

Resumé

The theme of this thesis is **Arbitration in the Czech Republic**. I focus on the current regulation contained in the Act No. 216/1994 Coll., on arbitration and enforcement of arbitral awards. Arbitration is one of alternative dispute resolutions for and for which is typical extrajudicial proceeding with exclusion of the judicial authority. However is the subject of this thesis extensive and not all aspect of arbitration can be embraced; my goal is to try to give a complete look into arbitrations, which has become more often used method of resolution of property disputes.

This thesis is divided into twelve main chapters, which are then systematically subdivided. The first chapter of these theses will try to define a term, types and a concept of arbitration in the Czech Republic with regard to the theoretical (contractual, jurisdictional, mixed and autonomous) doctrines. The second main chapter is dedicated to arbitral agreement. I try to recognize two basic types of it, arbitration clause which is closed in the cases of any disputes from legal relationship between parties arising in the future and post-dispute arbitration agreement, which is, on the other hand, closed about disputes which have already arisen. Then I focus on the fundamental terms of the arbitration agreement, form of arbitration agreement and finally on its conclusion. I deal with arbitrability with respect to decided cases. Third part is focused on a comparison between arbitration proceeding ad hoc and proceeding before permanent arbitral institutions. You can find there also a chapter about arbitral centres. Next main part of this thesis is constituted by treatise on arbitrator. I try to analyse who can be an arbitrator, which prerequisites for acting as an arbitrator has he fulfil (citizenship of the Czech Republic, legal age, clean criminal record and legal capacity). In this chapter I try to define from my point of view differences between selection and appointment of arbitrators by parties of dispute or by court. Furthermore, I explain in which situation can happen that the arbitrators would be disqualified.

Then I concentrate on the arbitration proceeding. Next chapters offer information about principles of arbitrations proceeding (like equality of the parties), commencement of the proceedings, decisions on jurisdiction and plea of lack of jurisdiction and about procedure. It can't be omitted that the parties of dispute can conclude a agreement about procedure in which they can determine conditions of all proceeding (for example, the proceeding shall be oral, unless the parties agree otherwise). For some reason I consider taking of evidence very

interesting, especially the part in which I explain and think about hearing witnesses. The arbitrator is entitled to hear witness only if he voluntarily appear and provide his testimony. In consideration of any criminal sanction for untrue testimony I think this testimony shall not have big probative value.

Finally, I try to cover about termination of the proceeding. The proceeding is terminated at the moment when the arbitral award becomes final and conclusive and in cases which no arbitral award is made is proceeding terminated by reception of the resolution. This brings me to the comparison of arbitral award and resolution. The next part of my thesis then deals with annulment of arbitral award by court. Also in this chapter I try to explain reasons of annulment and consequences of annulment according to the Act No. 216/1994 Coll., . After that I try to expound the problems which arise by enforcement of arbitral awards. In conclusion, I try to emphasize contrast between disputes arisen from non-consumer contracts and consumer contracts. Furthermore, I introduce briefly online arbitration proceeding and proceeding taking place before committee of association.

As I said, my thesis try to introduce arbitration and analyse institutes associated to it. The information compiled for this thesis based only on scientific and educational literature in the field of jurisprudence, and not the least bit from laws in force in the Czech Republic institutes associated to it.