

Commencement of Arbitration

(The Czech Republic)

There is a difference between national (intrastate) and international arbitration.

Generally speaking, interstate arbitration is between parties whose domicile (place of residence) is in the same state.

Petition (action) – arbitration is commenced by filing an action at the arbitration court. Hearing will be started upon the payment of the arbitration fee.

Petition shall contain:

- a) identification of the parties
- b) their addresses
- c) claimant's claim
- d) signature of the claimant
- e) reference to arbitration clause (on which is based the arbitration court's jurisdiction)
- f) factual and legal circumstances on which the claim is based, evidence proving the claim shall be included as well
- g) value of the subject-matter
- h) evidence of payment of the arbitration fee
- i) name and surname of the arbitrator nominated by the claimant

If the text of the petition does not contain the necessary requirements, the claimant shall be asked by the Arbitration Court secretary to comply with them (within max. 10 day in national arbitration and max. 2 months in international arbitration). The hearing will not be started until all requirements are satisfied.

The number of copies of the claim needed for commencement of the arbitration is dependent on the number of arbitrators (if there is only one arbitrator – three copies are needed, if three arbitrators – five copies needed). Every duplicate needs to contain evidence which is relied on by the claimant.

If the parties are able to agree on settlement (any time during the proceeding), the claimant shall unconditionally withdraw his petition (action), the arbitration court then suspend (discontinue) the proceeding.

The proceeding shall be also suspended in case of non-payment of the arbitration fee.

Statement of defence

Defendant is sent a copy of the petition, other attached documents, list of arbitrators and the arbitration court's procedural rules.

All written materials shall be delivered to parties (at the address they mentioned)

It is not possible to hinder the arbitration by not accepting the properly sent petition.

The letter including the petition will call upon the defendant to submit his statement of defence (within 15 days in national arbitration, and 30 days in international disputes). The deadline may be extended upon the request of the defendant.

Arbitral proceeding is concluded by issuing the arbitral award or an award of suspension of the proceeding.

Chamber of Commerce and Industry of Geneva (CCIG)

B. Commencing the Arbitration Proceedings

7. Request for Arbitration

7.1 The party wishing to initiate an arbitration under these Rules shall deliver its request to the CCIG. Such request shall contain:

- (a) the names, capacities and addresses of the parties, including telephone and telefax or telex numbers;
- (b) a copy of the contract containing the arbitration agreement or any other document showing that the arbitration is governed by these Rules;
- (c) a statement of the facts and legal argument on which the claimant's case is based, together with supporting documents;
- (d) the claimant's prayer for relief, *i.e.* a brief and precise description of each claim;
- (e) an estimate of the amount in dispute, if no definite sum of money is claimed;
- (f) relevant information regarding the number and choice of the arbitrators within the meaning of Articles 10 and 11.

7.2 The request shall be delivered in as many copies as there are other parties, together with an additional copy for each arbitrator and for the CCIG. The CCIG shall send the request to the respondent.

8. Answer

8.1 The respondent shall communicate its answer to the CCIG within thirty days from the receipt of the request. The answer shall contain:

- (a) a statement of the defenses, together with supporting documents, including any objection concerning the arbitration agreement;
- (b) any counterclaim, together with the information provided in Article 7.1 (d) - (e);
- (c) relevant information regarding the number and choice of the arbitrators within the meaning of Articles 10 and 11.

8.2 The answer shall be delivered in as many copies as there are other parties, together with an additional copy for each arbitrator and for the CCIG. The CCIG shall send the answer to the claimant.

8.3 The provisions of this Article are subject to Article 18 with respect to the participation of a third party.

IATA Arbitration Rules

- 1 -

INTERNATIONAL AIR TRANSPORT ASSOCIATION

ARBITRATION RULES

INTRODUCTION

Article 1 - Scope

The International Air Transport Association ("IATA") Arbitration Rules (the "Rules") are for use in arbitrations between parties who agree to settle their disputes under the IATA Arbitration Rules.

COMMENCING THE ARBITRATION

Article 2 - Contractually agreed arbitration

Where parties have agreed by means of an arbitration clause in an agreement that any dispute arising between them concerning the agreement shall be settled under IATA Arbitration Rules, any party may initiate arbitration proceedings by submitting a Request in writing to the Director General of IATA.

Article 3 - Other arbitration

1. Other disputants wishing to have recourse to arbitration under these Rules, shall complete and sign the Standard Arbitration Agreement (Appendix 1) ("Arbitration Agreement"), agreeing that disputes between or among them shall be referred to arbitration under these Rules.
2. Subject to this Article, any party to the Arbitration Agreement may initiate proceedings by submitting a Request for arbitration to the Director General. The date when the Request is received by the Director General shall be deemed to be the date of commencement of the proceedings.

Article 4 - Request for arbitration

1. The Request shall contain:
 - a) full names, nationalities, description and addresses of the parties;
 - b) a request that the dispute between the parties be submitted to arbitration under the Rules;
 - c) if applicable, the Arbitration Agreement binding the parties; and
 - d) in the absence of an Arbitration Agreement:
 - the agreement wherein the parties have bound themselves to settle their disputes under the IATA Arbitration Rules;
 - a description of the nature and circumstances of the dispute;
 - steps taken by the initiating party to settle the dispute, including copies of relevant exchanges of correspondence;
 - a statement of the relief sought and an indication of any amount claimed;
 - any comment as to the seat of arbitration, the applicable law, the language(s) of the arbitration and the preferred number of arbitrators;
 - where applicable, the name and address of an arbitrator the party has selected.
2. The Director General shall send a copy of the Request and the documents annexed to it to the other party or parties within thirty (30) days of receipt.

Article 5 - Answer to the Request

1. Within thirty (30) days of the receipt of the Request, the other party or parties shall submit an Answer to the Director General.
2. The Answer shall include:
 - a) full names, nationalities, description and addresses of the parties;
 - b) insofar as not sufficiently detailed in the Request or arbitration agreement:
 - comments on the nature and circumstances of the dispute;
 - comments on the relief sought and amounts claimed;

- any comment as to the seat of arbitration, the applicable law, the language(s) of the arbitration and the number of arbitrators;
- where applicable, the name and address of an arbitrator the answering party has selected..

3. A copy of the Answer and of any documents annexed thereto shall be communicated by the Director General to the party or parties initiating the arbitration within thirty (30) days.

Article 6 - Written statements and documents

All written statements and pleadings, as well as all documents submitted by the parties during the course of the proceedings, shall be supplied in a number of copies sufficient to provide one copy for each other party, plus one for each arbitrator and one for the Director General.