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Abstract of doctoral dissertation *‘Admissibility of contractual annulment of an arbitral award in the light of Polish law’*

In accordance with the concept presented in the dissertation, contractual annulment of an arbitral award should be understood as a situation in which parties to arbitration that ended with the issuance of an arbitral award within the meaning of Article 1197 CCP (Polish Code of Civil Procedure) – the legal force of which hasn’t yet been equated with the legal force of a state court judgement – deprive this award of its legal existence by means of an agreement concluded between them, and such annulment of the arbitral award is the main or exclusive subject of the said agreement. The annulment of an arbitral award conducted this way means its complete removal from legal circulation, so that it does not have any effect inherent in an existing arbitral award.

The presented doctoral dissertation consists of five parts reflecting the main directions of the analysis undertaken.

Part I has an introductory character and concerns the necessary theoretical context, that is the foundations and characteristics of arbitration as a dispute resolution method. This part addresses in particular: the specificity of arbitration as a private dispute resolution method, parties’ autonomy and its meaning for the functioning of arbitration, as well as legal nature of arbitration – and the implications of these issues for the dissertation’s research subject.

Part II concerns legal doctrine’s view on the contractual annulment of an arbitral award, followed by the reconstruction of this concept and its basic assumptions. This part aims at comparing and analysing the views of Polish legal doctrine on the admissibility of annulment of an arbitral award by parties to arbitration, including, most importantly – by means of an agreement concluded by them. These considerations are supplemented by auxiliary remarks on the ground of foreign law, concerning the outline of German legal doctrine’s position on the parties’ possibility to affect a rendered arbitral award and its effects. Conclusions from the abovementioned analyses are a starting point for the reconstruction of the concept of contractual annulment of an arbitral award and this concept’s basic assumptions and elements, presented at the end of this part.

Part III concerns entirely the agreement for the annulment of an arbitral award. This part aims at reconstructing and describing the foundations and characteristics of the agreement under which the parties would annul an arbitral award within the meaning previously presented in Part II. In this regard, Part III includes: reconstruction of the basic assumptions and structural elements of the agreement annulling an arbitral award, identification of its place within the systematics of contracts and determination of its legal character, determining the relation between the said agreement and post-arbitral proceedings, as well as identifying postulated actions to be taken after its conclusion.

Part IV concerns investigating and determining whether the contractual annulment of an arbitral award – within the meaning and form reconstructed and presented in Part II and III – is admissible in the light of applicable provisions of Polish law. In this regard, Part IV includes the analysis of the admissibility of an agreement for the annulment of an arbitral award within two main research areas. First one is the Polish arbitration law, i.e., provisions of the fifth part of CCP (Polish Code of Civil Procedure). Second one are the provisions of PCC (Polish Civil Code), most importantly the general regulation of contracts contained therein.

Part V summarizes the considerations presented in the doctoral dissertation, outlining main research conclusions resulting from the analysis carried out. These conclusions lead to the final conclusion on the admissibility of contractual annulment of an arbitral award in the light of Polish law.