

ABOUT EXPEDITED PROCEDURE BY HTA COMMERCIAL ARBITRATION CENTER

The Expedited Procedure at HTA Commercial Arbitration Center is not an independent arbitration proceeding, but an expediting of arbitration proceedings at some points, which nonetheless brings to the disputing parties significant benefits.

Prerequisites for the application

Under the provisions of Clause 1, Article 33 of the Rules of Arbitration of HTA ("Rules"), the Expedited Procedure shall apply if the parties agree to apply the Expedited Procedure.

HTA suggests the parties to agree on the application of the Expedited Procedure as follows:

“Any dispute arising from or related to this Contract shall be resolved by arbitration at the HTA Commercial Arbitration Center under its Rules of Arbitration.

The parties agree that any arbitration commenced pursuant to this clause shall be conducted in accordance with the Expedited Procedure set out in Article 33 of the Rules of Arbitration of HTA.”

See more: <https://en.hta-arbitration.vn/arbitration/model-arbitration-clause/>

Distinct features of the Expedited Procedure

According to the provisions of Clause 2, Article 33 of the Rules, when implementing the Expedited Procedure, the following provisions shall apply: (i) The Arbitral Tribunal shall be comprised of a Sole Arbitrator unless agree otherwise by the parties; (ii) The Center or the Arbitral Tribunal may shorten any time limits set out in the Rules; (iii) The Arbitral Tribunal may, unless receive objection from either party, rely on the document and evidence readily available to proceed with a hearing without the presence of the parties. The Arbitral Tribunal may also conduct the hearing by means of teleconference, videoconference or by any other appropriate means unless there is an objection from either party.

What are the benefits for disputing parties?

Firstly, unless the parties agree otherwise, the Arbitral Tribunal only consists of the Sole Arbitrator. This alone helps to significantly shorten the time to constitute an Arbitral Tribunal in the Expedited Procedure compared to the Constitution of an Arbitral Tribunal consisted of 3 Arbitrators.

Secondly, according to HTA's Arbitration Fees Schedule, if the dispute is resolved by the Sole Arbitrator, the arbitration fee is equal to 70% of the arbitration fee applicable to the dispute solved by the Arbitral Tribunal of 3 Arbitrators.

Thirdly, the Center (before the Arbitral Tribunal is constituted) or the Arbitral Tribunal may shorten any time limit specified in the Rules. Based on this provision, the Center or the Arbitral Tribunal will consider the nature and complexity of the dispute, as well as the actual circumstances or desires of the parties to decide on applying shorter deadlines than usual procedures, thus helps disputes to be resolved more quickly. For example, the time limit for sending the Statement of Defense may be shortened from 30 days to 15 days if the nature of the dispute is not complicated.

Fourthly, the Rules allow the Arbitral Tribunal, unless there is an objection from either party, to rely on the document and evidence readily available to proceed with a hearing without the

presence of the parties. The decision of the Arbitral Tribunal to conduct a hearing without the presence of the parties will help the parties to save time as well as travel and accommodation costs.

However, if it is found that the conduct of the hearing without the presence of the parties does not guarantee their rights and interests, any party has the right to object it. In this case, the Arbitral Tribunal will convene the parties to the hearings.

Fifthly, the Rules also allow the Arbitral Tribunal to conduct a hearing in the form of teleconference, videoconference, or other appropriate forms, unless being objected by one party. This regulation helps to take advantage of the benefits of communication technology such as travel and accommodation cost savings for the parties. But if any party sees that as inappropriate, they have the right to object. In this case, the Arbitral Tribunal shall conduct a hearing in the usual form, with physical presence of the parties at the Place of Arbitration.

In short, the Expedited Procedure can help resolve disputes more quickly and help parties to save more in terms of Arbitration fees and travel and accommodation expenses.

Faith in the Sole Arbitrator

In spite of the agreement to apply the Expedited Procedure, the disputing parties can still agree that the dispute will be resolved by an Arbitral Tribunal consisted of 3 arbitrators (right in the initial arbitration agreement, or later). But if the parties do not agree as such, the Arbitral Tribunal will only include the Sole Arbitrator.

Thus, the disputing parties must have faith in the professional capacity, impartiality, and objectivity of the Sole Arbitrator whom they will choose. Arbitrators belonging to HTA's Arbitrators list are committed to comply with the rules of professional ethics of arbitrators. The list of HTA Arbitrators will provide the disputing parties with full choices of professional and experienced Arbitrators in various areas of commercial activity.

See more: <https://en.hta-arbitration.vn/arbitration/professional-ethics-rules/>