

Current issues of recognition and enforcement of foreign arbitral awards in comparative practice

Abstract

This thesis deals with current issues of recognition and enforcement of foreign arbitral awards in the Czech legal system, the recent case law of both Czech and foreign courts, and legislative development in this area. In particular, it examines the possibilities of enforcement of foreign arbitral awards in the Czech Republic. Moreover, it compares the Czech legal regulation and the legal regulation of recognition and enforcement of foreign arbitral awards of the Federal Republic of Germany.

The first chapter provides general characteristics of arbitration and enforcement proceedings, institutes of recognition and enforcement of arbitral awards, and presents relevant international and national legal sources of recognition and enforcement of foreign arbitral awards.

The second chapter deals with the legal regulation of recognition and enforcement of foreign arbitral awards under Czech law. Besides the description of procedural legal rules, it contains an analysis of relevant national case law, especially in relation to the possibilities of enforcement of foreign arbitral awards before Czech courts and other enforcement authorities. It is further followed by an analysis of the most important conclusions of the case law and the legal state effective until 31 December 2021, in particular with regard to their compliance with the New York Convention.

The third chapter focuses on the amendment of the Act on Private International Law and the Code of Enforcement Procedure and other changes related to the process of recognition and enforcement of foreign arbitral awards as of 1 January 2022. It describes the advantages and disadvantages of the currently valid and effective Czech legal regulation of recognition and enforcement of foreign arbitral awards. Among others, it contains an analysis of the institute of decision on recognition and its compliance with international treaties, the Czech Republic is bound by.

The last chapter contains a description of the legal regulation of recognition and enforcement of foreign arbitral awards of the Federal Republic of Germany, including basic characteristics of German arbitration and enforcement proceedings, and specifies relevant legal sources. It further analyses and compares the German legal regulation and the valid and effective legal regulation of the Czech Republic.