

## **Summary**

### Comparison of International and EC Legal Regulation of Selected Institutes of Family Law

The purpose of this thesis is to provide an overall and comparative insight into the issue of child protection, namely the questions regarding the child abduction, parental responsibility and maintenance issues. The protection itself is governed, except from national law, by international instruments of civil procedural law which are (for purposes of this thesis) represented by conventions concluded among contractual states of Hague Conference on Private International Law (Convention of 25 October 1980 on Civil Aspects of International Child Abduction, Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance and Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations) and by EC legislation (namely Regulation (EC) No. 2201/2003, Brussels II bis, and Regulation (EC) No. 4/2009).

Second and third chapter deal with basic terms which form necessary part of the object of the thesis, e.g. the private international law, international law of civil procedure, its sources, development, description of term “parental responsibility” and brief introduction to Hague Conference on Private International Law. Fourth chapter provides the description of first two Hague conventions mentioned above – namely they deal with the summary of both conventions, the proceedings which Hague conventions govern (in scope of child abduction and parental responsibility issues), the practical applicability and impact of conventions and, notably, with the translation problems connected to the Czech versions of conventions. Moreover, it deals with the Regulation Brussels II bis, its importance within the system of EC secondary legislation, the scope of issues the Regulation deals with and its differentiation from previous Regulation No. 1347/2000 (Regulation Brussels II). A significant part of this Chapter is dedicated to translation problems and as well to notices on interesting terms whose translation is

rather questionable. As a comparative piece of work, this Chapter deals also with the distinguishing elements of Regulation Brussels II bis and Hague conventions.

Fifth chapter deals with the issue of maintenance obligations whose regulation is included both in last two documents of Hague Conference on Private International Law mentioned hereinbefore and EC legislation. All these materials are entirely new (2007) and although they have their basis in previous regulation (mainly in Hague Conventions), they try to become more efficient and “user friendly” for both states and individuals, e.g. by limiting and re-defining the requirement of writing. On the other hand, a number of mistakes and linguistic problems arise with formation of these documents which are likely to be mentioned in this Chapter. These are either questions of faulty translation into Czech language, the risk of misunderstanding or double-meaning. However, as the Hague Conference on Private International Law documents are still not officially available in Czech language, many of issues dealt within this Chapter remain sole proposals.

Conclusions are drawn in last chapter of this thesis. The main aim, which I suppose to be accomplished, was to deal with the area of law regarding the protection of children, which is, within the scope of international law of civil procedure represented by Hague conventions and EC regulations, and, no less important, to call attention to translation of those documents. As it is possible to conclude from the comparison of the original versions and translations, there exist many translation mistakes which may lead to misunderstanding and improper application of provisions of Hague conventions and Regulation Brussels II bis or Regulation (EC) No. 4/2009 and shall be corrected i.a. by respecting the translation tradition.