

Abstract

The thesis is divided into nine chapters, each of them dealing with different aspects of arbitration. Arbitration is being defined as a legal technique for the resolution of disputes outside the courts, wherein the parties to a dispute refer it to one or more persons (the arbitrators, or arbitral tribunal), by whose decision (the award) they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.

Arbitration in the Czech Republic is governed by the Act No. 216/1994 Coll., on Arbitration Proceedings and Enforcement of Arbitration Awards, as amended (hereinafter referred to as the "APA"), that is largely based on the same principles as the UNCITRAL model law. The APA applies to both domestic and international arbitrations taking place in the area of the Czech Republic. Pursuant to the APA an arbitral award may only be reviewed by other arbitrators if the parties have provided for such an option in the arbitration agreement. Where there are serious legal defects, the APA allows parties to seek a court decision whereby such a defective award will be set aside.

In the Czech Republic parties may choose to have their matter heard and resolved either before an institutional (permanent) arbitration court or before an ad hoc appointed arbitrator(s). A permanent arbitration court can only be established by an act. The following permanent arbitration courts currently operate in the Czech Republic: The Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic, the Exchange Court of Arbitration at the Prague Stock Exchange and the Arbitration Court of the Commodity Exchange Market Kladno.

In my thesis, a detailed analysis of arbitration proceedings based on comparison of proceedings before the most important Czech arbitration institution, the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agricultural Chamber of the Czech Republic, and one of the world most prestigious arbitration courts, the International Arbitration Court of the Economic Chamber of Austria, is provided.