

## **PROCEDURE FOR INCLUSION IN THE DATABASE OF ARBITRATORS**

Approved by the Board of the  
Russian Arbitration Association (the "RAA") on March 03, 2014

This Procedure establishes the rules for inclusion in the database of arbitrators.

### **1. Formation and maintenance of database**

- 1.1. The formation and maintenance of the arbitrator database falls within the competence of the Arbitrators Nominating Committee.

### **2. Criteria for inclusion in the database of arbitrators**

- 2.1. Mandatory criteria:
  - 2.1.1. higher professional education;
  - 2.1.2. at least five years work experience;
  - 2.1.3. work experience in the field of arbitration;
  - 2.1.4. absence of criminal record and/or a criminal case initiated as at the date of filing the application for inclusion in the database;
  - 2.1.5. absence of instances of termination of candidate's authority as arbitrator on incriminating grounds.
- 2.2. Additional criteria (at the discretion of the Arbitrators Nominating Committee):
  - 2.2.1. successful completion of a course on arbitration (such as "Training course of the RAA" or the passing of the RAA qualifying exam for arbitrators).
- 2.3. Membership of the RAA is not a mandatory prerequisite for inclusion in the database of arbitrators, and likewise membership by itself does not provide any advantage when the matter of inclusion in the arbitrator database is being considered.

### **3. Procedure for submitting an application for inclusion in the database of arbitrators**

- 3.1. An application for inclusion in the database of arbitrators includes:
  - 3.1.1. The candidate's CV;
  - 3.1.2. The candidate's photo.
- 3.2. The Arbitrators Nominating Committee may ask the candidate to provide two letters of recommendation from individuals who are acknowledged specialists in the field of arbitration.
- 3.3. The application must be submitted online.

### **4. Decision to include a candidate in the database of arbitrators**

- 4.1. The decision to include a candidate in the database of arbitrators falls within the competence of the Arbitrators Nominating Committee.
- 4.2. The Arbitrators Nominating Committee makes its decisions on the basis of the documents submitted.
- 4.3. The Arbitrators Nominating Committee may ask for confirmation of any information contained in the application and/or the resume.
- 4.4. The Arbitrators Nominating Committee makes decisions by the majority vote (i.e. a minimum of four votes).

## **5. Periods of inclusion in the database of arbitrators, and their renewal**

- 5.1. A candidate will be included in the database of arbitrators for a period of up to three years, which will expire either on 31 December or on 30 June depending on the date the candidate is first included in the database of arbitrators.
- 5.2. A renewal notice will indicate the expiry of the inclusion period.
- 5.3. A failure to reply to a renewal notice within 30 days, and to effect the corresponding payment, will result in removal of the individual from the database of arbitrators.

## **6. Payment**

- 6.1. The fee for the inclusion of an individual's details in the database for a period of three years is USD 200 or the equivalent in Russian rubles on the date of payment (the "Inclusion Fee").
- 6.2. Organizations and firms - members of the RAA are entitled to include one candidate into the arbitrator database free of charge.
- 6.3. Individual members of the RAA are entitled to be included in the database of arbitrators free of charge provided they satisfy all the applicable requirements.
- 6.4. Payment of the Inclusion Fee shall be effected by bank transfer or by any other method specified by the RAA.
- 6.5. Payment shall be effected after the Arbitrators Nominating Committee has accepted and notified the candidate of the decision to include such candidate in the database of arbitrators.
- 6.6. Payment shall be effected within ten business days of a candidate being notified of the decision by the Arbitrators Nominating Committee to include the candidate in the database of arbitrators.
- 6.7. The candidate shall be included in the database of arbitrators after payment is received in the RAA's account.

## **7. Exclusion from the database of arbitrators**

- 7.1. An arbitrator may be excluded from the database of arbitrators in the following circumstances:
  - 7.1.1. Failure to pay regular fees for inclusion in the database of arbitrators;
  - 7.1.2. Compelling and incriminating reasons which have come to the attention of the Arbitrators Nominating Committee.
- 7.2. The decision to exclude an individual from the database of arbitrators lies within the competence of the Arbitrators Nominating Committee.

- 7.3. The Arbitrators Nominating Committee shall make a decision by majority vote (i.e. a minimum of four votes) and notify the individual who has been excluded from the database of such decision.
- 7.4. The Arbitrators Nominating Committee is not obliged to provide reasons for the decision taken.
- 7.5. Decisions taken by the Arbitrators Nominating Committee are final.
- 7.6. If an individual is excluded from the database, the Inclusion Fee shall not be reimbursed.

## 8. Processing personal data

- 8.1. Personal data is processed by the RAA, its Secretary General, members of the Board and the Arbitrators Nominating Committee, or by other entities authorized by them in accordance with the provisions of Federal Law No. 152-FZ "On personal data" on condition of maintaining confidentiality through the use of personal data protection methods, except for 1) de-personalized data, and 2) data which is freely available.
- 8.2. The processing of personal data may be carried out for the following purposes:
  - 8.2.1. assessment of compliance with the criteria for inclusion in the database of arbitrators;
  - 8.2.2. inclusion and storage in the database of arbitrators;
  - 8.2.3. use in the event of an arbitrator's nomination for a specific case;
  - 8.2.4. for all other purposes in accordance with the RAA charter.
- 8.3. The processing of personal data includes the following activities relating to personal data:
  - 8.3.1. processing, including collection, systematization, recording, aggregation, storage, adjusting (updating, changing), use, extraction, distribution (including transfer), provision, access, de-personalization, blocking, and deletion of personal data;
  - 8.3.2. cross-border transfer of personal data to Operators on the territories of any foreign governments. *ATTENTION: receivers of personal data may be located in foreign countries that do not provide adequate protection for the subjects [owners] of personal data.*
- 8.4. Consent for the processing of personal data shall be valid until the moment the corresponding entity withdraws its consent for the processing of personal data, in accordance with Clause 5 of the Regulations on the processing of personal data.
- 8.5. At any point in time, having contacted the RAA in writing, a subject [owner] of personal data has the right to request a list of names and addresses of any receivers of their personal data, to familiarize him or herself with the personal data, submit a request for additional information with regard to the storage and processing of personal data or to request that any necessary changes are made to the personal data for the clarification thereof, as well as withdraw their consent to the processing of their personal data. For the withdrawal of consent, written notice should be sent to the RAA at the following address: [info@arbitrations.ru](mailto:info@arbitrations.ru); such notice shall enter into force within 30 days following its receipt by the RAA.

8.6. Personal data may be accessed by state and other official authorities of the Russian Federation or the authorities of foreign states if so required by applicable laws.

## **9. Disclaimer**

9.1. Neither the RAA nor its constituent bodies bear liability for the accuracy and authenticity of information on arbitrators contained in the database, nor for any functions performed by individuals included in the database.