

# Tuesday 23 January

**18.00-21.00**

**Opening dinner**

*Course leader/speaker: Catherine Rogers*

# Wednesday 24 January

**18.00-21.00**

**The role of arbitration institutions and the interaction between arbitration panels and the institution**

*Course leaders/speakers: Madeleine Thorn and Mattias Rosengren*

Arbitration institutions play a central role in arbitration and in the industry – they provide rules, appoint arbitrators, make decisions in arbitrations, set fees and keep the plan book. But the institutions also fulfil a number of other functions in the management of an arbitration procedure. What do the institutions do and what do they not do? Where the line is drawn between the role of the institution and the mandate of the arbitration board varies from institution to institution. The seminar will highlight the case management and handling at the SCC. In addition to discussing how the Institute functions and makes decisions in arbitration cases, we will discuss practical issues concerning the interaction between the parties, the arbitral awards and the Institute.

# Thursday 22 February

**18.00-21.00**

**The Arbitration Agreement and Jurisdictional Issues**

*Course leaders/speakers: Lars Heuman and Stefan Lindskog*

*The seminar covers (in order of time) the following topics:*

- Consensual arbitration agreements, legal arbitration agreements, review by the arbitral tribunal
- Arbitration agreement, arbitration clause; differences?
- The separability doctrine
- The Claims Doctrine
- "Petrobart" NJA 2008 p 406, "Concorp" NJA 2012 p 183
- The doctrine of affiliation - "Vägmaterialet" NJA 2007 p 475, "Tupperware" NJA 2010 p 734, "Avräkningsavtalet"
- NJA 2017 p 226.
- Contractually bound by inaction – "The Serbian Arbitration Award" NJA 2018 p. 504
- Transfer - "Emja" NJA 1997 p 866, "Saltkråkan" NJA 2016 p 51
- Indispositivity; ex ante and ex post rules - "Five Seasons" NJA 1993 p 641
- Bankruptcy, bankruptcy estate, bankruptcy debtor - "Svenska Kredit" NJA 2003 p 3
- Competition law disputes - "Systembolaget" NJA 2015 p 438, "The Norwegian Arbitration Award" NJA 2018 p 323.
- "Belgor case" NJA 2019 p 171
- "Husqvarna arbitration agreement" NJA 2023 p 437
- "Lastbilscentralen" NJA 1980 p 46 "Freight forwarder's lien" NJA 2022 p 574

# Wednesday 20 March

**18.00-21.00**

**Appointing arbitrators in practice; IBA conflict rules**

*Course leaders/speakers: Anders Reldén and Crina Baltag*

What the law and rules say is one thing, but it is only an external framework. What the seminar deals with is what happens in practice when arbitrators are appointed, both those appointed by the parties and - and perhaps above all - the chairmen of arbitral tribunals. Among other things, different models with lists are discussed, where the parties are given the

opportunity to remove or rank candidates. What works well and - not least - what works less well? In this context, the relevant provisions of the IBA rules (red, orange and yellow lists) and challenges on grounds of disqualification are also discussed.

# Wednesday 24 April

**18.00-21.00**

## **Specific procedural issues – Procedure**

*Course leaders/speakers: Charlotta Falkman and Robin Oldenstam*

During an arbitration, the tribunal has to deal with a number of procedural issues. Some of these can be anticipated in the timetable and specific procedural rules. Others must be resolved if and when they arise. The seminar will address some of the most common procedural issues in international and Swedish arbitration. In addition to the timetable and specific procedural rules, we will address, among other things, the practical handling of disqualification and jurisdictional objections, requests for interim measures, discovery, oral preparation and issues prior to the main hearing.

# Wednesday 15 May

**18.00-21.00**

## **Working in an arbitration centre**

*Course leaders/speakers: Christina Ramberg and Martin Wallin*

Many arbitrations are decided by an arbitration panel consisting of three arbitrators. How does the work of an arbitration panel differ from that of a sole arbitrator? What is the role of the chairperson, and what is the role of the party- appointed arbitrators? How is the work distributed among the arbitrators? How to deal with cultural differences within the tribunal and different views on the role of an arbitrator? How to deal with questions

from the co-arbitrators? Does the role of the chairperson differ in a Swedish and an international arbitration? Does it matter which rules apply to the proceedings? How do you handle a dissenting opinion in connection with the deliberation of the judgement and arbitration award? And what are the rules regarding administrative secretaries?

## Wednesday 12 June

**18.00-21.00**

### **Simplified arbitration procedure**

*Course leaders/speakers: Sandra Kazanova and Therese Isaksson*

The SCC's simplified arbitration rules are applied in many disputes, both Swedish and international. In order to achieve a faster and more efficient procedure, the rules contain provisions that, among other things, limit the parties' ability to submit submissions and hold a final hearing, and the time limit is generally shorter than when applying the ordinary arbitration rules. The simplified rules are best suited to disputes of a simple nature, but there are also more complex disputes.

The seminar addresses various issues that arise in particular in simplified procedures and how the arbitrator can manage the dispute efficiently and in the interests of both parties. Among other things, the use of the planning session, timetable and procedural order will be discussed as well as the practical handling of the parties' submissions and evidence and the main hearing.

Finally, SCC Express is also involved.

## Wednesday 21 August

**18.00-21.00**

### **Non-parties (not bankruptcy)**

*Course leaders/speakers. Ginta Ahrel and Johan Strömbäck*

In this session, we will deal with issues that may arise when a non-signatory party seeks to invoke arbitration against a party to the arbitration agreement or when a party to the arbitration agreement seeks to invoke arbitration against a non-signatory who, according to the invoking party, is bound by the arbitration agreement. In short, it concerns questions of who is bound by the arbitration agreement.

The situations we will deal with are

- Singular succession and universal succession (contractual transfer)
- Binding of guarantors by the arbitration agreement
- Subrogation
- Middlemen
- "Group of Companies" (group relationships)
- 'Piercing the Corporate Veil' (responsibility breakthrough)
- "Third-Party beneficiaries"
- "Estoppel"
- Part connection (Joinder)

Amalgamation (Consolidation)

# Wednesday 11 September

**18.00-21.00**

**Arbitration, property law and bankruptcy**

*Course leaders/speakers: Emilia Lundberg and Harry Bergman*

In the context of arbitration, questions of property law and bankruptcy sometimes arise. For example, what happens if one of the parties goes bankrupt during an ongoing arbitration? Or if a claimant is a bankruptcy estate? What questions arise and which party is responsible for ensuring that the right questions are asked and answered? Whether you are a counsel or an arbitrator in a situation where the rules of substantive law or bankruptcy law must interact with the rules of arbitration, it is necessary to be familiar with the applicable law so that you can achieve the best practical results for your assignment.

Our seminar aims to illustrate the challenges faced by counsel and arbitrators through real-life examples. We also want to provide participants with tools to deal with these challenges as smoothly as possible.

During the seminar, we will mix factual review with discussions. We will alternate discussions in small groups with joint reviews so that knowledge exchange is achieved for all.

## **Wednesday 2 October**

**18.00-21.00**

### **Taking of evidence in arbitration**

*Course leaders/speakers: James Hope and Shirin Saif*

During this Saturday lecture, the taking of evidence in arbitration proceedings will be discussed, primarily from the perspective of the arbitrator. In addition to the actual taking of evidence, the lecturers will discuss why evidence is needed, the different types of evidence, applicable rules, identification of the evidence, discovery, differences between Swedish and international arbitration (incl. regarding direct examination/witness statements), and the possibilities of to provide new evidence. We will also discuss how evidence should be treated in an arbitration award. The lecture will end with a debate between participants on a topic relevant to evidence.

## **Wednesday 23 October**

**18.00-21.00**

### **Writing an arbitration award and arbitration opinion (Part 1 - Theory)**

*Course leaders/speakers: Daniel Vargö and Rikard Wikström-Hermansen*

The importance of delivering a well-written award as an arbitrator cannot be overestimated. The award is the final product of the arbitration and must live up to the expectations of the parties.

In this seminar we will discuss what characterises a good arbitral award, highlight trends in Swedish award writing, and see what we can learn from international proceedings and other jurisdictions. In addition to these general points, we will raise some specific questions: How detailed should the reasons for the judgement be? Is it acceptable to use copy-paste in the compilation of the recit? Must the judgement assess the credibility of the witnesses? The discussion on the practical aspects of judgement writing will then continue in the following seminar.

# Wednesday 13 November

**18.00-21.00**

**Writing an arbitration award and an arbitration opinion (Part 2 – Practical briefing)**

*Course leaders/speakers: Fanny Gleiss Wilborg and Johnny Herre*

During this seminar, we will use a couple of examples of arbitral awards and discuss basic questions such as what elements an arbitral award must/should contain, considerations regarding language and structure, as well as the purpose of the different elements and what is particularly important to consider in each element. For example, what are the different ways of writing and using recit - the advantages and disadvantages of different approaches and what do parties and counsel prefer?

Furthermore, we will reflect on different approaches to co-operation in a tribunal on the way to a successful award.

How much consultation should take place before preparing a first draft of an arbitral award? Who writes the first draft? If it is the chair, how should the draft be handled? What should the final quality assurance be and who is responsible for it?

We also talk about dissenting opinions - when should/should an arbitrator write a dissenting opinion and what should it look like? What principles are applied in the Supreme Court? How common is it in Swedish and international proceedings?

## Wednesday 4 December

**15.00-18.00**

**Is there anything special about international arbitration?**

*Course leaders/speakers: Gisela Knuts and Kristoffer Löf*

International arbitration by definition means that you are dealing with participants from different countries and jurisdictions. This fact raises a number of issues and concerns.

One such issue is that of applicable law – how to determine, interpret and apply it.

Other concerns stem from the fact that arbitrators, counsel, and witnesses come from different legal cultures and traditions.

This must be taken into account when presenting a case, including arguments and evidence, as well as when preparing and conducting cross-examination.

The multiculturalism in international arbitration is an important factor for arbitrators to take into account when managing and conducting an arbitration, as well as when drafting the award.

## Wednesday 4 December

**19.00-22.00**

**Diploma dinner**

*Course leader/speaker: Ioana Knoll-Tudor*