

## **Appendix to the Arbitration Regulations of SGOA**

### **1. Electronic communication**

Each communication as referred to in the Arbitration Regulations to the Bureau and submission of procedural documents will be made by email, to the following email address: [info@sgoa.eu](mailto:info@sgoa.eu) (see Article 5.1 and 5.3 of the Arbitration Regulations).

### **2. Introduction: costs**

Read the Arbitration Regulations for the various costs involved in arbitral proceedings that the parties must take into account. For your information, this paragraph 2 of the appendix gives a brief summary of the cost components:

- ***Costs of legal assistance***

If a party in the arbitral proceedings is to be assisted by an authorized representative (such as a lawyer), this party will in principle bear the costs of this assistance. If a party is entirely or partially successful in the proceedings, the Arbitration Tribunal may order the other party to pay all or part of these costs, but only if a claim for an order to pay costs has been made in the proceedings.

- ***Arbitrators' fees***

The hourly rate that applies for calculating the arbitrators' fees will be set in accordance with the Arbitration Regulations and paragraph 4 of this appendix.

The party that submits a claim in arbitral proceedings will pay an advance for the arbitrators' fees. This also applies to the defendant that submits a counterclaim. The Bureau of SGOA may demand a supplementary advance at any time. The final settlement will be made based on the actual number of hours spent.

- ***Administrative expenses***

The party that submits a claim in proceedings at SGOA will be required to pay administrative expenses to SGOA. This also applies to the other party, but only if the latter submits a counterclaim.

The administrative expenses are a fixed amount that will be calculated for the claimant and the defendant separately based on the Arbitration Regulations and the criteria contained in paragraph 6 of this appendix.

If the proceedings are withdrawn or otherwise ended early, for example if the parties have reached a settlement, the administrative expenses will still be payable in full and administrative expenses already paid are nonrefundable.

The SGOA website ([www.sgoa.eu](http://www.sgoa.eu)) has examples of the calculation of administrative expenses.

- ***Disbursements***

Disbursements include the costs of a secretary to the Arbitration Tribunal, if required, the costs of experts engaged by the Arbitration Tribunal, the costs of the hearing such as the hire of a room for the hearing, translation costs, courier costs and any costs of filing the award with the registry of the court.

An advance will also be charged for disbursements due. The final settlement of the disbursements will be made based on the actual amounts spent.

### 3. The 'interest' of the claim and counterclaim: general

This appendix makes a distinction between the following claims and counterclaims:

- (i) claims with a financial interest,
- (ii) claims without a financial interest, and
- (iii) claims partly with a financial interest and partly without a financial interest.

### 4. The arbitrators' rates

An arbitrator's hourly rate will depend on the interest of the case.

#### 4.1 Claims with a financial interest

If the claim and any counterclaim concern solely a claim with a financial interest, an arbitrator's hourly rate is as follows:

<u>Cases with a total financial interest of</u>	<u>Hourly rate</u>
50,000 euros or less	250 euros
Between 50,001 and 200,000 euros	275 euros
Between 200,001 and 500,000 euros	350 euros
Between 500,001 and 5,000,000 euros	425 euros
More than 5,000,001	425 euros

For the application of this sliding scale, the total financial interest of the case will be determined by adding together the financial interest of the claimant's claim and the financial interest of any counterclaim of the defendant.

#### 4.2 Claims without a financial interest

If the claim and any counterclaim concern solely a claim without a financial interest, an arbitrator's hourly rate will be € 350, unless the Board of SGOA is of the opinion that the complexity of the case gives reason to apply a higher hourly rate.

#### 4.3 Claims partly with a financial interest and partly without a financial interest

If a claim and/or any counterclaim concerns both a claim with a financial interest and a claim without a financial interest, an arbitrator's hourly rate will be € 350, unless:

- (a) the application of the sliding scale set out under 4.1 leads to an hourly rate that is higher than € 350, in which case the highest amount of the two criteria will apply; or
- (b) if the Board of SGOA is of the opinion that the complexity of the case gives reason to apply a higher hourly rate than € 350.

#### 4.4 Alternative hourly rate if the parties have agreed to one arbitrator

In cases where, contrary to the Arbitration Regulations, the parties have agreed that the Arbitration Tribunal will comprise only one (1) arbitrator, contrary to the sliding scale set out under 4.1 an arbitrator's hourly rate will be at least € 350, unless:

- (a) the application of the sliding scale set out under 4.1 leads to an hourly rate that is higher than € 350, in which case the higher amount of the two criteria will apply; or
- (b) the application of that laid down in 4.2 or 4.3 leads to an hourly rate that is higher than € 350, in which case the higher amount of the two criteria will apply; or
- (b) if the Board of SGOA is of the opinion that the complexity of the case gives reason to apply a higher hourly rate than € 350.

#### 4.4 Hourly rate in the case of summary arbitral proceedings

For summary arbitral proceedings, contrary to the sliding scale set out under 4.1 an arbitrator's hourly rate will be at least € 350, unless:

- (a) the application of the sliding scale set out under 4.1 leads to an hourly rate that is higher than € 350, in which case the higher amount of the two criteria will apply; or
- (b) the application of that laid down in 4.2 or 4.3 leads to an hourly rate that is higher than € 350, in which case the higher amount of the two criteria will apply; or
- (c) if the Board of SGOA is of the opinion that the complexity of the case gives reason to apply a higher hourly rate than € 350.

#### 4.5 Claim 'to be settled later during separate follow-up proceedings'

If a claim or counterclaim consists entirely or partly of a financial claim to be settled later during separate follow-up proceedings ('nader op te maken bij staat'), for determining an arbitrator's hourly rate, such a claim or counterclaim will be deemed to that extent to be a claim without a financial interest.

### 5. The secretary's rate: hearing costs

The hourly rate of the secretary to an Arbitration Tribunal that comprises one arbitrator will be € 100. As already stated above, the costs of a secretary are included in disbursements.

The costs of a hearing (hire of a room for the hearing, lunches etc.) will be charged to the claimant by way of an advance of € 750. The same advance will be charged to the party that submits a counterclaim.

### 6. Administrative expenses

The rate of administrative expenses charged for submitting a claim and/or counterclaim will depend on the interest involved in the case. The table below applies to both normal arbitration proceedings and summary arbitral proceedings.

#### 6.1 Claims with a financial interest

In the case of a claimant's claim with only a financial interest – and also in the case of a defendant's counterclaim with only a financial interest, if applicable – the administrative expenses will be calculated according to the following table:

interest from	to	(a) basic rate	(b) plus on the excess
0	10,000	800	
10,001	50,000	1,000	1.00%
50,001	1,000,000	1,400	0.60%
1,000,001	2,500,000	7,100	0.40%
2,500,001	5,000,000	13,100	0.05%
5,000,001	7,500,000	14,350	0.03%
>7,500,000		15,100	

#### Further explanation of the table:

The administrative expenses depend on the extent of the claim and amount to at least € 800 with a total financial interest of up to € 10,000 maximum. The maximum amount of administrative expenses is € 15,100 and is reached when the total financial interest is € 7,500,000. The amount

is calculated as follows:

Amount (a) multiplied by amount (b), being x% of the amount over and above the minimum in the relevant category.

#### 6.2 *Claims without a financial interest*

In the case of a claimant's claim which concerns solely a claim without a financial interest – and also in the case of a defendant's counterclaim which concerns solely a claim without a financial interest, if applicable – the administrative expenses will be € 3,000 for the relevant party.

#### 6.3 *Claims partly with a financial interest and partly without a financial interest*

In the case of a claimant's claim both with and without a financial interest – and also in the case of a defendant's counterclaim both with and without a financial interest, if applicable – the administrative expenses will be € 3,000, unless the application of the table set out under 6.1 leads to administrative expenses that are higher than € 3,000, in which case the higher amount of these two criteria will apply.

#### 6.4 *Claim 'to be settled later during follow-up proceedings'*

If a claim or counterclaim consists entirely of a financial claim to be settled later during separate follow-up proceedings ('nader op te maken bij staat'), for calculating the administrative expenses, such a claim or counterclaim will be deemed to that extent to be a claim without a financial interest.

### 7. Turnover Tax

All amounts are exclusive of VAT.