

# International Conference: *Uniform rules for European Contract Law?* A critical assessment

## OBJECTIVES AND ISSUES

Twenty years have already gone by since Part I of the Principles of European Contract Law (PECL) was published and more than ten since the whole project was completed. The PECL, together with Law enacted by the European Union (and its predecessors) have fostered intense activity among scholars in respect of the so-called European Contract Law. A new *ius commune* in this field seems to be increasingly accepted across the continent and subsequent proposals on Uniform rules for Contract Law have attracted the attention of stakeholders. Among these projects are the Draft Common Frame of Reference (DCFR) or the Proposal for a Regulation on a Common European Sales Law (CESL).

Great effort has been put into their preparation and also the analysis of their particular rules. The aforementioned proposals, however, still remain soft law with doubtful perspectives as regards enactment by the corresponding European institutions. At this stage, it is unclear whether the whole process of drafting uniform rules is still worthy to be pursued.

The conference aims to assess the current need for uniform rules in European Contract Law, taking into consideration its possible past benefits. The programme is structured according to the needs set out in the PECL: (i) the facilitation of cross-border trade within Europe and the strengthening of the internal market; (ii) the creation of an infrastructure for EU rules governing contracts; (iii) the provision of guidelines for national courts and legislatures; and (iv) the construction of a bridge between the Civil Law and the Common Law. These benefits were to a certain extent assumed by the subsequent projects and initiatives. The programme includes a fifth part which expects to analyse the influence of the European process on non-EU countries.

The conference commemorates the 30<sup>th</sup> anniversary of the incorporation of the Kingdom of Spain in the EEC/EU and serves as the closing event for the Jean Monnet Module "Towards a Common Private Law of Europe", granted to IE University.

# PROGRAMME

## Thursday 23<sup>rd</sup> June 2016

**15.00 to 16.30**

Registration

**16.30 to 16.40**

Welcome. Prof. **Javier de Cendra**  
Dean IE Law School

**16.40 to 17.20**

Opening keynote speech. Prof. **Hugh Beale**  
(University of Warwick, UK). *The role for  
European Contract Law: uniformity or diversity?*

**17.20 to 17.40**

Discussion

**17.40 to 18.00**

Coffee break

### **PART I - UNIFORM RULES FOR THE INTERNAL MARKET**

Chair: Prof. **Charlotte Leskinen** (IE  
University, Spain)

**18.00 to 18.25**

Prof. **Bart Wauters** (IE University, Spain).  
*Ius Commune and Contract Law*

**18.25 to 18.50**

Prof. **Fernando Gómez Pomar** (Pompeu  
Fabra University, Spain). *Optimal Standards  
for the Single Market in Contract and  
Consumer Law*

**18.50 to 19.15**

Prof. **Zeynep Tarman** (Koç University,  
Turkey). *Non-state Law in the Arbitration of  
Commercial Contracts*

**19.15 to 19.35**

Discussion

**20.45 to 23.00**

Conference dinner. Mesón Cándido (by the  
Roman Aqueduct)

## Friday 24<sup>th</sup> June 2016

### **PART II- UNIFORM RULES FOR NATIONAL LEGISLATORS AND COURTS**

Chair: Prof. **Víctor Torre de Silva** (IE Law  
School, Spain)

**10.00 to 10.25**

Prof. **Encarna Roca i Trías** (Magistrate  
Constitutional Court of Spain).  
*The modernization of the law of obligations by  
using the principles of European contract law*

**10.25 to 10.50**

Prof. **Thomas Ackermann** (Ludwig  
Maximilians Universität, Germany). *Uniform  
rules as guidelines for national courts and  
legislatures: The German experience*

**10.50 to 11.15**

Prof. **Vanessa Mak** (Tilburg University, The  
Netherlands).  
*Better regulation? An evaluation of the  
influence of uniform rules for European  
contract law in Dutch law*

**11.15 to 11.35**

Discussion

**11.35 to 11.55**

Coffee break

### **PART III- UNIFORM RULES TO BRIDGE THE GAP BETWEEN COMMON AND CIVIL LAW**

Chair: Prof. **Marie-José Garot** (IE Law School)

**11.55 to 12.20**

Prof. **Stefan Vogenauer** (Director Max  
Planck Institute for European Legal  
History, Germany). *Uniform Rules on the  
Interpretation of Contracts to Bridge the Gap  
between the Civil and the Common Law*

**12.20 to 12.45**

Prof. **André Janssen** (City University of  
Hong Kong). *Bridging the gap: The CISG as  
a successful legal hybrid between Common  
and Civil Law?*

**12.45 to-13.10**

Prof. **Francisco de Elizalde** (IE University,  
Spain). *Contractual Terms in the Common  
and Civil Law. Do Uniform Rules reflect a  
common core?*

**13.10 to 13.30**

Discussion

**13.30 to 14.30**

Lunch

### **PART IV- UNIFORM RULES AS A REQUIREMENT OF CONSUMER LAW**

Chair: Prof. **Fernando Pastor Merchante**  
(IE University)

**14.30 to 14.55**

Prof. **Marco Loos** (University of Amsterdam,  
The Netherlands). *Uniform contract law: does  
consumer law show the way forward?*

**14.55 to 15.20**

Prof. **Christian Twigg-Flesner** (University  
of Hull, UK). *Designing European Consumer  
Contract Law rules - the mistakes of past  
attempts and suggestions for the future*

**15.20 to 15.45**

Prof. **Geraint Howells** (Dean, City University  
of Hong Kong). *What can consumers gain  
from uniform European consumer laws?*

**15.45 to 16.05**

Discussion

**16.05 to 16.20**

Coffee break

### **PART V- UNIFORM RULES AS A MODEL FOR NON-EU COUNTRIES**

Chair: Mr. **Esteban Leccese**  
(King & Spalding, USA)

**16.20 to 16.45**

Prof. **Mateja Djurovic** (City University of  
Hong Kong). *Uniform rules for European  
Contract Law as a model for the Asian  
countries*

**16.45 to 17.10**

Prof. **Işik Önyay** (Koç University, Turkey).  
*Effects of European Harmonization on  
Turkish Contract Law*

**17.10 to 17.35**

Prof. **Iñigo de la Maza** (Diego Portales  
University, Chile). *The Principles of Latin  
American Contract Law. Harmonisation as  
Syncretism*

**17.35 to 17.55**

Discussion

### **CONCLUSIONS**

**17.55 to 18.35**

Closing speech. Prof. **Larry DiMatteo**  
(University of Florida, USA)

**18.35 to 18.50**

Concluding remarks. Prof. **María Paz García  
Rubio** (University of Santiago, Spain).

**18.50 to 19.00**

Final words. Prof. **Salvador Carmona**, Rector  
IE University

[www.ie.edu/university](http://www.ie.edu/university)

## CONTACT US

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## FIND US ON



## ORGANIZATION

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## VENUE & ACCOMMODATION

IE University, Campus de Santa Cruz La Real  
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Segovia is a UNESCO World Heritage Town, easily accessible from Madrid via high speed train in 25 minutes. Instructions on how to arrive to Segovia from the airport of Madrid are provided at:

[www.jeanmonnet.privatelaw.ie.edu/conference/](http://www.jeanmonnet.privatelaw.ie.edu/conference/)

The organization has blocked rooms at Eurostars Acueducto\*\*\*\*, which will be kept at special rates until April 20<sup>th</sup>, 2016. Participants should contact the hotel directly, stating that they will attend the conference. The hotel is located at a walking distance from the University, just by the millenarian Roman Aqueduct.

## REGISTRATION

Participants should register by filling in the form accessible at: [www.jeanmonnet.privatelaw.ie.edu/conference/](http://www.jeanmonnet.privatelaw.ie.edu/conference/)  
Registration fee (includes admission to the academic programme on all days, refreshments, Conference dinner on Thursday 23<sup>rd</sup> and lunch on Friday 24<sup>th</sup>):

Before 15 April 2016: 150 EUR

Before 15 June 2016: 180 EUR

IE Law School and IE University students  
(30% discount): 105 EUR

Seating is limited

## THE CONFERENCE IS KINDLY SUPPORTED BY:

Jean Monnet Module "Towards a Common Private Law of Europe"

IE University

IE Center for European Studies