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1. INTRODUCTION

The annual reports of the Institute of European and Comparative Law, like most reports of this kind, are necessarily and appropriately concerned, for the most part, with the recording of the day-to-day happenings in the Institute, and the work and career development of its personnel. In those terms, the ensuing report chronicles a good and eventful year in the life of the Institute. There have been important departures to prestigious appointments, but those concerned remain in close association with us and our work. There have been no less important arrivals of colleagues who are developing auspicious careers by their periods of attachment to the Institute. There has been a stream of interesting visitors who have made enormous contributions to the work of the Institute and to that of the Law Faculty as a whole. Lectures, seminars and conferences of great significance have been organised and have taken place. The Institute has reinforced its position as the hub of the Law Faculty’s programme of undergraduate studies and exchanges in Law with European Law. It has also become to a greater extent than previously the institutional base for graduate research studies in European and Comparative Law.

However, all that said, and given that the foregoing matters forms the subject of the more detailed ensuing sections of this annual report, the Introduction should not confine itself to such matters alone. It should also reflect upon the development of the work - I hesitate to say the mission - of the Institute at a more strategic level. This is not to say that the Institute adopts and pursues a strategy on an annual basis. That would be much too directorial a construct to give a true sense of how the Institute operates. It is rather that there is some value in identifying, in our annual reports, particular aspects of the developing work of the Institute, and trying to perceive the directions in which it is going and in which we wish to go. Thus in last year’s annual report, emphasis was placed upon the aspect of our work in which we seek to facilitate and support the work of the Law Faculty as a whole in the fields of European Law.

In this Introduction, I allow myself the liberty of focussing for a moment upon the relationship between European and Comparative Law, a relationship which at once informs and emerges from the work of the Institute. I do not know how many other university law schools in practice effect this conjunction between European and Comparative Law in the way that Oxford does, but I believe that the creation of an Institute around that particular combination is a fairly singular achievement, upon which its founders are to be congratulated. It is a great source of actual and potential
strength for our Law Faculty, but it also imposes a continuing responsibility to reflect constructively upon the relationship between those two legal subjects or legal disciplines, and to consider how that relationship may best be understood and might most fruitfully be developed.

Some people might, if we may be slightly satirical for a moment, think of the relationship between European Law and Comparative Law as no more than a marriage of convenience between two parties who are viewed as making a suitable match but who do not really have very much in common with each other. Comparative Law might be the older partner, once adventurous but now a little set in its ways, while European Law might be the more fashionable younger partner, wealthy and commanding a rich dowry, but not really contributing very much to the intellectual life of the couple. Such a view would be wholly inappropriate; and I hope and believe that the Institute exists to prove that inappropriateness. There is no doubt, that in the Institute, as in the Law Faculty at large, European Law enjoys a full parity of esteem with that which is accorded to Comparative Law.

We can make this point in another sense by probing the “polite distance” view of the relationship between European Law and Comparative Law, and showing how the pursuit of these two legal disciplines in the Institute and the Law Faculty belies that view. The “polite distance” view depends upon perfectly tenable premises, but is nevertheless misleading as to the way in which we practice these two subjects. Its premises or assumptions would be that each subject has aspects which separate it fundamentally from the other. One such assumption, perfectly correct in one sense, is that Comparative Law is and should be by no means confined to comparison between European national legal systems. Another such assumption, equally correct in a sense, is that the study of European Law (by which we mean basically European Union or European Community Law) is the study of a supra-national or transnational legal system and a developed body of law in its own right, rather than an exercise in comparison between the laws of the member states.

However, although there are these good arguments for regarding Comparative Law and European Law as being distinct spheres, those arguments would be put to misleading use if they concealed the extent to which these two spheres intersect with each other. Not only is that intersection historically strong; there is also, we suggest, a dynamic towards its increase. The intersection is historically strong in more than one sense. Much of the focus of Comparative Law as pursued in the law schools of the
United Kingdom in general, and in the Oxford law school in particular, has been upon comparison between the Anglo-Saxon common law tradition and the civilian legal systems of continental Europe. Equally, the evolution of European Law has been, and has been perceived to be, a process of distillation from the legal systems of the member states, rather than simply the super-imposition of a purely exogenous raft of supranational legal norms.

In the course of the thirty plus years in which both disciplines have been actively pursued in the United Kingdom at large and Oxford in particular, there have been times when sight has been lost of, or at least emphasis has been reduced upon, these two features of intersection between them. However, the current trend seems to maximise that intersection, and to do so in a productive way. Our comparatists are quite strongly, though by no means exclusively, Eurocentric in their interests. But perhaps of even greater significance as a pressure towards intersection of the two disciplines is the ever-increasing extent to which the protagonists of European Law see themselves as concerned, in various particular senses, with the integration of European legal systems, both vertically, horizontally and diagonally, rather than with the fashioning of EU Law or EC Law as a free-standing legal system or legal discipline.

Of course that integrationist tendency is not uncontroversial, and nor should it be so. It creates the most intense debates as a political proposition which promotes tight federalist models of Europe over loose confederalist ones. It is also a matter of no small controversy within the legal academic community as to how far the pursuit of harmonisation of European private law can be or should be taken. These are not matters in respect of which we have anything amounting to an institutional stance. But it is one thing to have an institutional stance or orthodoxy, which we do not seek to maintain, and it is quite another thing to provide an institutional forum in which integrationist discourses may be both intellectually developed and intellectually tested. I think we can and should as an Institute lay claim to constitute such a forum, indeed to be singularly well-placed to do so; and I hope that the succeeding parts of this report will be convincing as to our capacity and shared enthusiasm for fulfilling this role within our Law Faculty.
2. DEPARTURES AND ARRIVALS

Some major figures in the history and evolution of the Institute moved on, or returned, to other posts last year. Gerhard Dannemann is undoubtedly such a person. Actually a precursor of the Institute, since he came to Oxford (and to a Fellowship at Worcester College) before the foundation of the Institute as the first in what is now a succession of DAAD Lecturers who, as through the munificence of the DAAD, have been appointed to assist us with our law teaching in general and our Anglo-German comparative legal studies in particular. He maintained an impressive record of teaching and research both during the five years of his DAAD post and the subsequent years in which he was employed as the Brost Lecturer in Anglo-German Comparative Law. During his eight years in Oxford, Gerhard’s contribution to the study of Anglo-German comparative law was truly impressive. Apart from his teaching and considerable research output, he built up, together with Professor Basil Markesinis, a significant German Law Archive, and established an on-line Comparative Law Journal. When he was elected to a prestigious new Chair in British Culture at the Humboldt University of Berlin and took up that Chair in January 2003, we were very grateful to him for continuing to edit the Journal, which is proving an excellent outlet for a wide and even at times eclectic range of comparative law material. Gerhard’s Lecturership in German Private Law was funded by the generous endowment of the Brost Foundation, and discussions are taking place which it is hoped may lead to an elevation of that post to a Chair in Anglo-German Commercial Law.

Hardly less significant a departure was that of Stefan Enchelmaier. Stefan was appointed as DAAD Lecturer in 1996 in succession to Gerhard Dannemann when the latter moved into the Brost Lecturership, and became one of the Deputy Directors of the Institute. A most active teacher in the fields of European Community Law as well as German Law, at college and faculty level, Stefan added considerably to his research record during the five years of his Lecturership and during the year 2002-2003 when the Institute was pleased to appoint him to be a Research Fellow. We wish him well as he takes up his post in the Max-Planck-Institute for Intellectual Property, Competition and Tax Law at Munich.

Last, but not least, in this list of momentous departures is Otto Pfersmann, the holder for two years of the post in French Law which is funded by the French Ministry of Higher Education and is associated with a Deputy Directorship of the Institute. Bringing the jurisprudential approach of Kelsen to bear upon Comparative Public
European Law, Otto attracted great interest among faculty members and graduate students in his teaching and contributions to seminars, while maintaining a considerable research output. Specially valued was the jurisprudentially oriented set of seminars on European Community Law which Otto ran in conjunction with Professor John Gardner. Otto returned to his Chair at the University of Paris I and remains in friendly contact with the Institute.

No less momentous than these departures from the Institute has been the arrival of some successors in post and other new additions to the strength of the Institute. The successor to the DAAD Lecturership associated with a Deputy Directorship at the Institute, is Dr Katja Ziegler as much of an enthusiast as her immediate predecessor for European Law in the sphere of commercial law, and the law of competition. Her other major area of interest is comparative public law and public international law. Her arrival was shortly followed by the publication of her book on State Responsibility for Causing Refugee Flows. She has very quickly become most actively involved in teaching at college and university level and is undoubtedly beginning to make a significant contribution to the work of the Institute.

An equally welcome new addition to the strength of the Institute was provided by the arrival of Denis Baranger, Professor of Public Law at the University of Paris II (Panthéon-Assas), the successor to Otto Pfersmann in the post provided by the French Government with its associated Deputy Directorship of the Institute. A specialist in Anglo-French comparative legal history, he has been able to make a most valuable contribution to the Comparative Public Law course, and did much of the work of organising the Comparative Contract Law colloquium between Oxford and Paris II which took place in Oxford in July 2003 (see below). Like the other colleagues here described, he has maintained an impressive research output.

The next welcome major addition to the Institute team resulted from the decision of the University and the Law Board to associate a Career Development Fellowship in European Law with the Institute, and from the election of Dr Diamond Ashiagbor to that post, which has been coupled with a Junior Research Fellowship at Worcester College. Diamond has become a crucial contributor to the Law Faculty’s teaching programme in European Employment and Equality Law, and is in the course of preparing publications building upon her doctoral researches into European Union employment policy at the European University Institute.
Further ornamentation to the personnel, and, we believe, to the prestige of the Institute has been provided by the conferment of Senior Research Fellowships upon Professor Tony Bradley and Dr Simon Whittaker. Formerly of Edinburgh University and King’s College London and now working in association with the Institute in retirement and in residence near Oxford, Tony Bradley is able to give us the benefit of his significant involvement in the current rapid evolution of the British Constitution. Simon Whittaker is a long-standing member of the Law Faculty and recently Chair of the Board of the Faculty. He has for long been a pillar of the comparative law establishment of the Law Faculty and this intensification of his involvement with the Institute is greatly to be welcomed.

We recount last but by no means least - and do so in this order because we refer to an appointment taking effect in the forthcoming academic year - the excellent news of the election of Mr Stefan Vogenauer to the Chair of Comparative Law and the associated Professorial Fellowship at Brasenose College; and we also report with great satisfaction the agreement with the Law Faculty that Professor Vogenauer will succeed Professor Freedland as the Director of the Institute from the beginning of the year 2004-2005. Educated at Kiel University, Northern Germany, Trinity College, Oxford, and Regensburg University in Bavaria, Professor Vogenauer has also spent time studying in Paris. He gained a degree in Jurisprudence from Kiel University and an M.Jur. in European and Comparative Law at Trinity College, Oxford, before going to Regensburg University to study for a Ph.D. and complete his practical legal training. At Regensburg he was also involved in teaching the Oxford students enrolled on the 4-year Law with Law Studies in Europe course who were spending their year abroad in Germany. Only 35 now, Professor Vogenauer has worked as a research assistant and an assistant lecturer prior to his current posts as Research Fellow at the Max Planck Institute for Foreign and International Private Law and part-time lecturer in comparative law at the Bucerius Law School, Hamburg which is Germany’s first private Law School. In an introduction of himself in *Oxford Blueprint*, Professor Vogenauer commented: “I particularly look forward to joining a faculty which counts among its members some of the leading comparatists in the UK and which already has a strong comparative law programme in place. Since, on the graduate level, comparative law teaching has so far been mainly confined to public law, I see my main task in offering a course on comparative private law.”
3. THE FACULTY’S STUDENT EXCHANGE PROGRAMMES

The Institute continues to provide a focus for students - both our Oxford students (studying “Law Course 2”, the 4-year course in Law with Law Studies in Europe) who are going to spend their third year abroad at one of our partner European universities, and the students from those universities who come to Oxford under the Faculty’s exchange programmes. John Cartwright, as a Deputy Director of the Institute, continued in 2002-2003 as the academic director of the exchange programmes, and Jenny Dix, the Institute’s Administrator, runs their day-to-day administration.

Applications to join Law Course 2 are consistently much stronger than those for the 3-year Law course, illustrating how important it is for the Faculty to maintain this programme (and, perhaps, to expand it: more of that later). In the last admissions round there were 240 applications for 30 places, and the Faculty committee which is charged with the selection of the 30 students from those nominated by colleges always has a very difficult task. The strength of competition amongst the various options within Law Course 2 varies: and consistently by far the most competitive is the French Law course (to spend a year at the University of Paris II). Last year’s report noted a concern about one area: applications for the Italian option (in which a year is spent in the University of Siena) have been lower than for the other options, apparently because the field of candidates with Italian language skills at the level normally required for admission to the course is narrower than the field with French and German language (and the fourth option within the course does not have a foreign language requirement - during the year in Leiden the courses are taught in English). Last year the Faculty decided that it would consider applications from candidates whose level of Italian is below “A” level but where there is sufficient evidence (typically, from their work on other languages at “A” level) that they can be expected, with additional intensive language training during the first two years in Oxford, to be able to bring themselves up to the standard required to study successfully in Italy during the year abroad. The Institute will organise and fund the additional language training required for any students admitted on this new basis. This change in policy has already had an effect: the number of applications for the Italian law course in the last admissions round rose, including candidates who fit the new applications model, without Italian “A” level. Colleges were able to nominate a wider field of candidates - and the Faculty was therefore able comfortably to fill its places (and even for the first time to have candidates on the waiting list for Italian law places in case of any late
withdrawals). We shall, of course, keep the position under review, but at this stage we are cautiously optimistic.

The student exchange programmes have been running now for nearly ten years, growing from an original scheme in 1994 for 15 students to go to four partner universities (in France, Germany and the Netherlands) to a regular annual intake of 30 students to go to seven universities in four countries (France, Germany, Italy and the Netherlands). In 2001 the Law Faculty Board decided that it would not consider any further expansion of the programmes for the moment. It will be a matter for the Law Faculty Board to take any decision on expansion, but the Management Committee of the Institute, which now has the oversight of the exchange programmes under the authority of the Faculty Board, is expecting to review the scope of the current arrangements during the coming year, and to consider whether there is a case for any expansion of the schemes - in terms either of the number of students that can be admitted, or of the range of countries to which they can go in their third year.

There were some changes in the teaching arrangements for the students on Law Course 2 this year. Classes in French, German and Italian law are given within the Institute to the second year students who are preparing to spend their third year abroad; and classes in French, German, Italian and Dutch language are arranged in or through the Institute. This year we welcomed Professor Denis Baranger, the new French Deputy Director of the Institute on secondment for two years from the University of Paris II (Panthéon-Assas), to teach the public law elements of the French law preparatory classes; and Dr Katja Ziegler, the new German Deputy Director of the Institute, to teach the German law preparatory classes. And the German language teaching is now provided by Dr Thomas Martinec, who this year took up a Fellowship at Lincoln College. Other regular teaching arrangements also continued - including classes given by Mrs Marina Milmo in French private law to complement Professor Baranger’s public law classes, and classes given by Mr Nello Pasquini in Italian Law. French and Italian language tuition was provided, as always, by the Language Centre; and the conversational Dutch language classes which we started two years ago for the students in the year before they go to Leiden have now become a very welcome permanent arrangement, taught by Karin de Wijs.

The students who come to Oxford from our European partner universities under the student exchange programmes follow the regular courses offered by the Faculty appropriate to the level of their study. If they come at an advanced stage in their
undergraduate career, they generally take the Diploma in Legal Studies (which involves studying three of the papers offered within the Oxford undergraduate law curriculum, and being examined in them alongside the students taking the final BA examinations in June); if they come as graduates from their home universities, they generally take the Magister Juris degree. In any case, the Institute is not itself responsible for their tuition, which is organised within their colleges and the Faculty. However, the Institute always seeks to welcome them and to provide a focus for them as a group during their year here. This year, we were very grateful to Lord Rodger for making the arrangements for the incoming exchange students to attend hearings in the House of Lords and the Privy Council - a visit on which the students themselves reported back most enthusiastically.

The Institute maintains contact with our partner European universities throughout the year: Jenny Dix is in regular contact with their administrators, and John Cartwright has contact whenever necessary with the academic directors of the exchange programmes. Our students during their year abroad sometimes have cause to contact us directly - and they are always encouraged to do so if necessary - but for the most part they settle into the life of their host universities and give us a report at the end which is generally very positive indeed about their experience of the year abroad. The course director cannot visit each of our partner universities every year, but we have now put in place a system for visits. In 2002-2003 John Cartwright visited Leiden, Munich, Paris and Regensburg to meet members of the local faculty responsible for our exchange programme, and the Oxford students who were there this year. We also encourage members of the Faculty who will be visiting our partner universities to make themselves available to meet our students while they are there.
4. VISITING SCHOLARS AND INSTITUTIONAL LINKS

Introduction
The Institute maintained and reinforced its institutional links with its various partner law faculties and foundations during the year, and continued to welcome a series of distinguished academic visitors, some senior and some at earlier stages in their careers.

I France
(a) Paris I
The links with Paris I remained active, mediated as it is through the Association Sorbonne-Oxford, the annual business meeting of which Professor Freedland attended at the Paris offices of Clifford Chance which continues to provide generous and vital support for this collaboration. Conference activity is planned during the academic year 2003-2004.

(b) Paris II
In recent years members of the Oxford Faculty have held annual colloquia with members of the Faculty of Paris II, either in Oxford or in Paris, to discuss some particular areas of comparative law. This year’s colloquium was held at Wadham College on 30th June and 1st July, looking in particular at how French and English use notions of “reasonableness” or “abus” in their rules for contract formation, interpretation and remedies. Discussion of French law was led by Denis Baranger, Bénédicte Fauvarque-Cosson, Denis Mazeaud and Philippe Théry; and of English law by John Cartwright, Ewan McKendrick and Simon Whittaker. This was the second year of discussions on the comparative law of contract: those who presented papers this year and last year plan to work further on them over the coming year with a view to meeting in Paris in 2004 to refine the work, which it is hoped will be published thereafter.

II Italy
Visitors from the University of Siena during the year have included Dr Patrizia Vigni who will return to Oxford in Hilary Term 2004 to teach on the BCL International Environmental Law course.

III Spain
We were pleased to welcome Dr Sergio Camara Lapuente of the University of La Rioja to the Institute for the months of March to July.

IV Germany
Visitors from Germany during the year have included Professor Dr Juergen Basedow of the Max-Planck Institute, Hamburg; Dr Christian Kersting, Max-Planck Institute, University of Munich; and Professor Dr Dagmar Coester-Waltjen of the University of Munich.

V The Netherlands
Connections with Leiden have been maintained, and the Director has been involved, on behalf of the Institute, in discussion with colleagues from Leiden who are developing the Leiden-based syndicate of European Law Faculties.

VI Scandinavia
Active co-operation with Scandinavian colleagues has been maintained through the Oxford/Wallenberg venture (see below, Section 6), especially, but not solely, at Stockholm University.

VII The Europaeum and Other Cross-Disciplinary Links
The Director has been a member of the Academic Council of the Europeaum and as such participated in a meeting of the Council hosted by the latest acceding university, the Charles University of Prague. The Director and Professor Weatherill are both actively involved in the University’s European Studies network which promotes cross-disciplinary links.

VIII Other Visitors
Other visitors to the Institute during the year have included: Dr Geert van Calster, University of Leuven; Professor Kyoko Kimpara, Chiba University, Tokyo; and Dr Lori Ringhand, University of Kentucky.
In April 2003 a conference was held in the Said Business School under the title “Whose Europe? National Models and the Constitution of the European Union”. The event was founded on the premise that whatever form it might take a “European Constitution” cannot and should not reproduce at the European level the constitutional logic of the nation-state in general, nor of any state in particular. At the same time national political cultures constitute the fundamental historical and conceptual building blocks for constitutional thinking in the EU. So while the EU should not become a "state writ large", in practice, the design of its institutions has been and continues to be inspired by “what we know”. This tension between the old and the (as yet unknown) new pervades the whole European constitutional debate. A number of high-profile speakers, including several members of the Convention on the Future of Europe chaired by Valéry Giscard d'Estaing, provoked an interesting and, indeed, inspiring debate across a memorable Oxford weekend. The Conference was a joint enterprise involving several different entities within the University with interests in the general phenomenon of European Studies. The Institute of European and Comparative Law, for these purposes representing the Law Faculty, has been lately active in promoting closer links with cognate disciplines in the University and this conference was in part designed as high-profile advertisement of the successful prosecution of this task. Professor Stephen Weatherill served on the Steering Committee of the Conference, while Professor Paul Craig and Professor Derrick Wyatt both delivered papers, examining the nature of constitution-making and the role of the principle of subsidiarity respectively. Moreover close to twenty other members of the Faculty attended the conference and participated in the lively discussions, both inside and outside the conference room. The Faculty has never been an island and we hope this event will have helped us to get to know our intellectual near-neighbours better. The Convention on the Future of Europe submitted the results of its deliberations to the Thessaloniki Summit in June 2003, and, convinced that our deliberations in Oxford in April have enduring value in the developing debate about the proper institutional and constitutional architecture for a Europe of 25 States and more, the decision was taken to encourage speakers to prepare papers for publication. These will explore how national "models" have inspired a possible European Constitution and how in turn the EU as a polity can and should diverge from such models, and will take as prominent themes choice of modes of representation, the allocation of powers and subsidiarity, and the role of citizenship for a polity of peoples. Right now, and perhaps for all time,
Europe is “peoples” not “people”: what does this mean for our future? The papers have been published in 2003 under the joint editorship of Stephen Weatherill (Law) and Kalypso Nicolaidis (International Relations).
6. THE OXFORD/STOCKHOLM COLLABORATION

This collaboration has been running for its second year and is financed for another year. Its basis is a donation by the Wallenberg Foundation in Sweden for the setting up of a venture named the Wallenberg Foundation Oxford/Stockholm Association in European Law. Professor Ulf Bernitz is the prefect of this venture which enables him to contribute to the work of the institute in a consultancy capacity.

The objective and type of activities are listed in an Agreement between Stockholm University and the University of Oxford. The objective is to deepen collaboration and mutually beneficial intellectual improvement. The activities include attracting Scandinavian doctoral and post-doctoral researchers and active academics to pursue study and research in Oxford, to make conference arrangements, particularly within European law, to participate in funded legal research projects and, in general, to act as a catalyst for more intensive collaboration between Scandinavian and British jurists.

In close cooperation with Professor Stephen Weatherill, Professor Bernitz co-organised a conference on “The Role of the Self-governing Regions within the European Union”. The conference was held at Lincoln College on 28th April 2003. Speakers and commentators included well-known invited academics from continental Europe and the Nordic countries. The list included Professor Peter-Christian Müller-Graff, University of Heidelberg; Professor Joxerramon Bengoetxea, University of the Basque Country; Justice Niilo Jaaskinen, the Finnish Supreme Administrative Court; Professor Joakim Nergelius, University of Lund and Committee of the Regions, Brussels; Professor John Usher, University of Edinburgh; and Professor Charlie Jeffery, University of Birmingham. The event concluded with a round table discussion involving Professor Otto Pfersmann, University of Paris I; Kalypso Nicolaidis, St Antony’s College, Oxford; and Professors Weatherill and Bernitz.

The topic, the involvement of self-governing sub-national and regional levels of governance in EU law and policy-making, allowed to bring comparative aspects to bear on a general inquiry into the extent to which the EU does – and should – engage with public actors beyond central government in the Member States. Case studies presented focused primarily on the German federal system and the positions of Scotland, the Basque country and the Finnish Aland Islands. The presentations revealed a very varied pattern of conflict, caution and cooperation. The role of the Committee of the Regions was also observed and commented upon. It is planned that
the conference papers will form the basis for a book on the topic to be published in 2004.

On 2\textsuperscript{nd} May 2003 the Institute and the Wallenberg Venture organised jointly with the British Institute of International and Comparative Law, London a conference on “European Contract Law and the Commission’s Action Plan”. The conference was partially a follow-up to the conference organised by the Institute and the Wallenberg Venture in 2002 on “Towards a Unified European Private and Consumer Law. What Course to be Taken?”. The conference was chaired by Professor Sir Roy Goode, QC, St John’s College, Oxford who also presented a paper. The keynote speaker was Mr Dirk Staudenmayer, the principal author of the Commission’s communications on harmonisation of European contract law. Papers and contributions were presented by, Professor Hugh Beale, the Law Commission and University of Bristol; Professors Weatherill and Bernitz; and Ali R. Sinai, British Institute of International and Comparative Law. The papers from the conference will be published in a special issue of the \textit{European Business Law Review}, edited by Bernitz. This issue will also include an interesting paper entitled “A Single European Law of Contract?” by William Blair QC and Richard Brent of Gray’s Inn, London which was presented at a conference organised in Stockholm by the Centre for Commercial Law at Stockholm University jointly with the COMBAR, London. Bernitz is chairing the Research Panel for European Law within the Stockholm Centre for Commercial Law.

The proceedings of the two conferences in 2002 on “Problems of Financial Market Regulation” and “Towards a Unified European Private and Consumer Law?” have both been published in 2003 as special issues of the \textit{European Business Law Review} with Professor Bernitz as special editor of the issues.

At the request of the European Parliament Professor Bernitz has submitted a Legal Opinion on the Benes-Decrees and Related Issues. Bernitz presented his Report on this very sensitive issue, related to the EU accession of the Czech Republic, at a hearing of the European Parliament in Strasbourg on 11\textsuperscript{th} March 2003. He has also given a presentation of his Report for the Public International Law Discussion Group in Oxford (Merton College) on 6\textsuperscript{th} March 2003.

Professor Bernitz has prepared a Report on the Proposal for an EC Directive on Takeover Bids, in particular the Proposal for Prohibition of the Exercise of Multiple Voting Rights in Takeover Situations. The Report was presented at a hearing of the
European Parliament on 28\textsuperscript{th} January 2003. The issue of multiple voting rights is of particular concern to large, stock listed companies in the Nordic countries.

Professor Bernitz has acted as a special advisor to the European Commission DG Sanco in the preparation of its recent proposal for a Directive on unfair business-to-consumer commercial practices in the Internal Market (COM [2003] 356 final). In partial fulfilment of that task he has prepared a study on marketing and advertising law. The work has been conducted under the auspices of the Institute in cooperation with the University of Münster, Germany.

Ulf Bernitz acted as moderator at a conference on the Scottish Devolution in Stockholm on 18\textsuperscript{th} October 2002, organised by the British Embassy. Principal speakers were First Minister John McConell and the Speaker of the Scottish Parliament, Sir David Steele.

Professor Bernitz published the article “The Effect of EU Merger Policy on Large Multinationals based in Sweden and other Smaller EU Member States: Is the Policy Discriminatory?”, European Competition Law Review 2003 pp.19 ff. The article has been prepared within the Institute. He presented his findings at a conference on “EU Merger Law and Policy”, arranged by the British Institute of International and Comparative Law in London on 3\textsuperscript{rd} December 2002. Within that Institute he has also acted as a commentator in a symposium on the EU Constitutional Convention and the Post Nice Process held on 28\textsuperscript{th} February 2003. Bernitz was invited as a speaker at the Linklaters Annual Competition Law Seminar on 29\textsuperscript{th} November 2002 in London on the topic “The Experience in other Jurisdictions in the Application of Criminal Sanctions in Anti-Trust Cases”.

Within the framework of the Wallenberg Venture Docent Marie-Louise Larsson of Stockholm University spent a study week at the Institute in May 2003. Her primary speciality is European insurance law and product liability.

The Wallenberg Venture is cooperating with the Riga Graduate School of Law (RGSL). Within this framework doctoral student and lecturer Ivo Ahleno of the RGSL spent three study weeks at the Institute in November 2002. His speciality is European competition law.
Professor Bernitz’s book *European Law in Sweden* was published in the Autumn of 2002. The University of Oxford has conferred upon Ulf Bernitz the Degree of Master of Arts and added him to the Register of Congregation. In October 2002 he was elected Senior Research Fellow of Balliol College for two years.
7. OTHER EVENTS, 2002-2003

(i) The Comparative Law Discussion Group
This Group, organised by John Cartwright and Simon Whittaker, under the auspices of the Institute, met three times during Trinity Term 2003. At the first meeting a paper was presented by Professor Sergio Camara Lapuente, University of La Rioja, entitled “Trust-like Devices in the Civil Law. Rights and Remedies for the Beneficiary under ‘Fiducie Truehand’ and Other Fiduciary Contracts”. There is a growing interest among European legal scholars in understanding the mechanisms by which civilian systems give effect to “trust-like” devices, in particular, through special types of contract. But what is the nature of the “beneficiary’s” rights under these contracts? If it is purely personal, then it appears very weak and vulnerable, but greater legal protection often can collide with a Roman (or Pandectist) conception of fiducia, by which full ownership (and therefore a power of disposition) is held by the “trustee”. The paper looked at the only decision of the European Court of Justice, *Webb v. Webb* of 1994, which is concerned with trusts and drew on the experience of those civilian systems which have recognised a practical distinction between “economic property” and “juridical property”.

Dr Paula Giliker’s (Queen Mary College London) paper was entitled “Performance in Anticipation of Contract: a comparison of French and English law”. Whilst in English law money claims have traditionally raised fewer difficulties, the question of the recovery for services rendered in the absence of a contract has highlighted the real dilemma facing any claim for pre-contractual liability: should the courts intervene? How does this impact on the risks of the negotiation process? To what extent should the courts have a regulatory role prior to contract? Discussion of these questions involved the consideration of a range of remedies in the two systems (in contract/contrat; tort/delict; restitution/enrichissement sans cause; equity), the role which they played in each system and, more generally, the role of courts in the French and English systems.

The final paper in the series was presented by Professor Nils Jansen of the University of Augsburg, “Duties and Rights in Negligence - a Comparative and Historical Perspective”. Very often a delictual/tortious liability seems to presuppose the infringement of a special “objective” duty as well as the violation of a personal or “subjective” right. It is, however, unclear, how these two aspects of a tortious act are related. The paper examined the historical origin of these two aspects of tortious
liability, tracing the first of them to a conception of tort law as a means of private vengeance and the other to the late scholastic natural law school of Salamanca. It then looked comparatively at how these two ideas have survived in European private law and asked whether they represent an adequate understanding of the modern law.

(ii) Institute Seminars
There has been an active and successful seminar programme within the Institute. These have included:

“The Globe at their Feet: FIFA’s New Employment Rules”, Braham Dabscheck (Associate Professor in the School of Industrial Relations and Organisational Behaviour, University of New South Wales), November 2002

“Globalisation and the Hollowing-Out of the Corporation and the State”, Professor Harry Arthurs (University Professor of Law and Political Science, Osgoode Hall Law School and President Emeritus of York University, Toronto), February 2003

“The Psychological or Implicit Contract of Employment”, Professor Katherine Van Wezel Stone (Professor of Law, Cornell Law School and Anne Evans Estabrook Professor of Dispute Resolution, Cornell School of Industrial and Labor Relations) with Professor Mark Freedland, February 2003

“Harmonisation and European Private Law”, Professor Juergen Basedow (Max-Planck-Institute, Hamburg), March 2003

“EC Securities Regulation”, Dr Niamh Moloney (Law School, Queen's University Belfast), March 2003

"Choosing Taxation or Quantitative Restrictions to Reach Regulatory Goals: EC Member States between a Rock and a Hard Place?” and "Recent Developments on Free Trade and the Environment in the WTO: towards a Due Process Straightjacket?”, Professor Dr Geert van Calster (Institute of Environmental and Energy Law, Faculty of Law, K.U. Leuven), April and May 2003

(iii) The Richard Youard Lectures
This year’s Richard Youard Lectures in Legal History, organised in association with the Institute and held in May, were delivered by Professor Patrick Glenn of McGill University on the theme of “The Common Laws of Europe”. The lectures admirably reconciled the concern of the Youard Lectures with legal history and Professor Glenn’s comparatist perspective upon European law.

(iv) “Comparative Law Before National and International Courts”

Conference

In February 2003, the British Institute of International and Comparative Law organised, jointly with the Institute, a conference entitled, “Comparative Law Before National and International Courts”. The theme of the conference was inspired by the recent decision of the House of Lords, *Fairchild v Glenhaven Funeral Services Ltd.*, in which both Lord Bingham and Lord Rodger advocate an increasing role for comparative law before the courts. The conference was chaired by The Right Honourable the Lord Goff of Chieveley and The Right Honourable the Lord Rodger of Earlsferry, and speakers included:

Richard Fentiman, Queens’ College, Cambridge, "Foreign Law in National Courts";
Guy Canivet, Le Premier Président de la Cour de Cassation, France, "The Use of Comparative Law before the French Private Law Courts";
Roger Errera, Conseiller d’Etat Honoraire, "The Use of Comparative Law before the French Administrative Law Courts";
Professor Aldo Sandulli, Università degli Studi di Urbino, "The Use of Comparative Law before the Italian Public Law Courts";
Professor Guido Alpa, La Sapienza, Rome, "The Use of Comparative Law before the Italian Civil Courts";
Professor Bénédicte Fauvarque-Cosson, Université de Paris II, "Foreign Law before the French Courts: the Conflicts of Law Perspective";
Paul Mahoney, European Court of Human Rights, "The Comparative Method in Judgments of the European Court of Human Rights";
Judge Koen Lenaerts, Court of First Instance to the European Communities, "The Use of Comparative Law in EC Law";
Judge Joaquin Martín Canivell, Tribunal Supremo de Justicia, Spain, "The Use of Comparative Law before the Spanish Courts";
Professor Arthur S. Hartkamp, Procureur-Général at the Supreme Court of the Netherlands, Professor of Private Law, University of Amsterdam, "Comparative Law before the Dutch Courts".
8. STAFF ACTIVITIES

Dr Diamond Ashiagbor
Dr Ashiagbor took up her appointment as Career Development Fellow/Research Fellow in the Institute in September 2002, having previously completed a doctorate at the European University Institute in Florence.

(i) Teaching
Teaching activities have included: tutorial teaching of undergraduates and M.Jur. candidates in EC Law; contribution to BCL/M.Jur. seminars and tutorials in Globalisation and Labour Rights, and European Employment and Equality Law.

(ii) Seminars and Conferences
Dr Ashiagbor has participated in a number of seminars and conferences organised by or in conjunction with the Institute; including presenting a paper at the Oxford/NYU Symposium on “Regulating Transnational Markets: Between State Sovereignty, Integrated Markets and Transnational Communities”, at New York University in September 2002. She also participated in a seminar at the European University Institute, organised by the EUI's European Private Law Forum and the Working Group on the European Convention, delivering a joint paper with Professor Mark Freedland, on “The European Constitutional Convention: Implications for Economic Governance and Social Policy”.

(iii) Research and Publications

Professor Denis Baranger
During the academic year 2002-2003, his first year as French Deputy Director at the Institute, Professor Baranger has taught and done extensive research. Working at the Institute was very helpful, notably as Professor Baranger’s core interest is in the
British legal system, and its constitution. He is currently working on a treatise on *British Constitutional Law* to be published by the Presses Universitaires de France. He also took advantage of the resources of the Law Library in comparative law, notably on US law, and of the Library of the Rothermere Institute, to complete a research on judicial oath in the beginning of the American Republic.

(i) Teaching in Oxford

1. Seminar on "Comparative Administrative Law" (with Professor Paul Craig and Mrs Sophie Boiron): the seminar focused on such core topics of Administrative Law as procedural irregularity, jurisdictional review, control of administrative discretion, damages liability, liability for fault, liability without fault, and legitimate expectation. These subjects have been approached from the point of view of three jurisdictions: UK, France and the European Union.

2. Introduction to French Public Law: this course was intended for students planning to go to France during the next academic year and is held in French. Special emphasis was given to comparative aspects of constitutional law and administrative organization.

3. Professor Baranger was kindly invited by Dr Simon Whittaker to co-teach three seminars on the sources of French and British private law. The focus of his teaching has been on the sources of French public law.

(ii) Events in Oxford

Professor Baranger has co-ordinated, along with John Cartwright and Simon Whittaker (on the Oxford side) and Bénédicte Fauvarque-Cosson (Paris II) a joint Oxford-Paris II colloquium on "reasonableness and *abus de droit*" held in June 2003 at Wadham College (see p.16). Future colloquia of the same format are to be held in the future.

He is currently working with Dr Katja Ziegler on a colloquium hosted by the IECL on parliamentary law in the European Union and other modern democracies.

(iii) Publications

*Parlementarisme des Origines* (P.U.F., coll. Léviathan, 1999)

*Prix François Furet 2000* (Association des Amis de François Furet ; E.H.E.S.S., Paris). Prix remis par un Jury présidé par Mme Mona Ozouf
Livre issu de ma thèse de doctorat, qui avait reçu les distinctions suivantes: *Prix de thèse de l'Université de Paris II; Prix de thèse "Dupin Aîné"* de la Chancellerie des Universités de Paris; *subvention de publication* accordée par le Ministère de l'éducation nationale


*Le droit constitutionnel*, P.U.F., Coll. Que-sais-je, 128pp., 2002

Articles:


"Une tragédie de la responsabilité (remarques autour du livre d’Olivier Beaud ‘le Sang contaminé’)", *R.D.P.*, 1-1999

"Le gouvernement par la législation (responsabilité politique et transformation de la fonction législative dans le parlementarisme britannique des origines 1688-1832)", *R.D.P.* 6-1999


"Le temps du droit", *Revue Administrative*, 2000

"La fin de la morale constitutionnelle (de la ‘constitution coutumière’ aux conventions de la constitution)", *Droits*, 32-2000

"John Stuart Mill" (Entrée du *Dictionnaire de Philosophie Politique*, S. Rials et P.
Raynaud, 2nd édition, P.U.F., 2003)


"Responsabilité politique" (Entrée du Dictionnaire de Culture Juridique, S. Rials et D. Alland, à paraître, P.U.F.)

"Utilitarisme" (Entrée du Dictionnaire de Culture Juridique, à paraître, P.U.F.)

"Culture Juridique britannique" (Entrée du Dictionnaire de Culture Juridique, à paraître, P.U.F.)


“La tradition britannique de contrôle budgétaire”, Revue de Finances Publiques (to be published in 2003)

**John Cartwright**

(i) Teaching and Administration

During the year John Cartwright continued as a Deputy Director of the Institute, responsible for the Faculty's student exchange programmes, on which there is a separate report. He is also a member of the Law Faculty Board, and continued his college teaching and administration (at Christ Church).

His principal teaching subjects are Contract and Comparative (English/French) Law, together with Roman Law and Tort. In addition, this year he was professeur invité at the University of Paris II, teaching a new course designed to introduce first and second
year French students to the common law to prepare them for study (e.g. as Erasmus exchange students) in the partner universities of Paris II in common law countries.

(ii) Research and Writing
Mr Cartwright continued his research and writing in contract and comparative law. He is a member of the Trento project on *The Common Core of European Private Law*, in the context of which he is editor (jointly with Professor Martijn Hesselink, University of Amsterdam) of a volume currently in preparation on *Precontractual Liability*, and the contributor of the English law report for a volume on *Mistake, and the Duty to Inform* (currently being edited by Ruth Sefton-Green, University of Paris I). He became a member of the Hungarian-British Joint Academic Research Programme. With Dr Simon Whittaker, he continues to arrange regular discussion groups on comparative law for the Oxford faculty and graduate students, with visiting speakers.

During the year he presented several conference papers, including:


“La codification vue par un juriste anglais”: a paper given at the Institut de droit comparé, University of Paris II, in February 2003

“Breach of Contract from a Comparative Perspective”: a paper given to the DAAD Conference for Law Lector(inn)en, in June 2003

“Reasonableness in the formation of a contract” discussed at meeting of Oxford/Paris II Colloquium in June/July 2003, on which there is a separate report.

(iii) Publications
*Misrepresentation*, Sweet & Maxwell (Contract Law Library), 2002


Dr Stefan Enchelmaier
(i) Teaching
During this period Dr Enchelmaier taught the full EC law course in all three terms, and gave revision classes in EC law and EC competition law to finalists.

(ii) Invited Lectures
In April, he was invited to speak at the Academy of European Law (ERA) in Trier (Germany) about free movement of goods in the Internal Market, under the title "For a Traditional Interpretation of Keck."; and in July he addressed the Summer University at the University of Santiago de Compostela (Spain) on "The Europeanisation of Competition Law."

(iii) Publications


"Equality Rights: Market Economy, Free Competition, and Rights of Equality", to be published as conference proceedings by University of Santiago de Compostela, Spain

At the end of 2003 Dr Enchelmaier left the Institute to take up a post as head of the Commonwealth and European Competition Law Unit at the Max-Planck-Institute for Intellectual Property, Competititon and Tax Law in Munich. He is currently working on a post-doctoral thesis on the comparative law of intangible property.

Professor Mark Freedland

(i) Teaching
During the year, Professor Freedland has taught seminars in the courses on Globalization and Labour Rights, European Employment and Equality Law and Labour Law. He has given tutorials in those subjects and in Administrative Law, and has supervised a small group of graduate students in the Employment Law field widely defined. He has organised the seminar programme for the graduate Course in Legal Research Method and has conducted the assessed exercise programme which forms part of that course.

(ii) Publications
“Ius Cogens and Ius Dispositivum”, in P. Birks and A. Pretto (eds.) Essays in Comparative Law in Honour of Bernard Rudden (Oxford University Press, 2002)


(iii) Conference Papers
Paper on European Public Services Law to a Colloquium at the Scuola Superiore di Amministrazione Publica, Rome, May 2003


Professor Stephen Weatherill

(i) Teaching
During the year, Professor Weatherill has taught undergraduate and postgraduate classes in EC trade law, and has continued supervision of a number of graduate students in a range of areas of European law.

(ii) Publications


“Can there be Common Interpretation of European Private Law?”, 31/1 Georgia Journal of International and Comparative Law, 139-66 (2002)


(iii) Conference Papers
“The European Community’s Legal Competence to Act in the Field of Private Law: a Descriptive and Normative Investigation”, delivered at a seminar on European Constitutionalisation of Private Law, Instituut voor Privaatrecht of the University of Amsterdam, Amsterdam, March 2003


Dr Katja Ziegler
At the beginning of the academic year, Dr Ziegler was appointed to the post of Deputy Director, succeeding Dr Enchelmaier upon the expiry of his term of office. Dr Ziegler is a graduate of Bonn University and previously has been a visiting research student in Oxford. She was a lecturer at the University of Bielefeld, Germany, from where she received her doctorate, and is a fully-qualified lawyer admitted to the Bar of Düsseldorf, Germany. Prior to her arrival in Oxford, she practised competition law in the Brussels office of an international commercial law firm.

(i) Teaching
Dr Ziegler’s teaching activities on the undergraduate level included 24 seminars of German Constitutional and Private Law. She also taught a seminar on EC Competition law in Michaelmas Term and all four seminars in Hilary term and gave the revision lectures on state aids in EC Competition Law in Trinity Term. She also tutored a number of students in public international law and European law throughout the year.

On the postgraduate level, she gave tutorials in EC law to M.Jur. students and supervised an M.Jur. and co-supervised a D.Phil. thesis. She also was involved to some degree in the BCL/M.Jur. Competition Law seminars. She will teach on this course in 2003-2004.

Dr Ziegler also worked with a group of graduate students for the Oxford Pro Bono Group over the summer on the question of essential facilities and compulsory licences of AIDS drugs.

(ii) Institute
Dr Ziegler played an active role in the administration of the Institute and the German branch of the Law with Law Studies in Europe course. She participated in all the seminars and conferences organised or co-hosted by the Institute. She also organised a lecture by Professor Ulf Bernitz as a joint session with the Public International Law Discussion Group on Role of the Beneč (Expulsion) Decrees of post-World-War II Czechoslovakia in the European enlargement process. Professor Bernitz has acted as a rapporteur on this question for the European Parliament.

(iii) Lectures and Participation in Conferences
In November 2002, Dr Ziegler participated in a conference on “The Emergence of a European Immigration and Asylum Policy” held by the Odysseus network (programme of the EC Commission) in Lisbon. In June 2003 she took part in conference on “Irregular Migration” held at Leicester. In March 2003, she was invited to present a paper “Integration and Exclusion in the Light of the Migration Policy of the European Union: Fortress Europe?” (in German) at the annual conference of German, Austrian and Swiss public law lecturers held in Lucerne, Switzerland that year. In July 2003, she participated in a workshop in Jena, Germany, on “International Economic Law after September 11”. At home in Oxford she also participated in the “Whose Europe?” conference co-hosted by the Institute in April 2003 and the Society of Legal Scholars Conference in September 2003. She was invited by the Regulatory Policy Institute to attend a lecture by Sir Christopher Bellamy on “The Competition Appeals Tribunal”
and to its Oxford Competition Policy Conference in July 2003 at Keble College. She also participated in the Competition Law Scholars’ Forum seminar on “Competition Law and the State” in September 2003 in London.

(iv) Publications and Research Interests

Book:

Article:

Dr Ziegler’s current research projects include the legal reaction of criminal and immigration law in Germany with respect to trafficking and smuggling in human beings, especially with regard to the dual role of the trafficked or smuggled person as a perpetrator (immigration law) and victim (criminal law); comparative study on the freedom of the press and Art. 10 ECHR; human rights and anti-terrorism legislation in Germany and the UK; devolution in the UK and reform of federalism in Germany in the light of parliamentary powers and parliamentary legitimation and responsibility; the relationship between competition law, basic freedoms and human rights in the Common Market and competition law and public services, especially the health sector.
9. CONCLUSION - ACHIEVEMENTS AND PLANS IN AND BEYOND
2002-2003

In this concluding section the Director summarises what he sees as the positive achievements of the Institute during the year 2002-2003, and also the areas for development and for the focussing of effort during the forthcoming year.

(i) Personnel
The Institute is in a fortunate and positive situation with regard to its establishment of posts and in the high calibre of people occupying those posts. There is some need for further academic-related support services, particularly in the areas of internet (ie website) development and conference organising.

(ii) Activities: lectures and seminars
The organisation and accommodation of lectures and seminars given or presented by visitors to the Law Faculty in general or the Institute in particular have been one of the most important activities of the Institute in the past year, and are one of the most important things the Institute does. Particular successes were the Richard Youard Lectures in Comparative Legal History given by Professor Patrick Glenn of McGill University, and the seminars presented in Comparative Labour Law by Professor Harry Arthur of Osgoode Hall Law School and Professor Katherine van Wezel Stone of Cornell University, in Comparative Private Law to the Comparative Law Group by Professor Sergio Camara Lapuente of La Rioja University, and on the subject of the Harmonisation of European Private Law by Professor Juergen Basedow of the Max Planck Institute at Hamburg. We hope and intend to have an equally full programme of lectures and seminars in the coming year.

(iii) Activities: colloquia and conferences
Our organisational profile seems to favour a collaborative approach with other institutions so far as colloquia and conferences are concerned. Several very significant conferences or colloquia took place on this basis, notably the “Whose Europe?” Conference with the other branches of European Studies in Oxford, the “Sub-national Actors” Conference with the Oxford/Wallenberg Venture, and the “Comparative Law Before National and International Courts” Conference with the BIICL. It would be useful if we could reinforce our administrative support system so as to have more assistance available for the organisation of conferences and colloquia. This would also
be helpful in maintaining our institutional links with other academic institutions and with sponsor or donor institutions (qv).

(iv) Website and publications
These are areas which are in need of development. We now have the prospect of active development of the website following and building up the recent improvement of the Law Faculty website. The electronic Comparative Law Journal is a major asset. The symposium volume resulting from the “Whose Europe” Conference is an example of publication partly under the aegis of the Institute which is greatly to be welcomed and needs to be further encouraged.

(v) Institutional links and fundraising
Again this is an area in need of attention and effort. The Director’s main energies in this sphere have been concentrated upon a major initiative which it is hoped will lead to the up-grading of the Brost Lecturership to a Professorship. It is his view that successful maintenance and development of existing institutional links depends to some extent upon enlargement of our facilities to organise and run conferences and colloquia.

(vi) Accommodation and equipment
The creation of a Visitors’ Room has represented a considerable improvement in our facilities. We intend to devote effort in the forthcoming year to further development of our facilities to accommodate both long-term personnel and visitors. It would also be highly desirable for us to be able to set up a video-conferencing facility which could be made available for the use of the Faculty at large in connection with European and Comparative Law studies.

(vii) Facilities for students and the encouragement of student exchange with European universities
The conduct and management of the Law with Law Studies in Europe programme (qv) has become an enormously important part of the work of the Institute, an allocation of resources which seems thoroughly justified. We are developing our role as the institutional focus for graduate students engaged in research and advanced study in the fields of European and Comparative Law. It is the view of the Director that we should devote attention to analysing and reflecting upon the implications, for the Law Faculty’s student exchanges within Europe, of the Bologna Process of harmonisation of European curricular structures of higher education.
APPENDICES
Appendix A
The Founders of the Institute

It continues to be appropriate, as we have done in previous Reports, to record our gratitude to those who in various senses are to be regarded as the Founders of the Institute. First among them are its Founding Director, Professor Basil Markesinis, and Professor Paul Davies, Chair of the Board of the Faculty of Law at the time of its foundation, and Professor Roy Goode, the Norton Rose Professor of English Law at that time. There can be no doubt that the realisation of the Institute could and would not have occurred without the vision and tireless efforts of the former and the unstinting help of the latter two. We also wish to record our continuing gratitude to (in chronological order of their involvement) Dr Klaus Kinkel, former Federal Foreign Minister of Germany, who kindly inaugurated the Centre in 1996; Madame Noelle Lenoir, formerly Membre du Conseil Constitutionnel, France and currently Minister Delegate for European Affairs in the French Foreign Ministry; Mr François Fillon, former Minister of Education of France; Mr Jacques Toubon, former Garde des Sceaux and Minister of Justice of France; Mr François Bayrou, former Minister of Education of France; Mr Joe Ritzen, former Minister of Higher Education of the Netherlands; and Mr Luigi Berlinguer, former Minister of Education and Research of Italy.

In this category of founders we also include those who, through generous donations, made the creation of our two key chairs possible thus launching the Institute on its successful path, namely the partners of Clifford Chance (for the establishment of the Clifford Chance Chair in Comparative Law) and the European Parliament for agreeing to take on the major part of the expenditure for the creation of the Jacques Delors Chair in European Community Law. In this last context, the invaluable and untiring efforts of Sir John Kerr KCMG, at that time our Ambassador to Brussels, Mr James Elles, Member of the European Parliament, Lord Williamson, formerly Secretary General of the Commission, and Professor Sir Roy Goode are also gratefully acknowledged. All of us at the Institute have regarded Dr Erich Schumann, his mother Frau Anneliese Brost, and Frau Schumann as major benefactors of our institution as well as friends. The Brost Foundation continues to provide us with crucial support in the efforts we are making to establish German law as part of the Oxford legal curriculum. In this respect we must also mark with very special gratitude our debt to the DAAD (Deutscher Akademischer Austauschdienst), now represented by its London Director, Dr Nina Lemmens.
Appendix B
The Financial Supporters of the Institute

The Institute also gratefully acknowledges financial support received from the following Governments, organisations, institutions, and individuals, listed here in alphabetical order.

Andbel AS, Norway
Anderson Foundation, Houston, Texas
Ian Arstall (formerly Linklaters), World Group, Malta
Pauline Ashall, Linklaters
Banca Monte dei Paschi, Siena
Banca di Roma
Christopher Bright (formerly Clifford Chance), Shearman and Sterling
Anneliese Brost
Casa di Risparmio di Genova e Imperia
Clifford Chance, London
Ferrier Charlton (now retired), Linklaters
CMS Hasche Sigle Eschenlohr Peltzer Schäfer Attorneys, Stuttgart, Germany
Commerzbank A.G.
Christopher Coombe, Linklaters
Deminex (UK) Ltd.
Deutscher Akademischer Austauschdienst (DAAD), Bonn and London
Martin Elliott, Linklaters
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The European Parliament
Frankfurter Allgemeine Zeitung GmbH
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The Gildesgame Trust
Diana Good, Linklaters
Sir Ronald Grierson
Tony Grundy, Linklaters
Michael Hardwick, Linklaters
The Italian Government
Raymond Jeffers, Linklaters
The Leiden Institute of Anglo-American Law, The Netherlands
The Leverhulme Trust
Guy Lewin Smith, Linklaters
Linklaters & Alliance, London
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Jane Murphy, Linklaters
Harold Paisner, Berwin, Leighton, Paisner
Martin Paisner, Berwin, Leighton, Paisner
Nick Rees, Linklaters
James Rice, Linklaters
Dr Erich Schumann, Rechtsanwalt, Geschäftsführer, Der Zeitungsgruppe Waz, Essen
Von Caemmerer Stiftung
Nick Tarling, Freshfields
Steven Turnbull, Linklaters
Vivendi Plc.
The VSB Bank, The Netherlands
The Wallenberg Foundation, Sweden
Wertpapier-Mitteilungen (the publishers, for kindly donating the journal)
Tom Wethered, Linklaters
Philip Woode, Allen and Overy
Dr and Mrs Hans Günter Zempelin
Appendix C
The Friends of the Institute

The Institute is also grateful for the support it has received from the following individuals who, in different but equally valuable ways, have promoted its interests and assisted its fundraising efforts.

Professor Dr Dr h.c. Guido Alpa, Rome
Dr Leonhard Aulinger, Rechtsanwalt, Bochum, Germany
Professor Dr Christian von Bar, Osnabrück
Dr Brita Baron, former Director of the London Office of DAAD
Dr Christian Boode, General Secretary, DAAD, Bonn
Christopher Bright (formerly Clifford Chance), Shearman and Sterling
Trevor Brown, Senior Partner, Paris Office of Clifford Chance
Frank Burbach, Cultural Counsellor, German Embassy, London
Michael Butcher, Secretary of the Franco-British Lawyers Association
Dr Peter von Butler, Minister Plenipotentiary, German Embassy, London
Jeremy Carver, Partner, Clifford Chance
Keith Clark, Senior Partner, Clifford Chance
Julia Clarke, Partner, Clifford Chance
Professor Dr Diego Corapi, Rome
Professor Dr Fausto Cuocolo, President of Fondazione Carige, Genova
Jacques Dauvin, Attaché Culturel, French Embassy, London
Simon Davies, Partner, Clifford Chance
Dr Rainer Dobbelstein, Legal Affairs Counsellor, German Embassy, London
Jost van de Does de Willebois, Managing Partner, Clifford Chance, Amsterdam
Eamonn Doran, Partner, Linklaters
Professor Dr Antonio Eitel, former Chief Legal Advisor, German Ministry for Foreign Affairs
James Elles, MEP
Professor Dr Manfred Erhardt
Myriam Ezratty-Bader, Ancien Premier Président de la Cour d’ Appel de Paris
Professor Etienne Fatôme, former Special Advisor to the French Ministry of Higher Education; Ordinarius Professor at the University of Panthéon-Sorbonne
Professor Francesco Francioni, Vice Rector of the University of Siena
Philip Woode, Partner, Allen and Overy
Appendix D
Staff and Honorary Fellows

I. The Institute’s Core Staff

**Director**

Professor Mark Freedland, Fellow of St John’s College
Special interests: Employment Law

**Deputy Director and Jacques Delors Chair in European Community Law**

Professor Stephen Weatherill, Fellow of Somerville College
Special interests: European Law and Policy

**Deputy Director (Law with Law Studies in Europe)**

John Cartwright, Student of Christ Church
Special interests: Comparative Law

**Deputy Director (French)**

Professor Denis Baranger
Special interests: Comparative Legal History

**Deputy Director (German) and DAAD Teaching Fellow**

Dr Katja Ziegler
Special interests: EC Law, Commercial Law, Competition Law, Public International Law, (Comparative) Public Law

**Senior Research Fellows**

Professor Anthony Bradley
Special Interests: British Constitution

Dr Simon Whittaker, Fellow of St John’s College
Special Interests: Comparative Law

**Research Fellow**
Dr Stefan Enchelmaier, Fellow of Wadham College  
*Special Interests: European Community Law, Comparative Public Law, Competition Law*

**Career Development Fellow**

Dr Diamond Ashiagbor, Junior Research Fellow of Worcester College  
*Special interests: European Employment and Equality Law*

**Senior Teaching Fellow in European Community Law**

Professor Mads Andenas, Fellow of Harris Manchester College, Director of the British Institute of International and Comparative Law, London  
*Special interests: European Community Law, Comparative Law, Public Law*

**Linklaters & Alliance Teaching Fellow for Italian Law**

Nello Pasquini, Member of the Senior Common Room, Brasenose College  
*Special interests: Italian Law, Commercial Law, Civil Law*

**French Law Associate**

Marina Milmo (funded by the Franco-British Lawyers Society)

**Tutor for German Language**

Dr Thomas Martinec, DAAD/Montgomery, Fellow of Lincoln College

**Administrator**

Jenny Dix

**II. Honorary Fellows of the Institute**

Professor Sir Roy Goode CBE, QC, FBA  
Sir John Kerr, KCMG, Secretary-General of the Convention on the European Constitution, formerly Permanent Secretary at the Foreign and Commonwealth Office
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