

# Arbitration in Belgium

**Niuscha Bassiri &  
Maarten Draye (eds)**

# Arbitration In Belgium A Practitioners Guide

**José R. Mata Dona, Nikos Lavranos**



## **Arbitration In Belgium A Practitioners Guide:**

*Arbitration in Belgium* Niuscha Bassiri, Maarten Draye, 2016-03-24 Despite the obvious advantages accruing from its central location and the presence of the EU institutions in its capital city Brussels Belgium has never fully fulfilled its potential to emerge as an attractive jurisdiction for international arbitration Now however with the adoption in 2013 of an entirely new arbitration law and the accompanying overhaul of the rules of CEPANI the Belgian Centre for Arbitration and Mediation Brussels is poised to progress rapidly towards the top rank of European and global seats of arbitration This is the first comprehensive treatise in English to provide practical guidance to arbitration practitioners in house counsel and judges on how to conduct arbitrations in Belgium To facilitate its use it is structured as an article by article commentary on the 2013 Law addressing the following aspects of each article the purpose of the provision comparison with the UNCITRAL Model Law on Commercial Arbitration party autonomy issues of costs and interplay with the rules of other major arbitration institutions and the New York Convention The core of each article commentary is an in depth analysis that provides recommendations to practitioners and judges The analysis goes beyond the contents of the commented article and deals with related issues that are not addressed expressly in the Law but may be of relevance for the issues covered in the provision in question Arbitration professionals will find here convincing evidence of the liberal system for arbitration now prevailing in Belgium along with rules that reflect the most recent trends in international practice The description and analysis offered are sure to contribute to the recognition of Belgium as a global arbitral jurisdiction

**Handbook on Legal Cultures** Sören Koch, Marius Mikkel Kjølstad, 2023-05-30 Cooperation across borders requires both knowledge of and understanding of different cultures This is especially true when it comes to the law This handbook is the first to comprehensively present selected legal cultures based on a very specific set of structural elements which can be found in all such cultures Legal cultures are a product of and impacted by certain fundamental and commonly shared ideas on and expectations of the law In all modern societies these ideas are to a certain degree institutionalized or at least embedded in institutionalized practices These practices determine the way lawyers are educated and apply the law how they engage with the ongoing internationalization of law and what kind of values they adhere to Looking at these elements separately enables the reader to identify similarities and differences and to explain them contextually Understanding these general features of legal cultures can help avoid misunderstandings or misinterpretations of foreign law and its application Accordingly this handbook is a necessary starting point for all kinds of legal comparative studies conducted by academics students judges and other legal practitioners

[Legal Linguistics Beyond Borders: Language and Law in a World of Media, Globalisation and Social Conflicts](#) Friedemann Vogel, 2019-07-31 The world of law has changed in the last decades it has become more globalized multilingual and digital The sections and contributions of this volume continue the interdisciplinary discussion about the challenges of this change for theory and practice of law and for the International Language and Law Association ILLA relaunched in 2017 First the book gives a broad overview to the

research field of legal linguistics its history research directions and open questions in different parts of the world United States Africa Italy Spain Germany Nordic countries and Russia The second section consists of contributions about the relation of language law and justice in a globalized world with a focus on multilingual and supranational law in the EU The third section focuses on digitalization and mediatization of the law the last section reports about the discussion at the ILLA relaunch conference in 2017

**International Arbitration and EU Law** José R. Mata Dona, Nikos Lavranos, 2021-03-26

This book examines the intersection of EU law and international arbitration based on the experience of leading practitioners in both commercial and investment treaty arbitration law It expertly illustrates the depth and breadth of EU law s impact on party autonomy and on the margin of appreciation available to arbitral tribunals

**Practitioner's Handbook on**

**International Commercial Arbitration** Frank-Bernd Weigand, 2009-12-24 The Practitioner s Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings as well as commentaries on well known arbitration rules which are frequently incorporated in international legal agreements Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts This second edition of the Practitioner s Handbook includes newly updated country chapters expanded international coverage and commentary on the most important arbitration rules worldwide It is written by world leading arbitration practitioners and academics and combines a practical approach with in depth legal research and analysis of important national and international case law The book is unique in its coverage providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume There are individual chapters for the following countries Austria Belgium China and provides details of national arbitration laws arbitral institutions in the jurisdiction model arbitration clauses and a bibliography including a list of key judicial decisions The first edition was reviewed as an outstanding book and an extremely useful tool The work is an indispensable one stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries

**Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards** UNCITRAL Secretariat, 2017-07-10

The Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards provides a detailed analysis of the judicial interpretation and application of the New York Convention by reference to case law from 45 Contracting States The Guide and the [newyorkconvention1958.org](http://newyorkconvention1958.org) website which supplements it will become an essential tool that benefits all those involved in the interpretation and application of the New York Convention including judges arbitrators practitioners academics and Government officials The Guide gives clear expression to the principal finding of extensive research namely that the Contracting States have interpreted and applied the New York Convention in an overwhelmingly consistent manner and that courts have diverged from the general trends in the case law in only isolated instances As such the Convention continues to fulfill its purpose of facilitating the worldwide recognition and enforcement of arbitral awards to the greatest

extent possible      **Practitioner's Guide to the CISG** Camilla Baasch Andersen, Bruno Zeller, 2010-11-01 With the growing complexity of international trade practitioners in commercial law increasingly need access to scholarly sources and foreign case law A goal of the United Nations Convention on the International Sale of Goods CISG has been the standard of a global jurisconsultorium where judges and arbitrators would share resources and consult what has been done in foreign jurisdictions However without the prior work of material collecting proper translation into English and organization of the resulting abundance of material compliance with this goal would be impossible The Practitioner's Guide to the CISG is a direct answer to that need and a decisive step toward fulfilling that goal Written by three scholars from six different countries the book represents the best analyses of CISG cases available anywhere The chapters that follow provide legal counsel with easy organized access to key legal case abstracts drawn from multiple jurisdictions and valuable summary comments on each article of the CISG      *Routledge Handbook on Transnational Commercial Law* Bruno Zeller, Camilla Baasch Andersen, 2025-02-21 This handbook edited by Zeller and Andersen is an indispensable contribution to the field of transnational commercial law With an introduction by Sir Roy Goode this book presents perspectives on legal issues of international sales transactions as perceived by world leading experts exposing pragmatic and modern aspects of everything from drafting to uniform laws to dispute resolution The book divides itself between fundamental knowledge of transnational commercial law e g chapters on forum shopping CISG Cape Town Convention etc and current and topical developments e g chapters on blockchain smart contracts metaverse digital assets etc International or transnational trade during the past twenty years has become more and more important outstripping domestic trade as a hallmark of economic success Model laws developed by the United Nations and other international bodies are now being transplanted or ratified by countries so a translational element must always be considered as part of any choice of law Addressing a global audience as the instruments dealt with herein apply to many states in different regions this handbook aims not only at an undergraduate and graduate student audience but also will interest professional lawyers      **A Practitioner's Guide to Maritime Boundary Delimitation** Stephen Fietta, Robin Cleverly, 2016 This book provides a user friendly and practical guide to the modern law of maritime boundary delimitation The law of maritime boundaries has seen substantial evolution in recent decades The book provides a comprehensive overview of the law in this field and its development through the United Nations Convention on the Law of the Sea which set out the framework of the modern law in 1982 The Convention itself has since been substantially built upon and clarified by a series of judicial and arbitral decisions in boundary disputes between sovereign states which themselves also built upon earlier case law The book dissects each of the leading international judgments and awards since the North Sea Continental Shelf Cases in 1969 providing a full analysis of the issues and context in each case explaining their fundamental importance to shaping the law The book provides forty clear technical illustrations to carefully demonstrate the key issues at stake in this complex area of law Technological developments in the exploitation of maritime natural resources

including oil and gas have provided a significant impetus for recent boundary disputes as they have made the resources found in remote areas of the ocean and seabed more accessible. However, these resources cannot effectively be exploited at the moment as hundreds of maritime boundaries worldwide remain undelimited. The book therefore complements the legal considerations raised with substantial technical input. It also identifies key issues in maritime delimitation which have yet to be resolved and sets out the possible future direction the law may take in resolving them. It will be a unique and valuable resource for lawyers involved in cases involving maritime delimitation and scholars and students of the law of the sea.

Arbitration and Human Rights Toms Krūmiņš, 2020-08-12. This book presents a creative synthesis of two ostensibly disparate fields of law: arbitration and human rights. More specifically, it focuses on various legislative approaches to excluding the annulment of arbitral awards, setting aside proceedings at the seat of arbitration, and evaluates the compatibility of such approaches with the European Convention on Human Rights (ECHR), in particular the right to a fair trial under Article 6(1). The book first assesses the applicability and impact of the ECHR, in particular Article 6(1), on international commercial arbitration. It then analyses a number of legislative approaches to excluding setting aside proceedings, focusing on two synergetic phenomena: exclusion agreements and the total lack of setting aside proceedings in national arbitration law. Lastly, the book investigates to what extent the lack of setting aside proceedings in national arbitration law may lead to a violation of arbitrating parties' right to a fair trial under Article 6(1) and puts forward certain *de lege ferenda* recommendations on how to best approach the regulation of setting aside proceedings in national arbitration law from the standpoint of compliance with the ECHR.

**International Arbitration in Practice** Alicja Zielińska-Eisen, Verónica Sandler Obregón, Courtney Lotfi, 2025-03-18. *International Arbitration in Practice* is an indispensable and highly pragmatic book that systematically addresses the concepts underpinning international arbitration and the measures counsel, arbitrator, and institution may apply during proceedings. It has been carefully curated to include insights and best practices based on real world experience and covers the increasing complexity of international commercial and investment arbitration by adeptly addressing arbitrations involving multiple parties or contracts, those spanning multiple jurisdictions and areas of law, and when and how to utilize new trends such as virtual advocacy. What's in this book: Providing in-depth guidance throughout all phases of international arbitration, a carefully selected group of established and emerging practitioners impart their knowledge in user-friendly chapters covering the key elements of practice. These chapters are presented in four sections: counsel's role which includes chapters on written and oral advocacy, document production, the use of evidence, means of shaping an arbitration, and how to work with and lead a team; the tribunal's role which includes chapters on responding to the nomination, arbitrators' duties, the hearing, weighing evidence, drafting orders and awards, and correction and clarification; the institution's role which includes chapters on distinctions between institutional and ad hoc arbitrations, the secretariat's role, appointing arbitrators, advances on costs, and scrutiny of arbitral awards; and how arbitration is funded, which includes

chapters on calculating costs third party funding and attorney s fees How this will help you Practitioners and users alike will benefit from the practical presentation of all stages of international arbitration and will be able to approach any case with a full understanding of the potential procedure strategies and tactics to be employed thanks to the authors thorough consideration of the real world practicalities Editors Courtney Lotfi Alicja Zielinska Eisen and Ver nica Sandler Obreg n

Frontiers in Civil Justice Kramer, Xandra,Hoevenaars, Jos,Kas, Betül,Themeli, Erlis,2022-08-18 This book studies three interrelated frontiers in civil justice from European and national perspectives combining theory with policy and insights from practice the interplay between private and public justice the digitisation of justice and litigation funding These current topics are viewed against the backdrop of the requirements of effective access to justice and the overall goal of establishing a sustainable civil justice system in Europe      **Online Resolution of E-commerce Disputes** Jie Zheng,2020-10-03 This book discusses how technological innovations have affected the resolution of disputes arising from electronic commerce in the European Union UK and China Online dispute resolution ODR is a form of alternative dispute resolution in which information technology is used to establish a process that is more effective and conducive to resolving the specific types of dispute for which it was created This book focuses on out of court ODR and the resolution of disputes in the field of electronic commerce It explores the potential of ODR in this specific e commerce context and investigates whether the current use of ODR is in line with the principles of access to justice and procedural fairness Moreover it examines the major concerns surrounding the development of ODR e g the extent to which electronic ADR agreements are recognized by national courts in cross border e commerce transactions how procedural justice is ensured in ODR proceedings and whether ODR outcomes can be effectively enforced To this end the book assesses the current and potential role of ODR in resolving e commerce disputes identifies the legal framework for and legal barriers to the development of ODR and makes recommendations as to the direction in which practice and the current legal framework should evolve In closing the book draws on the latest legislation in the field of e commerce law and dispute resolution in order to make recommendations for future ODR design such as the EU Platform to Business Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services 2019 and the United Nations Convention on International Settlement Agreements Resulting from Mediation 2018 which provide the legal basis for ODR s future development      *UNCITRAL Model Law on International Commercial Arbitration* Ilias Bantekas,Pietro Ortolani,Shahla Ali,Manuel A. Gomez,Michael Polkinghorne,2020-03-05 This book provides a comprehensive commentary on the UNCITRAL Model Law on International Arbitration Combining both theory and practice it is written by leading academics and practitioners from Europe Asia and the Americas to ensure the book has a balanced international coverage The book not only provides an article by article critical analysis but also incorporates information on the reality of legal practice in UNCITRAL jurisdictions ensuring it is more than a recitation of case law and variations in legal text This is not a handbook for practitioners needing a supportive citation but rather a guide for practitioners legislators and academics

to the reasons the Model Law was structured as it was and the reasons variations have been adopted      Leading Arbitrators' Guide to International Arbitration - Third Edition Lawrence W. Newman, Richard D. Hill, 2014-04-01 The Leading Arbitrators Guide to International Arbitration Third Edition offers thoughtful advice and insights into the world of international arbitration from some of the most prominent and experienced international arbitrators in the world The contributors are arbitrators from Australia Belgium Canada Chile Denmark England France Germany Italy The Netherlands Italy Spain Sweden Switzerland and the USA The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments The authors discussions are intended to be thoughtful insightful and useful and perhaps occasionally iconoclastic As a result there may be instances in which the authors disagree with one another on certain points This is to be expected for there are often many routes that can be taken to achieve a result The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may in their position as advocates wish to persuade persons including perhaps the authors      Tribunal Secretaries in International Arbitration J. Ole Jensen, 2019-03-24 Tribunal Secretaries in International Arbitration adopts a transnational approach to systematically answer questions about tribunal secretaries often discussed but thus far unresolved With useful analysis and practical guidelines it is an essential tool for all practitioners and academics involved in international arbitration      **A Practitioner's Guide to the European Convention on Human Rights** Karen Reid, 2011 Nutshells present the essentials of law in clear and straightforward language explaining the basic principles Features such as diagrams and checklists make them easy to use while the inclusion of model questions and answer plans help students test their knowledge Nutshells are an essential revision aid and ideal for getting fully up to speed with a new subject      **Experientiam et Progressionem in Comparative and International Law** Banggui Jin, Cristina Elena Popa Tache, 2022-08-19 This volume contains the scientific papers presented at the 2nd Conference on Comparative and International Law that was held on 24 June 2022 online on Zoom This is an international conference The conference is organized every year by the Society of Juridical and Administrative Sciences together with the Faculty of Law of the Bucharest University of Economic Studies More information about the conference can be found on the official website [www.comparativelawconference.eu](http://www.comparativelawconference.eu) The scientific studies included in this volume are grouped into three chapters Contemporary Applicability Presentations in Comparative Law International Law and Its Modern Regulatory Powers and Some aspects regarding criminal challenges This volume is aimed at practitioners researchers students and PhD candidates in juridical sciences who are interested in recent developments and prospects for development in the field of comparative and international law      **International Investment, Political Risk, and Dispute Resolution** Partner Noah Rubins Qc, Thomas Nektarios Papanastasiou, Partner N Stephan Kinsella, 2019-09-18 The second edition of International Investment Political Risk and Dispute Resolution explores the multi layered legal framework for the protection of foreign investment

against political risk The authors expertly analyse some of the key issues surrounding this subject such as structuring transactions to minimize political risk political risk insurance state responsibility treaties protecting foreign investment and human rights and international arbitration between states and investors Since the previous edition was released in 2005 far more attention has been paid to these issues in particular investor state arbitration as well as other current topics such as the interaction between international investment law and human rights All chapters have been revised to take into account the number of new arbitration awards that have come to light and the massive volume of commentary on the subject of international investment arbitration since the first edition The authors have carefully considered the latest theoretical approaches to foreign investment protection and the most intellectually challenging awards issued in the intervening decade as well as the most recent practical guidance on the procedural recourse available to investors who face political risks Additionally this book contains a new chapter exploring the interaction between international investment law and the international human rights regime and considers whether there is a complementary or divergent result between competing fora This book is addressed to a wide audience and is suitable as a primer for non specialist practitioners seeking to familiarize themselves with international law pertaining to political risk While appropriate for practitioner use this book is also suitable for undergraduate students or for graduates who intend to specialize in international investment law

*Taming the Guerrilla in International Commercial Arbitration* Navin G. Ahuja, 2022-05-23 The book explores the definition and nature of guerrilla tactics in international commercial arbitration It analyses various such tactics deployed pre Covid and during Covid times and portrays them in a way that enables one to visualise how and possibly why they might be deployed Attempts to codify ethical standards and rules regulating the behaviour of legal representatives in international arbitration are examined The book covers a range of culture clashes addresses several elephants in the room and looks at factors inherent in the arbitral process that create opportunities and increase temptations to misbehave It considers the remedies and sanctions available in international arbitration and compares them to those available to the courts in civil litigation In addition to recommendations for future research the book offers solutions to curb the problem in line with party autonomy and with a critical analysis This manuscript is an essential solutions based text that not only addresses a comprehensive range of modern day guerrilla tactics in international commercial arbitration but also offers thoughtful methods to deal with the shenanigans that parties may bring to the arbitral process Chiann Bao Independent Arbitrator Arbitration Chambers and Vice President of the International Chamber of Commerce Court of Arbitration Dr Ahuja s book is a thoughtful and highly practical contribution to the study of procedures in international commercial arbitration It is replete with scholarly analysis careful treatment of authority pragmatic insights and policy discussions Any practitioner or student of international arbitration would benefit from this volume Gary Born Author International Commercial Arbitration 3d ed 2021 A highly readable and informative book which identifies and analyses the numerous guerrilla tactics parties may attempt to deploy in

international commercial arbitration the factors which may encourage such behaviour and practical mechanisms to keep the proceedings on track Both erudite and practical this book is a must read for parties counsel and arbitrators alike Prof Benjamin Hughes Independent Arbitrator The Arbitration Chambers Guerrilla tactics are a pertinent problem in arbitration Dr Ahuja s well written book not only describes the various tactics in a succinct way but provides extremely useful guidance on how to tackle them It will be a primary source of reference for every practitioner faced with such tactics Prof Dr Stefan Kr ll Chairman of the Board of Directors of the German Arbitration Institute DIS Taming the Guerrilla in International Commercial Arbitration offers a refreshingly candid and balanced discussion of sharp practices in international arbitration The book collects a wealth of information on guerrilla tactics previously only available in separate survey reports articles and guidelines on the topic It additionally includes a chapter addressing tactics deployed in virtual or remote arbitrations due to the Covid 19 pandemic The comprehensive research and analysis presented in this book make it a valuable resource to counsel parties arbitrators academics and those who deliver practical arbitration training A must read for those who want to better understand the practices that may lead some to disfavor arbitration and ways the arbitration community can respond to guerrilla tactics to improve the arbitration process for all participants Dana MacGrath Independent Arbitrator MacGrath Arbitration From an unreasoned fiat of a wise man who left both sides equally unhappy but resolved the disputes effectively arbitration has evolved into a full scale trial before a party chosen tribunal Its informality and expedition puts in peril the fundamental right of the recalcitrant to delay proceedings Dr Ahuja has assiduously articulated the measures aptly christened Guerrilla Tactics used to disrupt and derail arbitrations An indispensable read for the practitioner and an insightful treatise for the policy maker Harish Salve SA QC Blackstone Chambers This book shines a spotlight on arbitration s dark arts guerrilla tactics Dr Ahuja illuminates this shadowy world with excellent and much needed scholarship that is practice based and useful for all stakeholders in arbitration His examination of the root causes of this problem recommendations on how to control it comparisons with litigation practice and suggestions for future research marvellously combine to make this a work that is required to be consulted by all serious counsel arbitrators institutions and academics in the field of arbitration Romesh Weeramantry Head International Dispute Resolution Centre for International Law National University of Singapore

Embark on a breathtaking journey through nature and adventure with Explore with is mesmerizing ebook, **Arbitration In Belgium A Practitioners Guide** . This immersive experience, available for download in a PDF format ( \*), transports you to the heart of natural marvels and thrilling escapades. Download now and let the adventure begin!

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