

Linklaters

Litigation, Arbitration & Investigations
Legal Outlook 2024





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Introduction

In 2024, individuals and companies will bring claims against each other and defend those claims. Investigators will investigate, arbitrators will arbitrate and judges will judge.

But the way that people litigate, arbitrate and investigate is changing in a changing world. At an individual jurisdiction level, legal systems continue to be developed in their own particular ways. The outlooks for individual jurisdictions include:

- > EU reforms of the rules on late payments in commercial transactions to strengthen creditors’ protection.
- > The introduction of split trials and in-house legal privilege in France.
- > German legislation to introduce English speaking commercial courts.
- > New laws in the PRC changing the rules on jurisdiction and state immunity.
- > Reforms of Polish Supreme Court procedure and service of documents.
- > A new Arbitration Act in the UK.
- > US states’ adoption of commercial code amendments and a reform of the Federal Rules of Evidence.

In our Litigation, Arbitration & Investigations Legal Outlook we concentrate on themes which reach across jurisdictions and will have global significance in 2024.

Business crime

The global fight against economic crime will be bolstered by increased enforcement powers and a reinvigorated enforcement impetus in many jurisdictions. Particular international focus has been placed on initiatives to increase transparency and fight money laundering, although bribery and corruption remain important targets for enforcement authorities.

Strengthening enforcement

In many countries enforcement is being strengthened by investigative bodies demonstrating renewed impetus. For example, more anti-money laundering (**AML**) and counterterrorism enforcement is expected in South Africa in response to the country's grey-listing by the Financial Action Task Force. The new head of the UK's Serious Fraud Office has laid out his stall as an active enforcer by opening several major investigations and the new Luxembourg government has indicated its intention to increase the fight against cybercrime.

The UK introduced new economic crime legislation in 2023. Under the new law, enforcement against companies will be made easier by reforms to the way that certain criminal offences committed by senior managers are attributed to companies. Another aspect of the law will create a new offence for businesses which fail to prevent fraud being committed by their employees and certain third parties. Read more on our [UK Economic Crime and Corporate Transparency hub](#).

The Luxembourg government has indicated its intention to promote prosecutors' use of judgments by consent, a procedure similar to US plea agreements, which is expected to free-up resources so that more cases can be taken on.

Fighting money laundering

A global push is underway to increase transparency in financial dealings to help identify, track and seize the proceeds of crime. For example, Singaporean authorities are in the midst of a major crackdown on a money laundering scheme which

arose last year and the Australian regulator is progressing enforcement actions against the casino industry, banks, bullion dealers and payment platforms.

Singaporean authorities are also introducing measures to enhance the country's AML regime, including anticipated legislation governing and imposing restrictions on corporate directors. New rules in the UK and US contain similar provisions for increased corporate transparency, including UK restrictions on corporate directors. In Australia there is an ongoing consultation on introducing a corporate beneficial ownership register.

Measures are also being taken to buttress AML enforcement bodies. The EU's is due to formalise agreements for a new European AML Authority which will supervise the most high-risk institutions directly and facilitate coordination between member states. German legislators are planning to introduce a new Federal Financial Crime Agency which will prioritise AML and use state-of-the-art technology to "follow the money" in investigations.

Governments continue to focus on requiring professionals to know their customers and report suspicious activity:

- > Australia is considering expanding its regime to precious stone and metal dealers as well as professions such as lawyers, accountants and real estate agents.
- > The Hong Kong authorities have launched a bank-to-bank information sharing platform for detecting and disrupting fraud and mule account networks.
- > In South Africa, the Financial Intelligence Centre has published draft guidance on beneficial ownership.

- > Singapore's Monetary Authority has introduced new typologies and case studies to strengthen financial institutions' AML compliance.
- > The US Treasury aims to issue new proposed rules requiring investment advisors to conduct AML.

Targeting bribery and corruption

Bribery and corruption continue to be targeted though increased enforcement, increased co-operation and new laws. Enforcement actions are continuing in the PRC following a healthcare sector crackdown in 2023 and legislation is being prepared to tackle corruption by PRC persons abroad. Singapore's authorities are investigating high-profile corruption cases, including against one of the world's largest offshore and marine engineering companies.

Australia's Parliament is considering new legislation to establish a UK-style 'failure to prevent' offence. Poland has legislated to introduce more stringent sentencing rules for bribery and corruption in performing public functions with financial benefits of at least PLN 1 million. New French measures to fight corruption are also expected to be announced.

Other reforms

As well as these major themes, there are important legal and procedural reforms in Belgium, France and Poland. As part of these, Belgium is proposing to be one of the first countries to introduce a crime of "ecocide" and Poland has introduced an offence for professional fund managers who cause economic damage.

Sign up

to our [BusinessCrimeLinks blog](#) for all the latest on business crime.

ESG disputes

We cannot fail to acknowledge what an active year 2023 was in the field of ESG disputes and regulation. Across the globe businesses set ESG policy high on their list of priorities and many of the trends we saw develop over the last 12 months will continue. Below we focus on ESG dispute-related trends; for an overview of our 2024 ESG forecasting, see our [ESG Legal Outlook 2024](#).

Greenwashing claims

Greenwashing claims against corporates will continue in 2024. High profile cases are afoot in Germany, the UK and across the APAC region. In Australia, there is also an emerging trend towards enforcement proceedings concerning “bluewashing” (see the summary in our November 2023 [ESG Disputes Bulletin](#)). Meanwhile, in the UK, there have been a number of proceedings concerning the environmental obligations of water companies, and attempts to seek damages in respect of the alleged mis-selling of securities by reference to their purported ESG credentials, with similar claims expected in 2024.

Greenwashing is likely to remain a priority for regulators too. At EU level, the Corporate Sustainability Disclosure Directive (**CSRD**) will come into effect this year and includes wide ranging ESG disclosure requirements. The EU’s proposed legislative clarifications on green advertising and green claims (see [here](#) and [here](#)) may also invite further waves of lawsuits.

Climate change

We can expect to see an increase in climate change litigation in 2024. Early in the year, the Court of Rome is likely to publish its decision on its first climate change litigation, the so-called “Giudizio Universale”. In France, NGOs will likely appeal the December 2023 decision that the French state’s actions were late, but eventually sufficient, to remedy the ecological damage caused by carbon emissions (read more [here](#)). Claims against governments over their climate policies or inaction, such as the UK Friends of the Earth claims, look set to continue in 2024.

The Supreme People’s Court of China issued guidance in 2023 setting out principles in the adjudication of climate-related disputes (including greenwashing claims) under existing PRC laws. That guidance may lead to new climate-related actions.

Leading financial regulators around the world have also indicated that the sector must integrate climate-related risks into business practices, for example:

- > In the USA, the SEC plans to adopt its highly anticipated climate risk disclosure rules in April (see [here](#) and [here](#) for more detail).
- > South Africa’s Prudential Authority has released proposed guidance containing critical recommendations on governance, strategy, risk management, metrics and targets relating to climate-related risk.
- > The Monetary Authority of Singapore issued consultation papers setting out proposed updated guidelines for financial institutions containing an expectation for those institutions to have a sound transition plan for effective climate change mitigation.

The initiatives highlight that related climate change litigation should be expected, which is particularly significant for South Africa and Singapore as jurisdictions which have not, as yet, witnessed major ESG litigation.

Human rights and environmental

Allegations of human rights breaches and environmental damage look set to increase worldwide. Australia, Asia and Europe have all seen human rights allegations made in

litigation, judicial review or referrals to non-judicial bodies, such as the UN. In France, the Paris Judicial Court gave its first decision on the merits under the French Duty of Vigilance Law in December 2023, and more decisions are expected on this basis (see [here](#) and [here](#)).

Work on the EU’s Corporate Sustainability Due Diligence Directive (CSDDD or CS3D), including provisions on civil liability, might be completed in 2024 (read more [here](#)). The scope of Germany’s Supply Chain Due Diligence Act has also been widened in 2024 (see more [here](#)).

Bringing the claims...

It is likely that the types of ESG litigation will evolve in 2024. We anticipate increases in claims brought by shareholder activists and consumer associations, a corresponding increase in counterclaims against those groups and an increase in collective actions. Additional guidance and policy, shaping the ESG space further, should also be expected.

ESG is also likely to remain a major theme in international arbitration in 2024, as ESG clauses are increasingly incorporated into commercial contracts containing arbitration clauses and specific substantive ESG-related standards are also being introduced in investment treaties. Latin America is one region where governments are increasingly focusing on ESG measures and regulations.



Collective redress

Collective redress procedures allow groups of claimants to bring combined actions. Although the ability to bring these claims varies enormously by jurisdiction, several countries are legislating to liberalise collective actions whilst also trying to strike a balance between encouraging and regulating litigation funding.

Collective actions legislation

The EU [Collective Redress Directive](#) introduced a right to collective redress across the EU (read more [here](#)). Member states should have implemented the Directive into national legislation by the end of 2022, with a further six months allowed for the new laws to come into effect. One year later, Belgium, France, Luxembourg, Poland and Spain had still not implemented it, whilst Germany, Italy, the Netherlands and Portugal had (see our [Implementation Tracker](#)). It is already clear that there is significant divergence in the approaches taken, which will add complexity to managing cross-border collective proceedings (read more about the implementation in [Germany](#), [France](#), [the Netherlands](#) and [Spain](#)).

The German Government is preparing further national legislation to facilitate collective redress by allowing early rulings on legal questions which arise in parallel proceedings (read more [here](#)). The UK Parliament is also debating allowing class actions for consumer law breaches (read more [here](#)).

Australia, Portugal and the USA have well established class action regimes and continue to see claims being brought and resolved. Australia is seeing a large increase in data breach legislation and expects a further wave of cyber and privacy collective actions if anticipated data privacy reforms are enacted.

Litigation funding

The growing acceptance of third-party financial backing for claims continues to fuel the growth of collective actions.

However, the Collective Redress Directive contains requirements that EU member states introduce measures to prevent conflicts of interests where collective actions are funded. This has led to amendments to the class action regimes in the Netherlands and Portugal which seek to ensure claimants' independence. In the Netherlands, recent lower court rulings have dismissed a claim because of a funder's influence and capped another's fee at five times its investment. Germany has adopted restrictions that exceed the Directive's requirements by limiting funders' recoveries to 10% of awarded damages.

Class action funding in Australia continues to evolve in response to divergent court decisions on the availability of orders which give certainty about funders' recoveries. Legislation is also expected to reverse the effect of a UK court ruling which invalidated many litigation funding agreements (read more [here](#) and [here](#)).

Securities litigation

Where securities prices move and investors suffer widespread losses, group actions tend to follow against defendants with deep pockets and legal exposures. For example, Chinese investors have become particularly proactive in using collective redress to seek compensation for investment losses in respect of alleged securities misconduct. One PRC

procedure used for these claims is the special representative action, an opt-out class action mechanism adopted in 2020.

The German legislature is seeking to facilitate capital markets litigation by amending test case legislation for capital markets disputes (the "KapMuG") to make those actions more attractive.

Competition collective actions

Competition collective actions continue to be popular, where available, because of the far-reaching effects that competition breaches can be alleged to have and the binding status of regulatory decisions in many jurisdictions. In particular:

- > The UK's opt-out collective proceedings regime continues to be extremely busy, with the first trial taking place in Q1 and a large backlog of cases following it.
- > Spanish competition litigation is expected to grow as a result of claimant interest and increased enforcement.
- > German courts are awaiting European court guidance about whether competition claims can be brought under the claims assignment model (read more [here](#)) and are likely to see competition claims brought under the new collective redress law, which goes beyond EU requirements by allowing competition claims.

Within the EU and UK, there is an ongoing debate about whether old competition limitation periods will be altered so that defendants are still liable for decades-old breaches. A European court is due to give further guidance on this point and a UK decision against changing the limitation rules is being appealed (read more [here](#)).

Sign up

to our [LinkingCollectiveRedress](#) blog for all the latest on collective redress.



Digital justice and artificial intelligence

Courts around the world are adapting to digital changes in wider society. New technology and the shifting expectations of court users both enable and necessitate investing in technology to make litigation more efficient and improve access to justice. Legal systems also increasingly need to ensure that they are prepared to deal with new kinds of digital and AI disputes.

Digital justice

Legal systems are not usually early-adopters of new technology, but significant work is underway to modernise and futureproof judicial systems around the globe. A major driver for this change is the desire to improve access to justice for ordinary people, but the changes will also increase efficiency for commercial parties.

Examples of these initiatives to bring legal systems up-to-date include:

- > A new EU Regulation that will require communications between member states for judicial cooperation to be exchanged electronically and allow private persons to communicate electronically on some judicial matters. The Regulation also requires member states to recognise the legal effect of documents sent electronically and provides for parties to attend cross-border hearings by videoconference in certain circumstances.
- > Germany, Hong Kong and Spain are all taking steps towards the increased use of live broadcasting or video conferencing. Spain's new Royal Decree also requires electronic communication to be used in litigation and similar measures have been put in place in the Netherlands (requiring electronic filing in new Supreme Court proceedings) and South Africa (where a regional High Court division has adopted a digital case management system to facilitate electronic pleadings and document access).

- > With paper-based litigation in decline around the world, national authorities are looking at further ways to digitise litigation. Singapore is introducing asynchronous hearings which allow parties to participate through digital messaging without being physically present. The UK is creating an integrated online system, initially for lower value disputes, intended to guide users to appropriate solutions, including alternative dispute resolution. A South African Presidential Commission has also recommended measures to create a science-literate judiciary, focussing on data privacy and protection and digital taxation.

In addition to these changes, authorities are beginning to grapple with the challenges and opportunities that artificial intelligence brings. While technology is already able to assist with large-scale document discovery and review in litigation, arbitration and investigations, these tools will become more sophisticated, efficient and easy to use, spurring broader adoption. AI will eventually impact the length and breadth of disputes: analysing cases, identifying precedents, assessing merits and even adjudicating. These developments will take time, but recent advances in tech place them firmly on the horizon.

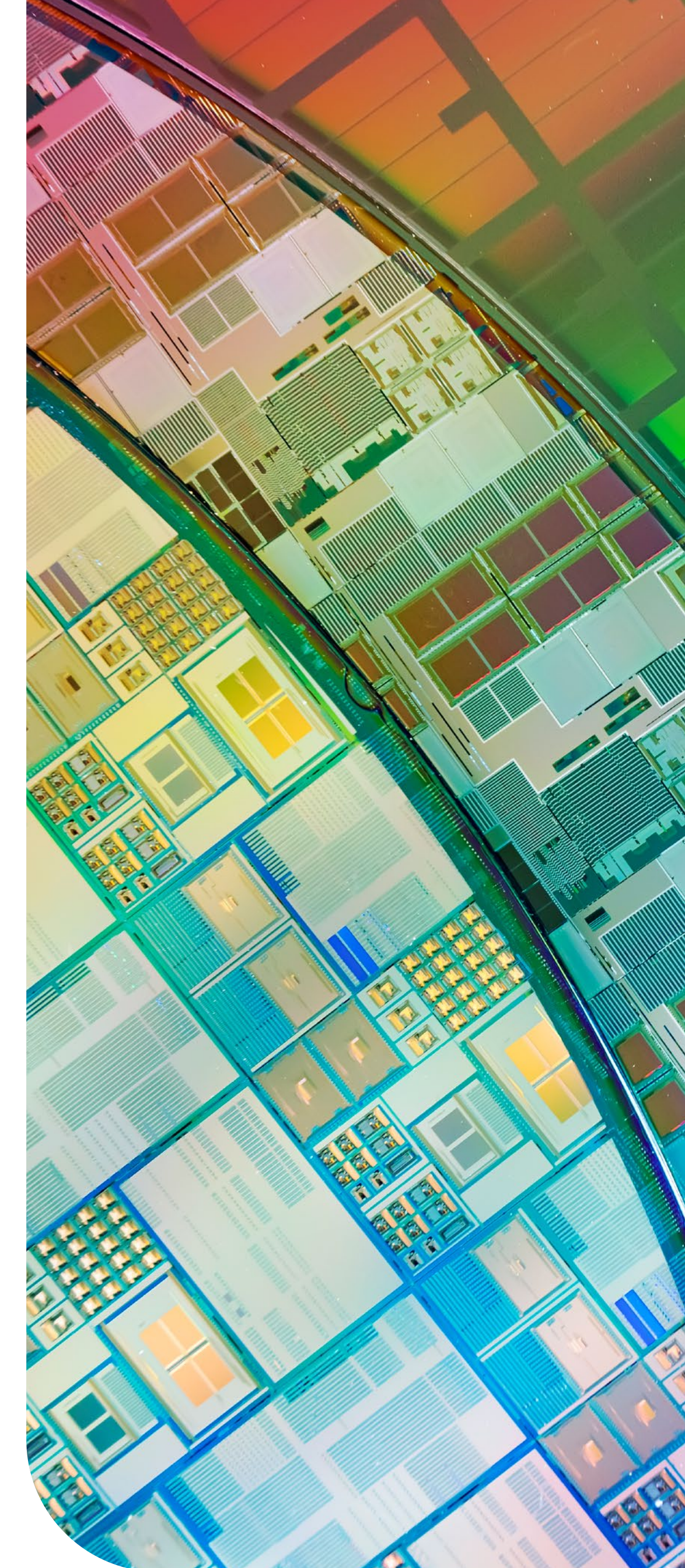
With a view to this, the Silicon Valley Arbitration & Mediation Center has published draft guidelines on the use of AI in arbitration. Amongst other things, they stress the importance of safeguarding confidentiality and understanding AI tools before using them. Similar developments are in motion for court disputes. For instance, the Italian Senate is due to hold an inquiry into the impact of AI on the justice sector and Singapore's judiciary is developing a generative AI program to help court users (initially in the Small Claims Tribunal).

Digital and AI disputes

Legal systems and regulation are adapting to new kinds of disputes arising from developing technologies. For instance, the EU plans to adapt liability rules to the digital age through a reform of the Product Liability Directive (read more [here](#)) and a new AI Liability Directive (read more [here](#)). You can read more about digital regulation, enforcement and risks in our [Tech Legal Outlook 2024](#).

Courts across the globe are also working through open questions posed by technology. For example, in the intellectual property space, at the end of 2023 in the PRC's first AI-related case, a court ruled that an AI user held the copyright to an AI generated image. In the US there are several ongoing cases concerning intellectual property issues raised by AI, plus an ongoing class action, and a potential for an increase in disputes, about privacy concerns in AI-driven applications.

Case law also continues to develop about the treatment of crypto assets. In Singapore, the courts are grappling with a significant crypto litigation caseload, with further decisions expected to clarify, for example, how cryptocurrency is treated in insolvency proceedings. The US SEC's ongoing cases against cryptocurrency exchanges are expected to shed light on whether tokens are securities. The English courts are also due to hear a claim involving novel legal issues about the alleged duties of cryptoasset network developers.



Alternative and negotiated dispute resolution

Courts across the globe are increasingly recognising the value of alternative and negotiated methods of dispute resolution (**ADR**) and are actively encouraging their use. In some cases, an attempt must be made at a form of ADR before parties are permitted to commence court proceedings while in others the use of ADR, and in particular mediation, is being generally encouraged. Meanwhile, states continue to sign and ratify the Singapore Convention on Mediation, expanding the importance of mediation as a method of international dispute resolution.

Pre-action ADR is becoming increasingly compulsory

Pre-action mediation has been mandatory in Italy for some years, with a 2022 law having further expanded its scope. Other jurisdictions are following Italy's example. New legislation in Spain requiring parties to mediate before certain claims are allowed to proceed is expected to be passed in the coming months. Under the new rules, parties seeking financial compensation will also need to have sought payment before going to court. Other claims, including leisure travel and consumer claims, will be resolved outside of the judicial system altogether.

In the UK, compulsory mediation before court proceedings are permitted came a little closer in 2023. In July, the Ministry of Justice announced that mediation would be made compulsory in all specified money claims up to £10,000. Then, in December, in a landmark case, the Court of Appeal found that a court may lawfully stay proceedings or order parties to engage in ADR without this impacting the parties' right to a fair trial under Article 6 of the European Convention on Human Rights. The court declined to give any guidance on when this would be appropriate but it is likely that this ruling may ultimately have a considerable impact in practice.

Elsewhere, court-assisted ADR procedures are on the rise

In France, three new measures were introduced in 2023, all of which aim to encourage the settlement of disputes with court assistance. These include: a new "amicable settlement hearing", at which an unconnected judge assists litigating parties to try and reach an agreed resolution to their dispute; a new procedure enabling parties to request an early ruling on key points of a dispute; and the compelling of parties to attempt mediation, conciliation or similar process before claims may be commenced in certain categories of disputes. These measures came into effect in late 2023 and are likely to attract interest from disputing parties. However, as they currently apply only to first instance tribunals and are not applicable to commercial courts, their immediate practical effect may be limited.

In 2023, new tax dispute resolution rules were published in South Africa. These rules describe the procedures for objections and appeals for the conduct and hearing of appeals before a Tax Board or Tax Court, including under the ADR mechanism.

In Luxembourg, proposed legislation that would make mediation more attractive is currently being discussed before parliament. However, mediation is currently rarely used in Luxembourg and it remains to be seen whether this law will change that.

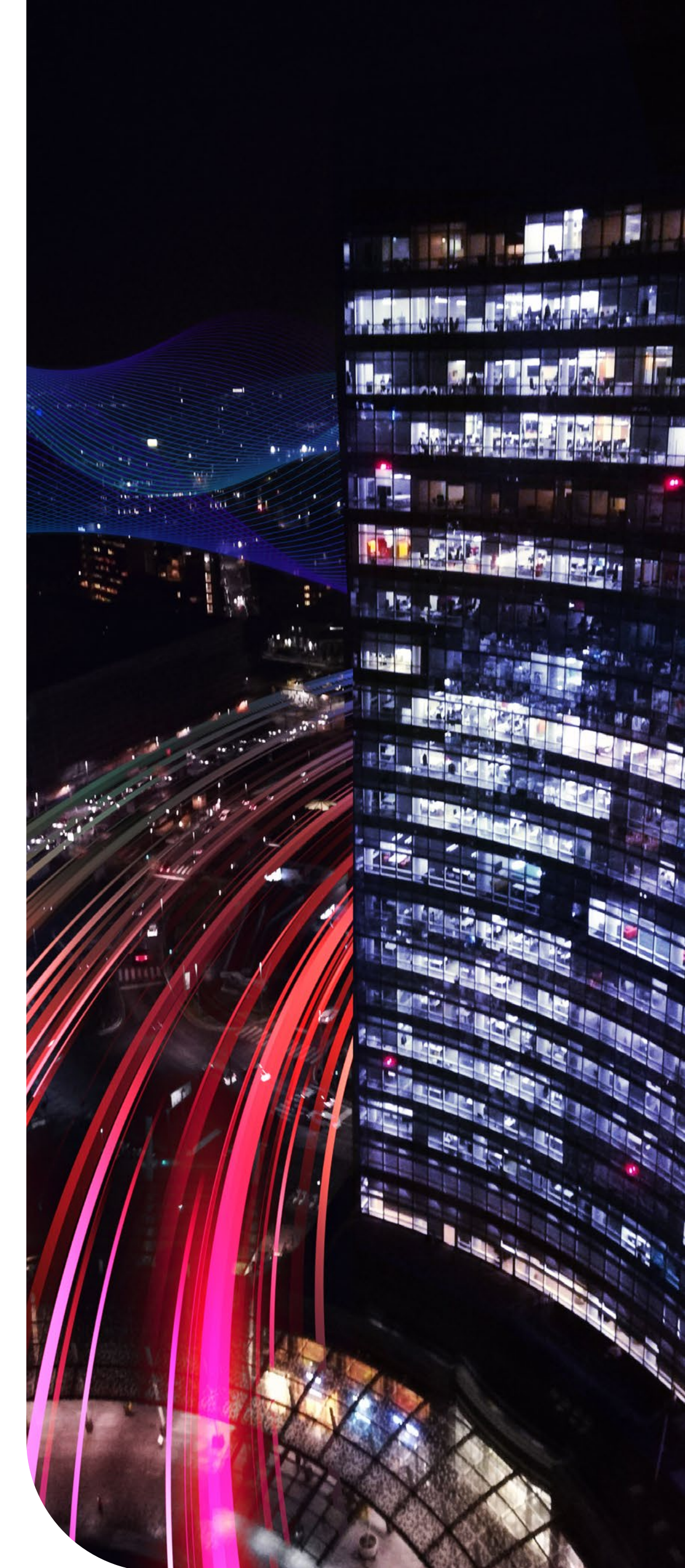
The Singapore Convention continues to gain momentum

Three states ratified the United Nations Convention on International Settlement Agreements Resulting from Mediation during 2023: Uruguay, Japan and Nigeria, which ratified on 27 November 2023. The Convention has entered into force for Uruguay, but will come into force on 1 April 2024 for Japan and 27 May 2024 for Nigeria.

The UK signed the Convention on 3 May 2023, bringing the total number of signatories to 56. It is likely that the government will ratify the Convention during the course of 2024 and it is therefore possible that, by the end of 2024, the Convention could be fully in force for at least 14 states.

Take a look

For an in-depth look at the use of mediation in commercial disputes across the globe, see our [Global Guide: Commercial Mediation](#).



Sanctions

The imposition of financial and trade sanctions by global governments is set to remain a hot topic, with Russia-related sanctions continuing to dominate developments. 2024 is likely to see an increase in both the number of restrictions to dealings with sanctioned jurisdictions and persons, and enforcement actions relating to sanctions and their breach.

New approaches to managing frozen Russian assets

A considerable amount of assets belonging to or controlled by Russian individuals and entities or the Russian state have been frozen since Russia's invasion of Ukraine in February 2022. In the UK, Regulations which took effect in December 2023 impose new obligations on persons and entities in the UK who are designated under the sanctions regime to disclose the nature and value of assets they hold in the UK. UK designated persons must disclose their assets wherever they are located. Further legislation is expected to oblige anyone holding assets in the UK on behalf of Russia's Central Bank, Ministry of Finance or National Wealth Fund to disclose them to the Treasury.

Western allies are considering how frozen assets can best be managed and whether they could be used to benefit Ukraine (read more [here](#)). US and Albanian legislators also recently authored an [op-ed](#) on this topic. It is possible that significant new rules could be introduced in 2024, setting out how financial institutions and other operators should deal with the issue.

Spotlight on enforcement

While recent years have seen a flurry of new sanctions in relation to Russia and Belarus, enforcement has lagged. Within the EU, enforcement of sanctions is left to individual member states but a European Commission review has shown there are significant differences between the definitions of relevant criminal offences and the level of penalties that can be imposed.

To close this gap, the EU has reached a political agreement on a [draft Directive](#) that would harmonise the definitions of criminal offences for breaches of EU sanctions, set maximum penalties and create liability for legal entities (read more [here](#)). Meanwhile, we are seeing an uptick in enforcement action by national authorities, such as dawn raids in Germany, ships being denied access to ports in Spain, and fines being issued in various other member states. This increased focus on enforcement is likely to continue.

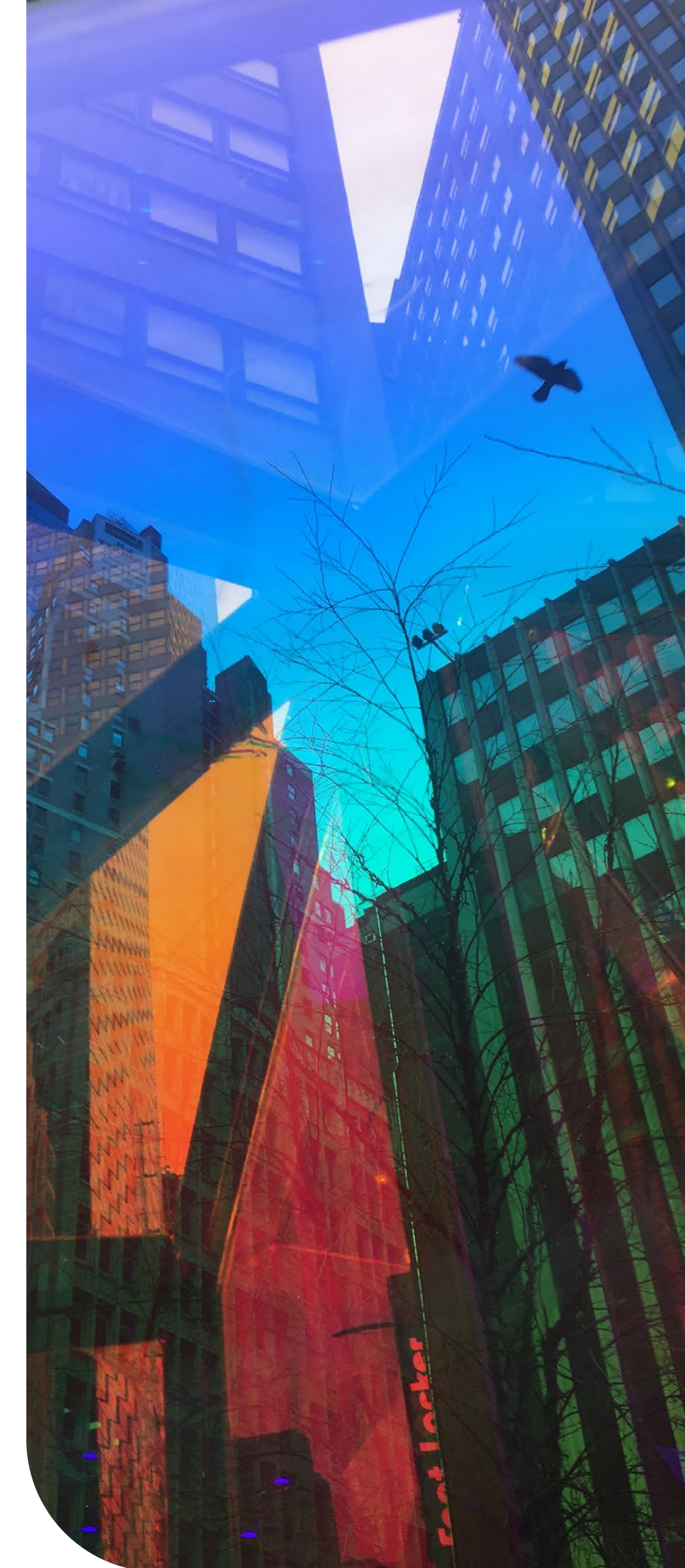
In the UK, enforcement action has been patchy, with Office of Financial Sanctions Implementation (**OFSI**) only issuing two monetary penalties in March 2022-23, and none for Russia-related sanctions breaches. However, its annual review states that it is undertaking a large number of complex investigations into Russia related breaches, which it anticipates will lead to public enforcement action. Enforcement of sanctions remains stronger in the US, where the Office of Foreign Assets Control has [announced](#) 17 civil penalties totalling over \$1.5bn for 2023.

More sanctions to follow

Following the escalation of the conflict in Ukraine, further sanctions against Russia seem highly likely. A twelfth round of sanctions has been agreed by the EU, with the UK and US imposing similar measures. The G7 and EU agreed a ban on the import of Russian diamonds and diamond jewellery, which took effect from 1 January 2024 and will be followed by a ban on stones processed in third countries from 1 March 2024. We expect the focus in 2024 to be on trade in high priority items and the steps that can be taken to prevent exporters circumventing restrictions, highlighted by the recent establishment of the UK Office for Trade Sanctions Implementation to sit alongside OFSI. US and UK authorities have put out notices and guidance to exporters and financial institutions, alerting businesses to the red flags that might indicate attempts to circumvent restrictions.

The EU also appears to be more willing to impose sanctions on other jurisdictions, most recently on Niger. Meanwhile, the UK has made a number of new designations under its Global Human Rights Sanctions regime, and not just in relation to Russian actors. The US has imposed new sanctions targeting third-country operators and focussing on sanctions evasion networks.

The current geopolitical situation remains volatile and further sanctions could be introduced in respect of targeted individuals across the globe.



International arbitration

2023 was marked by an ever-changing economic, political and financial climate worldwide which led to a wide range of disputes, many of which are being resolved by arbitration. Below is a brief overview of some of the developments which users of arbitration can expect in 2024.

Trends to look out for across the globe

Following the international sanctions imposed on Russia, we have seen an ever-increasing number of Russia-related disputes, many of which have the impact of sanctions at their heart. A recurring feature of these disputes is Russian companies bringing proceedings in Russia in breach of arbitration agreements or exclusive jurisdiction clauses. Claimants have sought remedies from courts (such as in [England](#) and [Hong Kong](#)) and from arbitral tribunals in a wide variety of seats, often in the form of anti-suit injunctions to restrain proceedings in Russia. We expect the number of these disputes to continue to rise in 2024.

The recent withdrawals of France, Germany, Poland and Luxembourg from the Energy Charter Treaty (**ECT**) will be followed by an EU Council vote on a coordinated withdrawal of the EU from the ECT. Despite these withdrawals, the ECT’s “sunset clause” extends the investment protection provisions and investor-state dispute settlement mechanism (ie, international arbitration) to energy investors for 20 years (read more [here](#)).

In 2023, two US court decisions further [restricted the access to 28 USC §1782](#) discovery in aid of foreign international arbitration proceedings, by denying its application in aid of ICSID proceedings. At least one appeal decision on this topic is expected in 2024.

In 2023, the Unified Patent Court established the Lisbon-based Patent Arbitration and Mediation Centre to hear disputes concerning copyright and related rights.

Two hearing facilities, the ICC Hearing Centre and Delos Dispute Resolution’s Paris Arbitration Centre, are expected to open in 2024 to help meet demand for arbitration hearing resources and infrastructure in Paris, one of the most frequently selected seats of arbitration in the world.

Arbitral institutions continue to modernise their rules

The revised arbitration rules of the China International Economic and Trade Arbitration Commission (CIETAC) in force from 1 January 2024 include provisions for pre-arbitration consultation/mediation, early dismissal of claims, disclosure of third-party funding, electronic filing of submissions and virtual hearings.

The new Arbitration Rules of the Madrid International Arbitration Centre, also in force from 1 January 2024, feature a new expedited procedure, possibility for CIAM to conduct arbitrator conflict checks without parties’ express agreement, and amendments clarifying certain procedural issues.

Revised Arbitration Rules are expected for the Netherlands Arbitration Institute’s 75th anniversary. Users may expect a provision for “a midstream conference”, expedited procedure, and a provision for resolution of multi-contract disputes.

Following a [public consultation to which Linklaters contributed](#), the Singapore International Arbitration Centre is expected to introduce a revised 7th edition of the SIAC Arbitration Rules. The Hong Kong International Arbitration Centre has also launched a public consultation on proposed revisions to its 2018 Arbitration Rules.

Legislative reforms underway in the UK, Japan, China, Germany and Italy

A new arbitration bill intended to update the Arbitration Act 1996 recently [began its progress through the UK Parliament](#). It will implement the Law Commission’s recommendations and seems likely to be enacted during the year.

Entry into force of the new Japanese Arbitration Act is expected before April 2024. Key changes include enforcement by courts of interim awards and waiver of Japanese translation of certain court documents.

Proposed amendments to the PRC Arbitration Law further to the 2021 consultation are still under legislative review.

The German Ministry of Justice [published a key issues paper](#) on a reform of the German arbitration law and will continue consulting stakeholders through 2024.

Decisions are expected to clarify the interpretation of the [2023 amendments to the Italian Arbitration Law](#) and application of the new Milan Chamber of Arbitration Rules.

Middle East: reforms expected to attract arbitration users to Saudi Arabia and the UAE

As part of Saudi Arabia’s Vision 2030, the Kingdom has been adopting measures to modernise its arbitration offering. The Saudi Centre for Commercial Arbitration (**SCCA**) recently introduced an independent SCCA Court, opened its first overseas office at the Dubai International Financial Centre and [published revised SCCA Arbitration Rules](#). The Kingdom also granted law practice licenses for the first time to certain foreign law firms, including Linklaters.

The Abu Dhabi International Arbitration Centre (“arbitrateAD”), launched by the Abu Dhabi Chamber of Commerce and Industry in December 2023 and will replace the Abu Dhabi Commercial Conciliation and Arbitration Centre from 1 February 2024.

In September 2023, the United Arab Emirates introduced amendments to modernise its Federal Arbitration Law and further align it with international standards.

Read more

on “[What to expect in 2024 in international arbitration](#)”

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