Joint CNF and CCBE Conference on the proposed Common European Sales Law

Rome, 11 April 2012

The proposed Common European Sales Law – the lawyers’ view

The proposal from the European Commission for a Regulation on a Common European Sales Law (CESL) has raised divergent reactions from various parties across Europe. In order to contribute actively to this discussion from the lawyers’ point of view, the conference aims to promote a debate and exchange of views among legal practitioners regarding the main legal issues of the CESL. General questions such as ‘Do we need a CESL?’, ‘Can the CESL achieve what it sets out to do?’ and ‘The relationship with Rome I and the Vienna Convention’ will be addressed, as well as some specific provisions of the proposal. The conference will gather representatives from the European Commission and the European Parliament, and also lawyers from different jurisdictions across Europe known for their expertise in this field.

Simultaneous interpretation will be provided in English, French and Italian

Venue: Consiglio Nazionale Forense (CNF)
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Programme

Moderators:
Prof. Ubaldo Perfetti, Vice-President of the CNF

08:30 – Registration

09:00 – Opening addresses
Marcella Prunbauer-Glaser, President of the Council of Bars and Law Societies of Europe (CCBE)
Prof. Ubaldo Perfetti, Vice-President of the CNF

09:30 – Introduction of the CESL
Presentation by Dirk Staudenmayer, Head of Unit – Contract law, European Commission
10:00 – A perspective from the European Parliament
Presentation by Luigi Berlinguer, MEP, Vice-Chair of the Legal Affairs Committee and Co-Rapporteur on the CESL

10:30 – Questions

10:45 – Coffee break

11:15 – PANEL DISCUSSION I
A General perspective on the CESL – Chair: Friedrich Graf von Westphalen, Chair of the CCBE European Private Law Committee
- Do we need a CESL?
- Legal basis and scope
- The optional nature
- Can the CESL achieve what it sets out to do?
Panel: Prof. Giuseppe Conte (Italy), Fergus Randolph QC (United Kingdom), Georg Maier-Reimer (Germany)

12:45 – Lunch

14:15 – PANEL DISCUSSION II
The CESL and existing provisions – Chair: Friedrich Graf von Westphalen, Chair of the CCBE European Private Law Committee
- Aspects of conflict of laws
- When does the CESL apply?
- The relationship with Rome I and the Vienna Sales Convention
Panel: Prof. Ubaldo Perfetti (Italy), James Wolffe QC (United Kingdom)

PRESENTATIONS: SOME THOUGHTS ON SOME PROVISIONS OF THE CESL

15:00 – Making a binding contract and assessing what is in the contract
Friedrich Graf von Westphalen, Chair of the CCBE European Private Law Committee

15:20 – Discussion

15:30 – Coffee break

16:00 – Requiring and withholding performance, termination and price reduction: the CESL in comparison with the Vienna Sales Convention
Enrica Senini (Italy)

16:20 – Discussion
16:30 – What is the CESL’s contribution in terms of damages and interest
Louis-Bernard Buchman (France)

16:50 – Discussion

17:00 – Conclusions
Prof. Ubaldo Perfetti, Vice-President of the CNF

17:30 – End of the conference

20:30 – Dinner at the Palazzo Massimo di Pirro, Corso Vittorio Emanuele II, 145 in Rome (at walking distance from the conference venue)

For background documentation about the Commission’s proposal, you may find it useful to consult this page: http://ec.europa.eu/justice/newsroom/news/20111011_en.htm