



ANNEX II

Guide on Quantification of Arbitral Proceedings

Reviewed by the Good Practice Commission

Adopted by the Plenary at its meeting of April 3, 2024

I. Introduction

1. The purpose of this Guide is to provide users with guidelines on the quantification of arbitral proceedings in accordance with the Arbitration Rules [the "Rules"] and the practice of CIAM- CIAR [the "Center"] in this field.

2. In accordance with the provisions of Article 9.1 of the Regulation:

"The Center shall be responsible for the provisional determination of the amount of the proceedings. Prior to the appointment or confirmation of the arbitrators, the Center shall request the amount of the advance on costs of the arbitration, including any applicable indirect taxes, to be paid by the parties within a period of time to be fixed by the Center. The Center shall be responsible for adjusting the amount of the arbitration at any time prior to the closure of the arbitration proceedings".

3. In exercising this function of establishing the quantification of the proceedings, the Center shall follow the guidelines set out below. In order to carry out the quantification, the Center may, whenever it considers it appropriate, request the parties and, where appropriate, the arbitrators, to provide such information as it deems necessary.

II. Jurisdiction to fix the amount

1. The body of the Center responsible for fixing the amount is the General Secretariat.

III. Time of fixing the amount

1. In order to enable the determination of the amount, the Parties are under an obligation to provide the Center, for the sole purpose of determining the amount of the proceedings, with a quantification of their claims, including non-monetary and/or declaratory claims. If they fail to do so, the Center shall request the parties to provide such quantification.
2. The Center shall provisionally fix the amount on the basis of the parties' submissions in their Request and Answer and, where appropriate, Notice of Counterclaim.
3. After the filing of the Statement of Defence or Statement of Counterclaim, the Center may at any time verify whether the amount provisionally determined corresponds to the relief sought by the parties and, if appropriate, adjust it accordingly, either by increasing or decreasing it.
4. Without prejudice to the above, the amount may be adjusted at a later stage at any time before the closure of the investigation, depending on the evolution of the procedure¹.
5. In general, the Center shall not be bound by the quantification of the requests provided by the parties and may, in any event, determine the amount in the light of all relevant circumstances.

IV. Criteria

1. The amount of the proceedings shall be the sum of the amounts of the respective claims of the parties.
2. Subject to the above, for the sole purpose of fixing the amount of the procedure, the following criteria shall apply:
 - In the case of an application for an order for payment, the amount of the claim shall be the amount claimed. In the circumstances of the case, the Center may also take into account the interest claimed.
 - In non-monetary condemnation claims and declaratory claims, the amount of the proceedings shall be the underlying economic interest at stake in the proceedings - meaning the economic value at stake in the dispute.
 - Claims in which it is impossible to determine the underlying economic interest shall be considered as unspecified. The Center shall quantify such unspecified claims taking into account all relevant elements and circumstances. As an alternative criterion, the Center may fix the amount of EUR 300,000 as a benchmark for the value of the proceedings.

¹ By way of example only, this update will apply in cases where damages are claimed that continue to increase during the course of the arbitration.

3. Unless the Center decides otherwise, where the claim includes both main and alternative claims, the claim with the highest value shall be taken into account for the purposes of fixing the amount of the proceedings.
4. In the event of a counterclaim, the counterclaim shall, for the purpose of quantification, be treated as a separate proceeding, unless the Center, in its discretion, considers that it should be treated as a single proceeding. Thus, the amount of the counterclaim shall give rise to the calculation of a provision of funds in addition to the claim.²
5. Where proceedings are joined, they shall be treated for quantification purposes as separate proceedings, unless the Center, at its discretion, considers that they should be treated as a single proceeding. The amounts of the proceedings shall therefore give rise to the calculation of separate provisions of funds.

V. Provisions of funds

1. Once the amount has been provisionally fixed, the Center shall determine the amount of the advance on costs to be requested from the parties to meet the costs of the arbitration.
2. The Center may adjust the provisions of the arbitral proceedings at any time prior to the closure of the arbitral proceedings.
3. In determining the amount of the provisions, the Center shall take into account the amount of the proceedings, as well as any other relevant circumstances, including the complexity of the proceedings³.

² By way of example, if a claim for the payment of EUR 1 million and a counterclaim for the payment of EUR 1 million are submitted, for the purposes of quantum, there will not be considered to be a single proceeding for EUR 2 million, but two proceedings, each for EUR 1 million, and for which corresponding provisions of funds will be claimed from the Parties.

³ In assessing complexity, the Center may take into account, inter alia, the following factors: (i) the number of Parties to the arbitration; (ii) the number of claims asserted; (iii) the number of written submissions made by the Parties; (iv) the number and volume of documents on file; (v) the number of procedural orders and awards rendered; (vi) the number of days of hearings; and (vii) the number of hours spent by the arbitrators or that the arbitrators intend to spend until the completion of the proceedings.