

STATUTE

OF THE ARBITRATION COURT AT NON-PROFIT ASSOCIATION “EUROPEAN INSTITUTION FOR MEDIATION AND ARBITRATION” /EIMA/

STATUTE

Art. 1. (1) At non-profit association “European Institution for Mediation and Arbitration” (EIMA) is created an independent judicial institution Arbitration Court, short shows “AC at EIMA.

(2) The seat of the Arbitration Court is in Sofia, 16, Sveta Nedelia Sq. 3th Floor

Art. 2. (1) The Arbitration Court resolves civil and commercial property disputes, as well as disputes about filling gaps in the contract or their adaptation to newly arisen circumstances between parties, natural or legal entities, as resident and domiciled in Bulgaria as well as abroad.

(2) Appeals shall be heard in accordance with the Rules of the Arbitration Court.

STRUCTURE

Art. 3. (1) The Arbitration Court shall consist of a Presidium, Chairman, arbitrators, Secretariat and Mediation Center.

(2) There is an Arbitration College at AC, which consists of all the arbitrators.

(3) The Arbitration Court authorizes the disputes by a panel of three arbitrators or a single arbitrator. Their rights and obligations are the same.

PRESIDIUM

Art. 4. (1) The Presidium of the Arbitration Court shall consist of a Chairman of the Court and four members. They are elected by the Management Board of the non-profit association “European Institution for Mediation and Arbitration” for a period of five years. The Management Board may make changes to the Presidium during that period.

(2) The Presidium has the following functions:

1. Selected and deleted the arbitrators;
2. Take measures to implement the decisions of the Arbitration College;

3. decide on the operation of the court;
4. Selected issues that discusses Arbitration Association to align the practice of the court.
5. The Presidium meets once a month
6. For the meetings of the Presidium and the decisions shall draw up Minutes signed by the Chairman of the Court and the Secretary. If necessary, the decisions are brought to the attention of the arbitrators and the Management Board.

CHAIRMAN

Art. 5. (1) The Chairman shall be elected and dismissed by the Management Board of the non-profit association EUROPEAN INSTITUTION FOR MEDIATION AND ARBITRATION for a period of five years.

(2) The Chairman shall have the following functions:

- manages the activity of the Court and performs the functions assigns from the Rules of the AC of EIMA and other statutory acts, adopted by the Management Board of the EIMA.
- Convened the Presidium of the court and the Arbitration College
- Reports the activity of the court before the Arbitration College and the Management Board of the non-profit association EUROPEAN INSTITUTION FOR MEDIATION AND ARBITRATION
- Implement the decisions of the Presidium and the functions provided for in the Rules of the Arbitration Court.
- Report about the activities of the court to the Management Board on a quarterly basis;
- Initiates forums and events involving the court;

(3) The decisions of the Chairman of the Arbitration Court shall be made in writing and signed by him.

(4) In the temporary absence or other objective obstacles the functions of the Chairman shall be performed by the Deputy Chairman.

(5) The Arbitral Court may have Honorary Chairman, who is elected by the Management Board of the non-profit association EUROPEAN INSTITUTION FOR MEDIATION AND ARBITRATION

Art. 6. The Chairman of the ARBITRATION COURT represents the Court in the country and abroad.

ARBITRATORS

Art. 7. (1) The arbitrators shall be enrolled and removed from the lists of arbitrators by decision of the Presidium with a decision taken by a secret ballot.

(2) The enrolled arbitrators can be deleted from the list: at their request and in case they are not currently members of the Arbitral Tribunal in a pending case; in case of death; reaching the age limit as defined by the MB; in case of lasting inability to perform their duties; in case of gross violation of the Statute and the Rules of the ARBITRATION COURT, by a written proposal of the Chairman of the Court.

(3) As arbitrators may be entered capable citizens of age, who have not been convicted of crimes, with university education, at least eight years of professional experience and high moral standing. For the foregoing circumstances, each arbitrator shall submit a declaration to the Managing Board of the Association before its entry. The list shall indicate: the name of the arbitrator, the year of birth, his/her occupation or profession, scientific degree(title), specialty and domicile.

(4) The arbitrators shall be independent and impartial in the execution of their functions. They shall not act as representatives of any of the parties. The arbitrators shall be obliged to keep secret the data concerning the deliberations of the court as well as any data accessible to them during the execution of their duties.

(5) When a person is nominated for an arbitrator or a Presiding arbitrator of an Arbitral Tribunal, he/she shall have to indicate in a written statement to the Chairman of the AC at EIMA all circumstances which could give rise to reasonable doubts concerning his/her impartiality or independence. An arbitrator shall have the same obligation after his/her appointment as well. Copies of this statement shall be sent to the parties.

(6) The lists of arbitrators shall be made available to all those interested and published on the website of the Court.

OBLIGATIONS OF THE ARBITRATORS

Art. 8. (1) The arbitrators involved in law firms can not accept their election or appointment as arbitrators in cases which a party has asked the company where they participate.

(2) Can not be arbiters: MPs, ministers, deputy ministers, heads of departments, members of the Constitutional Court and other persons to whom a legal act is not permitted to be arbitrators.

ARBITRATION COLLEGE

Art. 9. (1) Arbitrators shall form an Arbitral College which shall:

– Take decisions on organizational matters related to the court;

- Discuss the report of the Chairman of the Court on the previous year and take decisions thereof;
- Discuss the practice of the Court concerning the application of the normative acts which are common in the domestic and the international arbitration cases in view of adopting a harmonized practice.

SECRETARIAT

Art. 10. (1) The Office of the ARBITRATION COURT shall consist of secretaries and other officers, appointed by MB of the NON-PROFIT ASSOCIATION “EUROPEAN INSTITUTION FOR MEDIATION AND ARBITRATION” / EIMA / on the proposal of the Chairman of the ARBITRATION COURT

(2) The secretaries of the ARBITRATION COURT shall organize and run the case files, keep up the correspondence of the court and perform those functions as assigned by the Rules issued by the Chairman

FINANCES

Art. 11.(1) All amounts of money due for disputes submitted to the ARBITRATION COURT shall be deposited onto a separate bank account/s of the non-profit association “European Institution for Mediation and Arbitration” (EIMA), controlled and managed by the Chairman of the Arbitration Court and the Chairman of the Association together.

(2) Maintenance costs of the Arbitration Court are borne by the non-profit association “European Institution for Mediation and Arbitration” (EIMA).

(3) For the participation in the cases and their solving the arbitrators receive a remuneration determined by a tariff according to the claim. It determines also the way of the remuneration of the Chairman of the Court for their work.

STATUTE,RULES AND TARIFFS

Art. 12. The Statute of the Court of Arbitration, the Rules for resolution of the disputes, the tariffs for arbitration charges and for fees of the arbitrators shall be adopted and amended by the Management Board of the non-profit association “European Institution for Mediation and Arbitration” (EIMA).

This Statute was adopted at a meeting of the Management Board of the non-profit association “European Institution for Mediation and Arbitration” /EIMA / on 09.25.2013 and was amended by decision of the Managing Board of the 31.01.2017.

