

ARBITRATION LAW AND PRACTICE IN THE CZECH REPUBLIC (WITH REGARD TO THE ARBITRATION LAW IN SLOVAKIA) CZECH REPUBLIC

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Professor Dr. (iur.) et Mag., Ing. Oec. Alexander J. Bělohávek, Dr. h.c. a famous professional in the field of law, an author of nearly 300 academic articles in the areas of international private (conflict of laws), procedural, commercial, and financial law, as well as many monographs, whose works have been published in several European languages, wrote a new monograph in 2009 “Arbitration Law and Practice in the Czech Republic (with Regard to the Arbitration Law in Slovakia)”¹. The book has been written in seven languages: English, German, French, Spanish, Polish, Russian and Ukraine.

The monograph also includes Slovak arbitration laws that are similar to the Czech counterparts and so are helpful in understanding Czech arbitration law. Slovak law is relevant given the legal history common to the Slovak and Czech Republics (the language of the Slovak Act On Arbitral Proceedings is cited in each provision of the Czech Act On Arbitral Proceedings and On Execution of Arbitral Awards of 1994). However, there are many important differences between Slovak and Czech law; Slovak law copies the UNCITRAL Model law, Czech arbitration law does not copy it, but is fully compatible with it.

In the first part of the treatise the author introduces a historical background of the Czech law and of Arbitration within the Czech law including a tradition of Arbitration in the Czech Republic, relationship between the Czech rules of Legis Arbitri and UNCITRAL Model Law and enforceability of Arbitral Awards without Exequatur Proceedings.

Arbitral proceedings are very popular means for resolving civil disputes in the Czech Republic. The Czech Republic has a rather long tradition of arbitral proceedings; however, for historic reasons, the use of arbitral proceedings to resolve civil disputes only came into widespread use and knowledge in the last few years. The use of arbitral proceedings expanded on January 1, 1995, when Act No. 216/1994 Coll., On Arbitral Proceedings and On Execution of Arbitral Awards, as subsequently amended, made it possible to resolve non-international trade disputes through arbitral proceedings. The second part of the introduction is formed by presentation of the approach and the structure of the treatise: the purpose is to inform on the basic laws on arbitration in the Czech Republic (Czech

legis arbitri) with being aimed at those who do not speak Czech. The structure of the treatise - its main part is based on the Act No. 216/1994 Coll., Czech Act On Arbitral Proceedings and On Execution of Arbitral Awards including other relevant Czech laws and commentaries to the parts of the Act including the Czech laws related to the sections and analogical laws as for the Slovak legislation.

The main part of the monograph finishes with the chapter Rules of the Arbitration Court Attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic. The author presents international disputes, consolidated text as of 1 February 2007 including Principles Governing the Costs of Arbitral Proceedings, including on-line proceedings. Especially useful we consider a part “Overview of some investment disputes involving the Czech Republic” with references to the cases can be found.

The last part of the monograph “Literature on Arbitration in the Czech and Slovak Republics” is well-arranged and thoroughly divided into the sections according to criteria: monographs and contributions to periodicals and symposiums published in the Czech and Slovak Republics, monographs and contributions to periodicals and symposiums published outside the Czech and Slovak Republics, public and literature available in electronic format, and electronic address book – available in the English version only.

The very positive feature of the reviewed monograph what makes it more easily understandable and clear is the list of abbreviations especially useful in a case of writing the monograph in so many foreign languages to keep a purity and culture of the certain legal language; yet, divided into eight compact parts: European Community Regulations, Treaties, and Laws of the Czech Republic, Slovak Republic, and other countries; Czech and Slovak Primary and Secondary Sources; Sources in Citations; State institutions, International Institutions, International Non-Governmental Organizations, and Professional Organizations; Arbitral Tribunals and Professional Arbitration Associations; Countries; Miscellaneous and the last part – Most cited sources.

This unusual professionally elaborated piece, not only because of its extreme extent, high quality of elaboration, international format, but also because of its erudite approach to the topic we can consider an extreme contribution to the scientific works which have ever been published. Professor Bělohávek has taken advantage of his fruitful duties from academic and professional activities and presented the monograph which deals with Czech Arbitration Law.

¹ Prof. Dr. Alexander J. Bělohávek: Arbitration law and practice in the Czech Republic (with Regard to the Arbitration Law in Slovakia) Czech Republic, Prague: Linde, 2009 3136 pgs, First edition ISBN 978-80-7201-776-8.