Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

25 July 2023, 12pm
ISDC, salle Von Overbeck

Rencontres informelles de l'Institut suisse de droit comparé

Legal diversity within EU rules on civil jurisdiction: rejection of diversity through autonomous notions *vs* acceptance of diversity through conflict-of-laws techniques

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EU rules of private international law often employ notions that belong to substantive or procedural law, such as "contract" or "action on a warranty". Some notions must be interpreted autonomously, i.e., independently from domestic law, while others must be construed in accordance with the applicable domestic law. Under the former approach, diversity is rejected and superseded by European notions. The latter, instead, espouses diversity, and is rather concerned with their coordination through conflict-of-laws techniques.

Three techniques are employed for these purposes under existing EU legislation: (i) the first technique consists of resorting systematically to the *lex fori* (Art. 62 Reg. 1215/2012); (ii) the second technique entails a reference to the law specified pursuant to the conflict-of-law rules of the seized court (Art. 7(1)(a) Reg. 1215/2012); (iii) the third technique builds on the so-called foreign court theory (or referral to the "competent legal order") and postulates that the term concerned should be understood in the same way as a given legal order would understand it (Art. 25(1) Reg. 1215/2012).

This presentation will illustrate the key features of each technique and the circumstances in which they are used. It is argued that proper coordination of legal diversity through conflict-of-laws techniques may – in appropriate circumstances – be just as efficient as the creation of autonomous notions in ensuring the full realization of EU goals in the field of judicial cooperation in civil matters.

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