

CHOOSE COPENHAGEN AS VENUE AND PLACE OF ARBITRATION

THE DANISH
INSTITUTE OF ARBITRATION



COPENHAGEN IS A WONDERFUL CITY

Copenhagen offers excellent hotels, restaurants and meeting venues, including the arbitration hearing rooms at the Danish Institute of Arbitration. Copenhagen can be reached by non-stop flights from more than 140 locations. Most of the city's hotels, meeting venues, restaurants, etc., are within easy walking distance.

Frank Jensen
Lord Mayor of Copenhagen



DANISH COURTS SUPPORT ARBITRATION

As President of the Maritime and Commercial High Court in Copenhagen, I can assure you that the Danish court system is a neutral and professional partner of the well-established, internationally-oriented Danish arbitration environment and that this facilitates dispute resolution and justice through a speedy and efficient arbitral process.

Henrik Rothe

President of the Maritime and Commercial High Court

A photograph of two men in business suits standing in a well-lit hallway. The man on the left is older, with grey hair and glasses, wearing a dark pinstriped suit and a red tie. The man on the right is younger, wearing a dark blue suit and a red patterned tie, with his arms crossed. They are standing in front of a large window that looks out onto a city street. The hallway has a wooden floor and a coffered ceiling with two spherical pendant lights.

THE DANISH INSTITUTE OF ARBITRATION IS AN EFFICIENT AND PROFESSIONAL PARTNER

Once the parties have agreed on an arbitration clause that refers to the Danish Institute of Arbitration, the parties, their legal counsel, the arbitrators and other professionals can rely on the Institute as an efficient and professional partner which protects and safeguards the arbitral proceedings and the arbitral award.

Jesper Lett
President of the Danish Institute of Arbitration

Steffen Pihlblad
Secretary-General of the Danish Institute of Arbitration

This brochure explains some of the benefits of choosing Copenhagen as the place of arbitration and as venue for hearings.

Many companies choose to include arbitration in the dispute resolution clauses of their commercial contracts. This enables companies to select arbitrators with technical expertise and knowledge of the law and culture of different countries. This also ensures a neutral forum and results in decisions that are generally much easier to enforce in an international setting than a court judgment.

The choice of the place of arbitration is crucial, since the law of the place determines important procedural matters and since courts located at the place of arbitration may be called upon to deal with different issues ranging from the appointment of arbitrators to the recognition and enforcement of the arbitral award.





The Danish Institute of Arbitration is located in the heart of Copenhagen with a view to Rosenborg Castle

CLEAR LEGAL FRAMEWORK

Denmark is a party to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the Danish Arbitration Act (2005) is based on the UNCITRAL Model Law.

Denmark's favourable arbitration policy has largely defined the courts' positive approach to arbitration agreements and disputes under the jurisdiction of the arbitral tribunal. Danish courts assist with the arbitral process when called upon to do so and consistently enforce arbitral awards. In so doing, Danish courts narrowly construe the grounds for non-recognition of the arbitral awards under both the Danish Arbitration Act and the New York Convention.

The standards set forth in the Arbitration Act for setting aside arbitral awards are narrow and in line with the grounds for the setting aside set forth in the New York Convention. The Danish courts have held that these statutory standards for the setting aside of arbitral awards are exclusive.

There are no restrictions on the nationality or qualifications of legal counsel. A party may be represented by whomever it prefers. However, lawyers in Denmark are a good selling point for arbitration in Denmark as they speak excellent English, possess subject expertise and have a profound knowledge of international arbitration.

Denmark has a well-established Arbitration Association - www.voldgiftsforeningen.dk - which promotes knowledge and interest in international arbitration.

Recently, the association Young Arbitrators Copenhagen - www.yac.dk - was established as an initiative particularly aimed at arbitration practitioners under the age of 40.



The hearing facilities
of the Danish Institute of Arbitration



THE DANISH INSTITUTE OF ARBITRATION

The Danish Institute of Arbitration (DIA) is a non-profit, private foundation which was founded in 1981. The DIA specializes in commercial arbitration and mediation.

The DIA is the only general centre for arbitral dispute resolution in Denmark. Approximately one third of the DIA's case load is international. The vast majority of international arbitrations are conducted in English.

The DIA's Rules of Arbitration Procedure were adopted in 2013 and are available in English, German, French, Russian, Chinese and Danish.

The main objective of the DIA is to administrate arbitration cases in accordance with its Rules of Arbitration Procedure through arbitrators selected by the parties and confirmed by the DIA on a case-by-case basis.

If the parties fail to agree on the number of arbitrators, the dispute is usually settled by a sole arbitrator.

There are no restrictions on the nationality or qualifications of those who may serve as arbitrator or counsel. The President of the arbitral tribunal, or the sole arbitrator, if relevant, must have a law degree, however. Their nationality and domicile country must be dif-

ferent from those of the parties and other arbitrators, unless otherwise agreed by the parties.

All arbitrators, including any party-appointed arbitrators, must be independent and impartial.

The proportions in which the cost of the arbitration shall be borne by the parties are decided by the arbitral tribunal. In its decision, the arbitral tribunal takes into account the outcome of the case and any other relevant circumstances, including any agreement between the parties and the extent to which each party has contributed to the arbitration in an efficient and cost-conscious manner.

The DIA is located in the heart of Copenhagen. On its premises, the DIA offers excellent facilities for conducting arbitrations with hearing rooms and break-out rooms which can be used free of charge in cases filed under the DIA.

The DIA assists the parties with services to support the needs of international arbitration, such as translators, interpreters and court reporters.



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christensen





DRAFTING ARBITRATION CLAUSES FOR THE DANISH INSTITUTE OF ARBITRATION

In cases where parties agree to arbitrate disputes under the DIA, the DIA recommends the following standard clause to be included in the contract:

“Any dispute arising out of or in connection with this contract, including any disputes regarding the existence, validity or termination thereof, shall be settled by arbitration administered by the Danish Institute of Arbitration in accordance with the rules of arbitration procedure adopted by the Danish Institute of Arbitration and in force at the time when such proceedings are commenced.”

On www.danisharbitration.com a variety of model clauses can be found to suit the parties' wishes; including a combination where the parties initially agree to settle the dispute by mediation.

Drafters of arbitration clauses may wish to go more into detail and take account of the following additions:

1

“The arbitral tribunal shall be composed of three arbitrators.”

2

“The place of arbitration shall be [...].”

3

“The language to be used in the arbitral proceedings shall be [...].”

4

“This contract shall be governed by the substantive law of [...].”

THE INFRASTRUCTURE AND CONVENIENCE OF COPENHAGEN

Copenhagen is a beautiful historic city. The city runs smoothly and bribery and corruption are virtually non-existent.

Copenhagen is one of the safest cities in the world and is highly ranked for liveability. The population is about 1.3 million.

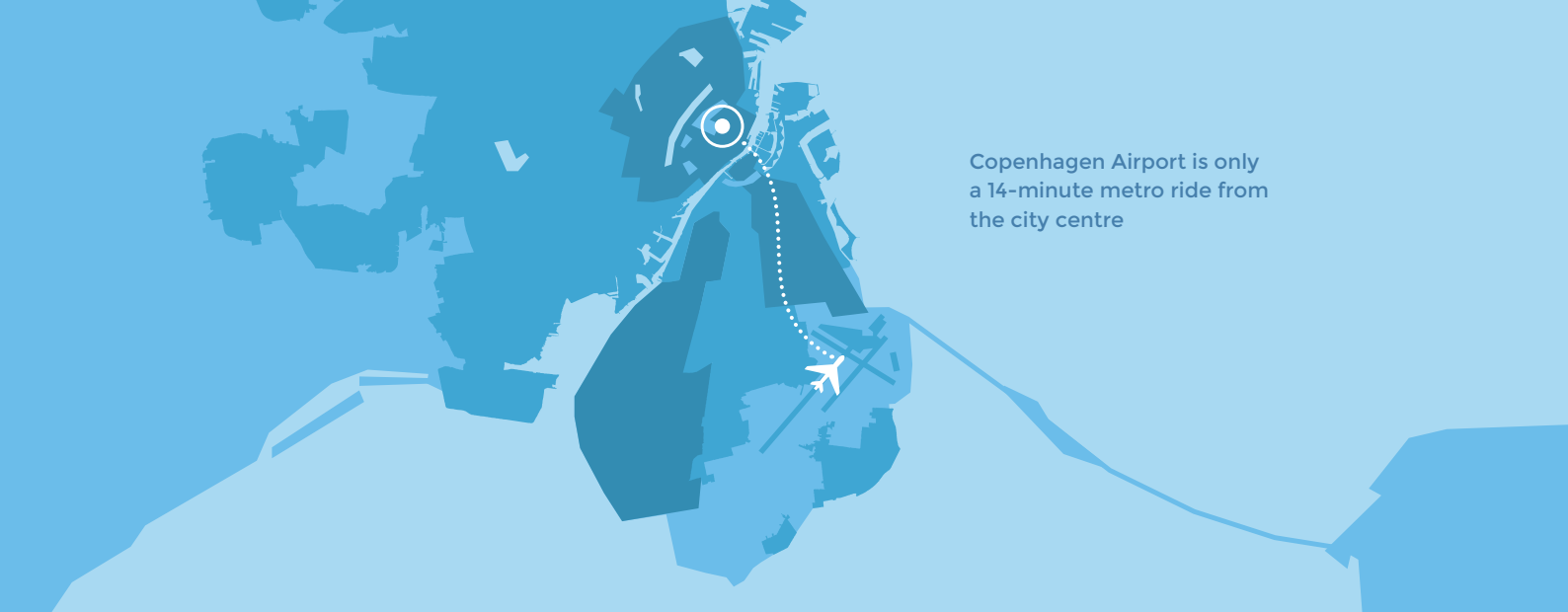
The Danish capital is accessible on direct flights from more than 140 locations. All European mainland airports can be reached within 3.5 hours, while Europe's major cities are less than two hours away.

Copenhagen Airport – www.cph.dk – is the largest and busiest international airport in Scandinavia. In addition, Copenhagen Airport regularly wins international awards for Best Airport, thanks to its efficiency and

punctuality, as well as for the design of its terminals, range of quality shops and overall customer satisfaction.

Copenhagen Airport is only a 14-minute metro ride from the city centre, which is the shortest travel time from an airport to any capital city centre in Europe.

Copenhagen is a city of cultural and culinary distinction, offering restaurants within all price ranges and tastes, and is currently home to some of the best restaurants in the world.



Copenhagen Airport is only a 14-minute metro ride from the city centre



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