

Code of Civil Procedure (18 June 1927, No. 1086) Official Gazette of 2, 3, 4 July 1927, No. 622, 623, 624 - Eighth Title in Jan Paulsson (ed), *International Handbook on Commercial Arbitration*, (Kluwer Law International 1984 Last updated: June 1989 Supplement No. 10) pp. 10 - 4

Note ^(*)

Article 516

Parties may appoint arbitrators to settle their disputes. The arbitration may result either from a special contract (submission), or from an arbitral clause to the effect that eventual disputes which may arise will be submitted to arbitrators.

Article 517

The arbitration agreement is to be in writing.

The submission and the arbitral clause mentioned in the preceding article are to be set forth in writing, on penalty of nullity.

Article 518

One shall not submit to arbitration those rights which are not at the free disposal of the parties.

Article 519

In the event of disagreement on the obligation to submit a dispute to arbitration, the courts decide in summary proceedings.

Article 520

Unless otherwise agreed, the number of arbitrators shall be three, and they shall be appointed by the judge of the competent court. This judge also appoints the arbitrator who is, according to the arbitration agreement, to be chosen by a party, when this party, after having been given formal notice to appoint its arbitrator, does not do so within seven days.

Article 521

The grounds for challenge of arbitrators are the same as for judges.

Subject to the provisions of the second paragraph of Article 34, the parties must request the challenge within five days from the day on which the appointment of the arbitrators has come to their knowledge.

The judge of the competent court decides upon the challenge after having heard the statements of the parties and of the challenged arbitrator.

Article 522

During the arbitration, the arbitrators may only be removed by consent of both parties.

If one of the arbitrators is prevented from carrying out his mandate or if he gives it up, he will be replaced. In that case, the judge may prolong the period of time for the arbitration.

Article 523

The arbitral proceedings are considered to be initiated on the day of the request for the appointment of the arbitrators or, if the agreement provides that the arbitrators are to be appointed by the parties, on the day the claimant has appointed his arbitrator and has notified the defendant to make his choice.

Article 524

The death of a party during the proceedings does not put an end to the arbitration.

Article 525

Unless agreed otherwise, the arbitrators determine the form of the procedure and fix the time limits.

When the time limits have expired, the arbitrators decide only on the basis of the documents which have been submitted to them.

Article 526

The legal provisions on evidence are applicable to the arbitral procedure.

Article 527

The arbitrators may resort to the justice of the peace:

1. for the producing of evidence by oath;
2. for the swearing-in of witnesses or for the hearing of those who refuse to appear before the arbitrators;
3. for the transmission of a rogatory commission to foreign courts;
4. for the productions provided for in Articles 322, 323, 333 and following.

Article 528

If during the procedure a falsification incident is raised, which is the subject of a penal lawsuit, the case is suspended until the courts have decided on the lawsuit and, during that time, the time limits of the arbitration are also suspended.

Article 529

The arbitrators are obliged to render their award within a period of six months from the day of their first session. Failing to do this, all past actions are null and void and the dispute shall be solved by the competent court. This time limit may only be extended by consent of the parties, explicit and in writing, or by a decision of either the president of the court or a judge thereof.

Article 530

The arbitral award shall set forth:

1. the subject of the dispute;
2. the factual and legal grounds;
3. the decision both on the main issues and on the costs.

It is to be dated and signed by the arbitrators.

The original of the submission is to be annexed to the award.

Article 531

The signature of the majority of the arbitrators validates the award.

Article 532

The arbitral award is to be filed at the Secretariat of the competent court, which shall keep it in its archives and shall issue copies of it to the parties who so request.

A written notification of this filing and of the decision is given to the parties by the Court, which may require an acknowledgement of receipt. The award is only deemed to exist between the parties from the date of the notification.

Article 533

The arbitral award may only be attacked, by means of setting aside, in the following cases:

- a. if the time limit fixed for the arbitration was expired at the moment the award was rendered;
- b. if issues which have not been submitted to arbitration have been decided upon;
- c. if the arbitrators have decided on issues which were beyond their competence;
- d. if not all the pleas of the parties have been decided upon.

In the three latter cases, if the award is annulled, a new arbitral tribunal is to be constituted in the prescribed form, and new time limit is given.

Article 534

The review of the arbitral award may be requested according to Chapter Two of Title Three.

Article 535

All clauses by which parties renounce in advance the possibility of a request for review (*révision*) or of setting aside for the different cases foreseen in Article 533 are null and void.

Article 536

After expiry of the time limit for an action to set aside the award, the president or the judge of the court shall ratify the arbitral award. This ratification is to be written at the foot of the award and to be mentioned in the records. It is only by this that arbitral awards become enforceable.

* Unofficial translation. Revised by Prof. Dr. Rabi Koral Prof. Emeritus, Faculty of Law - Istanbul.