



Chamber of Arbitration of Milan: who, what and how

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The Italian arbitration scenario is changing: players are becoming increasingly aware of arbitration's potential and, therefore, they are becoming more demanding. The legal system begs for a regulatory renewal and whoever is involved in arbitral proceedings expects its management to be more and more efficient: the Chamber of Arbitration of Milan has accepted this challenge.

Who we are

The Chamber of Arbitration of Milan (CAM), that was established in 1986 as special branch of the local Chamber of Commerce, has always had a vision: spreading, sharing, increasing and promoting the ADR culture. In doing so, it has become the leading institution in Italy, for number of cases managed and international activities carried out. In addition to the arbitration service, CAM provides for mediation, online mediation, resolution of .IT domain names disputes and appoints constructions Dispute Resolution Boards. The Chamber also hosts a Studies Center, where a library deeply focused on ADR is available.

CAM performs its arbitration tasks through the Secretariat, an administrative body daily handling the arbitral proceedings and through the Arbitral Council, a technical body with competence over all the matters related to the administration. The Secretariat is headed by a Secretary General and his Deputy; it comprises five lawyers – case managers - and four accountants. The managers assist parties, counsel and arbitrators throughout the entire proceedings, from the filing of the request for arbitration to the set of the award: they take minutes of hearings, issue orders according to the Arbitration Rules, relate to the Council on the status of the proceedings, examine the draft award before the arbitrators sign it and do any other acts they deem necessary or appropriate to the good development of the proceedings. The Council, chaired by a President and currently composed of nine members appointed among Italian and foreign experts, scholars and professionals, is in charge, among other, of arbitrators' appointment and challenge, extension of the time limit set to render the award and determination of costs. The members meets once a month but, in any urgent case, the President has the power of taking any measure that is within the Council's competence.

What we do: best practices

Ensuring efficient case management is not enough to spread out the alternative justice culture as CAM aims to do: a wide diffusion of the best practices is essential to achieve this goal.

Mirroring international best practices, CAM has been periodically updating the Rules applicable to the proceedings: the last version, entered into force in 2010, applies to both domestic and international disputes and has proved full compliance with the new regulations introduced by the Italian legislative reform of arbitration enacted on 2006. The Rules guarantee the respect of parties' autonomy: most of them can be jointly waived by the parties, excepted those concerning costs (always determined by the Arbitral Council and collected by the Secretariat, as not to allow direct transactions between parties and arbitrators) and those regarding the confirmation of arbitrators. CAM pays particular attention to the neutrality of arbitrators: they all must, regardless the appointing authority, disclose any circumstance, relation or fact that may affect their impartiality or independence.

In 2015, 256 arbitrators were appointed¹: among them, 78,5% were confirmed by the Institution and 7,4% were replaced². During the above mentioned year, 131 new requests for arbitration were filed with the Secretariat, involving 335 parties from different countries³ and having an average value of more than 3 million euros; 23% of those disputes were international, most of them (26%) on corporate matters. 71 final awards were rendered during that year and the average duration of the proceedings, from the constitution of the Arbitral Tribunal to the end, has been of 12 months.

Since it has been founded, CAM regularly organizes and promotes training courses, conferences, seminars and round tables. All of the recurring events organized by CAM constantly record a high participation: the annual Arbitration Training Course is now in its eleventh edition, the Annual Conference in its seventh, the Pre-Moot in its eighth, the Simulated Arbitration in its second. In addition to these regular activities, CAM provides in-depth focus on specific topics, such as the drafting of the arbitration clause, cross examination, ethics and behavior of counsels in arbitration.

The institution is also directly involved in the ongoing regulatory review: the twentyfive-year experience in managing arbitration proceedings led to the elaboration of a position paper submitted to the Commission entrusted in March 2016 by the Italian Minister of Justice to reform the regulation of ADR and, particularly, of arbitration.

As a landmark for the Italian arbitration landscape, CAM guarantees its presence on the territory through its Rome branch, opened in 2014, and entered into several agreements with various other Italian Chambers of Commerce⁴.

¹ 44,1% of them have been appointed by the parties, 46,8% by the Arbitral Council, 7,4% by the co-arbitrators and 0,12% by others appointing authority. Among them, 21 women have been appointed as arbitrators by the Council, 11 by the parties, 2 by other authorities.

² 0,4% of arbitrators did not accept the appointment. At the time of the statistics, 12,9% of arbitrators still had to be confirmed while 0,8% of the disclosures - rendered by arbitrators appointed during the last weeks of the year - still had to be checked. The arbitrator is replaced in case of missed confirmation, loss of impartiality or independence during the proceedings, successful challenge, death, withdraw on serious grounds, deep violations of the Rules or other serious misconduct.

³ 294 of them having their legal seat in Italy, 24 in other European Union Countries and 17 in non-EU Countries.



At an international level, CAM is involved with several associations, such as IFCAI (International Federation of Commercial Arbitration Institutions) and ITA (Institution for Transnational Arbitration); it is the technical provider of ISPRAMED⁵, the Institute for the Promotion of Arbitration and Conciliation of the Mediterranean area; it cooperates with distinguished arbitration centers: VIAC (Vienna International Arbitration Centre), SCC (Arbitration Institute of Stockholm Chamber of Commerce), DIS (German Institution of Arbitration) and, since 1989, it has been hosting the annual meeting of the Club of Arbitrators, an association of experts and practitioners in the field of international arbitration.

Thanks to its commitment and sensitivity to changes in the arbitration world, CAM is a benchmark for the arbitration practitioners in Italy. There is a strong synergy between the Institution and the Italian forensic community: prestigious law firms⁶ support CAM activities through sponsorship agreements, contributing to the realization and implementation of the activities carried out by CAM and, in doing so, to the promotion of arbitration culture.

How we do it: transparency

Sensitive to the demands of its referees, the Chamber adopted relevant measures to make its work transparent: statistics relating to the administered proceedings are always available on its web site and more detailed or specific data can be provided for upon request.

In 2011, together with the Carlo Cattaneo University, CAM elaborated the Guidelines for the Anonymous Publication of Arbitral Awards. More recently, the Chamber publicized the names of arbitrators sitting in Arbitral Tribunal formally constituted since January 2016. None of the data relating to parties, their counsels or the subject matter of the dispute for which the arbitrator is in charge is reported, in order to protect the confidentiality; CAM disclosed the appointing authority, the role of the professional in the Arbitral Tribunal (chair, co-arbitrator, sole arbitrator) and his/her city or nationality⁷.

In order to constitute a first institutional case-law and contribute to increase the awareness of independence and impartiality of each arbitrator, last June CAM also published the first collection of the decisions taken by the Arbitral Council on the confirmation of the arbitrators. The published cases concern the arbitrators' relationship with parties and counsels; in the following cases related to arbitrators' interests in the outcome of the dispute or their bias towards the subject matter of the case will be highlighted.

Through its initiatives, CAM aims to make its activities known and raise awareness among operators on hot topics, so that even those who are not familiar with arbitration, may refer to such useful tools to approach it.



⁴ The dispute resolution service is one of the regulatory markets functions that Italian Law grants to the Chambers of Commerce; several of these last entered with CAM into agreements under which arbitral proceedings shall be co-administered, applying the CAM Rules. As a consequence, parties, counsels and arbitrators can make reference (to submit briefs or to hold arbitral hearings) indifferently to the CAM or to other, agreed Chamber of Commerce.

⁵ ISPRAMED coordinates a network among the most representative arbitral institutions in the Mediterranean Basin, in order to elaborate common principles in managing arbitrations and mediations and to ensure a shared system of commercial alternative justice to the companies operating in the area.

⁶ The list of the firms sponsoring and supporting CAM's activities is available on www.camera-arbitrale.it

⁷ During the period January-April 2016 61% of arbitrators have been appointed by the Institution, 35% by the parties and 4% by the co-arbitrators. 8% of the arbitrators is not Italian.