



Austrian Arbitration Law – selected aspects

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Austrian Arbitration Law – Historical Background

- Austrian arbitration law has its origins in a codification of 1895
- Austrian Arbitration Act: Sections 577 – 618 Austrian Code of Civil Procedure (ACCP)
- 2006 Revision: Alignment with international developments and UNCITRAL Model Law
- 2013 Reform: Austrian Supreme Court as first and final instance for majority of arbitration related matters

Competence of State Courts

- Parallel competence with tribunals in relation to interim measures
- Proceedings concerning the formation of an arbitral tribunal (eg appointment, challenge)
- Claims challenging an arbitral award for the reasons enumerated in Section 611 ACCP
- Claims regarding the declaration on the existence or non-existence of an arbitral award (Section 612 ACCP)

Court Fees

- Claims for challenge of an award and claims regarding the declaration of existence or non-existence of an award:

5% of the amount/value in dispute but not less than EUR 5,235

Example: amount in dispute EUR 10,000,000 – court fee: EUR 500,000

- Claims/applications concerning the formation of the tribunal: EUR 2,112.

Vienna International Arbitral Centre

- Founded in 1975
- Last amendment effective as of 1 July 2013
- Administration of over 1,300 disputes since its inception

Vienna Rules 2013 - Features

- Joinder of third parties and consolidation of proceedings (Art 14-15)
- Multi-party proceedings, in particular the constitution of the arbitral tribunal (Art 18)
- **Remission of arbitral proceeding to the arbitral tribunal (Art 40)**
- Costs and the opportunity of the tribunal to order reimbursement of the advance on costs by the non-paying party (Art 42)
- **Expedited procedure (Art 45)**

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