



Litigation, ADR and contracts meeting report
17/05/2019
LJUBLJANA

Were present:

20 participants from 12 countries: Holland, Germany, United Kingdom, Belgium, USA, Monaco, Spain, Finland, Poland, Italy, France, United Arab Emirates.

Attendance list attached.

Also attached are several photos:

https://pbase.com/eurojuris/eurojuris_pg_days_2019_ljubljana

Introduction:

The Working Group website and the published articles are presented to the participants.

A seminar on cross-border litigation by the Academy of European Law (ERA) in Trier from 24 to 28 June 2019 is also advertised (www.era.org).

First topic discussed: distribution contract and bankruptcy:

By Stefan Daubner, Busekist & Patners (Germany), assisted by:

- UK solicitors: Luke Harrison of Denbenham, Rix & Kay and FBC Manby Bowdler,
- Guillaume Cardoen, Giaccardi firm in Monaco,
- Hans Magnus, Egger firm in Italy,
- Benedykt Fiutowski, firm in Poland,
- Timo Maenpa, Backström firm in Finland,
- Alejandro Espada, firm in Spain,
- Thierry Clerc, IFL firm in France.

Second Presentation: GDPR and Brexit

by Steven Van Kerkhof, Manaerts & Appeals (Holland):

- good summary of the subject;
- very pleasant presentation despite the demonstrations in the city;
- useful as a reference for mergers and acquisitions audits;
- with a presentation of standard clauses;
- mentioning e-Privacy Directive 95/46/EC and Directive 2002/58/EC (articles 4, 5.1, 5.3, 6, 9, 13);
- also punitive clauses damages;
- and group actions.

Third Intervention on Brexit

by Peter Wilding, FBC Manby Bowdler (UK):

To be viewed on the following link: «<https://www.fbcmb.co.UK/media-centre/videos/article/8058/Peter-wilding-on-brexite>»

It favours the "no deal option" which is the most realistic option.

As a result, the following topics will need to be revisited:

- applicable law and courts having jurisdiction,
- compliance clauses,
- the clauses of CE marking and authorised representative,
- the problems of enforcement of judgments with regard to the other conventions of Lugano or the Hague in the absence of European regulation.

To anticipate, his firm foresees the auditing of commercial contracts on the following points:

- litigation,
- agricultural,
- manufacturing,
- planning, property environment,
- data protection,
- employment,
- family law,
- wills and probate,
- medical negligence.

We must also remember the Reach regulations, CLP (labelling), RoHS (dangerous substance).

NEXT MEETING: Frankfurt , Friday 11th October 2019, 9:00 to 16:00

Suggested topics:

- visit of the Court, by Christian Schlemmer
- product liability and insurance coverage, by Thierry Clerc

- the growth of third party funding for disputes, by Luke Harrison
- international commercial arbitration topic, by Stacey Barnes

03/06/2019

Christian Schlemmer
cschlemmer@caemmerer-lenz.de

Thierry Clerc
clerc@eurojuris.fr