Name:_____

First name:_____

Fathers's first name:_____

ID number:_____

INSTRUCTIONS

Exam Duration: The duration of the examination is 1 hour and 45 minutes from the moment the test papers are distributed.

Each question has four answer options (a, b, c, d), of which only one is correct.

The correct answer must be marked by clearly circling the corresponding letter directly on the examination sheet.

Erasures, corrections, marks, or any other alterations that could create ambiguity are not permitted. An answer that presents such alterations will be voided and awarded zero points. Likewise, questions with more than one answer circled, or no answer circled, will be awarded zero points.

Each correct answer is awarded 1 point. Incorrect answers or blank answers are not penalized.

Any attempt to cheat will result in the candidate's immediate disqualification from the examination.

QUESTIONS

1. Under the UNCITRAL Model Law on International Commercial Arbitration, an arbitration is international in each of the following situations, EXCEPT:

A. The parties to the arbitration agreement had, at the time of the conclusion of that agreement, their places of business in different States.

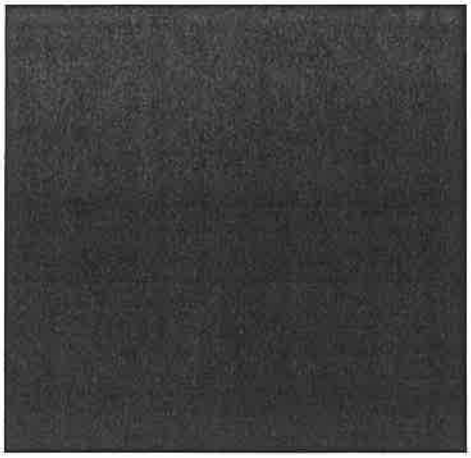
B. The place of arbitration, as determined in the arbitration agreement, is situated outside the State in which both parties have their places of business.

C. The parties have expressly agreed that the subject matter of the arbitration agreement relates to more than one country.

D. The parties are incorporated under the laws of different States, but at the time of the conclusion of the arbitration agreement both had their sole places of business in the same State, where the place of arbitration is also located and where all obligations of the commercial relationship are to be performed.

2. Company A brings an action against Company B before a national court of a State that has adopted the UNCITRAL Model Law, in a matter which is the subject of an arbitration agreement. Which of the following statements is correct under the UNCITRAL Model Law?

A. The court must refer the parties to arbitration of its own motion, even if Company B does not request it.



B. Company B may request the referral of the parties to arbitration at any stage of the court proceedings, provided that the hearings on the merits have not been closed.

C. If Company B requests it not later than when submitting its first statement on the substance of the dispute, the court shall refer the parties to arbitration, unless it finds that the arbitration agreement is null and void, inoperative or incapable of being performed.

D. Once the action has been brought before the court, arbitral proceedings may not be commenced or continued until the court has decided whether to refer the parties to arbitration.

3. Under the UNCITRAL Model Law on International Commercial Arbitration, which of the following statements concerning the challenge of an arbitrator is correct?

A. An arbitrator's obligation to disclose circumstances likely to give rise to justifiable doubts as to his impartiality or independence ceases once he has accepted his appointment.

B. A party may not, under any circumstances, challenge an arbitrator whom it has appointed or in whose appointment it has participated.

C. If a challenge under the procedure agreed upon by the parties is not successful, the challenging party may request, within thirty days after having received notice of the decision rejecting the challenge, the competent court or other authority to decide on the challenge, and while such a request is pending the arbitral tribunal, including the challenged arbitrator, may continue the arbitral proceedings and make an award.

D. The decision of the competent court or other authority on the challenge of an arbitrator is subject to appeal on points of law.

4. In an arbitration governed by the UNCITRAL Model Law, the respondent, who had previously appointed an arbitrator, raises in its statement of defence a plea that the arbitral tribunal lacks jurisdiction, on the ground that the contract containing the arbitration clause is null and void. Which of the following statements is correct under the UNCITRAL Model Law?

A. The arbitral tribunal must stay the arbitral proceedings and refer the question of the validity of the arbitration clause to the competent court.

B. The arbitral tribunal may rule on its own jurisdiction, and a decision by the arbitral tribunal that the contract is null and void shall not entail ipso jure the invalidity of the arbitration clause, which is to be treated as an agreement independent of the other terms of the contract.

C. If the arbitral tribunal finds that the contract is null and void, the arbitration clause is automatically invalid as well, since it forms part of that contract.

D. The respondent's plea must be rejected as inadmissible, because a party who has appointed an arbitrator is precluded from contesting the jurisdiction of the arbitral tribunal.

5. Under the UNCITRAL Model Law on International Commercial Arbitration, which of the following statements concerning recourse against an arbitral award is correct?

A. An arbitral award may be appealed on the merits before the competent court within three months of its receipt.

B. Recourse to a court against an arbitral award may be made only by an application for setting aside, which may not be made after three months have elapsed from the date on which the party making the application had received the award or, if a request for correction or interpretation of the award or for an additional award had been made, from the date on which that request had been disposed of by the arbitral tribunal.

C. The competent court may set aside an arbitral award on any ground of procedural irregularity that it considers sufficiently serious, the grounds for setting aside not being exhaustively listed.

D. An arbitral award may be set aside where the competent court finds that the arbitral tribunal has wrongly applied the law governing the substance of the dispute.

6. Under the ICC Rules of Arbitration, which of the following statements concerning the commencement of the arbitration is correct?

A. The arbitration is deemed to commence on the date on which the Request for Arbitration is notified by the Secretariat to the respondent.

B. The date on which the Secretariat receives the Request for Arbitration shall, for all purposes, be deemed to be the date of the commencement of the arbitration.

C. The respondent must submit its Answer within 30 days from receipt of the Request from the Secretariat, a time limit which the Secretariat may not extend under any circumstances.

D. If the respondent fails to submit an Answer, the arbitration cannot proceed until the respondent agrees to take part in it.

7. Under the ICC Rules of Arbitration, which of the following statements concerning the consolidation of arbitrations is correct?

A. The Court may consolidate two or more arbitrations pending under the Rules only where all of the claims in the arbitrations are made under the same arbitration agreement.

B. Consolidation is decided by the arbitral tribunal constituted in the arbitration that commenced first, after consulting the parties.

C. The Court may, at the request of a party, consolidate two or more arbitrations pending under the Rules even where the claims in the arbitrations are not made under the same arbitration agreement or agreements, provided that the arbitrations are between the same parties, the disputes in the arbitrations arise in connection with the same legal relationship, and the Court finds the arbitration agreements to be compatible.

D. When arbitrations are consolidated, they shall be consolidated into the arbitration that commenced last, unless otherwise agreed by all parties.

8. Under the ICC Rules of Arbitration, which of the following statements concerning the arbitrators is correct?

A. An arbitrator must be impartial and independent of the parties at the time of accepting the mandate, but circumstances arising in the course of the arbitration have no bearing on his position.

B. For a challenge of an arbitrator to be admissible, it must be submitted either within 30 days from receipt by the challenging party of the notification of the appointment or confirmation of the arbitrator, or within 30 days from the date when that party was informed of the facts and circumstances on which the challenge is based, where that date is later.

C. A challenge of an arbitrator is decided by the other members of the arbitral tribunal, without the participation of the challenged arbitrator.

D. The decisions of the Court as to the appointment, confirmation, challenge or replacement of an arbitrator are not final and may be reviewed by the arbitral tribunal once it has been constituted.

9. Under the ICC Rules of Arbitration, which of the following statements concerning the arbitral proceedings is correct?

A. If the parties have not agreed on the place of arbitration, the place of arbitration shall be fixed by the arbitral tribunal once it has been constituted.

B. In the absence of an agreement of the parties on the rules of law applicable to the merits of the dispute, the arbitral tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.

C. The parties shall be free to agree upon the rules of law to be applied by the arbitral tribunal to the merits of the dispute and, in the absence of any such agreement, the arbitral tribunal shall apply the rules of law it determines to be appropriate.

D. An application by a party to a competent judicial authority for interim or conservatory measures, made before the file is transmitted to the arbitral tribunal, is deemed to be a waiver of the arbitration agreement.

10. Under the ICC Rules of Arbitration, which of the following statements concerning the arbitral award is correct?

A. When the arbitral tribunal is composed of more than one arbitrator and no majority can be reached, the award shall be made by the president of the arbitral tribunal alone.

B. When scrutinising the draft award, the Court may modify the arbitral tribunal's decision on points of substance where it considers the solution adopted to be wrong.

C. If the parties reach a settlement after the file has been transmitted to the arbitral tribunal, the arbitral tribunal must terminate the proceedings without recording the settlement in the form of an award.

D. The costs of the arbitration shall in all cases be borne in full by the unsuccessful party.

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MINISTERUL EDUCAȚIEI ȘI CERCETĂRII

BAREM

MASTER ARBITRAJ INTERNAȚIONAL

Întrebarea 1	Răspuns corect – d)
Întrebarea 2	Răspuns corect – c)
Întrebarea 3	Răspuns corect – c)
Întrebarea 4	Răspuns corect – b)
Întrebarea 5	Răspuns corect – b)
Întrebarea 6	Răspuns corect – b)
Întrebarea 7	Răspuns corect – c)
Întrebarea 8	Răspuns corect – b)
Întrebarea 9	Răspuns corect – c)
Întrebarea 10	Răspuns corect – a)