

VAN BAEL & BELLIS



CEPANI INTRODUCES NEW ARBITRATION RULES FROM 1 JANUARY 2023

| 24 February 2023

CEPANI, the Belgian Centre for Arbitration and Mediation, has published [new arbitration and mediation Rules](#) (the “**2023 Rules**”), which entered into force on 1 January 2023. They replace the [previous version](#) of the Rules, which had been in force since July 2020.

Whilst the 2023 Rules remain unchanged for the most part, the main amendment consists of the introduction of an express requirement to take into account considerations of diversity and inclusion in the appointment of arbitrators. Our Client Alert explores this key amendment.

2023 CEPANI RULES: DIVERSITY AND INCLUSION

The only substantive amendment in the 2023 CEPANI Rules is the express reference, in Article 15.1, to “*considerations of diversity and inclusion*”. Under the new Article 15.1, in addition to considering their availability, qualifications and ability to conduct the arbitration in accordance with the Rules, CEPANI’s Appointments Committee (the “**Appointments Committee**”) and President (“**President**”) must also take into account considerations of diversity and inclusion when appointing arbitrators.

The 2023 Rules do not expressly set out how such considerations are to be taken into account or the precise scope of diversity and inclusion, but it appears that the new rule goes beyond considerations of gender imbalance and could require other factors such as religion, sexual orientation, disability, or socioeconomic status to be taken into account.

COMMENT

This amendment makes CEPANI one of the first European arbitration centres to add an express reference to diversity and inclusion to its Rules. The Scottish Arbitration Centre also added such a rule last year in its new arbitration rules. Notably, Article 8.1 of the [Rules of the Scottish Arbitration Centre 2022](#) requires the parties, their counsel, any nominated arbitrator and the Centre itself to take diversity and inclusion into account when nominating arbitrators.

Whilst the new CEPANI Rules only expressly require that diversity and inclusion be considered by CEPANI’s Appointments Committee and President (and not by the parties or their counsel), the amendment is still undoubtedly a progressive step towards the achievement of more diversity and inclusion within international arbitration. Even if the 2023 Rules do not expressly require the parties and their counsel to take diversity and inclusion into account, amended Article 15.1 may well encourage parties and their counsel to factor in diversity and inclusion when nominating arbitrators. Furthermore, although the requirements introduced by CEPANI and the Scottish Arbitration Centre are currently highly innovative and forward thinking, such approaches may well encourage other institutions to introduce similar rules. For the moment, CEPANI (and the Scottish Arbitration Centre) will have a lead in attracting the disputes of clients who value diversity and inclusion as integral parts of all their business practices.

For more information on the new 2023 Rules or any other procedural questions related to CEPANI arbitration, please contact:



Catherine Longeval
Partner
clongeval@vbb.com



Nick Lawn
Partner
nlawn@vbb.com



Helin Laufer
Associate
hlaufer@vbb.com



Emmanuelle Rogiest
Associate
erogiest@vbb.com

VAN BAEL & BELLIS

BRUSSELS

Glaverbel Building
Chaussée de La Hulpe 166
B-1170 Brussels, Belgium

Phone: +32 (0)2 647 73 50
Fax: +32 (0)2 640 64 99

GENEVA

26, Bd des Philosophes
CH-1205 Geneva
Switzerland

Phone: +41 (0)22 320 90 20
Fax: +41 (0)22 320 94 20

LONDON

5, Chancery Lane
EC4A 1BL London
United Kingdom

Phone: +44 (0)20 7406 1471