

Abstract

Protection of a Weaker Contract Party and Private International Law

The topic of this dissertation thesis is the protection of weaker parties in the context of determination and application of the applicable law. The dissertation seeks anchor and concept of protection of weaker parties in the Rome I Regulation.

The thesis is divided into three main parts. The first part deals with the basis for protection of weaker parties, linking the theoretical and value foundations on which the protection stands with practical implications that ignorance of significantly unequal position might have. For a comprehensive understanding, it is necessary to look at the background of individual legal rules. However, dealing with these issues cannot be viewed solely in the context of private international law. Certain legal institutions of private international law may not be designated solely for the protection of certain categories of weaker parties but may be used to protect a weaker party with regard to the concept of a weaker party and the importance of its protection in substantive law (especially civil law).

The second part, which is the focal point of this thesis, consists in the analysis of ways of protecting the weaker parties, both at a more general methodological level and in the form of a more detailed analysis of specific provisions representing different methods in the Rome I Regulation. The relatively often used approach to the protection of weaker parties in private international law, which is least problematic, is to set specific conflict rules which are more advantageous for the weaker party. Another way of protection is to restrict the autonomy of the parties' will, in the context of the subject of this thesis, specifically the choice of the applicable law. The limitation of the choice of the parties may consist in limiting the parties already when conducting the choice-of-law, typically by providing a list of legal orders from which the parties may choose the applicable law. Another option is the limitation of the effects of choice-of-law, a typical example is the preferential law approach used for consumer and individual employment contracts. In the conclusion of the second part of this thesis, the author also deals with the possibility of using general institutions of private international law, such as public order and overriding mandatory rules.

The third part summarizes the logical outcomes of the previous detailed analysis and offers answers to the main questions asked in the introduction. For this reason, this final section contains three chapters. The first concerns the concept and methodology of the Rome I

Regulation which assesses the advantages and disadvantages, the suitability and effectiveness of the different methods of protection and their implementation in the Rome I Regulation. The second chapter deals with the protection of consumers, which is given by the Rome I Regulation. The dissertation points to ambiguities that concern, in particular, consumer protection, inter alia, having regard to the judgment of the Court of Justice of the European Union of 2016 in the matter of *Verein für Konsumenteninformation in Amazon EU Sàrl*. The third chapter provides answer to the question whether the Rome I Regulation or the jurisprudence of the Court of Justice of the European Union has shown a tendency to extend protection to weaker entrepreneurs.