

# CONTENT

<b>PREFACE</b> .....	9
<b>SUMMARY CONTENT</b> .....	10
<b>AUTHORS</b> .....	11
<b>LIST OF ABBREVIATIONS</b> .....	13
<b>1 PRIVATE INTERNATIONAL LAW AS A SEPARATE BRANCH OF SLOVAK LEGAL ORDER</b> .....	15
1.1 Introduction .....	15
1.2 Origins of Slovak private international law – principle of territoriality and principle of personality .....	15
1.3 History of Slovak private international Law .....	18
1.3.1 Slovak PIL before 1918 .....	18
1.3.2 Slovak PIL between 1918 and 1948 .....	19
1.3.3 Slovak PIL between 1948 and 1963 .....	19
1.3.4 Slovak PIL between 1963 and 1993 .....	20
1.3.5 Slovak PIL between 1993 and 2004 .....	21
1.3.6 Slovak PIL after 2004 .....	21
1.4 Slovak private international law – its nature and concept .....	21
1.5 Slovak private international law – its subject matter .....	23
1.6 Conclusions .....	25
<b>2 PRIVATE LAW RELATIONSHIP WITH LINK TO SEVERAL LEGAL ORDERS AS A PRECONDITION FOR APPLICATION OF PRIVATE INTERNATIONAL LAW RULES</b> .....	26
2.1 Introduction .....	26
2.2 Private law relationships with link to several legal orders in legal practice .....	26
2.3 Foreign element in private law relationship .....	28
2.4 Expression of a will of parties to private law relationship .....	30
2.5 Foreign element in proceedings .....	31
2.6 Conclusions .....	34

<b>3</b>	<b>NEW INSIGHT ON SOURCES OF SLOVAK PRIVATE INTERNATIONAL LAW</b> .....	36
3.1	Introduction .....	36
3.2	State of play .....	36
3.3	Sources of a national nature .....	37
3.3.1	Constitution .....	37
3.3.2	Essential sources of a national nature .....	38
3.3.3	Other sources of a national nature .....	39
3.4	Sources of an Union nature .....	40
3.5	Sources of an international nature .....	42
3.5.1	Bilateral international agreements .....	43
3.5.2	Multilateral international agreements .....	46
3.6	Relationship between sources of the Slovak Private International Law .....	48
3.6.1	Relationship between international agreements and national law ....	48
3.6.2	Relationship between legally binding acts of the Secondary Law of the EU and national law .....	49
3.6.3	Relationship between legally binding acts of the Secondary Law of the EU and international agreements .....	50
3.7	Conclusions .....	52
<b>4</b>	<b>EXISTING PARALLELISM OF SLOVAK PRIVATE INTERNATIONAL AND PRIVATE INTERNATIONAL LAW OF THE EUROPEAN UNION</b> .....	53
4.1	Introduction .....	53
4.2	Nature of Slovak private international law and private international law in general .....	53
4.3	Private international law of the European Union .....	56
4.3.1	Judicial cooperation in civil matters .....	60
4.3.2	Private international law of the European Union and European law .....	65
4.4	Conclusions .....	68
<b>5</b>	<b>RULES OF PRIVATE INTERNATIONAL LAW IN THE 21<sup>ST</sup> CENTURY</b> .....	69
5.1	Introduction .....	69

5.2	State of play .....	69
5.3	Conflict of Law rules .....	70
5.3.1	Characteristics of Conflict of Law Rules .....	70
5.3.2	Sources of Conflict of Law rules .....	72
5.4	Substantive rules .....	73
5.4.1	Uniform substantive rules .....	73
5.4.2	“Special” substantive rules .....	74
5.5	Rules regulating the status of aliens in the area of their personal and property rights .....	75
5.6	Rules of International Procedural Law .....	77
5.6.1	Rules governing the international jurisdiction of courts .....	77
5.6.2	Rules regulating the status of aliens in proceedings .....	78
5.6.3	Rules governing the procedure in the proceedings .....	79
5.6.4	Rules governing the recognition and enforcement of foreign judgments .....	80
5.7	Conclusions .....	81
<b>6</b>	<b>MODALITIES OF APPLICATION OF PRIVATE INTERNATIONAL LAW RULES .....</b>	<b>82</b>
6.1	Introduction .....	82
6.2	Qualification .....	82
6.2.1	Qualification problem .....	83
6.2.2	The solutions to the qualification problem proposed by scholars .....	85
6.2.3	Sources of Slovak PIL and Qualification .....	88
6.3	Renvoi .....	90
6.3.1	Sources of Slovak PIL and Renvoi .....	93
6.4	Ordre public (the public policy reservation) .....	94
6.4.1	Sources of Slovak PIL and Ordre Public .....	96
6.5	Conclusions .....	97
<b>7</b>	<b>DIRECT METHOD FROM THE PERSPECTIVE OF SLOVAK PRIVATE INTERNATIONAL LAW .....</b>	<b>98</b>
7.1	Introduction .....	98

7.2	Definition of direct method .....	98
7.2.1	Application exclusively to private law relations with link to several legal orders .....	99
7.2.2	Direct application .....	100
7.2.3	Origin of the direct method .....	100
7.2.4	Direct substantive rules .....	101
7.3	CISG .....	101
7.3.1	Place of business in different states .....	102
7.3.2	Object of the contract .....	104
7.3.3	Application of the CISG under Art. 1 .....	104
7.4	Conclusions .....	106
<b>8</b>	<b>CONFLICT OF LAW METHOD AS A CORE OF SLOVAK PRIVATE INTERNATIONAL LAW .....</b>	<b>107</b>
8.1	Introduction .....	107
8.2	Conflict of Law Method (Conflictual Method, Indirect Method) .....	107
8.3	Conflict of law rules .....	112
8.3.1	Structure of conflict of law rule .....	113
8.4	Connecting factors .....	114
8.4.1	Multiplicity of connecting factors .....	118
8.5	Conclusions .....	119
<b>9</b>	<b>SOFT LAW INSTRUMENTS AND THEIR IMPORTANCE IN REGULATION OF PRIVATE LAW RELATIONSHIPS WITH LINK TO SEVERAL LEGAL ORDERS .....</b>	<b>120</b>
9.1	Introduction .....	120
9.2	Soft law – the concept .....	120
9.2.1	Use of soft law .....	121
9.3	Application of soft law .....	121
9.3.1	Application of soft law instruments under the Rome I regulation ...	122
9.3.2	Application of soft law instruments in the Slovak Republic .....	123
9.3.3	Application of soft law instruments under PILA .....	125
9.3.4	Relationship between soft law and other methods .....	126

9.4	Soft law instruments .....	127
9.4.1	International Commercial Terms – INCOTERMS .....	127
9.4.2	Principles of International Commercial Contracts – UNIDROIT ...	129
9.4.3	Principles of European Contract Law – PECL .....	131
9.5	Conclusions .....	132
<b>10</b>	<b>INTERNATIONAL CIVIL PROCEDURE – PUBLIC LAW TRACK IN SLOVAK PRIVATE INTERNATIONAL LAW .....</b>	<b>133</b>
10.1	The concept, subject and place of international civil procedure in the Slovak law .....	133
10.2	Fundamental sources of international civil procedure binding in the Slovak Republic .....	134
10.3	Recognition and enforcement of foreign judgements in Slovak Republic .....	137
10.4	Brussel I regulation and system of recognition and enforcement of foreign judgements .....	138
<b>11</b>	<b>IMPACT OF PRIVATE INTERNATIONAL LAW OF THE EUROPEAN UNION ON INTERNATIONAL JURISDICTION .....</b>	<b>145</b>
11.1	International jurisdiction linked to right to a fair trial and its objectives .....	145
11.2	Evolution of private international law of the European Union on international jurisdiction .....	146
11.3	Private international law of the European Union on international jurisdiction after Lisbon Treaty .....	152
11.4	Brussels regime as the cornerstone of the rules of international jurisdiction in the European Union .....	154
11.5	Conclusion and path for non-EU legal instruments .....	161
<b>12</b>	<b>FREE MOVEMENT OF PUBLIC DEEDS (NOT ONLY) IN THE EUROPEAN UNION .....</b>	<b>163</b>
12.1	Introduction .....	163
12.2	Probative Value of Foreign Public Deeds in Civil Proceedings in Slovakia .....	164
12.3	Probative value of foreign public deed and EU regulations .....	165

12.4 Probative value of foreign public deed and bilateral international agreements .....	166
12.5 Probative value of foreign public deed and Section 52 PILA .....	166
12.5.1 Exemption from the requirement for legalisation or other similar formality .....	167
12.5.2 Consular superlegalisation of a public deed .....	169
12.5.3 Apostille .....	170
12.6 Conclusions .....	171
<b>BIBLIOGRAPHY .....</b>	<b>172</b>