

The text deals with some fundamental issues concerning arbitration clauses in consumer contracts and protection of consumers during arbitration proceedings. The purpose of the thesis is to analyse current regulation of this field in the Czech Republic and evaluate changes brought about by amendment of Act No. 216/1994 Coll., on Arbitration and Enforcement of Arbitral Awards, which have come into force on 1st April 2012.

The thesis is composed of five chapters. Chapter One is rather general and characterises major institutes of arbitration (with regard to disputes arising out of consumer contracts). Its eleven parts report on definition of arbitration and its forms, its inclusion among ADR mechanisms, reflections on suitability of arbitration in consumer disputes, its history and recent development, legal sources, basic principles, advantages and disadvantages in consumer disputes, main doctrines and fundamental conditions for arbitration (arbitrability and arbitration agreement).

Chapter Two focuses on so-called “arbitration centres“. The chapter consists of four parts. Part One describes their legal status. Part Two refers to recent discussions about admissibility of arbitration clauses recommended by centres. The next part seeks to draw attention to critical views of case law mentioned in the previous part.

Chapter Three is subdivided into four parts and provides information about arbitration clauses in consumer contract. Part One concentrates on their formal requirements. Part Two describes the impact of Directive 93/13/EC on unfair terms in consumer contracts, its transposition into national law and case law of European Court of Justice on consumer arbitration. Part Three presents the approach of the Constitutional Court. The last part of this chapter mentions a type of class action which represents collective means of consumer protection (injunction for the protection of consumers’ interests).

Chapter Four concentrates on protection of consumer in arbitration proceedings. First it illustrates requirements for arbitrators. The second Part deals with a question of substantive law applicable in arbitration. Part Three is focused on repeal of an arbitral award. Part Four is addressed to suspension of arbitral award enforcement. The last Part of this Chapter mentions transitional provisions of the amendment.

Conclusions are drawn in Chapter Five. The whole text shows that former consumer protection in arbitration was insufficient. For this reason the adoption of new legislation has

been necessary. I assume that the amendment is capable to strengthen consumer rights in arbitration adequately.