

# THE DANISH INSTITUTE OF ARBITRATION

## **The Schedule of Fees and Charges of the Danish Institute of Arbitration (DIA) as of 13 April 2021**

The following Schedule of Fees and Charges of the DIA applies to the determination of disputes in accordance with the “Rules of Arbitration” (hereafter referred to as the Rules).

### **1.1. Registration Fee of DKK 9,700 / EUR 1,300**

Along with the Statement of Claim the Claimant must pay a registration fee, see Art. 9 (1) of the Rules.

The registration fee is DKK 9,700 / EUR 1,300.

The registration fee is non-refundable.

### **1.2. Additional Registration Fee**

In the event of consolidation or a joinder of additional parties, or if counterclaims are raised, a registration fee of DKK 9,700 / EUR 1,300 is to be paid for each new claim, new case or additional party, see Art. 9 (3) of the Rules.

This means for instance:

If the Respondent raises a counterclaim, the Respondent must pay a registration fee, see Art. 9 (3) of the Rules.

If a party requests the consolidation of arbitrations, the requesting party must pay a registration fee for each new case, see Art. 15 (7) and Art. 9 (3) of the Rules.

If a party requests the joinder of a third party, the requesting party must pay a registration fee, see Art. 16 (6) and Art. 9 (3) of the Rules.

If a third party requests to join in an arbitration, the third party must pay a registration fee, see Art. 16 (6) and Art. 9 (3) of the Rules.

If an additional claim is raised in connection with multiple contracts in a single arbitration, the party raising the claim must pay a registration fee, see Art. 17 (4) and Art. 9 (3) of the Rules.

### **2.1. Deposit as Security for the Fees of the Arbitrator(s) and Administrative Charge of the Danish Institute of Arbitration (DIA)**

In addition to the registration fee, the parties shall, within a time limit set by the Secretariat, pay a cash deposit as security for the estimated costs of the arbitration, including an administrative charge of the DIA, see 2.3.1 below, and fees of the arbitrator(s), see 2.3.2 below.

The amount of the deposit is set by the Secretariat based on Appendices 1 and 2 of the Schedule of Fees and Charges of the DIA. Interest is not added to the deposit.

Typically, a deposit shall be paid at:

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- the commencement of the arbitration, see Art. 10 of the Rules
- submission of counterclaim(s), see Art. 10 (5) of the Rules
- consolidation or joinder of additional parties, see Art. 12 (1) and Appendix 2, Art. 2 of the Rules.

## 2.2. Adjustment to the Deposit

The Secretariat can, according to Art. 12 (1) of the Rules, adjust the deposit and decide that an additional deposit is to be paid before the case proceeds. Adjustment of the deposit can occur for instance if:

- the raised claims are modified
- the case is more difficult or more complex than originally anticipated
- cases or claims are consolidated.

## 2.3. Administrative Charge and the Fees of the Arbitrator(s)

The administrative charge of the DIA and the fees of the arbitrator(s) are set in accordance with Appendices 1 and 2 of the Schedule of Fees and Charges of the DIA.

By means of the calculator at <https://voldgiftsinstitutet.dk/en/costs/> one can obtain a prompt overview of the administrative charge and the amount of the fees of the arbitrator(s).

The calculation of the administrative charge and the fees of the arbitrator(s) depend on the economic value of the case, which is set in accordance with the guidelines at Appendix 2, Art. 2 of the Rules, which is formulated as follows:

### Article 2

The fees and the administrative charge in the Schedule of Fees and Charges of the DIA, mentioned in Art. 1, are based on the economic value of the case, which is determined according to the following principles:

(a) The amount in dispute is calculated as the aggregate economic value of all claims. If secondary or alternative claims have been made in respect of a certain issue, the economic value shall be based on the claim with the highest economic value.

(b) If arbitrations are consolidated or a claim is added, the amount in dispute shall be calculated as the sum of the economic value of all arbitrations and claims.

(c) Interest claims shall not be taken into account for the calculation of the economic value of the case. However, if the interest claim or claims exceed the amount of the principal claim(s) then the amount in dispute shall be set at the value of the interest claim(s) instead of the value of the principal claim(s).

(d) Amounts in currencies other than Danish Kroner (DKK) or euro shall be converted to DKK by using the average exchange rate used by Danmarks Nationalbank which applies at the time of the submission of the claim(s).

(e) If the economic value of the case cannot be determined on the basis of the claim(s), or if the determination otherwise gives rise to doubt, the value shall be set at the discretion of the Chair's Committee after consultation of the parties and the Arbitral Tribunal.

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## **2.3.1. Further Provisions regarding the Administrative Charge of the DIA**

The administrative charge of the DIA is set in accordance with the rates in Appendix 1 of the Schedule of Fees and Charges of the DIA.

However, the Chair's Committee of the DIA may set the administrative charge at a lower or higher amount than what is stated in the Schedule of Fees and Charges of the DIA, if the scope of work or other exceptional circumstances justify it, see Appendix 2, Art. 3 (1) of the Rules.

If the arbitration ends before the rendering of a final award on the merits of the case, for instance because a settlement has been reached or the arbitration is terminated with an award on the formalities of the case, the Chair's Committee shall set a reasonable administrative charge, taking into account the scope of work and other circumstances, see Appendix 2, Art. 3 (2) of the Rules.

If the case ends immediately prior to the final oral hearing on the merits of the case, the administrative charge shall be the full amount as set out in accordance with the Schedule of Fees and Charges of the DIA, unless the Chair's Committee decides otherwise, see Appendix 2, Art. 3 (2) of the Rules.

## **2.3.2. Further Provisions regarding the Fees of the Arbitrator(s)**

The fees of the arbitrator(s) are set in accordance with the rates in Appendix 2 of the Schedule of Fees and Charges of the DIA. However, the Chair's Committee may set the fees of the arbitrator(s) at a lower or higher amount than what is stated in the Schedule of Fees and Charges of the DIA, if the scope of work or other exceptional circumstances justify it, see Appendix 2, Art. 4 (3) of the Rules.

The Chair's Committee sets the final fees for the arbitrator(s) based on a reasoned written proposal, made by the President of the Arbitral Tribunal after consultation of the other arbitrators, or by the Sole Arbitrator respectively, and which shall state the amount of the total fees.

In the event that the Arbitral Tribunal consists of a panel of three arbitrators, the fees of the co-arbitrators are, as a starting point, set at 75% of the fee of the President of the Arbitral Tribunal, which are calculated according to Appendix 2 of the Schedule of Fees and Charges of the DIA. The Arbitral Tribunal's proposal may nevertheless contain a different allocation between the arbitrators of the total fees of the Arbitral Tribunal see Appendix 2, Art. 4 (1) of the Rules.

When the Chair's Committee sets the fees, it shall take into account whether the Arbitral Tribunal has ensured that the deposit paid was sufficient on an ongoing basis, the diligence of the arbitrators, whether the arbitrator(s) managed the arbitration within a reasonable time and in an efficient and cost-conscious manner, including whether the time limit mentioned in Art. 39 (1) of the Rules has been complied with, the amount in dispute, the time spent, the complexity of the dispute and other circumstances, see Appendix 2, Art. 4 (2) of the Rules.

If the confirmation of an arbitrator is revoked in accordance with Art. 21 and 22 of the Rules or an arbitrator is replaced for other reasons, the Chair's Committee shall set a reasonable fee for the arbitrator in question, see Appendix 2, Art. 4 (6) of the Rules.

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The same shall apply in the event that an arbitration ends before the rendering of a final award on the merits of the case, for instance because a settlement has been reached or the arbitration is terminated with an award on the formalities of the case, see Appendix 2, Art. 4 (6) of the Rules.

### **3. Fees at Expert Appointment**

If the Arbitral Tribunal or the parties jointly request the DIA to provide one or more candidates for appointment as expert(s), who shall report on issues to be determined by the Arbitral Tribunal, a fee of DKK 5,000 / EUR 675 shall be paid to the DIA for each candidate provided by the DIA, see Art. 35 (5) of the Rules.

If the DIA is requested to charge and administer the deposit as security to cover the costs that are expected in connection with the work of the expert, a fee of DKK 3,000 / EUR 400 shall be paid to the DIA. This also applies if the DIA has not proposed the expert(s), but if for instance the parties jointly or a business organisation has, see Art. 35 (5) of the Rules. The fee is not to be paid if an expert has been proposed by the DIA and a separate fee has been paid for this as described above.

The fees paid to the DIA mentioned in this section shall be paid by the requesting party or parties, unless otherwise decided by the DIA.

### **4. Fees and Charges in Cases regarding Taking of Evidence before an Interim Arbitrator, see Appendix 3 of the Rules**

In cases that are conducted in accordance with Appendix 3 of the Rules, the party requesting the appointment of an interim arbitrator shall pay a cash deposit as security for the estimated costs of the interim arbitrator proceedings, see Appendix 3, Art. 8 (1) of the Rules.

The Secretariat sets the amount of the deposit and may adjust the amount at any time, see Appendix 3, Art. 8 (2) of the Rules.

The amount stands, among other things, as security for payment of the fee of the interim arbitrator and the administrative charge of the DIA, which amounts to one third of the fee of the interim arbitrator, unless the Chair's Committee decides otherwise, see Appendix 3, Art. 8 (3) of the Rules.

If the interim arbitrator or the parties jointly request the DIA to provide one or more candidates for appointment as expert(s), who shall report on specific issues, a fee of DKK 5,000 / EUR 675 shall be paid to the DIA for each candidate provided by the DIA, see Appendix 3, Art. 9 (2) (4) of the Rules.

If the DIA is requested to assist regarding charging and administering the deposit as security to cover the costs that are expected in connection with the work of the expert in the interim arbitrator proceedings, a fee of DKK 3,000 / EUR 400 shall be paid to the DIA. This also applies if the DIA has not proposed the expert(s), but if for instance the parties jointly or a business organisation has, see Appendix 3, Art. 9 (3) (4) of the Rules. The fee is not to be paid if an expert has been proposed by the DIA and a separate fee has been paid for this as described above.

The fees paid to the DIA mentioned in this section shall be paid by the requesting party or parties, unless otherwise decided by the DIA.

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## **5. Fees and Charges for Cases regarding Interim Measures before an Emergency Arbitrator, see Appendix 4 of the Rules**

In cases that are conducted in accordance with Appendix 4 of the Rules, the party requesting the appointment of an emergency arbitrator shall pay a cash deposit as security for the estimated costs of the emergency arbitrator proceedings, see Appendix 4, Art. 10 (1) of the Rules.

The Secretariat sets the amount of the deposit and may adjust the amount at any time, see Appendix 4, Art. 10 (2) of the Rules.

The amount stands, among other things, as security for payment of the fee of the emergency arbitrator and the administrative charge of the DIA, which amounts to one third of the fee of the emergency arbitrator, unless the Chair's Committee decides otherwise, see Appendix 4, Art. 10 (3) of the Rules.

## **6. Other Provisions and Banking Details**

The fees and charges do not include costs for any room hire or catering. Arbitrators' expenses for transportation, meals and lodging, etc. may also arise.

In the event that meetings, including oral hearings, are held on the DIA's premises, one can read further regarding the DIA's rates for hiring meeting rooms, etc. on the DIA's website:

<https://voldgiftsinstituttet.dk/en/costs/rent-of-premises/>

The deposit paid by a party, in accordance with the mentioned provisions of this Schedule of Fees and Charges of the DIA, does not cover the legal costs of other parties.

Registration fees are paid to the DIA using the following banking details:

Danske Bank  
Holmens Kanal 2-12  
DK-1092 København K

DKK:  
reg.nr. 4183  
konto nr. 4180503080  
BIC – SWIFT: DABADKKK  
DKK IBAN: DK4330004180503080

EUR:  
reg.nr. 4183  
konto nr. 4180727620  
BIC – SWIFT: DABADKKK  
EUR IBAN: DK6030004180727620

Further information shall be sent to the parties in individual cases regarding how the required deposit is to be paid.

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## **7. Entry into Force**

The Schedule of Fees and Charges of the DIA shall enter into force as of 13 April 2021 and shall apply to the handling of arbitrations commenced on 13 April 2021 or thereafter.

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## Appendix 1 Administrative Charge

<u>Amount in Dispute</u>		<u>Administrative Charge</u>	
<b>DKK</b>	<b>EUR</b>	<b>DKK</b>	<b>EUR</b>
Up to 185,000	Up to 25,000	7,500	1,300
From 185,001 to 370,000	From 25,001 to 50,000	7,700 + 4.6299% of the amount above DKK 185,000	1,040 + 4.6299% of the amount above EUR 25,000
From 370,001 to 740,000	From 50,001 to 100,000	19,500 + 2.6331% of the amount above DKK 370,000	2,600 + 2.6331% of the amount above EUR 50,000
From 740,001 to 3,700,000	From 100,001 to 500,000	28,600 + 1.3% of the amount above DKK 740,000	3,900 + 1.3% of the amount above EUR 100,000
From 3,700,001 to 7,400,000	From 500,001 to 1,000,000	59,400 + 0.9% of the amount above DKK 3,700,000	7,840 + 0.9% of the amount above EUR 500,000
From 7,400,001 to 14,800,000	From 1,000,001 to 2,000,000	102,900 + 0.3875% of the amount above DKK 7,400,000	13,905 + 0.3875% of the amount above EUR 1,000,000
From 14,800,001 to 37,000,000	From 2,000,001 to 5,000,000	150,000 + 0.15% of the amount above DKK 14,800,000	20,440 + 0.15% of the amount above EUR 2,000,000
From 37,000,001 to 74,000,000	From 5,000,001 to 10,000,000	227,800 + 0.11% of the amount above DKK 37,000,000	30,940 + 0.11% of the amount above EUR 5,000,000
From 74,000,001 to 370,000,000	From 10,000,001 to 50,000,000	273,900 + 0.0375% of the amount above DKK 74,000,000	37,000 + 0.0375% of the amount above EUR 10,000,000
From 370,000,001 to 555,000,000	From 50,000,001 to 75,000,000	390,400 + 0.019% of the amount above DKK 370,000,000	52,770 + 0.019% of the amount above EUR 50,000,000
From 555,000,001	From 75,000,001	427,500 + 0.0196% of the amount above DKK 555,000,000	57,950 + 0.0196% of the amount above EUR 75,000,000
Maximum	Maximum	740,000	100,000

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## Appendix 2 Fee of the President of the Arbitral Tribunal/Sole Arbitrator

The table below solely shows the basis for calculating the fee of the President of the Arbitral Tribunal/Sole Arbitrator. As stated above at 2.3.2 the fees of the co-arbitrators are, as a starting point, set at 75% of the fee of the President of the Arbitral Tribunal.

<b>Amount in Dispute</b>		<b>Minimum</b>		<b>Maximum</b>	
<b>DKK</b>	<b>EUR</b>	<b>DKK</b>	<b>EUR</b>	<b>DKK</b>	<b>EUR</b>
Up to 185,000	Up to 25,000	12,000	1,625	18,000	2,400
From 185,001 to 370,000	From 25,001 to 50,000	18,750	2,550	25,000	3,375
From 370,001 to 740,000	From 50,001 to 100,000	25,500	3,450	32,000	4,350
From 740,001 to 3,700,000	From 100,001 to 500,000	32,000 + 2.75% of the amount above DKK 2,200,000	4,325 + 2.75% of the amount above EUR 297,300	75,000 + 1.75% of the amount above DKK 2,200,000	10,135 + 1.75% of the amount above EUR 297,300
From 3,700,001 to 7,400,000	From 500,001 to 1,000,000	85,500 + 1% of the amount above DKK 5,300,000	11,555 + 1% of the amount above EUR 716,215	168,500 + 0.5% of the amount above DKK 5,300,000	22,770 + 0.5% of the amount above EUR 716,215
From 7,400,001 to 14,800,000	From 1,000,001 to 2,000,000	110,000 + 0.625% of the amount above DKK 7,400,000	14,875 + 0.625% of the amount above EUR 1,000,000	315,000 + 2.5% of the amount above DKK 7,400,000	42,300 + 2.5% of the amount above EUR 1,000,000
From 14,800,001 to 37,000,000	From 2,000,001 to 5,000,000	152,500 + 0.25% of the amount above DKK 14,800,000	20,600 + 0.25% of the amount above EUR 2,000,000	485,000 + 1.25% of the amount above DKK 14,800,000	65,545 + 1.25% of the amount above EUR 2,000,000
From 37,000,001 to 74,000,000	From 5,000,001 to 10,000,000	214,000 + 0.125% of the amount above DKK 37,000,000	28,925 + 0.125% of the amount above EUR 5,000,000	781,500 + 0.65% of the amount above DKK 37,000,000	105,600 + 0.65% of the amount above EUR 5,000,000
From 74,000,001 to 370,000,000	From 10,000,001 to 50,000,000	257,000 + 0.0375% of the amount above DKK 74,000,000	34,750 + 0.0375% of the amount above EUR 10,000,000	1,005,000 + 0.125% of the amount above DKK 74,000,000	135,900 + 0.125% of the amount above EUR 10,000,000

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From 370,000,001 to 555,000,000	From 50,000,001 to 75,000,000	370,000 + 0.02% of the amount above DKK 370,000,000	50,000 + 0.02% of the amount above EUR 50,000,000	1,385,000 + 0.1% of the amount above DKK 370,000,000	187,500 + 0.1% of the amount above EUR 50,000,000
From 555,000,001 to 740,000,000	From 75,000,001 to 100,000,000	466,000 + 0.0168% of the amount above DKK 555,000,000	62,975 + 0.0168% of the amount above EUR 75,000,000	1,762,500 + 0.07% of the amount above DKK 555,000,000	238,000 + 0.07% of the amount above EUR 75,000,000
From 740,000,001	From 100,000,001	515,000 + 0.015% of the amount above DKK 740,000,000	69,600 + 0.015% of the amount above EUR 100,000,000	1,952,000 + 0.065% of the amount above DKK 740,000,000	264,000 + 0.065% of the amount above EUR 100,000,000