

## **Abstract**

### **Arbitration proceeding in Czech and Slovak Republic**

The topic of this thesis is arbitration proceeding in Czech and Slovak Republic. If the part of introduction and conclusion is not included, the thesis is divided into eight main chapters which are further systematically divided into other subchapters.

In the first chapter dedicated to the concept and characteristics of arbitration the author focuses on sources and - with regard to the title of this work - the greatest attention is paid to the Contract concluded between Czech and Slovak Republic on legal cooperation. Furthermore the deal of this part is a relation between arbitration and civil proceeding and alternative dispute resolution. This chapter describes - among other issues - the types of arbitration, namely deals with the severance onto ad hoc and institutional arbitration, including comparison with Slovak law.

In the following chapter the author deals with the advantages and disadvantages of arbitration but with the difference that he deals with these examples more broadly considering that individual attributes may not always be perceived in black and white, ie. it may not always be an advantage but should be viewed more comprehensively.

Chapter Three is dedicated to arbitrability (both in Czech and Slovak legislation) as a key institute that sets out which disputes can be dealt within the arbitration proceeding with an emphasis on how the issue of certain issues has changed over time and how it is still changing especially in the light of the evolution of decision-making practice of the courts.

The content of the fourth chapter is an arbitration agreement especially the possibilities and ways in which it can be concluded when it is possible to object to its invalidity or non-existence both in the Czech and Slovak Republic. This chapter also includes a discussion of whether the arbitration agreement is binding on the legal successors of the parties as regards for example in the case of assignment the claim. The subchapter describes the forms of arbitration decisions and their attributes in particular with regard to the nature of the resolution - which may for example - include a statement on the reimbursement of costs.

The following chapter explains the issue of the petition for annulment of an arbitration judgment by a court and deals with the possibilities of defending a debtor against an invalid arbitration judgment. Particular consideration is given to the fact that - as a result of decision-making practice of the courts - the institute of annulment of an arbitral judgment by a court has recently become the subject of enforcement proceeding and the defense of the debtor is crucial in enforcement proceeding despite the fact that the Arbitration Act consists its own legislation.

The content of the sixth chapter is the Czech legal regulation of arbitration with the main part devoted to the amendments to the Arbitration Act which - in the author's opinion - are important for understanding the particular institutes. Through these amendments it is possible to observe how the interpretation of the individual provisions has evolved and changed over time. The greatest attention is devoted to the great amendment to the Arbitration Proceeding Act conducted in 2012 including the analysis of the reasons behind this amendment and the solution to the situation. Attention is also paid to the annulment amendment adopted in 2016 which excludes consumer disputes from the scope of the Arbitration Act.

Chapter seven deals with the issue of arbitration law in the Slovak Republic. The structure of this chapter is similar to that of the previous chapter, with particular attention being paid to the development of the legislation of permanent arbitration courts. In this chapter, the author of the thesis also compares individual institutes of Czech and Slovak law. Part of this chapter is also a treatise on consumer arbitration, given that since January 2015, consumer disputes in the territory of the Slovak Republic can only be decided under a special law regulating consumer arbitration separately and which also includes a special regulation. Especially the method of comparison of a special law dealing with consumer arbitration with the general arbitration law is chosen. At the end of this chapter, the author points out the absence of archiving in the Slovak legislation.

The eighth chapter develops the main parts of the thesis (the sixth and the seventh chapter) and deals with the influence of decision-making practice of the courts on the evolution of arbitration within the Czech and Slovak Republic as the courts are the subjects that interpret the individual provisions of the law and their decision-making practice is crucial in relation to the arbitration proceeding. The greatest attention is paid to the issue of the appointment of an

arbitrator and the economic (in)dependence of an arbitrator, both in Czech and Slovak Republic.

**Keywords: Arbitration proceeding, Arbitrators, Arbitration agreement**