

Summary

Arbitration procedure within international business transactions

The purpose of this thesis is to analyze international commercial arbitration, both ad-hoc and institutional and institutional investment arbitration as the two types of arbitration procedure within international commercial transactions. The reason for my research is incessantly growing importance of arbitration as an alternative method for resolution of disputes arising out of commercial and investment relationships.

The thesis is composed of eight chapters, each of them dealing with different aspects of arbitration procedure within international business transactions. Chapter One is introductory and defines basic principles and characteristics of international commercial arbitration, including advantages and disadvantages of arbitration as an alternative dispute resolution method. Second half of this chapter focuses on description of regulatory framework of international commercial arbitration, classification of types of arbitration and introduces world's leading arbitration institutions.

The subject of second chapter is examination of arbitration agreement as a basic element of every arbitration procedure. Also the writing requirement of arbitration agreement as well as another issues connected with arbitration agreement received increased attention in this chapter.

Chapter Three illustrates relationship between state courts and arbitral tribunals, including description of types of possible court's intervention in each phase of arbitration procedure as well as judicial assistance for arbitration.

Chapter Four deals with arbitrators, their qualifications, methods of appointment of arbitrators and points out differences between arbitral tribunal consisted of three arbitrators and a choice of sole arbitrator considering advantages and disadvantages of each of these choices.

Chapter Five describes UNCITRAL Arbitration Rules as the most used arbitration rules in ad-hoc arbitration. This Chapter as well clarifies particular articles of the rules.

Chapter Six outlines the most significant differences between Czech arbitration law and UNCITRAL Model Law on International Commercial Arbitration.

Chapter Seven presents International Court of Arbitration of ICC, probably the world's most respected arbitration institution and provides brief characterization of ICC Arbitration Rules.

Last chapter introduces International Centre for Settlement of Investment Disputes (ICSID), points out differences between ICSID arbitration and common international commercial arbitration and provides a brief review of case Phoenix Action Ltd. vs. Czech Republic.

Klíčová slova:

Mezinárodní obchodní arbitráž

International Commercial Arbitration