



المركز السعودي للتحكيم التجاري
Saudi Center for Commercial Arbitration



SCCA COMMITTEE FOR ADMINISTRATIVE DECISIONS (CAD)

STRUCTURE – PROCESS – GUIDELINES

TABLE OF CONTENTS

Purpose, Structure and Members	3
Scope of Authority	3
Procedural Steps	4
Guidelines for Committee Decisions	7

PURPOSE, STRUCTURE AND MEMBERS

The SCCA Committee for Administrative Decisions (the “Committee”) serves the purpose of giving parties in SCCA-administered and non-SCCA-administered cases where the parties have so agreed access to a neutral and highly qualified expert decision making authority that efficiently determines certain issues that arise in an arbitration proceeding.

The Committee includes high-level SCCA executives as well as neutral external members who bring an extensive amount of ADR and case administration experience to the decision-making process. The Committee is comprised of up to five Members. A minimum of three Members (quorum) must be present during the weekly Committee Meetings to hear and decide requests brought before it (the “Voting Members”). The Chief of ADR may ask for extraordinary meetings if and when the need may arise. Committee Meetings may be held in person, via video conference, by telephone, or any other appropriate means of communication. The current members of the Committee are:

- **Ms. Annette Magnusson:** Co-Founder of Climate Change Counsel, Stockholm; former Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC).
- **Mr. Christian P. Alberti:** Chief of ADR and General Counsel of SCCA, former Assistant Vice President at the International Centre for Dispute Resolution (AAA-ICDR).
- **Ms. Jennifer Kirby:** International Arbitrator, Principal of Kirby (Paris); former Deputy Secretary General of the ICC International Court of Arbitration.
- **Ms. Sarah Lancaster:** Chambers Director of Arbitration Chambers (London, Hong Kong and New York); former Registrar of the London Court of International Arbitration (LCIA).

- **Dr. Ziad Al-Sudairy:** International Arbitrator; Principal of The Law Office of Ziad A. Al Sudairy; former Chairman of the Board of SCCA.

SCOPE OF AUTHORITY

The Committee's scope of authority is limited to:

- Arbitrator challenges;
- Disputes concerning the place of arbitration; and
- Disputes concerning the number of arbitrators.

Note: Neither the Committee nor the SCCA is authorized to make any legal determinations with respect to the substantive merits of cases. These are reserved for the arbitral tribunal (the "Tribunal") or, where applicable, the appropriate court. The Committee reserves the right to refuse its services at its sole discretion at any time.

PROCEDURAL STEPS

1. Submission of Request and Service Fee

- In SCCA-administered cases, the request shall be presented, in writing, to the administrator assigned to the matter (the "Administrator") and copied to the other parties. For avoidance of doubt, in case of a challenge, the Tribunal shall not be copied. In SCCA-administered cases, the Committee provides its services free of charge.
- In non-SCCA-administered cases, the parties can authorize the SCCA to determine their request by submitting the [SCCA-CAD Service Request Form](#) and include proof of payment of SAR 10,000 in service fees.

2. Briefing and Preparations

The SCCA notifies all parties that a request has been received and invites all parties to brief the matter. Replies and sur-replies are generally not permitted, and parties may only submit these with the Administrator's prior approval. In case of a challenge, the following applies as well:

- In SCCA-administered cases, the Administrator shall notify the Tribunal of the challenge without circulating the challenge or identifying the challenging party. Pursuant Article 14(4) SCCA Rules, the Administrator may request additional information related to the challenge from the challenged arbitrator.
- In non-SCCA-administered cases, the SCCA reserves the right to request additional information related to the challenge from the challenged arbitrator.

3. Check for Conflicts


Once satisfied that the request is ready for determination, the Chief of ADR, or his/her designee, circulates the names of the parties, legal representatives and arbitrators to the Committee Members scheduled to convene at the next Committee Meeting so that they can check for any conflicts and recuse themselves from the matter if necessary. In case of a conflict, the Chief of ADR, or his/her designee, may in his/her sole discretion, replace the conflicted member with another Committee Member. In case the Committee Member is also the Administrator then he/she shall not take part in the decision-making process. The Chief of ADR may also participate as a Voting Member.

4. Invitation to Committee Meeting

Following the conflicts check, the Chief of ADR, or his/her designee, shall designate three Voting Members drawn from the Committee and communicate an internal summary of the issues, along with the party submissions, and an invitation with the date, time, conference modus, names of participants, and requests to be decided to the Voting Members. The Voting Members shall timely review all documents and confirm that they are satisfied that the matter is sufficiently briefed.

5. Deliberations at Committee Meeting

The Chief of ADR, or his/her designee, shall moderate the Commission Meeting and confirm, for the record, that the quorum is established. The Chief of ADR, or his/her designee, shall further confirm that the Voting Members have received all documents and are prepared to discuss and



decide the request. The Chief of ADR, or his/her designee, shall invite the Administrator to briefly summarize any disclosed conflicts and party positions. The Chief of ADR, or his/her designee, then opens the floor for any questions to verify that the Voting Members are satisfied that they have no further questions. In case a Voting Member has questions that remain unresolved, the three Voting Members need to evaluate whether the Committee Meeting shall be adjourned to request further information from the parties and/or the challenged Arbitrator. Each Voting Member shall take into account the Guidelines for Committee Members.

6. Decision

The Voting Members' determination is final and binding. No written reasons shall be issued. The Administrator will notify the outcome to the parties.

GUIDELINES FOR COMMITTEE DECISIONS

The Committee takes into account the following guidelines to determine (1) arbitrator challenges based on lack of impartiality or independence or failure to perform his/her duties, (2) disputes concerning the place of arbitration, and (3) disputes concerning the number of arbitrators.

1. Arbitrator Challenges

a. Based on Lack of Impartiality or Independence

In SCCA-administered cases, the Committee shall apply the standard codified in Article 14(1) SCCA Rules, which provides that “[a]ny arbitrator may be challenged if circumstances exist that give rise to justifiable doubts as to the arbitrator’s impartiality or independence.”

In applying this standard, the Committee may take into account professional, familial, social, financial, or other relevant circumstances. In doing so, the Committee may consider whether those circumstances, among other things, are direct, continuing, substantial, and/or recent. The Committee will have regard to the [SCCA’s Code of Ethics for Arbitrators](#) and may make reference to the IBA Guidelines of Conflicts of Interest in International Arbitration.

For non-SCCA-administered cases, the Committee shall apply the same standard as above, unless agreed otherwise by the parties.



b. Based on Failure to Perform

In SCCA-administered cases and upon request by the Administrator, Article 14(2) SCCA Rules authorizes the Committee to determine with finality whether an arbitrator shall be removed due to failure to perform his/her duties.

The Committee applies a reasonable person standard in this fact-specific analysis to determine whether an arbitrator is unable or unwilling to perform his/her duties under the SCCA Rules.

2. Disputes Concerning the Place of Arbitration

For SCCA-administered cases, Article 17(1) SCCA Rules provides that, absent party agreement, the Committee may “initially determine the place of arbitration subject to a final determination to be made by the Tribunal.” Article 17(2) provides that the Tribunal shall finally determine the place of arbitration “having regard to the circumstances of the case and the convenience of the place for the parties.” The Committee shall apply the same standard in making its initial determination.

For non-SCCA-administered cases, the Committee shall apply the same standard as above, unless agreed otherwise by the parties.

3. Disputes Concerning the Number of Arbitrators

Whether a case is SCCA-administered or non-SCCA-administered, the Committee shall apply the standard codified in Article 11 SCCA Rules, which states as follows:

“If the parties have not previously agreed on the number of arbitrators, one arbitrator shall be appointed unless the [Committee] determines at its discretion that three arbitrators are appropriate because of the size, complexity, or other circumstances of the case.”



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Saudi Center for Commercial Arbitration

7982 King Fahad Branch Road
Almutamarat, 8th Floor
Riyadh 12711-4183, Saudi Arabia

   sadr.org
+966 920003625