The present dissertation deals with selected questions arising in the course of the application of choice of law rules and of the foreign law designated on the basis thereof. In this context, the dissertation analyzes general issues connected to the selected questions and then compares the possible solutions as implemented in Czech law, EU law and in selected foreign laws. As far as Czech law is concerned, attention is also paid to its historical development; the same is true about some of the foreign laws discussed in the dissertation. The dissertation focuses on selected wording and interpretation difficulties that used to arise and still arise in the context of particular legal instruments.

First, two basic hypotheses are set out; their verification is one of the aims of the dissertation. The first is the question of whether the doctrine of choice of law rules represents a self-contained and self-sufficient system that – at least on a theoretical level – offers answers to all questions arising in the context of the application of choice of law rules. The second is the question of whether the concept of a bilateral choice of law rule, as commonly implemented today, facilitates international private law interaction and is – at least on a general level – a suitable way of governing international private law relationships.

The first concept to be scrutinized is that of overriding mandatory provisions, i.e. those that, due to their crucial importance in domestic law, must be applied, even to a legal relationship otherwise governed by a foreign law. The concept is well accepted, as illustrated by an outline of Czech law and its historical development, the current state of EU law in this area, and the respective legal regulation in Poland, Germany and England.

Subsequently, a number of difficulties are pointed out. These are related not only to exceptional or marginal questions, but to the very core of the concept. First, the delimitation of the concept under scrutiny, as opposed to other – similar or not really similar – concepts, is often unclear; this is the case in relation to mandatory rules, public law rules and public policy exemption. Next, no agreement exists as to whether overriding mandatory rules as a concept exist by their own virtue, or whether a specific rule establishing the concept is required. In some cases, it may even be questionable whether the application of overriding mandatory rules is mandatory, or whether the court (or other body) has a certain degree of discretion in this respect. The conclusion is made that while the concept of overriding mandatory rules is reasonable, in practice it leads to the weakening of legal certainty and predictability, and in some cases to almost unresolvable difficulties.

The next concept to be scrutinized is the public policy (*order public*) exemption. It is a concept by virtue of which a court may refuse to apply a foreign law designated by a choice of law rule if such application were to lead to an unacceptable outcome. This concept too is commonly accepted, as demonstrated by Czech law and its historical development, the current state of EU law in this area, and the regulation thereof in laws of Poland, Russia and England.

Thereafter, difficult points connected to the present concept are outlined. They relate in particular to the scope thereof, the question of the relationship thereof to the principle of good morals, the question of whether it is reasonable to require a certain level of intensity of a breach of public policy for the exemption to apply, as well as the question of whether court discretion is or should be allowed when applying the exemption. The conclusion is not materially different from that regarding overriding mandatory rules: a public policy exemption has its place in private international law, but at the same time it causes a number of issues that hamper international private transactions.

The last topic to be discussed is that of *renvoi*, i.e. the question of whether or not to apply a choice of law rule of a foreign law to which a domestic choice of law rule has referred. The analysis is based on a scrutiny of Czech law and its development, EU law, and laws of Poland, England and the U.S.

Problematic points are also highlighted in this context. They include a great variability of solutions adopted in different legal systems, their relationship to the theoretical grounds of the choice of law rule concept, and the fact that an attempt at a sophisticated solution may result in a regulation that is perfect from the doctrinal viewpoint, but difficult to apply in practice.

In the final chapter of the dissertation, the above-outlined issues are summarized, while some others are raised. These include, in particular, the questionability of applying the principle that ignorance of law is no excuse in the context of the application of foreign law, and the imperfectly understood relationship between prescriptive jurisdiction and enforcement jurisdiction, in particular, the ease with which the fact is accepted that a certain legal topic may be subject to the legislation of one state, but the justice system of another.

On the basis of the above, the response to the questions related to the hypotheses outlined in the introduction is rather reserved. To the contrary, the question is raised whether the simple

application of the *lex fori* would not represent an easier and ultimately also more just rule in whole categories of legal situations.