



EPANI

THE BELGIAN CENTRE FOR ARBITRATION AND MEDIATION

2020 Statistical Report

INTRODUCTORY NOTE

This yearly report provides a statistical overview of **CEPANI** arbitration in 2020 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 2020 statistics show a slight impact of the COVID-19 pandemic: more emergency arbitration procedures were initiated and procedures were completed within a longer period of time in comparison with the previous years, due to granted extensions during the organization of (virtual) hearings.

Furthermore, the general trend of internationalisation has continued its (slow) pace; this reflects in the origin of the Parties, the language of the arbitration and the nationality of the appointed Arbitrators.

More striking is the amount in dispute that is generally higher than in 2019. Over 25% of the procedures involved cases over one million euros.

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

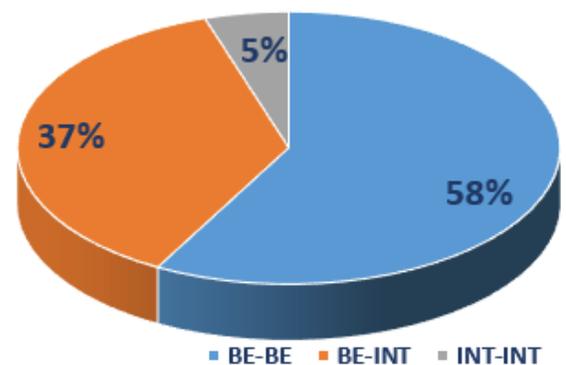
GEOGRAPHICAL ORIGIN

In 2020, 58% of the cases were introduced between Belgian Parties, 37 % between at least one Belgian and an International Party, and 5% of the cases were introduced between only International Parties.

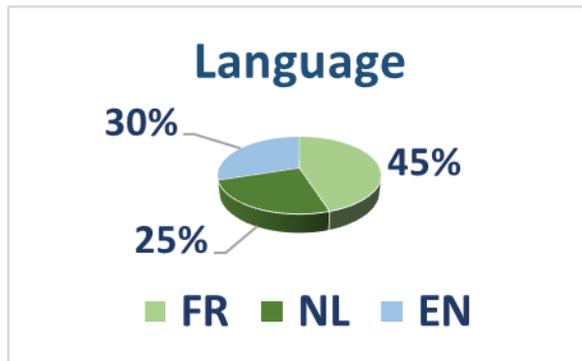
 Czechia	1
 France	3
 Germany	1
 Lebanon	1
 Luxembourg	4
 Netherlands	3
 Switzerland	1
 Qatar	1

Compared to 2019, procedures between a Belgian and an International Party have decreased by 1%, and procedures exclusively involving International Parties have decreased by 4%.

Origin of the Parties



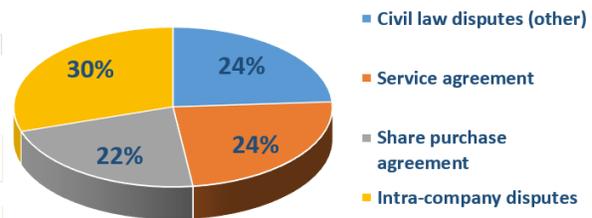
LANGUAGE



In 2020, there has been a small increase of the French cases compared to 2019. Indeed, 45% of the cases were introduced in French, 25% in Dutch and 30% in English.

NATURE OF THE DISPUTE

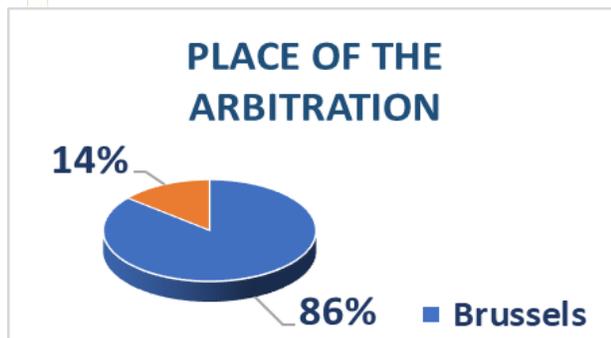
SUBJECT OF THE DISPUTE



In 2020, 24% of the cases concerned general issues of civil law; 24% related to a service agreement; 22% related to a share purchase agreement; 30% related to an intra-company dispute.

In comparison to 2019, intra-company related disputes cases have decreased with 10%.

PLACE OF ARBITRATION



Brussels as place of arbitration is a steady trend.

In 2020, 86% of the cases had Brussels as seat of arbitration and 14% of the cases had their seat in another city.

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

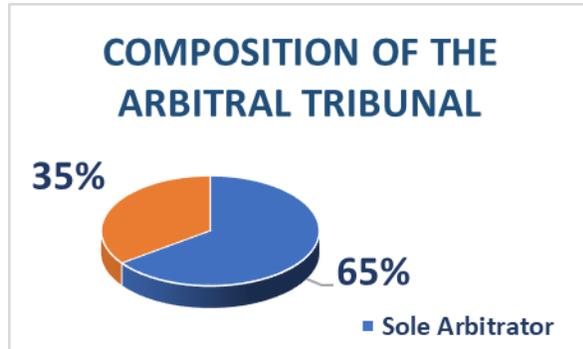
AMOUNT IN DISPUTE

€ 0 – € 100.000,00	36%
€ 100.000,00 – € 200.000,00	11%
€ 200.000,00 – € 500.000,00	14%
€ 500.000,00 – € 1.000.000,00	14%
€ 1.000.000,00 – € 10.000.000,00	19%
> € 10.000.000,00	6%

From the graph above it is clear that, in comparison to 2019, on one hand the amount in dispute is relatively low and does not exceed € 100.000,00 (36% of the cases), while on the other hand cases concerning over one million euro disputes have increased with 25%.

ARBITRAL TRIBUNAL

CONSTITUTION



The majority, *i.e.* 65%, of the Arbitral Tribunals were composed of a Sole Arbitrator. 35% of the Tribunals were composed of three Arbitrators.

The trend remains steady in comparison to 2019, yet still marks an important change when compared to 2017, when a majority of the Arbitral Tribunals were composed of three Arbitrators.

	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	55%	45%
Arbitral Tribunal composed of a Sole arbitrator	94%	6%

- In 2020 three (!) emergency Arbitrators were appointed.
- In 2020, no Arbitrator was challenged nor replaced.

WOMEN IN ARBITRATION

In 2020, 15% of the Arbitrators appointed by CEPANI were women, 50% of which were appointed by the CEPANI Appointments Committee and 50% directly by the Parties.

In 2019 only 10% of the appointed Arbitrators were women, of which only 25% were directly appointed by the Parties.

YOUNGSTERS IN ARBITRATION

In 2020, 27% of the Arbitrators appointed by CEPANI were younger than 40 years old, 83% of which were appointed by the CEPANI Appointments Committee and 17% directly by the Parties.

AVERAGE DURATION OF CEPANI PROCEEDINGS IN 2020

In 2020, in comparison with 2019 when arbitration proceedings lasted over an average of 12,5 months, an arbitration procedure administrated under the CEPANI Rules lasted **14 months**, calculated as follows:

- ❖ Introduction to the constitution of the Arbitral Tribunal = 3 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 3 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.

The reviewed Arbitration Rules which entered into force as from January 1, 2020 provide for a one-month deadline. Obviously, the shortened deadline is something that Arbitrators still need to adjust and be stricter on in their initial approach to the Parties.

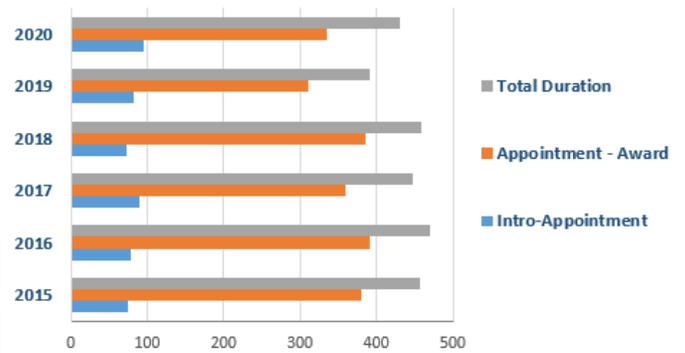
- ❖ Terms of Reference to the Award = 9 months.

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 9 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.

Average duration in days



Constitution of the Arbitral Tribunal to the Award = **11 months**

Total average duration of CEPANI arbitrations in 2020: **14 months**