

Consumer contracts in private international law

Abstract

Consumer contracts in private international law are regulated by several pieces of legislation. These can be generally divided into jurisdictional rules, conflict of law rules and substantive law. The aim of my thesis is to answer the following questions: "What are the characteristics of contracts in private international law, which entitle the consumer to consumer jurisdictional protection, and how does that protection manifest itself when the legal proceedings are instituted?" I have therefore confined myself to the jurisdictional rules of EU and EFTA.

The thesis is divided into six chapters. The first chapter introduces the general characteristics of the consumer contract in private international law, i.e. its specific features and the international element. The second chapter is devoted to the historical development of the two main pieces of legislation that make up the Brussels-Lugano regime - the Brussels I bis and the Lugano II Convention, and to the development of the jurisdictional rules on consumer jurisdictional protection in their wordings. In the third, fourth and fifth chapter I present in detail the specific features of the consumer contract in private international law - subjects of consumer contract, individual categories of consumer contracts and the requirement to conclude a contract. In addition to the general interpretation of the specific features, I analyse contentious issues such as the use of social networks, the mediated business purpose or the nature of a security as a movable item. The final sixth chapter is devoted to the institution of legal proceedings on the claims arising out of consumer contracts and issues related to it. In this chapter I confine myself to the court proceedings as a general method of dispute resolution. In addition to the general interpretation, I also deal with contentious issues such as the transfer of consumer jurisdictional protection or an action in the event of consumer's migration.

In the whole thesis, I follow the case law of the CJEU, as it is a body capable of binding interpretation of the European legislation, foreign English and German literature, Czech literature and judgments of Czech courts.

Key words: [consumer, other party, jurisdictional protection of consumer]