

Международная Юридическая Служба

Interlegal

Statistics of case consideration at the International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (ICAC at the UCCI)

Case consideration in 2017

In 2017, among 331 cases accepted for arbitration proceedings, ICAC considered 295 cases. Arbitration court issued awards upon 280 cases and rulings on suspending case proceedings upon 15 cases. 164 cases were considered by the sole Arbitration Tribunal, 131 cases – by the collegial Arbitration Tribunal.

In 2017, 557 arbitrators participated in case consideration, including 325 male (58.3%) and 232 female (41.7%) arbitrators. ICAC statistics in respect of gender equality is one of the best among global arbitration institutes.

There is a positive dynamics regarding growth of female arbitrators. For the last year, the number of chairwomen of the Arbitration Tribunal increased significantly: one in three in 2017 against one in five in 2016.

As for total ICAC case proceedings (295), 183 case considerations resulted in full claim satisfaction, 65 – in partial claim satisfaction,

while in 10 cases claim satisfaction was rejected. Case proceedings were suspended upon 13 cases in respect of debt recovery (due to voluntary debt payment by the defendant after the claimant had filed a claim to ICAC). Upon 9 cases, arbitration awards were issued under the terms and conditions agreed by the parties (due to concluding amicable agreement).

As for total ICAC case proceedings, in 57 cases (19.3%) arbitration language was Ukrainian, in 9 cases (3.1%) – English, in 1 case – German, while in the remaining cases arbitration language was Russian.

In most cases (95.9%) dispute settlement was governed by the substantive law of Ukraine, while the Vienna Convention 1980 applied in 5 cases only, substantive law of the Russian Federation – in 5 cases, substantive law of Belarus – in 2 cases, law of England, Wales, Greece, Moldova and Romania – in 1 case each.

In 2017 foreign arbitrators from Belarus, Serbia, the USA, France and Sweden participated in ICAC case proceedings for many times.

295 cases

4% of awards were appealed against

95,9% law of Ukraine

97% took half a year

Geography of the parties

As for ICAC case proceedings from January 1 till December 31, 2017, parties represented 54 countries, including: Czech Republic – 31 cases, Cyprus – 26 cases, the UAE – 17 cases, British Virgin Islands and Germany – 15 cases each, China – 12 cases (including 3 cases in Hong Kong), the United Kingdom and Poland – 9 cases each, Ireland and Switzerland – 8 cases each, the USA – 6 cases, Latvia and Turkey – 5 cases each, Estonia – 4 cases, Belize, Georgia, Spain, Italy, Lithuania – 3 cases each, Bulgaria, Greece, India, Pakistan, Panama, Romania – 2 cases each, Austria, Belgium, Hungary, Egypt, Israel, Jordan, Libya, Liechtenstein, Malta, the Netherlands, the Seychelles, Singapore, Tunisia, Finland, France, Sweden and South Africa – 1 case each.

As for CIS countries in ICAC case proceedings, parties from the Russian Federation were engaged in 42 cases, Belarus – 16 cases, Moldova – 10 cases, Kazakhstan and Uzbekistan – 4 cases each, Azerbaijan – 3 cases, Armenia and Turkmenistan – 2 cases each, Kirgizia and Tajikistan – 1 case each.

Types of disputed agreements

As for total ICAC case proceedings from January 1 till December 31, 2017, most of case proceedings (236) touched international agreements on goods sale & purchase/supply, 37 cases – service agreements (including 2 cases upon banking services), 7 cases – tender contracts, 3 cases – surety agreements, 3 cases – loan agreements, while the remaining 9 cases touched carriage, insurance, lease, guarantee, agency agreements and others.

Terms of arbitration case proceedings

Terms of case consideration (from the date of the Arbitration Tribunal formation and until issuing the award/ruling on the merits) were as short as possible: 97% of case proceedings did not exceed half a year.

Appeal against arbitration awards

ICAC awards have been enforced successfully in over 110 countries. In average, nearly 4% of ICAC awards were appealed against, with a merely 1% of cancelled awards. Such small share of appeal against arbitration awards shows high level of the arbitration court operation, jointly with objective and impartial case consideration, even in case when the lost party was morally satisfied with case consideration. In 2017, the Order of the Higher Special Court of Ukraine dd. November 9, 2017, cancelled one ICAC award considered in 2016.

Conclusion

Interlegal draws much attention to case support at the international commercial arbitration, including at the Ukrainian

institutional arbitration. Interlegal partners participate actively in LMAA, SCMA and GMAA operations, while Interlegal lawyers support GAFTA and FOSFA case proceedings. Interlegal also participated actively in drafting the new wordings of ICAC and MAC Rules, submitted in a duly prescribed manner to the UCCI Presidium for consideration and approved by the UCCI Decision No. 25 (6) dd. July 27, 2017. New ICAC and MAC Rules entered into force on January 1, 2018.

New wordings of ICAC and MAC Rules have been drafted with regards to global trends in arbitration and reforms in the Ukrainian procedural legislation, with preserved own exclusive experience of dispute settlement, in order to facilitate effective settlement of foreign economic disputes within ICAC and MAC competence. Provisions of the Rules are aimed to increase efficiency of arbitration proceedings, in order to make arbitration proceedings time/cost-saving and comfortable for the parties.

This publication is an adapted version of the report by Nikolay Selivon, President of ICAC at the UCCI, under the ICAC operation results in 2017.



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Interlegal has a team of international commercial arbitration lawyers working across the Black Sea and Caspian region. For further information about our arbitration capabilities please visit <http://interlegal.com.ua/en/practices/litigation-arbitration/>



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