

Swiss Commission of Arbitration and ADR - Commission suisse d'arbitrage et ADR

SNC Workflow Manual

ICC Switzerland adopted Organizational Regulations to implement and promote arbitration, mediation and other dispute resolution mechanisms of the International Chamber of Commerce (the “**ICC**”) in Switzerland. According to art. 5 para. 2 of the Organizational Regulations, the SNC organizes its workflow for the proposals for nominations of arbitrators pursuant to Art. 13(3) of the ICC Rules 2017 (or as amended after the entry into force of these Organizational Regulations) in this Workflow Manual.

- The Teams of the ICC Secretariat of the ICC in Paris send a request for proposals by email to the President of the SNC, the General Secretary and the Deputy General Secretary (the “**Request**”). A Request usually must be handled within 7 days, i.e. the proposals made by the SNC should latest be sent to the respective team in Paris within this time period, if possible within a shorter time period.
- The Deputy General Secretary or the General Secretary forwards the Request by email to two of the Vice-Presidents. For that specific case, these two Vice-Presidents build together with the President the case handling team being responsible for a proposal consisting of three candidates (the “**Case Handling Team**”). When forwarding the request, the Deputy General Secretary or the General Secretary indicate which of the three members of the Case Handling Team should make the first proposal of three candidates.
- When preparing the first proposal, the following criteria should be taken into consideration:
 - Chairperson or Sole Arbitrator; in case of Chairperson, who are the co-arbitrators
 - Arbitration experience as counsel and/or as arbitrator
 - Amount in dispute
 - Specific criteria listed by the responsible team of the ICC Secretariat in the letter to the SNC, such as language skills, specific expertise, industry, field of law etc.
 - Strive for gender diversity
 - Diversity in the sense that for smaller cases younger candidates should be included in the proposals, provided that they fulfil the experience criteria
 - Each candidate can only be proposed and confirmed by the ICC Court once per year; i.e. once a proposal is accepted by the Court, the respective candidate is barred for one year
 - Only Swiss nationals can be proposed
 - Candidates with a nationality (also double nationality) of one of the parties to the dispute are excluded
- The first proposal of three candidates is circulated among the members of the Case Handling Team. This takes place within 48 hours since the proposer has received the Request. Should one of the other two members have an objection against one of the proposed candidates, they have to raise such objection within 24 hours since receipt of the proposal. An objection needs to be accompanied by a short explanation. In a short email exchange or phone call an objection is settled.
- The President sends the (not objected or settled) proposal of three candidates by email as soon as possible to the responsible team of the ICC Secretariat and follows-up in case of need. The follow-up with the chosen candidate for the filling-in of the forms and the forwarding of the filled forms to the team at the ICC Secretariat is done by the Deputy Secretary General.
- In specific cases (e.g. with high probability of conflicts of interest of the candidates or difficult criteria stipulated by the team of the ICC Secretariat), ad hoc solutions must be found under the guidance of the President (or, in case of his absence or prevention, the Secretary General).

Zurich, 24 January 2019