



Inter-American Commercial Arbitration Commission (IACAC)

APPENDIX II

Expedited Arbitration

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Article 1. Rules on the Expedited Arbitration Procedure

These Rules shall apply when the Parties have agreed that their disputes shall be submitted to the expedited arbitration procedure (the “Rules for Expedited Arbitration”).

At any time during the arbitration, the Parties may agree to exclude the application of the Rules for Expedited Arbitration, in which case the arbitral proceedings shall continue in accordance with the IACAC Arbitration Rules from the date of such agreement. The change so agreed shall not affect the actions taken in the arbitration pursuant to these Rules, including the constitution of the Arbitral Tribunal.

The Rules for Expedited Arbitration shall also apply when the Technical Committee on Preliminary Decisions, at the request of a Party, and after hearing the other Party, considers that these Rules are appropriate given the specific characteristics of the case.

Once constituted, the Arbitral Tribunal, after consulting with the Parties, may determine *ex officio* or at the request of a Party whether or not these Rules apply, given the specific characteristics of the case.

Article 2. Request for Arbitration and Response

The requirements for the Request for Arbitration and the Response to the Request for Arbitration shall be governed by the provisions of Articles 4 and 5 of the IACAC Arbitration Rules, respectively.

The Response to the Request for Arbitration must be filed within 15 days from the date of notification of the Request for Arbitration.

If the Respondent raises any objection to the application of the Rules for Expedited Arbitration in its Response to the Request for Arbitration, the Technical Committee on Preliminary Decisions, after hearing the Claimant, shall resolve the objection within 5 days.

Any objection to the jurisdiction of the Arbitral Tribunal shall be resolved by the Arbitral Tribunal.

Article 3. Constitution of the Arbitral Tribunal

Unless otherwise agreed by the Parties, the proceedings shall be submitted to a sole arbitrator, who may be jointly appointed by the Parties within 15 days of the Response to the Request for Arbitration. Failing such joint appointment by the Parties, the sole arbitrator shall be appointed by the Technical Committee on the Appointment and Challenge of Arbitrators as soon as possible.

If the circumstances of the case so warrant, the Technical Committee on the Appointment and Challenge of Arbitrators, at the request of a Party or on its own initiative after hearing the Parties, may appoint an Arbitral Tribunal composed of three arbitrators, in which case the appointment of the arbitrators shall be made in accordance with Article 11 of the Rules.

Article 4. Conference on the Conduct of the Proceedings

Within 15 days of the submission of the case file to the Arbitral Tribunal, the Arbitral Tribunal shall hold a conference on the conduct of the proceedings with the Parties. The Administrative Secretariat may extend this period upon a reasoned request from the Arbitral Tribunal.

The Arbitral Tribunal shall issue a procedural order with the agreements and decisions reached during this conference within 5 days of its conclusion.

Article 5. Filing of Documents

Unless otherwise agreed by the Parties, the Claimant shall file a Statement of Claim within 30 days, and the Respondent shall file a Statement of Answer within 30 days. If the Respondent files a Counterclaim, the Claimant shall have 30 days to file its Answer to that Counterclaim.

Unless the Arbitral Tribunal decides otherwise, evidence (including documentary evidence, legal authorities, witness testimony, and expert evidence) must be filed with the Statement of Claim, the Statement of Answer, and, as applicable, the Counterclaim and the Answer to the Counterclaim.

In general, the Arbitral Tribunal may adopt such procedural measures as it deems appropriate to conduct the proceedings expeditiously, always ensuring equality between the Parties and that they have a reasonable and fair opportunity to present their case.

Article 6. Hearing

The Arbitral Tribunal, after consulting the Parties, may decide the dispute solely on the basis of the documents submitted by the Parties, without a hearing or examination of witnesses or experts.

Should it be decided to hold a hearing, the Arbitral Tribunal shall endeavor to use any technological means to conduct hearings without requiring the Parties or those giving testimony to appear in person, unless otherwise agreed by the Parties.

Article 7. Award

The Arbitral Tribunal shall issue its Award within six months from the date of the conference on the conduct of the proceedings, unless the Parties have agreed otherwise. The Administrative Secretariat may extend the time limit for issuing the Award, at the reasoned request of the Arbitral Tribunal or on its own initiative, if it deems it necessary.

Before signing the Award, the Arbitral Tribunal shall send the draft Award to the Technical Committee on Preliminary Review of Awards, which may order formal modifications and, respecting the Arbitral Tribunal's discretion, may draw its attention to any other point it considers important. The Arbitral Tribunal shall make this submission one month before the deadline for issuing the Award. The Administrative Secretariat may extend this deadline at the reasoned request of the Arbitral Tribunal or on its own initiative, if it deems it necessary.

Article 8.- Supplementary Rules of Procedure

All matters relating to the expedited procedure that are not provided for in these Rules shall be governed by the IACAC Arbitration Rules.