

1. Record Nr.	UNINA9910796794203321
Titolo	Cross-border litigation in Europe // Edited by Paul Beaumont, Mihail Danov, Katarina Trimmings and Burcu Yuksel
Pubbl/distr/stampa	Portland, Oregon : , : Hart Publishing, , 2017
ISBN	1-78225-679-2 1-78225-677-6 1-78225-678-4
Descrizione fisica	1 online resource (865 pages)
Collana	Studies in private international law ; ; v. 20
Classificazione	28.04.56
Disciplina	340.9/3094
Soggetti	Civil law - European Union countries Conflict of laws - European Union countries Judgments, Foreign - European Union countries Judicial assistance - European Union countries Jurisdiction - European Union countries Torts - European Union countries
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	1. Introduction: Research Aims and Methodology -- Paul Beaumont and Mihail Danov -- Part I: Shaping the Development of the Private International -- Law Framework -- 2. EU Competence to Legislate in the Area of Private International Law and Law Reforms at the EU Level -- Jan von Hein -- 3. An Analysis of the Effectiveness of the EU Institutions in Making and Interpreting EU Private International Law Regulations -- Burcu Yuksel -- 4. Unharmonised Procedural Rules: Is there a Case for Further Harmonisation at EU Level? -- Jonathan Fitchen -- Part II: Cross-border Litigation Pattern-Empirical Data and Analysis -- 5. Great Britain -- Paul Beaumont, Mihail Danov, Katarina Trimmings and Burcu Yuksel -- 6. Belgium -- Thalia Kruger and Eline Ulrix -- 7. Germany -- Jan von Hein and Hannah Dittmers -- 8. Italy -- Stefania Bariatti, Ilaria Viarengo, Francesca C Villata, Sara Bernasconi and Filippo Marchetti -- 9. Spain -- Carmen Otero Garcia-Castrillon -- 10. Poland -- Agnieszka Frackowiak-Adamska, Agnieszka Guzewicz and Lukasz Petelski -- 11. Austria -- Florian Heindler and Bea Verschraegen -- 12.

Bulgaria -- Teodora Tsenova and Anton Petrov -- 13. Croatia -- Ivana Kunda -- 14. Cyprus -- Nikitas E Hatzimihail -- 15. Czech Republic -- Monika Pauknerova, Marta Zavadilova and Jiri Grygar -- 16. Finland -- Gustaf Moller -- 17. France -- Horatia Muir Watt, Sabine Corneloup, Laurence Usunier, Didier Boden, Jeremy Heymann and David Sindres -- 18. Greece -- Aspasia Archontaki and Paata Simsive -- 19. Hungary -- Csongor Istvan Nagy -- 20. Ireland -- Maebh Harding -- 21. Latvia -- Irena Kucina -- 22. Lithuania -- Kristina Praneviciene -- 23. Luxembourg -- Celine Camara -- 24. Malta -- Antoine G Cremona, Clement Mifsud-Bonnici and Calvin Calleja -- 25. The Netherlands -- Aukje Van Hoek, Ian Sumner and Cathalijne van der Plas -- 26. Portugal -- Elsa Dias Oliveira, Joao Gomes de Almeida, Eugenia Galvao Teles, Susana Maltez and Raquel Correia -- 27. Romania -- Ileana M Smeureanu, Lucian Ilie and Alexandra Ema Dobre -- 28. Slovakia -- Miroslava Vozaryova and Katarina Burdova -- 29. Slovenia -- Suzana Kraljic -- 30. Sweden -- Michael Bogdan and Ulf Maunsbach -- 31. Promoting Efficient Litigation? -- Stephen Dnes -- 32. Data Analysis: Important Issues to be Considered in a Cross-border Context -- Mihail Danov -- Part III: Litigating Cross-border Civil and Commercial Disputes-A Europe of Law and Justice -- 33. Cross-border Civil and Commercial Disputes Before the Court of Justice of the European Union -- Paul Beaumont and Burcu Yuksel -- 34. Legal Certainty and Predictability in the EUPILLAR Project's Regulations: An Assessment -- Carmen Otero Garcia-Castrillon -- 35. Effective Remedies in Cross-border Civil and Commercial Law Disputes: A Case for an Institutional Reform at EU Level -- Mihail Danov and Paul Beaumont -- 36. Cross-border Contract Litigation in the EU -- Zheng Sophia Tang -- 37. Cross-border Non-contractual Disputes: The Legislative Framework and Court Practice -- Michael Wilderspin -- 38. Litigating Cross-border Intellectual Property Disputes in the EU Private International Law Framework -- Paul Torremans -- 39. Private Enforcement of Competition Law -- Jonathan Fitchen -- 40. The Relationship Between Litigation and ADR: Evaluating the Effect of the EU PIL Framework on ADR -- Settlements in Cross-border Cases -- Mihail Danov and Stefania Bariatti -- Part IV: Litigating Cross-border Family Law Disputes-A Europe of Law and Justice -- 41. Court of Justice of the European Union's Case Law on Family Law Matters Under Brussels IIa and Maintenance -- Paul Beaumont and Katarina Trimmings -- 42. Habitual Residence: The Factors that Courts Consider -- Thalia Kruger -- 43. No Deal Better than a Bad Deal-Child Abduction and the Brussels IIa Regulation -- Agnieszka Frackowiak-Adamska -- 44. New (and Old) Problems for Maintenance Creditors Under the EU Maintenance Regulation -- Lara Walker -- 45. Mediation in EU Cross-border Family Law -- Ruth Lamont -- 46. Matrimonial Matters Under the Brussels IIa Regulation -- Katarina Trimmings -- Part V: Conclusion -- 47. Cross-border Litigation in Europe: Some Theoretical Issues and Some Practical Challenges -- Paul Beaumont, Mihail Danov, Katarina Trimmings and Burcu Yuksel

---

## Sommario/riassunto

This substantial and original book examines how the EU Private International Law (PIL) framework is functioning and considers its impact on the administration of justice in cross-border cases within the EU. It grew out of a major project (ie EUPILLAR: European Union Private International Law: Legal Application in Reality) financially supported by the EU Civil Justice Programme. The research was led by the Centre for Private International Law at the University of Aberdeen and involved partners from the Universities of Freiburg, Antwerp, Wroclaw, Leeds, Milan and Madrid (Complutense). The contributors address the specific features of cross-border disputes in the EU by undertaking a

comprehensive analysis of the Court of Justice of the EU (CJEU) and national case law on the Brussels I, Rome I and II, Brussels IIa and Maintenance Regulations. Part I discusses the development of the EU PIL framework. Part II contains the national reports from 26 EU Member States. Parts III (civil and commercial) and IV (family law) contain the CJEU case law analysis and several cross-cutting chapters. Part V briefly sets the agenda for an institutional reform which is necessary to improve the effectiveness of the EU PIL regime. This comprehensive research project book will be of interest to researchers, students, legal practitioners, judges and policy-makers who work, or are interested, in the field of private international law

---