

International Court Jurisdiction in Contractual Disputes

Abstract

The master thesis deals with the topic of international jurisdiction in contractual disputes with an international element. The aim of the thesis is to describe and analyse the legal framework of the topic at the level of national legislation, the rules in some international treaties and, in particular, the Brussels I Recast Regulation, which is the most important legal instrument of this framework from the point of view of persons living or domiciled in the territory of the European Union. A partial objective of the thesis is also the analysis of certain rules of international jurisdiction in contractual disputes in terms of their exorbitance, which may result in the refusal to recognise and enforce a foreign judgment.

The first chapter of the thesis aims at describing the relevant rules for establishing the jurisdiction of courts in contractual disputes with an international element on the basis of national rules in the Czech Republic and the United Kingdom. It also compares these rules with each other and with the rules on international jurisdiction in the Brussels I Recast Regulation. The chapter also introduces the Hague Conference project on the unification of the rules for the mutual recognition and enforcement of foreign judgments, of which the indirect rules of international jurisdiction are an integral part, and the work on the project to unify the direct rules of international jurisdiction.

The second and third chapters deal with the Brussels regime of rules of international jurisdiction. Although the thesis focuses primarily on the analysis of the relevant rules for determining international jurisdiction under the Brussels I bis Regulation, it does not ignore the introduction of the Brussels regime through its historical development. In the subchapter devoted to the rules of international jurisdiction protecting weaker parties, the thesis, given the breadth of the subject matter, focuses on their brief introduction and an analysis of the exorbitance of the rules allowing the weaker party to sue in the place of its domicile.

The last chapter is devoted to the rules of international jurisdiction in multilateral international treaties that concern specifically defined matters. The work thus also presents a very specific adaptation of these rules, which are required by the special nature of the matters falling within their scope. The main focus is on the relationship between the rules contained in such international treaties and the Brussels I Recast Regulation.

Klíčová slova: international jurisdiction, Brussels I Recast Regulation, contractual disputes