

CEPANI STATISTICAL REPORT 2022

This yearly report provides a statistical overview of CEPANI arbitration in 2022 and its 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 CEPANI arbitration procedures and more.

CEPANI's pioneering role in the field of diversity and inclusion, driven by the eponymous working group, has led to a further increase in the appointments of female Arbitrators in 2022, *i.e.* 40% in 2022 compared to 35% in 2021, 15% in 2020 and 10% in 2019.

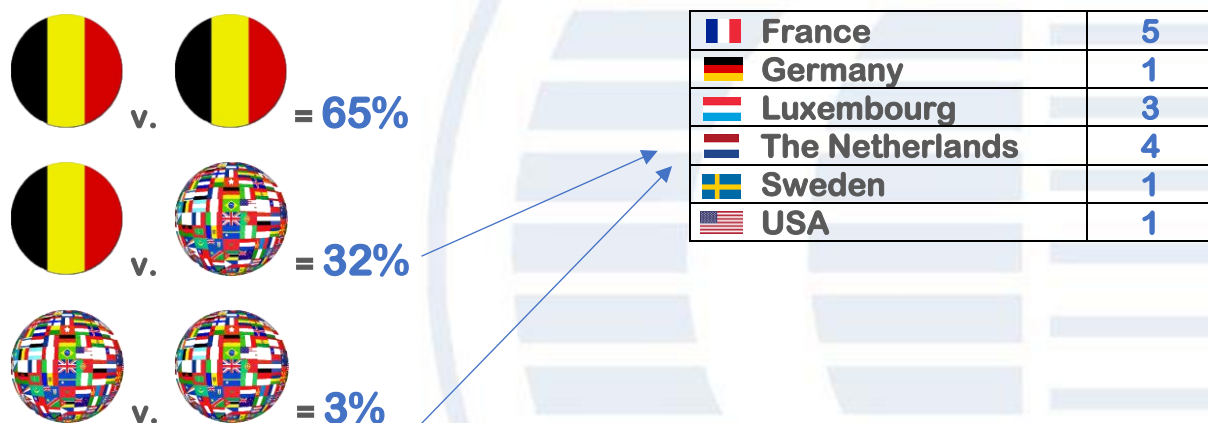
This was the case for appointments by both the CEPANI Appointments Committee - where it appears that 63% (!) of the Arbitrators proposed by the Appointments Committee were women - and the Parties themselves. Indeed, no less than 2 out of the 9 appointed three-member Arbitral Tribunals consisted exclusively of female Arbitrators.

Also striking is the amount in dispute which shows that more than 40% of the cases were expedited procedures with an amount in dispute below € 100.000,00, while on the other hand no less than 14% of the CEPANI cases involved arbitration procedures above 10 million euros.

The correlation of files with a larger amount in dispute is reflected in the duration of CEPANI arbitration procedures in 2022, which on average lasted 3,5 months longer than in 2021.

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.

Origin of the Parties



In 2022, 65% of the cases were introduced between Belgian Parties, 32% involved at least one Belgian and one international Party, and 3% of the cases involved only international Parties.

Compared to 2021, procedures involving only international Parties have decreased by 7%, procedures involving at least one Belgian and one international Party have increased by 5%, while on the other hand procedures involving exclusively Belgian Parties have slightly increased by 3%.

Language of the arbitral proceedings

DUTCH
16%

FRENCH
57%

ENGLISH
27%

In 2022, both the Dutch and English cases decreased by respectively 8% and 4%, while the French cases increased by 12% in comparison to 2021.

Indeed, 57% of the cases were introduced in French, 16% in Dutch and 27% in English

Place of the Arbitration



84%



16%



Brussels as place of arbitration is a steady trend.

In 2022, 84% of the cases had chosen Brussels as seat of their arbitration and only 16% of the cases had their seat in another city, which were all located elsewhere in Belgium.

In comparison to 2021, 90% of the cases had Brussels as seat of arbitration, while 10% of the cases had their seat in another city.

Nature of the dispute

Civil Law Agreements = 19%



Service Agreements = 57%

Corporate Agreements = 16%

Share Purchase Agreements = 8%

In 2022, 19% of the cases concerned general issues of civil law; 57% related to a service agreement; 8% related to a share purchase agreement; and 16% related to a corporate dispute.

In comparison to 2021, corporate disputes and share purchase agreement related disputes have both decreased with respectively 5% and 21% (!), while civil law agreement related disputes have increased with 14% and service agreement related disputes with 12%.

Amount in dispute

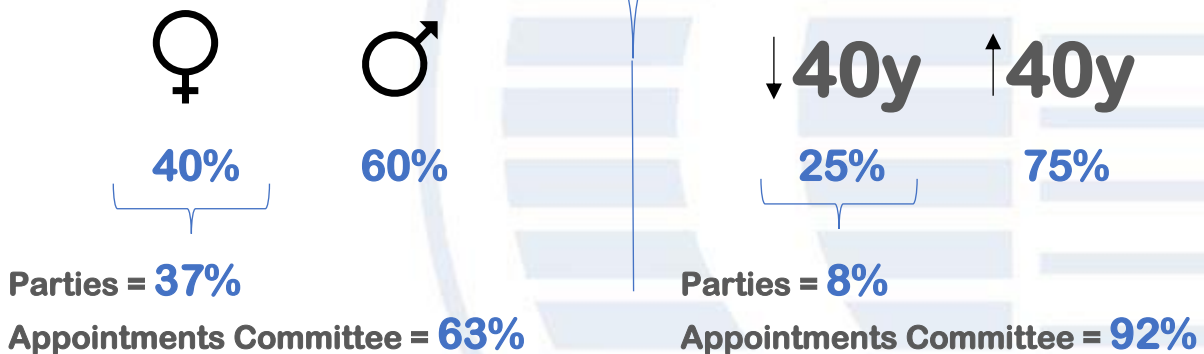
< € 100.000,00 →	41%
€ 100.000,00 – € 200.000,00 →	3%
€ 200.000,00 – 500.000,00 →	11%
€ 500.000,00 – 1.000.000,00 →	14%
€ 1.000.000,00 – 10.000.000,00 →	19%
> € 10.000.000,00 →	14%

From the above, it is clear that expedited proceedings (< € 100.000,00) have been very successful (41% of the cases), while cases over 10 million euros have also increased (14% of the CEPANI cases compared to 11% in 2021 and only 6% in 2020).

Arbitral Tribunal



-  **1** Emergency Arbitrator
-  **1** Challenges / Replacements



The majority, *i.e.* 69%, of the Arbitral Tribunals were composed of a Sole Arbitrator. 31% of the Tribunals were composed of three Arbitrators.

In comparison to 2021, 82% of Sole Arbitrators were appointed.

This evolution marks an important change compared to the previous years where a majority of the Arbitral Tribunals were composed of three Arbitrators.

WOMEN IN ARBITRATION

In 2022, 40% of the Arbitrators appointed by CEPANI were women, 63% of which were appointed by the CEPANI Appointments Committee and 37% directly by the Parties. This is a very positive change in favor of 'Diversity and Inclusion in Arbitration'.

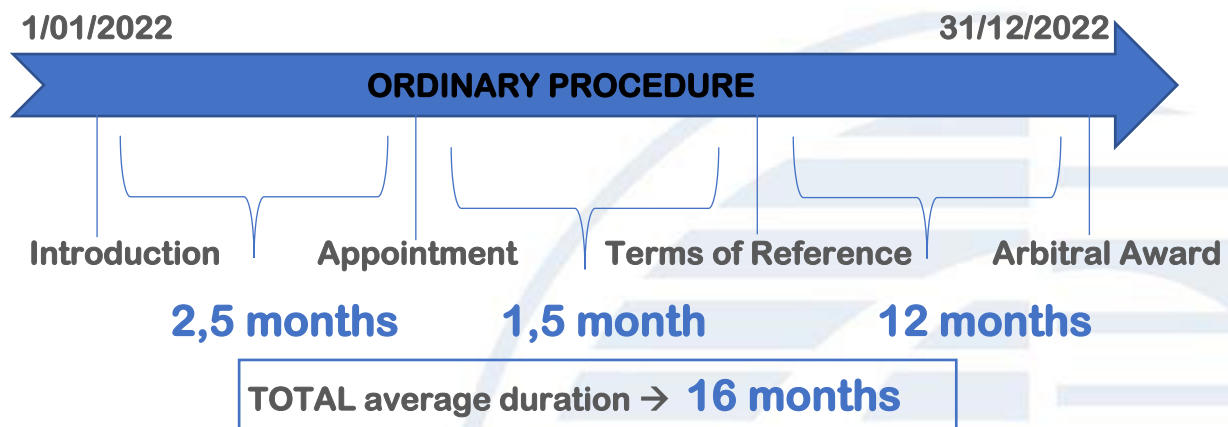
In 2019 only 10% of women Arbitrators were appointed and in 2020 15% of the appointed Arbitrators were women.

YOUNGSTERS IN ARBITRATION

In 2022, 25% of the Arbitrators appointed by CEPANI were below 40 years old.

92% of them were appointed by the CEPANI Appointments Committee, 8% by the Parties.

Average duration of the arbitral proceedings



In 2022, an arbitration procedure administrated under the CEPANI Arbitration Rules lasted **14 months**, calculated as follows:

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

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

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

- ❖ Constitution of the Arbitral Tribunal to the Terms of Reference = 1,5 month.

The reviewed Arbitration Rules which entered into force as from January 1, 2020 provide for a one-month deadline. Clearly, Arbitrators - in collaboration with the Parties and their Counsel – have made every effort to meet this short deadline.

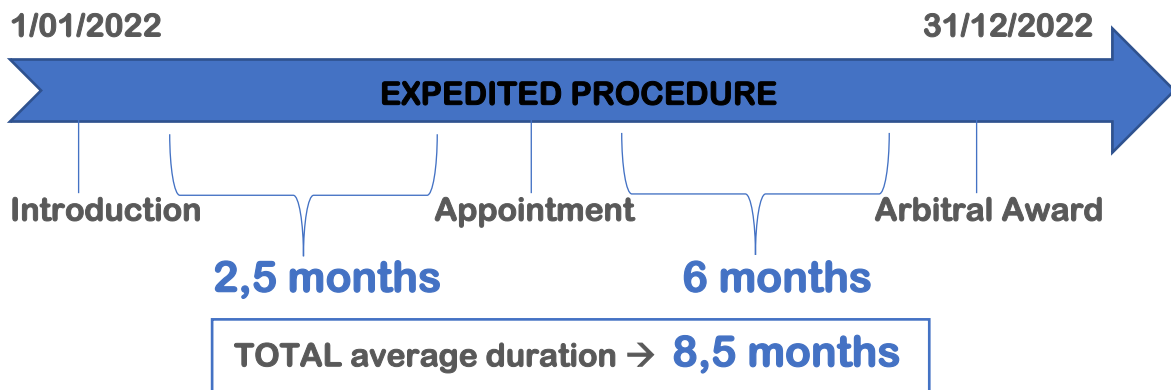
- ❖ Terms of Reference to the Arbitral Award = 12 months.

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 also be present themselves. This may positively influence the time limits agreed upon.

The CEPANI Arbitration Rules grant the Arbitral Tribunal a deadline of six months to render its Arbitral Award as from the signature of the Terms of Reference. The average time limit of 12 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 Arbitration Rules.

In comparison with 2021, an arbitration proceeding lasted an average of 12 months.



Following Article 29 of the CEPANI Arbitration Rules, the expedited procedure shall apply if the amount in dispute does not exceed the amount of € 100.000,00 or if the Parties so agree.

In the context of an expedited procedure there are no Terms of Reference.

Moreover, the deadline granted to the Tribunal to make the Arbitral Award is 4 months as of the date of the establishment of the Procedural Timetable.

In comparison with 2021, an expedited proceeding under the CEPANI Rules lasted 6,5 months.

Constitution of the Arbitral Tribunal to the Arbitral Award = 13,5 months

Total average duration of CEPANI arbitration procedures in 2022: 16 months

