

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

8<sup>th</sup> and 9<sup>th</sup> September 2016

University of Lucerne, Frohburgstrasse 3, Lucerne, Switzerland

Hörsaal 9 (basement floor)

## Programme

8<sup>th</sup> September 2016

TIME	THEME	SPEAKERS
16.00-16.30	<b>Registration</b>	
16.30-16.45	<b>Welcome address:</b> <ul style="list-style-type: none"> <li>▪ Harmonization of private international law: the Swiss Perspective</li> <li>▪ The Hague Conference and its recent instrument on choice of law: Genesis and Prospects of the Hague Principles</li> </ul>	Bernhard Rüttsche, <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	<b>Keynote address</b>	Professor Jürgen Basedow, <i>Max Planck Institute for Comparative and International Private Law</i>
17.15-18.30	<b>Key features of the Hague Principles</b>	<b>Chair:</b> Professor Jürgen Basedow, <i>Max Planck Institute for Comparative and International Private Law</i>  <b>Speakers</b> (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	<b>Dinner at the Lake</b>	<b>Restaurant "1871", Grand Hotel National, Haldenstrasse 4, Lucerne</b>

9<sup>th</sup> September 2016

TIME	THEME	SPEAKERS
09.30-10.30	<p><b>Determining parties' agreement as to the applicable law:</b></p> <ul style="list-style-type: none"> <li>▪ Determining whether the contract provisions or circumstances reveal parties' choice of law (Article 4)</li> <li>▪ Whether the proposed solution to the battle of forms issue will harmonize different approaches in various jurisdictions and increase certainty in international commercial transactions?</li> </ul>	<p><b>Chair:</b> Daniel Girsberger, <i>University of Lucerne</i></p> <p><b>Speakers</b></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><b>Exercising the autonomy to choose "rules of law": Benefits and Limitations</b></p> <ul style="list-style-type: none"> <li>▪ Requirements for "rules of law"</li> <li>▪ Interaction between the Hague Principles and Rome I Regulation</li> <li>▪ Gap-filling: Using a combination of non-state law and state law as applicable law</li> </ul>	<p><b>Chair:</b> Andreas Furrer, <i>University of Lucerne</i></p> <p><b>Speakers</b></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><b>To what extent should party autonomy be limited by overriding mandatory provisions and public policy exceptions?</b></p> <ul style="list-style-type: none"> <li>▪ Limitations of party autonomy under the Hague Principles</li> </ul>	<p><b>Chair:</b> Lauro Da Gama e Souza Jr, <i>Associate Professor, Pontifical Catholic University of Rio de Janeiro, Brazil, practitioner</i></p> <p><b>Speakers</b></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	<b>Lunch</b>	
14.00-15.15	<p><b>Envisioning the future of the Hague Principles and its impact on international commercial transactions:</b></p> <ul style="list-style-type: none"> <li>▪ The possible influence of the Hague Principles on international commercial arbitration</li> <li>▪ The interaction between the Hague Principles and the work of UNCITRAL and ICC</li> </ul>	<p><b>Chair:</b> Niklaus Meier, <i>Co-Head of the International Private Law Unit, Federal Office of Justice (FOJ)</i></p> <p><b>Speakers</b></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	<b>Tea break</b>	
15.45-17.15	<p><b>Envisioning the future of the Hague Principles and its impact on international commercial transactions:</b></p> <ul style="list-style-type: none"> <li>▪ The role of the Hague Principles in the harmonization of laws relating to international commercial transactions</li> <li>▪ The challenges and benefits of implementing the Hague Principles</li> </ul>	<p><b>Chair:</b> Marta Pertegás, <i>First Secretary, The Hague Conference on Private International Law</i></p> <p><b>Speakers</b></p> <p>(1) Alberto Mazzone, <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	<b>Closing Address</b>	Daniel Girsberger, <i>University of Lucerne</i>