

ISTANBUL ARBITRATION CENTRE RULES ON COSTS AND FEES SCALES (APPENDIX-3)

ARTICLE 1

Objective

1. The Rules in this Appendix aim to regulate the arbitrator's fees and the costs in arbitrations conducted pursuant to the Istanbul Arbitration Centre Rules, the costs in arbitrations where Istanbul Arbitration Centre is the appointing authority and the costs in mediation procedures conducted pursuant to the Istanbul Arbitration Centre Mediation Rules.

ARTICLE 2

Definitions

1. Pursuant to the Rules, the following terms shall have the meanings assigned thereto:
 - a) Board: Istanbul Arbitration Centre National Board of Arbitration and International Board of Arbitration;
 - b) Secretariat: Istanbul Arbitration Centre Secretariat General;
 - c) Centre: Istanbul Arbitration Centre;
 - d) Rules: Istanbul Arbitration Centre Arbitration Rules, its Appendixes, Istanbul Arbitration Centre Fast Track Arbitration Rules and Istanbul Arbitration Centre Mediation Rules.

ARTICLE 3

Registration Fee and Advance on Costs

1. A party that refers to arbitration under these Rules, shall deposit the registration fee stipulated in the Scale of this Appendix. Such registration fee is non-refundable and shall be credited to the relevant party's portion of the advance on costs.
2. After receipt of the Request for Arbitration, the Secretariat may, pursuant to Article 42(1) of the Arbitration Rules, request from the claimant to deposit an amount as an advance intended to cover the costs of the arbitration until the terms of reference are drawn up. The amount of the advance requested by the Secretariat shall not exceed the total amount of the administrative costs and arbitrator's fee, which shall be fixed in accordance with the Scale provided in this Appendix and arbitrators' expenses regarding the preparation of the Terms of Reference and Procedural Timetable. In cases where the amount cannot be determined, the amount of advance shall be fixed by the Secretary General. The payment which will be made by the claimant, shall be

deducted from the amount of the advance in accordance with Article 42(2) of the Arbitration Rules.

3. The advance on costs fixed by the Board pursuant to the Articles 42 (2), 42 (3) and 42 (4) of the Arbitration Rules shall cover the fees of the arbitrators, any arbitration-related expenses of the arbitrators and administrative costs.
4. Each party shall pay its share of the advance on costs in cash. The Board, taking into account all relevant circumstances, may authorize the payment of advances on costs in instalments. If a party's share of the advance on costs is over TRY 1.500.000, whether accepting a bank guarantee or not as well as its terms shall be determined by the Board.
5. According to Article 42 (4) of the Arbitration Rules, the Board may readjust the advance on costs at any time during the arbitration proceedings by taking into account changes in the amount of dispute, changes in the amount of arbitrator's expenses or any relevant facts and circumstances such as the difficulty of arbitration proceedings.
6. Before an expert appointed by the Sole Arbitrator or Arbitral Tribunal commence its duty, the parties or one of them, shall pay an advance on costs determined by the Sole Arbitrator or Arbitral Tribunal sufficient to cover the expected fees and expenses of the expert.
7. According to Article 42 (6) of the Arbitration Rules, the Sole Arbitrator or Arbitral Tribunal shall terminate the proceedings in case the required amount of advance on costs is not deposited.

ARTICLE 4

Arbitrator's Fee and Expenses

1. The Sole Arbitrator's or members of Arbitral Tribunal's fees shall be fixed exclusively by the Board as required in this Appendix. The parties and the Sole Arbitrator or members of Arbitral Tribunal must not conclude any agreement regarding the arbitrator's fee.
2. The Board shall fix the Sole Arbitrator's or members of Arbitral Tribunal's fees pursuant to the Scale provided in this Appendix. In any case, the arbitrator's fee must not be less than TRY 2.000. In cases where the amount cannot be determined, the Board, by taking into consideration all relevant facts and circumstances, shall fix the Sole Arbitrator's or members of Arbitral Tribunal's fee on its own initiative.

3. The Board shall fix the administrative costs pursuant to the Scale provided in this Appendix. In cases where the amount cannot be determined, the Board, by taking into consideration all relevant factors, shall fix the administrative costs on its own initiative.
4. At any time during the arbitration proceedings, the Board may request a portion of the administrative costs, corresponding to services that have already been performed by the Board and the Secretariat, to be paid.
5. If the facts and circumstances deem it necessary, the Board may request an additional payment in addition to the administrative costs fixed pursuant to the Scale provided in this Appendix.
6. If the arbitration proceedings terminate before the rendering of an arbitral award, the Board shall decide on the fees and expenses of the arbitrator(s) and the administrative costs.
7. Any amount paid by the parties as an advance on costs, exceeding the costs of the arbitration fixed by the Board shall be reimbursed to the parties having regard to the amounts paid.
8. In case of an application pursuant to Article 37(2) and (3) of the Arbitration Rules, the Board may fix an advance to cover additional fees and expenses of the Sole Arbitrator or members of Arbitral Tribunal and administrative costs. The Board may hold the transmission by the Secretariat to the Sole Arbitrator or Arbitral Tribunal of the application made pursuant to Article 37(2) and (3) of the Arbitration Rules subject to the payment of such fixed amount of advance.

ARTICLE 5

Appointing Authority

1. In case of an application under Article 2(3) of the Arbitration Rules, the application shall be accompanied by a fee of TRY 1.000. Such amount is non-refundable and the relevant application shall not be processed if such fee has not been deposited.

ARTICLE 6

Tax and Charges

1. Fees paid to the Sole Arbitrator or members of Arbitral Tribunal, Emergency Arbitrator and Mediator do not include any value added tax (VAT) or other taxes or charges and imposts. Parties have a duty to pay any such taxes or charges. However, the payment of any such taxes or charges is a matter solely between the Sole Arbitrator or members of Arbitral Tribunal, Emergency Arbitrator or Mediator and the parties.

2. Any administrative costs may be subject to value added tax (VAT) or other taxes or charges and imposts.

ARTICLE 7

Entering into Force and Scales

1. This Appendix enters into force upon the approval of Istanbul Arbitration Centre General Assembly.
2. The registration fee, administrative costs, arbitrator's and mediator's fees along with the other expenses provided in the Rules and the Scales included in this Appendix shall be fixed by Istanbul Arbitration Centre Executive Board and shall enter into force upon the approval of Istanbul Arbitration Centre General Assembly. The amendments to the Scales included in this Appendix, shall be subject to the same procedure.
3. The registration fee, administrative costs and arbitrator's fees shall be fixed in accordance with the Scale that is in effect as of date of the application to the Centre.
4. The Scales of registration fees, administrative costs and arbitrator's fee(s) set forth below shall be effective as of 18.04.2017 in respect of all arbitrations commenced on or after such date.

ISTANBUL ARBITRATION CENTRE SCALES of REGISTRATION FEE and ADMINISTRATIVE COSTS

AMOUNT in DISPUTE (TRY)	REGISTRATION FEE	ADMINISTRATIVE COST
Up to 300.000	TRY 300	1,5 %
300.001 - 1.000.000	TRY 300	TRY 4.500 + 1 %
1.000.001 - 5.000.000	TRY 300	TRY 11.500 + 0,5 %
5.000.001 - 10.000.000	TRY 300	TRY 31.500 + 0,3 %
10.000.001 - 50.000.000	TRY 300	TRY 46.500 + 0,1 %
50.000.001 - 100.000.000	TRY 300	TRY 86.500 + 0,08 %
100.000.001 and over this amount	TRY 300	TRY 130.000

ISTANBUL ARBITRATION CENTRE SCALES of ARBITRATOR'S FEES*

AMOUNT in DISPUTE (TRY)	SOLE ARBITRATOR	ARBITRAL TRIBUNAL
Up to 300.000	5 %	7 %
300.001 - 1.000.000	TRY 15.000 + 4 %	TRY 21.000 + 6 %
1.000.001 - 5.000.000	TRY 43.000 + 3 %	TRY 63.000 + 5 %
5.000.001 - 10.000.000	TRY 163.000 + 1 %	TRY 263.000 + 2 %
10.000.001 - 50.000.000	TRY 213.000 + 0,5 %	TRY 363.000 + 1 %
50.000.001 and over this amount – 100.000.000	TRY 413.000 + 0,1 %	TRY 763.000 + 0,5 %
100.000.001 – 350.000.000	TRY 463.000 + 0,02 %	TRY 1.013.000 + 0,1 %
350.000.001 and over this amount	TRY 513.000 + 0,01 %	TRY 1.263.000 + 0,025 %

*Arbitrator's fees must not be less than TRY 2.000.