



# Milan Chamber of Arbitration Simplified Arbitration procedure

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On July 1, 2020, the Simplified Arbitration procedure introduced by the Milan Chamber of Arbitration (CAM) came into force with the aim of “offering companies and citizens a leaner and faster procedure to solve disputes, with a cheaper price list.”

The Simplified Arbitration procedure, governed by Annex D to the CAM rules, has the following main features:

## Scope of application

Simplified Arbitration applies to:

- proceedings started after the entry into force of the procedure (July 1, 2020) in which the value resulting from the request for arbitration does not exceed EUR250,000, unless only one of the parties expresses its opposition to the use of the simplified rite in the introductory act of the proceedings (i.e. in the request for arbitration or memorandum of constitution); and
- all proceedings without any limit of economic value, where the parties have expressly referred to them in the Arbitration Convention or have agreed to their application even at a later date, within the exchange of introductory documents.

The Arbitral Council, upon request of the arbitrator before the establishment of the Arbitral Tribunal or *ex officio*, may establish that the provisions of the Simplified Arbitration Procedure shall not apply due to the particular complexity of the dispute.

## The composition and appointment of the arbitral tribunal

The arbitral tribunal shall consist of a single arbitrator, also in contrast with the provisions of the arbitration agreement, appointed by the Arbitral Council of the CAM, who shall ensure the arbitrator’s competence, availability and independence.

## The arbitration proceedings and the filing of the award

The guiding principle of the proceedings is laid down in Art. 5.1. of Annex D: “The arbitrator, the parties, and the defenders undertake to act in the proceedings as quickly as possible, bearing in mind its simplified nature.”

Annex D provides that:

- the arbitration proceedings shall take place through the filing of two introductory documents (i.e. in the request for arbitration or memorandum of constitution) and a single subsequent exchange of pleadings;

- unless the arbitrator decides – justifiably and reasonably – otherwise, the parties may not propose new applications after the establishment of the Arbitral Tribunal;
- the CAM rules on Simplified Arbitration provide that in the introductory acts, under penalty of forfeiture, the parties must indicate the means of proof they intend to use and the relevant facts to be proved with them; and
- arbitration proceedings shall take place at a single hearing, which can take place in an alternative way to the traditional physical presence (e.g. online or by video/teleconference), for the assumption of the admitted means of evidence and for the final discussion.

In any case, the CAM rules on Simplified Arbitration give the arbitrator the power to conduct the proceedings in the most appropriate manner to facilitate a rapid conclusion; Article 5.2. provides, in fact, that “after hearing the parties, the arbitrator may limit the length and subject matter of the pleadings, the number of documents and the number of witnesses that may be requested.”

Finally, Article 6 of Annex D provides that the award shall be filed within three months of the establishment of the arbitration panel. This term can be extended by the CAM General Secretariat, but only for justified reasons.

## Costs

The costs are reduced on average by 30% compared to those of the ordinary arbitration procedure, both in relation to CAM fees and the arbitrator's fees.

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