



European Judicial Training Network
Réseau Européen de Formation Judiciaire



The Brussels Ia Regulation in judicial practice – Advanced level –

TRIER, 20-21 NOVEMBER 2019
ERA Conference Centre
Metzer Allee 4, Trier, Germany

This conference will

- provide in-depth training on the Brussels Ia Regulation for judges who are already familiar with the Regulation;
- present the most recent CJEU case law in the field;
- provide a platform for debate on topical issues of this key Regulation;
- discuss the principle of mutual trust among the national courts;
- promote contacts between national judges from different Member States.

The conference is designed to be practice-oriented and focused on peer and expert training. Each conference day will offer presentations and a workshop in which active participation is encouraged.

Language: English

21 November 2019

08:30 Arrival and registration of participants

09:00 Opening of the seminar, welcome words & presentation of the European Judicial Training Network (EJTN)

09:20 Pre-Training Knowledge Assessment (Turning Technologies)

I. Setting the scene

09:40 **50 years Brussels I: CJEU's landmark decisions on autonomous interpretation, jurisdictional issues, free movement of judgments and mutual trust**

Speaker: Cristina González Beilfuss or Aleš Galič or Ilse Couwenberg

10:10 Q & A



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10:20 The scope: recent CJEU case law interpreting the term “civil and commercial matters”

- Sovereign debt litigation: Greek bonds and beyond
- Brussels Ia and insolvency
- *Actio pauliana*

Speaker: Aleš Galič or Miloš Hat'apka or Marta Requejo

10:50 Q & A

11:00 Coffee break

II. Selected jurisdictional issues

11:30 Concepts of contract and torts...and their interplay

- Extending jurisdiction at the place of performance
- Recent CJEU case law and the consequences (e.g. *flightright*; *AB fly LAL-Lithuanian Airlines*; *Löber vs Barclays Bank*)

Speaker: Pietro Franzina or Carlos Marinho or Remo Caponi

11:50 Q & A

12:00 Jurisdiction for consumer contracts, *Schrems II* and representative actions

- Outcome of the Evaluation Study 2017
- Recent CJEU case law
- Implications of the *New Deal for Consumers* for Brussels Ia

Speaker: Marta Requejo or Remo Caponi or Ilse Couwenberg

12:45 Q & A

13:00 Lunch

14:00 Prorogation clauses: recent developments

- Brussels Ia and the Hague Choice of Court Convention
- Jurisdiction clause in terms and conditions of the invoice (*Saey Home*)
- Scope of jurisdiction clause (distribution contract: *Apple Sales Int.*)

Speaker: Ilse Couwenberg or Marta Pertegás Sender or Pietro Franzina

14:30 Discussion



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WORKSHOP: Claiming damages after a car accident abroad

Practical case study taking into account the most recent CJEU case law on jurisdiction in insurance matters, including *action directe* and *cessio legis*

Speaker: Stefan Huber or Cristina González Beilfuss or Pietro Franzina

14:45 **Introduction to the workshop and division into groups**

15:00 **Group work on the case study** (Coffee & tea is served during the workshop)

16:15 **Plenary session: discussion / solution of the case study**

17:15 End of the first conference day

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III. Mutual trust, recognition and enforcement

09:15 **Remedies concerning enforcement of foreign judgments**

- Concept of remedies
- After the abolishment of *exequatur*: which grounds do still exist to stop enforcement?
- Extension of the effects of a judgment to another Member State?

Speaker: Vesna Rijavec or Marie Linton or Marta Pertegás Sender

09:45 Q & A

10:00 **Loss of mutual trust as a ground for refusal of recognition: problem analysis on the example of the judiciary crisis in Poland**

Speaker: Zuzana Witek

10:30 Q & A

10:45 Coffee & tea

11:15 **Recognition and enforcement after Brexit**

Speaker: Michael Wilderspin

11:45 Q & A

12:00 **Preliminary reference procedure: an introduction**

Speaker: Michael Wilderspin

12:30 Lunch



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IV. The application of EU law: how to bridge the gap between the national courts and the CJEU

WORKSHOP: Drafting a preliminary ruling

Speaker 6: Michael Wilderspin or Carlos Marinho or Vesna Rijavec

13:30 **Group work on the case study** (Coffee & tea is served during the workshop)

14:30 Assessment of Knowledge Acquired (Turning Technologies)

14:45 **Discussion / solution of the case study in plenary**

15:45 **Closing remarks**

16:00 End of the conference

PROPOSED SPEAKERS

- Remo Caponi, Professor at the University of Florence
- Ilse Couwenberg, Judge at the Supreme Court of Belgium
- Pietro Franzina, Professor at the University of Ferrara
- Aleš Galič, Professor at the University of Ljubljana
- Cristina González Beilfuss, Professor at the University of Barcelona
- Miloš Haťapka, Counsellor at the Permanent Representation of the Slovak Republic of the EU; Director of the Private International Law Division of the Ministry of Justice of the Slovak Republic
- Stefan Huber, Professor at the University of Tübingen
- Marie Linton, Associate Professor at the Faculty of Law, Uppsala University
- Carlos Marinhos, Judge at the Court of Appeal of Lisbon
- Marta Pertegás Sender, Former Member of the Permanent Bureau of the Hague Conference on Private International Law; Professor at Maastricht University
- Marta Requejo, Max Planck Institute for International, European and Regulatory Procedural Law, Luxembourg
- Vesna Rijavec, Former judge for civil matters at the court in Maribor; Full Professor at the University of Maribor
- Michael Wilderspin, Member of the Legal Service of the European Commission, Brussels
- Zuzana Witek, University of Wrocław