

SCC Procedures as Appointing Authority under the 1976 UNCITRAL Arbitration Rules

English

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In force as of 1 January 2023 and applied in cases under the UNCITRAL Arbitration Rules as revised in 1976.

ABOUT THE SCC AS APPOINTING AUTHORITY

Article 1

When designated as appointing authority under Article 6 of the 1976 UNCITRAL Arbitration Rules (the “Rules”), the SCC Arbitration Institute (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.

When appointing arbitrators, the SCC’s board of directors (the “Board”) shall consider the nature and circumstances of the dispute, the applicable law, the seat and the language of the arbitration and the nationality of the parties.

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.

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 in the form prescribed 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.

Costs

For its services as appointing authority under Articles 2, 3 and 5 above, the SCC will charge the requesting party a fixed amount of EUR 3 000 (VAT excluded).

For its services under Article 4 above, the SCC will charge the requesting party a fixed amount of EUR 3 000 (VAT excluded).

The applicable fee shall be paid when the request is submitted to the SCC. If the fee is not provided together with the request, the SCC shall set a deadline within which the party shall pay the applicable fee. If the fee is not paid within this time period, the request shall be dismissed.

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