

Registration and information

If you would like to participate, please register by sending an email to ticom@uvt.nl or with José Sintnicolaas-Van Nuland at +31.13.4668954. Registration is open until 1 November 2009. For more information, please contact the organisers Jan Smits and Gary Low at ticom@uvt.nl. Participation is free. However, please be advised that space is limited.

If you have already registered, but are now unable to attend, please kindly cancel your registration by contacting TICOM.

The event will be held in the Klompé-room (room C187 in the Cobbenhagen building) at Tilburg University. More information on how to reach our campus can be found at www.tilburguniversity.nl/contact.

About TICOM

TICOM is the Tilburg Institute of Comparative and Transnational Law. TICOM conducts fundamental research in the fields of European private law, European constitutional law and comparative law and strives to create an inspiring and internationally oriented research climate at the Tilburg University campus.



TICOM

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EUROPEAN PRIVATE LAW AND ITS INGREDIENTS

'Does the Draft Common Frame of Reference Represent Private Law in the Right Way?'

A TICOM Seminar

Wednesday, 4 November 2009

13.15—17.00 hrs

Cobbenhagen Building Room C187

Faculty of Law

Tilburg University

With presentations by
Professor Nils Jansen (Münster)
Dr. Stephan Swann (Osnabrück)
Professor Jan Smits (Tilburg)

And comments from
Dr. Bram Akkermans (Maastricht)
Dr. Reinout Wibier (Tilburg)
Dr. Eric Tjong Tjin Tai (Tilburg)

Aim of the Seminar

By the end of 2009, the final version of the Draft Common Frame of Reference on European Private Law (DCFR) will be published. This is an important event. It marks the end of five years of work by more than hundred academics from all over the European Union. The six volumes of the DCFR are not only bound to shape the debate on European private law in the years to come, but will also play a role in the national private law of the 27 member states. This seminar will discuss the extent to which the DCFR 'represents' private law in the proper way. The DCFR officially consists of 'principles, definitions and model rules', but its general outlook is that of a codification based on rules in much the same way as national codifications are drafted. Furthermore, according to its drafters, the provisions of the DCFR are based on a comparative analysis of the law of the member states and the applicable European law.

This approach raises two important questions. The first is how we should (re)present European private law: by way of rules (as the DCFR does) or in another way - through principles, cases or arguments. The second question is what should be the sources of European private law: only national and European law (as the DCFR claims) or also incorporate other, less 'formal', rules. It is clear that these questions cannot be answered without a clear understanding of DCFR's function.

Programme

Wednesday, 4 November 2009

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| 13.15 | Welcome |
| 13.30-14.30 | <i>The Common Frame of Reference and its Functions</i>
Stephen Swann
With comments by Eric Tjong Tjin Tai |
| 14.30-15.30 | <i>Transnational Restatements: Comparative Law and Academic Legislation</i>
Nils Jansen
With comments by Bram Akkermans |
| 15.30-15.45 | Coffee Break |
| 15.45-16.45 | <i>The DCFR: How to (Mis)represent European Private Law?</i>
Jan Smits
With comments by Reinout Wibier |
| 16.45 | Reception |

About the Speakers

Dr. Bram Akkermans is Assistant Professor of European Private Law at Maastricht University. In 2008, he defended his PhD thesis on 'The Principle of Numerus Clausus in European Property Law. Bram is co-author of the *Ius Commune Casebook on Property Law* and is the assistant-editor of the newly created *Review of European Property Law*.

Prof. dr. Nils Jansen holds the Chair for Roman Law, Legal History, German and European Private Law at the University of Münster. He was previously a professor at the Heinrich Heine University in Düsseldorf and at the University of Augsburg.

Prof. dr. Jan Smits holds the Chair of European Private Law and Comparative Law at Tilburg University and is a visiting professor of Comparative Legal Studies in the University of Helsinki. He was previously a professor of European Private Law at Maastricht University.

Dr. Stephen Swann is at the University of Osnabrück and at its European Legal Studies Institute. He is a member of the Co-ordinating Group of the Study Group on a European Civil Code and co-editor of the Draft Common Frame of Reference.

Dr. Eric Tjong Tjin Tai is Associate Professor of Private Law at Tilburg University. He was previously an attorney in The Hague. In 2007, he defended his PhD at the University of Amsterdam on duties of care in law and ethics. His recent writings include a book on proportionality in the Dutch law of obligations.

Dr. Reinout Wibier is Associate Professor of Private Law at Tilburg University. He was previously an attorney in Amsterdam and New York and is still a part time attorney in Amsterdam. In 2007, he defended his PhD at Tilburg University on alternatives for taking security on bank accounts. His recent writings include a book on transfer of claims in Dutch law.

