

Towards a Global Framework for International Commercial Transactions: Implementing the Hague Principles on Choice of Law in International Commercial Contracts

8th and 9th September 2016

University of Lucerne, Frohburgstrasse 3, Lucerne, Switzerland

Hörsaal 9 (basement floor)

Programme

8th September 2016

TIME	THEME	SPEAKERS
16.00-16.30	Registration	
16.30-16.45	Welcome address: <ul style="list-style-type: none"> ▪ Harmonization of private international law: the Swiss Perspective ▪ The Hague Conference and its recent instrument on choice of law: Genesis and Prospects of the Hague Principles 	Bernhard Rütsche, <i>Dean, Law Faculty, University of Lucerne</i> Niklaus Meier, <i>Co-Head of the International Private Law Unit, Federal Office of Justice (FOJ)</i> Marta Pertegás, <i>First Secretary, The Hague Conference on Private International Law</i>
16.45-17.05	Keynote address	Professor Jürgen Basedow, <i>Max Planck Institute for Comparative and International Private Law</i>
17.15-18.30	Key features of the Hague Principles	Chair: Professor Jürgen Basedow, <i>Max Planck Institute for Comparative and International Private Law</i> Speakers (1) Neil B. Cohen, <i>Brooklyn Law School, Brooklyn, New York, United States of America</i> (2) Daniel Girsberger, <i>University of Lucerne</i>
19.00	Dinner at the Lake	Restaurant "1871", Grand Hotel National, Haldenstrasse 4, Lucerne

9th September 2016

TIME	THEME	SPEAKERS
09.30-10.30	<p>Determining parties' agreement as to the applicable law:</p> <ul style="list-style-type: none"> ▪ Determining whether the contract provisions or circumstances reveal parties' choice of law (Article 4) ▪ Whether the proposed solution to the battle of forms issue will harmonize different approaches in various jurisdictions and increase certainty in international commercial transactions? 	<p>Chair: Daniel Girsberger, <i>University of Lucerne</i></p> <p>Speakers</p> <p>(1) Lauro Da Gama e Souza Jr, <i>Associate Professor, Pontifical Catholic University of Rio de Janeiro, Brazil, practitioner</i></p> <p>(2) Thomas Kadner Graziano, <i>University of Geneva</i></p>
10.30-11.30	<p>Exercising the autonomy to choose "rules of law": Benefits and Limitations</p> <ul style="list-style-type: none"> ▪ Requirements for "rules of law" ▪ Interaction between the Hague Principles and Rome I Regulation ▪ Gap-filling: Using a combination of non-state law and state law as applicable law 	<p>Chair: Andreas Furrer, <i>University of Lucerne</i></p> <p>Speakers</p> <p>(1) Geneviève Saumier, <i>Professor of Law, McGill University</i></p> <p>(2) Peter Mankowski, <i>University of Hamburg</i></p>
11.30-12.30	<p>To what extent should party autonomy be limited by overriding mandatory provisions and public policy exceptions?</p> <ul style="list-style-type: none"> ▪ Limitations of party autonomy under the Hague Principles 	<p>Chair: Lauro Da Gama e Souza Jr, <i>Associate Professor, Pontifical Catholic University of Rio de Janeiro, Brazil, practitioner</i></p> <p>Speakers</p> <p>(1) Andrew Dickinson, <i>Fellow of St. Catherine's College and Professor of Law at the University of Oxford, United Kingdom</i></p> <p>(2) Linda Silberman, <i>New York University School of Law</i></p>
12.30-14.00	Lunch	
14.00-15.15	<p>Envisioning the future of the Hague Principles and its impact on international commercial transactions:</p> <ul style="list-style-type: none"> ▪ The possible influence of the Hague Principles on international commercial arbitration ▪ The interaction between the Hague Principles and the work of UNCITRAL and ICC 	<p>Chair: Niklaus Meier, <i>Co-Head of the International Private Law Unit, Federal Office of Justice (FOJ)</i></p> <p>Speakers</p> <p>(1) Renaud Sorieul, <i>Secretary of UNCITRAL</i></p> <p>(2) Franco Ferrari, <i>New York University School of Law</i></p> <p>(3) Emily O' Connor, <i>Senior Policy Manager, Banking</i></p>

		<i>Commission/Commercial Law and Practice, ICC</i>
15.15-15.45	Tea break	
15.45-17.15	<p>Envisioning the future of the Hague Principles and its impact on international commercial transactions:</p> <ul style="list-style-type: none"> ▪ The role of the Hague Principles in the harmonization of laws relating to international commercial transactions ▪ The challenges and benefits of implementing the Hague Principles 	<p>Chair: Marta Pertegás, <i>First Secretary, The Hague Conference on Private International Law</i></p> <p>Speakers</p> <p>(1) Alberto Mazzoni, <i>President, UNIDROIT</i></p> <p>(2) Ivan Nimac, <i>Head of the Vienna Office of the Trade and Competitiveness Global Practice, World Bank Group</i></p> <p>(3) J.A. Moreno Rodríguez, <i>Professor, CEDEP, Asunción, Paraguay</i></p> <p>(4) Jan L. Neels, <i>Professor of Private International Law, University of Johannesburg, South Africa</i></p>
17.15-17.30	Closing Address	Daniel Girsberger, <i>University of Lucerne</i>