

## VIAC – Questionnaire for Arbitrators

**1. Name:** Michal Malacka

**2. Citizenship:** Czech

**3. Contact information:**

Address: Rumunská 14, Olomouc 77900, Czech Republic

Telephone: +420733690690

Fax: +420585637506

E-Mail: michal.malacka@upol.cz

Website: www.upol.cz

LinkedIn: yes

**4. Current position:** Palacky University Olomouc, Faculty of Law, guarantor of international private law, Attorney at law

**5. Education:** JUDr. – Czech law, Mag.iur. – Austrian law, Ph.D. – European law/Politics, MBA – Management and HR in business

**6. Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international)? Under which Rules? About 130 domestic, 35 international, UNCITRAL Rules, VIAC Rules, Prague arbitration court Rules
- How often have you acted as Chairman? 39
- How often have you acted as Sole Arbitrator? 28
- How often have you acted as Co-Arbitrator? About 95
- How often have you acted as Counsel? Many times
- How often have you acted in a different function (e.g. Administrative Secretary)? Mediation by SECO Zurich, Kuala Lumpur Regional Centre for Arbitration, Mediator

**7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

MALACKA, M., EBNER, W. Liegenschaftserwerb durch Ausländer. *Center of Legal Competence*, 2005, roč. 0, č. 18, s. 87-96. ISSN 2076-7285.

MALACKA, M., TOMANČÁKOVÁ, B. Verbraucherschutz und Produkthaftung. *Center of Legal Competence*, 2005, roč. 0, č. 18, s. 193 - 202. ISSN 2076-7285.

TOMANČÁKOVÁ, B., MALACKA, M. Consumer protection and liability for damage caused by a defect product in the Czech legal system. : NWV Neuer Wissenschaftlicher Verlag, Wien Graz, 2005. 211 s.

TOMANČÁKOVÁ, B., MALACKA, M. Unternehmer in Tschechien. Verbraucherschutz und Produkthaftung.. In *Unternehmer in Tschechien. Verbraucherschutz und Produkthaftung.* : NWV Neuer Wissenschaftlicher Verlag, Wien Graz, 2005, s. 211.

MALACKA, M. Selected aspects of Austrian constitutional justice. In *Contemporary Administrative Law Studies 2*. Olomouc : Univerzita Palackého, 2007, s. 134-159. ISBN 978-80-244-2038-7.

MALACKA, M. Public Administration Evaluation. In *Contemporary Administrative Law Studies*. Olomouc : Iuridicum Olomoucense, o.p.s., 2008, s. 101-114. ISBN 978-80-903400-8-4.

MALACKA, M. Implementing E-Government under Austrian legal Regulation. In *Contemporary Administrative Law Studies 4*. Olomouc : Univerzita Palackého, 2009, s. 129-139. ISBN 978-80-87382

MALACKA, M. Ausgewählte Aspekte des Erbrechts in der Tschechischen Republik. *International and Comparative Law Review*, 2009, roč. 8, č. 20-21, s. 5-15. ISSN 1213-8770. - 03-5

MALACKA, M. Ausgewählte Aspekte der historischen Entwicklung des internationalen Privatrechts. In *Öffnung und Wandel - Die internationale Dimension des Rechts II*. Wien : LexisNexis Verlag Orac GmbH and Co KG; Wien, 2011, s. 461 - 471. ISBN 978-3-7007-5008-6.

MALACKA, M. Mediation, culture, law. *Právní fórum : český právnícký měsíčník*, 2012, roč. 2012, č. 5, s. 171-175. ISSN 1214-7966.

MALACKA, M. Evidence in International Commercial Arbitration. *International and Comparative Law Review*, 2013, roč. 13, č. 1, s. 95-102. ISSN 1213-8770.

MALACKA, M., RYŠAVÝ, L. Das Zivilrecht Tschechiens und der Slowakei - Eine Bilanz 20 Jahre nach dem Zerfall der Tschechoslowakei. *Osteuropa-Recht*, 2013, roč. 2013, č. 3, s. 273-285. ISSN 0030-6444.

HOLÁ, L., MALACKA, M. Historie mediace a mediačních metod. In *Mediace a reflexe jejich aktuálních trendů*. Praha : Leges, 2014, s. 33-51, 411-414. ISBN 978-80-7502-047-5

MALACKA, M. Vybrané aspekty rozhodčího řízení při VIAC. In *Zborník príspevkov z medzinárodnej vedeckej konferencie Bratislavské právnické fórum 2015*. Bratislava : Univerzita Komenského Bratislava, 2015, s. 1402-1408. ISBN 978-80-7160-411-2. (Selected aspects of international arbitration by VIAC)

MALACKA, M. Kolizní metoda v kontextu globalizace a europeizace. In *DNY PRÁVA 2015 Část IV. Kodifikace obecné části kolizního práva – cesta či omyl?*. Brno : ACTA UNIVERSITATIS BRUNENSIS IURIDICA, 2016, s. 145-163. ISBN 978-80-210-8195-6. (Conflict of laws, globalisation and EU)

MALACKA, M. Multi-Door Courthouse established through the European Mediation Directive?. *International and Comparative Law Review*, 2016, roč. 2016, č. 1, s. 127-142. ISSN 1213-8770. DOI 10.1515/iclr-2016-0009

MALACKA, M. Mediation - Appropriate Dispute Resolution im tschechischen Arbeitsrecht und in Unternehmen. In *Mediation in Betrieben*. Wien : Verlag Ostreich, 2016, s. 201-219. ISBN 978-3-7046-7630-6

MALACKA, M. Kodifikace, unifikace, divergence a autonomie vůle stran. In Rozehnalová, N. Drličková, K. Valdhans, J. *DNY PRÁVA 2016 – DAYS OF LAW 2016*. Brno : Masarykova univerzita, 2017, s. 67-89. ISBN 978-80-210-8556-5.

MALACKA, M. Kritika autonomie vůle stran při jmenování rozhodců. In Hrnčířiková, M. *Řešení přeshraničních sporů - pravomoc a autonomie vůle*. Praha : Leges, 2017, s. 46-58. ISBN 978-80-7502-245-5. (Critics of the party autonomy by appointing arbitrators)

VONDRÁKOVÁ, A., NÉTEK, R., POHANKA, T., POUR, T., MALACKA, M. Legislative Aspects of Spatial Data Publication. In *International Multidisciplinary Scientific GeoConference & EXPO SGEM*. Sofia : STEF92 Technology Ltd., 2017, s. 967-974. ISBN 978-619-7408-01-0. ISSN 1314-2704. DOI 10.5593/sgem2017/21/S08.122

MALACKA, M. Party Autonomy in the Procedure of Appointing Arbitrators. *International and Comparative Law Review*, 2017, roč. 2017, č. 2, s. 93-109. ISSN 1213-8770.

MALACKA, M. Obchodní mediace a její specifika v mezinárodním prostředí. In Hola, L. *Mediace 2017*. Olomouc : Iuridicum Olomoucense, 2018, s. nestránkováno. ISBN 978-80-88266-20-4. (Business Mediation)

MALACKA, M. GENERAL COMMERCIAL TERMS AND STANDARD-FORM CONTRACTS IN INTERNATIONAL BUSINESS RELATIONS. *Bratislava Law Review*, 2018, roč. 2018, č. 2, s. 30-50. ISSN 2585-7088.

MALACKA, M. Mediation als Appropriate Dispute Resolution im tschechischen und slowakischen Rechtssystem. *Osteuropa-Recht*, 2018, roč. 2018, č. 1, s. 90-104. ISSN 0030-6444. DOI 10.5771/0030-6444-2018-1-90

MALACKA, M. Opt-exit a evropská unifikace mezinárodního práva soukromého. In *Dny práva 2017*. Brno : Masarykova univerzita, 2018, s. 55-71. ISBN 978-80-210-8956-3. (Brexit)

#### **Books:**

HOLÁ, L., MALACKA, M., *Mediace a reflexe jejích aktuálních trendů*. Praha: Leges, 2014. 416 s. ISBN 978-80-7502-047-5. (Mediation and reflection of its current trends)

MALACKA, Michal., RYSAVY, Lukas., *Private International law*, MPS, LEGES Praha, 2019

MALACKA, Michal., Dobiáš Petr, *International Business Terms, Obchodní podmínky v mezin.obchodním styku*, LEGES Praha, 2018

MALACKA, M., *Mediace dnes - realita a perspektivy*. Praha: Leges, 2016. 400 s. ISBN 978-80-7502-170-0. (Mediation today –reality and perspectives)

MALACKA, M. *Mediace a její specifika v mezinárodním a českém právním prostředí*. Berlin : Omni Scriptum publishing, 2018. 65 s. ISBN 978-613-8-25161-3. (Mediation in Czech legal system)

**8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**  
VIAC, Arbitrator by Prague arbitration court, Mediator by SECO, Kuala Lumpur Regional Centre for Arbitration

#### **9. Languages**

Mother tongue: Czech

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): German, English and Russian

**In which legal systems have you trained?**

- Civil Law**                       Common Law  
 **Austrian Law**                       Hungarian Law                       Swiss Law  
 **Czech Law**                       Polish Law                       Ukrainian Law  
 **German Law**                       **Slovakian Law**                       **European Law**

Other \_\_\_\_\_

**10. What is your main jurisdiction of practice?**

Czech Republic, Austria

**11. In which jurisdictions are you admitted to the bar?**

Czech republic

**12. Special expertise or specializations (please list a maximum of five):**

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> <b>Antitrust/Unfair competition</b><br>Power plants              | <input type="checkbox"/> Damages                          | <input type="checkbox"/> <b>Insolvency</b>            | <input type="checkbox"/>                            |
| <input type="checkbox"/> <b>Aviation Law</b>  | <input type="checkbox"/> <b>Distribution</b>              | <input type="checkbox"/> <b>Insurance</b>             | <input type="checkbox"/> <b>Private Intern. Law</b> |
| <input type="checkbox"/> <b>Banking &amp; Finance (IP)</b>                                | <input type="checkbox"/> <b>Domain name disputes</b>      | <input type="checkbox"/> <b>Intellect. property</b>   | <input type="checkbox"/>                            |
|   | <input type="checkbox"/> <b>Public Intern. Law</b>        |   |   |
| <input type="checkbox"/> <b>Capital markets</b>   | <input type="checkbox"/> <b>Employment</b>                | <input type="checkbox"/> <b>ISDS/ Foreign invest.</b> | <input type="checkbox"/> <b>Real estate</b>         |
| <input type="checkbox"/> <b>CISG</b>  | <input type="checkbox"/> <b>Energy</b>                    | <input type="checkbox"/> <b>Joint ventures</b>        | <input type="checkbox"/> <b>Shipping</b>            |
| <input type="checkbox"/> <b>Civil fraud disputes</b>                                      | <input type="checkbox"/> <b>Engineering</b>               | <input type="checkbox"/> <b>Licensing</b>             | <input type="checkbox"/> <b>Sports</b>              |
| <input type="checkbox"/> <b>Commercial disp. / transactions</b><br>State/Public contracts | <input type="checkbox"/> <b>Entertainment</b>             | <input type="checkbox"/> <b>Life sciences</b>         | <input type="checkbox"/>                            |
| <input type="checkbox"/> <b>Commodity market</b><br><input type="checkbox"/>              | <input type="checkbox"/> <b>Healthcare &amp; Pharmac.</b> | <input type="checkbox"/> <b>Maritime arbitration</b>  |   |
|   | <input type="checkbox"/> <b>Technology</b>                |   |   |
| <input type="checkbox"/> <b>Company/Corporate/M&amp;A</b><br>Telecommunication            | <input type="checkbox"/> <b>Hotel/Gastro./Tour.</b>       | <input type="checkbox"/> <b>Media</b>                 | <input type="checkbox"/>                            |
| <input type="checkbox"/> <b>Construction</b><br>Transport                                 | <input type="checkbox"/> <b>Inform. technology (IT)</b>   | <input type="checkbox"/> <b>Mining</b>                | <input type="checkbox"/>                            |
| <input type="checkbox"/> <b>Contract law</b>  | <input type="checkbox"/> <b>Infrastructure</b>            | <input type="checkbox"/> <b>Natural resources</b>     |   |
| <input type="checkbox"/> <b>Other</b> _____   |   |   |   |

**13. Date of birth: 8. 6. 1973**

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to [office@viac.eu](mailto:office@viac.eu). The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

17.9.2020

\_\_\_\_\_

Date

and

\_\_\_\_\_

Signature