

## **SCHEDULE III**

### **Parties' COSTS**

#### **Recommendations concerning the Parties' costs**

1. This recommendation concerns the reimbursement of all the reasonable costs borne by a Party for the defence of its interests, such as the costs of legal assistance and representation, costs related to the production of evidence by Experts or by witness testimony as well as internal costs. These costs also include the travelling and hotel costs of Counsel, Experts and witnesses.
2. Parties are free to agree on the extent to which the Parties' costs are reimbursed as well as the modalities of the reimbursement of these costs by the Arbitral Tribunal, the Mediator, the President of the mini-trial Committee, the Expert or Third Person. Parties are free to determine an upper maximum limit for the reimbursement of these costs.
3. The Arbitrators, the Mediator, the chairman of the mini-trial Committee, the Expert or Third Person shall draw the Parties' attention to the possibility they have of making an agreement on Parties' costs.
4. In its Award/decision relating to Parties' costs the Arbitral Tribunal, the Mediator, the President of the mini-trial Committee, the Expert or Third Person may take account of the circumstances of the case, the financial importance and the degree of difficulty of the case the manner in which the Parties have cooperated in handling the case, the relevance of the arguments presented and the degree to which the claim has been successful.

5. Parties' costs must be duly evidenced taking into account professional Rules as well as professional secrecy.
6. The Arbitral Tribunal, the Mediator, the President of the mini-trial Committee, the Expert or Third Person may not decide on a Party's Request for the reimbursement of costs without offering the other Party(ies) the possibility of contesting the costs.
7. Article 1022 of the Belgian Judicial Code shall not apply unless otherwise agreed by the Parties.
8. The Arbitral Tribunal, the Mediator, the President of the mini-trial Committee, the Expert or Third Person shall rule on the Parties' costs at the latest in its Final Award/decision and shall state the reasons for its decision.