MISSION STATEMENT

Stockholm International Arbitration Review illustrates the development of the international arbitral process, the enforcement of arbitral awards and the use of legal norms in the settlement of, primarily commercial transnational, disputes. By contributing to the scholarly debate on international arbitration, Stockholm International Arbitration Review seeks to advance ideas which will improve the knowledge and the functioning of the international arbitral process.

Emphasis is placed on the publication of extracts of arbitral awards and court decisions with in-depth comments by scholars and practitioners. The approach shall be comparative, articles and comments be reasoned and explanatory, accessible also to non-specialists.

Contributions in the Stockholm International Arbitration Review shall be published in the languages currently used in international arbitration.
# STOCKHOLM INTERNATIONAL ARBITRATION REVIEW

## TABLE OF CONTENTS

### EDITORIAL

Sigvard Jarvin, General Editor

### ARTICLES

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deliberations of the Arbitral Tribunal — Analysis of Reasoned Awards</td>
<td>1</td>
</tr>
<tr>
<td>From a Swedish Perspective</td>
<td></td>
</tr>
<tr>
<td><em>Finn Madsen &amp; Peter Eriksson</em></td>
<td></td>
</tr>
<tr>
<td>Contractual Exclusion of Annulment Actions Against International</td>
<td>43</td>
</tr>
<tr>
<td>Arbitral Awards Made in Switzerland</td>
<td></td>
</tr>
<tr>
<td><em>Laurent Hirsch</em></td>
<td></td>
</tr>
<tr>
<td>The Missing Bits — To Be Substituted by BITS</td>
<td>97</td>
</tr>
<tr>
<td><em>Max Gutbrod &amp; Steffen Hindelang</em></td>
<td></td>
</tr>
<tr>
<td>Overview of the Revised Rules of the International Commercial</td>
<td>117</td>
</tr>
<tr>
<td>Arbitration Court at the Chamber of Commerce and Industry</td>
<td></td>
</tr>
<tr>
<td>of the Russian Federation (the ICAC)</td>
<td></td>
</tr>
<tr>
<td><em>A.S. Komarov</em></td>
<td></td>
</tr>
<tr>
<td>The New Russian International Arbitration Rules (The Rules of the</td>
<td>125</td>
</tr>
<tr>
<td>International Commercial Arbitration Court at the Chamber of</td>
<td></td>
</tr>
<tr>
<td>Commerce and Industry of the Russian Federation)</td>
<td></td>
</tr>
<tr>
<td><em>Ivan Marisin &amp; Timur Aitkulov</em></td>
<td></td>
</tr>
</tbody>
</table>
INVESTMENT DISPUTES

Mr William Nagel (United Kingdom) v. the Czech Republic 139
Decision by the Svea Court of Appeal (Sweden), rendered on 26 August 2005

Subject Matters:

(1) Did the Arbitral Tribunal rule on all of the issues that were submitted to it?
(2) Was the decision taken by the Arbitral Tribunal a jurisdictional decision, or a decision on the substance of the parties’ dispute?

Observations by Michael Polkinghorne & Matthew Secomb

ARBITRAL AWARDS

Arbitral Award rendered in 2005 in SCC case 143/2003 157

Subject Matters:

(1) Whether an entity that was not named as a respondent in the Request for Arbitration and therefore did not take part in the formation of the arbitral tribunal may be counted as a respondent in the arbitration.
(2) Whether, by application of the alter ego doctrine to “pierce the corporate veil” of one entity, an arbitral tribunal may exercise jurisdiction over another entity that is not a party to the arbitration.
(3) Whether an assignment merely of the proceeds from a cause of action, or rather an assignment of the cause of action itself, is effected by the following language: “The Assignor assigns to Assignee the right title of interest and sums of money recovered of the Defendant in the proposed action [Assignor] -v- [Defendants].”
(4) Whether an aggrieved entity’s cause of action against a state and against a corporation designated by the state to administer the outstanding debts of a company liquidated by state decree is a dispute that would fall within the scope of an arbitration clause in a contract between the aggrieved entity and the company liquidated by state decree.
(5) Allocation of costs.

Observations by David Goldberg & Gordon Blanke
COURT DECISIONS ON ARBITRATION

Latvia

Judgment by the Riga Regional Court, Civil Cases Board Rendered on 19 August 2004 in case: CA-4208/20.2004 (ForScan Timber Export AB v. Interwood)

Subject Matters:

(1) Determination of the jurisdiction in case of similar names of arbitral institutions.
(2) Arbitrator's knowledge of the language agreed in the arbitration agreement
(3) Competence – competence
(4) Issuance of the writ of execution

Observations by Ziedonis Udris & Inga Kačevska

The Netherlands

Judgments rendered by the District Court of The Hague on 27 May 2004 in (1) case KG/RK 2002-979 and 2003-1617 and by the Court of Appeal of the Hague on 24 March 2005 in (2) case 04/694 and 04/695 (Marketing Displays International Inc. v. VR Van Raalte Reclame B.V.)

Subject Matters:

(1) Leave for enforcement under the New York Convention
(2) Art. 81 EC
(3) (International) public policy

Observations by Diederik de Groot

Switzerland


I. Subject Matter:

(1) Exclusion of annulment action in arbitration clause
II. Subject Matters:

1. Exclusion of annulment action in Bilateral Investment Treaty
2. Scope of jurisdiction of an arbitral tribunal

DOCUMENTS

Amended Rules of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (ICAC) in English and Russian

NOTES & INFORMATION

SCC Institute Adopts New Arbitration Rules

CONFERENCE REPORT: International Conference on ICSID: “Taking Stock after 40 Years” (Frankfurt am Main, Germany, 26–28 April, 2006) – Dr. Alfred Escher and Dr. Götz Reichert

IN MEMORIAM: Professor Lars Hjerner – Ulf Franke

NEW ACCESSION TO THE 1958 NEW YORK CONVENTION: United Arab Emirates

BOOK REVIEW – O. P. Malhotra and Indu Malhotra
The Law and Practice of Arbitration and Conciliation, 2nd Edition

BOOK REVIEW – Andreas Reiner
Das neue österreichische Schiedsrecht 2006/The New Austrian Arbitration Law 2006

BOOK REVIEW – Alexis Mourre
Les Cahiers de l'arbitrage, Volume III

BOOK REVIEW – Lars Heuman & Sigvard Jarvin

LIST OF BOOKS RECEIVED