NON-CONTRACTUAL OBLIGATIONS IN EU AND HUNGARIAN PRIVATE CONFLICT OF LAWS

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Since the turn of the millennium, the unification of private international law in the European Union has been accelerating. The EU's conflict of laws rules, unified by regulations and with universal scope, are carving out new "slices" of autonomous private international law in the Member States. This trend was already foreseeable in substance 15 years ago, when the Amsterdam Treaty entered into force, but its pace and content were questionable.
The Treaty of Amsterdam opened up a new dimension in the harmonisation of the conflict of laws of the EU Member States in the field of private international law in the European Union. As a consequence, legislative competence in the area of judicial cooperation in civil matters has been transferred from the Member States to the Union, so that the Union institutions are also empowered to create Union rules on conflict of laws. The Union has begun to transcribe into regulations the legal material embodied in multilateral conventions, previously structured and subject to the EU Member States, and thus to harden and splinter them somewhat - at least as regards the requirements for their application.
The supremacy of EU law means that EU conflict-of-law rules take precedence over national rules. Therefore, our accession to the European Union has had a marked influence on domestic rules of private international law. This has significantly reduced the scope for national legislators and the scope of autonomous internal conflict-of-law rules. In order to adapt to EU legislation and to ensure consistency with EU law, it has become increasingly necessary to amend the Code. These amendments brought domestic rules closer to EU law and made them essentially "European".
The present study deals with the conflict-of-law rules of the EU and Hungary on non-contractual obligations, i.e. the Rome II Regulation on the law applicable to non-contractual obligations and the relevant provisions of Hungarian law. The study describes the general features of the EU law, some of its detailed rules and compares it with the domestic solutions.
The comparison of private international law and Hungarian legislation provides important insights into differences in jurisdiction, state immunity and legal procedures. Such studies help to understand how international norms can be applied in the Hungarian legal system and vice versa. This promotes legal harmonisation and legal certainty, especially in cross-border cases. In addition, comparative analyses highlight the strengths and weaknesses of the Hungarian legal system, giving legislators the opportunity to improve and adopt international practices.