Out now: Matthias Weller (ed.), Europäisches Kollisionsrecht (2016)

Professor Dr. Matthias Weller, European Business Law School-University of Wiesbaden (Germany), has edited and co-authored a new volume on European Conflict of Laws (in German): Europäisches Kollisionsrecht (Nomos; Baden-Baden, 2016). The volume contains contributions by Weller himself (on the general principles of European private international law), by Dr. Carl Friedrich Nordmeier (on Rome I, marital property and succession) and by Dr. David Bittmann (on Rome II and III as well as on the Maintenance Regulation and the Hague Protocol). The Book provides the reader with a survey on the current state of the art in European choice of law that is both up-to-date and analytical. Weller's introduction in particular offers a fascinating treatment of the emerging general part of European PIL. Highly recommended!

For further information, click here.

Thöne on the abolition of Exequatur in the European Union

Meik Thöne has authored a book on the abolition of exequatur proceedings under the new Brussels I-Regulation ("Die Abschaffung des Exequaturverfahrens und die EuGVVO", Mohr Siebeck, 2016, IX + 289 pages). The volume is forthcoming in German. A German abstract is available on the publisher's website.

EUPILLAR conference on Cross-Border Litigation Conference, London, 16-17 June

The “Cross-Border Litigation in Europe” conference is organised by the Centre for Business Law and Practice, University of Leeds, and the Centre for Private International Law, the University of Aberdeen. The conference is being held within the framework of a research project which is funded by the European Commission Civil Justice Programme.

The event will take place in the London School of Economics (New Academic Building, Lincoln’s Inn Field) on Thursday 16th June and Friday 17th June 2016.

The research study aims to consider whether the Member States’ courts and the CJEU can appropriately deal with the cross-border issues arising under the current EU Civil Justice framework. The project, which is coordinated by Professor Paul Beaumont from the University of Aberdeen, involves Dr Katarina Trimmings and Dr Burcu Yuksel from the University of Aberdeen, Dr Mihail Danov from the University of Leeds (UK), Prof. Dr. Stefania Bariatti from the University of Milan (Italy), Prof. Dr. Jan von Hein from the University of Freiburg (Germany), Prof. Dr. Carmen Otero from Complutense University of Madrid (Spain), Prof. Dr. Thalia Kruger from the University of Antwerp (Belgium), Dr Agnieszka Frackowiak-Adamska from the University of Wroclaw (Poland).

This conference is free to attend, but prior registration is required.

Programme

16th June 2016

9:00 am – 9:30 am
Paul Beaumont (Aberdeen), Mihail Danov (Leeds), Katarina Trimmings (Aberdeen) and Burcu Yuksel (Aberdeen) Evaluating the Effectiveness of the EU Civil Justice Framework: Research Objectives and Preliminary Research Findings from Great Britain

9:30 am – 11:00 am – **Cross-Border Civil and Commercial Disputes: Legislative Framework**
Chair: Paul Beaumont (Aberdeen)
1) Sophia Tang (Newcastle), Cross-Border Contractual Disputes: The Legislative Framework and Court Practice
2) Michael Wilderspin (European Commission, Legal Services), Cross-Border Non-Contractual Disputes: The Legislative Framework and Court Practice
3) Jon Fitchen (Aberdeen), The Unharmonised Procedural Rules: Is there a case for further harmonisation at EU level?
4) Stephen Dnes (Dundee), Economic considerations of the cross-border litigation pattern

15-minute break

11.15 am – 12.30 pm – **Cross-Border Civil and Commercial Disputes: Practical Aspects**
Chair: Mihail Danov (Leeds)
1) Peter Hurst (39 Essex Chambers), Litigation Costs: Cross-Border Disputes in England and Wales
2) Susan Dunn (Harbour), Litigation Funders and Cross-Border Disputes
3) Craig Pollack (King & Wood Mallesons), Cross-Border Contractual Disputes: Litigants' Strategies and Settlement Dynamics
4) Jon Lawrence (Freshfields), Cross-Border Competition Law Damages Actions: Litigants' Strategies and Settlement Dynamics

Lunch (12.30 pm – 1.30 pm)

1.30 pm – 3.00 pm – **Cross-Border Family Disputes**
Chair: Thalia Kruger (Antwerp)
1) Paul Beaumont (Aberdeen), Brussels IIa recast – a comment on the Commission's Proposal from a member of the Commission's Expert Group
2) Elizabeth Hicks (Irwin Mitchell), Litigants' strategies and settlement dynamics

in cross-border matrimonial disputes
3) Marcus Scott-Manderson QC (4 Paper Buildings), Cross-Border Disputes Involving Children: A View from the English Bar
4) Lara Walker (Sussex), Maintenance and child support: PIL Aspects
5) Rachael Kelsey (SKO), Arbitration and ADR: Cross-Border Family Law Disputes

15-minute break

3.15 pm – 4.45 pm – **National Reports: Cross-Border Litigation in Europe**
Chair: Stefania Bariatti (Milan)
1) Professor Bea Verschraegen (Universität Wien) and Florian Heindler, Preliminary Research Findings from Austria
2) Dr Teodora Tsenova and Dr Anton Petrov, Preliminary Research Findings from Bulgaria
3) Doc. Dr. Ivana Kunda, Preliminary Research Findings from Croatia
4) Professor JUDr Monika Pauknerová, Jiri Grygar and Marta Zavadilová, Preliminary Research Findings from Czech Republic
5) Professor Nikitas Hatzimihail (University of Cyprus), Preliminary Research Findings from Cyprus
6) Professor Peter Arnt Nielsen (Copenhagen Business School), Preliminary Research Findings from Denmark

15-minute break

5.00 pm – 6.15 pm – **National Reports: Cross-Border Litigation in Europe**
Chair: Jan von Hein (Freiburg)
1) Maarja Torga (University of Tartu), Preliminary Research Findings from Estonia
2) Gustaf Möller (Krogerus) Preliminary Research Findings from Finland
3) Professor Horatia Muir Watt (Science Po), Professor Jeremy Heymann (Lyon) and Professor Laurence Usunier (Cergy-Pontoise), Preliminary Research Findings from France
4) Aspasia Archontaki and Paata Simsive, Preliminary Research Findings from Greece
5) Dr Csongor Nagy (University of Szeged), Preliminary Research Findings from Hungary

7.00 pm – 10.30 pm *Dinner (by invite only)* – Old Court Room, Lincoln’s Inn

Speech by Lord Justice Vos (Court of Appeal and President of the European Network of Councils for the Judiciary), The Effect of the European Networks of Councils for the Judiciary (ENCJ) on Cross-Border Dispute Resolution

17th June 2016

8.30 am – 10:00 am – **National Reports: Cross-Border Litigation in Europe**
Chair: Carmen Otero (Madrid)
1) Maebh Harding (Warwick), Preliminary Research Findings from Ireland
2) Dr Irena Kucina (Ministry of Justice, Latvia), Preliminary Research Findings from Latvia
3) Kristina Praneviciene, Preliminary Research Findings from Lithuania
4) Céline Camara (Max Planck Istitute), Preliminary Research Findings from Luxembourg
5) Clement Mifsud-Bonnici, Preliminary Research Findings from Malta
6) Professor Aukje van Hoek (Universiteit van Amsterdam), Preliminary Research Findings from the Netherlands

15-minute break

10.15 am – 11.30 am – **National Reports: Cross-Border Litigation in Europe**
Chair: Agnieszka Frackowiak-Adamska (Wroclaw)
1) Professor Elsa Oliveira (Universidade de Lisboa), Preliminary Research Findings from Portugal
2) Dr Ileana Smeureanu (Jones Day, Paris), Lucian Ilie (Lazareff Le Bars) and Ema Dobre (CJEU) Preliminary Research Findings from Romania
3) Doc JUDr M. Duris, JUDr M Vozaryova, Dr M Burdova, Preliminary Research Findings from Slovakia
4) Professor Suzana Kraljic, Preliminary Research Findings from Slovenia
5) Professor Michael Bogdan and Ulf Maunsbach, Preliminary Research Findings from Sweden

15-minute break

11.45 am – 1.00 pm – **National Reports: Cross-Border Litigation in Europe**
Chair: Alex Layton QC
1) Thalia Kruger (Antwerp) and Eline Ulrix (Antwerp), Preliminary Research Findings from Belgium

2) Jan Von Hein (Freiburg), Preliminary Research Findings from Germany
3) Stefania Bariatti (Milan), Preliminary Research Findings from Italy
4) Agnieszka Frackowiak-Adamska, Agnieszka Guzewicz and ?ukasz Petelski (Wroclaw), Preliminary Research Findings from Poland
5) Carmen Otero (Madrid), Preliminary Research Findings from Spain

Lunch (1.00 pm – 2.00 pm)

2.00 pm – 3.30 pm – **Shaping the development of the EU PIL Framework**
Chair: Paul Beaumont (Aberdeen)
1) Jacek Garstka (EU Commission, DG Justice), Drafting Legislative Instruments in a Diverse Union 2) Pascale Hecker (Référendaire, CJEU), Cross-Border Litigation: Challenges for EU Judiciary
3) Lady Justice Black (Head of International Family Justice), International Family Justice: Challenges in an EU context
4) Paul Torremans (Nottingham), Cross-Border IP Disputes: Specific Issues and Solutions

15-minute break

3.45 pm – 4:30 pm – **The way the EU PIL framework is shaping the litigants' strategies in a cross-border context**
Chair: Mihail Danov (Leeds)
1) Alex Layton QC (20 Essex Chambers), Cross-Border Civil and Commercial Disputes: PIL issues – a view from the English Bar
2) Christopher Wagstaffe QC (29 Bedford Row), Cross-Border Matrimonial Disputes: PIL issues – a view from the English Bar
3) Sophie Eyre (Bird & Bird), Remedies and Recoveries in a Cross-Border Context

4:30 – 5:30 pm – **The Way Forward: The research partners' views**
1) Thalia Kruger (Antwerp) and Eline Ulrix (Antwerp), Preliminary Views from Belgium
2) Jan Von Hein (Freiburg), Preliminary Views from Germany
3) Stefania Bariatti (Milan), Preliminary Views from Italy
4) Agnieszka Frackowiak-Adamska, Agnieszka Guzewicz and ?ukasz Petelski (Wroclaw), Preliminary Views from Poland
5) Carmen Otero (Madrid), Preliminary Views from Spain
6) Paul Beaumont (Aberdeen), Mihail Danov (Leeds), Katarina Trimmings

(Aberdeen) and Burcu Yuksel, Addressing the Challenges: Is there a case for Reform?

Avotinš v. Latvia: Presumption of Equivalent Protection not Rebutted

The much awaited decision Avotinš v. Latvia of the Grand Chamber of the ECtHR was finally delivered yesterday. The decision can be found here. A video of the delivery is also available.

The European Court of Human Rights held by a majority that there had been no violation of Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights. The Court reiterated that, when applying European Union law, the Contracting States remained bound by the obligations they had entered into on acceding to the European Convention on Human Rights. Those obligations were to be assessed in the light of the presumption of equivalent protection established by the Court in the *Bosphorus* judgment and developed in the *Michaud* judgment. The Court did not consider that the protection of fundamental rights had been manifestly deficient such that the presumption of equivalent protection was rebutted in the case at hand.

While at first sight the decision comes as a relief for all those who have been holding breath, fearing the worst after the CJEU Opinion 2/13, a careful reading (immediately undertaken by the academia: the exchange of emails has already started here in Luxembourg) reveals some potential points of friction. Following the advice of both Patrick Kinsch and Christian Kohler I would like to draw your attention in particular to para. 113-116.

Judge Lemmens and Judge Briede expressed a joint concurring opinion and Judge Sajó expressed a dissenting opinion, all three annexed to the judgment.

Full Movement beyond Control and the Law – Research Project – 2016 – 2021

Prof. Jean-Sylvestre Bergé, of Lyon, is the leading researcher of the long-term, multidisciplinary and comparative (and certainly challenging!) project giving title to this post. A summary of the project, which is funded by the Institut Universitaire de France, is provided below. More information can be found here; for an ssrn publication explaining the project click here.

Summary of the Research Project

The purpose of the research is to bring into the law a new legal concept in order to deal with the phenomenon called « full movement beyond control ».

Movement : persons (individuals or legal entities), goods (tangible or intangible, and more widely, services and capital) move within territories and between different territories. This movement has reached unprecedented dimension in recent times (notably for migrant, data, waste, capital) : the speed, diversity and often significant volume of flow have reached levels as yet unparalleled. *Full* : the movement of persons, goods, services and capital has a « full » dimension in that it engages the attention and action of all the public and private operators (States, companies, citizens) at local, national or international level, who contribute to the phenomenon in whole or in part, voluntarily or involuntarily. *Beyond control* : movement has an « uncontrollable » dimension in the sense that in specific or short-term situations, like those of crisis, operators, and particularly those with responsibility for such movement, do not have full control over it.

This movement beyond control results in the creation of positive and negative, legal and illegal channels within a particular sphere, making it almost possible for the operators to work together to contain it. Full movement beyond control is experiencing a paradoxical surge. More often than not, its existence is denied by those who claim to have the power to control it. However, it is putting existing

frontiers at risk while simultaneously creating new ones. It is often backed up by a public whose collective conscience is shaped by a hope that regaining control is still a possibility.

By employing a multidisciplinary (Social sciences – Sciences) and comparative (Europe, Brazil, Canada) approach, this research project seeks to identify a new legal concept capable of specific legal treatment and competent to take in hand the particular issues raised by the phenomenon and the legitimate expectations it may create.

New Study on the Evidentiary Effects of Authentic Instruments & Succession

The evidentiary effects of authentic acts in the Member States of the European Union, in the context of successions

This study was conducted in 25 EU Member States, under the coordination of the Centre for Private International Law at the University Aberdeen. It additionally includes input from the notariats of the CNUE. It sets out the typical domestic types of authentic instruments (and their usual evidentiary effects) arising in successions in the 22 Member States of origin (that allow their creation) and also deals with the ways in which they may interact with Art 59 of Regulation 650/2012 in each of the 25 Member States considered as Member States addressed. The authors looked at the meaning of 'acceptance' and the meaning of public policy in the context of Art 59 650/2012. They made various suggestions for improvements in best practice and for various legislative reforms of the Succession Regulation.

The **abstract** reads:

The EU Succession Regulation (Regulation 650/2012) allows for cross-border

circulation of authentic instruments in a matter of succession. Authentic instruments are documents created by authorised authorities which benefit from certain evidential advantages. As this Regulation does not harmonise Member State substantive laws or procedures concerning succession the laws relating to the domestic evidentiary effects of succession authentic instruments remain diverse. Article 59 of the Succession Regulation requires the Member States party to the Regulation to give succession authentic instruments the evidentiary effects they would enjoy in their Member State of origin. The only limits on this obligation being public policy or the irreconcilability of the authentic instrument with a court decision, court settlement or another authentic instrument. This study, which was commissioned by the Policy Department for Citizen's Rights and Constitutional Affairs of the European Parliament upon request of the Committee on Legal Affairs, provides an information resource for legal practitioners concerning the evidentiary effects of succession authentic instruments in the 25 Member States bound by the Succession Regulation. It also makes recommendations for best practice.

Full study available here (in English, but it is being translated into French and German).

The EU General Data Protection Regulation: a look at the provisions that deal specifically with cross-border situations

This post has been written by Martina Mantovani.

On 4 May 2016, Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, or GDPR) was published on the Official Journal. It shall apply as of 25 May 2018.

Adopted on the basis of Article 16(2) TFEU, the Regulation is the core element of the Commission's Data protection reform package, which also includes a Directive for the protection of personal data with regard to the processing by criminal law enforcement authorities.

The new measure aims at modernising the legislative framework for data protection, so as to allow both businesses and citizens to seize the opportunities of the Digital Single Market.

First and foremost, businesses will benefit from a simplified legal landscape, as the detailed and uniform provisions laid down by the GDPR, which are directly applicable throughout the EU, will overcome most of the difficulties experienced with the divergent national implementations of Directive 95/46/EC, and with the rather complex conflict-of-law provision which appeared in Article 4 of the Directive.

Nevertheless, some coordination will still be required between the laws of the various Member States, since the new regime does not entirely rule out the relevance of national provisions. As stated in Recitals 8 and 10, the GDPR 'provides a margin of manoeuvre for Member States' to restrict or specify its rules. For example, Member States are allowed to specify or introduce further conditions for the processing depending, *inter alia*, on the nature of the data concerned (Recital 53 refers, in particular, to genetic, biometric, or health-related data).

Secondly, the new Regulation marks a significant extension of the extraterritorial application of EU data protection law, with the express intent of leveling the playing field between European businesses and non-EU established companies operatig in the Single Market. In delimiting the territorial scope of application of the new rules, Article 3 of the GDPR borrows on the case-law of the Court of Justice regarding Article 4 of Directive 96/45/EC. Pursuant to Article 3(1), the Regulation applies to any processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, 'regardless of whether the processing itself takes place within the Union or not' (along the lines of the *Google Spain* case).

Moreover, Article 3(2) refers to the targeting, by non-EU established controllers and processors, of individuals 'who are in the Union', for the purposes of offering

goods or services to such subjects or monitoring their behaviours. This connecting factor, further specified by Recital 23 in keeping with the findings of the Court of Justice in *Weltimmo,* is somehow more specific than the former 'equipment/means' criteria set out by the Directive (cfr. Opinion 8/2010 of the Working Party on the Protection of Individuals with regard to the processing of personal data, on applicable law).

One of the key innovations brought along by the GDPR is the so-called one-stop-shop mechanism. The idea, in essence, is that where a data controller or processor processes information relating to individuals in more than one Member State, a supervisory authority in one EU Member State should be in charge of controlling the controller's or processor's activities, with the assistance and oversight of the corresponding authorities of the other Member States concerned (Article 52). It remains to be seen whether the watered down version which in the end found its way into the final text of the Regulation will effectively deliver the cutting of red tape promised to businesses.

The other goal of the GDPR is to provide individuals with a stronger control on their personal data, so as to restore consumers' trust in the digital economy. To this end, the new legislative framework updates some of the basic principles set out by Directive 95/46/EC — which are believed to 'remain sound' (Recital 9) — and devises some new ones, in order to further buttress the position of data subjects with respect to their own data.

The power of individuals to access and control their personal data is strengthened, *inter alia,* by the introduction of a 'right to be forgotten' (Article 17) and a right to data portability, aimed at facilitating the transmission of personal data between service providers (Article 20). The data subject additionally acquires a right to be notified, 'without undue delay' of any personal data breach which may result in 'a high risk to [his or her] rights and freedoms' (Article 33).

The effective protection of natural persons in relation to the processing of personal data also depends on the availability of adequate remedies in case of infringement. The Regulation acknowledges that the infringement of the rules on the processing of personal data may result in physical, material or non-material damage, 'of varying likelihood or severity' (Recital 75). The two-track system has been maintained, whereby the data subject is entitled to lodge a complaint

against the data controller or processor either with the competente courts (Article 79) or with the competent supervisory authority (Article 77). Furthermore, pursuant to Article 78, any legally binding decision of a supervisory authority concerning the position of a data subject — or the lack of thereof — may be appealed before the courts of the Member State where the supervisory authority is established.

The GDPR additionally sets forth an embryonic procedural regime for proceedings in connection with the alleged infringement of data protection legislation.

In the first place, it introduces two unprecedented special rules of jurisdiction, the application of which should not be prejudiced, as stated in Recital 147, by 'general jurisdiction rules such as those of Regulation (EU) No 1215/2012', ie, the Brussels I*a* Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (by the way, the primacy of the GDPR over Brussels I*a* could equally be asserted under Article 67 of the latter Regulation). Article 79 of the GDPR provides that the data subject who considers that his or her rights under the Regulation have been infringed, may choose to bring proceedings before the courts of the Member State where the controller or processor has an establishment or, alternatively, before the courts of the Member State where the data subject himself or herself resides, unless the controller is a public authority of a Member State acting in the exercise of its public powers. Article 82(6) clarifies that the courts of the same Member State have jurisdiction over actions for compensation of the damage suffered as a result of the said infringements.

Article 81 of the GDPR deals with *lis pendens*. If proceedings concerning the same activities are already pending before a court in another Member State, any court other than the one first seised has the discretion (not the obligation) to stay its proceedings. The same court may also decide to decline jurisdiction in favour of the court first seized, provided that the latter court has jurisdiction over the proceedings in question and its law permits the consolidation of related proceedings.

Finally, the Regulation includes a provision concerning the recognition and enforcement of 'any judgment of a court or tribunal and any decision of an administrative authority of a third country requiring a controller or processor to transfer or disclose personal data'. Pursuant to Article 48, such judgments or

decisions may be recognised or enforced solely on the basis of an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State..

This provision mirrors the stance recently taken by some Member States and their representatives in connection to an important cross-border dispute, where a similar question had arisen, which was in fact the object of different solutions on the two sides of the Atlantic.

In fact, in the light of the approach taken by US law enforcement authorities, search warrants seeking access to personal data stored in European data centres are regarded as a form of compelled disclosure, akin to a subpoena, requiring the recipient of the order to turn over information within its control, irrespective of the place in which data is effectively stored. What matters is the sheer existence of personal jurisdiction over the data controller, that is the ISP who receives the warrant, which would enable criminal prosecutors to unilaterally order seizure of the data stored abroad, without necessarily seeking cooperation thorough official channels such as Mutual Legal Assistance Treaties.

Article 48 of the Regulation (EU) 2016/679 may accordingly be read as the EU counter-reaction to these law enforcement claims.

German Federal Court of Justice (Bundesgerichtshof) requests ECJ to give a ruling on the validity of arbitration agreements in Bilateral Investment Treaties

amongst Member States

Slovakia and the Netherlands concluded a BIT in 1992 which included an arbitration agreement for disputes between foreign investors and one of the contracting parties. Slovakia became a EU member state in 2004. Later, a health insurance company from the Netherlands that had operated on the Slovakian market obtained an award from an arbitral court in Frankfurt, Germany, granting € 22 million damages against Slovakia.

Slovakia now argues before German state courts that by its accession to the EU its offer for concluding an arbitration agreement had become invalid because of its incompatibility with EU law. The Upper Regional Court (*Oberlandesgericht*) of Frankfurt, decision of 18 December 2014, docket no. 26 Sch 3/13, decided against Slovakia. By its appeal to the Federal Court of Justice (*Bundesgerichtshof*) Slovakia continues seeking the setting aside of the arbitral award for lack of jurisdiction of the arbitral tribunal. The *Bundesgerichtshof*, by its decision of 3 March 2016, docket no. I ZB 2/15, requested the Court of Justice of the European Union to give a ruling on the validity of arbitration agreements in BITs between Member States of the European Union, in particular in light of Articles 344, 267 and 18 I TFEU.

The *Bundesgerichtshof* expressed its view that there should be no conflict with Articles 344, 267. However, the Court poses the question whether there might be a discrimination against investors of other Member States unable to proceed under equivalent BIT proceedings. Even if this were the case, the Court further holds that the consequence of a dicrimination of this kind would not necessarily be the invalidity of the arbitration clause but rather the access of discriminated investors to the BIT dispute settlement mechanism.

For those who read German, the Court’s press release of today about its decision (full text is not yet available) can be found here:

http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=pm&Datum=2016&Sort=3&nr=74606&pos=1&anz=82

The Max Planck Institute Luxembourg is recruiting

The Max Planck Institute Luxembourg is currently recruiting new members for its team. Two types of positions are currently open:

1. Research Fellow in EU Procedural Law:

The Max Planck Institute Luxembourg would like to appoint highly qualified candidates for 2 open positions as Research Fellow (PhD candidate) for the Research Department of European and Comparative Procedural Law

Job description

The research fellow will conduct legal research (contribution to common research projects and own publications), particularly in the field of comparative civil procedural law (including European law and international arbitration).

Your tasks

The successful candidate will have the great opportunity to contribute to the development of the Department of European Comparative Procedural Law led by Prof. Burkhard Hess and, in parallel, work on her/his PhD project.

The Research Fellow is expected to write her/his PhD thesis and perform the major part of her/his PhD research work in the premises of the institute in Luxembourg, but also in close collaboration with her/his external supervisor and with the university or institution delivering her/his PhD diploma. A supervision of a PhD-thesis by Prof. Hess will also be possible.

Your profile

The applicants are required to have obtained at least a Master degree in Law with outstanding results and to have a deep knowledge of domestic procedural and European procedural law. According to the academic grades already received,

candidates must rank within the top 10 %.

The successful candidates should demonstrate a great interest and curiosity for fundamental research and have a high potential to develop excellence in academic research. Proficiency in English is compulsory (in written and oral); further language skills (in French and German notably) are of advantage.

Our offer

The MPI Luxembourg will offer scientific guidance, a fully-equipped office and an access to its noteworthy library to foster legal research activities. You will be free to write your thesis in English or in any other language which suits you, as long as you are able to communicate on its content in English.

The MPI Luxembourg offers outstanding conditions to undertake fundamental legal research, and a very conducive work climate in an international team, while being in depth knowledge exchange and support among other research fellows.

Salary and social benefits are provided according to the Luxembourgish legal requirements. Positions are full-time but may be considered as part-time as well.

Joining us

If you are interested in joining our Institute, please apply online and follow our usual application process.

Documents required

A detailed CV incl. list of publications; copies of academic records; a PhD project description of no more than 1-2 pages with the name of the foreseen PhD supervisor and the name of the institution awarding the PhD certificate; the name and contact details of two referees.

2. Research Fellow (PhD candidate) in EU Family Law

For a period of thirty-six months, the Research Fellow will conduct legal research and cooperate at the Max Planck Institute Luxembourg (research Department of European and Comparative Procedural Law) within the Project 'Planning the future of cross-border families: a path through coordination – "EUFam's" (JUST/2014/JCOO/AG/CIVI 4000007729)' which aims (i) at assessing the

effectiveness of the functioning ‘in concreto’ of the EU Regulations in family matters, as well as the 2007 Hague Protocol and the 2007 Hague Recovery Convention; and (ii) at identifying the paths that lead to further improvement of such effectiveness.

Your tasks

The successful candidate will benefit from the opportunity to partake in the development of the Department of Procedural Law led by Prof. Dr. Dr. h.c. Burkhard Hess by becoming an active and integrated part of the Project team.

The Research Fellow is expected to assist in the achievement of the objectives of the Project, namely by carrying out and developing legal research with a view to contributing to the drafting of the Project’s Final Study and by participating in the presentation of the scientific outcomes of the Project.

Moreover, she/he will actively cooperate in the organization of meetings and of an international seminar, and will cooperate with the Project team in reporting on financial matters, in carrying out the research activities and in analysing potential interplays of research activities with cross-cultural issues. The project will be terminated with 14 months. The remaining time shall be (mainly) dedicated to the elaboration of the PhD.

Your profile

Applicants must have earned a degree in law and be PhD candidates working on a thesis on EU private international and procedural law in family matters. According to the academic grades already received, candidates must rank within the top 10 %.

The successful candidate shall demonstrate a strong interest and aptitude for legal research and have a high potential to develop excellence in academic research.

Her/His CV must portray a consolidated background in EU private international and procedural law in family matters: to this aim, prior publications in this field of the law shall be highly regarded in the selection process.

Full proficiency in English is compulsory (written and oral); further language skills are greatly valued.

Our offer

The MPI Luxembourg offers scientific guidance, a productive working environment within an international team of researchers, and the possibility to develop connections and fruitful exchanges with academia, judges and practitioners from many EU Member States. Moreover, the Institute will provide a fully-equipped office and access to its renowned legal library.

Salary and social benefits are provided according to the Luxembourgish legal requirements. The position is full-time, for a period of thirty-six months.

Joining us

If you are interested in joining our Institute, please apply online and follow our usual application process.

Documents required

A detailed CV incl. list of publications; copy of academic records; a PhD project description of no more than 1-2 pages with the name of the PhD supervisor and the name of the institution awarding the PhD certificate; the name and contact details of two referees.

Note for all positions:

Full information and access to application platform: here.

Contact person is Diana Castellaneta: diana.castellaneta@mpi.lu

Deadline: 31 May 2016

A practical seminar in Munich on

10 and 11 June 2016 on the Brussels Ibis Regulation

On Friday 10 June (15h-18:30h) and Saturday 11 June (9:30h-13h) 2016, a seminar will take place in Munich, Germany (Rechtsanwaltskammer München, Tal 33), devoted to Regulation (EU) no. 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

The seminar will consist of a two-day training course for lawyers, who will be called to present, discuss and resolve practical cases falling within the scope of Regulation n. 1215/2012. The speakers will include Prof. Dr. Wolfgang Hau, Prof. Dr. Dennis Solomon, Dr. Andreas Köhler, and Dr. Claudia Mayer (all University of Passau). The language of the seminar is German.

The participation is free of charge, but requires prior registration by sending an e-mail, no later than 25 May 2016, to the following address: *seminare@rak-m.de* and including "Wochenendseminar" in the object. The event is open up to a maximum of 30 participants.

For more information see here.