Book: Calvo Caravaca / Carrascosa González – Las obligaciones extracontractuales en derecho internacional privado. El Reglamento Roma II

Prof. Alfonso-Luis Calvo Caravaca (University Carlos III of Madrid) and *Prof. Javier Carrascosa González* (University of Murcia) have recently published their latest work, devoted to tort conflicts: **"Las obligaciones extracontractuales en derecho internacional privado. El Reglamento Roma II"** (Editorial Comares, May 2008). Despite its title, centered on the new EC Regulation on the law applicable to non-contractual obligations, the book (in Spanish) covers the whole area of tort conflicts, both under the point of view of jurisdiction and applicable law, including matters excluded from the scope of application *ratione materiae* of the Rome II Reg. It is divided into three parts.

The first part (*Competencia judicial internacional y obligaciones extracontractuales*), **devoted to jurisdictional issues**, focuses on Art. 5(3) Brussels I Reg./1968 Brussels Convention, and the abundant case law of the ECJ on the interpretation of these basic provisions. Other conventional texts are taken into account, in the Brussels system (new Lugano Convention of 2007) and in special matters (nuclear damages, civil liability for oil pollution, intellectual and industrial property rights, international transports, etc.), along with the Spanish rules on jurisdiction in torts (Art. 22 of the *Ley Organica del Poder Judicial*). The final section deals with jurisdictional issues arising out of torts committed on the Internet.

The second part (*Ley aplicable a las obligaciones extracontractuales: conexiones generales*) **analyses the main features of the Rome II Reg.**: its methodological foundations, relationships with other international/EC instruments, scope of application, the provision on **choice of law by the parties** (Art. 14) and the **general rule set out in Art. 4** (*lex loci damni*, common domicile exception, escape clause).

The third part (*Ley aplicable a las obligaciones extracontractuales: materias específicas*) **covers the special rules of the Rome II Regulation on specific categories of torts and other non-contractual obligations** (Articles 5-13), along with matters excluded from its material scope of application (such as rights relating to the personality) or whose conflict regime is provided in other international instruments (oil pollution damages, collision between vessels, nuclear damages, etc.). As in the first part on jurisdiction, the last sections are devoted to the Spanish conflict rule on torts (Art. 10(9) of the *Código Civil*) and to problems arising from Internet torts.

The analysis of each provision and issue is complemented by a number of examples, taken from real cases or fictitious, which help the reader to understand the conflict reasoning and the outcome of the choice-of-law process.

The detailed table of contents, and the introductory chapter (*Presentación*) can be found on the publisher's website.

Title: **Las obligaciones extracontractuales en derecho internacional privado. El Reglamento Roma II**, by *Alfonso-Luis Calvo Caravaca* and *Javier Carrascosa González*, Editorial Comares, Albolote (Granada), 2008, 248 pages.

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(Many thanks to Pietro Franzina, University of Ferrara, for the tip-off)

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Readers of this blog might also be interested in the forthcoming ninth edition of the conflict of laws manual by *Calvo Caravaca* and *Carrascosa González*: ***Derecho Internacional Privado – Volumen I*** and ***Volumen II*** (Editorial Comares, July 2008). In addition, a valuable resource on PIL cases and legislation is the **excellent website of the Accursio Group** (Spanish Multi-University Group of Research, Teaching & Practice on Private International Law), created and maintained by the two Spanish professors with other scholars: see, besides a number of sections focused on Spanish PIL (such as those on international successions and polygamy), the *Laboratorio Bruselas* section (references and text of the ECJ's case-law on the EC instruments on PIL) and the *Super-Caso* section (tricky conflict cases to be solved by readers).