Notice: 35 Years CISG and Beyond in Basel

The University of Basel, SVIR/SSDI (Swiss Association for International Law) and UNCITRAL are hosting a conference with the title

35 Years CISG and Beyond.

The conference will take place on **29 and 30 January 2015** at the **University of Basel**. Its main focus will be on open issues in regard to the CISG's application and on any possible further harmonization and unification of contract law.

For more information or registration please click here.

Van Den Eeckhout on Choice and Regulatory Competition and on Business and Human Rights

The working paper "Choice and regulatory competition. Rules on choice of law and forum", written by Veerle Van Den Eeckhout (https://www.uantwerpen.be/nl/personeel/veerle-vandeneeckhout/) is now available on ssrn, here. The paper is the short written version of her contribution to the Conference "Norm-Setting, Enforcement and Choice", held in Maastricht (the Netherlands) on 18 October 2013. The Conference report is available here.
The paper analyzes PIL from the perspective of "Choice and regulatory competition". The final version of the paper will be published in the Congress book.

The Power Point of another Presentation of Veerle Van Den Eeckhout has also been made publicly available: The Power Point of her contribution to the

Conference at Lausanne on 10 October 2014 is available on slideshare, see http://www.slideshare.net/vvde/lausanne10oktober201419septdefinitief . This Power Point was presented during the Conference "The Implementation of the UN Principles on Business and Human Rights in Private International Law" at Lausanne, see for the programme of the Conference http://www.isdc.ch/d2wfiles/document/4713/4018/0/Human%20Rights%20in%20PIL-%2010-10-2014.pdf The presentation of Veerle Van Den Eeckhout was entitled "The Private International Law Dimension of the Principles. Introduction."

Research Projects on EU Law and ECJ Case Law in Civil Matters

Researchers from Latvia (Inga Kacevska, Baiba Rudevska, Arnis Buka, Students Martins Dambergs and Aleksandrs Fillers) are currently conducting two EU research projects (Project JUST/2013/JCIV/AG/4691):

1. "*The European Court of Justice and the impact of its case law in the area of civil justice on national judicial and administrative authorities*". The aim of this research project is to analyse the influence and practical application of the case law of the European Court of Justice (ECJ) in civil matters on decisions and judgments of domestic courts and on national legal acts. The researchers will identify the problems and offer solutions and proposals for a more effective and more frequent application of ECJ case law by domestic courts and authorities.

2. "*Effective adoption, transposition, implementation and application of the European Union legislation in the area of civil justice*". Within this project the researchers will develop Guidelines and Recommendations that will give an overview whether there is an effective control of transposition and implementation of EU law in the field of civil justice. It will also suggest more effective methods of implementation and transposition of EU legislation in domestic legislation.

In the framework of both projects the research team will interview practitioners (judges, attorneys), state officials, academics and other lawyers. Any person working in the field of international cooperation in civil matters in the EU is invited to participate by answering the web-Questionnaire. The Questionnaire is available here and will take approximately 10-15 minutes to complete. Participation is entirely anonymous. The Questionnaire will remain open until 1 December 2014.

Conference on the Brussels I Recast

On 28 and 29 November 2014, the Verona University Department of Law will host a conference on "International Litigation in Europe : the Brussels I Recast as a panacea?". The conference will take place in Verona. The conference language will be English. Registration is possible via email: chiara.zamboni_01@univr.it

More information is available here. The programme reads as follows:

Friday, November 28, 2014

- 13.30 Registration
- 14.00 Welcome and opening remarks
  Prof. Gottardi, University of Verona
  Prof. Ferrari, University of Verona/NYU
- 14.10 Greetings
  Avv. Cristiano, AIJA National Representative, Italy

I Session: The Recast as a political compromise

- 14.20 Goals of the Recast
  Prof. Pocar, University of Milan
- 14.45 The (still limited) territorial scope of application of the new Regime
  Prof. Carbone, University of Genoa

- 15.10 The arbitration exception
  Prof. Radicati di Brozolo, University of Milan
- 15.35 Discussion

II Session: The special and mandatory rules on jurisdiction

- 15.50 A new head of jurisdiction in relation to the recovery of cultural objects
  Prof. Gebauer, University of Tübingen
- 16.15 Enhancing protection for the weaker parties: the jurisdiction over individual contracts of employment
  Prof. Cafari Panico, University of Milan)
- 16.40 The consumer's jurisdictional privilege in the ECJ case law
  Prof. Rühl, University of Jena
- 17.05 Discussion
- 17.20 Coffee Break

III Session: Party autonomy and choice-of-court agreements

- 17.50 The role of party autonomy in the allocation of jurisdiction in contractual matters
  Prof. Mankowski, University of Hamburg
- 18.15 Towards a broadened effectiveness of choice-of-court agreements in the European judicial area?
  Prof. Queirolo, University of Genoa)
- 18.40 The enforcement of choice-of-court agreements in Europe: is there any consistency in case law?
  Prof. Villata, University of Milan)
- 19.05 Discussion
- 19.20 End of first conference day
- 20.30 Dinner

Saturday, November 29, 2014

IV Session: Coordination of legal proceedings and provisional measures

- 09.00 The end of torpedoes?
  Prof. Nielsen, University of Copenhagen
- 09.25 Provisional measures in the new Regime

Prof. Garcimartín Alférez, Autónoma University of Madrid
- 09.50 Discussion

V Session: Cross-border recognition and enforcement

- 10.05 The free circulation of judgments and the abolition of exequatur
  Prof. Pfeiffer, University of Heidelberg
- 10.30 The exceptions to recognition and enforcement
  Prof. Fumagalli, University of Milan
- 10.55 Discussion
- 11.10 Coffee break

VI Session: The Brussels I Recast in the International Arena

- 11.40 The Brussels I Recast and the Lugano Convention: which rules for the outer world?
  Prof. Malatesta, Carlo Cattaneo University
- 12.05 The Brussels I Recast and the Hague Convention on Choice of Court Agreements: convergences and divergences
  Dr. Ragno, University of Verona
- 12.30 The Brussels I Recast and the Unified Patent Court Agreement: towards an enhanced patent litigation system?
  Prof. Marongiu Buonaiuti, University of Macerata
- 12.55 Discussion

Closing remarks

- 13.10 Closing Remarks
  Prof. Pocar, University of Milan
- 13.30 End of the conference

On Unilateral Choice-of-Court

Agreements and Options to Arbitrate (article)

A topic we were discussing just a few days ago at the MPI, with especial attention to a Spanish decision. Now it's Italian time. The article, by S. Ferrero, is to be found here.

Abstract:

In this work it is discussed the validity and the enforceability of unilateral choice-of-court agreements and options to arbitrate. Such clauses are very frequent in international contracts, particularly in loan agreements, where the provision is in favour of the lender, the stronger party to the contract. Whilst in various jurisdictions there are significant lines of authorities enforcing such agreements as perfectly valid, unilateral choice-of-court agreements and options to arbitrate have been recently questioned and struck down by the French, the Russian and the Bulgarian Supreme Courts. Recognizing in these decisions a rising general tendency, at the international level, contrary to asymmetric arbitration and choice of court agreements is, perhaps, premature. Nevertheless, the arguments put forward by the mentioned decisions naturally trigger further analysis of the matter. The legal assessment will be carried out under a twofold perspective: on the one hand, the private international law, which entails the analysis of the relevant European legislation (Regulation 44/2001 and Regulation 1215/2012) and, on the other hand, the domestic substantive law, namely Italian law. Particularly, it will be considered whether, in the light of the reasoning of the foreign case law, Italian courts may change their attitude towards one-sided jurisdiction and arbitration agreements. It is submitted that the decisions against the validity and enforceability are open to criticism and Italian courts should remain in favour of asymmetric arbitration and choice of court agreements for, it is suggested, the European legislation and Italian domestic law do not lead, expressly or implicitly, to hold them invalid and/or unenforceable, except for certain limited cases.

Save the Date: ILA 2016 Biennial Conference

The 77th Biennial Conference of the International Law Association will take place **from 7 to 11 August 2016** in Johannesburg, South Africa.

This year's theme will be **'International Law and State Practice: Is there a North/South Divide?'**

You are invited to register your interest at the official conference website. Further information and programme details will follow as and when they become available.

OGEL & TDM Call for Papers: Special Issue on Renewable Energy Disputes

Oil, Gas, and Energy Law Journal and Transnational Dispute Management invite submissions for a joint Special Issue on Renewable Energy Disputes.

Renewable energy production is nothing new: windmills have been used to produce wind-based energy and dams have been used to produce mechanical energy for centuries past. However, the scale of investment in this area and the increased subsidies, regulation of and drive towards this type of electricity generation are unprecedented. Given the surge in activity in renewable energy production, it is no surprise that disputes in this area have started to arise.

Issues that have led to disputes within the EU, the US and globally have, for example, related to the national governments' objective of ensuring maximum national or regional benefit from governmental measures in this area (similar to what is done in oil and gas-producing countries through local content

requirements), miscalculations of subsidies in the planning stages and excessive costs for the state from such subsidies, especially when economic circumstances have changed. Furthermore, the scale of activities has in itself contributed to all kinds of disputes arising at various levels and various forums. These disputes may involve issues of public international law, EU and US law (at the supranational, national and subnational levels), private law and contractual arrangements. The Special Issue examines these types of disputes and analyses their backgrounds and the reasons why they arose. Recent and ongoing renewable energy disputes under international law have concerned international investment law and WTO law. However, recent renewable energy disputes at European level have mostly related to the free movement provisions of EU Treaty law. Contractual arrangements and connection issues serve as illustrations of private and contractual disputes in these areas.

This OGEL/TDM Special Issue on Renewable Energy Disputes will examine all kinds of renewable energy disputes. The basic structure of the special issue is:

Introduction: Renewable energy disputes: an overview – Professor Kim Talus (UEF Law School)

I) Public International Law Disputes

WTO cases: an overview (already in preparation)
WTO case against Canada (Ontario local content requirement) (already in preparation)
Investment Disputes in Renewable Energy (already in preparation)
Further proposals welcome!

II) EU Law Disputes

Judgment Ålands Vindkraft (already in preparation)
Judgment Essent (already in preparation)
Further proposals welcome!

III) National and Subnational Law and Commercial or Contractual Law Disputes

Spain: Spanish Supreme Court and ICSID cases against Spain (already in preparation)

UK Renewable Disputes (already in preparation)
Further proposals welcome!

OGEL and TDM encourage submission of relevant papers, studies, and comments on various aspects of this subject, including International, regional and national disputes on various aspects of renewable energy disputes. Contributions discussing a particular topic within this area, such as need to reform the ISDS with regards renewable energy and climate change, are also welcome.

Papers should be submitted by the 15 January 2015 deadline to Professor Kim Talus – contact details on the OGEL and TDM website – as well as a copy to info@ogel.org

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Foreign Judgments and Arbitral Awards – A Practical Guide

This new book by Apostolos Anthimos is a further step to record systematically the existing Greek case law in the field of International Civil Litigation. Following last year's publication on the Service of Process Abroad the author engages in an exhaustive presentation of reported and unreported material in the field of recognition and enforcement of foreign judgments and arbitral awards published within the last 40 years in Greece. The methodology selected resembles to the one chosen in the author's previous publication: Its central purpose is the direct access to key information on a state by state basis, i.e. the presentation of applicable laws and case law for each country separately. The analysis is based on the 4-level model, well known for EU Member States: Domestic provisions (Articles 323, 780, 903, 905, 906 Greek Code of Civil Procedure), (seventeen) bilateral & (nearly ten) multilateral agreements, and seven EC-Regulations are considered, and their repercussion in Greek court practice is thoroughly scrutinized.

After introducing the reader to the existing landscape of recognition and enforcement in Greece (pp. 1-20), the main part of the book (pp. 21-274)

elaborates each country of origin separately. The material varies, depending on social and commercial ties and factors. For instance, German, UK, US, Italian, and French judgments emanate both from commercial and family matters, whereas Albanian, Russian, Georgian, Armenian, and Australian judgments are almost exclusively dealing with personal status matters. By way of comparison, no judgments are reported by many African, Asian and Latin American legal orders, where no conventional link or case law could be traced.

The annexes of the book (pp. 285-418) host all bilateral & multilateral conventions signed / ratified by Greece on the matter, and the respective chapters of EC-Regulations. The case law coverage is fully updated, and includes all decisionsreported until August 2014.

(ISBN/ISSN: 978-960-568-179-1; available at Sakkoulas Publications)

Daimler AG v. Bauman et al. (a comment)

Prof. Zamora Cabot (University Jaume I, Castellón, Spain), has just published a new comment on the US Supreme Court decision *Daimler* in English. He has kindly provided me the link: just click here.

Reminder: Conference on Minimum Standards in European

Civil Procedure Law

As mentioned earlier on this blog, Matthias Weller from EBS Law School and Christoph Althammer (now) from the University of Regensburg will host a conference on minimum standards in European Civil Procedure in Wiesbaden on 14 and 15 November 2014. Further information is available on the conference website. Registration is still open.

The conference language will be German.

The programme reads as follows:

Friday, 14 November, 2 – 4 p.m.:

Welcome remarks
Prof. Dr. Matthias Weller, EBS Law School

Minimum standards und core procedural principles from a German law perspective: European Convention on Human Rights/German constitutional law/German national law
Prof. Dr. Christoph Althammer, University of Regensburg

Minimum standards und core procedural principles from a French law perspective: European Convention on Human Rights/French constitutional law/French national law
Prof. Dr. Frédérique Ferrand, Université Jean Moulin, Lyon

Friday, 14 November, 5 – 7 p.m.:

Minimum standards und core procedural principles from a UK law perspective: European Convention on Human Rights/UK constitutional law/UK national law
Prof. Dr. Matthias Weller, EBS Law School

Transnational synthesis: ALI/UNIDROIT Principles of Civil Procedure
Prof. Dr. Thomas Pfeiffer, Ruprecht-Karls-University Heidelberg

Friday, 14 November, 7 p.m.:

Panel Discussion

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Saturday, 15 November, 9 – 11 a.m.:

Minimum standards and procedural principles in criminal law proceedings under European influence
Prof. Dr. Michael Kubiciel, University of Cologne

Minimum standards and procedural principles in administrative law proceedings under European influence
Prof. Dr. Andreas Glaser, University of Zurich

Saturday, 15 November, 11.30 a.m. – 1.30 p.m.:

Minimum standards and procedural principles in public and private antitrust law proceedings under European influence
Prof. Dr. Friedemann Kainer, University of Mannheim

Minimum standards and procedural principles in intellectual property law under European influence
Prof. Dr. Mary-Rose McGuire, University of Mannheim

Saturday, 15 November, 2.30 – 3.30 p.m.:

European law synthesis: Minimum standards and procedural principles in the aquis communautaire/ conclusions for European Principles of Civil Procedure
Prof. Dr. Burkhard Hess, Director of the Max Planck Institute Luxemburg for International, European and Regulatory Procedural Law

Saturday, 15 November, 3.30 p.m.:

Panel Discussion