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DRBF THE HAGUE REGIONAL CONFERENCE

Natalia Petrik

**SCC Arbitration Institute
Deputy Secretary General**

SCC in Brief

- Established in 1917
- 150-200 cases/year
- 50% international cases
- Approximately 40 countries
- Investment arbitration

Swedish Construction Sector

AB 04 (General Conditions of Contract for Building and Civil Engineering Works and Building Services) and ABT06 (General Conditions of Contract for Design, Building, Civil Engineering and Installation Works)

- Simplified Dispute Settlement Procedure (§10 in AB04/ABT06)
- Courts of general jurisdiction (§9 in AB04/ABT06, claims up to 150 times the price base amount (appr. 700 000 USD))
- Arbitration (ad hoc)

DBs in the Swedish ADR Landscape

- The Öresund Link DRBs
- DAB in an offshore wind farm construction (SCC case AA2013/117)
- DAE in a nuclear power plant project (SCC case AA 2014/151)

The SCC ADR Tools

SCC Arbitration

SCC Expedited
arbitration

SCC Mediation

SCC Express

YOU
HAVE

A high complexity case

With extensive
evidence

With less
evidence

A low complexity case

Sensitive business
relationships

Based mainly on
legal points

YOU
NEED

Enforceability and high legal certainty

A comprehensive
process

A scaled back
process

A fast resolution to the dispute

Where the
parties agree

At a fixed fee

YOU GET

Enforceable award

Enforceable award

Negotiated settlement

Neutral legal
assessment

IT TAKES

6-12 months

3-6 months

Parties decide

3 weeks

SCC Arbitration Rules

Cost Calculator

Estimated cost

€ 127 535

Next step

Recalculate

Conditions

The amount in dispute:

€ 5 000 000

Number of arbitrators:

1

Chairperson's fee

Minimum

€ 40 000

Median

€ 77 000

Maximum

€ 114 000

Advance on Costs (excl. VAT)

The fee to the chairperson (median)

€ 77 000 excl. VAT

Administrative fee of the SCC

€ 33 900 excl. VAT

Expenses (estimate)

€ 16 635 excl. VAT

Total

€ 127 535 excl. VAT

SCC Expedited Arbitration Rules

Cost Calculator

Estimated cost

€ 86 940

Next step

Recalculate

Conditions

The amount in dispute:

€ 5 000 000

Number of arbitrators:

1

Chairperson's fee

Minimum

€ 35 900

Median

€ 59 000

Maximum

€ 82 100

Advance on Costs (excl. VAT)

The fee to the chairperson (median)

€ 59 000 excl. VAT

Administrative fee of the SCC

€ 16 600 excl. VAT

Expenses (estimate)

€ 11 340 excl. VAT

Total

€ 86 940 excl. VAT

SCC EXPRESS

- Voluntary process
- Neutral legal assessment
- Default non-binding outcome
- Confidential also between the parties
- Three weeks
- Fixed fee (29 000 EUR, excl VAT)

Some Takeaways

- Standard forms are not always the best option
- Be aware of available dispute resolution tools (DB, DAB, mediation, SCC Express, expedited and standard arbitration)
- Some of the factors defining the DR strategy:
 - Complexity and length of the project?
 - Costs of the DR procedure?
 - Time pressure?
 - Need for interim measures?
 - Need for enforcement?

Thank you!

- Natalia Petrik
- Deputy Secretary General
- natalia.p@sccarbitrationinstitute.com
- sccarbitrationinstitute.com





