

Chamber of Commerce of Naples

ARBITRATION RULES

in force as from 1 January 2024

ARBITRATION RULES

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GENERAL PROVISIONS

Article 1 Scope of application

1. These Rules shall apply if referred to, in any form, in the arbitration clause or other agreement between the parties. If the agreement refers to the Chamber of Arbitration of Naples or the Chamber of Commerce of Naples, such reference shall be interpreted as providing for the application of these Rules.

2. If no arbitration agreement exists between the parties, or if it does not refer to the Chamber of Arbitration of Naples or the Chamber of Commerce of Naples, a party interested in initiating arbitration before the Chamber of Arbitration of Naples may file a request for arbitration.

If the acceptance of the request for arbitration, together with the reply to the request for arbitration, does not reach the Secretariat within a period which, unless otherwise indicated by the requesting party, is thirty days from the date on which the other party received the request, the Secretariat shall inform the parties that the arbitration cannot take place.

Article 2 Rules applicable to the procedure

1. The arbitration procedure shall be governed by these Rules in force at the time the request is submitted, by the rules mutually agreed upon by the parties until the constitution of the Arbitral Tribunal, if consistent with these Rules, and by those established by the Arbitral Tribunal.

2. In any case, mandatory provisions that are applicable to the arbitration procedure shall apply.

3. In any case, the principles of due process and equal treatment of the parties shall apply.

Article 3 Rules applicable to the merits of the dispute

1. The Arbitral Tribunal shall decide on the merits of the dispute according to law unless the parties have expressly agreed that the Tribunal shall decide *ex aequo et bono*.

2. The Arbitral Tribunal shall decide in accordance with the rules chosen by the parties. In the absence of such indication, the Arbitral Tribunal shall apply the rules it determines to be appropriate, taking into account the nature of the relationship, the nationality and the qualities of the parties, and any other circumstances relevant to the specific case.

Article 4 Arbitration subject to Italian law

If the arbitration is subject to Italian law and if the parties have not expressly designated it as of "informal" nature in the arbitration agreement, it is considered formal.

Article 5 Seat of the arbitration

1. The parties shall choose the seat of arbitration, in Italy or abroad, in the arbitration agreement. In the absence of any agreement as to the seat, the seat of arbitration shall be Naples.

2. Notwithstanding the provisions of the preceding paragraph, the Arbitral Council may fix the seat of arbitration elsewhere, taking into account the requests of the parties and any other circumstance.

3. The Arbitral Tribunal may order that hearings or other procedural acts take place in a location other than the seat of the arbitration.

Article 6 Language of the arbitration

1. The language of the arbitration shall be agreed upon by the parties in the arbitration agreement or subsequently until the constitution of the Arbitral Tribunal.

2. In the absence of any agreement between the parties, the Arbitral Tribunal shall determine the language of the arbitration as well as the language in which documents prior to such decision must be written.

3. The Arbitral Tribunal may accept the submission of documents in a language other than the language of the arbitration and may order them to be accompanied by a translation into the language of the arbitration.

Article 7 Filing and sending the documents

1. The parties must file the original documents with the Secretariat of the Chamber of Arbitration and also a number of copies equal to the number of parties and arbitrators. The Secretariat will specify the number of copies if the number of arbitrators has not yet been determined.

2. The parties may submit a request for arbitration and transmit the documents by registered mail, courier or certified email.
3. The Arbitral Tribunal must file with the Secretariat a copy of the minutes and decisions, even those issued outside of hearings.
4. Unless otherwise provided in these Rules, communications from the Secretariat, the parties, the arbitrators, the expert witnesses, and all parties involved in the procedure in general shall be effected by notification, transmission by registered letter, certified email, or by any other appropriate means allowing for a formal proof of delivery.

Article 8 Time limits

1. The expiration of a time limit set by these Rules or by the Arbitral Council, the Secretariat or the Arbitral Tribunal shall not entail a lapse of a party's right, unless so determined by these Rules or by the order setting the said time limit.
2. The Arbitral Council, Secretariat and Arbitral Tribunal may extend a time limit they have set before it expires. Time limits that entail lapse of rights may be extended only for serious and justified reasons or by agreement of all parties.
3. The initial day shall be excluded from the calculation of time limits. Where the date of expiry falls on a Saturday or on a non-working day, it shall be extended to the first subsequent working day.
4. For the purposes of the calculation of time limits, reference is made to the date the document is sent.
5. The calculation of time limits is automatically suspended from 1 August to 31 August, included.
6. In international procedures, the time limits set forth in these Rules are doubled, except for the time limit for issuing the award in ordinary arbitration procedure.

Article 9 Confidentiality

1. The Arbitral Council, the parties, their counsel, the Arbitral Tribunal, and the expert witnesses are required to maintain the confidentiality of all information relating to the proceedings.
2. For research purposes, any arbitral award and decision may be published in anonymous format and without any other information that might reveal the identity of the parties, unless any of the parties objects to publication within 30 days from the filing of the arbitral award.

Article 10 Fair conduct

1. At every stage of the proceedings, the Arbitral Council, the arbitrators, the expert witnesses, the parties, and their counsel shall act in good faith.
2. The parties undertake to comply with the awards, orders, and decisions of the Arbitral Tribunal.

COMMENCEMENT OF THE DISPUTE

Article 11 Request for arbitration

1. The request for arbitration shall be filed with the Secretariat. It may also be filed by registered mail with acknowledgement of receipt or certified email. Upon filing, the parties shall pay the amount indicated in the attached table for administrative fees. This amount will not be refunded if the request is not pursued.
2. The request shall be signed by the party or by the counsel with power of attorney and contains or is accompanied by:
 - a. the name, address, and fiscal identification number or VAT number of the party, as well as the full name and address of the other parties;
 - b. A description of the dispute and the claims and their economic value;
 - c. The appointment of the chosen arbitrator, where provided for in the arbitration agreement, or useful information regarding the number of arbitrators and the methods for their selection;
 - d. An indication of the evidence, if any, relied on in support of the request and any document the party considers useful to produce;
 - e. A statement of the legal elements underlying the request and any information on the rules applicable to the proceedings, the rules applicable to the merits of the dispute, or as to the ex aequo et bono decision, the seat, and the language of the arbitration;
 - f. The Power of attorney conferred on counsel, if any;

- g. A copy of the arbitration agreement, or an invitation to the other party to declare whether it accepts arbitration;
 - h. Proof of sending the request for arbitration to the other party, if the Claimant sends it directly to the Respondent.
3. The Secretariat shall send the request for arbitration to the Respondent within seven working days of filing by registered mail or certified email. If the Claimant sends the arbitration request directly to the Respondent, the Secretariat will not forward it, provided that the request is filed with the Secretariat and the Claimant provides proof of successful delivery.
4. In the event provided for by Article 838-ter of the Italian Code of Civil Procedure, the Secretariat will forward the arbitration request to the competent Business Register.

Article 12 Reply to the request for arbitration

1. The Respondent shall file its reply to the request for arbitration with the Secretariat within 30 days from receiving the request for arbitration. Failure to comply with this deadline will result in acceptance of the proceedings as they stand.
2. The reply shall be signed by the party or by the counsel with power of attorney and contains:
- a. The name, address, and fiscal identification number or VAT number of the Respondent;
 - b. A statement of its defence, however brief and concise;
 - c. Any objections regarding the existence, validity, and/or effectiveness of the arbitration agreement or the jurisdiction of the Arbitral Tribunal;
 - d. Any counterclaim request and its economic value, as well as summons of any third-party in the arbitration proceedings;
 - e. The appointment of the chosen arbitrator, where provided for in the arbitration agreement, or any relevant information regarding the number of arbitrators and the methods for their selection;
 - f. An indication of the evidence, if any, relied on in support of the request and any document the party considers useful to produce;
 - g. Any information on the rules applicable to the proceedings, the rules applicable to the merits of the dispute, or as on the ex aequo et bono decision, and the language of the arbitration;
 - h. The Power of attorney conferred on counsel, if any;
 - i. Any declaration of acceptance of arbitration.
3. The Secretariat shall send the reply to the Claimant within 5 working days from the filing by registered mail with acknowledgement of receipt or certified email. At the Respondent's request, the Secretariat shall transmit it by bailiff's service. If the Respondent sends the reply directly to the Claimant, the Secretariat will not forward it, provided that the request is filed with the Secretariat and the Respondent provides proof of successful sending. If the Respondent directly transmits the response to the Claimant, the Secretariat shall not transmit it, without prejudice to the filing of the response with the Secretariat and proof of successful delivery.
4. If the Respondent fails to file the reply within the established time limit, the arbitration shall proceed without it.

Article 13 Counterclaim request and summons of third-parties in the arbitration proceedings

1. If the Respondent files a counterclaim request, the Claimant may file a further reply with the Secretariat within 30 days from receiving the reply. The Secretariat shall send the Claimant's further reply to the Respondent within 5 days from its filing.
2. In the event of the summon of third-parties in the arbitration proceedings, the Secretariat shall send the reply to the summoned third-party within 7 working days from its filing by registered mail with acknowledgement of receipt or certified email. At the Respondent's request, the Secretariat shall transmit it by bailiff's service. The Respondent may also directly send the reply to the third-party, provided that the reply is filed with the Secretariat and proof of delivery is provided. The summoned third-party has the same time limits and procedures for sending the reply and any further statement as the Respondent.

Article 14 Related disputes

1. If related disputes are raised before the constitution of the Arbitral Tribunal, the Arbitral Council upon request of a party assesses the nature of the disputes and the rules applicable to the proceedings and may decide that the related proceedings are entrusted to the same arbitral body,

by agreement of the parties, and authorises the consolidation of the proceedings so that the disputes may be resolved by a single award.

2. If the same decision is the subject of multiple appeals, the Arbitral Council or the Arbitral Tribunal shall, after hearing the parties, order that such appeals are resolved by a single award.

3. In the event that one of the parties challenges the applicability of the Rules before the Arbitral Tribunal is constituted, the Arbitral Council shall have the power to declare the arbitration admissible or inadmissible. If the Council declares the arbitration admissible, any decision of the Arbitral Tribunal on the matter shall remain unaffected.

THE ARBITRAL TRIBUNAL

Article 15 Number of arbitrators

1. The Arbitral Tribunal shall be composed of a sole arbitrator or a panel composed of an odd number of arbitrators.

2. In the absence of an agreement between the parties on the number of arbitrators, the Arbitral Tribunal shall consist of a sole arbitrator. However, the Arbitral Council may consider a panel of three arbitrators appropriate because of the complexity or economic value of the dispute.

3. If the arbitration agreement provides for an arbitration panel without specifying the number of members, the Arbitral Tribunal shall be composed of three arbitrators.

4. If the arbitration agreement provides for an even number of arbitrators, the Arbitral Tribunal shall be composed of the odd number of arbitrators immediately above that provided for in the agreement.

Article 16 Appointment of arbitrators

1. Arbitrators shall be appointed according to the procedures established by the parties in the arbitration agreement and these Rules.

2. Unless otherwise agreed in the arbitration agreement, the sole arbitrator shall be appointed by the Arbitral Council.

3. If the parties have agreed to appoint the sole arbitrator by mutual agreement without specifying a time limit, this time limit shall be set by the Secretariat. If the parties fail to reach an agreement, the sole arbitrator shall be appointed by the Arbitral Council.

4. Unless otherwise specified in the arbitration agreement, the Arbitral Tribunal shall be appointed in the following manner:

a. Each party shall appoint an arbitrator in the request for arbitration and in the reply to the request for arbitration; if a party fails to do so within the established time limit, the arbitrator shall be appointed by the Arbitral Council;

b. If the parties indicate in the agreement a number of arbitrators exceeding three, each party shall designate an even number of arbitrators in the request for arbitration or in the reply to the request for arbitration; if the parties fail to do so within the time limit established in the arbitration agreement or within the time limit established by the Secretariat, the Arbitral Council shall do so;

c. The parties may establish that the President is appointed by mutual agreement by the arbitrators within 20 days from their appointment; if the arbitrators fail to reach an agreement within this time limit, the President shall be appointed by the Arbitral Council.

5. If the parties have different nationalities or registered offices in different countries, the Arbitral Council shall appoint a sole arbitrator or President of the Arbitral Tribunal a person of a nationality other than those of the parties, unless otherwise agreed by the parties.

6. In any case in which, by law, it is mandatory to defer the appointment of one or more arbitrators to a third party, the Arbitral Council shall make all necessary appointments.

Article 17 Appointment of arbitrators in multi-party arbitration

1. When there are more than two parties and if the parties' agreements regarding the constitution of the Arbitral Tribunal are lacking or inadequate, or if the parties fail to constitute the Arbitral Tribunal within the deadline set for replying to the request for arbitration, the Arbitral Council shall, where necessary, determine the number and methods of appointment of the arbitrators and may appoint them directly.

2. In the event that the applicable provisions require that another arbitrator is appointed to ensure an odd number of members of the Arbitral Tribunal, if the parties do not mutually agree to this within the deadline indicated by the Secretariat, the Arbitral Council shall appoint another arbitrator.

Article 18 Corporate law arbitration

If the arbitration clause in the statute or bylaw of a company subject to Italian law does not refer the power to appoint all arbitrators to a person external to the company, the Arbitral Council shall appoint the Arbitral Tribunal.

Article 19 List of arbitrators

1. The Arbitral Council establishes and updates a list of arbitrators, composed of professionals with particular expertise in legal and technical matters, and defines its criteria and requirements.
2. The parties shall be entitled to select their arbitrator from this list. The Council shall use this list when making appointments in the cases provided for in these Rules. If specific needs arise, the Council may appoint persons with specific expertise, even those not registered on the aforementioned list.
3. The Council may order the removal of persons registered on the list if they are found responsible for acts that reveal their unsuitability for arbitration or have repeatedly failed to comply with the rules.

Article 20 Incompatibility

The following persons cannot be appointed as arbitrators:

- a. Members of the Chamber of Arbitration;
- b. Auditors of the Chamber of Arbitration and the Chamber of Commerce;
- c. Employees of the Chamber of Arbitration and the Chamber of Commerce;
- d. Professional partners, employees and those who have stable professional collaboration relationships with the persons indicated under a), b), c), unless the parties have a different and mutually agreed will.

Article 21 Acceptance by arbitrators

The Secretariat shall inform the arbitrators of their appointment. The arbitrators shall give written notice of the acceptance of their appointment and of these Rules to the Secretariat within 10 days.

Article 22 Statement of independence and confirmation of arbitrators

1. The arbitrators shall submit their statement of independence to the Secretariat together with the declaration of acceptance.
2. In the statement of independence, the arbitrator shall indicate the time and duration of:
 - a. any relationship with the parties, their counsel, and any other person involved in the arbitration, even on a financial relationship basis, that is relevant to his or her impartiality and independence;
 - b. any personal or economic interest, either direct or indirect, in the dispute;
 - c. any bias or reservation as to the subject matter of the dispute.
3. The Secretariat shall send a copy of the statement of independence to the parties. Each party may submit its written observations to the Secretariat within 10 days from receiving the statement.
4. After the deadline set forth in paragraph 3, the arbitrator is confirmed by the Secretariat if s/he has submitted an unqualified statement of independence and the parties have not submitted any observations. In all other cases, the Arbitral Council shall decide on the confirmation.
5. The statement of independence shall be submitted again throughout the arbitration proceedings until its conclusion, if this becomes necessary due to supervening circumstances or at the request of the Secretariat.

Article 23 Challenge of arbitrators

1. Each party may file a reasoned challenge of the arbitrators for the reasons provided for by the Italian Code of Civil Procedure, as well as for any other reason likely to cast doubt on their independence or impartiality.
2. A party may not challenge the arbitrator it has appointed or helped appoint except for reasons known after the appointment.

3. The challenge must be filed with the Secretariat within 10 days from receipt of the statement of independence or knowledge of the reason for challenge.
4. The Secretariat shall transmit the challenge to the arbitrators and the other parties and shall set a time limit for filing observations, if any.
5. The other parties may, within 10 days from receipt of the communication referred to in the previous paragraph, file a request for incidental challenge, even if the time limit for filing a request for primary challenge has already expired.
6. The Arbitral Council shall decide on the challenge request.

Article 24 Replacement of arbitrators

1. An arbitrator shall be replaced by the appointment of a new arbitrator in the following cases:
 - a) The arbitrator resigns after accepting the appointment;
 - b) The arbitrator is not confirmed;
 - c) The Arbitral Council upholds the challenge filed against the arbitrator;
 - d) The Arbitral Council removes the arbitrator for violation of the duties imposed by these Rules or for other serious reasons, after consulting the parties and the Arbitral Tribunal;
 - e) The arbitrator dies or is no longer able to perform his/her duties due to infirmity or on other serious grounds.
2. The proceedings are suspended in any of the cases indicated in the previous paragraph until the appointment of the new arbitrator.
3. A new arbitrator shall be appointed by the same authority that appointed the arbitrator to be replaced. If the party fails to do so within 10 days or the replacement arbitrator must also be substituted, the new arbitrator shall be appointed by the Arbitral Council.
4. The Arbitral Council shall determine the fee, if any, due to the substituted arbitrator, taking into account the work done and the reasons for the replacement.
5. In the event of replacement of an arbitrator, the newly constituted Arbitral Tribunal may decide to repeat all or some of the acts of the proceedings taken place up to that moment.

THE PROCEEDINGS

Article 25 Constitution of the Arbitral Tribunal

1. The Secretariat shall transmit the introductory documents, together with all annexed documents, to the arbitrators after the initial payment is made.
2. The arbitrators shall constitute the Arbitral Tribunal within 20 days from receipt of the documents forwarded by the Secretariat. The Secretariat may extend this time limit for justified reasons.
3. The constitution of the Arbitral Tribunal shall take place by an act dated and signed by the arbitrators. The minutes shall indicate the seat and establish the procedures and time limits for the continuation of the proceedings.
4. If arbitrators are replaced after the Arbitral Tribunal has been constituted, the Secretariat shall transmit a copy of the documents of the proceedings to the new arbitrators. The constitution of the new Arbitral Tribunal shall take place in accordance with paragraphs 2 and 3.

Article 26 Irregular constitution of the arbitral body

If the arbitral body notices that the appointment of its members violates a mandatory provision applicable to the proceedings and/or the provisions of these Rules, it may file a reasoned decision to the Secretariat and request the return of all the documents to the Arbitral Council. In such cases, the Arbitral Council shall appoint new arbitrators in accordance with the provisions of these Rules.

Article 27 Powers of the Arbitral Tribunal

1. At any time during the proceedings, the Arbitral Tribunal may attempt to settle the dispute by requiring the parties to appear in person before it.
2. The Arbitral Tribunal may adopt any measures it considers appropriate to regularize the representation or assistance of the parties.
3. The Arbitral Tribunal, after hearing the parties, may issue any precautionary, urgent and provisional measures, including anticipatory measures, according to the rules applicable to the proceedings.

4. Upon request by the party, the Arbitral Tribunal may grant the order without notice to the other party, if such notice may seriously harm the party's interests. With the decision granting the application, the Arbitral Tribunal schedules a hearing within 10 days from the decision in order to discuss the case with the parties and set deadlines for the submission of briefs, if any. At the hearing or in any case within the following 5 days, the Arbitral Tribunal confirms, modifies, or revokes the order already granted, after having heard the parties.
5. The Arbitral Tribunal may order the party requesting an interim measure to provide appropriate guarantee as a condition to issue the measure.
6. Any request for interim measures made by a party to a judicial authority does not imply any waiver of the effects of the arbitration agreement or of the request for arbitration, if any. Any party that before the commencement of or during the arbitration proceedings has obtained a precautionary measure from the judicial authority must promptly notify the Secretariat, which shall promptly inform the Arbitral Tribunal and, where applicable, the other party.
7. Where multiple proceedings related to the same dispute are pending before the Arbitral Tribunal, the Tribunal orders their consolidation.
8. Where multiple proceedings connected to the same dispute are pending before the Arbitral Tribunal, the Tribunal may order their consolidation.
9. Where the same proceedings concern several disputes, the Arbitral Tribunal may order their separation.
10. If a third party requests to join a pending arbitration or if one of the parties to the arbitration seeks a third party's intervention, the Arbitral Tribunal shall decide the application after consulting the parties, taking into consideration all the relevant circumstances of the case.

Article 28 Decisions of the Arbitral Tribunal

1. Except as provided for the award, the decisions of the Arbitral Tribunal are in the form of orders.
2. Decisions are taken by a majority vote. The arbitrators are not required to meet in personal conference.
3. Orders shall be in writing and may be signed by the President of the Arbitral Tribunal alone.
4. Orders of the Arbitral Tribunal can be revoked.
5. Any order in which the Arbitral Tribunal raises the matter of the constitutional legitimacy of a law or a provision with legal validity shall be filed together with the arbitration dossier at the Secretariat of the Chamber of Arbitration. The Secretariat sends the order and the dossier to the Constitutional Court and notifies the order to the Prime Minister or the President of the Regional Government, depending on whether the matter concerns national or regional legislation. The Secretariat shall also notify the order to the Presidents of the two Parliamentary Chambers (the Chamber of Deputies and the Senate) or, in the case of a regional law, to the President of the relevant Regional Council.
6. If the order is not issued at a hearing, it is communicated to the parties by the Secretariat.

Article 29 Hearings

1. Hearings are scheduled by the Arbitral Tribunal and communicated to the parties at least five days before the scheduled date.
2. The parties may appear at the hearings in person or through representatives with the necessary powers and be assisted by counsel with power of attorney. The Arbitral Tribunal may permit participation in the hearing by any appropriate means.
3. If a party is absent from the hearing without valid reason, the Arbitral Tribunal may proceed with the hearing, after checking that it has been correctly convened. If there are irregularities in the convening of the hearing, the Arbitral Tribunal proceeds to set a new date for the hearing.
4. Minutes shall be taken of the hearings.
5. Unless otherwise agreed by the parties, hearings shall be held in private.
6. Hearings may be conducted by audio or video conference or by other appropriate means.

Article 30 Taking of Evidence

1. The Arbitral Tribunal may order a hearing of the parties and may, on its own initiative or at the request of a party, take all evidence not excluded by mandatory provisions applicable to the proceedings or the merits of the dispute.

2. The Arbitral Tribunal shall freely evaluate all evidence, with the exception of that which constitutes legal proof under the mandatory provisions applicable to the proceedings or the merits of the dispute.
3. The Arbitral Tribunal, by agreement of the parties, may delegate the taking of admissible evidence to one of its members.
4. If the Arbitral Tribunal considers that a witness must be summoned by the Judicial Authority, the interested party proceeds to file the request at the Tribunal competent for the seat of arbitration and is responsible for the subsequent obligations. The decision of the Ordinary Tribunal is filed by the interested party with the Secretariat, which sends it to the arbitrators and to the other parties, and proceeds to perform any other necessary formalities.
5. In the case provided for in the previous paragraph, the deadline for issuing the award is suspended from the date of the decision to the date scheduled for the hearing of the witness.

Article 31 Expert witnesses

1. The Arbitral Tribunal, upon request of a party or on its own initiative, may appoint one or more expert witnesses, granting them an advance payment for expenses, to be paid by one or more parties.
2. The Tribunal-appointed expert witness shall comply with the duties imposed on arbitrators under these Rules, and the provisions on challenge relating to arbitrators shall also apply.
3. The Tribunal-appointed expert witness must allow the parties to assist in the expert's activities, either directly or through their counsel.
4. When appointing an expert witness, the Arbitral Tribunal sets the parties a deadline within which they may appoint their own expert witness with a declaration received by the Secretariat. The party's expert witness assists the proceedings of the Tribunal-appointed expert witness and participates in hearings whenever the Tribunal-appointed expert witness intervenes to provide observations on the results of the technical investigations.

Article 32 New Claims

After consulting the parties, the Arbitral Tribunal shall decide on the admissibility of new claims, taking into account all circumstances, including the stage of the proceedings.

Article 33 Third-party intervention and succession in the dispute

1. Third-party voluntary joinder or the summons of a third party in arbitration is permitted only with the agreement of the third party and the parties and with the consent of the arbitrators.
2. The intervention provided for in the second paragraph of Article 105 of the Italian Code of Civil Procedure and the necessary intervention of a co-party are always permitted.
3. Article 111 of the Italian Code of Civil Procedure applies.
4. A third party who voluntarily intervenes in the proceedings and submits an application must file with the Secretariat a document containing the content set forth in Article 11 of these Rules. This document is transmitted to the parties and to the Arbitral Tribunal, which may express its consent within the established time limit, which shall be no less than 20 days and no more than 30 days. If the Secretariat does not receive the consent of the parties and the Arbitral Tribunal within the established time limit, the intervention shall be inadmissible.
5. The order through which the Arbitral Tribunal summonses third parties to the proceedings, where this is permitted by the applicable rules, shall be sent by the Secretariat to the third party within 5 working days from the date of filing.

Article 34 Conclusions

1. When it considers that the case is ready for issuing the final award, the Arbitral Tribunal shall close the phase for discussing the case, even on the claims and issues it intends to decide only, and may invite the parties to file their conclusions.
2. The Arbitral Tribunal may set a time limit for filing final statements and an additional time limit for rebuttal statements, together with the final hearing.
3. After the closing of the phase for discussing the case, the parties cannot file new claims, plead new facts, submit new documents or propose the taking of fresh evidence.

Article 35 Settlement and withdrawal of proceedings

1. The parties and their counsel shall inform the Secretariat that they withdraw their claims in the event of a settlement or for other reasons, thereby relieving the Arbitral Tribunal, if already constituted, of the obligation to render an award. The right of the Arbitral Tribunal to compensation for its services remains unaffected.
2. The closing of the proceedings is declared by the Arbitral Council when the case ends before the constitution of the Arbitral Tribunal.

THE ARBITRAL AWARD

Article 36 Decision on the award

The award is decided with the participation of all arbitrators, even at a location other than the arbitration seat, and is adopted by a majority vote. A personal conference of the arbitrators is necessary only if one of the parties or one of the arbitrators requests it or the rules applicable to the proceedings require it.

Article 37 Form and content of the award

1. The award shall be in writing and shall indicate:
 - a) The name of the arbitrators, the parties, and their counsel;
 - b) The arbitration agreement;
 - c) Details on the formal or informal nature of the award, whether the proceedings are subject to Italian law and whether the decision has been made in accordance with law or ex aequo et bono;
 - d) The seat of the arbitration;
 - e) The claims of the parties;
 - f) The reasons upon which the decision is based, even in summary;
 - g) The decision;
 - h) The decision on the allocation of the costs of the proceedings, with reference to the decision on the costs of the Arbitral Council and the legal costs of the parties;
 - i) Date, place, and method of the decision.
2. The award shall be signed, even electronically, by all members of the Arbitral Tribunal or by a majority of them. In the latter case, the award must acknowledge the impediment or refusal of the arbitrators who have not signed the document.
3. Place and date of each signature must be indicated. Signatures may be made at different times and in different places.

Article 38 Formal review of the Award

The arbitrators may request the Arbitral Council a formal review of the draft award before its signature.

The Secretariat shall indicate to the arbitrators a time limit for the submission of the draft award. The Arbitral Council verifies its compliance with the formal requirements under these Rules.

Article 39 Filing and notification of the award

1. The Arbitral Tribunal shall file the award with the Secretariat in a number of originals equal to the number of parties plus one.
2. The Secretariat shall transmit an original of the award to each party within 10 days from the filing date.

Article 40 Time limit for filing the final award

1. The final award shall be signed within one hundred and eighty days from the constitution of the Arbitral Tribunal, unless otherwise agreed by the parties in the arbitration agreement. The President of the Arbitral Tribunal shall deposit it with the Secretariat within 10 days from the last signature.
2. The time limit set forth in paragraph 1 may be extended for justified reasons by the Arbitral Council or the Secretariat, provided the parties agree in writing and to the extent established by them.

3. In any case, the time limit for issuing the award may be extended in accordance with the provisions in force.

Article 41 Partial award and interim awards

1. The Arbitral Tribunal may issue one or more awards, including partial or interim ones.
2. In the cases referred to in the preceding paragraph, the Arbitral Tribunal shall issue an order directing the continuation of the proceedings.
3. Partial and interim awards do not alter the deadline for filing the final award, without prejudice to the right of the arbitrators to request an extension to the Arbitral Council.
4. The provisions of these Rules apply to partial and interim awards. An interim award shall not contain a decision on the costs of the proceedings and the legal costs; a partial award shall contain a decision on the costs of the proceedings and the legal costs only if it settles the dispute for one or more of the parties.

Article 42 Correction of the award

1. The award is subject to correction in the event of omissions, material errors or calculation errors.
2. The request for correction shall be filed with the Secretariat within 30 days from receipt of the award. The Secretariat shall send it to the Arbitral Tribunal which, after consulting the parties, shall decide within 30 days from receipt of the request for correction.
3. The decision of the Arbitral Tribunal accepting the request for correction shall be an integral part of the award.
4. No additional costs will be charged to the parties, unless otherwise decided by the Arbitral Council.

COSTS OF THE PROCEEDINGS

Article 43 Value of the dispute

1. The costs of the arbitration depend on the value of the dispute which is the sum of the claims filed by all the parties and is calculated according to the fee schedule attached to these Rules, pursuant to Articles 10 et seq. of the Italian Code of Civil Procedure.
2. The Secretariat determines the value of the dispute on the basis of the introductory documents and on the additional information provided by the parties and the Arbitral Tribunal.
3. At any stage of the proceedings, the Secretariat, at the request of one of the parties, may divide the value of the dispute according to the claims of each party and request from each party the costs related to its claims.
4. If the value of the dispute cannot be determined, it shall be allocated to the third band of the applicable fee schedule.

Article 44 Costs of the proceedings

1. The Arbitral Council shall determine the costs of the arbitration before the award is filed.
2. The Arbitral Council shall inform the Arbitral Tribunal and the parties of its determination of the costs which the Arbitral Tribunal shall mention in the award. The determination of the Arbitral Council shall not affect the decision of the Arbitral Tribunal as to the allocation of the costs of the proceedings to the parties.
3. Where the arbitration ends before the Arbitral Tribunal is constituted, the Secretariat shall determine the costs of the proceedings.
4. The costs of the arbitration shall include:
 - a) Fee of the Chamber of Arbitration;
 - b) Fee of the Arbitral Tribunal;
 - c) Fee of the Tribunal-appointed expert witnesses;
 - d) Reimbursement of expenses of the Chamber of Arbitration, arbitrators, and Tribunal-appointed expert witnesses;
 - e) The following expenses are not included in the fee of the Chamber of Arbitration and are subject to specific payment, if requested by the parties or the Arbitral Tribunal: photocopies of documents requested by the parties or the expert witnesses, recording of hearings and their transcription,

videoconferencing, fees for interpreters, fees and taxes on documents, and travel expenses for secretarial staff;

f) The documents relating to the arbitration proceedings are taxed in accordance with current legislation.

5. The fee for the Chamber of Arbitration for the arbitration shall be determined on the basis of the value of the dispute.

6. The fee for the Arbitral Tribunal is determined on the basis of the value of the dispute. In determining the fees of the Arbitral Tribunal, the Arbitral Council takes into account the work performed, the complexity of the dispute, the speed of the proceedings, and any other circumstances. A differentiated fee of up to 10% may be determined for the President of the Arbitral Tribunal.

7. The fees of the tribunal-appointed expert witnesses shall be determined and paid by the Arbitral Tribunal with fair assessment, taking into account the official fee and any other circumstances.

8. The Arbitral Council may decide otherwise, taking into account the provisions of paragraph 6, by varying the fees of the Arbitral Tribunal, compared to the attached tables, by a maximum of 30%.

9. The reimbursement of expenses of the arbitrators and Tribunal-appointed expert witnesses shall be supported by the relevant expense documents. In the absence of such documents, the expenses are considered as included in the fees.

10. The parties are jointly liable for the payment of the costs of the proceedings.

Article 45 Advance and final payments

1. Upon expiration of the deadline for filing the reply to the request for arbitration, the Secretariat requests the parties to pay by a time limit an advance on the arbitration costs.

2. The Secretariat may request the parties further advances in relation to the work performed or to be performed, or in the event of a change in the value of the dispute, and sets the deadline for payments.

3. The Secretariat requests the parties to pay by a time limit the final balance of the costs after the decision of the Arbitral Council and before the award is filed.

4. The amounts provided for in paragraphs 1, 2, and 3 may be requested from all parties in equal amounts if the Secretariat determines a single value in dispute, calculated by adding the claims of all parties, or if they are requested from each party in different shares on the basis of the value of their respective claims.

5. For the purposes of the payment, the Secretariat may consider multiple parties as one, taking into account the composition of the Arbitral Tribunal or the homogeneity of the parties' interests.

6. Upon justified request by a party, the Secretariat may allow a bank or insurance guarantee to be provided for the amounts mentioned in this article, setting the conditions.

Article 46 Non-payment

1. If a party fails to pay the requested amount, the Secretariat may request it from the other party and set a deadline for payment, or may divide the value of the dispute, if it has not previously done it, and request from each party an amount proportionate to the value of their respective claims, setting a deadline for the payment.

2. Whenever a payment is not made within the time limit, the Secretariat may suspend the proceedings, even only those related to the claim for which payment has not been made, where possible; if already constituted, the Arbitral Tribunal shall suspend the proceedings upon notification from the Secretariat. The suspension shall be revoked by the Secretariat or the Arbitral Tribunal upon verification of compliance.

3. If the payment is not made by the parties within 2 months from communication of the suspension order indicated in paragraph 2, the Secretariat or the Arbitral Tribunal, if constituted, may declare the termination of the proceedings, even only those related to the claim for which payment has not been made, without prejudice to the rights of the Chamber of Arbitration.

Article 47 Third-party funding

1. A party receiving third-party funding in relation to the arbitration proceedings and their outcome must declare the identity of the funder and the amount of the funding.

2. This declaration must be repeated throughout the proceedings, until its conclusion, where supervening facts so require or upon request by the Arbitral Tribunal.

Article 48 Payment of the fee of the Arbitral Tribunal

1. Upon appointing the Arbitral Tribunal, the Arbitral Council shall determine an advance on the fees, to be paid by the parties and communicated by the Secretariat pursuant to Article 43. This advance shall be paid directly to the members of the Arbitral Tribunal by the first hearing.
2. The fees determined by the Arbitral Council pursuant to Article 42 shall be paid directly to the members of the Arbitral Tribunal in accordance with the provisions of the Award.

Article 49 Payment of the fee to expert witnesses

1. Upon appointment of expert witnesses, the Arbitral Tribunal shall determine an advance payment on their fees. This advance payment shall be paid by the parties directly to the expert witnesses upon acceptance of the assignment and in any case before the commencement of their activity.
2. The fees determined by the Arbitral Tribunal pursuant to Article 42, paragraph 7, shall be paid directly to the expert witnesses on the basis of the provisions of the award.
3. In the event of failure to pay the advance payments provided for in paragraph 1, the provisions of Article 44 shall apply.

EMERGENCY ARBITRATOR

Article 50 Emergency Arbitrator

1. Unless otherwise agreed by the parties, prior to the constitution of the Arbitral Tribunal, any party may file an application, even without notice to the other party, for the appointment of a sole emergency arbitrator in order to grant urgent and provisional measures of protection, also of an anticipatory nature, that are not barred by mandatory provisions of the law applicable to the proceedings. The application shall contain the names of the parties and the arbitration agreement, the factual elements and the juridical grounds on which the request relies, and proof of payment of the amount referred in the annexed fee schedule.
2. Within 5 days from receipt of the application, the Arbitral Council appoints the emergency arbitrator and collects his/her acceptance and statement of independence.
3. Within 15 days from receiving the documents, the emergency arbitrator orders the requested precautionary and provisional measures, where s/he considers that the application is grounded, after having consulted the parties and having adopted the most appropriate measures.
4. At the request of the applicant, within 5 days from receiving the documents, the emergency arbitrator may issue the procedural order without notice to the other party, if such notice would seriously prejudice the applicant's interests. In this case, with the decision granting the application, the emergency arbitrator schedules a hearing within 10 days from the decision to discuss the case with the parties and set deadlines for the submission of briefs, if any. At the hearing, or in any case within the following 5 days, the emergency arbitrator, having heard the parties, issues an order confirming, modifying or revoking the measure already granted.
5. The order of the emergency arbitrator may provisionally allocate the costs of the proceedings determined by the Arbitral Council and the legal costs to be paid by the parties, without any prejudice to the decision made by the Arbitral Tribunal in the award.
6. Any party may file with the Secretariat a reasoned challenge against the emergency arbitrator within 3 days from receiving his/her statement of independence or from the date when it becomes aware of the ground for challenge. The Arbitral Council decides on the challenge as promptly as possible after having heard the emergency arbitrator. Where the challenge is upheld, any measure taken by the emergency arbitrator becomes ineffective.
7. The emergency arbitrator may subject the granting of any measure to the provision of an adequate guarantee.
8. The order can be amended and revoked before the Arbitral Tribunal, once constituted. Until the Arbitral Tribunal is constituted, the emergency arbitrator remains competent for any request for amendment or revocation of the order.
9. The request for arbitration, if not yet filed, shall be filed with the Secretariat within the mandatory time limit of 60 days from the filing of the application, or within the time limit set by the emergency arbitrator that cannot be shorter than 15 days.

10. The emergency arbitrator cannot act as arbitrator in any arbitration relating to the dispute to which the request refers.

SIMPLIFIED ARBITRATION PROCEDURE

Article 51 Scope of application

1. The simplified arbitration procedure applies to arbitration proceedings when the value of the arbitration request does not exceed € 100,000.00, without prejudice to the opposition, even of just one party, expressed in the introductory document or in the first reply, in which case the ordinary arbitration procedure must be applied instead of that referred to in the following provisions.
2. The simplified arbitration procedure also applies to all proceedings without any limit on economic value if the parties have referred to it in the arbitration agreement or if they have agreed on its application even subsequently until the exchange of the first defence documents.
3. For anything not expressly regulated by the procedure, the provisions of the Arbitration Rules apply, insofar as they are compatible.
4. The Arbitral Council may establish that the provisions of the simplified arbitration procedure do not apply due to the particular complexity of the dispute.

Article 52 Request for simplified arbitration

1. The request for simplified arbitration shall be filed with the Secretariat. The request for arbitration shall contain: the names and addresses of the parties, a description of the dispute, the claims and their economic value, a specific indication of the means of evidence the Claimant intends to rely on, any information on the rules applicable to the proceedings and the merits of the dispute, a power of attorney for any appointed counsel, the arbitration agreement, and any other information or documents the party considers useful to produce. An administrative fee of € 100.00 shall be paid upon filing the request.
2. The Respondent must file a reply to the request for arbitration with the Secretariat within 20 days from receiving the request for arbitration. The response must contain the name and address of the Respondent, a statement of defence, any counterclaims and their economic value, a specific indication of the means of evidence the party intends to rely on, any information on the rules applicable to the proceedings and the merits of the dispute, a power of attorney for any appointed counsel, the arbitration agreement, and any other information or documents the party considers useful to produce, and any objection to the simplified arbitration procedure.
3. In the event of procedural exceptions or a counterclaim by the Respondent, the Claimant must file a response with the Secretariat within 10 days from receiving the Respondent's reply. The reply to the counterclaim shall contain a statement of defence and any other information or documents the party considers useful to produce.

Article 53 Appointment, acceptance, challenge, and replacement of the arbitrator

1. The Arbitral Tribunal shall consist of a sole arbitrator, even in derogation from the provisions of the arbitration agreement. The sole arbitrator shall be appointed by the Arbitral Council.
2. The arbitrator shall submit his/her declaration of acceptance and statement of independence to the Secretariat within 10 days.
3. Either party may file observations or a challenge within 5 days from receiving the arbitrator's declaration or of subsequently becoming aware of any circumstances or grounds that may cast doubt on the arbitrator's independence or impartiality.
4. The Arbitral Council shall decide on the challenge request.
5. The arbitrator may be replaced by the Arbitral Council for unjustified delay or negligence in performing his/her duties.
6. The Secretariat may suspend the proceedings if the arbitrator needs to be replaced. In any case, once the suspension has been revoked, the remaining deadline for filing the award, if shorter, is extended to 30 days.

Article 54 Constitution of the Arbitral Tribunal

1. The Secretariat shall transmit the introductory documents, along with the attached documents, to the arbitrator after the payment of the advance costs.

2. The arbitrator shall constitute the Arbitral Tribunal with a dated and signed document within 10 days from receiving the documents transmitted by the Secretariat.

Article 55 The Proceedings

1. The arbitrator, the parties, and the counsel undertake to act in the proceedings as expeditiously as possible, taking into account their simplified nature.
2. The arbitrator conducts the proceedings in the manner s/he considers most appropriate and most suitable for promoting a rapid conclusion. S/he may decide the dispute, if s/he considers it possible on the basis of only documentary evidence.
3. The arbitrator, if s/he considers it necessary, may request the appointment of a Tribunal-appointed expert witness. The appointment is made by the Arbitral Council. The fee of the expert witness is determined by the Secretariat.
4. Unless otherwise determined by the arbitrator, the parties may file, in addition to the introductory documents, only one additional brief within the time limit assigned for this purpose.
5. Unless otherwise determined by the arbitrator, the parties may not submit new claims after the Arbitral Tribunal has been constituted.
6. The arbitrator, upon request of a party or ex officio if s/he considers it necessary, shall schedule a single hearing for the collection of admissible evidence and for final discussion. The hearing may be conducted via audio or video conference or by other suitable means.
7. The time limits set by the arbitrator are subject to forfeiture, unless otherwise provided in the provision establishing them.

Article 56 The arbitral award

1. The arbitrator shall file the final award with the Secretariat within 3 months from the date of constitution of the Arbitral Tribunal.
2. The Secretariat shall transmit the award to the parties within 10 days from its filing.
3. The time limit for filing the award may be extended by the Secretariat for justified reasons.

Article 57 Costs of the proceedings

1. The Secretariat shall determine the economic value of the parties' claims and, after the filing of their respective introductory documents, shall require each party to provide an initial payment corresponding to the value of their claims.
2. The Secretariat may require the Respondent, that has not filed counterclaims, to pay a fee.
3. If a party fails to pay the requested amount, the Secretariat may suspend the proceedings, even only with respect to the claim for which payment has not been made.
4. If the payment is not made by the parties within 10 days from communication of the suspension order referred to in paragraph 3, the Secretariat may declare the termination of the proceedings, even only those related to the claim for which payment has not been made.

FINAL PROVISIONS

Article 58 Storage of documents

1. The Secretariat shall return the file to each party within 6 months after the termination of the arbitration proceedings.
2. The Secretariat shall store the official file for 10 years.
3. Upon request of a party, the Secretariat shall issue certified copies of the original award filed with the Secretariat. Upon request, the copy shall be notarized at the requesting party's expense.

Article 59 Entry into force

These Rules shall enter into force on and shall apply to all proceedings initiated after their entry into force.

Annex 1

Bodies of the Chamber of Arbitration

The bodies of the Chamber of Arbitration are:

- a) the Arbitral Council;
- b) the Secretariat.

The Arbitral Council: Composition and powers

1. The Arbitral Council is composed of eleven members, all appointed for a five-year term by the Board of the Chamber of Commerce of Naples. They are preferably chosen from retired magistrates, full university professors in legal or technical-economic disciplines, lawyers, chartered accountants, and notaries with at least fifteen years of membership in the professional register or society.
2. For the handling of special cases, the Board of the Chamber of Commerce of Naples may appoint two experts, including foreigners, with specific expertise in the subject matter, as members of the Arbitral Council in addition to those provided for in paragraph 1.
3. The President and Vice President are appointed by the Council among its members.
4. Three consecutive unexcused absences from meetings of the Arbitral Council result in dismissal from office. The substitute member of the Arbitral Council, appointed according to the procedures set forth in paragraph 1, remains in office until the Council's term expires.
5. The Arbitral Council has the following powers:
 - a) To oversee the application of these Rules;
 - b) To prepare, maintain and update a list of arbitrators and define their ethical rules;
 - c) To appoint arbitrators in the cases provided for by these Rules;
 - d) Upon request of the parties, to appoint arbitrators in proceedings not administered under these Rules;
 - e) To decide on the challenge, dismissal, and replacement of arbitrators;
 - f) To decide on requests for consolidation of proceedings and for extensions of time limits;
 - g) To study the theoretical and practical issues of arbitration, promoting the organization of training courses, seminars, conferences, and any other initiative aimed at raising awareness and disseminating the culture of arbitration;
 - h) To formulate opinions on proposed agreements or collaborations with arbitration bodies or institutions;
 - i) To propose amendments to these Arbitration Rules;
 - j) The Arbitral Council also has general jurisdiction over all matters relating to the administration of arbitration proceedings and adopts all related provisions, without prejudice to the powers attributed by these Rules to the Secretariat.

The Arbitral Council: Meetings and decisions

1. The Arbitral Council is convened by the President and meets, in any case, at least twice a year.
2. Meetings of the Arbitral Council are valid with the presence of at least five members. The abstention of a member for certain decisions does not affect the quorum required for the meeting to be valid.
3. Meetings may be held using any means of telecommunications; participation of members is also permitted by any means of telecommunications.
4. Meetings of the Arbitral Council are chaired by the President or, in his/her absence, by the Vice President or, in the absence of both, by the most senior member.
5. The Arbitral Council adopts its decisions by a majority of votes; in the event of a tie vote, the vote of the President of the meeting prevails.
6. In cases of urgency, the President of the Arbitral Council may adopt measures relating to the administration of arbitration proceedings, informing the Council thereof at its first subsequent meeting.

The Secretariat

1. The Secretariat of the Chamber of Arbitration, through the Secretary or delegated officials, carries out the functions attributed by these Rules and adopts the relevant decisions.
2. Furthermore, the Secretariat:

- a) acts as secretariat of the Arbitral Council and drafts the minutes of its meetings and signs its decisions;
- b) reports to the Arbitral Council on the status of the arbitration proceedings, at the beginning of each quarter of the year;
- c) communicates the provisions of the Arbitral Council and its own decisions to the parties, to the Arbitral Tribunal as well as to any other party;
- d) receives all documents from the parties and the Arbitral Tribunal;
- e) prepares and maintains the files of arbitration proceedings;
- f) carries out the communications requested by the Arbitral Council and the Arbitral Tribunal;
- g) issues to the parties, upon their request, certified copies of the documents as well as attestations and certifications relating to the arbitration proceedings.

Annex 2 Fee scheme

		Sole arbitrator		Arbitral tribunal		Simplified arbitration	<i>Sole arbitrator</i>		Emergency arbitration	
	Chamber of Arbitration	Minimum	Maximum	Minimum	Maximum	Chamber of Arbitration	Minimum	Maximum	Chamber of Arbitration	<i>Sole arbitrator</i>
Up to € 25,000	130	390	975	1,040	2,470	100	260	650	3,000	10,000
25,001–50,000	260	975	1,625	2,470	3,900	200	650	1,000		
50,001–100,000	488	1,300	1,950	2,925	5,850	300	860	1,300		
100,001–250,000	975	1,950	4,550	5,850	11,050	600	1,300	3,000		
250,001–500,000	1,625	4,550	8,450	11,050	20,800	1,000	3,000	5,500		
500,001–1,000,000	2,600	8,450	11,700	20,800	29,250	1,800	5,600	7,800		
1,000,001–2,500,000	3,900	11,700	17,550	29,250	42,250	2,600	7,800	11,500		
2,500,001–5,000,000	5,850	17,550	26,000	42,250	58,500	3,800	11,500	17,000		
5.000.001–10.000.000	8,125	26,000	29,250	58,500	71,500	5,400	17,000	19,500		
10,000,001–25,000,000	11,375	29,250	33,800	71,500	81,250	7,500	19,500	22,500		
25,000,001–50,000,000	15,600	33,800	40,950	81,250	94,250	10,000	22,500	27,000		
50.000.001–100.000.000	22,750	40,950	45,500	94,250	107,250	15,000	27,000	30,000		
Over € 100,000,000	30,000	45,500		107,250		20,000	30,000			

Annex 3 Model Clause

All disputes, including non-contractual disputes, arising from, relating to, or connected with this Agreement, shall be resolved by arbitration in accordance with the Rules of the Chamber of Arbitration of Naples, by a sole arbitrator or three arbitrators appointed in accordance with the aforementioned Rules.