

CEPANI



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Editors in chief: Guillaume Croisant, Karolien Emmerechts, Juliana Iancu and Sander Van Look

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## AGENDA

26 April 2024	<b>Luxembourg Arbitration Day</b>
16-18 May 2024	<b>5<sup>th</sup> Global Conference of the Co-Chairs' Circle</b>
23 May 2024	<b>CEPANI Annual General Meeting &amp; 55<sup>th</sup> Anniversary Celebrations @ The Merode, Brussels</b>
3 June 2024	<b>CEPANI Event "The (Un)usual Suspects" panel discussion and cocktail reception during the London International Disputes Week 3-7 June 2024</b>
7 June 2024	<b>30 ans de Francarbi : colloque sur « Les différences culturelles dans l'arbitrage international » à la maison du Barreau, Paris</b>
17 June 2024	<b>Seminar: Hot topic in Arbitration with hub.brussels in the frame of the Princely Mission to Oslo 16-19 June 2024, Radisson Blu Plaza, Oslo</b>
29 August 2024	<b>Summer Drinks – Special 20 years of CEPANI40</b>
15 November 2024	<b>SAVE THE DATE for CEPANI's Annual Colloquium on "Construction and Arbitration – The Essential Building Blocks"</b>

## REPORTS

- » REPORT ON LA LOI DU 28 MARS 2024 QUI MODIFIE LE DROIT DE L'ARBITRAGE (BY YVES HERINCKX)
- » REPORT ON THE CEPANI ARBITRATION ACADEMY (BY ALEXANDRA KEUTGEN AND ASTRID MOREAU)
- » REPORT ON CEPANI40 PRE-MOOT TO THE VIS MOOT (BY GUILLAUME CROISANT AND ALEXANDRE HUBLET)
- » REPORT ON JOINT AFA, CEPANI, NAI AND VIAC CONFERENCE ON ARBITRAL INSTITUTIONS: ACTIVISTS OR GENDARMES? (BY CLARA FABER)
- » REPORT ON CEPANI40 EVENT ON ARBITRATION, PARALLEL PROCEEDINGS AND CONFLICTS OF DECISIONS: A COMPARATIVE PERSPECTIVE (BY GUILLAUME CROISANT)

# REPORTS

Report on « La loi du 28 mars 2024 qui modifie le droit de l'arbitrage »



Yves Herinckx  
Avocat (Bruxelles), Solicitor  
(England & Wales)

La loi du 28 mars 2024 portant dispositions en matière de digitalisation de la justice et dispositions diverses Ibis apporte plusieurs modifications techniques bienvenues au droit belge de l'arbitrage. Les dispositions pertinentes figurent aux articles 108 à 118, 145 et 146 de la loi. Elles sont le produit d'un groupe de travail établi au sein du CEPANI, qui continue ainsi à guider les développements du droit de l'arbitrage en Belgique.

La loi a été publiée au *Moniteur du 29 mars 2024*, avec un *erratum le 4 avril 2024*. Elle est entrée en vigueur le 8 avril 2024. Ses principales innovations sont résumées ci-dessous. Un commentaire plus détaillé sera publié dans la prochaine livraison de b-Arbitra.

**Délai de recours – annulation et opposition à exequatur.** L'ancien article 1717, § 7, du Code judiciaire prévoyait que, lorsqu'il y a à la fois recours en annulation contre une sentence et tierce opposition à une ordonnance d'exequatur de la même sentence, le délai de recours en annulation (trois mois à partir de la communication de la sentence) est parfois raccourci pour expirer en même temps que le délai de tierce opposition (un mois à partir de la signification de l'exequatur). C'était un piège et la nouvelle loi inverse opportunément la règle, chacun des deux délais pouvant dorénavant être prolongé pour expirer en même temps que l'autre.

**Délai de recours – fraude.** Un nouveau délai de recours en annulation est ouvert en cas de fraude : trois mois à partir de la découverte de la fraude. Ceci met le Code judiciaire en conformité avec un arrêt du 28 janvier 2021 de la Cour constitutionnelle.

**Suspension d'exécution et garantie.** Le juge de l'annulation reçoit le pouvoir d'ordonner la suspension provisoire de l'exécution d'une sentence jusqu'à sa décision au fond. Il peut ordonner la remise d'une garantie dans un sens ou dans l'autre : par le débiteur comme condition de la suspension d'exécution, ou par le créancier comme condition de la poursuite de l'exécution.

**Caducité de l'exequatur en cas d'annulation.** Une décision d'exequatur perd tout effet si la sentence, belge ou étrangère, est ultérieurement annulée. Le droit belge refuse de suivre la jurisprudence Hilmarton et Putrabali qui prévaut en France.

**Audiences virtuelles.** Le pouvoir du tribunal arbitral d'ordonner qu'une audience se tienne par visioconférence, malgré l'opposition éventuelle d'une des parties, est expressément confirmé.

**Signatures électroniques.** Les sentences peuvent être rendues en format électronique et signées au moyen d'une signature électronique qualifiée. Leur exequatur n'exige plus la signature manuscrite d'un

original sur papier. Chaque partie peut toutefois toujours exiger un tel original.

**Adresse des arbitres.** Les sentences peuvent dorénavant mentionner l'« adresse » des arbitres – c'est-à-dire celle de leur cabinet, s'ils le souhaitent – plutôt que leur « domicile » – c'est-à-dire leur domicile privé.

**Droit transitoire.** Selon la Cour de cassation, lorsqu'une exception d'arbitrage est invoquée devant un juge judiciaire alors qu'aucune procédure d'arbitrage n'a encore été entamée, la version applicable du droit de l'arbitrage – antérieure ou postérieure à la réforme de 2013 – dépend de la date de la convention d'arbitrage. La nouvelle loi modifie la règle et renvoie à la date à laquelle la procédure judiciaire est intentée, de manière à élargir le champ d'application de la réforme de 2013.

**Pas de tierce opposition aux sentences.** La nouvelle loi ne met pas en œuvre l'arrêt du 16 février 2017 de la Cour constitutionnelle, qui exige que les sentences arbitrales puissent faire l'objet d'une tierce opposition. Cette résistance passive évite opportunément que les sentences arbitrales belges soient vulnérables à un type de recours qui n'existe habituellement pas à l'étranger.



*Alexandra Keutgen*  
Legal Trainee, CEPANI



*Astrid Moreau*  
Legal Attaché, CEPANI



On 7 November 2023, 14 December 2023 and 7 March 2024, CEPANI had the pleasure to host the three classes of the CEPANI Arbitration Academy (Edition 2023). More than 40 participants were present to gain more theoretical knowledge and practical skills necessary to pursue a career as arbitration counsel and/or as arbitrator.

For the first class, Mr. **Dirk De Meulemeester** (Honorary President of CEPANI and President of the CEPANI Academic Committee, DMBB Law) introduced the first topic: “**From the arbitral clause to the constitution of the Tribunal**”. He also welcomed the two Co-Chairs of the day: **Ms. Dorothée Vermeiren** (Clifford Chance) and **Prof. Benoit Allemeersch** (Quinz).

The Co-Chairs addressed various questions of tremendous importance at the beginning of an arbitration procedure: Which cases can be brought to arbitration? In which document can an arbitration clause be drafted? Which parties are bound by this clause? Institutional or ad hoc arbitration?

The participants learned more about the drafting of an arbitration clause with important tips and tricks (using of the model clause, applicable rules, place of arbitration, choice of law, excluding setting aside proceedings, med-arb clauses etc.). The group also analysed various examples of pathological clauses.

The Co-Chairs explained how to deal with defaulting parties in arbitration at the start of the proceedings.

Moving on to the next topic, the group discussed the dos and don'ts of the Request for Arbitration and the Answer to the Request for Arbitration. The Co-Chairs mentioned the importance of time limits, the date of commencement of the proceedings according to the law and the CEPANI Arbitration Rules, as well as the notification requirements in the contract or in the applicable Rules.

For the final topic of the day, the Co-Chairs explained how the arbitral tribunal is constituted. They presented the appointment process under the CEPANI Arbitration Rules and under the Belgian judicial code.

**Ms. Françoise Lefèvre** (Françoise Lefèvre Arbitration & ADR) gave (via Video) her best tips to the participants on how to choose an arbitrator. The room discussed optimal methods to select a co-arbitrator and a chair of the arbitral tribunal. Both Co-Chairs gave practical advice in that matter (for instance, how to contact a potential arbitrator).

The group then discussed the very important topic of the impartiality of the arbitrator and learned more about how (and when) to make a disclosure and avoid a conflict of interest.



The second class took place on 7 March 2024.

The theme “**from the Terms of Reference to the Hearing**” was introduced by **Mr. Dirk De Meulemeester** to the participants.

He also presented the Co-Chairs of this class: **Prof. Jean-François Tossens** (Tossens, Goldman, Gonne) and **Ms. Sophie Grémaud** (Clyde&Co).



The Co-Chairs of the day started with the first topic, **the Terms of Reference**. After discussing the purpose of this document, they analyzed the various points to be included in the Terms of Reference and how to draft them (identification of the parties and arbitrators, procedural framework, arbitration clause, seat, applicable rules,

confidentiality, requests for relief, amount in dispute, mission of the arbitral tribunal, limitation of liability of the tribunal, etc.). The audience had a lively debate on the role of the tribunal secretary and also shared experience on the possibility to raise new claims after the Terms of Reference have been executed. The group also discussed the purpose and content of the Procedural Order n°1.



The Co-Chairs then explained how to draft the Terms of Reference and the Procedural Order n°1 in practice. The first step is to organise a first Case Management Conference. This is the occasion to raise any procedural issues (for instance, bifurcation) and to try to agree on the timetable.

The next topic addressed was case management. The group discussed document production (the efficiency of this process and the best way to organise it). The Co-Chairs also tackled witness evidence and gave the audience advice on how to choose and prepare a witness and examples from practice.

Moving on the third topic, the Co-Chairs addressed different situations in which the tribunal has to intervene and find a balance to respect due process. Different procedural incidents can happen during the arbitration proceedings. The Co-Chairs referred to the different styles of arbitrator (asking questions during the hearing, preliminary views, etc.).

The audience also looked into when it would be a good time to try to settle the case or to start a mediation process. The Co-Chairs gave their views on how the tribunal can encourage the parties to negotiate and how they can avoid dilatory tactics. They also explained how to proceed when a settlement is reached during the arbitration process.

Several other potential incidents were cited: what should the tribunal do if an obvious applicable legal rule is not raised by the parties? What is a sealed envelope process? How to proceed with parallel proceedings? The Co-Chairs and the participants shared a lot of examples from their experience in practice.

The third class took place on 14 December 2023. The third theme “**from the Hearing to the Award**” was introduced by **Emma Van Campenhoudt** (Director Secretary General of CEPANI) who also introduced the Co-Chairs **Prof. Oliver Caprasse** (Caprasse Arbitration) and **Ms. Vanessa Foncke** (Jones Day) for this class.

The first topic analysed by the Co-Chairs was of course the hearing with various questions. Is a hearing necessary in every case? In what cases is it mandatory? What is the purpose of a hearing? Is it needed

if the tribunal is faced with a defaulting party or in case of expedited proceedings? Where should the hearing take place? How and when to organise a hearing? Is a pre-hearing case management conference important? Who should be present?

Both Co-Chairs replied to these questions with various examples from the practice and gave the audience their views on different tricky situations that can happen when organising a hearing. They recalled that the hearing has to be organised in the most cost-effective way keeping in mind that the parties’ autonomy needs to be preserved.



The Co-Chairs and the audience further discussed the role of counsel, witnesses and experts during the hearing. Prof. Caprasse and Ms. Foncke explained in detail the process followed for the witness examination and the different techniques that should (or should not) be used.

The speakers then moved to the second topic, the post-hearing stage, and discussed the post-hearing briefs and how they can be used to the advantage of the client. The costs of the proceedings (arbitration and parties’ costs) also needs to be addressed in the post-hearing briefs. The Co-Chairs gave the definition of the parties’ costs. They also compared the arbitration proceedings and the court proceedings on this topic. They discussed the criteria that the arbitral tribunal may use to decide on the allocation of costs.

The third and last topic covered was the award.

Ms. Foncke and Prof. Caprasse explained the way deliberations are conducted. They then explained the drafting phase of the Award and the mistakes to avoid (for example, checking that every argument raised by the parties has been dealt with). They lastly mentioned the tricky case of the dissenting opinion.



The 2023 edition of the CEPANI Arbitration Academy has been a great success. We thank all of our Co-Chairs for their motivation and their amazing involvement. These three classes gave the opportunity to the participants to learn about the arbitral process in a practical manner with a huge amount of advice from experts. The group was able to debate and share experience on various fascinating topics.

Stay tuned for the next level of the CEPANI Arbitration Academy (Expert level!) that will be organised in the autumn of 2024!

*Report on the CEPANI40 Pre-Moot  
to the Vis Moot  
Brussels, 11 and 12 March 2024*



*Guillaume Croisant  
Managing Associate, Linklaters*



*Alexandre Hublet  
Local Partner, White & Case*

The 8th edition of the Brussels Pre-Moot to the annual Willem C. Vis International Commercial Arbitration Moot (Vis Moot), was kindly hosted by White & Case LLP and Linklaters LLP, under the auspices of CEPANI40. It gathered 17 universities from all over the world and more than 130 lawyers acting as mock arbitrators. The luncheons organised on both days, and the cocktail reception at the end of the first one, allowed the arbitrators and students to connect, exchange on their experience and share war stories.



The University of Bonn won this year's edition. They were opposed to New South Wales University in the finals, arbitrated by the representatives of the main BeNeLux arbitration institutions, Françoise Lefèvre (for CEPANI, The Belgian Center for Arbitration and Mediation), Denis Philippe (for the Luxembourg Arbitration Association) and Piotr Wilinski (for the Netherlands Arbitration Institute (NAI)). Harvard Law School and Erasmus University Rotterdam were the two other semi-finalists.



In Vienna, the Final Round of the 31st Vis Moot was held on 28 March 2024 between Bucerius Law School (Hamburg), which ended up prevailing, and the University of Vienna. The teams appeared before an ICC arbitral tribunal (this year's moot being under the ICC Rules of Arbitration) consisting of president Claudia Salomon and co-arbitrators Cláudio Finkelstein and Milena Djordjevic.



being arbitration activists. It is found in both conceptions of the State, "Welfare State" (I) and "Gendarme State" (II).

Should arbitral institutions be interventionist in the conduct of the proceedings, or should it be limited to the scrutiny of compliance with arbitration rules?

### I. The arbitral institutions' welfare role

1. Should arbitral institutions serve as a go-between or middleman between parties and arbitrators?

For Camilla Perera-De Wit, arbitral institutions have a role to play which is an advantage in comparison to ad hoc arbitration. For instance, in the event of a defaulting party, at the beginning of the procedure, the institution can communicate with the defaulting party who needs to be informed that a procedure is pending and that a tribunal has been appointed. Also, when an arbitrator misbehaves during the procedure, the arbitral institution can remind the arbitrator of his or her obligations. Furthermore, the appointment of a tribunal secretary might be a solution when there are issues with an arbitrator.

Marc Henry does not believe that arbitral institutions should become "Mr. or Mrs. Good Offices", but they cannot ignore the way in which arbitration proceedings are conducted under their aegis. Their role is to supervise arbitration proceedings in a proactive manner and act as an interface between the parties and the arbitrators. Parties must be able to raise their concerns with the institution when they don't want to directly face the arbitrator. But of course, being a facilitator does not mean interfering in the proceedings because it would expose itself to the reproach of becoming a quasi-party to the arbitration proceedings and parties might engage their responsibility in such capacity.

In the room, a participant insists on the role of backup of arbitral institutions because some parties, and sometimes even lawyers and arbitrators, are not very familiar with arbitration.

2. Should arbitral institutions promote amicable resolution during the arbitral process?

What is the role played by mediation during the arbitral process? Benoit Kohl notes that CEPANI has recently created a task force on alternative dispute resolution ("ADR") to streamline and optimize it. According to statistics, in 2020 35% of the cases were closed through settlement reached by parties. In 2021, it was 25%, in 2022 35% and last year 30%. As a comparison, the NAI closed 62 procedures last year and only 4 were terminated with a settlement. But institutions should not necessarily promote and intervene in settlements. Niamh Leinwather wonders whether the promotion of settlements should not pertain to judicial tribunals rather than arbitral institutions.

Marc Henry mentions that in the ICC Note to Parties and Arbitral tribunals, parties are always free to settle the case at any time during the procedure. By having the parties attend the case management conference, the arbitrators can assure it. AFA rules do not have such provisions.

One participant explains that, at the Milan Chamber of Arbitration, settlements are often discussed at the beginning or even in the middle of the arbitration. The percentage of settlements is very high (50 %) because arbitrators help parties to settle. It was highlighted that often, parties need a push to mediate, because concessions can be seen

*Report on the Joint AFA, CEPANI, NAI and VIAC Conference  
Arbitral Institutions: Activists or Gendarmes?  
PAW, 20 March 2024*



*Clara Faber  
Trainee, FTMS Avocats*

The Association Française d'Arbitrage (AFA), the Belgium Arbitration and Mediation Center (CEPANI), the Netherlands Arbitration Institute (NAI) and the Vienna International Arbitral Centre (VIAC) organized the third edition of their joint conference for the Paris Arbitration Week, hosted by the law firm Ashurst in its Paris office. For AFA, its President **Marc Henry** (FTMS Avocats) was the speaker with **Emmanuelle Cabrol** (Ashurst). Representing the CEPANI was **Benoit Kohl**, for the NAI **Camilla Perera-De Wit** and for the VIAC **Niamh Leinwather**.

Arbitral institutions have a dual vocation: to supervise arbitrations by enforcing a certain arbitration police and to promote arbitration by

as a sign of weakness in business. The presence of the mediator during the whole procedure could facilitate the process.

3. Should efforts be made by arbitral institutions in favour of a greener world and diversity?

Benoît Khol notes that in their new rules, CEPANI includes a consideration for diversity and inclusion in arbitrations administered under their aegis. The criteria of diversity (gender, age) must be taken into consideration for arbitrator appointments, alongside availability, qualifications, and ability. This effort should come from the arbitral institutions, but also from the parties. According to statistics, in 2022 there were 40% of women arbitrators appointed. 65% were appointed by the committee and 35% by the parties. And in 2023, 25% women arbitrators were appointed. 45% were appointed by the committee and 55% by the parties.

Regarding the environmental impact, Benoît Khol adds that CEPANI encourages the use of various electronic tools, avoids printing documents as often as possible, tries to hold virtual meetings, uses electronic signatures and a secure online platform to exchange information. Camilla Perera-De Wit states that NAI also promotes a more progressive, greener, and more diverse policy with a new clause. The case management conference is done electronically by default. Regarding diversity, there is still work to do because if arbitral institutions leave it to the parties, results could be improved.

One participant states that diversity and inclusion issues are not purely theoretical. It can open the windows of arbitration and narrow the field of conflict of interests.

## II. Arbitral institutions: Gendarmes?

1. What is the arbitral institution's disciplinary role from a financial point of view?

For Niamh Leinwather, arbitral institutions can keep track on the delivery of the award with financial incentive when the case is particularly complex but fees can also be reduced when an arbitrator is inefficient. Camilla Perera-De Wit notes that in the NAI rules, there are no punishment provisions.

2. At the stage of composing the tribunal, how far can the arbitral institution go?

Benoît Kohl indicates that in CEPANI arbitrations, most arbitrators are appointed by the parties, who can reappoint another arbitrator if necessary. The institution should confirm what the parties want: it is the beauty of flexibility in arbitration. Camilla Perera-De Wit indicates that in the NAI rules, the standard for independence and impartiality is very high due to parties' autonomy. The institution can encourage the arbitrator to declare ongoing cases he or she might deal with. The role of the institution is to keep the channel of communications open. The arbitral institution which has knowledge of circumstances not disclosed by the arbitrator should address it to the arbitrator to facilitate his or her impartiality and maintain the integrity of arbitration.

A participant raises the high number of cases one arbitrator can sometimes deal with. For Camilla Perera-De Wit, it is not a criterion which reflects his or her availability. Niamh Leinwather adds that this issue must be raised by the parties because the institution does not do so autonomously. Marc Henry concludes that it depends if the case is complex or not.

3. Should an Ethical Charter be subscribed by arbitrators at the time of their declaration of independence and availability, to avoid discrepancies between ethical conceptions among arbitrators belonging to the same arbitral tribunal?

Three possible approaches can be made: the vade mecum, the deontological code or manual of conduct, and the ethical charter. But Marc Henry thinks we must resist the tendency to always fill in the blanks. Arbitrators need space and freedom to express themselves fully. Nevertheless, an ethical charter can guarantee integrity if limited to a few essential principles mandatory for arbitrators. This commitment would enable arbitrators to take responsibility and exercise self-discipline. The AFA has been a driving force in this respect and as early as 2014, adopted an Ethical Charter.

Another idea could be the adoption of a disciplinary body, beyond the adoption of a Code of Ethics, and prior to any appointment, a mandatory accreditation of arbitrators could be created. Furthermore, after the designation, disciplinary sanctions could be put in place (withdrawal of an arbitrator, refusal to confirm, financial sanctions). However, most arbitration practitioners, among whom Marc Henry, do not share such ideas. Indeed, it's not up to arbitral institutions to discipline arbitrators and arbitrators would not be interested in what would be a regulated profession.

*Report on CEPANI40 event on Arbitration, parallel proceedings and conflicts of decisions: a comparative perspective PAW, 20 March 2024*



*Guillaume Croisant  
Managing Associate, Linklaters*

A dozen below-40 arbitration organisations, including CEPANI40, organised a panel discussion on parallel proceedings and conflicts of decisions from a comparative perspective, during the 3rd day of the Paris Arbitration Week, before the traditional young arbitration cruise.

The panel, held at Auguste Debouzy under the Chatham House Rule (i.e. participants are free to use information from the discussion, but are not allowed to reveal who made any particular comment), was moderated by **Judith Sawang** (Ashurt) and composed of Prof. **Claire Debourg** (Université Paris Nanterre, France), **Holger Jacobs** (Allen & Overy, Germany), **Giovanni Zarra** (Hogan Lovells, Italy), **Luis Fernando Rodriguez** (Wonders & Co, Spain), and **Stephanie Forrest** (Latham & Watkins, United-Kingdom).



The panel first discussed various approaches to parallel proceedings. Given the range of potential scenarios, the panel recognized that there's no one-size-fits-all solution. However, they presented both preventive and curative strategies to address parallel proceedings.

The key preventive approach discussed was the drafting of clear dispute resolution clauses. While arbitration practitioners do not always draft these agreements, they should emphasize to peers from other practice areas the significant impact these clauses can have once disputes arise. Besides precise language, drafters should consider including consistent dispute resolution mechanisms across all contracts and sub-contracts in a project.

Procedural options, like joinder and consolidation, may also offer solutions. If such procedural mechanisms are not a viable option, parties, with the arbitral tribunal's assistance, can reach ad hoc agreements, such as having the same tribunal issue separate awards. This helps avoid conflicting decisions and maintains confidentiality and decision consistency.

Another curative measure is the stay of proceedings, a pause ordered by either national courts or arbitral tribunals. Arbitral tribunals considering a stay must balance several factors, including their authority, the efficiency of proceedings, justice interests, and respect for due process. Both the tribunal and parties share the duty to avoid unnecessary delays, as stipulated by arbitration rules or national laws.

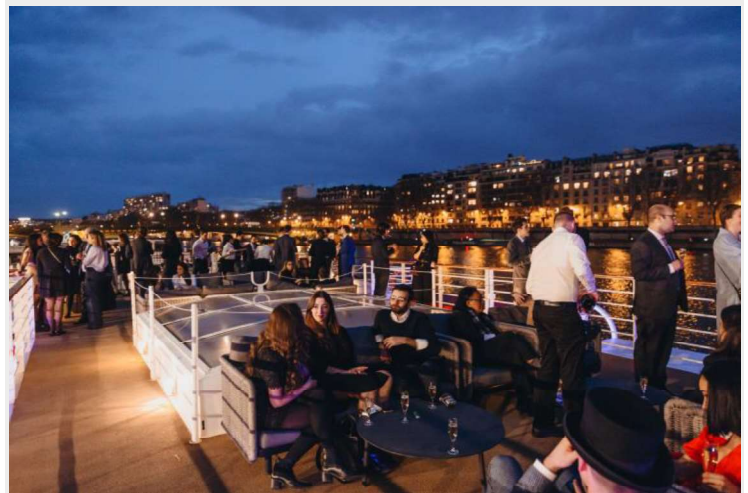
National legal tools can also address parallel proceedings, such as in Germany, where courts can issue a declaration on the admissibility of arbitration proceedings. This is possible early in the process, even with no German parties involved, since German courts have general jurisdiction and can intervene when arbitral award enforcement in Germany is conceivable.



Finally, the panel examined anti-suit injunctions, court orders preventing a party from pursuing legal action in another jurisdiction / before an arbitral tribunal or a state court. The use of anti-suit injunctions is contentious, particularly in civil law countries, as it may infringe upon another state's jurisdiction and the principle of *Kompetenz-Kompetenz*. A recent English case sparked debate over anti-suit injunctions in support of foreign-seated arbitration proceedings. In *UniCredit Bank GmbH v RusChemAlliance LLC* ([2024] EWCA Civ 64), the English Court of Appeal supported an ICC arbitration seated in Paris against Russian court proceedings. The English Court asserted its interest based on English law governing the arbitration agreement and recognized its obligations under the New York Convention to uphold arbitration agreements unless found to be invalid.

The panel concluded with the conviction that parallel proceedings are an increasing issue unlikely to vanish soon. They urged arbitral tribunals to seek further information and thoroughly explain their reasoning in decisions. They also advised legal counsel to be always prepared for the possibility of parallel proceedings. While no definitive guidance exists due to the variety of scenarios, the panel noted the need for counsel to be creative and strategic in crafting individual responses.

The panel discussion was followed by a networking reception, before many participants joined the traditional young arbitration cruise.



## » LUXEMBOURG ARBITRATION DAY



Save the date

# Luxembourg Arbitration Day

26 April 2024  
Luxembourg Chamber of Commerce

Morning training session:  
Negotiation and drafting the terms of reference  
and procedural order no. 1

Afternoon conferences:

**Arbitration** { in the investment funds industry  
in sports  
and art disputes  
of cryptoassets and smart contract disputes

#arbitration  
#LAD2024

contact@luxarbitration.com  
www.luxarbitration.lu

### PROGRAMME:

08:30-09:00:	Registration & Coffee
09:00-09:15:	Opening word of the Luxembourg Arbitration Day
09:15-11:45:	Training "Start your arbitration off on the right foot!"
11:45-12:15:	Training "Update on Luxembourg Law"
12:15-13:00:	Lunch
13:30-13:45:	Opening Remarks of the Conferences
13:45-15:00:	Conference "Investment Fund Disputes: Is Arbitration the way forward?"
15:00-15:40:	Conference "Arbitration and Sports – A perfect match?"
16:00-16:40:	Conference "Arbitration in the Art World"
16:40-17:30:	Conference "When crypto assets meet Arbitration"
17:30	Closing remarks followed by cocktails

**Price:** Member of LAA = € 100 (full day with lunch and conferences) / €50 (afternoon conferences only); Non-member of LAA = € 200 (full day with lunch and conferences) / € 100 (afternoon conferences only); Student / Avocat stagiaire = € 50 (full day with lunch and conferences) / € 30 (afternoon conferences only).


More information can be found [here](#).

DIS40-EVENT

## 5th Global Conference of the Co-Chairs' Circle

 16. Mai 2024

 Frankfurt am Main

 Veranstalter: DIS40

### Practical information:

**When:** Thursday, 16 May 2024 until Saturday, 18 May 2024

**Where:** Frankfurt am Main

**Price:** Registration fee CCC24 = € 190 excl. VAT; Registration fee "In-house counsel" CCC24 = € 130 excl. VAT

Click [here](#) for more information on the programme.

Register [here](#). The final RSVP deadline is on or before 1 May 2024.

>> CEPANI 55TH ANNIVERSARY CELEBRATIONS

# CEPANI

May 23rd  
2024

## 55<sup>th</sup> Anniversary Celebrations

### PROGRAMME:

17:00: Start of the Annual General Meeting (for CEPANI members only)

18:00: Keynote Speakers Session

19:15: Website Reveal: Unveiling new features!

19:30: Walking Dinner & 55th CEPANI Anniversary Celebrations

Your presence will add to the success of this memorable evening. We look forward to welcoming you at The Merode for an evening of legal insights, networking, and festive celebrations.

### Practical information:

**When:** 23.05.2024 as from 18.00

**Where:** The Merode, Pl. Poelaert 6, 1000 Brussels

**Price:** CEPANI member = € 275,00 excl. VAT; Non-member = € 325,00 excl. VAT.

The final RSVP deadline for the event is May 9, 2024.

All cancellations must be communicated to CEPANI at least 3 working days before the day of the event in order to be taken into consideration.

Register [here](#).

**Price:** CEPANI member = € 275,00 excl. VAT; Non-member = € 325,00 excl. VAT.

The final RSVP deadline for the event is May 9, 2024

All cancellations must be communicated to CEPANI at least 3 working days before the day of the event in order to be taken into consideration.

# CEPANI

*A Legacy of 55 Years*

BRUSSELS

23.05.2024

FROM 1969 TO 2024: COME CELEBRATE WITH US AT THE  
BELGIAN CENTER FOR ARBITRATION AND MEDIATION'S  
ANNIVERSARY GATHERING!



JEAN-CHARLES  
VAN DEN BRANDEN



DR. MICHAEL  
W. BÜHLER



TERESA  
GIOVANNINI



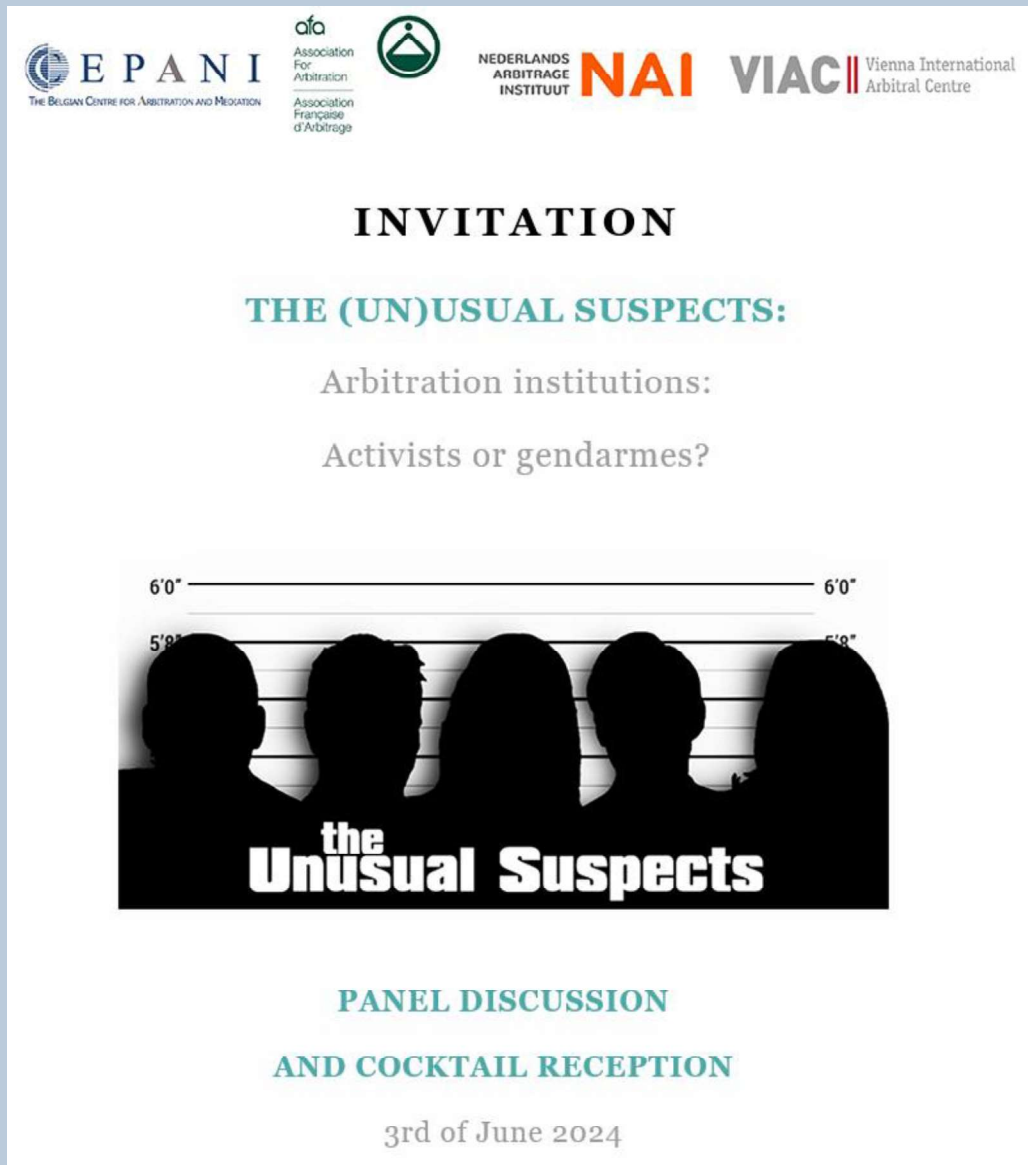
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KOEN GEENS



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CEPANI.BE/EVENTS/55](https://www.cepani.be/events/55)



>> CEPANI EVENT "THE (UN)USUAL SUSPECTS: ARBITRATION INSTITUTIONS: ACTIVISTS OR GENDARMES?"



The poster features logos for CEPANI (The Belgian Centre for Arbitration and Mediation), AFA (Association For Arbitration / Association Française d'Arbitrage), NAI (Nederlands Arbitrage Instituut), and VIAC (Vienna International Arbitral Centre). The main text reads: INVITATION THE (UN)USUAL SUSPECTS: Arbitration institutions: Activists or gendarmes? Below this is a silhouette graphic of five people against a height chart, with the text 'the Unusual Suspects' overlaid. The event details are: PANEL DISCUSSION AND COCKTAIL RECEPTION 3rd of June 2024.

**PROGRAMME:**

18:00: Welcome and registrations

18:30: Panel discussion

Moderator: Mr. Gerard Meijer, Speakers: Mr. Marc Henry (President AFA), Mr. Benoît Kohl (President CEPANI), Ms. Niamh Leinwather (Secretary General VIAC) and Ms. Camilla Perera-de Wit (Secretary General NAI)

19:30: Champagne & canapés

21:00: End of the event

**PRACTICAL INFORMATION:**

**When:** 3 June 2024 as from 18:00

**Where:** Residence of the Belgian Ambassador to the UK – 36 Belgrave Square, London, SW1X 8QB

Register [here](#).

>> *LONDON INTERNATIONAL DISPUTES WEEK*



Registration now open for LIDW24

# London International Disputes Week

3 - 7 June 2024



London  
International  
Disputes  
Week

**Price:**

LIDW Core Conference – Early-bird LIDW Member (until 28.04.2024): £399,00 excl. VAT

LIDW Core Conference – Early-bird non-LIDW Member (until 28.04.2024): £499,00 excl. VAT

LIDW Core Conference – virtual ticket: £100,00 excl. VAT

Click [here](#) for more information about the programme.

Register [here](#).

>> 30 ANS DE FRANCARBI : COLLOQUE SUR « LES DIFFÉRENCES CULTURELLES DANS L'ARBITRAGE INTERNATIONAL »



**Programme :**

8h45 –09h00 : Accueil des participants

9h00 –09h45 : Allocutions d'ouverture

Première séance sous la présidence de Pierre Tercier

10h00 –10h30 : La notion de différences culturelles dans l'arbitrage international

10h30 –11h00 : Les différences culturelles et les règles relatives à l'indépendance et l'impartialité des arbitres

11h00 –11h20 : Débats

11h20 – 11h40 : Pause

Deuxième séance sous la présidence de Carmen Nuñez Lagos

11h40 – 12h10 : Les différences culturelles et l'incidence du rôle des conseils et des arbitres dans la procédure arbitrale

12h10 – 12h30 : Débats

12h30 – 14h15 : Déjeuner

Troisième séance sous la présidence de Sophie Nappert

14h15 – 14h45 : Les différences culturelles et le traitement des preuves

14h45 – 15h05 : Débats

15h05 – 15h35 : Les différences culturelles et l'application au fond d'un droit étranger par les arbitres; la rédaction de la sentence

15h35 – 15h55 : Débats

Quatrième séance sous la présidence de Diamana Diawara

15h55 – 16h25 : Les différences culturelles jouent-elles un rôle dans le contrôle de la sentence ?

16h25 – 16h45 : Débats

16h45 : Fin des travaux

17h15 : Cocktail

**Date :** 7 juin 2024

**Lieu :** Maison du Barreau, 2 rue de Harlay, 75001 Paris, France

**Prix :** non membre de Francarbi = 460 EUR, membre de Francarbi = 420 EUR, universitaire non-avocat = 250 EUR, moins de 40 ans = 250 EUR

**Inscriptions en ligne.**

>> *CEPANI GOES TO NORWAY!*



**SEMINAR: ARBITRATION HOT TOPICS**

**hub.brussels, in collaboration with CEPANI,**  
requests the pleasure of your company for an event in the frame of the  
Princely Mission to Oslo  
at  
**Radisson Blu Plaza Hotel (Room Munch 2)**  
Sonja Henies plass 3, 0185 Oslo  
on  
17 June 2024 from 9.00 am to 12.00 am

A breakfast will be served prior to the commencement of the event

Please register [here](#) by 10 June 2024.

## Background information

This event is part of hub.brussels' participation to the Belgian Princely Mission to Norway which will take place in Oslo, Norway from 16-19 June 2024. This mission is organized by the Belgian Foreign Trade Agency, in cooperation with the three regional agencies for the promotion of foreign trade: Flanders Investment & Trade (FIT), the Wallonia Export-Investment Agency (AWEX) & hub.brussels and the FPS Foreign Affairs, Foreign Trade and Development Cooperation.

As part of the Belgian Princely Mission to Norway, hub.brussels and CEPANI (The Belgian Centre for Arbitration and Mediation) will organize

### **an event on the topic of arbitration.**

The event aims to gather legal professionals, business leaders, and experts in the field of arbitration to exchange insights, discuss recent developments, and explore opportunities for collaboration.

We believe that such an event can significantly contribute to the growth and knowledge-sharing within our respective communities.

Hereunder you will find the program of the proposed event.

## Program

9.00	Arrival of the guests – welcome coffee & breakfast
9.30	Welcoming words, by Ms. Ans Persoons, Brussels Secretary of State for Urbanism and Foreign Trade
9.35	Opening words, by Prof. Benoît Kohl, President of the Belgian Centre for Arbitration and Mediation (CEPANI)
9.40	Opening words, by Christian Hauge, President of The Nordic Offshore and Maritime Arbitration Association (NOMA)
9.45	Keynote speech "From Holmgang to AI-bitration", by Mr. Dirk De Meulemeester, Honorary President of CEPANI
10.30	Testimonies: Chair of the panel, Ms. Vanessa Foncke, lawyer and arbitrator <ul style="list-style-type: none"><li>• Ms. Nina Lauber-Thommesen, lawyer and arbitrator</li><li>• Mr. Christian Hauge, lawyer and arbitrator</li><li>• Mr. Marco Schoups, lawyer and arbitrator</li><li>• Mr. Patrick Baeten, in house counsel and arbitrator</li></ul>
11.30	Closing notes, by Ms. Isabelle Grippa, CEO hub.brussels
11.35	Q&A
12.00	End

# NEWS FROM OUR PARTNERS

» *ACOLAD LEGAL*

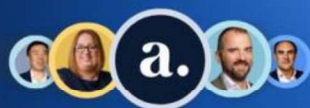
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**Join Wolters Kluwer for a fun night out in Hong Kong!**

The Wolters Kluwer and the Kluwer Arbitration Blog team invite you to the illustrious International Arbitration Pub Quiz at the ICCA Congress.

Michael McIlwrath, Crina Baltag and Abhinav Bhushan will again be your quiz masters; canapés and cocktails will be served.

**Date:** May 6, 2024

**Time:** 6.00 pm – 8.30 pm local time

**Location:** Mr. Wolf at The Crawford House, 5<sup>th</sup> Floor, 70 Queens Road, Central Hong Kong

**Register now**

The image shows two overlapping screenshots of the Wolters Kluwer Kluwer Arbitration website. The larger screenshot on the right displays a detailed profile for Gary B. Born, including his nationality (United States of America, United Kingdom), participation in over 35 cases, 38 awards, and 106 publications. It lists his current positions as President of the Singapore International Arbitration Centre and Honorary Professor at the University of St. Gallen, Switzerland, and his education at the University of Pennsylvania Law School and Harvard College. The profile also features 'Arbitral Insights' with three donut charts for Sectors, Applicable rules, and Applicable treaties and laws, along with sections for Sectors, Specialization, Legal experience, Arbitrator experience, Career experience, and Education.

The smaller screenshot on the left shows the 'Relationship Indicator' search tool. It allows users to explore relationships between individuals, law firms, or states. The search results show 766 results found, listing several cases involving Gary B. Born as a Co-Arbitrator, such as 'Wolters Kluwer UNCITRAL ICFR 1194 (1 Jun 2022)' and 'Wolters Kluwer UNCITRAL ICFR 1190 (1 Jun 2022)'. Each case entry includes the case name, role, and a brief description of the parties and the arbitrator's involvement.