

Nieuwe boeken en nieuwe edities vanaf 2012, geselecteerd voor de praktijk

3) BURGERLIJK PROCESRECHT

3b: (internationale commerciële) arbitrage

STAND 01-04-2023

NIEUW in 2023:

Openbare Orde en Arbitrage

Regels van openbare orde lopen als een rode draad door arbitrage heen. Zij kunnen in elke fase van arbitrage en daarna in een eventuele vernietigings- en exequaturprocedure aan bod komen. In deze rede (RUG) wordt nader ingegaan op de rol, positie en werking van de openbare orde in het kader van laatstgenoemde procedures. Daarbij wordt eveneens de aard en het karakter van zowel de vernietigings- als de exequaturprocedure besproken. De kernvraag die wordt beantwoord is of zich in het kader van deze procedures een de novo debat kan gaan ontspinnen of juist niet en het debat beperkt behoort te zijn.

N.Peters (K-9789013172355) maart 2023

52 pag. € 24,50-----

Verschenen in 2022:

Alternatieve Geschilbeslechting in de Financiële Sector (v.d.Heijden Inst. Nr...)

Preadvies van Vereniging voor Financieel Recht hebben betrekking op een aantal ontwikkelingen op het gebied van alternatieve geschilbeslechting in de financiële sector.

Denk aan onderwerpen als het effectueren van consumentenrecht via Kifid, de Gedragscode Kleinzakelijke Financiering, zelfregulering in de non-bancaire mkb financieringsmarkt en arbitrage en mediation bij geschillen over financiële dienstverlening.

P.v.d.Bos e.a.(K-9789013165838) begin januari 2022

148 pag. € 24,50

de Bevoor(oor)deelde Arbitrer (Burgerlijk Proces & Praktijk nr. XXI)

Eenzijds wordt ingegaan op een aantal (open) vraagstukken rondom de verplichting tot onafhankelijkheid en onpartijdigheid voor arbiters (denk bijvoorbeeld aan het arbitrale besluitvormingsproces). Anderzijds wordt gekeken hoe de verplichting in arbitrale wet- en regelgeving en (scheids)rechterlijke uitspraken is ingevuld. Hierbij komen tien factoren (zoals bijvoorbeeld een familiale band of financieel belang) aan bod die de onafhankelijkheid en onpartijdigheid van arbiters kunnen beïnvloeden. Voor deze uitgebreide bespreking is een grondig literatuur- en (scheids)rechtspraakonderzoek gedaan. Ook is er oog voor nieuwe vragen rondom dit thema. Zo wordt ingegaan op hoe wordt omgegaan met issue conflicts en wordt besproken in hoeverre factoren als gender, geloofsovertuiging en politieke overtuiging een rol kunnen spelen in het kader van de onafhankelijkheid en onpartijdigheid van arbiters.

P.Ribbers (K-9789013169676) 1 december 2022

656 pag. € 94,50

Contract Law in International Commercial Arbitration

The vast bulk of claims in international commercial arbitration is contractual. From that perspective, the choice of applicable contract law comes to occupy centre stage in the arbitration of disputes. Analyses why English, New York, and Swiss contract law is outperforming natural or potential competitors and also examines, the following: comparative examination of traditional and contemporary theories of contract law; identification of contract law principles that are most appropriate to international commercial arbitration; justification of a contract law theory tailor-made for international commercial arbitration; application of the theory to contract issues dealt with in arbitration; and focus on claims for damages.

P.Sester (KL- 9789403510361) december 2022

ca. 370 pag. geb. € 225,00

Handboek Arbitrage

BELGISCH RECHT

Momenteel het enige Nederlandstalige omvattende handboek. Biedt grondige en praktijkgerichte bespreking van deze materie. Deel I gaat in op de verdragsrechtelijke omkadering van arbitrage en op de verhouding tussen aantal fundamentele rechten en

arbitrage (o.m. toegang tot rechter, recht op berechting door onafhankelijke en onpartijdige rechter, recht van verdediging, wapengelijkheid, recht op bijstand door advocaat, openbaarheid enz.). Deel II bevat een artikelsgewijze bespreking van de Belgische arbitragewet. Deel III bespreekt een aantal bijzondere leerstukken. Soms gaat het om kwesties die wel aan bod komen in Belgische arbitragewet zoals bijvoorbeeld bewijs in arbitrage. Voor andere punten in Deel III gaat het om kwesties, weliswaar van groot belang voor arbitrage, maar die niet of nauwelijks in de arbitragewet aan bod komen (dus buiten beschouwing blijven in de artikelsgewijze bespreking van Deel II van het handboek).

K.Wagner (I-9789400014367) maart 2022

822 pag. geb. ca. € 160,00

Handbook of Evidence in International Commercial Arbitration - Key Issues & Concepts

Evidence provides the basis for almost every decision, procedural, jurisdictional, or substantive. However, users from different legal traditions may disagree as to how an arbitral tribunal ought to proceed. Addresses the following key concepts and issues: normative framework on evidence in arbitration proceedings; the burden and standard of proof; means of evidence, including documents, experts, and witnesses; questions of admissibility, including issues of privilege and confidentiality; assessment of evidence and its probative value; court assistance and sanctions.

F.Ferrari,F.Rosenfeld (KL- 9789403543239) april 2022

480 pag. ca. € 195,00

International Arbitration and Technology

Offers the first up-to-date comprehensive overview of the interplay between technology and international arbitration, with a specific focus on technological developments which are currently available and already practically relevant. Takes into account the significant change brought about by the tCOVID-19 pandemic. Content is distinctively practice-oriented.

P.Ortolani e.a. (K-9789013169119) augustus 2022

268 pag. geb. € 84,50

Nieuwe Bewijsregels in Internationale Arbitrage

Terwijl in een nationale context de regels volgens dewelke bewijs mag worden aangevoerd, strikt zijn vastgelegd, is dat in een internationale context en dan meer bepaald in internationale arbitrage niet het geval. Dat kan met name tot moeilijkheden aanleiding geven tussen partijen met verschillende (juridische) achtergronden. Het bewijsrecht in een civil law-land zoals België staat ver af van het het bewijsrecht volgens common law.

G.DeBuyzer,S.Deckers(SchoupsAdv.Belgë) juni 2021 2 pag. GRATIS OP PDF OP AANVRAAG

Herstelrecht door de Ogen van... – Reflecties op RETORATIVE JUSTICE vanuit 27 verschillende perspectieven

Herstelrecht, oftewel restorative justice, is een vorm van alternatieve geschillenbeslechting (ADR), waarbij de betrokken partijen in staat worden gesteld om hun conflicten zo veel mogelijk zelf op te lossen, ook als die conflicten uit misdaad zijn ontstaan. Het herstellen van schade staat hierbij centraal; daarbij kan worden gedacht aan materiële en immateriële schade alsook relationele en morele schade. bevat reflecties op herstelrecht vanuit het perspectief van biologie, neurobiologie, psychotraumatologie, neuropsychologie en -filosofie, victimologie, genderstudies, sociologie, bestuurskunde, economie, fotografie en architectuur, culturele antropologie, rechtstheorie en -filosofie, mensenrechten, therapeutic jurisprudence, preventive law, transitional justice, internationale veiligheidsstudies, literatuurwetenschap etc.

J.Claessen,A.v.d.Hoek(red.) (B- 9789462362727) juli 2022

565 pag. € 45,00

the UNCITRAL Model Law on International Commercial Arbitration - a Commentary

Provides rich and detailed analysis both of the provisions of the UNCITRAL Model Law on International Commercial Arbitration (the Model Law), and of its implementation, including a comparative account of the operation of the Model Law in the numerous jurisdictions which have adopted it throughout the world. Key Features: comparative and thorough analysis of the provisions of the Model Law; consideration of the interpretations of the Model Law adopted by courts, with references to numerous cases from common law jurisdictions (Singapore, Hong Kong, India, Australia, New Zealand, Canada), Germany and Austria, central Europe (Poland, Hungary, Bulgaria), Spain, South Korea and Egypt; insight into variations in the statutory implementation of the Model Law in various jurisdictions across Europe, Asia, the Middle East and Latin and North America, with the most common amendments identified and highlighted.

G.Cuniberti (E.ELGAR-9781788110334) november 2022

626 pag .geb. ca. € 265,00

Verschenen in 2021 :

Arbitrating under the 2020 LCIA Rules - a User's Guide

The London Court of International Arbitration (LCIA), the oldest of all major arbitral institutions, has, since its establishment well over a century ago, embodied the ideals that underlie the arbitral alternative and set its face against undue delay, soaring cost, complexity, and acrimony. Today, the LCIA administers cases arising under any system of law in any venue worldwide. Underscoring the institution's international nature, and over 80% of parties in pending LCIA cases today are not of English nationality. Provides thorough analysis of 2020 LCIA Rules and comprehensive explanation of the basic principles governing LCIA arbitration.
M.Scherer e.a.(KL-9789403533735) juli 2021 ca. 450 pag. geb. ca. € 245,00

Arbitration of International Intellectual Property Disputes

IP rights are territorial and vary from country to country. Examines the issues unique to IP arbitrations, and offers extensive reference to case, statutory and other support, while providing specific "bullet-point" advice on "best" or "better" practices. Expands with updated treatment of arbitral rules promulgated since 2012, greater coverage of arbitral institutions and soft law, choice of laws applicable to the arbitration clause, arbitrability and claims of privilege, and introduces completely new topics such as emergency arbitrators, sanctions, diversity, privacy and cybersecurity that increasingly have become major areas of concern.
T.Halket (Juris Publ.-9781944825515) 2^e dr. augustus 2021 800 pag. geb. ca.€ 215,00

Autonomous Versus Domestic Concepts under the New York Convention

The 1958 New York Convention is universally acclaimed as one of the most important instruments on international commercial arbitration. Provides extensive reference to case law from major arbitration hubs and examines the Convention with the aim of identifying the boundaries between autonomous and domestic concepts. Key elements covered include the following: role of private international law under the Convention; notions of arbitrability and arbitral award; procedures for the enforcement of awards; nullity, invalidity, and conflict of laws under Articles II(3) and V(1)(a); incapacity defence under Article V(1)(a); deviations from procedure; autonomous boundaries as to what falls under the issue of scope.
F.Ferrari,F.Rosenfeld (ed.)(KL-9789403531731) april 2021 384 pag. geb. ca. € 215,00

The Bona Fide Investor - Corporate Nationality and Treaty Shopping in Investment Treaty Law

Many corporations engage in treaty shopping or 'nationality planning' to procure investment treaty protection by attaining a nationality of convenience. Examines the degree to which manipulation of corporate nationality is consistent with the objects and purposes of the investment treaty regime and analyses its effect on the legitimacy of investor-state dispute mechanisms. Reviews issues and topics as: concept of separate legal personality; abuse of the corporate form at municipal law; role of Article 25 of the ICSID Convention; approach to the nationality of natural persons; approach to the jurisdictional concept of an 'investment'; criteria used to connote corporate nationality; concept of the commercial purpose of the corporate investor claimant; concept and limits of the principle of abuse of right at international law; application of, and the relationship between, the four tenets of Article 31(1) of the Vienna Convention: ordinary meaning, good faith, context, and object and purpose.
S.Foote (KL-9789403541853) december 2021 264 pag. ca. € 205,00

Emergency Arbitration

Provide clear and authoritative guidance on the practice and theory of this increasingly utilized procedure by examining the leading emergency arbitration rules. Identifies a common procedural framework for the commencement, conduct, and decision-making process in an emergency arbitration. This framework is developed through the articulation of 'The Fifteen Principles of Emergency Arbitration'. These are aimed at giving parties greater control and certainty in bringing and defending applications for emergency measures. Combines a practical approach, including the use of flowcharts and tables, with in-depth analysis of important issues arising in emergency arbitration. Includes status of the emergency arbitrator; relationship between the emergency arbitrator, arbitral tribunal, and courts; role of the seat of emergency

arbitration; applicable laws and transnational standards; due process requirements; enforceability of decisions; and use of the procedure in investment treaty arbitration.
C.Sim (OUP-9780198831051) juli 2021 496 pag. geb. ca. € 212,00

Enforcement of Investment Treaty Arbitration Awards: A Global Guide

Brings together 70 experts to provide substantive analysis of recurring issues at the award enforcement stage plus practical perspectives on enforcing awards based on investment treaties. Explores topics ranging from the specifics of the International Centre for Settlement of Investment Disputes mechanism to the enforcement of interim relief and the issues of sovereign immunity and state entities, as well as exploring intra-EU BIT disputes and their enforcement consequences. Features country-specific chapters and now covers over 30 jurisdictions, including updated coverage of applicable international and domestic legal frameworks and reviews of the most recent practices. New for this edition: Algeria, Belgium, Cameroon, Democratic Republic of Congo, Czech Republic, Greece, Lebanon and Romania. J.Fouret (ed.) (GlobeLaw-9781787423497) 2e dr. februari 2021 800 pag. geb. ca. € 308,00

EU Cross-Border Commercial Mediation - Listening to Disputants - Changing the Frame; Framing the Changes

Examines the EU's continued initiatives to foster the use of cross-border mediation, including its review of the EU Directive on Mediation. Rigorously analyses insights provided by the in-house counsel participants in the research conducted for this book. This analysis reveals, for example: the prominent role played by negotiation as a cross-border dispute resolution process; that negotiation is a key comparator for disputants when considering whether to use mediation; how the EU's continued focus on understanding and presenting mediation as an alternative to litigation has resulted in measures which are insufficient to address fully the barriers to the use of mediation; intriguing barriers to the use of mediation which arise from the association which disputants draw between mediation and negotiation; how the relationship which disputants draw between mediation and negotiation paradoxically raises both opportunities for, and obstacles to, the increased use of mediation; and what disputants need to increase their use of cross-border mediation.

A.Howard (KL- 9789403517537) januari 2021 ca. 400 pag.geb. ca. € 192,00

EU Law and International Arbitration - Managing Distrust Through Dialogue

Addresses the main areas of tension between EU law and international arbitration, looking at both commercial and investment treaty arbitration. Opens pathways for practical solutions based on communication between the different regimes. Introduces key aspects of the overall tension between EU law and international arbitration, before setting out the theoretical framework that understands EU law, international commercial arbitration, and investment treaty arbitration as closed regimes. Addresses the core problem of finding the limits to contracting out of the EU legal regime, both on a jurisdictional and a substantive level.

K.von Papp (HART-9781509931170) mei 2021 208 pag. geb. ca. € 120,00

Handbook of ICC Arbitration - Commentary and Materials

Provides article-by-article commentary on the new 2021 ICC Rules of Arbitration, incorporating discussion of ICC Notes and developments in case law and soft law. Guid through the arbitral process, from commencement, to the arbitral tribunal, arbitral proceedings, and awards and costs. Examines the diverse issues from appointment and challenge of arbitrators, case management conferences, issues of due process and hearings, admissibility and weight of evidence, and annulment and enforcement of awards. Contains a useful selection of models, notes, checklists and examples. New to this edition: 2021 ICC Rules of Arbitration effective as of 1st January 2021; note to the Parties and Arbitral Tribunals on the Conduct of the Arbitration under the ICC Rules of Arbitration as updated on 1st January 2021; IBA's Rules on the Taking of Evidence in International Arbitration as revised December 2020; Prague Rules on the Efficient Conduct of Proceedings in International Arbitration (14th December 2018).

H.Webster e.a.(S&M-9780414097407)5^e dr.begin dec. 2021 ca.1000 pag. geb. ca. € 325,00

Independence and Impartiality in International Commercial Arbitration - An Analysis with Comparative References to English, French, German, Swiss, and United States Law
Overview of the current status of independence and impartiality applied in international commercial arbitration, focusing on case law from France, Germany, Switzerland, the United

Kingdom, and the United States. The core themes are possible grounds for finding dependence and partiality and their streamline in theoretical standards of independence and impartiality.
I.Beimel (B- 9789462362079) september 2021 354 pag. geb. € 89,00

International Arbitration - Law and Practice

Systematic, concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. This Third Edition has been updated to include recent legislative amendments, judicial decisions and arbitral awards. Provides a detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions.
G.Born (KL-9789403532530) 3^e dr. juni 2021 ca.320 pag. ca. € 50,00

International Arbitration and Forum Selection Agreements, Drafting and Enforcing

Extensively revised and expanded sixth edition provides model arbitration and forum selection clauses for international contracts and explains the advantages and disadvantages of different approaches to reducing the risks inherent in cross-border transactions. Key Features include: practical guidance on drafting international arbitration and forum selection clauses; Model international arbitration and forum selection clauses that permit efficient and effective dispute resolution; Nearly 100 different model provisions; Ad hoc versus institutional arbitration clauses; Overview of leading arbitral institutions (including ICC, SIAC, ICDR/AAA, LCIA, HKIAC, PCA, ICSID, WIPO, VIAC, DIS, NAI and CRCICA); Overview of advantages and disadvantages of leading arbitral Seats; Forum selection clauses for national and international courts; Optional provisions for international arbitration and forum selection clauses (including arbitrator selection, arbitral procedure, costs of arbitration, provisional measures, waiver of annulment and currency of award); Discussion of pathological arbitration clauses and commonly-encountered defects; And covers: Updated extensively to address developments in January 2021; New materials covering international courts and choice-of-law provisions.
G.Born (KL-9789403532509) 6^e dr. april 2021 336 pag. ca. € 50,00

International Arbitration and EU Law

Expertly illustrates the depth and breadth of EU law's impact on party autonomy and on the margin of appreciation available to arbitral tribunals. Coverage includes: analysis of the relevance of EU law on the validity of international agreements to arbitrate; consideration of the impact of EU law on challenges, recognition and enforcement of international commercial awards, and the relationship between anti-suit relief, EU law and the New York Convention; discussion of selected areas of intersection between EU law and international commercial arbitration, including the ECtHR, consumer protection, damages, competition damages, GDPR, commercial agency and others; introduction to the complex areas in which the EU regime and international investment arbitration laws intertwine, through a review of the development of the EU's investment policy; examination of the impact of EU law on specific issues in international investment arbitration including the Energy Charter Treaty, procedural issues (both ICSID and non-ICSID), damages, taxation, and the proposed Multilateral Investment Court; appraisal of the potential of International Commercial Mediation and with EU law.
J.Mata Dona,N.Lavranos(ed.)(E.Elgar-9781788973991) april 2021 616 pag.geb. ca. € 248,00

International Arbitration and Technology

Offers the first up-to-date comprehensive overview of the interplay between technology and international arbitration, with a specific focus on technological developments which are currently available and already practically relevant. Takes into account the significant change brought about by the tCOVID-19 pandemic. Content is distinctively practice-oriented.
P.Ortolani e.a. (K-9789013169119) november 2022 268 pag. geb. € 93,50

International Arbitration in the Netherlands - with a Commentary on the NAI and PCA Arbitration Rules

Detailed English-language commentary and analysis on how international arbitrations seated in the Netherlands proceed under the most commonly used sets of arbitration rules. Over the past decades, several of the world's largest international arbitrations have been seated in the Netherlands, including numerous investment arbitrations under the auspices of the Permanent Court of Arbitration (PCA) in The Hague. Contrasts the conduct of international arbitrations in the Netherlands with that in other jurisdictions. Includes invaluable features as the following:

1,400 references to decisions of the Dutch State courts and arbitral tribunals seated in the Netherlands; more than 850 references to the legislative materials; extensive description of distinctions with the arbitration laws of England, France, Switzerland, Sweden, Singapore, as well as the UNCITRAL Model Law; complete commentary on the most recent version of the NAI Arbitration Rules and PCA Arbitration Rules; extensive description of distinctions between the NAI Arbitration Rules and PCA Rules, the ICC Rules 2021 and the UNCITRAL Rules 2013.
A.Marsman (KL-9789041156129) april 2021 748 pag.geb. ca. € 230,00

International Arbitration of Renewable Energy Disputes

In order to bridge the 'emissions gap' by 2030, the energy industry is critical to achieving the necessary cuts to emissions, however, it must also balance increasing energy demand with the need to achieve sustainability of energy supply for future generations. This requires the industry to transition from dependence on fossil-fuel sources and look to new technologies that underpin a low-carbon economy. The increase in renewable energy capacity globally and the complex and relatively untested nature of renewables projects and the contracts underlying them give rise to a potential disputes. International arbitration has long been the preferred dispute resolution forum for the energy sector and is well placed to be the leading process for resolving the many and varied disputes that can arise in the lifetime of a renewables project.
E.Johnson e.a.(ed.)(GlobeLaw- 9781787424661) augustus 2021 90 pag. ca. € 106,00

International Commercial Arbitration - a Comparative Introduction

Concise comparative introduction to international commercial arbitration, with reference to recent case law from leading jurisdictions and up-to-date rules revisions. Provides comparative analysis of the issues raised in arbitration, from the time of drafting of the arbitration clause to the rendering of the arbitral award and the post-award stage. Covers arbitration agreements and their enforcement, initiation of proceedings and constitution of the tribunal, taking of evidence, issues arising in complex arbitrations, award and the post-award regime.
F.Ferrari e.a.(E.Elgar- 9781800882782) juni 2021 288 pag. geb. ca. € 135,00

International Construction Arbitration Law

Addresses significant developments in the practice of dispute resolution on major construction and engineering projects. Include the latest edition of arbitral rules and introduces the Prague Rules, considers the full range of available dispute resolution methods, including mediation, conciliation and determination by dispute review boards, before focusing specifically on arbitration. Addresses fresh thinking on MedArb, guidance on preparation for and conduct of virtual hearings in the wake of COVID-19, technological advances to assist collection and presentation of evidence, litigation funding and includes new chapter on the role of arbitration in tender disputes. Specific valuable features of this edition include: guidance on the drafting of dispute resolution provisions designed to minimise disputes and facilitate their swift resolution; flowcharts to illustrate the stages in dispute procedures and arbitration; comparison between common law and civil law approaches to key concepts; details of the key features of a construction contract, common standard forms and procurement structures; expert guidance on effective contract administration; step-by-step advice on the conduct of a construction arbitration to maximise efficiency; coverage of particular issues thrown up by complex construction disputes which differentiate them from other commercial disputes, with guidelines on how to approach such issues in the presentation before a tribunal.
J.Jenkins (KL- 9789403530437) 3^e dr.maart 2021 528 pag. geb. € 224,00

Online Dispute Resolution: Theory and Practice - a Treatise on Technology and Dispute Resolution

Aims to provide an in-depth analysis and overview of not only the past and present but also the future of Online Dispute Resolution. Employs international, comparative, empirical, and interdisciplinary approaches to a myriad of legal and technical issues across the ODR spectrum. ODR is a field that lies at the intersection of dispute resolution and technology. This second edition updates information about ODR around the world, extends and brings up to date ODR approaches to facilitation, mediation, arbitration, and ecommerce, and adds important information about new technologies like blockchain and artificial intelligence.
D.Rainey e.a. (ed.) (B-9789462361836) 2^e dr.juli 2021 740 pag.geb. € 125,00

the Use of Commercial Arbitration Rules in Investment Treaty Disputes - Domestic Courts, Commercial Arbitration Institutions and Tribunal Jurisdiction

Arbitration clauses in investment treaties often provide investors with a choice between ICSID arbitration and rules originally drafted for commercial arbitration. Studies how domestic courts and commercial arbitration institutions impact the scope of arbitral tribunal jurisdiction when commercial arbitration rules are used. Analyses, based on extensive studies of court decisions and arbitral awards, the practice of domestic courts in reviewing treaty-based jurisdiction, and explains how the 2 most used commercial arbitration institutions – ICC and the SCC – have drafted, interpreted and applied their arbitration rules in treaty-based disputes.

J.Dahlquist (Brill- 9789004413672) april 2021

346 pag. geb. ca. € 156,00

Verschenen in 2020 :

Abuse of Rights in International Arbitration

In recent years, international arbitration has become plagued by different forms of substantive and procedural abuse. For example, we have witnessed a rise in cases where parties restructure their investments in an abusive manner by altering one of its features purely to gain access to ICSID arbitration. Abusive practices designed by parties to prejudice their opponents may undermine the fair resolution of disputes and frustrate the administration of arbitral justice. Introduces the principle of abuse of rights and considers its application as a general principle of law to prevent different forms of substantive and procedural abuse in international arbitration. The virtue of a single theory with a wide scope and an overarching premise is that it is a principle, which involves equity considerations, enjoys the flexibility of general principles of law, and can address different abusive behaviours.

A.El Far (OUP-9780198850380) februari 2020

288 pag. geb. ca. € 117,00

Arbitration of M&A Transactions - a Practical Global Guide

In an increasingly globalised and complex economy, arbitration is becoming the dispute resolution mechanism of choice for international M&A transactions. Spanning share purchase agreements, asset purchase agreements, shareholder agreements and joint venture arrangements, this is a huge area of commercial activity, giving rise to an expanding number of disputes. In the second and expanded edition of this title, leading experts provide legal and practical guidance on the key types of dispute likely to arise from M&A transactions (eg, warranty claims, shareholder disputes, claims relating to completion accounts), and offer procedural and tactical tips for arbitration arising from them. Also covers fundamental questions of arbitrability, confidentiality, freedom to choose the governing law (and questions of mandatory law) and enforceability in a number of key jurisdictions. Contains not only valuable updates, but includes new chapters covering additional jurisdictions (including Peru and Poland). It also introduces a number of additional chapters on third party funding and warranty and indemnity insurance, as well as key concepts of valuation in the arbitration context and the quantification of damages for breach of representations and warranties.

E.Poulton e.a.(ed.)(GlobeLaw-9781787422902) 2^e dr.mei 2020 461 pag. geb. ca.€ 230,00

Comparison of International Arbitration Rules

Compiling the current(01-01-2020) prevailing rules that guide arbitration proceedings throughout major centers across the world. The following updated rules are chronicled: The International Chamber of Commerce ("ICC"), American Arbitration Association/International Centre for Dispute Resolution ("AAA/ICDR"), London Court of International Arbitration ("LCIA"), Stockholm Chamber of Commerce ("SCC"), and International Centre for Settlement of Investment Disputes ("ICSID"). Additionally, the rules for the United Nations Commission on International Trade Law ("UNCITRAL") and the International Institute for Conflict Prevention & Resolution ("CPR") are included as standard rules.

HoganLovells (JurisLegalInfo-9781944825430) 5^e dr.okt. 2020 412 pag.geb. ca. € 190,00

Due Process as a Limit to Discretion in International Commercial Arbitration

Expansive analysis of due process in key jurisdictions around the world. Owing to the dearth of consistent case law on due process, recalcitrant parties have been motivated to misuse due process arguments as a strategic tool, thereby putting at risk the prospect of obtaining an enforceable award in expeditious proceedings. Guides through the relevant case law on due process as a limit to discretion in arbitration and explores how courts in major arbitration jurisdictions apply due process guarantees. The following matters are elucidated: right to be heard and how it may be affected by submission deadlines, evidentiary offers by the opposing

party, and directions to the parties as to which aspects require further pleading; right to be treated equally and its interplay with the duty to give each party full opportunity to present its case and to comment on submissions and evidence filed by the other party; duty to effect proper notice, including delivery and language issues; independence and impartiality of arbitrators with a focus on when an arbitrator's conduct can become the basis for a successful challenge; courts' standards of deference when examining issues at the post-award stage.
F.Ferrari e.a.(ed.) (KL-9789403519500) september 2020 488 pag. geb. € 223,00

the Fundamentals of International Commercial Arbitration

Written from a comparative perspective, with an eye for international instruments and guidelines. Deals with the particulars of international commercial arbitration, among others: characteristics; advantages and perceived disadvantages; pros and cons of ad hoc and institutional arbitration; laws applicable; essentials of the arbitration agreement and arbitrability; establishment and composition of the arbitral tribunal; duty of disclosure and the challenge of arbitrators; end of the arbitrators' mandate and their replacement; organisation of the arbitration proceedings; powers, duties and liability of arbitrators; jurisdiction of the arbitral tribunal; course of the arbitration proceedings, from the request for arbitration to the award; form and content of the award; recognition, enforcement and annulment of the award.
N.Peters (M-9789046610091) 2^e dr. april 2020 324 pag. € 43,00

a Guide to General Principles of Law in International Investment Arbitration

General principles of law play an important role in investment arbitration and can be applied by a tribunal when no treaty provision or rule of customary international law exists regarding a particular issue. They can be used in traditional means, such as the interpretation of vague treaty terms, or for wider reaching issues emerging from the international legal order. Following a significant increase in references to general principles of law by Investor-State tribunals questions have been raised around meaning and function of these principles. Comprehensive guidelines to better understand nature, meaning, and function of general principles of law in the field of international investment law. Assesses 17 concepts and notions on investment arbitration, providing clear guidance on what should be considered a general principle of law.
P.Dumberry (OUP-9780198857075) maart 2020 416 pag. geb. ca. € 174,00

a Guide to the CIETAC Arbitration Rules

The China International Economic and Trade Arbitration Commission (CIETAC) is the largest permanent arbitration centre in the world, with a fast-growing case load and rising international profile. This commentary on the CIETAC 2015 Arbitration Rules provides guidance on the rules, alongside practical and procedural recommendations from practitioners of unparalleled experience. The commentary groups the rules thematically according to the principle areas of practitioner interest, including chapters on: Jurisdiction and the Arbitration Agreement; Commencing the Arbitration; Formation and Challenges to the Arbitral Tribunal; Conduct of Proceedings; Awards; Summary Procedure and Costs. Concludes with the practical aspects of arbitrating in China: comprehensive reference work for practitioners in the field.
Jianlong Yu, Lijun Cao (OUP-9780199671717) december 2020 592 pag. geb. ca. € 145,00

ICSID: An Introduction to the Convention and Centre

Provides (based on his Hague Lectures on ICSID and ICSID), a detailed introduction to the world's leading institution devoted to international investment dispute settlement. Presents a fully up-to-date (mid 2019) and accessible picture of an increasingly important dispute settlement mechanism. Delves into origins and evolutions of the Convention and Centre and its jurisdiction. Navigates through the process of arbitration proceedings under the Convention, applicable law, and enforcement of Convention awards. Also discusses efforts to reform international investment dispute settlement in general and ICSID arbitration in particular.
A.Parra (OUP- 9780198821533) maart 2020 176 pag.pap. ca. € 48,00

International Arbitration - Three Salient Problems

The explosion of inter-State, investor-State, and international commercial arbitration in recent years magnifies the importance of the subject. This second edition combines the historical analysis of the first edition with a survey of the continued salience and contemporary developments for each of the three problems identified: (i) the severability of the arbitration agreement; (ii) denial of justice (and now other possible breaches of international law) by governmental negation of arbitration; and (iii) the authority of truncated international arbitral tribunals. International arbitral process continues to be fortified against attempts to derail it.

S.Schwebel e.a. (CUP-9780521768023) 2^e dr. maart 2020 354 pag.geb. ca. € 120,00

the International Arbitration Review 2020

Seeks to provide current information on general international commercial arbitration in 36 jurisdictions, treating investor-state dispute developments in a separate chapter.

J.H.Carter(Law Reviews-9781838624668)11^e dr.juli 2020 528 pag. GRATIS PDF OP AANVRAAG

International Commercial Arbitration - International Conventions, Country Reports and Comparative Analysis

Overview on the global framework of international commercial arbitration, in particular the New York Convention, the UNCITRAL Model Law, and international investment treaties. In addition, it gives comprehensive insight into international arbitration laws of countries covering over 60% of the global economy: Austria, Belgium, Brazil, China, England and Wales, France, Germany, Hong Kong, India, the Netherlands, Russia, Singapore, Spain, Sweden, Switzerland, and the U.S. The new edition includes numerous references to recent case law, material and legislative reform as well as topical developments in areas such as arbitrators' jurisdiction, the conduct of arbitral proceedings and the judicial control of arbitral awards.

S.Balthasar (BECK- 9783406743832) 2^e dr. december 2020 915 pag. geb. ca. € 230,00

International Commercial Arbitration in the EU - Brussels I, Brexit and Beyond

Contributes to knowledge on the impact of Brexit on international commercial arbitration in the EU. Reviews a plethora of key aspects of the law that will encounter the aftermath Brexit, focusing on the implications of the mutual trust principle and the consequences for the EU exclusive competence in aspects of international commercial arbitration. Explores principles of anti-suit injunction and other mechanisms that may be deployed by national courts and arbitral tribunals to prevent parallel court and arbitration proceedings.

C.Ojiegbe (E.Elgar-9781800375420) december 2020 320 pag. geb. ca. € 128,00

the Oxford Handbook of International Arbitration

Brings together many of the key scholars and leading practitioners in international arbitration, to present and examine cutting-edge knowledge in the field. Innovative in its breadth of coverage, chapter-topics range from the practicalities of how arbitration works, to big picture discussions of the actors involved and the values that underpin it. Includes critical analysis of some of international arbitrations most controversial aspects, whilst providing a nuanced account overall that allows readers to draw their own informed conclusions.

T.Schultz,F.Ortino(ed.) (OUP-9780198796190) september 2020 1024 pag.geb. ca. € 190,00

Yearbook of International Sports Arbitration - 2017

First academic publication aiming to offer comprehensive coverage, on a yearly basis, of the most recent and salient developments regarding international sports arbitration, through a combination of general articles and case notes. Covers decisions rendered by the Court of Arbitration for Sport (CAS) and national courts in 2017.

A.Duval,A.Rigozzi (TMC AsserPress-9789462653184) oktober2020 178 pag. geb. € 142,50

Verschenen in 2019:

Aansprakelijkheid van de Arbiter: 'bewuste roekeloosheid', 'ernstig verwijt' of 'bekwame arbiter' als maatstaf ? - balansopname na Greenworld (2019) en Qnow (2016)

De aansprakelijkheid van arbiters werd door de Hoge Raad in 2009 (Greenworld) en 2016 (Qnow) vastgesteld in aansluiting op de beperkte wettelijke aansprakelijkheid van rechters: slechts bij 'opzettelijk of bewust roekeloos' handelen of 'ernstige verwijtbaarheid'. Met de aansprakelijkheid van bindend adviseurs of professionele dienstverleners werd geen verband gelegd. De algemene kritiek op het eerste arrest in de literatuur is na het arrest van 2016 (dat afweek van de conclusie-OM) in kracht toegenomen. In dit *Ars Aequi Privaatrecht* cahier wordt hier nu de stand van zaken geanalyseerd en onderzoek gedaan naar de herkomst van genoemde criteria. Het eerste komt uit het contractenrecht: exoneratie van aansprakelijkheid. Het onderdeel 'opzet' kan hierbij vervallen omdat dit in de rechtspraak geen rol speelt. De jurisprudentie gaat bovendien niet uit van toepassing van een begrip 'bewuste roekeloosheid' of 'grove schuld' maar van analyse van het soort fout, waarbij van belang is of de verbintenis inspanning- of resultaatgericht is. De tweede norm, 'ernstige verwijtbaarheid', is afkomstig uit

het vennootschapsrecht: de bestuurdersaansprakelijkheid van Boek 2. De jurisprudentie erover kreeg zware kritiek omdat deze maatstaf geen meerwaarde boven gewone aansprakelijkheid uit onrechtmatige daad van beroepsbeoefenaren biedt. Als alternatief wordt hier het criterium voor professionele dienstverleners bepleit: het voldoen aan hetgeen van een bekwame, redelijk handelende arbiter verwacht mag worden. Een risico dat verzekeraar is. De Hoge Raad bracht ook een grens aan met begrippen als 'bedrijfsfouten' en 'processuele of inhoudelijke fouten'. Op een kritische bespreking volgt een inventarisatie van mogelijke fouten van arbiters, met onderscheid tussen een verkeerde (wrong) beslissing en een foute (bad) beslissing. Verder wordt aandacht gegeven aan de werking van artikel 6 EVRM (fair trial) op dit gebied, de EHRM-jurisprudentie sinds Ruiz Torija/Spanje (1994), evenals aan de Unierechtelijke context. De Hoge Raad miskende het Köbler-arrest (2003) en recentere rechtspraak Hof van Justitie EU, zoals Traghetti (2006) en Tomášová (2016).
J.v.Dunné (A-9789492766779) september 2019 164 pag. € 24,50

Arbitration Costs - Myths and Realities in Investment Treaty Arbitration

Investment treaty arbitration (sometimes called investor-state dispute settlement or ISDS) has become a flashpoint in the backlash against globalization, with costs becoming an area of core scrutiny. Yet "conventional wisdom" about costs is not necessarily wise. To separate fact from fiction, this book tests claims about investment arbitration and fiscal costs against data so that policy reforms can be informed by scientific evidence. The exercise is critical, as investment treaties grant international arbitrators the power to order states-both rich and poor-to pay potentially millions of dollars to foreign investors when states violate the international law commitments made in the treaties. Meanwhile, the cost to access and defend the arbitration can also climb to millions of dollars. Uses insights drawn from hard data to explore the reality of investment treaty arbitration, identify core demographics and basic information on outcomes, and drill down on the costs of parties' counsel and arbitral tribunals.
S.Franck (OUP- 9780190054434) mei 2019 368 pag. geb. ca. € 112,00

Arbitration World - Jurisdictional and Institutional Comparisons

Practical guide to arbitration law and practice. Enables to assess the comparative benefits and challenges of arbitrating in a wide range of jurisdictions and/or under the auspices of different jurisdictions. Reader-friendly Q+A format allows for easy comparisons of over 70 jurisdictions worldwide. Global Overview outlines key arbitration law concepts, broad trends and widespread practices. Comprehensive coverage of regional arbitral institutions, including ACICA, CIETAC, HKIAC, ICC, ICDR, ICSID, KLRCA, LCIA, NAFTA, SIAC, UNCITRAL, VIAC and WIPO.
K.Nairn (ed.)(S&M-9780414067523) 6^e dr. januari 2019 ca. 1000 pag. geb. ca. € 450,00

the Court of Arbitration for Sport and Its Jurisprudence - an Empirical Inquiry into Lex Sportiva

Takes a close look at the Court of Arbitration for Sport (CAS), challenging existing claims and answering previously unanswered questions, by considering all of its publicly available decisions, both in its entirety as a body of jurisprudence and on a case-by-case level. Also investigates the actors involved in adjudication before the CAS, both the parties that bring disputes before the CAS and the arbitrators that resolve them, and in so doing establish precedents that govern sports generally. Relies upon and relates to the theory of the development of a transnational legal order in sports, the lex sportiva.
J.Lindholm (TMC-AsserPress- 9789462652842) mei 2019 348 pag. geb. € 160,00

the Decision-Making Process of Investor-State Arbitration Tribunals

Explores the ways in which arbitral tribunals interpret the law in investor-state disputes. Examines the emergence of a specialised way of decision-making adapted to the characteristics and needs of investment arbitration. In the course of a single investor-state dispute, an arbitrator may make numerous decisions, from interpreting the treaty or national laws to taking into account case law, customs and policies. In practice, this process raises important issues regarding the consistency of arbitral awards and the predictability and legitimacy of the arbitral decision-making process. Particularly examines the way tribunals reason their awards making reference to treaties, precedent, policies, general principles of law and customary law in their decision-making process.
M.Mitsi (KL-9789041196002) januari 2019 336 pag. geb. € 218,00

the European Convention on International Arbitration - A Commentary

The European Convention on International Commercial Arbitration provides a comprehensive overview of the provisions of the European Convention on International Commercial Arbitration ("ECICA" or the "Convention") concluded on 21 April 1961, in Geneva and certain related topics of international commercial arbitration for a better understanding of the relevance of some of these provisions. This is the first comprehensive overview in English of the Convention's provisions, annexes, subsequent agreements and relevant case law and scholarship. In contrast to the other major international commercial arbitration body of rules—the New York Convention—the ECICA goes beyond enforcement and recognition of awards and codifies standards of conduct and procedure. These innovative provisions are discussed in depth. Providing a practical and academic commentary to every article of the Convention, this book will also report on all the case law on the European Convention.

G. Zeiler e.a. (ed.) (KL-9789041185907) januari 2019 ca. 450 pag. geb. ca. € 145,00

Going Dutch -ADR in Nederland, in het bijzonder bij het NAI (Onderneming & Recht 113)

Totaaloverzicht van wat Nederland en in het bijzonder het Nederlands Arbitrage Instituut (NAI) te bieden heeft op het gebied van alternatieve geschilbeslechting (ADR). Onder ADR wordt hier begrepen arbitrage, mediation en bindend advies. vVlgt de ADR-procedure en schenkt hierbij aandacht aan diverse kwesties die zich gedurende deze procedure kunnen voordoen. Besteedt ruime aandacht aan recente ontwikkelingen: doorontwikkeling van zakelijke mediation en recente initiatieven op ADR-gebied, zoals het Court of Arbitration for Art en Geschilleninstantie Zorgcontractering en het Netherlands Commercial Court en zijn verhouding met de arbitrage.

C. Klaassen e.a. (red.) (K-9789013154498) juni 2019 892 pag. geb. € 115,00

a Guide to the IBA Rules on the Taking of Evidence in International Arbitration

The IBA Rules on the Taking of Evidence in International Arbitration are used in the majority of international arbitration cases, regardless of the administering institution or the legal background of the parties. The updated Rules were adopted in 2010 and provide mechanisms for the presentation of documents, witnesses of fact, expert witnesses, inspections, and the conduct of evidentiary hearings. They are widely accepted by the arbitration community and have become an international applicable standard. Provides a comprehensive, article-by-article commentary on the Rules, pulling together in one volume an in-depth analysis of the relevant case law, reports of the IBA working groups, academic authorities, and the authors' own practical experience. Offers practical guidance on issues that frequently arise in practice. Also analyzes how the Rules work in tandem with other applicable provisions, such as the UNCITRAL Model Law, and includes practical templates and checklists.

R. Khodykin, C. Mulcahy (OUP-9780198818342) oktober 2019 624 pag. geb. ca. € 208,00

a Guide to the ICDR International Arbitration Rules

The International Centre for Dispute Resolution (ICDR) is the international division of the American Arbitration Association (AAA). Given that in excess of 600 arbitrations are now administered every year under the ICDR Rules, this article-by-article commentary on the International Centre for Dispute Resolution (ICDR) Rules is a comprehensive reference work. The second edition is fully revised and updated. The ICDR International Arbitration Rules are structured in accordance with the typical life-cycle of an international arbitration. The book follows this thematic structure, providing ample cross-referencing to assist in understanding the relationship between the various rules and genuine issues likely to be encountered during an arbitration. The commentary embraces each of the Articles in their entirety, as well as the Expedited Procedure Articles, and includes discussion of how each provision compares to analogous rules of other major arbitral institutions.

M. Gusy, J. Hosking (OUP-9780198 729020) 2^e dr. maart 2019 512 pag. geb. ca. € 145,00

International Arbitration - A Practical Guide

International arbitration has become the preferred dispute resolution method, as companies and individuals increasingly favour a neutral international tribunal over foreign domestic courts. This second edition provides an update to take into account the rule changes that have been adopted by arbitral institutions in the six years since the first edition was published, and to include up-to-date guidance on topical issues such as: third party funding in international arbitration; the increase in the number of multi-party arbitrations; procedural trends including the adoption of expedited timetables and guidance around the use of tribunal secretaries; and issues of ethics applicable to counsel and tribunals in cross-border disputes.

S. Dutson e.a. (GlobeLaw-9781787421608) 2^e dr. januari 2019 298 pag. geb. ca. € 170,00

International Commercial Arbitration and Mediation in UNCITRAL Model Law Jurisdictions

Remains the only book that provides a complete overview of all the adopting jurisdictions, highlighting the details and comparison charts of the 111 jurisdictions that have to date adopted the Model Laws (including the thirty-one new jurisdictions since the last edition) with a description of the legislation in these jurisdictions counterbalanced by court rulings to demonstrate how matters are dealt with in everyday practice. The popular adoption chart matrix unique to this book has been further enhanced and updated. Featuring the first full commentary on the newly released 2018 UNCITRAL Model Law on International Commercial Mediation (including its revolutionary regime for the enforcement of settlement agreements reached by means of mediation) and an update of all arbitration case law on UNCITRAL texts (CLOUT) to date, this fourth edition provides explicit expert guidance on such matters as the following: overview of each Model-Law-enacting jurisdiction; provisions in a particular national Model Law enactment to be watched out for; how a specific issue dealt with in a Model-Law-enacting jurisdiction has been handled by local courts; and which jurisdictions can be safely recommended in arbitration or mediation clauses in international commercial agreements.

P.Binder (KL-9789041168924) 4^e dr. april 2019 1120 pag. geb. ca. € 320,00

New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards a Commentary

The New York Convention is the most successful (and most important) treaty in the field of international trade law. This commentary provides a comprehensive in-depth discussion of the Convention's sixteen articles while outlining and contributing the expert opinions of the authors to the contemporary global discourse surrounding each. The second edition brings the treatise up to date and reflects the most recent developments. In a world characterised on the one hand by globalised trade and commerce, and on the other by deteriorating judicial services, arbitration has become the dispute resolution mechanism of choice in cross-border commercial transactions. International arbitration not only paves the way for parties to avoid state courts, it also facilitates the transnational enforceability of awards that are far more effective than the enforceability of state court judgments. The major instrument is the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) of 10 June 1958, which entered into force one year after. Since then the New York Convention has been ratified by 144 states, including all the important trading nations. For good reason the New York Convention is labelled the Magna Carta of international arbitration. The courts of any contracting state are required "to give effect to an agreement to arbitrate when seized of an action in a matter covered by an arbitration agreement and also to recognize and enforce awards made in other States, subject to specific limited exceptions" (UNCITRAL).

R.Wolff (ed.)(Beck-9783406714450) 2^e dr. november 2019 751 pag. geb. ca. € 242,00

Practitioner's Handbook on International Commercial Arbitration

Provides reports on the arbitration systems and laws of 13 countries in addition to commentaries on the arbitration rules of ICC, ICDR, LCIA, and UNCITRAL Arbitration Rules as well as on the UNCITRAL Model Law and the New York Convention. This comprehensive overview of the key arbitral jurisdictions and the most important arbitral rules and conventions makes it a unique and indispensable work that belongs on the desk of each practitioner.

F.Weigand,A.Baumann (OUP-9780198784807) 3^e dr. april 2019 2048 pag.geb. ca. € 410,00

Rules of Evidence in International Arbitration - an Annotated Guide

Fully updated second edition of this invaluable reference for lawyers, arbitrators and in-house counsel involved in cross-border dispute resolution. Drawing on current case law, looks at the common issues brought up by the evidentiary procedure in international arbitration. Features include: international scope, which will inform readers from around the World; focus on evidentiary procedure, with extensive case-based commentary and examples; extensive annotations, which allows to locate key precedents for use in practice. Provides essential insight into best practice for practitioners of international arbitration to fuller understanding of accepted solutions to difficult procedural issues, as well as the fundamental due process considerations of the use of evidence in international arbitration.

N.O'Malley (INFORMA-978 1138674738) 2^e dr. februari 2019 398 pag. geb. ca. € 350,00

60 Years of the New York Convention - Key Issues and Future Challenges

aAddresses a wide range of legal issues related to the application of the New York Convention in the context of international commercial arbitration and international investment arbitration.

Provides a fully updated analysis of the Convention's application from international, comparative, and national perspectives. Among the issues and topics covered are the following: Multi-tiered dispute resolution clauses; Applicability of the UN Convention on the Use of Electronic Communications in International Contracts; Complexities of enforcing orders determined by software; Enforcement of annulled awards; European Union law and the New York Convention; Enforcing awards against States and State entities; Sovereign immunity as a ground to refuse compliance with investor-State awards; Enforcement against non-signatories; Public policy exception; Arbitrating and enforcing foreign awards in specific countries and regions, including China, sub-Saharan Africa, and the ASEAN countries.

K.Fach Gomez e.a. (KluwerLaw- 9789403501550) april 2019 576 pag. geb. € 207,00

Verschenen in 2018:

Arbitrage –beknopte inleiding

Arbitrageprocedures worden gekenmerkt door vrijheid van de partijen bij keuze van de arbiters en bij vaststelling van de regels van de procedure. De wet voorziet in uitvoerbaarheid van in arbitrage gewezen vonnissen. De Hoge Raad heeft geoordeeld dat een algemeen belang bestaat bij een goed functionerende arbitrale rechtspleging. De wetgever heeft het belang van arbitrage erkend door in 1986 de uit 1838 stammende arbitragewet door een moderne wet te vervangen, die per 1-1-2015 gewijzigd is. Beschrijft aan de hand van jurisprudentie, literatuur en wetsgeschiedenis de belangrijkste aspecten zoals wijze waarop geschillen aan arbitrage kunnen worden onderworpen en aan bevoegdheid van de rechter kunnen worden onttrokken; bevoegdheidsafbakening tussen arbiters en de rechter; arbitraal kort geding; wijze waarop de rechter in arbitrage assistentie kan verlenen; rechtsmiddelen die tegen arbitrale vonnissen kunnen worden ingesteld; uitvoerbaarheid van arbitrale vonnissen.

H.Biesheuvel,J.Bitter (S-9789012401203) december 2018 200 pag. € 45,00

Ars Aequi Wetseditie - Arbitration - 2018

This collection of laws and regulations aims to bring together the most relevant national and international laws and regulations in the field of arbitration, including the most recent arbitration rules. All texts are current as of July 2018. This edition has been extended to include a broad selection of international arbitration rules and aims to provide a basis for the comparative study of arbitration law. For the purpose of legal education in English, the present edition also includes English translations of the relevant Dutch laws and regulations.

K.Krzeminski,M.Vink (ed.)(A-9789492766380) 4^e dr. september 2018 578 pag. € 49,50

Attribution in International Investment Law

First in-depth book on attribution in international investment law analysing the treatment of attribution in applicable legal instruments and investment arbitration jurisprudence worldwide. The term 'attribution' refers to the means by which it is ascertained whether the State is involved in a dispute governed by international law. The notion of attribution is primarily used to determine if the State is responsible for the wrongful conduct of persons or entities with links to the State. In the context of international investment law, the exponentially growing arbitration jurisprudence arising from international investment agreements, especially bilateral investment treaties, reflects the extent and risk of attribution determined in investment relationships that often involve State enterprises. Provides an extensive review of the application of special or customary rules of attribution for the purposes of State responsibility in investor-State disputes. The analysis responds to such questions as the following: When is a conduct attributable to the State for the purposes of its responsibility under international investment law? What legal instruments govern the question of attribution under international investment law? In what circumstances is the State the proper party to a contract entered into by a State-owned enterprise with an investor protected by an investment treaty? How can State policymakers minimise their international legal responsibility within the existing framework of attribution in international investment law? How can investors maximise their protection within the existing framework of attribution in international investment law?

C.Kovács (Kluwer Law-9789041196750) augustus 2018 pag. € 212,00

BELGISCH RECHT

CDR in België - Buitengerechtelijke beslechting en oplossing van consumentengeschillen

Omdat de meeste consumentengeschillen betrekking hebben op kleine bedragen, is een individueel beroep op de overheidsrechter in de meeste gevallen geen optie. Een manier om consumentengeschillen af te wikkelen, is CDR (Consumer Dispute Resolution) of de buitengerechtelijke beslechting en oplossing van consumentengeschillen. CDR maakt gebruik van de traditionele ADR-technieken (Alternative Dispute Resolution) – verzoening, bemiddeling en arbitrage – maar binnen een context die volledig te onderscheiden, en af te scheiden, is van rechtbanken en hoven. De modellen zijn legio: arbitrage, quasiarbitrage, gereguleerde arbitrage, verzoenings- en bemiddelingscommissies, publieke, private en gemengde ombudsdiensten (al dan niet gereguleerd), klachtendiensten binnen publieke toezichthouders..
S.Voet (red.) (DieKeure-9789048633777) december 2018 238 pag. € 75,00

Handbook of ICC Arbitration : Commentary, Precedents, Materials

Provides article-by-article commentary on the 2017 ICC Rules of Arbitration, incorporating discussion of ICC Notes and developments in case law and soft law. Chapters guide through the arbitral process, from commencement, to the arbitral tribunal, arbitral proceedings, and awards and costs. Examines the diverse issues that can occur during an arbitration, from appointment and challenge of arbitrators, case management conferences, issues of due process and hearings, admissibility and weight of evidence, and annulment and enforcement of awards. Contains a useful selection of models, notes, checklists and examples.

T.Webster,M.Buhler(S7M-9780414063990) 4^e dr.november 2018 ca.900 pag.geb. ca. € 270,00

Introduction to Investor – State Arbitration

Today thousands of investors act globally in markets providing services, technology or capital in countries all around the world. This activity can be peacefully accomplished when both the investor and the host State know that the disputes will be resolved under the aegis of the investor-State arbitration regime, wherein an investor is provided with a direct right of action against a State, most commonly stemming from a bilateral investment treaty or a multilateral treaty such as the Energy Charter Treaty and the North American Free Trade Agreement, as well as public contracts. Address such issues as the following: consent to jurisdiction; State responsibility; possible conflict of interests; mechanisms for reviewing an award; damages and costs; and enforcement. Examines a number of arbitration procedures arising from various perspectives with differing underlying assumptions highlighting special distinguishing features of investor-State arbitration disputes, including the notion of investment, nationality, consent to jurisdiction, State responsibility and damages.

Y.Derains,J.Sicard-Mirabal (KL-9789041184009) november 2018 ca. 350 pag. geb. € 160,00

Nederlands Arbitragerecht

De enige uitgave die uitvoerig en grondig gedocumenteerd commentaar levert op het actuele Nederlands arbitragerecht. Deze uitgave verschijnt ook in de Groene Serie maar dan zonder aangepaste registers. Biedt meer dan ooit een internationaal perspectief. Dit is extra relevant in het licht van de toenemende beïnvloeding van de Nederlandse arbitragepraktijk van buitenaf en de transnationale regelgeving. De ingrijpende herziening van Nederlands arbitragerecht met ingang van 1 januari 2015 noopte uiteraard tot een nieuwe druk. *Nu eindelijk op komst.*

H.Snijders (K-9789013132281) 5^e druk september 2018 460 pag. geb. € 115,00

Verschenen in 2017:

Arbitrage – een beknopte inleiding

Met de inwerkingtreding van de arbitragewet van 1986 (dit is: uitbreiding van het Wetboek van Burgerlijke rechtsvordering met Boek IV) werd een al eeuwenlang uitgeoefende wijze van bemiddeling in het Nederlands recht geformaliseerd en ontstond naast het door de overheid georganiseerde rechtspraak een particulier in te richten alternatief. Werpt zijn licht over tal van zaken die een rol spelen bij arbitrage. De bundel bevat tevens de volledige tekst van titel 4 van het Wetboek van Burgerlijke Rechtsvordering, alsmede de relevante BW-bepalingen.

J.Bitter (S-9789012398770) februari 2017 150 pag. € 45,00

Damages for Breach of the Obligation to Arbitrate - A Comparative Analysis of German, Swiss and English Law with References to European Union Law

Sheds light on the question whether, and under what conditions, a party filing a claim before a state court instead of submitting the dispute to arbitration as agreed upon before in the arbitration agreement would render themselves liable in damages and to what extent. This present study, concerning an increasingly prominent topic in arbitral practice, analyses the legal bases to the availability of damages for breach of the arbitration agreement in Germany, Switzerland and England, giving due regard to the approaches followed by scholars and practitioners as well as in arbitral practice.

L.Thieme (B-9789462367913) december 2017 ca.300 pag. € 45,00

the Fundamentals of International Commercial Arbitration

Written from a comparative perspective, with an eye for international conventions and instruments, this book deals with the particulars of international commercial arbitration. Everything is presented practically and analytically, amongst others drawing on case law different and the experience of the author. Where indicated national arbitration acts as well as various predrafted arbitration rules are compared and differences are highlighted.

*Uitermate handig beknopt praktisch overzicht. Volledige inhoudsopgave op aanvraag.
N.Peters (M-9789046609118) december 2017 278 pag. € 37,50*

International Arbitration of Intellectual Property Disputes – a practitioners guide

Intellectual property (IP) rights are key assets for most international firms, particularly those in the pharmaceutical, technological and entertainment industries. The modern demand for these firms' IP raises important questions as to how best it can be protected in a cross-border context. These questions have spurred an increasing interest in the arbitral process for the resolution of complex multi-jurisdictional disputes. This handbook offers guidance into the world of IP arbitration for practitioners and businesses. It covers topics which are key to understanding the role of arbitration in protecting IP rights, including: the benefits of arbitrating IP disputes, arbitrability of IP-related disputes, the legal framework for arbitrating IP disputes, confidentiality of the arbitration proceedings, considerations for drafting the arbitration agreement, considerations for the conduct of the arbitration proceedings, remedies for IP rights violations, the enforceability of arbitration awards affecting IP rights, the submission of standard-essential patent disputes (FRAND disputes) to arbitration, and IP-related international investment arbitration. The authors are highly regarded lawyers in a leading international law firm. They are specialized in litigation and international arbitration.

P.Chrocziel e.a.(Beck-9783406694219) februari 2017 400 pag.geb. ca. € 190,00

Verschenen in 2016:

International Arbitration And Forum Selection Agreements. Drafting And Enforcing

Concise, practical primer on the fundamentals of drafting and enforcing international arbitration agreements and other dispute resolution clauses. Key Features Include: Discussion of practical reasons for international arbitration and forum selection clauses, Uncomplicated and concise guidance on drafting international arbitration and forum selection clauses, Do's and don't's for drafting, Model international arbitration and forum selection clauses that permit efficient and effective dispute resolution: more than 50 different model provisions, Ad hoc versus institutional arbitration clauses, Overview leading arbitral institutions (including ICC, SIAC, ICDR/AAA, LCIA, HKIAC, PCA, ICSID, WIPO, VIAC, DIS, NAI and CRCICA), Overview of advantages and disadvantages of leading arbitral Seats, Multi-tier dispute resolution provisions, Optional provisions for international arbitration and forum selection clauses (including arbitrator selection, arbitral procedure, costs of arbitration, provisional measures, waiver of annulment and currency of award), Discussion of pathological arbitration clauses and commonly-encountered defects. And covers: Updated extensively to address developments through June 2016, Key reference materials in easy-to-use appendices.

G.Born (K-9789041183880) 5^e dr.november 2016 344 pag. € 89,00

International Investment Arbitration. A Practical Handbook

Investment Arbitration is a multi-billion dollar venture. It is an area of international dispute resolution, which has undergone tremendous growth in recent years and resulted in the signature of thousands of Bilateral Investment Treaties (BITs) between foreign states and several Multilateral Investment Treaties (MITs). Numerous disputes involving these

instruments are resolved through international arbitration. Arbitral tribunals have rendered many awards ordering the payment of large sums of money. This handbook provides an explanatory introduction into the area of investment arbitration, differentiating it from commercial arbitration and state-to-state arbitration. It examines the legal framework and the general course of an international investment arbitration. In particular, it focuses on the standards of protection in international investment agreements, the concept of jurisdiction in international investment arbitration and the arbitral award, including the notions of recognition, enforcement and execution. Moreover, this cutting-edge publication contains relevant and recent case law in the area and deals with contemporaneous issues such as the ongoing controversy regarding the future of Intra-EU BITs and Free Trade Agreements as well as the link between vulture funds and investment arbitration.
J. Billiet (M-9789046607961) mei 2016 496 pag. € 85,00

Party-Appointed Arbitrators In International Commercial Arbitration

Presents a detailed examination, long overdue, of how the agreement of disputing parties to each make a unilateral agreed-upon appointment of an arbitrator affects the actual process of arbitration. The topic of unilateral nominations itself is of general interest to everyone in the arbitration community. Three-member arbitral tribunals with two party-appointed arbitrators are the most frequent tribunals in international arbitration and, therefore, virtually all arbitration practitioners are often confronted with questions about the system of unilateral nominations. This book takes a step forward by offering a comprehensive study of the system of party-appointed arbitrators in international commercial arbitration. The study takes a three-pronged approach: historical analysis of unilateral nominations, a theoretical critical assessment of how the system of unilateral nominations currently works and a comparative empirical study of challenges of arbitrators depending on the method of appointment.
A. Gomés-Acebo (K-9789041166715) mei 2016 220 pag. geb. € 170,00
VOLLEDIGE INHOUDSOPGAVE OP AANVRAAG

Verschenen in 2015:

Arbitrabiliteit van Vennoetschappelijke Besluiten

Vennoetschappelijke besluiten – beslissingen genomen door organen van een N.V. of B.V., zoals het bestuur, de raad van commissarissen of de algemene vergadering van aandeelhouders – kunnen niet in een arbitrageprocedure worden vernietigd. Dat bepaalde de Hoge Raad in het arrest Groenselect (2006). Deze uitspraak is vanwege het starre karakter en de summiere motivering kritisch ontvangen. Mogelijk is deze uitspraak achterhaald sinds de Wet op de flex-B.V. en de nieuwe arbitragewet (2015). Hier wordt onderzocht of de aantasting van de geldigheid van vennoetschappelijke besluiten in arbitrage toch mogelijk moet zijn. Hij gaat in op het gebruik van arbitrage, de wijze waarop partijen zich aan arbitrage kunnen onderwerpen en de voor- en nadelen van een arbitrageprocedure. Vervolgens komt de 'arbitrabiliteit' (de vatbaarheid voor arbitrage) aan de orde: wanneer is een geschil arbitrabel en hoe geven de rechtspraktijk en rechtspraak invulling aan wettelijke bepalingen. Besproken wordt welke vennoetschapsrechtelijke geschillen naar het geldende recht arbitrabel zijn en welke niet, en daarbij wordt uitgebreid ingegaan op het Groenselect-arrest. Daarna wordt de wenselijkheid van arbitrage behandeld, tegen de achtergrond van het vestigingsklimaat van Nederland en de inrichtingsvrijheid van vennoetschappen.
A.v. Essen (C-9789088631764) december 2015 ca. 114 pag. € 27,50

Arbitragerecht – op de scheidslijn van oud naar nieuw ?

Op 31 mei 2013 vond in Amsterdam de voorjaarsvergadering van de Nederlandse Vereniging voor Procesrecht (NVvP) plaats. Het onderwerp van deze vergadering was 'Arbitragerecht, op de scheidslijn van oud naar nieuw'. Als inleiders traden op: prof. mr. H.J. Snijders, hoogleraar Burgerlijk Recht en Burgerlijk Procesrecht aan de Universiteit Leiden, mr. W.H. van Baren, advocaat te Amsterdam en lid (voorzitter) van het bestuur van het Nederlandse Arbitrage Instituut (NAI), prof. mr. G.J. Meijer, advocaat te Rotterdam en hoogleraar Arbitration & Dispute Resolution aan de Erasmus School of Law te Rotterdam. Deze vergadering in mei 2013 stond in het teken van het inmiddels – per 1 januari 2015 – in werking getreden nieuwe arbitragerecht. Voor dit deel in de serie van uitgaven van de NVvP is daarom voor een afwijkende formule gekozen. Professor Snijders en professor Meijer voorzien in deze uitgave de arbitragewetgeving zoals die inmiddels zijn beslag heeft gekregen van commentaar

H.Snijders, G.Meijer (B-9789462901179) november 2015 96 pag. € 24,50

Arbitragereglement Raad van Arbitrage voor de Bouw per 1 januari 2015

Door de ingrijpende vernieuwing van boek 4 Brv, dat de regels bevat voor een arbitrageprocedure, was een nieuw arbitragereglement RvA noodzakelijk.

RvA januari 2015 19 pag. TEKST GRATIS OP PDF LEVERBAAR OP AANVRAAG

Arbitration 2015

This collection of laws and regulations aims to bring together the most relevant national and international laws and regulations in the field of arbitration. The original selection of the first edition of this book was made by the distinguished prof. dr. P. Sanders, who sadly passed away in 2012. This edition includes the most recent arbitration rules. All texts are current as at May 2015. This new edition has been extended to include a broad selection of international arbitration rules and aims to provide a basis for comparative study of arbitration law. For the purpose of legal education in English, the present edition also includes English translations of the relevant Dutch law and regulations. The English translation of the new Dutch Arbitration Act has been prepared and made available by the Netherlands Arbitration Institute (NAI).

K.Krzeminski, P.Sanders (ed.) (A-9789069166094) juni 2015 576 pag. € 39,50

Nederlands Arbitragerecht

Verschaft arbiters, secretarissen van scheidsgerechten, advocaten en andere rechtshulpverleners in arbitrageprocedures een artikelsgewijze handleiding voor het Nederlands arbitragerecht. De tekst omt zakelijk overeen met die van het commentaar op boek IV Rv in de losbladige en elektronische editie Burgerlijke Rechtsvordering.

H.Snijders (K-9789013132281) 5^e dr. november 2015 ca. 460 pag. ca. € 115,00

Redfern & Hunter on International Arbitration *Hét internationaal standaardwerk !*

Authoritative guide to the international arbitral process, from the drafting of the arbitration agreement to the enforcement of arbitral awards. The sixth edition has been updated to incorporate reference to the latest significant developments in the field such as the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines. There will also be an increased reference to international arbitral authority and practice from beyond Europe (China, India, and the US). Following the chronology of an arbitration, the book covers applicable laws, arbitration agreements, the establishment and powers of a tribunal, the conduct of proceedings and the role of domestic courts. In addition, it provides an in-depth examination of the award itself, and comments on the special considerations applying to arbitrations brought under investment treaties. It draws on examples of the rules and practice of arbitration at the International Chamber of Commerce, the London Court of International Arbitration, the American Arbitration Association, the International Centre for Settlement of Investment Disputes and the United Nations Commission on International Trade Law.

N.Blackaby (OUP-9780198714248) 6e dr. november 2015 860 pag. geb. ca. € 290,00

Verschenen in 2014

het Arbitragebeding in Algemene Voorwaarden

Met grote regelmaat wordt een arbitragebeding in algemene voorwaarden opgenomen. Middels zo'n beding doen partijen afstand van het recht om een geschil aan de rechter voor te leggen en bepalen dat geschillen uitsluitend worden onderworpen aan arbitrage. Een arbitragebeding is niet onomstreden. In Europese rechtspraak kan een beding niet als onredelijk bezwarend worden aangemerkt in de zin van artikel 6:233 sub a BW, met als gevolg dat het beding vernietigbaar is. De rechtspraak is echter niet consistent. Beschrijft de voor- en nadelen van arbitrage (in business-to-consumer verhoudingen), schetst het wettelijke kader ervan en de rechtsgevolgen indien een beding in de algemene voorwaarden als onredelijk bezwarend wordt aangemerkt. Onderzoekt de criteria die in de Unierechtspraak worden gehanteerd (alsmede richtlijnconforme interpretatie van en verplichte ambtshalve toetsing aan de Richtlijn oneerlijke bedingen) en op welke manier aan deze criteria toepassing wordt gegeven in de nationale rechtspraak. Kern : wanneer en in hoeverre moeten arbitragebedingen als onredelijk bezwarend worden aangemerkt ? Een bekroonde scriptie !!

H.v.Ginkel (9789088631276) december 2013

84 pag. € 25,00

Beroepsvaardigheden & Interventietechnieken van de Mediator (Mediationreeks 2)

Beschrijft de meest in aanmerking komende interventietechnieken voor de mediator met aandacht voor de psychologische achtergronden van de verschillende interventietechnieken en aan de persoon van de mediator als interventie-ondersteuner. Plaatst de interventietechnieken binnen het ruimere kader van de interventiekunde, zoals de systeemgerichte gezinsbehandeling, de oplossingsgerichte gesprekstherapie, coaching en organisatieontwikkeling. De auteur heeft het beoordelingsinstrument ontwikkeld om de beroepsvaardigheden van de mediator vast te stellen in het kader van certificeringprocedure van het NMI. Behandelt hier dit instrument en kan dienen ter ondersteuning bij voorbereiding van assessment bij de persoonscertificering.
H.Prein (9789012393911) 5^e dr. oktober 2014 *204 pag. € 36,50*

Parlementaire Geschiedenis Arbitragewet 2014 (Parlementaire Geschiedenis NBW)

Deze uitgave bestaat uit drie delen. In Deel I is de parlementaire geschiedenis van de Wet van 2 juni 2014 tot wijziging van Boek 3, Boek 6 en Boek 10 van het Burgerlijk Wetboek en het Vierde Boek van het Wetboek van Burgerlijke Rechtsvordering in verband met de modernisering van het Arbitragerecht (Stb. 2014, 200) artikelsgewijs opgenomen. In deel II zijn opgenomen de Voorstellen zoals die door Prof. mr. Albert Jan van den Berg in 2006 zijn aangeboden aan de Minister van Justitie. Deze voorstellen, zo is gebleken, zijn van grote invloed geweest op de uiteindelijke inhoud van de Arbitragewet 2015. Ten slotte is in deel III opgenomen de Arbitragewet 1986 (zoals die tussentijds nog eens is gewijzigd in 2004). Van deze wet bestond tot dusverre geen uitgave van alle parlementaire stukken, terwijl daaraan - zo blijkt herhaaldelijk in de dagelijkse procespraktijk - grote behoefte bestaat en ook na 1 januari 2015 zal blijven bestaan, met het oog op arbitrale procedures waarop krachtens het Overgangsrecht het oude arbitragerecht van toepassing is.
K.Krezeminski e.a. (red.) (9789013127331) begin december 2014 *800 pag. geb. € 129,00*

Voortleven. Het Hoe en Waarom van Nalatenschapsarbitrage

Hoe voorkom je dat er problemen ontstaan voor of na het overlijden van een dierbare en hoe zorg je ervoor dat je familie in evenwicht blijft? In mediation staat de preventie en resolutie van conflicten centraal. Nalatenschapsmediation integreert deze thematiek, maar gaat verder. Er is meer aandacht voor de dialoog over het conflict tussen het ik en de ander(en) als ook tussen het ik, het voortleven en nabestaan in de context van de familie. Familieverhoudingen kunnen ons leven beheersen en leiden tot heftige emoties. Gevolg hiervan kan zijn dat familieleden communicatie hierover vermijden, inadequate overlevingsstrategieën ontwikkelen met conflicten, nodeloos verlies en angsten als gevolg. Hier wordt duidelijk gemaakt hoe nalatenschapsmediators familieleden kunnen begeleiden en helpen onbekende wegen te ontdekken en bestaande te verlengen. Onderscheid tussen ante mortem en post mortem nalatenschapsmediation (pre- en postnalatenschapsmediation). De dynamiek tussen deze twee vormen is verschillend. Bij de eerste vorm staat conflictpreventie centraal. De tweede vorm richt zich meer op conflictresolutie.
A.v.Riemsdijk (9789046607145) december 2014 *231 pag. € 38,00*