

ICC-CMI INTERNATIONAL MARITIME ARBITRATION RULES

THE ICC-CMI ARBITRAL ORGANIZATION

Article 1

The International Chamber of Commerce (ICC) and the International Maritime Committee (CMI) have jointly decided, with a view to providing a service to the maritime world at large, to issue rules for the conduct of arbitration disputes relating to maritime affairs including inter alia contracts of chartering, contracts of carriage by sea or of combined transport, contracts of marine insurance, salvage, general average, shipbuilding and ship repairing contracts, contracts of sale of vessels and other contracts creating rights in vessels.

Article 2

§ 1 An institutional body known as the "Standing Committee on Maritime Arbitration" (hereinafter referred to as the Standing Committee) will have the duty of ensuring the application of these Rules.

§ 2 The Standing Committee shall be composed of twelve members: six appointed by the ICC and six by the CMI. The members of the Standing Committee shall be appointed for three years.

§ 3 The Chairman of the Standing Committee, selected from among its members, shall be appointed jointly by the ICC and the CMI.

Likewise from among the members of the Standing Committee, two Vice-Chairmen shall be appointed: one by the ICC and one by the CMI.

PRAVILA ICC-CMI MEDJUNARODNE POMORSKE ARBITRAŽE

ORGANIZACIJA ICC-CMI ARBITRAŽE

Član 1

Medjunarodna trgovinska komora (ICC) i Medjunarodni pomorski odbor (CMI) odlučili su zajednički, imajući u vidu korist za pomorsku privredu u cjelini, izraditi pravila za postupanje u arbitražnim sporovima koji se odnose na pomorske poslove uključujući medju ostalim brodarske ugovore, ugovore o prijevozu morem ili o kombiniranom prijevozu, ugovore o pomorskom osiguranju, spasavanju, zajedničkoj avariji, ugovore o gradnji i popravku brodova, ugovore o kupoprodaji broda kao i sve druge ugovore na temelju kojih se stječu stvarna prava na brodovima.

Član 2

1. Institucionalno tijelo pod nazivom "Stalni odbor pomorske arbitraže" (nadalje Stalni odbor) ima dužnost osigurati primjenu ovih Pravila.

2. Stalni odbor se sastoji od dvanaest članova: šest imenuje ICC a šest CMI.

Članovi Stalnog odbora imenuju se na tri godine.

3. Predsjednika Stalnog odbora, izabranog medju njegovim članovima, zajednički imenuju ICC i CMI.

Također se medju članovima Stalnog odbora izabiru dva potpredsjednika: jednog imenuje ICC a jednog CMI.

§ 4 The Secretariat of the Standing Committee shall be provided by the ICC and its costs shall be met by the parties seeking arbitration under these rules.

The seat of the Standing Committee will be 38, Cours Albert ler, 75008 PARIS (France), where the meetings of the Standing Committee will be held unless otherwise agreed.

§ 5 The Standing Committee shall have power to deliberate when at least two of the members appointed by the ICC and two of the members appointed by the CMI are present. Decisions shall be taken within the Committee by a simple majority. If no majority is attained, the Chairman of the meeting shall have a casting vote.

REQUEST FOR ARBITRATION AND DEFENDANT'S ANSWER

Article 3

§ 1 Where the parties have agreed that disputes between them shall be referred to arbitration under these Rules, such disputes shall be settled in accordance with these Rules subject to such modification as the parties may agree.

§ 2 A party wishing to have recourse to ICC-CMI maritime arbitration shall submit its Request to the Secretariat of the Standing Committee with a copy of it to the Defendant.

The date when the Request is received by the Secretariat shall be deemed, for all purposes, to be the date of commencement of the arbitration proceedings.

§ 3 The Request for arbitration shall contain the following information:

4. Tajništvo Stalnog odbora osigurava ICC, a njegove troškove podmiruju stranke koje pristupaju arbitraži prema ovim Pravilima.

Sjedište Stalnog odbora je - 38, Cours Albert ler, 75008 PARIZ (Francuska), gdje se održavaju sjednice Stalnog odbora, ukoliko nije drugačije ugovoreno.

5. Stalni odbor je ovlašten odlučivati kada su prisutna najmanje dva člana imenovana od strane ICC i dva člana imenovana od strane CMI.

Odluke unutar odbora donose se običnom većinom. Ako se ne postigne većina, predsjednik sjednice ima odlučujući glas.

ZAHTEJ ZA ARBITRAŽU I ODGOVOR TUŽENOGA

Član 3

1. Kad su stranke sporazumne da se sporovi medju njima iznesu pred arbitražu prema ovim Pravilima, takvi sporovi će se rješavati u skladu s ovim Pravilima uzimajući u obzir takve izmjene koje stranke mogu odrediti sporazumom.

2. Stranka koja se želi obratiti ICC-CMI pomorskoj arbitraži treba podnijeti svoj zahtjev Tajništvu Stalnog odbora s jednom kopijom za tuženoga.

Dan kada je Tajništvo primilo zahtjev smatrat će se za sve svrhe danom pokretanja arbitražnog postupka.

3. Zahtjev za arbitražu treba sadržavati slijedeće podatke:

- a) names in full, description, and addresses of the parties,
- b) a summary of the claimant's points of claim,
- c) the document containing the arbitration clause of the arbitration agreement,
- d) such documents as are deemed relevant to clarify the subject matter of the dispute,
- e) all relevant particulars concerning the number and appointment of arbitrators.

§ 4 Disputes shall be settled by a sole arbitrator or by three arbitrators if circumstances so require. In the following Articles, the word "arbitrator" denotes a single arbitrator or three arbitrators as the case may be.

Article 4

- § 1 The Defendant shall within 21 days from the date on which he receives the Claimant's request for arbitration state whether he agrees that the dispute be submitted to arbitration according to these Rules and, if so, comment on the proposals made concerning the number and appointment of arbitrators and, where appropriate, nominate an arbitrator.
- § 2 If the Defendant objects to submitting the dispute to arbitration according to these Rules, the Claimant shall have a period of 15 days from the day such objection is communicated to him to comment on the Defendant's objection. If the Claimant agrees that there is no agreement that the dispute be submitted to arbitration under these Rules, the parties will be informed by the Secretariat that the proceedings are discontinued. If the Claimant maintains that there is a valid arbitration agreement, the matter shall be referred to the Standing Committee and resolved according to the provisions of Art. 5.

- a) ime i prezime, naziv i adrese stranaka,
- b) sažetak tužiteljevih zahtjeva,
- c) ispravu koja sadrži arbitražnu klauzulu ili ugovor o arbitraži,
- d) takve isprave koje se mogu smatrati podobnim da razjasne predmet spora,
- e) sve potrebne podatke u pogledu broja i imenovanja arbitara.

4. Sporove će rješavati arbitar pojedinac ili, ako okolnosti tako zahtijevaju, tri arbitra. U članovima koji slijede izraz "arbitar" označava arbitra pojedinca ili tri arbitra, već prema slučaju.

Član 4

1. Tuženi treba u roku od 21 dan od dana kad je primio zahtjev tužitelja za arbitražu, izjaviti da li prihvaća da se spor iznese pred arbitražu u skladu s ovim Pravilima i, ako prihvaća, očitovati se o iznesenim prijedlozima u pogledu broja i imenovanja arbitara i, kada je to potrebno, imenovati jednog arbitra.
2. Ako se tuženi protivi da se spor iznese pred arbitražu u skladu s ovim Pravilima, tužitelj ima rok od 15 dana od dana kad mu je takvo protivljenje saopćeno da se očituje na protivljenje tuženoga. Ako se tužitelj suglasi, da sporazum da se spor iznese pred arbitražu prema ovim Pravilima, ne postoji, Tajništvo će obavijestiti stranke da se postupak obustavlja. Ako tužitelj i dalje tvrdi da postoji valjani ugovor o arbitraži predmet će biti upućen Stalnom odboru i riješen u skladu s odredbama člana 5.

- § 3 The Defendant's failure to reply within the time mentioned above to the Claimant's request for arbitration shall be considered as an objection to the request.
- § 4 The Defendant shall have a period of 30 days from the date when he has notified the Secretariat of his agreement to the Claimant's request for arbitration or, failing such agreement, from the date when he has received notice of the Standing Committee's decision that the arbitration shall proceed, to file his defence and supply relevant documents.
- § 5 Within the last-mentioned time limit the Defendant may in his defence make a counterclaim to which the Claimant may file a reply within 21 days from the date it was communicated to him.
- § 6 The time limits stipulated in this article may, upon the request of either party, be extended by the Secretariat but not for more than an additional period of 30 days unless the parties otherwise agree. If a longer extension is requested, or failing such an agreement if the Secretariat refuses to grant an extension, the request shall be submitted to the Standing Committee.

VALIDITY OF THE ARBITRATION AGREEMENT

Article 5

- § 1 Should one of the parties raise one or more pleas concerning the existence or validity of the agreement to arbitrate, and should the Standing Committee be satisfied of the prima facie existence of such an agreement, the Standing Committee may, without prejudice to the admissibility or merits of the plea or pleas, decide that the arbitration shall proceed. In such a case any decision as to the arbitrator's jurisdiction shall be taken by the arbitrator himself.

3. Propust tuženoga da odgovori na zahtjev tužitelja za arbitražu unutar gore spomenutog roka smatrat će se kao protivljenje zahtjevu.
4. Tuženi treba u roku od 30 dana od dana kad je obavijestio Tajništvo o svojoj suglasnosti s tužiteljevim zahtjevom za arbitražu, ili ako takve suglasnosti nema, od dana kad je primio obavijest da će se arbitraža provesti, iznijeti svoju obranu i priložiti relevantne isprave.
5. U gore spomenutom roku tuženi može u svojoj obrani podnijeti protuzahjev na koji tužitelj može dati odgovor u roku od 21 dan od dana kad mu je on saopćen.
6. Rokove predviđene u ovom članu, na zahtjev jedne od stranaka, Tajništvo može produžiti ali ne više od dodatnog roka od 30 dana, osim ako stranke nisu ugovorile drugačije. Ako je traženo veće produženje, ili kad takvog sporazuma nema, ako Tajništvo ne odobri produženje, zahtjev treba uputiti Stalnom odboru.

VALJANOST UGOVORA O ARBITRAŽI

Član 5

1. Kad jedna od stranaka istakne jedan ili više prigovora o postojanju ili valjanosti ugovora o arbitraži i ako Stalni odbor pretpostavi do protudokaza postojanje takvog ugovora Stalni odbor može, ne dirajući u odluku o dopuštenosti ili osnovanosti tog ili tih prigovora, odlučiti da će se arbitraža provesti. U takvom slučaju bilo koju odluku o nadležnosti arbitra donosi arbitar sam.

§ 2 Unless otherwise provided, the arbitrator shall not cease to have jurisdiction by reason of any claim that the contract containing the arbitration agreement is null and void or allegation that it is nonexistent provided that he upholds the validity of the agreement to arbitrate. He shall continue to have jurisdiction, even though the contract itself may be non-existent or null and void, to determine the respective rights of the parties and to adjudicate upon their claims and pleas.

§ 3 If one of the parties refuses or fails to take part in the arbitration, the arbitration shall proceed notwithstanding such refusal or failure.

CONSTITUTION OF THE ARBITRAL TRIBUNAL

Article 6

§ 1 Insofar as the parties have not themselves appointed arbitrators, and unless the parties have otherwise agreed, the Standing Committee shall appoint arbitrators in accordance with the provisions of this Article.

§ 2 Where the parties have agreed that the disputes shall be settled by a sole arbitrator and fail so to nominate him within 30 days from the date when the Claimant's Request for Arbitration has been communicated to the other party, the sole arbitrator shall be appointed by the Standing Committee.

§ 3 Where the dispute is to be referred to three arbitrators, each party shall nominate in the Request for Arbitration and in the Answer thereto one arbitrator. Such person shall be independent of the party nominating him. If a party fails to nominate an arbitrator, the appointment shall be made by the Standing Committee. The third arbitrator, who will act as chairman of the arbitral tribunal,

2. Ukoliko nije ugovoreno drugačije, arbitar neće prestati biti nadležan zbog toga što je istaknuta tvrdnja da je ugovor koji sadrži ugovor o arbitraži ništav i bez učinka ili tvrdnja da je nepostojeći, ako potvrdi valjanost ugovora o arbitraži. On će ostati nadležan čak i u slučaju da sam ugovor ne postoji ili je ništav i bez učinka, utvrditi odnosna prava stranaka i donijeti odluku o njihovim zahtjevima i prigovorima.

3. Ako jedna od stranaka odbije ili propusti sudjelovati u arbitraži, arbitraža će se provesti bez obzira na takvo protivljenje ili izostanak.

KONSTITUIRANJE ARBITRAŽNOG SUDA

Član 6

1. Ukoliko same stranke nisu imenovale arbitre i ako nisu ugovorile drugačije, Stalni odbor će imenovati arbitre u skladu s odredbama ovog člana.

2. Kada su stranke ugovorile da će spor rješavati arbitar pojedinac i nisu ga imenovale u roku od 30 dana od dana kada je tužiteljjev zahtjev za arbitražu bio upućen drugoj stranci, arbitra pojedinca imenovat će Stalni odbor.

3. Kada spor treba biti iznesen pred tri arbitra svaka stranka će imenovati u zahtjevu za arbitražu i u odgovoru na njega jednog arbitra. Ta osoba treba biti nezavisna od stranke koja ju je imenovala. Ako stranka propusti imenovati arbitra, imenovanje će izvršiti Stalni odbor. Trećeg arbitra, koji će djelovati kao predsjednik arbitražnog suda, odredit će arbitri koje

shall be appointed by the arbitrators nominated by the Parties (unless the parties have nominated such third arbitrator) within a fixed time limit. Should the two arbitrators fail, within the time limit fixed by the parties or the Standing Committee, to reach agreement on the third arbitrator, he shall be appointed by the Standing Committee.

- § 4 Where the parties have not agreed upon the number of arbitrators, the Standing Committee shall appoint a sole arbitrator, save where it appears to the Standing Committee that the dispute is such as to warrant the appointment of three arbitrators. In such a case the parties shall each have a period of 21 days within which to nominate an arbitrator.
- § 5 Where the Standing Committee is to appoint a sole arbitrator or the Chairman of an arbitral tribunal, the sole arbitrator or the chairman of an arbitral tribunal shall be chosen from a country other than those of which the parties are nationals. However, in suitable circumstances and provided that neither of the parties objects, the sole arbitrator or the chairman of the arbitral tribunal may be chosen from a country of which any one of the parties is a national.
- § 6 Should an arbitrator be challenged by one of the parties, the Standing Committee, as sole judge of the grounds of challenge, shall make a decision which shall be final.
- § 7 If an arbitrator dies or is prevented from carrying out his functions or has to resign consequent upon a challenge or for any other reason, or if the Standing Committee, after having considered the arbitrator's observations, decides that the arbitrator is not fulfilling his functions in accordance with the Rules or within the prescribed time

su imenovale stranke (osim ako stranke nisu imenovale tog trećeg arbitra) u odredjenom roku. Ako dva arbitra, u roku kojeg su odredile stranke ili Stalni odbor, ne postignu sporazum o trećem arbitru, njega će imenovati Stalni odbor.

4. Kada stranke nisu ugovorile broj arbitara Stalni odbor će imenovati arbitra pojedinca, ukoliko ne smatra da je spor takve naravi da opravdava imenovanje tri arbitra. U takvom slučaju svaka od stranaka će imati rok od 21 dan za imenovanje arbitra.
5. Kad Stalni odbor treba imenovati arbitra pojedinca ili predsjednika arbitražnog suda, arbitar pojedinac ili predsjednik arbitražnog suda trebaju biti izabrani iz zemlje različite od one čiji su državljani stranke. Međutim, u opravdanim okolnostima i ukoliko se nijedna stranka tome ne protivi, arbitar pojedinac ili predsjednik arbitražnog suda mogu biti izabrani iz zemlje čiji je državljanin jedna od stranaka.
6. Kad jedna od stranaka traži izuzeće arbitra, Stalni odbor će, kao isključivi sudac o razlozima izuzeća, donijeti odluku koja će biti konačna.
7. Ako arbitar umre ili je spriječen obavljati svoje zadatke ili se treba povući jer je izuzet ili zbog bilo kojeg drugog razloga, ili ako Stalni odbor odluči, nakon što je razmotrio primjedbe arbitra, da arbitar nije

limits, he shall be replaced. In all such cases the procedure indicated in the preceding paragraphs 2, 3 and 5 shall be followed.

When an arbitrator is replaced, prior hearings may be repeated at the discretion of the new arbitral tribunal.

DEPOSIT OF COSTS

Article 7

§ 1 The Standing Committee shall fix the amount of the deposit in a sum likely to cover the administrative costs of arbitration of the claims which have been referred to it and after consulting the arbitrator, his fee and costs.

Where, apart from the principal claim, one or more counterclaims are submitted, the Standing Committee may fix separate deposits for the principal claim and the counterclaim or counterclaims.

§ 2 It is for the Claimant or Counter-Claimant as the case may be to make the deposit(s) referred to in § 1 above.

§ 3 The Secretariat may make the transmission of documents to the arbitrator conditional upon the payment by the parties or one of them of the whole or part of the deposit to the Secretariat of the Standing Committee.

§ 4 Before proceeding to establish the facts of the case, in accordance with the provisions of Article 11, the arbitrator shall inquire of the Secretariat whether the requests for deposit have been complied with.

The arbitrator shall only proceed in respect of those claims for which he has received confirmation from the Secretariat of the payment of the deposit.

obavio svoje zadatke u skladu s ovim Pravilima ili u datim rokovima, on će biti zamijenjen. U svim takvim slučajevima provest će se postupak predviđen u prethodnim stavovima 2, 3 i 5.

Kada je arbitar zamijenjen, prijašnje rasprave se mogu ponoviti prema diskrecionoj ocjeni novog arbitražnog suda.

PREDUJAM TROŠKOVA

Član 7

1. Stalni odbor određuje iznos predujma potrebnog za podmirenje administrativnih troškova arbitraže u vezi sa zahtjevima koji su joj bili upućeni i, nakon dogovora s arbitrom, za njegove honorare i troškove.

Kada su, nezavisno od glavnog zahtjeva, podneseni jedan ili više protuzahatjeva, Stalni odbor može odrediti zasebne predujmove za glavni zahtjev i za protuzahatjev ili protuzahatjeve.

2. Tužitelj ili protutužitelj, već prema slučaju, treba uplatiti iznose predviđene u gornjem stavu 1.

3. Tajništvo može predati predmet arbitru pod uvjetom da su stranke ili jedna od njih uplatile cijeli ili dio predujma Tajništvu Stalnog odbora.

4. Prije nego pristupi utvrđivanju činjeničnog stanja spora u skladu s odredbama člana 11, arbitar će tražiti obavijest od Tajništva da li je udovoljeno traženjima za predujam.

Arbitar će postupati jedino u pogledu onih zahtjeva za koje je primio potvrdu Tajništva o uplati predujma.

PLACE OF ARBITRATION, PROCEDURE AND APPLICABLE LAW

Article 8

The Place of arbitration shall be that agreed by the parties. In the absence of such an agreement, the place of arbitration will be fixed by the Standing Committee.

Article 9

Unless otherwise agreed, the rules governing the proceedings before the arbitrator shall be those set out in these rules and, where these rules are silent, any rules which the parties (or, failing them, the arbitrator) may settle.

Article 10

§ 1 The parties shall be free to determine the law to be applied by the arbitrator to the merits of the dispute. In the absence of any indication by the parties as to the applicable law, the arbitrator shall apply the law designated as the proper law by the rule of conflict of laws which he deems appropriate.

§ 2 The arbitrator shall assume the powers of an amiable compositeur only if the parties have agreed to give him such powers.

ARBITRATION PROCEEDINGS

Article 11

§ 1 All pleadings and written statements submitted by the parties, as well as all documents annexed thereto, shall be sent with one copy of each to the Secretariat, the other party and the arbitrator. When the arbitrator has not yet been appointed the copies intended for him shall be sent to the Secretariat which, subject to the provisions of Art.7 § 3, shall transmit them to the arbitrator when appointed.

MJESTO ARBITRAŽE, POSTUPAK I MJERODAVNO PRAVO

Član 8

Mjesto arbitraže će biti ono koje odrede stranke. Ako takvog sporazuma nema, mjesto arbitraže odredit će Stalni odbor.

Član 9

Ukoliko nije ugovoreno drugačije, pravila koja se primjenjuju na postupak pred arbitrom su ona koja su određena u ovim Pravilima i, ako u njima nema odredaba, bilo koja pravila koja stranke (ili, ako one to propuste, arbitar) mogu odrediti.

Član 10

1. Stranke slobodno određuju pravo koje arbitar treba primijeniti na meritum spora. Ako stranke nisu označile pravo koje treba primijeniti, arbitar će primijeniti pravo na koje upućuje kolizijsko pravilo koje on smatra prikladnim.
2. Arbitar je ovlašten suditi po načelu pravičnosti jedino ako su se stranke sporazumjele da mu daju takvo ovlaštenje.

ARBITRAŽNI POSTUPAK

Član 11

1. Svi podnesci i pismene izjave koje su stranke podnijele kao i sve isprave koje su im priložene, trebaju biti poslani u po jednom primjerku Tajništvu, drugoj stranci i arbitru. Kada arbitar još nije imenovan, primjerke koji su mu namijenjeni treba poslati Tajništvu koje će ih, podložno odredbama stava 3, člana 7, predati arbitru kada bude imenovan.

All notifications or communications from the parties, the Secretariat and the arbitrator shall be validly made if they are delivered against receipt or forwarded by registered post to the address or last known address of the party for whom the same are intended.

Notification or communication shall be deemed to have been effected on the day when it was received, or should, if made in accordance with the preceding paragraph, have been received by the party itself or by its representative.

§ 2 The parties shall be at liberty to apply to any competent judicial authority for such measures as are outside the jurisdiction of the arbitrator and they shall not by so doing be held to infringe the agreement to arbitrate or to affect the relevant powers reserved to the arbitrator.

§ 3 The arbitrator shall proceed within as short a time as possible to establish the facts of the case.

He may fix time limits. After study of the written submissions of the parties and of all documents relied upon, the arbitrator shall hear the parties if one of the parties so requests; failing such a request he may of his own motion decide to hear them.

In addition, the arbitrator may decide to hear any other person in the presence of the parties or in their absence provided they have been duly summoned.

§ 4 The arbitrator may appoint one or more experts, define their terms of reference, receive their reports and/or hear them in person in the presence of the parties or in their absence provided they have been duly summoned.

Sve obavijesti ili saopćenja stranaka, Tajništva i arbitra su valjano učinjene ako su dostavljene uz potvrdu primitka ili poslone preporučenom pošiljkom na adresu ili na posljednju poznatu adresu stranke kojoj su namijenjeni.

Smatrat će se da su obavijest ili saopćenje dati na dan kada su primljeni ili, ako je postupljeno u skladu s prethodnim stavom, kada ih je sama stranka, ili njen zastupnik, trebala primiti.

2. Stranke se mogu slobodno obratiti bilo kojem nadležnom sudskom organu za poduzimanje takvih mjera koje su izvan nadležnosti arbitra i neće se smatrati da su one time povrijedile ugovor o arbitraži ili dirale relevantna ovlaštenja dana arbitru.

3. Arbitar će u što je moguće kraćem vremenu utvrditi činjenično stanje spora. On može odrediti rokove. Nakon izučavanja pismenih podnesaka stranaka i svih drugih isprava arbitar će saslušati stranke ako jedna od stranaka to zahtijeva; ako takvog zahtjeva nema, on može odlučiti da ih sasluša po službenoj dužnosti.

Osim toga arbitar može odlučiti da sasluša bilo koju drugu osobu u prisutnosti stranaka ili u njihovoj odsutnosti ukoliko su one bile valjano obaviještene.

4. Arbitar može imenovati jednog ili više vještaka, po bliže odrediti njihov zadatak, primiti njihove izvještaje i/ili saslušati ih osobno u prisutnosti stranaka ili u njihovoj odsutnosti ukoliko su one bile valjano obaviještene.

- § 5 The arbitrator may decide the case on the relevant documents alone if the parties so request or agree.
- § 6 At the request of one of the parties or if necessary on his own initiative, the arbitrator, giving reasonable notice, shall summon the parties to appear before him on the day and at the place appointed by him and shall so inform the Secretariat.
- § 7 If one of the parties, although duly summoned, fails to appear, the arbitrator, if he is satisfied that the summons was duly received and the party is absent without valid excuse, shall have power to proceed with the arbitration. Such proceedings shall then be deemed to have been conducted in the presence of all parties.
- § 8 The arbitrator shall determine the language or languages of the arbitration, due regard being paid to all the relevant circumstances and in particular to the language of the contract.
- § 9 The arbitrator shall be in full charge of the hearings, at which all the parties shall be entitled to be present. Save with the approval of the arbitrator and of the parties, persons not involved in the proceedings shall not be admitted.
- § 10 The parties may appear in person or through duly appointed representatives. In addition, they may be assisted by advisers.

THE ARBITRATION AWARD

Article 12

- § 1 If the parties reach a settlement the same shall, if the parties so request and the arbitrators agree, be recorded in the form of an arbitral award made by consent of the parties.

5. Arbitar može donijeti odluku o sporu isključivo na temelju relevantnih isprava, ako stranke to zahtijevaju ili prihvaćaju.
6. Na zahtjev jedne od stranaka ili prema potrebi iz vlastite pobude arbitar će, dajući im primjereni rok, pozvati stranke da mu pristupe na dan i na mjesto koje je odredio i o tome će obavijestiti Tajništvo.
7. Ako jedna od stranaka ne pristupi iako je bila valjano obaviještena, arbitar je ovlašten, kad se uvjerio da je poziv pravovremeno primljen i da je stranka odsutna bez valjanog razloga, provesti arbitražu. Smatrat će se tada da je rasprava bila vodjena u prisutnosti svih stranaka.
8. Arbitar će odrediti jezik ili jezike arbitraže, imajući u vidu sve značajne okolnosti i posebice jezik ugovora.
9. Arbitar određuje tok rasprave; tim raspravama su ovlaštene prisustvovati sve stranke. Bez odobrenja arbitra i stranaka, osobama koje ne sudjeluju u postupku, pristup neće biti dopušten.
10. Stranke mogu pristupiti osobno ili preko valjano ovlaštenih zastupnika. Osim toga, mogu im pomagati savjetnici.

ARBITRAŽNA PRESUDA

Član 12

1. Ako stranke zaključe nagodbu, ona može biti, ako stranke tako zahtijevaju i arbitri pristanu, unijeta u zapisnik u obliku arbitražne presude donesene sporazumom stranaka.

- § 2 The arbitrator shall make his award within six months after the date for the constitution of the arbitral tribunal. The Standing Committee may, if necessary, extend this time.
- § 3 Where no such extension is granted and, if appropriate, after application of the provisions of Article 6 § 7, the Standing Committee shall determine the manner in which the dispute is to be resolved.
- § 4 When three arbitrators have been appointed, the award is given by a majority decision. If there be no majority, the award shall be made by the chairman of the arbitral tribunal.
- § 5 The arbitrator's award shall, in addition to dealing with the merits of the case, fix the costs of the arbitration and decide which of the parties shall bear the costs or in what proportions the costs shall be borne by the parties.
- The costs of the arbitration shall include the arbitrator's costs and fees, the fees and expenses of any experts, the normal legal costs incurred by the parties, and the administrative costs fixed by the Standing Committee.
- § 6 The arbitrator shall when fixing his fee take into account the complexity of the subject matter and the time spent.
- The arbitrator's decision on his own fees may be appealed to the Standing Committee within 30 days after the notification of the award.

Article 13

The arbitral award shall be deemed to be made at the place of the arbitration proceedings and on the date when it is signed by the arbitrator.

2. Arbitar treba izraditi svoju odluku u roku od šest mjeseci od dana konstituiranja arbitražnog suda. Stalni odbor može, ako je potrebno, produžiti ovaj rok.
3. Kada takvo produženje nije odobreno i ukoliko je nakon primjene odredaba stava 7, člana 6. to potrebno, Stalni odbor će odrediti način na koji treba rješavati spor.
4. Kada su imenovana tri arbitra presuda se donosi odlukom većine. Ako većine nema, presudu donosi predsjednik arbitražnog suda.
5. Presuda arbitra treba, pored odluke o osnovanosti tužbenog zahtjeva, utvrditi troškove arbitraže i odlučiti koja od stranaka treba snositi troškove ili u kojem omjeru stranke trebaju snositi troškove.

Troškovi arbitraže obuhvaćaju troškove i honorare arbitra, honorare i troškove vještaka, uobičajene troškove stranaka i administrativne troškove koje je odredio Stalni odbor.

6. Arbitar treba prilikom određivanja svog honorara uzeti u obzir složenost spora i utrošak vremena.

Odluka arbitra o vlastitom honoraru podliježe žalbi Stalnom odboru u roku od 30 dana od objavljivanja presude.

Član 13

Smatrat će se da je arbitražna presuda donesena u mjestu arbitraže i na dan kada ju je arbitar potpisao.

Article 14

- § 1 Once an award has been made, the Secretariat shall notify to the parties the text signed by the arbitrator, provided always that the costs of the arbitration have been fully paid by the parties or by one of them.
- § 2 Additional copies certified as true by the Secretariat shall be made available, on request and at any time, to the parties but to no one else.
- § 3 By virtue of the notification made in accordance with § 1 of this article, the parties waive any other form of notification or deposit of the award.

Article 15

- § 1 The arbitral award shall be final.
- § 2 By submitting the dispute to the ICC-CMI International Maritime Arbitration Rules, the parties shall be deemed to have undertaken to carry out the resulting award without delay and to have waived their right to any form of appeal insofar as such waiver can validly be made.

Article 16

An original of each award made in accordance with the present Rules shall be deposited with the Secretariat. The Secretariat and when requested by the Secretariat the arbitrator shall assist the parties in complying with whatever further formalities may be necessary.

Article 17

In all matters not expressly provided for in these Rules, the Standing Committee and the arbitrator shall act in the spirit of these Rules and shall make every effort to make sure that the award is enforceable at law.

Član 14

1. Čim je presuda donesena Tajništvo će saopćiti strankama tekst koji je arbitar potpisao, uvijek pod uvjetom da su stranke ili jedna od njih u cijelosti namirile troškove arbitraže.
2. Naknadni prijepisi koje je Tajništvo ovjerilo bit će na raspolaganju, na zahtjev i u bilo koje vrijeme, isključivo strankama.
3. Na temelju saopćenja učinjenog u skladu sa stavom 1. ovog člana, stranke se odriču svakog drugog oblika saopćenja ili pohranjivanja presude.

Član 15

1. Arbitražna odluka je konačna.
2. Podvrgavanjem spora Pravilima ICC-CMI Medjunarodne pomorske arbitraže smatra se da se stranke obvezuju izvršiti presudu bez odlaganja i da su se odrekle svog prava na bilo koji oblik žalbe, ukoliko takvo odricanje može biti valjano učinjeno.

Član 16

Izvornik svake odluke donesene u skladu s ovim Pravilima pohranit će se u Tajništvu. Tajništvo i arbitar, na zahtjev Tajništva, pomoći će strankama u ispunjavanju svih drugih formalnosti koje bi mogle biti potrebne.

Član 17

U svim slučajevima koji nisu izričito predviđeni u ovim Pravilima, Stalni odbor i arbitar će postupati u duhu ovih Pravila i poduzet će sve kako bi bilo sigurno da se presuda može izvršiti.

MODEL CLAUSE

"All disputes arising from this contract/Charter Party shall be finally settled in accordance with the ICC-CMI International Maritime Arbitration Rules by one or more arbitrators appointed in accordance with the said Rules".

MODEL KLAUZULA

Sve sporove koji proisteknu iz ovog ugovora/brodarskog ugovora rješavat će konačno u skladu s Pravilima ICC-CMI Međunarodne pomorske arbitraže jedan ili više arbitara imenovanih u skladu sa spomenutim Pravilima.

Prevela: M.P.