

Revision, Correction and Interpretation of Arbitral Awards

- Swiss Rules of International Arbitration (2012)

INTERPRETATION OF THE AWARD

Article 35

- 1. Within thirty days after the receipt of the award, a party, with notice to the Secretariat and to the other parties, may request that the arbitral tribunal give an interpretation of the award. The arbitral tribunal may set a time-limit, as a rule not exceeding thirty days, for the other parties to comment on the request.*
- 2. The interpretation shall be given in writing within forty-five days after the receipt of the request. The Court may extend this time limit. The interpretation shall form part of the award and Articles 32(2) to (6) shall apply.*

CORRECTION OF THE AWARD

Article 36

- 1. Within thirty days after the receipt of the award, a party, with notice to the Secretariat and to the other parties, may request the arbitral tribunal to correct in the award any errors in computation, any clerical or typographical errors, or any errors of similar nature. The arbitral tribunal may set a time-limit, as a rule not exceeding thirty days, for the other parties to comment on the request.*
- 2. The arbitral tribunal may within thirty days after the communication of the award make such corrections on its own initiative.*
- 3. Such corrections shall be in writing, and Articles 32(2) to (6) shall apply.*

ADDITIONAL AWARD

Article 37

- 1. Within thirty days after the receipt of the award, a party, with notice to the Secretariat and the other parties, may request the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award. The arbitral tribunal may set a time-limit, as a rule not exceeding thirty days, for the other parties to comment on the request.*
- 2. If the arbitral tribunal considers the request for an additional award to be justified and considers that the omission can be rectified without any further hearings or evidence, it shall complete its award within sixty days after the receipt of the request. The Court may extend this time-limit.*
- 3. Articles 32(2) to (6) shall apply to any additional award.*

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- The German Code of Civil Proceedings

Section 1058 - Correction, interpretation, and amendment of the arbitration award

Each of the parties may request the arbitral tribunal to:

- 1. correct computation errors, spelling mistakes, or typographical errors, or errors of a similar nature in the arbitration award;*
- 2. interpret specific parts of the arbitration award;*
- 3. issue a supplementary arbitral award regarding claims, which have been asserted in the arbitration proceedings, but which were not addressed in the arbitration award.*

Unless the parties to the dispute have agreed a different period, the petition is to be filed within one (1) month of the arbitration award having been received.

The arbitral tribunal is to decide on the correction or interpretation of the arbitration award within one (1) month, and on the amendment of the arbitration award within two (2) months.

The arbitral tribunal may correct the arbitration award also without a petition being filed.

Section 1054 is to be applied to the correction, interpretation, or amendment of the arbitration award.

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- DIS Arbitration Rules (1998)

Section 37 - Interpretation and correction of arbitral award

37.1: Any party may request the arbitral tribunal

- to correct in the award any errors in computation, any clerical or typographical errors or any errors of similar nature,*
- to give an interpretation of specific parts of the award,*
- to make an additional award as to claims presented in the arbitral proceedings but omitted from the award.*

37.2: Unless otherwise agreed by the parties, the request shall be made within 30 days after receipt of the award. A copy of the request shall be delivered to the DIS Secretariat.

37.3: The arbitral tribunal should make the correction or give the interpretation within 30 days and make an additional award within 60 days.

37.4: The arbitral tribunal may also make a correction to the award on its own initiative.

37.5: Sections 33, 34 and 36 apply to correction or interpretation of the award or to an additional award.

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- Swedish Arbitration Act

Section 32

If the arbitrators find that an award contains any obvious inaccuracy as a consequence of a typographical, computational, or other similar mistake by the arbitrators or any another person, or if the arbitrators by oversight have failed to decide an issue which should have been dealt with in the award, they may, within thirty days of the date of the announcement of the award, decide to correct or supplement the award. They may also correct or supplement an award, or interpret the decision in an award, where any of the parties so requests within thirty days of receipt of the award by that party.

Where, upon request by any of the parties, the arbitrators decide to correct an award or interpret the decision in an award, such shall take place within thirty days from the date of receipt by the arbitrators of the party's request. Where the arbitrators decide to supplement the award, such shall take place within sixty days.

Before any decision is made pursuant to this section, the parties should be afforded an opportunity to express their views with respect to the measure.

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- SCC Arbitration Rules (2017)

Article 47 - Correction and interpretation of an award

(1) Within 30 days of receiving an award, a party may, upon notice to the other party, request that the Arbitral Tribunal correct any clerical, typographical or computational errors in the award, or provide an interpretation of a specific point or part of the award. After giving the other party an opportunity to comment on the request, and if the Arbitral Tribunal considers the request justified, it shall make the correction or provide the interpretation within 30 days of receiving the request.

(2) The Arbitral Tribunal may correct any error of the type referred to in paragraph (1) above on its own motion within 30 days of the date of an award.

(3) Any correction or interpretation of an award shall be in writing and shall comply with the requirements of Article 42.

Article 48 – Additional Award

Within 30 days of receiving an award, a party may, upon notice to the other party, request that the Arbitral Tribunal make an additional award on claims presented in the arbitration but not determined in the award. After giving the other party an opportunity to comment on the request, and if the Arbitral Tribunal considers the request justified, it shall make the additional award within 60 days of receiving the request. When deemed necessary, the Board may extend this 60 day time limit.

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- ICC Rules (2017)

Article 36: Correction and Interpretation of the Award; Remission of Awards

- 1) On its own initiative, the arbitral tribunal may correct a clerical, computational or typographical error, or any errors of similar nature contained in an award, provided such correction is submitted for approval to the Court within 30 days of the date of such award.*
- 2) Any application of a party for the correction of an error of the kind referred to in Article 36(1), or for the interpretation of an award, must be made to the Secretariat within 30 days of the receipt of the award by such party, in a number of copies as stated in Article 3(1). After transmittal of the application to the arbitral tribunal, the latter shall grant the other party a short time limit, normally not exceeding 30 days, from the receipt of the application by that party, to submit any comments thereon. The arbitral tribunal shall submit its decision on the application in draft form to the Court not later than 30 days following the expiration of the time limit for the receipt of any comments from the other party or within such other period as the Court may decide.*
- 3) A decision to correct or to interpret the award shall take the form of an addendum and shall constitute part of the award. The provisions of Articles 32, 34 and 35 shall apply mutatis mutandis.*
- 4) Where a court remits an award to the arbitral tribunal, the provisions of Articles 32, 34, 35 and this Article 36 shall apply mutatis mutandis to any addendum or award made pursuant to the terms of such remission. The Court may take any steps as may be necessary to enable the arbitral tribunal to comply with the terms of such remission and may fix an advance to cover any additional fees and expenses of the arbitral tribunal and any additional ICC administrative expenses.*

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- Note to the Parties and Arbitral Tribunals on the Conduct of the Arbitration (ICC Rules)

Para. 133

Where the relevant national law or court practice provide specific circumstances in which an arbitral tribunal may render certain decisions other than corrections or interpretation regarding an award which has already been approved and notified, such situations shall be treated in the spirit of this Note.