



Recognition and Enforcement of Foreign Arbitral Awards in Brazil: A Practitioner's Guide

Leonardo de Campos Melo



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As Brazil turns into a major player in international trade, it is inevitable that the number of foreign arbitral awards rendered against parties with assets located in that country will grow exponentially. Accordingly, it is important that successful parties in arbitration proceedings who may need to enforce awards in Brazil be aware of the local procedures for recognition and enforcement.

This book is the first one to provide practical guidance on the main steps and formal requirements for recognition of foreign arbitral awards before Brazil's Superior Court of Justice. It also includes a systematic compilation of all decisions issued by the Court on the recognition of foreign arbitral awards as of April 2015, as well as a bird's eye view of enforcement proceedings of said awards before Brazilian Federal Courts at the trial level.

Among the issues and topics covered are the following:

- all relevant procedural aspects of recognition proceedings;
- grounds for defense in recognition proceedings;
- interplay of the New York Convention and the Brazilian Arbitration Act;
- role of the Federal Public Attorney's Office in recognition proceedings;
- role played by counsel in recognition proceedings;
- interim and conservatory measures in the course of recognition proceedings;
- all cases in which recognition was totally or partially refused;
- applicable appeals in recognition proceedings;
- challenges to recognition decisions available to the losing party;
- how the Brazilian Judiciary engages in international court/arbitral cooperation;
- limitation periods for commencing enforcement proceedings;
- limited grounds for defense in enforcement proceedings;
- post-award interests;
- expropriation of assets; and
- applicable appeals in enforcement proceedings.

A special feature of the presentation is the book's detailed explanation of why recognition was refused or partially refused in the applicable cases. For its thorough analysis of foreign arbitral awards recognized or refused by Brazil's Judiciary, and its panoramic view of the enforcement of said awards, this book will be of inestimable practical value to counsel and arbitrators acting on the global stage where Brazil's presence and influence is rapidly growing. In addition, parties involved in disputes which will most likely be decided through arbitration in the future, or which are underway, or even parties to a contract who are simply drafting an arbitration clause, are sure to find the guidance offered here invaluable.



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