

Arbitration Tribunal fees*

1. Acts performed by the Arbitration Tribunal at the Lower Silesian Chamber of Commerce are subject to fees and deposits for expenses. If no fee has been specified for a particular act, a fee for a similar act shall be charged.

2. The following fees shall be charged for acts performed by the Arbitration Tribunal: registration fee, proportional fee, fixed fee and administrative fee. Fees in expertise proceedings and fees for expert opinions issued in arbitration and mediation proceedings shall be increased by VAT at the applicable rate. Fees and deposits for expenses shall be paid into the bank account of the Arbitration Tribunal.

3. **A registration fee** shall be charged upon commencement of arbitration proceedings in an amount of 1% of the value of claim, but no less than PLN 800.00, upon commencement of mediation proceedings in an amount of 0.5% of the value of claim, but no less than PLN 400.00, and upon commencement of expertise proceedings in an amount of PLN 0.5% of the value of claim, but no less than PLN 400.00. Members of the Lower Silesian Chamber of Commerce in Wroclaw shall be exempt from 50% of the registration fee upon production of proof of their membership. No registration fee shall be charged upon commencement of arbitration proceedings whose purpose is to approve a settlement concluded in mediation proceedings, upon resumption of arbitration proceedings following cancellation of an Arbitration Tribunal decision and upon commencement of mediation proceedings in the course of arbitration proceedings. In cases where the value of claim cannot be determined and in cases involving non-pecuniary claims, a registration fee shall be charged in an amount of PLN 800.00 in arbitration proceedings and in an amount of PLN 400.00 in mediation proceedings and in expertise proceedings. In cases involving both pecuniary and non-pecuniary claims and claims whose value cannot be determined in arbitration, mediation and expertise proceedings, only one registration fee shall be charged.

4. **A proportional fee** shall be charged in cases involving pecuniary claims in arbitration, mediation proceedings and expertise proceedings in proportion to the value of claim determined:

a) in arbitration proceedings:

- If a value of claim does not exceed PLN 100,000.00 – 5%, but no less than PLN 3,000.00.

* Translation from the Polish original, which is the authentic text

- If a value of claim is PLN 100,001.00-1,000,000.00 – 4%, but no less than PLN 24,000.00.
- If a value of claim is PLN 1,000,001.00-5,000,000.00 – 3%, but no less than PLN 48,000.00.
- If a value of claim exceeds 5,000,001.00 – 2%, but no less than PLN 96,000.00.

b) In mediation proceedings a proportional fee shall be charged in an amount of 40% of the same fee in arbitration proceedings and in an amount of 35% of that fee upon commencement of arbitration proceedings whose purpose is to approve a settlement. Where mediation proceedings are commenced in the course of arbitration proceedings, no separate fee shall be charged for the approval of a settlement concluded with the participation of a mediator.

c) in expertise proceedings:

- If a value of claim does not exceed PLN 100,000.00 – 5%, but no less than PLN 4,000.00.
- If a value of claim is 100,001.00-500,000.00 – 4%, but no less than PLN 8,000.00.
- If a value of claim is PLN 500,001.00-1,000,000.00 – 3%, but no less than PLN 16,000.00.
- If a value of claim is PLN 1,000,001.00-5,000,000.00 – 2%, but no less than PLN 24,000.00.
- If a value of claim exceeds PLN 5,000,001.00 – 0.5%, but no less than PLN 28,000.00.

5. In arbitration proceedings involving pecuniary claims, 50% of the proportional fee shall be charged in cases heard by a one-person panel and 75% of the proportional fee in cases heard by a two-person panel. The proportional fee shall be multiplied by 1.5, if the case is heard by 4 arbiters, by 2, if the case is heard by 5 arbiters, 2.5, if the case is heard by 6 arbiters, and by 3, if the case is heard by 7 arbiters.

6. In expertise proceedings, the proportional fee shall be multiplied by the number of experts appointed. If an application is made for the appointment of an expert from the List by a party in the arbitration proceedings or the Presiding Panel, the proportional fee shall be reduced by 20%. No proportional or fixed fee shall be charged on the greater number of experts, if an expert appointed in accordance with the applicable procedure has appointed an additional expert or experts.

7. In arbitration proceedings the proportional fee shall be charged in full to the Plaintiff (raising the original or counter-claim) and to the Defendant raising a set-off defence, and, in addition, in 50% to the party applying for notification of the proceedings to each third party with a request to join the proceedings in support of one of the parties.

8. If an action in arbitration proceedings concerns claims against more than one person, such claims shall be treated for the purpose of fee determination as having been raised in separate actions, unless the liability of the Defendants is joint and several.

9. **A fixed fee** shall be charged in cases where the value of claim cannot be determined and in cases involving non-pecuniary claims in arbitration and expertise proceedings in an amount of PLN 1,000.00-10,000.00, and in mediation proceedings in an amount of PLN 500.00-5,000.00. In cases involving both pecuniary and non-pecuniary claims and claims whose value cannot be determined in arbitration, mediation proceedings and expertise proceedings, fees shall be charged separately for each type of claim.

10. A fixed fee shall also be charged in an amount of PLN 500.00 for an application for public announcement of failure to perform an Arbitration Tribunal decision.

11. **An administrative fee** shall be charged for issuing a transcript or photocopy from case files in arbitration, mediation proceedings and expertise proceedings. An administrative fee shall be PLN 6 per page for a transcript and PLN 2 per page for a photocopy. A transcript shall bear a stamp of the Arbitration Tribunal and shall be signed by the Tribunal Clerk or a person authorised by the Tribunal Clerk.

12. **Deposits for expenses**, such as, for instance, fees for experts and translators, costs of keeping, publication of the decision, travel, tests or daily allowances for arbiters, mediators and experts, shall be required from the party who caused the act related to such expenses to be performed in arbitration and expertise proceedings. No deposit shall be required in mediation proceedings, save to the extent that it relates to expenses necessary for the approval of a settlement. In arbitration proceedings, where an act is performed *ex officio*, the Presiding Panel of the Arbitration Tribunal shall make a decision as to which party is obligated to pay a deposit for a given expense. In the event of failure to pay the deposit, the Arbitration Tribunal shall omit an act whereby such expenses are incurred. In expertise proceedings, in the event of a party's failure to pay the deposit within the period specified by an expert, he may limit the scope of his opinion.

13. The Arbitration Tribunal, mediator or expert may refuse to consider an application for the performance of an act, if the relevant fee or deposit has not been paid.

14. **Any return of fees charged** in proceedings before an Arbitration Tribunal may only take place in expressly specified circumstances. In arbitration proceedings, where an action is

withdrawn before a statement of claim is sent to the other party, the proceedings are cancelled by the Presiding Panel on the basis that the case is outside the jurisdiction of the Arbitration Tribunal, or a settlement has been concluded before the Arbitration Tribunal in arbitration proceedings within 2 months from the date of commencement of the proceedings, the party shall be returned 50% of the proportional fee and fixed fee. In mediation proceedings, where a settlement has not been concluded or approved with the participation of the mediator, the party shall be returned 50% of the proportional fee and fixed fee charged in the mediation proceedings. In expertise proceedings, where an expert opinion cannot be issued in accordance with relevant standards due to lack of cooperation from the party or parties applying for the opinion or an expert opinion has not been prepared due to the applicant's failure to pay any outstanding fees following verification of the value of claim in accordance with the Regulations, the party shall be returned 50% of the proportional fee and fixed fee charged.