

ANNEX II. Costs and fees of the arbitration and of the emergency arbitration

1. Filing fee and advance on costs

- 1.1. The non-refundable filing fee to be paid by the claimant when it files a request for arbitration, in accordance with article 3.4 of the Rules, shall be €1,000. The filing fee shall be charged against the amount of the advance on costs to be paid by the claimant pursuant to article 25 of the Rules.
- 1.2. The purpose of the advance on costs of the arbitration fixed by the General Secretary, in accordance with article 25.1, is to cover the fees of the arbitrator(s), the costs incurred as a result of the arbitration and the administrative expenses of the ATPA. The amount is fixed by applying the scales for fees and expenses set out in Tables A and B below.
- 1.3. Where the claims made by the parties have not been quantified, the General Secretary shall calculate the advance on costs taking €50,000 as the base amount.
- 1.4. In accordance with article 25.2 of the Rules, the General Secretary may, at any time, reassess the amount of the advance on costs of the arbitration, taking into account all of the relevant circumstances and, in particular, any increase in the amounts in dispute or in the complexity of the dispute.

2. Fees and expenses of the arbitrators

- 2.1. The General Secretary shall fix the fees of the arbitrators by applying the scales in Table A below. In exceptional circumstances, the Arbitral Board may authorize the General Secretary to disregard the limits set in that table.
- 2.2. In setting the fees, account shall be taken of the amounts in dispute, the complexity of the matter, the time spent and any other relevant circumstances.

- 2.3. Where the Arbitral Tribunal consists of three arbitrators, the president shall receive 40% and each of the other arbitrators 30% of the total fees, unless otherwise agreed by the arbitrators or, failing such agreement, unless the Arbitral Board decides otherwise after considering the time and efforts spent by each arbitrator.
- 2.4. Travel, accommodation, meals and other expenses of the Arbitral Tribunal and its secretary incurred as a result of the proceedings shall be regarded as costs of the arbitration and shall be reimbursed by the General Secretary on presentation of the relevant receipts.
- 2.5. The amounts to be reimbursed to the Arbitral Tribunal do not include VAT or any other taxes applicable to the arbitrators' fees. Such taxes must be paid by the parties, with their recovery being a matter to be dealt with between the parties and each member of the Arbitral Tribunal.

3. Administrative expenses of the ATPA

- 3.1. The administrative expenses of the ATPA shall be determined by applying the scale in Table B below.
- 3.2. In exceptional circumstances, the General Secretary may decide to apply rates different from those shown in the scale.

4. Calculation tables

- 4.1. In order to establish the fees of the arbitrators and the administrative expenses of the ATPA, the amount in dispute to be taken into account shall be that resulting from adding up the amounts of the main and ancillary claims and counterclaims or, failing that, the amount determined by the General Secretary by applying the provisions of articles 1.2 and 1.3 above.
- 4.2. The amount of the fees and expenses shall be that resulting from adding up the sums calculated for each portion of the amount in dispute, as shown in Tables A and B below. The fees shown in Table A relate to a sole arbitrator or to each member of the Arbitral Tribunal, depending on the case. Where the amount of the dispute is greater than €100 million, the administrative expenses of the ATPA shall be a fixed amount of €60,000.



TABLE A – Fees per arbitrator

Amount in dispute	Fees
Up to €50,000	€3,000 (minimum) – €8,000 (maximum)
From €50,000 to €250,000	€3,000 + 2.5% (min.) – €12,000 + 10% (max.)
From €250,000 to €1 million	€8,000 + 1% (min.) – €32,000 + 2% (max.)
From €1 to €5 million	€15,500 + 0.5% (min.) – €47,000 + 1.5% (max.)
From €5 to €10 million	€35,000 + 0.2% (min.) – €107,000 + 0.5% (max.)
From €10 to €50 million	€45,000 + 0.05% (min.) – €132,000 + 0.5% (max.)
From €50 to €100 million	€65,000 + 0.02% (min.) – €152,000 + 0.02% (max.)
More than €100 million	– to be decided by the Arbitral Board

TABLE B – Administrative expenses of the ATPA

Amount in dispute	Administrative expenses
Up to €50,000	€2,000
From 50,000 to €250,000	€2,000 + 1.5%
From 250,000 to €1 million	€5,000 + 1%
From €1 to €5 million	€12,500 + 0.3%
From €5 to €10 million	€24,500 + 0.1%
From €10 to €50 million	€29,500 + 0.05%
From €50 to €100 million	€50,000 + 0.02%
More than €100 million	€60,000

5. Costs of the emergency arbitration

- 5.1. The costs of the emergency arbitration include the amount of 1,000€ for the administrative expenses of the ATPA and of 5,000€ for the fees of the emergency arbitrator.
- 5.2. The Arbitration Board may decide to increase the administrative expenses of the ATPA or the emergency arbitrator fees having regard to the nature of the case and the extent of the work performed. Failing the increase being paid within the delay set by the Secretariat, the Request will be deemed dismissed.

