Article 1
1. This Act governs in international matters:
   a. the jurisdiction of the Swiss courts or administrative authorities;
   b. the applicable law;
   c. the conditions for the recognition and enforcement of foreign decisions;
   d. bankruptcy and composition agreements;
   e. arbitration.
2. International treaties are reserved.

VI. Arbitration Agreement

Article 7
If the parties have concluded an arbitration agreement covering an arbitrable dispute, a Swiss court seized of it shall decline jurisdiction unless
   a. the defendant has proceeded with its defense on the merits without raising any objection;
   b. the court finds that the arbitral agreement is null and void, inoperative or incapable of being performed; or
   c. the arbitral tribunal cannot be constituted for reasons manifestly attributable to the defendant.

Chapter 12 – International Arbitration
I. Scope of Application. Seat of the Arbitral Tribunal

Article 176
1. The provisions of this chapter shall apply to any arbitration if the seat of the arbitral tribunal is in Switzerland and if, at the time when the arbitration agreement was concluded, at least one of the parties had neither its domicile nor its habitual residence in Switzerland.
2. The provisions of this chapter shall not apply where the parties have in writing excluded its application and agreed to the exclusive application of the procedural provisions of cantonal law relating to arbitration.
3. The seat of the arbitral tribunal shall be determined by the parties, or the arbitration institution designated by them, or, failing both, by the arbitrators.
II. Arbitrability

Article 177
1. Any dispute involving property may be the subject-matter of an arbitration.
2. If a party to the arbitration agreement is a state or an enterprise or organization controlled by it, it cannot rely on its own law in order to contest its capacity to be a party to an arbitration or the arbitrability of a dispute covered by the arbitration agreement.

III. Arbitration Agreement

Article 178
1. As regards its form, an arbitration agreement shall be valid if made in writing, by telegram, telex, telexcopier or any other means of communication which permits it to be evidenced by a text.
2. As regards its substance, an arbitration agreement shall be valid if it conforms either to the law chosen by the parties, or to the law governing the subject-matter of the dispute, in particular the law governing the main contract, or if it conforms to Swiss law.
3. The validity of an arbitration agreement cannot be contested on the ground that the main contract may not be valid or that the arbitration agreement concerns disputes which have not yet arisen.

IV. Arbitral Tribunal

1. Constitution

Article 179
1. The arbitrators shall be appointed, removed or replaced in accordance with the agreement of the parties.
2. In the absence of such an agreement, the matter may be referred to the court where the arbitral tribunal has its seat; the court shall apply by analogy the provisions of cantonal law concerning the appointment, removal or replacement of arbitrators.
3. Where a court is called upon to appoint an arbitrator, it shall make the appointment, unless a summary examination shows that no arbitration agreement exists between the parties.

2. Challenge of Arbitrators

Article 180
1. An arbitrator may be challenged:
   a. if he does not meet the requirements agreed by the parties;
   b. if the arbitration rules agreed by the parties provide a ground for challenge; or
   c. if circumstances exist that give rise to justifiable doubts as to his independence.
2. A party may challenge an arbitrator whom it has appointed or in whose appointment it has participated only on grounds of which it became aware after such appointment. The ground for challenge must be notified to the arbitral tribunal and to the other party without delay.
3. In the event of a dispute and to the extent to which the parties have not determined the procedure for the challenge, the court of the seat of the arbitral tribunal shall decide; its decision is final.

V. Lis Pendens

Article 181
The arbitral proceedings shall be pending from the time when one of the parties submits its request to the arbitrator or arbitrators designated in the arbitration agreement or, in the absence of such designation, from the time when one of the parties initiates the procedure for the constitution of the arbitral tribunal.

VI. Procedure

1. Principle

Article 182
1. The parties may, directly or by reference to arbitration rules, determine the arbitral procedure; they may also submit it to a procedural law of their choice.
2. Where the parties have not determined the procedure, the arbitral tribunal shall determine it to the extent necessary, either directly or by reference to a law or to arbitration rules.
3. Whatever procedure is chosen, the arbitral tribunal shall ensure equal treatment of the parties and the right of the parties to be heard in an adversarial procedure.

2. Provisional and Protective Measures

Article 183
1. Unless the parties have agreed otherwise, the arbitral tribunal may, at the request of a party, order provisional or protective measures.
2. If the party so ordered does not comply therewith voluntarily, the arbitral tribunal may request the assistance of the competent court. Such court shall apply its own law.
3. The arbitral tribunal or the court may make the granting of provisional or protective measures subject to the provision of appropriate security.

3. Taking Evidence

Article 184
1. The arbitral tribunal shall itself take the evidence.
2. Where the assistance of state authorities is needed for taking evidence, the arbitral tribunal or a party with the consent of the arbitral tribunal may request the assistance of the court of the seat of the arbitral tribunal. Such court shall apply its own law.

4. Other Judicial Assistance

Article 185
For any further judicial assistance the court of the seat of the arbitral tribunal shall have jurisdiction.
VII. Jurisdiction

Article 186
1. The arbitral tribunal shall decide on its own jurisdiction.
2. Any objection to its jurisdiction must be raised prior to any defense on the merits.
3. The arbitral tribunal shall, in general, decide on its jurisdiction by a preliminary decision.

VIII. Decision on the Merits

1. Applicable Law
Article 187
1. The arbitral tribunal shall decide the dispute according to the rules of law chosen by the parties or, in the absence of such a choice, according to the rules of law with which the case has the closest connection.
2. The parties may authorize the arbitral tribunal to decide ex aequo et bono.

2. Partial Award
Article 188
Unless the parties have agreed otherwise, the arbitral tribunal may make partial awards.

3. Arbitral Award
Article 189
1. The arbitral award shall be made in conformity with the rules of procedure and the form agreed by the parties.
2. In the absence of such agreement, the award shall be made by a majority decision, or, in the absence of a majority, by the presiding arbitrator alone. It shall be in writing, reasoned, dated and signed. The signature of the presiding arbitrator shall suffice.

IX. Finality. Setting Aside

1. Principle
Article 190
1. The award is final from the time when it is communicated.
2. Proceedings for setting aside the award may only be initiated:
   a. where the sole arbitrator has been incorrectly appointed or where the arbitral tribunal has been incorrectly constituted;
   b. where the arbitral tribunal has wrongly declared itself to have or not to have jurisdiction;
   c. where the award has gone beyond the claims submitted to the arbitral tribunal, or failed to decide one of the claims;
   d. where the principle of equal treatment of the parties or their right to be heard in adversarial procedure has not been observed;
   e. where the award is incompatible with public policy.
3. As regards preliminary decisions, setting aside proceedings can only be initiated on the grounds of the above paragraphs 2(a) and 2(b); the time-limit runs from the communication of the decision.
2. Competent Court

Article 191
1. Setting aside proceedings may only be brought before the Federal Supreme Court. The procedure is governed by the provisions of the Federal Judicial Organization Act relating to public law appeals.
2. However, the parties may agree that the court of the seat of the arbitral tribunal shall decide in lieu of the Federal Supreme Court; its decision is final. For this purpose the Cantons shall designate a sole Cantonal court.

X. Exclusion Agreements

Article 192
1. Where none of the parties has its domicile, its habitual residence, or a business establishment in Switzerland, they may, by an express statement in the arbitration agreement or by a subsequent agreement in writing, exclude all setting aside proceedings, or they may limit such proceedings to one or several of the grounds listed in Article 190, paragraph 2.
2. Where the parties have excluded all setting aside proceedings and where the awards are to be enforced in Switzerland, the New York Convention of 10 June, 1958 on the Recognition and Enforcement of Foreign Arbitral Awards shall apply by analogy.

XI. Deposit and Certificate of Enforceability

Article 193
1. Each party may at its own expense deposit a copy of the award with the Swiss court of the seat of the arbitral tribunal.
2. At the request of a party, that court shall certify the enforceability of the award.
3. At the request of a party, the arbitral tribunal shall certify that the award has been made in conformity with the provisions of this Act; such certificate has the same effect as the deposit of the award.

XII. Foreign Arbitral Awards

Article 194
The recognition and enforcement of a foreign arbitral award is governed by the New York Convention of 10 June, 1958 on the Recognition and Enforcement of Foreign Arbitral Awards.