

General guidance to parties involved in other than quality and/or condition arbitration (technical arbitration) on the preparation and submission of a statement of case.

Disclaimer

This note aims to provide informal, non-statutory guidance to arbitration parties on how to set out a Statement of Case. In the event of a dispute the parties are referred to the applicable Arbitration & Appeal Rules and the FCC Contract Rules.

1. Notice of the arbitration claim – the Claimant needs to notify the Respondent of an application for FCC Arbitration and submit its application to the FCC within the time limits stipulated in the relevant FCC contract rules for cocoa beans or cocoa products.
2. When applying for an arbitration claim with the FCC, the Claimant must also send details of the contract(s) in dispute and a copy of the arbitration notice sent to the Respondent.
3. Within 21 days from the date of the application for arbitration, the Claimant must submit to the FCC a Statement of Case detailing the contract(s) in dispute with supporting documents.
4. General key points to be included in the Claimant's Statement of Case to be addressed to the Secretary of the Federation of Cocoa Commerce Ltd with full arbitration and contract(s) references.
 - 4.1 In chronological order, set out the background of events and discussions between the parties from the onset of the relevant contract(s) to the time when the dispute was referred to arbitration. It is important that this is written in a clear and succinct manner with sufficient detail to enable the arbitrators to understand the nature of the dispute and what is being claimed.

- 4.2 For example, if a default has occurred, the Claimant has to submit what he considers to be the date of the default and the amount being claimed from the Respondent.
- 4.3 The Statement of Case must have cross references to the supporting documents indicated through page numbers or annexes.
- 4.4 A basic list of supporting documents must include copies of: contract(s); invoice(s); bill(s) of lading; declaration of shipment; all relevant email communication between the parties up to the time of the dispute being referred to arbitration.
5. The FCC Secretariat submits the Statement of Case to the Respondent and the arbitrators appointed to determine the dispute.
6. The Respondent has 21 days from receipt of the Claimant's Statement of Case, to submit a Statement of Defence. The Respondent's defence must also be addressed to the Secretary of the Federation of Cocoa Commerce Ltd with full arbitration and contract(s) references and should set out the Respondent's arguments on the points/areas in dispute in a clear and concise manner with cross references to any supporting documents included. References to any relevant contract rules in support of the arguments should also be stated.
7. The Claimant has a further 21 days from receipt of the Respondent's Defence submissions, to reply to the Respondent Statement of Defence.