



The Milan Chamber of Arbitration is pleased to announce that the new version of its Arbitration Rules came into force on 1 March 2019.

Nine years after the previous revision, the 2019 Rules embrace the latest legal developments in international arbitration and implement the practice followed by CAM in resolving specific cases managed during the past years. Under the former version of the Rules, entered into force in 2010, the Institution administered 1.252 arbitral proceedings, marked by an increasing degree of complexity and ever higher quality standards.

With the new Arbitration Rules, CAM intended to adapt the services offered by the Institution to the needs of the users, its main aim is to provide the tools to improve the efficiency and the rapidity of arbitral proceedings, at the same time ensuring the necessary guarantees. To this end, comparative analysis on the most relevant Arbitration Rules of foreign Arbitral Institutions have been carried out and important amendments have been introduced.

The main amendments cover the following issues:

- general duty for all those involved in the arbitral proceedings to act in good faith and the express provision of sanctions in case of inappropriate behaviors (art. 9);
- power of the Arbitral Tribunal, when deciding on the allocation of costs, to take into consideration the conduct of the parties and their counsels (art. 9);
- new provisions on corporate law arbitration (art. 17) and irregular formation of the Arbitral Tribunal (art. 23);
- new and wider powers for the Arbitral Tribunal to issue interim or provisional measures with binding contractual effects upon the parties (art. 26);
- power for the Secretariat to extend the time limit for the filing of the final award (art. 36) in order to speed up the response of the Institution (under the previous version of the Rules, in fact, it was the Arbitral Council that could extend such time limit);
- express provision for any founded party to disclose the existence of the funding agreement and the identity of the funder (art. 43), which is the so-called *third party funding*, increasingly used in international arbitration proceedings;
- new article on the emergency arbitrator (art.44) and the related procedure, in order to enable the arbitrator to issue the requested interim, urgent and provisional measures by way of an order before the constitution of the Arbitral Tribunal. Specific fees are established for the emergency arbitrator.

The 2019 Arbitration Rules maintain the fundamental pillars which characterized the activities performed by CAM during the past years, namely: the possibility for the parties to appoint the arbitrators, combined with the control exercised by the Institution on their independence and impartiality (so as to avoid any potential conflict of interest); the supervision of the Institution on the duration of the proceedings (in 2018 the average duration of arbitral proceedings has been 12 months); the sustainability of the costs of the proceedings; the scrutiny on the form of the draft of the arbitral award.

The costs of the proceedings and the schedule of fees have not been amended: the fees due for the Chamber of Arbitration and the Arbitral Tribunal, therefore, remained unchanged and depend upon the value of the dispute.

Over the next few months the 2019 Arbitration Rules will be promoted in Italy and abroad.