



MOBILITY OF COMPANIES IN THE EUROPEAN UNION

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Course description

The course gives an overview about the Private International Law regulation of companies with particular regard to the EU Private International Law rules. The determination of the law applicable to companies constitutes traditionally the part of the Private International Law regulation, but due to the increasing international mobility, the EU freedom of establishment provisions and certain secondary EU legal sources (such as the Insolvency Regulation) also gain importance. In addition to the conflict of laws norms, jurisdictional rules will be also discussed. The course is announced for PhD students, full time students and Erasmus students.

Course schedule

1. Sources of EU company law and the sources of EU Private International Law, a historical perspective
2. The freedom of establishment provisions of the Treaty on the Functioning of the European Union. Primary and secondary freedom of establishment (Centros, Inspire Art)
3. The case law of the Court of Justice of the European Union on the transfer of seat of companies (Daily Mail, Überseering, SEVIC)
4. The case law of the Court of Justice of the European Union on the transfer of seat of companies (Cartesio, VALE, National Grid Indus)
5. The law applicable to companies – the interrelation between EU Law and domestic laws.
6. Case solving
7. European company forms and Private International Law
8. The EU Insolvency Regulation
9. Group of companies and EU Private International Law
10. The jurisdictional rules of the EU and companies (Brussels I Regulation)
11. Exam

Reading material

Tamás Szabados: The transfer of the company seat within the European Union. The impact of the freedom of establishment on national laws (Eötvös Kiadó, Budapest, 2012) and the materials discussed during the semester.

Course assessment

Assignment during the semester and written exam