Summaries

INTEREST IN ARBITRATION AND CASE LAW

Valentinas Mikelėnas

The article discusses the main problems and errors in case law regarding the award of interest. In such matters, there is, firstly, the problem of assigning interest to the sphere of substantive or procedural law. Secondly, the question of the law applicable to interest. Thirdly, the period for which interest is calculated. Fourthly, the amount of interest awarded. Fifthly, the annulment or non-recognition of the award of the arbitral tribunal on the basis of interest or its amount. Examples from Lithuanian case law are also provided, confirming that courts make mistakes in the application of legal rules regulating interest.

COURT ASSISTANCE IN TAKING OF EVIDENCE FOR ARBITRATION PROCEEDINGS UNDER LITHUANIAN LAW

Vytautas Vaicekauskas

This article revolves around an analysis of court assistance in taking of evidence for arbitration proceedings under the Law on Commercial Arbitration of Lithuania. As this law is based on the UNCITRAL Model Law, the study is primarily based on the analysis of the UNCITRAL Model Law, the *travaux préparatoires* of it and related case-law. The relationship between the taking of evidence and the disclosure of evidence, court assistance to foreign arbitral tribunals, as well as the limits of the court's discretion in deciding on a request for assistance are principal topics of this article. Lastly, this article includes an analysis of the taking of witness testimony under the Law on Commercial Arbitration of Lithuanian, which is an addition to the general clause under the UNCITRAL Model Law.

ISSUES OF ARBITRATOR'S LEGAL STATUS: WHO IS THE ARBITRATOR?

Tadas Varapnickas

International arbitration is perceived differently by scholars. While some authors support the contractual nature of arbitration, others simply see it as an alternative to judicial process. Third school of thought attempts to combine the two approaches into a mixed or 'hybrid' approach. This is why three different theories of arbitrator's status are dominating – contractual, jurisdictional and 'hybrid' or *sui generis*. This article discusses all three theories of arbitrator's status by explaining their roots, pros and cons. It is concluded that the *sui generis* approach which combines the advantages of both contractual and jurisdictional approaches is the best suited to explain the arbitrator's status.

NIGERIA V PROCESS & INDUSTRIAL DEVELOPMENTS LIMITED: HAS THE HIGH COURT NARROWED THE SCOPE FOR CORRUPTION IN ARBITRATION?

Arnas Urbutis

This article will outline the High Court's decision in Federal Republic of Nigeria v Process & Industrial Developments Ltd [2023] EWHC 2638 (Comm), which scrutinized the impact of alleged corruption on arbitration awards. The case centered on a $6.6 billion award to P&ID, which Nigeria contested, citing bribery and misuse of privileged documents. The court found P&ID's actions fraudulent and did not uphold the award. The judgment raises concerns about corruption in arbitration but does not mandate changes to the process, highlighting the difficulty of addressing fraud in a private, confidential system.

ARBITRATION CLAUSES AND REQUIREMENT FOR EU-BASED EFFECTIVE JUDICIAL REVIEW: INTERSECTIONS BETWEEN THE EU LAW AND COMMERCIAL ARBITRATION IN THE RECENT CASE-LAW OF THE CJEU

Agnė Kisieliauskaitė, Simona Budreikaitė

The article examines recent case-law of the CJEU related to interpretation of arbitration agreements in disputes involving EU law and the implications it brings both for the party autonomy in designing dispute resolution arrangements and the need to ensure uniform interpretation and application of EU law. In Parts I and II, the article analyses CJEU case-law on distinctions between intra-EU investment and commercial arbitration proceedings, as well as recent jurisprudence in which arbitration agreements were found to be incompatible with the EU law. In Part III, the notion of EU public policy is considered, which may trigger the requirement for effective review by the national courts in the context of commercial arbitration. In Part IV, the authors analyse what are the implications of the effective review requirement for the parties to arbitration, and what tools could be introduced to balance party autonomy in arbitration with the need to uphold EU legal principles.

THE DOCTRINE OF COMPETENCE-COMPETENCE IN COMMERCIAL ARBITRATION

Dominykas Kiršis

Article reveals the genesis and logical structure of the arbitral tribunal's right to decide on its own jurisdiction – the doctrine of competence-competence – and its theoretical underpinnings in the UNCITRAL Model Law. The article also discusses the implementation of the doctrine of competence-competence in the commercial arbitration law of Lithuania and selected foreign jurisdictions (France and the United States of America), by researching and systematizing the relevant legal doctrine and case law.