Conference Announcement

Conference “International Conflict of Laws and the Third Restatement” at Duke Law School

Writing in 2000, Mathias Reimann criticized the Second Restatement of Conflict of Laws for being “largely blind to international concerns.” He argued that since international conflict-of-laws issues have become routine, the next Restatement of Conflict of Laws must be attentive to such issues and that, ideally, it would “come with an implied (or better yet express) warranty that all its principles and rules are fit for international use as well [as for domestic use].” With work on the Third Restatement of Conflict of Laws now underway—and with one of its goals being “to pay greater attention to the international context than the Second Restatement did”—it is time to give careful thought to Professor Reimann’s call for a genuinely international restatement.

With this in mind, the Duke Journal of Comparative and International Law will be hosting a symposium entitled: International Conflict of Laws and the Third Restatement. The symposium will be held at the Duke University School of Law in Durham, North Carolina, and will take place November 4–5, 2016.

The symposium will feature all three reporters of the 3rd Restatement of the Conflict of Laws: Laura Little, Kermit Roosevelt III and Christopher Whytock. Speakers will include Patrick Borchers, Hannah Buxbaum, Donald Earl Childress III, Ann Laquer Estin, Richard Fentiman, Ralf Michaels, Horatia Muir Watt, Mathias Reimann, Linda Silberman, Symeon Symeonides, Louise Ellen Teitz, and Christopher Whytock..

For further information please see http://djcil.law.duke.edu/symposium/

Utrecht Journal of International and European Law: Call for Papers

Utrecht Journal of International and European Law is issuing a Call for Papers to

be published in its 85th edition in the summer of 2017 on ‘General Issues’ within international and European law.

The Board of Editors invites submissions addressing any aspect of international and European law; topics may include, but are not limited to, the field of Private International Law. More specifically, papers dealing with *e.g.* the following issues are welcomed: jurisdictional disputes (*e.g.* forum selection, renvoi, *etc*), choice of law, recognition of foreign judgments, UNCITRAL model law(s), online dispute resolution, international arbitration, electronic commerce, or any other relevant topic.

Authors are invited to address questions and issues arising from the specific area of law relating to their topic. All types of manuscripts, from socio-legal to legal technical to comparative, will be considered for publication. However, please note that any analysis solely limited to a national legal system will fall outside the scope of the Journal. *An international or European legal dimension is imperative*.

The Board of Editors will select articles based on quality of research and writing, diversity, and relevance of topic. The novelty of the academic contribution is also an essential requirement. Prospective articles should be submitted online and should conform to the journal style guide on our website. Utrecht Journal has a word limit of 15,000 words including footnotes. For further information, or for consultation on a potential submission, you can contact the Editor-in-Chief at utrechtjournal@urios.org.

DEADLINE FOR SUBMISSIONS:

18 April 2017

Utrecht Journal is the student-led, peer-reviewed biannual law journal of Urios, the Utrecht Association for International and European Law. The Journal was founded in 1981 as Merkourios. In the years since, the Journal has expanded its readership and is now distributed all over the world through databases such as HeinOnline and the Directory of Open Access Journals.

A study of the European Parliament on the protection of vulnerable adults in cross-border situations

The European Parliamentary Research Service has published a study, authored by *Christian Salm*, to support a legislative initiative report on the protection of vulnerable adults to be prepared by the French MEP *Joëlle Bergeron*.
The purpose of the study is to provide an objective evaluation of the potential added value of taking legislative action at EU level in this field, in particular where a cross-border element is present.

The study builds on expert research carried out for the purpose by *Ian Curry-Sumner* of the Voorts Juridische Diensten (Dordrecht), on the one hand, and by *Pietro Franzina* of the University of Ferrara and *Joëlle Long* of the University of Turin, on the other. The research papers are annexed to the study.

The study argues that, together with the ratification of the Hague Convention of 13 January 2000 on the international protection of adults by all EU Member States, the adoption of certain EU legal measures would create a more reliable legal framework for the protection of vulnerable adults in cross-border situations than is currently the case. This would constitute an added value in itself, and would also contribute to reducing legal and emotional costs for vulnerable adults when facing issues in a cross-border situation.

The proposed measures, which could be adopted on the basis of Article 81 of the Treaty on the Functioning of the European Union, include: (i) enhancing cooperation and communication among authorities of EU Member States in this area; (ii) abolishing the requirement of exequatur for measures of protection taken in EU Member States; (iii) creating a European certificate of powers granted for the protection of an adult; (iv) enabling the adult, under appropriate safeguards, to choose in advance the EU Member States whose courts should be deemed to possess jurisdiction to take measures concerning his or her protection;

(v) providing for the continuing jurisdiction of the courts of the EU Member State of the former habitual residence.

Property Law in a Global Era – Workshop at Tilburg University

On 27–28 October 2016, Professor *Amnon Lehavi* (Atara Kaufman Professor of Real Estate at Radzyner School of Law, Israel, and currently Global Chair at Tilburg University, Netherlands) and *Anna Berlee* (Tilburg Law School) will host an international expert meeting of speakers representing all areas of property law, from the Netherlands and abroad. The workshop will study the various challenges that processes of globalisation pose to the different fields of property law, from land law to tangible and intangible goods, intellectual property, property aspects of family law and new outer-world cyberspace and outer space property. Further details will be available here shortly. Those interested in participating should contact *Anna Berlee* at a.berlee@tilburguniversity.edu.

EBS Law Term Lecture on "Extraterritoriality in Transnational Regulation: The Special Problem of Private

Enforcement” on 18 October 2016 at EBS Law School in Wiesbaden

The Research Center for Transnational Commercial Dispute Resolution at EBS Law School will host a lecture on extraterritoriality in transnational regulation. Professor Dr. Hannah L. Buxbaum, John E. Schiller Chair in Legal Ethics, Maurer School of Law, Indiana University Bloomington, USA, will talk about the special problem of private enforcement in this context.

Background: In 2000, the European Community filed a lawsuit against RJR Nabisco (RJR) in U.S. federal court, alleging violations of the U.S. Racketeer Influenced and Corrupt Organizations Act (RICO). In 2016, the litigation came to a close. The Supreme Court held that RICO does apply to certain forms of foreign conduct – however, it concluded that RICO’s private cause of action does not extend to claims based on injuries suffered outside the United States, and therefore denied the European Community any recovery. The effect of this decision, which builds on other recent decisions of the Court, is to constrain quite significantly the application of U.S. regulatory law in cross-border cases.

The talk will explore the extraterritorial application of domestic regulatory law as a tool of transnational regulation. In particular, it will address the special challenges created when it is private plaintiffs, rather than state agencies, that seek to apply that law.

The Lecture will be held on 18 October 2016 at 6.30 p.m. in Lecture Room “Sydney” at EBS Law School in Wiesbaden. For further information see here.

We are looking forward to seeing you.

Conference on International Banking Transactions

The Interdisciplinary Association for Comparative and Private International Law (IACPIL) with support of the Faculty of Law at the University of Vienna is hosting a conference organized by Professor Dr Bea Verschraegen and Dr Florian Heindler on international banking transactions involving consumers.

The conference (in German language) will take place on 24 October 2016 in Vienna at the Vienna University, Faculty of Law.

Speakers are:

Professor Dr Peter Mankowski, University of Hamburg
Professor Dr Dietmar Czernich, Innsbruck
Professor Dr Georg Kodek, Vienna University of Economics and Business and Austrian Supreme Court
Private-Docent Dr Judith Schacherreiter, Vienna
Professor Dr Gerald Spindler, University of Göttingen
Dr Florian Heindler, Bregenz
Welcome address by Prof Dr Paul Oberhammer, University of Vienna
Moderation and conclusive remarks by Prof. Dr. Bea Verschraegen, University of Vienna, Prof Dr Verica Trstenjak, University of Vienna, Dr Konrad Koloseus, Vienna, Dr Heinz Löber, Vienna
The programme can be downloaded here.
For additional questions and registration, please contact Ms Sandra Muckenhuber.

And Then There Were …

Seventeen!

Estonia has recently joined the Rome III Regulation (EU) No. 1259/2010 on enhanced cooperation in the area of the law applicable to divorce and legal separation, increasing the number of participating Member States to seventeen. The Decision of the Commission of 10 August 2016 has been published in (2016) OJ L 216/13. Before, Lithuania and Greece had already joined the original fourteen participating Member States. Contrary to some dire forecasts made at the time when the Rome III Regulation was adopted, this instrument has turned out to be rather successful, being now in force in a clear majority of Member States. Rome III shall apply to Estonia from 11 February 2018. Article 3 of the said Council's decision contains specific transitional provisions, in particular with regard to choice-of-law agreements.

ERA-Conference: The Impact of Brexit on Commercial Dispute Resolution in London

The Academy of European Law (ERA) will host a conference on the changes which will be brought about by Brexit with regard to the UK's status under the Brussels Ia, Rome I & Rome II Regulations and the impact of those changes on commercial dispute resolution in London during the transitional period and afterwards. The seminar is organized by Dr *Angelika Fuchs* (ERA) in cooperation with the Bar Council, the European Circuit and the Hamburgischer Anwaltverein. The event will take place on **10 November 2016** in **London** and will be followed by a reception.

Key topics will be:

- the fate of prorogation clauses in favour of English courts
- cross-border enforceability of judgments

- consequences for choice of law agreements
- the future of London as a legal hub

The full conference programme is available here.

The speakers are:

- **Barbara Dohmann QC**, Barrister, Blackstone Chambers, London
- **Alexander Layton QC**, Barrister, 20 Essex Street, London
- **Matthias Lehmann**, Professor at the University of Bonn
- **Ravi Mehta**, Barrister, Blackstone Chambers, London
- **Hugh Mercer QC**, Barrister, Essex Court Chambers, London
- **Michael Patchett-Joyce**, Barrister, Outer Temple Chambers, London

For further information, please see the conference website. Registration forms are available here.

Changes and challenges in cross-border litigation – a post-referendum view from the UK

On Friday, 7 October 2016, the Institute of Advanced Legal Studies at the University of London will host a half-day conference on Changes and challenges in cross-border litigation after the Brexit referendum. Designed to give speakers and attendees the opportunity to reflect on topics that are or could be affected by 'Brexit' for better or worse, the focus of the conference will be on areas of law that are relevant to commercial law such as choice of law, dispute resolution, banking resolution and cross border securities. A comparative viewpoint will be taken to include perspectives from Scotland and England and other European legal systems. The objective is to invite fresh approaches to legal solutions as they have been manifested in European Union legislation that may benefit from rethinking in the light of the June 2016 referendum on the UK's EU Membership.

Registration is possible and requested via the conference website.

The Programme reads as follows:

Introductory Remarks: **Prof. Andrew Dickinson**, University of Oxford, tbc – *"The future direction of private international law in the UK"*

Keynote Speaker: **Prof. Giesela Ruehl**, University of Jena – *"Choice of law and choice court clauses after the EU Referendum"*

Prof. Sophia Tang, University of Newcastle – *"Future Private International Law and Judicial Cooperation: Different Models"*

Dr Maren Heidemann, Visiting Fellow, IALS – *"Identities in EU PIL – an outdated social model?"*

Dr Lorna Gillies, University of Strathclyde – *"Some observations on intra-UK rules post-Brexit"*

Prof. Gerard McCormack, University of Leeds – "Insolvency litigation after Brexit"

Dr Jonathan Fitchen, University of Aberdeen – *"Post-Brexit recognition and enforcement of UK civil and commercial judgments in the European Union: problems and challenges"*

Dr Mukarrum Ahmed, University of Aberdeen – *"BREXIT and English Jurisdiction Agreements: The Post-Referendum Legal Landscape*

Turkish Constitutional Court on

international child abduction

By an individual application, the Turkish Constitutional Court for the first time examined an allegation of violation of rights secured under the Turkish Constitution in the proceedings before the Turkish courts in relation to the 1980 Hague International Child Abduction Convention. The Court decided by majority that the applicant's right to respect for family life, which is guaranteed under Art 20 of the Constitution, was violated.

Burcu Yüksel, post-doctoral researcher at the University of Aberdeen and manager of the EUPILLAR project has written an article on this topic. It is published in International Family Law Journal, issue 3 of 2016.

A short version of the article is available here.