

ATTACHMENT TO:

Decision of the Indonesian Capital Market Arbitration Board

Number : Kep-01/BAPMI/07.2005

Date : July 21, 2005

**THE RULES ON COSTS AND FEES
FOR SETTLEMENT OF DISPUTE AND OPINION DIFFERENCES
IN THE INDONESIAN CAPITAL MARKET ARBITRATION BOARD**

Article 1

Each registration of the request for resolutions of disputes or controversies through Binding Opinion or Alternative Dispute Resolution (ADR) or Arbitration by BAPMI shall be subject to a Rp 1,600,000.- (one million six hundred thousand Rupiah) registration fee.

Article 2

- (1) Every case examination either through Binding Opinion or Alternative Dispute Resolution (ADR) or Arbitration by BAPMI shall be subject to examination fees, the amount of which will be calculated based on the real expenses incurred during case examination process, including:
 - a. rent of hearing room;
 - b. transportation cost and accommodation for witnesses/expert witnesses;
 - c. transportation cost and accommodation for local examination.
- (2) Unless otherwise expressly specified by the Parties and with due observance of the provisions of Article 9 or Article 19 or Article 52 of BAPMI Rules and Procedures, the Parties are obliged to make a Rp 5,000,000.- (five million Rupiah) deposit for examination fee to be calculated on a pro-rata basis.
- (3) In the event that the amount of real examination expenses is greater than the deposit made, the deficiency amount must be paid by the Parties before the opinions are rendered in case of Binding Opinion; or the agreement is reached in case of Alternative Dispute Resolution; or the Award is rendered in case of Arbitration. On the contrary, if the amount of real examination expenses is less than the deposit made, the excessive amount will be forthwith reimbursed to the Parties not later than 2 (two) working days after the opinions are rendered in case of Binding Opinion; or the agreement is reached in case of Alternative Dispute Resolution; or the Award is rendered by BAPMI in case of Arbitration.

Article 3

The amount of Binding Opinion fee is determined herein below:

- (1) Based on a certain amount to be mutually agreed by the Parties and BAPMI by taking account of the complexity and the level of difficulty of the dispute or controversy on which BAPMI is requested to render its Binding Opinion at a minimum fee of Rp 40,000,000 (forty million Rupiah); or

- (2) Based on the sum of claim asserted in such dispute or controversy at a fee as stipulated in List of Binding Opinion Fees herein below:

<u>Sum of Claim</u>	<u>Binding Opinion Fees</u>
1. less than Rp. 500 million	4 % of the sum of claim
2. Rp. 500 million	3.20 % of the sum of claim
3. greater than Rp. 500 million to Rp. 1 billion	2.80 % of the sum of claim
4. greater than Rp. 1 billion to Rp. 2,5 billion	2.40 % of the sum of claim
5. greater than Rp. 2,5 billion to Rp. 5 billion	1.88 % of the sum of claim
6. greater than Rp. 5 billion to Rp. 7,5 billion	1.60 % of the sum of claim
7. greater than Rp. 7,5 billion to Rp. 10 billion	1.20 % of the sum of claim
8. greater than Rp. 10 billion to Rp. 15 billion	1.00 % of the sum of claim
9. greater than Rp. 15 billion to Rp. 20 billion	0.88 % of the sum of claim
10. greater than Rp. 20 billion to Rp. 30 billion	0.76 % of the sum of claim
11. greater than Rp. 30 billion to Rp. 35 billion	0.72 % of the sum of claim
12. greater than Rp. 35 billion to Rp. 40 billion	0.68 % of the sum of claim
13. greater than Rp. 40 billion to Rp. 45 billion	0.56 % of the sum of claim
14. greater than Rp. 45 billion to Rp. 50 billion	0.52 % of the sum of claim
15. greater than Rp. 50 billion to Rp. 60 billion	0.48 % of the sum of claim
16. greater than Rp. 60 billion to Rp. 70 billion	0,4 % of the sum of claim
17. greater than Rp. 70 billion to Rp. 80 billion	0.40 % of the sum of claim
18. greater than Rp. 80 billion to Rp. 90 billion	0.36 % of the sum of claim
19. greater than Rp. 90 billion to Rp. 100 billion	0.32 % of the sum of claim
20. greater than Rp. 100 billion to Rp. 200 billion	0.24 % of the sum of claim
21. greater than Rp. 200 billion to Rp. 300 billion	0.20 % of the sum of claim
22. greater than Rp. 300 billion to Rp. 400 billion	0.16 % of the sum of claim
23. greater than Rp. 400 billion to Rp. 500 billion	0.12 % of the sum of claim
24. greater than Rp. 500 billion	0.08 % of the sum of claim

Article 4

The amount of Alternative Dispute Resolution fee is determined herein below:

- (1) Based on a certain amount to be mutually agreed by the Parties and BAPMI by taking account of the complexity and the level of difficulty of the dispute or controversy on which BAPMI is requested to conduct an Alternative Dispute Resolution at a minimum fee of Rp 60,000,000 (sixty million Rupiah); or
- (2) Based on the sum of claim asserted in such dispute or controversy at a fee as stipulated in List of Alternative Dispute Resolution (ADR) Fees herein below:

<u>Sum of Claim</u>	<u>ADR Fees</u>
1. less than Rp. 500 million	6 % of the sum of claim
2. Rp. 500 million	4.80 % of the sum of claim
3. greater than Rp. 500 million to Rp. 1 billion	4.20 % of the sum of claim
4. greater than Rp. 1 billion to Rp. 2,5 billion	3.60 % of the sum of claim
5. greater than Rp. 2,5 billion to Rp. 5 billion	2.80 % of the sum of claim
6. greater than Rp. 5 billion to Rp. 7,5 billion	2.32 % of the sum of claim
7. greater than Rp. 7,5 billion to Rp. 10 billion	1.80 % of the sum of claim
8. greater than Rp. 10 billion to Rp. 15 billion	1.48 % of the sum of claim

9. greater than Rp. 15 billion to Rp. 20 billion	1.32 % of the sum of claim
10. greater than Rp. 20 billion to Rp. 30 billion	1 % of the sum of claim
11. greater than Rp. 30 billion to Rp. 35 billion	0.84 % of the sum of claim
12. greater than Rp. 35 billion to Rp. 40 billion	0.78 % of the sum of claim
13. greater than Rp. 40 billion to Rp. 45 billion	0.72% of the sum of claim
14. greater than Rp. 45 billion to Rp. 50 billion	0.70 % of the sum of claim
15. greater than Rp. 50 billion to Rp. 60 billion	0.66 % of the sum of claim
16. greater than Rp. 60 billion to Rp. 70 billion	0.60 % of the sum of claim
17. greater than Rp. 70 billion to Rp. 80 billion	0.56 % of the sum of claim
18. greater than Rp. 80 billion to Rp. 90 billion	0.52 % of the sum of claim
19. greater than Rp. 90 billion to Rp. 100 billion	0.48 % of the sum of claim
20. greater than Rp. 100 billion to Rp. 200 billion	0.36 % of the sum of claim
21. greater than Rp. 200 billion to Rp. 300 billion	0.32 % of the sum of claim
22. greater than Rp. 300 billion to Rp. 400 billion	0.28 % of the sum of claim
23. greater than Rp. 400 billion to Rp. 500 billion	0.22 % of the sum of claim
24. greater than Rp. 500 billion	0.16 % of the sum of claim

Article 5

Unless otherwise expressly specified by the Parties to the Arbitration Agreement, the amount of Arbitration fee is stipulated in the List of Arbitration Fees to be specified hereinunder, under the following provisions:

- (1) If the claim filed by the Claimant is sustained in its entirety or the Claimant's arguments are entirely approved, Arbitration cost and fee shall be on the account of and paid by the Respondent.
- (2) If the claim filed by the Claimant is overruled, Arbitration cost and fee shall be on the account of and paid by the Applicant.
- (3) If the claim filed by the Applicant is partly sustained, examination cost will be divided between the Parties by a proportion deemed just and fair by the Tribunal.

Article 6

The amount of Arbitration fee to be paid by the Parties is stipulated based on the sum of claim filed by the Claimant in accordance with List of Arbitration Fees specified herein below:

<u>Sum of Claim</u>	<u>Arbitration Fees</u>
1. less than Rp. 500 million	8 % of the sum of claim
2. Rp. 500 million	6.40 % of the sum of claim
3. greater than Rp. 500 million to Rp. 1 billion	5.60 % of the sum of claim
4. greater than Rp. 1 billion to Rp. 2,5 billion	4.80 % of the sum of claim
5. greater than Rp. 2,5 billion to Rp. 5 billion	3.76 % of the sum of claim
6. greater than Rp. 5 billion to Rp. 7,5 billion	3.12 % of the sum of claim
7. greater than Rp. 7,5 billion to Rp. 10 billion	2.40 % of the sum of claim
8. greater than Rp. 10 billion to Rp. 15 billion	2 % of the sum of claim
9. greater than Rp. 15 billion to Rp. 20 billion	1.76 % of the sum of claim
10. greater than Rp. 20 billion to Rp. 30 billion	1.20 % of the sum of claim

11. greater than Rp. 30 billion to Rp. 35 billion	1.12 % of the sum of claim
12. greater than Rp. 35 billion to Rp. 40 billion	1.04 % of the sum of claim
13. greater than Rp. 40 billion to Rp. 45 billion	0.96 % of the sum of claim
14. greater than Rp. 45 billion to Rp. 50 billion	0.88 % of the sum of claim
15. greater than Rp. 50 billion to Rp. 60 billion	0.84 % of the sum of claim
16. greater than Rp. 60 billion to Rp. 70 billion	0.76 % of the sum of claim
17. greater than Rp. 70 billion to Rp. 80 billion	0.72 % of the sum of claim
18. greater than Rp. 80 billion to Rp. 90 billion	0.68 % of the sum of claim
19. greater than Rp. 90 billion to Rp. 100 billion	0.64 % of the sum of claim
20. greater than Rp. 100 billion to Rp. 200 billion	0.48 % of the sum of claim
21. greater than Rp. 200 billion to Rp. 300 billion	0.40 % of the sum of claim
22. greater than Rp. 300 billion to Rp. 400 billion	0.32 % of the sum of claim
23. greater than Rp. 400 billion to Rp. 500 billion	0.28 % of the sum of claim
24. greater than Rp. 500 billion	0.24 % of the sum of claim

Article 7

- (1) The costs and fees as referred to hereinabove are exclusive of value added tax and such other tax liabilities, if any, in accordance with the prevailing tax laws and regulations.
- (2) The costs and fees stipulated under this Regulation must be fully paid by the Parties within the timeframe specified for cost and fee payment as set out in BAPMI Rules and Procedures.

Article 8

- (1) Any costs of the execution of an arbitration award shall be stipulated from time to time in accordance with the rules of the relevant district court at which the petition for the execution of the award is filed.
- (2) Any costs of the execution of an arbitration award shall be borne by the Party who loses and must comply with the award involuntarily.

Stipulated in: Jakarta
On the date of: July 21, 2005

INDONESIAN CAPITAL MARKET ARBITRATION BOARD

A. Zen Umar Purba
Chairman

Felix O. Soebagjo
Secretary General