
Kluwer Arbitration Blog

Newly Revised Arbitration Center of Mexico – CAM Arbitration Rules

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After thirteen years, the [Arbitration Center of Mexico \(“CAM”\)](#), one of the most prominent arbitration centers in Mexico, revised its [Arbitration Rules](#) (the “Rules”). The purpose of these amendments is to adapt the Rules to global changes and address the needs of its users that have arisen since the last version in 2009.

The 2022 CAM Rules entered into force on December 1st, 2022 and will apply to arbitration agreements concluded from that date onwards, unless the parties agree otherwise. These changes are meant to enhance efficiency, transparency, and regulate situations that were not previously foreseen in the 2009 Rules.

Expedited Proceedings

One of the most significant features of the 2022 CAM Rules is the introduction of Expedited Procedures for cases not exceeding three million Mexican pesos (approximately US\$ 150,000). The Rules also consider the possibility for the parties to opt out of the expedited procedure.

The Expedited Procedures included in Appendix III of the Rules will be solved by a single arbitrator based on electronic written submissions by the Parties and without the need for a hearing, barring exceptional cases. Also, the Terms of Reference are omitted. This will significantly reduce the time required for a tribunal to issue a final award within the term of 30 days instead of four months as prescribed on regular proceedings.

Virtual Hearings

It is well established that the arbitrators can conduct the proceedings as they see fit but the 2022 CAM Rules introduce a new provision concerning remote hearings. The use of remote or hybrid communication technologies is now explicitly established in the Rules, which reflect contemporary international arbitration practice. A hearing shall take place only if the Parties so agree or when, due to exceptional circumstances, the sole arbitrator so determines. If, despite having been duly summoned, one of the Parties unreasonably fails to appear, the arbitrator shall have the power to proceed with the hearing.

Likewise, the Rules encourage the submission of documents by electronic means and the use of a digital file through a system provided by the Institution. With these initiatives, CAM reaffirms its commitment to promote “greener arbitrations” by using technology as an ally.

Article 17 of the [Federal Constitution](#) provides the right to access to justice administered by courts and enforced within the terms established by law. The referred provision also recognizes the right to ADR mechanisms. Moreover, article 6, third paragraph Section B-I of the Constitution recognizes that the Mexico is obliged to guarantee the universal, equitable, affordable and timely access to information and communication technologies. The inseparable link between those rights is materialized through the concept of *e-justice* (see [General Agreement 12/2020](#)). The same reasoning could be applied to alternative dispute mechanisms by promoting efficient and expedite proceedings through remote hearings.

Efficiency in the Proceedings

The new provisions aim to make the arbitration proceedings more efficient and avoid interpretations that before were used to delay the proceedings. For example, the new Rules include a clear distinction between a “Request for Arbitration” and a “Statement of Claim” in addition to regulations for the joinder of additional parties and the timing of the request for joinder.

More Transparency

With the purpose of promoting transparency, the 2022 Rules require the parties to promptly disclose whether they have the support of a third-party funder, and if so, to reveal its identity so the arbitrators are able to issue a more exhaustive statement of independence and impartiality. In addition the arbitrators are now required to declare their availability to decide upon a case under the CAM Rules.

The Rules reinforce the powers of arbitral tribunals to order the preservation of the *status quo* until the arbitrators issue a final decision on the interim measures sought. Furthermore, the requirements to appoint an administrative secretary for the arbitral tribunal are now explicitly listed. CAM is the first Mexican arbitral institution to regulate this matter and the first to bring this issue to the table since it had not been previously discussed in México. The secretaries are bound to the standards of independence, impartiality, and availability as set forth in the “[CAM Guidelines for the designation of Arbitral Tribunal’s Secretaries](#)” issued in the context of the Rules. The Guidelines expressly provide that Secretaries are not authorized to take on responsibilities reserved solely and exclusively for arbitrators, either by becoming involved in the decision-making process or expressing opinions or conclusions regarding the conflict or the parties’ arguments.

Conclusion

With all these new provisions, CAM demonstrates that it is at the forefront in Latin America and reinforces its leading position in Mexico as an arbitral institution capable of administering complex national and international disputes.

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The graphic features a black background with white text and a circular icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The background is accented with horizontal lines in blue and green.

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