
Report on the International Conference XII. Luby Law Days: Damages as a Remedy in Private Law

Daniela Hlobíková

Abstract: *Report on XII. Dies Luby Iurisprudentiae – the International Scientific Conference of the Faculty of Law at the Trnava University in Trnava, Slovakia.*

Key Words: *Report; International Scientific Conference; Dies Luby Iurisprudentiae; Faculty of Law; Trnava University in Trnava; Slovakia.*

The significant international scientific conference *XII. Luby Law Days*, organized by the Štefan Luby Foundation and the Faculty of Law, Trnava University in Trnava, took place at the Congress Centre of the Slovak Academy of Sciences in Smolenice on September 17th and 18th, 2015.



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The first year of the Conference was held on the initiative of Professor JUDr. Jozef Prusák, CSc., in Trenčianske Teplice in September 1990 in honour of Professor Štefan Luby, the most important Slovak civilian, jurist, and representative of the Comparative Law in the post-war years of

the former Czechoslovakia who had an significant influence on legal life and thanks to him, the Slovak jurisprudence was elevated to the European level.

The latest year of the Conference was dedicated to the theme *Damages as a Remedy in Private Law*. Professor Štefan Luby analyzed the given issue in his extensive two-volume work “Prevention and Liability in Civil Law” which preserved its importance and topicality to the present.



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The XII. Dies Luby Iurisprudentiae Conference was opened by the Dean of the Faculty of Law at the Trnava University in Trnava *Professor JUDr. Helena Barancová, DrSc.* She thanked distinguished guests for their participation and appreciated the interest of the legal community in this scientific event. Subsequently, she gave the floor to the Chair of the Board of Directors of the Štefan Luby Foundation as well as the presenter of the first section *Doc. JUDr. Monika Jurčová, PhD.*

The first speaker, *Em. o. Univ.-Prof. DDr. h.c. Dr. Rudolf Welser* from the University of Vienna, Faculty of Law, presented his paper on the topic “*The Regulatory Reform of the Damages in the Austrian Law*”. Professor Welser introduced various proposals for adjustments to certain questions of damages in the upcoming reform of the Tort Law in Austria. *Prof. JUDr. Jan Hurdík, DrSc.*, from the Masaryk University, Faculty of Law, delivered the presentation entitled “*Damage Incurred due to the Exercise of*

Rights or qui iure suo utitur...” in which he reacted to the concept of compensation of damage caused in the frame of the performance of subjective rights in the new Czech Civil Code. Prof. Dr. JUDr. Karel Eliáš from the Business and Law School in Prague built his follow-up presentation on his paper called “*Damnum aut casu fit aut culpa [The Main Paradigms of the Legal Implications of Occurrence of Damage]*”. The last speaker of the first section, Prof. Dr. Attila Menyhárd, Ph.D., from the Eötvös Loránd University, Faculty of Law, presented his paper on the topic “*The Limits of Preventive Function of Liability*”.



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After the discussion and coffee break, the next section was opened by Prof. dr. sc. Tatjana Josipović from the University of Zagreb, Faculty of Law, who focused on the topic called “*Antitrust Damage Action as a New Remedy in Private Law – Impact of the Directive 2014/104/EU on Antitrust Damage Actions on Croatian Private Law*”. The next speaker, Uni.-Doz. Dr. Christian Alunaru from the “Vasile Goldiș” Western University of Arad, critically looked at the new Romanian legislation in his contribution called “*The Tort Law Provisions of the New Romanian Civil Code*”. Priv.-Doz. Dr. Sebastian Mock, LL.M., from the University of Hamburg, Faculty of Law, dealt with the issue of liability for damage caused by breach of a duty of directors in his presentation entitled “*Limitation of the Personal Liability of Directors in German Corporate Law*”. The last speaker of the first day of the Conference was Prof. Dr. Meliha Powlakić from the University of Sarajevo, Faculty of Law. She delivered an interesting paper focused on the theme “*Compensation for Damages for Medical Malpractice in Bosnian and Herzegovinian Law*”.



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At the end of the first day of the Conference a ceremonial reception took place at which a commemorative medal of Štefan Luby was awarded to the son of this distinguished academic – Professor Štefan Luby Jr., the former long-time President of the Slovak Academy of Sciences.



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The second day of the Conference was opened by *Doc. JUDr. Kristián Csach, PhD., LL.M.*, from the Pavol Jozef Šafárik University in Košice, Faculty of Law. In his speech he focused on the topic called “*Damages and Related Compensatory Remedies*”. The next speaker, *Doc. JUDr. Anton Dulak, PhD.*, from the Danubius University in Sládkovičovo, Janko Jeseňský Faculty of Law, familiarized participants of the Conference with

the concept of the “*Damages in the New Civil Code*”. The issue of the relationship of insurance and liability was analyzed by *JUDr. Imrich Fekete, CSc.*, from the Comenius University in Bratislava, Faculty of Law, in his presentation entitled “*Compensation of Damage through Insurance and through Liability for Damages: Two Sides of One Coin?*”.



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Prof. dr hab. Fryderyk Zoll from the Jagiellonian University, Faculty of Law and Administration, delivered his paper entitled “*Damages Claim due to Defective Performance under the Polish Law*”. *Prof. dr. Damjan Možina, univ. dipl. prav., LL.M.*, from the University of Ljubljana, Faculty of Law, analyzed a similar issue. He focused on damages due to the defective performance of the sales contract in his paper called “*Damages for Breach of Contract in Slovenian Law*”.



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JUDr. Petr Bezouška, Ph.D., from the Palacký University Olomouc, Faculty of Law, delivered the presentation entitled “Selected Problems in Contractual Damages under the New Czech Civil Code” while he focused the attention on the protective purpose of the contract and damages for breach of contract. JUDr. Filip Melzer, Ph.D., LL.M., also from the Palacký University Olomouc, Faculty of Law, built his follow-up presentation on his paper called “The New Legal Regulation of the General Clause on Delictual Liability in the Czech Law”.

The last participants of the Conference were representatives of the Faculty of Law of the Trnava University in Trnava. JUDr. Marianna Novotná, Ph.D., analyzed in her paper “The Extent of Risk as a Criterion of Strictness of Tort Liability”. JUDr. Alexander Škrinár, CSc., focused on the topic called “Arbitrator’s Liability for Damage Caused due to an Arbitral Ruling”. In his speech he addressed the issue of possible liability for the unlawful decisions of arbitrators who decide disputes in permanent arbitration courts. The last speaker was Doc. JUDr. Mgr. Andrea Olšovská, Ph.D., who presented her paper on the topic “Damages in Labour Law”.



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It may be stated that the Conference proceeded successfully, not only from the professional, but also from the organizational perspectives. All papers delivered by the participants will be published in the peer-reviewed conference proceedings within which professionals will be able to familiarize themselves with many issues that could be interesting not only for the legal science, but also for the application practice.

Finally, I would like to express our gratitude to the partners of the Conference, namely to the Chamber of Notaries of the Slovak Republic –

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Mgr. Daniela Hlobíková

Faculty of Law
Trnava University in Trnava
Kollárova 10
917 01 Trnava
Slovak Republic
daniela.hlobikova@gmail.com