
Kluwer Arbitration Blog

The Contents of the ASA Bulletin, Volume 41, Issue 1 (March 2023)

Matthias Scherer (Editor in Chief, ASA Bulletin; LALIVE) · Sunday, July 23rd, 2023

We are happy to report that the latest issue of the ASA Bulletin is now available and includes the following articles and cases:

ARTICLES

Felix DASSER, *Climate Change – Practice Change?*

In his message, ASA President Felix DASSER, drawing on the lessons learnt from the recent ASA winter conference on ESG and disputes, considers the role of arbitration in climate-related disputes and the impact of climate change on arbitration practitioners.

Despina MAVROMATI, *The Appeal Procedure Before the CAS. Key Insights and Practical Tips*

Since its creation by the International Olympic Committee in 1984, the Court of Arbitration for Sport (CAS) has evolved into an independent arbitral tribunal and the “supreme court” of sports-related disputes at the international level, administering several hundred of cases every year. The CAS functions predominantly as an appellate tribunal, reviewing decisions rendered by the internal tribunal of sports federations. Such appeal mechanism differs from commercial arbitration in many aspects. Despina MAVROMATI takes us through the specificities of the appeal procedure before the CAS in light of the latest amendment of the CAS Code in November 2022, with a focus on the key procedural aspects that counsel without previous experience in sports arbitration should bear in mind.

Hanne AARSHEIM, David SANDBERG, *Revision of the SCC Arbitration Rules 2023*

The SCC Arbitration Institute has published revised versions of its Arbitration Rules which entered into force on 1 January 2023. Hanne AARSHEIM and David SANDBERG present the 2023 SCC Arbitration Rules and the changes introduced by this latest revision, which include an explicit right for the arbitral tribunal to decide on remote hearings, clarifications on what shall be included in the

statement of claim and statement of defence and a possibility for the arbitral tribunal to terminate the proceedings by way of an order instead of by an award in certain cases, including when the advance on costs has not been paid.

Nils SCHMIDT-AHRENDTS, Dirk WIEGANDT, *BGH Takes a Close ‘Second Look’ at an Arbitral Tribunal’s Application of Core Antitrust Rules. BGH, Decision of 27 September 2022 – KZB 75/21*

Nils SCHMIDT-AHRENDTS and Dirk WIEGANDT report on an important decision of the German Federal Court of Justice (BGH) rendered on 27 September 2022, in which the BGH partially quashed an arbitral award for violating public policy due to the wrong application of core antitrust rules. The BGH ruled that awards are subject to a full review in fact and law by state courts in annulment proceedings as regards the proper application of core antitrust rules.

DECISIONS OF FOREIGN COURTS

- [Germany: German Federal Court of Justice \(BGH\) Decision KZB 75/21 of 27.09.2022](#) [Award partially quashed for violating public policy due to the misapplication of core antitrust rules]
- [France: Paris Court of Appeal Decision n° RG 21/12127 of 12.07.2022](#) [Enforcement of partial award ordering respondent to reimburse claimant half of the ICC advances paid by claimant in lieu of respondent]

DECISIONS OF THE SWISS FEDERAL SUPREME COURT

- [4A_26/2022 of 13.04.2022](#) [Mandatory designation of address for service in Supreme Court proceedings]
- [4A_355/2021 of 01.01.2022](#) [Conflicting clauses – Tort claims – Jurisdiction]
- [4A_312/2022 of 13.09.2022](#) [Right to be heard – Legal aid]
- [4A_71/2021 of 13.07.2021](#) [Revision request – Revision and request for evidentiary measures denied – Time limit (Posted at 23h59)]
- [4A_140/2022 of 08.08.2022](#) [Jurisdiction – Lis pendens]
- [4A_246/2022 of 1.11.2022](#) [Right to be heard – Public policy]
- [4A_166/2021 of 22.09.2021](#) [Legal aid – Validity of arbitration agreement despite impecuniosity]
- [2C_1040/2021 of 09.09.2022](#) [Mandatory arbitration in public law]
- [4F_16/2022 of 25.11.2022](#) [Request by arbitrator for revision of Supreme Court decision reducing his fees]
- [4A_30/2022 of 3.05.2022](#) [Excessive arbitrator fees – (Domestic) Award annulled]
- [4A_540/2020 of 29.04.2021](#) [Withdrawal of annulment request – Cost]
- [4A_210/2021 of 09.09.2021](#) [Revision request]
- [4A_10/2022 of 17.05.2022](#) [No presumption of innocence in sports arbitration]
- [4F_15/2021 of 3.12.2021](#) [Revision request against Supreme Court decision]
- [2C_1045/2021 of 29.04.2022](#) [Law firm claims for legal fees against client]
- [4A_667/2020 of 17.05.2021](#) [Challenge of CAS appeal award – Only CAS award, not first

instance award can be challenged]


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The graphic features a dark background with white text and a circular icon. The icon depicts a group of stylized human figures, with one figure in the center being magnified by a magnifying glass. The background is accented with horizontal lines in blue and green.

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