

## Regulation and Conflict of Laws (summary)

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The purpose of this article is to analyze the qualitative transformation of conflict of laws in the process of the regional economic integration in the EU and to reflect on its implications for Japanese conflict of laws.

Particularly since Article 65 of the Treaty of Amsterdam gave the EU the power to regulate conflict of laws, the Europeanization of conflict of laws has been proceeding. As for EU Regulations with regard to conflict of laws, it is sometimes pointed out that there has been a qualitative transformation: conflict of laws has been made use of as one of the regulatory measures for the promotion of the integration of the Internal Market. The main goals of the EU in terms of integration of the Internal Market are the free movement of goods, capital, services, and people, and the European Committee has introduced a variety of regulatory measures to achieve them, including cooperation among state authorities in public law fields, harmonization of national substantive laws, codes of conduct, and voluntary control. In addition to those, conflict of laws or conflict of laws approaches are sometimes mentioned as another relevant form of regulatory measure.

Such movement in the EU might have a certain impact on Japanese conflict of laws, which has been inspired by the European model. On the one hand, the scope of influence of the EU conflict of laws on Japan's rules might be limited in the future, since the latter does not have the objective of the integration of the Internal Market. On the other hand, the instrumental use of conflict of laws is discussed not only in the context of the EU but also in that of globalization: the role which conflict of laws should play in global governance is being discussed worldwide. In light of this, the movement of the EU conflict of laws, which is based on the Savignian conflict-of-laws system that claims to be fundamentally neutral in relation to substantive policies, might have implications for the direction in which Japanese conflict of laws should develop.

This article analyzes the above-mentioned qualitative transformation of the EU conflict of laws, which is sometimes called the "EU conflict-of-laws revolution", and focuses on two issues: the extension of the scope of conflict of laws, and the instrumental use of conflict of laws. The article makes the claim that although academic views are divided, the EU conflict of laws has been changing qualitatively, in that it covers more and more matters

with regard to public regulations, and the instrumental use of conflict of laws is ongoing. It further argues that Japanese conflict of laws should aim at finding an appropriate level of collaboration among regulatory authorities in global governance.