



## 2012 ICC RULES OF ARBITRATION

### PROGRAMME

#### "The 2012 ICC Rules of Arbitration"

Dublin, Ireland, 28 September 2012  
The Honorable Society of King's Inns  
Henrietta Street  
Dublin 1, Ireland

#### Organizers





## 2012 ICC RULES OF ARBITRATION

13.45-14.00 Registration

14.00-14.10

**Welcome and Opening Remarks**

**José Ricardo Feris**, Deputy Secretary General, ICC International Court of Arbitration, Paris  
**Ian Talbot**, Chairman, ICC Irish National Committee, Ireland

14.10-14.25

**Introduction to the 2012 ICC Rules of Arbitration**

**Peter Wolrich**, Managing Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP, Paris; Chairman, ICC Commission on Arbitration

14.25-15.00

**General Provisions and the Arbitral Tribunal**

**José Ricardo Feris**

**Moderated by: Michael Carrigan**, Solicitor, Partner, Eugene F. Collins, Ireland

The focus of the first part of this session is on the opening provision of the Rules and the changes made to it seeking to provide clarification on the respective roles of the Court, its Secretariat and arbitral tribunals. It also clarifies that ICC arbitration is available for a full range of disputes, including both commercial arbitration and treaty investment arbitrations. Other changes to the rules, which will be presented in this session, recognize the specifics of treaty investment arbitrations and arbitrations involving states or state entities. Articles 4 and 5 concerning the Request for Arbitration and the Answer are key provisions in the Rules, as these documents set the initial stage for the arbitration. This session will address the revisions made to these provisions and explain the requirements which parties will have to meet when submitting the Request and the Answer. In addition, revision to the rules explicitly allowing for tailor-made confidentiality orders as well as other modifications concerning confidentiality will be presented.

An often used maxim says that «an arbitration is only as good as the arbitrator » and the provisions concerning the constitution of the arbitral tribunal are at the core of any set of arbitration rules. This session will focus on the revisions made to those provisions, including the appointment of the arbitrators by the Court (Article 13), the arbitrators' duty of impartiality and independence (Articles 11 and 14), and the notification of reasons for Court's decisions concerning challenges, non-confirmation and replacement of arbitrators.

15.00-15.15

Q&A on General Provisions

15.15-15.35

**Improving Time & Cost Efficiency**

**Hannah Tümpel**, Manager, ICC International Centre for ADR, Paris

**Moderated by: Ciaran Fahy**, Member, The chartered Institute of Arbitration, Ireland;  
Member of the ICC Commission on Arbitration

One of the primary goals of the rules revision was to find ways to encourage the controlling of time and cost in arbitration. This effort was specifically requested and encouraged by the corporate users of ICC arbitration. This session will present the revisions proposed in order to permit the Secretariat to constitute the arbitral tribunal more rapidly (Article 6(3)) and improve the turnaround time for draft awards (Articles 27, 31). The new provisions



## 2012 ICC RULES OF ARBITRATION

addressed to parties and arbitral tribunals concerning the conduct the arbitration proceedings in an expeditious and cost-effective manner and the corresponding cost provisions will also be presented (Articles 22- 24, Appendix V, Article 36). In particular, the session will focus on the new possibilities to combine the arbitration procedure with other amicable dispute resolution procedures, such as mediation, as well as the use of experts. Finally, a user's perspective will be presented.

15.35-15.45 Q&A on Improving Time & Cost Efficiency

15.45-16.00 Coffee break

16.00-16.20 **Emergency Arbitrator Provisions**

**Klaus Reichert SC**, Law Library, Ireland & Brick Court Chambers, United Kingdom; Member of the ICC Commission on Arbitration

**Moderated by: Hannah Tümpel**

The 2012 ICC Rules for Arbitration will include provisions permitting parties to seek the appointment of an Emergency Arbitrator to decide upon urgent conservatory or interim measures that cannot await the constitution of the arbitral tribunal. This session will present the revisions made to the rules in this respect, as well as the wholly new Appendix which sets out the rules for emergency arbitrator proceedings (Article 29, and the Appendix).

16.20-16.30 Q&A on Emergency Arbitrator Provisions

16.30-17.15 **Multi – party, multi-contract arbitration and consolidation**

**Michael Carrigan**

**José Ricardo Feris**

**Moderated by: Klaus Reichert SC**

The Court has seen a considerable increase in cases involving multiple parties or multiple contracts in the past decade, which reflects an increasing complexity of the transactions underlying the disputes giving rise to ICC arbitrations. The 2012 Rules of Arbitration contain for the first time a chapter devoted to arbitrations involving multiple parties or contracts and consolidation. This session will present those new provisions and related provisions concerning the fixing of the advances on costs in such situations (Articles 7, 8, 9, 10 and 36) and focus on how they will operate in practice.

17.15-17.30 Q&A on Multiparty, multi-contract arbitration and consolidation

17.30-17.45 **Concluding Remarks**

**José Ricardo Feris**

**Ian Talbot**