



At its meeting of 16 August 2018, the Board of the International Arbitration Court of the Czech Commodity Exchange approved the following annex to the Mediation Rules

# Tariff attached to the Mediation Rules

## Article 1 - Introduction

1. This Tariff is attached to the Rules of the Arbitration Court on Out-of-Court Settlement of Disputes by Mediation (hereinafter the “**Mediation Rules**”). All the terms capitalised in this Tariff have the respective meanings defined in the Mediation Rules unless otherwise defined in this Tariff.
2. This Annex (hereinafter the “**Tariff**”) specifies the amount of the following fees:
  1. Fee for accepting a request to initiate mediation under Article 4 of the Mediation Rules (hereinafter the “**Fee for Accepting a Request**”);
  2. Fee for processing a call to initiate mediation under Art. 5 (1) of the Mediation Rules (hereinafter the “**Fee for Processing a Call**”);
  3. Administrative costs of the Arbitration Court and advances on them under Art. 11 (3) of the Mediation Rules; and
  4. Fee and costs of the Mediator and advances on them under Art. 11 (4) of the Mediation Rules (all the above, hereinafter the “**Mediation Fees**”).
3. This Tariff regulates the collection of the Mediation Fees in connection with the application of the Mediation Rules.
4. In cases where the Arbitration Court has discretion in assessing the Mediation Fees, it shall proceed so as to maintain the effectiveness and economy of mediation, and to motivate the Parties to use mediation to resolve their dispute.
5. The Mediation Fees may be set exclusively by the Arbitration Court in conformity with the Mediation Rules and this Tariff. No separate agreements between the Parties and the Mediator are permitted in this respect under the Mediation Rules.

## Article 2 - Fee for Accepting a Request and Fee for Processing a Call

1. The Fee for Accepting a Request is set at CZK 2,000.
2. The Fee for Processing a Call is set at CZK 2,000.
3. The fees pursuant to paragraphs 1 and 2 of this Article are non-refundable and will be counted towards an advance payment for administrative costs for the benefit of the Parties or the Parties that paid the fees.
4. If more than two Parties take part in mediation, the Fee for Accepting a Request or the Fee



for Processing a Call, as appropriate, will be increased by 20% for each further Party, but by no more than 60%.

### **Article 3 - Administrative Costs**

1. The administrative costs incurred by the Arbitration Court during mediation are specified as follows:
  - CZK 10,000 if the value of the dispute is up to CZK 1,000,000 (inclusive);
  - CZK 20,000 if the value of the dispute is between CZK 1,000,001 and CZK 10,000,000;
  - CZK 30,000 if the value of the dispute is between CZK 10,000,001 and CZK 50,000,000;
  - CZK 40,000 if the value of the dispute is between CZK 50,000,001 and CZK 100,000,000;
  - CZK 50,000 if the value of the dispute exceeds CZK 100,000,000.
2. In cases where the value of the dispute is not determined, the administrative costs may be determined by the Arbitration Court based on its discretion in view of all the circumstances of the case, including findings on the possible value of the dispute; however, under normal circumstances, the administrative costs shall not exceed CZK 30,000.
3. The costs associated with the use of a meeting room provided by the Arbitration Court are set at CZK 900 per hour.

### **Article 4 - Fee and Costs of the Mediator**

1. The Arbitration Court collects the Mediator's fee and compensation for his/her costs, also by means of advance payments. The Mediator is the actual recipient of the payments.
2. Unless the Parties and the Mediator agree otherwise, the Mediator's fee shall be calculated based on the hourly rate and time reasonably spent by the Mediator conducting and preparing the mediation. The hourly rate shall be determined by the Arbitration Court when appointing the Mediator, having consulted the Mediator and the Parties on this issue.
3. The hourly rate is specified as follows:
  - CZK 3,000 if the value of the dispute is up to CZK 1,000,000 (inclusive);
  - CZK 4,000 if the value of the dispute is between CZK 1,000,001 and CZK 10,000,000;
  - CZK 5,000 if the value of the dispute is between CZK 10,000,001 and CZK 50,000,000;
  - CZK 6,000 if the value of the dispute is between CZK 50,000,001 and CZK 100,000,000;
  - CZK 8,000 if the value of the dispute exceeds CZK 100,000,000.
4. In cases where the value of the dispute is not determined, the hourly rate may be set by the Arbitration Court based on its discretion in view of all the circumstances of the case, including findings on the possible value of the dispute; however, under normal circumstances, the hourly rate shall not exceed CZK 3,500.



5. If the Parties and Mediator agree, the Arbitration Court may set a a single fixed fee for the Mediator covering the whole mediation, instead of setting the hourly rate. The single fixed fee is to be set in a reasonable amount, in view of the complexity of the dispute and the amount of work that the Parties and Mediator expect to be required of the Mediator, and in view of any further relevant circumstances.
6. Based on request of the Parties and the Mediator, the Arbitration Court may set a success fee for the Mediator in case of conclusion of a mediation agreement, in which case it shall appropriately reduce the hourly fee set under paragraphs 3 and 4 of this Article. The success fee shall be set, after consultation of the Parties, in a reasonable amount, in view of the value of the dispute and the degree of reduction of the hourly rate. The success fee shall be paid by the Parties to the Mediator if a mediation settlement agreement is concluded (Art. 12 (e) of the Mediation Rules). If a mediation settlement agreement is concluded only in respect of a part of the dispute or if no mediation settlement agreement is concluded, the Arbitration Court shall decide, after consulting the Parties and the Mediator, on a proportional amount to be paid by the Parties to the Mediator.
7. The amount of the Mediator's reasonable costs shall be determined by the Arbitration Court. Before determining the costs, the Arbitration Court shall request the Mediator to submit a bill of his/her costs. In justified cases, the Arbitration Court may request the submission of documents proving the actual expenses incurred.

#### **Article 5 - Extraordinary Cases**

1. In extraordinary cases, the Arbitration Court may determine higher administrative costs than follow from the criteria set out in Article 3 of this Tariff provided that it informs the Parties in advance accordingly.
2. In extraordinary cases, the Arbitration Court may increase or decrease the hourly rate or the amount of a single fixed fee for the Mediator based on a substantiated request of any of the Parties or the Mediator. Before increasing or decreasing the hourly rate or a single fixed fee, the Arbitration Court shall invite the Parties and the Mediator to provide a statement in this respect.

#### **Article 6 - Previous Arbitration**

If mediation is preceded by a statement of claim filed under the Rules of the Arbitration Court concerning the same Parties and the same or partially the same dispute, the unused filing fee paid in connection with the arbitration shall be counted towards the administrative costs of mediation.

#### **Articles 7 - Currency**

Any and all payments set by the Arbitration Court or following from this Tariff or from the Mediation Rules shall be payable in Czech crowns (CZK) unless this is prohibited by the



applicable law; in that case, the Arbitration Court may apply other criteria and other arrangements for setting the amount of the fee in another currency.

### **Article 8 - VAT and Scope**

1. The Mediator's fee is set exclusive of any applicable value added tax (VAT), or any other tax, fee or customs duty relating to the Mediator's fee. The Parties are obliged to bear any and all taxes and fees, but the actual payment of these taxes and fees is exclusively up to the Mediator and the Parties.
2. If the Mediator is a VAT payer or a payer of some other similar tax or fee, the Arbitration Court will also collect the tax or fee for the Mediator, even if it is not a VAT payer or otherwise liable based on such a similar tax or fee.
3. The above provisions on costs of the proceedings are effective from 1 October 2018 and apply to all proceedings governed by the Mediation Rules.