

Extraordinary remedies in the civil procedure

Abstract

This thesis deals with extraordinary remedies in the civil law system. First, the thesis provides a definition of each remedy system and a brief description of the main principles on which the remedy systems are built. Then, in chapters three to five, the thesis discusses the individual extraordinary remedies, with particular attention paid to the extraordinary appeal due to its privileged position among the remedies. The extraordinary appeal is followed by a discussion of the action for nullity and then the action for retrial. The positive legislation in Act No 99/1963 Coll., the Code of Civil Procedure, as amended, regulates the action for a declaration of annulment and the action for a retrial together in chapter four. Therefore, chapter five of this thesis deals in particular with the exceptions to the action for a retrial.

Chapter six of this thesis aims to present the analogical institutes of extraordinary appeal in the German and Austrian legal systems, which is in particular the revision. In particular, the chapter discusses the conditions under which a given remedy is admissible and presents some specific institutes of the analogical legal systems. Chapter six concludes with a comparison of the frequency of pending appeal/review cases with the situation in the Czech Republic.

Chapter seven of this thesis deals with the regulation of extraordinary remedies proposed in the Substantive Plan of the Civil Procedure Code, which was proposed by an expert group led by the Minister of Justice in 2017. The substantive plan represents major changes in the concept of extraordinary remedies compared to the contemporary regulation and the thesis aims to present and evaluate the most significant differences. Finally, chapter eight of this thesis presents the author's *de lege ferenda* reflections on the possible direction of the future legal regulation of extraordinary remedies in the civil law system.

Key words:

extraordinary appeal, action for nullity, action for retrial