

SCC POLICY

APPOINTMENT OF ARBITRATORS

Adopted by the SCC Board on 12 June 2006.

Amended by the SCC Board on 8 September 2017.

The following principles apply when the SCC appoints arbitrators under the SCC Rules or any other set of rules or law as agreed by the parties.

I. General Principles

Each case is unique and the SCC shall always seek to take into account the elements of the principles below deemed most relevant for the case at hand, as well as additional issues not listed in this policy if so required. In so doing, the SCC shall act in the spirit of this Policy and always exercise impartiality and independence in every aspect of its decision making.

The following general policies apply.

(1) Experience as an arbitrator

The SCC seeks to primarily appoint arbitrators who have acted as such before.

(2) Profession

The SCC primarily appoints persons holding a law degree.

As a main rule, the SCC does not appoint sitting judges as arbitrators. Exceptions may be made for district court judges, or judges sitting in courts who would not assume jurisdiction of a potential challenge of the award in the case at hand.

(3) Tribunal balance

In all of its appointments, the SCC seeks to balance expertise, legal qualifications, seniority, language and other relevant circumstances, taking into account all members of the Arbitral Tribunal.

II. Special Considerations

The following issues will also be taken into consideration. Items are not listed in order of priority. Additional non-listed elements may take precedence, given the circumstances of the case at hand.

(1) Applicable law

The applicable law, if known at the time of the appointment, is a factor when determining which arbitrator is most suitable for the assignment. Whether the potential arbitrator is legally trained in a common law or a civil law environment may also be taken into account. Given the nature of the case and the expertise as represented by the entire Arbitral Tribunal it is however not an absolute requirement that the SCC appointment is qualified in the jurisdiction of the applicable substantive law.

(2) Nationality

If the parties are of different nationalities, the SCC shall appoint a sole arbitrator or a Chairman of the Arbitral Tribunal of a nationality other than the nationalities of the parties, unless otherwise agreed by the parties or otherwise deemed appropriate by the SCC.

(3) Seat of arbitration

The seat of the arbitration is taken into account when selecting arbitrators.

(4) Qualifications and specializations

The SCC will carefully consider the nature of the case and seek to appoint an arbitrator who is likely to understand the subject matter of the dispute. Issues taken into account include but are not limited to legal specialization, general experience, business expertise, and experience from relevant local practice or culture.

(5) Availability

The SCC takes into account the efficiency of the dispute and the issue of availability when selecting arbitrators.

(6) Diversity

The SCC seeks to foster diversity in all appointments. This includes but is not limited to acting in the spirit of its commitment as a signatory to the Equal Representation in Arbitration Pledge.