



APPENDIX I
EMERGENCY ARBITRATION

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Article 1. – Request for Emergency Measures

1. A Party wishing to invoke an Emergency Arbitrator pursuant to Article 7 of the IACAC Arbitration Rules shall submit its Request to the Administrative Secretariat (“Request”).
2. The Request may be submitted at any time prior to the submission of the case file to the Arbitral Tribunal.
3. The Request shall include the following information:
 - a. The full name, description, address, and other contact information of each Party;
 - b. The full name, address, and other contact information of any person representing the requesting Party;
 - c. A description of the circumstances giving rise to the Request and the underlying dispute submitted or to be submitted to arbitration;
 - d. An indication of the Emergency Measures requested pursuant to Article 7 of the Rules;
 - e. The reasons why the requesting party requires urgent provisional or protective measures that cannot wait until the constitution of the Arbitral Tribunal;
 - f. Any relevant contract or agreement and, in particular, the arbitration agreement;
 - g. Any agreement concerning the seat of arbitration, the applicable legal rules, or the language of the arbitration;
 - h. Proof of payment of the amount referred to in Article 7 of this Appendix I; and
 - i. Any Request for Arbitration and any other documents relating to the underlying dispute that were submitted to the Administrative Secretariat by either party in the Emergency Arbitrator proceedings prior to the filing of the Request.

The Petitioner may submit with the Petition any document or information that he or she considers appropriate or that may contribute to the efficient examination of the Petition.

4. If, based on the information contained in the Request, the Administrative Secretariat considers that there are circumstances affecting the admissibility of the arbitration, it shall immediately forward it to the Technical Committee on Preliminary Decisions so that the Committee may rule on the *prima facie* admissibility of the Emergency Arbitration within 24 hours.
5. If and to the extent that, based on the information contained in the Request, the Technical Committee on Preliminary Decisions considers the Request is *prima facie* admissible, the Administrative Secretariat shall transmit the Request and its accompanying documents to the Respondent. If and to the extent that the Technical

Committee on Preliminary Decisions considers otherwise, the Administrative Secretariat shall inform the interested Party(ies) that the Emergency Arbitration proceedings will not take place with respect to some or all of the Parties, and shall transmit a copy of the Request to them for their information.

6. The Technical Committee on Preliminary Decisions shall terminate the Emergency Arbitrator procedure if the Request for Arbitration is not received by the Administrative Secretariat from the petitioner within 10 days following the receipt of the Request for Emergency Arbitration by the Administrative Secretariat.

Article 2. – Appointment of an Emergency Arbitrator

1. The Technical Committee on the Appointment and Challenge of Arbitrators shall appoint an Emergency Arbitrator as soon as possible, normally within two days, from the date the Administrative Secretariat receives the Request.
2. No Emergency Arbitrator shall be appointed after the case file has been submitted to the Arbitral Tribunal pursuant to Article 7(1) of the IACAC Arbitration Rules. An Emergency Arbitrator appointed before such submission shall have the power to issue an Order within the time limit permitted by Article 6 of this Appendix.
3. Once the Emergency Arbitrator has been appointed, the Administrative Secretariat shall notify the Parties and deliver the case file to the Emergency Arbitrator. From that moment on, all written communications from the Parties must be addressed directly to the Emergency Arbitrator, with copies to each of the other Parties and to the Administrative Secretariat. The Administrative Secretariat shall also receive copies of communications from the Emergency Arbitrator to the Parties.
4. Every Emergency Arbitrator must be and remain impartial and independent of the Parties involved in the dispute.
5. Before being appointed, any person eligible to act as an Emergency Arbitrator shall sign a declaration of acceptance, availability, impartiality, and independence. The Administrative Secretariat shall send a copy of this declaration to the Parties.
6. The Emergency Arbitrator shall not act as an arbitrator in any other arbitration related to the dispute that gave rise to the Request, unless otherwise agreed by the Parties.

Article 3. – Procedure for challenging an Emergency Arbitrator.

1. A request to challenge an Emergency Arbitrator must be made within three (3) days of the challenging party receiving notification of the appointment, or from the date on which that party was informed of the facts and circumstances on which the request is based, if that date is later than the date of receipt of the notification.

2. The challenge will be decided as soon as possible by the Technical Committee on Appointments and Challenges of Arbitrators and, in any case, within three (3) days after the Administrative Secretariat has given the emergency arbitrator and the other party(ies) the opportunity to submit their written comments within a reasonable timeframe, which in no case shall exceed three (3) days.
3. Parties are not permitted to challenge an Emergency Arbitrator after the Arbitral Tribunal has been constituted.

Article 4. Seat of Emergency Arbitration

1. If the Parties have agreed on the seat of arbitration, that same seat shall be the seat of the Emergency Arbitrator's proceedings. In the absence of such agreement, the Technical Committee on Preliminary Decisions shall determine the seat of the Emergency Arbitrator's proceedings, without prejudice to the determination of the seat of arbitration by the Arbitral Tribunal in the exercise of the powers provided for in Article 23(1c) of the IACAC Arbitration Rules.
2. Any meeting with the Emergency Arbitrator may be held in person at any location the Emergency Arbitrator deems appropriate or by videoconference, telephone, or similar means of communication.

Article 5. Procedure

1. The Emergency Arbitrator shall establish a procedural timetable for the Emergency Arbitration as soon as possible, normally within two days of the submission of the the case file to the Emergency Arbitrator pursuant to Article 2(3) of this Appendix.
2. The Emergency Arbitrator shall conduct the proceedings in the manner he or she deems appropriate, taking into consideration the nature and urgency of the Request. In all cases, the Emergency Arbitrator shall act fairly and impartially and shall ensure that each Party has a reasonable opportunity to present its case.

Article 6. – Order of the Emergency Arbitrator

1. In accordance with Article 7 of the IACAC Arbitration Rules, the decision of the Emergency Arbitrator shall take the form of an order (the "Order").
2. In the Order, the Emergency Arbitrator shall decide whether the Petition is admissible pursuant to Article 7(1) of the IACAC Arbitration Rules and whether the arbitrator has jurisdiction to order the Emergency Measures.
3. The Order shall be issued in writing and shall contain the reasons on which it is based, the date of issuance, and the signature of the Emergency Arbitrator.

4. The Order shall be issued no later than 15 days after the date on which the case file has been delivered to the Emergency Arbitrator pursuant to Article 2(3) of this Appendix. The Technical Committee on Preliminary Decisions may extend this period upon a reasoned request from the Emergency Arbitrator.
5. Within the time allowed by Article 6(4) of this Appendix, the Emergency Arbitrator shall notify the Parties of the Order, with a copy to the Administrative Secretariat, by any means of communication permitted by Article 3(2) of the IACAC Arbitration Rules that the Emergency Arbitrator deems will ensure prompt receipt.
6. The Order shall cease to have effect upon:
 - a. The expiration of the Emergency Arbitrator's proceedings, declared by the Technical Committee on Preliminary Decisions pursuant to Article 1(6) of this Appendix;
 - b. Its removal by decision of the Arbitral Tribunal;
 - c. The acceptance of a challenge to the Emergency Arbitrator pursuant to Article 3 of this Appendix I;
 - d. The withdrawal of all Claims or the termination of the arbitration.
7. The Emergency Arbitrator may issue the Order subject to such conditions as he deems appropriate, including the provision of guarantees.
8. Upon a reasoned request from a Party, submitted prior to the transfer of the case file to the Arbitral Tribunal in accordance with Article 7 of the IACAC Arbitration Rules, the Emergency Arbitrator may modify or revoke the Order.
9. The Emergency Arbitrator has the power to issue a preliminary order during the substantiation of the Emergency Arbitration.
10. By submitting to Emergency Arbitration under this Appendix I, the Parties ratify the binding nature of the Order issued by the Emergency Arbitrator, agreeing to comply with it immediately and irrevocably waiving their right to appeal it before any state court or judicial body.

Article 7. Costs of Emergency Arbitration

1. The petitioner shall pay the sum of US\$ [XXX], consisting of US\$ [XXX] for IACAC administrative expenses and US\$ [XXX] for the Emergency Arbitrator's fees and expenses. Notwithstanding the provisions of Article 1(5) of this Appendix I, the Petition shall not be served until the Secretariat has received payment of US\$ [XXX].
2. The Administrative Secretariat may, at any time during the Emergency Arbitration proceedings, decide to increase the Emergency Arbitrator's fees or the IACAC administrative expenses, taking into consideration, among other things, the nature of

the case and the nature and amount of work performed by the Emergency Arbitrator. If the petitioning party fails to pay the increased cost within the time limit set by the Secretariat, the Petition shall be deemed withdrawn.

3. The costs of the Emergency Arbitrator proceedings include the IACAC's administrative expenses, the Emergency Arbitrator's fees and expenses, and the legal and other reasonable expenses incurred by the Parties in the Emergency Arbitrator proceedings.
4. The Emergency Arbitrator's Order shall fix the costs of the Emergency Arbitrator proceedings and may decide which Party shall pay them or in what proportion they shall be shared between them, or may defer this decision to the Arbitral Tribunal.
5. If the Emergency Arbitrator proceedings do not take place in accordance with Article 1(5) of this Appendix I or are terminated before the Order is issued, the Administrative Secretariat shall determine the amount to be reimbursed to the petitioner, if any. The amount of US\$ [XXX] for IACAC's administrative expenses is non-refundable under any circumstances.

Article 8. General Provisions

- I. The General Management shall have the power to decide, at its discretion, all matters related to the conduct of the Emergency Arbitrator's proceedings that are not expressly provided for in this Appendix I.

- II. In all matters concerning the Emergency Arbitrator's proceedings that are not expressly provided for in this Appendix, the General Management, the Technical Committees, the Administrative Secretariat, and the Emergency Arbitrator shall proceed in accordance with the spirit of the IACAC Arbitration Rules and this Appendix I.