

RESUMÉ (SUMMARY)

International civil procedural law in EU – selected issues focusing on jurisdiction according to the Council Regulation (EC) No 44/2001, Brussels I

This thesis deals with the jurisdiction according to the Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, so-called Brussels I Regulation. The reason why I have chosen this topic is that in my opinion the knowledge in this subject is at the present time very important for the practice of every lawyer in the European Union, because the rules of the Brussels I Regulation regulating which courts have jurisdiction in legal disputes of a civil or commercial nature between individuals resident in different member states of the European Union are valid and directly applicable in all Member States.

The main purpose of this thesis is to determine particular rules of jurisdiction and their interrelations and to describe in detail the rules of special jurisdiction according to articles 5,6 and 7 of the Brussels I Regulation, above all on the strength of the judicature of the European Court of Justice.

The introductory part of the thesis defines basic conceptions of International civil procedural law and its history in EU, sources of law in the Czech Republic and also deals with the Brussels and Lugano Convention. The most important part concentrates on the scope of the Brussels I Regulation and on particular rules of jurisdiction and its system and relations, but especially concentrates on the rules of special jurisdiction and in details the rules of jurisdiction in matters relating to a contract, matters relating to tort, delict or quasi-delict or in matters with more defendants. The final part of this thesis describes a practical case of application of the rules of jurisdiction.

After the analysis of the rules of jurisdiction of the Brussels I Regulations I have concluded that the general rule of jurisdiction is the rule based on the domicile of the defendant in Member State. The alternative of this jurisdiction are the rules of special jurisdiction which enable the plaintiff to sue the defendant in the courts of another Member State than a Member State of his domicile. The rules of jurisdiction in matters relating to insurance, jurisdiction over consumer contracts and jurisdiction over individual contracts of employment is special to

both of above-mentioned jurisdiction, because its purpose is the protection of the weaker part. The rules of exclusive jurisdiction must be applied prior to other rules of jurisdiction as well as the agreed jurisdiction which must be applied prior to other rules of jurisdiction aside from the rules of exclusive jurisdiction.

The constituent of my thesis is the analysis of the rules of special jurisdiction with the intention of determining the main concepts of these rules in accordance to the judicature of the European Court of Justice and the concrete terms when the rules are applied. In this part I have concluded that the interpretation of some concepts of the special jurisdiction is problematic because of its different meaning in particular Member States. Some of the concepts were often an object of the jurisdiction of the European Court of Justice. Therefore, when applying the Brussels I Regulation, it is very important to bear in mind that some concepts are defined autonomously and not according to the national legal order of Member State and that every rule of special jurisdiction has its own criteria to determine the jurisdiction.