

Pursuant to Articles 25 and 40 of the Statute of the Foreign Trade Chamber of Bosnia and Herzegovina (Official Gazette of BiH, 52/14 and 19/18), the Management Board of the Foreign Trade Chamber of Bosnia and Herzegovina, at its session held on 18 March 2025, adopted the following

**BOOK OF RULES  
ON THE PROCEEDINGS BEFORE THE ARBITRATION COURT OF THE FOREIGN TRADE CHAMBER OF  
BOSNIA AND HERZEGOVINA  
(SARAJEVO RULES)**

**I - GENERAL PROVISIONS**

**Article 1  
(Content of the Book of Rules)**

The Book of Rules on the Proceedings Before the Arbitration Court of the Foreign Trade Chamber of Bosnia and Herzegovina (hereinafter: the Book of Rules) regulates: the jurisdiction of the Arbitration Court of the Foreign Trade Chamber of Bosnia and Herzegovina (hereinafter: the Arbitration Court), initiation of arbitration proceedings, filing and service of writs, conciliation, appointment of sole arbitrator / arbitration panel, arbitration proceedings, rendering decisions, injunctive reliefs, costs of arbitration, special rules on expedited arbitration and other issues related to operations of the Arbitration Court.

**II - JURISDICTION OF THE ARBITRATION COURT**

**Article 2  
(Application of the Book of Rules)**

- (1) The Book of Rules shall apply to disputes between parties whose registered office or residence is in the territory of Bosnia and Herzegovina (hereinafter: BiH) as well as to disputes in which at least one party has its registered office or residence in the territory of another state.
- (2) Both domestic and international commercial arbitration proceedings shall be subject to the requirements of the Book of Rules. Individual articles of the Book of Rules shall clearly highlight any distinctions in the process based on whether it is domestic or international commercial arbitration.
- (3) Arbitration Court shall be competent to resolve disputes that meet the following criteria:
  1. it is a commercial dispute in which the parties can freely dispose of the subject matter of the dispute,
  2. regular courts do not have exclusive jurisdiction over this type of disputes,
  3. the parties have agreed on the jurisdiction of the Arbitration Court.
- (4) In disputes referred to in the previous paragraph, the Arbitration Court may, at the request of one or both parties, conduct conciliation proceedings.

**Article 3  
(Arbitration Agreement)**

- (1) Arbitration Court shall have jurisdiction over disputes referred to in Article 2, paragraph (3) of the Book of Rules if the parties establish its jurisdiction by contract or written agreement (arbitration agreement). An arbitration agreement may be concluded both in respect of a specific dispute and in respect of future disputes that may arise from a specific legal relationship.
- (2) The parties shall be deemed to have agreed on the jurisdiction of the Arbitration Court even if the agreement to that effect was concluded by exchange of letters, telegrams, by fax or by e-mail.

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*I confirm that this document is a true translation of the original written in Bosnian/Croatian/Serbian.  
Marija Čolić  
Certified Court Interpreter of the English Language*

(3) An arbitration agreement shall also be deemed to have been concluded in force when the provision on the jurisdiction of the Arbitration Court is contained in the general terms and conditions that are an integral part of the legal transaction.

(4) By accepting the jurisdiction of the Arbitration Court, the parties also accept the provisions of this Book of Rules.

**Article 4**  
**(Autonomy of Arbitration Agreement)**

The nullity or absence of the basic contract does not entail the nullity of the arbitration agreement.

**Article 5**  
**(Acceptance of Jurisdiction)**

(1) If the Presidency finds that the claimant's documents do not contain an arbitration agreement, the Arbitration Court Secretariat shall call the respondent to indicate whether it accepts the Arbitration Court's jurisdiction within 15 (fifteen) days of receiving the summons.

(2) If the respondent does not respond within the deadline or refuses to accept jurisdiction, the Arbitration Court Secretariat shall inform the claimant that the arbitration cannot be conducted.

(3) In the case referred to in the paragraph above, the amount of compensation for the incurred costs—that is, the amount that will be reimbursed to the claimant for the procedure's administrative costs—shall be decided by the secretary of the Arbitration Court.

**Article 6**  
**(Exclusion of Jurisdiction)**

(1) The Arbitration Court may exclude its jurisdiction even when it has been agreed upon if the arbitration agreement contains provisions that are not in accordance with the jurisdiction of the Arbitration Court and the principles of the Arbitration Court, or if the requests and actions of both parties during the proceedings are such that they prevent the normal conduct of the arbitration proceedings.

(2) The decision on exclusion of jurisdiction shall be made by the Presidency.

**Article 7**  
**(Objection of No Jurisdiction)**

(1) Respondent may raise an objection of no jurisdiction of the Arbitration Court in a response to the claim or other submission before the hearing, and at the hearing before presenting the subject matter of the dispute, only if he or she has not yet responded to the claim or other submission.

(2) The objection referred to in the previous paragraph shall be decided by the sole arbitrator or the arbitration panel.

(3) If the objection of no jurisdiction is rejected, the sole arbitrator or the arbitration panel shall render a decision which they shall reason in the final decision on the subject matter of the dispute, and the dispute shall continue before the same sole arbitrator or arbitration panel.

(4) If the objection of no jurisdiction is upheld, the arbitration panel or the sole arbitrator shall render a decision declaring itself to have no jurisdiction.

(5) Arbitration panels and sole arbitrators are required to closely watch the Arbitration Court's jurisdiction ex officio.

### III - INITIATION OF ARBITRATION PROCEEDINGS

#### **Article 8 (Filing a Claim)**

- (1) Arbitration proceedings shall be initiated by a written claim submitted to the Arbitration Court, in 5 (five) copies, which shall contain the following:
1. name, occupation and permanent residence, or name, registered office of both parties and address, including email, for delivery of documents,
  2. proof of the existence of the arbitration agreement on which the jurisdiction of the Arbitration Court is based, if any,
  3. subject matter and value of the dispute, factual situation, statement of claims, evidence and all documents relating to the subject matter of the dispute, in the original or in a copy certified by the party,
  4. appointment of the arbitrator.
- (2) The president of the Arbitration Court may, in order to facilitate the process, ask the claimant to submit the claim translated into a foreign language.
- (3) If there are several respondents in the dispute, an appropriate number of copies of the claim and exhibits may be requested.
- (4) The claim with exhibits shall, after payment of the costs of proceedings, be submitted to the respondent for a response, and at the same time it shall be stated in how many copies the response to the claim and exhibits should be submitted.

#### **Article 9 (Responding to a Claim)**

- (1) The deadline for submitting the response to a claim is 30 (thirty) days from the date of receipt of the claim.
- (2) In the response to a claim, the respondent shall answer the statement of claim and present all the facts and evidence on which the response is based, together with relevant documents, state any objections to jurisdiction and appoint an arbitrator.
- (3) One copy of the response shall be served on the claimant.

#### **Article 10 (Counterclaim)**

- (1) The respondent may include a counterclaim in the response to a claim at the latest during preliminary hearing, if the counterclaim is related to the claim or if these claims can be offset or if the counterclaim seeks to determine the existence or non-existence of a right or legal relationship that the decision on the claim depends on in whole or in part.
- (2) After the preliminary hearing, a counterclaim may be filed only if the claimant agrees to it and if the sole arbitrator or the arbitration panel assesses that the filing of the counterclaim is not aimed at delaying the proceedings.
- (3) The counterclaim shall be served on the adverse party, through the secretary of the Arbitration Court, in the manner and within the time limits set out in Articles 8 and 9 of this Book of Rules.

#### **Article 11 (Joinder and Severance)**

- (1) If the parties have filed multiple claims against each other before the Arbitration Court, arising from the same legal and factual basis, the Arbitration Court Secretariat shall try to consolidate the proceedings and the sole arbitrator or the arbitration panel shall decide on this, for the sake of economy of the proceedings.
- (2) At the request of any of the parties, the sole arbitrator or arbitration panel may decide that, if it is not possible temporarily to conduct proceedings against one or some of the respondents, the

proceedings against the others may be separated. This is in the event where resolution in an equal manner only is not required by law or the nature of the legal transaction.

(3) At the request of any of the parties, unless one of the parties opposes it, the sole arbitrator or the arbitration panel may decide that the proceedings jointly initiated by several claimants, if it is not possible temporarily to conduct proceedings for one or some of them, the proceedings for the others may be separated. This is in the event where resolution in an equal manner only is not required by the law or the nature of the legal transaction.

(4) In the cases referred to in paragraphs (2) and (3) of this Article, the parties shall pay additional fees and advances for the conduct of the separate proceedings as if they had been initiated as separate proceedings. If these amounts are not paid within the period specified by the secretary of Arbitration Court, the severance of proceedings shall not take place.

(5) The sole arbitrator or the arbitration panel shall decide whether the steps undertaken in the proceedings prior to their severance shall be repeated in the severed proceedings.

(6) After the reason for the severance of proceedings pursuant to paragraphs (2) and (3) of this Article has ceased to exist, the severed proceedings may be re-joined in the manner provided for in paragraph (1) of this Article.

## **Article 12 (Co-litigants)**

(1) Several persons may sue or be sued in one claim – co-litigants – only if they are in a legal community with reference to the subject of the dispute or if their rights and obligations derive from essentially the same factual and legal grounds, and especially if the dispute may be resolved in the same manner only pursuant to the law or the nature of the legal relationship.

(2) Co-creditors and co-debtors may be included in the same claim as co-litigants.

(3) The claimant may include two respondents in the claim, requesting that the Arbitration Court accept the claim against the next respondent in the event that it is rejected against the one named in the claim before him or her, only if both respondents agree to it.

## **Article 13 (Arbitrator Appointing Authority)**

(1) The parties may, by agreement, name the appointing authority to appoint an arbitrator.

(2) If the parties do not agree on the appointing authority or if the agreed appointing authority refuses the entrusted duty, the appointing authority shall be the president of the Arbitration Court.

(3) The appointing authority shall be required to appoint an arbitrator without delay. The appointing authority carries out the appointment applying the procedure according to the list (paragraph (4) of this Article) only if the parties have expressly agreed on its application or if he or she assesses that it is appropriate for a specific case.

(4) The procedure according to the list in terms of paragraph (3) of this Article is as follows:

(a) at the request of one of the parties or both parties, the appointing authority shall provide both parties with an identical list containing at least three names,

(b) within 15 (fifteen) days after receiving the list, each party can return the list to the appointing authority after crossing out the name or names with which it does not agree and marking the number of the remaining names on the list according to the desired order,

(c) after the expiration of the period referred to in point (b), the appointing authority shall appoint an arbitrator from among the persons whose names are approved on the returned list in accordance with the order indicated by the parties,

(d) if the appointment cannot be made in the manner described, the appointing authority may appoint an arbitrator at its discretion.

(5) When appointing an arbitrator, the appointing authority shall take into account all the circumstances that ensure the appointment of an independent and impartial arbitrator and the

justification of the appointment of an arbitrator who does not have the same citizenship as the parties.

#### **IV - FILING AND SERVING WRITS**

##### **Article 14 (Service)**

- (1) Service of summons and other writs on the parties during the proceedings shall be carried out by mail, by registered letter with return receipt.
- (2) Service shall be deemed to have been validly effected even if the party or its attorney refuses to receive the summons and other writs.
- (3) The sole arbitrator or the arbitration panel may render decision that the service of summons and other writs during the proceedings shall be carried out by e-mail (in PDF format), with return receipt.
- (4) If the parties have appointed attorneys, all summons and writs shall be sent to the attorney's address.
- (5) Service of documents shall be made directly or indirectly to the party, when the party has appointed a person employed by the party as its attorney.
- (6) If the duly summoned respondent fails to respond to the claim or summons or refuses to participate in the arbitration proceedings, the arbitration proceedings shall continue in accordance with the provisions of this Book of Rules.

##### **Article 15 (Electronic Communication)**

- (1) The parties may agree already in the arbitration agreement or later during the arbitration proceedings that they submit their submissions and, possibly exhibits, to the Arbitration Court by electronic means or that they exchange them among themselves, that is, that the Arbitration Court serves all or only some writs (e.g. summons for hearings, etc.) on them also by electronic means.
- (2) In the case referred to in paragraph (1) of this Article, the parties are required to submit their submissions and exhibits in hard copy at the request of the Arbitration Court or the adverse party.
- (3) In the cases referred to in paragraphs (1) and (2) of this Article, the parties are required to confirm receipt of submissions and exhibits by electronic means.
- (4) A party that fails to fulfil its obligations under the preceding provisions of this Article shall be required to compensate the adverse party for the costs incurred thereby, regardless of the outcome of the dispute. The sole arbitrator or the arbitration panel shall take this into account when deciding on the reimbursement of the costs of the proceedings.
- (5) The amount of costs incurred by failure to fulfil the obligations under the preceding provisions of this Article shall be determined by the sole arbitrator or the arbitration panel at its discretion.

##### **Article 16 (Language of Arbitration)**

- (1) The arbitration proceedings shall be conducted in one of the official languages of BiH.
- (2) The parties may mutually agree that the proceedings shall be conducted in another, foreign language, subject to payment of all additional costs (translation of documents and evidence and interpretation of hearings).
- (3) If the parties have appointed members of the arbitration panel, or a sole arbitrator who are foreign citizens, the party that appointed him or her shall bear the costs of translating documents and evidence, interpreting hearings and closed sessions of the arbitration panel.
- (4) Correspondence between the Secretariat and a foreign party not represented by a local person and who is clearly not fluent in one of the official languages of BiH may be conducted in English or other foreign language.

## V - CONCILIATION

### **Article 17 (Facilitating Conciliation)**

- (1) In the cases referred to in Article 2, paragraph (3) of this Book of Rules, regardless of whether the jurisdiction of the Arbitration Court has been agreed upon, the parties may turn to the Arbitration Court to facilitate conciliation, according to the provisions of this Book of Rules. The parties can sign a conciliation agreement (standard conciliation clause) or a conciliation and arbitration agreement (combined conciliation and arbitration clause).
- (2) The conciliation proceedings are independent of the arbitration proceedings. If the conciliation fails, nothing done or stated orally or in writing during the conciliation proceedings shall bind the parties.
- (3) Consent to the conciliation shall not mean consent to the jurisdiction of the Arbitration Court in case of failure of the conciliation.

### **Article 18 (Proposal to Commence the Conciliation Proceedings)**

- (1) A proposal to commence the conciliation proceedings shall be submitted in writing to the Arbitration Court Secretariat and may be submitted by one party alone or by both parties jointly. The proposal shall set out the factual situation and the views of the proposer and shall be accompanied by all necessary documents relating to the dispute.
- (2) By submitting a proposal jointly or by submitting a proposal by one party and its acceptance by the adverse party, the parties shall be deemed to have accepted the provisions of the Book of Rules regarding conciliation proceedings.
- (3) If the proposal to commence conciliation proceedings has been submitted by only one party, the Arbitration Court Secretariat shall request the adverse party to state its position on the proposal within 30 (thirty) days and, if accepts the proposal to initiate conciliation proceedings, to state the factual situation and their position in writing and to submit all necessary documents. If the adverse party objects to the conciliation proceedings or fails to state its position within the set time limit, the Arbitration Court Secretariat shall inform the proposer that the conciliation proceedings cannot be conducted.
- (4) Each party may withdraw from the conciliation proceedings at any time and in such case shall bear all costs of the conciliation proceedings incurred up to that time.
- (5) The parties may participate in the conciliation proceedings in person or through an authorized representative.

### **Article 19 (Conciliator)**

- (1) If the other party has accepted the proposal to commence conciliation proceedings, as well as when the proposal has been submitted by both parties, the president of the Arbitration Court shall appoint a suitable person as conciliator.
- (2) The parties may agree that the conciliation proceedings shall be conducted by the president of the Arbitration Court, one of the members of the Presidency or an arbitrator appointed by the president of the Arbitration Court.

### **Article 20 (Settlement Proposal)**

- (1) The conciliator examines the statements and proposals of the parties, and if necessary collects certain information and hears the parties.

(2) After examining the case to a sufficient extent, the conciliator submits a written settlement proposal to the parties.

**Article 21**  
**(Out of Court Settlement)**

(1) If the parties accept the settlement, its content shall be entered in the minutes signed by the parties and the conciliator. These minutes shall not have the force of a final and binding award of the Arbitration Court and shall be deemed to be a settlement reached outside the Arbitration Court.

(2) If the parties so request and submit a valid arbitration agreement, the president of the Arbitration Court shall appoint an arbitrator who shall, at the request of the parties, issue an award based on the settlement.

**Article 22**  
**(Costs of Conciliation Proceedings)**

Before the start of the conciliation proceedings, the costs of the proceedings are borne in equal parts by both parties. If the parties do not deposit an advance payment for the conciliation proceedings before the start of the proceedings, the secretary of the Arbitration Court shall invite them to do so within a later specified period. If the parties, or one of them, do not make an advance payment for the conciliation proceeding within the subsequently specified period, the conciliation shall be considered to have failed.

**Article 23**  
**(Conciliation Proceedings)**

(1) The conciliator shall examine the submitted proposals, review the submitted documents and collect all necessary information. If necessary and possible, the conciliator may hear the parties. Based on the examined documentation, the conciliator shall submit to the parties his proposal for dispute resolution, which shall not be binding on the parties.

(2) The results of the mediation proceedings shall be recorded in the minutes, which shall be signed by the conciliator and the parties.

(3) The costs of the mediation proceedings shall be distributed by the conciliator if the parties have not agreed on their share of the costs, which shall be recorded in the minutes.

(4) The conciliator may not be appointed as an arbitrator or participate in a hearing in which a dispute that has not been settled is being resolved before Arbitration Court.

(5) If the parties are absent, the settlement shall be served on them for signature with a warning that the settlement shall be deemed to have failed if it is not returned signed to the Arbitration Court within 7 (seven) days of receipt.

(6) If the parties so agree, the settlement reached in the conciliation proceedings may be issued in the form of an arbitration award, without reasoning.

(7) If the parties so request and submit a valid arbitration agreement, the president of the Arbitration Court shall appoint an arbitrator who shall, at the request of the parties, issue an arbitration award based on the settlement.

## **VI - APPOINTMENT OF SOLE ARBITRATOR / ARBITRATION PANEL**

### **Article 24 (List(s) of Arbitrators)**

- (1) Arbitrators may be citizens of Bosnia and Herzegovina and foreign citizens.
- (2) Arbitrators shall be selected from a list of arbitrators established by the Management Board of the Foreign Trade Chamber of Bosnia and Herzegovina (hereinafter referred to as: the Management Board), upon the proposal of the secretary general.
- (3) Two separate lists of arbitrators shall be established:
  - list of arbitrators for disputes in which both parties have their seat or residence in the territory of BiH,
  - list of arbitrators for disputes in which at least one of the parties has its seat or residence in the territory of another state.
- (4) When establishing the list of arbitrators, it is necessary to take into account that they are persons with outstanding professional capacity, who enjoy a reputation as careful, objective and expeditious experts in a particular field, and that they are persons of integrity and strong moral principles.

### **Article 25 (Appointment of an Arbitrator)**

- (1) A party to the dispute may appoint as an arbitrator a person who is not on the list of arbitrators (open list) and who meets the criteria set out in Article 24, paragraph (4) of the Book of Rules.
- (2) The travel and other expenses of an arbitrator who does not reside in the country of the Arbitration Court shall be borne by the party that appointed him or her, or the party for whom the arbitrator was appointed by the Arbitration Court Presidency. The travel and other expenses of sole arbitrator or presiding arbitrator of the arbitration panel appointed by the Presidency, who does not reside in the country of the Arbitration Court, shall be borne equally by both parties.
- (3) The appointed arbitrator shall be entitled to a fee, in accordance with the applicable Schedule of Arbitration Costs adopted by the competent body of the Foreign Trade Chamber of BiH.

### **Article 26 (Sole Arbitrator / Arbitration Panel)**

- (1) A dispute may be submitted to a sole arbitrator or to an arbitration panel consisting of 3 (three) members.
- (2) If the parties have not agreed on the number of arbitrators and if they have not agreed on the appointment of only one arbitrator within 15 (fifteen) days of the service of the claim on the adverse party, the dispute shall be submitted to an arbitration panel, all in accordance with Article 28 of the Book of Rules.

### **Article 27 (Sole Arbitrator)**

- (1) If the parties have not previously agreed on the number of arbitrators, in disputes in which the value of the dispute does not exceed BAM 100,000.00, the arbitration shall be conducted by a sole arbitrator, while in other proceedings the arbitration shall be conducted by an arbitration panel of 3 (three) arbitrators.
- (2) If the parties have agreed to appoint only one arbitrator, they shall notify the Arbitration Court Secretariat in writing of the name of the sole arbitrator. In such a case, the name of the sole arbitrator may already be decided in the arbitration agreement, in a subsequent agreement or during the arbitration proceedings.

(3) If the parties cannot agree on the appointment of a sole arbitrator and if they do not do so within 15 (fifteen) days of the date of receipt of the invitation to appoint a sole arbitrator, the appointment shall be made by the Presidency of the Arbitration Court.

**Article 28**  
**(Establishment of the Arbitration Panel)**

(1) If the dispute is brought before the arbitration panel, the claimant appoints his arbitrator when filing the claim, and the respondent no later than the deadline set for responding to the claim.

(2) If one or both parties fail to appoint arbitrators within the time limits referred to in paragraph (1) of this Article or if they fail to appoint another arbitrator within an additional period of 15 (fifteen) days if the selected arbitrator does not accept his/her appointment or if they leave the appointment to the Arbitration Court, the arbitrators shall be appointed by the president of the Arbitration Court within a further period of 15 (fifteen) days, of which the parties and the appointed arbitrators shall be notified.

(3) If a party selects as arbitrators twice in succession persons who do not accept the appointment, the appointment shall be made by the Presidency of the Arbitration Court.

(4) Within 30 (thirty) days from the receipt of the notification of their appointment, the arbitrators of the parties shall elect the presiding arbitrator of the arbitration panel. If they fail to appoint him or her within this period or leave the appointment to the Arbitration Court, the presiding arbitrator shall be appointed by the Arbitration Court Presidency within a further period of 15 (fifteen) days.

**Article 29**  
**(Joint Arbitrator)**

If several parties appear as claimants or respondents in a dispute, they shall first agree on the appointment of a joint arbitrator. If they cannot agree within the time limits provided for in this Book of Rules, the arbitrator shall be appointed by the Presidency of the Arbitration Court.

**Article 30**  
**(Arbitrator Statement)**

(1) A person who intends to accept appointment as an arbitrator shall submit a written statement of acceptance, availability, independence and impartiality, the form of which is an integral part of this Book of Rules (Annex 1).

(2) The written statement referred to in paragraph (1) of this Article shall be submitted to the parties to the proceedings through the Arbitration Court Secretariat.

(3) Arbitrators shall perform their mandate independently of the parties, impartially and to the best of their knowledge and abilities and shall not be bound by any instructions. Arbitrators shall be obliged to keep confidential all information they have obtained in the course of their duties.

**Article 31**  
**(Prohibitions for Arbitrators)**

(1) Arbitrators may not give, in writing or orally, an opinion or advice, nor may they be representatives in a dispute before the Arbitration Court.

(2) Employees of the parties, members of their bodies and permanent associates may not be appointed as arbitrators in disputes in which those parties participate.

**Article 32**  
**(Arbitrator Recusal)**

(1) A party who believes there are circumstances requesting recusal of an arbitrator, he or she is required to notify the Arbitration Court in writing within 15 (fifteen) days from the receipt of the notification of the appointment of the arbitrator, or 15 (fifteen) days from the date of learning of the existence of such circumstances.

- (2) The arbitrator whose recusal is requested is required to submit to the president of the Arbitration Court his or her statement on the recusal request within 8 (eight) days from the date of receipt of such request.
- (3) The Decision on recusal is made by the Presidency of the Arbitration Court.
- (4) The appointment of a new arbitrator shall be carried out in accordance with the provisions of Articles 25 to 29 of the Book of Rules, or under the same procedure according to which the replaced arbitrator was appointed.
- (5) The provisions on the recusal of an arbitrator shall also apply to an expert witness.

**Article 33**  
**(Arbitrator Discharge)**

- (1) The parties may agree on the discharge of an arbitrator if, for actual or justified reasons, he or she is no longer able to perform his or her duties or does not perform them within a reasonable time.
- (2) Each party may request that the Presidency decide on the discharge of an arbitrator for the reasons specified in paragraph (1) of this Article.
- (3) If, during the term of office, an arbitrator is prevented from performing his duties, the party that appointed him or her shall, no later than 15 (fifteen) days from the date of receipt of the summons of the Arbitration Court, propose the appointment of another arbitrator.
- (4) If the arbitrator who is prevented from performing his or her duties was appointed by the president of the Arbitration Court, the president shall appoint another arbitrator in their place within 15 (fifteen) days from the date of receipt of the notice of the Arbitration Court for the appointment of the other arbitrator.
- (5) If the presiding arbitrator of the panel, who is prevented from performing his or her duties, was elected by the arbitrators of the parties, the new presiding arbitrator of the panel shall be elected by the arbitrators of the parties within 15 (fifteen) days from the date of receipt of the invitation of the Arbitration Court to appoint another arbitrator.
- (6) If the arbitrators of the parties fail to appoint the presiding arbitrator of the panel within the deadline from the previous paragraph, the presiding arbitrator shall be appointed by the president of the Arbitration Court.
- (7) If the president has appointed the presiding arbitrator of the panel who is prevented from performing his or her duties, the new presiding arbitrator shall be appointed by the president of the Arbitration Court within 15 (fifteen) days from the date of receipt of the notification of the Arbitration Court on termination of the arbitrator's mandate.
- (8) If the composition of the arbitration panel is altered, the hearing shall be repeated. The arbitration panel may decide not to repeat the hearing if the parties agree. If a new sole arbitrator is selected or appointed, the hearing must be repeated.

**Article 34**  
**(Replacement of Arbitrators)**

If, during the arbitration proceedings, the arbitrator needs to be replaced for any reason, the arbitrator who will replace him or her shall be appointed under the provisions of the Book of Rules according to which the arbitrator to be replaced should have been appointed. This also applies when a party did not participate in the process of appointing the arbitrator to be replaced.

## **VII - ARBITRATION PROCEEDINGS**

### **Article 35 (Conducting the Proceedings)**

- (1) Upon receiving a claim and a response to that claim, the sole arbitrator, or the arbitration panel, examines the obtained evidence and undertakes all needed measures to amend the evidentiary proceedings.
- (2) The parties may use subsequent submissions to supplement their allegations from the claim and the response, as well as the evidentiary material, by the deadline set by the sole arbitrator or the arbitration panel.
- (3) After the obtained evidence has been reviewed and, if necessary, completed, the sole arbitrator, that is, the presiding arbitrator of the panel, schedules an oral hearing.

### **Article 36 (Oral Hearing)**

- (1) An oral hearing is held when the sole arbitrator, or the arbitration panel, considers that the conditions for it are met.
- (2) If the sole arbitrator, or the arbitration panel determines that the written submissions and evidence are sufficient for rendering an award even without an oral hearing, and if none of the parties requested an oral hearing, he or she will inform the parties that the award can be rendered on the basis of the submitted written evidence.
- (3) If both parties, within 15 (fifteen) days of receiving the notification from paragraph (2) of this Article, give their express consent for the award to be rendered without holding an oral hearing, the sole arbitrator, or the arbitration panel, shall render the award without hearing, based on the submitted evidence.
- (4) The parties may, by mutual agreement, submit a motion that the award be rendered without holding an oral hearing.
- (5) An oral hearing shall be held whenever one of the parties requests it.
- (6) Oral hearing is scheduled in writing by the presiding arbitrator of the panel, on behalf of and in agreement with the other arbitrators, or by the sole arbitrator.

### **Article 37 (Deadlines)**

- (1) All deadlines established by this Book of Rules can be extended at the request of the parties and for justified reasons.
- (2) The sole arbitrator, or the arbitration panel, shall ensure that the proceedings are not delayed.

### **Article 38 (Place, Scheduling and Publicity of the Oral Hearings)**

- (1) Oral hearings shall, as a rule, be held at the seat of the Arbitration Court.
- (2) The sole arbitrator or the arbitration panel shall be required to inform the parties in a timely manner of the date, time and place of the oral hearing.
- (3) At the proposal of the parties, the arbitration panel or the sole arbitrator, the president of the Arbitration Court may render decision to hold the hearing outside the seat of the Arbitration Court.
- (4) Oral hearings shall be closed for public unless the parties have agreed otherwise.
- (5) The parties shall attend the hearing in person or through an authorized representative. If a party to the dispute has a representative, the arbitration panel or the sole arbitrator may decide that that party shall also be heard in person at the hearing. The representative of a party may also be a foreign citizen if the party has its seat outside BiH.
- (6) The parties may be assisted at the hearing by their advisors.

### **Article 39**

#### **(Hearing Without the Presence of a Party)**

If one or both parties, although duly summoned, fail to appear at the hearing, and the sole arbitrator or the arbitration panel determines that they were duly summoned and that they have no justified reasons for their absence, the dispute may be heard as if the parties were present.

### **Article 40**

#### **(Presentation of Evidence)**

(1) The sole arbitrator or the arbitration panel may decide on the presentation of evidence at the request of the parties or on its own initiative. They may order the presentation of evidence throughout the proceedings.

(2) The sole arbitrator or the arbitration panel shall assess the probative value of the evidence presented in its sole discretion.

(3) The parties shall be required to cooperate in the presentation of evidence and to take all measures required of them for this purpose. Their refusal or failure to do so shall be recorded in the minutes.

### **Article 41**

#### **(Witnesses and Experts)**

(1) For the purpose of amending the evidentiary proceedings, the sole arbitrator or the arbitration panel may summon witnesses and appoint experts.

(2) The sole arbitrator or the arbitration panel may order the parties to ensure the presence of witnesses, but may also summon witnesses themselves.

(3) The hearing of witnesses and the presentation of evidence shall, as a rule, be conducted before the arbitration panel or the sole arbitrator. The sole arbitrator or the arbitration panel may decide, for justified reasons, to conduct these hearings in writing before the arbitration panel or the sole arbitrator.

(4) The sole arbitrator or the arbitration panel may order the hearing of witnesses and experts engaged by the parties by means of telecommunications (via videoconference).

(5) The sole arbitrator or the arbitration panel may, after giving the parties an opportunity to express their views on the matter, appoint one or more experts to present findings and opinions on specific issues to be decided. The sole arbitrator or the arbitration panel shall provide the parties with a copy of the decision appointing the expert and defining his or her tasks.

(6) Upon receipt of the findings and opinions of the expert, the arbitration panel or the sole arbitrator shall provide a copy of the findings and opinions to the parties and shall provide them with the opportunity to express their views on them in writing. The parties are entitled to examine any document to which the expert refers in his or her findings and opinions.

(7) The arbitration panel or the sole arbitrator may request the regular courts to present certain evidence that they cannot present themselves.

### **Article 42**

#### **(Procedural Decision on the Conduct of the Proceedings)**

(1) During the arbitration proceedings, the sole arbitrator or the arbitration panel may issue decisions on procedural steps that it deems necessary, such as: depositing an advance on the costs of experts, witnesses and on-site investigation, securing evidence, joinder of cases, as well as other decisions on the conduct of the proceedings.

(2) During the proceedings, the sole arbitrator or the arbitration panel may order the parties to take certain steps or to refrain from certain steps related to the subject matter of the dispute.

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**Article 43  
(Intervener)**

A person who has a legal interest in participating in an arbitration dispute may join one of the parties as an intervener, only with the consent of both parties, under the conditions and in the manner determined by the arbitration panel or sole arbitrator.

**Article 44  
(Interim Measures)**

Unless the parties have agreed otherwise, the Arbitration Court may, at the request of one of them, order any party by way of interim measure of protection to take any specific measure that the Arbitration Court deems necessary, in particular:

- (a) order certain actions to be taken in order to maintain or establish a certain state of affairs while the arbitration proceedings are on-going,
- (b) prohibit one of the parties from taking a certain action,
- (c) allow one of the parties to take certain actions in order to preserve the existing state or restore the previous state, considering the subject of the dispute,
- (d) determine the confiscation of certain things and entrust them for safekeeping to the proposer or a third person,
- (e) temporarily arrange relationship between the parties,
- (f) order the party to post bail as a condition for determining some other interim measure or as a condition for not determining that measure or as a measure to increase the effectiveness of other imposed measures or as insurance from which the proposer of the interim measure could settle his claim, including the right to reimbursement of the costs of proceedings,
- (g) establish and implement procedure for securing the evidence.

**Article 45  
(The Procedure of Ordering Interim Measures)**

- (1) The Arbitration Court shall, as a rule, order an interim measure only after it gives an opportunity to other party to express an opinion on the motion to order such a measure.
- (2) The Arbitration Court may order an interim measure before it has given the other party an opportunity to express their opinion on the motion only if the party requesting such a measure gives plausible reasons why this is necessary for the effectiveness of the interim measure.
- (3) In the event referred to in paragraph (2) of this Article, the party requesting an interim measure to be ordered shall inform the Arbitration Court of all the circumstances relevant for the decision by the Arbitration Court and that party shall also provide a statement declaring that they will be liable for any harm caused by failing to inform about circumstances they knew about or should have known about. In any case, the Arbitration Court shall be required to give each party an opportunity to express their opinion about the motion as soon as this is possible depending on the nature of the matter and to re-examine the decision rendered on an interim measure after receiving the statement by the other party.
- (4) The decision on the interim measure shall be issued in the form of an award and it shall include a statement of reasons. In especially urgent cases, interim measures may be ordered without a statement of reasons. If it is necessary to apply to a court for enforcement of interim measures or if this is requested by the adverse party, a written document shall be drawn up with a statement of reasons for the interim measure.
- (5) The parties shall be required to inform the Secretariat of the Arbitration Court without delay of the actions taken pursuant to specific interim measures.

#### **Article 46**

##### **(Ordering Interim Measures Before the Arbitral Appointment)**

(1) If the requirements are met for ordering interim measures before appointing a sole arbitrator or arbitration panel, those measures may be ordered by the president of the Arbitration Court as a sole arbitrator or by an arbitrator appointed by the president, pursuant to the provisions of the Book of Rules. The president of the Arbitration Court and the appointed arbitrator shall have all the powers which the sole arbitrator or arbitration panel have in the arbitration proceedings in relation to ordering, enforcing and keeping in force the interim measures until their appointment.

(2) In exceptionally urgent cases, the president of the Arbitration Court or the arbitrator appointed by the president may, on the motion of a party, order an interim measure pursuant to the provisions of paragraph (1) of this Article even before the claim is filed with the Arbitration Court. In this case, a time limit for filing the claim shall be set in the decision to order the interim measure. If the claim is not filed within that time limit the interim measure shall be rescinded.

(3) After a sole arbitrator or arbitration panel has been appointed, they may proceed to act on the interim measures ordered pursuant to the provisions of paragraph (1) of this Article as though they had ordered them themselves.

#### **Article 47**

##### **(Costs of Ordering Interim Measures)**

(1) The party who proposes an interim measure shall, at the request of the Arbitration Court Secretariat, pay an administrative fee for ordering of such measure and an advance deposit to cover the costs of ordering and enforcing the measures that are to be taken by the secretary, the president of the Arbitration Court, the appointed arbitrator or the arbitration panel, with appropriate application of the provisions on costs of proceedings before the Arbitration Court .

(2) Until payment is made of the administrative fee and the advance deposit for covering the costs of ordering and enforcing the interim measures, no action shall be taken on the motion to order interim measures.

#### **Article 48**

##### **(Deadline for the Conclusion of the Arbitration Proceedings)**

(1) The arbitration proceedings shall, as a rule, be concluded within 1 (one) year from the date of the constitution of the arbitration panel, or the appointment of the sole arbitrator, or the date of payment of the arbitration costs.

(2) Notwithstanding the provision in paragraph (1) of this Article, the sole arbitrator, or the arbitration panel, may decide to extend the arbitration proceedings beyond the expiry of this deadline if the need to obtain evidence so requires or if the parties so propose.

#### **Article 49**

##### **(Minutes)**

(1) Minutes shall be kept of all actions taken in the arbitration proceedings.

(2) Minutes shall be kept by a minutes taker appointed by the presiding arbitrator of the panel, or the sole arbitrator.

(3) The minutes shall include the following: the name and surname and composition of the arbitration panel, or the name of the sole arbitrator, the place where the action is performed, the day and hour when the action is performed, the subject matter of the dispute and the names of the parties present, or third parties and their attorneys and advisors.

(4) Minutes shall be signed by all those present, in addition to the minute-taker and the presiding arbitrator of the panel, or the sole arbitrator.

(5) The minutes may also be kept via audio-video recording, which shall be delivered to the parties without delay, and within the agreed deadline, a transcript of the minutes shall be prepared, to which the parties shall give their consent and sign.

#### **Article 50**

##### **(Application of the Civil Procedure Code)**

(1) The proceedings before the Arbitration Court shall be conducted pursuant to the provisions of this Book of Rules.

(2) If there are no necessary provisions therein and the parties have not agreed otherwise, the provisions of the Civil Procedure Code shall apply, which the sole arbitrator or the arbitration panel deems to be the most acceptable in the given case.

#### **Article 51**

##### **(Application of Other Rules)**

(1) The parties may agree that the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) or other rules shall apply to the proceedings before the Arbitration Court.

(2) If the UNCITRAL Arbitration Rules or other selected rules do not contain corresponding provisions, the provisions of this Book of Rules shall apply.

### **VIII - RENDERING AN ARBITRAL AWARD**

#### **Article 52**

##### **(Rulings in Arbitration Proceedings)**

(1) During and after the conclusion of arbitration proceedings, rulings shall be made by way of a decision, conclusion and award.

(2) The **decision** shall decide on:

- appointment, suspension, recusal and discharge of a member of the arbitration panel/sole arbitrator,
- appointment of an expert witness and determination of his/her task by the arbitration panel / sole arbitrator,
- declaration of no jurisdiction of the Arbitration Court,
- the service of summons and other documents during the proceedings to be carried out via e-mail (in PDF format), with return confirmation of receipt,
- holding of the hearing in another location outside the seat of the Arbitration Court,
- request for ordering an interim measure,
- coverage of expenses incurred in connection with the proposal of one of the parties in connection with the performance of certain procedural steps,
- undertaking of other legal steps before and during the arbitration proceedings, as well as on other issues of importance for the arbitration proceedings.

(3) The **conclusion** shall decide on:

- exclusion of the jurisdiction of the Arbitration Court to decide on a particular dispute and when it has been agreed upon if the concluded arbitration agreement relates to rights that the parties cannot freely dispose of or if there are reasons why the jurisdiction of the Arbitration Court cannot be agreed upon,
- determination of the value of the subject matter of the dispute to which the claim relates if the value of the subject matter of the dispute is clearly too high or too low, but only after the parties have been given the opportunity to express their views on this,
- termination of the arbitrator's mandate due to failure to perform their duties,

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- extension of the deadlines for performing certain procedural steps of the parties set out in this Book of Rules,
- an advance payment to cover the costs of presenting individual evidence and setting the deadline within which that advance payment must be paid,
- undertaking other legal steps in managing arbitration proceedings.

(4) The **award**, upon conclusion of the arbitration proceedings, shall be rendered by the arbitration panel, or by a sole arbitrator.

(5) The award shall be rendered at the seat of the Arbitration Court.

### **Article 53 (Applicable Law)**

(1) When making an award, the law that the parties have designated as the substantive law that will apply to their contractual relationship shall apply.

(2) If the parties have not designated the substantive law that will apply, the sole arbitrator or the arbitration panel shall apply the law that it considers most appropriate in the case.

(3) Regardless of the substantive law that is applied, the sole arbitrator or the arbitration panel shall be required to make an award in accordance with the provisions of the contract and shall take into account the international or commercial customs of BiH that may be applicable to the matter.

(4) Arbitrators may make an award based exclusively on the principle of fairness (the principle of *amiable compositeur* or *ex aequo et bono*) only if the parties have expressly authorized them to do so.

### **Article 54 (Time Limits for Rendering the Award)**

(1) The judgment must be rendered no later than 45 (forty-five) days from the date of conclusion of the main hearing, or the holding of the closed session of the arbitration panel.

(2) Exceptionally, in complex matters, the sole arbitrator, or the presiding arbitrator of the panel, shall be required to inform the president of the Arbitration Court if there are reasons why the award cannot be rendered within the time limit referred to in paragraph (1) of this Article.

(3) The president of the Arbitration Court shall, if necessary, take measures to render the award as soon as possible.

### **Article 55 (Rendering the Award)**

(1) When an award is rendered by an arbitration panel, the award shall be rendered unanimously or by a majority vote. The award shall be rendered in closed session, attended only by the arbitrators and the minute-taker. When voting on the award, the presiding arbitrator of the panel shall be the last to do so. Minutes of the deliberations and voting shall be drawn up, which shall be signed by all the arbitrators.

(2) The award shall be factually and legally reasoned and formulated in such a way that it may be enforced in the countries in which its enforcement is sought.

### **Article 56 (Content of the Award)**

(1) A written award shall have an introduction, an operative part and reasoning:

1. The introduction of the award shall contain: the name of the Arbitration Court, the name and surname of the presiding arbitrator and members of the arbitration panel, or the sole arbitrator, the business name (firm) or the name and surname, the occupation and seat, or the place of residence of the parties, their representatives or attorneys, a brief indication of the subject matter of the dispute and the date of the conclusion of the main hearing,

2. The operative part of the award shall contain: the decision of the Arbitration Court on the acceptance or rejection of individual claims concerning the main matter, ancillary claims and the decision on the existence or non-existence of a set-off defence as well as the decision on costs,

3. The reasoning shall contain the claims of the parties, the chronology of the dispute, the positions and allegations of the parties on the factual and legal issues considered, the evidence submitted and presented and the rules applied, and the reasons for the decision in the operative part.

(2) The award may be publicised in whole or in part only with the consent of the parties.

**Article 57**  
**(Review of the Award)**

(1) The Presidency of the Arbitration Court is authorized to review the award before signing it and may indicate to the sole arbitrator or the arbitration panel the need to make certain changes to the award in terms of its form.

(2) The Presidency of the Arbitration Court may draw the attention of the arbitration panel or the sole arbitrator if it considers that there are certain reasons why the arbitral award could be annulled i.e. could not be enforced.

**Article 58**  
**(Signing of the Award)**

(1) The original of the award and all copies shall be signed by all members of the arbitration panel, or by the sole arbitrator.

(2) The award shall be valid even if one of the arbitrators withholds his signature if the award has been signed by the majority of the members of the arbitration panel and the withholding of signature is stated in the award.

(3) The arbitrator who withholds his signature may, within 15 (fifteen) days from the date of signing of the award by the other members of the arbitration panel, submit his dissenting opinion in writing, which shall be attached to the files and submitted for inspection.

(4) The Secretariat of the Arbitration Court shall submit to the parties copies of the award signed by the arbitrators, or by the sole arbitrator.

**Article 59**  
**(Corrections of the Award)**

(1) The parties may, within 15 (fifteen) days from the receipt of the award, request the arbitration panel or the sole arbitrator to correct any possible computer, typographical or other errors in writing or any other similar errors in the award. During this period, the arbitration panel or the sole arbitrator may, at its own initiative, correct these errors.

(2) The adverse party shall be notified of the submission of the request referred to in the previous paragraph.

(3) Corrections shall be made in writing, by a separate decision. The correction of the award shall be an integral part of the award.

**Article 60**  
**(Copies of the Award)**

(1) The parties shall be provided with copies of the award signed by the members of the arbitration panel, or the sole arbitrator.

(2) The act on the delivery of the copy of the award to the parties shall be signed by the president of the Arbitration Court.

(3) At the request of a party, a clause on its enforceability shall be added to the award.

(4) The parties may be issued, at their request, subsequent copies of the award certified by the secretary of the Arbitration Court, but such copies may not be issued to third parties.

(5) The same procedure shall be followed for the correction of the award.

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**Article 61**  
**(Enforceability Clause)**

- (1) The enforceability clause of the award shall be inserted by the president of the Arbitration Court.
- (2) The enforceability clause shall be issued at the earliest after the expiry of the period of 8 (eight) days from the date of expiry of the period for requesting correction of the award, or at the earliest within 8 (eight) days from the date of receipt of the correction of the award.

**Article 62**  
**(Effect and Enforcement of the Award)**

- (1) The arbitral award is final and has the force of a final judgment of a regular court.
- (2) By accepting the jurisdiction of the Arbitration Court, the parties undertake to enforce its arbitral award.

**Article 63**  
**(Settlement During Arbitration Proceedings)**

- (1) The parties have the right, throughout the arbitration proceedings, to resolve the dispute by settlement. The arbitration panel, or the sole arbitrator, may issue a decision to terminate the proceedings or, if both parties so request and the arbitration panel or the sole arbitrator accepts it, render an award based on the settlement.
- (2) The settlement shall be entered in the minutes, which shall be signed by the parties in addition to the arbitrator, and shall be stated in the form of an award, without reasoning.
- (3) The settlement shall be concluded when the parties, after reading the minutes of the settlement, sign the minutes.
- (4) The concluded settlement shall have the force of a final and binding award of the Arbitration Court, pursuant to the provisions of this Book of Rules.

**IX - ARBITRATION COSTS**

**Article 64**  
**(Schedule of Arbitration Costs)**

- (1) The Schedule of Arbitration Costs is determined by the Management Board of the Foreign Trade Chamber of Bosnia and Herzegovina by a special decision.
- (2) When filing a claim or counterclaim, the claimant is required to pay the Arbitration Court the fee for initiating the proceedings and the arbitration costs within the limits set by the Schedule of Arbitration Costs.
- (3) When determining the costs, the account number and the deadline by which the determined costs must be paid are specified.
- (4) If during the course of arbitration it turns out that the originally determined amount is not sufficient, the president of the Arbitration Court will issue a decision on supplementary deposit, within the limits set by the Schedule of Arbitration Costs.
- (5) If the claimant or counterclaimant fails to pay the costs within 15 (fifteen) days of receiving the request to make an advance payment, it will be considered that the claim or counterclaim has been withdrawn.

**Article 65**  
**(Procedural Costs)**

(1) In order to cover the costs incurred on the occasion of the proposal of one of the parties in connection with the performance of certain procedural steps, the appropriate amount shall be deposited in advance by the party on whose proposal the costs will be incurred. The amount to be deposited is specified by a decision of the arbitration panel or the sole arbitrator.

(2) In order to cover costs caused by procedural steps ordered by the arbitration panel or the sole arbitrator on their own initiative, the panel or the sole arbitrator makes a decision that specifies which party shall deposit the required amount.

**Article 66**  
**(Costs of Holding a Hearing Outside the Permanent Seat of the Arbitration Court)**

(1) If the arbitration panel or the sole arbitrator holds a hearing outside the permanent seat of the Arbitration Court, the president of the Arbitration Court determines the supplementary deposit from which the costs of holding the hearing will be covered.

(2) If the hearing is held outside the permanent seat of the Arbitration at the proposal of one of the parties, the supplementary deposit shall be deposited by the party that made the proposal. If the hearing is held by mutual agreement of the parties, each party shall deposit half of the supplementary deposit.

**Article 67**  
**(Arbitrator's Fee and Other Expenses)**

(1) The arbitrator's fee, minute taker's expenses and other administrative and technical expenses, as well as their travel expenses and other fees are determined by the Schedule of Arbitration Costs under Article 64, paragraph (1) of this Book of Rules.

(2) The Arbitration Court's president decides the arbitrator's fee in line with the relevant Schedule of Arbitration Costs in the event that the settlement is reached or the proceedings are suspended.

**X - SPECIAL RULES OF FAST TRACK ARBITRATION PROCEDURE**

**Article 68**  
**(Scope of Application)**

(1) Special Rules of Fast Track Arbitration Procedure shall be applied:

1. In disputes without international character the value of the subject matter of which does not exceed BAM 100,000.00, unless the parties have determined otherwise in their arbitration agreement, or if they have not agree otherwise at the latest before submitting a response to the claim;

2. In disputes without international character the value of the subject matter of which exceeds BAM 100,000.00 and in disputes with international character if the parties have determined in their arbitration agreement that the procedure shall be conducted in accordance with such rules in the legal matters to which the agreement in question pertains.

(2) Unless the following provisions of this Book of Rules define otherwise, the provisions of Chapters I to IX of the Book of Rules shall apply *mutatis mutandis* in the fast track arbitration procedure.

**Article 69**  
**(Arbitrator in Fast Track Arbitration)**

(1) The fast track arbitration shall be carried out by a sole arbitrator.

(2) If the parties in the arbitration agreement or before filing the claim have not agreed on the arbitrator who, as a sole arbitrator, will decide their case, the sole arbitrator shall be appointed by

the appointing authority within 8 (eight) days, starting from the date of depositing advance to cover the arbitration costs.

**Article 70**  
**(Submission and Service of Writs)**

(1) The claim, the response to the claim and other submissions as well as attachments to these submissions in the procedure to which the provisions of this chapter are applied shall be submitted in hard copy and electronic form.

(2) The claimant is required to indicate in the claim, and the respondent in his/her response to the claim, their electronic address to which the writs will be sent. The electronic address is considered a mandatory part of the identification of a party to the proceedings.

(3) The Arbitration Court and the sole arbitrator shall serve writs on the parties by electronic means and in hard copy, unless the parties waive hard copies. The sole arbitrator is required to serve his writs on the parties by electronic means. The Arbitration Court is required to send its writs, served on the parties, to the sole arbitrator too by electronic means.

(4) In the cases referred to in paragraphs (1) to (3) of this Article, the parties are required to confirm receipt of the written submissions of the adverse party, the Arbitration Court and the sole arbitrator, and the attachments to these writs, by electronic means, no later than within 3 (three) days.

(5) A party's writ sent by electronic means to the adverse party shall also be sent by electronic means to the Arbitration Court, which shall then forward it to that party and the sole arbitrator. The writ of the sole arbitrator sent by electronic means to the parties shall also be sent by electronic means to the Arbitration Court, which shall forward it to the parties.

(6) The writ of the party, the Arbitration Court and the sole arbitrator shall be deemed to have been served on the adverse party or parties at the end of the third day after the Arbitration Court forwarded it by electronic means to the adverse party or parties (paragraph (5) of this Article).

(7) A party that fails to fulfil or improperly fulfils its obligations under the preceding provisions of this Article shall be required to reimburse the adverse party, at its request, for the costs incurred thereby, regardless of the outcome of the dispute. The sole arbitrator shall also take into account the party's conduct when deciding on its request for reimbursement of the costs of the proceedings.

(8) The Arbitration Court or sole arbitrator may determine a special electronic format that the parties are required to use.

(9) The amount of costs caused by non-fulfilment or improper fulfilment of obligations from the previous provisions of this Article shall be assessed by the sole in his discretion.

(10) Service of the award is carried out pursuant to the provisions of Article 60 of this Book of Rules.

(11) The Arbitration Court and sole arbitrator communicate with each other by electronic means.

**Article 71**  
**(Response to a Claim)**

(1) The respondent may respond to the claim within 15 (fifteen) days. An untimely response shall not be taken into account when rendering the final award.

(2) If the respondent does not submit a response to the claim within the time limit referred to in paragraph (1) of this Article, the sole arbitrator shall have power to render an award based on the allegations in the claim and the supporting evidence.

(3) If it does not follow from the allegations in the claim and the supporting evidence that the statement of claim is well-founded, the sole arbitrator will render award denying the claim as ill-founded.

(4) If the respondent files a response to the claim in due time, the response and any potential enclosures shall be delivered to the claimant, so that the claimant may provide a comment about it within fifteen days. The claimant shall be required to enclose all documents with his/her comments that he or she finds relevant for the settling of the dispute.

(5) Claimant's comments referred to in paragraph (4) of this Article shall be delivered to the respondent, who can make his or her own comments within fifteen days.

(6) After expiry of time limits referred to in paragraphs (4) and (5) of this Article, the parties may only present new facts and propose new evidence if the opposing party and the sole arbitrator agree with that.

(7) The sole arbitrator can, as an exception and if he or she finds it necessary in order to ensure a fair trial, allow for new facts and evidence to be presented even if the adverse party opposes it.

## **Article 72**

### **(Counterclaim and Set-off Defence)**

(1) The counterclaim and set-off defence can be filed by the respondent only in the response to the claim.

(2) After filing the response to claim, the respondent may file a counterclaim and a set-off defence only if the adverse party and the sole arbitrator agree with that. The sole arbitrator can, as an exception and if he or she finds it necessary in order to ensure a fair trial, allow for new facts and evidence to be presented even if the adverse party opposes it.

## **Article 73**

### **(Award Without Holding a Hearing)**

(1) Unless the claimant proposes otherwise in his or her claim or unless the respondent proposes otherwise in his or her response to the claim, the sole arbitrator can issue an award without holding a hearing based on the allegations made by the parties in the claim and the response to the claim, or supporting evidence enclosed thereto, as well as other submissions.

(2) If he or she finds that the conditions for rendering award without holding a hearing have been met, the sole arbitrator shall, within 8 (eight) days, inform the parties of their position, and the parties shall be entitled to request within 8 (eight) days that a hearing be held to discuss the position of the sole arbitrator that the conditions for rendering an award without holding a hearing have been met, and to discuss the grounds for deciding on the subject matter of the dispute.

(3) The sole arbitrator can, as an exception, at his or her own incentive and if he or she finds that the circumstances of the case and the principle of fair trial require it, decide that in the event referred to in paragraph (1) of this Article, a hearing be held in which he or she shall present to the parties his/her positions with regard to the material elements of the dispute in. To the extent that it is necessary and possible, in order to achieve the equality of arms, the arbitrators will try to present their understandings to the parties and provide appropriate explanations in order to consider together with the parties all decisive factual and legal issues of the dispute.

(4) The hearing referred to in paragraphs (2) and (3) of this Article shall be held by the sole arbitrator within 30 (thirty) days after the day of filing the request of the party referred to in paragraph (2) of this Article.

## **Article 74**

### **(Obtaining Witnesses' and Parties' Testimonies)**

(1) If it is required to hear witnesses or parties in order to determine relevant facts, the sole arbitrator shall decide whether a hearing is to be held for the purpose of presenting such evidence or whether he or she shall request from the mentioned persons to submit their testimonies in writing.

(2) If he or she decides to request from the mentioned persons to submit their testimonies in writing, the sole arbitrator shall invite the parties to provide, within 8 (eight) days, a list of questions that the witness or the other party shall need to answer. The list of questions drafted by one of the parties shall be delivered to the adverse party, who can supplement their list of questions with further questions, within a period of 8 (eight) days.

(3) Witnesses' testimonies referred to in paragraph (3) of this Article have to be publically certified, unless the parties agree that such certification is not necessary.

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(4) Witnesses' and parties' testimonies shall be delivered to the relevant parties and to the adverse party by the sole arbitrator, and the parties shall be allowed to make a comment about them within 8 (eight) days. Based on those comments, the sole arbitrator may request that the witnesses' or parties' testimonies be supplemented.

(5) As a rule, written testimonies of witnesses shall be obtained by the parties that presented them as evidence. If the party that was instructed to do so fails to obtain witnesses' testimonies within the time limit set for that purpose, it shall be considered that the hearing of those witnesses had never even been proposed.

(6) If it finds that the party was unable to obtain a witness's testimony for justified reasons, the sole arbitrator may, as an exception, decide to request directly from the witness to provide a written testimony. In that case, the provisions of paragraphs (2) to (4) of this Article shall apply *mutatis mutandis*. Once he or she finds it necessary, the sole arbitrator may decide to obtain witnesses' testimonies via the state court in accordance with the rules on legal assistance.

(7) After he or she receives witnesses' and parties' testimonies and the parties' comments about such testimonies, the sole arbitrator may decide to still hold the hearing for the purpose of hearing the witnesses and the parties, or for clarifying disputed issues. The sole arbitrator shall be required to hold that hearing within no more than thirty days after receipt of the last of the mentioned testimonies or the last of the parties' comments.

#### **Article 75**

##### **(Expert Witness Assessment)**

(1) If any of the parties have suggested expert witness assessment for the purpose of establishing or clarifying certain facts, the sole arbitrator shall, if he or she finds it necessary and unless the parties have agreed otherwise, nominate within eight days a natural or legal person that shall be entrusted with the task of expert witnessing. On that occasion, the sole arbitrator shall decide which of the parties shall be required to deposit an advance for the presentation of such evidence, as well as in what amount and within what time limit. That time limit cannot be longer than 15 (fifteen) days.

(2) If the party that was instructed to deposit an advance for the expert witnessing referred to in paragraph (1) of this Article fails to do so, the expert witnessing shall not be performed.

(3) Expert witnesses are required to perform their tasks within the time limit set by the sole arbitrator. The expert witnesses shall make a statement to that effect in writing, accepting the offered task of expert witnessing.

(4) The sole arbitrator may decide for each of the parties to entrust the task of performing expert witnessing to a person of their own choosing. In that case, the parties shall be given a time limit for obtaining and submitting the findings and opinion of such person. The finding and opinion of such person can be obtained even prior to filing a claim or a response to the claim.

(5) In the event referred to in paragraph (4) of this Article, each of the parties shall be allowed to make a written comment to the obtained findings and opinion of the person that the adverse party has entrusted with the task of expert witnessing and to ask him or her questions, within eight days after receipt of the findings and opinion of that person. The party that obtained the findings and the opinion shall be required to obtain the answers to those questions from the person who provided the findings and the opinion, within a time limit set by the sole arbitrator. The parties shall be allowed to make comments about those answers within 8 (eight) days after having received them.

(6) In the events referred to in paragraphs (4) and (5) of this Article, the sole arbitrator shall, at his or her own discretion, evaluate the obtained findings and the opinion, as well as the answers to the questions that were asked to the person who drafted the findings and the opinion and the parties' comments about such findings and opinion, and also about the answers to the questions asked.

(7) If he or she finds it necessary, the sole arbitrator can decide to hold a hearing for the purpose of hearing an expert witness nominated by him or her or of the person to whom the parties themselves have entrusted the expert witnessing. That hearing shall be held by the sole arbitrator within than 30 (thirty) days of receipt of the parties' comments referred to in paragraph (5) of this Article.

**Article 76**  
**(Rendering an Award)**

(1) The sole arbitrator shall be required to render an award within 15 (fifteen) days following the fulfilment of conditions for its rendering without holding a hearing under Article 73, paragraphs (1) and (2) of the Book of Rules or after the obtaining of the witnesses', the parties' and the expert witnesses' testimonies and the parties' comments pursuant to the provisions of Articles 74 and 75 of the Book of Rules.

(2) At the sole arbitrator's request, the president of the Arbitration Court can authorize an extension of the time limit referred to in paragraph (1) of this Article by no more than 15 (fifteen) days.

(3) If a hearing has been held, the time limits for the issuing of the award referred to in paragraphs (1) and (2) of this Article shall be counted from the day of conclusion of argument at that hearing.

**Article 77**  
**(Time Limits)**

(1) In determining of the time limits for undertaking of activities of the parties and also in undertaking of his or her own activities, the sole arbitrator shall take into account the urgency of fast track arbitration.

(2) The time limits in which parties are required to undertake certain activities in accordance with the provisions of this Chapter can only be extended unless otherwise defined in those provisions, provided that the motion for extension had been submitted before the time limits expired and provided that the sole arbitrator found the motion to be well-founded.

(3) Activities of parties that have not been undertaken in due time shall not be taken into consideration when rendering the award.

**XI - TRANSITIONAL AND FINAL PROVISIONS**

**Article 78**  
**(Application of the Book of Rules)**

Disputes started before the entry into force of this Book of Rules shall be concluded according to the rules that were in effect on the day the dispute was initiated.

**Article 79**  
**(Annex to the Book of Rules)**

The form of the arbitrator's declaration on acceptance, availability, independence and impartiality is enclosed to this Book of Rules (*Annex 1*).

**Article 80**  
**(Entry into Force)**

This Book of Rules shall enter into force within 8 (eight) days from the date of its publication in the Official Gazette of BiH, and it shall also be publicized through the notice board and the website of the Foreign Trade Chamber of BiH.

**FOREIGN TRADE CHAMBER OF BIH**  
Number: 01-2-01-2-267-4/25  
Date: 18 March 2025

**CHAIR OF THE  
MANAGEMENT BOARD**  
Borko Đurić

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*I confirm that this document is a true translation of the original written in Bosnian/Croatian/Serbian.*  
Marija Čolić  
Certified Court Interpreter of the English Language

## Arbitration Court of the Foreign Trade Chamber of Bosnia and Herzegovina

Case number:

Claimant:

Respondent:

Subject matter:

Dispute value:

### ARBITRATOR STATEMENT OF ACCEPTANCE, AVAILABILITY, INDEPENDENCE AND IMPARTIALITY

I, *(enter first and last name)*,

residing at *(enter the address)*,

I declare that *(mark one of the following options)*

**I accept** to be a sole arbitrator / member of the arbitration panel / presiding arbitrator of the panel in the above case and that I will arbitrate in accordance with the provisions of the Book of Rules on the Proceedings Before the Arbitration Court of the Foreign Trade Chamber of Bosnia and Herzegovina, as well as the principles of conscientiousness and honesty.

**I refuse** to be a sole arbitrator / member of the arbitration panel / presiding arbitrator of the panel in the above case.

<sup>1</sup> (If you wish, you can state below the reasons why you refuse to be an arbitrator in this case)

I hereby confirm that, to the best of my knowledge, I am able to devote the necessary time to the arbitration proceedings over their whole duration and that, to the greatest extent feasible, I will act carefully, effectively, and within the time constraints set forth in the Book of Rules on the Proceedings Before the Arbitration Court of the Foreign Trade Chamber of Bosnia and Herzegovina, the provisions of which I am familiar with.

I hereby state the following: *(circle)*

- a) I affirm that, with regard to the parties involved in the proceedings, I am impartial and independent. To the best of my knowledge, there are no current or prior circumstances that could raise a legitimate question about my independence or impartiality toward any

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<sup>1</sup> The remainder of the statement is not applicable to you if you specify that you would not be an arbitrator in the aforementioned case.

of the parties. I undertake to immediately inform this Court, as well as the parties to the proceedings, of any circumstances which might in the future call into question my independence and impartiality.

- b) I affirm that, with regard to the parties involved in the proceedings, I am impartial and independent, and I intend to remain so. Nonetheless, I would want to highlight a few circumstances that, in the opinion of some parties, can raise legitimate questions about my objectivity and independence: (specify the circumstances)

I undertake to immediately inform this Court, as well as the parties to the proceedings, of any circumstances which might in the future call into question my independence and impartiality.

\_\_\_\_\_ (place), \_\_\_\_\_ (date)

\_\_\_\_\_ (signature)