



Role and Mission of the Administrative Body of an Arbitral Institution : A Fair Balance between Control and Freedom of Proceedings

During the Paris Arbitration Week (PAW 2024), the Paris Center for Mediation & Arbitration (CMAP) had the pleasure to organize an event at the law firm, Clifford Chance, on the topic of the role and mission of the CMAP Arbitration Committee.

The CMAP, created in 1995 by the Paris Chamber of Commerce and Industry, supports companies wishing to settle their disputes both in France and internationally, through alternative dispute mechanisms such as arbitration and mediation. CMAP has its own rules, with the latest version published in 2022. CMAP handles an average of twenty arbitration cases per year, related to a wide area of sectors, including real estate, insurance, construction, energy, among others, and with amounts in dispute ranging from less than €500 thousand to more than €10 million. Recently, CMAP has handled cases involving more than €800 million. The average length of proceedings is 19 months between the referral to the CMAP and the arbitral award, and 11 months from the constitution of the Arbitral Tribunal to the final arbitral award.

To support parties and arbitrators throughout the procedure, the CMAP has set up an Arbitration Committee with six (6) members, all specialists in domestic and international arbitration and having different legal backgrounds. Mr Daniel Mainguy, Chairman of the Arbitration Committee, is Professor of Law at Sorbonne University, and Director of the Master's program in Business Litigation. Mr Thibaud d'Ales, is a partner at Clifford Chance in the commercial litigation and arbitration department. Mr Franck Tassan acts as arbitrator and was a general counsel in major international groups. Mr Clément Fouchard, partner at Reed Smith, specializes in international commercial and investment arbitration. Ms Kamalia Mehtiyeva is Professor of Law at the University of Paris-Est Créteil (France) and co-founder of Barbier Mehtiyeva Law, which focuses on international arbitration and litigation.

Among other missions, the Committee approves two times a year a list of arbitrator candidates. CMAP's arbitrators have a wide range of professional experience, as legal practitioners, commercial and financial experts, former judges, university professors, business leaders and engineers. CMAP currently has around 100 independent, neutral and impartial arbitrators.

During an arbitral proceeding, the main features of the Committee is to confirm, remove, or designate an arbitrator. In addition, the Committee has to validate the arbitration fees in respect of the amount in dispute, the complexity of the case and the number of arbitrators. However, the purpose of this article is to focus more on the scrutiny role of the Committee, which is a characteristic feature of CMAP.

Such scrutiny is mandated by Article 28.3 of the CMAP Arbitration Rules 2022, which states that "the draft award shall be sent to the Arbitration Committee, which shall make any useful comments." Indeed, before signing an award, whether partial or definitive, the arbitrator shall submit it in draft form to the Arbitration Committee. The Committee may lay down modifications as to the form of the award and without affecting the arbitrator's liberty of decision, may also draw his/her attention to points of substance aiming to protect the legitimacy/efficiency of the award. Consequently, the CMAP Arbitration Committee's scrutiny of draft awards reduces the scope for errors and helps to ensure that awards are enforceable. This in turn reduces the need for applications for correction or interpretation of the awards, and potentially their susceptibility to challenge.

To conclude, CMAP with its various features and specificities consistently strives towards efficiency and legitimacy, shaped mostly by the users' needs, and importantly contribute to its widely recognized success.



Stefani Papazoglou,
Juriste du Pôle MARD
CMAP

Centre de Médiation et d'Arbitrage
39 avenue Franklin Delano Roosevelt
75008 Paris
cmap@cmmap.fr
www.cmap.fr