

Cross-Border Litigation in Central-Europe: EU Private International Law before National Courts

February 26, 2019

Venue: Oppenheim Law Firm, Ybl Palace,
12 Károlyi street, Budapest, 1053.

Convenor: Csongor István Nagy, professor of law, University of Szeged

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Thanks to the European integration's stimulation of intra-EU trade and mobility, the number of economic transactions and the migration of people have increased remarkably, calling for a clear and effective legal framework. In response to this need, the EU has made extensive use of its competences created by the Treaty of Amsterdam and has enacted various European private international law ("EU PIL") instruments, taking over most of the field of national private international laws. EU PIL instruments are applied increasingly and gained a determinative significance in civil matters. Nevertheless, national litigants, judges and authorities are still facing challenges in cross-border matters. EU PIL rules need to be applied in a uniform manner. Furthermore, parties and legal counsels engaged in cross-border litigation assume higher risks and incur higher costs.

Nonetheless, the value of private international law unification can be preserved only if the EU PIL instruments are applied correctly and uniformly, hence, the European endeavours in the field should not and cannot stop at statutory unification but need to embrace the judicial practice and make sure that besides the vertical communication between the Court of Justice of the European Union ("CJEU") and national courts, there is also a horizontal communication between national courts, authorities and the legal community in general. This is crucial for businesses, consumers and families engaged in cross-border mobility, who may be dissuaded from exercising their free movement rights, if encountering unpredictability, uncertainty and unreasonably high costs. Member State courts have a very significant role in the creation of a "Europe of law and justice"¹ and the success of EU PIL in fulfilling its function, to a large extent, centres around Member State courts' correct and adequate application of the EU PIL rules.

The CEPIL project inquires whether EU PIL functions optimally in the CE Member States in order to secure "a Europe of law and justice". It examines whether EU PIL instruments are applied in CE Member States in a correct and uniform manner, whether Member State courts deal appropriately with disputes having a cross-border element and whether the current legal and institutional architecture is susceptible of securing legal certainty and an effective remedy for cross-border litigants.

¹ The Stockholm Programme – An open and secure Europe serving and protecting citizens. OJ C 115, 4.5.2010, p. 1-38.

Conference program

8:30 – 9:00 *Registration*

9:00 – 9:20 *Opening remarks*

Csongor István Nagy, professor of law, University of Szeged

János Bóka, secretary of state, Ministry of Justice of Hungary

SESSION 1

Practical perspectives

Chair: János Bóka, secretary of state, Ministry of Justice of Hungary

9:20 – 9:40 Sarolta Edua Szabó, associate, Oppenheim Law Firm
Cross-border litigation in Central Europe: practical perspectives

9:40 – 10:00 Gábor Palásti, National rapporteur for Member State Hungary,
UNALEX
Experiences of an empirical research: the Unalex project

COFFEE BREAK

SESSION 2

National perspectives

Chair: András Osztovits, judge, Supreme Court of Hungary

10:20 – 10:40 Dora Zgrabljic Rotar, assistant professor of law, University of
Zagreb
Croatia

10:40 – 11:00 Jiří Valdhans, associate professor, Masaryk University, Brno
Czech Republic

11:00 – 11:20 Csongor István Nagy, professor of law, University of Szeged
Hungary

COFFEE BREAK

11:40 – 12:00 Monika Jagielska, professor of law, University of Silesia in
Katowice
Poland

12:00 – 12:20 Elena Judova, professor of law, Matej Bel University
Slovakia

12:20 – 12:40 Emőd Veress, professor of law, Sapientia University of
Transsylvania
Romania

12:40 – 13:00 *Closing remarks*

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SESSION 3 **Project discussion for consortium members**

14:00 – 16:00