

# Latest Issue of “Praxis des Internationalen Privat- und Verfahrensrechts” (4/2008)

Recently, the July/August issue of the German legal journal “Praxis des Internationalen Privat- und Verfahrensrechts” (**IPRax**) was released.

It contains the following **articles/case notes (including the reviewed decisions)**:

- **Burkhard Hess/David Bittmann**: “Die Verordnungen zur Einführung eines Europäischen Mahnverfahrens und eines Europäischen Verfahrens für geringfügige Forderungen – ein substantieller Integrationsschritt im Europäischen Zivilprozessrecht” – the English abstract reads as follows:

*Two new European instruments, Regulation (EC) No. 1896/2006 concerning the creation of a European Payment Order and Regulation (EC) No. 861/2007 establishing a European Procedure for Small Claims, will enter into force on the 9<sup>th</sup> of December 2008 and the 1<sup>st</sup> of January 2009, respectively. Both constitute a new step in the integration of European Civil Procedural Law, introducing a genuine European title and creating genuine European civil procedures in specific areas. The following article presents and analyses these new instruments. Furthermore, it scrutinizes the German implementation rules, which are currently still at a draft stage. Finally, the article assesses the interplay between the new parallel regulations and examines their implications for European as well as national procedural laws. In the long run, the vast number of different regulations on the cross-border recovery of debts may entail the fragmentation of European Civil Procedural Law.*

- **Rolf Wagner**: “Änderungsbedarf im autonomen deutschen internationalen Privatrecht aufgrund der Rom II-Verordnung? – Ein Überblick über den Regierungsentwurf eines Gesetzes zur Anpassung der Vorschriften des Internationalen Privatrechts an die Rom II Verordnung” – the English abstract reads as follows:

*Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II Regulation) will enter into force in the EU member states (except for Denmark) as from 11 January 2009. The following observations examine whether national German law has to be changed as a consequence of the Rome II Regulation. In particular, the question arises as to whether the rules on non-contractual obligations in Articles 38 seqq. of the German Introductory Act to the Civil Code may be deleted, and whether further changes are necessary in order to give full effect to the Rome II Regulation.*

- **Sven Rugullis** on anticipated choice of law by the parties with regard to non-contractual obligations: “Die antizipierte Rechtswahl in außervertraglichen Schuldverhältnissen”
- **David Einhaus** on the Regulation creating a European Order for Payment Procedure: “Qual der Wahl: Europäisches oder internationales deutsches Mahnverfahren?”
- **Sascha Reichardt** on a judgment of the Federal Supreme Court of 28 June 2007 (I ZR 49/04) dealing with the question of international jurisdiction regarding intellectual property rights: “Internationale Zuständigkeit deutscher Gerichte bei immaterialgüterrechtlichen Klagen”
- **Peter Mankowski** on a judgment of the Higher Regional Court Karlsruhe of 24 August 2007 (14 U 72/06) on Art. 15 (1) lit. c Brussels I Regulation: “Muss zwischen ausgerichteter Tätigkeit und konkretem Vertrag bei Art. 15 Abs. 1 lit. c EuGVVO ein Zusammenhang bestehen?”
- **Rolf Stürner/Therese Müller** show developments of the German-American mutual judicial assistance by analysing two recent decisions of the Federal Supreme Court (28 March 2007 - IV AR (VZ) 2/07) and the Higher Regional Court Celle (6 July 2007 - 16 VA 5/07) dealing respectively with the question of service of American class actions in Germany and the granting of assistance by German courts to obtain evidence for US-American pre-trial discovery-proceedings: “Aktuelle Entwicklungstendenzen im deutsch-amerikanischen Rechtshilfeverkehr”
- **Fügen Sargin**: “A Critical Analysis of the Requirements of Recognition and Enforcement of Foreign Judgments under Turkish Law”
- **Zeynep Derya Tarman** on the acquisition of real estate by foreigners in Turkey and its restrictions: “Grundsätze und Beschränkungen beim Erwerb

von Grundstücken durch Ausländer in der Türkei”

- **Torstein Frantzen** on the recognition of foreign divorces in Norway: “Anerkennung ausländischer Ehen in Norwegen”

Further, this issue contains the following **materials**:

- Draft statute of the Federal Government for the adaptation of the German PIL rules (EGBGB) to the Rome II Regulation: Gesetzentwurf der Bundesregierung (2008) für ein Gesetz zur Anpassung der Vorschriften des Internationalen Privatrechts an die Verordnung (EG) Nr. 864/2007
- **Peter Kindler/Karla Klemann**: Synopsis of the German PIL rules, Rome I and Rome II: “Synopse zum Inkrafttreten der Verordnungen Rom I und Rom II”

As well as the following **information**:

- **Michael Stürner/Moritz Brinkmann** on the conference of the Academy of European Law in Trier on the Draft Common Frame of Reference which has taken place in March 2008: “The Draft Common Frame of Reference – Tagung der Europäischen Rechtsakademie am 6. und 7.3.2008 in Trier”
- **Erik Jayme/Carl Friedrich Nordmeier** on seminars having taken place in Thrace (Greece) in April 2008 on private international law of family and succession law and in particular on legal questions of Muslim Greek nationals: “Griechische Muslime in Thrazien: Internationales Familien- und Erbrecht in europäischer Perspektive”