

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

Chapter Four The Arbitral Proceedings

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Article 19. Transmission of the File to the Arbitral Tribunal

Once the Arbitral Tribunal constituted, the Secretary General shall transmit the file to it, provided the deposit to cover the arbitration expenses requested at this stage of the proceedings pursuant to article 38 has been paid.

Article 20. Place of Arbitration

1. The Secretary General shall fix the place of arbitration unless it has been agreed upon by the parties.
2. After consultation with the parties, and unless otherwise agreed by the parties, the Arbitral Tribunal may conduct meetings and hearings in any location.
3. The Arbitral Tribunal may deliberate at any location and in any manner which it determines.

Article 21. Rules Governing the Proceedings

1. The arbitration proceedings shall be governed by these Rules and, where these Rules are silent, any rules which the parties or, failing them, the Arbitral Tribunal may settle.
1. Notwithstanding the above, and in all cases, the Arbitral Tribunal shall act impartially, and ensure that each party has a reasonable opportunity to present its case.

Article 22. Language of the Arbitration

1. The arbitration procedure shall be held in the language agreed upon by the parties.
2. In the absence of an agreement between the parties, the Arbitral Tribunal shall determine the language of the arbitration, due regard being given to all relevant circumstances, and, in particular, the language of the contract. As long as the Arbitral Tribunal has not determined the language, the parties may present their submissions in the language of their choice, annexing a translation in Spanish or in English.

Article 23: Applicable Rules of Law

1. The parties shall be free to agree upon the rules of law to be applied by the Arbitral Tribunal to the merits of the dispute. In the absence of any such agreement, the Arbitral Tribunal shall apply the rules of law that it determines to be appropriate.
2. In all cases, the Arbitral Tribunal shall take into consideration the provisions of the contract and the trade usages.
3. The Arbitral Tribunal shall assume the powers of an amiable compositeur when the parties have agreed expressly to give it such powers.

Article 24. Terms of Reference

1. As soon as it has received the file, the Arbitral Tribunal shall draw up, on the basis of the written submissions of the parties, a document defining its mission. The Terms of Reference must include:
 - a. the full names of the parties;
 - b. the addresses of the parties to which notifications arising in the course of the arbitration may be made;
 - c. a summary of the parties' respective claims, including an indication, to the extent possible, of the amounts claimed;
 - d. a list of the issues to be determined;
 - e. the full names and addresses of the arbitrators;
 - f. the place of arbitration; and
 - g. particulars of the applicable procedural rules and, if such is the case, reference to the powers of amiable compositeur of the arbitrator.

2. Within 30 days of the date of receipt of the file, the Arbitral Tribunal shall transmit to the Secretary General the Terms of Reference signed by the parties and the Arbitral Tribunal. The Secretary General may extend such time limit if he deems it necessary to do so or pursuant to a reasoned request from the Arbitral Tribunal.
3. If one of the parties refuses to sign the Terms of Reference, the Arbitral Tribunal shall submit it to the General Council for approval. The arbitration proceedings shall proceed if the General Council approves the Terms of Reference.
4. Once the Terms of Reference has been signed or approved, and after having consulted the parties, the Arbitral Tribunal shall establish a provisional procedural calendar that it will notify to the parties and the Secretary General. Any subsequent modification to the said procedural calendar must be notified to the Secretary General and the parties.

Article 25. New Claims

1. Once the Terms of Reference signed or approved, the parties may only make new claims which fall outside the limits of the said Terms of Reference, when authorized to do so by the Arbitral Tribunal.
2. To give the authorization referred to in the previous paragraph, the Arbitral Tribunal shall take into consideration the nature of the new claims, the stage of the arbitration at which they were presented and other relevant circumstances.

Article 26. Establishing the Facts of the Case

1. The Arbitral Tribunal shall proceed within as short a time as possible to establish the facts of the case by all appropriate means.
2. The arbitrator may decide the case solely based on the written submissions and on the documents presented by the parties, unless one of them requests a hearing.

Article 27. Representation of the Parties

The parties may be represented or counseled by persons of their choice. The Arbitral Tribunal shall consider to be representatives of the parties those persons designated by them in writing before the Secretary General or the Arbitral Tribunal, whichever the case may be.

Article 28. Hearings

1. When a hearing is to be held, the Arbitral Tribunal shall summon the parties to appear before it indicating the place, day and time, informing the Secretary General of the same.
2. If any of the parties, although duly summoned, fails to appear without valid excuse, the Arbitral Tribunal shall have the power to proceed with the hearing.
3. The Arbitral Tribunal shall be in full charge of the hearings, to which persons not involved in the proceedings shall not be admitted save with the approval of the parties and the Arbitral Tribunal.

Article 29. Closing of the Proceedings

1. The Arbitral Tribunal shall declare the proceedings closed once the parties have had a reasonable opportunity to produce their evidence and make their arguments. Thereafter, the parties may not

make any further arguments nor produce any additional evidence, unless requested or authorized expressly by the Arbitral Tribunal.

2. When it has declared the proceedings closed, the Arbitral Tribunal shall indicate to the Secretary General an approximate date by which the draft award shall be sent. Any postponement of that date shall be exceptional and shall be notified by the Arbitral Tribunal to the Secretary General.

Article 30. Conservatory and Interim Measures

1. Unless the parties have otherwise agreed, the Arbitral Tribunal may order any interim or conservatory measure that it deems appropriate, as long as the following conditions are complied with:
 - a. that the Arbitral Tribunal has received the file;
 - b. that a party has requested it; and
 - c. that the requesting party furnishes the security fixed by the Arbitral Tribunal, in the case.
2. The Arbitral Tribunal shall give any such measure the form of either an order or an award.
3. Even in the presence of an arbitration agreement, the parties may, before the file is transmitted to the Arbitral Tribunal, and, exceptionally, after such transmittal, apply to any competent judicial authority for interim or conservatory measures. Any such application, and any measures taken by the judicial authority, must be notified without delay to the Secretary General, who shall inform the Arbitral Tribunal.