

CIVIL PROCEDURE AND HARMONISATION OF LAW

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HARMONISATION OF LAW

The Dynamics of EU
and International Treaties

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Civil Procedure and Harmonisation of Law. The Dynamics of EU and International Treaties

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PREFACE

This book presents the results of a research project that looks at the interplay between national and international civil procedure law. While the project covers many kinds of international law – both soft law and hard law from a number of international institutions – the influence of European Union civil procedure law on national civil procedure forms the heart of the project. The editors of this book, together with Professor Halvard Haukeland Fredriksen, had previously conducted research on the interplay between Norwegian civil procedure and EU law. The interest in EU law in Norway may appear somewhat surprising at first, since Norway is not a member of the Union. However, Norway is part of the single market through its participation in the European Economic Area Agreement. Accordingly, EU law exerts an influence on national civil procedure through the EEA Agreement, voluntary harmonisation, hard law and soft law.

Our previous engagements in comparative projects sparked our curiosity, as we noticed divergent attitudes, practices, policies and outcomes in countries in our geographical neighbourhood. As a result, in 2016, we initiated a research project, drawing on our networks and discussions with Professor Volker Lipp, that focused on the interplay between national and international civil procedure law in north-western Europe. A research workshop was organised in Tromsø in late August and early September 2017, where experts from Germany, the Netherlands, the United Kingdom and the Nordic countries took part. Most of the papers contained in this book are based on the discussions that took place during that workshop.

We would like to express our gratitude to the Faculty of Law at the University of Tromsø – The Arctic University of Norway for its financial contribution, which made both the workshop and the book possible. We also wish to thank Satu Svahn for her review of the English language of the contributions. Harald Hofgaard, a student in Tromsø, provided valuable assistance in preparing the papers for publication. Finally, we are grateful to all of the authors for their participation.

Anna Nylund and Magne Strandberg
Tromsø/Bergen, August 2018

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LIST OF ABBREVIATIONS

AcP	Archiv für die civilistische Praxis
BGBI	Bundesgesetzblatt
CMLR	Common Market Law Review
Ct	Court
DL	Defensor Legis
EC	European Communities
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECR	European Court Reports
EEA	European Economic Area
EFTA	European Free Trade Association
ERPL	European Review of Private Law
EU	European Union
EUI	European University Institute
EuZW	Zeitschrift für Europäisches Wirtschaftsrecht
Family	Fam
Int	International
IP	Intellectual Property
J	Journal
JFT	Tidskrift utgiven av Juridiska Föreningen i Finland
JT	Juridisk tidskrift
JuS	Juristische Schulung
JZ	Juristenzeitung
L	Law, Legal
LoR	Lov og Rett
MDR	Monatsschrift für deutsches Recht
MvV	Maandblad voor Vermogensrecht
NJW	Neue Juristische Wochenschrift
NOU	Norske Offentlige Utredninger
OJ	Official Journal
Ot.prp.	Odelstingsproposisjon
Priv	Private
Proc	Procedural
Prop.	Proposisjon til Stortinget (Bill to the Norwegian Parliament)
Q	Quarterly

RabelsZ	Rabels Zeitschrift für ausländisches und internationales Privatrecht/ The Rabel Journal of Comparative and International Private Law
Rep	Report(s)
Rev	Review
RSCAS	Robert Schuman Centre for Advanced Studies
Rt.	Norsk Retstidende
SIEPS	Swedish Institute of European Policy Studies
TCR	Tijdschrift voor Civiele Rechtspleging
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TfR	Tidskrift for Rettsvitenskap
TRIPS	The Agreement on Trade-Related Aspects of Intellectual Property Rights
UP	University Press
YB	Yearbook
ZEuP	Zeitschrift für Europäisches Privatrecht
ZEuS	Zeitschrift für Europarechtliche Studien
ZRP	Zeitschrift für Rechtspolitik
ZZP	Zeitschrift für Zivilprozess