

## **REGULATIONS**

### **FIDIC Swiss National List of Adjudicators**

### **Swiss National List of Neutral Experts**

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**SWISS INTERNATIONAL EXPERTS**

c/o Swiss Experts | Zieglerstrasse 29 | CH-3007 Berne | Switzerland

T +41 31 838 68 68 | F +41 31 838 68 78

[info@international-experts.ch](mailto:info@international-experts.ch) | [international-experts.ch](http://international-experts.ch)

## **FIDIC Swiss National List of Adjudicators**

### **1 Introduction**

The aim of these lists is to provide international users – owners, employers, lawyers, arbitrators and contractors – with a list of Swiss independent professionals who could act as adjudicators or Dispute Board members.

In this view, two distinct lists have been set up:

- a List of adjudicators,
- a List of Dispute Board members (see FIDIC recommendations).

### **2 usic and Swiss Experts Action Plan**

#### **2.1. Road Map**

1. Mobilisation of a steering committee (Members: usic and Swiss Experts)
2. Selection process
3. Applications of interested candidates
4. Selection of candidates
5. Training courses
6. Assessment workshop
7. Final selection of members of the Swiss national list of FIDIC adjudicators

The total duration of the whole process is about 12 months.

#### **2.2. Steering Committee**

The steering committee should be mobilized by the Swiss Association of Consulting Engineers usic and Swiss Experts.

The steering committee should be composed of five professionals recognised for their experience and competences with the FIDIC contracts and dispute resolution.

Duties and objectives of the steering committee:

- set up the code of conduct by FIDIC, usic and Swiss Experts;
- set up and oversee the list selection process by FIDIC, usic and Swiss Experts;
- monitor compliance of the list members with the code of conduct;
- take all necessary measures against a list member breaching the code of conduct;
- administer the list operation and monitor its use;
- monitor the promotion and communication efforts towards third parties;
- manage and decide on all matters related to the list (set-up, renewal, administration or communication);
- meet every six months to review any matter pertaining to the list.

Comment: the Steering Committee is appointed by the boards of usic and Swiss Experts.

### **3 Selection Process – Adjudicators**

#### **3.1. Definition**

Adjudicators are independent professionals who act as experts to settle disputes between parties, by issuing decisions, in the context of extra-judicial proceedings.

The selection process is established by the steering committee after consultation with FIDIC. The planned selection process is a two-stage process:

1. Application
2. Registration

Comment: The aim is to ensure that the highest professional and ethical standards would prevail when selecting members for the list and for that list to become a national list, formally and fully recognised as such by FIDIC. Therefore the above mentioned selection process is to be defined in close consultation with FIDIC.

#### **3.2. Application**

Applications of interested candidates:

USIC and Swiss Experts should send out notification of this selection process to all of their members, allowing a two-month period for all interested candidates to prepare and submit their applications.

The qualification of candidates is based on their CV and credentials against defined selection criteria.

The section criteria to be applied for candidates are as follows:

- Educational background: engineering, legal or administration
- Minimum of ten years of general professional experience
- Five years of experience in project management of international projects or similar
- Significant experience in dealing with international construction contracts, either as employer, contractor, engineer or adjudicator
- Knowledge and experience of the FIDIC suite of contracts and understanding of the role of adjudicators and their duties.

### 3.3. Registration

After review of their application file by the Steering Committee, candidates who meet the selection criteria would be incorporated in the Swiss List of Adjudicators for a period of five years.

### 3.4. Requirements for Membership renewal

- Act as Adjudicator, Arbitrator or Mediator in an international project under FIDIC contract at least once during the period and attendance at one one-day training accredited by FIDIC.
- Or attendance at two one-day trainings accredited by FIDIC.

## 4 Selection Process – Dispute Board members

### 4.1. Definition

Dispute Board members are independent professionals who act as member of a panel (composed by one or three members) to settle disputes between parties, by issuing recommendations or decisions, in the context of extra-judicial proceedings.

The selection process is established by the steering committee after consultation with FIDIC. The planned selection process is a three-stage process:

1. Pre-qualification
2. Training courses
3. Final selection

Comment: The aim is to ensure that the highest professional and ethical standards would prevail when selecting members for the list and for that list to become a national list, formally and fully recognised as such by FIDIC. Therefore the above mentioned selection process is to be defined in close consultation with FIDIC.

#### 4.2. Pre-qualification

Applications of interested candidates:

usic and Swiss Experts should send out notification of this selection process to all of their members, allowing a three-month period for all interested candidates to prepare and submit their applications.

The pre-qualification of candidates is based on their CV and credentials against defined selection criteria.

The selection criteria to be applied for pre-qualification are as follows:

- Educational background: engineering, legal or administration
- Minimum of ten years of general professional experience
- International experience in the interpretation of contracts and contractual documents
- Significant experience in dealing with international construction contracts, either as employer, contractor, engineer or adjudicator
- Knowledge and experience of the FIDIC suite of contracts and understanding of the role of Dispute Board members and their duties.

#### 4.3. Training courses

The short-listed candidates should then attend the following two training courses:

- FIDIC training module 3 – DAB
- FIDIC training module 3A – DAB advanced

These courses are delivered by accredited FIDIC trainers or Members of the FIDIC President List.

#### 4.4. Final selection

Assessment workshop:

A one-day assessment workshop should be carried out under the direction of a panel composed by two members, (one member from the FIDIC President List and the other member appointed by usic-Swiss Experts). It should be noted that the proceedings and the selection criteria applied remain confidential to the assessment panel.

Final selection of members:

Within one month after the assessment workshop, the panel publishes the results.

The selected members are asked to sign a specific code of conduct, ruling their listing as accredited members of the list.

The Swiss national list of FIDIC adjudicators will be published on the FIDIC, usic and Swiss Experts websites.

#### 4.5. Appeal

Any candidate may appeal against the decision of the assessment panel before the Boards of usic and Swiss Experts in case of disagreement. The decision of the Boards of usic and Swiss Experts is final.

#### 4.6. Requirements for Membership Renewal

The accreditation is valid for a five-year period.

The requirements for a membership renewal are as follows:

- Act as Dispute Board member under a FIDIC contract at least once during the period of five years.

### 5 Code of Conduct

The code of conduct requires the list members to:

- Comply with the accreditation (selection process) status;
- Comply with Swiss Experts (Euro Experts) code of ethics;
- Authorise usic to promote the list and allow their CV and contact details to be provided to any third party and by any means;
- Inform usic about any assignment request received through the list and disclose to usic a copy of each DB agreement signed;
- Apply fees commensurate with the international standards applied for such adjudicator positions, so as to preserve the list.

### 6 Disclaimer

USIC / Swiss Experts do not administer selection and appointment of adjudicators under any circumstances whatsoever as prescribed below:

- Appointees shall take responsibility in selection of Adjudicators from the Swiss List of Adjudicators.
- usic / Swiss Experts are not in a position to appoint any Adjudicators.

- usic / Swiss Experts are not responsible for listees' information, as usic / Swiss Experts have not made any revision, alteration or modification of the information submitted by the listees.
- usic / Swiss Experts are not responsible for any liability or damage that is attributable to listees' conduct, regardless of their acts and omissions.

## **Swiss National List of Neutral Experts**

### **1 Introduction**

The organizations usic and Swiss Experts have observed that there is a large demand for highly qualified neutral experts in international projects. For this reason, both organizations have decided to set up a common list of their members who offer experts services in such projects. The aim is to procure these experts for interested customers.

### **2 Selection Process – Neutral Experts**

The requirements to be set up on this list are the following:

- Membership of usic or Swiss Experts
- 5 years of professional experience
- Experience of expert services (minimum 5 expert reports)
- Language knowledge
- Experience in international projects
- Present a description of the experts fields of activity according to his competences

The selection process and the decision is taken by the steering committee which consists of members of both organizations.

### **3 Publication**

USIC and Swiss Experts intend to present this list to the interested parties in the following ways:

- New common website
- Presence at international events and workshops
- Mailings to internationally operating law, firms, companies and organizations e. g. ASA