

Doctoral Seminars on EU Private International Law at the University of Padova

During the months of **October-December 2016**, Professor *Christian Kohler* (Europa-Institut, University of Saarbrücken) will give a series of doctoral seminars on European Private International Law at the University of Padova, where he will be a *Visiting Scientist* during this period.

The programme can be found [here](#).

Professor *Bernardo Cortese*, who has organized the series, warmly invites applications from PhD students with a focus on International and EU Law.

Conference: Cross Border Family Litigation in Europe. The Brussels IIbis Recast (Milan, 14 october 2016)

The University of Milan (Department of International, Legal, Historical and Political Studies) will host on **Friday 14 October 2016** (14h00) a conference on “**Cross border family litigation in Europe. The Brussels IIbis recast**”.

Here is the programme (the sessions will be held in English and Italian):

Welcoming addresses

- *Chiara Tonelli* (Vice-Rector for Research, Univ. of Milan)
- *Laura Ammannati* (Director of the Department of International, Legal,

Historical and Political Studies)

Chair: *Stefania Bariatti* (Univ. of Milan)

The Brussels IIbis recast

- *Joanna Serdyńska* (Civil Justice Policy, DG Justice, European Commission): The Commission's proposal
- *Anatol Dutta* (Universität Regensburg – MPI Hamburg): A comment on the Commission's Proposal from a member of the Commission's Expert Group

Round Table - The Commission's Proposal: exchange of views among judges, practitioners and academics

- *Giuseppe Buffone* (Milan Court, Family Division)
- *Monica Velletti* (Rome Court, Family Division)
- *Suzanne Todd* (Whiters LPP, London)
- *Cinzia Calabrese* (President of AIAF Lombardia)
- *Carlo Rimini* (Univ. of Milan)
- *Ilaria Viarengo* (Univ. of Milan)

Closing remarks: *Stefania Bariatti* (Univ. of Milan)

Venue: Sala Lauree, Facoltà di Scienze Politiche, Economiche e Sociali, University of Milan.

(Many thanks to Prof. Ilaria Viarengo for the tip-off)

Opening of the European and Private International law Section in Blog Droit Européen

Many thanks to Alexia Pato, PhD candidate at the Universidad Autónoma, Madrid, for this piece of news. And my best wishes!

Today, blog droit européen officially celebrates the opening of its European and private international law section (hereafter, EU and PIL section), which is edited and coordinated by Karolina Antczak (Ph.D. candidate at Université de Lille), Basile Darmois (Ph.D. candidate at Université Paris Est Créteil) and Alexia Pato (Ph.D. candidate at Universidad Autónoma de Madrid). In a recently published inaugural post (available [here](#)), they present their project in detail. In particular, they expose the positive interactions between PIL and European law, as well as their friction points. Undoubtedly, the increasingly tight links that are forged between these two disciplines encourage legal experts to collaborate and exchange their views. The creation of the mentioned section in blog droit européen contributes to the achievement of this objective.

The Content of the European and Private International Law Section

Although the EU and PIL section has just been inaugurated, more food for thought will be uploaded soon. Readers will find articles diving into PIL issues, and we will be covering additional areas such as international civil litigation, as well as the internal market and its four freedoms. Don't miss our upcoming co-signed article on Brexit, highlighting its legal consequences from an international perspective. Also, on its way is a post discussing the EU's competence to adopt minimum standards of civil procedure. Additionally, the team plans to upload interviews with professors and legal experts, who debate fundamental EU and PIL matters. These interviews will be available in video format. Lastly, readers will be able to stay updated by reading our posts on the latest legal news.

Contribute to the European and Private International Law Section

In order to foster constructive debates and extract the merits of collaborative learning, we welcome any Ph.D. candidate, professor, or legal professional to voice his/her opinion on the EU and PIL section. You may submit your ideas in the form of a post (approximately 1.000 words), which consists of a critical assessment on a particular topic. Working papers, video conferences and tutorials are equally welcome (for more information on how to contribute, [click here](#)). Articles can be written in either French or English.

What is blog droit européen?

Blog droit européen is a website that provides information with an interactive touch on a broad range of legal topics such as: digital single market, Economic

and monetary Union, competition law, and so on. In particular, its purpose is to gather together students, investigators, professors, and legal experts who share a common and enhanced interest for European law at large (EU, ECHR, impact of European law on States' public and private laws). The originality of *blog droit européen* lies in two essential features: firstly, the blog delivers high quality and varied contents, including interviews (of ECJ members and professors), call for papers and conferences, not to mention working papers and legal columns, which critically analyse EU law. Secondly, the use of e-techniques of information sharing, like Facebook, Twitter, and YouTube make this blog interactive and user friendly. From an organizational perspective, *blog droit européen* is run and edited by young investigators from different legal backgrounds in different Universities across Europe (for an overview of our team, [click here](#)). Thanks to Olivia Tambou (Lecturer at Université Paris-Dauphine), our dedicated team leader and creator/editor of the blog, for connecting us and making this project possible.

See you soon on blog droit européen!

Comity or Compulsion

On Tuesday, the United States Court of Appeals for the Second Circuit issued a decision reversing a \$147.8 million price-fixing judgment against two Chinese manufacturers of Vitamin C. The plaintiffs alleged that the Chinese manufacturers engaged in price fixing and supply manipulation in violation of U.S. antitrust laws. In its first ever appearance as an amicus before a U.S. court, the Chinese government filed a formal statement asserting that Chinese law required the Chinese manufacturers to set prices and reduce the quantities of Vitamin C sold abroad. Relying on this statement, the Second Circuit held that because the Chinese manufacturers could not comply with both Chinese law and the U.S. antitrust laws, principles of international comity compelled dismissal of the case.

This case raises a host of interesting questions. First, did the Second Circuit reach the right result? Second, is this a comity case or a foreign sovereign compulsion case? Third, what level of deference is due to a foreign sovereign that

appears in private litigation to explain their country's laws? Fourth, should U.S. judges defer to such an explanation?

It will be interesting to see whether this case makes it to the United States Supreme Court.

Conflicts Conference in Toronto

The following information is provided by the conference organizers. Given how rare conflict of laws conferences are in Canada, I am delighted to pass this along.

The CJPTA: A Decade of Progress

In 2016, the *Court Jurisdiction and Proceedings Transfer Act* marks its tenth year in force. Adopted in British Columbia, Saskatchewan and Nova Scotia, the CJPTA has clarified and advanced the law of judicial jurisdiction. This symposium will assess the progress made by the CJPTA across the range of issues addressed and critically evaluate the capacity of the CJPTA: to provide leadership for the law in other parts of Canada; to enable further development in the law; and to meet the needs of Canadians in the years ahead in a world of increasing cross-border dealings.

Details:

Friday, October 21, 2016 (expected to run from 9am to 4:30pm)

University Club of Toronto (380 University Avenue, just north of the American consulate)

Co-chaired by Professor Janet Walker (Osgoode) and Lisa Munro (Lerners LLP) with the assistance of Dr. Sagi Peari and Gerard Kennedy

We are excited to bring you a fantastic lineup of speakers and panelists discussing a wide range of topics pertaining to CJPTA and judicial jurisdiction.

Space is limited. Kindly RSVP to

Sagi Peari (SPeari@osgoode.yorku.ca)

or

Gerard Kennedy (GerardKennedy@osgoode.yorku.ca)

by October 3, 2016.

Out now: Future Prospects for Comparative Law - Symposium in Honour of Hein Kötz

✖ On the occasion of *Hein Kötz*' 80th birthday in November 2015, a symposium in his honour was held at the Max-Planck-Institute for Comparative and International Private Law in Hamburg/Germany. The presentations given at this event have now been published (in German) by Mohr Siebeck, Tübingen: *Zukunftsperspektiven der Rechtsvergleichung*, ed. by *Reinhard Zimmermann*, 2016; XX, 267 pages.

Following an explanation by the editor as to why this is not a *Festschrift*, the volume contains contributions by *Christiane Wendehorst* (Vienna) on the comparison of legal systems, by *Ralf Michaels* (Duke) on religious laws and post-secular comparative law, by *Giesela Rühl* (Jena) on comparative law and European conflict of laws: the forgotten dimension, by *Eva-Maria Kieninger* (Würzburg) on principles and basic concepts of property law as objects of comparative law, by *Graf-Peter Calliess* (Bremen) on the role of comparative law in the context of a competition between legal orders, by *Marc-Philippe Weller* (Heidelberg) on future prospects for comparative law in private international and corporate law, and by *Jan von Hein* (Freiburg/Br.) on market regulation by tort law from a comparative perspective. The book concludes with closing remarks by *Hein Kötz*.

Further information is available [here](#).

Conference on the “Codification of Private International Law” - Cologne, 23-24 September 2016

This year does not only mark 30 years since the great reform of German private international law of 1986, but it is also the 35th anniversary of the foundation of the *Praxis des Internationalen Privat- und Verfahrensrechts (IPRax)*. Therefore, Professor *Heinz-Peter Mansel*, President of the German Council for Private International Law, and Professor *Jan von Hein*, chairman of the Council’s 2nd Commission, are pleased to announce that a celebratory conference will take place on **23-24 September 2016** at the University of Cologne (Germany) under the title: **“Codification of Private International Law: German Experience and European Perspectives Thirty Years After the PIL-Reform of 1986”**. The conference, which will be held in German, will look at how Private International Law has evolved in the past and provide an outlook for future responsibilities and challenges of the field.

The conference programme (in German) is available [here](#).

Conference: “Le successioni internazionali in Europa” (International Successions in

Europe) - Rome, 13 October 2016

The Faculty of Law of the **University of Rome “La Sapienza”** will host a German-Italian-Spanish conference on **Thursday, 13th October 2016, on International Successions in Europe**. The conference has been convened for the **presentation of the volume “The EU Succession Regulation: a Commentary”**, edited by Alfonso-Luís Calvo Caravaca (University “Carlos III” of Madrid), Angelo Davì (University of Rome “La Sapienza”) and Heinz-Peter Mansel (University of Cologne), published by Cambridge University Press, 2016. The volume is the product of a research project on “The Europeanization of Private International Law of Successions” financed through the European Commission’s Civil Justice Programme.

Here is the programme (available as .pdf):

Welcome addresses: *Prof. Enrico del Prato* (Director, Department of Legal Sciences, University “La Sapienza”); *Prof. Paolo Ridola* (Dean, Faculty of Law, University “La Sapienza”); *Prof. Angelo Davì* (University “La Sapienza”).

First Session

Chair: *Prof. Ugo Villani* (University of Bari, President of SIDI-ISIL – Italian Society for International Law)

- *Prof. Javier Carrascosa González* (University of Murcia): La residenza abituale e la clausola di eccezione (Habitual Residence and Exception Clause);
- *Prof. Cristina Campiglio* (University of Pavia): La facoltà di scelta del diritto applicabile (Choice of the Applicable Law by the Testator);
- *Prof. Erik Jayme* (University of Heidelberg): Metodi classici e nuove norme di conflitto: il regolamento relativo alle successioni (Traditional Methods and New Conflict Rules: the EU Regulation Concerning Succession);
- *Prof. Claudio Consolo* (University “La Sapienza”): Il coordinamento tra le giurisdizioni (Coordination between Jurisdictions).

Second Session

Chair: *Prof. Sergio Maria Carbone* (University of Genova)

- *Prof. Peter Kindler* (University of Munich): I patti successori (Agreements as to Succession);
- Round Table: The European Certificate of Succession
Introduction: *Prof. Claudio Consolo* (University “La Sapienza”);
Participants: *Dr. Ana Fernández Tresguerres* (Notary in Madrid); *Dr. Paolo Pasqualis* (Notary in Portogruaro); *Dr. Fabian Wall* (Notary in Ludwigshafen).

Concluding remarks: *Prof. Sergio Maria Carbone* (University of Genova).

(Many thanks to Prof. Fabrizio Marongiu Buonaiuti, University of Macerata, for the tip-off)

New publication: Conflict of Laws in the People’s Republic of China

By Professor Zheng Sophia Tang (Newcastle University), Professor Yongping Xiao (Wuhan University, China) and Professor Zhengxin Huo (China University of Politics and Law)

The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s, regarding both jurisdiction and choice of law rules, mark the establishment of a modern Chinese conflicts system. Jointly written by three professors from both China and the UK, this book provides the most up-to-date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters, covering jurisdiction, choice of law, procedure, judgment and awards recognition and enforcement, and interregional conflicts in China.

Providing comprehensive and sophisticated analysis of current Chinese conflict of laws, the authors assess the actual judicial practice and case decisions. The book takes into account the historic, political and economic background of the subject matter, as well as relevant empirical evidence and data, especially recognizing the contribution of Chinese scholars in the field. It examined over 300 cases and

over 130 legislative and judicial interpretive materials. It concludes that the Chinese conflicts system has entered into the stage of modernization and proposes policy to improve efficiency, prevent local protectionism, balance internationalization and nationalization, democratize legislative process and improve judicial training and judicial practice.

This timely book is an invaluable resource for academics and practitioners in private international law, conflict of laws, international law, international litigation, Chinese law and international civil and commercial matters involving China.

Contents

Part I Conflict of Laws in China—History and Concept

1. Conflict of Laws in China—A Historical Perspective
2. Concepts and Preliminary Questions

Part II Jurisdiction, Procedure, Foreign Judgments and Awards

3. Jurisdiction in Chinese Courts
4. Declining Jurisdiction in Chinese Courts
5. Selected Procedural Issues in Foreign-Related Litigation in China
6. Recognition and Enforcement of Foreign Judgments in Chinese Courts
7. Recognition and Enforcement of Arbitral Awards in Chinese Courts

Part III Choice of Law

8. Choice of Law in Contracts
9. Choice of Law in Tort
10. Choice of Law in Unjust Enrichment and *Negotiorum Gestio*
11. Choice of Law in Property
12. Choice of Law in Intellectual Property

Part IV Interregional Conflicts and Cooperation

13. Interregional Conflicts and Cooperation between Mainland, Hong Kong, Macau and Taiwan

Part V Final Remarks

14. Chinese Conflict of Laws: Past, Present and Future

Critical Acclaim

'This is an excellent and up-to-date book that enables the English-speaking world to get an accurate and comprehensive understanding of private international law in mainland China. The Chinese system can be said to be a mixed system, in that it is only partially governed by statute and much of the law still emerges from case law and interpretations of the law given by the Supreme People's Court. The authors point out that only in very few cases do the Chinese courts actually apply foreign law. This tendency of the judges to avoid the application of foreign law is one of several features of the Chinese system of private international law that shows the importance of judicial decisions to understanding how the system actually works. The writers rightly point out areas where Chinese private international law could be improved, with recommendations that China should liberalise its approach to recognition and enforcement of foreign judgments by adopting a *de jure* approach to reciprocity and by entering into multilateral treaties like the Hague Choice of Court Agreements Convention 2005.'

- Paul Beaumont, University of Aberdeen, UK

For full information,
see <http://www.e-elgar.com/shop/conflict-of-laws-in-the-people-s-republic-of-china>.

Upcoming Events at the Center for the Study of Dispute Resolution at the University of Missouri School of Law

The Center for the Study of Dispute Resolution at the University of Missouri School of Law and the American Society of International Law (ASIL) Dispute Resolution and Midwest Interest Groups, in association with Young ICSID, are pleased to announce two upcoming events: (1) a works-in-progress conference and (2) student writing competition. Both events focus on international dispute resolution, broadly defined.

More information on both events shows below and on the event website. Please feel free to forward this email to those who might be interested in either event.

Works in Progress Conference

The works-in-progress conference will take place on February 2 and 3, 2017, at the University of Missouri School of Law. The purpose of the conference is to help authors develop draft articles for publication, so authors will be required to submit a working draft before the conference takes place. Papers will be circulated in advance of the session, and all participants will be expected to provide detailed feedback on a limited number of other papers.

The works-in-progress conference will also feature various networking opportunities as well as several substantive presentations on issues relating to international dispute resolution. Presentations will be live or by video and include:

Lady Justice Joyce Aluoch, Judge and First Vice-President of the International Criminal Court in the Hague, who will be speaking on matters of public international law; Ryan Reetz and Pedro Martinez-Fraga of Bryan Cave, who will be speaking on their recent book, *Public Purpose in International Law: Rethinking Regulatory Sovereignty in the Global Era* (Cambridge University Press 2015); and Paul-Jean Le Canu, Legal Counsel at ICSID, who will speak on the future of investor-state dispute settlement systems.

Papers presented at the works-in-progress conference will be eligible for expedited review by the University of Missouri's highly regarded *Journal of Dispute Resolution* as well as for consideration by the *ICSID Review-Foreign Investment Law Journal*. While submissions will have to go through the normal publication process and an offer of publication is not guaranteed, the editors of both journals are very interested in reviewing submissions from works-in-progress participants.

This is expected to be a very international event, and submissions are sought from academics and practitioners around the world. Junior professionals, including aspiring and untenured academics, are encouraged to submit proposals. To be considered, potential participants must submit a one-page abstract of their work on or before October 15, 2016. Details on how to submit a proposal for the works-in-progress conference can be found [here](#).

Student Writing Competition

The University of Missouri is also sponsoring a student writing competition in conjunction with this event. The competition is open to current students at any institution in the world granting a degree in law. The competition carries a prize of \$450 for first place and \$125 for second place, and the winning paper is eligible to be considered for publication in the University of Missouri's *Journal of Dispute Resolution*. The prize amounts may increase (funding is still being finalized), so be sure to check back for additional details. Students of all levels (J.D., LL.B., LL.M., S.J.D., and Ph.D.) are eligible to submit papers. Advanced degree students (LL.M., S.J.D. or Ph.D.) may submit the same paper for both the works-in-progress conference and the student writing competition. The deadline for the student writing competition is January 15, 2017. More details on the student writing competition are available [here](#).