

CEPANI

**The Belgian Centre for Arbitration
and Mediation**



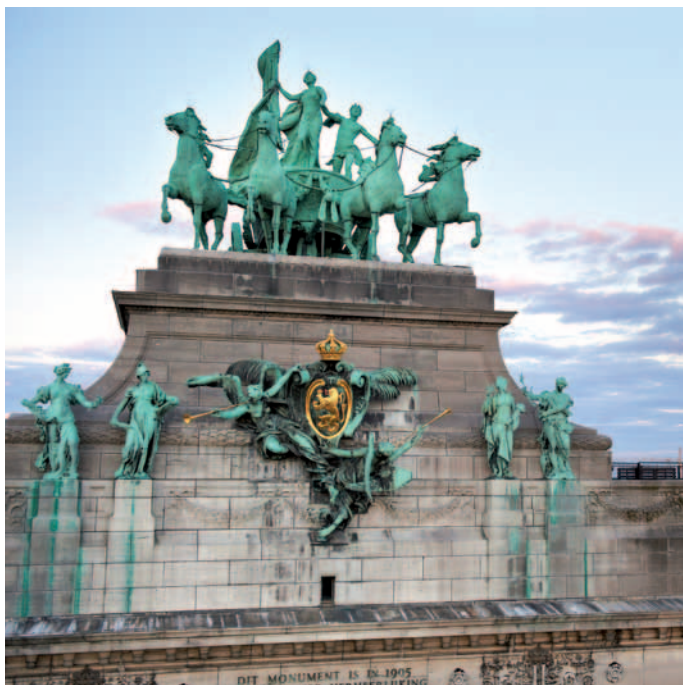
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THE BELGIAN CENTRE FOR ARBITRATION AND MEDIATION

More and more, conflicting parties are turning to arbitration for the resolution of their disputes. Indeed, arbitration offers a number of indispensable advantages: it is fast, confidential and cost-efficient.

As the Belgian Centre for Arbitration and Mediation, CEPANI helps its clients solve their commercial conflicts in a safe and efficient manner. We commit to providing parties in dispute with the right legal and administrative framework, to ensure a swift handling of the case.

Founded in 1969, CEPANI is the main centre for arbitration in Belgium and has also expanded its activities into other methods of dispute resolution. At the heart of Brussels, home to several institutions of the European Union as well as many other international companies and organizations, CEPANI provides its services in both a national and an international context.



A DOUBLE MISSION

> **The active support of arbitration and other dispute resolution proceedings**

CEPANI appoints arbitrators, mediators, experts or independent neutrals, it monitors the proceedings and provides practical advice and administrative support. Besides arbitration, the Centre also administers mediation and mini-trial procedures, and monitors “.be” domain name disputes.

> **The promotion of arbitration, mediation and other alternative dispute resolution proceedings**

CEPANI regularly organizes lectures, colloquiums, seminars, a scientific prize and the publication of books on the subject.

► ***When it comes to alternative dispute resolution, CEPANI offers an expertise unparalleled in Belgium.***

ARBITRATION, THE RIGHT CHOICE FOR ME?

ADVANTAGES OF ARBITRATION

Which disputes can be solved through arbitration?

- > *Financial, commercial or industrial matters*
- > *Disputes between business associates*
- > *Construction or (co-)ownership matters*
- > *Asset management, wills and estates*
- > *Disputes involving professional liability*
- > *Banking and corporate matters*

As a method of alternative dispute resolution, legally provided for by the Code of Procedure, arbitration offers all the usual legal guarantees yet offers in addition a greater flexibility and time efficiency. Parties can submit their disputes to an arbitral tribunal, composed of one, three or more persons. On the basis of the request and the explanations of the parties, this arbitral tribunal will then render a binding decision, the 'arbitral award'.

Arbitration can only take place with the agreement of all parties involved. A clause confirming this agreement can either be inserted into any contract, at the time of signature of the contract or a specific agreement to arbitrate can be entered into once the disputes has arisen.

INSTITUTIONAL VS. AD HOC ARBITRATION

Parties who agree to solve their disputes through arbitration can opt for either arbitration *ad hoc* or for proceedings which are managed by an institution, such as CEPANI.

In an *ad hoc* arbitration, the proceedings are organized entirely by the parties or the arbitrators. When problems occur, this may lengthen the duration of the proceedings. Parties pay the fees and costs directly to the arbitrators.

The advantage of institutional arbitration is that parties can have recourse to the Rules of the institution for the conduct of their arbitration. This ensures fair and safe proceedings, conducted swiftly and without interruption and which terminate with an arbitral award. CEPANI's rules are both concise and flexible. They are also balanced, as they take into account both the applicant's and the defendant's position. CEPANI moreover offers its clients all necessary legal and practical advice about arbitration and other dispute resolution methods. Of course, institutional arbitration involves a fee for the administrative costs of the institution.



A CEPANI ARBITRATION

CEPANI offers parties who wish to initiate a dispute resolution procedure all the necessary support. The Centre provides the parties with Rules – updated as recently as January 1, 2013 – meant to establish a clear legal context for the management of the proceedings. CEPANI itself does not act as an arbitrator, mediator or independent neutral.

CEPANI sees to the expertise, impartiality and cost-effective approach of all arbitrators, mediators and independent neutrals. Arbitrators selected by CEPANI are chosen in accordance with the needs of each individual case entrusted to the Centre.

The correct application of the CEPANI Rules by the arbitrators is monitored by the CEPANI Secretariat. In doing so, the Centre can ensure the speedy and efficient progress of each proceeding.

In terms of logistics, CEPANI puts at the disposal of the parties

- > *Meeting rooms / Break-up rooms*
- > *Catering service*
- > *Technological support*
- > *Wi-Fi, photocopying, printing, fax ...*

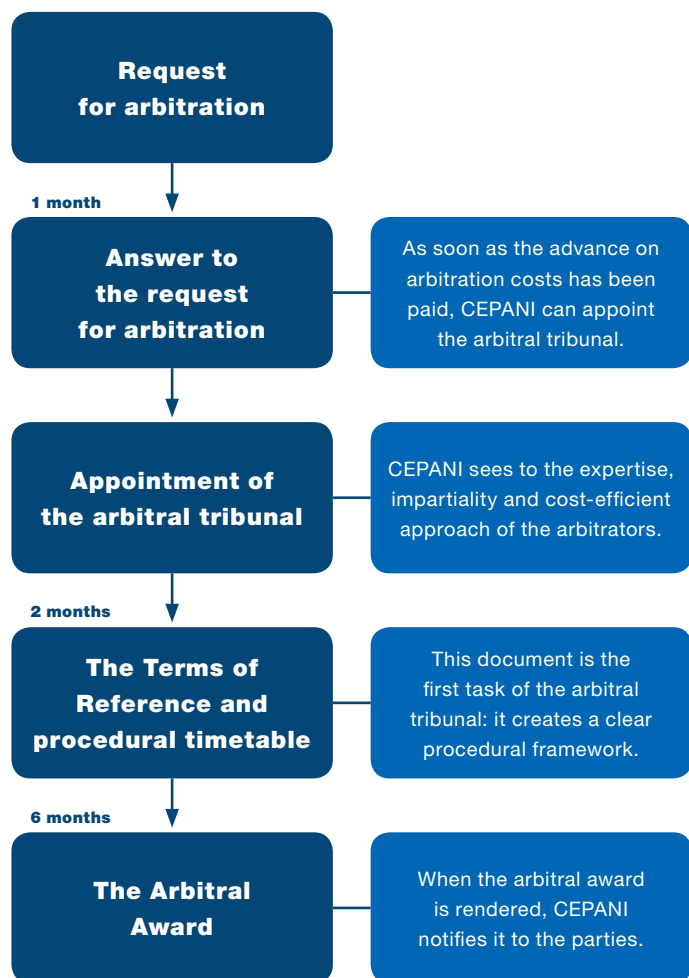
In a CEPANI arbitration, the Centre's role is to create a safe legal and administrative framework and to guarantee discrete, impartial and fair proceedings.



Parties may insert an arbitration clause in their contract or agree on arbitration after a dispute has arisen. Parties who wish to refer to the CEPANI Arbitration Rules are advised to insert the following clause in their contract.

“Any disputes arising out of or in connection with this Agreement shall be finally settled under the CEPANI Rules of Arbitration by one or more arbitrators appointed in accordance with the said Rules.”

Outline of the proceedings



In the case of disputes of limited financial importance, CEPANI proposes even more straightforward proceedings. These ‘smaller’ disputes are those in which the main claim and possible counterclaims together do not exceed an amount of €25.000. If, in the course of the proceedings, the main claims or counterclaims are increased above this amount, the procedure for smaller disputes remains applicable, unless the parties agree otherwise.

For disputes of limited financial importance, CEPANI offers less costly and more speedy proceedings:

- > Lower registration costs (250 EUR)
- > Simplified procedure / no Terms of Reference
- > Only one arbitrator is appointed
- > Conducted, in principle, entirely in writing
- > Shorter deadlines

OTHER METHODS OF DISPUTE RESOLUTION

Mediation

Mediation is an alternative dispute resolution method whereby parties request a third person (the mediator) to assist them in their attempt to reach an amicable settlement of their dispute concerning a contractual or other legal relationship of whatsoever nature.

Mini-trial

The mini-trial is the right procedure for any contractor seeking to settle a dispute as quickly and efficiently as possible, in order to be able to rapidly recommence its normal business relations. In a mini-trial, each party appoints a senior representative as assessor in the mini-trial committee. This person must be of a sufficiently high level to be able to bind the party once a settlement is reached. The president of the committee is appointed by CEPANI.

Technical expertise

If parties involved in a CEPANI procedure come across any technical problems, they can have recourse to the CEPANI Rules for Technical Expertise. This expertise can help reach a settlement between the parties or can generate authoritative findings. If necessary, the parties can then employ these findings in later legal proceedings or in an arbitration.

Unless agreed otherwise, the findings and conclusions of the expert are binding.

Adaptation of contracts

The initial circumstances in which a long term contract is drafted may change over time. It may therefore become necessary to review and adapt the contract on the basis of the new situation. For this kind of procedure, CEPANI provides the right support.

When starting a contract adaptation procedure, CEPANI appoints an independent third party, who will either make recommendations to the parties involved, or, if both parties agree to such in advance, will formulate a rule that binds them definitively.



CONTACT

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The Brussels Central Station, which offers a direct connection to the airport, several hotels and the parking lot 'Albertine' are all located in the immediate proximity of the CEPANI Secretariat.



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