

Lithuania

Date: 27. October 2005
Location: Faculty of Law, Vilnius University
Organised by: Prof. Valentinas Mikelenas (Lithuanian national correspondent) and Ms. Sibylle Calabresi-Scholz

Number of experts invited: 5
Number of experts present: 2

1. Experts present

- Ass. Prof. Alvydas Gineitis – Professor M. Rumeris University, faculty of law, department of international and European union law; advocate
- Prof. Valentinas Mikelenas – Professor Vilnius University, faculty of law, department of civil law and civil procedure; judge at supreme court of Lithuania

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

Due to time constraints of the national experts the interviews with Prof. Mikelenas and Ass. Prof. Gineitis were conducted separately.

2. Agenda

1. Introductions
2. Presentation of the project
3. Discussion

3. Report on the meetings

The experts who participated to the meetings showed a high interest in the creation of a network. They identified the number of experts doing research in the field of private international law in Lithuania to be very small. Many researchers fulfil not only teaching activities at universities but are also active as legal practitioners such as lawyers or judges.

Membership in the existing networks among the participants include:

- TRENTO Project (Mikelenas)

- Working Group on EU Family Law, chaired by Prof. Boele-Wolki, Utrecht, NL (Mikelenas)
- Expert Group on EU Civil Code, chaired by Prof. von Bar (Mikelenas)
- Contacts to UNIDROIT for research purposes (Mikelenas)
- Representation of Lithuania at UNCITRAL (Mikelenas)
- International association of procedural law (Mikelenas)
- Informal collaboration between law firms, especially in the Baltic States (Gineitis)

3.1. Objectives of the Network

As a main objective of the network the experts presented the need to comply with the lack of sufficient information exchange. There is a basic need especially among legal practitioners to receive the necessary information concerning the field of private international law. This information should be presented in a clear and concise way. It was stated that legal practitioners need to know, for example, how regulations are applied in other Member States. Their work becomes easier if they can refer to case law and legal texts from other countries. Furthermore, information concerning foreign law in general should be furnished. Judges could also receive practical information, such as how to formulate their judgments in order to make them easily recognisable and executable in other Member States.

The participants expressed an interest in actively contributing to the European legislative process. Until now such participation is only established by members of the European parliament asking opinions of national experts or the national parliament requesting the opinion of judges and experts. Currently, no involvement in the European legislative project is possible before a green book is issued. A lack of involvement of the opinions of national experts in the first stage of the legislative European process was stated. The opinion was expressed that not only the involvement of researchers in the legislative progress could be useful, but also the involvement of legal practitioners as they are able to base their opinions on the real needs experience in practice.

Another objective of the network should be according to the Lithuanian experts the establishment of personal relationships between national experts across Europe.

3.2. Database

In order to comply with the need to receive relevant information, the idea of building up a database on private international law on the internet was brought up. Such a database would especially permit legal practitioners to receive the needed legal information. It would also serve for researchers, professors and post-graduate students. Until now in Lithuania only one textbook on the subject of private international law exists. Therefore legal information from other Member States is needed. Such information could be made public on the website.

On the website, it could furthermore be published how the regulations are applied in the other member states. The information should be presented in a clear and concise way in order to reach all legal practitioners. If legal practitioners external to the group of experts involved in the network shall be reached, the information should be presented in Lithuanian.

It would be helpful to present the website in such a way so that it could be cited in legal practice and referred to by lawyers and judges.

It was suggested to include a directory of lawyers who are experienced in private international law in order to facilitate the formation of business relationships and the possibility to suggest foreign lawyers to clients.

It was suggested to provide helpful information concerning existing institutes, research projects, comparative research projects, publications, legal articles or extracts from text books (the latter giving rise to a copyright problem which would need to be resolved) on the database.

3.3. Conferences

In order to create contacts between national experts, it was suggested that the network should organise conferences. Such conferences should possibly be held more than once a year and in several locations in Europe in order to enable all members of the network to participate at the meetings.

The idea was brought up that in addition to the conferences a “yearbook of private international law” could be published, containing information on the topics discussed during the conferences.

The establishment of personal contacts through conferences was identified as a good method to find other researchers interested in collaborating on cross-border research.

3.4. Discussion forum on the internet

The participants brought up the idea of establishing one or several discussion-forums on the internet. The experts could discuss different arguments of private international law or recent judgments on such discussion forums. As an example for an existing discussion list, the Oxford University Comparative Law Forum (<http://ouclf.iuscomp.org/>) was cited.

3.5. Publications

It was discussed whether publications should be provided through the network in the form of an electronic newsletter or published on paper. While the electronic newsletter permits possi-

bly to search the information provided according to keywords, a paper publication is more comfortable to read. Therefore it was suggested that the network should publish both a paper publication and an electronic newsletter, the latter being searchable by keyword.

3.6. Involvement in the legislative process

It should be insured that the network be included in a systematic way in the legislative process of the European Union from the outset. The wish was expressed that the members of the network should get the possibility to participate in discussions before a green book is published.

3.7. Format of the network

It was discussed whether the network should take the format of an institute or an association or a third kind of form.

With regard to the form of associations (“European association of private international law”) it was welcomed that such a form of network could enable the participation of a large number of members. However, the problem of language was raised and therefore it was suggested to organise an association with national subsidiaries. The association should be open to all kinds of members, such as academics and legal practitioners. The members should meet from time to time in order to exchange information and organise conferences and seminars. Regularly a very large conference could be organised, on the basis of which a year book could be published. However, it was stated, that the problems of an association would be the limited number of persons who prove to be really active therein and therefore difficulties of organisation are foreseeable. The association would depend on the private initiative of the members. On the other hand it would not be so cost-intensive and a small membership fee could be asked.

The participants at the meetings did not favour the form of an association or an institute. With regard to the form of an institute, the main problem of financing was raised. It was stated, that it is also difficult to involve all member states. However, the institutes could organise activities which involve a large number of experts from all Member States. The advantage of an institute would be its permanency.

3.8. Final remarks

Both national experts expressed a high level of interest in participating to a network. Prof. Mikelenas stated that he would rather prefer participation to an institute than to an association. Prof. Gineitis stated that his personal collaboration to any form of a network could be for example to provide brief comments on national law or to collect relevant national judgments.

Vilnius, October 2005

Sibylle Calabresi-Scholz