CONTENTS

| | face |
|------|--|
| | t of Cases, European Legal Sources and Materials xiii |
| Lis | t of Contributorsxxv |
| T 4 | I at |
| ınt | roduction |
| | Jan von Hein, Eva-Maria Kieninger and Giesela Rühl |
| 1. | Background and Aim1 |
| 2. | Organisation and Findings 5 |
| 3. | Conclusion and Outlook |
| PA. | RT I. EUROPEANNESS OF LEGAL SOURCES |
| | |
| | e Relationship between EU Legislation and International |
| Ins | truments in the Field of Private International Law |
| | Pietro Franzina |
| 1. | Putting EU Legislation into Context |
| 2. | A Relationship of Subordination, Interplay and Confrontation |
| 3. | The Increasingly Important External Dimension of EU Private |
| | International Law |
| 4. | How European is EU Private International Law? |
| Rec | gulations and Conventions: A Comment on the Sources |
| - | European Union Private International Law |
| V. 1 | Jürgen Basedow53 |
| | , |
| 1. | A Survey of the Sources |
| 2. | Conflicts Legislation through Regulations or Conventions? |
| 3. | Enhanced Cooperation – A Third Best? |
| 4. | The Relationship between Conventions and Regulations |
| | in the Courts |
| 5. | European Union Conflicts Regulations and Uniform |
| | Law Conventions |
| 6. | The Jurisdiction of the Court of Justice |

| Interaction between EU Regulations and Member State Codification | | |
|--|---|--|
| of | Private International Law: From Patchwork to Network | |
| | Johan Meeusen61 | |
| 1. | Introduction | |
| 2. | The Framework of this Chapter | |
| 3. | Facilitators for a Smooth Interaction between EU Regulations | |
| | and Member State Codification | |
| 4. | Obstacles to a Smooth Interaction between EU Regulations | |
| | and Member State Codification | |
| 5. | The Member States' Contribution to the Smooth Interaction between | |
| | EU Regulations and National Codification90 | |
| 6. | The EU's Contribution to the Smooth Interaction between | |
| | EU Regulations and Member State Codification | |
| 7. | Requirements for a Transparent, Effective and Harmonious Network | |
| | of Private International Law | |
| A ' | View from the Trenches on EU and Member State Private | |
| Int | ternational Law | |
| | Jan von Hein111 | |
| 1. | Introduction | |
| 2. | The Absence of a 'General Part' of EU Private | |
| | International Law114 | |
| 3. | Personal Status, Family Law and Successions | |
| 4. | Commercial Law130 | |
| 5. | Conclusion | |
| PA | RT II. EUROPEANNESS OF COURT PRACTICE | |
| The | e Application of European Private International Law and the | |
| | certainment of Foreign Law | |
| | Marta Requejo Isidro | |
| 1. | Introduction140 | |
| 2. | The Top-Down Approach: The EU Legislator140 | |
| 3. | The Top-Down Approach: Case-Law148 | |
| 4. | Spontaneous Incorporation of the European Factor by the | |
| | Member States? | |
| 5. | The Scholars' Views | |
| 6. | Assessment | |

| When Should EU Private International Law Require that Foreign Law | |
|---|---|
| be | Applied? |
| | Paul Beaumont |
| 1. | Introduction |
| 2. | The Universal Application of EU Private International Law Instruments |
| | on Applicable Law |
| 3. | The High Costs of Making and Maintaining Reliable Public |
| ٥. | Databases |
| 4. | Parties Should Decide Whether Foreign Law is Relevant and Whether |
| 1. | to Pay the Costs of Proving It |
| 5. | Failure to Tackle the Issue at the Global Level in the Hague |
| ٦. | Conference |
| 6. | Case Study on the Complexities of Proving Foreign Law: |
| υ. | Wall v. Mutuelle de Poitiers Assurances |
| | wall v. Muluelle de Folliers Assurances |
| Th | e Application of European Private International Law by National Judges: |
| | allenges and Shortcomings |
| CII | Agnieszka Frąckowiak-Adamska185 |
| | Agilieszka Prąckowiak-Adamska103 |
| 1. | Introduction |
| 2. | Knowledge of European Private International Law |
| 3. | Knowledge of EU Principles Governing Relations between |
| | EU and National Law |
| 4. | National Judges as Guardians of Fundamental Rights |
| 5. | National Judges as Guardians of the Rule of Law |
| 6. | Conclusions |
| | |
| The | Application of European Private International Law by National Judges: |
| Ma | king the Job Easier |
| | Michael Hellner |
| | |
| 1. | Lack of Training and Textbooks |
| 2. | Private International Law is Complicated |
| 3. | Some Suggestions for Improvements |
| | |
| | Common Discourse in European Private International Law? |
| ΑV | View from the Court System |
| | Xandra Kramer |
| 1. | Introduction |
| | |
| 2. | Why a European Court Practice? A Means to an End |

| 3. | The Dialogue between National Courts and the Court |
|-----|---|
| | of Justice |
| 4. | Judicial Infrastructures and Private International Law |
| 5. | Private International Law and Emerging International |
| | Commercial Courts |
| 6. | European Idealism and Challenges |
| | |
| | ational Court Systems and Uniform Application of European Private |
| In | ternational Law |
| | Pedro A. de Miguel Asensio |
| 1. | Structure of National Court Systems and Judicial Cooperation |
| | in Civil Matters |
| 2. | Demand for Special Courts: General Perspectives |
| 3. | Cross-Border Cases as a Subject Area for Specialised Courts? |
| 4. | Flexible Means of Achieving Concentration243 |
| 5. | National Courts and their Dialogue with the Court of Justice |
| 6. | Other Factors Influencing Uniformity247 |
| 7. | Judicial Training, Access to Information and Adaptation of the |
| | Judicial Infrastructure |
| 8. | Conclusions |
| PA | RT III. EUROPEANNESS OF ACADEMIC DISCOURSE |
| Na | tional Styles of Academic Discourse and their Impact |
| | European Private International Law: A View from France |
| | Sabine CORNELOUP |
| | Titus Assets in |
| 1. | Introduction |
| 2. | The Impact of National Academic Styles on the Discourse |
| 3. | on National Styles |
| | Oii National Styles |
| Nat | tional Styles of Academic Discourse and their Impact |
| | European Private International Law: A Portuguese Perspective |
| | Dário Moura Vicente |
| | |
| 1. | The Problem Defined |
| 2. | A Policy Issue: The Need for a European Private |
| _ | International Law |
| 3. | The Notion of 'Academic Discourse' |
| 4. | 'National Styles' of Academic Discourse in Europe |
| | |

| 5. | The Impact of National Styles of Academic Discourse on European Private International Law | |
|---|--|--|
| 6. | Conclusion | |
| | litical Private International Law: How European are Overriding and Alix Policy Exceptions? Marc-Philippe Weller and Alix Schulz | |
| 1. 2. 3. 4. 5. | Introduction286Implicit Ways to Enforce Political Interests287Explicit Ways to Enforce Political Interests289Public Policy (Ordre Public)290Overriding Mandatory Provisions296Conclusions303 | |
| of t | blic Policy and Overriding Mandatory Rules as Mirrors the EU System of Thought and Integration: On the 'Europeanness' Exceptions and Oddities | |
| | Stéphanie Franco | |
| 1. 2. | Introduction | |
| 3. | A New Rationale for Limiting the Use of Public Policy: The Diageo Brand Case | |
| 4. | Foreign Overriding Mandatory Rules as a Test Case | |
| 5. | for Integration | |
| 6. | Conclusion | |
| Private International Law in Legal Education in Europe and Selected | | |
| Oti | her Countries Thomas Kadner Graziano | |
| | | |
| 1. | Introduction | |
| 2. 3. | On-the-Job Training: The Course Programme Offered by the European | |
| ٠. | Law Academy | |
| 4. | Potential Consequences of these Findings and Available Options 346 | |
| 5. | How to Teach Private International Law? A Proposal | |
| 6. | An Illustration of the Proposal | |

| 7. | And if there were a Coherent and Comprehensive EU Private International Law Regulation? |
|-----|---|
| 8. | Proposals |
| She | ould European Teachers Focus on European Private International Law? |
| | Gilles Cuniberti355 |
| 1. | Introduction |
| 2. | The Difference between Primary and Continuing Legal Education 356 |
| 3. | Continuing Legal Education and European Private International |
| | Law |
| 4. | Primary Legal Education and European Private International Law 358 |
| Ind | lex |