

Concise Introduction to EU Private International Law

Fourth Edition

Michael Bogdan & Marta Pertegás Sender



Europa Law Publishing

Concise Introduction To Eu Private International Law Second Edition

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Concise Introduction To Eu Private International Law Second Edition:

Concise Introduction to EU Private International Law Michael Bogdan, 2012 This concise book is mainly intended to be used as an introduction to the rules of private international law belonging to the legal system of the European Union It provides legal practitioners with an overview of this highly complex field of law and can serve as an introductory textbook in elective undergraduate courses and master programs offered today by many law schools both to their own students and to exchange students from other countries The book will hopefully also be useful as a spring board towards more profound studies of statutory texts case law and legal literature Michael Bogdan is Professor of Comparative and Private International Law at the University of Lund Sweden *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 *The Law of the European Union and the European Communities* Pieter Jan Kuijper, Fabian Amtenbrink, Deirdre Curtin, Bruno De Witte, Alison McDonnell, 2018-09-28 The Law of the European Union is a complete reference work on all aspects of the law of the European Union including the institutional framework the Internal Market Economic and Monetary Union and external policy and action Completely revised and updated with many newly written chapters this fifth edition of the most thorough resource in its field provides the most comprehensive and systematic account available of the law of the European Union EU Written by a new team of experts in their respective areas of European law its coverage incorporates and embraces many current controversial and emerging issues and provides detailed attention to historical development and legislative history of EU law Topics that are constantly debated in European legal analysis and practice are touched on in ways that are both fundamental and enlightening including the following powers and functions of the EU law institutions and relationship among them the principles of equality loyalty subsidiarity and proportionality free movement of persons goods services and capital mechanisms of constitutional change treaty revisions accession treaties withdrawal agreements budgetary principles and procedures State aid rules effect of Union law in national legal systems coexistence of EU European Convention of Human Rights ECHR and national fundamental rights law migration and asylum law liability of Member States for damage suffered by individuals competition law cartels abuse of dominant position merger control social policy equal pay and equal treatment environmental policy consumer protection public health cultural policy education and tourism nature of EU citizenship its

acquisition and loss and law and policy of the EU's external relations The fifth edition embraces many new ongoing and emerging European legal issues As in the previous editions the presentation is notable for its attention to how the law relates to economic and political realities and how the various policy areas interact with each other and with the institutional framework The many practitioners and scholars who have relied on the predecessors of this definitive work for years will welcome this extensively revised and updated edition Those coming to the field for the first time will instantly recognize that they are in the presence of a masterwork that can always be turned to with profit and that helps in understanding the rationale underlying any EU law provision or principle

Cases and Materials on EU Private International Law Stefania Bariatti, 2011-04-13 Since the Amsterdam Treaty of 1997 empowered the EC to adopt rules in the field of conflicts of laws legal instruments have been adopted that provide common rules on issues that touch upon the day to day life of European citizens There are now instruments covering jurisdiction and the recognition and enforcement of judgments in civil and commercial matters family matters and maintenance obligations and the law applicable to contractual and non contractual obligations legal separations and divorces There is also legislation establishing swift procedures for recovering claims abroad ie the European Enforcement Order the European Order for Payment Procedure and the European Small Claims Procedure and legislation regulating cross border insolvency proceedings and judicial assistance in the field of service of documents taking of evidence and access to justice This long list of EU legislation is not exhaustive of EU conflicts of laws rules numerous further provisions are scattered among other EU legislation eg directives on consumer labour and insurance contracts company law IP rights securities privacy and so on Besides this the European Court of Justice has issued many judgments addressing relevant aspects of the conflict of laws found in the *acquis communautaire* in this field This book which assembles all the relevant EU legislation and ECJ decisions in one place provides a guide to the maze of legal instruments now in place supplemented by brief commentaries identifying the leading principles and anticipating future developments This title is included in Bloomsbury Professional's International Arbitration online service

Private International Law as Component of the Law of the Forum Michael Bogdan, 2012-01-01 Also available as an e book In spite of the undoubtedly great and rising importance of the international legislative co operation regarding private international law it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universal level and that the conflict rules stemming from international legislative co operation between a limited number of countries give rise to the same problems as non harmonized rules whenever they have to be used in relation to countries not participating in the legislative co operation in question This book will therefore focus on the last mentioned problems and refrain from dealing with the particular issues arising from international legislative co operation in the field of private international law One of the principal aims of Michael Bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country in the first place its substantive private law and its law of civil

procedure as well as to illustrate the impact of the forum country's general ethical and other values on its private international law

International Commercial Litigation Trevor C. Hartley, 2015-07-02 Retaining its practical emphasis this new edition has been fully revised and updated to reflect important new developments

Treatment of Foreign Law - Dynamics towards Convergence? Yuko Nishitani, 2017-07-04 This work presents a thorough investigation of existing rules and features of the treatment of foreign law in various jurisdictions Private international law conflict of laws and civil procedure rules concerning the application and ascertainment of foreign law differ significantly from jurisdiction to jurisdiction Combining general and individual national reports this volume demonstrates when and how foreign law is applied ascertained interpreted and reviewed by appeal courts Traditionally conflicts lawyers have been faced with two contrasting approaches Civil law jurisdictions characterize foreign law as law and provide for the ex officio application and ascertainment of foreign law by judges Common law jurisdictions consider foreign law as fact and require that parties plead and prove foreign law A closer look at various reports however reveals more differentiated features with their own nuances among civil law jurisdictions and the difference of the treatment of foreign law from other facts in common law jurisdictions This challenges the appropriacy of the conventional law fact dichotomy This book further examines the need for facilitating access to foreign law After carefully analyzing the benefits and drawbacks of existing instruments this book explores alternative methods for enhancing access to foreign law and considers practical ways of obtaining information on foreign law It remains to be seen whether and the extent to which legal systems around the world will integrate and converge in their treatment of foreign law

The Transformation of Enforcement Hans-W. Micklitz, Andrea Wechsler, 2016-04-07 This insightful book considers the phenomenon of the transformation of enforcement in European economic law while adopting a distinct global perspective The editors identify and respond to the need for reflection on transformation processes in the area of enforcement by bringing together the leading international and European scholars in a variety of disciplines to share and compare experiences and learning in different areas of law Rooted in a wide and regulatory understanding of enforcement this book showcases the transformation of enforcement with reference to both European economic law especially transnational commercial law competition law intellectual property law consumer law and to the current context of significant global economic challenges Comparative perspectives facilitate the formation of a holistic perspective on enforcement that reaches beyond distinct theoretical accounts political agendas regulatory systems institutional patterns particular remedies industry sectors and stakeholder perspectives As the first comprehensive and comparative analysis of the enforcement of European economic law that reaches beyond closely confined areas of law it constitutes a crucial contribution to the theoretical and policy questions of how to design a coherent European enforcement architecture in accordance with essential principles and objectives of the EU economic order This unique study will have broad appeal By exploring enforcement transformations from a legal and a cross disciplinary perspective it will be essential reading for scholars

practitioners and policymakers from different disciplines

The Law of Open Societies Jürgen Basedow, 2015-06-02 This book endeavours to interpret the development of private international law in light of social change Since the end of World War II the socio economic reality of international relations has been characterised by a progressive move from closed to open societies The dominant feature of our time is the opening of borders for individuals goods services capital and data It is reflected in the growing importance of ex ante planning as compared with ex post adjudication of cross border relations between individuals and companies What has ensued is a shift in the forces that shape international relations from states to private actors The book focuses on various forms of private ordering for economic and societal relations and its increasing significance while also analysing the role of the remaining regulatory powers of the states involved These changes stand out more distinctly by virtue of the comparative treatment of the law and the long term perspective employed by the author The text is a revised and updated version of the lectures given by the author during the 2012 summer courses of the Hague Academy of International Law

Yearbook of European Law 2010 Piet Eeckhout, Takis Tridimas, 2011-01-30 Transition to Journals From Volume 29 the Yearbook of European Law will be available as online only print only or combined print and online subscriptions from Oxford Journals The Yearbook of European Law archive is available immediately from January 2011 Customers wishing to take out a subscription can do so by clicking through to the yearbook's journal page <http://www.oxfordjournals.org> Yearbook of European Law will benefit from a number of additional features made possible by online publication Publish ahead of print Articles will appear online throughout the year granting subscribers immediate access to the latest developments in both HTML and PDF formats without needing to wait for the print volume Email alerts Anyone can sign up to receive Yearbook of European Law content alerts both of the annual volume and of content published throughout the year Searchable archive The entire archive back to 1996 will be made available to Yearbook of European Law subscribers Now in its 29th year the Yearbook of European Law is one of the most highly respected periodicals in the field Featuring extended essays from leading scholars and practitioners the Yearbook is an essential resource for all involved in European legal research and practice

The European Private International Law of Employment Uglješa Grušić, 2015-05-28 Uglješa Grušić examines the legal regulation of transnational employment relationships in the private international law of the European Union

The Europeanisation of International Family Law N. A. Baarsma, 2011-09-06 Choice of law determines which national legal system applies to an international case Currently many choice of law rules in the field of family law are regulated by national law However these national rules of the EU Member States are more and more displaced by common European rules This book describes the changes brought by the Europeanisation of the choice of law on divorce From the conclusions drawn in the field of divorce the concluding chapter discusses the changes of Europeanisation of international family law in a broader perspective

International Arbitration in Sweden Annette Magnusson, Jakob Ragnwaldh, Martin Wallin, 2021-03-09 Sweden is one of a handful of countries where the international arbitral process has reached a stage

where the jurisprudence is replete with instances involving no local parties at all In this context of credible neutrality the Arbitration Institute of the Stockholm Chamber of Commerce SCC has emerged as a leading global arbitral institution Whether the matter at issue is a business transaction dispute or a politicized conflict involving obdurate parties the richness of its body of decided cases manifests the SCC s authority and reliability throughout the converging world of international arbitration The present book written by sixteen eminent practitioners and now in its second edition provides a practical guide to international arbitration in Sweden whether ad hoc or institutional Among the many elements of practice and procedure detailed are the following appointment challenge removal and compensation of arbitrators procedural efficiency and costs use of international legal sources such as IBA guidelines choice of law by parties SCC rules and procedures multiparty arbitrations joinder intervention consolidation investment treaty arbitration confidentiality documentary evidence witnesses and experts grounds for setting aside party succession Swedish court review of the arbitrator s jurisdiction and appeal of arbitrators compensation In addition readers will be exposed to a trove of pertinent references to important decisions that have in recent decades been generated by the stream of major international arbitrations conducted in Sweden Disputing parties wishing to know what will happen when their case is brought to Sweden for arbitration will find no clearer or more thorough guide This book is an incomparable source for anyone called upon to act as arbitrator or counsel or in any other capacity in international arbitration in Sweden

Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea Jonatan Echebarria Fernández,2021-03-09 Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea focuses on party autonomy and its limitations in relation to jurisdiction and arbitration clauses included in contracts for the carriage of goods by sea in case of any cargo dispute The author takes the perspective of the shipping companies and the shipowners as these are the driving forces of the shipping industry due to their strategic importance The book provides an analysis of the existing law on the recognition and validity of jurisdiction and arbitration clauses in the contracts for the carriage of goods by sea The author also seeks to provide conclusions and to learn lessons for the future of the non recognition and the non enforcement of the clauses in the existing fragmented legal framework at an international European Union and national level England Wales and Spain The interface between the different legal regimes reveals the lack of international harmonisation and the existence of forum shopping when a cargo interest sues the shipowner or the party to whom the shipowner charts the vessel This concise book provides a useful overview of existing research for students scholars and shipping lawyers

The Law of Boundaries and Fences Arthur Joseph Hunt,1884

Index-catalogue of the Law Library of the Supreme Court of Ohio. May 1, 1914 Ohio. Supreme Court. Law Library,Edward Antrim,1914 Private International Law in an Era of Change Morten M. Fogt,2024-11-08 This timely book examines the complex challenges facing modern private international law PIL The book brings together expert practitioners and scholars to consider key topics including digitalisation European civil cooperation the codification of PIL and judicial

cooperation Through showcasing the developments that PIL has already undergone and highlighting areas for further advancement the book provides a well rounded picture of the relevance and effectiveness of PIL in today s world

Insurance in Private International Law Francesco Seatzu,2003-07-17 This book provides a much needed analysis of this very important subject for international business lawyers including discussion of the jurisdictional and choice of laws issues arising from cross border contracts of insurance and reinsurance concluded by electronic means This book is the first published in England to devote itself to a detailed analysis of the choice of laws rules in the E C Insurance Directives It is aimed at academics and practitioners at private international lawyers and at insurance lawyers The private international law rules of the E C Insurance Directives deal with the applicable law to insurance contracts covering risks situated within the EU They do not deal with the applicable law to reinsurance contracts and insurance contracts covering risks situated outside the EU This should be ascertained by reference to the choice of laws provisions in the 1980 Rome Convention on the law applicable to contractual obligations Detailed discussion of these rules is also provided and proposals for reform suggested

Directory of EU Case Law on State Aids René Barents,2016-06-01 Since the first edition of this immensely useful book which coincided with the start of the global financial crisis in 2008 there have been numerous high profile cases on State aid This new edition which follows the same proven format as its predecessor updates its analysis of case law with hundreds of new decisions by the EU courts and thus remains the quickest source of reference for practitioners working with EU State aid matters Following a highly organized sequence of subject headings it presents extracts from all judgments and orders of both the Court of Justice and the General Court of the EU on the TFEU rules on State aids Articles 107 109 Each subject heading starts with extracts having a more general meaning followed by extracts relating to specific points or situations Under each extract or summary the judgments and orders are referred to by case number in ascending order The book covers all the case law of both courts until the end of 2015 With this book practitioners will quickly find relevant paragraphs and full citations regarding all issues raised by Articles 107 109 TFEU including the following and much more territorial scope of State aids Article 107 1 EC and WTO Agreements conditions for categorizing a national measure as State aid free movement of goods undertakings private versus public investment justification of selective measures interstate trade and competition the Altmark conditions for public service aid restructuring aids procedural aspects locus standi of trade associations and existing aids and new aids In many areas the extracts of this book relate to points of the judgments which are not or only partially covered in official summaries For accessibility of this case law this book has no peers As with the first edition practitioners in the field of EU State aid law will find it indispensable

Intellectual Property and Private International Law J. J. Fawcett,Paul Torremans,1998 The protection and commercial exploitation of intellectual property rights such as patents trade marks designs and copyright are seldom confined to one country and the introduction of a foreign element inevitably raises potential problems of private international law ranging from establishing which court has

jurisdiction and which is the applicable law to securing the recognition and enforcement of foreign judgments For example will a foreign defendant be subject to the jurisdiction of the English courts if he induces his English distributor to infringe a patent in England What law will apply to a trade mark licensing agreement made between a German company and a French company where the parties have not expressly chosen whose law governs their contract And are an author's rights determined by the same law as that governing the issue of the transferability of copyright Although such issues are becoming increasingly important a dearth of literature exists on the subject Fawcett and Torremans remedy that neglect and provide a systematic and comprehensive analysis of the topic that will be welcomed by practitioners and scholars alike From the authors preface This book is concerned with the application of the rules of private international law to intellectual property cases Private international lawyers have largely ignored this topic and it has been left to intellectual property lawyers to discuss this This is a pity It is a topic which raises unique questions for the private international lawyer which deserve an answer and at the same time tells us much about the rules of private international law that are being applied The aim of the book is to fill this gap in the literature The emphasis in the book is on private international law rather than on intellectual property law Nonetheless it is hoped that intellectual property lawyers will find much to interest them here Most of the book is taken up with a discussion of the relevant rules of private international law and their application in the context of intellectual property law A major theme of the book is the extent to which there are special rules of private international law for this area and whether there should be such rules Alternative private international law solutions will be considered by looking at the law in other jurisdictions and where appropriate proposals will be put forward for a better solution This book is part of the Oxford Monographs in Private International Law series the aim of which is to publish work of high quality and originality in a number of important areas of private international law The series is intended for both scholarly and practitioner readers

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