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THE REFORM OF PRIVATE INTERNATIONAL LAW ACTS IN SOUTH EAST EUROPE, WITH PARTICULAR REGARD TO THE WEST BALKAN REGION

I. Introductory remarks

In the year of 2003, academics from former Yugoslavia, as well as scholars from other parts of Europe met at the Faculty of Law in Niš to celebrate together the twentieth anniversary of the entry into force of the Yugoslav Act Concerning the Resolution of Conflicts of Laws with Provisions of Other States in Certain Matters of 1982 and to discuss new trends in private international law. At that time, the Yugoslav Act was in force in most of the Yugoslav successor states. Only Slovenia had enacted a new codification which, however, to a large extent relied on the model of the 1982 PIL act.

Twelve years (and ten regional private international law conferences) later, the picture has changed substantially. From the states of former Yugoslavia, only the one hosting the twelfth annual meeting in Zenica has not yet undertaken any steps for legislative reform. All others have either adopted new PIL acts or find themselves in a more or less advanced process of reform. Montenegro has carried out a comprehensive reform and adopted a new PIL act on 23.12.2013.Macedonia has adopted a PIL act in 2007, with an amendment from 2010, but has in 2015 completed work on a completely new draft. Serbia has prepared for a total reform starting from 2009 and published a draft PIL act in June 2014. In Croatia, experts have been working on a new codification for several years already. In Kosovo, a working group for drafting a new PIL act has been established and has already prepared a first version.

To complete the picture as far as the West Balkan region is concerned it suffices at this point to mention that Albania has enacted a new PIL act in 2011.

When taking look at some other parts of South East Europe, the alphabet leads straight to Bulgaria. The first Bulgarian private interna-

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tional law codification ever was adopted in 2005.Romania has carried out a comprehensive reform of the private international law within the New Civil Code of 2009 which has become applicable from 1.10.2011. The Turkish Code of Private International Law and International Civil Procedure of 2007[1] cannot be discussed here but deserves at least mentioning. In this paper it is also not possible to go into details of the Hungarian[2]or of the Greek private international law.

Within the preceding twelve years, Slovenia (2004), Bulgaria and Romania (2007) as well as Croatia (2013) have acceded to the European Union, while Albania, Macedonia, Montenegro and Serbia have received the status of candidate countries for accession, and Bosnia and Herzegovina as well as Kosovo – of potential candidates. For the member states, substantial areas of private international law are regulated by regulations of the EU which apply directly and take precedence over the provisions of the national law. But the *acquis communautaire* has also greatly influenced legal reform in countries of the region which have not yet received member status.

At the same time, co-operation of countries of the region with the Hague Conference on Private International Law is intensifying. Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Montenegro, Romania, Serbia and Slovenia are all member states to the Hague Conference, whereas Kosovo is considered a "connected state" and has on this basis been able to accede in a first step to the Convention of 5.10.1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, which shall enter into force in Kosovo on 14.7. 2016. Before that, Kosovo in 2010 adopted Law No. 2010/03-L-238 on the Civil Aspects of International Child Abduction which has been inspired by the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.[3]

To sum up, legal development in the field of private international law in South Eastern countries, and especially in the West Balkan region may be described as remarkably dynamic.

All PIL acts mentioned in this contribution will shortly be available in English translation in the Encyclopedia of Private International

1) For German translation see RabelsZeitschrift für ausländisches und internationals Privatrecht (RabelsZ) 2010, p. 418.

2) Law-Decree of 1979 on Private International Law.

3) For English version see http://www.assembly-kosova.org/

Law.[4] The Serbian PIL draft will also be published there. The picture presented by the Encyclopedia is incomplete insofar it does not provide information on other drafts except the one from Serbia.

It deserves mentioning that regional cooperation in the field of private international law and PIL reforms have over the years been substantially supported by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the Open Regional Fund South-East Europe - Legal Reform.

II. PIL-Reform in EU Member States of the Region

In Slovenia, Bulgaria, Romania and since 2013 also in Croatia as EU member states, application of the national conflicts-of law rules is limited to those matters which are not covered by EU regulations.[5]

4) See *J. Basedow/G. Rühl/F. Ferrari/P. de Miguel* (eds.), Encyclopedia of Private International Law Vol. 4, "Codifications"; for the corresponding national reports see Vol. 3 (forthcoming 2016).

5) To name just the following:

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), OJ L 199 of 31.7.2007, p. 40;

Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I);

Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (so-called "Rome III"), OJ L 343 of 29.12.2010, p. 10;

Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession ("Succession Regulation"), OJ L 201 of 27.7.2012, p. 107;

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) ("Brussels I Recast"), OJ L 351, 20.12.2012, p. 1;

Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, OJ L 338 of 23.12.2003 ("Brussels IIbis"), p.1;

Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations ("Maintenance Regulation"), OJ L 7 of 10.1.2009, p. 1;

Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes of 2.3.2016, http://ec.europa.eu/justice/civil/files/property_matrimonial_en.pdf

Proposal for a COUNCIL REGULATION on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships of 2.3.2016,http://ec.europa.eu/justice/civil/files/property_registered_partnerships_en.pdf

Bulgaria and Slovenia have codified resp. re-codified their private international law in advance of accession and have so far failed to harmonize the pre-accession national legislation with the EU regulations. The Slovenian Private International Law and Procedure Act of 1999[6] has brought only comparatively few novelties and to a great extent is based on the Yugoslav codification of 1982. The only subsequent amendment concerns the repeal of provisions on recognition and enforcement of foreign arbitral awards. De facto, many provisions from the Slovenian PIL act are no longer applicable because they are superseded by the *acquis communautaire*.

The Bulgarian Private International Law Code was adopted in 2005,[7] that is: two years before EU-accession, and constitutes the first systematic regulation of Bulgarian private international law and international civil procedure ever. It has not been amended since then as to substance. At the time the draft was prepared, hardly any regulations in the field of private international law had been adopted on level of the EU. As regards the law applicable to non-contractual obligations, the Bulgarian Code is based on the draft for what was in the year of 2007 to become the Rome II-Regulation, whereas the provisions on the law applicable to contractual obligations have been modelled after the Rome Convention on the Law Applicable to Obligations of 1980. The Code still does not make any reference to EU regulations, although many of its provisions have become obsolete in view of the precedence of EU law.

Re-codification of the Romanian private international law took place in two steps. The New Civil Code[8] was adopted in 2009, amended two years later and is applicable from 1. 10.2011. Procedural rules are contained in the New Civil Procedure Code of 2010.[9]As regards the Rome I and Rome II-regulations, Book Seven of the New Civil Code does not contain any provisions on the law applicable to contractual and non-contractual obligations but refers instead to "regulations of the European Union". The same general reference has been used with regard

6) Slovenian original and English translation in: *D. Babić/Ch. Jessel-Holst*, Međunarodno privatno pravo. Zbirka unutarnjih, europskih i međunarodnih propisa (Zagreb 2011) p. 118. For German translation see RabelsZ 2002, p. 748.

7) For German translation see RabelsZ 2007, p. 457.

8) For a French translation see *M.-E. Laporte-Legeais/M. Moreau* (eds.), Noul cod civil/ Nouveau code civil romain. Traduction commentée; traduction de la loi roumaine n. 287 du 17 juillet 2009 portant Code civil, telle que modifiée par la loi no. 71 du 3 juin 2011 de mise en application (Paris 2013).

9) Law No. 134/2010 on the New Civil Procedure Code.

to the law applicable to maintenance (referral to EU regulations without mentioning the Maintenance Regulation and the Hague Protocol of 2007[10]). Since then, in Romania the Rome III-regulation has become applicable from 21.6.2012 and the EU Succession regulation from 17.8.2015; however, these new developments are in no way reflected in the New Civil Code.

The Republic of Croatia has taken over the former Yugoslav Act Concerning the Resolution of Conflicts of Laws with Provisions of Other States in Certain Matters of 1982 after gaining independence[11] and has not so far adopted any amendments which would harmonize the national law with the *acquis communautaire*. It is not apparent to observers from outside how far the work on a new Croatian PIL act has advanced.

III. PIL-Reform in Candidate Countries and in Future Candidate Countries

It has been mentioned *supra* that reforms in countries on the way to EU membership have for comprehensible reasons been deeply influenced by the *acquis*. However, a comparison shows that the results of transposition differ from country to country because in the specific case, the degree of harmonization to a large extent depends on the time when the drafting was done.

In the member states, the regulations of the EU apply directly so that every new development leads to an automatic update. Such automatism does not apply for candidate countries and for future candidate countries. Due to lack of resources, it cannot be expected from them to perform periodic updates of their PIL acts. The general rule of thumb is that the later the act was drafted, the more regulations have been copied. As soon as the reform act has passed the national parliament, that act is frozen on the status of adoption.

Albania has in 2011 adopted Law No. 10 428 on Private International Law which reflects various influences.[12] This act has not only to a great extent incorporated the Rome I and Rome II-regulations but

10) Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations which has entered into force on 1.8.2013 in all EU member states including Romania.

11) Croatian original and English translation in: *D. Babić/Ch. Jessel-Holst* (supra N. 7) p. 4.

12) For German translation see *W. Stoppel*, Albaniens neues Internationales Privatrecht. Übersetzung des Gesetzes über das Internationale Privatrecht mit einer Einführung, Jahrbuch für Ostrecht 2012/2, p. 357.

also refers expressly to the European origin of the provisions on the law applicable to contractual and non-contractual obligations. Recognition of foreign judgments and questions of international procedure are addressed in the Civil Procedure Code of 1996,[13] whereas international jurisdiction is dealt with in the PIL act.

The 2007 Macedonian PIL act[14]copied heavily from the Yugoslav and Slovenian models, with a subsequent insertion of elements from Rome II in the amendment from 2010. A completely new draft has been finalized in December 2015 which is to the extent possible for a non-member state harmonized with the *acquis communautaire* up to that date.

The Montenegrin PIL act of 2013[15] was finished some time before and takes into account above all the Rome I and Rome II-regulations as well as the Maintenance regulation (including the Hague Protocol of 2007) and elements from the Brussels I regulation. This has been the first comprehensive PIL reform on the territory of the former Yugoslavia.

The Serbian PIL draft of 2014[16] which still awaits enactment has several striking features in comparison with the acts (or drafts) of neighboring countries. This draft comprises altogether 199 provisions which would make it the longest and most detailed of all PIL acts. The structure has been changed and resembles that used in the Swiss and in the Belgian PIL acts, meaning that international jurisdiction and applicable law are throughout regulated in context. The Serbian draft is to the possible maximum harmonized with the *acquis communautaire* and takes into account not only the Rome I, II and III-regulations, but also the Succession regulation as well as the Brussels I (Recast) and Brussels IIa regulation. It should be mentioned that Serbia has ratified the Hague Protocol on the Law Applicable to Maintenance Obligations as early as 2013.[17]

13) For German translation see *A. Bergmann/M. Ferid/D. Henrich*, Internationales Ehe- und Kindschaftsrecht (loose-leaf edition, Frankfurt/Main), „Albanien".

14) Macedonian original and English translation in: *D. Babić/Ch. Jessel-Holst* (supra N. 7) p. 50. For German translation see Praxis des Internationalen Privat- und Verfahrensrechts (IPRax) 2008 p. 158 and 2012 p. 579.

15) For German translation see IPRax 2014 p. 556.

16) Available at http://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php

17) The Hague Protocol has entered into force on 1.8.2013 and is so far applicable only in the EU member states and in Serbia; the Ukraine has signed the Protocol on 21.3.2016.

Kosovo still finds itself in the initial phase of reform so that at present, nothing can be said about strategies of reform there.

IV. Specifics of private international law of Bosnia and Herzegovina

In comparison to the other Yugoslav successor states, the legal system of Bosnia and Herzegovina shows some special characteristics. Among the most striking particularities is the fact that main areas of civil law are regulated not on the level of the central state but on the level of the two entities (that is: Federation of Bosnia and Herzegovina and Republic of Srpska), with additional legislative competence of the District of Brčko as a *de facto* third entity. As a result of the division of law, Bosnia and Herzegovina *inter alia* possesses in parallel three codifications of family law, three property law acts and two new codifications of inheritance law on entity level, while in Brčko still the inheritance act from Yugoslav times applies.

As regards private international law, the Act Concerning the Resolution of Conflicts of Laws with provisions of Other States in Certain Matters of 1882 has been taken over from the law of former Yugoslavia and applies unchanged in all Bosnian territories, but it is disputed whether this act is valid on the state or on the entity level.[18]Mainly for this reason, from all the region Bosnia and Herzegovina is the only country which has so far not taken any serious steps for bringing the private international law in line with modern developments and with the *acquis communautaire*. Theoretically, in Bosnia and Herzegovina PIL reform could be performed either through one single act on the state level, or in three identical acts on the level of the entities or District of Brčko.

V. Common features of reform in West Balkan countries

1. EU-harmonization

The dominating influence of the European private international law has already been addressed. In countries on their way to EU membership, the general strategy appears to be copying literally (or closely) the existing conflict-of-law rules from the EU regulations, but taking over from the procedural rules only those which seem appropriate for coun-

18) For validity on entity level see *V. Šaula*, Osnovi međunarodnog privatnog prava Republike Srpske (Banja Luka, 2nd ed. 2011); for validity on state level see *Z. Meškić*, Bosnia and Herzegovina, in: Encyclopedia of Private International Law, Vol. 3, "National Reports" (forthcoming 2016). In context of reform see also *J. Alihodžić*, Razvoj Evropskog međunarodnog privatnog prava: Pravci reforme zakonodavstva u Bosni i Hercegovini (Tuzla 2012).

tries which still find themselves in the preparatory stage of accession.

Legislative acts of the EU as well as the decisions of the Court of Justice of the EU have been on practically all the agendas of regional PIL meetings which have been held on the territory of former Yugoslavia, starting from Niš (2003) and subsequently organized in Maribor, Belgrade, Zagreb, Banja Luka, Podgorica, Novi Sad, Rijeka, Skopje, again in Niš, then in Osijek and now also in Zenica. For example, the11th PIL meeting in Osijek (2014)[19] was devoted to the jurisprudence of European courts in family matters. The EU Succession regulation was on the agenda of the 12thPIL meeting in Zenica (2015). The forthcoming 13th PIL meeting in Kragujevac (2016) shall inter alia focus on the recent Proposals for regulations on (a) jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes and (b) jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships of 2.3.2016.[20]

Academics from the West Balkan countries are thus deeply acquainted with the European private international law. However, for the general legal community, access to information on this matter is still problematic because not enough publications are available in local language. Providing literature should therefore be one of the main challenges for the future.

2. Use of legal comparison and striving for best international standards

All new pieces of legislation as well as the existing drafts from countries of the region give evidence of an impressive knowledge of comparative law. The drafting teams have collected and examined PIL acts from many other European countries and have profited from their experience. Legal comparison has also encouraged West Balkan countries to address matters which have not been regulated previously.

Thus, the Serbian working group could resort to an impressive compilation of private international law acts which had been organized by Professor *Mirko Živković* at the Faculty of Law in Niš. The Macedonian working group, in advance of the actual drafting, prepared a comprehensive collection not only of EU legislation and Hague Conventions,

19) See *M. Župan* (ed.), Private international law in the jurisprudence of European Courts – Family at focus (Osijek 2015).

20) See supra N. 6.

but of a large number of private international law acts from all over Europe. A similar approach was chosen in Montenegro. In this context it should be mentioned that the Bulgarian working group was during the actual drafting accommodated on the premises of the Max Planck Institute for Comparative and Private International Law in Hamburg and made intensive research there. The Albanian private international law act contains legal transplants which might be traced back to PIL acts from a number of European countries.

3. Regional cooperation

In particular the Yugoslav successor states have greatly profited from regional cooperation.[21] Thus, on 19.11.2010 the Justice Ministry of Montenegro, in co-operation with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, organized a Round Table on the topic of "new codification of private international law – the experience of Montenegro and other West Balkan countries", with participation of experts from Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Germany. Prof. Maja Kostić-Mandić as head of the Montenegrin working group presented a first draft of a new PIL act for discussion. The very positive results of this Round Table are reflected in the final version of the Montenegrin PIL act of 2013.On other occasions the Montenegrin working group also received support from Croatian experts.

To name but a few more examples, on the 7thregional PIL meeting in Novi Sad (2009), Prof. Mirko Živković as head of the Serbian working group presented detailed proposals for the Serbian reform[22] for discussion with experts from neighboring countries. Aspects of the work on a Croatian PIL draft were addressed on the 9th regional PIL meeting in Skopje by Prof. Mirela Župan.[23]

21) See also *Ch. Jessel-Holst*, Regionale Zusammenarbeit im internationalen Privat- und Verfahrensrecht in den Ländern des Westbalkans, in: Wirtschaft und Recht in Osteuropa 2012, p. 72.

22) *M. Živković*, Rad na novom zakonu o međunarodnom privatnom pravu Republike Srbije – početne dileme i aktuelno stanje, in: *B. Bordaš/M. Stanivuković* (eds.), Zbornik radova sa sedme Konferencije za međunarodno privatno pravo – proširenje „Evropskog pravosudnog prostora" na države članice CEFTA, održane 25. septembra 2009. godine/Collected papers, VIIth Private International Law Conference – Enlargement oft he European Judicial Area to CEFTA countries, September 25, 2009 (Novi Sad 2010) p. 175.

23) *M. Župan*, Normiranje mjerodavnog prava za osobno ime – novine hrvatskog zakona o međunarodnom privatnom pravu, in: *T. Deskoski et al*, Zbornik na trudovi od devettata Konferencija za Međunarodno privatno pravo, Najnovi tendencii vo Evropskoto Međunarodno privatno pravo – Predizvici za zakonodavcite na zemjite na Jugo-istočna Evropa, 23 Septemvri,

On a separate meeting which was held in Prishtina on 29 and 30 April 2015, experts from Albania, Croatia, Kosovo, Macedonia, Montenegro and Serbia presented outlines of the (ongoing or finished) reforms in their home countries. Due to the complex visa requirements between Kosovo and Bosnia and Herzegovina, no expert from Bosnia and Herzegovina could attend the meeting.

The draft of a new Macedonian PIL act was presented on the 12th regional PIL conference in Zenica by Prof. Toni Deskoski as head of the Macedonian working group and discussed by the participants, whose remarks and proposals were taken into account for finalizing the draft.

Zenica also witnessed the participation of a delegation from Prishtina in the context of the forthcoming reform of PIL in Kosovo (again made difficult by harsh visa requirements between Bosnia and Herzegovina and Kosovo).

The organization of annual PIL meetings has brought the experts from the region in very close contact. It therefore goes without saying that the working groups also benefitted a great deal from informal cross-connections.

VI. Draft West Balkan Convention on Jurisdiction and the Mutual Recognition and Enforcement of Judgments in Civil and Commercial Matters

The drive of West Balkan countries for EU-approximation has led to an initiative for a regional Convention[24] parallel to the EU-Regulation (EC) No 44/2001 of 22 December 2000 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters ("Brussels I")[25] and to the Lugano Convention of 30 October 2007 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters.[26] On the one hand, the draft regional Convention is intended to strengthen judicial cooperation between West Balkan countries. On the other hand, this could be an intermediate step for collective admission of CEFTA states to the Lugano Convention

2011/collection of papers, IX Private International Law conference, Recent trends in European Private International Law – Challenges for the national legislations of the South East European countries, September 23, 2011 (Skopje 2011) p. 179.

24) For details see Encyclopedia of Private International Law, Vol. 2, "Entries L-Z" ("West Balkan Convention") (forthcoming 2016).

25) OJ L 12 of 16.1.2001, p. 1.

26) OJ L 339 of 21.12.2007, p. 3.

and for integration into the European regime of mutual recognition of judgments.

A letter of intent for the signature and ratification of the regional Convention was signed in 2013 in Belgrade by representatives of Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia (Croatia and Slovenia are under EU law prohibited to join). The draft acknowledges the right of any contracting state to extend the application of the Convention, on the basis of a bilateral agreement, to any other state (such as Kosovo). As an alternative it is discussed to invite all CEFTA states for the signature and leave to the contracting states the right to determine on an individual basis in relation to which other contracting states the Convention shall be applicable.

The scope of the regional Convention coincides with that of the Lugano Convention and includes also maintenance issues.

Existing bilateral agreements of the contracting states covering the same matter shall be superseded by the regional Convention.

An annexed Protocol provides that the Convention shall be applied and interpreted in accordance with the jurisprudence of the Court of Justice of the EU. Another Protocol addresses possible future harmonization with the Brussels I Recast.

The plan for the regional Convention goes back to a conference in Hotel "Europa" in Sarajevo in 2011. For this reason, it is provided in the draft that the Bosnia and Herzegovina´s Ministry of Foreign Affairs shall act as Depositary of the Convention.

VII. Final observations

All in all it can be found that most West Balkan countries have either adopted, or are preparing for the adoption of new PIL acts which are in line with best practice in Europe. In some very important features they coincide, such as EU-harmonization, broad scope of application of party autonomy, introduction of the concept of habitual residence etc.

At the same time, the new PIL acts and draft acts of West Balkan countries also reflect Europe´s diversity. Thus, the Serbian draft on principle rejects *renvoi* and provides for very few exceptions only, whereas all other PIL acts and drafts on principle accept *renvoi*(accompanied by an ever growing number of case-groups for which *renvoi* is excluded).

All new PIL acts and drafts regulate voluntary representation, some

of them based on the Hague Convention of 14 March 1978 on the Law Applicable to Agency, others based on discussions on level of the EU and recently of the German Council of Private International Law.

To give another example, for the recognition of foreign judgments the Slovenian PIL act, in line with the Yugoslav act of 1982, contains a reciprocity requirement. The Macedonian PIL act of 2007gave up this requirement unconditionally. The Albanian Civil Procedure Code also deleted the reciprocity requirement, but as a precaution introduced the German concept of "Spiegelbildprinzip" (mirror principle). The mirror principle may also be found in the Montenegrin PIL act as well as in the Serbian draft and in the new Macedonian PIL draft.

The concept of automatic recognition of foreign judgments has been rejected in Montenegro but is reflected in the Serbian draft, whereas the Macedonian draft focusses on "automatic enforcement".

Further developments in the region remain to be seen!

ABSTRACT

In the year of 2003, academics from former Yugoslavia, as well as scholars from other parts of Europe met at the Faculty of Law in Niš to celebrate together the twentieth anniversary of the entry into force of the Yugoslav Act Concerning the Resolution of Conflicts of Laws with Provisions of Other States in Certain Matters of 1982 and to discuss new trends in private international law. At that time, the Yugoslav Act was in force in most of the Yugoslav successor states. Only Slovenia had enacted a new codification which, however, to a large extent relied on the model of the 1982 PIL act. Twelve years (and ten regional private international law conferences) later, the picture has changed substantially. From the states of former Yugoslavia, only the one hosting the twelfth annual meeting in Zenica has not yet undertaken any steps for legislative reform. All others have either adopted new PIL acts or find themselves in a more or less advanced process of reform.

Keywords: Yugoslav Act Concerning the Resolution of Conflicts of Laws with Provisions of Other States in Certain Matters; South-East Europe; West Balkan; Private International Law Reform.

REFORMA ZAKONA O MEĐUNARODNOM PRIVATNOM PRAVU U JUGOISTOČNOJ EVROPI, SA POSEBNIM OSVRTOM NA REGIJU ZAPADNOG BALKANA

SAŽETAK

U 2003. godini, akademici iz bivše Jugoslavije, kao i naučnici iz ostalih dijelova Evrope susreli su se na Pravnom fakultetu u Nišu da zajedno proslave dvadesetu godišnjicu stupanja na snagu jugoslovenskog Zakona o rješavanju sukoba zakona sa propisima drugih zemalja u određenim odnosima iz 1982. godine i da diskutuju nove trendove u međunarodnom privatnom pravu. U to vrijeme, jugoslovenski Zakon je bio na snazi u većini jugoslovenskih država sljednica. Jedino je Slovenija usvojila novu kodifikaciju koja se, ipak, u većoj mjeri oslanjala na model jugoslovenskog Zakona iz 1982. godine. Nakon 12 godina (i deset regionalnih konferencija o međunarodnom privatnom pravu) slika se značajno promijenila. Od svih država bivše Jugoslavije, jedino država domaćin 12.-tog godišnjeg skupa u Zenici još uvijek nije poduzela nijedan korak u procesu zakonodavne reforme. Sve ostale su ili usvojile nove Zakone o MPP-u ili se nalaze u manje ili više poodmakloj fazi reforme relevantnog zakonodavstva.

Ključne riječi: Zakon o rješavanju sukoba zakona sa propisima drugih zemalja u određenim odnosima; Jugoistočna Evropa; zapadni Balkan; reforma međunarodnog privatnog prava.

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