

Univerzita Karlova v Praze
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**NAŘÍZENÍ BRUSEL I A JINÉ PROCESNÍ PŘEDPISY
EVROPSKÉHO MEZINÁRODNÍHO PRÁVA SOUKROMÉHO
(se zaměřením na pojem uznání)**

Diplomová práce

Vedoucí diplomové práce: JUDr. Bc. Jan Brodec, LL.M., Ph.D.

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Abstract

The Diploma thesis „Regulation Brussels I and other procedural legislation of European private international law (with regards to the concept of recognition)” focuses on the analysis of the so-called „fifth freedom“ – the free circulation of judgments within the EU.

The aim of the thesis is to analyze the procedural legislation of European private international law concerning their approach to the concept of recognition using the descriptive-analytical method. The thesis is mainly focused on the newly adopted Regulation of European Parliament and of the Council (EU) No 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (herein also referred to as the Brussels I bis Regulation) and to the Council Regulation (EC) No 1346/2000 of 29 May 2000 on Insolvency Proceedings (herein also referred to as the Regulation on Insolvency Proceedings). In detail, for both deals with analysis of application of the principle of automatic recognition, procedural requirements for recognition, reasons for refuse of recognition and other issues specified by the concrete regulation.

The introductory chapter puts the topic of the thesis into the context of the European law and briefly deals with the interpretation of the term recognition – the main issue of this thesis. The difference between the concept of recognition in accordance with the Brussels I Regulation and the Regulation on Insolvency proceedings is to be explained in this part of the thesis.

The second chapter briefly introduces the procedural legislation of the EU that includes recognition in some kind.

The third and the fourth chapters define the concept of recognition with respect to the two basic regulations that are subject to the thesis – the newly adopted Brussels I bis Regulation as first, and the Regulation on Insolvency proceedings as second. The basis of the analysis carried out in these chapters contains the jurisdiction of the given regulations, the concept of effects, the description of specific effects of the recognition and an introduction of recognition refusal reasons. Attention is also paid to the interpretative opinions resulting from the judicial practice of the Court of Justice of the EU (with emphasis to the most recent rulings) and also to legislative documents accompanying the regulations in question.