

DIS@LIDW

*To be, or not to be
sandwiched* – The new
DIS Supplementary
Rules for Third-Party
Notices

5 June 2025, 4.00 – 5.30 pm

A&O Shearman
One Bishops Square
London E1 6AD

DIS

German Arbitration Institute

A&O SHEARMAN



DIS@LIDW: *To be, or not to be sandwiched* – The new DIS Supplementary Rules for Third-Party Notices

Everyone seems to like sandwiches but hardly anyone likes to be sandwiched in a dispute. However, there are many situations in which a contractual party may face this fate.

Think of a contractor who faces claims from the owner and at the same time has its own claims against its subcontractor relating to the same works. This contractor will be involved in two separate arbitration proceedings with the inherent risk of losing both. The owner may establish claims against the contractor in the first arbitration for defective works but the arbitrators in the second arbitration may not consider the works done by the subcontractor as defective. Effectively, the contractor is sandwiched.

In litigation, a third-party notice, an impleader or a vouching-in could help to bind the subcontractor to the outcome of the dispute between the owner and the contractor without making the subcontractor a party to these proceedings. In arbitration, things are not that straightforward and parties seeking to mirror the litigation rules in their arbitration agreement face an uphill battle. Owner, contractor and subcontractor often do not sit at the same negotiating table. Spending time on drafting a complex arbitration agreement may likewise not be such a brilliant idea when other commercial issues are more pressing. To help parties in such a situation, the DIS has conceived a set of new rules, the [DIS Supplementary Rules for Third-Party Notices](#), which entered into force on 15 March 2024 (the “DIS Supplementary Rules”).

Over sandwiches, we will discuss how these new rules can help parties avoid being sandwiched in arbitration, in what situations being sandwiched is a real risk and your experience of dealing with this. Can arbitration institutions remedy this perceived disadvantage of arbitration against litigation? Are the new DIS Supplementary Rules a model suitable for international arbitration?

German Arbitration Institute (DIS)
Deutsche Institution für Schiedsgerichtsbarkeit e.V.
T. +49 228 391 815 566
www.disarb.org

4.00 pm	Welcome James Freeman, A&O Shearman, London
4.15 pm	The DIS – The German Arbitration Institute Anna Masser, DIS Council Member, Frankfurt
4.30 pm	The DIS Supplementary Rules A Short Introduction Reinmar Wolff, Vice-President of the DIS, Bonn/Berlin
4.45 pm	How Best to Prevent Sandwiching in Arbitration and How Can the DIS Supplementary Rules Help? – Views from the UK Manish Aggarwal, Three Crowns, London Jane Davies Evans KC, 3VB, London Marnix Leijten, De Brauw, Amsterdam Niuscha Bassiri, ArbBoutique, Brussels Moderator: Jan K. Schäfer, DIS Board Member, Frankfurt
5.20 pm	Take Aways From Today’s Discussion James Freeman, A&O Shearman, London
5.30 pm	Farewell

Registration

Please register **by 29 May 2025** via the link below. Participation in the event is free of charge. By registering you accept the [DIS General Terms and Conditions](#) for Conferences and Workshops.

[Registration →](#)

Please address any questions to: events@disarb.org