

FEES, COSTS AND TARIFF SCALE

ARTICLE 24 – FEES AND COSTS

Notwithstanding the Arbitration Board administrative costs referred to in the attached Tariff Scale, which comprise, in particular, the reimbursement of costs relating to communication, transmission, and couriering of documents received by the parties, as well as of correspondence costs necessary for the Arbitration Board to carry out its function, the Arbitration Board shall fix the Arbitrator's fees as well as the advances on variable costs, which are specific for each arbitration proceedings, after having requested and received from the arbitrators their observations and all information relating to the actual costs incurred during the arbitration proceedings in order to add those costs on top of the Arbitrator's fees, and to mention all those data in the Award.

Accordingly, a provision of the Award shall indicate not only the aggregate costs incurred by the Arbitration Board but also, in particular, :

- 1) fees of the Arbitrators composing in the Arbitral Tribunal, fixed by the Arbitral Tribunal in accordance with articles 25 and 22.5.
- 2) travel costs and other expenses incurred by the Arbitrators,
- 3) proceedings, filing and copying fees incurred by the Arbitral Tribunal during the proceedings,
- 4) fees incurred in the context of any expertise or any other support required by the Arbitral Tribunal from third parties or required by the parties from the Arbitral Tribunal,
- 5) travel fees and other allowances for witnesses to the extent that such expenses and their amount are approved by the Arbitral Tribunal,
- 6) legal representation and/or assistance costs as well as legal fees borne by the winning party when such costs and fees are referred to in the claim of the said party to the extent that the Arbitral Tribunal deems their amount reasonable and up to the total or partial percentage which is upheld by the Arbitral Tribunal.

ARTICLE 25 - CALCULATION OF THE ARBITRATOR'S FEES

The amount of fees for the members of the Arbitral Tribunal shall be reasonable.

In the event of a simplified proceeding entrusted to a sole Arbitrator, a lump sum can be applied, subject to costs arising out of the arbitration proceedings. This

lump sum fee is fixed either by a common agreement between the parties and the Arbitration Board or, failing such agreement, by the Arbitration Board in accordance with the applicable tariff scale.

In any event and except in the case where the sole Arbitrator's fees are a lump sum, the amount of the arbitrator's fees or the Arbitral Tribunal fees shall be calculated, for each of the arbitrators, taking into account the amount in dispute, the complexity of the case, the time spent for the study of the case and the holding of hearings as well as any other relevant factor, including the control and assistance by the Arbitral Tribunal of the tasks performed by the appointed expert(s).

The Arbitration Board may request the Arbitrator's opinion on the calculation of its fees, whether or not one or all of the parties to the arbitration proceedings request clarification.

Unless otherwise decided by the parties or the arbitrators, the arbitration fees (and not the costs) shall be allocated as follows : 40% to the Chairman of the Arbitral Tribunal and 30% for each of the other two arbitrators.

In the Award, the Arbitral Tribunal shall be entitled to allocate the various arbitration costs and arbitrators fees by ordering the losing party to bear all of them or by dividing them in equal or unequal parts between the various parties to the proceedings. The same will apply in respect of legal representation and assistance fees as well as, more generally, in respect of the parties' outside counsels fees.

In the event of a request for interpretation of the Award, the Arbitration Board may, at the request of the Arbitral Tribunal, make the issuance of such interpretation subject to the payment of an additional fee.

Whenever a sum for which payment is requested, is not fully paid within thirty days from the receipt of such request or within any other period determined by the relevant bodies under these Rules, such bodies shall inform the parties of such non payment so that either party is able to make the payment in lieu of the defaulting party, subject to the final allocation of the costs and fees to be decided in the Award.

At the request of either party, a separate calculation regarding the claim, on the one hand, and regarding the counterclaim, on the other hand, can be made, in which case the full amounts relating to the claim and the counterclaim shall be borne respectively in full by the claimant and counterclaimant, subject to cost and fees determination in the final Award.

If those payments are not made, the Arbitral Tribunal or, when the Arbitral Tribunal is not yet in charge of the matter, the Arbitration Board, may order the suspension of the arbitration proceedings or the withdrawal of the relevant claim.

Once the Award is rendered and notified to the parties by the Arbitration Board, any remaining available balance on the various advances received during the arbitration proceedings shall be reimbursed except in the case of lump sum amounts. These reimbursements shall be made in accordance with the amounts and the allocation of costs and fees referred to in the Award.

TARIFF SCALE

ADMINISTRATIVE COSTS

✓ **SIMPLIFIED PROCEEDINGS – SOLE ARBITRATOR**

→ With regard to simple disputes for which the amount involved does not exceed 500.000 Euros (on the basis of an arbitrator's hourly rate ranging between 100 and 350 Euros)

Lump sum cost	Euros 1,000 tax exclusive (*)
(*) of which Euros 500 are allocated to the Arbitration Board even if the arbitration request is withdrawn or stricken off	
Arbitrator's lump sum fee (**) Real costs to be allocated on top	Euros 5,000 tax exclusive (**)

✓ **ORDINARY PROCEEDINGS**

✓

Amount of sums involved (in euros)			Costs in percentage Tax exclusive
Lump sum fee for initial registration up to Euros 50 000			Euros 1,500 tax exclusive (***)
50 001	to	100 000	2,00 %
100 001	to	300 000	1,50 %
300 001	to	500 000	1,00 %
500 001	to	1 000 000	0,80 %
1 000 001	to	2 000 000	0,30 %
2 000 001	to	5 000 000	0,15 %
above		10 000 000	0,05 %
(***) owed to the Arbitration Board even if the request is subsequently withdrawn or stricken off from the arbitration proceedings			

ARBITRATORS AND EXPERTS FEES TARIFF SCALE

- The fees for the arbitrators and experts which have been appointed pursuant to the these Rules are calculated on the basis of an hourly rate comprised between euros 100 and 350 and/or a percentage of the sums involved as described in the table below
- In the event both criteria are used, the calculation is based on the average of both amounts. The various tranches below are cumulative.
- **The Tariff Scale below is, furthermore, applicable to each of the arbitrators and experts**

Amount of sums involved (in euros)			Minimum Percentage	Maximum Percentage
Up to 50 000			Non recoverable amounts : Euros 5 000	
50 001	to	100 000	1,00 %	7,00 %
100 001	to	500 000	0,70 %	5,00 %
500 001	to	1 000 000	0,40 %	3,00 %
1 000 001	to	2 000 000	0,25 %	2,00 %
2 000 001	to	5 000 000	0,15%	1,50 %
5 000 001	to	10 000 000	0,08 %	0,75 %
Above	To	10 000 000	0,02 %	0,10 %