

# **European Private International Law – Domicile and Brussels I Regulation**

## **Abstract**

It is undisputable, that the Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, the so-called Brussels I Regulation, constitutes the cornerstone of the European Private International Law. The term domicile, employed as the most important connecting factor for the determination of jurisdiction under the Brussels I Regulation, is the key word thereof.

Domicile as such is a very interesting, although complicated, legal concept. This holds true even in the case of domicile for the purposes of Brussels I Regulation.

At the European level, the tradition of domicile, being the connecting factor in most cases of the determination of jurisdiction, was established by the Brussels Convention. Nevertheless, it did not provide for a uniform definition. Instead, it referred to the national laws of the then contracting states.

By adopting, with an exception, a uniform definition of a legal person's domicile, the Brussels I Regulation has partially deviated from this practice. However, as regards the natural person's domicile, the reference to the national laws of the European Union Member States was upheld. As the understanding of this concept differs from country to country, such a reference may have interesting consequences in practice.

Inspired by these facts, this master thesis is particularly dedicated to the concept of domicile in connection with the Brussels I Regulation. It is divided into eight chapters, with the structure as follows.

Chapter one contains an introduction to this master thesis. In chapter two, a brief introduction to the European Private International Law is provided. Chapters three and four deal with the Brussels I Regulation, in particular with its history and scope and with the rules on jurisdiction, respectively.

Chapter five engages in domicile. It considers the general meaning of domicile and, consequently, domicile as a connecting factor for the purposes of the Brussels I Regulation. Further, it looks at domicile from the perspective of common law, European Union or Czech Republic, together with the case law of the Czech Supreme Court, and compares these viewpoints. Finally, it shortly describes the way in which a number of selected European Union Member States have grasped this concept.

Chapter seven focuses on the proposal for the recast of the Brussels I Regulation with respect to its possible effects on the concept of the domicile concerned. Chapter eight, while concluding the whole master thesis, attempts to clarify the concept of domicile, mainly as for the Brussels I Regulation.