# RÉSUMÉ (ABSTRACT)

*1. Judicial cooperation in civil matters is an important area of the European integration that reflects the necessity to provide cross-border private law relations within the EU with legal certainty and judicial protection. This cooperation solves in an efficient way problems that would otherwise result from the differences between the private law systems of the individual Member States and from the independence and territorial limitation of their judicial systems. Its solution consists in the unification and harmonization in the field of the international private law. This method enables to these difficulties to be solved without the necessity of a deeper interference with the private law systems of the Member States.*

*Currently the area covers an essential part of the subject of the international private law, namely all its key areas - international jurisdiction, recognition and enforcement of foreign judicial decisions, determination of applicable law and legal aid among the courts throughout the Union. A bigger uncovered space is left in the field of applicable law, but there already exist new projects. Altogether, this area seems to be an organic functional complex, which bridges the territorial limits of the national judicial systems.*

*2. This area is a very dynamic one. The European Commission is presenting new and new projects. Therefore the thesis focuses on the question whether the limits for the Community competence in the area stipulated in the primary law are respected. Persuant to the Article 65 of the TEC, the Community can act in the area only in the case of civil matters having cross-border implications and in so far as necessary for the proper functioning of the internal market. We mentioned some new proposed instruments by the Commission where the limitation to cross-border implications is absent (proposed regulation on the European order for payment procedure, proposed regulation on small claims procedure and proposed directive on certain aspects of mediation.The proposed mechanisms would be applicable also for purely intranational cases. If such instruments were adopted, one could hardly consider such legislation compatible with the founding treaties.*

*The quite extensive interpretation of the condition of necessity for the proper functioning of the internal market in several cases was also mentioned.*

*3. This thesis deals also with the problem of the finalité, i.e."sound" limits of the integration in this area. The argumentation focuses on the advantages of the methods of the international private law, which enables to preserve the diversity of private law systems as a part of national cultural heritage. That is why, in my view, the corner stone of the sound limits in the area should be the limitation to the cross-border matters.*

*The other criterion – "necessity for the proper functioning of the internal market", seems to be too vague to be able to represent a barrier for the expansion of Community legislation. Therefore it is not possible to rely on it as far as the „sound" limits are concerned.*

*4. In connection with our accession to the EU the Czech international private law undergoes important changes, the biggest ones since early 1960s. Not always these changes are progressive ones.*

*Generally speaking, the Czech Republic is facing similar problems like the other Member States. Our general international procedural law rules are excluded from application vis-a-vis other Member States and the unificated Community will be applied instead of them. The application of our general rules is now limited to the relations with the third countries. Our conflict rules in the area of the contractual obligations covered by the Convention of Rome 1980 are are excluded from application completely.*