

Summary procedure in the 2017 SCC Arbitration Rules

fieldfisher

*SCC in Minsk: Innovations
in the 2017 SCC Arbitration Rules*

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Is summary procedure fit for international arbitration?

It should be seen as nothing more than a case management tool striking a balance between a:

- tribunal's implied power to conduct the arbitration in an efficient manner (including to save time and money); and
- a party's right to have an (equal) opportunity to present fully its case (*due process*)

Step forward: Art 39 of the 2017 SCC Rules

Art. 39

(1) A party may request that the Arbitral Tribunal decide one or more issues of fact or law by way of summary procedure, without necessarily undertaking every procedural step that might otherwise be adopted for the arbitration.

(2) A request for summary procedure may concern issues of jurisdiction, admissibility or the merits.

Advantages and risks

Advantages of an express summary procedure

Potential risks of summary procedure

Future of summary procedure: what's next?

- What standard will be applied by tribunals to decide summary procedure applications?
- Will other international arbitration institutions follow the SCC and SIAC example?
- Will foreign courts swiftly enforce summary awards?

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Thank you!



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