

Belgian Journal on Private International Law: issue 3 of 2018

The third issue of the Belgian Journal on Private International Law has been published and is available for free here.

The Journal contains case law by Belgian Courts in Dutch and French as well as recent case law of the CJEU.

This issue includes Court of Cassation cases on contracts, torts and evidence.

The Journal also contains one article in English:

Isabelle Bambust, Jan De Meyer, Valerie De Ruyck, Sarah Den Haese, Laura Deschuyteneer, Erinda Mehmeti and Jinske Verhellen (Ghent University): *Cross-Border Proceedings in Family Law Matters before National Courts and the CJEU: National Report Belgium*

and two in Dutch:

1. Veerle Van Den Eeckhout (Max Planck Instituut Luxemburg):

Regels van internationale bevoegdheid in de context van de "tweede generatie" verordeningen. Enkele beschouwingen vanuit het perspectief van bescherming van zwakke partijen (Rules of International Jurisdiction in the context of the "Second Generation" Regulations. Some Reflections from the Perspective of Protection of Weak Parties)

The English abstract reads:

"In this paper, the author analyses in a non-exhaustive way the rules of international jurisdiction in the context of the second generation regulations, i.e. the European Enforcement Order Regulation, the European Order for Payment Regulation, the European Small Claims Regulation, and the European Account Preservation Order Regulation. The author explores the extent to which protection is given to weak parties in this context."

An English PowerPoint presentation of the paper is available here.

Regarding recent developments, the following might be worth noting: in the paper, a short indication of recent case law of the CJEU regarding the Directive on unfair terms in consumer contracts (in national proceedings; see particularly

the case Karel de Grote (C-147/16, 17 May 2018)) is used by the author as a stepping stone to the analysis of the protection of weak parties in the “second generation” regulations regarding issues of international jurisdiction. Special attention is given thereby to the European Order for Payment Regulation. As the paper has been updated up to the beginning of September 2018, even more recent case law on consumer protection regarding unfair terms in consumer contracts in national proceedings, such as the judgment of the CJEU in the case Profi Credit Polska (C-176/17, 13 September 2018) and Eos Ksi Slovensko (C-448/17, 20 September 2018) is not included. Noteworthy is that most recently, two new preliminary questions on the European Order for Payment have been published in the Official Journal (OJ of 22 October 2018), including the issue of the Directive on unfair terms in consumer contracts in its interaction with the European Order for Payment Regulation itself: C-453/18 and C-494/18!

2. Jinske Verhellen (Universiteit Gent): *De Belgische transgenderwet in een internationale context (The Belgian Act on Transgenders in international context)*