

Summary

The aim of my thesis is to analyze the proper law under the Rome Convention and the Rome I Regulation and find out the differences and similarities between them. The reasons for my research are my interest in this topic and importance of such legal forms for contractual obligations mentioned above for the development of the European Union.

The thesis is composed of introduction, four parts and conclusion. Parts One and Two are general and introductory. The core of this thesis is represented by the part Three, which has analytic character, and the part Four, which is summarizing the previous text.

Part One is subdivided into five chapters. Chapter One describes Private International Law and explains the notion and methods of regulation. Chapters Two, Three, Four and Five deal with the European Private International Law (EPIL). They characterize notion, meaning, and sources of law and principles of application of EPIL.

Part Two is concerned with the Rome Convention and the Rome I Regulation in general. It outlines creation, structure, scope of the Convention and the Regulation; and describes international element.

Part Three being subdivided into four chapters analyzes the proper law of contract under the Rome Convention and the Rome I Regulation. It focuses on ascertaining of the applicable law for contracts and on limits of the proper law. First the choice of law is analyzed and second the applicable law in the absence of choice is explained. Third the contracts with weaker party are described. Then the limits of the proper law are characterized and at last other questions related to the limits of the proper law are mentioned.

Part Four summarizes all knowledge. It illustrates the results of comparison of the Convention and the Regulation. It is subdivided into few chapters accordant with the topics in the previous part. Also, the aim of this part is to notify other questions and problems which are not described in this thesis but which are related to the topic of the Convention and the Regulation.

The main aim of the thesis is to compare differences between the Convention and the Regulation. The Convention and the Regulation are very similar. They are based on the freedom of contract. This idea is a significant element for the construction of the Convention and the Regulation. They concede the choice of law which is almost unlimited. The Regulation changes the conception of the applicable law in the absence of choice. It specifies

this process and attempts to eliminate faults of the Convention. A significant change can be found in the area of the contracts with weaker party. The Regulation extends enumeration of these contracts. It regulates insurance contracts and passenger carriage contracts. It changes the conception of consumer contracts. The limits of proper law are similar in both the Convention and the Regulation, but we can find small changes which only clarify some questions.