Public Announcement – 15 January 2021

Revised Rules of the Swiss Chambers' Arbitration Institution ("SCAI") as Appointing Authority and Case Administrator in UNCITRAL, *ad hoc*, and other Proceedings

Since 2014, the Swiss Chambers' Arbitration Institution (SCAI) has offered its services as appointing authority not only for disputes administered under the Swiss Rules of International Arbitration or the Swiss Rules of Mediation, but also in UNCITRAL or other *ad hoc* arbitration proceedings.

The offering of services includes appointing arbitrators as well as taking decisions on challenges or other grounds for the replacement of arbitrators. Assistance may also be provided for fixing arbitrators' fees and expenses or for reviewing decisions on costs and fees, if so requested by the parties.

Requests for SCAI or any of its bodies to act as appointing authority may be submitted to the SCAI Secretariat.

With a view to offering additional services and to adapting to recent developments in Swiss and international arbitration, SCAI has decided to revise its rules as appointing authority, which has been renamed "Rules of the Swiss Chambers' Arbitration Institution ("SCAI") as Appointing Authority and Case Administrator in UNCITRAL, ad hoc and other Proceedings" (the "Rules").

The Committee looking at the revision of the Rules consisted of Court Members Andrea Meier, Bernd Ehle, Boris Vittoz, and Paolo Marzolini; in addition to the SCAI-Team consisting of Caroline Ming, Beatriz Restrepo, and Hannes Latzel.

In addition to the interest of a number of parties for such Rules, including States, one of the reasons for an update – and a general overhaul of the Rules – is that the Swiss Society of Engineers and Architects (SIA) and SIX Exchange Regulation (the largest Swiss stock exchange) have asked SCAI to act as appointing authority.

The revised version of the Rules includes the following changes:

(i) **The Rules now expressly mention those organizations that have transferred to SCAI the authority to appoint arbitrators** (this is done in a footnote, which also mentions two associations in Geneva: *Association pour l'arbitrage international en matière de commerce et d'industrie* (ARICI); *Association pour l'Arbitrage en matière de Baux Commerciaux* (ABC)).

(ii) **The revised Rules have a broadened scope now also including <u>supporting and case administrator</u> services** (in addition to appointing services) such as services in relation to the arbitrators' fees and costs, and certain tasks performed by the Secretariat and by the Advisory Council for Mediation in mediation proceedings, which is reflected in the new title: "Rules of the Swiss Chambers' Arbitration Institution as Appointing Authority *and Case Administrator*".

(iii) **A new service is provided: Repository of Published Information**
   a. In UNCITRAL or non-UNCITRAL *ad hoc* investor-State arbitration proceedings, when so empowered by an agreement of the parties pursuant to Article 1(2)(a) of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration, SCAI will act as repository of information or documents related to the parties' arbitration when subject to transparency rules or regulations ("Published Information").
   b. The Published Information can be made available to the public on the website of SCAI or otherwise.

(iv) The revised Rules have also been updated to reflect the current practice of SCAI and aligned with the wording of the Swiss Rules of International Arbitration and the Swiss Rules of Mediation.

(v) In addition, the Committee has:
   a. carefully reappraised all provisions referring to the powers of SCAI;
   b. inserted new rules for mediation and expert related services (new Article 6 and 7);
   c. revised the provision on costs to be in line with SCAI's practice and with a view to being competitive on the market; and
   d. revised and harmonized the language.

The revised Rules exist in English, German, French and Italian.

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"Rethinking and modernizing the Rules of SCAI as Appointing Authority and Case Administrator was a great pleasure – not least thanks to the excellent teamwork in the Committee. I am confident that the market will value the broader variety of quality services now offered by SCAI at reasonable cost."
Bernd Ehle, Member of the SCAI Arbitration Court

"It is my great satisfaction to see how, with this revision, the SCAI Team increases again the range of its services to help parties resolve their disputes in the most effective and efficient manner, this even if, for some reasons of their own, they are not submitting their dispute to the Swiss Rules."
Caroline Ming, Executive Director of SCAI

About the Swiss Chambers' Arbitration Institution:

The Chambers of Commerce and Industry of Basel, Bern, Geneva, Lucerne (Central Switzerland), Lugano, Neuchâtel and Zurich established the Swiss Chambers' Arbitration Institution as a not-for-profit organization which offers means of dispute resolution based on the Swiss Rules of International Arbitration, the Swiss Rules of Mediation, the SCAI Rules of Mediation Procedure for Financial Services, and now the Rules of SCAI as Appointing Authority and Case Administrator in UNCITRAL, ad hoc, and other proceedings.

For more information, please visit the Swiss Chambers' Arbitration Institutions' website and follow it on Linked in.

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