Abstract in English

The purpose of this master´s thesis is to analyse the interfaces between international arbitration and litigation within the Brussels´ jurisdictional regime. Arbitration has always been excluded from the scope of the Brussels´ regime. However, the exact scope of this exclusion was always unclear and subject to long lasting debates and disputes. The consequences of determining whether a certain issue falls within the exclusion or not are far reaching and may seriously jeopardise the enforceability of an arbitration agreement and the effectiveness of arbitration in general. The main problem connected with the uncertainty regarding the actual scope of the arbitration exclusion, is the risk of parallel proceedings and conflicting judgements. Firstly, this thesis provides a general characteristic of alternative dispute resolution with focus on international arbitration and sources of its regulation. The overview of the history of the arbitration exclusion follows in order to create a foundation for the following analysis of the exclusion itself. The core part of the thesis aims to determine the scope of the arbitration exclusion, mainly through the analysis of the CJEU´s case law and relevant literature. Special attention is paid to the judgements on validity of an arbitration agreement and to the judgements rendered in disregard of an arbitration agreement. For a long time, there was no clear answer as to whether these judgements are subject to the rules on recognition and enforcement within the Brussels´ regime. Another problematic area which is analysed in this master´s thesis is the use of anti-suit injunctions within the EU. The main problem is seen in their conflict with the principle of mutual trust of the courts of Member States. Finally, the changes brought by the Brussels I Recast are considered and critically assessed.

Keywords: arbitration, Brussels´ jurisdictional regime, Brussels I Regulation, exclusion of arbitration