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Part II

5. Decree: Schedule of Fees of the Court of Arbitration

5. Fourth Decree issued by the Federal Minister of Finance and the Federal Minister of Digital and Economic Affairs in agreement with the Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice on the implementation of Article XIII of the Introductory Law to the Code of Civil Procedure (Schedule of Fees of the Court of Arbitration)

According to Article XIII of the Introductory Law to the Code of Civil Procedure, as amended by FLG I No. 30/2009, the following shall be hereby decreed:

§ 1. The Fees of the Court of Arbitration of the Vienna Stock Exchange (in its function as a securities and a commodity exchange) shall be fixed as set out below:

1. Fee for filing a claim and proceeding fees

The fee for filing a claim and the proceeding fees are calculated on the value as rounded off to EUR 1 of the object of dispute (§§ 54 to 60 *JN*).

a) The fee for filing a claim shall be 2.5 percent, but at least EUR 500 and not more than EUR 100,000.

The fee for filing a claim shall be paid by the plaintiff at the time the complaint is filed.

b) The proceeding fees shall be 1.25 percent, but at least EUR 250 and not more than EUR 50,000.

If the court is notified before the proceedings of a limitation on the amount of the claim filed, this shall be taken into account when calculating the proceeding fees.

In the event of a limitation to the costs of the hearing, the proceeding fees shall be EUR 100.

In special cases, the Court of Arbitration may order the fees lowered or completely abolished the event of continued proceedings.

The proceeding fees for filing a claim shall be paid by the plaintiff before the hearing. The amount of the fee resulting from lit. a and b shall be rounded off to the full euro amount.

2. Fees for out-of-court settlements

In order for the court to initiate an out-of-court settlement (§§ 36 through 38 Rules of the Court of Arbitration) the party which is to receive a payment or performance of a service under such settlement shall pay a fee in the amount of the proceeding fee (Fig. 1 lit. b).

3. Reimbursement of cash expenses

In addition to the fees according to Fig. 1 and 2, the Court of Arbitration shall be reimbursed for the cash expenses incurred (postage charges, translation fees, expert opinion fees, etc.).

Lump sums shall be fixed for postage fees, which are to be paid together with the fees for filing a claim and shall be EUR 20 for a party from within the country being sued, and EUR 40 for a party from outside the country being sued; the above mentioned fee shall increase by 50 percent for every further party sued.

§ 2. (1) This Decree shall enter into force as of 1 January 2019.

(2) The Schedule of Fees of the Court of Arbitration, Decree FLG II No. 462/2003, shall be repealed as of 31 December 2018.