

Abstract

This rigorous work deals with the analysis of legal regulation of ad hoc and institutional international arbitration in the Czech Republic and Portugal. It processes individual elements of (international) arbitration, such as the dispute arbitrability, prerequisites of the arbitration agreement, the function of an arbitrator, arbitration proceedings, arbitration awards and their enforcement, as well as other facts relevant to the international arbitration.

The work also analyses the rules of arbitration of the permanent arbitration courts, which are in the Czech Republic and Portugal authorized to solve international disputes. In this context, it is worth noting that in terms of rules of arbitration of the Portuguese arbitration centres, these were from the Czech point of view almost unexplored areas. This was indeed one of the reasons for the choice of such subject.

The aim of this work is not to provide only a "rough" description, respectively to quote the relevant legal provisions, however to provide detailed analysis of problems where they could occur due to the ambiguous wording, non-constant or non-existing judicial decisions or from other reasons. Therefore, the goals of the work are to provide the reader a comprehensive view on ad hoc and institutional international arbitration in the Czech Republic and Portugal and allow him to understand the problematic in the whole context.

From the clarity reasons is the rigorous work divided into five main sections, dealing with the nature of arbitration in general, analysis of Czech legislation, analysis of the Portuguese legislation, an introduction to legislation in common and comparison of Czech and Portuguese regulations, including a chapter providing a view de lege ferenda from the Czech perspective.

In addition to the domestic legal regulation the work also handles with the international legal sources, i.e. with bilateral and multilateral international treaties and conventions whose are the Czech Republic and Portugal signatories.