



MILAN
CHAMBER OF
ARBITRATION

ANNUAL REPORT

ARBITRATION

2023

Referred to 2022 statistical data



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Executive Summary

A new boost to the use of ADR tools is expected thanks to the recent Civil Justice Reform, which has the merit of having strengthened arbitration, in recognition of its usefulness for the smooth functioning of the "justice system."

In this context of renewed attention, CAM arbitration is performing well also in 2022 and confirms to be an effective tool, thanks to its flexibility and adaptability to the needs of the parties, who demand speed in dispute resolution.

In 2022, 131 new requests for arbitration were filed: one every three days, with a total dispute value of more than 272 million euros.

With regard to the subject matter of the dispute, the most important areas were corporate matters (24%); rent, sale and sale of company branch (18%) and supply of goods and services (17%). Compared with the previous year's data - influenced by the pandemic and the measures taken to contain it - it is evident an increase in disputes involving the supply of goods and services, those involving the leasing, sale and transfer of business unit. There is also an increase in contract disputes, due to higher prices for energy, raw materials and components.

The effort toward expansion of CAM arbitration has been emphasized in different national territories.

Three new agreements have been signed in 2022: with the Padua Chamber of Commerce, with Curia Mercatorum (an arbitration center promoted by the Venice-Rovigo and Belluno-Treviso Chambers of Commerce), and with the Monza Bar Association.

These agreements provide for the joint administration of arbitrations on the basis of the CAM Rules and confirm, over the years, how the institution is increasingly becoming a national point of reference for the dissemination of the arbitration instrument.



131

Requests for arbitration: one every three days

+27%

On the appointment of the Sole Arbitrator compared to 2021

66%

Online hearings out of the total number of hearings conducted



A NEW PHASE IN ITALY

Fifteen years after the last arbitration reform, the legislator (Legislative Decree 146/2022) has intervened to modernize the institution and to make it more attractive to foreign investors



THE MOST IMPORTANT NOVELTIES

- attribution of the power to grant interim or provisional measures to arbitrators: unless the parties agree otherwise, arbitrators may take all urgent and provisional measures, also of anticipatory nature, that are not barred by mandatory provisions applicable to the proceedings. This intervention fills a legislative gap that represented an important difference between our system and those geographically and culturally closer jurisdictions.
- strengthening of the guarantees of impartiality and independence of arbitrators: although the disclosure requirement was already broadly provided for in the CAM Rules, the legislator has codified it by requiring arbitrators to disclose any circumstance that might question their independence;
- enforceability of the foreign award: the legislator provided for the immediate enforceability of the decree by which the President of the Court of Appeal declares the effectiveness of the foreign award with sentencing content.

MARCH 1, 2023

THE NEW ARBITRATION RULES OF THE MILAN CHAMBER OF ARBITRATION (CAM) CAME INTO FORCE

The new CAM Arbitration Rules incorporate the changes introduced by the Reform and apply to all proceedings filed on or after March 1, 2023.

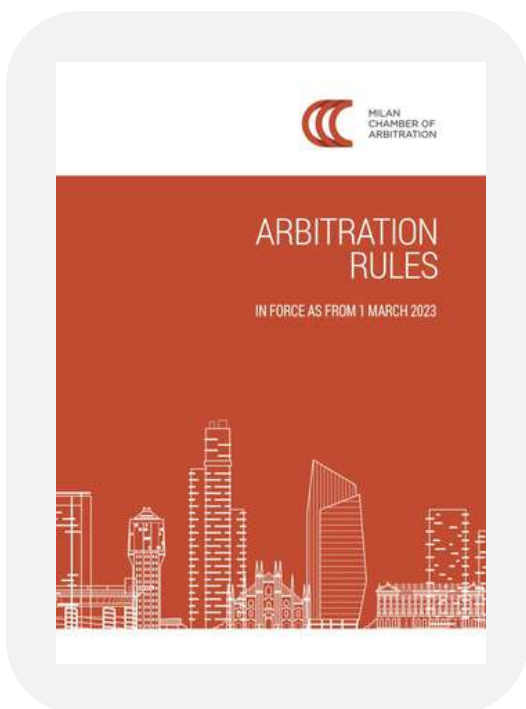
Major changes:

-attribution of broader powers to the Arbitral Tribunal for what regard interim and provisional measures, excluding those with merely negotiating effect introduced by the 2019 Regulations and confirmed in 2020;

-revision of the institution of emergency arbitrator and the procedure governing its intervention, in light of new legal provisions;

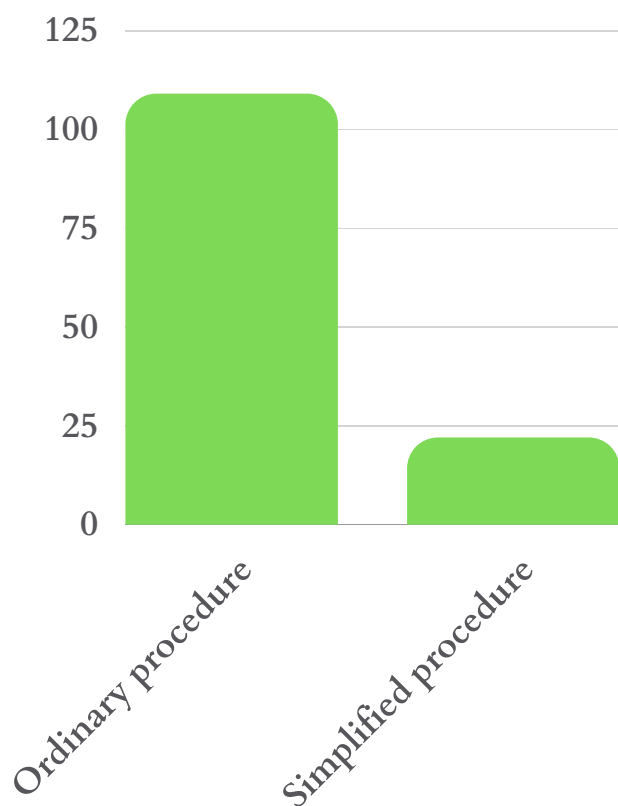
-expansion of decision that, anonymously, can be published for scientific purposes;

-revision of the article devoted to the filing of introductory documents (application, answer, reply) in simplified arbitration procedure.



[CAM ARBITRATION RULES - CONSULT HERE](#)

AMOUNT AND TOTAL SUM IN DISPUTES



131 requests for arbitration filed in
2022

1 in 5 cases
parties choose the simplified procedure

(for Simplified Arbitration procedure see page 9)

The **total sum** in dispute for 2022
amounted to:

€ 272.272.195

The **average value** of cases filed in 2022:

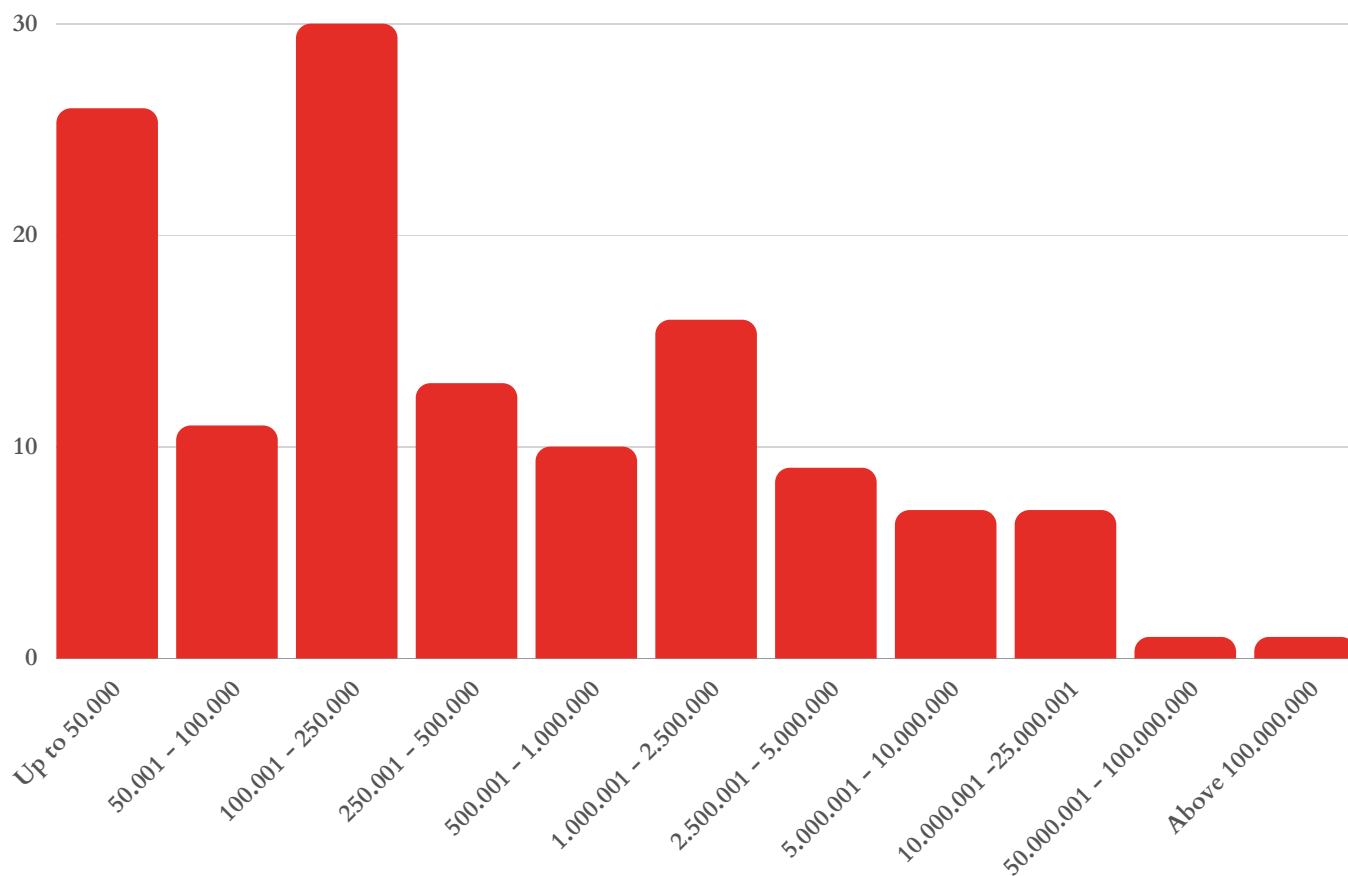
€ 1.644.294*

(*net of the 4 high and low peaks)



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CASELOAD SORTED BY FEE RANGE



Value of dispute by fee range	Incidence
Up to 50.000	19,8%
50.001 - 100.000	8,4%
100.001 - 250.000	22,9%
250.001 - 500.000	10%
500.001 - 1.000.000	7,6%
1.000.001 - 2.500.000	12,2%
2.500.001 - 5.000.000	6,9%
5.000.001 - 10.000.000	5,3%
10.000.001 - 25.000.001	5,3%
25.000.001 - 50.000.000	0
50.000.001 - 100.000.000	0,8%
Above 100.000.000	0,8%



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DURATION OF THE PROCEEDINGS AND ONSET OF THE DISPUTE



On average, the time lag between the date of the arrangement out of which disputes arise and when the disputes are referred to the Milan Chamber of Arbitration is

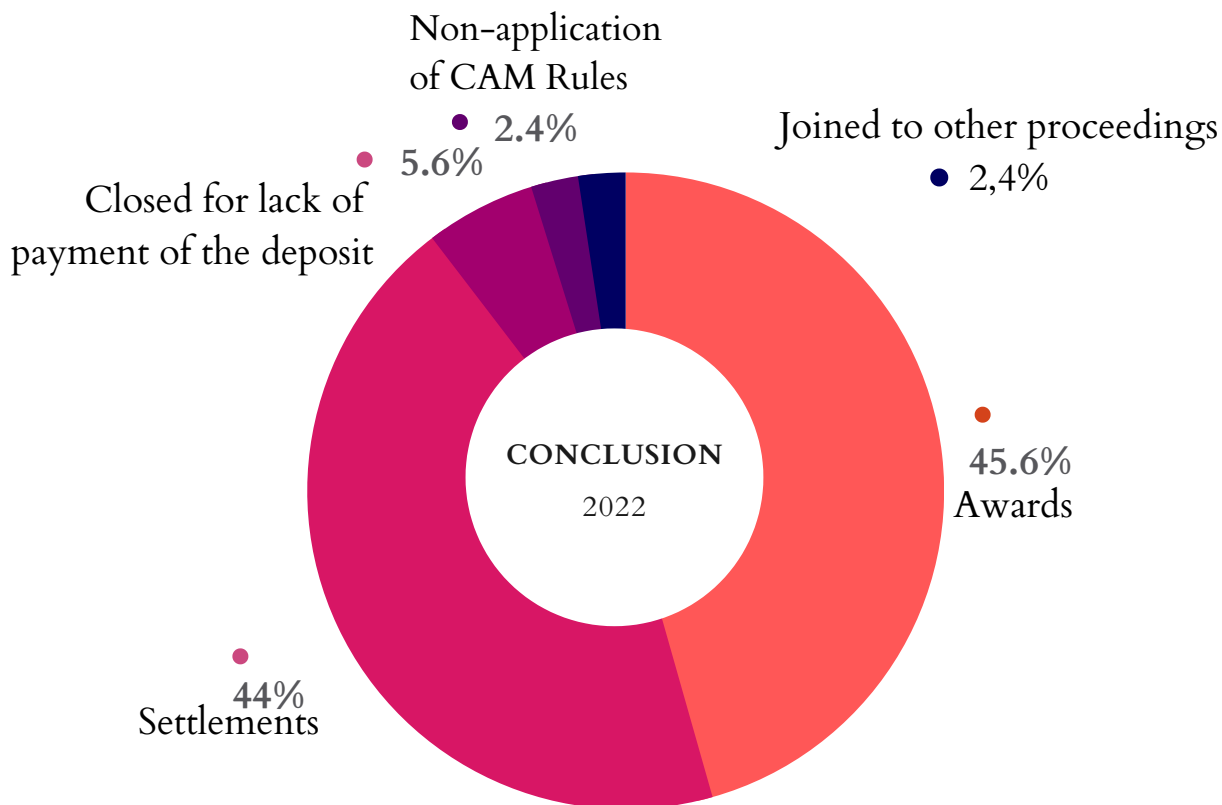
5 years



**Average duration of the proceedings
13 months in 2022**

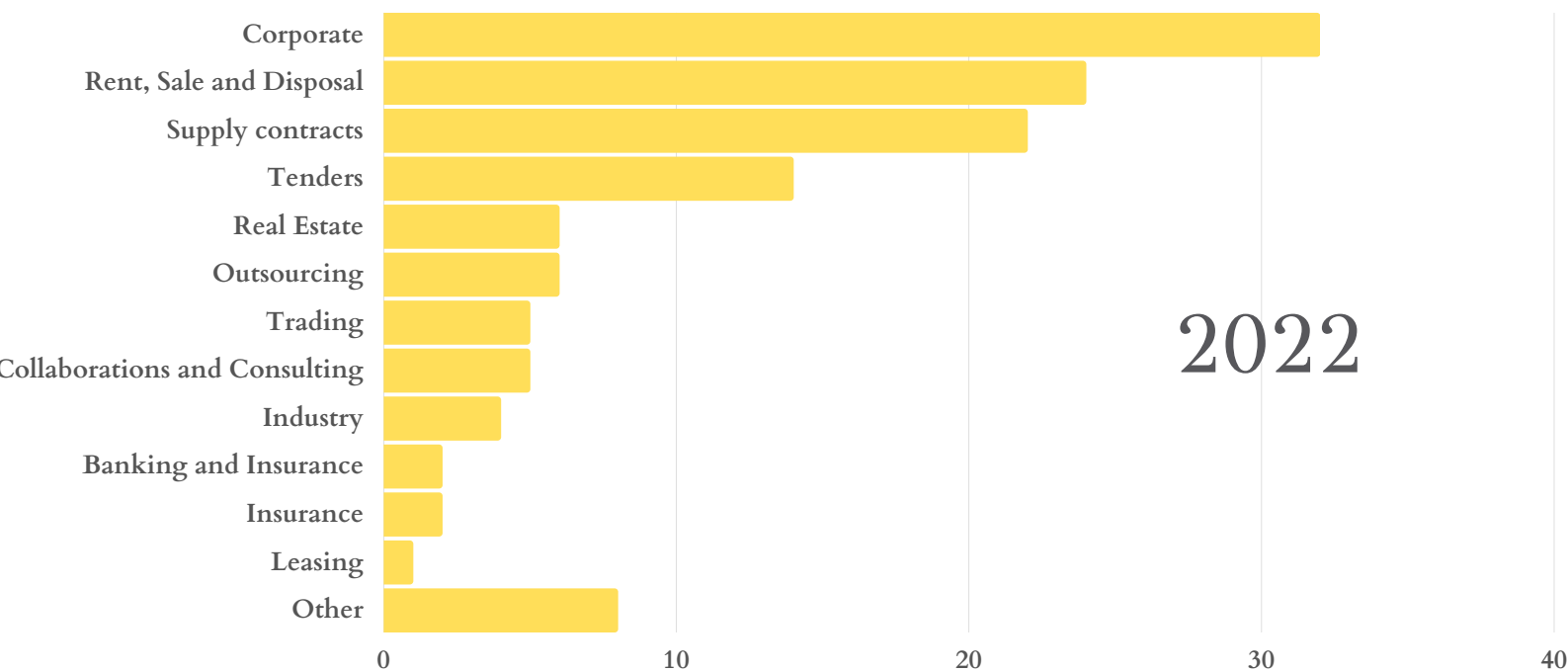
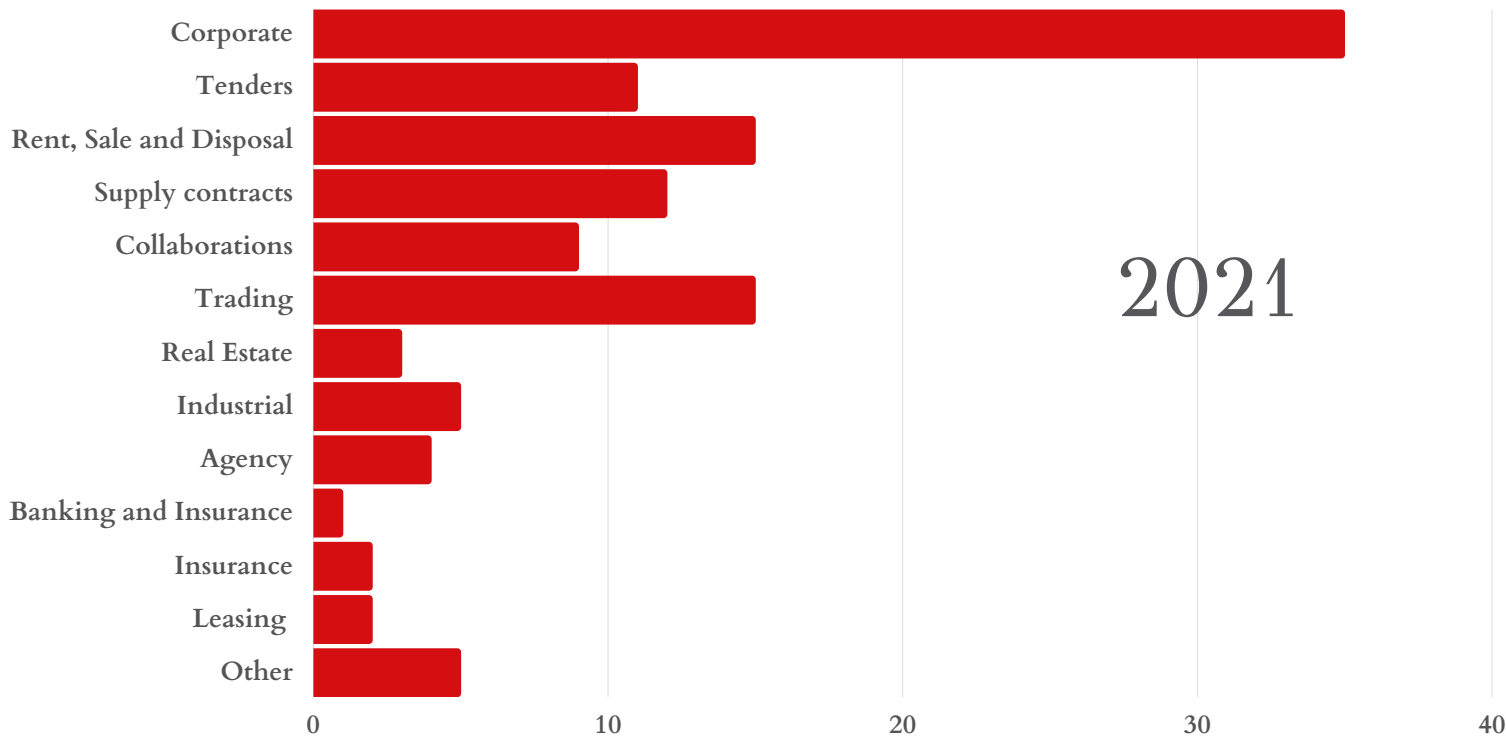
The data has remained unchanged from 2021

CONCLUSION OF THE PROCEEDINGS



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INDUSTRY INVOLVED ORDINARY ARBITRATION



NEW

New registered **outsourcing** disputes in 2022, absent category in 2021



SIMPLIFIED PROCEDURE THE KEY POINTS

PROCEDURE IN FORCE FROM JULY 1, 2020

Simplified Arbitration is a procedure that reduces time and costs compared to ordinary arbitration procedure.

Scope of application

- Proceedings with a value not exceeding 250 thousand euros;
- Proceedings without any economic value limit, if the parties expressly request the simplified procedure.

Costs

Costs are reduced by about 30%, compared to ordinary Arbitration (for both Milan Chamber of Arbitration fees and Sole Arbitrator fees).

Duration

The duration of the proceeding is cut in half: according to the Rules from the date of establishment of the Arbitral Tribunal, the Arbitrator has 3 months to file the award, compared to 6 months in the ordinary procedure.

Features

- The decision is always entrusted to the Sole Arbitrator;
- The number of memoranda is significantly reduced;
- The preliminary hearing is held in no more than one hearing.

SIMPLIFIED'S DATA

24

Requests for arbitration filed in 2022:
equal to **18.3%** of the total amount of applications

Average duration of proceedings in
2022: **5,8 months**



Total sum in dispute for 2022
simplified arbitration proceedings:

€ 1.618.303



-30%

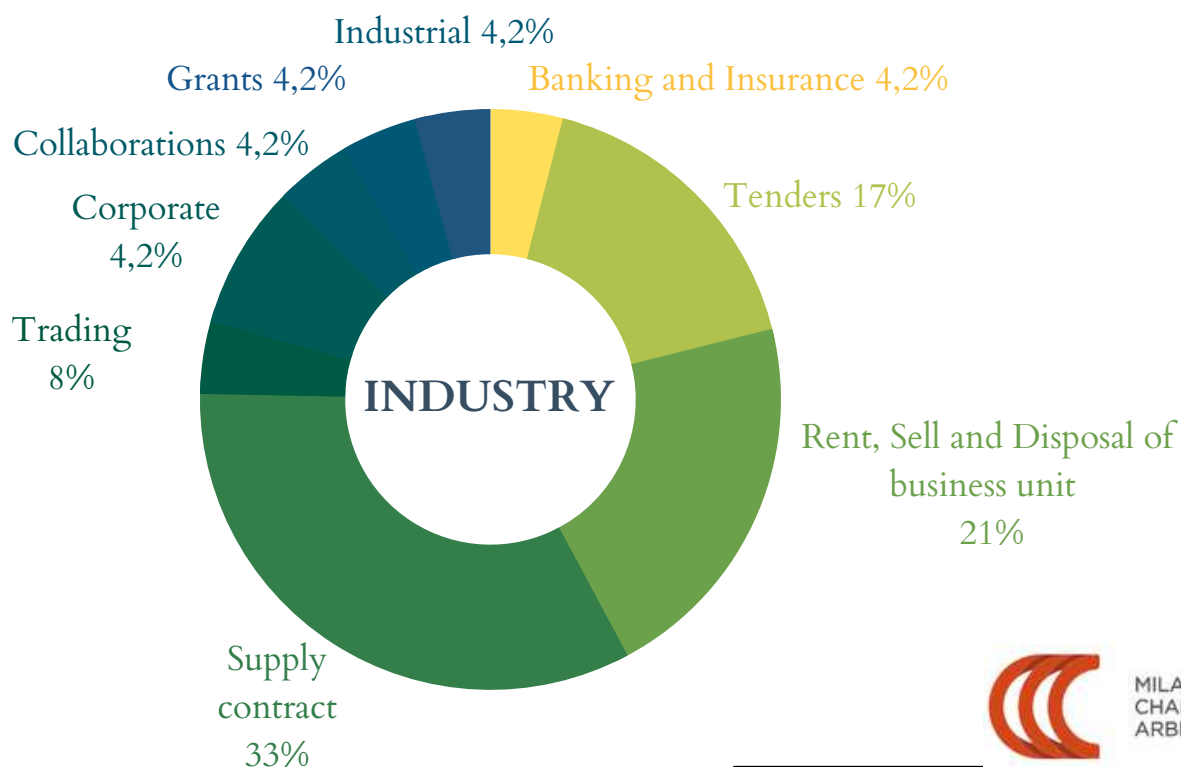
Average value of proceedings:

€ 50.575*

(*net of the 4 high and low peaks)

The reduction of costs with the
simplified procedure compared to
the ordinary procedure

[Calculate here the cost of your procedure](#)



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ORDINARY ARBITRATION PROCEDURE AND SIMPLIFIED PROCEDURE: DURATION

Average duration of ordinary proceedings in 2022:
13 months

Ordinary arbitration procedure

From the request for arbitration to the constitution of the Arbitral Tribunal

3 months*

From the constitution of the Arbitral Tribunal to the closing of the proceedings

10 months

*Average times required to verify the independence of the Arbitrators, for confirmation by the Arbitration Council, and for fundraising. These times are due, for the most part, to the performance of activities due to the Parties and not to CAM. The 1st phase may be reduced if the Parties opt for the Sole Arbitrator.

Simplified Procedure

From the request for arbitration to the constitution of the Arbitral Tribunal (Sole Arbitrator)

2,4 months**

From the constitution of the Arbitral Tribunal (Sole Arbitrator) to the closing of the proceedings

3,4 months

**Average times required to verify the independence of the Arbitrators, for confirmation by the Arbitration Council, and for fundraising. These times are due, for the most part, to the performance of activities due to the Parties and not to CAM.

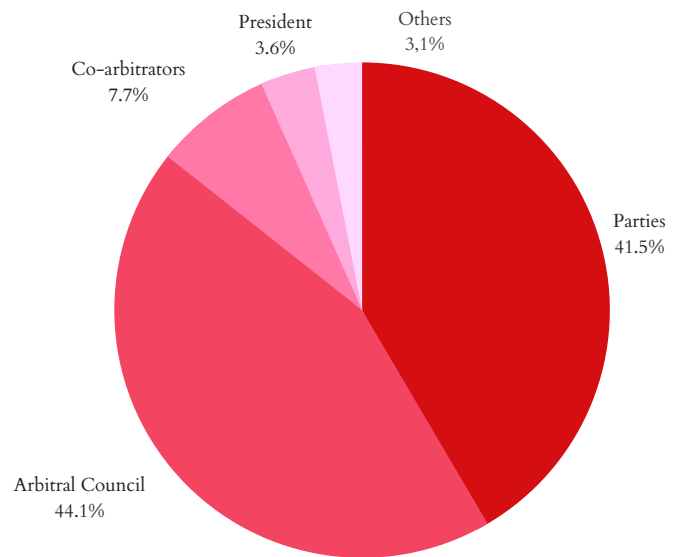
Average length of simplified proceedings in 2022:
5,8 months

ARBITRATORS APPOINTMENTS

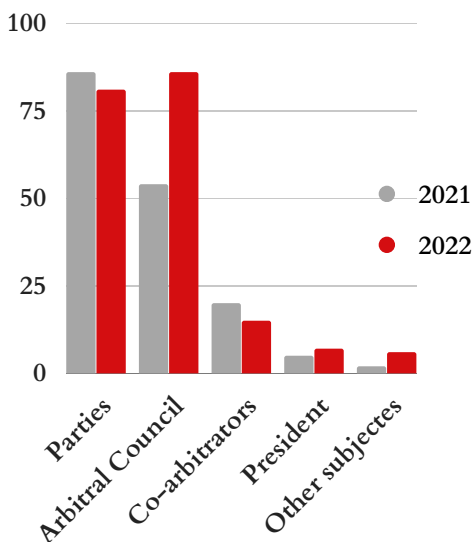
195
in 2022

In 2022 Arbitrators were appointed by:

- 41,5% - Parties
- 44,1% - Arbitral Council
- 7,7% - Co-arbitrators
- 3,6% - President of the Milan Chamber of Arbitration
- 3,1% - Other entities

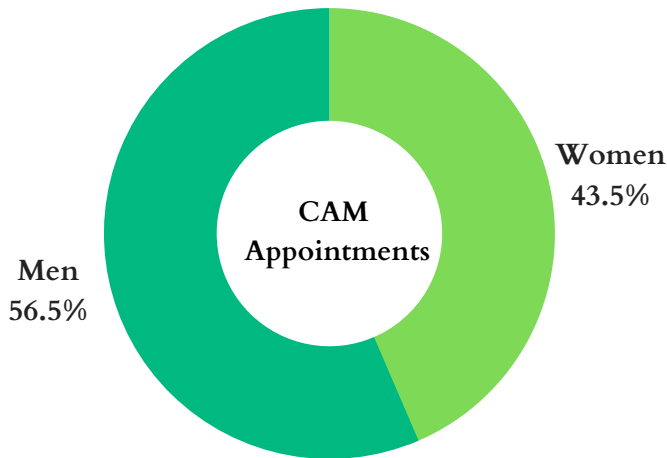


APPOINTING AUTHORITY



	PARTIES	ARBITRAL COUNCIL	CO-ARBITRATORS	PRESIDENT OF CAM	OTHER ENTITIES
2021	86	54	20	5	2
2022	81	86	15	7	6

GENDER EQUALITY - WOMEN IN ARBITRATION IN 2022 PROCEEDINGS



ONE OUT OF FOUR ARBITRATOR IS A WOMAN

If the appointment of the arbitrator is up to CAM **one out of two arbitrators is a woman.**

When the appointment is up to the **Parties** they choose women arbitrators in **8.6%** of cases.

The Pledge

CAM has been working for years to reduce the gender gap by signing a pledge: **the Equal Representation in Arbitration Pledge.**

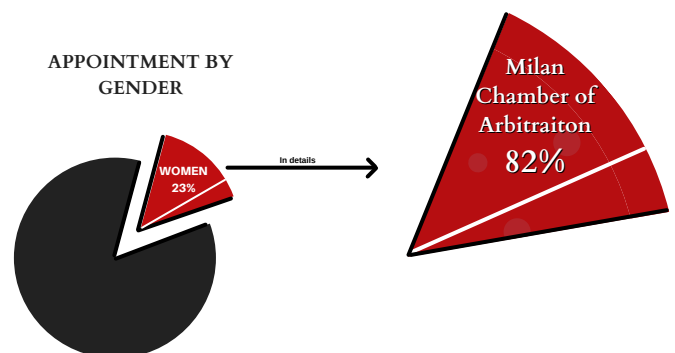
It is a call to the international arbitration community to increase the number of women appointed as arbitrators, with the goal of full equality.

Signed in 2016, to date numerous international law firms and arbitration institutions around the world have joined it.

IN DETAILS

195 is the total number of appointments of arbitrators in CAM proceedings in 2022:

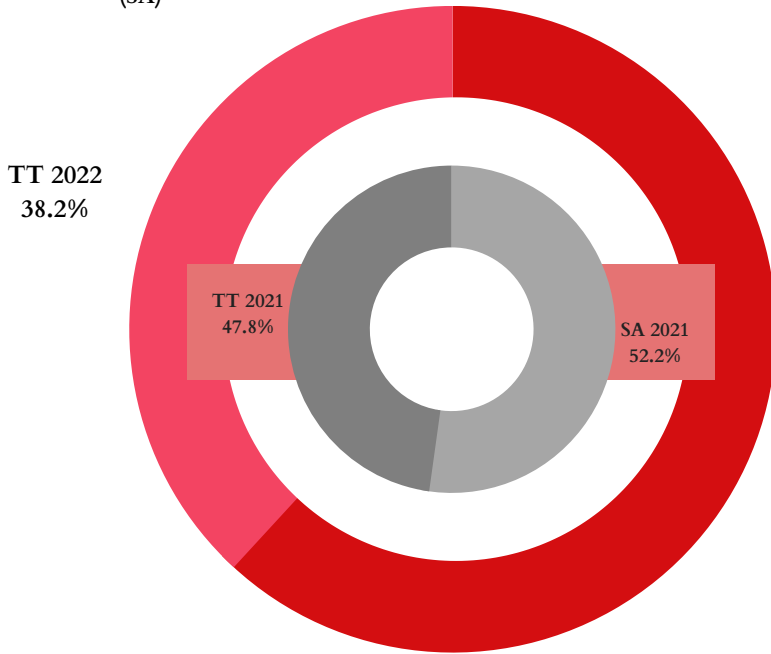
- **45** are the **female arbitrators appointments, accounting for 23%** of the total Arbitrators appointments.
- These **45 appointments of female arbitrators have been made by:**
- **37 appointments by CAM** (accounting for **43%** of CAM appointments and accounting for **82%** of the total amount of Arbitrators appointments);
- **7 appointments by Parties** (accounting for **8,6%** of the total amount of appointments made by the Parties);
- **1 by Co-arbitrators** (accounting for **6,6%** of the total amount of appointments by **Co-arbitrators**).



COMPOSITION OF THE ARBITRAL TRIBUNAL

- Three members Tribunal (TT)
- Sole Arbitrator (SA)

● 2021
● 2022

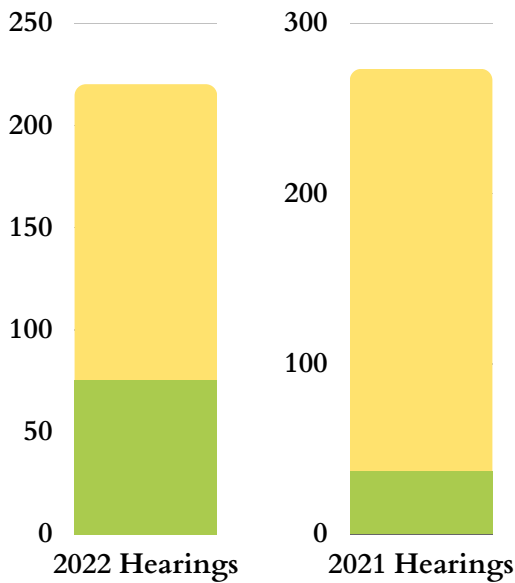


+27%

increase in the use of the Sole Arbitrator in one year

SA 2022
61.8%

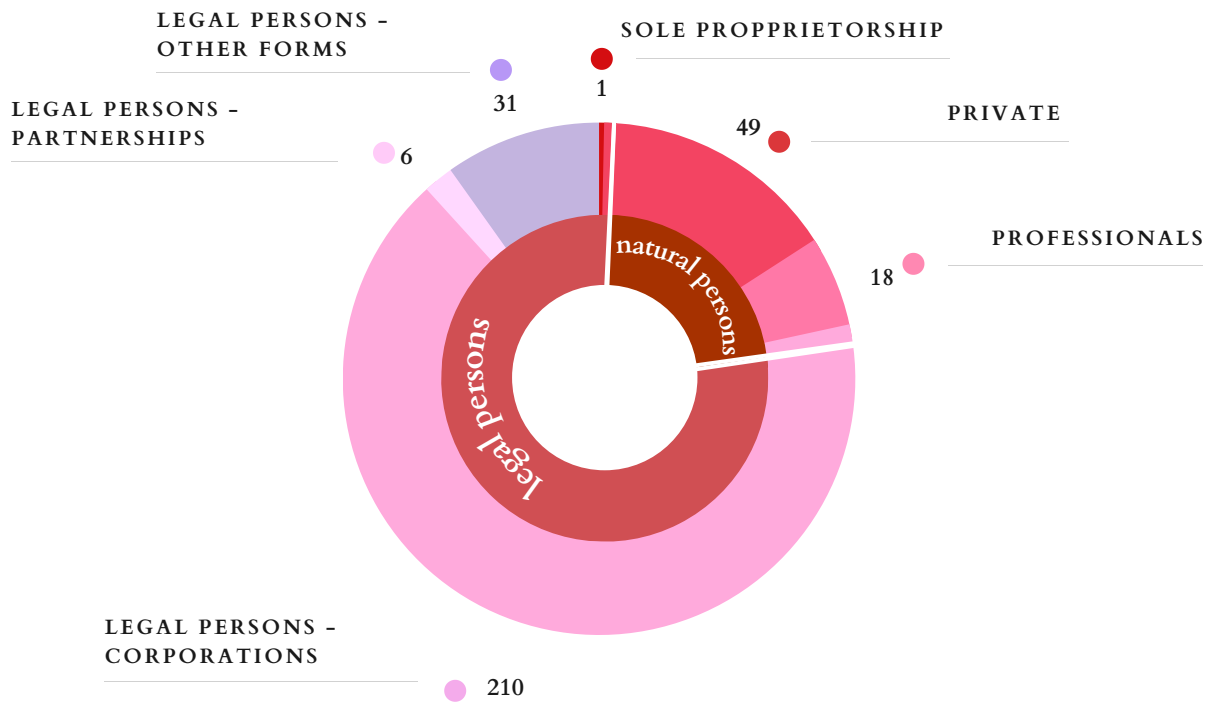
HEARINGS



- On-line hearings
- In person hearings

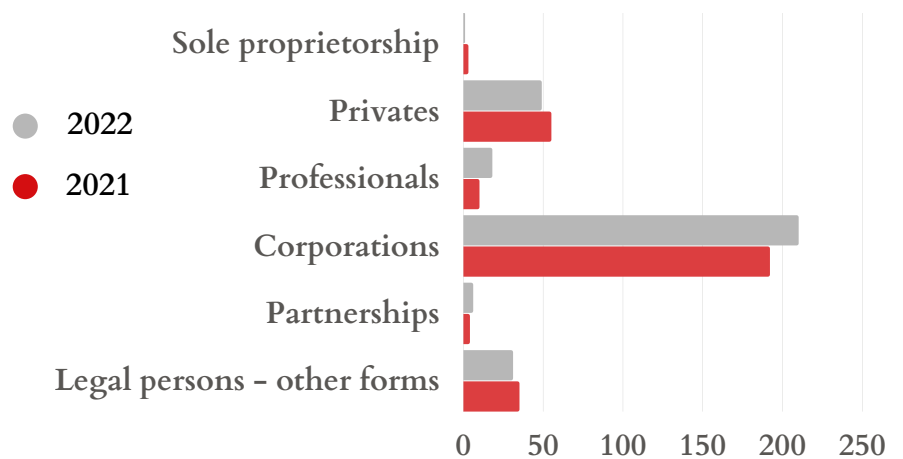
SORTED BY TYPE		%
On-line hearings	145	66%
In person hearings	75	34%

PARTIES



PARTIES SORTED BY TYPE	
Corporations	67%
Other forms	10%
Partnerships	1%
Privates	16%
Professionals	6%

PARTIES - 2022 VS 2021



GEOGRAPHICAL LOCATION OF PARTIES - ITALY

BY REGISTERED OFFICES OR RESIDENCE

2022: 290 Italian parties

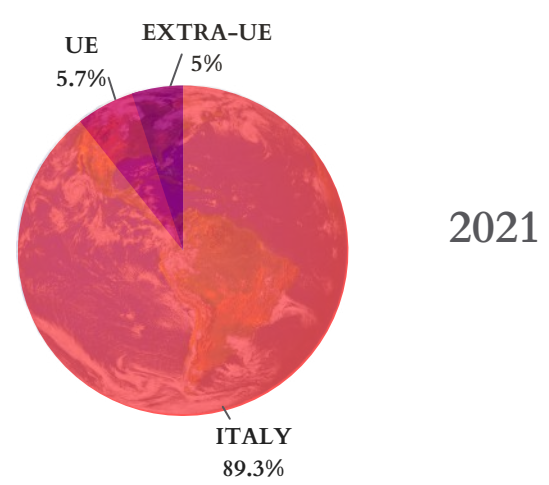
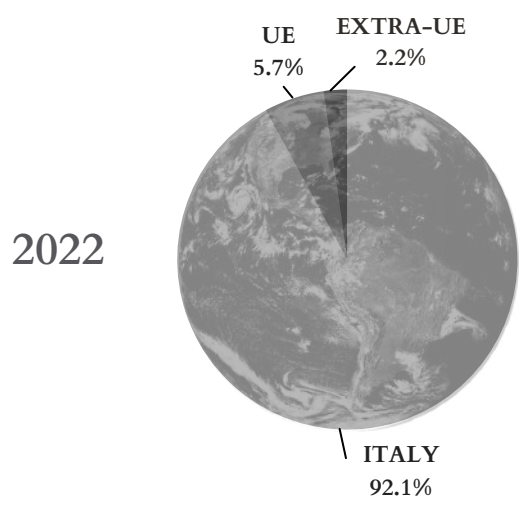


- 40.45% Milan;
- 3.79% Rome;
- 4.83% Florence;
- 3.10%* Genoa, Turin;
- 2.76%* Bergamo, Bologna, Monza Brianza, Naples;
- 2.41%* Varese, Verona;
- 2.07%* Pesaro-Urbino, Venice;
- 1.72%* Reggio Emilia, Treviso;
- 1.38%* Benevento, Mantua, Parma, Pavia, Teramo;
- 1.03%* Brescia, Ferrara, Padua, Siena;
- 0.69%* Alessandria, Arezzo, Caserta, Catania, Cremona, Crotone, Modena;
- 0.34%* Ancona, Ascoli Piceno, Cosenza, Cuneo, Forlì-Cesena, L'Aquila, Lodi, Novara, Pescara, Piacenza, Pistoia, Rimini, Sassari, Savona, Terni, Trento.

(*the % data is repeated in the different cities listed) s

NORD-WEST 59,15%
NORD-EST 16,55%
CENTER 11,27%
SOUTH 13,03%

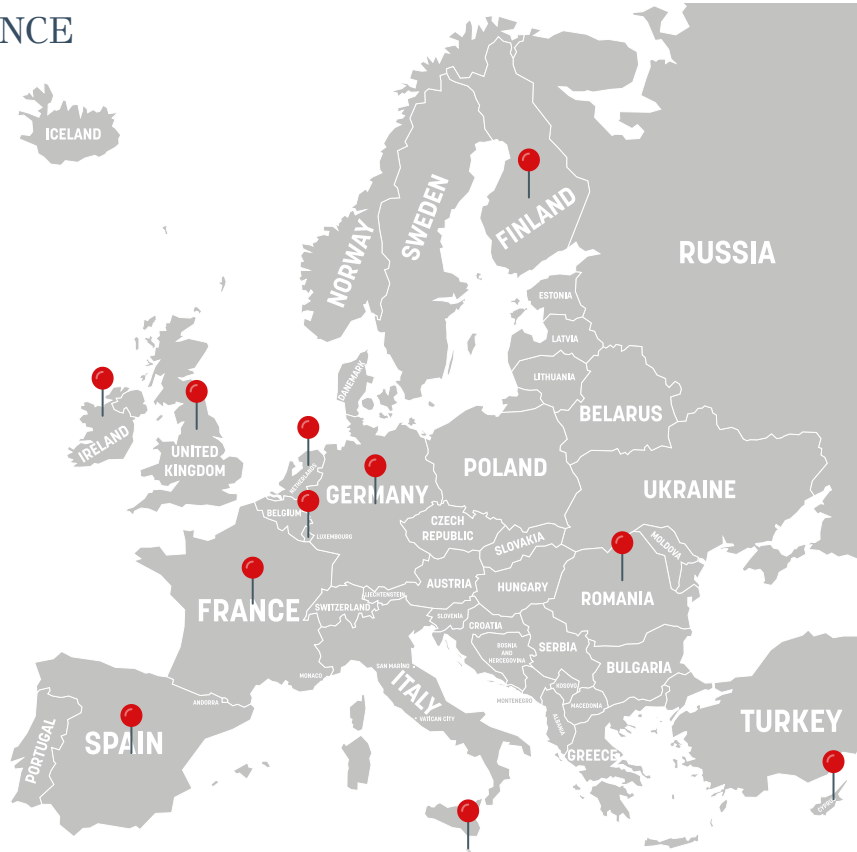
NATIONALITY OF THE PARTIES - WORLDWIDE



GEOGRAPHICAL ORIGIN OF PARTIES - EU

BY REGISTERED OFFICES OR RESIDENCE

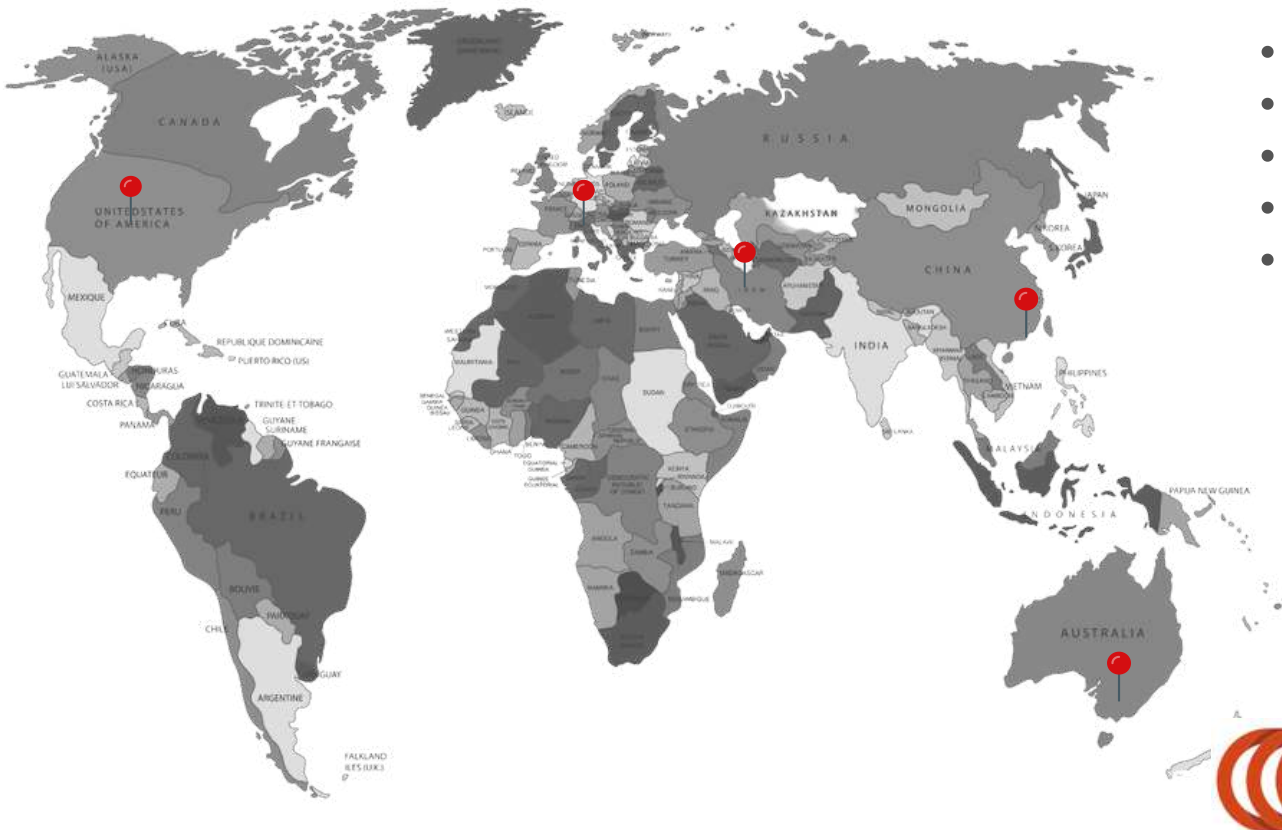
- Cyprus
- Finland
- France
- Germany
- Ireland
- Luxemburg
- Malta
- Netherlands
- United Kingdom
- Romania
- Spain



GEOGRAPHICAL ORIGIN OF PARTIES - EXTRA UE

BY REGISTERED OFFICES OR RESIDENCE

- Australia
- Egypt
- Hong-Kong
- U.S.A.
- Switzerland



SEAT AND LANGUAGE OF THE PROCEEDINGS



Milan:

117 proceedings in 2021

120 proceedings in 2022



Italy (other cities):

6 proceedings in 2021

11 proceedings in 2022

Language of the proceedings



89%



11%





CAM ON DEMAND

CAM offers a range of services for **non-administered arbitrations** upon request of the parties and according to their needs.

For example, it is possible to request CAM:

- **to appoint Arbitrators**, as well as monitoring and verifying their independence;
- the **management and maintenance of an arbitration file** or the rental of hearing rooms.

CAM provides **recording, transcription, interpreting and audio/video-conferencing** services and provides an **anonymization service for an arbitration award** or other acts or decisions.

Among the **new services available**, there is also the possibility of requesting a **representative of the General Secretariat** to attend the hearing and take the minutes.

From January 1, 2022, the new CAM On Demand Disciplinary is in force.



MILAN CHAMBER OF ARBITRATION NATIONAL NETWORK

The Milan Chamber of Arbitration has its own arbitration office in **Rome** available to parties, defenders and arbitrators from the central and southern areas of the Country. The office is located at the headquarters of the Italian Association for Arbitration (AIA). For information please contact: cam.roma@mi.camcom.it

In 2020, CAM has signed an agreement with the Italian Association for Arbitration (AIA), for the administration of arbitration proceedings.

Moreover, CAM supports several Italian Chambers of Commerce in the administration of arbitration cases. The joint administration of cases takes place on the basis of the **Milan Chamber of Arbitration Rules**.

- The agreement provides that the request for arbitration may be filed either with the **Chamber of Commerce** referred to in the arbitration agreement or with the Milan Chamber;
- **Hearings** can take place in either place and, where appropriate, CAM case managers participate at the hearing, providing assistance and taking care of the minutes;
- Unless otherwise agreed by the parties, the Milan Chamber of Arbitration, taking into account the indication received from the local Chamber, may appoint the arbitrators and check their independence, according to the provisions of the CAM Rules.

Moreover, the Milan Chamber of Arbitration supports the affiliated Chambers of Commerce in organizing **training and promotional events** on arbitration.

To sign an agreement with CAM or to receive more information about it, write to arbitrato@mi.camcom.it



LE CAMERE DI COMMERCIO E GLI ALTRI ENTI CONVENZIONATI

- Chamber of Commerce in **Avellino** (ora **Irpinia-Sannio**)
- Chamber of Commerce in **Bari**
- Chamber of Commerce in **Benevento**
- Chamber of Commerce in **Bologna**
- Chamber of Commerce in **Brescia**
- Chamber of Commerce in **Cremona**
- Chamber of Commerce in **Ferrara**
- Chamber of Commerce in **Genoa**
- Bar Association of **Genoa**
- Chamber of Commerce in **Lecco**
- Chamber of Commerce in **Mantua**
- Chamber of Commerce in **Modena**
- Bar Association of **Monza**
- Chamber of Commerce in **Padua**
- Chamber of Commerce in **Pavia**
- Forensic Arbitration Chamber of **Pescara**
- Chamber of Commerce in **Piacenza**
- Chamber of Commerce in **Pistoia**
- Bar Association of **Treviso**
- Chamber of Commerce in **Varese**
- **Curia Mercatorum** - mediation-arbitration center sponsored by the Treviso-Belluno and Venice Rovigo Chambers of Commerce

MILAN CHAMBER OF ARBITRATION INTERNATIONAL NETWORK

CAM represents a landmark in the international arena.

In particular:

- since 1991, it has been a member of **IFCAI** (International Federation of Commercial Arbitration Institutions) that brings together the world's most active and representative arbitration institutions;
- it is part of the **FAB FOUR** together with the German Institution of Arbitration (DIS), the Arbitration Institution of the Stockholm Chamber of Commerce (SCC) and the Vienna International Arbitration Centre (VIAC);
- every year since 2009, it has organized the **CAM Annual Conference**, the most important event in Italy on international arbitration hot topics;
- it contributes to the updating and development of publishing products dedicated to international arbitration, as Italian contact person for the **Institute for Transnational Arbitration (ITA)**;
- it is an active member of the **World Forum of Mediation Centers** sponsored by the **UIA** (Union Internationale des Avocats);
- it is a member of the **ADR Stakeholders Advisory Group** of the European Union Intellectual Property Office (**EUIPO**);
- it hosts the annual meeting of the **Club of Arbitrators**, an association of eminent experts and practitioners of international arbitration;
- it participates in the work of the (**UNCITRAL**) United Nations Commission on International Trade Law Commission engaged on issues related to international arbitration;
- it is part of the network of the most representative arbitration institutions in the MENA (Middle East – North Africa) region created by **ISPRAMED**, the Institute for the Promotion of Arbitration in the Mediterranean, which merged into the **Italian Arbitration Association** in 2022.

CAM, in addition, develops specific projects to meet the needs of Italian business operators with respect to geographic areas that are considered as a priority from the point of view of trade relations and investment.



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The Domain Name Reassignment Procedure was created to counter the phenomenon of Cybersquatting (i.e., domain name hoarding).

Those who believe to be entitled to the use of a domain name registered by others in bad faith can activate a domain name reassignment procedure at CAM, entity accredited to carry out such a procedure by the Country Code Top Level Domain Registry for the geographical extension .IT (ccTLD.it).

CAM relies on a list of experts in the field, and **decisions are published on the CAM website** and on the Registry website.

DOMAIN NAMES DISPUTES DATA 2022



- **VOLUMES:**
 - 14 PROCEDURES
- **DURATION:**
 - 71 DAYS ON AVERAGE (FROM THE FILING OF THE APPLICATION TO THE DECISION)
- **OUTCOMES:**
 - 11 REASSIGNED;
 - 3 REJECTED

**For any enquiry, please
contact us.**

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