



Pursuant to Articles 3.1.11 and section 5 of the Statute of the Association of Consulting Engineers of Serbia - ACES, with its registered seat in Belgrade at Bulevar vojvode Bojovića 6-8, registry no. 17749692, (hereinafter "**ACES**"), the Presidency Board ("**Board**") of the Construction Dispute Resolution Center within the Association of Consulting Engineers of Serbia (hereinafter "**Center**") at a session held on 27 September 2022 in Belgrade, adopted the following:

## **R U L E B O O K**

### **OF THE CONSTRUCTION DISPUTE RESOLUTION CENTER within the Association of Consulting Engineers of Serbia**

(hereinafter the "**Rulebook**")

#### **SECTION I: GENERAL PROVISIONS**

##### **Center**

##### **Article 1**

The Center is an institution for the administration of alternative construction dispute resolution proceedings.

##### **Subject Matter of the Rulebook**

##### **Article 2**

This Rulebook regulates:

1. Center name and its headquarters;
2. legal personality of the Center;
3. area of activity and activities of the Center;
4. representation of the Center
5. the objectives of the Center;
6. the official language of the Center;

7. internal organization of the Center;
8. Center's activities with regard to dispute settlement proceedings and rules;
9. internal acts of the Center;
10. financing of the Center;
11. change of form and termination of the Center; and
12. amendments to the Rulebook.

### **Center Name and Headquarters**

#### **Article 3**

The full name of the Center in Serbian language is: **Centar za rešavanje sporova u oblasti građevinarstva.**

The abbreviated name of the Center in Serbian language is: **CDRC.**

The full name of the Center in English language is: **Construction Dispute Resolution Centre.**

The abbreviated name of the Center in English language is: **CDRC.**

### **Legal Personality**

#### **Article 4**

The Center is a permanent institution established within ACES and it has no separate legal personality from ACES.

The Center may have a separate sign (trademark expressed as a logo) whose form, registration and other related legal aspects shall be decided by ACES in accordance with its internal acts.

In order to ensure legal certainty, the Center will indicate the name "ACES" in its business operations, and to the extent applicable, it will also indicate other business data of ACES.

### **Representation of the Center**

#### **Article 5**

The President of Center shall represent the Center in legal transactions in accordance with the authorizations granted by the competent authorities of ACES and in accordance with the applicable law.

The President of the Center may entrust the signing of the current correspondence to the Secretary of the Center or another person designated by him/her

## **Activities of the Center**

### **Article 6**

The main activity of the Center is the administration of alternative construction dispute resolution proceedings.

The Center shall administer the following proceedings:

1. arbitration proceedings with or without a foreign element;
2. proceedings before the Dispute Adjudication Board; and
3. Administered Expert Proceedings.

(hereinafter, the proceedings referred to in points 1 to 3 above are collectively referred to as "**Proceedings**").

The Center shall undertake all legal and technical activities in order to ensure the administration of the Proceedings.

### **Article 7**

As part of the Proceedings administration, the Board of the Center shall, inter alia:

1. adopt, amend and monitor the application of the following CDRC rules:
  - a. Arbitration Rules;
  - b. Rules for Dispute Adjudication Proceedings; and
  - c. Rules for Administered Expert Proceedings.

(hereinafter, the rules in points a. through c. above are collectively referred to as the "**Rules**").

2. adopt list of arbitrators;
3. confirm or appoint arbitrators, adjudicators and experts in accordance with the Rules;
4. decide on objections regarding the nomination and/or the performance of any and all arbitrators, adjudicators and experts in the proceedings in question; and
5. undertake all other activities provided for by the Rules.

## **Article 8**

The Rules, as well as any amendments thereto, shall be adopted by the Board of the Center (hereinafter "**Board**"), after obtaining the prior consent of the ACES Management Board.

## **Objectives of the Center**

### **Article 9**

The main objectives of the Center are:

1. efficient implementation of the Proceedings;
2. continuous and comprehensive assistance to the parties in dispute;
3. promotion of alternative ways of resolving disputes in Serbia and in the region;
4. improving the conditions for alternative dispute resolution in Serbia and the region;
5. monitoring current trends in the field of alternative dispute resolution;
6. organization of science and professional conventions and other related activities of interest for the promotion and improvement of alternative dispute resolution;
7. cooperation with other national and international alternative dispute resolution bodies / organization/associations;
8. reviewing and giving opinions on applicable legislation in the field of alternative dispute resolution; and
9. publishing manuals, bulletins and other publications on issues related to the development and implementation of alternative dispute resolution proceedings.

## **The Official Language of the Center**

### **Article 10**

The official languages of the Center are Serbian and English.

The Center shall administer the Proceedings in the language prescribed by the relevant Rules.

## **SECTION II: INTERNAL ORGANIZATION OF THE CENTER**

### **Bodies of the Center**

#### **Article 11**

The bodies of the Center are:

1. Board,

2. Secretariat; and
3. Advisory Body.

## **Board**

### **Article 12**

The Board consists of:

1. President of the Center;
2. Vice-President of the Center;
3. three members of the Board with the voting right; and
4. two members of the Board without the voting right.

### **Article 13**

The Board, shall:

1. after prior approval by the ACES Management Board, adopt the Rules, as well as any amendments to the Rules;
2. supervise the application of the Rules;
3. adopt and supervise the implementation of all Center's internal acts;
4. adopt the Center's annual work plan and submit it to the ACES Management Board for approval;
5. adopt the Center's annual financial plan and submit it to the ACES Management Board for approval;
6. adopt the annual report on the work of the Center;
7. adopt all decisions related to the internal organization and work of the Center;
8. adopt all price rates of the Center;
9. establish administrative units within the Center;
10. adopt the Rulebook of the Center, as well as its amendments;
11. decide on the appointment, confirmation or replacement of arbitrators, adjudicators and experts in accordance with the Rules; and
12. decide on all other matters not falling under the competence of ACES, or not entrusted by this Rulebook to other bodies of the Center, unless otherwise provided hereunder.

#### **Article 14**

Regular meetings of the Board shall be held at least twice a year. Regular meetings of the Board shall be convened by the Secretary of the Center.

Extraordinary meetings of the Board, shall be convened by the Secretary of the Center at the reasoned proposal of the President of the Center, or at least 3 members of the Board (with or without the voting right).

The meeting shall be presided by the President, or the Vice President of the Center in his/her absence.

#### **Article 15**

The Board may render decisions only if at least 3 members of the Board with the voting right are present at the meeting, including the President and the Vice-President of the Center.

The Board shall make decisions by a simple majority of all present members with the voting right.

#### **President of the Center**

#### **Article 16**

The President of the Center shall be nominated by the Board and appointed by ACES for a period of one year.

The President of the Center shall be in charge of the work of the Center and represent the Center in the country and abroad.

The President of the Center shall perform his/her function in the best interest of the Center.

In the event that the position of the President of the Center ends before the end of the period for which he/she was elected, the Board shall elect a new President of the Center in accordance with its internal acts and this Rulebook.

#### **Article 17**

The President of the Center shall:

1. manage the work of the Center and make decisions in order to achieve goals and perform the activities the Center;
2. represent the Center;
3. appoint the Secretary of the Center;
4. sign all the documentation in the name and on behalf of the Board and/or the Center;

5. make financial decisions based on the Center's annual work and financial plan;
6. verify and execute amendments of the Rules previously adopted by the Board;
7. verify and execute amendments to this Rulebook previously adopted by the Board;
8. verify and execute amendments to the price rates and other internal acts of the Center previously adopted by the Board;
9. prepare and submit to the Board the annual report on the work of the Center;
10. prepare and submit to the Board decisions on the internal organization and work of the Center;
11. approve the conclusion of all contracts related to the implementation of regular activities of the Center;
12. manage cooperation with other national and international alternative dispute resolution bodies / organizations / associations; and
13. decide on the establishment of temporary expert bodies for the performance of certain tasks related to the implementation of activities or the achievement of the goals of the Center.

### **Vice President of the Center**

#### **Article 18**

The Vice President of the Center shall be appointed by the Board for a period of one year.

The President of the Center may authorize the Vice-President of the Center to exercise the power and duties of the President of the Center.

In the event that the position of the Vice President of the Center ends before the end of the period for which he was elected, the Board shall elect a new Vice President of the Center.

### **Secretariat**

#### **Article 19**

The Secretariat of the Center consists of the Secretary of the Center and administrative and professional staff.

## **Article 20**

The Secretariat of the Center shall:

1. perform all administrative tasks arising from or in connection with the Proceedings and/or other activities of the Center;
2. communicate and provide all necessary information to interested parties and/or parties in dispute in each of the Proceedings;
3. receive and manage all documents sent to the Center;
4. undertake all other administrative tasks in accordance with the Rules;
5. keep records of all alternative dispute resolution Proceedings;
6. attend the Board meetings; and
7. perform all other activities in accordance with the instructions of the President of the Center.

## **Article 21**

The Secretary of the Center shall be appointed by the President of the Center for a period of four years.

Secretary of the Center shall:

1. manage and operate the activities of the Center;
2. act in accordance with the goals of the Center;
3. organize and manage the work of the Secretariat of the Center;
4. convene and attend the meetings of the Board;
5. prepare minutes from regular and extraordinary meetings of the Board;
6. propose to the President of the Center the establishment of temporary expert bodies for the performance of specific tasks related to the implementation of activities or the achievement of the goals of the Center;
7. prepare the proposal to the Board for the appointment, confirmation or replacement of arbitrators, adjudicators and experts in accordance with the Rules; and
8. undertake all other activities in accordance with the instructions of the President of the Center.

## **Article 22**

The administrative and professional staff of the Secretariat of the Center shall consist of ACES staff.

The President of the Center shall propose to the ACES Management Board the number of executors and the qualifications of the administrative and professional staff within the Secretariat of the Center.

The ACES Management Board shall decide on the number of executors and the qualifications of the administrative and professional staff within the Secretariat of the Center.

The administrative and professional staff of the Secretariat of the Center shall comply with all the requirements determined by the ACES special act on the jobs' systematization, or other applicable internal acts of ACES.

### **Advisory Body**

#### **Article 23**

The Advisory Body shall be appointed by the Board

All members of the Advisory Body shall be elected for a period of maximum of four years, with the possibility of re-election.

In the event that the position of the member of the Advisory Body has terminated before the end of the term for which he/she was elected, the Presidency shall elect a new member of the Advisory Body at the first following meeting, but no later than within two months as of the termination of the position of the member of the Advisory Body.

The Advisory Body advises the Presidency regarding the interpretations of Rulebook and/or any other rules applicable to the activities of the Center whenever the Presidency requires such advice or the Advisory Body deems such advise necessary.

### **SECTION III: ACTS OF THE CENTER**

#### **Expert Lists**

##### **Article 24**

For the purposes of the work of the Center, ACES PRO List of experts and adjudicators shall be applied unless otherwise expressly provided by this Rulebook.

#### **Code of Ethics**

##### **Article 25**

For the purposes of the work of the Center, the Code of Ethics and the Code of Professional Responsibility prepared and adopted by ACES shall be applied.

## **Price Rates**

### **Article 26**

The Price Rates adopted by the Board (as well as their amendments) shall be applied to the proceedings administrated by the CDRC.

## **Other Acts of the Center**

### **Article 27**

The Center may adopt other internal acts (including, inter alia, regulations, decisions, codes) relating to:

1. performing regular activities of the Center, and especially the administration of the Proceedings;
2. realisation the Center's objectives; and
3. internal organization and work of the Center.

Internal acts shall be adopted by the Board.

## **SECTION IV: FINAL PROVISIONS**

## **Financing of the Center**

### **Article 28**

All costs of regular activities of the Center, as well as all other related financial expenses of the Center, shall be determined by the financial plan of the Center.

At the end of each business year, the Center shall prepare an internal annual report (balance sheet) of the Center, that will be integrated in the annual report of ACES in accordance with the applicable regulations and internal acts of ACES.

## **Change of Form and Termination of the Center**

### **Article 29**

The Center may change the legal form upon the proposal of the Board, to be approved by the ACES Assembly.

The Center shall terminate its operations by decision of the ACES Assembly.

## **Cooperation with Other Associations and Organizations**

### **Article 30**

In order to achieve its objectives, the Center may establish contacts and cooperate with other professional, scientific and other associations and organizations in the country and abroad.

Accession of the Center to international associations with similar goals and activities must be approved by the Board.

## **Amendments to the Rulebook**

### **Article 31**

The Rulebook of the Center, as well as all its amendments, shall be adopted by the Board.

To change Articles of this Rulebook, the Board shall obtain the prior written consent of the ACES Management Board.

## **Entry into Force**

### **Article 32**

This Rulebook shall enter into force on the day of its adoption.

In Belgrade, on 27 September 2022

for the **Board of the of the Construction Dispute Resolution Center**

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Slaven Moravcevic

President of the Center