

# Sweden

**Date:** 31 October 2005  
**Location:** Law Faculty, Uppsala  
**Organized by:** Marie Larsson Linton

**Number of experts invited:** 37  
**Number of experts present:** 11

## 1. Experts present:

- Chief Head Librarian Dr. Ulf Göranson
- Ass. Prof. Dr. Michael Hellner
- Dean of the Law Faculty Uppsala Prof. Dr. Maarit Jänterä-Jareborg
- Ass. Prof. Dr. Marie Larsson Linton
- Lecturer Ija Fink Lundgren
- Advocate Fredric Renström
- PhD-candidate Carolina Saf
- PhD-candidate Mosa Sayed
- Advocate Ann-Christine Sigvardsson
- PhD-candidate Magnus Ödman
- PhD-candidate Kristina Örtenhed

Present on behalf of the project were: Marie Larsson Linton (national correspondent) and Dr. G. Schmidt (T.M.C Asser Instituut). Dr. Schmidt presided the meeting.

## 2. Agenda:

1. Opening
2. Introduction of the participating experts
  - Who are you?
  - Do you participate in existing European Networks and projects and other forms of cooperation?
  - What is your impression of the objectives of the project?
3. The Role of the Network?
  - Advisory Body - Commission
  - Informal
  - Institutionalized
  - Other
4. Why Would You Participate?
  - Documentation and Information
  - Incidental co-operation
  - Institutionalized co-operation
  - Other
5. Discussion: Network-Members
  - Who should be involved in the network?
  - How can these groups be reached?
  - Membership entails obligations?
6. Membership

- Full membership or associate?
  - European or also non-European?
  - Individual or institutional membership?
  - Open membership or by cooptation?
7. Possible Models for the Network
    - An organized interest group, possibly with a professional support unit?
    - A Network of Excellence in Europe combining, existing networks?
    - A European institute, possibly as a joint venture of a group of universities?
  8. Closing

## **REPORT ON THE MEETING**

### **3. Introduction**

Following a short presentation of the project by Dr. Schmidt the participants introduced themselves stating their membership of relevant societies and their experience in cross-border research and international projects.

Memberships to existing networks and experience in cross-border research and international co-operation among the participants include:

- Nordic Group of Private International Law (NGPIL)
- Steering Group, Commission of European Family Law
- Nordic Family Law Group
- Curatorium, Hague Conference for Private International Law
- International Academia of Matrimonial Lawyers
- British Institute of Comparative Law
- International Academia of Comparative Law
- The Nordic Ministerial Expert Group on Issues of Family Law (including Private International Law)
- European Institute of Public Administration (EIPA)
- Seminars within the framework of Europäisches Rechtsakademie (ERA)

The initial reaction to a European Research Network was of interest to most participants. An initial reaction among some of the participants was also one of curiosity. The involvement of practitioners was held as positive; the opinion was put forward that a future network could counteract private international law lacunae, among Swedish practitioners, that sometimes exist. However, some participants expressed doubts concerning the objectives to be achieved and the need for an additional network.

### **4 The Role of the Network?**

The (uncertain?) relation to the European Group of Private International Law was discussed. The questions concerned whether forms of co-operation had been elaborated with the European Commission. It was explained that a larger network than the European Group of Private International Law was called for by the Commission.

The further discussions evolved around the financial aspects of running a network. The general experience among the participants was that administering a network requires funds. Moreover, managing a network entails several difficulties and is time-consuming. If no funds are available the general meaning was that creating a European Research Network would not be feasible.

### **5 Why Would You Participate?**

It was acknowledged that access to documentation and information (e.g. information on foreign law, information concerning foreign researchers and lawyers etc.) are important factors for participation.

Problems with a bibliography and the use of different techniques were considered. The general meaning was that keeping a bibliography up to date is always problematic. Moreover, a bibliography must be used and notice must be given of the use of the bibliography in order to function. Furthermore, some participants emphasised that the significance of a bibliography can be undermined if different techniques are employed. At the end of the day different techniques can make it difficult or even impossible to access the information in a bibliography.

Whether researchers would be prepared to publish articles in a bibliography was also discussed. Several suggestions were put forward to enhance participation in publishing articles, e.g. publish abstracts in another language than the original text, publish some articles etc. A bibliography was also held to be a means to contacting researchers in other countries, *inter alia* to receive explanations of foreign legislation or case law.

Concerning the issue of balance between contributing to and gaining from the network for all the participants in the network not all participants were altogether positive to be on a list, mainly because of past experiences. Some expect researchers to rapidly answer extensive questions sent by e-mail for example. Even writing a brief response may be time-consuming. Some participants suggested including rules of conduct on a web-site, whereas others did not concur with this suggestion. Another suggestion to circumvent the problem was to send a short answer or to inform the requesting party that there is a fee involved.

The discussions then transferred to what had already been achieved in this field and other connecting European projects, such as the "Database-project". The participants were informed about the "Database-project" and the questionnaire. The opinion was that a future European Research Network could elevate the "Database-project". It could also be valuable if questions need to be answered concerning the "Database-project".

The discussions then transferred to the participants needs in terms of what they would like to "get back" from a future network. Different suggestions were put forward:

- Access to information of different kinds.
- "Marketing Sweden".
- Increase awareness of private international law.
- Co-operation with parties that have national/international interests.
- A network could increase knowledge of case law from other Member States. This was held as important, and especially useful for courts. From a Nordic perspective Sweden has a lot of private international law legislation (in particular with regard to the Hague Conventions), but not a lot of case law.
- To keep updated with current issues. A network should serve the purpose of making novelties known.
- To organise conferences where persons concerned are invited. Access to conferences, for example the summer sessions at the Max Planck Institute, is limited to certain groups of people today. If conferences arranged by the network would be open to others than academics it could serve as a bridge between academics and practitioners.

## **6 Discussions – Network – Members**

The view was expressed that both academics and legal professionals should have access to a future network. To reach and involve these groups a combination of methods was proposed: active lobbying and marketing. Generally, it was held to be easier to involve academics than professionals in networks. To reach professionals the Swedish Bar Association could be addressed. However, some participants

were critical to involve everybody – instead only experts should be invited. The importance of advertising professionals in international disputes was also emphasized in this context. It was suggested that one could perhaps give an indication of how one would like to participate to solve this issue.

## **7 Membership**

As the participation was suggested to be open to persons interested the discussions then concerned whether the network could involve also non-European participants. The conclusion was that focus should of course be on European law including a broad platform with both individual and institutional membership in the form of an open framework with narrow projects carefully chosen. Focus of the network should thus be on small specialised areas.

## **8 Possible Models for the Network**

Three different options were discussed as possible models for the network:

- A. An organised interest group, possibly with a professional support unit.
- B. A Network of Excellence in Europe combining existing networks et. al.
- C. A European institute, possibly as a joint venture of a group of universities.

B) and C) was regarded as too vague and costly by some participants. A) was considered as a feasible alternative. However, some participants were rather sceptical concerning the real difference between options A) and C). The point of view was expressed that it does not have to look exactly the same in each Member State. Instead a combination of networks could be used, but with an “overall network” for the whole EU that will give room for structures of regional alternatives or interests.

## **9 Aims and Objectives**

Information on case law, legislation, finding partners for research co-operation, research contacts as well as promoting interest and awareness of private international law were held to be the most important objectives for the network. There was consensus that the network should not engage in student/teacher schemes. The Socrates scheme already involves the exchange of students and teachers. From a Swedish perspective there are limited possibilities for teachers to teach in another country due to the current level of hours that Swedish teachers must do in class. Going abroad to teach would just be an additional burden.

## **10 Closure**

The meeting was then concluded with drinks and snacks where the discussions continued. Additional suggestions were made to involve main journals and organisations - for example IPRax, Europäisches Rechtsakademie, Hague Academy of Private International Law - in the network.

The overall discussions were characterised by “critical pragmatism”. Most participants found it difficult to pinpoint aims and objectives not knowing the economic considerations involved. It was asked “what does the European Commission want that it does not already have?” Several participants also found it too uncertain as to the achievements of a network.

Jönköping, November 2005

Marie Larsson Linton