



The Swiss Rules of International Arbitration (the Swiss Rules) of the Swiss Chambers' Arbitration Institution (SCAI) Efficient – Cost Effective - Reliable:

Twelve Reasons to Choose Arbitration under the Swiss Rules

1. Quick, neutral, professional, confidential and enforceable

Arbitration is generally quicker than proceedings before state courts. Arbitrators are neutral and specialized in the field of the dispute. Their awards are confidential and enforceable in most countries, contrary to court judgements.

2. Switzerland as one of the most popular locations worldwide

Switzerland is both a neutral and international venue with a very multicultural and multilingual community. Ever since commercial arbitration became the N°1 dispute resolution mechanism for cross-border disputes, Switzerland has discretely but successfully hosted a very large number of arbitrations.

3. The Swiss Chambers of Commerce: Tradition and experience

Two of the Swiss Chambers (Zurich, founded in 1873; Geneva founded in 1865) are among the world's very first providers of international arbitration services. The first Arbitration Rules of the Zurich Chamber of Commerce were launched in 1911. 7 of the leading Swiss Chambers of Commerce have founded and own SCAI which administers cases in complete independence.

4. One of the most modern sets of Arbitration Rules

The Swiss Rules of International Arbitration were elaborated by world leading experts in international arbitration, in order to reflect modern practice and cutting edge law in this field and revised in 2012.

5. Arbitration Rules based on widely- used ad hoc Rules

The Swiss Rules are based on the Rules of the United Nations Commission on International Trade Law (UNCITRAL Rules), some of the most popular and widely used rules of international arbitration, which were fine-tuned and modernized to take into account recent developments.

6. Free choice of arbitrators, law, language, seat, hearing place and counsel

SCAI does not impose any list or panel of arbitrators on the parties. Instead, priority is given to the choice of the parties, which are free not only to designate their arbitrator(s), but also to select the applicable law, the language, the seat, the hearing place and, obviously, their legal counsel, from Switzerland or elsewhere.

7. Available for arbitrations anywhere in the world

Under the Swiss Rules, the parties are free to designate the seat of the arbitration in any country. If they choose a seat in Switzerland, in addition to the Rules, they will benefit from Switzerland's modern and efficient arbitration law. The hearings can take place in any convenient and cost effective location in Switzerland and elsewhere.

8. Efficiency of the proceedings: joinder and consolidation

Upon request by the parties, any new case may be consolidated with an already pending and related arbitration in order to achieve efficiency of the proceedings. Joinder of third parties is also allowed in certain circumstances.

9. Cost effective mechanism for dispute resolution

The main costs of arbitration are lawyers' fees, long hearings, extensive document production requests, and the party's internal costs. Parties are encouraged to control these costs attentively and to consider settlement opportunities and mediation when appropriate. Arbitrators' fees and administrative fees only represent a fraction of the total arbitration costs. SCAI's administrative fees are moderate and the arbitrators' fees competitive. They can be reduced when the parties reach a settlement prior to the rendering of the final award.



10. Even more cost effective for small and medium size disputes

One of the major cost factors in arbitration is the duration of the proceedings. Under the Swiss Rules, arbitrations involving amounts in dispute of less than CHF 1 million (~= USD 1 million) are submitted to mandatory expedited proceedings. The award is rendered within six months. The parties are also free to choose the expedited proceedings for larger disputes.

11. Proper level of support to the Arbitral Tribunal

SCAI provides assistance for the constitution of the arbitral tribunal, but does not encroach on the arbitrators' judicial work.

12. Exclusive power of the Swiss Supreme Court to deal with challenges of awards

Swiss arbitration law does not allow for court interference. The courts will not review the merits of the award. Upon a party's request, the Swiss Supreme Court will nevertheless examine the award's compliance with public policy, usually within four to six months. Switzerland was the first place of arbitration where awards could be directly referred to the country's highest court, hence avoiding the risk of costly and lengthy post-arbitration litigation.

Further information is available on:
www.swissarbitration.org

Model Arbitration Clause for Contracts

SCAI strongly recommends parties and counsel to insert the following model arbitration clause in their contracts to refer to arbitration under the Swiss Rules:

Any dispute, controversy or claim arising out of, or in relation to, this contract, including the validity, invalidity, breach, or termination thereof, shall be resolved by arbitration in accordance with the Swiss Rules of International Arbitration of the Swiss Chambers' Arbitration Institution in force on the date on which the Notice of Arbitration is submitted in accordance with these Rules.

The number of arbitrators shall be ...
("one", "three", "one or three");

The seat of the arbitration shall be ... *(name of city in Switzerland, unless the parties agree on a city in another country);*

The arbitral proceedings shall be conducted in ... *(insert desired language).*