The Comprehensive Economic and Trade Agreement between the European Union and Canada (CETA): A TDM Special

Editors Andrea Bjorklund, John Gaffney, Fabien Gélinas and Herfried Wöss have prepared a new TDM special, which undertakes a broad-ranging study of CETA as an indicator of the evolution of EU trade and investment policy and of the kinds of tensions and innovations that can be expected to arise as a new generation of twenty-first century trade and investment agreements emerges. The special starts off with an introduction by Professor Pieter Jan Kuijper; The Honourable L. Yves Fortier and Judge Stephen Schwebel.

You can view the table of contents of the TDM CETA special here

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Video From 2015 Journal of Private International Law Conference

As many will know, in September 2015 the University of Cambridge hosted the Journal of Private International Law Conference (see here). Video of the four plenary sessions has now been uploaded to YouTube. The videos can be accessed through these links: first plenary, second plenary, third plenary, fourth plenary.

Study on the laws of national civil procedure of the 28 Member States and the enforcement of European Union law.

The Max Planck Institute Luxembourg, heading an international consortium, is undertaking a **European Commission-funded Study** (JUST/2014/RCON/PR/CIVI/0082) on the laws of national civil procedure of the 28 Member States and the enforcement of European Union law.

The Study has two strands: the first deals with the impact of national civil procedure on **mutual trust and the free circulation of judgments** within the 28 Member States of the EU and the second deals with the impact of national civil procedure on the **enforcement of consumer rights derived from EU law**. Accordingly, the Consortium has prepared two online tools, aimed at gathering information, opinions and experiences (both available in six language versions):

- **Questionnaire focusing on the impact of national procedures on mutual trust and the free circulation of judgments:**
  English
  French
  German
  Italian
  Polish
  Spanish

- **Questionnaire focusing on the impact of national procedures on the enforcement of EU consumer rights:**
  English
  French
  German
  Italian
  Polish
  Spanish

We would encourage consumers, lawyers, judges, academics, consumer protection associations, businesses, business/trade associations, dispute resolution facilitators, and those working in other legal professions (including bailiffs, court clerks, registrars, notaries and so on) to **respond to the questionnaire** for one or both strands of the study.

If you agree, and wish to share more information with us on any of the topics covered by the Study, it will be possible to provide us with your contact details at the end of the survey.

Please feel free to share widely the links to this webpage and to the questionnaires within your own networks.

Labonté on International Assignments

Hendric Labonté has authored a book entitled "Forderungsabtretung International. Art. 14 Rom I-Verordnung und seine Reform" (International Assignments. Art. 14 Rome I Regulation and its Reform). The volume has been published by Mohr Siebeck. It is written in German.

The official abstract reads as follows:

> *The commercial significance of assignments, especially in an international context, requires a straightforward conflict of laws provision. However, art. 14 Rome I does not provide enough certainty, particularly when it comes to third party effects. These should be entirely determined by the law of the underlying debt.*

More information is available on the publisher's website.

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.