

PARIS , the Home of International Arbitration





Le Méridien de Paris



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Arbitration is now established as the preferred international dispute settlement mechanism, ranging from private commercial arbitrations to investment arbitrations involving states and private entities.

Among all international arbitration centres, Paris uniquely satisfies the criteria that define a legally secure and user friendly seat for international arbitration.

www.parisarbitration.com



Choosing a seat of arbitration is important for many reasons:

The arbitral process should be as rapid and efficient as possible. There should be minimum intervention by the courts at the seat, except in a supporting role.

The law of the seat determines the extent to which the courts there can intervene in the arbitral process: some laws provide that courts may intervene only in support of arbitration; in contrast, other laws may permit courts to interfere or even to hinder the arbitral process.

Awards should be binding on the parties and internationally enforceable; they should not be subject to any challenges that entail reopening the merits of the dispute.

The seat of the arbitration will be the place where the award is deemed to have been made. The law of the seat will therefore determine the grounds on which an award can be challenged before the local courts; such grounds may be limited or, on the contrary, they may allow broad challenges that may even amount to a reopening of the merits of the dispute.

A place of arbitration must respond to the needs of the business community and the users of international arbitration:

Therefore one should always choose a seat of arbitration in a country:

- > whose laws favour arbitration and whose courts actively support, rather than interfere with, the arbitral process;
- > that respects the parties' intentions regarding their choice of procedure and applicable law;
- > that has the required professional and structural resources for a rapid, legally secure and efficient process;
- > that is a signatory of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

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✕ The law of the seat will also determine whether any challenge to an award will be resolved quickly and cost-effectively, or can become a drawn-out and expensive process.



Choosing Paris as a place of arbitration

provides the benefit of French arbitration law and access to French courts that have, for over 50 years, given their unfailing support to international arbitration.

Since the 1960s, French law has been at the forefront of the development of international arbitration. It allows the parties complete freedom to organize their arbitration, subject only to internationally recognized minimum standards of due process. Parties are totally free to conduct their arbitration in the language they wish, applying rules and laws of their choice, with arbitrators of their choice.

The arbitration case law is clear and well established. It has been supportive for decades and provides the parties with legal certainty that their agreement to arbitrate will be enforced.

The Paris civil court (Tribunal de Grande Instance) includes a specialized judge who, in the rare event judicial intervention in support of arbitration is required, hears all applications relating to the appointment of arbitrators and the implementation of the arbitral proceedings, and who actively supports the arbitral process. French courts are prohibited from intervening in any dispute where an arbitration clause may apply. Arbitrators have priority to decide on their own jurisdiction. Accordingly, French courts do not interfere before or during the proceedings.

In the event an award is challenged, French courts will not review the merits of the case. They will limit themselves to verifying the existence of a valid arbitration agreement and ensuring that the arbitral proceedings complied with principles of due process.

A specialized and experienced section in the Paris Court of Appeal deals expeditiously with all proceedings relating to international arbitration, avoiding lengthy hearings that can increase the cost of arbitration.

Since the enactment of the current French arbitration law in 1981, hundreds of decisions rendered by the Paris Court of Appeal and the French Supreme Court (Cour de cassation) on international arbitration have been published and commented. Courts and arbitration laws in many other countries have followed the French courts and have adopted similar principles (such as the arbitrators' priority to determine their own jurisdiction; the rule that an arbitration clause is valid, even if the contract in which it is included is deemed null (separability); the arbitrability of matters relating to public policy; the recognition of the principle of estoppel; and the prohibition for a foreign State to renege on its commitment to arbitrate).

Paris is a unique transnational forum.

For over a century, Paris has hosted many thousands of international arbitrations, many of which have no links with France.

These arbitrations take place in many different languages, under any number of laws and involve almost all industries and subject matters: construction and engineering, major infrastructure projects, investment protection, energy and natural resources, transnational M & A, international sales, aeronautics and space, IP and IT, insurance and reinsurance, transport, etc.

Arbitrations in Paris take place under a wide variety of rules including:

- > Ad hoc, with or without UNCITRAL Rules;
- > Institutional arbitrations under ICC, ICDR, LCIA, Swiss Rules, AFA, CMAP, CAMP rules and many others;
- > Investment arbitrations, including ICSID arbitrations, which frequently take place at the World Bank's European headquarters in Paris.

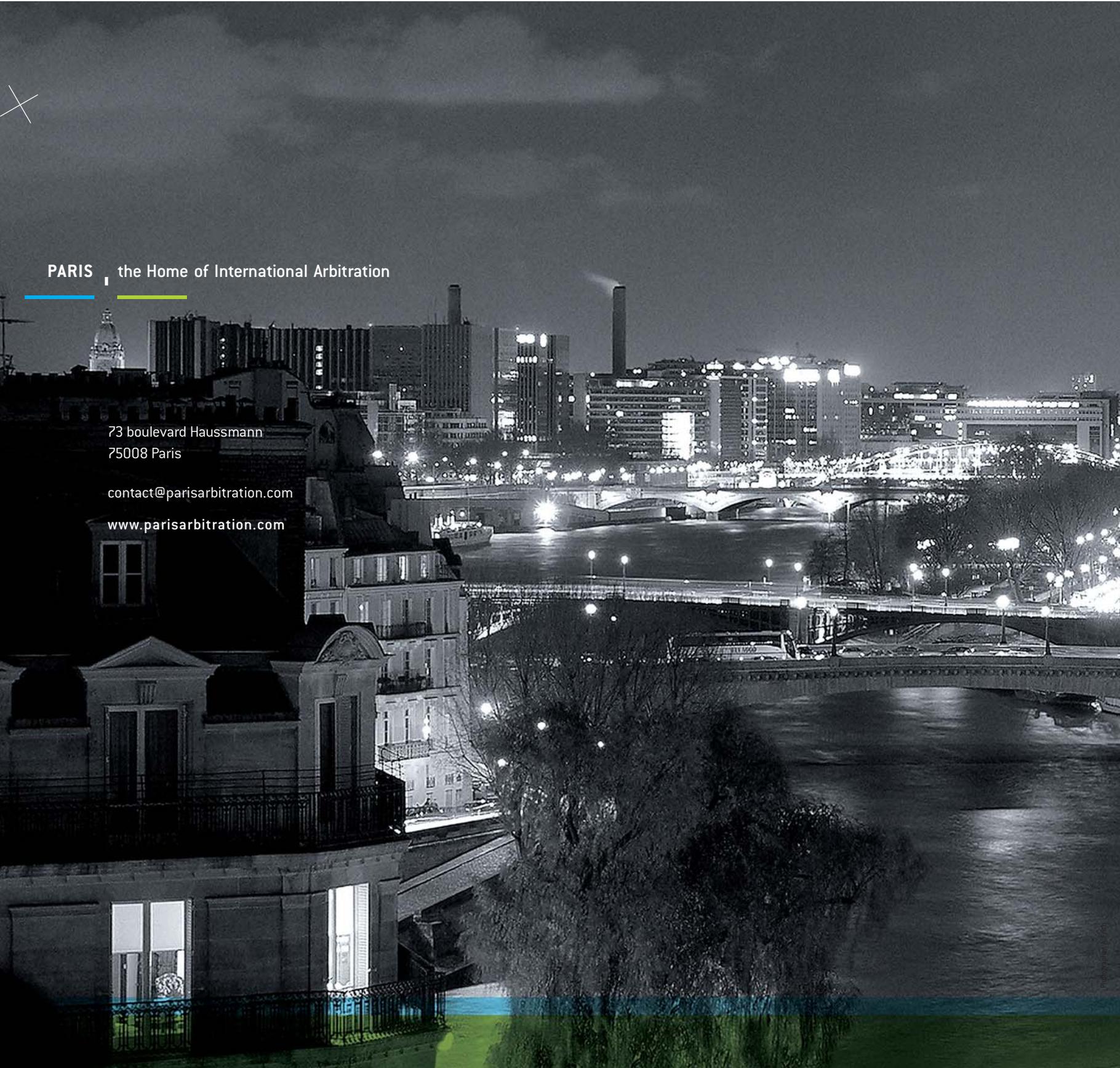
Uniquely among major international arbitration centres, Paris is home to a multinational community of several hundred legal professionals, dedicated to the practice of international arbitration. This includes practicing lawyers of numerous nationalities within the specialised arbitration practices of the world's leading arbitration law firms and leading academics, who are international opinion-leaders in the field.

Paris is the seat of the ICC's International Court of Arbitration, composed of representatives of 90 countries who gather every month. As a result, Paris offers parties wishing to use international arbitration access to a pool of resources including arbitrators, counsel, legal experts, and translators of all nationalities who are able to translate proceedings in virtually any language.

Last but by no means least, Paris is one of the world's best-equipped capital cities to host international arbitrations, with many of the world's leading hotels and first class conference facilities at which to hold hearings, including a dedicated arbitration hearing centre. It is a major hub providing excellent air travel connections with all continents.

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