

## **ABSTRACT (EN)**

The aim of this thesis is to analyse a decision of the Court of Justice of the European Union (“ESD”) in the case of *Allianz SpA (formerly Riunione Adriatica Di Sicurta SpA) and Others v West Tankers Inc.* („*West Tankers*“), in which the Court ruled that an anti-suit injunction, issued to enforce an arbitration agreement, is incompatible with the Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (“Brussels I Regulation”). The thesis is divided into eight chapters, whereas as to the methodology, a case study approach is applied.

The first chapter is an introduction to the legal context of the dispute, with determination of the relevant law and legal concepts. The most important legal concept is the power to grant an anti-suit injunction, which could be defined as an order preventing a party from beginning or continuing to commence legal proceedings in another forum.

The second chapter deals with the use of anti-suit injunctions by the English courts prior *West Tankers* decision with a special emphasis on its compatibility with the Brussels I Regulation. Also, we will introduce the abusive delaying tactics of “torpedo actions”, as well as the problems caused by the interpretation of the arbitration exception contained in the Brussels I Regulation.

In the following chapter we will concisely establish the factual background of the presented dispute. Consequently, the fourth chapter summarizes the conclusions of the proceedings leading to the ECJ decision, i.e. the reasoning of the English courts – the Commercial Court and the House of Lords.

In the fifth chapter we would closely examine the opinion delivered by the Advocate General Juliane Kokott as well as highlight the importance of the AGs’ opinions in general and their impact on the ECJ’s decision. The following chapter is crucial since it summarizes the findings and legal reasoning contained in the final ECJ’s decision. The Court found that anti-suit injunctions are incompatible with the Brussels I Regulation since they interfere with the principle of mutual trust between the courts of the Member

States. The fact, that the anti-suit injunction was issued in order to enforce the arbitration agreement does not cause the dispute to fall outside the scope of the Brussels I Regulation, since the subject-matter of the dispute (i.e. a claim in tort) is decisive.

In the seventh chapter we will review the proceedings following the ECJ's decision in which the English courts *de facto* mitigated its consequences and diverted the "Italian torpedo".

Finally, the last chapter considers the implications of the *West Tankers* decision in the context of the revision of the Brussels I Regulation, which proposes changes to the provisions regarding the arbitration exception and the *lis pendens* rule. Also, we will analyse some of the alternate remedies that might possibly have the same effect as anti-suit injunctions (when it comes to restraining "torpedo actions") and still be compatible with the principles inherent to the Brussels I Regulation.