

1994 DIAC CONCILIATION & ARBITRATION RULES

Due to the important role that commercial conciliation and arbitration serves in the resolution of disputes arising from transactions in the various aspects of economic activity;
In an endeavor to respond to the aspirations of the economic and legal circles on this subject;
Therefore, the Dubai Chamber of Commerce & Industry has established the following rules with the aim of serving the above-mentioned circles in the field of settling commercial disputes through conciliation and arbitration.

CHAPTER ONE General Provision

Article (1)

The following phrases and words shall have, for the purpose of these Rules, the meaning set forth opposite each of them unless the text indicates otherwise:

- **The State:** The United Arab Emirates.
- **The Emirate:** The Emirate of Dubai.
- **The Chamber:** The Dubai Chamber of Commerce & Industry.
- **The Board:** The Board of Directors of the Chamber.
- **The Rules:** The Conciliation and Arbitration Rules of the Chamber.
- **Commercial Disputes:** Includes “Disputes” in all types of economic and financial transactions, except those for which arbitration is not permissible.
- **The Committee:** The Committee for conciliation and arbitration of the Chamber.
- **The Conciliation:** A panel formed for conciliation in a particular dispute, comprised of one or more conciliators.
- **The Arbitral:** An odd-numbered panel formed for arbitration in a particular Dispute, comprised of one or more arbitrators.
- **The Expert:** One who is appointed to make use of his expertise in commerce, engineering, accounting, law or other fields.
- **The Committee’s Secretariat:** The Legal Department in the Chamber.

Article (2)

The provisions of these Rules shall apply to commercial disputes that are filed with the Chamber for conciliation or arbitration pursuant to a previous agreement between the parties to the dispute or an application from one of them and the approval thereof by the other.

Article (3)

The Chamber recommends to parties desiring to resolve their disputes under these Rules to include in their contracts one of the following clauses :

- **Conciliation Clause:**

“Any dispute arising from this contract shall be referred to conciliation in accordance with the provisions set forth in the Rules of Commercial Conciliation and Arbitration of the Dubai Chamber of Commerce & Industry.”

- **Arbitration Clause:**

“Any dispute connected with the formation, performance, interpretation, nullification, termination or invalidation of this contract or arising there from or related thereto in any manner whatsoever shall be referred to arbitration in accordance with the provisions set forth in the Rules of Commercial Conciliation and Arbitration of the Dubai Chamber of Commerce & Industry”.

- **Conciliation and Arbitration Clause:**

Any dispute connected with formation, performance, interpretation, nullification, termination or invalidation of this contract or arising there from or related thereto in any manner whatsoever shall be referred to conciliation in accordance with the provisions set forth in the Rules of Commercial Conciliation and Arbitration of the Dubai Chamber of Commerce & Industry.

“If the dispute is not settled by conciliation, it shall be referred to arbitration in accordance with the provisions set forth in the said Rules.”

Article (4)

An agreement providing for conciliation or arbitration before the Dubai Chamber of Commerce & Industry shall mean the acknowledgment of the parties to accept the procedures and provisions of these Rules and to be bound by them. Parties may decide by a written agreement to follow other rules as they consider appropriate without prejudice to the competence of the Chamber or the Conciliation Panel or Arbitral Tribunal in these Rules.

Article (5)

1-Except as otherwise expressly agreed to by the parties, the agreement to arbitrate shall be considered to be an agreement independent from the contract the subject of the Dispute. If the contract is invalidated or terminated for any reason, the arbitration agreement shall remain in effect.

2-The Arbitral Tribunal shall have jurisdiction to decide on pleading regarding its lack of jurisdiction, including pleading based on the non-existence, invalidity or termination of an arbitration agreement or if the subject of the dispute is not included in such agreement.

Article (6)

The procedural rules agreed to by the parties shall be followed in any dispute referred to the Chamber for conciliation or arbitration in the absence of provision in these Rules governing a particular issue in the dispute; and in the event they do not agree, the Conciliation Panel or the Arbitral Tribunal shall specify the necessary procedures to be followed, without prejudice to the mandatory provisions of the laws applicable in the Emirate.

Article (7)

All information provided by the parties requesting conciliation or arbitration shall be considered confidential, and a person who becomes aware of such information due to his position shall not divulge its contents except with the consent of the parties or pursuant to an order of a competent judicial authority.

Article (8)

If one or more provisions of these Rules are not complied with and one of the parties becomes, or should have become, aware thereof but did not object in due course, he may not object thereafter.

Article (9)

Notification of, and responses from, the parties shall be by registered mail with acknowledgment of receipt, or by another acceptable method of communication. Correspondence shall be directed to the addresses of the parties provided by them to the Committee's Secretariat.

CHAPTER TWO

Committee for Commercial Conciliation and Arbitration

Article (10)

The Board shall form the Committee from its members in accordance with the internal regulations of the Chamber. Members of the Committee, who shall be at least five, shall elect a chairman and a vice-chairman.

Article (11)

The term for membership in the Committee shall be two years, which is the term of the appointment to the Board. In the event of the expiry of such term or the termination of the member's membership in the Board for any reason, his membership in the Committee shall be legally terminated taking into consideration the provisions of Article 17 of these Rules.

Article (12)

The suits of the Committee shall be in the Chamber. It shall convene as necessary by a summons from its chairman or vice-chairman, or from the president of the Board in the event of their absence for any reason.

Article (13)

- a. A quorum for the Committee is attained by the presence of a majority of its members.
- b. The chairman or vice chairman of the Committee shall preside over its meeting, and in the event of their absence the Committee shall elect from among its members a chairman for the meeting.
- c. The meetings and deliberations of the Committee shall be confidential, Its decisions shall be issued by the vote of a majority of those present, and in the event of a tie of votes the chairman of the meeting shall have a casting vote. The chairman of the meeting shall sign the decisions.

Article (14)

No member may attend or participate in the activities of the Committee while handling any matter if he is a party thereto or has a direct or indirect interest therein, or if he is a relative of one of the disputants by blood or marriage to the fourth degree, or if he is an agent of one of them in his private business or his legal representative, guardian or custodian. In all cases the member of the Committee must disclose any of such involvements when it occurs.

Article (15)

The jurisdiction of the Committee, in connection with the implementation of these Rules, shall be as follows:

- a. Selecting one or more conciliators in accordance with the provisions of Article (17) or these Rules.
- b. Appointing one or more arbitrators or the Chairman of the Arbitral Tribunal in accordance with the provision of Article 18 of these Rules.
- c. Fixing the place of arbitration in the event the parties do not agree thereto.
- d. Rendering decisions on petitions for reconsideration of the appointment of any of the arbitrators in accordance with the provisions of Article (30) of these Rules.
- e. Fixing the remunerations of the conciliators and the arbitrators, the general costs of the conciliation or the arbitration and the advance payment against such costs.
- f. Establishing lists of arbitrators and experts from within and outside the State in accordance with the applicable standards adopted by it.
- g. Establishing internal regulations, it considers necessary for the application of these Rules.
- h. Proposing amendments, it considers necessary for incorporation into these rules or any rules connected therewith.

CHAPTER THREE
The Committee's Secretariat

Article (16)

The Committee shall have a Secretariat to undertake the following actions:

- a. Receiving and responding to applications for conciliation or arbitration and all documents concerning the dispute
- b. Notifying the other party to the dispute with the application for conciliation or arbitration
- c. Preparing the summary of the dispute and presenting to the Committee.
- d. Informing the parties to the dispute of the dates and places of the meetings, upon request from the Conciliation Panel or Arbitral Tribunal.
- e. Preparing and maintaining a register for applications for conciliation and arbitration which are referred to the Committee and maintaining the originals of the awards for reference thereto as necessary.
- f. Recording the minutes of the meeting of the Committee and, upon request, the minutes of the Conciliation panels or Arbitral Tribunals.
- g. Keeping the lists of arbitrators and names and addresses of experts and specialists in all appropriate economic and professional fields.

CHAPTER FOUR

Formation of The Conciliation Panels and Arbitral Tribunals

Article (17)

The Committee shall appoint the Conciliation Panel, composed of one or more members, from among its members or from outside to perform the conciliation. The Panel member shall continue to carry out his commission until its completion.

Article (18)

1. The parties to the Dispute shall choose a sole arbitrator or a Tribunal of three or more arbitrators in accordance with what they agree upon.
2. If the agreement is for a sole arbitrator but the parties do not agree on his nomination then the Committee shall, upon the request of one of the parties, appoint him.
3. If the agreement is for a panel of more than one arbitrator, then each party shall name one, but if that is not done either in the application for arbitration or the reply to the application, then the Committee shall, upon the request of one of the parties, appoint the arbitrator on behalf of the party who failed to do so.
4. The parties shall directly choose a chairman for the Arbitral Tribunal or shall ask the arbitrators to choose him, but if the parties or the arbitrators do not agree thereon, then the Committee shall appoint the chairman of the Tribunal.
5. The periods provided for in the provisions or Article 27 of these Rules shall be complied with in the implementation of the provisions of Sections 2,3 and 4 of this Article.
6. The Committee shall appoint the arbitrator or the chairman of the Tribunal from the lists of arbitrators in the Chamber or from outside those lists if the circumstances so require. Its decision in this regard shall be final and no objection with respect thereto shall be accepted except for the reasons related to the rejection of arbitrators in these Rules.

Article (19)

Neither the conciliator nor the arbitrator may be a minor, under guardianship, deprived of his civil rights due to a criminal conviction or a bankrupt. Also, he shall not be an attorney, agent, employee,

partner, relative by blood or marriage to the fourth degree, custodian or guardian of one of the parties to the dispute, and he shall not have a direct or indirect interest in the dispute or have previously acted as a mediator to resolve it by conciliation or expressed his opinion thereon, unless the parties shall otherwise approve.

Article (20)

- a. The meetings of the Conciliation Panel or the Arbitral Tribunal shall be held in the place agreed to by the parties to the dispute, and in the event they do not agree the meetings shall be held in the place designated by the Committee. Nevertheless, the Panel/ Tribunal may hold some of its meetings at another place if it considers that to be appropriate. In all cases, the award shall be considered to have been issued at the place designated for the arbitration.
- b. The attendance of all members of each of the Conciliation Panel and the Arbitral Tribunal shall be a prerequisite for considering the cases referred to it. The Panel/Tribunal may adopt procedural decisions in lieu of meeting by unanimous vote, and it may authorize its chairman to take such decisions alone.
- c. The conciliation and arbitration meetings shall be confidential. They may be attended only by those who would be granted permission by the relevant Panel/Tribunal when it considers their attendance necessary.

CHAPTER FIVE

Conciliation Proceeding

Article (21)

1. A party desiring conciliation shall submit a written application to the Committee's Secretariat.
2. The application shall include a presentation of the facts of the dispute and the views of the applicant together with the supporting documents.
3. The Committee's Secretariat shall notify the other party with the application for conciliation within a period not exceeding seven days from the date of the receipt thereof. The other party shall present his views with respect to the dispute within 15 days of the date he was informed of the application for conciliation.
4. The Conciliation Panel shall be appointed by the Committee in accordance with the provisions of Article 17 of these Rules. The parties may object to the conciliator/s within two weeks of receiving notification of his/ their name/s. The conciliation proceeding shall commence immediately after expiration of this period.
5. The Committee may request an advance payment against the costs of the conciliation in accordance with the provisions of Part Seven of these Rules.
6. The Conciliation Panel shall study the dispute and summon the parties before it to hear their statements and each party shall attend personally or through a representative.
7. The Conciliation Panel shall bring together the views of the parties, and upon their agreement on a final formula for the settlement it shall be recorded and authenticated by the Panel.
8. The Conciliation Panel must accomplish its duties within two months of the commencement of the conciliation proceedings, but by a decision of the Committee this period may be extended for another similar period.

Article (22)

If the attempt of conciliation fails, the dispute shall be considered no more pending before the Chamber and the rights of the parties shall not be affected in any manner by what was presented or written during the course of the conciliation proceedings.

CHAPTER SIX
Arbitration Proceedings

Article (23)

A party desiring arbitration shall submit in writing his application to the Committee's Secretariat together with the arbitration agreement, if any, and with documents he considers to be supportive.

The application shall specifically include the following:

1. The name, position, nationality, and address of the claimant.
2. The name, nationality, and address of the defendant.
3. The subject of the Dispute and the claims of the claimant.
4. The name and address of the arbitrator or an authorization for the Committee to choose one.

The application for arbitration and its enclosures must be in three or five or more copies according to the number of the arbitrators.

Article (24)

The Committee's Secretariat shall send a copy of the application for arbitration and its enclosures to the defendant within seven days of its receipt of this application by registered letter with acknowledgment of receipt.

Article (25)

If there is no arbitration agreement and the defendant does not respond to the application for arbitration within 30 days from its date of receipt, it shall be deemed a rejection of arbitration.

Article (26)

If there is an arbitration agreement, the defendant shall send to the Committee's Secretariat his reply to the application together with documents he considers supportive, in three or five or more copies according to the number of the arbitrators, within 30 days from receipt of the application.

The reply shall include the following:

- a. The name and address of the arbitrator he chooses.
- b. His answer to the claims of the claimant.
- c. Counterclaims, if any.

The Committee's Secretariat shall send the reply and its enclosures and the counterclaim, if any, to the claimant within three days.

The arbitration proceedings shall continue even if the defendant fails to send his reply to the application for arbitration within the above period.

Article (27)

The Secretariat shall present to the chairman of the Committee the application for arbitration together with a summary of what was submitted by the parties to the Dispute, and the Committee shall meet within 30 days from completion of their replies to carry out the following:

- a. Confirming the arbitrators appointed by the parties, guided by the standards referred to in Article 15-F.
- b. Appointing arbitrators who have not yet been appointed.
- c. Fixing the place for the arbitration in the event the parties have not agreed thereon.
- d. Fixing an advance payment against the costs of the arbitration, as a lump-sum amount determined on a preliminary basis subject to be increased or decreased according to the circumstances, to cover such costs in accordance with the provisions of Part Seven of these Rules.

The Committee grants the parties a maximum period of 21 days to appoint the chairman of the Tribunal; otherwise it shall do so by itself in accordance with the provisions of Article 18 of these Rules.

Article (28)

The Committee's Secretariat shall notify the arbitrators of their appointment by registered letter with acknowledgment of receipt, accompanied by a summary of the Dispute, including the names of the parties. Each arbitrator, whether appointed by the parties or the Committee, shall reply in writing within two weeks of the date of his receipt of the notification; otherwise he shall be considered to have rejected the commission, and in such event a substitute shall be appointed in the same manner in which he was appointed.

The arbitrator shall disclose in his reply, and at any subsequent time, any kinship or relationship by marriage, business ties or dealing he may have with any of the parties which raises reasonable doubts regarding his neutrality or independence.

Article (29)

After the Arbitral Tribunal accepts the commission, the Committee's Secretariat shall transmit the file to the Tribunal. The award shall be issued within six months from the date the Tribunal receives the file, unless the parties agree to a longer period.

The Tribunal may extend the time-limit for a similar period, and after that an extension is permissible upon the agreement of the parties or, if they fail to agree, by a decision of the Committee for reasons attributable to the nature of the claim.

Article (30)

Any of the parties may request from the Committee reconsideration for the appointment of any of the arbitrators for justifiable reasons, and the Committee shall issue its decision in this regard within 21 days at the most. No petition objecting to an arbitrator may be submitted to the court except in the event no decision has been issued by the Committee within the above period or non-acceptance of the decision of the Committee by the objector or the other party.

Article (31)

- a. The commission of an arbitrator shall be terminated before the closing of the hearings by mutual consent of the parties or, upon a complaint of one of the parties to the Dispute or one of the arbitrators, by a decision of the Committee if it finds that a legal or factual obstacle prevents him

from carrying out his commission, or if he does not carry out his commission in accordance with the Rules or within the specified time.

- b. The Committee shall look into the complaint after it notifies the concerned arbitrator, the remaining arbitrators and the parties to the Dispute, the arbitrator and the other party/ parties shall respond to the complaint in writing within 15 days of the date of their notification thereof. The Committee shall issue its decision within 21 days of the date of its receipt of the replies of the concerned arbitrator and the other parties.
- c. A substitute arbitrator shall be appointed in the place of the relieved arbitrator within 21 days of the date of the decision of dismissal in the same manner that an arbitrator is chosen under these Rules.

Article (32)

In the event an arbitrator rejects his appointment, or dies while carrying out his commission, or if it becomes impossible for him to attend the sessions of the Tribunal for any reason or is relieved from his duties, the chairman of the Committee shall suspend the arbitration until a substitute is appointed or such reasons are eliminated.

Article (33)

If the parties do not expressly or implicitly agree on the law applicable in the Dispute, the Arbitral Tribunal shall apply the laws and the prevailing customs of the State if the subject of the Dispute is within it and between parties whose main places of business are in the State; in other cases the Tribunal shall apply the law/laws most closely connected with the subject of the Dispute.

Article (34)

In the event that the parties agree to an arbitration authorizing arbitrators to act as amiable compositeurs, the parties must name all the members of the Arbitral Tribunal who are authorized to act so. Arbitrators authorized to act as amiable compositeurs shall not be bound to follow the principles of the law originally applicable except those relating to public order.

Article (35)

The Arbitral Tribunal shall comply with the basic principles of litigation in carrying out its commission, the most important of which are:

1. Respecting the right of defence enabling each party to adduce whatever statements, pleadings and evidence he may have before the issuance of the arbitration award.
2. Enabling each party to examine the papers and documents presented by the other party.
3. Treating the parties on an equal basis.

Article (36)

After it receives the file, the Tribunal shall examine the memorandums of the parties and the instruments and documents they submit and hear their statements in the presence of each other. It may request additional documents and hear witnesses. It may also, with the consent of the parties, render an award in the Dispute on the basis of the documents and instruments only, if it deems that adequate.

Article (37)

The parties to the Dispute may appear before the Arbitral Tribunal in person or through a representative so authorized. The Tribunal shall verify the validity of the representation of the parties before it.

Article (38)

If one of the parties does not attend the sessions called by the Arbitral Tribunal and does not submit during a reasonable time an acceptable excuse for his absence, then such absence shall not preclude the continuation of the arbitration proceedings.

Article (39)

If a legal or factual obstacle prevents their continuation, the arbitration proceeding shall be suspended until such obstacle is removed. The arbitration proceedings shall be suspended specifically in the following instances:

- a. The arbitrator is unable to attend the arbitration sessions, is relieved or dies.
- b. The death or incapacitation of one of the parties, or the dissolution of the company or the termination of the authority of the representative, until the appointment of an attorney for the heirs; a liquidator for the company, a custodian for the incapacitated person or a new representative for one of the parties.
- c. The non-payment of the advance payments referred to in Articles (27-D) and (53).
- d. A petition to a competent court to take legal proceedings against a witness who fails to appear before the Arbitral Tribunal or refuses to respond.
- e. A request to a competent court to order presentation of a document in the possession of a third party.
- f. An appeal to contest those documents are forged if such documents are necessary for rendering the award.

Article (40)

Testimony shall be oral but the Tribunal may accept in fulfillment thereof an authenticated written statement signed by a witness not under oath unless the oath is required for its acceptance under the law applicable to the arbitration proceedings. In all cases, the Tribunal may call the witness before it for cross-examination.

Article (41)

Without prejudice to the right of any party to submit technical expert reports as part of the documents supporting his position, the Arbitral Tribunal may on its own accord or at the request of one of the parties appoint an expert if the circumstances of the case so require. It shall specify in the letter of his appointment the duties assigned to him and the period in which his report must be submitted, and it shall also fix the fees of the expert, the party/parties who would bear the fees and the mode of payment. The Expert must be a natural person even if the Tribunal appoints a legal entity to carry out the expertise. Any party may request that the Expert be summoned to be cross-examined on his report.

Article (42)

The commencement of arbitration does not prevent the parties from resorting to the courts of the State to take interim or projective measures, and the party who takes such measures shall immediately notify the Committee's Secretariat and the Tribunal thereof.

Article (43)

The Arabic language shall be the language of the arbitration unless the parties agree otherwise, or the Tribunal decides otherwise taking into account the surrounding circumstances and in particular the language of the contract and the correspondence between the parties. The award shall be issued in the Arabic language, and if the arbitration was held in a language other than Arabic then a certified translation in Arabic shall be attached to the award.

Article (44)

The Arbitral Tribunal at any stage of the Arbitration, up to the closing of the hearings, may ask the parties to negotiate a settlement of their Dispute. If the parties respond thereto, the arbitration proceeding shall not be suspended except with their consent. If the parties reach a settlement to their dispute, the Tribunal shall issue-upon their request-an award based on the agreed settlement.

Article (45)

1. The final award, and any decision by the Arbitral Tribunal, shall be issued by a majority without prejudice to the provisions of Article 20-B of these Rules. It must be signed by the members of the Tribunal who agreed thereto. An objecting member shall submit his objection in writing, with his reasons and signature, in order to be attached to the award.
2. If the majority referred to in the preceding paragraph is not available, the final award, and any decision by the Tribunal during the arbitration proceedings, shall be issued by the chairman of the Tribunal alone.
3. The final award by the Tribunal shall be in writing and must include:
 - a. The arbitration agreement.
 - b. The names of the arbitrators and the parties to the Dispute.
 - c. An adequate summary of the subject of the Dispute.
 - d. The claims and pleadings of the parties to the Dispute and the reasons for the acceptance or rejection of any claim.
 - e. The finding and the reasons upon which the award is based.
 - f. The costs of the arbitration and the party who will bear them or the proportions allocated among the parties.
 - g. The date and place of the issuance of the award.

Article (46)

1. An arbitration award issued in the State in accordance with these Rules shall not be appeal able in any manner of appeal except by an application for setting aside of the award in accordance with Article 216 of Federal Law No. (11) Of 1992 concerning the Civil Procedure Code.
2. Any party may request, by a written application addressed to the Committee's Secretariat, a complete or partial interpretation of the award within 15 days of his notification with said award. The Committee shall within seven days, refer the application to the Tribunal and send a copy thereof to the other party. The Tribunal shall submit its interpretation to the Committee's Secretariat within one month of the date the application was referred to it. The interpretation shall be considered an integral part of the award.

3. The Tribunal shall, on its own accord or upon a request of the parties, correct material and computation errors in the award, if any, and shall inform the parties thereof.

Article (47)

The Arbitral Tribunal shall submit the draft of the final award to the Committee, whose role shall be limited to a final determination of the remunerations of the arbitrators and the costs of the arbitration in general. The Committee shall order the payment of the remunerations of the arbitrators from the advance payment against the costs of the arbitration paid to the Chamber.

The arbitration award, after the inclusion of the arbitration's costs fixed by the Committee and the signature of the Arbitral Tribunal, shall be deposited together with any interpretation or correction, if any, with the Committee's secretariat, which shall provide a copy thereof to each of the parties after full payment of the prescribed fees, remunerations of the arbitrators and any arbitration expenses.

At the request of any of the parties, the Chamber shall issue a certificate stating that the dispute had been referred to it but that attempts for conciliation failed without giving any comment or opinion regarding the subject of the dispute.

CHAPTER SEVEN

Conciliation and Arbitration Costs

Article (48)

The costs of conciliation or arbitration shall include charges of the Chamber, remuneration and actual expenses of the conciliators or arbitrators, fees and expenses of the experts and the translators if any, normal expenses incurred by the parties in preparation of their pleadings and any administrative expenses relating to meeting-rooms` rentals, typing, recording, photocopying and others incurred in the course of the conciliation or arbitration proceedings.

Article (49)

The Committee shall establish tables, approved by the Board of the Chamber, covering registration and administrative fees for conciliation and arbitration and remunerations for arbitrators. The remuneration of the arbitrators shall be a percentage of the total disputed amount with a maximum and a minimum limit according to the circumstances and complexity of the case. The Board, on the basis of a proposal by the Committee, may amend such tables from time to time.

Article (50)

The Chamber shall receive a non-refundable “registration fee” payable upon filing of the application for conciliation or arbitration.

Article (51)

The Chamber shall receive an “administrative fee” in proportion to the amount of the Dispute as appearing in the table of charges.

Article (52)

The Committee shall determine the remunerations for the conciliators before transmitting the file of the Dispute to them, and it may request from the parties an advance payment against the costs of the conciliation payable by them in equal shares or by one of them.

Article (53)

- a. The Committee shall fix on a preliminary basis the remunerations of the arbitrators according to the table attached to these Rules and also the advance payment that shall be paid by the parties in equal shares in advance, fully or in instalments, in accordance with the provisions of Article (27) and this part.
- b. The advance payment may be paid in full by the party desiring to proceed with the arbitration if the other party fails to pay his share.
- c. If the amount of the Dispute is not fixed, the Committee shall estimate the remunerations of the arbitrators and the amount for disbursements according to the size and complexity of the case.
- d. If a counterclaim/ counterclaims is/are filed independently from the original claim, the Committee may fix an additional advance payment for it/them payable by the claiming party without prejudice to the principle of equality in sharing such advance payments if the Committee so decides.

Article (54)

- a. The file of the case shall not be delivered to the Conciliation Panel or Arbitral Tribunal except after payment of the administration fees and the advance payment decided by the Committee.
- b. The Committee may demand from the parties additional advance payments if it considers the advance payment already paid is inadequate to cover the costs of the conciliation or arbitration.
- c. If the parties fail to pay one of the instalments of the advance payment, the conciliation or arbitration shall be suspended, and the Secretariat shall inform both the Panel/Tribunal and the Committee thereof.

Article (55)

The Committee may, in exceptional circumstances, fix the arbitrator's remuneration in an amount which varies from the limits specified in the prescribed table if, in its opinion, the size and complexity of the case calls for that, such as ordering an increase if the arbitration continues for a longer period or the subject of the Dispute diverges in a manner beyond the desire of the Tribunal, and a decrease if the parties, for example, reach an amicable settlement beyond the purview of the

Tribunal during the course of the arbitration. In the event of a decrease, the unused balance shall be returned to the parties, or one of them, as the case may be.

Article (56)

The fees and the advance payments against the costs referred to in these rules shall be paid to the treasury of the Chamber according to its financial rules.