

Concentration of proceedings

Abstract

The concentration of proceedings is a key instrument of the modern civil procedure. The purpose of the concentration of proceedings is to expedite civil litigation by establishing a factual and evidentiary ‘stopstate’, i. e. the latest moment by which factual submissions and motions to take evidence may be made. In this way, the concentration of proceedings is intended to effectively prevent the parties from bringing new statements and new evidence into the proceedings after the effects of the concentration of proceedings have taken effect, thereby contributing to a more expeditious conduct of the proceedings.

The aim of this diploma thesis is to analyse and evaluate valid and effective legal regulation of the concentration of proceedings in the legal system of the Czech Republic and to reflect on its possible changes, including an attempt to outline certain controversial issues of the concentration of proceedings and to present the possibility of their solution. In order to achieve this goal, the text of the thesis is divided into five chapters. The first chapter is devoted to a general definition of the concept and purpose of the principle of the concentration of proceedings. The second chapter introduces the principles of the modern civil procedure, which are related to the principle of concentration of proceedings. This chapter provides a general definition of the meaning of the principles of civil procedure, the classification of legal principles and the individual principles of civil procedure that are directly related to the principle of the concentration of proceedings. The third chapter outlines a brief historical development of the principle of concentration of proceedings in the legal system of the Czech Republic. Particular attention is paid to two important amendments to the Code of Civil Procedure (the so-called Major Amendment to the Code of Civil Procedure and the so-called Comprehensive Amendment to the Code of Civil Procedure), which introduced the current elements of the principle of concentration of proceedings into our legal system. The main chapter of this thesis is the fourth chapter, which presents the individual manifestations of the principle of the concentration of proceedings in civil court proceedings, primarily in the hearing preparation, where attention is paid to the institutes of qualified call for response and preliminary hearing. Subsequently, this chapter defines the elements of the concentration of proceedings until the end of the first hearing on the merits, the delivery of the decision and also the system of incomplete appeal which currently governs the appeal procedure. The final chapter of this thesis is devoted to the evaluation of the current legal regulation of the concentration of proceedings in the Czech Republic. At the same time, *de lege ferenda* considerations concerning the application

of the principle of the concentration of proceedings in civil litigation are presented. Last but not least, a brief introduction into the concentration of proceedings contained in the draft of the new Civil Procedure Code is a part of this final chapter.

Key words: Concentration of proceedings, Preliminary hearing, Qualified call for response