

ΕΛΛΗΝΙΚΗ ΕΝΩΣΗ ΝΑΥΤΙΚΟΥ ΔΙΚΑΙΟΥ

ASSOCIATION HELLENIQUE DE
DROIT MARITIME



HELLENIC MARITIME
LAW ASSOCIATION

Ακτή Ποσειδώνος 10,
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10, Akti Poseidonos,
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Dear Mr. President,

Re: Questionnaire - CMI Arbitration

We refer to your letter dated 20 February 2015 and the questionnaire of CMI's ad hoc working group on arbitration attached thereto. Before turning to the questionnaire we have to say that we fully agree that this is an important area of practice for many maritime lawyers around the world and we are of the view that it would be beneficial to the CMI and its members to pursue a role within this field more actively.

In response to the questions raised:

1. Would you encourage the CMI to play a role in Maritime Arbitration?

The Hellenic Maritime Law Association would certainly encourage the CMI to play a role in Maritime Arbitration. We consider that this is a field of great scholarly and professional importance and that CMI's involvement in this area could bring benefits and, hopefully, an active role in a significant area of practice.

2. If the answer to point 1 is affirmative, to what extent would you consider that the CMI should engage itself in this field?

The answer to this question depends on the areas that will be explored. Nevertheless the Hellenic Maritime Law Association is of the view that the CMI should actively engage itself at least in the third area of investigation mentioned in the questionnaire, namely devising its own set of model Rules.

3. Would you support the three above areas of investigation or only some of them?

Bearing in mind that we are at the stage of investigation, the Hellenic Maritime Law Association would support all three above areas of investigation with emphasis on the first (comparative analysis of arbitration rules and practices in the main arbitration centers and serving as an information center) and the third (exploring the possibility of devising its own set of rules).

4. Formulate any other suggestions for examination by the working group.

We note from the introduction to the questionnaire that the ICC/CMI Rules have never been applied and that there is a consensus for rejecting the idea that the CMI creates a new arbitration center. Although we are not fully aware of the exact reasons why the ICC/CMI Rules did not find a fertile ground, we feel that it would be worth exploring to update these rules or devise a new set of model rules for maritime disputes. This suggestion is made on the basis that the more options that are

available for the resolution of maritime disputes by arbitration the better it is for the industry in general.

The above task should ideally be sought to be carried out together with the ICC, provided of course that both sides would agree that such an effort is worth pursuing and, thereafter, promoting. The ICC's knowhow in arbitration together with the vast maritime experience within the CMI and its members are certainly worth combining. If the ICC would not be interested in supporting such a project, we would not rule out the option of the CMI exploring such a possibility on its own. Whether that could at some point lead to the creation of a new pole of maritime arbitration is another matter – to be realistic, we agree that creating a fully-fledged arbitration center is not the aim at this stage.

The task of updating the existing rules or devising new ones should, amongst others, focus and address issues which have in recent years come under a lot of criticism in relation to existing arbitration options, such as the high cost and lengthy duration of the relevant proceedings.

Whether in the context of the set of rules or independently of that, the CMI could also consider:

- creating a list of maritime arbitrators from within its membership (whether to serve as exclusive or non-exclusive arbitrators for arbitrations under the CMI rules, or to be generally available for appointment under any rules)
- formulating a scale of fees for arbitrators on the CMI list and/or for the arbitrations carried out under the revised/new rules
- at a later stage, creating a small-scale secretariat to provide basic administration for the conduct of the proceedings.

We look forward to hearing further from you and the working group on developments in this field.

Yours sincerely,

Gregory Timagenis
President

Deucalion Rediadis
Secretary General