Conference for Young PIL Scholars: “Politics and Private International Law (?)” – Call for Papers

The following announcement has been kindly provided by Dr. Susanne Lilian Gössl, LL.M., University of Bonn:

Call for Papers

On 6th and 7th April 2017, for the first time a young scholars’ conference in the field of Private International Law (PIL) will be held at the University of Bonn.

The general topic will be

Politics and Private International Law (?)

We hereby invite interested junior researchers to send us their proposals for conference papers. We envisage presentations of half an hour each in German language with subsequent discussion on the respective subject. The presented papers will be published in a conference transcript by Mohr Siebeck.

Procedure

If we have stimulated your interest we are looking forward to your application to

nachwuchs-ipr(at)institut-familienrecht.de

until **30 June 2016, 12 a.m. CET** (deadline!).

The application shall include an exposé of maximum 1,000 words in German language and shall be composed anonymously that is without any reference to the authorship. The author including his/her position or other affiliation shall be identifiable from a separate file.

Selection decisions will be communicated in October 2016.

For organisational reasons, a preliminary version of the paper (to measure 35,000 to 50,000 characters including footnotes) and the core statements must be received by not later than 31 March 2017.

Topic:

For our purposes, we explicitly understand PIL in a broader sense: international jurisdiction and procedure, the law of the international settlement of disputes (including ADR) as well as uniform law and comparative law and the comparison of legal cultures are included insofar as they allude to cross-border questions.

Ever since Savigny, conflict of laws rules have traditionally been perceived as "unbiased" or "value-neutral" in Central Europe as they are solely supposed to coordinate the applicable substantive law. However, during the second half of the past century the opinion that conflict of law rules may also strengthen or prevent certain results of substantive law has become prevalent. In the U.S., such discussion led to a partial abolition of the "classical" PIL in favour of balancing the individual governmental interests as to the application of their respective substantive law provisions (so called *governmental interest analysis*). But other legal systems have also explicitly or indirectly restricted classical PIL in some areas in favour of governmental interests. Our conference is dedicated to the various possibilities and aspects of this interaction between PIL and politics as well as to the advantages and disadvantages of this interplay.

Possible topics or topic areas are:

<u>General questions:</u>

- "Politicisation" of PIL on the national, European and international level, or the political target of "value-free" PIL rules (?)
- "Politicisation" of comparative law (?)
- Convergence of PIL and Public International Law, especially the protection of fundamental rights and human rights by means of PIL
- Uniform applicable law or harmonisation of PIL
- PIL in day-to-day application of law – theory and reality (?)
- General instruments of PIL to enforce political targets: overriding mandatory rules, public policy, *forum non conveniens*, extensive/narrow jurisdiction …
- Allocative functions of PIL and International Civil Procedure Law

- Users, stakeholders and their interests in cross-border questions: parties, attorneys, judges, notaries, experts etc.
- Protection by formal requirements or third parties' obligations to cooperate (e.g. notarial recording of the choice of law agreement)
- Parties' or courts' expenses due to the application of foreign law
- Regulatory competition, e.g. in order to establish a national venue of arbitration
- Forum shopping and locational advantages through low standards of protection (e.g. regarding data protection law, copyright law, family law or consumer protection law)
- Issues of competences as regards European PIL rules
- Extraterritorial application of national (private) law (*Kiobel, Bodo Community*)

Business Law:

- Financial crisis, e.g. resolution of globally operating banks
- Gender Quotas of in Corporate Law, e.g. application of German law on foreign companies or comparison between international regulatory models
- Protection of competition in case of worldwide groups operating, e.g. Google antitrust proceedings by FTC and EU Commission
- Law on co-determination within the European context, e.g. questions referred for a preliminary ruling by KG (Court of Appeal in Berlin) and LG Frankfurt
- Worker protection

Family and Inheritance Law:

- Protection of minors, i.e. regarding repatriation of children or international adoptions: successful legal unification (?)
- Cross-border protection of adults
- Application of religious law and judgements of religious courts

Consumer protection:

- Consumer protection and market freedom (i.a. in the Internet)
- Special jurisdiction, party autonomy and the enforcement of minimum standards in substantive law

Internet and new media:

- Territoriality of rights to ubiquitous goods (e.g. copyright law and data protection rules) and cross-border trade
- Copyright Law and “Fair Use”
- Data protection/privacy and freedom of information

Other recent focal points:

- Migration and refugee crisis, e.g. the determination of the law of the person between integration or preservation of cultural identity
- Environmental protection, e.g. enforcement of titles from class actions or international litigation regarding mass damages
- Protection of cultural property – issues regarding ownership and repatriation

For more information, please visit https://www.jura.uni-bonn.de/en/institut-fuer-deutsches-europaeisches-und-internationales-familienrecht/pil-conference/.

If you have any further questions, please contact Dr. Susanne Gössl, LL.M. (sgoessl(at)uni-bonn.de).

We are looking forward to thought-provoking and stimulating discussions!

Yours faithfully,

Susanne Gössl
Rafael Harnos
Leonhard Hübner
Malte Kramme
Tobias Lutzi
Michael Müller
Caroline Rupp
Johannes Ungerer

Schünemann on Company Names in Cross-Border Transactions

Julia Alma Schünemann has authored a book entitled “Die Firma im internationalen Rechtsverkehr. Zum Kollisionsrecht der Firma unter besonderer Berücksichtigung des Rechts der Europäischen Union” (Company Names in Cross-Border Transactions. The Applicable Law to the Name of a Company in the European Union). The Volume has been published in German by Mohr Siebeck.

The official abstract reads as follows:

> *Does an English Limited need to adapt its company name in order to operate in Germany? Julia Alma Schünemann designs an overall concept for dealing with this rarely discussed interface between private and public international and EU law.*

More information is available on the publisher’s website.

ASIL Private International Law Prize

The Private International Law Interest Group of the American Society of International Law invites submissions for this year’s ASIL Private International Law prize. The prize is given for the best text on private international law written by a young scholar. Essays, articles, and books are welcome, and can address any topic of private international law, can be of any length, and may be published or unpublished, but not published prior to 2015. Submitted essays should be in the English language. Competitors may be citizens of any nation but must be 35 years old or younger on December 31, 2014. They need not be members of ASIL. This year, the prize will consist of a $400 stipend to participate in the 2016 ASIL

Annual Conference, and one year's membership to ASIL. The prize will be awarded by the Private International Law Interest Group based upon the recommendation of a Prize Committee. Decisions of the Prize Committee on the winning essay and on any conditions relating to this prize are final. Submissions to the Prize Committee must be received by June 1, 2016. Entries should be submitted by email in Word or pdf format. They should contain two different documents: a) the essay itself, without any identifying information other than the title; and b) a second document containing the title of the entry and the author's name, affiliation, and contact details. Submissions and any queries should be addressed by email to Private International Law Interest Group Co-Chair Cristian Gimenez Corte (cristiangimenezcorte@gmail.com). All submissions will be acknowledged by e-mail.

Fourth "journées Mohamed Charfi de droit international privé" colloquium in Tunis

The following announcement has been kindly provided by Béligh Elbalti, Assistant Professor, Graduate School of Law, Kyoto University.

Since 2008, the Research Unit on International Private Relations, Commerce, Arbitration and Migrations of the Faculty of Legal, Political and Social Sciences of Tunis (Carthage University) has been organizing the *"journées Mohamed Charfi de droit international privé"* colloquium which address various Private International Law issues. These colloquiums are organized on the memory of the late Dr. Mohamed Charfi, an eminent and leading Tunisian scholar specialized in the field of family law, human rights and private international law.

On April 2016, the Research Unit will organize its fourth *journées Mohamed Charfi de droit international privé* under the theme of international contracts and private international law. The colloquium will be held at the Faculty of Legal,

Political and Social Sciences of Tunis on the 13 and 14 April 2016. Eminent and distinguished professors, as well as leading Tunisian law professors and private international law specialists will take part in this event.

The program will be as follow:

First Day : 13 avril 2016 (Wednesday) :
Les tendances générales dans le droit du contrat international

Morning Sesseion

8h30 – 9h15: Welcome Speech

9h15 – 9h30: Ali MEZGHANI (*Professeur, Faculté de Droit des sciences juridiques, politiques et sociales de Tunis*)
Présentation générale du colloque : « À propos du contrat international »

9h30 – 10h : Pierre MAYER (*Professeur émérite, École de Droit de la Sorbonne*)
Rapport introductif : « L'internationalité du contrat »

10h -10h30 : Jean-Michel JACQUET (*Professeur, Institut des Hautes études internationales et du développement de Genève*)
« Sanctions économiques internationales et contrats internationaux »

10h30-11h : Coffee Break

11h – 11h30 : Souhayma BEN ACHOUR (*Professeur, Faculté de Droit et des sciences politiques de Tunis*)
« L'essor de l'autonomie de la volonté en Droit international privé tunisien »

11h30 – 12h : Salma TRIKI (*Maitre-assistante, Institut supérieur des études juridiques et politiques de Kairouan*)
« La hiérarchie des normes dans le droit du commerce international »

12h – 12h30 : Debate

Afternoon Session

15h – 15h30 : Imed BÉJAOUI (*Maitre-assistant, École supérieure de commerce de Sfax*)

« La pérennité du contrat international entre *pacta sunt servanda* et *rebus sic stantibus* : réflexions au regard du pouvoir interprétatif de l'arbitre»

15h30 – 16h : Donia ALLANI (*Assistante, Faculté des sciences juridiques, politiques et sociales de Tunis*)
« La loi applicable au contrat d'après l'article 62 du Code tunisien de droit international privé »

16h-16h30 : Coffee Break

16h30h-17h: Thouraya AHMADI (*Assistante, Faculté des sciences juridiques, politiques et sociales de Tunis*)
« Les lois de police étrangères et le contrat international »

17h-17h30 : Debate

Second Day : 14 avril 2016 (Thursday) :
De quelques solutions particulières dans le droit du contrat international

Morning Session

9h – 9h30 : Lotfi CHEDLY (*Professeur, Doyen de la Faculté de Droit des sciences juridiques, politiques et sociales de Tunis*)
« La protection du consommateur en Droit international privé tunisien »

9h30 – 10h : Fatma BOURAOUI (*Maitre assistante, Faculté de Droit des sciences juridiques, politiques et sociales de Tunis*)
« Les contrats de transmission des créances en droit international privé »

10h – 10h30 : Rym BEN KHELIFA (*Maitre-assistante, Faculté de Droit et des sciences politiques de Tunis*)
« L'impact des traités relatifs à la protection des investissements sur les contrats conclus entre États-hôtes et investisseurs étrangers »

10h30 – 11h : Coffee Break

11h – 11h30: Jallel BACCAR (*Maitre-assistant, École supérieure de commerce de Sfax*)
« Le crédit documentaire international »

11h30 – 12h : Inès YOUSSEF (*Maitre-assistante, Faculté des sciences*

juridiques, économiques et de gestion de Jendouba)
« Le payement d'un contrat international par crédit documentaire »

12h – 12h30: Debate

12h30 : End of the Colloquium

All presentations are in French. Participation to this event is free of charge and no prior reservation is required.

Fintech – What You Need to Know

Financial technology (Fintech) describes the way in which technological innovations transform financial services. Examples are bitcoin, PayPal or crowdfunding. These new phenomena not only raise important regulatory concerns, but also difficult conflict-of-laws questions. They will be addressed at a conference hosted by the British Institute of International and Comparative Law (BIICL) and organized by Eva Lein. It will take place today, 16 March 2016, from 5 to 7 PM, at Charles Clore House, Russell Square (London). The line-up of speakers includes Daniel Awrey (Oxford University), Tetsuo Morishita (Sophia University, Tokyo), and Matthias Lehmann (University of Bonn). Registration information and further details are available here.

Klöpfer on Abuse of Procedure in European Civil Procedural Law

Matthias Klöpfer has authored a book entitled "Missbrauch im Europäischen Zivilverfahrensrecht" (Abuse of Procedure in European Civil Procedural Law). The book has been published in German by the German publishing house

Mohr Siebeck.

The official abstract reads as follows:

> *There are times when European civil procedural law seems to actually encourage abuse of law and circumvention strategies. Matthias Klöpfer examines if and how Europe's so-called prohibition of abuse of law principle can serve as a union-wide approach to regulate abuse of procedure.*

More information is available on the publisher's website.

CELCOS Conference in Maribor (Slovenia): Strengthening the Rule of Law in the EU (31 March – 2 April 2016)

The **University of Maribor (Slovenia)** is organizing the **Central European Law Conference for Students (CELCOS)**. It will take place in Maribor from 31 March to 2 April 2016. CELCOS will be the first large international student event in Central and Southeastern Europe to reflect current issues of EU law.
The main concept of this Jean Monnet project is to gather over 50 law doctoral students from universities across Europe for a three-day conference at the University of Maribor (Slovenia), where the doctoral students will be the main actors and about 30 experts, i.e. professors of EU law, judges, prosecutors and policy-makers at the national and EU level will give impulses to the discussion about selected areas of EU law by commenting on the students' contributions.
The aim of this conference is to analyze current topics of EU law, especially in light of the importance that EU law has for establishing the rule of law in Central and Southeastern Europe. Moreover, it aims at promoting fresh ideas and proposals for the future development of the EU legal system in general.

The conference will be divided into nine sessions dealing with the following topics:

Session 1: Triangle of cooperation between courts – ECtHR, CJEU and national courts.

Session 2: Managing migration in Europe – between economic feasibility and protection of human rights.

Session 3: Market integration through law: reforming legal foundations for a stable EU market.

Session 4: Effective enforcement of data protection law in Europe.

Session 5: EU Consumer protection – the current challenges.

Session 6: From transnational principles to European rules of civil procedure.

Session 7: Common EU standards on rights of suspects, the accused and victims in criminal proceedings.

Session 8: Integration of environmental protection into EU policies.

Session 9: Democracy and rule of law in Central and Southeastern Europe.

CELCOS is co-financed by the **EU Commission – Erasmus programme – Jean Monnet Project**. Further information is available at the Conference homepage. A detailed description of the sessions may be found here.

Domej on International Execution and the Implementation of

Liability

Our co-editor *Tanja Domej* from University of Zurich has authored a monograph entitled “Internationale Zwangsvollstreckung und Haftungsverwirklichung am Beispiel der Forderungspfändung” (International Execution and the Implementation of Liability). The volume has been published by Mohr Siebeck. It is written in German.

The official abstract reads as follows:

> *Tanja Domej retraces the debates over the relevancy and meaning of the principle of territoriality for the cross-border attachment of debts from a comparative perspective. On the basis of an interest analysis, she presents perspectives for an appropriate approach to dealing with issues of cross-border attachment of incorporeal assets.*

More information is available on the publisher’s website.

French conference on the “UNCITRAL Contribution to International Trade Law”

Written by Eloïse Glucksmann

The Center for Private International Law and International Trade Law (CRDI) of the University Panthéon-Assas is pleased to invite you to a conference on the “UNCITRAL Contribution to International Trade Law” that will take place in the

faculty premises at 92, rue d'Assas 75005 Paris, conference room no 315, on April 12, 2016. **Speeches will be in French.**

Please register by contacting **laurence.tacquard@u-paris2.fr.** This conference is also accountable for the lawyers' continuing training (formation continue des avocats) of the French National Council of the Bars (Conseil national des barreaux).

This event is organized with the collaboration of the Department for Private International Relations Studies (SERPI-IRJS) of the Sorbonne Law School and the Foundation for Continental Law

Program:

Morning

8:45 – **Registration**

9:00 – **Opening remarks**

Marie Goré, Professor at the University Panthéon-Assas Paris II, Director of the Center for Private International Law and International Trade Law (CRDI)

Géraud Sajust de Bergues d'Escalup, Deputy Director for Legal Affairs of Foreign Affairs

Renaud Sorieul, Director of the International Trade Law Division of the United Nations Office of Legal Affairs

Chairman: *Sylvain Bollée*, Professor at the Sorbonne Law School (University Paris 1), Co-director of the Department for Private International Relations Studies (SERPI-IRJS)

9:20 – **The UNCITRAL methods**
Vincent Heuzé, Professor at the Sorbonne Law School (University Paris 1)

The UNCITRAL model, its influence on OHADA law
Dorothé Cossi Sossa, permanent secretary

10:30 – **International Sale of Goods: how to maintain or reinforce the UNCITRAL promotion of practices' unification?**

Claude Witz, Professor at the University of Saarland (Germany), Co-director of the Legal Center Franco-German

11:00 – **Break**

11:15 – **International Commercial Arbitration**
Daniel Cohen, Professor at the University Panthéon-Assas Paris II

11:45 – **UNCITRAL and the aspiration to diffuse Security Interests model standards**
Jean-François Riffard, Lawyer, Associate-Professor at the University of Auvergne (Clermont 1)

12:30 – **Lunch break**

Afternoon

Chairman: *Pascal de Vareilles-Sommières*, Professor at the Sorbonne Law School (University Paris 1)

2:00 – **Insolvency of corporate groups**
Reinhard Dammann, partner at Clifford Chance Europe LLP

2:30 – **The sole ownership**
Antoine Gaudemet, Professor at the University Panthéon-Assas Paris II

3:00 – **The Rotterdam Rules: how to convince?**
Philippe Delebecque, Professor at the Sorbonne Law School (University Paris 1)

3:30 – **Break**

3:45 – **The UNCITRAL contribution to the development of public-private partnerships' safeguarding**
Stéphane Braconnier, Professor at the University Panthéon-Assas Paris II

4:15 – **The UNCITRAL contribution to electronic trade development**
Thibault Douville, Associate-Professor at the Caen Normandie

4:45 – **Summary**
Rafael Illescas Ortiz, Professor of Commercial Law, Universidad Carlos III of Madrid, former president of the UNCITRAL

The event will be followed by a **cocktail**.

The law of contracts and the creation of a Digital Single Market in Europe – A series of seminars in Ferrara

The Department of Law of the University of Ferrara hosts a series of seminars, organised by Alberto De Franceschi, under the title *New Features of European Contract Law – Towards a Digital Single Market*.

The seminars, in English, will run from 9 March to 25 May 2015 2016.

Speakers include Michael Lehmann (Ludwig Maximilian Univ. of Munich and Max Planck Institute for Innovation and Competition), Christian Twigg-Flesner (Univ. of Hull), Rodrigo Momberg Uribe (Univ. of Oxford), Herbert Zech (Univ. of Basel), Fryderyk Zoll (Univ. of Kraków and Univ. of Osnabrück), Geraint Howells (City Univ. of Hong Kong), Reiner Schulze (Univ. of Münster), Peter Kindler (Ludwig Maximilian Univ. of Munich), Martin Gebauer (Univ. of Tübingen) and Jorge Morais Carvalho (Univ. Nova of Lisbon).

Two seminars are specifically concerned with private international law issues: on 13 May 2016, Peter Kindler will talk about *The law applicable to contracts in the Digital Single Market*, while, on 18 May 2016, Martin Gebauer will speak of *Contracts concluded by electronic means in cross-border transactions*.

The complete programme may be downloaded here.

Attendance is free. For more information: *alberto.defranceschi@unife.it*.