

**"Approved"**  
**Chairman**  
**«AG Arbitration Court» LLP No. 1**  
**Dzhunusov I.S. \_\_\_\_\_**  
**from 17.08. 2022**

**REGULATIONS**  
**International Arbitration Court "AG Arbitration Court"**  
**ON ARBITRATION FEES AND EXPENSES**

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These Regulations determine the amount, rules of calculation, procedure and terms of payment of registration and arbitration fees, additional costs, the procedure for determining the price of the claim, as well as the distribution of costs associated with the resolution of the dispute in the International Arbitration Court "AG Arbitration Court" (hereinafter referred to as the International Arbitration Court).

## Article 1. Registration fee

1. 1. Registration fee - a fee paid by the plaintiff when filing a statement of claim to cover the initial costs of receiving the statement of claim and preparing the case for arbitration. The registration fee is non-refundable, including in cases of refund of the arbitration fee or part thereof.

2. 2. The amount of the registration fee for non-residents of the Republic of Kazakhstan:

<b>The amount of the fee, in euros</b>	<b>500</b>
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3. The amount of the registration fee for residents of the Republic of Kazakhstan in tenge is calculated at the rate in accordance with paragraph 2 of this Article at the rate of the National Bank of the Republic of Kazakhstan on the date of invoicing for payment of the registration fee.

## Article 2. Arbitration fee

1. **1. Arbitration fee** - the amount charged for the consideration of a case in an International Arbitration Court, consisting of an administrative fee and fees to arbitrators.

2. **2. Administrative fee** - provides coverage of expenses related to the activities of the International Arbitration Court and the organization of arbitration proceedings in a particular case.

**3. Arbitrators' fees** - remuneration paid to arbitrators for the consideration of the case.

## Article 3. Calculation of the amount of the arbitration fee

1. 2. The amount of the arbitration fee for non-residents of the Republic of Kazakhstan is calculated depending on the price of the claim specified in the statement of claim, according to the following scale:

<b>The price of the claim, in euros</b>	<b>The amount of the fee, in euros</b>
up to 50,000	1 500
50 000 to 1 000 000	1 500 + 2,25% from the amount over 50 000
1 000 000 to 10 000 000	23 375 + 1,0% from the amount over 1 000 000
10 000 000 to 50 000 000	113 875 + 0,25% from the amount over 10 000 000
50 000 000 to 100 000 000	214 375 + 0,15% from the amount over 50 000 000
Over 100 000 000	289 875 + 0,1% from the amount over 100 000 000

2. The amount of the arbitration fee for residents of the Republic of Kazakhstan in tenge is calculated on a scale in accordance with paragraph 1 of this Article at the rate of the National Bank of the Republic of Kazakhstan on the date of invoicing for payment of the arbitration fee.

3. The calculation and recalculation of the price of the claim, as well as the amount of the arbitration fee, are made on the date of invoicing for the payment of the arbitration fee.
4. If the parties have agreed that the dispute will be considered by the arbitral tribunal on the basis of the submitted materials without the participation of the parties in the meeting, the amount of the arbitration fee may be reduced by 10 (ten) percent.
5. Taking into account the complexity of the case, the time and expenses associated with the arbitration, the Chairman of the International Arbitration Court, before the decision of the International Arbitration Court, has the right to make a ruling on increasing the amount of the arbitration fee or, at the request of the party, reduce the amount of the arbitration fee.
6. In the event of an increase in the amount of claims in the course of arbitration proceedings, the missing amount of the arbitration fee is paid by the plaintiff in accordance with the increased price of the claim. In case of non-payment of the missing amount of the arbitration fee, the International Arbitration Court leaves without consideration the application for an increase in the amount of claims. If the amount of claims is reduced during the arbitration proceedings, the amount of the arbitration fee is not subject to revision.
7. 8. If the parties have agreed that the dispute will be considered by an arbitration panel of three or more arbitrators, the arbitration fee shall be increased by an amount calculated at the rate of 15 (fifteen) percent of the amount of the arbitration fee multiplied by the number of arbitrators exceeding one arbitrator.
8. 9. The rules on the amount of the arbitration fee for the main claim shall apply to the counterclaim and the claim submitted for offset. In case of non-payment of the amount of the arbitration fee for a counterclaim and/or a claim submitted for offset, the arbitral tribunal leaves the counterclaim and/or a claim submitted for offset without consideration.
10. Upon resumption of arbitration proceedings in case of cancellation of the decision of the International Arbitration Court or refusal to issue a writ of execution for enforcement of the decision of the International Arbitration Court, the arbitration fee is not subject to re-payment, except in the case of replacement of the arbitral tribunal at the request of any of the parties, while the arbitration fee is paid by the party that declared the need to replace the arbitral tribunal.

#### **Article 4. Determination of the claim price**

1. The price of the claim is determined as follows:
  - a) in claims for the recovery of funds – based on the claimed (disputed) amount;
  - b) in claims for the reclamation of property – based on the value of the claimed (disputed) property, determined at market prices prevailing at the location of the property at the time of the reclamation;
  - c) in claims for invalidation of the transaction (not concluded), as well as in disputes arising during the conclusion, modification or termination of transactions – based on the amount of the transaction;
  - d) in other claims – based on the available data on the property interests of the plaintiff.
2. The price of the claim also includes the amounts of interest, penalties (fines, penalties) and other financial sanctions specified in the statement of claim and claimed (disputed).
3. In a lawsuit consisting of several independent claims, the amount of each claim is determined separately, and the claim price is determined by the sum of all claims.
4. If it is impossible to determine the price of the claim, the Chairman of the International Arbitration Court determines the price of the claim taking into account a preliminary assessment of the possible costs associated with the arbitration.

## **Article 5. Procedure and terms of payment of registration and arbitration fees by plaintiffs**

1. Registration and arbitration fees are paid in tenge by transfer to a bank account, and non-residents of the Republic of Kazakhstan have the right to pay in another currency.
2. The registration fee is paid on the basis of the invoice for payment before filing the claim.
3. The arbitration fee shall be paid by the plaintiff on the basis of an invoice for payment within thirty calendar days from the date of the ruling on the initiation of arbitration proceedings, but not later than the date of completion of the formation of the arbitral tribunal.
4. The arbitration fee upon presentation of a counterclaim or a claim submitted for offset, or the missing amount of the arbitration fee in the event of an increase in the amount of claims in the course of arbitration proceedings, shall be paid by the filing party within the time limits determined by the arbitral tribunal.
5. Payment documents confirming payment of the registration and arbitration fee shall be submitted to the secretariat of the International Arbitration Court.
6. In exceptional cases, the Chairman of the International Arbitration Court, at the request of the plaintiff, may grant a deferral or installment payment of the arbitration fee, based on his property status. In this case, the plaintiff must pay the arbitration fee in full before the arbitral tribunal makes a decision.

## **Article 6. Refund of the arbitration fee**

1. In case of refusal to accept and return the statement of claim before the formation of the arbitral tribunal, the arbitration fee is not paid by the plaintiff, and the paid arbitration fee is returned to him in full.
2. The arbitration fee is returned to the plaintiff in full if the statement of claim is returned on his application before the initiation of arbitration proceedings or the arbitration proceedings are terminated before the formation of the arbitral tribunal on the grounds provided for in paragraph (e) paragraph 2 of Article 49 of the Rules of the International Arbitration Court.
3. If, prior to the formation of the arbitral tribunal, the statement of claim is returned to the plaintiff on the grounds provided for in paragraph 1 of Article 49 of the Rules of the International Arbitration Court, or the arbitration proceedings are terminated on the grounds provided for in paragraphs a) – d) of paragraph 2 of Article 49 of the Rules of the International Arbitration Court, the amount to be refunded will be 75 (seventy-five) percent of the amount of the arbitration fee, at the same time, if the arbitration fee is not paid by the plaintiff, the International Arbitration Court has the right to demand payment of 25 (twenty-five) percent of the arbitration fee from him.
4. If, after the formation of the arbitral tribunal, the statement of claim is returned to the plaintiff on the grounds provided for in paragraph 1 of Article 49 of the Rules of the International Arbitration Court, or the arbitration proceedings are terminated on the grounds provided for in paragraphs a) – f) of paragraph 2 of Article 49 of the Rules of the International Arbitration Court, the International Arbitration Court, at its discretion, determines the amount of the arbitration fee to be refunded, taking into account the stage at which the statement of claim is returned or the arbitration proceedings are terminated, and other relevant circumstances, but not more than 50 (fifty) percent of the amount of the arbitration fee.
5. The basis for the refund and the amount of the arbitration fee to be refunded shall be specified in the relevant rulings of the International Arbitration Court.

## **Article 7. Payment of fees to arbitrators**

1. 1. Payment of fees to arbitrators shall be made at the expense of the funds received as an arbitration fee after the decision of the International Arbitration Court or the ruling on the termination of the arbitration proceedings.

2. Any fee agreements between the parties and the arbitrators are unacceptable.

**Article 8. Additional expenses related to the participation of an arbitrator residing outside the locality designated as the place of arbitration**

1. 1. Additional expenses arising with the participation of an arbitrator residing outside the locality designated as the place of arbitration shall consist of the expenses of the International Arbitration Court for the arbitrator's travel to and from the place of arbitration, medical insurance for the duration of his stay at the place of arbitration, his accommodation and daily expenses.

2. When choosing an arbitrator residing outside the locality designated as the place of arbitration:

- a) a party to the arbitration proceedings - it is obliged to pay additional costs associated with the participation of the arbitrator in the proceedings;
- b) as the presiding arbitrator by other arbitrators - payment of additional expenses related to his participation in the arbitration proceedings is carried out by the parties to the arbitration proceedings in equal shares;
- c) by the International Arbitration Court – the party that has agreed to the choice of such an arbitrator shall pay the additional costs associated with his participation in the arbitration proceedings.

3. Payment of additional expenses related to the participation of an arbitrator residing outside the locality designated as the place of arbitration proceedings shall be made in the form of advance payments to the International Arbitration Court. In case of non-payment of the advance payment by any party, the arbitrator shall be replaced by an arbitrator residing at the place of arbitration, except in the case when the payment of additional costs is borne by the other party. In this case, when electing an arbitrator residing at the place of arbitration, he and the reserve arbitrator are elected by the International Arbitration Court in accordance with the rules established by the Regulations of the International Arbitration Court "On the Formation of the Arbitral Tribunal".

4. The amount and procedure for payment of additional expenses arising in connection with the consideration of the case shall be specified in the ruling of the International Arbitration Court.

**Article 9. Additional costs associated with conducting arbitration proceedings elsewhere**

1. Additional expenses arising in the event that the parties have agreed to conduct arbitration proceedings not at the location of the International Arbitration Court or have determined a meeting place other than that established by the International Arbitration Court include all administrative expenses of the International Arbitration Court related to the parties' choice of a different place of arbitration or arbitration session.

2. Payment of additional expenses related to the parties' choice of a place of arbitration or arbitration session other than that established by the International Arbitration Court shall be made in the form of advance payments to the International Arbitration Court by the parties in equal shares. In case of non-payment of the advance payment by any party, the arbitration proceedings are transferred to a place determined by the International Arbitration Court, except in the case when the other party assumes the payment of additional costs.

3. The amount and procedure for payment of additional expenses arising in connection with the consideration of the case shall be specified in the ruling of the International Arbitration Court.

**Article 10. Costs of the parties**

1. The costs of the parties are the costs incurred by the parties in connection with the protection of their interests when considering a dispute in an International Arbitration Court, including the costs of:

- a) payment for actions related to the inspection and examination of written and physical evidence at their location;
- b) conducting an examination;
- c) compensation for the costs of witnesses, interpreters, experts in connection with their participation in arbitration sessions;
- d) translation of documents and payment of remuneration to translators;
- e) travel expenses of the parties;
- f) payment for the assistance of a representative;
- g) other additional expenses determined by the composition of the arbitration, and until the completion of its formation - by the Chairman of the International Arbitration Court.

2. Each party to the arbitration proceedings, which has declared the need for a procedural action requiring additional costs, independently pays them in the form of advances before it is performed, otherwise, the declared request for a procedural action remains without satisfaction. In all other cases, the additional costs incurred are paid by the parties in equal shares. If the payment of additional expenses must be made by the parties in equal shares and one of the parties has not paid the advance in due time, then the payment is assigned to the other party.

3. The amount and procedure for payment of additional expenses arising in connection with the consideration of the case shall be specified in the ruling of the International Arbitration Court.

#### **Article 11. Distribution of expenses between the parties**

1. In the course of arbitration proceedings, either party has the right to claim compensation for the costs and additional expenses incurred by it by the other party, and the plaintiff also claims compensation by the defendant for the amount of registration and arbitration fees.

2. Unless otherwise agreed by the parties, the distribution of costs between the parties for the payment of the arbitration fee, additional costs and expenses is carried out by the arbitral tribunal in proportion to the satisfied and rejected claims, and is reflected in the decision of the International Arbitration Court or the ruling on the termination of arbitration proceedings.

3. Reimbursement of expenses for the payment of the representative's assistance to the party in whose favor the decision attributed to the other party by the decision of the arbitral tribunal took place shall be established in the amount of the actual costs incurred, but in the amount of not more than 10 (ten) percent of the satisfied part of the claim.

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*This Regulation is compiled in three languages (Kazakh, Russian, English). In case of discrepancies, the version in Russian (the language of writing) will prevail.*