

Arbitration Court of the Slovak Bar Association

REPORT ON ACTIVITY

Activity Report referred in Section 12 Para. 6 of Act No. 244/2002 Coll. on Arbitration for 2020

The Arbitration Court of the Slovak Bar Association (hereinafter referred to as "SBA Arbitration Court") having its seat at Kolárska 4, Bratislava, is a permanent arbitration court, the founder of which is, pursuant to the Chapter Four of the First Part of Act No. 244/2002 Coll. on Arbitration, as amended, the Slovak Bar Association (the "SBA") as a self-regulated professional organization and legal person established by Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on Trade Licenses (the Trade Licensing Act), as amended.

The Arbitration Court of the Slovak Bar Association, as an independent organizational unit of the Slovak Bar association, submits a report on activity for the calendar year 2019 pursuant to Section 12 para. 6 of Act No. 244/2002 Coll. on Arbitration.

1. Conduct of Arbitrations

The main activity of the SBA Arbitration Court is to conduct arbitrations in the Slovak Republic and to render arbitral awards under the Arbitration Act, Statute and Rules of Procedure of the SBA Arbitration Court. The SBA Arbitration Court decides on disputes through a one- or a three-member arbitration panel in arbitration conducted pursuant to the Arbitration Act, the Statute, the Rules of Procedure, and the parties' agreement.

The SBA Arbitration Court decides on disputes that are capable of settlement by arbitration pursuant to Section 1 of the Arbitration Act. The SBA Arbitration Court does not decide on disputes that can only be resolved in consumer arbitration.

Activities of the SBA Arbitration Court (the Board of the Arbitration Court) are not limited to conducting arbitrations. It also acts in support of using arbitration as a suitable alternative to general courts and developing arbitration awareness in the Slovak Republic. This report provides a summary of the activities in both aspects of the SBA Arbitration Court's activities.

2. Arbitration Proceedings in 2020

Under Section 12 (6) of Act No. 244/2002 Coll. on Arbitration, the permanent court of arbitration is obliged to publish, not later than 30 April of the following calendar year, a report on its activity for the preceding calendar year, in which it must state the number of commenced, completed, and pending proceedings.

Number of commenced arbitrations in 2020:	12
Number of ended arbitrations in 2020:	20

Rozhodcovský súd Slovenskej advokátskej komory, Kolárska 4, 813 42 Bratislava

- all 20 cases were ended by rendering an arbitration award
- as of 31 December 2019, one arbitration proceeding was pending.

Since the re-establishment of the SBA Arbitration Court and its first cases in 2017 up until the date of the submission of the present report, **almost 60 arbitration proceedings** were initiated. The average length of a proceeding in the cases concluded in 2020 was **4,8 months** from the delivery of the request to rendering an award or order on termination of arbitration.

3. Modern rules

The arbitration proceedings are governed by the Statute and Rules of Procedure of the SBA Arbitration Court and faithfully reflect the basic principles of private commercial arbitration enshrined in the UNCITRAL Model Law and Slovak legislation, and are inspired by the best practices of renowned foreign arbitration institutions.

Slovak Bar Association Board approved of the extended Rules of Procedure along with the new Annex D that introduce for the first time in Slovakia specific rules for corporate disputes resolution. New wording of the Statutes and Rules of Procedure took effect when published in the Commercial Gazette No. 1/2020 on 2 January 2020.

The Statute and the Rules of Procedure are available in English as well.

4. People at the SBA Arbitration Court

Apart from modern rules, the SBA Arbitration Court's activity is based on retaining high-quality personnel with an emphasis on high professional and moral criteria for arbitrators. Arbitrator requirements exceed the minimum statutory requirements for arbitrators under the Arbitration Act. The Board of the SBA Arbitration Court decides on entering a prospective arbitrator into the List of Arbitrators after having consulted the board of the SBA (approval of all SBA Arbitration Court Board members is required) which ensures control over the selection process at multiple levels for the purposes of including arbitrators having general respect in the legal profession with high professional and moral credit and relevant experience in the field of commercial arbitration.

Four new arbitrators have been inscribed into the List of Arbitrators in 2020 (Mgr. Beáta Doláková, PhD., JUDr. Tatiana Prokopová, JUDr. Peter Kotvan a JUDr. Pavel Lacko, LL.M.).

The list of arbitrators:

doc. JUDr. Kristián Csach, PhD., LL.M.
JUDr. Miriam Galandová, LL.M.
JUDr. Branislav Jablonka, PhD.
Mgr. Tomáš Kamenec
Mgr. Vladimír Kordoš
JUDr. Peter Kubina
JUDr. Andrej Leontiev
JUDr. Ľudovít Mičinský
JUDr. Miroslav Németh
Mgr. ICLic. Pavol Poláček, LL.M., M.A.
Mgr. Peter Serina

JUDr. Ján Šinkovic
JUDr. Peter Štrpka, PhD.
JUDr. Imrich Torma LL.M.
Mgr. Beáta Doláková, PhD.
JUDr. Tatiana Prokopová
JUDr. Peter Kotvan
JUDr. Pavel Lacko, LL.M.

The condition for appointing an arbitrator in a particular proceeding is a statement of arbitrator's independence and impartiality in which the arbitrator is required to state all circumstances that could give rise to doubts as to the arbitrator's independence or impartiality in the parties' eyes. Such statement is subject to review by the Board of the SBA Arbitration Court and the parties to a particular proceeding who, in case of doubts, are entitled to raise an objection. In contrast with the established practice in the Slovak Republic, the obligation of submitting such declaration and the subsequent process of constituting an arbitral panel are one of the distinguishing features of the SBA Arbitration Court thanks to which the necessary degree of independence and impartiality is guaranteed from the very beginning of an arbitration, i.e. even before the nominated arbitrator is appointed into the office.

A high degree of independence and impartiality is also reflected in relation to the members of the Board of the SBA Arbitration Court. According to the Statute, the office of a Board member is incompatible with the mandate of acting as an arbitrator in proceedings before the SBA Arbitration Court.

Board of the Arbitration Court:

JUDr. Karol Šiška (President)
Mgr. Roman Prekop
Mgr. Martin Magál

According to Article III para. 8 of the Statute, in the absence of the President the powers of the President may be exercised by the Vice-President. The SBA Arbitration Court Board Member Martin Magál was appointed Vice-President in December 2020.

5. Educational Activities and Cooperation

In light of Article III paras. 12, 13 and 14 of the Statute, in 2020, the SBA Arbitration Court actively supported education of legal trainees and attorneys-at-law in the field of arbitration, prepared standardized documentation and in support of arbitration in general.

The SBA Arbitration Court further acted in support of wider application of its arbitration clause which is becoming increasingly established in domestic business and legal practice. Arbitration clauses are included in contracts to which important companies in the field of industry, construction, energy, or media are parties.

SBA Arbitration Court informs about its activities on its website <https://sud.sak.sk> and it regularly posts information on its activities on social network LinkedIn, as well as through the official social media profiles of the Slovak Bar Association. In its efforts to raise public awareness of the arbitration, the SBA Arbitration Court cooperated with several external organisations, including active communication with the Ministry of Justice of the Slovak Republic and judiciary, discussing the improvement of legal and pro-arbitration environment.

Many law offices offer their clients the possibility to include the SBA Arbitration Court clause in their contracts as an effective and discreet alternative solution for resolution of commercial disputes. This practice is considered to be an important tool for the dissemination of the SBA Arbitration Court arbitration clause. It is viewed very positively that increasing number of commercial companies with foreign ownership express their interest in the SBA Arbitration Court activities.

Main events of the SBA Arbitration Court in 2020:

17 April 2020

Webinary by SBA Arbitration Court: The main advantages of commercial arbitration (not only) during the Covid-19 pandemic (JUDr. Mičinský).

29 April

AmCham/SBA Arbitration Court Webinary; „Commercial Arbitration: Efficient Tool for Dispute Resolution During Crisis, JUDr. Miriam Galandová, LL.M., doc. JUDr. Kristián Csach, PhD., LL.M.; organized in cooperation with the AmCham Slovakia.

11 June 2020

SBA Arbitration Court: Evidence in International Arbitration: Mr. Artem Doudko FCI Arb, Dr. Cosmin Vasile

15. októbra 2020

Arbitration Conference 2019; the most significant conference focused on arbitration in Slovakia is organized by the Faculty of Law at the Comenius University and American Chamber of Commerce in Slovakia (AmCham Slovakia). The SBA Arbitration Court acted as the event professional partner.

The Board of the Arbitration Court of the Slovak Bar Association approved the report on activity by a resolution dated on 30 March 2020 and, pursuant to Article III para. 11 of the Statute, it submits the report to the board of the Slovak Bar Association.
