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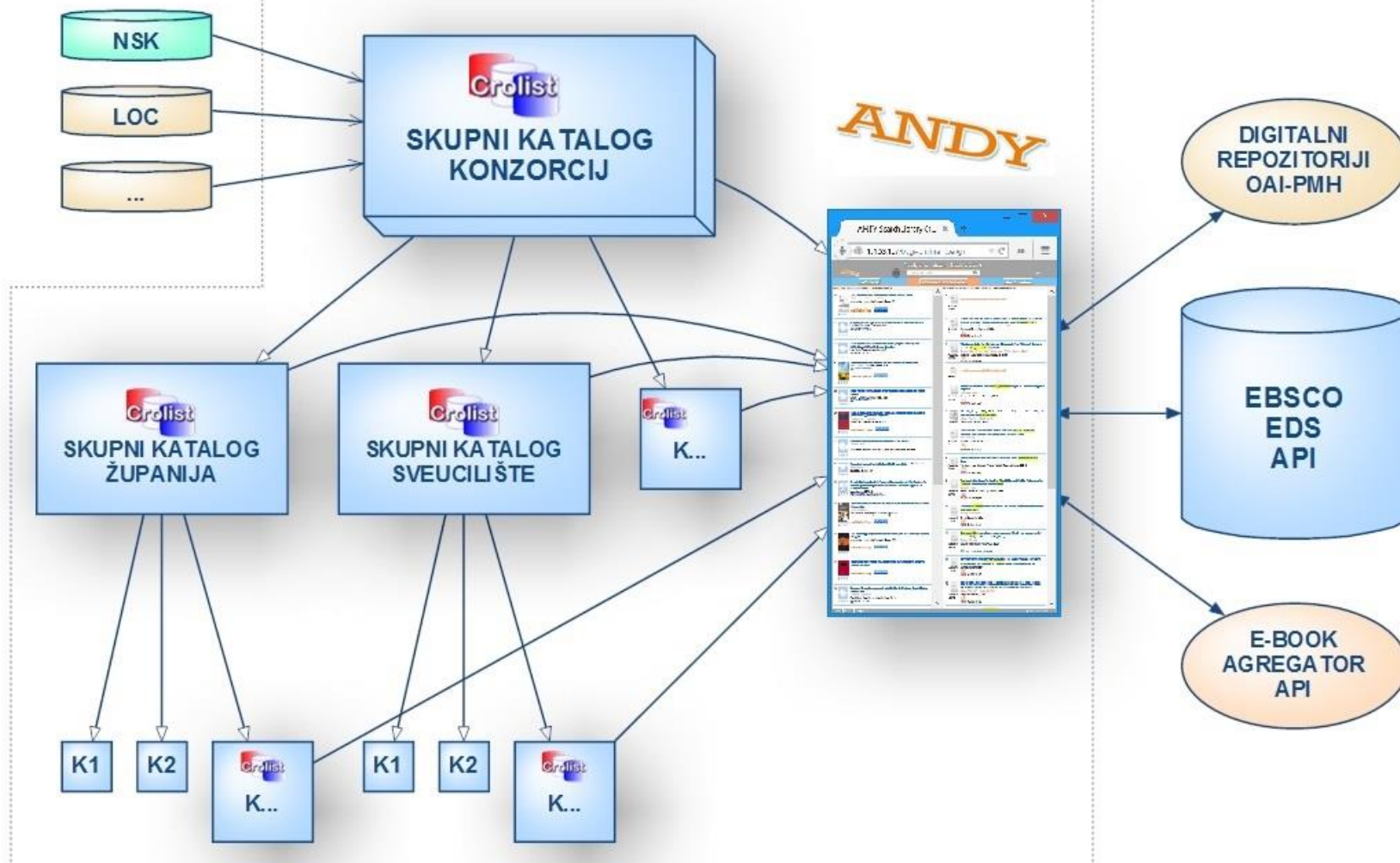
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Vol. 10 No. 3 *Journal of Private International Law* 335  
DOI:10.5235/17441048.10.3.335

**THE PROTECTION OF WEAKER PARTIES IN THE PRIVATE INTERNATIONAL LAW OF THE EUROPEAN UNION: A PORTRAIT OF INCONSISTENCY AND CONCEPTUAL TRUANCY**

GIESELA RÜHL\*

A. INTRODUCTION

Over the last fifty or so years, the development of private international law has been increasingly defined by efforts to Europeanise the field.<sup>1</sup> From an historic perspective, this is nothing new: prior to the integration of private international law into the national codes in the course of the nineteenth-century codification movement, legal scholars across Europe had spent many years attempting to develop a unified regime of choice-of-law rules on the basis of the so-called statute theory.<sup>2</sup> However, these efforts were in vain: despite intensive discussions, only a few rules and principles could command a consensus.<sup>3</sup> Renewed attempts to unify private international law at the European level in the middle of the twentieth century suffered the same fate: as the Community's founding treaties did not bestow European law-makers with a specific legislative competence in the area of private international law,<sup>4</sup> Member States were compelled

\* Professor of Civil Law, Civil Procedure, Private International Law, International Civil Procedure, European Private Law and Comparative law at the Friedrich Schiller University Jena. The author wishes to thank Michael Friedman for valuable assistance in the preparation of this article.

<sup>1</sup> See for a detailed account K Kreuzer, "Zu Stand und Perspektiven des europäischen Internationalen Privatrechts, Wie europäisch soll das Europäische Internationale Privatrecht sein?" (2006) 70 *Rechts Zeitschrift für ausländisches und internationales Privatrecht* 1ff.


<sup>2</sup> See G Kegel and K Schurig, *Internationales Privatrecht* (CH Beck, 2004), 186-87; J Kropholler, *Internationales Privatrecht*, (Mohr Siebeck, 2006), 14-15; PH Neuhaus, *Die Grundbegriffe des Internationalen Privatrechts*, (Mohr Siebeck, 1976), 94-95; R de Nova, "Historical and Comparative Introduction to Conflict of Laws" (1966) 118 *Recueil des Cours* 433, 484.

<sup>3</sup> CG von Wächter, "Über die Collision der Privatrechtsgesetze verschiedener Staaten" (1841) 24 *Archiv für die civilistische Praxis* 230, 233ff. "Wird auch in manchen dieser Schriften die Sache so hingestellt, als ob über die meisten Punkte Übereinstimmung herrsche; so überzeugt man sich doch bei genauerer Einsicht der Literatur, daß das letztere keineswegs der Fall ist. Bei den Aelteren herrsche allerdings im Princip mehr Einigkeit; aber im Einzelnen und in der Anwendung viel Schwank und Streit. Ueberdies wurden Grundsätze, die lange Zeit feststand allmählig angegriffen und um ihre Herrschaft gebracht ... - und je lebhafter die wissenschaftliche Erörterung der Frage wurde, um so weiter entzweiten sich die Ansichten."

<sup>4</sup> Note that Art 100 of the Treaty establishing the European Economic Community of 25 March 1957 (today: Art 114 of the Treaty on the Functioning of the European Union (TFEU)) was

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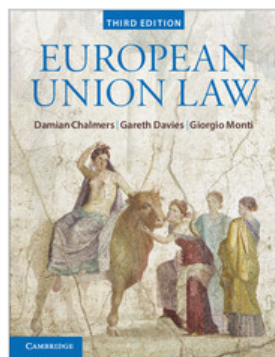
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Authors: RÜHL, GIESELA<sup>1</sup>

Source: Journal of Private International Law. Dec2014, Vol. 10 Issue 3, p335-358. 24p.

Document Type: Article

Subject Terms: \*CONFLICT of laws  
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Abstract: The article offers information on the history, development and significance of the provisions of European private international law, which offers contractual and non-contractual obligations to restrict the party autonomy for protection of rights of weaker parties in the European Union. It informs that the two dimensions of the party autonomy including the choice-of-law rules and the international civil procedure to be considered by the European law-makers for development of regulations.

Author Affiliations: <sup>1</sup>Professor of Civil Law, Civil Procedure, Private International Law, International Civil Procedure, European Private Law and Comparative law, Friedrich Schiller University Jena

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Pretraživanje: Discovery Service za Pravni Fakultet Zagreb

Pravni Fakultet Zagreb

Ključna riječ: european union law

Pretraži

Osnovno pretraživanje | Napredno pretraživanje | Povijest pretraživanja

Prilagodite rezultate

Aktualno pretraživanje

Sve tražene pojmove:

european union law

Proširenja pretraživanja

Traži i unutar cijelog teksta članka

Ograniči na

- Cjeloviti tekst
Recenzirani
Raspodloživo u zbirci knjižnice

1013 Datum publikacije 2016

Prikaži više

Vrsta dokumenta

- Svi rezultati
Akademski časopisi (655,757)
Časopisi (319,910)

Rezultati pretraživanja: 1 - 20 of 1,620,655

Važnost | Mogućnosti stranice | Podijeli

1. THE PROTECTION OF WEAKER PARTIES IN THE PRIVATE INTERNATIONAL LAW OF THE EUROPEAN UNION: A PORTRAIT OF INCONSISTENCY AND CONCEPTUAL TRUANCY.



Akademski časopis

By: RÜHL, GIESELA. Journal of Private International Law. Dec2014, Vol. 10 Issue 3, p335-358. 24p. DOI: 10.5235/17441048.10.3.335.

Predmeti: CONFLICT of laws; AUTONOMY (Political science); POLITICAL parties; CIVIL procedure; INTERNATIONAL cooperation; LEGISLATORS; EUROPEAN Union law; Courts; EUROPEAN Union countries

Cjelovit tekst u PDF-u (1.2MB)

2. REPORT BETWEEN EUROPEAN UNION LAW AND NATIONAL MEMBER STATES LAW IN THE FIELD OF WORK FORCE FREE MOVEMENT.



Akademski časopis

LE RAPPORT ENTRE LE DROIT DE L'UNION EUROPÉENNE ET LE DROIT NATIONAL DES ÉTATS MEMBRES EN MATIERE DE LIBRE CIRCULATION DE LA FORCE DE TRAVAIL. / RELAZIONE TRA DIRITTO DELL'UNIONE EUROPEA E ORDINAMENTO NAZIONALE IN MATERIA DI LIBERA CIRCOLAZIONE DELLA FORZA LAVORO. By: MARIAN, Brîndușa. Juridical Current. 2014, Vol. 17 Issue 4, p159-165. 7p.

Predmeti: EUROPEAN Union law; INTERNATIONAL law; LABOR supply; WORKING class; CITIZENSHIP; DISCRIMINATION in employment; EUROPEAN Commission; Temporary Help Services

Cjelovit tekst u PDF-u (1.4MB)

3. INTERNET LAW -- PROTECTION OF PERSONAL DATA -- COURT OF JUSTICE OF THE EUROPEAN UNION CREATES PRESUMPTION THAT GOOGLE MUST REMOVE LINKS TO PERSONAL DATA UPON REQUEST.



Harvard Law Review. Dec2014, Vol. 128 Issue 2, p735-742. 8p. Baza podataka: Business Source Complete

Predmeti: INTERNET -- Law & legislation: DATA protection -- Law & legislation: HYPERLINKS: RIGHT of privacy;

Integrirano pretraživanje

Detalji

Ažuriraj

Discovery Service za Pravni Fakultet Zagreb

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Reuters: World News

About 100 bodies found in Nepal trekking village

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KATHMANDU (Reuters) - Nepali police and local volunteers

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## INTEGRIRANO PRETRAŽIVANJE LOKALNOG KATALOGA (Vero) I DISCOVERY SERVISA (EBSCO EDS)

Gotovo da je nemoguće govoriti o pretraživanju i otkrivanju (discovery) u knjižnicama bez da spominjemo Google. Ta tražilica je definirala očekivanja korisnika u smislu jednostavnosti korištenja i naglasila razlike u zahtjevnostima s kojima se korisnici susreću prilikom pretraživanja informacija putem knjižničnih web sučelja.

Složenost i fragmentiranost pretraživanja i otkrivanja u knjižnicama uključuje zasebno pretraživanje nabavljene građe kroz integrirani knjižnični sustav (IKS), zatim licencirane građe (elektronički časopisi i članci), digitalizirane građe (repositoriji, zbirke) i web stranica knjižnice.

Umjesto da budu organizirani sukladno potrebama znanstvenika i u skladu s očekivanjima korisnika, informacijaki izvori u knjižnicama su tradicionalno podijeljeni u zasebne sustave i u pravilu slijede organiziranost službi u knjižnici koje obrađuju izvore informacija.

U nastojanju da se osiguraju jednostavna korisnička sučelja, najviše je truda uloženo u rješavanje problema s kojima se korisnici susreću prilikom pretraživanja OPAC-a. To je dovelo do pojave dodatnih mogućnosti kao što su: pretraživanje po ključnim riječima, sortiranje po relevantnosti, facetno pregledavanje i prikaz sličnih radova (ostalih izdanja na istom i različitim medijima itd.). Modernizacija je učinila kataloge lakšim za korištenje, ali nije riješila problem otkrivanja koji se sastoji u tome što katalog prikazuje samo izvore obrađene od strane IKS-a, a korisnicima ne pomaže u otkrivanju izvora informacija koji nisu upravljani samo od strane IKS-a, kao što su veze (linkovi) na članke u časopisima ili specijalizirane baze znanstvenih informacija.

Knjižnice su pokušale učiniti pretraživanje članaka jednostavnijim implementiranjem metapretraživanja (federated ili broadcast search) koje kombinira rezultate pretraživanja različitih baza podataka u jedno sučelje najčešće putem Z39.50 ili SRU protokola. To nije rezultiralo većim napretkom u pretraživanju knjižničkog okruženja. Najčešće spominjani nedostaci su sporo vrijeme odziva, nepotpuno pokrivanje svih važnih baza podataka, kao i siromašno korisničko sučelje lišeno ostvarenih naprednih mogućnosti kao što su sortiranje po relevantnosti, izostavljanje duplih zapisa, facetno pregledavanje itd. U osnovi meta-pretraživanje je samo još jedno informacijsko okruženje koje korisnici moraju razumjeti što ih frustrira jer pomoću Googla mogu ostvariti isti cilj na puno spretniji način.

Neuspjeh meta-pretraživanja naglašava potrebu za izgradnjom sustava koji je sveobuhvatan i jednostavan za upotrebu. Zbog toga su se u novije vrijeme knjižnice okrenule prema tzv. discovery platformama. Uključivanje knjižničnih fondova, članaka iz časopisa, novinskih članaka, e-knjiga i ostalih vrsta građe u discovery platforme dobrodošao je korak u rušenju barijera nastalih na osnovi sistemskih razlika u sustavima koji obuhvaćaju izvore informacija u meta-pretraživanjima. Međutim, čak i najoptimističniji opisi discovery platformi u praksi počinju iskazivati nedostatke. To uključuje izostanak bazične standardizacije sučelja, izostanak pokrivanja svih izvora informacija u knjižnici, visoku cijenu i neke probleme u učinkovitosti.

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