



ENFORCEMENT OF FOREIGN ARBITRAL AWARDS IN ISRAEL

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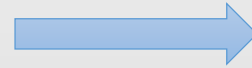
THE ISRAELI ARBITRATION LAW

- The governing law – The Arbitration Law, 1968
- 1974 Amendment – Article 29a added:

“A request for the approval or setting aside of a foreign arbitral award to which an international convention that Israel is a party to applies, and the convention provides directions regarding the relevant matter, shall be filed and decided in accordance with and subject to those directions”
- The Regulations for Execution of the New York Convention, 1978

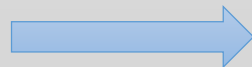
ARGUMENTS AGAINST AN APPLICATION TO APPROVE THE ARBITRAL AWARD

If the NY Convention does apply



Article 5

If the NY Convention does NOT apply



Article 24 of the Israeli law

ARTICLE 24 OF THE ISRAELI LAW

- Illegal arbitrator appointment
- There was no arbitration agreement in force
- One of the matters was not decided
- The arbitrator did not explain the arbitral award
- Etc...

COURTS DISCRETION

When the NY Convention applies

- Full recognition and enforcement
- Partial approval – Article 5(1)(c)

When the NY Convention does NOT apply

Article 24 and 26(b) of the Israeli law:

- Full annulment
- Partial annulment
- Completion of the arbitral award
- Amendment to the arbitral award
- Send the arbitral award back to the arbitrator for completion or amendment

DOCUMENTS THAT NEEDS TO BE ATTACHED TO THE APPLICATION

- The original arbitral award dully validated in accordance with the Israeli law.
- The original arbitration agreement or a certified copy of it in accordance with the Israeli law.
- The arbitration award in Hebrew, Arabic, English or French.

TIME TABLE

Application to enforce – no specific date

*Note – the other party may claim waiver of rights if you wait too long.

Response to the application – within 15 days! (C.A 4320/11 E.I.M Communications Holdings Ltd. VS. Michael Wilson & Partners (2011)).

SEIZING ASSETS IN ISRAEL

- **Before the arbitration process begins** – according to the Israeli law and regulations (RCA 102/88 Maadanei Avaz Hacesef Ltd. VS. Cent or S.A.R.L (1988))
- **When enforcing an arbitral award** – Article 29(a) of the Israeli Arbitration Law and the Israeli civil regulations.

Thank You

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