

# **Brexit: An Opportunity for Frankfurt to Become a New Hub of Litigation in Europe?**

On March 30, 2017, the Minister of Justice of the Land Hessen (Federal State of Hesse), Eva Kühne-Hörmann, will organise a conference in Frankfurt to present the „Justizinitiative Frankfurt“ (Justice Initiative Frankfurt). This initiative was launched by Professor Hess (MPI Luxembourg for Procedural Law), Professor Pfeiffer (Heidelberg University), Professor Duve (Freshfields Bruckhaus Deringer) and Professor Poseck (President of the Frankfurt Court of Appeal). It suggests strengthening the regional and the higher regional courts in order to attract more financial disputes to Frankfurt. The initiative envisages both organisational and procedural improvements in order to raise the attractiveness of the courts in Frankfurt. The government of Hessen has endorsed the proposals which will be presented and discussed at the conference. The programme of the conference, together with a registration form (to be sent the 24 March at the latest), can be found [here](#).

*Venue: Foyer des Präsidialgebäudes der Goethe-Universität Frankfurt am Main, Campus Westend, Theodor-W.-Adorno-Platz 1, 60323 Frankfurt am Main.*

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## **The second meeting of the Special Commission charged with preparing the future Hague Convention on judgments**

The Special Commission set up by the Council on General Affairs and Policy of the Hague Conference on Private International Law to prepare a preliminary draft

convention on the recognition of judgments in civil and commercial matters (the Judgments Project) met for the second time between 16 and 24 February 2017.

Building on the draft text elaborated in 2016, the Special Commission completed a new draft (the February 2017 draft Convention), which should form the basis for a new round of discussions in November 2017.

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# **Thank you, Martin, for 10 years of conflictolaws.net!**

Dear Martin, dear all,

We would like to take the opportunity and thank you, Martin, very much for setting up and taking care of the blog for more than 10 years! Under your supervision the blog has developed into one of the leading and most influential platforms in the field of conflict of laws and this is a great achievement.

We also thank you and the other editors for entrusting us with the responsibility for this blog, and we will certainly try to continue its success story in close cooperation with all editors and readers. We will keep you posted on how we will proceed in the future and hope for your continued support and input.

Giesela and Matthias

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# **Private International Law in an**

# **Era of Globalisation (paper)**

A short working paper by Veerle Van Den Eeckhout on Private International Law in an Era of Globalisation has been published on SSRN. It is written in Dutch.

The English abstract reads as follows:

In times of (discussions about) globalisation, due attention must be given to the operation of rules of private international law. Examination of the ongoing developments in private international law itself and in private international law in its interaction with other disciplines from the perspective of “protection of weak parties” and “protection of planetary common goods” allows carrying out the analysis to which current developments invite.

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## **Conflictoflaws.net is back!**

We're very sorry for our disappearance over the last week or so, and we're grateful to those of you who alerted members of our team to the problems in accessing the site. As it transpired, the problem was quite a serious one, and it has involved a great deal of fuss and bother to resolve it. But we are now back, and we're back for good.

Those technical problems, however, have also highlighted the need for conflictoflaws.net to be cared for properly, which I no longer have the time to do. I created this website back in April 2006, with the simple aim of keeping up-to-date on a large and complex subject that I was researching as a postgrad. Since then, the site has grown beyond all measure, and that really is down to the core of committed scholars who keep the content interesting and useful for us all. It is time that we allowed other colleagues to steer the future of this website, and take it forward into the next decade. I'm very pleased to say that Giesela Rühl and Matthias Weller have offered to take on that responsibility, and I wish them every

success. I shall be cheering them on from the sidelines as, like all of you, I will remain an avid reader of [conflictoflaws.net](http://conflictoflaws.net).

All the best, Martin George

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# Coming soon: “Conflict of Laws - A Comparative Approach” by Gilles Cuniberti



Professor *Gilles Cuniberti* (University of Luxembourg) has authored a casebook entitled “Conflict of Laws - A Comparative Approach” which will be released this month by Edward Elgar Publishing.

The official abstract kindly provided by the publisher reads as follows:

“The Conflict of Laws, also known as private international law, is a field of the greatest importance in an increasingly globalized world. The analysis of any legal issue, in a case involving more than one country, must start with an assessment of which court could potentially hear the case and which law it would apply.

Contrary to other manuals or casebooks, which focus on the law of one jurisdiction, this innovative casebook offers a comparative treatment of the field. On each issue, materials from several jurisdictions are discussed and compared. The approach centers on comprehending the common principles of the field, but also highlights the fundamental differences. The goal is to train lawyers who not only will know the law of their own jurisdiction, but also will have an understanding of the key differences existing between the main models, and will thus be able to interact usefully with clients from other jurisdictions.

This casebook systematically presents and compares the laws of four jurisdictions: the United States, the European Union, France and England (where left untouched by EU harmonization). It offers additional insight into rules applicable in China and Japan and also discusses remarkable solutions adopted in a wide range of jurisdictions such as Italy, Germany, the Netherlands, Canada and Tunisia. All materials from non-English speaking jurisdictions have been translated into English.

Key features of the casebook:

- written by a leading authority in the field
- carefully selected extracts from primary and secondary sources build a clear picture of the field
- expert analytical commentary and questions set the extracts in context
- US, EU, French and English perspectives integrated throughout the text to ensure maximum relevance and encourage students to make comparative assessments
- numerous references to Chinese and Japanese solutions
- leads students through the field from beginning to end
- perfectly pitched for international students and courses with a global outlook.”

Further information, including a table of contents, is available on the publisher’s website.

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# FOREIGN DIRECT INVESTMENT & THE RULE OF LAW: Call for proposals

## **CALL FOR PROPOSALS FOR A SPECIAL ISSUE OF *ACTA JURIDICA***

The *Acta Juridica* invites proposals for its special issue: Foreign Direct Investment (FDI) & The Rule of Law. Contributors will be invited to attend a Colloquium to be

held in **Cape Town** on **27 & 28 July 2017** where the research and findings will be presented with the objectives of determining the common and overlapping themes in linking FDI and the Rule of Law in specific areas of law. It is proposed that the outcomes of the colloquium be published in the 2018 *Acta Juridica*, to be edited by Debbie Collier, Tracy Gutuza and Silindile Buthelezi of the University of Cape Town.

Following the colloquium the contributors will submit the final papers (maximum of 5000 words) to the editors by **02 October 2017**. We are accepting **proposals in the form of 500-750 word abstracts**. The editors will prepare an introductory chapter and if necessary, commission articles to address specific issues. All the papers will be subjected to a double blind peer review process, overseen by the editors. It is expected that the finalised text would be submitted by **November 2017**.

### **Submission and Review Timeline**

- Proposals including tentative contributor list due **03 March 2017**.
- Contributors will be contacted with final determination about submissions by **03 April 2017**.
- First draft manuscripts submissions are due **30 June 2017**.
- Colloquium to be held **27 & 28 July 2017** at the University of Cape Town, South Africa.
- Final draft manuscript submissions are due **02 October 2017**.

The *Acta Juridica* is an annual thematic journal published by Juta Law in conjunction with the Faculty of Law of the University of Cape Town. It is a peer reviewed and edited journal.

In the context of the need to grow the South African economy, the role of, and the need for, FDI as a source of capital and a contributor to economic growth is both acknowledged and contested. A recent collaborative study on the link between FDI and the Rule of Law by, among others, the Bingham Centre for the Rule of Law and the British Institute of International and Comparative Law indicated that the Rule of Law is an important factor in the decision by corporate investors to undertake investment in a foreign jurisdiction. While the above study considered the role of the Rule of Law across a number of jurisdictions, we propose a consideration in the context of FDI in Africa, with a particular emphasis on South

Africa and South African Law, in particular the impact of the Constitution, the legal framework for FDI, and related areas of law including, but not limited to, labour law, tax law, intellectual property law, technology law, international trade law, company law/corporate governance, and competition law. These themes will include the strategic and policy considerations of the particular areas in relation to FDI, the impact of the chosen policy and legislative framework on FDI, the administrative aspects (procedure) of implementing the policy and legislative framework and the impact of FDI.

It is envisaged that the colloquium will consist of three themes: **1. FDI & Economic Growth: Theoretical Perspectives; 2. FDI: International law & Investment Treaties; 3. FDI and the Regulatory Framework in South Africa.** Within these themes, we envisage the following topics (but other proposals are also welcome):

- 1.What is FDI and when is it desirable?
- 2.FDI in Africa
- 3.The link between FDI, the Rule of Law and Economic Development in Economic Theory
- 4.Bilateral Investment Treaties and FDI relationship through econometric studies: why do investors decide to invest
- 5.International Law protection of foreign investments
- 6.FDI and Tax Law
- 7.FDI and Employment Law/Labour standards
- 8.FDI and Intellectual Property
- 9.FDI and the Transfer of Technology
- 10.FDI and Corporate Governance
- 11.FDI and Regional Development
- 12.FDI and Transfer Pricing

13.FDI and Competition Law

14.The link between FDI, the Bilateral Investment Treaties and the financial services industry

Proposals should be submitted to the special issue editors: Debbie Collier (debbie.collier@uct.ac.za ), Tracy Gutuza (tracy.gutuza@uct.ac.za ) or Silindile Buthelezi (silindile.buthelezi@uct.ac.za ).

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# **Eleventh José María Cervelló Business Law Prize - Essays on Brexit**

The José María Cervelló Chair of IE Law School and the ONTIER law firm announce the “Eleventh José María Cervelló Business Law Prize”.

The main purpose of the Prize is to promote legal study and research, and to facilitate access to the LLM courses of IE Law School for people who do not have the necessary financial resources.

The prize consists of the award of € 30,000 as follows:

€ 10,000 will be given to the author of the winning essay.

€ 20,000 will be assigned to the José María Cervelló Chair to be applied to its scholarship programme for the study of legal or tax courses at IE Law School.

Up to a maximum of two runner-up awards may be given to essays of sufficient quality to merit that distinction.

The subject of the essays opting for the “Eleventh José María Cervelló Business Law Prize” is: “Brexit: Legal consequences of the departure of the United Kingdom from the EU for businesses. Legal framework of the withdrawal and new Legal Framework, special reference to the problems of transitory law in respect of contracts, corporate operations and litigation”

All essays must be original, unpublished works written in Spanish or English. The length is a minimum of 25 and a maximum of 35 pages. The closing date for entries is **Monday 8th May 2017 at 23:59 p.m. (Madrid, Spain time)**. The award ceremony will take place in June or July 2017, at IE Law School. All participants will be notified in due course.

All persons of Spanish or foreign nationality who are graduates in Law, holding either a pre-Bologna “licenciatura” qualification or a degree (grado) may take part.

For further details (members of the jury; essay format; presentation) click [here](#): Cervello Prize on Brexit

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## **BILETA 2017 Call for Papers**

*Dr. Anabela Susana de Sousa Gonçalves, Assistant Professor at the University of Minho, has provided this piece of information to be shared with CoL readers. BILETA stands for British and Irish Law Education and Technology Association.*

The Law School of the University of Minho (Braga, Portugal) will be hosting the BILETA Annual Conference, held from Thursday 20th to Friday 21st of April 2017.

The theme of the conference is: International perspectives on emerging challenges in Law, Technology and Education.

Keynote speakers will be:

- Professor Joe Cannataci: UN Special Rapporteur on the right to privacy
- Professor Jose-Luis Pinar: Professor of Administrative Law, CEU University of Madrid. Former Director of the Spanish Data Protection Agency (2002-2007). Former Vice-Chairman of the European Group of Data Protection Commissioners (Art. 29 Working Party Data Protection) (2003-2007)
- Professor Burkhard Schafer: Professor of Computational Legal Theory,

## The University of Edinburgh

In relation to this conference postgraduate students have the opportunity to enter two postgrad competitions. To do so they need to submit a *full paper* (6-10,000 words) by the deadline of the 31st of March. Three papers will be chosen to compete for the Google award, which will involve defending the work in a session at the conference and a public vote. The remaining papers will go forward for the BILETA award, to be selected by the BILETA Exec. Please indicate on submission of the abstract whether you aim to enter the competitions.

Abstracts of around 400-500 words are welcome on any area relating to the conference theme, with key areas including:

- Society, Business and Data Protection
- Intellectual Property Rights in the Information Society
- International challenges in IT regulation
- Private International Law solutions for the emerging challenges in Law and Technology
- E-commerce
- Public policies and governance in ICT Law
- Dispute resolution and management in virtual environments
- Technology and criminal investigation
- New technological platforms and education in law
- Smart environments in educational contexts
- Smart cities: ethical and legal challenges
- Multicultural Societies, Integration and ICT Law

The deadline for submission of abstracts has been extended to Friday **the 17<sup>th</sup> of February 2017**. **Abstracts should be emailed to: [bileta2017@gmail.com](mailto:bileta2017@gmail.com)**

Please contact Catherine Easton [c.easton@lancaster.ac.uk](mailto:c.easton@lancaster.ac.uk) if you have any general queries about the conference.

In addition, BILETA 2017 will feature special panels such as a discussion on the impact of Brexit on the development of UK and EU Information Technology Law

For travelling, accommodation and further relevant details please [click here](#).

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# 24 February: Unalex conference on Open Issues in EU Private International Law

On Friday, 24 February 2017, the research project “unalex – multilingual information for the uniform interpretation of the instruments of judicial cooperation in civil matters” is organizing a workshop on European International Family Law under the title

**“European Open Issues in Private International Law:  
Matrimonial and Maintenance Law”**

at the University of Genoa.

The unalex project is aimed at the expansion of a multilingual international source of literature on legal instruments of EU law and of international uniform law. It is based on the already existing unalex portal (<http://www.unalex.eu/>), a legal information system on European and international uniform law, containing a well equipped collection of international case law, structured *Compendia* and a large number of additional materials.

During the workshop „*unalex open issues*“ shall be discussed as a new instrument, stimulating a scientific debate on controversial opinions from different legal systems. In addition the concept of an *Encyclopedia of European family law* will be presented, serving to document relevant legal texts of different Member States.

A primary goal of the unalex project is to interest and to win authors from different European legal systems to create *Compendia* and commentaries and to form a network of authors.

Registration for the conference is possible by sending an e-mail to [francesca.maoli@edu.unige.it](mailto:francesca.maoli@edu.unige.it).