

# Kluwer Arbitration Blog

## Swiss Parliament Initiates Review Process of the Swiss Arbitration Law

Matthias Scherer (Editor in Chief, ASA Bulletin; LALIVE) · Monday, October 8th, 2012

On 27 September 2012, the Swiss Parliament adopted a motion that had been introduced earlier this year tasking the Government to prepare a report on the Swiss Arbitration Law (chapter 12 of the Federal Act on Private International Law (PILA)). The objective of the report is to further enhance the attractiveness of Switzerland as a place of arbitration.

The motion aims specifically at incorporating established case law since the coming into force of the Swiss Arbitration Law some 20 years ago. The purpose of the report is not to revise the existing law entirely. Rather, the goal of the review process is to gather feedback from relevant quarters and arbitration users with a view to further optimizing the legal framework for international arbitration in Switzerland.

It was a coincidence that the annual general assembly of the Swiss Arbitration Association (ASA) took place only one day after the Parliamentary motion was adopted. At the general assembly, ASA had convened a panel of arbitration practitioners, academics and Michael Schöll, a high ranking member of the Justice Department, to discuss the expected review process and possible changes to the Swiss Arbitration Law. The general opinion was that the Swiss Arbitration Law continues to offer an excellent framework for international arbitration and that accordingly, only a small number of provisions of the Swiss Arbitration Law should be revised or new provisions added. For example, it was suggested that English should be acknowledged as an official language in setting aside and revision proceedings before the Swiss Federal Tribunal. Further topics of discussion related to the simplification of the rules concerning the intervention of the *juge d'appui*, the relationship between arbitral tribunals and state courts in general, the clarification of the provision on the scope of application of the law, the addition of “impartiality” to the requirement of “independence” of arbitrators, and the incorporation of a rule regarding the appointment of arbitrators in multi-party cases. Other possible additions that were discussed included a provision on the interpretation and correction of arbitral awards, and further language on interim measures in support of the arbitration, and the arbitral tribunal’s power to order such measures. ASA announced that it would establish a task force to accompany the review process.

*Matthias Scherer and Sam Moss, Lalive*

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The graphic features a black background with white text and a circular icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The background is accented with horizontal lines in blue and green.

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