

CONSIDERATIONS ON INTERNATIONAL COMMERCIAL ARBITRATION IN COMPETITION MATTERS IN THE EUROPEAN UNION

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ABSTRACT: *Traditionally, the arbitrability of the competition issues was subject of controversy in doctrine. Thus, in the opinion of majority, the confidentiality of the arbitration proceedings was considered inappropriate in what regards solving competition problems, given the fact that the economic policy aspects regarding competition are part of the public policy. Also, experts declared skeptical regarding the ability of arbitrators to resolve competition issues of the cases, due to their complexity. The situation has changed in the meantime and the experience of the recent years shows that arbitration in competition matters became a reality and what's more a fundamental feature of the international commercial arbitration. The arbitrability of competition issues has not been challenged, the arbitral tribunals are solving competition issues more frequently and with professionalism. These recent developements are important, especially in the context of the modernization of the application of competition law, process which had among its objectives the increasing of the importance of private application of competition law. The paper at hand analyzes the arbitrability of the competitive aspects of the cases pending before the arbitral tribunals, how frequent is the arbitration in competition matters and the role of arbitrators in the application of the EU competition rules. The authors consider that in the current context, arbitration could become an important alternative to the private application of competition law in the European Union.*

KEYWORDS: *arbitrability of competition issues, arbitral tribunals, private application of competition law, EU competition law;*

JEL CLASSIFICATION: *K 19, K 21, K33, K41, L40*

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