Droit International Privé et Droit de l'Union Européenne (Répertoire Dalloz)

The Répertoire Dalloz has just published the voice "Droit international privé et droit de l'Union européenne" (in French), by J.S. Bergé, D. Porcheron and G. Vieira da Costa Cerqueira. Here is the English summary. The ToC is available here.

The law of the European Union offers itself as a new legal context in which the constructions of private international law are now massively deployed. In addition to pre-existing national contexts and pre-established international or transnational environments, the European Union is likely to dramatically change the substance and conditions of the implementation of conflicts of laws. The changes brought about by the emergence of this new European legal reference framework are far from having delivered all their manifestations. The three generations of European law which have so far succeeded are not sufficient to shed light on all the areas of shadow left behind by the two major legal areas of the European Union, namely the internal market space and the area of ??freedom, security and justice. But the process is on the way, which suggests dialectical games which can reasonably be expected to be well established today.

These dialectical reports, at the first level, present a confrontation of the methods and solutions of private international law and the legal system of the European Union. A historical approach requires a distinction between the three major stages that marked the Europeanization of private international law. The question of the competence of the European Union to legislate in this area must also be asked. There remains the crucial question of methods: the irreducibility of the two subjects of European law and private international law suggests a cross-game of influence on one another. At the second level, the construction of private international law at a European level needs to be re-examined. The presence of a European judge and the European codification movement are likely to explain the transformations currently taking place.