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ICC Commission on Arbitration

Task Force on National Rules of Procedure for Recognition and Enforcement of Foreign Awards pursuant to the New York Convention of 1958

Last year, the ICC Commission on Arbitration marked the 50th anniversary of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards by creating a standing Task Force on National Rules of Procedure for Recognition and Enforcement of Foreign Awards pursuant to the New York Convention of 1958.



The Task Force has completed the first edition of its Report, which will be published shortly as a Supplement to the *ICC International Court of Arbitration Bulletin* and in the [ICC Dispute Resolution Library](http://www.iccdrl.com) (www.iccdrl.com).

The Report is a practical resource for international arbitration practitioners and users and is designed to be consulted as a first step when considering recognition and enforcement of foreign awards in one or more countries.

Consistent with the mandate of the Task Force, the Report focuses on national rules of procedure for recognition and enforcement of foreign awards under Articles III and IV of the New York Convention. These national rules vary considerably amongst the 144 States now party to the New York Convention and can have a major practical impact on obtaining recognition and enforcement.

The Report follows an orderly and user-friendly structure, comprising an Introduction, an Overview and over 60 individual Country Answers, together with several useful Appendices.

The Country Answers form the main body of the report and will be of primary interest to arbitration practitioners and users. The main subjects covered are:

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- (A) The Signatory and the New York Convention;
- (B) National Sources of Law;
- (C) Limitation Periods (Time Limits);
- (D) National Courts and Court Proceedings;
- (E) Evidence Required;
- (F) Stay of Enforcement;
- (G) Confidentiality; and
- (H) Other Issues.

The Overview highlights certain points of practical interest arising out of the individual Country Answers. Of particular note, the Overview addresses the limitation periods (time limits), if any, applicable to recognition and enforcement of foreign awards in the countries covered by the Report. There is, for example, a two-year limitation period in the People's Republic of China and a three-year limitation period in the USA. The Overview also identifies certain countries covered by the Report where it may be possible to obtain recognition and enforcement of a foreign award despite its having been set aside at the place of arbitration. This type of practical information may be critically important for parties considering the enforcement of foreign awards in various countries.

As the first systematic compilation of information specifically devoted to national rules of procedure governing the recognition and enforcement of foreign awards, the Task Force's Report promises to be a valuable addition to the legal resources available to the international arbitration community.