

Navigating the Legal Seas: The Freedom to Choose Applicable Law in Tort

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Abstract : An essential feature of any international lawsuit is the ability of the parties to pick the law that would apply in the event of a tort claim. This option to choose the law to use in tort cases is based on Article 14 and 4/3 of the Rome II Regulation. The purpose of this article is to examine the boundaries of this freedom, as well as its relevance in international legal disputes. The article opens with a brief introduction to the basics of tort law. After a short introduction, the article demonstrates why Article 14 and 4/3 of the Rome II Regulation are so crucial to the right to select appropriate law in tort cases. The notion of the right to select the law to use in tort cases is examined, along with its breadth and possible restrictions. The article presents case studies to demonstrate how the right to select relevant law in tort might be put into practise. Case results and the judges' rationales for their rulings are examined. The possible influence of the right to select applicable law in tort on the process of harmonisation is also explored in this study. The results are summarised and the primary research question is addressed in the last section of the paper. In conclusion, the parties' ability to pick the law that rules their dispute via the freedom to choose relevant law in tort is a crucial feature of cross-border litigation. Despite certain restrictions, this freedom is nevertheless an important part of the legal structure that governs international conflicts.

Keywords : applicable law, tort, Rome II regulation, freedom to choose, cross-border litigation, harmonization of tort law

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