Since September 1st, 1995, the Italian system of international private law and jurisdiction has been profoundly changed by the enactment of a new law (Law n. 218, further down "the Law"). This new Law regulates, for the first time in a comprehensive manner, a matter previously subject to dispositions scattered into several different codes and laws.

The Law is divided in five Chapters addressing general dispositions, Italian jurisdiction rules, choice of law rules, enforcement of foreign decisions and, finally, transitory dispositions. General dispositions are limited to two articles only: the first one sounds rather redundant since it just summarizes the contents of the Law. The second one asserts that all dispositions contained in the Law cannot derogate existing (or future) international conventions on the regulated matters and that such conventions must be interpreted in a way as to obtain, as far as possible, an uniformity of decision at an international level.

This particular essay aims at providing foreign lawyers, scholars and students with an overview of some of the most interesting issues and solutions adopted by this Law in the field of international commercial and civil choice of law, leaving instead the evaluation of the new jurisdiction rules and that of the new system of enforcement of foreign judgements to a future paper.

Chapter III of the Law, which deals with the choice of law, is divided into the following eleven sections: I) general dispositions, II)
capacity and rights of individuals, III) juridical persons, IV) family relations, V) adoption, VI) protection of incapable subjects and alimonies, VI) Successions, VIII) rights in rem, IX) donations, X) contractual obligations, XI) non-contractual obligations.

Further down I shall try to provide short outlines of the new discipline following the subdivision made by the Law, highlighting its most important features and comparing it, if necessary, to the previous discipline.

SECTION I: GENERAL DISPOSITIONS

These dispositions offer, for the first time, to Italian lawyers and magistrates a set of comprehensive legal criteria which must be taken into account when deciding which law is applicable to the case at stake; before the enactment of this Law most of such criteria could only be found in case law and were certainly not undisputed.

It is worth mentioning however that a first interesting change has been introduced by the new Law, vis-a-vis the former discipline, on a previously undisputed subject: renvoi.

According to former Italian dispositions, renvoi was limited to the substantial law of the country whose legislation was considered to be applicable, with the explicit exclusion of any set of rules on the choice of law possibly contained in such legislation.

This limitation was considered fair and was constantly supported by doctrine and case law since it was maintained to be needed in order to avoid possible incongruence such as vicious circles (e.g. law A makes a renvoi to law B whose private international law contains a renvoi to law A, and so on).

Moreover such limitation was (and still is) contained in many international treaties old and new (e.g. article 15 of the Convention of Rome on the law applicable to contractual obligations).

It must also be noted that the first draft of the new Law did not contain any change on this matter and it was therefore a bit of a surprise when, in the last draft before enactment, the discipline on renvoi was drastically changed in order to admit a renvoi not only to substantial laws but to dispositions on choice of laws of another country as well.

This “revirement” is to be credited to the doctrinal thesis according to which an Italian judge, called to issue a sentence on a matter ruled by the law of a foreign country (the one indicated by Italian international private law), should act as a judge of such country. Since this hypothetical foreign judge would certainly apply his own international private