

ARBITRATION

USA

New York legislature considers Article 75 bill

The New York state legislature is considering legislation that would permit the state courts to vacate arbitral awards on the grounds that an arbitrator was presumptively biased because of affiliations with one of the parties or a "direct or indirect" financial interest in the outcome of the arbitration. While such legislation might not seem controversial, the proposed amendments have garnered considerable criticism.

Authors: JP Duffy, Kiran N Gore

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FYL766>)

Finland

New legislation promotes mediation for commercial disputes

Finland recently brought the EU Mediation Directive into force by implementing the Act on Mediation in Civil Disputes and Certification of Settlements by Courts. Both the directive and the new act aim to facilitate access to alternative dispute resolution and promote the amicable settlement of disputes by encouraging the use of mediation and by ensuring a balanced relationship between mediation and judicial proceedings.

Authors: Jussi Ikonen, Antti Karanko

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FZ7D7B>)

International

PRIME Finance: making arbitration attractive for financial disputes

The PRIME Finance Disputes Centre will launch its arbitration services in early 2012. PRIME Finance's goal is to provide, encourage, enable and support alternative dispute resolution, with its main focus on disputes concerning complex financial products, such as derivatives. Its panel of experts includes some of the most eminent financial and alternative dispute resolution experts in the world.

Authors: Juliette Luycks, Floris Van Hees

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FZ7D8N>)

Mexico

Appointment and powers of emergency arbitrators

The amendments to the International Chamber of Commerce Arbitration Rules finally measure up to international practice in jurisdictions such as Mexico, where the arbitration rules of the main local arbitral institutions had already included provisions for appointing emergency arbitrators and seeking interim relief.

Authors: [Luis Alberto Aziz Checa](#), [Rebeca Sanchez Perez](#)

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Switzerland

Third parties and arbitration clauses in promisor/promissee contracts

With respect to arbitration agreements, the Supreme Court has been consistent in its restrictive application of the formal requirement for written consent to arbitrate under Article 178(1) of the Private International Law Act. However, it has also favoured an extensive construction of the scope of such consent, sometimes in derogation to the relativity of contractual obligations. The court recently reaffirmed this practice.

Authors: [Frank Spoorenberg](#), [Isabelle Fellrath](#)

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Turkey

New code of obligations restricts arbitration in sales with instalment payments

A new code of obligations comes into force in Turkey next year that prohibits purchasers residing in Turkey from concluding arbitration agreements in relation to disputes arising out of sales with instalment payments. The new code provides certain exceptions to the restriction on arbitration.

The new code also applies the arbitration restriction, as well as its exceptions, to sales with instalment payments in advance.

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