

Abstract

The preliminary ruling

The subjects of thesis research are preliminary rulings considering the Czech civil proceedings and preliminary rulings submitted to the Court of Justice of the European Union. The thesis is designed to analyze legal changes made to the preliminary rulings with emphasis on the case-law.

The introductory historical part of this thesis describes the then Roman law institute called *praeiudicium*, in which the beginnings of the development of the current form of the preliminary rulings can be observed.

Later on, the attention of the thesis is shifted towards preliminary rulings in the legal order of the Czech Republic. After the opening determination of the term, the following chapters begin to focus on the nuances of the terminology of this procedural institute, position of the preliminary ruling in the judgment or explaining the differences between material and procedural preliminary rulings. The main chapter is centered around the boundness of the court by existing decisions regarding the specific question. This part is followed up by the explanatory breakdown of the law in force. The next chapters of the thesis discuss the assessment of the preliminary rulings that have not been ruled yet. The chapters also examine facultative and obligatory suspension of the proceeding because of the preliminary ruling. The final chapter of this particular part deals with the preliminary rulings outside of civil proceedings.

The following part is focused on the preliminary ruling at the Court of Justice of the European Union. The introductory chapters contain a theoretical introduction to the characteristics, point and aim of this type of proceedings. Based on the key legal rules of article 267 of the Treaty on the functioning of the European Union the preliminary ruling questions are divided into two groups – preliminary ruling questions concerning the interpretation and preliminary ruling questions concerning the validity of EU law. The thesis goes on to define the subject of the proceedings. It also concentrates on the authority of national courts of bringing the reference of the preliminary ruling before the European Court of Justice and on the European interpretation of the term “the court of the member state”. The next chapter of this part is focused on the obligatory bringing the reference of the preliminary ruling by national courts

before the European Court of Justice. The proceedings itself is also explained in these chapters. The final chapters of the third part offer a glimpse of the preliminary rulings that Czech courts have turned to Luxembourg City, during the time that the Czech Republic has been a member of the European Union. The chapters also provide statistics from this proceedings of the Court of Justice.

The final part incorporates findings acquired throughout the duration of this study. These findings draw proposals of legislative changes *de lege ferenda* with regard to legislative changes being prepared.

Key words:

civil proceedings, civil trial, preliminary ruling, European Court of Justice