

SLOVENIA

EXPERT MEETING – EUROPEAN RESEARCH NETWORK IN PRIVATE INTERNATIONAL LAW

Report

Place: Ljubljana, Faculty of Law

Time: October 20, 2005, 2 p.m.-5 p.m.

Organized by: T.M.C. Asser Instituut

Number of experts invited: 37

Number of experts present: 13

1. Experts present:

- Prof. Dr. Aleš Galič, professor, Faculty of Law, Ljubljana, national correspondent
- Živa Drol Novak, lawyer, ZPS - Slovene Consumer's Association
- Dr. Mateja Končina Peternel, judge, High Court of Ljubljana
- Mag. Nina Betetto, judge, High Court of Ljubljana
- Jan Zobec, judge, Supreme Court of Slovenia
- Mag. Marko Kirn, Government Office for EU affairs
- Jerca Kramberger, LL.M, research assistant, Faculty of Law, Ljubljana
- Dr. Damjan Možina, assistant professor, Faculty of Law, Ljubljana
- Dr. Špelca Mežnar, assistant professor, Faculty of Law, Ljubljana
- Melita Trop, LL.M, attorney at law, »Miro Senica in odvetniki« law firm, Ljubljana
- Dr. Luigi Varanelli, attorney at law, Ljubljana
- Mag. Andrej Ekart, research assistant, Faculty of Law, Maribor
- Primož Gabrič, research assistant, Faculty of Law, Maribor

Dr. Vesna Lazić presided the meeting on behalf of the T.M.C. Asser Instituut, The Netherlands

2. Agenda

1. Opening
2. Introduction of the project and its principal objectives by dr. Vesna Lazić
3. Introduction of the present experts, their participation in the existing research networks, their views on the general objectives of the project, their main expectations from the project
4. Discussion on specific questions concerning the project
 - Possible format of the network – possibility of institutionalized cooperation?
 - Form of membership in the network? How to attract practitioners into the project?
 - Forms of cooperation
 - Aims and objectives of the network
 - Products, services of the network
 - Why would you participate in the network and what could you personally contribute to the project?
 - Relation between the European Union and the network?
 - Network research – coordination?
 - Who else should be involved in the study?
5. Closing

3. Report on the meeting

After the introductory presentation of the project by dr. Vesna Lazić, the participants introduced themselves, summed up their work in the field of the private international law, stated their participation in different international projects and expressed their general views of the proposed project of a European Research Network.

The experts are active in several international research bodies, organizations and projects, for example:

- Study group for the European Civil Code
- Max Planck Institute, Hamburg
- CARDS regional project

- The European Consumer Centres Network

- EUROIURIS

etc.,

several are national correspondents for the EU bodies in different fields of civil law;

several are active in bilateral and multilateral projects between European universities and organizations, as well as cooperating on individual level with experts from other countries.

Initially, the present experts welcomed the idea of a more organized and wider cooperation in the field of private international law on the EU-level, with regard not only to the EU-legislation but also to the national legislations (comparative aspects). They are interested in acquiring as well as ready to contribute knowledge and information.

However, the experts pointed out the existence of many projects, organizations, institutions etc. dealing with private international law in the EU. The new network should therefore not only be one of the many, but try to provide services that do not already exist or to make the existing services accessible to a wider circle of users.

The experts agreed on the crucial importance of the question of financing of the network. At least some information on that point would ease the discussion on every subject on the agenda.

After the general discussion, the experts approached more specific questions as follows.

1. *Need for a network*

In spite of many existing international projects, the experts feel the need of a better cooperation in the field of private international law and therefore welcome the project of a research network. As the present experts were academics as well as practitioners from different professions, their expectations from the network varied considerably. The network should organize conferences, build a database of judgments, offer possibilities of publishing their work, provide a system of experts answering specific questions of the members, influence the process of enacting EU-legislation etc.

2. *Possible formats of the network*

The possibility of an institutionalized and well organized network was preferred to a “free” network. This would help guarantee high quality services and actual cooperation between experts. It would also enable to take part more easily and effectively at the legislation process in the EU. The exact form of the institution depends on the financial resources.

3. Membership in the network

The experts agreed on an open membership so as to include as many persons dealing with private international law as possible. Nevertheless, minimum criteria should be imposed, to guarantee the professional quality of the network.

The opinions were parted on the question of whether the members should be individual experts or institutions. On one hand, the individual membership would mean bigger personal responsibility of the members to participate, answer questions etc. and thus maybe more efficiency for the network, on the other hand however, the institutional membership would enable substitution among persons working at such institution and teamwork.

The experts were unanimous that the practitioners should be invited and included in the network. A better cooperation between academics and practitioners would enrich both sides, enable the academics to deal with “real” issues and make possible for the practitioners to get an expert solution when facing a case in private international law. In Slovenia, there should not be a problem to include the practitioners into the project, as law firms, judges, ministries etc. show big interest for the European private international law. If the Network proposed products and services which could be of use for the practitioners, they would surely be interested to participate.

In addition, the membership of governmental organizations was mentioned. The network could in this way influence the legislation process in the EU more directly.

As to the obligations of the members, the experts agreed on a moral obligation for the members to participate, e.g. give short answers to questions, give references etc. There should be no obligation to provide more important research work. This should be contracted separately.

4. Possible network products and services

On this question, many ideas were launched. The Network should above all represent a pool of information and ways of access to information on the European private

international law. The network could regularly organize conferences, if possible with a specific subject, known well in advance, so that the experts could prepare reports and questions and thus make the sessions effective. The network could also found an internet forum with possibility to ask questions and get answers (or at least references) from experts when facing specific problems. Furthermore, the network could found a proper publication where the experts from all European countries could publish their work. The practitioners pointed out the need for national “practice guides” in private international as well as in comparative law, which would enable them to get quick information on the legislation of other countries. The academics as well as the practitioners welcomed the idea of a collection of national judgments concerning European legislation in private international law. This would help the researchers to get materials for their studies and enable the judges to unify the solutions in similar cases. It would especially help the judges from smaller countries where there are fewer cases to profit from the abundant jurisprudence of bigger countries.

As to the educational function of the Network, the experts stressed the actual existence of several institutions pursuing very successfully this goal, like for example the ERA. If the Network should propose such services, it should concentrate on the services that are not yet available on the European market.

Ljubljana, October 20, 2005

Prof. Dr. Aleš Galič, national correspondent