

MODERN TIMES FOR INTERNATIONAL ARBITRATION

A REGIONAL ANGLE TO INTERNATIONAL ARBITRATION – POLAND

WOLF THEISS

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Characteristics:

- modern arbitration rules
- based on UNCITRAL Model Law
- quite steady flow of arbitration cases

Selected important topics:

1. Setting aside proceedings
2. Challenges of the arbitrators
3. Increasing competition between Polish arbitration centers

Re: 1 – setting aside proceedings:

- facilitated / faster procedure
- differences in approach between various courts
- some view the procedure as a second (third) instance

Re: 2 – challenges of the arbitrators:

- increasing awareness of the “tool”
- increasing pressure on the arbitrators to disclose all facts (even very remotely connected with the subject of the case / parties)
- often used rather as a procedural trick than as a tool to guarantee the arbitrators’ impartiality and independence

Re: 3 – increasing competition between Polish arbitration centers:

- two leading (and competing) big national arbitration centers
- constant process of establishment of new local arbitration centers
- active marketing of foreign arbitration centers, including ICC
- increasing role of *ad hoc* arbitration

Final thoughts:

1. are modern arbitration rules a sufficient incentive for arbitration?
2. will facilitation of post-arbitration proceedings increase the number of arbitration cases?
3. will current rapid increase of mediations cause increase of arbitration cases?

THANK YOU



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