

## ARTICLE 1

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### Advance on Costs

- 1 Each request to commence an arbitration pursuant to the Rules must be accompanied by a filing fee of US\$ 5,000. Such payment is non-refundable and shall be credited to the claimant's portion of the advance on costs.
- 2 The provisional advance fixed by the Secretary General according to Article 37(1) of the Rules shall normally not exceed the amount obtained by adding together the ICC administrative expenses, the minimum of the fees (as set out in the scales hereinafter) based upon the amount of the claim and the expected reimbursable expenses of the arbitral tribunal incurred with respect to the drafting of the Terms of Reference or the holding of the case management conference. If such amount is not quantified, the provisional advance shall be fixed at the discretion of the Secretary General. Payment by the claimant shall be credited to its share of the advance on costs fixed by the Court.
- 3 In general, the arbitral tribunal shall, in accordance with Article 37(6) of the Rules, proceed only with respect to those claims or counterclaims in regard to which the whole of the advance on costs has been paid.
- 4 The advance on costs fixed by the Court according to Articles 37(2) or 37(4) of the Rules comprises the fees of the arbitrator or arbitrators (hereinafter referred to as "arbitrator"), any arbitration-related expenses of the arbitrator and the ICC administrative expenses.
- 5 Each party shall pay its share of the total advance on costs in cash. However, if a party's share of the advance on costs is greater than US\$ 500,000 (the "Threshold Amount"), such party may post a bank guarantee for any amount above the Threshold Amount. The Court may modify the Threshold Amount at any time at its discretion.

- 6 The Court may authorize the payment of advances on costs, or any party's share thereof, in instalments, subject to such conditions as the Court thinks fit, including the payment of additional ICC administrative expenses.
- 7 A party that has already paid in full its share of the advance on costs fixed by the Court may, in accordance with Article 37(5) of the Rules, pay the unpaid portion of the advance owed by the defaulting party by posting a bank guarantee.
- 8 When the Court has fixed separate advances on costs pursuant to Article 37(3) of the Rules, the Secretariat shall invite each party to pay the amount of the advance corresponding to its respective claim(s).
- 9 When, as a result of the fixing of separate advances on costs, the separate advance fixed for the claim of either party exceeds one half of such global advance as was previously fixed (in respect of the same claims and counterclaims that are the subject of separate advances), a bank guarantee may be posted to cover any such excess amount. In the event that the amount of the separate advance is subsequently increased, at least one half of the increase shall be paid in cash.
- 10 The Secretariat shall establish the terms governing all bank guarantees which the parties may post pursuant to the above provisions.
- 11 As provided in Article 37(5) of the Rules, the advance on costs may be subject to readjustment at any time during the arbitration, in particular to take into account fluctuations in the amount in dispute, changes in the amount of the estimated expenses of the arbitrator, or the evolving difficulty or complexity of arbitration proceedings.
- 12 Before any expertise ordered by the arbitral tribunal can be commenced, the parties, or one of them, shall pay an advance on costs fixed by the arbitral tribunal sufficient to cover the expected fees and expenses of the expert as determined by the arbitral tribunal. The arbitral tribunal shall be responsible for ensuring the payment by the parties of such fees and expenses.
- 13 The amounts paid as advances on costs do not yield interest for the parties or the arbitrator.

## ARTICLE 2

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### Costs and Fees

- 1 Subject to Article 38(2) of the Rules, the Court shall fix the fees of the arbitrator in accordance with the scales hereinafter set out or, where the amount in dispute is not stated, at its discretion.
- 2 In setting the arbitrator's fees, the Court shall take into consideration the diligence and efficiency of the arbitrator, the time spent, the rapidity of the proceedings, the complexity of the dispute and the timeliness of the submission of the draft award, so as to arrive at a figure within the limits specified or, in exceptional circumstances (Article 38(2) of the Rules), at a figure higher or lower than those limits.
- 3 When a case is submitted to more than one arbitrator, the Court, at its discretion, shall have the right to increase the total fees up to a maximum which shall normally not exceed three times the fees of one arbitrator.
- 4 The arbitrator's fees and expenses shall be fixed exclusively by the Court as required by the Rules. Separate fee arrangements between the parties and the arbitrator are contrary to the Rules.
- 5 The Court shall fix the ICC administrative expenses of each arbitration in accordance with the scales hereinafter set out or, where the amount in dispute is not stated, at its discretion. Where the parties have agreed upon additional services, or in exceptional circumstances, the Court may fix the ICC administrative expenses at a lower or higher figure than that which would result from the application of such scale, provided that such expenses shall normally not exceed the maximum amount of the scale.
- 6 At any time during the arbitration, the Court may fix as payable a portion of the ICC administrative expenses corresponding to services that have already been performed by the Court and the Secretariat.
- 7 The Court may require the payment of administrative expenses in addition to those provided in the scale of administrative expenses as a condition for holding an arbitration in abeyance at the request of the parties or of one of them with the acquiescence of the other.

**ICC ARBITRATION RULES**  
**APPENDIX III – ARBITRATION COSTS AND FEES**

- 8 If an arbitration terminates before the rendering of a final award, the Court shall fix the fees and expenses of the arbitrators and the ICC administrative expenses at its discretion, taking into account the stage attained by the arbitral proceedings and any other relevant circumstances.
- 9 Any amount paid by the parties as an advance on costs exceeding the costs of the arbitration fixed by the Court shall be reimbursed to the parties having regard to the amounts paid.
- 10 In the case of an application under Article 36(2) of the Rules or of a remission pursuant to Article 36(4) of the Rules, the Court may fix an advance to cover additional fees and expenses of the arbitral tribunal and additional ICC administrative expenses and may make the transmission of such application to the arbitral tribunal subject to the prior cash payment in full to the ICC of such advance. The Court shall fix at its discretion the costs of the procedure following an application or a remission, which shall include any possible fees of the arbitrator and ICC administrative expenses, when approving the decision of the arbitral tribunal.
- 11 The Secretariat may require the payment of administrative expenses in addition to those provided in the scale of administrative expenses for any expenses arising in relation to a request pursuant to Article 35(5) of the Rules.
- 12 When an arbitration is preceded by proceedings under the ICC Mediation Rules, one half of the ICC administrative expenses paid for such proceedings shall be credited to the ICC administrative expenses of the arbitration.
- 13 Amounts paid to the arbitrator do not include any possible value added tax (VAT) or other taxes or charges and imposts applicable to the arbitrator's fees. Parties have a duty to pay any such taxes or charges; however, the recovery of any such charges or taxes is a matter solely between the arbitrator and the parties.
- 14 Any ICC administrative expenses may be subject to value added tax (VAT) or charges of a similar nature at the prevailing rate.

## ARTICLE 3

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### **Scales of Administrative Expenses and Arbitrator's Fees**

- 1 The scales of administrative expenses and arbitrator's fees set forth below shall be effective as of 1 January 2017 in respect of all arbitrations commenced on or after such date, irrespective of the version of the Rules applying to such arbitrations.
- 2 To calculate the ICC administrative expenses and the arbitrator's fees, the amounts calculated for each successive tranche of the amount in dispute must be added together, except that where the amount in dispute is over US\$ 500 million, a flat amount of US\$ 150,000 shall constitute the entirety of the ICC administrative expenses.
- 3 The scales of administrative expenses and arbitrator's fees for the expedited procedure set forth below shall be effective as of 1 March 2017 in respect of all arbitrations commenced on or after such date, irrespective of the version of the Rules applying to such arbitrations. When parties have agreed to the expedited procedure pursuant to Article 30(2), subparagraph b), the scales for the expedited procedure will apply.
- 4 All amounts fixed by the Court or pursuant to any of the appendices to the Rules are payable in US\$ except where prohibited by law or decided otherwise by the Court, in which case the ICC may apply a different scale and fee arrangement in another currency.

SCALES OF ADMINISTRATIVE EXPENSES AND  
ARBITRATOR'S FEES

**B Arbitrator's Fees**

| Amount in dispute (in US Dollars) | Fees**  |          |
|-----------------------------------|---------|----------|
|                                   | minimum | maximum  |
| up to 50,000                      | \$3,000 | 18.0200% |
| from 50,001 to 100,000            | 2.6500% | 13.5680% |
| from 100,001 to 200,000           | 1.4310% | 7.6850%  |
| from 200,001 to 500,000           | 1.3670% | 6.8370%  |
| from 500,001 to 1,000,000         | 0.9540% | 4.0280%  |
| from 1,000,001 to 2,000,000       | 0.6890% | 3.6040%  |
| from 2,000,001 to 5,000,000       | 0.3750% | 1.3910%  |
| from 5,000,001 to 10,000,000      | 0.1280% | 0.9100%  |
| from 10,000,001 to 30,000,000     | 0.0640% | 0.2410%  |
| from 30,000,001 to 50,000,000     | 0.0590% | 0.2280%  |
| from 50,000,001 to 80,000,000     | 0.0330% | 0.1570%  |
| from 80,000,001 to 100,000,000    | 0.0210% | 0.1150%  |
| from 100,000,001 to 500,000,000   | 0.0110% | 0.0580%  |
| over 500,000,000                  | 0.0100% | 0.0400%  |

\*\* For illustrative purposes only, the table on page 58 indicates the resulting range of fees in US\$ when the proper calculations have been made.

**A Administrative Expenses**

| Amount in dispute (in US Dollars) | Administrative expenses* |
|-----------------------------------|--------------------------|
| up to 50,000                      | \$5,000                  |
| from 50,001 to 100,000            | 1.53%                    |
| from 100,001 to 200,000           | 2.72%                    |
| from 200,001 to 500,000           | 2.25%                    |
| from 500,001 to 1,000,000         | 1.62%                    |
| from 1,000,001 to 2,000,000       | 0.788%                   |
| from 2,000,001 to 5,000,000       | 0.46%                    |
| from 5,000,001 to 10,000,000      | 0.25%                    |
| from 10,000,001 to 30,000,000     | 0.10%                    |
| from 30,000,001 to 50,000,000     | 0.09%                    |
| from 50,000,001 to 80,000,000     | 0.01%                    |
| from 80,000,001 to 500,000,000    | 0.0123%                  |
| over 500,000,000                  | \$150,000                |

\* For illustrative purposes only, the table on page 57 indicates the resulting administrative expenses in US\$ when the proper calculations have been made.

## SCALES OF ADMINISTRATIVE EXPENSES AND ARBITRATOR'S FEES

| <b>Amount in Dispute<br/>(in US Dollars)</b> | <b>A Administrative Expenses*<br/>(in US Dollars)</b> |
|--|---|
| upto 50,000                                  | 5,000   |
| from 50,001 to 100,000                       | 5,000 + 1.53% of amt. over 50,000                     |
| from 100,001 to 200,000                      | 5,765 + 2.72% of amt. over 100,000                    |
| from 200,001 to 500,000                      | 8,485 + 2.25% of amt. over 200,000                    |
| from 500,001 to 1,000,000                    | 15,235 + 1.62% of amt. over 500,000                   |
| from 1,000,001 to 2,000,000                  | 23,335 + 0.788% of amt. over 1,000,000                |
| from 2,000,001 to 5,000,000                  | 31,215 + 0.46% of amt. over 2,000,000                 |
| from 5,000,001 to 10,000,000                 | 45,015 + 0.25% of amt. over 5,000,000                 |
| from 10,000,001 to 30,000,000                | 57,515 + 0.10% of amt. over 10,000,000                |
| from 30,000,001 to 50,000,000                | 77,515 + 0.09% of amt. over 30,000,000                |
| from 50,000,001 to 80,000,000                | 95,515 + 0.01% of amt. over 50,000,000                |
| from 80,000,001 to 500,000,000               | 98,515 + 0.0123% of amt. over 80,000,000              |
| over 500,000,000                             | 150,000   |

\* See page 56.

SCALES OF ADMINISTRATIVE EXPENSES AND  
ARBITRATOR'S FEES

| <b>B Arbitrator's Fees**</b>                |  |
|---|--|
| <b>Amount in Dispute</b><br>(in US Dollars) | <b>(in US Dollars)</b>                     |
| <b>Minimum</b>                              | <b>Maximum</b>                             |
| up to 50,000                                | 18.0200% of amount in dispute              |
| from 50,001 to 100,000                      | 9,010 + 13.5680% of amt. over 50,000       |
| from 100,001 to 200,000                     | 15,794 + 7.6850% of amt. over 100,000      |
| from 200,001 to 500,000                     | 23,479 + 6.8370% of amt. over 200,000      |
| from 500,001 to 1,000,000                   | 43,990 + 4.0280% of amt. over 500,000      |
| from 1,000,001 to 2,000,000                 | 64,130 + 3.6040% of amt. over 1,000,000    |
| from 2,000,001 to 5,000,000                 | 100,170 + 1.3910% of amt. over 2,000,000   |
| from 5,000,001 to 10,000,000                | 141,900 + 0.9100% of amt. over 5,000,000   |
| from 10,000,001 to 30,000,000               | 187,400 + 0.2410% of amt. over 10,000,000  |
| from 30,000,001 to 50,000,000               | 235,600 + 0.2280% of amt. over 30,000,000  |
| from 50,000,001 to 80,000,000               | 281,200 + 0.1570% of amt. over 50,000,000  |
| from 80,000,001 to 100,000,000              | 328,300 + 0.1150% of amt. over 80,000,000  |
| from 100,000,001 to 500,000,000             | 351,300 + 0.0580% of amt. over 100,000,000 |
| over 500,000,000                            | 583,300 + 0.0400% of amt. over 500,000,000 |

\*\* See page 56.



## SCALES OF ADMINISTRATIVE EXPENSES AND ARBITRATOR'S FEES FOR THE EXPEDITED PROCEDURE

### B Arbitrator's Fees

| Amount in dispute (in US Dollars) | Fees**  |          |
|-----------------------------------|---------|----------|
|                                   | minimum | maximum  |
| up to 50,000                      | \$2,400 | 14.4160% |
| from 50,001 to 100,000            | 2.1200% | 10.8544% |
| from 100,001 to 200,000           | 1.1448% | 6.1480%  |
| from 200,001 to 500,000           | 1.0936% | 5.4696%  |
| from 500,001 to 1,000,000         | 0.7632% | 3.2224%  |
| from 1,000,001 to 2,000,000       | 0.5512% | 2.8832%  |
| from 2,000,001 to 5,000,000       | 0.3000% | 1.1128%  |
| from 5,000,001 to 10,000,000      | 0.1024% | 0.7280%  |
| from 10,000,001 to 30,000,000     | 0.0512% | 0.1928%  |
| from 30,000,001 to 50,000,000     | 0.0472% | 0.1824%  |
| from 50,000,001 to 80,000,000     | 0.0264% | 0.1256%  |
| from 80,000,001 to 100,000,000    | 0.0168% | 0.0920%  |
| from 100,000,001 to 500,000,000   | 0.0088% | 0.0464%  |
| over 500,000,000                  | 0.0080% | 0.0320%  |

\*\* For illustrative purposes only, the table on page 61 indicates the resulting range of fees in US\$ when the proper calculations have been made.

### A Administrative Expenses

| Amount in dispute (in US Dollars) | Administrative expenses* |
|-----------------------------------|--------------------------|
| up to 50,000                      | \$5,000                  |
| from 50,001 to 100,000            | 1.53%                    |
| from 100,001 to 200,000           | 2.72%                    |
| from 200,001 to 500,000           | 2.25%                    |
| from 500,001 to 1,000,000         | 1.62%                    |
| from 1,000,001 to 2,000,000       | 0.788%                   |
| from 2,000,001 to 5,000,000       | 0.46%                    |
| from 5,000,001 to 10,000,000      | 0.25%                    |
| from 10,000,001 to 30,000,000     | 0.10%                    |
| from 30,000,001 to 50,000,000     | 0.09%                    |
| from 50,000,001 to 80,000,000     | 0.01%                    |
| from 80,000,001 to 500,000,000    | 0.0123%                  |
| over 500,000,000                  | \$150,000                |

\* For illustrative purposes only, the table on page 60 indicates the resulting administrative expenses in US\$ when the proper calculations have been made.

**SCALES OF ADMINISTRATIVE EXPENSES AND  
 ARBITRATOR'S FEES FOR THE EXPEDITED PROCEDURE**

| <b>Amount in Dispute</b>       | <b>A Administrative Expenses*</b>        |
|--------------------------------|--|
| <b>(in US Dollars)</b>         | <b>(in US Dollars)</b>                   |
| up to 50,000                   | 5,000                                    |
| from 50,001 to 100,000         | 5,000 + 1.53% of amt. over 50,000        |
| from 100,001 to 200,000        | 5,765 + 2.72% of amt. over 100,000       |
| from 200,001 to 500,000        | 8,485 + 2.25% of amt. over 200,000       |
| from 500,001 to 1,000,000      | 15,235 + 1.62% of amt. over 500,000      |
| from 1,000,001 to 2,000,000    | 23,335 + 0.788% of amt. over 1,000,000   |
| from 2,000,001 to 5,000,000    | 31,215 + 0.46% of amt. over 2,000,000    |
| from 5,000,001 to 10,000,000   | 45,015 + 0.25% of amt. over 5,000,000    |
| from 10,000,001 to 30,000,000  | 57,515 + 0.10% of amt. over 10,000,000   |
| from 30,000,001 to 50,000,000  | 77,515 + 0.09% of amt. over 30,000,000   |
| from 50,000,001 to 80,000,000  | 95,515 + 0.01% of amt. over 50,000,000   |
| from 80,000,001 to 500,000,000 | 98,515 + 0.0123% of amt. over 80,000,000 |
| over 500,000,000               | 150,000                                  |

\* See page 59.

**SCALES OF ADMINISTRATIVE EXPENSES AND  
ARBITRATOR'S FEES FOR THE EXPEDITED PROCEDURE**

| <b>Amount in Dispute<br/>(in US Dollars)</b> | <b>B Arbitrator's Fees**<br/>(in US Dollars)</b> | <b>Minimum</b>                            | <b>Maximum</b>                             |
|--|--|---|--|
| up to 50,000                                 |  | 2,400                                     | 14.4160% of amount in dispute              |
| from 50,001 to 100,000                       |  | 2,400 + 2.1200% of amt. over 50,000       | 7,208 + 10.8544% of amt. over 50,000       |
| from 100,001 to 200,000                      |  | 3,460 + 1.1448% of amt. over 100,000      | 12,635 + 6.1480% of amt. over 100,000      |
| from 200,001 to 500,000                      |  | 4,605 + 1.0936% of amt. over 200,000      | 18,783 + 5.4696% of amt. over 200,000      |
| from 500,001 to 1,000,000                    |  | 7,886 + 0.7632% of amt. over 500,000      | 35,192 + 3.2224% of amt. over 500,000      |
| from 1,000,001 to 2,000,000                  |  | 11,702 + 0.5512% of amt. over 1,000,000   | 51,304 + 2.8832% of amt. over 1,000,000    |
| from 2,000,001 to 5,000,000                  |  | 17,214 + 0.3000% of amt. over 2,000,000   | 80,136 + 1.1128% of amt. over 2,000,000    |
| from 5,000,001 to 10,000,000                 |  | 26,214 + 0.1024% of amt. over 5,000,000   | 113,520 + 0.7280% of amt. over 5,000,000   |
| from 10,000,001 to 30,000,000                |  | 31,334 + 0.0512% of amt. over 10,000,000  | 149,920 + 0.1928% of amt. over 10,000,000  |
| from 30,000,001 to 50,000,000                |  | 41,574 + 0.0472% of amt. over 30,000,000  | 188,480 + 0.1824% of amt. over 30,000,000  |
| from 50,000,001 to 80,000,000                |  | 51,014 + 0.0264% of amt. over 50,000,000  | 224,960 + 0.1256% of amt. over 50,000,000  |
| from 80,000,001 to 100,000,000               |  | 58,934 + 0.0168% of amt. over 80,000,000  | 262,640 + 0.0920% of amt. over 80,000,000  |
| from 100,000,001 to 500,000,000              |  | 62,294 + 0.0088% of amt. over 100,000,000 | 281,040 + 0.0464% of amt. over 100,000,000 |
| over 500,000,000                             |  | 97,494 + 0.0080% of amt. over 500,000,000 | 466,640 + 0.0320% of amt. over 500,000,000 |

\*\* See page 59.