Skopje Conference on impact of EU PIL on local laws

The conference "**Recent trends in European Private International Law – Challenges for the national legislations of the South East European countries**" is held in Skopje, Macedonia on 24 September 2011. This is the 9th conference in the series of regional private international law conferences, the most recent being announced here. This conference will gather number of private international lawyers who prepare to discuss questions related to impact the European Union codifications in the field have on their national laws as well as issues that arise in the context of European integration. The program is below:

9:00 am to 9:45 am Registration of the participants
9:45 am to 10:00 am Opening of the conference
10:00 am to 11:15 am **I panel** General issues of private international law

Mirko Zivkovic, PhD, University Nis

Discussion

11:15 am to 11:30 am Coffee break

11:30 am to 1:00 pm **II panel** Integration of EU PIL into national PIL codifications of the region (conflict of laws)

Zlatan Meskic, PhD, University of Zenica
"Integration of EU Private International law into national PIL codifications of the region"

Mirela Župan, PhD, University of Osijek
"Normiranje mjerodavnog prava za osobno ime – novina budu?eg hrvatskog Zakona o me?unarodnom privatnom pravu" / "Regulating cross border personal name issues – novelty of new Croatian PIL code "

Ivana Kunda, PhD, University of Rijeka
"Intellectual Property Contracts in EU Conflict of Laws"

Discussion

1:00 pm to 2:00 pm Lunch at University Restaurant

2:00 pm to 3:45 pm **III panel** Integration of EU PIL into national PIL codifications of the region (influence of EU civil procedure)

Ales Galic, PhD, University of Ljubljana
“Uredba Brisel 1 – temelj evropskog gra?anskog procesnogprava / The Brussels I Regulation – the Cornerstone of the European Civil Procedure”

Vesna Lazic, PhD, University of Utrecht
“The Commission’s Proposal to Revise the EC Jurisdiction Regulation: the amendment of the lis pendens rule and of the arbitration exception”

Evangelos Vassilakakis, PhD, Aristotle University Thessaloniki
“The Unification of European Procedural Law and its Impact on Agency and Distributorship Agreements”

Vesna Tomljenovic, PhD, University of Rijeka
“Forum of necessity – novelty in the new Croatian PIL Act”

Jasmina Alihodzic, PhD, University of Tuzla
“Pravila o me?unarodnoj nadležnosti kod pojedina?nih ugovora o radu u pravu Evropske unije i Bosne i Hercegovine” / “International jurisdiction for individual employment contracts in EU and Bosnia and Herzegovina”

Gjorgje Krivokapic LLM, University of Belgrade, and Ugljesa Grusic LLM, London School of Economics
“Zasto Srbija treba da pristupi Haskoj konvenciji o sporazumima o nadleznosti suda?” / “Why should Serbia access Hague Choice of Court Convention?”

Sanja Marjanovic, PhD, University of Nis,
“Jurisdikcioni imunitet strane drzave izmedju unutrasnjeg i medjunarodnog prava” / “Jurisdictional immunity of a foreign state – between domestic and international law”

Apostolos Anthimos, PhD, Panelist at the CAC for .eu ADR, Greece
Online Dispute Resolution – The .eu ADR Paradigm

Discussion

3:45 pm to 4:00 pm Coffee break

4:00 pm to 4:45 pm **IV panel** Conflict of laws on property

Slavko Djordjevic, PhD, University of Kragujevac
“Merodavno pravo za stvarnopravne odnose sa elementom inostranosti – de lege lata i de lege ferenda” / “Determining applicable law for Property Relations with foreign element – de lege lata and de lege ferenda”

Discussion

4:45 pm to 5:15 pm

Christa Yesell Holst, GIZ
“Support to development of draft laws and model solutions in the field of Private International Law (Closing of the component)”

5:15 pm Closing of the conference

8:30 pm Dinner at National Restaurant “Dukat”

Second Circuit Vacates Anti-Enforcement Injunction in Chevron

Here.

European Parliament Workshop on Brussels I Reform

A session of the Committee of Legal Affairs on the Brussels I Reform took place today and lasted a bit more than an hour.

Speakers included A. Layton, A. Dickinson, I. Pretelli, F. Horn and A Nuyts.

The video of the meeting is available here.

UPDATE: The original workshop should be rescheduled, and the papers made available on the site of the Parliament.

Thirty-one publications on South African private international law 2008-2011

- Bennett and Kopke "Characterization and 'gap' in the conflict of laws" 2008 South African Law Journal 62
- Eiselen "Goodbye arrest ad fundandam. Hello forum non conveniens?" 2008 TSAR 794
- Harder "Statutes of limitation between classification and renvoi: Australian and South African approaches compared" 2011 ICLQ 659
- Neels "Falconbridge in Africa" 2008 Journal of Private International Law 167
- Neels "Consumer protection and private international law" 2010 Obiter 122
- Neels "South Africa" in Fernandez Arroyo (ed) Consumer Protection in International Private Relationships (2010) CEDEP 415
- Neels "External public policy, the incidental question properly so-called

and the recognition of foreign divorce orders" in Boele-Woelki, Einhorn, Girsberger and Symeonides (eds) Convergence and Divergence in Private International Law. Liber amicorum Kurt Siehr (2010) Eleven International Publishers / Schulthess 331 (reprint in 2010 TSAR 671)

- Neels and Fredericks "The music performance contract in European and Southern African private international law" 2008 Tydskrif vir die Hedendaagse Romeins-Hollandse Reg / Journal of Contemporary Roman-Dutch Law 351 and 529
- Neels and Fredericks "Tacit choice of law in the Hague Principles on Choice of Law in International Contracts" 2011 De Jure (forthcoming)
- Neels and Wethmar-Lemmer "Constitutional values and the proprietary consequences of marriage in private international law" 2008 TSAR 587
- Oppong "Roman-Dutch law meets the common law on jurisdiction in international matters" 2008 Journal of Private International Law 311
- Oppong "Enforcing judgments of the SADC Tribunal in the domestic courts of member states" 2010 Monitoring Regional Integration in Southern Africa Yearbook 115
- Oppong "Inter-institutional relations: public-private international law dimensions" chapter 8 in Oppong: Legal Aspects of Economic Integration in Africa (2011) Cambridge University Press
- Oppong "Interstate relations, economic transactions and private international law" chapter 9 in Oppong: Legal Aspects of Economic Integration in Africa (2011) Cambridge University Press
- Roodt "Recognition of Muslim marriages in South Africa: a conflicts perspective" 2008 The International Journal of Diversity in Organisations, Communications and Nations 137
- Roodt "Party autonomy in international law of succession" 2009 TSAR 241
- Roodt "Conflicts of procedure between courts and arbitral tribunals in Africa: an argument for harmonization" 2010 Tulane European and Civil Law Forum 65
- Roodt "Autonomy and due process in arbitration: recalibrating the balance" 2011 European Journal of Law Reform (forthcoming)
- Roodt "Conflicts of procedure between courts and arbitral tribunals with particular reference to the right of access to court" 2011 African Journal of Comparative and International Law 236
- Schulze "Conflict of laws" 2008 Annual Survey of South African Law 167
- Schulze "International jurisdiction in claims sounding in money: is

Richman v Ben-Tovim the last word?" 2008 South African Mercantile Law Journal 61

- Schulze "Conflict of laws" 2009 Annual Survey of South African Law 134
- Schulze "Arbitration agreements and jurisdiction in terms of the Judgment Regulation" 2010 The Comparative and International Law Journal of Southern Africa 68
- Schulze "Conflict of laws" 2010 Annual Survey of South African Law (forthcoming)
- Sibanda "Jurisdictional arrest of a foreign peregrines now unconstitutional in South Africa" 2008 Journal of Private International Law 167
- Van Niekerk "Choice of English law and practice in a 'South African short-term policy' of marine insurance: jurisdiction and applicable law" 2010 TSAR 590
- Van Niekerk "Choice of foreign law in a South African marine insurance policy: an unjustified limitation of party autonomy?" 2011 TSAR 159
- Wethmar-Lemmer "When could a South African court be expected to apply the United Nations Convention on Contracts for the International Sale of Goods (CISG)?" 2008 De Jure 419
- Wethmar-Lemmer "The impact of article 95 reservation on the sphere of application of the United Nations Convention on Contracts for the International Sale of Goods (CISG)" 2010 De Jure 362
- Wethmar-Lemmer: The Vienna Sales Convention and Private International Law (2010) LLD thesis University of Johannesburg
- Wethmar-Lemmer "Party autonomy and international sales contracts" 2011 TSAR 431

TSAR = Tydskrif vir die Suid-Afrikaanse Reg / Journal of South African Law

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Spanish Legislación de Derecho

Internacional Privado, latest edition

The 14th edition of the *Legislación de Derecho Internacional Privado* has been released. Prepared by Professors Santiago Álvarez González, Carlos Esplugues Mota, Pilar Rodriguez Mateos and Sixto Sánchez Lorenzo, it a useful tool for students, practitioners, and foreign scholars willing to know what PIL laws, either autonomous, conventional or European, are applicable in Spain (and, for the last two, what their Spanish wording is: not always the same as in other languages). The *Legislación de Derecho Internacional Privado* includes most of the rules in force in Spanish PIL: ad. ex., those of domestic source, provisions of the European Union and the EFTA, Hague Conference, Council of Europe Conventions, International Commission on Civil Status Conventions and United Nations Conventions, as well as a list of 25 bilateral agreements on cooperation. New to this edition is the inclusion of the Hague Convention of October 19, 1996; Regulation (EU) no. 1259/2010 (Rome III); and the important reform of the Spanish Arbitration Act. To have a look at the complete summary click here.

European Parliament's Workshop on the Brussels I Proposal (20 September 2011) – Study on the Interpretation of the Public Policy Exception in EU PIL

On Tuesday, 20 September 2011, the EP Committee on Legal Affairs (JURI) will host in Brussels a workshop on the review of the Brussels I regulation. The round table, chaired by *Tadeusz Zwiefka* (EP rapporteur on the Brussels I proposal), will be followed by the presentation of the study "Interpretation of the Public Policy

Exception as referred to in EU Instruments of Private International and Procedural Law", prepared by *Prof. Burkhard Hess* and *Prof. Thomas Pfeiffer* (Ruprecht-Karls-Universität Heidelberg) on behalf of the Commission. Here's the programme:

[UPDATE: the live video streaming of the workshop will be broadcasted on this page. The recorded session will be later available in the EP's Multimedia Library]

9:00 – 9:10 Welcome and opening remarks by *Tadeusz Zwiefka*, Rapporteur.

9:10 – 10:20 Analysis of the main elements of reform of Brussels I Regulation – Round Table:

- *Professor Burkhard Hess*, Institut für ausländisches und internationales Privat- und Wirtschaftsrecht der Ruprecht-Karls-Universität
- Heidelberg;
- *Professor Marie-Laure Niboyet*, Université Paris X-Nanterre;
- *Professor Horatia Muir-Watt*, Sciences-Po Law School, Paris;
- *Professor Ilaria Pretelli*, Università degli Studi di Urbino "Carlo Bo";
- *Alexander Layton QC* of the Bar of England and Wales;
- *Professor Andrew Dickinson*, University of Sydney, solicitor advocate (England and Wales), consultant to Clifford Chance LLP;
- *Florian Horn*, partner and attorney at law, Brauneis Klauser Prändl law firm.

10:20 – 11:00 Questions and answers.

11:00 – 11:10 Presentation of the Study on the "Interpretation of the Public Policy Exception as referred to in EU Instruments of Private International and Procedural Law" by Professor Burkhard Hess and Professor Thomas Pfeiffer, Institut für ausländisches und internationales Privat- und Wirtschaftsrecht der Ruprecht-Karls-Universität Heidelberg.

11:10 – 11:20 Questions and answers.

11:20 – 11:30 Closing remarks by the Rapporteur.

(Many thanks to Prof. Koji Takahashi for providing the links to the video sessions)

Hague Academy Fifth Newsletter

The fifth Newsletter of the Hague Academy of International Law can be found here.

Knop, Michaels and Riles on Feminism, Culture and the Conflict of Laws

Karen Knop (University of Toronto), Ralf Michaels (Duke) and Annelise Riles (Cornell) have posted From Multiculturalism to Technique: Feminism, Culture and the Conflict of Laws Style on SSRN. The abstract reads:

> *The German chancellor, the French president and the British prime minister have each grabbed world headlines with pronouncements that their state's policy of multiculturalism has failed. As so often, domestic debates about multiculturalism, as well as foreign policy debates about human rights in non-Western countries, revolve around the treatment of women. Yet there is also a widely noted brain drain from feminism. Feminists are no longer even certain how to frame, let alone resolve, the issues raised by veiling, polygamy and other cultural practices oppressive to women by Western standards. Feminism has become perplexed by the very concept of "culture." This impasse is detrimental both to women's equality and to concerns for cultural autonomy.*
>
> *We propose shifting gears. Our approach draws on what, at first glance, would seem to be an unpromising legal paradigm for feminism – the highly technical field of conflict of laws. Using the non-intuitive hypothetical of a dispute in California between a Japanese father and daughter over a transfer of shares, we*

demonstrate the contribution that conflicts can make. Whereas Western feminists are often criticized for dwelling on "exotic" cultural practices to the neglect of other important issues affecting the lives of women in those communities or states, our choice of hypothetical not only joins the correctives, but also shows how economic issues, in fact, take us back to the same impasse. Even mundane issues of corporate law prove to be dazzlingly indeterminate and complex in their feminist and cultural dimensions.

What makes conflict of laws a better way to recognize and do justice to the different dimensions of our hypothetical, surprisingly, is viewing conflicts as technique. More generally, conflicts can offer a new approach to the feminism/culture debate – if we treat its technicalities not as mere means to an end but as an intellectual style. Trading the big picture typical of public law for the specificity and constraints of technical form provides a promising style of capturing, revealing and ultimately taking a stand on the complexities confronting feminists as multiculturalism is challenged here and abroad.

The paper is forthcoming is the *Stanford Law Review*.

2010 Yearbook of Private International Law

The 12th volume of the Yearbook of Private International Law (2010) will shortly be released.

It contains the following contributions:

Doctrine

- Katharina BOELE-WOELKI, For Better or for Worse: The Europeanization of International Divorce Law
- CHEN Weizuo, Chinese Private International Law Statute of 28 October 2010

- Talia EINHORN, The Recognition and Enforcement of Foreign Judgments on International Commercial Arbitral Awards
- Sixto SANCHEZ LORENZO, Choice of Law and Overriding Mandatory Rules in International Contracts after Rome I

Recent Developments in U.S. Conflicts of Laws

- Patrick J. BORCHERS, The Emergence of Quasi Rules in U.S. Conflicts Law
- Ronald A. BRAND, U.S. Implementation vel non of the 2005 Hague Convention on Choice of Court Agreements
- Linda J. SILBERMAN, *Morrison v. National Australia Bank*: Implications for Global Securities Class Actions
- Robert G. SPECTOR, A Guide to United States Case Law under the Hague Convention on the Civil Aspects of International Child Abduction
- David P. STEWART, Recognition and Enforcement of Foreign Judgments in the United States
- Symeon C. SYMEONIDES, Codifying Choice of Law for Tort Conflicts: The Oregon Experience in Comparative Perspective

The Revision of the Brussels I Regulation

- Andrew DICKINSON, Surveying the Proposed Brussels I bis Regulation: Solid Foundations but Renovation Needed
- Adrian BRIGGS, What Should Be Done about Jurisdiction Agreements?
- Alegría BORRÁS, Application of the Brussels I Regulation to External Situations – From Studies Carried Out by the European Group for Private International Law (EGPIL/GEDIP) to the Proposal for the Revision of the Regulation
- Rafael ARENAS GARCÍA, Abolition of Exequatur: Problems and Solutions – Mutual Recognition, Mutual Trust and Recognition of Foreign Judgments: Too Many Words in the Sea
- Sara SÁNCHEZ FERNÁNDEZ, Choice-of-Court Agreements: Breach and Damages Within the Brussels I Regime
- Diana SANCHO VILLA, Jurisdiction over Jurisdiction and Choice of Court Agreements: Views on the Hague Convention of 2005 and Implications for the European Regime

News from the Hague

- Hans VAN LOON, The Hague Conference on Private International Law: Work in Progress (2008-2010)

National Reports

- Rodrigo RODRIGUEZ / Alexander R. MARKUS, The Implementation of the Revised Lugano Convention in Swiss Procedural Law
- Mohamed S. ABDEL WAHAB, The Law Applicable to Technology Transfer Contracts and Egyptian Conflict of Laws: A Triumph of Nationalism over Internationalism?
- Torstein FRANTZEN, Party Autonomy in Norwegian International Matrimonial Property Law and Succession Law
- Tiong Min YEO, Common Law Innovations in Proving Foreign Law
- Seyed N. EBRAHIMI, An Overview of the Private International Law of Iran: Theory and Practice
- Adi CHEN, Conflict of Laws, Conflict of Mores and External Public Policy in Israel: Registration and Recognition of Foreign Divorce Decrees – A Modern Critique

Court Decisions

- Michael BOGDAN, Website Accessibility as a Basis for Jurisdiction under Art. 15(1)(C) of the Brussels I Regulation – Case Note on the ECJ Judgments *Pammer* and *Alpenhof*
- Eva LEIN, Modern Art – The ECJ's Latest Sketches of Art. 5 No. 1 lit. b Brussels I Regulation
- Zeno CRESPI REGHIZZI, Reservation of Title in Insolvency Proceedings: Some Remarks in Light of the *German Graphics*
  Judgment of the ECJ
- Gilles CUNIBERTI, Resisting American Class Actions at Home: Vivendi's Crusade against U.S. Imperialism
- Patricia OREJUDO PRIETO DE LOS MOZOS, Recognition in Spain of Parentage Created by Surrogate Motherhood

Forum

- Carmen AZCÁRRAGA MONZONÍS, An Old Issue from a Current Perspective: American and European Private International Law

More information can be found here.

New ICC Rules in 2012

The International Chamber of Commerce (ICC) has launched a revised version of its Rules of arbitration. The new Rules will come into force on 1 January 2012.

See the announcement of the ICC here.