

# ANNEX 2 TO THE ARBITRATION RULES



**CIAM**

Centro  
Internacional  
de Arbitraje  
de Madrid

# Annex 2



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## Part 1. Rules on arbitration costs

The costs of arbitration include, among others, admission fees, administration fees and arbitrators' fees.

### Admission fees

1. The admission fee will be €2,000. In cases where VAT applies (e.g. Spanish residents) the admission fee will be increased by the corresponding amount. The admission fee is non-refundable.

### Administration fees

2. The administration fee will be calculated based on the amount of the arbitration in accordance with the Center's Guide on the Quantification of Arbitration Proceedings.

3. Unless otherwise decided by the Center, the administration fee for claim and counterclaim shall be calculated separately.

4. The administration fee does not include any costs incurred by the Center (courier, copies, etc.) which will be charged to the parties with due justification by the Center. To this end, a provision of €1,000 (plus VAT) will be requested from the parties, which will be settled at the end of the procedure. The Center is entitled to request additional provisions for this item if necessary.

### Arbitrators' fees

5. Unless the Center decides otherwise, the fees of the arbitrators for the claim and counterclaim shall be calculated separately.

6. In the event that there are three arbitrators, the total fees of the arbitrators shall be the result of multiplying the fee by three. Unless otherwise agreed by the arbitrators or the Center, the distribution of the arbitrators' total fees among the arbitrators shall be as follows: 40% Chair and 30% each remaining arbitrator.

7. Where the proceedings have lasted for more than one year from the designation or appointment of the arbitrators, the Center may make payments on account of fees to the arbitrators, up to the minimum amount that would be payable to them in the event of prompt termination at that time.
8. The arbitrators' fees do not include any reasonable expenses incurred by the arbitrators, which shall be passed on to the parties upon justification by the arbitrators and prior approval by the Center. To this end, the arbitrators shall communicate their expenses to the Center for approval when they become aware of them, and, in any event, one month prior to the date of notification of the award, provided that the delay is not due to duly justified reasons.
9. The Center may request the parties to provide adequate funds to cover the reasonable expenses of the arbitrators.
10. Arbitrators may not collect any amount directly from the parties or their counsel.<sup>1</sup>
11. In the specific circumstances of the arbitration, the Center may increase or decrease the arbitrators' fees by a maximum of 30%, if it deems it appropriate, based on criteria such as the complexity of the case or the tribunal's performance in rendering the award, including the efficiency in the conduct of the arbitration or the delays incurred by the tribunal.

### **Emergency arbitrator**

12. The party requesting the appointment of an emergency arbitrator shall pay an amount of €15,000, comprising €5,000 of the Center's administration fee and €10,000 of the emergency arbitrator's fees. The Secretariat shall not notify the request until it has received the payment of these fees.
13. The Center may, exceptionally, at any time during the emergency arbitrator's proceedings, increase the administration fee or the emergency arbitrator's fee taking into consideration the actual work performed or other relevant circumstances.<sup>2</sup> If the requester fails to pay the increased cost within the time limit fixed by the Center, the request shall be deemed to have been withdrawn.<sup>3</sup>

<sup>1</sup> Article 49.2 of the Arbitration Rules.

<sup>2</sup> Article 63.1 of the Arbitration Rules.

<sup>3</sup> Article 63.2 of the Arbitration Rules.

### **Correction, clarification and supplementation of the award**

14. The correction, clarification or supplementation of the award shall not incur in additional fees unless the Center considers that there are particular circumstances that justify them. In that case, the additional fees shall be between 0.5% and 3% of the arbitrator's fees.<sup>4</sup>

### **Optional challenge to the award**

15. In arbitration proceedings in which a challenge to the award is requested, the administrative expenses and the fees of the members of the arbitral tribunal shall be 50% of the fees provided for in the proceedings in which the award under review was rendered.

16. If the challenge proceeding is in respect of a proceeding initially submitted to a sole arbitrator, the Center may apply 100% of the fees provided for in the proceeding in which the award under review was rendered.

### **Appointing authority**

17. Acting as Appointing Authority shall entail a fee in favor of the Center of €2,000 for each arbitrator appointed.

### **Special rules**

18. In the event that the amount in dispute cannot be determined due to lack of information or if the claim is initially undetermined, the Center may, for the sole purpose of quantification, estimate the amount in dispute taking into account the economic interest of the dispute. If it is not possible to estimate such value, it shall be calculated on the basis of €300,000. The final quantification of the procedure may be modified, upwards or downwards, up to the closing of the proceedings.

<sup>4</sup> Article 49.3 of the Arbitration Rules.

In cases arising from agreements entered into prior to 1 January 2020, where the parties agree to transfer to the Center (opt-in), the fees (admission fees, administration fees and arbitrators' fees) that are most economical for the parties shall apply, taking them into account as a whole. In all other matters, in any event, the rules of the Center shall apply.

19. In cases where the parties quantify their requests for arbitration in a currency other than the euro, the Center shall calculate the administration and arbitrators' fees by applying the exchange rate of the day on which the request for the provision of funds is notified to the parties. In cases where the amount in dispute changes during the course of the arbitration, subsequent conversions shall also be made at the exchange rate in effect on the date on which the request for the provision of funds is made. No restitution shall be due to the parties in respect of variation or exchange risk. Changes in the exchange rate shall not modify the charges previously made by the Center.

20. In the event of the replacement of an arbitrator (whether by reason of challenge, removal or substitution), the Center shall determine, as the case may be, the allocation of fees between the challenged, removed or substituted arbitrator and the new arbitrator. In doing so, it may take into account, inter alia, the stage of the proceedings at the time of the change and the responsibility assumed by each arbitrator. The Center may reduce the fees of an arbitrator who, due to a lack of disclosure on their part, has been challenged or replaced when such replacement has resulted in a duplication of work or an increase in the duration or cost of the arbitration.

## **VAT**

21. The amounts quoted herein do not include value added tax (VAT), which may be applicable depending on the characteristics of each arbitration proceeding. Should VAT be applicable, the parties undertake to pay it.

## Part 2. Administration and arbitrators' fees

### Administration fees for ordinary, abbreviated and highly expedited procedure.

Admission fee: €2,000 (plus VAT, if applicable).

Administration fee in euros (plus VAT, if applicable):

Amount in dispute		Total	Percentage
<50 000	50 000	3 000	
50 000	100 000	3 000	1,200 %
100 000	300 000	3 600	1,600 %
300 000	500 000	6 800	1,300 %
500 000	1 000 000	9 400	0,950 %
1 000 000	2 000 000	14 150	2,000 %
2 000 000	5 000 000	34 150	0,010 %
5 000 000	10 000 000	34 450	0,270 %
10 000 000	30 000 000	47 950	0,001 %
30 000 000	50 000 000	48 150	0,130 %
50 000 000	100 000 000	74 150	0,001 %
100 000 000	500 000 000	74 650	0,012 %
500 000 000	>500 000 000	122 650	0,011 %

## Arbitration fees

Arbitrator's fees, in euros (plus VAT, if applicable):

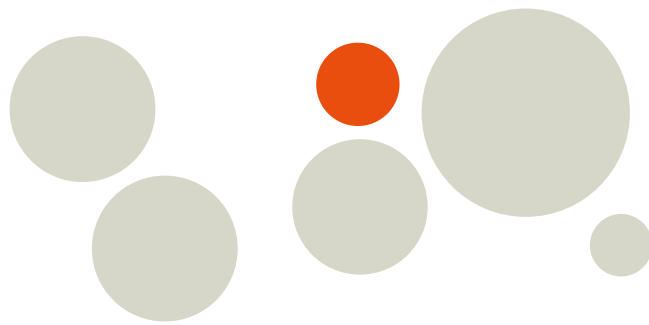
Amount in dispute		Total	Percentage
<50 000	50 000	6 400	12,800%
50 000	100 000	10 240	7,680%
100 000	300 000	17 600	3,680%
300 000	500 000	24 800	3,600%
500 000	1 000 000	36 800	2,400%
1 000 000	2 000 000	44 000	0,720%
2 000 000	5 000 000	65 360	0,712%
5 000 000	10 000 000	83 360	0,360%
10 000 000	30 000 000	107 360	0,120%
30 000 000	50 000 000	128 160	0,104%
50 000 000	100 000 000	152 160	0,048%
100 000 000	500 000 000	248 160	0,024%
500 000 000	>500 000 000		0,016%



### Costs in case of early termination

<b>Procedural milestone</b>	<b>Rights of administration</b>
Pre-arbitration phase	10-30 %
Appointment of arbitrators	30-50 %
First procedural order (or procedural organization conference in the case of abbreviated proceedings)	50-60 %
Processing of the proceeding from the first procedural order (or conference of organization of the proceeding in the case of abbreviated proceedings) to conclusions	60-75 %
Review of the award	100 %

<b>Procedural milestone</b>	<b>Arbitrators' fees</b>
Proceedings up to the first procedural order (or procedural organization conference in the case of an open proceeding)	5-20%
Processing of the procedure from the first procedural order to the conclusions (or organization conference in the case of abbreviated proceedings)	20-70 %
Deliberation and issuance of the award	70-100 %



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