CEPANI
THE BELGIAN CENTRE FOR ARBITRATION AND MEDIATION

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Responsible editor : Michel Flamée

Agenda

31 January 2013
CEPANI40 lunch debate with Prof. Olivier Caprasse on the topic of "Document production in national and international arbitration"

14 March 2013
CEPANI40 lunch debate with Prof. Guy Keutgen on the topic of "Le nouveau règlement d'arbitrage du CEPANI / Het nieuwe CEPANI arbitragereglement"

24 April 2013
CEPANI40 lunch debate with Prof. Herman Verbist on the topic of "Transparency in investment arbitration"

15 May 2013
Lunch debate with Mr. Jacques Levy-Morelle on the topic of "Expérience comme membre de la Cour d'arbitrage de la CCI"

For more information on our upcoming activities, please consult

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The New 2013 CEPANI Rules of Arbitration, Mediation and Domain Name Dispute Resolution

CEPANI has adopted new Rules of Arbitration, Mediation and Domain Name Dipute Resolution which are applicable as from **1 January 2013**. The previous revisions of the CEPANI Rules dated from 2000 and 2005. **The 2013 revision** is the result of more than one year of work of the most notorious practitioners in the fields of arbitration, mediation and domain name dispute resolution as regrouped in three working groups that were, respectively, presided by **Prof. Dr. Em. Guy Keutgen** (Arbitration), **Mr. Patrick Van Leynseele** (Mediation) and **Mr. Tom Heremans** (Domain Name Dispute Resolution).
The Dutch, French and English versions of the 2013 Rules are now available and can be downloaded online on the Cepani website: www.cepina-cepani.be.

Continued exclusion of arbitration from the scope of

application of the Brussels I Regulation

On **20 December 2012**, upon undergoing the five-yearly reform process, Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters was published in the European Official Journal.
Regulation no. 1215/2012, which shall apply to legal proceedings instituted, to authentic instruments formally drawn up or registered and to court settlements approved or concluded on or after 1 January 2015, amends Council Regulation (EC) No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (the so-called "Brussels I Regulation"). However, it shall continue to exclude arbitration from its scope of application (see Article 1(2)(d)).
The European Commission motivated this decision as follows in the preparatory works to Regulation No. 1215/2012: "The Commission is of the view that the effectiveness of arbitration agreements should be improved in order to give full effect to the will of the parties. In particular, it should be the case where the agreed or designated seat of arbitration is in a Member State. It recommends special rules aimed at avoiding parallel proceedings and abusive litigation tactics in those circumstances. Regarding this point, the Committee adheres to the position taken by Parliament in its resolution on the Green Paper: arbitration is satisfactorily dealt with by the 1958 New York Convention and the 1961 Geneva Convention on International Commercial Arbitration. All Member States are parties to the above mentioned conventions; therefore the exclusion of arbitration from the scope of the Regulation should be preserved.".
This opinion was further elaborated in consideration 12 to Regulation No. 1215/2012 that reads as follows: "This Regulation should not apply to arbitration. Nothing in this Regulation should prevent the courts of a Member State, when seised of an action in a matter in respect of which the parties have entered into an arbitration agreement, from referring the parties to arbitration, from staying or dismissing the proceedings, or from examining whether the arbitration agreement is null and void, inoperative or incapable of being performed, in accordance with their national law. A ruling given by a court of a Member State as to whether or not an arbitration agreement is null and void, inoperative or incapable of being performed should not be subject to the rules of recognition and enforcement laid down in this Regulation, regardless of whether the court decided on this as a principal issue or as an incidental question. On the other hand, where a court of a Member State, exercising jurisdiction under this Regulation or under national law, has determined that an arbitration agreement is null and void, inoperative or incapable of being performed, this should not preclude that court's judgment on the substance of the matter from being recognised or, as the case may be, enforced in accordance with this Regulation. This should be without prejudice to the competence of the courts of the Member States to decide on the recognition and enforcement of arbitral awards in accordance with the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958 ("the 1958 New York Convention"), which takes precedence over this Regulation. This Regulation should not apply to any action or ancillary proceedings relating to, in particular, the establishment of an arbitral tribunal, the powers of arbitrators, the conduct of an arbitration procedure or any other aspects of such a procedure, nor to any action or judgment concerning the annulment, review, appeal, recognition or enforcement of an arbitral award".
As such Regulation No. 1215/2012 undoubtedly provides food for further thought and writing. The new Regulation can be consulted on http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:351:0001:0032:EN:PDF.The preparatory works are available on http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2010/0383(COD).

Legislation, Doctrine & Jurisprudence

The Emergency Arbitrator Provisions in the New 2013 CEPANI Rules of Arbitration

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I. The New Trend of Emergency Arbitrator Provisions

As from the release of the first version, the CEPANI Rules of Arbitration have been inspired by the Rules of Arbitration of the ICC. This is reflected in a number of provisions and in particular by the requirement under the CEPANI Rules of Arbitration, just like under the ICC Rules of Arbitration, that the Arbitral Tribunal must establish Terms of Reference before it can examine the matter. With the 2013 revision this is reflected in new provisions on multiparty arbitration and in the possibility for parties to request interim and conservatory measures prior to the constitution of the Arbitral Tribunal [For a general overview of the 2013 CEPANI Arbitration Rules, see G. Keutgen in CEPANI Newsletter No. 70, December 2012 and H. Verbist, "New CEPANI Rules of Arbitration in Force as from 1 January 2013",*Tijdschrift@ipr.be* 2012, No. 4, 51-60].

The possibility of requesting interim and conservatory measures prior to the constitution of the Arbitral Tribunal has for a long time been exclusively reserved to State Courts. Since a few years, however, various arbitrations institutions have included provisions in their Rules providing for a mechanism to deal with this type of requests of parties.
In 1990 the ICC published the ICC "Pre-Arbitral Referee" Rules and thus provided the parties with a contractual mechanism allowing them to call upon the appointment of a third person (a "Referee"), who has the power to order provisional measures as a matter of urgency, before the case is heard by a Court or Arbitral Tribunal. The measures ordered by a Referee are binding until the Referee, or the Court or Arbitral Tribunal to which the case is subsequently referred, decides otherwise. The "Pre-Arbitral Referee" Rules turned out not to be a success since this mechanism needed to be agreed upon separately and the parties did not do so frequently. In order to increase the chances of success of this contractual mechanism of calling upon a third person to order provisional measures prior to the constitution of the Arbitral Tribunal, the ICC has included in its new 2012 Rules "Emergency Arbitrator Proceedings" on an opt-out basis (Article 29 of the Rules of Arbitration and Appendix V to the Rules). The ICC Emergency Arbitrator provisions automatically apply if the parties have agreed on the ICC Rules of Arbitration after 1 January 2012 and if they have not agreed on another pre-arbitral procedure that provides for the granting of conservatory, interim or similar measures (Article 29(6)). If parties have agreed upon the ICC Pre-Arbitral Referee Rules, this shall have the consequence that the ICC Emergency Arbitrator provisions are not applicable. The Emergency Arbitrator decision shall not bind the Arbitral Tribunal with

respect to any question, issue or dispute determined in the order (Article 29(3)) and no emergency arbitrator shall be appointed after the file has been transmitted to the Arbitral Tribunal pursuant to Article 16 of the Rules (Article 2(2) Appendix V to the Rules). Once the file has been transmitted to the Arbitral Tribunal, a Request for interim and conservatory measures must be submitted to the Arbitral Tribunal (Article 28(1)). Since 1998 the ICC Rules of Arbitration provide the possibility for parties to agree to shorten various time limits in the arbitration proceedings set out in the Rules, in order to conduct a so-called "fast track arbitration". Any such agreement entered into subsequent to the constitution of the Arbitral Tribunal shall become effective only upon approval of the Arbitral Tribunal (Article 38(1) ICC Rules). "Fast track arbitrations" in which the parties agree to shorten the time limits for establishing the Terms of Reference and/or rendering the arbitral award are, however, fairly uncommon in ICC arbitration and account for only 1 or 2 per cent of all ICC cases annually [J. Fry, S. Greenberg and F. Mazza, The Secretariat's Guide to ICC Arbitration, ICC Publication No. 729E, 2012, 416].

Other arbitration institutions have followed the example of the ICC over the last few years. The Netherlands Arbitration Institute ("NAI") introduced as from 1 January 1998 in its Arbitration Rules a Section "Four A" on "Summary Arbitral Proceedings" ("Arbitraal kort geding") so as to allow parties to urgently request an immediate provisional measure before an arbitration on the merits has been commenced and the Arbitral Tribunal has been confirmed (Article 42(a) NAI Rules). If an arbitration has been commenced and the Arbitral Tribunal has been confirmed, the provisions of this Section Four A do not apply and the special procedure described in Article 37 of the Rules is to be followed (Article 42(a)(2) NAI Rules). Since 1998 more than 100 cases have been dealt with in Summary Arbitral Proceedings, in the last couple of years about 15 per year [[B. van der Bend, M. Leijten and M. Ynzonides, A Guide to the NAI Arbitration Rules, Kluwer Law International, 2009, 189]. The NAI Summary Arbitral Proceedings are comparable to preliminary relief proceedings before a Court and can result in preliminary relief, not in a final, irrevocable decision on the merits. The provisions on Summary Arbitral Proceedings are available only if the seat of the arbitration is in the Netherlands (Article 37(1) and Article 42(a)(4) NAI Rules) [B. van der Bend, M. Leijten and M. Ynzonides, *o.c.*, 192].

In 1999 the American Arbitration Association ("AAA") published the Optional Rules for Emergency Measures of Protection to provide temporary relief to parties after a case was filed, but prior to the Arbitral Tribunal's constitution. Because the Optional Rules had to be agreed by both parties, they were not frequently used. Therefore, the International Centre for Dispute Resolution of the AAA ("ICDR") included in 2006 a provision on Emergency Measures of Protection in the ICDR Rules (Article 37) which is applicable to all arbitrations conducted pursuant to agreements or clauses entered into on or after 1 May 2006, unless otherwise agreed. The application for emergency relief pursuant to Article 37 of the ICDR Rules must come after the Request for Arbitration has been filed, but before the Arbitral Tribunal is constituted [M. Gusy, J. Hosking and F. Schwarz, *A Guide to the ICDR International Arbitration Rules*, Oxford University Press, 2011, 304-305].

The Stockholm Chamber of Commerce Rules of Arbitration ("SCC Rules") applicable since 1 January 2010 provide for the possibility of requesting the appointment of an Emergency Arbitrator to order interim measures before an arbitration has commenced or before a case has been referred to an Arbitral Tribunal (Article 32(4); Appendix II – Emergency Arbitrator)[K. Hober, *International Commercial Arbitration in Sweden*, Oxford University Press, 2011, 152; SCC Rules on an Emergency Arbitrator on Interim Measures, Draft New Rules with Notes, Arbitration Institute of the Stockholm Chamber of Commerce, March 2009, http://www.sccinstitute.com/filearchive/2/25690/Rules_on_an_Emergency_Arbitrator_o

n-Interim_Measures_NOTES.pdf]. The parties may also agree to resolve a dispute in accordance with the SCC Rules for Expedited Arbitration, the so called "fast-track arbitration" [K. Hober, *o.c.*, 151; SCC Rules for Expedited Arbitrations of the Arbitration Institute of the Stockholm Chamber of Commerce, applicable as from 1 January 2010]. They were developed for minor disputes regarding less complex issues involving a smaller amount in dispute[http://www.sccinstitute.com/forenklade-regler-2.aspx].

The Arbitration Rules of the Singapore International Arbitration Centre ("SIAC Rules") applicable since 1 July 2010 provide for the possibility for a party to request the appointment of an Emergency Arbitrator together with or following the filing of a Request for Arbitration, but prior to the constitution of the Arbitral Tribunal (Article 26(2) SIAC Rules; Article 1 of Schedule 1) [http://www.siac/org]. Moreover, pursuant to the SIAC Rules parties may ask the Arbitral Tribunal for a summary award on the claim or part of the claim, upon the expiry of the time limit for the filing of the Statement of Claim, Statement of Defense and Counterclaim under Article 17 of the SIAC Rules, but not later than 21 days after the expiry, if a party considers that there is no valid defense of its claim or any substantial part of its claim (Article 3(1) of Schedule 2).

Finally, the revised Swiss Rules of International Arbitration ("Swiss Rules") applicable since 1 June 2012 provide for the possibility of requesting emergency relief prior to the constitution of the Arbitral Tribunal, unless the parties agree expressly in writing to the contrary (Article 43(1)). In contrast to other emergency arbitrator rules and on the basis of the general reference to Article 26 in Article 43(1), the Emergency Arbitrator under the Swiss Rules may decide on a Request for interim measures by way of a preliminary order before the Application for emergency relief has been communicated to the other party, provided that the communication is made at the latest together with the preliminary order and the other party is immediately afforded an opportunity to be heard[P. Habegger, "The Revised Swiss Rules of International Arbitration – An Overview of the Major Changes", *ASA Bulletin* 2012/2, 302]. Article 26(3) of the Swiss Rules explicitly provide that, in exceptional circumstances, the Arbitral Tribunal may rule on a Request for interim measures by way of a preliminary order before the Request has been communicated to any other party, provided that such communication is made at the latest together with the preliminary order and that the other parties are granted an opportunity to be heard. The Swiss Rules stipulate, moreover, that ex parte interim measures can be issued only in the form of an order (Article 26(3)), whereas interim measures granted after both parties were heard may be established in the form of an interim award (Article 26(2)) [P. Habegger, *o.c.*, 287]. The Swiss Rules also provide the possibility of Expedited Arbitration (Article 42) which has proven to be very popular and well functioning[P. Habegger, *o.c.*, 294].

It has been either agreed upon by the parties, or has been used for disputes not exceeding CFH 1.000.000 in more than 36% of the cases since 2004 [Swiss Chambers' Arbitration Institution Newsletter 2012/2, 2, https://www.swissarbitration.org/sa/download/newsletter_2012_2.pdf].

II. The new CEPANI Emergency Arbitrator provisions

The new 2013 CEPANI Rules of Arbitration provide in Article 26 the possibility for parties, unless they have agreed otherwise, to request CEPANI to appoint an arbitrator to decide on a Request for interim and conservatory measures which cannot await the constitution of the Arbitral Tribunal. The Rules of Arbitration for Disputes of Limited Financial Importance (Section II of the CEPANI Rules of Arbitration) do not provide this possibility.

The Request for emergency measures is to be filed in the language agreed between the parties or, in the absence of an agreement in this respect, in the language of the arbitration agreement (Article 26(1)). The party requesting the interim and conservatory measures shall send a copy to the Secretariat (Article 26(2)). The Request should contain inter alia the following information: the names and addresses of the parties and their representatives, a succinct recital of the nature and circumstances of the dispute, a statement of the relief sought, the reasons for which the applicant requests the emergency relief, the arbitration agreement and relevant information as to the place of arbitration, the language of the arbitration and the applicable rules of law (Article 26(3) (a) to (g)).

The application for emergency relief must be accompanied by the proof of payment of the lump sum fixed in accordance with Schedule I of the Rules (Article 26(3)(h) and 26(11)). Pursuant to Point 7 of the Scale of Costs for Arbitration (Schedule I) the party requesting the interim and conservatory measures shall pay an amount of 15.000 EUR, including 3.000 EUR for CEPANI's administrative expenses. This amount may be increased by the CEPANI Secretariat at any time in the proceedings, taking into account, inter alia, the nature of the case as well as the nature of the volume of work performed by the emergency arbitrator and the CEPANI Secretariat (Point 8, Schedule I). If the proceedings do not take place in accordance with the present article or if the proceedings are terminated before any decision is rendered by the arbitrator, the CEPANI Secretariat determines the amount, if any, to be reimbursed to the applicant. In any event, the amount of 3.000 EUR covering the administrative expenses is not refundable (Article 26(11)).

Given the urgency of the Request for interim and conservatory measures prior to the constitution of the Arbitral Tribunal, Article 26 provides for a fast track procedure to deal with the Request:

Within two working days of the receipt of the Request by the Secretariat, the Appointments Committee or the President appoints an arbitrator who shall provisionally decide on the measures urgently requested (Article 26(4)). The "arbitrator deciding on the interim and conservatory measures" must be independent and impartial and remain so throughout the proceedings. For this purpose, he shall sign a declaration of independence, acceptance and availability (Article 26(5)). Furthermore, he may not be appointed as arbitrator in an arbitration which is related to the dispute at the origin of the Request (Article 26(6)).

Immediately upon his appointment, the arbitrator deciding on the interim and conservatory measures shall receive the file from the Secretariat and the parties shall be informed thereof at the same time. The Emergency Arbitrator Proceedings shall take place on a contradictory basis.

Within three working days of receipt of the file, the arbitrator deciding on interim and conservatory measures shall draw-up a procedural calendar. A copy of all the written communications with the parties shall be transmitted to the CEPANI Secretariat (Article 26(8)). The arbitrator deciding on interim and conservatory measures organises the proceedings in the manner in which he deems to be the most appropriate. In any event, he conducts the proceedings in an impartial manner and ensures that each party has sufficient opportunity to present its case (Article 26(9)).

A challenge may be made against the arbitrator deciding on interim and conservatory measures (Article 26(7)). In order to be admissible, the challenge must be filed either within three days of receipt of the notification of the appointment of the arbitrator deciding on interim and conservatory measures by the party making the challenge or, of the date at which the said party was informed of the facts and circumstances that it relies on in support of its challenge, if said facts and circumstances occur after the receipt of the notification of the appointment of the said arbitrator (Article 26(7)). The challenged

arbitrator and the other part(y)(ies) will be invited to comment on the challenge. The Challenge Committee of CEPANI decides on the admissibility of the challenge in principle within three working days of its receipt of the file. The reasons for its decision shall not be communicated and its decision shall be without any recourse (Article 26(7)).

In principle, the arbitrator deciding on interim and conservatory measures renders his decision at the latest within fifteen days of his receipt of the file. The decision shall be in writing and shall include the reasons upon which the decision is based. The decision shall be in the form of a reasoned order or, if the arbitrator deciding on interim and conservatory measures deems it appropriate, in the form of an award. The arbitrator sends his decision to the parties, with copy to the Secretariat, via any means of communication that is authorized (Article 26(10)).

Once the Arbitral Tribunal has been constituted and the file has been submitted to it, a Request for interim and conservatory measures must be submitted to the Arbitral Tribunal (Article 27(1)). However, the parties also have the right to request interim and conservatory measures from the ordinary Courts (Article 27(2)). As decisions taken pursuant to Article 26 are decisions on interim and conservatory measures, which are rendered provisionally, they shall not be binding upon the Arbitral Tribunal appointed subsequently to decide the substance of the matter. The Arbitral Tribunal shall be able itself to take all appropriate measures including interim and conservatory measures pursuant to Article 27 of the CEPANI Rules.

Although Belgian procedural law foresees the possibility of calling upon the ordinary Courts for ordering interim and conservatory measures and although Article 1679(2) of the Belgian Judicial Code (this provision is part of the Belgian arbitration law contained in Chapter 6 of the Belgian Judicial Code) stipulates that a claim for conservatory or interim measures that is brought before a Court is not inconsistent with an arbitration agreement nor shall it imply a waiver thereof, the procedure foreseen in Article 26 of the new CEPANI Rules offers some advantages: whereas the ordinary Courts in Belgium will in principle only be able to order interim and conservatory measures and enforcement measures regarding persons and goods situated on the Belgian territory, an arbitrator appointed pursuant to Article 26 of the CEPANI Rules will be able to order interim and conservatory measures affecting the parties even beyond the Belgian territory. Moreover, the new CEPANI Rules stipulate in Article 25 that the arbitration proceedings shall be confidential, unless it has been agreed otherwise or unless there is a legal obligation to disclose. Therefore, decisions taken pursuant to Article 26 will normally benefit from the general confidentiality provision of the CEPANI Rules. However, it should be stressed that pursuant to Article 1696(1) of the Belgian Judicial Code, the Arbitral Tribunal may not render attachment orders. Attachment orders can only be rendered by the specific courts organised in this respect by the Belgian Judicial Code (Article 1395 Judicial Code).

III. Conclusion

The introduction of the possibility to call upon an emergency arbitrator for interim and conservatory measures before the constitution of the Arbitral Tribunal represents an important new feature of CEPANI arbitration. It is in line with an international trend developed over the last few years with other arbitration institutions having introduced similar mechanisms in their Rules. With this new feature, CEPANI stands by its fundamental objective to offer the best possible service to the business community and to provide the means to respond rapidly to the parties' needs for the settlement of business disputes.

References

Rules

The new CEPANI Rules of Arbitration
Het nieuwe CEPANI arbitragereglement
Le nouveau règlement d'arbitrage du CEPANI

The new CEPANI Rules of Mediation
Het nieuwe CEPANI mediatiereglement
Le nouveau règlement de médiation du CEPANI

The new CEPANI Rules for Domain Name Dispute Resolution
Het nieuwe CEPANI reglement ter beslechting van de geschillen inzake domeinnamen
Le nouveau règlement CEPANI pour la resolution des litiges concernant des noms de domaines

Doctrine

- K.H. BOCKSTIEGEL, "Commercial and Investment Arbitration: How Different are they Today?", Arbitration International 2012/4, p. 577-590
- R. DUPEYRE et H.J. NOUGEIN, Guide pratique du nouveau droit français de l'arbitrage, Paris, Gazette du Palais, décembre 2012, 480p.
- M. FLAMEE en P. LAMBRECHT (eds.), Eerbetoon aan Guy Keutgen – Hommage à Guy Keutgen, Brussel, Bruylant, november 2012
- L. GREENWOOD and C.M. BAKER, "Getting a Better Balance on International Arbitration Tribunals", Arbitration International 2012/4, p. 653-667
- G. KNUTS, "Jura Novit Curia and the Right to Be Heard – An Analysis of Recent Case Law", Arbitration International 2012/4, p. 669-688
- MUIR WATT, "Poursuite de l'arbitrage international malgré l'interdiction faite au juge du siege (anglais) d'interdire une instance judiciaire parallèle (italienne)" (noot onder High Court of Justice, Queen's Bench Division, Commercial Court 4 avril 2012), Rev. crit. dr. int. privé 2012, p. 636-638
- H. VERBIST, "New CEPANI Rules of Arbitration in force as from 1 January 2013", *Tijdschrift@ipr.be* 2012/4, p. 51-60

Varia

CEPANI zoekt een medewerker

Kom een kwaliteitsvolle werkomgeving en een echte menselijke dynamiek ontdekken… CEPANI streeft er naar het beste in zijn domein te zijn. Datzelfde geldt voor onze medewerkers. CEPANI biedt u de mogelijkheid om deze doelstelling van uitmuntendheid waar te maken. Bovenop een aangename werkomgeving, waarin de medewerkers optimaal kunnen functioneren, garandeert CEPANI opleiding, begeleiding en een uitstekende feedback voor een unieke ontwikkelingskans. Wij hechten bijzonder veel waarde aan wetenschappelijke kennis, managementcapaciteiten, creativiteit en motivatie. CEPANI zoekt momenteel een enthousiaste en toegewijde medewerker. U vindt meer informatie m.b.t. onze vacature op website.

VIAC Vienna Arbitration Days 2013 (25-26 January 2013, Vienna)

The Vienna Arbitration Days 2013 will deal with "The (Perceived) Powers of the Arbitrator". Friday evening will be concluded with a dinner party and the conference will be followed on Saturday by the Ball of Industry and Technology ("Techniker Cercle") in the world

famous Musikverein Building best known from the New Year's Concert of the Vienna Philharmonic Orchestra. The full program and registration form can be found at http://news.wko.at/Media/9240a453-6945-44e3-ab00-a41fcf3354ac/vad_2013_flyer-final.pdf.

The ICC Institute Prize 2013

The ICC Institute Prize with an award of 10.000 EUR aims at rewarding excellent legal writing and outstanding new contributions in the field of international commercial law, including arbitration, in English or French. Applications are open to candidates below 40 years on 1 April 2013 for doctoral dissertations and long essays of a minimum of 150 pages. More information on the entry conditions and the rules of the 4th edition of the ICC Institute Prize can be found on http://www.iccwbo.org/training-and-events/competitions-and-awards/institute-of-world-business-law/.

The 16th Annual IBA International Arbitration Day (21-22 February 2013, Bogota)

On 21 and 22 February 2013 the 16th Annual IBA International Arbitration Day will take place in Bogota (Colombia) on the topic of "Making the award: need we rethink the process?". During this conference, which is one of the most important in the field of international arbitration, arbitrators, lawyers and academics from all over the world will consider the most recent questions on the drafting of the arbitral award and the internal deliberation process preceding the award. The complete program and registration form can be retrieved at http://www.ibanet.org/Article/Detail.aspx?ArticleUid=4054049C-69FC-4B7A-9737-F3913A103556.

The CEPANI Newsletter always appreciates receiving interesting case law and legal doctrine concerning arbitration and alternative dispute resolution. Any relevant articles, awards, events and other announcements can be sent to newsletter@cepina-cepani.be. CEPANI may publish and/or edit contributions at its discretion.