Anuario Español de Derecho Internacional Privado, vol. XIII

The new volume of the AEDIPr is about to be published. It contains the usual sections: Estudios, Varia -actually, shorter studies-, Foros Internacionales -informing on the latest developments at international fora such as The Hague Conference-, Textos Legales, Jurisprudencia- ECJ and Spanish case law, sometimes annotated-, Materiales de la Práctica – reports related to PIL from several institutions like the Consejo General del Poder Judicial-, Noticias, and Bibliografía – a thorough review of Spanish books and papers on PIL published in 2013, as well as a selection of foreign literature. Exceptionally, this volume also includes a especial section focused on PIL codification in Latin America, entitled "Nuevas perspectivas de la codificación del Derecho internacional privado en América Latina".

You will find below the table of contents of the section Estudios; for the whole ToC of vol. XIII click here. All contributions are in Spanish, with an English abstract.

Hans van Loon, *El derecho internacional privado ante la corte internacional de justicia: mirando hacia atrás y mirando hacia adelante*; **Dário Moura Vicente**, *La culpa in contrahendo en el derecho internacional privado europeo*; **Pedro Alberto de Miguel Asensio**, *Tribunal unificado de patentes: competencia judicial y reconocimiento de resoluciones*; **Johan Erauw**, *Relación entre el acuerdo sobre el tribunal de la patente unificada europea y el nuevo reglamento de Bruselas I sobre competencia y reconocimiento*; **Matthias Lehmann**, *Los tratados sobre libre comercio e inversiones transfronterizas y el conflicto de leyes*; **Nuria Marchal Escalona**, *Sobre la sumisión tácita en el reglamento Bruselas I bis*; **Antonia Durán Ayago**, *Procesos pendientes ante órganos jurisdiccionales de terceros estados y reglamento (UE) nº 1215/2012: ¿brindis al sol?*; **Marta Requejo Isidro**, *La cooperación judicial en materia de insolvencia transfronteriza en la propuesta de reglamento del Parlamento Europeo y del Consejo por el que se modifica el reglamento (CE) nº 1346/2000 sobre procedimientos de insolvencia*; **Nicolò Nisi**, *La refundición del reglamento de insolvencia europeo y los grupos de empresas de terceros estados*; **Emmanuel Guinchard**, *¿Hacia una reforma falsamente técnica del reglamento sobre el*

proceso europeo de escasa cuantía y superficial del reglamento sobre el proceso monitorio europeo?; **Eva de Götzen**, *Cobro transfronterizo de deudas en materia civil y mercantil: ¿dónde estamos y hacia dónde nos dirigimos?*; **José Ignacio Paredes Pérez**, *La responsabilidad civil del prestador y la obligación general de no discriminación del artículo 20.2º de la directiva 2006/123/ce relativa a los servicios en el mercado interior*; **Eduardo Álvarez Armas**, *La aplicabilidad espacial del derecho medioambiental europeo, su interacción con la norma de conflicto europea en materia de daños al medioambiente: apuntes preliminares*; **Angel Espiniella Menéndez**, *Las operaciones de compraventa en la distribución comercial internacional*; **Ivana Kunda**, *Competencia judicial internacional sobre violaciones de derechos de autor y derechos conexos en internet*; **Thomas Thiede**, *Obituario al libel tourism*; **Pablo Quinzá Redondo y Jacqueline Gray**, *La (des) coordinación entre la propuesta de reglamento de régimen económico matrimonial y los reglamentos en materia de divorcio y sucesiones*

Vacancy at the Permannt Bureau of the Hague Conference on Private International Law

The Permanent Bureau of the Hague Conference on Private International Law (HCCH) is seeking a

TEMPORARY LEGAL OFFICER (full-time, until 30 June 2015).

The ideal candidate will possess the following qualifications:

- A law degree (Master of Laws, J.D., or equivalent);
- Very good knowledge of private international law as well as familiarity with comparative and civil law;
- Excellent command, preferably as native language and both spoken and written, of English or French; good command of the other official language and knowledge of other languages desirable;

- Sensitivity to different legal cultures;
- Experience in publishing / editing is a plus.

He or she should work well in a team, be able to work in more than one area of law, and respond well to time-critical requests. Additional legal or academic work experience would be an advantage.

The successful candidate will work primarily in the areas of international family law and child protection. He or she will also be required to carry out work in other fields (international legal co-operation and litigation / international commercial and finance law) depending on the needs of the Permanent Bureau.

Duties will include comparative law research, preparation of research papers and other documentation, organisation and preparation of materials for publication, including *The Judges' Newsletter on International Child Protection*, assistance in the preparation of and participation in conferences, seminars and training programmes, and such other work as may be required by the Secretary General from time to time.

Type of appointment and duration: short-term contract until 30 June 2015.

Starting date: October / November 2014.

Grade (Hague Conference adaptation of Co-ordinated Organisations scale): A/1 subject to relevant experience.

Deadline for applications: 15 October 2014.

Applications: written applications should be made by e-mail, with *Curriculum Vitae,* letter of motivation and at least two references, to be addressed to the Secretary General, at <applications@hcch.nl>.

Conference on International Child Abduction and Human Rights, 16 October

The University of Antwerp (Research Group Personal Rights and Real Rights) and the British Institute of International and Comparative Law are organising a conference on **International Child Abduction and Human Rights: A Critical Assessment of the Status Quo**.

The confernce will take place in **Antwerp** – Stadscampus – R.212 – Rodestraat- on **16 October 2014.**

Register through http://www.biicl.org/event/1061

Programme:

10.00-10.30 Registration and coffee

10.30-10.45 Welcome (Thalia Kruger and Eva Lein)

Chair: Maarit Jänterä-Jareborg, Uppsala University

10.45-11.45 Panel on recent case law (Karin Verbist and Carolina Marín Pedreño)

11.45-12.15 United States Supreme Court Hague Abduction Decisions: Developing a Global Jurisprudence (Linda Silberman)

12.15-12.45 The Role of Central Authorities (Andrea Schulz)

12.45-14.00 Lunch??

Chair: Frederik Swennen, University of Antwerp

14.00-14.30 Keynote Address, Permanent Bureau of the Hague Conference: ?"Quo vadis 1980 Convention" (Marta Pertegas)

14.30-15.00 Keynote Address, European Commission: "Quo vadis Brussels IIbis" ?(Michael Wilderspin)

15.00-15.30	Children’s Rights and Children’s Interests: (Helen Stalford)
15.30-16.00	Is Harmonised Case Law Possible? (Paul Beaumont)
16.00-16.30	The Concerns of Children’s Organisations: (Hilde Demarré and Alison Shalaby)
16.30-17.00	Debate

Save the Date: The Hague Service Convention Turns 50

On February 19, 2015, the Center for Transnational Business and the Law at Georgetown University Law Center will host an event in Washington DC to celebrate the fiftieth anniversary of the conclusion of the Hague Service Convention.

The Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, concluded in 1965, has become one of the most useful tools for the simplification of procedure in cross-border disputes. In the beginning, just a handful of Western states were parties, but over time, the acceptance of the Convention has grown; it is now in effect in 68 states, representing every continent and every major legal tradition. Alongside the New York Convention, accession to the Hague Service Convention is now considered one of the benchmarks of a state that aspires to provide access to the rule of law and transnational justice.

The event will feature panel discussions featuring practitioners, academics, representatives of the Hague Conference on Private International Law, and the central authorities of several states. The discussions will look back at the successes of the Convention over the past half-century, as well as look ahead to new challenges (whether it be unforeseen technologies, non-uniform

interpretations of the Convention, and inadvertent failures to understand the Convention by the bench and the bar.) Of course, the event will also feature an opportunity for informal discussions among colleagues and friends.

To RSVP, see this link on Letters Blogatory

Survey on Perceptions and Use of International Commercial Mediation and Conciliation

Professor Stacie Strong from the University of Missouri School of Law is conducting a survey regarding international commercial mediation and conciliation. As many of our readers may know, this issue has recently made the news as a result of a decision by the United Nations Commission on International Trade Law (UNCITRAL) to give further consideration to a proposal from the U.S. Department of State regarding an international convention on international commercial mediation and conciliation. This survey aims to inform the discussion about an international treaty in this field and further the debate about the viability of mediation and conciliation in the international commercial context.

Anyone who works in the field of international commercial dispute resolution–either as private practitioners, in-house counsel, legal academics or neutrals–are invited to participate by clicking on this link. The survey is comprised of thirty-four questions, although not all participants will answer all questions. The survey should take approximately ten minutes to complete, and participation is entirely anonymous. The survey will remain open until 11:59 p.m. Central Daylight Time (CDT) on October 31, 2014.

A Conference to Celebrate the 50th Anniversary of the Rivista di diritto internazionale privato e processuale

(I am grateful to Prof. Francesca C. Villata – University of Milan – for the tip)

On October 23, 2014, the University of Milan will celebrate the Rivista's 50th anniversary by hosting a conference addressing the prospective reform of the Italian private international law system.
With some exceptions, the conference language will be Italian.

The conference program reads as follows:

9:00-9:30 Welcoming remarks
Provost of the University of Milan
Director of the Department of International, Legal, Historical and Political Studies
Director of the Department of Italian and Supranational Public Law

9:30-11:00 I Session – Law No 218/1995: Defining Features and General Problems
Chair: **Fausto Pocar** (University of Milan)
Roberto Baratta (University of Macerata), **Marc Fallon** (Université catholique de Louvain), **Hans van Loon** (Former Secretary-General, Hague Conference on Private International Law)
Concluding Remarks: **Tullio Treves** (University of Milan)

11:00-12:30 II Session – Personal Status
Chair: **Roberta Clerici** (University of Milan)
Alegría Borrás (Universitat de Barcelona), **Luigi Fumagalli** (University of Milan), **Costanza Honorati** (University of Milan-Bicocca), **Carlo Rimini** (University of Milan), **Ilaria Viarengo** (University of Milan)
Discussion and Concluding Remarks: **Franco Mosconi** (University of Pavia)

14:30-16:00 III Session – Corporations, Contractual and Non-Contractual

Obligations
Chair: **Riccardo Luzzatto** (University of Milan)
Ruggiero Cafari Panico (University of Milan), **Cristina Campiglio** (University of Pavia), **Domenico Damascelli** (University of Salento), **Paola Ivaldi** (University of Genoa), **Peter Kindler** (Universität München)
Discussion and Concluding Remarks: **Andrea Giardina** (University of Rome "La Sapienza")

16:30-18:00 IV Session – International Civil Procedure Law
Chair: **Sergio Maria Carbone** (University of Genoa)
Mario Dusi (President CRINT), **Alberto Malatesta** (University Carlo cattaneo-LIUC), Francesco Salerno (University of Ferrara), **Lidia Sandrini** (University of Milan), **Francesca C. Villata** (University of Milan)
Discussion and Concluding Remarks: **Stefania Bariatti** (University of Milan)

Final Remarks: **Fausto Pocar** (University of Milan)

Registration is open here.

Call for Papers: 'Privacy under International and European Law'

Utrecht Journal of International and European Law is issuing a call for papers in relation to its forthcoming 80th edition on 'Privacy under International and European Law'.

With information gathering and sharing techniques becoming ever more advanced, States are being forced to take a stand on their permissible cost for individual privacy. As the international legal system struggles to keep up with the irreversible process of globalisation, its role in regulating these competing interests is coming under increasing discussion. That's why the Board of Editors are inviting scholars to submit papers addressing any legal issues relating to privacy and international law from an international or European law perspective.

While this edition is primarily concerned with privacy and international law, relevant issues may have broader implications, including: the responsibility of private actors under international law; privacy as a human right; the conflict between State interests and individual rights; the internet and territorial limits; data protection; diverging national approaches to the protection of privacy and the rise of cybercrime. All types of manuscripts, from socio-legal to legal-technical to comparative will be considered.

The Board of Editors will select articles based on quality of research and writing, diversity and relevance of topic. The novelty of the academic contribution is also an essential requirement. Prospective articles should be submitted online and conform to the journal style guide. For further information please consult the website, or send an email to utrechtjournal@urios.org.

(Deadline for Submissions: 14 November 2014)

ISDS in the TTIP?

The question whether the Transatlantic Trade and Investment Partnership (TTIP) should include an Investor-State Dispute Settlement (ISDS) provision clause has triggered a lively debate where opinions are clearly opposed. As I am not an expert in the field I can only report on the fact and refer to what has been already said elsewhere. In this regard I would recommend to have a look at J. Garcia Olmedo's post of last Friday. It contains info and interesting links to further contributions, in particular to the responses to the EC public consultation on the matter in March 2014 (ended on 13 July 2014). The author comments focus especially in the response submitted by professors from several universities such as Sciences Po Paris, the University of Kent, the School of Oriental and African Studies, and Osgoode Hall Law School. Some other contributions can be found online: click here, or here). The Preliminary Report of the Commission, which provides a statistical overview, was published in July 2014; the EC does not expect to have its final analysis ready before November this year. Considering the success of the public consultation, with almost 150.000 answers, stakeholders will

be certainly waiting for it.

Roundup of Recent Alien Tort Statute Cases Post-Kiobel

For those interested in the impact that *Kiobel* is having on Alien Tort Statute litigation, John Bellinger of Arnold & Porter (who was the Legal Advisor at the US State Department) has an interesting post here. After reviewing the cases, John concludes

> *It is clear from these decisions that the courts remain uncertain about what domestic conduct is necessary to "touch and concern" the territory of the United States and whether the conduct of corporate defendants inside the United States must itself violate the law of nations. In particular, there already appears to be a circuit split between the 9^{th} and 11^{th} circuits regarding whether the Supreme Court intended lower courts to apply to ATS cases the "focus" test in Morrison v. Australian National Bank, where the Supreme Court concluded that, in considering whether conduct that occurs both inside and outside the United States violates a statute without extraterritorial application, the courts should determine whether the conduct that is the "focus of congressional concern" occurred inside or outside the United States. I discuss the decisions in more detail below.*

The whole piece is definitely worth a read.

EP Paper on future of European Private International Law

In a workshop of the European Parliament's JURI Committee on *Upcoming issues of EU Law,* that took place on 24th September, papers were presented on five selected topics: the application of EU Law (Wolfgang Heusel), the implementation of EU law (Marta Ballesteros), European private international law (Xandra Kramer), intellectual property law (Lionel Bently and Alfred Radauer) and regulating robotics (Andrea Bertolini and Erica Palmerini).The workshop focused on work that has been accomplished in the past and challenges for the current legislature (2014-2019). The compilation of papers is available here.

For those readers only interested in private international law, the paper entitled *European private international law: the way forward*, is also available here.