



## Appendix - Cost of Arbitration

### Article (1) Registration Fee

- 1.1 Each Request to commence an arbitration, or to introduce a counterclaim, must be accompanied by a non-refundable Registration Fee of Dhs 5,000(*please notice that registration Fees for claims and counterclaims is AED 5,000 ONLY starting 1st of January 2019*).
- 1.2 The Centre shall proceed only with respect to those claims or counterclaims in regard to which the Registration Fee has been paid.

### Article (2) Costs of Arbitration

- 2.1 The costs of the arbitration shall include the Centre's administrative Fees for the claim and any counterclaim and the fees and expenses of the Tribunal fixed by the Centre in accordance with the Table of Fees and Costs in force at the time of the commencement of the arbitration, and shall include any expenses incurred by the Tribunal, as well as the fees and expenses of any experts appointed by the Tribunal.
- 2.2 The Centre shall fix the advance on costs corresponding to the amount of the dispute, in an amount likely to cover the fees and expenses of the Tribunal and the Centre's administrative costs for the claims and counterclaims in accordance with Table of fees and Costs. This amount may be subject to readjustment at any time during the arbitration.
- 2.3 If the amounts in dispute were not specified in the claim or the counterclaim, the Centre may fix the advance on costs in its discretion.

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- 2.4** The advance on costs fixed by the Centre shall be payable in equal shares by Claimant and the Respondent. If either party fails to pay its share, the other party may pay that share in cash or by providing an unconditional bank guarantee for this additional amount by a method acceptable to the Executive Committee.
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- 2.5** Where, apart from the claims, counterclaims are submitted, the Centre may fix separate advances on costs for the claims and the counterclaims.
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- 2.6** Where the Centre has fixed separate advances on costs, each of the parties shall pay the advance on costs corresponding to its claim.
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- 2.7** The file of the case shall not be transmitted to the Tribunal unless the advance payment that has been fixed by the Centre has been paid.
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- 2.8** The Tribunal shall inform the Centre if any increase in the amount of the claims or counterclaims.
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- 2.9** When a request for an advance on costs has not been complied with, the Administrator shall refer the matter to the Executive Committee for a decision on whether to suspend the Tribunal's work and to set a time limit, which must not exceed 15 days, on the expiration of which the relevant claims (or counterclaims) shall be considered as withdrawn. Should the party in question wish to object to this measure, it must make a request within the aforementioned period for the matter to be decided by the Executive Committee. Such party shall not be prevented, on the ground of such withdrawal, from introducing the same claims or counterclaims at a later date in another proceeding.
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- 2.10** Before any expertise ordered by the Tribunal can be commenced, the parties, or one of them, shall pay an advance on costs fixed by the Tribunal sufficient to cover the expected fees and expenses of the experts as determined by the Tribunal.
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- 2.11** If an arbitration terminates before the rendering of a final Award, the Executive Committee shall fix the costs of the arbitration in its discretion, taking into account the stage reached by the arbitral proceedings and any other relevant circumstances.
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- 2.12** Amounts paid to the Tribunal do not include any possible taxes or charges, applicable to the Tribunal's fees. The parties have a duty to pay any such taxes or charges; however, the recovery of any such taxes or charges is a matter solely between the arbitrator and the parties.
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**Article (3)**  
**Fixing the fees of the Tribunal**

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**3.1** When a case is submitted to more than one arbitrator, the Centre, at its discretion, may increase the total fees up to a maximum which shall normally not exceed three times the fees of one arbitrator.

**3.2** In setting the Tribunal's fees, the Centre shall take into consideration the diligence of the Tribunal, the rapidity of the proceedings, and the complexity of the dispute, so as to arrive at a figure within the limits specified in the Table of Fees and Costs or, in exceptional circumstances, at a figure higher or lower than those limits.

**3.3** The Executive Committee may, at any time during the arbitration, fix the fees of the arbitrators at a figure higher or lower than that which would result from the application of the Table of Fees and Costs due to the circumstances of the case. For this purpose, the Centre should take into account fluctuation in the amount in dispute, changes in the amount of the estimated expenses of the Tribunal, or the evolving difficulty or complexity of arbitration proceedings. The Executive Committee shall determine how such increase shall be allocated between the parties. Any party may issue an unconditional bank guarantee to cover such increase in a method acceptable to the Executive Committee.

**3.4** No additional fees may be charged by the Tribunal for interpretation or correction of its award or additional award under Article 38 of the Rules.

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**Article (4)**  
**Decision as to the Costs of the Arbitration**

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**4.1** The Tribunal may make decisions on costs at any time during the proceedings.

**4.2** The final Award shall fix the costs of the arbitration and decide which of the parties shall bear them or in what proportion they shall be borne by the parties.

**4.3** Any dispute regarding the costs of arbitration shall be determined by the Executive Committee.

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**Article (5)**  
**Table of Fees and Costs**

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The attached Table of Fees and Costs shall fix registration, administrative and the Tribunal fees in accordance with the percentage of the total amount of the dispute, and shall have maximum and minimum limits.

### **DIAC Table of Fees and Cost for Arbitration**

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#### **Article (6)**

#### **Fees for appointing arbitrators, or deciding on a challenge of an arbitrator, in arbitrations which are not subject to the Rules**

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- 6.1** An application to the Centre to appoint arbitrators or to decide on a challenge on appointing an arbitrator in arbitration procedures which are not governed by these Rules shall be subject to paying non-refundable fees. The procedure for appointing an arbitrator or for deciding on a challenge of an arbitrator shall be governed by the DIAC Rules.
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- 6.2** Applications for appointing arbitrators in arbitration proceedings which are not subject to the DIAC Arbitration Rules shall be accompanied by a fee of AED 5000.
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- 6.3** If a party in dispute challenges an appointed Arbitrator, a fee of AED 3000 will apply if the arbitration is not subject to the DIAC Arbitration Rules.