

Abstract

The thesis is aimed at the prorogation and arbitration clauses in international trade. Its aim is to analyse the legal regulation of the clauses and requirements for them using the help of legislation, case law and both Czech and foreign relevant literature. In addition to the introduction and the conclusion of the thesis, there are eleven chapters analysing the issue.

The first chapter deals with dispute resolution in international trade, and introduces prorogation and arbitration clauses as instruments by which the parties can determine how and by whom will the dispute between them be decided.

Chapters two to six deal with prorogation clauses. First of all, sources of legal regulation of prorogation clauses are analysed. Further, the thesis analyses the formal requirements for the clauses and also the possibility of incorporating the clause into a contract from another document. There are also discussed some other features of the prorogation clauses, namely the certainty of the chosen court, the separability of the clause, the exclusivity of the clause, and the effect of provisions protecting the weaker party under the Brussels I bis regulation

The following chapters seven to ten deal with arbitration clauses. Again, sources of legal regulation of arbitration clauses and arbitration proceedings are analysed. Thereafter, the key elements of the arbitration clauses are discussed, namely arbitrability, formal requirements and content requirements. The separability of the clause is also mentioned and lastly, the so-called multi-tier clauses are analysed.

The last eleventh chapter deals with the collision of the prorogation and arbitration clauses. Such situation occurs when the parties enclose both types of clauses for the same dispute, but the clauses contradict each other.

The thesis emphasizes some problematic aspects that the parties should be aware of when negotiating the clauses. Also, the sources of legal regulation are analysed and the differences between them are highlighted. Based on the conclusions of the thesis, the parties can assess what features of the clauses must be fulfilled and what mistakes they should avoid in order for the clause to be valid.