

**International Chamber of Commerce (ICC)**

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# Contents

<b>Foreword</b>	<b>vii</b>
<b>Preface</b>	<b>ix</b>
<b>Chapter 1: Introduction</b>	<b>1</b>
<b>Chapter 2: A Step-by-Step Overview of ICC Arbitration Procedure</b>	<b>5</b>
<b>Chapter 3: Commentary on the 2012 Rules</b>	<b>13</b>
Article 1: International Court of Arbitration	13
Article 2: Definitions	27
Article 3: Introduction to written notifications and communications and time limits in ICC arbitration	28
Article 3(1): Written notifications or communications from parties and arbitral tribunals	29
Article 3(2): Notifications or communications from the Secretariat or arbitral tribunals	31
Article 3(3): Date on which a notification or communication is deemed to be made	32
Article 3(4): Calculation of time limits	33
Article 4: Request for Arbitration	34
Article 5: Answer to the Request for Arbitration and the making of counterclaims	49
Article 6(1): Applicable version of the Rules	64
Article 6(2): Administration of all ICC arbitrations by the Court	66
Article 6(3): Screening by the Secretary General prior to the application of Article 6(4)	67
Article 6(4): <i>Prima facie</i> decisions by the Court on the existence of an arbitration agreement	71
Article 6(5): Decisions on the jurisdiction of the arbitral tribunal	86
Article 6(6): Decisions by state courts on the existence of an arbitration agreement following a negative Article 6(4) decision	88
Article 6(7): Reintroduction of claims in other proceedings	90
Article 6(8): Failure of a party to participate in an arbitration	90
Article 6(9): Separability of the arbitration agreement	91
Articles 7-10: Multiple parties, multiple contracts and consolidation	93
Article 7: Joinder of additional parties	94
Article 8: Claims between multiple parties	104
Article 9: Multiple contracts	108
Article 10: Consolidation of arbitrations	111
Articles 11-15: Defining terminology relevant to the constitution of the arbitral tribunal and the replacement of arbitrators	116
Article 11(1): Impartiality and independence	117
Article 11(2): Statement of acceptance, availability, impartiality and independence	119
Article 11(3): Ongoing duty to disclose	128
Article 11(4): Finality and non-communication of reasons for decisions of the Court on the constitution of the arbitral tribunal	130
Article 11(5): Arbitrators' undertaking to respect the Rules	132

Article 11(6):	Priority of party agreements on the constitution of the arbitral tribunal	133
Article 12:	Overview of the constitution of the arbitral tribunal under the Rules	135
Article 12(1):	Number of arbitrators	137
Article 12(2):	Determining the number of arbitrators	138
Article 12(3):	Sole arbitrator	142
Article 12(4):	Selection of co-arbitrators for a three-member tribunal	142
Article 12(5):	Selection of the president of the arbitral tribunal	145
Articles		
12(6)-12(8):	Three-member arbitral tribunals in multiparty arbitration	147
Article 12(6):	Joint nomination of a co-arbitrator	149
Article 12(7):	Participation of additional parties in the nomination of co-arbitrators	150
Article 12(8):	Alternative method for constituting a three-member arbitral tribunal	150
Article 13(1):	Factors to consider when confirming or appointing arbitrators	153
Article 13(2):	Confirmation by the Secretary General	159
Article 13(3):	Appointment of arbitrators	161
Article 13(4):	Direct appointment of arbitrators	165
Article 13(5):	Nationality of the president of the arbitral tribunal	167
Article 14(1):	Challenges against arbitrators	170
Article 14(2):	Thirty-day time limit for admissibility of challenges	176
Article 14(3):	Comments on a challenge	178
Article 15(1):	Circumstances leading to replacement	180
Article 15(2):	Replacement on the Court's initiative	184
Article 15(3):	Right of parties and arbitrators to comment on the application of Article 15(2)	186
Article 15(4):	Process for selecting the replacement arbitrator	189
Article 15(5):	Truncated arbitral tribunals	192
Article 16:	Transmission of the case file to the arbitral tribunal	194
Article 17:	Proof of authority	197
Article 18(1):	Place of the arbitration	198
Article 18(2):	Location of hearings and meetings	205
Article 18(3):	Location of deliberations	208
Article 19:	Rules governing the proceedings	209
Article 20:	Language of the arbitration	212
Articles		
21(1)-21(3):	Overview of the rules of law governing the merits	217
Article 21(1):	Applicable rules of law	219
Article 21(2):	Contractual provisions and trade usages	228
Article 21(3):	<i>Amiable compositeur, ex aequo et bono</i>	230
Articles 22(1) and 22(2):	Effective case management	232
Article 22(3):	Orders and other measures relating to confidentiality	235
Article 22(4):	Fair and impartial treatment	237
Article 22(5):	Compliance with orders from the arbitral tribunal	238
Article 23(1):	Terms of Reference	239
Article 23(2):	Signing the Terms of Reference	250
Article 23(3):	Court approval of the Terms of Reference	253
Article 23(4):	New claims subsequent to the Terms of Reference	255
Article 24(1):	Case management conference	260
Article 24(2):	Procedural timetable	265
Article 24(3):	Continued case management	266
Article 24(4):	Conducting the case management conference	267
Article 25(1):	Establishing the facts of the case	268

Article 25(2):	Hearings	271
Article 25(3):	Hearing witnesses and experts	272
Article 25(4):	Experts appointed by the arbitral tribunal	274
Article 25(5):	Summoning parties for additional evidence	276
Article 25(6):	Proceedings without a hearing	277
Article 26(1):	Summoning parties to a hearing	278
Article 26(2):	Absence of a party at the hearing	281
Article 26(3):	The arbitral tribunal's control over the hearing	282
Article 26(4):	Attendance at hearings of duly authorized representatives and advisers	285
Article 27:	Closing of the proceedings and date for submission of draft awards	285
Article 28(1):	Conservatory and interim measures ordered by the arbitral tribunal	288
Article 28(2):	Conservatory and interim measures ordered by judicial authorities	293
Article 29:	Introduction to emergency arbitrator proceedings	294
Article 29(1):	Applying for Emergency Measures	299
Article 29(2):	Form of emergency relief	302
Articles 29(3) and 29(4):	Effect of the emergency arbitrator proceedings on the arbitral tribunal's powers	305
Articles 29(5) and 29(6):	Scope of the Emergency Arbitrator Provisions	307
Article 29(7):	Effect of emergency arbitrator proceedings on other methods of seeking urgent interim or conservatory measures	310
Article 30(1):	Time limit for rendering the final award	310
Article 30(2):	Extension of the time limit for rendering the final award	313
Article 31(1):	Making of the award	316
Article 31(2):	Reasoning	321
Article 31(3):	Date and place of the award	321
Article 32:	Award by consent	323
Article 33:	Scrutiny of the award by the Court	327
Article 34:	Introduction to enforcement of ICC awards	338
Article 34(1):	Notification of the award to the parties	339
Article 34(2):	Certified copies of awards	343
Article 34(3):	Parties' waiver of any other form of notification of the award	343
Article 34(4):	Archiving of originals of awards	344
Article 34(5):	Assistance in having awards recognized and/or enforced	344
Article 34(6):	Binding effect of the award on parties	345
Article 35(1):	Correction on the arbitral tribunal's initiative	347
Article 35(2):	Application by a party for the correction or interpretation of an award	348
Article 35(3):	Decisions on correction or interpretation	354
Article 35(4):	Remission of an award	357
Articles		
36 and 37:	Introduction to the ICC's costs system	360
Article 36(1):	Provisional advance	365
Article 36(2):	Advance on costs	368
Article 36(3):	Separate advances on costs	374
Article 36(4):	Advances on costs in multiparty arbitrations	377
Article 36(5):	Readjustment of the advance on costs and substitution	383
Article 36(6):	Deemed withdrawal of claims following failure to pay	387
Article 36(7):	Set-offs in the calculation of advances on costs	390
Article 37(1):	Costs of the arbitration	391

Articles 37(1) and 37(2):	The Court's decisions on costs	392
Articles 37(1) and 37(3)–37(5):	The arbitral tribunal's decisions on costs	404
Article 37(6):	Decisions on costs upon the termination of the arbitration	412
Article 38(1):	Modified time limits	415
Article 38(2):	Extension of modified time limits	417
Article 39:	Waiver	418
Article 40:	Limitation of liability	421
Article 41:	General rule	422
<b>Chapter 4:</b>	<b>Other ICC Dispute Resolution Services</b>	<b>425</b>
<b>Chapter 5:</b>	<b>ICC Dispute Resolution Clauses</b>	<b>447</b>
<b>Chapter 6:</b>	<b>Comparative Table, 1998/2012 Rules</b>	<b>451</b>
<b>Chapter 7:</b>	<b>ICC Rules of Arbitration, in force as from 1 January 2012</b>	<b>459</b>
<b>Index of Tables</b>		<b>489</b>
<b>General Index</b>		<b>491</b>

## Foreword

The latest iteration of the ICC Rules of Arbitration—the 2012 Rules—is the result of one of the most extensive, consultative exercises ever undertaken by the ICC. A decision to review and revise the highly regarded 1998 Rules was taken by the ICC Commission on Arbitration in October 2008. In the months that followed, members of the Commission and of the Task Force set up by the Commission, together with members of the international arbitration community at large, submitted a very considerable number of comments and proposals for changes to the Drafting Sub-Committee tasked with the production of a draft of the new Rules.

Commission Chairman Peter Wolrich, who, with Michael Bühler and Laurie Craig, chaired the Drafting Sub-Committee, explains the genesis of the new Rules in some detail in his preface to this book. It is right, however, that I, too, acknowledge the contribution to the successful conclusion of this exercise of so many individuals, including in-house counsel, whose views were widely canvassed, and the members of the parallel Task Force considering the new Rules from the point of view of state parties under the able chairmanship of Eduardo Silva Romero and Peter Goldsmith. Such comprehensive consultations and the changes resulting from them reflected in the new Rules demonstrate the extent to which the ICC has taken account of the views of users of its Rules.

The 2012 Rules remain true to the drafting ethos of previous editions of the Rules. Nothing has been changed for the sake of change. Such changes and innovations as have been made reflect the dramatic evolution in the nature and scope of the Court's user base and practice in the fourteen years since the promulgation of the 1998 Rules, not least the explosion in the numbers of multiparty disputes (particularly from Latin America), the all-pervasive use of electronic media and means of communication, and increasing pressure on arbitrators and institutions alike to ensure that time and cost constraints are respected.

User demands included assurances as to the availability of arbitrators; early clarification of the nature and basis of claims; the ability to call upon an emergency arbitrator procedure; and more certainty as to when an award might be expected after the conclusion of a hearing and the filing of post-hearing briefs. In large part, these demands have been met in the new Articles 4(3), subparagraphs (c) and (d); 11(2); 29; and 27, subparagraph (b). Multi-party disputes are the subject of Articles 7–10 of the 2012 Rules, a group of provisions that constitute one of the principal innovations of the new Rules.