

## **Abstract**

### Peremptory rules in international business transactions

The topic of this diploma thesis covers the issue of peremptory or rather overriding mandatory rules in international business transactions. Overriding mandatory rules are rules which shall apply despite the choice of law made by the parties of the contract. These rules, which are usually of a public nature, serve to implement some crucial public interests and may have important impacts on business relationships. The objective of this thesis is to, firstly, characterize overriding mandatory rules and secondly, to analyze the system of regulation of foreign trade with certain specific kinds of goods, where these rules are typically to be found.

This thesis is divided into 12 chapters and also includes a general introduction and a final conclusion. The first chapters aim to provide a complex definition of overriding mandatory rules including one on what distinguishes these rules from public policy. The process of application of these rules based on their origin is examined in detail. The closest attention is given to the process of applying these rules when they are part of the law of a third country. The following chapters then focus on an area of law of which the use of overriding mandatory rules is characteristic, i.e. the regulation of international trade of dual-use goods. Dual-use goods are items that can be used for both civilian and military purposes.

The initial characterization of these goods is followed by a presentation of the international framework in which the export controls take place. Particular attention is paid to the international control regimes. This is followed by an analysis of the export control regime of the European Union which is based primarily on Council Regulation no. 428/2009. The various stages of the process of harmonisation are mentioned as well. The chapter on the Czech export control regime which mainly implements European Union law includes the issue of criminal liability concerning the breach of export control rules. The European Union embargo on the export of certain dual-use items into Russia is also mentioned.

Key words: overriding mandatory rules, dual-use goods, international control regimes, export authorization