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| **COMPARISON BETWEEN VIAC RULES AND SIAC RULES** | | |
|  | **VIAC Rules** | **SIAC Rules** |
| 1. **Language of arbitration** | For disputes without foreign elements, the language of arbitration is Vietnamese.  For disputes with foreign elements, the language of arbitration shall be as agreed by the parties.  *(Article 23 of VIAC Rules)* | The language of arbitration shall be as agreed by the parties.  Unless there is no agreement between the parties, the Arbitral Tribunal shall determine the language to be used in the arbitration.  *(Article 22 of SIAC Rules)* |
| 1. **Applicable Law** | For disputes without a foreign element, the Arbitral Tribunal shall apply the law of Vietnam.  For disputes with a foreign element, the Arbitral Tribunal shall apply the law agreed by the parties; if the parties do not have any agreement on the applicable law, the Arbitral Tribunal shall determine the law it considers the most appropriate.  *(Article 24 of VIAC Rules)* | The Arbitral Tribunal shall apply the law or rules of law designated by the parties as applicable to the substance of the dispute.  Failing such designation by the parties, the Tribunal shall apply the law or rules of law which it determines to be appropriate.  *(Article 31 of SIAC Rules)* |
| 1. **Number of arbitrators** | In principle, the dispute will be resolved by an Arbitral Tribunal comprising three arbitrators.  The dispute is only resolved by a sole arbitrator if the parties have agreed.  *(Article 11 of VIAC Rules)* | The dispute will be resolved by a sole arbitrator; unless otherwise agreed by parties or decided by the Registrar, an Arbitral Tribunal comprising three arbitrators will resolve the dispute.  *(Article 9.1 of SIAC Rules)* |
| 1. **Notices and documents submitted** | Any notice or document submitted by any party to VIAC shall be in a sufficient number of copies for VIAC to forward one copy to each member of the Arbitral Tribunal, one copy to the other party, and to file one copy.  *(Article 3.1 of VIAC Rules)* | The involved party is obliged to send to Registrar and other parties any notice or document, instead of preparing sufficient number of copies for the Centre to deliver to the other parties.  *(Article 2.1 of SIAC Rules)* |
| 1. **Summary of the procedures** | Normally, a dispute is resolved under VIAC Rules shall follow the procedures underneath:   * The Claimant submits the Request for Arbitration and arbitration fee to VIAC; * Within **10 days** after that, VIAC will notify the Respondent of its acceptance; * The Respondent shall submit to VIAC a Statement of Defence (Counterclaim, if any) within **30 days** from the date of receipt of VIAC’s Notice; * Selecting the arbitrator, or requesting VIAC to appoint the arbitrator and constituting an Arbitral Tribunal; *(please refer the Item 5 below for more details)* * Hearings. The Arbitral Tribunal shall fix the time and the location of hearings, and a summon to attend a hearing shall be sent VIAC to the parties within a period of time no less than **15 days** prior to the date of the hearing unless the parties have agreed otherwise. * The Arbitral Award. The Arbitral Award shall be made no later than **30 days** from the date on which the final hearing finishes. * Correction of the Arbitral Award. Within **30 days** from the date of receipt of the Arbitral Award, a party may request the Arbitral Tribunal to correct, and the Arbitral Tribunal shall make a Decision on correction within **30 days** from the date of receipt of the request. | The procedures for dispute resolution in SIAC could be presented as follows:   * The Claimant submits the Registrar a Notice of Arbitration, payment of the requisite filing fee. The Claimant shall, at the same time, send a copy of the Notice of Arbitration to the Respondent, and shall notify the Registrar that it has done so.   *(The Notice of Arbitration may also include the Statement of Claim)*   * The Respondent shall file a Response with the Registrar within **14 days** of receipt of the Notice of Arbitration.   *(The Response may also include the Statement of Defence and a Statement of Counterclaim)*   * Arbitrator appointment *(please refer the Item 5 below for more details)* * Submitting the Statement of Claim (the Claimant) will be conducted within a period of time to be determined by the Arbitral Tribunal, unless already submitted with the Notice of Arbitration. * Submitting the Statement of Defence and/or the Statement of Counterclaim (the Respondent) will be conducted within a period of time to be determined by the Arbitral Tribunal, unless already submitted with the Response. * Preliminary meeting. As soon as practicable after the constitution of the Arbitral Tribunal, the Arbitral Tribunal shall conduct a preliminary meeting with the parties to discuss the procedures that will be most appropriate and efficient for the case. * Hearing. The Arbitral Tribunal shall, after consultation with the parties, set the date, time and place of hearing and shall give the parties reasonable notice. * Arbitral Award. The Arbitral Tribunal shall submit such Award in draft form to the Registrar no later than **45 days** from the date on which the Arbitral Tribunal declares the proceedings closed.   After the Arbitral Award is approved by the Registrar, it shall be rendered by the Arbitral Tribunal.   * Correction of the Arbitral Award. Within **30 days** from the date of receipt of the Arbitral Award, a party may request the Arbitral Tribunal to correct, and the Arbitral Tribunal shall make correction within **30 days** from the date of receipt of the request. |
| 1. **Arbitrator appointment and Arbitral Tribunal constitution** | The Arbitral Tribunal is established within a limited period of time *(maximum 59 days in case the tribunal has 3 arbitrators; and 37 days in case the tribunal has 1 arbitrator)* since VIAC sends the Notice, Statement of Claim, arbitration agreement and other documents to the Respondent.   * ***For the Arbitral Tribunal comprising 03 arbitrator:*** * The Claimant shall select an arbitrator or request VIAC to appoint an arbitrator. Where the Claimant requests, VIAC’s President shall, within **07 days** from the date of receipt of the request, appoint an arbitrator. * The Respondent shall select an arbitrator or request VIAC to appoint an arbitrator within **30 days** from the date of receipt of the Notice.   Where the Respondent requests VIAC to appoint an arbitrator, VIAC’s President shall, within **07 days** from the date of receipt of the request, appoint an arbitrator.  Where the Respondent fails to select an arbitrator or to request VIAC to appoint an arbitrator within the aforesaid period of 30 days, VIAC’s President shall within **07 days** after the expiry date, appoint an arbitrator.   * Within **15 days** from the date on which the Respondent’s arbitrator is selected or appointed, the two arbitrators shall select the third person who will act as the Presiding Arbitrator of the Arbitral Tribunal.   If the Presiding Arbitrator is not selected within the aforesaid period, VIAC’s President shall, within **07 days** after the expiry date, appoint the Presiding Arbitrator of the Arbitral Tribunal.   * ***For the Arbitral Tribunal comprising a sole arbitrator:*** * Within **30 days** from the date on which the Respondent receives the Notice, the parties shall agree on the selection of a sole arbitrator or request VIAC to appoint. * If a sole arbitrator is not appointed within the aforesaid period, VIAC’s President shall, within **07 days** after the expiry date, appoint the Sole Arbitrator.   *(Article 12 and Article 13 of VIAC Rules)* | * The Arbitral Tribunal consisting of sole arbitrator will be established within **21 days** from the date the Claimant submits the Notice of Arbitration if the parties could agree to choose an arbitrator; otherwise, after this 21-day period the President will appoint an arbitrator. * For the Arbitral Tribunal comprising 03 arbitrator: each party shall select one arbitrator. If a party fails to make a selection of an arbitrator within **14 days** after receipt of a party’s selection of an arbitrator, or within the period otherwise agreed by the parties or set by the Registrar, the President shall appoint an arbitrator on its behalf. * In the event of more than two parties participating in the arbitration, if the nomination of an arbitrator is not done within **28 days** from the date on which the Claimant submits the Notice of Arbitration or within a time limit agreed upon by the parties or within a period provided by the Registrar, the President will appoint an arbitrator.   *(Article 10, Article 11, and Article 12 of SIAC Rules)* |
| 1. **Arbitration Fee** | Claimant shall **make payment in full** for (i) fees for the Arbitrator, and (ii) administrative fees under the Arbitration Fee Schedule effective at the time of filing the Statement of Claim.  After the establishment of the Arbitral Tribunal, the Arbitral Tribunal decides that one or both parties must advance (iii) travel fee, accommodation fee and other related expenses.  During the trial, (iv) cost of assessment, property valuation, cost of expert consultation will be determined.  *(Article 35 of VIAC Rules)* | The Claimant pays the filing fee when submitting the Notice of Arbitration to SIAC.  The Claimant will pay 50% of the deposit for arbitration fees, and Respondent will pay the remaining 50%. One party is allowed to pay the entire deposit if the other party fails to pay its due.  The Arbitral Tribunal may require a party to provide security for (i) attorney fees or other expenses, and/or for (ii) all or part of the amount in dispute.  *(Article 3.1.k, Article 34 of SIAC Rules)* |
| Arbitration Fee Schedule is set forth based on the value in dispute  For your specific reference, please refer the link: <https://www.viac.vn/en/cost-of-arbitration> | Schedule Fee in SIAC is prescribed in detail, such as:   * Case filling fee (Non-Refundable) * Singapore Parties: 2,140 SGD * Overseas Parties: 2,000 SGD * Admistration fees varies based on the value in dispute * Arbitrator’s fees * Emergency Interim Relief Fees   For your specific reference, please refer the link: <https://www.siac.org.sg/fees/siac-schedule-of-fees> |