

ICC Austria Advanced Arbitration Seminar

The New ICC Arbitration Rules 2012

Changes & First Experiences

Meet the experts:

Andrea Carlevaris, the newly appointed *Secretary General of the ICC International Court of Arbitration* & **Michael Bühler** member of the *ICC Task Force on the revision of the rules*.

- **New tools to improve efficiency and cost-effectiveness:**
 - the **Case Management Conference** and recommended **Case Management Techniques**
- **Multiple Parties & Multiple Contracts and Consolidation under the new Rules**
- **Improved efficiency of the Arbitral Tribunal under the new Rules**
 - Statement of availability
 - “Duty” to act expeditiously and cost-effectively
 - Date for closure and submission of draft awards &
 - time limit for final awards
- **The conduct of the Arbitral Proceedings under the new Rules**
- **The new Emergency Arbitrator Rules**

Tuesday, 7 May 2013**9.00 a.m. – 5.00 p.m.**

WKO Room 5 (free WLAN available)

Wiedner Hauptstrasse 63, 1040 Vienna, **Austria**

Who should attend?

- Arbitrators,
- Lawyers,
- Litigators,
- In-house legal counsel,
- and all those who would like to deepen their knowledge of the new ICC Arbitration Rules.

Background and Objectives

The ICC International Court of Arbitration is the world's leading institution for resolving international business disputes. In 2011 alone, 796 cases were filed, involving 2,293 parties from more than 139 countries. Vienna has been the place of arbitration in a lot of these cases, placing Vienna next to Paris, London, Geneva and Zurich amongst European venues.

Entering into effect at the beginning of 2012, the new ICC Arbitration Rules brought about considerable changes to the ICC's arbitral proceedings. Increased efficiency, reduction of cost, and enhanced protection of fundamental procedural rights have been key issues in focus. This seminar will not only acquaint you with the changes the new rules brought about but gives you also an overview of the very first practical experiences in handling those.

Every arbitration practitioner must acquaint himself/herself with the new ICC Rules of Arbitration. While maintaining the traditional advantages of ICC arbitration, they present a series of innovations, in particular regarding multiparty scenarios, the initiation phase and the ability to obtain interim measures of relief from an emergency arbitrator even before the Arbitral Tribunal is constituted

Speaker / Speakers

Christopher Boog is a Partner in the International Arbitration Group of Schellenberg Wittmer in Zurich; Christopher specializes in international arbitration, representing clients in disputes in an array of industry sectors, including the construction, automotive and pharmaceuticals industries and under the arbitration rules of the ICC, the Swiss Chambers, UNCITRAL and others.

Michael Bühler, Head of International Litigation and Arbitration, Jones Day, Paris; Michael focuses on international dispute resolution in complex arbitrations and represents major corporations and state-owned entities. He acts as counsel in arbitrations under ICC, UNCITRAL, ICSID, WIPO Rules and the arbitration associations of Germany, Belgium, Sweden, Austria, Switzerland, U.S. Sectoral specialities are construction, engineering, industrial equipment, power plants, oil, gas. In addition to that, from 2008 – 2011 Michael held the position of the Co-chair of the ICC Task Force on the Revision of the (2012) ICC Rules of Arbitration.

Andrea Carlevaris, Secretary General of the ICC International Court of Arbitration, formerly a partner at Bonelli Erede Pappalardo, Rome, where his practice used to cover commercial civil litigation as well as domestic and international arbitration, with a focus on international conflicts of law, public international law and international civil procedure. Andrea Carlevaris is a regular speaker at international arbitration conferences and seminars.

Programm

Welcome and opening remarks

PART I: The Arbitral Tribunal

- Constitution of the Arbitral Tribunal
 - Direct appointments by ICC Court
 - Multiparty situations
 - Time limit for appointment of President by co-arbitrators
- Arbitrators' duties and qualifications
- Challenge and replacement of arbitrators
- Improved efficiency of the Arbitral Tribunal
 - Statement of availability
 - "Duty" to act expeditiously and cost-effectively
 - Time limit for final awards
 - Date for closure and submission of draft awards
- Limitation of liability

Coffee

PART II: The Arbitral Proceedings

- The new role of the Secretary General regarding the prima facie test that an arbitration agreement exists
- New tools to improve cost-effectiveness & efficiency:
 - Case Management Conference and Case Management Techniques
 - Cost decision
- Confidentiality
- Withdrawal of the claim
- Remission of the award

Lunch

PART III: Multiple Parties, Multiple Contracts & Consolidation

- Basic aspects of multiparty and multi-contract disputes
 - Issues to be assessed separately
 - -Extension of arbitration agreement to a non-signatory
 - -Scope of the arbitration agreement
 - Significance of the "Kompetenz-Kompetenz" principle
- Presentation of the new rules
 - Joinder of additional parties and Answer to the joinder;
 - Claims between multiple parties and answer to such claim; time limit for such claims
 - Multiple contracts
 - Prima facie test of jurisdiction
 - Consolidation
 - Advances on costs in multiparty situations

Coffee

PART IV: The new Emergency Arbitrator

- What is the Emergency Arbitrator? – Presentation of the new rules
 - Admissibility of the Request
 - Independence and impartiality of the Emergency Arbitrator
 - Powers of the Emergency Arbitrator
 - Prerequisites of the order
 - Procedure for granting the order
 - Legal effects of the order
 - Costs
- Interplay between the Emergency Arbitrator and the Arbitral Tribunal
- Relationship between the Emergency Arbitrator and the ICC Pre-Arbitral Referee

Publications

On request we will provide you with our complete list of publications!

| Publ. Nr. | Language | Title | € |
|-----------|----------|--|--------|
| 850 | EN | ICC Arbitration and ADR rules 2012 | 0,00 |
| 850 | DE | ICC Schiedsgerichtsordnung und ADR-Regeln 2012 | 0,00 |
| 701 | EN | Multiparty Arbitration | 75,00 |
| 729 | EN | The Secretariat's Guide to ICC Arbitration | 119,00 |

All prices additionally 10 % postage and packaging and 10% VAT

more publications: www.icc-austria.org – Publikationen

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Registration form

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Participant Information

☐ Mr. ☐ Mrs.

Family Name: First Name:

Organisation / Company:

Address:

Postal Code, City: Country:

Telephone: Fax:

E-Mail: Job Title / Position:

Invoice data

Organisation / Company:

VAT Number (obligatory for invoicing for European participants):

Address:

Postal Code, City: Country:

Registration

I want to register for the seminar

and agree that my name/address is registered electronically by ICC Austria who will inform me about further programs by e-mail.

The New ICC Arbitration Rules 2012 – Changes and First Experiences

WKO Room 5, Wiedner Hauptstrasse 63, 1040 Vienna, Austria

May 7th, 2013 9.00 a.m. – 5.00 p.m.

Participation fee:

incl. Seminar documentation,
Coffee break, Lunch

EUR 490,--

(excl. 20% VAT)

Reduction for our Members:

EUR 392,--

(excl. 20% VAT)

Registration deadline:

4 working days before Seminar

The registration fee must be paid verifiably before the seminar starts!

Cancellation Policy:

A full refund will only be given for cancellations received up to 4 working days before the event. Cancellations must be made in writing. Should you be unable to attend you can nominate a colleague as replacement.

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Date

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Signature

Information about ICC Austria - *The world business organization*

ICC Austria is a non-profit organisation helping members of the international trade community to succeed in their international endeavours. etc.

We assist and consult our members in their daily questions around:

- Bank Guarantees, Letters of Credit
- Foreign trade and law, import-export contracts, International trade terms and conditions, Incoterms
- Dispute prevention, dispute resolution and arbitration
- Prevention of commercial crime, corruption, counterfeiting, investment fraud, shipping fraud
- International negotiations in the light of cross cultural differences