

Establishing Foreign Law: In the Search for Appropriate Cooperation Instruments - International Symposium, 28th November 2019, Cour de cassation, Paris

Many thanks to Gustavo Cerqueira for this post:

The Société de législation comparée and the International Commission on Civil Status organize in partnership with the universities of Strasbourg and Reims an international symposium dedicated to the establishment of the content of foreign law and the need to consider appropriate instruments for cooperation.

The importance of the subject is major. On the one hand, the place nowadays given to foreign law in the settlement of disputes is growing. On the other hand, the intensified role of the various legal professions in the application of foreign law is indisputable. While judges and civil registrars were more traditionally exposed to such an office, nowadays it is notaries and lawyers in their dual role of advising and drafting documents who are called upon to take into account or implement foreign law.

In this context, while European Union law is often at the root of the involvement of these various actors in the application of foreign law, another, more recent phenomenon further increases the occurrences of how the law is handled: the extensive jurisdictional competition between European States as a result of Brexit. Indeed, Paris, Amsterdam, Brussels and other capitals establish courts and chambers specializing in international litigation and the application of foreign law.

The stakes are high. The search for appropriate cooperation instruments for a good knowledge of foreign law is necessary in the face of rapidly evolving national laws and case law. These changes, which are specific to each system, therefore reinforce the need for access to reliable foreign law content in order to guarantee legal certainty for litigants, as well as to avoid the civil liability of legal service

providers and even fraud in the manipulation of foreign solutions.

The research envisaged takes place in an environment in which there are formal and informal cooperation mechanisms whose effectiveness is only partial in view of the complexity of the phenomena that covers the application of foreign law. Indeed, they were designed to deal with a foreign law that is supposed to be stable and not plural in its sources. These mechanisms, which are not very visible, are also unknown by the practitioners themselves. The current discussions at European (EU) and international level (Hague Conference) attest to the urgent need to consider responses in this area through one or more relevant and effective instruments.

This is the purpose of the symposium. After having established a large inventory, it will be necessary to discuss solutions adapted to the different requirements revealed by both the type of situation to be dealt with and the type of professional involved.

The symposium will be held on 28 November 2019 at the French Court of Cassation (Chambre Criminelle, 5, Quai de l'Horloge, 75001 - Paris).

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