

International Commercial Arbitration

Practitioner's Guide

Bearbeitet von

Dr. Stephan Balthasar, Dr. Philipp Duncker, Georgios Fafalis, Dr. Martin Illmer, Tan Kai Liang, Marc Krestin, Amy Lo, Nuno Lousa, Konstantin Lukoyanov, Tilman Niedermaier, Dr. Michael Nueber, Prof. Dr. Maud Piers, Prof. Dr. Xiong Qi, Roman Richers, Dr. Ramesh Selvaraj, Yong Shang, Prof. Dr. Dennis Solomon, Dr. Ben Steinbrück, Dr. Hanno Wehland, Niclas Widjeskog, Dr. Gerold Zeiler, Roland Ziadé

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International Commercial Arbitration

International Commercial Arbitration

International Conventions,
Country Reports and
Comparative Analysis

edited by

Stephan Balthasar

with contributions by

Stephan Balthasar, Philipp Duncker, Georgios Fafalis, Raquel Galvão Silva, Martin Illmer, Marc Krestin, Amy Lo, Nuno Lousa, Konstantin Lukoyanov, Melissa Magliana, Dirk De Meulemeester, Michael Nueber, Tilman Niedermaier, Maud Piers, Roman Richers, Valeria Romanova, Ramesh Selvaraj, Yong Shang, Dennis Solomon, Ben Steinbrück, Kai Liang Tan, Cedric Vanleenhove, Hanno Wehland, Niclas Widjeskog, Qi Xiong, Gerold Zeiler, Roland Ziadé

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Preface

International arbitration has become one of the most challenging and exciting areas in international commercial law. In order to draft effective arbitration clauses and to develop strategies in arbitral proceedings, it is important for practitioners to understand not just the arbitration law of their home countries, but also that of other countries that have a link to the dispute due to the domicile of the parties, the seat of the arbitral tribunal or the place where recognition and enforcement is likely to occur.

This task is made difficult by practical, linguistic and cultural barriers. It becomes even more challenging due to the fast-changing and constantly evolving legal environment. Major jurisdictions such as Belgium, Brazil, France and the Netherlands revised their arbitration laws over the last few years. The landscape of international conventions is developing as well, most recently with the “United Nations Convention on Transparency in Treaty-based Investor-State Arbitration” of 2014. Landmark cases such as the *Gazprom* decision of the European Court of Justice of 13 May 2015 continue to shape arbitration law and practice.

This guide addresses the need for ready access to foreign arbitration laws and case law. It covers both international material and conventions, including protection afforded under investment treaties, and country reports on international commercial arbitration in major jurisdictions that are of great practical importance. It owes everything to the support from leading experts from various jurisdictions, and I wish to take this opportunity to express my gratitude to the authors who contributed to this guide and without whose efforts it would not have been possible to complete this project. I am greatly indebted to Dr Wilhelm Warth for his patience and his invaluable advice. I would also like to thank my colleagues Lee Meng Ng, Kulwant Thandi and Dr Wolfgang Winter for their generous help and support.

Le plus grand merci à Cécile, et à nos enfants, Emilie et Matthias.

Munich, 1 October 2015
Stephan Balthasar

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