



## ICC AWARD CHECKLIST (1998 - 2012 - 2017 RULES)

**Disclaimer:** This Checklist is intended to provide arbitrators acting under the ICC Rules of Arbitration with guidance when drafting awards. It does not constitute an exhaustive, mandatory or otherwise binding document. It should not be thought to reflect the opinion of the members of the International Court of Arbitration of the International Chamber of Commerce or of its Secretariat, but is simply intended to facilitate the arbitrators' mission. Moreover, this Checklist is not exhaustive of issues that may be raised by the ICC Court.

### 1. General

- A. ICC case reference number mentioned in full on front page.
- B. Award clearly identified in its title as interim, partial, final or award by consent.
- C. Paragraphs numbered.
- D. Pages numbered.
- E. Table of contents included (unless award is short and does not need one).
- F. Abbreviations defined and used consistently.
- G. Translations of quotations in languages other than the language(s) of the arbitration.
- H. Indication of the applicable version of the ICC Rules of Arbitration (e.g. 1998 / 2012 / 2017 / Expedited Procedure Provisions under 2017 Rules).

### 2. Identification of the Parties, their Representatives and the Arbitrator(s)

- A. Parties' complete addresses and correct names. Clarify the identity of any parties to the arbitration that are different from the parties to the contract(s).
- B. Addresses of parties' representatives.
- C. Arbitrators' addresses.

### 3. Arbitration and Choice-of-Law Agreements

- A. Quotation of entire arbitration agreement(s).
- B. Record of any agreed amendments to the arbitration agreement(s).
- C. Precise indication of the parties to and/or signatories of the arbitration agreement(s).
- D. Quotation of relevant choice-of-law clause.

### 4. History of the Arbitral Proceedings

- A. Summary of procedural steps to date (e.g. Request for Arbitration, Answer, any communication concerning the application of the Expedited Procedure Provisions, Terms of Reference (where applicable), date of the case management conference (Article 24, 2012 / 2017 Rules), procedural timetable, parties' submissions, hearing).
- B. Indication of the ICC Court's decisions regarding (if applicable):
  - i. Article 6(2) (1998 Rules) / 6(4) (2012 / 2017 Rules);
  - ii. Place of arbitration;
  - iii. Number of arbitrators.

Case N° \_\_\_\_\_

- C. Description of the constitution of the arbitral tribunal (including confirmation or appointment decisions).
- D. If applicable, reference to the parties' agreement on an alternative method of nominating or appointing the president of the arbitral tribunal.
- E. Date of closing of the proceedings under Article 22(1) (1998 Rules) / 27 (2012 / 2017 Rules) (for every award).
- F. Indication of the time limit for rendering the final award, including any extensions granted by the Court under Article 24(2) (1998 Rules) / 30(2) (2012 Rules) / Article 31(2) (2017 Rules) and the date on which it was granted. It is recommended that all extensions granted by the Court and the date(s) on which they were granted be specified, especially when Paris is the place of arbitration.
- G. **If there has been a prior award**, no need to repeat the procedural history set out in the prior award, but simply:
- i. restate the information mentioned in sections 1, 2 and 3 above;
- ii. refer to the previous award, the date on which it was notified to the parties by the Secretariat, the issues it decided, and the fact that its procedural background is incorporated by reference into the present award;
- iii. describe the procedure subsequent to that set out in the previous award.

## 5. Jurisdiction

- Wherever jurisdiction has been contested, or there is a non-participating party, or the ICC Court has made an Article 6(2) (1998 Rules) / 6(4) (2012 / 2017 Rules) decision, the award should ordinarily include the arbitral tribunal's decision on jurisdiction or state why it is not necessary.

## 6. Cost of the Arbitration (Final Awards only)

- A. Costs of arbitration fixed by the ICC Court and each party's legal costs dealt with separately in both the body of the award and in the dispositive section.
- B. Reference to Article 31 (1998 Rules) / 37 (2012 Rules) / 38 (2017 Rules) and to the discretion to allocate costs of arbitration fixed by the Court and parties' legal costs, and fix the amount to be borne by each party.

## 7. Dispositive Section, Place of Arbitration, Date, Signature

- A. Award contains a dispositive section mentioning all orders (including the decision on jurisdiction, if applicable) and nothing more.
- B. Award deals with all of the issues and parties' claims (which should be stated clearly and precisely somewhere in the award and compared to the Terms of Reference), including the parties' most recent requests for relief, and decides nothing more than those issues and claims (state clearly if certain claims are reserved for one or more future awards).
- C. State in the dispositive section of final awards that all other requests and claims are rejected (unless the nature of the award makes this unnecessary).
- D. After the dispositive section, add the date on which the award is made and the signatures in the following manner:

Place of arbitration: \_\_\_\_\_ City (Country)

Date: \_\_\_\_\_ Signature(s): \_\_\_\_\_

[date must be later than the Court session at which the award was approved and not earlier than when the last arbitrator signs]