

Discussing the Boundaries of European Private Law

European private law has changed considerably over the past two decades, not only through growing specialization but also through the expansion of its substantive and territorial scope. Going beyond the limits of EC law, European law progressively embraces all legal fields. Incrementally, its concepts and mechanisms influence and modify national legal categories. In so doing, it lessens the classic continental *summa divisio* between public and private law, which is not without effect on the understanding of what is called *European private law*.

But discussion of the boundaries of European private law also includes discussion of its territorial scope. This increasingly important subject can be divided into two aspects, depending on whether one considers it from an 'internal' or from an 'external' point of view. The first perspective adopts as starting point the observation that, even within EC law, the territorial scope assigned to European norms by their authors is not standardised and uniform. The second perspective, on the other hand, focuses on the scope that is recognised to European norms by the international instruments that have a similar and/or complementary scope.

Obviously, the challenges faced when trying to determine the boundaries of European private law differ in nature from one legal field to another. Some fields have already been substantially harmonised within the EC, whereas others are much less Europeanised. In either case, it is useful to identify the recent trends, the new and coming developments and retrograde steps (whenever they can be seen as progressive or retrograde?).

Date of the Conference:

Thursday 28th October 2010 from 13h00 till 19h00

Friday 29th October 2010 from 09h00 till 18h00

Place of the Conference:

Chambre de Commerce
7 Rue Alcide de Gasperi, Kirchberg
L-2981 Luxembourg



Registrations:

Registration fees: 100 €(Student/PhD rate: 40 €)

Dinner on Thursday 28 evening: 50 €(Student/PhD rate: 20 €)

Registrations by email **before 15th October 2010** at fdef-colloques@uni.lu (Last name, first name, institution)

Payment has to be done prior to the Conference on the following bank account of the University of Luxembourg

- * Bank: Banque et Caisse d'Épargne de l'État
- * Bank account number: LU36 0019 2355 9899 3000
- * BIC code: BCEELULL
- * **Mandatory communication:**
Your name followed by "F2R-EVT D. Hiez 28-10"

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Conference

Discussing the Boundaries of European Private Law

Thursday 28 &
Friday 29 October 2010



Thursday, 28 October 2010

- 13:00 Arrival and registration of participants
- 13:30 Welcome
- *F. BILTGEN*, Minister of Justice, Minister for Higher Education and Research
- *Prof. A. PRÜM*, Dean of the Faculty of Law, Economics and Finance, University of Luxembourg
- Chair : *Prof. D. HIEZ*, University of Luxembourg
- 14:00 **Preliminary Remarks on the Concept of European Private Law**
Prof. Elise POILLOT, University of Luxembourg
- 14:45 **Scope of EC Competences: Evolution of the Texts and EC Case-Law**
Ass.-Prof. J. RUTGERS, Universiteit van Amsterdam
- 15:10 **Fundamental Rights: The New Frontier of European Private Law?**
Prof. J.-P. MARGUENAUD, Université de Limoges
- 15:35 Discussion
- 15:50 *Break*
- Chair : *Prof. O. CACHARD*, Université de Nancy 2
- 16:10 **Territorial Scope of European Private Law: A European Law Perspective**
Prof. M. FALLON, Université catholique de Louvain
- 16:35 **Territorial Scope of European Private Law: Perspective of International Institutions – Issues of Competence and the Substantive Relationship Between European and Global Harmonisation of Private and Commercial Law**
Prof. H. KRONKE, Ruprecht-Karls-Universität Heidelberg; Former Secretary-General UNIDROIT, Rome
- 17:00 Discussion
- 17:10 **Roundtable on European Private Law: Competing Forces and Political Prospects**
Moderator : *Dr A. FUCHS*, Academy of European Law - Trier
- *V. REDING*, European Commissioner for Justice, Fundamental Rights and Citizenship (to be confirmed)
- *V. TRSTENJAK*, Advocate General at the Court of Justice of the European Union
- *K. LECHNER*, Member of the European Parliament
- *R. HORNUNG DRAUS*, Chair of the Industrial Relations Committee of BusinessEurope, Executive director of the German Employers' Federation (BDA)
- *J. CREMERS*, Policy advisor on European social policy affairs, European Trade Union Confederation (ETUC)
- *B. SCHMITZ*, Counsel EU Affairs, Union luxembourgeoise des consommateurs (ULC)
- 18:30 Discussion

Friday, 29 October 2010

- 09:00 **Roundtable 1 – Business Activity in European Private Law**
Moderator : *Prof. S. POILLOT-PERUZZETTO*, Université Toulouse 1 Capitole
- **European Company Law** – *Prof. M. MENJUCQ*, Université Paris 1 Panthéon-Sorbonne
- **European Labour Law** – *Ass. Prof. A. SEIFERT*, University of Luxembourg
- **European Intellectual Property Law** – *Prof. P. A. DE MIGUEL ASENSIO*, Universidad Complutense de Madrid
- 10:00 *Break*
- 10:15 **Roundtable 2 – Market Regulation in European Private Law**
Moderator : *Prof. C. AUBERT DE VINCELLES*, Université de Cergy-Pontoise
- **European Competition Law** – *Prof. L. RADICATI DI BROZOLO*, Università cattolica del Sacro Cuore, Milano
- **European Regulation of the Financial Markets** – *Ass. Prof. C. MALBERTI*, University of Luxembourg
- **European Insurance Law** – *Prof. B. RUDISCH*, Universität Innsbruck
- **European Consumer Law** – *Prof. G. HOWELLS*, University of Manchester
- 11:35 **Emergence of a European Civil Procedure**
Prof. E. JEULAND, Université Paris 1 Panthéon-Sorbonne
- 12:00 Discussion
- 12:15 *Lunch*
- Chair : *Prof. F. ZENATI*, Université Jean Moulin Lyon 3
- 13:45 **Contract in European Private Law**
Prof. G. AJANI, Università degli Studi di Torino
- 14:10 **Security Rights in European Private Law**
Prof. T. STRUYCKEN, Universiteit Utrecht
- 14:35 **Tort in European Private Law**
Prof. U. MAGNUS, Universität Hamburg
- 15:00 **Persons and Family in European Private Law**
Prof. K. BOELE-WOELKI, Universiteit Utrecht
- 15:25 Discussion
- 15:40 *Break*
- Chair : *Prof. P. de VAREILLES-SOMMIERES*, University Paris 1 Panthéon-Sorbonne
- 16:00 **Criminal Law and European Private Law**
Ass. Prof. K. LIGETI, University of Luxembourg
- 16:25 **Environmental Law and European Private Law**
Ass. Prof. I. MICHALLET, Université Jean Moulin Lyon 3
- 16:50 Discussion
- 17:00 **Final Report**
P. KINSCH, Invited Professor at the University of Luxembourg