



European Convention providing a Uniform Law on Arbitration

Strasbourg, 20.I.1966

Annex I – Uniform Law

Article 1

Any dispute which has arisen or may arise out of a specific legal relationship and in respect of which it is permissible to compromise may be the subject of an arbitration agreement.

Article 2

- 1 An arbitration agreement shall be constituted by an instrument in writing signed by the parties or by other documents binding on the parties and showing their intention to have recourse to arbitration.
- 2 If, in an arbitration agreement, the parties have referred to a particular arbitration procedure, that procedure shall be deemed to be included in the agreement.

Article 3

An arbitration agreement shall not be valid if it gives one of the parties thereto a privileged position with regard to the appointment of the arbitrator or arbitrators.

Article 4

- 1 The judicial authority seized of a dispute which is the subject of an arbitration agreement shall, at the request of either party, declare that it has no jurisdiction, unless, in so far as concerns the dispute, the agreement is not valid or has terminated.
- 2 An application to the judicial authority for preservation or interim measures shall not be incompatible with an arbitration agreement and shall not imply a renunciation of the agreement.

Article 5

- 1 The arbitral tribunal shall be composed of an uneven number of arbitrators. There may be a sole arbitrator.
- 2 If the arbitration agreement provides for an even number of arbitrators an additional arbitrator shall be appointed.
- 3 If the parties have not settled the number of arbitrators in the arbitration agreement and do not agree on the number, the arbitral tribunal shall be composed of three arbitrators.

Article 6

The parties may, either in the arbitration agreement or subsequently thereto, appoint the sole arbitrator or the arbitrators or entrust the appointment to a third person. If the parties have not appointed the arbitrators and have not agreed on a method of appointment, each party shall, when the dispute arises, appoint an arbitrator or an equal number of arbitrators, as the case may be.

Article 7

- 1 The party who intends bringing a dispute before an arbitral tribunal shall give notice to the other party. The notice shall refer to the arbitration agreement and specify the subject matter of the dispute, unless the arbitration agreement already does so.
- 2 If there is more than one arbitrator, and if the parties are entitled to appoint them, the notice shall specify the arbitrator or arbitrators appointed by the party invoking the arbitration agreement; the other party shall be invited, in the notice, to appoint the arbitrator or arbitrators whom he is entitled to appoint.
- 3 If a third person has been entrusted with the appointment of a sole arbitrator or of arbitrators and has not done so, he also shall be given notice in accordance with paragraph 1 and invited to make the appointment.
- 4 The appointment of an arbitrator may not be withdrawn after notification of the appointment.

Article 8

- 1 If the party or third person to whom notice has been given in accordance with Article 7 has not, within a period of one month from the notice, appointed the arbitrator or arbitrators whom the party or third person is entitled to appoint, the judicial authority shall make the nomination at the request of either party.
- 2 If the parties have agreed that there shall be a sole arbitrator and they have not appointed him by mutual consent within a period of one month from the notice under Article 7, the judicial authority shall make the nomination at the request of either party.

Article 9

- 1 Where the arbitrators appointed or nominated in accordance with the foregoing provisions are even in number, they shall nominate another arbitrator to be president of the arbitral tribunal. If they do not agree and if the parties have not provided otherwise, the judicial authority shall make the necessary nomination at the request of either party. The judicial authority may be seized after the expiration of a period of one month from the acceptance of his office by the last arbitrator or as soon as the failure to agree is established.
- 2 Where the arbitrators appointed are uneven in number they shall nominate one of themselves to be president of the arbitral tribunal, unless the parties have agreed on another method of appointment. If the arbitrators do not agree, the judicial authority seized under paragraph 1 shall make the necessary nomination.

Article 10

- 1 If an arbitrator dies or cannot for a reason of law or of fact perform his office, or if he refuses to accept it or does not carry it out, or if his office is terminated by mutual agreement of the parties, he shall be replaced in accordance with the rules governing his appointment or nomination. However, if the arbitrator or arbitrators are named in the arbitration agreement, the agreement shall terminate *ipso jure*.

- 2 A disagreement arising out of any case envisaged in paragraph 1 shall be brought before the judicial authority on the application of one of the parties. If the judicial authority decides that there are grounds for replacing the arbitrator, it shall nominate his successor, taking into account the intention of the parties, as appearing from the arbitration agreement.
- 3 The parties may derogate from the provisions of this article.

Article 11

Unless the parties have agreed otherwise, neither the arbitration agreement nor the office of arbitrator shall be terminated by the death of one of the parties.

Article 12

- 1 Arbitrators may be challenged on the same grounds as judges.
- 2 A party may not challenge an arbitrator appointed by him except on a ground of which the party becomes aware after the appointment.

Article 13

- 1 The challenge shall, as soon as the challenger becomes aware of the ground of challenge, be brought to the notice of the arbitrators and, where applicable, of the third person who has, in pursuance of the arbitration agreement, appointed the arbitrator challenged. The arbitrators shall thereupon suspend further proceedings.
- 2 If, within a period of ten days of the notice of the challenge being given to him, the arbitrator challenged has not resigned, the arbitral tribunal shall so notify the challenger. The challenger shall, on pain of being barred, bring the matter before the judicial authority within a period of ten days from receiving such notification. Otherwise, the proceedings before the arbitrators shall be resumed *ipso jure*.
- 3 If the arbitrator resigns or if the challenge is upheld by the judicial authority, the arbitrator shall be replaced in accordance with the rules governing his appointment or nomination. However, if he has been named in the arbitration agreement, the agreement shall terminate *ipso jure*. The parties may derogate from the provisions of this paragraph.

Article 14

- 1 The parties may in the arbitration agreement exclude certain categories of persons from being arbitrators.
- 2 If such an exclusion has been disregarded with respect to the composition of the arbitral tribunal, the irregularity shall be invoked in accordance with the provisions of Article 13.

Article 15

- 1 Without prejudice to the provisions of Article 16, the parties may decide on the rules of the arbitral procedure and on the place of arbitration. If the parties do not indicate their intention before the first arbitrator has accepted his office, the decision shall be a matter for the arbitrators.
- 2 The president of the arbitral tribunal shall regulate the hearings and conduct the proceedings.

Article 16

- 1 The arbitral tribunal shall give each party an opportunity of substantiating his claims and of presenting his case.
- 2 The arbitral tribunal shall make an award after oral proceedings. The parties may validly be summoned by registered letter, unless they have agreed upon any other method of summons. The parties may appear in person.
- 3 The procedure shall be in writing where the parties have so provided or in so far as they have waived oral proceedings.
- 4 Each party shall have the right to be represented by an advocate or by a duly accredited representative. Each party may be assisted by any person of his choice.

Article 17

If, without legitimate cause, a party properly summoned does not appear or does not present his case within the period fixed, the arbitral tribunal may, unless the other party requests an adjournment, investigate the matter in dispute and make an award.

Article 18

- 1 The arbitral tribunal may rule in respect of its own jurisdiction and, for this purpose, may examine the validity of the arbitration agreement.
- 2 A ruling that the contract is invalid shall not entail *ipso jure* the nullity of the arbitration agreement contained in it.
- 3 The arbitral tribunal's ruling that it has jurisdiction may not be contested before the judicial authority except at the same time as the award on the main issue and by the same procedure. The judicial authority may at the request of one of the parties decide whether a ruling that the arbitral tribunal has no jurisdiction is well founded.
- 4 The appointment of an arbitrator by a party shall not deprive that party of his rights to challenge the jurisdiction of the arbitral tribunal.

Article 19

- 1 The parties may, up to the time of acceptance of office by the first arbitrator, settle the period within which the award is to be made or provide for a method according to which the period is to be settled.
- 2 If the parties have not prescribed a period or a method of prescribing a period, if the arbitral tribunal delays in making the award and if a period of six months has elapsed from the date on which all the arbitrators accepted office in respect of the dispute submitted to arbitration, the judicial authority may, at the request of one of the parties, stipulate a period for the arbitral tribunal.
- 3 The office of arbitrator shall terminate if the award is not made within the relevant period unless that period is extended by agreement between the parties.
- 4 Where arbitrators are named in the arbitration agreement and the award is not made within the relevant period, the arbitration agreement shall terminate *ipso jure*, unless the parties have agreed otherwise.

Article 20

Except where otherwise stipulated, an arbitral tribunal may make a final award in the form of one or more awards.

Article 21

Except where otherwise stipulated, arbitrators shall make their awards in accordance with the rules of law.

Article 22

- 1 An award shall be made after a deliberation in which all the arbitrators shall take part. The award shall be made by an absolute majority of votes, unless the parties have agreed on another majority.
- 2 The parties may also agree that, when a majority cannot be obtained, the president of the arbitral tribunal shall have a casting vote.
- 3 Except where otherwise stipulated, if the arbitrators are to award a sum of money, and a majority cannot be obtained for any particular sum, the votes for the highest sum shall be counted as votes for the next highest sum until a majority is obtained.
- 4 An award shall be set down in writing and signed by the arbitrators. If one or more of the arbitrators are unable or unwilling to sign, the fact shall be recorded in the award. However, the award shall bear a number of signatures which is at least equal to a majority of the arbitrators.
- 5 An award shall, in addition to the operative part, contain the following particulars:
 - a the names and permanent addresses of the arbitrators;
 - b the names and permanent addresses of the parties;
 - c the subject-matter of the dispute;
 - d the date on which the award was made;
 - e the place of arbitration and the place where the award was made.
- 6 The reasons for an award shall be stated.

Article 23

- 1 The president of the arbitral tribunal shall give notice to each party of the award by sending him a copy thereof, signed in accordance with paragraph 4 of Article 22.
- 2 The president of the arbitral tribunal shall deposit the original of the award with the registry of the court having jurisdiction; he shall inform the parties of the deposit.

Article 24

Unless the award is contrary to *ordre public* or the dispute was not capable of settlement by arbitration, an arbitral award has the authority of *res judicata* when it has been notified in accordance with paragraph 1 of Article 23 and may no longer be contested before arbitrators.

Article 25

- 1 An arbitral award may be contested before a judicial authority only by way of an application to set aside and may be set aside only in the cases mentioned in this article.
- 2 An arbitral award may be set aside:
 - a if it is contrary to *ordre public*;
 - b if the dispute was not capable of settlement by arbitration;
 - c if there is no valid arbitration agreement;
 - d if the arbitral tribunal has exceeded its jurisdiction or its powers;
 - e if the arbitral tribunal has omitted to make an award in respect of one or more points of the dispute and if the points omitted cannot be separated from the points in respect of which an award has been made;
 - f if the award was made by an arbitral tribunal irregularly constituted;
 - g if the parties have not been given an opportunity of substantiating their claims and presenting their case, or if there has been disregard of any other obligatory rule of the arbitral procedure, in so far as such disregard has had an influence on the arbitral award;
 - h if the formalities prescribed in paragraph 4 of Article 22 have not been fulfilled;
 - i if the reasons for the award have not been stated;
 - j if the award contains conflicting provisions.
- 3 An award may also be set aside:
 - a if it was obtained by fraud;
 - b if it is based on evidence that has been declared false by a judicial decision having the force of *res judicata* or on evidence recognised as false;
 - c if, after it was made, there has been discovered a document or other piece of evidence which would have had a decisive influence on the award and which was withheld through the act of the other party.
- 4 A case mentioned in sub-paragraph c, d or f of paragraph 2 shall be deemed not to constitute a ground for setting aside an award where the party availing himself of it had knowledge of it during the arbitration proceedings and did not invoke it at the time.
- 5 Grounds for the challenge and exclusion of arbitrators provided for under Articles 12 and 14 shall not constitute grounds for setting aside within the meaning of paragraph 2.f of this article, even when they become known only after the award is made.

Article 26

If there are grounds for setting aside any part of an award, that part shall be set aside only if it can be separated from the other parts of the award.

Article 27

- 1 The grounds for setting aside an arbitral award shall, on pain of being barred, be put forward by the party concerned in one and the same proceedings, except, however, in the case of a ground for setting aside provided for in paragraph 3 of Article 25 where the ground is not known until later.
- 2 An application to set aside an award shall be admissible only where the award may no longer be contested before arbitrators.

Article 28

- 1 An application to set aside an award, based on one of the grounds provided for in paragraph 2.c to j of Article 25 shall, on pain or being barred, be made within a period of three months from the date on which the award was notified. However, that period shall begin to run only from the date on which the award is no longer capable of contestation before arbitrators.
- 2 The defendant in an application to set aside an award may apply, in the same proceedings, for the award to be set aside, even if the period laid down in paragraph 1 has expired.
- 3 An application to set aside an award, based on one of the grounds provided for in paragraph 3 of Article 25, shall be made within a period of three months from either the date of the discovery of the fraud, document or other piece of evidence, or the date on which the evidence was declared false or recognised as false, provided that a period of five years from the date on which the award was notified in accordance with paragraph 1 of Article 23 has not expired.
- 4 The judicial authority seized of an application to set aside an award shall examine *proprio motu* whether the award is contrary to *ordre public* and whether the dispute was capable of settlement by arbitration.

Article 29

- 1 An arbitral award may be enforced only when it can no longer be contested before arbitrators and when an enforcement formula has been apposed to it by the competent authority on the application of the interested party.
- 2 The competent authority shall refuse the application if the award or its enforcement is contrary to *ordre public* or if the dispute was not capable of settlement by arbitration.
- 3 A decision refusing the application is appealable.

Article 30

- 1 A decision apposing an enforcement formula to an award shall be notified. The decision is appealable within a period of one month from the date on which the decision is notified.
- 2 A party exercising this right of appeal who seeks to secure the setting aside of the award without having previously made application for this shall, on pain of being barred, make his application in the same proceedings and within the period prescribed in paragraph 1. A party who, while not exercising the right of appeal provided for in paragraph 1, seeks to secure the setting aside of an award shall, on pain of being barred, make his application for setting aside within the period prescribed in paragraph 1. The application for setting aside envisaged in the present paragraph shall be admissible only if the period prescribed in Article 28 has not expired.

- 3 The provisions of paragraph 2 of this article shall apply to the grounds for setting aside an award provided for in paragraph 3 of Article 25 only if such grounds were known at the time of notification of the decision apposing the enforcement formula to the award.
- 4 Without prejudice to the provisions of paragraph 4 of Article 25, a party exercising the right of appeal provided for in paragraph 1 of this article may apply for the setting aside of the award if there is no valid arbitration agreement, even if the period prescribed in Article 28 has expired.
- 5 In the case either of an appeal against the decision apposing an enforcement formula to an award or of an application for an award to be set aside, the judicial authority may, at the request of one of the parties, order the enforcement of the award to be stayed.
- 6 A decision apposing an enforcement formula to an award shall be without effect to the extent that the arbitral award has been set aside.

Article 31

- 1 Where, before an arbitral tribunal, a compromise has been entered into between the parties in order to put an end to a dispute of which the tribunal is seized, that compromise may be recorded in an instrument prepared by the arbitral tribunal and signed by the arbitrators as well as by the parties. The instrument shall be subject to the provisions of paragraph 2 of Article 23. The instrument may, on the application of the interested party, have an enforcement formula apposed to it by the competent authority.
- 2 The competent authority shall refuse the application if the compromise or its enforcement is contrary to *ordre public* or if the dispute was not capable of settlement by arbitration.
- 3 The decision of the competent authority is appealable.