

WINTER SCHOOL ON TRANSACTION PLANNING AND CROSS-BORDER DISPUTE RESOLUTION
IN CIVIL AND COMMERCIAL MATTERS:
FROM THE EUROPEAN UNION TO A GLOBAL PERSPECTIVE

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(online)

Transaction planning in civil and commercial matters is designed to enhance predictability and justice in legal relations, reducing the risks and costs associated with, especially, cross-border dispute resolution. As such, this area of the law is of paramount importance in the establishment of cross-border trade relations.

Against this background, this course aims to provide the students with an understanding of judicial cooperation in civil and commercial matters as between Member States of the European Union and vis-à-vis non EU-countries. Notably, the course aims at familiarizing the students with fundamental EU concepts and procedures (classes No 1 and 2). It then proceeds to address the regime established with the so-called Brussels I-bis Regulation on jurisdiction and recognition and enforcement of judgments in civil and commercial matters (Regulation (EU) No 1215/2012) (classes No 3 and 4). Subsequently, it discusses multilateral treaties in this area of the law (classes No 5 and 6). In this framework, it examines the impact of the adoption of the 2005 Hague Convention on Choice of Court Agreements (currently in force between 34 jurisdictions, including the European Union; the Convention was ratified by Ukraine in April 2023 and is due to enter into force in August 2023) on the global setting, also in light of the progressive expansion of international commercial courts. Furthermore, it considers the impact of the 2019 Hague Convention on the Recognition and Enforcement of Judgments in Civil or Commercial Matters (the Convention – which is considered a catalyst of a global judicial union – was ratified by the European Union and Ukraine in 2022 and will enter into force on 1 September 2023). Ultimately, alternative dispute resolution mechanisms, such as arbitration and mediation, will be examined via references to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (ratified by all the EU Member States, and by Ukraine in 1960) and to the 2019 Singapore Convention on International Settlement Agreements Resulting from Mediation (class No 7).

The course will be taught in English, from the perspective of a practitioner from Ukraine who wishes to explore and use, for the benefit of their clients, transaction planning and dispute resolution instruments in legal relations involving the European Union.

Programme:

1)	Transaction planning and dispute resolution: Introduction to the course. Mutual trust in the European Union	18 October 2023 noon – 1:00 pm CEST 1:00 – 2:00 pm EEST	C. Mariottini
2)	Preliminary References: The dialogue between the Court of Justice of the European Union and national courts	18 October 2023 1:00 – 2:00 pm CEST 2:00 – 3:00 pm EEST	L. Gradoni
3)	Coordination of the national procedural systems - The Brussels I-bis Regulation (I): Jurisdiction	25 October 2023 noon – 1:00 pm CEST 1:00 – 2:00 pm EEST	M. Buzzoni
4)	Coordination of the national procedural systems - The Brussels I-bis Regulation (II): Recognition and enforcement of judgments	25 October 2023 1:00 – 2:00 pm CEST 2:00 – 3:00 pm EEST	C. Mariottini
5)	The 2005 Hague Convention on Choice of Court Agreements	1 November 2023 noon – 1:00 pm CET 1:00 – 2:00 pm EET	M. Groff
6)	The 2019 Hague Convention on the Recognition and Enforcement of Judgments in Civil or Commercial Matters	1 November 2023 1:00 – 2:00 pm CET 2:00 – 3:00 pm EET	C. Mariottini
7)	Alternative Dispute Resolution: The 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the 2019 Singapore Convention International Settlement Agreements Resulting from Mediation	8 November 2023 noon – 1:00 pm CET 1:00 – 2:00 pm EET	P. Ortolani

- Daylight saving time ends on October 29th 2023 for both Central Europe and Ukraine. This is reflected in the passage from CEST to CET and from EEST to EET.

Lecturers:

Marco Buzzoni, Max Planck Institute Luxembourg for Procedural Law

Lorenzo Gradoni, Max Planck Institute Luxembourg for Procedural Law

Maja Groff, former Principal Legal Officer, Hague Conference on Private International Law

Cristina M. Mariottini, former Senior Legal Officer, Hague Conference on Private International Law

Pietro Ortolani, Radboud University