Preface

Eötvös Loránd University (ELTE) in Budapest is known as Hungary’s oldest, largest and most prestigious university. Tuition at ELTE’s Faculty of Law began 350 years ago, in 1667, which also means no other Hungarian Faculty of Law has a longer uninterrupted record. Sapientia – the Hungarian University of Transylvania, established in 2001 as a private higher education institution in the multicultural region of Transylvania, Romania, is considered a successor to the great legal academy of Cluj-Napoca, the roots of which go back to 1774 and have emerged as an important centre of legal research. The strong professional connection between the two universities is manifested unambiguously through the fact that numerous lecturers are members of both ELTE and Sapientia, which generates a great opportunity to share legal research experience between the two institutes.

The papers published here are the results of two conferences held on 24 May 2013 and on 20 September 2013 in Cluj-Napoca and in Budapest, thanks to the active cooperation between ELTE and Sapientia. The conferences were dedicated to the new Romanian and Hungarian Civil Codes, as the Romanian “Codul civil” (Act. No. 287/2009) had recently entered into force on 1 October 2011, while the Hungarian “Polgári Törvénykönyv” (Act No. V/2013) has been applicable since 15 March 2014. Additionally, the two countries are connected to each other by their special historical and cultural background, which serves as a solid basis for great cooperation, resulting in the two conferences and the present proceedings from them.

The main purpose of the above-mentioned conferences was to present and discuss the regulation and the fundamental changes related to the new Civil Codes in each study, as well as to highlight the new features and some of the issues of great debate in the new regulations. The concept was that the lectures were organized basically in pairs, and therefore similar topics were presented by lecturers from ELTE and Sapientia, mostly one by one. These topics have reviewed numerous different parts of the civil law. Emőd Veress and Zsolt Fegyveresi provided introspection on the transition towards a monist private law and the persistence of some characteristics of commercial law in connection with the new Romanian Civil Code, while other performers focused on more specific parts of the
two Civil Codes, such as the default rules of legal persons and companies in the new Civil Code of Hungary, presented by Zoltán Csehi and András Kisfaludi, key issues in the new regulations on property law, presented by Attila Menyhárd and Szilárd Sztranyiczki, while the topic of intellectual property, presented by Gábor Faludi and Ligia Cătuna also constituted a significant element of the conferences. The law of obligation was a highlighted area of the conferences, and Ádám Fuglinszky discussed some of the structural questions of contractual and extracontractual liability. Meanwhile, Balázs Tőkey provided insight into the new particular agreements in the new Hungarian Civil Code. Then, Johanna Szekrényes discussed unforeseeable changes in circumstances in contracts in the new Romanian Civil Code, and finally Krisztina Constantinescu dealt with both the Hungarian and the Romanian legal systems through the perceptions of simulated contracts. Other specific parts of the conferences were family law and the law of succession, as Orsolya Szeibert delivered a lecture about marriage and cohabitation in the new Hungarian Civil Code, focused on the upcoming challenges of the topic, while the last pieces of the conferences were the two lectures on the law of succession in the new Hungarian and Romanian Civil Code, presented by Hella Molnár and János Székely.

The presentations held at the two conferences provided a great opportunity to present a wide selection of the key regulatory issues of the new Hungarian and Romanian Civil Codes as well as to point out some of the upcoming challenges of the issues discussed. As a verdict on the conferences, it seems fair to declare that the cooperation between ELTE and Sapientia, which has already begun over the past few years, has a bright future and a fruitful continuity lies ahead. Let us share the very first evidence of this highly promising intellectual route through the papers of these conferences with our distinguished readers.

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