



Claimant

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Final Award

Respondent

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The Claimant submits a Request for Arbitration to the Secretariat of the International Court of Arbitration in Paris. The Secretariat then transmits the Request to the other party or parties (the Respondent) which must send the Answer to the Request, together with any counter-claim, within 30 days. After receipt of the Request, the Secretary General normally requests the Claimant to pay a provisional advance intended to cover the costs of arbitration until the Terms of Reference have been drawn up. Depending on circumstances, this may be done after the receipt of the Answer

The procedure is set in motion. When no Court decision is needed as to the *prima facie* existence, validity and scope of the arbitration agreement, the constitution of the Arbitral Tribunal or the place of arbitration, the procedure may be set in motion through the Secretary General, who may confirm arbitrators nominated by the parties or pursuant to their particular agreements. The Secretary General may confirm arbitrators provided they have filed a statement of independence without qualification or a qualified statement has not given rise to objections. The file is then transmitted to the Arbitral Tribunal. The Court otherwise sets the procedure in motion by taking the required decisions. As soon as practicable, the Court fixes the advance on costs in an amount likely to cover the fees and expenses of the arbitrators and the ICC administrative costs. In some cases it may not be practicable for the Court to fix the advance before the file has been transmitted to the Arbitral Tribunal. The Secretariat transmits the file to the Arbitral Tribunal provided the advance on costs requested at this stage has been paid.

As soon as it has received the file, the Arbitral Tribunal draws up, on the basis of documents or in the presence of the parties and in the light of their most recent submissions, a document defining its Terms of Reference. These contain the full names and description of the parties and arbitrators, the place of arbitration, a summary of the parties' respective claims particulars concerning the applicable procedural rules, and any other provisions required to make the Award enforceable at law. They also contain, unless the Arbitral Tribunal considers it inappropriate, a list of issues to be determined. At this stage, the Arbitral Tribunal establishes a procedural timetable for the arbitration and communicates it to the Court. The Terms of Reference are signed by the parties and the Arbitral Tribunal. If one of the parties refuses to sign the Terms of Reference or to participate in their drawing up, they are submitted to the Court for approval, whereupon the the arbitration may proceed.

The Arbitral Tribunal proceeds within as short a time as possible to establish the facts of the case by all appropriate means. When it is satisfied that the parties have had a reasonable opportunity to present their case, the Arbitral Tribunal declares the proceedings closed and proceeds to prepare a draft Award.

The Court scrutinizes the draft Award. While not interfering with the arbitrators' liberty of decision, the Court may, if necessary, draw the Arbitral Tribunal's attention to points of substance and lay down modifications as to the form of the Award. Once approved, the Award is signed by the arbitrator(s) and notified to the parties by the Secretariat.