



# Arbitration agreement

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## Essential elements of Arbitration agreement

- Parties to a contract
- Scope of agreement
- Declaration of will of the parties
- Transfer of competency to solve dispute
- Specification of arbitrator
- Relation with main contract

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## Recommended elements of arbitration agreement

- Number of arbitrators
- Language of arbitration
- Place of arbitration

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## Optional elements of arbitration agreement

- Instance of appeal
- Limitation of duration of the dispute proceedings

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Content conditional on legal order

- Disposition with procedural rules
- Disposition with possible invalidation of arbitration award
- Obligation to satisfy arbitration award voluntary
- Choice of substantive law

# Legal effects of Arbitration agreement



- Parties to a contract have to go in for arbitration
- Disputes arising from the contract are out of jurisdiction of state courthouse
- Used rules of procedure are determined by the arbitration court or by arbitration agreement
- Disputes can be decided under rules of equity

# Types of arbitration agreement



- Arbitration agreement
  - Arbitration agreement Ad Hoc
  - Institutional arbitration agreement
- Agreement on arbitration – amendment of procedural rules
- Arbitrator contract – contract between parties and arbitrator
- Submission agreement
- Arbitration clause

# May be arbitration agreement concluded in oral form?



- From the view of the czech law
- From the view of the New York convention on the recognition and enforcement of foreign arbitral awards
- From the view of the European convention on international commercial arbitration