

**PROCEDURE FOR LISTING
IN THE DATABASE OF ARBITRATORS OF THE
UKRAINIAN ARBITRATION ASSOCIATION**

approved at the Board meeting of the
Ukrainian Arbitration Association
("UAA")

13 March 2023

This Procedure establishes the rules of listing in the UAA database of arbitrators ("Database").

1. Formation and maintenance of the Database

1.1. Formation and maintenance of the Database of arbitrators shall be within the competence of the UAA Board.

2. Listing criteria.

2.1. To be included into the Database, potential candidate must comply with the following mandatory criteria:

2.1.1. a full law degree;

2.1.2. sufficient experience in the field of arbitration as an arbitrator and / or as a counsel to the party during no less than five years after obtaining a full law degree;

2.1.3. proficiency in English at the level sufficient to conduct the proceedings and draft an award without external assistance;

2.1.4. absence of a criminal conviction and of an open criminal proceeding as of the date of the application for listing in the Database; absence of a disciplinary punishment / sanction and of an open disciplinary proceeding as of the date of the application for listing in the Database; absence of suspension, due to the applicant's fault, of any admission necessary to conduct professional legal activities;

2.1.5. compliance with high ethical standards in international arbitration;

2.1.6. sufficient connection with the Ukrainian jurisdiction.

2.2. Membership in the UAA is not a mandatory prerequisite for listing in the Database of arbitrators. It shall not, *per se*, provide any competitive advantage when the issue of the listing of the potential candidate in the Database of arbitrators is considered.

2.3. The candidate shall not be deemed suitable to sit as an arbitrator in Ukraine-related cases and therefore will not be included into the Database if:

- 2.3.1. The candidate holds citizenship of the Russian Federation or Republic of Belarus (irrespective of whether he / she has any other citizenships and irrespective of his / her personal stance regarding the Russian aggression against Ukraine);
- 2.3.2. The candidate personally or his / her firm (with which the candidate is employed or otherwise associated) work for the Russian Federation, Republic of Belarus, state-owned entities / enterprises / companies of the Russian Federation or Republic of Belarus, or persons subject to sanctions (sanctions of the G7 and Ukraine);
- 2.3.3. With due regard to all available information, the UAA Board concludes that the candidate has other significant connection to the Russian Federation or Republic of Belarus; or
- 2.3.4. The candidate fails to condemn the aggression of the Russian Federation against Ukraine (including invasion and illegal occupation of Crimea, invasion of Donetsk and Luhansk regions, full-scale military aggression since 2022).

3. Procedure for filing application for listing in the Database of arbitrators.

Potential candidate files an application addressed to the Secretary-General and accompanied with the CV and the completed Questionnaire. By its decision, the UAA Board may provide that consideration of the application will be subject to payment of certain fee.

4. Decision on listing in the Database of arbitrators

- 4.1. Decision on listing in the Database of arbitrators is within the competence of the Board.
- 4.2. The Board decides based on the documents submitted but may also take into account the information which came to the attention of the Board otherwise.
- 4.3. The Board can request confirmation of the information specified in the application and/or the CV.
- 4.4. The Board decides by a majority vote, but by no less than five votes.

5. Exclusion from the Database of arbitrators

- 5.1. The decision to exclude an arbitrator from the Database of arbitrators is within the competence of the Board.
- 5.2. The arbitrator can be excluded from the Database of arbitrators if the Board becomes aware of serious and discreditable grounds for such exclusion.
- 5.3. The arbitrator can be excluded from the Database of arbitrators if he / she does not comply or ceases to comply with the listing criteria as set out in section 2 of this Procedure. The Board can request confirmation of compliance with the listing criteria, and if the Arbitrator fails to provide such confirmation, this may serve as an independent ground for exclusion. The Board may also verify on its own motion

compliance with the listing criteria based on the documents and information available to it.

5.4. The Board retains full discretion in assessment of the arbitrator's compliance with the listing criteria set out in section 2.3 of this Procedure, and in deciding to exclude the arbitrator from the Database giving due regard to the provided and discovered information as to any existing or potential connection of the arbitrator with the Russian Federation or Republic of Belarus.

5.5. The Board decides to exclude an arbitrator from the Database of arbitrators by unanimous vote. The Board must also inform the arbitrator excluded from the Database about such decision. Disclosure of the grounds for exclusion is at the discretion of the Board.

5.6. An arbitrator can submit an application for his/her voluntary exclusion from the UAA Database of arbitrators.

6. Personal data processing

6.1. Any personal data are processed by the UAA in accordance with the [requirements](#) for protection of individuals during processing of personal data and for free circulation of personal data subject to keeping such data confidential with the use of the means that ensure their confidentiality except as concerns (1) anonymised data; (2) publicly available data.

6.2. The data can be processed for the following purposes:

6.2.1. assessing eligibility for listing in the Database of arbitrators;

6.2.2. listing and storage in the Database of arbitrators;

6.2.3. using the data when nominating arbitrators for particular cases;

6.2.4. any other purposes consistent with the UAA Charter.

6.3. Personal data processing shall include:

Processing of data, in particular, gathering, systemizing, recording, generating, storing, refining (updating, modifying), using, circulating of data, including its transmission, provision, access, anonymisation, blocking and destroying.

6.4. Consent to personal data processing remains in effect until the moment when respective individual revokes the consent to processing of his/her personal data.

6.5. Personal data can be disclosed to the governmental or other official bodies of Ukraine, or of the foreign states, if the applicable law so requires.

7. Disclaimer



7.1. The UAA and its bodies are not responsible either for validity or accuracy of the information published in the Database with regard to the arbitrators. The UAA and its bodies are not responsible for performance of any duties by the individuals listed in the Database.