

The Bulletin in Brief

This first issue of the Bulletin for 2014 contains two articles, and eleven court decisions, including ten from the Swiss Federal Supreme Court.

Columbia was among the world's twenty leading foreign investment destinations in 2012. In the first article, *Eduardo Zuleta* and *Rafael Rincón* set out the main features of **Colombia's new arbitration law**, based on the UNCITRAL Model Law, and comment recent legal developments that are currently shaping a new international arbitration landscape in Colombia.

Duarte G. Henriques then analyses the interesting issue of **extension of the arbitration agreement to non-signatories** in the light of the approach adopted by the **Portuguese courts**.

A summary of the court decisions published in this issue is set out in the Introduction to the **Case Law Section** (p. 37), including the following decisions:

- Two Supreme Court decisions dealing with **time limits**, within which to **challenge an award** notified to a post box, and within which to **challenge an arbitrator**;
- Four Supreme Court decisions rejecting applications to set aside CAS/TAS awards based on alleged **violations of the right to be heard** (including a case of failure to admit documentary evidence at the hearing; failure to consider witness evidence, alleged surprise reliance on documentary evidence);
- A Supreme Court decision on the challenge of a CAS/TAS award on the **ground of wrong composition of the arbitral tribunal** (Art. 190(2)(a) PIL Act), **confirming the violation of agreed nomination modalities** (here, three arbitrators and not one a sole arbitrator) as a valid ground for challenge, and suggesting that **the decision of an appointing authority** (here, the President of the Arbitration Division of CAS, i.e. not an arbitral tribunal) **was subject to a direct challenge under the PIL Act before the Swiss Federal Supreme Court**, a proposition critically commented upon in a case note by *Matthias Scherer*, “Decisions of private bodies and institutions cannot be challenged under Art. 190 PIL Act – Really?”;
- Two Supreme Court decisions annulling awards in **the commodity trading sector** where the arbitral tribunal had erred in the **damages calculation**: in the first case for violation of the right to be heard

and in the second on the ground of arbitrariness (domestic award) commented by *Laurent Hirsch* (“Portée des griefs relatifs au droit d’être entendu et à l’arbitraire”);

- A decision of the German regional high court OLG Frankfurt, setting aside an award on the basis of a **breach of a procedural agreement**, with note by *Simon Gabriel*: “Should Procedural Orders Be Construed as Party Agreements Binding on the Arbitral Tribunal?”

Also included in this issue are news about ASA, in particular a full report by *Catherine A. Kunz* of the ASA Annual Conference held in Basel in January (10 Years of Swiss Rules of International Arbitration) and a note on the winner of the ASA Advocacy Prize, *Raëd Fathallah*.

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.

For the Editorial Board

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