

Rules of Arbitration of the Arbitration Center of Mexico (CAM)

Chapter Two Commencing the Arbitration

Article 6.	Request for Arbitration
Article 7.	Joinder of Proceedings
Article 8.	Notification of the Request for Arbitration
Article 9.	Answer to the Request for Arbitration
Article 10.	Notification of the Answer to the Request for Arbitration
Article 11.	Autonomy of the Arbitration Agreement
Article 12.	Effect of the Arbitration Agreement

Chapter Two Commencing the Arbitration

Article 6. Request for Arbitration

1. A party wishing to have recourse to arbitration under these Rules shall submit its Request to the Secretary General. He shall notify the Claimant and Respondent Parties of the receipt of the Request and the date of such receipt.
2. The date when the Request is received by the Secretary General shall, for all purposes, be deemed to be the date of commencement of the arbitral proceedings.
3. The Request shall, at least, contain the following information:
 - a. names in full and addresses of each of the parties;
 - b. a description of the facts and legal circumstances of the dispute giving rise to the claims of the Claimant;
 - c. a statement of the relief sought by the Claimant including, to the extent possible, an indication of the amounts claimed;
 - d. the Claimant's comments concerning the number of arbitrators in accordance with the provisions of articles 14 and 15, and any nomination of an arbitrator required thereby; and

- e. a proposal as to the place of arbitration, the applicable rules of law and the language of the arbitration.
4. Shall be annexed to the Request a copy of the arbitration agreement and the contract or document serving as basis to the action.
 5. The Claimant shall make the advance payment referred to in article 37.

Article 7. Joinder of proceedings

1. When a matter is submitted which has a connection with a legal relationship in respect of which arbitration proceedings are already pending under the CAM, the parties may request the Secretary General to join the proceedings, provided that the Terms of Reference have not yet been signed by the parties or approved by the General Council in neither of the matters.
2. When one of the parties is different, there shall be joinder only with the agreement of all the interested parties, provided that the Terms of Reference have not yet been signed by the parties or approved by the General Council in neither of the matters.
3. Once the Terms of Reference have been signed or approved in either of the two matters, only the Arbitral Tribunal of the first of the matters submitted may decide the joinder, provided that one of the parties requests it and all the other parties agree.

Article 8. Notification of the Request for Arbitration

Once the number of copies referred to in article 3 have been received, and the payment referred to in article 6.5 has been effectuated, the Secretary General shall send the Request to the Respondent.

Article 9. Answer to the Request for Arbitration

1. Within 30 days from the receipt of the Request from the Secretary General, the Respondent shall file an Answer, which shall contain, at least, the following information:
 - a. the name in full and address of the Respondent;
 - b. its comments as to the facts or legal circumstances of the dispute giving rise to the claims of the Claimant;
 - c. its comments concerning the number of arbitrators and their choice in light of the Claimant's proposals and in accordance with the provisions of articles 14 and 15 and any nomination of an arbitrator required thereby; and,
 - d. its comments as to the place of arbitration, the applicable rules of law and the language of the arbitration.
2. The Respondent shall supply the number of copies of the Answer specified in article 3.
3. In its Answer, the Respondent may file a counterclaim. The counterclaim shall contain the same information as the Request, and a Reply must be filed by the Claimant within 15 days from the date of receipt the counterclaim by the Claimant.

Article 10. Notification of the Answer to the Request for Arbitration

The Secretary General shall communicate the Answer to the Claimant.

Article 11. Autonomy of the Arbitration Agreement

The Arbitral Tribunal shall not cease to have jurisdiction by reason of any claim that the contract or agreement is null and void or allegation that it is non-existent provided that it upholds the validity of the arbitration agreement. The Arbitral Tribunal shall continue to have jurisdiction to determine the respective rights of the parties and to adjudicate upon their claims and pleas, even though the contract itself may be non-existent or null and void.

Article 12. Effect of the Arbitration Agreement

1. When the parties have agreed to submit to arbitration under the CAM, they shall be deemed to have submitted by that only fact to the provisions of these Rules.
2. If any of the parties refuses or fails to take part in the arbitration proceedings, the arbitration shall proceed notwithstanding such refusal or failure.
3. If the Respondent does not file an Answer pursuant to article 9 or if any party raises one or more pleas concerning the existence, validity or scope of the arbitration agreement, the General Council may decide that the arbitration shall proceed if it considers that, *prima facie*, an arbitration agreement referring to the Rules of Arbitration of the CAM exists. The decision of the General Council is without prejudice to the admissibility or merits of the pleas leaving it to the Arbitral Tribunal to decide on its own jurisdiction.
4. If the Respondent does not file an Answer pursuant to article 9 or if any party raises one or more pleas concerning the existence, validity or scope of the arbitration agreement and the General Council does not consider that, *prima facie*, an arbitration agreement referring to the Rules of Arbitration of the CAM exists, the Secretary General shall notify the parties that the arbitration cannot proceed. In such a case, the parties retain the right to ask any court having jurisdiction whether or not there is a binding arbitration agreement.