

FOREWORD

The Rules of Arbitration of the International Chamber of Commerce were first published in 1922/1923. Since then, the ICC Rules have been revised on a number of occasions, and most recently in 2012, 2017 and 2021. In constantly modernizing its ICC Rules, the Court provided in 2012 for emergency arbitration, in 2017 for expedited rules for arbitrations of a limited value on an opt-out basis, while it introduced in 2021 new state-of-the-art provisions applying in particular to complex multi-party and multi-contract cases.

The Court has also adopted and revised a Note to Parties and Arbitral Tribunals on the Conduct of Arbitration under the ICC Rules of Arbitration (the “ICC Note”). The ICC Note renders ICC arbitration more transparent and includes guidance to ensure that the highest standards of ethics are maintained at all times in ICC arbitrations, in particular as far as conflict disclosures are concerned. The ICC Note also seeks to promote efficiency by setting out a procedure for dealing with manifestly unmeritorious claims and defences and providing incentives for arbitrators to render awards promptly.

The ICC International Court of Arbitration’s experience is unrivalled. The Court has since its creation administered more than 26,000 cases. It appoints or confirms every year more than 1,600 arbitrators from all continents. The average value in dispute per case, which exceeds US\$140 million, as well as the high proportion of cases involving a State or a State entity, are also unmatched and show that the Court attracts the most complex arbitration, in which its expertise proves to be irreplaceable. In particular, the Court’s scrutiny process is truly unique and serves to increase the quality of awards and minimize the risk that they may be annulled or denied enforcement. Another unique characteristic of the Court is its truly global nature, with arbitration seats located in 65 countries in 2020, arbitrators originating from 92 different countries, a court composed of over 190 members coming from all continents and a Secretariat able to provide its services in more than 20 languages. Unlike all other institutions, the Court is not rooted in any particular jurisdiction or legal culture.

This fifth edition of the Handbook of ICC Arbitration provides a commentary on ICC arbitration as it is now practiced around the world. Both of the authors are very experienced arbitrators and counsel. In addition, both authors participated in the ICC Court for over six years. In the Handbook, the authors carefully analyse the ICC Rules and their amendments in 2012, 2017 and 2021. The Handbook discusses in detail the practices of the ICC Court based on the authors’ own experience and as reflected in the ICC Note. The Handbook deals with issues ranging from the scope of the arbitration agreement to arbitration procedure, disclosure obligations and challenges of arbitrators and enforceability of awards. It also discusses the various changes to the ICC Rules and ICC practices intended to

promote efficiency in ICC arbitration. The authors discuss these issues by reference to a wide range of material, including ICC Awards and publications and the various IBA arbitration publications, as well as to the national court decisions relating to arbitrations in jurisdictions such as France, Germany, Switzerland, England, the United States and Singapore. The Handbook is a comprehensive and in-depth analysis of ICC arbitration.

As with the prior editions, this fifth edition of the Handbook of ICC Arbitration will provide an invaluable contribution to ICC arbitration.

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