

§ 619

Court Assistance in Taking Evidence

The arbitral tribunal, arbitrators who have been accordingly authorized by the arbitral tribunal or a party with the approval of the arbitral tribunal may request from the court the conduct of judicial acts for which the arbitral tribunal has no authorization. The judicial assistance may also consist of the court requesting a foreign court or authority to conduct such acts. Articles 27, 28 and 29 of the Liechtenstein Judicature Act (Jurisdiktionsnorm) shall apply accordingly, provided that the arbitral tribunal and the parties to the arbitral proceedings shall have the right to appeal in accordance with Article 29 of the Liechtenstein Judicature Act (Jurisdiktionsnorm). The arbitral tribunal or an arbitrator mandated by the arbitral tribunal and the parties may participate in the taking of evidence by the court and may put questions. § 289 of this Law shall apply accordingly.

6th Title

Making of Award and Termination of Proceedings

§ 620

Applicable Law

- 1) The arbitral tribunal shall decide the dispute in accordance with such provisions of law (Rechtsvorschriften) or rules of law (Rechtsregeln) as are chosen by the parties as applicable. Any designation of the law or legal system of a given state shall be construed, unless otherwise expressed, as directly referring to the substantive law of that state and not to its conflict-of-laws rules.
- 2) Failing any designation by the parties of the applicable provisions of law or rules of law, the arbitral tribunal shall apply the provisions of law considered by it as appropriate.
- 3) The arbitral tribunal shall decide *ex aequo et bono* or as *amiable compositeur* only if the parties have expressly authorized it to do so.

§ 621

Decision Making by Panel of Arbitrators

Unless otherwise agreed by the parties, the following shall apply:

1. In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made by a majority of all its members. Questions of procedure may be decided by the presiding arbitrator alone if so authorized by the parties or by all members of the arbitral tribunal.
2. Where one or more arbitrators do not participate in a vote without justified reason, the other arbitrators may decide without them. In this case, it shall also apply that the necessary majority of votes is to be calculated by the total of all participating and not participating arbitrators. In the case of taking of votes for an award, the parties must receive prior information on the intention to proceed in