

**Czech Yearbook
of International Law[®]**

Czech Yearbook of International Law[®]

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International Transportation

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We regret to announce the death of our most reputable colleagues Prof. Pierre Lalive from Switzerland and Prof. Dr. Ján Azud from Slovakia. We are thankful for their efforts invested in our common project. Their personality and wisdom will be deeply missed by the whole editorial team.

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All contributions in this book are subject to academic review.

List of Abbreviations

ADN	European Agreement concerning the international carriage of dangerous goods by inland waterways
ADSp	German Freight Forwarders' Standard Terms and Conditions
AGN	European Agreement on principal inland waterways of international importance
BGH	Bundesgerichtshof
CAH	Czech Aeroholding
CFR	Charter of Fundamental Rights
CIM	The "Appendix B" of the COTIF: Unified regulation of the contract of international carriage of goods
CIS	Commonwealth of Independent States
CIV	The "Appendix A" of the COTIF: Unified regulation of the contract of international carriage of passengers
CLECAT	European Association for Forwarding, Transport, Logistic and Customs Services
CMR	Convention on the Contract for the International Carriage of Goods by Road (Geneva, 19 May 1956)
Convention	Convention on Law Applicable to Contractual Obligations, agreed in Rome on 19 June 1980/EEC document No. 80/934/EEC. ¹ The Convention on the accession of ten new (at the time) Member States of 14 April 2005 was published in the Official Journal on 8 July

¹ Convention 80/934/EEC on Law Applicable to Contractual Obligations, opened for signature on 19 June 1980 in Rome (consolidated (full and up to date version CF498Y0126(03)) Official Journal L 266 of 09.10.1980, pp. 1-19; Official Journal C 169 of 8.7.2005, pp. 10-22, Official Journal L 347 of 29.12.2007, pp. 3-36. The Convention came into effect for the Czech Republic on 1 July 2006. Published as No. 64/2006 of the Collection of International Agreements.

	2005 (C 169/1). The Czech Republic agreed to be bound by the Rome Convention in connection with its accession to the European Union.
COPEC	Czech Office for the Protection of Economic Competition
COTIF	Convention concerning International Carriage by Rail ² as amended. ³
CRS	Computer reservation systems
EBRD	European Bank for Reconstruction and Development
ECOSOC	Economic and Social Council
EDI	electronic data interchange
ECtHR	European Court of Human Rights
EEC	European Economic Community
Europol	European Police Office
FIATA	International Federation of Freight Forwarders Associations
FIATA FBL	Multimodal Transport Bill of Lading
FIATA FCR	Forwarder's Certificate of Receipt
FIATA FCT	Forwarder's Certificate of Transport
FIATA FWB	Multimodal Transport Waybill
FIATA FWR	Forwarder's Warehouse Receipt
FIATA Model Rules	FIATA Model Rules for Freight Forwarding services
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
IMF	International Monetary Fund
KAL	Korean Air Lines
KAW	Knut and Alice Wallenberg Foundation
LCC	Low-cost carriers
MAP	Montreal Additional Protocols
Official Journal	Official Journal of the European Union/Periodical of the European Union, published also in the Czech language since 2004. Texts published in the Official Journal, including those published earlier than 1998, are also available (in TIFF, PDF and/or HTML as possible) and can be browsed using the search functions of the official websites of the EU publishing records.
OGH	Oberster Gerichtshof
PIN	Product identification number
PSO	Public Service Obligation

² For the Czech Republic see By-law of the Minister for Foreign Affairs No. 8/1985.

³ Amendments for the Czech Republic were published as attachments of these respective by-laws: No. 61/1991, No. 251/1991, No. 274/1996, and No. 29/1998.

List of Abbreviations

RCF	Revolving credit facility
Regulation	Regulation (EU) No. 593/2008 of the European Parliament and of the Council on the Law Applicable to Contractual Obligations (Rome I) of 17 June 2008. Approved by the Council of Ministers of Justice and the European Parliament (EP) on 6 June 2008. Subsequently signed by the President of the EC Council and the President of the European Parliament on 17 June 2008. Following the translation into the languages of Member States, the Regulation of the EP and of the Council No. 593/2008 of 17 June 2008 on the Law Applicable to Contractual Obligations (Rome I) was published on 4 July 2008 in the Official Journal of the Community. ⁴
SAM	State Aid Modernization
SDR	Special Drawing Rights
SGEI	Services of General Economic Interest
TFEU	Treaty on the Functioning of the European Union
UIC	International Union of Railways

⁴ Official Journal (EC) No. L 177, 4 July 2008, pp. 6–16.

Book Reviews

Monika Pauknerová | Naděžda Rozehnalová |
Marta Zavadilová
Act on Private International Law: A Commentary

Monika Pauknerová; Naděžda Rozehnalová; Marta Zavadilová, Zákon o mezinárodním právu soukromém. Komentář. Praha: Wolters Kluwer ČR (2013).

The team led by prof. JUDr. Monika Pauknerová, DSc., CSc., prepared for us, and us meaning not only lawyers but all those interested in the intriguing issues of conflicts of laws, an exquisite commentary to the new Act on Private International Law. The commentary successfully tackles the complicated problems that may occur when different legal systems interact and cross one another. In these cases, where private law is concerned, it is for the norms of private international law to take charge.

Act No. 91/2012 Sb., on private international law is the fundamental piece of national legislation containing the conflict of laws provisions for all private law relations comprising any foreign law aspects as well as rules of procedure for such cases. As such the act provides for a set of legal provisions governing relations in the area of civil, commercial, family or labour law that contain certain cross-border element. Naturally, it also contains a procedural part and regulates the pertinent procedures of the courts or other bodies or authorities, parties to the civil proceedings and other persons involved in civil procedure in such cross-border relations. Nevertheless, the rules of conflict of laws and corresponding procedural norms are predominantly contained in a number of instruments of international law, namely various international conventions and in European legislation. The book reflects this situation and the commentary to each provision is not limited purely to the particular provision of national law

but provides a broader picture enabling the readers a complex understanding of the discussed matter.

The publication, by way of its nature, provides a consecutive commentary to each provision of the Act on Private International Law, one by one. Each and every provision is explained and the authors discuss the purpose of each provision, its role and context in the system of the Czech private international law. Moreover, the commentary is not limited purely to the Act on Private International Law, the act as such and its individual provisions are set in the perspective of the whole system of private international law applicable in the Czech Republic. Where relevant, the authors clarify the interplay between the Act on Private International Law and numerous instruments of international law and European legislation applicable in the Czech Republic.

Among others, the authors clarify the limits of the Act on Private International Law in respect of civil law relations set by the Rome I and Rome II Regulations that make the act applicable only on selected legal matters such as promissory notes and exchange bills, violation of privacy and certain relations within corporations. In the area of family law, where the Act on Private International Law enjoys wider application, references are made to numerous international conventions, e.g. the Hague Convention on the Civil Aspects of International Child Abduction, or the Maintenance Regulation No. 4/2009. Procedural matters regulated by the act, such as jurisdiction and recognition and enforcement of judgments are clarified in the perspective of a number of European regulations, namely the Brussels I and Brussels IIbis Regulations.

It is quite evident that while writing the commentary the authors have put to use their long standing practical experience as well as their profound academic background. It is not only the theory behind each provision that is explained but also its application in practice; the readers are introduced to possible problems that may be encountered in application of the provision in question. The numerous references and citations of not only Czech but also European case law that are included for almost every commented upon provision of the act are equally valuable and also show the practical aspects of application of the provision in question and its interpretation.

Last but not least the authors must be praised for their tolerance and willingness to accept different arguments, different application of the provision and different legal opinions. This can be found for example in the commentary to Section 60 of the Act on Private International Law relating to the determination of jurisdiction in adoption cases. The author of the commentary to this pertinent section presents not only her own position on the matter of jurisdiction of Czech authorities in adoption matters following a decision on pre-adoption care but also refers to the quite different opinion of professor Zdeněk Kučera as the author of the legal text of the act itself.

Book Reviews

The commentary is sufficiently detailed and its scope corresponds to the importance of the act in the Czech legal system. Despite the fact that the commentary was prepared by a number of authors, the text is unified, well composed and balanced, neither part of the commentary is preferred or suppressed. The book is a useful tool for the legal public, including in-house counsels, attorneys or judges. The publication also contains a list of all used abbreviations and acronyms used in the book as well as a list of the main international conventions applicable in the Czech Republic and of European legislation in the area of private international law. These small but very useful tools make the book even more practical and easy to work with. Although it is assumed that its readers will have a certain level of legal education and knowledge of private international law, the text is well written and comprehensible, making the book also readable and helpful for any non-lawyer finding him or herself in need of information from this area of law.

[Lucie Dolanská Bányaiová]

Lucie Dolanská Bányaiová is an experienced attorney who focuses her practice mostly on conflict of laws, general commercial litigation and competition law. She has also represented clients before the General Court of the EU. In addition to her private practice, she currently lectures at the Charles University School of Law in Prague where she leads seminars on conflict of laws and international trade and has lectures on competition law for foreign students in the LLM and Socrates/Erasmus program organized by the University. Lucie Dolanská Bányaiová is also listed as an arbitrator with Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic.

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