

CHOICE OF LAW RULE IN TERMS OF VOLUNTARY ASSIGNMENTS WITH REFERENCE TO THE EFFECTIVENESS OF AN ASSIGNMENT

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Abstract

This Article will be mainly focused in the area of International Business Transactions. Consequently, this field has many components that makes it not just a difficult one by having regard to the element of having to deal with different legislations systems but rather an interesting one since it deals with the element of comparing all these legislations and finding out which law should be applied by reaching the conclusion of which legislation system will prevail amongst others. Additionally, being more specific this article will discuss the problem of voluntary assignments. The latter can be defined as a transaction that involves a transfer of claim and it is a very important part of business transactions nowadays due to the concern of choice of law rule. Nevertheless, one of the Articles of Rome I Regulation that deals with voluntary assignments is currently being subject of revision (specifically Article 14). So, all it means is that the debate of voluntary assignment is reopened. This article will discuss the choice of law rule under Article 14 of Rome I Regulation with regards to voluntary assignments with special reference to the effectiveness of an assignment with regard to third parties and priorities. In order for the latter to be effective, a brief description of the framework of Article 14 should be given. Furthermore, a critically assessment of the law that has been suggested to apply to the proposed paragraph with reference to academic commentary will be supposed. Additionally, the choice of law rule will be given by taking into account all systems, by including the proposal of United Kingdom, the Netherlands one and the Commission one. Moreover in this picture it will be stated in which of law suggestions would Albanian legislation fit. As a conclusion, it must be specified that the amount of debate regarding the proposed Paragraph 3 has led to a discussion of the potential law that would be applicable under it. As a result, the final proposal should aim to consider equally the sides of all parties involved in a business transaction and adopt a solution that rather than complicate the matter, seeks to stimulate cross-border transactions by reducing its costs.

Keywords: *International Business Transactions, voluntary assignments, choice-of-law rule, Rome I Regulation, effectiveness of assignment, third parties.*