



International Chamber of Commerce

*The world business organization*

International Court of Arbitration • Cour internationale d'arbitrage

1 September 2013

## NOTE ON PERSONAL AND ARBITRAL TRIBUNAL EXPENSES

*(This Note replaces the previous Note dated 1 September 2009.)*

Expenses of arbitrators and arbitral tribunals which are incurred on or after 1 September 2013 will be reimbursed by the Secretariat of the ICC International Court of Arbitration in accordance with this Note.

### How to submit a request for expenses

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1. The Secretariat will reimburse expenses and pay *per diem* allowances only upon receipt of a request in a readily comprehensible form including a cover page listing each payment claimed and the reason for it. Expense reimbursement claims must be supported by an original receipt. This is necessary so that the Secretariat can carry out its accounting responsibilities and, from time to time, provide the parties with comprehensive statements of expenses incurred by arbitrators.

### When to submit a request for expenses

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2. Arbitrators should submit their requests for the reimbursement of expenses and/or the payment of *per diem* allowances, together with any required supporting documentation as specified below, as soon as possible after expenses are incurred. This will help ensure that the advance on costs paid by the parties is adequate to cover the costs of the arbitration.
3. All requests for the reimbursement of expenses and/or the payment of *per diem* allowances relating to any period prior to the submission of the draft final award must be provided at the latest when the draft final award is submitted to the Secretariat. When there is a three-member arbitral tribunal, the co-arbitrators and the chairman should co-ordinate their submission of requests for the reimbursement of expenses and/or the payment of *per diem* allowances in order to ensure that they reach the Secretariat no later than the draft final award. Requests for the reimbursement of expenses and/or the payment of *per diem* allowances submitted after the Court has approved the final award will not be taken into account by the Court when fixing the costs of the arbitration and will not be paid save in exceptional circumstances as decided by the Secretary General.

4. If an arbitration terminates before the rendering of a final award, all requests for the reimbursement of expenses and/or the payment of *per diem* allowances must be submitted within the time limit granted by the Secretariat. Requests for the reimbursement of expenses and/or the payment of *per diem* allowances submitted after the date the Court fixes the costs of arbitration will not be taken into account by the Court and will not be paid.

### **Travel expenses**

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5. If required to travel for the purpose of an ICC arbitration, an arbitrator will be reimbursed for the actual travel expenses he or she incurs travelling from and returning to his or her usual place of business as indicated on the *curriculum vitae* filed for the relevant ICC arbitration. Travel expenses will be reimbursed in accordance with paragraphs 6 to 8.
6. A request for reimbursement of travel expenses must be accompanied by the originals of all receipts claimed or other proper substantiation if receipts are unavailable. Travel expenses that are not fully and comprehensively justified will not be reimbursed.
7. The reimbursement of travel expenses is subject to the following strict limits:
  - (a) Air travel: an airfare equivalent to the applicable standard business class airfare.
  - (b) Rail travel: the applicable first class train fare.
  - (c) Transport to and from airport(s) and/or train station(s): the applicable standard taxi fare.
  - (d) Travel by private car: a flat rate for every kilometre driven, plus all necessary actual parking and toll charges incurred. The flat rate is US\$ 0.80 per kilometre.
8. Except for expenses claimed pursuant to paragraph 7(d) above, travel expenses will, where possible, be reimbursed in the same currency in which they were incurred. An arbitrator may alternatively request reimbursement in US dollars provided that the request is accompanied by a statement of the US dollar amount and evidence of the exchange rate (for example, a print out from <[www.oanda.com](http://www.oanda.com)>). The date for the currency conversion should be the date the expense was incurred.

### **Per diem allowance**

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9. In addition to travel expenses, an arbitrator will be paid a flat-rate *per diem* allowance in accordance with paragraphs 10 to 14 for every day of an ICC arbitration that he or she is required to spend outside his or her usual place of business as indicated on the *curriculum vitae* filed for the relevant ICC arbitration. The arbitrator is not required to submit receipts in order to claim the *per diem* allowance, but simply evidence of the travel for purposes of the arbitration.

10. If the arbitrator is not required to use overnight hotel accommodation, the flat-rate *per diem* allowance is US\$ 400.
11. If the arbitrator is required to use overnight hotel accommodation, the flat-rate *per diem* allowance is US\$ 1.200.
12. The applicable *per diem* allowance is deemed to cover fully all personal living expenses of whatever nature and of whatever actual value (other than travel expenses) incurred by an arbitrator. In particular, the applicable *per diem* allowance is deemed to cover, among other expenses, the total cost of:
  - Accommodation (except where paragraph 10 above applies)
  - Meals
  - Laundry/ironing/dry cleaning and other housekeeping or similar services
  - Inner-city transport
  - Telephone calls, faxes, emails and other means of communication
  - Gratuities
13. For the avoidance of doubt, no *per diem* allowance will be paid in respect of time spent by an arbitrator travelling to or from the relevant destination.
14. Since the *per diem* allowance is deemed to cover all personal living expenses incurred by an arbitrator while outside his or her usual place of business on ICC arbitration business, the Secretariat will not reimburse expenses over and above the applicable *per diem* allowance under any circumstances.

#### **General office expenses and courier charges**

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15. General office expenses and overheads incurred in the ordinary course of business by an arbitrator or an arbitral tribunal in connection with an ICC arbitration will not be reimbursed. However, an arbitrator or an arbitral tribunal may request to be reimbursed at cost for any courier, photocopying, facsimile or telephone charges incurred for the purposes of an ICC arbitration, provided such request is accompanied by detailed receipts.

#### **Advance payments on expenses**

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16. An arbitrator may request an advance payment of travel expenses and/or the applicable *per diem* allowance in accordance with paragraphs 5 to 14 above. If an advance is granted, the arbitrator must subsequently submit the relevant supporting documentation to the Secretariat, including all receipts and a statement of working days and nights spent outside of his or her usual place of business on ICC arbitration business.