

## APPENDIX 5

# International Commercial Arbitration Supplementary Procedures

Amended and in Effect April 1, 1999

### Introduction

The American Arbitration Association (AAA) administers international commercial cases under various arbitration rules either within or outside of the United States. The AAA's International Arbitration Rules are generally applicable to international business disputes. In addition, the AAA provides administrative services under the Construction Industry Dispute Resolution Procedures, Wireless Industry Arbitration Rules, Patent Arbitration Rules, and specialized rules in various other fields.

The AAA also provides certain services under arbitration clauses that specify the Arbitration Rules adopted in 1976 by the United Nations Commission on International Trade Law. The AAA will act as appointing authority and assist in the handling of cases.

Recognizing that international arbitration cases often present unique procedural problems, the AAA has created the following supplementary procedures to facilitate such cases when rules other than the International Arbitration Rules govern the proceedings. Unless the parties advise otherwise by the due date for the return of the first list, the AAA will assume that they are desired.

#### 1. Challenge of Arbitrators

Any arbitrator may be challenged if circumstances exist that give rise to justifiable doubts as to the arbitrator's impartiality or independence. An arbitrator appointed by a party may be challenged by that party only for reasons of which it becomes aware after the appointment has been made. After receiving a challenge, the AAA will determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

#### 2. Exchange of Documents

At the request of any party, the AAA will make arrangements for the exchange of documentary evidence or lists of witnesses between the parties. In international cases, it is important that parties be able to anticipate what will transpire at the hearing. By cooperating in an exchange of relevant information, the parties can avoid unnecessary delays.

#### 3. Documents to Arbitrator in Advance

In international cases, it is customary for an arbitrator to be provided with copies of the initiating documents and supplementary documents in advance of the first hearing. The AAA will make arrangements for such an exchange if it does not delay the proceedings.

#### 4. Hearings

The AAA will assist in establishing the date, time, and place of hearings, giving advance notice thereof to the parties pursuant to the applicable rules. The AAA will attempt to schedule consecutive hearings to minimize unnecessary travel.

#### 5. Language of the Arbitration

If the parties have not agreed otherwise, the language(s) of the arbitration shall be that of the documents containing the arbitration agreement, subject to the power of the tribunal to determine otherwise based upon the contentions of the parties and the circumstances of the arbitration.

The tribunal may order that any documents delivered in another language shall be accompanied by a translation into the language(s) of the arbitration.

**6. Opinions**

The tribunal shall state the reasons upon which the award is based, unless the parties have agreed that no reasons need be given.