



afa
Association
Française
d'Arbitrage

Arbitrage interne et international
Association For domestic and international Arbitration

YOUR SERVICE-PROVIDER FOR ARBITRATIONS CONDUCTED IN FRANCE AND ON AN INTERNATIONAL LEVEL

- ▶ Independence
- ▶ Experience
- ▶ Confidentiality

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ARBITRATION: A MEANS OF RESOLVING BUSINESS CONFLICTS

➔ **Arbitration** is a form of private justice, established by the will of the parties and recognized by states and international institutions. Unlike proceedings before state courts, arbitration proceedings are adapted to the specific circumstances of a given dispute; in addition, they are **confidential**.



Arbitration requires the appointment of an **arbitral tribunal** composed of one or several arbitrators nominated by the parties, or, in case of default, by an institution such as the AFA or the French juge d'appui.

Arbitration allows having recourse to **specialists**, chosen according to their competence in particular business sectors, their independence and their availability, guarantees particularly appreciated by the parties. Arbitrators proceed to an in-depth examination of all elements of the lawsuit.

Arbitration leads to a compulsory decision in the form of an **award**, which can, with the agreement of the parties, be given in equity. The award is generally binding.

Arbitration is essential for **international business**. Business partners of different nationalities wish to have a neutral forum. As a consequence, international arbitration has become the normal means to settle international disputes in areas such as construction, distribution, financial guarantees, oil & gas and others.

Paris: place of international arbitration.

French arbitration law is known to be very arbitration friendly and flexible at the same time. An arbitration which takes place in France is conducted in accordance with the parties' will, regarding both, procedural aspects and the applicable rules of law. Arbitrations conducted in France do not need to be submitted to French law and may be held in other languages than French.

Since 1975, AFA is devoted to promote arbitration in France and abroad as a means to resolving disputes and to contribute to a smooth conduct of the proceedings submitted to its Arbitration Rules.



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AFA AS AN ARBITRATION SPECIALIST

COORDINATE YOUR DISPUTE ACTIVELY WITH THE HELP OF AFA RATHER THAN UNDERGO IT

When negotiating contracts of internal or international nature in relation with an economic or professional activity:

1°) it is recommended to insert an AFA Arbitration Clause in these contracts from the beginning, in order to make sure that the parties can have recourse to AFA Arbitration.

2°) failing any arbitration clause in the contract, the parties may still agree on AFA Arbitration once the dispute has arisen.

A model arbitration clause can be found on our website (www.afa-arbitrage.com).

AFA ARBITRATION MEANS TURNKEY ARBITRATION

➤ **Clear and concise set of Arbitration Rules:** 19 Sections, which include a section dedicated to emergency proceedings and which take into account the provisions of the New French Arbitration Decree which entered into force on May 1, 2011.

➤ **Arbitrators are freely chosen by the parties:** AFA does not have recourse to arbitrator lists and the parties are free to choose the individual they trust in. Only for information purposes the AFA member list sets out the skills and spoken languages of each member. The member list is available on the AFA website. Any difficulty regarding the constitution of the arbitral tribunal is settled by the AFA Arbitration Committee.

➤ **AFA Arbitration Committee watches over the smooth conduct of the arbitration proceedings:** the experience and the competence of the members of the Arbitration Committee, as an independent body, guarantee the seriousness of the follow-up of the proceedings.

➤ **Confidentiality:** arbitrators are subject to strict confidentiality. The same applies to the members of the Arbitration Committee following up the proceedings.

➤ **Transparency:** a scale of the fees and expenses is annexed to the Arbitration Rules. It is also available on the AFA website.

➤ **Experience:** Thanks to the efforts made to assure a smooth conduct of the arbitration proceedings, practically no award rendered under the AFA Arbitration Rules was set aside by the Paris Court of Appeal since its creation in 1975. This demonstrates the high quality of the chosen arbitrators and, at the same time, of the case management performed by the AFA.



AFA, YOUR ARBITRATION SERVICE-PROVIDER

Established in 1975, AFA is a commercial and generalist arbitration institution with the status of a non-profit making association under the law of July 1, 1901.

AFA regroups more than 250 members of 15 different nationalities and various professions: lawyers admitted in France and abroad, company representatives, law professors, judges, notary, experts ...

AFA administers domestic and international arbitration proceedings, bearing in mind that more and more arbitrations are considered international arbitrations due to growing economic globalization.

AFA is led by a board of directors composed of business and legal representatives active in the field of arbitration.

AFA is chaired by a personality whose competence and independence are recognized. The AFA Bureau includes, besides the President, a General Secretary, specialized in arbitration. The Arbitration Committee includes 5 members of French and other nationalities, all practitioners in the field of arbitration.

AFA, on the occasion of the annual event which regroups more than 400 participants, awards the "Prix Jean Robert" to the author of a thesis or similar performance making a significant contribution to arbitration.

AFA chose to dedicate itself to arbitration exclusively. It offers a solid framework and Arbitration Rules to those who intend to have recourse to arbitration. At the same time, the Rules provide the possibility to have recourse to mediation in accordance with the I.E.A.M. Rules.

AFA communicates via its website the AFA Arbitration Rules, the AFA Model Arbitration Clause, the composition of its governing bodies, the list of its members and the scale of the fees and expenses.

AFA: THE PARTNER OF YOUR ARBITRATION

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