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that being right and
being proven to be
right at court are
different things*

ACTIVITY **REPORT** 16-18

MAX PLANCK INSTITUTE
LUXEMBOURG

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Max Planck Institute
LUXEMBOURG
for Procedural Law

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I. FOREWORD

This second Activity Report of the Max Planck Institute (MPI) Luxembourg for Procedural Law provides a comprehensive overview of its activities for the years 2016-2018 and highlights the main outcomes of its scientific research. Since its foundation in 2012, the MPI Luxembourg has established itself at the forefront of enquiries on procedural law, and has integrated into the wider research and academic community in the Grand Duchy of Luxembourg, in Europe and globally. The period between 2016 and 2018 was marked by the steady expansion of the Institute's scientific outreach, by major conferences in and outside of Luxembourg, and by the adoption of a research strategy which emphasises the specificities of the different research fields and focuses on commonalities of the two departments.

The scientific outcomes of the Institute include research projects, conferences and events, learned books, print and electronic publications. The Institute has become a truly international institution composed of researchers from 17 countries. Moreover, everyday life at the Institute is marked by cultural exchanges: the Institute's Guest Programme attracts researchers from all over the world, and has advanced cooperation with national, European and international institutions. This report not only lists the different activities of the Institute but also describes the outcomes, the methodologies applied and objectives pursued.

Ambitious scientific research needs solid organisational support. At the MPI Luxembourg, this assistance is provided by the library, the administration and the scientific support unit. The last three years, and especially 2018, have also witnessed the restructuring of the administration according to the Institute's research priorities, as well as the establishment of a dedicated scientific support unit. While reform is still ongoing, much has been achieved in a short time.

The activities of the Institute would not have been possible without the strong support of the researchers and staff. The Directors are very grateful for their commitment and support.

Hélène Ruiz Fabri and Burkhard Hess



The MPI Luxembourg is unique within the Max Planck Society network insofar that it has the legal form of a foundation with a funding guaranteed by the Grand Duchy of Luxembourg on a long-term basis.



II. HIGHLIGHTS

1. A Max Planck Institute Outside of Germany

The MPI Luxembourg is a young and dynamic research institution undertaking interdisciplinary and collaborative research in the fields of international, European and regulatory procedural law. Since its establishment, the Institute has developed its unique focus on a challenging field of legal research, namely the procedures underlying dispute settlement and decision-making processes, with the aim of identifying and analysing emerging trends in dispute resolution mechanisms and decision-making across Europe and beyond.

Over the past three years, the MPI Luxembourg has matured. The Institute and its researchers have taken advantage of the diversity of legal and cultural backgrounds to carry out an increasing number of research projects and organise various scientific events. At the end of 2018, the Institute is proud to highlight some of its achievements.

The MPI Luxembourg is the fifth Institute outside German borders. However, it is unique within the Max Planck Society (MPG) network insofar that it has the legal form of a foundation and has its long-term funding guaranteed by the Grand Duchy of Luxembourg. Therefore, it constitutes a moral person under Luxembourgish law. The Institute is organised according to the MPG rules and applies its exceptional quality standards. This undoubtedly played a key role in the determination of the authorities in the Grand Duchy to enter into what has shown to be a successful cooperation.

Combining and reconciling the two distinct legal regimes governing the Institute was a challenge. Nevertheless, it has proven possible to organise the Institute as a genuine Max Planck Institute operating in full compliance with Luxembourgish law.





2. A Multicultural and Multidisciplinary Team of Young Researchers

As of December 31st, 2018, the MPI Luxembourg hosts 41 young, talented, and motivated researchers from 17 countries, representing five continents. Since its inception, 81 doctoral students and early career scholars working in comparative and international procedural law have conducted research at the Institute.

The last three years have allowed an increasing number of researchers to form an integrated and successful team while preserving the special characteristics that constitute the MPI Luxembourg's multicultural research environment. The result is an increase in research activities, publications, participation at conferences, and the organisation of various academic events. The diverse scholarly backgrounds of its researchers has allowed the Institute not only to engage in procedural law research from a comparative, transnational and international law perspective, but also to undertake truly interdisciplinary research. Indeed, next to law, the researchers' scholarly backgrounds include history, philosophy, and sociology, among others.

3. An International Research Institution Anchored in the Luxembourg Landscape

The government aspires to establish Luxembourg as a leading knowledge-based society through science, research and innovation. It has consequently developed a supportive policy for research, which promotes the exchange of knowledge between policy-makers and scientists. The "Pairing Scheme", led by the Luxembourg National Research Fund (FNR), is an example of such support. In its framework, and to the benefit of the aforementioned knowledge exchange, Prof. Ruiz Fabri was "paired" with Ms Simone Beissel - a Parliament Member and jurist herself.

Moreover, the Institute has successfully integrated its scientific agenda into the academic, legal, and political communities of Luxembourg with the help of the FNR, which has funded key conferences and projects during the last three years. These include the series of six lectures on sovereign debt that were held in the autumn of 2016, giving renowned international experts a chance to discuss international obligations, foreign debt, and financial restructuring.

The unique location of the Institute in Luxembourg, close to the European institutions, and especially the Court of Justice of the European Union (CJEU), also favours cooperation between the MPI researchers and the members of these institutions. The colloquium for young scholars "Current Challenges for EU Cross-border Litigation in a Changing Procedural Environment" (26 September 2018) is one example of this fruitful partnership.

4. *A Hub for Researchers Interested in Procedural Issues*

Furthermore, the MPI Luxembourg is actively engaged with Luxembourgish institutions and civil society to ensure the widest possible dissemination of its research findings. For example, in May 2016, the Institute organised the round table “L’état d’urgence: rempart ou menace pour l’État de droit?” in light of the revision of Article 32(4) of the Luxembourgish Constitution, which governs the declaration of a state of emergency. This event brought together academics from the MPI, the universities of Luxembourg and Paris 1, as well as local politicians and lawyers, and gave rise to a vivid debate about the substantive and procedural aspects of the provision.

Alongside a skills seminar held at the Institute, the MPI organised the launch of the French translation of Prof. Philippe Sands’ bestseller *Retour à Lemberg* (*East West Street: On the Origins of ‘Genocide’ and ‘Crimes Against Humanity’*) at the Abbey of Neumünster in October 2017. This event was organised by the MPI Luxembourg and Memoshoh, with the support of the *Institut français du Luxembourg*, and in partnership with *Témoins de la 2^{ème} Génération*, *Musée national de la Résistance*, *Institut Pierre Werner*, *Abbaye de Neumünster* and *Editions Albin Michel*. Offering the MPI Luxembourg the opportunity to expand its audience, this vibrant lecture was advertised widely and attracted about 200 guests.

Over the course of the last six years, the Institute has steadily enhanced its reputation far beyond the European borders. This acknowledgment is particularly noticeable in the framework of the Guest Programme established by the Directors. Coming from European or overseas universities and institutions, and at different stages of their careers, the number of visitors has increased considerably during the reporting period. Some Ph.D. students have benefited from a competitive grant while a number of renowned academics, judges and practitioners were personally invited by the Directors.

The diversity of the legal backgrounds of the Institute’s guests ensures vivid debates in the context of the scientific activities of the Institute. To further facilitate interaction between guests and MPI Research Fellows, a Guest Forum, at which guests can present their research, takes place on a monthly basis and is attended by all researchers.



5. *A Springboard for Talented Young Researchers*

The Institute, and especially its Directors, strive to support the MPI researchers in the development of their career. A number of them have already moved on to positions in academia, while others have continued in private practice or in public institutions. This progression illustrates the way in which the MPI operates as a 'springboard' for researchers' professional and personal development.

From the Department of European and Comparative Procedural Law, five former Research Fellows or Senior Research Fellows have taken up full-time academic positions in prestigious universities worldwide. Dr Pietro Ortolani is now an Assistant Professor in Private Law at Radboud University in the Netherlands. Dr Georgios Dimitropoulos has been an Assistant Professor at the College of Law and Public Policy of the Hamad Bin Khalifa University in Qatar since 2016. Dr Pei Lu has been an Assistant Professor at the University of International Business and Economics in Beijing since 2015 while Dr Yin Jin took up a position as an Assistant Professor at the Renmin University of Beijing in 2018. Dr Matteo Gargantini was recently offered a position as an Assistant Professor of European Economic Law at Utrecht University.

Concerning the Department of International Law and Dispute Resolution, six of its former researchers have integrated into renowned academic and research institutions in Europe and beyond. Dr Geraldo Vidigal is an Assistant Professor at the University of Amsterdam, where he teaches international trade law and public international law, and coordinates the LL.M. in International Trade and Investment Law. Dr Tamar Meshel is an Assistant Professor at the University of Alberta, where she gives the courses of Canadian tort law and corporations law. Dr Immi Tallgren is a Faculty Member of the Erik Castrén Institute of International Law and Human Rights of the University of Helsinki, while Dr Anne-Charlotte Martineau is a *Chargée de Recherche* (tenured researcher) at the French National Center for Scientific Research (CNRS). Dr Andrés Delgado Casteleiro is currently the Faculty Secretary at the Autonomous University of Chile's Law Faculty, where he also teaches public international law. Dr Dalia Palombo is a Post-Doctoral Fellow at the London School of Economics.

6. A Recent Example of a Successful Collaboration between the Departments

On 6-8 December 2017, under the Patronage of their Excellencies, the Ambassadors of France and Germany in the Grand Duchy of Luxembourg, the Institute organised a conference dedicated to the major impacts of the Versailles Peace Treaty on international dispute settlement after the First World War. The two-day conference attracted 21 speakers, including several prominent academics (both in international law and in history) and international legal practitioners. Far from limiting their presentations to the Versailles Peace Treaty itself, the speakers showed how this treaty and other post-WWI Paris peace treaties profoundly reshaped international law and international adjudication, and how some aspects of this legacy subsist to this day.

An inaugural session of the conference took place on the evening of 6 December 2017. As a symbolic gesture of French-German reconciliation, their Excellencies Dr Heinrich Kreft and Mr Bruno Perdu, the Ambassadors of Germany and France in Luxembourg, jointly opened the conference with successive reflections on the Versailles Peace Treaty. Prof. Nathaniel Berman then set the general tone for the conference with an inspiring inaugural lecture, entitled "Drama Through Law: The Versailles Treaty and the Casting of the Modern International Stage".

The conference formally opened on 7 December 2017 with a joint welcome address by both Directors of the MPI Luxembourg. During this first full day, the speakers tackled several important innovations of the Versailles Peace Treaty with regard to the substance of international law and international relations, the new political framework established as part of the League of Nations, and its economic implications. The second day of the conference focused on the contribution and impact of the Versailles Peace Treaty to international adjudication in light of the major research areas of the Institute.

With over 100 participants, its varied presentations, and its lively Q&A sessions, this conference was a major success. Its scientific contribution has been hailed by the organisers and participants of subsequent conferences on the Versailles Peace Treaty, notably the one co-organised by the French and German Societies of International Law and the University of Strasbourg on 28-29 September 2018. The manuscript of the conference proceedings was sent to the publisher in December 2018, and is expected to be available in Spring 2019. For a more detailed description see *infra*.



7. Combining Research and Expertise with an Influence on Law and Policy-Making

The Institute aims to generate excellent research and to ensure it is used to maximum effect in meeting real world challenges. The Directors and the MPI Fellows collaborate with a range of partners for teaching and research, internationally and nationally.

Since its inception, the Department of European and Comparative Law has undertaken various projects on contemporary EU legal issues and has published multiple studies on the evaluation of EU procedural law instruments, consumer protection, EU insolvency law, procedural minimum standards, and EU family law. One such example is the following. In 2016 and 2017, the Department undertook a study for the European Commission on the impact of national civil procedure on mutual trust and the free movement of judgments, and on the effective protection of consumers (JUST/2014/RCON/PR/CIVI/0082) with funding of 480,000 EUR. It is a comprehensive, empirically-driven comparative study of national civil procedure which uses an extensive dataset comprising hundreds of interviews and responses to a multi-language online survey to examine civil procedural rules in all EU Member States. The two General Reports are of interest for all practitioners, academics and policymakers; having been updated, they will be published as books in March 2019. In addition to other projects,

Prof. Marta Requejo Isidro, for example, shared her expert advice on the impact of Brexit on family law. Funded by the European Parliament, in 2018 she published a study entitled “The Future Relationship between the UK and the EU following the UK’s Withdrawal from the EU in the Field of Family Law”.

Similarly, the Department of International Law and Dispute Resolution, under the leadership of Prof. Hélène Ruiz Fabri, provides their expertise to the EU institutions in relation to international dispute resolution. For example, at the beginning of the year 2018, Prof. Ruiz Fabri and her team of researchers were invited to share their expertise on the composition and functioning of various international courts and tribunals with the European Commission and Member States representatives in an expert meeting held in Brussels. The MPI Luxembourg will continue to support EU and international actors in shaping and evaluating legislation.

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III. SCIENTIFIC STRATEGY

1. Shaping an Underexplored Field of Research

To further develop ambitious and innovative research projects, as well as to keep attracting the brightest scientists to the Institute, the Directors have developed a multidimensional scientific strategy, reflected by the following objectives.

“Procedural law matters” is reflected in the well-known dictum “Not only must justice be done, it must also be seen to be done”.

“Procedural law matters” is reflected in the well-known dictum “Not only must justice be done, it must also be seen to be done”. Notwithstanding that procedure lies at the basis of the regulation and decision-making processes affecting our lives, the research field remains largely underexplored. Procedural law governs the machinery of dispute resolution and the processes by which individuals, corporations, and States decide upon and enforce their rights and obligations in national, regional, and international fora. In other words, procedural law is central to the proper functioning of the legal order and crucial to every dispute resolution system.

A key research focus of the Institute concerns the relationship between substantive law and procedural law. Although this is a crucial distinction, the research at the MPI Luxembourg illustrates that it is not always easy to distinguish substance from procedure. Many rules seem to straddle the divide and, depending on the circumstances, may be seen as either substantive or procedural. It is often this grey area that informs and inspires the research agenda of the Institute. An example is the complementarity principle of the Rome Statute, which stipulates that the International Criminal Court is a court of last resort and will have a role to play only where national courts are “unwilling” or “unable” to address international crimes. The evaluation of such unwillingness or inability necessarily involves substantive law considerations. Moreover, because procedure is integral to every dispute, more often than not, procedural issues become intermingled with substantive issues and it may be difficult – and even, at times, counter-productive – to separate procedure from substance completely.

2. Exploring Each and Every Form of Dispute Resolution

As procedure is not only technical, but is supposedly based on values like fairness, equal treatment of parties, judicial impartiality, adversarial debate, and public hearings, then it ought to guarantee a fair (and acceptable) result from any proceedings. But does it? This is the locus of the Institute's research agenda: to critically assess the possibilities and limits of procedural rationality.

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Researchers from the MPI Luxembourg engage their expertise to examine different sets of legal proceedings, as well as other contemporary forms of dispute settlement, such as arbitration, mass claim processing, online dispute resolution, and mediation. Beyond a focus on national, European, and international dispute settlement, the research agenda extends to all types of decision-making. It encompasses various theoretical and historical schools of thought in international and European law in order to assess their accuracy regarding procedural issues. It also elucidates the influence of international procedural law on the development of private and public international law. That is to say, the importance of procedure for the further development of international law. It sets out to do so by taking into account the concept of international procedural law in its widest sense and by using a synoptic method that unites theoretical, historical, and practical perspectives on international dispute settlement.

Indeed, a major advantage of the Institute is that it brings together different fields of law, at the national and international levels, and allows for a comprehensive approach to be adopted, both in terms of individual research projects and projects of the departments. Thus, its research profile allows the oft-drawn distinction between public and private law

3. Identifying and Tackling Ambitious and Innovative Research Questions

to be overcome; a distinction which is traditionally deemed to be characteristic of continental law, but does not necessarily correspond to modern legal practice and has never been strongly grounded in international law. The 2017 Hague Lecture of Prof. Hess on the private-public divide summarises research experiences bridging the divide within the Institute. The multinational composition of the Institute and its preference for international and comparative approaches presupposes the MPI Luxembourg to have a truly international setting that opens up possibilities for transversal perspectives of procedural law to be adopted. In addition, an overarching project like the *Encyclopedia of International Procedural Law* (EiPro) contributes to stretch the limits of the procedural field if only by innovatively incorporating multidisciplinary approaches in its systematic mapping of international adjudication. Moreover, the Institute's research is not limited to "procedural law as such". Instead, the approach to research on dispute settlement is always seen within the context of those fields of law to which it relates, as disputes are usually not about procedural, but rather, about substantive issues. Interesting possible interfaces arise with the other MPIs in law that conduct research on procedural law matters from their particular scientific perspective.

The Directors and the researchers of the MPI Luxembourg aim to identify the key trends and most pressing questions arising in the field of procedural law so that these issues may be tackled from diverse perspectives, through a variety of research methodologies. An example of a challenging topic which puts the MPI Luxembourg at the forefront of procedural law research is the emerging focus on digital justice in dispute resolution. This includes, among others, online dispute resolution, the procedural dimensions of the interrelation between dispute resolution and information technology, as well as the procedural law and human rights aspects of artificial intelligence in dispute resolution and decision-making. A recent project which adopts this approach and reflects the evolution of the Institute is the Open Justice conference. Organised in February 2018 by the Department for European and Comparative Procedural Law, the conference brought together academics from Europe and the USA, including Professors Hess and Ruiz Fabri, and members of the CJEU, to discuss questions concerning the re-examination of traditional ideas of the principle of the public hearing in light of modern-day challenges (especially the growing use of information technologies). The conference proceedings, entitled *Open Justice: The Role of Courts in a Democratic Society*, will be published by Nomos as an edited collection in 2019. Other projects to be developed include one on Digital Justice, following on and resulting from Open Justice.

4. Developing Innovative Projects at the Crossroads of Private and Public Law

Under the supervision of Prof. Ruiz Fabri, several researchers of the Department of International Law and Dispute Resolution teamed up to develop ambitious research projects investigating the various impacts new technologies have on the functioning of international courts and tribunals, ranging from paperless courts to video-witnessing. To that end, a research project on “The Quest for Judicial Efficiency: Technology as a Tool or as an Engine?” and a scientific event on “Blockchain Technologies and Dispute Settlement” are on track for 2019 and beyond.

With this approach, the MPI Luxembourg not only aims to advance the research agenda of procedural law in respect of contemporary legal and political challenges, but also to ensure that the Directors and researchers of the Institute can provide concrete advice and expertise to law- and policy-makers.

Although each Department has its own distinct field of research, at the behest of the Directors of the Institute, these areas increasingly overlap, facilitating collaborative research. The two Departments consistently work together to develop an integrated research agenda within the fields of public and private law. Indeed, both Departments have collaborated on a number of significant projects, have engaged in historical analysis (for example, as regards the Versailles Treaty conference), and have, from national, European, and international law perspectives, identified challenges burdening the development of procedural law. While the projects on the digitalisation of justice already offer many opportunities for collaboration between the two Research Departments, interdepartmental cooperation and reliance on specific perspectives will also underpin investigations into the future of international arbitration.



5. Continuing to Attract the Best and Brightest Scientists from all over the World

With the aim of becoming the pre-eminent centre for the study of procedural law, the Institute has developed an ambitious and encouraging recruitment policy in order to attract the brightest early-career researchers and highly-qualified post-doctoral researchers. For this purpose, it broadly advertises the available positions and participates actively in all possible doctoral programmes of excellence, such as the "International Max Planck Research School for Successful - Dispute Resolution in International Law" (IMPRS-SDR) or the "Enforcement in Multi-level Regulatory Systems" (DTU-REMS) (see chapter VI "Support to Young Researchers"). The scholarship programme is also a means of identifying possible future researchers of the Institute.

The Institute considers the wellbeing of its researchers to be essential to its excellence as a research institution and is aware that this also helps to attract new doctoral and post-doctoral talent. It is therefore committed to generating and ensuring outstanding results in recruiting and to offering the best possible conditions for researchers in accordance with the principles of equal opportunity, the highest ethical standards, and respect for work-life balance. Researchers and guests of the Institute benefit from a stimulating and favourable work environment and a supportive administrative staff. For example, the Human Resources (HR) team offers newcomers assistance and information about accommodation opportunities in Luxembourg and neighbouring countries, and can be relied upon for questions related to visa and residence matters. The space occupied by the MPI has been enlarged in the last two years, allowing every person at the Institute to be granted a workstation. The Library, which remains at the heart of the research of the Institute, now extends to the entire third floor, in the centre of the facility. It offers around 60,000 books, journals and electronic resources for research. The catalogue of acquisition relies on an international team of highly-qualified librarians.

6. Supporting the Professional and Personal Development of the Researchers

The MPI Luxembourg aims to ensure that support, crucial throughout the career development of researchers, is provided to those working at the Institute. Researchers usually work for a period of 5 years maximum and pursue their own projects, including their Ph.D. theses or post-doctoral research projects. In this respect, the Directors pay special attention to the professional perspectives of all Research Fellows who are planning their next professional steps beyond the Institute: researchers are encouraged to attend conferences, to make presentations, and to publish articles and books. In a similar vein, the Directors have settled various opportunities aiming to develop the soft skills of the researchers.

The Directors will continue to fine-tune the support provided to the doctoral and post-doctoral researchers. They will share further their knowledge of the research landscape, especially in terms of attracting external funding, as expectations in this regard are growing for young academics and being knowledgeable is an asset. The reinforcement and restructuring of the scientific support in progress at the Institute is also related to this goal.

7. *Expanding its Network of Excellence*

In order to expand and strengthen the collaboration with its former guests and researchers, the MPI Luxembourg established and registered its alumni association in 2018: “Alumni and Friends of the Max Planck Institute Luxembourg for Procedural Law”. The alumni association has been established as a non-profit association under Luxembourgish law and is registered with the *Registre de commerce et des sociétés*. Two Senior Research Fellows – Dr Edouard Fromageau and Dr Stephanie Law – are its founding members; the MPI also asked an esteemed scholar in the international and EU law community, Professor Christian Kohler, to act as the third founding member.

Three different categories of alumni are foreseen by the statutes, namely “full members”, “supporting members” and “honorary members”. Full members will include former researchers, guests, students, External Scientific Fellows and External Scientific Members, members of the Scientific Advisory Board, and those who have a scientific or personal relationship with the Institute. A supporting member may be any natural or legal person who is connected to the work of the Institute. Honorary members will be appointed on the basis of their special services to the MPI Luxembourg or their association to the MPI on the proposal of the Management Board of the Alumni Association and by subsequent decision of the General Assembly. The objective of the association is to facilitate communication between researchers and members of the MPI in Luxembourg and elsewhere, through annual meetings held in Luxembourg and the dissemination of information via email about research conducted at the Institute, library news, conferences, and publications of researchers.

The first call for membership and first General Assembly will take place in 2019.



8. *Sharing Research Results with the Wider Public*


Alongside its numerous international conferences and workshops and the MPI Luxembourg YouTube channel, which allows for virtual attendance at an MPI Luxembourg event from abroad, the MPI Luxembourg always strives to share its knowledge with the widest possible audience. In the year 2018, the Directors already undertook important commitments to enhance the dissemination of the scientific findings produced at the Institute. A first step was the setting-up of a research paper series hosted on SSRN. Another important step was to begin negotiations with Nomos to increasingly publish the Institute's book series in open access. The first volume, *International Law and Litigation: A Look into Procedure* edited by Prof. Hélène Ruiz Fabri, will be released at the beginning of 2019. The second volume, *Peace Through Law: The Versailles Peace Treaty and Dispute Settlement after World War 1*, will follow soon after.

Moreover, the Directors are involved in the negotiations undertaken by the Luxembourgish authorities in order to define a national plan for Open Science.

9. *High-level Scientific Ethics*

Scientific ethics is an important issue for both Directors at the MPI Luxembourg; they find it pivotal that the highest ethical standards guide all aspects of academic pursuits. To this end, and to fortify a consistent application of ethical norms, MPG documents outlining ethics-related issues have been shared with the MPI Luxembourg's employees. Guidelines such as "Rules of Good Scientific Practice" and "Guidelines and Rules of the Max Planck Society on a Responsible Approach to Freedom of Research and Research Risks" were disseminated to staff and discussed during the Department meetings; other relevant topics like plagiarism and constructive peer-reviewing have also been debated.

Moreover, pursuant to the "Guidelines of the Scientific Council for Electing Ombudspersons", an Election Committee was formed to oversee the Ombudsperson electoral process. The Committee, consisting of three Senior Research Fellows – Dr Martyna Falkowska-Clarys, Dr Stephanie Law, and Dr Edouard Fromageau – ensured an inclusive and transparent election. As a result, in December 2018, Dr Björn Laukemann was appointed as the Ombudsperson for a three-year term. This position aims to ensure that the highest levels of scientific ethics resonate throughout the Institute and its activities.

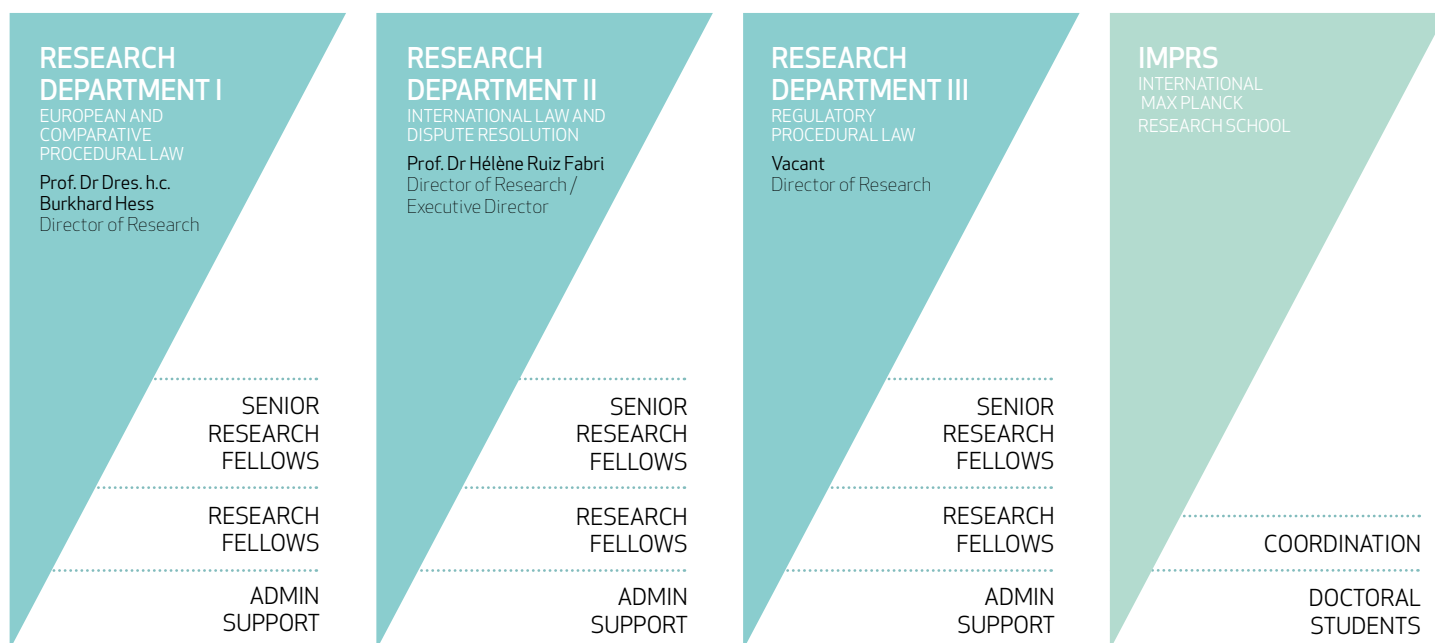


*Attracting the best
and brightest scientists
from all over the world.*

IV. STRUCTURE AND ORGANISATION

The MPI Luxembourg is currently structured around two Research Departments: the Department of European and Comparative Procedural Law, led by Prof. Burkhard Hess, and the Department of International Law and Dispute Resolution, headed by Prof. Hélène Ruiz Fabri. As of 31 December 2018, the two Departments host 12 Senior Research Fellows and 29 Research Fellows, including five IMPRS Students fully involved in the daily activities of the Institute. Indeed, the two Departments of the Institute also jointly run the International Max Planck Research School (IMPRS) on Successful Dispute Resolution.

1. Organisational Chart



2. Directors



*Prof. Dr. Dr. h.c.
Burkhard Hess*

Professor Burkhard Hess studied law at the Universities of Würzburg, Lausanne and Munich, and graduated in Munich in 1990. After being granted *Venia Legendi* in civil law, civil procedure, private international law, European law, and public international law in 1996, he then held chairs at the Universities of Tübingen and Heidelberg. He has been a Guest Professor in Beijing, in Paris (University Paris 1 Panthéon-Sorbonne), and in Washington (Georgetown Law Centre), and a scholar in residence at New York University Centre of Transnational Law. He taught at the Hague Academy of International Law in 2017 and was an invited Guest Professor at the Taiwan National University in 2018. When he was a Professor in Heidelberg, he also served as a part-time Judge at the Court of Appeal of Karlsruhe. Professor Hess often acts as an expert in legal proceedings and as an advisor to the European Commission, the European Parliament, the Council of Europe, and national governments. He is the author of various books and commentaries on German and European civil procedural law, and the Co-Editor of *IPRax: Praxis des internationalen Privat- und Verfahrensrechts* and of the *Journal of International Procedural Law*.

In August 2017, Professor Hess gave the Hague Academy of International Law Summer Course on The Private-Public Law Divide in International Dispute Resolution, which addressed dispute resolution in international cases from the classical perspective of the private-public divide. The Course has been published as vol. 388 of the *Recueil des Cours*, and was published in 2018 as a pocketbook (no 33) of the Hague Academy of International Law.

Professor Hess is member of and holds positions in numerous academic institutions. Currently, he is the President of the German Association of International Procedural Law, a Member of the Presidium of the International Association of Procedural Law (IAPL), and Chairman of the International Law Association (ILA) Committee on the Protection of Privacy in Private International and Procedural Law. Among others, he holds memberships of the German Associations of Procedural Law, Civil Law and of International Law and of the European Law Institute (ELI), and is a Member of the *Comité Français de Droit International Privé*. He is likewise a Member of the Flemish Academy of Science, the *Academia Europaea*, and an Associate Member of the International Academy of Comparative Law (IACL). In 2016, he was appointed as an Honorary Corresponding Non-Resident Foreign Academician of the Academy of Sciences of the Bologna Institute.

Professor Hess has given expert advice on many occasions and conducts projects at the request of different European institutions. He has contributed to the drafting of the proposal for the Regulation on the European Attachment of Bank Accounts. Among other things, he was a member of several expert groups of the European Commission, e.g., on the interfaces between arbitration and the Brussels I (2010), on the cross-border attachment of bank accounts (2011), and on the reform of the European Service and Evidence Regulations (2017). In addition, at the request of the European Commission and with other colleagues, he evaluated in 2005 the application of Regulation 44/2001 (Brussels I) in twenty-five EU Member



*Prof. Dr
Hélène Ruiz Fabri*

States and the application of Regulation 1346/2000 (on insolvency) in twenty-eight EU Member States in 2012. In 2016, he conducted a comprehensive study for the European Commission to evaluate the impact of the procedural law of EU Member States on the free movement of judgments and on the effectiveness of procedural protection of consumers under EU law. Two books will be published, co-edited with Dr Pietro Ortolani and Dr Stephanie Law, at the beginning of 2019.

Professor Hess currently holds honorary professorships at the University of Heidelberg (since September 2012) and at the University of Luxembourg (since January 2013). In March 2015, the University of Ghent awarded him a *doctor honoris causa* in recognition of his scientific research in the field of European procedural law. In May 2016, the International Hellenic University in Thessaloniki awarded him a *doctor honoris causa* for his achievements in European and comparative procedural laws.

Professor Hélène Ruiz Fabri has degrees in Law and Political Science, and a Doctorate from the University of Bordeaux. Before becoming Director of the MPI Luxembourg in 2014, she was a Professor at the Sorbonne Law School (University Paris 1 Panthéon-Sorbonne), where she was Dean for four years. She has also been the Director of the Joint Institute of Comparative Law of Paris (*UMR de droit comparé - Paris 1/Centre national de la recherche scientifique - CNRS*) for eleven years and Director of the Master 2 Degree Programme in International Economic Law for seven years.

Having been President of the European Society of International Law (ESIL) for four years, she is currently Counsellor of the Executive Council of the American Society of International Law (ASIL), and Member of the Pro Tem Executive Committee of the International Society of Public Law (ICON-S), Member of the Conseil de Direction of the *Société de législation comparée*, and Co-Chair of the ILA Committee on the Rules of Procedure of International Courts and Tribunals.

Professor Ruiz Fabri has published extensively in the fields of WTO law, international dispute resolution and constitutional law. She is the Co-Editor of the book series "Journées du contentieux international" (Pedone). She is also the Co-Editor-in-Chief of the *Journal of World Investment & Trade* (JWIT) and a Member of the Advisory or Scientific Boards of the *European Journal of International Law* (EJIL), the *Revue Belge de Droit International*, the *European Journal of Human Rights*, the *Korean Journal of International and Comparative Law*, and the *European Yearbook of International Economic Law*.

Professor Ruiz Fabri has taught at the Academy of European Law in Florence, at The Hague Academy of International Law, for the United Nations Programme of Assistance in the teaching, study, dissemination and wider appreciation of international law, and for the UN Audiovisual Library. She is regularly invited to deliver conferences around the world, and has been a Visiting Professor at Cardozo Law School (New York), Saint-Louis University (Brussels), Hitotsubashi (Tokyo), University Centre of Brasilia (UNICEUB), Helsinki, Oslo, and Barcelona. She has held an honorary professorship at the University of Luxembourg since 2015 and teaches at Sorbonne Law School (University Paris 1 Panthéon-Sorbonne) from where she is on leave.

Professor Ruiz Fabri has comprehensive experience as a legal expert in various fields ranging from trade law to cultural diversity. She was a Special Consultant to the Council of Europe on the ratification and implementation of the European Convention on Human Rights in the East European countries. She also advised the French Government and the Organisation internationale de la Francophonie (OIF) on international legal issues related to the preservation and promotion of cultural diversity. She has been President of the Joint Advisory Committee of the Organisation for Economic Co-operation and Development (OECD) (since 2009), a Member of the Appeals Board of the European Centre for Medium-Range Weather Forecasts (ECMWF) (since 2016), and an Arbitrator for the International Centre for Settlement of Investment Disputes (ICSID) (since 2015) and for the Hangzhou International Arbitration Court (HIAC) (since 2016). She also sits as an Arbitrator in UNCITRAL arbitrations hosted at the Permanent Court of Arbitration.

In 2012, Professor Ruiz Fabri was listed as an Expert for the Trade and Sustainable Chapter of the EU/Korea Free Trade Agreement. The following year, she was selected by the WTO Dispute Settlement Body as an Expert in "Trade in Goods and Services". In 2014, she was appointed as an Arbitrator by the EU on the cultural protocol to the EU-Republic of Korea Free Trade Agreement, and as a trade and sustainable development Expert for the EU-Central America Association Agreement. In 2015, she became a Member of the Group of Experts on trade and sustainable development for the EU-Colombia/Peru Trade Agreements and for the EU-Moldova and the EU-Georgia Association Agreements the following year. In 2018, she was appointed as panellist with regard to matters arising under Chapter 24 (Trade and environment) of the EU-Canada Comprehensive Economic and Trade Agreement (CETA).

She is also member of and holds functions in numerous institutions. She has been a Member of the Scientific Council of the *Fondation pour les sciences sociales* since 2012 and a Member of the *Conseil de déontologie* (Ethics Council) of the French Ministry of Research and Higher Education since 2018. In 2018, upon the proposition of the Luxembourg Ministry of Higher Education, she has been nominated as a Member of the Research Council of the European University Institute (EUI). Previously, she also was President of the Scientific Council of the *Ecole Normale Supérieure* (Cachan) (2010-2018).

Professor Ruiz Fabri is a *Chevalier des Arts et des Lettres*, *Chevalier de l'Ordre national du Mérite*, *Chevalier de la Légion d'Honneur*, and an Honorary Member of the *Institut Universitaire de France*. In 2015, she was awarded the prestigious Silver Medal from the CNRS in recognition of the originality, quality, and importance of her research work.

3. Scientific Advisory Board Members



*Prof. Hervé
Ascensio*

University Paris 1
Panthéon-Sorbonne

Hervé Ascensio is Professor of International Law at the Sorbonne Law School, University Paris 1 Panthéon-Sorbonne; Director of the Department of Master degrees in International, European and Comparative Law; and the Director of the Master degree in Global Business Law and Governance. Prof. Ascensio obtained his Law degree and his Ph.D. title from the University Paris-Nanterre. He is the author of numerous publications on general public international law, international economic law, and international criminal law. He has advised the Government of France before the ICJ, and has acted as an expert for States or investors in investment cases before arbitral tribunals or national courts. He is also a Member of the Court of Conciliation and Arbitration within the Organization for Security and Co-operation in Europe (OSCE), as Alternate Arbitrator. Prof. Ascensio is a Member and former Secretary-General of the French Society for International Law (SFDI), a Member of the American Society of International Law, the International Institute of Human Rights, the Société de Législation comparée, and the ILA French branch. His current research focuses on various aspects of international dispute settlement, notably the distinction jurisdiction/competence/admissibility, and the law of evidence.



*Judge François
Biltgen*

Court of Justice of the European Union
(Chair of the Scientific Advisory
Board until 2018)

François Biltgen has been the Luxembourgish Judge at the Court of Justice of the European Union since October 2013. He studied law at the University Paris 2 Panthéon-Assas, from which he graduated in 1981. Prior to joining the ECJ, he was *inter alia* a Member of the Chambre des Députés (the Luxembourgish Parliament) (from 1994 to 1998) and Deputy Mayor of the Luxembourgish town Esch-sur-Alzette (from 1997 to 1999). As a Member of the *Chrëschtlech Sozial Vollekspartei* (CSV – Christian and Social Peoples' party), in which he served as national President for 6 years, he became part of the Luxembourgish Government in 1999 as a Minister. Until 2013, Judge Biltgen led different Luxembourgish governmental ministries; the final positions he held before leaving the government included Minister for Justice, Minister for the Civil Service and Administrative Reform, Minister for Higher Education and Research, Minister for Communications and the Media, and Minister for Religious Affairs. He was excused from office in order to become a Judge at the CJEU. In addition, he was Joint President of the Ministerial Conference of the Bologna Process in 2005 and 2009, Joint President of the Ministerial Conference of the European Space Agency from 2012 to 2013, and a practicing lawyer in Luxembourg until 1999.





*Prof. Remo
Caponi*

University of Florence

Since 2001, Remo Caponi has been Professor of Civil Procedure at the University of Florence, having obtained a Law Degree from the University of Florence in 1984 and a Ph.D. from the University of Bologna in 1989. He is a Fernand Braudel Fellow at the European University Institute, Fellow of the Alexander von Humboldt Foundation, and a Visiting Professor at the University of Heidelberg (since 2014). He was a Senior Hauser Global Research Fellow at New York University from 2014 to 2015. He was *Wissenschaftlicher Mitarbeiter* at the University of Bielefeld in 1989-1991, while teaching the course "Introduction to the Italian Law". Furthermore, he taught Civil Procedure at the University of Siena between 1995 and 2000 and Transnational Contracts and Litigation at the Faculty of Economics of the University of Siena between 1995 and 2009.

He is Member of the Executive Committee of the Board of the Trustees of the Academy of European Law, of the Council of the International Association of Procedural Law, and of the Board of the Directors of the Italian Association of Procedural Law. He has served as a reporter for the European Commission and the European Parliament in studying and evaluating aspects of the European law of civil procedure and insolvency. He is a Member of the Steering Committee supervising the ELI-UNIDROIT joint project "European Rules of Civil Procedure". Prof. Caponi has authored four books and about 200 papers in different languages. His main research interests are in the field of civil procedure, comparative civil procedure, private law, constitutional law, and international law.



*Judge & Prof.
Beate Gsell*

Ludwig-Maximilians University
of Munich / Higher Regional
Court of Munich

Beate Gsell is Professor of Civil Law, Civil Procedural Law as well as European and Private Procedural Law at the Ludwig-Maximilians University of Munich. Furthermore, since 2011, she has been a Judge at the *Oberlandesgericht München*. Her main fields of research cover law of obligations, civil procedural law, and European law. As well as being the Managing Director of the *Munich Center for Dispute Resolution* (MuCDR), a research centre for the avoidance of disputes and, if they arise, their resolution by trial, arbitration, mediation or other means, she is also a Member of the Executive Board of the German *Zivilrechtslehrervereinigung* (Association of German Civil Law Professors) and a Permanent Member of the Executive Board (*Ständige Deputation*) of the *Deutscher Jursitentag* (Association of German Jurists). Prof. Gsell is currently also affiliated with the *Gesellschaft für Rechtsvergleichung* (Society for Comparative Law) and the *Wissenschaftliche Vereinigung für Internationales Verfahrensrecht* (Scientific Association for International Procedural Law). Since 2014, she has coordinated the Brazilian-German research network on consumer law on behalf of the German side. Before joining the University of Munich, she was a Professor at the University of Augsburg. In addition, she has held multiple visiting professorships, *inter alia*, at the universities of Lyon, Ankara and Pittsburgh.



*Prof. Catherine
Redgwell*

University of Oxford

Catherine Redgwell is Chichele Professor of Public International Law and Fellow of All Souls College, and Co-Director of the Sustainable Oceans Programme of the Oxford Martin School. Her research interests fall broadly within the public international field, including international energy law and international environmental law. She has co-authored two leading texts on international environmental law: *International Law & the Environment* and *Lyster's International Wildlife Law*. In the field of international energy law, she has published widely including as co-editor and contributing author in *Energy Law in Europe*. Prof. Redgwell's current affiliations include membership of the Academic Advisory Group of the Section on Energy, Environment, Natural Resources and Infrastructure Law of the International Bar Association. She is Joint General Editor of the *British Yearbook of International Law* and Joint Editor of the "Oxford Monographs in International Law series", having previously served as Joint General Editor and Chair of the Editorial Board of the *International and Comparative Law Quarterly* between 2006 and 2012. In Oxford, her teaching interests focus on public international law. She has taught International Law of the Sea, as well as Comparative and Global Environmental Law. She is currently supervising research students in the broad areas of international dispute settlement, human rights and humanitarian law, natural resources law, law of the sea, international investment law, immunity of international organisations, and regulation of cyber operations. Before (re)joining the Oxford Law Faculty, she held the Chair in Public International Law at University College London from 2004 to 2013.



*Judge Dean
Spielmann*

General Court of the European Union
(Member since 2018)

Dean Spielmann has been a Judge at the General Court of the CJEU since April 2016. From 2004 until 2015, he was Judge at the European Court for Human Rights and served there as Section President, Vice-President and ultimately as President (from 2012 until 2015). He obtained a master's degree in International Law from the University of Cambridge in 1990. Judge Spielmann taught law classes at the Universities of Luxembourg and Nancy II, as well as at the Catholic University of Louvain (UCL). Since 2011, has been a Member of the René Cassin International Institute of Human Rights; he also taught law classes there in 2007. In 2013, he was appointed Honorary Professor of the University College London and Doctor *honoris causa* at the State University of Yerevan. Furthermore, he is a Member of the Grand-Ducal Institute's Moral and Political Science Section since 2002. His numerous publications primarily deal with the field of human rights. Additionally, he is involved in many law journals, *inter alia*, as Member of the Scientific Committee of the *European Journal of Human Rights* or as Co-Founder and Co-Director of *Annales du droit luxembourgeois*. Until 2004, he practised as a lawyer in Luxembourg.



*Prof. Geir
Ulfstein*

University of Oslo (Vice-Chair
until 2018, Chair since 2018)

Geir Ulfstein is Professor of International Law at the Department of Public and International Law of the University of Oslo and the Co-Director of PluriCourts – Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order at the University of Oslo. He was the Director of the Norwegian Centre for Human Rights, University of Oslo from 2004 to 2008. Prof. Ulfstein has published in different areas of international law, including the law of the sea, international environmental law, international human rights and international institutional law. He is the General Editor (with Andreas Føllesdal) of two book series with Cambridge University Press, namely “Studies on Human Rights Conventions” and “Studies in International Courts and Tribunals”. Prof. Ulfstein is the President of the Norwegian Branch of the International Law Association and Co-Chair of the International Law Association’s Study Group on the “Content and Evolution of the Rules of Interpretation”. Prof. Ulfstein was a Member of the Executive Board of the European Society of International Law between 2010 and 2016. He will deliver one of the special courses of The Hague Academy of International Law’s 2022 winter session. Prof. Ulfstein is a Member of the Norwegian Academy of Science and Letters.



*Prof. Janet
Walker*

York University

Janet Walker is Professor at York University, where she teaches private international law, international commercial arbitration, as well as complex litigation. She is Director of the Professional LL.M. in Civil Litigation and Dispute Resolution. Prof. Walker is the author of various books, many of which dealing with the conflict of laws. She has lectured in Wuhan and Xi’an, and has taught at many Universities, *inter alia* at Singapore, Oxford and Tunis. She gave a series of special lectures on “Federalism, Regionalism and the Evolution of Private International Law” at The Hague Academy of International Law in July 2017 and co-chaired the 72nd ILA Biennial Conference in 2006. Prof. Walker has served as an International Advisor to the American Law Institute, in its project with UNIDROIT. She is also a member of many committees including the ILA Committee on International Civil Litigation, the ABA Canada/US Class Working Group on Protocols for Parallel Class Actions and the Uniform Law Conference of Canada’s Project on Uniform International Arbitration Legislation. Furthermore, she has served as President of the Canadian Branch of the International Law Association and is Secretary General of the International Association of Procedural Law. She has been elected Vice-President of the Canadian Branch of the International Law Association, and a Member of the American Law Institute, of the Council of the International Association of Procedural Law, and of the Board of Directors of the Canadian Council on International Law. Prof. Walker is currently serving as an Academic Advisor to the Chartered Institute of Arbitrators, is a Member of the American Law Institute and a Senior Fellow of Massey College. She has served as an ICC and ICDR Arbitrator in various matters and she consults and serves as expert in matters of international litigation, arbitration and complex litigation. She is a Member of the panel of foreign arbitrators of the ICDR, CIETAC, SHIAC, KLRCA, and a Member Arbitrator of Arbitration Place, Toronto, and Outer Temple Chambers, London.

4. Senior Research Fellows



*Dr Michel
Erpelding*

Michel Erpelding holds a Ph.D. (*summa cum laude*, "Prix Varenne 2017", "Prix Jacques-Mourgeon 2018", "Prix du Département de droit international et européen de l'École doctorale de droit de la Sorbonne 2018") from the Sorbonne Law School (University Paris 1 Panthéon-Sorbonne). His doctoral thesis addresses the international anti-slavery law of 'civilized nations' (1815-1945). It shows how Western powers tried to use the notion of 'civilization' and the public/private divide to condemn slavery while legitimising forced labour, but ultimately failed to uphold this distinction. Michel also holds Master's degrees in International Law from Sorbonne Law School and Columbia University, and a Bachelor's degree in Modern Standard Arabic from the *Institut national des Langues et Civilisations Orientales* in Paris. Michel worked as a Research Administrator and a Teaching Assistant at Sorbonne Law School and at University Paris-Sud. He is a Sessional Lecturer in French public law at the *Institut de droit des affaires internationales* (Sorbonne Law School/Cairo University). Michel's current research project focuses on historical international courts and tribunals, especially during the Interwar Period. His research interests include general public international law, international legal history, colonial law, humanitarian law, and international human rights law.



*Dr Martyna
Fałkowska-Clarys*

Martyna Fałkowska-Clarys holds a Law degree, with specialisation in public international law, and a Ph.D. from the University of Brussels (ULB), where she was a Lecturer and a Researcher before joining the Institute. Martyna was also a Visiting Scholar at the Lauterpacht Centre for International Law (University of Cambridge, 2013-2014), and served as Assistant to Counsel in the Frontier Dispute (Burkina-Faso/Niger) before the ICJ. Since 2018, Martyna acts as Director of publications for the International Society for Military Law and the Law of War, and as Managing Editor for the *Military Law and Law of War Review*. Martyna's research interests lie mainly in international criminal law and international criminal justice. She currently explores the interaction between requirements of due process and procedure. She is also interested in the topic of sources of international law (which she developed in her Ph.D. dissertation), as well as in the law of armed conflict, international responsibility and international dispute settlement.



*Dr Edouard
Fromageau*

Edouard Fromageau obtained a dual Ph.D. in Public International Law (*summa cum laude*, "Prix Bellot 2016") from the University of Geneva and Aix-Marseille University in 2014. Published by Bruylant in 2016, his thesis focuses on the institutional interactions between global administrative law and public international law. He teaches at the Faculty of Law of the University of Luxembourg (since 2017) and at the Heinrich Heine University Düsseldorf (since 2018). Previously, Edouard was a Research and Teaching Assistant at the Department of Public International Law and International Organization of the Faculty of Law of the University of Geneva (2009-2014). He was also a Visiting Researcher at the Humboldt University of Berlin in 2012, a Visiting Scholar at the Institute for International Law and Justice at New York University (NYU) School of Law in 2015, and a Guest Lecturer at the University of Kobe in 2017. His current research interests include legal theory and legal reasoning, global and international institutional law, and judicial and quasi-judicial dispute settlement.



*Dr Lorenzo
Gradoni*

Lorenzo Gradoni holds a degree in Political Science and History of International Relations from the University of Bologna (1998), a Master's degree in European Economic and Legal Studies from the University Paris 1 Panthéon-Sorbonne (1999), and a Ph.D. in European Union Law from the University of Bologna (2003). Before joining the MPI in February 2016, he served as Adjunct Professor of International Law at the Faculty of Political Sciences of the University of Bologna (1998-2000) and as Assistant (tenured) and then Associate Professor of International Law at the law faculty of the same university (2005-2016). In March 2017, he qualified for full professorship in Italian universities. He was also, *inter alia*, Assistant Researcher at the Graduate Institute Geneva (2009-2010), Visiting Professor at the Sorbonne Law School (2011-2014), External Scientific Fellow at the MPI Luxembourg (2015-2016), where he acted as Chief Scientific Advisor to the Max Planck Encyclopedia of International Procedural Law, and Visiting Professor at the University of Turin (2017). Lorenzo is Co-Editor of *SIDIBlog*, the blog of the Italian Society of International and European Law. He is the recipient of the Prize of the Italian Society of International Law (2008) and the ESIL Book Prize (2010). His research interests include international legal theory and history, WTO law, international criminal law, international inter-systemic law, and the law of outer space.



*Dr Björn
Laukemann*

Björn Laukemann is a Senior Research Fellow and *Habilitand* (supervised by Prof. Burkhard Hess). Björn graduated from the University of Tübingen (Germany) and holds a Master in Law (Aix-en-Provence). He completed his bar exam at the Higher Regional Court of Stuttgart and obtained a Ph.D. (*summa cum laude*, Serick Award 2009 and Gravenbrucher Kreis Award 2009/2010, second prize) from the University of Heidelberg for a dissertation on comparative insolvency law. Before joining the Institute, Björn worked as Lecturer and Senior Research Fellow (Akademischer Rat a.Z.) of Professor Burkhard Hess at the Institute for Foreign and International Private and Economic Law (University of Heidelberg). Recently, he has been involved in the evaluation of EU legislative acts (*inter alia* the European Insolvency Regulation conducted on behalf of the EU Commission). In spring 2013, he was a Visiting Scholar participating in the project on the “Foundations on Private Law” at Harvard Law School. In October 2013, Björn was awarded a lectureship for international and European procedural law as well as for insolvency law by the University of Trier. He was invited by the American Law Institute to serve as a Member of the International Advisory Panel for a Restatement of the Law Fourth, Property (8/2015). His research interests include procedural and comparative law, European and German insolvency law, as well as property and general civil law.



*Dr Stephanie
Law*

Stephanie Law studied law at the University of Glasgow (LL.B., First Class, 2009) and the University of Edinburgh (LL.M., Distinction, 2010) and has a Ph.D. in EU Law from the European University Institute (EUI) in Florence (2014). Prior to joining the MPI, she was a Postdoctoral Research Fellow at the Faculty of Law at McGill University, Montreal, a position for which she received full funding from The Leverhulme Trust. During the course of her doctoral research, she was a Visiting Scholar at Columbia Law School and a *stagiaire* in the Cabinet of Judge Christopher Vajda at the CJEU. Her research interests lie in the areas of EU private and international law, particularly fundamental rights and consumer protection, transnational private and public regulation, international organisations, legal theory and methodology (with a focus on general principles and comparative law in international courts). She has also worked in these fields as a researcher for a number of national and international organisations (including the Hague Institute for the Internationalisation of Law, and has participated in projects for the European Commission). She is currently teaching at the University of Trier and has previously taught property law at Tilburg University and international private law at the University of Glasgow. She is a Member of the Academic Research Panel of Blackstone Chambers, a barristers’ chambers in London, for which she provides expertise in EU law, and of the Open Society Foundation’s Abusive Lending Working Group, working on housing and consumer rights, strategic litigation and advocacy.



*Dr Cristina
M. Mariottini*

Cristina M. Mariottini holds a Law degree (*summa cum laude*) and a Ph.D. from the University of Milan. She was a Visiting Scholar at the University of Pittsburgh (2009-2012), where in 2011 she also completed an LL.M. programme. In 2017 Cristina resumed her position at the MPI Luxembourg (which she initially held from 2012 until 2015). In 2015-2017, prior to rejoining the Institute, Cristina worked at the Hague Conference on Private International Law in her capacity as Legal Officer, first, and then as a Senior Legal Officer and Consultant, working on the Judgments Project on the recognition and enforcement of foreign judgments in civil and commercial matters. Cristina is Co-Rapporteur in the ILA Committee on the Protection of Privacy in Private International and Procedural Law. In 2011-2012, she partook in the Working Group III "Online Dispute Resolution for Cross-Border Electronic Commerce Transactions" of the United Nations Commission on International Trade Law (UNCITRAL). She is a Member of the Editorial Board of the *Rivista di diritto internazionale privato e processuale*, of the American Society of Comparative Law, and of the American Branch of the ILA. The primary focus of Cristina's research is cross-border litigation, in civil, commercial and family matters. Cristina studies, *inter alia*, the external dimension of EU and US law and tackles questions of party autonomy in both jurisdiction and applicable law.



*Dr Lily
Martinet*

Lily Martinet earned a Bachelor of Fine Arts from the *École européenne supérieure d'art de Bretagne* and a Master's degree in International Economic Governance from the Sorbonne Law School in 2011, and was later admitted to the French bar. In 2017, she completed a Ph.D. in International Law at the Sorbonne Law School. Her Ph.D. dissertation focused on traditional cultural expressions in international law. Before joining the MPI, Lily was a Postdoctoral Research Fellow at the *Institut des Sciences Sociales du Politique (Ecole normale supérieure (ENS) Paris Saclay, University Nanterre, CNRS)*. As a postdoctoral researcher, she was responsible for coordinating the Osmose Programme, a comparative study of national experiences in relation to intangible cultural heritage law. Lily also worked on the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage, in 2013, for the French Ministry of Culture and, in 2017, for the French National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO). She is a Member of the International Society for Research on Art and Cultural Heritage Law (ISCHAL). Her main research interests include international intellectual property law, international cultural heritage law, indigenous law, legal pluralism, and international human rights law.



*Dr Joshua
Paine*

Joshua (Josh) Paine holds a Ph.D. from the University of Melbourne, an LL.M. in International Law from the University of Cambridge, and a B.A./LL.B. (Hons) from the Australian National University. He has taught law courses at the Universities of Luxembourg, Melbourne, Canberra, and at the Australian National University, and has worked as a Judge's Associate in the Supreme Court of New South Wales. In 2014, Josh was a Visiting Scholar at the MPI for Comparative Public Law and International Law. In 2017, he was the winner of the ESIL Young Scholar Prize. He is an Associate Editor of the *Journal of World Investment & Trade*. Much of his current research focuses on international investment law and arbitration, however he maintains broader interests in the comparative aspects of international adjudication, including in WTO, the United Nations Convention on the Law of the Sea (UNCLOS), and the ICJ. In this regard, he is preparing a monograph based on his doctoral thesis, entitled *International Adjudicatory Functions: A Comparative Study through the Lens of Environmental Cases*.



*Dr Luca
Pasquet*

Luca Pasquet holds a Ph.D. (*summa cum laude avec les félicitations du jury*) from the Graduate Institute of International and Development Studies. His thesis focused on the relationship between the immunities of international organisations and the right to have access to a court. Previously, Luca was a Teaching Assistant at the Department of International Law of the Graduate Institute of International and Development Studies (from September 2011 to August 2014). Since 2016, Luca has been Co-Editor of the Blog of the Italian Society of International and European Law (*SIDIBlog*). He also teaches at the Faculty of Law of the University of Luxembourg (since 2017). In 2018, he was National Co-Rapporteur for Italy to the 20th Congress of the International Academy of Comparative Law "The Fight Against Poverty and the Right to Development". His current research interests include legal theory, legal sociology, inter-systemic law, international immunities, and human rights.



*Prof. Dr Marta
Requejo Isidro*

Marta Requejo Isidro holds a Law degree from the University of Santiago de Compostela (Spain), and a Ph.D. (*cum laude*, *Doctor Europaeus* Mention) from the same University. Assistant Professor of Private International Law at the University of Santiago de Compostela from 1996 to 2001, she became a Tenured Lecturer in April 2001 and qualified for access to senior professorship in September 2011. She has been visitor for researching purposes at different international institutions (MPI Hamburg, British Institute of International and Comparative Law, International Security and Development Center) and Visiting Professor at the Universities of Sevilla, Paris 2, Complutense, and Autónoma de Madrid, amongst others. She has worked as an Expert for the European Judicial Training Network, as well as in the framework of national and European programmes for research funding (COST, ERC). She belongs to a variety of scientific associations; in 2017, she was chosen as a Foreign Member of the Royal Flemish Academy of Belgium for Science and the Arts (KVAB), and voted as a Member of the *Comité Français de Droit International Privé* in January 2018. From 2016 she has been the Senior Manager Editor of the *Revista Española de Derecho Internacional*. She is a member of the editorial board or scientific committee of several Spanish legal journals. Her primary teaching and research interests are conflict of laws and international litigation. She is currently involved in the evaluation of EU legislative acts, on behalf of the EU Commission and of the European Parliament.



*Dr Veerle
Van Den Eeckhout*

Veerle Van Den Eeckhout studied law (*magna cum laude*) at the Ghent University (Belgium) and added a study in sociology (*magna cum laude*) at the Catholic University of Louvain (UCL) (Belgium). She holds a Ph.D. in Private International Law from the UCL. Before joining the MPI, she was an Associate Professor in Private International Law at the University of Leiden (the Netherlands), teaching several courses of private international law, as well as a part-time Professor at the University of Antwerp (Belgium), teaching the course of comparative and European private international law. In Leiden, she has been awarded the teaching prize of the Law Faculty. Recently, she was invited at the University of Valenciennes (France) and she was a member of an expert commission on the revision of the Posting Directive. She has been involved as an expert in several national and international projects. She has organised conferences and was an invited participant in national and international conferences. She has been member of Ph.D. juries and participated as a jury member in commissions such as the Netherlands Organisation for Scientific Research (NWO). She is still affiliated with the University of Antwerp and with the Radboud University Nijmegen (the Netherlands). She has published extensively. Her primary research interests are conflict of laws and international litigation.

5. Research Fellows



*Stavroula
Angoura*

Stavroula Angoura studied law at the Aristotle University of Thessaloniki (Greece) and subsequently pursued her postgraduate studies at Queen Mary University of London (LL.M.). Currently she is working on a Ph.D. dissertation on independence and impartiality of arbitrators in international commercial and investment arbitration as a member of the IMPRS-SDR. Prof. Hess is her supervisor. Before joining the Institute, she worked for three years as a Research Assistant to Prof. Athanassios Kaissis, Scientific Director of the legal studies at the International Hellenic University. She was also a Visiting Researcher at the German Institution of Arbitration (DIS) in Cologne and at the Institute of Advanced Legal Studies in London. Stavroula is a qualified lawyer in Greece where she practiced law for three years and trained in a leading international arbitration law firm in London. Her research interests include international commercial and investment arbitration, conflict of laws, European procedural law, digital technologies, and legal methodology.



*Henok Birhanu
Asmelash*

Henok Birhanu Asmelash is a Ph.D. candidate in International Law and Economics at Bocconi University. Henok holds LL.M. degrees in International Economic Law and Policy from the University of Barcelona and in Business Law from Addis Ababa University. He was a Marie Curie Fellow of the project "Dispute Settlement in Trade: Training in Law and Economics" (DISSETTLE) at the University of St. Gallen and held Visiting Researcher positions at the University of Barcelona and at the MPI for Comparative Public Law and International Law in Heidelberg. In addition, Henok lectured at Bocconi University and conducted research and consultancy work for the United Nations University (UNU) and the International Centre for Trade and Sustainable Development (ICTSD). His current research focuses on issues at the intersection of trade, energy and the environment, with a particular emphasis on the regulation of energy subsidies in the multilateral trading system.



*Sandra
Becker*

Sandra Becker graduated from the University of Trier (Germany). Previously, she worked as a Student Assistant in legal history and civil law at the Chair of Prof. Franz Dorn at the University of Trier. Sandra joined the Institute in 2015, first as a Student Assistant and continued after her graduation as a Research Fellow. Her research interests include comparative law, and European and German insolvency law. She has a specific interest in the insolvency proceedings of Poland.



*Marco
Benatar*

Marco Benatar is in the process of completing his Ph.D. at the University of Brussels (VUB) on the topic of evidence in inter-state litigation. He holds an M.A. from the VUB and an LL.M. from New York University. His past professional experience includes internships at the Belgian Council of State, the International Law Commission, and a position as external collaborator at the International Labour Organization. He was appointed Visiting Lecturer at the Brussels School of International Studies (University of Kent), where he taught international humanitarian law and the law of international organisations. Marco has served as Assistant to Counsel or Advisor in cases before the International Tribunal for the Law of the Sea (ITLOS) and arbitral tribunals. His work has been cited by the ILC and has been awarded the Belgian Society of International Law and *Goettingen Journal of International Law* essay prizes. He serves on the Editorial Boards of *Wereldbeeld* (United Nations Association Flanders), the *Chinese (Taiwan) Yearbook of International Law and Affairs* and the *Military Law and the Law of War Review*. His research interests include international procedural law, the law of the sea and international humanitarian law.



*Timon
Boerner*

Timon Boerner is a doctoral candidate at the University of Heidelberg under the supervision of Prof. Burkhard Hess. He studied at the University of Heidelberg (Germany) and the University of Uppsala (Sweden). He graduated with a degree in Law (First State Examination), specialising in private international law and international procedural law. During his studies, he worked as a Student Assistant at the Institute for the History of Law of the University of Heidelberg. Prior to joining the MPI Luxembourg, he completed an internship at the UNCITRAL in Vienna. At the Institute, his research focuses on international and European procedural law. He is currently preparing a doctoral thesis on the regulation of conflicts of interest in third party litigation funding.



*Ivan
Cavdarevic*

Ivan Cavdarevic holds a Law degree from the University of Belgrade and an LL.M. degree from the University of Barcelona. Ivan is a Member of the Belgrade Bar Association in Serbia, where he worked as a legal trainee (2012-2014) and a lawyer (2015-2017). Prior to joining the Institute, Ivan also interned at the Secretariat of the Court of Arbitration of the International Chamber of Commerce in Paris and at the Hague Conference on Private International Law (HCCH). His research is in the field of investment arbitration, with a particular focus on the nature of investment arbitration and the enforcement of investment arbitral awards.



*Basile
Chartier*

Basile Chartier is currently enrolled as a Ph.D. candidate at the University of Luxembourg and the Sorbonne Law School in the framework of the IMPRS-SDR. Basile studied law at the Sorbonne Law School (University Paris 1), where he completed a Master in International Economic Law, a *Magistère* in Business Law, and a Diploma (D.U.) in English & Common Law. He holds an LL.M. degree from City University (Hong Kong) and attended the course of The Hague Academy (2014, public law). His past professional experiences include internships at the International Criminal Court and at the International Law Commission, and a position of Teaching Assistant at the University Paris 1, where he taught international investment law. He was a Fellow of the 2017 Transnational Law Summer Institute, co-hosted by King's College London and the University of New South Wales. In 2018, Basile was a Visiting Scholar at Columbia Law School. His research focuses on dispute settlement in international economic law.



*Giovanni
Chiapponi*

Giovanni Chiapponi is a Research Fellow in the department of European and Comparative Procedural Law. He pursued a double degree in Italian and French Law, following an academic programme proposed in the context of an agreement between the University of Bologna and the University of Paris Nanterre. He obtained a Bachelor degree in French Law at the University of Paris Nanterre in 2015 and, in November 2017, he graduated at the University of Bologna, achieving the five-year Italian degree in Law. In December 2017, he completed a second level master in French Law-Foreign Law (Italian Law) at the University of Paris Nanterre. Once graduated, he was admitted to a postgraduate second level master in European Private Law at the University La Sapienza of Rome and he will defend his master's thesis in January 2019. Moreover, in parallel with this master, he undertook a traineeship in a criminal law firm of Bologna (Studio Cardile). He joined the Institute in October 2018 and is a Ph.D. candidate at the University of Luxembourg in the framework of the DTU-REMS (Enforcement in Multi-level Regulatory Systems) programme.



*Michael
De Boeck*

Michael De Boeck is a Ph.D. candidate to a Joint Ph.D. (*co-tutelle*) organised between the University of Luxembourg and the University of Ghent, and a member of the IMPRS-SDR. Prior to this, he obtained a Masters' degree in law *magna cum laude* at the Ghent University (2013) and an LL.M. in US law with Honours at Vanderbilt University (2014). He is also a licenced attorney at the bars of Ghent (Belgium, 2014) and of New York (USA, 2017). Formerly, Michael earned experience in legal practice first as intern at several international leading law firms, and later as a Junior Associate at a leading independent Belgian law firm. Since starting at the Institute, he has presented at various international conferences and, *inter alia*, taught a module on international investment arbitration in a seminar at the University of Luxembourg. His current research interests are international dispute resolution, with a particular focus on international investment and commercial arbitration and its interaction with European Law, as well as EU competition law aspects of international arbitration and international public policy. His thesis investigates the interaction between international investment tribunals and the CJEU and proposes a preliminary reference styled approach for future developments in international dispute resolution.



*Alessandra
Donati*

Alessandra Donati holds a degree in Law from Bocconi University and in Economics from Marche Polytechnic University (UNIVPM, Ancona). She also holds an LL.M. in French and European Law from the University Paris 1 Panthéon-Sorbonne. Alessandra is a member of both the Italian (Milan) and the French (Paris) Bar Associations. Before joining the Institute in June 2017 as a Research Fellow, Alessandra practiced law for several years as an Attorney in Milan at Chiomenti Studio Legale and in Paris at Castaldi Partners law office. She specialised in international commercial contracts and corporate law. She was also a Visiting Researcher at the MPI Luxembourg and at the University of Luxembourg. Alessandra is currently completing her doctoral thesis on the precautionary principle under EU law at the University Paris 1. Her primary research and teaching interests include EU substantive and procedural law, environmental law and public health law.



*Adriani
Dori*

Adriani Dori is a doctoral candidate at the University of Heidelberg (supervised by Professor Hess). Adriani received a degree in Law from the Law School of the Democritus University of Thrace (Greek State Scholarships Foundation grants scholarship) and an LL.M. in Civil Procedural Law, Civil Law and Legal History (*summa cum laude*) from the same school. She continued her studies in Germany (Heidelberg) where she obtained her second LL.M. with a specialisation in German and European Procedural Law (*summa cum laude*). Before joining the Institute, Adriani has worked as a Research Fellow at the Institute for Comparative Law, Conflicts of Law and International Business Law in Heidelberg, as a Greek law expert for German state courts and as a lawyer in Greece where she is admitted to the Athens Bar Association. She has given lessons at the Law Faculty of the University of Luxembourg on European procedural law (judicial cooperation in cross-border taking of evidence) and on German civil law. Her main research interests include comparative and European procedural law, empirical legal studies, judicial evaluation, justice reforms, judicial policies, and new governance techniques in the European area of freedom, security and justice (AFSJ).



*Aravind
Ganesh*

Aravind Ganesh holds an LL.B. from King's College London, a Juris Doctor (J.D.) from Columbia Law School, and a Bachelor of Civil Law (B.C.L.) from Oxford. In addition, he is currently reading for his Ph.D. at the Faculty of Law of the Free University of Amsterdam (VU Amsterdam) under the supervision of Prof. Ester Herlin Karnell and Dr Geoffrey Gordon (TMC Asser Institute). Before joining the MPI, Aravind volunteered in South Africa in a major civil rights organisation, practised as a corporate lawyer in New York, and served as a Research Associate to the UN Special Rapporteur on the Right to Food in Brussels. He has held visiting fellowships at the Catholic University of Louvain (UCL, 2009-2010) and the Tel Aviv University (2014-2015), published in periodicals such as the *Michigan Journal of International Law*, *Southern African Public Law*, the *German Law Journal*, and the *Columbia Journal of European Law*, as well as presented at conferences on law and political theory. His research interests are EU law, public international law, private law theory, and the legal and political philosophy of Immanuel Kant.



*Javier
García Olmedo*

Javier García Olmedo holds a Master's degree in Law from the University of Granada (Spain) and an LL.M. in Private International Law and Arbitration from King's College London. He is also dual-qualified in Spain (Abogado) and England & Wales (Solicitor). Formerly, Javier was an Associate in the International Arbitration Group of Hogan Lovells in Paris, where he represented private entities and States in arbitrations under the ICSID, International Chamber of Commerce and UNCITRAL arbitration rules. He also practiced arbitration with Freshfields Bruckhaus Deringer in Paris, and worked as a Research Assistant for Prof. Martin Hunter at Essex Court Chambers in London. His Ph.D. research, conducted in the framework of the IMPRS-SDR, explores the regulation of nationality on the international plane by comparing the customary law of diplomatic protection and the international law of foreign investment. His research interests include any issue relating to international investment law, public international law and international economic law.



*Elena
Ivanova*

Elena Ivanova is a member of the IMPRS-SDR. She is currently a doctoral candidate at the University of Luxembourg under the supervision of Professors Rüdiger Wolfrum and Matthew Happold. Her Ph.D. project examines the interaction between the dispute settlement mechanisms established under the UNCLOS and the WTO Agreement. She holds an LL.M. from the Technical University of Varna (Bulgaria) with a specialisation in maritime law and an LL.M. in Public International Law (with honours) from the University of Westminster (London, United Kingdom). Previously, Elena has interned at BIICL, the International Bar Association (IBA), the International Criminal Tribunal for the former Yugoslavia (ICTY), and ITLOS. She is a Member of the Varna Bar Association and has practised in the field of commercial and civil law in Bulgaria. She had participated in the Rhodes Academy of Oceans Law and Policy as a scholarship holder and in the Summer Academy of the International Foundation for the Law of the Sea (IFLOS). She has been awarded an Oxford University Press Law Prize 2011-2012. Her research interests include law of the sea, WTO law, public international law, conflict of laws, and international litigation.



*Remy
Jorritsma*

Remy Jorritsma holds an LL.B. European Law School (2009) and an LL.M. Globalisation and Law (2010, *cum laude*) from Maastricht University. Before joining the Institute, he worked as a Lecturer in public international law at Maastricht University, teaching various graduate and undergraduate courses on public international law, including international dispute settlement and international humanitarian law. He attended postgraduate specialisation courses organised by the International Committee of the Red Cross (2011 and 2013) and The Hague Academy of International Law (Public International Law session and directed studies, 2014). He was also a member of the group of experts and project management team for the International Society for Military Law and the Law of War's *Leuven Manual on the International Law Applicable to Peace Operations* (CUP, 2017). His Ph.D. research concentrates on the relationship between attribution rules as found in the (secondary) law of State responsibility, and the content, scope and application of substantive (primary) rules of public international law.



*Marcel
Kahl*

Leon Marcel Kahl holds a Law degree from the University of Heidelberg. During his studies, Marcel spent one year at Trinity College Dublin where he received the Kader Asmal Award for the best academic performance in the Law Faculty by a foreign student. In the same year, he participated in the Willem C. Vis International Commercial Arbitration Moot. Marcel was a Member and Head of the Scientific Department of the *Heidelberg Student Law Review*. After his State Examination in Heidelberg (1st out of 296), he coached the Heidelberg Vis Moot Team. Before joining the Institute, he worked as a Student Assistant at the Institute for Comparative Law, Conflict of Laws and International Business Law in Heidelberg at the Chair of Prof. Christoph A. Kern. Marcel received scholarships from the Konrad Adenauer Foundation and the German Academic Scholarship Foundation during his studies; for the 2018 Hague Academy Summer Course for Private International Law, he obtained a scholarship by the Foundation Implementation Privatization (StiP). His research interests include procedural and comparative law, property law and commercial arbitration.



*Ana
Koprivica*

Ana Koprivica is a member of the IMPRS-SDR. She is a doctoral candidate at the University of Luxembourg under the supervision of Prof. Burkhard Hess. She holds a Law degree from the University of Novi Sad (Serbia) (2010) and an LL.M. degree from Europa-Institut, Saarland University (Germany) (2013), with specialisations in international dispute resolution, and foreign trade and investment. Prior to joining the Institute, Ana participated in the International Academy for Arbitration Law in Paris as a scholarship holder. She had previously completed a traineeship in a law office in Serbia and worked for the University of Novi Sad as an Associate on a TEMPUS project monitored by the European Commission. For a brief period of time she was an Associate on a project of the German Academic Exchange Service (DAAD), "Akademischer Neuaufbau Südosteuropa", supported by the German Federal Ministry of Foreign Affairs at Europa-Institut. Ana conducts her research in the area of international arbitration and comparative procedural law, with a special focus on the fair trial standards. Her Ph.D. project re-examines the evolution, the scope, and the operation of the principle of public hearings principle in light of recent trends in investor-state arbitration (and beyond) towards more transparency.



*Martina
Mantovani*

Martina Mantovani holds a Law degree from the University of Ferrara (Italy) with a dissertation in private international law, and is currently enrolled in a Ph.D. programme at the University Paris 2 Panthéon-Assas under the supervision of Prof. Sabine Corneloup. Before joining the MPI in 2016, she was appointed *Cultore della materia* by the University of Ferrara and participated in this capacity in teaching and research activities in public and private international law carried out by that University. In 2016, she was awarded a scholarship to attend The Hague Academy's Summer Courses in Private International Law, an experience that she repeated in 2017. In 2018, she completed a four-month traineeship at the European Court of Justice (ECJ). Her primary teaching and research interests are conflict of laws and international litigation.



*Parvathi
Menon*

Parvathi Menon is a Ph.D. candidate at the University of Helsinki under the supervision of Prof. Martti Koskeniemi. She has an LL.M. from Harvard Law School (2012) and another LL.M. from the London School of Economics and Political Science (LSE) in Public International Law (2007). Before joining the MPI, Parvathi was a Lecturer in public international law and international criminal law at the National Law School of India University, Bangalore, from 2007-2009, and also at the University of The Gambia, in legal theory and public international law from 2012-2013. She was awarded a research fellowship to the Erik Castren Institute of International Law and Human Rights in Helsinki from 2009-2010. She is currently a Nominated Member of the ILA Committee on Complementarity in International Criminal Law (since 2016). Her doctoral research focuses on protection strategies and international law within the British Empire. Her research interests include legal theory, history of international law and international criminal law.



*Janek
Nowak*

Janek Tomasz Nowak joined the MPI as a Research Fellow in 2016. He also teaches an introduction to EU law at the Management Center Innsbruck (MCI, Austria) and is an Affiliated Researcher of the Institute for European Law of the Catholic University of Leuven (KUL, Belgium). Janek holds Law degrees from the University of Antwerp (Belgium) and King's College London (United Kingdom), and is currently preparing a Ph.D. on the influence of EU law on national civil procedure at KUL. After having interned at the CJEU (2009-2010), Janek was an Assistant at the Institute for European Law of the KUL (2010-2016) and a Visiting Scholar at the MPI Luxembourg (2016). His research interests include various aspects of EU law, in particular procedure before the EU courts, as well as civil procedural law, public law and consumer protection law.



*Pierre-Emmanuel
Pignarre*

Pierre-Emmanuel Pignarre obtained an LL.M. in European Law from the Johannes Gutenberg University of Mainz in 2011. He then graduated from the University Paris 2 Panthéon-Assas in 2013 with a Master in European Law and has been writing a thesis under the supervision of Professors Anne Levade and Fabrice Picod at that same university since 2014. His project is entitled "The European Court of Justice as a Constitutional Court". In October 2017, he started his career at the MPI Luxembourg as a Research Fellow. Since September 2018, he is teaching global constitutional law at SciencePo Paris. His main areas of research are European constitutional law, comparative constitutional review and global constitutionalism.



*André
Nunes Chaib*

André Nunes Chaib is currently finishing his Ph.D. at the University Paris 1 Panthéon-Sorbonne. He holds an LL.B. from the University Center in Brasilia, a B.A. in Philosophy from the University of Brasilia, as well as an LL.M. from the University Center in Brasilia. Before joining the Institute, André worked as Research Officer and Legal Officer at the International Labour Organization. He was also a Guest Researcher at the MPI for Public International Law and Comparative Public Law, in Heidelberg. Currently, his research focuses on the responsibility of international economic organisations, more specifically the World Bank and the International Monetary Fund (IMF).



*Vincent
Richard*

Vincent Richard holds a Bachelor degree from the University of Angers (France), and studied in Poland (Nicolaus Copernicus University in Torun) and Luxembourg (University of Luxembourg). He completed a Master degree in Private International Law and International Commercial Law (with honours) from the University Paris 2 Panthéon-Assas. He is currently writing his Ph.D. on default judgments in comparative and European procedural law under the supervision of Prof. Gilles Cuniberti (University of Luxembourg) and Prof. Loïc Cadiet (University Paris 1 Panthéon-Sorbonne). His research interests include European and comparative procedural law.



*Carlos
Santaló Goris*

Carlos Santaló Goris holds a Law degree from the University of Santiago de Compostela (Spain). He completed the Master programme in European and International Law (Saarland University), and holds an LL.M. in European Economic and Financial Criminal Law (University of Luxembourg). Before joining the Institute, Carlos Santaló Goris worked as Junior Legal Officer at the legal department of TMF Luxembourg, an assets management company. He also worked as Student Assistant at the Institute between 2015 and 2016. His research interests are cross-border litigation and the implementation of the European Account Preservation Order Regulation. He joined the Institute in April 2018 and is a Ph.D. candidate at the University of Luxembourg in the framework of the DTU-REMS (Enforcement in Multi-level Regulatory Systems) programme.



*Edoardo
Stoppioni*

Edoardo Stoppioni is finishing a Ph.D. in Public International Law at the University Paris 1 Panthéon-Sorbonne while teaching at the Faculty of Law of the University of Luxembourg (since 2017). He holds a dual degree in Law from the Universities of Florence and Paris 1, a Master in Comparative Law and one in International Economic Law from Sorbonne Law School. Before joining the Institute, he was a Research and Teaching Assistant at the Department of European and International Law of the Sorbonne Law School (from 2013 to 2016). He was also a trainee in international arbitration in a British law firm in Paris. His current research interests include legal theory, public international law, EU law, and international dispute settlement.



*Philippos
Siaplaouras*

Philippos Siaplaouras studied law at the National and Kapodistrian University of Athens (twice recipient of a scholarship by the State Scholarships Foundation). After graduating in 2014, he continued his studies at the Humboldt University of Berlin, receiving his LL.M. in 2015 (DAAD scholarship). Philippos then worked as a trainee lawyer in Athens (main areas of practice: corporate law and capital market law, succession law, corporate and civil litigation) before joining the Institute in May 2017. He is admitted to the Athens Bar. Philippos is currently pursuing a Ph.D. in civil procedure under the supervision of Prof. Burkhard Hess. His research interests include European, national and comparative civil procedure.



*Ann-Sophie
Tietz*

Ann-Sophie Tietz holds a Law degree (First State Examination) from the University of Heidelberg (Germany) with a special focus on private international law and international procedural law. During her studies, Ann-Sophie worked as a Student Assistant at the Institute for the History of Law at the University of Heidelberg at the chair of Prof. Christian Baldus. Since 2017, Ann-Sophie organises and chairs the *Referentenrunde* at the MPI Luxembourg, a weekly colloquium of the Institute's as well as guest researchers. Ann-Sophie has also assisted in researching for several projects on collective redress with a focus on Germany. She is a doctoral candidate at the University of Heidelberg under the supervision of Prof. Burkhard Hess. Her primary research interests include procedural and comparative law, as well as private international law and corporate law. She has a strong interest in legal questions arising from the cross-border use of authentic instruments, especially notarial deeds.



*Edith
Wagner*

Edith Wagner is part of the IMPRS-SDR and a doctoral candidate in law at the University of Heidelberg. She received her LL.M. degree from the Yale Law School, where she served as an editor for the *Yale Journal of International Law* and the *Yale Journal on Regulation*. Edith obtained her first Law degree with a double major in public international law and European law at the University of Würzburg. She graduated top of her class in European law and received the award of the Law Faculty (*Alumni-Europa-Preis*) for her outstanding scholastic achievements. At the Yale Law School, Edith received two scholarships and graduated with honours in all graded courses. Prior to joining the Institute, she was a Research Assistant at the Chair for Foreign Public Law, European and International Law at the University of Würzburg. Her general research interests include international and European procedural law, international human rights, and international courts and tribunals.



*Alain
Zamaria*

Alain Zamaria is a Ph.D. candidate working on the legal aspects of cryptocurrencies under the supervision of Prof. Mathias Audit at the University Paris 1 Panthéon-Sorbonne. After an undergraduate training in social sciences, he obtained a Master's degree from Sciences Po (Master in Economic Law) and Law degrees from Paris Nanterre University (Master in International and European Litigation) and from Panthéon-Assas University (LL.M. in Public Law). Before joining the Institute, Alain worked as a Teaching Assistant in international private law at Paris Nanterre University. He has also been teaching monetary economics and sociology at Sciences Po (Nancy campus, 2017-2018). Apart from the law of cryptocurrencies, his main areas of research cover public law, property law, sovereign debt restructuring, and financial regulation.

6. External Scientific Members

Appointed by the Senate of the Max Planck Society, the two External Scientific Members are renowned international professors and contribute to the strengthening of the Institute's scientific network.



*Prof. Verica
Trstenjak*

Verica Trstenjak is Professor of European Law at the University of Vienna. From 2004 to 2006, she was a Judge at the General Court of the European Union, and from 2006 to 2012 Advocate General of the ECJ. Her main research areas comprise constitutional and procedural European law, and European private law, with a special focus on consumer law and intellectual property rights like copyrights. She is a Founding Member and a Council Member of the European Law Institute (ELI), a Member of the International Academy of Comparative Law (IACL) and the editor of several legal journals (e.g. the *European Law Review* and the *European Journal of Consumer Law*).



*Prof. Marco
Ventoruzzo*

Marco Ventoruzzo is Professor of Business Law at Bocconi University and at Penn State University (United States). His main research areas comprise the regulation of financial markets, corporate law and securities regulations in a comparative and international perspective. He is the Vice-Director of the Paolo Baffi Centre at Bocconi University, and a Research Affiliate of the European Corporate Governance Institute (ECGI). Prof. Ventoruzzo holds an LL.M. from Yale Law School and a Ph.D. from the University of Brescia. He is a member of the boards of editors of the *Rivista delle società*, the *European Company and Financial Law Review*, and the *Journal of Financial Regulation*.

7. External Scientific Fellows



*Prof. José
E. Alvarez*

New York University
(United States)

José E. Alvarez, currently the Herbert and Rose Rubin Professor of International Law at New York University Law School, was previously the Hamilton Fish Professor of International Law and Diplomacy and the Executive Director of the Center on Global Legal Problems at Columbia Law School. He served as President of the American Society of International Law (ASIL) from 2006-2008. He is the previous Co-Editor-in-Chief of the *American Journal of International Law*, and a Member of the *Institut de Droit International* and Council on Foreign Relations. His over 130 articles and book chapters and six books have made substantial scholarly contributions to a wide range of subjects within international law, including the law-generating rules of international organisations, the challenges facing international criminal tribunals, the boundaries between “public” and “private”, and the legitimacy issues surrounding the international investment regime. His most recent books include *The Impact of International Organizations on International Law* (Brill, 2017) (originating from his general course offered at the Xiamen Academy of International Law), *International Investment Law* (Brill, 2017), and *The Boundaries of Investment Arbitration* (Juris, 2018). José Alvarez has been a Special Adviser on international law to the Prosecutor of the International Criminal Court, an Attorney-Adviser in the Office of the Legal Adviser of the US Department of State, a Judicial Clerk to a US Appellate Judge, and a lawyer in private practice. He previously taught at Columbia Law School, the University of Michigan, George Washington University Law School, and Georgetown Law School.



*Prof. Diane Marie
Amann*

University of Georgia
(United States)

Diane Marie Amann is the Emily & Ernest Woodruff Chair in International Law and a Faculty Co-Director of the Dean Rusk International Law Center at the University of Georgia School of Law. Since 2012, she has also served as the Prosecutor’s Special Adviser on Children in & affected by Armed Conflict at the International Criminal Court. Prof. Amann has published widely in public international law and transnational law, with emphases on constitutional democracy, security, and criminal justice. She has held permanent and visiting appointments at the University of California-Davis, the University of California-Berkeley, the University of California, Los Angeles (UCLA), the Irish Centre for Human Rights, and the University Paris 1 Panthéon-Sorbonne. She is also an ASIL Counsellor.



*Prof. Marie-Élodie
Ancel*

University Paris-Est Créteil
(UPEC, France)

Since 2004, Marie-Élodie Ancel is a Professor at the Law Faculty of the University Paris-Est Créteil (UPEC), where she teaches private international law and arbitration law. She is the founder of two postgraduate programmes in international business litigation and arbitration. Prof. Ancel regularly publishes case notes and articles in private international law, especially in the fields of contract, intellectual property and e-commerce. Her first book, *The Characteristic Performance of the Contract*, was the product of research in French contract law and European private international law. Co-writer with Professors Pascale Deumier and Malik Laazouzi of a book on international contracts published in 2016, Prof. Ancel is also the Co-Founder and Scientific Director of Lynxlex, an online legal database dedicated to the private international law instruments of the EU. She is currently working with Prof. Hélène Gaudemet-Tallon on the sixth edition of her book *Compétence et exécution des jugements en Europe* (LGDJ). Prof. Ancel is Secretary-General of the *Comité français de droit international privé* and Co-Secretary-General of the Arbitration Academy. She is a Member of the *Comité français de l'arbitrage*, the International Law Association, the *Société de législation comparée*, and Ambassador for France of the *Association des Alumni et Amis de l'Institut Suisse de droit comparé*.



*Prof. Mads
Andenas*

University of Oslo
(Norway)

Mads Andenas is Professor of Law at the University of Oslo and the Director of the Centre for Corporate and Financial Law at the Institute of Advanced Legal Studies, University of London. He was the Director of the BIICL, London, Director of the Centre of European Law at King's College, University of London, and a Visiting Research Fellow of the Institute of European and Comparative Law, University of Oxford.

He has been a Visiting Professor at the University of Rome La Sapienza since 2002, and was a Visiting Professor at the University Paris 1 Panthéon-Sorbonne in 2006 and at the *École normale supérieure* (Paris) in 2008. He has also held Chairs at the University of Brussels (ULB) and at Sciences Po Paris in 2012, as well as the Paul Hastings Visiting Professorship at the Faculty of Law at the University of Hong Kong in 2005. In 2016, he was a Visiting Fellow at All Souls College, University of Oxford.

He has been the General Editor of the *International and Comparative Law Quarterly*. Currently, he is the General Editor of *European Business Law Review*, an Editor of *European Public Law*, and sits on the editorial boards of some ten other law journals and book series.

He was the Secretary-General of the International Federation of European Law (2000-2002), the Hon Secretary of the UK Association of European Law (1997-2008) and the Hon Secretary of the UK Committee of Comparative Law (1999-2005). He was the Chair of the Association of Human Rights Institutes (AHRI) in 2008, and has been a Member of the ILA's Securities Law Committee since 1996.



*Prof. Diego P.
Fernández Arroyo*

Sciences Po Paris
(France)

Diego P. Fernández Arroyo, born in Argentina, is a Professor and Co-Director of Global Governance Studies at Sciences Po Law School and teaches regularly in many universities around the world. He focuses on transnational dispute resolution, arbitration, comparative law, and public and private international law. He is an Honorary Professor of the Universities of Buenos Aires and Córdoba, and was a Global Professor at the New York University (2013/2015). He is the Secretary-General of the International Academy of Comparative Law (IACL), a Member of the *Curatorium* of the Hague Academy of International Law, a former President of the American Association of Private International Law (ASADIP), and an active member of a number of academic and professional institutions. He is actively involved in the practice of international arbitration as an independent arbitrator and an expert. He is also a Member of Argentinean Delegations before UNCITRAL (Working Group on Arbitration) and the Organization of American States. He is Member of the ICSID panels of arbitrators and conciliators appointed by Argentina. He has published more than 20 books and a number of articles in more than 20 countries. His current research projects deal with the progressive internationalisation of private international law and the access to justice in a global context.



*Prof. Hervé
Ascensio*

University Paris 1 Panthéon-Sorbonne
(France)

Hervé Ascensio is Professor of International Law at the Sorbonne Law School, University Paris 1 Panthéon-Sorbonne; Director of the Department of Master degrees in International, European and Comparative Law; and Director of the Master degree in Global Business Law and Governance. Prof. Ascensio obtained his Law degree and his Ph.D. title from the University Paris-Nanterre. He is the author of numerous publications on general public international law, international economic law, and international criminal law. He has advised the Government of France before the ICJ, and has acted as an expert for States or investors in investment cases before arbitral tribunals or national courts. He is also a Member of the Court of Conciliation and Arbitration within the Organization for Security and Co-operation in Europe (OSCE), as Alternate Arbitrator. Prof. Ascensio is a Member and former Secretary-General of the French Society for International Law (SFDI), a Member of the American Society of International Law, the International Institute of Human Rights, the *Société de Législation comparée*, and the ILA French branch. His current research focuses on various aspects of international dispute settlement, notably the distinction jurisdiction/competence/admissibility, and the law of evidence.



*Prof. Cristina
González Beilfuss*

University of Barcelona
(Spain)

Cristina González Beilfuss is a Full Professor of Private International Law at the University of Barcelona (Spain). She has extensively published in the field and acts as an expert for The Hague Conference on Private International Law in the field of international family agreements and parentage. She is an Associate Member of the IACL and a Member of the Organising Committee of the Commission on European Family Law that drafts the European principles on family law. From 2011 to 2017, she was seconded to the Spanish Judicial School and closely cooperated with the European Judicial Training Network (EJTN). Here, she coordinated all activities related to the training of European judges and prosecutors in the field of cooperation in civil matters. She also acted as a national contact point in the European Judicial Network (EJN) and in Iberred.



*Prof. Kevin
E. Davis*

New York University
(United States)

Kevin E. Davis is Vice-Dean and Beller Family Professor of Business Law at New York University School of Law. He holds a B.A. in Economics from McGill University, an LL.B. from the University of Toronto, and an LL.M. from Columbia University. Before entering academia, he served as Law Clerk to Justice John Sopinka of the Supreme Court of Canada and was an Associate in the Toronto office of Torys, a Canadian law firm. From 1996-2004, he was an Assistant and then an Associate Professor at the University of Toronto. He also has held visiting positions at the University of Southern California, Cambridge University's Clare Hall, the University of the West Indies (Cave Hill), and the University of Toronto. His research focuses on contract law, quantitative measures of the performance of legal institutions and anti-corruption law.



*Prof. Kevin
D. Benish*

New York University
(United States)

Kevin Benish is an Adjunct Professor at the New York University School of Law, where he co-teaches international litigation and arbitration and writes in the areas of civil procedure, transnational litigation, conflict of laws, and comparative law. He is currently revising an article on US, EU, and Canadian approaches to extra-territoriality and data privacy, and is also in the process of researching constitutional limitations on adjudicatory jurisdiction over multinational corporations in the United States. His previous publications have been cited by numerous US courts. Prof. Benish is also an Associate at Holwell Shuster & Goldberg LLP in New York City, where his practice involves matters of international litigation, civil procedure, foreign sovereign immunity, and questions of US constitutional law.



*Prof. Gabriele
Della Morte*

Catholic University of Milan
(Italy)

Gabriele Della Morte holds a Law degree with a final result of 110/110 *cum laude* from the University Federico II in Naples (1998); and a Ph.D. with mention *très honorable et félicitations du jury* from the Law Faculty of the University of Palermo in *co-tutelle* with the Law Faculty of the University Paris 1 Panthéon-Sorbonne (2003). He has taught international criminal law at the University of Naples L'Orientale (2004-2006); institutions and rules of the international regimes at the Catholic University of Milan (2007-2011); international criminal law at the Geneva Academy of International Humanitarian Law and Human Rights (ADH) (2007-2008); and is currently Lecturer and Professor (*ricercatore confermato* and *professore aggregato*) at the Catholic University of Milan (2006-present), where he is teaching public international law. He has worked as Legal Counsel at the United Nations Diplomatic Conference for the Establishment of the International Criminal Court (1998), as an Intern at the International Criminal Tribunal for the Former Yugoslavia (2000), and as Defence Counsel at the International Criminal Tribunal for Rwanda (2004). He is the author of various articles in Italian, English and French, and of a monograph on amnesty in international law (*Le Amnistie nel diritto internazionale*). Additionally, he has co-edited two volumes with international researchers, and won the "Premio SIDI" (Award of the Italian Society of International Law) in 2004.



*Prof. Serena
Forlati*

University of Ferrara
(Italy)

Serena Forlati is Associate Professor of International Law at the Department of Law, University of Ferrara. She is the Co-Convener of the ESIL Interest Group on International Courts and Tribunals as well as the Founding Member and Co-Coordinator of the Interdisciplinary Research Centre on Mafia and Other Forms of Organized Crime (MaCrO), Department of Law, University of Ferrara. Her current research interests focus on international courts and tribunals (specifically on international procedure), international human rights law and its interaction with international criminal law. Her current projects include studies on the role of the ICJ in the identification of general principles of procedure and on non-compliance as a 'failure' of international courts (with Paula Almeida); and an edited collection on universal civil jurisdiction (with Pietro Franzina). She holds a Law degree (University of Florence), an LL.M. (College of Europe, Bruges), and a Ph.D. (University of Rome-La Sapienza). Formerly a Member of the Italian Bar, she was a Research Fellow at the University of Florence and a Teaching Assistant in international law at the Universities of Siena and Venice.



*Prof. Erik
Franckx*

University of Brussels - VUB
(Belgium)

Erik Franckx is Full-time Research Professor and President of the Centre for International Law, Faculty of Law and Criminology, VUB. He also serves as the President of the Belgian Society of International Law since 2017. Moreover, Prof. Franckx holds teaching assignments at Vesalius College and Institute of European Studies (VUB); ULB; the Brussels School of International Studies (University of Kent); and the University of Akureyri (Iceland). He is appointed by Belgium as: expert in marine scientific research for use in special arbitration under the 1982 United Nations Convention on the Law of the Sea (since 2004); expert in maritime boundary delimitation to the International Hydrographic Organization (since 2005); Member of the Permanent Court of Arbitration (since 2006); Arbitrator under UNCLOS (since 2014); and Member of the National Commission for the Reform of Private and Public Maritime Law (since 2012).

He has taught more than 20 short courses since 1992 and has been an invited speaker at more than 70 international conferences during the period 2006-2018. He has served as a consultant to governments (foreign and Belgian), as well as to international, supra national and non-governmental organisations. Recently, he was Legal Counsel on behalf of the Netherlands in the *Arctic Sunrise Arbitration vs the Russian Federation* (2013-2017). He has published widely, with a special interest in the law of the sea.



*Prof. Andrea
Gattini*

University of Padua
(Italy)

Andrea Gattini was with the MPI Luxembourg in 2015 and 2016 as a Senior Research Fellow. Since 2005, he has been a full-tenured Professor of International Law at the University of Padua. In 2010, he was appointed Director of the International & European Law and Policy on Investment and Environment (IELPIE) summer school, a joint initiative of the University of Padua and the University of Venice. Prof. Gattini holds a Doctor of Juridical Science (S.J.D.) from the University of Munich, a J.D. degree from the University of Bologna, and a Political Science degree from the University of Padova. His research focuses on international procedural law, especially at the ICJ, before which he appeared as part of the team of counsels in a case opposing Germany to Italy (2008-2012).



*Prof. Peter
Gottwald*

University of Regensburg
(Germany)

Peter Gottwald studied law in Munich and Berlin. He went on to become *Dr jur. utr.* (1974) and *Dr jur. habil.* (1977). He held the Chair for Civil Law and Civil Procedure at the University of Bayreuth (1977-1983) and then the Chair for Civil Law, Procedural Law and Conflict of Laws at the University of Regensburg (1983-2012). He also served as Associate Judge at the Regional Courts of Appeal of Bamberg and Munich (1981-1989).

He is one of the Editors-in-Chief of the *German Journal of Family Law* (FamRZ) (since 1987) and of the *International Journal of Procedural Law* (since 2011). He has revised the leading German textbook *Rosenberg* on civil procedure (18th ed., 2017) and the textbook *International Civil Procedure* by Nagel (7th ed., 2013). He published a handbook on insolvency law (5th ed., 2015) as well as a practitioners' handbook on family procedure (4th ed., 2012) and is a commentator of the Munich Commentaries of Civil Code (7th ed., 2016) and of Civil Procedure (5th ed., 2018).

Peter Gottwald was Visiting Professor at Tulane University (1989), Kansai University (1992), Ritsumeikan University (1999 and 2004), Bilkent University (2012 and 2013), the International Hellenic University (2012, 2014, 2015 and 2016), the University of Haifa (2014), and Chuo University (2014). He is laureate of the Japan Society for the Promotion of Science (1999) and became Doctor *honoris causa* of Thessaloniki University Law School in 2005.

He was Vice-President (1989-1997) and President (1997-2009) of the (German) Association of International Procedural Law. At the International Association of Procedural Law, he was Secretary General (1995-2009) and then President (2009-2011). He is now an Honorary President of both associations.



*Prof. Constance
Grewe*

Former Judge at the Constitutional
Court of Bosnia and Herzegovina

Constance Grewe was Professor at the Universities of Chambéry, Caen and Strasbourg (1997 to 2011). She was in charge of several research departments, member of academic scientific councils between 2003 and 2006, Vice-President in charge of research, and spent a research stay at the MPI of Heidelberg. In 2004, she was appointed Judge of the Constitutional Court of Bosnia and Herzegovina by the President of the ECtHR. Her publications are related to comparative constitutional law, German constitutional law, and interactions between international, European and domestic law. She has obtained the Research Award of the Humboldt Foundation and the title of Doctor *honoris causa* of the University of Basel (Switzerland).



*Prof. Shotaro
Hamamoto*

Kyoto University
(Japan)

Shotaro Hamamoto holds an LL.B. and an LL.M. from Kyoto University and a Ph.D. in Law from the University Paris 2. He is Professor of the Law of International Organizations at the Graduate School of Law of Kyoto University, as well as Visiting Professor at the University Paris 1 and Sciences Po Paris. Prof. Hamamoto has been a Senior Fellow in the Center for International Governance and Innovation in Ottawa since 2015. He was Counsel and Advocate for the Japanese Government in *Whaling in the Antarctica* (ICJ, *Australia v. Japan: New Zealand intervening*, 2010-), *Hoshinmaru* (ITLOS, *Japan v. Russia*, 2007), and *Tomimaru* (ITLOS, *Japan v. Russia*, 2007). In addition, he was Assistant for the Spanish Government in *Fisheries Jurisdiction* (ICJ, *Spain v. Canada*, 1997-1998), and a Japanese Representative to the UNCITRAL Working Group II (Arbitration/Conciliation) (2010-) and to the OECD Investment Committee (2011). Prof. Hamamoto has also been Arbitrator for the Japan Sports Arbitration Agency since 2008. His fields of research include theory of international law, international dispute settlement, law of the sea, international investment law, international sports law, and institutional law of the European Union.



*Prof. Viktória
Harsági*

Pázmány Péter Catholic University
and Andrassy Gyula German
Speaking University (Hungary)

Viktória Harsági holds the Chair of Civil Procedure Law at the Pázmány Péter Catholic University and is a Lecturer at the Andrassy Gyula German Speaking University in Budapest. She is a Member of the International Association of Procedural Law (elected to the Council) and Editor of the *Pázmány Law Review*. She has been a Visiting Research Fellow at the Johannes Gutenberg University Mainz, the University of Basel, the University of Vienna, the University of Cambridge, and the University of Notre Dame in the USA. Her main fields of research are the international, European and comparative aspects of civil procedural law.



*Prof. Wolfgang
Hau*

Ludwig Maximilian University
of Munich (Germany)

Wolfgang Hau holds the Chair for Private Law and German, International and Comparative Procedural Law at the Ludwig Maximilian University of Munich and serves as part-time Judge of the Higher Regional Court of Munich. From 2003 to 2017, he was a Professor at the University of Passau. He is Co-Director of the Munich Center for Dispute Resolution (MuCDR) and a Member of the Board of the German Academic Association of International Procedural Law. He has authored various books, *inter alia*, a textbook on international civil litigation (H. Linke & W. Hau, *Internationales Zivilverfahrensrecht*, 7th ed., Otto Schmidt, 2018), and numerous publications on national, international and European procedural law. His current research focuses on comparative aspects of court settlements and on the relevance of party agreements in the context of cross-border enforcement.



*Prof. Moshe
Hirsch*

Hebrew University of Jerusalem
(Israel)

Moshe Hirsch is the Von Hofmannsthal Professor of Law at the Hebrew University of Jerusalem (Department of International Relation and Law Faculty) and Co-Director of the International Law Forum at the Hebrew University Law Faculty. Prof. Hirsch specialises in international legal theory (particularly sociological analysis of international law), international economic law, and public international law. He co-organises a series of international workshops on the sociology of international law. A significant part of his publications involves interdisciplinary research that employs, *inter alia*, sociological theories, game theory, political economy, and international relations theory. His recent publications include: *Invitation to the Sociology of International Law* (OUP, 2015); "The Sociology of International Economic Law" (*European Journal of International Law*, 2008); "Explaining Compliance and Non-Compliance with ICSID Awards: A Multiple Theoretical Approach" (*Journal of International Economic Law*, 2016); "African Countries in the World Trading System" (co-author, *International & Comparative Law Quarterly*, 2012). In addition to lecturing at the Hebrew University, Prof. Hirsch taught numerous courses on international economic law and international legal theory in other academic institutions (including in London, Toronto, Dundee, Berlin, Oñati, New York, Zurich, Vancouver, and Macau).



*Dr Ousseni
Illy*

University Ouaga II
(Burkina Faso)

Ousseni Illy holds a Ph.D. in Public International Law from the University of Geneva (2010) and a Master in Public Law from the University of Ouagadougou, Burkina Faso (2003). He worked, among others, as a Research Assistant to Prof. Gabrielle Marceau at the University of Geneva (2009) and for the Graduate Institute of International and Development Studies in Geneva (2010). Furthermore, he has been an intern and a consultant for the UN (Legal Affairs, Codification Division) and a Ph.D. Visiting Researcher at the WTO Secretariat, Geneva. Before returning to Burkina Faso in 2012, he spent two years as Postdoctoral Fellow at the University of Oxford (2011) and at Princeton University (2012). He is currently working as an Assistant Professor of Law at University Ouaga II. His research interests include international trade law (WTO), investment law and public international law. One of his current projects is on the legal status of failed States.



*Prof. Catherine
Kessedjian*

University Paris 2 Panthéon-Assas
(*Emerita*) (France)

Catherine Kessedjian is Professor *Emerita* of the University Paris 2 Panthéon-Assas. Until 2016, she was the Deputy Director of the European College of Paris and Director of Studies of the LL.M. in European Law. In 2016, she was Visiting Professor at Padova University (Italy) and in 2017 Wainwright Senior Fellow and Visiting Professor at McGill Faculty of Law. She was Hauser Global Visiting Professor at New York University School of Law in 2004, 2008 and 2011, and Visiting Professor at Yale Law School in January 2010. She acts as arbitrator in a select number of international commercial and investment disputes. She also acts as mediator in French and English. Prof. Kessedjian holds memberships of numerous professional organisations, notably the American Law Institute (ALI) and the *Institut de droit international*. For ALI, she presently acts as a Member of the International Advisers Committee for the Restatement on Foreign Relations Law. She is the President of the French Branch of the International Law Association and Vice-Chair of the global ILA.



*Prof. David
Kinley*

University of Sydney
(Australia)

David Kinley is Professor and Chair in Human Rights Law at the University of Sydney, and an Academic Expert Member of Doughty Street Chambers in London. He is a former Fulbright Senior Scholar at American University Washington College of Law, Herbert Smith Visitor at the University of Cambridge, and has taught at Oxford and George Washington Universities as well as the Sorbonne. Born and raised in Ireland, he obtained degrees in Business, Philosophy, Law, and Human Rights at the Universities of Sheffield and Cambridge before migrating to Australia in 1990. He specialises in relations between the global economy and human rights and has worked for more than 25 years with governments, international organisations, law firms, corporations, and NGOs in the field. His recent books include *Civilising Globalisation: Human Rights and the Global Economy* (CUP, 2009), *Principled Engagement: Promoting Human Rights in Repressive States* (with M.B. Pedersen, Routledge, 2013), and the ASIL book prize winning *The International Covenant on Economic, Social and Cultural Rights* (with B. Saul and J. Mowbray, OUP, 2014). His latest book, *Necessary Evil: How to Fix Finance by Saving Human Rights*, was published in 2018 by OUP. He also has a TEDx video: "How Much Do Banks Owe Us?".



*Prof. Georg
E. Kodek*

Vienna University of Economics
and Business (Austria)

Georg E. Kodek is a Judge of the Austrian Supreme Court. In addition, he is Professor of Civil and Commercial law at the Vienna University of Business and Economics (WU). He studied law at the University of Vienna and at Northwestern University School of Law. He obtained his *Magister Juris* in 1986, his *Doctor juris* in 1987, and his LL.M. in 1989. In 1991, Georg Kodek was appointed a District Court Judge in Vienna. After serving at the Superior Court of Eisenstadt and the Vienna Court of Appeals, he was appointed to the Austrian Supreme Court in 2006. In addition, he published and lectured at the University of Vienna, where he obtained the *venia legendi* in 2001. In 2007, he was appointed Professor of Civil and Commercial Law at WU Vienna when that school started to offer a full law curriculum. In addition to his duties at the court and at university, he has lectured extensively both in Austria and abroad. He also served as court-appointed or retained expert on foreign law in a number of high-profile foreign lawsuits and arbitral proceedings, appearing before courts in Germany, Liechtenstein, Switzerland, the United Kingdom, the United States, and the British Virgin Islands. In 2017, he was Visiting Researcher at Brisbane University. He has published extensively in the fields of civil and commercial law, and civil procedure law. His research includes civil law with special emphasis on property law, international private law, bankruptcy law, and procedural law. In the latter area one of his special fields of interest includes international civil procedure.



*Prof. Volker
Lipp*

University of Göttingen
(Germany)

Volker Lipp holds the Chair of Civil Law, Civil Procedure, Medical Law, and Comparative Law at the Faculty of Law, University of Göttingen. He studied law in Mannheim, Heidelberg and Göttingen. He achieved his *Dr iur.* in 1994 and *Dr iur. habil.* in 1999. In 2000, Prof. Lipp became Full Professor at the University of Göttingen. In 2011, he declined to join the University of Regensburg. Volker Lipp has been Visiting Professor at the University of Bergen, Norway, and at Chuo-University, Tokyo, Japan. He served as President of the German Section of the International Commission on Civil Status from 2007 until 2015. He has been a Member of the Central Ethics Commission at the German Medical Association since 2010, and of the German Ethics Council since 2016. He became Doctor *et* Professor *honoris causa* of Eötvös Loránd University, Budapest, Hungary, in 2016. His research focuses on general principles of private law and civil procedure, the law of persons and family law, and medical law, with a special focus on international and European civil procedure and private international law.



*Prof. Johan
Meeusen*

University of Antwerp
(Belgium)

Johan Meeusen (LL.M. University of California at Berkeley, 1993; Ph.D. University of Antwerp, 1997) is Full Professor at the Faculty of Law of the University of Antwerp, where he teaches European Union law and private international law. He has published numerous articles and books on issues of EU law and (European) private international law, and has also lectured extensively at universities worldwide. From 2008 until 2016, Prof. Meeusen served as Vice-Rector of the University of Antwerp. Earlier, between 2006 and 2008, he was the Dean of its Faculty of Law. Prof. Meeusen is a Member of the European Group for Private International Law (GEDIP/EGPIL) and an Associate Member of the International Academy of Comparative Law. In 2002, the European Commission granted him an *ad personam* Jean Monnet Chair. In the academic year 2016-17, Prof. Meeusen was granted sabbatical leave from the University of Antwerp in order to pursue a research project on private international law in a context of European constitutionalisation and multilevel governance.'



*Prof. Jordi
Nieva-Fenoll*

University of Barcelona
(Spain)

Jordi Nieva-Fenoll is Full Professor (Chair) of Procedural Law at the University of Barcelona. He is also a Visiting Professor at the Universities of Münster and Würzburg (Germany), Bologna and LUISS Guido Carli (Italy), Lumière Lyon 2 (France), and up to 10 Universities in Latin America. Prof. Nieva-Fenoll is the author of sixteen books (with the following main topics of both civil and criminal procedure: evidence, *res judicata*, appeal (cassation), procedural law at the CJEU) and more than 100 articles (most of them compiled in jurisdiction and process and jurisdictional science). He was a panelist at over 100 international conferences and is a Member of the *Associazione Italiana fra gli Studiosi del Processo Civile* (2015), International Association of Procedural Law (2011), *Instituto Iberoamericano de Derecho Procesal* (2006) and *Wissenschaftliche Vereinigung für Internationales Verfahrensrecht* (2005). He was awarded Doctorates *honoris causa* from the National University of Ucayali (Peru 2014), José Carlos Mariátegui University (Peru 2015), José Faustino Sánchez Carrión National University (Peru 2016), and the National University of Piura (Peru 2016). He is the co-founder (with M. Taruffo) of the Collection "Process and Law", in Marcial Pons Editor, codirected with Eduardo Oteiza and Daniel Mitidiero.



*Prof. Ki Gab
Park*

Korea University
(Seoul)

Ki Gab Park is a Member of the UN International Law Commission (2012-2016, 2017-2021) and of the International Nuclear Liability Experts Group (INLEX) of the International Atomic Energy Agency (2011 - present). Prof. Park holds a diploma from The Hague Academy of International Law (1988) and a Ph.D. from the University Paris 2 Panthéon-Assas (1989). He was awarded the Prize Ernest Lémonon, *Académie des sciences morales et politiques*. In 2013, he taught at The Hague Academy of International Law on the "La Protection des personnes en cas de catastrophes". His current research themes are: cyberspace security questions, self-determination, law of treaties, and international humanitarian law.



*Prof. Pasquale
Pasquino*

New York University (United States)
School for Advanced Studies in the
Social Sciences – EHESS (France)

Pasquale Pasquino is a Senior Research Fellow at the CNRS - EHESS and Global Distinguished Professor in Politics and Law at New York University. He has worked in different research institutions, included the MPI for History (since April 2007: MPI for the Study of Religious and Ethnic Diversity), Göttingen, and the MPI for Comparative Public Law and International Law, Heidelberg. He is the author of numerous publications on the constitutional theory and history of European countries, notably England in the 17th century, France during the Revolution, and Germany during the Weimar Republic. His current research focuses on the role of Constitutional Courts in democratic societies, and more particularly on the internal collegial mechanisms for decision-making of these apex courts.



*Prof. Fabrice
Picod*

University Paris 2 Panthéon-Assas
(France)

Fabrice Picod holds a Ph.D. in Law from the University of Strasbourg (1994) and became a Professor in 1996. Since 1999, he has been a Professor at the University Paris 2 Panthéon-Assas. He is specialised in EU law and holds a Jean Monnet Chair in European and Procedural Law. He is a Co-Director of the Master's programme "Droit et contentieux de l'Union européenne" at the University Paris 2. Prof. Picod has been a Member of the Academic Scientific Council "*Conseil national des Universités*" since 2011. He presided over the French Association of European Studies (CEDECE) between 2009 and 2013. He was also a Legal Secretary at the ECJ (1990-1991).

Prof. Picod has been the Founding Director of the book series "Droit de l'Union européenne", published by Bruylant (Brussels), and Director of *Jurisclasseur Europe*, published by LexisNexis, since 2005. He has been a Co-Director of the *Revue des affaires européennes* and of the *Annuaire de droit de l'Union européenne* since 2003. His publications are related to EU law, human rights, litigation, state aid, competition, consumer protection, and the internal market (goods, services and capital).



*Prof. Judith
Resnik*

Yale University
(United States)

Judith Resnik, the Arthur Liman Professor of Law at Yale Law School, teaches and writes about federalism, procedure, courts, prisons, equality, and citizenship. Her work focuses on constitutional norms of equal treatment, the functions and obligations of sovereigns, the effects of globalisation, and the pressures of privatisation. Her books include *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (with D. Curtis, Yale University Press, 2011; one of the “best legal reads” of 2011 according to *The Guardian*; winner of the Order of the Coif Award 2014) and *Migrations and Mobilities: Citizenship, Borders, and Gender* (co-edited with S. Benhabib, NYU Press, 2009). In 2014, Prof. Resnik was the Co-Editor (with L. Greenhouse) of the *Daedalus* – a publication of the American Academy of Arts and Sciences – volume *The Invention of Courts*. Since 2012, she has chaired Yale Law School’s annual Global Constitutional Seminar, a part of the Gruber Program on Global Justice and Women’s Right and has been the editor of its six e-volumes, including *Reconstituting Constitutional Orders* (2017).

Professor Resnik is the Founding Director of Yale Law School’s Arthur Liman Program, which began in 1997 and in 2017 became the Arthur Liman Center for Public Interest Law. Prof. Resnik has been a Phi Beta Kappa Visiting Scholar and holds a term appointment as an Honorary Professor, Faculty of Laws, University College London. She is also a co-founder of Yale University’s Women Faculty Forum and a Managerial Trustee of the International Association of Women Judges. In 2001, she was elected a Fellow of the American Academy of Arts and Sciences and, in 2002, a Member of the American Philosophical Society. In 2008, Professor Resnik received the Outstanding Scholar of the Year Award from the Fellows of the American Bar Foundation. In 2010, she was a recipient of the Elizabeth Hurlock Beckman Prize, awarded to professors in the fields of psychology or law.



*Prof. José Carlos
Fernández Rozas*

Complutense University of Madrid
(Spain)

José Carlos Fernández Rozas graduated in Law at the University of Oviedo in 1973 and in the Pedagogy of History in 1974. He completed a Ph.D. degree (*summa cum laude*) in 1977. Prof. Rozas was a Member of the Research Centre of the Hague Academy of International Law. He became a Full Professor of Private International Law in 1982. He was a Spanish Delegate at the Hague Conference of Private International Law (1994) and a Member of the Royal Spanish Academy of Legislation and Jurisprudence (2008). Prof. Rozas taught a special course at The Hague Academy of International Law. Furthermore, in 2006, he was appointed President of the Hispanic-Luso-American Institute for International Law. In 2011, Prof. Rozas came to be an Associate of the International Law Institute and later, in 2017 a Titular Member. He is the author of 30 courses and monographs, and more than 200 scientific studies on private international law, international business law, international civil procedure, and international commercial arbitration. He is the Editor-in-Chief of several legal periodicals, among which the *Anuario Español de Derecho internacional* and *Arbitraje-Revista de Arbitraje Comercial y de Inversiones*. Moreover, he was chairman and arbitrator in several disputes having an international scope (ICSID as well as *Corte Civil y Mercantile de Arbitraje* (CIMA)).



*Prof. Valérie
Rosoux*

Catholic University of Louvain – UCL
(Belgium)

Valérie Rosoux is a Senior Research Fellow at the Belgian National Fund for Scientific Research (FNRS), and a Professor at the Catholic University of Louvain (UCL), where she teaches international negotiation and transitional justice. In 2010-2011, she was a Senior Fellow at the United States Institute of Peace (Washington DC). As a post-doctoral researcher, she worked at The Johns Hopkins University School of Advanced International Studies (SAIS), the Centre for International Studies and Research (CERI) at Sciences Po Paris, and the University Laval in Canada. Prof. Rosoux has a *Licence* in Philosophy and a Ph.D. in International Relations. She is the author of several books and articles about post-war settings and the uses of memory in international relations.



*Prof. Daniel
Sarmiento*

Complutense University of Madrid
(Spain)

Daniel Sarmiento is a Professor of Administrative and European Union Law at the Complutense University of Madrid, where he currently teaches on European Union Law in both graduate and postgraduate programmes. He is also a Faculty Member of the *Instituto de Empresa*. His research interests are focused on constitutional aspects of EU law, particularly the role of courts within the Union's legal order. He has written extensively on the Union's judiciary, its sources of law, institutional law and fundamental rights. Currently, he is also actively researching in the area of the Economic and Monetary Union (EMU). He has a special interest in the ECJ and the procedural framework under Union law. His research interests have been complemented by extensive practical experience. He was a Legal Secretary at the ECJ (2007-2015) and is currently a practicing lawyer handling cases before both the Court of Justice and the General Court. He is the author of several books, book chapters and articles on EU law. Presently, he is working on dispute settlement systems between the EU and third countries, with a special focus on the jurisdictional arrangements resulting from Brexit.



*Dr Arman
Sarvarian*

University of Surrey
(United Kingdom)

Arman Sarvarian holds a first-class LL.B. from the School of Oriental and African Studies, University of London (2007), a first-class LL.M. in Public International Law from the University of Cambridge (2008) and a Ph.D. in Public International Law from the Faculty of Laws of University College London (2012). He is a non-practising member of the Bar of England and Wales (2009).

Dr Sarvarian has been a Lecturer in Law at the University of Surrey since 2012, where he primarily teaches public international law. He has been the Director of Postgraduate Research since 2016. His monograph, *Professional Ethics at the International Bar* (Oxford, OUP, 2013) is the first comprehensive work on the subject and has been cited in proceedings before ITLOS and ICJ. His work has been published in leading academic journals, including the *European Journal of International Law* and *Legal Studies*. It has also been cited in reports on intervention by the House of Commons Defence Select Committee and on succession to membership of the European Union by the Scottish Parliament European Union and External Relations Committee. He has been active in the development of relations between the Republic of Armenia and the ICC, including the constitutional process of ratification of the ICC Statute.

Dr Sarvarian was the lead editor of *Procedural Fairness in International Courts and Tribunals* (British Institute of International and Comparative Law, 2015). He was a Member of the International Bar Association Task Force on Counsel Ethics in International Arbitration throughout the drafting of the *IBA Guidelines on Party Representation in International Arbitration 2013*. He is a Co-Rapporteur of the ILA Committee on Procedures of International Courts and Tribunals and a Member of the Committee on the Use of Force. Dr Sarvarian has provided expert evidence on international law matters for arbitrators and counsel, and has commented on international law in British and Armenian media outlets.



*Prof. Amy
J. Schmitz*

University of Missouri
(United States)

Professor Amy J. Schmitz (B.A., *summa cum laude*, Phi Beta Kappa, Drake University, 1992 and J.D., *summa cum laude*, Order of the Coif, University of Minnesota Law School, 1995) joined the University of Missouri as the Elwood L. Thomas Missouri Endowed Professor of Law in 2016. Previously, she was a Professor at the University of Colorado School of Law. Prior to teaching, Prof. Schmitz was in legal practice with large law firms in Seattle and Minneapolis. She also served as a Law Clerk to the Honourable James B. Loken, Chief Judge of the US Court of Appeals for the Eighth Circuit.

Professor Schmitz teaches courses in contracts, lawyering, dispute resolution in the digital age, major research projects, secured transactions, arbitration, international arbitration, and consumers and the law (service learning). Her current research explores on-line dispute resolution in varied exchange contexts, with special focus on consumer claims and means for consumers to obtain remedies. She also has been active in recent debates regarding consumer protection, contract, arbitration, and contracting behaviour. She speaks widely in the US and Europe on her research interests. She also serves on the Association of American Law Schools Executive Committee on Commercial and Related Consumer Law, is the Co-Chair of the American Bar Association (ABA) Technology and Dispute Resolution Committee, and is the ABA Liaison for UNCITRAL. She has taught in South Africa, Paris and England, and has been an expert and liaison for the United Nations working group seeking to create a global online mechanism for resolution of e-contract disputes.



*Prof. Linda
Silberman*

New York University
(United States)

Linda Silberman is the Martin Lipton Professor of Law at New York University. She is also the Co-Director of NYU's Center for Transnational Litigation, Arbitration, and Commercial Law. She is a Member of the Academic Council of the Institute of Transnational Arbitration, a Member of the US Department of State Advisory Committee on Private International Law, and a Member of the Singapore Family Justice Courts International Advisory Council. She also sits on both the Arbitration Committee and the International Commercial Disputes Committee of the City Bar of New York. Professor Silberman holds an Honorary Professorship at the Centre for Commercial Law Studies of Queen Mary University of London. She recently completed a stay as Scholar in Residence at WilmerHale in London.

Professor Silberman plays an important role at the American Law Institute (ALI), serving as an Adviser on three different projects: the Restatement Third of the US Law on International Commercial Arbitration, the Restatement Fourth of the Foreign Relations Law of the United States, and the Restatement Third on Conflict of Laws. Previously, she was Co-Reporter for the ALI's Project on Recognition and Enforcement of Foreign Judgments: Analysis and Proposed Federal Statute.

Professor Silberman teaches and writes in the areas of civil procedure, conflict of laws, comparative procedure, international litigation, international arbitration, and international child abduction. She often serves as a litigation and arbitration consultant and/or expert in these fields. She is the co-author (with Allan R. Stein and Tobias Barrington Wolff) of a leading casebook on civil procedure, *Civil Procedure: Theory and Practice* (New York, Wolters Kluwer, 5th edition, 2017), and of a comparative procedure teaching book, *Civil Litigation in Comparative Context* (New York, West Academic Publishing, 2nd edition, 2017). She has been invited to give the general course on Private International Law at the Hague Academy of International Law in 2020.



*Dr Guy Fiti
Sinclair*

Victoria University of Wellington
(New Zealand)

Guy Fiti Sinclair is a Senior Lecturer at Victoria University of Wellington Law School. His principal area of scholarship and teaching is public international law, with a focus on international organisations law, the history and theory of international law, and law and global governance. His monograph is entitled *To Reform the World: The Legal Powers of International Organizations and the Making of Modern States* (Oxford, OUP, 2017). He holds B.A., LL.B. (Hons) and LL.M. (First Class Hons) degrees from the University of Auckland, as well as a JSD from New York University School of Law, where he was a Fulbright Scholar. He worked for over ten years as a corporate and commercial lawyer in leading US, English, and Australasian firms, and in a variety of in-house roles. He is an Associate Director of the New Zealand Centre for Public Law, the Associate Editor of the *European Journal of International Law*, and a Senior Fellow at Melbourne Law School.



*Dr Olivia
Tambou*

Paris-Dauphine University
(France)

Olivia Tambou is Associate Professor at the Paris-Dauphine University, specialised in European Law. She has been lecturing at French and foreign Universities for more than 20 years. Her current research interest concerns the effectiveness of the European data protection law. She wrote several articles on the General Data Protection Regulation (GDPR) about certification, remedies, profiling, and the de-listing right. She is a contributor to the comparative section of the European Data Protection Law (EDPL) regarding data protection issues in France. She is also the Editor of *blogdroiteuropeen* and of its Open Access Book Collection, *The Right to Be Forgotten in Europe and Beyond*.



*Prof. Louise Ellen
Teitz*

Roger Williams University
(United States)

Louise Ellen Teitz, Distinguished Service Professor of Law, Roger Williams Law School is a renowned scholar of private international law and international procedural law. She has served as First Secretary at The Hague Conference on Private International Law, with primary responsibility for family law areas. Her academic areas of expertise include private international law, international litigation and dispute resolution, international business transactions, international family law, comparative law, civil procedure, electronic commerce, and professional responsibility. Prof. Teitz has taught at prestigious US law schools and has been with the Universities of Konstanz and Bern. Meanwhile, she has lectured in Geneva, Bologna, and at Catholica in Lisbon. Prof. Teitz has also been a Visiting Scholar at UNCITRAL in Vienna and at the International Institute for the Unification of Private Law (UNIDROIT) in Rome.

Her law reform work has ranged from domestic state law to international state law. She has been a Member of the US Delegation to the Hague for the Judgments Convention and for the Choice of Court Agreements Convention, and is a Member of the US Secretary of State's Advisory Committee on Private International Law. Prof. Teitz was Co-Reporter on the Uniform International Choice of Court Agreements Act. She is active in the ABA, where she has chaired several committees and divisions and served on the Council of the ABA International Law Section. In addition, she acted as an Observer (ABA delegation) to UNCITRAL's Working Group III on Online Dispute Resolution. Prof. Teitz is a Uniform Law Commissioner from Rhode Island and a Member of the American Law Institute, the IAPL and the International Academy of Comparative Law. She is also a US Representative to the ILA Committees "Protection of Privacy in International and Procedural Law" and "International Commercial Arbitration". Moreover, she is a Member of the Executive Committee of the ILA American Branch. Prof. Teitz is the author of two books and numerous articles on international law subjects. She is currently co-authoring (with Peter Winship) *Comparative Law*, a West Casebook.



*Prof. Jure
Vidmar*

Maastricht University
(the Netherlands)

Jure Vidmar is Professor of Public International Law at Maastricht University. Prior to that, he held several teaching and research positions at the University of Oxford and was a Research Fellow of St John's College, Oxford. He is also affiliated with the Faculty of Law at the University of Pretoria (South Africa), and held a visiting position at Harvard Law School (USA). Jure has published widely in several areas of international law. His books include *Democratic Statehood in International Law: The Emergence of New States in Post-Cold War Practice* (Oxford, Hart, 2013) (Runner-up for the Peter Birks Prize for Outstanding Legal Scholarship in 2014), and with Erika de Wet, *Hierarchy in International Law: The Place of Human Rights* (Oxford, OUP, 2012). Jure also sits on the editorial boards of several scholarly journals and is the Editor-in-Chief of the Hague Yearbook of International Law.



*Prof. Annamaria
Viterbo*

University of Turin
(Italy)

Annamaria Viterbo is Associate Professor of International Law at the Faculty of Law of the University of Torino and a Law Affiliate of the Collegio Carlo Alberto. She obtained a Ph.D. in International Economic Law from the Bocconi University of Milan. After an internship at the ECB, she was Jean Monnet Fellow at the Robert Schuman Centre for Advanced Studies of the EUI and Visiting Scholar at the IMF Legal Department. She published a monograph titled *International Economic Law and Monetary Measures: Limitations to States' Sovereignty and Dispute Settlement* (Cheltenham, Edward Elgar, 2012). Her research focuses on international economic law, with a particular focus on the IMF, sovereign debt issues, as well as the EMU and the European banking union. Current projects include a new book on sovereign debt restructuring as well as studies on EU/Member States' participation in the work of international standard-setting bodies, such as the Basel Committee.



*Prof. Matthias
Weller*

University of Bonn
(Germany)

Matthias Weller is a Professor at the University of Bonn. He was previously Vice-Dean of the EBS Law School, and held the Chair of Civil Law, Civil Procedure and Private International Law at the EBS Law School, University for Business and Law (Germany).

In addition, Matthias Weller is a Member of the ELI and its Special Interest Group on Dispute Resolution. He regularly speaks at conferences on international dispute resolution, private international law and the unification of law. He was the National Reporter for Germany at the XIVth Congress of the Academy of Comparative Law in Vienna (2014) and at the XVIth Congress in Fukuoka (2018). He was invited to teach a special course at The Hague Academy for International Law in 2019: "Mutual Trust: A Suitable Foundation for Private International Law in Regional Integration Communities and Beyond?". In preparation of this course, he conducted research at the Harvard Law School in July and August 2016.

Matthias Weller completed his post-doc at the Institute for Foreign and Private International and Commercial Law of the University of Heidelberg (2011), where he received the *venia legendi* for civil law including European private law, private international law, comparative law, civil procedure, and copyright law. Prior thereto, he conducted doctoral research at the same university with the support of the German National Scholarship Foundation – from whom he had also received a scholarship in 1992. Before that, Prof. Weller held the Joseph Story Fellowship in Private International Law at Harvard Law School (1998-1999) and studied law at St. John's College, University of Cambridge (1994-1995).

His research includes all aspects of international and European civil procedure and private international law, in particular the judicial cooperation in regional integration communities. A special focus lies on choice of forum agreements.



*Prof. Bob
Wessels*

University of Leiden (*emeritus*)
(the Netherlands)



Bob Wessels (Ph.D. in Civil Law: Amsterdam 1988) was Professor of International Insolvency Law in Leiden (2007-2014) and of Civil and Commercial Law, Free University of Amsterdam (1988-2008). He has acted as an international consultant to the IMF, the World Bank, and the European Commission in matters of resolution, rescue and insolvency of businesses. He has provided legal opinions and acted as an expert witness on European and international insolvency-related questions before Dutch and other national courts. Prof. Wessels has published hundreds of articles in leading legal journals and (co-)authored some thirty books. Since 1999, he is the single author of *Wessels Insolventierecht* (Kluwer, Utrecht, 4th edition, 2013), a ten volume series.

Bob Wessels was previously a Visiting Professor at Johann Wolfgang Goethe University (2003), at the University of Pretoria (2004), at St. John's University (2006-2011) and at Riga Graduate School of Law (2008-2012). Furthermore, he has the following roles: Deputy Justice at the Court of Appeal in the Hague (since 1987); Member of the Joint Board of Appeal of the three European Supervisory Authorities (European Securities and Markets (ESMA), European Banking Authority (EBA) and European Insurance and Occupational Pensions Authority (EIOPA) respectively) (since 2013); past Chairman of the Netherlands Association for Comparative and International Insolvency Law (NACIIL); and past Chairman of the Academic Forum of INSOL Europe.

8. Former Research Fellows

Between 2016 and 2018, the Institute saw several colleagues leave the Institute to further pursue their careers. The following overview refers to these researchers and outlines their professional development.



*Dr Robert
Arts*

Robert Arts studied law at the University of Heidelberg and graduated in 2011. Before coming to Luxembourg, he worked at the Institute for Comparative Law, Conflict of Laws and International Business Law of the University of Heidelberg, first as part of the student support staff and, after his graduation, as a Research Assistant. His main areas of research are both European and German insolvency law. Since 2015, he has been part of the NextGen Leadership Programme (Class IV) of the International Insolvency Institute (III). In 2016, he completed his Ph.D. thesis on avoidance actions in a comparative law perspective. He is now working as an Administrative Judge in Trier.



*Dr Michael
Bakowitz*

Michael Bakowitz was a Research Fellow at the MPI Luxembourg from 2013 to 2017. During this period, he focused his research on competition law, European Union Law and collective redress. He taught European procedural law and German civil law at the University of Luxembourg. Michael graduated with honours from the University of Heidelberg in 2013. He received a Doctor's degree in Law (Dr iur.) from the University of Heidelberg in 2018 for his doctoral thesis on access to information in antitrust law. He spent one year at the University of Cambridge as a Visiting Student and holds an LL.M. degree from Columbia Law School in New York. During his studies, Michael was supported by scholarships from the German Academic Merit Foundation and the "Cusanuswerk". For his LL.M. studies, he received the renowned ERP Scholarship of the German Federal Ministry of Economic Affairs and Energy and the German Academic Merit Foundation, as well as a scholarship by the German Academic Exchange Service (DAAD). He recently joined Freshfields Bruckhaus Deringer LLP in Düsseldorf, Germany, where he works in the area of antitrust, competition and trade law. He currently focuses on cartel investigations and merger control.



*Mehdi
Belkahla*

Mehdi Belkahla studied both foreign languages and law at the University of Strasbourg (France), where he completed a Master's degree in French-English-Spanish translation (with honours) in 2007 and a Master's degree in Private and Public International Law (with honours) in 2012. Mehdi first worked as a Research Assistant and then as an Academic Associate at the International Institute of Human Rights (*Institut René Cassin*, Strasbourg), before becoming a Research Fellow at the MPI Luxembourg. He is currently writing his Ph.D. on the concept of precedent in international law under the supervision of Prof. Sébastien Touzé at the University Paris 2 Panthéon-Assas. His research interests include any issues relating to general public international law and international legal theory.



*Dr Juan
Branco*

Juan Branco holds a doctorate in social sciences from the *Ecole normale supérieure* (ENS-Ulm) with the highest honours. He received an award of excellence for his Ph.D. thesis by the Varenne University Institute. After graduating from Sciences Po Paris, Paris 1 and Paris 4, he was a Visiting Researcher at Yale Law School, a Visiting Faculty Lecturer at the Department of French at Yale, and a Senior Research Fellow at the MPI Luxembourg. In parallel to his academic career, having also taught at the Sorbonne Law School and the ENS Ulm, he worked as a member of Julian Assange's legal team, as well as a Junior Advisor in the immediate office of the French Minister of Foreign Affairs. Further, he was a Liaison Officer and a Special Assistant to the Prosecutor of the International Criminal Court. Juan has specialised in international criminal law and copyright law, with his research having been focused on mass surveillance, the scenes of international criminal law, and their relation to sovereignty. Juan is also Legal Advisor to WikiLeaks.



*Ass. Prof. Georgios
Dimitropoulos*

Georgios Dimitropoulos studied law at the University of Athens. He holds an LL.M. from Yale Law School and a Ph.D. (*summa cum laude*) from the University of Heidelberg. Before joining the MPI Luxembourg as Senior Research Fellow in 2013, he was a Hauser Research Scholar at New York University School of Law, he completed an internship at the European Commission's Directorate-General Enterprise and Industry, and worked during his Ph.D. studies as a Research Assistant at the Institute for German and European Administrative Law of the University of Heidelberg. Since August 2016, he has been an Assistant Professor of Law at the College of Law and Public Policy of the Hamad Bin Khalifa University (HBKU). He is also a Research Fellow at the Centre for Blockchain Technologies and a Research Associate at the Centre for Law, Economics and Society, both at University College London. His current research interests include international economic law, international dispute resolution, behavioural law and economics, and law and technology.



*Dr Andrés
Delgado Casteleiro*

Andrés Delgado Casteleiro holds a Ph.D. in Law from the EUI. Before joining the MPI Luxembourg as a Senior Research Fellow, Andrés was a Lecturer at Durham Law School (United Kingdom), where he also co-directed its European Law Institute. He has also held different visiting positions at a number of European universities. His current research interests revolve around EU external relations law. He is particularly interested in the relations between EU law and international law, more specifically in the field of international economic law and international dispute settlement. Andrés is the author of *The International Responsibility of the European Union: From Competence to Normative Control* (CUP, 2016). He is currently the Faculty Secretary at the Autonomous University of Chile's Law Faculty, where he also teaches public international law.



*Amandine
Faucon Alonso*

Amandine Faucon Alonso was a Research Fellow from September 2016 to August 2018. She now works for the Belgian Ministry of Finances. Prior to joining the Institute, Amandine was a Teaching Assistant in European and International Law at the Catholic University of Leuven (KUL). She was also a Blue Book Trainee at the European Commission and an intern at the Embassy of Spain in Bolivia. Amandine holds a Law degree from the Catholic University of Louvain (UCL) and is a Ph.D. candidate at KUL (Belgium). Her research concerns the development of party autonomy within European family law. Her research interests also include procedural and comparative law, and European law.



*Dr Aránzazu
Gandia Sellens*

Arantxa Gandía Sellens holds a Law degree, a Master degree in International and European Union Law, and a Ph.D. in Law (*excelente cum laude*, international mention) from the University of Valencia (Spain). All these degrees were completed with Honours (*Premio Extraordinario de Licenciatura*, 2010; *Premio Extraordinario de Máster*, 2012; *Premio Extraordinario de Doctorado*, 2018). Her Ph.D. dissertation focused on international jurisdiction in patent infringement litigation. Moreover, during the course of her doctoral studies, she was a Visiting Researcher at the Documentation Centre of the International Chamber of Commerce (Paris), at the MPI for Intellectual Property and Competition Law (Munich), and at the University of Alicante. In 2014-2015, she took part in the Traineeship Programme of the European Union Intellectual Property Office (EUIPO), where she worked at the Board of Appeals. After joining the Institute, she was seconded to the European Commission, at the Unit for Civil Justice (from January to April 2018). Her main fields of research are international litigation and intellectual property law, as well as European family law. Arantxa left the Institute in November 2018 to go into private practice.



*Ass. Prof. Matteo
Gargantini*

Dr Matteo Gargantini holds a Law degree from the Catholic University of Milan and a Ph.D. in Banking and Financial Markets Law from the University of Siena. Before joining the Institute, where he held a position as Senior Research Fellow from 2013 to 2016, he served at Consob (the Italian Securities and Exchange Commission) in Rome, as a Personal Assistant to one of the Commissioners for five years. Matteo has also worked in the Capital Markets and Listed Companies Division of the Association of Italian Public Limited Companies (Assonime) for three years and undertook an internship at the European Commission, DG Internal Market (Unit F2 – Company Law and Corporate Governance). He moved back to Consob in 2016 and, beforehand, he had been a Member of the Consultative Working Group (CWG) of European Securities and Markets Authority's (ESMA's) Corporate Finance Standing Committee (CFSC). His research focuses on capital markets, banking and company law. Dr Gargantini has recently been offered a position as an Assistant Professor of European Economic Law at Utrecht University.



*Prof. Andrea
Gattini*

Andrea Gattini was with the MPI Luxembourg in 2015 and 2016 as a Senior Research Fellow. Since 2005, he has been a full-tenured Professor of International Law at the University of Padua. In 2010, he was appointed Director of the International & European Law and Policy on Investment and Environment (IELPIE) summer school, a joint initiative of the University of Padua and the University of Venice. Prof. Gattini holds a Doctor of Juridical Science (S.J.D.) from the University of Munich, a J.D. degree from the University of Bologna, and a Political Science degree from the University of Padova. His research focuses on international procedural law, especially at the ICJ, before which he appeared as part of the team of counsels in a case opposing Germany to Italy (2008-2012).



*Ass. Prof.
Yin Jin*

Yin Jin holds Bachelor degrees in Law and Economics (2009), a Master degree in Law (2011) and a Ph.D. (2015) from Peking University (China). In 2008, he passed the Chinese National Bar Examinations. From 2012 to 2016, he held a State-sponsored scholarship to study in Germany. He was a Research Fellow at the MPI and a Ph.D. candidate at the University of Heidelberg under the supervision of Prof. Burkhard Hess, successfully defending his thesis in September 2018. His doctoral thesis, submitted in May 2018, deals with the possibility to transfer the legal institution of the action raising an objection to the claim being enforced (Art. 767 of Code of Civil Procedure of Germany) into Chinese civil procedure. Yin left the Institute in September 2018 to teach as an Assistant Professor of Civil Procedure Law at Renmin University of China (Beijing).



*Elias
Habbar-Baylac*

Elias Habbar-Baylac is a graduate of Columbia University and Sciences Po Paris, where he studied public law, politics, intellectual history, and African and Middle Eastern studies. During his studies, he was awarded the Leitner Fellowship for residency at the University of Dar es Salaam by Columbia University. Elias worked as a Policy and Programme Analyst at the United Nations Development Programme (UNDP). Since September 2018, he has been working at the European Bank for Reconstruction and Development (EBRD) as Gender Adviser.



*Franz Dominik
Kaps*

Franz Kaps studied law at the University of Heidelberg and at the University of New Delhi. He was a Student Assistant at the Institute for Comparative Law, Conflict of Laws and International Business Law of the University of Heidelberg. In 2013, Franz graduated from the University of Heidelberg. His research mainly focuses on arbitration, private international law, and international as well as European procedural law. The title of his doctoral dissertation is "Arbitration in India and Singapore". Franz is currently doing his legal clerkship (*Referendariat*) at the Higher Regional Court of Frankfurt am Main and is a Research Associate at Freshfields Bruckhaus Deringer, Frankfurt am Main.



*Felix
Koechel*

Felix Koechel studied law at the University of Heidelberg and the University of Bologna, and holds a Law degree (First State Examination) from Baden-Württemberg. He is currently preparing the Second State Exam. Before joining the Institute, he first worked as a Student Assistant and then as a Research Assistant to Prof. Burkhard Hess at the Institute for Comparative Law, Conflict of Laws and International Business Law in Heidelberg. During his studies, Felix specialised in private international law and international procedural law. In the course of that specialisation he interned at the European Commission, DG Justice (Unit A1- Judicial Cooperation in Civil Matters). Felix is a Member of the German-Italian Jurists' Association and of the Editorial Board of *JUDICIUM – il processo civile in Italia e in Europa*. His research interests include international and comparative procedural law, as well as general civil law.



*Ass. Res. Prof.
Anne-Charlotte
Martineau*

Anne-Charlotte Martineau was a Senior Research Fellow with the MPI Luxembourg. She pursued her law studies at McGill University, Canada, and holds an LL.M. in Public International Law from University Paris 1 Panthéon-Sorbonne and an LL.M. in Legal Theory from University Paris 10 West-Nanterre-La Défense. She completed her Ph.D. on the fragmentation of international law under the supervision of both Professors Emmanuelle Tourme-Jouannet and Martti Koskenniemi. Before coming to Luxembourg, Anne-Charlotte worked as an Assistant Professor at the University of Leiden. She also worked for the Organization for Security and Co-operation in Europe (OSCE) in Croatia and United Nations High Commissioner for Refugees (UNHCR) in Guinea. After completing her time with the Institute, she joined the CNRS.



*Dr Georgia
Koutsoukou*

Georgia Koutsoukou was at the Institute from December 2012 until March 2016. She held a position as a Research Fellow and conducted research, *inter alia*, on the implementation of the new EU Insolvency Regulation (JUST/2013/JCIV/AG/4679). She holds an LL.B. and an LL.M. from the University of Athens, as well as an LL.M. and a Ph.D. from the University of Heidelberg. After submitting her Ph.D. thesis on set-off and netting agreements, she worked at the European Central Bank in the Directorate General Market Infrastructure and Payments (2016-2017). Following her Ph.D. defence in 2018, Georgia (admitted as a lawyer in Greece since 2010) switched to private practice.



*Dr Tamar
Meshel*

Tamar Meshel is an Assistant Professor at the Faculty of Law of the University of Alberta (Canada). She holds a J.D. degree from the University of British Columbia, and a B.A. (Hons) in Political Science, LL.M. and S.J.D. (November 2018) from the University of Toronto. Tamar practiced international commercial arbitration in a law firm in Vancouver and as Deputy Counsel at the International Court of Arbitration of the International Chamber of Commerce in Paris, France. She also acted as legal advisor to the Jerusalem Arbitration Center in Israel and Palestine and was a Graduate Fellow with the Conflict Resolution Group of The Carter Center in Atlanta. During her doctoral studies, Tamar was a Research Fellow with the MPI Luxembourg and a Schulich Fellow at Dalhousie University in Halifax. She was a recipient of a Joseph-Armand Bombardier Canada Graduate Scholarship and a scholarship from the Centre for International Governance Innovation International Law Research Program.



*Evelyn Kerubo
Mogere*

Evelyn Kerubo Mogere is a Ph.D. candidate in Public International Law at the University of Luxembourg. She gained her LL.B. at the University of Nairobi before completing her LL.M. in International Law at the University of Cape Town, where she graduated with distinction. She is also an *alumna* of the annual IFLOS Summer Academy on marine and maritime law at ITLOS in Hamburg, which she attended by scholarship. Her Ph.D. research is about the role and place of international tribunals in the development of international law and, in particular, the form and content of *jus cogens*.



*Ass. Prof. Pietro
Ortolani*

Pietro Ortolani holds a Law degree from the University of Pisa and a Ph.D. in Arbitration from LUISS Guido Carli University, Rome. Before joining the MPI Luxembourg, he was a Research Associate at the University of Pisa and a Law Research Associate at Queen Mary University of London. He has acted as an expert for the European Commission and the European Parliament. Pietro has also worked for four years as a practitioner, mainly in the field of arbitration. In 2014, Pietro contributed to a European Parliament Study concerning the legal instruments and practice of arbitration in the EU. In 2016, he was awarded the James Crawford Prize for his article "The Three Challenges of Stateless Justice". Since April 2018, Pietro has been an Assistant Professor at Radboud University in the Netherlands.



*Dr Dalia
Palombo*

Dalia Palombo joined the LSE Department of Law as a Fellow in 2017 and has taught at the LSE summer school since 2013. Previously, she was a Research Fellow at the MPI Luxembourg (2014-2017), a Visiting Research Fellow at the MPI for Comparative Public Law and International Law, Heidelberg (2015), a Visiting Research Fellow and Member of the project “Globaltrust” at Tel Aviv University (2014), and a trainee at the CJEU (2013). She graduated in law from the University of Milan (UniMi) in 2011, obtained an LL.M. at Harvard Law School in 2012, and a Ph.D. in Law at Maastricht University in 2017. Her dissertation is entitled “Business and Human Rights: The Obligations of the European Home State”. She spent a term at the University of California, Berkeley, School of Law as an exchange student (2010) and a period of research at the ECtHR (2010). She is licensed as an attorney in New York. Her primary research areas are business and human rights, international law, human rights and corporate law. She is also conducting research on EU law in connection with human rights and corporate legal issues.



*Matina
Papadaki*

Matina Papadaki is a Ph.D. candidate at the National and Kapodistrian University of Athens under the supervision of Prof. Photini Pazartzis. Her doctoral research focuses on general principles of international law and their role in dispute resolution. She holds a B.A. in International and European Relations and an LL.M. from the University of Cambridge. Before joining the Institute, she worked as Researcher of International Law and Research Assistant to Prof. Emmanuel Roucouas at the Bureau of International and Constitutional Institutions of the Academy of Athens, and as a Researcher in EU-funded projects in the National and Kapodistrian University of Athens. She has also been a Legal Assistant to the Special Rapporteur of the UN International Law Commission on the topic “Identification of customary international law” (67th session, 2015). Her main research interests include general international law, dispute settlement, law of the sea, energy, and migration.



*Dr Polina Pavlova
(Westerhoven)*

Polina graduated from the University of Heidelberg in the summer of 2012. She holds a Law degree (First State Examination) with a special focus on company law. During her studies, she worked as a Student Assistant at the Institute for Comparative Law, Conflict of Laws and International Business Law in Heidelberg. In 2012, she participated in the evaluation of the Insolvency Regulation carried out jointly by the Universities of Heidelberg and Vienna for the European Commission as a National Rapporteur for Bulgaria. In 2014, for four months, she was a trainee at the ECJ (Cabinet of Advocate General Pedro Cruz Villalón). Her doctoral research focuses on jurisdictional issues in the private enforcement of EU competition law. It was submitted in 2016. Polina is now working as a Programme Coordinator for the Trust for Social Achievement Foundation in Sofia, Bulgaria and will take up a position as a Legal Advisor at Logisoft while completing the bar exam. She defended her Ph.D. in January 2019.



*Dr Nils
Pelzer*

Nils Pelzer is a lawyer at Thümmel Schütze & Partner in Stuttgart, mainly working for the China desk of the firm. He advises clients in the areas of commercial law and litigation. Before becoming a practitioner, he was a Research Fellow at the MPI Luxembourg. He received his Doctoral degree from the University of Heidelberg and also holds a Bachelor's degree in Asian studies. Nils was a Fellow of the German National Academic Foundation and worked as a Student Assistant at the Institute for Comparative Law, Conflict of Laws and International Business Law of the University of Heidelberg. Nils spent several years in Asia working in Mainland China, Hong Kong and Singapore, among others, as a Visiting Scholar at Shanghai Jiaotong University in 2014. He is also a Part-time Lecturer in Chinese law at the University of Trier. The focus of his research is on dispute resolution, legal history and general civil law in China.



*Dr Katharina
Raffelsieper*

Katharina Raffelsieper was at the Institute from 2013 to 2016, where she held a position as Research Fellow and conducted research, *inter alia*, on provisional enforcement of judgments in France, Germany and Italy. Katharina studied law at the University of Heidelberg and at University Paris 1 Panthéon-Sorbonne. She holds a Law degree (First State Examination) from the University of Heidelberg, where she specialised in private international law and international procedural law. Before joining the Institute, Katharina completed an internship at the European Commission, DG Justice (Unit A1 – Civil Justice Policy). Her main research areas are European and comparative procedural law. After completing her Ph.D. thesis at the MPI in 2016, she worked as a lawyer in a Luxembourgish law firm. In 2018, Katharina started her legal traineeship at the Higher Regional Court of Hamburg.



*Kristina
Sirakova*

Kristina Sirakova holds a Law degree (First State Examination) from the University of Heidelberg, obtained in 2012. That same year, she joined the Institute in her capacity as Research Fellow. In November 2014, she completed her Second State Examination at the Higher Regional Court of Koblenz with a specialisation in antitrust law and competition law. During this specialisation, she undertook an internship at the ECJ, Cabinet of Judge Alexander Arabadjiev. Kristina left the Institute in December 2017. In March 2018, she submitted her doctoral thesis, which deals with the estimation of damages in the private enforcement of competition law. She will defend her Ph.D. in 2019.



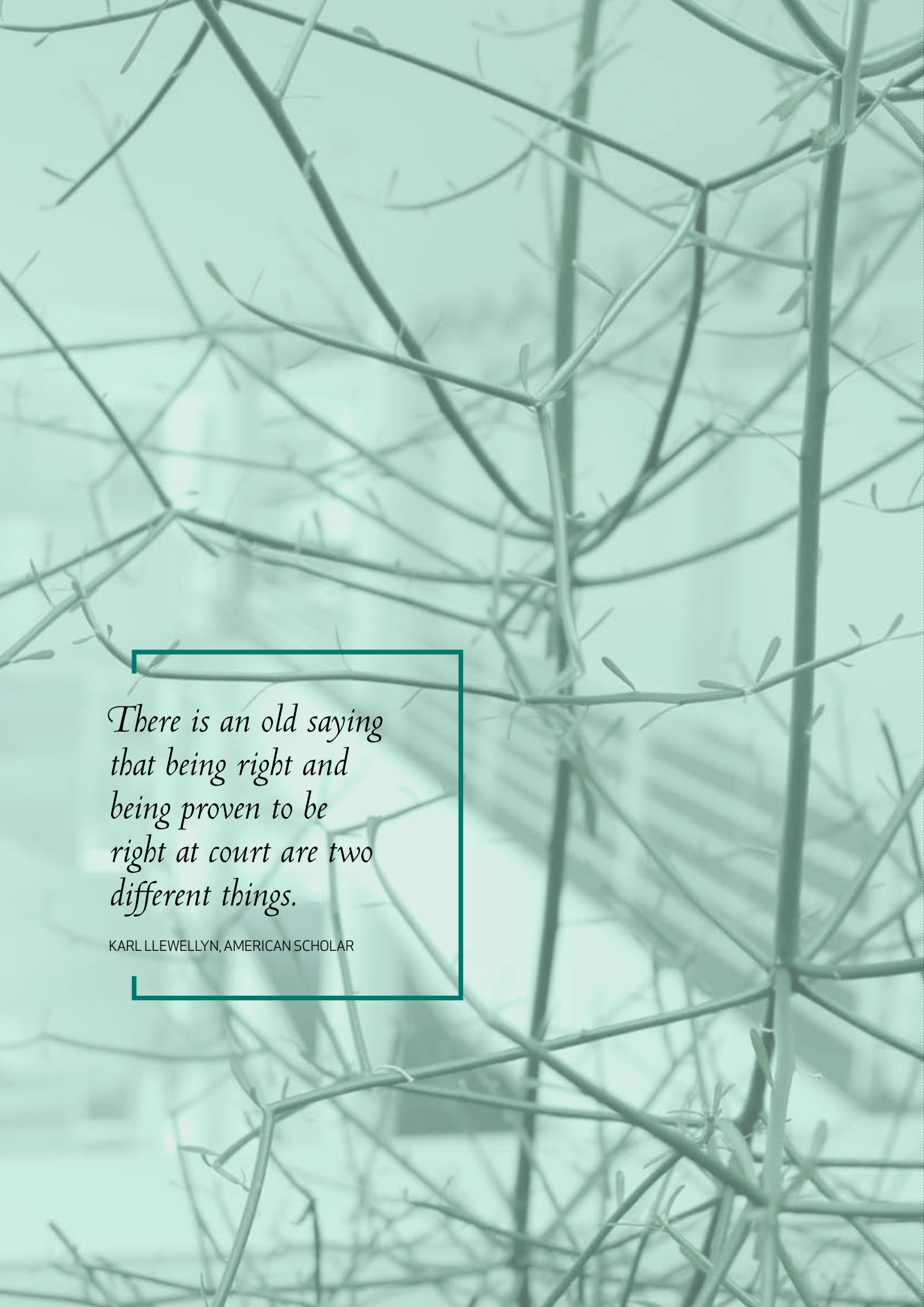
*Ass. Prof.
Geraldo Vidigal*

Geraldo Vidigal obtained a Ph.D. in Law from the University of Cambridge, a Master's degree in International Law, with high honours, from the University Paris 1 Panthéon-Sorbonne, and an LL.B. from the University of Sao Paulo. Geraldo is currently Assistant Professor at the University of Amsterdam (UvA), where he lectures on international trade law and public international law. Prior to joining UvA, he worked as a Dispute Settlement Lawyer at the WTO (Legal Affairs Division) and as a Senior Research Fellow at the Department of International Law and Dispute Resolution of the MPI Luxembourg. He was also a Jean Monnet Fellow at the Global Governance Programme of the EUI in Florence and a Marie Curie Fellow within the DISSETTLE FP7 Research Network, on the law and economics of dispute settlement in international trade, at Bocconi University, Milan. He is the Managing Editor of *Legal Issues of Economic Integration* (Kluwer) and, since early 2018, listed on the WTO's indicative roster of dispute settlement panellists.



*Carl
Zimmer*

Carl Zimmer is a Ph.D. candidate. He studied law at the Universities of Heidelberg (Germany) and Bologna (Italy). He holds a degree in Law (First State Examination) with a special focus on Private International and International Procedural Law. Before joining the Institute, Carl worked as Research Fellow for Professors Burkhard Hess and Erik Jayme at the Institute for Comparative Law, Conflict of Laws and International Business Law (University of Heidelberg). He has been involved in the evaluation of EU legislative acts (*inter alia* the European Insolvency Regulation conducted on behalf of the EU Commission). His main areas of research are international procedural law, private international law and intellectual property law. Carl passed the Second State Exam with distinction in November 2018.



*There is an old saying
that being right and
being proven to be
right at court are two
different things.*

KARL LLEWELLYN, AMERICAN SCHOLAR

V. RESEARCH FOCUS

1. Department of European and Comparative Procedural Law

1.1. General Research Agenda

Under the leadership of Prof. Burkhard Hess, the Department of European and Comparative Procedural Law has established itself as a preeminent research institution working in the area of European and comparative law, both in Europe and globally. The Department undertakes research across the field, with a particular focus on the current and future “architecture” of European procedural law, of the national civil procedure systems and of the dynamic relationship between the two. To this end, the research agenda of the Department has been developed through a threefold scientific framework; the research undertaken within the Department falls within three interrelated fields, namely those of European procedural law, comparative procedural law and the interfaces between public and private dispute resolution. The legal research conducted within the Department is complemented by a focus on policy-orientated projects commissioned by European and national lawmakers, with its research having a demonstrable impact on legal and policy development at the European and national levels. Across these three fields, which reflect the core of the Department’s research agenda, a number of common threads can be identified. The research undertaken within the Department examines different mechanisms for resolving the multitude of disputes that arise across the breadth of civil law, including adjudicatory procedures and alternative dispute resolution. In view of the increasing body of European legislation and case law on procedural law, the comparative and transnational analysis of the middle and long-term perspectives of the organisation of the judiciary and of procedural statutes, both at the national and the European levels is, in fact, of the essence. In this context, empirical research has become more and more important. Furthermore, the Department’s interest in identifying key tendencies emerging in the

field reflects its focus on the shifts in the public and private dimensions of dispute resolution in Europe. Against this backdrop, the Department actively deals with current trends and developments in procedure and dispute settlement, adopting a genuinely comparative and transnational perspective.

The three research areas of the Department have been developed in the following ways, on the basis of its composition and by virtue of the expertise of its researchers, in the light of recent legal, policy-orientated and political developments. The first concerns the development of procedural law in the European Union (EU) and its Member States. Here, the impact of the political crises in Europe on the judicial cooperation in civil matters and the justice systems in the Member States has become a priority. The second research area pertains to the development of dispute resolution mechanisms and institutions from a comparative law perspective; herein, the research agenda ranges from online dispute resolution, consumer Alternative Dispute Resolution [ADR], and commercial and investment arbitration, to collective redress and mass claims processing. It also focuses on innovative approaches to governance, engaging empirical and statistical research (scoreboards) and on emerging concepts, such as the open court principle, a reaction to the growing digitalisation of court proceedings and the appearance of courts in the modern communication society. The third area of research which has come to constitute a major focus of the Department relates to dispute resolution at the cross-roads of private and public international law. The subjects investigated in this context include: the interfaces between international and domestic law, the immunity of States and international organisations, human rights litigation, the commonalities and differences between commercial and investment arbitration, the

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settlement of sports-related disputes, private and public international partnerships, private and public enforcement in competition law and in data protection, as well as arbitration. Within each of these three fields, there are a number of sub-categories into which the research undertaken at the Institute might be categorised and which allows for the better organisation within the Department as regards the monitoring of legal activities and recent trends, the collaboration with the library in terms of acquisition of literature in a specific field, and as concerns the making of proposals for lectures, conferences and guests. In light of its composition and the expertise of its researchers, the three research areas of the Department have been developed as follows.

1.1.1. European Procedural Law

The function of procedural law within the EU is two-fold. On the one hand, it aims to strengthen the Internal Market by providing an infrastructure that is meant to secure the free movement of persons, goods, and services through uniform rules for the settlement of cross-border disputes as regards civil and commercial matters, family law, and insolvency. In this specific context, the Department of European and Comparative Procedural Law is engaged in research that cuts across several levels to determine whether the EU instruments that provide for these uniform rules succeed in ensuring an effective access to justice and cross-border enforcement of decisions, or whether a more coherent approach to regulation is required. On the other hand, since the implementation of EU law in the Member States is a matter for the national justice systems, national procedural laws and practices affect harmonised areas of EU procedural law. Notably, these sets of laws have an impact on mutual trust and the free circulation of judgments, on the one hand, and on the effective procedural protection of individuals, on the other.

Both of these core aspects have been, and continue to be, the object of the Department's in-depth analysis, for which it engages a breadth of innovative methodologies, including desk-based legal research, qualitative and quantitative data collection (including the establishment of databases; the elaboration of questionnaires and the undertaking of interviews with stakeholders), and comparative analysis. Its legal research in this field is closely related to its policy-orientated research; the Department has also undertaken projects which involve studies for stakeholders (especially the European Commission, European Parliament and national lawmakers) in this field. To further highlight the undisputed relevance of EU procedural law and to celebrate its contribution towards the achievements of the EU fundamental freedoms, in 2018 the Department of European and Comparative Civil Procedural organised, in conjunction with the Court of Justice of the European Union [CJEU], a three-day international event to mark the 50th anniversary of the adoption of the 1968 Brussels Convention on jurisdiction and recognition and enforcement of judgments in civil and commercial matters. This conference, which engaged AGs and judges of the CJEU, established Professors from across Europe as well as early career scholars, provided an opportunity to review the major developments, achievements and challenges of judicial cooperation in civil and commercial in the European Judicial Area. It was the major event on European procedural law in 2018.

1.1.2. Comparative Procedural Law

Dispute resolution has developed into a competitive market where litigation, arbitration, and alternative dispute resolution mechanisms openly compete at the national and the international levels to attract high-profile litigation. In this setting, comparative law and comparative legal research is becoming more and more necessary and indeed influential. Knowledge of foreign laws and procedures is not only necessary for the reform of a national system in an international environment, but also for the organisation of cross-border litigation. Recently, the comparison of the performance of institutions (courts, arbitration and mediation providers) has attracted attention, too, not only from a comparative European perspective but also from that of transnational private regulation. Moreover, the methods and theory of comparative law are changing, subject increasingly to a critical perspective; the examination by researchers within the Department of these trends ensures that innovative research methodologies are adopted. The composition of the Department – and in particular, the backgrounds of its researchers – allows for research that advances these trends; the research projects undertaken are concerned not only with the comparison of “legal families” but engage with empirical, statistical, and interdisciplinary research methods. Individual researchers are therefore deemed to be responsible for keeping abreast of and providing updates on a variety of legal and political topics within their legal system of origin, and indeed, others where appropriate, ensuring that the entire Department is able to keep up-to-date with key trends and developments. To do this and ensure a comprehensive overview, researchers also actively engage with guests of the MPI. Updates are provided on a systematic and weekly basis during the *Referentenrunde*. From the beginning of 2019, the Department will begin to organise the research and elaboration of a comprehensive and global research handbook on comparative procedural law to assess the state of affairs in the field.

1.1.3. Dispute Resolution at the Cross-Roads of Private and Public International Law

The delimitation between private and public law is applied in diverse ways in different countries, legal systems and spheres of dispute resolution. This determination plays a major role in the designation of competent courts and the constitution of applicable procedural rules. Likewise, this delimitation can be used to explore the distinction between national and international jurisdiction. With regard to international dispute resolution, the delineation between private and public becomes especially complex. On the one hand, there is a separation between commercial arbitration and international dispute settlement (e.g., investment arbitration). On the other, the division between domestic (private and commercial) litigation and international dispute settlement has not yet been sufficiently clarified. The topic, which is currently tackled in several research projects conducted by the Department of European and Comparative Procedural Law, was notably addressed in the special course “The Private-Public Law Divide in International Dispute Resolution” delivered by Prof. Hess at The Hague Academy of International Law in 2017, subsequently published in vol. 388 of the *Recueil des Cours de l'Académie de La Haye* in 2018. The public-private dimension of dispute resolution was one of the key topics of the conference “Peace through Law: The Versailles Peace Treaty and Dispute Settlement after World War I” co-hosted by the two Departments at the premises of the MPI Luxembourg from 6 to 8 December 2017, facilitating the development of synergies between the two. Indeed, the conference was designed to provide a distinctive opportunity for reflection on dispute settlement systems by exploring the notion of “peace through law” and an examination of the international framework established by the Treaty in the aftermath of World War I from diverse perspectives, including law, history and political science. The publication of the conference proceedings is expected by Spring 2019.



1.1.4 Interchanges with Legal Practice

In the framework of its research and policy-orientated activities, the Department of European and Comparative Civil Procedural Law is regularly involved in major consultation projects initiated and funded by the European Commission, the European Parliament and national lawmakers. These endeavours typically concern procedural and institutional reforms and have focussed on law-making activities. In several research projects funded by the European Commission, the Department has cooperated with other leading European academic institutions such as the Universities of Freiburg, Ghent, Heidelberg, Madrid (Autonoma and Complutense), Milan (Università degli Studi and Università Cattolica), Oxford (Centre for Social and Legal Studies), Paris 1 (Sorbonne) as well as the University of Vienna, on topics ranging from the mutual recognition of judgments, European insolvency law, judicial cooperation in family law and consumer dispute resolution.

1.1.5 Composition and Structure of the Department

The Department comprises the Director, five Senior Research Fellows (one is funded by third party projects), fifteen Research Fellows (including two IMPRS Fellows), two research assistants and four to five student workers. Its research methodologies are dynamic and interdisciplinary, based fundamentally on a modern comparative law approach to legal research. The multicultural and diversified background of the Department's researchers and guests generates an environment which is ideal for the purposes of conducting comparative studies in procedural law and dispute resolution. As illustrated in more detail below, the work profile of the Department is marked by major projects within each of the Department's three main research areas as well as by the individual Ph.D. projects of its researchers and more profound projects of the Senior Research Fellows.

Seniors Research Fellows and Research Fellows are integrated into one or more of these fields, depending on their own research interests. Senior Research Fellows, alongside Prof. Hess, are responsible for developing the strands of research and the projects organised within each. The research areas and projects of the Department are therefore identified and established in the first place by the interests of the Director and of the Senior Researcher Fellows, as well as the Ph.D. research projects of the Research Fellows. Moreover, all researchers are asked to perform research and project management related tasks for the benefit of the Department and the Institute in those areas that are closely related to their own academic interests, ensuring that the work undertaken is complementary. At the same time, all researchers work on their own research projects; for Research Fellows, this will be their Ph.D. thesis. Senior Research Fellows may be working on a *habilitation*, or may be leading a research project and be further focused on publishing and teaching. Senior Research Fellows have additional administrative tasks for the Institute. This combination of research tasks works well for researchers, allowing them to work individually and as part of a team; this structure aims to benefit both the Department as a whole and its individual members.

The Director and researchers aim to identify clearly and reflect consistently the organisation, structure and working methods of the Department and of the research agenda advanced and implemented therein. The Department meets on a weekly basis in the *Referentenrunde* where researchers and – sometimes distinguished guests – make a short presentation of their own research project and methodology. As a forum for discussion and exchange, the *Referentenrunde* also offers an opportunity for researchers to provide updates on recent developments in the research field in which they are working.

1.2. European Procedural Law

European procedural law is mainly characterised by the legislative activities of the EU and the expanding case law of the CJEU on the interpretation of instruments of cross-border judicial and extra-judicial co-operation. The research activities of the Department relate to both developments – the Department completed several studies for the EU Commission and the EU Parliament supporting ongoing law-making activities. The proximity to the Court of Justice permits close relations and exchanges with the justices, advocate generals and the scientific staff working at the Court. The case law of the Court of Justice is constantly discussed in the Referentenrunde of the Department and it will be exhaustively assessed in the second edition of Hess, *Europäisches Zivilprozessrecht*, forthcoming in 2019/2020 with an English version to follow very soon.



1.2.1. Major Research Projects

European Commission Study on the Impact of National Civil Procedure on the Enforcement of EU law

Between December 2015 and January 2017, the Department, leading an international Consortium comprising universities and academics of several Member States, conducted a comprehensive study on the impact of the laws of national civil procedure of the 28 EU Member States on the enforcement of European Union law. The study was commissioned by the EU Commission (JUST/2014/RCON/PR/CIVI/0082) and engaged researchers from the Universities of Florence, Ghent, Heidelberg, Madrid (Complutense), Oxford, Paris (Sorbonne), Rotterdam, Uppsala, Vienna, and Warsaw. In total, about fifty researchers, including the Research Fellows of the Department, participated in the project operating as a Europe-wide network engaged in an in-depth comparative evaluation study of national procedural laws and practices. The overall amount of the funding by the EU Commission is 480,000 EUR. Until today, it was the most comprehensive study ever commissioned in the area of civil cooperation.

The study was composed of two strands, from which national reports for each Member State and two general reports were prepared. The first strand examined the impact of national rules of civil procedure on the recognition and enforcement of judgments and the second, the impact of those rules on the equivalent and effective enforcement of consumer rights derived from EU law. The study is the most comprehensive, empirically-driven comparative investigation of civil procedure in Europe to date. The national reporters prepared national reports for each of the 28 Member States and undertook interviews with relevant stakeholders (including lawyers, judges,

The 50th Anniversary of the European Law of Civil Procedure

academics, civil society organisations and individuals). Building on this extensive dataset comprising hundreds of interviews and responses to a multi-language online survey, the Consortium then prepared general reports for each strand which offer an exhaustive overview of the similarities and differences of civil procedure in all EU Member States, practical obstacles and policy proposals for future developments in both areas of law.

The European Commission published the general report on mutual trust in September 2017 while the report on consumer protection was published online in January 2018. Both strands directly influenced the reform proposals of the EU Commission on the reform of the Service and Evidence Regulation as well as the Commission's proposals on collective redress. The Consortium, led by the MPI, is currently working on extended and updated reports to be published in a book form by Beck/Hart/Nomos in 2019.

The main responsibilities lay with Dr Stephanie Law and Dr Pietro Ortolani (responsible for the two strands of the study, both academically and from the point of view of the management of the project), and with Prof. Burkhard Hess and Prof. Marta Requejo Isidro as lead partners of the Consortium.

The 1968 Brussels Convention and its progeny have mainly been designed in reference to a classic cross-border case, with two opposing parties connected to different Member States. The 2012 recast of the Brussels Regulation remains largely indebted to this original setup. Time is already catching up with the Brussels Ibis Regulation, however. Today, the Brussels Regime is challenged by societal and technological changes, pushing the rules to their limits. Recent cases adjudicated by the Court of Justice in the field of data protection and competition law show that the current Regime does not entirely provide a satisfactory framework. Notable issues entail the plurality of parties, both as claimants and defendants, and considerations of public interest. Similar concerns can be raised in relation to consumer law and shareholder protection litigation. Against this backdrop, one can notice the emergence of on-line platforms that collect claims in order to facilitate cross-border litigation in these areas. At its 50th anniversary, can the Brussels Regime still provide an adequate response to today's challenges?



Cross-cutting Research: The Impact of Political Crises on Judicial Cooperation in Europe

On 26th September 2018, the MPI Luxembourg hosted a colloquium with young scholars to look ahead to the current and future challenges for cross-border litigation in a changing European procedural environment. The organisation of the colloquium was supported by a grant of 20,000 EUR from the National Research Fund of Luxembourg [FNR]. On 27th and 28th September 2018, the main conference organised jointly by the MPI and the CJEU, took place at the main hearing hall of the Court of Justice of the European Union. This event reunited stakeholders from the academia and the judiciary in the field of European cross-border litigation to discuss the major developments, achievements and challenges of the judicial cooperation in civil and commercial in the European Judicial Area. Presentations were made by scholars and commented by judges and advocate generals of the CJEU (and vice versa). Prof. Hess opened the conference with a presentation on seminal judgments of the ECJ on the Brussels regime. A roundtable chaired by President Lenaerts discussed the future perspective of judicial co-operation in Europe. The presentations of the conference will be published in a book edited by Koen Lenaerts and Burkhard Hess.

The impact of current political crises on judicial cooperation in civil matters has become a research priority of the Department

The impact of Brexit on judicial cooperation in civil matters has become a research priority of the Department: in May 2016, the Institute organized a joint conference with the British Institute for International Comparative Law on the (negative) impacts of Brexit on judicial cooperation. The major findings of the conference were published in an article of Burkhard Hess in *IPRax* 2016, 407-218, immediately after the referendum on Brexit. It was followed by a paper on the “unsuitability of the Lugano Convention to serve as a bridge between the UK and EU after Brexit”, published in January 2018 in 2018 in the MPI Luxembourg Working Paper Series (The Unsuitability of the Lugano Convention (2007) to Serve as a Bridge between the UK and the EU after Brexit, MPILux Working Paper 2 (2018)).

In June 2018, Prof. Hess gave a presentation at the *Comité Français de Droit International Privé* where he addressed the broader perspective of the situation of European private international law in times of crisis. Here, he demonstrated how developments in several areas of EU law (criminal and administrative cooperation) have changed the concept of mutual trust in civil cooperation. Prof. Marta Requejo has also given presentations on the impact of Brexit in London, Edinburgh and Barcelona. She coordinated two studies for the European Parliament on the impact of Brexit on family law. The Department closely follows the case law of the European Court of Justice concerning the crisis surrounding the justice system in Hungary and Poland. In particular, Adriani Dori is linking her Ph.D. thesis to these developments.

1.2.2. The Application of European Instruments of Civil Procedure in Practice

Currently, the Department is participating in two network projects with academic partners from other EU Member States focussing on the collection and assessment of statistical and empirical data regarding the practical application of European procedural law. Ultimately, these projects are aimed at supporting the EU lawmaker in the review and reform of existing instruments. At the same time, it allows the Department to analyse and to discuss the implementation of the instruments with stakeholders of different EU Member States who are directly involved in the practical application.

Informed Choices in Cross-Border Enforcement (IC2BE ("Informed Choices in Cross-Border Enforcement") Project

The efficient recovery of debts in cross-border cases is recognised as being of vital importance for the Common Market. Apart from the Brussels I bis Regulation, the EU has passed regulations on the European Enforcement Order (EEO; 805/2004), the European Order for Payment (EPO; 1896/2006), the European Small Claims Procedure (ESCP; 861/2007) (as amended by Regulation (EU) 2015/2421), and the European Account Preservation Order (EAPO; 655/2014), all of which are optional for the claimants. The European Enforcement Order, the European Order for Payment, the European Small Claims Procedure and the European Account Preservation Order Regulations are all EU regulations on procedural law for cross-border cases. They are often indicated as "second-generation Regulations." The EEO, EPO, ESCP and the EAPO all deal with the recovery of debts in cross-border cases.

In June 2017, the European Commission entrusted a consortium of researchers from the MPI Luxembourg and leading European universities with an empirical study on these regulations (JUST-AG-2016/JUST-AG-2016-02), entitled "Informed Choices in Cross-Border Enforcement" ("IC2BE"). The project is financially supported by the EU Commission (a total of 780,700 EUR, of which the MPI was awarded 162,583 EUR). The project is coordinated by the University of Freiburg (Prof. Dr Jan von Hein), and includes the participation of researchers from the





University of Antwerp, Complutense University Madrid, Erasmus University Rotterdam, University of Milan and University of Wrocław. The project runs from January 2018 to December 2019. The project aims at analysing how practitioners actually choose between the aforementioned instruments, at defining best practices regarding their implementation in various Member States and at developing recommendations for enhancing the consistency and effectiveness of the current legal framework. Building on those results, the analysis will shed light on the question as to whether the current legal framework on cross-border enforcement sufficiently meets practitioners' needs for consistency, informing not only European scholars and lawyers but also lawmakers and policy-makers.

In order to reach these goals, the consortium employs the appropriate research methods. Various ways of obtaining and analysing data and information are used. Firstly, national cases and cases of the CJEU are collected and analysed. Secondly, interviews with practitioners are conducted in order to discern their preferred enforcement strategies. Thirdly, workshops are organised as well as a final conference in order to have practitioners, policy-makers and other academics involved. This innovative research will allow for the better assessment of the various regulations, in their most recent version. The expected results of the project can be

divided into three categories, which build upon one another: (1) analysing the application of the 2nd generation Regulations by European Courts, (2) gaining a better understanding of how practitioners actually choose between the various Regulations; (3) proposing ways to further improve the consistency and effectiveness of the current legal framework on cross-border enforcement in the EU. The research is innovative in several aspects. First, the interviews conducted with stakeholders allow for the current acceptance of the studied Regulations by practitioners to be evaluated; secondly, it establishes an up-to-date database that allows for a systemic evaluation of the practical application of the 2nd generation Regulations by European courts and finally, making the database accessible to the public and conducting workshops focused on the current legal framework will raise awareness among practitioners and also direct attention to the published findings. The project and its output are in line with several other complete and ongoing, as well as future, projects of the MPI Luxembourg; this is particularly true of the EUFam's I and EUFam's II Project which focus on other new EU Regulations and their implementation and application.

The project involves the following researchers of the MPI Luxembourg: Prof. Marta Requejo, Dr Veerle Van Den Eeckhout and Carlos Santaló Goris.

EU Family and Succession Law

Planning the Future of Cross-border Families:

A Path through Coordination (The EUFam's Project)

In December 2015, the Department of European and Comparative Procedural Law, in partnership with the Universities of Milan (coord.), Heidelberg, Osijek, Verona and Valencia, was granted funding by the EU Commission to conduct the "EUFam's Project - Planning the Future of Cross-border Families: A Path through Coordination" (JUST/2014/JCOO/AG/CIVI/7729). The EUFam's project was co-funded by the Directorate-General for Justice and Consumers of the European Commission within the programme "Projects to support judicial cooperation in civil or criminal matters" for 442,000 EUR. To meet the needs that originate from the progressively increasing migratory flows within the European Union and from third countries, the EU system of private international law in family matters has gradually and significantly extended its material scope. In this context, several Regulations were adopted, namely on matrimonial matters and matters of parental responsibility, maintenance obligations, and successions. In addition, international conventions such as the 2007 Hague Convention on International Recovery and the 2007 Hague Protocol on Maintenance Obligations also play a pivotal role in this area of the law. These instruments regulate family law matters in an interconnected and yet fragmentary fashion: their demarcation and relationship have become increasingly difficult to assess, notably as regards the determination of their respective scopes of application, the assessment of their interplay and actual workability, and the practical application of their provisions. Such fragmentation and the ensuing uncertainties may significantly affect the real family life situations of citizens, which are generally of a unitary nature. The EUFam's Project aimed at assessing the effectiveness of the functioning, also with reference to the free movement of persons, of such instruments, in order to identify the paths that lead to further improvement of such effectiveness.



The Project was effectively framed on the grounds of three main pillars, the interaction of which created a composite research structure that allowed an efficient and resourceful progression of the Project in all its phases. The Project's three pillars comprised: (i) a *data-base collecting and classifying national case-law*, which was the foundation for the Report on national case law in a comparative perspective and the four Reports on good practices in Italy, Germany, Spain and Croatia; (ii) the *International Exchange Seminar* hosted at the MPI Luxembourg in May 2017, gathering almost 100 renowned academics, judges and practitioners; (iii) a series of instruments, both technological and scientific, that aimed at broadening the range of beneficiaries of the Project through dissemination activities and mainly consisting of: a Project website through which all the deliverables of the Project have been made easily and freely available for the public (www.eufams.unimi.it/); a *Facebook account* providing instant information on the developments of the Project as well as of the application of the EU instruments (www.facebook.com/eufams); the *EUFam's Network* (www.eufams.unimi.it/eufams-network/); a Final Study, comprising the Project's scientific overview and its proposed solutions. In December 2017 an *International Final Conference* was hosted by the University of Milan to mark the conclusion of the Project and present its outcomes. A publication is planned for 2019.

Within the Department, Prof. Burkhard Hess, Prof. Marta Requejo Isidro, Dr Cristina M. Mariottini, and Philippos Siaplaouras are involved in this Project. Dr Arantxa Gandia Sellens was also part of the project while she worked at the MPI Luxembourg.

The Department of European and Comparative Procedural Law, in partnership with the Universities of Milan (coord.), Heidelberg, Osijek, Verona and Valencia, was granted funding by the EU Commission to conduct the “EUFam’s Project - Planning the Future of Cross-border Families: A Path through Coordination”.

Facilitating Cross-border Family Life:
Towards a Common European Understanding
(The EUFam’s II Project)

By systematically comparing the solutions adopted in the Member States involved in the Project, by identifying the difficulties met by courts and practitioners in applying the provisions laid down in the instruments in family matters, and by assessing the solutions adopted by courts and practitioners, the EUFam’s Project succeeded at bringing to the light the practical difficulties arising from the application of the EU instruments in family law matters and at putting forth solutions on how to deal with, and possibly prevent or overcome, such difficulties. The “EUFam’s II Project - Facilitating Cross-border Family Life: Towards a Common European Understanding”, funded by the EU Commission (JUST-AG-2017/JUST-JCOO-AG-2017, 800780), is intended to further develop and expand this wealth of knowledge for the purposes of reducing the obstacles to access to justice and of further promoting the free movement of persons in the European Union. The EUFam’s II project is co-funded by the Directorate-General for Justice and Consumers of the European Commission within the programme “Action grants to support transnational projects to promote judicial cooperation in civil and criminal matters” for 675,000 EUR.

The EUFam’s II Project builds on its predecessor to further assess the effectiveness and the functioning of the framework of international family law, detect potential problems and propose possible improvements, developing a common European expertise. Compared to the original EUFam’s Project, the EUFam’s II Project offers a series of added values. On the one hand, the scope of the EUFam’s II Project is enlarged to include in its analysis the newly adopted Regulations on matrimonial property regimes, on property consequences of registered partnerships and on public documents – in addition to the Regulations on matrimonial matters and matters

of parental responsibility, maintenance obligations, and successions and the 2007 Hague Convention on International Recovery and the 2007 Hague Protocol on Maintenance Obligations. On the other hand, the Project will benefit from a broader geographical scope: in fact – in addition to the Department of European and Comparative Procedural Law and the Universities Heidelberg (coord.), Milan, Osijek, Verona, Valencia – the Project sees the participation of the University of Lund. Its partnership is therefore expanded to include Sweden, a Member State that, by being confronted with significant incoming migratory flows and by being a destination country in the refugee crisis, provides a remarkable observatory for the purposes of the Project. The number of individuals in the target groups will also be increased and the EUFam’s network of judges, administrative officers, practitioners, and scholars will be expanded. Finally, the Project will analyse the potential impacts of Brexit on family law.

In the framework of the EUFam’s II Project several seminars will be organised at the national level, with the participation of academics and legal practitioners. In 2019, an International Exchange Seminar will take place at the MPI Luxembourg in order to address the difficulties met at the national level, share good practices and identify common patterns. An International Final Conference is scheduled to be held in Heidelberg (Germany) in 2020 to present the results of the common research and mark the end of the Project.

Within the Department, Prof. Burkhard Hess, Prof. Marta Requejo Isidro, Dr. Cristina M. Mariottini, Dr. Arantxa Gandia Sellens and Philippos Siaplaouras are involved in this Project.

1.2.3. European Insolvency Law

The Heidelberg-Luxembourg-Vienna Report on European Insolvency Law and its Follow-up Study

In 2012 and 2013, the Department was involved in a major empirical study mandated by the European Commission on the practical application of the European Insolvency Regulation in 28 EU Member States. The aim of this empirical study was to prepare a legislative proposal of the European Commission on the Reform of the EU Insolvency Regulation (1348/2000/EU). In collaboration with the Universities of Heidelberg (Prof. Pfeiffer) and Vienna (Prof. Oberhammer), Prof. Hess devised a questionnaire which was answered by practitioners and academics specialising in this field. Several workshops were organised where the outcomes of the surveys were discussed. The study was completed in fall 2012 (by Prof. Hess and Dr. Laukemann) and submitted to the EU Commission in January 2013. Based on the findings of the study, the EU Commission published its proposal for the reform of the Regulation in January 2014. The study was published as *The Heidelberg-Luxembourg-Vienna Report* in 2014 ((2018), B. Hess, P. Oberhammer & T. Pfeiffer, *European Insolvency Law: the Heidelberg-Luxembourg-Vienna Report on the Application of Regulation No. 1346/2000/EC on Insolvency Proceedings (External Evaluation JUST/2011/JCIV/PR/0049/A4*. Munich: Beck).

Reflecting the policy and law-making impact of the research undertaken at the MPI, the Recast of the Insolvency Regulation was eventually adopted as Regulation 848/2015/EU. In 2014, the European Commission again awarded funding to the Max Planck Institute Luxembourg (as the leading institution) for a follow-on project (JUST/2013/JCIV/AG/4679) on “The Implementation of the New Insolvency Regulation – Improving Cooperation and Mutual Trust” in the Specific Programme “Civil Justice”. The project was co-funded by the Directorate-General for Justice and Consumers of the European Commission (170,000 EUR), within the programme “Projects to support judicial cooperation in civil or criminal matters” (Justice Programme).

The project was aimed at evaluating the changes brought to the European Insolvency Regulation in order to keep pace with the substantial developments within the domestic laws of EU Member States. Together with the Universities of Milan and Vienna, the MPI Luxembourg analysed the most important innovations of the Insolvency Regulation, as well as the implementing legislation in the EU Member States. Based on questionnaires and interviews, the partners elaborated recommendations and guidelines for the implementation of the new Regulation with the purpose to facilitate practice for both national legislators and competent judicial bodies. These working papers which were discussed with a network of insolvency practitioners and lawmakers, successfully integrating the first insolvency project and using the contacts developed therein. These recommendations provide for best practices which assist EU Member States in implementing the recast Insolvency Regulation. The results were discussed with an expert audience during conferences in Vienna (February 2015) and in Milan (January 2016). A final conference was organised in October 2016 at the MPI Luxembourg. Conducted by Prof. M. Requejo Isidro, Dr. B. Laukemann, Dr. M. Gargantini (all of them Senior Research Fellows) with the help of the Institute’s Ph.D. candidates G. Koutsoukou, R. Arts and S. Becker, the project was concluded on 1 February 2017. The study fits well with the research profile of the MPI Luxembourg combining its expertise in insolvency law and comparative law. The results of the project are available on the Institute’s website and were published in December 2017 in the MPI Luxembourg’s book series as B. Hess, P. Oberhammer, S. Bariatti, B. Laukemann, M. Requejo Isidro & F.C. Villata (Eds.), *The Implementation of the New Insolvency Regulation* (Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law, vol. 10). Baden-Baden: Nomos/Beck, 320 p.

1.2.4. Ongoing Ph.D. Projects of Individual Researchers

Michael De Boeck

*International Dispute Resolution
Bodies and Preliminary References to
the Court of Justice of the European Union*



The doctoral thesis combines the fields of international arbitration and European procedural law. It shall investigate the possibility of using the preliminary reference procedure of Article 267 Treaty on the Functioning of the EU (TFEU), or a similarly styled procedure, between both international dispute resolution bodies, such as commercial and investment arbitral tribunals and the CJEU. First, it should be noted that in the realm of commercial arbitration, this question is not new. The case law of the CJEU on the bodies permitted to access the preliminary reference procedure has long since denied arbitral tribunals from doing so. However, in latest years the Court's reticence seemed to become more balanced, which requires re-examining the issue, and properly defining the boundaries of the Courts (un)willingness to open up to arbitral tribunals.

Secondly, the issue is nevertheless most pressing as regards investment arbitration. In recent international investment cases under so-called 'intra-EU' Bilateral Trade Agreements, the jurisdictional competence of investment tribunals and the application of EU law itself as a matter of applicable law or fact, has been called into question on various grounds. In Case C-284/16 *Achmea*, the CJEU recently ruled in strong constitutional terms that there can be no place for investment arbitration between EU Member States, which puts the future development of international dispute resolution and the role of EU law in it, in grave uncertainty. This thesis therefore assesses to what extent, and with which limitations, a preliminary reference styled procedure remains a useful suggestion in this avenue of future development. In this regard, the thesis explores recent developments in international dispute settlement where the scope of preliminary references to the CJEU has been enlarged. The thesis is written as a co-tutelle between the Universities of Gent and Luxembourg.

Felix Koechel

*Submission by Appearance in
European Procedural Law*



Almost all regulations in European procedural law provide - in one form or another - for a head of jurisdiction based on submission by appearance. However, although the concept of submission by appearance has established itself as a basic element of European law on jurisdiction, there is still much uncertainty as to what it actually requires and how it interrelates with other concepts of European procedural law (e.g., express choice of court agreements, ex officio examination of jurisdiction). It is also due to this ambiguity that the interplay between the autonomous rules on submission by appearance and the national procedural laws of the Member States has proven particularly problematic. On the basis of a thorough comparative analysis of the quite diverse national rules on submission by appearance, this Ph.D. thesis will first seek to clarify the autonomous concept of submission by appearance in European procedural law and determine whether a consistent, uniform interpretation may be applied in the different regulations. Building on the results of this analysis, a second part will scrutinise the interplay between the rules of submission by appearance in European procedural law and the autonomous procedural laws from a European law perspective.

Janek Nowak

The Influence of EU Law on National Civil Procedure. An Analysis in the Context of the Ex Officio Application of EU Law and EU Consumer Law in Particular



This research project investigates the influence of EU law on national civil procedure. It does so by analyzing the impact of the case law of the CJEU regarding the *ex officio* application of EU law, in particular of EU consumer law, in various EU Member States, with a specific focus on Belgium. The first part concerns a comparative overview of *ex officio* application by the civil judge in various EU Member States (Belgium, France, Germany, Luxembourg, the Netherlands and the United Kingdom (England & Wales)). The comparative perspective will allow for a fuller understanding of the issues surrounding *ex officio* application, which will inform the second part of the thesis. In this second part, the case law of the CJEU and the choices it has made will be analysed and clarified. Particular attention is devoted to the effectiveness question and its underlying tendencies as well as the binding nature of the case law throughout the European Union, in particular in regard of the concept of 'national procedural autonomy'. The third part concerns an in-depth analysis of the actual application of the case law of the CJEU in Belgium and its consequences for the Belgian legal system. Building on this in a fourth part, comparative law reflections will be made in regard of a number of other Member States and on the impact of EU law on civil procedure in general.

The research is being supervised by Prof. Dr Piet Van Nuffel (KU Leuven) and Prof. Dr B. Allemeersch (KU Leuven). He is expected to defend his Ph.D. thesis in the course of 2019.

Vincent Richard

Free Movement of Default Judgments in Europe



Default judgments, where there is a failure on the part of one party to take action, which might generate a problem as regards the recognition of the judgment, represent a large percentage of civil judgments rendered in European Member States. This is particularly true when national payment order procedures are included in this definition. However, creditors of such judgments often encounter difficulties when enforcing them in another Member State because they are subject to a specific test at the recognition level. Most European regulations dealing with recognition and enforcement of judgments contain provisions for default judgments that aim to verify the proper information of the defendant in the Member State of origin. The smooth circulation of default judgments is vital for the European Common Market and it can only be achieved if the rules on domestic and cross-border service of judicial documents function properly.

The Ph.D. thesis is therefore divided into two parts. The goal of the first part is to provide an understanding of default procedures in national laws. Procedures of four Member States are analysed in a systematic way with a special focus on the respective roles of parties and judges in informing the defendant of the ongoing procedure. It is notably necessary to precisely assess the interaction between these national procedures and the European rules when they apply, mainly when documents have to be served in another Member State. The second part examines the European framework for recognition and enforcement of default judgments and highlights how divergences in national procedures can lead to a refusal to enforce a foreign default judgment. Ultimately, the goal is to propose some improvements to ease the enforcement of default judgments in Europe either through the consolidation of the existing European framework or by imposing common minimum standards in national default proceedings.

The Ph.D. is supervised jointly by Prof. L. Cadiet (University Paris 1 Panthéon-Sorbonne) and Prof. G. Cuniberti (University of Luxembourg).

Carlos Santaló Goris

*The Implementation of the European
Account Preservation Order Regulation
in Germany, Luxembourg, France and Spain*



This thesis investigates the efficiency of the European Accounts Preservation Order (EAPO) Regulation. This regulation is the first EU instrument addressing cross-border enforcement. One of its major objectives is to provide for an effective vehicle to creditors to safeguard the future enforcement on debtor's assets. Nonetheless, this ambitious purpose might be jeopardised. That is to say, while it provides for a "uniform" procedure, there are many unregulated procedural issues in the regulation, which are governed by national law of the EU Member States. Creditors can still opt for other available national provisional measures based on the Brussels I bis Regulation. These elements introduce an element of uncertainty, which might undermine the application of the regulation in the context of legal practice.

In order to evaluate these aspects, this thesis will undertake a comparative study of the implementation of the new instrument in Germany, Luxembourg, France and Spain. It follows a classical research methodology combined with empirical research on the application of the regulation. The empirical research is based on data obtained from surveys, interviews and information provided by private practitioners and other legal actors. In this regard, results obtained from the IC2BE project will be of great value.

The thesis shall be divided into three major parts. The first part shall scrutinise the regime of the provisory measures within the European Judicial Area. The second part shall investigate the implementation of the Regulation (EU) No 655/2014 in the four EU member states. The third part shall proceed with the functional comparison between the different states.

Ann-Sophie Tietz

*Recognition of Foreign Notarial Deeds
Concerning Legal Relationships under
German Corporate Law*



Although the concept of 'recognition' is the buzzword *par excellence* in international procedural law, it is also used in connection with the transnational use of notarial deeds drawn up by foreign notaries, albeit with a different meaning. Two main legal issues must be distinguished in this context. The first question that arises relates to the authenticity and the evidentiary effects of the foreign notarial deed, while the second question relates to the substantive legal content contained of the foreign notarial deed. Whereas the answer to the first question is relatively straightforward, the second question presents difficulties for legal practice. Whether the substantive legal content contained in the foreign notarial deed is deemed to be valid is a matter for the private international law of the individual state ('recognition' based on private international law). Recent attempts at the EU level have failed to regulate the mutual 'recognition' of the legal status of (certain) authentic instruments parallel to the mutual recognition of judicial decisions.

The project examines the question of whether and under what circumstances foreign notarial deeds concerning legal relationships under German corporate law (such as the establishment of a German Limited Liability Company and the assignment of shares in a German Limited Liability Company) are deemed valid in Germany. The two main legal questions arising concern firstly the law applicable to the formal requirements and secondly – if this is the (German) *lex societatis* – the 'substitution' of a notarisation carried out by a German notary by a foreign notary. The project aims 1) to test the limits of the *lex societatis* and 2) to develop criteria under which a substitution may be possible.

1.2.5. Completed Ph.D. Projects of Individual Researchers

- › **Katharina Raffelsieper**, Die Rückabwicklung der vorläufigen Vollstreckung eines noch nicht rechtskräftigen Urteils im nationalen und europäischen Zivilprozessrecht, Ph.D. thesis, University of Heidelberg, defended in April 2017, MPI Book Series Vol. 11 (2018)
- › **Georgia Koutsoukou**, „Die Aufrechnung im Europäischen Kollisionsund Verfahrensrecht unter besonderer Berücksichtigung der Nettingvereinbarungen“, Ph.D. thesis, University of Heidelberg, defended in January 2018, MPI Book Series Vol.8 (2018)
- › **Polina Pavlova**, Gerichtsstands- und Schiedsvereinbarungen in der privaten Kartellrechtsdurchsetzung in Europa, Ph.D. thesis, University of Heidelberg, defended in January 2019
- › **Kristina Sirakowa**, Pauschalierter Kartellschadenersatz in Einkaufs- und Lieferbedingungen als Alternative zur Schadensschätzung, Ph.D. thesis, University of Heidelberg, submitted in March 2018

1.3. Comparative Procedural Law

1.3.1. Major Research Projects

IAPL-MPI Post-Doctoral Summer School on Comparative Procedural Law

The first International Association of Procedural Law (IAPL)-MPI Post-Doctoral School on Comparative Procedural Law, mainly conceived and organised by Prof. Marta Requejo Isidro, took place in July 2014 (L. Cadiet, B. Hess and M. Requejo) (Eds) (2015), *Procedural Science at the Crossroads of Different Generations*. Baden-Baden/Oxford: Nomos/Hart Publishing). The Summer School aims to promote the opportunity for post-doctoral researchers to present their current research topic and to create a forum for discussion and analysis among peers. This allows the researchers to develop their research and communication skills and the possibility to have their paper published following a thorough peer-review process during which constructive feedback is given. The Professors provide guidance to the researchers, on the content of their papers and presentations. Since it has been established, the Summer School has acquired an excellent reputation, attracting the highest quality of Professors and researchers to Luxembourg. Indeed, the selection process is a



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competitive one, based on the applicant's CV and research topic, as concerns its methodological approach and originality. The call for applications is posted to the website of the MPI and circulated through a wide variety of channels, resulting in a significant number of applications on each occasion.

Following the success of the first School, under the direction of Prof. Loïc Cadiet (University Paris 1 Panthéon-Sorbonne) and Prof. Burkhard Hess, and with the academic support of Prof. Marta Requejo Isidro, the second Summer School was held in July 2016. It focused on methodology in comparative procedural law and gathered eleven renowned Professors and fourteen outstanding post-doc researchers from Europe and abroad. The papers presented at the MPI in July 2016 were published in 2017 in the edited collection, *Approaches to Procedural Law: The Pluralism of Methods* (L. Cadiet, B. Hess and M. Requejo) (Eds) (2017), *Approaches to Procedural Law: The Pluralism of Methods*. Baden-Baden/Oxford: Nomos/Hart Publishing). The third Summer School was held in July 2018, again under the direction of Professors Cadiet and Hess, with the scientific organisation of Prof. Requejo Isidro, on the topic of *Privatizing Dispute Resolution and its Limits*. The notion of privatizing dispute resolution was understood in a broad sense. Presentations were made in different strands and often cut across them, relating to the defence of public interests by means of private litigation, to the mechanisms for dispute resolution in the alternative to State justice and to the commercialization of the judicial system. It brought together fourteen young researchers from Europe and further afield, who presented papers on which comments were given by nine renowned Professors. An edited collection of these papers will be published in 2019 in the book series of the Institute.

During the second IAPL-MPI Post-Doctoral School on Comparative Procedural Law in 2016, a significant project on comparative procedural law began. Prof. Hess, Prof. Margaret Woo (Northeastern University) and Prof. Loïc Cadiet (University Paris 1 Panthéon-Sorbonne) proposed a long-running project on comparative procedural law, bringing together a team of leading experts in this field, and coming from all continents of the world, to contribute to a foundational treatise on comparative procedural law.

The project is multi-dimensional and interdisciplinary, adopting both micro and macro perspectives on procedural law. With a focus on how a civil dispute is litigated in court or resolved in an alternative forum, the project will explore and analyse civil procedure rules and methods from a global comparative perspective. One key dimension is therefore that of comparative law, a field of law which is in an almost constant state of change, underpinned by an emerging critical analysis. The crucial concepts, methods and objectives of comparative law will therefore be subject to analysis as regards how it contributes to our understanding of the political, social and institutional character of dispute resolution. Another dimension concerns the key concepts underpinning the resolution of a civil dispute; bringing to the fore notions such as the administration of justice, the authority of the court, the power of the parties and the legitimacy attached to procedure and outcome. Amongst others, this analysis integrates a socio-legal and political, as well as legal, dimension to the project. The rules and practices of civil procedure in different legal systems and the extent to which they satisfy relevant objectives (including efficiency, predictability and consistency) will be analysed, as will contemporary procedural reforms and the degree of convergence across the world. By virtue of this analysis, emerging trends at the forefront of civil dispute resolution will be

identified; these include the shift away from litigation towards ADR, the impact of technology and artificial intelligence on dispute resolution, and the influence of international law and standards on civil procedure. The project brings together a number of different dimensions of the research currently undertaken at the MPI Luxembourg, and ensures for the purposes of this project, that these diverse research agendas can be integrated into a coherent scientific framework.

A launch workshop will take place in the Summer of 2019, followed by a second workshop in the Fall of 2020. These events will be followed by a conference in 2022, by which time the publication of the treatise is expected.



Groupe Tarzia de droit processuel comparé

The *Groupe Tarzia* is an interuniversity working group on key trends surrounding the topic of the harmonisation of procedural law. Its history stems back more than 20 years ago to the foundational seminars of *Giuseppe Tarzia*, an outstanding Italian scholar and renowned expert in procedural and comparative law; the working group brings together proceduralists from universities of four countries: Belgium (Université catholique de Louvain), France (Universités Panthéon-Assas and Panthéon-Sorbonne), Germany (MPI Luxembourg, University of Heidelberg, University of Tübingen), and Italy (Università degli Studi di Milano, University of Bergamo, University of Trieste, and University of Rome Tor Vergata).

Looking back on four previous seminars conducted in a fruitful and amicable collaboration and dedicated to fundamental issues of comparative procedural law, such as provisional measures ((1998), J. van Compernelle & G. de Tarzia (Eds.), *Les mesures provisoires en droit belge, français et italien*. Bruxelles: Bruylant), the impartiality of judges and arbitrators ((2010), J. van Compernelle & G. Tarzia (Eds.), *L'impartialité du juge et de l'arbitre*. Bruxelles: Bruylant), the concept of appeal (le double degré de juridiction) ((2010), J. van Compernelle et A. Saletti (Eds.), *Le double degré de juridiction*. Bruxelles: Bruylant) and the relation between arbitrators and state judiciary ((2014), A. Saletti, J. van Compernelle & J.-Fr. van Drooghenbroeck (Eds.), *L'arbitre et le juge étatique. Études de droit comparé à la mémoire de Giuseppe Tarzia*. Bruxelles: Bruylant), the latest cycle addressed in a comprehensive way the function of

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a judge in civil litigation (*l'office du juge*), a research topic of eminent and topical importance, particularly to the MPI Luxembourg. During successive working sessions held in Louvain-la-Neuve (November 2013), in Bergamo (November 2014), and in Luxembourg (in March 2016), this fifth interuniversity seminar examined, from a comparative perspective confronting German, Belgium, French and Italian Law, the question of how the procedural roles, functions and competences of judges and parties are or should be allocated in the different stages of civil proceedings. The contributors of the latest seminar were: Prof. Loïc Cadiet (Panthéon-Sorbonne Paris I); Prof. Cécile Chainais (Panthéon-Assas Paris II); Prof. Lotario Ditttrich (University of Trieste); Prof. Mariacarla Giorgetti (University of Bergamo); Prof. Burkhard Hess (MPI Luxembourg/University of Heidelberg); Prof. Stefan Huber (University of Tübingen); Prof. Xavier Lagarde (Panthéon-Sorbonne Paris I); Dr Björn Laukemann (MPI Luxembourg); Prof. Francesca Locatelli (University of Bergamo); Prof. Elena Merlin (University of Milano); Dominique Mougenot (Juge au tribunal de commerce du Hainaut); Prof. Achille Saletti (University of Rome Tor Vergata), Prof. Jacques van Compernelle (emeritus professor at the UCLouvain), Prof. Jean-François van Drooghenbroeck (UCLouvain). The results of this seminar have been published in January 2018 under the editorship of Cécile Chainais, Burkhard Hess, Achille Saletti, and Jean-François van Drooghenbroeck (*L'office du juge. Études de droit compare*. Bruxelles: Bruylant).

In the project, European rules on *res judicata* and on pendency coordinated by L'*Institut international pour l'unification du droit privé*/the International Institute for the Unification of Private Law [UNIDROIT] and the European Law Institute (ELI), Profs. Hess and Ferrand (University of Lyon) chaired a working group on *lis pendens* and *res judicata*. The aim of the project is to elaborate a comprehensive set of rules of European civil procedural law which might serve as a model for national lawmakers or the European Union. The first meeting in October 2016 in Padua (Italy) was dedicated to *res judicata*. Subsequent to the completion of the part on *res judicata* (which was defined for the first time at a transnational level), the working group focused on *lis pendens*. The working group's draft rules on *lis pendens*, which include an innovative proposal on the consolidation of proceedings in cross-border settings, were adopted in the 2017. The proposal closely follows the *lis pendens* mechanism of the Brussels Ibis Regulation but provides for a transfer of proceedings at EU level. The results were presented to Unidroit and ELI in January and April 2018.

1.3.2. Ongoing Ph.D. Projects of Individual Researchers

Sandra Becker

The Court's Role in Insolvency Proceedings from a Comparative Law Perspective



Compared to other European Member States, insolvency proceedings for companies in Germany take a long time. Undoubtedly, beyond other relevant factors, the process line of the court plays a highly important and considerable role in this framework. Therefore, there is a need for both sufficiently experienced judges and optimised procedures. Due to this need, since 2011 debates have been ongoing in Germany concerning the stronger concentration of insolvency courts and with it, a greater professionalisation of judges.

The Ph.D. aims to show whether there is a need for a stronger concentration of insolvency courts and how this objective can be realised. To this end, the project will address the direct involvement of the court on insolvency proceedings. Methodically, this project analyses the current set of laws on the court's functioning and tasks, as well as the practical factors influencing the court's performance. Within this framework, a specific analysis will be undertaken as regards the relationship between the court and the other "players" of the insolvency proceeding, such as the creditors and the insolvency practitioner. The dissertation will focus on the historical roots of insolvency proceedings in the 19th century and examine the situation until the current regime and outline how the process line of the court has changed since then in order to determine whether the current regulations remain relevant.

Finally, a comparative analysis of the German Insolvency Code with the Austrian Insolvency Code and the Polish Bankruptcy Code aims to deliver inspiration for a reassessment of the German law.

Timon Boerner

Conflicts of Interest in Third Party Litigation Funding



Third-party funding in both litigation and arbitration is a major growing industry, which shows no signs of slowing down but rather of expanding into new jurisdictions. This is true even of those jurisdictions in which it has previously been classified as champerty or maintenance and, therefore, was prohibited. Unlike for legal counsel, however, there is often little to no legislative regulation of third-party funding. Thus, the door is left open for a diverse variety of funding strategies – but also for the emergence of conflicts of interest between the parties involved. This is especially problematic where little legislative guidance is offered to those affected. This issue is exacerbated where one party is lacking in expertise: the prevention and equitable resolution of conflict through regulation carries special importance in consumer cases, class actions and collective redress.

The Ph.D. thesis (under the supervision of Prof. B. Hess) aims to analyse the status quo of third-party litigation funding regulation in Australia, England and Germany by scrutinising a number of specific conflicts of interest and comparing the respective regulation. In this regard, the three jurisdictions provide a diverse backdrop. Australia, being the country of origin of litigation funding, disposes of a relatively extensive case law and regulation – with further reforms currently debated – and therefore warrants inclusion. In England, such statutory legislation is lacking; however, the soft-law Code of Conduct for Litigation Funders of the Association of Litigation Funders of England & Wales takes a stance on several of the possible conflicts of interest. It could potentially serve as a model for recommendations for other jurisdictions. Finally, with no explicit state regulation or soft law, Germany provides a typical continental European example. Calls for regulation have nonetheless been raised, and the research project will try to derive recommendations for regulatory legislation based on the efforts in the other jurisdictions.

Giovanni Chiapponi
*A Comparative Analysis of Time
Limits in European Procedural Law*



The research topic is related to the diverging time limits in European procedural law. Starting from a comparison of certain national legal systems (Italian, French, English and Spanish), the goal of this project is to envisage a uniform concept of the time limits considered, which could make the enforcement of European law more transparent and efficient. This analysis will take into account different national time limits, causing difficulties and complications in the European context, e.g. the time to react, the time for lodging an appeal, the notion of *restitutio in integrum*, the statute of limitation period etc. From there, the outcome envisaged aims to guarantee and strengthen the protection of European fundamental rights.

The Ph.D. thesis (under the supervision of Prof. Hess) is part of the DTU Rems program of the University of Luxembourg.

Adriani Dori
*Measuring Justice: Methodological
and policy issues on the example
of the EU Justice Scoreboard*



Studies on judicial efficiency are no longer *terra incognita* in law. Nowadays, various policymakers are increasingly relying on studies that assess and compare the performance of courts based on indicators, judicial statistics and empirical evaluations. The Justice Scoreboard is the EU Commission's major instrument in this field. Created in 2013, this tool provides annual data on the functioning of Member States judiciaries in terms of efficiency, quality, and independence of justice in non-criminal cases. The main narrative describes it as a non-binding monitoring instrument that reflects the Commission's

efforts to map the functioning of national courts, to draw up an inventory of potential shortcomings, and to better monitor the rule of law within the Union.

A deeper analysis beyond the Commission's narrative reveals the Scoreboard's hidden dimension as a powerful new governance instrument with multiple spillover effects. With its overemphasised economic focus and its strong policy dimension, it has a far-reaching impact on Member States' judiciaries. The way in which judicial and procedural reforms are incentivised at EU level and are implemented at national level is highly dependent on the economic analysis underpinning studies like the Scoreboard. By setting judicial standards and metrics and by providing institutional guiding principles on the organisation of courts, the Scoreboard promotes in a subtle way the Europeanisation of national justice systems and marks a significant transition from hard law-based supranational harmonisation to softer methods of policy coordination through monitoring and evaluation. At the same time, it fosters the definition and externalisation of EU standards on judicial governance outside of the European Area of Freedom, Security and Justice (AFSJ).

The aim of this Ph.D. thesis is to shed light on the Commission's initiative and its implications. The project follows chronologically the creation and the evolution of the tool. It analyses the underlying philosophy and its (sometimes confusing and) mixed identity and legal basis. It evaluates critically its dubious methodology, and it follows its quasi-normative character within and outside of the European AFSJ. The thesis also suggests improvements that could enhance the Scoreboard's potential ability as a tool for experimenting with a new form of governance in the area of EU Justice. The thesis is supervised by Prof. Hess and will be submitted in spring 2019.

Marcel Kabl

*Publizität im Möbiliarsachenrecht
neu verwirklichen*



The Ph.D. thesis addresses the question of whether possession is still an adequate means to publish the legal status of movable property. Several jurisdictions (Germany, Austria, and to some extent France) are built on this notion and link legal benefits like good faith purchase to the transfer of possession. The project compares these jurisdictions and includes an analysis of the U.S. Uniform Commercial Code (UCC) and the Draft Common Frame of Reference (DCFR).

In a first step, the project aims to set out a concept of publicity detached from a single legal order based on the meaning of the word, the persons interested in publicity, and the worthiness of their protection. Secondly, it compares the notions of possession in the examined laws and its role concerning the transfer of property rights from parties with and without title as well as the function of possession regarding the establishment and enforcement of property rights. Thirdly, the project scrutinises the function of public registries concerning securities in movable property in France, the UCC, and the DCFR.

The project aims to bring together the benefits of the different systems and on that basis carve out a proposal as to how the principle of publicity could be implemented in a technology-shaped world. The technology-based proposal is, in turn, examined as regards its economic feasibility compared to the current systems, its goal to advance legal certainty and the threat of cybercrime.

The Ph.D. is supervised by Prof. Christoph Kern, University of Heidelberg.

Philippos Siaplaouras

*Formenstrenge im europäischen
Zivilprozessrecht*



A major feature of procedural law is the formalism of procedural acts. This formalism is justified by the increased need of procedural law for legal certainty. However, EU procedural law is not comprehensively regulated and issues which are well settled by the national procedures might be uncertain at the EU level. This situation is found with regard to the formalism of procedural acts: here the starting point for the Ph.D. is found in constellations where formal provisions of the European law of civil procedure, i.e. the main issue relating to the problem of the legal consequences and, more specifically, the procedural sanctions, when the formal requirements are not met. The CJEU had the chance to clarify certain cases, generally following a less formalistic tendency. An illustrative example of this tendency was the ECJ's judgment in the *Henderson* (Case C-354/15 *Henderson* EU:C:2017:157) case, where it held that postal service was still valid even in the absence of an acknowledgment of receipt. According to the Court, such an acknowledgment can be substituted by other documents unless this document provides for equivalent proof of service. Against this background, several questions arise. Is classic procedural formalism to be considered as a principle of European civil procedure? Do procedural sanctions remain a domain for domestic procedural rules? Are there differing degrees of strictness when formal provisions are breached? While the Ph.D. shall focus on the European law of civil procedure, a comparative outlook will not only be deemed desirable but is rather necessary: the fragmentary regulation of formal issues requires a comparative assessment. The legal orders of reference shall be German, French and Greek law. The Ph.D. shall be submitted to the University of Heidelberg and is supervised by Prof. B. Hess.

1.3.3. Completed Ph.D. Projects of Individual Researchers

- › **Pei Lu**, Die Wahrung der Rechtseinheit in Deutschland und der Volksrepublik China, Ph.D. thesis, University of Heidelberg, defended in July 2015, MPI Book Series Vol. 5 (2016).
- › **Robert Arts**, “Die subjektiven Voraussetzungen der Insolvenzanfechtung”, Ph.D. thesis, University of Heidelberg, defended in October 2016, MPI Book Series Vol. 7 (2016).
- › **Nils Pelzer**, “Mediation und Schlichtung – Eine systematische Untersuchung auf Grundlage des chinesischen und des deutschen Rechts”, Ph.D. thesis, University of Heidelberg, defended June 2018.
- › **Yin Jin**, Die Übertragbarkeit der deutschen Vollstreckungsgegenklage in das chinesische Zivilprozessrecht, Ph.D. thesis, University of Heidelberg, defended in September 2018.



1.4. Dispute Resolution at the Cross-Roads of Private and Public International Law

1.4.1. Major Research Projects

The Protection of Privacy and of Personal Data in the Internet

The ILA Committee on the Protection of Privacy in Private International and Procedural Law was established in 2013 to elaborate guidelines on the protection of privacy and personal data in the context of private international and procedural law. Prof. Hess is the Chair of the Committee, and Prof. Jan von Hein (University of Freiburg) and Dr Cristina M. Mariottini (MPI Luxembourg) are the co-rapporteurs.

Ensuring the effective right to privacy and of personal data has become a key issue both at the regional and international level. Given the rapid growing computerisation and automatisisation in the handling of personal information, traditional expectations for the protection of one's privacy or for control of an individual over his or her personal data have undergone major changes. As a result, the dynamics and the dimension of the potential intrusions into one's personal life have been significantly transformed. Notably, a new understanding and shaping of the right to privacy and to data protection are currently being forged, giving rise to questions of jurisdiction, applicable law, recognition and enforcement of judgments, but also of legal standing, protection of vulnerable parties, and remedies. Old concepts of jurisdiction, conflict of laws and enforcement are challenged by a parallel world of global actors trying to escape from any control of national and supranational regulation. However, recent developments demonstrate that national and supranational regulators are trying to take control of a largely privatised area. Against this backdrop, the Committee aims at formulating specifically tailored recommendations and guidelines, with the overarching aim of reinforcing predictability and harmonisation at a global level.

The Committee has met six times. It held an Open Working Session both at the 77th ILA Biennial Conference in Johannesburg, in August 2016, and at the 78th ILA Biennial Conference in Sydney, in August 2018. During this latter meeting, the Committee submitted and presented its first Interim Report and Commentary to the Draft Guidelines on Jurisdiction and Applicable Law. The Committee's final conclusions and recommendations are scheduled to be submitted for adoption by the ILA at the 80th ILA Biennial Conference in 2022. Information on the Committee and its activity is available at www.ila-hq.org/index.php/committees.



Open Justice Conference and Book Publication

The Open Justice conference, organised in February 2018 by Prof. Hess and Ana Koprivica in cooperation with Saarland University, examined the role and the appearance of courts in modern democratic societies. It specifically focussed on the organisation of the public hearing of the courts in light of the growing use of information technologies.

Over the two days of the conference, the participants explored a variety of issues pertaining to the problematics of open justice, such as: the scope and content of the right to a public hearing as enshrined in various constitutional and supra-national instruments; the organisation of public oral hearings in civil and criminal proceedings and the relevant contemporary challenges of the information society; the level of transparency in the processes of appointing and selecting judges, as well as the phenomenon of vanishing trials and the privatisation of justice in the form of arbitration and ADR mechanisms. The conference was closed with a roundtable discussion on the ways and the extent to which justice should be communicated to society. Among others, the discussion engaged with matters such as televising and broadcasting of judicial proceedings and the relationship between the judiciary and journalists. The conference brought together judges of European and national courts, academics, legal practitioners and legal journalists.

The proceedings of the conference will be published by Nomos in 2019 entitled *Open Justice: The Role of Courts in a Democratic Society*, with contributions from Prof. Burkhard Hess, Prof. Judith Resnik (Yale), Prof. Cecile Chainais (Paris) and Advocates General Maciej Szpunar and Michał Bobek, amongst others. The Department is planning a conference on "Digital Justice" in spring 2020.

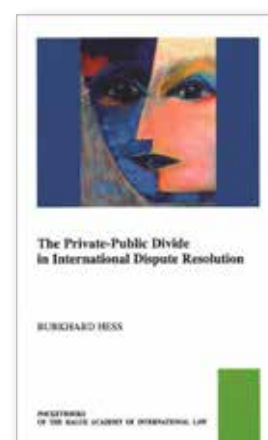
Digital Justice: Conflict of Laws and Data Protection in Cyberspace

Jointly organised with the Privacy Hub at the Vrije Universiteit Brussel (Prof. Christopher Kuner), the workshop on “Jurisdiction, Conflicts of Law and Data Protection in Cyberspace” explored the key issues arising at the intersection between private international and data protection law. As the discussions on the EU General Data Protection Regulation demonstrate, to date conflict of laws and jurisdictional issues related to data protection have not been sufficiently explored. Thanks to the Internet, people who are thousands of miles apart can effortlessly engage in social interactions, business transactions and scientific dialogue. While all these activities rely on sophisticated data-exchanges lying outside the borders of any particular State, they also spike discussion on the challenges to the protection of privacy in the Digital Age. That is to say, as data protection in the context of the use of the Internet almost always necessarily crosses borders, the issue of its enforcement necessarily engages concerns of jurisdiction and the conflict of laws. Some of the key problematics in this field include those arising in connection with cross-border telematics exchanges of data in the field of biomedical research and the contractual relationships stemming from social networking and the use of social media. Indeed, the workshop explored some of the most controversial issues and the key trends emerging at the forefront of analysis of data protection. The project, initiated with this conference at the MPI, is of particular importance as the issues identified and examined are likely to develop and generate further problematics in the near future, as the use of the Internet and particularly the Internet of Things, will continue to expand exponentially. With this in mind, the MPI Luxembourg and the Brussels Privacy Hub have agreed to regularly organise conferences on current developments in this expanding area of law. Attended by nearly 100 participants, the conference included presentations by academics from around the world, as well as from Advocate General Henrik Saugmandsgaard Øe at the Court of Justice of the European Union. A volume with the proceedings of the conference is forthcoming.

The Hague Academy of International Law 2017, Summer Course delivered by Burkhard Hess: The Private-Public Law Divide in International Dispute Resolution

The 2017 Hague Academy Summer Course addresses dispute resolution in international cases from the classical perspective of the private-public divide. This distinction is known in almost all legal systems of the world and it operates in both domestic and in international settings. The main focus of the Course relates to overlapping remedies available under private international and public international law. The Course maps out the growing landscape of modern dispute resolution, where a multitude of courts and arbitral tribunals operating at different levels (domestic, international and transnational) is accessible to litigants in cross-border settings. This Hague Course summarises the research of the Department in this area.

The Course has been published in vol. 388 of the *Recueil des Cours*. It has also been published in 2018 as a pocketbook (no 33) of The Hague Academy of International Law.



Peace Through Law: The Versailles Peace Treaty & Dispute Settlement after WWI

In December 2017, under the Patronage of their Excellencies, the Ambassadors of France and Germany in the Grand Duchy of Luxembourg, the two departments of the MPI organised and hosted a conference entirely dedicated to the major impact of the Versailles Peace Treaty on public and private international dispute settlement after the First World War. The two-day conference attracted 21 speakers, including several prominent academics (both in international law and in history) and international legal practitioners. Organised across two days, the conference was opened with a welcome address of Prof. Hess and Prof. Ruiz Fabri, and reflections on the Versailles Treaty from their Excellencies Dr Heinrich Kreft and Mr Bruno Perdu, the Ambassadors of Germany and France in Luxembourg. The presentations offered across six panels illustrated how the Versailles Treaty and the other post-WWI Paris peace treaties profoundly reshaped international law and international adjudication and how some aspects of this legacy subsist to this day. In particular, the public and private dimensions of the dispute resolution systems that emerged were of relevance for the researchers of both departments. Of particular interest to the Department of European and Comparative Procedural Law, and addressing an often overlooked aspect of the post-WWI Paris peace treaties, Prof. Burkhard Hess and Prof. Marta Requejo Isidro gave

a comprehensive account of the different Mixed Arbitral Tribunals that were established pursuant to these treaties and handled several tens of thousands of cases. The substantive and procedural dimensions as well as the post-Versailles dispute settlement system's relevance from a contemporary perspective were discussed in a roundtable chaired by Prof. Ruiz Fabri. Bringing together analyses from public and private dispute resolution, history and international relations, the conference was a prime example of the ongoing collaboration of the two departments, and of the interdisciplinary character of their research agendas. The cooperation of the departments continues in this field with the publication of the conference proceedings, expected in 2019. The research topic is likely to have a follow up in a forthcoming common MPI project on dispute resolution.



1.4.2. Ongoing Ph.D. Projects of Individual Researchers

Stavroula Angoura
The Independence and Impartiality of Arbitrators in International Commercial Arbitration



The Ph.D. thesis addresses the specific characteristics of arbitration from the perspective of the arbitrator's independence and impartiality. Unlike justice in state courts, arbitrators are appointed by the parties in accordance with an arbitration agreement, and not by the state. Parties will normally nominate persons with whom they have cooperated in the past or who are otherwise known to them. However, the composition of a qualified, independent and impartial arbitral tribunal is essential for the minimum guarantees of fairness of the proceedings and for compliance with due process requirements.

An impartial arbitrator lacks prejudice or bias but remains as a third-party and neutral towards the parties and the subject-matter of the dispute. This duty of impartiality reflects the fair trial principle set out in Art. 6 of the European Convention on Human Rights [ECHR]. The obligations of independence and impartiality are imposed by national and international law, institutional rules as well as ethical rules and guidelines. The principles of the arbitrator's impartiality and independence are safeguarded during the arbitral proceedings through the challenge mechanism, as well as, after the rendering of the award, either at the annulment stage or at the recognition and enforcement stage. National courts have applied significantly different standards to issues of arbitrator's impartiality and independence.

The Ph.D. thesis is supervised by Prof. Hess and it shall be submitted to the University of Luxembourg in 2019/2020.

Ana Koprivica
Public Hearings in Investment Arbitration – A Critical Assessment



The standard that legal disputes are heard in public and that justice is seen to be done has long been observed in different legal regimes. Recently, the relevance of this idea has also been found in the area of international investor-state arbitration where, due to its mixed nature and the public interest involved, ever more publicity and control by the democratic society is demanded. A development in this area has been the adoption of Rules on Transparency in treaty-based investor-state arbitration (2013), followed by the United Nations Mauritius Transparency Convention. These instruments introduced innovative provisions in the fields of publication of documents, participation of third persons and non-disputing parties by means of amicus curiae briefs and the obligation of holding open hearings. However, despite a general agreement on the need for more openness in investment arbitration, the scope and limits thereof are not clearly defined. Moreover, while there has been in-depth discussion on various elements of transparency and openness, it seems that the concept of public hearings remains largely overlooked and only marginally studied. This Ph.D. thesis engages in a thorough study of public hearings as a constitutive element of the open court principle. The aim of the project is therefore to revisit the concept of public hearings and define its origins, purpose and understanding thereof, in various legal settings (both national and international) and confronted with modern day challenges, such as the digital media and the changing role of the courts and adjudicating bodies in democratic societies.

The thesis is supervised by Prof. B. Hess. Submission and defence at the University of Luxembourg are planned for 2019.

Martina Mantovani
*Les Représentations de l'Espace
en Droit International Privé*



This Ph.D. thesis explores the relationship between the rule of private international law (PIL) and the notion of “space”. On the basis of a definition of PIL as science “dealing primarily with the application of laws *in space*” (J. Beale), this study purports to demonstrate that all methodologies thus far developed for the solution of a conflict between competing normative claims postulate, as necessary conceptual background, a certain “representation” of the spatiality of laws, an imagery of how each law or legal order exerts its ascendancy over the spaces inhabited by humans.

The study examines the way in which these representations have evolved over time, identifying the rise of the territorial state as a complete game changer in the field of the cartography of law. It subsequently accounts for the crisis that seems to currently affect this paradigm, with contemporary private international law having to adapt its methodology so as to accommodate the peculiarities of new and sometimes unprecedented kinds of “normative space”.

To identify the most relevant manifestations of this phenomenon, reference will be made to an intuition of the French philosopher Étienne Balibar, who remarked that modern borders are *overdetermined, polysemic and ubiquitous*. Assuming that the borders which delimit a normative space share nowadays these same characteristics, this project will focus on (1) the “*European normative space*”, characterised by the “attenuated extraneity” of the situations falling under the scope of the constitutional principle of free movement; (2) on the “*space of the individual*”, brought into view by the rising importance of fundamental rights in private international law reasoning; and (3) on *privately produced normative spaces*, which exist and proliferate alongside the legal order of the nation-state.

The Ph.D. thesis is supervised by Prof. Corneloup, Université Paris Assas.

Edith Wagner
*Repetitive Cases in the Practice
of the European Court of Human Rights*



The ever-increasing reliance on international adjudication is both a blessing and a curse for international courts and tribunals. Full dockets highlight their growing importance, yet often challenge their efficiency and effectiveness. This has led many international courts and tribunals to experiment with new strategies to become more efficient, and in turn, more effective – a development that has received little scholarly attention so far. While many international courts and tribunals have undergone structural reforms in recent years, the European Court of Human Rights (ECtHR) was particularly progressive in finding new solutions to the caseload crisis in light of the sizeable number of repetitive cases that do not raise any new substantive questions while entailing the risk of a backlog. The ECtHR has developed bespoke procedures for repetitive cases, started to use technology to accelerate certain procedural steps and manage its caseload, streamlined internal processes and overhauled parts of its institutional structure.

The Ph.D. thesis adopts a socio-legal approach and is based on case study of the ECtHR, where extensive fieldwork was conducted. It builds on existing scholarship on dispute systems design and incorporates scholarship on case management in civil litigation. In doing so, it bridges the existing divide between public and private law, and infuses the area of international human rights litigation that has a distinct public law flavor with legal ideas from dispute resolution in civil and commercial matters. The dissertation provides a comprehensive overview and critical examination of the efforts of the ECtHR to treat repetitive cases more efficiently. At the same time, it provides international courts and policymakers with an analytical framework to examine their adjudicative systems, identify areas of possible reform and draw inspiration from the experience of the European Court of Human Rights.

The thesis is supervised by Prof. B Hess and submission of the thesis is foreseen in 2019.

1.4.3. Completed Ph.D. Projects of Individual Researchers

- › **Michael Bakowitz**, “Informationsherrschaft im Kartellrecht: Der Umgang mit Dokumenten im Besitz der Wettbewerbsbehörden”, Ph.D. thesis, University of Heidelberg, defended in January 2018, MPI Book Series Vol. 12 (2018).
- › **Franz Kaps**, Schiedsgerichtsbarkeit in Singapur und Indien, Ph.D. thesis, University of Heidelberg, submitted in August 2018.



1.5. Research Projects of the Senior Research Fellows

1.5.1.

Dr Stephanie Law



Dr Law's research interests fall largely in the areas of EU and international law, with a particular focus on fundamental rights and access to justice, consumer protection and European civil procedure, transnational public and private regulation, legal theory and methodology.

European Civil Procedure

Combining research interests in European civil procedure, substantive EU law and fundamental rights protection, the first ongoing research project has a number of dimensions. On the one hand, it is reflected in a collective study that was undertaken by the MPI Luxembourg: the European Commission Study on the Impact of National Civil Procedure (JUST/2014/RCON/PR/CIVI/0082). It was a European Commission-funded study on the impact of national procedural law and practices on mutual trust and the free circulation of judgements, and on the enforcement of consumer rights derived from EU law. Dr Law was largely responsible for the second strand of the study (consumer protection), a national reporter for the UK and an author of the first chapter of the General Report of the strand on consumer protection. The project was completed in January 2017, the General Report was published by the European Commission in January 2018; This General Report will be published in an enlarged and updated form as a book edited by Prof. B Hess and Dr Law (2019, Hart/Beck/Nomos).

On the other hand, Dr Law is a member of the Open Society Foundation's Abusive Lending Working Group, a network of researchers, lawyers engaged in strategic litigation and social movement activists. She has utilised her knowledge and expertise on EU law, consumer protection and the right to housing, gained in the context of her Ph.D. research and this study for the European Commission in her participation in this Working Group, which aims to develop guidelines, working papers and law and policy proposals to EU and national lawmakers and courts.

Comparative Procedural Law

A second project is concerned with the interplay between the substantive and procedural dimensions of consumer protection and examines the development of consumer contract law from its legislative foundations to its judicialisation. It focuses on three spillovers deriving from the ECJ's jurisprudence: 1) the construction of the *ex officio* obligations of national courts, 2) on the one hand, the shifts between individual and collective enforcement, and on the other, the shifts between judicial, alternative and administrative consumer enforcement, and 3) the impact of fundamental rights guarantees (constitutionalisation) in the enforcement of consumer (as well as data protection) rights. This research has been presented at various international conferences as well as those organised by the University of Luxembourg (on the CJEU's decision in Case C-398/16 Schrems) and the MPI Luxembourg (on collective redress and consumer protection, and on the concept of procedural autonomy and the effectiveness and equivalence of EU law). An edited collection has been published concerning judicial dialogue from a comparative perspective ((2017) Cafaggi, F. & Law, S. (Eds.), *Judicial Dialogue in European Private Law*. Cheltenham: Elgar). A number of book chapters and articles have been published between 2016 and 2018 (including 'The Transformation of Consumers' Procedural Protection in Times of Crisis – Protection in Mortgage Enforcement Proceedings?', and 'At the Crossroads of Consumer Law, Data Protection and Private International Law: A Comment on VKI v Amazon', *European Law Review* 42, 751-766) and two further chapters (one on consumer collective redress and private international law and another on procedural autonomy and the effectiveness and equivalence of EU law) are forthcoming. Dr Law is also teaching at the University of Trier on common law systems from a comparative perspective.

Methodology of International Courts

A third research interest analyses the methodological and theoretical aspects of the ECJ's recognition and development of general principles of EU law. It critically examines the sources, identification, and characterisation of such principles by the Court in the areas of European private law and fundamental rights, and their use in the development of EU law. One paper was presented at the conference of the "50^{ème} anniversaire des Cahiers de droit européen" ("*Les principes généraux du droit de l'Union européenne*"), and was published in the *Cahiers de droit européen* in 2016. Both projects advance distinct parts of the Ph.D. research previously undertaken (an analysis of the framework and existence of comparative analysis in the Europeanisation of private law via the Court of Justice of the EU; defended at the European University Institute, Florence, in September 2014).

A forth related project aims, via methodological and case-based analyses, to examine the framework for and existence of dialogue between the national courts, the ECJ and the European Court of Human Rights in the areas of state liability, consumer protection and in respect of the horizontal effect of fundamental rights. A number of conference presentations have been made in this field, (for example on the CJEU's Opinion 2/13 at the Leverhulme Inter-American Human Rights Network at Ghent University). An edited collection of contributions (Cafaggi, F. & Law, S. (Eds.), *Judicial Dialogue in European Private Law*) was published by Elgar in 2017.

Dispute Resolution at the Cross-Roads of Private and Public International Law

A fifth research interest falls in the area of transnational regulation, and in particular the way in which public, private and hybrid actors cooperate in law-making and enforcement in multi-level regulatory structures beyond the state. The results of an extensive joint, empirical and comparative research project, funded by the Finnish Funding Agency for Technology and Innovation, was published in 2016 as *Transnational Private Regulation, System Level Innovations and Supply Chain Governance in the Coffee Sector: Evidence from Brazil, Italy and Finland*.

A book chapter examining the legal framework and the political economy dimensions of the privatisation of normally essential governmental services (entitled "Regulating Private Military Security Companies by Contract: Between Anarchy and Hierarchy?") was published in 2017 in: Cutler, A.C. & Dietz, T. (Eds.), *The Politics of Private Transnational Governance by Contract* (Routledge). Another paper, which examined the role of private actors and their impact on relevant concepts of authority in European private law, was published in 2017 in *Transnational Legal Theory*: (2017a) with A. Galán, 'The Emergence of European Private Law and the Plurality of Authority', *Transnational Legal Theory* 7, 1.

A sixth ongoing research project concerns international organisations, international and EU law. This has led to (thus far) two publications (on foundational case law of the ECJ – one entitled "*European Agreement on Road Transport, Commission of the European Communities v Council of the European Communities*, 31st March 1971 ([1971] ECR 263)" and another entitled "*Case C-7/56 Algeria and ors v Common Assembly of the European Coal and Steel Community* ([1957] ECR 39))" and one forthcoming (on the role of international organisations in standard setting – entitled "*United Nations Guidelines for Consumer Protection (United Nations General Assembly Resolution A/RES/70/186)*") in the database, *Oxford International Organisations* (J. d'Aspremont, C. Brölmann & I. Scobbie (Eds), Oxford International Organizations. Oxford: Oxford University Press).



1.5.2.

*Dr Björn
Laukemann*



Habilitation Project

*Unkörperliche Wirtschaftsgüter jenseits von
Sachen- und Immaterialgüterrecht*

The project addresses the question of whether German property law is (still) capable of responding to changes caused by fundamental technological and normative developments, such as digitalisation or the Europeanisation of property law, putting pressure on the traditional (formalistic) structures of the Member States' property regimes, some of them rooted in nineteenth-century pandectism. In that regard, particular attention is given to the problem if and to what extent intangible economic goods may be implemented into the taxonomy of private German law. This touches on the role types of rights in rem and the determination of their object play in the process of implementing, i.e. monopolising new goods. The project, including a comparative analysis, will describe the way party autonomy, on the one hand, and new societal interests articulated vis-à-vis existing goods, on the other, may influence or even modify the content and interpretation of property rights. Analyzing the limits of transformation processes in the light of the numerus clausus principle and judicial decision-making will shed light on the key question whether and through which instruments a modern property concept may serve stability and flexibility at the same time.

In 2015, Dr Laukemann was nominated by the American Law Institute (Philadelphia/USA) as International Advisor for the Restatement of the Law Fourth Property.

European Succession Law

The coming into force of the European Succession Regulation (No 650/2012) gave rise to various legal problems in the context of cross-border successions. In that regard, this research mainly focuses on specific issues ranging between procedural law and private international law, such as the European Certificate of Succession as a new instrument in this field of law, but also the role of the *lex rei sitae* in transnational successions (presented at the conference on 'Civil Justice in the EU-Growing and Teething?', The Swedish Network for European Legal Studies, the Faculty of Law at Uppsala University and the MPI Luxembourg, Uppsala, 17-18 October 2013, and published in: EU Civil Justice - Current Issues and Future Outlook. Oxford: Hart Publishing, 2016, pp. 161-182).

European Procedural Law and Insolvency Law

Dr Laukemann's research primarily focuses on procedural law, ranging from the basic structures of European procedural law (cf. 'Unionsrechtsschutz und res judicata im Zivilprozess', in: Zeitschrift für Zivilprozess (ZZP), Volume 130, Number 4/2017, 439-478; and 'Private law enforcement und Geistiges Eigentum: Regulatorische Herausforderungen in einer digitalen Ära', in: Hess, Burkhard & Jayme, Erik & Mansel, Hein-Peter (eds.), Europa als Rechts- und Lebensraum, Liber amicorum für Christian Kohler zum 75. Geburtstag am 18. Juni 2018, Bielefeld 2018, 269-286) to insolvency law. Regarding the latter, Dr Laukemann is the co-editor and author of a recent study on 'The Implementation of the New Insolvency

1.5.3.

*Dr Cristina
M. Mariottini*



*Dispute Resolution at the Cross-Roads of Private
and Public International Law
The Protection of Privacy and Data in Private
International and Procedural Law*

Regulation – Improving Cooperation and Mutual Trust’ (Baden-Baden: Nomos; Oxford: Hart Publishing 2017, 320 pages, 106-138) which was supported by the European Commission. In the same field, Dr Laukemann participates in a commentary on the revised European Insolvency Regulation (edited by Moritz Brinkmann, Munich: C.H.BECK, forthcoming in 2019). Beyond that, particular attention is paid to the interplay of substantive law and procedural law (cf. ‘Regulatory copy and paste: The allocation of assets in cross-border insolvencies – methodological perspectives from the Nortel decision’, in: *Journal of Private International Law*, Volume 12, Number 2, August 2016, 379-410).

Comparative Procedural Law

As a member of a Belgian-German-French-Italian working group on the harmonisation of procedural law, Dr Laukemann’s research is also dedicated to a comparative analysis on major aspects of domestic procedural law. It has been conducted through published presentations given on specific issues of German procedural law at annual conferences (cf. ‘L’obligation du juge d’informer les parties dans la procédure civile allemande’, in: Chainais, Cécile & Hess, Burkhard & Saletti, Achille & Van Drooghenbroeck, Jean-François (eds.), *L’office du juge. Études de droit comparé*, Bruxelles 2018, 99-112, and ‘L’acquisition d’information et la production des documents en droit processuel allemand’, *ibid.*, 227-247).

Ensuring the effective right to privacy and personal data has become a crucial issue both at the regional and international level, where traditional expectations for the protection of one’s privacy or for control of an individual over his or her personal information have recently undergone major changes. As a result of the virtually limitless range of contexts in which such expectations operate, the dynamics and the dimension of the potential intrusions into one’s personal life have been significantly transformed. Against this backdrop, exploring private international and procedural law issues is of utmost significance, and the adaptation of general rules on torts and contracts may not necessarily provide an adequate and satisfactory solution. The scope of the project, which tackles questions of private enforcement, encompasses the protection of such rights in the framework of both traditional settings and mass media, and it extends to their treatment over the Internet, including but not limited to the context of social media. This research project is embedded in the activity of the ILA Committee on the Protection of Privacy in Private International and Procedural Law, chaired by Prof. Burkhard Hess and of which Dr Mariottini is co-rapporteur (with Prof. Jan von Hein, University of Freiburg). The Committee Officers presented the Committee’s findings both at the 77th ILA Biennial Conference in Johannesburg, in August 2016, and at the 78th ILA Biennial Conference in Sydney, in August 2018. During this latter meeting, the Committee submitted and presented its first Interim Report and Commentary to the Draft Guidelines on Jurisdiction and Applicable Law. Furthermore, the proceedings of a conference hosted at the Max Planck Institute Luxembourg in the framework of the Committee were published in the volume by B. Hess and C.M. Mariottini (eds), *Protecting Privacy in Private International and Procedural Law and by Data Protection. European and American Developments* (2015).

*European Procedural Law
The External Dimension of EU
Private International Law*

The focus of the European Union on multilateral efforts towards the harmonisation of private international law has progressively increased over the years. The EU is already a signatory to numerous multilateral conventions on questions of jurisdiction, applicable law and the recognition and enforcement of judgments. Moreover, several multilateral instruments on judicial cooperation in civil matters have been ratified by the Member States 'in the interest of the Union' or are administered by the European Union. While on numerous occasions the Court of Justice of the European Union has ruled on the scope of the external dimension of the European Union in the area of private international law, the conditions upon which this competence should be regarded as exclusive and the principles according to which the competence itself should be exercised are, to date, far from being defined and are, to the contrary, subject to a progressive shaping. This project – which benefits from, inter alia, my tenure as Legal Officer, first and Senior Legal Officer, then at the Hague Conference on Private International Law, working on the Hague Judgments Project on the recognition and enforcement of foreign judgments in civil and commercial matters – tackles the relations of the EU with non-EU countries and international organisations in the area of private international law, as well as the development of the EU's external action and legislation in this area. It focuses, among the others, on the 2007 Lugano Convention, the 2005 Hague Convention on Choice of Court Agreements, the Hague Judgments Project, the 2007 Hague Convention on Child Support and the 2007 Hague Protocol on the Law Applicable to Maintenance Obligations.

*Facilitating Cross-border Family Life: Towards a
Common European Understanding (The EUFam's II
Project)*

To meet the needs that arise from the progressively increasing migratory flows within the EU and from third countries, the European Union's system of private international law in family law matters has gradually and significantly extended its material scope, to include – in addition to matrimonial matters, parental responsibility and maintenance obligations – successions, and matrimonial property regimes and the property consequences of registered partnerships. Alongside the EU Regulations, additional relevant private international law instruments are the 2007 Hague Convention on International Recovery, the 2007 Hague Protocol on Maintenance Obligations, the Hague 1980 Child Abduction Convention, as well as the Hague 1996 Child Protection Measures Convention. These instruments regulate family law matters in an interconnected and yet fragmentary fashion. Their demarcation and relationship have become increasingly difficult to assess, notably as regards the determination of their respective scopes of application, the assessment of their interplay and actual workability, and the practical application of their provisions. Such fragmentation and the ensuing uncertainties may significantly affect the real family life situations of citizens, which are generally of a unitary nature. The project "EUFam's II: Facilitating Cross-Border Family Life: Towards a Common European Understanding" (JUST-AG-2017/JUST-JCOO-AG-2017, 800780) – conducted by the Universities of Heidelberg (coord.), Milan, Verona, Valencia, Osijek, and Lund and the MPI Luxembourg – aims to develop a common European expertise and understanding, and secure the uniform, coherent and consistent application of such instruments. In the context of EUFam's II, Dr Mariottini acts as coordinator of the Project on behalf of the MPI Luxembourg. This Project constitutes the continuation of the first EUFam's project (JUST/2014/JCOO/AG/CIVI No 4000007729, concluded on 31.12.2017, whose research outputs are available at www.eufams.unimi.it, and whose proposal to the EU Commission Dr Mariottini co-authored).

1.5.4.

*Prof. Marta
Requejo Isidro*



*European Civil Procedure
The Hague Judgments Project*

The tag *Hague Judgments Project* designates an assignment to the Hague Conference on Private International Law to put in place a uniform legal framework for the recognition and enforcement of foreign judgments in civil and commercial matters. The idea of an international instrument in this area corresponds to the reality of a globalised economy, where the flow of cross-border travel and transactions is steadily increasing, with a corresponding intensification of cross-border disputes. The absence of a common system of dispute resolution at transnational level generates uncertainty, increases the costs of exchanges and may even dissuade economic actors from engaging in border. On April 2018 the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Legal Affairs (JURI), commissioned a Study of the Hague Judgments to a group of five researchers of different nationalities, among which is myself. The Study provides an assessment of the ongoing work of the Hague Conference on the Judgments Convention focusing on the last document available at that time - on the November 2017 Draft Convention-, its interplay with international and Union instruments in the field, as well as its potential future impact on the regulation of civil and commercial cross-border disputes. The final outcome is available on line at [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2018\)604954](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2018)604954).

*The Consequences of Brexit on Cross-Border
Private Relationships - Commercial and Family Law*

The withdrawal of the UK from the EU raises many doubts as to the legal regime of cross-border private relationships during the transitional period and after it comes to an end. A first presentation on the topic was made in London on the occasion of a seminar MPI/BIIICL on May, 26 2016 under the title "Post Brexit: The Fate of Commercial Dispute Resolution in London and on the Continent"; the issue addressed was *lis pendens* and third States under the Brussels Ibis regulation. A second presentation entitled "Farewell, UK. Stocktaking Time for a Continental Europe's Area of Civil Justice", was held at Edinburgh Law School, on November 23, 2016; it summarised the influence of the UK in the shaping of EU PIL and procedural law, and analysed the (improbable) chances of a bespoke, tailored-made agreement between the UK and the EU for the future; the reviewed and updated version is pending publication in a collective book. In 2018, a presentation on the provisions relating to private cross border relationships of the Draft Withdrawal Agreement was held at the Seminar "Brexit is coming!", on April 5, 2018, at the Universitat Autònoma Barcelona.

On June 13, 2018 an in-depth study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs to a multinational research team under the leadership of Prof. Requejo. The object of the research is the future relationship between the UK and the EU following the UK's withdrawal from the EU in the field of family law. The research explores the possible scenarios of judicial cooperation between the EU and the UK at both the stage of the withdrawal and of the future relationship in the area of family law. More specifically, it considers the main options for cooperation after Brexit in terms of legal certainty, effectiveness and coherence, and it scrutinises

their respective pros and cons. The study also reflects on the possible impact of the departure of the UK from the EU on the further development of EU family law. Finally, it offers some policy recommendations on the topics under examination. The outcome is the study entitled "The Future Relationship between the UK and the EU following the UK's withdrawal from the EU in the field of family law", freely accessible at [europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2018\)608834](http://europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2018)608834).

The Harmonisation of European Procedural Law General Approach

The harmonisation of European Procedural Law is a permanent line of research of the MPI. I have participated in the *EU Procedural Law Study (Mutual Trust strand)* carried out on request of the European Commission as member of the MPI team, and co-authored the first chapter of the General Report, 2017 (<https://publications.europa.eu/en/publication-detail/-/publication/531ef49a-9768-11e7-b92d-01aa75ed71a1/language-en>).

As sole researcher I have delved into the efforts to achieve procedural harmonisation. In "The need for common standards of EU civil procedure and how to identify them: do we need harmonisation to achieve harmonious cooperation?", (Rotterdam, February 2016), I explore the rationale and achievements of procedural harmonisation in Europe for criminal matters, with the aim of assessing a "transplant" to the civil justice domain. The text "El inestable edificio del espacio europeo de justicia" of 2016, focuses on the systemic interrelation of the actors involved in setting up the European area of (civil) justice, to evaluate whether "the house of European civil procedure" is built up following the

so-called "deconstructivism" (cfr. X. Kramer, *Procedure Matters*, Erasmus Law Lectures 33) or, on the contrary, the building materials are appropriate, the quality control is sufficient, and there is a real work of design plans and detailed drawings which properly take into account the particularities of the construction site.

The Harmonisation of European Procedural Law Ancillary Aspects

This prong of the research addresses issues closely connected with the previous one - i.e., the harmonisation of procedural law-, but of a different nature. In the current European Area of Freedom, Security and Justice the common rules of procedural law are complemented by equally common conflict of law rules, meant to be applied in a uniform way all throughout Europe, and apt to be the subject matter of a preliminary reference to the ECJ so as to ensure a single understanding of the rules leading to the applicable substantive law. This explains the attention I devoted to the European conflict of laws rules - and of foreign law as the consequence of their application - from two angles: firstly, the degree of harmonisation was the topic of a presentation in 2016 ("El Derecho internacional privado en el Espacio Europeo de Justicia: qué lugar para el derecho nacional?", in: *Novos Desafios Ao Direito Civil. Jornadas Internacionais no Âmbito da Comemoração dos 50 Anos do Código Civil Português*, Universidade do Minho, Braga, 29-30 September 2016). Secondly, the ascertainment of the foreign law designated by a EU conflict of law was presented at a conference in Berlin ("The Application of European Private International Law and the Ascertainment of Foreign Law", in: *How European is European Private International Law?*, Berlin, 2-3 March 2018), following up the entry for the European Encyclopedia of Private International Law "*Lex fori (lex fori in proprio foro)*", published in 2017.

Sectorial Procedural Harmonisation

The "Brussels" Regime of Jurisdiction and Enforcement on Civil and Commercial Matters

This research line focuses on the first and still main instrument of European procedural law for cross-border disputes: the Brussels regulation, currently the Brussels Ibis Regulation. Therefore, even if due to the regulation's restricted scope (civil and commercial matters, to the exclusion of family law, maintenance, succession, insolvency or arbitration) the research topic must be classified as pertaining to limited, sectorial harmonisation, it is bound to remain of the basic subject matters of the Department and of my own individual research. In the period 2016-2018 I have examined two specific aspects of the Brussels regime: the choice of court in favor of non-EU Member States within the Brussels system (publishing, together with F. Koechel, the paper "Elección de foro a favor de un tercer Estado en el sistema Bruselas", in: *La Ley. Unión Europea*, nº 39, July 26, 2016); and the enforcement of final monetary judgments (first as a presentation, later, updated, as a contribution to the collective book *Brussels Ibis Regulation – Changes and Challenges of the Renewed Procedural Scheme – Short Studies in Private International Law*, V. Lazić, S. Stuij (eds.), Springer, 2016).



Insolvency

Between 2015 and 2017 the MPI led a project of research co-funded by the European Commission under the Specific Programme "Civil Justice", on the interwoven issues of cross-border insolvency proceedings under the reformed European Insolvency Regulation, Regulation 2015/848 (see <http://insreg.mpi.lu/>). In 2017 a book was published by Nomos-Hart, coedited by the main researchers, collecting the core conclusions of the project. The Chapter "Cooperation, Communication, Coordination", compiles the outcome of my own contribution to the research, focused on the obligation to cooperate of the various insolvency practitioners and the courts involved in a situation of cross-border insolvency with a view of contributing to the efficient administration of the debtor's insolvency estate or to the effective realisation of the total assets.

Family and Succession Law in Europe

This line of research focuses on different aspects of family and succession law in Europe. Regarding the former, it has crystallised in several individual presentations or/and publications related to the protection of children in cross-border settings. The case of international child abduction and the divergent views of the CJEU and the ECHR on the exam to be performed by the courts in the State of refuge was the subject of a presentation entitled "On Child Abduction and Article 8 ECHR", (San Sebastián, 3 March 2016). An in-depth analysis followed up: "El derecho al respeto a la vida privada y familiar y el secuestro internacional de menores. Los estados miembros de la UE ante el TEDH: estado de la cuestión (2016)", in: *Anuario de los cursos de Derechos Humanos de Donostia-San Sebastián*, 2017, J. Soroeta Liceran (ed.), Aranzadi, 2017, pp. 283-320).

Still on family law, a second strand of research focused on the case of unaccompanied children applying for asylum in an EU Member State. Here I highlighted the mismatch of the current grounds for jurisdiction of the civil courts -competent for the protection of any child, according to the Brussels II bis Regulation- and the administrative authorities -in charge of organising the protection of asylum-seekers, according to the Regulation 604/2014, Dublin III- (see “La protección del menor no acompañado solicitante de asilo: entre Estado competente y Estado responsable”, *Cuadernos de Derecho Transnacional*, vol. 2, octubre 2017).



Succession Law

My first analysis on EU succession law concentrated on the black letter of the law. The publication of the Regulation 650/2012 prompted reflections related to the drafting of the instrument, in particular the Preamble, against the backdrop of the EU Better Law-Making programs. The first outcome was presented in Santiago de Compostela in 2016, in the context of a seminar on domestic and EU succession law (“El Reglamento 650/2012. Reflexiones sobre la utilidad y sentido de los preámbulos”, Universidad de Santiago de Compostela, 16 December 2016).

At a later stage the research moved to the Regulation in practice. The succession Regulation has been fully applicable since August 17, 2015, to all successions opened on or after that date, regardless of any disposition of property upon death (or choice of law) made prior to that date. In the summer of 2017 several Spanish decisions had already been given regarding the transitional provisions, which were presented in Madrid at the Fundación Coloquio Jurídico Europeo, Madrid, on October 19, 2017, on invitation by former Advocate General Pedro Cruz Villalón. Two papers are pending delving on the same topic, updated with further Spanish decisions and adding as well case law from other jurisdictions.

Family Law and Succession in Europe

The EUFam's Project aimed to identify difficulties faced by courts and practitioners, to develop uniform best practices, and to formulate policy guidelines for future regulations and/or amendments to the current EU regulations in the field of family and succession law. The project was carried out by a consortium of EU Universities and the MPI Luxembourg, under the leadership of the University of Milano. It focused on Germany, Italy, Spain, and Croatia, but extended its scope to the examination of the practice of other EU countries. To facilitate the insights into the actual practice of national courts a data base of national case law relating to the above-mentioned EU instruments was set up incorporating the reference to all available decisions of the four main jurisdictions under exam from the date of full application of the regulations until November 2017. An English translation of the facts and a summary are also provided. The data base is of public access.

The project started in January 2015 and ended in December 2017. In addition to the research work on the legal background, literature and case law of France, Luxembourg, Greece and Bulgaria, the MPI contributed to the project hosting an International exchange seminar of two days in May 2017. I participated as member of the MPI team and as a speaker at the conference, addressing the (scarce) existing national case law and the preliminary references pending at the time before the ECJ on the Succession Regulation.

It is frequently the case that one topic of research opens up a window to a second one. The already referred to analysis on child abduction under EU law led to further research into the relations between the ECJ and the ECHR beyond family law. The ECtHR Grand Chamber decision in *Avotiņš c. Letonia* in 2016, in the domain of civil and commercial matters, encouraged the writing of the paper "*Avotiņš c. Letonia*, STEHD, de 23 de mayo de 2016, as. 17502/07", in: *Revista General de Derecho Europeo*, vol. 40 (2016), pp. 189-291. Later, the interplay between both Tribunals when deciding on cross-border issues, within the limits of their respective competences, was presented at a conference in Salamanca ("*El diálogo entre el TJUE y el TEDH en las situaciones jurídico-privadas internacionales*", in: *El diálogo judicial internacional en la protección de los derechos fundamentales*, joint conference University Salamanca/MPI Heidelberg, Salamanca 26-27 November 2017).

In turn, the exam of the Preamble to the Succession Regulation triggered a broader inquiry on the interface between the wording and the language of the Preambles of the EU Regulations and their -almost universally advocated- interpretative role; the investigation led to a conclusion contradicting the latter. It has been recently published as a contribution to a collective book.

Cross-border Recovery of Debts – IC2BE

This research project, which started formally in January 2018, focuses on the so-called “second generation” of EU regulations on procedural law for cross-border cases: the European Enforcement Order, Order for Payment, Small Claims (as amended by Regulation (EU) 2015/2421) and the Account Preservation Order Regulations. In order to guarantee the European scope of the project and its quality, a consortium of researchers from the Max Planck Institute Luxembourg and leading European universities was created in 2017 under the coordination of the University of Freiburg and applied successfully for a Grant of European Commission. The principal aim of the project is to conduct an in-depth examination of the operation of the above-mentioned legal instruments in practice, taking in particular into account their interplay with national procedural laws. The methodology combines desk research with seminars and interviews with practitioners of several EU jurisdictions so as to get a comprehensive understanding of the instruments and assess their function (or malfunction, as the case may be). The project will run until the end of 2019. Within the MPI team I work as project leader.

Comparative Procedural Law *Cycle Cassation et Revision- Tarzia Group*

On May, 22-23, 2017 the Belgian-German-French-Italian working group on the harmonisation of procedural law - the so-called *Tarzia Group*- met in Paris to discuss the cassation appeal from a comparative point of view under the overall topic of *Cycle Cassation et révision: Quel avenir pour les juridictions suprêmes ? L'accès au juge de cassation : droit positif et droit prospectif*. Although not a member of the group I was invited to explain the function and scope of the appeal under Spanish law, with particular stress in the sharing of competences between the *Tribunal Supremo*, the highest court in all orders based in Madrid, with jurisdiction throughout the national territory, and the *Tribunales Superiores de Justicia*, which culminate the judicial organisation in the territorial scope of each Autonomous Community.



Dispute Resolution at the Cross-Roads of Private and Public International Law
The Protection of Privacy (Data Protection)

In 2013 the ILA Committee on the Protection of Privacy in Private International and Procedural Law was set up on initiative of Prof. B. Hess (see <https://www.mpi.lu/ila-committee-on-the-protection-of-privacy-in-private-international-and-procedural-law/>).

Within this framework, and since the first ECJ decision upon a preliminary reference by *M. Schrems* (case C- 362/14, of 6 October 2015), I have been doing research on the topic of data protection of natural persons, in particular regarding the General Data Protection Regulation (GDPR) (EU) 2016/679, its substantive and procedural improvements in comparison to the previous regimen, and its interplay with the EU Member States' national laws. In this context a first article was published *La Ley Mercantil* on December 2017, addressing the provisions of the GDPR which support private enforcement of the obligations of data controllers and processors, and reinforce the fundamental right to informational self-determination by providing wider access and remedies before the civil courts. A second paper focuses on the same topic but address it from the perspective of the sectorial harmonisation of procedural law in Europe; it is pending publication. A paper on the *Schrems* case was published in 2018 in the MPI Luxembourg Working Paper Series (Max Schrems against Facebook STJUE, as. C-498/16, *MPILux Working Paper 4* (2018)). In addition, I was as a speaker in two seminars in 2018 -Madrid, 23 May 2018, at the Fundación para la Investigación sobre el Derecho y la Empresa; and Luxembourg, 19 July 2018, at a joint seminar MPI/Universidad Complutense de Madrid, on the Harmonisation of European Procedural Law.

Human Rights Violations – Remedies

My contributions to this line of research build upon previous analysis developed for a number of years. In June 2016 I was invited to address the (unsuccessful) national *Plan de empresas y derechos humanos* at the University of the País Vasco, San Sebastián. I have equally addressed the issue of access to remedy on several occasions: focusing on the well-known *Lago Agrio* saga, in my paper "Effective Access to Remedy: The Lago Agrio Litigation as a Testing Field", (in: *Implementing the UN Principles on Business and Human Rights. Private International Law Perspectives*, Schulthess Verlag, 2017, pp. 93-119). The unsatisfactory situation in Europe regarding jurisdictional grounds for private claims based on human rights violations by MTE was examined in "Business and Human Rights Abuses: Claiming Compensation under the Brussels I Recast", 10 *Human Rights and International Legal Discourse* 1, 2016 special issue The Corporate Responsibility to Respect Human Rights: The Emerging European Union Regime. Finally, the implementation of the III Pillar of the Ruggie Principles in the EU was the object of a presentation in 2017 ("Los Principios Ruggie en la UE: el Tercer Pilar", in: *La UE y la Protección de los Derechos Fundamentales*, Proyecto Jean Monnet European Shared Values and Their Implementation in the Light of the EU Governance Challenge (EUCOVAL), AEPDIRI, Málaga, 20-21 April 2017).

Dispute Resolution in the Aftermath of WWI - The Mixed Arbitral Tribunals

In the fall of 2016, the MPI conceived a joint conference to be celebrated at the end of 2017, commemorating the end of the Word War One (WWI); the key focus got impeccably reflected in the title "Peace through Law: The Versailles Peace Treaty and dispute settlement after WWI". I got involved in the project through the study of the so-called "mixed arbitral tribunals", hybrid bodies set up in the aftermath of the war to settle, in an efficient and quick way, the many disputes relating to the private relationships of monetary content (contracts, assets, debts) among nationals of the belligerent countries. The historical analysis was based on contemporary literature but benefit to a large extent from the publication of most of the decisions of the Mixed Arbitral Tribunal (MAT) in the *Recueil des Decisions des Tribunaux Arbitraux Mixtes par les Traités de Paix*, currently accessible via Hein on Line. Before the conference I wrote two papers, one centered mainly on the procedural aspects of the MAT and the other one expanding the analysis to the applicable law. In December 2017 I was a speaker at the above-mentioned conference, together with Prof. Burkhard Hess. The research topic is likely to have a follow up in a forthcoming MPI common project on dispute resolution by mixed tribunals of all sorts. For the time being, a paper was published in 2018 in the MPI Luxembourg Working Paper Series (The Mixed Arbitral Tribunals in the Peace Treaties of 1919-1922, *MPILux Working Paper 5* (2018)).

Arbitration, the per excellence ADR Mechanism - Trust and Deference

A new line of research started in 2016, on the occasion of an invitation to a conference held at New York University (NYU) on the Impact of EU Law on International Commercial Arbitration, where I addressed EU competition law in the field of arbitration. The Directive 2014/104/EU expressly mentions arbitration as an alternative dispute mechanism. I therefore opted for a presentation evaluating the sense, scope and possible practical consequences of this reference.

Commercial arbitration will be dealt with anew in the near future, at a workshop organised by the Asser Institute (The Hague) under the title "Trust and Deference between Legal Authorities in the World". For the purpose of the workshop, deference means that an authority does not make its own assessment or decision in a particular matter but relies on the judgment of another authority; the deferring authority puts its trust in the authority it defers to, and trust that the second authority makes a correct decision in matters of fact and law, especially the rule of law. Seen from this angle it is the legitimacy of commercial arbitration itself that comes to the forefront, beyond - rather, in addition to - the concerns relating to due process in arbitration proceedings.

1.5.5.

*Dr Veerle
Van Den Eeckhout*



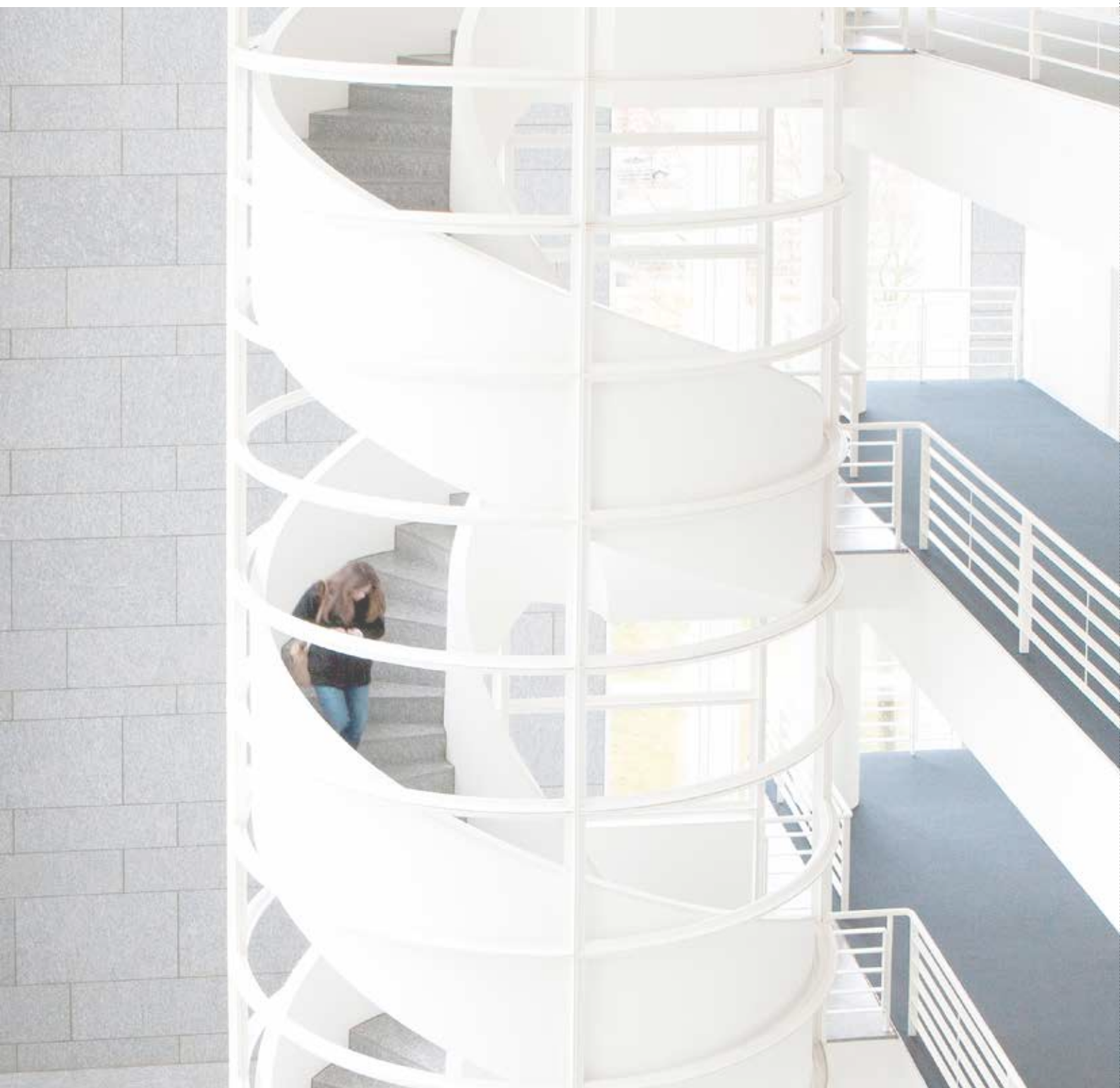
*EU Procedural Law
IC2BE Project*

IC2BE (“Informed Choices in Cross-Border Enforcement”) is a research project on cross-border litigation in the European Union. The project is co-funded by the European Commission (JUST-AG-2016-02). IC2BE focuses on the “new generation” of EU Regulations regarding the collection of debts, i.e. the European Enforcement Order, Order for Payment, Small Claims and the Account Preservation Order Regulations. The project partners are conducting an in-depth examination of the functioning of these legal instruments. The project is coordinated by the University of Freiburg (Germany, Prof. Dr Jan von Hein) and includes the participation of the University of Antwerp (Belgium), Wroclaw University (Poland), Erasmus University Rotterdam (the Netherlands), University of Complutense (Spain), Milan University (Italy), Max Planck Institute Luxembourg (Luxembourg). The research involves: national seminars; interviews with stakeholders (judges, lawyers, legal advisors etc.); case law collection and setting up of a database; analysis and reporting. A first international workshop concerning the management of judicial databases took place on 26 February 2018 at the Max Planck Institute Luxembourg; the event gathered the contribution of experts from, i.a., the European Commission, the

European Court of Human Rights and the Court of Justice of the European Union. On 8 June 2018, a second workshop took place at the MPI Luxembourg; the workshop of 8 June 2018 addressed the application in practice of the above-mentioned regulations in Luxembourg and France; people from academia and practitioners met to share their experiences regarding the application of the EU instruments falling under the scope of the project. A subsequent workshop will be organised at the MPI Luxembourg in 2019. IC2BE runs from 1 January 2018 to 31 December 2019.

Rules on International Jurisdiction in the Context of the “Second Generation” of EU Regulations

Dr Van Den Eeckhout is currently writing a paper on the rules of international jurisdiction in the context of the “second generation” regulations: in this paper, the author analyses the rules of international jurisdiction in the context of the second generation regulations, i.e. the European Enforcement Order Regulation, the European Order for Payment Regulation, the European Small Claims Regulation, and the European Account Preservation Order Regulation. The author explores the extent to which protection is given to weak parties in this context.



2. *Department of International Law and Dispute Resolution*

2.1. General Research Agenda

Over the last three decades the international legal order has reached an unprecedented level of complexity and diversity, largely because of the establishment of many new international courts and tribunals and other adjudicative bodies, or the multiplication of procedures aiming at controlling compliance with international commitments. However, the way scholars have approached public international law remains mainly by focusing on the analysis of substantive rules. Procedural issues faced when elaborating upon and applying these sets of rules have been largely overlooked or ignored by academics.

Under the leadership of Prof. Hélène Ruiz Fabri, the research agenda of the Department of International Law and Dispute Resolution endeavours to examine the procedural law perspective in a holistic manner. The research team strives to identify and systematically investigate a branch of law, i.e. international procedural law, never before analysed as such in an effort to reveal its inherent characteristics. Therefore, the research projects of the Department principally pivot on the affirmation and delimitation of international procedural law, with a particular focus. The projects adopt a comprehensive understanding of “adjudication”, which, alongside the traditional mechanisms, also includes non-binding (e.g. compliance and communication procedures) and non-contentious (e.g. advisory opinions) forms. “Adjudication” is thus broadly defined as the interpretation and application of a pre-existing internationally relevant series of

rules, regardless of whether or not these rules themselves and the resulting act are legally binding. The purpose of this definition is to break away from the formal, source-based conception of the international legal space commonly encountered.

Generally, the aim of the Department is to elucidate the influence of international procedural law on the evolution of public international law, while uncovering procedural law’s stakes and deciphering the politics driving it. In other words, the Department intends to highlight the importance of procedure for the further development of international law. It takes into account the concept of international procedural law in its broadest sense and relies on a synoptic method that unites theoretical, historical, and practical perspectives on international dispute settlement. This reflects the pluralistic method that seems to be required by the diversification of international law. Moreover, procedure is not limited to the field of adjudication. All forms of decision-making processes are included.

To investigate this under-explored field of law, two ambitious projects have structured the research programme of the Department since its creation in September 2014: the “Max Planck Encyclopedia of International Procedural Law” (EiPro) and “The Making of Judicial and Arbitral Decisions”. The goal of EiPro is to systematically map the field. In this respect, it strives to gather and organise the entirety of the available knowledge on international procedural law. It also proposes approaches never before applied in this field, and promotes a systematic use of

Under the leadership of Prof. Hélène Ruiz Fabri, the research agenda of the Department of International Law and Dispute Resolution endeavours to examine the procedural law perspective in a holistic manner.

the comparative methodology, placing the project at the forefront of the discipline. At the same time, this systematisation constructively shapes the field while shedding light on those unheralded issues and attributes that deserve deeper investigation. On the other hand, "The Making of Judicial and Arbitral Decisions" aims to crack the encryption that often veils the decision-making processes of international courts and tribunals, and of other adjudicative bodies. The analysis adopts both a future-oriented and a history-based approach to point out the major features and trends within the international law-making process.

The different backgrounds of the researchers involved in the Department enrich, structure, and further the research projects of the Department in general and have proven highly beneficial to EiPro and the "Making of Judicial and Arbitral Decisions" more specifically. The Department readily draws upon the diversity of its collaborators, reflected in their broad spectrum of specialisations, origins, cultures, and fields of research. Our interdisciplinary research environment, thus, encourages the cross-fertilisation of views on the developments of public international law.

The various projects developed by the Department's researchers from 2016 to 2018 can be categorised in five research clusters:

By virtue of the various research projects conducted within the Department, many crucial topics are addressed and challenged: the legitimacy of international courts and tribunals; the impartiality and independence of those rendering justice; the cross-fertilisation of the international legal space; the efficiency and accuracy of the instruments and procedures used in the judicial exercise; the sociological and political impact of the procedural instruments too often considered neutral; the role of procedure in the guarantee of a due process and fair trial. All in all, as the aforementioned indicates, the idea of procedural justice lies at the heart of the research agenda of the Department of International Law and Dispute Resolution.

In the few years since its inception, the Department has achieved its initial goals. The MPI Luxembourg is known worldwide as the research centre tackling procedural issues in international public law. Its first generation of Research Fellows has already submitted – and defended for three of them – a Ph.D. dissertation or plans to send the final draft in the course of 2019. The Department also witnessed some Senior Research Fellows being awarded tenured academic positions.

- 1) International Economic Law and Adjudication;
- 2) Litigation, Human Rights and Criminal Justice;
- 3) History of International Dispute Settlement;
- 4) Comparative and Theoretical Approaches;
- 5) International Dispute Settlement and New Technologies.

2.2. Composition and Structure of the Department

At the end of 2018, the Department comprises seven Senior Research Fellows, fourteen Research Fellows, and four Student-Assistants originating from fifteen countries and representing five continents. The Department also benefits from administrative and scientific support specifically dedicated to its research programme: Ms Arlyne Moinier-Vandeventer is the project manager of EiPro, Ms Nathalie Perrin coordinates the scientific activities developed within the Department, and Ms Sylvie Peyre assists Prof. Hélène Ruiz Fabri.

All researchers are fully involved in the activities of the Department. The agenda of its meetings relies on their specific needs, be it methodological guidance, feedback on a paper they intend to submit, or research findings they want to share and discuss.

Through the scientific connections of its researchers, the Department of International Law and Dispute Resolution is actively engaged in international research projects, scientific and professional networks, and international organisations and fora. Seminars, colloquia, and in-house workshops organised by the Department or in collaboration with other research institutions enrich the perspectives of the researchers. Lectures by the numerous guests visiting the Institute have the same effect. Moreover, the researchers of the Department are committed to sharing their results and expertise through their numerous publications, conferences, and teaching activities within Europe and overseas.

Prof. Ruiz Fabri takes great pride in endorsing the individual and collaborative projects developed by the researchers of the Department. Throughout the last three years, she allocated significant human and financial resources to support several projects of major interest for the Institute as well as researchers' professional trajectories, training them in the drafting of project proposals and grant applications. With her assistance, the Luxembourg National Research Fund (FNR) supported the "Lecture Series on Sovereign Debt", designed by Henok Asmelash and Alain Zamaria, which was hosted at the premises of the MPI Luxembourg between September and December 2016. It also financed 50% of the conference "A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea", organised on 25-26 September 2017, whose outlines were drafted by Tamar Meshel and Marco Benatar. The edited volume published by Brill Nijhoff as well as the special issue of the *European Journal of International Law* based on the conference presentations are both expected in 2019.



2.3. Main Department Projects

2.3.1. Max Planck Encyclopedia for International Procedural Law (EiPro)

The intellectual focus on the mechanisms and techniques of international dispute resolution and decision-making currently guides a major initiative of the Department: the *Max Planck Encyclopedia of International Procedural Law* (EiPro).

Professor Ruiz Fabri laid the foundations of the project before joining the MPI Luxembourg as Director. In 2015, under her leadership, and with the support of an editorial team composed of scientific, technical, and administrative staff of the Department of International Law and Dispute Resolution, EiPro officially got off the ground. The first year of the project primarily focused on defining the Encyclopedia's scientific scope and organising the work to come.

By the end of 2016, a comprehensive list of 1,110 encyclopedic entries had been established – a notable milestone. These entries cluster around 14 thematic poles, namely: 'Institutions', 'Procedures', 'Composition', 'Participation', 'Organisation of proceedings', 'Jurisdiction', 'Evidence', 'Decision-making', 'Review', 'Enforcement', 'Cooperation', 'Ethics', 'Theory', and 'History'.

Recourse to the analytic toolbox of comparative law is an important feature of the Encyclopedia. Accordingly, entries have been subdivided into six categories, two of which are comparative in nature. System-specific entries analyse a particular issue, or set of issues, as it arises within a single international legal system or procedure (e.g. "Cross Debarment" or "Deliberation and drafting: International Court of Justice (ICJ)"). System entries are wider in

scope for they deal with an institution or procedure in their entirety, as opposed to a single issue (e.g. "Committee of Experts on the Application of Conventions and Recommendations: International Labour Organization (ILO)" or "Benelux Court of Justice"). Family-specific comparative entries analyse a specific issue in a comparative key, keeping the comparison within the bounds of a family of legal systems (e.g. "Jurisdictional impact of most favoured nation clause" or "Standard of review: investment arbitration" or "Appeal: International criminal courts and tribunals") when such a restriction appears to be methodologically appropriate or heuristically advantageous. General comparative entries are in principle all-encompassing in terms of system coverage (e.g. "Site visit" or "Ad hoc judge"). Theoretical entries are sites of conceptual clarification and philosophical inquiry, and gateways to interdisciplinary explorations (e.g. "De-fragmentation techniques" or "Practice theory and international adjudication"). Historical entries are also an important site of investigation bringing back to light, besides well-known examples, forgotten institutions or projects, as well as defunct institutions whose failure is a source of experience. These entries are also thought of as a reminder of how important context is (e.g. "Upper Silesian Mixed Commission" or "International Investment Court"). While set in a separate category, EiPro relies on the fact that theory is pervasive and that distinguishing a theoretical topic from one that lends itself to a general comparative treatment may be difficult. In many encyclopedic entries comparison and theorisation go hand in hand.



As preparations continued in 2016, emphasis was placed on building collaborative partnerships that were needed to frame and manage the project. Oxford University Press (OUP) officially signed on as the publisher, a Scientific Advisory Board (SAB)

consisting of renowned scholars (including (former) directors of Max Planck Institutes), international judges and arbitrators as well as other practitioners was created, and a first batch of possible authors was identified.

Encyclopedia

Keywords

Advanced Search

Keywords

Search

Keywords

Advanced Search

Keywords

ID	Title	Year	Category	Status	Publication Format	Author	Language	ISBN	Category
0001	Encyclopedia of Mathematics	2001	Mathematics	Available	Print	J. Doe	English	0-12-345678-9	Mathematics
0002	Encyclopedia of Computer Science	2002	Computer Science	Available	Print	A. Smith	English	0-12-345679-0	Computer Science
0003	Encyclopedia of Physics	2003	Physics	Available	Print	B. Johnson	English	0-12-345680-1	Physics
0004	Encyclopedia of Chemistry	2004	Chemistry	Available	Print	C. Williams	English	0-12-345681-2	Chemistry
0005	Encyclopedia of Biology	2005	Biology	Available	Print	D. Brown	English	0-12-345682-3	Biology
0006	Encyclopedia of Earth Sciences	2006	Earth Sciences	Available	Print	E. Green	English	0-12-345683-4	Earth Sciences
0007	Encyclopedia of Medicine	2007	Medicine	Available	Print	F. White	English	0-12-345684-5	Medicine
0008	Encyclopedia of Law	2008	Law	Available	Print	G. Black	English	0-12-345685-6	Law
0009	Encyclopedia of History	2009	History	Available	Print	H. Grey	English	0-12-345686-7	History
0010	Encyclopedia of Art	2010	Art	Available	Print	I. Blue	English	0-12-345687-8	Art
0011	Encyclopedia of Music	2011	Music	Available	Print	J. Yellow	English	0-12-345688-9	Music
0012	Encyclopedia of Literature	2012	Literature	Available	Print	K. Purple	English	0-12-345689-0	Literature
0013	Encyclopedia of Film	2013	Film	Available	Print	L. Pink	English	0-12-345690-1	Film
0014	Encyclopedia of Television	2014	Television	Available	Print	M. Brown	English	0-12-345691-2	Television
0015	Encyclopedia of Video Games	2015	Video Games	Available	Print	N. Green	English	0-12-345692-3	Video Games
0016	Encyclopedia of Internet	2016	Internet	Available	Print	O. White	English	0-12-345693-4	Internet
0017	Encyclopedia of Social Media	2017	Social Media	Available	Print	P. Black	English	0-12-345694-5	Social Media
0018	Encyclopedia of Mobile Computing	2018	Mobile Computing	Available	Print	Q. Grey	English	0-12-345695-6	Mobile Computing
0019	Encyclopedia of Cloud Computing	2019	Cloud Computing	Available	Print	R. Blue	English	0-12-345696-7	Cloud Computing
0020	Encyclopedia of Big Data	2020	Big Data	Available	Print	S. Yellow	English	0-12-345697-8	Big Data
0021	Encyclopedia of Artificial Intelligence	2021	Artificial Intelligence	Available	Print	T. Purple	English	0-12-345698-9	Artificial Intelligence
0022	Encyclopedia of Quantum Computing	2022	Quantum Computing	Available	Print	U. Pink	English	0-12-345699-0	Quantum Computing
0023	Encyclopedia of Nanotechnology	2023	Nanotechnology	Available	Print	V. Brown	English	0-12-345700-1	Nanotechnology
0024	Encyclopedia of Space Exploration	2024	Space Exploration	Available	Print	W. Green	English	0-12-345701-2	Space Exploration
0025	Encyclopedia of Mars	2025	Mars	Available	Print	X. White	English	0-12-345702-3	Mars
0026	Encyclopedia of Venus	2026	Venus	Available	Print	Y. Black	English	0-12-345703-4	Venus
0027	Encyclopedia of Jupiter	2027	Jupiter	Available	Print	Z. Grey	English	0-12-345704-5	Jupiter
0028	Encyclopedia of Saturn	2028	Saturn	Available	Print	AA. Blue	English	0-12-345705-6	Saturn
0029	Encyclopedia of Uranus	2029	Uranus	Available	Print	BB. Yellow	English	0-12-345706-7	Uranus
0030	Encyclopedia of Neptune	2030	Neptune	Available	Print	CC. Purple	English	0-12-345707-8	Neptune
0031	Encyclopedia of Pluto	2031	Pluto	Available	Print	DD. Pink	English	0-12-345708-9	Pluto
0032	Encyclopedia of Dwarf Planets	2032	Dwarf Planets	Available	Print	EE. Brown	English	0-12-345709-0	Dwarf Planets
0033	Encyclopedia of the Solar System	2033	Solar System	Available	Print	FF. Green	English	0-12-345710-1	Solar System
0034	Encyclopedia of the Universe	2034	Universe	Available	Print	GG. White	English	0-12-345711-2	Universe
0035	Encyclopedia of Cosmology	2035	Cosmology	Available	Print	HH. Black	English	0-12-345712-3	Cosmology
0036	Encyclopedia of Astrophysics	2036	Astrophysics	Available	Print	II. Grey	English	0-12-345713-4	Astrophysics
0037	Encyclopedia of Particle Physics	2037	Particle Physics	Available	Print	JJ. Blue	English	0-12-345714-5	Particle Physics
0038	Encyclopedia of Quantum Mechanics	2038	Quantum Mechanics	Available	Print	KK. Yellow	English	0-12-345715-6	Quantum Mechanics
0039	Encyclopedia of Relativity	2039	Relativity	Available	Print	LL. Purple	English	0-12-345716-7	Relativity
0040	Encyclopedia of General Relativity	2040	General Relativity	Available	Print	MM. Pink	English	0-12-345717-8	General Relativity
0041	Encyclopedia of Special Relativity	2041	Special Relativity	Available	Print	NN. Brown	English	0-12-345718-9	Special Relativity

EiPro Collaborative Platform

To manage the vast amount of articles and support the authors, EiPro relies on three advanced web-based tools. First, a tailor-made online work platform was designed to foster collaboration between researchers on the identification of relevant entries and the search for authors. This platform helps to analyse the living body of the encyclopedia and steers its evolution. The General Editor is then able to decide which authors to invite to contribute through a second platform: a customised version of the Editorial Manager. This online system provided by Aries is used to manage the huge editorial

workflow generated by the encyclopedic project. It is a cloud-based manuscript submission and peer-review tracking system that helps the EiPro editorial team to streamline the implementation phase by combining automation with customised support for authors. Finally, authors are given access to the EiPro Database website, where more than 3,000 documents, including treaties containing jurisdictional clauses, statutes, rules of procedure, codes of conduct, etc. are made available through an advanced search engine.



EiPro Editorial Manager

The following year, in 2017, the administration and management of the editorial workflow became a major focal point. After several periods of experimentation, building and optimising the chosen online editorial management platforms, a first batch of 300 invitations was disseminated at the end of February. About two-thirds of the contacted authors accepted the invitation to contribute.

To meet the needs of the demanding 16-month EiPro editorial workflow – which includes a single-blind peer review by two SAB members as well as careful proofreading and copy-editing work – Prof. Ruiz Fabri expanded the editorial team and assigned important roles to the researchers of her department. While the Senior Research Fellows contribute as Peer-Reviewers, the Research Fellows take on several editorial tasks as Associate Editors.



EiPro Editorial Workflow

As a result of this intensive team effort, 2018 saw the first set of about 100 entries submitted to OUP. Throughout the year, more than 450 authors from all over the globe were actively participating in various stages of the EiPro editorial workflow.

As of 2019, and introducing an initial release of hundreds of entries covering a broad spectrum of topics, OUP intends to start publishing EiPro as a distinct section of the Oxford Public International Law Portal (OPIL), the online platform that already hosts the *Max Planck Encyclopedia of Public International Law* (MPEPIL). OPIL's users will be able to access the two Encyclopedias simultaneously through a single research engine.

› **EiPro submitted entries**
(updated on 31 October 2018)



EiPro will be launched officially by OUP in September 2019 with a first batch of 250 entries. The encyclopedia, featuring about 1,000 entries, is predicted to be available online in full by the end of 2022.

Upcoming event:

- › **Official launch of the *Max Planck Encyclopedia for International Procedural Law*** by OUP, ESIL Annual Conference "Sovereignty: A Concept in a State of Flux?" (Athens, 12-14 September 2019).



2.3.2. The Making of Judicial and Arbitral Decisions

The pluri-annual and multidisciplinary research programme on the making of judicial and arbitral decisions aims to reveal the mechanism/mechanics of the decision-making of international courts and tribunals, as well as other adjudicative bodies. In doing so, it endeavours to identify the various factors that play a role in the decisional process, the actors involved, and the power dynamics between them. Consequently, the research programme brings into focus the various factors impinging upon the conditions under which judges perform their functions; from the identity of the claimant (citizens, other judges, States, international bodies, etc.) and the type of dispute to be settled to the case-load, time constraints, linguistic factors, the persons involved in the decision-making process other than judges, the ways in which drafting is actually organised and carried out, and the possibility to append individual opinions.

Judicial decision-making is investigated from a comparative perspective, which includes, but is not limited to, a broad range of major institutions, such as: the International Court of Justice (ICJ), the International Tribunal of the Law of the Sea (ITLOS), the World Trade Organisation (WTO) Dispute Settlement System, investment arbitration, the International Criminal Court (ICC), the European Court of Human Rights (ECtHR), the Court of Justice of the European Union (CJEU), along with some domestic supreme and/or constitutional courts.

This investigation requires an interdisciplinary framework of analysis, where sociological insights inform legal analysis. Regular meetings with judges and law clerks in the form of closed-shop round tables, as well as interviews of actors taking part in the shaping of judicial decisions, will enrich our common

reflection on possible procedural improvements; for not only must justice be seen to be done, it should also be done ever better.

In the framework of the research programme, six in-house workshops were organised, four of which occurred between 2016 and 2018. Workshops were formatted to favour interactions between highly experienced professionals and specialised academics. They aimed to provide an in-depth practical and theoretical analysis of the topic, addressing current and emerging trends of the decision-making of the international legal arenas, as well as the scope for reform.

One workshop, held on 12-13 May 2016, shed light on the role of unheralded actors in the functioning of the legal institutions: the law clerks, the registries, and the secretariats. At this occasion, these professionals assisting judges and arbitrators in the making of their decisions discussed various issues, which included: the appointment procedure for law clerks, members of registries, and secretariats; their relationships with judges and peers; the share of tasks between law clerks and registries / secretariats; and their role in the writing of opinions and decisions as well as in following decisions after their issuance. This workshop was organised in collaboration with Judge and Prof. Constance Grewe (Constitutional Court of Bosnia and Herzegovina) and Prof. Pasquale Pasquino (School for Advanced Studies in the Social Sciences (EHESS) and New York University).

The second workshop (30-31 March 2017) focused on the decision-making of the members of the United Nations Human Rights Treaty Bodies. During the two-day workshop, eleven members of Treaty Bodies, representing eight of them, engaged in issues such as the impact of the bodies' workload on the decision-making



processes, the role played by special rapporteurs, the collective decision-making in the context of reporting and the individual communications procedures, the follow-up on views, and the making of general comments.

A third event, on 27-28 April 2017, gave the floor to experts in the international adjudicative process. This workshop, co-organised with Professors Laurence Boisson de Chazournes and Makane Moïse Mbengue (University of Geneva), provided a platform for the exchange of ideas on a topic notorious for its divergent views. It highlighted and confronted, among others, issues such as the appointment of experts, their roles and obligations, the modes of using experts within the framework of the proceedings, and the means of assessing expert evidence available to the judge.

Finally, the most recent workshop focused on sociological aspects of practices by international tribunals. It was held on 8-9 November 2018 and organised in collaboration with Professors Moshe Hirsh (University of Jerusalem), Sungjoon Cho (Illinois Institute of Technology), Andrew Lang (University of Edinburgh), Ron Levi (University of Toronto), and Mikael Madsen (University of Copenhagen). Discussion centred around diverse socio-cultural issues involved in the operation and impact of international tribunals as, among others, interactions between formal procedural rules and informal norms; formal and social functions of tribunals; symbolic aspects of tribunals' proceedings and their decisions; legal cultures of international adjudication, adjudicators' socialisation and social identities of tribunals; socio-cultural factors influencing the diffusion of procedural rules across international tribunals; and the production of knowledge and cognitive aspects of the work of such tribunals.

Key events:

- › Workshop **"The Making of Judicial Decisions and the Role of Law Clerks, Registries and Secretaries"** (Luxembourg, 12-13 May 2016);
- › Workshop **"The Making of Decisions of the United Nations Human Rights Treaty Bodies"** (Luxembourg, 30-31 March 2017);
- › Workshop **"The Expert in the International Adjudicative Process"** (Luxembourg, 27-28 April 2017);
- › Workshop **"Sociological Perspectives on International Tribunals: Formal and Informal Rules, Functions and Symbols in the Practice of International Tribunals"** (Luxembourg, 8-9 November 2018).

Main publications:

- › Boisson de Chazournes, L., Ruiz Fabri, H., Mbengue, M.M., Das, R. & Gros, G. (Eds) (2018), **"Special Issue: Experts in the International Adjudicative Process"**, *Journal of International Dispute Settlement* 9(3).
- › Ruiz Fabri, H., Dunoff, J., Pollack, M. & Hirsch, M. (Eds) (2019, forthcoming), **"Sociological Perspectives on International Tribunals: Formal and Informal Rules, Functions and Symbols in the Practice of International Tribunals"**, *Temple International & Comparative Law Journal*.

2.4. History of International Dispute Settlement

Disputes among States or between States and other actors, as well as their efforts to solve them, are as old as their interactions and attempts to maintain peaceful relations. Unsurprisingly, many developments in public international law are rooted in historic trends, landmark cases, or revolutionary events. Therefore, a deeper understanding of this historical development holds the key to uncovering forgotten facets of international procedural law. This understanding also sheds light on contemporary trends and enables a more profound appreciation of current legal questions. Modern problems can, in other words, be better understood by situating them in their historical context or comparing them to similar questions from the past. Moreover, by questioning the narrative of these developments, it is possible to explore new angles, thereby adding new layers of understanding to pre-existing perspectives.



2.4.1. Department Projects



Prof. Hélène Ruiz Fabri

Dr Michel Erpelding

In collaboration with the Department of European and Comparative Law (Prof. Burkhard Hess and Prof. Marta Requejo Isidro)

Peace Through Law: The Versailles Peace Treaty & Dispute Settlement after World War I

On 6-8 December 2017, under the patronage of their Excellencies, the Ambassadors of France and Germany in the Grand Duchy of Luxembourg, the MPI Luxembourg organised and hosted a conference dedicated to the major impact of the Versailles Peace Treaty on international dispute settlement in the aftermath of the First World War. The inaugural session saw Prof. Nathaniel Berman deliver an extremely inspiring lecture entitled "Drama Through Law: The Versailles Treaty and the Casting of the Modern International Stage".

The two-day conference attracted 21 speakers, including several prominent academics (in the field of international law and in history) and international legal practitioners. Far from limiting their presentations to the Versailles Peace Treaty itself, speakers showed how this treaty and the other post-WWI Paris peace treaties profoundly reshaped both international law and international adjudication. Among many, a notable discussion was the round table, chaired by Prof. Hélène Ruiz Fabri and composed of Prof. Laurence Boisson de Chazournes, Prof. Photini Pazartzis and Judge and Prof. Hans Van Houtte, which debated the post-Versailles dispute settlement system's relevance from a contemporary perspective and how some aspects of this legacy subsist to this day.

Key event:

- › Conference "**Peace Through Law: The Versailles Peace Treaty & Dispute Settlement after World War I**" (Luxembourg, 6-8 December 2017).

Main publication:

- › Erpelding M., Hess, B. & Ruiz Fabri, H. (Eds) (2019, forthcoming), **Peace Through Law: The Versailles Peace Treaty & Dispute Settlement after World War I**. Baden-Baden: Nomos, Series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law".



Prof. Hélène Ruiz Fabri

Dr Lorenzo Gradoni

DEBACLES – Illusions and Failures in the History of International Adjudication

Encouraged by the post-Cold War rise of international adjudication, most international lawyers have focused their attention on judicial “success stories”. They have thereby revitalised a liberal-modernist narrative that views the constant expansion and improvement of international adjudication as historically ineluctable. Against this backdrop, the DEBACLES project – the first ‘spin-off’ from EiPro – aims to cast an unconventional light on the history of international adjudication, bringing to the foreground its many illusions and failures, the paths not walked, and, more generally, the nonlinearity of its developments.

An important milestone in the project was a conference organised in November 2016. On this occasion, 27 speakers engaged with specific failed attempts to create and operate international judicial fora, as well as the broader historical and theoretical issues related to such failures. First among these, was the clarification of the very concept of ‘failure’ and the identification of its subjective and objective dimensions. The conference offered a rich inventory of cases of failure arranged in two methodological panels (History and Theory) and four thematic panels (Human Rights; International Economic Law; Regional International Organisations; and International Criminal Law). Prominent and outwardly thriving institutions — including the ICJ, the CJEU, and the International Centre for Settlement of Investment Disputes

(ICSID) — were examined alongside lesser-known or almost forgotten ones such as the International Loans Tribunal and other dead letter courts. Taking a closer look at cases of failure allows for lessons to be drawn from past setbacks in the hope to spur the progressive advancement and further expansion of international adjudication. The analysis that the DEBACLES project offered may of course be put to such use. That said, the project’s main purpose is rather to develop a dispassionate critique of the practice of international adjudication itself and the ideological underpinnings most notably reflected in its historiography and structural limitations.

Key event:

- › Conference “**DEBACLES – Illusions and Failures in the History of International Adjudication**” (Luxembourg, 24-25 November 2016).

Main publication:

- › Ruiz Fabri, H. & Gradoni, L. (Eds) (2019, forthcoming), **DEBACLES – Illusions and Failures in the History of International Adjudication**. Baden-Baden: Nomos, Series “Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law”.

2.4.2. Individual Research Projects

Dr Michel Erpelding
The International Antislavery Law of
“Civilised Nations” (1815-1945)



The prohibition of slavery ranges amongst the most important rules of present-day international law. However, when it comes to determining the phenomena that this notion actually covers, international law has been less clear. Thus, while slavery and the slave trade have been supplemented by forced labour and servitude, the relationship between these notions has given rise to conflicting interpretations. Most of the controversy focuses on the existence of *de facto* slavery, i.e. the possibility to qualify a phenomenon as “slavery” after the legal institution of slavery has been formally abolished. Therefore, the ECtHR deems slavery inapplicable to extreme forms of forced labour in Europe. Conversely, International Criminal Tribunal for the former Yugoslavia (ICTY) case law and the ICC Statute have used the same definition as the ECtHR to characterise wartime sequestration and exploitation as enslavement.

This research tries to show that much of the debate is due to conflicting declarations made by colonial powers. These declarations are closely linked to the notion of “civilisation”, whose first appearance in positive international law coincides with the first multilateral antislavery instrument, the 1815 Vienna Declaration. Thus, the persistence of *de facto* slavery in colonial Africa was mostly denied in order to maintain the credibility of the “civilising mission”. Slavery was described as a primitive institution, impossible within the “civilised” setting of an industrialised nation. State practice shows a more complex picture. That being so, Western powers actually did

recognise the existence of *de facto* slavery by fighting enslavement and the slave trade in their colonial empires, even after the abolition of slavery as a legal institution. Moreover, the crisis of “civilisation” during World War I and its final demise during World War II were both marked by the recognition of slavery as a potentially Western phenomenon.

On 22 March 2017, Michel received his Doctoral degree from University Paris 1 Panthéon-Sorbonne with highest honours.

Awards:

- › Fondation Varenne Dissertation Prize (2017)
- › Jacques Mourgeon Prize of the Société française pour le droit international (SFDI) (2018)
- › Dissertation prize of the Sorbonne Doctoral Law School (2018)

Main publication:

- › Erpelding, M. (2017), *Le droit international antiesclavagiste des «nations civilisées»* (1815-1945). Paris: Institut Universitaire Varenne/Librairie générale de droit et de jurisprudence.



Dr Michel Erpelding

Historical International Courts
and Tribunals



The project aims to provide relatively comprehensive depictions of several international/internationalised courts and tribunals that were instrumental to the development of international adjudication (including investor-State arbitration) but have been largely forgotten by today's legal scholars and practitioners.

From a methodological point of view, this project applies the same multidisciplinary approach (legal/historical/sociological) to all examined adjudication bodies. In each case, the following questions will be addressed: Why was the relevant tribunal created? Which issues were discussed during negotiations preceding the tribunal's creation? Which procedures did the tribunal use and/or develop? How did it rule on substantial issues? Were the tribunal's decisions implemented? What was the tribunal's impact on society/the legal community (both at a local and at a larger level)/international adjudication?

While not disregarding doctrinal works, the project focuses on primary sources, notably archival materials (including the *travaux préparatoires* but also extending to subsequent diplomatic correspondence) and judicial practice (published decisions, but also administrative correspondence). Identifying, collecting, and displaying some of these sources in a systematic way would certainly further enhance the attractiveness of our Library.

The project will address the following adjudicatory bodies with priority, since these were seen as especially important by authors of the Interwar Period but have not been studied by major publications since the end of the Second World War: Mixed Courts of Egypt (1875-1949), Mixed Arbitral Tribunals (1919-1933), Upper Silesian Commission and Arbitral Tribunal (1922-1937). The study might address additional adjudicatory bodies at a later stage, notably the Mixed Claims Commissions of the 19th and 20th centuries.

Upcoming key event:

- › Workshop **"Post-WWI Mixed Arbitral Tribunals"** (Luxembourg, 21 June 2019).

Main publications:

- › Erpelding, M. (2017), **"Mixed Commission for Upper Silesia"**, MPILux Working Paper 5, 30 p. (forthcoming in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press).
- › Erpelding, M. (2019, forthcoming), **"Local International Adjudication: The Groundbreaking 'Experiment' of the Arbitral Tribunal for Upper Silesia"** in: M. Erpelding, B. Hess & H. Ruiz Fabri (Eds), *Peace Through Law: The Versailles Peace Treaty & Dispute Settlement after World War I*. Baden-Baden: Nomos, Series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law".
- › Erpelding, M. (2019, forthcoming), **"Une conséquence méconnue du Traité de Versailles: Le régime de protection des minorités en Haute-Silésie (1922-1937)"** in: E. Castellarin & A. Hamann (Eds), *Regards franco-allemands en droit international à l'occasion du centenaire/The Versailles Treaty: French and German Perspectives in International Law on the Occasion of the Centenary*. Paris: Pedone.
- › Erpelding, M. & F. Irurzun (2019, forthcoming), **"Arbitral Tribunal for Upper Silesia"** in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press
- › Erpelding, M. (2019, forthcoming), **"Mixed Courts of the Colonial Era"** in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press

Parvathi Menon

Protection, British Empire and
International Law: Between
Authoritarianism and Humanitarianism
(1797-1932)



Protection was conceptualised as a means to enable emancipation of marginalised groups during colonisation, but was equally a means to prevent it. The politics of protection caught within its web both the powerful and the weak while giving rise to institutions and arrangements that brought with them a wider scope and influence across time and space. The dissertation maps the uses of different vocabularies of protection in international law, while evaluating the significance of the project to protecting vulnerable groups today within the longer history of the British Empire's treatment of subjects with "limited legal capacity". The ways that the (British) Empire extended baseline protections (and civilising missions) during the slavery abolitionist era and the formation of colonial protectorates were a prelude toward the interwar idea of protection as a type of internationalised administration, which endured the failure of the League of Nations.

The project studies protection as a legal measure through the course of three non-homogenous phases of colonial ordering, focusing on specific imperial locations of the British Empire from 1797 to 1932: the slave colony of British Trinidad, the colonial protectorates of British West Africa, and the mandated territory of Iraq. It studies the adaptation of the discourses of protection to fit shifting schemes of imperial administration within the framework of a history of humanitarian aspirations of liberal internationalism and its authoritarian underpinnings, while overcoming the peripheral subject's role as being only that of resistance through a narrative of the strategic use of protection by the native populations too. Relying on intellectual arguments as well as legal practice, the project studies the deeply contested history of protection as the end of obedience, on the one hand, and the means to emancipation, on the other.

Parvathi expects to submit the first draft of her Ph.D. thesis in Spring 2020 and to defend it in Fall of that same year.

Main publications:

- › Menon, P. (2016), **"Self-referring to the International Court: A Continuation of War by Other Means?"**, *AJIL Unbound* 109, pp. 260-265.
- › Menon, P. (2017), **"An Uncomfortable Balance between a Minority and a People: The Global/Local Disconnect"**, *International Journal for Minority and Group Rights* 24(3), pp. 254-272.
- › Menon, P. (2017), **"Recalibrating the Spatiality of the State: The Normality of Abnormal Transgressions in the Third World"**, *Global Jurist* 17(1), 22 p. Retrieved (19.11.2018) from: <https://www.degruyter.com/downloadpdf/j/gj.2017.17.issue-1/gj-2015-0023/gj-2015-0023.pdf>.
- › Menon, P. (2019, forthcoming), **"From Pre-Colonial to Colonial India: Debunking the Procrustean Bed Myth of Procedural Law"** in: H. Ruiz Fabri (Ed.), *International Law and Litigation: A Look into Procedure*. Baden-Baden: Nomos, Series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law".
- › Menon, P. (2019, forthcoming), **"Monitoring of trusteeship and decolonization obligations"** in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.

2.5. International Economic Law and Adjudication

One of the broadest fields of research within the Department of International Law and Dispute Resolution is International Economic Law and Adjudication. It encompasses mainly trade and investment law, as well as the dispute settlement in these areas – especially investment arbitration.

Under the supervision of the Director, Prof. Hélène Ruiz Fabri, a renowned expert in the fields of international arbitration and WTO dispute settlement, the Department examines numerous procedural aspects of international economic law. Indeed, international economic law exemplifies the judicialisation of international law. The WTO dispute settlement mechanism, in turn, epitomises this feature. Besides being a mechanism heavily relied on, WTO procedure has jurisdictionalised even the domain traditionally left to politics: the enforcement of decisions. This leads to a reconsideration of the absence of *imperium* in the international legal order.

Adopting an eagle-eye perspective, this judicialisation runs concurrently with the expansion of the scope of those matters that can be submitted to international adjudication. On the one hand, international jurisdictions have progressively broken

free from the traditional dichotomy between an adjudicative phase and a political phase for the execution of a decision, embodied in Article 94 of the UN Charter. Indeed, at the WTO, the surveillance of the execution of a decision has become largely judicialised via Articles 21-23 of the Dispute Settlement Understanding (DSU) and the work of the judge. On the other hand, investment arbitration has extended the perimeter of what is disputable to the pre-adjudicative phase. This application of jurisdictional momentum to a pre-preliminary phase has given birth to a real body of litigation concerning the appointment of arbitrators, thus anticipating the beginning of a jurisdictional dispute at the very core of the constitution of the tribunal.

Several research projects conducted within the Department strive to capture the current procedural framework of international economic law, including its pitfalls, and attempt to provide solutions. Practicality is, in that regard, always taken into account. In all, when combined, this sketches a precise picture of the current state of international economic law, including investment arbitration.

2.5.1. Department Projects



*Prof. Hélène Ruiz Fabri
Edoardo Stoppioni*

International Investment Law: An Analysis of the Major Decisions

This project is designed to offer a critical and comparative analysis of the existing case law in international investment law, focusing on some of its underexplored aspects, e.g. the historical development, the polycentric formation of the discipline and, more in general, its diversity. It makes a topical contribution to the existing scientific literature by investigating most notably: (1) the long history of international investment law and its multiple developments; and (2) the large number of actors that crafted international investment law as it stands today. These include not only investment arbitrators, but also a variety of national and international courts and tribunals. The results of this analysis will be published by Hart Publishing. The book will bring together around 30 experts in the field, each carrying different perspectives, in a combined conceptual analysis and archival investigation of landmark jurisprudence. In doing so, it will provide the reader with fresh and much needed insight into the breadth that is international investment law. On 6-7 June 2019, a workshop organised in Luxembourg will reunite the authors and the directors of the “Studies in International Trade and Investment Law” series. This workshop will enrich the discussion, harmonise the approach, and cross-fertilise authors’ work.

Upcoming key event:

- › In-house workshop “**International Investment Law: An Analysis of the Major Decisions**” (Luxembourg, 6-7 June 2019, with the contributors to the book and the editors of the book series “Studies in International Trade and Investment Law” at Hart Publishing).

Main publication:

- › Ruiz Fabri, H. & Stoppioni, E. (2020, forthcoming), ***International Investment Law: An Analysis of the Major Decisions***. London: Hart Publishing, Series “Studies in International Trade and Investment Law”.



*Prof. Hélène Ruiz Fabri
Ivan Cavdarevic
Edoardo Stoppioni*

In collaboration with Prof. Emmanuel Gaillard and Dr Yas Banifatemi (International Arbitration Institute)

EU Law and International Arbitration: A Dialogue between Legal Orders

Conducted in collaboration with the International Arbitration Institute, this project endeavoured to improve the understanding of the various issues arising out of the relationship between EU law, on the one hand, and international investment law and arbitration, on the other. More precisely, it focused on three major issues: (1) the comparison of substantive standards of investment protection under EU law and international investment law; (2) the recourse to international arbitration as a means of settlement of disputes to which EU law may be applicable; and (3) whether there are systemic conflicts between international investment arbitration and EU law.

In April 2018, a round table co-organised by Professors Hélène Ruiz Fabri and Emmanuel Gaillard took place in Kavala (Greece). On this occasion, and for the first time, distinguished arbitrators, EU Member State judges, members of the CJEU, and judges of the ICJ exchanged their views on these crucial topics. To facilitate the discussions and nourish an informal yet meaningful debate, rapporteurs prepared preliminary reports on the three aforementioned topics, which were disseminated to the participants in advance. These reports were extensively discussed, and thereby enriched, during the round table and have since been published.

Key event:

- › Round table “**International Investment Law: An Analysis of the Major Decisions**” (Kavala (Greece), 26-30 April 2018).

Main publication:

- › Ruiz Fabri, H. & Gaillard, E. (Eds) (2018), ***International Investment Law: An Analysis of the Major Decisions***. New York: JurisNet, 717p.



Prof. Hélène Ruiz Fabri
Henok Asmelash
Alain Zamaria

With the support of the FNR

Lecture Series on Sovereign Debt

Recent sovereign debt crises have turned the spotlight back onto the legal problems surrounding sovereign debt default and the subsequent restructuring processes. Despite long-standing efforts, an international legal framework guiding sovereign debt restructuring remains absent. The non-existence of a formal mechanism means that sovereign States have to enter into negotiations with their creditors to restructure their debt in times of default. Previous sovereign debt restructuring experiences, however, indicate that such negotiations are not only complex and protracted, but often lead to unsatisfactory results for both parties. Such legal uncertainty carries with it a series of political, economic, and social consequences for sovereign debtors and creditors, and for the global financial and economic system at large. In recognition hereof, the UN General Assembly adopted a resolution for the establishment of a multilateral legal framework for sovereign debt restructuring processes. The resolution shows how both the sovereign debt-restructuring problem itself and its solution are grounded in the procedure to be pursued in the event of default – a topic that goes to the essence of the research performed at the MPI Luxembourg.

From October until December 2016, in light of the recent developments and renewed attention to the legal problems of sovereign debt restructuring, the Institute organised a series of lectures on the subject. The lecture series sought to stimulate debate on the multifaceted legal issues concerning sovereign debt restructuring. It consisted of six public lectures, each sequenced to progressively form an integrated collective, tied to a trilogy of themes: (1) the sovereign debt problem; (2) recent sovereign debt litigation; and (3) reform proposals.

The project was supported by the FNR in the framework of its RESCOM programme. The six lectures can be watched on the MPI Luxembourg Youtube channel.



Key events:

- › **The Law and Economics of Sovereign Debt and Default** (Luxembourg, 5 October 2016)
Lecturer: Prof. Ugo Panizza (The Graduate Institute Geneva); **Discussant:** Prof. Pierre-Henri Conac (University of Luxembourg).
- › **Sovereign Debt Restructuring and International Law** (Luxembourg, 26 October 2016)
Lecturer: Prof. Robert Howse (New York University); **Discussant:** Dr Matthias Goldmann (MPI for Comparative Public Law and International Law and Goethe University Frankfurt).
- › **Lessons from Argentina and Greece** (Luxembourg, 3 November 2016)
Lecturer: Prof. Mathias Audit (University Paris 1 Panthéon-Sorbonne); Prof. Régis Bismuth (University of Poitiers).
- › **Investment Arbitration as a Means of Resolving Sovereign Debt Dispute** (Luxembourg, 9 November 2016)
Lecturer: Dr Michael Waibel (University of Cambridge); **Discussant:** Prof. Rodrigo Olivares-Caminal (Queen Mary University of London).
- › **Proposals for Reform of Sovereign Debt Restructuring: The Contractual Approach** (Luxembourg, 30 November 2016)
Lecturer: Mr Philip Wood CBE (Allen & Overy, London); **Discussant:** Prof. Christoph G. Paulus (Humboldt University of Berlin).
- › **Proposals for Reform of Sovereign Debt Restructuring: The Statutory Approach** (Luxembourg, 14 December 2016)
Lecturer: Mr Lee C. Buchheit (Cleary Gottlieb, Washington); **Discussant:** Prof. Luis M. Hinojosa-Martinez (University of Granada).

2.5.2. Individual Research Projects

*Henok
Birhanu Asmelash*

The Regulation of Energy
Subsidies in the WTO



The linkage between trade and environment has been intensely debated in the multilateral trading system over the past few decades. Nevertheless, the debate remains unresolved and continues to evolve. Its scope has recently widened further to include energy, forming a triangle of trade, energy, and the environment. The status of energy subsidies at the WTO, an issue that lies at the heart of this triangle, has become increasingly significant, particularly following the recent rise in the number of WTO cases involving renewable energy subsidies. Together with agriculture and fisheries, energy is one of the most heavily subsidised sectors in the world. However, while special rules apply to agricultural subsidies and new disciplines for fisheries subsidies are in the pipeline, there are no subsidy rules specific to energy (nor negotiations to this effect). Energy subsidies are instead subject to the general rules on subsidies under the Agreement on Subsidies and Countervailing Measures (SCM Agreement). The SCM Agreement was designed to discipline trade-distorting subsidies and hence fails to take account of the environmental implications of subsidies. Accordingly, the existing subsidy rules of the SCM Agreement do not distinguish between environmentally friendly and environmentally harmful subsidies. The lack of such distinction, coupled with the fact that these rules have been used to challenge renewable energy subsidies only, has raised concerns as to the role of the existing subsidy disciplines in facilitating the global transition toward a sustainable energy future. The objective of this Ph.D. thesis is twofold: firstly, to assess whether there is a need for new energy-specific subsidy disciplines and, secondly, to explore the alternative avenues for introducing such disciplines.

Henok will submit the final version of his Ph.D. thesis by the end of January 2019 and expects to defend it three months later.

Main publications:

- › Asmelash, H.B. (2017), **"Falling Oil Prices and the Transition to a Sustainable Energy Future: Towards a Multilateral Agreement on Fossil Fuel Subsidies?"** In: D. Arent, C. Arndt, M. Miller, F. Tarp & O. Zinaman (Eds), *The Political Economy of Clean Energy Transitions*. Oxford: Oxford University Press, pp. 349-367.
- › Asmelash, H.B. (2018), **"The Trade and Environment Debate on the Regulation of Energy Subsidies: What Kept Fossil Fuel Subsidies Off the Radar Screen?"** In: K. Mathis & B.R. Huber (Eds), *Energy Law and Economics*. Heidelberg: Springer, pp. 275-302.



Ivan Cavdarevic

Enforcement of Investment
Arbitral Awards



This research project is concerned with enforcement deficiencies that can arise as a result of the specific structure of international investment arbitration. Although the system of investment arbitration has largely been formulated in the image of commercial arbitration, the ICSID Convention (through Article 55) solidified the notion of State sovereignty in the context of enforcement of investment arbitral awards and made a clear distinction between jurisdictional and execution immunity. This aspect is particularly relevant considering that investment arbitral awards are by definition rendered in disputes involving sovereign States, meaning that a successful claimant would potentially have to enforce such an award against a State and State-owned assets. Thus, due to the principle of sovereign immunity from execution, States might be more reluctant to comply with unfavourable awards and might try to prevent enforcement by referring to this principle.

The aim of this research is to determine the practical relevance of the principle of immunity from execution in investment arbitration and whether States' practices have in any way changed in light of the significant increase in the overall number of investor-State disputes in the last two decades. To this end, the research focuses on recent cases where losing States invoked the execution immunity and analyses both the context in which those States decided not to comply with awards voluntarily, as well as the approaches taken by the relevant courts when interpreting and applying the principle of sovereign immunity from execution.

Ivan conducts his doctoral research in the framework of the DTU-REMS project (see chapter VI). He expects to submit the first draft of his Ph.D. thesis in Spring 2020.

Basile Chartier

Settlement Agreements
in International Economic Law



This Ph.D. project focuses on amicable settlement of disputes as an alternative to legal proceedings, in the context of international trade and investment law. The objective is to assess the implications of the decision to litigate or to negotiate instead, regarding both the process and the outcome of dispute resolution.

The first part is an attempt to model the legal aspects of agreed settlement of disputes, in comparison to judicial means. Based on a structural analysis, it describes these two dispute settlement options and their key features. It also discusses their relative situations, their mutual interactions and their respective contributions to dispute resolution. In light of these elements, judicial and amicable settlement of disputes are understood as a default/preferred couple, with emphasis on the consent element of settlement. Based on various dispute settlement provisions, it is argued that major instruments in international economic law tend to reflect and to reinforce the primacy of agreed solutions.

The second part incorporates the dispute and the disputants into the analysis. Account is taken of the parties' interests, constraints, and expectations in light of their rights and obligations. These elements are likely to determine the disputants' position, resulting in cooperation or opposition. Regarding the decision to settle or not, a first range of considerations refers to the efforts needed to come to a solution, such as costs or duration: any solution comes at a price. That said, the costs associated with negotiation or litigation are to be weighed against the expected outcome. While legal proceedings offer little flexibility, agreed settlements enable the disputants to tailor mutually beneficial solutions.

Basile conducts his doctoral research in the framework of the IMPRS-SDR (see chapter VI). He expects to submit his Ph.D. dissertation in May 2019 and to defend it in September 2019.

Alessandra Donati

The Precautionary Principle under EU Law



Although fairly recent in the history of environmental and health protection law, no other principle has produced as much controversy as the principle of precaution; much ink has been spilled in a wide variety of books, journals and other publications over the status and legal effects of the precautionary principle. In a nutshell, the signification of precaution lies in its challenge to conventional science. Precaution epitomises a shift from a preventive to an anticipatory approach in the management of environmental and sanitary risks. It substantiates the new role that scientific uncertainty is called to play in risks analysis.

The purpose of this Ph.D. project is to analyse the legal framework governing the application of the precautionary principle under EU law and to highlight the current legal and political challenges that the application of this principle raises. After a general introduction explaining the key role played by the precautionary principle under EU law, its two main components are examined. First of all, the dissertation explores why the principle can be defined as an anticipatory tool according to which uncertain risks are qualified by the law and evaluated by science. For the purpose of achieving a high level of protection of the environment and of the public health, the precautionary principle allows the qualification by EU law of uncertain risks. However, these risks need to be previously evaluated by the science. Only risks which have a scientific base can trigger the application of

the precautionary principle. Secondly, the precautionary principle as an action tool is analysed. This means that EU decision-makers have an obligation to take into account this principle while dealing with uncertain risks affecting the environment and public health. Indeed, they have to take into account the scientific expertise and all the other non-scientific factors which may change the perception of risk. However, they are granted a wide margin of discretion to appreciate, for any case, the need to adopt a specific precautionary measure.

Alessandra has submitted her Ph.D. thesis to her supervisor. She expects to have defended her dissertation by July 2019.

Main publication:

- › Donati, A. (2018), "**Le glyphosate: L'application (manquée) du principe de précaution**", *blogdroiteuropéen*, September 5. Retrieved (19.11.2018) from: <https://blogdroiteuropeen.com/2018/09/05/le-glyphosate-lapplication-manquee-du-principe-de-precaution-par-donati-alessandra/>.

André Nunes Chaib

The Responsibility of International
Economic Organisations



Contemporary international organisations (IOs) exert significant influence on domestic public policy and law-making. IOs' powers have continuously increased over the past decades, particularly of those organisations concerned with administrating and stabilising the world economy, such as the World Bank (WB) and the International Monetary Fund (IMF). The example of the last economic crisis, especially in Europe, has been illustrative of their strong position in the world economy. With this, however, also came new ways of attempting to oversee and control their actions. Amongst these attempts, the Articles on the Responsibility of International Organisations (ARIOs) stand out as the most important. The Articles raise a fundamental question concerning the work of IOs, which is that of what and when their actions – constituting wrongdoings at the international level – may engulf their responsibility. In this respect, this research tries to combine a socio-historical method with legal doctrine to analyse the process in which the world economy became institutionalised and how one may think about the responsibility of the institutions resulting from this process.

For this purpose, the research looks initially at the socio-historical process of forming a social order to stabilise economic relations between States, assessing the transformation of an international social space that is based primarily on rules to one where proper bureaucratic, (inter)governmental structures are put into place. In a second moment, it focuses on how this process allows one to conceptualise the

possibility of ascribing responsibility to these bureaucratic institutions. In this respect, it looks at how the administration of the world economy has become increasingly centralised in very specific international organisations and what can be said about their social, political and legal role in this international social order. It then examines the concept of accountability, recently developed and operationalised by some IOs to respond to public demands about their position in the world social order. It also looks at the concept of responsibility, represented more specifically by ARIOs. In the latter case, an analysis against the Articles' background allows us to assess their strong points, but also their shortcomings. From these two conceptual analyses, the research sets out to develop a broader theory of the responsibility of international economic organisations.

André has submitted the first draft of his Ph.D. thesis to his supervisor, Prof. Héléne Ruiz Fabri. He expects to defend his dissertation in Spring 2019.

Main publication:

- › Nunes Chaib, A. (2019, forthcoming), **"Due Process and Procedural Law in Accountability Mechanisms: The Case of the World Bank"** in: H. Ruiz Fabri (Ed.), *International Law and Litigation: A Look into Procedure*. Baden-Baden: Nomos, Series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law".

Javier García Olmedo



The Recognition of Nationality under International Law: A Comparison between the Law of Diplomatic Protection and International Investment Law

This project examines the question of whether the formalistic conception of nationality for juridical and natural persons employed in most investment treaties should be understood to encompass the same objectives as for the more restrictive customary rules of nationality developed in the context of diplomatic protection. This question will be examined by comparing the legal nature of diplomatic protection and investor-State arbitration. In doing so, the project aims to demonstrate that diplomatic protection and investor-State arbitration share certain fundamental elements that integrate the rules established under both systems (the integrative approach). The main integration criteria that will be analysed relate to the legal status of the investor in international law and the nature of the rights asserted under investment treaties. In this context, it will be argued that investors claiming under investment treaties and those seeking diplomatic protection share a similar legal status on the international plane: they are not true subjects of international law. In addition, it will be suggested that the rights invoked in diplomatic protection and investment treaty arbitration are of a dual nature in the sense that they are jointly held by the investor and his home State. The Ph.D. thesis concludes that, in light of these (and other) common elements, investment tribunals should only derogate from the diplomatic protection rules of nationality to the extent that the State parties have clearly stated such an intention in the applicable investment treaty.

Javier conducts his doctoral research in the framework of the IMPRS-SDR. He expects to submit the first draft of his Ph.D. thesis in Autumn 2019.

Main publications:

- › Garcia Olmedo, J. (2017), “Claims by Dual Nationals under Investment Treaties: Are Investors Entitled to Sue their Own States?”, *Journal of International Dispute Settlement* 8(4), pp. 695-727.
- › Garcia Olmedo, J. (2018), “Redefining the Position of the Investor in the International Legal Order and the Nature of Investment Treaty Rights: A Closer Look at the Relationship between Diplomatic Protection and Investor-State Arbitration” In: J. Summers & A. Gough (Eds), *Non-State Actors and International Obligations*. Leiden: Brill Nijhoff, pp. 158-176.
- › Garcia Olmedo, J. (2018), “Rethinking the Relevance of Customary International Law to issues of Nationality in Investment Treaty Arbitration” In: J. Akbaba & G. Capurro (Eds), *International Challenges in Investment Law and Arbitration*. Abingdon: Routledge, 18 p. Retrieved (19.11.2018) from: <https://www.taylorfrancis.com/books/e/9781351580137/chapters/10.4324%2F97813515098449-1>.
- › Garcia Olmedo, J. (2019, forthcoming), “Nationality of claim (Investment Arbitration)” in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.

Edoardo Stoppioni

Unwritten Law as Object of the
Discourse of the WTO Judge and
Investment Arbitrator



This research topic aims at deconstructing how international economic jurisdictions craft their legal arguments based on unwritten law and for what purposes. Starting from the deconstruction of the judicial discourse used in reports and awards, it is argued that unwritten law is used with two purposes. On the one hand, it is used to banalise the special normative space and to legitimise its functioning by anchoring it to the larger framework of international law. On the other hand, it is used to systematise the special normative space, to link its written components in two machineries animated by a similar neoliberal telos.

The study of the banalisation aims at showing how the WTO judge and the investment arbitrator present their language and legal reasoning as mandated by international law (most notably general rules of the law of treaties, responsibility, and on procedure). By so doing, they 'normalise' their legal function and vocabulary, and make contestation more difficult. Using the taxonomy established by Dr Anne Charlotte Martineau, the work tries to distinguish the different argumentative techniques used to normalise the judicial structural bias and highlights the diversity of the legal arguments that can be used (be they of constitutional, pluralist or hegemonic resonance). This diversity demonstrates that the adjudicators use the ideas of general and particular in changing ways, depending on their political agenda: in a judicial setting, the discourse on fragmentation is used politically to isolate or integrate the system to general international law, depending on the convenience.

The study of systematisation highlights how the adjudicator innervates the normative spaces with a particular ideology to create its consistency as a system. This is demonstrated by mapping the neoliberal

discursive elements used to operate their legal spaces. In a nutshell, the general argument is twofold. Presenting this neoliberal language as mandated by international law, the WTO judge and the investment arbitrator normalise it and make contestation more difficult. Whereas structuring their normative space as irrigated by a neoliberal spirit allows the two judges to create a form of 'hegemony via isolation' and to hierarchise it axiologically as superior to other normative spaces.

Edoardo has submitted his Ph.D. thesis to his supervisor, Prof. Hélène Ruiz Fabri. He will defend his dissertation on the 23rd of March 2019.

Main publications:

- › (2018), "Rethinking the Structures of the Hegemonic Discourse of the WTO Judge and Investment Arbitrator: A Gramscian Analysis", *Legal Form – A Forum for Marxist Analysis of Law*, October 26. Retrieved (19.11.2018) from: <https://legalform.blog/2018/10/26/rethinking-the-structures-of-the-hegemonic-discourse-of-the-wto-judge-and-investment-arbitrator-a-gramscian-analysis-edoardo-stopponi/>.



2.6. Litigation, Human Rights Law and Criminal Justice

Since its very early years as the 'law of nations' mainly applicable to bilateral relations between sovereign States, international law has progressively evolved to also encompass more decentralised individual and collective dimensions.

Its collective dimension is reflected by the regulation of the rights and duties of entities, such as international organisations or coalitions (e.g. within the context of a joint peacekeeping operation). It is revealed by the conceptualisation of the legal nature of organisations' interactions with other subjects of international law, whether these be States, other international organisations, or individuals.

The individual dimension, in turn, addresses the placement of individuals and communities alike within the realm of international law. Alongside the progressive recognition and diversification of fundamental rights through various instruments arose the question of remedies in case of their violations.

A human rights remedy has two aspects. The term encompasses, first, the procedures and institutions that may be utilised to enforce a right and, second, the actions or measures taken to prevent, redress, or compensate the violation of a right. The very existence of the ever-growing ensemble of remedies reflects the concern to uphold and ensure the effective enjoyment of fundamental rights. If a State, party to the relevant treaty, fails to afford the necessary redress, an individual who has exhausted local remedies may apply to a global or regional human

rights tribunal to hear the matter. The reflection on the effective protection of human rights also developed through the prism of international criminal law. The latter largely finds its community value in the interaction between the protection of human life and dignity, on the one hand, and international peace and security, on the other. Hence, it is not surprising that questions of individual criminal responsibility raised before the international criminal courts and tribunals (International Criminal Tribunals for Former Yugoslavia and Rwanda, ICC, Special Tribunal for Lebanon, etc) sometimes indirectly give rise to questions of State responsibility for internationally wrongful acts. Those questions, whether submitted to adequate judicial fora or subject of academic discourse, illustrate the debates about the balance between the rights and the duties of the different protagonists of the international community.

Broadly, and inevitably, research in human rights law and international criminal law also holds a philosophical component. Even in regards to procedural law, a blend of practical considerations and of philosophical points of view is pivotal for the critical assessment of international dispute settlement mechanisms. In the end, the research projects led within the Department intend to determine which available mechanisms (litigation, binding treaty regimes, theoretical tools, among others) are most suitable to defend and promote the rule of law and, by extension, to empower individuals and communities while, at the same time, ensuring peace and security.

2.6.1. Individual Research Projects

Dr Martyna Fałkowska-Clarys

Interactions between 'Due Process' and
Procedure in International Criminal Law



'Due process', 'right to a fair trial', and the 'legality principle' are almost automatically evoked whenever the topic of international criminal justice arises. In the context of a growing backlash against the international judiciary and the inevitable questioning of the legitimacy of international criminal courts and tribunals, it is interesting to explore the interactions between those pivotal concepts and procedural rules applicable to the various stages of international criminal proceedings. The project examines this relationship from different angles, covering multiple aspects of a court's activity, inside and outside of the courtroom. It is for example interesting to note that judges are often forced to establish procedural rules for events that have not been foreseen in the existing texts. In doing so, they need to combine requirements of due process and judicial efficiency. Beyond the content of procedural rules, their interpretation and application also raise interesting questions. For example, how does one assess the criteria for challenging a judge's impartiality with regard to a particular case, depending on the quality of the party raising the issue? How do the rules for the election of judges for international criminal courts reduce the risk of political influence and thus raise the guarantees of impartiality and independence? How does an acquittal affect the procedural rights of the victims before the International Criminal Court?

Main publication:

- › Ruiz Fabri, H. & Falkowska-Clarys, M. (2019, forthcoming), **"Juridictions pénales internationales"** in: H. Synvet, P. Lagarde & D. Carreau (Eds), *Répertoire de droit international*. Paris: Dalloz.
- › Falkowska-Clarys, M. (2019, forthcoming), **"Appeal: International criminal courts and tribunals"** in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.

Dr Lily Martinet

In collaboration with Dr Anita Vaivade
(Latvian Academy of Culture) and
Dr Marie Cornu (Institut des Sciences
Sociales du Politique (ISP) – CNRS)



Osmose: Intangible Cultural Heritage
& Comparative Law

This collective research project aimed at studying through a comparative approach, different national experiences in relation to intangible cultural heritage. The project was financed by Latvia-France Cooperation Programme 'Osmose', the Latvian National Research programme 'Habitus', and the French Ministry of Culture, and sponsored by the International Society for Research on Art and Cultural Heritage Law (ISCHAL) and by the Intangible Heritage Section of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Its main goal was to understand how the law apprehends the notion of intangible cultural heritage and the influence exerted by the Convention for the Safeguarding of Intangible Cultural Heritage on law at the national and local level. The study was conducted just before the tenth anniversary of the entry into force of the Convention. It provided the opportunity to analyse how this international instrument influenced the laws of several State parties and non-parties in its early years. It offered a panorama of national examples and experiences drawn from twenty-six States in different regions of the world and with diverse legal traditions. Several thematic seminars and workshops open to the public were organised during the course of the project to deepen the study of certain aspects of intangible cultural heritage law.

Main publication:

- › Martinet, L. (2019, forthcoming), **"Les interactions entre le patrimoine culturel immatériel et les champs du droit: interaction avec la propriété intellectuelle"** in: A. Vaivade & M. Cornu (Eds), *Le patrimoine culturel immatériel dans les droits nationaux: dialogues avec la Convention de l'UNESCO de 2003* (Research report). Paris: French Ministry of Culture, 25 p.
- › Martinet, L. & Hance, C. (2019, forthcoming), **"La judiciarisation et la justiciabilité du patrimoine culturel immatériel"** in: A. Vaivade & M. Cornu (Eds), *Le patrimoine culturel immatériel dans les droits nationaux: dialogues avec la Convention de l'UNESCO de 2003* (Research report). Paris: French Ministry of Culture, 23 p.

QPC et droit de la culture

The aim of this collective project is to study the interactions between art and culture law, and a French procedure called '*question prioritaire de constitutionnalité*' (QPC), which can be translated as 'application for a priority preliminary ruling on the issue of constitutionality'. The project's goal is to show how the QPC has contributed to shaping art and culture law, and reciprocally how the latter influences the evolution of constitutional law, as well as the understanding of fundamental rights and liberties in French law. The study is not limited to QPC case law; it also looks at decisions handed down by ECtHR and the European Court of Justice (ECJ). The project is part of a research programme financed by the French Constitutional Council to celebrate the tenth anniversary of the introduction of the QPC in French law.



Dr Luca Pasquet

The Fight Against Poverty and the Right to Development



This project is based mainly on the research Dr Pasquet conducted as National Co-rapporteur for Italy to the 20th Congress of the International Academy of Comparative Law on the thematic issue of "The Fight Against Poverty and the Right to Development". It takes regard of the legal measures undertaken by Italy to combat poverty nationally, i.e. with respect to the implementation of international economic and social rights, and internationally, i.e. in the domain of international cooperation. The research, which concentrates primarily on the practice of Italian national courts, international human rights bodies, and the Italian Government, analyses the impact of austerity measures on Italy's capacity to comply with human rights and international cooperation engagements. It also analyses how Italy strategically used the a-legal language of UN Sustainable Development Goals' to divert attention away from its permanent failure to comply with human rights obligations.

Main publication:

- › Gradoni, L. & Pasquet, L. (2018), "**Failing to Protect Basic Human Rights: The Fight against Poverty and the Right to Development in Italy's Legal Practice**", *Annuario di Diritto Comparato e di Studi Legislativi* 9, pp. 295-322.

Aravind Ganesh

Rightful Relations in the Wider World:
A Kantian Critique of the European
Union's Legal Relations with Distant Strangers



This research project sets out a normative critique of the legal relations between the European Union and persons neither residing in nor citizens of its Member States – that is, ‘distant strangers’. The germ of the project lies in a number of treaty provisions – most prominently Articles 3(5), 21(1)–(3) of the Treaty on European Union (TEU) – which purport to commit the EU to abide by and promote democracy, human rights, the rule of law, as well as a number of other goals in ‘all its relations with the wider world’. While initially thought to be merely aspirational, the study shows that such provisions have been relied upon to justify extraterritorial measures by the EU in a number of areas often described as ‘global public goods’.

Are such unilateral assertions of authority over distant strangers defensible? Does the EU owe obligations of accountability towards the distant strangers it purports to make law for? If so, does the EU fulfil them? By asking these questions, the research project aims to provide a linked, ‘immanent’ critique in the light of positive law and normative theory of unilateral jurisdiction, extraterritorial human rights obligations, and EU practices relating to both.

The particular normative theory with which the research engages is Immanuel Kant’s ‘republican’ legal and political philosophy as expressed in the *Perpetual Peace*, but more extensively in the *Doctrine of Right*. These Kantian commitments take the project down a different path than other comparable works at EU law and international law, which predominantly conceive of these and other problems of global justice in terms of ‘interests’, ‘values’, or other aspects of well-being. Instead, by proceeding from the idea of dignity as lying in independence,

or the simple idea of not being subject to the will of another, the analysis proceeds on a formal, non-consequentialist register. Second, by engaging closely with the *Doctrine of Right*, a work that was largely ignored until relatively recently, the project aspires to bring to bear important new theoretical insights to the study of EU law and international law.

Aravind submitted the final version of his Ph.D. thesis at the beginning of October 2018 and will defend his dissertation on the 6th of June 2019.

Main publications:

- › Ganesh, A. (2016), “**The European Union’s Human Rights Obligations Towards Distant Strangers**”, *Michigan Journal of International Law* 37(3), pp. 475-538. Retrieved (19.11.2018) from: <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1195&context=mjil>.
- › Ganesh, A. (2017), “**The Unilateral Jurisdiction to Provide Global Public Goods: A Republican Account**”, *Brooklyn Journal of International Law* 42, pp. 571-658. Retrieved (19.11.2018) from: <https://brooklynworks.brooklaw.edu/bjil/vol42/iss2/1/>.
- › Ganesh, A. (2019, forthcoming), “**Distant Strangers and Standing in Polisario**” in: H. Ruiz Fabri (Ed.), *International Law and Litigation: A Look into Procedure*. Baden-Baden: Nomos, Series “Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law”.

Remy Jorritsma

The Function of Attribution Rules
from the Law of State Responsibility, in
relation to the Scope, Content and Application
of Primary Rules of Public International Law



The Articles on State Responsibility enunciated by the International Law Commission (ILC) are grounded in a distinction between primary rules and secondary rules of international law. This distinction, it is argued, means that secondary rules of State responsibility – including the rules on the attribution of conduct, as found in Articles 4 to 11 of the ILC Articles – can only be used for the narrow purpose of determining the existence of an internationally wrongful act and its consequences. However, the case law of international courts and tribunals, as well as legal writing, suggests that attribution rules may actually serve a wider purpose. For example, attribution rules have been used to define the applicable law and to determine whether a court or tribunal has jurisdiction to entertain claims against the State. In legal proceedings, these questions are preliminary to the narrow issue whether an internationally wrongful act has taken place. There are four areas of law that have generated a substantial body of case law dealing with attribution rules: international human rights law (especially in the ECtHR), international humanitarian/criminal law (ICTY and ICC), international investment law (ICSID), and international trade law (WTO). This Ph.D. research uses case law as a primary means to assess the impact of attribution rules on the scope, content, and application of primary rules

of international law. The research also explores the possible existence of *lex specialis* attribution rules, and – more broadly – the question whether the distinction between primary and secondary rules is absolute, or qualified.

Remy expects to have submitted the first draft of his Ph.D. thesis by the end of 2019.

Main publications:

- › Jorritsma, R. (2018), “**Where General International Law Meets International Humanitarian Law: Attribution of Conduct and the Classification of Armed Conflicts**”, *Journal of Conflict & Security Law* 23(3), pp. 405-431.
- › Jorritsma, R. (2019, forthcoming), “**Unravelling Attribution, Control and Jurisdiction; Some Reflections on the Case Law of the European Court of Human Rights**” in: H. Ruiz Fabri (Ed.), *International Law and Litigation: A Look into Procedure*. Baden-Baden: Nomos, Series “Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law”.



Marco Benatar
Remy Jorritsma

In collaboration with the International Society for
Military Law and the Law of War

*Leuven Manual on the International Law
Applicable to Peace Operations*

This project was undertaken by an international group of experts at the invitation of the International Society for Military Law and the Law of War. Topics analysed included demining and removal of explosive remnants, the law of armed conflict, third party claims, international criminal responsibility, and status of forces agreements. The group of experts was composed of academics, military officers and policy officials. Marco Benatar and Remy Jorritsma were members of the group of experts and of the project management team. Observers from various institutions and associations provided input in their individual capacity.

This project resulted in a manual published by Cambridge University Press providing an overview of the rules (binding rules and best practices) that are to be followed during peace operations conducted by the United Nations and other organisations. Marco Benatar and Remy Jorritsma acted as editorial assistants. It is intended for States and international organisations involved in the planning and conduct of peace operations, as well as practitioners and academics.

Main publication:

- › Gill, T., Fleck, D., Boothby, W.H. & Vanheusden, A. (Eds), Benatar, M. & Jorritsma, R. (Ed. Assis.) (2017), *Leuven Manual on the International Law Applicable to Peace Operations*. Cambridge: Cambridge University Press.

2.7. Comparative and Theoretical Approaches

The researchers of the Department are involved in a series of collective and individual research projects. Each of these aims to contribute to the achievement of a deeper and more comprehensive understanding of international dispute resolution and procedural law via a variety of comparative and theoretical approaches.

A number of projects compare the practices of different international dispute resolution mechanisms. In particular, these projects are meant to analyse the manner in which different courts, tribunals, and quasi-judicial bodies interact and influence one another. In addition, the projects also endeavour to identify the institutional and procedural challenges these mechanisms face and, in that regard, provide suggestions as to how these may be effectively overcome.

A notable trend in several of the projects of the Department concerns the study and definition of concepts such as authority, independence, impartiality, quasi-judicial body, global law, adjudicatory functions, legal systems, and global public goods. Such conceptual delineations assist, or so is hoped, in the development of a theoretical framework for the analysis of international dispute resolution.

2.7.1. Department Projects

Prof. Hélène Ruiz Fabri



In collaboration with Prof. Shotaro Hamamoto (Kyoto University) and Prof. Philippe Sands (University College London)

Procedures of International Courts and Tribunals

This Committee of the International Law Association (ILA) engages with procedure, a fundamental aspect of the activities of international courts and tribunals. Increasingly prominent in practice, problems arising out of the procedures of adjudicatory mechanisms span areas as diverse as the handling of expert evidence, the burden and standard of proof, imbalances in the representation of parties, access to the court or tribunal, and the independence and impartiality of judges and arbitrators. Whilst raising fundamental questions concerning the status in law of principles of procedural fairness, the topic encompasses not only each mechanisms' procedural law in the narrow sense (i.e. – their textual instruments, potentially supplemented by other sources of law) but also includes broader questions concerning institutional, architectural, and/or systemic reform connected to the conduct of procedure. These include, for example, the provision of legal aid mechanisms to indigent and/or inexperienced parties, corrective of potential imbalances in representation.

The topic – and the Committee's activity – is geared to the practice of law. The mission is to propose pragmatic solutions to selected problems. Although certain questions of theory (e.g. the role of the sovereignty of States in the realm of procedure) may arise in the course of its mandate, the Committee remains principally focused on the practicalities influencing the management of proceedings at international courts and tribunals, taking advantage of a comparative approach to similar issues. It consequently employs a combination of empirical, doctrinal and normative methods to collate material on procedural issues, to identify general principles of law common to international courts and tribunals in the field of procedure, and to examine the case for procedural reform.

The mandate of the Committee is therefore twofold: (1) to identify and analyse procedural problems arising in the practice of international courts and tribunals;

and (2) to craft proposals for procedural reform to address them. Whilst, as the mandate indicates, output is primarily to benefit adjudicatory institutions, it also intends to provide material for academic use. In furtherance of a collaborative spirit, premised on respect, the Committee will submit its proposals for procedural reform to international courts and tribunals for their consideration. Its overarching intention is, in other words, to provide helpful research that would promote the effectiveness, efficiency, and procedural fairness at the institutions in question. This will in turn promote the long-term development of the international judicial system for the pacific settlement of international disputes. In preparation of the preliminary report, presented in August 2018, the 71 members of the Committee, representing 37 national branches, met three times: once in London (19-20 January 2017) and twice in Luxembourg (22-23 September 2017 and 16-17 March 2018). An interim report mainly focusing on the ICJ and ITLOS was presented at an Open Working Session of the Committee held during the ILA Biennial Conference in Sydney.

The final report is due to be completed before the ILA Biennial Conference in Kyoto in August 2020.

Key event:

- › Presentation of the preliminary report **"Procedures of International Courts and Tribunals"** at the ILA 78th Biennial Conference (Sydney, 21 August 2018).

Main publication:

- › Hamamoto, S., Ruiz Fabri, H., Sands, Ph., Fontanelli, F. & Sarvarian, A. (2018), **Procedure of International Courts and Tribunals** (interim report). Available at the address (2.11.2018): <http://www.ila-hq.org/index.php/committees>.





Prof. Hélène Ruiz Fabri *Marco Benatar*

In collaboration with Prof. Erik Franckx (University of Brussels - VUB) and Dr Tamar Meshel (University of Alberta, formerly Research Fellow at the MPI Luxembourg)

With the support of the FNR

A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea

Dispute settlement relating to conflicts over fresh water and the law of the sea is currently undergoing rapid change, bringing forward both challenges and opportunities. Concerning fresh water, there has been growing confusion surrounding the content and application of the principles of international water law since 1997, when the UN Convention on the Law of the Non-Navigational Uses of International Watercourses (UNWC) was concluded and the ICJ issued its landmark decision in the *Gabčíkovo-Nagymaros* case. Despite several ICJ decisions and arbitral awards rendered in the field, as well as regional agreements and non-binding rules developed by international associations, disagreement persists in the application of these principles to the resolution of an increasing number of fresh water disputes. At the same time, the most recent case submitted to the ICJ, a dispute between Chile and Bolivia over the Silala River, presents an opportunity to bring clarity. As for the law of the sea, the dispute settlement mechanisms of the UN Convention of the Law of the Sea (UNCLOS) have been used persistently over the past decades, resulting in a proliferation of cases submitted to international adjudication and arbitration. Moreover, 2016 saw the initiation of the first ever UNCLOS conciliation, which was instituted by East Timor in an effort to resolve its longstanding maritime boundary dispute with Australia. Despite such notable progress, the binding system of dispute resolution under UNCLOS is coming under increasing pressure as demonstrated by Russia (*Arctic Sunrise*) and China's (*South China Sea*) decision to boycott arbitral proceedings. Against this backdrop, this project evaluated the progress made thus far in these two distinct, yet related, fields so as to identify the potential for future developments.

A major milestone in this project was an international conference organised in September 2017 that brought together internationally renowned experts. Day one

was dedicated to the resolution of international fresh water disputes, while day two focused on maritime dispute settlement. Each day featured four panels that addressed the most controversial and salient aspects of these two types of disputes and the methods, fora, and principles used in their resolution. The conference was structured so as to facilitate the comparison between dispute resolution concerning trans-boundary fresh water and those regarding the oceans, drawing conclusions and lessons from each system for the benefit of the other.

The project was supported by the FNR in the framework of its RESCOM programme. Currently, the organisers of the event are editing a book based on the conference's content, which is to be published by Brill Nijhoff.

Key event:

- › International conference **"A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea"** (Luxembourg, 25-26 September 2017).

Main publications:

- › Ruiz Fabri, H., Franckx, E., Benatar, M. & Meshel, T. (Eds) (2019, forthcoming), ***A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea***. Leiden: Brill Nijhoff.
- › Benatar, M. & Meshel, T. (Eds.) (2019, forthcoming), **"Special Issue: Traditions and Innovations in the Resolution of Freshwater and Maritime Disputes"**, *European Journal of International Law* (project positively reviewed by the Editorial Board of *EJIL*)



Prof. Hélène Ruiz Fabri André Nunes Chaib

with the participation of Dr Martyna Fatkowska-Clarys, Henok Asmelash, Mehdi Belkahla, Parvathi Menon, Alain Zamaria

In collaboration with Prof. Armin Von Bogdandy (MPI for Comparative Public Law and International Law) and Prof. Ingo Venzke (University of Amsterdam)

Understandings of the Authority of International Courts

This project rests on a series of two encounters of members of the Max Planck Institutes from Heidelberg and Luxembourg (April 2015 and September 2015), in which they reacted to the publication of Professors Armin von Bogdandy and Ingo Venzke's *In Whose Name?*. For the first meeting, the reflections were provided mostly orally, while in preparation of the second participants penned responses to the authors' arguments in the context of the various themes and courts dealt with in the original book. These reactions constitute the basis of a forthcoming publication.

In the course of the project, and in agreement with both original authors, the scope of the project was extended to grant participants more freedom on how to react to topics such as, for example, the democratic legitimacy of international courts and its relation to the courts' authority. Topics range from a comparison between international organisations and international courts and how they can contribute to democratise international law to an assessment of the democratic legitimacy of international human rights courts.

Main publication:

- › Ruiz Fabri, H., Von Bogdandy, A., Venzke, I. & Nunes Chaib, A. (Eds) (2019, forthcoming), *Understandings of the Authority of International Courts*. Baden-Baden: Nomos, Series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law".



Prof. Hélène Ruiz Fabri, Dr Martyna Fatkowska-Clarys, Dr Joshua Paine, Henok Asmelash, Marco Benatar, Ivan Cavdarevic & Edoardo Stoppioni

Strengthening Guarantees of Judicial Independence and Impartiality

This project involved a team of MPI Luxembourg researchers presenting to EU Member State representatives, and the European Commission's Directorate General for Trade, on options for ensuring judicial independence and impartiality in the context of the Commission's ongoing initiative to establish a multilateral investment court. To that end, MPI Luxembourg's researchers provided a comparative study of the factors which affect judicial independence and impartiality within a range of existing international courts and tribunals. In doing so, they identified the standards used to assess the judicial independence and impartiality, the selection criteria and more detailed rules on ethics that enhance independence and impartiality, and the alternative methods for the nomination and selection of adjudicators. Best practices and lessons learned were assimilated to inform the design of any future multilateral investment court. Results were provided to the Commission during an expert meeting on the multilateral reform of Investor-State Dispute Settlement (ISDS).

Key event:

- › Presentation of the results during the Expert Meeting "**Multilateral Reform of Investor-State Dispute Settlement**" organised by the European Commission (Brussels, 1 March 2018).



Prof. Hélène Ruiz Fabri Dr Lorenzo Gradoni

In collaboration with Prof. Andrea Bianchi
(The Graduate Institute) and Andrea Hamann
(University of Strasbourg)

Identifying and Implementing *Erga Omnes* Obligations: The Role of Procedure

More than 45 years after the ICJ's judgment in the *Barcelona Traction* case, the discussions on the existence and consequences of *erga omnes* obligations continue to be as relevant as ever. Recent cases like the one on non-proliferation obligations brought before the ICJ by the Marshall Islands highlight the need to revisit the significance of *erga omnes* obligations, and reassess their role in the pursuit and protection of international law's fundamental values. While the International Law Commission has suggested that in case of a breach of an *erga omnes* obligation all States and (competent) international organisations would be entitled to invoke the responsibility of the author of the breach, the procedural articulations of such claims remain restricted to treaty contexts, with little and hardly uniform practice outside of it. International courts and tribunals have shed some light on the procedural aspects surrounding this type of international obligations, but much remains underexplored and in need of clarification.

The purpose of this forum was to examine the role of procedure in identifying and implementing *erga omnes* obligations. More specifically, the forum focused on whether the existing procedures foster or hinder the emergence and development of *erga omnes* obligations. The different approaches of judicial and political organs and procedures in the identification and implementation of *erga omnes* obligations, and their relative strengths and weaknesses, played a central role in the panel's discussions. The forum also analysed how the enforcement of *erga omnes* obligations, either centralised or decentralised, impact upon the pursuit and protection of international law's fundamental values.

Key event:

- › Forum "**Identifying and Implementing *Erga Omnes* Obligations: The Role of Procedure**", 13th Annual Conference of the European Society of International Law (ESIL) "Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law" (Naples, 7-9 September 2017).



Prof. Hélène Ruiz Fabri Dr Joshua Paine

The Procedural Cross-Fertilisation Pull

This project seeks to explain the phenomenon of judicial borrowing and convergence between international adjudicatory bodies in relation to procedural issues (rather than substantive law). It takes place within a project led by Profs Chiara Giorgetti, Mark Pollack and Geir Ulfstein under the auspices of Pluricourts, entitled "Beyond Fragmentation: Competition and Collaboration Among International Courts and Tribunals". This project intends to look beyond the feared fragmentation of international law to explore how international courts have responded to their multiplication in practice, and to examine the varied responses to fragmentation, the causes of such responses, and identify the actors involved. The questions are explored with a special focus on issues of legitimacy and include the cross-fertilisation of courts' procedures; the justification for similar or different responses in the context of equal substantive questions; inter-sectorial checks between different courts; the presence of hegemonic courts and the fight for hegemony; winners and losers of cross-fertilisation; how cross-fertilisation happens in practice; the role played by judges and counsel in promoting or undermining cross-fertilisation; the existence of different kinds of cross-fertilisation.

In this context, Prof. Ruiz Fabri and Dr Josh Paine investigate the hypothesis that on procedural issues there is a 'pull' towards cross-fertilisation which is stronger than for issues of substantive law, thus making judicial borrowing between international adjudicatory bodies more likely for questions of procedure. The paper aims both to give a representative overview of how procedural cross-fertilisation is occurring, but, more importantly, to explain why it is occurring.

Main publication:

- › Ruiz Fabri, H. & Paine, J. (2019, forthcoming), "**The Procedural Cross-Fertilization Pull**" in: C. Giorgetti, M. Pollack & G. Ulfstein (Eds), *Beyond Fragmentation: Competition and Collaboration among International Courts and Tribunals*. Cambridge: Cambridge University Press.

2.7.2. Individual Research Projects

Dr Martyna Fałkowska-Clarys

In collaboration with Prof. Olivier Corten
and Prof. François Dubuisson (ULB)

International Law and Cinema



This project explores the narratives of international law depicted in cinematographic and TV productions, in particular, and in 'pop-culture', more generally. The idea is that the way in which international rules and their interpretations are portrayed in the relevant material, undeniably shapes the audience's view of their scope, pertinence, and legitimacy. Therefore, the project confronts the conveyed vision of various aspects of international law with the discourse that legal scholars hold with regard to those same aspects. Contributions – going beyond the topic of cinema and TV productions – are regularly published on the project's website (<http://cdi.ulb.ac.be/culture-pop-et-droit-international/>). The forthcoming outcome of this project is an edited volume in English, published by Manchester University Press. This volume will build on the previous findings and contributions, and invite the participation of new authors from several academic institutions around the world.

Main publication:

- › Fałkowska-Clarys, M. & Koutroulis, V. (2019, forthcoming), **"In Search of the Principle of Distinction Between Combatants and Non-Combatants in War Movies"** in: O. Corten & F. Dubuisson (Eds), Fałkowska-Clarys, M. (Ass. Ed.), *Melland Schill Guidebooks on International Law: Cinematic Perspectives on International Law*. Manchester: Manchester University Press.

Dr Edouard Fromageau

Quasi-Judicial Bodies in International Law



The "Quasi-Judicial Bodies in International Law" project aims to investigate a growing yet understudied ensemble of international dispute resolution procedures that combine non-judicial and judicial elements. Quasi-judicial bodies are nowadays legion at the international level. For the purposes of this research, more than two hundred procedures showing elements of a quasi-judicial function have been pre-selected. Some of those organs, such as the United Nations Human Rights Committee, the World Bank Inspection Panel, and the European Investment Bank (EIB) Complaints Mechanism have gained considerable visibility and are now a legitimate part of the international adjudication landscape. While visible and numerous, these quasi-judicial bodies have not yet been analysed as a category by international law scholarship. This research project is, indeed, the first attempt to draw a comprehensive and detailed map of the 'quasi-judicial terrain'. The multiplication, some might say proliferation, of quasi-judicial bodies can be seen as a fundamental turn similar in many ways to the turn triggered by the growing number of international courts and tribunals during the last few decades. These quasi-judicial bodies taken as a whole have indeed deeply transformed the field of international dispute settlement. That is to say, the missions assumed by these bodies are of fundamental importance for the international legal order, ranging from ensuring the compliance of States with treaty obligations to fostering the accountability of international organisations and other non-State actors. By adopting a systemic approach, and proposing to see quasi-judicial bodies as forming a coherent system, the project's ambition is to take a closer look

Dr Lorenzo Gradoni

History and Theory of Customary
International Law in a New Key



at across-the-board issues and dynamics that have been largely overlooked by the existing scholarship in the field. Such issues and dynamics are indeed considered on a case-by-case basis with very few systemic considerations. The systemic approach adopted in this project will allow for fundamental issues such as the effectiveness of these bodies, their legitimacy, or the mechanisms that were established to allow access to the adjudicators, to be analysed. The project will eventually sharpen awareness of quasi-judicial bodies as legal actors, and allow for the current situation of conceptual fragmentation to be overcome.

Main publications:

- › Fromageau, E. (forthcoming, 2019), **“Quasi-Judicial Bodies as Procedural Innovations: The World Bank Access to Information Procedure”** in: H. Ruiz Fabri (Ed.), *International Law and Litigation: A Look into Procedure*. Baden-Baden: Nomos, Series “Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law”.
- › Fromageau, E. (forthcoming, 2019), **“Cross Debarment”** in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press
- › Fromageau, E. (forthcoming, 2019), **“Quasi-Judicial Bodies”** in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press

Against the received wisdom according to which the identification of customary law is impervious to any kind of procedural framing, this project puts to the test the hypothesis that custom, in the historical contexts in which it has appeared as a significant legal institution, has rarely, if ever, been un-procedural, with the notable exception of its international variant. Building upon extensive comparative research, the project approaches the history and theory of international customary law in a new key, shifting the focus from intellectual history to theoretical and practical aspects, especially evidentiary issues and decision-making arrangements, which are usually overlooked by standard historical accounts. On this basis, the project puts to the test a second hypothesis, that of the existence of a nexus between the un-procedural character of customary international law and its long-standing ‘identity crisis’, and proposes to read this through the lens of Jung’s psychoanalytic concepts of Mask (‘official doctrine’) and Shadow (a complex entanglement of reason, consent, legislation, precedent and hegemony). In doing so, it highlights and contributes to the explanation of the elements of uncertainty, ambiguity and concealment that have been so central to the discourse on international custom at least since the 1960s, when the dismantlement of colonial empires brought about deep changes in the structure of the international community, and even more so after the end of the Cold War.



International Procedural Law of Outer Space

Recent domestic bills on the exploitation of outer space resources, like the one enacted by the Luxembourg Parliament in 2017, may be regarded as intimations not only of a second space race, this time driven by private actors, but also of the outer space law to come. As the transition to a new legal regime will likely be long and controversy-ridden, this research project aims at devising realistic, innovative and equitable procedural solutions for the prevention and settlement of disputes arising from the appropriation, sale and use of space resources. The project will be concerned with administrative procedures – like those that are currently being set up at the domestic level to process applications filed by private investors seeking authorisation to operate in outer space – as well as with adjudicative ones, taking into consideration that litigation will probably take place in multiple institutional and regulatory contexts, both domestic and international. The project will also examine actual and potential interactions between, on the one hand, the above-mentioned administrative and adjudicative procedure and, on the other hand, the governance structures and legal arrangements that are being set up under the auspices of the United Nations and other international organisations in the field of prevention of impact of naturally occurring near-Earth objects, like the International Asteroid Warning Network (IAWN) and the Space Mission Planning Advisory Group (SMPAG).

Main publication:

- Gradoni, L. (2018), “Trawling in Outer Space”, *Max Planck Research* 2, pp. 10-15.

Understanding Global Law through Public International Law Foundational Doctrines

Much of the literature on global law starts from the assumption that the latter is as difficult to conceptualise as it is real, whereas public international law is a relatively well-understood, limited and possibly receding realm of a larger and expanding law-sphere. In this stylised picture, public international law appears as a traditional and fairly homogeneous way of thinking about ‘the international’ based on outmoded categories like State consent and custom. The working hypothesis the project sets against this picture is that global law and public international law are composite sets of institutions that are both difficult to pin down conceptually and entertain complex relations. With a few exceptions, scholarly literature on global law treats public international law incidentally, as a historical antecedent of global law in the process of being swallowed or marginalised: public international law is seen from the standpoint of global law. The project turns this perspective around and looks into the ‘global’ through two classic international legal topics – the doctrine of sources and the theory of international legal personality – whose conceptual makeups have always been more unstable, flexible and open to change than their supposedly foundational character would seem to allow, making them less prone to obsolescence or marginalisation.

Dr Joshua Paine

The Functions of International
Adjudication



Building on earlier doctoral research, this project uses the category of environmental cases as a benchmark for cross-contextual comparison of the functions of international adjudicators. It considers dispute settlement in the WTO and UNCLOS, ICJ litigation, and investment treaty arbitration. Specifically, the project analyses how adjudicators across these settings manage the problems of changes in law or facts, the standard and method of review, and contribute to effective processes of dispute resolution. By analysing how the three selected problems are managed across a variety of fora, the project aims to shed light on the impact that decisions of these adjudicators have on the international legal order. Environmental cases are used as a focus because, lacking a dedicated tribunal, these are litigated across a plurality of fora with markedly different design features and functional orientations. Thus, these cases may be considered as reflective of the sectorial and decentralised nature of contemporary international adjudication. A further component of this project considers the functions of the WTO's Dispute Settlement Body (DSB), that is, the diplomatic body administering the dispute settlement system, to complement contemporary debates on the functions of international courts and tribunals with a fresh perspective.

Main publications:

- › Paine, J. (2019, forthcoming), ***The Functions of International Adjudication and International Environmental Litigation***. Cambridge: Cambridge University Press, Series "Cambridge Studies in International and Comparative Law".
- › Paine, J. (2019, forthcoming), **"The Judicial Dimension of Regime Interaction beyond Systemic Integration"** in: S. Trevisanut, N. Giannopoulos & R.R. Holst (Eds), *Regime Interaction in Ocean Governance: Problems, Theories and Methods*. Cambridge: Cambridge University Press.

International Adjudication as a Global Public Good?

This project analyses whether international adjudication ought to be classified as a global public good in its own right or as a mechanism that produces such goods. First, the plurality of functions served by international adjudicatory processes are outlined. Such a differentiation is needed to demonstrate that each of these functions produce distinct costs and benefits, some of which are privately held while others are much more diffuse and involve public goods problems. Relying on the global public goods framework, the analysis also shows that the varied costs and benefits arising from international adjudication are produced by very different sets of actors, ranging from all States that sustain a tribunal, as well as broader non-State constituencies, through to individual litigants. By taking an interdisciplinary approach, the project advances both the literature on global public goods and that on the functions of international adjudication.

Award:

- › European Society of International Law Young Scholar Prize in 2017.

Main publication:

- › Paine, J. (2019, forthcoming), **"International Adjudication as a Global Public Good?"**, *European Journal of International Law* (27p.).



International Investment Law: Contestation and Reform

This project examines how international investment law is rapidly changing through the contributions of States, arbitral tribunals, and other actors. There are several components to this project. One aspect of the project analyses the various ways in which investment law raises questions of change, calling as a point of departure for the conceptualisation of what is meant by 'change'. A distinction is drawn between changes in international investment norms and changes in a host State's regulatory system, which relate respectively to issues of interpretation and application. The analysis explains why, on questions of interpretation of the content of international investment norms, arbitrators operate within wider processes of law-development, over which States, as treaty masters, also exercise significant influence. In contrast, arbitrators dominate the process of applying international investment norms to particular investor-State disputes to determine whether changes in a host State's regulatory system breach applicable investment norms. To contextualise this claim, it is tested in relation to the two prominent investment treaty standards: (1) fair and equitable treatment; and (2) the protection against indirect expropriation.

A second part of this project analyses the 'standard of review' in international investment arbitration. In doing so, it provides a comprehensive overview of arbitral awards in which the issue of the standard of review has arisen, as well as the substantial literature on this topic. This allows for an enumeration of the normative considerations relevant to determining the appropriate standard of review in investor-State arbitration.

A third aspect of this project examines whether the substantive standards of investment protection contained in investment treaties can be understood as an emerging form of global constitutional law. It argues that investment treaty law is an example of what the global constitutionalism discourse refers to as 'supplementary constitutionalisation' – a type of international law that addresses issues traditionally regulated by domestic constitutional and administrative law. Additional conceptual clarity concerning the ways in which investment treaty law may exhibit 'constitution-like' qualities is, hence, a welcome development. Three standards of investment treaty protection are analysed, each of which have been used as a basis for prior claims that investment law displays constitutional qualities: (1) fair and equitable treatment; (2) the protection against expropriation; and (3) the guarantee of national treatment.

Main publications:

- › Paine, J. (2018), **"On Investment Law and Questions of Change"**, *Journal of World Investment & Trade* 19(2), pp. 173-207.
- › Paine, J. (2018), **"Standard of Review (Investment Arbitration)"**, *Max Planck Institute Luxembourg for Procedural Law Research Paper Series* 2, 27 p. (forthcoming in: H. Ruiz Fabri (Ed.), *Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press).
- › Paine J. (2019, forthcoming), **"Investment Protection Standards as Global Constitutional Law"** in: S. Schill, C. Tams & R. Hofmann (Eds), *Investment Law and Constitutional Law*. Cheltenham: Edward Elgar.

Dr Luca Pasquet

International Legal Uncertainty



The Jurisdictional Immunities of International Organisations and the Right to a Court in Tension

The project, which focuses on international law, aims at tracing a history of the modern ideal of legal certainty, from the European Enlightenment to its declining importance under conceptions of normativity influenced by neoliberalism. As is known, the liberal tradition, from which the ideal of legal certainty stems, has been exposed as ideological and irrational by the critical legal studies. According to the latter, indeterminacy is the product of a fundamental tension at the heart of liberalism between pairs of opposing principles. Moreover, the liberal ideal of legal certainty has long coexisted with the view – rooted in premodern philosophical traditions and recently restated by Derrida – according to which uncertainty is not an imperfection of the law but, rather, a necessary condition for it to be just. Neoliberalism, however, neatly breaks with these traditions, so much so that the historical fissure it opens up looks deeper than any line liberalism might have traced between the past and the present. If the law is there to absorb uncertainty by stabilising normative expectations – a social technology operating *ex ante* – neoliberalism tends to do away with it, as the human agents it seeks to forge should rather take uncertainty as an opportunity and build up resilience to face misfortune or weather it by subscribing to insurance schemes – a dispositive operating *ex post factum*.

This project concerns the normative conflict between the right to a court and the jurisdictional immunities of international organisations. The two norms – and the sets of norms to which they belong – follow clearly distinct and partially incompatible rationalities, that encompass divergent ends as well as different justificatory narratives. While the right to a court focuses on the idea of ‘access’ (to justice, to a remedy, to legal protection, to the ‘law’), the immunity of international organisations is an exemption, an exoneration, an instrument of exclusion. Given the polycentric and heterarchical structure of international law, however, no ‘neutral’ observation point seems to be at hand where a universally applicable and definitive solution for the conflict at stake could be formulated. The hypothesis at the origin of the research is that the antinomy at issue can only be overcome by taking a relational perspective, that is by accepting the need for the regimes involved to provoke one another and mutually incorporate each other’s logic, in a process of gradual compatibilisation.

Main publication:

- › Pasquet, L. (2019, forthcoming), “**Reasonable alternative means (ECtHR)**” in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.



International Intersystemic Law?

The project analyses how different international courts and tribunals, closely connected with specific set of norms, institutions and policies, take into account or otherwise interact with other regimes within international law. Given the polycentric nature of international law, the investigation does not start from the identification of 'general principles' that should coordinate the operation of all international courts, but takes a particularistic perspective, focusing on the autonomous practices international courts and tribunals have developed to take into account normative spaces other than that in which they are incardinated. Conclusions of a more general character will be made on the basis of a systematic comparison of these practices.

Main publication:

- › Pasquet, L. (2019, forthcoming), **"Defragmentation techniques"** in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.



Marco Benatar

Evidence and Fact-Finding
in Inter-State Litigation



This project is devoted to challenges of evidence and fact-finding faced by international tribunals, with a focus on the ICJ, ITLOS and inter-State arbitral tribunals. Taking a bird's-eye view, evidentiary difficulties that arise in inter-State litigation can often be categorised as a problem of complexity/abundance of facts (e.g. scientific and environmental disputes) or, conversely, a lack thereof. The dissertation takes a closer look at the second category by focusing on two key scenarios in which the behaviour of one of the parties to the dispute affects the adjudicator's ability to consider all pertinent facts: the refusal of either party to produce certain documents (even despite a judicial order to do so) and the non-participation of the respondent in the proceedings. Explored topics include, *inter alia*, evidentiary privileges, adverse inferences, discovery-style procedures, access to archives, and the appointment of document production masters.

Marco expects to submit the first draft of his Ph.D. thesis during the second semester of 2019.

Main publications:

- › Benatar, M. (2019, forthcoming), **"Site visit"** in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.
- › Benatar, M. (2019, forthcoming), **"International Tribunal for the Law of the Sea Trust Fund"** in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.

Elena Ivanova

WTO and UNCLOS Dispute Settlement
Forums in the Context of Limited
Jurisdiction and Applicable Law



This Ph.D. project addresses the challenges that multifaceted disputes straddling different treaty regimes pose to international courts and tribunals with limited subject-matter jurisdiction in the context of the ongoing discussion on the fragmentation of international law. In particular, it examines the interplay between the WTO Agreement and the UNCLOS, including the interaction between the dispute settlement rules embodied in them. These treaties belong to different branches of international law and contain separate dispute settlement mechanisms both of which establish distinct adjudicatory bodies with compulsory but limited subject-matter jurisdiction, while leaving open various questions of procedural and substantive law nature. As a result, it is unclear to what extent these adjudicatory bodies can refer to other rules of international law and, in particular, to treaty rules; what the implications of their pronouncements are in relation to each other; how they should approach multifaceted disputes involving

both WTO law and law of the sea issues, given their limited subject-matter jurisdiction. These problems are not specific to the WTO – UNCLOS dispute settlement mechanisms but have a wider reach as they have arisen before other international courts and tribunals vested with limited jurisdiction. Their examination, therefore, has resonance beyond the context of WTO and UNCLOS dispute settlement and helps to identify similar procedural and substantive law problems across jurisdictions, determine the common approaches, and highlight and critically assess the inconsistent ones. The ultimate aim of this Ph.D. thesis is to propose a solution in case a multifaceted dispute allegedly involving different treaties is submitted for resolution before different dispute settlement fora.

Elena conducts her doctoral research in the framework of the IMPRS-SDR. She expects to submit the first draft of her Ph.D. thesis by the end of January 2019.



Pierre-Emmanuel Pignarre

The European Court of Justice
as a Constitutional Court



Since the Judgement *Les Verts* in 1986, the CJEU has considered the EU Treaties as ‘the Constitutional Charter’ of the European Union. In light of this new characterisation of the European Union’s legal order, it has adapted the constitutional wording to the supranational level. This is also the case with the protection of fundamental rights, which the Court of Justice has developed by itself in the legal order of the European Union, knowing how to go beyond its original limit to economic integration. Like a federal constitutional court, it controls the distribution of powers at horizontal level, between the institutions of the European Union, but also at the vertical level between the Union and its Member States. In doing so, the Court of Justice fulfils a fundamental constitutional office, contributing to the institutional balance of the organisation whose application and the coherence of the law it ensures.

This research adopts a pragmatist methodology, considering that on the same object previously defined, several different approaches would be possible, without being mutually exclusive. It is a question of sticking to pragmatism as a methodological metathesis, the idea that a pluralism of method is possible. The European Union legal order appears as the emergent framework of this doctrine. In support of this argument, the dissertation will show how the ECJ exercises an unprecedented form of constitutional justice beyond the State.

To this end, the remedies before the ECJ will be detailed, before comparing them to the different systems of constitutional review in the world. The ECJ will be characterised as a constitutional court whenever it presents the features of one of these systems, regardless of whether it is marginal or widely shared. Hence that the pragmatist methodology is most suitable.

Pierre-Emmanuel expects to submit the first draft of his Ph.D. thesis in September 2019.

Main publications:

- › Pignarre, P.-E. (2018), “**Le métalangage pragmatiste appliqué au droit du contentieux de l’Union européenne**”, *Annuaire international de justice constitutionnelle* 33, pp. 689-716.
- › Pignarre, P.-E. (2019, forthcoming), “**Dispute referred to the Court of Justice of the European Union (CJEU) under special agreement**” in: H. Ruiz Fabri (Ed.), *The Max Planck Encyclopedia of International Procedural Law*. Oxford: Oxford University Press.

2.8.1. Department Projects



*Dr Edouard Fromageau,
Dr Lily Martinet, Edoardo
Stoppioni, & Alain Zamaria*

In collaboration with Pedro Batista (Goethe University Frankfurt, previously Visiting Scholar at the MPI Luxembourg)

Blockchain Technologies and Dispute Settlement

2.8. International Dispute Settlement and New Technologies

While the speed of technology keeps increasing, the FinTech (i.e. financial technology) industry has dramatically evolved and impacted our current financial regulatory framework. Technology also made its way into the courtrooms as part of the developing 'digitalisation of justice'. This impact is manifold and includes, among others: increasing dematerialisation of procedures, with paperless communication; related issues of data-protection and cybersecurity; development of online dispute resolution, which is especially striking in the field of consumer protection; automation of dispute resolution; and the development of video-conferencing.

All these evolutions, in turn, affect the way justice is conceived, its public character, and the manner in which it is distributed. Interactions between new technologies and procedural law represent one of the latest additions to the research conducted by the Department of International Law and Dispute Resolution, aiming to grasp the legal and procedural consequences of such transformative technologies. The Department intends to be at the forefront of research for all the questions relating to dispute resolution in the age of technology.

Since their emergence in 2009, the versatility of Blockchain technologies and their infrastructure have led to their widespread use. The application of Blockchain now spans far beyond the registration of transactions denominated in digital currencies. Needless to say, a plethora of legal questions has followed. However, despite the obvious interactions between Blockchain technologies and the law, lawyers find it difficult to separate a rapidly evolving technological reality from media hyperinflation. What is it about the Blockchain that may in practice influence, or even revolutionise, the field of law? Answering this question is all the more difficult for those who specialise in procedural law and dispute resolution.

Blockchain technologies have the potential to change the dispute resolution landscape in subtle ways. Yet, changes may carry enormous consequences. This project aims to examine the relevance of this new set of technologies for procedural law.

Crucial for this project, a two-day seminar will be organised at which dispute resolution lawyers, scholars, and Blockchain specialists will highlight and discuss the most topical areas of interaction. To ensure that lawyers with limited (or no) technological background can grasp the overall contours of the phenomenon, an introductory panel will illustrate the basic features of Blockchain. Subsequently, panels will



Dr Martyna Fałkowska-Clarys Dr Lily Martinet

The Quest for Judicial Efficiency: Technology
as a Tool or as an Engine

discuss modes of interaction between Blockchain and procedural law. For example, the status of digital currencies in court proceedings, the relevance of decentralised autonomous organisations, and the potential of smart contracts to foster the development of self-enforcing dispute resolution mechanisms. Attention will also be devoted to the impact of the Blockchain on public international law and dispute settlement.

The output of the project will be published as an open access e-book or culminate in a special issue in a journal (e.g. *Stanford Journal of Blockchain Law & Policy*), ensuring that research results will remain accessible on a long-term basis. To date, no publication specifically addresses the interaction between Blockchain technologies and procedural law. This research, hence, carries the potential to attract significant attention, maximising the external visibility of the project and providing a valuable resource for practicing lawyers, academics, and technology experts with an interest in dispute resolution matters.

Key event:

- › Seminar “**Blockchain Technologies and Dispute Settlement**” (date to be determined).

Almost all fields of human activity have become increasingly efficiency-oriented. The pursuit of efficiency gains, traditionally a corporate endeavour, spurs cost reduction, increased productivity, and optimisation processes. The judicial sector is no exception. The importance of performance indicators, an obsession with swiftness, and quest for a greater budgetary efficiency, each underpin courts’ increased use of and reliance on technology in their activities. Indeed, technology is presented as the panacea for inefficiency. Yet, technology also gradually transforms the traditional architecture and functions of courts. Inside the court, organisational and regulatory structures need to adapt to the requirements and the capacities of technology. Within the courtroom, such transformations may affect procedural rules, judicial rituals, as well as practices of lawyers, judges, and officers of the court. Outside the courtroom, social media and websites are used for outreach purposes and in facilitation of a public image. Moreover, courts’ “memory” is no longer archival but stored digitally on servers. Management thereof raises important issues of privacy, data security, and access to law. In this respect, it is interesting to note that some courts have embraced open-access databases or e-training tools.

The use of technology within the courtroom goes to the core of the ‘digitalisation of justice’, influencing the way justice is both made and understood. In fact, questions about the impact of technology on foundational principles of the international judicial process

(e.g. the right to a fair trial, equality of arms, or publicity) require thorough examination. Whereas the use of technology in domestic courts has been studied, no comparable research exists focussing on international judicial bodies. Spurred by the multiplicity of questions, the growing number of procedural texts –ranging from “policies” to rules of procedure– further complicate courts’ daily operations. Is it technology that bends itself to the existing procedural requirements or is the reverse true? Are procedures adopted before or after the inclusion of a particular technology? Who drafts and implements these procedures? Is technology shifting the management of courts toward the corporate model? Is technology a tool for or driving force behind judicial efficiency? All these questions necessitate a reflection on the exercise, perception, evolution, and identity of international justice in a technological context.



Beginning with a literature review, the technology that has made its way into courts will be mapped, identifying any issues such implementation has raised along the way. A selection of international courts and tribunals will be studied in depth: digital native courts (e.g. the ICC and the Caribbean Court of Justice (CCJ)) and late adopters (e.g. the ECtHR and the ICJ). Courts embedded in an international organisation, standalone courts, as well as regional and international courts will be included. For each, relevant procedural texts, case law, policies, and administrative documents will be examined. Practices will be analysed and compared in order to identify similarities and pinpoint their specificities. The discourse supporting the implementation of technology and the actors involved are also specific subjects of analysis.

Upcoming event:

- › **In-house seminar** devoted to preparatory and methodological work (date to be determined).
- › Seminar **“Mapping New Technologies at the International Criminal Court”** (date to be determined).

2.8.2. Individual Research Projects



Alain Zamaria

Legal Reflections on Stateless Currencies

“Stateless currencies” refer to currencies which are not issued by the State and whose purpose is to circulate alongside official currencies. Since the emergence of the Bitcoin in 2008, new “cryptocurrencies” have arisen spontaneously and renewed interest in the essence of money. Apart from disrupting the payment industry, Bitcoin seems to materialise the libertarian dream of money created and controlled outside governments and banks. As the code underlying Bitcoin incorporates its own law and no threat of violence stands behind this law, cryptocurrencies have been described as “un-lawlike”. The Ph.D. project analyses these peculiar currencies from a legal, sociological and economic perspective, in particular regarding the question of their appropriation.

Can Bitcoins be subject to property rights? What is “owned” by a Bitcoin holder considering that they may qualify as currencies, commodities or securities depending on jurisdictions and regulatory agencies? Since Bitcoins can be stored, traded and stolen outside the reach of law enforcement, what are the legal and economic implications of such actions, for


instance regarding the concept of theft in property law? From the perspective of monetary sovereignty, do the development of Bitcoins as well as other parallel currencies (such as local and community currencies, miles and loyalty programmes) question the seemingly secular link between a State and its currency? By investigating the categorisation of Bitcoins as “property” or “money”, the research project aims at critically assessing the current state of law and its implications for the *lex cryptographia* utopia.

Alain expects to submit his Ph.D. thesis in 2020.

Main publication:

- › Zamaria, A. (2019, forthcoming), “**La reconnaissance juridictionnelle des monnaies virtuelles**” in: H. Ruiz Fabri (Ed.), *International Law and Litigation: A Look into Procedure*. Baden-Baden: Nomos, Series “Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law”.





*The MPI Luxembourg
takes great pride in
promoting promising
early career scientists.*

VI. SUPPORT OF YOUNG SCIENTISTS

1. Doctoral Dissertations Defended or Submitted

The MPI Luxembourg takes great pride in promoting promising early career scientists. Since its establishment, it has solidified its programme to support both its own researchers and those visiting the Institute for a limited period of time.

Hosting researchers from across the globe working on procedural issues, the Institute has endeavoured to foster and enhance the development opportunities available to all on a personal and professional level. Having created multifaceted programmes to provide such support to these talented young researchers, the Institute also encourages its researchers to participate in external scientific projects and events, including for example, summer schools, and to actively prepare presentations at conferences and workshops on topics related to their research field. The MPI Luxembourg supports its researchers via the organisation of weekly departmental meetings and *Referentenrunden*, summer schools, Guest Forums, and an International Max Planck Research School (IMPRS). The MPI Luxembourg also offers scholarship grants for research stays and secondments at international organisations, courts and institutions.

Since its creation, twelve researchers defended their dissertation and were awarded a Ph.D. degree. Four others have submitted their thesis and will defend their work in the coming months.

Ph.D. theses defended or submitted by researchers of the Department of European and Comparative Procedural Law since September 2012:

- › **Pei Lu**
(University of Heidelberg, defended in July 2015)
"Die Wahrung der Rechtseinheit in Deutschland und der Volksrepublik China"
- › **Robert Arts**
(University of Heidelberg, defended in October 2016)
"Die subjektiven Voraussetzungen der Insolvenzanfechtung"
- › **Katharina Raffelsieper**
(University of Heidelberg, defended in April 2017)
"Die Rückabwicklung der vorläufigen Vollstreckung eines noch nicht rechtskräftigen Urteils im nationalen und europäischen Zivilprozessrecht"
- › **Georgia Koutsoukou**
(University of Heidelberg, defended in January 2018)
"Die Aufrechnung im Europäischen Kollisions- und Verfahrensrecht unter besonderer Berücksichtigung der Nettingvereinbarungen"
- › **Michael Bakowitz**
(University of Heidelberg, defended in January 2018)
"Informationsherrschaft im Kartellrecht – Der Umgang mit Dokumenten im Besitz der Wettbewerbsbehörden"

- › **Nils Pelzer**
(University of Heidelberg, defended in June 2018)
"Mediation und Schlichtung – Eine systematische Untersuchung auf Grundlage des chinesischen und des deutschen Rechts"
 - › **Yin Jin**
(University of Heidelberg, defended in September 2018)
"Die Übertragbarkeit der deutschen Vollstreckungsgegenklage in das chinesische Zivilprozessrecht"
 - › **Polina Pavlova**
(University of Heidelberg, defended in January 2019)
"Gerichtsstands- und Schiedsvereinbarungen in der privaten Kartellrechtsdurchsetzung in Europa"
 - › **Kristina Sirakova**
(University of Heidelberg, submitted in March 2018)
"Pauschalierter Kartellschadenersatz in Einkaufs- und Lieferbedingungen als Alternative zur Schadensschätzung"
 - › **Franz Kaps**
(University of Heidelberg, submitted in August 2018)
"Schiedsgerichtsbarkeit in Singapur und Indien"
- Ph.D. theses defended or submitted by researchers of the Department of International Law and Dispute Resolution from 2016 to 2018:
- › **Michel Erpelding**
(University Paris 1 Panthéon-Sorbonne, defended in March 2017)
"The International Anti-Slavery Law of 'Civilized Nations' (1815 – 1945)"
 - › **Dalia Palombo**
(Maastricht University, defended in June 2017)
"Business and Human Rights: The Obligations of the European Home State"
 - › **Tamar Meshel**
(University of Toronto, defended in July 2018)
"International Law and Transboundary Fresh Water Resources: A Dispute Resolution Perspective"
 - › **Edoardo Stoppioni**
(University Paris 1 Panthéon-Sorbonne, defended in March 2019)
"Une analyse critique du discours du juge de l'OMC et de l'arbitre de l'investissement sur le droit non écrit"
 - › **Aravind Ganesh**
(Vrije Universiteit Amsterdam, submitted November 2018)
"Rightful Relations in the Wider World: A Kantian Critique of the European Union's Legal Relations with Distant Strangers"
 - › **André Nunes Chaib**
(University Paris 1 Panthéon-Sorbonne, submitted in December 2018)
"Institutionalization of the World Economy: Creating Spaces of Legality for International Financial Institutions"

2. Weekly and Monthly Colloquia

Researchers as well as Guests of the Institute meet on a weekly basis in various types of meetings: joint *Referentenrunden*, *Referentenrunden* of the Department of European and Comparative Procedural Law, and Department Meetings of the Department of International Law and Dispute Resolution.

2.1. Joint *Referentenrunden* of Both Departments

A joint *Referentenrunde* is held every month, led by Professors Ruiz Fabri and Hess, which allows researchers from both departments to meet and discuss their projects. Two presentations are given, one by a researcher of each department; these presentations are followed by a discussion and debate led by the chair (normally a Senior Research Fellow). While the Departments have their own distinct fields of research and Research Fellows largely work on their own projects or research projects within their Department, the *Referentenrunde* provides an opportunity for an exchange of knowledge and experience between both departments. These monthly meetings not only allow researchers to develop their communication skills by presenting their research to colleagues and guests, but also ensure that the researchers of each department can develop a sound understanding of the research undertaken in the other department and receive input, comments and questions from researchers outside of their strict field of expertise.



2.2. *Referentenrunden* of the Department of European and Comparative Procedural Law

A weekly *Referentenrunde* is organised within the Department of European and Comparative Procedural Law. It offers Research Fellows and Senior Research Fellows the opportunity to present their research projects to the rest of the Department and to the Institute's guests. Usually, these sessions take place on a Wednesday. They enable the researchers to share their work in progress with the Department, to explain the challenges and difficulties they face with their research, and to share the results obtained from their research endeavours; the work presented might include the Ph.D. thesis, a project, paper or book chapter that is a work in progress or has been completed.

The *Referentenrunde* has a number of aims, underpinning the development of the academic, research and communication skills of the Research Fellows and Senior Research Fellows. As a result, since its creation, it has become a central focal point of the Department. Firstly, these sessions help the researchers to strengthen their presentation and oral communication skills. Secondly, they require researchers to present and defend their projects before an often challenging community of peers. Research Fellows, Senior Research Fellows, and Professor Hess, as well as visiting guests and professors, aim to provide constructive feedback and scientific guidance on the content and structure of the research presented, and the methodology used. This is particularly significant as the research agenda of the Institute dictates that innovative research methodologies are adopted; researchers at the MPI Luxembourg engage transnational and comparative research, as well as doctrinal, empirical, historical,

and legal-theoretical methods in their research. Within the Department, the Senior Research Fellows often act in a manner to facilitate the presentations of the Research Fellows, providing additional guidance in the determination of the presentation to be made, and offering constructive feedback and an open door for questions.

Furthermore, during the *Referentenrunde*, researchers are charged with providing updates, including for example, new judgments of national, European and international courts and dispute resolution mechanisms, recent legislative and policy developments, and new scholarship in the three fields that shape the research agenda of the Department, namely: European civil procedure, comparative procedural law, and the public-private divide in dispute resolution. These updates are provided at the beginning of each session, ensuring that the researchers and research agenda are kept up-to-date, and that the researchers assist each other in developing their knowledge of recent developments in the fields of interest to the Department.

2.3. Department Meetings of the Department of International Law and Dispute Resolution

To broaden and exemplify the academic skills of the doctoral students and postdoctoral fellows, the Department of International Law and Dispute Resolution provides training seminars during its weekly meetings. Under the scientific supervision of Professor Hélène Ruiz Fabri, these seminars are fashioned to aid the researchers designing, collecting and analysing data, writing their Ph.D. thesis, presenting their work, and acquiring transferable soft skills.

Guests and (post-)doctoral researchers of the Law Faculty of the University of Luxembourg are invited and fully participate in the lively debates that characterise each seminar. Material is often provided before the meetings, favouring precise and accurate feedback, and fostering an inspiring intellectual emulation. Currently, the programme of the department meetings is based on four types of seminars: skills seminars, rapid reaction seminars, work-in-progress seminars, and reading rooms.

Skills seminars aim to present a particular methodology (history, social sciences, etc.) or skill (formulating a research question, writing a cover letter for an application, etc.) that may be useful to the researchers. It consists of a presentation from an external expert or by a researcher or a guest who has developed specific methodological abilities.

Examples:

- › “Osmose: The Nuts and Bolts of a Comparative Study on Intangible Cultural Heritage Law” by Dr Lily Martinet
- › “Editing (and Writing for) an International Law Journal” by Dr Guy Sinclair (Victoria University of Wellington)
- › “The Procedural Approach to International Negotiation. Insights from Political Science” by Prof. Valérie Rosoux (Catholic University of Louvain - UCL)
- › “Everything You Wanted to Know about Writing a Ph.D. but You Were Afraid to Ask” by Dr Andrés Delgado Casteleiro

Rapid reaction seminars give the floor to Research Fellows and Guests to present a recent case or event related to the Department's focus.

Examples:

- › "Syria: Mapping the Use of Force Debate" by Parvathi Menon and Edoardo Stoppioni
- › "The ICJ's Preliminary Objections Judgment in Somalia v. Kenya: Causing Ripples in Law of the Sea Dispute Settlement?" by Marco Benatar
- › "Malaysia's Application for Revision of the Judgment of 23 May 2008: Pedra Branca Reloaded?" by Dr Edouard Fromageau

During the **work-in-progress seminars**, the researchers and the Guests present a part of their current research projects. It can be a specific issue of a pluri-annual research project, a Ph.D. chapter or an article.

Examples:

- › "State Responsibility in Peace Operations: The Problem of Diffuse Accountability" by Remy Jorritsma
- › "The Role of International Courts and Tribunals in the Definition and Implementation of the Due Diligence Standard" by Prof. Serena Forlati (University of Ferrara)
- › "Investor-State Arbitration in the Developing South: Perpetuating (Post)Colonial Economic Relations Through Unequal Treaties" by Javier Garcia Olmedo
- › "Wirtbarkeit: Cosmopolitan Right and Innkeeping" by Aravind Ganesh

One or more pieces of literature, previously read by the participants, are discussed in the **reading room seminars**. They relate to international procedural law, but can also focus on legal theory and legal philosophy. These seminars are also organised in preparation of some talks given in the framework of the Max Planck Lecture Series.

Examples:

- › Article of Pierre Bourdieu, "The Force of Law: Towards a Sociology of the Juridical Field" (*Hasting Law Journal*, 1987), introduced by André Nunes Chaib
- › Two chapters of Prof. Andrea Bianchi's book, *International Law Theory: An Inquiry Into Different Ways of Thinking* (OUP, 2016), introduced by Dr Luca Pasquet
- › Two chapters of Prof. Alexander Proelß, *The United Nations Convention on the Law of the Sea: A Commentary* (H. Beck/Hart/Nomos, 2017), introduced by Marco Benatar

Each of these seminars end with a 15-minute update about the main developments and decisions of various courts and tribunals, and recent literature which deserves attention. The eight groups, composed according to the expertise of the researchers of the Department, are as follows: (1) the International Court of Justice, (2) the International Organisations, (3) the European Court of Justice and other integration bodies, (4) Human Rights, (5) Investment, (6) WTO, (7) Law of the Sea, and (8) Criminal Law. All the researchers are thus kept up-to-date of recent developments in fields beyond their strict field of expertise.

3. Guest Programme - Regular Guests

The Guest Programme is designed to welcome, for a short- or mid-term period of stay at the Institute, outstanding young researchers and practitioners from across the globe, working on procedural issues. With a dedicated team to assist in the organisation of their trip and to welcome them to Luxembourg, the Programme has operated smoothly for many since 2013. A focal point of the Institute is its extensive library. The Institute not only provides guests with a personal workspace, but also offers professional support from the librarians with regard to use of the library and its cutting-edge facilities. The Guest Programme and the scholars attracted to it stimulate the exchange of ideas between international colleagues and the Institute's own researchers. The weekly *Referentenrunde* and Department Meetings, the array of conferences and workshops hosted at the Institute, and the MPI Guest Forum generate the ideal setting for such exchanges; moreover, a monthly social event allows guests and researchers to get together for discussions in a more relaxed and informal atmosphere.

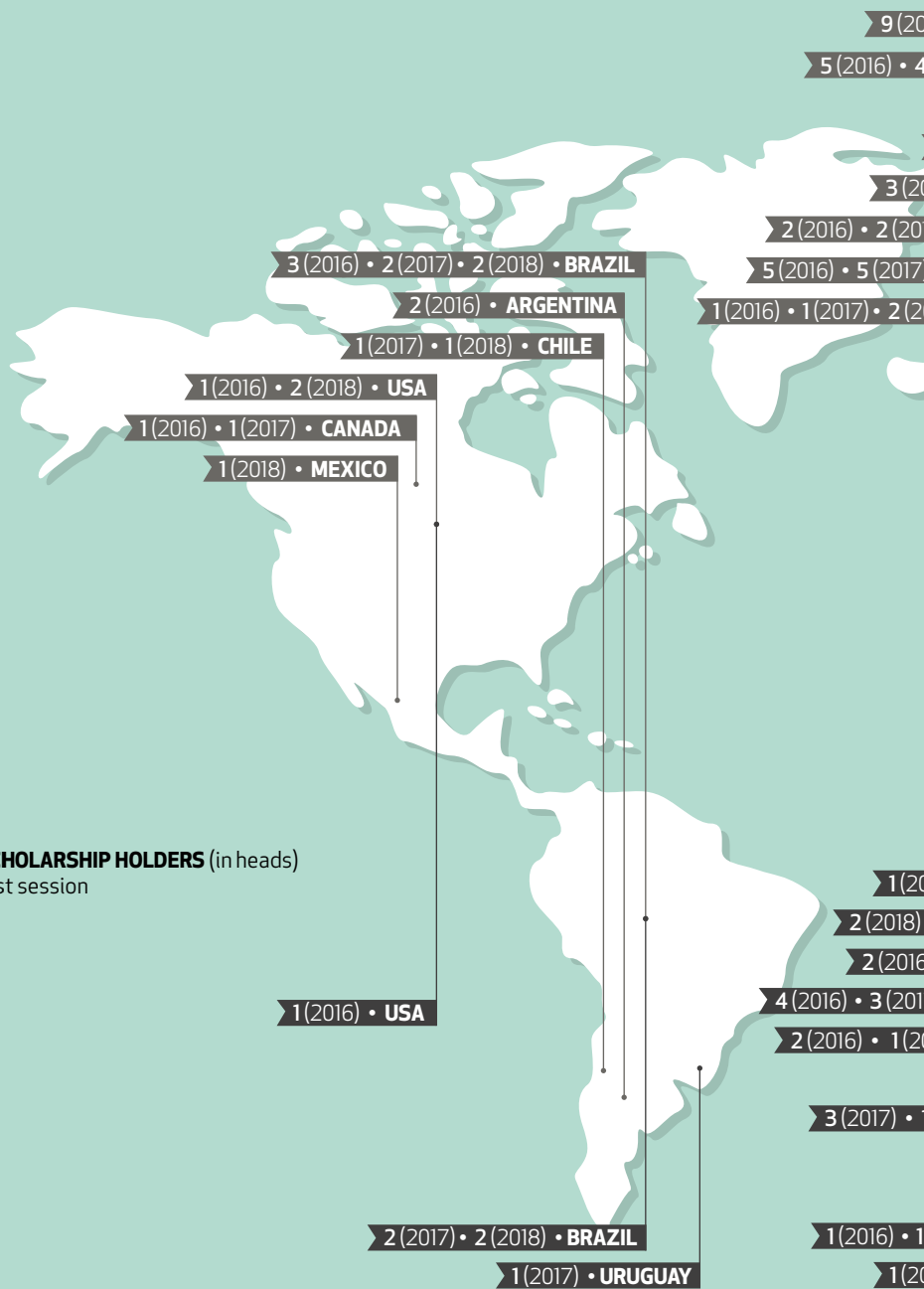
Regular guests are able to apply for a research stay throughout the year via the Institute's website. The application must include an outline of the current research project, a list of prior publications, the applicant's CV, and two letters of recommendation (professors are exempt from this requirement). The duration of the stay is flexible and can range from one week to a maximum of twelve months. The Directors and Senior Research Fellows select the guests in a collaborative effort.

The regular Guest Programme has attracted numerous doctoral students, researchers and practitioners since its implementation. In 2016, the Institute welcomed 53 visitors, in 2017 it received 37, and in 2018 the programme saw 44 people partake.



3.1 REGULAR GUESTS

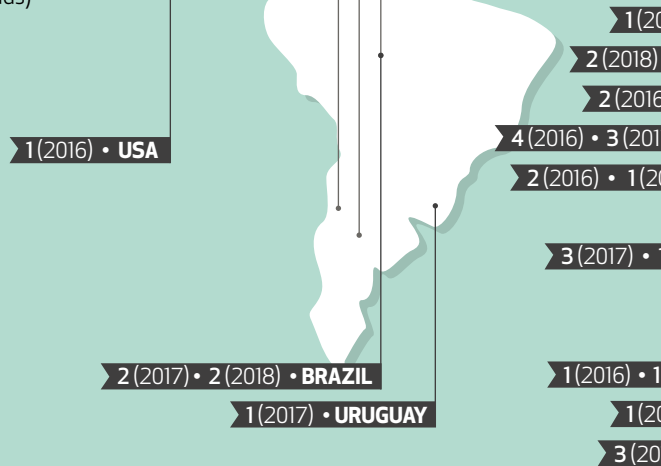
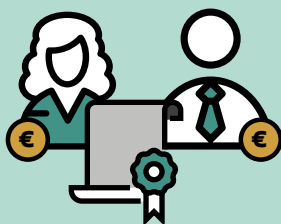
► NATIONALITIES REPRESENTED WITHIN REGULAR GUESTS (in heads)

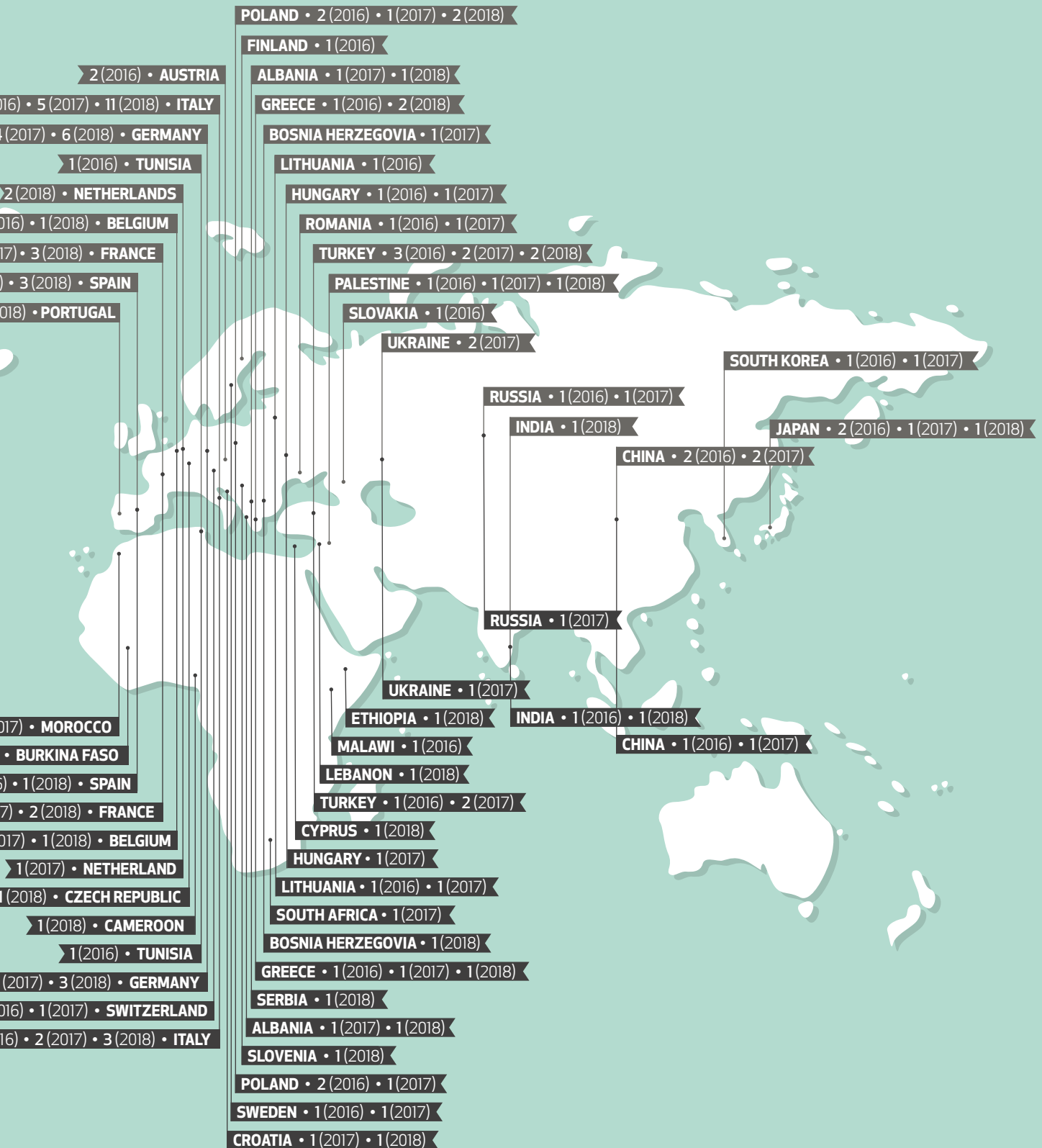


3.2 SCHOLARSHIP HOLDERS

► NATIONALITIES REPRESENTED WITHIN SCHOLARSHIP HOLDERS (in heads)

Guest programme with scholarships – first session





4. Guest Programme – Scholarship Holders

In 2015, the Institute identified a need to provide intensive academic and financial support to young scientists and, thus, added a scholarship dimension to its Guest Programme. As a result, the Institute offers 120 months of scholarships for doctoral students. Normally, a six-month scholarship is offered as a maximum. Scholarships are provided for doctoral projects on comparative procedural law and international litigation and/or arbitration.

The Ph.D. researchers who are interested in applying, must send a cover letter indicating their motivation and outlining a connection between their dissertation and the research agenda of the Institute. They must further send a CV with grades of their university degrees, a summary of their Ph.D. project, including the subject, description and working plan, and two letters of recommendation; one of which should be from their supervisor and must include contact information.

To gain the most from a stay at the Institute, a good command of English is essential; of course, the call is open to doctoral students writing their thesis in a language other than English. In addition to a monthly grant of €1500, the selected Ph.D. students are offered a work space in the Library reading room and the opportunity to participate in the scientific activities of the Institute.



2016

NAME	COUNTRY OF ORIGIN	RESEARCH TOPIC
Alvarez, Gloria Maria	United States of America	Recalibrating EU Law in the Energy Charter Treaty: From Legal Framework Misconceptions to Functional Realities
Bergman, Linn	Sweden	Asserting National Gravity with Cosmopolitan Ideals. Choice and Interpretation of Substantive Law in International Arbitration
Bliuvaite, Marija	Lithuania	Interim measures of protection in international arbitration
Bolaca, Aysun	Turkey	The Impact of Inconsistent Arbitral Decisions in International Energy Disputes: An Analysis
Chipeta, Chiwala Wanangwa	Malawi	<i>Trials in Absentia</i> in International Criminal Law
Devers, Manuel	France	La responsabilité civile des entreprises multinationales pour fait internationalement illicite
Fervers, Matthias	Germany	Die Bindung Dritter an Prozessergebnisse
Kastanidis, Athanasios	Greece	Action for negative declaratory relief from a comparative and European perspective
Li, Junjie	China	The Compatibility and Feasibility of Investor-State Dispute Settlement with European Union
Linares, Enrique	Spain	Enforcement in Third-States of Awards Rendered in Investment Treaty Arbitration
Marceddu, Maria Laura	Italy	The Emerging Profile of European International Investment Agreements
Marchetti, Filippo	Italy	Internet privacy and data protection in private international and procedural law
Mchirgui, Zohra	Tunisia	Procedural issues arising under the Cape Town convention on international interests in mobile equipment
Misra, Manu	India	Optimal ISDS Provisions for States: Balancing FDI Incentives with Policy-Making Leeway – The Indian Perspective
Nowak, Janek	Belgium	National procedural law as an obstacle to the application of EU law? An analysis in the context of private enforcement actions of EU consumer protection law and EU competition law
Pato, Alexia	Switzerland	Cross Border Collective Redress in the European Union and Private International Law Rules on Jurisdiction
Pelle, Lorenzo	Italy	The nullities of civil judgements and proceedings
Pichel Medina, Cristina Isabelle	Spain	The Impact of Islands, Rocks and Low-Tide Elevations in Maritime Delimitation
Ragues, Tatum	France	International Standardization: The Example of Food Industry
Senegacnik, Alexandre	France	L'interprétation des traités de protection des investissements à l'épreuve de la souveraineté étatique
Sokolowska, Lidia	Poland	L'arbitrabilité des litiges de droit privé. Perspective comparatiste
Stoppioni, Edoardo	France	The Use of Unwritten International Law in WTO and Investment Litigation
Vandensande, Els	Belgium	The Inherent Powers of Courts
Zatorska, Jolanta	Poland	The procedural guarantees in the European cross-border procedures: European Small Claims Procedure and European order for payment Procedure

2017

NAME	COUNTRY OF ORIGIN	RESEARCH TOPIC
Bratkovic, Marko	Croatia	Revision as a means of uniform application of law in litigation
Broulík, Jan	Czech Republic	Economics in Antitrust Decision-Making
Castagno, Davide	Italy	The “prospect of success” as a requirement to appeal: A comparative research among civil procedures systems in Europe.
Devers, Manuel	France	La responsabilité civile des entreprises multinationales pour fait internationalement illicite
Elouazzani Chahdi, Salma	Morocco	The mutual recognition between Spain and Morocco of the judicial decisions concerning dissolution of marriage, parental responsibility and maintenance obligations
Françoise, Marylou	France	The judge in European private international law
Hillebrand-Pohl, Jens	Sweden	International Movement of Capital in Investment Treaty Arbitration
Hortoglu, Yagmur	Turkey	Fraud and International Arbitration
Jéquier, Guillaume	Switzerland	La liberté contractuelle dans le procès civil
Káposznyák, Aliz	Hungary	The importance of the seat of arbitration in the field of international commercial arbitration
Krüger, Christian	Germany	“Gothaer Allgemeine” - Minor Exception or Major Change? Does the ECJ's Decision in “Gothaer Allgemeine” Require a New and Autonomous European <i>Res Judicata</i> Concept?
Lima, Lucas Carlos	Brazil	Between Science and Law: The Use of Experts by the International Court of Justice
Litina, Eva	Greece	International Maritime Arbitration: Towards a More Sustainable Approach
Lu, Gui	China	The Judicial Discretion of Enforcement and Related to the Relief of Execution.
Mongrell González, Diego	Uruguay	Enforcement of annulled awards in international commercial arbitration
Montanaro, Francesco	Italy	The protection of societal goods in the new generation of EU International Investment Agreements
Okyay, Nurten Kansu	Turkey	Les clauses optionnelles de règlement des litiges en droit international privé
Pustovit, Grygoriy	Ukraine	Duties of a Trustee under a Sovereign Bond Contract: Implications for Sovereign Debt Restructuring
Sali, Semir	Albania	The Law of Immunity of International Organisations: Treaty Conflicts, Human Rights Obligations and International Legal Responsibility
Sanctis De Brito, Adriane	Brazil	The 19 th -Century Brazilian-British ‘colonial encounter’ with the abolition of slave trade: ruptures and continuities in international law language
Senegacnik, Alexandre	France	L'interprétation des traités de protection des investissements à l'épreuve de la souveraineté étatique
Strelecek, Tomas	Czech Republic	The Fundamental Questions of a Concept of Civil Procedure
Valkova, Lenka	Czech Republic	Choice of Court Agreements in Commercial, Family and Succession Matters
Van Der Haegen, Matthias	Belgium	The Court of Cassation as beacon of the Belgian judiciary?
Wolodkiewicz, Bartosz	Poland	Submission by Appearance in the Brussels I Recast Regulation and Polish Civil Procedure Code
Zhao, Chunlei	The Netherlands	The Dispute Settlement Mechanisms in a China-EU Free Trade and Investment Agreement
Zharjkova, Olga	Russia	The importance of the European Court of Human Rights for civil procedure. A comparison of the Russian and German law

2018

NAME	COUNTRY OF ORIGIN	RESEARCH TOPIC
Baillet, Olivier	France	The Economy in the Case-Law of the European Court of Human Rights
Batista, Pedro	Brazil	From Touchstones to Blockchain: Decentralising Financial Stability, Regulation and Governance
Boru, Zeleke Temesgen	Ethiopia	The Trans-Pacific Partnership and a Limitation on Access to Biological Medicines
Brozovic, Juraj	Croatia	The adverse consequences of parties' default in civil proceedings and their effect on access to justice
Compaore, David Nelson	Burkina Faso	Contribution to the History of Public International Law: The Permanent Court of Arbitration
Cortesi, Giulio Alvaro	Italy	Les entités étatiques à vocation économique dans l'arbitrage international d'investissement
De Andrade, Mariana	Brazil	The use of unwritten law by the dispute settlement mechanism of the World Trade Organization
Dimetto, Marco	Italy	The Concept of Dispute in International Jurisdiction
Drnovsek, Katja	Slovenia	Admissibility of Evidence in Civil Procedure in the Context of Constitutional Rights
Fanou, Maria	Greece	Shaping a common investor-state dispute settlement (ISDS) system: The interplay between the European legal order and international investment arbitration
Fidrmucova, Anna	Czech Republic	Guardianship and other forms of child care, comparison of substantive law and procedural legislation in the Czech Republic and France
González Herrera, Daniel	Spain	Judicial Dialogue in the Multilevel Legal Space: The Relationship among the ECJ, the ECtHR and the Constitutional Courts
Hoc, Arnaud	Belgium	L'appel-nulité
Jéquier, Guillaume	Switzerland	La liberté contractuelle dans le procès civil
Kabra, Ridhi	India	Multiparty disputes before international courts and tribunals
Kabre, Rimdolmsom Jonathan	Burkina Faso	The role of private counsels in the resolution of dispute involving States
Kassas, Rana	Lebanon	The Standing of State-Owned Enterprises and Acts Attributable to a State under Investor-State Dispute Settlement (ISDS)
Knoche, Katharina	Germany	Transnational violation of human rights – access to legal remedies in Germany
Koagne Zouapet, Apollin	Cameroon	Immunités et protection de la personne humaine en droit international
Lattanzi, Sarah	Italy	The use of <i>travaux préparatoires</i> in interpreting European Union Law
Mandija, Ledina	Albania	International and European Standards on Jurisdiction, Applicable Law and the Recognition of the Judgments in the Matters of Child Custody and Access Rights, and the Albanian Practice
Mouftotos, Nicholas	Cyprus	The impact of Europeanization in the legal system of Cyprus: more pieces on the mosaic
Prosper, Sophie	France	Right to court in the 21 st century: studying legal reforms of courts' organization in the light of the right to court
Radonicic, Dzenana	Bosnia Herzegovina	Revision in civil proceedings
Scraback, Bianca Jessica	Germany	International Jurisdiction and Multiple Places of Performance
Spasic, Predrag	Serbia	State-Owned Entities in Investment Arbitration
Walla, Brigitta Sofia	Germany	Effects of Corruption on Arbitration Proceedings – in Consideration of the German and French Legal Position
Zukauskaitė, Miglė	Lithuania	Mediator as a Facilitator in Dispute Resolution



Gloria Alvarez

Lecturer, University of Aberdeen
(scholarship holder in 2016)

“ I had the opportunity to conduct part of my Ph.D. studies at the Max Planck Institute in Luxembourg. It offered me one of the best environments to conduct legal research internationally. The high quality of the scientific literature available and human resources makes of MPI Luxembourg an essential hub for all legal scholars who are pursuing high excellence in their research. My doctoral studies focused on the complex interaction between international dispute resolution and EU Law in the context of energy investments. I was fortunate to present and discuss my research with many of the very experienced guests and researchers and this had a very positive impact on my research outcomes, which have eventually led to a monograph. Every time I meet curious and talented researchers I always recommend them to have a look at MPI Luxembourg and apply for one of their many research activities and events. Among one of the many things I like about MPI is that all its members are researchers engaging in original, innovative and crucial research topics and areas with a genuine impact in our society, economy and legal daily lives. The guest programme is extremely welcoming and generous, it is a real incubator of legal knowledge and research. I am very proud I was part of the Institute's programme and I hope to continue collaborating and learning from MPI Luxembourg. ”



Lucas Lima

Professor, Federal University of Minas Gerais
(scholarship holder in 2017)

“ I had the opportunity to spend the last months of my Ph.D. at the Max Planck Institute Luxembourg and the experience proved to be riveting. Not only did I find a favourable environment for writing and research within the premises of the Institute, but I could also benefit from an extremely insightful and stimulating scientific environment. My Ph.D. research was focused on the use of experts by the International Court of Justice, so I engaged in some stimulating discussions with other researchers on international procedural law. Some of the discussions, as well as receiving different inputs about future steps I could explore in my work, and the events I attended while I was a guest, were essential to enrich my research. There are at least three features of the MPI Luxembourg I would like to stress. The first is the high-level group of researchers and students that formed the permanent team of the MPI. The multinational, multilingual and multidisciplinary aura of the Institute enhances the circulation of ideas. This factor is certainly improved by the continuous circulation of engaged guests. The second feature of the Institute are the remarkably interesting events that it hosts. Without focusing on one area of international law, even if one spends a short amount of time at the MPI they can enjoy the opportunity of following extremely up-to-date discussions about different issues of international law. The third thing that impressed me the most was the openness of the Institute and the possibility of contributing to projects, debates and events in the capacity of a guest. ”



Ridhi Kabra

Lecturer, University of Bristol
(scholarship holder in 2018)

“ I had the opportunity to conduct a research stay at the Max Planck Institute Luxembourg in early 2018 whilst a doctoral candidate at the University of Cambridge. My research delves heavily into procedural law. It analyses the scope and limits of multiparty litigation before international courts and tribunals, with a special focus on multiparty investment treaty arbitration. The MPI being a leading institute in research on procedural law, it made natural sense to do a research stay there. The Institute's generous scholarship programme made that possible. Institutionally, the Institute's rich resources helped substantially with the progress of my research. Not enough can be said in gratitude about the institutional support staff — the MPI's team of librarians and administrative staff contributed significantly towards making my research stay pleasant and productive. The librarians were extremely willing and patient with sourcing books and articles from other institutions. The MPI's team of directors, academics and researchers were always willing to engage with my work and provide constructive feedback, and continue to do so even after my departure. The vibrant and diverse community that the Institute fosters helped a monolingual such as myself to engage with research published in other languages. I was particularly struck by the MPI's willingness to integrate its guests into the community. The ability to attend department meetings, guest lectures, and closed-door workshops ensured that I wasn't isolated but could interact and engage with other researchers and their work(s). In all, not only did the MPI provide a strong platform to conduct research, but my time there helped foster friendships and exposed me to unique academic camaraderie. ”

5. PRIDE Project: Enforcement in Multi-level Regulatory Systems (DTU-REMS)

The MPI Luxembourg partners with the University of Luxembourg's Faculty of Law, Economics and Finance (FDEF) as well as the Faculty of Language and Literature, Humanities, Arts and Education (FLSHASE) in the "Doctoral Training Unit on Enforcement in Multi-level Regulatory Systems" (DTU-REMS). This pluri-annual research and training programme is supported and co-financed by the FNR in the framework of its scheme "Programme for the Research-Intensive Doctoral Education" (PRIDE).

The DTU-REMS deals with various challenges of enforcement specific to contemporary multi-level systems in Europe and beyond, most notably challenges relating to the interaction and integration of different enforcement levels and to digitalisation. These challenges are approached from transversal and sectoral perspectives, which are reflected in two mutually complementary 'research pillars'. The first research pillar, taking a transversal perspective, encompasses not only legal challenges, but also broader, policy-oriented enforcement challenges (including governance and compliance issues) with reference to their legal and political context. This broad perspective is supplemented with a more legalistic approach under the second pillar of the research programme, which focuses on the enforcement challenges in three specific economic sectors that are of direct relevance for Luxembourg's economy, namely the banking and financial sectors, the IT, and the satellite communications sectors. Under this pillar, the design of and the interaction between substantive regulatory rules and their multi-level enforcement by means of different legal enforcement tools receives special attention, though without neglecting the underlying policy interests of those mechanisms.

The research programme is supported by an interdisciplinary doctoral training programme covering economics and law, based on seminars and collaborative research-based activities dedicated to topics tailored to the research programme. Beyond its training activities, DTU-REMS is also committed to offer an environment that furthers the research and professional qualification of the Ph.D. candidates.

Among the eleven Ph.D. students enrolled in the DTU-REMS project in its first phase, three have undertaken their doctoral research as Research Fellows at the MPI Luxembourg:

- › **Ivan Cavdarevic** started in June 2017 his Ph.D. dissertation entitled "Weaknesses of the Enforcement System in Investor-State Arbitration" (University of Luxembourg, supervisor: Prof. Hélène Ruiz Fabri).
- › **Carlos Santaló Goris** joined the Institute in April 2018 and is writing a thesis about the enforcement of the European Account Preservation Order Regulation in Germany, France, Luxembourg, and Spain. (University of Luxembourg, supervisor: Prof. Burkhard Hess).
- › **Giovanni Chiapponi** has started his Ph.D. in October 2018. His research relates to the enforcement of procedural law remedies in order to guarantee and strengthen the protection of European fundamental rights (University of Luxembourg, supervisor: Prof. Burkhard Hess).

In March 2018, on the basis of the "excellent" reviews of the first phase of the project, the FNR accepted to prolong the research and training programme and committed to finance 13 new Ph.D. students in the DTU-REMS II.

DTU-REMS II is designed to capture the overall process through which conformity between behaviour and legal norms can be progressively achieved in multi-level regulatory systems and to enable a comparative institutional analysis between the various enforcement mechanisms employed in such systems. The objectives are twofold:

- › mapping the legal problems and weaknesses of enforcing legal norms in multi-level settings;
- › defining how those legal problems can be addressed by identifying the possible choices between various forms of judicial or non-judicial enforcement institutions (or combinations thereof) that respect the constitutional principles of democracy, fundamental rights protection, and the rule of law.

The recruitment process for the new doctoral students has already begun. The MPI Luxembourg will welcome two of them in the course of 2019, the first one, Ms Bianca Nalbandian, joining the Institute on the 1st of March 2019.



6. International Max Planck Research School for Successful Dispute Resolution in International Law (IMPRS-SDR)

In 2009, the International Max Planck Research School for Successful Dispute Resolution in International Law (IMPRS-SDR) was founded by Prof. Rüdiger Wolfrum, Prof. Burkhard Hess and Prof. Thomas Pfeiffer through the MPI for Comparative Public Law and International Law (Heidelberg) and the Law Faculty of the University of Heidelberg, represented mainly by the Institute for Comparative Law, Conflict of Laws and International Business Law. In 2013, the MPI Luxembourg assumed a leading position in the IMPRS-SDR, and from 2014, the Research School became an integral part of the Institute. Since 2015, the IMPRS-SDR also counts as partners the University of Luxembourg, Faculty of Law, Economics and Finance, as well as the Max Planck Foundation for International Peace and the Rule of Law based in Heidelberg.

Following a successful evaluation for the period 2009-2014, the IMPRS-SDR is in its second funding phase (2015-2020). Since January 2016, Dr Astrid Wiik (University of Heidelberg) has been the scientific coordinator of the IMPRS-SDR.

6.1. Research Focus

International dispute settlement is essential to secure peace, stability, and the rule of law in a globalised and multi-polar world order in which States are no longer the sole determinants of international relations. The current questioning and purposeful disruption by some States of the rule-based international order that has solidified since the end of the Cold War reinforces the need for efficient and effective international dispute settlement mechanisms.

The IMPRS-SDR examines international dispute settlement holistically, integrating the public, private, and public/private dimensions. In the public sphere, the point of departure is the obligation to settle disputes by peaceful means embedded in the UN Charter. Over the last few decades, States have increasingly resorted to international courts and arbitral bodies to solve their differences, including requesting adjudication over boundary disputes entailing the allocation of limited natural resources. In the private sphere, globalisation, and political, commercial and technological developments, bring about increasingly mobile and internationally active parties. As their mobility and activities increase, so do their disputes requiring access to effective and competent courts or arbitration bodies. In the public/private sphere, substantial business investment in foreign states is dependent on investment treaties that guarantee judicial protection through arbitral tribunals.

Ph.D. candidates within the IMPRS-SDR examine and compare international dispute resolution procedures primarily from a legal perspective, while also considering the wider political, sociological and psychological aspects. The interdisciplinary approach is essential in many areas of international dispute settlement, for instance, when assessing the reasons why parties choose specific dispute settlement means over others, or when considering the implementation and enforcement of judgments and awards. Complementing this multidisciplinary approach, a multinational student body conducts outstanding research from an international perspective, informed by their knowledge of and experiences in a variety of legal systems.

Most of the results of the IMPRS-SDR are collected in the series "Successful Dispute Resolution" by Nomos and Hart Publishing.

6.2. A Practice-oriented Approach

In addition to providing an international and lively research environment, the IMPRS-SDR strives to furnish Ph.D. candidates with first-hand practical insights into the many facets of international dispute resolution. A unique feature and a cornerstone of the IMPRS-SDR is its cooperation with stakeholders in legal practice.

Practitioners are regularly invited to give talks to students and share their experiences. Guests during the reporting period included PCA Deputy Secretary-General Mr Brooks Daly, former Judge at the ECtHR, Prof. Mark Villiger, Judge at the ECJ, Prof. Alan Rosas, and Mr Tim Maxian Rusche of the European Commission.

In addition, the IMPRS-SDR maintains a cooperative relationship with the PCA in The Hague, other international organisations, and international courts and tribunals. It has offered doctoral students the opportunity to work as Assistant Legal Counsels at the PCA and has supported candidates in securing placements at other international institutions, including the ICSID Secretariat.



6.3. Supervision and Advisory Board

Supervision is doubly ensured: first by the Ph.D. student's primary supervisor and, second, by the other participating professors. In addition, the IMPRS-SDR permits *co-tutelles* to expand its academic outreach. Students present and report on the progress of their research projects or, for example, a recent legal decision or other legal developments important to their research at regular seminars of the IMPRS-SDR. The seminars are held in English, the working language of the IMPRS-SDR, and take the form of an open discussion to which supervisors, visiting professors, and other legal experts contribute. Moreover, Ph.D. candidates participate at the *jour fixe* of their respective departments, as well as other events organised by the participating institutions. Ph.D. candidates are also encouraged to discuss their research at international conferences and summer schools, as well as to obtain first publishing experiences.

With the beginning of the School's second working cycle, nine additional professors joined the IMPRS-SDR as Ph.D. supervisors. The team of spokespersons and supervisors currently comprises:

- › **Prof. Burkhard Hess**, MPI Luxembourg/University of Heidelberg (Spokesperson)
- › **Prof. Thomas Pfeiffer**, University of Heidelberg (Spokesperson)
- › **Prof. Rüdiger Wolfrum**, MPI Heidelberg/University of Heidelberg (Spokesperson)
- › **Prof. Gilles Cuniberti**, University of Luxembourg

- › **Prof. Werner Ebke**, University of Heidelberg
- › **Prof. Matthew Happold**, University of Luxembourg
- › **Prof. Herwig C.H. Hofmann**, University of Luxembourg
- › **Prof. Christoph Kern**, University of Heidelberg
- › **Prof. Herbert Kronke**, The Hague/University of Heidelberg
- › **Ass. Prof. Séverine Menetrey**, University of Luxembourg
- › **Prof. Peter-Christian Müller-Graff**, University of Heidelberg
- › **Prof. Anne Peters**, MPI Heidelberg/University of Heidelberg
- › **Prof. Andreas Piekenbrock**, University of Heidelberg
- › **Prof. Ekkehard Reimer**, University of Heidelberg
- › **Prof. Marta Requejo Isidro**, MPI Luxembourg
- › **Prof. Raphaële Rivier**, University Paris 1 Panthéon-Sorbonne (*co-tutelle*)
- › **Prof. Héléne Ruiz Fabri**, MPI Luxembourg/University Paris 1 Panthéon-Sorbonne
- › **Prof. Marc-Philippe Weller**, University of Heidelberg
- › **Prof. Maud Piers**, Ghent University

The IMPRS-SDR and its student body is further supported by an Advisory Board. Its members regularly participate in the events of the school. The Members of the Advisory Board currently are:

- › **Mr Alexis Moure**, Paris
- › **Judge & Prof. Allan Rosas**, Turku/Luxembourg
- › **Prof. Christoph Schreuer**, Vienna
- › **Judge & Prof. Mark E. Villiger**, Zurich
- › **Judge & Prof. Andreas Voßkuhle**, Freiburg/Karlsruhe
- › **Sir Michael Wood**, KCMG, Cambridge/London

6.4. Candidates

A core feature of the IMPRS-SDR research environment is its international and diverse student body. The Ph.D. students' breadth of experiences reflects and brings to life the IMPRS-SDR's international and comparative approach. At the time of reporting, the IMPRS-SDR comprises twenty active Ph.D. candidates with sixteen different nationalities who are predominantly based in Heidelberg and Luxembourg. In addition, the IMPRS-SDR is in the process of admitting up to an additional five Ph.D. candidates to enter the programme in early 2019.



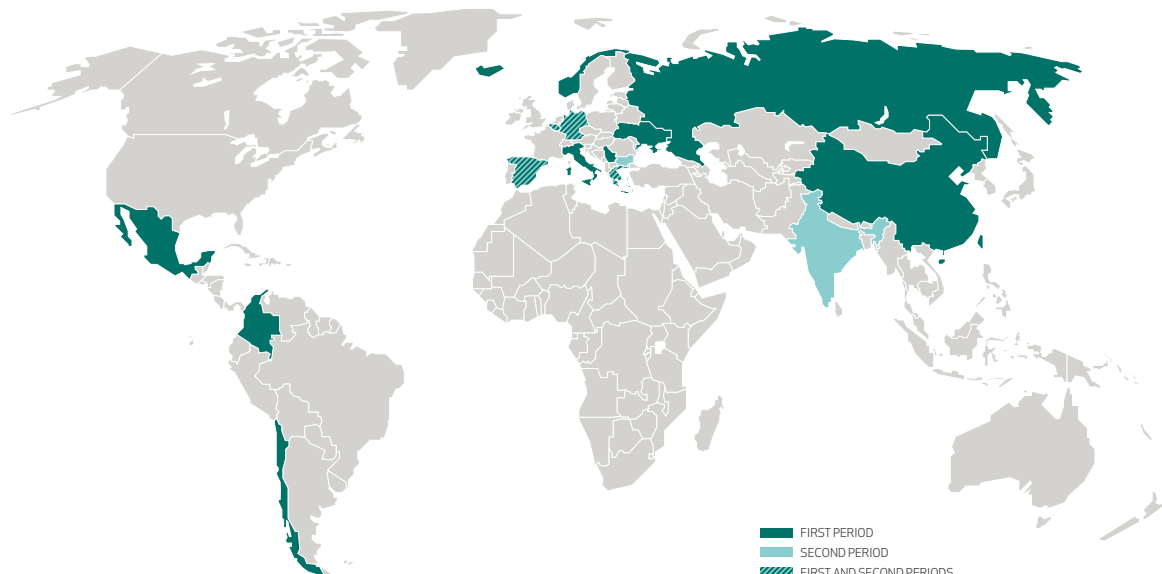
First Working Period

NAME	NATIONALITY	RESEARCH TOPIC	STATUS
Arrese, Daniela	Chile	Land and Maritime Delimitation: Truly Different Areas of the Law?	Submitted in 2018
Chen, Sisi	China	The Role of Arbitral Institutions in International Commercial Arbitration – A Comparative Study on Arbitration in Germany and China	Submitted in 2018
Dahlkamp, Christoph	Germany	How Fast Can You Get? An Analysis of Procedural Party Autonomy and Its Due Process Limits in German Arbitration Law	Work in progress
Solveigardóttir, Margrét	Iceland	Balancing Private and Public Interests in the Energy Sector – The Specificities of the Energy Charter Treaty	Work in progress
Koprivica, Ana	Serbia	Public Hearings in Investment Arbitration	The thesis will be defended in 2019
Koutsoukou, Georgia	Greece	Set-off and Netting Agreements in European Private International and Procedural Law	Completed in 2018
Lievens, Dennis	Belgium	European Cross-border Enforcement of Arbitration Agreements During Insolvency Procedures	Work in progress
Pushkar, Pablo	Ukraine	The Origins of Difficulties in Complying with Judgements and Awards of International Courts and Tribunals Given Against the Former Soviet Union States	Work in progress
Sabanogullari, Levent	Germany	General Exception Clauses in International Investment Law – The Recalibration of Investment Agreements via WTO-Based Flexibilities	Completed in 2016
Segrera Ayala, Yira Luz	Colombia	World Trade Organisation and Preferential Trade Agreements Dispute Settlement Mechanism. A Way into a Coexistence and Coherence	Work in progress
Steup, Magdalene	Germany	Standard of Review of International Arbitration Awards for Compliance with the Ordre Public in Germany, England, and France	Work in progress
Strotkemper, Noemi	Germany	Field of Tension between Tax Treaty Arbitration and an International Tax Tribunal: Enhancing Dispute Resolution after Double Tax Treaties	Completed in 2016
Treves, Raymundo Tullio	Italy	Equality of Arms in International Dispute Settlement	Submitted in 2018
Wiik, Astrid	Germany	<i>Amici Curiae</i> before International Courts and Tribunals	Completed in 2016

Second Working Period

NAME	NATIONALITY	RESEARCH TOPIC	STATUS
Angoura, Stavroula	Greece	The Independence and Impartiality of Arbitrators in International Commercial and Investment Arbitration	Work in progress
De Boeck, Michael	Belgium	The Effect of EU Public Policy on International Commercial Arbitration	Work in progress
Chartier, Basile	France	Negotiation in the Context of Third-Party Dispute Settlement Regimes	Work in progress
D'Souza, Nihal	India	Transforming India Into An International Arbitration Friendly State: Lessons To Be Learnt From A Cross-Jurisdictional Study Of The Public Policy Exception	Work in progress
Escher, Mirjam	Germany	Dissenting Opinion in Private Commercial Arbitration	Submitted in 2017
Fritz, Lisa	Germany	Subsidiary Jurisdiction and Forum Necessitatis in European Civil Procedure Law	Work in progress
Garcia Olmedo, Javier	Spain	The Determination and Recognition of Investors' Nationality under International Law and by Investor-State Arbitration Tribunals	Work in progress
Hiller, Alexander T.	Germany	<i>Exequatur</i> of International Arbitral Awards in Arab States	Work in progress
Ivanova, Elena	Bulgaria	WTO and UNCLOS Dispute Settlement Forums in the Context of Overlapping Jurisdictions and Applicable Law	Work in progress
Jena, Jan Ole	Germany	The Business Judgment Rule - A Comparative Analysis of the United States and Germany	Submitted in 2018
Pika, Maximilian	Germany	Third-Party Effects of Arbitral Awards	Submitted in 2018
Prodomou, Zena	Greece	Public Law Considerations under Different International Dispute Resolution Mechanisms: Bringing the Domestic Closer to the International and the Private Closer to the Public	Work in progress
Wagner, Edith	Germany	Case Management at the European Court of Human Rights - An Analysis of the Procedural, Technical and Practical Tools for Repetitive Applications	Work in progress

› COUNTRIES OF ORIGIN - FIRST AND SECOND PERIODS



6.5. Activities

In addition to events organised by the participating institutions within the research focus of the school, the IMPRS-SDR organised a number of events. These include the following (bi-)annual doctoral seminars:

- › **March 2016 (Heidelberg, with live video-conferencing to Luxembourg):** Meeting with keynote address by Prof. Wolfrum on “Legal Conflicts before International Courts and Tribunals with Limited Jurisdiction”;
- › **June 2016 (Luxembourg):** Doctoral seminar;
- › **March 2017 (Heidelberg):** Doctoral seminar;
- › **May 2017 (Luxembourg):** Meeting with keynote address by Mr Brooks Daly on “The PCA and Its Contribution to International Dispute Settlement”;
- › **November 2017 (Luxembourg):** Doctoral seminar
- › **December 2017 (Luxembourg):** Doctoral seminar with keynote addresses by Prof. Villiger on “The Research Division of the European Court of Human Rights and its Relevance for the Court’s Case-Law”, by Prof. Wolfrum on “Conciliation between the Democratic Republic of Timor-Leste and the Commonwealth of Australia (PCA Case No. 2016-10)”, and by Mr T. Maxian Rusche (European Commission) on “Unresolved Legal Questions Following the ECJ’s Achmea-Judgment”;
- › **November 2018 (Luxembourg):** Doctoral seminar.

6.6. Publications and Prizes

During the reporting period, six Ph.D. theses of IMPRS-SDR candidates were published as monographs, most of them in Nomos/Hart’s Series “Successful Dispute Resolution”.

In addition, one dissertation was awarded prizes, re-confirming the important scientific contributions the IMPRS-SDR strives to make to this area of international law.



7. *Post-Doctoral Summer School on Comparative Procedural Law*

In 2014, the MPI Luxembourg teamed up with the International Association of Procedural Law (IAPL) for the first IAPL-MPI Post-Doctoral Summer School on Comparative Procedural Law. Under the direction of Professors Loïc Cadiet (University Paris 1 Panthéon-Sorbonne) and Burkhard Hess, the Summer School focused on the increasing accessibility of modern procedural law in some comparative and international perspectives, and brought together outstanding young post-docs who dealt with European and comparative procedural law and other relevant dispute mechanisms for civil controversies.

Following its success, in July 2016 and 2018, the Institute and the IAPL organised a second and third edition of the IAPL-MPI Summer School; the second delved into the *Approaches to Procedural Law: The Pluralism of Methods* while the third focused on the *Privatizing Dispute Resolution and its Limits*. Under the direction of Professors Loïc Cadet and Burkhard Hess, and with the academic support of Prof. Marta Requejo Isidro, the second and third gatherings brought together another collection of exceptional young researchers of many different nationalities dealing with comparative procedural law, as well as with other systems resolving civil and commercial disputes.

The philosophy of the Summer School emboldens the idea of having the post-doctoral researchers present their current research and create a platform at which to openly discuss presentations of fellow participants. The professors provide encouragement and guidance within this initiative. The Summer School acquired a reputation of remarkable quality, epitomised both by the professors invited to speak and the researchers admitted for participation.

7.1. Selection of Participants and Programme

The process of selection is based on the applicant's CV and research topic – interest, methodological approach and originality. With a high number of applications channelled through the MPI website, the selection is made by both institutions, during a meeting of the Presidium of both the IAPL and MPI Luxembourg.

The academic programme is divided into specific panels clustering related topics. Each session, chaired by one professor, is sequenced according to the same pattern. Firstly, researchers have twenty minutes maximum to explain their research. Then, a peer, previously appointed as a discussant, addresses the highlights of the previous presentation for three to five minutes. Finally, fifteen to twenty minutes are allocated for an open discussion with all the participants. In order to facilitate the task of the discussant and for the sake of a productive debate, papers of approximately 15,000 words are sent in advance to be circulated among all the participants. At the end of each working session, professors comment on a major work of procedural and comparative law: a selected book, author, or even an important event that they consider worthy of discussion.



Second Edition (2016)

NAME	UNIVERSITY OF ORIGIN	PRESENTATION
Barel, Yuliya	Belarusian State University	The Court of the Eurasian Economic Union: Basic and some Controversial Questions of Jurisdiction and Procedure
Berkes, Antal	University Paris 1; ELTE University	The European Union as an Institutional Model for the African Court of Justice and Human Rights
Blanco García, Ana Isabel	University of Valencia	Financial Consumer Redress by ADR and ODR. New European Approaches
D'Arrigo, Valentina	University of Rome Tor Vergata	Interpretation, Scope and Enforcement of TRIPS. The Double Side of the Agreement between WTO Dispute Settlement Bodies and the Court of Justice of the European Union
De Avelar Lamy, Eduardo	Federal University of Santa Catarina (UFSC)	The Binding Value of Precedent Implies a Forward-looking Aspect?
Ellingsen, Hilde K.	University of Oslo	Judicial Enforcement of EU Law by Private Parties – The Impact of European Union Law on Domestic Standing Doctrines
Enna, Luisa	University of Cagliari; University of Brescia	The Italian Assisted Negotiation for Legal Separation and Divorce
Giabardo, Carlo Vittorio	University of Turin	The Pluralism of Methods Approachments to Comparative Law
Giannini, Leandro	University of La Plata	Supreme Courts: "Filters" and Case Selection. Argentina's Writ of Certiorari in a Comparative Perspective
Kozubovska, Beata	McGill University	The Theory and Practice of Precedent in CISG
Papadopoulou, Anastasia	Aristoteles University of Thessaloniki	The Impact of the EU Financial Crisis in the Europeanization of the Greek Civil Procedural Law: A multi-methodological Insight to the New Greek Civil Procedure Code, its Scope and Innovative Provisions
Ponde Fonseca, Juliana	Yale University	The Changing Role of Courts between the Privatization of Adjudication and the Privatization of Procedure
Rétornaz, Valentin	University of Galatasaray	Beware of Legal Families: the Example of the Effects of res judicata Towards Third Parties
Verbic, Francisco	National University of La Plata	Access to Justice of Disadvantaged Groups and Judicial Control of Public Policies through Class Actions in Argentina
Vitorelli Diniz Lima, Edilson	Federal University of Parana	Collective Due Process of Law: Reconciling Representation and Participation

Third Edition (2018)

NAME	UNIVERSITY OF ORIGIN	PRESENTATION
Andino Lopez, Juan Antonio	Adesse, Abogados, S.L.P.	A Glance to the Future of Dispute Resolution: Collaborative Lawyers in Europe and Legal Attorney-Client Privilege in Subsequent Judicial Proceedings
Biard, Alexandre	Erasmus University Rotterdam	Monitoring Consumer ADR in the EU: Empirical Insights
Cichomska, Marta	University of Warsaw	Competing Jurisdictions: Domestic Courts v. Investment Tribunals-How to Manage Parallel Claims?
Daniels, Caroline	Catholic University of Leuven (KUL)	Alternative Dispute Resolution for European Consumers: A Question of Access to and Standards of Justice
Jaime, Margie-Lys	University Paris 2 Panthéon-Assas	A New Framework for Improving the Investor-State Dispute Settlement System
Khan, Rebecca	Central European University	A Proposal for Mandatory Disclosure of Third Party Funding in International Investment Arbitration
Li, Fenghua	Renmin University of China	Privatizing Dispute Resolution: International IP Agreements as a Gateway to Trigger Investor-State Arbitration
Marazopoulou, Vassiliki	National and Kapodistrian University of Athens	Private International Law Issues to Third Party Funding in International Commercial Arbitration
Michailidou, Chrysoula	University of Heidelberg	Procedural and Substantial Issues of Mandatory Mediation and Its Limits in Cross-Border Cases. The Example of Greek Legislation
Ontanu, Elena Alina	Erasmus University Rotterdam	Court and Out-of-Court Procedures: In Search of a Comprehensive Framework for Consumers' Access to Justice in Cross-Border Litigation
Pato, Alexia	Autonomous University of Madrid	The Collective Private Enforcement of Data Protection Rights in the EU
Quek Anderson, Dorcas	Singapore Management University	Supporting Party Autonomy in the Enforcement of Mediated Settlements Agreements - A Brave New World or Uncharted Territory?
Rolland, Paul	University Paris 2 Panthéon-Assas	A Right to an Amicable Settlement and Equal Access to Amicable Dispute Resolution Mechanisms
Vandenbussche, Wannes	Catholic University of Leuven (KUL)	Introducing 'Apology Legislation' in Civil Law Systems
Warwas, Barbara	The Hague University	Access to Privatized Consumer Justice: Arbitration, ADR and the Future of Value-Oriented Justice in the EU
Yasunaga, Yuji	Kyoto University	The Role of the Japanese Court in Civil Litigations: Seeking to Protect the Public Interest

8. Guest Forum

7.2 Results and Prospect

The papers of the second summer school, reworked in light of the discussions and reviewed by one of the professors attending the event, were published in 2017:

- › Cadiet, L., Hess, B. & Requejo Isidro, M. (Eds). (2017), *Approaches to Procedural Law: The Pluralism of Methods*. Baden-Baden: Nomos, Series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Law".

The third edition took place in Luxembourg in July 2018 and will also result in a publication, entitled *Privatizing Dispute Resolution and its Limits*, in the book series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Law".

The MPI Guest Forum takes place on a monthly basis at the premises of the MPI Luxembourg. It aims to provide an opportunity for the MPI guests to get involved with the work of the Institute, to present and discuss their research, to receive feedback, and to network with the community of the Institute.

It is organised jointly by two Senior Research Fellows, Dr Stephanie Law and Dr Edouard Fromageau, in line with the Institute's Guest Programme. The Guests are invited to submit short abstracts of the research they wish to present to the organisers, who select them on the basis of the quality of the proposal and its relevance to the research projects of the Institute's Fellows and Guests.

The format of the Guest Forum is typically as follows: guests are invited to make a presentation of around 20-25 minutes, which is followed by questions from the audience and discussion. One of the organisers will chair, initiating the raising of questions and leading the discussion that follows. This format aims to offer to guests an opportunity to receive critical feedback on their research project, from Research Fellows, Senior Research Fellows, the Directors and other guests. Normally, presentations are made by guests undertaking their PhD research. Occasionally however, presentations may be given by visiting professors.

Third Edition (2018)

YEAR	DATE	SPEAKER	POSITION AND AFFILIATION	TITLE
2016	08.03	Prof. Vilenas Vadapalas	Former Judge of the General Court of the European Union	"EU-Turkey association in the case-law of the European Court of Justice"
	12.04	Linn Berman	Ph.D. student, Stockholm University	"How do arbitrators manage procedure related to substantive law?"
	10.05	Dr Ousseni Illy	University Ouaga II	"Failed States in International Law"
	14.06	Lidia Sokolowska	Ph.D. student, University Paris 2	"Arbitrability under Polish law – is this still an important question?"
	13.09	Dr Cristina Contartese	University of Luxembourg	"The International Responsibility of the EU and its Member States in the Recent Practice: Some Comments on the Debate on Competence-Based Model and Normative Control Doctrine"
	08.11	Els Vandensande	Ph.D. student, Catholic University of Leuven (KUL)	"The inherent powers of courts: From common law over international and arbitration law to civil law jurisdictions"
2017	12.02	Chunlei Zhao	Ph.D. student, Maastricht University	"Tribunals' Discretion in Realizing Transparency in Investment Arbitration: A Stumbling Block or A Stepping Stone?"
	14.03	Matthias Van Den Haegen	Ph.D. student, University of Ghent	"The cassation mechanism as supreme court model: Research into the influence of the Belgian Court of Cassation on the lower judiciary"
	04.04	Prof. Matthias Weller	EBS University Wiesbaden	"Arbitration as Default Mechanism for International Commercial Dispute Resolution?"
	09.05	Vlad Barbat	Ph.D. student, West University of Timisoara	"The Conversion of the Civil Legal Act: Theoretical and Practical Problems in the Romanian Legal system and Comparative Private Law"
	20.06	Eva Litina	Ph.D. student, University of the Aegean	"Navigation in the uncharted waters of maritime arbitration: The case of international contracts of carriage by sea"
	28.09	Diego Mongrell Gonzalez	Ph.D. student, University of Navarre	"Towards a mandatory pre-trial mediation in Europe? Pros and cons of the Argentinian experience after twenty years of compulsory mediation"
	10.10	Yağmur Hortoglu	Ph.D. student, University Paris 1 and New York University	"Arbitration and Criminal law: the case of sham arbitration and how to fight against it"
	09.11	Adriane Sanctis de Brito	Ph.D. student, University of São Paulo	"Disputing capture, resisting seizure: the contested jurisdiction of Anglo-Brazilian Mixed Commissions for the suppression of slave trade (1826-1845)"
2018	13.02	Giulio Alvaro Cortesi	Ph.D. student, University of Padova and University Paris 1	"State-Owned Enterprises in International Economic Law"
	13.03	Mariana Clara de Andrade	Ph.D. student, University of Milano-Bicocca	"The use of unwritten law by the WTO legal system"
	10.04	Pedro Batista	Ph.D. student, Goethe University Frankfurt	"Uncertainty and International Regulatory Harmonization"
	08.05	Bianca Scraback	Ph.D. student, University of Bonn	"Multiple Places of Performance and International Jurisdiction under the Brussels I bis Regulation"
	19.06	Rick Sprotte	Ph.D. student, Friedrich Schiller University Jena	"The integration of a debtor in the process of making assets transparent"
	11.07	Misha Plagis	Ph.D. student, Free University of Berlin	"The Enigma of Article 7 of the African Charter: From Drafting History to Contemporary Interpretation"
	11.09	Prof. Ki-Gab Park	Korea University, Seoul	"Lex ferenda: focused on the UN International Law Commission's works"
	09.10	Marco Dimetto	Ph.D. student, University of Padova	"The Concept of Dispute in International Jurisdiction(s)"
	11.12	Stefano Saluzzo	University of Eastern Piedmont	"Adjudging the Responsibility of EU and Member States in Investment Arbitration: the Role of the Monetary Gold Principle"

9. Visits of University Students and Young Professionals

The MPI Luxembourg has also hosted visits of university students, trainees and aspiring researchers, who have had the opportunity to present or discuss their studies with MPI researchers, visit the Institute and tour the library. A number of such visits have taken place over the last three years:

- › **15 March 2016**, Visit of LL.M. students from the University Paris 1 Panthéon-Sorbonne;
- › **21-22 July 2016**, Seminar on European Civil Procedural Law organised by the Max Planck Institute Luxembourg and the University of Heidelberg;
- › **27 February 2017**, Visit of Professor Michele Lupoi and students from the School of Law of the University of Bologna;
- › **28 February 2017**, Visit of Prof. Masahisa Deguchi and students from the University of Freiburg;
- › **8 June 2018**, Visit of Prof. Bettina Heiderhoff and a group of students from the University of Münster;
- › **28-30 November 2018**, seminar with the Young Professionals of the ITLOS-Nippon Foundation Capacity-Building and Training Programme 2018-2019.

10. Language Courses

The Institute offers language courses in German, French and English at all levels for its employees. Apart from general deepening of language skills, the courses also focus on the legal terminology in the respective language.





*The Max Planck Institute
Luxembourg is committed
to promoting international
collaboration, both formal and
informal, as a driving force
for excellence.*

VII. SCIENTIFIC COOPERATION

1. Guest Programme – External Scientific Fellows

The MPI Luxembourg is committed to promoting international collaboration, both formal and informal, as a driving force for excellence. Since its establishment, it has built up a global network of institutions, research centres, and scholars working in different areas of dispute settlement. These contacts and connections, which have been further solidified and articulated in the years between 2016 and 2018, continue to yield fruit in collaborative research projects, joint publications, the organisation of conferences and workshops, teaching and editorship activities, and participation in professional associations.

In the framework of its Guest Programme, the Institute has developed specific arrangements in order to attract world-leading scientists who are renowned external experts in their respective fields for mid- or long-term research stays, as well as short-term visits.

Upon personal invitation of the Directors, these Guests contribute significantly to the scientific life of the Institute. Indeed, their stays throughout the year offer excellent opportunities for fruitful discussion and cooperation regarding ongoing projects: while invited to conduct their research in a personal capacity, the External Scientific Fellows might also be included in specific research projects and events of the Institute. Likewise, they often participate in the academic life of the Institute, either by presenting their work in progress in a weekly colloquium, speaking at a conference which might take place during their stay, giving a training seminar, or by delivering a lecture in the Max Planck Lecture Series. Ultimately, their active involvement in daily scientific activities enhances the international profile of the MPI Luxembourg.

Between 2016 and 2018, the Institute welcomed the following External Scientific Fellows.



In 2016:

- › **Prof. Mads Andenas**, University of Oslo
- › **Prof. Kevin E. Davis**, New York University
- › **Prof. Gabriele Della Morte**, Catholic University of Milan
- › **Prof. Erik Franckx**, University of Brussels (VUB)
- › **Prof. Andrea Gattini**, University of Padua
- › **Prof. Peter Gottwald**, University of Regensburg
- › **Dr Lorenzo Gradoni**, University of Bologna
- › **Judge & Prof. Constance Grewe**, Constitutional Court of Bosnia and Herzegovina
- › **Prof. Shotaro Hamamoto**, Kyoto University
- › **Dr Ousseni Illy**, University Ouaga II
- › **Prof. Jordi Nieva-Fenoll**, University of Barcelona
- › **Prof. Pasquale Pasquino**, School for Advanced Studies in the Social Sciences (EHESS) and New York University
- › **Prof. Fabrice Picod**, University Paris 2 Panthéon-Assas
- › **Dr Arman Sarvarian**, University of Surrey
- › **Prof. Olivia Tambou**, Paris Dauphine University
- › **Prof. Bob Wessels**, University of Leiden



In 2017:

- › **Prof. José E. Alvarez**, New York University
- › **Prof. Diego P. Fernández Arroyo**, Sciences Po Paris
- › **Prof. Hervé Ascensio**, University Paris 1 Panthéon-Sorbonne
- › **Prof. Kevin D. Benish**, New York University
- › **Prof. José Carlos Fernández Rozas**, Complutense University of Madrid
- › **Prof. Serena Forlati**, University of Ferrara
- › **Prof. Erik Franckx**, University of Brussels (VUB)
- › **Judge & Prof. Constance Grewe**, Constitutional Court of Bosnia and Herzegovina
- › **Prof. Moshe Hirsch**, Hebrew University of Jerusalem
- › **Prof. Johan Meeusen**, University of Antwerp
- › **Prof. Pasquale Pasquino**, School for Advanced Studies in the Social Sciences (EHESS) and New York University
- › **Prof. Fabrice Picod**, University Paris 2 Panthéon-Assas
- › **Prof. Isabelle Pingel**, University Paris 1 Panthéon-Sorbonne
- › **Prof. Valérie Rosoux**, Catholic University of Louvain (UCL)
- › **Dr Arman Sarvarian**, University of Surrey
- › **Prof. Linda Silberman**, New York University
- › **Dr Guy Fiti Sinclair**, Victoria University of Wellington
- › **Prof. Jure Vidmar**, Maastricht University
- › **Prof. Annamaria Viterbo**, University of Turin
- › **Prof. Matthias Weller**, EBS University for Business and Law

In 2018:

- › **Prof. Diane Marie Amann**, University of Georgia
- › **Prof. Marie-Élodie Ancel**, University Paris-Est Créteil Val de Marne (UPEC)
- › **Dr Andrés Delgado Casteleiro**, Autonomous University of Chile
- › **Prof. Fernando Dias Simões**, University of Macau
- › **Prof. Selin Esen Arnwine**, Ankara University
- › **Prof. Shujie Feng**, Tsinghua University
- › **Prof. Diego P. Fernández Arroyo**, Sciences Po Paris
- › **Prof. Erik Franckx**, University of Brussels (VUB)
- › **Prof. Cristina González Beilfuss**, University of Barcelona
- › **Judge & Prof. Constance Grewe**, Constitutional Court of Bosnia and Herzegovina
- › **Prof. Viktória Harsági**, Pázmány Péter Catholic University and Andrassy Gyula German Speaking University
- › **Prof. Wolfgang Hau**, University of Munich (LMU)
- › **Prof. Catherine Kessedjian**, University Paris 2 Panthéon-Assas
- › **Prof. David Kinley**, University of Sydney
- › **Prof. Georg E. Kodek**, Vienna University of Economics and Business (WU)
- › **Prof. Volker Lipp**, University of Göttingen
- › **Prof. Jordi Nieva-Fenoll**, University of Barcelona
- › **Prof. Ki Gab Park**, Korea University
- › **Prof. Fabrice Picod**, University Paris 2 Panthéon-Assas
- › **Prof. Isabelle Pingel**, University Paris 1 Panthéon-Sorbonne
- › **Prof. Judith Resnik**, Yale University
- › **Prof. Valérie Rosoux**, Catholic University of Louvain (UCL)
- › **Prof. Daniel Sarmiento**, Complutense University of Madrid
- › **Prof. Amy J. Schmitz**, University of Missouri
- › **Prof. Olivia Tambou**, Paris Dauphine University
- › **Prof. Louise Ellen Teitz**, Roger Williams University
- › **Prof. Pedro Cruz Villalón**, Autonomous University of Madrid



2. Cooperation with the University of Luxembourg



A close cooperation exists with the Faculty of Law, Economics and Finance (FDEF) of the University of Luxembourg, where Professors Hess and Ruiz Fabri have both been appointed Honorary Professors. Such cooperation is based on the Framework Cooperation Agreement between the Max Planck Society, the Max Planck Institute Foundation Luxembourg and the University of Luxembourg, signed in 2012. As the FDEF is housed in the same building as the Institute, this *de facto* cohabitation has significantly stimulated the cooperation with the University.

The MPI Luxembourg and the Law Faculty maintain a close scientific exchange through teaching, mutual participation in lectures, conferences, and colloquia, including the *Referentenrunden* and the department meetings. In particular, several courses that are offered by FDEF to its students are provided by the MPI Directors and Researchers. Prof. Ruiz Fabri teaches the courses “The European Union at the WTO” as part of the Master programme in European law and substituted Prof. Mathew Happold during his sabbatical for the course “International Dispute Settlement” (with Dr Joshua Paine) in 2018. Research Fellows and Senior Research Fellows of the Department of European and Comparative Law also teach on a regular basis in the series of seminars entitled “Fundamental Developments in European Procedural Law”. Dr Ortolani also led a master’s course on international arbitration. Moreover, several Senior Research Fellows of the Department of International Law and Dispute Resolution, namely Andrés Delgado Casteleiro, Martyna Fałkowska-Clarys, Edouard Fromageau, Lorenzo Gradoni, Joshua Paine, and Luca Pasquet, teamed up to give a lively course of public international law in 2017 and 2018. Edoardo Stoppioni provided the *travaux dirigés* (TD) for the course of European law given by Prof. Eleftheria Neframi while

Alessandra Donati seconded Prof. Joana Mendes for the course “EU Environmental Law”. In all, the researchers of the MPI Luxembourg have been invited to teach six master’s and one bachelor’s course, with Dr Pietro Ortolani and Parvathi Menon also coaching the University’s moot court teams. In 2017, Professors Eleftheria Neframi and Hélène Ruiz Fabri jointly organised a workshop and round table titled “The Future of EU Trade Policy: The Implications of Opinion 2/15 (EU-Singapore Free Trade Agreement)” following the crucial opinion rendered on May 19 by the CJEU. The following year (5 October 2018), an international conference sponsored by the FNR and jointly organised by Professors Hélène Ruiz Fabri and Pierre-Henri Conac gathered leading scholars and professionals in the field to discuss the possible role of the International Organization of Securities Commissions (IOSCO) in the development and implementation of cross-border regulation and equivalence.

MPI researchers also frequently present in the context of the lunchtime seminar at the University of Luxembourg, “Recent Developments in Theory and Practice of EU Law”. In 2017, Alessandra Donati presented “Non-Contractual Liability of EU Institutions: Recent Updates”. In 2018, Pierre-Emmanuel Pignarre presented on the Judgment of the Court (Grand Chamber) of 27 February 2018, *Associação Sindical dos Juizes Portugueses v Tribunal de Contas*, C-64/16; Edoardo Stoppioni presented on the Judgment of the Court (Grand Chamber) of 6 March 2018, *Slowakische Republik v Achmea BV*, C-284/16; while Dr Stephanie Law presented on the Judgment of the Court (Third Chamber) of 25 January 2018, *Maximilian Schrems v Facebook Ireland Limited*, C-498/16 (“Schrems 2”). Parvathi Menon, in addition, outlined dimensions of her research project at the Law Faculty in the context of a seminar on comparative international law.

With their relationship growing ever stronger, the Institute and the Faculty have partnered in a research project and two multiannual doctoral programmes: “Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law”, “International Max Planck Research School for Successful Dispute Resolution” (IMPRS-SDR), and the “Doctoral Training Unit on Enforcement in Multi-Level Regulatory Systems” (DTU-REMS) respectively.

Together with the University of Luxembourg, and in particular Prof. Ligeti, the MPI Luxembourg has been involved in the project “Prevention and Settlement of Conflicts of Exercise of Jurisdiction in Criminal Law” funded by the FNR. The project, which was completed in May 2017, was conducted in the framework of the European Law Institute and aimed to create a standard regulatory framework for conflicts of jurisdiction in international criminal proceedings. The approved final instrument can be found on the website of the European Law Institute (www.europeanlawinstitute.eu/fileadmin/user_upload/p_eli/Publications/Conflict_of_Jurisdiction_in_Criminal_Law_FINAL.pdf). A final conference took place on 31 May 2018.

The IMPRS-SDR (see more in detail *supra*, Chapter VI) examines international dispute settlement procedures primarily from a legal perspective, though wider political, sociological and psychological aspects are also taken into consideration. Founded in 2009, the doctoral school was extended for five years in 2014. Professors Hess, Pfeiffer (University of Heidelberg) and Wolfrum (Max Planck Foundation for International Peace and the Rule of Law) are its spokespersons. The University of Luxembourg and the MPI for Comparative Public Law and International Law (Heidelberg) also partnered in the organisation of the IMPRS-SDR. Currently, 20 Ph.D. candidates

are enrolled in the first and second cycles of the programme. Five of them are based in Luxembourg.

Financed by the FNR in the framework of its PRIDE programme (see more in detail *supra*, Chapter VI), DTU-REMS is a joint research programme of the Institute and two faculties of the University of Luxembourg: the FDEF and the Faculty of Language and Literature, Humanities, Arts and Education (FLSHASE). It focuses on the way enforcement in multi-level regulatory systems is designed and functions. In particular, the research examines cross-cutting problems in specific policy areas, especially in dispute resolution, and analyses specific enforcement challenges in and across different legal disciplines (including criminal, administrative, EU, international, and human rights law) as well as from a political science perspective. In 2017 and 2018, the first two Ph.D. students joined the MPI Luxembourg. In 2019, the Institute will welcome two more doctoral students in the framework of the second phase of the DTU-REMS.

In collaboration with the FNR, the Luxembourg Institute of Health (LIH), the Luxembourg Institute of Science and Technology (LIST), the Luxembourg Institute of Socio-Economic Research (LISER), LuxDoc, the MPI Luxembourg, and the University of Luxembourg also partnered in the 2017 and 2018 editions of the National Ph.D. Day. They also co-organised the National OpenAIRE conference “Do you speak Open Science?” in October 2017, which attracted a total of 234 participants.

3. Cooperation with Other Research Institutions in the Greater Region

A vigorous academic exchange is also conducted with other Universities of the so-called "Greater Region". Several researchers of the Department for European and Comparative Procedural Law teach at the Law Faculty of the University of Trier. As of 2016, Dr Laukemann teaches insolvency law and European civil procedure law; a working group on international private law was led by Ms Sirakova in 2017 and by Mr Kahl in 2017 and 2018, respectively. Dr Law is also teaching on common law legal systems at the University of Trier. Three researchers of the Department of International Law and Dispute Resolution, namely Dr Martyna Fałkowska-Clarys, Marco Benatar and Remy Jorristma, trained Trier's team for the Jessup Moot Court Competition 2017. In 2016 and 2017, Professor Hess and Dr Ortolani taught at the Europa-Institut of the Saarland University while Alain Zamaria taught the course "The Social Aspects of Money" at Sciences Po Nancy during the second semester of the academic years 2017-2018 and 2018-2019.

As evidenced by the cordial and timely relationships developed throughout the years between the MPI Luxembourg and the academic institutions of the "Greater Region", Prof. Ruiz Fabri invited Prof. Alexander Proelß (University of Trier) to the MPI Luxembourg to present his new book titled *United Nations Convention on the Law of the Sea: A Commentary* (Beck/Hart/Nomos, 2017). This event took place two weeks before the international conference "A Bridge over Troubled Waters". On 1-2

February 2018, the international conference on "Open Justice" was organised by the MPI Luxembourg in collaboration with Saarland University (Saarbrücken). The conference - which brought together judges of European and national courts, academics, legal practitioners and attracted over 200 participants - contributed to the ongoing discussion about open justice by re-examining the traditional ideas of the principle of the public hearing in light of modern-day challenges (especially the growing use of information technologies).

In addition to cooperation through teaching activities and the organisation of conferences, the MPI Luxembourg has formalised its commitment to offer the best research environment via its collaboration with the German universities of the "Greater Region". In 2016, the Institute concluded a cooperation agreement with Saarland University which provides for research stays of Humboldt Fellows at both institutions. In 2017, the MPI Luxembourg signed an analogous agreement with the University of Trier.



4. Cooperation with International Academic Institutions and Scholars

Strong cooperative relationships exist with the University Paris 1 Panthéon-Sorbonne and the University of Heidelberg given that the Directors are members of the respective Law Faculties. Moreover, through the various research projects conducted at the Institute, close and fruitful relationships have been developed with research centres and academic institutions abroad:

- › In cooperation with the European Law Institute (ELI) and the International Institute for the Unification of Private Law (UNIDROIT), the Department of European and Comparative Procedural Law is involved in the project “European Rules of Civil Procedure”.
 - › The EiPro project relies particularly on a Scientific Advisory Board (SAB) composed of renowned experts in their respective fields. The SAB members assume various tasks: to check the scientific quality of the whole project, to suggest entries and authors, and to perform double-blind peer-reviews. Currently, the SAB is composed of 71 members.
 - › The Department of European and Comparative Law works in close cooperation with the International Association of Procedural Law; this ongoing and dynamic partnership is reflected in the IAPL-MPI Summer School, which, every two years, brings together established professors and early career researchers for a week of fruitful discussion and debate, followed by the publication of a peer-reviewed edited collection of papers.
 - › Prof. Hess, Dr Laukemann and Prof. Requejo Isidro are members of the *Groupe Tarzia du Droit Processuel Comparé*, bringing together proceduralists from Belgium, France, Germany, Italy, and Spain
- › In the context of the International Law Association (ILA), Prof. Hess chairs the Committee on the Protection of Privacy in Private International and Procedural Law; several meetings of the Committee were organised at the Institute and two Open Working Sessions were held in Johannesburg (2016) and Sydney (2018), respectively.
- › Since 2016, Prof. Ruiz Fabri chairs, in collaboration with Professors Shotaro Hamamoto (University of Tokyo) and Philippe Sands (University College London), the ILA Committee on the Procedure of International Courts and Tribunals. This ILA Committee benefits from the profitable participation of its 71 members representing 37 national branches. One meeting was organised in London (2017), two at the Institute (2017 and 2018) and one Open Working Session was held in Sydney (2018).
- › In conducting the study on the Impact of National Civil Procedures on the Enforcement of EU law (JUST/2014/RCON/PR/CIVI/0082), the Department of European and Comparative Law led and coordinated a Consortium of eleven European universities (Florence, Ghent, Heidelberg, Luxembourg, Madrid (Complutense), Oxford, Paris 2, Rotterdam, Uppsala, Vienna, and Warsaw). In 2019, the product of the project – two texts and sets of national reports – will be published, edited by Prof. Hess, Dr Law and Dr Ortolani; the studies were previously published by the European Commission.
- › To bring together an impressive amount of judges and arbitrators, as well as to prepare the preliminary reports and publish the results of their vivid debates in the book entitled *EU Law and International Arbitration: A Dialogue*



between Orders, Prof. Ruiz Fabri partnered with the International Arbitration Institute, and especially Prof. Emmanuel Gaillard and Dr Yas Banifatemi.

- › The Department of International Law and Dispute Resolution has built strong collaborative relationships with the MPI for Comparative Public Law and International Law (Prof. Armin Von Bogdandy) and the University of Amsterdam (Prof. Ingo Venzke), reflected in the project "Understanding the Authority of International Courts".
 - › In the context of the project "Beyond Fragmentation: Competition and Collaboration Among International Courts and Tribunals", Prof. Ruiz Fabri has worked together with Prof. Geir Ulfstein, Prof. Freya Baetens, Prof. Andreas Føllesdal, Ms Ester E. J. Strømmen (University of Oslo), Prof. Chiara Giorgetti (University of Richmond), Prof. Dapo Akande (University of Oxford), Prof. Pierre Bodeau-Livinec (Paris Nanterre University), Prof. John Crook (George Washington University), Judge Joan Donoghue (ICJ), Prof. Charles Jalloh (Florida International University), Prof. Alina Miron (University of Angers), Dr Kate Parlett (20 Essex Street), Judge & Prof. Bruno Simma (University of Michigan Law School; United States-Iran Tribunal), Ms Fedelma Smith (PCA), Ms Leslee Stone (University of Richmond), and Prof. Erik Voeten (Georgetown University).
 - › For the project "Blockchain Technologies and Dispute Settlement", the researchers of the Department of International Law and Dispute Resolution will closely work with Pedro Baptista (Goethe University Frankfurt).
- › Researchers from the Department of European and Comparative Law have worked on an ongoing and continuous basis with researchers from the University of Milan, Heidelberg, Verona, Prados, Lund, and Valencia on the projects "Planning the Future of Cross-border Families: A Path through Coordination" (EUFam's) and "Facilitating Cross-border Family Life: Towards a Common European Understanding" (EUFam's II).
- › The Department of European and Comparative Law collaborates with researchers from the Universities of Antwerp, Breslau, Freiburg, Rotterdam, Complutense, and Milan on the project "Informed Choices in Cross-Border Enforcement" (IC2BE). Prof. Marta Requejo Isidro has been involved in a timely study for the European Parliament, "The Future Relationship between the UK and the EU Following the UK's Withdrawal from the EU in the Field of Family Law", with professors from the Complutense University of Madrid, the University of Munich and with barristers from private practice in the UK.
- › The Institute concluded an agreement with the Supreme Court of Japan on the exchange of judges for a regular research stays in Luxembourg.
- › Prof. Marta Requejo Isidro is also involved with two projects, one on international finance and the other on international and commercial arbitration with professors from the Autonomous University of Madrid and University of Granada, respectively.

Moreover, fruitful collaborative relationships have been established with other academic institutions and renowned researchers through, for example, major co-organised conferences, workshops and seminars. These joint endeavours are listed in the appendix 1 of this Activity Report.

5. Cooperation with International Courts, Organisations and Associations

The Institute, especially through its Directors, cultivates strong cooperative relationships with various international legal, economic and/or political players. These relationships gave rise to extremely valuable collaborations and expressions of support.

In September 2018, two major events exemplified the closeness and constructive interchange of the MPI Luxembourg with, notably, the CJEU: to mark the 50th anniversary of the adoption of the 1968 Brussels Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, the two institutions co-organised a two-day conference titled “The 50th Anniversary of the European Law of Civil Procedure” (27-28 September) to analyse and discuss the major developments, achievements and challenges of judicial cooperation in civil and commercial matters in the European Judicial Area. This event was preceded on 26 September by a colloquium titled “Current Challenges for EU Cross-Border Litigation in a Changing Procedural Environment”. In addition to Judge Fausto Pocar (ICTY), the following members of the CJEU partook in the aforementioned events, providing presentations and discussions based on their first-hand experience and expertise: Judge Koen Lenaerts (President), Advocate General Michal Bobek, Judge Marco Ilešič (President of Chamber), Advocate General Juliane Kokott, Judge Constantinos Lycourgos, Judge Marek Safjan, Advocate General Manuel Campos Sánchez-Bordona, Advocate General Maciej Szpunar, Judge Camelia Toader, and Judge Michail Vilaras.

Between 2016 and 2018, the MPI Luxembourg also had the privilege to host the following members of the CJEU at other events: Vice President Tizzano, Judge Allan Rosas, Judge Alexander Arabadjiev, Judge Thomas V. Danwitz, Judge Marko Ilešič, Judge Lars Bay Larsen, and Advocate General Henrik Saugmandsgaard Øe.

At the occasion of another anniversary, namely the 20th birthday of the Rome Statute, Judge Silvia Fernández de Gurmendi, the Former President of International Criminal Court, shared with the audience at the Institute her invaluable knowledge on the procedural aspects of the Court’s functioning, based on her significant involvement in negotiating and drafting the procedural rules during and in the aftermath of the Rome Conference.





The MPI Luxembourg benefits from the invaluable experience of many other prominent actors of international justice, whether on the occasion of a conference or a visit. The Institute was honoured to welcome representatives of the International Court of Justice (Judge Peter Tomka, Judge Mohamed Bennouna, Judge Joan Donoghue, and Judge Giorgio Gaja, as well as Judge Awn Al-Khasawneh, formerly sitting at the ICJ and former Prime Minister of Jordan), the International Tribunal for the Law of the Sea (Judge Liesbeth Lijnzaad and Registrar Philippe Gautier, as well as the former Judge Tullio Treves), the Iran-United States Claims Tribunal (Judge Herbert Kronke, Judge Hans Van Houtte, and Judge Bruno Simma), and the European Court of Human Rights (Judge Siofra O'Leary, Judge Iulia Motoc, Judge Angelika Nußberger, and Judge Mark Villiger).

Between 2016 and 2018, the Institute was also delighted to host: Judge Larisa Alwin (District Court, The Hague), Rt. Hon. Sir Dennis Byron (former President of the International Criminal Tribunal for Rwanda and of the Caribbean Court of Justice), Judge Ilse Couwenberg (Court of Appeal, Antwerp), Judge Thierry Hoscheit (First Vice-President of the District Court of Luxembourg), Judge Ferdinand Kirchhof (Vice-President of the German Federal Constitutional Court), Judge Andreas Paulus (German Federal Constitutional Court), Judge Arturo Picciotto (Court of Trieste), The Rt Hon. Lord Justice Ryder (Sir Ernest Nigel Ryder, Senior President of Tribunals, United Kingdom), and Judge Jean-Claude Wiwinius (President of the Supreme Court of Justice of Luxembourg).

The steady relationships with international courts and tribunals can also be seen in the opportunities offered to some researchers to obtain a practical insight into their functioning. For example, Martina Mantovani spent four months at the CJEU in the cabinet of Judge Camelia Toader while Dr Sellens was seconded to the European Commission, at the Unit for Civil Justice. Moreover, in the framework of the IMPRS-SDR, the Permanent Court of Arbitration in The Hague offers the opportunity for researchers to undertake a six-month funded internship.

Researchers from both Departments have shared their expertise with national institutions, including, the Luxembourgish, French and German governments, and by attending and participating in expert group meetings of the European Commission. At the same time, several representatives of European institutions have come to the Institute at the invitation of the Directors and shared their expert knowledge with the Institute's researchers and guests: Prof. Esa Paasivirta (Legal Service – European Commission), Prof. Norel Rosner (DG Justice – European Commission), Mr Robert Bray (Committee on Legal Affairs – European Parliament), Mr Colin Brown (DG Trade – European Commission), Mr James Flett (Legal Service – European Commission), and Mr Alexander Ivantchev (DG Justice – European Commission).





*The MPI Luxembourg
endeavours to share the
knowledge produced within its
premises and beyond, with
relevant stakeholders in Europe
and internationally.*

VIII. TRANSFER OF KNOWLEDGE

1. Organisation of Scientific Events

The MPI Luxembourg endeavours to share the knowledge produced within its premises and beyond with relevant stakeholders in Europe and internationally. In this respect, the Institute has adopted a strategy aimed at addressing various target audiences and establishing ongoing, stable and coherent communication with each one of them. Adopting several approaches, the Institute connects with other scientific institutions and their stakeholders, as well as with students of law, political science and international relations, with practitioners in the field, and with the broader public interested by European and international procedural law.

Located in the heart of Europe, and close to the CJEU and other international courts and tribunals, the Institute offers an inspirational environment facilitating exchange between the Institute's researchers and guests with other scholars, representatives of international courts and tribunals, practitioners, and other political and civil society-orientated figures. Conferences, workshops and lectures held at the MPI premises favour the dissemination of knowledge and are conducive to fruitful debates.

Between 2016 and 2018, the Institute hosted 70 scientific events. The complete list of events can be found in appendix 1.





1.1. Conferences

During the last three years, the MPI Luxembourg (co-)organised 22 international conferences, of which 9 were intra-muros. Conferences brought together some of key stakeholders in European and international procedural law scholarship and practice to discuss crucial topics in the field. Others aimed at promoting and fostering the general knowledge held at the Institute.

- › **From common rules to best practices in European Civil Procedure** (25-26 February 2016, Rotterdam, co-organised with Erasmus University Rotterdam)
 - › **L'État d'urgence, rempart ou menace pour l'État de droit ?** (24 May 2016)
 - › **Post Brexit: The Fate of Commercial Dispute Resolution in London and on the Continent** (26 May 2016, London, co-organised with the British Institute of International and Comparative Law and sponsored by Herbert Smith Freehills)
 - › **The Implementation of the New Insolvency Regulation – Improving Cooperation and Mutual Trust** (6-7 October 2016, co-organised with the University of Milan (UNIMI) and the University of Vienna)
 - › **Zwischen Deutschland und Frankreich – Luxemburg als europäischer Ort, Annual Conference of the French-German Lawyers Association** (7-8 October 2016, Arendt Luxembourg, co-organised with the French-German Lawyers Association)
 - › **Innovation in Libraries: Autumn Meeting of the Max Planck Society Social Sciences Libraries 2016** (27-28 October 2016)
- › **European Data Science Conference (EDSC)** (7-8 November 2016, Abbey Neumünster in Luxembourg, co-organised with the University of Luxembourg, STATEC, LIST, and the Institute of Labor Economics (IZA))
- › **DEBACLES - Illusions and Failures in the History of International Adjudication** (24-25 November 2016)
- › **Wissenschaftliche Vereinigung für Internationales Verfahrensrecht** (15-18 March 2017, Vienna, co-organised with the University of Vienna)
- › **The Future of EU Trade Policy: The Implications of Opinion 2/15 (EU-Singapore Free Trade Agreement)** (19 May 2017, co-organised with the University of Luxembourg)
- › **Identifying and Implementing *Erga Omnes* Obligations: The Role of Procedure**, 13th ESIL Annual Conference “Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law” (7-9 September 2017, Naples, co-organised with ESIL)
- › **A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea** (25-26 September 2017, co-organised with the University of Brussels (VUB), with the support of the FNR)
- › **Jurisdiction, Conflicts of Laws and Data Protection in Cyberspace** (12 October 2017, co-organised with Brussels Privacy Hub, University of Brussels (VUB)).
- › **Do you speak Open Science? National OpenAIRE Conference 2017 and National PhD Day 2017** (26 October 2017, Belval, organised by the University of Luxembourg and OpenAIRE in partnership with FNR, MPI Luxembourg, LIST, LIH, LISER, LuxDoc, and EURAXESS)



- › **Peace Through Law: The Versailles Peace Treaty and Dispute Settlement after World War I** (6-8 December 2017)
- › **Open Justice** (1-2 February 2018, co-organised with Saarland University)
- › **EU Law and Investment Arbitration: A Dialogue between Legal Orders** (26-30 April 2018, Kavala, co-organised with the International Arbitration Institute Paris)
- › **Current Challenges for EU Cross-border Litigation in a Changing Procedural Environment** (26 September 2018, organised with the support of the FNR)
- › **50th Anniversary of the European Law of Civil Procedure** (27-28 September 2018, co-organised with the CJEU)
- › **Law in Luxembourg – Where Local Tradition Meets European and International Innovation, 37th Annual Course of the International Association of Law Libraries** (29 September-4 October 2018, co-organised with the International Association of Law Libraries)
- › **IOSCO and the New International Financial Architecture** (5 October 2018, Chambre des Métiers of Luxembourg, co-organised with the University of Luxembourg with the support of the FNR)
- › **National PhD Day 2018** (22 November 2018, Belval, organised by the LIST in partnership with the University of Luxembourg, FNR, MPI Luxembourg, LIST, LIH, LISER, and EURAXESS)
- › **The Making of Judicial Decisions and the Role of Law Clerks, Registries and Secretariats** (12-13 May 2016)
- › **The Making of Decisions of the United Nations Human Rights Treaty Bodies** (30-31 March 2017)
- › **The Expert in the International Adjudicative Process** (27-28 April 2017, co-organised with the University of Geneva)
- › **To Reform the World: International Organizations and the Making of Modern States** (6 October 2017)
- › **Le financement par les tiers des procédures d'arbitrage. Rapport du groupe de travail ICCA-Queen Mary** (6 November 2017, Paris, co-organised with the University Paris 1 Panthéon-Sorbonne, Queen Mary University of London and the International Council for Commercial Arbitration)
- › **How to Organize Empirical Research in Europe Setting Up Comprehensive Case Law Databases (1st Workshop IC2BE Project)** (26 February 2018)
- › **Cross-Border Debt Recovery in the EU, Application of the "Second Generation" Regulations in France and Luxembourg (2nd Workshop IC2BE Project)** (8 June 2018)
- › **Reconciliation as a Peace-building Process** (9-10 July 2018, Louvain-la-Neuve, in collaboration with the Catholic University of Louvain (UCL))
- › **Sociological Perspectives on International Tribunals** (8-9 November 2018, co-organised with Professors Moshe Hirsch (University of Jerusalem), Sungjoon Cho (IIT Chicago Kent College of Law), Andrew Lang (University of Edinburgh), Ron Levi (University of Toronto), and Michael Madsen (University of Copenhagen))

1.2. Workshops

The Institute also organised 9 workshops, which were intended to constitute fora for renowned scholars and practitioners, as well as early career researchers, to discuss and share insights and experiences. These intensive sessions covered a wide range of law and interdisciplinary topics engaging experts from across the world, illustrating the diversity of the Institute's research topics:



1.3. Seminars

In addition, researchers from the MPI Luxembourg took part in 11 seminars, which offered the opportunity to investigate and analyse specific legal issues. These seminars gave rise to lively debates, often in the context of research projects led by the MPI:

- › **Shareholder Rights in International Investment Arbitration** (video conference, 12 February 2016, New York, co-organised with Yale University and the International Arbitration Institute)
- › **APPEAL Project - Investigating administrative review in the European Union** (29 February 2016)
- › **L'office du juge - Le juge et l'administration des preuves** (17-18 March 2016)
- › **Europäisches Zivilprozessrecht** (21-22 July 2016, co-organised with the University of Heidelberg and the University of Trier)
- › **EU Fam's Project: International Exchange Seminar** (11-12 May 2017)
- › **Innovating International Business Courts: A European Outlook** (10 July 2018)
- › **Harmonization of Civil Procedure in the EU: How Far Can We Go?** (19 July 2018, co-organised with the Complutense University of Madrid)
- › **IOSCO and the New International Financial Architecture: Young Researchers** (4 October 2018)
- › **ITLOS-Nippon Capacity-building and Training Programme 2018-2019** (28-30 November 2018, co-organised with the NIPPON Foundation and the International Tribunal for the Law of the Sea)
- › **European Economic Law Seminar** (29-30 November 2018)

1.4. Max Planck Lecture Series

The Max Planck Lecture Series aims to bring the most distinguished academics and practitioners in international procedural law into the spotlight of Luxembourg. Usually in the form of a two-hour lecture, prominent experts are invited to offer their first-hand experiences concerning various legal questions of current interest and engage with the audience during the concluding Q&A sessions.

All lectures take place at the Institute's premises, are free and open to the public.

Between 2016 and 2018, 29 lectures were organised in the framework of the Institute's lecture series. They brought 37 scholars, judges and practitioners from various universities and institutions, including the European Commission, the CJEU, the ICJ, and the WTO to the MPI to share their valuable knowledge with an attentive audience:

- › **Prof. José E. Alvarez**
(New York University, USA)
- › **Prof. Diane Amann**
(University of Georgia, USA)
- › **Prof. Mathias Audit**
(University Paris 1 Panthéon-Sorbonne, France)
- › **Prof. Andrea Bianchi**
(The Graduate Institute Geneva, Switzerland)
- › **Prof. Regis Bismuth**
(University of Poitiers, France)
- › **Prof. Jutta Brunnée**
(University of Toronto, Canada)
- › **Mr Lee C. Buchheit**
(Cleary Gottlieb, Washington, USA)
- › **Prof. Federico Carpi**
(University of Bologna, Italy)

- › **Prof. Pierre-Henri Conac**
(University of Luxembourg, Luxembourg)
- › **Mr Brooks W. Daly**
(Deputy Secretary-General and Principal Legal Counsel, Permanent Court of Arbitration, the Netherlands)
- › **Prof. Kevin Davis**
(New York University, USA)
- › **Prof. Siegfried H. Elsing**
(Honorary Consul for Luxembourg in North Rhine-Westphalia; Orrick, Herrington & Sutcliffe LLP, Dusseldorf, Germany)
- › **Dr Matthias Goldmann**
(MPI for Comparative Public Law and International Law and Goethe University Frankfurt, Germany)
- › **Judge Silvia Fernández de Gurmendi**
(Former President of the International Criminal Court, the Netherlands)
- › **Prof. José Carlos Fernández Rozas**
(Complutense University of Madrid, Spain)
- › **Prof. Erik Franckx**
(University of Brussels (VUB), Belgium)
- › **Prof. Jochen Frowein**
(MPI for Comparative Public Law and International Law, Heidelberg, Germany)
- › **Prof. Luis M. Hinojosa-Martinez**
(University of Granada, Spain)
- › **Prof. Robert Howse**
(New York University, USA)
- › **Prof. Yuji Iwasawa**
(University of Tokyo, Japan)
- › **Prof. David Kinley**
(University of Sydney, Australia)
- › **Prof. Alina Miron**
(University of Angers, France)
- › **Judge and Prof. Iulia Motoc**
(European Court of Human Rights, France)
- › **Prof. Rodrigo Olivares-Caminal**
(Queen Mary University of London, UK)
- › **Prof. Ugo Panizza**
(The Graduate Institute Geneva, Switzerland)
- › **Prof. Christoph G. Paulus**
(Humboldt University of Berlin, Germany)
- › **Prof. Alain Pellet**
(University Paris Ouest, France)
- › **Prof. Fabrice Picod**
(University Paris 2 Panthéon-Assas, France)
- › **Prof. Alexander Proelß**
(University of Trier, Germany)
- › **Dr Surabhi Ranganathan**
(University of Cambridge, UK)
- › **Prof. Philippe Sands**
(University College London, UK)
- › **Prof. Daniel Sarmiento**
(Complutense University of Madrid, Spain)
- › **Mr Peter Trooboff**
(Senior Counsel, Covington & Burling LLP, Washington, USA)
- › **Prof. Marco Ventoruzzo**
(University of Milan, Italy)
- › **Dr Michael Waibel**
(University of Cambridge, UK)
- › **Prof. Bob Wessels**
(University of Leiden, the Netherlands)
- › **Mr Philip Wood CBE**
(Allen & Overy, London, UK)

2. Publications

The Directors of the Institute actively support the Research Fellows and the Senior Research Fellows, and encourage them to participate and push forward the debates surrounding their research by taking part in conferences, research projects and by publishing actively. From 2016 to 2018, the Institute's researchers published 11 books, 13 edited volumes, 119 articles in law journals, and 110 book chapters. A complete list of publications by author can be found in appendix 2.

A particular point of pride is the attempt of the Institute to enhance the visibility of procedural law through its two book series published in cooperation with the German publisher Nomos, as well as its working paper series, available on the website of the MPI and via the MPI's recently-established SSRN page. Additional bibliographical information regarding these in-house publications can also be found in appendix 2.

- › **Collection "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law", Nomos**
Edited by Prof. Burkhard Hess and Prof. Hélène Ruiz Fabri

In the series "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law", scientific papers, as well as studies on methods of dispute resolution which correspond to the Institute's research profile, are published. It documents the productive dialogue established between the MPI Luxembourg, the CJEU

and other international courts. Thus, the publication series contributes to cross-border scholarly discourse in the field of procedural law. At the end of 2018, there were twelve books in this book series, eight of which published between 2016 and 2018.

- › **Collection "Successful Dispute Resolution"**
Edited by Prof. Burkhard Hess, Prof. Rüdiger Wolfrum and Prof. Thomas Pfeiffer

The last twenty years has seen a sharp increase in the number of international institutions for dispute resolution. The hopes that have been pinned on them are fulfilled to a varying degree. Many of these institutions are very successful, whereas others are hardly ever called upon. How can the success of international dispute resolution be explained and how would it be organised ideally? These are the questions which are pursued in the research published in the series "Successful Dispute Resolution". The collection aims at making a contribution to the better understanding and further development of these institutions.

Finished doctoral theses can be published in this book series, which consists of eight books in total, five of them released in the last three years. Theses written by students who are not part of the IMPRS-SDR may also be published, provided that their topic complements the research focus of the doctoral school. Publication requires at least a *magna cum laude*.

3. Participation at Scientific Events

The MPI researchers are strongly encouraged to share the findings of their research with the other researchers at the MPI as well as the wider academic community, legal practitioners and international organisations. For these purposes, the Institute's Directors spur researchers to rehearse their presentations during departmental meetings. Moreover, financial support from the MPI is available where necessary.

Between 2016 and 2018, the Directors and Research Fellows took part in a large number of conferences, workshops, seminars, and meetings all over the world. The complete list is available in appendix 3.



4. Dissemination to Specific Target Groups

By virtue of the active participation of the Institute's researchers in the preparation of diverse publications and conferences, the MPI Luxembourg undoubtedly makes an important contribution to the dissemination of the research findings into the academic community. In order to reach the widest possible audience, and in particular, the legal and civil society communities in Luxembourg and the Greater Region, the Directors and researchers have given interviews for radio broadcast, provided written contributions to print media, and took part in specific seminars and trainings.

Furthermore, the MPI Luxembourg aspires to transfer its knowledge to political decision-makers and other similar stakeholders in a way that encourages them to factor research implications into their professional work. To this end, the Institute engages in initiatives to meet and share its research outcomes with politicians, practitioners and representatives of civil society bodies, among others. Many of our researchers, and especially the Directors, have been repeatedly invited to such events in order to share their legal expertise on specific issues.

5. To Reach as Wide an Audience as Possible

To ensure that its expertise is accessible to the widest audience possible, the MPI Luxembourg has endeavoured to actively develop its various means of communication.

5.1. Open Access

The MPI Luxembourg subscribes to the principles of Open Access and is in the process of developing and implementing an active policy in these matters. The Institute is also involved in the negotiations undertaken by the Luxembourgish authorities in order to define a national plan for Open Science.

Discussions initiated by Prof. Ruiz Fabri with Nomos have led to an agreement to designate some of the publications of the Institute's book series, "Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law", under the principle of Open Access. The first two publications will be released in the first semester of 2019: *International Law & Litigation: A Look into Procedure* (edited by H. Ruiz Fabri) and *Peace Through Law: The Versailles Peace Treaty and Dispute Settlement after World War I* (edited by M. Erpelding, B. Hess and H. Ruiz Fabri).



5.2. Max Planck Institute Luxembourg YouTube Channel

To disseminate information, the MPI Luxembourg does not only use the traditional methods of publishing in print or electronically, but also actively relies on social media. For example, the Institute maintains its own YouTube channel facilitating engagement with a broad audience. At the end of 2018, viewers from around the world were able to watch the following recordings:

- › Playlist "**TTIP: Framing the Adequate System for Investor-State Dispute Settlement**": 7 videos
- › Playlist "**L'état d'urgence, rempart ou menace pour l'État de droit ?**": 3 videos
- › Playlist "**Lecture Series on Sovereign Debt**": 6 videos
- › Playlist "**DEBACLES - Illusions and Failures in the History of International Adjudication**": 8 videos
- › Playlist "**A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea**": 8 videos
- › Playlist "**Jurisdiction, Conflict of Laws and Data Protection in Cyberspace**": 2 videos
- › Playlist "**Peace Through Law: The Versailles Peace Treaty and Dispute Settlement after WWI**": 8 videos
- › Playlist "**Open Justice**": 7 videos
- › Playlist "**Current Challenges for EU Cross-Border Litigation in a Changing Procedural Environment**": 4 videos
- › Playlist "**Colloquium of Early Career Researchers on the Future of European Civil Procedure**": 4 videos



- › Video “**Prof. Philippe Sands: Retour à Lemberg**”
- › Video “**Max Planck Lecture Series – Prof. Alexander Proelß and Prof. Alina Miron: United Nations Convention on the Law of the Sea**”
- › Video “**Max Planck Lecture Series – Prof. Fabrice Picod: Les revirements de jurisprudence de la Cour de justice de l’Union européenne**”
- › Video “**Max Planck Lecture Series – Prof. José E. Alvarez: The Use and Misuse of European Human Rights Law in Investor-State Arbitration**”
- › Video “**Max Planck Lecture Series – Prof. Andrea Bianchi: International Law Theories: An Inquiry Into Different Ways of Thinking**”
- › Video “**Max Planck Lecture Series – Prof. Diane Amann: Women at Nuremberg**”
- › Video “**Max Planck Lecture Series – Prof. Daniel Sarmiento: Fighting Illiberalism Through Courts - The Rule of Law at the Court of Justice of the European Union**”
- › Video “**Max Planck Lecture Series – Judge Silvia Fernández de Gurmendi: 20 Years of the Rome Statute**”

In total, 67 videos have been uploaded onto the channel, allowing those unable to attend events to access their content.

The Max Planck Institute Luxembourg YouTube Channel is located at:

<https://www.youtube.com/channel/UCVn6ZishtWTZu6dEpK7xILQ>

5.3. MPI Luxembourg for Procedural Law Research Paper Series

In March 2018, the MPI Luxembourg joined the Legal Scholarship Network of the SSRN's eLibrary, aiming to promote the knowledge held at the Institute, its focus on procedural law, and enhance the dissemination of its scientific findings.

The “MPI Luxembourg for Procedural Law Research Paper Series” compiles pre-publication versions of academic articles, book chapters, and reviews, as well as intermediary research reports on various legal issues. It was launched with two manuscripts: “Standard of Review (Investment Arbitration)” by Dr Joshua Paine, and “The Unsuitability of the Lugano Convention (2007) to Serve as a Bridge between the UK and the EU after Brexit” by Prof. Burkhard Hess. Although the papers included on SSRN depart from 2018, all previous contributions to the series can be found on the Institute’s website: <https://www.mpi.lu/research/working-paper-series>. From 2016 to 2018, 19 research papers were released, dealing with topics as diverse as the possible aftermath of Brexit, the C-284/16 *Achmea* decision of the ECJ on investment arbitration, and the Upper Silesian Mixed Arbitration.

The quality of the research papers is guaranteed by a rigorous internal review, and final approval must be given by at least one of the Directors of the Institute. The content is the responsibility of individual authors. Papers may be downloaded by individuals, for their own use, subject to ordinary copyright rules. The “MPI Luxembourg for Procedural Law Research Paper Series” is located at:

<https://hq.ssrn.com/login/pubSignInJoin.cfm?link=Max-Planck-Luxembourg-RES>.



IX. AWARDS, PRIZES AND DISTINCTIONS

2016

Prof. Hélène Ruiz Fabri

- › Awarded *Chevalier de la Légion d'honneur*
- › Appointed as a Member of the Appeals Board of the European Centre for Medium-Range Weather Forecasts (ECMWF)
- › Appointed Co-Chair of the ILA Committee "Procedure of International Courts and Tribunals"

Prof. Burkhard Hess

- › Awarded an honorary doctorate by the International Hellenic University of Thessaloniki
- › Nominated as a Corresponding Non-Resident Foreign Academician in the Class of Moral Sciences by the Academy of Sciences of the Bologna Institute

Dr Edouard Fromageau

- › Awarded a grant for publication from the Faculty of Law of the University of Geneva
- › Awarded a grant for publication from the Ernst and Lucie Schmidheiny Foundation

Dr Pietro Ortolani

- › Winner of the James Crawford Prize 2016 for the article entitled "The Three Challenges of Stateless Justice"

2017

Prof. Marta Requejo Isidro

- › Appointed Foreign Member of the Royal Flemish Academy of Belgium for Science and the Arts
- › Nominated as a Member of the *Comité Français de Droit International Privé*

Prof. Burkhard Hess

- › Nominated as a Member of the *Comité Français de Droit International Privé*

Dr Michel Erpelding

- › Awarded the Varenne University Institute's Dissertation Prize for his doctoral thesis

Dr Edouard Fromageau

- › Awarded the 2016 François Bellot Prize by the University of Geneva for his doctoral thesis

Dr Joshua Paine

- › Awarded the ESIL's Young Scholar Prize 2017 for his paper entitled "Evaluating the Distinctive Contribution of International Adjudication as a Global Public Good"

Dr Dalia Palombo

- › Nominated for the Annual Max Van der Stoep Human Rights Award



2018

Prof. Hélène Ruiz Fabri

- › Appointed as a Member of the Research Council of the European University Institute (EUI)
- › Nominated as a Member of the Ethics Committee of the French Ministry of Higher Education and Research

Prof. Burkhard Hess

- › Nominated 2018 Tsai Wan Tsai Chair Professor of Law at the National University of Taiwan College of Law

Dr Michel Erpelding

- › Awarded the SFDI's Jacques Mourgeon Prize
- › Awarded the dissertation prize of the Sorbonne Doctoral Law School

Dr Arantxa Gandía Sellens

- › Awarded the dissertation prize of the Council of the University of Valencia

X. INFRASTRUCTURE AND SERVICE FACILITIES

1. Library

Since its inception in 2012, the Library contributes to the institutional drive to excellence in legal research. By providing a highly specialised collection and unique user experience, the librarians support MPI's researchers and guests, and likewise serve the global community of procedural law scholars.

Whereas in its initial years the Library focused on its basic infrastructure and built a core collection, the years since have allowed the quantitative approach to collection development to evolve into a qualitative one. Policy documents, premised on data about the library's space, collection, and systems, as well as users' information needs and preferences, were adopted: "*Collection Development Policy: Snapshot Department I*" (2016), "*Redefining Space Project*" (2017) and "*Library Systems Feasibility Study*" (2018). Through strategic choices, the Library aimed to better understand and serve its users, while continuing to build a specialised collection and developing new services. Researchers consider the Library a reliable partner in their scientific endeavours: able to provide any requested publication and keen to promote MPI's output.

The Library's work is carried out by a dedicated staff hailing from nine different countries, and each contributes to the staff's diversity of language, culture, and library/information experience.

1.1. Collection Development

1.1.1. Print Collection

The print collection reflects the research focus of the Institute. Supported by Reference and *Liber Amicorum* collections, it concentrates on procedural law in private and public international law. From 2013 to 2015, the collection grew at a rate of 10,000 volumes per year. Thereafter, the acquisition rate declined but was somewhat countered by a significant increase in book purchases initiated in-house. Although the amount of donations dropped, the Library still received 1,800 donations from 2016 to 2018. The remainder of the newly added titles was selected and ordered on a case-by-case basis.

In building the collection, the library team relies on a custom acquisition model that allows MPI researchers to create lists of those titles needed for research or recommended for inclusion. Together with the acquisition librarians, this allows for consistent monitoring of more than 70 publishers. Book vendors also suggest purchases catered to the interest of the Institute on a monthly basis. For efficiency, these providers exclude titles that already appear in the online public access catalogue (OPAC). Simultaneously, the library team allows itself to be guided by acquisition information from, for example, the Peace Palace or the MPI Heidelberg/MPI Hamburg. In doing so, it likewise takes note of the resources available at the CJEU and the University of Luxembourg to avoid expensive duplicates.

1.1.2. Collection Development Policy

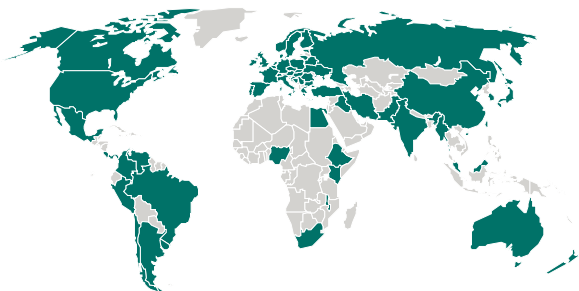
The 2016 “Collection Development Policy: Snapshot Department I” (CDP) offered an assessment of the needs of, and selection criteria maintained for, the Department of European and Comparative Procedural Law. Factors such as the MPI research focus, quality of literature for acquisition, cost, language preference, format, and conditions for the acceptance of donations were reviewed. In support of future acquisitions, and to evaluate their importance beforehand, the CDP proposed the use of the International Federation of Library Associations (IFLA) “depth indicators” (on a scale of 0-5). The CDP further provided insight into the geographical and jurisdictional coverage of the collection, outlined a policy for non-law purchases, and presented a retention and weeding policy. Ultimately, the goal is to enunciate a common Collection Development Policy for the MPI Library in consultation with each department – an ambitious and time-consuming endeavour.

1.1.3. Country Coverage

Two major donations in 2013-2014 have ensured a comprehensive collection of materials on Italian procedural law (numbering 11,000). Though it continues to build on this base, the Library realised that many countries were underrepresented in its collection and has, therefore, been strengthening their coverage since 2015 (based on searches in OPAC country classifications). The other jurisdictions best represented are Germany, the European Union, France, and Spain. These are reflective of the goal to hold an exhaustive English, French, and German collection, while establishing a supporting collection of other jurisdictions – whether this be in their vernacular or not.

The acquisition team, in consultation with the Head of the Library, selected the following countries for its first expansion: Australia, Canada, Cyprus, Czech Republic, Estonia, Greece, Croatia, Hungary, Ireland, Lithuania, Latvia, Malta, Norway, Portugal, Romania, Slovenia, Slovakia, and Turkey. Although acquisition was – and remains – budget-dependent, librarians continue to itemise information in an effort to prevent irremediable gaps in the collection. As the maps below demonstrate, coverage (in green) has increased dramatically.

› COUNTRY COVERAGE IN 2016



› COUNTRY COVERAGE IN 2018



In 2018, the Library compiled a list of the subscriptions to periodicals within the field of procedural law that are missing, which included the following EU jurisdictions: Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, and Sweden. For each, the aim is to identify, and eventually subscribe to, the most important journals.

1.1.4. Subscription to Series

In 2016, and again between March and October 2017, acquisition librarians identified numerous titles of series from which the Library can systematically purchase all releases through a subscription model. As a result, the Library currently subscribes to 145 series, each thoroughly vetted with respect to scope. Whenever less than 90% of the titles included in the series fell within the Institute's research area, only applicable titles were added to the collection. With series titles shipped upon release, this significantly reduced the total processing time. Standing orders represented 2% of acquisitions in 2014-2015 versus 15-16% in 2016-2017. The Library is analysing and selecting from 1100 additional series at 15 publishers. Next to the series, the Library holds subscriptions to 130 continuous publications to ensure the newest editions of important codes and commentaries are in its possession.

1.1.5. e-Resources

There was a significant increase in the electronic resources (e-Resources) to which we have access, with the Library now managing 40 contracts to online databases and services. Before new access is bought, a trial subscription allows for careful analysis of usage statistics. The maintenance of the e-Resources portal is supported by ProQuest. In addition to the paid subscriptions, the portal facilitates access to some free databases that align with the Institute's research focus. Database access is reevaluated every month on the basis of user preference.

In 2016, in response to researchers' demands, the Library added access to a selection of legal books by Oxford University Press (OUP) and Cambridge University Press (CUP).

The Library subscribes to 217 stand-alone journals, of which 85 are available entirely online. Apart from this core collection, the e-Resources portal provides researchers with access to more than 55,000 journals in law and social sciences. According to the 2017 library survey, 88% of users prefer electronic journals to print. As such, the Library adjusted its acquisition policy to respond to that request. For those issues neither accessible online nor available in the print collection, the Library solicits antiquarian shops and/or implores (potential) donors to obtain these to ensure the most comprehensive coverage.



1.1.6. Cataloguing

The cataloguing team ensures the quality of bibliographic records and processes incoming materials. In October 2018, before the arrival of two new donations, all materials had been catalogued. While embracing the digitalisation of libraries, the cataloguers continue to describe resources to the highest international standards to help users find, identify, select, and obtain information. Through the formation of working groups and by cross-referencing with, e.g., the Library of Congress, the team has progressed significantly toward full descriptive coverage. Holding entries in 28 different languages, cataloguers are required to maintain quality and precision even in unknown languages. In-house authority records of names and uniform titles ensure uniformity and support the harmonisation of practices.

1.1.7. MPG PuRe Repository

Cataloguers assist researchers with their entries in PuRe, the MPI repository, and provide training on demand. From 2016 to 2018, close to 1,500 entries were reviewed and added.

1.1.8. Classification

The MPI Luxembourg relies on a custom classification system to index materials and determine the shelving order, aiming to provide thematically relevant titles within close proximity of one another. As new topics emerge (e.g. digital currency), the classification system is adapted to reflect these changes and to accommodate new or more precise subjects. Such changes require close, ongoing collaboration between librarians and researchers. During the reporting period, more than 4,679 books were re-indexed following changes in the classification.

1.1.9. User Service

During the reporting period, MPI has become a well-known and widely respected institution in Luxembourg. The high frequency of conferences attracting global participation and the specialised library collection have contributed to a significant increase in users. While the number of MPI researchers has remained relatively constant, the number of guests increased seven-fold and visits by external users increased from 900 at the end of 2015 to 2,100 in 2018. This revealed a spatial challenge, both in terms of accommodating the extra books and the additional users.

1.1.10. Redefining Space Project 2017

In May 2017, the Library reevaluated its use of space in an effort to sustainably plan for the upcoming 8-10 years, taking into account collection growth as well as the forthcoming third department's subject areas. The Head of Library availed herself of this opportunity to also implement those changes needed for the enhancement of other library services.

Taking a mathematical approach, the study "*Redefining Space Project 2017*" examined trends in collection development and compared available versus necessary space. Mindful of international standards, it led to two opposing observations: users' elevated reliance on electronic resources warrants a reduction in print materials, while the establishment of a new department requires expanding the core print collection into new research areas. The study also showed that the library premises could only accommodate 3,672 additional books in its openly accessible area and, therefore, an extension of library space was necessary.

At the beginning of 2018, the Library redesign was completed, providing additional space for collection growth and workspaces accommodating different workload intensities. A total of 220 m² was added, equipped with a self-check terminal and some reading areas. The reading room, now named "Periodica Reading Room", displays all current journals and caters to 12-14 people. Seating capacity was increased from 24 to 37, spread out over four guest-reading rooms and some offices. The Library maintains its strategic location on the third floor and continues to be "the heart of the Institute".

1.1.11. Library Systems

Upon appointment, the Systems Librarian Digital Initiatives conducted a feasibility study of the library management system, Aleph. It concluded that this aging software does not meet MPI's requirements in terms of architecture and functionality. As such, a next-gen Library Service Platform (LSP) will be necessary to integrate the isolated areas of "Acquisitions", "Cataloguing", "Electronic Resource Management", "Link Resolution", and "Resource Discovery" into a single, administrative interface. LSPs offer the ability to manage print and electronic resources together through one discovery interface. An LSP would increase operational efficiency and enhance user satisfaction, whilst integrating the collection into the Luxembourg Consortium union catalogue and, thus, improving the visibility of the Institute.

1.1.12. LIKE (Lab for Innovation, Knowledge and Exchange)

Innovation, whether it be technological or otherwise, is essential for modern libraries. Noting its importance, LIKE is an initiative launched in February 2016 that provides librarians with an informal meeting place to share ideas and knowledge. First, ideas are collected in "an incubator". Thereafter, following a research phase, they are discussed with colleagues and users. Finally, ideas are turned into projects, involving prototyping, testing, and design. As user experience (UX) is pivotal to the Library, researchers are encouraged to share their expectations or comment on the topics discussed. Contingent on the topics, ICT staff are similarly invited to participate. LIKE has, for example, led to the use of robots in libraries.

1.1.13. RFID Robot for Library Inventory

To the benefit of innovation, the MPI Library set out to maximise RFID tag usage beyond the traditional self-check circulation procedures. In the library environment, checking inventory is essential yet arduous (and may take several months to complete). In the fall of 2017, TORY, the robot from MetraLabs GmbH, read the RFID UHF (ultra-high frequency) tags of the 35,118 books in the collection. TORY completed the task in one hour with an accuracy of 99.11%. In addition, TORY identified those books shelved at the wrong location. The success of the project led the Head Librarian to be invited to share the experience at conferences in Germany, Switzerland, Greece, Bulgaria, and Luxembourg.



To provoke a discussion on innovation, the MPI Library hosted the 2016 Annual Autumn Meeting (*Herbsttagung*) of the MPG Social Sciences Libraries under the theme “*Innovation in Libraries*”. Participants from Max Planck Institutes in Germany, the Netherlands and Italy, as well as colleagues from partner libraries and institutions from Luxembourg, partook in an intense and ambitious programme. Some innovative library-oriented companies attended as exhibitors, including SensorBot and MetraLabs (presenting their library robots). The MPI Library reported on the first TORY test results. MetraLabs committed to increase TORY’s reading accuracy; prompting a second test of TORY to be scheduled for 2019.

1.1.14. Multilingual On-screen Keyboard in OPAC

A second idea originating in LIKE is the provision of a multilingual on-screen keyboard for OPAC. Implemented in December 2016, it enables comfortable typing of non-Latin characters or allows for searches independent of a physical keyboard. Searches in, for example, Russian, Greek, and Arabic are now possible as a result.

1.1.15. Brainstorming Session with Researchers

On 30 September 2016, a brainstorming session with MPI researchers and guests was organised at which the following question was considered: “*What library services would you like to see in our library within the next three to five years?*” Participants’ responses addressed a broader question: “*What can be improved at the MPI to better support research?*” Relying on “*Design Thinking for Librarians*” (IDEO), 60 ideas were collected. Each participant was asked to distribute his/her 5 votes to the idea or ideas that he/she supports. On the basis of these votes, a common top ten list was compiled for future implementation. Upon follow-up, the brainstorming session proved popular and participants expressed their interest in participating on a yearly basis.

1.2. Cooperation and Networking

1.2.1. ALBAD

On 26 January 2017, MPI hosted the 25th Anniversary Meeting of the Luxembourgish Association of Librarians, Archivists, and Documentalists (ALBAD). About 50 colleagues from Luxembourg and Germany were given a guided tour of the MPI Library and participated in the official programme, which offered many opportunities for networking.

1.2.2. IALL Conference

The MPI had the honour of hosting the 37th International Association of Law Librarians (IALL) annual course “*Law in Luxembourg – Where Local Tradition Meets European and International Innovation*”. It gathered more than 170 law librarians from all over the world, with speakers including the MPI Directors, MPI researchers, professors from the University of Luxembourg, legal practitioners, and an EU Member of Parliament. Prof. Hess presented the history of the Institute and the variety of conferences held here. Prof. Ruiz Fabri introduced the Max Planck Encyclopedia of International Procedural Law (EiPro). During the pre-conference workshop, Juja Chakarova, Head of the MPI Library, spoke about the possibilities of robot technology for libraries. The IALL Annual Course was a success and the Local Planning Committee (three librarians and two event managers) was commended by the IALL Board for their organisational eloquence.

1.2.3. 2017 IFLA Congress

The MPI’s Reference/ILL librarian represented the Library at the 2017 Annual IFLA Congress “*Libraries. Solidarity. Society.*” in Wroclaw, Poland. The congress called for greater global solidarity among libraries to better serve their local societies. The event has proven an excellent networking opportunity and has led to the establishment of crucial informal networks since.

1.2.4. Library User Surveys

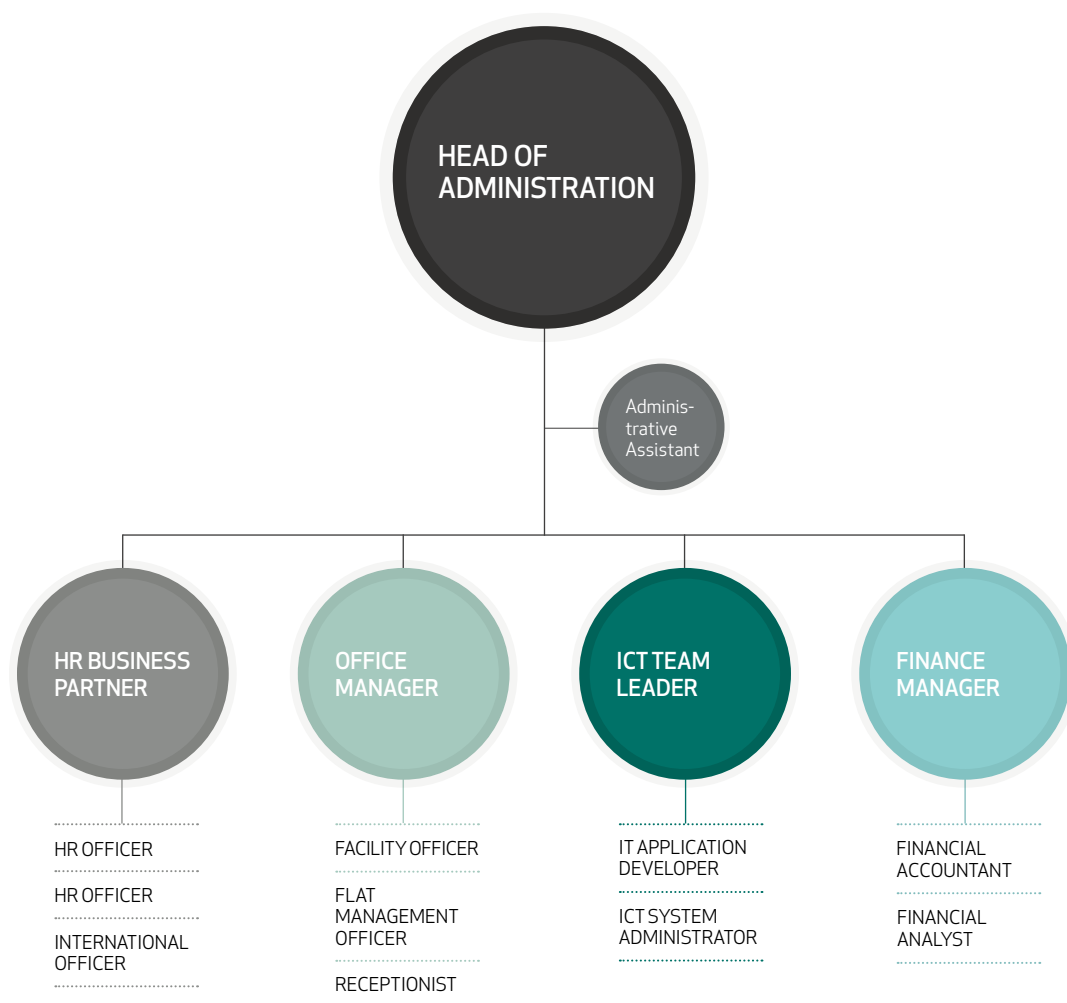
Since 2014, the Library has conducted annual user surveys to monitor user satisfaction and adapt to the user needs. In 2016, two senior researchers at MPI, Dr Fromageau and Dr Ortolani, independently surveyed MPI researchers and guests. The survey: *"A Law Library: The Researchers' Perspective"* collected 61 responses to provide insight into research behaviour. It evidences that, when approaching a new research topic, respondents most commonly begin by reading print materials (37.7%) or by browsing a specialised database (26.2%). A Google search comes in third place (21.3%). In response to the question whether one would be comfortable with a complete transition to online publications for journals, a mere 18% indicated to be uncomfortable with such a change, mainly due to the perceived prestige of print journals. Regarding open-access policies, 9.8% declared to be wholly against it.

The 2017 annual survey revealed that users find remote access to the online databases (84%) the most important area for improvement. Having a one-stop search/discovery service (76%) and further growth of online journals (76%) likewise scored high. With Virtual Private Network (VPN) access provided, a discovery tool for all library resources is the next developmental step suggested. In 2017, only two instances occurred in which the Library was unable to satisfy user needs, both due to the books requested being too old and out-of-print. Users strongly agree that the Library is continuously developing (84%) and its service is oriented to the user needs (80%).



2. Administration

2.1. Organisational Chart



2.2. Consolidation and Adaptation

The first years were dedicated to the development of the Administration itself and the identification of the administrative aspects of the Institute's research activities. In 2018, a thorough assessment of its performance and a reallocation of several tasks took place. The Management Board, in collaboration with the Administrative Managers and the Research Operations Coordinator (ROC), identified the most vital fields of action as regards the Institute's research needs:

- › Adequacy of the processes related to quality and pro-activity of services;
- › Transparency of these processes and its documentation;
- › Roles and responsibilities of the administrative employees;
- › Flexibility and responsiveness with regard to the different and specific research requirements.

To ensure tailor-made support for the researchers, the Management Board decided to partially decompartmentalise the Administration's whole structure and to facilitate the communication between the administrative units, the scientific support and the Directors via the organisation of regular meetings gathering the Directors, the Managers, and the Coordinators.

The second semester of 2018 was devoted to drafting policies and procedures that met the needs of the MPI employees while safeguarding the Institute's legal and ethical responsibilities. By the end of 2018, the most important regulations had been implemented with many additional ones still in drafting or review. In the coming years, these processes will be further improved and refined.

2.3. Administrative Units

To maximise support, the Administration relies on four specific and task-oriented units:

- › Finance & Accounting;
- › Human Resources;
- › Information and Communication Technologies;
- › Office Management.

2.3.1. Finance & Accounting

The Finance & Accounting Unit is structured on the basis of a clear separation of tasks between financial controlling, reporting, and accounting. It ensures the availability of a sufficient budget required to sustain the Institute's operations and specifically to support ongoing scientific activities. Through careful financial analysis and planning, the Unit maintains an annual budgeting and forecasting process. It is also responsible for the verification of all payment requisitions prior to disbursement, to review these as to their accuracy, to determine whether they are legal and proper, and to check that appropriate policies and procedures have been followed.

The Finance Manager prepares the draft budget for the following fiscal year and the 4-year plan during the first quarter of the preceding year as per funding regulations. The Institute's Management Board reviews the draft budget and the 4-year plan and submits them to the Executive Committee for final review and approval. The approved budget and the 4-year plan is then submitted to the *Inspection Générale des Finances* (IGF – The Inspectorate of Finance) and to the Luxembourgish Ministry of Higher Education and Research.

In 2016, the Finance & Accounting Unit hired a Financial Analyst especially dedicated to third-party funding. The following year, the team welcomed a new Manager who undertook a thorough reorganisation of the financial control procedures. The Unit also relies on the support of a Financial Accountant who ensures the proper recording of daily financial operations.

In 2018, the procedures were reinforced and a decision was made to change the accounting software (Casymir) and to replace it with a new one (Adfinity) adapted to the Luxembourgish requirements. Thereby, the Finance and Accounting Unit will be able to react promptly to the changes in the Luxembourgish Regulations, to reinforce the financial reports and to provide the IGF with monthly reports based on the European System of National and Regional Accounts (ESA 2010).

2.3.2. Human Resources (HR)

The HR Unit is composed of three officers and a business partner. Its core mission is to manage the recruitment of employees and to facilitate the integration of each individual hosted on the Institute's premises. Moreover, the HR Unit advises on local labour law specificities and handles payroll in-house. The HR team also manages absences, the onboarding process of new researchers and staff members, and the payroll control. In order to facilitate the onboarding of the external researchers and support them in any relocation issues, the Guest Programme is also administratively managed by the HR team.

Some figures illustrate the various challenges faced by the HR Unit between the 1st January of 2016 and the 31st December of 2018:

- › **Recruitment:** the HR team handled 1,465 job applications in 3 years.
- › **Hiring:** with the normal rotation of the research staff and the reinforcement of the Library, the Administration and the Scientific Support, the number of hires in the reporting period reached 125, of which 31 concerned the Research Departments.
- › **Guest Programme:** the number of applications received in the framework of the Guest Programme amounted to 474.

2.3.3. Information and Communication Technologies (ICT)

The core business of the ICT Unit is the implementation and optimisation of the network and server infrastructure, followed by the implementation of the different production systems and services, including the management of the telecommunication systems. The three ICT specialists are also in charge of the Helpdesk and support the Library in the development of its users-oriented services.

In line with MPG standards, the Institute's ICT landscape is optimised constantly in terms of its administration and management. One of the major projects undertaken by the ICT team during the reporting period is the fitting of the conference room with a high-tech audio and video system so as to provide the researchers with a well-equipped, professional work environment.

Additionally, the ICT Unit is committed to support the MPI Luxembourg in its research activities. The most significant example is its involvement in EiPro. For this ambitious research project, relying on the collaborative work of the researchers of the Department of International Law and Dispute Resolution with the

SAB members and about 450 authors for the year 2018, the ICT team helped to design and to maintain various tools. For example:

- › A tailor-made online platform was designed to foster the collaborative work of researchers on the identification of relevant entries and assist in the search for authors. This platform helps in analysing the living body of the encyclopaedia and steers its evolution. It is hosted on the MPI Luxembourg premises using different technologies (redundant servers, internet connections among others) to ensure the most consistent availability.
- › The EiPro project uses a customised version of the Editorial Manager online system provided by Aries to meet its needs in terms of editorial workflow management. This cloud-based manuscript submission and peer-review tracking system helps the EiPro editorial team in streamlining the implementation phase by combining automation with customised support for authors.
- › File servers provide a shared workspace for our internal users to store documentation, policies, and also act as archives.

2.3.4. Office Management

The Office Management Unit, with its four members, carries out various essential tasks to ensure the daily functioning of the Institute. To that end, the Unit, especially its team manager, handles all MPI Luxembourg purchases to guarantee the continued supply of the offices and to acquire general equipment within reasonable time for the best price. The Unit is also in charge of the whole infrastructure of the Institute, which includes:

- › Maintenance and furnishing of offices and conference rooms;
- › Reception desk;
- › Management of the MPI rented flats.

2.3.5. Additional Support Functions

To fulfil the services in demand and ensure compliance with the MPG as well as legal requirements, some additional support functions have been created.

Compliance Officer: The Compliance Officer ensures consistency of internal procedures with external legislation, rules, and agreements. To that end, the Compliance Officer identifies, assesses, prevents, and monitors compliance risks. (S)he is also responsible for the establishment and maintenance of a centralised archive that tracks all the processes, structures, policies, and procedures within the Institute.

IT Security Officer: The IT Security Officer performs professional and technical work related to the management of IT security policies, which includes planning, development, implementation, and support.

Health and Security Officer (*travailleur désigné*): The Health and Security Officer is tasked with and responsible for the necessary measures related to MPI employees' health and safety. Its duties include protection from, prevention of, and providing information and training on occupational risks. The tasks of the *travailleur désigné* are defined in the Grand-Ducal Regulation of 9 June 2006 and Book III of the Labour Code.

Gender Equality Officer: The Gender Equality Officer is responsible for all personnel, organisational, and social measures ensuring gender equality among the Institute staff.

Data Protection Officer: The Data Protection Officer oversees the Institute's data protection strategy and its implementation to ensure compliance with GDPR requirements.

3. *Scientific Support*

3.1. Organisational Structure



3.2. Research Operations Coordinators

The tasks of the two Research Operations Coordinators (ROCs) are defined by the Standard Operating Procedure and include a wide range of duties. The ROCs support the Institute as a whole while simultaneously holding the managerial responsibility for one of the two Departments. To that end, each of them assists one of the Directors in steering the scientific engagement at the departmental level. The duality of ROCs' mandates, encompassing both department-specific and Institute-wide responsibilities, allows for heightened interdepartmental cooperation. In practice, it means that the tasks under the ROCs

purview are diverse and, among others, include: the preparation of meetings of the Management Board and the Executive Committee; the production of resolution proposals and the monitoring of their implementation; coordinating and preparing meetings of the Scientific Advisory Board; providing scientific support to the Chairperson of the Management Board in relation to research planning; participating in and advising on the selection of academic staff; interfacing between the scientific and non-scientific areas of the Institute; supporting collaborations and networking with universities, as well as national and international research facilities; etc.

Akin to the “Reporting and Scientific Strategy” prong of the ROCs tasks, they are heavily involved in the conceptual planning, preparation, and coordination of the MPI Luxembourg’s research reports and its contributions to MPG publications. Scientific editorial tasks fall within this category of work too – duties likewise effectuated by the Editorial Assistant. As an extension hereof, and included as a distinct “Communication” subcategory, the ROCs deal with press enquiries and are charged with public relations responsibilities. For example, in support of the Chairperson of the Management Board, ROCs will handle media requests and produce those materials used to relay scientific research activities – and indeed the Institute more generally – to the general public. Equally knowledgeable in all matters pertaining to external funding, the ROCs are called on when research or grant applications are to be made. ROCs will, for example, outline and document project participation, structure applications to meet funding providers’ requirements, and act as the primary contact for national and international research-promoting institutions. Moreover, due to their prowess in this area, the ROCs carry primary responsibility when liaising with the EU institutions on projects. In addition thereto, the ROCs also coordinate the scientific events programme and the Guest Programme.

All in all, as the organigram clarifies, ROCs’ department-specific duties may be classified into four subcategories. For their fulfilment, each ROC finds support in a dedicated group of scientific support staff and student assistants.

3.3. Event Management

In order to ensure close and constructive cooperation with the ROCs, events management has been further streamlined and placed within the Scientific Support. As a consequence, interdepartmental collaboration has been strengthened and those staff involved in the organisation of an event have been readily informed – and involved – in the full organisational cycle. This structural change was suggested and ultimately

achieved through the incremental learning process relied upon during the previous reporting period.

3.4. Communication

In line with the increased reliance on social media via other sections of the MPI Luxembourg (e.g. the YouTube channel), the ROCs in collaboration with the Editorial Assistant, the Event team and the Library equally resort, next to more conventional communication methods, to digital networking to disseminate scientific information and promote the events agenda of the Institute. An open-ended communication policy reflects the importance ascribed to transparency – which likewise fuels the drive to Open Access – and benefits the engagement of the general public (e.g. the live streaming of events). Knowledge produced at – and by – the Institute is disseminated with multiple target-groups in mind and is tailored to its audience. This ensures its broadest societal impact and relevance. Press and media relations, as alluded to above, are a crucial aspect thereof. Communication duties, however, do not solely relate to contact with third parties; interdepartmental discussion and dialogue is of equal importance. Here the duality in ROCs’ mandates is highly beneficial.

3.5. Guest Programme

The MPI Luxembourg’s coveted Guest Programme is coordinated by the ROCs. Not only does this indicate ROCs involvement during guests’ application and selection procedure, it also means that ongoing efforts are made to integrate visiting researchers’ expertise and output into the Institute’s operations. More concretely, guests are, for example, encouraged to participate in conferences, to give skills seminars, disseminating their research to the MPI researchers, other guests, and interested third parties in Luxembourg and beyond. Through these means, highly specialised knowledge finds its way to all members of the Institute. Beyond academic engagement, the HR Unit supports the guests of MPI Luxembourg with all other practicalities.



XI. ANNEXES

1. Scientific Events

2016

Conferences

From common rules to best practices in European Civil Procedure

25-26 February 2016

In cooperation with the Erasmus University Rotterdam

Speakers: Judge Larisa Alwin (District Court, The Hague), Prof. Neil Andrews (University of Cambridge), Mr Robert Bray (Committee on Legal Affairs of the European Parliament), Prof. Remo Caponi (University of Florence), Dr Pablo Cortes (University of Leicester), Judge Ilse Couwenberg (Court of Appeal Antwerp, Belgium), Prof. Gilles Cuniberti (University of Luxembourg), Prof. Fernando Gascón Inchausti (Complutense University of Madrid), Ms Jolanda Girzl (Director ECC Sweden), Ms Monique Hazelhorst (Erasmus University Rotterdam), Prof. Burkhard Hess (MPI Luxembourg), Prof. Chris Hodges (University of Oxford), Dr Lorenz Ködderitzsch (Johnson & Johnson), Prof. Xandra Kramer (Erasmus University Rotterdam), Mr Alexander Layton QC (20 Essex Street Chambers), Dr Eva Lein (British Institute of International and Comparative Law), Dr Giampiero Lupo (Research Institute on Judicial Systems (IRSIG-CNR)), Mr Karim Mahari (French Chamber of Commerce), Ms Alina Ontanu (Erasmus University Rotterdam), Judge Arturo Picciotto (Court of Trieste), Prof. Marta Requejo Isidro (MPI Luxembourg), Prof. Norel Rosner (DG Justice, European Commission), Dr John Sorabji (University College London), Mr Ernest Steigenga (Dutch Ministry of Security and Justice), Prof. Eva Storskrubb (University of Uppsala), Prof. Remco van Rhee (Maastricht University), Dr Marco Velicogna (IRSIG-CNR), Dr Jin Ho Verdonschot (The Hague Institute for Innovation of Law), Prof. Stefaan Voet (Catholic University of Leuven (KUL)), Prof. Jan von Hein (University of Freiburg), Prof. Chris Whytock (University of California).

L'état d'urgence, rempart ou menace pour l'État de droit?

24 May 2016

Speakers: Mr Robert Biever (former Chief Public Prosecutor), Mr Alex Bodry (Deputy, President of *Commission des Institutions et de la Révision constitutionnelle* – LSAP), Prof. Stefan Braum (University of Luxembourg), Ms Véronique Bruck (University Paris 1 Panthéon-Sorbonne), Ms Mick Entringer (radio 100.7), Prof. Luc Heuschling (University of Luxembourg), Mr Gilbert Pregno (President of *Commission Consultative des Droits de l'Homme*), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Mr Serge Urbany (former Deputy, former member of *Commission des Institutions et de la Révision constitutionnelle* – déi Lénk), Mr Frank Wies (Solicitor).

Post Brexit: The Fate of Commercial Dispute Resolution in London and on the Continent

26 May 2016

In cooperation with the British Institute of International and Comparative Law (BIICL)

Speakers: Ms Karen Birch (Allen & Overy), Mr Deba Das (Freshfields Bruckhaus Deringer LLP), Prof. Andrew Dickinson (University of Oxford), Prof. Tanja Domej (University of Zurich), Prof. Richard Fentiman (University of Cambridge), Prof. Trevor Hartley (London School of Economics), Prof. Burkhard Hess (MPI Luxembourg), Mr Martin Howe QC (8 New Square), Mr Adam Johnson (Herbert Smith Freehills), Mr Alexander Layton QC (20 Essex Street Chambers), Prof. Paul Oberhammer (University of Vienna), Prof. Thomas Pfeiffer (University of Heidelberg), Prof. Marta Requejo Isidro (MPI Luxembourg), Ms Diana Wallis (President of the European Law Institute and former Vice-President of the European Parliament).

The Implementation of the New Insolvency Regulation – Improving Cooperation and Mutual Trust

6-7 October 2016

In cooperation with the University of Milan (UNIMI) and the University of Vienna

Speakers: Prof. Stefania Bariatti (University of Milan), Prof. Reinhard Bork (University of Hamburg), Mr Giorgio Corno (Studio Corno – Avvocati, Milano), Mr Daniel F. Fritz (hww Lawyers Frankfurt am Main & Leipzig), Prof. Burkhard Hess (MPI Luxembourg), Prof. Renato Mangano (University of Palermo), Prof. Gabriel Moss QC (University of Oxford), Prof. Paul Oberhammer (University of Vienna), Prof. Christoph Paulus (Humboldt University of Berlin), Prof. Irit Ronen Mevorach (University of Nottingham), Mr Adrian Thery Martí (Garrigues), Prof. Christoph Thole (Eberhard Karls University of Tübingen).

Annual Conference of the French-German Lawyers Association

7-8 October 2016

In cooperation with the French-German Lawyers Association

Speakers: Mr Jean-François Bohnert (President of the French-German Lawyers Association), Mr Félix Braz (Minister of Justice of Luxembourg), Prof. Thomas von Danwitz (CJEU), Mr Christian Fischer (Oberregierungsrat Hamburg), Mr Roland Genson (Council of the European Union), Prof. Burkhard Hess (MPI Luxembourg), Dr Richard Himmer (Court of First Instance), Prof. Herwig C.H. Hofmann (University of Luxembourg), Dr Jürgen Jekewitz (former Director at the German Ministry of Justice), Ms Juliane Krause (HLB Dr Stückmann und Partner mbH, Bielefeld), Prof. Philippe-Emmanuel Partsch (Arendt & Medernach), Dr Jan-Felix Pietsch (University of Freiburg), Mr Jean-Marc Ueberecken (Arendt & Medernach), Prof. Marc-Philippe Weller (University of Heidelberg).

Innovation in Libraries, Autumn Meeting of the Max Planck Society (MPG) Social Sciences Libraries 2016

27-28 October 2016

Speakers: Mr Emmanuelle Amar (Cyberjustice Laboratory, Canada), Dr Sigrid Amedick (MPI for European Legal History), Mr Andreas Bley (MetraLabs, Illmenau, Germany), Ms Juja Chakarova (MPI Luxembourg), Ms Esther Chen (MPI for the History of Science), Mr Michael Franke (Max Planck Digital Library), Dr Edouard Fromageau (MPI Luxembourg), Ms Regina Goldschmit (MPI for Research on Collective Goods), Prof. Burkhard Hess (MPI Luxembourg), Mr Chin Keong Ho (SenserBot Pte Ltd, Singapore), Ms Karin Kastens (MPI for Psycholinguistics), Mr Ronald Liebermann (Shoutlabs, Berlin), Mr Brian Matthews (Virginia Tech University Libraries), Dr Pietro Ortolani (MPI Luxembourg), Mr Patrick Peiffer (National Library of Luxembourg), Mr Carlo Posing (RMS.lu), Ms Kerstin Schoof (MPI for Empirical Aesthetics).

European Data Science Conference (EDSC)

7-8 November 2016

In cooperation with the University of Luxembourg, STATEC, LIST and Institute of Labor Economics

Speakers: Prof. Rudi Balling (University of Luxembourg), Prof. Michael Berthold (University of Konstanz), Prof. Stéphane Bordas (University of Luxembourg), Prof. Mark Cole (University of Luxembourg), Prof. Ricardo Cruz Correia (University of Porto), Prof. Pedro Cruz Villalón (University of Madrid), Prof. Peter Flach (University of Bristol), Prof. Andreas Geyer-Schulz (Institute for Technology, Karlsruhe), Prof. Burkhard Hess (MPI Luxembourg), Prof. Katja Ickstadt (Technical University of Dortmund), Prof. Hans Kestler (University of Ulm), Prof. Rainer Klump (University of Luxembourg), Prof. Sabine Krolak-Schwerdt (University of Luxembourg), Prof. Berthold Lausen (University of Essex), Mr Christophe Ley (University of Ghent), Prof. Fionn Murtagh (University of Derby), Dr James Pang Yan (National University of Singapore), Mr Niels Peek (University of Manchester), Dr Pedro Pereira Rodrigues (University of Porto), Mr Walter Radermacher (Statistical office of the European Union), Prof. Jorge Sanz (National University of Singapore), Prof. Arno Siebes (University of Utrecht), Prof. Myra Spiliopoulou (Otto von Guericke University of Magdeburg), Prof. Gerald Spindler (University of Göttingen), Prof. Jan von Hein (University of Freiburg), Ms Michèle Weber (Luxembourg National Research Fund), Prof. Claus Weihs (Technical University Dortmund).

DEBACLES - Illusions and Failures in the History of International Adjudication

24-25 November 2016

Speakers: Prof. Freya Baetens (University of Leiden), Prof. Ilias Bantekas (Brunel University London), Dr Olivier Barsalou (MC Gill University), Prof. Emanuel Castellarin (University of Strasbourg), Ms Yuliya Chernykh (University of Oslo), Dr Athanasios Chouliaras (Panteion University of Political and Social Sciences), Prof. Ignacio De la Rasilla del Moral (Brunel University London), Prof. Henri de Waele (Radboud University of Nijmegen), Prof. Gabriele Della Morte (Catholic University of the Sacred Heart), Mr Michel Erpelding (MPI Luxembourg), Prof. Bardo Fassbender (University of St. Gallen), Prof. Serena Forlati (University of Ferrara), Prof. Patrycja Grzebyk (University of Warsaw), Prof. Nikitas Hatzimihail (University of Cyprus), Prof. Moshe Hirsch (Hebrew University of Jerusalem), Dr Nicholas Kang-Riou (University of Salford), Dr Heejin Kim (National University of Singapore), Mr Daniel Litwin (MC Gill University), Prof. Konstantinos D. Magliveras (University of the Aegean), Ms Evelyn Mogere (MPI Luxembourg), Dr Wim Muller (University of Maastricht), Mr André Nunes Chaib (MPI Luxembourg), Ms Dalia Palombo (MPI Luxembourg), Dr Luca Pasquet (MPI Luxembourg), Ms Mariana Peña-Pinon (University of Luxembourg), Prof. Jarna Petman (University of Helsinki), Ms Ksenia Polonskaya (Queens University of Kingston), Mr Luigi Prospero (Associate Legal Officer ICTY, Office of the Prosecutor), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Prof. Sergey Vasiliev (University of Leiden), Prof. Antoine Vauchez (University Paris 1 Panthéon-Sorbonne), Prof. Ingo Venzke (University of Amsterdam), Ms Yael Vias Gvirsman (Hebrew University of Jerusalem), Prof. Paula Wojcikiewicz Almeida (Fundação Getulio Vargas).

Workshop

The Making of Judicial Decisions and the Role of Law Clerks, Registries and Secretariats

12-13 May 2016

Participants: Prof. Tomás de la Quadra Salcedo Janini (Spanish Constitutional Court), Prof. Jeffrey Dunoff (Temple University), Dr Sybilla Fries (World Trade Organisation), Mr Adrien Gaffier (French Constitutional Court), Prof. Andrea Gattini (MPI Luxembourg), Prof. Lorenzo Gradoni (MPI Luxembourg), Prof. Constance Grewe (Constitutional Court of Bosnia and Herzegovina), Prof. Matthew Happold (University of Luxembourg), Ms Vanessa Hellmann (Bundesverfassungsgericht), Dr Ousseni Illy (University Ouaga II), Ms Sarah Lambrecht (Belgian Constitutional Court), Dr Magdalena Ličková (CJEU), Dr Reto Malacrida (World Trade Organisation), Mr Andrea Mastromatteo (World Trade Organisation), Dr Paschalis Paschalidis (CJEU), Prof. Pasquale Pasquino (New York University), Prof. Mark A. Pollack (Temple University), Prof. Joël Rideau (University of Nice), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Prof. Arman Sarvarian (University of Surrey), Dr Diletta Tega (Italian Constitutional Court), Prof. Geir Ulfstein (University of Oslo), Ms Teresa Violante (Portuguese Constitutional Court).

Lectures

Where are the best law professors teaching?

13 January 2016

Prof. Marco Ventoruzzo (University of Milan)

Conflicts over Extraterritoriality: U.S. Government Search Warrants for Content of Emails Stored in Other Nations - The Microsoft Case

19 January 2016

Mr Peter Trooboff (Senior Counsel, Covington & Burling LLP, Washington D.C.)

Pleading before the ICJ

3 February 2016

Prof. Alain Pellet (Paris West University Nanterre La Défense)

Individual Communications Procedures before the UN Human Rights Treaty Bodies

20 April 2016

Prof. Yuji Iwasawa (University of Tokyo)

Innovations in insolvency procedural law

1 June 2016

Prof. Bob Wessels (University of Leiden)

Les nouveaux pouvoirs du juge civil: tendances générales et réformes du procès en Italie

8 June 2016

Prof. Federico Carpi (University of Bologna)

"Position papers" by non-participating parties in arbitral proceedings

28 June 2016

Prof. Erik Franckx (University of Brussels (VUB))

International Environmental Law and Community Interests: The Role of Procedure

14 September 2016

Prof. Jutta Brunnée (University of Toronto)

Max Planck Lecture Series on Sovereign Debt: The Law and Economics of Sovereign Debt and Default

5 October 2016

Prof. Ugo Panizza (Graduate Institute of International and Development Studies)

Prof. Pierre-Henri Conac (University of Luxembourg)

Max Planck Lecture Series on Sovereign Debt: Sovereign Debt Restructuring and International Law

26 October 2016

Prof. Robert Howse (New York University)

Dr Matthias Goldmann (MPI for Comparative Public Law and International Law and Goethe University of Frankfurt)

Max Planck Lecture Series on Sovereign Debt: Lessons from Argentina and Greece

3 November 2016

Prof. Mathias Audit (University Paris 1 Panthéon-Sorbonne)

Prof. Régis Bismuth (University of Poitiers)

Max Planck Lecture Series on Sovereign Debt: Investment Arbitration as a Means of Resolving Sovereign Debt Dispute

9 November 2016

Dr Michael Waibel (University of Cambridge)

Prof. Rodrigo Olivares-Caminal (Queen Mary University of London)

Who Should Regulate Transnational Corruption? Between Impunity and Imperialism

11 November 2016

Prof. Kevin Davis (New York University)

Max Planck Lecture Series on Sovereign Debt: Proposals for Reform of Sovereign Debt Restructuring: The Contractual Approach

30 November 2016

Mr Philip Wood CBE (Allen & Overy)

Prof. Christoph G. Paulus (Humboldt University of Berlin)

**Max Planck Lecture Series on Sovereign Debt: Proposals for Reform of Sovereign Debt Restructuring:
The Statutory Approach**

14 December 2016

Mr Lee C. Buchheit (Cleary Gottlieb)

Prof. Luis M. Hinojosa-Martinez (University of Granada)

Seminars

Shareholder Rights in International Investment Arbitration

12 February 2016

Participants: Dr Yas Banifatemi (Shearman & Sterling International Arbitration Group), Mr Emmanuel Gaillard (Shearman & Sterling International Arbitration Practice), Prof. Daniel Markovits (Yale University).

APPEAL Project - Investigating Administrative Review in the EU

29 February 2016

Participants: Prof. Concetta Brescia Mora (Free International University for Social Studies "Guido Carli" (LUISS)), Dr Georgios Dimitropoulos (MPI Luxembourg), Ms Véronique Doreau (Community Plant Variety Office), Mr Peter Dyrberg (European Ombudsman), Dr Clemens Feinäugle (MPI Luxembourg), Dr Matteo Gargantini (MPI Luxembourg), Ms Sari Haukka (European Chemicals Agency), Mr Yves Herinckx (Appeal Panel of the European Single Resolution Board), Prof. Burkhard Hess (MPI Luxembourg), Prof. Théophile Margellos (Office for Harmonization in the Internal Market), Dr Pietro Ortolani (MPI Luxembourg), Ms Mercedes Ortuño (European Chemicals Agency), Ms Kristina Sirakova (MPI Luxembourg), Mr Sven Stürmann (Office for Harmonization in the Internal Market), Mr Xavier Tracol (Eurojust), Dr Herbert Ungerer (Agency for the Cooperation of Energy Regulators), Dr Paul van der Kooij (Commun Plant Variety Office).

L'office du juge - Le juge et l'administration des preuves

17-18 March 2016

Participants: Prof. Cécile Chainais (University Paris 2 Panthéon-Assas), Prof. Lotario Dittich (Lombardi Molinari Segni), Prof. Mariacarla Giorgetti (Studio Legale), Prof. Burkhard Hess (MPI Luxembourg), Prof. Stefan Huber (Leibniz University of Hannover), Prof. Xavier Lagarde (University Paris Nanterre), Dr Björn Laukemann (MPI Luxembourg), Prof. Dominique Mougenot (University of Namur), Prof. Achille Saletti (Studio Legale Milano), Prof. Jacques van Compernelle (Catholic University of Louvain (UCL)), Prof. Jean-Francois van Drooghenbroeck (Catholic University of Leuven (KUL)).

Europäisches Zivilprozessrecht

21-22 July 2016

Participants: Prof. Burkhard Hess (MPI Luxembourg), Prof. Christoph A. Kern (University of Heidelberg).

2017

Conferences

Wissenschaftliche Vereinigung für Internationales Verfahrensrecht

15-18 March 2017

In cooperation with the University of Vienna

The Future of EU Trade Policy: The Implications of Opinion 2/15 (EU-Singapore Free Trade Agreement)

19 May 2017

In cooperation with the University of Luxembourg

Speakers: Prof. Emmanuel Castellarin (University of Strasbourg), Dr Karine Caunes (Academy of European Law), Dr Andrés Delgado Casteleiro (MPI Luxembourg), Prof. Piet Eeckhout (University College London), Dr Szilárd Gáspár-Szilágyi (University of Oslo), Dr Mauro Gatti (University of Luxembourg), Judge Marko Ilešič (CJEU), Mr Titiaan Keijzer (Erasmus University Rotterdam), Prof. Pieter Jan Kuijper (University of Amsterdam), Judge Lars Bay Larsen (CJEU), Dr Magdalena Ličková (CJEU), Mr Julien Miéral (Embassy of France in Germany), Prof. Eleftheria Neframi (University of Luxembourg), Dr Andrea Ott (Maastricht University), Dr Luca Pantaleo (The Hague University of Applied Sciences), Mr Nicolas Pigeon (University Paris 1 Panthéon-Sorbonne), Mr Alberto Quintavalla (Erasmus University Rotterdam), Prof. Hélène Ruiz Fabri (MPI Luxembourg).

Identifying and Implementing Erga Omnes Obligations: The Role of Procedure

13th Annual Conference of the European Society of International Law (ESIL)

7-9 September 2017

Speakers: Prof. Andrea Bianchi (Graduate Institute of International and Development Studies), Judge Giorgio Gaja (ICJ), Prof. Lorenzo Gradoni (MPI Luxembourg), Prof. Andrea Hamann (University of Strasbourg).

A Bridge Over Troubled Waters: Dispute Resolution in the Law of International Watercourses and the Law of the Sea

25-26 September 2017

In cooperation with the University of Brussels (VUB)

Speakers: Judge Awn Al-Khasawneh (Doughty Street Chambers), Prof. Laurence Boisson de Chazournes (University of Geneva), Prof. Alan Boyle (University of Edinburgh), Prof. Jutta Brunnée (University of Toronto), Ambassador Rolf Einar Fife (Royal Embassy of Norway in Paris), Prof. Itay Fishhendler (Hebrew University of Jerusalem), Prof. Erik Franckx (University of Brussels (VUB)), Prof. Viatcheslav V. Gavrilov (Far Eastern Federal University), Prof. Shotaro Hamamoto (University of Kyoto), Prof. Natalie Klein (Macquarie University), Prof. Marcelo Kohen (Graduate Institute of International and Development Studies), Ms Judith Levine (Permanent Court of Arbitration), Prof. Liesbeth Lijnzaad (University of Maastricht), Mr Michael W. Lodge (International Seabed Authority), Mr Lawrence Martin (Foley Hoag LLP, Washington), Prof. Owen McIntyre (University College Cork), Prof. Sean D. Murphy (George Washington University), Prof. Boldizsár Nagy (Central European University), Prof. Bernard H. Oxman (University of Miami), Prof. Esa Paasivirta (European Commission – Legal Service), Prof. Rosemary Rayfuse (University of New South Wales), Prof. Alistair Rieu-Clarke (Northumbria University, UNECE Water Convention), Prof. Cesare P.R. Romano (Loyola Marymount University), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Dr Salman M. A. Salman (International Water Resources Association), Dr Komlan Sangbana (University of Geneva), Prof. Alfred Soons (University of Utrecht), Prof. Ashok Swain (University of Uppsala), Prof. Attila Tanzi (University of Bologna), Judge Peter Tomka (ICJ), Judge Tullio Treves (Curtis, Mallet-Prevost, Colt & Mosle LLP, Milan), Prof. David VanderZwaag (Dalhousie University), Sir Michael Wood (20 Essex Street Chambers), Mr Samuel Wordsworth QC (Essex Court Chambers).

Jurisdiction, Conflicts of Laws and Data Protection in Cyberspace

12 October 2017

In cooperation with the University of Brussels (VUB)

Speakers: Prof. Kevin D. Benish (New York University), Prof. Paul De Hert (University of Brussels (VUB)), Prof. Gloria Gonzalez Fuster (University of Brussels (VUB)), Prof. Burkhard Hess (MPI Luxembourg), Prof. Christopher Kuner (University of Brussels (VUB)), Dr Cristina Mariottini (MPI Luxembourg), Prof. Alex Mills (University College London), Dr Fruzsina Molnár-Gábor (The Heidelberg Academy of Sciences and Humanities), Advocate General Henrik Saugmandsgaard Øe (CJEU), Prof. Heike Schweitzer (University of Berlin), Prof. Gerald Spindler (University of Göttingen), Prof. Dan Svantesson (Bond University), Prof. Jan von Hein (University of Freiburg).

Do you speak Open Science?

National OpenAIRE conference 2017

26 October 2017

Organised by the University of Luxembourg and OpenAIRE in partnership with FNR, LIH, LIST, LISER, MPI, LuxDoc and EURAXESS.

Speakers: Prof. Conchita D'Ambrosio (University of Luxembourg), Prof. Lennart Martens (University of Ghent).

Peace Through Law: The Versailles Peace Treaty and Dispute Settlement after WW I

6-8 December 2017

Speakers: Dr Jennifer Balint (University of Melbourne), Prof. Nathaniel Berman (Brown University), Prof. Didier Boden (University Paris 1 Panthéon-Sorbonne), Prof. Laurence Boisson de Chazournes (University of Geneva), Prof. Michael Callahan (Kettering University), Dr León Castellanos-Jankiewicz (European University Institute), Prof. Patricia Clavin (University of Oxford), Prof. Pierre d'Argent (Catholic University of Louvain (UCL)), Dr Michel Erpelding (MPI Luxembourg), Dr Thomas D. Grant (University of Cambridge), Prof. Jean-Louis Halpérin (Ecole Normale Supérieure), Prof. Mamadou Hébié (University of Leiden), Prof. Burkhard Hess (MPI Luxembourg), Dr Heinrich Kreft (Ambassador of Germany in Luxembourg), Judge and Prof. Herbert Kronke (Iran-United States Claims Tribunal and University of Heidelberg), Prof. Photini Pazartzis (National and Kapodistrian University of Athens), Mr Bruno Perdu (Ambassador of France in Luxembourg), Prof. Marta Requejo Isidro (MPI Luxembourg), Prof. Valérie Rosoux (UCL), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Judge and Prof. Bruno Simma (Iran-United States Claims Tribunal and University of Michigan), Dr Guy Fiti Sinclair (Victoria University of Wellington), Prof. Christian J. Tams (University of Glasgow), Prof. Johan Van der Walt (University of Luxembourg), Judge and Prof. Hans Van Houtte (Iran-United States Claims Tribunal and Catholic University of Leuven (KUL)), Dr Ralph Wilde (University College London).

Workshops

The Making of Decisions of the United Nations Human Rights Treaty Bodies

30-31 March 2017

Participants: Prof. Nourredine Amir (Committee on the Elimination of Racial Discrimination), Ms Maria Virginia Brás Gomes (Committee on Economic Social and Cultural Rights), Mr Alessio Bruni (Committee against Torture), Prof. Olivier de Frouville (Human Rights Committee), Prof. Olivier De Schutter (Committee on Economic Social and Cultural Rights), Prof. Emmanuel Decaux (Committee on Enforced Disappearances), Ms Jasminka Džumhur (Committee on Migrant Workers), Prof. Serena Forlati (University of Ferrara), Dr Edouard Fromageau (MPI Luxembourg), Prof. Matthew Happold (University of Luxembourg), Prof. Ludovic Hennebel (Perelman Centre for Legal Philosophy), Prof. Yuji Iwasawa (Human Rights Committee), Ms Suela Janina (Committee on Enforced Disappearances), Ms Kamelia Kemileva (Geneva Academy of International Humanitarian Law and Human Rights), Prof. Pasquale Pasquino (New York University and School for Advanced Studies in the Social Sciences-EHESS), Prof. Jarna Petman (University of Helsinki), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Prof. Anja Seibert-Fohr (Human Rights Committee), Prof. Hélène Tigroudja (University of Aix-Marseille), Prof. Geir Ulfstein (University of Oslo), Justice Renate Winter (Committee on the Rights of the Child), Dr Victor Zaharia (Subcommittee on Prevention of Torture and other Cruel Inhuman or Degrading Treatment or Punishment).

The Expert in the International Adjudicative Process

27-28 April 2017

In cooperation with the University of Geneva

Participants: Prof. José Alvarez (New York University), Judge Mohamed Bennouna (ICJ), Prof. Laurence Boisson de Chazournes (University of Geneva), Ms Kate Cook (Matrix Law Chambers, London), Judge Joan Donoghue (ICJ), Prof. Roger Falconer (University of Cardiff), Mr James Flet (European Commission), Prof. Philippe Gautier (ITLOS), Ms Mélida Hodgson (Foley Hoag LLP, New York), Mr Nicolas Lockhart (Sidley Austin LLP, Geneva), Prof. Gabrielle Marceau (WTO - Legal Affairs Division), Prof. Makane Moïse Mbengue (University of Geneva), Dr Kate Parlett (20 Essex Street Chambers), Prof. Alain Pellet (Paris West University Nanterre La Défense), Dr Georgios Petrochilos (Three Crowns LLP, Paris), Dr Brendan Plant (University of Cambridge), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Mr Geoffrey Senogles (Charles Rivers Associates, Geneva), Prof. Jean-Marc Sorel (University Paris 1 Panthéon-Sorbonne), Prof. Tullio Treves (University of Milan), Ms Cherise Valles (Advisory Centre on WTO Law), Dr Isabelle van Damme (CJEU), Mr Samuel Wordsworth QC (Essex Court Chambers).

To Reform the World: International Organizations and the Making of Modern States (OUP, 2017)

6 October 2017

Participants: Dr Guy Fiti Sinclair (Victoria University of Wellington), Dr Megan Donaldson (University of Cambridge), Dr Edouard Fromageau (MPI Luxembourg), Mr André Nunes Chaib (MPI Luxembourg), Prof. Devika Hovell (London School of Economics).

Financement par les tiers des procédures d'arbitrage: Rapport du groupe de travail ICCA-Queen Mary

6 November 2017

In cooperation with the University Paris 1 Panthéon-Sorbonne, Queen Mary University London and the International Council for Commercial Arbitration

Speakers: Prof. Hervé Ascencio (University Paris 1 Panthéon-Sorbonne), Prof. Mathias Audit (University Paris 1 Panthéon-Sorbonne), Mr Duarte G. Henriques (BCH Avogados, Lisbon), Mr Jean-Christophe Honlet (Dentons, Paris), Ms Anna Joubin-Bret (Cabinet Joubin-Bret), Ms Isabelle Michou (Quinn Emanuel Urquhart & Sullivan LLP, Paris), Mr Charles Nairac (White & Case LLP, Paris), Prof. Catherine Rogers (Queen Mary University London), Prof. Hélène Ruiz Fabri (MPI Luxembourg).

Lectures

International Law Theories - An Inquiry into Different Ways of Thinking

8 February 2017

Prof. Andrea Bianchi (Graduate Institute of International and Development Studies)
Dr Surabhi Ranganathan (University of Cambridge)

The effect of the ECHR on the constitutional system of Member States

22 March 2017

Prof. Jochen Frowein (MPI for Comparative Public Law and International Law)

The Use and Misuse of European Human Rights Law in Investor-State Arbitration

3 May 2017

Prof. José E. Alvarez (New York University)

The PCA and its contribution to international dispute settlement

26 May 2017

Mr Brooks W. Daly (Deputy Secretary-General and Principal Legal Counsel at the Permanent Court of Arbitration)

Les revirements de jurisprudence de la Cour de justice de l'Union européenne

14 June 2017

Prof. Fabrice Picod (University Paris 2 Panthéon-Assas)

United Nations Convention on the Law of the Sea: A Commentary

12 September 2017

Prof. Alina Miron (University of Angers)

Prof. Alexander Proelß (University of Trier)

La sentence arbitrale: quelques réflexions sur la délibéré, la collégialité, la motivation et le respect de l'arbitre de se conformer à sa mission

4 October 2017

Prof. José Carlos Fernández Rozas (Complutense University of Madrid)

Retour à Lemberg (Albin Michel, 2017)

11 October 2017

In cooperation with Memoshoah, with the support of the Institut français du Luxembourg, and in partnership with Témoins de la 2ème Génération, Musée national de la Résistance, Institut Pierre Werner, Abbaye de Neumünster, and Editions Albin Michel.

Prof. Philippe Sands (University College London)

The ECtHR and State Responsibility: Moving Towards More International Law?

23 November 2017

Judge Iulia Motoc (European Court of Human Rights)

Seminars

EUFam Law Project: International Exchange Seminar

11-12 May 2017

Participants: Ms Céline Camara (MPI Luxembourg), Prof. Anatol Dutta (University of Munich), Ms Amandine Faucon Alonso (MPI Luxembourg), Dr Arantxa Gandía Sellens (MPI Luxembourg), Prof. Cristina González Beilfuss (University of Barcelona), Prof. Burkhard Hess (MPI Luxembourg), Prof. Volker Lipp (University of Göttingen), Prof. Nigel Lowe (University of Cardiff), Prof. Fausto Pocar (University of Milan), Prof. Marta Requejo Isidro (MPI Luxembourg), Ms Andrea Schulz (European Commission), Prof. Ilaria Viarengo (University of Milan), Prof. Francesca Villata (University of Milan), Dr Lara Walker (University of Sussex).

2018

Conferences

Open Justice

1-2 February 2018

In cooperation with Saarland University

Speakers: Prof. Alberto Alemanno (HEC Paris and New York University), Advocate General Michal Bobek (CJEU), Prof. Cécile Chainais (University Paris 2 Panthéon-Assas), Prof. Tiziana Chiusi (Saarland University), Prof. Dame Hazel Genn (University College London), Prof. Thomas Giegerich (Saarland University), Prof. Ruth Herz (University of London), Prof. Burkhard Hess (MPI Luxembourg), Dr Joachim Jahn (Neue Juristische Wochenschrift), Judge Ferdinand Kirchhof (German Federal Constitutional Court), Prof. Jan Henrik Klement (University of Mannheim), Ms Ana Koprivica (MPI Luxembourg), Prof. Katalin Ligeti (University of Luxembourg), Dr Robert Magnus (University of Heidelberg), Judge Angelika Nußberger (European Court of Human Rights), Judge Siofra O'Leary (European Court of Human Rights), Judge Andreas Paulus (German Federal Constitutional Court), Prof. Judith Resnik (Yale University), Mr Joshua Rozenberg QC (hon.) (Legal Commentator and Journalist), Prof. Hélène Ruiz Fabri (MPI Luxembourg), The Rt Hon. Lord Justice Ryder (Sir Ernest Nigel Ryder) (Senior President of Tribunals, United Kingdom), Prof. Maxi Scherer (Queen Mary University of London), Dr John Sorabji (Principal Legal Adviser to the Lord Chief Justice and Master of the Rolls), Advocate General Maciej Szpunar (CJEU), Judge Jean-Claude Wiwinius (Supreme Court of Justice, Luxembourg).

EU Law and Investment Arbitration: A Dialogue between Legal Orders

26-30 April 2018

In cooperation with the International Arbitration Institute (IAI)

Speakers: Judge Ronny Abraham (ICJ), Prof. Stanimir A. Alexandrov (Independent arbitrator), Dr Yas Banifatemi (IAI), Mr Ivan Cavdarevic (MPI Luxembourg), Deputy Secretary-General Brooks Daly (Permanent Court of Arbitration), Dr Juan Fernández-Armesto (Armesto & Asociados), Prof. Emmanuel Gaillard (IAI), Sir Christopher Greenwood (Iran-US Claims Tribunal), Judge Dominique Hascher (French Court of Cassation), Judge Marko Ilešič (CJEU), Judge Lord Mance (Supreme Court of the UK), Dr Martins Paparinskis (University College London), Dr Paschalis Paschalidis (CJEU), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Judge Vassilios Skouris (CJEU), Mr Edoardo Stoppioni (MPI Luxembourg), Advocate General Maciej Szpunar (CJEU), Judge Peter Tomka (ICJ), Judge Christopher Vajda (CJEU), Dr Claus von Wobeser (von Wobeser & Sierra), First Advocate General Melchior Wathelet (CJEU).

Current Challenges for EU Cross-Border Litigation in a Changing Procedural Environment

26 September 2018

Speakers: Advocate General Michal Bobek (CJEU), Prof. Andrew Dickinson (University of Oxford), Dr Etienne Farnoux (University Paris 1 Panthéon-Sorbonne), Dr Lucilla Galanti (University of Bologna), Prof. Burkhard Hess (MPI Luxembourg), Advocate General Juliane Kokott (CJEU), Dr Stephanie Law (MPI Luxembourg), Mr Tobias Lutzi (University of Oxford), Prof. Séverine Menétrey (University of Luxembourg), Mr Janek Nowak (MPI Luxembourg), Dr Alina Ontanu (Erasmus University Rotterdam), Ms Cinzia Peraro (University of Verona), Prof. Geert Van Calster (Catholic University of Leuven (KUL)), Ms Zuzanna Witek (University of Wrocław).

50th Anniversary of the European Law of Civil Procedure

27-28 September 2018

In cooperation with the Court of Justice of the European Union

Speakers: Ms Tiina Astola (European Commission), Mr Jürgen Basedow (MPI for Private Law), Mr Christophe Bernasconi (Hague Conference on Private International Law), Prof. Loïc Cadiet (University Paris 1 Panthéon-Sorbonne), Advocate General Manuel Campos Sánchez-Bordona (CJEU), Prof. Sabine Corneloup (University Paris 2 Panthéon-Assas), Prof. Wolfgang Hau (Ludwig Maximilian University of Munich), Prof. Burkhard Hess (MPI Luxembourg), Judge Marko Ilešič (CJEU), Prof. Xandra Kramer (Erasmus University Rotterdam), Mr Alexander Layton QC (20 Essex Street Chambers), President Koen Lenaerts (CJEU), Judge Constantinos Lycourgos (CJEU), Prof. Johan Meeusen (University of Antwerp), Prof. Paul Oberhammer (University of Vienna), Prof. Fausto Pocar (University of Milan), Prof. Marta Requejo Isidro (MPI Luxembourg), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Judge Marek Safjan (CJEU), Advocate General Henrik Saugmandsgaard Øe (CJEU), Advocate General Maciej Szpunar (CJEU), Judge Camelia Toader (CJEU), Judge Michail Vilaras (CJEU).

The 37th Annual Course of the International Association of Law Libraries

29 September-4 October 2018

In cooperation with the International Association of Law Libraries

Speakers: Mr Henok Asmelash (MPI Luxembourg), Ms Juja Chakarova (MPI Luxembourg), Prof. Gilles Cuniberti (University of Luxembourg), Prof. Luc Deitz (National Library of Luxembourg), Ms Mady Delvaux-Stehres (European Parliament), Dr Michel Erpelding (MPI Luxembourg), Dr Martyna Fatkowska-Clarys (MPI Luxembourg), Prof. Jörg Gerkrath (University of Luxembourg), Prof. Burkhard Hess (MPI Luxembourg), Ms Monique Kieffer (National Library of Luxembourg), Dr Stephanie Law (MPI Luxembourg), Dr Cristina Mariottini (MPI Luxembourg), Dr Lily Martinet (MPI Luxembourg), Mr Paul Mousel (Arendt & Medernach), Prof. Katerina Pantazatou (University of Luxembourg), Prof. André Prum (University of Luxembourg), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Advocate General Eleanor Sharpston (CJEU), Mr Edoardo Stoppioni (MPI Luxembourg), Dr Johannes Trabert (MetraLabs GmbH), Ms Michèle Wallenborn (National Library of Luxembourg).

IOSCO and the New International Financial architecture: What Role for IOSCO in the Development and Implementation of Cross-border Regulation and Equivalence?

5 October 2018

In cooperation with the University of Luxembourg

Speakers: Mr Paul Andrews (IOSCO), Prof. John Coffee (Columbia University), Prof. Pierre-Henri Conac (University of Luxembourg), Mr Peter de Proft (European Fund and Asset Management Association), Mr Chris Dickens (HSBC Bank), Prof. Elis Ferran (University of Cambridge), Mr Jean-Marc Goy (former CSSF), Mr Pierre Gramegna (Minister for Finance, Luxembourg), Prof. Jennifer Hill (University of Sydney), Prof. Anne Héritier Lachat (University of Geneva), Ms Arlene McCarthy (former Vice-President of the ECON Committee of the European Parliament), Mr Jakub Michalik (ESMA), Prof. Niamh Moloney (London School of Economics), Mr Eric J. Pan (CFTC), Mr Marc Robert-Nicoud (Clearstream Holding AG, Luxembourg), Prof. Hélène Ruiz-Fabri (MPI Luxembourg), Mr Jean-Paul Servais (IOSCO - Chair of FSMA, Belgium), Mr Patrick Starkman (Samman Law firm, Paris; former Senior Advisor to the Chair of ESMA on International Affairs), Mr Carlo Thelen (Chambre de Commerce, Luxembourg), Mr Tanguy van de Werve (AFME), Mr David Wright (IOSCO).

National PhD Day

22 November 2018

Organised by the LIST in partnership with the University of Luxembourg, FNR, MPI Luxembourg, LIST, LIH, LISER, and EURAXESS

Speakers: Mr Jean-Paul Bertemes (FNR), Dr Katrina Bramstedt (Luxembourg Agency for Research Integrity), Ms Barbara Daniel (EURAXESS Luxembourg), Dr Philippe Delfosse (University of Luxembourg), Dr Johannes Hendrik Fahner (LuxDoc), Prof. Serge Haan (University of Luxembourg), Prof. Aline Muller (LISER), Mr Till Pöhlmann (Professional juggler), Mr Joseph Rodesch (FNR), Mr Max Wolter (University of Luxembourg).

Workshops

Setting Up a Case Law Database (1st Workshop IC2BE Project)

26 February 2018

Participants: Mr Pedro Félix Alvarez de Benito (General Council of the Judiciary, Spain), Prof. Marie Élodie Ancel (University of Paris-Est Créteil), Dr Sabine Hackspiel (CJEU), Prof. Jan von Hein (University of Freiburg), Mr Alexander Ivantchev (European Commission), Mr Helmut Klein (Juris GmbH), Mr Stefano Palermi (European Court of Human Rights), Dr Marco Velicogna (Research Institute on Judicial Systems (IRSIG-CNR)), Prof. Ilaria Viarengo (University of Milan), Mr Ignacio Vicuña Nicolás (General Council of the Judiciary, Spain), Ms Maria Westermann (European Commission).

Cross-Border Debt Recovery in the EU: Application of the “Second Generation” Regulations in France and Luxembourg (2nd Workshop IC2BE Project)

8 June 2018

Participants: Ms Katrien Baetens (Linklaters, Luxembourg), Mr Marc Cagniard (SCP de Braquilanges, Lambert, Cagniard et Marchay), Ms Alice Canet (Arte Juris Strasbourg), Dr Agnieszka Frąckowiak-Adamska (University of Wrocław), Prof. Burkhard Hess (MPI Luxembourg), Ms Julie Jasson (European Consumer Centre), Mr Max Mailliet (Attorney-at-Law, Luxembourg), Ms Clara Mara-Marhuenda (Arendt & Medernach), Mr Grégory Minne (Arendt & Medernach), Prof. Cyril Nourisat (Jean Moulin University), Dr Alina Ontanu (Erasmus University Rotterdam), Dr Katharina Raffelsieper (Thewes & Reuter).

Reconciliation as a Peace-building Process

9-10 July 2018

In cooperation with Catholic University of Louvain (UCL)

Participants: Ms Emilie Aussems (UCL), Ms Lucile Bertrand (Visual artist), Prof. Berber Bervernage (University of Ghent), Mr Giuseppe Carduso (Senior community worker), Prof. Jean-Michel Chaumont (UCL), Ms Lili Cole (United States Institute of Peace), Dr Dorothee Delacroix (UCL), Mr Simon Desplanque (UCL), Dr Michel Erpelding (MPI Luxembourg), Dr Martyna Fatkowska-Clarys (MPI Luxembourg), Dr Elise Feron

(University of Tampere), Ms Melissa Gregg (Simon Fraser University), Ms Delphine Griveaud (UCL), Ms Emmanuelle Hébert (UCL), Prof. Michael Humphrey (University of Sydney), Prof. Jonathan Joseph (University of Sheffield), Prof. Yechiel Klar (University of Tel Aviv), Prof. Olivier Klein (University of Brussels (ULB)), Dr Sidney Leclercq (ULB and UCL), Prof. Sulagna Maitra (University College Dublin), Dr Johanna Mannergren (Swedish Institute of International Affairs), Dr Lily Martinet (MPI Luxembourg), Ms Parvathi Menon (MPI Luxembourg), Mr Stipe Odak (UCL and Catholic University of Leuven (KUL)), Dr Stephan Parmentier (KUL), Mr Kemal Pervanic (Most Mira), Dr Sandra Rios (University of Leiden), Prof. Valérie Rosoux (UCL), Ms Carla Sandoval (Justice et Démocratie), Prof. Estela Valverde (University of Sydney), Dr Lauren Van Metre (George Mason University), Ms Hayley Walker (UCL-KUL).

Sociological Perspectives on International Tribunals: Formal and Informal Rules, Functions and Symbols in the Practice of International Tribunals

8-9 November 2018

Participants: Prof. Andrea Bianchi (Graduate Institute of International and Development Studies), Prof. Sungjoon Cho (Illinois Institute of Technology), Mr Vincent Dalpé (McGill University), Prof. Jeffrey Dunof (Temple University), Prof. Caroline Foster (University of Auckland), Dr Edouard Fromageau (MPI Luxembourg), Dr Geoff Gordon (Asser Institute and University of Amsterdam), Prof. Hisashi Harata (University of Tokio), Prof. Moshe Hirsch (Hebrew University of Jerusalem), Prof. Jürgen Kurtz (University of Melbourne and European University Institute), Prof. Andrew Lang (University of Edinburgh), Prof. Ron Levi (University of Toronto), Prof. Mikael Madsen (University of Copenhagen), Prof. Thilo Marauhn (University of Giessen), Dr Joshua Paine (MPI Luxembourg), Prof. Mark Pollack (Temple University), Ms Ksenia Polonskaya (Queen's University), Prof. Hélène Ruiz Fabri (MPI Luxembourg), Dr Allan F. Tatham (San Pablo University of Madrid), Mr Mihreteab Taye (University of Copenhagen), Prof. Ingo Venzke (University of Amsterdam), Dr Ezgi Yildiz (Harvard University), Prof. Fuad Zarbiyev (Graduate Institute of International and Development Studies).

Lectures

Litigation and Arbitration of IP Disputes

24 January 2018

Prof. Siegfried H. Elsing (Orrick, Herrington & Sutcliffe LLP; Honorary Consul for Luxembourg in North Rhine-Westphalia)

Women at Nuremberg

7 March 2018

Prof. Diane Amann (University of Georgia)

20 Years of the Rome Statute

6 June 2018

Judge Silvia Fernández de Gurmendi (Former President, International Criminal Court)

Fighting Illiberalism through Courts - The Rule of Law at the CJEU

5 July 2018

Prof. Daniel Sarmiento (Complutense University of Madrid)

Necessary Evil: How to fix Finance by saving Human Rights

14 November 2018

Prof. David Kinley (University of Sydney)

Seminars

Innovating International Business Courts: A European Outlook

10 July 2018

Organised by the Erasmus University Rotterdam, MPI Luxembourg and Utrecht University

Harmonization of Civil Procedure in the EU: How Far Can We Go?

19 July 2018

In cooperation with Complutense University of Madrid

Participants: Prof. Rui Dias (University of Coimbra), Mr Dominik Düsterhaus (CJEU), Dr Arantxa Gandía Sellens (MPI Luxembourg), Prof. Fernando Gascón Inchausti (Complutense University of Madrid), Prof. Burkhard Hess (MPI Luxembourg), Prof. Katharina Hilbig-Lugani (University of Düsseldorf), Prof. Stefan Huber (University of Tübingen), Prof. Christoph A. Kern (University of Heidelberg), Dr Stephanie Law (MPI Luxembourg), Dr Patricia Llopis (University of Valencia), Mr Janek Nowak (MPI Luxembourg), Prof. Marta Requejo Isidro (MPI Luxembourg), Mr Vincent Richard (MPI Luxembourg), Prof. Elisabetta Silvestri (University of Pavia), Prof. Michael Stürner (University of Konstanz), Prof. Enrique Vallines (Complutense University of Madrid), Prof. María Luisa Villamarín (Complutense University of Madrid).

IOSCO and the New International Financial Architecture: Young Researchers

4 October 2018

In cooperation with the University of Luxembourg

ITLOS-Nippon Capacity-building and Training Programme 2018-2019

28-30 November 2018

In cooperation with the NIPPON Foundation and the International Tribunal for the Law of the Sea

European Economic Law Seminar

29-30 November 2018

In cooperation with Prof. Federico Fabbrini (Dublin City University) and Prof. Marco Ventoruzzo (Bocconi University)

2. Publications

2.1. Publications of the Institute

2.1.1. Book Series “Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law”, Nomos



N°5

Lu, P. (2016), *Die Wahrung der Rechtseinheit in Deutschland und der VR China*. Baden-Baden: Nomos, 343 p.
ISBN: 978-3-8487-2466-6.

Abstract:

The problem concerning how judicial unification can be achieved has been dealt with differently across countries and throughout time. The existence of a supreme court as a court of last instance in a State is essential for judicial unification. This thesis provides a comparative analysis of the supreme courts in China and Germany. In Germany, the control of judicial unification has been achieved by judicial activities throughout the procedures of appeal and instances of appeal, and actualised by the appellant's lodging of an appeal. Whereas in China such control is achieved by supervisory procedures through which the Supreme People's Court issues directives and exerts influence upon rulings of lower tier courts in order to harmonise divergences. The author's fields of academic study are civil procedure law, rules of evidence and the Chinese judicial system.



N°6

Feinäugle, C.A. (Ed.) (2016), *The Rule of Law and Its Application to the United Nations*. Baden-Baden/Oxford: Nomos/Hart Publishing, 378 p.
ISBN: 978-3-8487-3133-6.

Abstract:

International organisations continue to gain in importance in the course of the globalisation – and thus so do questions about how to control their actions. The United Nations General Assembly recently adopted a declaration stating that constitutional principles apply to the United Nations as well. But what does the 'rule of law' mean for the United Nations? What is its legal basis, its definition and its effect? Scientists and practitioners discuss these questions in the book and examine the relevance of the 'rule of law' for the United Nations' different fields of activity. They follow up the *status quo* of the 'rule of law' within the United Nations and discuss its growing significance for the future of the United Nations.

N°7



Arts, R. (2017), *Die subjektiven Voraussetzungen der Insolvenzanfechtung*. Baden-Baden: Nomos, 359 p.
ISBN: 978-3-8487-3808-3.

Abstract:

The avoidance of fraudulent conveyances in German law (§ 133 Insolvency Code) has turned into a 'catch-all' instrument, which frequently requires merely the knowledge of debtors' financial collapse. Though the provision's wording allows this, the avoidance of preferences (§§ 130-132 Insolvency Code) – specifically meant to retroactively move the *pari passu* principle closer to the moment of factual insolvency – thus loses most of its *raison d'être*. It furthermore breaks with the origins of the *actio Pauliana* and leads to systematic inconsistencies (e.g. the avoidability of contemporaneous exchanges and the subsequent necessity to develop restrictions through case law). The current reform proposals will not solve these issues. What is needed is the reintroduction of a requirement that links the avoidance of fraudulent conveyances to an element of actual fraud to confine its scope, as well as a simultaneous prolongation of the timeframe of preference-avoidances to prevent legal gaps.

N°8



Hess, B. & Kramer, X.E. (Eds) (2017), *From Common Rules to Best Practices in European Civil Procedure*. Baden-Baden/Oxford: Nomos/Hart Publishing, 486 p.
ISBN: 978-3-8487-4219-6.

Abstract:

Civil procedure in the European Union [EU] has entered a new era in which the development of common standards and best practices in the Member States and at the EU level are of the essence. While the discussion of common rules has regained importance as a result of the "common minimum standards" initiative of the European Parliament in 2017, some contributions to this book also focus on how to move beyond common rules and towards best practices. These "best practices" in applying European instruments, implementing new pathways to civil justice – including e-Justice, Alternative Dispute Resolution [ADR] and collective redress – and the operationalisation of judicial cooperation, for instance through the European Consumer Centres and the European Judicial Network, give body to the principles of mutual trust and judicial cooperation. These can in turn feed the further development of the European civil procedure framework from the bottom up.

Part I is dedicated to common standards of EU civil procedure, focusing on the harmonisation of civil procedure and judicial cooperation in general. The central questions of this part concern whether there is a need for common standards of EU civil procedure, how to identify them, and whether we need harmonisation to achieve harmonious cooperation. Part II of the book deals with the question as to whether and how innovative mechanisms for dispute resolution can enhance cooperation in the field of civil justice. E-Justice has been one of the spearheads of the European Commission to improve access to justice, with the establishment of the e-Justice portal as the main achievement. Part III is dedicated to alternative dispute resolution. Encouraging and improving ADR mechanisms, in particular for consumers, is another focal point in EU policy to simplify access to justice in recent years, and has resulted in the Directive on Consumer ADR and the Regulation on Consumer Online Dispute Resolution [ODR] along with the establishment of the ODR platform. Part IV includes a number of short chapters on best practices in the EU to operationalise judicial operations and to improve mutual trust.



N°9

Cadet, L., Hess, B. & Requejo Isidro, M. (Eds) (2017), *Approaches to Procedural Law: The Pluralism of Methods*. Baden-Baden: Nomos, 552 p.

ISBN: 978-3-8487-4219-6.

Abstract:

Procedural law is no longer a purely domestic topic. The recent tendencies characterising the field, such as Europeanisation and harmonisation, mark the evolution toward a new, cross-border dimension of this area of law. In addition, the growing importance of transnational legal relations in all spheres of civil and commercial dealings makes it necessary to face the new challenges of procedural law across national borders. The traditional methods of national dogmatics, which have for a long time guided the reflections of scholars operating in the field of civil procedure, are not necessarily able to capture the increased complexity of the present. In light of this, it is particularly important to reflect upon the methods (comparison, inter-disciplinary approaches and quantitative and qualitative empirical analysis, among other) which should be adopted in order to guarantee that research in the field of procedural law maintains its comprehensive explanatory power. The present book is the outcome of the second edition of the International Association of Procedural Law – Max Planck Institute Summer-School, which took place in Luxembourg in July 2016 and brought together outstanding young post-doc researchers dealing with European and comparative procedural law, as well as with other relevant dispute mechanisms for civil controversies.



N°10

Hess, B., Oberhammer, P., Bariatti, S., Koller, C., Laukemann, B., Requejo Isidro, M. & Villata, F.C. (Eds) (2017), *The Implementation of the New Insolvency Regulation: Improving Cooperation and Mutual Trust*. Baden-Baden/Oxford: Nomos/Hart Publishing, 320 p.

ISBN: 978-3-8487-4448-0.

Abstract:

The considerable reform at the centre of the new Insolvency Regulation reflects the substantial changes that the national laws of the EU Member States underwent during the last decade. The primary advancements of the Regulation include: (1) pre-insolvency proceedings that discourage liquidation in favour of rescue and restructuring; (2) procedural instruments which facilitate the administration of complex cross-border insolvencies and, thus, reduce the opening of inefficient parallel insolvency proceedings via the strengthening of procedural cooperation; and (3) a procedural mechanism designed to reinforce coordination of corporate group insolvencies.

The chapters of this book bridge the gap between academia and practice. Various stakeholders, including insolvency practitioners, judges and researchers, will find a systematic overview of the changes and expected problems that lay ahead. Beyond this comprehensive review, the study also puts forth a series of guidelines and recommendations to facilitate the application and interpretation of the new Regulation.



N°11

Raffelsieper, A.K. (2018), *Die Rückabwicklung der vorläufigen Vollstreckung im nationalen und europäischen Zivilprozessrecht*. Baden-Baden: Nomos, 292 p.

ISBN: 978-3-8487-4334-6.

Abstract:

The comparative study on provisional enforcement provides solutions on how to fairly balance the competing interests of the parties involved. In France and Germany, provisional enforcement bears a great risk for the creditor to be held liable when the judgment is set

aside on appeal. Due to the long duration of the proceedings, it seems inequitable to place such a heavy burden solely on the party who has already obtained an enforceable title. The Italian approach, where the liability of the creditor is fault-based, allows for a better risk distribution, provided that an adequate level of debtor protection is in place. Furthermore, the abolition of exequatur makes it necessary to analyse provisional enforcement and its consequences in international cases. Thus, the author includes a discussion of the application of the Brussels I Recast (EU 1215/2012) to cross-border provisional enforcement as well as the functioning of the new instrument establishing a European Account Preservation Order (EU 655/2014).



N°12

Bakowitz, M. (2018), *Informationsherrschaft im Kartellrecht: Der Umgang mit Dokumenten im Besitz der Wettbewerbsbehörden*. Baden-Baden: Nomos, 400 p.

ISBN: 978-3-8487-4908-9.

Abstract:

Cartel victims could play a significant role in deterring companies from participating in anticompetitive practices. However, without access to documents that are in the possession of the antitrust authorities, their damage claims can rarely be substantiated. In recent rulings (such as the recognition of a general presumption of confidentiality for specific categories of documents), the European Union courts have reinforced the authorities' restrictive approach. The 2017 reforms to the German Competition Act (9.GWB-Novelle) further impede private enforcement of the law.

In order to enable cartel victims to actually become a 'second pillar' of antitrust enforcement, the EU's legislative body needs to revise Transparency Regulation 1049/2001, German legislators should rework some of the 2017 amendments to the 9.GWB-Novelle, and the German competition authority must publish detailed accounts of court rulings (instead of short-form reports), even in settlement cases.

2.1.2. Book Series "Successful Dispute Resolution", Nomos



N°4

Wiik, A. (2018), *Amicus Curiae before International Courts and Tribunals*. Baden-Baden/Oxford: Nomos/Hart Publishing, 734 p.

ISBN: 978-3-8487-3240-1.

Abstract:

Amicus curiae participation in international courts has been steadily growing since the late 1990s despite lack of clarity on the concept's nature, function and utility in international dispute settlement. Do *amicus curiae* infuse international judicial proceedings with alternative views, including the public interest in a case, as often advocated by NGOs? Does it increase the legitimacy and transparency of international dispute settlement, or the coherence of international law? Or is it an unhelpful impostor that impedes negotiated solutions and derails the proceedings at the expense of the parties to advance its own agenda?

By way of an empirical-comparative analysis of the laws and practices of the International Court of Justice, the International Tribunal for the Law of the Sea, the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court of Human and Peoples Rights, World Trade Organisation Panels and the Appellate Body, and investment arbitration, the dissertation examines the *status quo* of *amicus curiae* before international courts and tribunals to determine if the current *amicus curiae* practice is of added value to international proceedings and international dispute settlement in general.

The dissertation shows that there is no common concept of international *amicus curiae*, but that *amicus curiae* before the courts examined share a few characteristics. A proposed functional systematisation highlights overlaps and diverging uses of the concept before international courts, and helps scholars and practitioners to assess the opportunities and limits of the concept. Analysis of the concept's current regulatory framework and its substantive effectiveness reveals a hesitation in particular by courts with a strong adversarial tradition to take into account the views of a non-party despite the positive experience with the concept in regional human rights courts. The dissertation concludes that neither the expectations nor the concerns attached to *amicus curiae* participation in international proceedings have materialised. It argues that the concept can contribute to improved decisions and decision-making in international dispute settlement if regulated and used properly.



N°5

Strotkemper, N. (2017), *Das Spannungsverhältnis zwischen Schiedsverfahren in Steuersachen und einem Internationalen Steuergerichtshof*. Baden-Baden: Nomos, 1078 p.

ISBN: 978-3-8487-3650-8.

Abstract:

Despite a history of almost 100 years of modern bilateral double tax agreements and a closed system of allocation rules, even today, double tax conflicts are endemic in international tax law. The resolution of such disputes requires functioning conciliation procedures. In this study, the author analyses mutual agreement and arbitration clauses that are currently used for the settlement of international tax disputes. A lack of mutual agreements, numerous pending cases and insufficiently applied arbitration clauses suggest institutional shortcomings.

Subsequently, the author examines potential measures for improving the legal protection in this field. By recourse to various instruments of international law, methods are identified in order to internationalise and institutionalise the resolution of double tax disputes and to integrate the procedure with domestic legal remedies. The proposed reforms are elaborated upon in a "Multilateral Treaty for the Resolution of Double Tax Disputes" in the annex.



N°6

Klement, D. (2018), *Rechtskraft des Schiedsspruchs*. Baden-Baden: Nomos, 363 p.

ISBN: 978-3-8487-4609-5.

Abstract:

An arbitral award has the same *res judicata* effects as a ruling by a State court. This parallel, however, must not conceal the differences between the two methods of resolving disputes. If the parties involved in an arbitration dispute are to make use of the objectives of the arbitration and can determine rules of procedure that deviate from statutory law, the definition of the award's binding effects is also subject to their interests and intentions. In this study, Dorothee Klement explores the reasons for and limits of a doctrine of *res arbitrata* that is based on the will of party. She shows that the objective of a functional parallel between arbitral and judicial protection requires the development of an autonomous understanding of the binding effects of arbitral awards. This can only succeed if it is based on theories on the purpose, function and limits of arbitration.



N°7

Sabanogullari, L. (2018), *General Exception Clauses in International Investment Law: The Recalibration of Investment Agreements via WTO-Based Flexibilities*. Baden-Baden: Nomos, 433 p.

ISBN: 978-3-8487-4983-6.

Abstract:

This book is the first comprehensive monograph dedicated to general exception clauses in international investment law. The inclusion of these clauses in investment contracts is a reaction to the severe doubts about the legitimacy of international investment law. They seek to strike a more equitable balance between investment protection and non-economic objectives, such as the protection of public health.

Based on an empirical study of the prevalence of these clauses in current contract practice, it sheds light on the origins of these clauses in world trade law and offers an explanation for their notable omission in early investment contracts. After discussing the advantages and risks of general exceptions in investment law, it highlights their potential future interpretation by arbitral tribunals. Finally, the study analyses the interplay between general exceptions and selected standards of protection, such as the prohibition of expropriation and the standard of fair and equitable treatment.



N°8

Koutsoukou, G. (2018), *Die Aufrechnung im europäischen Kollisions- und Verfahrensrecht*. Baden-Baden: Nomos, 573 p.

ISBN: 978-3-8487-5069-6.

Abstract:

Set-offs are broadly used in commercial and financial transactions as they simplify transactions and protect against a counterparty's risk of default. In addition, netting agreements, which rely on the traditional notion of set-offs, are very common in banking and financing operations. Both set-offs and netting are relevant in cross-border situations.

This book conducts an in-depth analysis of the ways in which the right to use set-offs currently conflicts with the EU's private international law, insolvency law and procedural law. It also takes into account EU rules on netting agreements. It identifies the shortcomings of the existing provisions and provides suggestions on how to mitigate legal uncertainty surrounding the enforceability of set-off and netting agreements at the EU level.

2.1.3. Research Paper Series (ISSN 2309-0227)

Gargantini, M. (2016), "Capital Markets and the Market for Judicial Decisions: In Search of Consistency", *MPILux Working Paper Series* 1, 48 p.

Gandía Sellens, A. (2016), "The International Jurisdiction of Spanish Courts in Cases of Alleged Patent Infringement", *MPILux Working Paper Series* 2, 17 p.

Meshel, T. (2017), "Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment", *MPILux Working Paper* 1, 10 p.

Belkahla, M. (2017), "Benelux Court of Justice", *MPILux Working Paper* 2, 16 p.

Stoppioni, E. (2017), "Jurisdictional Impact of Most-Favoured-Nation Clauses", *MPILux Working Paper* 3, 24 p.

Fromageau, E. (2017), "Cross Debarment", *MPILux Working Paper* 4, 11 p.

Erpelding, M. (2017), "Upper Silesian Mixed Commission", *MPILux Working Paper* 5, 30 p.

Nunes Chaib, A. (2017), "Committee of Experts on the Application of Conventions and Recommendations (ILO)", *MPILux Working Paper* 6, 16 p.

Ganesh, A. (2017), "Cooling Off Period (Investment Arbitration)", *MPILux Working Paper* 7, 14 p.

Jorritsma, R. (2017), "National Groups (Permanent Court of Arbitration)", *MPILux Working Paper* 8, 21 p.

- Benatar, M.** (2017), "Site Visit", *MPILux Working Paper* 9, 14 p.
- Asmelash, H.B.** (2017), "Southern African Development Community (SADC) Tribunal", *MPILux Working Paper* 10, 29 p.
- Menon, P.** (2017), "International Crimes Tribunal in Bangladesh", *MPILux Working Paper* 11, 19 p.
- Paine, J.** (2018), "Standard of Review (Investment Arbitration)", *MPILux Research Paper* 1, 32 p.
- Hess, B.** (2018), "The Unsuitability of the Lugano Convention (2007) to Serve as a Bridge between the UK and the EU after Brexit", *MPILux Research Paper* 2, 10 p.
- Hess, B.** (2018), "The Fate of Investment Dispute Resolution after the Achmea Decision of the European Court of Justice", *MPILux Research Paper* 3, 20 p.
- Requejo Isidro, M.** (2018), "Max Schrems Against Facebook", *MPILux Research Paper* 4, 17 p.
- Requejo Isidro, M. & Hess, B.** (2018), "The Mixed Arbitral Tribunals in the Peace Treaties of 1919–1922", *MPILux Research Paper* 5, 25 p.
- Malenovsky, J.** (2018), "Le juge rapporteur : Cour de Justice de l'Union Européenne", *MPILux Research Paper* 6, 17 p.

2.1.4. Journals

Journal of World Investment & Trade

Editors-in-Chief: Prof. Hélène Ruiz Fabri & Prof. Stephan Schill

Associate Editors: Dr Joshua Paine and Edoardo Stoppioni

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Vidigal, Geraldo

- **Journal Articles:**

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- **Book Chapter:**

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Wagner, Edith

- **Book Chapter:**

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Zamaria, Alain

- **Book Review:**

- › (2017), "Book Review: Formalizing Displacement: International Law and Population Transfer, by Umut Özsü, Oxford: Oxford University Press", *Journal of the History of International Law* 19(1), pp. 126-132. Retrieved (19.11.2018) from: https://brill.com/view/journals/jhil/19/1/article-p126_6.xml.

Zimmer, Carl

- **Journal Article:**

- › (with Gandía Sellens, A.) (2016), "Reconocimiento y divorcios privados: Reflexiones a la luz del Auto del TJUE de 12 de mayo de 2016, asunto C-281/15, Sahyouni c. Mamisch", *Bitácora Millennium DIPr* 4, pp. 37-46.

3. Participation at Scientific Events

Angoura, Stavroula

- › **Arbitrator's Law Firm, Parties and Annulment Proceedings.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 17 June 2016.
- › **The Influence of European Convention of Human Rights on the Concept of Independence and Impartiality of Arbitrators in International Arbitration.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Heidelberg (Germany), 3 March 2017.
- › **Salient Issues of Independence and Impartiality of Arbitrators in ICSID Proceedings.** Talk presented at the "2nd Young Scholars' Workshop in International Law" organised by the University of Hamburg. Hamburg (Germany), 15 September 2017.
- › **Controlling the Independence and Impartiality of the Arbitrator: The Issue of the Duty to Disclose Potential Conflicts.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 15 December 2017.
- › **Arbitrator's Impartiality under Article VI(d) of the New York Convention.** Talk presented at the Conference "60 Years of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: Key Issues and Future Challenge" organised by Loyola University Andalucia. Seville (Spain), 5 April 2018.
- › **Arbitrator's Impartiality under the New York Convention.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 22 November 2018.

Asmelash, Henok

- › **The Regulation of Energy Subsidies in the WTO: A Sustainable Energy Transition Perspective.** Talk presented at the 6th Law and Economics Conference "Energy Law and Economics" organised by the University of Lucerne and the University of Notre Dame. Lucerne (Switzerland), 7 April 2017.
- › **Trade Policy Options for Disciplining the Use of Fossil Fuel Subsidies.** Talk presented at the Roundtable "Disciplining Fossil Fuel Subsidies: A Contribution of the Trading System to Climate Mitigation and SDGs" organised by the International Centre for Trade and Sustainable Development (ICTSD) and the World Economic Forum (The E15 Initiative). Geneva (Switzerland), 12 June 2017.
- › **Enabling the Energy Transition and Scale-up of Clean Energy Technologies: Options for the Global Trade System.** Talk presented at "Dialogue on Climate Change and Clean Energy Technologies – Policy Options for the Global Trade and Investment System" organised by the International Centre for Trade and Sustainable Development (ICTSD) and the World Economic Forum (The E15 Initiative). Brussels (Belgium), 10 October 2017.
- › **Fossil Fuel Subsidy Reform.** Talk presented (via skype) at "The Energy Transition Outlook Collaboration Network: Workshop on Carbon Pricing and Fossil Fuel Subsidies" organised by the *Det Norske Veritas Germanischer Lloyd* (DNV GL). Oslo (Norway), 12 February 2018.
- › **Strengthening Guarantees of Judicial Independence and Impartiality.** Presentation at the "Expert Meeting on Multilateral Reform of Investor-State Dispute Settlement (ISDS)" organised by the European Commission. Brussels (Belgium), 1 March 2018.

- › ***The WTO Dispute Settlement System: The “Crown Jewel” in the Fog***. Talk presented at the 37th Annual Course of the International Association of Law Libraries (IALL) “Law in Luxembourg – Where Local Tradition Meets European and International Innovation” organised by the IALL and the MPI Luxembourg, Luxembourg, 2 October 2018.

Belkahla, Mehdi

- › ***The Notion of Precedent in International Law***. Talk presented at the Lauterpacht Centre Workshop “Authority in International Dispute Settlement” organised by the University of Cambridge, Cambridge (UK), 20 March 2017.
- › ***Is There Still Something to Learn from Formalism(s) In and About Judicial Reasoning?***. Talk presented at the Conference “Courts, Power, and Public Law” organised by the International Society of Public Law (ICON-S) and the University of Copenhagen, Copenhagen (Denmark), 6 July 2017.

Benatar, Marco

- › ***Une sécurité internationale fantasmée? Le règlement des différends dans les films de science-fiction***. Talk presented at the Colloquium “La sécurité internationale à l’écran. Du droit international au cinéma” organised by the University of Grenoble and the University of Brussels (ULB), Grenoble (France), 14 March 2016.
- › ***The Arctic Sunrise Arbitration (Netherlands v. Russia)***. Talk presented at the Doctoral Seminar organised by the University of Trier, Trier (Germany), 30 June 2016.
- › ***Applying International Investment Law to Disputed Maritime Zones: A Case Study of the Falklands (Malvinas)***. Talk presented at “Maastricht Symposium on the Sovereignty Dispute over the Falklands (Malvinas)” organised by Maastricht University, Maastricht (the Netherlands), 7 October 2016.
- › ***Les enseignements de l’affaire de l’Arctic Sunrise (Pays-Bas c. Russie)***. Talk presented at “Les Midis du Centre de Droit International” organised by the University of Brussels (ULB), Brussels (Belgium), 27 October 2016.
- › ***Winter is Coming: The Arctic Sunrise Arbitration***. Talk presented at the “Law & Criminology Talks” organised by the University of Brussels (VUB), Brussels (Belgium), 17 February 2017.
- › ***Le Tribunal étudiant pour le règlement des différends internationaux***. Talk presented at the University of Brussels (ULB), Brussels (Belgium), 24 April 2017.
- › ***Applying International Investment Law to Disputed Maritime Zones: A Case Study of the Falklands (Malvinas)***. Talk presented at the “London International Boundary Conference” organised by King’s College London, London (UK), 5 June 2017.
- › ***Applying International Investment Law to Disputed Maritime Zones: A Case Study of the Falklands (Malvinas)***. Talk presented at the “Law & Criminology Talks” organised by the University of Brussels (VUB), Brussels (Belgium), 13 October 2017.
- › ***Strengthening Guarantees of Judicial Independence and Impartiality***. Presentation at the “Expert Meeting on Multilateral Reform of Investor-State Dispute Settlement (ISDS)” organised by the European Commission, Brussels (Belgium), 1 March 2018.
- › ***Evidence in Inter-State Litigation***. Talk presented in the framework of the “Rolin-Jaequemyns International Law Institute Lecture Series” organised by the University of Ghent, Ghent (Belgium), 20 March 2018.
- › ***The Scope of Part XV UNCLOS in Light of the Maritime Delimitation in the Indian Ocean Case (Somalia v. Kenya)***. Talk presented at the Conference “New Knowledge and Changing Circumstances in the Law of the Sea” organised by the University of Iceland and the Korea Maritime Institute, Reykjavik (Iceland), 29 June 2018.
- › ***Procedural Aspects of International Dispute Settlements: The Treatment of Evidence Before International Courts and Tribunals***. Lecture given with H. Ruiz Fabri at the International Tribunal for the Law of the Sea (ITLOS) in the framework of the ITLOS–Nippon Foundation Capacity-Building and Training Programme on Dispute Settlement under UNCLOS, Hamburg (Germany), 17 September 2018.
- › ***Third State Intervention in Annex VII UNCLOS Arbitration: An Open Question***. Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg, Luxembourg, 30 November 2018.

Cavdarevic, Ivan

- › ***Strengthening Guarantees of Judicial Independence and Impartiality***. Presentation at the “Expert Meeting on Multilateral Reform of Investor-State Dispute Settlement (ISDS)” organised by the European Commission. Brussels (Belgium), 1 March 2018.
- › ***EU Law and International Arbitration: A Dialogue between Legal Orders***. Participant in the Roundtable organised by the International Arbitration Institute (IAI) and the MPI Luxembourg. Kavala (Greece), 26-30 April 2018.
- › ***Nature of Investment Arbitration: Lessons from the Achmea Judgement***. Talk presented at the Conference “Law in Global Political Economy: Heterodoxy Now” organised by Harvard University. Cambridge, MA (USA), 2 June 2018.
- › ***Reforming the System of Investment Arbitration: Latest Initiatives***. Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

Chartier, Basile

- › ***Amicable Settlement of Investment Disputes: Lessons to be Learnt from Mining Cases in Indonesia***. Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 17 June 2016.
- › ***Mutually Agreed Settlement of Trade Disputes: On the Publicness of Private Talks***. Talk presented at the Biannual Seminar of the IMPRS-SDR. Heidelberg (Germany), 2 March 2017.
- › ***Dependency in the WTO Era***. Talk presented at the Transnational Summer Institute organised by the King's College London and the University of New South Wales (UNSW). Sydney (Australia), 7 December 2017.
- › ***Enforcing International Economic Law in a Competitive World: A Race to the Bottom?***. Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 14 December 2017.
- › ***Ascertain Uncertainty in International Trade and Investment Litigation***. Talk presented at the University of Illinois. Urbana-Champaign, IL (USA), 8 November 2018.
- › ***Settlement of International Trade and Investment Disputes: The Role of Uncertainty***. Talk presented at the Annual Seminar of the IMPRS-SDR. Luxembourg, 23 November 2018.
- › ***ICJ & ITLOS Chamber Proceedings: A View on Environmental Chambers***. Talk presented at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

De Boeck, Michael

- › ***Interactions between EU Law and International Investment Tribunals?***. Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 17 June 2016.
- › ***A Direct Judicial Dialogue between CJEU, ICJ and Investment Tribunals?***. Talk presented at the Conference “Law in Transition – Interacting Legal Orders and Changing Actors” organised by Aarhus University. Aarhus (Denmark), 28 September 2017.
- › ***Arbitral Preliminary Rulings to the CJEU***. Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 14 December 2017.
- › ***Arbitral Preliminary References to the CJEU***. Talk presented at the Conference “60 Years of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: Key Issues and Future Challenge” organised by Loyola University Andalucia. Seville (Spain), 4 April 2018.
- › ***Arbitral Awards as Illegal Conduct Attributable to the Parties***. Talk presented at the International Colloquium “International Investment Law & Competition Law” organised by the University of Zaragoza. Zaragoza (Spain), 28 September 2018.

Delgado Casteleiro, Andrés

- › *EU Disconnection Clauses and the Energy Charter Treaty*. Talk presented at the Conference “The EU and Investment Arbitration under the Energy Charter Treaty” organised by Queen Mary University. London (UK), 12 February 2016.
- › *Judicial Diplomacy? The Role of the CJEU in EU-Asia Trade Disputes*. Talk presented at the Joint Conference “EU-Asia Trade Dispute Resolution: Legal and Diplomatic” organised by the Academia Sinica and the University of Groningen. Taipei (China), 7 July 2016.
- › *Who Decides What? The Effects of International Courts’ Rulings in EU Law*. Talk presented at the “DELI Lunchtime Seminar” organised by Durham University. Durham (UK), 25 November 2016.
- › *Responsabilidad de la UE y el Derecho Internacional de Inversiones*. Talk presented in the framework of the “International Arbitration and Litigation Forum” organised by the Fide Foundation. Madrid (Spain), 24 October 2016.

Donati, Alessandra

- › *Non-contractual Liability of EU Institutions: Recent Updates*. Talk presented at the PhD Seminar “Recent Developments in Theory and Practice of EU Law” organised by the University of Luxembourg. Luxembourg, 20 June 2017.
- › *The Precautionary Principle under EU Law*. Talk presented at the “4th Max Planck Young Legal Scholars’ Forum” organised by the MPI for Comparative Public Law and International Law. Heidelberg (Germany), 28 June 2018.
- › *The Enforcement of the Precautionary Principle before the ECJ*. Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

Dori, Adriani

- › *Litigation Costs and Procedural Cultures: New Avenues of Procedural Research*. Talk presented with V. Richard at the Conference “From Common Rules to Best Practices in European Civil Procedure” organised by Erasmus University Rotterdam and the MPI Luxembourg. Rotterdam (the Netherlands), 25 February 2016.
- › *Benchmarking Member State Courts’ Performances as a Catalyst for Domestic Reform?*. Talk presented at the Twelfth Public and Private Justice (PPJ) Course and Conference “Transformation of Civil Justice: Unity and Diversity” organised by the Inter-University Centre. Dubrovnik (Croatia), 1 June 2017.
- › *Measuring Justice: Methodological and Policy Issues*. Talk presented at the Research Institute on Judicial Systems (IRSIG-CNR). Bologna (Italy), 20 June 2017.

Erpelding, Michel

- › *Failure by Oblivion: The Invisible Legacy of the Upper Silesian Mixed Commission*. Talk presented at the Conference “Debacles – Illusions and Failures in the History of International Adjudication” organised by the MPI Luxembourg. Luxembourg, 25 November 2016.
- › *Evidence Requirements Before 19th Century Anti-slave Trade Jurisdictions and Slavery as a Standard of Treatment*. Talk presented at the Conference “From European to Global Orders: International Law and Normativity in Context – Challenging Narratives” organised by the University of Vienna. Vienna (Austria), 29 November 2016.
- › *Le droit international antiesclavagiste des ‘nations civilisées’ (1815-1945)*. Talk presented at the Institute of International Relations Law of the University Paris 1 Panthéon-Sorbonne. Cairo (Egypt), 7 February 2017.
- › *L’idée de civilisation dans la pratique conventionnelle des Etats occidentaux aux XIX^e et XX^e siècles*. Talk presented at the Conference “Impérialisme” organised by the University Paris 2 Panthéon-Assas. Paris (France), 7 July 2017.
- › *Defusing Tension through Local International Adjudication: The Special Case of the Upper Silesian Arbitral Tribunal*. Talk presented at the Conference “Peace Through Law: The Versailles Peace Treaty and Dispute Settlement after WWI” organised by the MPI Luxembourg. Luxembourg, 8 December 2017.

- › **Reconciliation through International Adjudication? The Case of Interwar Upper Silesia and German-Polish Relations.** Talk presented at the International Workshop "Reconciliation as a Peace-building Process: Cases of failure" organised by the Catholic University of Louvain (UCL), the MPI Luxembourg, the Network on Humanitarian Action (NOHA), and the Acropolis Governance For Development (DGCD Belgium). Louvain-la-Neuve (Belgium), 10 July 2018.
- › **Une conséquence méconnue du Traité de Versailles : Le régime de protection des minorités en Haute-Silésie (1922-1937).** Talk presented at "Le Traité de Versailles : Regards franco-allemands en droit international à l'occasion du centenaire/The Versailles Treaty: French and German Perspectives in International Law on the Occasion of the Centenary" organised by the University of Strasbourg. Strasbourg (France), 29 September 2018.
- › **From Upper Silesia to Luxembourg? A Forgotten Chapter in the History of European Legal Integration.** Talk presented at the 37th IALL Annual Course "Law in Luxembourg – Where Local Tradition Meets European and International Innovation" organised by the IALL and the MPI Luxembourg. Luxembourg, 3 October 2018.

Falkowska-Clarys, Martyna

- › **The Šešelj Case before the ICTY.** Talk presented in the framework of the "Centre for International Law Lunchtime Seminar Series" organised by the University of Brussels (ULB). Brussels (Belgium), 17 June 2016.
- › **The Different Outcomes and Challenges that International Organizations Like NATO Daily Face.** Talk presented at the Seminar "Women's Perspectives in International Law" organised by the Office of the ACO/SHAPE (NATO) Legal Advisor. Brussels (Belgium), 5 December 2017.
- › **Strengthening Guarantees of Judicial Independence and Impartiality.** Presentation at the "Expert Meeting on Multilateral Reform of Investor-State Dispute Settlement (ISDS)" organised by the European Commission. Brussels (Belgium), 1 March 2018.
- › **Les principes du droit international humanitaire dans le film 'Bataille pour Haditha'.** Talk presented in the context of a movie screening organised by the Catholic University of Louvain (UCL). Louvain-la-Neuve (Belgium), 12 March 2018.
- › **The Variable Landscape of International Criminal Justice.** Talk presented at the 37th IALL Annual Course "Law in Luxembourg – Where Local Tradition Meets European and International Innovation" organised by the IALL and the MPI Luxembourg. Luxembourg, 2 October 2018.
- › **Another Stick to Beat the ICC with: The Court's Non-Judicial Endeavors.** Talk presented at the International Symposium "The ICC Statute Reaches 20" organised by the University of Brussels (ULB). Brussels (Belgium), 4 December 2018.

Fromageau, Edouard

- › **L'affaire Mubende Neumann devant le comité des droits de l'homme: L'obligation de l'Etat de faire respecter les droits de l'homme est-elle la voie à suivre?** Talk presented with D. Palombo at the Annual Colloquium "L'entreprise multinationale et le droit international" organised by the French Society for International Law (SFDI). Paris (France), 21 May 2016.
- › **The Use of Administrative Law Analogies and the Making of Modern International Organizations.** Talk presented at the Roundtable "To Reform the World: International Organizations and the Making of the Modern State". Luxembourg, 6 October 2017.
- › **The International Judges and the Others: A Comparative Study of Social Identities of Human Rights Adjudicators.** Talk presented at the Workshop "Sociological Perspectives on International Tribunals: Formal and Informal Rules, Functions and Symbols in the Practice of International Tribunals" organised by the MPI Luxembourg. Luxembourg, 8 November 2018.
- › **(Un)Blurring Blurred Lines: Inspection Mechanisms as Quasi-Judicial Bodies.** Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

Gandía Sellens, Arantxa

- › ***Las Relaciones entre el Tribunal de Justicia de la Unión Europea y el Tribunal Europeo de Derechos Humanos: Las Normas de Procedimiento como Elemento de Análisis.*** Talk presented at the International Conference “The European Union in the International Society and its Contribution to International Dispute Settlement Systems” organised by the University of Cantabria. Santander (Spain), 18 March 2016.
- › ***Las Consecuencias de un Eventual Brexit en el Sistema de la Patente Unitaria.*** Talk presented at the “III Certamen Internacional de Derecho Internacional Privado” organised by Millennium Derecho Internacional Privado (DIPr). Zaragoza (Spain), 13 May 2016.
- › ***Algunas Consecuencias de Derecho Privado del Brexit: El Caso de las Patentes.*** Talk presented at the Interdepartmental Seminar organised by the University of Valencia. Valencia (Spain), 21 December 2016.
- › ***El Derecho a un Proceso Equitativo en el Ámbito del Tribunal Unificado de Patentes: Análisis de Sus Reglas de Procedimiento a la Luz de las del TEDH y del TJUE.*** Talk presented at the International Conference “The EU and the Protection of Fundamental Rights” organised by the Spanish Association of Lecturers of International Law and International Relations and the University of Malaga. Malaga (Spain), 20 April 2017.
- › ***Matrimonial Matters.*** Discussant (Panel Introduction) at the International Exchange Seminar “Planning the Future of Cross-Border Families” organised by the MPI Luxembourg. Luxembourg, 12 May 2017.
- › ***Parental Responsibility.*** Discussant (Panel Introduction) at the International Exchange Seminar “Planning the Future of Cross-Border Families” organised by the MPI Luxembourg. Luxembourg, 12 May 2017.
- › ***Commission’s Proposal for Recasting Brussels IIa: What Is New and What Is Missing?.*** Talk presented at the “Programme in European Private Law for Postgraduates (PEPP): Valencia Session” organised by the University of Valencia. Valencia (Spain), 29 May 2017.
- › ***Desde el Acuerdo ADPIC al Acuerdo TUP: Repensando la Infracción Internacional de los Derechos de Patente.*** Talk presented at the XXVIIth Ordinary Meeting “Repensar la Unión Europea: Gobernanza, Seguridad, Mercado Interior y Ciudadanía” organised by the Spanish Association of Lecturers of International Law and International Relations. Bilbao (Spain), 21 September 2017.
- › ***Is the Proposal an Improvement?.*** Talk presented at the Conference “Enhancing the Efficiency of the Brussels II bis Regulation” organised by Utrecht University. Utrecht (the Netherlands), 10 November 2017.
- › ***The Coordination of Grounds of Jurisdiction.*** Talk presented at the Conference “Planning the Future of Cross-Border Families: Path through Coordination” organised by the University of Milan. Milan (Italy), 1 December 2017.
- › ***Procedural Harmonization Outside EU Regulations on Judicial Cooperation (‘Vertical’ Harmonization): The Rules of the Unified Patent Court.*** Talk presented at the Conference “Harmonization of Civil Procedure in the EU: How Far Can We Go?” organised by the MPI Luxembourg and the Complutense University of Madrid. Luxembourg, 19 July 2018.

Ganesh, Aravind

- › ***Autonomy and the Unilateral Provision of Global Public Goods.*** Talk presented at the Conference “Happiness, Well-being and the Good Life: Perspectives and Applications” organised by the University of Southern Denmark. Odense (Denmark), 7 January 2016.
- › ***The European Union’s Human Rights Obligations Towards Distant Strangers.*** Talk presented at the University of Turin. Turin (Italy), 3 March 2016.
- › ***Autonomy and the Unilateral Provision of Global Public Goods.*** Talk presented at the 2016 ICON-S Conference “Borders, Otherness, and Law” organised by the International Society of Public Law and Humboldt University. Berlin (Germany), 18 June 2016.
- › ***The European Union’s Human Rights Obligations Towards Distant Strangers.*** Talk presented in the framework of the “Centre for the Philosophy of Law Lunch Seminar” organised by the Catholic University of Louvain (UCL). Louvain-la-Neuve (Belgium), 28 June 2016.

- › ***The European Union's Human Rights Obligations Towards Distant Strangers.*** Talk presented at the ESIL Interest Group Workshop "The EU as a Global Actor" organised by ESIL. Riga (Latvia), 7 September 2016.
- › ***The European Union's Human Rights Obligations Towards Distant Strangers.*** Talk presented at the "RELEX Working Group on EU External Relations" organised by the European University Institute. Florence (Italy), 29 November 2016.
- › ***Unilateral Jurisdiction to Provide Global Public Goods: A Republican Account.*** Talk presented in the framework of the "UniLu: Law Faculty Lunchtime Seminar" organised by Utrecht University. Utrecht (the Netherlands), 11 January 2017.
- › ***Unilateral Jurisdiction to Provide Global Public Goods: A Republican Account.*** Talk presented at the "UNIJURIS Project Presentation" organised by Utrecht University. Utrecht (the Netherlands), 17 January 2017.
- › ***Unilateral Jurisdiction to Provide Global Public Goods: A Republican Account.*** Talk presented at the T.M.C. Asser Institute. The Hague (the Netherlands), 18 January 2017.
- › ***The EU's Human Rights Obligations Towards Distant Strangers.*** Talk presented at the FRAME Project Seminar "The European Union and Human Rights in Africa" organised by the University of Pretoria. Pretoria (South Africa), 9 February 2017.
- › ***Unilateral Jurisdiction to Provide Global Public Goods: A Republican Account.*** Talk presented at "Legal and Political Theory Workshop" organised by the National University of Ireland (NUI). Galway (Ireland), 17 March 2017.
- › ***Wirtbarkeit: Cosmopolitan Right and Innkeeping.*** Talk presented at the "Walther Schücking Workshop 2017" organised by the University of Kiel. Kiel (Germany), 19 August 2017.
- › ***Unilateral Jurisdiction to Provide Global Public Goods: A Republican Account.*** Talk presented at the ESIL Interest Group Workshop "International Legal Theory" organised by ESIL. Naples (Italy), 6 September 2017.
- › ***Wirtbarkeit: Cosmopolitan Right and Innkeeping.*** Talk presented at the Conference "The Public Uses of Coercion and Force: From Constitutionalism to War" organised by the University of Amsterdam. Amsterdam (the Netherlands), 2 February 2018.
- › ***Wirtbarkeit: Cosmopolitan Right and Innkeeping.*** Talk presented at the 11th Annual Toronto Group Conference "Boundaries, Conflicts & Alliances: Interactions between International, Transnational, and Comparative Law" organised by the Toronto Group for the Study of International, Transnational and Comparative Law. Toronto (Canada), 2 March 2018.
- › ***Wirtbarkeit: Cosmopolitan Right and Innkeeping.*** Talk presented at the 6th Annual International Political Theory Graduate Conference "Global Justice: Between Hope and Tragedy" organised by the University of St Andrews. St Andrews (Scotland), 6 April 2018.
- › ***Wirtbarkeit: Cosmopolitan Right and Innkeeping.*** Talk presented at the Conference "Kant's Legal Theory and Global Justice" organised by the University of Bayreuth. Bayreuth (Germany), 30 June 2018.

Garcia Olmedo, Javier

- › ***Redefining the Nature of Investment Treaty Rights and the Position of the Investor in the International Legal Order.*** Talk presented at the ILA British Branch Spring Conference "Non-State Actors and Changing Relations in International Law" organised by ILA and Lancaster University. Lancaster (UK), 8 April 2016.
- › ***Dual Nationality and Investment Treaty Claims: Should Investors Be Entitled to Sue Their Own States?*** Talk presented at the 5th Conference of the Postgraduate and Early Professionals (PEPA)/Academics Network of the Society of International Economic Law (SIEL) organised by SIEL and the University of Luxembourg. Luxembourg, 15 April 2016.
- › ***Rethinking the Relevance of Customary International Law to Issues of Nationality in Investment Treaty Arbitration.*** Talk presented at the Bucerius Law Journal Conference "International Investment Law & Arbitration" organised by the Bucerius Law School. Hamburg (Germany), 23 April 2016.

- › ***The Nature of the Rights Invoked under Investment Treaties.*** Talk presented at the Biannual Seminar of the IMPRS-SDR. Heidelberg (Germany), 3 March 2017.
- › ***América Latina y el Arbitraje de Inversión: En Búsqueda de un Equilibrio entre la Protección del Inversor y los Derechos del Estado.*** Talk presented at the IV Biennial Conference “Latin America: Challenges in the Context of International Economic Governance Crises” organised by the Latin American Network of International Economic Law. San Jose (Costa Rica), 8 September 2017.
- › ***Investor-State Arbitration in the Developing World: Balancing the Asymmetry of Investment Treaties through National Requirements.*** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 14 December 2017.
- › ***Investor-State Arbitration in the Developing World: Perpetuating (Post)Colonial Economic Relations Through Unequal Treaties.*** Talk presented at the Conference “History of International Law in Latin America” organised by the University of Hamburg. Hamburg (Germany), 9 February 2018.
- › ***Investor-State Arbitration in the Developing South: Perpetuating (Post)Colonial Economic Relations and Corporate Power Through Unequal Treaties.*** Talk presented at the 7th Annual Cambridge International Law Conference “Non-State Actors and International Law” organised by the University of Cambridge. Cambridge (UK), 3 April 2018.
- › ***Sovereign Immunity as a Ground to Refuse the Enforcement of Investment Treaty Awards: The New York Convention and the ICSID Convention Compared.*** Talk presented at the Conference “60 Years of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: Key Issues and Future Challenges” organised by Loyola University Andalusia. Seville (Spain), 4 April 2018.
- › ***Investor-State Arbitration in Times of Reform: Balancing the Asymmetry of Investment Treaties through Nationality Requirements.*** Talk presented at the ESIL Interest Group Workshop “International Economic Law in 2018: Between Reform and Contestation” organised by ESIL and the University of Manchester. Manchester (UK), 12 September 2018.
- › ***Nationalities of Convenience in International Investment Law: The Problem and Possible Solutions.*** Talk presented at the Annual Seminar of the IMPRS-SDR. Luxembourg, 23 November 2018.
- › ***Principle of Abuse of Process (or Abuse of Right) under International Law.*** Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

Gradoni, Lorenzo

- › ***Le Regole sulla Responsabilità alla Prova di Nuovi Scenari.*** Discussant (Panel Chair) at the Conference “L'illecito Internazionale tra Nuove Fattispecie, Problemi di Attribuzione e Strumenti di Controllo” organised by the University of Turin. Turin (Italy), 17 February 2016.
- › ***International Personhood and Rights in the Global Order.*** Lecture given at the University of Palermo. Palermo (Italy), 16 February 2017.
- › ***International Law in Domestic Legal Orders.*** Talk presented at the Interest Group Workshop “International Law and Municipal Law” organised by the Italian Society of International Law and European Union Law (SIDI-ISIL) and the Sant'Anna University Pisa. Pisa (Italy), 7 April 2017.
- › ***Obligations Erga Omnes and Ways of Lawmaking.*** Talk presented at the 13th ESIL Annual Conference “Global Public Good, Global Commons and Fundamental Values: The Responses of International Law” organised by ESIL and Federico II University. Naples (Italy), 8 September 2017.
- › ***Teoria dei Controlimiti.*** Lecture given at the University of Florence. Florence (Italy), 31 October 2017.
- › ***La Guerra in Siria: Una Sfida Insuperabile per il Diritto Internazionale?.*** Discussant at the “VI Antonio Cassese Lecture” organised by the University of Florence. Florence (Italy), 7 November 2017.
- › ***Consuetudine Internazionale in Prospettiva Comparata.*** Talk presented in the framework of the “Carlo Alberto Law Seminars” organised by the University of Turin. Turin (Italy), 14 December 2017.

- › **Position and Agency of the WTO Dispute Settlement System in the Fragmented World of International Adjudication.** Talk presented in the framework of the “ESIL Lecture Series”. Naples (Italy), 28 February 2018.
- › **Il ‘non Detto’ nel Dialogo tra Corti.** Talk presented at the Workshop “Dialogo e Riconoscimento fra Corti Nazionali e Internazionali” organised by the University of Parma. Parma (Italy), 7 March 2018.
- › **The Strange Case of International Custom: Customary International Law in Comparative Perspective.** Talk presented at the Conference “Enjeux Philosophiques du Droit Coutumier” organised by the University of Nice. Nice (France), 15 May 2018.
- › **Genealogia del Globalismo Giuridico all’Italiana.** Talk presented at the Workshop “Diritto Internazionale (o Globale?) e Relazioni Internazionali, tra Egemonia e Unilateralismo” organised by the University of Milan. Milan (Italy), 17 May 2018.
- › **La Cognizione del Diritto Internazionale non Scritto.** Talk presented at the XXIII SIDI Annual Conference “La Codificazione nell’Ordinamento Internazionale ed Europeo” organised by the Italian Society of International Law. Ferrara (Italy), 7 June 2018.
- › **International Legal Uncertainty.** Talk presented with L. Pasquet at the conference “Knowledge Production and International Law”, organised by the Graduate Institute of International and Development Studies. Geneva (Switzerland), 8 September 2018.

Hess, Burkhard

- › **Academic Guidance of the 59. Bitburger Gespräche.** Talk presented at the Conference “Schiedsgerichtsbarkeit und Private Justiz: Rechtspolitische Herausforderungen”. Mainz (Germany), 14-15 January 2016.
- › **How Can Alternative Mechanisms for Dispute Resolution Contribute to Judicial Cooperation and What Is Needed to Ensure Effective Enforcement in Cross-Border Cases?.** Discussant (Panel Chair) and Opening of the Conference “From Common Rules to Best Practices in European Civil Procedure” organised by Erasmus University Rotterdam and the MPI Luxembourg. Rotterdam (the Netherlands), 25 February 2016.
- › **Le Rôle du Juge et des Parties dans les Litiges des Consommateurs: Une Situation Différente?.** Talk presented at “L’Office du Juge: Le Juge et l’Administration des Preuves” organised by the MPI Luxembourg. Luxembourg, 18 March 2016.
- › **The Principle of an Open Court: Does Google’s Procedure Relating to the Right to be Forgotten Meet the International Standard?.** Talk presented at the Award Ceremony for the confirmation of the Honorary Doctorate from the International Hellenic University of Thessaloniki. Thessaloniki (Greece), 14 May 2016.
- › **The Legal Framework of the Transitional Period.** Talk presented at the Conference “Post Brexit: The Fate of Commercial Dispute Resolution in London and on the Continent” organised by the British Institute of International and Comparative Law and the MPI Luxembourg. London (UK), 26 May 2016.
- › **Harmonized Rules and Minimum Standards in the European Law of Civil Procedure.** Talk presented at the Workshop on “Common Minimum Standards for Civil Procedure” organised by the Committee for Legal Affairs of the European Parliament. Brussels (Belgium), 15 June 2016.
- › **The Concept of Open Court and Social Media.** Keynote Lecture presented at the “28th Academia Europaea Annual Conference 2016” organised by Cardiff University. Cardiff (UK), 29 June 2016.
- › **Open Working Session of the ILA Committee on Intellectual Property & Private International Law.** Discussant (Panel Chair) at the ILA 77th Biennial International Conference 2016 “International Law and State Practice: Is there a North – South Divide?” organised by ILA. Johannesburg (South Africa), 8 August 2016.
- › **Status Quo and Outlook on the ILA Committee on the Protection of Privacy in Private International and Procedural Law.** Talk presented at the ILA 77th Biennial International Conference 2016 “International Law and State Practice: Is there a North – South Divide?” organised by the ILA. Johannesburg (South Africa), 8 August 2016.
- › **The Principles for Collective Actions: When EU and Nation-State Principles Collide.** Talk presented at the “Seminar on Collective Redress” organised by the Catholic University of Leuven (KUL). Leuven (Belgium) 16 September 2016.

- › **Efficient Proceedings Involving Consumers: First Results of an Ongoing Empirical Research.** Talk presented at the Vilnius International Conference 2016 “Ways of Implementation of the Right to Civil Proceedings within a Reasonable Time” organised by Vilnius University. Vilnius (Lithuania), 1 October 2016.
- › **Study on Procedural Rules and the Ex-Officio Assessment by National Courts in the Area of Consumer Law.** Talk presented at the European Consumer Summit 2016 “EU Consumer and Marketing Law: Still Fit for Purpose? Achievements and Challenges” organised by the European Commission. Brussels (Belgium), 17 October 2016.
- › **Legal Dimensions of Data Science.** Discussant (Panel Chair) at the “European Data Science Conference (EDSC)” organised by the European Association for Data Science (EuADS). Luxembourg, 7 November 2016.
- › **The Future of London as a Legal Hub.** Talk presented at the Conference “The Impact of Brexit on Commercial Dispute Litigation” organised by the Academy of European Law (ERA). London (UK), 10 November 2016.
- › **Germany: The New Litigation Wonderland?** Discussant at the “ILEX Inaugural Conference” organised by the International Litigation Exchange. Frankfurt am Main (Germany), 24 November 2016.
- › **Worldwide Freezing Orders.** Talk presented at the Conference “Freezing Bank Accounts Across Europe (and Beyond): The New European Account Preservation Order (EAPO)” organised by ERA. Trier (Germany), 2 December 2016.
- › **Zwischen Regression und Expansion: Europäisches Insolvenzrecht 2017.** Talk presented at the “19. Norddeutscher Insolvenzrechtstag 2017: Insolvenzrecht im Europäischen Kontext” organised by the Norddeutsches Insolvenzforum. Hamburg (Germany), 9 February 2017.
- › **Laudatio auf Prof. Dr. Walter F. Lindacher.** Talk presented at the “Übergabe der Trierer Festschrift für Walter F. Lindacher zum 80. Geburtstag”. Trier (Germany), 24 February 2017.
- › **Présentation Générale du Règlement UE n° 655/2014.** Talk presented at the Conference “Recouvrement de Créances: (Nouveau) Mode d'Emploi” organised by DSM Luxembourg. Luxembourg, 8 March 2017.
- › **Prozessrechtsvergleichung Heute: Einführung in die Thematik.** Talk presented at the “Tagung der Wissenschaftlichen Vereinigung für Internationales Verfahrensrecht e.V.” organised by the University of Vienna. Vienna (Austria), 17 March 2017.
- › **Europäisches Verbraucherprozessrecht.** Talk presented at the “Treffen der Vereinigung der Griechischen Prozessualisten”. Athens (Greece), 28 March 2017.
- › **Procedural Minimum Standards for Consumer Dispute Resolution.** Talk presented at the International Conference “The EU and the Protection of Fundamental Rights” organised by the Spanish Association of Lecturers of International Law and International Relations and the University of Malaga. Malaga (Spain), 17 April 2017.
- › **Post Brexit: The Situation of Private International Law.** Talk presented at a hearing before the Committee for Legal Affairs of the European Parliament. Brussels (Belgium), 30 May 2017.
- › **Laudatio auf Prof. Dr. Dr. h.c. Reinhold Geimer.** Talk presented at the “Übergabe der Festschrift für Reinhold Geimer zum 80. Geburtstag”. Munich (Germany), 29 July 2017.
- › **Theorie und Rechtsvergleichung der Class Actions.** Talk presented at the “36. Tagung für Rechtsvergleichung” organised by the University of Basel. Basel (Switzerland), 15 September 2017.
- › **The Protection of Privacy in the Aftermath of Recent Judgments of the Court of Justice of the European Union.** Talk presented at the Workshop “The Protection of Personal Data in the Area of Freedom, Security and Justice: Developments under the Upcoming Implementation of the New General Regulation 2016/679” organised by the University of Thessaloniki. Thessaloniki (Greece), 18 September 2017.
- › **Europäisches Insolvenzrecht nach dem Brexit.** Talk presented at the “KTS-Tagung der Insolvenzrechtler” organised by the University of Trier. Trier (Germany), 29 September 2017.
- › **Gerichtsöffentlichkeit Heute.** Talk presented at the “Herbstsalon an der Steinlach”. Tübingen (Germany), 7 October 2017.
- › **Introduction.** Talk presented at the Conference “Jurisdiction, Conflict of Laws and Data Protection in Cyberspace” organised by the MPI Luxembourg. Luxembourg, 12 October 2017.

- › **Die Europäische Erbrechtsverordnung (EuErbVO) in der Rechtsprechung des Europäischen Gerichtshofs und deutscher Gerichte.** Talk presented at the Conference "Incidencia del Reglamento 650/2012 del Parlamento Europeo y del Consejo, de 4 de Julio de 2012, de Sucesiones, Fundación Coloquio Jurídico Europeo, Jornada n. 70" organised by the Fundación Coloquio Jurídico Europeo. Madrid (Spain), 19 October 2017.
- › **Challenges to Private International Law.** Discussant at the International Law Weekend 2017 "International Law in Challenging Times" organised by Fordham University. New York, NY (USA), 20 October 2017.
- › **Dialogue with Members of the US Delegation to the Hague Judgments Project.** Talk presented at the "HCCH USA Delegation Meeting" organised by the Special Commission on the Judgments Project. New York, NY (USA), 23 October 2017.
- › **Public Hearings in Court Proceedings.** Talk presented at the "Welcome Ceremony as Foreign Correspondent to the Academy" organised by the Academy of Sciences of the Institute of Bologna. Bologna (Italy), 24 November 2017.
- › **Mixed Arbitral Tribunals in the Peace Treaties of 1919.** Talk presented with M. Requejo Isidro at the Conference "The Versailles Peace Treaty and Dispute Settlement after WWI" organised by the MPI Luxembourg. Luxembourg, 8 December 2017.
- › **Challenges and Regulatory Solutions in Civil Judicial Cooperation.** Talk presented at the Conference "Trade Relations after Brexit: Impetus for the Negotiation Process" organised by the European Research Centre for Economic and Financial Governance (EURO-CEFG), the Marshfield Area Chamber of Commerce & Industry (MACCI) and the University of Mannheim. Mannheim (Germany), 26 January 2018.
- › **Public Hearings in Civil Proceedings.** Discussant (Panel Chair) and Opening of the Conference "Open Justice" organised by the MPI Luxembourg and Saarland University. Luxembourg, 2 February 2018.
- › **Intra EU Bilateral Investment Treaties after the Achmea-Decision of the European Court of Justice.** Talk presented at the "Luther Dispute Resolution Lecture" organised by the Bucerius Law School. Hamburg (Germany), 19 March 2018.
- › **The Application of Brussels I (Recast) in the Member States.** Talk presented at the Conference "European Private International Law at 50: Celebrating and Contemplating EEX and its Successors" organised by the Catholic University of Leuven (KUL) and Jura Falconis. Leuven (Belgium), 23 March 2018.
- › **Recent Research Studies and Projects Coordinated by the MPI Luxembourg in the Field of Cross-Border Litigation in Europe.** Talk presented at the "Transnational Litigation and Arbitration Seminar" organised by the University of Milan. Milan (Italy), 16 May 2018.
- › **Humanitarian Visas and Obligations under International and EU Law.** Talk presented (Panel Chair) at the Workshop "Humanitarian Visas and the External Dimensions of EU Migration and Asylum Policy" organised by the MPI for Social Anthropology. Halle (Germany), 17 May 2018.
- › **Views from Policy, Practice and Civil Procedure.** Talk presented at the Roundtable "Preventing and Resolving Conflicts of Jurisdiction in EU Criminal Law" organised by the University of Luxembourg and the University of Vienna. Luxembourg, 31 May 2018.
- › **Le Droit International Privé Européen en Temps de Crise.** Talk presented at the "Communications du Comité Français de Droit International Privé". Paris (France), 1 June 2018.
- › **Laudatio.** Talk presented at the "Liber Amicorum for Prof. Dr Christian Kohler" organised by the MPI Luxembourg. Luxembourg, 15 June 2018.
- › **Germany: The Frankfurt Initiative on International Commercial Litigation.** Talk presented at the Seminar "Innovating International Business Courts: A European Outlook" organised by Erasmus University Rotterdam, the MPI Luxembourg and Utrecht University. Rotterdam (the Netherlands), 10 July 2018.
- › **The Constitutionalisation of European Civil Procedure as a Starting Point for Harmonization.** Talk presented at the Conference "Harmonization of Civil Procedure in the EU: How Far Can We Go?" organised by the MPI Luxembourg and the Complutense University of Madrid. Luxembourg, 19 July 2018.
- › **Die Öffnung nationaler Justizsysteme im europäischen Vergleich.** Talk presented with T. Pfeiffer at the Roundtable "Justiz & Brexit: Frankfurt's Chamber for International Commercial Disputes" organised by the Hessian Ministry of Justice. Wiesbaden (Germany), 9 August 2018.

- › **Schrems II - A Case Law Study.** Talk presented at a Roundtable organised by the University of Luxembourg. Luxembourg, 17 September 2018.
- › **Seminal Judgments (les Grands Arrêts) in the Case Law of the European Court of Justice.** Talk presented at the Conference “The 50th Anniversary of the European Law of Civil Procedure” organised by the Court of Justice of the European Union and the MPI Luxembourg. Luxembourg, 27 September 2018.
- › **Current Developments in Forum Access: Comments on Jurisdiction and forum non conveniens. European Perspectives on Human Rights Litigations.** Talk presented at the Conference “The Continuing Relevance of Private International Law and its Challenges” organised by the Center for Transnational Litigation of New York University. New York, NY (USA), 16 November 2018.
- › **Consumer ADR/ODR: Justice Behind Closed Doors?.** Panelist at the seminar “Challenge Accepted! Exploring Pathways to Civil Justice in Europe” organised by the Erasmus University Rotterdam. Rotterdam (the Netherlands), 19 November 2018.
- › **Introduction to and Status of the ELI-Unidroit Project.** Co-Reporter at the Seminar “From Transnational Principles to European Rules of Civil Procedure” organised by ELI-Unidroit and ERA. Trier (Germany), 26 November 2018.
- › **International Commercial Courts in Europe.** Talk presented at the “Symposium on the Judiciary” organised by the Judges Academy Taiwan. Taipei (Taiwan), 6 December 2018.
- › **Public Hearings in Court Proceedings.** Public speech as a Tsai Wan-Tsai Chair Professor of Law organised by the National Taiwan University. Taipei (Taiwan), 12 December 2018.

Ivanova, Elena

- › **Characterization of a Dispute: The Approach of UNCLOS Tribunals.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 17 June 2016.
- › **WTO and Applicable Law.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Heidelberg (Germany), 3 March 2017.
- › **Res Judicata in ICJ and UNCLOS Proceedings.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 14 December 2017.
- › **Jurisdiction, Applicable Law and Incidental Jurisdiction in Relation to Res Judicata.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 23 November 2018.

Jin, Yin

- › **The Status of the Limitation Periods on Enforceable Claims and Their Regulatory Methods.** Talk presented at the Center of Dispute Resolution of Peking University. Shenzhen (China), 28 May 2017.
- › **A Critical Statement of the Law of Limitation Periods in the General Provisions of Civil Law.** Talk presented at the School of Transnational Law of Peking University. Shenzhen (China), 31 May 2017.
- › **On the Material Objections of the Debtor in the Chinese Enforcement Procedure.** Talk presented at Jilin University School of Law. Changchun (China), 6 November 2017.

Jorritsma, Remy

- › **The Relationship between the Law of State Responsibility and the Application of International Humanitarian Law.** Talk presented at the Expert Roundtable “The Impact of the Law of Armed Conflict on General International Law” organised by the University of Exeter and the University of Reading. Exeter (UK), 23 September 2016.
- › **The Effect of (Secondary) Attribution Rules on the Content and Application of (Primary) Rules of International Law.** Talk presented at “Les Midis du Centre de droit international” organised by the University of Brussels (ULB). Brussels (Belgium), 9 May 2017.

- › **When National Judges Mount Resistance against International Norms.** Talk presented at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › **State Responsibility in Peace Operations: The Problem of Diffuse Accountability.** Talk presented at the 8th International Symposium on Security and Military Law organised by the Office of the Judge Advocate General and the Republic of Korea Army. Seoul (South Korea), 6 September 2017.
- › **Mandates for the Protection of Civilians in Peacekeeping Operations of the UN and the African Union.** Talk presented at the 21st Congress “Peace, War & the Law” organised by the International Society for Military Law and the Law of War. Lisbon (Portugal), 16 May 2018.
- › **Peace Operations and the Responsibility of States and International Organizations.** Talk presented at the 2018 NATO JFCBS Institutional Legal Conference organised by the NATO Allied Joint Force Command Brunssum. Maastricht (the Netherlands), 22 November 2018.
- › **State Responsibility and Adjudication.** Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.
- › **The Purpose and Scope of the Leuven Manual on the International Law Applicable to Peace Operations.** Talk presented at the Book Presentation and Dedication Ceremony organised by the Minister Delegate at the Presidency in Charge of Defence of Cameroon. Yaoundé (Cameroon), 30 November 2018.

Koprivica, Ana

- › **Justice Must Be Seen to Be Done? Examining the Operation of the Open Court Principle at CJEU.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 17 June 2016.
- › **Justice Must be Seen to be Done: Revisiting the Principle of Public Hearings in the Light of the Ongoing Reform in Germany.** Talk presented at the Conference “Prinzipien und Grundsätze des Zivilverfahrensrechts auf dem Prüfstand” organised by the Karl-Franzens University of Graz. Graz (Austria), 24 November 2016.
- › **From Rites to Rights: The Evolution of Public Judicial Hearings.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Heidelberg (Germany), 2 March 2017.
- › **What Happens in Luxembourg (Still) Stays in Luxembourg? Transforming the Role of the Court of Justice of the European Union through Extending Public Access to Oral Hearings.** Talk presented at the Cambridge International and European Law Conference 2017 “Transforming Institutions” organised by the University of Cambridge. Cambridge (UK), 23 March 2017.
- › **Justice In (and Out of) Sight: Revisiting the Role of the Court.** Talk presented at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › **The ECJ’s Decision in the Breyer Case.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 15 December 2017.
- › **CJEU’s Judgment in the Breyer Case: Access to Judicial Documents through the Back Door?.** Talk presented at the PhD Seminar “Recent Developments in Theory and Practice of EU Law” organised by the University of Luxembourg. Luxembourg, 16 January 2018.
- › **Privatization of Justice and Transparency: Arbitration, ADR.** Discussant at the Conference “Open Justice” organised by the MPI Luxembourg and Saarland University. Luxembourg, 2 February 2018.
- › **Revisiting Public Hearings in the Light of Recent Developments in Investor-State Arbitration: The Comparative Analysis of the Evolution of the Principle of Public Hearings and Its Relevance for Investor-State Arbitration.** Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 23 November 2018.

Koutsoukou, Georgia

- › **Coordination and Cooperation between Main and Secondary Insolvency Proceedings.** Talk presented at “The Implementation of the New Insolvency Regulation Mid-term Conference” organised by the MPI Luxembourg, the University of Milan and the University of Vienna. Milan (Italy), 8 February 2016.

Laukemann, Björn

- › ***Synthetic Proceedings***. Talk presented at “The Implementation of the New Insolvency Regulation Mid-term Conference” organised by the MPI Luxembourg, the University of Milan and the University of Vienna. Milan (Italy), 8 February 2016.
- › ***Recast of the European Insolvency Regulation and the NIKI Insolvency***. Talk presented at the 2018 Conference of the Eastern European Countries’ Committee (EECC) “Balance of Interests: Restructuring, Insolvency and Second Chance” organised by INSOL Europe. Riga (Latvia), 1 June 2018.
- › ***Key Judgments on Cross-border Insolvency***. Talk presented at the Summer Course “Insolvency Proceedings within the EU” organised by the Academy of European Law. Trier (Germany), 12 June 2018.

Law, Stephanie

- › ***Interlegality Within and Beyond Europe, Human Rights Protections and the Promise of Judicial Dialogue***. Talk presented at the Conference “Moving Beyond the Good, the Bad and the Ugly: What to Learn from International Human Rights Systems?” organised by the Leverhulme Inter-American Human Rights Network. Ghent (Belgium), 30 January 2016.
- › ***The Constitutionalisation of Consumer Protection Law: An Analysis of the CJEU’s Boundary-Breaking Jurisprudence***. Talk presented at the ICON-S Conference “Borders, Otherness and Public Law” organised by the International Society of Public Law and Humboldt University. Berlin (Germany), 18 June 2016.
- › ***The Transformation of Consumers’ Procedural Protection in Times of Crisis – Protection in Mortgage Enforcement Proceedings?***. Talk presented at the Twelfth PPJ Course and Conference “Transformation of Civil Justice: Unity and Diversity” organised by the Inter-University Centre. Dubrovnik (Croatia), 1 June 2017.
- › ***The Enforcement of EU Consumer Law: From Courts to ADR***. Talk presented at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › ***Outsourcing Dispute Resolution? Expectation vs. Reality***. Participant and Moderator at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › ***European Perspectives on Ex Officio Application of the UCTD and the Charter of Fundamental Rights – How the Rest of the EU Compares***. Talk presented at the “Open Society Foundation Abusive Lending Meeting” organised by the Open Society Foundation. Budapest (Hungary), 23 November 2017.
- › ***C-398/16 Schrems: Consumer Contracts, Assignment of Claims and Collective Redress***. Talk presented at the University of Luxembourg. Luxembourg, 24 April 2018.
- › ***Humanitarian Visas, Migration and Asylum: An EU Fundamental Rights and General Principles Perspective***. Talk presented at the Workshop “Humanitarian Visas and the External Dimensions of EU Migration and Asylum Policy” organised by the MPI for Social Anthropology. Halle (Germany), 17 May 2018.
- › ***Procedural Harmonization by the European Court of Justice: Procedural Autonomy v. Equivalence and Effectiveness***. Talk presented with J. Nowak at the Conference “Harmonization of Civil Procedure in the EU: How Far Can We Go?” organised by the MPI Luxembourg and the Complutense University of Madrid. Luxembourg, 19 July 2018.
- › ***Issues of Jurisdiction and Recognition and Enforcement in Cross-border Collective Redress: Legal and Policy-orientated Analysis***. Talk presented with J. Nowak at the Colloquium “The 50th Anniversary of the European Law of Civil Procedure” organised by the Court of Justice of the European Union and the MPI Luxembourg. Luxembourg, 26 September 2018.
- › ***Harmonisation of Procedural Law by the ECJ***. Talk presented at the 37th IALL Annual Course “Law in Luxembourg – Where Local Tradition Meets European and International Innovation” organised by the IALL and the MPI Luxembourg. Luxembourg, 2 October 2018.
- › ***European and Fundamental Rights Perspectives on Abusive Lending and Housing Rights***. Talk presented at the “Open Society Foundation Abusive Lending Meeting” organised by the Open Society Foundation. Budapest (Hungary), 22 November 2018.

Mantovani, Martina

- › ***From Political Borders to the Politics of Borders in Contemporary Private International Law.*** Talk presented at the Conference “Frontiere, Spazi Giuridici e Territorio” organised by the University of Rome 3. Rome (Italy), 12 May 2017.
- › ***Trusting Whom? On the Place of Notaries within the European Area of Justice. Comments on Cases C-484/15, Ibrica Zulfikarpašić, and C-551/15, Pula Parking.*** Talk presented at the Twelfth PPJ Course and Conference “Transformation of Civil Justice: Unity and Diversity” organised by the Inter-University Centre. Dubrovnik (Croatia), 1 June 2017.
- › ***Notaries as Adjudicators? The Concept of Court within the Brussels Regime.*** Talk presented at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › ***European Procedural Law.*** Discussant at the Workshop “European Private International Law Running Out of Steam? Italo-German Perspectives on Future Areas of Harmonisation” organised by the Italian-German Center for European Excellence. Como (Italy), 13 February 2018.
- › ***Current Developments in Forum Access: Comments on Jurisdiction and Forum Non Conveniens. European Perspectives on Human Rights Litigations.*** Talk presented with B. Hess at the Conference “The Continuing Relevance of Private International Law and its Challenges” organised by the Center for Transnational Litigation of New York University. New York, NY (USA), 16 November 2018.

Mariottini, Cristina M.

- › ***The Work Undertaken in the Framework of the Hague Conference on Private International Law towards a Global Solution for the Circulation of Judgments in Civil and Commercial Matters, Including Defamation.*** Talk presented at the “Third Meeting” organised by the ILA Committee on the Protection of Privacy in Private International and Procedural Law. Luxembourg, 18-19 January 2016.
- › ***The Concept of Privacy in the National Systems: Presentation.*** Talk presented with J. von Hein at the “Third Meeting” organised by the ILA Committee on the Protection of Privacy in Private International and Procedural Law. Luxembourg, 19 January 2016.
- › ***Overview of the Judgments Project: Accomplishments and Further Objectives.*** Talk presented at “The Hague Conference on Private International Law” organised by the Dutch Presidency for the Civil Law Counsellors. The Hague (the Netherlands), 23 June 2016.
- › ***Global Efforts towards a Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters and the Exclusion of Defamation.*** Talk presented at the “ILA Biennial Conference Open Working Session” organised by the ILA Committee on the Protection of Privacy in Private International and Procedural Law. Johannesburg (South Africa), 8 August 2016.
- › ***Privacy: Basic Concepts, Remedies and Jurisdiction.*** Talk presented with J. von Hein at the “ILA Biennial Conference Open Working Session” organised by the ILA Committee on the Protection of Privacy in Private International and Procedural Law. Johannesburg (South Africa), 8 August 2016.
- › ***Global Efforts towards a Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.*** Talk presented at the Conference “International Arbitration Roundtable: Recent Developments, Ethics, and Planning the Arbitration Clause” organised by the University of Pittsburgh. Pittsburgh, PA (USA), 23 September 2016.
- › ***Future Challenges of Private International Law in Cyberspace: Recent Jurisprudence of the European Court of Human Rights and an Outlook on the Issue of Data Storage and Use.*** Talk presented at the Conference “Jurisdiction, Conflict of Laws and Data Protection in Cyberspace” organised by the MPI Luxembourg. Luxembourg, 12 October 2017.
- › ***Party Autonomy in Matrimonial Matters.*** Discussant (Panel Chair) at the Conference “Enhancing the Efficiency of the Brussels II-bis Regulation” organised by Utrecht University. Utrecht (the Netherlands), 10 November 2017.
- › ***Data Protection, Public Enforcement and Extraterritoriality: Latest Developments in the E.U. and in the U.S.*** Talk presented at the University of Barcelona. Barcelona (Spain), 26 April 2018.

Martinet, Lily

- › ***Seal Hunting: A Case Study in Intangible Cultural Heritage Regulation***. Talk presented at the “Heritage in Nature: Spaces, Resources and Practices Seminar” organised by the Latvian Academy of Culture. Riga (Latvia), 8 September 2017.
- › ***La Fauconnerie: Un Usage Durable des Ressources Naturelles***. Talk presented at the Seminar on “Nouveaux Champs d’Étude en Droit du Patrimoine Culturel” organised by the Quai Branly – Jacques Chirac Museum. Paris (France), 9 November 2017.
- › ***Le Patrimoine Culturel Immatériel dans les Droits Nationaux: Dialogues avec la Convention de l’UNESCO de 2003***. Talk presented at the UNESCO Headquarters. Paris (France), 6 June 2018.
- › ***Panel II: Justice***. Discussant at the International Workshop “Reconciliation as a Peace-building Process: Cases of failure” organised by the Catholic University of Louvain (UCL), the MPI Luxembourg, the Network on Humanitarian Action (NOHA), and the Acropolis Governance For Development (DGCD Belgium). Louvain-la-Neuve (Belgium), 10 July 2018.
- › ***The Development of the Concepts of Traditional Knowledge, Traditional Cultural Expression and Intangible Cultural Heritage in International Law***. Talk presented at the “Globalised Cultural Industries: Uses, Rights, Circulations Workshop” organised by the University Paris 1 Panthéon-Sorbonne. Paris (France), 17 September 2018.
- › ***Traditional Cultural Expressions and International Intellectual Property Law***. Talk presented at the 37th IALL Annual Course “Law in Luxembourg – Where Local Tradition Meets European and International Innovation” organised by the IALL and the MPI Luxembourg. Luxembourg, 2 October 2018.
- › ***Les Indications Géographiques: la Consécration Juridique d’une Symbiose entre le Patrimoine Culturel Immatériel et la Nature***. Talk presented at the 7th International Conference of the Centre Français du Patrimoine Culturel Immatériel (CFPCI) “Le Patrimoine Culturel Immatériel est-il Nature et Environnemental?” organised by the CFPCI and the French Ministry of Culture. Vitry (France), 10 October 2018.
- › ***Europeana: un Point d’Accès Public au Patrimoine Culturel Européen***. Presentation at the Seminar “Les Droits Culturels Fondamentaux dans l’Ordre Juridique de l’Union Européenne” organised by the Institut d’Études Européennes et Globales, the Centre Droit et Changement Social (DCS), the Institut de recherche en droit international et européen de la Sorbonne (IREDIES) and the Chaire Jean Monnet “Droit et politique de la culture de l’UE”. Nantes (France), 19 October 2018.
- › ***La Notion de Communauté (Culturelle) dans la Jurisprudence de la Cour Européenne des Droits de l’Homme (CEDH)***. Talk presented at the “Patrimoines et Communautés Workshop” organised by the Institut des Sciences Sociales du Politique (ISP) and Bibracte. Glux-en-Glenne (France), 9 November 2018.

Menon, Parvathi

- › ***The Uncomfortable Balance between a Minority and a People: The Global/Local Disconnect***. Talk presented at the 12th Annual Conference “How International Law Works in Times of Crisis” organised by ESIL. Riga (Latvia), 7 September 2016.
- › ***Debunking the Neutrality of Law in Times of War: The ICC and its Relationship with Weak States***. Talk presented at the “ESIL Research Forum” organised by the University of Granada. Granada (Spain), 31 March 2017.
- › ***A Deduction of Incoherence: Widening the Minor(ity) Gaps in Judicial Reasoning***. Talk presented at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › ***Can the Subaltern be “Heard”? Historicising Post-Colonial Reconciliation between Contested and Shared Pasts***. Talk presented at the International Workshop “Reconciliation as a Peace-building Process: Cases of failure” organised by the Catholic University of Louvain (UCL), the MPI Luxembourg, the Network on Humanitarian Action (NOHA), and the Acropolis Governance For Development (DGCD Belgium). Louvain-la-Neuve (Belgium), 10 July 2018.
- › ***The Spanish Influence on Protection Measures in the British Empire 1783-1833: An Authoritarian-Humanitarian Dialectic***. Talk presented at the Summer Academy “The World and the Village. The Global and the Local in Legal History” organised by the MPI for European Legal History. Frankfurt (Germany), 24 July 2018.

- › ***Protection and the Humanitarian Authoritarianism of Slavery Reform.*** Talk presented at a PhD Seminar organised by the University of Helsinki. Helsinki (Finland), 10 September 2018.
- › ***Third World Approaches to International Law.*** Talk presented at the Seminar on Comparative International Law “The Judicial Power of Africa’s Supranational Courts” organised by the University of Luxembourg. Luxembourg, 18 September 2018.
- › ***Order in the Oceans: Prize, Piracy and Protection in the British Empire: 1790-1833.*** Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

Mogere, Evelyn

- › ***The Judicial Institutions of the East African Community (1967-1977): A Tale of Three Failures.*** Talk presented at the Conference “Debacles – Illusions and Failures in the History of International Adjudication” organised by the MPI Luxembourg. Luxembourg, 25 November 2016.
- › ***Deep Seabed Mining and Jus Cogens.*** Talk presented at the 2017 Summer Workshop “Deep Seabed Mining: Interaction of Science, Technology and Legal Development” organised by the International Seabed Authority and the Shanghai Jiao Tong University. Shanghai (China), 10 September 2017.

Nowak, Janek

- › ***The Preliminary Reference Procedure as an Effective Aarhus Convention Enforcement Mechanism.*** Talk presented at the Workshop “The Preliminary Reference Procedure as a Compliance Mechanism of EU Environmental Law” organised by the European Environmental Law Forum (EELF). Brussels (Belgium), 17 June 2016.
- › ***The Impact of EU Law on Belgian Civil Procedure: Some Recent Trends.*** Talk presented at the 21st lus Commune Congress Workshop “Foundations and Principles of Civil Procedure in Europe” organised by lus Commune. Maastricht (the Netherlands), 25 November 2016.
- › ***Procedural Harmonisation by the European Court of Justice: Procedural Autonomy vs Equivalence and Effectiveness.*** Talk presented with S. Law at the Conference “Harmonization of Civil Procedure in the EU: How Far Can We Go?” organised by the MPI Luxembourg and the Complutense University of Madrid. Luxembourg, 19 July 2018.
- › ***Issues of Jurisdiction and Recognition and Enforcement in Cross-border Collective Redress: Legal and Policy-orientated Analysis.*** Talk presented with S. Law at the Colloquium “The 50th Anniversary of the European Law of Civil Procedure” organised by the Court of Justice of the European Union and the MPI Luxembourg. Luxembourg, 26 September 2018.

Nunes Chaib, André

- › ***Lawyers and the Authority of Lawmaking within International Economic Organizations.*** Talk presented at the “ESIL Research Forum” organised by Koç University. Istanbul (Turkey), 22 April 2016.
- › ***The Role of International Financial Institutions’ Accountability Mechanisms in Fostering Human Rights Concerns: The Case of the World Bank Group.*** Talk presented with F. Ebert at the 5th Biennial Global Conference “International Economic Law in a Diverse World” organised by the Society of International Economic Law. Johannesburg (South Africa), 8 July 2016.
- › ***Why Courts Fail in Latin America? Constitutionalist Imaginary at the Heart of Latin American Jurisdictional Projects.*** Talk presented at the Conference “Debacles – Illusions and Failures in the History of International Adjudication” organised by the MPI Luxembourg. Luxembourg, 25 November 2016.
- › ***The Role of Lawyers in Constituting the Authority of International Economic Organizations: From Politics to Law and Back.*** Talk presented at the Workshop “Cognitive Sociology, Culture and International Law” organised by the University of Copenhagen. Copenhagen (Denmark), 29 April 2017.
- › ***International Organizations and New Ways of Governing the World Economy.*** Talk presented at the Roundtable “To Reform the World: International Organizations and the Making of the Modern State”. Luxembourg, 6 October 2017.

Ortolani, Pietro

- › ***Investment Dispute Settlement***. Discussant (Panel Chair) at the 5th Conference of the Postgraduate and Early Professionals/Academics Network organised by the Society of International Economic Law and the University of Luxembourg. Luxembourg, 15 April 2016.
- › ***EU-Related Arbitration***. Talk presented at the Seminar “Updates on EU related Arbitration” organised by the Association for International Arbitration (AIA), the European Federation for Investment Law and Arbitration (EFILA) and the Chartered Institute of Arbitrators (Ciarb). Brussels (Belgium), 27 May 2016.
- › ***Arbitration Reforms in the EU***. Talk presented at the University of Brussels. Brussels (Belgium), 13 October 2016.
- › ***Arbitration and Private International Law in the EU and Switzerland***. Talk presented at Schellenberg Wittmer AG. Zurich (Switzerland), 14 December 2016.
- › ***Self-enforcing Online Dispute Resolution and Smart Contracts***. Talk presented at the Workshop “Unfair Platform-to-Business Practices” organised by the European Commission. Brussels (Belgium), 6 June 2017.
- › ***The Judicialization of the Blockchain***. Talk presented at the Conference “Blockchain and the Constitution of a New Financial Order: Legal and Political Challenges” organised by the University College London. London (UK), 19 June 2017.
- › ***Online Reporters in Investor-State Dispute Settlement***. Talk presented at the Conference “The Legitimacy of ‘Unseen Actors’ in International Adjudication” organised by PluriCourts - Centre for the Study of the Legitimacy roles of the Judiciary in the Global Order and the Europa Instituut. The Hague (the Netherlands), 26 October 2017.
- › ***Domestic Civil Courts and European Jurisdictions***. Talk presented at the University of Milan. Milan (Italy), 30 October 2017.

Paine, Joshua

- › ***Evaluating the Distinctive Contribution of International Adjudication as a Global Public Good***. Talk presented at the 13th ESIL Annual Conference “Global Public Goods, Global Commons and Fundamental Values: The Responses of International Law” organised by the European Society of International Law. Naples (Italy), 7 September 2017.
- › ***International Adjudication as a Global Public Good?***. Talk presented in the framework of the “Ghandhi Research Seminar Series” organised by the University of Reading. Reading (UK), 15 November 2017.
- › ***Design Options for a Multilateral Investment Court***. Presentation at the “Expert Meeting on Multilateral Reform of Investor-State Dispute Settlement (ISDS)” organised by the European Commission. Brussels (Belgium), 1 March 2018.
- › ***Investment Protection Standards as Global Constitutional Law***. Talk presented at the Frankfurt Investment Law Workshop “International Investment Law and Constitutional Law” organised by Goethe University. Frankfurt (Germany), 10 March 2018.
- › ***The Judicial Dimension of Regime Interaction beyond Systemic Interpretation***. Talk presented at the Workshop “Regime Interaction in Ocean Governance: Problems, Theories and Methods” organised by Utrecht University. Utrecht (the Netherlands), 20 April 2018.
- › ***The Functions of the WTO’s Dispute Settlement Body: A Distinctive Voice Mechanism***. Talk presented at the 6th Biennial Global Conference “International Economic Law in Unsettling Times” organised by the Society of International Economic Law. Washington, DC (USA), 14 July 2018.
- › ***The Functions of the WTO’s Dispute Settlement Body***. Talk presented at the Workshop “Sociological Perspectives on International Tribunals: Formal and Informal Rules, Functions and Symbols in the Practice of International Tribunals” organised by the MPI Luxembourg. Luxembourg, 8 November 2018.

Palombo, Dalia

- › ***L'affaire Mubende Neumann devant le comité des droits de l'homme: L'obligation de l'Etat de faire respecter les droits de l'homme est-elle la voie à suivre?***. Talk presented with E. Fromageau at the Annual Colloquium "L'entreprise multinationale et le droit international" organised by the French Society for International Law (SFDI). Paris (France), 21 May 2016.

Papadaki, Matina

- › ***General Principles of Law as a Judicial Technique***. Talk presented at the ICON-S Conference "Courts, Power, and Public Law" organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.

Pasquet, Luca

- › ***Failure as Disappointment***. Talk presented at the Conference "Debacles – Illusions and Failures in the History of International Adjudication" organised by the MPI Luxembourg. Luxembourg, 25 November 2016.
- › ***The Internationalization of the 'Solange' Method and Its Application to Inter-Systemic Conflicts***. Talk presented in the framework of the "Carlo Alberto Law Seminars" organised by the University of Turin. Turin (Italy), 1 December 2016.
- › ***Derogation from the ECHR by France in the Context of Counter-Terrorism***. Talk presented at the Conference "Derogation from the European Convention on Human Rights under Contemporary Situations of Emergency" organised by the University of Graz. Graz (Austria), 4 May 2017.
- › ***Horizontal Solange – An Intersystemic Legality Review?***. Talk presented at the ICON-S Conference "Courts, Power, and Public Law" organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › ***International Legal Uncertainty***. Talk presented with L. Gradoni at the conference "Knowledge Production and International Law", organised by the Graduate Institute of International and Development Studies. Geneva (Switzerland), 8 September 2018.

Requejo Isidro, Marta

- › ***The Need for Common Standards of EU Civil Procedure and How to Identify Them: Do We Need Harmonisation to Achieve Harmonious Cooperation?***. Talk presented at the Conference "From Common Rules to Best Practices in European Civil Procedure" organised by Erasmus University Rotterdam and the MPI Luxembourg. Rotterdam (the Netherlands), 25 February 2016.
- › ***On Child Abduction and Article 8 ECHR***. Talk presented at the Course "Derechos Humanos" organised by the University of the Basque Country. San Sebastian (Spain), 3 March 2016.
- › ***Lis Pendens and Third States***. Talk presented at the Conference "Post Brexit: The Fate of Commercial Dispute Resolution in London and on the Continent" organised by the British Institute of International and Comparative Law and the MPI Luxembourg. London (UK), 26 May 2016.
- › ***El Plan Nacional de Empresa y Derechos Humanos (España)***. Talk presented at the Conference "La empresa como modo de innovación social: La promoción de los Derechos Humanos en el comercio internacional" organised by the University of the Basque Country. San Sebastian (Spain), 15 June 2016.
- › ***El Derecho Internacional Privado en el Espacio Europeo de Justicia: Qué Lugar para el Derecho Nacional***. Talk presented at the International Conference "Novos Desafios Ao Direito Civil" organised by the University of Minho. Braga (Portugal), 29 September 2016.
- › ***Antitrust Damages Claims and Arbitration Agreements***. Talk presented at the Conference "The Impact of EU Law on International Commercial Arbitration" organised by New York University. New York, NY (USA), 1 November 2016.
- › ***Farewell, UK. Stocktaking Time for a Continental Europe's Area of Civil Justice***. Talk presented at the "Forum Conveniens Annual Lecture" organised by the University of Edinburgh. Edinburgh (UK), 23 November 2016.
- › ***Reflexiones Sobre la Utilidad y Sentido de los Preámbulos al Hilo dl Reglamento 650/2012***. Talk presented at the Seminar "Problemas Actuales de la Sucesión Mortis Causa: El Reglamento 650/2012 y más Allá" organised by the University of Santiago de Compostela. Santiago de Compostela (Spain), 16 December 2016.

- › **Rapport Droit Espagnol.** Talk presented at the Workshop “Quel Avenir pour les Juridictions Suprêmes? L'accès au juge de cassation: Droit positif et droit prospectif” organised by the Research Group “Giuseppe Tarzia” in the framework of its Series “Cassation et révision”. Paris (France), 23 March 2017.
- › **Los Principios Ruggie en la UE: El Tercer Pilar.** Talk presented at the International Conference “The EU and the Protection of Fundamental Rights” organised by the Spanish Association of Lecturers of International Law and International Relations and the University of Malaga. Malaga (Spain), 20 April 2017.
- › **Closing Remarks.** Talk presented at the International Exchange Seminar “Planning the Future of Cross-Border Families” organised by the MPI Luxembourg. Luxembourg, 12 May 2017.
- › **El Reglamento (UE) 650/2012, Sobre Sucesiones Mortis Causa y Creación de un Certificado Sucesorio Europeo: Dos Años de Aplicación.** Talk presented at the Conference “Incidencia del Reglamento 650/2012 del Parlamento Europeo y del Consejo, de 4 de Julio de 2012, de Sucesiones, Fundación Coloquio Jurídico Europeo, Jornada n. 70” organised by the Fundación Coloquio Jurídico Europeo. Madrid (Spain), 19 October 2017.
- › **El Diálogo entre el TJUE y el TEDH en las Situaciones Jurídico-Privadas Internacionales.** Talk presented at the Conference “El Diálogo Judicial Internacional en la Protección de los Derechos Fundamentales” organised by the Spanish Association of Lecturers of International Law and International Relations and the University of Salamanca. Salamanca (Spain), 27 November 2017.
- › **Mixed Arbitral Tribunals in the Peace Treaties of 1919.** Talk presented with B. Hess at the International Conference “The Versailles Peace Treaty and Dispute Settlement after WWI” organised by the MPI Luxembourg. Luxembourg, 8 December 2017.
- › **Mesa Redonda – Reflexionando Sobre el Futuro del DIPr de la UE.** Discussant at the EUCOVAL Seminar “50 Anos de Derecho Internacional Privado de la Unión Europea en el Diván” organised by the Spanish Association of Lecturers of International Law and International Relations. Valencia (Spain), 25 January 2018.
- › **The Application of European Private International Law and the Ascertainment of Foreign Law.** Talk presented at the Conference “How European is European Private International Law?” organised by the Friedrich-Schiller-University Jena. Berlin (Germany), 2 March 2018.
- › **Brexit Is Coming!.** Discussant at the Seminar “Brexit y Libertad de Establecimiento: Aspectos Societarios, Fiscales y de Extranjería” organised by the Autonomous University of Barcelona. Barcelona (Spain), 5 April 2018.
- › **Schrems Bajo la Lupa de la Protección de Datos.** Talk presented at the “European Law Institute: Spanish Hub” organised by the Complutense University of Madrid. Madrid (Spain), 9 May 2018.
- › **Proteccion Internacional de Datos Personales en las Redes Sociales: Reflexiones sobre el RGPD.** Talk presented at the Seminar “Fundación para la Investigación sobre el Derecho y la Empresa” organised by the Fide Foundation. Madrid (Spain), 22 May 2018.
- › **Sectorial Procedural Harmonization: The GDPR.** Talk presented at the Conference “Harmonization of Civil Procedure in the EU: How Far Can We Go?” organised by the MPI Luxembourg and the Complutense University of Madrid. Luxembourg, 19 July 2018.
- › **European Civil Procedure and Private International Law.** Discussant at the Conference “The 50th Anniversary of the European Law of Civil Procedure” organised by the Court of Justice of the European Union and the MPI Luxembourg. Luxembourg, 27 September 2018.
- › **Courts and Arbitral Awards: Trust and Deference Not Without Limits.** Talk presented at the Conference “Trust and Deference Between Legal Authorities in the World” organised by the T.M.C. Asser Institute. The Hague (the Netherlands), 17 September 2018.

Richard, Vincent

- › ***Litigation Costs and Procedural Cultures: New Avenues of Procedural Research.*** Talk presented with A. Dori at the Conference “From Common Rules to Best Practices in European Civil Procedure” organised by Erasmus University Rotterdam and the MPI Luxembourg. Rotterdam (the Netherlands), 25 February 2016.
- › ***The 2017 Proposal of the Parliament: Much Ado about Nothing.*** Talk presented at the Conference “Harmonization of Civil Procedure in the EU: How Far Can We Go?” organised by the MPI Luxembourg and the Complutense University of Madrid. Luxembourg, 19 July 2018.

Ruiz Fabri, Hélène

- › ***International Investment Law and the Structure of the International Legal System.*** Closing discussion with F. Berman and B. Simma at the Investment Law Workshop “ICSID at 50: Investment Arbitration as a Motor of General International Law?” organised by Goethe University. Frankfurt (Germany), 12 March 2016.
- › ***The Contribution of Investment Arbitration to the International Law of Dispute Settlement.*** Discussant (Panel Chair) at the Investment Law Workshop “ICSID at 50: Investment Arbitration as a Motor of General International Law?” organised by Goethe University. Frankfurt (Germany), 12 March 2016.
- › ***The WTO and the UNESCO Convention on Cultural Diversity: Conflict or Coordination?.*** Lecture given in the framework of the Seminar series “The Multilateral Trading System and Other International Regimes” organised by the Department of Legal Studies of Bocconi University. Milan (Italy), 12 April 2016.
- › ***Le Renouveau de la Fabrique et des Véhicules des Normes: L'exemple du Droit Financier et de la Régulation.*** Talk presented in the framework of the Lecture Series “Droit Comparé et Territorialité du Droit” organised by the Conseil d'Etat. Paris (France), 13 April 2016.
- › ***The Search for Balance and Strengthened Legitimacy Through New Institutions or Improved Rules for Dispute Settlement: Permanent Investment Courts, Appellate Tribunals and Other Ideas.*** Talk presented at the Conference “The Quest for Balance Between Investor Protection and Governments’ Right to Regulate” organised by the Organisation for Economic Co-operation and Development. Paris (France), 14 April 2016.
- › ***Challenges Facing the Court.*** Discussant with R. Abraham, G. Gaja, X. Hanqin and M. Kamto at the Conference “The International Court of Justice at 70: In Retrospect and in Prospect” organised by the International Court of Justice. The Hague (the Netherlands), 19 April 2016.
- › ***International Procedural Law: Common Principles or General Principles?.*** Presentation given in the framework of the “Gaetano Morelli Lectures” organised by the Sapienza University of Rome. Rome (Italy), 26 and 27 May 2016.
- › ***Migration and Movement.*** Discussant (Plenary Panel 1 Chair) at the 2016 ICON-S Conference “Borders, Otherness, and Law” organised by the International Society of Public Law and Humboldt University. Berlin (Germany), 17 June 2016.
- › ***ISDS and the Problem of Forum Shopping.*** Talk presented at the 2016 ICON-S Conference “Borders, Otherness, and Law” organised by the International Society of Public Law and Humboldt University. Berlin (Germany), 17 June 2016.
- › ***The Legal Value and Impact of Decisions and Actions of International Organizations: What Room for Secondary Law in WTO Law?.*** Talk presented at the Conference “International Law Today” organised by the World Trade Organization. Geneva (Switzerland), 29 July 2016.
- › ***Feminism and International Law.*** Chair of the Committee Meeting at the 77th Biennial Conference “International Law and State Practice: Is there a North-South Divide?” organised by the International Law Association. Johannesburg (South Africa), 11 August 2016.
- › ***Investment Arbitration and Forum Shopping.*** Talk presented at the Conference NEXT “International Investment and Dispute Resolution”. Seoul (South Korea), 23 September 2016.

- › **Implications of Directive 2015/412.** Discussant (Panel Chair) at the International Symposium “Studying the Social, Ethical and Economic Impacts of GMPs: Implementation of EU Directive 2015/412” organised by the *Haut Conseil des Biotechnologies*. Paris (France), 6 October 2016.
- › **Y a-t-il un Droit Procédural International?.** Talk presented to the “Group on Public International Law” of the European Court of Human Rights. Strasbourg (France), 4 November 2016.
- › **How Procedure Makes Substance in International Courts and Tribunals.** Discussant (Panel Chair) at the ASIL Annual Meeting “What International Law Values” organised by the American Society of International Law. Washington, DC (USA), 13 April 2017.
- › **The Power of Procedure and the Legitimacy of International Courts.** Lecture given at Temple University in a seminar sponsored by the Carnell Chair. Philadelphia, PA (USA), 17 April 2017.
- › **The Investment Court – The Next International Arbitration Frontier.** Panellist at the ABA Europe Regional Conference organised by the International Law Section of the American Bar Association. Barcelona (Spain) 12 June 2017.
- › **Synthèses croisées.** Closing discussion of the Seminar “Regards Croisés sur la Soft Law en Droit Interne, Européen et International” organised by IREDIES. Paris (France), 15 June 2017.
- › **Cross-Fertilization in Procedural Matters by International Courts.** Talk presented at the Workshop “Beyond Fragmentation: Competition and Collaboration among International Courts and Tribunals” organised by the Center of Excellence of the University of Oslo (PluriCourts). Washington, DC (USA), 20 June 2017.
- › **The Making of Judicial Decisions.** Talk presented at the ACIL-Asser Summer School “The Law and Practice of International Dispute Settlement” organised by the T.M.C. Asser Institute. The Hague (the Netherlands), 11 July 2017.
- › **Trends in International Adjudication.** Talk presented at the Third Plenary Session of the 6th AsianSIL Biennial Conference “Asia and International Law in Times of Uncertainty” organised by the Asian Society of International Law. Seoul (South Korea), 26 August 2017.
- › **Procedural Aspects of International Dispute Settlement.** Lecture given at the International Tribunal for the Law of the Sea (ITLOS) in the framework of the ITLOS–Nippon Foundation Capacity-Building and Training Programme on Dispute Settlement under UNCLOS. Hamburg (Germany), 19 September 2017.
- › **Treaty Making and Interpretation in Public International Law.** Lecture given at the World Trade Institute for the MILE 17 Programme. Bern (Switzerland), 7 October 2017.
- › **Third Party Funding in Investment Arbitration.** Discussant (Panel Chair) at the Workshop “ICCA QMUL Task Force Draft Report on Third Party Funding” organised by the University Paris 1 Panthéon-Sorbonne, the International Council for Commercial Arbitration, Queen Mary University and the MPI Luxembourg. Paris (France), 6 November 2017.
- › **Le Rôle des ONG devant la Cour Internationale de Justice, le Tribunal International du Droit de la Mer et l'Organe de Règlement des Différends de l'OMC.** Talk presented at the Conference “The Role of NGOs in International Human Rights Litigation” organised by the University of Brussels (ULB). Brussels (Belgium), 15 November 2017.
- › **The Power of Procedure and the Legitimacy of International Courts.** Lecture given in the framework of the “International Law Regional Seminar Series” organised by the University of Nottingham. Nottingham (UK), 14 February 2018.
- › **EU Law and International Arbitration: A Dialogue between Legal Orders.** Discussant (Panel Chair) at the Roundtable organised by the International Arbitration Institute (IAI) and the MPI Luxembourg. Kavala (Greece), 26-30 April 2018.
- › **Beyond Fragmentation: Competition And Collaboration Among International Courts and Tribunals.** Talk presented at the Workshop “Cross-fertilization” organised by PluriCourts. Oslo (Norway), 11 June 2018.
- › **Understanding International Economic Law in Unsettling Times: A Feminist Approach?.** Keynote Speech at the 6th Biennial Conference “International Economic Law in Unsettling Times” organised by the Society of International Economic Law. Washington, DC (USA), 12 July 2018.

- › ***Procedural Aspects of International Dispute Settlements: The Treatment of Evidence Before International Courts and Tribunals.*** Lecture given with M. Benatar at the International Tribunal for the Law of the Sea (ITLOS) in the framework of the ITLOS–Nippon Foundation Capacity-Building and Training Programme on Dispute Settlement under UNCLOS. Hamburg (Germany), 17 September 2018.
- › ***The Changing Landscape of Investor-State Dispute Settlement.*** Talk presented at the MIDS 10th Anniversary Conference “Stability and Change in International Dispute Settlement” organised by the University of Geneva and the Graduate Institute Geneva. Geneva (Switzerland), 28 September 2018.
- › ***The Max Planck Encyclopedia of International Procedural Law.*** Talk presented at the 37th IALL Annual Course “Law in Luxembourg – Where Local Tradition Meets European and International Innovation” organised by the IALL and the MPI Luxembourg. Luxembourg, 2 October 2018.
- › ***IOSCO and the WTO Model of Dispute Settlement.*** Talk presented at the International Conference “IOSCO and the New International Financial Architecture: What Role for IOSCO in the Development and Implementation of Cross-Border Regulation and Equivalence?” organised by the University of Luxembourg and the MPI Luxembourg. Luxembourg, 5 October 2018.
- › ***Outline of a Sociological Theory of International Procedural Law.*** Talk presented at the Workshop “Sociological Perspectives on International Tribunals: Formal and Informal Rules, Functions and Symbols in the Practice of International Tribunals” organised by the MPI Luxembourg. Luxembourg, 8 November 2018.

Stoppioni, Edoardo

- › ***Theorizing the Retrospectiveness of International Responsibility: A Historical Inquiry into Restitutio in Integrum.*** Talk presented at the Doctoral Colloquium “Responsibility in International and European Law, Philosophy and History” organised by the University of Freiburg. Freiburg (Germany), 11 March 2016.
- › ***General Principles as Purveyors of Intersystemic Linkages.*** Talk presented at the ICON-S Conference “Courts, Power, and Public Law” organised by the International Society of Public Law and the University of Copenhagen. Copenhagen (Denmark), 6 July 2017.
- › ***EU Law and International Arbitration: A Dialogue between Legal Orders.*** Participant in the Roundtable organised by the International Arbitration Institute (IAI) and the MPI Luxembourg. Kavala (Greece), 26-30 April 2018.
- › ***Unwritten Law as Object of the Discourse of the WTO Judge and of the Investment Arbitrator: Between Legitimizing Banalization and Hegemonic Neoliberalism.*** Talk presented at the Workshop “Critical Research in International Law” organised by the Erik Castrén Institute. Helsinki (Finland), 31 August 2018.
- › ***Rethinking the Structures of the Hegemonic Discourse of the WTO Judge and Investment Arbitrator: A Gramscian Analysis.*** Talk presented at the Postgraduate Colloquium in Critical International Law organised by SOAS University of London. London (UK), 20 September 2018.
- › ***A Critical Introduction to International Investment Arbitration.*** Talk presented at the 37th IALL Annual Course “Law in Luxembourg – Where Local Tradition Meets European and International Innovation” organised by the IALL and the MPI Luxembourg. Luxembourg, 2 October 2018.
- › ***What Theory of Restitutio in Integrum in a Fragmented International Order? An Attempt of Deconstruction.*** Talk presented at the ESIL-sponsored Workshop “Rethinking Reparations in International Law” organised by the Lauterpacht Centre for International Law, University of Cambridge. London (UK), 16 November 2018.
- › ***A Critical Analysis of the Discourse of the WTO Judge and of the Investment Arbitrator.*** Talk presented at the Doctoral Student’s Formation Programme organised by the University of Ferrara and the University of Padova. Ferrara (Italy), 19 November 2018.
- › ***Refugees Sea: Procedural and Substantial Aspects.*** Presentation given at the Workshop with the students of the ITLOS/NIPPON Foundation organised by the MPI Luxembourg. Luxembourg, 28 November 2018.

Wagner, Edith

- › ***The Procedural Tools for Clone Cases at the European Court of Human Rights***. Talk presented at the Biannual Seminar of the IMPRS-SDR. Luxembourg, 17 June 2016.
- › ***Attack of the Clones at the European Court of Human Rights – How Clone Cases Challenge and Advance the Strasbourg System***. Talk presented at the Cambridge International and European Law Conference organised by the University of Cambridge. Cambridge (UK), 23 March 2017.

Zamaria, Alain

- › ***The Law of Lawless Currencies: An Inquiry into the Jurisprudence of Bitcoin***. Talk presented at the “Carlo Alberto Law Seminar” organised by the University of Turin. Turin (Italy), 22 March 2017.
- › ***Cryptocurrencies and Corporate Power: The Corporatist Evolution of a Libertarian Dream?***. Talk presented at the Conference “Law in Global Political Economy: Heterodoxy Now” organised by Harvard University. Cambridge, MA (USA), 3 June 2018.
- › ***Vers une ‘souveraineté cryptomonétaire’***. Talk presented at the Franco-Quebec Colloquium “La Monnaie et le Droit” organised by the University of Nice Sophia Antipolis. Nice (France), 22 June 2018.
- › ***The Governance of Trustless Currencies***. Talk presented at the Conference “Blockchain, Public Law, Trust and Governance” organised by the University of Groningen and the Netherlands Institute for Law & Governance (NILG). Groningen (the Netherlands), 29 November 2018.

4. Teaching Activities

Angoura, Stavroula

- › **Mediation. Fundamental Developments in European Procedural Law.** University of Luxembourg, 2018.

Becker, Sandra

- › **Small Claims. Fundamental Developments in European Procedural Law.** University of Luxembourg, 2017.
- › **Small Claims and ADR. Fundamental Developments in European Procedural Law.** University of Luxembourg, 2018.

Benatar, Marco

- › **The Future Instrument on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction. Global Politics and Diplomacy.** Catholic University of Leuven (KUL), 2018.
- › **Philip C. Jessup International Moot Court Coach (with M. Fałkowska-Clarys and R. Jorristma).** University of Trier, 2017.

Chartier, Basile

- › **International Investment Law.** University Paris 1 Panthéon-Sorbonne, 2018.

De Boeck, Michael

- › **Arbitration in the European Union. Fundamental Developments in European Procedural Law (with A. Koprivica).** University of Luxembourg, 2018.

Donati, Alessandra

- › **EU Environmental Law.** University of Luxembourg, 2016

Dori, Adriani

- › **Judicial Cooperation (Service, Evidence). Fundamental Developments in European Procedural Law (with V. Richard).** University of Luxembourg, 2016, 2017 and 2018.

Erpelding, Michel

- › **French Administrative Law.** University Paris 1 Panthéon-Sorbonne/Cairo University, 2016, 2017 and 2018.

Fałkowska-Clarys, Martyna

- › **International Dispute Settlement.** University of Brussels (ULB), 2017.
- › **International Responsibility.** University of Brussels (ULB), 2017.
- › **Philip C. Jessup International Moot Court Coach (with M. Benatar and R. Jorristma).** University of Trier, 2017.
- › **International Responsibility of States. Public International Law (Master's Level) (with E. Fromageau, L. Gradoni, J. Paine, and L. Pasquet).** University of Luxembourg, 2018.

Faucon Alonso, Amandine

- › Preliminary References: The Dialogue between the European Court of Justice and the National Courts. Fundamental Developments in European Procedural Law (with K. Sirakova). University of Luxembourg, 2017.
- › Brussels II bis Regulation. Fundamental Developments in European Procedural Law (with A. Gandía Sellens). University of Luxembourg, 2018.

Feinäugle, Clemens A.

- › Constitutional Law and Administrative Law. University of Trier, 2016.

Fromageau, Edouard

- › La Banque Mondiale et les Individus. University of Angers, 2016.
- › Global Administrative Law. Kobe University, 2017.
- › Institutions and Sources of Global Administrative Law. University of Macerata, 2017.
- › Public International Law (Bachelor's level) (with L. Gradoni and L. Pasquet). University of Luxembourg, 2017.
- › Public International Law (Master's Level) (with L. Gradoni and L. Pasquet). University of Luxembourg, 2017.
- › Public International Law (Master's Level) (with M. Fatlkowska-Clarys, L. Gradoni, J. Paine, and L. Pasquet). University of Luxembourg, 2018.
- › Public International Law. University of Düsseldorf, 2018.
- › Entreprises Multinationales et Droits de l'Homme. Fondation René Cassin, Dakar, 2018.

Ganesh, Aravind

- › Theories of EU Extraterritorial Jurisdiction. University College Amsterdam, 2016.
- › Philip C. Jessup International Moot Court Coach. National Law University Odisha, 2017.

Gandía Sellens, Arantxa

- › El Tribunal Unificado de Patentes: Cuestiones de Competencia Judicial Internacional. Private International Law. University of Valencia, 2016.
- › Brussels II bis Regulation. Fundamental Developments in European Procedural Law. University of Luxembourg, 2016 and 2017.
- › Brussels II bis Regulation. Fundamental Developments in European Procedural Law (with A. Faucon Alonso). University of Luxembourg, 2018.

García Olmedo, Javier

- › International Dispute Settlement. Queen Mary University of London, 2018.

Gradoni, Lorenzo

- › Public International Law (Bachelor's Level) (with E. Fromageau and L. Pasquet). University of Luxembourg, 2017.
- › Public International Law (Master's Level) (with E. Fromageau and L. Pasquet). University of Luxembourg, 2017.
- › Public International Law (Master's Level) (with M. Fatlkowska-Clarys, E. Fromageau, J. Paine, and L. Pasquet). University of Luxembourg, 2018.

Hess, Burkhard

- › Introduction to the Area of Freedom, Security and Justice and the Role of the Judiciary in Europe. Fundamental Developments in European Procedural Law. University of Luxembourg, 2016, 2017 and 2018.
- › The Private-Public Divide in International Dispute Resolution. Summer Courses: Private International Law. The Hague Academy of International Law, 2017.
- › Kolloquium im Schwerpunktbereich 8a: Internationales Privatrecht und Internationales Zivilverfahrensrecht. University of Heidelberg, 2016, 2017 and 2018.
- › Introduction: The European Law of Civil Procedure and the Brussels I bis Regulation, Judicial Cooperation in Civil Matters in the European Union. Saarland University, 2017.
- › Anwendbares Recht im Schiedsverfahren. Das Recht der Internationalen Streitbeilegung im Privatrecht. University of Heidelberg, 2018.
- › Intensive Course on Transnational Litigation in the framework of a Distinguished Visiting Professorship. College of Law, National Taiwan University, 2018.

Jorritsma, Remy

- › Introduction to International Humanitarian Law and Scope of Application. International Humanitarian Law. Maastricht University, 2016 and 2017.
- › *Ukraine v. Russia: A Case Study of State Responsibility for Terrorism Financing and Racial Discrimination*. International Responsibility. University of Brussels (VUB), 2017.
- › Philip C. Jessup International Moot Court Coach (with M. Fałkowska-Clarys and M. Benatar). University of Trier, 2017.

Kahl, Marcel

- › International Private and Procedural Law. University of Trier, 2017 and 2018.
- › Coordination of the National Procedural Systems: The Role of the Brussels I bis Regulation (II). Fundamental Developments in European Procedural Law (with C. Mariottini). University of Luxembourg, 2018.

Kaps, Franz Dominik

- › Arbitration and Sports Law in the European Union. Fundamental Developments in European Procedural Law (with A. Koprivica). University of Luxembourg, 2016 and 2017.

Koechel, Felix

- › Coordination of National Procedural Systems: The Brussels I bis Regulation. Fundamental Developments in European Procedural Law. University of Luxembourg, 2016 and 2017.

Koprivica, Ana

- › Arbitration and Sports Law in the European Union. Fundamental Developments in European Procedural Law (with F. Kaps). University of Luxembourg, 2016 and 2017.
- › Arbitration in the European Union. Fundamental Developments in European Procedural Law (with M. de Boeck). University of Luxembourg, 2018.
- › Introduction to International Commercial Arbitration. Catholic University of Portugal, 2018.

Laukemann, Björn

- › International and European Procedural Law. University of Trier, 2016, 2017 and 2018.
- › The European Succession Regulation. Fundamental Developments in European Procedural Law. University of Luxembourg, 2016 and 2017.
- › The European Succession Regulation. Fundamental Developments in European Procedural Law (with P. Siaplaouras). University of Luxembourg, 2018.

Law, Stephanie

- › **ADR and Small Claims. Fundamental Developments in European Procedural Law.** University of Luxembourg, 2016.
- › **Coordination of the National Procedural Systems: The Role of the Brussels I bis Regulation (II). Fundamental Developments in European Procedural Law.** University of Luxembourg, 2016.
- › **Coordination of the National Procedural Systems: The Role of the Brussels I bis Regulation (II). Fundamental Developments in European Procedural Law (with F. Koechel).** University of Luxembourg, 2017.
- › **The Dialogue between the Court of Justice of the European Union and the European Court of Human Rights. Fundamental Developments in European Procedural Law (with J. Nowak).** University of Luxembourg, 2018.
- › **Preliminary References: The Dialogue between the Court of Justice of the European Union and the National Courts. Fundamental Developments in European Procedural Law (with M. Mantovani).** University of Luxembourg, 2018.
- › **Common Law Systems.** University of Trier, 2018.

Mantovani, Martina

- › **Coordination of the National Procedural Systems: The Role of the Brussels I bis Regulation (I). Fundamental Developments in European Procedural Law (with P. Ortolani).** University of Luxembourg, 2017.
- › **Preliminary References: The Dialogue between the Court of Justice of the European Union and the National Courts. Fundamental Developments in European Procedural Law (with S. Law).** University of Luxembourg, 2018.

Mariottini, Cristina

- › **Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.** University of Milan, 2016 and 2017.
- › **Coordination of the National Procedural Systems: The role of the Brussels I bis Regulation (I). Fundamental Developments in European Procedural Law (with A.-S. Tietz).** University of Luxembourg, 2018.
- › **Coordination of the National Procedural Systems: The Role of the Brussels I bis Regulation (II). Fundamental Developments in European Procedural Law (with M. Kahl).** University of Luxembourg, 2018.

Martinet, Lily

- › **International Cultural Heritage Law.** University Paris 3 New Sorbonne, 2017 and 2018.

Menon, Parvathi

- › **Philip C. Jessup International Moot Court Coach.** University of Luxembourg, 2016 and 2017.

Nowak, Janek

- › **Introduction to EU Law and Comparative Law.** University of Malta, 2016.
- › **Introduction to EU Law and International Legal Systems.** MCI Innsbruck, 2017 and 2018.
- › **Judicial Protection in the European Union: The Impact of EU Law on National (Civil) Procedural Law.** Catholic University of Leuven (KUL), 2017.
- › **The Relationship between the European Court of Justice and the European Court of Human Rights – The Accession of the European Union to the European Convention on Human Rights and Fundamental Freedoms. Fundamental Developments in European Procedural Law (with E. Wagner).** University of Luxembourg, 2017.
- › **The Role of the Court of Justice of the European Union and the European Court of Human Rights. Fundamental Developments in European Procedural Law (with S. Law).** University of Luxembourg, 2018.

Ortolani, Pietro

- › **European Civil Procedure in a Comparative and Transnational Perspective.** University of Milan, 2016, 2017 and 2018.
- › **Transnational Litigation.** Saarland University, 2016 and 2017.
- › **International Arbitration.** University of Luxembourg, 2016 and 2017.
- › **Droit international des contrats et des obligations.** University of Luxembourg, 2016 and 2017.
- › **International Moot Court Coach.** University of Luxembourg, 2017
- › **ADR. Fundamental Developments in European Procedural Law.** University of Luxembourg, 2016 and 2017.
- › **Coordination of the National Procedural Systems: The Role of Brussels I bis Regulation (I). Fundamental Developments in European Procedural Law (with M. Mantovani).** University of Luxembourg, 2017.

Paine, Joshua

- › **International Dispute Settlement (with H. Ruiz Fabri).** University of Luxembourg, 2017.
- › **Public International Law (Master's Level) (with M. Fatłowska-Clarys, E. Fromageau, L. Gradoni, and L. Pasquet).** University of Luxembourg, 2018.

Pasquet, Luca

- › **The Internationalization of the Solange Method and its Application to Inter-Systemic Conflicts.** University of Turin, 2016.
- › **Public International Law (Bachelor's Level) (with E. Fromageau and L. Gradoni).** University of Luxembourg, 2017.
- › **Public International Law (Master's Level) (with E. Fromageau and L. Gradoni).** University of Luxembourg, 2017.
- › **Public International Law (Master's Level) (with M. Fatłowska-Clarys, E. Fromageau, L. Gradoni, and J. Paine).** University of Luxembourg, 2018.

Pelzer, Nils

- › **Mechanisms of Amicable Dispute Resolution in Germany.** Dispute Resolution in Theory and Practice. University of Bielefeld, 2016.

Pignarre, Pierre-Emmanuel

- › **European Law.** University of Tours, 2017.
- › **Global Constitutional Law.** SciencesPo Paris, 2018.

Requejo Isidro, Marta

- › **Professor in Residence.** Autonomous University of Madrid, 2016 and 2018.

Richard, Vincent

- › **Judicial Cooperation (Service, Evidence). Fundamental Developments in European Procedural Law (with A. Dori).** University of Luxembourg, 2017 and 2018.

Ruiz Fabri, Hélène

- › **WTO Case Law and Litigation.** University Paris 1 Panthéon-Sorbonne, 2016, 2017 and 2018.
- › **The European Union at the World Trade Organisation.** University of Luxembourg, 2016, 2017 and 2018.
- › **International Dispute Settlement (with J. Paine).** University of Luxembourg, 2017.
- › **Major Trends in the Evolution of International Justice.** Catholic University of Milan, 2018.

Siaplaouras, Philippos

- › **The European Succession Regulation. Fundamental Developments in European Procedural Law (with B. Laukemann).** University of Luxembourg, 2018.

Sirakova, Kristina

- › **Preliminary References: The Dialogue between the European Court of Justice and the National Courts. Fundamental Developments in European Procedural Law (with A. Faucon Alonso).** University of Luxembourg, 2017.

Stoppioni, Edoardo

- › **Public International Law.** University Paris 1 Panthéon-Sorbonne, 2016.
- › **International Economic Law.** University Paris 1 Panthéon-Sorbonne, 2016.
- › **Administrative Law.** University Paris 1 Panthéon-Sorbonne, 2016.
- › **EU Law.** University of Luxembourg, 2017 and 2018.
- › **International Refugee Law – Dispute Settlement Aspects.** University of Angers, 2017.
- › **Human Rights and Fragmentation.** University of Ferrara, 2018.

Tietz, Ann-Sophie

- › **Coordination of the National Procedural Systems: The Role of the Brussels I bis Regulation (I).** Fundamental Developments in European Procedural Law (with C. Mariottini). University of Luxembourg, 2018.

Wagner, Edith

- › **The Relationship between the European Court of Justice and the European Court of Human Rights – The Accession of the European Union to the European Convention on Human Rights and Fundamental Freedoms. Fundamental Developments in European Procedural Law (with J. Nowak).** University of Luxembourg, 2017.

Zamaria, Alain

- › **Economics and Sociology of Money.** SciencesPo Nancy, 2017 and 2018.

5. Editorships and Peer Review

Journals

- › **Anuario Español de Derecho Internacional Privado** (Prof. M. Requejo Isidro – Editorial Board Member and Peer Reviewer)
- › **Chinese (Taiwan) Yearbook of International Law and Affairs** (M. Benatar – Editorial Board Member)
- › **Cuadernos de Derecho Transnacional** (Prof. M. Requejo Isidro – Editorial Board Member)
- › **Dereito** (Prof. M. Requejo Isidro – Peer Reviewer)
- › **Diritti umani e diritto internazionale** (Dr L. Gradoni – Editorial Board Member)
- › **European Journal of Human Rights / Journal européen des droits de l'homme** (Prof. H. Ruiz Fabri – Scientific Board Member)
- › **European Journal of International Law** (Prof. H. Ruiz Fabri – Scientific Advisory Board Member)
- › **European Journal of Risk Regulation** (Dr L. Gradoni – Peer Reviewer)
- › **European Yearbook of International Economic Law** (Prof. H. Ruiz Fabri – Advisory Board Member)
- › **Human Rights & International Legal Discourse** (M. Benatar – Peer Reviewer)
- › **InDret** (Prof. M. Requejo Isidro – Peer Reviewer)
- › **International Journal for Minority and Group Rights** (P. Menon – Peer Reviewer)
- › **International Journal of Procedural Law** (Prof. B. Hess – Co-Editor)
- › **IPRax: Praxis des Internationalen Privat- und Verfahrensrechts** (Prof. B. Hess – Co-Editor)
- › **Journal of the History of International Law** (Dr M. Erpelding – Peer Reviewer)
- › **Journal of International Criminal Justice** (Dr L. Gradoni – Peer Reviewer)
- › **Journal of International Environmental Agreements: Politics, Law and Economics** (H. Asmelash – Peer Reviewer)
- › **Journal of World Development** (H. Asmelash – Peer Reviewer)
- › **Jura Gentium** (Dr L. Gradoni – Peer Reviewer)
- › **Korean Journal of International and Comparative Law** (Prof. H. Ruiz Fabri – Foreign Editorial Member)
- › **La Ley Unión Europea** (Prof. M. Requejo Isidro – Editorial Board Member)
- › **La Ley Mercantil** (Prof. M. Requejo Isidro – Advisory Board Member)
- › **Les cahiers du droit** (Dr E. Fromageau – Peer Reviewer)
- › **MPI Luxembourg for Procedural Law Research Paper Series** (Prof. H. Ruiz Fabri and Prof. B. Hess – Editors)
- › **McGill International Journal of Sustainable Development Law & Policy** (H. Asmelash – Peer Reviewer)
- › **The Military Law and the Law of War Review – International Society for Military Law and the Law of War** (Dr M. Fałkowska-Clarys – Managing Editor; M. Benatar – Editorial Board Member)
- › **Quaderni di diritto costituzionale** (Dr L. Gradoni – Peer Reviewer)

- › *Quebec Journal of International Law* (M. Benatar – Peer Reviewer)
- › *Questions of International Law* (Dr L. Gradoni – Editorial Board Member)
- › *Ragion Pratica* (Dr L. Gradoni – Peer Reviewer)
- › *Ratio Juris* (Dr L. Gradoni – Peer Reviewer)
- › *Revista de Arbitraje Comercial y de Inversiones* (Prof. M. Requejo Isidro – Editorial Board Member)
- › *Revista Catalana de Dret Ambiental* (Prof. M. Requejo Isidro – Peer Reviewer)
- › *Revista Electrónica de Estudios Internacionales* (Prof. M. Requejo Isidro – Peer Reviewer)
- › *Revista Española de Derecho Internacional* (Prof. M. Requejo Isidro – Deputy Editor-in-Chief)
- › *Revista General de Derecho Europeo* (Prof. M. Requejo Isidro – Peer Reviewer)
- › *Revue belge de droit international* (Prof. H. Ruiz Fabri, Dr M. Fałkowska-Clarys and M. Benatar – Scientific Board Members)
- › *The Journal of World Investment & Trade* (Prof. H. Ruiz Fabri – Co-Editor-in-Chief; Dr J. Paine and E. Stoppioni – Associate Editors)
- › *Wereldbeeld (United Nations Association Flanders)* (M. Benatar – Editorial Board Member)
- › *Yearbook of International Investment Law and Policy* (J. García Olmedo – Peer Reviewer)

Law Book Collections and Book Series

- › *Studies of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law, Nomos* (Prof. B. Hess and Prof. H. Ruiz Fabri – Editors)
- › *Successful Dispute Resolution, Nomos* (Prof. B. Hess – Editor)
- › *Colección De Estudios Del Tráfico Jurídico Externo, Iprolex* (Prof. M. Requejo Isidro – Editor)
- › *De conflictu legum, Universidade de Santiago de Compostela* (Prof. M. Requejo Isidro – Editor)
- › *La ricerca del diritto nella comunità internazionale, Editoriale Scientifica* (Dr L. Gradoni – Reviewer)

Websites and Blogs

- › *Conflict of Laws.net – News and Views in Private International Law* (<http://conflictoflaws.net/>) (Prof. M. Requejo Isidro – Editor)
- › *SIDIBlog - Blog of the Italian Society of International and European Law* (<http://www.sidiblog.org/>) (Dr L. Gradoni and Dr L. Pasquet – Editorial Board Members)
- › *Notebooks of the SIDIBlog* (<http://www.sidiblog.org/quaderni/>) (Dr L. Gradoni – Editorial Board Member)
- › *Blog of the ESIL Interest Group on Business and Human Rights* (<https://igbusinessandhumanrights.wordpress.com/>) (Prof. M. Requejo Isidro – Master and Editor)
- › *Global History of International Legal Thought/Histoire Globale des Idées Internationalistes* (<https://globalhistoryofinternationallaw.wordpress.com>) (Dr M. Erpelding – General Coordinator)

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For further information, please visit our website www.mpi.lu
or send an e-mail to info@mpi.lu.

Max Planck Institute Luxembourg
for Procedural Law
4, rue Alphonse Weicker
L - 2721 Luxembourg
T: +352 269488



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