

Swedish Courts and Tribunals – A perfect relationship?

The relationship between state courts and arbitral tribunals

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Arbitration in Sweden

- The Arbitration Institute of the Stockholm Chamber of Commerce (the “SCC”) – centennial anniversary in 2017
 - Arbitration Rules
 - Rules for Expedited Arbitration
 - Rules for Mediation
- *Ad hoc* arbitration
- The West Sweden Chamber of Commerce Council Rules on Mediation and Arbitration (the “Gothenburg Clauses”)



The meaning of arbitration friendly

- What does “arbitration friendly” mean?
 - Balance between party autonomy and State court intervention
 - Respect for the fundamental arbitral principle of party autonomy
 - Safeguarding of the arbitral process by independent, arbitration-friendly courts



Interaction between State courts and arbitral tribunals

- State court intervention (or support) in arbitration requires legislative support, i.e. support in the law
 - The Swedish Arbitration Act
- Why allow State court intervention?
 - Legal certainty
- Jurisdiction of the Swedish courts in international arbitrations?



Interaction between State courts and arbitral tribunals

- Involvement of State courts at the various stages of arbitration
 - Before the arbitration commences
 - During the proceedings before the arbitral tribunal
 - After the arbitral award is rendered
- State court involvement in *ad hoc* arbitrations vs. SCC arbitrations

State court involvement *before* the arbitration commences (Ad hoc)

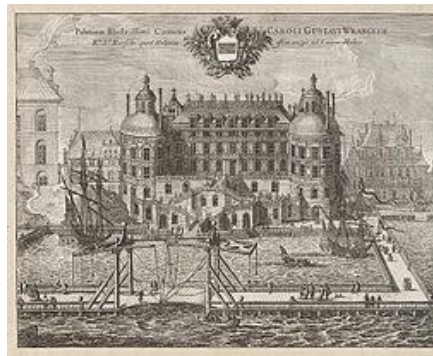
- Appointment of arbitrators and chairman
- Jurisdiction

State court involvement *during* the arbitration proceedings

- Challenge/removal of arbitrator (ad hoc)
- Appointment of new arbitrator (ad hoc)
- Witnesses and experts under oath
- Production of documents
- Interim measures

State court involvement *after* an arbitral award is rendered

- Challenge of arbitral awards (Only 6 percent successful)
- Compensation to the arbitrators
- Recognition and enforcement of arbitral awards



Finally

- What is the answer to the question?



Which question?

- Do the Swedish courts and tribunals have a perfect relationship?

Answer

- Nothing is perfect.....
- But the relationship is “close to perfect”.



Thank you

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