

# **Nordic Offshore and Maritime Arbitration Association's (NOMA) Administrative Procedures on Procedural Decision(s)**

## **1. Background**

Several provisions in the NOMA Arbitration Rules and the NOMA Fast Track Arbitration Rules (collectively "**NOMA's Arbitration Rules**") and the NOMA Mediation Rules may require a decision from NOMA on procedural matters ("**Procedural Decision(s)**"). NOMA's Arbitration Rules also provide that a copy of the notice of arbitration shall be sent to NOMA for information.

These Administrative Procedures serve to govern certain administrative aspects of such Procedural Decision(s) and the handling of notices of arbitration received for information, and is approved by NOMA's board of directors ("**NOMA BoD**").

The aim of these Administrative Procedures is to ensure transparency and predictability. The Administrative Procedures in force shall be made available on NOMA's website: [www.nordicarbitration.org](http://www.nordicarbitration.org).

## **2. Handling of notices of arbitration sent to NOMA for information**

According to NOMA's Arbitration Rules, notices of arbitration shall be sent to NOMA by e-mail. The following e-mail address shall be used: [noma@nordisk.no](mailto:noma@nordisk.no).

When NOMA's contact person receives a notice of arbitration for information by e-mail, it will be stored for information and statistic purposes only and its content will not be shared with other members of the NOMA BoD.

## **3. Handling of requests for Procedural Decisions**

Requests for Procedural Decisions shall be addressed to the NOMA contact person at the following e-mail address: [noma@nordisk.no](mailto:noma@nordisk.no)

Upon receipt of a request, the NOMA contact person shall as soon as possible confirm receipt and forward the request to the members of the body deciding on such Procedural Decisions (the "**Procedural Committee**").

The Procedural Committee shall be appointed by the NOMA BoD and shall consist of one member from Denmark, Norway, Sweden and Finland, respectively. To ensure an odd number, the NOMA BoD shall appoint a fifth member from one of these countries who shall serve as president of the Procedural Committee (the "**President**"). The President and contact person can be the same person if the NOMA BoD so decides. The Procedural Committee shall appoint a Deputy President from among the other four members.

The President shall lead the work of the Procedural Committee and shall i.a. provide draft decisions. Meetings of the Procedural Committee shall be scheduled by the President as remote meetings – preferably by video conference.

Upon receipt of a request for a Procedural Decision from the NOMA contact person, each member of the Procedural Committee shall immediately consider whether he or she is impartial and independent regarding the case and parties in question. Each member of the Procedural Committee must fulfil the requirements of impartiality and independence that apply to an arbitrator. The assessment of impartiality and independence shall be made based on the applicable law of the seat

of the arbitration. If a member of the Procedural Committee makes a disclosure, but nevertheless considers himself or herself impartial and independent, a majority of the other members of the Procedural Committee shall decide whether that member shall be allowed to participate in the Procedural Decision.

The Procedural Committee shall decide on Procedural Decisions as soon as possible and preferably within one week from receipt of the request. Procedural Decisions shall be reasoned and final. Procedural Decisions shall be made by a majority of the five members of the Procedural Committee. However, if one or two of the members of the Procedural Committee do not within 48 hours confirm receipt of the e-mail from the NOMA contact person with the request for a Procedural Decision, the Procedural Committee shall be able to proceed and make decisions by the remaining three or four members. If there are four remaining members and the vote is evenly split (2-2), the President's vote shall be decisive. This voting rule also applies to decisions on whether a member is impartial and independent. If the President is not impartial and independent or cannot participate for other reasons, the Deputy President's vote shall be decisive.

The Procedural Committee may appoint a member of the NOMA BoD, but not a member of the Procedural Committee, as an arbitrator or presiding arbitrator. Appointments of arbitrators and presiding arbitrator shall not be reasoned.

NOMA is entitled to charge a fee for the work associated with Procedural Decisions, and the fee shall be determined by the Procedural Committee as a part of the Procedural Decision. The applicable hourly rate is EUR 300. NOMA may require advance payment of the fee.

**3 APRIL 2023**