

Resumé

Arbitration procedure in the Czech Republic

The purpose of my thesis is to analyse arbitration procedure (= arbitration) in the Czech Republic. The reason for my research was my interest in continuously growing number of arbitrations in the Czech Republic and a desire to clarify the causes of this increase.

The thesis is composed of twelve chapters, each of them is dealing with different aspects of arbitration procedure. Chapter One is introductory and briefly defines the structure of my thesis.

Chapter Two globally explores history and development of arbitration from ancient times till nowadays.

Chapter Three is subdivided into four parts and deals with basic characteristics of arbitration. Part One describes the term „arbitration“. Part Two examines relevant Czech legislation. Part Three called Legal nature of arbitration is subdivided into five subparts. First deals with Contractual theory, second with Jurisdictional theory, third with Mixed theory, fourth with Autonomous theory and last one explains Nature of arbitration with respect to adjudication of Czech Constitutional court. Part Four focuses on categories of arbitration procedure and compares them from the point of their advantages and disadvantages. Therefore this part consists of two subparts. Subpart One explains Institutional arbitration procedure and enumerate permanent courts of arbitration in the Czech Republic. Subpart Two describes arbitration „ad hoc“.

Chapter Four concentrates on advantages and disadvantages of arbitration procedure in comparison with judicial proceedings. Part One describes its advantages and Part Two looks at it's disadvantages contrary to classical judiciary.

Statutory prerequisites for arbitration are analyzed in Chapter Five in its parts Arbitrability and Arbitration contract. Second part has two subparts. First subpart is called Definition of arbitration contract and its types and second is called Requirements of arbitration contract.

Chapter Six is focused on Arbitrators. Therefore its parts explicate Requirements for an office of an arbitrator, Appointment of an arbitrator, Termination of an office of an arbitrator and Responsibility of an arbitrator.

Chapter Seven concerned with Beginning and course of an arbitration which corresponds to the division into two parts: Beginning of an arbitration and Course of an arbitration. Second part has one subpart which illustrates Procedural rules of arbitration.

Previous chapter leads us to Decisions in arbitration procedure which is a topic of Chapter Eight. This chapter describes in its two parts two types of decisions in arbitration – Resolution and Arbitration award. Part dealing with Arbitration award has two subparts. First refers to the possibility of Arbitration settlement and second describes Legal force and enforceability of an arbitration award.

Chapter Nine examines Involvement of general courts in arbitration procedure. This involvement has dual role - Auxiliary function and Supervisory function.

Chapter Ten focus on Recognition and enforcement of an Arbitration award, which is getting into legal force on delivery to the disputed parties and is enforceable at the same time.

Chapter Eleven is the most extensive chapter of my thesis. It is so because it deals with tricky topic of so called Arbitration centres, which are not regulated by law. This chapter is divided into three parts – Basic definition of arbitration centres; Role of arbitration centers in arbitration ad hoc and Situation in the Czech Republic with regard to Slovak legislation.

Conclusions are drawn in Chapter Twelve. I suggest that an amendment of Arbitration Act No. 216/1994 coll. of Laws, to protect consumers and a new legislation allowing the establishment of private permanent arbitration court should be passed. At the end of my thesis I stress that the fundamental protection of the rights and obligations is primarily guaranteed by the State through the judiciary.