

# VIIth Complutense Seminar on Private International Law

The International Seminar on Private International Law promoted by Professor Fernández Rozas and Professor De Miguel Asensio (University Complutense, Madrid) will soon become a tradition. The satisfying experience of the last six years has encouraged the organizers to hold the seventh edition next April 2013. Keeping the pattern of its precedents, the forthcoming Seminar will combine a general approach centered on recent developments and future prospects in different fields of private international law, with specific attention to singular current issues, or issues most in need of study. One whole panel will be devoted to registry law – particularly to the new Spanish Civil Registration Act and its consequences for private international law. Other sessions will accommodate papers and communications on other relevant issues. Spanish, English and French will be spoken -though no translation is provided.

This edition's speakers will be, among others, Professor Gerald Spindler (Georg-August-Universität Göttingen), Professor Bertrand Ancel (Université Paris II), and Professor Thomas Clay (Université de Versailles). Short contributions from academics and law professionals are welcome provided they are timely submitted. In this regard the organizers kindly request those intending to participate to send an email to Professor Patricia Orejudo ([patricia.orejudo@der.ucm.es](mailto:patricia.orejudo@der.ucm.es)) as soon as possible, and at any rate before November 30, 2012, including the title of the proposal and a brief summary of its contents. Accepted papers will be eligible for publication in the 2012 volume of the *Anuario Español de Derecho Internacional Privado*, subject to prior scientific peer evaluation. The final written version shall not exceed 25 pages in Word format (double-spaced, DIN A-4, Times New Roman 12 for text and 10 for footnotes). It must be handed over in April 1, 2013 at the latest.

The suggested dates for the Seminar are 11 and 12 April 2013. Most of the panels will be held at the Faculty of Law of the Universidad Complutense de Madrid, though some may take place somewhere else in Madrid.

The definitive program and schedule will be announced here as soon as they are ready.

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# Little on Key Conflict of Laws Concepts

Laura E. Little, who is a professor of law at Temple University, has posted *Insights on Key Conflict of Laws Concepts: The Federal Government's Role and Judgment Recognition and Enforcement* on SSRN.

*Key themes weave throughout the history and current relevance of Conflict of Laws. As the second installment of a two part compilation of essays, this paper presents many of these themes in the form of "Notes," offering expository explanation, received wisdom, and new insights. These essays will appear in an upcoming book Conflict of Laws to be published in the Aspen Casebook Series by Wolters Kluwer. The essays cover global, jurisprudential topics as well as doctrinal, fundamental concepts. They should be useful to both novices seeking an overview of core conflict of laws themes as well as well-seasoned experts seeking pithy insights into the key debates in the field. This installment focuses on the role of the federal government as well as judgment recognition and enforcement.*

*The global, jurisprudential topics in this installment are:*

- (1) The Domestic and International Forum-Shopping System;*
- (2) Choice of Law Methodology for Federal Courts;*
- (3) Tools for Handling Duplicative Litigation;*
- (4) Theories of Stare Decisis and its Role in Federal Litigation;*
- (5) Intersection of Full Faith and Credit with Preclusion Principles;*
- (6) Private Incentives in Judgment Recognition and Enforcement;*
- (7) The Theoretical Kinship between Judgments and Marriage; and*
- (8) Libel Tourism*

*Specific doctrinal topics include:*

- (1) The Substance/Procedure Dichotomy*
  - (2) Same Sex Marriage: Constitutional Restrictions on Same Sex Marriage Laws;*
  - (3) The Significance and Limitations of Klaxon v. Stentor;*
  - (4) Claim and Issue Preclusion; and*
  - (5) SPEECH ACT of 2010*
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## **PIL and Human Rights in Europe**

Professor Veerle Van Den Eeckhout, who teaches private international law at the Universities of Antwerp and of Leiden, has just published “Private International Law and Fundamental Rights: Private International Law as an Instrument for the Promotion of Respect for Fundamental Rights?” on SSRN. The paper analyses – in an exploratory way – the impact of Fundamental Rights on Private International Law, comprising both Human Rights and European Fundamental Freedoms.

The article is written in Dutch in the context of a research project, and will also be published in a collective book; it can be downloaded [here](#).

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## **Third Issue of 2012's Belgian PIL E-Journal**

The third issue of the Belgian bilingual (French/Dutch) e-journal on private international law *Tijdschrift@ipr.be* / *Revue@dipr.be* for 2012 was just released. 

The journal essentially reports on European and Belgian cases addressing issues of private international law.

It includes two articles:

- Wenliang Zhang, *Reflections on Sino-Belgian Judicial Assistance in Civil and Commercial Matters*
  - Marie-Aude Deslandes, *Le brevet européen à effet unitaire: un chemin périlleux*
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# French Conference on European Identities

The university of Strasbourg will host a conference on European Identities and circulation of people, knowledge and models on October 18 and 19.

Here is the programme:

*Jeudi 18 octobre 2012, Matinée*

**Identité(s), les avatars du concept**

***Sous la présidence de Jean-Christophe Romer,  
professeur à l'Université de Strasbourg***

9h20 Accueil

**10h00 Allocutions d'ouverture**

Frédérique Berrod, directrice adjointe de la fédération de recherche L'Europe en mutation,

FR 3241 Unistra/CNRS

Jean-Christophe Romer, responsable scientifique, FARE, EA 4374

**10h20 La loi applicable au statut personnel : entre préservation de l'identité culturelle et volonté d'intégration**

Nicolas Nord, maître de conférences, CDPF, EA 1351

#### **10h40 L'identité sur internet**

Adrien Bouvel, maître de conférences, laboratoire de recherche du CEIPI, EA 4375

Jeoffrey Sabbah, doctorant, CDPF, EA 1351

11h00 Discussion

11h20 Pause

#### **11h40 L'identité religieuse : la religion influence-t-elle le comportement social ?**

Laurent Weill, professeur, LaRGE, EA 2364

#### **12h00 L'Union européenne et l'identité citoyenne**

Maeve Kieffer, doctorante, CEIE, EA 3994

12h20 Discussion

12h40 Fin des travaux

*Jeudi 18 octobre 2012, Après-midi*

### **Identité et construction d'un espace politique**

***Sous la présidence de Céline Pauthier,  
maître de conférences à l'Université de Strasbourg***

L'irréductible des identités nationales

14h30 Naissance ou renaissance d'une "nation" est-allemande

Jean-Christophe Romer, professeur, FARE, EA 4374

14h50 L'irréductibilité de la souveraineté nationale

Éric Maulin, professeur, IRCM, EA 3399

15h10 Discussion

15h30 Pause

Le “dire” de l’identité européenne

15h50 La démocratie comme identité des États parties à la Convention européenne des droits de l’Homme

Peggy Ducoulombier, professeur, CERTAP, EA 4216

16h10 Le dialogue interculturel, un défi pour l’Europe

Jean-Philippe Restoueix, administrateur, Conseil de l’Europe

16h30 Discussion

16h50 Fin des travaux

*Vendredi 19 octobre 2012, Matinée*

***Identité et circulation des modèles  
dans l’Union européenne***

**Sous la présidence de Vlad Constantinesco,  
professeur émérite de l’Université de Strasbourg**

9h30 Accueil

10h00 Les valeurs de l’Union européenne comme vecteur d’identité(s) ?

Gérard Bossuat, professeur, IRICE, UMR 8138

10h20 L’Union européenne comme modèle de droit

Lauréline Fontaine, professeur, ICEE, EA 2291

10h40 La libre circulation des personnes comme modèle d’intégration

Frédérique Berrod, professeure, CEIE, EA 3994

11h00 Discussion

11h20 Pause

11h40 La libre circulation des sociétés en Europe : concurrence ou convergence des modèles juridiques ?

Gustavo Cerqueira, ATER, CDE, EA 3397

12h00 Vers une identité européenne en matière de propriété intellectuelle ?

Christophe Geiger, maître de conférences, laboratoire de recherche du CEIPI, EA 4375

12h20 Discussion

12h40 Fin des travaux

*Vendredi 19 octobre 2012, Après-midi*

**La construction d'une identité européenne  
dans les régions transfrontalières**

***Sous la présidence de Frédérique Berrod,  
professeure à l'Université de Strasbourg***

**14h30 Les difficultés de la coopération transfrontalière : le e-consommateur confronté à la déterritorialisation du droit**

Bianca Schulz, responsable du Centre européen de la consommation France

**14h50 Identité du Jardin des Deux Rives : un jardin transfrontalier ?**

Antoine Beyer, maître de conférences, CRIA, UMR 8504

**15h10 Comment concevoir une chaîne de télévision transnationale ?**

ARTE

### **15h 30 Vers une culture administrative transfrontalière ?**

Birte Wassenberg, maître de conférences, FARE, EA 4374,

Joachim Beck, directeur, Euro-Institut

### **16h00 Propos conclusifs**


Frédérique Berrod, professeure, directrice adjointe de la fédération de recherche L'Europe en mutation, FR 3241 Unistra/CNRS

16h20 Discussion

16h40 Fin des travaux et cocktail

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# **Sciences Po PILAGG Workshop Series, Fall 2012**

The workshop on Private International Law as Global Governance (PILAGG)  at the Law School of the Paris Institute of Political Science (*Sciences Po*) will take place on Thursdays or Fridays from 12:30 to 2:30 pm, at the Law School.

The speakers for the Fall 2012 will be:

- Thu 4th October (doctoral workshop): **Katja LAGENBUCHER** (Frankfurt) - *"Some lessons from the crisis - does the law set the right incentives for board composition and liability in financial institutions?"* - room **A12, 27, rue St Guillaume, Paris 7<sup>e</sup>**
- Fri 5th October: **Horatia MUIR WATT** (SPLS) - *"The extraterritoriality issue in the KIOBEL case. What's at stake in the new (1<sup>st</sup> October) hearing before the US Supreme Court?"* - room **J208, 13, rue de l'Université,**



## **Paris 7e**

- Thu 11th October (doctoral workshop): **Darrem ISOM** (San Francisco) – *“Election 2012: Competing visions for a more perfect America”* – room **A12, 27, rue St Guillaume, Paris 7<sup>e</sup>**
  - Fri 19th October: **Symeon SYMEONIDES**: (Salem) – *“Codification and flexibility in PIL”* – room **J208, 13, rue de l’Université, Paris 7e**
  - Jeudi 8 novembre (séminaire doctoral) : **Louis ASSIER ANDRIEU** (SPLS) – *title forthcoming* – salle **A12 au 27, rue St Guillaume, Paris 7<sup>e</sup>**
  - Fri 9th November: **Jacco BOMHOFF** (London) – *“The constitution of the conflict of laws”* – room **J208, 13, rue de l’Université, Paris 7e**
  - Thu 15th November: **Hélène VAN LITH** (Paris) – *“Transnational class actions”* – room **A12, 27, rue St Guillaume, Paris 7<sup>e</sup>**
  - Fri 16th November: **Harm SCHEPEL** (Kent) – *“Legal pluralism and the embedded market: A legal constructivist approach to transnational private governance”* –
  - Jeudi 22 novembre (séminaire doctoral) : **Mika YOKOYAMA** (Kyoto) : *title forthcoming* – salle **A 12 au 27, rue St Guillaume Paris 7<sup>e</sup>**
  - Fri 23rd November: **Gilles CUNIBERTI** (Luxembourg) – *“Three theories on the lex mercatoria”* – room **J208, 13, rue de l’Université, Paris 7e**
  - Thu 6th December (doctoral workshop): **Dina WAKED** (Cambridge, MA / SPLS) – *title forthcoming* – room **A12, 27, rue St Guillaume, Paris 7<sup>e</sup>**
  - Fri 7th December: **Emmanuel GAILLARD** (SPLS) – *title forthcoming* – room **J208, 13, rue de l’Université, Paris 7e**
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# **BIICL Event: The UK’s Rejection of the New EU Regulation on**

# International Successions

The EU has adopted a new Regulation on international successions (Regulation (EU) No 650/2012). In short, its main features are the following: It provides for court competence of the courts of the Member State in which the deceased had his habitual residence in the moment of death and declares the law of that Member State applicable to the succession as a whole. The Regulation also provides for a limited choice of the law of the deceased's nationality. In that event, an alignment of court competence and applicable law can be reached through specific mechanisms. The cross-border circulation of authentic instruments is simplified and a European Certificate of Succession newly introduced.

Although the UK is not taking part in the adoption of the Regulation, there are scenarios in which UK citizens moving abroad or possessing property abroad might be affected by the Regulation. This can give rise to a difficult interplay of the Regulation with the private international law provisions in the UK.

Speakers from the continent and the UK will present the Regulation and its main advantages and shortcomings. They will then focus on the difficulties which arise in a cross border context involving UK citizens and discuss the need for law reform.

## *Participants:*

**Robert Bray**, European Parliament

**Professor Andrea Bonomi**, University of Lausanne

**Dr Anatol Dutta**, Max Planck Institute for Comparative and International Private Law, Hamburg

**Professor Jonathan Harris**, King's College; Serle Court, London

**Richard Frimston**, Partner, Russell Cooke, London

**Oliver Parker**, Ministry of Justice, London

**Representative of Notaries of Europe (CNEU)**, Brussels

## *Venue:*

British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square,

London, WC1B 5JP

*Date:*

Thursday 8 November 2012, 14:00 to 18:30

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# Hague Academy, Summer Programme for 2013

## Private International Law



### Inaugural Lecture

29 July

*Transnational Commercial Law and Conflict of Laws: Institutional Co-operation and Substantive Complementarity*

Herbert KRONKE, Professor at Heidelberg University

### General Course

5-16 August

*Le rôle du politique en droit international privé*

Patrick KINSCH, Lawyer, Visiting Professor at the University of Luxembourg

### Special Courses

29 July-2 August

*Conflict among Enforcement Regimes in International Economic Law*

Hannah BUXBAUM, John E. Schiller Chair in Legal Ethics, Indiana University

*Efficiency in Private International Law*

Toshiyuki KONO, Professor at Kyushu University

*Le statut juridique des standards publics et privés dans les relations économiques internationales*

Jan WOUTERS, Professor at the University of Leuven

5-9 August

*"Trusts" in Private International Law*

David John HAYTON, Judge at the Caribbean Court of Justice

*Les méthodes du droit international privé à l'épreuve du droit du travail*

Étienne PATAUT, Professor at Sorbonne Law School, Paris I University

12-16 August

*International Commercial Arbitration, a Comparative Approach with Special Focus on Russia*

Alexey KOSTIN, Head of the Private International Law Department, Moscow State Institute of International Relations

*Protection internationale des droits de l'homme et activités des sociétés transnationales*

Fabrizio MARRELLA, Professor at the University of Venice

More information is available [here](#).

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## As for Shell...

Four Nigerian farmers, aided by the Dutch branch of Friends of the Earth, have managed to prosecute the multinational Shell for polluting the Niger Delta between 2004 and 2007. Today the case has been declared admissible by a civil court in The Hague, i.e., in a different country and continent to the alleged dumping, and could set a legal precedent. If the Dutch court indeed holds Shell responsible for not (properly) cleaning up oil pollution in Nigeria, the Anglo-Dutch company would face paying millions in compensation for victims; it should also heighten their safety standards abroad to match those applied in Europe. What's more, the door to more transnational legal cases would be open. Victims of

violations of environmental standards and human rights perpetrated by Western multinationals would be expected to seek satisfaction through a civil court in the Netherlands and possibly in other EU countries as well.

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# Latest on the Ecuador/Chevron Lawsuit

Two days ago, the US supreme court denied a bid by Chevron to block the \$19bn Ecuadorian judgment issued in February 2011 against the company in a pollution case.

The case is *Chevron Corp v. Naranjo et al*, U.S. Supreme Court, No. 11-1428 ([here](#))