



## COURSE UNIT DESCRIPTION

Course unit title	Code
<b>INTERNATIONAL COMMERCIAL ARBITRATION</b>	

Lecturer(s)	Department(s)
<b>Coordinator:</b> assoc. prof. Rimantas Simaitis <b>Other(s):</b> lect. dr. Eglė Zemlytė	Private Law Department, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, LT-10222, Vilnius, Room 311, tel. (85)2366170; e-mail: ptkatedra@tf.vu.lt

Study cycle	Type of the course unit
Second	Optional

Mode of delivery	Course unit delivery period	Language (s) of instruction
Face-to-face	1 <sup>st</sup> semester (autumn)	English

Requirements for students	
<b>Pre-requisites:</b> Knowledge of basic principles of contract law, international private law and law of civil procedure	<b>Co-requisites (if any):</b> -

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
6	160	36	124

Purpose of the course unit: programme competences to be developed		
This course aims to develop advanced understanding of the theory and practice of international commercial arbitration (focusing on the contractual and procedural elements), inter alia, the principal stages of arbitration, including the recognition and enforcement of the arbitration agreement, the initiation of the arbitral proceedings, the conduct of the arbitration proceedings, the role of state courts in arbitration (including setting aside of arbitration award) as well as the judicial recognition and enforcement of arbitration awards. It aims to develop abilities how to invoke these legal remedies properly in practical context; as well as to enhance analytical and critical thinking, interpersonal and communication skills.		
Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
- Students will thoroughly understand the main principles and rules of international commercial arbitration as well as the nature of commercial arbitration.	Lectures, seminars, individual work	Presentation on relevant arbitration topic, examination in written (test)
- Students will be able to systematically analyse and interpret the main sources of international commercial arbitration (the New York Convention, UNCITRAL Model Law, etc.), including major international arbitration rules used in practice (ICC, LSCIA, SCC) and will be able to apply them in providing legal advice and recommendations or representing legal interests;	Lectures, seminars, individual work	Presentation on relevant arbitration topic, examination in written (test)
- Students will be able to compare and contrast arbitration proceedings to judicial proceedings as well as other means of alternative dispute resolution and to apply the most appropriate method of alternative dispute resolution under international and national legal rules in concrete complex problem solution.	Lectures, seminars, individual work	Presentation on relevant arbitration topic, examination in written (test)
- Students will be able to critically evaluate national arbitration laws and court judgements as well as arbitration awards., <i>i. e.</i> to distinguish between pro-arbitration an anti-arbitration regimes.	Lectures, seminars, individual work	Presentation on relevant arbitration topic, examination in written (test)
- Students will be able to argue their position orally or in writing (inter alia, draft procedural documents) based on the theoretical knowledge of International Commercial Arbitration and knowledge gained in case law analysis, and convey their ideas in a critical and reasonable manner.	Lectures, seminars, individual work	Presentation on relevant arbitration topic
- Students will be able to enhance acquired knowledge and	Lectures, seminars,	Presentation on relevant

abilities independently, inter alia, to use legal information data bases and other sources, to select relevant theoretical and practical material, and to substantiate their own conclusions by the achievements of jurisprudence.	individual work	arbitration topic
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Content: breakdown of the topics	Contact hours							Self-study: hours and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Nature of international commercial arbitration (legal theories of international commercial arbitration, differences from court proceedings and other means of alternative dispute resolutions)	3		1				4	6	Analysis of study materials, preparation of a presentation on relevant arbitration topic
2. Sources of international commercial arbitration	3		1				4	6	Analysis of study materials, preparation of a presentation on relevant arbitration topic
3. Arbitration agreement (definition, enforcement of arbitration agreement under New York Convention, formal and substantive validity of arbitration agreement)	3		2				5	20	Analysis of study materials, preparation of a presentation on relevant arbitration topic
4. Initiation of arbitration proceedings and appointment of arbitral tribunal (competence-competence doctrine, appointment of arbitral tribunal)	3		2				5	12	Analysis of study materials, preparation of a presentation on relevant arbitration topic
5. Courts' role in arbitration proceedings (application of interim measures of protection, assistance in appointment of arbitrators, gathering evidence)	4		1				5	10	Analysis of study materials, preparation of a presentation on relevant arbitration topic
6. Conduct of arbitration proceedings (main stages of arbitration proceedings, applicable law, significance of the place of arbitration)	3		1				4	10	Analysis of study materials, preparation of a presentation on relevant arbitration topic
7. Arbitral awards (types of arbitral awards, correction, interpretation and supplementation of arbitral awards, annulment proceedings)	3		1				4	10	Analysis of study materials, preparation of a presentation on relevant arbitration topic
8. Recognition and enforcement of arbitration awards (meaning and practice of application of the provisions of the New York Convention)	2		3				5	14	Analysis of study materials, preparation of a presentation on relevant arbitration topic
								36	Analysis of study materials, preparation for examination
<b>Total</b>	<b>24</b>		<b>12</b>				<b>36</b>	<b>124</b>	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Preparation of presentations on relevant arbitration topic	40	Seminars' period	<p>During seminars each student (or a group of students) shall be assigned to prepare a presentation on relevant arbitration topic which is discussed during the seminar. Students shall be required to review relevant legal sources (international instruments, exemplary national laws, legal doctrine, most significant arbitration and court practice) and identify the most significant features, tendencies and developments related to the particular topic in the presentation.</p> <p>Assessment consists of:</p> <ul style="list-style-type: none"> <li>- presentation content (comprehensive analysis, proper source application, critical analytical thinking, conclusion/recommendation formulation);</li> <li>- presentation structure and style (clear structural parts,</li> </ul>

			concentrated work presentation, adhesive scientific language, the use of informative visual aids); - efficient and active participation in discussion (providing correct answers to questions, formulating problems and suggesting (searching for) solutions, offering thoughtful critical remarks, contributing to other participants' ideas, etc.).
Examination	60	At the end of the course	The exam shall be conducted in writing and shall be conducted in a form of a test of 20 questions.

Author	Year of publication	Title	Issue of periodical or volume of publication	Publishing place and house or web link
<b>Compulsory reading</b>				
GARRY B. BORN	2014	International commercial arbitration	I, II, III	Kluwer Law International
JULIAN D.M. LEW, LOUKAS A MISTELIS, STEFAN M KRÖLL	2003	Comparative international commercial arbitration		Kluwer Law International
JEAN-FRANÇOIS POUDRET, SÉBASTIEN BESSON	2007	Comparative law of international arbitration (translated by Stephen V. Berti, Annette Ponti)		Sweet and Maxwell
ALAN REDFERN, MARTIN HUNTER	2003	Law and practice of international commercial arbitration: student edition		Sweet and Maxwell
<b>Recommended reading</b>				
RALPH H. FOLSOM	2016	Principles of international litigation and arbitration		West Academic Publishing
FOUCHARD PH., ET AL.	1999	Fouchard, Gaillard, Goldman on International Commercial Arbitration. Ed. by E. Gaillard and J. Savage.		Kluwer Law International
JAN PAULSSON	2013	The Idea of Arbitration		Oxford University Press
EMMANUEL GAILLARD	2010	Legal Theory of International Arbitration		Martinus Nijhoff Publishers
GEORGIOS PETROCHILOS	2004	Procedural Law in International Arbitration		Oxford University Press
DOMENICO DI PIETRO, MARTIN PLATTE	2001	Enforcement of International Arbitration Awards: The New York Convention of 1958		Cameron May
PIETER SANDERS	1999	Quo Vadis Arbitration? Sixty Years of Arbitration Practice		Kluwer Law International