

Choice of forum agreements in private international law

Abstract

This diploma thesis deals with the choice of forum agreement as one of the rules of international jurisdiction. It focuses on the rules of choice of court in civil and commercial matters in the Brussels Ibis regulation and the Hague Convention on Choice of Court Agreements. Its aim is to analyse if these instruments provide sufficient legal framework.

First chapter provides insight into the issue of the choice of forum agreement. It explains its essence of a subjective jurisdiction rule, describes its benefits for participants of private law relationships, presents its types, and analyses its admissibility in individual private law areas.

Second chapter enlists the sources of law which govern the choice of court agreements in the Czech Republic while briefly outlining their historical development. The sources are divided into three groups, based on their national, international, or European origin, with their mutual relationships and application primacy explained.

Third chapter focuses on legal framework of choice of forum agreement in the Brussels Ibis regulation. Its scope of application in relation to the choice of court is described with attention placed on the existence of international element. It is followed by an analysis of the agreement's requirements, especially its connection with a particular legal relationship, unequivocal choice of competent court, existence of the agreement, and its formal and material validity. The admissibility of asymmetric agreements, the intra-EU *lis pendens* mechanism, and derogative effects of choice of non-member state's courts are also examined.

Fourth chapter deals with legal framework of choice of forum agreements in the Hague Convention. Its scope of application in relation to these agreements and its relationship with Brussels Ibis regulation is described. Its current significance is explored, and its fundamental operative rules are introduced. The chapter includes a similar overview of the agreement's requirements as was presented in the preceding chapter.

Fifth chapter critically analyses these two legal instruments by comparing their rules about choice of forum agreements. As a result, differences between them as well as a potential for their improvement are found. The benefits of amending the Brussels Ibis regulation are explained and propositions of changes to its wording *de lege ferenda* are presented.

Key words:

choice of forum agreement, Brussels Ibis, Hague Convention on Choice of Court Agreements