

ABSTRACT

The dissertation thesis deals with the regulation of the private international law matters within EU law focusing on the area of labour law.¹

The thesis is **divided into four basic parts**, its centrepiece being parts II and III, which are devoted to relevant general issues related to the regulation of international private law within EU law and/or to the specific legal instruments adopted in this area. Part I is an introduction of the topic, while part IV brings a résumé and a summary of findings and conclusions made throughout the thesis.

First of all, **the introductory part** brings about a justification as to why it was European private international law and/or its part concerning labour law relationships that became the subject matter of the thesis. Emphasis is placed upon the purpose of this legal regulation, its basic features as well as its practical importance. Also, the author explains her motivation to address the concerned topic (consisting in a quite unusual interconnection of international private law and labour law), brings about a justification as for the chosen approach to the topic and outlines the systemization of her thesis.

Part II of the thesis, which is devoted primarily to some selected general issues of the legal regulation of European private international law, is divided into five chapters.

The first chapter makes the reader familiar with some definitions and general terms which are important for this thesis (such as private international law, labour law, European private law and European private international law) and points out the mutual interactions between these areas.

The purpose **of the second chapter** is to present a brief summary of the gradual developments of European private international law within the EU integration process as well as of the major milestones of such developments. It also tries to show the extraordinary importance of

¹ The English title of the dissertation thesis is “Regulation of the International Private Law within the EU with a Special Focus on the Area of Labour Law”.

this discipline which is demonstrated both by the continuing development of the respective legislation competences at the EU level and by some practical examples.

The third chapter deals with the standard regulation methods of the international private law regulation (*i.e.* the direct method and the method using the rules of conflict) and shows the special implications related to the application of the above methods within the system of EU law. The thesis also analyses the advantages and disadvantages of the methods as well as their further perspectives in EU legal instruments.

Relations between European private international law and national laws of EU member states are the subject matter of **the fourth chapter**. Besides a general summarization of the key principles applicable for the relationship between community law and national law (the supremacy of EU law, direct applicability, direct effect, *etc.*), attention is paid to special implications in respect of the regulation of private international law in the Czech Republic. The purpose of such commentary is to emphasize that joining the EU was a significant milestone for the development of Czech international private law in terms of further legislation activities, application of (original) national legal regulation as well as interpretation procedures.

The fifth chapter pays particular attention to sources of European private international law from the labour law perspective. Firstly, the author touches upon the individual sources of EU law, *i.e.* primary law, secondary law and supplementary law, and the specific features of this legal system. Further, there are discussed principles which are of importance with respect to the interpretation of the procedural rules and/or rules of conflict of European private international law and which are included in the treaties establishing the EU, and a list of the most important directives and regulations is presented. In addition to this, the thesis deals with the most important legal instruments within the sources of supplementary law, even if the importance of these sources has been somehow diminished due to the recent developments in the respective area.

Part III of the thesis is dedicated to specific instruments of European private international law whereas the respective legal regulations are examined in terms of their possible implications in the

labour law area. This part is divided into six chapters. Generally, each chapter is devoted to each individual relevant instrument and/or to a compact group of legal regulations.

The Brussels I Regulation is the subject matter of **the sixth chapter** and is described in the manner as mentioned above; naturally, particular attention is paid to provisions regulating jurisdiction over individual contracts of employment and related case-law of the Court of Justice. In addition to this, the chapter deals with such aspects of the respective procedural regulation which do not address the labour law matters explicitly but which might have some other labour law implications. At the end of this chapter, there is also a brief comparison between the effective legal regulation of the respective legal matters and the previous regulation of the Brussels Convention.

In **the seventh chapter** the Rome I Regulation from the labour law perspective is analyzed. The approach to this instrument does indeed comply with the approach used with the Brussels I Regulation and it is in this context the author examines the specific conflict rules in the matter of contracts of employment.

The topic of **the eighth chapter** is the Posted Workers Directive. In particular, the thesis tries to highlight the purpose of this regulation, its relationship to the other EU legal instruments as well as its practical implications. Special attention is devoted to the implementation of this directive into Czech law.

The ninth chapter is devoted to Rome II Regulation whereas this instrument is approached in the same manner as the complementary instruments in the sixth and/or seventh chapter. The commentary is focused on the rules of conflict applicable to industrial actions. However, application possibilities of this instrument on some other labour law matters are addressed as well.

Some other legal regulations, which do not relate to the labour law area directly, are commented upon in **the tenth chapter** in respect of their possible labour law impact. This applies for instruments complementary with the Brussels I Regulation as well as some other instruments in the area of European labour law, which have not been discussed in the previous chapters.

The eleventh chapter deals with the Czech legal regulation of labour law relationships with an international element, which is still relevant but has been affected by EU regulation significantly. Also, the new regulation on international private law (which will become effective shortly) is discussed together with some related interpretation problems.

The **final part IV** of the thesis sums up the previous discussion, evaluates the respective legal regulations and outlines the author's view of how these regulations might be developed into the future.