



## *2017 Statistical Report*



## INTRODUCTORY NOTE

This yearly report provides a statistical overview of **CEPANI** arbitration in 2017 and the evolution in comparison with past years.

In this report, you will find information about proceedings administered by **CEPANI** such as the origin of the parties, the language, the constitution of arbitral tribunals, women in arbitration and more.

The 2017 statistics show that, regarding the geographical origin of the parties, the challenges of arbitrators, or the average duration of proceedings, the trends mostly remain the same as in 2016.

However, other parameters such as language, nature of the dispute and constitution of the Arbitral Tribunal have evolved slightly in 2017 as compared to 2016.

**CEPANI** continues its commitment to ensure that each case is handled with the requested efficiency, rapidity, and efficacy, and in accordance with the specific needs of the parties.

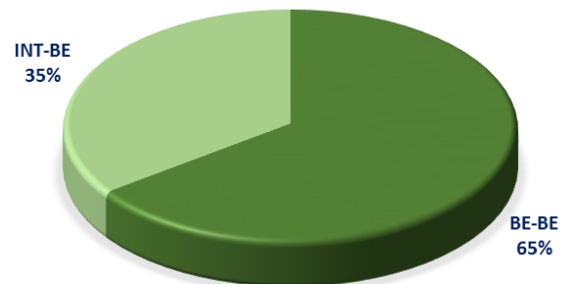
## PARTIES

### GEOGRAPHICAL ORIGIN

Dubai	1
China	1
France	3
Germany	2
Luxembourg	2
Netherlands	3
Panama	1
Paraguay	1
Spain	1
Switzerland	1

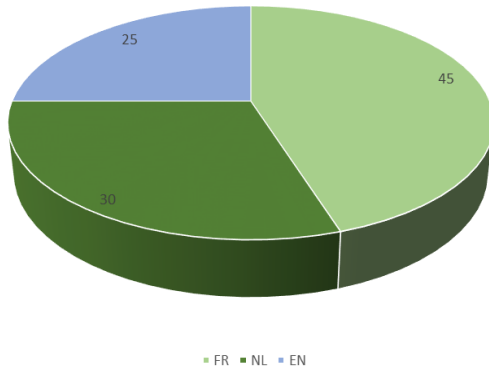
In 2017, 65 % of the cases were introduced between Belgian parties and 35 % between at least one Belgian and an International party.

### ORIGIN OF THE PARTIES



## LANGUAGE

### Language

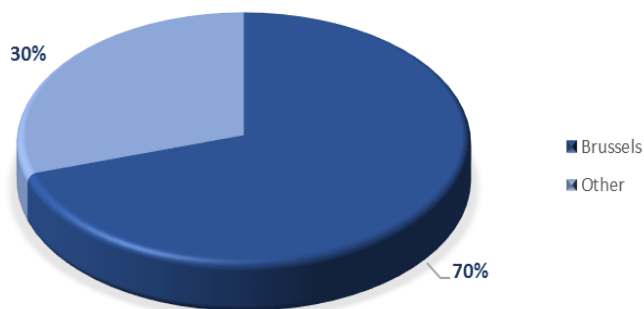


In 2017, there has been a slight increase of French cases compared to 2016. Indeed, 45% of the cases were introduced in French, 30% in Dutch and 25% in English.

In two pending arbitration proceedings, parties disagree on the language. The Arbitral Tribunal still has to hand down a decision.

## PLACE OF ARBITRATION

### SEAT



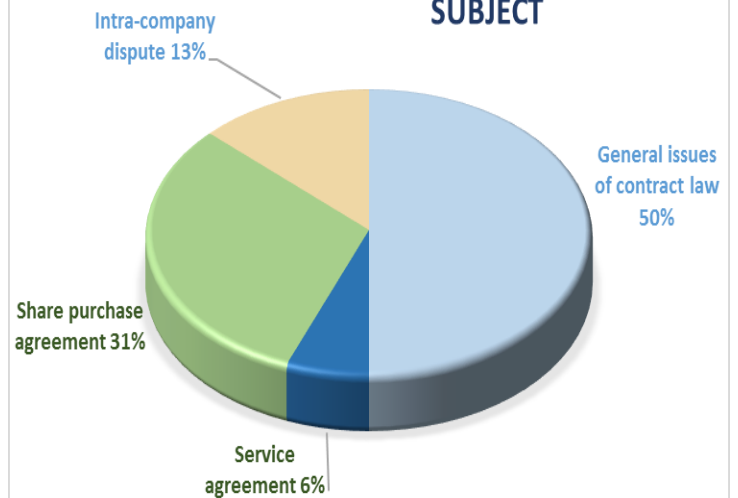
Brussels as place of arbitration is a steady trend.

In 2017, 70% of the cases had Brussels as seat of arbitration and 30% of the cases had their seat in another city.

In comparison to 2016, 85% of the cases had Brussels as seat of arbitration and 15% of the cases had their seat in another city.

## NATURE OF THE DISPUTE

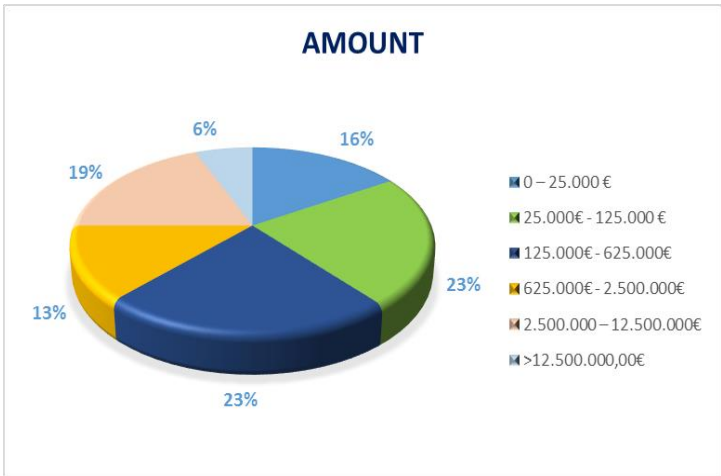
### SUBJECT



In 2017, 50% of the cases concerned general issues of contract law. 6% related to a service agreement. 31% related to a share purchase agreement. 13% related to an intra-company dispute.

In comparison to 2016, general issues of contract law suits and share purchase agreement cases have increased significantly.

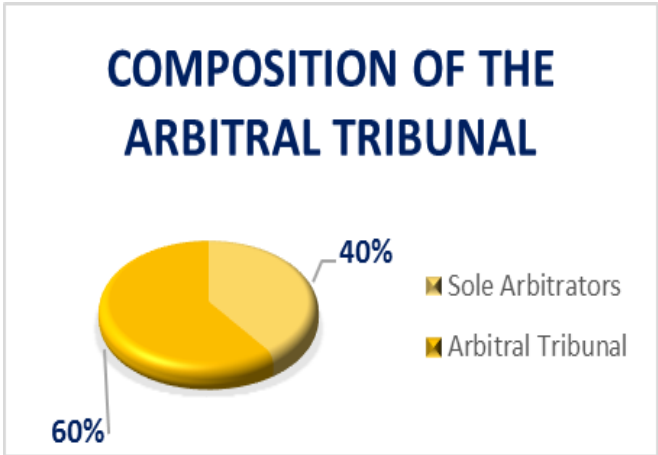
## AMOUNT IN DISPUTE



0 – 25.000 €	16%
25.000€ - 125.000 €	23%
125.000€ - 625.000€	23%
625.000€ - 2.500.000€ (Reduced almost by half in comparison to 2016)	13%
2.500.000€ – 12.500.000€	19%
> 12.500.000€	6%

## ARBITRAL TRIBUNAL

### CONSTITUTION



The majority (60%) of Arbitral Tribunals were composed of three arbitrators. These numbers pick up the same trend as in 2015.

The trend does mark an important change when compared to 2016, when a majority of Arbitral Tribunals were composed of a Sole Arbitrator.

	Proposed and appointed by the Appointment Committee	Proposed by the Parties / confirmed by the Appointment Committee
Chairman of the Arbitral Tribunal composed of three arbitrators	40 %	60 %
Arbitral Tribunal composed of a sole arbitrator	90 %	10 %

In 2017 two emergency Arbitrators were appointed.

### WOMEN IN ARBITRATION

In 2017, 18% of the arbitrators appointed by CEPANI were women, half of which were nominated by CEPANI and the other half by the parties.

This shows an increase of women appointed by Parties: in 2016, 90% of female arbitrators were appointed by the institution.

### CHALLENGES AND REPLACEMENTS OF ARBITRATORS

In 2017, no arbitrator was challenged. Two arbitrators were replaced.

## AVERAGE DURATION OF CEPANI PROCEEDINGS IN 2017

In 2017, as in 2016, an arbitration procedure administrated under the CEPANI Rules lasted an average **15 months**, calculated as follows:

- ❖ Introduction to the constitution of the arbitral tribunal = 3 months.

The CEPANI Rules normally provide for a one-month deadline. The delay in practice is generally due to delays in the payment of the provision for arbitration costs by the parties. Under CEPANI Rules, the Appointment Committee shall only appoint the arbitral tribunal when the provision for arbitration costs is paid in full.

- ❖ Constitution of the arbitral tribunal to the Terms of Reference = 2 months.
- ❖ Terms of Reference to the award = 10 months.

When drawing up the Terms of Reference, or as soon as possible thereafter, the Arbitral Tribunal will organize a case management meeting between the Arbitral Tribunal and all parties involved in the proceedings. This meeting may take place in person or via telephone or video conference. After having consulted the parties, the Arbitral Tribunal will draw up in a separate document the Procedural Timetable.

It is recommended that the parties not only send their counsel to attend this meeting, but to also be present themselves. This may positively influence the time limits agreed upon. In any case, the parties themselves are likely to have a better understanding of the arbitration process and to be in a better

position to estimate what time limits are realistic.

The CEPANI Rules grant the Arbitral Tribunal a deadline of six months to render its award as from the signature of the Terms of Reference. The average time limit of 10 months is due to the fact that, with the parties' consent, arbitral tribunals often establish procedural timetables exceeding – and thus extending – the six month deadline provided for in the CEPANI Rules.

Constitution of the arbitral tribunal to the award = **12 months**

Total average duration of CEPANI arbitrations in 2017: **15 months**

