

Hague CAA: A New Option for International Arbitration in the Aviation Sector

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The Hague Court of Arbitration for Aviation (the HCAA) – a new arbitration court and mediation centre that presents a fresh dispute resolution option to parties in the aviation sector – recently launched its arbitration and mediation rules and will begin accepting cases this month.

Background

The [HCAA](#), a first-of-its-kind arbitral institution in Europe specialising in aviation disputes, was launched at the Farnborough International Airshow in July 2022.

The [arbitration](#) and [mediation](#) rules of the HCAA (the HCAA Rules) reflect international best practices and will come into force on August 31, 2022. Arbitrations and mediations under the HCAA Rules will be administered by the [Netherlands Arbitration Institute](#) (the NAI).

The HCAA is a novel option for resolving complex disputes in the "*nearly untouched frontier*" of aviation, including commercial and private aircraft operating, trading, leasing, insurance, and financing-related aviation disputes. The HCAA says that it will operate "*independently and impartially, with no allegiance to any industry participant or special interest group over another*".

Rise of Aviation Arbitration

The HCAA will provide the critical advantages of institutional arbitrations to participants in the aviation sector: a deep bench of [aviation law and technology experts](#) on its roster to act as arbitrators, mediators, and experts; administrative assistance from the HCAA and NAI; and a binding and enforceable settlement or award.

Preceded by the [Shanghai International Aviation Court of Arbitration](#), the HCAA is the latest addition in specialised arbitral institutions that are tailored to the requirements of the aviation industry.

Key Features of the HCAA Rules

The HCAA Rules are based on the [NAI Rules](#) and drafted by a committee comprising leading arbitration and mediation practitioners including Gary Birnberg and Gary Born. Key features include:

- appointment of an emergency arbitrator to determine urgent applications for interim or conservatory measures before the constitution of the arbitral tribunal;
- expedited arbitral proceedings for low-value disputes;
- joinder, intervention, and consolidation mechanisms for multi-party/ multi-contract arbitrations; and

- a costs schedule providing clear guidance on tribunal and administrative fees.

Based in The Hague, with the support of the NAI as well as eminent aviation lawyers and experts, and equipped with a set of modern rules, the HCAA should be well-placed to arbitrate aviation disputes.

CONTACTS

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