

Topics: BOOK REVIEW**Category:** HUMANITIES / INTERDISCIPLINARY**Gerichtliche Kontrolle im Schiedsverfahren****Elmar Buchstätter (author)****Wien: Jan Sramek Verlag KG****June 2026****ISBN 978-3-7097-0417-2****556 pages**

In his comprehensive work, *Gerichtliche Kontrolle im Schiedsverfahren* (Judicial Control in Arbitration Proceedings), Dr. Elmar Buchstätter, LL.M. (London), examines the relationship between private-autonomous dispute resolution and state control. In doing so, he addresses a highly relevant, yet demanding area of current dispute resolution. The chosen topic refers to fundamental legal issues such as the scope of party autonomy, the guarantees of the rule of law, and the international enforceability of private dispute resolution.

The book's central focus is the question of how state control in arbitration can be justified, limited, and calibrated in terms of its intensity. The author shows that moderate state intervention is a fundamental prerequisite for an effective arbitration system. In particular, he develops a nuanced understanding in which the autonomous sphere of arbitration and the necessary checks by state courts are differently weighted at the various stages of the dispute resolution process.

In terms of its structure, scope, and intellectual approach, this treatise represents an extraordinary doctrinal achievement with practical applications: It provides a thorough analysis of Austrian arbitration law including all relevant Supreme Court rulings, along with extensive comparative-law perspectives. The author, however, does not only describe and comment on topical court decisions and legal provisions, but goes on to extract new structures from the collected material that finally lead to a comprehensive evaluative model of state interventions in arbitral proceedings. This new creative framework proves to be of great value not least for foreign arbitrators and counsel who participate in international arbitration proceedings located in Austria. Since Vienna is a highly sought-after seat of international arbitration proceedings, this book is an essential resource for arbitration experts and practitioners around the world.

Accordingly, the work is particularly strong where it integrates the Austrian arbitration tradition with international developments and comparative legal analyses. The decisions of the Austrian Supreme Court are grouped into case categories, examined for recurring patterns of reasoning and compared with transnational trends in arbitration. Thereby, the author makes great use of international legal literature and instruments such as the UNCITRAL Model Law on International Commercial Arbitration and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Where appropriate, the study also draws on EU and human rights law, particularly on the European Convention on Human Rights.

The 556-page book is clearly organized into seven chapters

building on one another: Some introductory remarks on the theoretical framework and the methodology of the study (I) are followed by the fundamentals of arbitration proceedings including the concept of party autonomy and the relationship between arbitration and state courts (II). A separate chapter is devoted to an in-depth analysis of the normative basis for party autonomy in arbitration (III). On this basis, the treatise turns to the influence of international sources on arbitration law including the ECHR and EU law and examines their relevance to public policy (IV). The author then discusses the interplay between judicial control and arbitration by addressing the various areas of court intervention both during and after the arbitration proceedings (V). This leads to the creation of a five-factor model from the different forms of judicial intervention, which ensures a structured assessment of the intensity of judicial control. In the following subsections, the author applies the model to various forms of arbitration proceedings, thereby convincingly demonstrating the effectiveness of his framework (VI). The final chapter provides an informative summary and offers some considerations on legal policy concerning the ongoing tension between judicial control and private autonomy as well as an outlook on the future development of international commercial arbitration (VII).

The author argues carefully following a clear line of reasoning and drawing on abundant sources. His presentation is rich in detail without losing sight of its overall aim to find a suitable structure for the various kinds of state intervention. His ability to integrate extensive case law and legal literature into a coherent evaluative framework is particularly impressive.

The book is intended for a specialist audience and consistently meets this demand. Hence, the language used is precise and appropriately academic. The case-group-oriented analysis of court rulings along with the developed evaluative model of state interventions enables arbitration practitioners to better predict judicial decisions. Thus, the study makes a substantial contribution to legal certainty and to the further advancement of Austria as a venue for international arbitration proceedings.

All in all, the present monograph provides a convincing answer to the question of when judicial intervention is necessary to secure the autonomy of the arbitral process and when state restraint is called for. The author, an experienced arbitration expert, does an excellent job of methodically organizing a difficult and timely subject matter of high practical relevance. In particular, the newly created reliable framework of state interventions helps to further promote the acceptance of international commercial arbitration as an effective means of dispute resolution. Thus, this excellent work deserves equal attention in doctrine, case law and arbitral practice.

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