Seznam příloh:

příloha č. 1: § 188 z *Restatement (Second) of Conflict of Laws* v původním znění.

příloha č. 2: § 145 z *Restatement (Second) of Conflict of Laws* v původním znění.

příloha č. 2: § 6 z *Restatement (Second) of Conflict of Laws* v původním znění.

Příloha č. 1

REST 2d CONFL s 188

Restatement (Second) of Conflict of Laws s 188 (1969 Main Vol.)

Restatement of the Law Second

Conflict of Laws 2d

Chapter 8. Contracts

Topic 1. Validity of Contracts and Rights Created Thereby

Title A. General Principles

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s 188. LAW GOVERNING IN ABSENCE OF EFFECTIVE CHOICE BY THE PARTIES

TEXT

(1) The rights and duties of the parties with respect to an issue in contract are determined by the local law of the state which, with respect to that issue, has the most significant relationship to the transaction and the parties under the principles stated in s 6.

(2) In the absence of an effective choice of law by the parties (see s 187), the contacts to be taken into account in applying the principles of s 6 to determine the law applicable to an issue include:

(a) the place of contracting,

(b) the place of negotiation of the contract,

(c) the place of performance,

(d) the location of the subject matter of the contract, and

(e) the domicil, residence, nationality, place of incorporation and place of business of the parties.

These contacts are to be evaluated according to their relative importance with respect to the particular issue.

(3) If the place of negotiating the contract and the place of performance are in the same state, the local law of this state will usually be applied, except as otherwise provided in ss 189-199 and 203.

Příloha č. 2

REST 2d CONFL s 145

Restatement (Second) of Conflict of Laws s 145 (1969 Main Vol.)

Restatement of the Law Second

Conflict of Laws 2d

Chapter 8. Wrongs

Topic 1. Torts

Title A. General Principles

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s 145. THE GENERAL PRINCIPLE TEXT

(1) The rights and liabilities of the parties with respect to an issue in tort are determined by the local law of the state which, with respect to that issue, has the most significant relationship to the occurrence and the parties under the principles stated in s 6.

(2) Contacts to be taken into account in applying the principles of s 6 to determine the law applicable to an issue include:

(a) the place where the injury occurred,

(b) the place where the conduct causing the injury occurred,

(c) the domicil, residence, nationality, place of incorporation and place of business of the parties, and

(d) the place where the relationship, if any, between the parties is centered.

These contacts are to be evaluated according to their relative importance with respect to the particular issue.

Příloha č. 3

REST 2d CONFL s 6

Restatement (Second) of Conflict of Laws s 6 (1969 Main Vol.)

Restatement of the Law Second

Conflict of Laws 2d

Chapter 8. Contracts

Topic 1. Validity of Contracts and Rights Created Thereby

Title A. General Principles

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s 6. CHOICE OF LAW PRINCIPLES

TEXT

(1) A court, subject to constitutional restrictions, will follow a statutory directive of its own state on choice of law.

(2) When there is no such directive, the factors relevant to the choice of the applicable rule of law include

(a) the needs of the interstate and international systems,

(b) the relevant policies of the forum,

(c) the relevant policies of other interested states and the relative interests of those states in the determination of the particular issue,

(d) the protection of justified expectations,

(e) the basic policies underlying the particular field of law,

(f) certainty, predictability and uniformity of result, and

(g) ease in the determination and application of the law to be applied.