



Development of Russian Law Research Methodological Seminar

17 April 2013
16:15 -18:00

Achieving private justice in antitrust law through international arbitration in Russia and Finland

Speaker: Alexandr Gurkov, doctoral researcher, Faculty of Law, University of Helsinki, lecturer, Higher School of Economics, St. Petersburg

Venue: P344, Porthania building, University of Helsinki, Yliopistonkatu 3

Abstract:

Competition law serves the purpose of protecting more than interests of certain individuals and legal entities participating in a transaction. Antitrust regulations secure public interests. Arbitration is an alternative dispute resolution method uncontrolled by state authorities. Parties' agreement is the foundation of arbitration. An arbitral award cannot have effect on companies and individuals that were not parties to the agreement. Entrusting the protection of competition law values in the hands of a private adjudicator can be questionable. The effects of anti-competitive behavior may reach outside the parties to a contract. At the same time, pro-arbitration policy suggests that competition law should not become a tool for a party wishing to avoid arbitration. Parties' ability to regulate resolution of a dispute in the manner that is more suitable for them is essential for arbitration. For this reason many arbitration-related questions are left unanswered in legislation, including whether the parties are able to resolve competition law matters in arbitration. Two key questions, when dealing with competition law issues in arbitration, are arbitrability of these matters and the extent of national court interference into an arbitral award.