

Recognition and execution of foreign arbitral awards

Abstract

This thesis deals with the issue of recognition and performance of foreign arbitral awards in the field of private international law. The aim of the thesis is to clarify the distinction between recognition and performance and to focus on the issue of enforceability in judicial and enforcement proceedings. The thesis is divided into four chapters describing individual elements of arbitration and recognition and enforcement of arbitral awards. In the first chapter I deal with the arbitration, which is a prerequisite for the arbitral award. The second chapter defines the arbitral award itself, its particulars, types, and the procedure for its abolition. In the third chapter I dealt with the most important sources in the field of foreign arbitral awards and the last chapter is the most comprehensive. It contains a process of recognition and execution, including denial under the New York Convention, the current issue of the decision-making practice of the Supreme court of the Czech Republic, as well as recognition and enforcement in the territory of Switzerland. At the end of the thesis the Swiss and Czech legal regulations of the arbitration proceedings are compared, the amendment of the rules of arbitration of the International Chamber of Commerce, which came into force on 1 March 2017 is briefly summarized and the reasons for the growing trend of arbitration are highlighted.

Key words

arbitral award, international element, arbitration, recognition and enforcement