

Comparative view on recognition and execution of foreign arbitral awards in the territory of the Czech Republic, the Russian Federation and the United States of America

Abstract

This thesis deals with the recognition and enforcement of foreign arbitral awards in the Czech Republic, the Russian Federation and the United States of America. The aim of this work is to clarify the conceptualization within the framework of individual legal regulations with the approximation of the process of recognition and enforcement in the territory of individual states and their subsequent comparison. The work is systematically divided into seven chapters, from the concept of arbitration to the examination of individual legal regulations. In the first chapter I deal with arbitration as a prerequisite for issuing an arbitral award, especially the arbitrability of the dispute and the international nature. The international nature is also a crucial definition for this work, so it is dealt with in a separate subchapter. The second chapter deals with the arbitral award, its particulars, types, especially with the focus on the concept of foreign arbitral award, the definition of which is a key point of this work. Arbitral award or foreign arbitral award is a term whose meaning is not defined by law or other source of law, therefore, in this work I focused on its perception in the examined legal systems. The third chapter lists the most important sources in the field of foreign arbitral awards on territorial examined states, including the New York Convention. The fourth chapter then describes in detail the process of recognition and enforcement of foreign arbitral awards, including denial under the New York Convention with reference to significant case law in this area. The grounds for refusal of the New York Convention are exhaustively delimited and divided into grounds for refusal of ex officio and grounds for refusal at the request of the parties to the arbitration. In the fifth to seventh chapters I deal with the specific legal regulations, their specifics and significant decision-making practice. The conclusion contains a comparison of Czech, Russian and American legal regulations on the recognition and enforcement of foreign arbitral awards, in particular it defines the same and different elements in the recognition and enforcement of foreign arbitral awards.

Key words

foreign arbitral award, arbitration, recognition and enforcement