



Πανεπιστήμιο Κύπρου
University of Cyprus

ULB

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-Rector 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: Horatia 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*
Allegría Borrás, *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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Further information: Nikitas Hatzimichail, nhatzimi@ucy.ac.cy