

# MACEDONIA

## – A Location for Arbitration

**Acquisition International speaks to Mrs. Biljana Cakmakova, Managing Partner, Attorney at Law and Maja Jakimovska, Attorney at law at ČAKMAKOVA Advocates Skopje, about why Macedonia is a location for International Arbitration.**

● ČAKMAKOVA Advocates is a Macedonian advocates partnership founded and registered under the Macedonian Law on Advocacy, within the Macedonian Bar Association, which provides a full range of legal services to international and domestic corporate clients.

ČAKMAKOVA Advocates is composed of highly trained and experienced professional advocates, with licenses to practice law, each dedicated specifically to an area of the Law, to give the best legal assessment and assistance possible. The team of nine advocates, five associates and one administrative assistant is committed to excellence and providing the best service to the clients legal needs.

ČAKMAKOVA Advocates practice covers all types of commercial cases before Macedonian courts and aims for effective dispute resolution while dealing complex cases with an international background.

ČAKMAKOVA Advocates handles substantial disputes in diverse legal areas such as debt recovery and performance of commercial contracts, unfair competition, compensation of damages, infringement of intellectual property rights, employment relations and relations between companies and member of their bodies, protection of personal rights in particular in the area of economic crimes.

Our clients have come to depend and rely on the experienced and good judgment of legal advice to achieve their objectives. We are proud to say we have already assisted large and medium national and international companies with diverse fields of activities, such as EVN AG – Austria, EVN Macedonia AD Skopje, Mobilkom Austria AG – Austria and many other previous and current clients.

Mrs. Biljana Cakmakova, Mrs. Olivera Grozdanovska and Mrs. Vesna Gavriloska have been appointed as arbiters in disputes with both domestic and international elements which are lead before the Permanent Court of Arbitration within the Economic Chamber of Macedonia. Mrs. Cakmakova has been also elected as a member of the Presidency of Permanent Court of Arbitration within the Economic Chamber of Macedonia.

ČAKMAKOVA ADVOCATES is dedicated to providing professional legal services to varieties of the clients, both domestic and international. The professional team of ČAKMAKOVA Advocates has gained an extensive experience in its 17 years of existence.

WHAT IS YOUR CURRENT ARBITRATION CASELOAD AND WHERE IS THE SOURCE?

“Even though the Permanent Court of Arbitration within the Economic Chamber of Macedonia has been established nearly 20 year ago, the arbitration has been used rarely by the interested parties as legal instrument for dispute resolution. This has been due to the lack of knowledge that such institution exists in Macedonia.

“However, since the beginning of 2011 the activities of the Permanent Court of Arbitration within the Economic Chamber of Macedonia for promotion of the arbitration as an instrument for out - of- court dispute resolution have been increased significantly. Therefore we could expect for the number of cases resolved with arbitration to slowly, but surely increase in the following years.”

CAN YOU PLEASE EXPLAIN THE REGULATORY FRAMEWORKS IN PLACE WITHIN YOUR JURISDICTION THAT ALLOWS YOU TO ATTRACT INTERNATIONAL CASES?

“The Permanent Court of Arbitration is competent for dispute resolution only if the parties agreed upon this solution. The parties may agree that the Permanent Court of Arbitration shall be competent for rights which the parties may freely dispose of and if the laws do not prescribe exclusive competence of the courts in the Republic of Macedonia.

The Permanent Court of Arbitration may decide in disputes with domestic and international elements. Disputes with international elements are considered to be if (i) at least one of the parties, in the time of conclusion of the arbitration agreement, is a natural person with residence or permanent accommodation outside of the territory of the Republic of Macedonia, or is a legal entity whose headquarters are not on the territory of the Republic of Macedonia or (ii) the place where a significant part of the obligations of the trade relations shall be performed or the place with which the subject of the dispute is in the closest relation, is not located on the territory of the Republic of Macedonia.

If the parties have not agreed otherwise, the place of the arbitration shall be in Skopje. The language of Arbitration is by rule Macedonian, however the parties may agree upon a different language. In these proceedings the parties may appoint their representatives or counselors.

The parties may agree for the dispute to be led by individual arbiter or arbitral counsel which consists of three arbiters. If the value of the dispute is below 30.000 EURO an individual arbiter shall decide in it and if it is above 30.000 EURO the arbitral counsel shall be competent to decide.

The arbitration procedure is usually commenced by filing of a lawsuit and ends with final and irrevocable decision which is binding to the parties. The parties are obliged to execute the decision without delay.

The arbitrators are selected from the list of the Permanent Court – Arbitration (list of arbitrators for disputes with international elements and list of arbitrators for disputes without an international element), but each party may select an arbitrator outside that list if it is independent and impartial person. The arbiter may be also a foreign citizen. On their own free will the parties shall decide and choose arbitrator, with taking into consideration the arbiter’s independence and impartiality in his work, as well as his expertise in the relevant area, knowledge of the language to which the procedure is lead, the arbiter’s experience.”

“The advantages of arbitration trail are the speed of proceedings, lower costs, impartiality in decision – making, the expertise of the arbitrators, the autonomy of the will of the parties in the proceedings, one instance in the proceedings, confidentiality in the proceedings, the place of the arbitration, the language of the arbitration.”



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