

The Bulletin in Brief

This third 2013 issue of the Bulletin is again largely dedicated to doctrinal writing, including on investment arbitration, but includes nonetheless five court decisions.

Alexander R. Markus first examines the issue of a possible **appeal of decisions rendered by the *juge d'appui***, i.e. the Swiss State court judge acting in support of the arbitral process.

In the second article, *Laurence Burger* critically analyses the famous, **test used in *Salini* to determine** whether an “investment” exists in view of recent arbitral awards.

Ash Bayata Canyaş then reviews the principles applicable for and the remaining impediments to the **enforcement of foreign arbitral awards in Turkey** in the light of the amendments brought in by the recent Turkish Code on Private International.

The fourth article also concerns **investment arbitration**. In it, *Dimitrij Euler* and *Giuseppe Bianco* explore, in the light of the recent decision on jurisdiction and admissibility in *Abaclat and others v. Argentina*, the issue of **vulture funds in the context of sovereign debt restructuring** and the grounds available to the State to resist enforcement of an award in this context, namely non-arbitrability and public policy.

In the next article, *Michael Wietzorek* provides an **overview of recent decisions from State courts in Russia, Ukraine, and Kazakhstan** relating to arbitrations seated in Switzerland.

Last, *Dirk De Meulemeester* and *Maud Piers* provide a focused overview of **the new Belgian arbitration law** which came into force in September 2013, and which is based on the UNCITRAL Model Law on International Commercial Arbitration and increases the attractiveness of Belgium as a seat for international arbitrations.

A summary of court decisions published in this issue is set out in the Introduction to the **Case Law** Section (p. 603), including the following decisions:

- Two Supreme Court decisions discussing the issue of **subject-matter arbitrability** in the context of **CAS/TAS awards** and confirming that such issue is governed exclusively by Swiss law, one of which accompanied by a note from *Christopher Boog* and *Benjamin Moss*;

- A Supreme Court decision on the challenge of an award rendered in a **post-acquisition dispute** arising out of the non-approval of the acquisition by the Austrian anti-trust authority, in which the Court analysed various grounds of **due process violation**, including unequal witness examination time and an alleged surprising application of the law; with a note by *Johannes Landbrecht*; and
- A cantonal decision from the courts in Tessin regarding the **enforcement in Switzerland of an arbitral award** rendered in Italy.

As always, if you have critical remarks or suggestions as to how the Bulletin could be further improved, or wish to provide materials for possible publication, please do not hesitate to contact us.

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