

Arbitration - Switzerland

Swiss Rules of International Arbitration

August 19 2004

The Swiss Rules of International Arbitration entered into force on January 1 2004. They replace the international arbitration rules issued by the Chambers of Commerce of Basel, Berne, Geneva, Ticino, Vaud and Zurich. The Swiss rules are based on the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules, with certain improvements and adjustments to suit institutional arbitration.

The Swiss rules apply to arbitration commenced after January 1 2004, provided that the arbitration agreement refers to the Swiss rules or to the rules of one of the six above chambers of commerce (unless the parties specifically agree to apply the pre-existing chamber of commerce rules).

The Swiss rules are administered by the Arbitration Committee, which comprises 31 members. There are six secretariats, one in each of the six chambers of commerce. Accordingly, a notice of arbitration may be submitted to any of these six secretariats, preferably the one corresponding to the seat of arbitration mentioned in the arbitration clause.

A new feature as compared to the UNCITRAL Arbitration Rules is the provision for an expedited procedure. Any arbitration in which the amount in dispute is below Sfr1 million will in principle be conducted under the expedited procedure and by a sole arbitrator.

The arbitration fees are determined by the arbitral tribunal within the limits of a schedule based on the amount in dispute. The arbitral tribunal must further consult the Arbitration Committee on any decision as to the assessment and payment of costs.

The Swiss rules can be found in seven languages at www.swissarbitration.ch.

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