Abstract

This thesis deals with legislation of international arbitration in Czech republic and Portugal. The choice of international arbitration and of these countries particularly as the object of the work has not been done coincidentally of course, the reason is, despite Czech republic and Portugal are countries with that do have a lot in common, e.g. their membership in European Union, similar economic power and current situation and relatively significant activity in international trade that the area of Portuguese legislation of international arbitration and of the whole system of law from the Czech view and vice versa remains still almost unexplored.

The choice of international arbitration was not random either. Such choice was made due to the fact that arbitration is probably the most significant way of out-of-court settlement of disputes in last years and decades with use still increasing. It offers parties a private settlement of litigation with easy enforceability of rendered arbitration award abroad, and foreing arbitration award at home.

Therefore, the objectives of this work were not solely to describe the present legislation of international arbitration but also to enable the reader to comprehend particular legal provisions correctly in a sense of their legal background. The work analyses the conceptions of international arbitration itself and construes the single elements of international arbitration, legal source of the area, the arbitration agreement, arbitrability of the dispute, forms of arbitration (insitutional arbitration and arbitration ad hoc), function of arbitrator, types of decision, acknowledgment and execution of arbitration award and possible appeal and remedies. For easier comprehension and orientation has this work been divided into five main chapters, the first one is devoted to introduction of international arbitration and general overview of the problematics, the second chapter deals with Czech legislation, the following one with the Portuguese legislation, legislation in common for both countries is a topic in the fourth chapter and the last (involving European legislation and foreign institutional arbitration centers), fifth main chapter deals with the comparison of acquired knowledge with a view de lege ferenda from the Czech perspective.

The thesis compiles not only national sources of law, which are, however, dealt in the thesis mainly, but international sources as well, as binding international treaties and conventions are direct source of law in both countries, Czech republic and Portugal.