



1. How to start arbitration

If you have agreed on Waren-Verein-Arbitration and would like to submit your case to our Arbitral Tribunal, please follow these steps. The paragraphs mentioned can be found in the appendix.

STEP 1:

Compare Sec. 13 Arbitration Rules:

- You have to nominate an Arbitrator
 - The Arbitrator has to meet the requirements laid down in Sec. 4 (2) Arbitration Rules
 - Please note: The Arbitrator nominated by you, is not „your Arbitrator“. Arbitrators have to be impartial and independent. Thus the Arbitrator is not entitled to give you any advise.
- You have to notify the other party and ask it to nominate an Arbitrator as well
 - tell them the name of the Arbitrator you have nominated and
 - ask them to nominate an Arbitrator as well with in a specified time
 - minimum seven business days
 - definition of business day compare Sec. 3 Conditions of Business

Make sure the other party gets your notification!

Please ask the person you nominate as Arbitrator whether she/he is willing to take on this role.

If the other party does not nominate an Arbitrator you may apply to Waren-Verein to nominate an Arbitrator on its behalf (compare 2.).

STEP 2:

Compare Sec. 18 Arbitration Rules:

- submit a statement of claim in fivefold (with legal representation sixfold) including attachments that contains:
 - the names of the Arbitrators nominated by the parties respectively on their behalf
 - a statement describing the nature of the dispute and a definite request
 - state to the Arbitral Tribunal what your conflict is about and give proof
 - if you would e.g. like to ask the Arbitral Tribunal to order the other party (Defendant) to pay EUR 10,000.00 tell the Arbitral Tribunal explicitly
 - a reference to the arbitration agreement

You do not need a lawyer to submit a claim to the Arbitral Tribunal.



2. How do I apply that an Arbitrator is appointed for the other party pursuant to Section 13 (1) 4 Arbitration Rules?

You have to apply to Waren-Verein to appoint an Arbitrator on behalf of the other party in accordance with Art. 13 (1) 4 Arbitration Rules and then very briefly state why you make this application and attach proof. Your application could e.g. be as follows:

We have a dispute arising from contract (date, number of the contract) with XYZ (annex 1 contract). The contract contains the following arbitration clause:
By letter dated ... we notified XYZ that we have appointed Mr./Mrs. ... as Arbitrator and asked XYZ to also nominate an Arbitrator with in ... business days (annex 2 our letter dated ...). XYZ received our letter on ... (annex 3 proof of receipt). XYZ has not nominated an Arbitrator on its behalf until now. We therefor apply to Waren-Verein to appoint an Arbitrator on behalf of XYZ.



Appendix

Section 3 Condition of Business Business Days

Business days as defined in these Conditions of Business are the weekdays from Monday to Friday insofar as these do not fall on 24th or 31st of December and are not officially recognised holidays at the place of performance or the place where the contractual declaration is made.

Section 4 (2) Arbitration Rules Composition of the Arbitral Tribunal

(2) Each party may appoint one Arbitrator. If a party fails to notify an Arbitrator (sections 13, 17), an Arbitrator shall be appointed on behalf of this party according to the provisions of sections 9, 10.

Only proprietors, directors, managers, personally liable partners, authorized signatories or executives of firms whose subject matter is the commerce with goods or the mediation or the closing of merchandise-contracts and which should be registered in a German commercial register or cooperative register may be appointed by a party or on behalf of a party. If the parties have chosen other rules of law than the German law as applicable to the substance of the dispute, a registration of the firm in a German register is not required. (...)

Section 13 Arbitration Rules Constitution of the Arbitral Tribunal

(1) Each party shall appoint one of the Arbitrators. The claimant shall notify the respondent of its Arbitrator with the request that the respondent also nominates an Arbitrator within a specified time. Such period of time must be at least seven business days. If the time specified by the claimant is too short, the minimum time is considered to be granted. If the respondent does not nominate its Arbitrator within sufficient time, an Arbitrator shall be appointed according to sections 9, 10 at the claimant's written suit to be filed to the office.

(2) A person who does not fulfil the requirements of section 4 para. 2 or who is excluded from the office of Arbitrator according to section 4 para. 4, shall be regarded as not having been nominated.

Section 18 Arbitration Rules Statement of Claim and other Written Pleadings

(1) The plaintiff lodges the application for an award from the Arbitral Tribunal by submitting the statement of claim to the office. The statement of claim must contain:

1. The names of the parties and the names of the Arbitrators appointed by or for the parties.
2. A statement describing the nature of the dispute and a definite request.
3. A reference to the arbitration agreement.

The statement of claim should contain reasons for the competence of the Arbitral Tribunal. Furthermore the statement of claim should mention the value of the object in dispute, insofar as this cannot be readily determined from the request or the statement of the facts of the case.



(2) The statement of claim and other written pleadings and declarations of a party must be submitted to the office together with copies in such number as are required for their distribution. The documents referred to in the written pleadings and being in the hands of the pleading party are to be attached as originals or as copies. The written pleadings and the documents attached shall be submitted at least in quintuplicate.