



THE CAIRO REGIONAL
CENTRE FOR INTERNATIONAL
COMMERCIAL ARBITRATION
مركز القاهرة الإقليمي
للتحكيم التجاري الدولي

Practice Notes

Under the Arbitration Rules
in force since 15 January 2024

December 2025



Introduction

1. The following practice notes (the “Practice Notes”) of the Cairo Regional Centre for International Commercial Arbitration (the “Centre” or “CRCICA”) shall guide the Centre’s policies regarding the following decisions under CRCICA’s Arbitration Rules in force since 15 January 2024 (the “Rules”):
 - I. The Appointment of the Arbitral Tribunal by the Centre in Multiparty Arbitrations.**
 - II. The Arbitrator’s Duty of Disclosure.**
 - III. The Determination of the Arbitration Costs in case of Decrease of the Value of Claims, Counterclaims or Set-offs.**
 - IV. Deciding on Requests for Consolidation.**
2. The Practice Notes shall apply where the parties have agreed to refer their disputes to arbitration under the Rules.
3. The Centre’s role and discretion in the above-mentioned matters shall be determined pursuant to its Rules and its decisions, as explained in the following Practice Notes.
4. The present Practice Notes have been approved by the Centre’s Advisory Committee (“AC”) in its meetings held in 2024 and 2025 and will provide guidance in all currently pending CRCICA cases subject to the Rules.

Practice Notes

I. The Appointment of the Arbitral Tribunal by the Centre in Multiparty Arbitrations

1. Article 11(1) of the Rules states:

"For the purpose of article 10, paragraph 1 of the Rules, where three arbitrators are to be appointed and there are multiple parties as claimant or as respondent, unless the parties have agreed to another method of appointment of arbitrators, the multiple parties jointly, whether as claimant or as respondent, shall nominate an arbitrator".

2. Article 11(2) of the Rules states:

"If the concerned multiple parties fail to nominate an arbitrator within the time limit set forth under article 10, paragraph 2 or 4 of the Rules, as the case may be, the Centre shall appoint such arbitrator pursuant to article 10, paragraph 2 or 4 of the Rules".

3. Article 11(4) of the Rules states:

"In the event of any failure to constitute the arbitral tribunal under this article, the Centre shall constitute the arbitral tribunal, and in doing so, may revoke any appointment already made, and appoint or reappoint each of the arbitrators and designate one of them as the presiding arbitrator".

4. The application of these three paragraphs of Article 11 of the Rules gave rise to three cases:
 - a. The case where the multiple respondents have not made any nominations at all or do not participate in the proceedings.
 - b. The case where the multiple respondents nominate more than one arbitrator instead of jointly nominating one.
 - c. The case where one or more respondents nominate an arbitrator or more than one arbitrator, while the remaining respondent(s) fail to make a nomination or do not participate in the proceedings.
5. In case (a), It is the Centre's practice to appoint an arbitrator on behalf of the defaulting respondents pursuant to Article 11(2) of the Rules.

6. It is the Centre's practice to consider that cases (b) and (c) amount to a failure to constitute the arbitral tribunal under Article 11, and therefore, the Centre shall constitute the tribunal, and in doing so, may revoke any appointment already made, and appoint or reappoint each of the arbitrators and designate one of them as the presiding arbitrator.

II. The Arbitrator's Duty of Disclosure

1. **Article 12(1)** of the Rules states:

"When a person is approached in connection with his or her possible appointment as an arbitrator, he or she shall disclose any circumstances likely to give rise to justifiable doubts as to his or her impartiality or independence. An arbitrator, from the time of his or her appointment and throughout the arbitral proceedings, shall without delay disclose in writing any such circumstances. Any doubts as to the duty to disclose a fact, circumstance or a relationship shall be interpreted in favour of disclosure."

2. **Article 12(2)** of the Rules states:

"The appointment of an arbitrator shall be completed only upon the acceptance of his or her mission. A prospective arbitrator shall submit, within one week after being notified of his or her nomination, a written statement confirming his or her acceptance, availability, impartiality and independence. By accepting his or her mission, the arbitrator shall comply with the Rules. The Centre shall send a copy of the statement of acceptance, availability, impartiality and independence to the parties and the other arbitrators."

3. **Article 12(3)** of the Rules states:

"In all cases, the Centre may, upon the approval of the Advisory Committee, not proceed with the appointment of any arbitrator due to past failure(s) to comply with his or her duties under the Rules."

4. It is the Centre's practice to require arbitrators approached with a possible appointment, and once appointed, to disclose any fact or circumstance likely to give rise to justifiable doubts as to his or her impartiality or independence. In making such a disclosure, arbitrators are expected to take into account all relevant circumstances, and to seek guidance from the *IBA Guidelines on Conflicts of Interest in International Arbitration*.
5. The arbitrator's duty of disclosure is ongoing, extending throughout the entirety of the arbitral proceedings. As a result, an arbitrator is required to disclose any new facts or circumstances likely to give rise to justifiable doubts as to his or her impartiality or independence, as soon as the arbitrator becomes aware of such facts or circumstances.

6. In making his or her disclosure, the arbitrator must also consider relationships with other members of the tribunal, witnesses and experts as well as with third-parties that affect or may be affected by the arbitration, such as third-party funders, if known or if they should have been known by the arbitrator at any point during the proceedings. Any disclosure should be complete and specific, identifying *inter alia* relevant dates (both start and end dates), financial arrangements, details of companies and individuals, and all other relevant information.
7. The disclosure of a certain circumstance does not exclude the possibility of a successful challenge against the arbitrator, following a timely objection by one of the parties to his or her appointment.
8. Similarly, a disclosure does not constitute an admission of bias nor does it imply the existence of a conflict. Nevertheless, while failure to disclose a relevant fact or circumstance is not in itself sufficient to sustain a challenge against an arbitrator, it may be a factor in the tripartite *ad hoc* committee's determination of the challenge.
9. To assist arbitrators in discharging their duty of disclosure, it is also the Centre's practice to require them to complete a dedicated questionnaire, appended to the Statement of Acceptance, Availability, Impartiality and Independence ("SAAIL"). Per Article 12(2) of the Rules, an arbitrator is deemed to have accepted his or her mission on the date they sign their SAAIL.

III. The Determination of the Arbitration Costs in case of Decrease of the Value of Claims, Counterclaims or Set-offs

1. **Article 22** of the Rules states:

"During the course of the arbitral proceedings, a party may amend or supplement its claim, defence, counterclaim or a claim for the purpose of a set-off, unless the arbitral tribunal considers it inappropriate to allow such amendment or supplement having regard to the delay in making it or prejudice to other parties or any other circumstances. However, a claim, defence, counterclaim or a claim for the purpose of a set-off may not be amended or supplemented in such a manner that the amended or supplemented claim or defence falls outside the jurisdiction of the arbitral tribunal."

2. **Article 44(1) and (2)** of the Rules states:

"1. The Administrative Fees shall be determined based on the sum in dispute in accordance with Table 1 of Annex 1 to the Rules.

2. The sum in dispute shall be the aggregate value of all claims, counterclaims and set-offs, save for the cases where the Centre fixes separate Costs for the claims and the counterclaims in accordance with article 46, paragraph 3 of the Rules."

3. **Article 45(1) and (2)** of the Rules states:

"1. The Fees of the Arbitral Tribunal shall be determined based on the sum in dispute in accordance with the fees of the sole arbitrator in accordance with Table 2 of Annex 1 to the Rules and the fees of three or more arbitrators in accordance with Table 3 of Annex 1 to the Rules.

2. The sum in dispute shall be the aggregate value of all claims, counterclaims and set-offs, save for the cases where the Centre fixes separate Costs for the claims and the counterclaims in accordance with article 46, paragraph 3 of the Rules."

4. It is the Centre's practice that where a party decreases the value of its claims, including counterclaims or set-offs, after submitting the Statement of Reply or the Statement of Rejoinder (i.e. second round of submissions), as the case may be, the Centre shall not alter its existing determination of the Administrative Fees and the Fees of the Arbitral Tribunal.

IV. Deciding on Requests for Consolidation

1. Article 50(1) of the Rules states:

"A party may file a request to the Centre to consolidate two or more arbitrations pending under the Rules into a single arbitration ("Request for Consolidation"). The Centre may, upon the approval of the Advisory Committee, accept or reject the Request for Consolidation provided that any of the following criteria is satisfied in respect of the arbitrations to be consolidated:

- a. All parties have agreed in writing to consolidation;*
- b. All of the claims in the arbitrations are made under the same arbitration agreement or agreements; or*
- c. The claims in the arbitrations are not made under the same arbitration agreement or agreements and the Centre finds the arbitration agreements to be compatible and the disputes in the arbitrations arise in connection with the same legal relationship, the disputes arise out of contracts consisting of a principal contract and its ancillary contract(s); or the disputes arise out of the same transaction or series of transactions."*

2. It is the Centre's practice under Article 50(1) of the Rules to refer requests for consolidation to the Advisory Committee only in instances where the relevant Request for Consolidation has been met with opposition from any of the parties in any of the arbitrations the consolidation of which is requested. In those instances, the Centre shall seek the approval of the Advisory Committee prior to deciding on the Request for Consolidation.
3. Conversely, if all relevant parties have provided written agreement to the consolidation in accordance with Article 50(1)(a) of the Rules, the Centre is not required to seek the Advisory Committee's approval before accepting the Request for Consolidation.



Scan the Rules

www.crcica.org



1 Al Saleh Ayoub St.
Zamalek 11211 Cairo, Egypt



info@crcica.org



T: (+202) 27351333/5/7
F: (+202) 27351336