

RULES OF ARBITRATION

Rules of Arbitration for the bavAIRia e.V. Association

Pursuant to § 12 of the attached articles of association, the following “Rules of Arbitration” are part of the document entitled “Articles of Association” for the bavAIRia e.V. association with headquarters in Wessling.

§ 1 Arbitration Clause

All disputes and disagreements between the association and its members, between members of the association and the directors, between members of the association and the executive board, between the directors themselves, between the members of the executive board among themselves, or between the members of the association about the wording and interpretation of the “Articles of Association” are to be definitively decided by the court of arbitration described below, rather than by a court exercising civil and criminal jurisdiction. Exceptions are those decisions which for legal reasons may not be submitted to a court of arbitration for decision.

§ 2 Jurisdiction

The court of arbitration deals with all disagreements relating to the “Articles of Association” among the parties listed in §1 above, with specific responsibility for resolving differences of opinion and legal disputes concerning voting rights, participation rights, the basic rights of members of the association, claims of the chairman of the executive board, of the executive board, or of members of the association regarding expense allowances, claims of the association against members of the association for payment of membership fees or annual dues, or concerning granting or losing membership. The court of arbitration is also responsible for dealing with charges by members that imply a change in legal rights, as well as for disagreements about the effectiveness or interpretation of this arbitration agreement.

§ 3 Composition and Appointment of the Court of Arbitration

The court of arbitration consists of two arbitration judges and a chairman. Each of the two sides involved in the disagreement appoints one judge. The party initiating the procedure informs the other party in writing of the appointment of its arbitration judge, presents its claim, and requests the other party to appoint its arbitration judge within one month. If this other party does not make the appointment within the specified interval, the second arbitration judge is appointed at the request of the initiating party by a court exercising civil and criminal jurisdiction. The appeal to that court is governed by § 1035 BGB.

The chairman of the executive board and/or the opposing party requests the Bavarian Ministry of Economic Affairs, Infrastructure, Transportation and Technology to appoint a chairman of the arbitration court. If that ministry does not wish or is not in a position to appoint a chairman, the opposing parties agree on who is to be the chairman. If agreement is not possible within one month, the president of the Munich district court (Oberlandesgericht München) is requested by the chairman of the executive board, or by one of the arbitration judges, or by one of the opposing parties, to appoint a chairman. If one of the parties consists of several persons, they must agree on one arbitration judge.

The arbitration judges should be persons who are either members of the association, or who are close to the association, or who because of their other activities have the necessary expertise concerning the association. However, they may not have been involved in the dispute

which is before the arbitration court or be immediately or indirectly affected by its ruling.

The chairman must be a fully qualified lawyer.

If one of the arbitration judges is no longer available, then the party appointing him/her appoints a new arbitration judge within one month and so informs the opposing party in writing. If the party does not fulfill this obligation, the president of the Munich district court appoints, upon request, a replacement. If the chairman of the arbitration court is no longer available, a new chairman is appointed according to the above ruling for appointing the original chairman.

§ 4 Seat of the Arbitration Court

The arbitration court has its seat in Wessling, the Munich district court is the court of jurisdiction in the sense of § 1062 ZPO

§ 5 Procedures

The court proceeds according to § 1042 ZPO. Otherwise it uses its own judgment. The chairman informs the parties in writing about the constitution of the arbitration court and requests the party that initiated the procedure to submit the reasons for its claim to the chairman within two weeks. The reasons for this claim are to be conveyed to the opposing party with the request to respond, likewise within two weeks. The subsequent written statements are in each case to be shared with the opposing party. As to the question under which conditions the deadlines can be extended and under what conditions the arguments may be rejected as late, the principles of the ZPO are to be followed by analogy.

The chairman shall be responsible for preparing and conducting the proceedings. As soon as possible he/she invites those involved by registered letter to attend a hearing on the dispute. He/she keeps a record of the proceedings, conducts the oral hearing and the voting of the arbitration court, and draws up in writing the arbitration decision along with the reasons for it.

Before it makes an arbitration decision, the court of arbitration must always attempt to achieve a settlement. A settlement must be in written form, signed by the court of arbitration and the parties involved, and deposited at the offices of the appropriate court.

An arbitration decision must be justified and signed by all members of the arbitration court. It is to be delivered to those concerned, after which it is to be deposited at the offices of the appropriate court.

§ 6 Procedural Costs

If the chairman suffers a loss of earnings because of his/her arbitration court activities, or if a public authority or a court provides the chairman, then the chairman or the appointing public authority or appointing court, as the case may be, must receive appropriate compensation for the loss of earnings. The service of both arbitration judges is honorary. However, all members of the court of arbitration may claim compensation for necessary expenses.

The court decides who is to bear the costs, taking into account the ZPO regulations. If the parties call in lawyers, their legal charges are automatically considered to be refundable within the scope of the awarding of costs. Their amount is in compliance with the reimbursement regulations for lawyers valid at the time. If fees for lawyers are to be paid, the chairman assesses the value of the claim for purposes of their calculation.