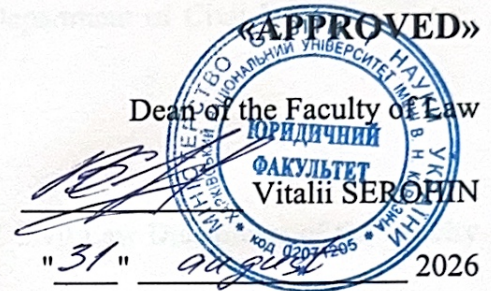


Ministry of Education and Science of Ukraine

V. N. Karazin Kharkiv National University

Department of Civil Law Disciplines



WORK PROGRAM OF THE ACADEMIC DISCIPLINE

INTERNATIONAL COMMERCIAL ARBITRATION

level of higher education - second (master's)

field of knowledge - D Business, Administration and Law

specialty - D 9 International Law

Educational program - International Law

type of discipline - mandatory

Faculty - Law

2026 / 2027 academic year

The program has been recommended for approval by the Academic Council of the Faculty of Law

August 31, 2026, Protocol No. 1

PROGRAM DEVELOPER:

Zavalna Zh.V., Doctor of Law, Professor, Professor of the Department of Civil Law Disciplines,
Faculty of Law, V.N. Karazin Kharkiv National University.

The program was approved at a meeting of the Department of Civil Law Disciplines of the Faculty
of Law

Protocol No. 1 of August 28, 2026

Head of the Department
civil law disciplines



Olena USTYMENKO

The program has been approved by the guarantor of the educational and professional program of the
second (master's) level of higher education in the specialty «International Law»

Guarantor of the educational and professional program
second (master's) level of higher education
«International Law»



Oleksandr HAVRYLENKO

The program was approved by the scientific and methodological commission of the Faculty of Law

Minutes of August 31, 2026, No. 1

Head of the Scientific and Methodological Commission
Faculty of Law



Hanna ZUBENKO

INTRODUCTION

The curriculum of the academic discipline «International Commercial Arbitration» is compiled in accordance with the educational and professional program for the preparation of masters in the specialty D 9 International Law.

1. Description of the academic discipline

1.1. The purpose of teaching the academic discipline «International Commercial Arbitration» is to provide students with the basic theoretical aspects of the legal regulation of the procedure for considering disputes by international commercial arbitration, practical skills and abilities to determine the competence of arbitration to consider disputes, determine the law that should be applied by arbitration to resolve a dispute, and the law in accordance with which arbitration considers disputes.

1.2. The main objectives of studying the discipline are to identify and analyze legal problems, form and justify legal positions, and apply the acquired knowledge in practical situations.

1.3. Number of credits - 3 credits

1.4. Total number of hours - 90 hours

1.5. Characteristics of the academic discipline	
Selective	
Full-time study	Correspondence (distance) form of study
Year of preparation	
2nd	2nd
Semester	
3rd	3rd
Lectures	
2 hours	4 hours
Practical, seminar classes	
2 hours	4 hours
Laboratory classes	
Independent work, including	
62 hours	82 hours
Individual tasks	

1.6. List of competencies formed by this discipline:

GC 1. Ability to think critically, analyze and synthesize.

GC 2. Ability to identify, pose, and solve problems.

GC 5. Ability to develop and manage projects.

GC 6. Ability to conduct research at the appropriate level.

GC 10. Ability to use information and communication technologies.

SK 2. Ability to independently provide legal representation of the client's interests and organize the provision of legal services.

SK 4. Ability to effectively ensure the adaptation of Ukrainian legislation to EU law in the law-making, law-interpretation and law-enforcement contexts, to provide legal support to European integration and Euro-Atlantic processes in various spheres of public relations.

SK 10. Ability to solve research and/or innovative problems in the field of international law,

EU law, and comparative law.

SK 11. Ability to adhere to professional and academic integrity, to bear responsibility for the reliability of the results of scientific research.

1.7. List of learning outcomes that this discipline forms:

RN 2. Produce new ideas for solving practical problems in the field of professional legal activities.

RN 3. Communicate fluently in the state and foreign languages orally and in writing to discuss issues of professional activity, research results and innovations, search and analysis of relevant information.

RN 5. To provide legal representation of the client in international judicial bodies, national courts, international commercial arbitrations, other international organizations, state authorities and local governments.

RN 8. Prepare draft international treaties and acts of national legislation, provide proposals to eliminate conflicts between the norms of international law, as well as bring the norms of national law into line with the norms of international law.

RN 9. Implement the norms of international treaties, acts of international intergovernmental organizations, and decisions of international courts into the national legal order.

RN 10. Provide legal support to the processes of adapting various branches of Ukrainian legislation to European Union law.

1.8. Prerequisites: Theory of law and state. Civil law (general part). Civil law (special part). Commercial law. Civil process. Commercial process.

2. Thematic plan of the academic discipline

Section 1. International commercial arbitration as one of the methods of alternative dispute resolution.

Topic 1. General characteristics of international commercial arbitration.

International arbitration courts as arbitration courts that consider disputes in the field of international economic relations. Prerequisites for the emergence and functioning of international commercial arbitration. History of the formation and development of international commercial arbitration. Arbitration court in ancient Rome. Arbitration court in the Middle Ages. Arbitration court in the 18th-19th centuries. Difference between international commercial arbitration and arbitration in international public law. Importance, advantages and disadvantages of the arbitration method of considering disputes in the field of international economic relations. Types of international arbitration courts. Permanent (institutional) and isolated (ad-hoc) arbitration courts, advantages and disadvantages of arbitration courts of each type. Arbitration courts of general jurisdiction and arbitration courts of special jurisdiction, open and closed arbitration courts. Expedited arbitration. Electronic arbitration.

Topic 2. Legal regulation of the activities of international commercial arbitrations.

The interdisciplinary nature of the legal regulation of the activities of international arbitration courts. International legal regulation of the activities of international arbitration courts. Development of the international treaty mechanism in this area. International treaties on international commercial arbitration within the framework of the League of Nations. The main current universal international treaties on international arbitration dispute resolution. General characteristics of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, the European (Geneva) Convention on Foreign Commercial Arbitration of 1961, the scope of application and participants of these conventions. The Washington Convention on the Settlement of Investment Disputes between States and Foreign Persons of 1965. Regional conventions on international arbitration. Activities of international organizations on the theoretical development of international arbitration issues and the unification of arbitration procedure. Legal nature, general characteristics

and significance of the UNCITRAL Model Law on International Commercial Arbitration 1985. Legal regulation of international arbitration proceedings and the activities of arbitration courts in the national legislation of different states. Legislation of Ukraine on international commercial arbitration. Rules of arbitration courts, their legal nature and significance.

Topic 3. Arbitration agreement. Determination of the jurisdiction of arbitration courts.

Arbitration agreement as a type of arbitration agreement (agreement). Legal nature of arbitration agreement, arbitration proceedings and arbitration award. Contractual (classical and modern), procedural (jurisdictional), mixed and autonomous theories, delegation theory. Arbitration agreement and its types. Arbitration clause and arbitration record. Autonomy of an arbitration agreement from the contract to which it relates. Form of an arbitration agreement. Content of an arbitration agreement. Essential terms of an arbitration agreement. Alternative arbitration agreements. Elimination of ambiguity of the content of an arbitration agreement. Application of Article IV of the European Convention on Foreign Trade Arbitration of 1961. Effect of an arbitration agreement on a circle of persons. Effect of an arbitration agreement in the event of universal succession and in the event of replacement of a party in an obligation. Conditions for the validity of arbitration agreements. Legal capacity of the parties, voluntariness of the parties' will, admissibility of the dispute as an object of arbitration under national law. The law applicable in determining the validity of arbitration agreements. Typical arbitration clauses, their meaning. "Pathological" arbitration clauses. Legal consequences of concluding arbitration agreements. Absolute and relative incompetence of a state court in the presence of an arbitration agreement. Procedural consequences of filing a claim with a state court of Ukraine in the presence of an arbitration agreement under the Code of Civil Procedure and the Code of Civil Procedure of Ukraine. Determination of the competence of an arbitration court. Objections to the competence of an arbitration court, the procedure for filing an application and permits. The theory of "competence-competence" of an arbitration court and its implementation in international treaties and the legislation of various states. Establishment of the competence of an international arbitration court by an international treaty or national law. Appealing arbitration decisions on the issue of its competence.

Topic 4. Principles of the operation of an international arbitration court.

Principles of the operation of an international arbitration court and their consolidation in international legal documents, national legislation of various states and regulations of arbitration courts. Principles of the operation of an international arbitration court under the legislation of Ukraine. The principle of freedom (autonomy) of the will of the parties. The principle of equality of rights of the parties. The principle of freedom of choice by the parties of the composition of the court, applicable law, procedure and language of the arbitration proceedings. The principle of confidentiality of the consideration of cases. The principle of facilitating the termination of the dispute by means of the conclusion of a settlement agreement by the parties. Principles of economic process applicable to arbitration proceedings: dispositiveness, adversarial nature, immediacy.

Topic 5. International commercial arbitration in foreign countries.

Arbitration in France. General characteristics of the International Court of Arbitration at the International Chamber of Commerce in Paris, its Regulations, the procedure for considering disputes in this permanent arbitration court. Arbitration in the Federal Republic of Germany. general provisions of the legislation of the Federal Republic of Germany on international arbitration. Arbitration in the UK. General characteristics of the legislation of the UK on international arbitration and the rules for considering cases in the London Court of International Arbitration. Arbitration in Sweden. General characteristics of the legislation of Sweden on international arbitration and the rules for considering cases in the Arbitration Institute of the Stockholm Chamber of Commerce. Arbitration in the USA. US legislation on arbitration. Activities of the American Arbitration Association. Arbitration in Austria. General characteristics of the legislation of Austria on international arbitration and the rules for considering cases in the Vienna International Court of Arbitration. Arbitration in Eastern Europe: Bulgaria, Latvia, Lithuania, Poland, Serbia, Croatia. A brief description of the legislation on international commercial arbitration of states and the activities of some permanent

arbitration courts. The competence of the International Center for Settlement of Investment Disputes and the rules for considering disputes by it. The competence of the Court of Arbitration for Sport in Lausanne and the rules for considering disputes by it.

Section 2. Proceedings in international commercial arbitration

Topic 6. Subjects of the arbitration process.

Classification of subjects of arbitration proceedings. Composition of the arbitral tribunal (arbitral tribunal). Arbitrators. Number of arbitrators. List of arbitrators and its significance. Requirements for arbitrators. Qualifications of arbitrators. Citizenship of arbitrators. Rights and obligations of arbitrators. Independence and impartiality of arbitrators. Disclosure of information. Guidelines on conflict of interest in international arbitration 2004: structure, content, significance, application. Remuneration of arbitrators. Liability of arbitrators. Open and closed lists of arbitrators. Participation of judges of state courts as arbitrators in arbitration proceedings. Procedure for forming a single-member and collegial composition of the arbitral tribunal. Formation of the composition of an ad-hoc arbitral tribunal. Substitutes the appointment of arbitrators. Challenges and self-challenges of arbitrators: grounds, procedure for application and permissions. Parties in international arbitration, their rights and obligations. Procedural legal capacity. Peculiarities of the procedural legal capacity of states, state bodies, international organizations, legal entities of public law. The state as a subject of an arbitration agreement. State immunity and waiver thereof. Procedural complicity and participation of third parties. The problem of "intervention" in international arbitration. Representation in international arbitration. Participants in the arbitration process who have no interest in the outcome of the case (witnesses, experts, specialists, translators).

Topic 7. Evidence in international commercial arbitration.

The concept of evidence and proof in international arbitration. Relevance and admissibility of evidence. Rules for collecting, examining and evaluating evidence. Burden of proof. Means of proof in the continental and Anglo-American legal systems. Explanations of the parties and third parties. Testimony of witnesses, expert witnesses. Procedure for questioning witnesses. Written and physical evidence. Expertise in arbitration proceedings. Expert called by a party and expert appointed by the arbitral tribunal. Arbitral expertise. UNCITRAL Comments on the Organization of Arbitration Proceedings 1996 on the collection, examination and evaluation of evidence in arbitration proceedings. Assistance of state courts to arbitrations in obtaining evidence: concept, meaning, forms and legal regulation in different states.

Topic 8. Arbitration costs.

The concept and types of arbitration costs. The structure of arbitration costs when considering a case by a permanent international arbitration court and an ad-hoc arbitration court. Arbitrators' fees and administrative expenses. Limitations on arbitration costs. Arbitration costs under the legislation of Ukraine. Registration fee. Arbitration fee and costs associated with the consideration of the case, the procedure for their calculation and payment. Reduction of the amount of the arbitration fee. Distribution of arbitration costs between the parties. Refund of the arbitration fee. Costs for payment of legal assistance associated with the consideration of the case in the arbitration court.

Topic 9. Initiation of a case in international commercial arbitration.

Initiation of a case in permanent arbitration courts and in ad-hoc arbitration courts. Exchange of adversarial papers before the initiation of a case and its significance. Pre-arbitration procedure for dispute settlement: concept, forms, consequences of non-compliance. Initiation of a case in the International Arbitration Court at the Ukrainian Chamber of Commerce. Details of the statement of claim. Correction of deficiencies in the statement of claim. Amendment of the claim by the claimant. Response to the statement of claim, terms for its submission and content. Defendant's remedies against the claim. Objections to the claim. Procedure and terms for filing and conditions for accepting a counterclaim. Preparation of the case for consideration. Preparatory meeting. Issues to be resolved by the composition of the arbitration court in the preparatory meeting.

Topic 10. Consideration of a case in international commercial arbitration.

Oral and written consideration of the case in the arbitration court, their differences. Grounds for appointing oral and written consideration. Oral consideration of the case (hearing). Procedure for oral consideration of the case. Legal consequences of failure to submit objections to the claim of evidence, failure of the parties to appear at the arbitration hearing. Examination of evidence. Statements of the participants in the arbitration hearing. Postponement and suspension of the arbitration hearing. Termination of the arbitration hearing without a decision and its procedural consequences. Settlement agreement. Decision made by the arbitration court on the basis of a settlement agreement. Protocol of the arbitration hearing. Features of the arbitration hearing in an ad-hoc arbitration court.

Topic 11. Awards and other decisions of international commercial arbitration.

Arbitration court decision, its meaning. Types of arbitration court decisions. Final decision, interim decision, partial decision, decision based on a settlement agreement concluded by the parties, decision made in the absence of the defendant. Procedure for issuing and formalizing an arbitration court decision. Requirements for an arbitration court decision. Structure and content of an arbitration court decision. Types of international arbitration court decisions under the legislation of Ukraine. Legal consequences of the existence of an arbitration court decision when filing an identical claim with a state court. Determination of the substantive law to be applied when making a decision by an arbitration court. Establishment of the content of applicable law. The content of applicable law as a question of law and a question of fact. Application by an arbitration court when making a decision of trade customs, customs, norms of "soft law". Application by an arbitration court when making a decision of established judicial and business practice, doctrines of private international law. Methods and procedure for correcting deficiencies in an arbitration court decision. Correction and clarification of the decision. Additional decision.

Topic 12. Appeal and enforcement of international commercial arbitration decisions.

Finality of an arbitral award as inadmissibility of its appeal, cassation and revision appeal and review. Appeal of an arbitral award to a state court. UNCITRAL Model Law on International Commercial Arbitration 1985 on appeal of an arbitral award to a state court. Cancellation (invalidation) of an arbitral award by a state court. Limits of verification by state courts of the correctness of arbitral awards in different states. Territorial jurisdiction of state courts regarding the verification of arbitral awards. Grounds for annulment of an international arbitral (arbitration) award. Private law and public law grounds for annulment of an award, their content and features of application. Burden of proof. Legal consequences of annulment by a state court of an international arbitral award. Proper execution of an arbitral award as a condition for the effectiveness of the arbitration method of consideration and resolution of disputes. Granting executive force to arbitration court decisions by a state court. Enforcement of decisions of national and foreign arbitration courts. The problem of the "nationality" of an arbitration decision. Requirements for the form and content of an application for the issuance of an enforcement document and attached documents, the consequences of their non-compliance. The procedure for considering the application. The debtor's objection to the issuance of an enforcement document. Grounds for refusal to issue an enforcement document. Private-law and public-law grounds for annulment of a decision, their content and features of application. The burden of proof. Legal consequences of refusal to issue an enforcement document to execute a decision of an international arbitration (arbitration) court. The procedure for executing an enforcement document issued on the basis of a decision of an international arbitration (arbitration) court. Issuance by general courts of Ukraine of enforcement documents on the basis of decisions of arbitration courts. The concept, meaning and legal consequences of the recognition of foreign arbitration decisions (irrefutableness, exclusivity, immutability). Recognition of foreign arbitral awards as a condition for their enforcement. The main provisions of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. Its scope. An exhaustive list of grounds for refusal to recognize and enforce a foreign arbitral award under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. Private law

and public law grounds for refusal to recognize and enforce a foreign arbitral award, their content and features of application. Burden of proof. Recognition and enforcement of foreign arbitral awards in European countries and in the USA. The concept of exequatur. Simplified (summary) proceedings in the competent court of the state in which recognition and enforcement of a foreign arbitral award is requested, when considering the relevant petition of the interested person, the goals and objectives of such proceedings. The limits of verification by the competent court of the state in which the recognition and enforcement of a foreign arbitration award is requested of the correctness of such an award. The procedure for the recognition and enforcement of foreign arbitration awards under the legislation of Ukraine. The competence of the courts of Ukraine to consider applications for the recognition and enforcement of foreign arbitration awards. Requirements for the form and content of the application for the recognition and enforcement of a foreign arbitration award and the attached documents, the consequences of their non-compliance. The procedure for considering the application. The debtor's objection to the recognition and enforcement of a foreign arbitration award. Grounds for refusal to recognize and enforce a foreign arbitration award. Legal consequences of refusal to recognize and enforce a foreign arbitration award.

3. Structure of the academic discipline

Chapter and topic names	Number hours											
	full-time education						correspondence form of study					
	total	including					total	including				
		l.	wit h.	lab.	ind.	s.r.		l.	wi th.	lab	ind.	s.r.
1	2	3	4	5	6	7	8	9	10	11	12	13
Section 1. International commercial arbitration as one of the methods of alternative dispute resolution												
Topic 1. General characteristics of the international commercial arbitration	9	2	2			5	6					6
Topic 2. Legal regulation of international activities commercial arbitrations	7	1	1			5	6					6
Topic 3. Arbitration agreement. Determination of jurisdiction arbitration courts	7	1	1			5	10	2	2			6
Topic 4. Principles of activity international arbitration court	7	1	1			5	6					6
Topic 5. International commercial arbitration in foreign countries.	7	1	1			5	6					6
Total under section 1	37	6	6			25	34	2	2			30
Section 2. Proceedings in international commercial arbitration												
Topic 6. Subjects arbitration process	7	1	1			5	6					6
Topic 7. Evidence in international commercial arbitration	7	1	1			5	6					6
Topic 8. Arbitration costs	7	1	1			5	8					8
Topic 9. Violations cases in international commercial arbitration	7	1	1			5	8					8

Topic 10. Consideration of the case in international commercial arbitration	7	1	1			5	8					8
Topic 11. Decision (award) and other resolutions of the international commercial arbitration	7	1	1			5	8					8
Topic 12. Appeal and enforcement of decisions international commercial arbitration	1 1	2	2			7	1 2	2	2			8
Together under section 2	53	8	8			37	60	2	2			5 2
Total hours	9 0	14	14			62	9 0	4	4			82

4. Topics of seminar classes (full-time and part-time study)

No. salary	Topic name	Hours	
1.	General characteristics of international commercial arbitration	2	
2.	Legal regulation of international commercial arbitration activities	1	
3.	Arbitration agreement. Determination of the jurisdiction of arbitration courts	1	2
4.	Principles of the operation of an international arbitration court	1	
5.	International commercial arbitration in foreign countries.	1	
6.	Subjects of the arbitration process	1	
7.	Evidence in International Commercial Arbitration	1	
8.	Arbitration costs	1	
9.	Initiating a case in international commercial arbitration	1	
10.	Consideration of a case in international commercial arbitration	1	
11.	Awards and other decisions of international commercial arbitration	1	
12.	Appeal and enforcement of international commercial arbitration awards	2	2
	Together	14	4

5. Tasks for independent work (full-time and part-time study)

No.	Types and content of independent work	Hours	
1.	Topic: General characteristics of international commercial arbitration. Task: Read the lecture material. Prepare answers to the test questions.	5	6
2.	Topic: Legal regulation of international commercial arbitration activities. Task: Read the lecture material. Prepare answers to the test questions.	5	6
3.	Topic: Arbitration agreement. Determination of the competence of arbitration courts. Task: To familiarize yourself with the lecture material. To prepare answers to the control questions.	5	6
4.	Topic: Principles of the operation of an international arbitration court. Task: Read the lecture material. Prepare answers to the test questions.	5	6
5.	Topic: International commercial arbitration in foreign countries. Task: Read the lecture material. Prepare answers to the test questions.	5	6
6.	Topic: Subjects of the arbitration process. Task: Read the lecture material. Prepare answers to the test questions.	5	6

7.	Topic: Evidence in international commercial arbitration. Task: Read the lecture material. Prepare answers to the test questions.	5	6
8.	Topic: Arbitration costs. Task: Read the lecture material. Prepare answers to the test questions.	5	8
9.	Topic: Initiation of a case in international commercial arbitration. Task: Read the lecture material. Prepare answers to the test questions.	5	8
10.	Topic: Consideration of a case in international commercial arbitration. Task: Read the lecture material. Prepare answers to the test questions.	5	8
11.	Topic: Awards and other rulings in international commercial arbitration. Task: Read the lecture material. Prepare answers to the test questions.	5	8
12.	Topic: Appealing and enforcing international commercial arbitration awards. Task: Read the lecture material. Prepare answers to the test questions.	7	8
	Total	62	82

6. Individual task

Not included in the curriculum.

7. Teaching methods

Three groups of teaching methods are used:

1. verbal - descriptive disclosure of educational material, explanation of the essence of the relevant phenomenon, concept, process, instruction on the features of the application of individual norms, checking the level of independent processing of educational material, etc.;
2. visual – demonstration of diagrams, tables, drawings (if available);
3. practical – the formation of skills and abilities in operating with legal categories, applying legal norms and using acquired knowledge when conducting seminar classes.

8. Control methods

Current control is carried out at each seminar classroom session in the form of oral questioning, student performances, etc.

Current control is carried out in the form of an assessment of knowledge and skills acquired during the study of the topics of the corresponding section and may include detailed answers to questions, answers to tests, solving simulated practical tasks, etc.

At the end of the course, a test is taken. The final semester control is carried out in the form of a written work (test tasks / answers to open questions).

The criteria for evaluating students are: the level of knowledge demonstrated in oral and written answers, presentations at practical classes, activity in discussing issues. The maximum number of points that a student can score when taking the final test on the academic discipline is 40. The maximum number of points that a student can score when studying the academic discipline is 100.

Questions for final control

1. International arbitration courts as arbitration courts that consider disputes in the field of international economic relations.
2. Prerequisites for the emergence and functioning of international commercial arbitration. History of the formation and development of international commercial arbitration.
3. Arbitration court in ancient Rome. Arbitration court in the Middle Ages. Arbitration court in the 18th-19th centuries.
4. The difference between international commercial arbitration and arbitration in public

international law.

5. The importance, advantages and disadvantages of the arbitration method of resolving disputes in the field of international economic relations.
6. Types of international arbitration courts. Permanent (institutional) and isolated (ad-hoc) arbitration courts, advantages and disadvantages of each type of arbitration courts.
7. Arbitration courts of general jurisdiction and arbitration courts of special jurisdiction, open and closed arbitration courts.
8. The interdisciplinary nature of the legal regulation of the activities of international arbitration courts.
9. International legal regulation of the activities of international arbitration courts.
10. International treaties on international commercial arbitration within the framework of the League of Nations. The main current universal international treaties on international arbitration dispute resolution.
11. General characteristics of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, the European (Geneva) Convention on Foreign Commercial Arbitration of 1961, the scope of application and participants of these conventions.
12. Washington Convention on the Settlement of Investment Disputes between States and Foreign Persons of 1965. Regional conventions on international arbitration. Activities of international organizations on the theoretical development of international arbitration issues and the unification of arbitration procedure.
13. Legal nature, general characteristics and significance of the UNCITRAL Model Law on International Commercial Arbitration 1985
14. Legal regulation of international arbitration of disputes and the activities of arbitration courts in the national legislation of various states.
15. Ukrainian legislation on international commercial arbitration.
16. Arbitration court regulations, their legal nature and significance.
17. Arbitration agreement as a type of arbitration agreement (agreement).
18. Legal nature of arbitration agreement, arbitration proceedings and arbitration award. Contractual (classical and modern), procedural (jurisdictional), mixed and autonomous theories, delegation theory.
19. Arbitration agreement and its types.
20. Arbitration clause and arbitration clause. Autonomy of the arbitration agreement from the contract to which it relates.
21. Form of arbitration agreement.
22. Content of the arbitration agreement.
23. Essential terms of the arbitration agreement.
24. Application of Article IV of the European Convention on Foreign Commercial Arbitration 1961
25. Effect of an arbitration agreement in the event of universal succession and replacement of a party to an obligation. Conditions for the validity of arbitration agreements.
26. Legal capacity of the parties, voluntariness of the expression of the parties' will, admissibility of the dispute as an object of arbitration under national law.
27. Typical arbitration clauses, their meaning. "Pathological" arbitration clauses.
28. Legal consequences of concluding arbitration agreements.
29. Procedural consequences of filing a claim with a state court of Ukraine in the presence of an arbitration agreement under the Civil Procedure Code and the Civil Procedure Code of Ukraine.
30. Determination of the jurisdiction of the arbitration court.
31. The theory of "competence-competence" of the arbitration court and its implementation in international treaties and legislation of various states.
32. Appealing arbitration decisions on the issue of its competence.
33. Principles of the operation of an international arbitration court under the legislation of Ukraine. The principle of freedom (autonomy) of the will of the parties.
34. The principle of equality of rights of the parties.

35. The principle of freedom of choice by the parties of the composition of the court, applicable law, procedure and language of the arbitration proceedings.
36. The principle of confidentiality of case proceedings.
37. The principle of facilitating the end of a dispute through the conclusion of a settlement agreement by the parties.
38. Principles of economic process applicable to arbitration proceedings: dispositive, adversarial, direct.
39. General characteristics of the International Court of Arbitration at the International Chamber of Commerce in Paris, its Regulations, and the procedure for considering disputes in this permanent arbitration court.
40. General description of UK legislation on international arbitration and the rules for considering cases at the London Court of International Arbitration.
41. The competence of the International Center for Settlement of Investment Disputes and the rules for its consideration of disputes.
42. The jurisdiction of the Court of Arbitration for Sport in Lausanne and the rules for its consideration of disputes.
43. Classification of subjects of arbitration proceedings. Composition of the arbitration court (arbitral tribunal).
44. Arbitrators. Number of arbitrators. List of arbitrators and their significance.
45. Requirements for arbitrators. Qualifications of arbitrators. Citizenship of arbitrators.
46. Independence and Impartiality of Arbitrators. Disclosure of Information
47. Arbitrators' remuneration. Arbitrators' liability.
48. Open and closed lists of arbitrators.
49. The procedure for forming a single-member and collegial composition of an arbitration court.
50. Formation of the composition of the ad-hoc arbitration court.
51. Parties in international arbitration, their rights and obligations. Procedural legal capacity.
52. Representation in international arbitration.
53. Participants in the arbitration process who have no interest in the outcome of the case (witnesses, experts, specialists, translators).
54. The concept of evidence and proof in international arbitration.
55. Relevance and admissibility of evidence.
56. Rules for collecting, examining and evaluating evidence.
57. Burden of proof. Means of proof in the Romano-Germanic and Anglo- American legal systems.
58. The concept and types of arbitration costs.
59. Arbitrators' fees and administrative expenses.
60. Arbitration costs under the legislation of Ukraine.
61. Registration fee. Arbitration fee and expenses associated with the consideration of the case, the procedure for their calculation and payment.
62. Pre-arbitration dispute resolution procedure: concept, forms, consequences of non-compliance.
63. Initiation of a case in the International Arbitration Court at the Ukrainian Chamber of Commerce. Details of the statement of claim.
64. Preparatory meeting. Issues that are resolved by the arbitral tribunal at the preparatory meeting.
65. Oral and written consideration of the case in an arbitration court, their differences.
66. Researching the evidence.
67. Speeches of the participants in the arbitration proceedings.
68. Postponement and suspension of arbitration proceedings.
69. Termination of arbitration proceedings without a decision and its procedural consequences.
70. Peace agreement.

71. Features of arbitration proceedings in an ad-hoc arbitration court.
72. Arbitration court decision, its meaning.
73. Types of arbitration court decisions.
74. Final decision, interim decision, partial decision, decision based on a settlement agreement concluded by the parties, decision rendered in the absence of the defendant.
75. Structure and content of the arbitration court decision.
76. Determination of the substantive law to be applied when making a decision by an arbitration court.
77. Application by the arbitration court of trade customs, practices, and norms of "soft law" when making a decision.
78. Application by the arbitration court of established judicial and business practice and the doctrine of private international law when making a decision.
79. Methods and procedure for correcting deficiencies in an arbitration court decision. Correction and clarification of the decision.
80. Additional solution.
81. The finality of the arbitration court's decision as the inadmissibility of its appeal, cassation and revision appeal and review.
82. Appealing an arbitration court decision to a state court.
83. Cancellation (invalidation) of an arbitration court decision by a state court. Limits of verification by state courts of the correctness of arbitration awards in different states. Territorial jurisdiction of state courts regarding the verification of arbitration awards. Grounds for cancellation of an international arbitration (arbitration) court decision.
84. Private law and public law grounds for annulment of a decision, their content and features of application.
85. Legal consequences of the annulment by a state court of an international arbitration decision.
86. Granting executive force to state courts to arbitration court decisions. Enforcement of decisions of national and foreign arbitration courts.
87. Burden of proof. Recognition and enforcement of foreign arbitral awards in European countries and the USA.
88. The concept of exequatur. Simplified (summary) proceedings in the competent court of the state in which the recognition and enforcement of a foreign arbitral award is requested, upon consideration of the relevant application of the interested person, the goals and objectives of such proceedings.
89. The limits of verification by the competent court of the state in which recognition and enforcement of a foreign arbitral award is requested of the correctness of such an award.
90. The procedure for recognition and enforcement of foreign arbitration awards under the legislation of Ukraine.

9. Points accrual scheme

The total number of points is 100.

The number of points for the test is 40.

Number of points during the semester – 60:

Number of points for answers in seminar classes $\sum 40 = 60$:

Calculation formula

$$\frac{\sum 1}{\sum 2} = \frac{60}{40} \times 8 \text{ (eight)}$$

Note:

$\sum 60$ – the sum of the maximum number of points

$\sum 1$ – the sum of points received by the student for answers in seminar classes.

$\Sigma 2$ – number of seminar classes during the semester.

8 – coefficient

Current control, independent work, individual tasks			Credit work	Sum
Chapter 1	Chapter 2	Together		
T1-T12				
Σ60			40	100

To be admitted to the test, a higher education applicant must score at least 10 points in the academic discipline during current control, independent work, etc.

Criteria for evaluating academic achievements

When studying the academic discipline, the use of artificial intelligence (AI) technologies is carried out in accordance with the Policy on the Use of Artificial Intelligence Technologies of V. N. Karazin Kharkiv National University.

IN within disciplines are applied such models using AI:

1. Model "AI is forbidden."

The use of artificial intelligence technologies is not allowed during the implementation of control measures aimed at verifying the individual knowledge and development of the competencies of the education seeker, in particular: oral questioning, modular control works, exam (offset), if other not determined teacher, others species evaluation, for whom the teacher has set restrictions on the use of AI.

2. Model "AI as assistant".

When preparing for practical classes, completing individual assignments, essays, analytical reviews, and other written work, the use of AI is permitted for: search and systematization information, selection and primary analysis scientific sources, explaining complex concepts, improving text structure, checking grammar, style and layout, generating ideas, a work plan or examples.

The final text of the work, conclusions, analysis, interpretation of results, and decisions made must be prepared independently by the student.

3. Model "AI as tool".

For certain laboratory, practical, project or research works, the use of artificial intelligence technologies may be a mandatory component of the task. In such cases, students can use generative AI models to: analyze and prepare data, generate, analyze and optimize program code, compare the results of different AI models, create visualizations, schemes or images, analysis big arrays data. carrying out experiments using modern artificial intelligence tools.

All results, received by with help AI, are subject to critical analysis, verification and revision by the education seeker.

Declaring the use of AI.

In the case of using artificial intelligence technologies, the student is required to indicate: the name of the service or AI model; date of use; nature of assistance (idea generation, information search, data analysis, code generation, text editing, etc.).

At the teacher's request, the student must provide the prompts used or explain how to use AI tools.

Undeclared use of artificial intelligence technologies or submission of generated AI material as own result educational activities under consideration as a violation of the principles of academic integrity in accordance with the internal regulatory documents of the University.

Oral response evaluation criteria

Current control is carried out, in particular, in the form of surveys and verification of the results of performances at seminars and practical classes on a five-point grading scale.

5 points are awarded under the following conditions:

- the student works actively throughout the practical session;
 - provides a complete, correct, consistent, coherent, and well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and references to current legislation;
 - everything that is taught must demonstrate a deep understanding and orientation in the phenomena and processes being studied;
 - correct comprehensive answers to additional questions from the teacher.
- 4 points** are awarded under the following conditions:
- the student works actively during the practical session;
 - gives a correct, complete presentation of the content of the textbook and the material presented by the teacher, but answers additional control questions that the teacher asks to determine the depth of understanding and the ability to navigate phenomena and processes only with some help from the teacher or colleagues;
 - insufficiently comprehensive answers to the teacher's additional questions.
- 3 points** are awarded under the following conditions:
- the student behaves passively in class, responding only to the teacher's call;
 - generally demonstrates knowledge of the main educational material being considered, but makes mistakes when answering and realizes them only after the teacher's instructions;
 - does not give answers to questions immediately, but only after some straining of memory, and the answers are unclear;
 - unable to derive correlations with other problems of the discipline being studied without the help of a teacher;
- 2 points** are awarded under the following conditions:
- makes significant errors or completely skips material and partially corrects these errors only after instruction from the teacher;
 - the student shows ignorance of a significant part of the educational material, presents it illogically and uncertainly, there are hitches and pauses in the answer, cannot explain the problem, although he understands it;
 - does not present the material coherently and consistently enough.
- 1 point** is awarded under the following conditions:
- the student makes gross mistakes when presenting the material and does not correct these mistakes even when the teacher points them out;
 - reveals a lack of understanding of the educational material and, as a consequence, a complete lack of skills both in analyzing phenomena and in further performing practical tasks.

Criteria for evaluating credit work

The test is written and consists of 40 test questions. Each test question has four answer options, only one of which is correct; one point is awarded for each correct answer.

Rating scale

The sum of points for all types of training activities during the semester	Rating
90-100	enrolled
70-89	enrolled
50-69	enrolled
1-49	not included

10. Recommended reading

Basic literature

Legal acts

1. On International Commercial Arbitration: Law of Ukraine No. 4002-XII dated 24.02.1994. Official web portal of the Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/4002-12#Text>
2. On private international law: Law of Ukraine dated 23.06.2005 No. 2709-IV. Official web portal of the Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2709-15#Text>
3. Civil Procedure Code of Ukraine dated 18.03.2004 No. 1618-IV. Official website of the Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text>
4. Convention on the Recognition and Enforcement of Foreign Arbitral Awards Official website of the International Commercial Arbitration Court under the Chamber of Commerce and Industry of Ukraine. URL: https://icac.org.ua/wp-content/uploads/Text-of-UN-Convention_New-York-1958-4.pdf
5. European Convention on Foreign Commercial Arbitration of 1961 URL: https://zakon.cc/law/document/read/995_069
6. Inter-American Convention on International Commercial Arbitration 1975 (Panama). URL: <https://www.international-arbitration-attorney.com/uk/inter-american-convention-international-commercial-arbitration-panama-convention/>
7. Convention on the Settlement of Investment Disputes between States and Foreign Persons of 18.05.1965 URL: https://zakon.rada.gov.ua/laws/show/995_060#Text
8. UNCITRAL Model Law on International Commercial Arbitration (1985). URL: https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/ru/mal_rus.pdf
9. Rules of Procedure of the International Commercial Arbitration Court under the Ukrainian Chamber of Commerce and Industry. Official website of the International Commercial Arbitration Court under the Ukrainian Chamber of Commerce and Industry. URL: <https://icac.org.ua/arbitrazh/reglament/>

Textbooks, study guides

1. International Commercial Arbitration / edited by U. Gellmann, V. M. Kossak. Khmelnytskyi: Khmelnytskyi University of Management and Law, 2015. 204 p.
2. Tsirat G.A. International commercial arbitration: textbook. / G.A. Tsirat. K.: Alerta, 2019. 410 p.
3. Alternative methods of resolving civil disputes under the legislation of Ukraine: a textbook / Verba-Sydor O. B., Vorobel U. B., Grabar N. M., Dutko A. O., Yurkevich Yu. M.; edited by Candidate of Law, Assoc. Prof. O. B. Verba-Sydor. Lviv. Lviv State University of Internal Affairs, 2021. 416 p.
4. Vaytsekhovska O. R. International commercial arbitration: teaching and methodical manual / O. R. Vaytsekhovska, N. S. Fedoruk. Kharkiv: Pravo, 2024. 376 p.
5. Recognition and Enforcement of Decisions of Foreign Courts and International Commercial Arbitrations: Compendium / Edited by V.V. Komarov. Kharkiv: Pravo, 2020. 668 p.

Supporting literature

1. Alternative Dispute Resolution: Textbook / Edited by Yu. D. Prytyki. Kyiv: Publishing House "Dakor", 2021. 436 p.
2. International Private Law: Textbook 2nd ed. / Edited by Prof. A.S. Dovgert, Prof. V.I. Kysil. Kyiv: Pravova Yednist, 2014. 656 p.
3. Belousov E. M., Yakovyuk I. V. International Private Law. Kharkiv: Pravo, 2021. 408 p.
4. Cavusgil ST, Knight G., Riesenberger JR International Business: The New Realities. 5th ed. Pearson, 2021.
5. Podtserkovny O.P. Monetary obligations: a teaching and methodological manual for higher education applicants of all forms of study in the field of knowledge 08 "Law", specialty 081

"Law": 2nd ed., supplemented and revised. Odesa: "NU "OYA", 2022. 144 p.

6. Kravtsov S. Virtual arbitration of foreign economic disputes. *Foreign trade economics finance law*. 2023. No. 129 (4). P. 73-87.
7. Private international law: textbook, practical course/ [V.O. Bazhanov and others]. Kyiv: Yurinkom Inter, 2024. 368 p.
8. Nagnybida V. I. The mechanism of law enforcement in resolving disputes in international commercial arbitration / V.I. Nagnybida; scientific editor, prof. O.D. Krupchana. Kyiv: Helvetika Publishing House, 2020. 492 p.
9. Pilkov K.M. Theory and practice of proof in international commercial arbitration: Monograph. Kyiv: Osvita Ukrainy. 2016. 240 p.
10. Kravchuk S. Legal prerequisites for consideration and resolution of disputes in international commercial arbitration. Scientific *Bulletin of Uzhhorod National University*. Law Series. 2022. Issue 71. Pp. 355-360.
11. Kravtsov S.O. International Commercial Arbitration and National Courts: Monograph. Kharkiv, 2014. 230 p.
12. Rulemaking of self-regulatory organizations in the field international commercial arbitration = Rulemaking of self-regulatory organizations in the field international commercial arbitration: monograph / scientific editor O. O. Gaidulin. Research Institute of Private Law and Entrepreneurship named after Academician F. G. Burchak of the National Academy of Sciences of Ukraine. Kyiv: Yurinkom Inter, 2025. 316 p.
13. Prytyka Yu. D. The concept and legal nature of recognition and enforcement of decisions of foreign courts. Essays on issues of international private law. Vol. 3 / edited by A. S. Dovgert, O. M. Biryukov. K.: Alerta, 2014. pp. 311–323.
14. Oleksienko A.V. International commercial arbitration: essence and advantages. *Legal scientific electronic journal*. 2020. No. 8. P. 511-514
15. Kovalenko I. The concept and types of arbitrability in the theory of international commercial arbitration. *Entrepreneurship, Economy and Law*. 2017. No. 1. pp. 29–33.
16. Tylyuk B.V. International commercial arbitration as one of the bodies that resolve foreign economic disputes. Economic law and process in the context of transformation of social relations: materials of the All-Ukrainian scientific and practical conference (author's edition) (Kryvyi Rih, September 27, 2018. Kryvyi Rih: Department of the Ministry of Internal Affairs of Ukraine, 2018. P. 233-237.
17. Makeeva O.M., Mudryk R.R. International commercial arbitration: theoretical and legal aspects. *Legal Bulletin*. 2020. No. 3 (56). Pp. 61-66.
18. Tsirat G. A. International commercial arbitration: a textbook. / G. A. Tsirat. K.: Alerta, 2019. 410 p.

11. Links to information resources, video lectures, other methodological support

1. Official web portal of the Verkhovna Rada of Ukraine www.zakon1.rada.gov.ua.
2. Kyiv Central City Public Library named after Lesya Ukrainka <http://lucl.lucl.kiev.ua>
3. Central Scientific Library of V. N. Karazin Kharkiv National University <http://www.univer.kharkov.ua>
4. Kharkiv State Scientific Library named after V. G. Korolenko <http://korolenko.kharkov.com>