

Schedule of Fees

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I. General Provisions

1. The schedule of fees for acts effected by the Court of Arbitration, hereinafter referred to as the "Schedule of Fees", specifies the rules and manner of applying fees for acts of the Court, as well as the amount by which Arbitrators' remuneration may be reduced (if any) and the rules applicable thereto.
2. All fees shall be charged by the Court in gross amounts, which include the VAT due at a rate of 22%.
3. In case a fee is paid in a foreign currency, a party shall pay an amount in that currency which is equivalent to the fee or advance expressed in Polish zlotys in accordance with the sell exchange rate of the Polish zloty to other currencies published by the National Bank of Poland on a day preceding the day of effecting the act in connection with which the fee is charged.

II. Types of Fees

Fees for acts of the Court include:

1. registration fee,
2. arbitration fee.

III. Expenses

1. The costs of carrying out acts in proceedings are expenses charged to the parties to the proceedings, and in particular:

Appendix 1 to the Rules of Arbitration
in cases concerning the award of contracts
in the preparation, construction and financing of an LNG terminal

- a. arbitrators' travel and accommodation expenses,
 - b. travel and accommodation expenses as well as the cost of lost earnings or income of the party summoned by the court to appear in person,
 - c. travel and accommodation expenses as well as the cost of lost earnings or income of witnesses,
 - d. costs connected with serving letters and written notifications in the proceedings other than by mail,
 - e. remuneration and reimbursement of costs incurred by experts and interpreters or translators,
 - f. costs of examining other evidence in the case.
2. Expenses connected with the following shall not be charged to the parties to the proceedings:
- a. functioning of the administration (secretariat) of the Court,
 - b. serving letters and written notifications in the proceedings by mail,
 - c. using electronic or other means of remote communication by the Court,
 - d. communication between arbitrators,
 - e. reimbursement (settlement) of fees and advances collected,
 - f. preparing a stenographic record and preparing written minutes of the hearing on its basis,
 - g. arbitrators' remuneration.

IV. Payment of Fees and Advances

1. All fees due shall be paid to the bank account of the Court indicated to the party.
2. The Court shall not take cognizance of the Statement of Claim if the fee due is not paid in full in a timely manner.
3. A pleading lodged by multiple persons shall be subject to a single fee. If, however, the subject matter of the case are claims or obligations of a single type which are based on the same actual and legal basis (formal joint participation of plaintiffs), each participant shall pay the fee separately, accordingly to its claim or obligation.
4. Settlement of fees collected by the Court shall take place in accordance with the applicable accounting and bookkeeping principles.

V. Registration Fee

1. The plaintiff shall pay a registration fee in the amount of PLN 5,000, except as provided in item 2.
2. Registration fee shall not be charged in the event of restoring proceedings in a case after the award of the Court of Arbitration has been rescinded.

VI. Arbitration Fee

1. The plaintiff and the party raising a defence of set-off shall pay an arbitration fee in the amount specified in Article 8 "Arbitration Fee Table".
2. If the Adjudication Panel finds that a party miscalculated the value of the subject matter of the dispute, the Adjudication Panel shall determine its actual value and oblige that party to supplement the arbitration fee within two days or order reimbursement of the excess portion of that fee.
3. Half of the arbitration fee shall be charged in the event of restoring proceedings in a case after the award of the Court of Arbitration has been rescinded by a common court.
4. 20% of the arbitration fee constitutes a fee to the Court Registry for acts effected thereby and the President of the Court. 80% of the arbitration fee is earmarked for Arbitrators' remuneration, subject to reduction in accordance with Article 11.3.

VII. Reimbursement of Arbitration Fee

1. The Court shall reimburse the arbitration fee in full if:
 - a. the Plaintiff had withdrawn its claim before it was notified about the appointment of the Presiding Arbitrator,
 - b. no defence had been pleaded before the Presiding Arbitrator was appointed.
2. The Court shall reimburse half of the arbitration fee if:
 - a. the parties reached a compromise not later than before the first hearing,
 - b. the Adjudication Panel finds a lack of jurisdiction in accordance with the Rules of Arbitration.

VIII. Arbitration Fee Table

The arbitration fee is calculated according to the value of the subject matter of a dispute, and is as follows:

1. up to PLN 1,000,000.00 – PLN 62,200.00;
2. from PLN 1,000,001.00 to PLN 10,000,000.00 – on the first PLN 1,000,000.00 – PLN 62,200.00,

and on any amount in excess of PLN 1,000,000.00 – 0.9%;

3. from PLN 10,000,000.00 to PLN 100,000,000.00 – on the first PLN 10,000,000.00 – PLN 143,200.00 and on any amount in excess of PLN 10,000,000.00 – 0.6%;
4. over PLN 100,000,000.00 – on the first PLN 100,000,000.00 – PLN 683,200.00 and on any amount in excess of PLN 100,000,000.00 – 0.05%, but in no case more than PLN 800,000.00.

IX. Advances to Cover Expenses

1. The party who petitioned for carrying out an act in the proceedings which is associated with expenses shall be obliged to pay an advance to cover them. In case the Court initiates an act of its own motion, the Court shall simultaneously decide which party is obliged to pay an advance for expenses connected with that act.
2. The Court shall determine the amount of the advance and date of its payment.

X. Arbitrators' Remuneration

1. Arbitrators shall be entitled to remuneration in the following amount:
 - a. for the Presiding Arbitrator – 40 % of the portion of arbitration fee which constitutes Arbitrators' remuneration;
 - b. for the remaining Arbitrators - 30 % of the portion of arbitration fee which constitutes Arbitrators' remuneration each.
2. In the event that proceedings are not closed and judgement is not delivered within a time limit provided for in the Rules of Arbitration, the President of the Court shall reduce the remuneration due to Arbitrators accordingly. Factors taken into account by the President of the Court when reducing remuneration include, but are not limited to, the length of delay in delivering a judgement, complexity of the case, as well as the engagement of and actions taken by the Arbitrators in order to close the proceedings promptly. In case of reducing Arbitrators' remuneration, the amount by which it was reduced shall be reimbursed to the party which paid it.