

1. the place of arbitration is in this state and the measure suffers from a defect which would constitute a reason for setting aside an arbitral award of this state under §§ 628 paragraph 2), 634 paragraph 6) and 7) or 635 of this Law;
  2. the place of arbitration is not in this state and the measure suffers from a defect which would constitute cause for refusal of recognition or enforcement of a foreign arbitral award;
  3. the enforcement of the measure would be incompatible with a court measure of this state which was either applied for or made earlier, or would be incompatible with a foreign court measure which was made earlier and which is to be recognized;
  4. the measure provides for a measure of protection unknown to Liechtenstein law and no appropriate measure of protection as provided by Liechtenstein law was applied for.
- 5) The court may hear the opposing party prior to making its decision on the enforcement of the measure under paragraph 1) of this Article. If the opposing party is not heard prior to the taking of the decision, he may lodge an objection against the order of enforcement within the meaning of § 290 of the Liechtenstein Enforcement Act (Exekutionsordnung). In both cases the opposing party may only argue that there is a ground for refusing the enforcement as referred to in paragraph 4) of this Article. In these proceedings the court does not have jurisdiction to rule on claims for damages under Article 287 of the Liechtenstein Enforcement Act (Exekutionsordnung).
- 6) The court shall set aside the enforcement if:
1. the term of the measure as set by the arbitral tribunal has expired;
  2. the arbitral tribunal has limited the scope of or set aside the measure;
  3. a case as referred to in Article 291 paragraph 1) lit. a to e of the Liechtenstein Enforcement Act (Exekutionsordnung) is considered; unless such case was already unsuccessfully argued before the arbitral tribunal and no obstacles against recognition (paragraph 4) exist with regard to the decision of the arbitral tribunal;
  4. security as referred to in paragraph 1) of this Article has been provided which renders the enforcement of the measure unnecessary.

## 5<sup>th</sup> Title

### **Conduct of Arbitral Proceedings**

#### § 611

##### General

- 1) Subject to the mandatory provisions of this title, the parties are free to determine the rules of procedure. The parties may thereby refer to other rules of procedure. Failing such agreement, the arbitral tribunal shall, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate.
- 2) The parties shall be treated fairly. Each party shall be given a full opportunity of presenting his case.