



**COMMERCIAL ARBITRATION CENTRE
PORTUGUESE CHAMBER OF COMMERCE AND INDUSTRY**

FAST TRACK ARBITRATION RULES

(1st April 2021)

Chapter I

Initial Provisions

Article 1

Scope of application

The Fast Track Arbitration Rules are applicable:

- a) When the Parties establish them in the arbitration agreement or in a subsequent agreement;
- b) When one of the Parties has proposed it and, the other party has not opposed it;
- c) By decision of the Chair of the Centre.

Article 2

Application of the Rules by initiative of one of the parties

1. If there is no previous agreement for the application of the Fast Track Arbitration Rules, the Claimant may request the application in the Request for Arbitration.
2. The Respondent shall respond to the invitation in their Answer, and silence on this matter shall be deemed to constitute acceptance.
3. The Respondent may also propose the application of the Fast Track Arbitration Rules in their response, and the Claimant shall be notified to respond on this matter.
4. If the Claimant does not say anything, it is considered that they accept the proposal for the application of the Fast Track Arbitration Rules.
5. In any of the events referred to in the previous paragraphs, the party who requests the application of the Fast Track Arbitration Rules must indicate the arbitrator which, if this does not apply, shall constitute the tribunal according to the Rules of Arbitration.



Article 3

Application of the Rules by decision of the Chair

1. The Chair of the Centre shall determine the application of the Fast Track Arbitration Rules in those proceedings which have a value equal to or less than €400,000, except if:

- a) The Parties have excluded their application in the arbitration agreement or in other subsequent agreement;
- b) Both Parties have been notified of that intention and oppose it;
- c) The circumstances of the situation are not appropriate for their application.

2. The Chair of the Centre can also determine the application of the Fast Track Arbitration Rules in those proceedings having a value greater than €400,000, when deemed appropriate and none of the parties oppose it.

Article 4

Alternative Application of the Rules of Arbitration

The Rules of Arbitration shall be applicable in all situations that are not expressly provided for.

Article 5

General time limits

The time limit to carry out any act that is not provided for in the Fast Track Arbitration Rules shall be five days.

Chapter II

Arbitral Tribunal

Article 6

Sole Arbitrator

The arbitral tribunal is constituted by a sole arbitrator.

Article 7

Designation of the arbitrator

1. Ten days after notification of the Answer, the parties may present the appointed arbitrator which they have agreed on.



2. Any of the Parties may, within the same time limit, request that the Chair of the Centre appoint the sole arbitrator.

Chapter III

Arbitral Proceedings

Article 8

Request for Arbitration

1. Whoever intends to submit a dispute to an arbitral tribunal according to the Fast Track Arbitration Rules shall present to the Secretariat the Request for Fast Track Arbitration, together with the arbitration agreement or the proposal addressed to the other party for execution.

2. In the Request for Fast Track Arbitration, which must not exceed 35 pages, the Claimant shall:

- a) Identify the parties, their addresses and if possible their email addresses;
- b) Describe all the relevant facts for the resolution of the dispute;
- c) Indicate their request and respective value;
- d) Attach all documents to evidence the alleged facts;
- e) Indicate the witnesses they intend to present;
- f) Attach the expert report of the expert they have indicated, when they intend to submit expert evidence;
- g) Refer to any other circumstance which they consider relevant.

Article 9

Service and Response

1. Within five days, the Secretariat shall serve the Respondent, issuing an original copy of the Request for Fast Track Arbitration and of the other accompanying documents.

2. The Respondent shall, within 20 days, present their answer, which shall not exceed 35 pages, and which shall:

- a) Take a position on the dispute and the application;
- b) Attach the documents for evidencing the alleged facts;
- c) Indicate the witnesses that they intend to present;
- d) Attach the expert report of the expert that they have indicated, or inform that they will do so within 20 days when they intend to produce the expert evidence;
- e) Refer to any other circumstance that they consider relevant.



3. On the request of the Respondent, the time limit to present the Answer may only be extended:

- a) By the Chair of the Centre in exceptional situations and after hearing the Claimant;
- b) By agreement of both parties.

Article 10

Rules of procedure and conduct of arbitration

1. The sole arbitrator may conduct the proceedings in the manner they deem most appropriate, taking into account the nature of the proceedings and giving the parties a reasonable opportunity to assert their rights.
2. Unless the Tribunal determines otherwise in accordance with the preceding paragraph, or if the parties agree to that effect, the proceedings will follow the provisions of the following articles.

Article 11

Decision on the jurisdiction of the arbitral tribunal

If the matter of the arbitral tribunal's lack of jurisdiction is raised, this is decided at the end of the arbitration, unless it concerns only part of the object of the dispute, in which case it can be decided immediately.

Article 12

Preparatory hearing

1. If the arbitration continues and the tribunal deems it appropriate for efficiency, the parties shall be called for a preparatory hearing, within the time limit of 20 days of the constitution of the arbitral tribunal.
2. After having heard the parties, the arbitral tribunal shall define in this hearing:
 - a) The issues that must be decided;
 - b) The provisional timetable of the proceedings that must include the date or dates of the final hearing;
 - c) In exceptional situations and considering the complexity of the case, the simultaneous presentation of new written submissions by the Parties;
 - d) Any changes to the evidence presented, establishing the rules and time limits for it to be produced;
 - e) If written witness statements shall be submitted, and the respective time limit;



- f) The applicable rules for the hearing, including the maximum time available for the production of evidence, which may not exceed twenty hours in total and must respect the principle of equality;
- g) The value of the arbitration, notwithstanding the possibility of subsequent modification.

Article 13

Documentary evidence

1. The documentary evidence of the alleged facts shall be attached to the initial case files, and subsequent documents shall not be admissible, except in exceptional circumstances pursuant to the following paragraph.
2. The party which intends to subsequently attach a document shall make such a request to the Tribunal, with a copy for the counterparty, explaining the relevance of the document, but without attaching it, which will only occur after authorisation by the Tribunal.

Article 14

Expert evidence

1. Expert evidence shall be provided by the experts appointed by the parties.
2. Expert reports shall be attached to the initial files in the terms established therein.
3. The expert report shall contain:
 - a) The full name and address of the expert witness;
 - b) The Declaration of independence of the parties and the object of the dispute, and must reveal any present or past relationship with the parties;
 - c) A summary of their professional curriculum, and its relevance to the subject matter of the expert evidence;
 - d) A description of the subject matter of the expert evidence, the relevant factual assumptions, and the elements consulted for the conclusions of the expert witness;
 - e) The facts and conclusions, duly justified;
 - f) The signature of the expert witness, and the date and location where it was carried out.
4. By request of any of the parties or by decision of the tribunal, the expert witnesses shall present clarifications together at the final hearing.
5. If the other party does not require oral declarations of the expert witness, this does not mean that they accept the facts which are the subject matter of the expert report.



Article 15

Witness Evidence

1. Each party shall present their witnesses, to a maximum of five each; in the event of a counterclaim, this limit will be double.
2. If the tribunal so decides in the preparatory hearing, the parties may present written witness statements.
3. Written witness statements shall contain:
 - a) The full name and address of the witness;
 - b) A declaration of their present or past relationship with the parties;
 - c) A summary of their professional curriculum, if its relevant for assessment of the statement;
 - d) A complete and detailed description of the facts and the sources of information of the witness;
 - e) A declaration that their testimony is true;
 - f) The signature of the witness, date and place where the witness statement took place.
4. If written witness statements are presented, the witnesses shall be heard orally, only if the counterparty so requests, or the tribunal so decides, and questioning shall be limited to the cross-examination and any clarifications of the tribunal.
5. If the counterparty does not request oral testimony, this does not mean that they accept the facts which are the subject matter of the written declarations.
6. If, after a request for oral declarations, the witness fails to present themselves without reasonable justification, the written declarations may not be taken into consideration as evidence.

Article 16

Post-hearing submissions

1. The parties may make submissions, of fact and of law:
 - a) Orally in the last session of the final hearing; or
 - b) In writing, within 10 days as of the last session of the final hearing.
2. The tribunal, if it considers it useful, may:
 - a) Limit the post-hearing submissions to specific issues of fact and law;
 - b) Limit the time for the oral post-hearing submissions, which shall not exceed 1 hour for each party;
 - c) Limit the extension of the written post-hearing submissions to a maximum of 35 pages.



Chapter IV

Arbitral award

Article 17

Time limit for the arbitration and the award

1. The award shall be rendered within 30 days as of the last session of the final hearing or as of the post-hearing submissions, whichever is later.
2. The total time limit for conclusion of the arbitration is 6 months, starting from the date of the tribunal's constitution.
3. The Chair of the Centre, in exceptional circumstances and on reasoned request of the arbitral tribunal, and having heard the parties, may extend the time limits established in the previous paragraphs.

Chapter V

Arbitration Costs

Article 18

Fees of the sole arbitrator

The fees of the sole arbitrator shall be established by the Chair of the Arbitration Centre, taking into consideration the value of the arbitration, pursuant to table number 1 annexed to the Fast Track Arbitration Rules.

Article 19

Administrative charges

1. The administrative charges for the arbitral proceedings are established by the Chair of the Arbitration Centre, taking into consideration the value of the arbitration pursuant to table number 2 attached.
2. The Claimant shall pay, for making the Request for Arbitration, a fixed amount equal to the minimum level in table number 2 attached, which, at the end of the arbitration proceedings, shall be credited in the settlement of the arbitration costs.



Chapter VI

Final and Transitional Provision

Article 20

Entry into force

1. Notwithstanding the provisions of paragraph 2 of this article, the Fast Track Arbitration Rules shall enter into force on 1 April 2021 and apply to all arbitrations commenced after that date.
2. These Rules shall not apply if one of the parties objects to their application, in the following cases:
 - a) The arbitration agreement was entered into before 1 March 2016;
 - b) The arbitration agreement was entered into after 1 March 2016 and before 1 April de 2021 and the value of the arbitration is greater than €200,000.00.



Administrative charges

TABLE NO. 1					
Arbitrator's fees					
Value of dispute (€)			Fees (€)		
Up to 100,000.00			5,445.00		
100,001.00	to	200,000.00	5,445.00 + 2.565%	of the amount in excess of	100,000.00
200,001.00	to	500,000.00	8,010.00 + 1.28%	of the amount in excess of	200,000.00
500,001.00	to	1,000,000.00	11,850.00 + 0.82%	of the amount in excess of	500,000.00
1 000,001.00	to	2,500,000.00	15,950.00 + 0.72%	of the amount in excess of	1,000,000.00
2 500,001.00	to	5,000,000.00	26,750.00 + 0.51%	of the amount in excess of	2,500,000.00
5 000,001.00	to	10,000,000.00	39,500.00 + 0.259%	of the amount in excess of	5,000,000.00
10,000,001.00	to	20,000,000.00	52,450.00 + 0.154%	of the amount in excess of	10,000,000.00
20,000,001.00	to	40,000,000.00	67,850.00 + 0.0924%	of the amount in excess of	20,000,000.00
40,000,001.00	to	80,000,000.00	86,330.00 + 0.077%	of the amount in excess of	40,000,000.00
80,000,001.00	to	120,000,000.00	117,130.00 + 0.0514%	of the amount in excess of	80,000,000.00
120,000,001.00	to	500,000,000.00	137,690.00 + 0.025%	of the amount in excess of	120,000,000.00
500,000,001.00	to	1,000,000,000.00	232,690.00 + 0.01%	of the amount in excess of	500,000,000.00

VAT is added at the statutory rate, when due



TABLE NO. 2					
Administrative costs					
Value of dispute (€)			Administrative costs (€)		
Up to 100,000.00			2,570.00		
100,001.00	to	200,000.00	2,570.00 + 2.05%	of the amount in excess of	100,000.00
200,001.00	to	500,000.00	4,620.00 + 1.03%	of the amount in excess of	200,000.00
500,001.00	to	1,000,000.00	7,710.00 + 0.205%	of the amount in excess of	500,000.00
1 000,001.00	to	2,500,000.00	8,735.00 + 0.102%	of the amount in excess of	1,000,000.00
2 500,001.00	to	5,000,000.00	10,265.00 + 0.082%	of the amount in excess of	2,500,000.00
5 000,001.00	to	10,000,000.00	12,315.00 + 0.051%	of the amount in excess of	5,000,000.00
10,000,001.00	to	20,000,000.00	14,865.99 + 0.041%	of the amount in excess of	10,000,000.00
20,000,001.00	to	40,000,000.00	18,965.00 + 0.031%	of the amount in excess of	20,000,000.00
40,000,001.00	to	80,000,000.00	23,165.00 + 0.021%	of the amount in excess of	40,000,000.00
80,000,001.00	to	120,000,000.00	33,565.00 + 0.011%	of the amount in excess of	80,000,000.00
120,000,001.00	to	500,000,000.00	37,965.00 + 0.005%	of the amount in excess of	120,000,000.00
500,000,001.00	to	1,000,000,000.00	56,965.00 + 0.002%	of the amount in excess of	500,000,000.00
		> 1,000,000,000.00	66,965.00		

VAT is added at the statutory rate, when due