

Stoninton Ltd v. OJSC Primorecs "defendant Country", The Supreme Court of Ukraine, 6-11986cb09, 21 October 2009

Yaroslav Petrov, CMS Cameron McKenna LLC

Headnote

In Stoninton v. OJSC Primorecs, the Supreme Court confirmed that courts should not review arbitration awards on the merits (21 October 2009)

Digest

In May 2008 Stoninton requested Ukrainian courts to enforce an arbitral award rendered by the International Commercial Arbitration Court of the Chamber of Commerce and Industry of the Russian Federation. The award awarded Stoninton USD 982 477.50 for Primorecs's failure to meet contractual obligations.

The lower court as well as the appeal court of the Crimea refused the enforcement of the arbitral award holding that the award was beyond the scope of the arbitration agreement.

The decision was appealed before the Supreme Court of Ukraine. The Supreme Court disagreed with the lower courts' rulings finding that Primorecs complaints challenged the award on the merits and therefore should have been dismissed. The Supreme Court confirmed that courts should not review arbitration awards on the merits and should only consider the procedural grounds embedded in Art. V of the New York Convention. The case was remitted to the lower appropriate court for reconsideration. *Parties: Stoninton Ltd v. OJSC Primorecs, case no: 6-11986cb09, the Supreme Court of Ukraine.*

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The summary of the case file and full text of summarized court decision are available on:
<http://www.kluwarbitration.com/CommonUI/document.aspx?id=KLI-KA-1005019>

Author

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Jurisdiction

- Ukraine

Court

- The Supreme Court of Ukraine

Arbitrators/Judges

- Gnatenko A.V., Judge
- Barsukova V.M., Judge
- Gumenyuk V.I., Judge

Case date

- 21 October 2009

Case number

- 6-11986cb09

Parties

- Claimant, Stoninton Ltd
- Defendant, OJSC Primorecs "defendant Country"

Key words

- Enforcement
- Procedural grounds
- Consideration on the merits

Applicable legislation

- UNCITRAL Model Law
 - Ukrainian

Source

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