

ICC Dispute Resolution Services



ARBITRATION

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DISPUTE BOARDS

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ICC Dispute Board Rules

The Dispute Board Rules are a means of assisting the parties to a contract to resolve contractual disputes throughout the contract's duration

In force as from 1 September 2004



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ICC Dispute Boards



- What are Dispute Boards?
- Standard ICC Dispute Board Clauses
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- Types of Dispute Boards
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- Salient Characteristics of ICC Dispute Board Rules



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What are Dispute Boards?

- Dispute Boards are standing bodies set up to deal with contractual disputes as they arise
- Normally set up at the outset of a contract
- They are comprised of one or three members thoroughly acquainted with the parties, the contract and its performance



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Standard ICC Dispute Board Clauses

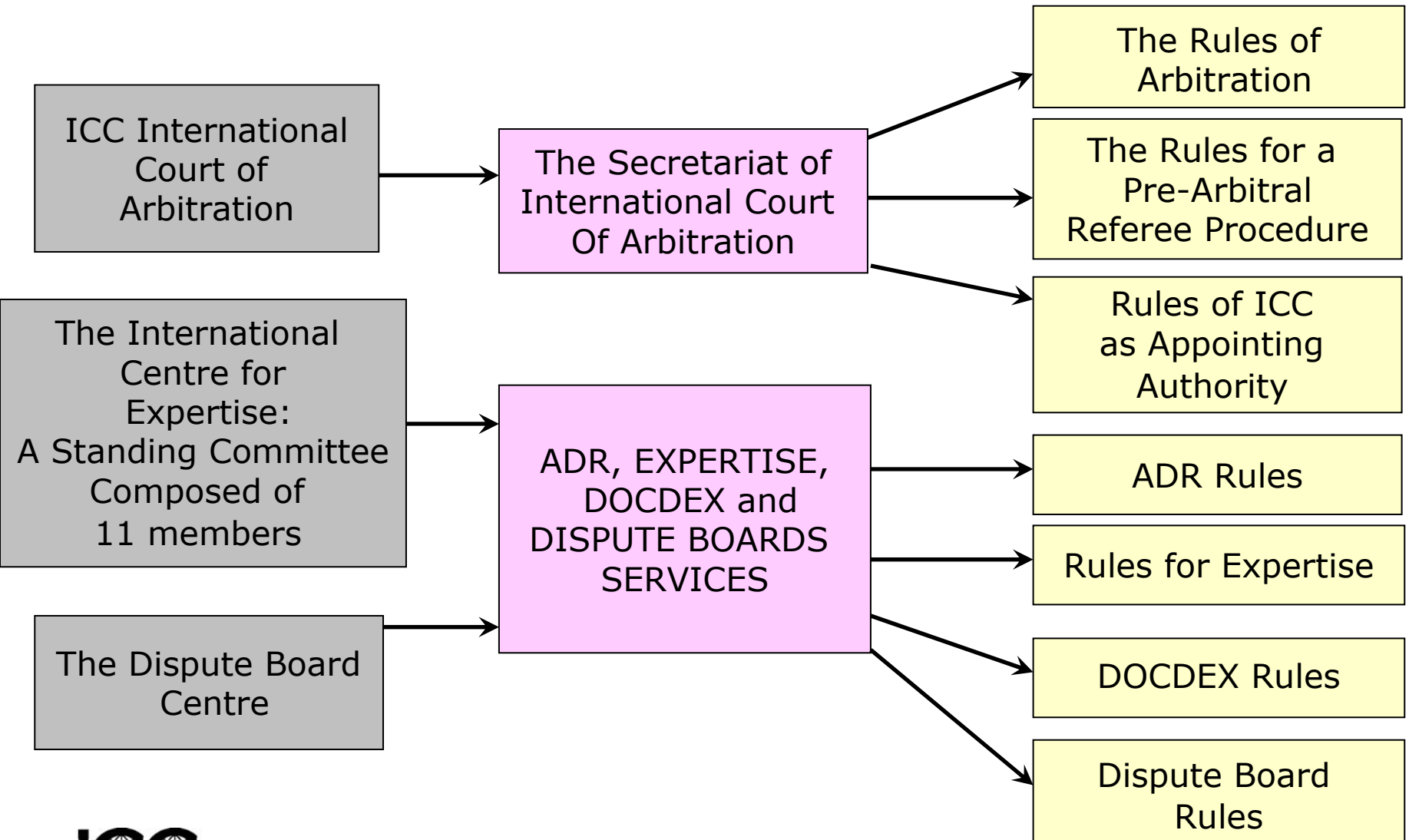
- ICC Dispute Review Board followed by ICC Arbitration if required
- ICC Dispute Adjudication Board followed by Arbitration if required
- ICC Combined Dispute Board followed by Arbitration if required



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ICC Dispute Board Centre (I)



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ICC Dispute Board Centre (II)

The Centre plays a subsidiary administrative role that may include:

1. Appointment of DB members
2. Decisions upon challenges
3. Revision of Decisions



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ICC Dispute Board 'Tools'

- There are three types of Dispute Boards which can be set up by inserting the respective standard ICC Dispute Board Clause into the contract
- The Rules are designed to govern the Dispute Board proceedings (34 Articles)
- The ICC model Dispute Board Member Agreement contains:
 - ✓ DB member's undertaking
 - ✓ DB member's remuneration
 - ✓ The duration of the agreement



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Types of Dispute Boards

- **Dispute Review Board (DRB)**

The DRB issues 'Recommendations' that are not binding on the parties with respect to any dispute referred to it (Article 4)

- **Dispute Adjudication Board (DAB)**

The DAB issues 'Decisions' that parties must comply with. However, a party may express its dissatisfaction with the Decision (Article 5)

- **Combined Dispute Board (CDB)**

The CDB normally issues Recommendations with respect to any dispute referred to it, but it may issue Decisions as well. This option offers an intermediate approach between the DRB and the DAB (Article 6)



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Fees and Costs

1. Appointment of DB members
Non refundable fee of US \$ 2 500
2. Decisions upon challenges
Fee ranges from US \$2 500 to US \$10 000
3. Revision of Decisions
Fee ranges from US \$2 500 to US \$10 000



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Salient Characteristics of ICC Dispute Board Rules

- Flexible: Does not impose a particular type of Dispute Board
- Offers 3 efficient 'tools':
The Rules, the Standard Clauses, and the Model Dispute Board Member Agreement
- The Centre offers administrative services to the parties
- Costs are relatively inexpensive



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