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# Kluwer Arbitration Blog

## Would You Assist Us in Guiding the European Parliament in Its Future Actions Related to Arbitration?

Barbara Warwas (The Hague University) · Wednesday, April 9th, 2014

A team at the Brunel Centre for the Study of Arbitration and Cross-Border Investment, led by Tony Cole, has been requested by the European Parliament to undertake a study on the law and practice of arbitration in the European Union and Switzerland under contract IP/C/JURI/IC/2013-047.

The study concerns arbitration in all its forms, including international commercial arbitration, domestic arbitration, online arbitration, investment arbitration, and consumer arbitration. It addresses both the legal instruments developed in relation to arbitration in each Member State and Switzerland, as well as the actual practice of arbitration in those States. For each State the team at Brunel is working in close collaboration with a leading arbitration specialist (a detailed list of the national reporters is available [here](#)). This collaboration allows us to make sure that the information we collect is accurate, up-to-date and based on experience.

While some of the information required for the study can be generated through traditional research we are also currently undertaking a large-scale survey of arbitration practitioners. The goal of this survey is to gather reliable empirical data from those with day-to-day experience of arbitration in the European Union or Switzerland, as a means of ensuring that the Parliament receives the most informed and accurate information available.

A letter about the study, from Gerard Laprat of the Committee on Legal Affairs, is available [here](#). Please do not hesitate to contact Tony Cole (Tony.Cole@brunel.ac.uk), the Principal Investigator on the project, for general information about the study.

With the permission of the editors, we would like to warmly encourage you to take part in the survey and help provide the European Parliament with an accurate understanding of what is often a poorly understood field. The survey will help ensure that any future legislative or non-legislative work that the Parliament undertakes regarding arbitration is based on a solid empirical understanding of the field.

The survey can be accessed [here](#).

We also wish to emphasise that although the survey concerns arbitration in the European Union and Switzerland, it is not only of arbitration practitioners in the European Union and Switzerland. After all, arbitration by its nature is a cross-border discipline. Because of this you are welcome

(and encouraged) to take the survey even if you are located outside the European Union, if you practice arbitration in any European Union Member State or Switzerland, including as arbitrator, and you are familiar enough with the law and practice of arbitration in that State that you can answer questions about it. When filling out the survey you should simply select the European Union Member State/Switzerland of which you have knowledge as “your State”. Then any questions about “domestic arbitration” would mean arbitration in that State rather than the non-EU State in which you are resident.

The survey is comprehensive and addresses different stages of arbitration proceedings, various types of arbitration, as well as the particularities of the roles performed in arbitrations (arbitrators, advocates, in-house counsel, or case managers at arbitration institutions). The survey consists of mostly multiple-choice questions, and can be completed in approximately 30 minutes. Moreover, it does not have to be completed in one sitting, and participants can come back to the survey at any time, provided that the same computer and browser are used at the later stage.

All answers provided will remain anonymous. No information will be provided to the European Parliament or any third party on the answers given by any individual. The European Parliament will receive only a list of names of those who have taken the survey, and will also keep this list confidential.

Please keep in mind that we wish to collect a wide range of responses from legal participants in arbitration regardless of the level of seniority or experience. The European Parliament’s interest is in arbitration as a field of practice, and so while we certainly appreciate participation by those very active in the field, we also welcome input from junior associates on arbitration teams and individuals for whom arbitration constitutes only a small proportion of their practice.

The survey will only be available until midnight Monday May 5th. If you do not have time to complete the survey now, but would like a reminder before the survey closes, you can simply take a few minutes now to answer the first couple of questions on the survey. At that point you will be in our database and we can send you a reminder before the survey closes.

Why should you take part in the survey? There are two good reasons to complete the survey. First, the study is attempting to provide the first clear and comprehensive picture of the contemporary landscape of arbitration in the European Union and Switzerland. In order to secure this goal, we need as broad participation as possible. Your contribution is significant because it will affect the outcome of the study and determine the accuracy of the findings that we will submit to the European Parliament. In other words, your responses can help increase public understanding of arbitration at a time when arbitration is coming under increasing criticism.

The second important reason to take the survey is that you can contribute to the formulation of the Brunel team’s guidance to the European Parliament. Recently there has been renewed interest in arbitration at the European Union level. The procedure for the recasting of the Brussels I Regulation is under scrutiny, a number of alternative dispute resolution (ADR) and online-dispute resolution mechanisms for consumers have been implemented, and the reform of the dispute settlement mechanisms incorporated into investment and trade agreements is now a subject of a debate. The negotiation of the Transatlantic Trade and Investment Partnership (TTIP), for example, has led to active opposition to the use of investment arbitration as a dispute resolution mechanism, based on conceptions held by critics of the operation of arbitration and the backgrounds of those in the field. The survey incorporates an open question in which participants are invited to express

their own views on which actions the European Union should or should not take in the field of arbitration. All answers to this question will be provided to the Parliament, unmediated by any commentary from the Brunel team. This is a unique opportunity to contribute directly to the debate on the challenges of arbitration in the European context.

If you are willing to share your arbitration experience and views on arbitration in the European Union and Switzerland, please follow the [link to the survey](#) and help us complete a fascinating study of high relevance to the real world of arbitration.

Thank you so much in advance for your help with the study.

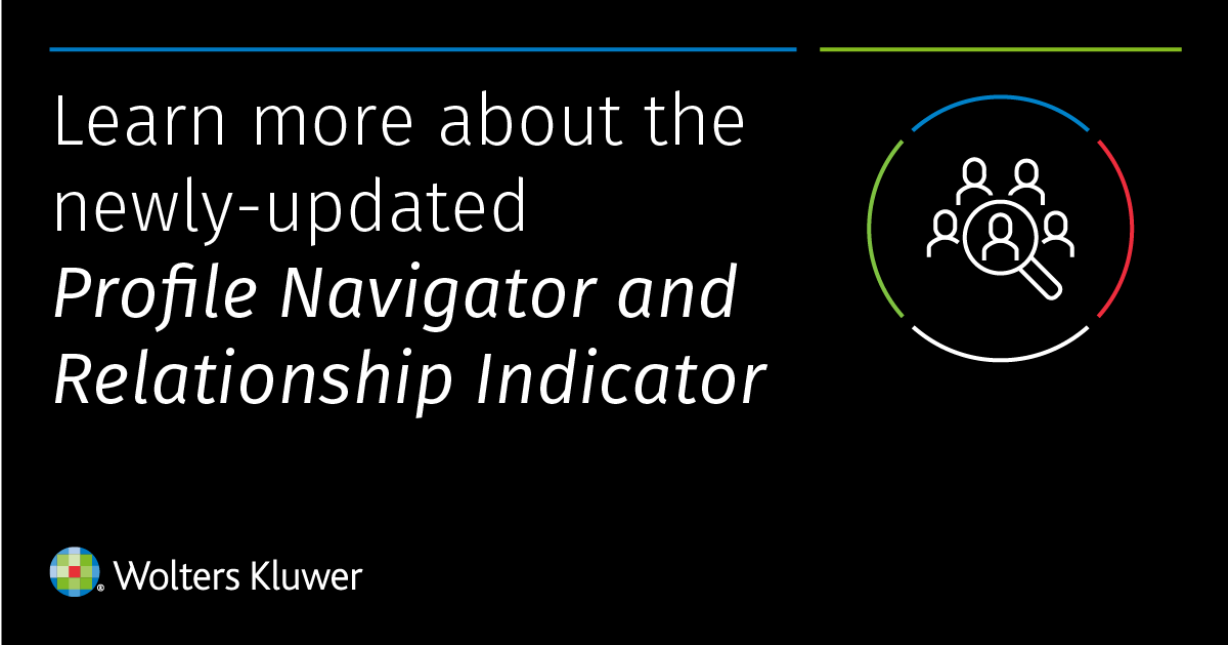
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