

Guide to the Scrutiny of the Award

Approved by the Plenary at its meeting of September 20, 2023

1. This guide is intended to provide users with guidelines on the process of scrutiny of the award [the "**Scrutiny**"] by the Madrid International Arbitration Center ["**CIAM**" or the "**Center**"], pursuant to Art. 43 of the Arbitration Rules [the "**Rules**"] which reads as follows:

43. Scrutiny of the award by the Center

- 1. At least twenty days before the expiration of the time limit for rendering the award, the arbitrators shall submit a draft award for scrutiny by the Center. If an arbitrator has submitted a separate opinion, the presiding arbitrator shall attach it to the draft award.*
- 2. The Center may propose formal modifications to the award and shall verify that, if there is a dissenting vote, it complies with the principles of secrecy of deliberation and respectful disagreement with the majority.*
- 3. The Center may, while respecting the arbitrators' freedom of decision, draw their attention to aspects related to the merits of the dispute, as well as to the determination and apportionment of costs.*
- 4. The arbitrators shall not issue any final award without the approval of the Center as to its form.*
- 5. The scrutiny of the award by the Center shall in no way imply that the Center assumes any responsibility for the contents of the award.*

1. Scrutiny of the Award

2. The Center conducts a scrutiny of the draft award prepared by the sole arbitrator or arbitral tribunal prior to its decision and notification. The purpose of this scrutiny is to ensure that awards rendered in proceedings administered by CIAM are of the highest possible quality.
3. The Center's scrutiny takes into account: (i) formal aspects of the award, (ii) the



merits of the dispute, (iii) the determination and breakdown of costs, and (iv) in the case of a dissenting opinion, that it complies with the principles of deliberation and respectful disagreement with the majority.

4. No award may be rendered by the arbitrators unless it has been scrutinized and approved by the Center.
5. The Center assumes no responsibility for the content of the award, which is the sole responsibility of the arbitrators.
6. The Scrutiny is conducted by two organs of the Center: the General Secretariat and the members of the CIAM Award Scrutiny Commission [the "**Commission**"].

II. Award Scrutiny Commission

7. The Commission has the task of scrutinizing all draft awards rendered in arbitration proceedings administered by CIAM, subject to the provisions of the Rules.
8. The Commission is composed of independent members of the Center. These members cannot be part of CIAM, in particular of the Plenary of the Center, of the Founding Courts¹, of the governing bodies of the Association or of the members of the Association.
9. The members of the Commission are not remunerated; and their participation in the Commission does not generate incompatibility to act as arbitrators in cases administered by CIAM.
10. The members of the Commission must be persons of recognized prestige in the arbitration community; they are appointed by the Plenary at the proposal of the Chair of CIAM² and hold office for a period of three years, renewable for one additional period only.
11. In the interest of transparency, the names of the members of the Commission are public.
12. The members of the Commission are bound to keep the arbitration and the award confidential.

¹ The Founding Courts of CIAM are the Madrid Court of Arbitration, the Spanish Court of Arbitration and the Civil and Commercial Court of Arbitration.

² Article 17.3 CIAM Statutes.



III. Scrutiny of the award process

13. Pursuant to Article 40.1 of the Rules, unless the parties have provided otherwise, the arbitrators shall render their award within three months from the date of the hearing or from the last substantive pleading³. However, the Center has the power to extend this time limit ex officio pursuant to Article 40.3 of the Rules, in the event of exceptional circumstances.
14. The arbitrators must submit their draft awards within twenty days prior to the expiration of the same.
15. Once the draft award has been submitted to the Center, the General Secretariat shall appoint, if necessary, such members of the Commission for its scrutiny as it deems necessary having regard to the circumstances of each arbitration. The criteria for the appointment of the members are the following: the independence and impartiality of the Commission member with respect to the case, the language of the award, the subject matter of the dispute, the availability of the Commission member, any other criteria the General Secretariat deems appropriate.
16. The scrutiny of draft awards by the Commission and the Secretary General can be done via telephone conference, videoconference, exchange of emails or any other means of communication that guarantees the identity of the participant.
17. Draft awards submitted to the Center are scrutinized as soon as possible.
18. The arbitral tribunal or sole arbitrator must incorporate the Center's comments it deems appropriate as soon as possible and, in any case, within a maximum period of 5 days.
19. Pursuant to Article 4.5 of the Rules, the Center shall at all times ensure that the time limits are effectively complied with. This shall be taken into account when fixing the arbitrators' final fees.

³ For these purposes, the statement of costs is not considered a substantive brief.