

The Enforcement of Court Settlements

Abstract

The topic of this thesis is the enforcement of court settlements. Court settlement is an institute, which, although it is a traditional part of civil procedure, does not receive enough attention. The absence of any detailed analysis of the court settlement is even more surprising considering that currently chosen structure of the court settlement in the Czech Code of Civil Procedure (OSŘ) is very problematic and raises the great amount of the theoretical questions, from which some of them are capable of causing troubles in practice. At the same time, the problematic aspects increase also in terms of the enforcement of the court settlement.

With regard to the above, this thesis primarily maps the historical development of the court settlement in the legal territory of today's Czech Republic in order to clarify the basic principles and better understanding of this institute at present. After the historical part, the thesis deals with the court settlement as an institute and his positive legal definition in order to point out the interpretation problems in certain aspects and also to mention their possible consequences. Furthermore, the thesis presents possible solutions to the selected problems and simultaneously, where appropriate, compares the legislation with the proposed amendment to Czech civil procedural law.

In the following chapters forming the main part of this thesis, attention is paid to the enforcement of court settlements – purely nationally, as well as in the transnational relations according to selected legal sources. The part dealing with the enforcement of court settlement in the national sense logically follows the definition of court settlement in the Czech legal system, as it shows, how the previously stated problems included in the law itself subsequently manifest themselves in enforcement proceedings. The problematic of recognition and *exequatur* proceedings at the transnational level is briefly mentioned as well.

The last chapter of this thesis contains an analyses of the selected bilateral international treaties by which the Czech Republic is bound. The provisions concerning recognition and enforcement contained in these international treaties are critically discussed and comment is given about the possible problems of the practical use of these standardized procedures.