

# **Application of Foreign Law and Cross - Border Evidence in European Judicial Area**

## **Abstract**

The presented rigorous thesis deals with the issue of the application of foreign law and cross-border evidence by judicial authorities within the European Judicial Area. The rigorous thesis examines selected questions regarding the application and handling of foreign law before Slovak, Czech, German and Italian judges.

The introductory part of the thesis is devoted to the theoretical definition of individual institutes and key concepts related to the investigated issue and their integration into the legal system. In this part, the author focuses mainly on the issue of including the institute of application of foreign law and cross-border evidence in the legal system. The question of the status of conflict of laws and the conceptual definition of the European judicial area are also examined, with a special emphasis on judicial cooperation in civil matters.

In the chapters 4-7, the thesis analyses in detail the institute of application of foreign law by judicial authorities, with an emphasis on the nature given to foreign law in individual legal systems, the process of ascertaining and applying foreign law and solving emerging problems.

Chapters 8-9 are devoted to the topic of cross-border evidence, where the work primarily deals with the description and comparison of methods of evidence in the regime of individual sources of law. Special attention is paid to cross-border taking of evidence carried out in accordance with the revised Council Regulation (EU) no. 2020/1783 on the cooperation of the courts of the Member States in taking evidence in civil and commercial matters, which represents the basic means of implementing the cooperation of judicial authorities in the issue of cross-border evidence in the European Judicial Area.

The final chapter of the thesis presents an overview of the researched issue of *de lege ferenda*, which opens up space for possible changes and expectations of improvements in both researched topics. The aim of the work is to clarify the specifics and particularities of the application of foreign law by judicial authorities, as well as cross-border evidence within the European Judicial Area.

**Key words: application of foreign law, cross-border evidence, European judicial area**