

## **Abstract**

This thesis focuses primarily on the field of European cross-border insolvency law, currently represented by the EU Regulation on Insolvency Proceedings (EC No 1346/2000). The EU Regulation considered theoretical conflict between advocates of universalism and territorialism, and is generally regarded as reflecting it in a way of modification, which is represented by distinction between main and ancillary insolvency proceedings. Determination of international jurisdiction in the main insolvency proceedings is inherently linked with the criteria of the centre of main interests (COMI), which serves as a specific connecting factor to constitute both the court with jurisdiction and applicable law, for the purpose of the whole insolvency process in accordance with the principle *lex fori concursus*. The COMI concept is the root of the jurisdiction trouble, thus this thesis aims at providing substantial information on the concept, since the EU Regulation neglects its proper introduction. One of many issues related to COMI conception is a phenomenon of *forum shopping*, term used to describe situations when debtors manipulate with facts relevant for establishing jurisdiction, in order to obtain more favourable position, usually at creditors' expense. The thesis also deals with another important initiative in the field of international insolvency law – the UNCITRAL Model Law on Cross-border Insolvency. Finally yet importantly, this piece of work offers an insight into the future version of European cross-border insolvency law and identifies key changes, since the Recast's Regulation (EU No 2015/848) date of effect is drawing near.