

# **Parental responsibility in private international law**

## **Abstract**

This thesis deals with the topic of parental responsibility in private international law, focusing on the significance of the new EU regulation. The aim of this thesis is to identify and analyse the novelties brought by the new EU regulation known as Brussels II ter regulation, which is effective from 1<sup>st</sup> August 2022. The content of the thesis is a detailed analysis of the Brussels II ter regulation in the field of parental responsibility and its comparison with the previous Brussels II bis regulation. The thesis is divided into four chapters, the key part of the thesis being the analysis of the individual articles of the Brussels II ter regulation and the comparison with the corresponding articles of the Brussels II bis regulation. In addition to the analysis of the Brussels II ter regulation, the thesis also deals with the definition of concepts relevant to the topic, such as parental responsibility, border determinant or habitual residence, together with the habitual residence of the child. Furthermore, the thesis lists the different sources of parental responsibility, i.e. EU sources as well as international treaties and national regulations and their interrelation with the Regulation in question. The thesis also contains an analysis of the case-law of the Court of Justice of the European Union relating to preliminary questions from the Member States, always relating to a specific article of the Regulation or to a defined concept. The methods of description, analysis, synthesis and comparison were used in the writing of the thesis. The result of the work is the identification and analysis of the novelties introduced by the Brussels II ter regulation. The new regulation has brought many changes in this area, the most important of which include a stronger emphasis on the child's opinion, his or her right to express it and, given the age and maturity of the child, the right to have his or her opinion taken into account. Other innovations are the possibility of choosing the jurisdiction of the court, the inclusion of a third chapter on international child abduction, the removal of the requirement for a declaration of enforceability of the decision and the strengthening of cooperation between the authorities of the Member States.

**Key words:** parental responsibility, habitual residence, Brussels II ter regulation