

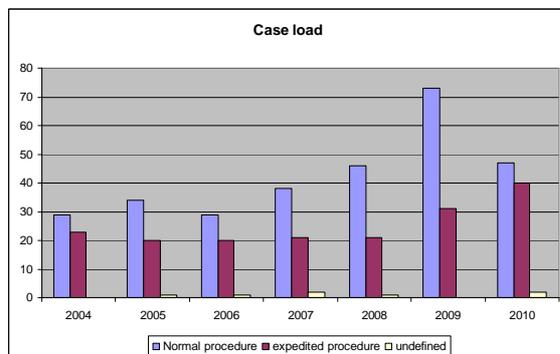
Newsletter – 1/2011

Arbitration Cases

With a total of 89 new arbitration cases submitted to Swiss Chambers' Court of Arbitration and Mediation, last year's exceptional record could not be repeated. However, the case load still was well above average. 53 % of the parties in these new cases were from Western Europe, 20 % from Switzerland, 2 % from Eastern Europe and Russia, 13 % from Asia/Middle East and 3 % from Northern America. Only 36 % of the new arbitrations were heard by a panel of three arbitrators, while 60 % were heard by a sole arbitrator.

73 % of the new arbitrations were held in English, 11 % in German, 8 % in French and 7 % in Italian. 29 % of the cases dealt with the sale of goods, 9 % with distribution and agency, 13 % with the sale of shares, and 10 % with service contracts.

The Expedited Procedures available under the Swiss Rules became even more popular for their cost-efficiency and speed, and an unprecedented 45 % of the new cases were conducted in this way.



Editor

Swiss Chambers' Court of Arbitration and Mediation
Dr. Rainer Füeg, President
Tel. 0041 61 270 60 50
Fax 0041 61 270 60 05
E-mail: president@swissarbitration.org
Internet: <http://www.swissarbitration.org>

Under the Swiss Rules, cases where the matter in dispute does not exceed 1 Mio. CHF are conducted under the Expedited Procedures, which is also available for cases with higher amounts in dispute, if the parties so wish. Awards in these cases are rendered within six months from the date of the transfer of the file to the Arbitral Tribunal.

International scope of the Swiss Rules

Evidence that the Swiss Rules are international in their scope can be seen not only in the use of English as the main language and the high proportion of parties from outside Switzerland (80 %), but also in the composition of the arbitral tribunals, the applicable law and the seat of the arbitrations. Between 2004 and 2010 more than 20 % of the arbitrators of the Swiss Chambers' Court were non-Swiss (mostly nationals from other European countries), and in 19 % of the cases the applicable law was not Swiss law. The seat of the arbitrations was most often in Switzerland (47 % Zurich, 38 % Geneva). In eight cases, the seat of the arbitration was abroad, however. Amongst those seats were cities in Asia, North America and in several European countries.

Commercial Mediation in 2010

In 2010 eight new mediation cases were submitted to the Swiss Chambers' Court, of which two were finally and one was partially settled. Two cases had been initiated without a prior mediation clause in the contract, and the other party was unwilling to enter into mediation. Again, all

the new cases were submitted in Geneva and Neuchâtel. Of the seven cases submitted in 2009 four were finally settled with an average of 37 days between registration and settlement, and one was withdrawn.

Activities and Conferences

In 2010 the Swiss Chambers' Court organised workshops in Skopje (Macedonia), Zagreb (Croatia) and Bangkok (Thailand) in cooperation with local partners, in order to promote the use of arbitration in international disputes and to show the specific advantages of the Swiss Rules. The Swiss Chambers' Court continued its sponsorship of the Vienna Moot and the Hong Kong Moot as well.

Decisions

In 2010 the Arbitral Tribunals rendered a total of 48 final and 8 interim awards. The Special Committee rendered four decisions concerning the seat of arbitration and one concerning the challenge of an arbitrator, which was rejected.

Revision of the Swiss Rules

In 2010, the Swiss Chambers' Court set up a working group to review the Swiss Rules. The working group has a mandate to revise the Swiss Rules in order to make them equally compatible for the use in domestic arbitration, as well as to assess which minor changes may be necessary based on the nearly five hundred cases administered under the Swiss Rules since their inception in 2004. The revision is expected to be finished in the fall of 2011.