

New trends in international commercial arbitration

Summary

This thesis deals with two new trends of international commercial arbitration that aim at accelerating its process, namely (1) expedited arbitration and (2) institute of emergency arbitrator, and their capacity to contribute to the speed up of its process. A comparison of current provisions of these trends in arbitration rules of selected permanent international arbitration institutions was used for their analyses.

The thesis is comprised of three chapters. In the first chapter, I present significant current trends that should contribute to the speed and higher effectiveness of the international commercial arbitration and identify potential pitfalls of these new trends. Consolidation of arbitration proceedings, electronic communication between the subjects of the proceedings, ethical rules, expedited arbitration and emergency arbitrator are introduced in this chapter.

The second chapter further pursues the concept of expedited arbitration. It consists of two parts. The first section provides an analysis of the provisions of expedited arbitration within the arbitration rules of selected permanent international arbitration institutions that are China International Economic and Trade Arbitration Commission, Vienna International Arbitral Centre of the Austrian Federal Economic Chamber, the Arbitration Institute of the Stockholm Chamber of Commerce, International Centre for Dispute Resolution of the American Arbitration Association, Japan Commercial Arbitration Association, Swiss Chambers' Arbitration Institution. This section also identifies the shortcomings of these provisions. The second section of this chapter closely focuses on the identified shortcomings of the provisions of the above-mentioned permanent international arbitration institutions and their impact on the usefulness of accelerated procedure in the context of the improvement of efficiency and speed of arbitration. The identified shortcomings are a limited application of the expedited arbitration, the method of appointment of the arbitrator, the time for establishment of an arbitrator and the requirement for cooperation of the involved parties.

The third chapter is focused on the new institute of emergency arbitrator. It is divided into two subchapters. The first subchapter analyses the current provisions of the permanent international arbitration institutions that are the International Court of Arbitration of the International Chamber of Commerce in Paris, the International Centre

for Dispute Resolution of the American Arbitration Association, the Arbitration Institute of the Stockholm Chamber of Commerce, the Singapore International Arbitration Centre, the Hong Kong International Arbitration Centre, the London Court of International Arbitration, the Belgian Centre for Arbitration and Mediation, the Arbitration Institute of the Stockholm Chamber of Commerce and the Australian Conciliation and Arbitration Commission. The subchapter also identifies the shortfalls of these provisions. The second subchapter examines these shortfalls closer in view of the purpose of the institute of emergency arbitrator in relation to the acceleration and increase of effectiveness of international commercial arbitration.

The representative shortfalls are the inadmissibility of *ex parte* decisions, the setting of deadlines in the proceedings before the emergency arbitrator, the determination of standards for admissibility of the application for interim measures of the emergency arbitrator, the national and cross-border enforcement of the emergency arbitrator's decision.

The work is then ended with a conclusion evaluating both trends together, their current state and possible future development.

Key words:

Arbitration

Emergency arbitrator

Expedited arbitration