

## MISSION STATEMENT

Stockholm International Arbitration Review illustrates the development of the international arbitral process, the enforcement of arbitral awards and the use of legal norms in the settlement of, primarily commercial transnational, disputes. By contributing to the scholarly debate on international arbitration, Stockholm International Arbitration Review seeks to advance ideas which will improve the knowledge and the functioning of the international arbitral process.

Emphasis is placed on the publication of extracts of arbitral awards and court decisions with in-depth comments by scholars and practitioners. The approach shall be comparative, articles and comments be reasoned and explanatory, accessible also to non-specialists.

Contributions in the Stockholm International Arbitration Review shall be published in the languages currently used in international arbitration.

## Цели сборника

Сборник Stockholm International Arbitration Review содержит материалы о развитии международного арбитражного процесса, исполнении арбитражных решений и использовании правовых норм в урегулировании, в первую очередь, международных коммерческих споров. Сборник Stockholm International Arbitration Review, способствуя развитию научной дискуссии о международном арбитраже, направлен на распространение идей, повышающих уровень знаний и совершенствующих функционирование международного арбитражного процесса.

Акцент делается на публикации отрывков арбитражных и судебных решений в сопровождении подробных комментариев ученых и практикующих юристов. Материалы сборника предполагают использование сравнительного метода, статьи и комментарии должны быть аргументированны, содержать развернутые пояснения, доступные для понимания неспециалистов.

Материалы сборника Stockholm International Arbitration Review должны быть составлены на языках, используемых в настоящее время в международных арбитражных разбирательствах.

## 前言

斯德哥尔摩仲裁报告致力于研究国际仲裁程序的发展,仲裁裁决的强制执行以及如何利用法律规范来解决纠纷,尤其是国际商事纠纷.本报告通过促进对国际仲裁的学术性论争,来努力寻求先进理念,推动国际仲裁理论和实务的发展.

本报告着重摘录了部分仲裁裁决以及法院判决,并附有学者以及法律工作者的专业评论.报告中的文章和评论均采用比较的方法来阐述理由,非专业人士也能清楚明白.

本报告的稿件以国际仲裁通用的语言出版.

Stockholm International Arbitration Review is published by Juris Publishing Inc., in association with the Arbitration Institute of the Stockholm Chamber of Commerce, P.O. Box 16050, SE-103 21 Stockholm.

Mode of citation: Stockholm Int Arb Rev 2008:1

ISSN Number 1558-271X

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- 1) Activities of and corporate relations concerning a Ukrainian joint stock company shall be governed exclusively by the laws of Ukraine.
- 2) Agreements providing for the application of foreign law to Ukrainian corporate relationships including the relationships between shareholders are null and void and violate Ukrainian public policy.
- 3) Agreements limiting the scope or effect of Ukrainian mandatory legal provisions (such as competition law and rules regarding the invalidity of agreements) are null and void.
- 4) Shareholders’ agreements, even under foreign law and entered into by, for instance, non-Ukrainian holding

companies cannot govern questions of corporate governance in a Ukrainian company and, hence, cannot be enforced to the extent they are at variance with Ukrainian company law.

- 5) The Recommendations seek to exclude Ukrainian corporate disputes from determination by international arbitration (paragraph 2 of Section 6.2).

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