



CYArb | czech
(& central european)
yearbook of arbitration

**Borders of Procedural
and Substantive Law in
Arbitral Proceedings**

2013

Editors

Alexander J. Bělohlávek

Filip Černý

Naděžda Rozehnalová

Contents

List of Abbreviations	xiii
 ARTICLES	
Andrzej Kubas Kamil Zawicki The Scope of Mandatory Provisions of Procedural and Substantive Law Binding upon a Court of Arbitration.....	3
Alexander J. Bělohlávek Application of Law in Arbitration, <i>Ex Aequo et Bono</i> and <i>Amiable Compositeur</i>	25
Vit Makarius The Nature of the Burden and Standard of Proof in International Commercial Arbitration.....	53
Klára Drličková The Law Applicable to Arbitration Agreements – “Lex Arbitri” or “Lex Causae” of the Principal Contract?	71
Leonid Shmatenko Is <i>Lex Mercatoria</i> Jeopardizing the Application of Substantive Law?	89
Vasily N. Anurov Cause of Action in Investment Arbitration.....	109

Marina P. Bardina	
Determination of Substantive Law by International Commercial Arbitration in Russian Law, ICAC Rules and Arbitration Practice	123
 CASE LAW	
Section A	
I. Current Case Law of the Constitutional Courts and General Courts on Arbitration	147
1. Czech Republic <i>Alexander J. Bělohlávek</i>	147
2. Hungary <i>Alexander J. Bělohlávek</i>	201
3. Poland <i>Andrzej Kubas Kamil Zawicki Magdalena Selwa</i>	211
4. Slovak Republic <i>Alexander J. Bělohlávek</i>	239
II. Court Rulings on the Application of Law in Arbitration	
Czech Republic <i>Alexander J. Bělohlávek</i>	243
Section B	
Case Law of the Arbitral Tribunals: Decisions of Arbitral Tribunals within the Jurisdiction of the Arbitration Court Attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic	255
1. Current Case Law on Arbitration <i>Alexander J. Bělohlávek</i>	255
2. Application of Law in Arbitration <i>Alexander J. Bělohlávek</i>	283
3. Borders of Procedural and Substantive Law in Arbitration <i>Alexander J. Bělohlávek</i>	308

Contents**BOOK REVIEWS**

Alexander J. Bělohlávek

- Act on Arbitration Proceedings and Enforcement of Arbitration Awards, A Commentary..... 319**

NEWS & REPORTS

Rajko Knez | Marko Djinović | Nejc Lahne

- Arbitration in Slovenia — A New Perspective..... 323**

Alexander J. Bělohlávek

- New Rules of the Arbitration Court Attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic..... 333**

Bohumil Poláček

- Arbitration Expert Witnesses..... 353**

Miluše Hrnčířková

- Fifth Annual Olomouc Pre-Moot..... 361**

Current Events, Past & Ongoing CYIL/CYArb Presentations.....

- 363**

Selected Bibliography of Czech, Slovak and Polish

- Authors for 2012..... 375**

Important Web Sites

- 395**

Index.....

- 409**

All contributions in this book are subject to academic review.