

Recognition and Enforcement of Foreign Judgments in European Union Law

Abstract

The diploma thesis deals with the institute of recognition of foreign judgements and the conditions of its enforcement in European Private International and Procedural Law. The European International Procedural Law, as a part of the European Union law, requires the autonomous interpretation of some concepts of law. Therefore, the relevant case law of the Court of Justice of the European Union concerning certain key concepts of law and provisions of the relevant regulations is also considered. The diploma thesis focuses on the analysis of the specific system of recognition and enforcement of foreign judgments in civil and commercial matters, which is contained in Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels Ibis), Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure and Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

The diploma thesis outlines various theories addressing some conceptions of recognition a foreign decision in general, including the theory of extension of effects which is applied in the European International Procedural Law. In respect of the European International Procedural Law being a part of the European Union law, a brief legislative history of EU law is mentioned, with an emphasis on the instruments of European Union law analysed. The diploma thesis includes a brief definition of closely related concepts of law, such as judgement, its legal force and enforceability and the procedure of its enforcement. The analysis of the above-mentioned legislation includes mainly the conception of recognition of foreign judgements and explanation of conditions of its enforcement in the addressed state. Moreover, the thesis covers also conditions and grounds for refusal recognition and enforcement of a foreign decision. In this diploma thesis, attention is payed to the questions arising in connection with the consequences of refusal of recognition and refusal of enforcement of a foreign judgement under the regulation Brussels Ibis.

Keywords: recognition, enforceability, foreign judgement