

New Belgian Arbitration Act enters into force on 1 September 2013



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As from 1 September 2013, Belgium will have a new and modern Arbitration Act. It is based on the UNCITRAL Model Law while keeping at the same time some specific characteristics of Belgian arbitration practice. By introducing this new Act, Belgium contributes to the harmonization of international arbitration rules and becomes a more attractive domestic arbitration forum.

Entry into force

The new Arbitration Act will apply on arbitration proceedings commenced as from 1 September 2013. Arbitration proceedings already pending at that date and even court proceedings (such as annulment proceedings) relating to such arbitration proceedings, will continue to be governed by the current Arbitration Act.

Electronic notice of arbitration

The new Arbitration Act confirms an accepted practice that notice of arbitration for ad hoc arbitration proceedings can be sent to the defendant's electronic address.

Contractual challenge mechanism

Parties are allowed to contractually stipulate a challenge procedure for the arbitrators. In practice they will do so by referring to the arbitration rules of an arbitral institution (such as CEPANI or ICC) which typically provides for such a procedure. The new Arbitration Act takes away any doubt as to the parties' rights.

No appeal for annulment proceedings

Under the new Arbitration Act, annulment proceedings (setting aside of the arbitral award) will be decided in one instance only, with no appeal.

Remittance of the award to the arbitral tribunal

In case of annulment proceedings, if an arbitral award can be "saved", the court has the possibility to remit the case to the arbitral tribunal in order to allow it to eliminate the ground for annulment.

Accessible Arbitration Act

In general, the new Arbitration Act has modernized provisions of Belgian arbitration law, has aligned them with international arbitral practice and has made them more accessible for arbitration users. The hope therefore exists that Belgium will be considered more often as a forum for international arbitration.