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Private International Law at the End of the 20th Century: Progress of Regress?

Le droit international privé à la fin du XX siècle: progrès ou recul?

Symeon C. Symeonides

# Private International Law At The End Of The 20th Century

María Campo Comba

#### **Private International Law At The End Of The 20th Century:**

**Private International Law** Symeon C. Symeonides, 2021-11-08 This book compares the two golden ages of private international law PIL the first is the era of Story and Savigny in the nineteenth century while the second comprises the last fifty years The period between 1970 and 2020 has been one of rapid changes and dense legislative responses exemplified by the adoption of over one hundred national PIL codifications and almost as many international or regional conventions and regulations. These instruments provide a rich source for this book s incisive and instructive comparisons and a fertile ground for a reliable assessment of the progress of PIL as a discipline This book skillfully uncovers and meticulously documents the gradual and largely unnoticed transition of PIL from the idealism of the nineteenth century to the pragmatic eclecticism and pluralism of the twenty first century Private International Law at the End of the 20th Century ,2000 **Principles of European Private International Law** Stefan Leible, 2016-02-22 European private international law as it stands in the Rome I II and III Regulations and the recent Succession Regulation presents manifold risks of diverging judgments despite seemingly harmonised conflict of law rules There is now a real danger in light of the rapid increase in the number of legal instruments of the European Union on conflict of laws that European private international law will become incoherent This collection of essays by twenty noted scholars in the field sheds clear light on the pivotal issues of whether a set of overarching rules a general part is required whether an EU regulation is the adequate legal instrument for such a purpose which general questions such an instrument should address and what solutions such an instrument should provide In analysing the possible emergence of general principles in European private international law over the past years the contributors discuss such issues and factors as the following the relationship between conflict of laws and recognition the room for party autonomy the concept of habitual residence adaptation when interplay between different laws leads to deadlock public policy exceptions the desirability of a general escape clause the classic topics of characterisation incidental question and renvoi and right to appeal in case of errors in the application of foreign law Practitioners dealing with these notoriously difficult cases will welcome this in depth treatment of the issues as will interested policymakers throughout the EU Member States and at the EU level itself Scholars will discover an incomparable comparative analysis leading to expert recommendations in European private international law opening the way to an effective European framework in this area

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From Theory to Practice in Private

International Law Justin Borg-Barthet, Katarina Trimmings, Burcu Yüksel Ripley, Patricia Zivkovic, 2024-02-22 This book compiled in honour of the work and life of Professor Jonathan Fitchen brings together preeminent scholars from across the private international law world to address a wide spectrum of subject matter in the discipline It offers substantial new insights into our understanding of private international law from theory to practice The contributions in the book analyse a variety of conceptual and substantive problems in private international law and consider current developments in the discipline from conceptual analyses of the evolving nature and scope of private international law to substantive problems across a range of longstanding issues on which there is insufficient scholarly analysis These include contemporary problems of great political importance such as environmental protection gender based discrimination asymmetries of private power and the proper delineation of public and private intervention The authors also address emerging problems in commercial law such as cryptocurrencies longstanding definitional concerns in family law and broader emerging systemic concerns such as the treatment of authentic instruments and the place of human rights protection in global supply chains The book is a valuable resource for the judiciary legal practitioners policy makers and scholars and students of private international law

Private International Law: A Hungarian Perspective Csongor István Nagy, 2024-05-06 This book provides a concise and analytical introduction to private international law in Hungary international jurisdiction of courts choice of law applicable law and the recognition and enforcement of foreign judicial decisions It presents both Hungarian conflicts rules and their judicial practice and the application of EU conflicts rules by Hungarian courts **EU Law and Private International Law** Jan-Jaap Kuipers, 2011-11-25 The Rome I Regulation on the Law Applicable to Contractual Obligations has unified the conflict of laws rules of the Member States The influence of the European Union upon Private International Law goes beyond positive harmonisation however There is a certain tension between European law and PIL European law is concerned with whether the imposition of a rule constitutes a restriction to the internal market whereas PIL does not seek to neutralise the disadvantages that result from differences between national laws but instead tries to locate the geographical centre of the legal relationship The present book attempts to identify the methodological disharmony between the two legal disciplines in the regulation of cross border contracts and proposes suggestions to enhance their mutual understanding Private **International Law in China** Guangjian Tu,2015-10-28 This book provides a systematic elaboration of Chinese Private International Law reveals the general techniques concerning conflict of laws in China explains the detailed Chinese conflict rules for different areas of law and demonstrates how international civil litigation is pursued in China Clearly structured and written by a native Chinese scholar specializing in the field the book s easy to read style makes it accessible to a broad readership while its content makes it a useful reference guide especially for jurists and researchers Private Law in the External Relations of the EU Marise Cremona, Hans-W Micklitz, 2016-03-18 Private Law in the External Relations of the EU is an innovative study of the interactions between EU external relations law and private law two unrelated fields of law inverted

if private law is understood as regulatory private law the space where regulatory law intersects with private economic activity Here the link between the Internal Market and the global market and thereby international law is much more prominent In this book key questions about the relationship between EU external relations law and private law are answered including in what ways might European private law act as a tool to achieve EU external policy objectives particularly in regulatory fields How might the guickly developing EU external competence over the procedural dimensions of private law including private international law impact on substantive law both externally and internally And how is the legal position of private parties affected by EU external relations In asking these questions this edited collection opens up a field of enquiry into the so far underexplored relationship between these two fields of law In doing so it addresses three different aspects of the relationship i the evolution of the EU competence ii the ways in which EU private law extends its reach beyond the boundaries of the internal market and iii the ways in which the EU contributes to the formation of private regulation at the international level Haque Yearbook of International Law / Annuaire de La Haye de Droit International, Vol. 24 (2011) Nikolaos Lavranos, Ruth A. Kok, 2017-06-01 The title of the Hague Yearbook of International Law reflects the close ties which have always existed between the AAA and the City of The Hague with its international law institutions and indicates the Yearbook's aim of devoting attention to developments taking place in the international law institutions based in The Hague However the Yearbook has a broader scope as well to offer a platform for review of new developments in the field of international law As of the 2010 Volume the Yearbook will be compiled by a new and expanded Editorial Board offering fresh ideas and a new approach A newly established Advisory Board has also been added including ICJ Judge Bruno Simma Serge Brammertz Prosecutor of the International Criminal Tribunal for the Former Yugoslavia ICTY Jacomijn J van Haersolte van Hof advocate advocaat at HaersolteHof and arbitrator The Netherlands and Professor Peter Hilpold Innsbruck University Austria Sections have been created on public international law private international law international investment law and international criminal law containing in depth articles on current issues The breadth of the Yearbook's content thus offers an interesting and valuable illustration of the dynamic developments in the various sub areas of international law The Nature and Enforcement of Choice of Court Agreements Mukarrum Ahmed, 2017-10-05 PRAISE FOR THE BOOK This constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements Dr Ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners The discussion is supported by a monumental foundation of underpinning research Ahmed s monograph throughout shows clear understanding of underlying substantive laws and in Chapter 11 displays a refreshing willingness to engage in intelligent speculation on the implications of Brexit Professor David Milman University of Lancaster The book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law Anyone with an interest in the theory and practice of choice of court agreements in particular in mechanisms for their enforcement should read this

book They will find much of value by doing so Professor Paul Beaumont University of Aberdeen from the Series Editor s Preface This book examines the fundamental juridical nature classification and enforcement of choice of court agreements in international commercial litigation It is the first full length attempt to integrate the comparative and doctrinal analysis of choice of court agreements under the Brussels I Recast Regulation the Hague Convention on Choice of Court Agreements Hague Convention and the English common law jurisdictional regime into a theoretical framework In this regard the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the English courts In the process it both pre empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent Brussels I Recast Regulation and the Hague Convention The need to understand the nature and enforcement of choice of court agreements before the English courts from the perspective of the EU private international law regime and the Hague Convention cannot be understated This important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice However the scope of the work remains most relevant for cross border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions Commerce and International Private Law Lorna E. Gillies, 2016-04-29 Electronic Commerce and International Private Law examines the maximization of consumer protection via the consumer s jurisdiction and law It discusses the proposition that a new connecting factor be used to improve the efficiency of juridical protection for consumers who contract with foreign sellers by electronic means and offers recommendations as to how to amend existing jurisdiction and choice of law rules to provide a basis for the consumer to sue in his own jurisdiction and for the law of the consumer's domicile to apply The book will be a valuable resource for academics students and practitioners working in the areas of international private law electronic commerce law and consumer law The Law Applicable to Cross-border Contracts involving Weaker Parties in EU Private International Law María Campo Comba, 2020-12-07 This book provides answers to the following questions how do traditional principles of private international law relate to the requirements of the internal market for the realisation of the EU s objectives regarding the protection of weaker parties such as consumers and employees When and how should private international law ensure the applicability of EU directives concerning the protection of weaker parties Are the EU s current private international law rules on conflict of laws and private international law approach sufficient to ensure the realisation of its objectives regarding weaker contracting parties or is a different approach to private international law called for The book concludes with several proposed amendments mainly regarding the Rome I Regulation on the law applicable to contractual obligations as well as suggestions on the EU s current approach to private international law This book is primarily intended for an academic audience and to help achieve better regulation in the future It also seeks to dispel certain lingering doubts regarding the current practice of EU private international law 2009 Andrea Bonomi, Paul

Volken, 2010-12-23 The current rich volume of the Yearbook attempts to strike a balance in the multifaceted expressions of the increasing importance of private international law at national and supranational levels The vitality of private international law within the European Union is evidenced by both legislative projects and the rich case law of the European Court of Justice While the European Commission's draft for a Regulation on succession which probably constitutes the most detailed and ambitious attempt ever to codify PIL in this area begins its legislative process a new initiative on the application of foreign law is being considered by the European institutions Both of these developments are discussed in the Doctrine section But the newest Yearbook of PIL also examines interesting developments taking place on other continents For example the present volume includes a special section focusing on Chinese PIL and reports on the renewed interest with conflict of laws in the U S doctrine Secured Credit in Europe Teemu Juutilainen, 2018-03-22 Winner of the 2016 2018 KG Idman Prize This monograph seeks the optimal way to promote compatibility between systems of proprietary security rights in Europe focusing on security rights over tangible movables and receivables Based on comparative research it proposes how best to tackle cross border problems impeding trade and finance notably uncertainty of enforceability and unexpected loss of security rights It offers an extensive analysis of the academic literature of more recent years that has appeared in English German the Scandinavian languages and Finnish The author organises the concrete means of promoting compatibility into a centralised substantive approach a centralised conflicts approach a local conflicts approach and a local substantive approach The centralised approaches develop EU law and the local approaches Member State laws The substantive approaches unify or harmonise substantive law while the conflicts approaches rely on private international law The author proposes determining the optimal way to promote compatibility by objective based division of labour between the four approaches The objectives developed for that purpose are derived from the economic functions of security rights the conditions for legal evolution and a transnational conception of justice This book is an important contribution to the future of secured transactions law in Europe and more widely It will be of interest to academics policymakers and legal practitioners involved in this field Chinese Private International Law Xiaohong Liu, Zhengyi Zhang, 2021-04-22 Written with the assistance of a team of lecturers at the Shanghai University of Political Science and Law this book is the leading reference on Chinese private international law in English The chapters systematically cover the whole of Chinese private international law not just questions likely to arise in commercial matters but also in family succession cross border insolvency intellectual property competition antitrust and environmental disputes The chapters do not merely cover the traditional conflict of law areas of jurisdiction applicable law choice of law and enforcement They also look into conflict of law questions arising in arbitration and assess China's involvement in the harmonisation of private international law globally and regionally within the Belt and Road Initiative Similarly to the Japanese and Indonesian volumes in the Series this book presents Chinese conflict of laws through a combination of common and civil law analytical techniques and perspectives providing readers worldwide with a

more profound and comprehensive understanding of Chinese private international law Collected courses of the Hague **Academy of International Law** Hague Academy of International Law, 2003 Private International Law in Montenegro Maja Kostić-Mandić, 2022-10-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to the law applied to cases involving cross border issues in Montenegro It offers every lawyer dealing with questions of conflict of laws much needed access to these conflict rules presented clearly and concisely by a local expert Beginning with a general introduction the monograph goes on to discuss the choice of law technique sources of private international law and the relevant connection with other laws Then follows clear description and analysis of the rules of choice of law on natural and legal persons contractual and non contractual obligations movable and immovable property intangible property rights company law family law marriage cohabitation registered partnerships matrimonial property maintenance child law and succession law including testamentary dispositions. The presentation concludes with an overview of relevant civil procedure examining lex fori and issues of national and international jurisdiction acceptability and enforcement of foreign judgements and international arbitration Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers handling cases in Montenegro Academics and researchers as well as judges notaries public marriage registrars youth welfare officers teachers students and local and public authorities will welcome this very useful guide and will appreciate its value in the study of private international law from a comparative perspective Choice of Law in Copyright and Related Rights Mireille M. M. van Eechoud, 2003-01-01 Nobody denies that the traditional territorial approach to copyright and other intellectual property rights has come under pressure Yet it persists Faced with the need to determine the applicable law in cross border cases lawyers everywhere wrestle with the implications of the territorial nature of copyright and related rights In this book Mireille van Eechoud clears the way to the formulation of conflict rules that reflect the purpose of copyright law to protect creators and stimulate the production and use of information without reverting to old fashioned notions of territoriality She shows how the applicable law can be determined for four distinct legal avenues of intellectual property law Which exclusive rights exist in an intellectual creation and for how long Who is considered to own such right How can these rights be transferred and What continues infringement of copyright and related rights Mireille van Eechoud shows how when each of these questions is approached in the light of the different allocation principles used in modern choice of law a new clarity begins to emerge that promises in time to build a set of conflict rules well suited to the unprecedented copyright and related rights issues that we find so difficult to resolve today Her in depth analysis draws in the classis multilateral conventions and treaties underlying policies technological and economic developments utilitarian grounds versus justice considerations and issues of infringement in the digital environment INFORMATION LAW SERIES 12 **Comparative Law** Uwe Kischel, 2019-02-21 Uwe Kischel's comprehensive treatise on comparative law offers a critical introduction to the central tenets of comparative

legal scholarship The first part of the book is dedicated to general aspects of comparative law The controversial question of methods in particular is addressed by explaining and discussing different approaches and by developing a contextual approach that seeks to engage with real world issues and takes a practical perspective on contemporary comparative legal scholarship The second part of the book offers a detailed treatment of the major legal contexts across the globe including common law civil law systems based on Germany and France and extended to Eastern Europe Scandinavia and Latin America among others the African context with an emphasis on customary law different contexts in Asia Islamic law and law in Islamic countries plus a brief treatment of Jewish law and canon law and transnational contexts public international law European Union law and lex mercatoria The book offers a coherent treatment of global legal systems that aims not only to describe their varying norms and legal institutions but to propose a better way of seeking to understand how the overall context of legal systems influences legal thinking and legal practice

Unveiling the Magic of Words: A Review of "Private International Law At The End Of The 20th Century"

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