



RULES OF THE NOMINATION COMMITTEE

OF THE INTERNATIONAL ARBITRATION COMMISSION OF THE RUSSIAN NATIONAL
COMMITTEE OF THE INTERNATIONAL CHAMBER OF COMMERCE — THE WORLD
BUSINESS ORGANIZATION (ICC RUSSIA)

Moscow, December 8th, 2015

1. The Committee shall consist of 5 members with the term of powers not exceeding three years, with annual rotation of 2 of such 5 members.

The Committee members shall be elected by the International Arbitration Commission of the Russian National Committee of the International Chamber of Commerce — the World Business Organization (hereinafter — Russian Commission). The Committee members subject to rotation shall be determined by the decision of the Russian Commission.

2. In fulfilling their functions the Committee members shall be guided by the Regulations on the Russian Commission, without prejudice, however, to applicability of the regulations of the International Chamber of Commerce — the World Business Organization as well as the regulations of the Russian National Committee of the said Chamber.

3. Taking into account the specific situation the Committee may by its unanimous decision, made in compliance with the procedure set forth below, establish other rules than those provided for in these Rules.

4. The Committee may pass resolutions both in person by the Committee members present at the meetings, and *in absentia*, including via e-mail and/or by telephone. In the event that a Committee member is unable to take part in the Committee meeting in person that member may send to other Committee members his/her written opinion regarding the issues on the agenda via e-mail or to inform them by phone.

Interaction and communications between the Committee members (including voting on the various issues, in particular those of nomination) shall generally be done via e-mail and/or by telephone.

In fulfilling his/her functions when interacting and communicating with other Committee members and with third parties, each Committee member shall use his/her best endeavors to ensure that all communications and information so exchanged remains secure and confidential.

5. Where it is not possible for Committee members, who have been notified in advance of the Committee meeting, to take part in the voting, or where such Committee members are deemed to have declined to take part in that voting, a quorum for the purpose of passing resolution by the Committee shall be the simple majority of participating Committee members.

Where one or more seats on the Committee are vacant, the actual number of the Committee members shall be taken into account for the purpose of determining the quorum.

If the quorum is present the Committee resolutions on all issues, including those of nomination, shall be passed by the majority of votes of the Committee members participating in the meeting.



In case of an equality of votes the Committee Chairperson shall have the casting vote, and in the absence of the Committee Chairperson —the Committee Deputy Chairperson (or another person fulfilling the functions of the Committee Chairperson if the Committee Deputy Chairperson does not take part in voting) shall have the casting vote.

6. Any Committee member may at any time, including in the course of the meeting, put an issue on the agenda of the Committee meeting.

No formal minutes of the Committee meetings shall be taken but the principal resolutions passed shall be recorded in a summary form and circulated by the Committee Chairperson to all Committee members via e-mail.

7. Each Committee member shall make every effort to respond to communications received via e-mail within 24 hours from receipt thereof.

Where a Committee member fails to respond on the issue put to the vote via e-mail within 48 hours of it being sent (or is unavailable by phone within 48 hours since the first call), she/he will be deemed to have declined to take part in that voting. This rule shall not apply where the Committee member provided his/her opinion to all other Committee members in advance.

8. The Committee resolution on nominating a person for the position of an arbitrator shall be passed as a general rule no later than 5 business days from receipt by all Committee members of the request for nomination unless a shorter time period is established by Court / the ICC Court Secretariat.

9. The Committee may not nominate the members of the Committee, the President and Vice-Presidents of the ICC Court, any members of the ICC Court, employees of the Secretariat of the ICC Court.

Every Committee member shall be guided in proposing any candidates by the rules on avoidance of conflict of interest.

Nomination of a person for the position of an arbitrator shall not be made conditional on his/her membership in the Russian Commission.

10. The nomination process shall be as follows:

(i) the Committee members consult with each other followed by a preliminary decision on the proposed candidates;

(ii) the Committee consults with the Secretariat of the ICC Court;

(iii) the Committee contacts and interviews the candidates (if the Committee deems it is necessary);

(iv) the Committee formally propose the candidates.

11. Mandatory criteria for selection of the candidates by the Committee shall be:

no conflict of interest for them;

their command of the language of the proceedings.

available time they have required for conducting such proceeding;

Other criteria for selection of the candidates by the Committee shall be, *inter alia*, unless otherwise stated by the Committee:



higher education in law;
experience in international arbitration;
experience of work in the sphere related to the specific circumstances of a specific case;
previous experience of cases consideration in accordance with the ICC Arbitration Rules ;
reputation.

12. As part of the nomination procedure the Committee Chairperson or the Committee Deputy Chairperson or, by resolution of the Committee, another Committee member with his/her consent shall contact and interview the candidates.

By resolution of the Committee communications exchanged with the candidates may be done without copying all Committee members.

13. The Committee's Chairperson shall provide support for the Committee's activity, shall arrange the Committee's meetings, shall facilitate the resolution of any organizational issues (including preparing the agenda of the Committee meeting), and shall coordinate interactions between its members as well as between the Committee and third persons.

The role of the Committee Chairperson shall be that of a coordinator, she/he shall not manage the Committee / its activity or the activity of its members.

The Committee Chairperson shall interact with the Secretariat of the ICC Court on behalf of the Committee.

All correspondence of the Committee Chairperson with the Secretariat of the ICC Court shall be copied to other Committee members unless otherwise provided for by the Secretariat of the ICC Court.

In absence of the Committee Chairperson (including where it is not possible to contact her/him within 48 hours) his/her functions shall be discharged by the Committee Deputy Chairperson.

14. The Committee Chairperson and the Committee Deputy Chairperson shall be elected for one year by the Committee members.

One and the same person may not be the Committee Chairperson or the Committee Deputy Chairperson for more than two consecutive terms.

The person nominated for the position of the Committee Chairperson or the Committee Deputy Chairperson shall not be entitled to vote in his/her favor.

In the event of an equality of votes in the course of such voting the oldest Committee member shall have the casting vote.

15. To ensure the uninterrupted running of the Committee any Committee member, the Committee Chairperson or the Committee Deputy Chairperson shall not discharge his/her functions until his/her replacement has been elected.

16. To ensure uninterrupted running of the Committee a Committee member may resign only with one month notice which shall be sent via e-mail to all other Committee members and to the Chairperson of the Russian Commission.



17. Interaction between the Committee and the Secretariat of the ICC Court and/or with third persons may be undertaken by any Committee member, as she/he wishes, provided that all other Committee members are made fully aware of such interaction (including by copying all other Committee members of all his/her such communications with the Secretariat of the ICC Court and/or third persons).

18. The Committee members shall perform their functions on a free-of-charge basis.

19. In performing their functions and upon their termination, the Committee members shall at all times ensure that all information they became aware of in the course of their work in the Committee shall be kept confidential.

20. Any disputes between the Committee members (except those regarding candidates proposed for nomination) may with their consent be referred for resolution to the Chairperson of the Russian Commission.