

The transition from the European Communities of the 50s to the European Union of the 90s of the last century has helped the European integration process to develop towards new and more ambitious objectives and tasks, with the aim of strengthening Union's institutional architecture as well as rationalising and legitimising its legal order in terms of fundamental values and principles, to make it respectful of the rule of law and human rights, including the rights of persons belonging to minorities (as stated by the new European Union Treaty, Article 2). Indeed, the evolutionary dynamics set in motion since the beginnings of the integration process for an ever closer union among the peoples of Europe, although still far from reaching the goal of the federation of Europe (such as predicted by the Schuman declaration of 9 May 1950), move along the same direction of empowering the Union's political and institutional structure and character as an autonomous community of both states and citizens, "founded on the indivisible, universal values of human dignity, freedom, equality and solidarity", so defined in the preamble of the Charter of fundamental rights of the Union. Furthermore, in this evolving scenario of European integration the idea of Union citizenship is taking shape, according to the European Court of Justice, as «the fundamental status of nationals of the Member States».

From this overall perspective, the problem of making European private law focuses on four key issues closely intertwined to each other:

Why European private law is needed?

How European private law could/should be set up?

What areas, to what extent and what policy objectives could/should be involved?

Who carries the responsibility of making it?

To answer these questions, the *Centro Altiero Spinelli - Jean Monnet Centre of Excellence*, "Roma Tre" University, in collaboration with the "Consiglio Nazionale Forense", the *Associazione Giuristi Europei*, and *EuropeDirect Roma* Centre, promote and organizes a three-days meeting with the participation of scholars, experts and institutional representatives.

The meeting will be articulated in four sessions corresponding to the four key issues stated above.

The "WHY session", next to the still open "yes/no" question on having a "European civil code", that is the question of a "single" (unified) private law at European level as a reflexion of the "single market" (yet to be completed), will concentrate on the problem of the feasibility of the Europeanisation of private law, with an eye to the projects and efforts so far developed to this regard.

The "HOW session" will look at the problem of the so-called "legal basis" of the making of European private law, traditionally understood as the law of persons, family, property, contract and tort, but rooted in values and principles from which emanate the fundamental rights of the Union and the constitutional traditions common to its member states, coupled moreover with the problem of the so-called "options", that is the various possible 'instruments' available for the advancement of the uniformation-harmonisation process of private law at European level and the implementation of such law, also taking into account the relationship of such instruments with and within the broader context of the experience of international unification of private law.

The "WHAT session", bearing in mind questions such as what to harmonise, to what extent and for what policy reasons and purposes (business interests, consumer interests or citizen interests), will concentrate on some of the main areas in which efforts and projects have been attempted and developed to consolidate and to frame a set of rules and principles of European private law, aiming at deepening the knowledge of such projects and related issues.

The "WHO session", finally, will consider the interplay between European institutions, national authorities, stakeholders and other actors involved in the making of European private law.



Conference Bureau

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sotto l'Alto Patronato
del Presidente della Repubblica

"THE MAKING OF EUROPEAN PRIVATE LAW: WHY, HOW, WHAT, WHO"

Giornate per l'Europa 2012



in collaboration with



Rome, 9-11 May 2012

Conference location: **AULA MAGNA RETTORATO, Via Ostiense 159**

Wednesday, 9 May 2012

16,00-16,30

Registration

16,30 - 16,45

Opening session

Guido FABIANI, Rector, "Roma Tre" University

Savino MAZZAMUTO, State Secretary, Ministry of Justice, "Roma Tre" University

16,45-18,30

The Europeanisation of private law: problems and perspectives

Chair: **Antonio TIZZANO**, European Court of Justice

Panelists:

Ole LANDO, Copenhagen Business School

Bénédicte FAUVARQUE-COSSON, "Panthéon-Assas" University (Paris II)

Guido ALPA, "Sapienza" University of Rome

Pietro RESCIGNO, "Sapienza" University of Rome

Thursday, 10 May 2012

09,30 - 11,30

The 'legal basis' of European private law in the light of the EU constitutionalisation

Chair: **Luigi MOCCIA**, "Roma Tre" University

Panelists:

Mads ANDENAS, University of Oslo

Martijn HESSELINK, University of Amsterdam

Hans MICKLITZ, European University Institute, Florence

Christiane WENDEHORST, University of Vienna

11,45 - 13,30

The 'instruments' for implementing European private law

Chair: **Angelo DAVI**, "Sapienza" University of Rome

Panelists:

Hugh BEALE, University of Warwick

Fabrizio CAFAGGI, European University Institute, Florence

Reiner SCHULZE, University of Münster

Verica TRSTENJAK, European Court of Justice

Thursday, 10 May 2012

15,30 - 17,30

The relationship between European private law and the international unification of private law

Chair: **Joachim BONELL**, "Sapienza" University of Rome

Panelists:

Fernando GOMEZ, "Pompeu Fabra" University, Barcelona

Morten FOGT, Aarhus University

Sergio MARCHISIO, "Sapienza" University of Rome

Renaud SORIEUL, UNCITRAL

17,45 - 19,30

European consumer law and its consolidation

Chair: **Diego CORAPI**, "Sapienza" University of Rome

Panelists:

Luc GRZYBAUM, "René Descartes" University (Paris V)

Hans SCHULTE-NÖLKE, University of Osnabrück

Simon WHITTAKER, Oxford University

Vincenzo ZENO-ZENCOVICH, "Roma Tre" University

Conference location: **SALA "PIO X", Via Borgo S. Spirito 80**

Friday, 11 May 2012

09,30 - 11,30

European property law: issues and projects

Chair: **Adolfo DI MAJO**, "Roma Tre" University

Panelists:

Ulrich DROBNIG, Max Planck Institute for Private Law, Hamburg

Brigitta LURGER, University of Graz

Sjef VAN ERP, University of Maastricht

Francesco Paolo TRAISCI, University of Molise, Campobasso

11,45 - 13,30

European contract law: issues and projects

Chair: **Guido ALPA**, "Sapienza" University of Rome

Panelists:

Eric CLIVE, University of Edinburgh

Marco LOOS, University of Amsterdam

Jerzy PISULINSKI, University of Warsaw

Anna VENEZIANO, University of Teramo

Friday 11 May 2012

Common European Sales Law: the Commission proposal and the role of stakeholders

15,30 - 17,00

Andrea ZOPPINI, State Secretary, Ministry of Justice, University "Roma Tre"

Luigi BERLINGUER, Member of the European Parliament

Mihaela CARPUS-CARCEA, European Commission, DG Justice

17,15 - 19,00

Ettore BATTELLI, "Roma Tre" University, Unioncamere stakeholder

Oreste CALLIANO, University of Torino, CEDIC director

Antonio LONGO, Consumers' representative, EESC member

Each session will be ended by discussion

Working language will be English : no simultaneous translation will be provided
Conference works will be video-recorded and made available on CeAS website

"Giornate per l'Europa" - Previous editions

2011, May 11-13

Cittadinanza dell'Unione: un puzzle da comporre

(Union's Citizenship a puzzle to be composed)

2010, May 18-21

60 anni dopo: origini, sviluppi, attualità della Dichiarazione Schuman

(60 years later: origins, developments, and the current value of the Schuman Declaration)

2009, 18-21 May

L'Europa ancora da fare (Europe to be done)

2008, May 19-23

Europa = Dialogo tra le culture

(Europe = Dialogue between Cultures)

2007, May 14-18

Per una nuova Europa: processo costituzionale europeo, diritti fondamentali dell'Unione, partenariato euro-mediterraneo, e modello sociale europeo

(For a New Europe: European constitutional process, Fundamental rights of the Union, Euro-Mediterranean Partnership, and European social model)

2006, May 15-19

Europa al bivio

(Europe at a crossroads)

2005, May 16-20

Il processo costituente europeo: temi, prospettive, incognite

(The European constitutional process: issues, prospects, unknowns)

2004, May 3-7

La Costituzione europea: temi di discussione

(The European Constitution: topics of discussion)