



CAMERA
ARBITRALE
DI MILANO

ARBITRATION RULES

EFFECTIVE AS OF 1 MARCH 2019



MODEL CLAUSE

All disputes, including those of a non-contractual nature, arising out of, relating to or in connection with this deed shall be settled by arbitration in accordance with the Rules of the Chamber of Arbitration of Milan, by a sole arbitrator/three arbitrators, appointed in accordance with those Rules.

Further and specific models can be found visiting www.camera-arbitrale.com
The model clause indicated here is merely a basis that can be used to refer any disputes to arbitration. Professionals, companies and those interested in various ways may contact the Chamber of Arbitration for assistance in drafting the clause.

The official language of the Rules is Italian.

The General Secretariat communicates in Italian, English or French.

The Chamber of Arbitration may supplement, amend and replace these Rules, setting the date from which the new rules shall enter into force, by resolution approved by the Board of the Chamber of Arbitration.

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PREAMBLE - THE CHAMBER OF ARBITRATION

FUNCTIONS OF THE CHAMBER OF ARBITRATION

1. The Chamber of Arbitration of Milan performs the following functions:
 - a. administers arbitration proceedings in accordance with the Rules;
 - b. at the request of the parties, appoints arbitrators and designates arbitrators, technical advisors and experts in proceedings not administered under the Rules;
 - c. appoints arbitrators and provides the services set forth in the Procedure for Arbitrations conducted in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (Uncitral).
2. The Chamber of Arbitration performs its functions under the Rules through the Arbitration Council and the Secretariat.

I - GENERAL PROVISIONS

ART. 1 - APPLICATION OF THE RULES

1. The Rules apply when referred to by any expression in the arbitration agreement or other agreement between the parties. If the agreement refers to the Chamber of Arbitration or to the Chamber of Commerce of Milan, the Chamber of Commerce of Lodi, the Chamber of Commerce of Monza and Brianza or the Chamber of Commerce of Milan, Monza-Brianza and Lodi, however named, such a reference shall be construed as a provision applying the Rules.
2. The Rules shall also apply if so provided in the agreement between the Chamber of Arbitration and the entity referred to in the arbitration agreement or the subsequent agreement between the parties.
3. Except as provided for in the preceding paragraphs, the Rules are applied if:
 - a. a party files a request for arbitration containing the proposed application of the Rules; and
 - b. the other party accepts this proposal within the time limit specified by the General Secretariat.
4. If a party challenges the applicability of the Rules before the Arbitral Tribunal is constituted, the Arbitral Council shall declare the arbitration proceeding to be admissible or non-admissible.
5. If the Arbitration Council declares arbitration to be admissible, any decision of the Arbitral Tribunal in this respect shall remain unaffected.

ART. 2 - RULES APPLICABLE TO THE PROCEEDINGS

1. The arbitration proceedings shall be governed by the Rules, by the rules mutually agreed upon by the parties up to the constitution of the Arbitral Tribunal insofar as they are compatible with the Rules, and by the rules established by the Arbitral Tribunal.
2. This is without prejudice to the mandatory rules applicable to arbitration proceedings.
3. In any case, the principle of adversarial and equal treatment of the parties is implemented.

ART. 3 - RULES APPLICABLE TO THE MERITS OF THE DISPUTE

1. The Arbitral Tribunal shall decide the merits of the dispute according to law unless the parties have expressly provided that it shall decide according to equity.
2. The Arbitral Tribunal shall decide according to the rules chosen by the parties.
3. In the absence of the agreement provided for in para. (2), the Arbitral Tribunal shall apply the rules it deems appropriate, taking into account the nature of the relationship, the status of the parties and any other circumstances relevant to the case.
4. In any case, the Arbitral Tribunal shall take into account the customs of the trade.

ART. 4 - PLACE OF ARBITRATION

1. The place of arbitration, which may be in Italy or abroad, is determined by the parties in the arbitration agreement.
2. Failing that, the place of arbitration is Milan.
3. Notwithstanding the provisions of paragraph 2, the Arbitral Council may establish the place of arbitration at another place, taking into account the requests of the parties and any other circumstances.
4. The Arbitral Tribunal may provide for hearings or other proceedings to be held at another place.

ART. 5 - LANGUAGE OF ARBITRATION

1. The language of arbitration is chosen by the parties in the arbitration agreement or subsequently until the Arbitral Tribunal is constituted.
2. In the absence of an agreement between the parties, the language of arbitration shall be determined by the Arbitral Tribunal.
3. The Arbitral Tribunal may authorise the production of documents in a language other than the language of arbitration and may order that the documents be accompanied by a translation into the language of arbitration.

ART. 6 - FILING AND TRANSMISSION OF DOCUMENTS

1. The parties shall file acts and documents with the Secretariat in the manner indicated by it.
2. The General Secretariat transmits documents and communications by any means suitable for reception.

ART. 7 - TIME LIMITS

1. The time limits provided for in the Rules or set by the Arbitral Council, the Secretariat or the Arbitral Tribunal are not subject to forfeiture unless the forfeiture is expressly provided for in the Rules or established by the order setting them.
2. The Arbitral Council, the Secretariat and the Arbitral Tribunal may extend the time limits set by them before expiry. Time limits may be extended only for justified reasons or with the consent of all parties.
3. The initial day is not counted in the calculation of time limits. If the time limit expires on a Saturday or a non-business day, it is extended to the next business day.

ART. 8 - CONFIDENTIALITY

1. The Chamber of Arbitration, the parties, the defence counsels, the Arbitral Tribunal, and the technical advisors are bound to observe the confidentiality of the proceedings and of the award, except when it is necessary to use the latter for the protection of one's own right or if provided for by law.
2. For study purposes, the Chamber of Arbitration may arrange for or allow the anonymous publication of the awards, unless even only one of the parties indicates otherwise within 30 days after the award is filed.

ART. 9 - CONDUCT IN GOOD FAITH

1. At every stage of the proceedings, the Chamber of Arbitration, the arbitrators, the technical advisors, the parties and the defence counsel must act in good faith.
2. The parties undertake to comply with the arbitrators' awards, orders and provisions.
3. The Arbitral Tribunal may sanction breaches of its orders and abusive conduct contrary to good faith.
4. In allocating costs, the Arbitral Tribunal takes into account the conduct of the parties and defence counsel.

II - THE INITIAL PHASE

ART. 10 - REQUEST FOR ARBITRATION

1. The claimant must file a request for arbitration with the Secretariat.
2. The request shall be signed by the party or the defence counsel with power of attorney and shall contain or be accompanied by:
 - a. the name and domicile of the parties;
 - b. the description of the dispute;
 - c. an indication of the requests and their economic value;
 - d. the appointment of the arbitrator or useful indications as to the number of arbitrators and the manner of their selection;
 - e. any evidence requested in support of the application and any documents that the party deems useful to produce;
 - f. any indications as to the rules applicable to the proceedings, the rules applicable to the merits of the dispute or the ruling according to equity, the place and the language of arbitration;
 - g. the power of attorney conferred on any defence counsel appointed;
 - h. the arbitration agreement.
3. The General Secretariat transmits the request for arbitration to the defendant within five working days from the date of filing in order for the statutory time limits to run. It is the claimant's right to notify the request to the defendant, subject to its filing with the General Secretariat.

ART. 11 - ANSWER TO THE REQUEST FOR ARBITRATION

1. The defendant must file with the General Secretariat the answer to the request for arbitration, with any counter-claims, within 30 days of receiving the request for arbitration transmitted by the Secretariat. This deadline may be extended by the General Secretariat for justified reasons.
2. The reply shall be signed by the party or by the defence counsel with power of attorney and shall contain or be accompanied by:
 - a. name and domicile of the defendant;
 - b. the statement, even brief and summary, of the defence;
 - c. any counter-claims and their economic value;
 - d. the appointment of the arbitrator or useful indications as to the number of arbitrators and the manner of their selection;
 - e. any evidence requested and any documents that the party deems useful to produce;
 - f. any indications as to the rules applicable to the proceedings, the rules applicable to the merits of the dispute or the ruling according to equity, the place and the language of arbitration;
 - g. the power of attorney conferred on any defence counsel appointed.
3. The General Secretariat transmits the answer to the claimant within five working days from the date of filing. It is the defendant's right to notify the answer to the claimant, subject to its filing with the General Secretariat.
4. If the defendant fails to file an answer or participate in any phase of the proceedings, the arbitration shall continue in its absence.

ART. 12 - MEETING OF ARBITRATES BEFORE THE ESTABLISHMENT OF THE ARBITRAL COURT

Prior to the establishment of the Arbitral Tribunal, the Arbitration Council may join several arbitration proceedings pending before the Chamber of Arbitration if:

- a. all parties agree to the meeting, and
- b. the requests are based on the same or compatible arbitration agreements with respect to the manner of appointment of arbitrators and the place of arbitration.

In such a case, subsequent arbitration proceedings are joined to the one whose request was filed first with the Secretariat.

ART. 13 - LACK OF JURISDICTION OF THE ARBITRAL TRIBUNAL

The exception as to the existence, validity or effectiveness of the arbitration agreement or as to the competence of the Arbitral Tribunal must be made, on pain of forfeiture, in the first document or hearing subsequent to the request to which the exception relates.

III - THE ARBITRAL TRIBUNAL

ART. 14 - NUMBER OF ARBITRATORS

1. The number of arbitrators is determined by the parties.
2. In the absence of an agreement between the parties on the number of arbitrators, the Arbitral Tribunal shall be composed of a sole arbitrator. However, the Arbitration Council may refer the dispute to a three-member panel if it deems it appropriate due to the complexity or value of the dispute.
3. If an even number of arbitrators is appointed, an additional arbitrator shall be appointed by the Arbitration Council unless the parties have agreed otherwise.

ART. 15 - APPOINTMENT OF ARBITRATORS

1. Arbitrators are appointed according to the rules established by the parties in the arbitration agreement and the Rules.
2. Unless otherwise stipulated in the arbitration agreement, the sole arbitrator is appointed by the Arbitration Council.
3. If the parties have agreed to appoint the sole arbitrator without indicating a time limit, such a time limit shall be assigned by the General Secretariat. If no agreement is reached between the parties, the sole arbitrator is appointed by the Arbitration Council.
4. Unless otherwise provided for in the arbitration agreement or by mandatory rules, the arbitration panel is appointed as follows:
 - a. each party shall appoint an arbitrator in the request for arbitration and in the reply brief; if the party fails to do so, the arbitrator shall be appointed by the Arbitration Council;
 - b. the president of the Arbitral Tribunal shall be appointed by the Arbitration Council. The parties may agree that the president shall be appointed by the arbitrators already appointed by them. If the arbitrators fail to do so within the time limit specified by the parties or, failing that, assigned by the General Secretariat, the president shall be appointed by the Arbitration Council.
5. If the parties have different nationalities or registered offices in different states, the Arbitration Council shall appoint as sole arbitrator or as president of the Arbitral Tribunal a person of a third nationality, unless the parties agree otherwise. If there are special circumstances and unless one of the parties objects within the time limit set by the General Secretariat, the Arbitration Council may appoint a sole arbitrator or the president of the same nationality as one of the parties.

ART. 16 - APPOINTMENT OF ARBITRATORS IN MULTI-PARTY ARBITRATION

1. In the case of a request filed by or against several parties, if the arbitration agreement provides for an arbitration panel without delegating the full appointment thereof to any other party, and at the time of the filing of the introductory documents the parties are grouped in two, para. 4 of Art. 15 above applies.
2. Notwithstanding the provisions of the arbitration agreement, if the parties do not group themselves into two units at the time of the filing of the introductory documents, the Arbitration Council, without taking into account any appointment made by the parties, shall appoint the Arbitral Tribunal.

ART. 17 - CORPORATE ARBITRATION

If the arbitration clause in the articles of association of a company governed by Italian law does not grant the power to appoint all arbitrators to a person outside the company, the Arbitration Council appoints the Arbitral Tribunal.

ART. 18 - INCOMPATIBILITY

1. The following may not be appointed as arbitrators:
 - a. members of the Board of Directors and the Arbitration Council, as well as the auditors of the Arbitration Panel;
 - b. employees of the Chamber of Arbitration.
2. The Arbitration Council may not appoint as arbitrators professional associates, employees and those who have stable professional relationships with the persons indicated under a.

ART. 19 - ACCEPTANCE OF ARBITRATORS

The General Secretariat informs the arbitrators of their appointment. Arbitrators must transmit their declaration of acceptance to the General Secretariat within the deadline indicated by the Secretariat itself.

ART. 20 - DECLARATION OF INDEPENDENCE

1. Arbitrators must transmit the declaration of independence to the General Secretariat within the deadline specified by the Secretariat itself.
2. In the declaration of independence, arbitrators must state, specifying the period and duration:
 - a. any relationship with the parties, their defence counsel and any other person involved in the arbitration, including by virtue of financial relationships, relevant to its impartiality and independence;
 - b. any personal or economic interest, direct or indirect, relating to the dispute;
 - c. any prejudice or reservation as to the subject matter of the dispute.
3. The declaration of independence must be repeated throughout the proceedings, until their conclusion, if it becomes necessary due to intervening facts or at the request of the General Secretariat.

ART. 21 - OBSERVATIONS OF THE PARTIES, CONFIRMATION AND OBJECTION OF ARBITRATORS

1. The General Secretariat shall transmit a copy of the declaration of independence to the parties. Either party may communicate its written observations to the General Secretariat or file a reasoned objection within 10 days of receipt of the arbitrator's statement.
2. After expiry of the time limit provided for in para. 1, the arbitrator may be confirmed by the General Secretariat if he or she has submitted an unqualified declaration of independence and the parties have not made any observations or filed an objection. In any other case, the Arbitration Council decides.
3. Either party may file a reasoned request for objection with the General Secretariat for any circumstance that may cast doubt on the independence or impartiality of the arbitrator within 10 days of becoming aware of that reason.
4. The observations or request for objection shall be communicated to the arbitrators and the other parties by the General Secretariat, which shall set a time limit for them to submit their observations.

ART. 22 - REPLACEMENT OF ARBITRATORS

1. The arbitrator is replaced by the appointment of a new arbitrator in the following cases:
 - a. the arbitrator does not accept the assignment or renounces it after having accepted it;
 - b. the arbitrator is not confirmed;
 - c. the arbitrator is dismissed by all parties;
 - d. the Arbitration Council grants the petition for objection filed against the arbitrator;
 - e. the Arbitration Council, after hearing the parties and the arbitrators, removes the arbitrator for breach of the duties imposed on the Arbitral Tribunal by the Rules and the Code of Ethics or for any other serious reason;
 - f. the arbitrator dies or is no longer able to perform his or her duties due to infirmity or other serious reason.
2. The General Secretariat may suspend the proceedings in any of the cases provided for in paragraph 1. In any case, once the suspension is lifted, the remaining time limit for filing the award, if shorter, is extended to 90 days.
3. The new arbitrator is appointed by the same person who had appointed the arbitrator to be replaced, within the time limit set by the General Secretariat. If the replacement arbitrator must also be replaced, the new arbitrator is appointed by the Arbitration Council or in the manner it determines.
4. The Arbitration Council shall determine any compensation due to the replaced arbitrator, taking into account the work performed, the reason for the replacement and any other relevant factors.
5. In the event of a replacement of the arbitrator, the newly constituted Arbitral Tribunal may order the total or partial renewal of the proceedings conducted up to that time.

ART. 23 - IRREGULAR FORMATION OF THE ARBITRAL TRIBUNAL

If the Arbitral Tribunal finds that the appointment of its members violates a mandatory rule applicable to the proceedings or the provisions of the Rules, it may file a reasoned order with the General Secretariat for the return of the documents to the Chamber of Arbitration, which shall be equivalent to the resignation of all the members of the Arbitral Tribunal. In such cases, replacement arbitrators are appointed in accordance with the Rules.

IV - THE PROCEDURE

ART. 24 - CONSTITUTION OF THE ARBITRAL TRIBUNAL

1. The General Secretariat transmits the introductory documents, with the attached documents, to the arbitrators after the initial fund has been paid.
2. The arbitrators shall form the Arbitral Tribunal as quickly as possible, also in light of the needs of the parties, and in any case within 30 days from the date on which they received the documents and records transmitted by the General Secretariat. This deadline may be extended by the General Secretariat for justified reasons.
3. The constitution of the Arbitral Tribunal takes place by drawing up a deed dated and signed by the arbitrators.

ART. 25 - POWERS OF THE ARBITRAL TRIBUNAL

1. The Arbitral Tribunal defines the modalities and terms for the continuation of the proceedings when it is constituted and in any case no later than the first hearing.
2. At any time after the commencement of the arbitration, the Arbitral Tribunal may request the parties' representatives to prove their powers of representation.
3. At any time, the Arbitral Tribunal may attempt to settle the dispute between the parties, including by inviting them to conduct mediation proceedings at the Conciliation Service of the Chamber of Arbitration.
4. The Arbitral Tribunal hearing several pending proceedings concerning the same dispute shall order their consolidation.
5. The Arbitral Tribunal hearing several related pending proceedings may order their consolidation.
6. If several disputes are pending in the same proceedings, the Arbitral Tribunal may order their separation.
7. If a third party requests to participate in a pending arbitration, or if a party requests the participation of a third party, the Arbitral Tribunal, after hearing the parties, shall decide taking into account all relevant circumstances.

ART. 26 - PRECAUTIONARY OR PROVISIONAL MEASURES

1. The Arbitral Tribunal, upon request of a party, may pronounce all precautionary, urgent and provisional measures, including those of anticipatory content, that are not prohibited by mandatory rules applicable to the proceedings.
2. In any event, unless the parties agree otherwise, the Arbitral Tribunal, upon request of a party, has the power to make decisions of a provisional nature that are binding on the parties at a negotiating level.
3. The Arbitral Tribunal may make the granting of such measures subject to appropriate guarantee of the requesting party.
4. The filing of a precautionary request before the competent judicial authority does not entail a waiver of the effects of the arbitration agreement nor of the request for arbitration that may have been filed.

ART. 27 - HEARINGS

1. Hearings are set by the Arbitral Tribunal after consulting the General Secretariat and are communicated to the parties.
2. The parties may attend hearings in person or through representatives and be assisted by defence counsels. The Arbitral Tribunal may allow participation in the hearing via any appropriate means.
3. Minutes are kept of the hearings.
4. Unless the parties agree otherwise, the hearings are confidential.

ART. 28 - EVIDENTIARY INSTRUCTION

1. The Arbitral Tribunal shall investigate the case with all means of proof deemed admissible and relevant, and takes evidence in the manner it deems appropriate.

2. The Arbitral Tribunal shall freely evaluate all evidence, except that which has the effect of law under the rules applicable to the proceedings or the merits of the dispute.
3. The Arbitral Tribunal may delegate the taking of admitted evidence to one of its members.

ART. 29 - TECHNICAL ADVICE

1. The Arbitral Tribunal may appoint, upon request of a party or ex officio, one or more technical advisors or delegate their appointment to the Chamber of Arbitration.
2. Court-appointed experts have the duties of independence imposed by the Rules on arbitrators and the rules on confirmation and objection provided for arbitrators apply to them.
3. Court-appointed experts must allow the parties and any appointed party expert to attend the expert operations.

ART. 30 - NEW REQUESTS

After hearing the parties, the Arbitral Tribunal decides on the admissibility of new requests, taking into account all circumstances, including the state of the proceedings.

ART. 31 - CLARIFICATION OF CONCLUSIONS

1. When it considers that the proceedings are ripe for the pronouncement of the award, the Arbitral Tribunal declares the proceedings closed, also limited to the requests or issues it intends to decide on, and may invite the parties to state their conclusions.
2. The Arbitral Tribunal may also set a time limit for filing final briefs, rebuttal briefs and a final hearing.
3. After the closing of the hearing, the parties may not submit new requests, make new allegations, produce new documents or submit new preliminary investigations, unless the Arbitral Tribunal determines otherwise.

ART. 32 - DISCONTINUANCE OF ACTION

1. The parties or their defence counsels shall notify the General Secretariat of their withdrawal from the proceedings by settlement or other reason, thereby relieving the Arbitral Tribunal of the obligation to render the award.
2. The termination of the proceedings is declared by the Arbitral Council, or by the General Secretariat if the proceedings end before the Arbitral Tribunal is constituted.

V - THE ARBITRATION AWARD

ART. 33 - DELIBERATION, FORM AND CONTENT OF THE AWARD

1. The award shall be decided with the participation of all members of the Arbitral Tribunal and taken by majority vote. In the latter case, the award must state that it was deliberated with the participation of all arbitrators, as well as the impediment or refusal of those who do not sign.

2. The award shall be in writing and contain:
 - a. the names of the arbitrators, the parties and their defence counsels;
 - b. an indication of the arbitration agreement;
 - c. an indication of the place of arbitration;
 - d. an indication of the conclusions of the parties;
 - e. a statement, albeit a summary one, of the grounds for the decision;
 - f. the provision;
 - g. the decision on the allocation of the costs of the proceedings, with reference to the settlement order issued by the Arbitration Council and the costs of defence incurred by the parties.
3. The date of each signature must be indicated. Subscriptions can take place in different places and at different times.

ART. 34 - FORMAL CONTROL OF THE AWARD

1. The arbitrators may request a formal check of the draft award before signing it.
2. The General Secretariat indicates to the arbitrators the deadline within which to send the draft award and checks it against the formal requirements of the Rules.

ART. 35 - FILING AND NOTIFICATION OF AWARD

1. The Arbitral Tribunal shall file the award with the Secretariat in as many originals as there are parties plus one.
2. The General Secretariat shall transmit an original of the award to each party within ten days from the date of filing.

ART. 36 - TIME LIMIT FOR FILING THE FINAL AWARD

1. The Arbitral Tribunal must file the final award with the Secretariat within six months of its constitution unless the parties agree otherwise in the arbitration agreement.
2. In any case, the time limit for filing the award may be extended, even ex officio, by the General Secretariat, unless it decides to refer the matter to the Arbitration Council.
3. The deadline is suspended by the General Secretariat in the cases expressly provided for in the Rules or in the presence of other justified reasons.

ART. 37 - PARTIAL AWARD AND NON-FINAL AWARD

1. The Arbitral Tribunal may render one or more awards, including partial or non-final awards.
2. The award referred to in the preceding paragraph does not alter the time limit for filing the final award, without prejudice to the right to apply to the Chamber of Arbitration for an extension.
3. The provisions of the Rules on awards apply to partial and non-final awards. The non-final award does not contain a decision on costs of proceedings and defence costs.

ART. 38 - CORRECTION OF AWARD

1. The request for correction of material or calculation errors must be filed with the General Secretariat within 30 days of receipt of the award.

2. After hearing the parties, the Arbitral Tribunal makes a decision within 60 days of receipt of the request.
3. The decision of the Arbitral Tribunal, if accepted, forms an integral part of the award.
4. In any event, no additional charges shall be imposed on the parties, unless otherwise determined by the Chamber of Arbitration.

VI - COSTS OF THE PROCEEDINGS

ART. 39 - VALUE OF THE DISPUTE

1. The value of the dispute, for the purpose of settling the costs of the proceedings, is the sum of the requests submitted by all parties.
2. The General Secretariat determines the value of the dispute on the basis of the introductory documents and on the basis of further indications of the parties and the Arbitral Tribunal. The criteria used to determine the value of the dispute are set out in Annex B to the Rules, which is an integral part of the Rules.
3. At any stage of the proceedings, the General Secretariat - if it deems it appropriate - may, after consulting the Arbitral Tribunal, divide the value of the dispute in relation to the requests of each party and request from them the relevant amounts.
4. In the event of a division of the value of the dispute, the fees of the Chamber of Arbitration and the Arbitral Tribunal shall not exceed the maximum of the Rates determined on the basis of the total value of the dispute referred to in paragraph 1 of this Article.

ART. 40 - COSTS OF THE PROCEEDINGS

1. The settlement of the costs of the proceedings is ordered by the Arbitral Council prior to the filing of the award.
2. The settlement order is communicated to the parties and to the Arbitral Tribunal, which refers to it in the decision on costs contained in the award. The award ordered by the Arbitral Council is without prejudice to the decision of the Arbitral Tribunal as to the allocation of the costs of the proceedings between the parties.
3. If the proceedings are concluded before the Arbitral Tribunal is constituted, the costs of the proceedings are ordered by the General Secretariat.
4. The costs of proceedings are composed of the following items:
 - a. fees of the Chamber of Arbitration;
 - b. fees of the Arbitral Tribunal;
 - c. fees of court-appointed expert witnesses;
 - d. reimbursement of expenses of the Chamber of Arbitration, arbitrators and court-appointed experts.
5. The fees of the Chamber of Arbitration for the administration of the proceedings are determined on the basis of the value of the dispute, according to the Rates annexed to the Rules. Lower Chamber of Arbitration fees may be determined in the event of an early termination of proceedings. The activities included and those excluded from the fees of the Chamber of Arbitration are set out in Appendix B to the Rules, which is an integral part of the Rules.

6. The fees of the Arbitral Tribunal are determined according to the value of the dispute, according to the Rates annexed to the Rules. In determining the fees of the Arbitral Tribunal, the Arbitration Council shall take into account the work performed, the complexity of the dispute, the duration of the proceedings, the conduct of the arbitrator and any other circumstances. In the event of early termination of proceedings, fees below the minimum may be determined. Fees below the minimum or above the maximum may also be determined in extraordinary cases.
7. The fees of court-appointed experts shall be determined with fair appreciation, also taking into account the professional fee, the judicial fee and any other circumstances, if necessary after consulting the parties and the Arbitral Tribunal.
8. The reimbursement of expenses of arbitrators and court-appointed experts must be supported by the relevant expense documents. If not submitted, it is deemed to be absorbed by the relevant fees.
9. The parties are jointly liable for the payment of the costs of the proceedings.

ART. 41 - ADVANCE AND FINAL DEPOSITS

1. Once the time limit for filing the reply brief has expired, the General Secretariat requests the parties to provide an initial fund, setting a time limit for deposits.
2. The General Secretariat may request subsequent additions to the initial fund from the parties in relation to the work performed or in the event of a change in the value of the dispute, setting a deadline for deposits.
3. The General Secretariat requests the balance of the costs of the proceedings following the final settlement ordered by the Arbitral Council and prior to the filing of the award, setting a deadline for deposits.
4. The amounts provided for in paragraphs 1, 2 and 3 are requested from all parties equally if the General Secretariat determines a single value of the dispute, calculated by adding up the claims of all parties. Where the General Secretariat determines different values of disputes due to the value of the claims made by the parties, it shall request the amounts provided for in paragraphs 1, 2 and 3 from each party in full in relation to their respective claims.
5. For the purposes of requesting deposits, the General Secretariat may consider several parties as one, also taking into account the way the Arbitral Tribunal is composed or the homogeneity of the parties' interests.
6. Upon the reasoned request of a party, the General Secretariat may allow a bank or insurance guarantee to be provided for the amounts referred to in paragraphs 1, 2 and 3, setting the conditions thereof.

ART. 42 - FAILURE TO DEPOSIT FUNDS

1. If a party fails to deposit the requested amount, the General Secretariat may request the other party to do so and set a time limit for payment or it may, if it has not already done so, subdivide the value of the dispute and request each party to pay an amount related to the value of their respective claims, setting a time limit for the deposit.
2. In any case of failure to deposit within the deadline, the General Secretariat may suspend the proceedings, also limited to the claim for which there is a default. The suspension is lifted by the General Secretariat once compliance is verified.

3. One month after the communication of the suspension order provided for in para. 2 without the parties making the deposit, the General Secretariat, after hearing the Arbitral Tribunal where one has been constituted, may declare the proceedings terminated, also limited to the claim for which there is a default.

ART. 43 - FINANCING BY THIRD PARTIES

1. The party receiving financing from a third party in connection with the arbitration proceedings and its outcome must declare the existence of the financing and the identity of the funder.
2. This declaration must be repeated throughout the proceedings, until their conclusion, if it becomes necessary due to intervening facts or at the request of the Arbitral Tribunal or the General Secretariat.

VII - EMERGENCY ARBITRATOR

ART. 44 - EMERGENCY ARBITRATOR

1. If the arbitration agreement was concluded after the entry into force of these Rules and unless otherwise agreed by the parties, until the arbitrators are confirmed the party may request, even without notifying the other party, the appointment of an emergency arbitrator to take the measures and determinations referred to in Article 26. The request shall contain the names of the parties and the arbitration agreement, the factual and legal grounds for the request, and proof of payment in accordance with the attached fee.
2. The Chamber of Arbitration appoints the emergency arbitrator and collects his or her declaration of independence. The General Secretariat transmits the request and attached documents to the arbitrator within five days of the deposit.
3. The arbitrator shall, within 15 days of receipt of the documents, in cross-examination of the parties and taking the most appropriate measures, order the precautionary, urgent and provisional measures requested if he or she considers the request to be manifestly well-founded.
4. At the request of the claimant, the arbitrator may, within five days of receipt of the documents, make the order without hearing the other party if serious prejudice to the claimant's reasons would result from his or her summoning of the other party. In such a case, the arbitrator, in the order granting the request, sets the hearing for the discussion of the parties and any deadlines for filing briefs within the following 10 days. The arbitrator, at the hearing or in any case within the next five days, in cross-examination of the parties, by order confirms, modifies or revokes the measure already granted.
5. Without prejudice to the decision of the Arbitral Tribunal in the arbitral award, the emergency arbitrator may order the provisional allocation of the costs of the proceedings determined by the Chamber of Arbitration and the costs of defence incurred by the parties.
6. Either party may file with the General Secretariat a reasoned request to object to the arbitrator within three days of receipt of the declaration of independence or of subsequent knowledge of the ground for objection. The Arbitration Council decides on the request as soon as possible after hearing the arbitrator. Acceptance of the request for objection renders any decision ineffective.

7. The arbitrator may make the granting of any decision subject to appropriate security.
8. The order is complainable, modifiable and revocable before the constituted Arbitral Tribunal. Until the Arbitral Tribunal is constituted, the emergency arbitrator remains competent to modify and revoke the order.
9. Except in the case of a request concurrent with or subsequent to the filing of the request for arbitration, the request for arbitration must be filed with the General Secretariat within the peremptory term of 60 days from the filing of the request, or within the term set by the arbitrator in an emergency, but not less than 15 days. Failing this, the emergency measure loses its effectiveness.
10. The emergency arbitrator may not act as arbitrator in any arbitration relating to the dispute to which the request relates.

VIII - TRANSITIONAL PROVISIONS

ART. 45 - ENTRY INTO FORCE

1. These Rules enter into force on 1 March 2019.
2. Unless the parties have agreed otherwise, the new Rules apply to proceedings started after its entry into force.

ANNEX 'A'

ORGANS OF THE CHAMBER OF ARBITRATION

THE ARBITRATION COUNCIL

1. The Arbitration Council has general competence over all matters pertaining to the administration of arbitration proceedings and adopts all related measures, without prejudice to the powers attributed by the Rules to the General Secretariat.
2. The Arbitration Council consists of a minimum of seven and a maximum of eleven members, from whom a president and a vice-president are chosen, all appointed for a three-year term by the Board of Directors of the Arbitration Chamber.
3. The Board of Directors of the Arbitration Chamber may appoint both Italian and foreign experts as members of the Arbitration Council.
4. The meetings of the Arbitration Council are chaired by the president or, in his/her absence, by the vice-president or, in the absence of the vice-president, by the most senior member.
5. Meetings of the Arbitration Council are valid if at least three members are present.
6. Meetings of the Arbitration Council may be held by any means of telecommunication.
7. The Arbitration Council adopts measures by a majority of those voting. In the event of a tie, the vote of the chairman of the meeting prevails.
8. In cases of urgency, the President of the Arbitration Council - or, if he/she is prevented from doing so, the Vice-President or the most senior member - may take measures relating to the administration of arbitration proceedings falling within the competence of the Arbitration Council, informing the Council at its first subsequent meeting.
9. A councillor who considers abstaining shall absent himself or herself from the meeting for the duration of the discussion and adoption of the relevant measures. His/her abstention does not affect the quorum required for the meeting to be valid.

THE GENERAL SECRETARIAT

1. The General Secretariat performs the functions assigned by the Rules or delegated by the Arbitration Council and takes the relevant measures. In addition, the General Secretariat:
 - a. acts as the secretariat of the Arbitration Council, taking the minutes of its meetings and signing its orders;
 - b. reports to the Arbitration Council on the status of arbitration proceedings;
 - c. communicates the orders of the Arbitration Council and its own orders to the parties and the Arbitral Tribunal, as well as to any other addressee thereof;
 - d. receives all written submissions and documents from the parties and the Arbitral Tribunal;
 - e. forms and maintains the files of arbitration proceedings;

- f. makes any notices required by the Arbitration Council and the Arbitral Tribunal;
 - g. issues to the parties, upon their request, certified copies of the documents and certificates relating to arbitration proceedings;
 - h. establishes, where necessary, functional deadlines for the application of the Rules;
 - i. may suspend the proceedings at the request of all the constituted parties for the period it determines and in the other cases provided for in the Rules.
2. The General Secretariat performs its functions through the Director General and his/her delegates.

ANNEX 'B'

CRITERIA FOR DETERMINING THE VALUE OF THE DISPUTE

1. All requests made by the parties for a declaratory, condemnatory or constitutive ruling contribute to the value of the dispute.
2. If a party makes both principal and subordinate claims, only the principal claim is taken into account for the value of the dispute.
3. If the quantification of the credit that is the subject matter of the claim or objection of set-off requires the prior evaluation of several claims put forward by the party alternatively and not subordinately to each other, the value of the dispute is determined by the sum of the values of those claims.
4. If a party seeks the ascertainment of a claim resulting in a declaratory, condemnatory or constitutive ruling with respect to only part of it, the value of the claim is determined by the entire amount of the claim being ascertained.
5. The value of the claim asserted by way of set-off is not calculated if it is less than or equal to the value of the claim asserted by the other party. If it is higher, only the surplus is calculated.
6. If a party modifies the value of the claims previously formulated at the time of closing arguments, the value of the claims in respect of which the Arbitral Tribunal made findings shall be calculated.
7. If the value of the dispute is neither determined nor determinable, the Chamber of Arbitration determines it with fair appreciation, according to criteria of proportionality and adequacy.
8. The Chamber of Arbitration may determine the value of the dispute according to parameters other than those provided for in the preceding paragraphs if their application appears manifestly unfair.

ANNEX 'C'

ARBITRATION CHAMBER FEES: INCLUDED AND EXCLUDED ACTIVITIES

1. The following activities are included in the fees of the Chamber of Arbitration set out in the Rates:
 - a. management and administration of proceedings as defined in the Preamble to the Rules, in relation to each organ of the Chamber of Arbitration;
 - b. receipt and transmission of introductory documents;
 - c. convening and hosting hearings on its premises;
 - d. presence of staff at hearings and recording of hearings under lett. c.
2. The following activities or services are excluded from the fees of the Chamber of Arbitration and constitute specific payment items:
 - a. insufficient number of copies of acts and documents filed by the parties, including any copies of acts and documents made by the General Secretariat for the court-appointed expert.
 - b. regularisation of stamp duty on documents (affixing of stamps).
3. Also excluded from the fees of the Chamber of Arbitration and constituting specific payment items, if requested, are activities and services such as:
 - a. recording and transcription of hearings;
 - b. interpreting services;
 - c. videoconferencing;
 - d. travel expenses of staff of the General Secretariat who may be present at hearings held outside its premises;
 - e. reproduction of acts and documents in case of withdrawal of the file.

CODE OF ETHICS OF THE ARBITRATOR

ART. 1 - ACCEPTANCE OF THE CODE OF CONDUCT

1. A person who accepts an appointment as an arbitrator in an arbitration administered by the Chamber of Arbitration of Milan, whether appointed by the party, by the other arbitrators, by the Chamber of Arbitration or by another subject, undertakes to perform the task in accordance with the Rules of the Chamber of Arbitration and with this Code of Ethics.
2. The Code of Ethics also applies to court-appointed experts in arbitration proceedings administered by the Chamber of Arbitration.

ART. 2 - ARBITRATOR APPOINTED BY THE PARTY

The arbitrator appointed by the party, who must comply, at every stage of the proceedings, with all the duties imposed by this Code of Conduct, may hear the party or its defence counsel on the occasion of the appointment of the president of the arbitral tribunal, if instructed to do so. The indications provided by the party are not binding on the arbitrator.

ART. 3 - COMPETENCE

When accepting, the arbitrator must be certain that he or she can perform his or her task with the competence required by his or her adjudicative function and the subject matter of the dispute.

ART. 4 - AVAILABILITY AND DILIGENCE

When accepting, the arbitrator must be certain that he or she can devote the necessary time and attention to the arbitration in order to perform and conclude the task as expeditiously, diligently and efficiently as possible.

ART. 5 - IMPARTIALITY

When accepting, the arbitrator must be certain that he or she can perform his or her task with the indispensable impartiality inherent in the adjudicative function that he or she is about to perform in the interest of all parties, safeguarding his or her role from any direct or indirect external pressure.

ART. 6 - INDEPENDENCE

When accepting, the arbitrator must objectively be in a situation of absolute independence. He must remain independent at every stage of the proceedings and also after the award has been filed, for the period of any appeal against it.

ART. 7 - DECLARATION OF IMPARTIALITY AND INDEPENDENCE

1. To ensure his or her impartiality and independence, the arbitrator, when accepting, must make the written declaration required by the Rules of the Chamber of Arbitration.

2. Any doubt as to whether or not a fact, circumstance or relationship should be declared must be resolved in favour of the declaration.
3. Subsequent findings of facts, circumstances or relationships that should have been declared may be assessed by the Chamber of Arbitration as grounds for substituting the arbitrator, even ex officio, in the course of the proceedings and for non-confirmation in new proceedings.

ART. 8 - CONDUCT OF THE PROCEEDINGS

The arbitrator must facilitate the full and speedy conduct of the proceedings.

In particular, he or she must determine the timing and manner of the hearings so as to allow the parties to participate on a level playing field and with absolute respect for the adversarial principle.

ART. 9 - UNILATERAL COMMUNICATIONS

The arbitrator shall avoid, at any stage of the proceedings, any unilateral communication with any party or its counsel without immediately notifying the Chamber of Arbitration so that it may notify the other parties and the other arbitrators.

ART. 10 - TRANSACTION

The arbitrator may always suggest to the parties the desirability of a settlement or conciliation of the dispute but may not influence their determination by implying that he or she has already reached a judgement on the outcome of the proceedings.

ART. 11 - DELIBERATION OF THE AWARD

1. The arbitrators deliberate the award by expressing and discussing their respective opinions.
2. The deliberative phase of the award is confidential.
3. The arbitrator must avoid any obstructive or uncooperative attitude by ensuring prompt participation in the decision-making phase of the award. This is without prejudice to his or her right not to sign the award in the event of a majority decision of the arbitral tribunal.

ART. 12 - FEES AND EXPENSES

1. The arbitrator may not agree to any direct or indirect arrangement with the parties or their counsel with respect to fees and expenses.
2. The arbitrator's fee is determined exclusively by the Chamber of Arbitration in accordance with the Rates set by it, which are deemed to be approved by the arbitrator when he or she accepts the assignment.
3. The arbitrator must avoid unreasonable and unjustified expenses that may increase the costs of the proceedings.

ART. 13 - BREACH OF THE CODE OF ETHICS

An arbitrator who fails to comply with the rules of this Code of Ethics may be replaced, also ex officio, by the Chamber of Arbitration which, after assessing the seriousness and relevance of the breach, may also refuse to confirm the arbitrator in subsequent proceedings.

RATES IN EURO - EFFECTIVE AS OF 1 MARCH 2019

VALUE OF THE DISPUTE		CAM FEES	SOLE ARBITRATOR FEES		ARBITRATION PANEL FEES	
			MIN - MAX		MIN - MAX	
1	Up to 25,000	400	600 - 1,500		1,600 - 3,800	
2	25,001 - 50,000	1,000	1500 - 2,500		3,800 - 6,000	
3	50,001 - 100,000	1,700	2,500 - 4,500		6,000 - 12,000	
4	100,001 - 250,000	3,500	4,500 - 10,000		12,000 - 25,000	
5	250,001 - 500,000	7,000	10,000 - 18,000		25,000 - 40,000	
6	500,001 - 1,000,000	12,000	18,000 - 25,000		40,000 - 70,000	
7	1,000,001 - 2,500,000	18,000	25,000 - 40,000		70,000 - 100,000	
8	2,500,001 - 5,000,000	24,000	40,000 - 70,000		100,000 - 150,000	
9	5,000,001 - 10,000,000	30,000	70,000 - 90,000		150,000 - 220,000	
10	10,000,001 - 25,000,000	40,000	90,000 - 120,000		220,000 - 280,000	
11	25,000,001 - 50,000,000	55,000	120,000 - 150,000		280,000 - 350,000	
12	50,000,001 - 100,000,000	70,000	150,000 - 180,000		350,000 - 450,000	
13	Over 100,000,000	70,000	180,000		450,000	
		+ 0.1% on the excess of 100,000,000 Upper limit 140,000	+ 0.05% on the excess of 100,000,000 Upper limit 240,000		+ 0.12% on the excess of 100,000,000 Upper limit 600,000	

The rates apply to proceedings introduced as from **1 March 2019**. Rates are exclusive of VAT and any other statutory charges. The costs indicated are total and, therefore, to be shared between the parties. Payments may be made by bank draft payable to the Chamber of Arbitration of Milan or by bank transfer to Banca Popolare di Sondrio, Milan office, Via Santa Maria Fulcorina, 1
IBAN: IT53 W 05696 01600 000061000X20 - SWIFT Code: POSOIT22

EMERGENCY ARBITRATION - RATES IN EURO - EFFECTIVE AS OF 1 MARCH 2019

CAM FEES	EMERGENCY ARBITRATOR FEES	TOTAL
4,000	16,000	20,000

The fees of the Chamber of Arbitration and the emergency arbitrator are advanced by the party filing the request. The fees of the Chamber of Arbitration and the emergency arbitrator are total and inclusive of their respective costs. For matters not expressly provided for, the provisions of the Rules, with particular reference to Chapter VI - COSTS OF THE PROCEEDINGS, apply to urgent arbitration, where compatible.



CAMERA
ARBITRALE
DI MILANO

CAMERA ARBITRALE DI MILANO S.r.l.
Sole Shareholder: Camera di Commercio di Milano Monza Brianza Lodi
Via Meravigli 7 - 20123 Milan
Tel: + 39 02 8515.4666 - 4563 - 4423
Fax: +39 02 8515.4516
E-mail: segreteria.arbitrato@mi.camcom.it
Certified e-mail: arbitrato.notify@legalmail.it

Rome Office
Via Barnaba Oriani 34 - 00197 Rome
Tel: +39 06 4203.4324
E-mail: cam.roma@mi.camcom.it
Certified e-mail: arbitrato.notify@legalmail.it

