

APPROVED

by the Decision of the Administrative Council of the
Arbitration Association of the Republic of Moldova
No. 4/2018 of 21.06.2018
Chairman A. *Țelihov*

R U L E S

on Arbitration Fees and Expenses

of the Aeronautical Arbitration Court of Moldova

of the Arbitration Association of the Republic of Moldova

Article 1

Arbitration fee

1.1. The arbitration fee is the amount of money paid by a party for each arbitral statement of claim, to reward arbitrators and personnel who participated in arbitration procedures, support the activities of the Arbitration Association of the Republic of Moldova and cover the total costs of the Arbitration Court (administrative costs on maintaining the Court and ensuring arbitration procedures, including number of maintenance and technical support of premises, equipment, inventory, office equipment, payment of state fees, taxes, utilities and similar services, remuneration of Court staff, transport and hospitality costs of the management of the Arbitration Court, post-arbitration procedures, including archiving and storage of cases, sending and issuing copies and certificates on them, submission for judicial control, re-arbitration procedures in case of setting aside of an award, etc.).

1.2. The arbitration fee is paid before the filing of the arbitral statement of claim in full in Moldovan Lei or foreign currency, by cashless payment, or in cash, and the payment document is attached to the arbitral statement of claim.

1.3. The arbitration fee shall be considered paid from the date of its receipt to the bank account or to the cash office of the Arbitration Court.

1.4. The amount and procedure for payment of fees, other payments, their accounting, reporting on them, other forms of use of amounts received as arbitration fees are determined by the Chairman's Orders according to the Rules of the Arbitration Court and the legislation of the Republic of Moldova.

Article 2

Amount of the arbitration fee

2.1. The amount of the arbitration fee depends on the value of the claim, and is:

- 0 - 2 500 000 Lei – **2,8 %**, but **not less than 20 000 Lei**;
- 2 500 001 - 5 000 000 Lei – 70 000 Lei + **2,5 %** from the amount over 2 500 000 Lei;
- 5 000 001 - 10 000 000 Lei – 132 500 Lei + **2,2 %** from the amount over 5 000 000 Lei;
- 10 000 001 - 25 000 000 Lei – 242 500 Lei + **1,9 %** from the amount over 10 000 000 Lei;
- 25 000 001 - 50 000 000 Lei – 527 500 Lei + **1,6 %** from the amount over 25 000 000 Lei;
- 50 000 001 - 100 000 000 Lei – 927 500 Lei + **1,3 %** from the amount over 50 000 000 Lei;
- more than 100 000 000 Lei – 1 577 500 Lei + **1,0 %** from the amount over 100 000 000 Lei .

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2.2. If the dispute is non-property by its nature, the arbitration fee is charged at the rate of **30 000 Lei**.

2.3. The Arbitration Court verifies the accuracy of the calculation and the fullness of the parties' payment of the arbitration fee and other payments. If a party incorrectly calculates and pays an arbitration fee or other payment, the Chairman or the arbitral tribunal shall determine the correct amount to be paid.

2.4. If the claims change before the commencement of the arbitration procedure, the arbitration fee is charged based on the last (changed) value of the claim.

2.5. With the increase or presentation of new claims after the commencement of the arbitration procedure, an additional arbitration fee is paid.

2.6. When filing a counterclaim, or acceding to a previously submitted claim, the arbitration fee is calculated at the value of the new statement of claim and paid in the manner provided for in paragraph 2.1 of these Rules.

Article 3

Reduction in the amount and return of part of the arbitration fee

3.1. As an exception, on the basis of a written motivated application by the party (parties), taking into account the specifics of the dispute, the volume and complexity of the work accomplished by the Court, as well as other reasons, the Arbitration Court may order a decrease in the amount of the arbitration fee, including:

- a) on the return to the claimant up to **75%** of the amount of paid arbitration fee, after deducting the costs incurred by the Court, if the statement of claim is withdrawn before the appointment of the first hearing without resolving the issue on interim measures;
- b) on the return to the claimant up to **50%** of the amount of the paid arbitration fee, after deducting the costs incurred by the Court, if the statement of claim is withdrawn after the appointment and until the day of the first hearing, and if the issue on interim measures was not resolved, as well as when the statement of claim was returned on the grounds provided for in articles 17.3-17.4 of the Rules on the Activities of the Arbitration Court;
- c) on the return to the claimant up to **30%** of the amount of the paid arbitration fee, after deducting the costs incurred by the Court, if at the first hearing the claimant requests termination of the procedure or withdrawal of the statement of claim, or as a result of the amicable settlement of the dispute;
- d) on the return to the claimant up to **10%** of the amount of the paid arbitration fee, after deducting the costs incurred by the Court, if the parties agreed to settle the dispute by a sole arbitrator, or through the procedures of conciliation (mediation).

3.2. The minimum arbitration fee and fees for non-property disputes are not subject to reduction and refunds.

3.3. The indication of the reduction and refund of part of the arbitration fee is reflected in the arbitral award on the merits of the dispute, or in the decision of termination of the arbitration procedure. In the event of termination of the arbitration procedure prior to the formation of the composition of arbitral tribunal, the question of the return of part of the arbitration fee shall be resolved by the Chairman.

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**Article 4
Arbitration fee and costs in case of a counterclaim**

To the counterclaim, the same rules apply to arbitration fees and expenses as to the original (main) statement of claim.

**Article 5
Reconsideration of the dispute**

Upon reconsideration of the dispute due to the setting aside of the arbitral award by the state court, the new arbitration fee and expenses are not charged.

**Article 6
Reimbursement of arbitration fee**

6.1. The reimbursement of the arbitration fee shall be borne by the party against whom the award was made, except for cases when the Court applies other forms of settlement.

6.2. If the statement of claim is partially satisfied, then the reimbursement of the arbitration fee is assigned to the parties proportionally put forward against them and satisfied claims, and inversely proportional to the claims in their favor.

**Article 7
Expenses of the Arbitration Court**

7.1. In addition to the arbitration fee, the parties are also required to bear the costs of the Arbitration Court related to arbitration procedures, in particular:

- a) office and postal expenses;
- b) expenses for the collection of evidence;
- c) costs for translation of documents and in dispute proceedings;
- d) costs for involving specialists and conducting researches;
- e) expenses caused by the secondment of arbitrators (arbitrator) elected by the parties (the party) to the place of consideration of the dispute, if the arbitrators (arbitrator) permanently reside outside Chisinau;
- f) expenses caused by departure and residence of the arbitral tribunal in another location for a retreat;
- g) any other procedural expenses related to the arbitration and conciliation procedures.

7.2. Unless the parties agree otherwise, the costs of the Court shall be calculated in the same currency as they are incurred and reimbursed under the article 6;

7.3. The arbitral tribunal may require the party to make an advance, directly pay the cost or ensure the necessary actions to resolve the dispute.

7.4. The arbitral tribunal may bind the party who stated that it is necessary to collect evidence, to conduct expertise and other similar actions related to the dispute, also pay these costs in advance.

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7.5. If these actions are made on the initiative of the arbitral tribunal, then it has the right, before making a final award, to oblige one or both parties to equally pay these actions in advance.

7.6. If one of the parties did not fulfill its obligation to pay the fee or arbitration costs, and it was performed by the other party, this is taken into account in the arbitral award.

7.7. All such payments are also paid into the account specified by the Arbitration Court and are reflected in the final award (decision) of the dispute.

Article 8
Expenses of the parties

8.1. The parties themselves bear all the necessary expenses for the preparation and participation in arbitration procedures of their representatives, witnesses, experts, specialists, etc.

8.2. The Court has the right to oblige the party against whom the award is made to reimburse the other party for the costs incurred by the latter to get legal assistance of a lawyer because of his professional activity, to the extent that it was real, documented, reasonable and necessary in this arbitration procedure, at the prices recommended by the Bar Association of the Republic of Moldova, or similar body of the state whose resident is the beneficiary of a lawyer.

Article 9
Entry into force

These Rules come into force from the day of its approval by the Administrative Council of the Arbitration Association of the Republic of Moldova and is mandatory for application in all disputes, both in the Arbitration Court proceedings and on newly admitted.