

# Kluwer Arbitration Blog

## The Contents of b-Arbitra, Issue 2018-1

Annet van Hooft (Bird&Bird) and Jean-François Tossens (Tossens Goldman Gonne) · Wednesday, September 26th, 2018

We are pleased to present you with this new issue of b-Arbitra, which is once more filled with thought provoking articles and new developments. This issue is published as part of our cooperation with Wolters Kluwer. As announced, our journal is now also accessible in digital form on Jura in Belgium and in the [Kluwer Law Arbitration](#) database.

In this issue you will find [Marie Stoyanov](#), [Werner Eyskens](#), [Valentin Bourgeois](#) and [Michaël Fernandez-Bertier](#)'s in-depth review of the impact that the presence, or absence, of criminal proceedings or complaints may have on the treatment of corruption allegations in investor-state arbitrations. They also look at how the arbitral proceedings and criminal proceedings may interfere with one another.

We then have [Michael Neumeier](#) and [Miroslav Georgiev](#)'s article exploring whether mass claims in arbitration in Europe, and in particular in Germany, could one day become a reality. They look into existing impediments and options to give form to such proceedings, against the background of U.S. and Australian law.

With respect to recent case law, we are very pleased to offer you two annotations by Alexander Hansebout regarding two Yukos decisions. The [first annotation](#) (concerning Civ. Bruxelles, 9 December 2016, published in b-Arbitra 2017/2) focusses on the existing confusion regarding the exequatur procedure that applies in Belgium to awards rendered in the Netherlands and provides an overview of the various existing exequatur regimes in Belgium. The [second annotation](#) concerns the seizure of assets (Civ. Bruxelles, 8 June 2017, published in b-Arbitra 2017/2), the intervention of the Belgian state and the relevance of current status of the title that the seizures were based on.

We then include the [CJEU's decision](#) in the Achmea matter and [AG Wathelet's opinion](#). A comment on this opinion and the Court's decision will be published in a future issue of our journal.

We also publish, without annotation, [two decisions of the Court of First Instance of Brussels](#) regarding third party opposition to arbitral awards. They are related to the decision of the Constitutional Court of 16 February 2017 No. 21/2017 (published with annotation by Olivier Caprasse and Maxime Malherbe in b-Arbitra 2017/2). The first judgment Civ. Bruxelles (Fr.), of 29 January 2016 concerns the proceeding up to the posing of the preliminary question to the Constitutional Court. The second judgment Civ. Bruxelles (Fr.), of 12 April 2018 concerns the Court's decision to annul two ICC awards on the basis of third party opposition, after having obtained a confirmative answer from the Belgian Constitutional Court that the Belgian Code of

Civil Procedure's limitation of the availability of third party opposition to judgments from state courts only, violated the Constitution.

We have several book reviews, notably of Philippe De Bournonville's (posthumous) title "L'arbitrage, tiré a part du Répertoire notarial" by [Caroline Verbruggen](#), and of Sigvard Jarvin and Corinne Nguyen's "Compendium of International Commercial Arbitration Forms," by [Herman Verbist](#). We conclude with a book review by [Jean François Tossens](#) of Jacques Herbot's "Contracts in the People's Republic of China."

We hope you enjoy this issue and always welcome further views, exchanges and suggestions from our readers.

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This entry was posted on Wednesday, September 26th, 2018 at 12:33 am and is filed under [b-Arbitra](#) | [Belgian Review of Arbitration](#)

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