

Abstract

The diploma thesis entitled “*The Brussels I Regulation and Other Procedural Legislation of European Private International Law (with regard to consumer protection)*” as presented focuses in details primarily on the consumer protection under the relevant civil procedural law of the EU. The main objective is to analyse certain provisions of relevant law dealing with the effective protection of the weaker contracting party - consumer.

The European Union's consumer protection legislation tends to strengthen the legal position of a consumer. The thesis underscores the importance of these special provisions, presents the original purposes, which have led to the adoption of them and the deduced conclusions supported by practical examples and by relevant European case law. It might be concluded that these provisions have created a special branch of the European civil procedure law.

The text is divided into seven main chapters. The introduction includes the scope of the topic covered by the thesis. The first chapter is dedicated to the europeanization process of civil procedure and is primarily supposed to introduce the reader into the relevant issues of the thesis.

The second chapter is intended to provide basic information about the conception of consumer protection law within the European context. It deals with reasons for adoption of the special legislation protecting consumers, enumerates the options for peaceful consumer related disputes settlement and presents the recent tendencies thereof.

The core of the thesis is contained in its third chapter related to the special consumer protection under the provisions of the Brussels I Regulation. This chapter introduces the system of special procedural rules protecting the weaker contracting party in general. The in-depth analysis of the contracts where the consumer is a contracting party follows. The CJEU's case law relating to actual issues is also covered by this chapter. Analysed issues are put within the context of current professional law discussions. In this respect the issues related to the interpretation of the term "pursuance of commercial or professional activities on the member state of consumer" are encompassed as well. Three crucial relevant cases have been analysed. At the end of this chapter, the European Commission's proposal for revision of the Brussels I Regulation and its impact on the consumer protection issues is discussed.

The fourth Chapter presents the Brussels Convention and Lugano Convention II, which contains the parallel arrangement in relation to Brussels I Regulation. In the following chapter the complementary legislative instruments of Brussels I Regulation are presented. Inter alia the European enforcement order for uncontested claims, European order for payment procedure and European small claims procedure are analysed mainly from the consumer protection's perspective.

The last two chapters are mainly focused on the comparison of frequently overlapping rules according to the Regulation Rome I and those contained in the Brussels I Regulation and the Czech Private International Law Statute in the field of consumer protection.

The conclusion of this thesis contains evaluation of the current protection of the consumer in the European civil procedural law.