

# FAI AWARD CHECKLIST

The FAI Award Checklist aims to support the arbitral tribunal in the drafting of arbitral awards under the Arbitration Rules of the Finland Chamber of Commerce and the Rules for Expedited Arbitration of the Finland Chamber of Commerce. The checklist is not exhaustive nor binding on the arbitral tribunal but intended to give general recommendations for a high-quality and enforceable award for each individual case.

The arbitral award shall comply with the provisions of the parties' arbitration agreement, the applicable institutional arbitration rules and the law applicable to the arbitration (*lex arbitri*). Further, in certain cases, it is appropriate to observe mandatory requirements as to form and content of the award for enforcement purposes.

## BASIC INFORMATION

### Front page of the award

Applicable institutional arbitration rules (Arbitration Rules of the Finland Chamber of Commerce / Rules for Expedited Arbitration of the Finland Chamber of Commerce)

FAI reference case number (for example, "FAI 01/2024")

Parties' names

Type of award (interim award, partial award, final award, consent award, additional award)

Date and place (legal place of arbitration, i.e., the seat of the arbitration) of the award

### Information about the parties

Identification of the parties

Any change of the parties' names during the arbitration

Abbreviations used to refer to the parties (the designations "Claimant" and "Respondent" are not recommended)

Business identification numbers of the parties, where applicable

Personal identification number or date of birth of private individuals

Domicile/Place of Business

Parties' complete addresses

Parties' counsel's names and contact details

### **Arbitral Tribunal**

Name(s) of arbitrator(s) (indication of the presiding arbitrator, if a three-member tribunal was appointed)

Professional titles

Contact details

### **Subject Matter**

Short heading (for example, "Shareholders' Agreement Dispute")

## **STRUCTURE OF THE ARBITRAL AWARD**

### **General notes**

Table of contents (unless the arbitral award is very short)

Pages numbered

Paragraphs numbered

Abbreviations defined and used consistently

### **Arbitration Agreement**

Verbatim citation of the underlying arbitration agreement and any amendments thereto

Parties to the arbitration agreement (clarify the identity of any parties to the arbitration that are different from the parties to the underlying arbitration agreement)

Number of arbitrators (where the number of arbitrators has not been agreed upon in the arbitration agreement, indication of how the number of arbitrators has been determined)

Language of the arbitration (where the language of the arbitration has not been agreed upon in the arbitration agreement, indication of how the language of the arbitration has been determined)

Seat of arbitration (where the seat of arbitration has not been agreed upon in the arbitration agreement, indication of how the seat of arbitration has been determined)

Law or rules of law applicable to the merits of the dispute (where the parties have not agreed upon the law or rules of law applicable to the merits of the dispute, indication of how the law or rules of law applicable to the merits of the dispute has been determined)

Applicable version of the institutional rules (e.g., Arbitration Rules of the Finland Chamber of Commerce, in force as of 1 January 2024)

### **Commencement of the Arbitration and Constitution of the Arbitral Tribunal**

Brief description of the commencement of the arbitration (including details of the submissions filed)

Date of commencement of the arbitration

Constitution of the arbitral tribunal (information on who nominated/appointed the arbitrator(s) and confirmation of the arbitrator(s))

Objection to the confirmation of an arbitrator (where one of the parties has objected to the confirmation of an arbitrator, reference to the Arbitration Institute's Board's decision on confirmation of the arbitrator)

Arbitral tribunal's secretary (where applicable, reference to any use of a tribunal secretary and to the fact that the parties were consulted before the appointment of the secretary)

### **Proceedings before the arbitral tribunal**

Description of the stages of the arbitration, stating all main decisions and agreements reached by the parties, including but not limited to:

Any jurisdictional objection and the decision thereon (unless left to be decided with the merits of the case)

Any challenge of an arbitrator and the decision thereon

Time limit for the rendering of the final award and any decision on extension of this time limit/Any parties' agreement to the extension of this time limit

Preparatory conference and other meetings and the decisions made

List of the parties' submissions

At the discretion of the arbitral tribunal, a list of written evidence submitted by the parties

Oral hearing (date and length of the oral hearing, and identity of the witnesses and experts heard)

Where applicable, reference to the parties' agreement that the award shall not contain reasoning (in arbitrations under the Arbitration Rules of the Finland Chamber of Commerce, the arbitral award shall state the reasons upon which it is based, unless otherwise agreed by the parties; in arbitrations under the Rules for Expedited Arbitration of the Finland Chamber of Commerce, the arbitral award shall not contain reasoning, unless a party has requested a reasoned award within the time limit set by the sole arbitrator)

Parties' costs claims

Date of the closing of the proceedings

### **Parties' claims and grounds for them**

The parties' claims verbatim as worded by the parties

Summary of the grounds on which the parties' claims are based

### Reasoning of the arbitral award

(An award in an arbitration under the Rules for Expedited Arbitration of the Finland Chamber of Commerce shall not contain reasoning, unless a party has requested a reasoned award within the time limit set by the sole arbitrator.)

Jurisdiction of the arbitral tribunal (if it has not been dealt with earlier in the award)

If a jurisdictional objection has been filed with the Arbitration Institute, a brief description of the objection and the Arbitration Institute's decision thereon

If a jurisdictional objection has been filed with the arbitral tribunal during the proceedings, the arbitral tribunal's reasoned decision thereon or a reference to the arbitral tribunal's decision issued separately

Applicable law (if it has not been dealt with earlier in the award)

If the applicable law has been in dispute, a description of the dispute and the arbitral tribunal's reasoned decision thereon or a reference to the arbitral tribunal's decision issued separately

Any procedural decisions

Decision on the merits of the case

A concise description of the matter and the relevant contractual terms

Identification and structuring of the issues to be decided in the award

Order in which the issues will be handled in the reasoning of the award

Clear decisions on questions regarding facts, evidence and legal issues with comprehensive reasoning

Costs of the arbitration

Parties' legal and other costs claims and the grounds on which they are based

Reasoned decision on costs

Parties' legal and other costs claims

Arbitration costs determined by the Arbitration Institute

The fees and expenses of the arbitrators as well as the Administrative Fee and possible expenses of the Arbitration Institute must be included in the final award, consent award or order for the termination of the proceedings in accordance with the cost decision of the Arbitration Institute

Specify the Administrative Fee and possible expenses of the Arbitration Institute to be paid to the Arbitration Institute (the Administrative Fee is not subject to VAT)

Specify the fees and expenses to be paid to each of the arbitrators

Specify whether the fees and expenses to be paid to each of the arbitrators are subject to VAT, and if yes, what are the VAT rates applicable to each of the fees and expenses **(N.B.! The Arbitration Institute may determine the fees and expenses of the arbitrator(s) without VAT. Specifying the correct VAT treatment of each of the fees and expenses in the final award, consent award or order for the termination of the proceedings is at the responsibility of the arbitrator(s).)**

Example:

*“The Arbitration Institute has determined the costs of the arbitration as follows:*

- *Administrative Fee: EUR x (VAT 0 %)*
- *Arbitrator’s fee: EUR x plus VAT (x %), i.e., EUR x in total (or VAT 0 %) and*
- *Arbitrator’s expenses: EUR x plus VAT (x %), i.e., EUR x in total (or VAT 0 %).”*

Indication of any compensation or expenses to be paid to the arbitral tribunal's secretary (please see also the separate Note on the Use of a Secretary)

Joint and several liability of the parties for the payment of the Administrative Fee and possible expenses of the Arbitration Institute to the Finland Chamber of Commerce and for the payment of the tribunal's fee and expenses to the arbitrator/arbitrators

Allocation of the costs as between the parties

Indication of the advance on costs paid to the Finland Chamber of Commerce or to the arbitral tribunal and of its use during the arbitration proceedings

### **Dispositive Section**

Decision of all the parties' claims (clear indication of the claims that are accepted and the ones that are rejected)

In case of a consent award, for enforcement purposes, a clear statement of what the parties are entitled and obligated to under the consent award

Order to pay legal costs

Example (where the Finnish Interest Act is applicable to the reimbursement of legal costs):

*“Y is ordered to pay the amount of EUR x to X as compensation for legal costs together with interest thereon for late payment at the rate provided in Section 4.1 of the Finnish Interest Act starting one month after the rendering of the arbitral award.”*

Administrative Fee and Arbitral Tribunal’s fees and expenses

Example (where the Finnish Interest Act is applicable to the payment of the costs of the arbitration):

*“Parties X and Y are jointly and severally liable to pay:*

- *to the Finland Chamber of Commerce the Administrative Fee in the amount of EUR x with interest thereon for late payment at the rate provided in Section 4.1 of the Finnish Interest Act starting one month after the arbitral award has been rendered;*
- *to arbitrator Z the arbitrator’s fee in the amount of EUR x plus VAT (x %), i.e. EUR x in total with interest thereon for late payment at the rate provided in Section 4.1 of the Finnish Interest Act starting one month after the arbitral award has been rendered;*
- *to arbitrator Z the arbitrator’s expenses in the amount of EUR x plus VAT (x %), i.e. EUR x in total with interest thereon for late payment at the rate provided in Section 4.1 of the Finnish Interest Act starting one month after the arbitral award has been rendered.*

*The Administrative Fee, which is not subject to VAT, must be paid to the Finland Chamber of Commerce. The arbitrator’s fee and expenses plus VAT must be paid to (name of law firm).”*

Allocation of the costs of the arbitration as between the parties

Example:

*“As between the parties, the Administrative Fee and the arbitrator’s fee and expenses shall be borne solely by Y. If a party shows that it has paid the Administrative Fee or the arbitrator’s fee and expenses in excess of its own share, the other party shall pay the excess amount to it pursuant to this arbitral award.”*

## Appeal

Where the seat of arbitration is in Finland, instructions on how to appeal the amount of compensation payable to arbitrators

Example:

*“A party shall have the right, within 60 days of the date on which it received a copy of the arbitral award, to appeal against the decision regarding the amount of compensation payable to the arbitrator[s]. The appeal shall be made by submitting a written application and a copy of the arbitral award to the court of first instance for the place where the award was made.”*

### Number of copies of the arbitral award

Indication of the number of original copies of the arbitral award and of the parties to whom the original copies were communicated

Example:

*“This arbitral award has been issued in four (4) original copies. One original copy shall be communicated to X and one to Y. The arbitrator shall communicate an original copy of the arbitral award to the Arbitration Institute of the Finland Chamber of Commerce in accordance with Article 43.3 of the Arbitration Rules of the Finland Chamber of Commerce (or Article 41.3 of the Rules for Expedited Arbitration of the Finland Chamber of Commerce). One copy of the arbitral award shall be retained by the arbitrator.”*

### Date and Signature

Seat of arbitration, date of issuance of the award, and signature(s) of the arbitrator(s)

When the arbitral tribunal is composed by more than one arbitrator and any of them fails to sign the award, the reason for the absence of the signature.