

The new resource for the Maritime Community



مركز الإمارات للتحكيم البحري
Emirates Maritime Arbitration Centre



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Agenda

1. Introduction
2. EMAC internally
3. Why EMAC
4. EMAC and the DIFC Court
5. EMAC Rules

In 2016 the Dubai government has initiated the establishment of Emirates Maritime Arbitration Centre (EMAC). EMAC has been given competence to oversee disputes both under the EMAC arbitration rules or any other rules chosen by the parties, seeks co-operation with other regional and/or international arbitration centres and aims to establish a roster of maritime arbitrators for appointment in EMAC arbitration (see Article 3, EMAC Statute).

This institution is independent and no-profit and focused in providing with the finest maritime arbitration services with transparency and impartiality.

The services are focused on resolving international and domestic disputes through arbitration and mediation.

The Centre is composed of :

- Board of Trustees
- Executive Committee
- Secretariat

Board of Trustees: approves and oversees the implementation of policies and strategies, and proposes amendments to the statute. It approves the organisational structure, membership and panel fees, and admission criteria for arbitrators, mediators and experts.

Executive Committee: proposes amendments to the arbitration and mediation regulations and other alternative means for resolving disputes, and submits them to the Board for approval. Further supervises implementation of the statute, arbitration, mediation and internal regulations. It appoints arbitrators and mediators according to EMAC's rules and regulations.

Secretariat: proposes policy, strategic plan and the administrative organisational structure, and supervises the Centre's administration. It prepares annual reports of EMAC's achievements and activities and submits them to the Board. It manages funds and bank accounts, and supervises implementation of the annual budget. It also signs agreements, contracts and MoUs with relevant organisations.

Why EMAC

To address the need for clear and advanced regulatory frameworks for maritime arbitration to keep up with developments in global maritime trade.

To fill the gap in maritime dispute resolution centres in the region, extending its services to address local, regional, and international disputes. EMAC regulations are based on recognised legal systems ensuring freedom in choice of laws and arbitration mechanisms, and providing mediation to resolve disputes relating to various maritime commercial operations.

To cooperate with other institutions to suggest developments to maritime regulations and legislations and support efforts to effectively resolve the most common maritime disputes in the region.

The EMAC Rules provide that unless the parties expressly agree otherwise, the seat of any arbitration will be the Dubai International Financial Centre ("DIFC"), meaning that the supervisory court will be the common law DIFC Court, an English speaking common-law based legal system which is similar to that practiced in all other major maritime arbitration centres.

DIFC Arbitration Law is an arbitration-friendly statute based on the UNCITRAL Model Law, which provides arbitration awards with the necessary balance of strict enforcement where errors arise.

DIFC Courts are signatory parties to the Memorandum of Guidance with the Dubai Courts, permitting automatic enforcement of DIFC judgments in the Dubai Courts without delving into their merits or the underlying dispute (this includes an EMAC arbitration award that has been recognised and enforced by the DIFC Courts).

EMAC's Rules are based on the UNCITRAL Arbitration Rules 2010 but are full of new approaches and new methods which it is hoped will bring a fresh touch and a faster and cheaper arbitration process than offered by the current maritime arbitration centres.

Some of the features of EMAC are:

- The Rules are drafted to allow the arbitration to be set-up and run with minimal involvement by the centre.
- The parties may agree on the seat of arbitration and the venue, however in the absence of an agreement the default seat will be the Dubai International Financial Centre, with the DIFC Courts as the curial courts.
- The Rules provide for multi-party arbitration, joinder, and emergency arbitration.
- The Rules allow for the conduct of arbitration through electronic means if the parties wish.
- The Rules contain provisions for fast-track arbitration and rules for dealing with small claims.

Thank you

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