

VAN BAEL & BELLIS



**SCC ARBITRATION INSTITUTE
ISSUES NEW ARBITRATION RULES**

| 27 February 2023

The SCC Arbitration Institute (SCC) (which was formerly known as the Arbitration Institute of the Stockholm Chamber of Commerce) has revised its Arbitration Rules. The revised version of the [SCC Arbitration Rules](#) entered into force on 1 January 2023 and applies to any arbitration commenced on or after that date.

This Client Alert sets out a brief overview of the key changes to the SCC's Arbitration Rules.

KEY CHANGES TO THE SCC ARBITRATION RULES

The revised SCC Arbitration Rules 2023 replace the [SCC Arbitration Rules 2017](#). The following changes are notable:

Written Submissions (Article 29)

- The scope of information to be provided in the Statement of Claim and Statement of Defence under Article 29 has been amended to include “facts and other circumstances”. This represents a substantive change from the phrase “factual and legal basis” which was used in the earlier version of the rules.

Remote Hearings (Article 32)

- To adapt to changing arbitral practices following the COVID-19 pandemic, the revised Article 32 allows the arbitral tribunal to decide whether to hold hearings in person or remotely.

Termination of Arbitral Proceedings (Articles 45 and 51)

- The revised Article 45(2) gives discretion to the arbitral tribunal to terminate the arbitral proceedings by issuing either an award or an order (whilst the previous version of the rules only provided for the possibility of an award being issued in such circumstances).
- The revision to Article 51 also relates to the arbitral tribunal's power to terminate proceedings. Under the new Article 51(5), the arbitral tribunal shall terminate a case in whole or in part if a party fails to pay the advance on costs. Under the previous version of the rules, only the SCC Board had the power to dismiss a case for failure to pay the advance on costs.

Recommended Number of Arbitrators

- The SCC's model arbitration clause has been amended, with the previous recommendation that the parties agree in their arbitration clause on the number of arbitrators now having been removed. Since Article 16(2) of the Arbitration Rules already provides a method for determining the number of arbitrators, the express addition within the arbitration clause could be considered unnecessary.

Increase in Administrative Fees

- Although fees for arbitrators remain the same under the new SCC costs schedule, the SCC's administrative fees have increased under the new [SCC schedule of costs](#).

The revisions made to the SCC Arbitration Rules are part of a broader revision of SCC's rules. Similar amendments have also been made to the [SCC Rules for Expedited Arbitration](#) (which replace the [SCC Expedited Arbitration Rules of 2017](#)). The SCC Arbitration Institute has also revised both the [SCC Procedures for the Administration of Cases under the 1976 UNCITRAL Arbitration Rules](#) and the [SCC Procedures for the Administration of Cases under the 2010 UNCITRAL Arbitration Rules](#).

For any questions arising out of the SCC's new 2023 Arbitration Rules or to discuss the suitability of SCC Arbitration, please contact our International Arbitration Team:



Nick Lawn
Partner
nlawn@vbb.com



Helin Laufer
Associate
hlaufer@vbb.com



Defne Örnek
Associate
dornek@vbb.com

VAN BAEL & BELLIS

BRUSSELS

Glaverbel Building
Chaussée de La Hulpe 166
B-1170 Brussels, Belgium

Phone: +32 (0)2 647 73 50
Fax: +32 (0)2 640 64 99

GENEVA

26, Bd des Philosophes
CH-1205 Geneva
Switzerland

Phone: +41 (0)22 320 90 20
Fax: +41 (0)22 320 94 20

LONDON

5, Chancery Lane
EC4A 1BL London
United Kingdom

Phone: +44 (0)20 7406 1471