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Overview of French Arbitration Law



Brief history of the birth of International Arbitration by French merchants



In France, there is a distinction
between :

- Domestic arbitration
- International arbitration



Institutional Arbitration

/

Ad Hoc Arbitration



Japan in ICC Court Statistics

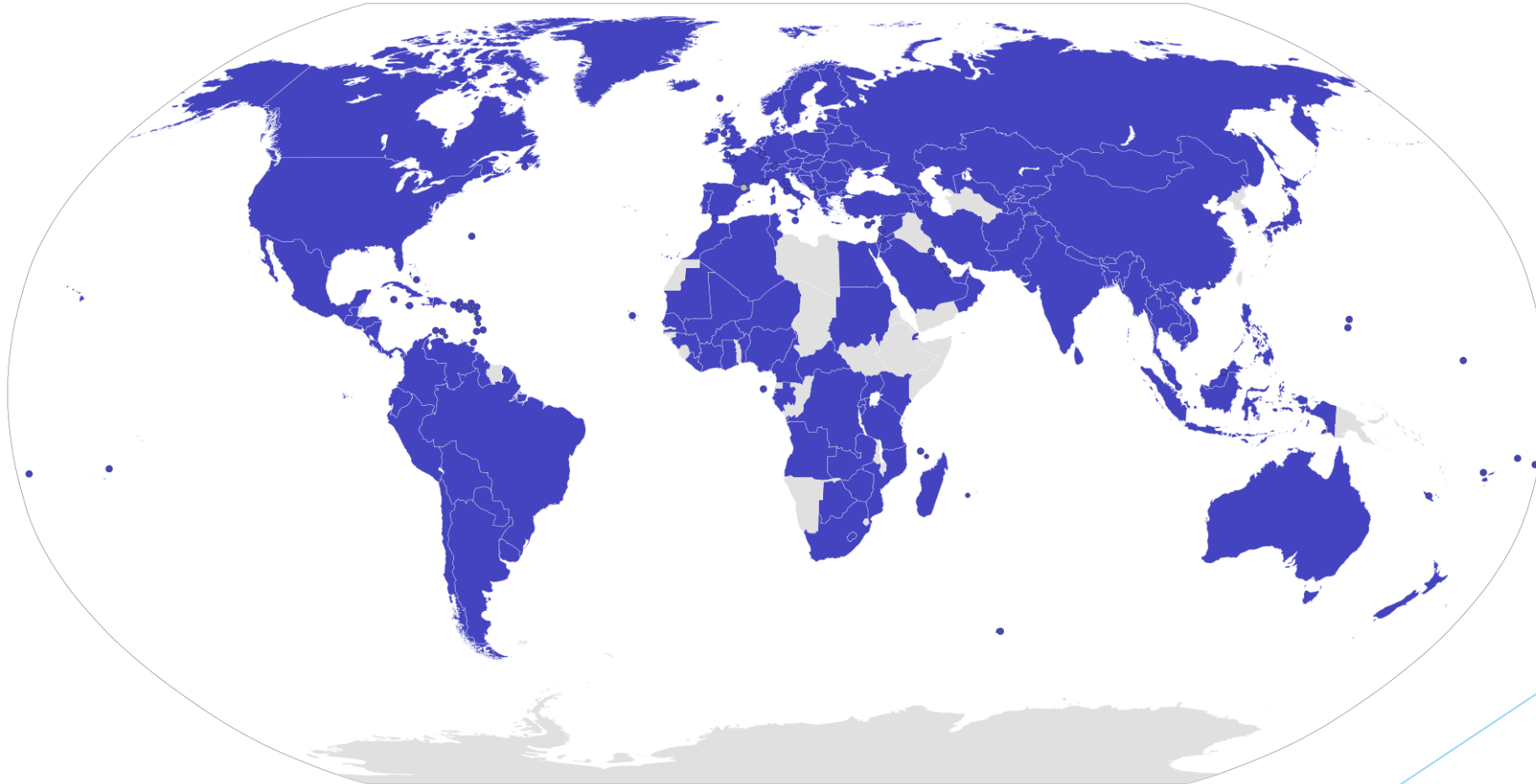
<https://iccwbo.org/dispute-resolution-services/icc-international-court-arbitration/>



- The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958
- Signed by France on 25 November 1958 and ratified on 26 June 1959
- Ratified by Japan on 20 June 1961



Signatory States of the New York Convention





The specific interaction between the French state judges and the New York Convention



Article V 1. - The New York Convention

Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

(e) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.



Article VII 1. - The New York Convention

The provisions of the present Convention shall [...] deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.



Article 1520 - French Civil Procedural Code

An award may only be set aside where:

- (1) the arbitral tribunal wrongly upheld or declined jurisdiction; or
- (2) the arbitral tribunal was not properly constituted; or
- (3) the arbitral tribunal ruled without complying with the mandate conferred upon it; or
- (4) due process was violated; or
- (5) recognition or enforcement of the award is contrary to international public policy.



Original French case law *“Hilmarton” and “Putrabali”*



Autonomy of the arbitration clause

- Validity principle
- Separability principle



“Kompetenz-Kompetenz” “Competence-Competence”



“Juge d’appui”

The State judge assisting the
running of the arbitration
proceedings

Conclusion





Thank you for your attention

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