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LEADING DISPUTE
RESOLUTION
WORLDWIDE

Expedited procedures: will they do the trick?

Alexander G. Fessas

Secretary General

ICC International Court of Arbitration

Kiev, 3 November 2017

HOW RECENT IS THIS DEBATE?

A recurring theme of arbitration conferences and literature [...] has been the excessive duration of conventional arbitration proceedings.

In the wake of the publicity surrounding the conduct of a complex ICC arbitration in less than three months several years ago, there has been growing interest in the means of conducting ICC arbitrations on an expedited, or ‘fast-track’ basis.

Eric A. Schwartz, *ICC Court Bulletin Special Supplement*, 1997

HAS IT ALWAYS BEEN LIKE THIS?

case 1

RfA filed: 18 December 1923

award rendered: 23 January 1924

case
7385

RfA filed: 22 October 1991

award rendered: 23 January 1992

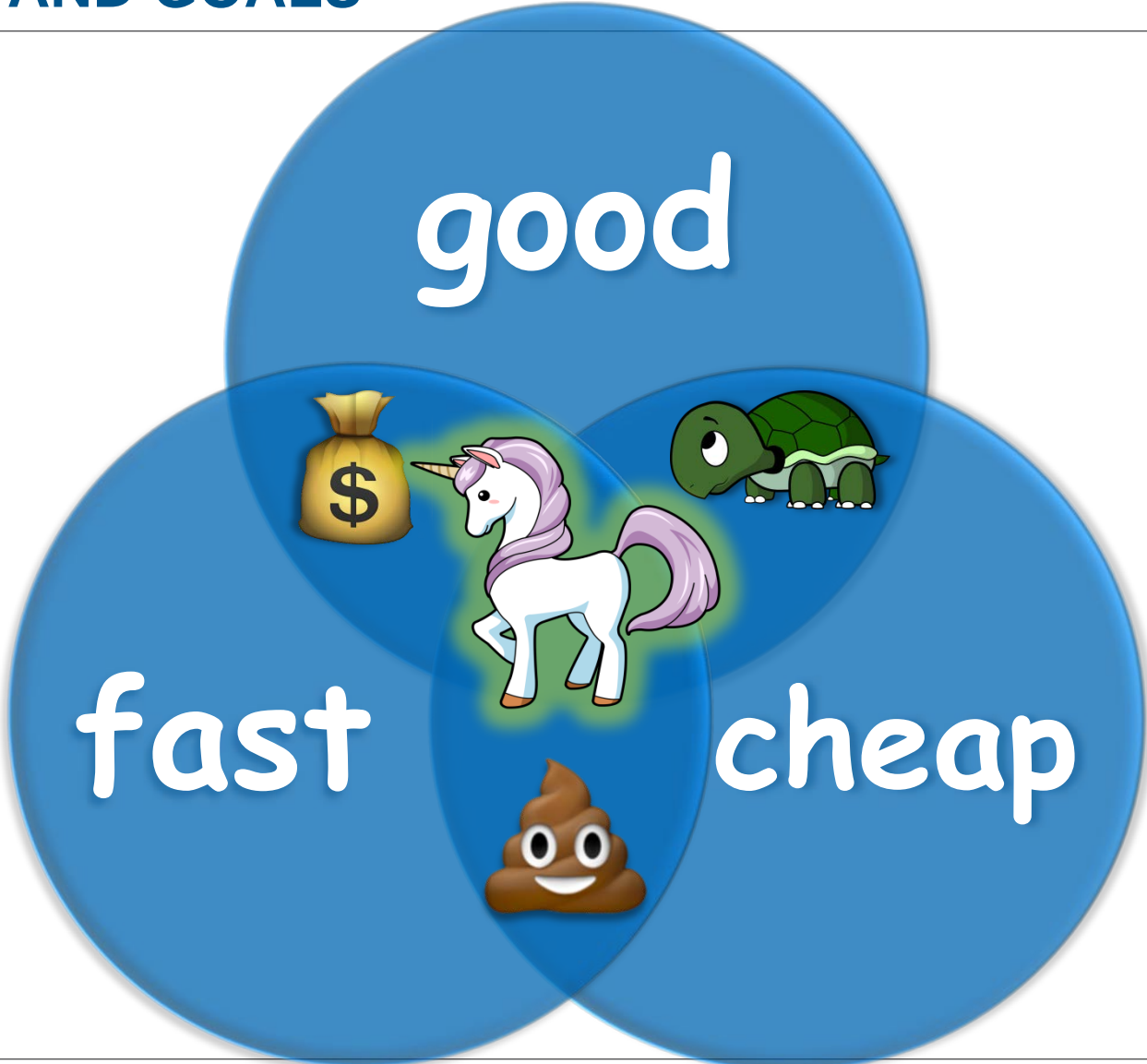
case
10211

RfA filed: 10 November 1998

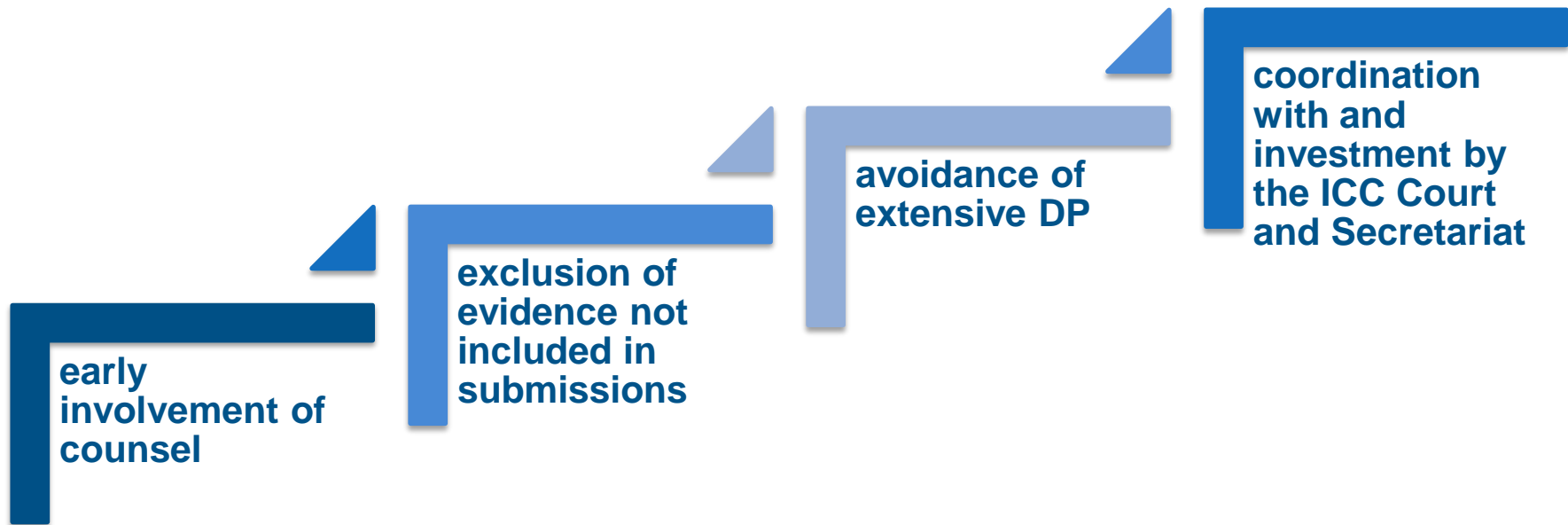
award rendered: 3 February 1999



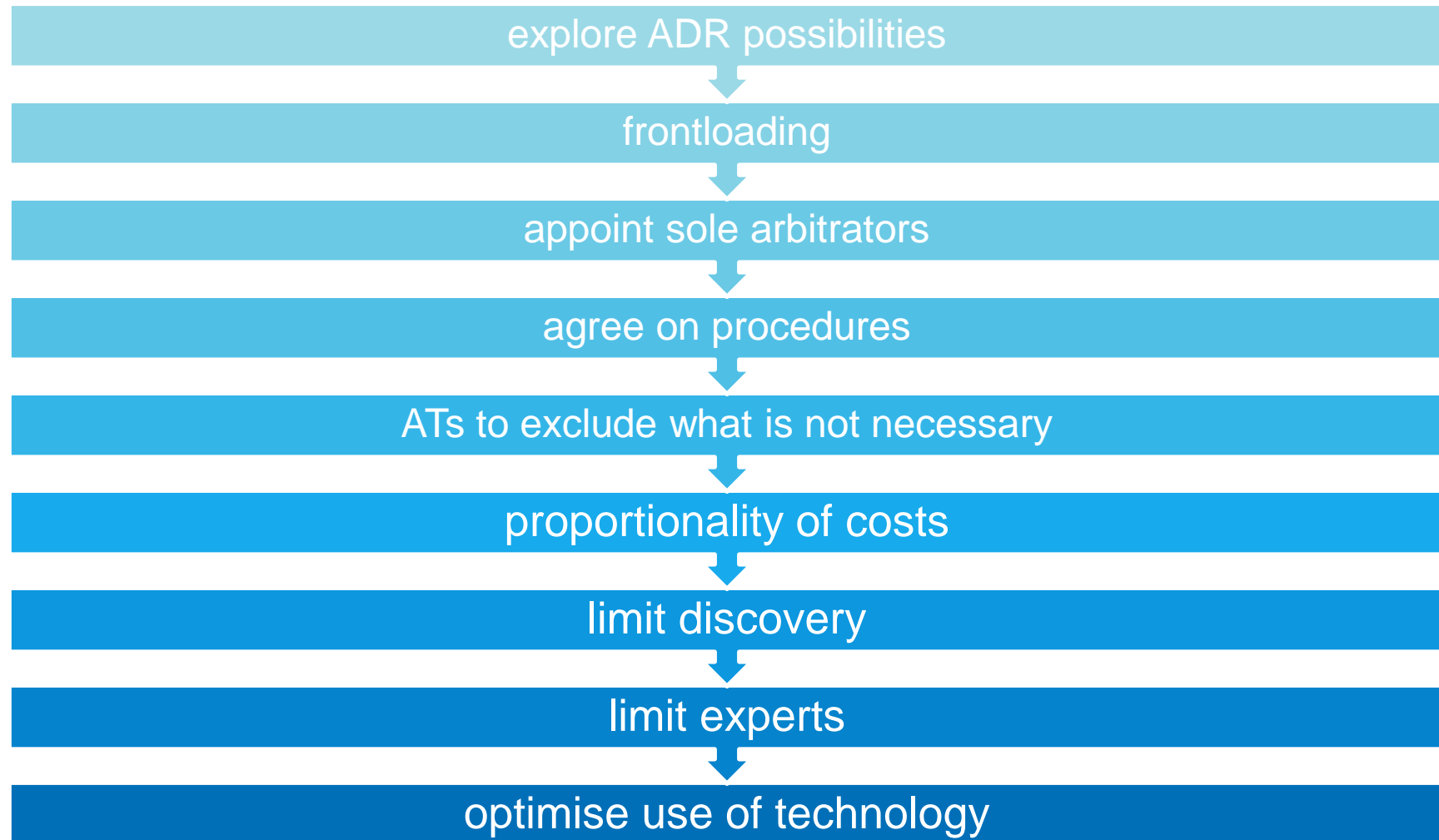
ISSUES AND GOALS



WHAT MADE ALL THAT TICK?



RECOMMENDATIONS, PAST & PRESENT



ICC Commission Guidelines for arbitrating small claims (2003)

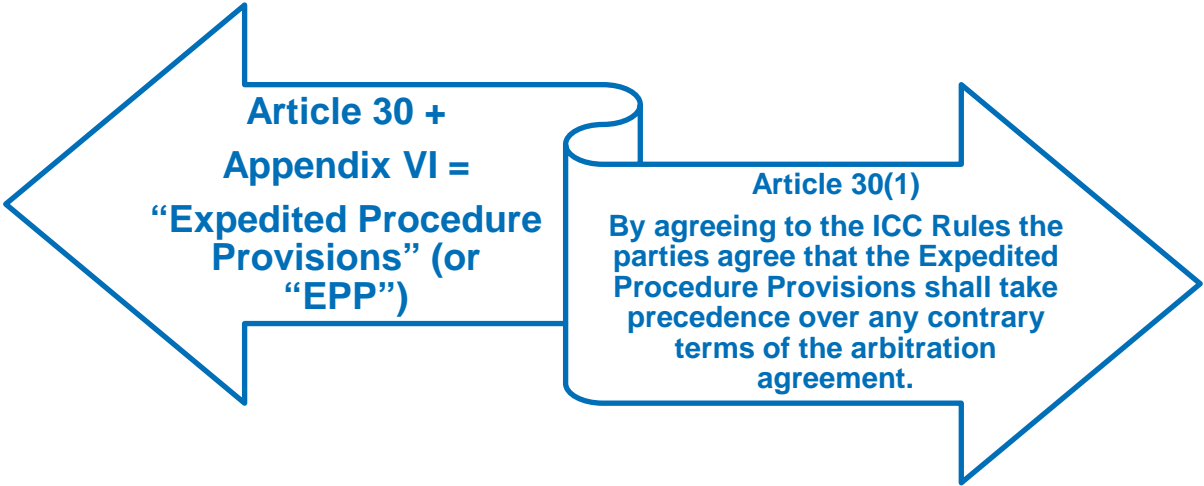
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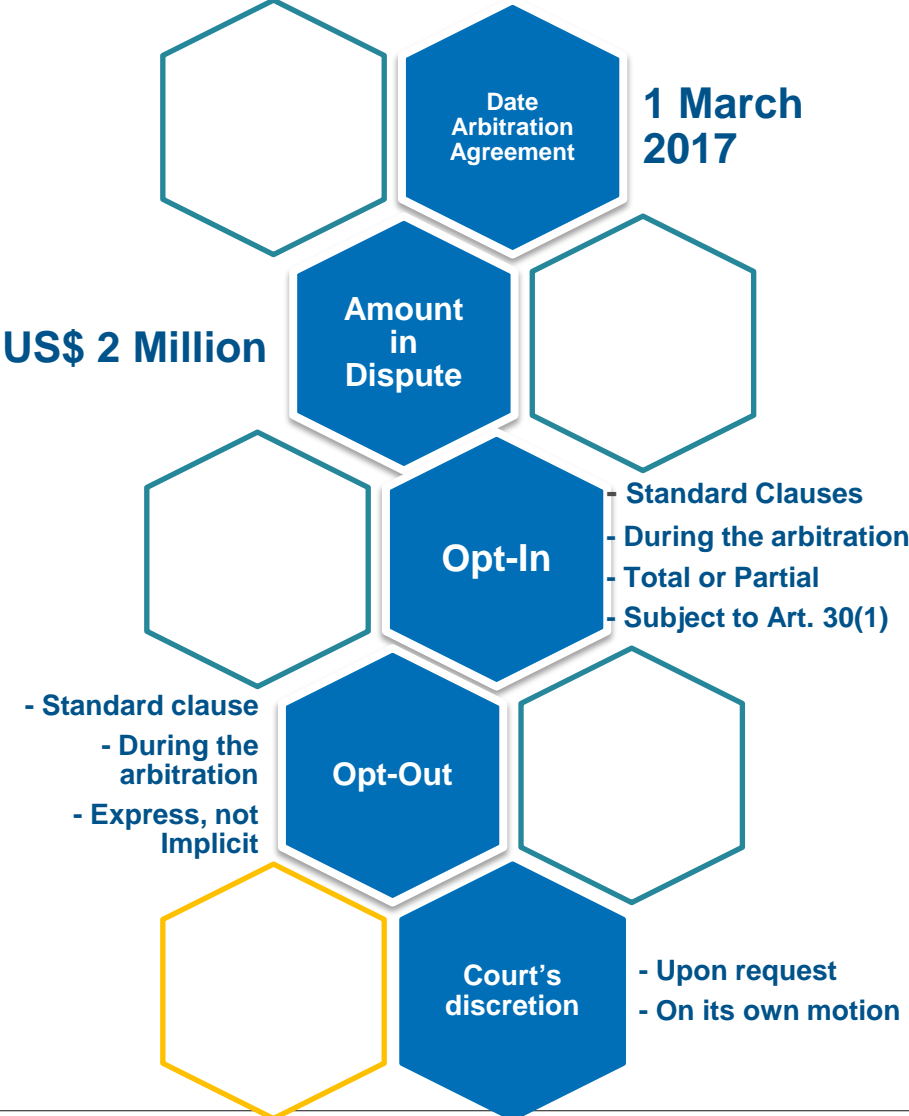
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ICC Expedited Procedures (2017)

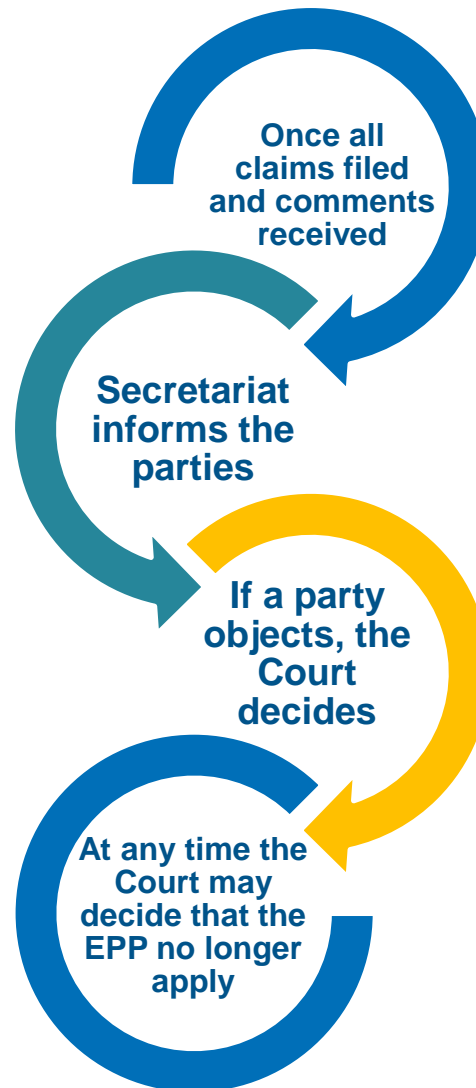
FRAMEWORK



SCOPE OF APPLICATION



TIMING OF APPLICATION



CONSTITUTION OF THE ARBITRAL TRIBUNAL

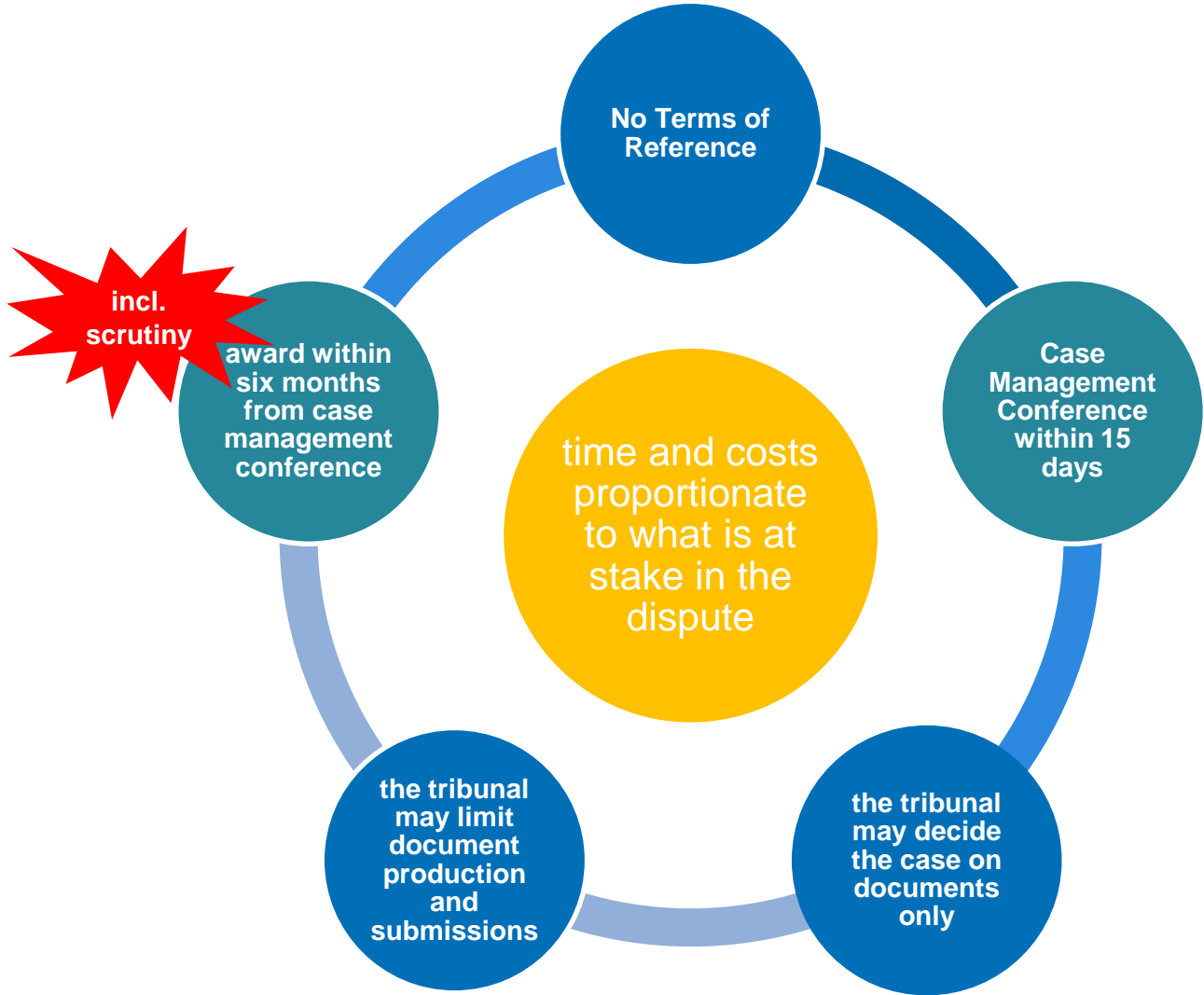
The Court may appoint a sole arbitrator, notwithstanding any contrary provision of the arbitration agreement.

The Court's will normally appoint a sole arbitrator.

The Court may appoint three arbitrators if appropriate in the circumstances and taking into consideration rules of law that may be applicable.

If the Court decides that the EPP no longer apply it can reconstitute the arbitral tribunal if appropriate.

PROCEEDINGS BEFORE THE TRIBUNAL



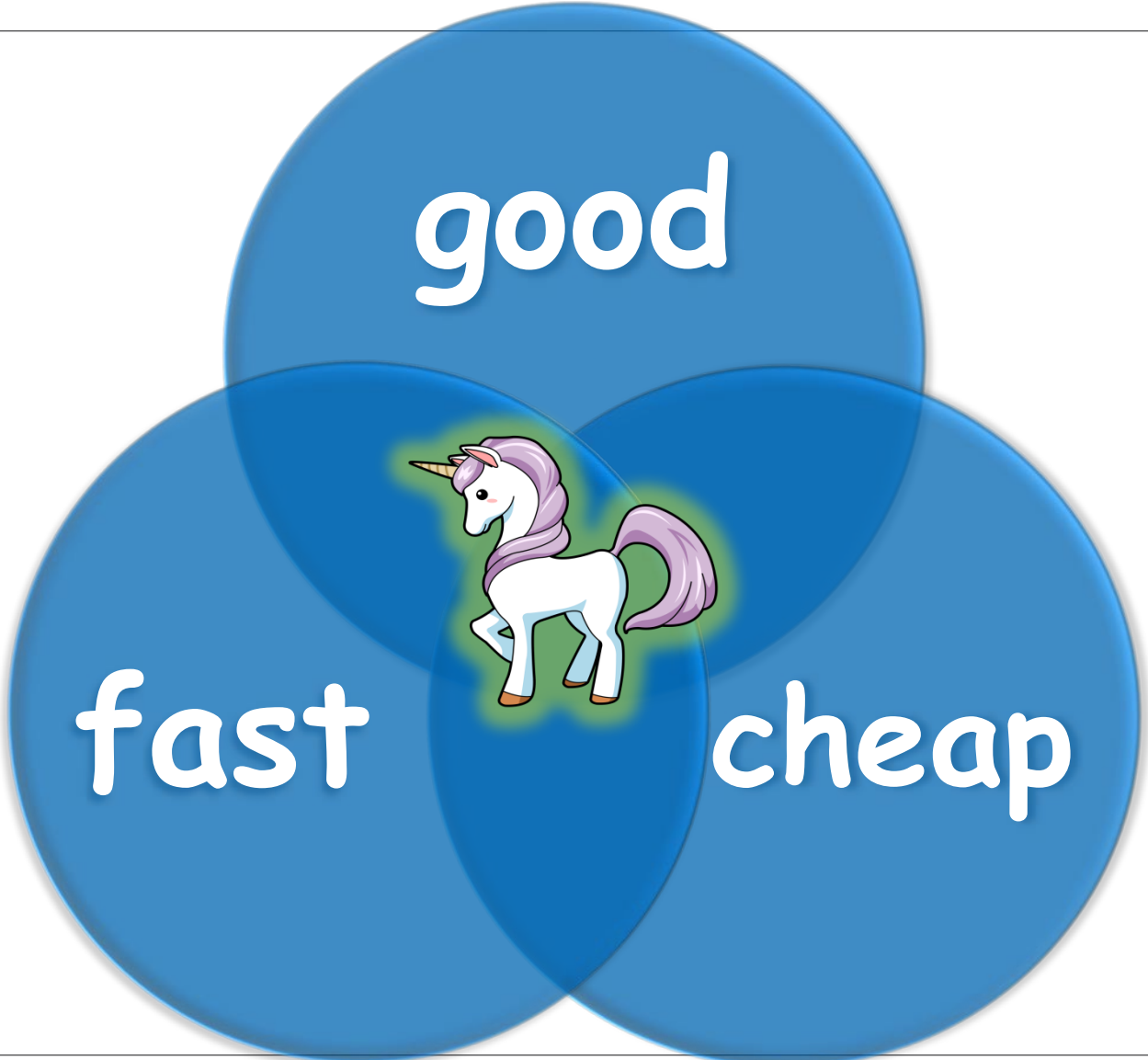
SCALES AND COSTS

Arbitrators fees are 20% lower under the Expedited Procedure Scales

The advance on costs will be fixed under the Expedited Procedure Scales after the parties have been informed that the EPP apply.

The advance on costs may be readjusted on the basis of the general scales if the Court decides that the EPP no longer apply.

GOAL!



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