

Articles of Association of the Maritimes Cluster Norddeutschland e. V. Association (MCN e. V.) pursuant to resolution of the General Assembly on 5 June 2019

We advert to the fact that this document is a translation from German into British English. In cases of doubt the original German document, available on [this link](#), is the sole legally valid document.

Articles of Association History

- Resolved initially by the General Assembly at the Foundation Assembly on 21 April 2016 in Hamburg
- Amendment to the General Assembly on 3 December 2016 in Kiel
- Amendment to the General Assembly on 30 May 2017 in York
- Amendment to the General Assembly on 5 June 2019 in Lüneburg

§ 1 Name, registered office and area of activity

- (1) The Association bears the name, Maritimes Cluster Norddeutschland e. V. (MCN e. V.).
- (2) The registered office of the Association is located in Hamburg, Germany.
- (3) The financial year is the calendar year.

§ 2 Purpose

- (1) The purpose of the Association is to boost the innovative strength and international competitiveness of the North German maritime actors. This is intended to result in reinforced value creation in the maritime industries in Northern Germany.
- (2) The Association
 - promotes cross-sector and transnational cooperation and networking of maritime actors from commerce, science and the public sector in Northern Germany,
 - represents the existing skills and interests of the members and promotes mutual skills acquisition for all the actors,
 - develops and promotes the exchange of experiences in the fields of science and technology in the maritime industries, as well as innovative approaches, in particular in the interfaces with associated sectors,
 - encourages intellectual and commercial forms of cooperation of any kind whatsoever between the maritime actors, identifies potential cooperation projects, supports and accompanies the development of these,
 - provides information on access to subsidies and facilitates these, where necessary,

- ensures an appropriate national and international public image,
 - endeavours to set up cooperation with other networks nationally and where appropriate, internationally,
 - takes other measures, which promote the purpose of the association.
- (3) On resolution by the General Assembly the Association may join national or international organisations, which pursue the same or similar aims, if membership brings advantages for the Association or the implementation of the Association's aims and membership is economically tenable.
- (4) The Association's resources may be used only for purposes pursuant to the Articles of Association. The members receive no grants from the Association's resources.
- (5) No person may be favoured by means of outgoings for purposes not intended by the Association or by means of high levels of remuneration, expense allowances, reimbursement of expenses, et cetera.
- (6) The Association is denominationally and politically neutral and does not pursue any self-financing purposes.

§ 3 Membership

- (1) A member of the Association may be any fully sui juris natural or legal person, interested in promoting and supporting the Association's tasks.
- (2) Application to the Executive Board must be made for admission to the Association. The decision on the application for admission is made by the Executive Board. In the case of refusal, the rejected person may contact the General Assembly. This must be in written form by means of an application to the Executive Board for the submission of the application for admission at the next Ordinary General Assembly. This must be received by the Executive Board within one month from receipt by the applicant of the Executive Board's decision to refuse the application. If this does not occur within the aforesaid period or if the General Assembly refuses the application for admission, a new application for admission may not be submitted until the expiry of the current financial year.
- (3) All members have the right to submit proposals to the General Assembly on the contents and work of the Association. Each member has the right to speak, make requests and vote at the General Assembly.

- (4) All members have the duty
- to promote the aims of the Association,
 - to comply with the Articles of Association, the resolutions of the General Assembly and decisions of the Executive Board,
 - to report to the Executive Board without delay all data required for administering the Association in accordance with the regulations and any amendment to those data,
 - to pay the membership fee in accordance with the Membership Fee Regulations in force at any given time.
- (5) Membership is ended
- by resignation; this is admissible only at the end of the calendar year and must be declared in writing to the Executive Board at least three months prior to the expiry of the calendar year,
 - by exclusion,
 - in the case of persons on death and in the case of companies/institutions by dissolution.
- (6) A member may be excluded,
- if a period set by the Executive Board for the disclosure of data required for the administration of the Association in accordance with the regulations has expired without result,
 - if a reasonable period for subsequent payment of the membership fee set subsequent to the occurrence of default has expired without result,
 - in the case of gross or repeated breach of the Articles of Association or the interests of the Association,
 - in the case of behaviour grossly detrimental to the Association.

The decision on exclusion, which comes into force with immediate effect, is taken by the Executive Board. Prior to the decision, and subject to the setting of a deadline of at least two weeks, the member must be given an opportunity to respond in writing to the accusations raised. The decision to exclude must be notified to the member in writing, stating reasons. The member is permitted to appeal against this decision before the General Assembly. The appeal must be lodged with the Executive Board in writing within a period of one month of receipt of the decision to exclude. The member must be given the opportunity in the General Assembly for personal justification. If the decision to exclude is not contested or is not contested in good time by the member, it also becomes impossible to assert in Court that the exclusion was unlawful.

- (7) On termination of membership all claims arising from the membership relationship are extinguished, irrespective of the Association's claim for arrears of payment of membership fees. The restitution of membership fees, investments in kind or donations is excluded.

- (8) By way of derogation from the restrictions in § 181 German Civil Code, members, including members of the Executive Board, the Advisory Board or the specialist teams, may participate in invitations to tender from the Association or be commissioned by the Association.

In these cases special care must be taken in the decision with respect to fairness of competition, compliance with law on State aid and public procurement and similar laws. Irrespective of the volume of the award and in the preliminary stages of the award decision the Executive Board must be involved in the decision on an invitation to tender or the nature of the award procedure.

In the case of these decisions the regulations against bias customarily enforced must be strictly applied.

Invitations to tender from the Association shall be announced to the members by circulars, newsletters or on the Association's website.

§ 4 Membership fee and funding

- (1) A membership fee for funding the activity of the Association in the context of these Articles of Association is raised; this is regulated by resolution of the General Assembly in the respective Membership Fee Regulations.
- (2) As well as the membership fees the Association is funded from
- subsidies,
 - grants from members or third parties.

§ 5 Executive bodies of the Association, structure of the Association

- (1) The executive bodies of the Association are
- the General Assembly (§ 6) and
 - the Executive Board (§ 7).
- (2) The Association may set up specialist teams and work parties on a permanent or temporary basis.
- (3) The Association may set up an Advisory Board.

§ 6 General Assembly

(1) The General Assembly is the highest-ranking executive body of the Association. It comprises the entirety of the members; each member has one vote.

(2) The General Assembly meets as required, however once annually as a minimum.

(3) The General Assembly may resolve on its own Rules of Procedure.

(4) The General Assembly is quorate, if it is convened in accordance with the regulations by the Chairperson.

The General Assembly is convened in writing by electronic means by the Chairperson four weeks prior to the date, stating date, place, time and including the agenda.

Proposed resolutions and consultancy documents must be forwarded to the members at the latest two weeks prior to the date of the meeting in writing by electronic means.

Date, time, place and agenda are published in parallel on the Association's Internet presence. If there is an internal domain on the Association's website accessible only to members, all the consultancy documents should be placed there.

(5) The General Assembly resolves by relative majority of the members present or represented. Persons are elected by secret ballot. Members, who abstain, are treated as not appearing. A resolution on the amendment of the Articles of Association requires a majority of three quarters of the votes cast. The purpose of the Association may be amended only by a unanimous vote.

(6) Minutes are recorded of the business of the General Assembly and the resolutions taken; these Minutes must be signed by the Secretary and the Chairperson of the meeting.

(7) In addition to its legal competences the General Assembly is responsible for:

- the election, by-election or dismissal of members of the Executive Board,
- approval of the Annual Report from the Executive Board and Managing Director,
- approval of the Annual Statements of Accounts, discharge of the Executive Board and Managing Director,
- determination of the number and election of internal Auditors and acceptance of the audit report from the Auditors,
- resolution on the respective work schedule,
- resolution on the budget,
- amendments to the Articles of Association, amendments to the purpose of the Association, having received notice in the agenda,
- dissolution of the Association (§ 10),
- establishment, dissolution or amendment of the structure of the Association on the proposal of the Executive Board,
- decision in principle on the appointment of an Advisory Board,

- accession to national and international organisations,
 - resolution on the Membership Fee Regulations of the Association,
 - resolution on the meeting's Rules of Procedure,
 - appeal decisions on membership applications refused by the Executive Board.
- (8) The membership rights of the States promoting the Association are administered in the Association by the technically responsible offices in the State ministries with responsibility for the Association.
- (9) The membership rights of legal persons are administered by their legal representatives. If there is more than one legal representative for the legal person, agreement on the specific exercise of the membership rights for the legal person must be reached within the latter and the Association must be notified on the application for admission or through a general or ad hoc power of proxy.
- (10) As a rule, natural persons exercise their membership in personam.
- (11) Should this be impossible, as a matter of principle all members may arrange by written power of proxy to be represented by other Association members at the respective pending General Assembly.
Powers of representation without limit of time are inadmissible.
Only the power of proxy blank forms provided by the Association for the respective General Assembly must be used to grant the power of proxy, in order to ensure efficient determination of voting rights.
- (12) Members of the Executive Board and employees of the Association and the regional Branch Offices bound by cooperation agreements may not be appointed as proxy.
- Employees of the Association and the regional Branch Offices bound by cooperation agreements may also not participate in the procurement or collection of powers of proxy or attempt in advance to take a controlling influence on resolutions of the General Assembly, in particular in the case of resolutions on persons or principles.
- This must be stipulated in binding form as part of an unambiguous business directive for the employees of the Association itself.
- An equivalent regulation regarding the employees of the regional Branch Offices is expected from the providers of these regional Branch Offices under the cooperation agreements.
- (13) The total number of powers of proxy, which can be assigned to one member, is restricted to a maximum of 5 powers of proxy per member in addition to the member's own vote. This is required in particular for the efficient conduct of voting procedures or for the rapid assessment of unclear majority results in the case of abstentions.

- (14) With the assignment of his voting right by power of proxy to another member each member authorising the power of proxy and each member accepting the power of proxy agrees that this fact is or can be communicated verbally and in writing to the General Assembly in the context of the determination of voting rights, in the context of the Minutes and their Annexes and as required to the States in full transparency in accordance with principal, agent, State attribution of both, number of voting rights assigned, et cetera.

§ 7 Executive Board

- (1) The Executive Board comprises 7 persons.

The Chairwoman or Chairman, the Vice-Chairwoman or Vice-Chairman, the Treasurer, and three committee members are elected by secret ballot by the General Assembly with due regard to the representation of both sexes to as reasonable an extent as possible.

Of the electable members of the Executive Board, half of these members of the Executive Board are elected, with their appointment delayed for one year, in order to ensure continuity in the work of the Executive Board.

One further ex officio member with a seat and a vote on the Executive Board is delegated by the five North German Federal States in turn. The coordinating body of the States must decide on a representation arrangement in the event that a State representative is prevented from attending. This regulation must be made known to the Association.

The Federal States, which are not represented by a voting right on the Executive Board, may participate as guests in an advisory capacity in meetings of the Executive Board.

- (2) In accordance with § 26 German Civil Code the Executive Board comprises the Chairperson, the Vice-Chairperson and the Treasurer. It represents the Association in court and out of court; it has the status of a legal representative.
The scope of the power of representation may be restricted by the Articles of Association with effect as regards third parties.
The Association is represented in legal transactions by a minimum of two members of the Executive Board in accordance with § 26 German Civil Code.
Those members of the Executive Board, who are not members in accordance with § 26 German Civil Code, remain excluded from representation of the Association.
- (3) The Chairperson represents the Association outside legal transactions internally and to outside parties. She or he may arrange to be represented by other members of the Executive Board.

- (4) The Managing Director of the Association participates in the Executive Board meetings in an advisory capacity.
- (5) If letters of intent must be issued against the Association, the issue to one member of the Executive Board suffices. This member is bound to forward the letters of intent in accordance with the regulations.
- (6) The Executive Board provides leadership to the Association. As well as representing the Association, it is responsible for the administration of the Association's assets and the conduct of all Association business in accordance with the Articles of Association and the resolutions of the General Assembly. Rules of Procedure should be in existence.
- (7) The Executive Board is elected for a period of 2 years. Re-election, including repeated re-election, is admissible. Until a new Executive Board has been elected, the Executive Board officiating hitherto remains provisionally in office; until that date its power of representation remains in existence.
If a member of the Executive Board resigns prematurely from the Executive Board, a by-election for the remaining time in office of the resigning member of the Executive Board must be held at the next General Assembly.
- (8) The Executive Board meets as required. The Executive Board meetings are conducted by the Chairperson.
- (9) Decision-taking by the Executive Board in a circulation procedure is admissible. The occasion and the result must be reported and minuted in the next regular Executive Board meeting.
- (10) The Executive Board is quorate, if half of the Executive Board members are present or represented by written power of proxy from the Executive Board member prevented from attending by a member of the Executive Board present at the meeting.
The power of proxy/assignment of voting right may be notified in writing, by fax or by electronic means and must be minuted.
- (11) The Executive Board makes its decisions, unless other majorities are prescribed by statute or the Articles of Association, by the relative majority of votes cast.
- (12) The Association concludes a pecuniary damage liability insurance policy for the Executive Board and the Managing Director, the costs of which must be shown in the budget.
- (13) The Executive Board is also responsible for the following tasks:
 - appointment of the Managing Director,
 - decisions on applications for membership and the exclusion of members,
 - preparation and submission of grant applications,
 - conclusion of cooperation agreements with third parties,

- establishment, dissolution or modification of non-permanent structures of the Association,
- collection of participation fees and entrance fees in accordance with occasion, amount and uses; this decision may be delegated,
- decisions on the appointment of the respective Advisory Board members and the waiver of the Rules of Procedure for an Advisory Board,
- approval of the temporary establishment of new specialist teams until the final taking of a resolution by the next General Assembly,
- applications for admission to other Associations and federations, provided that the resources required for the purpose are shown in the budget,
- preparation and convocation of the General Assemblies.

(14) The General Assembly may assign other tasks to the Executive Board.

§ 8 Board of Directors

- (1) The Association shall appoint a full-time Managing Director. The responsibilities, rights and duties of the Managing Director must be regulated in the employment contract or in the case of external commissioning in a service contract.
- (2) The Management is not a member of the Executive Board.

§ 9 Audit

- (1) The General Assembly elects a minimum of two Auditors each for two years. Re-election is admissible. The Auditors are not bound by instructions from the Executive Board. The Executive Board and the Managing Director must assist them in the fulfilment of their responsibilities.
- (2) The Auditors may audit all the cash and accounting systems of the Association, as well as the Association's compliance with statutory provisions, the requirements of governmental permits, the provisions of the Articles of Association, the General Assembly and the Executive Board.
- (3) Subsequent to the Annual Report from the Executive Board and the annual statement of accounts each year they report to the General Assembly on the result of their audit. The audit report must be included in the Minutes.
- (4) Unless the results of the audit conflict therewith, they request the General Assembly to discharge the Executive Board and the Managing Director. Without the appropriate request from the Auditors the General Assembly cannot resolve on discharge.

§ 10 Compliance

- (1) The Association operates in accordance with all statutory provisions, in particular the provisions of monopolies law, provisions of the law on state aid and the provisions of data protection law, at the EU, Federal and State level.
- (2) Meetings and events are prepared, implemented and followed up such that no topics contravening monopolies law are dealt with, and than no space or opportunity is given for dealings contrary to monopolies law. The responsibility for this rests with the Executive Board, the employees, the spokespersons for the specialist teams and all members.
- (3) The General Assembly is entitled on the proposal of the Executive Board to resolve separately on more extensive compliance regulations.

§ 11 Data protection in the Association

- (1) In order to fulfil the purposes and tasks of the Association personal data and legal relationships of the members are stored and processed in the Association with due regard to the provisions of the EU General Data Protection Regulation (GDPR) and the Federal German Data Protection Act (FDPA) and provisions under Federal State law, which may be relevant.
- (2) Insofar as prerequisites specified in the respective provisions exist, each member of the Association has in particular the following rights:
 - the right to access in accordance with Article 15 GDPR,
 - the right to correction in accordance with Article 16 GDPR,
 - the right to erasure in accordance with Article 17 GDPR,
 - the right to restriction of processing in accordance with Article 18 GDPR,
 - the right to data portability in accordance with Article 20 GDPR,
 - the right to object in accordance with Article 21 GDPR.
- (3) The executive bodies of the Association, all employees or persons otherwise engaged in activities for the Association are prohibited, unless authorised to do so, from processing, disclosing, making accessible to third parties or otherwise using personal data for any purpose other than that required to perform their respective task.
This duty continues to apply even after the persons specified above have resigned from the Association.
- (4) In order to protect the statutory rights of the members at the request of the Executive Board against written assurance that the addresses will not be used for other purposes, members may be allowed insight into the list of members, if a legitimate interest is demonstrated.

- (5) Solely in connection with the fulfilment of the statutory purposes of the Association and other statutory organisations, where necessary, the Association publishes personal data and photographs of its members in its publications, including social media and its home page and forwards data and photographs for publication in print and telemedia, as well as electronic media.
- (6) In applying for membership, which includes acceptance of these Articles of Association, the members consent to the processing (collection, recording, organisation, collation, storage, updating, modification, reading, consultation, use, disclosure, transmission, dissemination, alignment, combination, restriction, erasure, destruction) of their personal data to the aforesaid extent and scope.
Unless express consent has been granted, other use of the data, which exceeds the fulfilment of its statutory responsibilities and purposes, is permitted only if it is obliged to use the data by virtue of a legal obligation, to fulfil a contract or to protect legitimate interests, unless these interests are overridden by the interests of the data subject. Sale of the data is not permitted.
- (7) On termination of the membership personal data are erased, as soon as knowledge of them is no longer needed.
Data, which are subject to a legal duty of retention or a duty of retention stipulated in the Articles of Association, are blocked from further use and on the expiry of the statutory duty of retention or duty of retention stipulated in the Articles of Association are erased in accordance with (1). The technical and organisation measures for this process must be secured as part of the management of the Association and in implementation of the GDPR within the Association.
- (8) The Association and personal data are similarly protected from access by third parties by appropriate technical and organisational measures.
- (9) The managing Executive Board appoints a Data Protection Officer to exercise the responsibilities and duties under the EU General Data Protection Regulation and the Federal German Data Protection Act and assigns the internal coordination of data protection within the Association to an employee in Central Cluster Management.

§ 12 Dissolution of the Association

- (1) A decision to dissolve the Association can be taken only in an Extraordinary General Assembly. The agenda for this meeting must contain the sole item, "Dissolution of the Association".
- (2) Such a General Assembly may be convened only,

- if this has been decided by the Executive Board with a majority of three quarters of its members or
 - if it has been requested in writing by two thirds of the members of the Association entitled to vote.
- (3) The meeting is quorate, if at least half of the members entitled to vote are present. Dissolution may be resolved only with a majority of three quarters of the votes cast. Voting must be by roll call.
- (4) In the case of dissolution or annulment of the Association, other than for the purpose of merger with another corporate body, which serves similar or identical purposes, or in the case of discontinuation of its purpose to date, its assets go to an institution to be stipulated by the General Assembly.
- (5) For the purpose of winding up the business and in accordance with § 26 German Civil Code the Extraordinary General Assembly appoints the Executive Board as Liquidator to act for the Association in the winding-up procedure.

§ 13 Transitional regulations for the next election of the Executive Board pursuant to the Articles of Association

On the acceptance of the amendments connected with this draft of the Articles of Association in the case of election of the Executive Board and registration of the new Articles of Association at the next election for the Executive Board the Executive Board shall be elected as follows:

Executive Board in accordance with § 26 German Civil Code

- The Chairperson for a period of two years.
- The Vice-Chairperson for a period of two years.
- The Treasure for a period of one year.

Committee members

- Two committee members for a period of one year.
- One committee member for a period of two years.

As a function of the period of office the committee members must be elected in separate elections.

§ 14 Arbitration Agreement

The attached Arbitration Agreement is a component of the Articles of Association.

Hamburg, 5 June 2019

Annex

Arbitration Agreement

Pursuant to § 14 of the Articles of Association the following Arbitration Agreement is a component of these Articles of Association.

§ 1 Arbitration clause

- (1) All disputes between members of the Association and the Association, between members of the Association and executive bodies of the Association, as well as between executive bodies among themselves and between members of the Association among themselves, which arise in particular from the Articles of Association, shall be decided confidentially in camera by the following Court of Arbitration, internal to the Association.

The ordinary courts may act in the matter of the arbitration proceedings within the meaning of this Arbitration Agreement only insofar as the Code of Civil Procedure provides for this.

- (2) Furthermore, statutory provisions outside the provisions for the arbitration proceedings pursuant to the Code of Civil Procedure, in accordance with which disputes must not be subject, or must be subject only under specified conditions, to arbitration proceedings, remain unaffected.

§ 2 Jurisdiction

- (1) Within the meaning of the arbitration clause of this Arbitration Agreement the Court of Arbitration is competent in particular for deciding legal disputes about voting rights, rights to participation, special rights of members of the Association, claims from members of the Association for compensation for expenses or reimbursement of expenses, claims from the Association or from members against other members for payment of membership fees, the acquisition or loss of membership and on the construction of the Articles of Association.
- (2) The Court of Arbitration is also competent for disputes among members of the Association about the validity and construction of this Arbitration Agreement.

§ 3 Composition of the Court of Arbitration

- (1) The Court of Arbitration comprises four Arbitrators and one President. The Arbitrators should be members of the Association. However, they must not be involved directly or indirectly with the matter under arbitration.
- (2) The President must be qualified to exercise the functions of a judge. He or she must not be a member of the Association.
- (3) Each party nominates two arbitrators.

- (4) The party bringing the proceedings notifies the opposing party by registered letter with advice of receipt of the nomination of its arbitrators specifying its claim and requests the opposing party to nominate its arbitrators within three weeks. The period begins on the date of posting of the registered letter. If the opposing party fails to comply with this request in due time, the claim of the party bringing the proceedings is deemed to be acknowledged.
- (5) The four arbitrators nominate a President by mutual consent. If this does not occur within three weeks after the nomination of the last of the four arbitrators, on the request of one of the arbitrators or one of the parties, the State with voting rights represented on the Executive Board appoints the President. If this State is a party to the disputes, the President is appointed by the next State on the Executive Board.
- (6) If an arbitrator steps down, within three weeks the party, which had nominated her or him, nominates a new arbitrator and notifies the opposing party of this by registered letter with advice of receipt.
If the party does not fulfil this obligation, the claim of the respective opposing party is deemed to be acknowledged.
- (7) If the President steps down and the parties do not agree on a new President a nomination pursuant to Para. 5 is recommenced.

§ 4 Seat of the Court of Arbitration

The Court of Arbitration has its seat at the registered office of the Association.

§ 5 Procedural law

The Court of Arbitration proceeds pursuant to the provisions of the Code of Civil Procedure on arbitration proceedings. Otherwise, the proceedings are formulated at the complete discretion of the Court of Arbitration.

§ 6 Appointment and responsibilities of the President

The President notifies the parties in writing of the constitution of the Court of Arbitration and requests the claimant to submit the statement of claim within two weeks to the President of the Court of Arbitration. The statement of claim must be forwarded to the defendant with a request for a reply within one week. The following written submissions must always be forwarded to the opposing party. Responsibility for the preparation and conduct of the proceeds rests with the President. She/He sets deadlines after consultation with the parties or with their nominated representatives, invites them by registered letter to the oral hearing, insofar as necessary calls in a Secretary, conducts the oral hearing and coordination within the Court of Arbitration and provides a written draft of the arbitration award with grounds.

§ 7 Settlement in arbitration

The Court of Arbitration must always attempt prior to promulgating the arbitration award, to bring about a settlement between the parties in dispute. A settlement must be signed by the members of the Court of Arbitration and the parties and must be lodged at the office of the competent Court at the registered office of the Association.

§ 8 Arbitration award

The arbitration award must be substantiated with grounds and signed by the members of the Court of Arbitration. One executed copy of the arbitration award must be delivered to each of the parties. The date, on which it was issued, and the location of the arbitration proceeding must be stated in the arbitration award. When service has been successfully completed the arbitration award must be lodged with the competent organisational units of the States and at the Central Cluster Management of the Association. Between the parties the arbitration award has the force of a legally binding Court judgement.

§ 9 Costs of the proceedings

- (1) For his activity, the President receives a commensurate fee, specified jointly by the parties with the President prior to the commencement of the arbitration proceedings. The members of the Court exercise their office in an honorary capacity. They have a claim only to their expenses.
- (2) In the arbitration award the Court of Arbitration must decide in what proportion the parties must bear the costs of the arbitration proceedings, including the costs incurred by the parties and necessary for a prosecution fit for purpose. In this matter the Court of Arbitration decides using its professional judgement with due regard to the circumstances of the individual case, in particular the outcome of the proceedings in accordance with the fundamental criterion in §§ 91 et seq. Code of Civil Procedure. The Court of Arbitration rules on the value of the matter in dispute. In the rationale of the arbitration award the Court of Arbitration specifies in exact figures the costs to be reimbursed by the losing party to the winning party.
The fees to any lawyers assisting the parties are settled in particular in accordance with the Federal Code of Lawyers' Fees and the Lawyers' Remuneration Act.

§ 10 Applicability of the Code of Civil Procedure

Furthermore, the provisions on arbitration proceedings in the Code of Civil Procedure apply in particular to this Arbitration Agreement, unless this Arbitration Agreement contains other provisions.