

**Polish Supreme Court order
dated 27 July 1993
Case No. I CO 23/93**

Summary by arbitraz.laszczuk.pl:

In 1990, E. sp. z o.o., a company in Lublin, Poland, entered into a contract with F.J.E. & Co., a company in Vienna, under which F.J.E. & Co. was to deliver butter to E. sp. z o.o. at its warehouse in Czechoslovakia. The contract had an arbitration clause. The bankruptcy trustee of E. sp. z o.o. filed a claim against F.J.E. & Co. before the Court of Arbitration at the Polish Chamber of Commerce in Warsaw for about USD 16,000, and the respondent filed a counterclaim for about USD 32,000. In an awarded issued in May 1993, the arbitration court denied the claim and the counterclaim.

The Austrian company filed a motion with the Polish Supreme Court to designate the court to hear its petition to set aside the arbitration award. The Supreme Court held that the Polish courts had jurisdiction to hear the petition to set aside the award because the award was issued in Poland. The court designated the Commercial Court at the Warsaw Province Court as the court which would hear the case.

Excerpt from the text of the court's ruling:

The Polish state court has jurisdiction in a proceeding to set aside an arbitration award if the award in a dispute of an international character was rendered in Poland, even if none of the links referred to in Civil Procedure Code Art. 1103 would justify such jurisdiction. And conversely, it should be found that the Polish court does not have jurisdiction in a proceeding to set aside an arbitration award rendered abroad, even if one of the links referred to in Civil Procedure Code Art. 1103 could have justified such jurisdiction.