



**NATIONAL AND INTERNATIONAL CHAMBER OF ARBITRATION FOR
THE TRADING OF HIDES, SKINS AND LEATHER
MILAN**

**ARBITRATION
RULES**

In effect from 1 June 2018



These Rules are translated into a number of different languages. However, the official version is drafted in Italian. The Secretary General communicates in Italian and in English.

The Chamber of Arbitration for the Trading of Hides, Skins and Leather may integrate, amend and replace these Rules, establishing the date upon which such new Rules will become effective, by resolution of the Board of directors of the Chamber of Arbitration.

MODEL CLAUSE

Each and any controversy arising out of this contract or in relation to it shall be resolved by arbitration under the Rules of the Milan National and International Chamber of Arbitration for the trading of Leathers, by a single arbitrator/three arbitrators, appointed in compliance with the same Rules.



I - GENERAL PROVISIONS

ART. 1 – APPLICATION OF THE RULES

1. These Rules shall apply when they are referenced in any manner in the arbitration agreement, arbitration clause or other agreement/clause entered into by the parties.
2. Should the agreement or clause indicate Milan Chamber of Arbitration or Genoa Chamber of Arbitration or simply Italian Chamber of Arbitration for Leather, such indication shall be interpreted as stipulating the application of the Rules.
3. In addition to the case indicated at 1.1 above, these Rules shall apply when both the following conditions occur:
 - a. a party files a request for arbitration signed personally by the party and containing the proposal to make recourse to arbitration governed by the Rules;
 - b. the other party accepts this proposal, by means of a personally signed declaration, within the term indicated by the Secretary General.

ART. 2 – RULES APPLICABLE TO THE ARBITRATION PROCEEDINGS

1. The arbitration proceedings shall be governed either by these Rules, by the rules agreed by mutual accord by the parties prior to the setting up of the Arbitration Tribunal inasmuch as they are compatible with the Rules or, otherwise, by the rules established by the Arbitration Tribunal.
2. In any event, the above shall be without prejudice to the mandatory rules applicable to the arbitration proceedings.
3. In any event, the adversarial principle and the principle of fair and equitable treatment shall apply.

ART. 3 – RULES APPLICABLE TO THE MERITS OF THE DISPUTE

1. The Arbitration Tribunal shall decide on the merits of the dispute in accordance with the rule of law, unless the parties have expressly chosen that it be decided in accordance with equity.
2. The Arbitration Tribunal shall decide in accordance with substantive rules as chosen by the parties.
3. In the absence of an agreed choice of applicable substantive rules, the Arbitration Tribunal shall apply the rules it deems appropriate, taking into due consideration the nature of the relationship, the type of parties involved and any other circumstance of relevance to the case at hand.
4. In any event, the Arbitration Tribunal shall take common business practice into consideration.

ART. 4 – ARBITRATION VENUE

1. The arbitration venue, which may be in Italy or abroad, shall be established by the parties in the arbitration agreement/clause.
2. Absent a venue established by the parties, the arbitration venue shall be Milan.
3. Notwithstanding 2.2 above, the Appointments Commission may establish the arbitration venue in another place, taking into consideration the requests of the parties and any other circumstance.



4. The Arbitration Tribunal may establish that hearings or other actions of the proceedings are to take place in a venue different from that of the hearings.
5. The Arbitration Tribunal may establish that a hearing is to be held by video link, provided that adequate and immediate understanding of the facts and actions carried out in such manner, as well as the possibility to intervene in a timely manner in accordance with the timing of the proceedings, are ensured for all those involved in the proceeding.

ART. 5 – ARBITRATION LANGUAGE

1. The language in which the arbitration is to be conducted shall be chosen by the parties by common accord in the arbitration agreement/clause or subsequently, up to the constitution of the Arbitration Tribunal.
2. In the absence of agreement by the parties, the arbitration language shall be determined by the Arbitration Tribunal.
3. The Arbitration Tribunal may authorize the production of documents in a language other than the language of the arbitration and may order that the documents be accompanied by a translation into the arbitration language.

ART. 6 – FILING AND TRANSMISSION OF SUBMISSIONS

1. The parties are required to file their submissions with the Secretary General in an original copy for the Chamber of Arbitration, an original copy for each of the parties and as many copies as there are arbitrators. Submissions may be filed also by certified e-mail.
2. The Secretary General shall transmit any submissions, documents and communications destined for them to the parties, the arbitrators, technical experts and third parties by registered mail with recorded delivery, courier, e-mail, certified e-mail, or any other means suitable to ensure receipt.

ART. 7 – PERIODS OF TIME

1. The periods of time established by the Rules or by the Appointments Commission or by the Secretary General shall not be subject to a limitation period, if a limitation period is not expressly provided for by the Rules or established by the provision that establishes them.
2. The time limits of the proceeding regulated in section IV, when established by the Arbitration Tribunal are final, unless expressly established by the Arbitration Tribunal.
3. The time limits established involving forfeiture of right may be extended for justified reasons, or with the consent of all parties.
4. The first day shall not be included in computing time limits. Should the term expire on a Saturday, Sunday or bank holiday, it shall be extended to the following working day.

ART. 8 – CONFIDENTIALITY

1. The Chamber of Arbitration, the parties, the Arbitration Tribunal and the technical expert consultants are required to keep the proceedings and the award confidential, exception made for the need to avail of the latter in order to protect one's own rights.
2. For study purposes, the Chamber of Arbitration may undertake the publication of the awards in anonymous form, unless any one of the parties indicates its disagreement during the course of the proceedings.



II – STARTING ARBITRATION

ART. 9 – REQUEST FOR ARBITRATION

1. Claimant shall file a request for arbitration with the Secretary General, either in person or by registered mail with recorded delivery, or by certified e-mail.
2. The request shall be signed by the party or by its counsel having power of attorney and contain or be accompanied by:
 - a. the name and domicile of the parties;
 - b. a description of the dispute;
 - c. a statement of the claims and relative economic value;
 - d. the appointment of an arbitrator and information concerning the number of arbitrators and the manner in which they are chosen;
 - e. a statement, if any, of the evidence provided in support of the claim and any document(s) that the party deems it useful to produce;
 - f. a statement, if any, concerning the rules applicable to the proceedings, the rules applicable to the merits of the dispute, or to settlement based on equity, the venue and language of the arbitration;
 - g. the power of attorney granted to legal counsel, if counsel has been appointed;
 - h. the arbitration agreement/clause.
3. The Secretary General shall transmit the request for arbitration to the respondent within five working days of the date of filing, informing the respondent of the obligations pursuant to arts. 10 and 12. The claimant may also transmit the application for arbitration directly to the respondent, without prejudice to the requirement that claimant file the application with the Secretary General, who in any event will handle the transmission in order to ensure that the running of time-limits is regularly complied with.

ART. 10 – STATEMENT OF DEFENCE

1. The respondent shall file its statement of defence, along with counterclaims, if any, with the Secretary General, either in person or by registered mail with recorded delivery, or by certified e-mail within twenty working days of receipt of the request for arbitration transmitted by the Secretary General. This term may be extended by the Secretary General prior to its expiry, for justified reasons.
2. The statement of defence shall be signed by the respondent or by its counsel having power of attorney and shall contain, or be accompanied by:
 - a. the name and domicile of the respondent;
 - b. a statement of defence, which may also be brief and in summary form;
 - c. a statement of counterclaims, if any, and of their relative economic value;
 - d. appointment of an arbitrator or useful indications concerning the number of arbitrators and the manner in which they are chosen;
 - e. a statement of evidence, if any, requested and any document(s) which the party deems it useful to produce;



- f. a statement, if any, concerning the rules applicable to the proceedings, the rules applicable to the merits of the dispute, or concerning the decision based on the rules of equity, the venue and the language of arbitration;
 - g. the power of attorney granted to counsel, if counsel has been appointed.
3. The Secretary General shall transmit the statement of defence to the claimant within five working days of the date of filing. The respondent may also transmit the statement of defence directly to the claimant, without prejudice to the requirement that the respondent file the statement of defence with the Secretary General.
4. Should the respondent fail to file a statement of defence, the arbitration shall proceed without it.

ART. 11 – ADMISSABILITY OF THE ARBITRATION

Should one party raise an objection concerning the applicability of the Rules prior to the setting up of the Arbitration Tribunal or be absent, the Appointments Commission shall determine whether or not the arbitration is admissible.

1. Should the Appointments Commission determine that the arbitration is admissible, such determination shall not be binding on any decision on the matter taken by the Arbitration Tribunal.

ART. 12 – OBJECTION CONCERNING LACK OF JURISDICTION OF ARBITRATION TRIBUNAL

Any objection concerning the existence, validity or effectiveness of the arbitration agreement or clause, or concerning the jurisdiction of the Arbitration Tribunal, shall be raised in the first submission or at the first hearing concerning the claim to which objection refers.

III – APPOINTMENT OF THE ARBITRATION TRIBUNAL

ART. 13 – NUMBER OF ARBITRATORS

1. The number of arbitrators shall be established by the parties.
2. In the absence of agreement by the parties on the number of arbitrators, the Arbitration Tribunal shall be made up of a sole arbitrator. However, the Appointments Commission may refer the dispute to a three-member panel, should it deem it opportune to do so due to the complexity or the value of the dispute.
3. Should an even number of arbitrators be indicated, a further arbitrator shall be appointed by the Appointments Commission, unless the parties have agreed otherwise.

ART. 14 – APPOINTMENT OF THE ARBITRATORS

1. The arbitrators shall be appointed in compliance with the rules established by the parties in the arbitration agreement/clause.
2. Unless otherwise established in the arbitration agreement/clause, the sole arbitrator shall be appointed by the Appointments Commission.
3. Should the parties have jointly agreed to appoint a sole arbitrator without establishing a time limit, this time limit shall be established by the Secretary General. Should the parties fail to reach agreement, the sole arbitrator shall be appointed by the Appointments Commission.



4. Unless otherwise agreed in the arbitration agreement/clause and the dispute is passed to an arbitration panel, the arbitration panel shall be appointed in the following manner:
 - a. each party shall appoint an arbitrator in the request for arbitration and in the statement of defence; should a party fail to do so, the arbitrator shall be appointed by the Appointments Commission;
 - b. the Chairman of the Arbitration Tribunal is appointed by the Appointments Commission. The parties may establish that the Chairman is appointed by common accord by the arbitrators already appointed. Should the arbitrators fail to appoint a Chairman within the term indicated by the parties, or, failing that, within the term established by the Secretary General, the Chairman shall be appointed by the Appointments Commission.

ART. 15 – APPOINTMENT OF ARBITRATORS IN MULTI-PARTY ARBITRATION

1. Should a request for arbitration be filed by several parties or against several parties, possibly by derogation from the provisions set forth in the arbitration agreement/clause, the Appointments Commission shall not take into consideration any appointment made by the parties and shall appoint the Arbitration Tribunal.

ART. 16 – INCOMPATIBILITY

1. The following persons cannot be appointed as arbitrators:
 - a. members of the Appointments Commission, auditors of the Chamber of Arbitration;
 - b. the Chairman of the Chamber of Arbitration;
 - c. the Secretary General;
 - d. employees of the Chamber of Arbitration and those who have established professional co-operation relationships with the aforementioned persons, unless otherwise agreed by the parties.
2. Vice-Chairmen of the Chamber of Arbitration may only take on the functions of Chairman of the Panel and of sole arbitrator.
3. Upon motivated request, the Appointments Commission may allow the appointment of an arbitrator who is not registered as such, provided that, in its incontestable opinion, such person is in possession of the skills required.
4. Members of foreign associations or Chambers of Arbitration may also be appointed as arbitrators at this Chamber of Arbitration, provided that members of this Chamber of Arbitration are allowed to take part in those respective foreign arbitration panels.
5. Panel Chairmen and sole arbitrators shall be selected from among those registered as such.

ART. 17 – ACCEPTANCE BY ARBITRATORS

1. The Secretary General shall inform arbitrators that they have been appointed. Arbitrators are required to provide the Secretary General with a statement of their acceptance within ten working days of receipt of notification of appointment.

ART. 18 – STATEMENT OF INDEPENDENCE AND CONFIRMATION OF ARBITRATORS

1. When giving notice of their acceptance, the arbitrators shall submit their statement of independence to the Secretary General.



2. the arbitrator shall indicate the following in his/her statement of independence, specifying the time period and duration:
 - a. any relationship with the parties, their counsel or any other person or entity involved in the arbitration which may affect his/her impartiality and independence;
 - b. any personal or economic interest, either direct or indirect, connected with the subject matter of the dispute;
 - c. any bias or reservation as to the subject matter of the dispute.
3. The Secretary General shall send a copy of the statement of independence to the parties, notifying them that each of them may communicate their comments in writing to the Secretary General within ten working days of receipt of the statement.
4. Once the time period established at point 3 above has elapsed, the arbitrator shall be confirmed by the Secretary General, provided that he/she has submitted an unqualified statement of independence and no party has filed any comments thereon. In any other case, the Appointments Commission shall decide whether or not the arbitrator is to be confirmed.
5. The statement of independence shall be re-submitted during the course of the arbitration proceedings, until its termination, if required in the event of supervening facts or at the request of the Secretary General.

ART. 19 – CHALLENGE OF ARBITRATORS

1. Any party may file a reasoned challenge to the appointment of an arbitrator on any grounds that cast a doubt on his/her independence or impartiality.
2. The challenge shall be submitted to the Secretary General within ten working days of receipt of the statement of independence or of the date upon which the party becomes aware of grounds for challenge.
3. The Secretary General shall forward the challenge to the arbitrators, and the other parties, and shall establish a period of time for submitting comments, if any.
4. The Appointments Commission shall decide on the challenge.

ART. 20 – REPLACEMENT OF ARBITRATORS

1. An arbitrator shall be replaced by the appointment of another arbitrator in the following circumstances:
 - a. the arbitrator does not accept the appointment, or resigns after having accepted;
 - b. the arbitrator is not confirmed;
 - c. the arbitrator is revoked by all parties;
 - d. the Appointments Commission upholds a challenge against an arbitrator;
 - e. the Appointments Commission, after consulting the parties and the Arbitration Tribunal, removes the arbitrator due to violation of the duties imposed by the Rules on the Arbitration Tribunal, or on other serious grounds;
 - f. the arbitrator dies, or is no longer able to carry out his/her duties due to infirmity or other serious reason.
2. The Secretary General may suspend the proceedings in any of the circumstances indicated at point 1. In any event, once the suspension is revoked, the time remaining to file the award, if less, shall be extended to 60 working days in the event of a sole arbitrator, or 90 working days in the event of a panel of arbitrators.



3. A new arbitrator shall be appointed by the same person or entity that appointed the arbitrator to be replaced. If the replacement arbitrator should in his/her turn be replaced, the new arbitrator shall be appointed by the Appointments Commission.
4. The Appointments Commission shall determine the fees, if any, due to the arbitrator who has been replaced, taking into account the activity carried out by that person and the grounds on which he/she was replaced.
5. In the event of replacement of an arbitrator, the newly constituted Arbitration Tribunal may decide to repeat some or all of the acts of the proceedings which had taken place prior to that time.

IV – THE PROCEEDINGS

ART. 21 – SETTING UP THE ARBITRATION TRIBUNAL

1. The Secretary General shall forward the introductory submissions and their annexes to the arbitrators once the initial funds have been lodged.
2. The arbitrators shall constitute the Arbitration Tribunal within ten working days of the date upon which the last arbitrator received the submissions and documents forwarded by Secretary General. This term may be extended by the Secretary General for justified reasons.
3. The Arbitration Tribunal is set up by the drafting of written minutes, dated and signed by the arbitrators, and containing the manner and terms relating to the further steps to be undertaken in the proceedings.
4. In the event of replacement of arbitrators after the Arbitration Tribunal has been set up, the Secretary General shall submit to the new arbitrators a copy of the submissions and other documents concerning the proceedings. The new Arbitration Tribunal shall be constituted pursuant to points 2 and 3 above.

ART. 22 – POWERS OF THE ARBITRATION TRIBUNAL

1. At any time in the proceedings, the Arbitration Tribunal may attempt to settle the dispute between the parties, including by inviting them to carry out an attempt at settlement before a conciliation body.
2. The Arbitration Tribunal may issue all urgent and provisional precautionary measures, also of an anticipatory nature, which are not disallowed by mandatory provisions applicable to the proceedings.
3. Where multiple proceedings are pending before the Arbitration Tribunal, the Tribunal may order their consolidation, if it deems them to be connected.
4. Where a number of disputes are pending in the same proceedings, the Arbitration Tribunal may order them to be separated.
5. If a third party requests to join a pending arbitration, or if one of the parties to an arbitration requests the participation of a third party, the Arbitration Tribunal, having heard all the parties, shall decide on the matter, taking all relevant circumstances into consideration.

ART. 23 – ORDERS OF THE ARBITRATION TRIBUNAL

1. Except as provided for the award, the Arbitration Tribunal shall issue its decisions by way of orders.



2. Orders shall be issued by a majority. It is not necessary for arbitrators to meet in person.
3. Orders shall be drafted in writing and may be signed only by the Chairman of the Arbitration Tribunal.

ART. 24 – HEARINGS

1. Hearings are scheduled by the Arbitration Tribunal after consultation with the Secretary General, and shall be notified to the parties.
2. The parties may appear at hearings either in person or through duly empowered representatives and may be assisted by counsel having power of attorney.
3. Minutes shall be taken of the hearings of the Arbitration Tribunal.

ART. 25 – TAKING OF EVIDENCE

1. The Arbitration Tribunal opens the case with all the evidence deemed admissible and relevant, and takes evidence in the manner it deems fit.
2. The Arbitration Tribunal shall freely examine all evidence, with the exception of that which constitutes legal proof under mandatory provisions applicable to the proceedings or to the merits of the dispute.
3. The Arbitration Tribunal may delegate the taking of evidence to one of its members.

ART. 26 – EXPERT WITNESSES

1. Upon request by a party or on its own initiative, the Arbitration Tribunal may appoint one or more expert witnesses or delegate their appointment to the Chamber of Arbitration.
2. The arbitration-appointed expert witness shall comply with the duty of independence imposed upon the arbitrators by the Rules, and the rules governing the challenge of arbitrators shall also apply to him/her.
3. Where the arbitration appoints an expert witness, the parties shall be entitled to appoint their own experts.
4. The arbitration-appointed expert witness shall allow the parties and their experts, if any, to be present during the expert's activities.

ART. 27 – NEW CLAIMS

1. After consulting the parties, the Arbitration Tribunal shall decide on the admissibility of new claims, taking every circumstance into consideration, including what stage the proceedings are at; the Arbitration Tribunal shall in any case safeguard the adversarial principle. In any case, new claims cannot be raised after the first hearing before the arbitrators, unless they are a consequence of the claims and objections put forward by the adversary party.

ART. 28 –CONCLUSIONS

1. When it deems the case ready for the award to be issued, the Arbitration Tribunal shall close the taking of evidence phase and invite the parties to submit their conclusions.
2. The Arbitration Tribunal may establish a period of time for submitting final statements and rebuttals and/or schedule a final hearing.



3. After the closing of the taking of evidence phase the parties cannot file new claims, plead new facts, submit new documents or propose the taking of fresh evidence, unless the Arbitration Tribunal decides otherwise.
4. The points above shall also apply where the Arbitration Tribunal deems it appropriate to issue a partial award, limited to the subject-matter of that award.

ART. 29 – SETTLEMENT AND DISCONTINUANCE OF CLAIM

The parties or their counsel shall inform the Secretary General that they withdraw their right of action following a settlement or on other grounds, thereby relieving the Arbitration Tribunal of the obligation to issue an award.

V – THE AWARD

ART. 30 – DELIBERATION, FORM AND CONTENT OF THE AWARD

1. All members of the Arbitration Tribunal shall participate in deliberating upon the arbitration award, which may be passed by a majority vote. In this latter case the award shall state that it was deliberated upon with the participation of all the arbitrators, and shall note the impediment or refusal of those who do not sign.
2. The award shall be drawn up in writing and shall contain:
 - a. the arbitrators, the parties and their counsel;
 - b. the arbitration agreement/clause ;
 - c. the venue of the arbitration;
 - d. the conclusions of the parties;
 - e. the reasons on which the decision is based, even in summary form;
 - f. the decision;
 - g. the decision on the allocation of the costs of the proceedings, with reference to the Appointments Commission's measure on the liquidation of costs and on the parties' legal fees.
3. The date of each arbitrator's signature shall be indicated. Arbitrators' signatures may be collected in different places and at different times.

ART. 31 – FILING AND NOTIFICATION OF THE AWARD

1. The Arbitration Tribunal shall file the award with the Secretary General in as many original copies as there are parties, plus one original copy.
2. The Secretary General shall send an original copy of the award to each party within ten working days of its being filed.

ART. 32 – TIME LIMIT FOR FILING THE DEFINITIVE AWARD

1. The Arbitration Tribunal shall file the definitive award with the Secretary General within 60 working days of the Arbitration Tribunal being set up in the event that the Arbitration Tribunal is made up of a sole arbitrator, or within 90 working days if the Arbitration Tribunal consists of a panel of arbitrators, unless otherwise agreed by the parties in the arbitration agreement/clause.



The time limit for filing the award shall be extended by 180 days by the Appointments Commission in the following cases and may be extended no more than once in each case:

- a) taking of evidence is required;
- b) if an expert witness is appointed by the arbitration;
- c) if an interim or partial award has been made.

The time limit for issuing the award shall be suspended during a suspension of the proceedings. In any case, once the proceedings have resumed, the number of days remaining before the expiry of the time limit, if shorter, shall be extended to 90 days.

2. The Secretary General shall suspend the time limit in the cases expressly set out in the Rules, and for any other justified reason.

ART. 33 – PARTIAL AWARD AND INTERIM AWARD

1. The Arbitration Tribunal may render one or more awards, including partial awards or interim awards.
2. The provisions of these Rules with regard to awards shall apply to partial awards and interim awards. Interim awards do not contain a decision with respect to the costs of the proceedings and to the legal fees.

ART. 34 – CORRECTION OF THE AWARD

1. In the event of a request for correction of an award due to material error, after consulting the parties the Arbitration Tribunal shall reach its decision and issue a provision within twenty working days of receipt of the request.
2. A decision of the Arbitration Tribunal accepting a request for correction shall constitute an integral part of the award.
3. In any case, no additional cost will be charged to the parties, unless otherwise determined by the Chamber of Arbitration.

VI – COSTS OF THE PROCEEDINGS

ART. 35 – VALUE OF THE DISPUTE

1. For the purposes of defining the costs of the proceedings, the value of the dispute is given by the sum of the requests submitted by all parties.
2. The Secretary General shall determine the value of the dispute based on the introductory submissions as well as on the further indications of the parties and of the Arbitration Tribunal. The following criteria are used to determine the value of a dispute.
 - a) All the requests submitted by the parties with a view to obtaining a decision, be it a judgment against another party or a constitutive judgment, contribute to forming the value of a dispute.
 - b) Should a party formulate a claim which includes both a principal and a subordinate request, only the principal request shall be considered for the purposes of establishing the value of the dispute.
 - c) If the quantification of the amount receivable which is the subject matter of the request or of the set-off requires the preliminary evaluation of a number of claims put forward by the



parties as alternatives and not as subordinate claims, the value of the dispute shall be determined by the sum of the amounts claimed.

- d) Should a party request that an amount receivable be established by judgment, either with a finding against the other party or with a constitutive judgment in relation to only one part of it, the value of the dispute shall be determined by the entire amount of the amount receivable to be established.
- e) The value of the amount claimed as set-off shall not be calculated if it is less than, or equal to the value of the amount receivable actioned by the adversary party. If it is higher, only the amount in excess shall be calculated.
- f) If, during the conclusions, a party amends the value of the amounts previously claimed, the value of the claims shall be calculated in relation to those upon which the Arbitration Tribunal carried out its ascertainment.
- g) If the value of the dispute is neither determined nor determinable, the Appointments Commission shall determine this on a fair evaluation basis.
- h) The Appointments Commission may determine the value of the dispute by means of parameters other than those set out in the previous points should their application appear manifestly unfair.

ART. 36 – COSTS OF THE PROCEEDINGS

- 1. Prior to filing the award, the Appointments Commission shall determine the costs of the proceedings to be paid.
- 2. The Appointments Commission shall inform the Arbitration Tribunal and the parties of the measure on costs, and the Arbitration Tribunal shall mention it in the decision on costs contained in the award. The determination by the Appointments Commission shall not affect the decision of the Arbitration Tribunal as to the allocation of the costs to the parties.
- 3. Should the proceedings end before an Arbitration Tribunal is set up, the Secretary General shall determine the costs of the proceedings.
- 4. The costs of the proceedings comprise the following items:
 - a. Chamber of Arbitration fees;
 - b. Arbitration Tribunal fees;
 - c. Expert witness fees;
 - d. reimbursement of expenses borne by the Chamber of Arbitration, the arbitrators and arbitration-appointed expert witnesses.
- 5. The Chamber of Arbitration fees for administering the proceedings shall be determined on the basis of the value of the dispute, in accordance with the Schedule of Fees annexed to these Rules. Chamber of Arbitration fees lower than those set out in the Schedule of Fees may be determined in the event of early termination of the proceedings. The activities included and not included in the fees shall be indicated in the Annex to the Rules.
- 6. The Arbitration Tribunal fees are determined based on the value of the dispute, in accordance with the Schedule of Fees annexed to the Rules. In determining the fees of the Arbitration Tribunal the Appointments Commission takes into consideration the activities carried out, the complexity of the dispute, the duration of the proceedings and any other relevant circumstance. Fees lower than the minimum indicated in the Schedule of Fees may be determined in the event of early termination of the proceedings. Furthermore, fees lower than the minimum or higher than the maximum indicated in the Schedule of Fees may be determined in extraordinary cases.



7. The fees of expert witnesses appointed by the arbitration shall be determined based on the principle of fairness and shall also take into account the schedule of professional fees, the schedule of court fees and any other relevant circumstance.
8. Requests for reimbursement of expenses of the arbitrators and arbitration-appointed expert witnesses shall be supported by receipts. If such receipts are not produced, the expenses shall be deemed included in the relative fees.

ART. 37 – ADVANCE AND FINAL LODGEMENT OF FUNDS

1. After the introductory submissions have been exchanged, the Secretary General shall request the parties to lodge initial funds, establishing a time limit for lodgement.
2. The Secretary General may request the parties to lodge further amounts to supplement the initial funds in relation to activities carried out, or in the event of a change in the value of the dispute, establishing a time limit for lodgement.
3. The Secretary General shall request the balance of the fees relating to the proceedings after the final determination of the Appointments Commission and before the award is filed, establishing a time limit for payment.
4. The amounts indicated at points 1, 2 and 3 hereinabove shall be requested of all the parties in equal measure.
5. For the purposes of requesting lodgement of amounts, the Secretary General may consider a number of parties as one sole party, taking into account the manner and composition of the Arbitration Tribunal or the mutual interests of the parties.
6. Should a party so request, and give reason for such request, the Secretary General may accept a bank or insurance guarantee for the amounts indicated at points 1, 2 and 3 above, and establish terms and conditions.

ART. 38 – FAILURE TO LODGE FUNDS

1. Should one party fail to lodge the amount requested, the Secretary General may request the other party to lodge this amount and establish a time limit for payment.
2. In the event of failure to pay any amount due within the term established, the Secretary General may suspend the proceedings. Suspension shall be revoked by the Secretary General once the amounts due have been paid.
3. Once one month has elapsed after notification of the suspension measure pursuant to subsection 2 without the amounts due having been lodged by the parties, the Secretary General may declare the proceedings dismissed, without this affecting the efficacy of the arbitration agreement.

VII – PROVISIONAL PROVISIONS

ART. 39 – COMING INTO EFFECT

1. These Rules shall come into effect on 1 June 2018
2. Unless otherwise agreed by the parties, the new Rules shall apply to proceedings commencing after the date on which these Rules come into effect.



ANNEX

SCHEDULE OF FEES (in Euro)

| VALUE OF DISPUTE | CHAMBER OF ARBITRATION FEES | SOLE ARBITRATOR FEES | ARBITRATION PANEL FEES |
|-------------------------|---|---|--|
| Up to 5,000 | 200 | 200 | - |
| From 5,001 to 35,000 | 400 | 600 - 1,500 | 1,600 – 3,800 |
| From 35,001 to 50,000 | 1,000 | 1,500 – 2,500 | 3,800 – 4,500 |
| From 50,001 to 100,000 | 1,500 | 2,500 – 3,500 | 4,500 – 7,000 |
| From 100,000 to 250,000 | 3,000 | 4,500 – 5,500 | 7,000 – 10,000 |
| Over 250,000 | 3,000 + 0.1% of the amount in excess of 250,000, up to a maximum of 5,000 | 5,500 + 0.05% of the amount in excess of 250,000, up to a maximum of 20,000 | 10,000 + 0.12% of the amount in excess of 250,000, up to a maximum of 60,000 |

CHAMBER OF ARBITRATION FEES: ACTIVITIES INCLUDED AND ACTIVITIES NOT INCLUDED

1. The following activities are included in the Schedule of Fees of the Chamber of Arbitration:
 - a. management and administration of the proceedings as set out in the Rules, in relation to each body of the Chamber of Arbitration;
 - b. receipt and transmission of arbitration documents;
 - c. checking that the arbitration documents are formally in order;
 - d. convening and hosting hearings at our premises;
 - e. attendance of our staff at hearings and taking minutes at hearings as per point d. above.
2. The following activities or services are not included in the Schedule of Fees of the Chamber of Arbitration, and shall be paid separately:
 - a. photocopying of arbitration documents and other documents filed by the parties in an insufficient number of copies, including copies of arbitration documents and other documents made by the Secretariat for expert witnesses appointed by the proceedings;
 - b. regularization of stamp duty on arbitration documents (affixing stamps);
 - c. recording of hearings and transcription of these recordings;
 - d. interpreting services;
 - e. video-conferences;
 - f. travelling expenses of Secretary General staff who may attend hearings not held at our premises;
 - g. photocopying of arbitration documents and other documents in the event of a request to remove the dossier.