Summary and keywords

The recognition and enforcement of foreign judgments are basic requirements for development of international trade and other international cooperation. The purpose of my thesis called “The recognition and enforcement of judicial decisions within the European Union” is to compare two laws of EU Private International Law, which deal with this question - the Brussels I Regulation and the European Enforcement Order Regulation, as well as evaluate application of these Regulations by the Court of Justice of the European Union (European Court of Justice) and by national courts of two of member states of European Union – the Czech Republic and the Kingdom of Spain. The basic instruments for this research are description, analysis and comparison.

The thesis is composed of six chapters, each of them dealing with different aspects of recognition and enforcement of judicial decisions. Introductory chapter defines basic scope of this thesis. Chapter Two explicates basic theoretical issues and context of the recognition and enforcement in Czech Republic - Czech legislation, international Treaties and European legislation.

Chapter Three is focused on recognition and enforcement of foreign judgments according to the Brussels I Regulation, which is a basic European law for the issues of recognition and enforcement in civil and commercial matters, taking in account the proposal of its revision.

Chapter Four analyses the recognition and enforcement of foreign judicial decisions in accordance with the European Enforcement Order Regulation, that constitute an option to the Brussels I Regulation in the field of uncontested claims. The comparison and evaluation of advantages and disadvantages (for both creditor and debtor) of use of this Regulation against the Brussels I Regulation serve as the basic instrument to know the European Enforcement Order Regulation.
Chapter Five examines application of mentioned Regulations in practice and its merits are grounded in analysis of decisions of the Court of Justice of the European Union and national courts – the Czech and the Spanish – about the recognition and enforcement of foreign judgments according to the Brussels I Regulation and the European Enforcement Order Regulation. These decisions especially refer to use of public policy and proceeding irregularities as arguments for refuse of the recognition.

Chapter Six – the final one – contains recapitulation and evaluation of gained knowledge. The European Enforcement Order Regulation is an important law in the range of EU Private International Law, but there are deficiencies that cannot be forgotten. On the one hand, provides legal certainty for creditors, on the other, weakens the debtor. Referring to the jurisprudence – it is not possible to draw any significant conclusions from the decisions of national courts; Czech judgments are not very different from the Spanish ones. The jurisprudence of the Court of Justice of the European Union continues the trend that previous decisions raised.

Keywords: recognition, enforcement, Brussels I, European Enforcement Order for uncontested claims