COMPARISON OF ARBITRATION RULES OF INTERNATIONAL ARBITRAL INSTITUTIONS

ICC, LCIA, SCC, DIS, VIAC, SCAI, SIAC, HKIAC

KIAP often receives requests to recommend certain arbitral institutions and to provide advice to the clients on the following questions:

- Whether to agree the arbitration clause that counter-party suggested or not?
- If particular arbitral institution is not suitable, which other arbitral institution it is better to consider and how to persuade the counter-party to accept it?
- If the dispute occurs, how to commence arbitration?
- How much arbitration will cost?
- How long will proceedings last?
- When should a party choose an arbitrator and how is he/she being appointed?
- When is the deadline for filing a reply to a statement of claim?
- Is it possible to urgently receive interim or conservatory measures?
- How long should one wait for the award?

Answers to those questions may be found in the chart prepared by KIAP Arbitration Team. The chart compares the rules of eight of the most popular European and Asian arbitral institutions. Below you may also find examples of enforcement of the awards of respective arbitral institutions in Russia:

- ICC (The International Court of Arbitration of the International Chamber of Commerce);
- LCIA (The London Court of International Arbitration);
- SCC (The Arbitration Institute of the Stockholm Chamber of Commerce);
- DIS (German Arbitration Institute);
- VIAC (Vienna International Arbitral Centre);
- SCAI (Swiss Chambers’ Arbitration Institution);
- HKIAC (Hong Kong International Arbitration Centre);
- SIAC (Singapore International Arbitration Centre).
<table>
<thead>
<tr>
<th>Year when arbitration institution was established</th>
<th>1923</th>
<th>1883</th>
<th>1917</th>
<th>1975</th>
<th>1992</th>
<th>2004</th>
<th>1985</th>
<th>1991</th>
</tr>
</thead>
</table>

## 1. ARBITRATION FEES

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Registration fee</strong></td>
<td>USD 5,000</td>
</tr>
</tbody>
</table>

Average fee (arbitrators’ fee + administrative fee of the Secretariat) if the amount of a dispute constitutes 1,000,000 USD: Attorney’s fees and travel costs are not included.

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Solo arbitrator, ordinary procedure</strong></td>
<td>USD 62,714</td>
</tr>
<tr>
<td><strong>Solo arbitrator, expedited procedure</strong></td>
<td>USD 54,838</td>
</tr>
<tr>
<td><strong>Panel of three arbitrators, ordinary procedure</strong></td>
<td>USD 141,472</td>
</tr>
<tr>
<td><strong>Panel of three arbitrators, expedited procedure</strong></td>
<td>USD 117,844</td>
</tr>
</tbody>
</table>

Average fee (arbitrators’ fee + administrative fee of the Secretariat) if the amount of a dispute constitutes 10,000,000 USD: Attorney’s fees and travel costs are not included.

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Solo arbitrator, ordinary procedure</strong></td>
<td>USD 170,799</td>
</tr>
<tr>
<td><strong>Solo arbitrator, expedited procedure</strong></td>
<td>USD 148,142</td>
</tr>
<tr>
<td><strong>Panel of three arbitrators, ordinary procedure</strong></td>
<td>USD 397,367</td>
</tr>
<tr>
<td><strong>Panel of three arbitrators, expedited procedure</strong></td>
<td>USD 329,396</td>
</tr>
</tbody>
</table>

© Here and further arbitration fee has been calculated for the dispute between two parties without counter-claim (based on the data of the arbitral institutions and taking into account average sums). Many institutions make a disclaimer that they could reduce or raise their fees taking into account the complexity of the dispute and the amount of additional parties involved. Different institutions provide their fees in different currency. For the purpose of making figures comparable the figures are stated in USD. We used the exchange rate existing on April 20, 2022.
## 2. Commencement of Arbitration

### Type of the document
- Request for Arbitration
  - If Claimant wishes it may be filed as a Statement of Claim
  - Art. 4 of the Rules
- Request for Arbitration
  - Art. 6 of the Rules
- Statement of Claim
  - Art. 7 of the Rules
- Request for Arbitration
  - Art. 5 of the Rules
- Notice of Arbitration
  - Art. 3 of the Rules
- Notice of Arbitration
  - Art. 14 of the Rules
- Notice of Arbitration
  - Art. 15 of the Rules

### Means of filing
- To the ICC Secretariat
  - Art. 1 of the Rules
- To the Registrar of the LCIA Court and to the Secretariat
  - Art. 1 of the Rules
- To the Secretariat
  - Art. 9 of the Rules
- To the Secretariat
  - Art. 10 of the Rules
- To the Secretariat
  - Art. 11 of the Rules
- To the Secretary
  - Art. 2 of the Rules
- To MIAC and the other party
  - Art. 4 of the Rules
- Both to the Registrar and Respondent
  - Art. 13 of the Rules

### When arbitration is deemed to have been commenced
- The date on which the Request is received by the Secretariat
  - Art. 14 of the Rules
- The date on which the Secretariat receives the Request
  - Art. 18 of the Rules
- The date on which the Notice of Arbitration is received by MIAC
  - Art. 2 of the Rules
- The date on which the Notice of Arbitration is received by MIAC
  - Art. 3 of the Rules
- The date on which a copy of the Notice of Arbitration is received by MIAC
  - Art. 4 of the Rules
- The date of receipt of the complete Notice of Arbitration by the Registrar
  - Art. 3 of the Rules

### Amount of days for Reply by the Respondent
- 30 days after the Secretariat receives the documents
  - Art. 5 of the Rules
- 28 days after commencement of proceedings if the Court does not provide otherwise
  - Art. 21 of the Rules
- 30 days after receiving the documents from the Secretariat
  - Art. 8 of the Rules
- 30 days after receiving the documents from the Secretariat
  - Art. 11 of the Rules
- 10 days after receiving the Notice of Arbitration
  - Art. 7 of the Rules
- 10 days after receiving the Notice of Arbitration
  - Art. 9 of the Rules
- 14 days after receiving the Notice of Arbitration
  - Art. 1 of the Rules
- 14 days after receiving the Notice of Arbitration
  - Art. 3 of the Rules

### Deadlines for reply within expedited proceedings
- Proceedings change but not the deadlines for the Reply (Appendix X to the Rules)
- Not applicable
- The Secretariat sets the deadline (Art. 9 of the Rules)
- The deadlines are the same as in ordinary proceedings but reduced to 5 days for jointly appointed sole arbitrator (Art. 40 of the Rules)
- The deadlines are the same as in ordinary proceedings but reduced to 5 days for jointly appointed sole arbitrator (Art. 40 of the Rules)
- The parties undertake to keep confidential all awards and orders as well as all records.
- Unless otherwise agreed by the parties, any award or any order within the prior written consent of all parties and the Arbitral Tribunal (Art. 30 of the Rules)
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### Confidentiality of arbitration
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## 3. POSSIBILITY TO OBTAIN PROVISIONAL MEASURES

<table>
<thead>
<tr>
<th>Emergency arbitrator (Yes/No)</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee for the application for emergency arbitrator</td>
<td>40 000 USD</td>
<td>28 000 £ (VAT incl.)</td>
<td>20 000 Euro</td>
<td>24 500 CHF</td>
<td>30 000 SGD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time period for filing the application for emergency arbitrator and obtaining provisional measures</td>
<td>No later than 15 days from the date on which the file was transmitted to the emergency arbitrator (Art. 6 of the Appendix V to the Rules)</td>
<td>No later than 14 days following the Emergency Arbitrator’s appointment (Art. 9 of the Rules)</td>
<td>No later than 5 days from the date the application was referred to the Emergency Arbitrator (Art. 6 of the Appendix V to the Rules)</td>
<td>Application may be filed before the tribunal has been formed or even before submission of Notice of Arbitration, but in this case Notice of Arbitration shall be filed within 15 days of the Emergency Arbitrator’s receipt of the Application (Art. 43 of the Rules)</td>
<td>Application may be filed within 15 days from the date on which HKAIC transmitted the file to the emergency arbitrator (Art. 43 of the Rules)</td>
<td>Application may be filed within 15 days from the date on which HKAIC transmitted the file to the emergency arbitrator (Art. 43 of the Rules)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deadline for emergency arbitrator to grant a relief (as a general rule in certain cases may be subject to prolongation)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Right of the arbitral tribunal to grant provisional measures (Yes/No)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Order and deadlines for application to tribunal for provisional measures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possibility to receive security for costs</td>
<td>Rules do not exclude</td>
<td>Exists</td>
<td>Exists</td>
<td>Rules do not exclude</td>
<td>Rules do not exclude</td>
<td>Rules do not exclude</td>
<td>exists</td>
<td>Rules do not exclude</td>
</tr>
<tr>
<td>Qualified institution to administer arbitrations seated in Hong Kong in which a party may seek provisional measures from Chinese courts (Yes/No)</td>
<td>Yes (Hong Kong office)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
4. APPOINTMENT OF ARBITRATORS

Amount of arbitrators by default (if the parties did not agree otherwise)

The Court shall appoint a sole arbitrator, save where it appears to the Court that the dispute is such as to warrant the appointment of three arbitrators (Art. 12 of the Rules).

Overdominated arbitrator shall be appointed (Art. 5 of the Rules).

Arbitral institution determines whether the case shall be resolved by the sole arbitrator appointed or tribunal of three arbitrators (Art. 16 of the Rules).

Arbitral institution determines whether the case shall be resolved by the sole arbitrator or tribunal of three arbitrators (Art. 17 of the Rules).

The dispute shall be resolved by three arbitrators unless there has been a prior agreement and/or or granted by one of the parties that the arbitral tribunal be comprised of a sole arbitrator (Art. 12 of the Rules).

Arbitral institution appoints sole arbitrator unless the difficulty of the case or the amount in dispute the case shall be resolved by the sole arbitrator or three arbitrators (Art. 17 of the Rules).

As a general rule a sole arbitrator shall be appointed unless UIAC considers that three arbitrators shall be appointed (Art. 15 of the Rules).

Order and deadlines for choosing/appointing the sole arbitrator (if the parties did not agree otherwise)

Each party appoints one candidate for appointment in the Request for Arbitration and the Rules. Otherwise, if the party does not appoint an arbitrator, the Court appoints an arbitrator for the party. The presiding arbitrator is appointed by the Court if the parties do not agree on another order of their appointment (Art. 12 of the Rules).

Each party nominates equal number of arbitrators, and the presiding arbitrator is appointed by SCC if the party does not nominate an arbitrator. The SCC appoints arbitrators. The presiding arbitrator is appointed by the Board within 30 days after receiving the request from the institutional arbitration (Art. 11 of the Rules).

Each party nominates arbitrator in the Statement of Claim and the Answer, respectively, or within 30 days after receiving the request from the institutional arbitration. Otherwise, the party does not nominate an arbitrator. The institutional arbitration decides on the appointment of the presiding arbitrator (Art. 11 of the Rules).

The parties have 30 days for nomination of a candidate that run starting from the date when respondent receives Notice of Arbitration, unless otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 17.3 of the Rules).

The parties have 30 days for nomination of a candidate that run starting from the date when respondent receives Notice of Arbitration, unless otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 17.3 of the Rules).

The parties have 30 days for nomination of a candidate that run starting from the date when respondent receives Notice of Arbitration. Otherwise, the party does not nominate an arbitrator. The presiding arbitrator is appointed by the Board within 30 days after receiving the request from the institutional arbitration (Art. 17.4 of the Rules).

The parties have 30 days for nomination of a candidate that run starting from the date when respondent receives Notice of Arbitration, unless otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 17.3 of the Rules).

Each party designates one arbitrator within 15 days after the date of the submission of the Request for Arbitration or otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 8 of the Rules).

Each party designates one arbitrator within 15 days after the date of the submission of the Request for Arbitration or otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 8 of the Rules).

Each party shall appoint an arbitrator within 15 days after the date of the submission of the Request for Arbitration or otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 8 of the Rules).

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Each party shall appoint an arbitrator within 15 days after the date of the submission of the Request for Arbitration or otherwise agreed by the parties if the parties fail to suggest a joint nominee, the sole arbitrator is appointed by the arbitral institution (Art. 8 of the Rules).

As a general rule a sole arbitrator shall be appointed unless UIAC considers that three arbitrators shall be appointed (Art. 15 of the Rules).

5. CONSOLIDATION OF MULTIPLE CLAIMS, MULTIPLE CONTRACTS ARBITRATION, JOINED OF THE THIRD PARTIES

Multiple contracts arbitration (Yes/No)

Consolidation of several proceedings (Yes/No)

Joiner of third parties (Yes/No)

Separate request for arbitration shall be filed for a claim arisen out of separate contracts (Art. 10 of the Rules).

Is not directly provided by the Rules but may be performed in the latter stage in the form of consolidation of cases (Art. 10 of the Rules).

Is not directly provided by the Rules but may be performed in the latter stage in the form of consolidation of cases (Art. 10 of the Rules).

Is not directly provided by the Rules but may be performed in the latter stage in the form of consolidation of cases (Art. 10 of the Rules).

Yes (Art. 10 of the Rules)

Yes (Art. 15 of the Rules)

Yes (Art. 17 of the Rules)

Yes (Art. 19.1 of the Rules)

Yes (Art. 19.2 of the Rules)

Yes (Art. 20 of the Rules)

Yes (Art. 21 of the Rules)

Yes (Art. 22 of the Rules)

Yes (Art. 23 of the Rules)

Yes (Art. 24 of the Rules)

Yes (Art. 25 of the Rules)

Yes (Art. 26 of the Rules)

Yes (Art. 27 of the Rules)

Yes (Art. 28 of the Rules)

Yes (Art. 29 of the Rules)

Yes (Art. 30 of the Rules)

Yes (Art. 31 of the Rules)

Yes (Art. 32 of the Rules)

Yes (Art. 33 of the Rules)

Yes (Art. 34 of the Rules)
### 6. AWARD

#### Average duration of the proceedings within ordinary procedure according to published statistics and open sources

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 years 4 months</td>
<td>ICC Report from 2018 <a href="https://www.icc-case.com/news-releases/">Report</a></td>
</tr>
<tr>
<td>16 months</td>
<td><a href="https://www.jacc.org/2018">Global Arbitration Survey</a></td>
</tr>
<tr>
<td>11.5 months</td>
<td>SCC-IAAC</td>
</tr>
<tr>
<td>12.5 months</td>
<td>VIAC</td>
</tr>
<tr>
<td>12-18 months</td>
<td>Newsletter 2014, 2015 <a href="https://www.siac.org.sg/a-war/costs-duration-a-war">Source</a></td>
</tr>
<tr>
<td>11.7 months</td>
<td>HKIAC</td>
</tr>
</tbody>
</table>

#### Deadline for rendering of an award within ordinary procedure (as a general rule)

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 months after signing of the Terms of Reference (Art. 31 of the Rules)</td>
<td>Deadline is not set</td>
</tr>
<tr>
<td>6 months after the case is referred to the Arbitral Tribunal (Art. 43 of the Rules)</td>
<td>-</td>
</tr>
<tr>
<td>Deadlines not set, but the arbitral tribunal shall send the final award to the parties within 3 months after the last hearing or the last evidence submission (Art. 37 of the Rules)</td>
<td>-</td>
</tr>
</tbody>
</table>

#### Deadline for rendering of an award within expedited procedure (as a general rule)

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 months from the date the case was referred to the Arbitral Tribunal (Art. 43 of the Rules)</td>
<td>6 months from the date of transmission of the file to the arbitral tribunal (Art. 42.1 of the Rules)</td>
</tr>
<tr>
<td>6 months from the date on which the Secretariat transmitted the file to the arbitral tribunal (Art. 42.2 of the Rules)</td>
<td>6 months from the date when the Tribunal is constituted (Art. 32.1 of the Rules)</td>
</tr>
</tbody>
</table>

#### Scrutiny of the award by the arbitral institution (Yes/No)

<table>
<thead>
<tr>
<th>Scrutiny</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes (Art. 34 of the Rules)</td>
<td>No (Art. 38 of the Rules)</td>
</tr>
<tr>
<td>No (Art. 49 of the Rules)</td>
<td>Yes (Art. 33 of the Rules)</td>
</tr>
</tbody>
</table>

#### Possibility to recover costs from the loosing party

<table>
<thead>
<tr>
<th>Possibility</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes (Art. 28.2 of the Rules)</td>
<td>Yes (Art. 34.2 of the Rules)</td>
</tr>
<tr>
<td>No (Art. 37 of the Rules)</td>
<td>No (Art. 37 of the Rules)</td>
</tr>
<tr>
<td>No (Art. 4.3 of the Rules)</td>
<td>No (Art. 4.3 of the Rules)</td>
</tr>
</tbody>
</table>

#### Permission to act in Russia

<table>
<thead>
<tr>
<th>Permission</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No (Art. 35.1.1 of the Rules)</td>
<td>No (Art. 35.1.1 of the Rules)</td>
</tr>
</tbody>
</table>

#### Examples of the enforcement of the arbitral awards of respective institutions in Russia

<table>
<thead>
<tr>
<th>Institution</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIC - 2006/2008</td>
<td>2006/2008</td>
</tr>
</tbody>
</table>

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**Disclaimer:** The chart includes information taken from the Procedural Rules in force as of May 15, 2020. The data in the review is provided for informational purposes only and shall not be considered as legal advice for particular questions and does not substitute the legal advice of a qualified lawyer.