

FAST ARBITRATION RULES OF THE EUROPEAN NETWORK FOR DISPUTE RESOLUTION - ENDR

Article 1

Organisation of the ENDR Arbitration Network

- 1.1 Arbitration under these rules is organised within the framework of an international network set up by members of the EEIG, European Network for Dispute Resolution, The "Centers".
- 1.2 The list of these Centers is contained in Annex 1 to the present rules.
- 1.3 In principle the Centers are responsible for the organisation of the arbitrations under these Rules, according to the principles set out hereafter. However, all matters for which the competence of the Centers has not been foreseen as well as in case of disagreement between Centers who are to decide jointly (see article 11), will be decided by the Board of Directors of ENDR.

Article 2

Disputes falling under Euroarbitration rules

- 2.1 These rules apply to international disputes where the amount of the dispute does not exceed 100 000 euro.
- 2.2 For determining the amount of the dispute reference is made to the amount claimed in the Request. If no specific amount is indicated, it is understood that by choosing this Euroarbitration procedure the Claimant waives the right to claim amounts above 100 000 euro with respect to the subject matter of the dispute.
- 2.3 If the Respondent files a counterclaim its amount may not exceed the threshold of 100 000 euro. In case Respondent wishes to claim an amount exceeding 100 000 he must bring the dispute before the forum agreed upon by the parties for disputes not falling under the Euroarbitration procedure or, if no such agreement exists, before the ordinary courts having jurisdiction over the dispute. If no specific amount is indicated for the counterclaim, it is understood that by accepting this Euroarbitration procedure the Respondent waives the right to claim amounts above 100 000 euro with respect to the subject matter of the dispute.

Article 3

Basic principles

- 3.1 The main purpose of Euroarbitration is to give parties a simple access to an arbitration procedure permitting them to settle small disputes expeditiously and at a reasonable cost.
- 3.2 In order to warrant that the procedure can be carried out expeditiously, the Rules require the parties to submit all the evidence (documents, names of persons to be heard) together with the written submissions (Request, Answer, Reply) and provide that the discussion is concentrated in an oral hearing at the end of which the parties submit orally their conclusions.
- 3.3 The Centers assist the parties without cost in accordance with Articles 5 et 6 for the purpose of facilitating small and medium size undertakings the access to the Euroarbitration procedure.

Article 4

Lists of arbitrators

- 4.1 Each Center will establish and maintain a list of arbitrators having the qualities required for determining international commercial disputes. Such list will indicate, for each person, the specialisation, knowledge of foreign languages and arbitration experience, according to the guidelines which will be decided by ENDR.
- 4.2 ENDR will supervise the above lists to ensure that all arbitrators listed have a level of competence suitable for carrying out Euroarbitrations. ENDR will organise training courses and meetings to enable the exchange of experiences in the field of fast arbitration within the Centers.
- 4.3 The above lists will be used by the Centers for the choice of arbitrators.

Article 5

Request for Euroarbitration

- 5.1 A party wishing to have recourse to Euroarbitration ("Claimant") may submit its request ("Request") to any Center which is a member of ENDR.
- 5.2 The Request may be made on the standard form set out by ENDR or in any other form, and will contain the information needed by the arbitrator to understand the case and to organise the hearing. The Request must contain in particular:
 - a) The names and addresses of the parties.
 - b) A brief statement of the facts, the claim(s) and its/their amount.
 - c) A copy of the agreement containing the Euroarbitration clause.
 - d) All the documents supporting the claim(s).
 - e) The names, addresses and functions of the persons (party representatives, witnesses) the Claimant wishes to be heard at the hearing.
- 5.3 The Request must be accompanied by an advance payment of 2 000 euro.
- 5.4 The Center receiving the Request ("Claimant's Center") may give the Claimant appropriate assistance in drafting the Request. Such assistance will not extend to legal questions relating to the substance of the dispute.
- 5.5 The Request must be transmitted within 5 days of receipt by the Claimant's Center to the Respondent and to another Center chosen by the Center receiving the request ("Respondent's Center"). In choosing such second Center the Claimant's Center may consider various factors connecting it with the Respondent, like the language, the distance from the Respondent, etc.

Article 6

Answer to the Request

- 6.1 The Respondent shall within 21 days from the date of receipt of the claim, submit its answer, ("Answer") to the Respondent's Center. All Counterclaims must be included in the Answer.
- 6.2 The Answer may be made on the standard form set out by ENDR or in any other form and must contain the following information:
 - a) Observations on the Request.

- b) If applicable, the Counterclaim(s) and its/their amount.
 - c) All the documents supporting the Answer.
 - d) The names, addresses and functions of the persons (party representatives, witnesses) the Respondent wishes to be heard at the hearing.
- 6.3 The Respondent's Center may give the Respondent appropriate assistance in drafting the Answer. Such assistance will not extend to legal questions relating to the substance of the dispute.
- 6.4 The Answer must be transmitted by the Respondent's Center to the Claimant and to the Claimant's Center.
- 6.5 If the Respondent does not transmit the Answer within the time limit indicated in article 6.1, the Claimant's Center shall call upon the Respondent to transmit the Answer within 10 days. If, within 10 days the Respondent does not comply, the arbitration shall continue to its conclusion also in absence of the Respondent.
- 6.6 If the Answer contains a Counterclaim, the Claimant has the right to file a reply ("Reply"), which must be transmitted to the Respondent with a copy to each of the Centers within 10 days of the receipt of the Answer. The Reply may contain further documents and the indication of persons (party representatives, witnesses) the Claimant wishes to be heard at the hearing, provided they relate to the Counterclaim.

Article 7

Choice of the arbitrator and the place of arbitration proceedings

- 7.1 The arbitrator shall be chosen according to the procedure set out below, from the list of one or more Centers. The place of the arbitration proceedings shall be normally the seat of the Center where the arbitrator's name is listed but may be elsewhere by agreement of the parties and the arbitrator.
- 7.2 Within 21 days of receipt of the Request, the two Centers will send to the respective parties an identical list of names of persons, containing at least three prospective arbitrators, taken from the list of one or more Centers. The Centers must contact the potential arbitrators before despatching their names, to ensure that they can undertake the arbitration and are prepared to accept the appointment.
- 7.3 Both parties will be invited to cross off any names objected to and to number the remaining names in order of their preference. The lists must be returned to the respective Centers within 5 days of receipt.
- 7.4 The Centers jointly shall appoint the arbitrator from among the persons who have been approved on both lists and in accordance with the designated order of preference. In the event that a party does not return the list within the time limit indicated in article 7.3, it will be assumed that all persons appearing on the list are equally acceptable to that party for nomination as arbitrator. If for any reason the appointment, according to this procedure, cannot be finalised, the two Centers jointly shall nominate the arbitrator from persons mentioned on the list of any Centers.
- 7.5 The appointment of the arbitrator shall be communicated immediately to the two parties.

Article 8

The arbitration hearing

- 8.1 Within 10 days of his appointment the arbitrator shall invite the parties to a hearing (to be held not later than 30 days after his appointment), normally at the seat of the Center where his name is listed. During such hearing the arbitrator will hear the parties and the witnesses and orally discuss the case with the parties. At the end of the hearing, the parties shall formulate their final conclusions.

The parties must in principle specify all the evidence they intend to rely upon in the Request, Answer and Reply. Further evidence may be admitted by the arbitrator at his discretion. The arbitrator has also the right to request information not submitted by the parties which he considers necessary or useful for ascertaining the facts of the case.
- 8.2 The procedure must comply with the principles of impartiality and due process, warranting each party a reasonable opportunity to present its case.
- 8.3 The parties may be assisted by lawyers, experts, technicians or any other persons nominated by them. It is the responsibility of the party to make sure that such persons are present at the hearing.
- 8.4 The hearing will in principle be concluded in one day. However, the arbitrator may in exceptional cases (e.g. if it appears necessary to appoint an expert) fix a further hearing: in such case the cost of the arbitration indicated in article 10.1 will be doubled.

8.5 The arbitrator shall make his award within 30 days of the date of the hearing and in any case not later than 60 days after the date of his appointment, unless an extension is granted by the two parties or by the two Centers upon the arbitrator's request.

Article 9

Rules governing the proceedings and the award

- 9.1 The procedural rules applicable to the arbitration shall be those contained in these Rules. In default they will be determined by the arbitrator.
- 9.2 Unless otherwise agreed by the parties, the arbitrator shall decide the dispute as “ amiable compositeur”.
- 9.3 In the absence of an agreement by the parties the arbitrator shall determine the language or the languages of the arbitration, having regard to all the circumstances of the case.
- 9.4 The confidential nature of the arbitration proceedings shall be respected by all persons involved in the arbitration proceedings.
- 9.5 The arbitrator's award is final. By submitting the dispute to these rules, the parties undertake to carry out the resulting award without delay and to waive their rights to any form of appeal or recourse insofar as such waiver can validly be made.

Article 10

Costs of the proceedings

10.1 The cost of Euroarbitration is 2 000 euro.

10.2 The cost of arbitration and any other cost and supplementary expenditure are apportioned by the arbitrators between the parties.

Article 11

Matters not resolved by the Centers

11.1 Any matters concerning the arbitration which cannot be resolved jointly by the two Centers, shall be submitted to the Board of Directors of the ENDR.

Article 12

Exclusion of liability

12.1 Neither ENDR nor the arbitrator shall be liable to any party for any act or omission in connection with any arbitration conducted under these rules.