

**Text of the Act [Czech Republic] No. 216/1994 Coll., on Arbitration and Enforcement of  
Arbitral Awards, as amended**

**Part One**

**Section 1 [Scope of the Act; independence and impartiality]**

This Act sets forth rules regulating

- (a) resolution of property disputes by independent and impartial arbitrators,
- (b) resolution of disputes arising from the administration of an association by an arbitration commission of the association in line with the provisions of the Civil Code<sup>7</sup>, and the
- (c) enforcement of arbitral awards.

**Section 2**

**[Arbitrability; arbitration agreement]**

- (1) The parties are free to agree that their property disputes, with the exception of disputes arising from contracts entered into between a consumer and a professional, disputes arising from the enforcement of decisions and incidental disputes, which would otherwise fall within the jurisdiction of the courts, or which are subject to arbitration under special laws, shall be decided by one or more arbitrators or by a permanent arbitral institution (arbitration agreement).
- (2) The arbitration agreement will be valid if the law allows the parties to resolve the subject matter of their dispute by settlement.<sup>1</sup>
- (3) The arbitration agreement may apply to
  - (a) an individual dispute which has already arisen (post-dispute arbitration agreement), or
  - (b) all disputes which would arise in the future under a defined legal relationship or under a defined category of legal relationships (arbitration clause).
- (4) Unless the arbitration agreement stipulates otherwise, it governs both the rights directly arising from the legal relationships and the issue of legal validity of these legal relationships, as well as any rights associated with the aforementioned rights.
- (5) The arbitration agreement is also binding on the legal successors to the parties, unless explicitly excluded by the parties in their agreement.

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<sup>1</sup> Section 99 of the Code of Civil Procedure.

<sup>7</sup> Section 265 of the Civil Code.

### **Section 3**

#### **[Form, terms, and conclusion of an arbitration agreement]**

(1) The arbitration agreement must be executed in writing; otherwise it is invalid. The arbitration agreement is also considered executed in writing if it is negotiated by telegraph, fax or any electronic means which provide a record of the terms of the agreement and the identification of the individuals or entities who concluded the arbitration agreement.

(2) However, if the arbitration clause is incorporated in the terms and conditions governing the main contract to which the arbitration clause applies, the arbitration clause is also considered validly negotiated if a written offer of the main contract with the arbitration clause was accepted by the other party in any manner clearly indicating the latter party's consent with the terms of the arbitration agreement.

### **Part Two**

### **Arbitrators**

#### **Section 4**

##### **[Eligibility to act as an arbitrator]**

(1) Any citizen of the Czech Republic who is of legal age, has a clean criminal record and has legal capacity can act as an arbitrator unless a special law<sup>2</sup> stipulates otherwise.

(2) In order to meet the requirement of a clean criminal record under subsection (1), the person must have no previous final and conclusive conviction for a criminal offence unless the person's criminal record is expunged and the person is deemed never to have been convicted.

#### **Section 5**

##### **[Acceptance of office; resignation]**

(1) Nobody is obliged to accept the office of arbitrator. Once the office is accepted, though, the arbitrator is obliged to carry out his or her duties in compliance with this Act and other laws and regulations.

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<sup>2</sup> For instance Section 52(4) of Act No. 335/1991 Coll., on Courts and Judges, as subsequently amended, Section 4(3) of Act No. 182/1993 Coll., on Constitutional Court.

(2) Arbitrators must accept their office in writing.

(3) The arbitrator may resign from his or her office only out of serious reasons or with the consent of the parties.

## **Section 6**

### **[Obligation of confidentiality]**

(1) Arbitrators are bound to maintain the confidentiality of any circumstances they have learnt of in connection with their office of arbitrator, unless they are released from the duty of confidentiality.

(2) Arbitrators may be released from confidentiality by the parties. If the parties do not release the arbitrator from confidentiality, the decision on the release for serious reasons shall be made by the Chairman of the District Court with jurisdiction over the district in which the arbitrator has his or her permanent residence. If the arbitrator does not have his or her permanent residence in the territory of the Czech Republic or if the arbitrator's residence cannot be established, the decision on the release from confidentiality shall be made by the Chairman of the District Court with jurisdiction over the district in which the arbitral award was made. If the place where the arbitral award was made cannot be established or if the award was not made in the Czech Republic, the decision shall be made by the Chairman of the District Court for Prague 1.

## **Selection, appointment of, and challenge to arbitrators**

### **Section 7**

#### **[Selection of arbitrators]**

(1) The arbitration agreement should, as a rule, determine the number of arbitrators and their identity, or stipulate the method whereby the number and the identity of the arbitrators shall be determined. The arbitrator may also be selected by a person agreed upon by the parties or following a method of appointment specified in the rules on arbitration pursuant to Section 19(4). The final number of arbitrators must always be odd.

(2) If the arbitration agreement lacks the determination pursuant to subsection (1), each party shall appoint one arbitrator and these arbitrators shall elect the chairman of the panel.

## **Section 8**

### **[Lack of bias]**

- (1) The arbitrator is disqualified from hearing and resolving the case if his or her connection to the case, the parties, or their representatives gives rise to doubts about his or her lack of bias.
- (2) The candidate who is to be selected or appointed arbitrator or who was selected or appointed arbitrator must notify the parties or the court without delay of any and all circumstances which could give rise to legitimate doubts regarding the candidate's lack of bias and which would disqualify the candidate as arbitrator.

## **Section 9**

### **[Appointment of arbitrator by court]**

- (1) If the party who is obliged to appoint an arbitrator fails to do so within 30 days of the other party's request or if the appointed arbitrators cannot agree on the chairman of the panel within the same time period, the arbitrator or the chairman of the panel shall be appointed by the court, unless the parties have agreed otherwise. The motion can be lodged with the court by any of the parties or any of the already appointed arbitrators.
- (2) Unless the parties have agreed otherwise, the court shall appoint a new arbitrator at the request submitted by any of the parties or arbitrators if the appointed arbitrator resigns from office or is incapable of acting as arbitrator.

## **Section 10**

### **[Requirements for the appointment of arbitrator by the court]**

- (1) When appointing the arbitrator or the chairman of the panel pursuant to Section 9, the court takes into consideration the prerequisites for his or her independent and impartial decision making.
- (2) Section 5 applies by analogy.

## **Section 11**

### **[Challenge to arbitrator]**

Unless this Act stipulates other reasons, the selected or appointed arbitrator is disqualified from a case if it later turns out that there are any of the circumstances specified in Section 8.

## **Section 12**

### **[Additional circumstances, challenge procedure]**

- (1) The selected or appointed arbitrator with respect to whom the circumstances stipulated in Section 11 have transpired is obliged to resign from the office of arbitrator.
- (2) If the arbitrator fails to resign, the parties are free to agree on the challenge procedure. Any of the parties may lodge a motion petitioning the court to rule on the challenge.

## **Section 13**

### **[Permanent arbitral institutions]**

- (1) Permanent arbitral institutions may only be established by another law or only if another law expressly allows their establishment.
- (2) Permanent arbitral institutions can issue their own statutes and rules which must be published in the Business Journal<sup>3</sup>; these statutes and rules may determine the method of appointment and the number of arbitrators and may stipulate that the arbitrators shall be selected from a list administered by the permanent arbitral institution. The statutes and rules may also determine how the arbitrators shall conduct the proceedings and render their decisions, as well as resolve other issues connected with the activities of the permanent arbitral institution and the arbitrators, including rules regulating the costs of proceedings and fees for the arbitrators.
- (3) If the parties agreed on the jurisdiction of a particular permanent arbitral institution and failed to agree otherwise in the arbitration agreement, they shall be deemed to have submitted to the regulations specified in subsection (2), as applicable on the day of commencement of the proceedings in the permanent arbitral institution.
- (4) No entity may carry out its activities using a name which evokes a misleading impression that the entity is a permanent arbitral institution under this law unless a different law or regulation or an international agreement integrated in the legal system authorizes the entity to use the name.

## **Part Three**

### **Arbitral proceedings**

## **Section 14**

### **[Commencement of the proceedings]**

- (1) The arbitral proceedings commence with a request for arbitration (statement of claim), on the day the request for arbitration (statement of claim) is received by the permanent arbitral

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<sup>3</sup> Regulation of the Cabinet of the CSFR No. 63/1992 Coll., on Business Journal.

institution or by the arbitrator specified in subsection (2). Filing of the request for arbitration (statement of claim) has the same legal effects as if a lawsuit regarding the case were lodged with a court.

(2) Unless the request for arbitration (statement of claim) is lodged with a permanent arbitral institution, it shall be submitted to the chairman of the panel, if he or she has already been selected or appointed; if the chairman of the panel has not been selected or appointed yet, the request for arbitration (statement of claim) shall be submitted to any of the selected or appointed arbitrators.

(3) The permanent arbitral institution and the arbitrator specified in subsection (2) are obliged to stamp the request for arbitration (statement of claim) with the date of receipt.

## **Section 15**

### **[Decisions on jurisdiction, plea of lack of jurisdiction]**

(1) Arbitrators are entitled to examine their jurisdiction. If they conclude that the arbitration agreement presented to them does not give them jurisdiction to resolve the dispute, they render a corresponding resolution.

(2) The plea of a lack of jurisdiction, based on the non-existence, invalidity or expiration of the arbitration agreement, can only be raised by a party before or together with the first act in the proceedings concerning the merits of the case, unless the invalidity is caused by the fact that no arbitration agreement could have been concluded with respect to the contract.

## **Section 16**

### **[Effects of a request for arbitration (statement of claim) in case of lack of jurisdiction]**

(1) If the party files its claim with arbitrators before the expiration of the period of limitation or the prescription period and if the arbitrators decide that they lack jurisdiction in the case, and the party again lodges a lawsuit with the court, competent arbitrators or arbitration court, or with another competent authority within 30 days of receipt of the decision on lack of jurisdiction, the effects of the lodged request for arbitration (statement of claim) are preserved.

(2) The effects of the lodged request for arbitration (statement of claim) are preserved also if the party files a lawsuit or a motion to continue the proceedings with the competent arbitrators or permanent arbitral institution or with another competent authority within 30 days after the moment the court decision that annuls the arbitral award becomes final and conclusive.

## **Section 17**

### **[Seat of arbitration]**

The arbitration is held in the place agreed by the parties. In the absence of such determination, the arbitration is held in a place determined by the arbitrators having regard to the legitimate interests of the parties.

## **Section 18**

### **[Equality of the parties]**

The parties have an equal standing in the arbitral proceedings and must be provided with a full opportunity to assert their rights.

## **Section 19**

### **[Procedure]**

(1) The parties are free to agree on the procedure to be followed by the arbitrators in conducting the proceedings. Matters regarding the conduct of the proceedings may be resolved by the chairman of the panel providing he or she was authorized to do so by the parties or by all arbitrators.

(2) In the absence of an agreement pursuant to subsection (1) or in the absence of a determination of the procedure pursuant to subsection (4), the arbitrators shall conduct the proceedings in such manner as they consider appropriate. They conduct the arbitral proceedings in such manner that the facts of the case necessary for the resolution of the dispute are sufficiently ascertained, without any unnecessary formalities and while giving all parties equal opportunity to plead their case.

(3) Unless the parties agree otherwise, the arbitral proceedings shall be oral. The proceedings are always conducted with the exclusion of the public.

(4) The parties may also determine the procedure to be followed in the rules on arbitration, providing the rules are enclosed with the arbitration agreement. This provision shall not prejudice the application of rules adopted by a permanent arbitral institution.

## **Section 19a**

### **[Service of documents]**

Arbitrator shall serve documents to the data box; in case this method of service is impossible, the documents shall be served by electronic means to an electronic address that the recipient submitted to the arbitrator or designated in the arbitration agreement. If the documents cannot be delivered by electronic means, the arbitrator shall serve the documents to the post address that the recipient submitted to the arbitrator or designated in the arbitration agreement.

## **Section 20**

### **[Taking of evidence; procedural acts]**

(1) The arbitrators are entitled to hear witnesses, experts, and the parties only if they voluntarily appear and provide their testimony. Other evidence can also be examined only if submitted to the arbitrators.

(2) Procedural acts which the arbitrators cannot perform themselves shall be performed by a court on request; the court is obliged to comply with the request unless the procedural act is prohibited under the law. In doing so, the court shall make any and all decisions necessary to perform the request.

(3) The costs incurred by the court in performing the procedural acts under subsection (2) shall be reimbursed to the court by a permanent arbitral institution or by the arbitrators.

## **Section 21**

### **[Additional acts of the parties]**

If any of the parties, due to no fault of its own, has failed to attend the proceedings or any part thereof until the drafting of the arbitral award or if any of the parties, due to no fault of its own, has failed to perform any act necessary to assert its right, the arbitrators shall, if requested, adopt reasonable measures allowing the party to make up for the deficiency.

## **Section 22**

### **[Interim measures]**

If it transpires before the commencement of or during the arbitral proceedings that the enforcement of the arbitral award could be jeopardized, the court may, at the request of any party, order an interim measure.

## **Section 23**

### **[Termination of the proceedings, arbitral award, resolution]**

The arbitral proceedings are terminated:

- (a) At the moment the arbitral award becomes final and conclusive, or
- (b) Upon the receipt of a resolution in cases in which no arbitral award is made; the resolution must be signed, must contain reasons, and must be delivered (served) as an arbitral award; if the request for arbitration (statement of claim) lodged with a permanent arbitral institution is withdrawn before the arbitral panel is established or before the arbitrator is appointed, the resolution on termination of the proceedings is made and signed by the chairman of the permanent arbitral institution.



## **Section 24**

### **[Settlement of the dispute]**

- (1) Arbitrators shall try to persuade the parties to agree on an amicable settlement of the dispute in the course of the arbitral proceedings.
- (2) If requested by the parties, the settlement may be concluded in the form of an arbitral award.

## **Section 25**

### **[Making the arbitral award and reasons]**

- (1) The arbitral award must be adopted by the majority of the arbitrators, must be made in writing and signed by at least the majority of the arbitrators. The operative part of the arbitral award must be clear and unambiguous.
- (2) The arbitral award must contain reasons, unless the parties have agreed to dispense with reasons; this also applies to any arbitral award rendered pursuant to Section 24(2).
- (3) When making the award, the arbitrators apply the substantive law applicable to the dispute; they may, however, resolve the dispute according to the rules of equity, but only if the parties have explicitly authorized them to do so.

## **Section 26**

### **[Correction of errors in an arbitral award]**

The arbitrators or the permanent arbitral institution are obliged to correct any clerical and typographical errors or any errors in computation or any other manifest errors in the arbitral award any time at the request of any party. Such a correction must be approved, signed, and served like an arbitral award.

## **Section 27**

### **[Review of an arbitral award]**

The parties are free to agree in their arbitration agreement that the arbitral award may be subject to review by other arbitrators at the request of either party or both parties. Unless the arbitration agreement stipulates otherwise, the motion for review must be sent to the other party no later than 30 days of receipt of the arbitral award by the party requesting the review. Review of the arbitral award constitutes part of the arbitral proceedings and is subject to the provisions of this Act.

## **Section 28**

### **[Legal force and effect, enforceability]**

- (1) The arbitral award executed in writing must be served on the parties and, having been duly served, stamped with the confirmation of legal force and effect.
- (2) If the arbitral award cannot be subject to review pursuant to Section 27 or if the time limit for filing the motion for review pursuant to Section 27 has expired without the motion having been lodged, the award has the effects of a final and conclusive court judgment and is enforceable by courts upon receipt.

## **Section 29**

### **[Deposition of the award and other documents]**

- (1) Permanent arbitral institutions are obliged to archive arbitral awards stamped with the confirmation of legal force and effect as well as any and all documents evidencing the course of the arbitral proceedings for a period of 20 years of the day the award becomes final and conclusive.
- (2) Within 30 days of the day the arbitral award becomes final and conclusive, the arbitrators are obliged to deposit the arbitral award stamped with the confirmation of legal force and effect as well as any and all documents evidencing the course of the arbitral proceedings with a district court which has jurisdiction over the district in which the arbitral award was issued; if the arbitral award was issued outside the territory of the Czech Republic, it shall not be deposited with a court.
- (3) The parties are free to study the documents specified in subsections (1) and (2) and make any excerpts from or copies thereof.

## **Section 30**

### **[Application of the Code of Civil Procedure]**

Unless the Act stipulates otherwise, the arbitral proceedings shall be reasonably governed by the provisions of the Code of Civil Procedure.

## **Part Four**

### **Annulment of arbitral award by court and termination of pending enforcement proceedings**

## **Section 31**

### **[Annulment of arbitral award by court]**

At the request of any party, the court annuls the arbitral award if:

- (a) It was made in a case that cannot be submitted to arbitration (cannot be the subject of a valid arbitration agreement);
- (b) The arbitration agreement is invalid for other reasons, or the agreement was cancelled or does not apply to the agreed case;
- (c) The arbitrator(s) who took part in the proceedings was/were not authorized to make decisions in the case, whether under the arbitration agreement or otherwise, or lacked the capacity to act as arbitrator(s);
- (d) The arbitral award was not adopted by the majority of the arbitrators;
- (e) A party was denied the opportunity to plead their case in the arbitral proceedings;
- (f) The arbitral award orders a party to provide performance that was not requested by the obligee or to provide performance that is impossible or illegal under domestic law;
- (g) It transpires that there are reasons which would otherwise justify the reopening of civil proceedings in court<sup>4</sup>.

### **Section 32**

#### **[Time limit for submitting a motion to annul an arbitral award]**

- (1) The motion to annul an arbitral award must be lodged with the court within three months following the receipt of the arbitral award by the party requesting the annulment of the award, unless this Act stipulates otherwise.
- (2) The motion pursuant to subsection (1) does not suspend the enforceability of the arbitral award. If requested by the obligor, however, the court may suspend the enforceability of the arbitral award in case an immediate enforcement of the arbitral award could cause serious harm or in case the motion to annul the arbitral award justifies the conclusion that the motion is legitimate.

### **Section 33**

#### **[Dismissal of a motion to annul an arbitral award]**

The court shall dismiss a motion to annul an arbitral award that is based on the grounds specified in Section 31(b) or (c) if the party requesting the annulment failed to raise the corresponding objection in the arbitral proceedings before the party's first act on the merits of the case, despite having an opportunity to do so.

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<sup>4</sup> Section 228(1)(a) and (b) of the Code of Civil Procedure.

## **Section 34**

### **[Consequences of annulment of an arbitral award]**

(1) If the court annuls the arbitral award on the grounds specified in Section 31(a) or (b), the court proceeds, at the request of any of the parties and after the judgment becomes final and conclusive, to hear the merits and resolves the case. The case can no longer be submitted to arbitration.

(2) If the court annuls the arbitral award on the grounds specified in Section 31(c) through (g), the arbitration proceeds at the request of any of the parties on the basis of the arbitration agreement. However, unless the parties agree otherwise, the arbitrators involved in the arbitral award annulled on the grounds specified in Section 31(c) are disqualified from the new hearing and resolution of the case. Unless the parties agree otherwise, new arbitrators will be appointed in the same manner as originally stipulated by the arbitration agreement, or the provisions of this Act shall apply as a subsidiary source of law.

## **Section 35**

### **[Termination of the enforcement proceedings]**

(1) Even if the party against whom the enforcement of the arbitral award is sought failed to lodge a motion to annul the arbitral award by the court, the party may still, irrespective of the time limit stipulated in Section 32(1), request termination of the pending enforcement proceedings both on the grounds listed in special laws <sup>5</sup>and if:

- (a) The arbitral award suffers from any of the defects listed in Section 31(a), (d), or (f),
- (b) The party who must have a statutory representative was not represented by such a representative in the proceedings and the party's acts were not subsequently approved,
- (c) The person who acted in the arbitral proceedings on behalf of the party or the party's statutory representative lacked an authorization to do so and the person's acts were not subsequently approved.

(2) If a motion is lodged pursuant to subsection (1), the court conducting the enforcement of the arbitral award suspends the enforcement proceedings and orders the obligor to lodge a motion to annul the arbitral award with the competent court within 30 days. Unless the motion is lodged within this time limit, the court continues the proceedings on enforcement of the arbitral award.

(3) If the arbitral award is annulled, the parties may subsequently proceed similarly to Section 34.

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<sup>5</sup> Section 268 of the Code of Civil Procedure.

## **Part Five**

[Section 35a to Section 40 have been repealed.]

## **Part Six**

[Section 40a to Section 40d have been repealed.]

## **Part Seven**

### **Proceedings before the arbitration commission of an association**

#### **Section 40e**

This act shall apply to resolution of disputes arising from administration of an association by an arbitration commission of the association (hereinafter referred to as “commission”) in line with provisions of the Civil Code, unless provided otherwise in this part. The provisions relating to the permanent arbitration institutions are not applicable to decision-making before the commission.

#### **Section 40f**

(1) The proceedings before the commission commence with a request for proceedings, on the day the request is delivered to an address of the association listed in its statutes. In case the statutes do not contain the address, the request shall be delivered to the association’s headquarters.

(2) The parties to the dispute have equal standing and shall be provided with the opportunity to assert their rights. Association’s statutes, its internal regulations referred to in the statutes or a written agreement of the parties may further modify the procedure to be followed by the commission.

#### **Section 40g**

(1) The commission may only hear and resolve matters in the presence of the majority of its members, being no fewer than 3.

(2) If the number of members of the commission who are eligible to resolve the matter drops below the minimum number of members required by this Act or the by-laws for its decision-making, the commission terminates the proceedings, without prejudice to the court’s power to resolve the case. Sections 9 and 10 shall not apply.

(3) If the commission is divided into tribunals in compliance with the by-laws, and if decisions are made by the commission’s tribunal, Subsections (1) and (2) apply to this tribunal by analogy.

### **Section 40h**

In case the commission fails to reach decision on merits within 3 months, any party to the dispute may submit its claim before a court. Association's statutes, its internal regulations referred to in the statutes or a written agreement of the parties may extend the time limit to the maximum of nine months.

### **Section 40i**

A commission member has to disqualify her or himself from hearing and resolving the dispute if it turns out that there are any of the circumstances specified in Section 11. If he or she fails to disqualify her or himself, the commission shall decide on the disqualification based on the claim of any party to the dispute.

### **Section 40j**

(1) At the request of any party to the dispute, the court annuls the commission's award in case the award is in manifest breach of public policy or accepted principles of morality. This provision shall not prejudice the application of Section 242 of the Civil Code.

(2) Although a party resisting the enforcement of the award did not lodge a request to annul the commission's award before the court, it may, regardless of the time limit set in Section 32 (1), seek the cancellation of enforcement of the award. The party may seek the cancellation both on the grounds listed in special laws and the grounds for annulment of the award listed in Section 31 a) to f) or on the grounds mentioned in Subsection (1) in case the award does not contain a notice of the right to request the annulment of the award before the court. Section 35 (1) c) to d) applies by analogy.

### **Section 40k**

In case the request to annul the award is lodged by a member of the association, the second sentence of Section 25 (2) and Section 32 (3) apply to proceedings before the commission as well.

## **Part Eight.**

### **Subject-matter and territorial jurisdiction of courts**

#### **Section 41**

##### **[Subject-matter jurisdiction of a court]**

The trial (first-instance) proceedings on the invalidity of an arbitration agreement and the trial (first-instance) proceedings on the annulment of arbitral award by court pursuant to part four herein shall be conducted by the regional court. All the other court proceedings under this act

shall be conducted by the court which, in the absence of an arbitration agreement, would have jurisdiction over the case under a special law<sup>6</sup>.

#### **Section 42**

##### **[Jurisdiction of the courts to act instead of arbitrators]**

(1) The acts pursuant to Section 20(2) shall be performed by the district court with subject-matter and territorial jurisdiction in the district in which the requested act is to be performed.

(2) If the requested act under subsection (1) is to be performed abroad, the subject-matter and territorial jurisdiction shall be vested in the district court with jurisdiction over the place where the arbitration is held.

#### **Section 43**

##### **[Territorial jurisdiction of a court]**

The proceedings under this Act shall be conducted by the court with territorial jurisdiction in the district where the arbitration was or has been held, if such place is in the Czech Republic. Otherwise, the proceedings shall be conducted by the court which would have territorial jurisdiction in the absence of an arbitration agreement. The proceedings pursuant to Section 9 and Section 12(2) shall be conducted by the court which has territorial jurisdiction over the place where the registered office or the residence of the claimant or the respondent are located, if the territorial jurisdiction of the court in the Czech Republic cannot be determined.

#### **Section 44**

##### **[Reasonable application of the Code of Civil Procedure]**

Unless this Act stipulates otherwise, the proceedings in court according to this Act shall be governed by the provisions of the Code of Civil Procedure by analogy.

### **Part Nine**

#### **Amendment and supplement to the Code of Civil Procedure**

#### **Section 45**

##### **[Amendment to the CCP]**

Act No. 99/1963 Coll., Code of Civil Procedure, as amended by Act No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992

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<sup>6</sup> Section 9 of the Code of Civil Procedure. Section 3 of the Czech National Council Act No. 436/1991 Coll., on Selected Measures in the Judiciary, on the Election of Assessors, Their Release and Removal from Office and on State Administration of Courts in the Czech Republic.

Coll., Czech National Council Act No. 24/1993 Coll., Act No. 171/1993 Coll., Act No. 117/1994 Coll., and Act No. 152/1994 Coll., is amended and supplemented as follows:

1. Subparagraph (kk) in Section 9(3)(c) including Footnote No. 23 is deleted.
2. Paragraph (f) in Section 36b(1) is deleted.
3. Subsection (2) in Section 88 is deleted; the numbers of the individual subsections are deleted as well.
4. The words “on adoption” in Section 120(2) shall be followed by newly inserted words “in proceedings on appointment of arbitrator or chairman of the panel”.

## **Part Ten**

### **Transitional and final provisions**

#### **Section 46**

##### **[Proceedings commenced before the effective date of the Act]**

Disputes over the invalidity of arbitration agreements and the annulment of arbitral awards rendered by arbitrators on the basis of an arbitration agreement, which have been commenced and have not been finally and conclusively resolved by the effective date of this Act, shall be heard and finished by the courts which had jurisdiction until the effective date of this Act.

#### **Section 47**

##### **[Priority of international treaties]**

The provisions of this Act will only apply unless an international treaty binding on the Czech Republic and promulgated in the Collection of Laws stipulates otherwise.

#### **Section 48**

##### **[Transitional provisions]**

The provisions of this Act apply to cases which are covered by an arbitration agreement concluded after the effective date of this Act. Other cases shall be resolved pursuant to the laws and regulations applicable until the effective date of this Act.

#### **Section 49**

##### **[Repeals]**

The following laws and provisions are hereby repealed:

1. Act No. 98/1963 Coll., on Arbitration in International Commerce and Enforcement of Arbitral Awards.



2. Section 30(2), (4), (5), and (6) of Act No. 214/1992 Coll., on Stock Exchange.
3. Section 28(2), (4), (5), (6), (7), and (8) of Act No. 229/1992 Coll., on Commodity Exchanges.

## **Section 50**

### **[Effective date]**

This Act takes effect on 1 January 1995.

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### **Transitional provisions of the Act No. 19/2012 Coll. (Article II)**

1. Arbitral proceedings commenced before the effective date of this Act, including proceedings regarding disputes arising from consumer contracts, shall be finished pursuant to the laws and regulations applicable until the effective date of this Act.
2. The validity of an arbitration agreement shall be governed by Act No. 216/1994 Coll., as applicable at the moment of conclusion of the arbitration agreement.
3. Persons who do not meet the requirements of Section 13(4) of Act No. 216/1994 Coll., as applicable after the effective date of this Act, are obliged to remedy the deficiency within 6 months of the effective date of this Act.
4. The arbitrator who can be nominated in an arbitration clause for the resolution of a dispute arising from a consumer contract does not have to meet the requirement of registration in the list of arbitrators under this Act for a period of 6 months from the effective date of this Act.
5. The Ministry shall register in the list of arbitrators administered by the Ministry, free of charge, those arbitrators who are entered in the list of arbitrators for consumer disputes administered by the Arbitration Court at the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic; the registration shall take effect on the first day following the expiration of the six months' period of the effective date of this Act; this shall not apply to the arbitrators who do not meet the requirements of Section 4 and the arbitrators who have communicated their disagreement with the registration to the Ministry within six months of the effective date of this Act.

### **Transitional provisions of the Act No. 258/2016 Coll. (Article IX)**

1. The validity of an arbitration agreement shall be governed by Act No. 216/1994 Coll., as applicable at the moment of conclusion of the arbitration agreement.

2. Arbitral proceedings commenced before the effective date of this Act shall be finished pursuant to the laws and regulations applicable until the effective date of this Act.

3. Provisions of Section 40a to Section 40d of the Act no. 2016/1994 Coll. relating to the arbitrators registered the list of arbitrators before the effective date of this Act shall apply pursuant to the provisions applicable until the effective date of this Act.