Seminar: Some Recent Developments of Arbitration Law and Practice in Austria

-Louis Liu
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Prof. Walter H. Rechberger is a Full Professor of Law at the Vienna University School of Law, Head of the Department of Civil Procedure Law and Co-Director of the Research-Institute for Legal Development. He gave a seminar on the topic of “Some Recent Developments of Arbitration Law and Practice in Austria” on 19th Mar 2014 at CityU School of Law.

Dr Avnita Lakhani, Assistant Professor and Associate Programme Leader of the LLMArbDR Programme, made the introduction that the seminar consists of two parts: the first one part focuses on a major amendment brought by the Arbitration Amendment Act 2013 and the second part of the seminar focuses on the main changes of the Vienna Rules 2013, the Rules of Arbitration for arbitration proceedings administered by the Vienna International Arbitral Centre (VIAC), as compared to its predecessor, the Vienna Rules 2006.

Under Arbitration Amendment Act 2013, Supreme Court is the first and final instance for claims challenging an arbitral award, claims regarding the declaration of the existence or non-existence of an arbitral award and for proceedings as to the formation of the arbitral tribunal, including appointment of an arbitrator, challenge of an arbitrator, and early termination of arbitrators’ mandates. That said, the current procedural levels remain in force for disputes involving consumer and labor law disputes. Also, County Courts remain competent for recognition and enforcement of arbitral awards, enforcement of interim and protective measures, and judicial assistance.
Professor Rechberger also discussed the costs of the proceedings in front of the Austrian Supreme Court. The court fees is 5% of the value in dispute (with a minimum fee of EUR 5,000), and the appointment and challenge of an arbitrator and the early termination of an arbitrator’s mandate costs € 2,010.

After that, the Vienna International Arbitral Centre (“VIAC”) was brought into focus. Representing one of Europe’s leading arbitral institutions, the VIAC serves as a focal point for the settlement of commercial disputes in the regional and international community. The VIAC was founded in 1975 as a permanent arbitral institution of the Austrian Federal Economic Chamber (“AFEC”) and has since then enjoyed a steadily increasing caseload from a diverse range of parties spanning Europe, the Americas and Asia. Lying in a neutral country in the centre of Europe, the VIAC offers its services in the settlement of international disputes. The arbitral proceedings are individually designed according to the parties’ requirements and meet the highest quality criteria. VIAC administers international cases involving at least one party with its place of business or normal residence outside of Austria or cases concerning disputes with another international character.

The VIAC has administered over 1,500 proceedings since its inception and is thereby one of the most experienced arbitration centres in the region. The VIAC benefits from a robust global network of leading arbitrators experienced in international arbitration under the Vienna Rules. Austria has adopted the UNCITRAL Model Law as its law of arbitration in 2006 with minor changes thus ensuring that the *lex arbitri* is in conformity with international standards.

Professor Rechberger stated that compared to its predecessor, the Vienna Rules 2006, the main changes in the Vienna Rules 2013 involve quite a few aspects. The new provisions concerning multi-party proceedings, joinder of third parties and the consolidation mechanism were explained in detail. Issues about the incorporation of different expediting measures such as the expedited procedure, removal of arbitrators in case of inactivity, the announcement of the anticipated date for the issuance of the final award, and the costs of an arbitration administered by the VIAC were also discussed.

(English/Chinese version of the Vienna Rules 2013 can be found on the webpage of the VIAC: [www.viac.eu](http://www.viac.eu))