

Kluwer Arbitration Blog

Compatibility, Novelty, Practical Corollary? A Collective Analysis of the Prague Rules

Vladimir Khvalei (Baker & McKenzie), Maria Teder (Ellex Raidla), Andreea Nica, Laurence Ponty (Archipel), and Juan Pablo Valdivia Pizarro (NautaDutilh) · Wednesday, May 22nd, 2019 · Young ICCA

The following article is the result of a collective project, carried out by one of the groups of the Young ICCA Mentoring Programme, comprised of Juan Pablo Valdivia Pizarro, Andreea I. Nica and Maria Teder, as Mentees, Vladimir Khvalei, as Mentor, and Laurence Ponty, as Buddy.

With the benefit of Vladimir Khvalei being one of the drafters of the [Prague Rules](#) (or the “Rules”), the group chose to address this hot topic to contribute to the lively (and sometimes passionate) debates, which the Rules have triggered even way before their launch in December 2018. Further, given the concentration of the discussion on the legal background underlying the Rules (the civil law and more inquisitorial approach) and the potential tensions with the common law culture approach, the analysis of the Prague Rules by a group representing a large variety of nationalities and jurisdictions,¹⁾ sounded particularly relevant.

As the Prague Rules are a new tool available to users, aiming at enhancing efficiency in the conduct of international arbitration proceedings, the group endeavoured to approach the topic essentially from a pragmatism angle. For this purpose, it identified three main issues, which were respectively dealt with by each of the Mentees under the supervision of the Mentor and the Buddy, namely:

1. Whether the Prague Rules are compatible with the major international arbitration rules (this section was dealt with by Juan Pablo Valdivia Pizarro);
2. To which extent the Rules innovate or duplicate existing rules and guidelines, such as the IBA Rules on the Taking of Evidence in International Arbitration (the “IBA Rules”) (this section was dealt with by Andreea I. Nica and Maria Teder, the latter specifically analysing, with a focus on Estonian law, the *Iura Novit Curia* principle introduced by the Rules); and
3. What the potential consequences of the Rules on the conduct of the proceedings from the arbitrator’s perspective are (this section was dealt with by Maria Teder).

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

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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.

References

?1 As well as various generations of practitioners!

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