



ICC EMERGENCY ARBITRATOR ORDER CHECKLIST

Disclaimer: This Checklist is intended to provide emergency arbitrators acting under the ICC Rules of Arbitration with guidance in addition to the Note on ICC Emergency Arbitrator Proceedings. It does not constitute an exhaustive, mandatory or otherwise binding document. It should not be thought to reflect the opinion of the President of the International Court of Arbitration of the International Chamber of Commerce (“Court”), the Court or its Secretariat, but is simply intended to facilitate the emergency arbitrators’ mission.

1. General

- A. ICC case reference number mentioned in full on front page.
- B. Document clearly identified in its title as an Order.
- C. Paragraphs numbered.
- D. Pages numbered.
- E. Table of contents included (unless Order is short and does not need one).
- F. Abbreviations defined and used consistently.
- G. Preferably translations of quotations in languages other than the language(s) of the Order.
- H. Quotation of entire arbitration agreement(s) and record of any agreed amendments to the arbitration agreement(s).
- I. Quotation of relevant choice-of-law clause.

2. Identification of the Parties, their Representatives and the Emergency Arbitrator

- A. Parties’ complete addresses and correct names. Clarify the identity of any parties to the emergency arbitrator proceedings.
- B. Addresses of parties’ representatives.
- C. Emergency arbitrator’s address.

3. History of the Emergency Arbitrator Proceedings

- A. Summary of all procedural steps to date (e.g. Application, appointment of the emergency arbitrator, transmission of the file to the emergency arbitrator, timetable for the emergency arbitrator proceedings).
- B. Place of the emergency arbitrator proceedings (decision of the President if applicable).
- C. Indication of means used by the emergency arbitrator for notification of the Order (Article 6(5) Appendix V) and clarification that the Order was made by the emergency arbitrator in due time (Article 6(4) Appendix V).
- D. Time extension for rendering the Order.

Case N° _____

4. Admissibility/Jurisdiction

- A. Indication of the President's decisions regarding Article 1(5) of the Appendix V.
- B. Admissibility pursuant to Article 29(1): Emergency Measures are so urgent that they cannot await the constitution of the arbitral tribunal.
- C. Compliance of the Application with Article 29(5) and (6):
- i. parties are signatories/successors to such signatories;
 - ii. arbitration agreement(s) concluded after 1 January 2012;
 - iii. no agreement to opt-out;
 - iv. no agreement to resort to other pre-arbitral procedure for urgent conservatory or interim measures.
- D. Any other issue regarding admissibility/jurisdiction.

5. Cost of the Emergency Arbitrator Proceedings (Articles 7(3) and (4) Appendix V)

- i. US\$ 40 000 or any amount as increased pursuant to Article 7(2) Appendix V.
- ii. Parties' legal costs.
- iii. Allocation of the costs of the emergency arbitrator proceedings.

6. Dispositive Section, Place of the Emergency Arbitrator Proceedings, Date, Signature

- A. Order contains a dispositive section mentioning all decisions made (including the decision on admissibility and jurisdiction) and nothing more.
- B. Order deals with all emergency arbitrator measures sought by the Applicant (which should be stated clearly).
- C. State in the dispositive section of the Order that all other requests are rejected.
- D. Indication of any conditions for the Order, including appropriate security, if any (Article 6(7) Appendix V).
- E. After the dispositive section, add the date on which the Order is made and the signature in the following manner:

Use one of the following options to sign the document:

- 1) Copy your signature from a Word document and paste it in this form.
- 2) Draw your ink signature ([click here for further assistance](#)).
- 3) Add your electronic signature.
- 4) Print the form, sign it and scan it.

Place of the emergency arbitrator proceedings: _____

City (Country)

Date: _____

Signature: _____