

SCC Procedures for the Administration of Cases under the 1976 UNCITRAL Arbitration Rules

English

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SCC Procedures for the Administration of Cases under the 1976
UNCITRAL Arbitration Rules adopted by the Stockholm Chamber of Com-
merce and in force as of 1 January 2023.

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INTRODUCTION

The SCC Procedures for Administration under the UNCITRAL 1976 Arbitration Rules (the “Procedures”) is a supplemental tool for parties who have agreed that any dispute, controversy or claim shall be referred to arbitration under the UNCITRAL Arbitration Rules (the “Rules”) administered by the SCC Arbitration Institute (the “SCC”) or the Arbitration Institute of the Stockholm Chamber of Commerce.

Main administrative tasks of the SCC under the Procedures:

- Appointment of arbitrators
- Deciding challenges of arbitrators
- Deciding and administering the costs of the arbitration

The Procedures may be adopted by agreement at any time before or after a dispute has arisen. An arbitration agreement designating the SCC as administering body includes the role as appointing authority under the Rules, unless otherwise agreed by the parties.

The SCC maintains different versions of the Procedures depending on whether the 1976 or the 2010 version of the Rules applies to the parties’ arbitration agreement.

Model Clauses

SCC AS ADMINISTRATING BODY, INCLUDING APPOINTING AUTHORITY, UNDER THE RULES.

Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the UNCITRAL Arbitration Rules administered by the SCC Arbitration Institute.

Recommended additions:

The seat of the arbitration shall be [...].

The language to be used in the arbitral proceedings shall be [...].

This contract shall be governed by the substantive laws of [...].

SCC AS APPOINTING AUTHORITY ONLY UNDER THE RULES.

Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination, or invalidity thereof, shall be settled by arbitration in accordance with the UNCITRAL Arbitration Rules. The appointing authority shall be the SCC Arbitration Institute.

Recommended additions:

The seat of the arbitration shall be [...].

The language to be used in the arbitral proceedings shall be [...].

This contract shall be governed by the substantive laws of [...].

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SCOPE OF APPLICATION*

Article 1

(1) These Procedures shall apply where parties have agreed that disputes between them shall be referred to arbitration under the Rules, administered by the SCC Arbitration Institute or the Arbitration Institute of the Stockholm Chamber of Commerce and the 1976 version of the Rules apply.

(2) For agreements concluded before 1 January 2015, these Procedures shall apply where the parties have agreed to their application. For agreements concluded after 1 January 2015, these Procedures shall be deemed to apply.

(3) The Rules shall be applied as modified herein, subject to any further modification as the parties may agree.

(4) Unless otherwise agreed by the parties, an agreement that a dispute shall be administered by the SCC under the Rules shall be treated as an agreement that the SCC also shall act as appointing authority under those Rules.

NOTICE, CALCULATION AND PERIODS OF TIME*

Article 2

Article 2 of the Rules shall apply to communications between the parties and the SCC.

* All marked headings directly reference headings found in the 1976 UNCITRAL Arbitration Rules.

NOTICE OF ARBITRATION

Article 3

A notice of arbitration under Article 3 of the Rules shall also be filed with the SCC.

REGISTRATION FEE

Article 4

(1) Upon filing the notice of arbitration, the claimant shall pay a registration fee. The amount of the registration fee shall be determined in accordance with the schedule of costs (Appendix I) in force on the date when the notice of arbitration is filed.

(2) If the registration fee is not paid upon filing the notice of arbitration, the SCC shall set a deadline within which the claimant shall pay the registration fee. If the registration fee is not paid within this time period, the SCC shall decline to act as administrating body and appointing authority without prejudice.

RESPONSE TO THE NOTICE OF ARBITRATION*

Article 5

A response to the notice of arbitration shall also be filed with the SCC.

REPRESENTATION AND ASSISTANCE

Article 6

(1) For the purposes of Article 4 of the Rules, the names and addresses of any persons representing or assisting the parties must be communicated to all parties, to the SCC and to the arbitral tribunal.

(2) Where a person is to act as a representative of a party, the SCC or the arbitral tribunal, on its own initiative or at the request of any party, may at any time require proof of authority conferred on the representative in such a form as the SCC or the arbitral tribunal may determine.

DESIGNATING AND APPOINTING AUTHORITIES

Article 7

(1) For the purposes of Article 6 of the Rules, the SCC shall serve as appointing authority, unless the parties have agreed otherwise. In so doing, the SCC will apply the SCC Procedures as Appointing Authority under the 1976 UNCITRAL Arbitration Rules (Appendix II).

(2) In exercising its functions under these Procedures, the SCC may require from any party and the arbitrators the information which it deems necessary, and it shall give the parties and, where appropriate, the arbitrators, an opportunity to present their views in any manner they consider appropriate. All such communications to and from the SCC shall also be provided by the sender to all other parties.

(3) When necessary, the SCC shall:

(i) decide whether the SCC manifestly lacks the authority to administer the case under the Procedures; and

(ii) determine the advance on costs under Article 14 of the Procedures.

(4) The SCC shall decline to act, in whole or in part, if

(i) the SCC manifestly lacks the authority to administer the case under the Procedures; or

(ii) the advance on costs is not paid under Article 14 of the Procedures.

DISCLOSURES BY AND CHALLENGE OF ARBITRATORS

Article 8

For the purposes of Article 9 of the Rules, each person appointed as arbitrator shall submit to the SCC a signed statement of impartiality and independence in the format of Appendix III of the Procedures. The SCC shall send a copy of the statement to the parties and the other arbitrators.

Article 9

For the purposes of Article 11 of the Rules, any notice of challenge shall also be communicated to the SCC.

NOTICE BY THE SCC

Article 10

When the arbitral tribunal has been appointed and the advance on costs has been paid, the SCC shall notify the arbitral tribunal and the parties thereof.

EXCLUSION OF LIABILITY

Article 11

Neither the SCC nor the arbitrator(s) are liable to any party for any act or omission in connection with the arbitration unless such act or omission constitutes wilful misconduct or gross negligence.

COSTS

Article 12

Articles 38,40 and 43 of the Rules are replaced by Article 13 and Article 14 of the Procedures.

Article 13

(1) The costs of arbitration consist of:

- (i) the fees of the arbitral tribunal;
- (ii) the administrative fee; and
- (iii) the expenses of the arbitral tribunal and the SCC.

(2) Before making a final award, the arbitral tribunal shall request the SCC to finally determine the costs of the arbitration. The SCC shall finally determine the costs of arbitration in accordance with the schedule of costs (Appendix I) in force on the date of commencement of the arbitration under Article 3.2 of the Rules.

(3) In finally determining the costs of the arbitration, the SCC shall have regard to the extent to which the arbitral tribunal has acted in an efficient and expeditious manner, the complexity of the dispute and any other relevant circumstances.

(4) If the arbitration is terminated before the final award is made under Article 32 of the Rules, the SCC shall finally determine the costs of the arbitration having regard to when the arbitration is terminated, the work performed by the arbitral tribunal and other relevant circumstances.

(5) The arbitral tribunal shall include in the final award the costs of the arbitration as finally determined by the SCC and specify the individual fees and expenses of each member of the arbitral tribunal and the SCC.

(6) In relation to the interpretation, correction or completion of the award, or an additional award, under Articles 35-37 of the Rules, the arbitral tribunal may charge the costs referred to in paragraph 1 (iii), but no additional fees.

(7) The costs of the arbitration shall in principle be borne by the unsuccessful party or parties. However, the arbitral tribunal may apportion each of such costs between the parties if it decides that apportionment is reasonable, taking into account the circumstances of the case.

(8) The arbitral tribunal shall in the final award or, if it deems appropriate, in any other award, determine any amount that a party may have to pay to another party as a result of the decision on allocation of costs.

(9) The parties are jointly and severally liable to the arbitrator(s) and to the SCC for the costs of the arbitration.

ADVANCE ON COSTS

Article 14

(1) The SCC shall determine an amount to be paid by the parties as an advance on costs.

(2) The advance on costs shall correspond to the estimated amount of the costs of arbitration under Article 13.1 of the Procedures.

(3) Each party shall pay half of the advance on costs, unless separate advances are determined. Where counterclaims or set-offs are submitted, the SCC may decide that each of the parties shall pay advances on costs corresponding to its claim. Upon a request from the arbitral tribunal, or if otherwise considered necessary, the SCC may order parties to pay additional advances during the arbitration.

(4) If a party fails to make a required payment, the SCC shall give the other party an opportunity to do so within a specified deadline. If the required payment is not made, the SCC shall decline to act, in whole or in part. If such payment is not made, the arbitral tribunal may order the suspension or termination of the arbitral proceedings. If the other party makes the required payment, the arbitral tribunal may, at the request of that party, make a separate award for reimbursement of the payment.

(5) At any stage during the arbitration or after the award has been made, the SCC may draw on the advance on costs to cover the costs of the arbitration.

(6) The SCC may decide that part of the advance on costs may be provided in the form of a bank guarantee or other form of security.

DECISIONS BY THE SCC

Article 15

All decisions by the SCC under the Procedures are final. Dismissal of a case by the SCC in whole or in part has no preclusive effect.

Appendix I

Schedule of costs

Costs of the Arbitration

Article 1

(1) The registration fee referred to in Article 4 of the Procedures amounts to EUR 3 000.

(2) The registration fee is non-refundable and constitutes a part of the administrative fee in Article 3 of this Appendix

(3) The registration fee shall be credited to the advance on costs to be paid by the claimant under Article 14 of the Procedures.

FEES OF THE ARBITRAL TRIBUNAL

Article 2

(1) The SCC shall determine the fee of a presiding arbitrator or sole arbitrator based on the amount in dispute in accordance with the table below.

(2) Co-arbitrators shall each receive 60 per cent of the fee of the presiding arbitrator. After consultation with the arbitral tribunal, the SCC may decide that a different percentage shall apply.

(3) The amount in dispute is the aggregate value of all claims, counter-claims and set-offs. Where the amount in dispute cannot be ascertained, the SCC shall determine the fees of the arbitral tribunal having regard to all relevant circumstances.

(4) In exceptional circumstances, the SCC may deviate from the amounts set out in the table.

ADMINISTRATIVE FEE

Article 3

(1) The administrative fee shall be determined based on the amount in dispute in accordance with the table below.

(2) The amount in dispute shall be the aggregate value of all claims, counterclaims and set-offs. Where the amount in dispute cannot be ascertained, the SCC shall determine the administrative fee having regard to all relevant circumstances.

(3) In exceptional circumstances, the SCC may deviate from the amounts set out in the table.

EXPENSES

Article 4

In addition to the fees of the arbitrator(s) and the administrative fee, the SCC shall fix an amount to cover any reasonable expenses incurred by the arbitrator(s) and the SCC. The expenses of the arbitrator(s) may include the fee and expenses of any expert appointed by the arbitral tribunal under Article 27 of the Rules.

Article 5

By paying the advance on costs pursuant to Article 14 (1) of the Procedures, each party irrevocably and unconditionally pledges to the SCC and to the arbitrators, as represented by the SCC, any rights over any amount paid to the SCC as continuing security for any liabilities for the costs of the arbitration.

Arbitrators' Fees

Amount in Dispute (EUR)	Fee of the presiding arbitrator/sole arbitrator	
	Minimum (EUR)	Maximum (EUR)
to 25 000	4 000	12 000
from 25 001 to 50 000	4 000 + 2 % of the amount above 25 000	12 000 + 14 % of the amount above 25 000
from 50 001 to 100 000	4 500 + 5 % of the amount above 50 000	15 500 + 5 % of the amount above 50 000
from 100 001 to 500 000	7 000 + 2 % of the amount above 100 000	18 000 + 4 % of the amount above 100 000
from 500 001 to 1 000 000	15 000 + 1 % of the amount above 500 000	34 000 + 3 % of the amount above 500 000
from 1 000 001 to 2 000 000	20 000 + 0,8 % of the amount above 1 000 000	49 000 + 2,3 % of the amount above 1 000 000
from 2 000 001 to 5 000 000	28 000 + 0,4 % of the amount above 2 000 000	72 000 + 1,4 % of the amount above 2 000 000
from 5 000 001 to 10 000 000	40 000 + 0,2 % of the amount above 5 000 000	114 000 + 0,5 % of the amount above 5 000 000
from 10 000 001 to 50 000 000	50 000 + 0,05 % of the amount above 10 000 000	139 000 + 0,2 % of the amount above 10 000 000
from 50 000 001 to 75 000 000	70 000 + 0,05 % of the amount above 50 000 000	219 000 + 0,12 % of the amount above 50 000 000
from 75 000 001 to 100 000 000	82 500 + 0,03 % of the amount above 75 000 000	249 000 + 0,05 % of the amount above 75 000 000
from 100 000 001	To be determined by the Board	To be determined by the Board

Administrative Fee

Amount in dispute (EUR)	Administrative Fee (EUR)
to 25 000	3 000
from 25 001 to 50 000	3 000 + 4,8 % of the amount above 25 000
from 50 001 to 100 000	4 200 + 2,6 % of the amount above 50 000
from 100 001 to 500 000	5 500 + 2,1 % of the amount above 100 000
from 500 001 to 1 000 000	13 900 + 0,9 % of the amount above 500 000
from 1 000 001 to 2 000 000	18 400 + 0,5 % of the amount above 1 000 000
from 2 000 001 to 5 000 000	23 400 + 0,35 % of the amount above 2 000 000
from 5 000 001 to 10 000 000	33 900 + 0,14 % of the amount above 5 000 000
from 10 000 001 to 50 000 000	40 900 + 0,05 % of the amount above 10 000 000
from 50 000 001 to 75 000 000	60 900 + 0,03 % of the amount above 50 000 000
from 75 000 001	68 400 + 0,02 % of the amount above 75 000 000
	Maximum 70 000

The costs of the arbitration may easily be calculated at www.sccarbitrationinstitute.com

Appendix II

SCC Procedures as Appointing Authority under the 1976 UNCITRAL Arbitration Rules

ABOUT THE SCC AS APPOINTING AUTHORITY

Article 1

When designated as appointing authority under Article 6 of the Rules, the SCC will perform the functions of the appointing authority as set forth in the Rules, supplemented by the provisions of the SCC Procedures as Appointing Authority under the 1976 UNCITRAL Arbitration Rules.

APPOINTMENT OF SOLE OR PRESIDING ARBITRATOR

Article 2

When requested to appoint a sole or presiding arbitrator under Articles 6 or 7 of the Rules, the SCC will follow the list procedure set forth in Article 6(3) of the Rules unless all parties agree that the list procedure is not appropriate for the case.

In selecting arbitrators, the SCC will carefully consider the nature of the case, as described in the notice of arbitration, in order to include in the list persons who are not only experienced in international arbitration but also familiar with the legal, technical and commercial aspects of the matter

When appointing a sole or presiding arbitrator under the Rules, the SCC will, in so far as possible, designate a person of a nationality other than the nationalities of the parties, unless otherwise agreed by the parties.

APPOINTMENT OF A SECOND ARBITRATOR

Article 3

Under Article 7(2) of the Rules, when three arbitrators are to be appointed, each party is to appoint one arbitrator, but if a party fails to do so, the other party may request that the appointment of the second arbitrator be made by the appointing authority.

In accordance with the Rules, the SCC, when appointing a second arbitrator, will exercise its discretion and will not utilise the list procedure. Such second arbitrator shall be impartial and independent of either party.

DECISIONS ON CHALLENGES TO ARBITRATORS

Article 4

Article 10 of the Rules provides that any arbitrator may be challenged if circumstances exist that give rise to justifiable doubts as to the arbitrator's impartiality or independence.

When deciding challenges at the request of any party under Article 12 of the Rules, the SCC will do so through its board of directors (the "Board").

APPOINTMENT OF SUBSTITUTE ARBITRATORS

Article 5

When the SCC shall appoint a substitute arbitrator under Articles 12(2) or 13 of the Rules, the procedure prescribed in Articles 2 and 3 above shall be followed.

STATEMENT OF IMPARTIALITY AND INDEPENDENCE

Article 6

For the purpose of Article 9 of the Rules, each person appointed as arbitrator by the SCC shall submit to the SCC a signed statement of impartiality and independence as decided by the SCC. The SCC shall send a copy of the statement to the parties and other arbitrators.

DECISIONS BY THE SCC

Article 7

All decisions by the SCC under the SCC Procedures as Appointing Authority under the 1976 UNCITRAL Arbitration Rules are final. Dismissal of a case by the SCC in whole or in part has no preclusive effect.

Appendix III

STATEMENT OF IMPARTIALITY AND INDEPENDENCE

Confirmation of Acceptance

I hereby confirm that I accept the appointment to serve as arbitrator in the above arbitration. I undertake to follow the UNCITRAL Arbitration Rules and accept to be remunerated in accordance with the SCC Procedures for the Administration of Cases under the 1976 UNCITRAL Arbitration Rules.

Confirmation of Availability

I confirm that I, throughout the anticipated duration of the case, can and will dispose the time necessary in order for the case to be settled in the most expeditious and practical manner possible. I am aware that the arbitral tribunal promptly shall establish a provisional timetable for the arbitration as soon as practicable after its constitution.

Confirmation of Independence

Please choose one of the following options

I hereby confirm that I am impartial and independent in the above arbitration. I am not aware of any circumstance that may give rise to justifiable doubts as to my impartiality or independence. If I become aware of any such circumstance I undertake to immediately inform, in writing, the parties and the other arbitrators thereof.

I hereby confirm that I am impartial and independent in the above arbitration. In connection therewith I do, however, wish to make the following disclosure as to circumstances that may give rise to justifiable doubts as to my impartiality or independence;

.....
.....
.....

Signature:

Print name:

Date:

Place:

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