



## **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 100/2018")
- 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**

- Arbitrator's(s') name(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**

- 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 substance of the dispute (where the parties have not agreed upon the law or rules of law applicable to the substance of the dispute, indication of how the law or rules of law applicable to the substance of the dispute has been determined)
- Applicable version of the institutional rules (for example, Arbitration Rules of the Finland Chamber of Commerce, in force as of 1 June 2013)

### **Commencement of the Proceedings 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 Board's decision of 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. For example:
  - 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 at them
- List of the parties' submissions
- At the discretion of the arbitral tribunal, a list of written evidence designated 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 state the reasons upon which it is based (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 reasons, 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 precisely as worded by the parties
- Summary of the grounds on which the parties' claims are based

## Reasons of the arbitral award

(An award in an arbitration under the Rules for Expedited Arbitration of the Finland Chamber of Commerce shall not contain reasons, 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 organisation of the issues to be decided in the award
  - Order in which the issues will be examined in the reasons section of the award
  - Fact-, evidence- and legal based decisions clearly and comprehensively justified
- Costs of the arbitration
- Parties' legal and other costs claims and the grounds on which they are based
  - Reasoned decision on costs
    - Parties' costs claims
    - Arbitration costs determined by the Arbitration Institute (to be included as such in the final award, consent award or order for the termination of the proceedings, specifying the fees and expenses to be paid to each arbitrator and to the Arbitration Institute)

**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 [Note on the Use of a Secretary](#))

Joint and several liability of the parties for the payment of the Administrative Fee to the Finland Chamber of Commerce and for the payment of the arbitrator's(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, an unequivocal statement of what the parties are entitled and obligated to

Order to pay legal costs

*Example:*

*"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 fee(s) and expenses

*Example:*

*"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 the 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. Any party who appears to have paid the Administrative Fee or the arbitrator’s fee and expenses in excess of its share is entitled to recover the excess from the other party 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 due 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**

An 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 41.3 of the Arbitration Rules of the Finland Chamber of Commerce (or Article 39.3 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