

Finland

Date: 20. October 2005
Location: University of Helsinki
Organised by: Prof. Tuulikki Mikkola (Finish national correspondent) and IPR Verlag

Number of experts invited: 18

Number of experts present: 6

1. Experts present

- Prof. Maurice Andem – professor, private international law and comparative law, University of Lapland
- Prof. Timo Esko – attorney, former professor of private international law
- Ms. Emilia Korkea-Aho – researcher Conflict Management Institute (COMI), University of Helsinki
- Prof. Tuulikki Mikkola – professor, property law, University of Lapland
- Ms. Suvi Sankari – researcher (KATTI), University of Helsinki
- Mr. Santtu Turunen – researcher (COMI), University of Helsinki

Present on behalf of the project was: Ms. Sibylle Calabresi-Scholz.
Ms. Sibylle Calabresi-Scholz presided the meeting.

The relatively small number of experts present may be attributable to the fact that, at present, no chair of private international law is occupied at the Universities of Helsinki and Turku. The only chair in private international law is situated at the University of Lapland in Rovaniemi. Prof. Tuulikki Mikkola and Prof. Maurice Andem from the University of Lapland participated to the expert meeting.

2. Agenda

1. Opening by Prof. Tuulikki Mikkola
2. Presentation of the project by Ms. Sibylle Calabresi-Scholz
3. Introductions of all participants
4. Discussion
5. Closing
6. Dinner – continuation of the discussion

3. Report on the meeting

Following the opening speech given by Prof. Mikkola concerning the present situation of private international law teaching in Finland and the role of private international law in practice, Ms. Calabresi-Scholz presented the project to the participants at the expert meeting. Following this presentation, the participants introduced themselves stating their profession, relationship to private international law, membership of relevant societies and their experience in cross-boarder research and international projects.

Memberships to existing networks among the participants include:

- Relationship to Max Planck Instiut, Hamburg
- Conflict Management Institute (COMI)
- Informal networks (in research and legal profession)

In reaction to the presentation of the project the participants in general welcomed the idea of setting up some form of a network and expressed their general interest in the feasibility study. Some participants expressed their concern about the relatively bad situation of private international law in teaching and practice in Finland at present and welcomed any project which could promote the discipline of private international law.

3.1. Objectives of the Network

- Many participants stated that a main objective of a network should be to collect information concerning private international law from the different Member States and provide this information to the members of the network and to the legal public in general.
- An important concern of the network should be research concerning legislation and the completion of harmonisation of laws. An interest in starting a process of consultation between the network and the European Commission was expressed.
- Some participants expressed the idea that the network could comply with the need to collect the current news from Brussels and inform the national practitioners on the ongoing work.
- It was stated that the network should especially do research and provide activities concerning topics which affect the private sector. This would resolve the problem of financing.
- The objective of establishing direct contacts between national experts was raised.
- Furthermore the interest in the discipline of private international law among students should be promoted through the activities of the network.

- A concrete activity of the network could be to establish common notions of private international law and compare the national conflict of law rules.

3.2. Database of information concerning private international law

The participants brought up the idea of the network creating a database concerning all kinds of information on civil law and private international law. Such a database could furthermore be linked to a website providing all kinds of information and current news on the process of EU legislation. Such a website could contain a collection of relevant links concerning the research activities and the practice of private international law. Furthermore teaching material and information on how to finance research projects could be provided. In this regard the website could host information on who is going to start a research project and “ads” to raise funding.

3.3. Establishment of personal contacts

Some participants mentioned especially the importance of establishing personal contacts between national correspondents. Such contacts could lead on the one hand to receiving information on ongoing research projects and provide ideas. On the other hand researchers could organise research projects at cross-border level, which would also help raise more funding for the research projects themselves.

Some participants also stated an interest in organising an exchange of academic teachers and researchers. An activity of the network could therefore be to organise exchange programmes. An interest in exchange programmes of relatively short duration, such as one or two months was expressed.

Some participants raised their concern that long distances and relatively high travel costs in Europe could present a difficulty in organising regular exchange of experts through the organisation of for example conferences. Therefore the idea was discussed to organise several conferences in different parts of Europe and to form possible sub-groups of the network in order to facilitate meetings on a regional basis (for example the Nordic countries).

3.4. Electronic newsletter

The issue of long travel distances also led to the idea that information exchange should possibly be provided through the medium of the internet. The idea of an electronic newsletter was welcomed, which should inform the participants, on a regular basis, of the latest research being conducted in Europe.

3.5. Discussion forum on the internet

Some participants raised the idea of establishing a discussion forum on the internet. In general, they preferred the discussion forum to be as informal as possible. Therefore they suggested providing a general access for the public without registration needed. It was also suggested that two different levels of a chat-room be established: One level open to the general public and one level only open to the members of the network in order to enable information exchange and discussion concerning scientific topics at the highest level possible.

3.6. Publishing of a journal

The participants discussed the idea of the network also publishing a printed journal. While some participants preferred this solution to an electronic newsletter due to the permanency of the printed medium, other participants suggested publishing a printed version of the journal only at a later stage of the network when the question of funding has been cleared, as a printed journal is more expensive than an electronic newsletter.

3.7. Moot court

The idea of organising a moot court on private international law was seen as being attractive to young students and bringing publicity to the network. However, some participants expressed their fear of a high organisational effort being needed.

3.8. Format of the network

Different opinions were raised with regard to the format the network should take. A general tendency could be stated regarding a preference of involving different institutes, which are already in existence.

Some participants stated that if in each Member State a small defined group of experts or an institute was to organise the national work of the network, a high outcome of results of the work would be guaranteed.

Many participants favoured the idea of establishing study groups.

Some participants expressed their opinion that the link to an institute is important in order to assure the reputation of the network itself. However, it was stated that the network should not infringe the activities of existing networks.

It was the general consensus that a new institute should not be established with its seat being in only one Member State. If a new institute is to be created, it should be divided across different countries and involve other institutions which are already in existence.

It was stated that the divide between a network of services and a network of excellence ought to be clearly distinguished.

With regard to the form of an association, the fear was expressed that associations may “tend to vanish” and for this reason at least a fixed office with a telephone would be necessary.

3.9. Final remarks

With regard to the language to be used by the network, the participants generally stated that English should be the working language of the network. However, with regard to written research material, it would be useful to provide such material at least in the most spoken languages.

The participants to the meeting expressed their general interest in participating to a network and asked to be informed on the progress of the further project and the possible development of a network.

Helsinki, October 2005

Sibylle Calabresi-Scholz