



المركز السعودي للتحكيم التجاري
Saudi Center for Commercial Arbitration

Arbitration Procedures Guide



Introduction



This guide provides a simple description of arbitration procedures for cases administered by the Saudi Center for Commercial Arbitration (the “SCCA”) in accordance with its Arbitration Rules. This Guide assists the SCCA users to have a comprehensive understanding of the different phases of arbitration procedures in order to ensure clarity, predictability and facilitate cooperation between the parties, SCCA and the arbitral tribunal. The objective of this cooperation is to push the procedures forward in a time and cost effective manner. This Guide is not intended to replace the SCCA Arbitration Rules which contains comprehensive and detailed provisions that govern different arbitration procedures that varies from one case to another.



Filing and initiation of Arbitration Procedures

SCCA commences administration of an arbitration when one party, the Claimant, submits a demand for arbitration, containing a copy of the arbitration provision that refers the dispute to SCCA, whether in the form of arbitration clause or in a form of a submission for arbitration. The request for arbitration shall contain the necessary information as per Article 4 of the SCCA Arbitration Rules. The Claimant(s) shall also send a copy of the notice of arbitration to the Respondent(s) and pay appropriate Filing Fee.

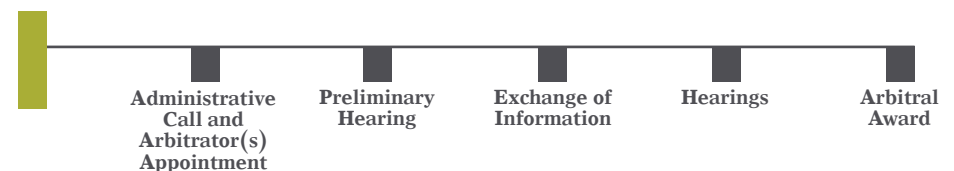
“ The Filing Fees are based on claim amounts and are paid by the party that files the claim in accordance with the (SCCA Administrative and Arbitrators’ Fee Schedule.)

After receiving the notice of arbitration, an initiation letter will be prepared by the Administrator affirming recipient of the case and requesting the Respondent(s) to write his answer on the notice of arbitration within 30 days from filing the case with the right to file a claim or counterclaim.

“ Initiation Letter sent by the Administrator contains administrative call info (date, time, and purpose, applicable rules, durations to response to the notice of arbitration.

“ SCCA has a Notice of Arbitration form that can be found on SCCA website. The form covers the aspects required in the notice of arbitration.

Initiation of Arbitration Procedures





Administrative Call

After scheduling the administrative call on the initiation letter, the Administrator will conduct a joint administrative conference call with all parties to discuss upcoming administrative procedures before the formation of the arbitral tribunal such as:

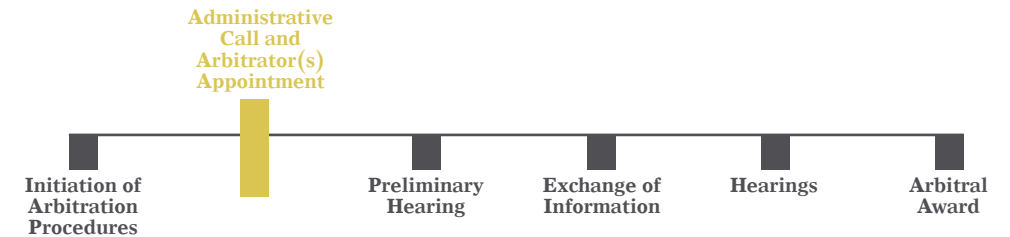
- » communication method between the parties and the Administrator.
- » Applicable arbitration rules.
- » Possibility of mediating the dispute.
- » Arbitration locale.
- » Number of arbitrators.
- » Methods of choosing arbitrators.
- » Arbitrators' qualification suggested by each party.

Arbitrators Selection:

- After the admin call, the Administrator will assist the parties in selecting an arbitrator(s) in case parties have not agreed on a procedure for appointing the arbitrator(s) or have not agreed on the selection of arbitrator(s).

- In case parties do not agree on a procedure for appointing the arbitrator(s) or do not select an arbitrator(s), the Administrator will provide an identical list of prospective arbitrators and their résumé based on the parties' input on the necessary qualifications during the admin call. Parties must within 15 days from receiving the list return it to the Administrator after striking names objected to and numbering the remaining names in order of preference.

- If an arbitrator(s) is not appointed following the said procedure, the Administrator may use his own discretion to appoint an arbitrator(s) without providing any additional lists.

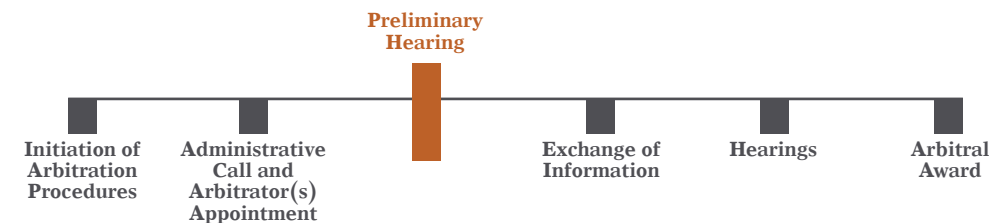




Preliminary Hearing

- The Preliminary Hearing is a management meeting conducted by the arbitrator(s). It is usually the first time the parties and the arbitrator(s) discuss the case and is often conducted via conference call.
- Parties and arbitrator(s) will establish a schedule for the exchange of information. Dates and manners for the submitting briefs, time limits for responding and dates for the hearing.
- Preliminary Hearing results in a “Procedural Order” that will serve as the parties’ general framework for the arbitration procedure as explained in the previous point.

“ The administrative final fee and the arbitrator(s) fees must be paid before the preliminary hearing

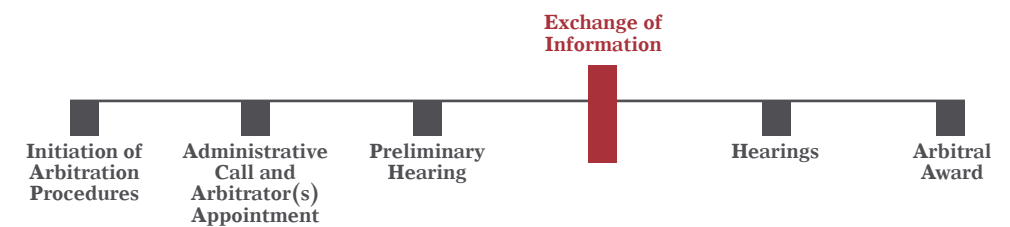




Exchange of Information

- Working within the timeframes set forth at the Procedural Order, the parties exchange information and documentations.
- At the conclusion of this stage, the parties should have completed preparations for presenting evidence and arguments on the dispute, and submitted the proposed exhibits and final witness lists, if needed.

“ At least 15 days before the hearings, each party shall give the Tribunal the names and addresses of any witnesses it intends to present and the subject of their testimony.



“ In exceptional circumstances the Tribunal may, decide, on its own initiative or upon application of a party, to reopen the hearing at any time before the award is made.



“ the Tribunal may appoint one or more independent experts to report to it in writing, on specific issues to be determined by the Tribunal. Parties should be given the opportunity to express their opinion on the report, examine any document on which the expert has relied in his report and question the expert at a hearing.

Hearing

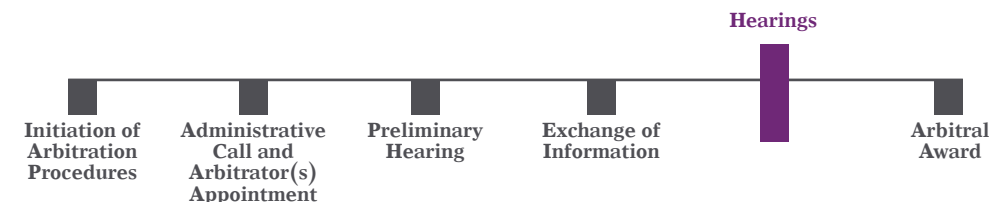
- Parties litigate orally any form of evidence they presented.
- The hearings are concluded when the arbitrator(s) determines that each side has had a full opportunity to present its evidence.

“ Hearings are private unless the parties agree otherwise

Closure of Hearing:

- Parties are requested to provide any further proof, witnesses or submissions to make. Once the Tribunal is satisfied that the record is completed. The Hearing will be declared closed.
- No further submission or argument may be made, or evidence produced after the hearing is declared closed.

“ in case a party fails to submit an answer regarding the claim or fails to appear at the hearing without showing sufficient cause for such failure, the Tribunal may proceed with the arbitration procedures. If a party, after being invited by the Tribunal to produce evidence or take any other steps in according with the Arbitration Rules and fails to do so, the Tribunal may make on the award on the evidence before it.



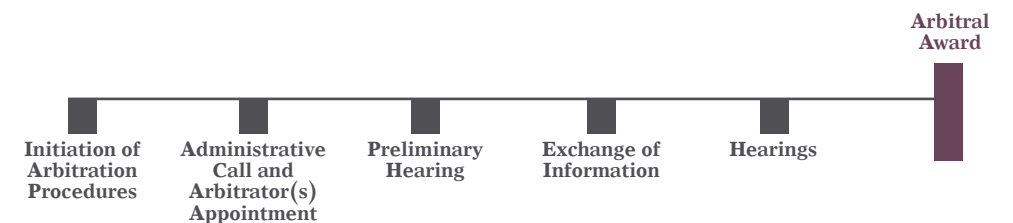


“ Although parties often voluntarily comply with awards, enforcement is accomplished through courts proceeding.



The Award

- All awards rendered shall be reasoned, made in writing and apply the substantive law that parties agreed upon. The Tribunal shall make every effort to deliberate and prepare the award. The award shall be signed by the arbitrator(s) and address all the claims raised by the parties, and it shall contain the date on which the award was made and indicate the place of arbitration.
- Awards shall be made no later than 60 days from the date of the closing of the hearing.

“ In case of settlement before the arbitral award is rendered, the Tribunal may, upon the request of all parties, record the settlement in the form of a consent award on agreed terms. The Tribunal is not obliged to give reasons for such an award.





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