

PBA

LE BULLETIN

GUIDE EDITORIAL

EDITORIAL GUIDELINES

Table of Contents

EDITORIAL GUIDELINES FOR CONTRIBUTORS	3
Executive Summary	3
General Remarks	3
List of Decisions	4
Choosing a Decision	4
Content & Format of the Contribution	5
Content	5
1. Introduction	5
2. Facts	5
3. Procedure and the parties' legal arguments	6
4. Legal issues	6
5. Reasons for the decision	7
Format	8
Font and length	8
Tense	8
Dates	8
Style	9
SUBMISSION & DEADLINE	10

EDITORIAL GUIDELINES FOR CONTRIBUTORS

Executive Summary

1. Select a decision via the Google Excel hyperlink, by putting your first and family name in both cells AND send a photo of yourself to biberon.pba@gmail.com

Google Excel hyperlink communicated by the Biberon Department (usually the second or third Sunday of the month)

First-come-first-served basis

2. Write your contribution in both French and English, following the formatting and content guidelines described below
3. Send your contribution in a Word format by the deadline to biberon.pba@gmail.com
4. Wait for the publication of the Biberon on LinkedIn every first Wednesday of the month, with your contribution alongside a photo of you next to it!

General Remarks

Welcome to the Contributors' Team! Paris Baby Arbitration ("PBA") aims to promote arbitration, its accessibility and support interest in this field of law. The PBA bulletin is a monthly edition published both in French and English. It compiles the latest and most interesting decisions rendered by national and international jurisdictions, as well as arbitral awards.

We strongly encourage the involvement of younger contributors in our association. To this end, we showcase your contributions in every edition of the bulletin alongside your name and photo. A publication is made on the first Wednesday of every month, wherein we tag you with your other fellow contributors.

Mention our publications have been cited on Dalloz, in the Paris Arbitration Reform working papers, republished by JusDaily etc.

List of Decisions

After a careful selection by PBA's Biberon Departement, a list of important decisions will be established every month.

This list is created on a Google Excel, so that a link thereto will be communicated to you by the Biberon Department according to an internal schedule, which tends to be the second or third Sunday of the month.

Choosing a Decision

To choose a decision/award you would like to contribute on, simply insert your first and family names in those two boxes on the Google Excel:

Contributor - French	Contributor - English

The reason is because you are expected to write your contribution in both French and English.

Please note that selecting decision/award operates on a first-come-first-served basis, so that if a name has already been put, you may not overwrite it with your own name.

If you wish to suggest a decision to the Biberon Department, you may by contacting a member of Department. Please do note insert it add it to the Google Excel without prior leave from the Department.

Content & Format of the Contribution

Content

The content of the contribution should include the following elements in this order:

1. Introduction

you should simply give basic information about the decision/award(date, jurisdiction, subject-matter).

e.g.: “On 31 January 2021, the French Cour de cassation overturned a Paris Court of Appeal decision which had upheld an ICC award. The Cour de cassation ruled that the appellate court had refused to set aside the award on the basis that it breached French international public policy, despite substantiated allegations of corruption regarding one of the arbitrators”.

« Par un arrêt en date du 31 janvier 2021, la Cour de cassation a annulé un arrêt de la Cour d'appel de Paris qui avait confirmé une sentence arbitrale ICC. La Cour suprême a jugé que la cour d'appel avait refusé d'annuler la sentence pour violation de l'ordre public international, alors qu'il était démontré de manière suffisante un pacte de corruption concernant l'un des arbitres ».

2. Facts

you should quickly outline the essential facts (those necessary to understand the decision and reasoning), so that it is not necessary to go into detail.

e.g.: “On the facts, a Swiss company (hereinafter the “Buyer”) concluded a contract for the sale of palm oil with a Norwegian company (hereinafter the “Seller”) on 25 July 2022, which was governed by English law and contained an arbitration clause under the aegis of the ICC. Despite several letters before action sent by the Buyer, the Seller still persisted in refusing to deliver the palm oil.”

« En l'espèce, une société suisse (ci-après l' « Acquéreur ») a conclu un contrat de vente d'huile de palme avec une société norvégienne (ci-après le « Vendeur ») le 25 juillet 2022, soumis au droit anglais et stipulant une clause compromissoire sous l'égide de la CCI. Malgré plusieurs mises en demeure envoyées au Vendeur, l'Acquéreur a persisté à exécuter son obligation de délivrance ».

3. Procedure and the parties' legal arguments

you should summarise the lower courts' and arbitral tribunal's findings (when applicable), as well as the parties' arguments in the present proceedings.

e.g.: "As such, the Buyer initiated ICC arbitral proceedings. In an award dated 2 February 2023, the arbitral tribunal ruled in favour of the Seller. In particular, it held that the parties had been discharged due to a frustrating event, and rejected allegations of corruption towards the president of the tribunal. As a result, the Buyer started annulment proceedings before the Paris Court of Appeal, which upheld the award and decided that corruption could not set aside an award on the basis of a breach of French international public policy. Once again, the Buyer challenged the appellate court's decision before the Cour de cassation."

« Ainsi, l'Acquéreur a commencé une procédure arbitrale CCI. Par une sentence en date du 2 février 2023, le tribunal arbitral a statué en faveur du Vendeur. En particulier, il a estimé que les parties ont été libérées de leurs obligations contractuelles, en raison d'un événement correspondant à une « frustration » en droit anglais. Il a également rejeté les allégations de corruption à l'encontre du président du tribunal. L'Acquéreur a donc essayé d'annuler la sentence devant la Cour d'appel de Paris, qui a confirmé la sentence en estimant que l'existence d'une corruption affectant un arbitre ne pouvait servir de fondement à l'annulation des sentences pour contrariété à l'ordre public international. C'est la raison pour laquelle l'Acquéreur s'est pourvu en cassation contre l'arrêt d'appel. »

4. Legal issues

you may (not compulsory) clearly indicate the legal issues which were at hand which the jurisdiction was to decide upon.

e.g.: "The legal question for the Cour de cassation was whether corruption constitutes a breach of French international public policy within the meaning of Article 1520 5° of the French Code of Civil Procedure."

« La question juridique posée à la Cour de cassation était celle de savoir si la corruption peut fonder une violation de l'ordre public international au sens de l'article 1520 5° du code de procédure civile. »

5. Reasons for the decision

you should clearly indicate the jurisdiction's findings in law, and explain the reasoning behind it.

e.g.: "The Cour de cassation overturned the appellate court's decision and ruled that corruption affecting an arbitrator does constitute a breach of French international public policy. In its reasoning, the Court explained that (...)."

"La Cour de cassation casse et annule l'arrêt d'appel pour violation de l'article 1520. Elle estime que la corruption affectant un arbitre peut fonder une violation de l'ordre public international. Elle explique que (...) »

Please note that this is the minimum expectation, so feel free to add a comment or analysis of the decision!

Format

For consistency reasons, please make sure to observe the following formatting rules before sending your contributions:

Font and length

- The contribution must not exceed **1200 words**
- The word processing languages are English (United Kingdom) and French (France)
- The font used is **Times New Roman**
- The font size used is **12**
- Title: **Garamond**, text size **14**, in full **capital letters**
- Line spacing is set to **1.0**
- **No indentation** is used for new paragraphs
- Please justify the text

Tense

When recounting facts, procedure and the decisions, please use the past tense (rather than the present tense), unless what you are stating refers to a principle of general application.

e.g.: “The UK Supreme Court **reaffirmed** the principle, whereby English state courts **do not** have jurisdiction to review arbitral awards on the merits”(rather than “The UK Supreme Court reaffirms (...)”)

Please note that this only applies to English, as French allows more flexibility between the past and present tenses.

« La Cour suprême du Royaume-Uni **réaffirme** le principe selon lequel les juridictions étatiques anglaises ne **sont pas** compétentes pour rejurer les sentences arbitrales sur le fond ».

Dates

Use the DD/MM/YYYY format when referring to dates in both English and French.
e.g.: “17 January 2024” (rather than “January 17, 2024”); « 17 janvier 2024 »

Style

Use English quotation marks (") (rather than French ones «»);

No space comes before a colon and semi-colon

e.g.: "The UK Supreme Court followed a two-prong test: first, it applied an objective test (...); second, it took into account the following subjective elements (...)"

Please note that this only applies to English, as there is a space before colons and semi-colons in French.

« La Cour suprême du Royaume-Uni a appliqué un principe qui suppose un raisonnement à deux temps : d'une part, elle a appliqué une approche in abstracto (...) ; d'autre part, elle a adopté une approche in concreto en prenant en compte les éléments suivants (...) »

You may define any term/party that you wish;

e.g.: "A Swiss company (hereinafter the "Buyer") concluded (...)" « Une société Suisse (ci-après l' « Acquéreur ») a conclu (...)

Impartiality is key (try to stay as neutral as possible) in your contribution;

SUBMISSION & DEADLINE

Once you have finished writing your contribution in French and English, you may send the finalised word document to biberon.pba@gmail.com (pages, pdf, and google docs will **NOT** be accepted).

Please make sure you **adhere to the deadline indicated by the editorial team**. We must publish your contributions on the first Wednesday of each month and aim to have the edition ready for publication a fortnight in advance to enable our team and external partners sufficient time to review each contribution. It is therefore essential **that we receive your contribution on time** so that it can be verified efficiently.

Late submission will result in the exclusion of your contribution from the bulletin and any opportunity for future collaboration. The use of automatic translation tools (e.g. ChatGPT, Google Translate, DeepL) **is strictly prohibited**.

Plagiarism is frowned upon, so that if we find that you copied anyone's work (whether it be from PBA or from the Internet) without their prior consent, you will be barred from contributing ever again.

Non-submission or failure to submit on time or in adherence to our editorial guidelines will result in penalty.

Should you have any questions about the content and/or formatting, please do not hesitate to reach out to the Biberon Department by sending an email to biberon.pba@gmail.com!