

Konferenca slovenske arbitraže

Arbitraža v intra ex-Yu poslovanju

2014



STALNA ARBITRAŽA
PRI GOSPODARSKI
ZBORNICI SLOVENIJE

v sodelovanju z:
in cooperation with:



United Nations
UNCITRAL

NOVEMBER 2014

Stalna arbitraža pri GZS je v sodelovanju s Komisijo Združenih narodov za mednarodno trgovinsko pravo (UNCITRAL) organizirala tradicionalno Konferenco slovenske arbitraže.

Ljubljana Arbitration Centre in cooperation with the United Nations Commission on International Trade Law (UNCITRAL) organized a traditional event in the field of commercial arbitration in Slovenia – Slovenian Arbitration Conference.

Konferenca 2014 je bila posvečena arbitraži v intra ex-Yu poslovanju. Govorci in več kot 150 udeležencev so tudi skušali postaviti »mostove« med mediacijo in arbitražo ter poiskati priložnosti arbitraže v času ponovnega oživljanja kapitalskih trgov.

The 2014 conference was devoted to arbitration in intra ex-Yu commerce. Panelists and more than 150 participants also attempted to build “bridges” between mediation and arbitration and search for opportunities for arbitration in times of the renewed recovery of capital markets.





»Samo izzivi in cilji nas ohranjajo sposobne in uspešne. Kjer so ambicije, je tudi pot«
»Only challenges and goals can keep us qualified and successful. Where there are ambitions, there's a way«
Dr. Konrad Plaustajner,
President, Ljubljana Arbitration Centre

»Letos lahko ugotovim, da je Konferanca slovenske arbitraže presegla slovenske okvire in prerasla v mednarodni dogodek. Tako se uresničuje naša usmeritev z lanske konference – Ljubljano postavimo na zemljevid arbitraže«
»This year I find that the Slovenian Arbitration Conference has exceeded borders of Slovenia and has grown into an international event. Focus of last year's conference is coming through – we are putting Ljubljana on the map of arbitration«

Marko Djinović, Secretary General,
Ljubljana Arbitration Centre





»The work undertaken by UNCITRAL on modernizing and harmonizing international commercial law is key to the conduct of commercial activity on the basis of rules that are transparent and predictable. The dissemination of UNCITRAL standards and their progressive adoption by States facilitates trade and investment and assist economic development«

Corinne Montineri, UNCITRAL

»There is good legal framework for developing arbitration as dispute resolution mechanism in Serbia and, what is just as important: the courts in Serbia have formed a positive attitude towards arbitration.

However, even in such an arbitration friendly environment, arbitration is rarely agreed upon in Serbia, mostly because of lack of practice to agree on arbitration and higher costs than in court proceedings«

Senka Mihaj, Karanović/Nikolić, Belgrade



»Arbitraža postaja vse bolj vsakodnevni način reševanja sporov tudi na področju bivše Jugoslavije«

»Arbitration is becoming more and more common dispute resolution method also in the ex Yugoslavia region«
Dr. Jernej Sekolec, Independent Arbitrator, Vienna, Ljubljana Arbitration Centre





»It is essential for arbitration law to protect the sanctity of an arbitration agreement freely negotiated between commercial parties«

Boris Babić, Babić & Partners, Zagreb

»Legal framework for arbitration in Montenegro is in line with UNCITRAL Model Law, but the practice of stipulating arbitration in Montenegro is still scarce«

*Dr. Maja Kostić-Mandić,
Faculty of Law, Podgorica*



»Macedonia remains an arbitration “friendly” jurisdiction, however, insufficient awareness about the advantages of arbitration and substantially higher costs of arbitration proceedings in comparison with litigation costs, continue to encourage local companies to submit their disputes to the national courts«

Gjorgji Georgievski, ODI Macedonia, Skopje



LJUBLJANA
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»Arbitration and mediation are two different dispute resolution methods - both can and should be used together or separately, depending on the circumstances of each case, to achieve the best possible outcome for the parties«
Mag. Nina Betetto, Supreme Court of the Republic of Slovenia, Ljubljana

»Mediacija v arbitražnem postopku je lahko enako uspešna kot mediacija v rednem sojenju. Vendar to ni enako. Predvsem med odvetniki in arbitri je treba razvijati znanja o tem, kdaj in kako ponuditi mediacijo. Zelo podpiram izraz "mediacijsko okno v arbitraži": ko se zaprejo ena vrata, se odprejo druga«

»Mediation in the arbitration proceedings can be equally successful as court-annexed mediation. However, the two are not the same. Particularly between lawyers and arbitrators we should develop knowledge about when and how to offer mediation to the parties. I strongly support the term "mediation window in arbitration proceedings": when one door closes, the other door opens«
Mag. Gordana Ristin, Slovenian Association of Mediators, High Court in Ljubljana





»Spose povezane z modelom zunaj sodnega finančnega prestrukturiranja sistemskih podjetij je primernejše reševati zunaj sodno. Arbitraža se pri tem ponuja kot zelo primerna izbira«

»It is more appropriate to resolve disputes in connection with out-of-court financial restructuring of important enterprises with out-of-court dispute resolution mechanisms. In this view, arbitration can be a viable choice«

Mag. Uroš Ilić, ODI Slovenia, Ljubljana



»Priložnosti za arbitražno reševanje sporov v privatizacijskih poslih so številne, saj arbitraža tudi v tem kontekstu predstavlja učinkovit mehanizem. Čeprav je v zadnjih letih

na tem področju, tudi v Sloveniji, opazen pomemben napredok, še vedno ostaja precej prostora za izkoristek prednosti arbitraže tudi v teh postopkih, kjer suvereni prodajalci sodelujejo v klasičnih M&A sporih«

»Arbitration is an effective mechanism also for resolving disputes arising from privatization transactions. Although important progress has been made in the recent years, also in Slovenia, there is still leeway for using the advantages of arbitration in these proceedings«

Dr. Maja Menard, Ulčar & partners, Ljubljana

»Izvršljivost arbitražnih odločb, ki je na podlagi Newyorške konvencije (1958) priznana v več kot 150 državah sveta, poudarjena zaupnost postopka, nevtralnost in možnost imenovanja specializiranih strokovnjakov za arbitre običajno predstavljajo glavne prednosti arbitraže pri reševanju pogosto zelo kompleksnih sporov iz M&A transakcij, še zlasti ko stranke prihajajo iz različnih jurisdikcij«

»The enforceability of arbitral awards under the New York Convention (1958), confidentiality of the proceedings, neutrality and the possibility of nominating specialized experts as arbitrators are usually seen as the main advantages of arbitration in resolving the complex disputes arising out of M&A transactions, especially when parties come from different jurisdictions«

David Premelč, RPPP, Ljubljana





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