THE CASE LAW
OF CENTRAL & EASTERN EUROPE

Enforcement of Contracts
vol. II

Stefan Messmann & Tibor Tajti (Eds.)

With the contributions of
CONTENTS

Preface and Acknowledgements ................................................................. 11
Editors’ Introduction .................................................................................. 12
1. Why the Case Method and Why Contract Enforcement? ........................ 14
2. On the Methodology Employed ............................................................... 20
3. On the Structure of the Chapters ........................................................... 25
4. Problems with Enforcement in Central and Eastern Europe: Procedural Issues
5. Problems with Enforcement in Central and Eastern Europe: Substantive Law-Related Issues ................................................................. 29
   5.1. Contracts as Out-of-court Creditor-Protective Mechanisms ............... 29
   5.2. Novel Types of Transactions on the Soil of Central and Eastern Europe 31
   5.3. Penalty Clauses: A Successful Survivor from Socialism? .................... 32
   5.4. Why are Transactions in Company Shares a Particular Problem for Courts? .................................................................................. 33
6. Openness of Central and Eastern European Courts: Can Foreign Court Decisions and Foreign Arbitral Award be Easily Enforced in the Region? .. 34
7. What has been Learnt: Proposals for International Harmonization? .......... 35
8. Caveats to the Reader ............................................................................. 37

Chapter One: Enforcement of Contracts in Albania – Overcoming Dilemmas in an Emerging Market by Arnisa Gorezi & Evgjeni Bashari ............ 40

Chapter Two: Enforcement of Contracts in the Czech Republic by Anna Hergottová ................................................................................... 133

Chapter Three: Enforcement of Contracts in Hungary by Zsófia Oláh & Csongor István Nagy ............................................................................. 215

Chapter Four: Enforcement of Contracts in Lithuania by Lina Aleknaite ...... 316
Chapter Five: Enforcement of Contracts in the Republic of Moldova: the Impact of a Slow Transition by Alexandr Svetlicinii .................................................. 418

Chapter Six: Enforcement of Contracts in Poland by Krzysztof Kaźmierczyk & Filip Kijowski ................................................................. 531

Chapter Seven: Enforcement of Contracts in Romania by Ileana M. Smeureanu & Florentin Giurgea .............................................................. 669

Chapter Eight: Enforcement of Contracts in Russia – Positive Developments and Persisting Dilemmas by Yuliya Guseva & Oleksiy Kononov .......................................................... 755

Chapter Nine: Enforcement of Contracts in Serbia by Slobodan Dokleštić & Zoltán Víg ................................................................................. 849

Chapter Ten: Enforcement of Contracts in Ukraine by Leonila Guglya & Oleksiy Kononov ................................................................. 961

Appendix: Brief Biographies of the Contributors ..................................... 1078