14 June 2019: Symposium on the Attractiveness of the Paris International Commercial Chambers

The Paris Court of Appeal will host a symposium on "*L'attractivité de la place de Paris: Les chambres commerciales internationales: fonctionnement et trajectoire*" (The attractiveness of Paris's jurisdiction. The international Commercial Chambers: functioning and future trends) on June 14, 2019 (2pm-6pm).

Readers of this blog will remember that on February 7, 2018, the International Commercial Chamberof the Paris Court of Appeal was inaugurated.

The establishment of this specialized appellate international Commercial Chamberfollows the creation of the first International Chamber of the Paris Commercial Court of First Instance ("*Chambre de Droit International du Tribunal de Commerce*") and fits well in the current developments of the international business courts all over Europe (and out of Europe too).

The international chambers of the Paris Commercial Court and Court of Appeal (hereafter referred to as the "International Commercial Courts of Paris" or the "ICCP") are the latest examples of the modernization of French Legal System with respect to dispute resolution in commercial matters.

In the context of Brexit, the creation of the ICCP aims at enhancing the attractiveness and international competitiveness of French courts, combining flexibility, high quality and low costs.

The Paris Court of Appeal and the Faculty of Law of the *Université de Paris Est Créteil* (UPEC) will organize a symposium on June 14, 2019 at the Paris Court of Appeal. The conference will discuss the attractiveness of the Paris courts taking into account its latest evolution: the creation of the International Commercial Courts of Paris, with a focus on how these courts work in practice.

After the opening by Chantal Arens, first president of the Paris Court of Appeal and Gilles Cuniberti, professor of law at the University of Luxembourg, the event will be divided into three parts:

1. Origins and creation of the ICCP, with a comparative approach to other commercial courts in Europe.
2. Analysis of the mechanisms allowing access to the ICCP, with practical insight into the drafting and interpretation of choice of court clauses, the types of disputes that may fall within the scope of the Chambers and the relationships with arbitration.
3. Analysis of the procedural rules before the Chambers, with a specific focus on how the Chambers work in practice, the use of the English language, the available tools for the parties, and the current rules of practice established or being discussed in the Chambers.

The conference, led by the judges sitting in the Paris international chambers, will provide a valuable feedback of 18 months of existence of the International Commercial Chamber of the Paris Court of Appeal. The future trends of the French ICCP, and their interaction with other courts in Europe will also be debated.

Emmanuel Gaillard, Visiting Professor at Yale Law School and Harvard Law School, will give the closing speech.

A detailed description of the afternoon's program can be found on the Paris Court of Appeal's website (*in French only/English version to be published soon*).

You can register by writing an email to: colloque.ca-paris@justice.fr

Links to previous relevant posts:

https://conflictoflaws.de/2011/paris-commercial-court-creates-international-division/

https://conflictoflaws.de/2018/doors-open-for-first-hearing-of-international-chamber-at-paris-court-of-appeal/

https://conflictoflaws.de/2018/the-domino-effect-of-international-commercial-court

s-in-europe-whos-next/

New Book: "Contracts for the International Sale of Goods: A Multidisciplinary Perspective"

Contracts for the International Sale of Goods: A Multidisciplinary Perspective is set to be released by Thomson Reuters (Hong Kong) Limited at the end of July 2019. Edited by Dr Poomintr Sooksripaisarnkit, Lecturer in Maritime Law, Australian Maritime College, University of Tasmania, and Dr Sai Ramani Garimella, Senior Assistant Professor, Faculty of Legal Studies, South Asian University, this book has the following unique features:

- On the 30th anniversary of the implementation of the CISG (in the year 2018) and almost the 40th anniversary of the adoption of the text of the CISG (in the year 2020), this title at the right time provides value added content for students and practitioners alike considering CISG and its intersection with public domestic and international law;
- Unique and jurisdictionally relevant thought-leadership content – presents national perspectives;
- Providing fresh critiques on core principles as well as forecasting on potential areas for reform or improvement
- Multi-country author team providing perspectives from across diverse global jurisdictions as well as contributions from members of the Permanent Court of Arbitration (The Hague) and The Secretariat of the United Nations Commission on International Trade Law (UNCITRAL)

Contributors include:

Poomintr Sooksripaisarnkit – Lecturer in Maritime Law, Australian Maritime

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Luca Castellani – Legal Officer, The Secretariat of the United Nations Commission on International Trade Law (UNCITRAL)

Navin G. Ahuja – Doctoral Candidate, City University of Hong Kong

Dharmita Prasad – Assistant Professor, UPES School of Law

Details of the book shall be available soon from the publisher's website: www.sweetandmaxwell.com.hk

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Promotion code: CISG2019 – valid on or before 31 July 2019

For more information about the book, you can contact Dr Poomintr Sooksripaisarnkit (poonmintr@icloud.com) or Dr Sai Ramani Garimella (ramani@sau.ac.in)

Viewing the "Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special

Administrative Region" as a Window onto the New Legal Hubs

Written by Matthew S. Erie, Associate Professor of Modern Chinese Studies and Fellow at St. Cross College, University of Oxford

On April 2, 2019, the Government of the Hong Kong Special Administrative Region ("HKSAR") and the Supreme People's Court of the People's Republic of China" ("Supreme People's Court") signed an Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the HKSAR (hereinafter, "the Arrangement Concerning Mutual Assistance," see English translation here). This is a momentous development in the growth of international commercial arbitration in both mainland China (also, the "PRC") and Hong Kong as it is the first time that such a mechanism has been put in place to allow Chinese courts to render interim relief to support arbitrations seated outside of the PRC.

Historically, non-Chinese parties have been concerned about doing business with Chinese parties given the lack of the ability to ensure that the status quo of the assets of the Chinese party in question is not altered pending the outcome of the arbitration and the tribunal's issuance of the final award. As a result of the Arrangement Concerning Mutual Assistance, foreign parties will have more comfort in entering into such agreements with Chinese parties; further, the attractiveness of both Hong Kong as a seat of arbitration and the PRC will be enhanced. More generally, the Arrangement Concerning Mutual Assistance demonstrates the close cooperation between legal, judicial, and arbitral authorities in the PRC and Hong Kong. The Arrangement Concerning Mutual Assistance builds on such soft law sources as the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the HKSAR Pursuant to the Choice of Court Agreements Between Parties Concerned, signed on July 14, 2006, and the Arrangement Concerning Mutual Enforcement of Arbitral Awards Between the Mainland and the HKSAR, signed on June 21, 1999. These sources of soft law position Hong Kong as a major legal hub for Chinese companies investing outside of mainland China. This is particularly so in the context of the Belt and Road Initiative, a multi-trillion dollar project affecting some two-thirds of the world's

population, announced by PRC President Xi Jinping in 2013, to connect mainland China's economy with those of states throughout Eurasia.

Mainland China's soft law agreements with Hong Kong are not surprising given that Hong Kong is a "special administrative region" of the PRC, a relationship often summarized as "one country two systems." Nor is it surprising that Hong Kong should function as a legal hub for Chinese companies. Yet Hong Kong is just one of many such hubs emerging throughout a number of jurisdictions across the Eurasian landmass that are jockeying to provide legal services, and particularly dispute resolution services, to not just Chinese companies but also Japanese, Indian, and those of GCC and ASEAN states. The diversity of parties notwithstanding, with some of the largest multi-national companies in the world backed by strong central government support, China is the dominant economy of the region. China is not only creating soft law with other jurisdictions but also onshoring disputes by building its own NLHs in Shanghai and Shenzhen. As a consequence, emergent economies in Asia are accounting for an ever-larger number of cross-border commercial disputes, and jurisdictions in Asia are building capacity to handle those disputes. Soft law, international arbitration houses, international commercial courts, business mediation, transplanted English common law procedural rules, English language, and lawtech—these are all constitutive elements of what I call "new legal hubs" ("NLHs"), one-stop shops for cross-border commercial dispute resolution, in financial centers, promoted as an official policy by nondemocratic or hybrid regimes.

Over the course of two years, I conducted ethnographic fieldwork on six NLHs in four countries, including in Hong Kong, Singapore, Dubai, Kazakhstan, and China. The result of my research, "The New Legal Hubs: The Emergent Landscape of International Commercial Dispute Resolution" (see here), is forthcoming in the *Virginia Journal of International Law*. The article analyses NLHs at two levels: their impact on the host states in which they are embedded and interhub connections as a form of transnational ordering. This article finds that, first, legal hubs are engines of doctrinal, procedural, and technological experimentation, but they have had limited impact on the reform of the wider jurisdictions within which they are embedded. Second, through relationships of competition and complementarity, legal hubs function to enhance normative settlement. However, many of the innovations (e.g., intrahub cross-institutional mechanisms between courts and arbitration institutions and interhub soft law such as memoranda of

understanding) are untested, vulnerable to state politics, or even unlawful. Consequently, NLHs demonstrate the potential and fragility of "rule of law" in nondemocratic states that promote globalization against trends in the West.

The article begins with an introduction that defines NLHs, identifies their significance as jurisdictional carve-outs to otherwise weak legal systems of host states, and proposes an anthropology of legal hubs. Part I sets the analysis of NLHs against the backdrop of a partially deglobalizing Euro-American liberal legal order and a globalizing "Inter-Asian" one. Part II describes the methodology of "para-ethnography." Part III provides a theory of NLHs. Part IV builds on this theory to generate a continuum of NLHs. Part V assesses how NLHs and their host states affect each other, including hubs' positive spillover effects and host state pushback. Part VI examines the possibilities for interhub ordering.

The International Business Courts saga continued: NCC First Judgment – BIBC Proposal unplugged

Written by Georgia Antonopoulou and Xandra Kramer, Erasmus University Rotterdam (PhD candidate and PI ERC consolidator project Building EU Civil Justice)

1. Mushrooming International Business Courts on the Eve of Brexit

Readers of this blog will have followed the developments on the international business courts and international commercial chambers being established around Europe and elsewhere. While many of the initiatives to set up such a court or special chamber date from before the Brexit vote, it is clear that the UK leaving the EU has boosted these and is considered to be a big game changer. It remains to be seen whether it really is, but in any case the creation of courts and

procedures designed to deal with international commercial disputes efficiently is very interesting!

The Netherlands was one of the countries where, after the Senate came close to torpedoing the proposal (see our earlier blogpost), such an international commercial court (chamber) was created. The Netherlands Commercial Court (NCC) opened its doors on 1 January 2019, and it gave its first judgment on 8 March 2019 (see 2). Meanwhile, in Belgium the proposal for the Brussels International Business Court (BIBC) seems to be effectively unplugged due to lack of political support (see 3).

2. The First NCC Judgment

As reported earlier on this blog, on 18 February 2019 the Netherlands Commercial Court (NCC) held its first hearing (see here). The NCC' s first case *Elavon Financial Services DAC* v. *IPS Holding B.V. and others* was held in summary proceedings and concerned an application for court permission to privately sell pledged shares under Article 3:251 (1) Dutch Civil Code. The NCC scheduled a second hearing on 25 February 2019, offering the interested parties that did not appear before court the opportunity to be heard. However, these notified the court about their intention not to attend the hearing and leave the application uncontested. As a result, the NCC cancelled the planned hearing and gave its first judgment granting the requested permission on 8 March 2019 (see here). Our discussion will focus on the NCC's judgment regarding the four main jurisdictional requirements and aims at offering a sneak preview on the Court's future case law on the matter.

(a) Jurisdiction of the Amsterdam District Court

Unlike what the name suggests, the NCC is not a self-standing court but a chamber of the Amsterdam District Court (see the new Article 30r (1) Dutch Code of Civil Procedure (DCCP) and Article 1.1.1. NCC Rules). Therefore, the jurisdiction of the NCC depends on the jurisdiction of the Amsterdam District Court (Article 30r (1) DCCP and Article 1.3.1. (a) and (c) NCC Rules). The Court confirmed its international and territorial jurisdiction based on a contractual choice-of-court agreement in favour of the Amsterdam District Court (Article 25 (1) Brussels Regulation Recast). With regard to the interested parties that were not a party to the agreement, the Court based its jurisdiction on the fact that they

either entered an appearance or sent a notice to the Court acknowledging its jurisdiction without raising any objections (Article 26 (1) Brussels Regulation Recast and Article 25 Lugano Convention). Regarding the subject-matter jurisdiction of the Amsterdam District Court, Article 3:251 (1) Dutch Civil Code explicitly places applications for the private sell of pledged assets under the jurisdiction of the provisional relief judge of the District Court.

(b) Civil or commercial matter within the parties' autonomy

Second, the dispute concerned a civil or commercial matter that lies within the parties' autonomy (Article 30r (1) Dutch Code of Civil Procedure and Article 1.3.1. (a) NCC Rules).

(c) Internationality

Third, the NCC solely deals with international, cross-border disputes. So as to define the notion of internationality, the Explanatory Notes to Article 1.3.1. (b) NCC Rules entail a list of alternative, broad criteria that gives the dispute the required internationality (see Annex I, Explanatory Notes). The application in question was filed by Elavon Financial Services DAC, a company established in Ireland, and some of the interested parties are Dutch subsidiaries of a Swiss parent company (Explanatory Notes to Article 1.3.1. (b)). Although, pursuant to the Explanatory Notes, these circumstances were sufficient to establish the matter's international character, the court went on to address other cross-border elements present in the case. Based on a broad understanding of a dispute's international character, the court underlined that some of the interested parties are internationally active, operate or at least plan to operate business abroad (see also The Hague Court of Appeal, ECLI:NL:GHSGR:2011:BR1381). Similar to the rules of other countries' international commercial courts, the NCC Rules qualify a case as international when the dispute arises from an agreement prepared in a language other than Dutch. Since the documents related to the application were drafted in English, the NCC regarded the English language of the contract as another international element.

(d) NCC Agreement

The fourth requirement for the NCC's jurisdiction is that the parties should have expressly agreed in writing for the proceedings to be in English and according to the NCC Rules (Article 30r (1) Rv and Article 1.3.1. (d) NCC Rules). Since the

NCC, unlike the rest of the Dutch courts, conducts proceedings entirely in English and applies its own rules of civil procedure the parties' agreement justifies such a deviation and ensures that the parties wilfully found themselves before the newly established chamber. In the present matter, the parties signed a pre-application agreement and expressly agreed on the NCC' s jurisdiction to hear their case. Although, two of the interested parties were not signatories to that agreement one of them appeared before the court leaving the NCC' s jurisdiction uncontested and the other did not raise any objections against the chamber' s jurisdiction in its communication with the court (see also Article 2.2.1 NCC Rules and the Explanatory Rules).

(3) The Fate of the Belgian BIBC Proposal

As reported on this blog, the proposal to create the Brussels International Business Court was brought before Parliament in May 2018. Interesting features of this proposal are that the rules of procedure are based on those of the UNCITRAL Model Law on International Commercial Arbitration and that cases are heard by three judges, including two lay judges. The proposal has been criticized from the outset (see for some interesting initial thoughts Geert Van Calster's blogpost). As in the Netherlands, many discussions evolved around the fear for a two-tiered justice system, giving big commercial parties bringing high value claims a preferential treatment over ordinary court cases (see for the discussions in the Netherlands our earlier blogpost). The Belgian Ministry of Justice and Prime Minister presented the English language court as an asset in times of Brexit and efforts were made to adjust the proposal to get it through.

Over the last week it became clear that there is insufficient political backing for the proposal after one of the big parties withdrew its support (see De Standaard). Other – mostly left-wing parties – had expressed their concerns earlier and the proposed court has been referred to as a 'caviar court' and a 'court for the super rich'. But probably the most fierce opponent is the judiciary itself. Arguments range from principled two-tiered justice fears (including for instance by the First President of the Court of Cassation) to concerns about the feasibility to attract litigation in the Brussels courts and the costs involved in establishing this new 'vip court'. The message seems to be: we have enough problems as it is. Referring to the Dutch NCC and the French International Commercial Chamber, the Minister of Justice, Koen Geens, said that withdrawing the BIBC proposal would be a missed opportunity and that he can counter the arguments against the

establishment of the BIBC. However, as it looks now it seems highly unlikely that Belgium will be among the countries that will have an international business court in the near future.

New Article on International Commercial Courts in the Litigation Market

Prof. Dr. Marta Requejo Isidro (Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law) recently posted a new paper in the MPI*Lux* Research Paper Series, titled International Commercial Courts in the Litigation Market.

Here is an overview provided by the author.

The expression “international commercial courts” refers to national judicial bodies set up in the last fifteen years in several jurisdictions throughout the world -Asia, Middle East, Europe- to suit the specific demands of international commercial litigation. The courts and the proceedings before them share unique features often imported from the common law tradition and the arbitration world, with a view to providing a dispute resolution mechanism tailored to the subject-matter. This notwithstanding there is no single model of international commercial court: on the contrary, each of them presents distinctive characteristics, which determine their greater or lesser capacity to fulfil the objective of serving international commercial litigation. By way of example: in their origin the courts of Dubai and Abu Dhabi were created not so much to reproduce a successful model of international commercial litigation, as to separate – and complement at the same time – the local legal system of the Emirates, based on Sharia and the tradition of civil law and with Arabic as the official language. In the wish to capture in as much as possible the advantages of international arbitration, parties before the Dubai International Financial Centre Courts are given the possibility of

“converting” a DIFC Court’s decision into an arbitral award; no other court offers this chance. The authorization to use English as the language of the process varies from court to court in Continental Europe. In the Old Continent only the (still pending) Brussels International Business Court would be staffed with foreign judges.

This paper summarizes the main traits of several international commercial courts prior to exploring their relationship with international arbitration, on the one hand, and among them, on the other, at a time when the term “litigation market” is used matter-of-factly, and the “competition” among dispute resolution mechanisms is regarded as an incentive for the improvement within justice systems at a global level. In this context, elements such as the language of the process, the possibility of being represented by a foreign lawyer, the facilities to apply English law to the merits of the case, or the existence of a network of instruments for the enforcement of decisions abroad, may prove decisive in the choice of the users to file a claim with an international commercial court (and which one among them), or going to arbitration.

Conference on Corruption and Investment Law

Corruption continues to cast a shadow over investment law. When allegations of corruption arise in an investment dispute, the tribunal faces the difficult task of deciding whether (and how) to penalize the responsible party. It must assess the often-limited evidence and then craft an appropriate remedy. The legal and practical questions this raises remain highly contested. On Tuesday, February 19, 2019, the ILA American Branch Investment Law Committee and the Georgetown International Arbitration Society are hosting an evening conference to discuss these questions, bringing together academic and non-academic perspectives.

Panel 1: What is sufficient proof of corruption?

• Aloysius Llamzon, Senior Associate, King & Spalding

• Jason Yackee, Professor, University of Wisconsin
• Meriam Al-Rashid, Partner, Dentons

Panel 2: What is the right response when corruption is found?
• Lucinda Low, Partner, Steptoe
• Arif H. Ali, Partner, Dechert

Opening and closing:
• David L. Attanasio, Co-Chair, ILA American Branch Investment Law Committee; Associate, Dechert
• Malika Aggarwal, Georgetown International Arbitration Society

Location:
Dechert
1900 K Street, NW
Washington, DC 20006

When:
Tuesday, February 19, 2019, with registration from 4:45 pm and the program commencing at 5:00 pm.

Space is limited, so please RSVP as soon as possible here

International Civil and Commercial Dispute Resolution in Asia Pacific

(This announcement is provided by Dr. Jeanne Huang, who is now working in Sydney Law School)

International Civil and Commercial Dispute Resolution in Asia Pacific China and Australia Private International Law Forum
17th & 18th July 2019, Shanghai, China

CALL FOR PAPERS PROPOSAL
Submission Deadline: 15th April 2019
Send to: ecpfl_ecupl@163.com

With the increase of economic exchanges between countries in Asia Pacific, judges, arbitrators, and practitioners are more frequently called upon to address complex jurisdiction, choice of law, and enforcement issues. The robust development of private international law globally also requires us to explore new challenges and opportunities.

We invite scholars, at any stage of their career, working on private international law to submit expressions of interest to present at the conference, which will be held at the Changning campus (in the city center), East China University of Political Science and Law in Shanghai China on 17th-18th July 2019. The conference is designed to allow researchers to deliver work-in-progress papers to their peers. Conference languages are both English and Chinese. Simultaneous translation will be provided.
We are keen to receive proposals that focus on private-international-law issues, such as:
• Hague Judgments Project;
• Judicial assistance, especially between China and Australia;
• Jurisdiction, choice of law, and judgment recognition and enforcement;
• Cross-border dispute resolution in commercial and family law cases;
• Arbitration; and
• All other private-international-law issues related to our mandate.
We welcome proposals on private-international-law issues which are not specifically for China and Australia but have global importance.

SUBMISSION:
For paper proposals, please submit a title and max 200 word abstract, along with a one-para CV. For panel proposals, please submit a title and max 800 word abstract, along with a one-page CV covering 3-4 panel members.
Proposal Due: 15 April 2019. Announcement of successful submission: 15 May 2019.
Speakers are expected to cover their own transportation and accommodation. Catering will be provided during the conference.

ATTENDANCE:

We invite all interested in attending to do so at no registration fee. Please contact us at ecpfl_ecupl@163.com to reserve your seat. If you could also please pass on the invitation to both your graduate students and your colleagues, it would be greatly appreciated.

INTRODUCTION TO THE ORGANIZERS:
Founded on the site of the former St. John's University in 1952, the East China University of Political Science and Law (ECUPL, formerly known as the East China Institute of Politics and Law) is among the first higher educational institutions established by the People's Republic of China specializing in legal and political science education. Throughout the years, ECUPL has established the largest private international law research team in Shanghai, Supreme People's Court International Judicial Assistance Research Centre, Centre for Proving Foreign Law, etc.
Established in 1855 and ranked 14th in the world by the QS World University Ranking in 2018, the University of Sydney Law School is home to exceptional legal educators, world-renowned researchers and esteemed professional practitioners. Private International Law is a compulsory course for every student at the Sydney Law School. The Centre for Asian and Pacific Law is located within Sydney Law School and its members have legal expertise in a wide variety of Asian jurisdictions, including China.
China Society of Private International Law (CSPIL) is a non-governmental organization to promote the development of private international law in China. Its members include academics, judges, practitioners and other legal professionals.
We look forward to welcoming you in Shanghai!

Call for panel proposals and papers – ASLC annual meeting

The American Society of Comparative Law (ASCL) has just issued a call for proposals for (1) concurrent panels and (2) a works in progress conference to be held in association with the ASCL 2019 Annual Meeting, which will be held at the

University of Missouri School of Law between Thursday, October 17, and Saturday, October 19, 2019. The event is open to ASCL and non-ASCL members.

The theme of the Annual Meeting is "Comparative Law and International Dispute Resolution Processes" and will feature presentations on how comparative law affects various types of cross-border conflict, including litigation, arbitration and mediation. Concurrent panels and works in progress papers need not fall within this general theme, although of course they may. Multilingual panel proposals will be considered as part of ASCL's mission to foster plurilingualism.

Information on the event, including the call for panel proposals and works in progress submissions, is available at

http://law.missouri.edu/faculty/symposia/comparative-law-international-dispute-resolution-processes/ Proposals will be accepted until May 20, 2019.

Annual Survey of American Choice-of-Law Cases for 2018

Symeon Symeonides' Annual Survey of American Choice-of-Law Cases for 2018, now in its 32nd year, has been posted on SSRN. A summary of the contents is reproduced below. If you are interested in the Survey, you can download it by clicking here.
If you are interested in the Private International Law Bibliography for 2018, you can download it from SSRN by clicking here.

Symeon sends his best wishes for the New Year, and I concur.

Table of Contents

A. The Alien Tort Statute

B. The Fourth and Fifth Amendments and Cross-Border Shootings

C.-M. Other Federal Statutes

II. Choice of Law

A. Proof of Foreign Law

B. Anti-Foreign Law Amendments

C. Choice-of-Law Methodology

D. Contracts

1. Contracts with Choice-of-Law Clauses

a. Choice of Procedural or Conflicts Law

b. Choice-of-Law Clauses and Statutes of Limitation

c. Plain Choice-of-Law Clauses

d. Choice-of-Law and Forum-Selection Clauses

e. Choice-of-Law and Arbitration Clauses

2. Contracts without Choice-of-Law Clauses

E. Torts

1. Common Domicile Cases

2. Cross-Border Unfair Trade Practices

3. Other Torts

F. Products Liability

G. Statutes of Limitation

H. Insurance Conflicts

I. Nazi-Looted Art

J. Domestic Relations

1. Marriage and Divorce

2. Marital Property

3. Adoption and Succession

4. Child Custody and the Hague Convention

III. Recognition of Foreign Judgments and Awards

A. Foreign-Country Judgments

B. Sister-State Judgments

C. Foreign Arbitral Awards

No fake news: the Netherlands Commercial Court proposal approved!

By Georgia Antonopoulou, Erlis Themeli, and Xandra Kramer, Erasmus University Rotterdam (PhD candidate, postdoc researcher, and PI ERC consolidator project Building EU Civil Justice)

Today, the Dutch Senate (*Eerste Kamer*) finally voted in favour of the legislative proposal for the establishment of the Netherlands Commercial Court (NCC) (see here). As of 11 December 2018, the Netherlands is added to the countries that have created an English language court or chamber specialized in international commercial disputes, including Singapore and France.

The proposal was already approved by the House of Representatives *(Tweede Kamer)* on 8 March 2018 (see our previous blogpost). Shortly after, we optimistically reported that the bill was scheduled for rubber-stamping by the Senate on 27 March 2018, making it realistic that the NCC would open its doors on 1 July 2018. However, not all senators were convinced by the need for and the modalities of the NCC proposal and it led to heated debates.

The discussions geared primarily around the cost-effective court fees and the fear for a two-tiered justice system (see Report of the meeting of 4 December 2018). The court fees are much higher than in other cases: 15.000 Euros in first instance and 20.000 Euros for appeal proceedings at the NCCA. It was argued that the cost-covering nature of the NCC fees is at odds with the current Dutch court fee system and that it may create and obstacle for small and medium-sized businesses to access the NCC. In response to these objections, the Dutch Minister of Justice and Security emphasized the importance of the NCC for the Netherlands as a trade country, the high quality of the Dutch civil justice system that was nevertheless unattractive due to the Dutch language, and pointed to the establishment of similar courts in other countries. He underlined that the NCC is only available in cross-border cases, that it offers an additional forum that parties can choose while the ordinary courts are still available, and that the court fees are relatively low compared to arbitration or to the fees for commercial courts in several other countries, including the London Commercial Court.

Information on the NCC, a presentation of the court – a chamber of the Amsterdam District Court – and the Rules of Procedure are available on the website of the Dutch judiciary.

The Minister of Justice and Security will issue a decree soon announcing the date of entry into force of the NCC legislation, but in any case the NCC will open its doors early 2019.