ARBITRATION RULES

OF THE COURT OF ARBITRATION
AT THE POLISH CHAMBER
OF COMMERCE

Sąd Arbitrażowy

przy Krajowej Izbie Gospodarczej w Warszawie

Chapter I

Introductory provisions

§ 1 Court of Arbitration

1. The Court of Arbitration at the Polish Chamber of Commerce (the "Court of Arbitration") is a permanent arbitration court.
2. The Court of Arbitration is an independent, distinct organizational unit of the Polish Chamber of Commerce, established for the purpose of administering arbitration proceedings conducted under the Arbitration Rules adopted by the Arbitral Council (the "Arbitration Rules").
3. A dispute shall be resolved by an arbitral tribunal appointed in accordance with the Arbitration Rules (the "Arbitral Tribunal"). The Arbitral Tribunal shall comprise three arbitrators, including the presiding arbitrator.
4. Provisions concerning the Arbitral Tribunal shall apply as relevant to a sole arbitrator. The sole arbitrator shall exercise the rights and duties of the Arbitral Tribunal and of the presiding arbitrator.
5. Any reference in the Arbitration Rules to proceedings before the Court of Arbitration shall be understood to mean proceedings conducted under the Arbitration Rules and administered by the Court of Arbitration.
6. The Court of Arbitration may act as a body for default appointment of arbitrators in arbitration proceedings which are not conducted under the Arbitration Rules.
7. The Court of Arbitration may administer ad hoc arbitration proceedings.
8. The seat of the Court of Arbitration is Warsaw.
9. The Court of Arbitration shall charge the fees specified in the Tariff of Fees of the Court of Arbitration at the Polish Chamber of Commerce (the "Tariff of Fees").

§ 2 Authorities of the Court of Arbitration

1. The authorities of the Court of Arbitration are the President of the Court of Arbitration, the Arbitral Council, and the Director General. The authorities of the Court of Arbitration shall perform the actions specified in the Arbitration Rules.
2. The organization, method of appointment and removal, and competencies of the authorities of the Court of Arbitration are specified by the Statute of the Court of Arbitration adopted by the Presidium of the Polish Chamber of Commerce.

§ 3 Jurisdiction of the Arbitral Tribunal

1. The Arbitral Tribunal has jurisdiction to resolve a dispute which according to law may be submitted to arbitration, if:

    1) the parties are bound by an arbitration agreement submitting disputes which have arisen or may arise between them in connection with a specified contractual or non-contractual legal relationship to resolution under the Arbitration Rules, or
    2) the respondent served with a copy of the statement of claim with the claimant's application for resolution of the dispute under the Arbitration Rules has consented in the proper form to such resolution of the dispute.

2. If the parties agreed in an arbitration agreement that a dispute shall be resolved in accordance with the Arbitration Rules, or indicated the Court of Arbitration, unless otherwise provided, the Arbitral Tribunal in a proceeding conducted under the Arbitration Rules and administered by the Court of Arbitration shall be deemed to have jurisdiction to hear the dispute.
3. The Arbitral Tribunal shall rule on its own jurisdiction, including the existence, validity and effectiveness of the

arbitration agreement, upon an objection asserted at the latest in the statement of defence.

§ 4 Arbitration Rules

1 In matters not addressed in the Arbitration Rules and unless otherwise agreed by the parties, the Arbitral Tribunal shall conduct the proceeding as it deems proper.
2. The parties may agree at any time, in a manner binding on the Arbitral Tribunal, on rules of procedure different from those provided in the Arbitration Rules, so long as they do not violate mandatorily applicable legal norms. The provisions of the Arbitration Rules concerning the competencies of the authorities of the Court of Arbitration and the rules for appointment of the sole arbitrator or presiding arbitrator provided in § 16(3), as well as the provisions of the Tariff of Fees, cannot be the subject of different rules agreed by the parties.
3. Unless otherwise provided by the parties, the Arbitration Rules in force on the date of commencement of the proceeding shall apply.
4. If an objection of violation of provisions of the Arbitration Rules or other rules of procedure agreed by the parties is not asserted by a party promptly, the party shall be deemed to have waived assertion of the objection.

§ 5 Principles of due diligence and Liability

1. The Court of Arbitration and the Arbitral Tribunal shall perform actions connected with the arbitration proceeding with due diligence, seeking in particular to assure that the ruling issued is effective and enforceable.
2. The arbitrators, the Polish Chamber of Commerce, the Court of Arbitration, their staff and the members of the authorities of the Polish Chamber of Commerce and the Court of Arbitration shall not be liable for any loss arising as a result of acts or omissions connected with conduct of an arbitration proceeding, unless the loss was caused intentionally.

Chapter II

General Provisions

§ 6 Grounds for resolution of dispute

1. The Arbitral Tribunal shall resolve the dispute in accordance with the law mutually indicated by the parties. In the absence of such indication, the law most closely connected with the legal relationship being considered shall be applied.
2. An award may not be based on legal grounds different from those relied on by either of the parties, unless the Arbitral Tribunal notifies the parties in advance and gives them an opportunity to be heard concerning such legal grounds.
3. The Arbitral Tribunal may resolve the dispute according to general principles of law or equity (ex æquo et bono) if the parties have expressly authorized it to do so.
4. In any event, the Arbitral Tribunal shall take into consideration the agreement between the parties and the established customs applicable to the legal relationship.

§ 7 Principles for proceeding

1. The Arbitral Tribunal shall conduct the proceeding in a manner assuring the equal treatment of the parties and the right of each party to be heard and to present its allegations and the evidence supporting them.
2. The parties to the proceeding shall act in good faith and seek to make the proceeding speedy and efficient and to avoid unnecessary costs.
3. The Arbitral Tribunal shall seek to ensure that the proceeding is speedy and efficient and to avoid unnecessary costs.

§ 8 Confidentiality

Unless otherwise provided by the parties, the arbitrators and the Court of Arbitration and its staff and the members of its

authorities are required to maintain the confidentiality of all information concerning the proceeding.

§ 9 Consolidation of proceedings

Two or more proceedings being conducted between the same parties under the Arbitration Rules may, upon application of a party, be consolidated into one proceeding if the composition of the Arbitral Tribunal in each of the proceedings is the same and:

1) the parties' claims in the proceedings subject to consolidation are based on the same arbitration agreement, or
2) the parties' claims in the proceedings subject to consolidation are related, even if based on different arbitration agreements.

Proceedings in which the parties are not identical may also be consolidated if the composition of the Arbitral Tribunal in each of the proceedings is the same, the condition set forth in par. 1 (1) or (2) is met, and the parties to all of the proceedings consent. The Arbitral Tribunal shall issue an order in each of the proceedings undergoing consolidation indicating the proceedings that are consolidated.
In issuing the order on consolidation of proceedings, the Arbitral Tribunal shall take into account all material circumstances and be guided by the interests of the parties, including in particular the need to assure that the proceeding is conducted efficiently.
Unless otherwise provided by the parties, the proceeding shall be conducted under the Arbitration Rules in force on the date of consolidation of the proceedings.

§ 10 Joinder of additional party

1. If on the basis of the arbitration agreement a third party may pursue claims against a party or parties to a proceeding conducted under the Arbitration Rules, or if a party to the proceeding may pursue claims Against a third party, the Arbitral Tribunal may, upon application of a party and upon consent of the opposing party, or upon application of the third party and upon consent of the parties, order that the third party be admitted to participate in the pending proceeding as a party.
2. The Director General shall serve the party's application to admit a third party to participate in the proceeding on the third party, specifying an appropriate period of no less than 14 days for notification in writing whether it wishes to join the proceeding as a party.
3. A third party's joining the proceeding is deemed to mean its consent to the composition of the Arbitral Tribunal.
4. The Arbitral Tribunal shall specify an appropriate period for a third party pursuing claims against a party or a party pursuing claims against the third party to file a statement of claim. § 25, § 26 and § 27 of the Arbitration Rules shall apply as relevant.
5. If the arbitration fee and registration fee are not paid within the specified period, the third party shall not be admitted to participate in the proceeding.

§ 11 Service

1. A written communication to the Court of Arbitration or to a party to the proceeding shall be served in person, against acknowledgement of receipt, or dispatched by certified post, courier post or other method enabling documentation of dispatch.
2. A written communication is deemed served if delivered to the addressee personally or delivered to the addressee's registered office, place of habitual abode, or postal address indicated by the addressee.
3. If the addressee is a business or other entity entered in a court register or other public register, a written communication is also deemed to be served if it reaches the address indicated in the register, unless the party provided another address for service.
4. If none of the places mentioned in the foregoing paragraphs can be determined, a written communication is

deemed to be served if it reached the last known address of the registered office or the last known place of habitual abode of the addressee.

5. If a party has appointed an attorney or an attorney for service, written communications to the party shall be served on the attorney. An attorney for more than one person shall be served one copy of the written communication and enclosures. If a party has appointed more than one attorney, service is made on only one attorney. The party may indicate the attorney on whom a written communication shall be served.
6. During the course of the proceeding, a party shall file a written communication with the Court of Arbitration with copies for the arbitrators and shall serve a copy of the written communication with enclosures directly on the opposing party. In the written communication the party shall confirm service thereof or mailing to the opposing party in the manner indicated in par. 1.
7. The Arbitral Tribunal may order service of written communications during the course of the proceeding in some other way. More specifically, the Arbitral Tribunal may order that written communications be served additionally, or at the consent of the parties exclusively, by email. Service using telecommunications such as email or fax may be made only to the address indicated for such service.
8. The parties and their representatives are required to notify the Court of Arbitration of any change of address. If this obligation is neglected, a written communication dispatched in the manner specified in par. 1 and to the last known address shall be deemed served.
9. A written communication shall be deemed served on the date it is received by the addressee, or if the addressee refuses receipt of the written communication, on the date of the refusal. If the addressee failed to collect a written communication dispatched by certified post or courier post, the written communication is deemed served on the last day when the addressee could have collected it.
10. A written communication transmitted by email or other

means of telecommunications is deemed served on the date of transmission, unless it did not reach the addressee.

§ 12 Calculation of periods under the Arbitration Rules

1. The deadline for submitting a written communication is met if the written communication is served on the addressee or dispatched to the addressee in the manner specified in § 11 before the deadline.
2. The period for a party to perform an action shall begin to run from the day following service of the written communication on the party. If however the day following service of a written communication is a state holiday or other non-working day, the period begins to run on the first business day following that date. If the last day of the period is a state holiday or other non-working day, the period ends on the first business day following that date.

§ 13 Language of proceeding

1. The parties may agree on the language of the proceeding. Unless otherwise agreed, the language of the proceeding shall be Polish.
2. Taking into consideration the positions of the parties and the circumstances of the case, particularly the language of the parties' agreement and other documents which are evidence in the case, and the language of witnesses, experts and the parties, the Arbitral Tribunal may decide that another language will be the language of the proceeding for specific activities.

§ 14 Place of arbitration

1. Unless otherwise agreed, the place of arbitration shall be Warsaw.
2. After seeking the opinions of the parties, the Arbitral Tribunal may order that specific activities be conducted at a place other than the place of arbitration.

Chapter III

Arbitrators

§ 15 Qualifications of arbitrator

1 By accepting appointment, an arbitrator undertakes to serve in accordance with the Arbitration Rules.
2. An arbitrator must be independent and impartial for the entire duration of the arbitration proceeding.
3. An arbitrator shall accept appointment by submitting a written statement to the Director General on acceptance of the appointment, the arbitrator's independence and impartiality, and availability of the time necessary to perform the duties of arbitrator. In the statement, the arbitrator shall undertake to properly perform the duties of arbitrator. The arbitrator must also disclose any circumstances which may raise doubts as to his or her independence or impartiality.
4. Failure to submit the statement referred to in par. 3 within the period specified by the Director General shall be deemed to be refusal to accept the appointment.
5. The Director General shall promptly serve copies of the written statement referred to in par. 3 on the parties and the other arbitrators.
6. The case file shall be delivered to the arbitrator promptly after he or she submits the statement referred to in par. 3.
7. If circumstances referred to in par. 3 arise or become known to an arbitrator after he or she has assumed office, the arbitrator is required to promptly disclose them in writing to the Director General, who shall promptly serve a copy of the communication on the parties and the other arbitrators.
8. In the event of refusal to accept appointment as an arbitrator, the person nominated to serve shall promptly notify the Director General in writing.

§ 16 List of Arbitrators

1. The Court of Arbitration maintains the List of Arbitrators Recommended by the Court of Arbitration at the Polish Chamber of Commerce (the "List of Arbitrators").
2. The rules and procedure for establishment of the List of Arbitrators are specified by the Statute of the Court of Arbitration.
3. The sole arbitrator or presiding arbitrator may be appointed only from among persons included in the List of Arbitrators. However, upon mutual application of the parties or the arbitrators made within the period specified in § 19 (2) or (3), the Arbitral Council may consent to selection of a sole arbitrator or presiding arbitrator from outside the List of Arbitrators, particularly if justified by the specific nature of the dispute or the qualifications of the arbitrator.
4. A party appointing an arbitrator from outside the List of Arbitrators shall provide the arbitrator's first and last name, profession, residential address, telephone number and email address.

§ 17 Restrictions on serving as an arbitrator or attorney for a party

1. The Director General, the Assistant Director General and staff of the Court of Arbitration may not serve as an arbitrator in a proceeding conducted under the Arbitration Rules. The President of the Court of Arbitration and the members of the Arbitral Council may not be appointed to serve as an arbitrator under a default appointment.
2. An arbitrator included in the List of Arbitrators, the President of the Court of Arbitration, the members of the Arbitral Council, the Director General, the Assistant Director General and staff of the Court of Arbitration may not appear in a proceeding before the Court of Arbitration as an attorney for a party.
3. Unless otherwise provided by the parties, a person who served as a mediator in a dispute covered by the same pro-

ceeding may not serve as an arbitrator or an attorney for a party in a proceeding before the Court of Arbitration.

§ 18 Number of arbitrators

1. Subject to par. 2, disputes shall be resolved by an Arbitral Tribunal comprising three arbitrators appointed in accordance with the parties' agreement and the Arbitration Rules.

2. Disputes shall be subject to resolution by a sole arbitrator:

   1) if the parties have so agreed, or
   2) if the amount in dispute does not exceed PLN 40,000.00, unless the parties agreed to hearing of the dispute by an Arbitral Tribunal.
   3) if the Arbitral Council so decided ex officio, provided that such decision is warranted by the circumstances of the case or on the justified motion of any of the parties.

§ 19 Method of appointment of arbitrators

1. If the dispute is to be resolved by an Arbitral Tribunal comprising three arbitrators, the Director General shall send the List of Arbitrators to the parties and summon each of them to appoint one arbitrator within a specified period of no less than 14 days. When summoning the respondent to appoint an arbitrator, the Director General shall notify the respondent of the appointment of an arbitrator by the claimant. If an arbitrator is not appointed by the party within the specified period, the arbitrator shall be appointed by the Arbitral Council pursuant to § 20.
2. The Director General shall summon the arbitrators to appoint a presiding arbitrator within 14 days. If the arbitrators do not appoint a presiding arbitrator within this period, the presiding arbitrator shall be appointed by the Arbitral Council pursuant to § 20. Upon application by the arbitrators made before the end of that period, the Director General may for valid cause extend the period by no more than 14 days. If a party challenges an arbitrator prior to appointment of the presiding arbitrator, the period for appointment of the presiding arbitrator shall begin to run anew from notification of the arbitrators of denial of the challenge of the arbitrator.
3. If the dispute is to be resolved by a sole arbitrator, the Director General shall summon the parties to agree on and appoint an arbitrator within 14 days. If the parties do not appoint an arbitrator within this period, the arbitrator shall be appointed by the Arbitral Council pursuant to § 20.
4. If the parties have agreed that an arbitrator or presiding arbitrator is to be appointed by a third party, but the third party does not make an appointment within the period specified by the parties or the parties did not specify a period, the Director General shall summon the person to make the appointment within a period of no less than 14 days from the summons. If the arbitrator or presiding arbitrator is not appointed within this period, the arbitrator shall be appointed by the Arbitral Council pursuant to § 20.
5. If more than one person appears on the side of the claimant or the respondent, such persons shall jointly appoint one arbitrator within the period specified in par. 1. If the arbitrator is not appointed within this period, the arbitrator shall be appointed for this side by the Arbitral Council pursuant to § 20.
6. A party may appoint a reserve arbitrator in case the arbitrator refuses to accept the appointment or his or her appointment terminates.
7. In the event of the arbitrator's refusal to accept the appointment or failure to submit the statement referred to in § 15(3), the Director General shall again summon the party, parties or arbitrators to appoint an arbitrator pursuant to par. 1. If the arbitrator was appointed through the procedure for default appointment, the arbitrator shall be appointed by the Arbitral Council.

8. If an arbitrator appointed pursuant to par. 7 refuses the appointment or fails to submit the statement, the arbitrator shall be appointed by the Arbitral Council.

§ 20 Default appointment of arbitrators

1. The Arbitral Council shall appoint an arbitrator in instances specified in the Arbitration Rules, pursuant to the following rules.
2. The Arbitral Council shall appoint an arbitrator from among the persons included in the List of Arbitrators. When appointing an arbitrator, the Arbitral Council shall take into consideration the qualifications which the arbitrator should have in accordance with the agreement of the parties, as well as other circumstances which may be relevant for appointment to this office.
3. In appointing an arbitrator in a dispute between parties who are citizens of different countries or have their residence or registered office in different countries, the Arbitral Council shall take into consideration in particular the citizenship, residence and other connections to these countries of the person to be appointed, seeking to ensure that the presiding arbitrator or sole arbitrator is not connected with any of these countries, unless otherwise provided by the parties.

§ 21 Termination of arbitrator's Appointment

1. In the event of termination of an arbitrator's appointment before the arbitrator has completed performance of the function entrusted to the arbitrator, in the event of his or her death, resignation, challenge or removal by the parties or by the Arbitral Council, a new arbitrator shall be appointed using the procedure provided in § 19.
2. The Arbitral Tribunal shall decide in the form of an order on repetition of all or part of the proceeding with the participation of the new arbitrator.
3. If after completion of the admission of evidence the appointment of an arbitrator appointed by a party terminates or the arbitrator fails to perform the duties of the office, the Arbitral Council may order that the dispute be resolved by the remaining arbitrators in the Arbitral Tribunal. In issuing such order, the Arbitral Council shall consider the positions of the parties and the remaining arbitrators.

§ 22 Challenge of arbitrator

1. If there are circumstances raising justified doubts as to the independence or impartiality of an arbitrator, or if the arbitrator does not have the qualifications specified in the agreement of the parties, the Arbitral Council may, upon written challenge of a party, remove the arbitrator.
2. A party challenging an arbitrator shall file a written challenge with the Arbitral Council, via the Director General, stating the circumstances justifying the challenge (the grounds for challenge), together with copies for the other party and the arbitrators.
3. A party may challenge an arbitrator within 14 days after learning of the grounds for challenge. After this period has passed, the party shall be deemed to have waived its right to challenge the arbitrator on this basis.
4. A party may challenge an arbitrator whom the party itself appointed or participated in appointing only on grounds which it learned of after appointment of the arbitrator.
5. The Director General shall forward a copy of the challenge of an arbitrator to the other party and to the arbitrator in question so that they may respond to the challenge within a specified period of no more than 14 days.
6. If the chair of the Arbitral Council deems it helpful, the other arbitrators may be permitted to take a position on the challenge.
7. If the challenge concerns more than one arbitrator, the Arbitral Council shall issue a separate order with respect to each arbitrator.

8. Filing of a challenge of an arbitrator shall not affect the course of the proceeding unless the Arbitral Tribunal orders otherwise.

§ 23 Resignation and removal of arbitrator

1. An arbitrator may resign at any time by filing a written statement with the Director General providing the reasons for resignation.
2. The parties may remove any of the arbitrators at any time by submitting a mutual statement in writing to the Director General.
3. Any party may apply to the Arbitral Council, via the Director General, to remove an arbitrator who is not properly performing his or her duties, and in particular when it is obvious that the arbitrator will not perform actions within the appropriate time or is delayed in performing them without valid cause. § 22(5) shall apply as relevant.
4. If arbitrators appointed by the same party resign or are removed by the parties or the Arbitral Council twice, the other party may, within 7 days after learning of the resignation or removal of the arbitrator, demand default appointment of the arbitrator by the Arbitral Council. This provision shall apply as well to a subsequent resignation or removal of the arbitrator.

Chapter IV

Proceeding

§ 24 Commencement of proceeding

An arbitration proceeding shall be commenced by filing of a statement of claim or a request for arbitration with the Court of Arbitration.

§ 25 Statement of claim

1. The statement of claim shall contain:
   1) identification of the parties to the proceeding, with their addresses and if possible also their email addresses and telephone numbers;
   2) an indication of the arbitration agreement or an application referred to in § 3(1)(2);
   3) an indication of the amount in dispute; and
   4) a precise statement of the relief demanded together with justification therefor and an indication of the evidence in support of factual allegations.

2. The statement of claim may also indicate the arbitrator appointed by the claimant.
3. The following shall be enclosed with the statement of claim:

   1) a copy of the arbitration agreement or other document justifying the jurisdiction of an Arbitral Tribunal appointed in accordance with the Arbitration Rules;
   2) in the case of appointment of an attorney, the original or a copy of the power of attorney and the first and last name, address, telephone number and email address of the attorney;
   3) the evidence, particularly documentary evidence, unless the nature of the evidence prohibits enclosure of the evidence; and
   4) copies of the statement of claim and enclosures for each of the arbitrators, the respondent, and the Court of Arbitration.

§ 26 Payment and curing deficiencie in statement of claim

1. After a statement of claim is received, the Director General shall summon the claimant, within a specified period of no less than 14 days, to pay the registration fee and the arbitration fee determined according to the Tariff

of Fees in force on the date of filing of the statement of claim.

2. If the statement of claim does not meet the requirements set forth in § 25 (1) and (3), the Director General shall summon the claimant to cure the deficiencies within a specified period of no less than 14 days.
3. If the deficiencies in the statement of claim are not cured or the registration fee and arbitration fee are not paid in full within the specified period, the statement of claim shall be returned. The returned statement of claim shall not exert any legal effects.
4. If an arbitrator is not appointed in the statement of claim even though the claimant is entitled to do so, the Director General shall summon the claimant to appoint an arbitrator pursuant to § 19.
5. If the statement of claim raises doubts whether an Arbitral Tribunal appointed in accordance with the Arbitration Rules will have jurisdiction to resolve the dispute, the Director General shall, prior to summoning the claimant to cure any deficiencies in the statement of claim and to pay the registration fee and the arbitration fee, and without ruling on the existence, validity, effectiveness or enforceability of the arbitration agreement, promptly draw this to the attention of the claimant, summoning it to take a position in writing within a specified period of no more than 14 days. If the claimant maintains its demand that the dispute be heard by an Arbitral Tribunal appointed in accordance with the Arbitration Rules, or if the deadline is not met, the Director General shall summon the claimant to cure the deficiencies in the statement of claim pursuant to par. 2 or pay the registration fee and arbitration fee pursuant to par. 1.
6. If the Arbitral Tribunal finds that the amount in dispute indicated by the claimant is lower than the actual amount, it may establish the actual amount in dispute. In such situation, the Director General shall summon the claimant to supplement the fees by paying the difference in the fees calculated on the amount in dispute

determined by the Arbitral Tribunal and the fees paid by the claimant. Par. 1 and 3 shall apply as relevant.

§ 27 Statement of defence

1. If the statement of claim meets the requirements set forth in § 25 (1) and (3) and was duly paid for, the Director General shall promptly serve a copy of the statement of claim together with the Arbitration Rules on the respondent, summoning it to file a statement of defence within a specified period of no more than 30 days. In a justified case the Director General may, upon application of the respondent filed before the end of such period, extend the period for filing of a statement of defence.
2. When serving a copy of the statement of claim on the respondent, the Director General shall summon it to appoint an arbitrator in accordance with the Arbitration Rules, unless the respondent is not entitled to do so.
3. The statement of defence shall contain:

    1) identification of the parties to the proceeding, with their addresses and if possible also their email addresses and telephone numbers;
    2) the respondent's position on the jurisdiction of an Arbitral Tribunal appointed pursuant to the Arbitration Rules, and more specifically an objection of the lack of an agreement to arbitrate under the Arbitration Rules, if the respondent asserts such objection; and
    3) the respondent's position with respect to the relief demanded by the claimant together with justification therefore and an indication of the evidence in support of factual allegations.

4. The statement of defence shall also indicate the arbitrator appointed by the respondent, if the respondent is entitled to do so.
5. The following shall be enclosed with the statement of defence:

1) in the case of appointment of an attorney, the original or a copy of the power of attorney and the first and last name, address, telephone number and email address of the attorney;
2) the evidence, particularly documentary evidence, unless the nature of the evidence prohibits enclosure of the evidence; and
3) copies of the statement of defence and enclosures for each of the arbitrators and for the Court of Arbitration.

6. The lack of a statement of defence shall not stay the proceeding.

§ 28 Request for arbitration and Response to request for arbitration

1. An arbitration proceeding may also be commenced by filing of a request for arbitration with the Court of Arbitration.
2. The request for arbitration shall contain:

1) identification of the parties to the proceeding, with their addresses and if possible also their email addresses and telephone numbers;
2) an indication of the agreement to arbitrate under the Arbitration Rules or an application referred to in § 3(1)(2);
3) a summary of the subject of the dispute; and
4) an indication of the amount in dispute.

3. If the proceeding is commenced by a request for arbitration, the respondent may file a response to the request for arbitration within a period specified by the Director General of no more than 30 days.
4. The response to the request for arbitration shall contain:

1) identification of the parties to the proceeding, with their addresses and if possible also their email addresses and telephone numbers; and
2) the respondent's position.

5. If the proceeding is commenced by a request for arbitration, the Arbitral Tribunal shall establish the time for filing of the statement of claim and the statement of defence.
6. The request for arbitration is subject to the registration fee and the arbitration fee in the amounts and under the rules for a statement of claim.
7. The provisions of the Arbitration Rules concerning a statement of claim and a statement of defence shall apply as relevant to the request for arbitration and the response to the request for arbitration.

§ 29 Counterclaim and setoff

1. The respondent may file a counterclaim with the statement of defence.
2. The Arbitral Tribunal may also permit filing of a counterclaim at a later time or consider a counterclaim asserted after the period specified in par. 1 if it would not excessively prolong the proceeding.
3. The provisions of the Arbitration Rules concerning a statement of claim shall apply as relevant to a counterclaim.
4. The respondent may assert the defence of setoff. However, the Arbitral Tribunal may refuse to consider a defence of setoff asserted later than at the first session if it would excessively prolong the proceeding, unless the respondent could not assert the defence earlier. The defence of setoff is subject to the fee specified in the Tariff of Fees.

§ 30 Interim relief to secure claim or evidence

1. Upon application of a party which has substantiated its claim and legal interest, the Arbitral Tribunal may order such interim relief as it deems proper to secure

the claim in light of the subject of the dispute.

2. Upon application of a party, the Arbitral Tribunal may order interim relief to secure evidence if necessary under the circumstances of the case.
3. An order on interim relief to secure a claim or evidence shall be issued after enabling the opposing party to take a position.
4. Upon application of a party, an order on interim relief may be amended or vacated as appropriate to the circumstances.

§ 31 Schedule of proceeding

1. As quickly as possible, after seeking the opinions of the parties, the Arbitral Tribunal shall establish a schedule for the proceeding by issuing an order in this respect. The schedule for the proceeding may, in particular, specify the order and the dates for written submissions, the dates for submission and admission of evidence, the dates of hearings, and the anticipated date for issuance of a ruling concluding the proceeding. The order may also specify particular rules of procedure, including more specifically the manner and dates for preparation and presentation of written witness statements and opinions of experts. The Arbitral Tribunal may decide not to establish a schedule if it determines that it is unnecessary to do so in light of the nature of the dispute.
2. The Arbitral Tribunal may order an organizational session to discuss issues with the parties which may be included in the schedule of the proceeding, as well as other issues concerning the proceeding. An organizational session may also be conducted using telecommunications.

§ 32 Amendment or withdrawal of claim

1. The claimant may extend its claim until the closing of the hearing, unless the Arbitral Tribunal finds that extension of the claim would excessively prolong the proceeding.
2. The claimant may withdraw its statement of claim at

any time, unless the respondent objects and the Arbitral Tribunal finds that the respondent has a justified interest in a final resolution of the dispute.
3. Refusal to permit extension or withdrawal of the claim shall require an order by the Arbitral Tribunal.
4. Extension of the claim is subject to a fee pursuant to the Tariff of Fees. § 26 (1) and (3) shall apply as relevant.

§ 33 Evidence

1. A party bears the burden of indicating evidence to prove facts from which it derives legal consequences.
2. The Arbitral Tribunal shall rule on the evidentiary applications of the parties. Refusal to admit evidence indicated by a party shall require issuance of an order. Depending on the circumstances, the Arbitral Tribunal may amend its order in this respect.
3. The Arbitral Tribunal may specify a period for assertion of evidence after which the parties' applications to admit evidence will not be considered.
4. Upon application of a party, the Arbitral Tribunal may require the opposing party to present a document or other form of evidence which is in its possession.
5. The Arbitral Tribunal may admit evidence from documents, witnesses, expert opinions and other evidence indicated by the parties which it deems relevant for clarification of the case.
6. The Arbitral Tribunal shall assess the credibility and weight of the evidence in its own judgment, on the basis of a thorough consideration of the collected material. The Arbitral Tribunal shall also assess on this basis the significance to be ascribed to a party's refusal to present evidence or obstacles a party raises to taking evidence.
7. If there is a need to take evidence away from the place of arbitration, the Arbitral Tribunal may entrust this task to one of the arbitrators. The parties and their attorneys shall have the right to participate in taking of evidence by the designated arbitrator.
8. The Arbitral Tribunal shall decide on the method for

taking evidence. More specifically, it may order that evidence from a witness be taken in two stages: first on the basis of a written statement by the witness and then by supplementary questioning at a hearing. Upon consent of the parties, the Arbitral Tribunal may take evidence from a witness solely on the basis of the witness's written statement.

9. A party shall ensure the appearance at the hearing of a person it has named to testify as a party, witness or expert.
10. Specific rules for presentation and admission of evidence may be determined by the Arbitral Tribunal in an order. In particular, the Arbitral Tribunal may specify in detail the form and manner of preparation of statements referred to in par.8, the order in which the parties will question witnesses, or the time allowed for the parties to question a witness or all of the witnesses.
11. The Arbitral Tribunal may appoint an expert or experts by commissioning them to prepare an opinion. The Arbitral Tribunal may admit evidence from an opinion commissioned by a party or parties.
12. Upon application of a party or if the Arbitral Tribunal deems it proper, after presentation of his or her opinion an expert shall participate in the hearing in order to provide clarifications and respond to questions. Other experts and witnesses may also take part in the hearing if the Arbitral Tribunal deems it proper.

§ 34 Hearing

1. The Arbitral Tribunal shall consider the dispute at a hearing. Upon consent of the parties, the Arbitral Tribunal may resolve the dispute without scheduling a hearing, on the basis of the parties' allegations set forth in their written submissions and the documents or other evidence submitted by them, if it finds that the dispute is sufficiently clarified.
2. The hearing shall be held without the attendance of the public, but upon consent of the parties the Arbitral Tribunal may permit third parties to attend the hearing.

The President of the Court of Arbitration, the Director General and a member of the Arbitral Council may attend the hearing.

3. The hearing shall be held at the time provided in the schedule adopted by the Arbitral Tribunal or specified by the presiding arbitrator.
4. Before the hearing, the presiding arbitrator may issue orders to prepare for the hearing so that the dispute is resolved as quickly as possible.
5. The hearing shall be led by the presiding arbitrator.
6. Absence from a hearing by a properly notified party or its attorney shall not stay the proceeding.

§ 35 Record

1. A record shall be prepared of the course of the hearing and other actions by the Arbitral Tribunal or actions performed by the arbitrator designated by the Arbitral Tribunal pursuant to § 33(7). The recording clerk shall be appointed by the Director General.
2. The record shall be signed by the presiding arbitrator and the recording clerk.
3. The course of actions for which a record is prepared may be recorded using an audio or video device, which all persons participating in the activity shall be informed of before the device is turned on. Upon application of a party, the Court of Arbitration may provide the party a carrier containing the recording of an activity. Upon request of a party and for an additional fee provided in the Tariff of Fees, the Court of Arbitration shall provide a party with a transcript of the recording made using an audio or video recording device. After consulting with the parties, the Arbitral Tribunal may order that the course of the hearing also be recorded in some additional way.
4. Upon application of the parties or their attorneys, the Court of Arbitration shall issue them copies of the record and permit them to review the case file.
5. A party may request correction or supplementation of the record, but no later than at the next session, or in the

case of the record from the session at which the hearing was closed within 14 days after service on the party of a copy of the record.

§ 36 Stay of proceeding

1. The Arbitral Tribunal shall stay the proceeding upon mutual application of the parties.
2. The Arbitral Tribunal may stay the proceeding upon application of a party if the resolution of the dispute depends on the result of another pending proceeding.
3. The Arbitral Tribunal may also stay the proceeding when there are circumstances preventing continuation of the proceeding.
4. Upon application of a party, the Arbitral Tribunal shall order resumption of a proceeding stayed at the mutual application of the parties, and in other instances when the reason for staying the proceeding has ceased.
5. An order staying the proceeding before appointment of the Arbitral Tribunal shall be issued by the President of the Court of Arbitration.

§ 37 Closing of hearing

1. The presiding arbitrator shall close the hearing after the evidence has been taken and the Arbitral Tribunal finds that the case has been sufficiently clarified for a resolution.
2. If the Arbitral Tribunal deems it necessary, the presiding arbitrator may reopen a closed hearing.

§ 38 Discontinuance of Proceeding

1. The Arbitral Tribunal shall discontinue the proceeding in instances specified in the Arbitration Rules, and also if:

    1) the claimant withdraws its statement of claim, unless the respondent objects and the Arbitral Tribunal finds that the respondent has a justified interest in a final resolution of the dispute;

    2) the claimant fails to file a statement of claim within the period specified by the Arbitral Tribunal pursuant to § 28(5);
    3) continuation of the proceeding has become moot or impossible for other reasons; or
    4) a year has passed since stay of the proceeding pursuant to § 36(1) and none of the parties has applied for resumption of the proceeding.

2. In the event of withdrawal of the statement of claim before appointment of the Arbitral Tribunal, an order discontinuing the proceeding shall be issued by the President of the Court of Arbitration.

Chapter V

Rulings

§ 39 Orders

1. In matters not requiring issuance of an award, and in other matters specified in the Arbitration Rules, the Arbitral Tribunal shall issue an order. Moreover, when so provided by the Arbitration Rules, orders shall be issued by the President of the Court of Arbitration or by the Arbitral Council.
2. In matters concerning the organization of the proceeding, the presiding arbitrator may issue orders independently. Such an order may be vacated or amended by the Arbitral Tribunal.
3. A written justification shall be required for an order ending the proceeding in the case, and for an order on the jurisdiction of the Arbitral Tribunal, denial of a challenge of an arbitrator, continuation of the proceeding by an incomplete Arbitral Tribunal, or correction, supple-

mentation or interpretation of an award.

4. Orders referred to in par. 3 shall be served on the parties together with the justification.
5. An order on securing of a claim or evidence, extension of the claim, withdrawal of the statement of claim, stay of the proceeding, determination of the actual amount in dispute, consolidation of proceedings, admission of a third party to participate in the proceeding as a party, refusal to consider a defence of setoff, or correction or supplementation of the record of the hearing shall be served on the parties together with a justification if issued outside of a hearing.
6. § 41, § 43, § 45 and § 46 of the Arbitration Rules shall apply as relevant to orders ending the proceeding.

§ 40 Award

1. The Arbitral Tribunal shall resolve the dispute by an award. The award is binding on the parties. The parties shall voluntarily carry out the award.
2. The award shall be issued within 9 months after commencement of the proceeding and no later than 30 days after closing of the hearing. At the Director General's own initiative or upon application of the presiding arbitrator, the Director General may extend either of these periods if justified by the complexity of the issues in the dispute or other important considerations.
3. The Arbitral Tribunal shall issue the award after conducting closed consultations.
4. If the dispute is resolved by more than one arbitrator, the award shall be issued by a majority of votes. If there is no majority, the vote of the presiding arbitrator shall prevail.
5. If an arbitrator fails to participate in the voting without valid cause, the other arbitrators may vote without his or her participation.
6. An arbitrator who did not vote with the majority may dissent, noting this with his or her signature on the award. An arbitrator who dissented may submit a justification for the dissent within 14 days after the date of the award.

7. The President of the Court of Arbitration may demand an explanation from the presiding arbitrator of the reasons for the Arbitral Tribunal's failure to issue a timely award.

§ 41 Content and form of award

1. The award shall contain:

    1) identification of the arbitrators and the parties,
    2) the date and place of issuance of the award,
    3) an indication of the grounds for the jurisdiction of the Arbitral Tribunal,
    4) the resolution of the relief demanded by the parties, and
    5) the reasoning guiding the Arbitral Tribunal in issuing the award.

2. The award shall be made in writing, with one original for each of the parties and two originals left with the Court of Arbitration. All of the arbitrators shall sign the award. The reason shall be stated for the absence of an arbitrator's signature.
3. By signing the award, the President of the Court of Arbitration and the Director General confirm that the Arbitral Tribunal was appointed in accordance with the Arbitration Rules and that the signatures of the members of the Arbitral Tribunal are authentic.
4. The date of the award is the date of signing of the award by the sole arbitrator, or if the Arbitral Tribunal comprises three arbitrators, the date of signing by the second of them.
5. Before signing the award, the President of the Court of Arbitration may, without interfering with the substance of the resolution, forward the award to the presiding arbitrator to make necessary formal corrections or to correct obvious errors.

§ 42 Partial or preliminary award

1. The Arbitral Tribunal may issue a partial award if only a portion of the demand or certain of the demands in the statement of claim or counterclaim can be resolved.
2. In the case of a counterclaim, the Arbitral Tribunal may also resolve the entirety of the demand in the statement of claim or the counterclaim by a partial award.
3. Upon application of a party, the Arbitral Tribunal may issue a preliminary award holding a claim to be justified in principle and continue the proceeding with respect to the disputed amount of the demand.

§ 43 Service of award

1. The award shall be served on the parties. If an arbitrator dissented when signing the award and submitted the justification for the dissent to the case file, the parties shall also be served a copy of the justification for the dissent.
2. Service of a copy of the award on a party shall be made after the party has paid all fees and reimbursement of costs to the Court of Arbitration.

§ 44 Ruling in the event of settlement

1. If the parties reach a settlement after selection of the presiding arbitrator or sole arbitrator, the Arbitral Tribunal shall discontinue the proceeding. However, upon application of the parties, the Arbitral Tribunal may give the settlement the form of an award.
2. If the settlement is concluded before the Arbitral Tribunal, the terms of the settlement shall be included in the record and confirmed by the signatures of the parties.

§ 45 Correction or interpretation of award

1. Within 14 days after receipt of the award, a party may make an application, serving a copy thereof on the other party, for:
   1) resolution of doubts with respect to the content of the award (interpretation of the award), or
   2) correction in the text of the award of inaccuracies, typographical or computation errors or other obvious errors.
2. The Arbitral Tribunal may also correct the award on its own initiative within 30 days after issuance of the award.
3. A notation on correction of the award shall be made on the originals of the award and copies thereof. The correction shall be reflected in subsequent copies of the award.
4. An interpretation of the award made by an order of the Arbitral Tribunal constitutes an integral part of the award.

§ 46 Supplementary award

1. Within 30 days after receipt of the award, a party may make an application, serving a copy thereof on the other party, for resolution of a demand which the Arbitral Tribunal did not rule on in the award.
2. The Arbitral Tribunal shall issue a supplementary award also in the event of reopening the proceeding on the basis of an order of the common court considering a petition to set aside the award, for the purpose of eliminating the grounds for setting aside the award.
3. A supplementary award shall be issued within 30 days after filing of the application. The second sentence of § 40(2) shall apply as relevant.
4. The Arbitral Tribunal shall deny an application to supplement the award by an order.

§ 47 Publication of rulings

The Arbitral Council may consent to publication of a ruling in whole or part, ensuring its anonymity, if neither of the parties objects to publication within 14 days after service of the ruling on the party.

Chapter VI

Costs of proceeding

§ 48 Costs of arbitration proceeding

1. Upon application of a party, the Arbitral Tribunal shall resolve the costs of the arbitration proceeding in the ruling ending the proceeding, reflecting the result of the proceeding and other relevant circumstances.

2. The costs of the arbitration proceeding shall include:

    1) the registration fee,
    2) the arbitration fee,
    3) expenses, and
    4) justified costs of the parties connected with conducting the proceeding, determined in accordance with the Arbitration Rules and the Tariff of Fees in force on the date of commencement of the proceeding.

3. A party may file an application for award of the costs of the proceeding, if necessary together with a list and proof of incurrence of the costs, until the closing of the hearing or within another period specified by the Arbitral Tribunal.

§ 49 Registration fee and arbitration fee

The rules for incurring of costs by the parties and the amount of the registration fee and the arbitration fee, as well as the rules for reimbursement of the arbitration fee, are specified in the Tariff of Fees in force on the date of commencement of the arbitration proceeding.

§ 50 Expenses

1. The parties shall bear the expenses connected with the activities of experts, translators, holding a session away from the seat of the Court of Arbitration, and other expenses arising during the course of the proceeding.
2. The Director General shall summon a party which applies for performance of activities which will entail the necessity to incur expenses to pay an appropriate advance against the expenses.
3. Advances shall be settled after the conclusion of the proceeding. On its own initiative, the Court of Arbitration shall refund to a party the difference between the amount of the advance and the actual expenses incurred.

§ 51 Costs of the parties

1. When resolving the costs of the proceeding, the Arbitral Tribunal shall take into account the justified costs of legal representation and other justified costs incurred by a party in connection with the proceeding.
2. When resolving the costs of legal representation, the Arbitral Tribunal shall take into account the reasonable amount of the attorney's fee, considering in particular the result of the proceeding, the work input of the attorney, the nature of the case, and other relevant circumstances.

Chapter VII

Concluding provisions

§ 52 Adoption and effective date of the Arbitration Rules

1. These Arbitration Rules were adopted by resolution of the Arbitral Council on 14 October 2014.
2. The Arbitration Rules shall enter into force on 1 January 2015

§ 53 Fast-track Procedure

1. Where the amount in dispute does not exceed PLN 80,000.00, beginning from the 1st of June 2018, a

fast-track procedure shall apply to dispute resolution unless, following § 4.3, the parties have agreed otherwise or unless they have not given consent to it. The Court General Director shall notify the parties of the fast-track procedure criterion having been satisfied.

2. Following § 4.2, the parties may agree that the dispute shall be resolved within the fast-track procedure also where the amount in dispute exceeds PLN 80,000.00. The parties may include their agreement regarding the choice of the fast-track procedure in the arbitration agreement or may execute it at a later date, including after the occurrence of the dispute, no later however than while submitting the statement of defence or request for arbitration.

3. The counterclaim or setoff claim may be raised within the fast-track procedure no later than while submitting the statement of defence. The provisions of § 29.2 and § 29.4 sentence 2 shall not apply. Where, following raising the counterclaim or setoff claim, the amount in dispute exceeds PLN 80,000.00, the fast-track procedure may be continued exclusively provided that the Court General Director notifies the parties about an increase in the amount in dispute and that in reply they express their consent to having the fast-track procedure continued. In the event there is no such consent of the parties, the dispute proceedings shall be continued following the general procedure, with the sole arbitrator performing the function of the presiding arbitrator in the Arbitral Tribunal. Where the Arbitral Tribunal was composed of three arbitrators, it shall continue its operation in the same panel.

4. In the event the amount in dispute exceeds PLN 80,000.00 as a result of extension of claim, the fast--track procedure may be continued exclusively provided that the sole arbitrator or the Court General Director notifies the parties of the increase in the amount in

dispute, and that in reply the parties express their consent to sustain the fast-track procedure. Should the parties not express such consent, the dispute shall be continued following the general rules, with the sole arbitrator performing the function of the presiding arbitrator in the Arbitral Tribunal. If the Arbitral Tribunal was composed of three arbitrators, it shall continue its operation in the same panel.

5. Once application of the general rules, referred to in subparagraphs 3 and 4, has begun, in order to determine the further course of arbitration proceedings, specifically to resolve arising procedural issues, it is required that the Arbitral Tribunal orders holding an organizational session.

6. The provisions of the Arbitration Rules shall apply within the fast-track procedure with the changes as below:

   1) The cases are subject to resolution by a sole arbitrator, unless the parties have agreed that the dispute be recognized by an Arbitral Tribunal composed of three arbitrators. The provision of § 18.2.2 shall apply as of the 1st of June 2018, where the parties have not granted consent to follow the fast-tract procedure. In the circumstances referred to in § 3.2, where the amount in dispute does not exceed PLN 80,000.00, with no reservation to the opposite, it is acknowledged that it is the sole arbitrator that shall be competent to recognize the dispute in fast-track proceedings conducted on the basis of the Arbitration Rules and administered by the Court of Arbitration.

   2) If, in accordance with § 25.2 or § 28.7, the statement of claim or the request for arbitration indicates the arbitrator appointed by the claimant, and the case is subject to resolution within the

fast-track procedure by the sole arbitrator, such indication of the arbitrator shall be understood as proposing the candidate for the sole arbitrator, with such candidature needing the opinion of the respondent.

3) If a default appointment is necessary to be carried out in accordance with § 20, the arbitrator should be appointed within 7 days following the lapse of the period specified for appointment of the arbitrator, in accordance with § 19. In the event of absence of appointment of the arbitrator within that period by the Arbitration Council, the default appointment shall be made promptly by the President of the Court of Arbitration from among the persons entered in the List of Arbitrators.

4) The provision of § 31.1 sentence 4 shall not apply in the fast-track procedure. In addition to all elements indicated in § 31.1, specifically in addition to the specification of the rules of procedure, the order should at all times indicate:

a) the fast-track procedure as that being applied in the case;
b) the date limiting the extension of the claim;
c) the date limiting notifying presentation and presenting new evidence materials.

5) The organizational session referred to in § 31.2 sentence 1, shall be obligatory in the fast-track procedure. The course of proceedings of the organizational session shall be recorded; in addition to the approval by the recording clerk, the record shall be approved by the sole arbitrator or the Arbitral Tribunal and the parties. The provision of § 35.20 shall not apply, unless the sole arbitrator or the Arbitral Tribunal has decided that in order to apply the fast-track procedure the record

should be signed by the parties; in such a case the record should be signed by the recording clerk, the sole arbitrator or the presiding arbitrator and the parties, if possible on the day on which the organizational sitting is held. The record may be signed following 'by circulation' procedure.

6) Any written communication or service made in the course of the fast-track procedure shall be carried out by electronic mail sent to the addresses of the parties, the arbitrator or the arbitrators and the address of the Court of Arbitration, indicated in the procedural order, referred to in § 31.1. The service should include copies to all participants of the fast-track procedure not being the addressees. On the day following the day of service by electronic mail the service within the procedure of § 11 shall be carried out, following the rule of subsidiarity; additionally it shall be required where the service by electronic mail is impossible or difficult.

7) The time limits indicated in § 19.1 - § 19.4, § 22.3 and § 22.5, § 26.1- § 26.2 and § 26.5 shall be shortened to 7 days.
8) The time limits indicated in § 27.1 and § 28.3 shall be shortened to 14 days.

9) The agreement to apply the fast-track procedure or an absence of the parties' objection to it shall be deemed as the parties' consent to taking evidence from the witness exclusively on the basis of the witness's written statement, referred to in § 33.8 sentence 3.

10) An agreement to apply the fast-track procedure or an absence of the parties' objection to it shall be deemed as the parties' consent to resolving the dispute without scheduling a hearing, referred to

in § 34.1 sentence 2. The hearing shall not be carried out unless the sole arbitrator or the Arbitral Tribunal finds that the dispute is not sufficiently clarified on the basis of the allegations of the parties made in their written submissions, the documents submitted by them or in other evidence, specifically it is not sufficiently clarified on the basis of written witness statements or expert opinions ordered by the parties. As a rule, the proof from expert opinion is taken exclusively on the basis of written opinion.

11) The award should be issued within 6 months following the date of approval or signing of the record of the organizational session by the recording clerk, the sole arbitrator or the Arbitral Tribunal and the parties, in accordance with subparagraph 6.5. The Court General Director may, ex officio or upon request of the sole arbitrator or the presiding arbitrator, extend the time limit for issuance of the award where this is necessary on account of the complexity of the issues in the dispute that have come out during the fast-track procedure, or due to other important considerations.

7. If justified by the complexity of the issues in the dispute, that have come out during the fast-track procedure, or other important considerations, the party may request the sole arbitrator or the Arbitral Tribunal to undertake applying the general rules. In response to the party's request, the sole arbitrator or the Arbitral Tribunal, after hearing the other party, may make the decision to change the fast-track procedure to the procedure based on the general rules. In such circumstances, subparagraphs 3 to 5 shall apply accordingly. Prior to the decision to change the fast-track procedure to the procedure based on the general rules, the sole arbitrator or the Arbitral Tribunal may request the opinion of the President of the Court of Arbitration

8. Where justified by the complexity of the issues in the dispute, that have come out during the fast-track procedure, or other important considerations, the sole arbitrator or the Arbitral Tribunal, after hearing the parties, may make the decision to change the fast-track procedure to the procedure based on the general rules. In such circumstances, subparagraphs 3 to 5 shall apply accordingly. Prior to the decision to change the fast--track procedure to the procedure based on the general rules, the sole arbitrator or the Arbitral Tribunal may seek the opinion of the President of the Court of Arbitration.