

Abstract

The thesis deals with the matter of the principle of mutual recognition, which is used as a tool in the recognition of judgements between EU Member States. Three main aims in the framework of research based on this topic were set:

- Clarification of the development and functioning of the principle of mutual recognition of judgements in EU countries as a demonstration of mutual trust between EU Member States in fair decision-making of their courts including possibilities how to refuse recognition of judgement.
- Analysis of a possibility to refuse recognition of judgement, in particular on the basis of public policy reservation under the EU law including cases, where public policy reservation cannot be applied, however effects of such recognized judgement would be unacceptable for the state of recognition.
- Analysis of effort to reduce possible obstacles in the process of recognition of judgements in EU countries in connection with the guarantee of fair trial and adherence to human rights and the rule of law.

In connection with these aims, the thesis contains an attempt to clarify, whether the system of recognition and enforcement of judgements between the EU Member States provides an opportunity to refuse recognition of judgement for states that would consider such a judgement as inequitable.

This main issue is studied on 3 levels, namely in case of:

- Individual failure of the court, where the main subjects of the research are institute of public policy and public policy reservation as a basis for refusal of individual judgements.
- Systematic failure of the judicial system of the state, where the main subject of the research are the possible ways about how to prevent to recognition of judgement originating from the EU Member State with systematic issues in its judicial system.
- Systematic failure of the system of the recognition of judgements between the EU Member States, where the main subject of research is assessment of the system of recognition of judgements between EU Member States under so called *Bosphorus test*.

There are 3 hypotheses to these 3 levels. The answer to the main question of the thesis is based on verifying these hypotheses