

## Annex

### ICC Awards by Consent: Summary of Relevant Characteristics of Cases Studied from 2002 to 2005

| Year | No. | Nationality of arbitrators |                 |                 | Nationality of parties |                            | Place of arbitration |
|------|-----|----------------------------|-----------------|-----------------|------------------------|----------------------------|----------------------|
|      |     | Chairman/sole arbitrator   | Co-arbitrator 1 | Co-arbitrator 2 | Claimant(s)            | Respondent(s)              |                      |
| 2002 | 1   | Jordan                     | Iran            | Iran            | Malaysia               | Iran, United Arab Emirates | Iran                 |
|      | 2   | Austria                    | n/a             | n/a             | Germany                | Switzerland                | Germany              |
|      | 3   | Switzerland                | Germany         | Turkey          | Germany                | Turkey                     | Switzerland          |
|      | 4   | Belgium                    | Serbia          | Germany         | 2 x France             | Hungary                    | Switzerland          |
|      | 5   | Switzerland                | USA             | Canada          | Korea, Malaysia        | Korea                      | UK                   |
|      | 6   | France                     | n/a             | n/a             | Belgium, Cambodia      | France, Cambodia           | Switzerland          |
|      | 7   | Belgium                    | France          | France          | 2 x France             | 2 x Netherlands            | France               |
|      | 8   | Germany                    | Yugoslavia      | Switzerland     | Yugoslavia             | 2 x France                 | France               |
| 2003 | 9   | Switzerland                | Switzerland     | Germany         | Hungary                | Germany                    | Switzerland          |
|      | 10  | UK                         | UK              | UK              | Japan                  | UK                         | UK                   |
|      | 11  | Singapore                  | n/a             | n/a             | USA                    | China                      | Hong Kong            |
|      | 12  | Singapore                  | Singapore       | Singapore       | Finland                | Thailand                   | Singapore            |
| 2004 | 13  | UK                         | n/a             | n/a             | Israel                 | UK                         | UK                   |
|      | 14  | UK                         | France          | UK/India        | India                  | India, 4 x USA             | UK                   |
|      | 15  | Switzerland                | Switzerland     | Germany         | Switzerland, Romania   | Netherlands                | Switzerland          |
|      | 16  | Switzerland                | USA             | Canada (Quebec) | Korea, Malaysia        | Korea                      | UK                   |
|      | 17  | Switzerland                | France          | UK              | Italy, Germany         | 2 x Guinea                 | France               |
|      | 18  | USA                        | USA             | USA             | Kenya                  | USA                        | USA                  |
|      | 19  | Germany                    | Germany         | Germany         | USA                    | Germany                    | Germany              |
|      | 20  | Belgium                    | Germany         | Turkey          | Turkey                 | Turkey                     | Turkey               |
|      | 21  | UK, based in Hong Kong     | n/a             | n/a             | Japan                  | China                      | Hong Kong            |
|      | 22  | UK, based in Hong Kong     | USA             | USA             | 2 x USA                | Japan, USA                 | Hong Kong            |
|      | 23  | Italy                      | Singapore       | Switzerland     | Mexico                 | Switzerland                | Switzerland          |
|      | 24  | UK                         | Switzerland     | Russia          | Switzerland            | Russia                     | France               |

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|      |     | Chairman/sole arbitrator            | Co-arbitrator 1 | Co-arbitrator 2            | Claimant(s)                       | Respondent(s)                                |                      |
|      | 25  | Mexico                              | Brazil          | USA, established in France | 2 x Brazil                        | 2 x Switzerland, Brazil, Netherlands, France | Canada (Quebec)      |
|      | 26  | USA                                 | n/a             | n/a                        | 2 x Ireland                       | 2 x Ireland                                  | Ireland              |
|      | 27  | Switzerland                         | Switzerland     | Switzerland                | Channel Islands                   | Germany                                      | Switzerland          |
|      | 28  | Brazil                              | Brazil          | Brazil                     | Brazil                            | Brazil                                       | Brazil               |
|      | 29  | Switzerland                         | Germany         | Germany                    | 2 x USA                           | 2 x Germany                                  | Switzerland          |
|      | 30  | France                              | Italy           | Tunisia                    | 2 x Italy                         | Tunisia                                      | France               |
|      | 31  | Switzerland                         | Switzerland     | Switzerland                | France, USA                       | Germany                                      | Switzerland          |
|      | 32  | Germany                             | Turkey          | Switzerland                | Turkey                            | Italy  | Switzerland          |
|      | 33  | USA, established in UK              | Germany         | Switzerland                | Saudia Arabia                     | Germany                                      | Germany              |
|      | 34  | Denmark                             | Denmark         | Denmark                    | Germany                           | Denmark                                      | Denmark              |
|      | 35  | Argentina                           | Argentina       | Argentina                  | 7 x Argentina                     | Argentina                                    | Argentina            |
|      | 36  | Germany                             | n/a             | n/a                        | Pakistan                          | Germany                                      | Germany              |
|      | 37  | Switzerland                         | Germany         | Germany                    | Canada, Germany (holding company) | Germany                                      | Switzerland          |
|      | 38  | Belgium                             | Romania         | France                     | Romania                           | Luxembourg                                   | France               |
|      | 39  | Switzerland                         | Greece          | Greece                     | Greece                            | Germany                                      | Switzerland          |
|      | 40  | Chile                               | n/a             | n/a                        | 2 x Argentina                     | Luxembourg                                   | Argentina            |
|      |     |                                     |                 |                            |                                   |  |                      |
|      |     |                                     |                 |                            |                                   |  |                      |
| 2005 | 41  | UK                                  | UK              | Ghana                      | Ghana, USA                        | 2 x Ghana                                    | UK                   |
|      | 42  | Sri Lanka                           | n/a             | n/a                        | 4 x Singapore                     | 2 x India                                    | India                |
|      | 43  | Austria                             | n/a             | n/a                        | Netherlands                       | Germany                                      | Germany              |
|      | 44  | Argentina                           | Venezuela       | USA                        | Italy                             | Venezuela                                    | USA                  |
|      | 45  | Netherlands, established in Belgium | UK              | UK                         | Kuwait                            | Saudia Arabia, Bahrain                       | UK                   |
|      | 46  | Italy                               | n/a             | n/a                        | Israel                            | Germany                                      | UK                   |
|      | 47  | Italy                               | Switzerland     | Switzerland                | Mexico                            | Mexico                                       | Switzerland          |
|      | 48  | UK                                  | UK              | UK                         | Australia                         | France                                       | UK                   |
|      | 49  | USA, established in London          | n/a             | n/a                        | British Virgin Islands, Hong Kong | 2 x USA                                      | UK                   |
|      | 50  | Canada                              | n/a             | n/a                        | 3 x Germany                       | Canada                                       | Canada               |

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|      | 51  | Switzerland                | Austria                       | Germany         | Austria                | Netherlands        | Switzerland          |
|      | 52  | Sweden                     | Sweden                        | Sweden          | 2 x Finland            | Italy              | Sweden               |
|      | 53  | France                     | Italy                         | Italy           | Finland                | 5 x Italy          | France               |
|      | 54  | Argentina                  | Argentina                     | Argentina       | Germany, Argentina     | Argentina          | Argentina            |
|      | 55  | Germany                    | n/a                           | n/a             | Germany                | Germany            | Germany              |
|      | 56  | Switzerland                | Switzerland                   | France          | Channel Islands        | Netherlands        | Switzerland          |
|      | 57  | Switzerland                | Switzerland                   | Switzerland     | Channel Islands        | Switzerland        | Switzerland          |
|      | 58  | Belgium                    | US & Switzerland (US trained) | Switzerland     | 2 x USA                | Switzerland        | France               |
|      | 59  | Austria                    | n/a                           | n/a             | UK                     | 2 x Czech Republic | France               |
|      | 60  | Austria                    | Turkey                        | Russia          | Turkey                 | Tajikistan         | Austria              |
|      | 61  | Germany                    | n/a                           | n/a             | Thailand               | 2 x Germany        | Germany              |
|      | 62  | France                     | n/a                           | n/a             | Italy, Romania         | Romania            | Romania              |
|      | 63  | Switzerland                | n/a                           | n/a             | Netherlands            | Germany            | Netherlands          |