

ABSTRACT

European international law - selected issues

The subject of this thesis is an analysis of a new procedural measure of European law – European order for payment (hereinafter as „EOP“) and exploration of its application in practice from the perspective of the Czech plaintiff and Czech court. I have chosen this topic because of my own experience concerning cross-border debt recovery through the EOP. In this context, I decided to find out how this legal measure works in practice with regard to its purpose of providing a simplified, accelerated and cost effective procedure for the recovery of uncontested pecuniary civil and commercial claims in cross-border cases. In the final part of the thesis, I made the conclusion that the Council Regulation 1896/2006 of 12 December 2006, in creating a European order for payment procedure, (hereinafter as „REOP“) meets its objectives and its implementation is a valuable asset to the creditors against non paying debtors.

The thesis is divided into 3 parts. The first part is as an introduction to European private international law containing five chapters. The first and second chapters explain the concepts of private international law and European private international law. The third chapter deals with their mutual relationship. The fourth chapter describes the development of European private international law with emphasis on European international procedural law. The fifth chapter gives an overview of the most important legislation in the field of judicial cooperation in civil matters. The second part of this thesis provides a legal analysis of REOP and its individual provisions. In total there are nine chapters dealing with (1) legal development of REOP (2) characteristic of European summary procedure (3) scope (4) jurisdiction (5) the application for the EOP (6) issue of EOP (7) service (8) a statement of opposition and a review of EOP (9) enforceability and enforcement. The third part, named the application of REOP in practice, describes on the basis of empirical and statistical data the application of EOP from the perspective of the Czech plaintiff and Czech court as mentioned in chapters one and two.

Keywords: European private international law
European international civil procedural law
European order for payment