

Abstrakt a klíčová slova v anglickém jazyce

Název práce: Comparison of Czech and German legal regulation of appellate review with reference to Czech Republic's impending civil procedural law reform

Abstract

This diploma thesis describes and compares the regulation of civil appellate review under Czech law with the legislation in the Federal Republic of Germany.

The first part addresses the chosen topic on a broad level. The introductory section provides an overview of appellate review in both legal systems, a summary of recent recodification efforts, as well as a brief description of the historical development and appellate systems.

The next section continues with admissibility. It contains the current Czech and German appellate review's admission regulation. The entire paper is structured so that the Czech law is always described first, followed by the German one, simultaneously comparing both versions and summarizing the results and key differences.

The admissibility is divided into objective and subjective, followed by the explanation of additional requirements that both Czech and German appellate reviews must meet. It is also worth noting the assessments of admissibility. In Germany, only courts of appeal can determine whether an appellate review is admissible.

In the next section, subjective admissibility and the appellate review's suspensive and devolutive effect will be discussed. Particular attention is paid to the obligation to have a lawyer in both legal systems. Furthermore, in Germany only a few selected lawyers who are admitted to the Federal Court of Justice are able to represent their clients. The deadline and form of filing also deserve due attention.

In the following part, modalities of German appellate review, which are unknown under current Czech law, are discussed. These are mainly the non-admission complaint, the subsequent revision, the jump revision and finally the legal complaint.

The third and fourth sections of the thesis go into greater detail about the grounds for appellate review (the only ground for appellate review in both legal systems being incorrect judicial legal analysis of the case) and about the decision-making during the appeal process and different types of decisions.

The final section summarizes recent Czech recodification tendencies and reflects the newly proposed Civil Procedure Code bill. Because the German (though primarily Austrian) appellate review system influenced the recodification commission heavily, a comparison of the proposed recodified codex with the German model follows.

The conclusion then seeks to summarize key differences between the two legislations as well as the subsequent *de lege ferenda* considerations. Therefore, it is being thought about what specific actions could be taken in the Czech Republic in the future.

Klíčová slova: Appellate review, Legal Remedies, Recodification