

Institutional Arbitration

Article-by-Article Commentary

VON

Rolf A. Schütze, Christian Aschauer, Richard Happ, René-Alexander Hirth, Robert Hunter, Pierre A. Karrer, Thomas R. Klötzel, Sabine Konrad, Susanne Kratzsch, Christoph Liebscher, Michael J. Moser, Tilman Niedermaier, Marie Öhrström, Paolo Michele Patocchi, Andreas Reiner, Sabine Stricker-Kellerer, Ulrich Theune, Roderich C. Thümmel, Alexander Trunk

1. Auflage

[Institutional Arbitration – Schütze / Aschauer / Happ / et al.](#)

schnell und portofrei erhältlich bei beck-shop.de DIE FACHBUCHHANDLUNG

Thematische Gliederung:

[Schiedsgerichtsbarkeit, Streitschlichtung, Mediation](#)



Verlag C.H. Beck München 2013

Verlag C.H. Beck im Internet:

www.beck.de

ISBN 978 3 406 63311 9

Schütze (ed.)
Institutional Arbitration

beck-shop.de

Institutional Arbitration

Article-by-Article Commentary

edited by

Rolf A. Schütze

with contributions by

Christian Aschauer, Richard Happ, René-Alexander Hirth, Robert Hunter,
Pierre A. Karrer, Thomas R. Klötzel, Sabine Konrad, Susanne Kratzsch,
Christoph Liebscher, Michael J. Moser, Tilman Niedermaier, Marie Öhrström,
Paolo Michele Patocchi, Andreas Reiner, Rolf A. Schütze, Sabine Stricker-Kellerer,
Ulrich Theune, Roderich C. Thümmel, Alexander Trunk

C. H. Beck · Hart · Nomos

Published by

Verlag C. H. Beck oHG, Wilhelmstraße 9, 80801 München, Germany,
eMail: www.beck.de

Co-published by

Hart Publishing, 16C Worcester Place, Oxford, OXI 2JW, United Kingdom,
online at: www.hartpub.co.uk

and

Nomos Verlagsgesellschaft mbH & Co. KG Waldseestraße 3–5
76530 Baden-Baden, Germany
eMail: www.nomos.de

Published in North America (US and Canada) by Hart Publishing, c/o International
Specialized Book Services, 930 NE 58th Avenue, Suite 300, Portland, OR 97213-3786,
USA, eMail: orders@isbs.com

ISBN 978-3-406-63311-9 (Beck)
ISBN 978-1-84946-366-9 (Hart Publishing)
ISBN 978-3-8329-7262-2 (Nomos)

© 2013 Verlag C. H. Beck oHG
Wilhelmstr. 9, 80801 München

Printed in Germany by
fgb · freiburger graphische betriebe GmbH & Co. KG
Bebelstr. 11, 79108 Freiburg

Typeset by
Reemers Publishing Services GmbH, Krefeld

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission of Verlag C. H. Beck, or as expressly permitted by law under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to C. H. Beck at the address above.

Foreword

Institutional arbitration increases worldwide. The numbers of cases of important arbitral matters have risen consistently during the past years. New arbitral institutions are springing up like mushrooms in Europe and elsewhere.

This seems therefore the right time to provide users of institutional arbitration with a comprehensive commentary. Nearly 20 authors have written a concise article by article annotation of the arbitral rules of 12 of the most important arbitral institutions, and of two frequently used set of arbitral rules, namely of UNCITRAL and ICSID. The authors are all well known and experienced practitioners in international arbitration.

Arbitral laws are under permanent revision. More than 50 countries have meanwhile adopted the UNCITRAL Model Law. International arbitral institutions try to cope with this development. Thus there is a constant process of reforms. Since the second edition in 2011, the rules of ICC, SIAC and the Swiss Rules have been changed and amended. These developments have all been discussed in this edition.

This book is an extensively revised and updated version of the second – German – edition, published by Carl Heymanns Verlag, part of Wolters Kluwer Deutschland GmbH in 2011. The editor thanks for the authorization to publish this English edition. Thanks are owed to Dr. Wilhelm Warth of CH Beck Verlag München for his extensive editorial work and his permanent encouragement and advice. My special thanks to the arbitral institutions for their generous permission to reprint their arbitration rules.

München/Stuttgart, October 2012

Rolf A. Schütze

beck-shop.de

List of Contributors

		Chapter	Page
<i>Dr Christian Aschauer</i>	Rechtsanwalt, Wien	II	25
<i>Dr Richard Happ</i>	Rechtsanwalt, Hamburg	XIV	923
<i>Dr René-Alexander Hirth</i>	Rechtsanwalt, Stuttgart	IX	617
<i>Robert Hunter</i>	Barrister, London, and Rechtsanwalt, Frankfurt	VI	413
<i>Dr Pierre A. Karrer, LL.M.</i>	Rechtsanwalt, Zürich	V	361
<i>Dr. Thomas R. Klötzel</i>	Rechtsanwalt, Stuttgart	X	671
<i>Dr Sabine Konrad</i>	Rechtsanwältin, Frankfurt	VI	413
<i>Dr Susanne Kratzsch</i>	Rechtsanwältin, Stuttgart	XIII	865
<i>Dr Christoph Liebscher, M.B.A.</i>	Rechtsanwalt, Wien	IV	303
<i>Michael J. Moser</i>	Rechtsanwalt, Beijing, Hong Kong	VIII	571
<i>Dr Tilman Niedermaier, LL.M.</i>	Rechtsanwalt, München	XV	1007
<i>Marie Öhrström, LL.M.</i>	Senior Associate, Stockholm	XII	815
<i>Dr Paolo Michele Patocchi, LL.M.</i>	Rechtsanwalt, Genève	XV	1007
<i>Prof. Dr Andreas Reiner, Maîtrise de droit privé, D.E.A.</i>	Rechtsanwalt, Wien	II	25
<i>Prof. Dr Rolf A. Schütze</i>	Rechtsanwalt, Stuttgart	I	1
<i>Dr Sabine Stricker-Kellerer</i>	Rechtsanwältin, München	VIII	571
<i>Dr Ulrich Theune</i>	Rechtsanwalt, Hamburg	III	203
<i>Prof. Dr Roderich C. Thümmel, LL.M.</i>	Rechtsanwalt, Stuttgart	XI	731
<i>Prof. Dr Alexander Trunk</i>	Institute of East European Law of the University at Kiel	VII	501

beck-shop.de

Table of Contents

General List of Abbreviations and Acronyms	XI
Chapter I: Introduction (<i>Schütze</i>)	1
Chapter II: ICC Rules (<i>Reiner/Aschauer</i>)	25
Chapter III: DIS Rules (<i>Theune</i>)	203
Chapter IV: Vienna Rules (<i>Liebscher</i>)	303
Chapter V: Swiss Rules (<i>Karrer</i>)	361
Chapter VI: LCIA Rules (<i>Konrad/Hunter</i>)	413
Chapter VII: MKAS Rules (<i>Trunk</i>)	501
Chapter VIII: CIETAC Rules (<i>Stricker-Kellerer/Moser</i>)	571
Chapter IX: SIAC Rules (<i>Hirth</i>)	617
Chapter X: KLRCA Rules (<i>Klötzel</i>)	671
Chapter XI: IAR (<i>Thümmel</i>)	731
Chapter XII: SCC Rules (<i>Öhrström</i>)	815
Chapter XIII: DIAC Rules (<i>Kratzsch</i>)	863
Chapter XIV: ICSID Rules (<i>Happ</i>)	923
Chapter XV: UNCITRAL Rules (<i>Patocchi/Niedermaier</i>)	1007
<i>Appendices</i>	1251

beck-shop.de