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PROBLEM OF RESERVATIONS IN THE NEW YORK ARBITRATION CONVENTION IN CASE OF REPUBLIC OF SLOVENIA

Synopsis: Author analyses a situation in the Slovenian arbitration law, where the Statute regulates recognition and enforcement of all foreign arbitral awards on the basis of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. Regardless to the fact that Slovenia recalled its reservation of limitation to commercial disputes at the time of enacting this statute, a question remained whether it is possible to apply the convention to foreign arbitral awards that are arising out of arbitral agreements and disputes that emerged before the recall of the reserve and were not considered to be commercial. Author takes a position that even in this situation it is necessary to apply the convention according to the statute, because the alternative solution would produce absurd and unacceptable results.

Keywords: arbitration, recognition and enforcement, foreign arbitral awards, convention, reserves, commercial matters