INTERNATIONAL WORKSHOP ON PRIVATE INTERNATIONAL LAW

European Developments in International Commercial Litigation

30 September 2011

University of Cyprus, Main Auditorium
15.00 – 18.30
Workshop Schedule

15.00 – 15.20: Welcome Speeches
Athanasios Gagatsis, Vice-Recto for Academic Affairs, University of Cyprus
George Papantoniou, Vice-President of the Cyprus Bar Association and President of the Nicosia Bar Association

15.20 – 15.30: Introduction: European Developments in International Civil Litigation
Nikitas Hatzimihail, University of Cyprus

15.30 – 16.45: First Panel: The Revision of Regulation Brussels I
Regulation 44/2001 "Brussels I" is the chief legislative landmark of the EU involvement in matters of cross-border civil and commercial litigation. Regulation Brussels I is at present undergoing revision by the EU: the replacement Regulation, which will likely be finalized during the Cyprus presidency of the EU in the second half of 2012, aims at further facilitating the recognition and enforcement of Member State judgments and at establishing common jurisdictional rules vis-à-vis third countries. Our panel will consider the present state of play and the salient points of the ongoing process.

Chair: André Potocki, Judge at the European Court of Human Rights
Rapporteur: Richard Fentiman, Cambridge University
Discussants: Arnaud Nuyts, Université Libre de Bruxelles
Louise Ellen Teitz, Hague Conference on Private International Law
Maciej Szpunar, Ministry of Justice, Republic of Poland
Joaquim Forner, University of Barcelona

17.00 – 18.30 Second Panel: A European Regime for Collective Redress
Mass claims are increasing in number, scope and complexity. It would appear that the time has arrived for a European legal regime on actions for collective redress. In the ongoing revision of the Brussels I Regulation, judgments arising from such litigation are being left out of the abolition of the exequatur, with a view to a separate instrument. The 2008 Commission Green Paper on Consumer Collective Redress has been followed by public consultation rounds and we are at present in expectation of a Proposal. This Panel will consider the prospects of such a legislative initiative.

Chair: Myron Nicolatos, Judge at the Supreme Court of Cyprus
Rapporteur: Horatio Muir-Watt, SciencesPo
Discussants: Michael Hellner, University of Uppsala
Michael Karayanni, Hebrew University
Garyfalia Athanassiou, University of Athens
Anna Gardella, Catholic University of Milan, European Central Bank
Lukasz Gorywoda, Université Libre de Bruxelles
Members of the Research Group on Judicial Cooperation in Market Regulation and Consumer Welfare

Garyfalia Athanasiou, University of Athens
Allegria Borras, University of Barcelona
Aurelia Colombi Ciacchi, University of Groningen
Richard Fentiman, Cambridge University
Joaquin Forner, University of Barcelona
Anna Gardella, Catholic University of Milan / European Central Bank
Lukasz Gorywoda, Université Libre de Bruxelles (U.L.B.)
Cristina Gonzalez, University of Barcelona / Spanish Judicial School
Nikitas Hatzimihail, University of Cyprus
Burkhard Hess, Heidelberg University
Michael Hellner, University of Uppsala
Ralf Michaels, Duke University
Horatia Muir Watt, SciencesPo Paris
Arnaud Nuyts, Université Libre de Bruxelles (U.L.B.)
Andre Potocki, Judge, European Court of Human Rights
Luca Radicati, Catholic University of Milan
Maciej Szpunar, University of Silesia / Polish Ministry of Justice
Louise Ellen Teitz, Hague Conference on Private International Law

Project directors: Arnaud Nuyts, Nikitas Hatzimihail

The workshop is partially funded by the European Commission as part of a European project on Judicial Cooperation in Matters of Market Integration and Consumer Welfare.

The aim of the Research Project is to undertake a comprehensive study of the legal issues pertaining to judicial cooperation in civil matters, which arise from the cross-border application of market regulation and consumer welfare regimes within the European Union, including cases where third countries are also involved, and relevant aspects of e-commerce and e-justice.

Market regulation has been one of the cornerstones of European economic integration. Consumer welfare, good economic governance and free and fair competition are pivotal to the promotion and safeguarding of the fundamental Community freedoms. They are also vital to the development of the distinctly European model of social market economy. In legal theory, regulatory law has shaken traditional assumptions about the nature and function of public law and private law: new institutions have been created in both procedural and substantive law. Private international law is particularly challenged by regulatory law: whereas the classic, “bilateral” method of the conflicts rule is used for traditional private-law subjects, in market regulation it is the “unilateral” method of extraterritoriality that seems to prevail, even when it comes to the private enforcement of market regulation. Consumer protection has also been an area of noticeable Community activity – in fact, it has been pivotal in efforts to harmonize and coordinate European private law. Today, a veritable corpus of European consumer law exists, and Community-sponsored initiatives to take stock, and subsequently build upon, the consumer acquis are nearing completion. The project aims to consider the judicial cooperation aspects of consumer welfare in a more global manner than has been done in the past, and in conjunction with the regulatory aspects.
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Co-funded by the University of Cyprus and the European Commission

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