

CEPANI STATISTICAL REPORT 2021

This yearly report provides a statistical overview of CEPANI arbitration in 2021 and its 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 and the seat of the arbitration, the constitution of Arbitral Tribunals, the specificities of the appointed Arbitrators, the average duration of CEPANI arbitration procedures and more.

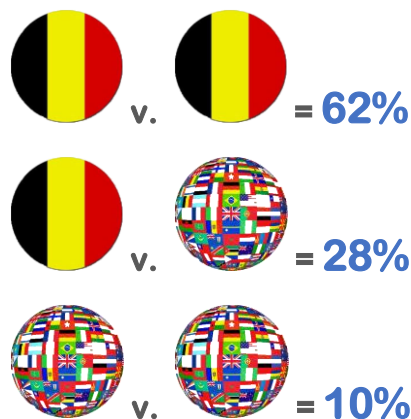
The 2021 statistics show no impact of the still ongoing COVID-19 pandemic. On the contrary, CEPANI arbitration procedures were completed in shorter period of time in comparison with the previous years. This was the case for both classic and expedited arbitration procedures.












Furthermore, the general trend of internationalisation has continued its pace; this reflects in the origin of the Parties, the language of the arbitration and the nationality of the appointed Arbitrators.

More striking is the amount in dispute that is generally overall higher than in 2020. Over a third of the CEPANI arbitration procedures involved cases over one million euros.

Finally, 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.

Origin of the Parties



 Canada	1
 Czech Republic	1
 Finland	1
 France	5
 Germany	1
 Luxembourg	2
 The Netherlands	2
 Russia	1
 South Africa	1
 Switzerland	1
 USA	3

In 2021, 62% of the cases were introduced between Belgian Parties, 28% involved at least one Belgian and one international Party, and 10% of the cases involved only international Parties.

Compared to 2020, procedures involving only Belgian Parties have slightly increased, procedures involving at least one Belgian and one international Party have decreased by 10%, while on the other hand procedures involving exclusively international Parties have increased by 5%.

Language of the arbitral proceedings

DUTCH
24%

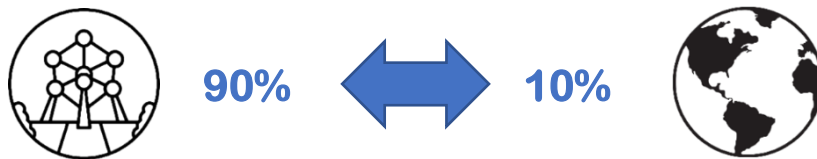
FRENCH
45%

ENGLISH
31%

In 2021, the language of the cases remained the same compared to 2020.

Indeed, 45% of the cases were introduced in French, 24% in Dutch and 31% in English

Place of the Arbitration

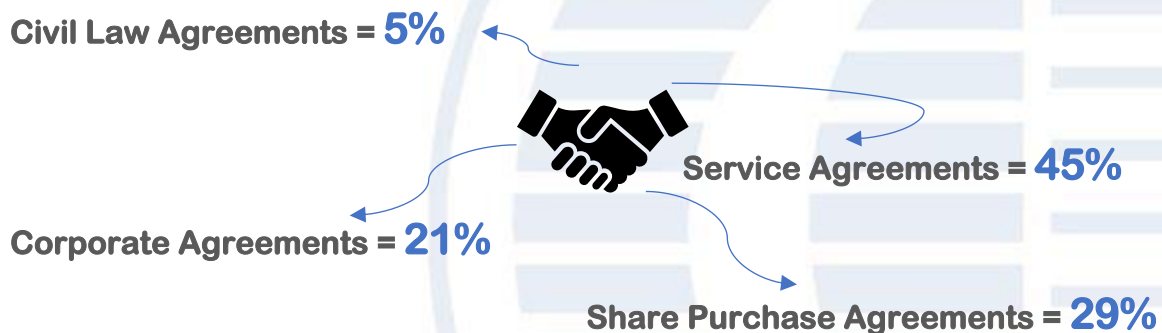


Brussels as place of arbitration is a steady trend.

In 2021, 90% of the cases had chosen Brussels as seat of their arbitration and only 10% of the cases had their seat in another city, which were mainly located elsewhere in Belgium except for Luxembourg.

In comparison to 2020, 86% of the cases had Brussels as seat of arbitration, while 14% of the cases had their seat in another city.

Nature of the dispute



In 2021, only 5% of the cases concerned general issues of civil law; 45% related to a service agreement; 29% related to a share purchase agreement; and 21% related to a corporate dispute.

In comparison to 2020, corporate disputes have decreased with 9%, while share purchase-agreement related disputes increased with 7% and service agreement related disputes increased with 21% (!).

Amount in dispute

< € 100.000,00 →	35%
€ 100.000,00 – € 200.000,00 →	5%
€ 200.000,00 – 500.000,00 →	16%
€ 500.000,00 – 1.000.000,00 →	11%
€ 1.000.000,00 – 10.000.000,00 →	22%
> € 10.000.000,00 →	11%

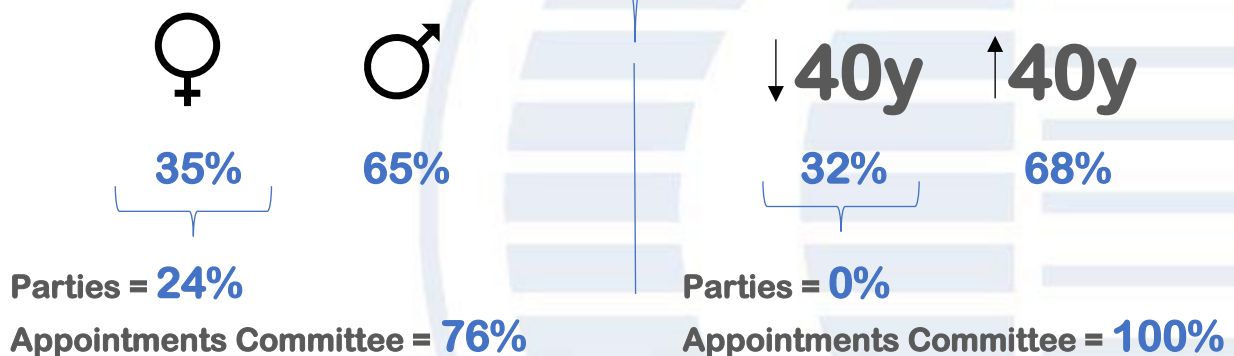
From the above, it is clear that expedited proceedings (< € 100.000,00) have been very successful (35% of the cases), while cases over one million euros have also increased (33% of the CEPANI cases compared to 25% in 2020).

Arbitral Tribunal



 **1** Emergency Arbitrator

 **0** Challenges / Replacements



The majority, i.e. 82%, of the Arbitral Tribunals were composed of a Sole Arbitrator. 18% of the Tribunals were composed of three Arbitrators.

In comparison to 2020, 65% of Sole Arbitrators were appointed.

This evolution marks an important change compared to the previous years where a majority of the Arbitral Tribunals were composed of three Arbitrators.

WOMEN IN ARBITRATION

In 2021, 35% of the Arbitrators appointed by CEPANI were women, 76% of which were appointed by the CEPANI Appointments Committee and 24% directly by the Parties. This is a very positive change in favor of 'Diversity and Inclusion in Arbitration'.

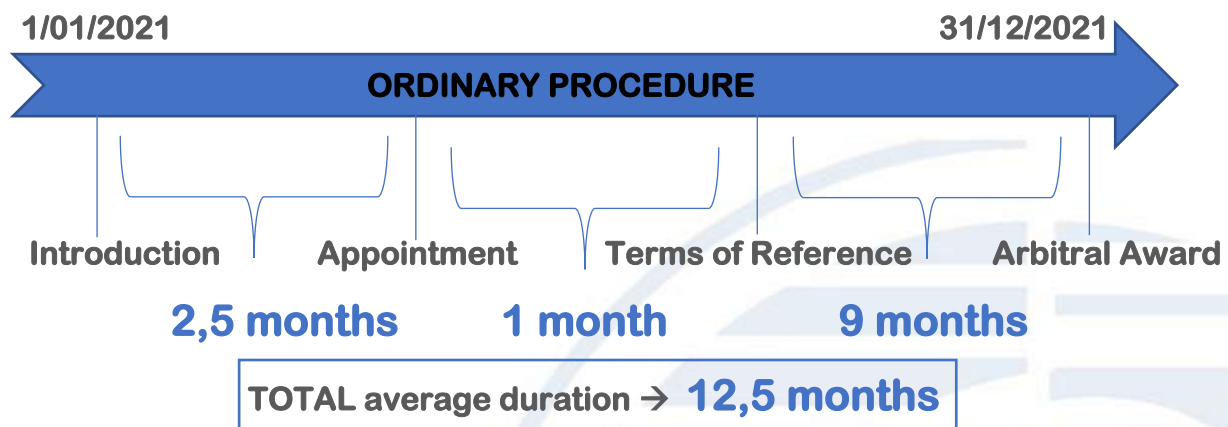
In 2019 only 10% of women Arbitrators were appointed and in 2020 15% of the appointed Arbitrators were women.

YOUNGSTERS IN ARBITRATION

In 2021, 32% of the Arbitrators appointed by CEPANI were below 40 years old.

All of them were appointed by the CEPANI Appointments Committee, none of them directly by the Parties.

Average duration of the arbitral proceedings



In 2021, an arbitration procedure administrated under the CEPANI Arbitration Rules lasted **12,5 months**, calculated as follows:

- ❖ Introduction to the constitution of the Arbitral Tribunal = 2,5 months.

The CEPANI Arbitration Rules provide for a one-month deadline for Parties to pay the advance on arbitration costs and the Appointments Committee shall only appoint the Arbitral Tribunal when the advance on arbitration costs has been paid in full.

The delay of 2,5 months in practice is due to delays regarding the payment of the advance on arbitration costs by the Parties.

- ❖ Constitution of the Arbitral Tribunal to the Terms of Reference = 1 month.

The reviewed Arbitration Rules which entered into force as from January 1, 2020 provide for a one-month deadline. Clearly, Arbitrators - in collaboration with the Parties and their Counsel – have made every effort to meet this short deadline.

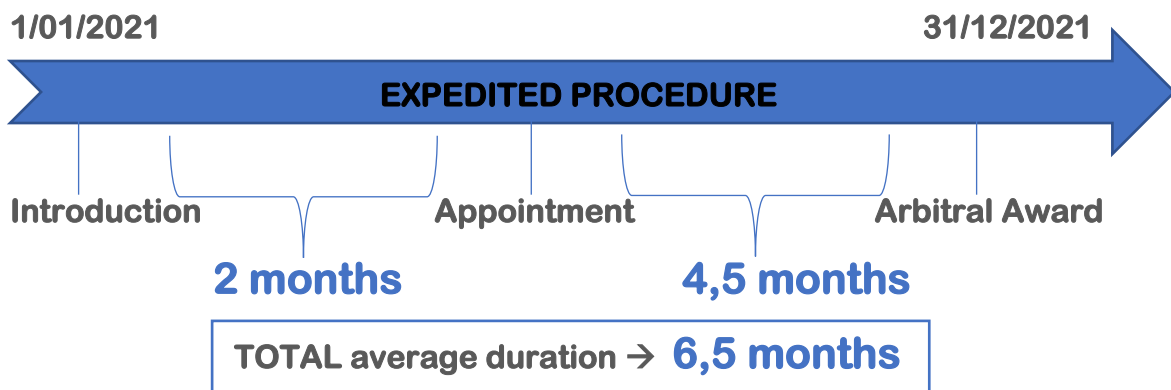
❖ Terms of Reference to the Arbitral Award = 9 months.

When drawing up the Terms of Reference, or as soon as possible thereafter, the Arbitral Tribunal will organise 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 also be present themselves. This may positively influence the time limits agreed upon.

The CEPANI Arbitration Rules grant the Arbitral Tribunal a deadline of six months to render its Arbitral Award as from the signature of the Terms of Reference. The average time limit of 9 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 Arbitration Rules.

In comparison with 2020, an arbitration proceeding lasted an average of 14 months.



Following Article 29 of the CEPANI Arbitration Rules, the expedited procedure shall apply if the amount in dispute does not exceed the amount of € 100.000,00 or if the Parties so agree.

In the context of an expedited procedure there are no Terms of Reference.

Moreover, the deadline granted to the Tribunal to make the Arbitral Award is 4 months as of the date of the establishment of the Procedural Timetable.

In 2021, an expedited proceeding under the CEPANI Rules lasted 6,5 months.

Constitution of the Arbitral Tribunal to the Arbitral Award = **10 months**
Total average duration of CEPANI arbitration procedures in 2021: **12,5 months**

