



ASSOCIATION MONDIALE DE DISPACHEURS
INTERNATIONAL ASSOCIATION OF AVERAGE ADJUSTERS
INTERNATIONALER DISPACHEURVEREIN

Anciennement A.I.D.E. fondée en 1961 - Founded in 1961 as A.I.D.E.

AMD TRIBUNAL
for ARBITRATION or CONSULTATION

For the purpose of avoiding protracted disputes and litigation among members of the maritime and insurance communities, the President and Management Commission of AMD wish to place at the disposal of members of these communities the services of a Tribunal of AMD dedicated to the prompt resolution of such disputes, whether arising out of average adjustments or otherwise, either by arbitration or by the provision of binding or other opinions. It is envisaged that uncertainties or disputes that applicants may consider placing before the AMD Tribunal will be those involving general average, claims on marine insurance policies, or maritime casualties generally.

The following rules are not intended to apply to mediation. Should mediation services be required, specific application must be made to the AMD Secretary. The AMD secretary will direct mediation requests to the appropriate AMD member who will communicate directly with the party requesting mediation

1. Who may apply to the President of AMD for the appointment of a Tribunal?^{1 2}

- 1.1. Any member of the maritime or marine insurance communities who wishes to receive an Opinion on a matter within the particular competence of members of AMD
- 1.2. Any two or more parties to a dispute who, being members of the maritime or marine insurance communities require Arbitration of the matter(s) in dispute between them by the AMD Tribunal

2. Constitution of the Tribunal³

- 2.1. Application to have any matter referred to an AMD Tribunal shall be made to the President of AMD
- 2.2. Unless otherwise agreed by the President and the party or parties applying:
 - 2.2.1. the Tribunal shall be constituted by the President from among the members of AMD, having, in his view, knowledge and experience in areas bearing on the circumstances of the question(s) under review.
 - 2.2.2. the Tribunal so constituted shall consist of two members of AMD.
 - 2.2.3. If the members of the Tribunal which is constituted are unable to agree on the matter(s) in question they shall apply to the President of AMD to appoint a third member of the Tribunal to act as Umpire.



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3. Procedure of the Tribunal

- 3.1. Unless otherwise stipulated by the applicants and agreed by the President of AMD,
 - 3.1.1. all matters referred to the Tribunal under Article 1.2 above will be dealt with on a “documents only” basis⁴
 - 3.1.2. the Decisions of the Tribunal in respect of matters referred to it under Article 1.2 shall be binding only upon the applicants making the reference.
 - 3.1.3. the Opinion of the Tribunal in respect of a matter submitted to it under Article 1.1 shall not be binding, whether upon the party applying or any other party concerned in the matter.
 - 3.1.4. the Opinions of the Tribunal shall be in writing, and its Decisions shall be issued in writing and include reasons.
- 3.2. Unless otherwise agreed between the Tribunal and the party or parties applying,
 - 3.2.1. the Opinion or Decision of the Tribunal will, at the discretion of AMD, be published on the AMD website
 - 3.2.2. all Opinions and Decisions of the Tribunal, where not unanimous, may be reached on a majority basis, and shall, in such circumstances, be stated to be so
 - 3.2.3. all procedure and time limits in relation to the proceedings shall be set by the Tribunal on its appointment, or from time to time as required, and shall be communicated to the party or parties applying
 - 3.2.4. the Tribunal’s Opinion or Decision shall be communicated to the President of AMD. The President shall then inform the Applicant(s) that the Opinion or Decision of the Tribunal is available, and may be obtained on payment of the total charges in accordance with the terms of Article 5.4 below.



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4. Powers and duties of the Tribunal.

In the course of its activities, the Tribunal shall:

- 4.1. proceed with reasonable expedition in the consideration of the material placed before it, and the production and issue of its Opinion or Decision thereon
- 4.2. have the right to establish procedure and time limits in accordance with Article 3.2.3 above
- 4.3. have the right to make such orders as it deems necessary in the pursuance of such procedure and time limits
- 4.4. have the right to request from the party or parties applying such information and/or documents as it considers necessary for the resolution of the matters before it
- 4.5. have the right to consult such third parties as it deems necessary from outside the profession of average adjusting in order to arrive at its Opinion or Decision²⁵
- 4.6. have absolute discretion to:
 - 4.6.1. award interest
 - 4.6.2. award and apportion costs in the proceedings where they may consider this appropriate
 - 4.6.3. award and divide the costs of the Application between the Applicants where they consider this appropriate 5.

Charges

AMD will seek to provide the services of the Tribunal at a reasonable cost to the user(s). In particular:

- 5.1. the members of the Tribunal will calculate their fees on an hourly basis at a rate to be fixed from time to time by the Management Commission, such rate being available to applicants on their original application to the President of AMD for the appointment of a Tribunal
- 5.2. the members of the Tribunal may in addition include in their charges out of pocket expenses incurred by them in the course of reaching their Opinion or Decision



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Charges (Cont'd)

- 5.3. an administrative charge of ten percent of the aggregate of the charges of the members of the Tribunal will be added to such aggregate to arrive at the total charge for the services of AMD in this respect

- 5.4. the applicant(s) will be notified by the President of AMD when the Opinion or Decision is available. The party paying the total charge indicated in Article 5.3 will receive a copy of the Opinion or Decision

- 5.5. where the costs of the Application have been divided between the Applicants in accordance with 4.6.3 above, but have been paid in full by one of the Applicants as part of the total charges under Article 5.4 above, that Applicant shall be entitled to recover from the other Applicant(s) such proportion of the total charges, including the costs of the Application, as may be indicated by the Tribunal in its Opinion or Decision

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