

REGULATION on the Arbitration Commission of the Eurasian Regional Association of zoos and aquariums (EARAZA)

Article I. Status and competence

1. The Arbitration Commission of the Eurasian Regional Association of Zoos and Aquariums (EARAZA), hereinafter referred to as the "Arbitration Commission", is a body for pre-trial consideration of disputes and disagreements between EARAZA members, as well as between EARAZA and its members, concerning the realization of rights and obligations of EARAZA members, other provisions of the EARAZA Charter and/or EARAZA internal documents, as well as a body for interpretation of the EARAZA Charter and other EARAZA internal documents.

The Arbitration Commission shall not consider disputes that are not directly stipulated by this clause of the Regulation, including disputes related to the conclusion and execution of civil law contracts or labour disputes.

Before applying to the competent court to settle a dispute within the competence of the Arbitration Commission, EARAZA or its member shall take measures, including negotiations, to settle the dispute or apply to the appropriate EARAZA Committee or Working Group, to whose competence, according to its regulations, the relevant dispute is referred, and if such measures are exhausted, apply to the Arbitration Commission in accordance with the procedure stipulated in this Regulation.

In case of disagreement with the conclusions of the Arbitration Commission, made by it as a result of consideration of the appeal of EARAZA or its member, the latter has the right to apply to the competent court for the resolution of the relevant dispute.

2. In its activity the Arbitration Commission is guided by the current legislation, applicable international acts, as well as by the EARAZA Charter, the present Regulation and other EARAZA internal documents relevant to the activity of the Arbitration Commission.
3. The Arbitration Commission is convened by the Chairperson on his/her own initiative, or upon receipt of an appeal from EARAZA or its member.
4. The person applying to the Arbitration Commission shall provide financial support of the Arbitration Commission's activity (including payment for travelling expenses, accommodation and meals in case of the necessity of the arbitrators' visit).

The Arbitration Commission shall not charge any fee for consideration of appeals.

Article II. Composition and general conditions of operation

1. The Arbitration Commission consists of five primary and two backup arbitrators elected by the EARAZA General Meeting. A backup arbitrator can be included in the work of the Arbitration Commission instead of one of the primary members in case of impossibility of his/her participation, including due to conflict of interests.

Arbitrators can be elected from among staff members (representatives) of EARAZA institutions or EARAZA Honourable Members. The nominations of arbitrators are submitted by the EARAZA General Meeting and Presidium to the General Meeting for approval.

The term of office of the elected arbitrators shall be 3 years from the date of election, but the powers of an arbitrator may be terminated at any time by decision of the General Meeting or by the arbitrator's withdrawal. In case of termination of the arbitrator's powers, a new arbitrator shall be elected at the next General Meeting, or in emergency cases, if necessary, at the meeting of the Presidium; in such case, the term of office of the elected arbitrator shall be valid until the time of the next General Meeting.

2. The Arbitration Commission shall elect and dismiss its Chairperson. The Chairperson shall be elected from among the members of the Arbitration Commission in the presence of the majority of its members. The election or dismissal of the Chairperson shall require the consent of the majority of all arbitrators.

The Chairperson of the Arbitration Commission, inter alia:

- a) convenes, directs and is held responsible for the activity of the Arbitration Commission;
 - b) acts on behalf of the Arbitration Commission and signs its decision;
 - c) may entrust another member of the Arbitration Commission to conduct the affairs of the Arbitration Commission during his/her absence;
 - d) is obliged to notify the Presidium about the occurrence of a dispute to be considered by the Arbitration Commission within 3 (three) working days from the date of receipt of the relevant documents;
 - e) submits an annual report on the activities of the Arbitration Commission to the EARAZA Presidium by 30 January of the year following the reporting year.
3. The Arbitration Commission shall have the right to consider the appeal in the presence of at least half of its members, including the Chairperson or his/her deputy.

Article III. Procedure for consideration of appeals

1. The appeal shall be signed by the applicant or authorised person and submitted to the Arbitration Commission in writing to the postal address of EARAZA or electronically to the e-mail address:

The appeal shall specify:

- a) date of the appeal;
- b) names (surname, first name and, if any, patronymic) and name and address of the zoo, on behalf of which the applicant applies; e-mail address;
- c) requirements of the applicant;
- d) circumstances and norms of law, EARAZA Charter, and EARAZA internal documents on which the applicant bases his/her claims;
- e) list of documents and other materials attached to the application;
- f) other information at the discretion of the applicant.

The application shall be accompanied by:

- a) copies of documents and other materials confirming the circumstances on which the applicant bases his/her claims;
 - b) a power of attorney or other documents certifying the powers of the person who signed the application.
2. The issue of accepting the appeal for consideration shall be resolved by the Chairperson of the Arbitration Commission within a period not exceeding five working days from the date of receipt of the appeal.

The Chairperson of the Arbitration Commission shall accept for consideration the appeal submitted in compliance with the requirements established by the present Regulation, about which he/she shall notify the applicant and other interested parties with indication of the place, date and time of consideration of the appeal, and invite the applicant to submit to the Arbitration Commission explanations on the merits of the received appeal.

If the application is submitted in violation of the requirements set forth in this Regulation, the Chairperson of the Arbitration Commission has the right to return the application to the applicant without consideration or offer to eliminate the identified deficiencies within the term set by the Chairperson of the Arbitration Commission, but not less than 30 calendar days.

3. The Arbitration Commission is an impartial and independent body for consideration of appeals. The Commission makes decisions on the results of consideration by a majority vote of its members who participated in the consideration of the appeal.

If an Arbitrator is employed by an organisation that is the claimant or defendant in a dispute, or is otherwise directly or indirectly related to a person involved in the dispute, such Arbitrator shall not be allowed to consider the relevant dispute..

The members of the Arbitration Commission should are keep confidentiality of the facts that became known to them in connection with the fulfilment of their duties (except for the facts specified in the decision), to observe the EARAZA Charter and other EARAZA documents, as well as the applicable legal regulations. At the same time, they are obliged to immediately notify the Chairperson of the Arbitration Commission about all circumstances that may cause doubts about their impartiality. At the proposal of the Chairperson, the Arbitration Commission decides by a majority of votes on the possible suspension of the member from discussing the issue and from making a decision related to such issue.

The Arbitration Commission shall consider the appeal on the basis of the following principles: adversarial proceedings, equal treatment of all parties, and freedom of each party to independently dispose of the rights provided by law.

4. The Arbitration Commission is authorised to consider the appeal if the majority of its members are present.

Upon the proposal of the Chairperson of the Arbitration Commission or in agreement with the Chairperson of the Arbitration Commission, appeals can be considered by means of video-conferencing or other technical means of data transmission.

5. The meetings of the Arbitration Commission shall not be public. Presence of other persons, except for invited interested parties, consultants and witnesses, shall be subject to the Arbitration Commission's decision made by majority of votes of the total number of its members.

6. The Arbitration Commission shall take measures to ensure that consideration of the appeal is completed as soon as possible. In any case, consideration of the appeal should be completed within the period not exceeding sixty calendar days from the date of acceptance of the appeal for consideration. The Chairperson of the Arbitration Commission may, at the request of the Arbitration Commission or on his/her own initiative, extend the term of consideration of the appeal for a period not exceeding thirty calendar days.
7. All appeals are considered at the meetings of the Arbitration Commission.

The meeting shall be held with the participation of the persons involved in the case, as well as other persons whose participation is deemed necessary by the Arbitration Commission.

An oral hearing shall be held at the Arbitration Commission meeting for the persons involved in the case to present their positions.

Not later than 14 calendar days before the meeting, the participants of the appeal consideration shall submit to the Chairperson of the Arbitration Commission all evidence, statements and other documents on the issues related to the previously stated claims or objections. The Arbitration Commission has the right not to consider the materials submitted in violation of the specified term.

8. Upon an agreement of the parties, about which the parties notify the Chairperson of the Arbitration Commission not later than three calendar days prior to the meeting, consideration of the appeal shall be carried out at the meeting on the basis of the documents available in the case without summoning the persons involved in the case and through holding an oral hearing.
9. When holding a meeting during which the appeal is to be considered, the Chairperson of the Arbitration Commission:
 - a) opens the meeting and informs those present about the appeal to be considered;
 - b) verifies the attendance of the persons participating in the case, their representatives and other persons, identifies them, verifies their authorisation and decides on their admission to participate in the meeting;
 - c) determines whether the persons failing to appear at the hearing have been duly notified and finds out whether there is information on the reasons for their failure to appear;
 - d) ascertains whether it is possible to hear the case;
 - e) manages the meeting of the Arbitration Commission, ensures conditions for comprehensive and complete examination of evidence and circumstances of the case, ensures consideration of applications and petitions of the persons involved in the case; and
 - f) performs other functions necessary for consideration of the appeal.
10. The minutes of the oral hearing shall state:
 - a) year, month, day and place of the meeting;
 - b) surnames, first names and, if any, patronymics of the Arbitration Commission members considering the appeal;
 - c) information about the attendance of the persons involved in the case and other persons, information about the identity documents submitted to the Arbitration Commission and presented for review and confirming the powers of the persons participating in the case and their representatives;
 - d) a brief description of the course of the meeting;
 - e) statements and petitions submitted by the persons involved in the case;
 - f) acts issued by the Arbitration Commission during and after the session;
 - g) other information recorded in the minutes at the request of the parties and by the instruction of the Chairperson of the Arbitration Commission.

The minutes shall be drawn up by the arbitrator specified by the Chairperson of the Arbitration Commission and signed by all arbitrators who have considered the appeal.

The persons involved in the case have the right to familiarise themselves with the minutes of the meeting.

11. The persons involved in the case have the right to conclude a settlement agreement at any stage of consideration of the appeal before the Arbitration Commission issues the final act. The settlement agreement, if it complies with the applicable legislation, EARAZA Charter and EARAZA internal documents, has to be approved by the Arbitration Commission and shall come into force from the date of approval, after which the consideration of the appeal is terminated. Repeated application to the Arbitration Commission of the same applicant with the same claims and their substantiation is not allowed.
12. At any stage of consideration of the appeal before the Arbitration Commission makes the final act, the applicant has the right to withdraw the appeal and demand termination of its consideration. Repeated appeal to the Arbitration Commission of the same applicant with the same claims and their substantiation is not allowed.
13. When the Arbitration Commission considers that all circumstances of the case have been sufficiently clarified, it shall proceed to issue a final act, by which the investigation of the appeal shall be terminated.
14. The final act shall be drawn up as a separate document.

The final act shall be signed by all arbitrators who participated in the consideration of the appeal, including the arbitrator with a dissenting opinion. The arbitrator's dissenting opinion shall be attached to the final act and a copy thereof shall be sent to the persons participating in the case.

15. The final act shall specify:
 - a) the date of the decision making;
 - b) the list of arbitrators who took part in consideration of the appeal;
 - c) names (surname, first name and, if any, patronymic) and location (residence) of the parties;
 - d) the applicant's claims and the opponent's objections;
 - e) the circumstances of the case, established by the Arbitration Commission, evidence on which the conclusions about these circumstances are based, legal and other norms, which guided the Arbitration Commission in decision making process;
 - f) the operative part of the decision, which should contain the Arbitration Commission's conclusions on the satisfaction or rejection of each stated claim.
16. The final act is recognized as binding and is subject to immediate execution by the parties, unless it establishes a different deadline for execution. The issuance of the Final Act shall not prevent the applicant or any other interested party from applying to a competent court to resolve the relevant dispute.
17. The decision of the Arbitration Commission is sent to the EARAZA Presidium within 3 working days. The Presidium decides on further actions in relation to the participants of the dispute and the necessity of sending this decision to all EARAZA members and posting it on the EARAZA website.