



*Algerian Chamber of
Commerce and Industry*

Center for Conciliation,
Mediation and Arbitration

Arbitration rules

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These arbitration rules are effective January 07, 2014

IMPLEMENTATION OF ARBITRATION RULES

Article 1:

These Rules of Arbitration is implemented by the Secretariat of the Center (hereinafter the Secretariat) by the Central Arbitration Committee (hereinafter the Committee) and the Arbitral Court (hereinafter, the Court).

1-1- The Secretariat is the administrative body of the Center. He reports to the administration of CACI and reports to the General Director of CACI, who determines the composition and organization chart.

The Secretariat is authorized to receive, record and manage files submitted by the parties, as part of the Center's missions. In this role, he has responsibility for:

- inform the parties and third parties on the operation of the Center,
- receiving and record the files submitted by the parties against receipt ,
- set, collect the amount of the registration fee and give receipts,
- calculate, claiming and receiving the installment costs of the arbitration and give receipt.
- deliver any statement in connection with the records submitted to the Center,
- notify all decisions and arbitral awards,
- deliver written copies of arbitral decisions and awards,
- maintaining records and minutes of decisions and arbitral awards.

The Secretariat works closely with the Committee for the proper administration of the recorded files and timeliness. As such, it shall submit all requests and matters within the competence of the Committee. It prepares the records and meetings of the Committee and draws up the minutes.

The Secretariat is empowered to communicate with the parties and the arbitrator (s). As such, it is empowered to transmit records, findings and replies of parties and to notify the deadlines and decisions.

1-2- The Arbitration Committee (hereinafter the Committee), is in charge in connection with the Secretariat to prepare the installation of the Arbitral Court and to ensure the proper conduct of the proceedings.

The list of members of the Arbitration Committee, composed of 5 members, is approved by the Council of the Algerian Chamber of Commerce and Industry (CACI).

The term of office of Committee members is three (3) years. The mandate is renewable. It can be terminated the mandate by resignation, death of the member or by resolution of the Board of CACI.

The Committee meets in plenary session at least once a year. On this occasion, he elects a President and a Vice President. The Committee meets compulsorily at least twice a month with at least three members.

Meetings are chaired and directed either by the President or in case of impediment by the Vice President.

These meetings are intended to address legal issues and important procedure that the Secretariat could not settle administratively. The Committee has wide powers, notably, it:

- decides on the recusation of arbitrators and their replacement;
- provides the appointment of arbitrators by substitution;
- decides on the proposed appointment of arbitrators;
- set up the arbitral Court;
- pronounce the over rule, when one of the parties refuses to sign the Terms of Reference;
- provides its comments before the issuance of arbitral awards;

-Ensures timeliness of cases processing;

The Committee takes its decisions by simple majority of members present.

The Secretariat of the Committee is provided by the Secretariat of the Center, which hosts the meetings by preparing and presenting the questions and files on which the Committee has to decide. It draws up the Minutes of the work.

1-3- The Arbitral Court (hereinafter the Court) is responsible for hearing and ruling on disputes submitted to it pursuant to Articles 11 and following of this Regulation.

REFERRAL OF CENTER

Article 2 :

The Center is seized by depositing with the Secretariat of a request for arbitration.

The arbitration request is made pursuant to an arbitration agreement, as defined in Articles 3 and 4 below. It is addressed to or filed with the Secretariat, located at 6, Bd Amilcar CABRAL- Algiers. Referral of the Center, carries provisions of the present Regulation.

Article 3 :

The arbitration clause is defined in this Regulation, as the arbitration agreement concluded before the dispute arose. It can be independent from the commercial contract or included in such contract.

The request for arbitration based on an arbitration clause states:

- the names and exact names of each parties, their titles and addresses, contact details, phone numbers, fax, email;
- where appropriate, the names and addresses of their advice;
- a summary of the facts;
- subject of the request and the amount in dispute;
- The arbitration clause and / or document in which it is inserted;
- the name, surname and address of the arbitrator wishes to appoint.

Article 4:

Compromise is the arbitration agreement concluded after the dispute arose. It is independent from the commercial contract.

The request for arbitration based on an arbitration agreement, states:

- the names and exact names of each parties, their titles and addresses, contact details, phone numbers, fax, email. Where applicable, the names and addresses of their advice;
- a summary of the facts;
- subject of the request and the amount in dispute;
- the names and contact details of the arbitrator it wishes to designate, if it is not mentioned in the arbitration agreement.

Article 5:

The arbitration request shall be accompanied by the contract and the arbitration agreement, in as many copies as there are parties with further a copy for the committee.

Article 6 :

Outstanding issues or not covered by arbitration agreements, referred to in Articles 3 and 4 above, shall be governed by the provisions of this Regulation.

Article 7 :

Upon filing the request for arbitration, the applicant pays an administrative fees.

These fees are set and reviewed by the Center.

If inadmissibility of the application, fees remain acquired at the Center.

PRE-ARBITRATION PHASE

Article 8 :

When that prima facie the arbitration request is receivable, a copy is sent to the defendant by the Secretariat, by any means which allows traceability.

In the period of one month following receipt of the request for arbitration, the defendant files a response that contains the name of the arbitrator that he proposes.

Article 9 :

A party is deemed defaulting to arbitration when it does not respond to the invitation made to it by the Secretariat.

The defaulting parties can subsequently be represented and participate in the arbitration proceedings, without being able to challenge the Court's constitution.

CONSTITUTION OF THE COURT

Article 10 :

The Court consists of one or more arbitrators.

The Committee reviews the proposals of the parties and decides on the appointment and / or recusal of arbitrators.

It proceeds to the setting up of the court.

SINGLE ARBITRATOR

Article 11 :

The parties may agree to submit their dispute to a single arbitrator appointed jointly or on their request, by the Committee.

THE COLLEGE ARBITRATION

Article 12 :

The applicant proposes in its request for arbitration the arbitrator he wishes to designate to compose the court.

If the applicant has not proposed in its application its arbitrator, the Secretariat invited to do so within a maximum period of one month.

In case of failure or refusal of a party or parties to propose their respective arbitrator within the month, the Committee appoints them.

The parties may request the Committee to proceed, in their place, the appointment of the arbitrator.

THE REQUIREMENTS OF ARBITRATORS

Article 13 :

The arbitrator must be qualified for the mission, independent, impartial, available and not having any relationship, direct or indirect, with the parties.

To this end, the arbitrators appointed sign a statement of acceptance, following the model set by the Center and annexed to this Regulation.

RECUSAL OF ARBITRATORS

Article 14 :

A party may recusal the arbitrator proposed by the other party for any relevant reason, including those provided for in Article 13 above.

Article 15 :

The Secretariat forwards the recusal request to the other party and to the arbitrator, subject of the application for recusal.

Within fifteen (15) days is set for them to comment.

Article 16 :

The Committee shall decide on the application for recusal by a non-appealable decision. The reasons for the decision are not subject to any communication.

Article 17 :

In case of rejection of the request for recusal, the Committee shall appoint the arbitrator and notify the parties.

Article 18 :

In case of acceptance of the request for recusal, the Committee invites the party that proposed the recused arbitrator to propose another, within a maximum period of one month.

Article 19 :

In case of acceptance of a second request for recusal, the Committee proceeds himself to the appointment of the arbitrator.

Article 20 :

The parties may waive in writing their right to recuse, provided in the article 15, above.

THE PROCEDURE OF ARBITRATORS APPOINTMENT

Article 21 :

When the Committee finds the required qualifications in the arbitrator(s), it pronounce their appointment.

Article 22 :

When the Committee finds no required qualifications of the arbitrator proposed, requires the Parties to propose other and communicate their coordinates.

Article 23 :

The new proposals, accepted by the Committee, are transmitted to other parties who may make observations or reject the arbitrators within a maximum period of one month, as from the receipt. In case of recusation, it is proceeded as per the provisions of recusation, referred to in Articles 14 to 19 above.

Article 24 :

In case of failure or refusal to propose their arbitrators within the specified month, the Committee appoints them.

Article 25 :

The Committee may organize, in any case, meetings with the parties for the constitution of the Court.

The parties may request the Committee to designate, on their behalf, one or more arbitrator (s) minutes of meetings are drawn up and attached to the file.

PROPOSAL AND APPOINTMENT OF THE PRESIDENT OF THE COURT

Article 26 :

After the appointment of proposed arbitrators by the parties or by the Committee by replacing these, the Committee invites the Arbitrators to choose the President of the Court. A delay of fifteen days is given to arbitrators to make the joint proposal of a chair arbitrator.

This delay starts from the date of receipt of the invitation by the arbitrator who receives it last.

Article 27 :

In case of failure or disagreement between the arbitrators, the President is appointed by the Committee.

Article 28 :

One or the other of arbitrators or jointly, may present to the Committee a motivated request for an extension of the delay referred in Article 26 above.

Article 29 :

The Committee may grant an extension of fifteen days.

Article 30 :

The joint proposal of the President by the arbitrators shall contain his full name, qualifications and contact details.

The Committee receives notification thereof.

Article 31 :

The Committee invites the president-elect to provide:

- a presentation form, a curriculum vitae;
- a declaration of acceptance in conformity with provisions of Article 14 above.

This application does not prejudice his appointment by the Committee.

Article 32 :

The Committee decides on the appointment of the arbitrator proposed within a month.
-If it notes that the proposed President meets the qualifications and requirements, the Committee proceeds to his appointment;
-If it notes that the proposed president does not meet the qualifications and requirements, the Committee requests the arbitrators to proceed within fifteen days to another proposal.

Article 33 :

The Committee shall rule on this second proposal, within fifteen days.
If the Committee finds that the new proposed president does not meet the required conditions, it proceeds itself to his appointment.

Article 34 :

The arbitrators may request the Committee to appoint the Court's President in their place.

ARBITRATION COSTS AND PROVISIONS

Article 35 :

Arbitration fees and allowances are fixed by the Secretariat on the basis of a schedule established and reviewed periodically by the Center.
In case of insufficient funds, the Secretariat may seek new provisions.

Article 36 :

Each party settles half of the provision(s).
In case of failure or refusal of a party, the other party may, on its own initiative or at the invitation of the Secretariat, to replace the defaulting party.
In any event, the Committee may transmit the file to the Court which shall decide by partial award on the default of either party settlement of the provision, and continues the proceedings.

THE ARBITRATION PROCEEDINGS

Article 37 :

Arbitration Court is installed by the Arbitration Committee.
It starts work immediately after installation.

Article 38 :

The Court fulfills its mission in complete independence, autonomy, impartiality and rules in its own name, in accordance with the provisions of this Regulation.

THE TERMS OF REFERENCE

Article 39:

In agreement with the parties, the court drafts the terms of reference which shall include:

- a) the full names and positions of the parties;
- b) the addresses of the parties where can be validly made any notification or communication during arbitration
- c) a summary of the claims of the parties and the solicited decision and, to the extent possible, an indication of the amounts claimed or counterclaimed;
- d) the list of issues to be resolved at the request of the parties or the Court's initiative;
- e) the names, qualifications and addresses of the arbitrators;
- f) the place of arbitration;
- g) the language of the arbitration;

- h) details on the rules applicable to the procedure;
- i) The applicable substantive law and, where applicable, reference to the clause allowing the Court to rule as amiable compositeur or decide ex aequo et bono.

Article 40:

The Terms of Reference is signed by the arbitrator(s) and the parties or their counsel. If one of the arbitrators or one of the parties refuse to sign, the Terms of Reference is transmitted to the Committee which may issue an over rule.

THE COURT'S JURISDICTION

Article 41 :

The Court considers its own jurisdiction and validity of referral.

RULES GOVERNING THE PROCEDURE

Article 42 :

The proceedings before the Court is governed by the present Regulation. In the silence of the latter, it is governed by the rules that the parties, or failing that, the Court shall determine, by reference or not to a national procedural law applicable to the arbitration.

In all cases, the Court conducted the proceedings fairly and impartially and ensure that each party has the opportunity to present its case in compliance with the adversarial.

Article 43 :

The Court directs the arbitral proceedings by the means it considers appropriate in transparency, respect for the rights of defense and equality of parties.

At any time during the procedure, it can:

- ask the parties to produce additional evidence;
- Decide to rule on the dispute only on documents submitted by the parties or invite them to a hearing or court pleadings;
- requesting the help of state courts, if the circumstances of the case require.

Article 44 :

At any time during the proceedings, the Court may reconcile the parties. The minutes of conciliation is signed by the President and parties. It close the proceedings.

RULES OF LAW APPLICABLE TO THE SUBSTANCE

Article 45:

The parties are free to choose the rules of law that the Court applies to the merits of the dispute.

Otherwise, the Court shall apply the rules of law it considers most appropriate.

The arbitral Court rules in amiable compositeur or "ex aequo et bono", if the parties have invested it with such powers.

THE LANGUAGE OF ARBITRATION

Article 46 :

Failing agreement between the parties, the Court sets the language of the arbitration, taking into account all relevant circumstances, including the language of the contract.

THE PLACE OF ARBITRATION

Article 47 :

The place of arbitration shall be determined by the arbitration agreement, unless the parties agree otherwise or leave that choice to the Court.

The Court may deliberate at any place it deems appropriate.

EMERGENCY PROCEDURES

Article 48 :

The parties can apply for emergency measures. They are authorized by the Court, if it is made, and otherwise by the Committee, to request the state judge.

The payment of a provision is required before any decision on the urgent measure.

REPLACEMENT OF ARBITRATORS DURING THE PROCEEDINGS

Article 49:

In case of absence, death or withdrawal of one of the arbitrators, or in case of failure raised by one of the parties or found by the Committee, it is provided for his replacement in terms of their appointment.

Replacement decisions taken by the Committee are not subject to appeal.

The reasons of replacement of an arbitrator are not subject to any communication.

THE RECUSATION OF ARBITRATORS DURING THE PROCEEDINGS

Article 50:

The parties may file an application for recusal of arbitrators during the fulfillment of their missions, only for later causes of their appointment in a month as from the day they were aware.

The parties may also present a request for recusal of an arbitrator for manifest bias in the arbitration proceedings.

Article 51:

The request for disqualification of an arbitrator is filed by the interested party to the Secretariat.

The Committee shall immediately inform the arbitrators and the parties and invite them to submit their comments within a maximum period of 15 days.

Article 52:

The arbitration proceedings is automatically suspended. The Committee shall decide on this request for recusal.

The reasons for the decision are not subject to any communication.

The Committee's decision is not subject to appeal.

Article 53:

If the application is granted, the replacement of the arbitrator is made by the Committee.

The arbitration proceedings shall resume as soon as the replacement of the arbitrator, whose recusal has been upheld by the Committee.

PARTIAL ARBITRAL AWARDS

Article 54:

The Court may make awards interlocutory or partial order any investigative measures he considers necessary and have the authority to search for any item, document, statement or other assessment. If more than one arbitrator, the Court shall take decisions by majority.

THE ALLOCATION OF ARBITRATION COSTS

Article 55:

The Court decides in its final award on the arbitration costs and makes the division between the parties.

THE DRAFT AWARD

Article 56:

Before signing by the arbitrators, the draft award shall be submitted to the Committee, which may attract the attention of arbitrators on any matter it deems relevant.

The Court makes the final decision within one month following the receipt of the Committee's observations.

THE FINAL ARBITRAL AWARD

Article 57:

The award is motivated, signed and dated by the Court. If several arbitrators award shall be made by majority. If one of them refuses to sign, it is mentioned.

It is presented to the Arbitration Committee.

It is notified to the parties by the Secretariat by registered letter with acknowledgment of receipt or by any other means that guarantees the reception.

Arbitral awards are not subject to objection or withdrawal.

The parties may waive any appeals against awards made when the law allows it.

Article 58:

The awards are made within six months as from the signing of the terms of reference referred in Article 40 above.

At the Court's request, the Committee may decide one or more extensions.

CORRECTION AND INTERPRETATION OF THE PRONOUNCED AWARD

Article 59:

The parties may submit to the Court of requests for interpretation or correction of the award within a period of sixty (60) days as from the receipt of the award.

These requests are forwarded by the Secretariat to the other party, which is invited to submit its observations within a period of one month.

The Committee shall submit, without delay, all applications, the parties' observations and its own observations to the Court.

Article 60:

The arbitral Court may, without resorting again to the arguments and debates:

- 1-rectify the mistake of writing or calculation or any clerical error;
- 2- interpret a specific part of the award;

The award in one of the abovementioned case is considered part of the original award.

The Court must rule on applications for rectification or interpretation within thirty days as from referral.

Opposition and withdrawal are not admissible before the Court.

Article 61:

The Secretariat shall notify, without delay, each party the rectification interpretation award

Such notification is subject to the same notification requirements as those of the main award.

Article 62:

Records are kept by the Secretariat for five years as from the date of sentencing

THE ENFORCEMENT OF ARBITRAL AWARDS

Article 63 :

The Center supports, in the interests of the parties, the amicable enforcement of the award.

Arbitration rules

Annexes

Sample Form of Request for Arbitration

Arbitration clause

Arbitration ' fees

Request for Arbitration

Sample Form of Request for Arbitration

The Request for arbitration (application) sent by registered letter¹ or deposited at the Secretariat thereof, shall contain the following:

Request for Arbitration

1/ INFORMATION ON THE PARTIES:

The Claimant(s) :

Name of the Claimant :.....

Full Address:.....

.....

Telephone and facsimile numbers:.....

Details:.....

Counsel:

The Respondent:

Address of the defendant:.....

.....

Telephone and facsimile numbers :.....

Details:.....

2/ FACTS AND LEGAL ARGUMENTS:

General aspects of the litigation: please describe your litigation.

Summary of Facts:

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3.2/ Appointment of the arbitrator:

¹ Any request for arbitration, sent by post or filed, should not, after examination as to admissibility, be registered unless the applicant pays administrative fees.

Name and address

CV attached.

3.3/ Any additional information concerning the rules applicable to the procedure:

- The law applicable to the merits of the litigation
- The seat of the arbitration
.....
- The language of the arbitration
.....

4/ REQUEST FOR RELIEF:

Please indicate the requests:

- 1/.....
- 2/.....
- 3/.....

Signature of the Claimant (s)

Signature of Claimant or his counsel.

Date and place of signature.

This document is an example.

For additional assistance, please contact the Secretariat of the Mediation and Arbitration Center.

Secretariat of the Conciliation, Mediation and Arbitration Center of CACI

Tél/Fax : 021 96 46 25 / 021 39 45.94

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Arbitration clause

The Centre for Conciliation, Mediation and Arbitration invites parties wishing to submit their dispute to arbitration administered under its rules to insert the arbitration clause, below, in the contract between them:

"All disputes arising from this contract or in relation thereto shall be settled by arbitration under the Rules of CACI's Centre for Conciliation, Mediation and Arbitration by an arbitrator or three arbitrators * appointed in accordance with the said Rules "

* Alternative condition to choose taking into account the concrete circumstances of the case and among other things, its value.

Arbitration ' fees



Algerian Chamber of Commerce and Industry Center for Conciliation, Mediation and Arbitration (CCMA)

Schedule of arbitration' fees

In force since 26.02.2017

Amount of litigation (All taxes included)	Registration Fee (All taxes included)	Administrative fees (All taxes included)			Arbitrators' fees (All taxes included)	
		CCMA	Rapporteur	President	3arbitrators	Sole arbitrator
Less than 5,000,000	50,000	150,000	80,000	20,000	750,000	250,000
5,000,000 à 10,000,000	50,000	150,000	96,000	24,000	800,000	300,000
10,000,000 à 20,000,000	50,000	200,000	120,000	30,000	850,000	350,000
20,000,000 à 50,000,000	50,000	350,000	160,000	40,000	900,000	400,000
50,000,000 à 100,000,000	50,000	500,000	240,000	60,000	1,000,000	500,000
100,000,000 à 500,000,000	50,000	750,000	320,000	80,000	2,000,000	1,000,000
More than 500,000,000	50,000	1,000,000	400,000	100,000	3,000,000	1,500,000

Center of Conciliation, Mediation and arbitration

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