

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).

We will be glad if this review is helpful for you. If you have questions regarding the choice of the arbitral institution and further work with it, please feel free to refer to Partner and Head of International Commercial Arbitration Practice of KIAP:



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- More than 16 years of experience in dispute resolution, participated in 400+ court proceedings
- Deputy Chairman of the ICC Russia Commission on Arbitration
- Regional Representative of the Russian Federation in IBA Litigation Committee
- Included into panel of arbitrators in Hong Kong and into list of arbitrators in Austria, Kuala Lumpur and Russia

Year when arbitration
 institution was established

1923

1883

1917

1975

1992

2004

1985

1991

1. ARBITRATION FEES


 Registration fee

5 000 USD

1 750 GBP
(=2 178 USD)3 000 Euro
(=3 250 USD)500-1 500 Euro
(depending on the amount
of dispute)
(=542-1 625 USD)750-4 000 Euro
(depending on the amount
of dispute)
(=812-4 336 USD)4 500-8 000 CHF
(depending on the amount
of dispute)
(=4 632-8 235 USD)8 000 HKD
(=1 032 USD)2 000 SGD
(=1 404 USD)
 Average fee^① (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.


 Sole arbitrator,
 ordinary procedure

62 714 USD

Determined based on hourly
rates (arbitrators' fees
usually do not exceed
450 £= 560 USD)

63 127 USD


45 804 USD

36 225 USD

54 508 USD

Administrative fee: 10 000 USD.
Arbitrator's fee: determined based either
on hourly rate (max. 6 500 HKD =
838 USD) or the amount in dispute
(max fee: 51 000 USD)

48 715 USD


 Sole arbitrator,
 expedited procedure

54 838 USD

Absence of expedited
procedure (existence
of expedited formation
of the tribunal)

42 368 USD

45 804 USD

36 225 USD

54 508 USD

Administrative fee: 10 000 USD.
Arbitrator's fee: determined based either
on hourly rate (max. 6 500 HKD =
838 USD) or the amount in dispute
(max fee: 51 000 USD)

48 715 USD


 Panel of three
 arbitrators,
 ordinary procedure

141 472 USD

Determined based
on hourly rates

112 406 USD


94 480 USD

85 390 USD

136 269 USD

Administrative fee: 10 000 USD.
Arbitrators' fees: determined based
either on hourly rate (max. 6 500
HKD = 838 USD) or the amount
in dispute (max fee: 153 000 USD)

127 762 USD


 Panel of three
 arbitrators,
 expedited procedure

117 844 USD

Absence of expedited
procedure (existence
of expedited formation
of the tribunal)Only one arbitrator
is possible in expedited
procedure under SCC Rules

94 480 USD

85 390 USD

136 269 USD

Administrative fee: 10 000 USD.
Arbitrators' fees: determined based
either on hourly rate (max. 6 500
HKD = 838 USD) or the amount
in dispute (max fee: 153 000 USD)

127 762 USD

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.


 Sole arbitrator,
 ordinary procedure

170 799 USD

Determined based
on hourly rates

163 996 USD


119 304 USD

112 668 USD

171 929 USD

Administrative fee: 24 400 USD.
Arbitrator's fee: determined based
either on hourly rate (max. 6 500
HKD = 838 USD) or the amount in
dispute (max fee: 124 000 USD)

114 484 USD


 Sole arbitrator,
 expedited procedure

148 142 USD

Absence of expedited procedure
(existence of expedited
formation of the tribunal)Expedited procedure with
such an amount of a dispute
is possible only based on
agreement of the parties.
Fees will be determined based
on complexity of the case

119 304 USD

112 668 USD

Expedited procedure applies
only to the cases where
amount in dispute is less than
1 mln CHF (1 035 469 USD)Administrative fee: 24 400 USD.
Arbitrator's fee: determined based
either on hourly rate (max. 6 500
HKD = 838 USD) or the amount
in dispute (max fee: 124 000 USD)

114 484 USD


 Panel of three
 arbitrators,
 ordinary procedure

397 367 USD

Determined based
on hourly rates

301 254 USD

258 583 USD

265 577 USD

399 824 USD

Administrative fee: 24 400 USD.
Arbitrator's fee: determined based
either on hourly rate (max. 6 500
HKD = 838 USD) or the amount
in dispute (max fee: 372 000 USD)

298 356 USD


 Panel of three
 arbitrators,
 expedited procedure

329 396 USD

Absence of expedited
procedure (existence
of expedited formation
of the tribunal)Expedited procedure with
such an amount of a dispute
is possible only based on
agreement of the parties.
Fees will be determined based
on complexity of the case

258 583 USD

265 577 USD

Expedited procedure applies
only to the cases where
amount in dispute is less than
1 mln CHF (1 035 469 USD)Administrative fee: 24 400 USD.
Arbitrator's fee: determined based
either on hourly rate (max. 6 500
HKD = 838 USD) or the amount
in dispute (max fee: 372 000 USD)

298 356 USD

① 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, 2020**.

2. COMMENCEMENT OF ARBITRATION



Type of the document

Request for Arbitration (Art. 4 of the Rules)

Request for Arbitration. If Claimant wishes it may be treated as its Statement of Case (Arts. 1, 15 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 (may directly include the Statement of claim) (Arts. 3, 18 of the Rules)

Notice of Arbitration (may directly include the Statement of claim) (Art. 4.5 of the Rules)

Notice of Arbitration (may directly include the Statement of claim) (Art. 3.1 of the Rules)



Means of filing

To the ICC Secretariat (Art. 4.1 of the Rules)

To the Registrar of the LCIA Court and to the Respondent (Art. 1 of the Rules)

To the Secretariat (Art. 7.8 of the Rules)

To the Secretariat (Art. 7 of the Rules)

To the Secretariat (Art. 4.2 of the Rules)

To the Secretariat (Art. 3.1 of the Rules)

To HKIAC and the other party (Art. 4.1 of the Rules)

Both to the Registrar and Respondent (Arts. 3.1, 3.4 of the Rules)



When arbitration is deemed to have been commenced

The date on which the Request is received by the Secretariat (Art. 4.2 of the Rules)

The date of receipt by the Registrar of the Request (subject to the LCIA's actual receipt of the registration fee) (Art. 1.4 of the Rules)

The date the SCC receives the Request for Arbitration (Art. 8 of the Rules)

The date of receipt of the Statement of Claim by the Secretariat of the VIAC or by an Austrian Regional Economic Chamber in hardcopy form or in electronic form (Art. 7 of the Rules)

The date on which the Request, with or without the attachments thereto, is filed with the DIS (Art. 6.1 of the Rules)

The date on which the Notice of Arbitration is received by the Secretariat (Art. 3.2 of the Rules)

The date on which a copy of the Notice of Arbitration is received by HKIAC (Art.4.2 of the Rules)

The date of receipt of the complete Notice of Arbitration by the Registrar (Art. 3.3 of the Rules)



Amount of days for Reply by the Respondent

30 days after Secretariat receives the documents (Art. 5.1 of the Rules)

28 days after commencement of proceedings if the Court does not provide otherwise (Art. 2.1 of the Rules)

Deadline is set by the Secretariat (Art. 9 of the Rules)

30 days after receiving the documents from the Secretariat (Art. 8 of the Rules)

After receiving the documents from the Secretariat: (1) within 21 days (information on the arbitrator, seat of arbitration and applicable law); (2) within 45 days Reply to the Request on the merits of the case (Art. 7 of the Rules)

30 days after receiving the documents from the Secretariat (Art. 3.7 of the Rules)

30 days after receiving the Notice of Arbitration (Art. 5.1 of the Rules)

14 days after receiving the Notice of Arbitration (Art. 4.1 of the Rules)



Deadlines for reply within expedited proceedings

Proceedings change, but not the deadlines for the Reply (Appendix VI to the Rules)

Not applicable

The Secretariat sets the deadline (Art. 9 of the Rules for Expedited Arbitrations)

The deadlines are the same as in ordinary proceeding but reduced to 15 days term to jointly appoint the sole arbitrator (Art. 4.5 of the Rules)

The rounds of the exchange of documents change, but not the deadlines for Reply (Annex 4 to the Rules)

Proceedings change, but not the deadlines for the Reply (Art. 4.2 of the Rules)

HKIAC may shorten the time limits provided for in the Rules, as well as any time limits that it has set (Art. 4.2.2 (c) of the Rules)

Registrar may shorten the time limits provided for in the Rules (Art. 5.2 (a) of the Rules)



Confidentiality of arbitration

The arbitral tribunal may make orders concerning the confidentiality (Art. 22.3 of the Rules)

The work of the Court is of a confidential nature (Art. 6 of Appendix I, Art. 1 of Appendix II).

Anonymized award may be published providing none of the parties is against

The parties undertake as a general principle to keep confidential all awards in the arbitration, together with all materials in the arbitration created for the purpose of the arbitration. The LCIA does not publish any award or any part of an award without the prior written consent of all parties and the Arbitral Tribunal (Art. 30 of the Rules)

Unless otherwise agreed by the parties, the SCC, the Arbitral Tribunal and any administrative secretary of the Arbitral Tribunal shall maintain the confidentiality of the arbitration and the award (Art. 3 of the Rules, Art. 9 of the Appendix 1 to the Rules)

Proceedings are confidential (Art. 16 of the Rules)

The Board and the Secretary General may publish anonymized summaries or extracts of awards in legal journals or the VIAC's own publications, unless a party has objected to publication within 30 days of service of the award (Art. 4.1 of the Rules)

Any information concerning the arbitration, including in particular the existence of the arbitration, the names of the parties, the nature of any witnesses or experts, any procedural orders or awards, and any evidence that is not publicly available. DIS may publish statistical data or other general information concerning arbitral proceedings, provided that no party is identified by name and that no particular arbitration is identifiable on the basis of such information. DIS may publish an arbitral award only with the prior written consent of all parties (Art. 4.4 of the Rules)

The parties undertake to keep confidential all awards and orders as well as all materials submitted. This undertaking also applies to the arbitrators, the tribunal-appointed experts, the secretary of the arbitral tribunal, the members of the board of directors of the Swiss Chambers' Arbitration Institution, the members of the Court and the Secretariat, and the staff of the individual Chambers. An award or order may be published only under the following conditions: (a) A request for publication is addressed to the Secretariat; (b) All references to the parties' names are deleted; and (c) No party objects to such publication within the time limit fixed for that purpose by the Secretariat (Art. 4.4 of the Rules)

Unless otherwise agreed by the parties, no party or party representative may publish, disclose or communicate any information relating to arbitration, subject to limited exceptions. It also applies to the arbitral tribunal, any emergency arbitrator, expert, witness, tribunal secretary and HKIAC. HKIAC may publish an award, only provided all references to identifying information are deleted and no party objects to such publication (Art. 4.5 of the Rules)

Unless otherwise agreed by the parties, all meetings and hearings shall be in private, and any recordings, transcripts, or documents used in relation to the arbitral proceedings shall remain confidential. The parties, arbitrators, any administrative secretary shall at all times treat all matters relating to the proceedings and the award as confidential except for the grounds provided as exceptional (Arts. 24.4, 39 of the Rules)

3. POSSIBILITY TO OBTAIN PROVISIONAL MEASURES

 <p>Emergency arbitrator (Yes/No)</p>	Yes (Art. 29 of the Rules, Appendix V to the Rules)	Yes (Art. 9B of the Rules)	Yes (Appendix II to the Rules)	No	No	Yes (Art. 43 of the Rules)	Yes (Schedule 4 to the Rules)	Yes (Schedule 1 to the Rules)
 <p>Fee for the application for emergency arbitrator</p>	40 000 USD	28 000 £ (plus VAT, if applicable) (= 34 854 USD)	20 000 Euro (=21 668 USD)	Not applicable	Not applicable	24 500 CHF (= 25 221 USD)	Required deposit: 250 000 HKD (= 32 258 USD). Emergency arbitrator's max fee: 200 000 HKD (=25 800 USD)	30 000 SGD (=21 057 USD)
 <p>Time period for filing the application for emergency arbitrator and obtaining provisional measures</p>	Application may be filed even before the Request for Arbitration but in this case Request for Arbitration shall be filed within 10 days after the Secretariat's receipt of the Application (Art. 1 (6) of the Appendix V to the Rules)	Together with a copy of the Request (or Response) and before the tribunal has been formed (Art. 9.5 of the Rules)	Application may be filed before the case has been referred to the Arbitral Tribunal, even before the arbitral proceedings have been commenced. (Art. 22 of the Rules, Appendix II to the Rules)	Not applicable	Not applicable	Application may be filed before the tribunal has been formed and even before submission of Notice of Arbitration, but in this case Notice of Arbitration shall be filed within 10 days of the Secretariat's receipt of the Application (Art. 43.3 of the Rules)	Application may be filed before the tribunal has been formed and even before submission of Notice of Arbitration, but in this case Notice of Arbitration shall be filed within 7 days of HKIAC's receipt of the Application (Arts. 1 and 21 of Schedule 4 to the Rules)	Application may be filed together or after Notice of Arbitration but before the tribunal has been formed (Art. 1 of Schedule 1 to the Rules)
 <p>Deadline for emergency arbitrator to grant a relief (as a general rule in certain cases may be subject to prolongation)</p>	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)	No later than 14 days following the Emergency Arbitrator's appointment (Art. 9.8 of the Rules)	No later than 5 days from the date the application was referred to the Emergency Arbitrator (Art. 8 Appendix II to the Rules)	Not applicable	Not applicable	Within 15 days from the date on which the Secretariat transmitted the file to the emergency arbitrator (Art. 43.7 of the Rules)	Within 14 days from the date on which HKIAC transmitted the case file to the emergency arbitrator (Art. 12 of Schedule 4 to the Rules)	14 days from the date of his appointment of arbitrator (Art. 9 of Schedule 1 to the Rules)
 <p>Right of the arbitral tribunal to grant provisional measures (Yes/No)</p>	Yes (Art. 28 of the Rules)	Yes (Art. 25 of the Rules)	Yes (Art. 37 of the Rules)	Yes (Art. 33 of the Rules)	Yes (Art. 25 of the Rules)	Yes (Art. 26 of the Rules)	Yes (Art. 23 of the Rules)	Yes (Art. 30 of the Rules)
 <p>Order and deadlines for application to tribunal for provisional measures</p>	Unless the parties have otherwise agreed, as soon as the file has been transmitted to it, the arbitral tribunal may, at the request of a party, order any interim or conservatory measure it deems appropriate. The arbitral tribunal may make the granting of any such measure subject to appropriate security being furnished by the requesting party (Art. 28 of the Rules)	The Arbitral Tribunal shall have the power upon the application of any party, after giving all other parties a reasonable opportunity to respond to such application and upon such terms as the Arbitral Tribunal considers appropriate in the circumstances to grant interim and conservatory measures (Art. 25 of the Rules)	The Arbitral Tribunal may, at the request of a party, grant any interim measures it deems appropriate. The Arbitral Tribunal may order the party requesting an interim measure to provide appropriate security in connection with the measure (Art. 37 of the Rules)	After file has been transmitted to the arbitral tribunal the party may file to the tribunal the grounded request to grant interim or conservatory measures. The arbitral tribunal may require any party to provide appropriate security in connection with such a measure (Art. 33 of the Rules)	The arbitral tribunal may, at the request of a party, order interim or conservatory measures. The arbitral tribunal shall transmit the request to the other party for comments. (Art. 25.1 of the Rules). In exceptional circumstances, the arbitral tribunal may rule on a request without giving prior notice to or receiving comments from the other party, if otherwise it would risk frustrating the purpose of the measure (Art. 25.2 of the Rules)	At the request of a party, the arbitral tribunal may grant any interim measures it deems necessary or appropriate. The arbitral tribunal is entitled to order the provision of appropriate security (Art. 26 of the Rules)	At the request of either party, the arbitral tribunal may order any interim measures it deems necessary or appropriate before it issues the final award. The arbitral tribunal may require the party requesting an interim measure to provide appropriate security in connection with the measure (Art. 23 of the Rules)	The tribunal may, at the request of a party, issue an order or an award granting an injunction or any other interim relief it deems appropriate (Art. 30.1 of the Rules)
 <p>Possibility to receive security for costs</p>	Rules do not exclude (Art. 28 of the Rules)	Exists (Art. 25.2 of the Rules)	Exists (Art. 38 of the Rules)	Exists (Art. 33.6 of the Rules)	Rules do not exclude, but do not explicitly provide (Art. 35 of the Rules)	Rules do not exclude, but do not explicitly provide (Art. 26 of the Rules)	Exists (Art. 24 of the Rules)	Exists (Art. 27 of the Rules)
 <p>Qualified institution to administer arbitrations seated in Hong Kong in which a party may seek provisional measures from Chinese courts (Yes/No)</p>	Yes, its Hong Kong office	No	No	No	No	No	Yes	No

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)

Sole arbitrator unless LCIA finds that taking into account the circumstances three arbitrators shall be appointed (Art. 5.8 of the Rules)

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

Arbitral institution determines whether taking into account the difficulty of the case and the amount in dispute the case shall be resolved by the sole arbitrator or three arbitrators (Art. 17 of the of the Rules)

The dispute shall be resolved by three arbitrators unless there has been a motion filed and/or granted by one of the parties that the arbitral tribunal be comprised of a sole arbitrator (Art. 10.2 of the Rules)

Arbitral institution appoints sole arbitrator unless the difficulty or/and amount in dispute do not require appointment of three arbitrators (Art. 6.2 of the Rules)

Institution HKIAC decides whether the case shall be resolved by the sole arbitrator or three arbitrators taking into account the circumstances (Art. 6.1 of the Rules)

As a general rule a sole arbitrator shall be appointed unless SIAC considers that three arbitrators shall be appointed (Art. 9.1 of the Rules)



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

The parties have 30 days to jointly nominate Sole arbitrator from the date when the claimant's Request for Arbitration has been received by the other party. If the parties fail to nominate the sole arbitrator shall be appointed by the Court (Art. 12.3 of the Rules)

The parties may suggest their nominee for the sole arbitrator, but the final decision is taken by the arbitral institution.

If there is no nominee suggested by the parties, the sole arbitrator is appointed by the arbitral institution (Arts. 5.7, 7 of the Rules)

The parties have 10 days to jointly appoint a sole arbitrator. If the parties fail to suggest a joint candidate, 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 receiving a request from the arbitral institution.

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 deadline for nomination of joint candidate for the sole arbitrator is determined by the institution.

If the parties fail to suggest a joint candidate, the sole arbitrator is appointed by the arbitral institution (Art. 11 of the Rules)

The parties have 30 days for nomination of a candidate that run starting from time when respondent receives Notice of Arbitration, unless otherwise agreed by the parties. If the parties fail to suggest a joint nominee, the sole appointment is made by the arbitral institution (Art. 7 of the Rules)

To designate a sole arbitrator jointly the parties have (1) 30 days that run from time when respondent receives Notice of Arbitration (if the parties agreed that the dispute shall be resolved by a sole arbitrator before the arbitration commenced) (2) 15 days after the parties reached an agreement after the commencement of arbitration (3) 15 days from receipt of HKIAC's decision if the parties fail to designate a joint candidate, the sole arbitrator is appointed by institution HKIAC (Art. 7.2 of the Rules)

The parties have 21 days after the arbitration commenced. If the parties fail to suggest a joint candidate or the deadline is over or if one of the parties requests so, the appointment is made by the arbitral institution (Art. 10 of the Rules)



Order and deadlines for choosing/appointing the arbitrators
(if there are three arbitrators in a panel)

Each party appoints one candidate for appointment (in the Request for Arbitration and the Reply). Otherwise, if the party does not appoint an arbitrator, the Court appoints arbitrator for the party. The presiding arbitrator is appointed by the Court if the parties did not agree on another order of its appointment (Art. 12.4 of the Rules)

Parties may nominate candidates but the final approval performs the Court. LCIA appoints arbitrators (if there are no candidates from the parties) and the presiding arbitrator (Art. 7.2 of the Rules)

Each party shall appoint equal amount of arbitrators, and the presiding arbitrator is appointed by SCC. If the party does not nominate arbitrator(s) within set period of time, arbitrator(s) are appointed by the Board (Art. 17. 4 of the Rules)

Each party nominates arbitrator in the Statement of Claim and the Reply respectively, or within 30 days after receiving the request from the institution. Otherwise, if the party does not nominate an arbitrator, the VIAC appoints arbitrator. The presiding arbitrator is appointed by the arbitrators within 30 days after receiving the request from the institution and by the Board in case of disagreement (Art. 17. 4 of the Rules)

Each party nominates one arbitrator; arbitrators appoint the presiding arbitrator, while appointing the president they may consult with the respective party. If arbitrators do not agree on the candidate of the president, appointment is made by the arbitral institution (Art. 12.1-12.3 of the Rules)

Each party shall appoint an arbitrator within time period set by the arbitral tribunal, these arbitrators within 30 days after their appointment nominate the President. If there is no joint agreement on the candidacy of the president, president shall be appointed by the arbitral institution (Art. 8 of the Rules)

Each party designates one arbitrator: (1) in the Notice of Arbitration and the Answer to the Notice of Arbitration; (2) or within 15 days from the date of the agreement to refer the dispute to 3 arbitrators after the commencement of the arbitration; (3) or within 15 days from receipt of HKIAC's decision that the dispute shall be referred to 3 arbitrators. Co-arbitrators designate the president of the tribunal. Failing such designation HKIAC shall appoint the president of the tribunal (Art. 8.1 of the Rules)

Each party nominates one arbitrator. If there is no suggestion by the party (parties) appointment is made by the arbitral institution. The president is appointed by the arbitral institution (Art. 11 of the Rules)

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



Multiple contracts arbitration (Yes/No)

Yes
(Art. 9 of the Rules)

Separate request for arbitration shall be filed for a claim arisen out of separate contracts (arbitration agreements) (that is the way Art. 1 of the Rules is construed by the English courts). The issue of consolidation may be considered on the later stage in the form of consolidation of cases

Yes
(Art. 14 of the Rules)

Is not directly provided by the Rules but exists
See for example:
https://www.viac.eu/images/documents/VIAC_ABW_6thEd_2018.pdf

Yes
(Art. 17 of the Rules)

Is not directly provided by the Rules but it exists and may be performed on the later stage in the form of consolidation of cases

Yes
(Art. 29 of the Rules)

Yes
(Art. 6 of the Rules)



Consolidation of several proceedings (Yes/No)

Yes
(Art. 10 of the Rules)

Yes
(Art. 22.1, 22.6 of the Rules)

Yes
(Art. 15 of the Rules)

Yes
(Art. 15 of the Rules)

Yes
(Art. 8 of the Rules)

Yes
(Art. 4.1 of the Rules)

Yes
(Art. 28 of the Rules)

Yes
(Art. 8 of the Rules)



Joinder of third parties (Yes/No)

Yes
(Art. 7 of the Rules)

Yes
(Art. 22.1 of the Rules)

Yes
(Art. 13 of the Rules)

Yes
(Art. 14 of the Rules)

Yes
(Art. 19 of the Rules)

Yes
(Art. 4.2 of the Rules)

Yes
(Art. 27 of the Rules)

Yes
(Art. 7 of the Rules)

  **Concurrent proceedings**

No express provisions

No express provisions

No express provisions

No express provisions



No express provisions

No express provisions

Express provisions exist (Art. 30 of the Rules)

No express provisions

6. AWARD

  Average duration of the proceedings within ordinary procedure according to published statistics and open sources^②

2 years 4 months (ICC Report from 2018)

16 months

<https://www.lcia.org/News/lcia-releases-costs-and-duration-data.aspx>

13, 5 months

<https://globalarbitrationnews.com/costs-duration-arbitration-survey-siac-hkiac-lcia-scc-case-statistics/>

12, 5 months



https://www.viac.eu/images/documents/VIAC_ABW_6thEd_2018.pdf

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12-14 months (Newsletters 2014, 2015)

12, 9 months
<https://www.hkiac.org/content/costs-duration>

11, 7 months
<https://www.siac.org.sg/69-siac-news/499-siac-releases-costs-and-duration-study>

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

6 months after signing of the Terms of reference (Art. 31 of the Rules)

Deadline is not set

6 months from the date the case was referred to the Arbitral Tribunal (Art. 43 of the Rules)



Deadline is not set, but arbitral tribunal after closure of the proceedings has to announce envisaged date of the award (Art. 32 of the Rules)

The arbitral tribunal shall send the final award to the DIS for review within 3 months after the last hearing or the last authorized Submission (Art. 37 of the Rules)

Deadline is not set

3 months from the date when the arbitral tribunal declares the proceedings closed (Art. 31.2 of the Rules)

The Tribunal shall submit the draft Award to the Registrar for the scrutiny not later than 45 days from the date on which the Tribunal declares the proceedings closed (Art. 32.3 of the Rules)

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

6 months from the date of the case management conference (Art. 4.1 Appendix VI to the Rules)

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3 months from the date the case was referred to the Arbitrator (Art. 43 of the Rules for Expedited Arbitration)


6 months from transmission of the file (Art. 45.8 of the Rules)

6 months after conclusion of the case management conference (Art. 1 of the Annex 4 of the Rules)

6 months from the date on which the Secretariat transmitted the file to the arbitral tribunal (Art. 42.1 of the Rules)

6 months from the date on which the Secretariat transmitted the file to the arbitral tribunal (Art. 42.2 (f) of the Rules)

6 months from the date when the Tribunal is constituted (Art. 5.2 (d) of the Rules)

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

Yes (Art. 34 of the Rules)

No

No


No formal procedure, but the Secretariat proofreads draft awards
https://www.viac.eu/images/documents/Guideline_for_Arbitrators_2019.pdf

Yes (Art. 39.3 of the Rules)

No

No formal procedure but the Secretariat proofreads draft awards.

Yes (Art. 32.3 of the Rules)

 Possibility to recover costs from the losing party

Yes (Art. 38.4 of the Rules)

Yes (Art. 28.2 of the Rules)

Yes (Art. 49.6 of the Rules)

Yes (Art. 38 of the Rules)

Yes (Art. 33 of the Rules)

Yes (Art. 40 of the Rules)

Yes (Arts. 34.2-34.6 of the Rules)

Yes (Art. Art. 35.1, 37 of the Rules)

 Permission to act in Russia^③

No

No

No

Yes

No

No

Yes

No

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

A56-45941/2008 (03.12.2008)
A21-5556/2011 (17.10.2011)
A43-29982/2012 (26.02.2013)
A60-42266/2016 (28.11.2016)

A76-8501/2018 (01.06.2018)
A27-26790/2016 (23.01.2017)

A40-173649/18-68-1326 (09.01.2019)
A36-11940/2016 (17.01.2017)
A76-31386/2015 (30.03.2016)
A56-23769/2013 (15.08.2013)

A40-189989/16-3-1233 (23.12.2016)
A57-8082/08 (23.11.2010)
A43-13260/02-15-28 (24.04.2003)
A40-157862/18-68-1228 (17.10.2019)

A54-3028/2008 (02.02.2010)

A41-53736/17 (22.01.2018)
A40-227374/2016 (16.01.2017)
A40-72675/13 (31.07.2013)

A47-7995/2010 (21.10.2010)

No cases were found

② It is necessary to take into account that statistics of the arbitral institutions relates to different time periods, therefore, the duration of the proceedings can be compared only roughly.
③ In accordance with Russian arbitration reform, institutions can handle arbitrations with place of arbitration in Russia only based on special permission.

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