



## **INTERNAL RULES OF THE ARBITRATION COURT OF THE SWISS CHAMBERS' ARBITRATION INSTITUTION**

For the purpose of providing arbitration services, the Chambers of Commerce in Basel, Berne, Geneva, Lausanne, Lugano, Lucerne, Neuchâtel, and Zurich founded the Swiss Chambers' Arbitration Institution as an arbitral institution. In order to administer arbitrations under the Swiss Rules of International Arbitration (the "Swiss Rules"), the Swiss Chambers' Arbitration Institution established the Arbitration Court (the "Court"). The Court is assisted in its work by the Secretariat of the Court (the "Secretariat").

These Internal Rules have been adopted in accordance with the Swiss Rules for the purpose of organising the work of the Court.

### **Article 1: Composition of the Court**

The Court shall consist of a President, two Vice-Presidents, a Secretary to the President (the "Secretary"), and ordinary members (collectively designated as "Members").

The President, the Vice-Presidents, the Secretary, the Members of the Court Special Committee (Article 4 below) and the other Members shall be appointed by the Board of Directors of the Swiss Chambers' Arbitration Institution.

The Members shall be experienced international arbitration practitioners.

The term of office for the Members shall be three years and may be renewed twice. The President, the Vice-Presidents, and the Secretary are elected for a period of three years, renewable once.

### **Article 2: Powers of the Court**

The Court shall render decisions as provided for under the Swiss Rules. It may delegate to one or more members or committees the power to make certain decisions pursuant to the present Internal Rules. The Court has all the necessary powers to fulfil such purpose.

The Court shall be assisted in its work by the Secretariat of the Court (hereinafter the "Secretariat"), which shall be responsible for the administrative tasks relating to arbitration proceedings pending under the Swiss Rules.

### **Article 3: The Case Administration Committee**

Upon receipt of a Notice of Arbitration or an application for emergency relief proceedings, the Secretariat shall designate among the Members of the Court a Rapporteur, and, if the circumstances so justify, a Vice-Rapporteur and up to two additional Members, who together will constitute the Case Administration Committee for such arbitration proceedings.

This Case Administration Committee shall support the Secretariat in its tasks and shall be empowered to make – after consultation with the Secretariat – all decisions within the powers of the Court relating to the case concerned, which are not expressly delegated to



the Court Special Committee pursuant to Article 4 below or the President or any Vice-President pursuant to Article 6 below.

Only a simple majority is required for all decisions which are to be rendered by the Case Administration Committee. The Rapporteur holds a casting vote. Decisions may be made electronically.

#### **Article 4: The Court Special Committee**

The Court Special Committee shall comprise seven Members of the Court pursuant to Article 1 above.

The President, the Vice-Presidents and the Secretary of the Court shall be Members of the Court Special Committee.

The Court Special Committee shall have the power to render the following decisions:

- Appointment of an arbitrator in the circumstances contemplated by Article 5(3) and 13(2)(a) Swiss Rules;
- Challenge of an arbitrator (Article 11 Swiss Rules);
- Removal of an arbitrator (Article 12 Swiss Rules);
- Revocation of an arbitrator (Article 5(3) Swiss Rules);
- Non-replacement of an arbitrator (Article 13(2)(b) Swiss Rules);
- Determination of the seat of the arbitration (Article 16 Swiss Rules);
- Those decisions which may be necessary relating to consolidation of proceedings (Article 4(1) Swiss Rules);

The decisions rendered by the Court Special Committee are valid provided that at least five of its Members have participated in the decision making process.

Only a simple majority is required for all decisions to be rendered by the Court Special Committee. The President holds a casting vote.

Decisions may be made electronically and are communicated to the Secretariat by the President or, in his or her absence, by one of the Vice- Presidents.

In case a matter calls for a decision of the Court Special Committee according to these Internal Rules, but the underlying facts of such matter are undisputed and the legal situation is entirely clear (e.g. because a request does manifestly not meet the requirements for such request), the President or, in his or her absence, one of the Vice-Presidents, shall refer the decision to the Case Administration Committee for decision.

#### **Article 5: Plenary sessions of the Court**

The President of the Court, or, in his or her absence, one of the Vice-Presidents shall preside over the plenary sessions of the Court and the sessions of any committee established by the Court.



The President, the Vice-Presidents and the committees must report to the Court if they have encountered an issue of interpretation of any provision of the Swiss Rules or have rendered a decision inducing a change of practice in the administration of arbitration proceedings pending under the Swiss Rules. The Court may at such time define a common practice in order to ensure consistent and efficient administration of arbitration proceedings.

Only a simple majority is required for all decisions to be rendered by the plenary session of the Court. The President holds a casting vote. Decisions may be made electronically.

The Secretary shall be in charge of organizing the plenary sessions, of preparing summary minutes of the plenary sessions, and of updating the common practice.

### **Article 6: Emergency Relief Proceedings**

When seized with an application for emergency relief proceedings, the Secretariat shall assign to the President, one of the Vice-Presidents, or, in case the former are conflicted, to a member of the Court Special Committee or Court the emergency relief proceedings for the purpose of deciding upon:

- Appointment of the emergency arbitrator (Article 43(2) Swiss Rules);
- Challenge of an emergency arbitrator (Article 43(4) Swiss Rules);
- Removal of an emergency arbitrator (Article 43(4) Swiss Rules);
- Determination of the seat of the emergency relief proceedings (Article 43(5) Swiss Rules).

### **Article 7: Communication with parties and arbitrators**

All communications from the Court or from any of its committees to the parties or arbitrators concerning the administration of arbitration proceedings under the Swiss Rules shall take place exclusively through the Secretariat.

All decisions of the Court and any of its committees shall be communicated by the Secretariat on behalf of the Court.

### **Article 8: Documents**

The Secretariat shall retain in its archives all arbitral awards and all decisions of the Court, as well as copies of the relevant correspondence with the Secretariat.

Any other documents, communications or correspondence may be destroyed.

### **Article 9: Participation of the Members in Arbitrations under the Swiss Rules**

The Court, or any committee established by the Court, shall not appoint any of the Members as arbitrators in proceedings conducted under the Swiss Rules. The Members may, however, be designated for such duties by the parties to, or the arbitrators in, such proceedings, or pursuant to any other procedure agreed upon by the parties, subject to confirmation by the Court or any of its committees designated to do so.



A Member shall not be involved in the administration of a case if he/she has a conflict of interest. Such Members must refrain from participating in the discussions and in the decisions of the Court, or any of its committees, concerning the proceedings in question. Such Members must also be physically absent whenever the proceedings are being considered either by the Court or by any of its committees. Such Members shall not receive any documentation or information pertaining to such proceedings.

#### **Article 10: Confidentiality**

The sessions of the Court, whether plenary or of any committee, shall only be open to its Members, the Executive Director, the General Counsel and the Secretariat and shall be of a confidential nature. In exceptional circumstances, the President may invite other persons to attend. Such persons must respect the confidential nature of the work of the Court.

The documents submitted to the Court and to any of its committees, or drawn up by the Court or by any of its committees in the course of its work, shall be communicated only to the Members, to the Secretariat, and to persons authorised by the President to attend the Court's plenary sessions or sessions of any committee.

#### **Article 11: Entry into Force**

These Internal Rules, as approved by the SCAI Board, enter into force on 1 January 2020 and replace all previous versions of the Internal Rules.