

IECL

Institute of European
and Comparative Law



Annual Report

2020-21



Annual Report 2020-2021

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Director's Introduction

As we enter a new academic year, we look back at the past twelve months with mixed emotions.

In Oxford as elsewhere, 2020-2021 continued to be marred by the ongoing pandemic and saw us adjusting to a 'new normal'. For most of the year, the restrictions on face-to-face interaction and the instruction to 'work from home if you can' meant that the Institute had to operate on a largely virtual basis. Although there was a level of in-person activity during Michaelmas Term



and we were able to welcome a few guests, this ended when a new strict lockdown was imposed after Christmas. It was not until after the summer that the Institute properly reopened.

The repercussions of Brexit have meanwhile become clearer. I reported last year that the University's ability to participate in the EU's Erasmus+ programme would cease with the expiry of the Brexit transition period at the end of 2020 unless the UK government sought to re-associate with Erasmus+. This has not happened. Instead, the **new outward mobility 'Turing Scheme'** has been launched by the government 'to provide funding for international opportunities in education and training across the world'. We were pleased that the University's bid for funding from this scheme was successful and that third-year law students spending 2021-2022 abroad at our European partner institutions will receive funding at the same level as under the Erasmus+ scheme (see the full report by Jeremias Adams-Prassl on p. 50). We are hoping to secure a similar level of funding in future years.

On the personnel side, our colleague and friend **Stephen Weatherill** retired as Jacques Delors Professor of European Law and Deputy Director of the Institute at the end of the academic year after over twenty-three years of dedicated service. We all owe him a huge debt of gratitude for his many outstanding contributions, far too numerous to list here, for his tireless and always enthusiastic support of the Institute and its activities (at one time, some twenty years ago, serving as its Director), and for his wisdom and unfailing kindness on a personal level. We shall miss having Steve on the Institute staff, but are happy that he will continue his academic activities in Oxford and hope that he will remain affiliated to the IECL as a Research Fellow.

Another colleague we would like to thank and honour is **Tony Bradley**, Emeritus Professor of Constitutional Law at the University of Edinburgh and a longstanding friend and associate of the Institute, who has decided to retire from his Visiting Research Fellowship after many years. He has asked me to convey his appreciation and good wishes to the whole of the IECL. We wish him good health and every happiness.

As already indicated, 2020-2021 was not a year in which we were able to welcome many people from outside Oxford to the Institute on account of the pandemic. We were nevertheless pleased that many of our regular programmes and exchanges could go ahead, albeit party on a 'remote' basis. Our Stockholm Centre Oxford Fellow for the year was **Marios Iacovides**; the two Max Planck Gildesgame Fellows were **Christoph Schoppe**, who came to Oxford in Michaelmas Term, and **Christine Toman**, whose 'visit' in Hilary Term had to be a purely virtual one; **Nolwenn Simon** and **Caroline Kahn** came for brief stints each as visiting scholars under the programme we run together with the Maison Française d'Oxford.

We were delighted that a number of Oxford colleagues with a Faculty or College post have joined the Institute as **new Research Fellows**. They are (in alphabetical order) Marco Cappelletti, Horst Eidenmüller, Pavlos Eleftheriadis, Liz Fisher, Barbara Havelkova, Angus Johnston, Signe Larsen, Ewan Smith, and Sandy Steel. We also welcome Laura Carlson, Chair of the Stockholm Committee and formerly a Stockholm Centre Oxford Fellow, and Julian Nowag as **new Visiting Research Fellows**.

The growth in the IECL's Research Fellowship numbers reflects our ongoing efforts to foster the Institute's optimal integration into the Law Faculty more widely and to achieve an even greater coherence between the two academic fields it encompasses, both themselves covering a broad range of topics, namely comparative law and European law (in the sense of EU law). This aim is now facilitated and underscored by the **Faculty's Research Group framework** adopted as from 2020-2021, under which the IECL stands at the helm of the 'Comparative and European' Research Group.

At both Faculty and Institute level, establishing the new framework has made us review and (where necessary) adjust our structures and the way we interact with other fields of law, which are now other Research Groups. For the IECL, we have decided to operate a two-pillar internal structure for questions or processes where there is typically no close link between EU and comparative law; on the other hand, we actively seek collaboration whenever a topic lends itself to bringing several constituencies together. In this spirit, we have run a substantial number of joint seminars and other events, especially discussion group meetings, both within our 'Comparative and European' Research Group and in conjunction with other Groups (see p. 53).

For example, the Comparative Law Discussion Group, which in 2020-2021 devoted most of its events to questions related to 'decoloniality', organised one meeting – on the topic of 'Comparative Constitutionalism and the Global South: Democracy in India and in the EU' – together with the South Asian Law Discussion Group and additionally also brought in the EU Law Discussion Group, ie within the Research Group; another event – on the topic of 'Decolonial Comparative Law' more broadly – was co-hosted by the Decolonising the Law Discussion Group, which falls under the remit of the Research Group devoted to 'Human Rights'. These and other joint events were wonderful examples of the value added to a discussion when participants bring different perspectives to the table.

A third key pillar of the Institute, and one which overlaps with both EU law and comparative law, is the **Centre for Competition Law and Policy (CCLP)**. It forms a specialist unit within the Institute and is headed by my colleague Ariel Ezrachi. Through it, the Institute is linked to the Faculty's 'Business Law' Research Group. We as an Institute and Faculty benefit enormously from the international links, both into academia and legal practice, which this flagship unit creates and maintains, and from the events organised under its auspices (see p. 48).

Although ongoing COVID-restrictions continue to impact our events schedule and planning, we were able to move a good number of **conferences, workshops and seminars** online. We thus held an IECL Special Seminar, organised jointly with the Chinese Law Discussion Group, on the new Chinese Civil Code which came into force at the start of 2021 (see p. 53); a two-day online conference exploring the topic of 'Good Faith in Public Law' from a variety of different angles (see p. 62); and a doctoral workshop on 'Comparative Perspectives on Contract' (see p. 57). The Centre for Competition Law and Policy hosted the sixteenth annual symposium on 'Trends in Retail Competition' (see p. 56) and the 'Antitrust Enforcement Symposium 2021' (see p. 60).

Moving forward into a hopefully less disrupted academic year 2021-2022, may I wish all colleagues, friends of the IECL, and readers of this Report good health and much happiness.

Birke Häcker, 25 October 2021

Staff

Academic Staff

Professor Birke Häcker, Professor of Comparative Law and Director of the Institute

Professor Jeremias Adams-Prassl, Academic Director of Undergraduate Exchange Programmes and Deputy Director of the Institute

Professor Ariel Ezrachi, Slaughter and May Professor of Competition Law, Director of the Centre for Competition Law and Policy and Deputy Director of the Institute

Professor Stephen Weatherill, Jacques Delors Professor of European Law and Deputy Director of the Institute

Professor Ulf Bernitz, Research Fellow, Co-ordinator of the Oxford-Stockholm Collaboration

Dr Geneviève Helleringer, IECL Lecturer in French Law and Business Law

Dr Marios Iacovides, Stockholm Centre Oxford Fellow, 2020-2021

Professor Javier García Oliva, Tutor in Spanish Law

Nello Pasquini, Tutor in Italian Law

Johannes Ungerer, Erich Brost Lecturer in German Law and EU Law

Research Fellows

Professor Sanja Bogojević (Associate Professor of Law and Fellow of Lady Margaret Hall)

Dr Marco Cappelletti (Junior Research Fellow, St John's College)

Professor John Cartwright (Emeritus Professor of the Law of Contract and Emeritus Fellow of Christ Church)

Professor Mindy Chen-Wishart (Professor of the Law of Contract and Fellow of Merton College)

Professor Matthew Dyson (Associate Professor of Law and Fellow of Corpus Christi College)

Professor Horst Eidenmüller (Professor of Commercial Law and Fellow of St Hugh's College)

Professor Pavlos Eleftheriadis (Professor of Public Law and Fellow of Mansfield College)

Professor Stefan Enchelmaier (Professor of European and Comparative Law and Fellow of Lincoln College)

Professor Luca Enriques (Professor of Corporate Law and Fellow of Jesus College)

Professor Wolfgang Ernst (Regius Professor of Civil Law and Fellow of All Souls College)

Professor Liz Fisher (Professor of Environmental Law and Fellow of Corpus Christi College)

Professor Mark Freedland (Emeritus Professor of Employment Law and Emeritus Fellow of St John's College)

Professor Barbara Havelkova (Associate Professor of Law and Fellow of St Hilda's College)

Professor Angus Johnston (Professor of Law and Fellow of University College)

Professor Ciara Kennefick (Associate Professor of Law and Fellow of Christ Church)

Dr Signe Larsen (Fellow by Examination, Magdalen College)
Professor Dorota Leczykiewicz (Associate Professor of Law and Fellow of St Peter's College)
Professor Justine Pila (Associate Professor of Law and Fellow of St Catherine's College)
Dr Ewan Smith (Fixed-term Fellow of Christ Church)
Professor Sandy Steel (Fellow of Wadham College)
Professor Simon Whittaker (Professor of European Comparative Law and Fellow of St John's College)

Visiting Research Fellows

Professor Hugh Beale (Emeritus Professor, University of Warwick and Visiting Professor in the Oxford Law Faculty)
Dr Fabiana Bettini (Lecturer in Property Law, University College London)
Rachel Brandenburger (Hogan Lovells)
Professor Alexandra Braun (Lord President Reid Chair of Law, University of Edinburgh)
Professor Laura Carlson (Professor in Private Law, University of Stockholm)
Professor Gerhard Dannemann (Professor of English Law, British Economy and Politics, Humboldt University, Berlin)
Professor Eric Descheemaeker (Professor, University of Melbourne)
Professor Bénédicte Fauvarque-Cosson (Conseillère d'Etat)
Professor Samuel Fulli-Lemaire (Professor, University of Strasbourg)
Dr Andreas von Goldbeck
Professor Martijn Hesselink (Professor of Transnational Law and Theory, European University Institute)
Professor Rodrigo Momberg Uribe (Professor of Civil Law, Catholic University of Valparaíso)
Professor Juan Pablo Murga Fernández (Senior Lecturer, University of Seville)
Dr Julian Nowag (Senior Lecturer in EU Law and Competition Law, University of Lund)
Conor Quigley QC (Serle Court Chambers)
Professor Wolf-Georg Ringe (Director of the Institute of Law and Economics, University of Hamburg and Visiting Professor in the Oxford Law Faculty)
Dr Jan Zglinski (Assistant Professor, London School of Economics)
Professor Katja Ziegler (Sir Robert Jennings Professor of International Law, University of Leicester)

Administrator

Jenny Dix

Note: The following pages feature (only) those staff biographies and activities which the Institute received in time for inclusion in this report. A number were not submitted.

Staff Biographies and Activities



Jeremias Adams-Prassl is Professor of Law and Fellow of Magdalen College. He is a Deputy Director at the Institute in charge of our law exchange programmes.

The combination of Brexit and the Covid-19 pandemic has made for a challenging year for Course II, which we were able to tackle in close collaboration with colleagues across the University and our partner institutions. Over the summer, we received the good news that the

University's application to the UK Government's Turing scheme had been successful (see p. 50 below).

Jeremias continues to work on the implications of emerging technologies, notably AI, for the future of work. In the autumn of 2020, he was awarded the Philip Leverhulme Prize 'awarded by the Leverhulme Trust to recognise the achievement of outstanding researchers'. Since April 2021, he has also been the Principal Investigator of a €1.5m grant from the European Research Council, leading a team of lawyers, computer scientist, and data experts to explore the implications of algorithmic management at work. He also continued to act as a lecturer and expert advisor for a wide range of institutions, including the European Commission and the UK Government Legal Service. Whilst Covid-19 hampered actual travel, Jeremias spoke at over 50 online panels, from Oxford and Brussels to Beijing and Toronto – as well as the University of Santiago de Compostela at an in-person conference in the early summer of 2021. Key publications include the latest volume in his series 'EU Law in the Member States', *The Charter of Fundamental Rights in the Member States* (Hart 2020, with Advocate General Michal Bobek) and his first textbook, *Great Debates in EU Law* (Bloomsbury 2021, with Sanja Bogojević).

Selected publications

(with M. Bobek) *The Charter of Fundamental Rights in the Member States* (Hart, 2020)

(with S. Bogojević) *Great Debates in EU Law* (Bloomsbury, 2021)

(with I. Ebert and I. Wildhaber) 'Big Data in the Workplace: Privacy Due Diligence as a Human Rights-based Approach to Employee Privacy Protection' (2021) *Big Data and Society*

(with Z. Adams and A. Adams-Prassl) 'Online Tribunal Judgments and the Limits of Open Justice' (2021) *Legal Studies*

Selected presentations

'Algorithmic Discrimination', Public Law Project Annual Conference, London (October 2020)

'Black Box Boss?', Keynote Speech, ILERA World Congress, Lund (June 2021)

'Algorithms at Work', Briefing for Commissioner Nicolas Schmit, Brussels (April 2021)

'Regulating AI at Work', Keynote, SLS Conference Labour Section (August 2021)

Other activities

Convenor, Algorithms at Work Discussion Group (with Aislinn Kelly-Lyth)



Hugh Beale is an Emeritus Professor at the University of Warwick, Visiting Professor at the Oxford Law Faculty, Senior Research Fellow at the Commercial Law Centre at Harris Manchester College and Visiting Research Fellow at the Institute.

In 2020-2021 his principal contributions to European and/or comparative law have been:

Selected publications

(with C. Twigg-Flesner) 'COVID-19 and English Contract Law', in E. Hondius, M. Santos Silva, A. Nicolussi, P. Salvador Coderch, C. Wendehorst and F. Zoll (eds) *Coronavirus and the Law in Europe* (Intersentia, 2021), 461-489 [an online version was published in 2020]

'Digital Content Directive and Rules for Contracts on Continuous Supply' (2021) 12 *Journal of Intellectual Property, Information Technology and Electronic Commerce Law*, 96-110

Selected lectures and conference presentations

Six lectures on European and Comparative Contract Law Lectures in Comparative Private Law, University of Florence (October 2020)

Five lectures on European and Comparative Contract Law in Foundations of Private Law from an EU perspective, University of Trento (May 2021)

'Private Law and the Pandemic: English Law's (non)-Response', Roundtable on European Private Law in Times of Pandemic, University of Trento (May 2021)

'The Present and Future of Private Law: Adjustment for Hardship and the Nature of Contractual Relationships', Iusta Causa Legal Studies Center, Concepción, Chile (May 2021)

Other activities

(with B. Häcker) the organisation of a new series of books, *Contract Law in a Comparative Context*, to be published by Intersentia. Authors from different jurisdictions (in the first tranche, China, France, Germany, Italy, Spain and Sweden) are writing an account of their national contract laws. Each book will be a free-standing account of the national law, but the authors will use a common structure so that the reader should be able to compare the laws by 'reading across' the different books

(Acting as Rapporteur) Convention on International Sale of Goods (CISG) Advisory Council: preparation and presentation of preliminary papers on 'The Art 4 Validity Exception'



Ulf Bernitz is co-ordinator of the Stockholm-Oxford Collaboration, and in this capacity he has been a member of the Institute since 2001. He is Professor of European Law at Stockholm University and Visiting Professor at Örebro University.

Ulf Bernitz is working and researching primarily in EU law, focusing first and foremost on the relation between EU law and national law. He takes a special interest in intellectual property law, competition law and marketing and consumer law. He is preparing a book on the effects of EU law by way of influencing and changing national law. He is also engaged in revising several textbooks.

Selected publications

Preliminary References in the European Court of Justice 1995–2020. Impact and Importance in Sweden (Swedish Institute for European Policy Studies, 2021:2), 116 pp. (in Swedish with English Summary)

(ed.) *General Principles of EU Law and the EU Digital Order* (Kluwer, 2020), 470 pp.

'Skadeståndsansvar enligt unionsrätten' ('Union Law on Damages') (2020-21) *Juridisk Tidskrift*, pp. 813ff.

'Skadeståndsansvar vid marknadsföring – utomobligatoriskt och kontraktuellt' ('Marketing Law on Damages – Contractual and Non-contractual') (2021) *Liber Amicorum Jan Kleineman*, 105ff.

'Book Review of W. Phalan, *Great Judgments of the ECJ. Rethinking Landmark Decisions of the Foundation Period*' (2021) *Europarättslig Tidskrift*, 533ff.

'Book Review of M. Wasastjerna, *Competition, Data and Privacy in the Digital Economy. Towards a Privacy Dimension in Competition Policy?*' (2020) *JFT* (Finnish Law Journal), 52ff.

Marknadsföringsrätten (Marketing Law), 2nd revised edition (Norsdets Juridik, 2020), 209 pp.



Fabiana Bettini is a Visiting Research Fellow at the Institute. Previously the Hulme Postdoctoral Fellow in Land Law at the Faculty of Law and Brasenose College, Oxford, she joined UCL Laws in September 2020 as a Lecturer in Property Law. She has taught and currently teaches Land Law to undergraduate students.

Her research interest lies primarily in the field of comparative property law and focuses on property institutions and doctrines across different jurisdictions (mainly England, France, and Italy). Fabiana is currently working on a paper which discusses the latest judicial developments relating to the law of servitudes in England and France from the perspective of the *numerus clausus* principle.

Fabiana's research also focuses on housing from an English and comparative law perspective. Building on her experience from previous projects, Fabiana is participating in a bid for an interdisciplinary and empirical study which will explore high-rise buildings in England. She is also working on a paper concerning co-housing in England and France which will be presented at the 14th biennial Modern Studies in Property Law conference in Oxford in March 2022.

Finally, Fabiana is interested in property theory. With some UCL colleagues (Professor Charles Mitchell, Professor Prince Saprai, and Mr Martin Fischer), she is currently organising the 'New Directions in Private Law Theory' Conference, to be held (virtually) at UCL Laws in November 2021. The conference, which was funded as one of the SLS Annual Seminars, will cover a wide range of topics in private law theory (contract, tort, unjust enrichment, and property) with contributions coming from a diverse and inclusive range of early career scholars.



Sanja Bogojević is Associate Professor in the Faculty of Law, Fellow of Lady Margaret Hall and Research Fellow at the Institute.

Her research interests lie in Environmental Law and EU Law more broadly, and much of her work explores interlinks and dichotomies between private and public spheres in these two legal spheres. In the academic year 2020-21, her publications

and activities are as follows:

Selected publications

'Balancing Institutional Powers in Negotiating Directives and EU External Environmental Relations: Commission v Council (Australia ETS)', in G. Butler and R.A. Wessel (eds) *EU External Relations Law: The Cases in Context* (Hart, forthcoming)

(with J. Adams-Prassl) *Great Debates in EU Law* (Macmillan, 2021)

Other activities

Teaching on the 'Interdisciplinary Approaches to Climate Change' Masters' Programme, University of Milan

Editor of the Analysis Section for the *Journal of Environmental Law*, and a board member of *Diritto Processuale Amministrativo*



Rachel Brandenburger is a Visiting Research Fellow of the Institute and a Visiting Law Fellow at St Hilda's College.

She has created and teaches seminars – online this year – on ‘The Global Dimension of Competition Law Enforcement’ in conjunction with Professor Ariel Ezrachi’s course on competition law for BCL/MJur/MSc in Law & Finance students. She is also the editor of the Agency Insight section of the *Journal of Antitrust Enforcement*. At her invitation, leaders of the

OECD Competition Committee, Brazil’s Conselho Administrativo de Defesa Economica and UNCTAD’s Competition and Consumer Policies Branch have contributed articles this year.

Rachel is recognised globally as a leading international antitrust and competition law and policy advisor. She advises board level executives of major global corporations and the senior leadership of antitrust agencies around the world, including the US Department of Justice where she was Special Advisor, International to the Antitrust Division, based in Washington D.C. from 2010 to 2013. Before that, she was a partner for 21 years in Freshfields Bruckhaus Deringer, based in Brussels and London. Since 2014, she has been a senior advisor and foreign legal consultant to Hogan Lovells US LLP. She is a non-governmental advisor to the International Competition Network (European Commission from 2013 to 2019; UK Competition & Markets Authority since 2020-), and a trustee of the University of Oxford Law Foundation.

Selected publications

(with T. Janssens) ‘The International Influence of German Competition Law’, in T. Klose, M. Klusmann and S. Thomas (eds) *Das Unternehmen in der Wettbewerbsordnung: Festschrift für Gerhard Wiedemann zum 70* (C.H. Beck, 2020)

(with E. Ramirez, C. Loughlin and B. Holt) ‘Setting the Stage – After a Momentous Year in Antitrust, Expect Even More in 2021’ (2021) *Competition Law Insight* (February)

‘UK Competition Law Enforcement after Brexit – Divergence from the EU?’ (2021) *European-American Chamber of Commerce ‘Brexit, What’s Next’ Series* (May)

(with C. Hutton) ‘Digital Markets: the Challenges of National Enforcement in a Global World’ (2021) *Competition Policy International* (August)

(with K. Huang and E. Xiao-Ru Wang) ‘Convergence or Divergence: How does China Analyse Innovation Concerns in Merger Review?’ (2021) *Journal of Antitrust Enforcement* (September)

Selected presentations

Seminar series on ‘The Global Dimensions of Competition Law’ for BCL/MJur/MSc in Law and Finance students, Oxford (February 2021)

‘Antitrust and Big Tech; Implications for the Board’. Presentation hosted by Fidelio & Partners (March 2021)

Moderator of a panel of South African experts on ‘Public Interest under South African Competition Law’ and preparation of a report for inclusion in an American Bar Association’s report on *The Future of Competition Law Standards* (July 2021)

Speaker in a dialogue with the Chairman of the Competition Commission of India on ‘Digital Issues and Competition’ hosted by the US-India Business Council (September 2021)



Alexandra Braun holds the Lord President Reid Chair of Law at the University of Edinburgh. She is a Visiting Research Fellow at the Institute.

Professor Braun has broad research interests in comparative law and legal history, in particular in the areas of trusts and succession law. She is also interested in the impact of the transfer of wealth on questions of intergenerational equality and in the cultural history of inheritance.

Other interests include legal education, the study of the intellectual history of the law, and the development of various forms of legal scholarship and its interaction with, and impact upon, judicial decision-making.

Professor Braun's research this past academic year has focused primarily on completing a monograph on *Claiming a Promised Inheritance: A Comparative Study* to be published with OUP in 2022. The book provides a comparative study of unfulfilled promises of an inheritance and of their legal treatment across various areas of private law and legal traditions. Professor Braun has also completed a paper exploring the influence of Scottish judges in Westminster with a particular focus on Lord Dunedin and his role and influence south of the border.

Professor Braun has further been working on a new project on the 'Legal Borderland between Life and Death'. Its aim is to assess the cultural importance of law as a vehicle through which we can die and yet live on. It explores both the means by which law constructs this legal space, and the interests and values that are at stake within it.

Professor Braun currently supervises two PhD students and two LLM by Research students, who work in the areas of simulated and sham transactions, comparative trust and succession law, as well as tax law and inequality.

In May 2021 Professor Braun was a Visiting Professor at Zurich University. Since January 2021, she has been Professor Extraordinary at the Department of Private Law of the University of Stellenbosch.

Selected publication

'Forced Heirship in Italy', in K.G.C. Reid, M.J. de Waal and R. Zimmermann (eds) *Comparative Succession Law, Volume 3. Mandatory Family Protection* (OUP, 2020), 108-138

Selected presentation

'Will-Substitutes: Concept and Functions', European Law Institute (September 2021)



Marco Cappelletti is a Junior Research Fellow in Law at St John's College, Oxford, and a Research Fellow at the Institute. He completed his DPhil in November 2020.

His research interests lie primarily in the field of comparative private law, particularly tort law. In the past year, Marco worked on a monograph based on his DPhil thesis, regarding the substantive justifications that legal actors put forward to support or explain the imposition of strict liability in four legal systems (England, France, Italy, and the United States). His monograph will be published by OUP in 2022.



Laura Carlson is a Professor in Private Law, Stockholm University, and a Visiting Research Fellow at the Institute. She is also the Academic Director of Internationalisation for the Faculty of Law, Stockholm.

She is the editor-in-chief of the *Brill Research Perspectives in Comparative Discrimination Law* series and is a board member of the Berkeley Center on Comparative Equality & Anti-Discrimination Law (BCCE), where she co-chairs two of the working groups, Covid-19 and Inequalities, and Digital Equality, both from comparative perspectives. Laura also acts as Director of Outreach for the Law Schools Global League.

With her background in both American and Swedish law, Laura's research focuses on labour and employment law, discrimination law and access to justice. Much of the crux of her publications has taken up the tension between collective labour rights and individual discrimination protections as human rights, and necessity of access to justice mechanisms in order for individuals to successfully bring claims. Pay equity is an example of invoking this tension, and is examined from comparative perspectives. Laura also gives lectures in different courses on access to justice and comparative perspectives, including in the Labour Law course at the Faculty of Law, Stockholm and the Berkeley course, Covid & Global Inequalities. She is course convenor for the upper-level elective law courses, Discrimination Law, Comparative Law and American and English Business Law, given at Stockholm. She supervises several doctoral candidates, many of whom include a comparative perspective in their dissertations.

Selected publications

'The Paradox of Trans Law in Sweden', in I.C. Jamillo Sierra and L. Carlson (eds) *Trans Rights and Wrongs – a Comparative Study of Legal Reform Concerning Trans Persons* (Springer, 2021), 541-558

'Sweden: Over 75,000 Voices Raised in Sweden', in A.M. Noel (ed) *The Global #MeToo Movement: How Social Media Propelled a Historic Movement and the Law Responded* (Full Court Press, 2020), 171-180

'The Intersections of Equality, Welfare and Democracy in Sweden', in U. Kischel (ed) *Gleichheit als kulturelles Phänomen* (Mohr Siebeck, 2020), 125-157

'Kazakhstan and ILO Convention No. 87' (2020) 6(2) *International Labor Rights Case Law* (Brill Nijhoff), 164-173

Selected presentations

Plenary panellist, 'Covid Unleashed', BCCE Annual Conference (July 2021)

Plenary panellist, 'Access to Justice and Pay Equity', Conference Pay Equity and the Living Wage, Workers' Rights Institute at Georgetown Law School and BCCE Conference (June 2021)

'Proportionality in Labour Law', Ratio Institute Stockholm (March 2021)

'Pay Equity', Current Reflections on EU Gender Equality Law, Academy of European Law (November 2020)

Other activities

Authored a 40-page report (2021) to the Swedish Legislative Commission on Equal Lifetime Incomes (Kommissionen för jämställda livsinkomster) providing a comparison of equal pay and pay transparency measures in the United Kingdom and Germany to the Swedish regulations to assist the Commission's assessment with respect to needed legislation.



John Cartwright is a former Director of the IECL, Emeritus Professor of Contract Law in the University of Oxford, and Emeritus Fellow of Christ Church. He is a Research Fellow at the Institute.

His research is in English and comparative private law, with a focus on contract law and property law. His work in comparative law involves in particular the comparison between English law and French (and French-related) systems, but in his work on (national) English law, whenever appropriate he also engages in comparison with the civil law tradition, to help the reader better understand the approach taken by English law.

This year he continued his teaching at the Université Paris 2 Panthéon-Assas, where he has been *professeur contractuel de droit privé: droit du common law* since 2019. He taught courses at undergraduate (first and second year) and graduate (Master 2) level: the undergraduate teaching was aimed at giving French students an introduction to the common law (and to the English law of contract and tort in particular), and the graduate teaching involved seminars giving a broader introduction to comparative law, including the methodology of comparison between the common law and the civil law. Although face-to-face teaching in Paris was possible for the first four weeks of the academic year, the rest of the year (including oral exams) unfortunately – but inevitably – had to be done on Zoom, from Oxford, once travel to Europe again became impossible. Similarly, although he was able to continue to give seminars on the common law for civil law practitioners in the Netherlands, they had to be conducted online, and other planned lectures, seminars and conferences abroad had to be cancelled or deferred.

One of this year's research activities involved finalising (with Ángel M. López y López, Emeritus Professor at the University of Seville) the editing of the volume in the Institute's series published by Hart Publishing on *Property and Contract: Comparative Reflections on English Law and Spanish Law* which will be published in November 2021.

Selected publications

'Misleading Silence and Deceit', in E. Bant and J. Paterson (eds) *Misleading Silence* (Hart Publishing, 2020), 225-242

'The Importance of Comparing in the Commercial Law of Contract', in S. Lindskog, A. Andersson, A. Calissendorff and J. van der Sluijs (eds) *Festschrift till Jan Kleineman* (Stockholm: Jure Förlag AB, 2021), 189-202



Gerhard Dannemann is Professor of English Law, British Economy and Politics at the Centre for British Studies, Humboldt University, Berlin; Visiting Research Fellow at the Institute; previously Reader in Comparative Law at the University of Oxford.

His research focuses on comparative private law, in particular contracts, torts, and unjust enrichment, comparative methodology, conflict of laws, and good academic practice. In 2020, he embarked on a three-year research project which aims to evaluate the impact which Francis Mann had on the development of English, German and International Law, based on Mann's voluminous correspondence which was donated to the Humboldt University in 2014, supported by a substantial three-year grant by the *Deutsche Forschungsgemeinschaft*, with a workshop co-organised with the Max Planck Institute for European Legal History, Frankfurt, 10-11 June 2021. He attended the 71st Königswinter Conference, 17-18 June 2021, and appeared as expert before the Berlin Parliament's committees for education and science, and for European and federal affairs.

He teaches the English Legal System, British Constitutional Law and Political System, English contract and commercial law, European and comparative contract law at Humboldt University. He is also General Editor of the *Oxford University Comparative Law Forum*.

Selected publications

'Gute Wissenschaft braucht klare Regeln. Eine Entgegnung zu: Andreas Fisahn, Wahrheit und Fußnote – Wissenschaftliche Ehrlichkeit und der Plagiatspranger' (2020) *NJW*, 743-747, also in *myops* 41/2021, 62-70

'Judges and Legislators as Comparative Lawyers', in G. Bachmann, S. Grundmann, K. Krolop and A. Mengel (eds) *Festschrift für Christine Windbichler zum 70 (Geburtstag, de Gruyter, 2020)*, 19-32

'Review of S. Vogenauer and V. Triebel, *Englisch als Vertragssprache. Fallstricke und Fehlerquellen* (Beck, 2018)' (2020) 84 *Rabels Zeitschrift für ausländisches und Internationales Privatrecht*, 941-945

Selected presentations

'Accidental Discrimination in the Conflict of Laws: Weird Things May Happened If You Get Caught Between Legal Systems', Middle Temple Qualifying Sessions (February 2021)

'Short Term Rental Platforms', European Law Institute Webinar, 'ELI at 10: EU Platform Regulation Beyond the Digital Services Act Package - What is the Role of ELI?' (June 2021)

'Plagiate in der Wissenschaft: Welche Erscheinungsformen, Anreize und Gefahren gibt es, wie erkennt und verhindert man Plagiate?', University of Leipzig, as first in a series of lectures on good academic practice (October 2021)



Eric Descheemaeker has been a Research Fellow, then Visiting Research Fellow, of the Institute since 2009. In 2017 he moved from the UK to Australia to take up a professorship at Melbourne Law School. Since then, he has broadened his research interests in two directions: comparative law within the Anglo-Commonwealth tradition, especially in the fields of tort and remedies; and French law in the South Pacific. In particular, he is developing a strong interest in the law – public and private – of New Caledonia.

In 2020/21 he was a remote visiting professor at the Université Paris-I, teaching in the master's programme in comparative law. He was however prevented by the pandemic from paying his (typically) annual visit to Oxford and the IECL, something he very much hopes to make up for in 2022.

Selected publications

'Le naufrage de la France Pacifique', op-ed, [Libération](#), 22 September 2021

'The Standardisation of Tort Damages' (2021) 84 *Modern Law Review*, 2-29

'Comparative Common Law' (2020) 72 *Revue internationale de droit comparé*, 915-948

'L'enrichissement injustifié: the Reform of 10 February 2016 in a Historical and Comparative Perspective' (2020) 4 *Tribonien*, 40-76

'Review of E. Bant, K. Barker and S. Degeling (eds) *Research Handbook on Unjust Enrichment and Restitution* (Edward Elgar, 2020)' (2021) 120 *Revue trimestrielle de droit civil*, 532-535

Selected presentation

'Varieties of Damages in the Common Law', guest lecture, Université Paris-I Panthéon-Sorbonne (November 2020, online)



Matthew Dyson is Associate Professor in the Faculty of Law, Tutorial Fellow at Corpus Christi College and Research Fellow at the Institute.

This year saw the completion of his monograph, *Explaining Tort and Crime*, and despite delays at the publisher (because of Covid) it will be out in Spring 2022. Covid has continued to delay or cancel opportunities and projects, including the Lisbon conference of the European Society for Comparative Legal History, where he serves as President. Some nationally-focused scholarship has gone ahead, including on domestic criminal law and tort law. One interesting piece was on comparative law as an exercise in roundabouts, which will be out next year, and another on prescription periods, also out next year. Two comparative criminal law projects will also be out next year.

A new criminal law course option on Advanced and Comparative Criminal Law for BCL/MJur students has been set up and ran successful for the first time. It is one of the only, if not the only, comparative criminal law courses at this level in the UK.

Selected publications

'Presence of Mind and the Future of Legal History', in C. Häthén et al. (eds) *Legal History: Reflecting the Past and the Present, Current Perspectives for the Future* (Olin, 2021), 38-54

'Tort and Crime', in M. Bussani and A. Sebok (eds) *Comparative Tort Law: Global Perspectives* (Edward Elgar, 2021), 84-111

(with S. Taylor and D. Fairgrieve) 'Regards comparatifs sur les projets de réforme français et belge. La perspective du droit anglaise', in B. Dubuisson (ed) *La réforme de la responsabilité civile en France et en Belgique. Regards croisés et aspects de droit comparé* (Bruylant, 2020), 133-152

'Beyond Anecdote and Synecdoche', in W. Ernst and B. Häcker (eds) *Collective Judging in Comparative Perspective* (Intesentia, 2020), 327-339

'Unavoidable Procedural Questions about Tort and Crime', in C.E. Pianovski and N. Rosenvald (eds) *Novas Fronteiras da responsabilidade civil: direito comparado* (Foco, 2020), 385-408



Horst Eidenmüller is a Statutory Professor for Commercial Law at Oxford University's Faculty of Law, a Professorial Fellow of St Hugh's College, Oxford, and a Research Fellow of the Institute.

In the 2020-2021 reporting period, he was working primarily in two fields: (1) Comparative Corporate Governance and Bankruptcy and (2) Law and Technology in a Comparative Perspective. Regarding (1), he has been involved in a project which seeks to assess the merits of worker codetermination on corporate boards from a comparative perspective, and he co-leads a project on 'COVID-19, Public Policy and Commercial Law'. This project explores how and why policymakers intervened to counteract the financial distress caused to millions of firms worldwide by the pandemic, and with what effects. It involves data collection in a significant number of jurisdictions, along with other qualitative (comparative) and quantitative work. The project already has led to publications in international journals and a book publication which collects essays previously published on the Oxford Business Law Blog. Regarding (2), together with Gerhard Wagner he has been working on a book project titled 'Law by Algorithm'. The book will be published by Mohr Siebeck this November. It is a collection of essays that have already been published (mostly in US law journals), but it also includes new material on digital dispute resolution and liability for 'algorithmic failure'. The book's methodological approach is comparative and functional. The project led to an invitation to become one of the first Senior Research Fellows of the Bavarian Research Institute for Digital Transformation.

Selected publications

(edited with L. Enriques, G. Helleringer and K. van Zwieten) *Covid-19 and Business Law* (C.H. Beck, 2020)

(with K. van Zwieten and O. Sussman) 'Bail-Outs and Bail-Ins Are Better Than Bankruptcy: a Comparative Assessment of Public Policy Responses to Covid-19 Distress' (2021) 15 *Virginia Law and Business Review*, 199-236

'Recht und Oekonomik des Extremsport-Sponsorings in vergleichender Perspektive' (2021) 85 *The Rabel Journal of Comparative and International Private Law*, 273-325

(with J. Dammann) 'Codetermination: a Poor Fit for U.S. Corporations' (2020) *Columbia Business Law Review*, 870-941

(with F. Varesis) 'What is an Arbitration? Artificial Intelligence and the Vanishing Human Arbitrator' (2020) 17 *NYU Journal of Law and Business*, 49-93

'Competition Between State Courts and Private Tribunals' (2020) 21 *Cardozo Journal of Conflict Resolution*, 229-347

Selected presentations

'Law by Algorithm' and 'Digital Dispute Resolution', bidt Sprint Review Conference, Munich (June 2021)

'Towards a Principled Approach for Bailouts of COVID-Distressed Critical/Systemic Firms', Ohio State Business Law Journal Symposium on 'Confronting Crisis: Preparing for the Unexpected', Ohio (March 2021); PhD in Business Law Seminar, Milan (May 2021)

'Taming the Corporate Leviathan: Codetermination and the Democratic State', Oxford Business Law Workshop (October 2021)

'Regulating Mediators', Conference of the German Justice Ministry, Berlin (May 2021)

'What Future for Human Judges?', Digital and Intelligent Europe: EU Citizens and the Challenges of New Technologies for Civil Justice, University of Amsterdam (April 2021)



Stefan Enchelmaier is Professor of European and Comparative Law, Fellow of Lincoln College and Research Fellow at the Institute. He served as the Institute's Deputy Director from 1997 to 2002.

During the academic year 2020-2021, Professor Enchelmaier continued to teach a range of subjects for both Lincoln College and the Law Faculty (Roman law, contract law, European Union law, European Business Regulation, company law). All his teaching in the private law subjects has a comparative element: 'A Roman Introduction to Private Law' especially lends itself to introducing the students to the English, French, and German corollaries, once they have studied a particular set of rules of Roman law. The comparative theme continues into Professor Enchelmaier's teaching of contract law immediately after Law Moderations, and also into his lectures on EU corporate law for students in their final year. In EU law tutorials, Professor Enchelmaier places a strong emphasis on the law of the internal market, ie, on the economic law of the European Union. *Ex hypothesi*, this involves parties from two Member States engaged in cross-border commercial transactions. It offers an opportunity to introduce the students to the rules on the conflict of laws, both national and of an EU origin.

Professor Enchelmaier's activities during the period of this report consisted of a thorough review of his commentary on three EU Competition Regulations, viz on distribution agreements, specialisation agreements, and agreements regarding research and development. He also wrote a contribution on free movement of goods for a popular collection of essays covering the whole of European Union law, the third edition of Craig and de Búrca's *Evolution of EU Law*. Next came a piece discussing three seminal opinions of British Advocate General at the Court of Justice of the European Union, Sir Francis Jacobs. This will be part of a volume that, on the occasion of Brexit, casts a look back at the contribution that the British Advocate General's had made to the development of the Court's case law.

Three other pieces are currently being written: on the general principles governing the free movement of goods; and two contributions to *Festschriften* for retiring colleagues, the titles of which will be revealed in the next Report. Suffice it to say they are on competition law and on comparative procedural law, respectively. He also hopes soon to have ready for publication a book on the relationship between national law and European Union law. Some arguments from this book have been presented at one of the Institute's lunchtime seminars.

Apart from this, Professor Enchelmaier continued to read several dozen submissions to the *Oxford Journal of Legal Studies*, on which he serves as one of three articles editors. He also vetted funding applications to the Polish National Science Centre, and selected contributions to a doctoral conference in Rijeka/Croatia at the end of the year.

Selected publications

'Free Movement of Goods: Evolution and Intelligent Design in the Foundations of the European Union', in P. Craig and G. de Búrca (eds) *The Evolution of EU Law*, 3rd ed. (OUP, 2021), 546-478

'The Development of the Free Movement Principles over Time', in S. Garben and I. Govaere (eds) *Internal Market 2.0* (Modern Studies in European Law, vol. 102) (Hart, 2021), 25-64

'Restrictions on Advertising and the Free Movement of Goods and Services: Opinions of Advocate General Jacobs in Leclerc-Siplec, De Agostini, and Gourmet', in G. Butler and A. Lazowski (eds) *Shaping EU Law the British Way: UK Advocates General at the Court of Justice of the European Union* (Hart, 2021), 13 pp.



Luca Enriques holds the statutory Chair of Corporate Law and is a Professorial Fellow of Jesus College, a European Corporate Governance Institute (ECGI) Fellow, a Fellow Academic Member of the European Banking Institute, a Fellow of the Oxford Martin School, and an IECL Research Fellow. His research focuses on European and comparative corporate law and financial markets law.

At Oxford, he is the convenor of the BCL/MJur courses ‘Comparative Corporate Governance’ and ‘Corporate Control’ and co-teaches the course ‘Principles of Financial Regulation’. For the former two courses, at the end of academic year 2020-2021, the Social Sciences Division awarded him and his co-teachers (John Armour, Paul Davies, Geneviève Helleringer and Georg Ringe) a Teaching Excellence Award ‘in recognition of the outstanding contribution [they] have made to teaching within the Faculty of Law and the Division’. Since September 2020, he has been Academic Director of the Master in Law and Finance Programme.

In November 2020, together with ECGI, he organised a policy workshop on the European Commission study by Ernst & Young (EY) on ‘Directors’ duties and sustainable corporate governance’, where he was also a speaker. In May he co-organised the 5th Annual Oxford Business Law Blog Conference on ‘Business Law and the Transition to a Net Zero Carbon Economy’, a collaboration of ECGI, the University of Oxford, Hamburg University, Freie Universität Berlin, and National University of Singapore.

Selected publications

(edited with H. Eidenmüller, G. Helleringer and K. van Zwieten) *Covid-19 and Business Law* (C.H. Beck-Hart-Nomos, 2020)

(with W.-G. Ringe) ‘Bank-Fintech Partnerships, Outsourcing Arrangements and the Case for a Mentorship Regime’ (2020) *Capital Markets Law Journal*, 374 ff.

(with D. Zetzsche) ‘Corporate Technologies and the Tech Nirvana Fallacy’ (2020) 72 *Hastings Law Journal*, 55 ff.

‘Missing in Friedman’s Shareholder Value Maximization Credo: the Shareholders’ (2020) *Rivista delle società*, 1285 ff.

(with P. Câmara) ‘The Portuguese Securities Code at Twenty: Some Comments on the Expansion, Goals and Limits of EU Financial Market Law’, in *20 anos do Código dos Valores Mobiliários, Cadernos do Mercado de Valores Mobiliários sobre os 20 Anos do Código dos Valores Mobiliários* (Edições Almedina, 2021), 25 ff.

Selected presentations

Keynote Lecture, ‘Arbitraje Intrasocietario: Expectativas de Ecuador y Lecciones Aprendidas de Colombia’, ECUVIAP/COLVIAP/Academia Ecuatoriana de Derecho Societario (November 2020)

‘Corptech and the Tech Nirvana Fallacy’, roundtable conference on ‘AI Challenges to Established Legal Institutions’, Monash University (April 2021)

‘Rewiring Corporate Law for an Interconnected World’, Goethe University Frankfurt Lawfin Research Seminar (April 2021)

‘Mandatory Climate-Related Disclosures: Now, But How?’, 11th Labex-NYU-SAFE/LawFin Law & Banking/Finance Conference (June 2021)



Wolfgang Ernst is the Regius Professor of Civil Law and a Research Fellow at the Institute. Prior to joining the Oxford Law Faculty in 2015, he held chairs at the Universities of Tübingen (1990–2000), Bonn (2000–2004) and Zurich (since 2004), where he still Professor of Roman and Private Law on a fractional basis.

His main research areas are Roman law and the Roman law-based doctrinal history of civil law. Recent research topics have included the legal history of money and the legal history of ‘social choice’. He also contributes to contemporary private law issues, with a main focus on contract law, personal property (including art restitution issues), and monetary law.

In Oxford he lectures on Roman Law (Mods), the Roman Law of Delicts, and on the Roman and Civil Law of Contracts.

During 2020-2021, he edited and saw through the press an autobiographical account by F.A. Mann (see below). He also finished a paper ‘Mommsen on Money’, which is due to be published next year. He continued to oversee the overall production of the new handbook on *Roman Private Law*, adding finishing touches to his chapter on Roman Sales Law.

Selected publications

(edited) *Frederick Alexander Mann – Life and Cases: Manuscript of an Autobiography* (Brill/Vandenhoeck & Ruprecht, 2021)

‘Insulam Exurere: Reading Collatio 12.7.1–3 Closely’, in B. Spagnolo and J. Sampson (eds) *Principle and Pragmatism in Roman Law* (Hart Publishing, 2020)

Selected presentations

‘Statutory Interpretation in Roman Law’, University of Fribourg, Switzerland

‘Unjust Enrichment in Roman Law’, Law Faculty Research Seminar, University of Oxford

‘Who Regulates Time – a Historical Survey’, Berlin/Zurich conference on Time and the Law



Ariel Ezrachi is Director of the Centre for Competition Law and Policy within the Institute, Slaughter and May Professor of Competition Law and a Fellow of Pembroke College. He is a Deputy Director of the Institute.

Ariel Ezrachi's research focuses on competition law and policy, and digital markets. His work in recent years addressed the effects of algorithms and big data on competition dynamics and the rise in power of key gatekeepers. He also leads a research team which looks at the effects of competition policy on economic inequality (project sponsored by the Leverhulme Trust). Further details are available on his faculty webpage.

Selected publications

EU Competition law – An Analytical Guide to the Leading Cases (Hart, 7th ed., 2021)

Competition and Antitrust law – Very Short Introduction (OUP, 2021)

(with M. Stucke) 'Contemplating Covid-19 and Competition – Returning to the Rat Race or Aspiring for Something Nobler?', in H. Eidenmüller, L. Enriques, G. Helleringer and K. van Zwieten (eds) *COVID-19 and Business Law* (C.H. Beck-Hart-Nomos, 2020)

'Is This a Competition Problem? – the Challenge of Digitalisation and the Limits of Enforcement' (2020) *Keele Law Review*, 60-86

Selected presentations

'Competition Overdose', Vidhi Centre for Legal Policy (October 2021)

Keynote, 'Innovation in Digital Markets', Cresse 15th International Conference (September 2021)

'JAE Antitrust Enforcement Symposium' (June 2021)

'Big Data and Competition Law', IBRAC and INSPER (June 2021)

'Digitalisation and Consumer Welfare', University of Bergen (May 2021)

'Regulation and Competition Law', University of Valladolid (February 2021)

Other activities

Co-editor-in-chief of the *Journal of Antitrust Enforcement* (OUP)



Bénédicte Fauvarque-Cosson is Conseillère d'Etat (Supreme Court Judge at the Conseil d'Etat). She is a Visiting Research Fellow at the Institute.

She was, until 2018, Professor of Law at the University Panthéon-Assas, Paris II. She also was President of the Société de législation comparée and Vice-President of the European Law Institute and of the International Academy of Comparative Law and president of a European network, Trans Europe Experts. She has been a member of several international working groups in contract law (notably at Unidroit and at the Hague Conference). She was special Counsellor for Vice-President of the European Commission Viviane Reding, in European contract law (2011-2014). She represents France at Unidroit's Governing Council. In 2020 she was elected a Corresponding Fellow of the British Academy. She has been a member of the Executive Committee of the European Law Institute since 2021.

Selected publications

Droit et grands enjeux du monde contemporain (Nathan, 2021)

'How Did French Administrative Judges Handle Covid-19?', in E. Hondius, M. Santos Silva, A. Nicolussi, P. Salvador-Coderch, C. Wendehorst and F. Zoll (eds) *Coronavirus and the Law in Europe* (Intersentia, 2021)



Liz Fisher, Professor of Environmental Law, Faculty of Law and Corpus Christi College is a Research Fellow of the Institute.

Liz works on comparative environmental and administrative law in primarily common law countries. In November 2020, E. Fisher and S. Shapiro, *Administrative Competence: Reimagining Administrative Law* (Cambridge UP 2020) was published. This book, the product of eight years' work, provides a fresh way of understanding administrative law in the United States by putting the concept of administrative competence at the heart of the subject. Liz is currently completing a co-edited collection on the New South Wales Land and Environment Court – the most established and high-profile environmental court in the world. The collection is being co-edited with the Chief Judge of the court and brings together scholars and practitioners in the first major collection of the Court in its 40-year history.

Selected publications

(with S.A. Shapiro) *Administrative Competence: Reimagining Administrative Law* (Cambridge University Press, 2020)

(with S.A. Shapiro) 'Disagreement About Chevron: Is Administrative Law the "Law of Public Administration"?' (2021) 70 *DLJ Online*, 111 ff.

(with J. Bell) 'Exploring a Year of Administrative Law Adjudication in the Administrative Court' [2021] *Public Law*, 505 ff.

'EU Environmental Law and Legal Imagination', in P. Craig and G. De Burca (eds) *The Evolution of EU Law* (OUP, 2021)

'Legal Imagination and Teaching', in L. Rajamani and J. Peel (eds) *Oxford Handbook of International Environmental Law* (OUP, 2021)

Selected presentations

'The Rule of Law in Precarious Times: An Essay on Legal Imagination in the Anthropocene', Constitutionalizing the Anthropocene Workshop, University of Tilburg (December 2020)

'Imagining Article 6 Precaution', Key Environmental Law Principles of the Global Pact for the Environment – Webinar, Waseda University (March 2021)

'Rights, Nature, and Legal Imagination', Brazilian Federal Judicial Center and the United Nations Harmony with Nature Programme Webinar (June 2021)

'What the History of Nature Conservation Law Tells Us About Ecological Futures: a Non-Euclidean Vision of the Anthropocene', Law and Nature Dialogues, Webinar, Macquarie University (September 2021)

Other activities

Liz served as Acting Vice Dean (Personnel) for TT 2021. She took up the role of General Editor of the *Oxford Journal of Legal Studies* in September 2021



Mark Freedland QC (Hon), FBA Emeritus Professor of Employment Law in the University of Oxford, Emeritus Fellow at St John's College. A former Director of the Institute, he continues to be associated with the IECL as a Research Fellow.

Professor Freedland's research and teaching interests combine the two fields of employment law and public law.

He has, on the one hand, taught extensively in the field of labour law, international economic law and labour rights, and European employment law. On the other hand, his teaching experience also encompasses administrative law, constitutional law, introduction to law and the law of trusts.

On the employment law side, he is especially interested in researching all aspects of the law of the contract of employment, and in the law relating to employment and training policy. He has been involved in producing studies for the European Commission on data protection in employment, and for the International Labour Organisation on the scope of employment protection legislation.

On the public law side, Professor Freedland has concentrated on the law relating to public services. His research and writing in this field has involved many cross-border collaborations, such as with colleagues in Paris and at the European University Institute in Florence.

Professor Freedland is the author or co-author of numerous books and articles, written in both English and French, including *Labour Legislation and Public Policy: a Contemporary History* (Clarendon Law Series, Oxford 1993) (jointly with P.L. Davies); *Public Services and Citizenship in European Law* (edited jointly with S. Sciarra; he also contributed the first, introductory, chapter) (OUP, 1998); *Jus Cogens, Jus Dispositivum, and the Law of Personal Work Contracts*, being chapter 12 of Birks and Pretto (eds), *Themes in Comparative Law in Honour of Bernard Rudden* (OUP, 2002); *The Personal Employment Contract* (OUP, 2003); *The Public Law/Private Law Divide -- Une entente assez cordiale?*, edited with Jean-Bernard Auby (Hart Publishing, 2003); *Towards a Flexible Labour Market – Labour Legislation and Regulation since the 1990s* (OUP, 2007) with P.L. Davies; *Public Employment Services in European Law* (OUP, 2007) with P.P. Craig, C. Jacqueson and N. Kountouris; *Migrants at Work – Immigration and Vulnerability in Labour Law* – edited with Cathryn Costello (OUP, 2014) and to which he contributed, with Cathryn Costello, the introductory chapter, 'Migrants at Work and the Division of Labour Law'; *The Contract of Employment* (OUP, 2016) a treatise written by a team of twenty authors, of which he was the General Editor.



Samuel Fulli-Lemaire is Professor of Private Law at the University of Strasbourg and Visiting Research Fellow at the Institute.

His main fields of research relate, with an emphasis on the European context, to private international law and comparative law. In its latter dimension, his research focuses on approaching current developments in French law from a comparative perspective, in contract law and tort law for the most part, but he has also addressed the current push to reform the *Cour de cassation*. With regards to family law, his research is less focused on a specific jurisdiction and more on particular institutions, especially marriage and parentage, which he tries to tackle from a comparative perspective.

Selected publications

'La protection de la compétence du juge élu et ses limites', in M. Laazouzi (ed) *Les clauses attributives de compétence internationale : de la prévisibilité au désordre* (Éditions Panthéon-Assas, 2021), 141-154

(with A. Panet-Marre) 'La protection au titre de la citoyenneté européenne', in H. Fulchiron (ed) *La famille du migrant*, (LexisNexis, 2020), 97-115

'Book review: V. Ruiz Abou-Nigm, M.B. Noodt Taquela (dir.), *Diversity and Integration in Private International Law* (Edinburgh University Press, 2019)' (2021) *Revue critique de droit international privé*, 268-270

Selected presentations

'Minor's Right to Information in France', Final Conference of the 'MiRI – Minor's Right to Information in EU Civil Cases' project, online (June 2021)

'L'essor de la notion d'insécurité juridique dans la jurisprudence', 'Insécurité juridique : l'émergence d'une notion?' conference, Cour de cassation, Paris (March 2021)

'L'ordre public international comme révélateur des conceptions nationales – A propos de quelques évolutions récentes en matière familiale', 'Parenté, mœurs et droit' seminar, DOGMA, Panthéon-Assas (Paris II) University (January 2021)

Other activities

During the second term of the 2020-2021 academic year, Samuel Fulli-Lemaire has taught, among other subjects, a course on the English Law of Contract and a seminar on English Legal Terminology at the University of Strasbourg. He was also invited, in July 2021, to give an online lecture on tort liability in France to the students of Priv.-Doz. Hannes Wais's class on Tort law at the University of Freiburg.



Birke Häcker is the Director of the Institute. She holds the statutory Chair in Comparative Law and is a Professorial Fellow of Brasenose College.

Professor Häcker's background is in both English and German law, her research focusing on core private law (especially contract, tort, property/trusts, restitution of unjust enrichment, and succession), usually in comparative perspective and often involving a historical angle. Beside covering the traditional common law – civil law spectrum in these fields, she has a particular interest in the emerging 'comparative common law' phenomenon, ie, that of comparisons being conducted between different common law jurisdictions, sometimes without sufficient acknowledgement of their separateness and increasing divergence.

At Oxford, Professor Häcker teaches the FHS course on 'Comparative Private Law' and a BCL/MJur course called 'Comparative Contract Law in Europe'. She also offers a range of introductory lectures and seminars on both comparative law and on the English common law. She supervises research students within the fields of her expertise.

During the past year, she presented numerous papers relating to her research topics at the Universities of Oxford, Trier, Bonn, Innsbruck, Berlin (Humboldt), at the SLS conference in Durham, and at the Max Planck Institute in Hamburg; she also addressed the Convoco-Forum 2021 in Salzburg (see under selected presentations immediately below). She further organised an online workshop as part of an ongoing collaborative book project on comparative contract law (convened together with Professor Hugh Beale), ran a doctoral workshop for graduate research students (see p. 57 below) and co-organised, together with the Chinese Law Discussion Group, a half-day IECL special seminar on the new Chinese Civil Code (see p. 53 below).

She was honoured and delighted to be invited to become a member of the Academy of Europe (*Academia Europaea*), the pan-European Academy of Humanities, Letters, Law, and Sciences.

Selected publication

'Enrichissement injustifié – unjust enrichment – ungerechtfertigte Bereicherung: Ce qu'il y a derrière ce nom' [2020] *Tribonien*, 172–181

Selected presentations

'Die "Janusköpfigkeit" des englischen Rechts', Presentation in the Interdisciplinary 'Open Economies' Series, University of Trier (October 2020)

'"Voluntas testatoris ambulatoria est" und "A will speaks from death". Entstehung, Bedeutung und Anwendungsbereich einer Auslegungsmaxime', Aktuelle Stunde, Max Planck Institute for Comparative and International Private Law, Hamburg (January 2021)

'Money, Books, and the Interpretation of Wills: The Case of *All Souls College v Codrington* (1720)', Evening Lecture as part of the Oxford-Berlin Partnership, Centre for British Studies, Humboldt-Universität zu Berlin (July 2021)

'Individual and Social Dimensions of Freedom and Liberty', Panel Topic Introduction at the Convoco! Forum 2021, Salzburg (July 2021)

'English Law Today: A Tale of Two (Comparative) Traditions', Keynote Address in the Comparative Law Section of the Annual Conference of the Society of Legal Scholars (SLS) 2021, University of Durham (September 2021)



Geneviève Helleringer is the IECL Lecturer in French Law and Business law, a Research Fellow of Lady Margaret Hall. She is also a law professor at Essec Business School Paris and a fellow of the European Corporate Governance Institute (ECGI). Dr Helleringer is an appointed member of the Oxford Committee for the Maison française in Oxford and the IECL Management Committee.

Dr Helleringer's academic research focuses on contract, corporate and financial law as well as alternative dispute resolution. Across these subjects, she has an in-depth research expertise in the issue of conflicts of interest, understood as situations where one's own interest interferes with obligations one has to act in another person's interest. Her work draws on insights from comparative law, as well as psychology and ethics. She also has strong experience in designing experiments and analysing experimental data. For the past year, Dr Helleringer continued designing an online data collection (together with Marwan Sinaceur (Essec) and Hajo Adam (Bath University), who are both social psychologists) for a cross-cultural study on promises and engagement (9 jurisdictions and 2,700 participants). Dr Helleringer also took part in the Behavioural Ethics and Corporate Law international research group hosted at the Israeli Institute of Advanced Studies (IIAS): discussion and projects were heavily informed by differences in culture and comparative law. As a follow up, Dr Helleringer works with Simone Tang (Cornell) and Hajin Kim (Chicago) on the framing of disclosures and trust in the regulators. Dr Helleringer also got involved in the ongoing Net-Zero Economy Transition and Business Law comparative research project.

Selected publications

'Conflicts of Interests and Decision Making', in S. Grundmann and P. Hacker (eds) *Theories of Choice* (OUP, 2021), 265-282

(with M. Corradi) 'Board Duty: Duty of Loyalty and Self-dealing', in A. Afsharipour and M. Gelter (eds) *Research Handbook on Comparative Corporate Governance* (E Elgar, 2021), 200-219.

'EU vs Greenwashing: the Birth Pangs of Transparency, Comparability, Cooperation and Leadership', in A. Engert, L. Enriques, W-G. Ringe, U. Varotttil, T. Wetzter (eds) *Law and Transition to a Net-0 Carbon Economy* (Beck Nomos, 2021)

Selected presentations

'A Tale of Two Loyalties', The Hebrew University of Jerusalem - Behavioural Ethics Meets Corporate Governance: Paradigm Shift? (May 2021)

'Commercial and Financial Services', panel on Commercial Dimensions in the IECL Workshop, British-European Relations Post-Brexit: A Legal Kaleidoscope (21 September 2020)

Other activities

Dr Helleringer is in charge of the French Law and Languages and French Law and Methods courses for 'Law with French Law' students. She also teaches for the Law Faculty Comparative Corporate Law, Corporate Control as well as the Commercial Negotiation and Mediation, which are all comparative in nature, and a couple of lectures in the Comparative Private Law course.

Dr Helleringer is a founder and editor of the *Journal of Financial Regulation*, published by Oxford University Press: the journal is the only one in its category to include a comparative panorama in each issue. Since 2018 Dr Helleringer has been an academic editor of the *Oxford Business Law Blog*, which often features posts including a comparative or European perspective.



Marios Iacovides was the Stockholm Research Fellow at the Institute for the academic year 2020-2021.

With a background in EU law and international economic law, his research for the past years has focused on sustainability and EU competition law, the European Green Deal and competition policy, and sustainable development in World Trade Organisation (WTO) law. His research project at Oxford explored how EU competition policy's goals can be interpreted more broadly than what is the current consensus, in order to accommodate for social and environmental sustainability and to promote the EU's Green Deal goals. His study is the first ever to look at the Green Deal and all related legislation and to explain how its goals become relevant for the EU's economic constitution, including competition law and state aid. It is also the first to problematise what kind of sustainability discourse is revealed by the Green Deal (green growth, a-growth, or degrowth)? This research built on past research (together with C. Vrettos) that showed, for the first time, a nexus between market power and unsustainable business practices, as well as how such practices can be characterised as abuses of dominant positions contrary to EU competition rules. It is part of a growing body of work in sustainability and EU competition law, yet it is among the most progressive and radical, adopting an understanding of sustainability that goes beyond environmental protection. It integrates social and human rights dimensions, within the framework of Raworth's 'Doughnut'. This research is already having an impact on the debate and policy. It has been cited by the OECD in its paper on sustainability and competition law, by the European Competition Network in its recommendations to DG COMP (European Commission) and by the Hellenic Competition Commission in a Staff Working Paper on the authority's approach to sustainability and competition law.

Selected publications

The Law and Economics of WTO Law: a Comparison with EU Competition Law (Elgar, 2021)

(with C. Vrettos) 'Falling through the Cracks No More? Article 102 TFEU and Sustainability – the Relation Between Dominance, Environmental Degradation, and Social Injustice' (2021) 9:3 *Journal of Antitrust Enforcement*

'Topoi of Ambiguity I: Decoupling Statehood from WTO Membership – the Case of Separate Customs Territories' (October 2021) 2019 *Hague Yearbook of International Law*

(with M. Greib) 'Fundamental Rights Protection in Germany: the Right to be Forgotten Cases and the Relationship between EU and German Law' (2020) 3 *Europarättstlig Tidskrift* 443 ff.

(with C. Vrettos) 'Radical for Whom? Unsustainable Business Practices as Abuses of Dominance', in S. Holmes, D. Middelschulte and M. Snoep (eds) *Competition Law, Climate Change and Environmental Sustainability* (Concurrences, 2021)

(with K. Stylianou) 'Goals of EU Competition Law: Results of a Comprehensive Empirical Study' (2020), available [online](#)

Selected presentations

'The Green Deal and EU Competition Law', Stockholm Centre for Commercial Law (October 2020)

'The Goals of EU Competition Law', European University Institute (April 2021)

'Greening EU Competition Law', University of Malaga, Annual Conference of Society of Spanish Competition Lawyers (May 2021)

'Unsustainable Business Practices as Abuses of Dominance', Academic Society for Competition Lawyers, Annual Conference (July 2021)



Angus Johnston is Professor of Law and a Research Fellow at the Institute. He is Hoffmann Fellow in Law at University College.

With a background in English law and EU Law, his research has ranged across the EU Law field in general, with a particular focus upon EU Energy Law and its overlaps with environmental, competition and consumer law issues. He is fascinated by the idea of spillover effects from EU law within national legal systems in general, and by the interactions between EU law and domestic law. Environmental dimensions have come to the fore in his work in more recent years, as their interactions with public law, and energy law and markets pose interesting and challenging legal and practical questions for governments, companies and individuals alike.

Selected publications

(with H. Bjørnebye) 'EU Energy Law and Fundamental Rights' (2021) *SIMPLY*

Selected presentations

'Get Brexit Done: Britain's Historic 2019 General Election', SMU Seminar (November 2020)

'EU Energy Law Discussion' Seminar, Scandinavian Institute for Maritime Law & Policy (March 2021)

Other activities

Editorial Board Member, *International & Comparative Law Quarterly* (September 2021 onwards)



Ciara Kennefick is an Associate Professor in the Faculty of Law, Official Student (Tutorial Fellow) at Christ Church and a Research Fellow in the Institute.

Comparative law was an important part of her teaching in 2020-2021. In a new BCL/ MJur course which she developed with colleagues at Oxford, she delivered a seminar on the politics and philosophy of codification which examines the principal debates in and exchanges between England, France and Germany in the first half of the nineteenth century. In March and April, she was very pleased to be back at Paris 2 Panthéon-Assas (albeit remotely) to give lectures on legal reasoning in the common law. The final strand of her comparative law teaching comprised seminars on property law in England, France and Germany (and in ancient Rome!) for BA students at Oxford.

The pandemic curtailed the comparative aspect of her research in 2020-2021 since she could not, once again, go to libraries and archives in France. A chapter on the French influence on the English law of easements was published in a collection of essays in 2021: C. Kennefick, 'Looking Afresh at the French roots of Continuous Easements in English Law', in W. Eves, J. Hudson, I. Ivarsen and S. White (eds) *Common Law, Civil Law, and Colonial Law: Essays in Comparative Legal History from the 12th to the 20th Centuries* (Cambridge University Press, 2021), 183 ff. This is a remarkable story of deliberate borrowing and conscious and unconscious misunderstanding, principally in the second half of the nineteenth century, of a concept – continuous easements – which had always been problematic in France. In June, she gave a talk (remotely again) to scholars of property law on the consequences of this comparative and historical study for English law today: having identified the concept as still an 'irritant', she suggested that it should be excised from English law.



Signe Rehling Larsen is a Fellow by Examination in Law at Magdalen College. Before coming to Oxford, she was a Max Weber Fellow in Law at the European University Institute. She is a Research Fellow at the Institute.

Signe's research is concerned with the study of constitutions in a theoretical, historical and comparative perspective. In her recent monograph, *The Constitutional Theory of the Federation and the European Union* (OUP, 2021), Signe engages with the question of the constitutional nature of the European Union. The book demonstrates that the general assumption that the EU is unique, or *sui generis*, because it is neither a state nor an ordinary international organisation, is based on a flawed understanding of both history and constitutional theory. It is flawed in particular because it assumes the state to be the only constitutional form of political modernity. In contrast, the book shows that the EU is a federation, and that the federation is a political form that has both a long history and a constitutional theory in its own right. It is a separate 'genus' in the 'family' of political associations, which also includes the two other main political forms of modernity: the empire and the state. The book presents the constitutional theory of the federation and demonstrates that it allows us to make better sense of the EU and its legal and political problems than existing theories.

Signe is currently pursuing a new research project on empire and public law. By incorporating insights from history and social science on colonialism and imperialism, she aims to develop a public law theory of empire that can provide us with a better understanding of the legacies of imperialism in constitutional law, including its transnational dimensions.

Selected publications

The Constitutional Theory of the Federation and the European Union (Oxford University Press, 2021)

'Varieties of Constitutionalism in the European Union' (2021) 84 *Modern Law Review*, 477-502



Dorota Leczykiewicz is Associate Professor of Law and an Official Fellow of St Peter's College. She is a Research Fellow at the Institute and, from 2021, also Associate Dean for Graduates (Taught) at the Law Faculty.

She was previously a Junior Research Fellow and then a Fellow by Special Election at Trinity College, Oxford, a Leverhulme Trust Early Career Fellow in the Oxford Faculty of Law, and a Marie Curie Fellow at the European University Institute in Florence.

Her research interests focus on English and comparative tort law, legal reasoning, European private law and EU constitutional law, in particular EU fundamental rights. She has recently authored chapters on 'Judicial Development of EU Fundamental Rights Law in the Digital Era', published in *General Principles of EU Law and the EU Digital Order* (Kluwer Law International 2020) and the reform of the French civil law liability regime, 'Loss and its Compensation in the Proposed New French Regime of Extra-contractual Liability', published in Jean-Sébastien Borghetti and Simon Whittaker (eds), *French Civil Liability in Comparative Perspective* (Hart Publishing 2019), as well as an article – 'Prohibition of Abusive Practices as a "General Principle" of EU Law', published in the *Common Market Law Review*.

In the Faculty, she gives lectures in EU law and teaches on the BCL/MJur courses of Private Law and Fundamental Rights and the Constitutional Principles of the EU. At St Peter's College, she teaches tutorials in EU law and Tort law. She is supervising doctoral students conducting research in EU, comparative and private law.



Rodrigo Momberg Uribe is Professor of Private Law at Universidad Católica de Valparaíso and Visiting Research Fellow at the Institute.

His main research is in Latin American Contract Law, both at the level of harmonisation measures and of comparison between Latin American domestic systems and European jurisdictions. He is also leading a research project in long-term contracts, which aims to analyse their main features and differences with traditional discrete contracts, and therefore, the need to adapt legal rules and principles to the needs of long-term relationships. Consumer law, in particular collective consumer redress, is another area of research developed by Rodrigo during 2021.

This year he has been appointed as Director of the LLM of the Universidad Católica de Valparaíso Faculty of Law. He is also member of the Board of Advisors (*Consejo Científico*) of the *Revista de Derecho Civil* (Spain) and Associate Member of the International Academy of Comparative Law.

Selected publications

'Consideraciones sobre el caso fortuito y la teoría de la imprevisión en tiempos de pandemia', in *Retos del Derecho Privado en Tiempos de Crisis* (Tirant lo Blanch, 2021)

(with A. Pino) 'Algunos aspectos relevantes para el ejercicio de acciones indemnizatorias en procedimientos colectivos', in F. Barrientos Camus and L. del Villar Moritt (eds) *Interés General, las Negociaciones Extrajudiciales y Juicios Colectivos en el Derecho del Consumo* (Thomson Reuters, 2021)

(with C. Pizarro) 'Fisonomía y efectos de los contratos conexos o grupos de contratos' (2020) *Ius et Praxis*

Selected presentations

'Algunas reflexiones sobre el equilibrio contractual', International Congress *Presente y futuro del derecho privado*

'*Force Majeure clauses*', Seminario internacional 'Cuestiones actuales en torno al iter contractual', Universidad Católica de Valparaíso



Juan Pablo Murga Fernández is Senior Lecturer of Civil Law at the University of Seville, where he teaches contract law, property law, family and succession law to undergraduate students and different courses on the LLM in Private Law. He has been habilitated as Associate Professor (*Profesor Titular de Universidad*) in October 2021. He has held different Visiting Professorships abroad: Professor of Comparative Property and Succession Law at Florida International University, in their 'Summer Study Abroad Programme'; 'LFUI – Guest Professorship 2019' at the University of Innsbruck (Austria), where he has given a course of comparative property law and comparative succession law; 'Simon Visiting Professorship' at the University of Manchester, where he taught European comparative contract law and European comparative property law; and 'Visiting Professor' at the University of Padova (Italy) since 2020, where he will teach European contract law during the course of the next five years. He is a Visiting Research Fellow at the Institute.

He has collaborated with the IECL since 2015, contributing several guest lectures on property law and tort law to the dedicated 'Introduction to Spanish Law' course, in collaboration with Professor Javier García Oliva. His research concerns contract law, property law, comparative succession law and data protection. He is currently working on a book focused on family provisions and forced shares in succession law from a comparative perspective. He is an editor of different Spanish and Italian law journals: the *Boletín del Colegio de Registradores*, *Crónica Jurídica Hispalense* and *Revista Internacional de Derecho del Turismo, Il diritto della famiglia e delle successioni in Europa, European Journal of Privacy Law and Technologies, Il diritto degli affari*. He has been responsible at the University of Seville for the European Research Project 'H2020 Training Activities to Implement the Data Protection Reform (TATODPR)', financed by the European Commission. He is also currently leading a major research project on the reform of the law of succession in Spain, involving a total of thirty researchers, financed by the Spanish Research Agency (Ministry of Science and Innovation).

Selected publications

(with M. Espejo Lerdo de Tejada, S. del Rey Barba) (eds) *Tratado de Derecho Inmobiliario Registral* (Tirant lo Blanch, 2021)

(with M. Espejo Lerdo de Tejada, J. García Oliva, J. Martínez Cruz) (eds) *Derecho y pandemia desde una perspectiva global* (Aranzadi Thomson-Reuters, 2021)

(with A. Guajardo-Fajardo) (eds) *Elementos de Derecho Notarial* (Aranzadi Thomson-Reuters, 2021)

(with M. Espejo Lerdo de Tejada, F. Capilla Roncero, F.J. Aranguren Urriza, J.J. Pretel Serrano, J.L. Arjona Guajardo-Fajardo) (eds) *Estudios sobre la Ley Reguladora de los Contratos de Crédito Inmobiliario* (Reus, 2020)

'Creditor Protection in Succession Law: a Comparative Analysis' (2021) 3 *Edinburgh Law Review*, 269-290

'Parejas de hecho, registros autonómicos y el limitado alcance en España del Reglamento europeo sobre efectos patrimoniales de las uniones registradas, en *Revista de Derecho Privado*' (2021) 2, *Revista de Derecho Privado*, 31-65

'The doctrine of frustration in Spanish law: its configuration in light of the pandemic', (2021) 2 *Nottingham Law Journal*, 17-29

'Las parejas de hecho y la difícil aplicación en España del Reglamento 2016/1104, de 24 de junio de 2016 sobre efectos patrimoniales de las uniones registradas', in A. Marín Velarde, F. Moreno Mozo (eds) *Libro Homenaje a Luis Humberto Clavería González*, (Reus, 2020), 359-382

'Las anotaciones preventivas en materia sucesoria', in M. Espejo Lerdo de Tejada, S. del Rey Barba (eds) *Tratado de Derecho Inmobiliario Registral*, Tomo II (Tirant lo Blanch, 2021), 2411-2461



Julian Nowag is Associate Professor at Lund University specialising in EU and Competition Law and is there also Director of the master programme in European Business Law. In 2020 he was Departmental Lecturer in Competition Law for Oxford's Faculty of Law. He is a Visiting Research Fellow at the Institute and an Associate at the Centre for Competition Law and Policy.

He teaches courses on EU competition and various areas of EU internal market law. At the Institute, he used to be involved in the EU Law Discussion Group as convener and now helps in running the Competition Law Discussion Group together with DPhil students. In 2020-2021 he examined a number of DPhil theses in EU competition law at different stages (transfer, confirmation, and viva). While major research trips to Asia and the US were hindered by Covid in 2020 and parental leave in 2021, his work has continued to centre on the interaction of constitutional principles of the EU and competition law, as well as sustainability and competition law more generally. This work included a report for the OECD and numerous engagements with competition authorities (e.g. in Germany and Greece). In the areas of competition law, his work also focused on the interaction between competition law and corporate law with work on an edited volume to be published by CUP entitled *Antitrust Meets Corporate Law and Finance*, together with Marco Corradi (ESSEC, France).

Selected publications

(with A. Engel and X. Groussot) 'Is This Completely M.A.D.? Three Views on the Ruling of the German FCC on 5th May 2020' (2020) *Nordic Journal of European Law* 3(1), 128-150 (translated into Romanian: 'Spre distrugere reciprocă? Trei puncte de vedere privind hotărârea Curții Constituționale Federale germane din 5 mai 2020')

(with L. Tarkkila) 'How Much Effectiveness for the EU Damages Directive? On the EU Damages Directive and Contractual Clauses Hindering Antitrust Damages' (2020) 57: 2 *Common Market Law Review*, 433-474

(in cooperation with L. Mundaca and M. Åhman) 'Phasing Out Fossil Fuel Subsidies: a Role for EU State Aid Rules?' (as first author) (2021) 21: 8 *Energy Policy*, 1037-1052

(with M. Hjærtström) 'General Principles in EU Competition Law', in P.J. Neuvonen, V. Moreno-Lax and K. Ziegler (eds) *General Principles of EU Law* (Edward Elgar, 2021)

'Sustainability and Competition', (2020) [OECD Competition Committee Discussion Paper](#)

Selected presentations

'Sustainability and Competition Law', presentation to the *Monopolkommission*, Bonn Germany (April 2021)

'Competition and Sustainability', paper presentation, to the OECD Competition Committee: Round Table on Sustainability, Paris (December 2020)

'Sustainability and Competition', presentation and round table discussion, Greek Competition Commission (October 2020)



Justine Pila is Professor of Law and a Fellow of St Catherine's College, where she also fills the role of College Counsel. She was appointed in 2004 and has been a Research Fellow of the IECL since 2011.

Her main areas of research and teaching are Intellectual Property (IP) Law and Regulation, where she focuses particularly on the regulatory impacts of technology. At St Catherine's she also teaches EU Law and Jurisprudence.

Much of her work is European and comparative in focus. She is the author and editor of several books, including the author (with P.L.C. Torremans) of *European Intellectual Property Law*, published by OUP and now in its second edition, and the editor (with R.C. Dreyfuss) of *The Oxford Handbook of Intellectual Property Law*, much of which is comparative. She is currently working on two books in these fields, one scheduled for publication by Edward Elgar in 2022 and one for publication by OUP in 2023. They have been the main focus of her research activity over the past year, though she has also been pleased to see the papers listed below published.

Aside from her research, she was pleased to offer for the first time (with her colleague, Professor Robert Burrell) a BCL/MJur half-option called 'Comparative Copyright'. This is one of a number of comparative law courses currently offered by the Faculty. It presents copyright as an example of the wider shift in legal mindset brought about by globalisation, Europeanisation, and constitutionalisation; studying the technical differences among copyright systems and their philosophical and historical bases, and the shift towards a more comparative approach among copyright scholars and law-makers.

She is looking forward to her first in-person trip to another faculty in the coming weeks, when she is due to visit the University of Bergen in Norway.

Selected publications

'Adapting the Ordre Public and Morality Exclusion of European Patent Law to Accommodate Emerging Technologies' (2020) 38 *Nature Biotechnology*

'Covid-19 and Contract Tracing: a Study in Regulation by Technology' (2020) *European Journal of Law & Technology*

'Reflections on a Post-Pandemic European Patent System' (2020) *European Intellectual Property Review*

'Property in Human Body Parts: an Old Legal Question for a New Technological Age', in T.K. Hervey and D. Orentlicher (eds) *The Oxford Handbook of Comparative Health Law* (OUP, 2021), Ch. 38



Georg Ringe is Professor of Law and Finance at the University of Hamburg and Director of the Institute of Law and Economics at the University of Hamburg. At Oxford, he is a Visiting Professor at the Law Faculty and a Visiting Research Fellow at the Institute.

His research continues to lie in the general areas of comparative and European business law – with a particular interest in the regulation of financial markets, corporate law, capital markets, and insolvency law. During 2020-2021, a special focus of his research was on issues of technology and digitalisation, on sustainability and ESG investing, and on the consequences of Covid-19 on financial stability. In 2021, he co-hosted the 5th Annual Oxford Business Law Blog three-day conference on ‘Business Law and the Transition to a Net Zero Carbon Economy’, together with colleagues from Oxford, Free University Berlin, and the National University of Singapore.

Selected publications

(with C.V. Gortsos) *Financial Stability Amidst the Pandemic Crisis: On Top of the Wave* (EBI, Frankfurt, 2021), Ebook available [online](#)

‘Stewardship and Shareholder Engagement in Germany’ (2021) 22 *European Business Organization Law Review* (EBOR), 87-124

(with L. Enriques) ‘Bank-Fintech Partnerships, Outsourcing Arrangements, and the Case for a Mentorship Regime’ (2020) 15 *Capital Markets Law Journal*, 374-397

‘Interne und externe Corporate Governance bei Banken’ [‘Internal and External Corporate Governance for Banks’], in S. Grundmann et al. (eds) *Festschrift für Klaus J. Hopt zum 80. Geburtstag* (de Gruyter, 2020), 1037-1052

‘Lessons from the Pandemic for European Finance: a Twin Transformation Towards Green Technology’, in C. Gortsos and W.-G. Ringe (eds), *Pandemic Crisis and Financial Stability* (EBI, 2020), 56-81

‘Renforcer l’architecture de la zone euro par le marché’ (2020) 9 *Journal des Libertés*, 27-43

‘Renforcer l’architecture de la zone euro par le marché (seconde partie)’ (2020) 11 *Journal des Libertés*, 189-211

Selected presentations

‘Machine Learning, Market Manipulation, and Collusion on Capital Markets: Why the “Black Box” Matters’, Wharton Conference on Financial Regulation, University of Pennsylvania and EALE Annual Conference, Pompeu Fabra University, Barcelona

‘Investor-Led Sustainability in Corporate Governance’, CAS LawFin, Goethe University Frankfurt

‘Covid-19 and Financial Stability’, University of Hamburg

‘Comparative Perspectives on Regulating Financial Conglomerates’, Regulating Megabanks: A Conference in Honour of Arthur Wilmarth, University of Colorado

‘After Brexit and Transition – What will Happen Now?’, Stockholm

‘The Digital Finance Package: Markets in Crypto-Assets’, FinanceWatch conference on ‘Navigating the Brave New World: Cryptoassets, Stablecoins, and CBDCs’

‘Response to the European Commission’s Consultation’, ECGI Online Policy Workshop, Directors’ Duties and Sustainable Corporate Governance

‘MiCA: Building a Market in Crypto-Assets’, Freshfields & Goethe University Conference, Frankfurt



Ewan Smith is a Fixed Term Student at Christ Church and an Early Career Fellow at the Bonavero Institute of Human Rights. He is an Associate at the Programme for the Foundations of Law and Constitutional Government, and at the Oxford University China Centre. He is a Research Fellow at the Institute.

His interests lie in comparative constitutional law, in authoritarianism, and in what good constitutions can learn from bad ones. This can lead him to compare constitutions that seem very different.

He is especially interested in constitutional development in China. His published work this year includes an article 'On the Informal Rules of the Chinese Communist Party'. The article looks at the unwritten constitution of China using ideas developed to describe the unwritten constitution of the UK. It challenges a literature that says Chinese authoritarianism is resilient because it is rule-bound, and suggests a new way to account for that resilience.

In September, together with Philipp Renninger and Nick Barber, he convened a conference on 'Good Faith in Public Law' (see p. 62 below). The conference compared jurisdictions such as international law and Swiss law, which have explicit principles of good faith, with jurisdictions that lack such principles. It also compared private law, where good faith standards abound, with public law, which sometimes struggles to describe the dishonesty and disingenuity of the government.

Selected publications

'On the Informal Rules of the Chinese Communist Party' (2021) *The China Quarterly*, 1-20

'Is Foreign Policy Special?' (2021) [*Oxford Journal of Legal Studies*](#)



Sandy Steel is Lee Shau Kee's Sir Man Kam Lo Fellow in Law at Wadham College, an Associate Professor of Law in the Law Faculty and an IECL Research Fellow. He read law (BA, PhD) at Corpus Christi College, Cambridge and holds or held visiting appointments at the University of Hong Kong, the National University of Singapore, the University of Münster.

He is interested in philosophical and doctrinal questions about private law. He has written mainly about torts and private law theory, but also maintains an interest in general jurisprudence and has co-authored (with Nick McBride) a critical guide to the subject: *Great Debates in Jurisprudence* (Palgrave, 2014, 2nd edn 2018).

He is currently finishing a book about tort liability for omissions. It is mainly based on common law jurisdictions but has some treatment of French and German law. Among his recent publications is an article on 'Rationalising Omissions Liability in Negligence' (2019) 135 *Law Quarterly Review* 484, and one forthcoming paper deals with 'Culpability and Compensation', to be published in J. Goudkamp, M. Lunney and L. McDonald (eds) *Taking Law Seriously: Essays in Honour of Peter Cane* (Hart, 2022).

Selected publications

'The Moral Necessity of Tort Law - the Fairness Argument' (2021) 41 *Oxford Journal of Legal Studies*, 192 ff.

'Remedies, Analysed' (2021) 41 *Oxford Journal of Legal Studies*, 539 ff.

'Compensation and Continuity' (2020) 26 *Legal Theory*, 250 ff.

(with R. Stevens) 'The Secondary Duty to Pay Damages' (2020) 136 *Law Quarterly Review*, 283 ff.

Other activities

Global Fellow, NYU Law School, Michaelmas 2021



Johannes Ungerer is the Erich Brost Lecturer in German Law and EU Law at the Institute and St Hilda's College. Previously, he taught and researched at the University of Bonn, where he recently completed his PhD in the area of German and European law of damages.

During the academic year 2020-2021, his teaching comprised lectures on the introduction to German law (for first and second year 'Law with Law Studies in Europe' students who will be going abroad to Bonn or Munich during their third year under the Faculty's exchange scheme) as well as tutorials in EU law. He also offered additional teaching for the BCL/MJur conflict of laws course, served as BCL/MJur Academic Advisor, and contributed to the Faculty's outreach events. His research activities focused on private international and comparative law, which is reflected in his publications and conference presentations listed below. Further completed papers are forthcoming in the *RabelsZ* review and the *Journal of Private International Law*.

Selected publications

'Englischer ordre public gegen ausländische Verjährungsvorschriften: Undue hardship und dépeçage als Probleme im Foreign Limitation Periods Act – illustriert am Fall Roberts zur deutschen dreijährigen Verjährung' [2021] *Praxis des Internationalen Privat- und Verfahrensrechts* (IPRax), 298 ff.

'Folgen des harten Brexit im Internationalen Privat- und Zivilverfahrensrecht: Umgang mit alten und künftigen grenzüberschreitenden Gerichtsverfahren und Rechtsverhältnissen' [2021] *Neue Juristische Wochenschrift* (NJW), 1270 ff.

Selected presentations

'Insights from Behavioural Economics into Private International Law', Conflict of Laws Discussion Group, Oxford Law Faculty (November 2020)

'Explicit Legislative Characterization of Overriding Mandatory Provisions in EU Directives', European Association of Private International Law (EAPIL), Young EU Private International Law Research Network, ELTE University Budapest (November 2020)

'Explicit Legislative Characterisation of Overriding Mandatory Provisions in EU Directives', Institute of European and Comparative Law Discussion Group (together with the Discussion Groups on the Conflict of Laws and EU Law), Oxford (March 2021)

'The Controversy about Sovereign Debt and Immunity in Times of Economic Crises: Subsequent Limitation of Liability for State Bonds', 10th Annual Cambridge International Law Conference (March 2021)

'Reconsidering Consideration: a Bidirectional Comparison of Common Law and Civil Law', Society of Legal Scholars 112th Annual Conference (31 August–3 September 2021)

'Nudging Across Borders: Private International Law in the Light of Behavioural Economics', 38th Annual Conference of the European Association of Law and Economics (September 2021)



Stephen Weatherill is Deputy Director of the Institute, Jacques Delors Professor of European Law and Fellow of Somerville College.

Academic year 2020-2021 was his last before moving into retirement. All his teaching and supervision covered the law of the European Union. Although this was conducted literally at home, he at no stage felt at home teaching and supervising on-line.

He worked on aspects of the UK's internal market, a concept which has only recently emerged as important. Before EU membership, the UK was a relatively centralised state in which concern about barriers to intra-UK trade caused by regulatory divergence among its constituent elements did not arise. Devolution has changed the picture within the UK, but during EU membership the EU's common rules acted as a blanket which covered up problems that might have been caused by divergence between Scotland and Wales and London (and, in different ways, Northern Ireland). Brexit has forced a reckoning with intra-UK regulatory divergence untamed by EU rules. Can Scotland exclude English-made goods from its market if they do not comply with stricter Scottish standards? The answer given by the UK Internal Market Act 2020 is: only in exceptional circumstances. The deregulatory aggression of the Act is likely to generate, and is already generating, genuine grievance about London's undermining of the practical effect of the devolution settlements.

He also worked on aspects of EU law on sport, writing a blogpost assessing how far UEFA may go in conformity with EU law in taking action to prevent the emergence of a European 'SuperLeague'. The issue: how does EU law control the assertion of regulatory power where it has commercially advantageous consequences for the regulator, here UEFA? A question: does UEFA object to the SuperLeague, or only to the fact it wouldn't control it? A suggestion: football needs reform from outside, by the EU, since neither UEFA nor FIFA are sufficiently transparent or accountable to all affected interests.

Selected publications

'The Fundamental Question of Minimum or Maximum Harmonisation', in S. Garven and I. Govaere (eds) *The Internal Market 2.0* (Hart, 2020), 261-284

'Did Cassis de Dijon Make a Difference?', in A. Albers-Llorens, C. Barnard and B. Leucht (eds) *Cassis de Dijon: 40 Years On* (Hart, 2021), 119-138

'Will the United Kingdom Survive the United Kingdom Internal Market Act?', published as a [Working Paper by UK in a Changing Europe](#), May 2021

'Never Let a Good Fiasco Go to Waste: Why and How the Governance of European Football Should be Reformed after the Demise of the SuperLeague', [Blogpost on EU Law Analysis](#); also published on the [Asser International Sports Law Blog](#), April 2021



Simon Whittaker is Professor of European Comparative Law and Tutorial Fellow of St John's College, and is a Research Fellow at the Institute.

His work has explored aspects of the laws of contract and tort in English law and has considered these topics both comparatively (principally as between English law and French law) and from the perspective of the harmonisation of laws by the EU. This last year, he has focussed on developments in the English law of contract itself (including for a new edition of *Chitty on Contracts*), but he has also worked on the legislation by which EU law was (in principle) 'retained' in the UK, illustrating this by reference to the position governing consumer contracts.

At Oxford, he gives lectures and contributes to seminars for the FHS 'Comparative Private Law' course, the BCL/MJur course 'Comparative Contract Law in Europe' and gives FHS lectures on (English) consumer contract law.

Selected publications

'Retaining European Union Law in the United Kingdom' (2021) *Law Quarterly Review*, 477-502

'La réforme du droit de la consommation au Royaume-Uni et "les contrats portant sur un bien meuble corporel" ("goods contracts")', in H. Oucard, J. Lete Achirica, R.-N. Schütz, E. Savaux (eds) and R. Pazos Castro (collaborator) *Les recodifications du droit de la vente en Europe* (Presses universitaires juridiques de Poitiers (LGDJ Lextenso éditions, (collection de la Faculté de droit et des sciences sociales) 2020), 231-246



Jan Zglinski is Assistant Professor of Law at the London School of Economics and Political Science and a Visiting Research Fellow at the Institute. He was formerly Brost Lecturer in German Law and EU Law at the Institute before moving to the LSE in 2019.

His research interests continue to lie in EU constitutional and internal market law, with a special focus on legal empirical approaches to studying the European Court of Justice. He has spent the year promoting his monograph *Europe's Passive Virtues: Deference to National Authorities in EU Free Movement Law* (Oxford University Press, 2020), which included a (virtual) book launch at the IECL. His current research projects concern the evolution of internal market governance and the future of football. He has worked on a new dataset containing all free movement of goods cases decided by the Court of Justice since the 1960s and co-authored a paper on the cultural and regulatory dimensions of European football.

Selected publications

'Rules, Standards, and the Video Assistant Referee in Football' (2020) 15 *Sports, Ethics and Philosophy*, 1 ff

'The Rise and Fall of the European Super League' (2021) [EU Law Live](#)

Selected presentations

'Football, VAR, and Academia', Interview with [Nth Cause Spotlights](#) (April 2021)

'Book Launch: Europe's Passive Virtues', Joint event of Institute of European and Comparative Law, EU Law Discussion Group and Empirical Legal Studies Discussion Group, University of Oxford (May 2021)



Katja Ziegler is the Sir Robert Jennings Professor of International Law and Director of the Centre of European Law and Internationalisation (CELI) at the University of Leicester. She is a Visiting Research Fellow at the Institute.

Professor Ziegler teaches and researches in the areas of public international, human rights, EU law and comparative constitutional law. Her research interests lie in the constitutionalisation and interaction of legal orders in an international, European and comparative law context. She focuses in particular on the interaction of legal orders through human rights, on the methods and devices of such interaction, as well as the interaction between international law and EU law (including EU-UK relations law). A further strand to her research is (comparative) foreign relations law, with a focus on mechanisms of accountability: the evolution of the role of parliaments, and the operation of the rule of law in international contexts (in particular, with regard to military deployments, but also with regard to foreign policy decisions more generally).

She teaches the undergraduate international law module and specialised international law modules, e.g. on the use of force, on the LLM at Leicester and supervised/s many research students in her areas of expertise. She is member of the editorial board of the *International and Comparative Law Quarterly* (which includes EU law in its thematic scope).

She is looking forward to the publication of the forthcoming *Research Handbook on General Principles in EU Law: Constructing Legal Orders in Europe* (Edward Elgar, 2022) which she is co-editing together with P.J. Neuvonen and V. Moreno-Lax and to which she has contributed several chapters, namely Chapter 1 (with P. Neuvonen) 'General Principles in the EU Legal Order: Past, Present and Future Directions'; Chapter 13 (with V. Moreno-Lax) 'Autonomy of the EU Legal Order - A General Principle? On the Risks of Normative Functionalism and Selective Constitutionalisation'; and Chapter 18 (with A. Volou) 'Human Rights and General Principles: Beyond the EU Charter of Fundamental Rights'.

Selected publications

'Der Brexit. Zu Ursachen, Austrittsverfahren und Perspektiven', in A. Uhle (ed) *Quo vadis Europa? – Gegenwarts- und Zukunftsfragen der europäischen Einigung* (Duncker & Humblot, 2020), 79-166. ['Brexit: On Causes, Procedure and Perspectives']

Other activities

Since January 2021 Professor Ziegler has been seconded for two years to the Europe Directorate in the Foreign Commonwealth and Development Office (FCDO), funded by an AHRC-ESRC-FCO Knowledge Exchange Fellowship

Visitors to the Institute



View of Oxford, unsplash.com

In addition to researchers who come to the Institute from partner institutions under the terms of our international institutional links, we host established academics from other institutions as independent researchers under the terms of our Academic Visitor programme, and we occasionally (exceptionally) also accommodate doctoral students from other universities for short visits. Our visitors play a major part in the life of the Institute during their visit, and most of them give one of our weekly (lunchtime) seminars to explain their research to the benefit of Institute members, the wider Faculty as well as graduate students – and to give the visitors an opportunity to receive feedback on their work. Due to the ongoing COVID-19 pandemic, the Institute was unfortunately only able to host far fewer visitors than usual during the past academic year, and some of the visitors it did host were in Oxford on a purely ‘remote’ or ‘virtual’ basis. The Institute welcomed the following visitors between October 2020 and September 2021:

Visiting Fellows

**Max Planck Gildesgame Fellow,
Michaelmas Term 2020:**

Christoph Schoppe (Max Planck Institute,
Hamburg)

Lifetime gifts in the English law of succession

**Max Planck Gildesgame Fellow, Hilary
Term 2020:**

Christine Toman (Max Planck Institute,
Hamburg)

*Climate change liability in private
international law*

Academic Visitors

Gizem Alper (Bilkent University)	<i>Mandatory labelling of genetically modified foods under the duty to inform consumers</i>
Bahar Bayazit (Bilkent University)	<i>Administrative liability in energy law: liability of public authorities in energy projects implemented with the participation of the private sector</i>
Michelle Cumyn (Laval University)	<i>Access to legal information in comparative perspective</i>
Barend van Leeuwen (Durham University)	<i>Patients and doctors in free movement law: the transformation of medicine in the internal market</i>

Maison Française d'Oxford Visiting Graduate Students

Nolwenn Simon (University of Paris 2 Panthéon-Assas)	<i>Expertise in civil litigation in French and English Law</i>
Caroline Kahn (University of Paris 2 Panthéon-Assas)	<i>Causation of scientific uncertainties in civil liability, a comparative approach: French and common law</i>

Visiting Graduate Student

Hans Trageser (Goethe University Frankfurt)	<i>The written requirement for long-term lease agreements in Germany: proposals for reform based on a comparison with English</i>
Euigeun Park (University of Fribourg)	<i>Collective ownership from a comparative law perspective: European and East Asian law traditions</i>
Anne Kessing (University of Heidelberg)	<i>Contractual and tortious 'scope of duty rules' in English and German law</i>

The Centre for Competition Law and Policy (CCLP)

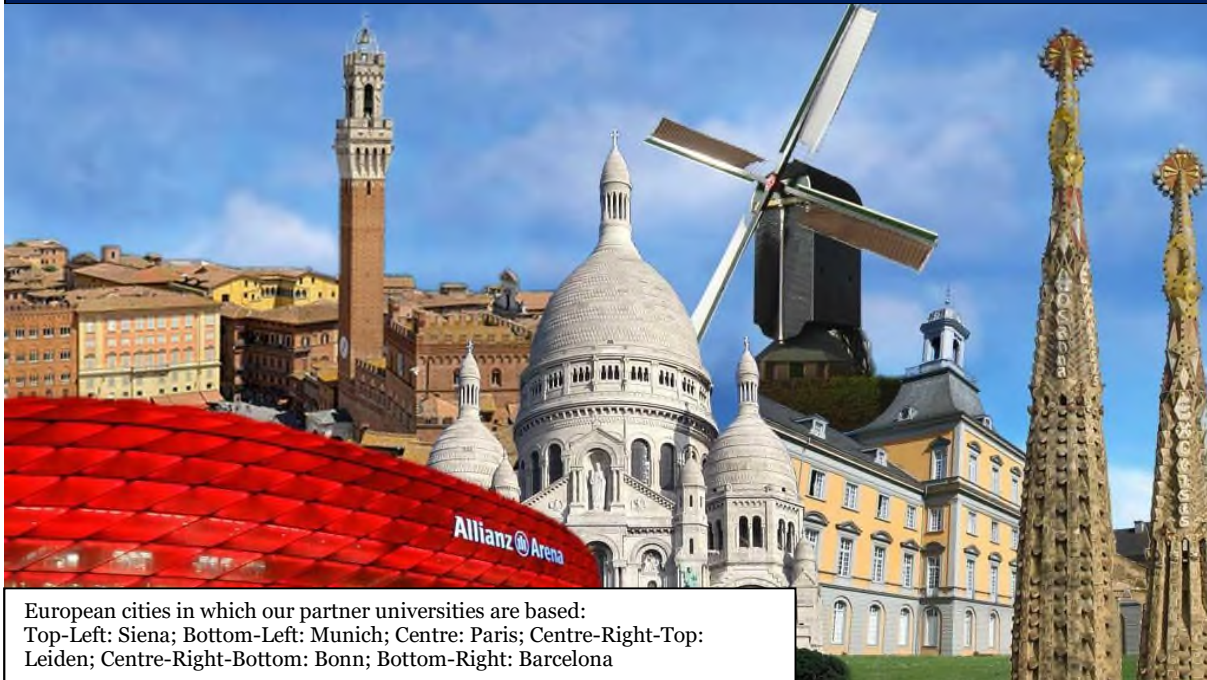
The Centre for Competition Law and Policy (CCLP) is a specialist unit of the Institute. It provides a centralised platform for teaching and research of competition law and policy within the Law Faculty. Lectures, seminars and other activities focus on the enforcement of competition in the UK, EU and USA, international aspects of competition law, and antitrust policy and economics.



The CCLP hosts the yearly Antitrust Enforcement Symposium (see p. 60 below) in collaboration with the *Journal of Antitrust Enforcement*. This flagship event brings together enforcement agencies, leading policy makers, practitioners and academics, to discuss the most recent developments in competition policy and explores its enforcement. In addition, the CCLP hosts a yearly Guest Lecture Programme in which practitioners and scholars discuss recent enforcement trends. The CCLP also supports the Competition Law Discussion Group which provides a forum for research students to present and discuss their work.

The Centre is home to the research project on the Effect of Competition Policy on Economic Equality. Funded by the Leverhulme Trust (awarded to Professor Ariel Ezechai, Dr Christopher Decker and Mr Amit Zac), the study looks at the relationship between competition policy and wealth distribution. The project's overarching aim is to develop a better and empirically grounded understanding of the ways in which competition law legislation, and its enforcement, could materially affect the distribution of wealth and economic inequality. Further information can be found [online](#).

Law with Law Studies in Europe and the European Student Exchange Programme



European cities in which our partner universities are based:
Top-Left: Siena; Bottom-Left: Munich; Centre: Paris; Centre-Right-Top:
Leiden; Centre-Right-Bottom: Bonn; Bottom-Right: Barcelona

The Institute is responsible for the Faculty's four-year BA in Law with Law Studies in Europe, together with the associated exchanges with Law Faculties in our partner European universities. The four-year BA course is a variant on the regular Oxford law degree that includes an extra year spent at one of Oxford's partner universities abroad. It is thus also frequently called 'Law Course 2', and is an exchange programme, established and in 2020-2021 still run under the Erasmus+ scheme, under which we also receive in Oxford students from our partner universities – one for each of our own students we send abroad.

In recent years the following options have been offered:

- Law with French Law, with 15 students going each year to the University of Paris 2 Panthéon-Assas;
- Law with German Law, with 10 students going to the Universities of Bonn or Munich;
- Law with Italian Law, with 2 students going to the University of Siena;
- Law with Spanish Law, with 4 students going to the Pompeu Fabra University Barcelona;
- Law with European Law, with 4 students going to the University of Leiden.

The Institute administers the Course 2 programme, including the provision of preparatory teaching in foreign law and languages and keeping in contact with the academic directors and the administrators of the exchange programmes in our partner universities. The Law Faculty's Academic Director of Undergraduate Exchange Programmes is a Deputy Director of the Institute, and the day-to-day administration of the exchange programmes is undertaken by the Administrator of the Institute.

Within this framework, the Institute also provides a focus and support network for the students coming to Oxford from our partner universities under the exchange agreements. These students are registered for the one-year Diploma in Legal Studies programme.

With up to 35 incoming and 35 outgoing students each year, Course 2 is one of the largest undergraduate exchange programmes in the University and it remains one of the success stories of the Law Faculty. Its graduates are highly sought after by law firms and other employers who appreciate their linguistic skills, their experience abroad and the teaching they receive in Oxford. There are and remain, of course, still some uncertainties about the future of student exchange programmes given the UK's withdrawal from the EU in 2020 and the coming into existence of the Turing scheme (see below). However, none of the exchange agreements with our European partners formally depended on Erasmus+ membership, and we are committed to keeping Course 2 on foot as best we can under whatever conditions may prevail in future.

Turing Scheme Support for Law with Law Studies in Europe

For many decades, the undergraduate degree in Law with Law Studies in Europe has been supported financially by the European Union's Erasmus+ Programme support for student mobility. Following the outcome of the negotiations with the EU, the UK has opted not to participate in the new Erasmus+ Scheme (2021-2027).

Earlier this year, the UK government launched the Turing Scheme, its dedicated funding programme for outgoing global study or work abroad activities. The University of Oxford has secured Turing Scheme funding for specific student opportunities taking place in the 2021-2022 academic year, including the Law Faculty's 'Law with Law Studies in Europe' offering.

The Turing Scheme supports student mobility for study and work, and promotes global activities in order for students to gain experience of other cultures and develop their skills. The Scheme focusses on four main objectives, as defined by the UK government:

- **Global Britain** – In line with the UK government's vision of a Global Britain, Turing Scheme projects support high-quality placements, enhance existing partnerships and encourage the forging of new relationships across the world.
- **Levelling up** – Turing Scheme projects widen participation and support social mobility across the UK. They should help and promote equal access and opportunities to all students, learners and pupils regardless of background.
- **Developing key skills** – These projects offer unique, career-building opportunities. They give participants the hard and soft skills sought by employers, and bridge the gap between education and work.
- **Value for UK taxpayers** – These projects optimise social value in terms of potential costs, benefits and risks.

The University is pleased to have secured Turing Scheme funding towards living costs for student opportunities in the 2021-2022 academic year, spanning a range of departments including the Law Faculty, with enhanced funding available for students from disadvantaged backgrounds.

Outgoing students will continue to benefit from the longstanding arrangements we have in place with our European partner institutions, as we continue to operate bilateral partnerships and to welcome incoming exchange students to Oxford, alongside the Turing scheme. The University plans to bid for further funding at the next available opportunity in order to support future academic years. The latest details can be found [online](#).

Student Reports

Below are reports from two students about their experiences in Oxford and Munich respectively during their exchange year in 2020-2021.

A Year in Oxford

Patrick Wittum, University of Bonn (Diploma in Legal Studies, 2020-2021)



My stay at the University of Oxford was a complete success – both from an academic as well as a personal point of view.

For a continental European, the common law is a big change. While becoming more and more familiar with its characteristics, I started enjoying critically comparing English law with solutions found in Germany. Likewise, the tutorial system was very different compared to studies at home. Especially writing the essays was at times stressful and time-consuming. Over the year, I learned to work more efficiently in general, how to write a passable argument quickly, and how to refine it in the end. Unfortunately, in my year, the lectures were all uploaded as video recordings due to Covid. Of course, that meant that there was never any real contact with local law students.

Nevertheless, there were many opportunities actively to participate in college life in addition to the regular study programme – online and in person. The great thing about the college community was that I met many students from other programmes, and we often had very interesting conversations. Besides, there was a society for every interest. I was impressed by how committed the local students were in that respect. Amongst other things, I was active in debating and rowing.

In conclusion, I can say that the academic year in Oxford was an enriching addition to my life as a law student in Germany. With the infinite number of possible activities, the only thing that was missing was the time to try out everything Oxford has to offer.

A Year in Munich

Amy Hemsworth, St Edmund Hall and Lilly Sartison, Magdalen College (3rd Year Law with Law Studies in Europe)



An integral part of the 'Law with Law Studies in Europe' degree at Oxford is the opportunity to go abroad for third year and study the law of another country. We chose to take Law with German Law and therefore got to spend our third year in Munich, studying Law at Ludwig-Maximilians-Universität (LMU). Although it wasn't the Erasmus year we were expecting, due to Covid constraints, we still managed to see a lot of Germany (and even of wider Europe, as our photos below from Prague and Berlin show!) and we loved living in Munich.

Although many indoor events couldn't take place, we were still able to explore the many lakes and mountains in Bavaria. Our spoken German and confidence using the language definitely improved throughout the year as a result of studying abroad, and Amy also learned some Spanish from other international students living in her accommodation, which was situated in the Olympic Park used for the 1972 Games!

Though our lectures were all online throughout the year, we had a few classes in person at the start of the year, before the winter lockdown. These *Arbeitsgemeinschaften*, or AGs, were workshops on how to apply the law in the books to legal problems. We studied *Zivilrecht* and *Öffentliches Recht* (private law and public law) alongside German first year students, which gave us a good insight into how the German legal system and teaching methods differ from those of the UK. We also took optional subjects, of which there were a wide range on offer, including European Economic Law, International Human Rights Law, and European Labour Law. Some of these modules required a lot of background reading, as they tended to be shared with students at a later stage of their degrees who had already done introductory classes. We also had to do a *Hausarbeit* (extended coursework) over the Easter break, which was a 20-page response to a civil law problem question. During the summer semester, LMU arranged a special weekly Erasmus tutorial for us, shared with students



from UCL and Trinity College Dublin, to help us prepare for our exams. Unfortunately, this had to take place online, but we arranged to study together in person as a group when we could, as we had become close friends with the other exchange students on our course.

We would really recommend the year abroad as an opportunity to see more of the world and gain a broader comparative understanding of the law – especially for anyone interested in working internationally in the future!

Conference: The New Chinese Civil Code: A Comparative Perspective 20 February 2021

On 20 February 2021, the IECL and Chinese Law Discussion group hosted a joint virtual symposium, bringing together distinguished guest speakers to discuss the recent coming into force of the first ever comprehensive Chinese Civil Code. After an introduction and welcome by the Director of the Institute, Professor Birke Häcker, and the Dean of the Oxford Law Faculty, Professor Mindy Chen-Wishart, three distinguished speakers outlined the legislative project, examined the Civil Code's background and highlighted some of its distinctive features, thereby shedding light on it from a range of different comparative perspectives

Professor Knut Benjamin Pißler, Senior Research Fellow at the Max-Planck Institute for Comparative and International Private Law in Hamburg and Professor of Chinese Law at the University of Göttingen, started off with an overview of the new Civil Code, describing it as a 'jigsaw puzzle' in three ways.

First, in its inspiration, the Chinese Civil Code draws heavily on both the Pandectist and Romanist legal traditions. With a general and specific part, the overall structure of the new Code resembles that of the German BGB. Yet the new contract law also draws heavily on French law, for instance in providing for the right of subrogation and the revocatory action. Further, there are older and broader legal influences. The presence of strict liability for throwing objects out of a building, for example, even resembles Roman law! On the other hand, the Code takes inspiration from transnational instruments, such as by adopting the conception of specific performance to be found in the Vienna Sales Convention or CISG.

That said, Professor Pißler also pointed out that there was no mistaking the distinctly

Chinese flavour of the new Code. It draws its provenance in consolidating legal rules already present in the law of the People's Republic of China (PRC), yet putting a distinctly new Socialist spin on them. Art. 1 empathetically states that the aim of the Civil Code is to promote socialism with Chinese characteristics and core socialist values. As Professor Pißler noted, this is reflected in the substantive provisions themselves. Not only are there greater provisions for state supervision of contracts, but also equal protections for the real rights of the state, collectives, and individuals under law.

A second aspect of the 'jigsaw puzzle' lies in its interaction between legislation and judicial interpretations. Part of the law consolidated includes previous judicial decisions of the Supreme People's Court of the PRC. Historically, the Court has played an important quasi-legislative role, absent a formal separation of powers in the PRC, and this looks set to continue. In the subsequent discussion, Dr Mimi Zou noted that the Supreme People's Court had already issued its first batch of interpretations on the new Civil Code in December 2020. Other participants remarked that the Supreme People's Court will be instrumental in clarifying uncertainties in the new law. For example, tortious liability under the old law closely followed the German model of having enumerated specific provisions. However, the new Civil Code appears to adopt the French approach of a single broad provision. This textual change has given rise to a split in judicial opinion as to whether there has been a substantive shift in the law. Much clarity would be brought by a judicial pronouncement at the highest level. That said, however, there is one important caveat. Professor Pißler pointed out that the new Code incorporated only a part – not all – of the judicial interpretations by the Supreme People's Court. It remains to be seen

whether the unincorporated ones will remain good law.

The third aspect is the inclusion in the puzzle of new pieces, reflecting changes in the Chinese economy and society. In line with the rise of social media and ecommerce, the Code expressly provides for freestanding personality rights and the validity of e-commerce contracts. In response to the pandemic, the Civil Code includes mechanisms for enforcing state emergency response measures, and it updates formalities for wills including the ability to make one by video conference. An increased emphasis on environmental protection and innovation is reflected in the new application of punitive damages to IP wrongs and environmental torts.

This tied neatly into the next presentation by **Professor Weixing Shen**, Professor and Dean at the Tsinghua Law School in Beijing, on the ‘digitalisation’ of the Chinese Civil Code. Professor Shen provided an insider’s view into the new provisions, explaining how they were motivated by the twin aims of promoting the digital economy and protecting human rights in a digital age. This can be seen in the new general provisions that expressly protect personal information (Art. 111) and data (Art. 127). Provisions in the specific part further build on this. In the book on ‘Contracts’ (Book 3), provisions on formation expressly contemplate electronic means of contracting. Besides, the provisions stipulate that for the delivery of electronic contracts, the transfer of risk of the subject matter to the buyer begins with the actual delivery. Furthermore, the Civil Code has detailed rules on the incorporation and interpretation of standard clauses, with an eye to protecting consumers.

More significantly still, the new Code provides a law on personality rights (Book 4), which is distinct from tort liability (Book 7). Professor Shen emphasised that this was something unique to the Chinese Civil Code, being the legislative response to privacy and personal information challenges. The drafters clearly took inspiration from the European Union’s regime under the General Data Protection Regulation (GDPR) – for

example, by adopting the right to be informed and the right to be forgotten. But differences remain. For example, the Chinese Civil Code adopts a broader definition of privacy than the GDPR. In so doing, it emphasises protecting privacy over the mere safeguarding of personal information. The Civil Code also excludes the right to data portability, for two reasons: first, to avoid the thorny question over the legal form of data; and second, to incentivise competition between different Chinese online platforms.

That said, substantial issues remain. The Civil Code sheds little light on new concepts of ‘personality rights’, ‘personal information’, and ‘online virtual assets’. It is silent on who may hold these rights against whom and the remedies for any such infringement. Further, it remains unclear whether personal information and online virtual assets are ‘real’ rights in the sense of being proprietary; Book 2 (on ‘real rights’) does not refer to these new concepts. This raises the question of whether the three new concepts are mutually exclusive, particularly given its implications for the remedies available to claimants.

For this reason, Professor Shen emphasised that the new Code must be read alongside other legislative provisions, including the new personal information protection law and data security law and existing competition and anti-monopoly laws. He expressed the hope that future legislation will build on and clarify key concepts in the Civil Code.

The last presentation, concerning the law of contract, was given by **Dr Mimi Zou**, Associate Professor Reading University, Director of Studies at Regent’s Park College Oxford, and convener of the Oxford Chinese Law Discussion Group. Dr Zou began with a historical tour of the predecessors of the new Civil Code. She highlighted three separate stages in the development of Chinese contract law. First, three pieces of post-1979 legislation laid the foundations – the Economic Contract Law 1981, Foreign Economic Contract Law 1985 and Technology Contract Law 1987. However, these laws excluded natural persons from

their ambit; the focus then was on driving the economy rather than laying down private law more generally. This was achieved at the second stage, by the General Principles of Civil Law 1986. Finally, the Uniform Contract Law 1999 was enacted to harmonise the previous laws against the backdrop of China's accession to the World Trade Organisation.

In that regard, the contract law provisions under the new Civil Code could be described as more of an evolution than a revolution. Dr Zou explained that, rather than making fundamental changes to principle, the Chinese Civil Code seeks to refine and clarify the prior law. For example, the new Code contemplates the use of electronic means for contract formation, in line with the rise in Chinese e-commerce. Further, it puts doctrinal debates to rest by providing protection for bona fide purchasers and providing for one unified regime governing exploitative conduct.

Further, Dr Zou echoed comments made earlier by Professor Pißler on how the new Civil Code incorporated judicial interpretations by the Supreme People's Court of the PRC. For instance, the Code reflects the 2009 Judicial Interpretation of the Court in relation to the 1999 Contract Law that established change of circumstances as a separate exculpatory factor distinct from force majeure. While the latter focuses on objectively unavoidable circumstances, the former bites on evident unfairness arising from changes that the

parties could not have foreseen. However, the Code also departs from said decision in one important way. Although the two are doctrinally distinct, they are not mutually exclusive: a particular factual situation may come under the ambit of both.

In the context of contractual disputes related to COVID-19, courts have urged parties to compromise and resolve their disputes amicably. Dr Zou noted that parties must apply to court for relief under the doctrine of change of circumstances. The courts have adopted a pragmatic approach to their role, using the opportunity to promote negotiations and mediation before sanctioning any relief as a last resort.

All in all, the symposium marked two firsts within the Oxford Law Faculty. As is evident from the above, the subject matter itself was truly momentous – the first ever Chinese Civil Code is a milestone for China and a landmark for comparative lawyers worldwide. But the event was also significant in visibly marking for the first time the connection between the IECL and the Oxford Chinese Law Discussion Group as part of the Faculty's new Research Group framework. Moving forward, both Professor Häcker and Dr Zou expressed their wish to foster this collaboration, to deepen the academic connections and friendships with their colleagues in China, at Tsinghua University and elsewhere, and to keep abreast of relevant developments regarding the new Chinese Civil Code.

Brian Ip
Brasenose College, Oxford

Trends in Retail Competition: Sixteenth Annual Symposium 11 June 2021

The symposium, held online for the first time, covered four themes relevant to competition involving branded producers and distributors: sustainability, consumer protection in digital markets, algorithms and distribution strategies.

The symposium focused on the nature of competition in digital markets and the future of cooperation between competitors for sustainable initiatives. The first session, on sustainability, looked at how the competition rules can be read in order to allow companies to collaborate on sustainable initiatives without engaging in anticompetitive practices. A speaker from DG CNECT, participating in the second session on consumer protection in digital markets, highlighted the importance of transparency in the new Digital Services Act and discussed the provisions most relevant to ensuring that online platforms act responsibly. The session also looked at the recent work of the Digital Markets Taskforce and the Digital Markets Unit in the UK.

Session 1: A Role for Competition Law and Policy in Building a Sustainable Future?

Chair: Simon Holmes, Competition Appeal Tribunal
Panellists: Angélique de Brousse, Johnson & Johnson
Jordan Ellison, Slaughter & May
Martijn Snoep, Dutch Competition Authority

Session 2: Consumer Protection, Brand Integrity and Fair-Trading Practices in Digital Markets

Chair: Amelia Fletcher, University of East Anglia
Panellists: Alexander Simpson, Amazon
Catherine Batchelor, Digital Markets Unit, Competition and Markets Authority
Diana Vlad-Colcic, European Commission, DG CNECT
Martha Weis, Reckitt

The afternoon programme opened with an overview of algorithmic practices and how these can be used to both help and hinder competition. The speakers focused on how to avoid the risks of personalisation and targeting. The final session of the programme provided an insightful discussion on the work of the Commission on vertical restraints, including the upcoming revision of both the Vertical Block Exemption Regulation and the accompanying guidelines. The speakers suggested ways in which the Commission could further help businesses to prove efficiencies in this area.

Session 3: Digital Competition and the Regulation of Algorithms

Chair: Ariel Ezrachi, University of Oxford University
Panellists: Agustin Reyna, BEUC
Friedrich Klein, Ferrero
Gareth Shier, Oxera
Stefan Hunt, Competition and Markets Authority

Session 4: Policy Considerations for the Distribution of Branded Products

Chair: Adrian Majumdar, RBB Economics
Panellists: Christoph Leibenath, Nestlé and Chairman, Competition & Legal Affairs Committee, AIM
Philippe Chauve, DG Comp, European Commission
Stephen Smith, Bristows

A [full report](#) of the symposium can be found on our website.

IECL Doctoral Workshop: Comparative Perspectives on Contract 18 June 2021

On Monday 21 June 2021, the IECL hosted the first ever virtual doctoral workshop for graduate research students. The workshop was dedicated to exploring topics pertaining to contract law from a comparative perspective. In particular, it looked at questions connected with the termination of contracts (part 1 of the workshop) and at problems arising when contracts are entered into by 'vulnerable' parties (part 2 of the workshop). The event, originally scheduled for the end of Hilary Term 2020 and subsequently postponed on account of the pandemic, was attended by graduate students based at Oxford and/or formerly connected with the IECL as well as by senior scholars affiliated with the IECL or one of its partner institutions.

After a brief introduction by the Director of the Institute, Professor Birke Häcker, the first presentation was given by **Jordan English**, DPhil candidate at the Oxford Law Faculty, who gave a presentation on 'Discharge for Failure of Condition in English Law'. Jordan sought to challenge certain key tenets of what is now regarded as English contract law 'orthodoxy'. First, the proposition that following certain kinds of breach the innocent party is given a 'power to terminate'. Secondly, that there is a meaningful distinction in the modern law between two different senses of the word 'condition' (namely, on the one hand, an uncertain fact or event on which a party's duty to perform the contract depends and, on the other hand, a particularly important term breach of which gives rise to the 'power to terminate'). He argued instead that, even when the word 'condition' is used in its promissory sense, there is only a single general principle in play: discharge for *failure of condition*. This applies whether the discharge is one following breach, occurs on account of frustration, or where a contract is held 'void' due to a fundamental common mistake shared by both parties.

Jordan's presentation was followed by a lively discussion. It was chance for him to

obtain feedback on both aspects of his thesis, but also to defend those parts which might be seen as 'radical' to modern English contract lawyers. The discussion also provided participants with the opportunity to consider whether, and to what extent, the claims made about English law might have similarities with any part of the law of other systems, and here the role played by the judge in the 'termination' of contracts under French law was discussed.

The second presentation, also related to termination, was given by **Valentin Pinel le Dret**, Research Associate at the Max Planck Institute for Comparative and International Private Law in Hamburg, with which the IECL has longstanding connections. Valentin, who was a Maison Française Visiting Graduate Student at the Institute in 2019-2020, spoke about 'Material Consequences of Termination in French Law: Is Restitution a Performance- or an Enrichment-Remedy?'

Valentin's presentation focused on the French law of 'restitution' and outlined a number of the conclusions that he has arrived at in the context of his doctoral research. Valentin explained that, unlike English and German law, French law did not develop its law of restitution around the concept of 'unjust enrichment', but around the concept of '*paiement*' (roughly equivalent to 'performance'). He also outlined some of the difficulties he had encountered in his comparative research project, namely the need to adjust comparative law theories to his field of analysis, and he stressed how much the study of English law (undertaken during his stay at the IECL) had helped his understanding of French law.

Valentin's contribution gave rise to a discussion on methodology generally and the challenges of comparative legal research, the so-called Wilburg-von Caemmerer taxonomy of unjustified enrichment, and the pitfalls on 'legal translation' (specifically focused on the best English translation of the

word '*paiement*'). Participants agreed that reaching 'unexpected conclusions' in doing comparative legal research was nothing to be concerned about, but was in fact precisely one of the main aims of undertaking it – 'to end up where you don't expect'.

The second part of the workshop was entitled 'Contracting with Vulnerable Parties'. **Stina Bratt**, DPhil candidate at Stockholm University and formerly, in 2019-2020, a Visiting Graduate at the IECL, kicked off this session with a topic relating to consumer law: 'Taking Consumer Rights Seriously? Different legal tools of dealing with unfair contract terms and its impact on consumer protection. A comparison between the approaches in EU law and Scandinavian law'.

Stina's presentation outlined two very different approaches to unfair contract terms in consumer contracts, contrasting the EU law approach (which is also found in many other systems) with that adopted by Scandinavian law. The traditional standpoint in Scandinavian contract law used to be that contract clauses limiting the liability of a party acting with gross negligence or intent were inapplicable. However, this approach was overturned by a 2017 decision of the Swedish Supreme Court, which held that all potentially unfair contract terms – including those in consumer contracts (B2C) – should be dealt with by applying section 36 of the Swedish Contracts Act. Under this provision, the court assesses the 'unfairness' of a term by reference to a whole range factors, and it then has a discretion to adjust offending term as it may see fit under all the circumstances. This *discretionary adjustment approach*, however, is in direct conflict with the approach under EU law, according to which the consequence of a term being found unfair is its *automatic invalidity*, albeit that the contract can then be supplemented by dispositive rules if required.

Stina argued that a change is necessary in Swedish law regarding the consequences of unfairness, so as to meet the demands of EU law. Yet she pointed out such a change runs the risk of indirectly affecting the test of 'unfairness' as well, potentially leading to a

higher threshold being applied by courts before contract terms will be found unfair. It was therefore the entire approach to unfair contract terms which was at stake. There ensued a discussion over whether or not a change of approach would in substance strengthen or weaken the protection of consumers in Scandinavian countries.

The last presentation was given by **Carlo Brunold**, DPhil candidate at the University of Oxford, who provided a comparative overview and analysis of the 'Contractual Capacity of Minors in English and German Law'.

The presentation gave an overview of the consequences of minority in the context of (obligatory) contracts as well as regarding the transfer of rights. Both in English and German law, persons under the age of 18 years are regarded as a class of person who are inexperienced and subject to specific vulnerabilities and, therefore, as deserving protection from their inexperience and limited ability to make wise choices. This is done, among other things, by limiting their contractual capacity. Yet despite the core common objective, the presentation demonstrated that the designs of the pertinent set of rules applicable to cases involving minors are surprisingly different when looked at side by side.

Carlo argued that the conceptual differences between both jurisdictions in the context of minority are partly explicable on the basis of national doctrinal or historical legal developments. More importantly, however, he pointed to the fundamentally different policies that the two jurisdictions follow in order to safeguard minors from improvident decisions. This is primarily true of what is understood by 'the protection of minors', but it also applies to the interplay with other policy considerations, such as the ability of parents to control their children's upbringing, the state's role as a guardian of vulnerable citizens, the interests of third parties dealing with minors, and – last but not least – the interest of minors themselves in making decisions autonomously. English and German law balance these conflicting objectives in different ways.

The discussion following Carlo's presentation covered a broad range of issues. One particular focus was whether (or to what extent) the term 'contractual capacity' was apt to refer to the issues raised by minority in the context of not merely contract law proper, but also as regards the law of property and unjust(ified) enrichment.

All in all, the workshop produced a great deal of interesting insights and stimulating debate amongst participants, and it once again demonstrated the fruitfulness of combining a doctrinal approach to private law with one informed by historical and/or comparative study.

Valentin Pinel le Dret

*Max Planck Institute for Comparative and International Private Law, Hamburg,
formerly Maison Française Visiting Scholar at the IECL (2019–2020)*

Centre for Competition Law and Policy: Antitrust Enforcement Symposium 2021 25 June 2021

Competition law is being challenged like it perhaps never has been in its history. New market realities and competition dynamics, combined with complex business practices harbouring ambiguous effects on our well-being, have indeed shaken the discipline to its core. It is against this backdrop that the 2021 edition of the Antitrust Enforcement Symposium took place on 25 June 2021, hosted by the University of Oxford's Centre for Competition Law and Policy in collaboration with the *Journal of Antitrust Enforcement*. The theme of this year symposium was 'Challenging Antitrust'

In his opening remarks, **Ariel Ezrachi** noted that, faced with these unprecedented challenges, public enforcers around the globe have showcased openness to change, potentially signalling a new era of competition policy. Former FTC chairman, **Bill Kovacic**, then observed that expectations surrounding competition law 'tend to be heroic.' A key question, therefore, is: has competition law enforcement, delivered on its promise? The answers offered by the heads of three leading European antitrust authorities in the first panel discussion, were somewhat mixed.

For **Isabelle de Silva** (President of the Autorité de la concurrence), successful enforcement, is not only about saving money for consumers. In France at least, it also involves being true to the 'social side' of economic competition, if necessary by deploying the competition policy toolkit in a dynamic and creative (but always clearly reasoned) way to protect smaller players. On this front, she argued pointing to interventions against 'Big Tech' and 'Big Pharma', the Autorité has certainly delivered. **Andreas Mundt** (President of the German *Bundeskartellamt*) agreed, emphasising how competition authorities in Europe – though not in the US – have made the most of the outdated instruments at their disposal. This, he argued, has especially been so when it comes to reining in 'Big Tech', a

task he likened to climbing Mount Everest with woollen gloves, leather shoes, and hemp ropes. Seconding his French counterpart, Mundt also pointed to the guiding force of the more political goals of competition law – freedom, in particular – to explain recent enforcement successes in Germany. **Andrea Coscelli** (Chief Executive of the CMA), by contrast, was very critical of the way competition law has been (under)enforced over the past two decades. But while describing the CMA's current mindset as one of 'determined evolution', he cautioned against using political goals, such as freedom and fairness, as lodestars for intervention, favouring instead an approach focused on delivering favourable outcomes for consumers.

Building on these statements, the second panel delved deeper into the changes competition enforcement will, and perhaps should, undergo in the near future, especially in light of developments in digital markets. Evolution, revolution or something in between? Based on their 'outsiders' perspective, **Stacy Mitchell** and **Michelle Meagher** both argued that a true revolution is needed – revolution in the ideological framework and institutional setup of competition law, which, the two panellists contended, should be, respectively, more attuned to political considerations and representative of civil society at large. Revolution was also the recommendation of **Tommaso Valletti** who outlined a series of prescriptions: reintroducing structural presumptions; shifting of the burden of proof in merger control; administering a dose of ex-ante regulation; and anchoring privacy concerns in the analytical framework. Speaking for Google, **Oliver Bethell** attempted to strike a more conciliatory note. He argued that, while new rules may be needed, the latter would have to be as clear and self-executing as possible, while leaving room for negotiated solutions at the remedial stage. Finally, **Isabel Taylor** contended that competition enforcement is

probably heading somewhere in between evolution and revolution. She cautioned, however, against using competition law to fix the defects of other policy levers (such as consumer protection law), while noting that ex-ante regimes are not a straightforward panacea either. A clear consensus within the second panel was thus that change in competition enforcement is inevitable.

The third panel moved beyond digitalisation to explore the role of competition law in tackling inequality. The panel discussion began with comments from **Christopher Decker** who reported on empirical research carried within the Oxford CCLP as part of a project funded by the Leverhulme Trust. The team's multi-pronged empirical research to date points to a clear association between competition law and economic inequality – competition law, he stressed, is not just incidental; it could be just as much part of the solution as it could be a part of the problem. **Sean Ennis** presented a macroeconomic model, which shows how one can calculate the average wealth effect of market power across countries – an effect, which is found to heavily favour the top 5% of the shareholding population at the expense of the middle class. For Ennis, though, pro-competition regulation might be a more adequate solution, as evidenced by its successful application to the Mexican telco industry. **Maarten Pieter Schinkel**

offered a more sceptical view about the role of competition law enforcement in the fight against inequality. Policy-makers, he argued, need to be wary of corporate incentives: signalling to firms that restrictions of competition might be tolerated when they ostensibly favour poorer consumers – a 'Robin Hood cartel' for instance – would probably lead to widespread redwashing. **Ioannis Lianos**, by contrast, stressed that competition law does have an important role to play in this context because, unlike overtly redistributive policy levers like taxation, competition law can target the underlying causes of the problem, which he argued are rooted in structural power imbalances between large firms and other stakeholders. For her part, **Ioana Marinescu**, was also sanguine about the prospects of competition policy in the fight against inequality. Her message, however, was that decision-makers should look more seriously at labour markets where concentration has been shown to drive down wages and employment levels. Finally, **Thomas Philippon** concluded the Symposium by sharing several relevant insights from his landmark empirical research on the demise of competition in the US. His takeaway point was that competition policy-makers should prioritise actions that benefit poorer households by intervening in both product and labour markets.

Amédée von Moltke
University of Oxford

Conference: Good Faith in Public Law 23 September 2021



Good faith constitutes a general principle of law. It refers to ‘a sense of loyalty to, and respect for, the law’; to ‘the absence of dissimulation, deception and fraud’; and to the ‘sincere belief that one acts in accordance with the law’.¹ Many civil law and some common law jurisdictions recognise good faith as a cornerstone of private law, obliging citizens (and/or private entities) in their mutual relations. Similarly, international law requires states (and/or international organisations) to treat each other in good faith. Certain jurisdictions stipulate a principle of good faith in their public law, too – be it in administrative law or even in constitutional law. For example, the Swiss constitution grants its citizens a fundamental right to be treated in good faith by the state. In turn, some of the citizens’ rights are contingent on them acting in good faith towards the state. Moreover, the different horizontal branches and vertical levels of the Swiss state must meet each other in good faith.

The IECL online conference on ‘Good Faith in Public Law’ explored this principle of good

faith as well as its differences between the legal branches and the legal orders outlined above. The conference was convened by Dr Philipp Renninger (Lund University and Nanjing University, academic visitor to the Oxford Law Faculty in 2021), Dr Ewan Smith (Research Fellow at the IECL) and Professor Nick Barber (Associate Dean for Research at the Law Faculty and as such member of the IECL Management Committee). Twelve speakers from ten institutions (both universities and international organisations) based in seven countries gathered online to speak on four panels over two days. These panels were arranged according to the abovementioned categories, starting with private law (Panel 1), then moving to international law (Panel 2), and, against this background, subsequently analysing constitutional (Panel 3) as well as administrative law (Panel 4).

The first day started with introductory remarks by Professor Birke Häcker, the Director of the Institute, followed by Professor Hector MacQueen (University of Edinburgh), chair of **Panel 1** and Scotland’s

¹ J. Basdevant (ed), *Dictionnaire de la Terminologie du Droit International* (Paris, Sirey 1960), 91-92.

leading expert on good faith in private law. In this first panel, Professor Talya Sans Ucaryilmaz Deibel (Bilkent University, Ankara) demonstrated that in a historical perspective, the question of good faith is by no means limited to private law or international (contract) law. Her talk, entitled 'From Fides Publica to Bona Fides: Good Faith as a General Principle of Law', highlighted the principle of *fides publica* in Roman and its relation to *bona fides*, making good faith into a general principle of law throughout the eras. Next, Professor Simon Whittaker (University of Oxford), who is co-editor of a landmark study on *Good Faith in European Contract Law*,² provided an overview of the (supposed) absence of good faith in English private law. His presentation, entitled 'Good Faith in English Contract Law', emphasised that despite traditionally rejecting good faith as a general principle, English private law encompasses numerous important elements of what is elsewhere called 'good faith'. In Lord Bingham's words, this patchwork of good faith obligations provides 'piecemeal solutions ... to demonstrated problems of unfairness'.³ Professor Solène Rowan, who recently joined the Oxford Law Faculty, specified and exemplified this 'piecemeal' approach for the abuse of rights. Her paper on the 'Abuse of Rights in English Contract Law' showed that some jurisdictions treat the abuse of rights (or more precisely, their rightful use) as a component of good faith, whilst other legal orders treat good faith (that is, the absence thereof) as a component of the abuse of rights.

Panel 2, chaired by Dr Pedro A. Villarreal (Max Planck Institute for Comparative Public Law and International Law, Heidelberg), framed 'good faith' in international law. International good-faith law bears many similarities to inner-state private law, which might in part be due to the contractual conception of international law as embodied by the Vienna Convention on the Law of Treaties. Professor Christopher McCrudden

(Queen's University Belfast and University of Michigan) showed that similar considerations hold true for the Withdrawal Agreement (as well as the Trade and Cooperation Agreement) between the UK and the EU. His talk, entitled 'Good Faith and Sincere Cooperation in the Withdrawal Agreement', thus concentrated on the good-faith relations between states as the primary actors of international law. Professor José Ignacio Hernández González (Harvard Law School and Universidad Católica Andrés Bello, Caracas) thereafter shifted this focus towards the individual, which means here: the individual investor. His presentation on 'Good Faith as a General Principle of Public Law in International Investment Law' argued that despite the lack of an *inter pares* relationship, investors claim to be treated in good faith by the state. Zoë Bryanston-Cross (Council of Europe) then highlighted international good faith between the states and international organisations/institutions, in casu, the European Court of Human Rights. Her speech concerned 'Multidimensional Good Faith in the European Convention on Human Rights' and explained the High Contracting Parties' obligations to good faith in following and executing the Court's judgments.

The second day of the conference focussed on good faith in the various areas of public law, situated in the context of the first day's findings in other legal branches. Like English private law, English public law lacks a general doctrine of good faith and fairness.⁴ However, important elements of good faith have been recognised both in constitutional and administrative law. Regarding constitutional law, ie, the topic of **Panel 3**, the protection against bad faith actions by state organs constitutes an important concern and impetus of several of the UK's unwritten constitutional principles. Dr Ewan Smith pointed out that in October 2020, two key government law officers resigned because they thought the government's policy of breaking international agreements

² R. Zimmermann and S. Whittaker (eds), *Good Faith in European Contract Law* (Cambridge, CUP, 2000).

³ *Interfoto Picture Library Ltd v Stiletto Visual Programmes Ltd* [1989] QB 433 at 439.

⁴ *R (Gallaher Group) v Competition and Markets Authority* [2018] UKSC 25.

in bad faith breached UK constitutional conventions. Recent cases such as that in *Miller (No. 2)*⁵ address behaviour that is unconstitutional, in part, because it is disingenuous. Landmark cases such as *Lumba*,⁶ *Corner House*,⁷ *Bancoult*,⁸ *World Development Movement*⁹ and *M v Home Office*¹⁰ arguably confront similar constitutional issues. The third panel was chaired by Dr Giovanni De Gregorio (University of Oxford). It kicked off with Professor Yaniv Roznai (Radzyner Law School, Herzliya) approaching constitutional good faith from a comparative perspective. His talk, entitled '*Clownstitutionalism: How to Make a Joke of the Constitution?*', re-conceptualised constitutional amendments which are not illegal/unconstitutional, but might nevertheless pave the way for future abuses of the law/constitution as bad-faith constitutionalism or indeed, speaking jocularly, as 'kosher but stinking'. Professor Sebastian Heselerhaus (University of Lucerne) then explained the constitutional amendment process of incorporating good faith itself in the constitution. His presentation on 'The Swiss Experience of Enshrining Good Faith in the Constitution' concentrated on Swiss constitutional law, which – as mentioned above – embraces good faith both as a fundamental principle of its 'oath commonwealth' ('*Eidgenossenschaft*') and as a human right. Dr Zhai Han (Wuhan University School of Law) commented on both and added two important points: she stressed the significance of 'constitutional faith' on the part of citizens, and the possibility for (not least legal) scholars themselves to operate a good-faith academic environment.

Concerning administrative law, English courts have been willing to quash administrative decisions for bad faith since

at least the late 19th century.¹¹ Bad faith is an explicit component of both Lord Greene's classic approach to irrationality¹² and Lord Reid's classic approach to illegality.¹³ Closely related to good faith is the protection of 'legitimate expectations', expressing the idea that public bodies ought to keep their promises. Besides, elements such as 'good administration' and the (non-) 'abuse of power' significantly overlap with good faith, and contribute to safeguarding the latter.¹⁴

Panel 4 focused on the theory and philosophy of these good faith questions in administrative law. Chaired by Professor Alison Young (University of Cambridge), the panel took Cass Sunstein's and Adrian Vermeule's *Law and Leviathan* (Cambridge/Massachusetts, HUP 2020) as a starting point. Dr Hasan Dindjer (University of Oxford, topic: 'Good Faith and the Morality of Administrative Law'), Sebastian Lewis (University of Oxford, topic: 'On the Internal Morality of Administrative Law: Some Reflections on "Law and Leviathan"'), and Pía Macarena Chible Villadangos (University of Oxford, topic: 'Not Just Normative Guidance: The Leviathan's Managerial Role and Its Principles') commented on the book, and the book's co-author Professor Adrian Vermeule (Harvard Law School) responded eloquently. Each of the panellists connected the lines of thought in *Law and Leviathan* to different aspects of good faith in administrative law and thus explored whether good faith constitutes a question of law, of morality, or indeed both. From the comparative legal perspective which lay at the core of the conference, this question must be decided by every legal order on its own. This also means that the conference was not the end of research on good faith in public law, but rather its beginning.

⁵ *Miller v Prime Minister* [2019] UKSC 41.

⁶ *R (Lumba) v Secretary of State for the Home Department* [2011] UKSC 12.

⁷ *R (Corner House Research) v Director of the Serious Fraud Office* [2009] 1 AC 756.

⁸ *R (Bancoult) v Secretary of State for Foreign and Commonwealth Affairs (No. 2)* [2008] UKHL 61.

⁹ *R (World Development Movement) v Secretary of State for Foreign Affairs* [1995] 1 WLR 386.

¹⁰ *M v Home Office* [1994] 1 AC 377.

¹¹ *Kruse v Johnson* [1898] 2 QB 91.

¹² *Associated Provincial Picture Houses v Wednesbury Corp* [1948] 1 KB 223 at 229.

¹³ *Anisimic Ltd v Foreign Compensation Commission* [1969] 2 AC 147. See also *Padfield v Minister for Agriculture Fisheries and Food* [1968] AC 997.

¹⁴ See, eg, *Nadarajah v Secretary of State for the Home Department* [2005] EWCA Civ 1363 at [68].

The convenors would like to extend their thanks to Director Birke Häcker for putting the conference under the auspices of the IECL, to the IECL administrator Jenny Dix for arranging the online realisation of the

conference, and to former Swiss ambassador Dr Uli Sigg for supporting Philipp Renninger's academic visit to Oxford with a grant.

Philipp Renninger
Lund University and Nanjing University

In addition to the above, members and associates of the Institute convene and administer the meetings of the Comparative Law Discussion Group, the EU Law Discussion Group, the IECL Lunchtime Seminar Series, and the Competition Law Discussion Group and Guest Lectures. The following meetings were held in 2020-2021:

Comparative Law Discussion Group	
<i>The “peoples” law: toward a new common for the Africans</i>	John Osogo Ambani (Kabarak University School of Law)
<i>“Child marriage”</i>	Ralf Michaels (Max Planck Institute for Comparative and International Private Law, Hamburg)
<i>The doctrine of negotiorum gestio in the civil tradition and its non-adoption by the common law – two different approaches to finding the right balance between protecting individual freedom and encouraging spontaneous help</i>	Andreas Lenz (University of Trier and Visiting Students, Jesus College)
<i>Decolonial comparative law</i> <i>(organised jointly with the Decolonising the Law Group)</i>	Lena Salaymeh (Oxford School of Global and Area Studies)
<i>Comparative constitutionalism and the Global South: democracy in India and the EU</i> <i>(organised jointly with the South Asian Law Discussion Group)</i>	Philipp Dann (Humboldt University Berlin)

EU Law Discussion Group	
<i>Combating corruption and supplier collusion in public procurement: proposals for post-Brexit reform</i>	Alison Jones (King’s College London)
<i>The EU Copyright reform: striking a fair balance between all rights at stake</i>	Giuseppe Abbamonte (European Commission)
<i>Justifications for a restriction of freedom of movement of workers – recognition of prior professional employment and loyalty to the employer</i>	Verena Vinzenz (University of Innsbruck)
<i>Horizontal effect of EU fundamental rights</i>	Dorota Leczykiewicz (University of Oxford)
<i>Legal empathy in the internal market: free movement law as a comparative dialogue</i> <i>(organised jointly with the IECL Lunchtime Seminar group)</i>	Barend van Leeuwen (Durham University)
<i>A demoi-cratic public law? The constitutional reasons for procedural rights of Member States as subjects of union administration</i>	Filipe Bastos (University of Lisbon)
<i>Enhanced cooperation – laws between deeper integration and differentiation</i>	Caroline Heber (Max Planck Institute for Tax Law and Public Finance, Munich)

<i>Rightful relations with distant strangers: Kant, the EU and the wider world</i>	Aravind Ganesh (Oxford Brookes University)
<i>Constitutional transformation and the European Union</i> <i>(organised jointly with the IECL Lunchtime Seminar group)</i>	Signe Larsen (Magdalen College Oxford)
<i>Books launch: Jan Zglinski, Europe's Passive Virtues – Deference to National Authorities in EU Free Movement Law</i> <i>(organised jointly with the Empirical Legal Studies Discussion Group)</i>	Jan Zglinski (London School of Economics), Gijs van Dijck (Maastricht University, Barend van Leeuwen (Durham University)
<i>Constitutive powers of executive bodies: a functional analysis of the Single Resolution Board</i>	Joana Mendes (University of Luxembourg)

IECL Seminar Series

<i>Contemporary issues in energy projects which are implemented with the private sector participation</i>	Bahar Bayazit (Bilkent University)
<i>Comparative perspectives on laesio enormis: the story of an evolution</i>	Gizem Alper (Bilkent University)
<i>EU competition law and the European Green Deal</i> <i>(organised jointly with the Competition Law Discussion Group)</i>	Marios Iacovides (University of Stockholm and IECL)
<i>Historical common grounds vs ideological divergence of expert evidence in English and French law</i>	Nolwenn Simon (University of Paris 2 Panthéon-Assas)
<i>On reasons difficult to fathom: hotchpot rule in intestate succession</i>	Christoph Schoppe (Max Planck Institute for Comparative and International Private Law, Hamburg)
<i>Nobody is expected to read a standard form contract before signing it. Why does the law enforce its clauses</i>	Michaëlle Cumyn (Laval University, Quebec)
<i>Legal empathy in the internal market: free movement as a comparative dialogue</i> <i>(organised jointly with the EU Law Discussion Group)</i>	Barend van Leeuwen (Durham University)
<i>How to define 'scientific uncertainty' in the context of determining legal causation</i>	Caroline Kahn (University of Paris 2 Panthéon-Assas)
<i>What can private international law do about the climate crisis?</i>	Christine Toman (Max Planck Institute for Comparative and International Private Law, Hamburg)
<i>Explicit legislative characterisation of overriding mandatory provisions in EU directives</i> <i>(organised jointly with the Conflict of Law Discussion Group)</i>	Johannes Ungerer (IECL)

<i>Constitutional transformation and the European Union</i> <i>(organised jointly with the EU Law Discussion Group)</i>	Signe Larsen (Magdalen College Oxford)
<i>Reform of the form requirement for long-term lease agreements in Germany</i>	Hans Trageser (Goethe University Frankfurt)

Competition Law Discussion Group and Guest Lectures

<i>EU competition law and the European Green Deal</i>	Marios Iacovides (University of Stockholm)
<i>Remedies in merger cases – a monitoring trustee’s perspective</i>	Fryderyk Hoffmann (Mazars LLP)
<i>Google/Fitbit: is merger control fit(bit) for purpose in digital markets? Reflections on the EU and Australian reviews, and current reform proposals</i>	Alec Burnside (Dechert)
<i>Searching the soul of antitrust: what is competition law for?</i>	Tim Cowen (Preiskel & Co)
<i>US antitrust law – key decisions and current debate</i>	Rachel Brandenburger (IECL and CCLP)
<i>International cooperation and friction – competition and non-competition values</i>	Rachel Brandenburger (IECL and CCLP)
<i>Two-sided markets in EU competition law</i>	Cyril Ritter (EC Directorate General for Competition)
<i>Competition law: a European vision of the digital context</i>	Philip Marsden (College of Europe)
<i>Chinese antitrust exceptionalism: how the rise in China challenges global regulation</i>	Angela Huyue Zhang (University of Hong Kong)

Under the Law Faculty’s new Research Group framework which became operational in 2020-2021, the Institute heads the ‘Comparative and European’ Research Group. Beside the four discussion groups (events listed above) which have long been organised directly by or run under the auspices of the Institute, the following now also form part of the ‘Comparative and European’ Research Group and are therefore reported here:

Chinese Law Discussion Group

<i>COVID-19 and the emergency response system in China</i>	Yuxue Fank (University of Oxford)
<i>Force majeure and COVID-19: an assessment of the contract law and Civil Code of the People’s Republic of China</i>	Mimi Zou (University of Reading)

<i>China's state-led capitalism and the liberal international economic order: geo-economic competition, managed interdependence and the future of international economic law</i>	Ming Du (Durham University)
<i>Data security and international investment: the saga of Tik Tok</i>	Ji Ma (Peking University/University of Oxford)
<i>The new Chinese Civil Code: a comparative perspective</i> <i>(Special Seminar organised jointly with the IECL, see p. 53 above)</i>	Weixing Shen (Tsinghua University), Knut Benjamin Pissler (Max Planck Institute Hamburg), Mimi Zou (University of Reading)
<i>China's social credit system: a legal perspective</i>	Chun Peng (Peking University)
<i>Book Launch: Dispute Resolution in China: Litigation, Arbitration, Mediation and their Interactions</i>	Weixia Gu (University of Hong Kong)
<i>From Wuhan to Shijiazhuang: China's Central-Local COVID-19 Management</i>	Philipp Renninger (University of Lucerne)
<i>The operation of the Commission on the Limits of the Continental Shelf Facing Disputes: an examination of the rules and practices</i>	Michael Sheng-ti Gau (Wuhan University)

South Asian Law Discussion Group

<i>Book Launch: M. Chen-Wishart and S. Vogenauer (eds) Studies in the Contract Laws of Asia, Vol. III</i>	Ewan McKendrick (University of Oxford), Mindy Chen-Wishart (University of Oxford), Stefan Vogenauer (Max Planck Institute Frankfurt), Jan Sheng-Lin (Constitutional Court of Taiwan), Lady Arden of Heswall (UK Supreme Court)
<i>Comparative constitutionalism and the Global South: Democracy in India and the EU</i> <i>(organised jointly with the Comparative Law Discussion Group)</i>	Philipp Dann (Humboldt University Berlin)

International Institutional Links: Reports from Recent Participants

The IECL acts on behalf of the Faculty in engaging with other institutions outside Oxford for the purposes of research in the fields of European and comparative law. Some of our international institutional links are designed to allow research visits by Oxford researchers to our partner institutions, generally for both senior scholars and graduate students (the Max Planck Institute for Comparative and International Private Law, Hamburg, and the Law Faculty at the University of Seville), but sometimes aimed particularly at graduates or early career academics (Alpa Scholarships, for the University of Rome Sapienza). We also welcome visitors to the Institute from these partner institutions under the terms of our agreement with them, and we have for many years additionally hosted a Paris Visiting Fellow from (in alternating years) the Universities of Paris 1 Panthéon-Sorbonne and Paris 2 Panthéon-Assas. Reports from some of this year's participants in these schemes are set out below.

Maison Française d'Oxford Visiting Graduate Student Caroline Kahn Université Panthéon-Assas Paris 2



I am a PhD Student at the University Paris 2 Panthéon-Assas, and my research focuses on uncertain causation in tort law, from a comparative perspective (French and Common Law). I spent three months (April-June 2021) at the Institute of European and Comparative Law, as part of the programme partnership with the Maison Française d'Oxford.

During my stay, I was able to undertake extensive research on English and American law at the Bodleian Law Library. This work has proven to be absolutely essential for the writing of several sections of my thesis. I also had the opportunity to present some of my findings during an IECL lunchtime seminar, which led to very interesting and useful discussions with the members of the Institute. I gladly followed the other weekly lunchtime seminars and benefited from fascinating insight on topics which were completely new to me.

I spent a truly wonderful trip in Oxford, and I was very warmly welcomed at the Institute by Professor Birke Häcker and Jenny Dix, who have both always managed to make me feel at home!

Exchange with the Max Planck Institute for Comparative and International Private Law, Hamburg

Carlo Brunold
St Cross College, Oxford

View from the 'Michel' of the harbour with the Elbphilharmonie (Photo: Carlo Brunold)



Between July and September 2021, I had the opportunity of being a visiting researcher at the Max Planck Institute (MPI) for Comparative and International Private Law in Hamburg. My stay there was made possible by the longstanding partnership between the IECL and the MPI Hamburg. I had previously had the pleasure of meeting colleagues from Hamburg at the IECL in Oxford. The academic interaction and exchange with colleagues from Hamburg, both formally in discussion groups and informally in conversation, was always very fruitful and interesting.

The MPI Hamburg offers an excellent library and a welcoming community of researchers, consisting of long-term staff and a group of international scholars from all over the world. My doctoral thesis greatly benefitted from this environment – especially after the difficult times of the pandemic with lockdowns, library closures, etc – by allowing me to have to hand all the (German) literature I needed and facilitating direct exchange with other researchers about all sorts of issues and questions that PhD students regularly encounter. The work as a visitor at the MPI Hamburg is made very pleasant by the fact that the guest accommodation is close to (indeed: in) the Institute and that the Institute is located centrally in one of the nicest parts of the city.

The Hanseatic City of Hamburg itself offers a vast array of cultural, sporting, and simply fun activities which will cater for anyone's needs and wishes (except perhaps those of mountaineers). The lake nearby the Institute, the *Außenalster*, lends itself to sailing and rowing, and it also invites visitors to run or cycle around. The old parts of the city offer fascinating impressions of a Hanseatic town and its history, and the many museums and cultural institutions such as the new(ish) *Elbphilharmonie* will not let anyone get bored when taking (exceptionally) some time off their research and engagement with legal science.

My thanks – far too many to express them all – are due, in particular, to Professor Häcker and Ms Dix for organising the exchange on the Oxford side, and to Professor Zimmermann for the warm welcome he extended to me at the MPI Hamburg. I greatly enjoyed my time there.

Christoph Schoppe
Max Planck Institute



Doing research for my PhD thesis that looks at ‘advancements’ in the law of succession, I spent Michaelmas term 2020 as the Max Planck Gildesgame Fellow at the IECL. It was the first autumn since the COVID-19 pandemic struck, and lockdowns were imposed both at home in Germany and in the UK over the course of the autumn. In fact, until a few days prior to my arrival, it was unclear whether I would be able to travel at all. In Oxford, the university had just begun to reopen. I am therefore extremely grateful to the IECL for welcoming me under such challenging conditions. Everyone did their very best to create an environment that really helped advance my research, that enabled me to have a true Oxford experience, and that was safe

despite the pandemic. This holds true both for the IECL and St Catherine’s College, where I was affiliated. Over the course of the term, I researched and wrote up the English legal history aspects of my PhD thesis, I discussed my ideas with colleagues inside the IECL and with Law Faculty more generally, and – last but not least – I presented some thoughts as part of the IECL weekly seminar series, which led to even more valuable input. After all, these seminars were attended not merely by the IECL staff, but also by a number of other guests: researchers from Canada, France, and Turkey. When not working in the IECL or the Bodleian Law Library, I rowed in the St Catherine’s college rowing team and discovered Oxford in all its beauty. So, against all the odds of a pandemic, I spent a truly rich and insightful term in Oxford, for which I thank everyone who was involved in organising it, most notably Birke Häcker and Jenny Dix.

Financial Supporters of the Institute



Panorama of the St Cross Building

The Institute is most grateful to all those who support its work in European and/or comparative law, or its associated activities in the student exchange programmes. The current financial supporters are listed below.

Professor Guido Alpa	support for the exchange of academic staff and graduate students between the Oxford Law Faculty and the University of Rome Sapienza
Gide Loyrette Nouel LLP	funding for student events relating to French law
Ragnar Söderbergs Stiftelse and Torsten Söderbergs Stiftelse	funding for the Oxford/Stockholm Association in European Law (Professor Ulf Bernitz)
Stifterverband für die Deutsche Wissenschaft	ongoing support for the Erich Brost Departmental Lecturer in German Law and in EU Law
Stockholm Centre for Commercial Law	funding for the Stockholm Centre Oxford Fellowship and the Stockholm Senior Visiting Fellowship

Governance of the Institute



The governance of the Institute is established in its Constitution approved by the Law Faculty Board. The Director reports both to the Dean of the Law Faculty and to the Management Committee. The Management Committee, which is made up of members of the Law Faculty and the Social Sciences Division, has general oversight of the Institute including its administration of the degree in Law with Law Studies in Europe and the Diploma in Legal Studies. It receives reports on academic activity and programmes, monitors financial outcomes and approves strategies for income generation. The Advisory Council provides guidance to the Director on the strategic direction of the Institute. Its members are prominent persons in public life and the legal world who are well placed to advise upon and support the work of the Institute. Members of the Management Committee and the Advisory Council in 2020-2021 were:

Management Committee

Professor Helen Scott (Chair)
Professor Jeremias Adams-Prassl
Professor Nicholas Barber
Professor Ariel Ezrachi
Professor Birke Häcker
Dr Geneviève Helleringer

Professor Ciara Kennefick
Professor Dorota Leczykiewicz
Dr Hartmut Mayer
Dr Kalypto Nicolaïdis
Professor Stephen Weatherill
Professor Simon Whittaker

Advisory Council

The Right Honourable Lord Mance (Chair)
Professor Guido Alpa (Sapienza University of Rome)
Professor Sir Frank Berman QC (Essex Court Chambers)
Mr Christopher Bright (formerly Shearman & Sterling LLP)
The Conseiller Culturel of the French Embassy in London
Professor Paul Craig (Oxford Law Faculty)
Sir Ross Cranston (London School of Economics)
Director, German Academic Exchange (DAAD)
Director, Institute of European and Comparative Law
Professor Sir David Edward (University of Edinburgh)
Professor Mark Freedland (Oxford Law Faculty)

Professor Sir Roy Goode (Oxford Law Faculty)
Professor Sir Francis Jacobs (King's College London)
Professor Angus Johnston (Oxford Law Faculty)
Mr Alexander Layton QC (20 Essex Street)
Ms Alexandra Marks (Judicial Appointments Committee)
Mr Hugh Mercer QC (Essex Court)
Mr Rupert Reece (Gide Loyrette Nouel LLP)
The Right Honourable Lord Reed (President of the Supreme Court)
Sir Peter Roth (Competition Appeal Tribunal)
The Honourable Mr Justice Silber
Professor Henk Snijders (University of Leiden)
The Vice Chancellor of Oxford University

Institute of European and Comparative Law

Annual Report 2020-21



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