Conference: New Families – International Trends and Legal Recognition in Italy (Milan, 23 May 2016)

The **University of Milan** will host on **23 May 2016** a conference on "**New Families – International Trends and Legal Recognition in Italy**". The event will be structured in three parts: the first two sessions will look into changing family patterns in Europe and the US, respectively, while in the third one a round table will focus on legal recognition in Italy of new families.

Here's the programme (available as a .pdf file):

9.00 Welcoming addresses

- *Gianluca Vago* (Rector, University of Milan)
- *Maria Elisa D'Amico* (University of Milan)
- *Ilaria Viarengo* (University of Milan)

9.30: I Session – Changing family patterns: European Trends

- Chair: *Stefania Bariatti* (University of Milan)
- *Katharina Boele-Woelki* (Bucerius Law School, Hamburg): New families: fundamental issues
- *Angelika Fuchs* (ERA, Academy of European Law): Registered partnerships: crossing borders
- *Patrizia De Luca* (DG Justice, Civil Justice Policy Unit): The EU proposal on the property consequences of registered partnerships

11.15: II Session – Changing family patterns: USA Trends

- *Suzanne Goldberg* (Columbia University): Transforming Family Law in the United States: Multidimensional Advocacy and Social Change.
- *Yasmine Ergas* (Columbia University): From marriage to gender: pathways to equality

14.30: III Session – Round table on "New families: Legal Recognition in Italy"

- *Monica Cirinnà* (Italian Senate, Rapporteur of the proposed regulation of civil unions in Italy)
- *Ivan Scalfarotto* (Italian Chamber of Deputies, Vice-minister of economic development)
- *Annibale Marini* (President Emeritus of the Italian Constitutional Court)
- *Marilisa D'Amico* (University of Milan)
- *Ilaria Viarengo* (University of Milan)

17.30: Closing remarks

- *Stefania Bariatti* (University of Milan)

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

Praxis des Internationalen Privat- und Verfahrensrechts (IPRax) 3/2016: Abstracts

The latest issue of the "Praxis des Internationalen Privat- und Verfahrensrechts (IPRax)" features the following articles:

P. Huber, **The Hague Convention on Choice of Court Agreements**
The article presents the Hague Convention of 30 June 2015 on Choice of Court Agreements which entered into force on October 1st, 2015.

R. Schaub, **International Protection of Adults: Powers of Representation**
The article deals with the conflict of laws rules concerning the powers of representation granted by an adult to be exercised when the adult is no longer in a position to protect his or her interests. Especially the relevant rules of the Hague Convention on the international protection of adults are explained and

analyzed, starting from the perspective of German courts or administrative authorities, with a special focus on the options of choosing the applicable law and making the necessary provisions with regard to the applicable law.

Th. Rauscher, **Ancillary Jurisdiction in Child Maintenance Cases**
In the judgment in comment the ECJ decided on conflicting ancillary jurisdiction concerning child maintenance. Ancillary jurisdiction under Article 3 of Regulation (EC) No 4/2009 should lie only in the courts exercising jurisdiction on parental responsibility (Article 3 (d)). The courts where a divorce case between the parents of the child was pending should not exercise ancillary jurisdiction under Article 3 (c) even if under the local law of the court such ancillary jurisdiction was given. As against this opinion, ancillary jurisdiction under Article 3 of said regulation should be determined only by reference to national rules of civil procedure as Article 3 (d) would not grant ancillary jurisdiction if not provided by national rules of civil procedure. Conflicting jurisdiction should be decided only under Articles 12, 13 and a court in one Member State should not be under an obligation to examine jurisdiction of other Member State's courts.

A. Piekenbrock, **The application of Art. 13 EIR in practice**
As far as avoidance in insolvency proceedings is concerned, Art. 13 EIR provides for an exception from the basic rule laid down in Art. 4 (2)(m) EIR. Generally, the law of the State of the opening of proceedings, the lex fori concursus, is also applicable to the rules relating to the voidness, voidability or unenforceability of legal acts detrimental to all the creditors. Yet, the defendant may, to his own protection, invoke that the applicable law of another Member State does not allow any means of challenging that act in the relevant case. In 2015, the ECJ had to deal with the interpretation of the aforementioned exception for the first time. In the German-Austrian Lutz-case the ECJ has held: Art. 13 EIR applies to a situation in which the proceeds realised from a right in rem are attributed to the defendant after the opening of insolvency proceedings; the defendant may invoke that the avoidance action is time barred; the lex causae also applies to the interruption of the limitation period. In the Finish-Dutch Nike-case the ECJ has held that Art. 13 EIR only applies if the defendant can prove that under the circumstances of the case the detrimental act cannot be challenged neither under the insolvency law nor under the general provisions and principles of the lex causae. The paper analyses the Court's rulings.

W. Hau, **Jurisdiction based on defendant's property located in Germany**

Under the traditional rules, German courts claim jurisdiction for actions against defendants who are domiciled outside the EU but own property in Germany (sec. 23 Code of Civil Procedure). In this context, a recent decision of the Higher Regional Court of Munich raises interesting questions: Is it required that the assets are located in Germany at the beginning and/or at the end of the proceedings? Is it relevant that the value of the property is out of proportion to the value in litigation? Must the defendant's property be undisputed? And can even future assets suffice?

G. Schulze, **You'll never walk alone? Infringement of EU law and the duty of using the legal remedies pursuant to Art. 34 N. 1 Reg. 44 / 2001**

The Dutch Hoge Raad in Diageo Brands BV v. Simiramida-04 EOOD has referred the question concerning the interpretation of public policy in Art. 34 N. 1 of the Brussels I-Regulation to the European Court of Justice for a Preliminary Ruling according to Art. 267 TFEU. The court confirms that EU law is also part of the national conception which determines the content of public policy. In such a case the limits will be controlled by the ECJ as well as the substantive content of public policy. The court states that an error in the application of EU trademark law does not suffice to justify a refusal of recognition. The ECJ remembers the fundamental idea that individuals are required to use all the legal remedies made available by the law of the Member State of origin. That rule is all the more justified where the alleged breach of public policy stems, as in the main proceedings, from an alleged infringement of EU law. It should be noted that the ECJ does not answer the question under which specific circumstances it is too difficult or impossible to make use of the legal remedies in the Member State of origin. All that is left to Diageo is an action in damages against Bulgaria.

S. Mock, **Qualification of Insolvency-Based Instruments of Creditor Protection in Corporate Law**

In the last few years, the European Court of Justice (ECJ) changed the fundaments of European company law dramatically due to its interpretation of the Freedom of Establishment (Art. 49, 54 Treaty on the Functioning of the European Union). Since the Centros, Überseering and Inspire Art decisions of the ECJ European corporations enjoy a general mobility especially allowing them to transfer their real seat to another Member States without a change of the applicable corporate law. However, this shift from the real seat to the incorporation theory in the international corporate law of the Member States is not reflected by European

insolvency law under which the applicable law is generally determined by the center of main interest (Art. 3 f. European Insolvency Regulation) and therefore often by the real seat of the corporation. This difference becomes especially relevant in the context of insolvency-based instruments of creditor protection in corporate law since these instruments cannot be completely allocated to corporate or to insolvency law. In its decision of December 10, 2015 (C-594/14) the ECJ had to deal with such an insolvency-based instrument of creditor protection in German corporate law and considered it as insolvency law according to Art. 4 European Insolvency Regulation. The following article analyses this decision and shows that the insolvency-based instruments of creditor protection in corporate law generally – in contrast to the decision of the ECJ – have to be considered as part of corporate and not of insolvency law.

M. Andrae, **Enforcement of a Polish maintenance obligation decision against a debtor who is living in Paraguay**

The Oberlandesgericht (Higher Regional Court) Nürnberg had to decide on the appeal of the debtor against the declaration of enforceability of two Polish maintenance obligation decisions. The following legal issues were to be discussed and are treated in this note. In which cases is a judgment that was given in a Member State since 18 June 2011 subject to the declaration of enforceability under Chapter IV Section 2 of Regulation (EC) No 4/2009 of 18 December 2008 (EuUnterhVO)? Which evidentiary value does a report prepared by the court of origin using the form in Annex II EuUnterhVO have? Is the child a creditor in the process of enforcement if the decision for child maintenance has been issued in the parents' matrimonial proceedings? In what period should an appeal be lodged in accordance with Article 32 (5) Regulation (EC) No 4/2009 of 18 December 2008 if the party against whom enforcement is sought has its habitual residence in a third country? What is the correct interpretation of the rule in Article 24 (b) Regulation (EC) No 4/2009 of 18 December 2008 according to which there is not a ground for refusing recognition insofar as the defendant failed to commence proceedings to challenge the decision when it was possible for him to do so.

G. Hohloch, **Court Orders Refusing the Return of the Child Abducted in Spite of "Certificate of Wrongfulness" (Hague' Convention Articles 3, 12, 13, 15)**

The main object of the Hague Convention on the Civil Aspects of International Child Abduction is "to secure the prompt return of children wrongfully removed

or retained in any Contracting State". Wrongfulness of removal or retention (Article 3 of the Convention) can be certified to the authorities in the sense of Articles 12 and 13 of the Convention by presentation of a "decision or other determination that the removal or retention was wrongful" ("certificate of wrongfulness") in accordance with Article 15 of the Convention. The Supreme Court of Austria now confirms the existence of such a "certificate of wrongfulness" in Austrian law. According to the new decision in Austria the "Central Authority" and not any court has the competence to make out such "certificates". The essay shows the consequences for cases of international abduction relating to Austria and also deals with the limited importance of such "certificates of wrongfulness" when – e.g. in the case of the Court of Hamburg – the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views (Article 13 subs. 2 of the Convention).

F. Wedemann, **Undisclosed partnerships (between spouses), allotments relating to marriage and family cooperation contracts in the conflict of laws**

The German Federal Court of Justice (BGH) has held that implicitly negotiated undisclosed partnerships between spouses – a peculiarity of German law developed by the courts in order to mitigate unfair outcomes resulting from matrimonial property law – are to be characterised as a contractual matter for conflict of laws purposes. The author agrees in principle with this characterisation of undisclosed partnerships provided these are marked by the following two features: (1) nonparticipation of the partnership in legal relations, (2) absence of joint property. However, she argues that implicitly negotiated undisclosed partnerships between spouses should be characterised as a matter of international matrimonial property law. The same goes for two other peculiarities of German law: allotments relating to marriage as well as family cooperation contracts between spouses. Finally, the author deals with the characterisation of the three legal institutions – implicitly negotiated undisclosed partnerships, allotments relating to cohabitation and cooperation contracts – in cases of extra-marital cohabitation. The characterization depends on the handling of extra-marital cohabitation in international private law. If one accepts a special conflict rule for property matters of cohabitees, the three institutions should be governed by this rule. If one rejects such a rule and instead characterises the relations between cohabitees as a matter of international contract law, they are to be

characterised as a contractual matter.

J. Samtleben, **A New Codification of Private International Law in Argentina**
A new "Civil and Commercial Code" containing a codification of private international law is in force in Argentina from 1 August 2015. The ambitious efforts, which persisted for a long time in Argentina, to create a distinct law for private international law have been replaced by the more practical attempt to regulate this area of law within the new Civil Code. This has substantial implications, as for instance the enforcement of foreign judgments is not regulated in the new codification. On the other hand, it contains not only provisions on the applicable law, but also on international jurisdiction. This topic is regulated in a general way in a separate chapter, but also in detail combined with the articles on the applicable law as concerns the individual fora. While the old Civil Code had only scattered provisions on conflict of laws, the new regulation is aimed at systematizing and modernizing this area of law within a cohesive text, considering the doctrine and jurisprudence in Argentina together with comparative law and international conventions.

The proposed draft text of the Hague Convention on the recognition and enforcement of foreign judgments

On 17 March 2016, the Council on General Affairs and Policy of the Hague Conference on Private International Law decided to set up a Special Commission to prepare a draft Convention on the recognition and enforcement of foreign judgments (the Hague Judgments Convention), while endorsing the recommendation of the Working Group on the Judgments Project that matters relating to direct jurisdiction should be put for consideration to the Experts' Group of the Judgments Project soon after the Special Commission has drawn up

a draft Convention.

The Special Commission will meet in the Hague between 1 and 9 June 2016 to discuss the proposed draft text drawn up by the Working Group. The text may be found here, accompanied by an explanatory note prepared by the Permanent Bureau.

As stated in Article 1 of the proposed draft text, the Convention is meant to apply to the recognition and enforcement of judgments "relating to civil and commercial matters", at the exclusion of matters in the field of family law, the law of persons and successions. Insolvency, the carriage of passengers and goods, marine pollution, liability for nuclear damage and defamation are equally featured in the list of excluded matters.

Article 4(1) provides that a judgment given by a court of a Contracting State must be recognised and enforced in another Contracting State in accordance with the Convention. Recognition and enforcement may be refused only on the grounds specified in the Convention itself.

As a rule, a judgment is eligible for recognition and enforcement if one of the bases listed in Article 5 of the proposed draft text is met, ie, if jurisdiction was asserted in the country of origin in conformity with one of the grounds of jurisdiction contemplated by the Convention.

Suitable grounds include the habitual residence of the defendant (to be understood as meaning, pursuant to Article 3(2), the place where the defendant has its statutory seat, or under whose law it was incorporated, or where it has its central administration or principal place of business), and the defendant's consent to the jurisdiction of the seised court as expressed in the course of the proceedings.

According to the proposed draft text, a judgment is also eligible for recognition, *inter alia*: if it ruled on a *contractual obligation* "and was given in the State in which performance of that obligation took place or should take place under the parties' agreement or under the law applicable to the contract, unless the defendant's activities in relation to the transaction clearly did not constitute a purposeful and substantial connection to that State"; if it ruled on a *non-contractual obligation* arising from personal injury or damage to tangible property, "and the act or omission directly causing such harm occurred in the

State of origin, irrespective of where that harm occurred"; if the judgment ruled on an *infringement of a patent, trademark, design or other IP right* required to be deposited or registered, "and it was given by a court in the State in which the deposit or registration of the right concerned has taken place"; if the judgment ruled on the *validity or infringement of copyright or related rights* "and the right arose under the law of the State of origin".

By derogation from Article 5, the proposed draft text sets forth in Article 6 some exclusive bases for recognition and enforcement. In particular, a judgment that ruled on the *registration or validity of patents, trademarks, designs, or other similar rights required to be deposited or registered* "shall be recognised and enforced if and only if the State of origin is the State in which deposit or registration has been applied for, has taken place, or is deemed to have been applied for or to have taken place under the terms of an international or regional instrument", while a judgment that ruled on *rights in rem in immovable property or tenancies of immovable property* for a period of more than six months "shall be recognised and enforced if and only if the property is situated in the State of origin".

The grounds on which a judgment eligible for recognition and enforcement may nevertheless be denied recognition or enforcement in a Contracting State are enumerated in Article 7.

Specifically, recognition and enforcement may be denied if the document which instituted the proceedings was not notified to the defendant in sufficient time and in such a way as to enable him to arrange for his defence or "was notified to the defendant in the requested State in a manner that is incompatible with fundamental principles of the requested State concerning service of documents"; if the judgment "was obtained by fraud in connection with a matter of procedure"; if recognition or enforcement would be manifestly incompatible with the public policy of the requested State"; if the judgment is inconsistent with a judgment given in the requested State in a dispute between the same parties with an earlier judgment given in another State between the same parties on the same cause of action, provided that the earlier judgment fulfills the conditions necessary for its recognition in the requested State.

Pursuant to Article 9 of the proposed draft text, recognition or enforcement may also be refused "if, and to the extent that, the judgment awards damages,

including exemplary or punitive damages, that do not compensate a party for actual loss or harm suffered".

Article 11 lays down the list of documents to be produced by the party seeking recognition or applying for enforcement of a foreign judgment under the Convention, while Article 12 clarifies that the procedure for recognition, declaration of enforceability or registration for enforcement, and the enforcement of the judgment, are governed by the law of the requested State unless the Convention provides otherwise.

Post Brexit: The Fate of Commercial Dispute Resolution in London and on the Continent

A joint conference of the Max Planck Institute for Procedural Law (Luxembourg) and the British Institute for International and Comparative Law will be held on May 26th in London, within the framework of a series of BIICL events on the Brexit.

This particular seminar will look at the potential impact of a Brexit on cross-border commercial dispute resolution and on the role of London as a center for international litigation and arbitration. Speakers will address selected questions such as the legal framework for the transitional period; the validity of choice of court agreements and future frequency of choice of court agreements in favour of English courts; the different approaches in England and under the Brussels I Recast as to parallel proceedings; the cross-border circulation of titles; the Swiss position as to commercial dispute resolution between Member States and third States. A roundtable discussion will place a particular focus on London's future as a centre for commercial dispute resolution post Brexit.

Speakers:

- Burkhard Hess, Max Planck Institute Luxembourg
- Richard Fentiman, University of Cambridge
- Andrew Dickinson, University of Oxford
- Marta Requejo Isidro, Max Planck Institute Luxembourg/University of Santiago de Compostela
- Trevor Hartley, London School of Economics
- Alexander Layton QC, 20 Essex Street
- Tanja Domej, University of Zurich
- Thomas Pfeiffer, University of Heidelberg
- Paul Oberhammer, University of Vienna
- Adam Johnson, Herbert Smith Freehills
- Martin Howe QC, 8 New Square
- Karen Birch, Allen and Overy
- Diana Wallis, President of the European Law Institute and former Vice-President of the European Parliament
- Deba Das, Freshfields Bruckhaus Deringer LLP

Time: 15:30-19:00 (followed by a drinks reception)

Venue: British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square, London WC1B 5JP

The program is available here; for registration click here.

Integration and Dispute Resolution in Small States

The British Institute of International and Comparative Law, the Open University and the Centre for Small States at Queen Mary University of London are organising a conference on “Integration and Dispute Resolution in Small States”, hosted by Wilmer Cutler Pickering Hale and Dorr LLP on May 19 and 20, 2016.

The aim of this 1½ day conference is to bring together academics, representatives of Small States, as well as lawyers litigating in or for Small States (defined as those States with a population of 1.5m or less), to discuss the particular issues these jurisdictions face in regard to international dispute resolution and regional integration. The conference focusses in particular on the commercial relations between large economies and Small States, the role of Small States as financial centres, as well as B2B, Investor-State and State-to-State dispute resolution involving Small States.

View the full programme and register here.

Speakers and Chairs

Gary Born WilmerHale (Keynote speaker); **Justice Winston Anderson** Caribbean Court of Justice; **Agnieszka Ason** Technische Universität Berlin; **Elizabeth Bakibinga** Commonwealth Secretariat; **Professor George Barker** Australia National University; **Dr David S Berry** University of the West Indies; **James Bridgeman** FCIArb; **N Jansen Calamita** BIICL; **Barbara Dohmann QC** Blackstone Chambers; **Conway Blake** Debevoise & Plimpton LLP; **Professor Sue Farran** University of Northumbria; **Stephen Fietta** Partner at Fietta; **Steven Finizio** WilmerHale; **Jack Graves** Touro College of Law; **Françoise L M Hendy** Barbados High Commission; **Desley Horton** WilmerHale; **Her Excellency Dr Len Ishmael** Ambassador, Embassies of the Eastern Caribbean States; **Michel Kallipetis QC** Independent Mediators Limited and Quadrant Chambers; **Edwini Kessie** Office of the Chief Trade Advisor; **Alex Layton QC** 20 Essex Street; **Dr Eva Lein** BIICL; **Brian McGarry** Centre for Diplomacy & International Security, London Centre of International Law Practice; **Professor Baldur Þórhallsson** University of Iceland, Small States Studies; **Lauge Poulsen** University College London; **Jan Yves Remy** Sidley Austin; **Dominic Roughton** Herbert Smith Freehills LLP; **Professor Francesco Schurr** University of Liechtenstein; **Geoff Sharp** Clifton Chambers; **Mele Tupou** Ministry of Justice; **UNCITRAL**; **Professor Robert G Volterra**; **Professor Gordon Walker** Hamad Bin Khalifa University; **Tony Willis** Brick Court Chambers

The event is convened by:

Dr Petra Butler, Centre for Small States, Queen Mary University of London; **Dr Eva Lein**, British Institute of International and Comparative Law; **Rhonson**

Salim, Open University.

New publication on Kiobel and human rights litigation

Maria Chiara Marullo and Francisco Javier Zamora Cabot have published a paper on “TRANSNATIONAL HUMAN RIGHTS LITIGATIONS. KIOBEL’S TOUCH AND CONCERN: A TEST UNDER CONSTRUCTION.”

The abstract reads:

In recent years the international debate on Transnational Human Rights Litigation has mainly focused, although not exclusively, on the role of the Alien Tort Claims Act as a way of redress for serious Human Rights violations. This Act has given the possibility of granting a restorative response to victims, in a Country, such as the United States of America, that assumes the defense of an interest of the International Community as a whole: to guarantee the access to justice to the aforesaid victims. The purpose of this article is to analyze the recent and restrictive position on this Act of the Supreme Court of the United States, in the Kiobel case, and especially when, as a means of modulating the limitative doctrine affirmed there, the Touch and Concern test was introduced. It has generated from its very inception a strong discussion amongst international legal scholars and also great repercussions concerning the practice of the U.S. District and Circuit Courts.

The publication can be downloaded here or through SSRN.

Conference on the Hague Principles on Choice of Law, Lucerne 8-9 September 2016

The Permanent Bureau of the Hague Conference on Private International Law and the University of Lucerne are organising a conference "*Towards a Global Framework for International Commercial Transactions: Implementing the Hague Principles on Choice of Law in International Commercial Contracts*" in Lucerne on 8-9 September 2016.

The purpose of this conference is to present the impact and prospects of the Hague Principles of 2015 in the context of other instruments applicable to international commercial transactions.

For the programme and registration information see the conference's website.

Van Den Eeckhout on the Proposed Revision of the Posting Directive

by Veerle Van den Eeckhout

On the blog section of the Dutch journal Nederlands Juristenblad, a blog of Veerle Van Den Eeckhout on the Proposal for a revision of the Posting Directive has been published, see here.

The blog is entitled "Modellering van internationaal privaatrecht – Een enkele ipr-technische aantekening bij het voorstel tot wijziging van de Detacheringsrichtlijn" (in English: "Modelling Private International Law. A single PIL-technical note on the proposed revision of the Posting Directive"). It is written in Dutch.

The blog focuses on a single technical PIL-aspect of the proposed revision of the Posting Directive; at the end, however, the issue is placed in a broader context of ongoing dynamics and debates in private international law – see also already on this the blog "The impact and potential of a curious and unique discipline. About PIL, Shell Nigeria, European and global competition and social justice", published also on the blog section of the NJB-site, see here , available in English on https://conflictoflaws.de/2015/on-pil-international-labour-law-and-corporate-social-responsibility/.

Cross-border Bank Resolution and Private International Law

The following information have kindly been provided by Prof. Dr. Matthias Lehmann, University of Bonn.

Bank resolution is key to avoiding a repetition of the global financial crisis in which failing financial institutions had to be bailed out with taxpayers' money. It permits recapitalizing banks or alternatively winding them down in an orderly fashion without creating systemic risk. Resolution measures, however, suffer from a structural weakness. They are taken by nation-states with territorially limited powers, yet they target entities or groups with global activities and assets in many countries. Under traditional rules of private international law, these activities and assets are governed by the law of other states which is beyond the remit of the state undertaking the resolution.

Matthias Lehmann (University of Bonn) addresses this problem in a recent paper titled "Bail-in and Private International Law: How to Make Bank Resolution Measures Effective Across Borders". He illustrates the conflict between resolution and private international law by using the example of the European Union, where the limitations of cross-border issues are most acutely felt. He explains the techniques and mechanisms provided in the Bank Recovery and Resolution Directive (BRRD) and the Single Resolution Mechanism (SRM) Regulation to

make resolution measures effective in intra-Eurozone cases, in intra-EU conflicts with non-Euro Member States and in relation to conflicts with third countries. Besides this, he also throws light on the divergences and flaws in the BRRD's transposition into national law. In this context, he discusses two recent cases, *Goldman Sachs International v Novo Banco SA* [2015] EWHC 2371 (Comm), and *BayernLB v Hypo Alpe Adria (HETA case)* Regional Court, Munich I, judgment of 8 May 2015, that have dealt with the recognition of foreign resolution acts. A brief overview of third-country regimes furthermore highlights the problems in obtaining recognition of EU resolution measures abroad.

Munich's Institute of Comparative Law celebrates its 100th Anniversary: Conference on 'Sales Law and Conflict of Laws from Ernst Rabel until Today', 16-17 June 2016, LMU Munich

The following announcement has been kindly provided by Professor Dr. Stephan Lorenz, LMU Munich.

It was in 1916 that Ernst Rabel founded the 'Institute of Comparative Law' at Munich University – the first of its kind in Germany. The 100th Anniversary of the

Institute, which still persists as a department of the Institute of International Law at Ludwig-Maximilians-University Munich, gives reason to review the influence of Ernst Rabel on both, sales law and conflict of laws and to take a current view on recent developments in these fields. As is well-known, Rabel's work on sales law was highly influential for the development of the Hague Uniform Sales Law of 1964, the precursor of the CISG of 1980. The latter had a formative impact on EU consumer sales law and subsequently on the proposal for a Common European Sales Law (CESL). But also the current contractual conflict of laws of the EU as the Rome I-Regulation would not exist in its current form without the fundamental contributions of Ernst Rabel. The presentations of the conference cover the entire range of these topics from the beginnings of comparative law and its early years until its most recent developments:

- Dean's Greeting, *Prof. Dr. Martin Franzen*
- Introductory Speech, *Prof. Dr. Peter Kindler*
- The History of the Institute of Comparative Law, *Prof. Dr. Dagmar Coester-Waltjen, München/Göttingen*
- Welcome and Introduction, *Prof. Dr. Dr. h.c. mult. Hans Jürgen Sonnenberger, München*
- Ernst Rabel – The Munich Years, *Archivdirektor a.D. Hans-Joachim Hecker, Stadtarchiv München*
- Karl Neumeyer as a Pioneer of Comparative Law in the field of Public Law, *Prof. Dr. Peter Huber, Judge at the Federal Constitutional Court (Bundesverfassungsgericht), München*
- Rabel's Influence on the CISG and the Development of European Sales Law, *Prof. Dr. Ulrich Magnus, Hamburg*
- The Distinction between Digital and Analogous Goods – How fit for the Future are the Commission's Proposals for a Law of Contracts in the Digital Interior Market?, *Univ.-Prof. Dr. Christiane Wendehorst, LL.M. (Cambridge), Wien*
- International Contract Law and CISG, *Prof. Dr. Andreas Spickhoff, München*
- Transaction-like Party Autonomy, *Prof. Dr. Marc-Philippe Weller, Heidelberg*
- Conclusions, *Prof. Dr. Stephan Lorenz, München*

Participation in the Conference requires prior registration here.