

“Libel tourism” and private international law
Trevor C Hartley

Reaction of Michael Bogdan

Dear Trevor,

Thank you for your paper, which I have read with great interest. I agree with you that the present situation is not satisfactory. In my view, the question of jurisdiction in libel cases must be discussed together with the determination of applicable substantive law. Perhaps one part of the remedy could lie in new conflict rules that would put an end to the current general application by English courts of English libel law in cases with merely a minor connection with England. Unfortunately there seems to be little hope of new EC conflict rules within foreseeable future. The Commission has failed to fulfil its promise to present, not later than December 2008, a study on this problem (OJ 2007 L 199 p. 49). In the meantime, there is of course nothing preventing England and other Member States from adopting more reasonable autonomous conflict rules. Perhaps you could add to your paper a section on the conflict issue?

Best regards

Michael Bogdan

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Responsable de la page: [Bernadette Martin-Bosly](#)
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