

Ministry of Justice and Civil Liberties

Decree No. 2011-48 of 13 January 2011

Reforming the law on arbitration¹

The Prime Minister,

Having considered the report of the Keeper of the Seals, Minister of Justice and Civil Liberties,

Having considered the Civil Code, notably Articles 2059 to 2061;

Having considered the Code of Civil Procedure; notably its book IV;

Having heard the Council of State (*Conseil d'Etat*) (section on domestic affairs);

Decreases that:

Art. 1. – Articles 1508 to 1519 of the Code of Civil Procedure are renumbered Articles 1570 to 1582 respectively.

Art. 2. – Book IV of the Code of Civil Procedure is drafted as follows:

BOOK IV²
ARBITRATION

TITLE I
DOMESTIC ARBITRATION

CHAPTER I

Arbitration Agreement

Art. 1442. – The arbitration agreement may be entered into either as an arbitration clause or as a submission agreement (*compromis*).

The arbitration clause is an agreement by which parties to one or more contracts undertake to submit to arbitration any disputes arising out of such contract or contracts.

The submission agreement is an agreement by which parties to an existing dispute submit that dispute to arbitration.

Art. 1443. – For an arbitration agreement to be valid, it shall be in writing. The arbitration agreement may result from an exchange of written communications or be found in a document to which the main contract refers.

¹ The authors of this translation wish to thank Professor Linda Silberman (NYU School of Law) for her valuable remarks on a previous draft of this translation.

² An asterisk indicates provisions which apply to international arbitration, unless the parties have agreed otherwise, according to Article 1506.

Art. 1444. – Including by reference to arbitration rules, the arbitration agreement shall designate the arbitrator or arbitrators, or provide for the designation process. Failing such designation, Articles 1451 to 1454 shall apply.

Art. 1445. – For a submission agreement to be valid, it shall define the object of the dispute.

***Art. 1446.** – Parties may submit their dispute to arbitration even if proceedings are already pending before a court.

***Art. 1447.** – The arbitration agreement is independent from the contract to which it relates. It is not affected if such contract is ineffective.

If the arbitration clause is null and void, it shall be void *ab initio* (*réputée non écrite*).

Art. 1448. – *If a dispute subject to an arbitration agreement is submitted to a domestic court, that court lacks jurisdiction, unless the arbitral tribunal has not yet been seized and the arbitration agreement is manifestly null or manifestly inapplicable.

*The national court may not decide on its own motion that it lacks jurisdiction.

Any stipulation contrary to this article shall be void *ab initio* (*réputée non écrite*).

***Art. 1449.** – As long as the arbitral tribunal has not been constituted, the existence of an arbitration agreement does not prevent a party from submitting to a national court a request for a measure of judicial management (*mesure d'instruction*) or for a provisional or interim measure.

Subject to the provisions governing attachments and measures of judicial protection (*sûretés judiciaires*), such request shall be submitted to the President of the *tribunal de grande instance* or of the commercial court who shall decide on the measures of judicial management as provided in Article 145³ and, in case of emergency, on provisional and interim measures requested by the parties to the arbitration agreement.

CHAPTER II *Arbitral Tribunal*

Art. 1450. – Only a natural person having full capacity of his/her civil rights may act as an arbitrator.

If the arbitration agreement designates a legal entity, such entity shall only have the power to administer the arbitration.

³ The English text of other articles of the Code of Civil Procedure to which reference is made throughout the decree is available in English on the Legifrance website <http://www.legifrance.gouv.fr/>.

Art. 1451. – The arbitral tribunal shall be composed of one or more arbitrators in an uneven number.

If the arbitration agreement provides for an even number of arbitrators, the number of the arbitrators shall be increased.

If the parties do not agree on the designation of an additional arbitrator, such additional arbitrator shall be designated by the chosen arbitrators within a month from having accepted their designation, or, failing such event, by the judge acting in aid of the arbitration (*juge d'appui*) provided for in Article 1459.

***Art. 1452.** – Failing an agreement by the parties on the designation process of the arbitrator(s):

1. If the arbitration is to be conducted by a sole arbitrator, and if the parties do not agree on the choice of such sole arbitrator, he/she shall be designated by the person in charge of the administration of the arbitration, or in the absence thereof, by the judge acting in aid of the arbitration;

2. If the arbitration is to be conducted by three arbitrators, each party shall choose one arbitrator and the two arbitrators shall designate the third; if a party fails to choose an arbitrator within one month following the receipt of a request to that effect by the other party, or if the two arbitrators fail to choose the third arbitrator within a month from having accepted their designation, the person in charge of the administration of the arbitration or, in the absence thereof, the judge acting in aid of the arbitration shall designate the missing arbitrator.

***Art. 1453.** – If there are more than two parties to the dispute, and if they do not agree on the process to constitute the arbitral tribunal, the arbitrator(s) shall be designated by the person in charge of the administration of the arbitration or, in the absence thereof, by the judge acting in aid of the arbitration.

***Art. 1454.** – Failing an agreement between the parties, any other dispute relating to the constitution of the arbitral tribunal shall be resolved by the person in charge of the administration of the arbitration or, in the absence thereof, by the judge acting in aid of the arbitration.

***Art. 1455.** – If the arbitration agreement is manifestly null or manifestly inapplicable, the judge acting in aid of the arbitration shall declare that no designation needs to be made.

***Art. 1456.** – The arbitral tribunal is constituted when the sole arbitrator or the arbitrators have accepted the mandate with which they have been entrusted. The arbitral tribunal is seized of the dispute as of that date.

Before accepting his/her mandate, each arbitrator shall disclose any circumstance which may affect his/her independence or impartiality. If any such circumstance occurs after the arbitrator has accepted his/her mandate, the same obligation to immediately disclose shall apply.

If a dispute arises regarding the removal of an arbitrator, the difficulty shall be resolved by the person in charge of the administration of the arbitration, or, in the absence thereof, by the judge acting in aid of the arbitration, seized within a month from the moment the fact in dispute is disclosed or uncovered.

***Art. 1457.** – The arbitrator shall carry out his/her mandate until its end unless he/she justifies of an inability to serve or a legitimate reason to abstain or resign.

If a dispute arises as to the real nature of the reason invoked, the difficulty shall be resolved by the person in charge of the administration of the arbitration, or, in the absence thereof, by the judge acting in aid of the arbitration, seized within a month following the impediment, abstention or resignation.

***Art. 1458.** – The arbitrator may only be revoked by all parties acting unanimously. Failing such unanimity, Article 1456 last paragraph shall apply.

Art. 1459. – The President of the *tribunal de grande instance* has jurisdiction to act as judge in aid of the arbitration.

However, the arbitration agreement may expressly provide that the President of the commercial court has jurisdiction to decide on requests made pursuant to Articles 1451 to 1454. In such a case, he/she may apply Article 1455.

The judge having jurisdiction *ratione loci* shall be the one designated by the arbitration agreement or, failing such a designation, the one of the district (*ressort*) in which the seat of the arbitral tribunal is located. If the arbitration agreement is silent on both issues, the judge having jurisdiction *ratione loci* shall be the one where the defendant, or one of the defendants, to the proceedings resides or, if no defendant resides in France, the place where the plaintiff resides.

***Art. 1460.** – The judge acting in aid of the arbitration may be seized either by a party, or the arbitral tribunal or any of its members.

The request is made, judicially managed (*instruite*), and decided upon in the same manner as for summary proceedings (*référé*).

Decisions rendered by the judge acting in aid of the arbitration shall take the form of an order against which no recourse is available. Nonetheless, an appeal is available against such order if the judge decides that no designation needs to be made for one of the reasons provided in Article 1455.

Art. 1461. - Subject to the provisions of Article 1456 paragraph one, any stipulation contrary to the present chapter shall be void *ab initio* (*réputée non écrite*).

CHAPTER III

Arbitral Proceedings

***Art. 1462.** – The dispute shall be submitted to the arbitral tribunal either jointly by the parties or by the most diligent party.

Art. 1463. – If the arbitration agreement provides no time limit, the duration of the arbitral tribunal's mandate shall be limited to six months from the date when it is seized.

*The statutory or contractual time limit may be extended by agreement between the parties or, failing such an agreement, by the judge acting in aid of the arbitration.

Art. 1464. – Unless otherwise agreed by the parties, the arbitral tribunal shall determine the rules of the arbitral procedure, without being bound by the rules applicable to domestic courts.

However, the fundamental procedural principles (*principes directeurs du procès*) articulated in Articles 4 to 10, Article 11 paragraph one, Article 12 paragraphs two and three, Articles 13 to 21, 23 and 23-1, shall always apply.

*The parties and the arbitrators shall act expeditiously and faithfully (*loyauté*) in the conduct of the proceedings.

Subject to any legal requirement and unless the parties have agreed otherwise, the arbitral proceedings shall be confidential.

***Art. 1465.** – The arbitral tribunal shall have exclusive jurisdiction to decide on challenges to its jurisdictional power.

***Art. 1466.** – The party who, knowingly and without legitimate reason, fails to raise any irregularity in a timely manner before the arbitral tribunal shall be deemed to have waived its rights to avail itself of such irregularity.

***Art. 1467.** – The arbitral tribunal shall take all necessary measures to manage the proceedings (*actes d'instruction*) unless the parties authorize the tribunal to delegate such task to one of its members.

The arbitral tribunal may hear any person. Such hearing shall take place without the person being sworn in.

If a party is in possession of a piece of evidence, the arbitral tribunal may enjoin that party to produce it in a manner the tribunal deems fit, and, if necessary, order a penalty (*astreinte*) in case of non-production.

***Art. 1468.** – The arbitral tribunal may impose on the parties any provisional or interim measure it deems fit, organize the manner in which these measures are to be taken, and, if

necessary, order a penalty in case of non-compliance. However, domestic courts shall have exclusive jurisdiction to order protective attachments and judicial measures of protection (*sûretés judiciaires*).

The arbitral tribunal may modify or add to the provisional or interim measure it previously ordered.

***Art. 1469.** – If a party to the arbitral proceedings wishes to use an authentic or private deed to which it is not a party, or any piece of evidence held by a third party, it may, after having been invited to do so by the arbitral tribunal, sue the third party before the President of the *tribunal de grande instance* in view of obtaining an official copy of the authentic deed (*expédition*), or the private deed, or the piece of evidence.

The jurisdiction *ratione loci* of the President of the *tribunal de grande instance* shall be determined according to Articles 42 to 48.

The request is made, judicially managed and decided upon in the same manner as for summary proceedings (*référé*).

If the President deems the request well-founded, he/she shall order the issuance or production of the deed or piece of evidence, either as an original, or as a copy, or an extract thereof, determine the manner in which such production is to be made and the guarantees of such production and, if necessary, order a penalty in case of non-production.

Such decision is not directly enforceable (*exécutoire de plein droit*).

Such decision is subject to an appeal within fifteen days after having been served.

***Art. 1470.** – Unless otherwise provided for, the arbitral tribunal shall have the power to rule on the challenge to the veracity of the scripture (*vérification d'écriture*) or the claim of forgery according to Articles 287 to 294 and Article 299.

In case of a challenge for forgery of an official document (*inscription de faux incident*) Article 313 applies.

Art. 1471. – The interruption of the proceedings shall be regulated by Articles 369 to 372.

***Art. 1472.** – The arbitral tribunal may, if need be, stay its proceedings for any duration, or until the occurrence of an event, as defined in the order.

The arbitral tribunal may, depending upon the circumstances, revoke the stay or shorten its duration.

Art. 1473. – Unless otherwise provided for, the arbitral proceedings shall also be stayed in case of an arbitrator’s death, inability to serve, abstention, resignation, challenge or dismissal until the arbitrator designated as a replacement has accepted his/her mandate.

The new arbitrator shall be designated according to the process agreed upon by the parties or, failing such agreement, according to the process followed for the designation of the arbitrator he/she replaces.

Art. 1474. – The arbitral tribunal remains seized of the dispute notwithstanding an interruption or stay of the proceedings.

The arbitral tribunal may invite the parties to report on their attempts to resume the proceedings or resolve the issues that led to the interruption or stay. If the parties fail to act, the tribunal may terminate the proceedings.

Art. 1475. – The proceedings shall resume at the stage reached before the interruption or stay, once the causes thereof cease to exist.

When the proceedings resume, and by way of exception to Article 1463, the arbitral tribunal may extend the duration of the proceedings for a period not to exceed six months.

Art. 1476. – The arbitral tribunal shall set the date when its deliberations are to start.

During the deliberations, no request may be made, no argument raised, no evidence produced, unless requested by the arbitral tribunal.

Art. 1477. – The expiration of the time limit for the arbitration shall automatically terminate the arbitral proceedings.

CHAPTER IV

Arbitral Award

Art. 1478. – The arbitral tribunal shall resolve the dispute according to the rules of law, unless the parties have empowered it to act as *amiable compositeur (ex aequo et bono)*.

***Art. 1479.** – The deliberations of the arbitral tribunal shall be secret.

Art. 1480. – The arbitral award shall be rendered by a majority of the tribunal’s members.

It shall be signed by all the arbitrators.

If a minority of the arbitrators refuses to sign the award, the award shall take note of this fact and have the same effect as if it were signed by all the arbitrators.

***Art. 1481.** – The arbitral award shall mention:

1. The name, first names, or denomination of the parties, as well as their domicile or corporate headquarters;
2. If applicable, the name of the legal counsel or any person who represented or assisted the parties;
3. The name of the arbitrators who rendered the award;
4. The date of the award;
5. The place where the award was rendered.

***Art. 1482.** – The arbitral award shall set forth succinctly the claims and arguments of the parties.

The award shall be reasoned.

Art. 1483. – An award is null and void unless Article 1480, Article 1481 concerning the name of the arbitrators and the date of the award, and Article 1482 relating to the reasoning of the award are complied with.

However, if it is established that the award complies de facto with the statutory requirements, no omission or inaccuracy of the particulars required for the validity of the award may render that award null and void.

Art. 1484. – *As soon as the award is rendered, it enjoys *res judicata* with regard to the dispute it resolves.

*The award may be declared provisionally enforceable.

The award shall be notified by official service (*signification*) unless the parties agree otherwise.

Art. 1485. – *Once rendered, the award shall end the tribunal's mandate with regard to the dispute it resolves.

*However, upon the request of one of the parties, the arbitral tribunal may interpret the award, rectify clerical errors or omissions, or supplement the award if it omitted to decide on one of the claims. The arbitral tribunal shall decide after having heard the parties or having given them the opportunity to be heard.

If the arbitral tribunal cannot reconvene and if the parties cannot agree to re-constitute the tribunal, the power referred to in the preceding paragraph is vested to the court which would have had jurisdiction had there been no arbitration.

***Art. 1486.** – Requests provided for in Article 1485 paragraph two shall be filed within three months from the notification of the award.

Unless otherwise agreed, the award amending or supplementing the original award shall be rendered within three months from the tribunal being seized. This time limit may be extended in accordance with Article 1463 paragraph two.

The award rectifying or supplementing the original award shall be notified in the same manner as the original award.

CHAPTER V

Exequatur

Art. 1487. – The arbitral award may only be executed (*exécution forcée*) upon an order of *exequatur* granted by the *tribunal de grande instance* of the district (*ressort*) where the award was rendered.

Exequatur proceedings shall be conducted *ex parte*.

The application for *exequatur* shall be filed by the most diligent party with the court registrar, together with the original award and the arbitration agreement or copies thereof which are duly authenticated.

The *exequatur* shall be affixed on the original, or failing the production such original, on the copy of the arbitral award complying with the requirements provided in the preceding paragraph.

Art. 1488. – The *exequatur* shall not be granted if the award is manifestly contrary to public policy (*ordre public*).

The order which refuses the *exequatur* shall be reasoned.

CHAPTER VI

Forms of Recourse

Section 1 - Appeal

Art. 1489. – Unless otherwise agreed by the parties, the award is not subject to an appeal.

Art. 1490. – The appeal aims at reversing or setting aside the award.

The court shall decide in accordance with the law or *ex aequo et bono* within the limits of the arbitral tribunal's mandate.

Section 2 - Action to Set Aside

Art. 1491. – Unless the parties have agreed to allow an appeal against the award, the award may always be subject to an action to set aside.

Any stipulation to the contrary shall be void ab initio (*réputée non écrite*).

Art. 1492. – The award may be set aside only if:

1. The arbitral tribunal wrongly decided whether or not it had jurisdiction; or
2. The arbitral tribunal was not properly constituted; or
3. The arbitral tribunal ruled without complying with the mandate with which it has been entrusted; or
4. The right to be heard (*principe du contradictoire*) was violated; or
5. The award is contrary to public policy (*ordre public*); or
6. The award is not reasoned, does not state the date on which it was rendered, the name of the arbitrator(s) which made the award or does not include the required signature(s) or has not been rendered by the majority of the tribunal's members.

Art. 1493. – If the court sets aside the arbitral award, it shall decide on the merits of the dispute within the limits of the arbitrators' mandate, unless otherwise agreed by the parties.

Section 3 - Common Provisions for Appeal and Action to Set Aside

Art. 1494. – The appeal and the action to set aside shall be filed with the court of appeals of the district (*ressort*) in which the award was rendered.

The appeal and the action to set aside shall be admissible as soon as the award is rendered. They shall be inadmissible if they are not filed within one month from the notification of the award.

Art. 1495. – The appeal and the action to set aside are taken, judicially managed and decided according to the procedural rules in Articles 900 to 930-1, applicable to disputed matters (*matière contentieuse*).

Art. 1496. – Unless the award has been declared provisionally enforceable, its enforcement shall be suspended until the time limit to file the appeal or the action to set aside has elapsed or while those proceedings are pending.

Art. 1497. – The First President of the court sitting in matters of summary proceedings (*référé*) or the judge in charge of the management of the case as soon as he/she is seized, may:

1. Stop or reorganize the enforcement of an award which has been declared provisionally enforceable, if such enforcement entails the risk of manifestly excessive consequences, or

2. Order provisional enforcement of the award in whole or in part, if the award has not been declared provisionally enforceable.

Art. 1498. – If the award has been declared provisionally enforceable, or if Article 1497.2 is applicable, the First President of the court or, as soon as he/she is seized the judge in charge of the management of the proceedings, may grant *exequatur* to the award.

The denial of the appeal or of the action to set aside at the same time shall grant *exequatur* to the award or at least to those provisions in the award which have not been overturned or set aside by the court.

Section 4 - Recourse as to the Order Ruling on the Request for Exequatur.

Art. 1499. – No recourse is available as to the order granting *exequatur*.

However, within the limits of the application made to the court, the appeal against the award, or the request to set it aside, as a matter of law (*de plein droit*), shall also constitute an appeal against the order of *exequatur* or result in the termination of the proceedings (*dessaisissement*) pending before the judge having rendered the order of *exequatur*.

Art. 1500. – The order denying *exequatur* may be appealed within one month from it having been served.

In such a case and if requested by one party, the court of appeals shall decide on the appeal against the award or the request to set it aside provided that the time limit to exercise such recourse has not elapsed.

Section 5 - Other Forms of Recourse

Art. 1501. – Subject to Article 588 paragraph one, the arbitral award may be challenged by third parties (*tierce opposition*) before the court which would have had jurisdiction had there been no arbitration.

Art. 1502. – *An application for revision of the award shall be possible for the same reasons as for judgments provided for in Article 595 and in the manner set forth in Articles 594, 596, 597 and 601 to 603.

*Such recourse shall be filed before the arbitral tribunal.

However, if the arbitral tribunal cannot be reconvened, the recourse shall be filed before the court of appeals which would have had jurisdiction to hear the other forms of recourse against the award.

***Art. 1503.** – The arbitral award is subject neither to an *opposition*⁴ nor an application for cassation.

Title II

International Arbitration

Art. 1504. – An arbitration is international when interests of international commerce are involved.

Art. 1505. – Unless otherwise agreed by the parties, in international arbitration, the judge acting in aid of the arbitration shall be the President of the Paris *tribunal de grande instance* if:

1. The arbitration takes place in France; or
2. The parties have agreed to submit the arbitration to French procedural law; or
3. The parties have expressly agreed that French courts have jurisdiction over disputes relating to the arbitral process; or
4. One of the parties faces a risk of a denial of justice.

Art. 1506. – Unless otherwise agreed by the parties and subject to the provisions of the present title, the following Articles shall apply to international arbitration:

1. 1446, 1447, 1448 paragraphs 1 and 2 and 1449, regarding the arbitration agreement;
2. 1452 to 1458 and 1460, regarding the constitution of the arbitral tribunal and the rules applicable to the proceedings before the judge acting in aid of the arbitration;
3. 1462, 1463 paragraph 2, 1464 paragraph 3, 1465 to 1470 and 1472, regarding the arbitral proceedings;
4. 1479, 1481, 1482, 1484 paragraphs 1 and 2, 1485 paragraphs 1 and 2 and 1486, regarding the arbitral award;
5. 1502 paragraphs 1 and 2 and 1503, regarding forms of recourse other than the appeal or the action to set aside.

⁴ An *opposition* is, under French law, a form of recourse against a decision rendered by default, where the defendant was not lawfully notified or could not be reached.

Chapter I

International Arbitration Agreement

Art. 1507. – The arbitration agreement shall not be subject to any form requirement.

Art. 1508. – Directly or by reference to any arbitration rules or other procedural rules, the arbitration agreement may designate the arbitrator(s) or organize the process for their designation.

Chapter II

Arbitral Proceedings and Arbitral Award

Art. 1509. – Directly or by reference to arbitration rules or other procedural rules, the arbitration agreement may fix the procedure to be followed during the arbitral proceedings.

If the arbitral agreement contains no provision to that effect, the arbitral tribunal shall decide on procedural matters as needed, directly or by reference to arbitration rules or other procedural rules.

Art. 1510. – Irrespective of the procedural rules chosen, the arbitral tribunal shall ensure that parties are treated equally and granted the right to be heard.

Art. 1511. – The arbitral tribunal shall resolve the dispute according to the rules of law chosen by the parties or, in absence of such a choice, according to the rules it deems appropriate.

In any case, it shall take into account trade usages.

Art. 1512. – The arbitral tribunal shall rule as *amiable compositeur* (*ex aequo et bono*) if the parties have empowered it to do so.

Art. 1513. – If the arbitral agreement contains no provision to that effect, the award shall be rendered by the majority of the tribunal's members. It shall be signed by all the arbitrators.

However, if a minority of the tribunal's members refuses to sign the award, this fact shall be noted in the award.

Should there be no majority, the chairperson may decide by himself/herself. If the other arbitrators refuse to sign the award, this fact shall be noted in the award and the chairperson shall sign the award alone.

An award rendered according to the provisions of either of the two preceding paragraphs, shall have the same effect as if it were signed by all the arbitrators or rendered by a majority of the tribunal's members.

Chapter III

Recognition and Enforcement of Arbitral Awards Rendered Abroad or in Matters of International Arbitration

Art. 1514. – Arbitral awards shall be recognized or enforced in France if the party relying on it proves its existence and if such recognition or enforcement is not manifestly contrary to international public policy (*ordre public*).

Art. 1515. – The existence of an arbitral award shall be established by producing the original award and the original arbitration agreement or duly authenticated copies thereof.

If these documents are not in French, the requesting party shall produce a translation thereof. The requesting party may be asked to produce a translation by a translator chosen from the official list of judicial experts, or by a translator admitted to act before judicial or administrative authorities of another Member State of the European Union, or of one of the Member States of the European Economic Area, or of the Swiss Confederation.

Art. 1516. – An arbitral award may be executed (*exécution forcée*) only upon an order of *exequatur* granted by the *tribunal de grande instance* of the district (*resort*) where the award was rendered or of the Paris *tribunal de grande instance* if the award was rendered abroad.

The *exequatur* proceedings shall be conducted *ex parte*.

The application for *exequatur* shall be filed by the most diligent party with the court registrar, together with the original award and the arbitration agreement or copies thereof which are duly authenticated.

Art. 1517. – The *exequatur* shall be affixed on the original award or, failing the production of such original, on the copy of the award complying with the requirements provided in Article 1516 last paragraph.

If the arbitral award is not in French, the *exequatur* shall be affixed also on the translation prepared according to Article 1515.

The order refusing *exequatur* to the arbitral award shall be reasoned.

Chapter IV

Forms of Recourse

Section 1 - Awards Rendered in France

Art. 1518. – The only form of recourse available against an international arbitral award rendered in France shall be an action to set aside.

Art. 1519. – The action to set aside the award shall be filed before the court of appeals of the district (*ressort*) in which the award was rendered.

This recourse shall be admissible as soon as the award was rendered. It shall be inadmissible if it is not filed within one month from the service (*notification*) of the award.

Unless the parties have agreed otherwise, the notification shall take the form of service (*signification*).

Art. 1520. – The award may be set aside only if:

1. The arbitral tribunal wrongly decided whether or not it had jurisdiction; or
2. The arbitral tribunal was not properly constituted; or
3. The arbitral tribunal ruled without complying with the mandate with which it has been entrusted; or
4. The right to be heard (*principe du contradictoire*) was violated; or
5. The recognition or enforcement of the award is contrary to international public policy (*ordre public*).

Art. 1521. – The First President of the court, or as soon as he/she is seized the judge in charge of the management of the proceedings, may grant *exequatur* to the award.

Art. 1522. – Parties may, at any time and by a specific agreement, expressly waive their right to an action to set aside the award.

In such a case, parties may nonetheless appeal the order granting *exequatur* according to one of the grounds provided in Article 1520.

Such appeal shall be filed within one month from the notification of the award to which *exequatur* was appended. Such notification shall take the form of service (*signification*) unless the parties have agreed otherwise.

Art. 1523. – The decision denying recognition or *exequatur* to an international arbitral award rendered in France is subject to appeal.

The appeal shall be filed within one month from the decision having been served.

In such a case, and upon request of a party, the court of appeals shall decide whether to set aside the award, unless the parties have waived such recourse or unless the time limit has elapsed.

Art. 1524. – No recourse shall be available against the order granting *exequatur*, except as provided in Article 1522 second paragraph.

However, within the limits of the application made to the court, the request to set aside the award, as a matter of law (*de plein droit*), shall also constitute a recourse against the order of *exequatur* or result in the termination of the proceedings (*dessaisissement*) before the judge having rendered the order of *exequatur*.

Section 2 - Awards Rendered Abroad

Art. 1525. – The decision concerning a request for recognition or *exequatur* of an arbitral award rendered abroad is subject to appeal.

The appeal shall be filed within one month from the decision having been served.

However, the parties may agree on another form of service (*notification*) if the appeal is against the award on which *exequatur* was appended.

The court of appeals may only refuse recognition of or *exequatur* to the arbitral award on the grounds provided in Article 1520.

Section 3 - Common Provisions Applicable to Awards Rendered in France and Abroad

Art. 1526. – Neither the action to set aside the award nor an appeal against the order granting *exequatur* shall suspend the enforcement of the award.

However, the First President of the court sitting in matters of summary proceedings (*référé*) or the judge in charge of the management of the case as soon as he/she is seized, may stop or reorganize the enforcement of an award if such enforcement may severely prejudice the rights of one of the parties.

Art. 1527. – The appeal against the order of *exequatur* and the request to set aside the award are made, judicially managed and decided according to the procedural rules set forth in Articles 900 to 930-1.

The denial of the appeal or of the action to set aside shall grant *exequatur* to the award or to those provisions in the award which have not been overturned or set aside by the court.

Art. 3. – The provision of the present decree enter into force the first day of the fourth month following its publication, except for the following provisions:

1. Articles 1442 to 1445, 1489 and 1505 paragraphs 2 and 3 of the Code of Civil Procedure shall apply to arbitration agreements entered into after the date mentioned in the first paragraph of this Article;

2. Articles 1456 to 1458, 1486, 1502, 1513 to 1522 of the same code shall apply to arbitral tribunals constituted after the date mentioned in the first paragraph of the present Article;

3. Article 1526 of the same code shall apply to arbitral awards rendered after the date mentioned in the first paragraph of the present Article.

Art. 4. - The present decree is applicable in Wallis and Futuna Islands.

Art.5. - (not translated)

Made on 13 January 2011

Signed by the Prime Minister, the Keeper of the Seal and the Minister of Domestic Affairs (*Ministre de l'intérieur*)