

Impact of Brexit on Private International Law

Abstract

The thesis deals with the withdrawal of Great Britain from the European Union (Brexit) and analyses its consequences on private international law. Prior to Brexit, private international law in Czech-British relations was covered mostly by EU regulations. Great Britain ceased to apply regulations such as Brussels Ibis, Rome I and Rome II under the terms of the Withdrawal Agreement from 1 January 2021. The aim of the thesis is to identify and analyse possible substitutes for those no longer applicable EU regulations. Instruments eligible to ensure continuity of judicial cooperation in civil and commercial matters are the existing or newly concluded international treaties or the national laws. The thesis first examines the membership of Great Britain in the EU in a broader legal context, the procedure of the withdrawal, the position of Great Britain as a third state, the impact of Brexit on legal systems of Great Britain and on so-called EU external agreements. The following chapters focus on three essential issues of private international law - applicable law, international jurisdiction and recognition and enforcement of judicial decisions. The issue of the law applicable to contractual and non-contractual obligations has been resolved by the retention of Rome I and Rome II Regulations. The focus is put on some of the problems of the retention. As regards international civil procedural law, the changes caused by Brexit are more significant, because Brussels Ibis Regulation, as well as other procedural Regulations, has not been retained in domestic legal systems of Great Britain. Therefore, the thesis focuses on international treaties which were ratified by Great Britain and are applicable in Czech-British relations instead of EU regulations and on other treaties which are currently being discussed. The thesis also pays attention to national Czech and British rules, which will be applied in certain cases.

Keywords: Brexit, EU law, Brussels-Lugano Regime