

On the issue of objective arbitrability of antitrust disputes

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An article "Objective Arbitration of Antitrust Disputes in Belarus and Abroad", written by counsel A. Danilevich co-authored with associate professor of the Department of International Private and European Law of the Faculty of International Relations of Belarusian State University N. Maskava was published in a new issue of the journal "Theory and Practice of Jurisprudence" edited by the National Law University of Yaroslav Mudryy (Ukraine).

The article discusses approaches to objective arbitrability of antitrust disputes in the European Union, other foreign states and the Republic of Belarus. Particular attention is paid to the landmark cases *Mitsubishi v. Soler Chrysler-Plymouth*, *Eco Swiss China Time Ltd v Benetton International NV*, *CDC v. Akzo Nobel*. Based on the results of the analysis made the authors conclude, that in the absence of a direct prohibition on the consideration of antitrust disputes in the Belarusian legislation by arbitration as well as the lack of law enforcement practice in this area, arising of such disputes and inclusion of arbitration clauses on their settlement in contracts largely depend on the level of the development of the market as well as on the position of arbitration courts. They do not exclude the possibility of revising the national legislation on arbitration so that it included direct provisions on arbitrability of antitrust disputes as it is made in Lithuania and Sweden, at the same time admitting that for a positive attitude to arbitrability of antitrust disputes in the Republic of Belarus the appearance of relevant jurisprudence in this sphere will be enough.

You can find the text of the article via the following link.