

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

## Chapter Six Arbitration Expenses and Costs

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## Chapter Six Arbitration Expenses and Costs

### Article 37. Advance on Administrative Expenses

1. Each Request for Arbitration presented under these Rules must be accompanied by an advance payment of the amount referred to in the *Scale of Arbitration Expenses* established in Appendix II, constituting an advance on the administrative expenses of the CAM.
2. No Request shall be taken into consideration unless accompanied by the said payment, which becomes the property of the CAM and is non-refundable. Such payment shall be credited to the administrative expenses fixed by the General Council at the end of the proceedings in accordance with the *Scale of Arbitration Expenses* established in the Appendix mentioned in the previous paragraph.

### Article 38. Deposit to Cover the Arbitration Expenses

1. The Secretary General shall fix the amount of the deposit to cover the arbitration expenses pursuant to the *Scale of Arbitration Expenses* established in Appendix II. The Secretary General shall fix the amount of said deposit at his discretion where the sum in dispute is not stated.
2. The amount of the deposit fixed by the Secretary General to cover the arbitration expenses may be subject to readjustment to take into consideration fluctuations in the sum in dispute, changes in the amount of the estimated expenses of the Arbitral Tribunal and evolving difficulty or complexity of the proceedings.
3. Where, apart from the principal claim, one or more counterclaims are submitted, the Secretary General may fix a deposit for the principal claim and another for the counterclaim or counterclaims.

4. The Claimant and the Respondent shall pay in equal shares the deposit to cover the arbitration expenses. Should any party fail to pay its share, the payment shall be made in whole by the other party.
5. When the Secretary General has set separate deposits for the principal claims and counterclaims pursuant to paragraph 3, each party shall pay in whole the deposit corresponding to its claim.
6. Pursuant to article 19, the Secretary General shall subject the transmission of the file to the Arbitral Tribunal to the payment of at least one half of the deposit fixed by the Secretary General. When the Secretary General has fixed separate deposits for the principal claims and counterclaims pursuant to paragraph 3, each party shall pay, at this stage of the proceedings, half of the deposit corresponding to it.
7. Once the Terms of Reference signed or approved by the General Council, the arbitration proceedings shall be suspended until the balance of the deposit to cover the arbitration expenses has been paid. When the Secretary General has fixed separate deposits pursuant to paragraph 3, the Arbitral Tribunal shall proceed only in respect of those principal claims or counterclaims in regard to which the whole of the corresponding deposit has been paid.

#### **Article 39. Expert Proceedings**

1. The Arbitral Tribunal shall request the parties to make payment of the deposit to cover the expertise costs or proceedings of a similar nature that the Arbitral Tribunal may order in an arbitration proceeding. This deposit must be sufficient to cover the estimated fees and expenses of the expert or the persons that intervene.
2. The deposit referred to in the previous paragraph shall be paid by the parties, or one of them, before any expertise is rendered.

#### **Article 40. Costs of the Arbitration**

1. The costs of arbitration shall include:
  - a. the arbitrators' fees and expenses;
  - b. the administrative expenses of the CAM;
  - c. as the case may be, the fees and expenses of the expert or person intervening pursuant to article 39 by appointment of the Arbitral Tribunal;
  - d. the reasonable costs incurred by the parties in the defense of their interests in the arbitration proceedings; and
  - e. other reasonable costs incurred by the parties in the arbitration proceedings.
2. The General Council shall fix the amounts referred to in points (a) and (b) of the previous paragraph. The General Council may fix the fees of the arbitrators at a figure higher or lower than that which would result from the application of the *Scale of the Arbitration Expenses* established in Appendix II, should this be deemed necessary due to the circumstances of the case.

3. In the final award, the Arbitral Tribunal must:
  - a. fix the amounts referred to in points (c), (d) and (e) of paragraph 1 of the present article;
  - b. incorporate the amounts fixed by the General Council pursuant to the previous paragraph;  
and
  - a. decide which of the parties shall bear the costs of the arbitration or in what proportion they shall be borne by the parties.