

February 21, 2018

**Protocol on Procedural Rules Applicable to the International Chamber of the Paris
Commercial Court**

Preamble

The International Chamber has been established since 1995 and, in 2015, merged with the European Union Law Chamber created in 1999.

Cases adjudicated to the Chamber concern all disputes related to international contracts, and in particular those to which provisions of European Union or foreign law is applicable, as well as those where a defendant is a foreign party.

The objective of the International Chamber, composed of ten anglophone judges, is to meet the expectations of commercial market participants seeking the benefits of an attractive judicial system.

In some instances, judges from other specialized chambers of the Court, such as the Unfair Competition Chamber, may sit on the judgment panels of the International Chamber.

The purpose of this Protocol is to set forth the manner in which disputes are reviewed before the Chamber, providing for the use of the English language to a significant extent, including for witness testimony.

With respect to substance, the Chamber will apply French European Union or applicable foreign law.

Article 1: Jurisdiction of the International Chamber

1.1. The Enrollement Chamber of the Court or, as appropriate, the judge specifically appointed by the President of the Court for urgent matters, as contemplated in article 858 of the Civil Procedure Code, shall direct all transnational commercial disputes to the International Chamber,.

1.2. Transnational commercial disputes include disputes related to:

- International commercial contracts and the termination of commercial relations
- Transport
- Unfair competition
- Anti-competitive commercial practices
- Transactions in Financial Instruments, Market Standard Master Agreements, as well as Financial Contracts, Instruments and Products

1.3. The jurisdiction of the Court may also result from contractual clauses conferring jurisdiction on the courts that are under the Court of Appeals of Paris.

Article 2: Language of the Proceedings

2.1. The proceedings before the Commercial Court are oral.

2.2. Procedural acts are drafted in French.

2.3. Documentary evidence may be submitted in English.

2.4. Subject to section 2.5 hereinafter, pleadings are conducted in French.

2.5. Parties, Experts and third party Witnesses who appear before the Court, and legal counsels who are not French nationals and who are authorized to appear before the Paris Commercial Court, may use the English language.

2.6. Records of the Hearings are drafted in French by the Court's Clerk under the direction of the President of the court.

Article 3: Procedural Timetable

3.1. The judge assigned to the supervision of the case shall set the procedural timetable, which will include in particular:

- The date(s) on which the Parties will have to appear in person
- The date(s) on which the Parties will submit the written statements that will serve as the basis for witness testimony
- The date(s) of examination of witnesses and experts
- The date(s) on which legal counsel shall deliver their oral arguments
- The date of closure the proceedings
- The date of deliverance of the decision of the Court

3.2. The procedural timetable may be modified due to, in particular, new objections or additional requests made by any of the Parties.

Article 4: Rules governing evidence

4.1. Compulsory production of documents in the possession of a Party to the proceedings or a third party

4.1.1. Requests for orders to produce documents held by a party or a third party are reviewed by the Judge assigned to the supervision of the case, as per articles 11 and 138 through 141 of the Civil Procedure Code.

4.1.2. The parties may request the production of categories of documents that are specifically identified.

4.2. Personal appearances of the Parties

4.2.1. Personal appearances of the Parties take place in the manner contemplated in articles 184 through 198 of the Civil Procedure Code. The judge may submit to the Parties questions that he deems relevant to facts that are supported by

legally admissible evidence. Thereafter, the judge may invite each Party to answer questions from the other Parties.

- 4.2.2.** Legal entities which are Parties to the proceedings may be represented at the hearings by their legal representatives or by employees specifically appointed pursuant to a specific power of attorney.

4.3. Third Party written statements

- 4.3.1.** Written statements issued by third parties must be in the form of attestations meeting the requirements of article 202 of the Civil Procedure Code.
- 4.3.2.** As an exception to article 202, which exception shall not be contested by the Parties, statements made by expert and third party witnesses may be in typewritten form.

4.4. Third party examination (articles 199 and seq. of the Civil Procedure Code)

- 4.4.1.** The examination of a third party may be ordered by the judge assigned to the supervision of the case or the court, as the case may be, at their own initiative or at the request of any of the Parties.
- 4.4.2.** Witness testimony shall be based on written statements, which may be in typewritten form, containing the information set forth in article 202 of the Civil Procedure Code.
- 4.4.3.** The examination of a witness is conducted in accordance with articles 206 and seq. of the Civil Procedure Code. Pursuant to these articles, a witness is legally compelled to appear at the hearings, and may be subject to a civil fine should he/ she fail to do so.

The judge submits to witnesses questions which he deems relevant to facts that are the subject of legally admissible evidence. Then he invites witnesses to answer questions from any of the Parties.

- 4.4.4.** The judge assigned to the supervision of the case or the court, as the case may be, will review and interpret written statements provided by a witness who

has failed to appear for good reason. When failure to attend is not justified, the Judge or the Court may draw any and all conclusions resulting from such failure.

- 4.4.5. Each Party to this Protocol must insure, taking all reasonable steps to that effect, that his/ her requested witnesses appear at the hearings and must advance all costs related thereto.

4.5. Examination of Specialists and Experts (article 245 and 283 of the Civil Procedure Code)

- 4.5.1. The judge assigned to the supervision of the case or the court, as the case may be, orders the examination of judicial specialists and experts, at their own initiative or upon request of the parties.
- 4.5.2. The judge assigned to the supervision of the case or the court, as the case may be, also rules on examination requests of specialists and experts proposed by the Parties. Attached to their requests, Parties must submit the reports prepared by each of their designated specialists and experts, and provide their names and qualifications.
- 4.5.3. Provisions contained in Sections 4.4.2 to 4.4.5 above apply, as reasonably appropriate, to examinations of specialists and experts.

Article 5: Oral Proceedings

Oral proceedings are public, unless the Court decides otherwise under the conditions of article 435 of the Civil Procedure Code.

Article 6: Translation

- 6.1. If one of the Parties contests the translation of a document provided by the other Party, the judge may order that a sworn translation be made of all or part of the contested translation, at the expense (payable in advance) of the Party he will designate, pursuant to article 269 of the Civil Procedure Code.

6.2. Any Party may, at its own expense, arrange for a simultaneous interpretation of oral proceedings, including examination of experts and third party witnesses, held in French.

6.3. When a Party, a Party's counsel, an expert or third party witness uses a language other than French, simultaneous interpretation services must be arranged, with the interpreter chosen by mutual agreement of the Parties, and the expenses borne by the Party choosing to use a language other than French. If the Parties fail to reach agreement on the identity of the interpreter within the time specified by him, the judge assigned to the supervision of the case will directly appoint the interpreter.

Article 7: Court's judgment

The judgment of the Court, as well as orders issued from any judge, shall be delivered in French together with a copy of a sworn English translation thereof.