

Italy

Date: 24 February 2006, 14.45 pm – 19.00 pm
Location: Verona, Italy
Organised by: Prof. Franco Ferrari, Italian National Correspondent

Number of experts invited: 75
Number of experts present: 14
Number of participating persons: 85

1. Experts present:

- M. Alessandri (Member of the Bologna Bar)
- Prof. M.C. Baruffi (Verona, University)
- G. Bisazza (Member of the Verona Bar)
- S. Dindo (Member of the Verona Bar)
- M. Faccioli (Ph.D., Verona University)
- Prof. L. Fumagalli (Milan University)
- Prof. C. Giovannucci Orlandi (Bologna University)
- R. Hausmann (Konstanz University)
- R. Luzi Crivellini (Member of the Verona Bar)
- F. Ragno (Ph.d. candidate, Verona University)
- R. Omodei Salè (Member of the Vicenza Bar)
- Honourable A. Rizzieri (Judge, Tribunale Di Padova)
- M. Tesaro (Member of the Verona Bar)
- Prof. M. Torsello (Bologna University)

2. Agenda:

1. Opening at 14.45 pm by Prof. Franco Ferrari who gave an overview of the state of the Europeanisation of private international law and international civil procedure.
2. Presentation by experts (Baruffi, Fumagalli, Hausmann, Ragno) of specific problems of the Europeanisation of the law
3. Presentation of the project by Mr Thomas Simons
4. Discussion
5. Closing

3. General level of interest experienced:

Compared to the number of experts to which an invitation was extended, the number of experts present at the meeting was relatively small; this may have been due to the fact that on that same date another meeting was held (in Milan) on the occasion of which private international law issues were discussed, albeit different ones. Some participants stated that the lack of more interest may also be due to the fact that there are not very many experts in Italy who specifically deal with private international law.

It should be mentioned that the experts present showed great interest in the project.

4. Suggestions/critique regarding different scenarios of networks

After pointing out that a network such as the one proposed does not yet exist, in so far as existing networks are generally national networks, composed of members from one country only, and that the creation of the network such as the one proposed is therefore to be welcomed, the participants suggested that the network should operate through national contact points in each Member State. It is for this reason that it was stated that the identification of the contacts point would be crucial to the success of said network.

Most experts agreed upon the fact that the contact points should reflect the situation existing in the various countries. This means, for instance, that where research on private international law is mostly carried out in specialized research institutions, these institutions should be involved in the project as far as possible. Where, however, such as in Italy, research is carried out by individuals, these individuals should be put in charge of the contact points. In this respect it was suggested to consider carefully whom to contact, as Italian scholarship in this area (as in most areas) is linked to various schools of thought that do very much compete with each other. It would be preferable to try to get all of these schools of thought involved.

In relation to the Italian situation, it was pointed out that research is mostly done by individuals rather than research institutions. Furthermore, it was pointed out that in Italy it is mostly academics that are concerned with the issues to be dealt with by the network. Some participants suggested that this may cause the research to be carried out to be theoretical. Other participants pointed out, however, that Italian academics often practice law too, thus reducing the risk of the research being to theoretical.

As for the topics to be dealt with by the network, it was pointed out that in Italy there is a general lack of information in the field of private international law; consequently, any information the network would be able to provide to lawyers and judges alike would be welcomed. Nevertheless, it was felt that the network should more extensively deal with issues of contract law and tort law, as these appear to raise more issues than wills and trusts or similar matters.

5. Suggestions/critique regarding activities of the network

It was suggested that the network organize a big event on a very up-to-date topic in order to become more visible.

It was also suggested that the network find a way to make the research carried out and information collected readily available to lawyers and judges as well as to anybody interested in private international law (researchers, academics, etc.).

Verona, 24.02.2006
Prof. Franco Ferrari.