



**Russian
Arbitration
Center**

at Russian
Institute
of Modern
Arbitration

Guidelines on Appointment of Arbitrators

Appointment of Arbitrators

1. The arbitrators shall be appointed according to the procedure established by the Arbitration Rules, taking into account the need for the RAC to ensure impartiality and independence at all stages of decision-making.
2. If a member of the Board or an employee of the Administrative Office administering the case discovers any circumstances that could raise doubts as to their impartiality or independence, that person must immediately notify the Board or the Executive Administrator of such circumstances, respectively. Additionally, such a person may not participate in the appointment of arbitrators for the particular arbitration where the respective circumstances were discovered.
3. The RAC shall consider as candidates for arbitrators both persons included in the united recommended list of arbitrators and databases of specialists of the RAC published on its official website, and other persons not included in such lists.
4. Appointment of the Arbitral Tribunal shall comply with the requirements established by the applicable laws, and the requirements for arbitrator agreed by the Parties should be observed as much as possible. For the purposes of the constitution of the Arbitral Tribunal, the following shall also be taken into account:
 - 1) nature and complexity of the dispute;
 - 2) qualifications and expertise of the candidates for arbitrators;
 - 3) applicable law;
 - 4) language of the arbitration and the documents submitted by the Parties;
 - 5) ability of the candidate to *de facto* participate in the resolution of the dispute, including his/her availability;
 - 6) seat of arbitration;
 - 7) location of the Parties and the candidate for arbitrator;
 - 8) whether the candidate is able to hold oral hearings in person or by video-conferencing;
 - 9) value of the claim;

- 10) potential costs of the Arbitral Tribunal;
 - 11) previous appointments as the arbitrator at the RAC and, if applicable, diversification of candidates for arbitrators;
 - 12) past experience of dispute resolution;
 - 13) citizenship and nationality of the Parties and the candidate for arbitrator;
 - 14) national and cultural background of the Parties and the candidate for arbitrator;
 - 15) gender, age, and geographic diversity;
 - 16) balance of experience, qualifications, and seniority in the Arbitral Tribunal;
 - 17) other factors relevant to the appointment of a competent, impartial, and independent arbitrator.
5. The Administrative Office shall put forward a provisional list of candidates for arbitrators to be considered by the Board. The Board shall form the list of candidates for arbitrators; a note with brief information about the case shall be sent to them to verify the absence of conflicts of interest and to obtain their consent.
 6. The candidate for arbitrator must disclose any facts, circumstances, or relationships that could give rise to justifiable doubts as to his/her impartiality and independence. Any such doubts should be interpreted in favor of disclosing the respective circumstances.
 7. Based on the voting results, the Board shall adopt an order on the constitution of the Arbitral Tribunal, based on which the Administrative Office shall send a notice on the constitution of the Arbitral Tribunal in the manner prescribed by the RAC rules.

Members of the Board Acting as Arbitrators

8. The members of the Board may act as arbitrators in an arbitration administered by the RAC if they are chosen by a Party or agreed upon by the Parties.
9. The members of the Board may be appointed as arbitrators by the Board of the RAC provided that they are not acting as the President of the Board or

the President of a Subcommittee and subject to the provisions of paragraphs 10 and 11 of these Guidelines.

10. A member of the Board shall not propose himself/herself or other members of the Board for the candidate for the arbitrator. The Administrative Office may put forward the members of the Board as candidates for arbitrators in exceptional circumstances, if, taking into account the circumstances of a particular case, such candidate best meet the requirements set out in paragraph 4 of these Guidelines; for example if the candidate has unique qualification to consider this particular dispute.
11. The members of the Board acting as arbitrators shall not participate in the appointment of the Arbitral Tribunal in the case that they are arbitrating, as well as in the Board's exercise of any other functions with respect to such a case. The members of the Board proposed as candidates for arbitrators shall not participate in the appointment of the Arbitral Tribunal in the respective case.

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