

Lis Pendens in Private International Law

Abstract

The thesis examines the institute of *lis pendens* in international civil procedural law. With increasing globalisation and the growth of cross-border trade relations, the risk of jurisdictional conflicts between courts of different states is also increasing. The *lis pendens* principle serves as a mechanism to prevent the issuance of conflicting and mutually incompatible decisions by preventing a court before which identical proceedings have been brought later from continuing the proceedings until the court first seised has decided on its own international jurisdiction. The fundamental prerequisite for the effect of *lis pendens* is the identity of the parallel proceedings, which is usually defined by the identity of the parties to the dispute and the identity of the cause. The thesis analyses in detail the legal anchoring of *lis pendens* in European law, in particular in the Brussels I bis Regulation, and compares this approach with alternative doctrines such as *forum non conveniens* or *anti-suit injunction*, which are traditional in common law jurisdictions.

Furthermore, the thesis seeks to analyse the gradual evolution of *lis pendens* in the Brussels regime towards greater flexibility, especially in relation to parallel proceedings conducted simultaneously inside and outside the European Union. The thesis also considers the future of *lis pendens*, which will be influenced by the current initiative to prepare a new international convention for the regulation of parallel proceedings at the Hague Conference on Private International Law. The current proposal and the reflections published here seek a compromise between the inherent rigour of *lis pendens* and the discretionary nature of *forum non conveniens*. The thesis concludes that while *lis pendens* remains an important tool for resolving jurisdictional conflicts within the European Union, its future application at the global level may be influenced by other emerging international legal instruments.

Klíčová slova: lis pendens, parallel proceedings, forum non conveniens