

The courts' jurisprudence on Act number XXVIII of 2017 on Private International Law

A need for the replacement of the several times amended Law Decree number 13 of 1979 on Private International Law by a new code has been identified due to the significantly modified structure of legal relationships following the political change of regime and to Hungary's accession to the European Union, however, the final impetus toward the adoption of the new code resulted from the rapid changes in the field of the European Union's judicial cooperation in civil matters. The changed legal, societal and economic background inspired the legislator to recodify the current legislation on private international law and to adopt a new code based on a different approach in order to address present-day challenges. As a result, the newly drafted Act number XXVIII of 2017 on Private International Law has introduced a number of novelties by creating many new legal institutions and bringing essential changes to the former logic of legislation.

The jurisprudence-analysing working group seeks to examine the scope of application of the new code in the fields of jurisdiction, the applicable law, the recognition and enforcement of foreign judgements, legal assistance type forms of cooperation and procedural issues regulated by the new code. It is important to understand which rules are to be applied in the relevant legal relationships from among the multi-layered provisions of international conventions, European Union pieces of legislation and private international law. Hence, the jurisprudence-analysis aims at dealing with the above issues as well.

The working group includes judges, arbitrators, attorneys experienced in dealing with international matters, representatives of the professional body of notaries, representatives of the association of bailiffs, staff members of the Department of Private International Law of the Ministry of Justice and some illustrious Hungarian academics specialised in the field of private international law. The working group is also assisted by court secretaries and by some of the Curia's trainee judges.

The jurisprudence-analysing working group seeks to make proposals for harmonising and improving the courts' case-law in the field of private international law. The working group's objectives are to carry out a scientific research and provide guidelines so as to help the judges' adjudicating work and, in particular, to give an abstract interpretation of the new legal institutions. Moreover, the working group also aims at drafting a kind of "best practice" guide by way of making a hypothesis analysis and applying a variety of empirical methods. The purpose is to carry out a broader, historical and academic investigation and make an international comparative research with the particular aim of facilitating orientation among the multi-layered rules and seeking to identify the latent issues.

Dr. Katalin Simon-Gombos
Head of the jurisprudence-analysing working group
Judge at the Civil Department of the Curia of Hungary