

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*

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

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^e**
 - Fri 5th October: **Horatia MUIR WATT** (SPLS) – *“The extraterritoriality issue in the KIOBEL case. What’s at stake in the new (1st October) hearing before the US Supreme Court?”* – room **J208, 13, rue de l’Université, Paris 7^e**
 - 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^e**
 - Fri 19th October: **Symeon SYMEONIDES**: (Salem) – *“Codification and flexibility in PIL”* – room **J208, 13, rue de l’Université, Paris 7^e**
 - Jeudi 8 novembre (séminaire doctoral) : **Louis ASSIER ANDRIEU** (SPLS) – *title forthcoming* – salle **A12 au 27, rue St Guillaume, Paris 7^e**
 - Fri 9th November: **Jacco BOMHOFF** (London) – *“The constitution of the conflict of laws”* – room **J208, 13, rue de l’Université, Paris 7^e**
 - Thu 15th November: **Hélène VAN LITH** (Paris) – *“Transnational class actions”* – room **A12, 27, rue St Guillaume, Paris 7^e**
 - 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^e**
 - Fri 23rd November: **Gilles CUNIBERTI** (Luxembourg) – *“Three theories on the lex mercatoria”* – room **J208, 13, rue de l’Université, Paris 7^e**
 - Thu 6th December (doctoral workshop): **Dina WAKED** (Cambridge, MA / SPLS) – *title forthcoming* – room **A12, 27, rue St Guillaume, Paris 7^e**
 - Fri 7th December: **Emmanuel GAILLARD** (SPLS) – *title forthcoming* – room **J208, 13, rue de l’Université, Paris 7^e**
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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

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](#).

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.

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](#))

Liber Amicorum for Athanassios Kaissis

A Liber Amicorum was published earlier this year to celebrate the 65th birthday of Athanassios Kaissis, who is a professor at the Law Faculty of Aristotle University of Thessaloniki. 

It includes the following contributions.

Konsolidierung des Europäischen Zivilverfahrensrechts

Jens Adolphsen

Das Anti-Counter-Feiting Trade Agreement vom 3.12.2010 – Zivilrechtliche Maßnahmen und deren Durchsetzung

Hans-Jürgen Ahrens

Unvereinbare Entscheidungen, drohende Rechtsverwirrung und Zweifel an der Kernpunkttheorie – Webfehler im Kommissionsvorschlag für eine Neufassung der Brüssel I-VO?

Christoph Althammer

Der österreichische Zivilprozess – bemerkenswerte Schwerpunkte der Reformen im neuen Jahrtausend

Oskar J. Ballon

Gibt es ein europäisches Rechtsschutzbedürfnis?

David-Christoph Bittmann

Der amicus curiae und die alten Formen der Beteiligung Dritter am Rechtsstreit. Neue Tendenzen nach brasilianischem Recht

Antonio Cabral

Die tödliche Verletzung im Deliktsrecht

Michael Coester

Der Erfüllungsort im internationalen Zivilprozessrecht

Dagmar Coester-Waltjen

Das neue schweizerische Arrestrecht – ausgewählte Probleme

Tanja Domej

Die Europäisierung des internationalen Zuständigkeitsrechts in Gütersachen

Anatol Dutta / Frauke Wedemann

Der Anspruch auf Rückforderung unbegründeter Zahlungen bei der Bankgarantie auf erstes Anfordern

Dietmar Ehrlich

Ausgewählte praxisrelevante Fragen in deutsch-algerischen Erbrechtsfällen

Omaia Elwan

Internationale Notzuständigkeit im polnischen Internationalen und Europäischen Zivilverfahrensrecht

Tadeusz Ereciński / Karol Weitz

Bruchstellen des internationalen Haftungsrechts in Europa bei vertragsnahen Pflichtverletzungen

Hilmar Fenge

Zum Begriff des gewöhnlichen Arbeitsortes i.S.d. Art. 19 Abs. 2 lit. a EuGVVO insb. bei der Verrichtung der arbeitsvertraglichen Tätigkeit an Bord eines Schiffes

Thomas Garber

Zur geplanten Reform des Gerichtsvollzieherwesens in Deutschland

Hans Friedhelm Gaul

Gerichtsstandsvereinbarung und Pflichtverletzung

Martin Gebauer

Europaweite Beachtlichkeit ausländischer Urteile zur internationalen Unzuständigkeit?

Reinhold Geimer

Der Streitgegenstand – eine Einheit in Vielfalt

Peter Gottwald

Vertraulichkeit im Zusammenhang mit Schiedsverfahren

Ulrich Haas

Juristisches Strukturdenken bei Goethe

Fritjof Haft

The notarial order for payment procedure as a Hungarian peculiarity

Viktória Harsági

Grundlagen der internationalen Notzuständigkeit im Europäischen Zivilverfahrensrecht

Wolfgang Hau

Reviewing Foreign Judgments in American Practice – Conclusiveness, Public

Policy, and Révision au fond –
Peter Hay

Materieller Anspruch und Rechtshängigkeitssperre nach Art. 27 EuGVVO
Bettina Heiderhoff

Der Vorschlag der EU-Kommission zur vorläufigen Kontenpfändung – ein weiterer
Integrationsschritt im Europäischen Zivilverfahrensrecht
Burkhard Hess

Koordinierung europäischer Zivilprozessrechtsinstrumente
Stefan Huber

Beschaffenheitsvereinbarung und Haftungsausschluss beim Kunstkauf – unter
besonderer Berücksichtigung der Falschlieferung
Erik Jayme

Der Gerichtsstand des Erfüllungsortes nach der Brüssel I-Verordnung im Licht
der neueren EuGH-Rechtsprechung
Abbo Junker

Wer bestimmt das Honorar des Schiedsrichters?
Franz Kellerhals / Stefanie Pfisterer

Ungarn innerhalb des Tors des Lugano-Übereinkommens
Miklós Kengyel

“Cherry Picking” and Good Faith in German Arbitration Law: Two Recent
Decisions on the Most-Favoured Treatment Clause (Article VII Para 1 NYC))
Peter Kindler

L'Arbitrage des Différends Relatifs aux Investissements en Afrique Francophone
au Sud du Sahara: L'OHADA et le CIRDI
Rolf Knieper

Prozesskostenhilfe im internationalen Zivilverfahrensrecht – Grundlagen und
aktuelle Probleme
Oliver L. Knöfel

Even if you steal it, it would be admissible – Rechtswidrig erlangte Beweismittel

im Zivilprozess

Georg E. Kodek

Acceptable Transnational Anti-suit Injunctions

Herbert Kronke

Die Einrede vorprozessualer Verjährung als erledigendes Ereignis

Walter F. Lindacher

Das deutsche Bankgeheimnis im Steuerverfahren – Schutz der Bürger oder nur noch „Feigenblatt“? –

Karl-Georg Loritz

A patent court for Europe – status and prospects

Raimund Lutz & Stefan Luginbuehl

Kunstrecht als Disziplin – Stand, Inhalte, Methoden, Entwicklungen –

Peter M. Lynen

Zur Regelung von Sprachfragen im europäischen Internationalen Zivilverfahrensrecht

Peter Mankowski

Partei- und Anspruchsidentität im Sinne des Art. 27 Abs. 1 EuGVVO bei Mehrparteienprozessen: Ein Beitrag zur Konkretisierung des europäischen Streitgegenstandsbegriffs und der Kernbereichslehre

Heinz-Peter Mansel und Carl Friedrich Nordmeier

Schweizer Mahntitel und deren Behandlung unter dem revidierten LuganoÜbereinkommen und der EuGVVO

Alexander R. Markus

Priorität versus Flexibilität? Zur Weiterentwicklung der Verfahrenskoordination im Rahmen der EuGVO-Reform

Mary-Rose McGuire

Einstweiliger Rechtsschutz für Geldforderungen nach neuem schweizerischen Recht im Vergleich zum griechischen Recht

Isaak Meier und Sotirios Kotronis

Zulässigkeit einer Vereinbarung des Wiederverkaufs von Aktien zu einem Festpreis, um den Kreis der Aktionäre mit geringen Kosten zu beschränken?

Isamu Mori

Schiedsverfahren im Dreiländereck – Deutschland, Schweiz, Österreich –

Joachim Münch

Schiedsrichterbefangenheit und anwaltliche Versicherungsmandate

Thomas Pfeiffer

Bemerkungen zur Zusammenarbeit zwischen EuGH und Gerichten der EU-Staaten zum IPR, insbesondere in der Rechtssache C-29 / 10 Koelzsch gegen Luxemburg

Jörg Pirrung

Gesellschaft mit beschränkter Haftung ohne Stammkapital und Einzelkaufmann mit (betrieblichem) Sondervermögen

Giuseppe B. Portale

Die Rolle des Anwalts bei der Rechtsfortbildung

Hanns Prütting

Zur Rechtsnatur der Anfechtung von Schiedssprüchen

Walter H. Rechberger

Schadenshaftung und erforderliche Vertragsanknüpfung bei Art. 15 EuGVO (LugÜ)

Herbert Roth

The Laws Applicable to the Arbitration Agreement

Helmut Rüßmann and Kinga Timár

Die prozessuale Behandlung von Honoraransprüchen freiberuflich Tätiger – Berechnung nach Arbeitszeit und dargestellt am Beispiel der Anwaltshonorierung

Peter F. Schlosser

Billigkeitsentscheidungen im internationalen Schiedsrecht auf der Grundlage von § 1051 Abs. 3 ZPO

Götz Schulze

Die Besetzung eines internationalen Schiedsgerichts und das anwendbare Recht

Rolf A. Schütze

Wann kommt in Ehesachen die EuEheKindVO, wann autonomes Recht zur Anwendung?

Daphne-Ariane Simotta

Der Beweiswert rechtsgeschäftlicher Urkunden im Kollisionsrecht

Ulrich Spellenberg

Überlegungen zur Dogmatik des schiedsgerichtlichen Vergleichs und des Schiedsspruchs mit vereinbartem Wortlaut

Frank Spohnheimer

Kollektiver Rechtsschutz und Revision der Brüssel I-Verordnung

Astrid Stadler

Der Vertriebsort als Deliktsgerichtsstand für internationale Produkthaftungsklagen

Ben Steinbrück

Jurisdiction for Avoidance Claims of Insolvent Investment Undertakings –
Procedural Aspects of the Phoenix Saga –

Michael Stürner

Mündlichkeit und Schriftlichkeit im europäischen Zivilprozess

Rolf Stürner

Das Europäische Mahnverfahren und dessen Umsetzung in den Niederlanden

Bartosz Sujecki

Die Bekämpfung der Torpedoklagen durch einen europäischen Rechtskrafteinwand

Miguel Teixeira de Sousa

Internationale Schiedsverfahren zwischen Effizienzanforderungen und zunehmender Komplexität

Roderich C. Thümmel

Persönlichkeitsrechtsverletzungen im Internet Internationale Zuständigkeit am

„Ort der Interessenkollision“?

Matthias Weller

Umsetzung der Zahlungsdienst-Richtlinie Nachteilige Auswirkungen für den Verbraucher

Friedrich Graf von Westphalen

Internationale Zuständigkeit und Anerkennung ausländischer Entscheidungen im chinesischen Insolvenzrecht

Mei Wu

More details can be found [here](#).

Civil Litigation in a Globalising World

Xandra E. Kramer, Professor at Erasmus University Rotterdam, and *Remco van Rhee*, Professor at Maastricht University, have edited a book on “Civil Litigation in a Globalising World”. Published by T. M. C. Asser Press and distributed by Springer the book is available as ebook on SpringerLink.

More information, including a table of content, is available [here](#). The official announcement reads as follows:

This book is an important contribution to the discussion about globalisation of civil procedure. Globalisation of legal matters and the inherent necessity of having to litigate in foreign courts or to enforce judgments in other countries considerably complicate civil proceedings due to great differences in civil procedure. This may jeopardise access to justice. As a result, the debate on the need for the harmonisation of civil procedure becomes ever more prominent. This book discusses the globalisation and harmonisation of civil procedure from various angles, including fundamental (international) principles of civil justice, legal history, private international law, law and economics and (European)

policy. It offers important theoretical and practical perspectives and is valuable reading for, amongst others, academic researchers, policy makers, judges, legal practitioners and court bailiffs.

Spanish Decision on the Proof of Foreign Law

Many thanks to Nicolás Zambrana, Assistant professor. University of Navarra, Spain

A very recent decision issued by a Court of First Instance in Madrid presents a slightly new turn of the screw in the issue of the proof of foreign law before Spanish tribunals. The facts are as follows: in 1997, Mr X, of Moroccan nationality, died, leaving a widow (Ms Y) and several children. Mr X had married Ms Y in 1973 in Madrid by the Jewish rite, which was at that time not recognised by Spanish law. In 1975 he had made a will in Madrid where he had declared that he was of Jewish faith and that Moroccan succession law referred to Jewish law for succession matters.

In his testament, he bequeaths a life interest on 80% of all his real estate property to his mother and siblings. He also names his son and daughter as his heirs concerning all of his property. Apparently, Mr X, the eldest son of a numerous family, had made a fortune in the real estate business in Spain, where he had moved from Morocco, with money borrowed from his family.

The claimants, who are the siblings of the deceased and the children of one of the aforementioned siblings, had filed a claim before a Madrid tribunal and had requested the tribunal to apply Spanish law and thus declare that the testament gave them a right to a life interest on 80% of the real estate property of the deceased or an equivalent amount in money.

The respondents -the children of Mr X- answered the claim and requested the

tribunal to declare that the testament was null and void, in accordance with Jewish law and that, therefore, in accordance with Jewish law, too, the widow should receive half of the estate of the deceased and the rest should be divided among those children who were single, with the exception of the eldest son, who should receive a double portion than his siblings. Finally, it seems that Mr X had expressly forbidden all his heirs to resort to judicial means in case of a disagreement.

The claimants did not submit any evidence of foreign law. The respondents did request the tribunal, in a previous hearing, to call several witness-experts on Jewish law, including the Rabbinic Tribunal of Tangiers, all of which was refused by the judge because she claimed that, according to Spanish procedural law, they simply should have submitted to the tribunal an official translation of the foreign applicable law, which they had not done.

As it has been said, the claimants based their claim on Spanish law, which is why the Tribunal turned down all their petitions, given the fact that the applicability of the connecting factors is compulsory (art. 12.6 of the Spanish Civil Code). The Tribunal understood that, according to Spanish conflict of laws, the law applicable to succession is the “personal law of the deceased” (arts. 9.1 and 9.8 of the Spanish Civil Code). In this case, such law was Moroccan law. At no point did the Tribunal ask itself whether Moroccan law does in fact refer to Jewish law as the ultimately applicable law, but such issue is not a real problem because the claimants had simply denied that Moroccan law was applicable. Instead, they had had resort to Spanish law for the merits.

Spanish statutory law, as understood by Spanish case law (including cases decided by the Supreme Court), states that foreign law is to be considered as a fact and needs to be proved by the party that bases his or her claims on it. Spanish case law and doctrine seem not to agree as to the extent of the proof by the party that claims the applicability of the foreign law. For some scholars, only an initial proof is needed, after which the tribunal would have to check on its own the contents of the foreign law. For part of the case law examined, tribunals may or may not provide assistance to the parties in the task of proving the foreign law. Something on which there is consensus is the fact that the law to be alternatively applied, where the foreign law has not been sufficiently proved, is Spanish law. Nevertheless, the case described in this note is different, to the extent that the claimants simply fail to apply correctly the connecting factor that would have led

to the application of the foreign law. Therefore, the tribunal understands that the claims lack sufficient legal base and must be dismissed.

This is just one more example of the mine field that the application of foreign law may turn into. An appeal has been filed before the Provincial Court. We will keep you informed as regards the progress of the case