

International Commercial Arbitration and Maritime Arbitration in Ukraine in 2013

International Commercial Arbitration Court and Maritime Arbitration committee at the Ukrainian Chamber of Commerce and Industry issued a report of the activities for 2013. These are independent permanent arbitration institutions (third-party tribunal) which activities are regulated by the Law of Ukraine On International Commercial Arbitration of 24 February, 1994, Rules of the International Commercial Arbitration Court at the UCCI and the Statute on the Maritime Arbitration Commission at the UCCI.

The most prominent news of 2013 are: these arbitrations began to use in full an electronic document management system, implemented at the end of 2012 which, in addition to ensuring the registration of incoming and outgoing documents, parties to a dispute, status of arbitral proceedings as of specific date and for particular case and control of the duration of such proceedings, will eventually enable putting into operation electronic version of an arbitral case.

During the period from 1 January till 31 December 2013 the ICAC at the UCCI registered 428 cases, which is 122 cases more than in 2012.

During the year 2013 the ICAC at the UCCI considered and rendered awards in 297 cases, of which 152 cases (51.18%) were considered by the Arbitral Tribunal composed of three arbitrators and 145 cases (48.82%) – by the Arbitral Tribunal composed of a sole arbitrator.

In 2013 the consideration of cases of the ICAC at the UCCI has been conducted with the participation of foreign arbitrators from Austria, Belarus, Czech Republic, Germany, Kazakhstan, Moldova, Norway, Poland, Russian Federation, Serbia, Slovakia and Switzerland.

The Ukrainian residents were the respondents in 55 cases (12.85% of the total amount of cases) and the claimants in 366 cases (85.51%). 10 disputes between foreign parties were referred to the ICAC at the UCCI as to international arbitration of a neutral state, including: disputes between Cyprus and the Netherlands, Cyprus and Moldova, Seychelles and Germany, Cyprus and Slovakia, Russian Federation and Slovakia, Hong Kong and China (2 cases), Switzerland and Georgia, Switzerland and the Netherlands, British Virgin Islands and Denmark).

In the majority of cases, disputes submitted to the ICAC in 2013, as well as in previous years, arose in the course international purchase and sale (delivery) of goods (i.e. almost 88%), and in majority concerned the breach of contractual obligations as to the opportune payment or delivery of goods. To a lesser extent, submitted disputes deal with construction contracts, transportation and carriage of goods, leasing and loan.

The duration of cases (from the date of initiation of the arbitral proceedings till rendering of the award) was as follows:

from 3 till 4 months - 136 cases;

from 5 till 6 months - 104 cases;
from 7 till 9 months - 39 cases;
from 10 till 12 months - 9 cases;
over 12 months - 9 cases.

In 2013 there were 16 cases in the Maritime Arbitration Commission at the Ukrainian Chamber of Commerce and Industry, including 13 cases registered during the reporting period and 3 cases left from the year 2012.

Claims registered by the MAC in 2013 arise out of relationships concerning the following matters:

affreightment - 5 cases;
agency - 4 cases;
repair of vessel - 4 cases.

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