

**Polish Supreme Court ruling
dated 18 January 1928
Case No. III Rw 253/27**

Summary by arbitraz.laszczuk.pl:

In a case arising under the former Austrian Civil Procedure Code, the court of first instance apparently denied a petition to set aside an arbitration award on the grounds that the arbitrators had exceeded their authority under the arbitration clause by awarding costs of the proceeding, including the arbitrators' own fees, and moreover in US dollars rather than Polish currency. The appellate court amended the order by the court of first instance and apparently set aside the award on the grounds that the arbitrators had exceeded their authority under the arbitration clause by awarding costs of the proceeding, including the arbitrators' own fees. On review by the Supreme Court of Poland, the court held that the arbitration court had authority to award costs, including the arbitrators' own fees, even if not expressly referred to in the arbitration clause, including in US dollars. The court reinstated the judgment of the court of first instance accordingly.

Excerpt from the text of the court's ruling:

The fact that the procedure under provisions concerning arbitration courts does not contain an express provision on the costs of the dispute does not justify a finding that the arbitration court is not authorized to rule on the costs of the dispute. In any event, such provisions do not contain a prohibition in this respect, and [former Austrian] Civil Procedure Code § 577, which provides that a private law claim may be submitted to an arbitration court for resolution, also includes the authority to rule on the costs of the dispute as an auxiliary element combined with the resolution itself.