Secretary General of the Arbitration Court or the Arbitral Tribunal of any changes in its representation.

(3) The Arbitral Tribunal may, after affording an opportunity to the parties to comment in writing within a given time period, take any measure necessary to avoid conflict of interests of an arbitrator arising from a change in party representation, including the exclusion of new party representatives from participating in the arbitral proceedings.

(4) At any time after the commencement of the arbitration, the Secretary General of the Arbitration Court or the Arbitral Tribunal may require proof of the authorization for representation.

COMPOSITION AND CONSTITUTION OF THE ARBITRAL TRIBUNAL

Number of arbitrators

Article 18

(1) The parties may agree to have the dispute decided by sole arbitrator or by a panel of three arbitrators.

(2) Where the arbitration agreement provides for an even number of arbitrators, the President of the Arbitration Court shall appoint an additional arbitrator.

(3) Disputes whose value does not exceed EUR 30,000 shall be decided by sole arbitrator, unless the parties explicitly agree to have the dispute decided by a panel of arbitrators within 15 days from the receipt of the Statement of claim to the respondent.

(4) Disputes whose value exceeds EUR 30,000 shall be decided by a panel of arbitrators, unless the parties explicitly agree to have the dispute decided by sole arbitrator within 15 from the receipt of the Statement of claim by the respondent.

Appointment of sole arbitrator

Article 19

(1) Where the dispute is decided by sole arbitrator, the parties shall nominate the sole arbitrator jointly and communicate the name of the arbitrator to the Secretary General of the Arbitration Court.

(2) If the parties fail to act in accordance with the provision referred to in paragraph (1) of this Article within 15 days from the submission of the Reply to the Statement of claim or from the day failing to submit an Reply to the Statement of claim, the appointment of sole arbitrator shall be made by the President of the Arbitration Court.

Appointment of panel of arbitrators

Article 20

- (1) The Arbitral Tribunal is composed of three arbitrators, members of the panel.
- (2) Unless otherwise agreed by the parties, the Arbitral Tribunal shall be constituted by one arbitrator nominated by the claimant in the Statement of claim, one arbitrator nominated by the respondent in the Reply to the Statement of claim, whilst the President of the Panel of arbitrators is appointed by the President of the Arbitration Court.
- (3) Where the party fails to nominate an arbitrator in the Statement of claim or Reply to the Statement of claim, the Secretary General of the Arbitration Court shall invite the party to nominate an arbitrator, within 15 days from the receipt of the request for nomination of an arbitrator.
- (4) If any of the parties fail to appoint an arbitrator within the time provided in paragraph (3) of this Article, the appointment of an arbitrator shall be made by the President of the Arbitration Court.

Appointment of arbitrators in multi-party proceedings

Article 21

- (1) Where there are multiple claimants or respondents in a dispute, the parties shall previously agree on jointly appointing or proposing an arbitrator.
- (2) If the parties referred to in paragraph (1) of this Article fail to reach an agreement or if they fail to specify or propose the same person as an arbitrator in their separate submissions, the appointment of the arbitrator shall be made by the President of the Arbitration Court.

List of Arbitrators

Article 22

- (1) By rule, arbitrators shall be appointed from the List of Arbitrators of the Arbitration Court.
- (2) Each party may appoint an arbitrator who is not on the List of Arbitrators.
- (3) By rule, the President of the Arbitral Tribunal shall be appointed from the List of Arbitrators.
- (4) The Arbitration Court shall have two Lists of Arbitrators from which sole arbitrators, members and presidents of panels of arbitrators are to be nominated, namely:
 - a) List of Arbitrators for disputes with international elements, and
 - b) List of Arbitrators for disputes without international elements.
- (5) The List of Arbitrators referred to in paragraph (1) of this Article shall be determined by the Management Board of the Economic Chamber of North Macedonia at the proposal of the Presidency of the Arbitration Court.

Notification of the appointment and acceptance of the appointment

Article 23

(1) The Secretary General of the Arbitration Court shall inform the persons appointed for 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 refused the appointment.

(3) If the arbitrator refuses the nomination, the Secretary General of the Arbitration Court shall invite the appointing party to appoint another arbitrator within 8 days.

(4) If the President of panel of arbitrators or the arbitrator appointed by the President of the Arbitration Court refuses the appointment, the President of the Arbitration Court shall appoint a new arbitrator or a new President of the panel of arbitrators within 8 days.

(5) The Secretary General of the Arbitration Court shall send the notification regarding the acceptance of the appointment as arbitrator to each of the parties, within 15 days from receipt of the notification, and shall set a time period within which they may submit comments/objections?.

Independence and impartiality of the arbitrators

Article 24

(1) A person who is to be appointed as arbitrator is obligated to disclose any circumstances which may give rise to justifiable doubts as to his or her impartiality or independence, to any party which addresses him with reference to the possibility of his appointment.

(2) The appointed arbitrator, after the appointment and in the course of the proceedings, shall disclose to the parties any such circumstances.

Declaration of the arbitrator

Article 25

(1) Upon submitting the notification for acceptance of the appointment as arbitrator to the Secretary General of the Arbitration Court, the appointed arbitrator shall submit a written declaration of availability, impartiality, and independence.

(2) In the declaration referred to in paragraph (1) of this Article, the appointed arbitrator shall disclose any circumstances which may give rise to justifiable doubts as to his or her impartiality or independence, particularly whether:

- a) he or she carried out any tasks or orders on behalf of any of the parties, or
- b) he or she has direct or indirect financial interest in the resolution of the dispute, or
- c) he or she has any confidential information regarding the subject matter of the dispute, obtained from sources outside the arbitral proceedings, or
- d) he or she has other information important for preserving the outward appearance of impartiality.

(3) The declaration 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.

Confirmation of arbitrators
Article 26

(1) The confirmation of the appointed arbitrator shall be decided upon by the President of the Arbitration Court. In doing so, the President of the Arbitration Court shall consider the declaration referred to in Article 25 of these Arbitration Rules and all circumstances that may give rise to doubts as to the arbitrator's impartiality or independence, availability, and ability to conduct the arbitration properly and timely, and any comments by the parties. The President of the Arbitration Court has no obligation to give reasons for his decision.

(2) Where confirmation of the appointment has not been granted/given/issued, the Secretary General of the Arbitration Court shall call the party or the arbitrators to make a new appointment, in a time period set by the Secretary General.

(3) The Arbitral Tribunal is deemed to be constituted after the confirmation of the sole arbitrator or the members of the panel of arbitrators.. The Secretary General of the Arbitration Court shall notify the parties of the constitution of the Arbitral Tribunal accordingly.

Challenge of arbitrators
Article 27

(1) An arbitrator may be challenged if circumstances exist that give rise to justifiable doubts as to his or her impartiality or independence or where the arbitrator does not possess the qualifications agreed by the parties.

(2) A party may challenge an arbitrator whom it has appointed only for reasons of which it became aware after the appointment.

Submitting a challenge
Article 28

(1) The party challenging the arbitrator shall send notice of its challenge to the Secretary General of the Arbitration Court within 15 days after receiving information of the appointment of the challenged arbitrator or within 15 days after the circumstances referred to in Article 27 of these Arbitration Rules became known to that party, containing the reasons for the challenge.

(2) Failure by a party to challenge an arbitrator within the time period provided in paragraph (1) of this Article constitutes a waiver of the right to make a challenge.

(3) The Secretary General of the Arbitration Court shall notify the other party and the challenged arbitrator of the challenge, and it may notify the other members of the panel of arbitrators. The notice must be in writing, and it must contain the reasons for the challenge. If the challenged arbitrator does not withdraw or the other party does not

agree to the challenge, the President of the Arbitration Court shall decide on the challenge.

Failure to fulfill or inability to fulfill the function of an arbitrator

Article 29

(1) Where the arbitrator is prevented de jure or de facto from fulfilling the arbitrator's function, or the arbitrator is not fulfilling those functions within the prescribed time limits for other reasons, the arbitrator's mandate shall be terminated if he or she withdraws from the function or if the parties agree on termination of his function.

(2) If the parties fail to agree on any of these reasons, each party may request from the Presidency of the Arbitration Court to decide on the termination of arbitrator's mandate.

Appointment of a substitute arbitrator

Article 30

Where an arbitrator's mandate is terminated pursuant to Article 28 and 29 of these Arbitration Rules, or where an arbitrator withdraws from appointment for any other reason, or where an arbitrator is released from appointment based on an agreement between the parties, or where the arbitrator's mandate is terminated in any other case, a substitute arbitrator shall be appointed in accordance with the rules that applied to the appointment of the outgoing arbitrator.

Repeat of proceedings in case of changes in the composition of the panel of arbitrators

Article 31

(1) Where the composition of the panel of arbitrators undergoes changes in the course of the proceedings, the proceedings shall be repeated.

(2) Upon obtaining consent from the parties, the Arbitration Tribunal may decide not to repeat the proceedings.

(3) Where a new sole arbitrator is appointed, the proceedings must be repeated.

PROCEEDINGS BEFORE THE ARBITRAL TRIBUNAL

Conduct of the proceedings

Article 32

(1) The Arbitral Tribunal shall conduct the proceedings in accordance with these Rules and the agreement of the parties, in such manner as it considers most appropriate, provided that the parties are treated equally and that at all stages of the proceedings each party is given a reasonable opportunity of presenting its case and requests and respond to the case and requests of the opposing party. The Arbitral Tribunal, in exercising its discretion, shall conduct the proceedings so as to avoid unnecessary costs and delay and to provide a fair and efficient process for resolving the dispute.

(2) All participants in the proceedings shall act in good faith and make every effort necessary for the efficient conduct of the proceedings and to avoid unnecessary costs and delay. Where a party fails to comply with its duties under this provision, the Arbitral Tribunal may take such failure into account in its decision for allocation of the costs of the arbitral proceedings.

Seat of the arbitration
Article 33

(1) Where the parties have not agreed otherwise, the seat of arbitration shall be Skopje.

(2) Irrespective of the seat of the arbitration, the Arbitral Tribunal may convene at any other location it considers appropriate to deliberate, to conduct hearings with the witnesses, expert witnesses or the parties, or to examine goods, other matters or documents, unless otherwise agreed by the parties.

(3) The Arbitral Tribunal may hold meetings via video- or teleconference or via other similar means of communication.

(4) The award shall be deemed to have been made at the seat of the arbitration.

Language of the proceedings
Article 34

(1) By rule, the proceedings before the Arbitral Tribunal shall be conducted in Macedonian language.

(2) The proceedings before the Arbitral Tribunal shall be conducted in the language or languages agreed upon by the parties.

(3) If the parties have not agreed on the language of the proceedings, the language of the proceedings shall be determined by the sole arbitrator or the panel of arbitrators promptly after its constitution. In doing so, the Arbitral Tribunal shall especially take into account the language or languages of the main contract that gives rise to the dispute to be resolved. The agreement of the parties or the decision of the Arbitral Tribunal on the language of the proceedings, unless otherwise specified therein, shall apply to all written statements of the parties, the oral proceedings and all awards, decisions, or other notices from the Arbitral Tribunal.

(4) The Arbitral Tribunal may order the parties that any evidence be accompanied by a translation into the language or languages of the proceedings agreed upon by the parties or determined by the Arbitral Tribunal.

(5) Where the parties have not agreed on the language of the proceedings, the Statement of claim, the Reply to the Statement of claim, and other submissions shall be submitted in the language of the main contract, until the Arbitral Tribunal determines the language of the proceedings.

(6) The Arbitral Tribunal shall provide translator for the party unfamiliar with the language of the proceedings, at the expense of the party, irrespective of the outcome of the proceedings.

(7) Where the parties fail to reach an agreement, or the Arbitral Tribunal fails to determine language of the proceedings, the proceedings shall be conducted in Macedonian language and its Cyrillic script.

Procedural timetable

Article 35

(1) After the constitution of the Arbitral Tribunal, the Tribunal shall promptly, after prior meeting with the parties, set a procedural timetable for the conduct of the proceedings, as well as additional rules for the conduct of the proceedings through a decision, if it deems such rules are necessary.

(2) The meeting relating to the procedural timetable for the proceedings and additional rules for the conduct of the proceedings may be held in person, via video- or teleconference, electronic mail, or other similar means of communication. Unless otherwise agreed by the parties, the Arbitral Tribunal shall determine the manner in which the meeting will be held. Before the meeting is held, the Arbitral Tribunal may ask the parties to submit proposals relating to the procedural timetable.

(3) With the procedural timetable, the Arbitral Tribunal shall set the time-limits for submission of potential further written submissions, the date or the dates of the oral hearings, the date until which the Arbitral Tribunal shall make the final award and other particulars it deems necessary. The additional rules for the conduct of the proceedings commonly refer to the written submissions, the evidence, witnesses, expert witnesses, and the hearing.

(4) The Arbitral Tribunal shall send the procedural timetable to the parties and the Secretary General of the Arbitration Court.

(5) In order to ensure continual and efficient conduct of the proceedings, the Arbitral Tribunal, after prior consultation with the parties, may supplement or amend the procedural timetable in the manner specified in paragraph (2) of this Article. The Arbitral Tribunal shall send the supplemented or amended procedural timetable to the parties and the Secretary General of the Arbitration Court.

Further submissions by the parties

Article 36

(1) With the procedural timetable, the Arbitral Tribunal shall set which further submissions shall be submitted by the parties and determine the time-limits for their submission.

(2) All submissions and any attachments thereof that each party addresses to the Arbitral Tribunal in the course of the arbitral proceedings shall be submitted to the Secretary General of the Arbitration Court in writing in sufficient number of copies for the other party and for all arbitrators and the Secretary General of the Arbitration Court, or via electronic mail at the email address provided by the Arbitration Court.

(3) After receiving the submissions and any attachments thereof referred to in paragraph (1) of this Article, the Secretary General of the Arbitration Court shall send a copy of the

submission and any attachments thereof to the other party pursuant to Article 9 of these Arbitration Rules and to all arbitrators.

Time-limitsArticle 37

(1) The time-limits set by the Arbitral Tribunal for submitting the submissions should not be longer than 30 days. The Arbitral Tribunal may extend the time-limits laid down if it finds that such extension is justified.

(2) A time-limit shall run from the day following the day on which the submission or the notice is deemed to have been received in accordance with Article 9 paragraph (2) of these Arbitration Rules.

(3) Where the last day of a time-limit is a national holiday or a non-business day at the residence or place of business of the addressee, the time-limit shall expire on the first following business day. National holidays and non-business days occurring during the time-limit are included in its calculation.

Jurisdiction of the Arbitral Tribunal to rule on its own jurisdiction **Article 38**

(1) The Arbitral Tribunal shall have the power to rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement. To that end, the arbitration clause constituent part of the contract shall be considered to be an agreement independent from the remaining provisions of that contract. The decision of the Arbitral Tribunal that such contract is null and void shall not mean ipso jure that the arbitration clause is invalid.

(2) An objection that the Arbitral Tribunal does not have jurisdiction shall be raised no later than in the Reply to the Statement of claim or, with respect to a Statement of counterclaim or a set-off claim, in the Reply to the Statement of counterclaim or to the set-off claim. A party is not precluded from raising such a plea by the fact that it has nominated, or participated in the appointment of, an arbitrator.

(3) An objection that the Arbitral Tribunal is exceeding the scope of its competence shall be raised by the party without delay, as soon as the Arbitral tribunal takes an action considered by one of the parties as action beyond the scope of the tribunal's competence.

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(4) In the cases referred to in paragraphs (2) and (3) of this Article, the Arbitral Tribunal may admit an objection submitted at later stage of the proceedings, if it considers the delay of the party justified.

(5) The Arbitral Tribunal may decide upon the objections referred to in paragraphs (2) and (3) of this Article with a decision as a preliminary question or with the arbitral award on the merits of the dispute. The Arbitral Tribunal may continue the proceedings and make an arbitral award, notwithstanding any pending challenge to its jurisdiction before a national judicial authority.

Amendments of claims

Article 39

(1) Unless otherwise agreed by the parties, a party may, during the course of the proceedings, amend (modify or supplement) its Statement of Claim, Reply to the statement of claim, or the counterclaim, provided the amendments remain covered by the arbitration agreement.

(2) The Arbitral Tribunal shall not allow the amendment if it considers that such amendment would disproportionately delay the proceedings or that it would cause disproportionate prejudice to the other party or for any other circumstances the Arbitral Tribunal deems relevant.

Oral hearing **Article 40**

(1) Unless otherwise agreed by the parties,, an oral hearing shall be held, if requested by any of the parties, or if deemed necessary by the Arbitral Tribunal.

(2) If an oral hearing is to be held, the Arbitral Tribunal shall give the parties adequate advance notice of the date, time, and place of the hearing.

(3) By rule, the oral hearing shall be held at the headquarters of the Arbitration Court. At the proposal of the parties, or with their consent, the Arbitral Tribunal may decide to hold the oral hearing away from the headquarters of the Arbitration Court.

(4) The oral hearing shall be closed to the public unless the parties agree otherwise.

(5) The Arbitral Tribunal shall decide upon the form in which the actions taken in the course of the oral hearing will be recorded.

(6) If none of the parties requests an oral hearing, and if the Arbitral Tribunal finds that the submitted written submissions and evidence are adequate for making an award without an oral hearing, the Arbitral Tribunal shall not schedule an oral hearing and it shall conduct the proceedings based on the submitted written submissions and evidence, which is to be ascertained in the procedural timetable.

Evidence **Article 41**

(1) The Arbitral Tribunal shall decide upon the admissibility, relevance, and weight of any evidence.

(2) The Arbitral Tribunal shall decide upon the presentation of evidence, at the proposal of the parties or of its own motion. The Arbitral Tribunal may determine presentation of evidence during the entire course of the proceedings.

(3) At any time during the proceedings, the Arbitral Tribunal may require any party, within a set time period:

- a) to explain what evidence the party proposes and specify the facts to be proven by such evidence,
- b) to produce any documents or other evidence that the Arbitral Tribunal may consider relevant for the outcome of the proceedings.

(4) Any document, written witness statement, expertise, or other evidence that a party submits to the Arbitral Tribunal shall be sent to the other party.

Witnesses
Article 42

(1) If witnesses are to be heard, each party shall send to the Arbitral Tribunal and the other party the names and addresses of the witnesses it wishes to propose, specify the facts to be proven by their testimony, and the language of the hearing, no later than 15 days before the oral hearing.

(2) The Arbitral Tribunal shall provide translation of the oral witness statements at the hearing, if it deems necessary, taking into account the circumstances of the case, or if the parties have agreed thereon and informed the Arbitral Tribunal no later than 15 days before the hearing.

(3) The Arbitral Tribunal shall set the manner and course of the witness hearing. The Arbitral Tribunal may decide to exclude the witness or witnesses from being present at the examinations of other witnesses.

(4) The Arbitral Tribunal may determine that witnesses are to be examined through means of videoconference.

(5) After prior consultation with the parties, the Arbitral Tribunal may decide that, prior to the oral hearing and within a time-limit set by the Arbitral Tribunal, an individual testimony shall be presented in the form of a signed written statement.

Expert witnesses
Article 43

(1) The parties may submit expertise (written finding and expert opinion) of party-appointed expert witnesses in the course of the proceedings.

(2) The Arbitral Tribunal may decide to examine the party-appointed expert witnesses at the oral hearing regarding the submitted written finding and expert opinion.

(3) After prior consultation with the parties, the Arbitral Tribunal may appoint one or more expert witnesses to report a written finding and expert opinion to it on specific issues determined by the Arbitral Tribunal.

(4) In the cases referred to in paragraph (3) of this Article, the Arbitral Tribunal shall make a decision where:

- a) it determines the facts and issues addressed by the finding and the expert opinion,
- b) it orders the parties to submit to the expert witness any relevant information and to produce all relevant documents, or provide access to all relevant documents, goods, or other objects, and
- c) it sets a time period for preparing and submitting the written finding and expert opinion.

(5) The parties shall be obliged to submit to the expert witness or expert witnesses referred to in paragraph (3) of this Article any notices or to provide access to documents and other papers or goods, requested by them. The Arbitral Tribunal shall be notified and called to decide upon any disagreement between a party and an expert witness over the relevance of the sought notices.

(6) Upon receipt of the written finding and expert opinion referred to in paragraph (4)c) of this Article, the Arbitral Tribunal shall send a copy of the finding and expert opinion to the parties through the Secretary General of the Arbitration Court and give them an opportunity to submit written comments within a time-limit set by the Arbitral Tribunal. The parties shall be entitled to inspect any document referred to in the finding and the expert opinion of the expert witness.

(7) After submitting a written finding and expert opinion, at the request of any party, the expert witness or expert witnesses appointed by the Arbitral Tribunal may be examined at a hearing where the parties may be present and question the expert witness(es). All parties shall be entitled to present other expert witnesses at the hearing to give their opinion on the disputed issues.

(8) The provisions of challenge of arbitrators and failure to fulfill or inability to fulfill the function of an arbitrator of these Arbitration Rules shall also apply to the expert witness appointed by the Arbitral Tribunal. The Arbitral Tribunal shall decide on the challenge of the expert witness.

Default **Article 44**

(1) If the respondent fails to submit its Reply to the Statement of claim within the set time-limit without showing sufficient cause, the Arbitral Tribunal shall continue the proceedings. The Respondent's defaults shall not, by itself, be treated as an admission of the claimant's allegations.

(2) If a party which was duly notified pursuant to these Arbitration Rules fails to attend at a hearing without showing sufficient cause for such failure, the Arbitral Tribunal may proceed with the proceedings and make the award based on evidence before it.

(3) If a party which was duly invited to produce documentary or other evidence, fails to do so without showing sufficient cause for such failure, the Arbitral Tribunal may make the award based on evidence before it.

(4) If a party, failing to state sufficient reasons, does not undertake actions which, under these Rules or at the request of the Arbitral tribunal is bound to undertake, the Arbitral Tribunal may draw such inferences from the party's non-compliance as it considers appropriate.

Stay of the arbitral proceedings due to proceedings before a judicial authority **Article 45**

(1) Where civil proceedings between the same parties and regarding the same matter are brought before a court of the Republic of North Macedonia, the Arbitral Tribunal of the Arbitration Court may, provided it finds particularly relevant reasons to do so,

determine a stay of the arbitral proceedings until the civil proceedings before the court are concluded by a final judgement.

(2) Where bankruptcy proceeding is brought against any of the parties in the course of the arbitral proceedings, the arbitral proceedings shall be stayed or another legal consequence shall follow in accordance with the applicable arbitration and bankruptcy law. The continuation of the arbitral proceedings and their effect shall be determined in accordance with the aforementioned law.

Waiver of the right to object
Article 46

(1) A party which is aware or ought to be aware of any non-compliance with the provisions of these Arbitration Rules or any other rules applicable to the proceedings, or any condition arising from the arbitration agreement has not been complied with and yet continues to participate in the proceedings, or in the set time-limit does not raise objection to such non-compliance, shall be deemed to have waived its right to raise an objection.

Interim measures
Article 47

(1) unless otherwise agreed by the parties, the Arbitral Tribunal may, at the proposal of a party, order an interim measure the Arbitral Tribunal deems necessary in accordance with the subject matter of the dispute. The Arbitral Tribunal may make the granting of any such measure subject to appropriate security (guarantee) being furnished by the requesting party.

(2) The Arbitral Tribunal shall make any decision on interim measures in the form of an order.

(3) By rule, interim measure is introduced after giving the other party an opportunity to submit comments on the proposal. In exceptional circumstances, if deemed urgent, and particularly if the notice of the other party about the submitted application prevents the granting of the interim measure or lessens its effect, the Arbitral Tribunal may grant an interim measure with an order, before giving the other party an opportunity to submit comments on the application. In such cases the Arbitral Tribunal shall, as soon as possible, give the other party the opportunity to submit comments on the application based on which it shall examine its decision on the interim measure.

(4) At the request of any party or, in exceptional circumstances and upon prior notice to the parties, on the Arbitral Tribunal's own initiative, the Tribunal may modify, suspend or terminate an interim measure it has granted.

(5) By agreeing to these Arbitration Rules, the parties undertake to comply with any interim measure without delay or in the time-limit set by the Arbitral Tribunal. If the party subject to the interim measure fails to voluntarily implement the interim measure, the requesting party may bring the issue to a competent court for compulsory enforcement.

(6) The application of a party to a judicial authority for granting interim measure or enforcing an interim measure shall not be deemed to be an infringement of the

arbitration agreement or these Arbitration Rules and does not constitute a waiver of the arbitration agreement. Any such application to judicial authority and any measures and other means taken by the judicial authority must be notified by the parties without delay to the Secretary General of the Arbitration Court and the Arbitral Tribunal.

Emergency arbitrator
Article 48

(1) A party that needs an urgent interim measure that cannot await the constitution of an Arbitral Tribunal may initiate Emergency Arbitrator Proceedings in accordance with Appendix II.

(2) The provisions on the Emergency Arbitrator Proceedings shall not apply if the parties have agreed to opt out of Appendix II.

Conclusion of hearings
Article 49

(1) The Arbitral Tribunal shall declare the hearings concluded when it determines that the parties have had a reasonable opportunity for presenting their cases and that the debate is exhausted.

(2) The Arbitral Tribunal may declare the hearings concluded even when documents or other evidence necessary for making the award are yet to be obtained, if the parties waive debating upon those evidence.

(3) In exceptional circumstances, prior to the issuing/rendering/ the arbitral award, the Arbitral Tribunal may reopen the concluded hearings of its own motion, or upon the application of a party, if it finds it necessary to supplement the proceedings or clarify certain issues of relevance.

Arbitral award, decision and order
Article 50

(1) The decisions that the Arbitral Tribunal makes in the arbitral proceedings shall take the form of an arbitral award, decision, or order/conclusion?

(2) In the arbitral award, the Arbitral Tribunal decides on the Statement of Claim or on the claim provided in the counterclaim and the set-off claim (the substance/merits of the dispute).

(3) The Arbitral Tribunal shall make decisions on issues concerning the management of the proceedings and other questions of procedure through a decision.

(4) The Arbitral Tribunal shall issue an order for the termination of the proceedings where:

- a) the claimant withdraws the Statement of claim, except when the respondent raises objections thereto and the Arbitral Tribunal finds that the respondent has justified interest in the rendering/issuing of a final award,
- b) the parties have agreed to terminate the proceedings,

c) the Arbitral Tribunal deems that the continuation of the proceedings becomes necessary or impossible for any reason.

Decision-making in the panel of arbitrators

Article 51

(1) Where the dispute is resolved by a panel of arbitrators, all decisions referred to in Article 50 of these Arbitration Rules shall be made by a majority of the votes. Where a majority cannot be achieved, the President of the Panel of arbitrators shall have the casting vote.

(2) Where an arbitrator abstains from voting on a certain decision, the remaining arbitrators may make a decision without the abstaining arbitrator.

(3) An arbitrator who does not agree with the decision made may provide a separate opinion in writing.

(4) The Arbitral Tribunal may authorize the President of the Panel of arbitrators to decide any questions of procedure, subject to revision by the Panel of arbitrators.

Termination of arbitral proceedings

Article 52

(1) The arbitral proceedings shall be terminated with the issuing/rendering of the arbitral award, with a decision or with an order for the termination of the proceedings pursuant to Article 50 paragraph (4) of these Arbitration Rules.

(2) If, before the arbitral award is issued/rendered, the continuation of the arbitral proceedings becomes unnecessary or impossible with respect to Article 50 paragraph (4)c) of these Arbitration Rules, the Arbitral Tribunal shall inform the parties of its intention to issue an order for the termination of the proceedings. The Arbitral Tribunal may issue such an order unless a party raises justifiable grounds for objection.

(2) The mandate of the Arbitral Tribunal shall cease with the termination of the arbitral proceedings pursuant to paragraph (1) of this Article, except in the cases where a correction, interpretation, or an additional arbitral award is being issued/rendered. In the aforementioned cases, the mandate of the Arbitral Tribunal shall cease with the issuing/rendering of the arbitral award for correction, interpretation, or with the issuing/rendering of the additional arbitral award. In case an application for setting aside of the arbitral award is submitted, the mandate of the Arbitral Tribunal shall cease with the issuing/rendering of the appropriate judgement, with the closing of the proceedings, or with taking an action that eliminates the grounds for setting aside

(3) The arbitral proceedings may be terminated with an order for the termination of the proceedings issued by the Secretary General of the Arbitration Course in the cases referred to in Article 10 paragraph (7) and Article 12 paragraph (3) of these Arbitration Rules.

Other powers of the Secretary General of the Arbitration Court in the proceedings before the Arbitral Tribunal

Article 53

(1) Apart from the powers explicitly determined by these Arbitration Rules, the Secretary General of the Arbitration Court may be present at the oral hearings and the meetings of the Arbitral Tribunal for the purpose of counseling and decision-making.

(2) Where the sole arbitrator or at least one member of the panel of arbitrators holds no Bachelor of Laws degree, the Secretary General shall be present at the oral hearings and the meetings referred to in paragraph (1) of this Article.

(3) The Secretary General of the Arbitration Court shall be authorized to direct the attention of the arbitrators to the legal issues relevant for making the award, and particularly to issues regarding the content and form of the procedural actions taken.

ARBITRAL AWARD

Applicable law to the substance/merits of the dispute

Article 54

(1) The Arbitral Tribunal shall decide the case in accordance with the rules of law chosen by the parties as applicable to the merits of the dispute. Any designation of the law or the legal system of a given state shall be deemed to refer to the substantive law of that state and not to its conflict of laws rules, unless otherwise explicitly agreed by the parties.

(2) In the absence of an agreement by the parties, the Arbitral Tribunal shall apply the state law it deems to be the most closely related to the subject matter of the dispute.

(3) The Arbitral Tribunal may decide the dispute according to *amiable compositeur* or *ex aequo et bono* only if it is explicitly authorized by the parties.

(4) Notwithstanding, the Arbitral Tribunal shall decide in accordance with the provisions of the contract, and it shall take into account the applicable trade usages.

(5) The parties may not choose an applicable law for the merits of the dispute in disputes without international element.

Time-limit for making the arbitral award

Article 55

(1) The Arbitral Tribunal shall issue/render the arbitral award no later than nine months from the date of the constitution of the Arbitral Tribunal, as specified in the procedural timetable.

(2) For justified reasons, the Presidency of the Arbitration Court may extend this time limit upon a reasoned request by the Arbitral Tribunal. In doing so, the Presidency of the Arbitration Court may require explanations as to the status of the case and the reasons for its inability to render/issue the award within the time-limit set in paragraph (1) of this Article.

Form and content of the arbitral award

Article 56

- (1) An arbitral award shall be made in writing.
- (2) The arbitral award must be explained, that is, it shall state the reasons upon which the award is based, unless the parties have agreed that no reasons are to be given or the arbitral award is based on a settlement between the parties pursuant to Article 59 paragraph (4) of these Arbitration Rules.
- (3) An arbitral award shall contain the date on which it was made and indicate the seat of the arbitration pursuant to Article 33 paragraph (4) of these Arbitration Rules.
- (4) An arbitral award shall be signed by the sole arbitrator or the members of the panel of arbitrators. In cases of Panel of arbitrators, the arbitral award may be signed by the majority of the members of the panel of arbitrators, stating the reasons for the absence of the signatures.
- (5) After issuing/rendering the arbitral award, the Arbitral Tribunal shall without delay send the award to the Secretary General of the Arbitration Court in a sufficient number of signed copies for all parties and the Arbitration Court.
- (6) The Secretary General of the Arbitration Court shall send a signed copy of the arbitral award to each party, including any potential separate opinion. Unless otherwise agreed by the parties the delivery of the arbitral award shall be made pursuant to the provisions in Article 9 of these Arbitration Rules.
- (7) One signed copy of the arbitral award and the proofs of the delivery to the parties shall be kept with the Arbitration Court.

Scrutiny and approval of the arbitral awards
Article 57

- (1) Before signing the arbitral award, the Arbitral Tribunal shall submit the award in draft form to the Secretary General of the Arbitration Court.
- (2) The scrutiny and approval of the issued arbitral awards shall be conducted by the President of the Arbitration Court, or other member of the Presidency appointed by the President of the Arbitration Court, who may lay down suggestions for modifications as to the form of the arbitral award.
- (3) The arbitral award shall not be delivered to the parties before the process of scrutiny and approval of the made award is complete.

Partial arbitral award
Article 58

- (1) The Arbitral Tribunal may render/issue a partial arbitral award on individual claim or part of the claim, when such claim is sufficiently debated to make an award.
- (2) A partial arbitral award is a final award on the claim or part of the claim decided upon.

(3) In the partial arbitral award, the Arbitral Tribunal may state that the decision as to the costs shall be left for the subsequent arbitral award.

Settlement before the Arbitral Tribunal and arbitral award based on settlement

Article 59

(1) If, in the course of the proceedings before the Arbitral Tribunal, the parties agree on a settlement of the dispute, the Arbitral Tribunal shall terminate the proceedings, if so requested by the parties, and make minutes record of the settlement.

(2) A settlement before the Arbitral Tribunal shall be considered to be reached when the parties read and sign the minutes of the settlement.

(3) At the request of the parties, the Arbitral Tribunal may issue a certified copy of the minutes that contain the settlement.

(4) If, in the course of the proceedings before the Arbitral Tribunal, the parties agree on a settlement of the dispute, the Arbitral Tribunal shall terminate the proceedings, and if so requested by the parties, it will make an arbitral award based on the settlement. The Arbitral Tribunal is not obliged to give reasons for such an award.

(5) The provisions of Articles 56 and 57 of these Arbitration Rules shall apply to an award based on the settlement.

Decision as to the costs

Article 60

(1) Upon the request of a party, the Arbitral Tribunal shall in the arbitral award or the order for termination of the proceedings lay down which party and to what extent that party is obligated to reimburse the other party for the costs necessary for the conduct of the proceedings, including costs of representation and the fee of the arbitrators, and to bear its own costs, unless otherwise determined by the arbitration agreement.

(2) The costs of the proceedings shall be decided at the discretion of the Arbitral Tribunal, in a just amount, taking into account all circumstances of the case, particularly the outcome of the arbitral proceedings, the value of the dispute, the complexity of the subject matter of the dispute, and the time of the arbitrators spent.

(3) If the Arbitral Tribunal fails to decide as to the costs, or such decision is only possible after the closing of the arbitral proceedings, upon the request of a party, the Arbitral Tribunal shall make a separate arbitral award as to the costs.

Correction and interpretation of the arbitral award and the additional arbitral award

Article 61

(1) Within 30 days from the date of receipt of the award, a party may, with notice to the other parties and the Secretary General of the Arbitration Court, request from the Arbitral Tribunal:

- a) a correction of any computational, typographical or other error of similar nature in the arbitral award;

- b) an interpretation of a specific point or part of the arbitral award;
- c) issuing/rendering an additional award as to the claims the Arbitral Tribunal failed to decide upon.

(2) The Arbitral Tribunal shall give the other party an opportunity to submit comments on the request referred to in paragraph (1) of this Article, within a time-limit set by the Arbitral Tribunal.

(3) If the Arbitral Tribunal considers the request for correction or interpretation justified, it shall make the correction or provide the interpretation of the arbitral award in writing within 30 days from the date of receipt of the request. A correction or interpretation of the arbitral award is integral part of the arbitral award.

(4) The Arbitral Tribunal may also correct errors referred to in paragraph (1)a) of this Article of its own motion within 30 days of the rendering/issuing of the arbitral award.

(5) If the Arbitral Tribunal considers the request for additional arbitral award justified, it shall issue/render the additional arbitral award within 60 days from the date of receipt of the request.

(6) The provisions in Articles 51 and 56 of these Arbitration Rules shall apply to any correction or interpretation of an arbitral award and to any additional arbitral award.

Effect of the arbitral award

Article 62

(1) An arbitral award shall be final and binding on the parties. By agreeing to arbitration under these Arbitration Rules the parties undertake to carry out all arbitral awards without delay or within the time-limits stipulated therein.

(2) An arbitral award shall not be subject to legal remedies before arbitral institutions of higher instance.

(3) An arbitral award shall have the effect of a final court judgement and enforcement title.

Certificate/confirmation of finality and enforceability

Article 63

Upon the request of a party, the Secretary General of the Arbitration Court may provide a confirmation???? of finality and enforceability of the arbitral award.

Publicizing the arbitral award

Article 64

If the two parties consent, the Presidency of the Arbitration Court and the Secretary General of the Arbitration Court may publicize anonymous summaries or extracts of the arbitral award in professional journals or publications.

TRANSITIONAL AND FINAL PROVISIONS

Rules on conducting commenced proceedings

Article 65

Proceedings commenced before the Arbitration Court up to the date of entry into force of these Arbitration Rules shall conclude in accordance with the Rules of Procedure of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia, No. 07-1177/8 of 20/04/2011, the Decision amending the Rules of Procedure of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia, No. 07-3479/8 of 15/12/2011, and the Decision amending the Rules of Procedure of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia, No. 02-2088/6 of 15/12/2016.

Rules on the Costs of the Proceedings before the Arbitration Court

Article 66

(1) The Management Board of the Economic Chamber of North Macedonia shall determine the Rules on the Costs of the Proceedings before the Arbitration Court (the fees of arbitrators, travel allowances, administrative fees, advance on the costs of presenting evidence and other costs).

Term of office of the bodies of the Arbitration Court

Article 67

(1) The bodies of the Arbitration Court appointed pursuant to the former regulations shall continue to perform their duty until the date when bodies of the Arbitration Court are appointed pursuant to these Arbitration Rules.

(2) The provisions restricting the right to continual reelection in certain bodies of the Arbitration Court shall apply to appointments made after the entry into force of these Arbitration Rules.

Regulations ceasing effect

Article 68

(1) The Rules of Procedure of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia, No. 07-1177/8 of 20/04/2011, the Decision amending the Rules of Procedure of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia, No. 07-3479/8 of 15/12/2011, and the Decision amending the Rules of Procedure of the Permanent Court of Arbitration attached to the Economic Chamber of Macedonia, No. 02-2088/6 of 15/12/2016 shall cease to be valid with the entry into force of these Arbitration Rules.

(2) The acts stated paragraph (1) of this Article shall apply to the proceedings commenced before the Arbitration Court pursuant to Article 65 of these Arbitration Rules.

Publication and entry into force of these Arbitration Rules

Article 69

These Arbitration Rules shall be published on a bulletin board at the Economic Chamber of North Macedonia and on the web portal of the Economic Chamber of North Macedonia within three days from their adoption and shall enter into force on the date of their publication.

No. 02-605/6
29/04/2021
Skopje

Chair,
Antoni Peshev,
[handwritten signature]

APPENDIX 1

ORGANIZATION OF THE ARBITRATION COURT

Headquarters and seal of the Arbitration Court

Article 1

(1) The Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia (Arbitration Court) is an autonomous and independent institution providing administrative support for the resolution of disputes.

(2) The headquarters of the Arbitration Court are in Skopje.

(3) The Arbitration Court shall have a seal, reading “Economic Chamber of North Macedonia – Permanent Court of Arbitration”.

Conditions for the functioning of the Arbitration Court

Article 2

The space and the administrative and technical conditions for the functioning of the Arbitration Court are provided by the Economic Chamber of North Macedonia (hereinafter Chamber).

Bodies of the Arbitration Court

Article 3

The Arbitration Court is composed of the Presidency, the President, and the Secretary General.

Composition and appointment of the Presidency

Article 4

(1) The Presidency of the Arbitration Court consists of seven members: the President, one Vice President and five members with no particular duties, appointed by the Management Board of the Economic Chamber of North Macedonia for a term of office of five years.

(2) A person may be appointed President or Vice President of the Arbitration Court for two consecutive terms of office at most.

(3) A person that served two consecutive terms of office as President or Vice President of the Arbitration Court may be elected as member of the Presidency of the Arbitration Court.

Competence and work of the Presidency

Article 5

(1) The Presidency of the Arbitration Court shall perform the following duties:

- a) conduct overall supervision of the work of the Arbitration Court;
- b) ensure proper application of the Arbitration Rules and other general acts of the Arbitration Court;
- c) adopt decisions to refuse to administer certain cases pursuant to the Arbitration Rules;
- d) review and approve annual reports of the Arbitration Court (work report and financial statement) and the work plan of the Arbitration Court for the following year;
- e) attend to the promotion of the Arbitration Court;
- f) decide on other issues and perform other duties as per the Arbitration Rules and the other general acts of the Arbitration Court.

(2) The Presidency shall work in sessions that are held where necessary.

(3) The sessions of the Presidency of the Arbitration Court shall be convened and conducted by the President of the Arbitration Court or, in his absence, by the Vice President.

(4) In the sessions, four members of the Presidency of the Arbitration Court shall constitute a quorum, and the Presidency shall adopt decisions with a majority of the votes of the members present.

(5) The Presidency may hold online sessions by applying means of electronic communications that provide two-way or multi-way communication, data and information exchange, with the possibility of electronic voting or making statements.

(6) Electronic communication shall be established by applying videoconference, electronic mail, and other systems or platforms for electronic data exchange. Electronic voting or making statements may be conducted through standardized/authorized software that provides record of the members present, that is, record of the members who made a statement, accuracy, and visibility of voting results.

Competence of the President of the Arbitration Court

Article 6

(1) The President of the Arbitration Court shall:

- a) appoint arbitrators and presidents of panels of arbitrators in the cases provided for in the Arbitration Rules;
- b) decide upon the confirmation of the nominated arbitrators;
- c) decide on the challenge of arbitrators pursuant to the Arbitration Rules;
- d) attend to maintaining and developing cooperation with other arbitral institutions in the country and abroad;
- e) submit annual work program of the Arbitration Court to the Chamber;
- f) submit annual report on the work of the Arbitration Court and annual financial statement of the Arbitration Court to the Chamber;
- g) scrutinize and approve the issued/rendered awards, or propose the Presidency to appoint another member of the Presidency of the Arbitration Court who will carry out these activities;
- h) attend to the promotion of arbitration as method for dispute resolution;

- i) be authorized to establish working groups, committees or other bodies to perform certain activities, organize events or other activities aimed at promoting the use of arbitration as method for dispute resolution;
- j) perform other duties as per the acts of the Arbitration Court.

(2) At the proposal of the President of the Arbitration Court, the Presidency of the Arbitration Court may assign the performance of certain duties within the competence of the President of the Arbitration Court to the Vice President or another member of the Presidency.

Vice President
Article 7

Where the President cannot perform his duties, the Vice President of the Arbitration Court shall act on behalf of the President.

Secretary General
Article 8

- (1) The Arbitration Court shall have a Secretary General.
- (2) The Secretary General of the Arbitration Court shall be appointed by the President of the Chamber.
- (3) A person that holds Bachelor of Laws/Master of laws??? degree and actively uses the English language may be appointed Secretary General of the Arbitration Court.
- (4) The Secretary General of the Arbitration Court shall be an employee at the Chamber under a permanent contract.

Competence of the Secretary General
Article 10

- (1) The Secretary General of the Arbitration Court shall:
 - a) make preparations for the work of the Presidency and of the President of the Arbitration Court and enforce their decisions;
 - b) undertake administrative activities to constitute the Arbitral Tribunal and transmit the file to the Arbitral Tribunal pursuant to the Arbitration Rules;
 - c) undertake administrative and other activities in the course of the arbitral proceedings pursuant to the Arbitration Rules;
 - d) issue orders in the course of the arbitral proceedings pursuant to the Arbitration Rules;
 - e) ensure the proper enforcement of the orders pursuant to the Arbitration Rules;
 - f) provide certificates confirmations of finality and enforceability of the arbitral awards pursuant to the Arbitration Rules;
 - g) perform activities concerning the publication of the arbitral awards pursuant to the Arbitration Rules;
 - h) prepare the annual work report, the annual financial statement and work plan of the Arbitration Court for the following year;

- i) be responsible for keeping the library and the documentation of the Arbitration Court and for keeping the archives of the Arbitration Court; and
- j) perform other duties as per the acts of the Arbitration Court.

(2) Where the Secretary General cannot perform his or her duties, the President of the Arbitration Court shall appoint a temporary substitute.

(3) The President of the Arbitration Court shall be authorized to take over all duties within the competence of the Secretary General of the Arbitration Court.

(4) The duties of the Secretary General shall be performed by a certain number of employees at the Professional Service of the Economic Chamber of North Macedonia, pursuant to the act on the organization and systematization of the Chamber operation.

Duties of the bodies of the Arbitration Court

Article 10

The President, the members of the Presidency, and the Secretary General of the Arbitration court shall:

- a) follow the application of the Arbitration Rules and the other general acts of the Arbitration Court, propose amendments, or new acts of the Arbitration Court in accordance with the development of the legislation and the arbitration practice;
- b) organize and conduct seminars, counseling, expert discussions, and other events to familiarize the professional and wider public with the work of the Arbitration Court, subject to a decision by the Presidency of the Arbitration Court;
- c) take part in scientific and professional gatherings, prepare and publish professional and scientific papers, information, and other articles on the work of the Arbitration Court and on the resolution of disputes through arbitration.
- d) perform other duties to promote the work of the Arbitration Court.

Reimbursement and fees of the bodies of the Arbitration Court

Article 11

(1) The President, the Vice President, the Secretary General and the members of the Presidency of the Arbitration Court shall be entitled to reimbursement of expenses and a fee for performing their duties, subject to a decision of the Management Board of the Chamber.

(2) The President of the Arbitration Court shall issue the payment orders for reimbursement of expenses and fee for the persons referred to in paragraph (1) of this Article.

(3) The Vice President of the Arbitration Court shall issue the payment order for reimbursement of expenses and fee for the President of the Arbitration Court.

APPENDIX II

EMERGENCY ARBITRATOR PROCEEDINGS

Emergency arbitrator

Article 1

- (1) Emergency arbitrator proceedings shall commence on the application of a party pursuant to Article 48 of these Arbitration Rules.
- (2) An emergency arbitrator shall have the powers referred to in Article 48 of these Arbitration Rules.
- (3) The powers of the emergency arbitrator shall be terminated with the constitution of the Arbitral Tribunal pursuant to Article 26 paragraph (3) of these Arbitration Rules or when the interim measure ceases to be binding on the parties according to Article 7 paragraph (3) of this Appendix.
- (4) Where an Arbitral Tribunal is constituted before the emergency arbitrator has granted an interim measure, the emergency arbitrator shall retain the power to grant the interim measure within the time-limit referred to in Article 6 paragraph (2) of this Appendix.

Application for emergency arbitrator proceedings

Article 2

- (1) By rule, a party shall send the application for emergency arbitrator proceedings to the Arbitration Court via electronic mail at the electronic address provided by the Arbitration Court.
- (2) The application shall include:
 - a) the name of the parties in full (company and headquarters of the legal entity, registered with the Central Registry of the Republic of North Macedonia or with other register, supported by proof from the respective register and their representative or plenipotentiary, if applicable);
 - b) a copy of the arbitration agreement, if applicable or, in the absence of a document containing an arbitration agreement, a description and any evidence of the existence of an agreement to arbitrate;
 - c) a description of the dispute;
 - d) a statement of the interim measure(s) sought and the reasons therefor;
 - e) reasons for the urgency, due to which the granting of an interim measure cannot await the constitution of an Arbitral Tribunal;
 - f) a proposal as to the language and seat of the emergency arbitrator proceedings and as to the applicable substantial law;
 - g) proof of payment of the costs of the emergency arbitrator proceedings pursuant to the Rules on the Costs of Proceedings before the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia; and
 - h) signature or electronic signature of the applicant.

(3) The application shall be submitted in the language of the arbitral proceedings as agreed by the parties. Failing such agreement, the application shall be submitted in the language of the main contract.

(4) Where a party applies for emergency arbitrator proceedings prior to the submission of the Request for Arbitration, the party shall submit the Statement of claim within 10 days from the date of receipt of the application by the Arbitration Court. Otherwise, the Secretary General of the Arbitration Court shall terminate the emergency arbitrator proceedings.

(5) After receiving the application, the Secretary General of the Arbitration Court shall send it to the other party without delay.

Appointment of an emergency arbitrator

Article 3

(1) The President of the Arbitration Court shall appoint an emergency arbitrator as soon as possible but, as a rule, within 48 hours of receiving the application. After the appointment has been made, the Secretary General of the Arbitration Court shall transmit the application to the emergency arbitrator without delay.

(2) The President of the Arbitration Court shall not appoint an emergency arbitrator where it is evident from the application that there is no jurisdiction over the dispute under these Arbitration Rules.

(3) The emergency arbitrator must be impartial and independent. He or she shall disclose any circumstances which may give rise to justifiable doubts as to his or her impartiality or independence. The provisions for challenge of arbitrators of these Arbitration Rules shall apply to the emergency arbitrator, whilst the time-limit for submitting a challenge shall be three days.

(4) Unless otherwise agreed by the parties, the emergency arbitrator may not be appointed as an arbitrator in any proceedings relating to a dispute in which he or she acted as the emergency arbitrator.

Seat of the emergency arbitrator proceedings

Article 4

The seat of the emergency arbitrator proceedings shall be that which has been agreed upon by the parties as the seat of the arbitration. Where the seat of the emergency arbitrator proceedings has not been agreed by the parties, the seat of the emergency arbitrator proceedings shall be Skopje, unless the President of the Arbitration Court determines otherwise having regard to the circumstances of the case.

Conduct of the emergency arbitrator proceedings

Article 5

The emergency arbitrator shall conduct the proceedings in such manner as he or she considers appropriate, taking into account the circumstances of the case and the urgent nature of the proceedings. In any case, the emergency arbitrator shall treat the parties

with equality and give each of them a reasonable opportunity to submit comments on the application for granting interim measure.

Decision on interim measure

Article 6

(1) The emergency arbitrator shall make any decision on interim measures in the form of a resolution./decision????

(2) The emergency arbitrator shall make the resolution no later than 15 days from the date on which the application is transmitted to the emergency arbitrator by the Secretary General of the Arbitration Court pursuant to Article 3 paragraph (1) of this Appendix. For justified reasons, the President of the Arbitration Court may extend this time-limit upon a request by the emergency arbitrator or of its own motion. In doing so, it may require from the emergency arbitrator explanations as to the status of the case and the reasons for his or her inability to render the order within the time-limit.

(3) The resolution on the interim measure shall be made in writing and it must state the interim measure granted, the reasons upon which the resolution is based, the date when it was made, and the seat of the emergency arbitrator proceedings. The resolution must be signed by the emergency arbitrator.

(4) The emergency arbitrator shall promptly send a copy of the resolution to the Secretary General of the Arbitration Court, who shall send it to the parties without delay pursuant to Article 9 of these Arbitration Rules.

Effect of an interim measure

Article 7

(1) An interim measure shall be binding on the parties. By agreeing to arbitration under this Appendix, the parties undertake to comply with any interim measure without delay or within the time-limit set by the emergency arbitrator.

(2) The emergency arbitrator may modify or terminate the interim measure upon a reasoned request by any party.

(3) The interim measure ceases to be binding on the parties:

- a) if the emergency arbitrator proceedings are terminated pursuant to Article 2 paragraph (4) of this Appendix;
- b) if the challenge of the emergency arbitrator is sustained;
- c) if the emergency arbitrator or the Arbitral Tribunal so decides; or
- d) upon the conclusion of the arbitral proceedings, unless the Arbitral Tribunal decides otherwise.

(4) The Arbitral Tribunal is not bound by any interim measure of the emergency arbitrator and the reasons upon which it is based.

Costs of the proceedings

Article 8

(1) Upon the submission of the application, the applying party shall pay the costs of the emergency arbitrator proceedings.

(2) The costs of the emergency arbitrator proceedings shall be determined by the Rules on the Costs of Proceedings before the Permanent Court of Arbitration attached to the Economic Chamber of North Macedonia.

(3) If the party fails to pay the costs of the emergency arbitrator proceedings in due time, the Secretary General shall not consider the application or shall terminate the emergency arbitrator proceedings.

(4) At the request of any party, the Arbitral Tribunal shall decide, in the arbitral award, on the distribution of the costs of the emergency arbitrator proceedings between the parties.

General rule
Article 9

In all matters not expressly provided for in this Appendix, the emergency arbitrator, the President and the Secretary General of the Arbitration Court shall act in the spirit of this Appendix and the Arbitration Rules.