

Obligations involving an international element

Abstract

This thesis deals with a narrow section of contractual obligations involving an international element, namely consumer contracts, which are characterized mainly by the parties to the contract (consumer and entrepreneur). Consumer protection also intervenes in private international law, with the Rome I regulation and Brussels I bis regulations being the main legal norms for consumer protection. In this work, I am mainly based on these regulations and also on the case law of the Court of Justice of the European Union, which bindingly interprets the provisions resulting from these regulations.

This work answers questions: (i) Which contracts are covered by the protection provided for in Article 6 of the Rome I regulation and the section 4 of the Brussels I bis regulation and how does this protection manifest itself? (ii) How is the situation resolved in case of a change of a domicile or an unknown domicile of the consumer after the conclusion of the contract and (iii) what criteria are decisive when assessing the targeting activity of the entrepreneur on the Member State in which the consumer has habitual residence or domicile?

The work is divided into six chapters. In the first chapter, I define basic terms: the obligation, the international element and the consumer contract. In the second chapter, I focus more closely on the subjects of the consumer contract, which are the consumer and the entrepreneur. The third and fourth chapters discuss the applicable law and jurisdiction of contractual obligations, and especially consumer contracts, reflecting the manifestations of consumer protection. The fifth chapter refers to the habitual residence, domicile of the consumer and situations that arise in the event that the consumer changes domicile after the conclusion of the contract. This mainly concerns the issue of a change of domicile of the consumer and the consumer's unknown domicile after the conclusion of the contract, but before the filing of the lawsuit. The subject of the last chapter is the interpretation and analysis of the concept of directing of the entrepreneur's activity to the Member State of consumer's habitual residence or domicile referred to in Article 6 Rome I regulation and Article 17 Brussels I bis regulation. In this chapter, I analyse the relevant jurisprudence of the Court of Justice of the European Union and the possible concept of using the non-targeting test.

Key words: [consumer contract, Rome I regulation, Brussels I bis regulation]