



EPANI

1969 - 2019



# ***2019 Statistical Report***



## INTRODUCTORY NOTE

This yearly report provides a statistical overview of **CEPANI** arbitration in 2019 and the evolution in comparison with past years.

In this report, you will find information about proceedings administered by **CEPANI** such as the origin of the Parties, the language and the seat of the arbitration, the constitution of Arbitral Tribunals, the specificities of the appointed Arbitrators, the average duration of a CEPANI arbitration procedure and more.

The 2019 statistics show a general trend of internationalisation in comparison with the previous years. Indeed, CEPANI administers more and more procedures with an international element which is reflected in either the origin of the Parties, the language or the seat of the arbitration.

Moreover, the average duration of CEPANI arbitration proceedings seems to have dropped sharply in 2019.

Finally, **CEPANI** continues its commitment to ensure that each case is handled with the requested efficiency, rapidity, and efficacy, and in accordance with the specific needs of the Parties.

## PARTIES

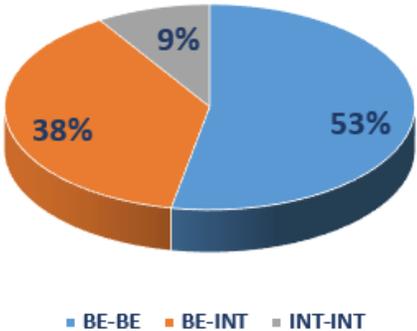
### GEOGRAPHICAL ORIGIN

	<b>France</b>	<b>1</b>
	<b>Germany</b>	<b>4</b>
	<b>Luxembourg</b>	<b>2</b>
	<b>Mauritius</b>	<b>2</b>
	<b>Netherlands</b>	<b>3</b>
	<b>Portugal</b>	<b>1</b>
	<b>Russia</b>	<b>1</b>
	<b>Senegal</b>	<b>1</b>
	<b>Switzerland</b>	<b>2</b>
	<b>Turkey</b>	<b>1</b>
	<b>United Kingdom</b>	<b>1</b>
	<b>United States</b>	<b>1</b>

In 2019, 53% of the cases were introduced between Belgian Parties, 38 % between at least one Belgian and an International Party, and 9% of the cases were introduced between only International Parties.

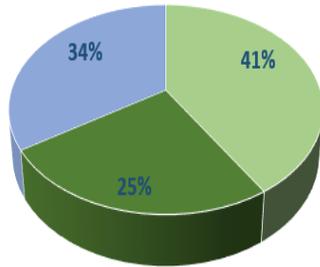
This means that, compared to 2018, procedures between a Belgian and an International Party have increased by 10%, and procedures exclusively involving International Parties have increased by 6%.

### Origin of the Parties



## LANGUAGE

Language

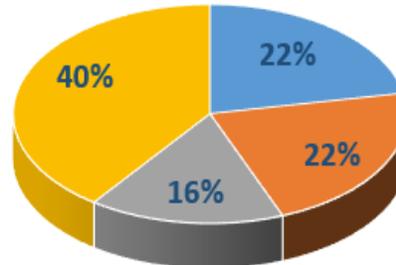


■ FR ■ NL ■ EN

In 2019, there has been an increase of the English cases compared to 2018. Indeed, 34% of the cases were introduced in English, 25% in Dutch and 41% in French.

## NATURE OF THE DISPUTE

SUBJECT OF THE DISPUTE



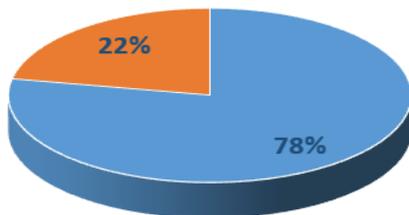
■ Civil law disputes (other)  
 ■ Service agreement  
 ■ Share purchase agreement  
 ■ Intra-company disputes

In 2019, 22% of the cases concerned general issues of civil law; 22% related to a service agreement; 16% related to a share purchase agreement; 40% related to an intra-company dispute.

In comparison to 2018, intra-company related disputes cases have increased

## PLACE OF ARBITRATION

PLACE OF THE ARBITRATION



■ Brussels ■ Oth

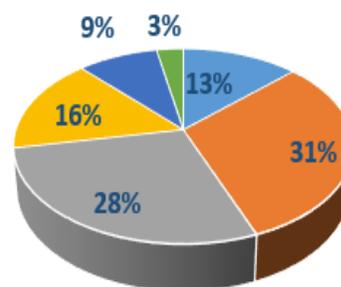
Brussels as place of arbitration is a steady trend.

In 2019, 78% of the cases had Brussels as seat of arbitration and 22% of the cases had their seat in another city.

In comparison to 2018, 82% of the cases had Brussels as seat of arbitration and 18% of the cases had their seat in another city.

## AMOUNT IN DISPUTE

AMOUNT



■ 0 - 12.500 €  
 ■ 12.500€ - 125.000 €  
 ■ 125.000€ - 625.000€  
 ■ 625.000€ - 2.500.000€  
 ■ 2.500.000€ - 12.500.000€  
 ■ >12.500.000,00€

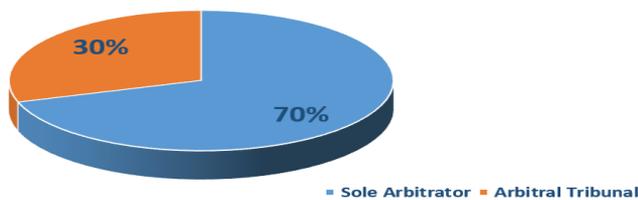
0 – 25.000€	13%
25.000€ - 125.000€	31%
125.000 € - 625.000€	28%
625.000€ - 2.500.000 €	16%
2.500.000€ – 12.500.000€	9%
> 12.500.000€	3%

	Proposed and appointed by the Appointment Committee	Proposed by the Parties / confirmed by the Appointment Committee
Chairman of the Arbitral Tribunal composed of three Arbitrators	22%	75%
Arbitral Tribunal composed of a Sole arbitrator	78%	25%

## ARBITRAL TRIBUNAL

### CONSTITUTION

#### COMPOSITION OF THE ARBITRAL TRIBUNAL



The majority, *i.e.* 70%, of the Arbitral Tribunals were composed of a Sole Arbitrator. 30% of the Tribunals were composed of three Arbitrators.

The trend remains steady in comparison to 2018, yet still marks an important change when compared to 2017, when a majority of the Arbitral Tribunals were composed of three Arbitrators.

In 2019 no emergency Arbitrator was appointed.

### WOMEN IN ARBITRATION

In 2019, 9% of the Arbitrators appointed by CEPANI were women, 75% of which were nominated by the CEPANI Appointments Committee and 25% directly by the Parties.

### CHALLENGES AND REPLACEMENTS OF ARBITRATORS

In 2019, no Arbitrator was challenged nor replaced.

## AVERAGE DURATION OF CEPANI PROCEEDINGS IN 2019

In 2019, in comparison with 2018 when arbitration proceedings lasted over an average of 15 months, an arbitration procedure administrated under the CEPANI Rules lasted **12,5 months**, calculated as follows:

- ❖ Introduction to the constitution of the Arbitral Tribunal = 2,5 months.

The CEPANI Rules provide for a one-month deadline for Parties to pay the provision for arbitration costs and the Appointments Committee shall only appoint the Arbitral Tribunal when the provision for arbitration costs is paid in full.

The delay of 2,5 months in practice is due to delays regarding the payment of the provision for arbitration costs by the Parties.

- ❖ Constitution of the Arbitral Tribunal to the Terms of Reference = 2 months.

As provided for by the Rules. One must note the 2020 Arbitration Rules now provide for a one-month deadline.

- ❖ Terms of Reference to the Award = 8 months.

When drawing up the Terms of Reference, or as soon as possible thereafter, the Arbitral Tribunal will organise a case management meeting between the Arbitral Tribunal and all Parties involved in the proceedings. This meeting may take place in person or via telephone or video conference. After having consulted the Parties, the Arbitral Tribunal will draw up in a separate document the Procedural Timetable.

It is recommended that the Parties not only send their Counsel to attend this meeting, but to also be present themselves. This may positively influence the time limits agreed upon.

The CEPANI Rules grant the Arbitral Tribunal a deadline of six months to render its Award as from the signature of the Terms of Reference. The average time limit of 8 months is due to the fact that, with the Parties' consent, Arbitral Tribunals often establish procedural timetables exceeding – and thus extending – the six month deadline provided for in the CEPANI Rules.

Constitution of the Arbitral Tribunal to the Award = **8 months**

Total average duration of CEPANI arbitrations in 2018: **12,5 months**

**Average duration in days**

