

## **PRACTICE DIRECTION NO. 1: IAC ARBITRATION FEES & CHARGES**

### **Arbitrations conducted at the IAC under the AIFC Arbitration and Mediation Rules (“the Rules”), UNCITRAL Rules or ad hoc rules**

#### **1. Charges of the IAC**

- a) A Registration Fee of USD 1000 is payable in advance with the Request for Arbitration and is non-refundable.
- b) An hourly fee of USD 150 for all IAC administrative charges, including the administration of the arbitration, related expenses, the appointment of arbitrators, of emergency arbitrators, will be invoiced to the Parties by the Registry.

#### **2. Fees and expenses of the Tribunal**

- a) Arbitrators shall be invited at the time of their appointment to agree in writing an hourly fee rate. Hourly fees shall normally not exceed USD 635.
- b) The Tribunal’s fees may include a charge for time spent travelling.
- c) The Tribunal’s fees may also include a charge for time reserved but not used due to late postponement or cancellation of hearings if the basis for such charge is stated in writing to the Parties at the commencement of the arbitration.
- d) The Tribunal shall be entitled to recover all expenses reasonably incurred in connection with the arbitration, such as travel and hotel expenses. All claims for reimbursement of expenses shall be supported by receipts.

#### **3. Deposits**

- a) The Registrar may direct the Parties, in such proportions and at such times as are appropriate, to make one or more payments to the IAC on account of the costs of the arbitration (the Arbitration Costs) other than the legal or other expenses incurred by the Parties themselves. The payments deposited by the Parties may be applied by the IAC to pay any item of such Arbitration Costs (including the IAC’s own charges and expenses).
- b) Save for exceptional circumstances, the Arbitral Tribunal should not proceed with the arbitration without having ascertained from the Registrar that the IAC is or will be in requisite funds as regards outstanding and future Arbitration Costs.
- c) In the event that a Party fails or refuses to make any payment on account of the Arbitration Costs as directed by the Registrar, he may direct the other Party or Parties to effect a substitute payment to allow the arbitration to proceed (subject to any later order or award by the Tribunal).

#### **4. Interim Payments**

- a) When interim payments are required to cover any part of the Arbitration Costs, including the IAC’s administrative charges, the Tribunal’s fees or expenses, the fees or expenses of any expert appointed by the Tribunal, the fees or expenses of any Secretary to the Tribunal, or charges for hearing rooms and other support services, such payments may be made against invoices for any of the items listed above from funds held on deposit by the IAC.

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- b) If no or insufficient funds are held at the time an interim payment is required, the relevant invoices may be submitted by the IAC for payment by the Parties directly.

*The Parties are invited to contact the IAC Registry to enquire about access to hearing rooms and related costs.*

### 5. Arbitration Costs

- a) The Parties shall be jointly and severally liable to the Tribunal and the IAC for the costs of the arbitration (other than the legal or other costs incurred by the Parties themselves).
- b) Any bank charges incurred on any transfer of funds by the Parties to the IAC shall be borne exclusively by the Party or Parties transferring the funds.
- c) The Tribunal's Award(s) shall be transmitted to the Parties by the IAC provided that the costs of the arbitration have first been paid to the IAC.

Approved by the Chairman of the International Arbitration Centre in accordance with Article 50(2)(c) and Article 54 of the AIFC Arbitration Regulations 2017:



Barbara Dohmann QC,  
Chairman, International Arbitration Centre  
Astana

1 January 2018