

Institute of European and Comparative Law



Annual Report 2021-2022

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Director's Introduction

Writing the introductions to the annual reports of the Institute of European and Comparative Law is always an opportunity to look both back and forwards, and to reflect on all the changes around us which shape institutions over time. This year, I feel this particularly keenly as I prepare to step down from my role as Institute Director at the end of the calendar year in order to take up a new position at the University of Bonn. The report therefore also represents a personal conclusion to just over four extremely happy years at the helm of the Institute of European and Comparative Law.



The **past academic year 2021-2022** was the first post-pandemic that allowed the Institute fully to resume its operations with some semblance of normality, albeit at a much reduced level of in-person activity. We were pleased to be back in the St Cross Building without further Covid-related interruptions and keen to ensure that this remained the case throughout the year. The price we paid for being able to do this was to limit the number of people working in close proximity to each other in the open-plan central visitor workspace, to continue to wear-face masks whenever possible when using the shared indoor spaces and, for much of the year, to hold our lunchtime discussion group meetings online, even when participants were actually around at the Institute sitting in their offices. Only after the Easter break did we dare to move our meetings back into the IECL seminar room (thence in a hybrid format), still wearing masks, but enjoying each other's company and the liveliness of a more personal exchange of ideas.

Sadly, during the reporting period, we lost two friends and colleagues from our midst. We mourn the deaths of **Professor Tony Bradley**, who passed away in December 2021, and **Professor Ulf Bernitz**, who passed away in July 2022. Both were eminent scholars of international distinction whom the Institute was lucky to count amongst its affiliates over so many years. Both are very sadly missed. We remember them with great fondness and gratitude for all their support in matters great and small (obituaries on p. 46 and pp. 47-48 respectively).

On a much happier note, we are absolutely delighted to welcome **Professor Iyiola Solanke** who took up the Jacques Delors Chair of European Union Law in August 2022. Professor Solanke, who was previously based at the University of Leeds, is a specialist in anti-discrimination law. She will head the EU law pillar within the IECL and also serve *ex officio* as Deputy Director.

Despite the Covid-related constraints, it was wonderful to welcome and host a diverse group of **academic visitors** to the Institute, all selected for the strength and promise of their exciting research projects spanning a broad range of different topics in comparative law, EU law and competition law. Our visitors between October 2021 and September 2022 came from Austria, Brazil, Chile, France, Germany, Hong Kong, Italy, Singapore, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the UK (England and Scotland) and the United States (see p. 49).

It is always such a pleasure to see how a group of researchers previously not known to each other can, within a short period of time, turn into a tight-knit academic community, discussing aspects of their work with one another and much besides, and forming academic links and indeed bonds of personal friendships which outlast their visit to Oxford. The Institute tries to facilitate this process by inviting all visitors to present their research at our weekly (and often

twice weekly) lunchtime seminars, thereby at the same time creating a lively and popular forum of exchange with members and students of the Oxford Law Faculty. Again and again I have heard participants say that they particularly enjoy engaging with a broad range of legal topics and jurisdictions, sometimes very far removed from their own fields of interest and expertise.

It is of course completely impossible to do justice to everybody who has enriched our community by being here, but I would like to take this opportunity to pay tribute to the key **programmes and agreements** which have helped bring colleagues to the Institute and Oxford, and which mean a great deal to all of us at the IECL.

Our partnership and academic exchange with the **Stockholm Centre for Commercial Law** recently celebrated its tenth birthday and is as vibrant as ever. What originally started as an initiative by Ulf Bernitz and others to create an externally funded one-year postdoctoral position for young Stockholm researchers coming to Oxford (the **Stockholm Centre Oxford Fellowship**) has grown into a whole bundle of collaborations of various kinds, involving senior scholars, post-docs, doctoral candidates and practitioners. One fruit of these joint endeavours is the hugely successful biennial conference on ‘Global Trends in Arbitration’, the third iteration of which was held to great acclaim in Stockholm in June 2022 (see report on p. 66 et seq.).

For many years, the IECL has been working closely with the **Maison Française d'Oxford (MFO)**, bringing young scholars from France to the IECL for periods of between one term and one year (see pp. 74-75). With the help and support of the MFO, we were recently moreover able to reconstitute our Paris Visiting Fellowship programme on the basis of a new trilateral collaboration between the IECL, the MFO and (in alternating years) the Universities of Paris 1 and Paris 2. It was a pleasure to welcome the first **Paris Visiting Fellow** under the new arrangements, Professor Emmanuel Jeuland from the University of Paris 1, in May (see p. 73).

Under an agreement with the **Max Planck Institute for Comparative and International Private Law** in Hamburg the Institute facilitates an exchange of early career researchers. Two **Max Planck Gildesgame Fellows** come for a term each in Michaelmas and Hilary every year, and through the Institute the Oxford Law Faculty can similarly send young Oxford researchers to Hamburg for a total of up to six months (see reports on pp. 76-77). We are also fortunate that through the generosity of Professor Guido Alpa we can offer dedicated research funding for Oxford doctoral students wanting to spend a month or two at **La Sapienza University of Rome** (so-called **Alpa Scholarships**) (p. 75).

Against the backdrop of the terrible war in Ukraine, the Institute has teamed up with Brasenose College to welcome an expert on Ukrainian and comparative constitutional law to Oxford during 2022-2023. **Dr Volodymyr Venher** from the National University of Kyiv-Mohyla Academy specialises in questions connected with the rule of law and runs the Kyiv-Mohyla Rule of Law Centre. He arrived at the end of August and is conducting research into how (and how far) to limit legislative discretion and how to maintain the rule of law under wartime conditions.

I would like to express my sincere gratitude to all colleagues at our partner institutions who have supported the work of the IECL and/or collaborated with us in numerous respects not merely during 2021-2022, but for many years previously and hopefully many years to come.

As many readers will know, the IECL administers the **Law Faculty's undergraduate student exchange programmes** with universities in France, Germany, Italy, the Netherlands and Spain (see p. 54 et seq.). The highly sought-after so-called Course 2 (‘Law with Law Studies in Europe’) allows up to 35 of our students to spend their third of four years at one of our partner institutions and brings a corresponding number of undergraduate exchange students to Oxford, where they take the ‘Diploma of Legal Studies’. Many readers will also be aware that the funding arrangements for this cooperation have changed as a result of Brexit. What used to be run under

the auspices of the EU's Erasmus+ programme now comes within the remit of the UK's new Turing Scheme for outgoing Oxford students (our partner institutions are making their own arrangements for the students they send to Oxford).

Though the **changeover from Erasmus+ to Turing** has not been as smooth as one might perhaps have hoped and has created a degree of financial uncertainty, I am pleased to report that the University of Oxford has for the time being committed to underwriting the year abroad funding for all our students already on or accepted onto Course 2. This provides reassurance to everybody involved and is a welcome sign of the University's unwavering commitment to maintaining and fostering student mobility in times when cross-jurisdictional skills or at least an ability to tap into foreign legal discourse are becoming ever more important.

In order to prepare our Course 2 students for their year abroad, the Law Faculty through the IECL provides expert tuition in the fundamentals of those legal systems into which the various groups of the cohort will be going. As part of this preparatory programme, the Institute has recently reconfigured its longstanding and popular **French Law Mooting Competition** so as to broaden students' opportunities for honing their French legal skills (p. 65). Under the aegis of my colleague Dr Geneviève Helleringer, the competition was very successfully run for the first time in its new format in May 2022, generously supported by Gide Loyrette Nouel. I am equally delighted to report that my colleague Dr Johannes Ungerer is in the process of creating a parallel competition for students going to Germany. The inaugural **Oxford Comparative Moot in German Law** will run as a pilot in Hilary Term 2023 and will be sponsored by Freshfields.

The ensuing pages will give readers a glimpse of the great variety of research in European and/or comparative and/or competition law undertaken by **members of the Institute and affiliated Visiting Research Fellows** on an ongoing basis (see individual profiles at p.6 et seq.). They also contain more detailed reports of some of our **one-off events, conferences and seminars**, such as a special **seminar with the French liaison judge in London**, Estelle Cros, held at the MFO in February (see p. 58); a **joint event with the Bonavero Institute of Human Rights** on 'Liberal Constitutionalism and Post-Colonialism in the Global South' in March (see p. 59 et seq.); the **inaugural IECL Annual Lecture** in May given by the Professor Pascal Pichonnaz, the President of the European Law Institute, on the challenges posed by AI for a new product liability regime (see p. 62 et seq.); the annual **'Trends in Retail Competition' symposium**, also in May, run by the Centre for Competition Law on 'Private Labels, Brands and Competition Policy' (see p. 63 et seq.); and the **'Global Trends in Arbitration' conference** organised jointly with our Stockholm colleagues in June (already mentioned – see p. 66 et seq.).

Looking forward into the future, all colleagues and friends of the IECL will be sad to know that **Jenny Dix**, our simply outstanding IECL Administrator is coming up to retirement at the end of the calendar year. I have had to promise her that there will be 'no speeches' or the like, so I take this opportunity to extend a HUGE BIG THANK YOU to Jenny for everything she has done for the Institute in over twenty years of dedicated and fiercely loyal service. I am speaking not merely for myself, but for all who have had the privilege and pleasure of working with Jenny in one form or another, in saying that we each know and appreciate how great a debt of gratitude the IECL and we personally owe her for her skill, efficiency, reliability and genuine kindness.

The Law Faculty has not yet determined who will succeed to the **Directorship of the IECL as from January 2023**, but we are awaiting an announcement imminently. I am confident that, whoever they may be, the Institute will continue to thrive and go from strength to strength under the new leadership. For me, it has been a tremendous honour, pleasure and privilege to serve as IECL Director, and – thanks to my wonderful IECL colleagues and the many friends of the Institute in Oxford and worldwide – a source of great fulfilment and pride.

Birke Häcker, 23 October 2022

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 Iyiola Solanke, Jacques Delors Professor of EU Law and Deputy Director of the Institute (from August 2022)

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

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

Professor Javier García Oliva, Tutor in Spanish Law

Nello Pasquini, Tutor in Italian Law

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

Research Fellows

Professor Sanja Bogojević (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 (Professor of Civil and Criminal 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 (Professor of Law and Fellow of St Catherine's College)
Dr Ewan Smith (Fixed-term Fellow of Christ Church)
Professor Sandy Steel (Professor Law and Fellow of Wadham College)
Professor Stephen Weatherill (Emeritus Jacques Delors Professor of European Law)
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 (President of the Conservatoire national des arts et métiers)
Professor Samuel Fulli-Lemaire (Professor, University of Strasbourg)
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 was until September 2022 a Deputy Director at the Institute in charge of our law exchange programmes.

Much of Jeremias' work this year has focused on understanding the regulatory challenges involved in the rise of algorithmic management ('ARM'), viz the automation of traditional employer functions, from hiring to managing and potentially even firing workers. There is increasing empirical evidence of the use of such technologies, as well as their harmful impacts – but comparatively little exploration of key questions such as whether (and if so how) ARM is different from other technology-driven changes to the workplace, and what specific problems regulations should address.

With the support of a European Research Council Grant and the Philip Leverhulme Prize, Jeremias leads an interdisciplinary team to explore these questions at the intersection of law and computer science, particularly in the context of the recently proposed EU Platform Work Directive, Chapter III of which will be the first legal instrument regulating ARM.

Selected publications

'Die Zukunft des Arbeitsrechts im Digitalen Binnenmarkt' (2022) 398 *DRdA*, 112

(with Z. Adams and A. Adams-Prassl) 'Online Tribunal Judgments and the Limits of Open Justice' (2022) 42 *Legal Studies*, 42

'Regulating Algorithms at Work: Lessons for a "European Approach to Artificial Intelligence"' (2022) *European Labour Law Journal*, 30

Selected presentations

Hugo Sinzheimer Lecture, Frankfurt (November 2021)

'Algorithmic Management at Work', European Parliament (December 2021)

'Workers' Rights in the Gig Economy', ABA International Labor and Employment Meeting, Berlin (May 2022)

'The Case for Regulating ARM', UPF Future of Work Conference, Barcelona (June 2022)

Other activities

On 30 June 2022 the team of the iManage Project, led by Jeremias, hosted The Race to Regulate AI: Global Comparative Perspectives, a day-long hybrid conference considering different approaches to regulating artificial intelligence. Scholars, policy makers, and civil society practitioners from Europe, North and South America, Africa, and Asia discussed experiences with, and prospects for, regulating AI through data protection law, labour law, international treaties and standards, and omnibus legislation. The conference was followed by a workshop on 1 July focused specifically on Regulating Algorithmic Management, which will be the topic of a 2023 special issue of the *European Labour Law Journal* edited by the team.



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 2021-2022 his principal contributions to European and/or comparative law have been:

Selected publications

'Invalidity of Contracts in Asia: Comparative Conclusions', in M. Chen-Wishart, H. Sono and S. Vogenauer (eds) *Studies in the Contract Laws of Asia IV: Invalidity* (OUP, 2022), 489-525

'A New Version of the Principles of European Contract Law?', in H. Grothe and P. Mankowski(†) (eds) *Europäisches Internationales Privatrecht: Festschrift für Christian von Bar zum 70. Geburtstag* (Beck, 2022), 29-38

'European Influences and Divergences over the Control of Unfair Terms in B2B Contracts: a Proposal for Further Study', in G. Minne and A. Strowel (eds) *Liber Amicorum Denis Philippe* (Larcier, 2022), Vol. I, 139-160

Selected lectures and conference presentations

'Sales Law in the 21st Century: from Ownership to Servitization', Society of European Contract Law conference on 'European Sales Law in the 21st Century', University of Zurich (June 2022)

Five lectures on European and Comparative Contract Law in 'Foundations of Private Law from an EU Perspective', University of Trento (March-April 2022)

'The Digital Content Directive: Achievements and Existing Gaps in Consumer Protection', ERA Conference on 'Digital Contracts and Data-Trading' (April 2022)

'The Digital Content Directive and Rules for Contracts on Continuous Supply', European Law Advisors' Network/National Office for the Judiciary, Hungarian Academy of Justice (May 2022)

'Anglo-Portuguese Contracts: a Choice of Laws', University of Minho Conference, 'The Anglo-Portuguese Alliance: Taking Stock of the Past and Envisioning the Future' (July 2022)

Other activities

(Acting as Rapporteur) Convention on International Sale of Goods (CISG) Advisory Council: preparation and presentation of draft opinion on 'The Art 4 Validity Exception' (Rio de Janeiro, August 2022)

(with B. Häcker) the organisation of a series of books, *National Contract Law in a Comparative Context*, to be published by Intersentia



Fabiana Bettini is a Lecturer in Property Law at UCL Laws and a Research Fellow at the Institute.

Fabiana's research interest primarily lies in the field of comparative property law and focuses on property institutions and doctrines across different jurisdictions (mainly England, France, and Italy). Fabiana's research also focuses on housing from an English and comparative law perspective. She also has an interest in property theory.

Building on her experience, Fabiana is currently working on a project which explores the challenges of high-rise buildings in England. She is co-authoring a paper (with Professors Susan Bright and Sarah Blandy) called 'Understanding 21st Century High-Rise Residential Buildings in England'. The paper was presented at the International Institute for the Sociology of Law, Oñati, in June 2022, and has been accepted for publication in the *Oñati International Series in Law and Society* (Hart Publishing).

Fabiana's interest in new forms of collaborative housing led her to focus on cohousing and its legal implications in comparative perspective. She presented a paper at the 14th biennial Modern Studies in Property Law conference, Oxford, in March 2022. The paper, called 'Legal Structures and Restrictions on Alienation in Cohousing: A Comparative Analysis of English and French Law', has been accepted for publication in the *MSPL Conference Volume* (Hart Publishing).

Finally, Fabiana has an interest in property theory. With UCL colleagues (Professor Charles Mitchell, Professor Prince Saprai, and Mr Martin Fischer), she organised the 'New Directions in Private Law Theory' Conference in November 2021. The conference was funded as one of the SLS Annual Seminars and featured contributions coming from a diverse and inclusive range of early career scholars. Fabiana is one of the editors of the Conference volume, which will be published by UCL Press in 2023.

Selected presentations

'Legal Structures and Restrictions on Alienation in Cohousing: A Comparative Analysis of English and French Law', Modern Studies in Property Law Conference, Oxford (March 2022)

'Understanding 21st Century High-Rise Residential Buildings in England', International Institute for the Sociology of Law, Oñati (June 2022)

Other activities

At UCL Laws, Fabiana is the convenor of the Property I module and one of the convenors of the Laws' Connections programme.



Sanja Bogojević is Professor 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.

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 Publishing, 2022), 797

(with X. Grousot) 'Illiberal Democracy and Rule of Law from an EU perspective', in J. Raitio (ed) *The Rule of Law and the European Union* (Bloomsbury, in press)

Other activities

Delivering a course on 'EU Climate Action: Hopes and Legal Realities' at the Academy of European Law Summer School at the European University Institute

General Editor, *Journal of Environmental Law*, and board member, *Diritto Processuale Amministrativo*. Elected Visiting Professor at Lund University as of August 2022



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

She lectures 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 Oxford University Press' *Journal of Antitrust Enforcement*. At her invitation, the leaders of the Hellenic Competition

Authority and the South African Competition 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 U.S. 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 2013 to 2019; UK Competition & Markets Authority since 2020) and a trustee of the University of Oxford Law Foundation.

Selected publications

(with C. Ritz) 'COVID-19 and Cooperation: Changes in Competition Law?' (November 2021) *Concurrences*, N° 4-2021, Art. N° 102864, www.concurrences.com

(with C. Hutton and S. Charitopoulos) 'Looking Backwards and Forwards: What does 25 Years of Competition Enforcement in the UK Tell Us about the Future?' (2022) *Competition Policy International*, 24 August

Selected presentations

Seminar series for BCL/MJur/MSc in Law and Finance graduates on 'The Global Dimensions of Competition Law', Oxford University, Law Faculty and Said Business School (February 2022)

Panellist on 'Transatlantic Cooperation and Beyond', *Global Competition Review's* Law Leaders in Europe 2022 Conference, Brussels (July 2022)

Panellist on 'Competition Policy: What are its Goals? Where are its Limits?', International Bar Association's 26th Annual Competition Conference, Florence (September 2022)

Panellist in a webinar on 'Power to the User: How New Platform Legislation Aims to Protect and Empower Consumer Choice (and Where it Might Fall Short?)' (June 2022)

Panellist in the International Competition Network's Unilateral Conduct Virtual Workshop on Data, Competition Commission of India

Discussant at a luncheon meeting with the Chairman of the Competition Commission of India hosted by the U.S. Chamber of Commerce, Washington, D.C.

Discussant at the New York University/American Bar Association's Next Generation of Antitrust, Data Privacy and Data Protection Scholars Conference, New York



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 circulation of legal ideas across legal tradition, 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 her monograph on *Claiming a Promised Inheritance: A Comparative Study* which was published by OUP in September 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 both the civil and common law legal traditions.

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. She has also spent time exploring the question of whether care services should and can be compensated through succession law.

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.

Selected publication

Claiming a Promised Inheritance: A Comparative Study (OUP, 2022), 416 pp

Selected presentation

'Reflections on David Sellar's Work on Succession Law', Edinburgh (March 2022)

Other activities

Since the autumn of 2022, Professor Braun is a Co-Director of the Edinburgh Centre for Private Law as well as member of the Editorial Board of the Italian law journal *Trusts e attività fiduciarie*

In 2022 she was also elected Member of the International Academy of Estate and Trust Law

In 2022 Professor Braun developed and taught a new Honours course entitled 'Death and the Law'



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 completed a monograph based on his DPhil thesis, regarding the substantive justifications put forward to support or explain the imposition of strict liability in tort in four legal systems (England, France, Italy, and the United States). His monograph has been published by OUP in June 2022. Marco has also worked on a paper offering a pluralist view of the theoretical foundations of vicarious liability.

Marco's monograph on strict liability has just been awarded the *Grand Prize* ('Canada Prize') of the International Academy of Comparative Law. The announcement was made during the International Congress of Comparative Law, held in Asunción, Paraguay, in October 2022. The *Grand Prize* is in existence since 1994 and it is awarded every four years to a comparative law work of high scientific quality which is published (or suitable to be published) as a monograph.

In the autumn of 2021, Marco had already been awarded the international *Ius Commune Prize* for his comparative work on the role of punishment in tort law, entitled 'Comparative Reflections on Punishment in Tort Law'. The study explores and compares the different treatment of the idea of punishing civil wrongs in the US, English, and French laws of civil wrongs or 'torts'. The study was previously published as a chapter in a conference volume bringing together the papers presented at a colloquium run under the auspices of the Institute in September 2018. The volume, edited by the conference organisers Professors Jean-Sébastien Borghetti and Simon Whittaker, entitled *French Civil Liability in Comparative Perspective* (Hart Publishing, 2019), is the 28th in the series *Studies of the Oxford Institute of European and Comparative Law*. Marco's work was also translated into French and published as 'Réflexions comparatives sur le rôle de la punition en droit de la responsabilité délictuelle' in the French *Revue des contrats*, issue 4, in December 2019.

In Oxford, Marco gives lectures and tutorials on tort law.

Selected publication

Justifying Strict Liability: A Comparative Analysis in Legal Reasoning (OUP, 2022), 384 pp



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 chair of the Stockholm Commercial Centre Oxford committee. 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 successfully to 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, Comparative Equality Law, which comprises students and teachers from ten faculties across the world. She is course convenor for the upper-level elective law courses, Discrimination 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

Volume editor, *Scandinavian Studies in Law, Equality*, Vol. 68 (2022) comprising 19 authors from different Scandinavian countries writing comparatively within a Scandinavian context

'Balancing Corporatism and Access to Justice' (2022) *Scandinavian Studies in Law, Equality*, Vol. 68, 403-424

'Sweden Country Report, DxB Identities on the Move – Documents Cross borders', EU Commission, identitiesonthemove.eu (2022)



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.

Selected publications

(edited with Á.M. López y López) *Property and Contract: Comparative Reflections on English Law and Spanish Law* (Hart Publishing, 2021), 264 pp

'The Creation and Transfer of Property Rights by Contract in English Law', *supra*, 137-152

Selected presentations

Seminars on the common law for Dutch practitioners (January and June 2022)

'Les Sanctions de la formation des contrats (nullité, réputé non écrit, inexistance, etc.)' at Colloque on 'La Réforme du Droit Belge des Contrats – Comparaisons Internationales', Grand'chambre de la Cour de cassation, Paris (September 2022)

Other activities

John Cartwright 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.



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

He co-leads an international research project on 'F.A. Mann – The Lawyer and his Legacy' which explores 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. This project is supported by a substantial three-year grant by the *Deutsche Forschungsgemeinschaft*. The last project conference involving some 20 contributors (including Regius Professor and IECL Fellow Wolfgang Ernst) took place in Berlin on 15-16 September. OUP is due to publish the contributions in 2023. He completed the work on the second volume of the first English language commentary on the *German Civil Code* (co-edited with R. Schulze, Vol. I published by C.H. Beck in 2020). Vol. II is due to appear at the end of 2022. His research interests include comparative private law, in particular contracts, torts, and unjust enrichment, comparative methodology, conflict of laws and good academic practice. He also continued as General Editor of the *Oxford University Comparative Law Forum*.

Selected publications

'Martin Wolff zum 150. Geburtstag' (2022) *Zeitschrift für Europäisches Privatrecht*, 635-646

'Drafting Style and Drafting Technique in European Private Law', in H. Grothe, P. Mankowski and F. Rieländer (eds) *Europäisches und Internationales Privatrecht. Festschrift für Christian von Bar zum 70. Geburtstag* (C.H. Beck, 2022), 77-87

'Unerschwinglichkeit als Grenze der primären Leistungspflicht im BGB', in A.G.I. Tölle, J. Benedict, H. Koch, S. Klawitter, C.G. Paulus and F. Preetz (eds) *Selbstbestimmung: Freiheit und Grenzen. Festschrift für Reinhard Singer zum 70. Geburtstag* (Berliner Wissenschafts-Verlag 2021), 107-123

(with C. Bush and H. Schulte-Nölke) 'Digital Platforms and 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), 867-889

Selected presentations

'Jurisdiction and Private International Law: F.A. Mann's Unvollendete?' conference on 'F.A. Mann – The Lawyer and his Legacy', Humboldt University Berlin (September 2022)

'Plagiarism and Research Integrity: Insights from VroniPlagl Wiki', Council of Europe Conference. 'Emerging Challenges in Safeguarding Academic Integrity', Herceg Novi (July 2022)

'ELI Model Rules for Online Platforms', Hungarian Academy of Justice, Autumn 2021 training of the European Law Advisors' Network (November 2021)

'Plagiate in der Wissenschaft: Welche Erscheinungsformen, Anreize und Gefahren gibt es, wie erkennt und verhindert man Plagiate?', University of Leipzig (October 2021)

Other activities

Chaired a panel on German-British-Irish research cooperation at a conference on 'Science for Diplomacy – Diplomacy for Science: 70 years of UK and Irish – German Academic Collaboration', held by the German Academic Exchange Service at Imperial College, London (September 2022)



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 2021/22 he was a visiting professor at the Université Paris-I, teaching in the master's programme in comparative law. He is visiting the IECL from August to December 2022.

Selected publications

'La Nouvelle-Calédonie après la sortie de l'Accord de Nouméa' ['New Caledonia Beyond the Nouméa Accord'] (2022) 74 *Revue internationale de droit comparé*, 177-201

'Pecuniary and Non-Pecuniary Loss: A Reinterpretation' (2022) 138 *Law Quarterly Review*, 79-100

'Faire vivre la Nouvelle-Calédonie française' ['Making French New Caledonia Come to Life'] (2021) *Recueil Dalloz*, 1771-1772

'Review of G. Giraudeau and M. Maisonneuve (eds) *Dictionnaire juridique des Outre-mer* (LexisNexis, 2021)' (2022) 121 *Revue trimestrielle de droit civil*, 475-477

'Contre l'Etat associé en Nouvelle-Calédonie' ['Against an Associated State in New Caledonia'] (2021) op-ed, *Le Figaro*, 11 November, 16

Selected presentations

'French Private Law in the South Pacific: 75 Years after Decolonisation', Private Law Research Group public seminar, National University of Singapore (September 2022)

'La standardisation des dommages et intérêts en droit anglais' ['The Standardisation of Damages in English Law'], Institut de Recherche Juridique de la Sorbonne, Université Paris-I Panthéon-Sorbonne (February 2022)

'Le référendum d'auto-détermination du 12 décembre 2021 en Nouvelle-Calédonie: enjeux et perspectives' ('The Referendum of 12 December 2021 on Self-Determination in New Caledonia: Issues and Prospects') public lecture, Société de législation comparée, Paris (December 2021)



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

His research continues to look at the comparative legal history of criminal law, tort law, and the relationship between the two. Following delays (including from Brexit) at the publisher, this year saw the completion of his monograph, *Explaining Tort and Crime*. The book uses ‘Comparative calibration’ to test out its explanations for English law, against pinpoint comparisons with nine other legal systems (but focused on France and Spain). It completes a trilogy of works on tort and crime: *Unravelling Tort and Crime* (2014) and *Comparing Tort and Crime* (2015).

Selected publications

Explaining Tort and Crime (CUP, 2022), 511 pp

(with M. Pantaleón Díaz) ‘Tort and Crime’, in V. Mitseilegas et al. (eds) *Elgar Encyclopedia of Criminal Law and Criminal Justice* (Elgar, 2022)

(with F. Meyer) ‘Structures within Criminal Legal Reasoning’, in K. Ambos et al. (eds) *Core Concepts in Criminal Law and Criminal Justice*, vol 2 (CUP, 2021), 13

‘Age Before Beauty; Pearls Before Swine: when the Criminal Law’s Content Gives Way’, in M. Engelhart et al. (eds) *Digitalisierung, Globalisierung und Risikoprävention: Festschrift für Ulrich Sieber zum 70. Geburtstag* (Duncker & Humblot, 2021), vol 1, 15-26

Selected presentations

‘Common Lawyers and Uncommon Reasoning About Evidence Across Tort and Crime’, University of Girona World Evidence Week (May 2022)

‘Naked Rights’, University of Graz, Rights in Private Law (July 2022)

‘Intention in Anglo-German law’, Anglo-German Core Concepts in Comparative Criminal Law Workshop, University of Sussex (July 2022)

Seminars at Universidad Carlos III, Madrid, Universidad de Sevilla and the University of Edinburgh, on *Explaining Tort and Crime* (September 2022)

Other activities

Covid has continued to delay or cancel opportunities and projects, including a term’s sabbatical that was grounded due to the Omicron variant. However, a number of events have gone ahead, including the Lisbon conference of the European Society for Comparative Legal History (at which he was elected President for a second 4-year term).

Editorial team of the *Core Concepts in Comparative Criminal Law*

The new criminal law course option on the BCL/MJur ran successfully for the second year. It is one of the only, if not the only, comparative criminal law course at this level in the UK.



Horst Eidenmüller is the Statutory Professor for Commercial Law, a Professorial Fellow of St Hugh's College, and a Research Fellow of the Institute. He is also a Member of the Berlin-Brandenburg Academy of Sciences and Humanities and a Research Member of the European Corporate Governance Institute (ECGI).

In the 2021-2022 reporting period, he was working primarily in three fields: (1) Comparative Civil Procedure and ADR, (2) Comparative Corporate Governance and Bankruptcy and (3) Law and Technology in a Comparative Perspective. Regarding (1), he has been involved in an empirical project on 'Extending the Shadow of the Law: Civil Procedure Reforms in Commercial Matters in a Post-Pandemic and Post-Brexit World' (with K. Eidenmüller and C. McLaughlin). Based on more than twenty structured interviews with dispute resolution practitioners and policy-makers and an international online survey, the project attempts to assess key areas and measures for reforming civil justice systems in commercial matters. The empirical part of the project has been completed, and the project's results will be published shortly. Regarding (2), Eidenmüller continued his work with Jens Dammann on worker codetermination on corporate boards, and he continued to co-lead an Oxford-based project on 'COVID-19, Public Policy and Commercial Law' (see IECL Annual Report for 2020-2021). These projects have led to (and will lead to further) research publications. Eidenmüller also organised an international conference on 'Corporate Restructuring Laws under Stress' (with K. van Zwieten) at Oxford. The papers presented at the conference will be published in a special edition of the *European Business Organization Law Review (EBOR)*. Finally, regarding (3), the reporting period saw the publication of the book titled *Law by Algorithm* (with G. Wagner - see Report for 2020-2021). The book was launched in various academic events around the world. Eidenmüller also organised the international conference of the Oxford Business Law Blog (OBLB) on 'Personalized Law – Law by Algorithm'. Conference contributions were [published on the OBLB](#). Further, as one of the first Senior Research Fellows of the Bavarian Research Institute for Digital Transformation, Eidenmüller participated in an international conference on the impact of new technologies on businesses, commerce, and the law.

Selected publications

(with G. Wagner) *Law by Algorithm* (Mohr Siebeck, 2021), 272 pp

['Why Personalized Law?'](#) (2022) *University of Chicago Law Review Online*, *1

(with J. Dammann) ['Corporate Law and the Democratic State'](#) (2022) *University of Illinois Law Review*, 963-1020

(with J. Paz Valbuena) ['Towards A Principled Approach for Bailouts of COVID-Distressed Critical/Systemic Firms'](#) (2021) *South Carolina Law Review* 73, 501-536

Selected presentations

'Digital Support for Commercial Transactions and Dispute Resolution', Annual Conference of the Bavarian Research Institute for Digital Transformation, Munich (October 2021)

'Why Personalized Law?', Symposium on Personalized Law, Chicago (November 2021)

'Law by Algorithm – Digital Dispute Resolution', Symposium on 'Regulating Economy', Linz (December 2021); Munich (March 2022); Innsbruck (May 2022)



Stefan Enchelmaier is Professor of European and Comparative Law, Fellow of Lincoln College and Research Fellow at the Institute.

In Michaelmas Term 2021, he delivered a lecture series on the European internal market online to the Faculty's undergraduates. He was still on sabbatical, but the lecture could not have been fitted into later terms. In the same term and for the same reason, he also delivered his private seminars on the entire EU law syllabus to Lincoln College's third year law students. In Hilary Term he gave a series of lectures on European Corporate law. In the same term, he did some revision of Roman law with the first-years. After Moderations, he went on to teach the same group contract law in Trinity Term.

Since the last Report, he has completed four pieces:

'The Elimination of Quantitative Restrictions and Measures Having Equivalent Effect on Imports, Article 34 TFEU – or: What Has Free Movement of Goods Ever Done for EU Law?', in R. Schütze (ed) *Principles of EU Law* (OUP, forthcoming). Apart from giving the classic cases a critical reading, the contribution engages with some recent interpretations by a number of colleagues. This develops his theory that a uniform answer is possible to the question when one of the four freedoms of the internal market (free movement of goods, services, persons, and capital) is restricted. This time, Professor Enchelmaier adverted to the question whether the requirements of lawful manufacture and marketing in one Member State are cumulative or alternative requirements for marketability in the other Member States. Lest you think this is irrelevant: the question still arises regarding goods from Northern Ireland. At least at the time of writing ...

Related to this is the short (5 pp) 'What *Keck* Should Have Said', in J. Lindeboom (ed) *What ... Should Have Said: Rewriting the Landmark Cases of the ECJ*. The idea of this project is to produce, with the benefit of hindsight, more convincing versions of seminal but unclear or unconvincing judgments by the Court of Justice of the European Union. Whatever one's take on *Keck*, there is near-unanimity that the quality of the Court's judgments is not always what it should be.

He explores some of the reasons in 'Chamber Music, Atonal: How the Structure of the CJEU Affects the Jurisprudence on Free Movement of Goods' (23 pp), his contribution to the *Liber Amicorum* of a recently retired colleague. In it, he argues that the peculiar structure of the Court (compared to the highest courts of the UK, France, Germany, and the US) impairs the quality and coherence of its judgments. In short, the problem is the absence of much of a structure. He makes some suggestions for improvements within the existing legal framework.

He returns to the broad field of his doctorate with 'Restrictions of Competition "By Object" after *Generics*, *Lundbeck*, and *Budapest Bank*: Are we any wiser now?' (33 pp). This will be published in a special issue of the *Journal of Antitrust Enforcement* dedicated to another retired colleague. The piece deals with a central question of the legality or otherwise of cooperation between competing companies, with both substantive and procedural implications. As it turns out, however, little is certain in this area.

In the last annual report, he expressed his 'hope [soon] to have ready for publication his book on the relationship between national law and European Union law'. He could not put it better this time.



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, and a Fellow of the Oxford Martin School. His research focuses on European and comparative corporate law and financial markets law.

At Oxford, he was the convenor of the BCL/MJur courses 'Comparative Corporate Governance' and 'Corporate Control' and co-taught in the course 'Principles of Financial Regulation'. Since September 2020 he has been the Academic Director of the Master in Law and Finance Programme.

In March 2022, together with the Stockholm School of Economics and ECGI, he co-organised the webinar 'Corporate Sustainability Due Diligence', where he was also a session chair and gave the concluding remarks. In June he co-organised the Global Corporate Governance Colloquium, a conference that brings together corporate governance scholars both with a legal and a financial economics background.

Selected publications

'The European Parliament Draft Directive on Corporate Due Diligence and Accountability: Stakeholder-Oriented Governance on Steroids' (2021) *Rivista delle società*, 319

(with C.A. Nigro) 'Venture capital e diritto societario italiano: un rapporto difficile' (2021) *Analisi giuridica dell'economia*, 149

(with J. Armour and T. Wetzer) 'Mandatory Corporate Climate Disclosures: Now, But How?' (2021) *Columbia Business Law Review*, 1085

(with A. Romano) 'Rewiring Corporate Law for an Interconnected World' (2022) 64 *Arizona Law Review*, 51

Selected presentations

'Green Pills: Making Corporate Climate Commitments Credible', 4th Annual BYU Deals Conference (March 2022)

Keynote speech: 'Dual Class Shares in the Age of Common Ownership', Vanderbilt Law School/Ghent Law School Law and Business Conference (May 2022)

'Venture Capital and European Corporate Laws: Bargaining in the Shadow of Regulatory Constraints', Notre Dame Law School-University College London, First London Law and Finance Symposium, London (September 2022)



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.

During 2021-2022 the main build of his work was done in the field of Roman law. Together with teams from the Early Manuscripts Electronic Library (Los Angeles) and the Lazarus project (University of Rochester), he arranged a reimaging of sample pages of the palimpsest Cod XV (13) at the Biblioteca Capitolare in Verona, aiming at the scriptura inferior, the Institutes of Gaius. Together with five co-editors and fifty authors, he happily saw the new, three volume *Handbook of Roman Law (Handbuch des Römischen Privatrechts)* come back from the publisher (Mohr Siebeck). His own, book-length contribution to this work sets out the Roman law of sales.

Selected publications

'Review of G. Dannemann et al. (eds), *German Civil Code: Bürgerliches Gesetzbuch (BGB)*', Vol. I: Books 1-3: §§ 1-1296: Article-by-Article Commentary' (2021) *Lloyd's Maritime and Commercial Law Quarterly (LMCLQ)*, 693

'D. 19.1.23 Iulianus libro 13 digestorum' (2022) 139 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Rom Abt.*, 352

'Mommson on Money' (2022) 38 *Banking & Finance Law Review*, 307

Selected presentations

'The Politics of the Lex Aquilia', 43rd Legal Historians' Diet, Zurich (August 2022)

'The Reception of Roman law as "Legal Transplant"', Collegium Polonicum, Slubice (September 2022)



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 enforcement policies in 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, and the manipulation and exploitation of consumers.

Selected publications

(with M.E. Stucke) *How Big-Tech Barons Smash Innovation—and How to Strike Back* (HarperCollins, 2022), 288 pp

Competition and Antitrust Law: A Very Short Introduction (OUP, 2021), 160 pp

(with A. Zac and C. Decker) '[The Effects of Competition Law on Inequality – An Incidental By-Product or a Path for Societal Change?](#)' (2022) *Journal of Antitrust Enforcement* (open access)

(with C. Decker, A. Zac, C. Casti and A. von Moltke) '[Competition Law Enforcement and Household Inequality in the United Kingdom](#)' (2022) *Journal of Competition Law & Economics* (open access)

(with M.E. Stucke) 'Enforcement and Policy Approach for Developing Countries – The Digital Platform Economy', Report to the World Bank (2022), 55 pp

Selected presentations

'Competition Enforcement in the Digital Economy', EU Commission (September 2022)

'How Big Tech Smash Innovation', EU Commission (September 2022)

'Consumer Vulnerability and Dark Patterns', Vienna Competition Days (September 2022)

'Platform Power and Competition Dynamics', UK CMA (October 2022)

Other activities

Co-editor-in-chief of the *Journal of Antitrust Enforcement* (Oxford University Press)



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.

Selected publications

(co-edited with Justice Brian Preston) *An Environmental Court in Action: Function, Doctrine and Process* (Hart, 2022), 360 pp

'The Administrative Law Expertise of the Land and Environment Court of New South Wales' (2022) *supra*, 195-212

'Afterword, Law in Unexpected', *ibid*, 309-319

'Administrative Tribunals: An Essay about the Legal Imagination of Administrative Law Scholars', in J. Goudkamp, L. McDonald, and M. Lunney (eds) *Taking Law Seriously: Essays in Honour of Peter Cane* (Hart, 2022), 259-280

(with J. Bell) 'The Heathrow Case in the Supreme Court: Climate Change Legislation and Administrative Adjudication' (2022) 85 *Modern Law Review*, early view

'Environmental Law, Scholarship, and Collective Epistemic Responsibility' (2021) 33 *Journal of Environmental Law*, 521-529



Mark Freedland QC (Hon), FBA is Emeritus Professor of Employment Law in the University of Oxford and 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 have 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

Le droit international privé de la famille à l'épreuve de l'impératif de reconnaissance des situations (LGDJ, 2022)

'Le rôle passé de la cause au stade de la formation du contrat, in G. Albers, F. Paolo Patti and D. Perrouin-Verbe (eds) *Causa contractus – À la recherche des conditions de l'efficacité de la volonté contractuelle* (Mohr Siebeck, 2022), 407-424

'Review of J. Gray, *Party Autonomy in EU Private International Law*, European Family Law Series, (Intersentia, 2021)' (2022) *Revue critique de droit international privé*, 666-669

'L'ordre public international comme révélateur des conceptions nationales – À propos de quelques évolutions récentes en matière familiale' (2021) *Droits* (73), 105-124

'Children's Right to Information in Civil Proceedings in France', in L. Carpaneto and F. Maioli (eds) *Children's Right to Information in EU Civil Actions – Improving Children's Right to Information in Cross-border Civil Cases* (Pacini Giuridica, 2021), 127-148

Selected presentations

'La preuve de l'état des personnes par les jugements étrangers', conference on 'La preuve de l'état des personnes : questions d'actualité', Cour de cassation (March 2022)

'Méthodes applicables à la création et à la circulation des situations', Conference on 'Existe-t-il un système de droit international privé de l'Union ? Bilan et perspectives de 20 ans de coopération judiciaire en matière civile', Lyon III Jean Moulin University (November 2021)

'Confiance mutuelle et frontières intérieures : questions d'actualité', 'La confiance mutuelle dans l'Espace de liberté, de sécurité et de justice : crise(s) et perspectives', University of Strasbourg (October 2021)

Other activities

During the second term of the 2021-2022 academic year, Samuel Fulli-Lemaire has taught, among other subjects, a course on the English Law of Contract at the University of Strasbourg. He was invited, in November 2021, to teach a course on European private international law in contract and tort (21 hours) at the University of Ferrara (Italy). He was also invited, in June 2022, to give an online lecture on French law to the students of Priv.-Doz. Hannes Wais's class on Securities law at the University of Münster (Germany).



Birke Häcker is the Director of the Institute and in this capacity also heads the Law Faculty's 'Comparative and European' Research Group. She has held the Statutory Chair in Comparative Law since 2016 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 the 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 an acknowledgement of their separateness and increasing divergence.

At Oxford, Professor Häcker has been teaching the FHS course on 'Comparative Private Law' and a BCL/MJur course called 'Comparative Contract Law in Europe' since her arrival in 2016. She also offers introductory lectures and seminars on both comparative law and on the English common law. She enjoys supervising research students working on a range of comparative and/or private law topics. She organises the IECL lunchtime seminar series and, together with Professor Simon Whittaker, convenes the Faculty's Comparative Law Discussion Group.

During the past year, she continued to write and publish, in English as well as German, on her fields of special expertise, and she participated in various domestic and international conferences, presenting papers to both colleagues and students.

Selected publications

'Contract and Conveyance: The Further Repercussions of Different Transfer Systems', in J. Cartwright and A.M. López y López (eds) *Property and Contract: Comparative Reflections on English and Spanish Law* (Hart Publishing, 2021), 89-136

'Causa und Consideration: Ein historischer Dialog', in G. Albers, F.P. Patti and D. Perrouin-Verbe (eds) *Causa contractus. Auf der Suche nach den Bedingungen der Wirksamkeit des vertraglichen Willens / Alla ricerca delle condizioni dell'efficacia della volontà contrattuale / À la recherche des conditions de l'efficacité de la volonté contractuelle* (Mohr Siebeck, 2022), 323-369

'Privatrechtliche Freiheit und Gleichheit im Zeitalter der Kodifikation: Entwicklungen im englischen Common Law und auf dem europäischen Kontinent', in M. Gebauer and S. Huber (eds) *Freiheit und Gleichheit im Privatrecht* (Mohr Siebeck, 2022), 29-61

Selected presentations

'A Practical Introduction to the Common Law', University of Würzburg (November 2021)

'Personalised Law and Personalised Transactions: The Case for an Opt-In Model', Comment on G. Wagner and H. Eidenmüller, 'Down by Algorithms? Siphoning Rents, Exploiting Biases, and Shaping Preferences: Regulating the Dark Side of Personalized Transactions', ch. 4 in Wagner and Eidenmüller (eds), *Law by Algorithm* (Mohr Siebeck, 2021), St. Hugh's College, University of Oxford (June 2022) (paper published [online](#))

'Die Rolle der Rechtsprechung im Zivilrecht', Birthday Symposium in Honour of Professor Wolfgang Schön, Munich (July 2022)



Geneviève Helleringer is the IECL Lecturer in French Law and Business law, a Research Fellow of Lady Margaret Hall. She is also a Professor at Essec Business School Paris and a Fellow of the European Corporate Governance Institute (ECGI). Dr Helleringer is an appointed member of the IECL Management Committee and of the Maison Française d'Oxford (MFO) Management Committee as well as the MFO Paris Strategic 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. For the past year, Dr Helleringer continued working on data collection for a cross-cultural study on promises and engagement (nine jurisdictions and 2,700 participants). She also started a comparative study on the evolution of ESG in Europe and in the US.

Selected publications

(with M. Corradi) 'Board Duty: Duty of Loyalty and Self-dealing', in A. Afsharipour and M. Gelter (eds) *Research Handbook on Comparative Corporate Governance* (Edward 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 and T. Wetzer (eds) *Business Law and Transition to a Net Zero Carbon Economy* (Beck Nomos, 2021), 19 et seq.

Other activities

Dr Helleringer is in charge of the French Law courses for undergraduate students. All second-year students enrolled in Law with Law Studies in Europe (French Law) competed in the Oxford French Law Moot which she organised in May 2022.

Dr Helleringer acted as expert witness in French Law in front of the UK High Court, and the European Bank Authority appointed her to the board of appeal for the European Financial Supervisory Authorities.

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

Selected presentations

Dr Helleringer co-organised the biennial conference hosted together with Stockholm University on 'Global Trends in Arbitration' (see below, p. 66)

'Self-Dealing: The Duty of Loyalty Comes in Various Flavours', IECL Workshop (October 2021)

'There is No Optimal Duty of Loyalty', Cornell University and Copenhagen University conference on 'Fallacies in Corporate Law' (November 2021)

'English Trust and French Fiducie, a Comparative Perspective', University Paris-Saclay conference on 'La fiducie est-elle à la hauteur?' (July 2022)



Martijn W. Hesselink is Professor of Transnational Law and Theory at the European University. He is on leave from the University of Amsterdam, where he has been a Professor of European Private Law since 1999. He is a Visiting Research Fellow at the Institute.

During the past year his book, *Justifying Contract in Europe: Political Philosophies of European Contract Law* (Oxford University Press, 2021), was published. This book explores the normative foundations of European contract law. It addresses fundamental political questions on contract law in Europe from the perspective of leading contemporary political theories. This work aims to move beyond the *acquis* positivism, market reductionism, and private law essentialism that tend to dominate these conversations and foregrounds normative complexity. It explores the principles and values behind various arguments used in the debates on European contract law and its future to highlight the normative stakes involved in the practical question of what we, as a society, should do about contract law in Europe. In so doing, it aims to open up democratic space for the consideration of alternative futures for contract law in the European Union, and for better justifications for those parts of the EU contract law *acquis* we wish to retain.

Several workshops were organised to discuss the book in the course of the past year, including at the University of Amsterdam, the European University Institute, the Freie Universität Berlin, and the Edmond J. Safra Center for Ethics, Tel Aviv University. A book symposium was published as a special issue in *Netherlands Journal of Legal Philosophy* (2022) (51) 1.

Other selected publications

'Reconstituting the Code of Capital: Could a Progressive European Code of Private Law Help Us Reduce Inequality and Regain Democratic Control?' (2022) 1 *European Law Open*, 316-343

'EU Private Law Injustices' (2022) *Yearbook of European Law*, 1-47

'The Power of Reasons in European Private Law' (2022) 51 *Netherlands Journal of Legal Philosophy*, 58-74

'Anything Goes in Private Law Theory? On the Epistemic and Ontological Commitments of Private Law Multi-pluralism' (2022) 3 *German Law Journal*, 891-899



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, Professor Johnston's 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.

In 2023-2024, a series of workshops based upon his work on spillovers will be held in Bochum and Ferrara, where he will give the opening keynote lecture in Bochum. 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

'Private Law and the Role and Influence of EU Law in the UK Post-Brexit' (2022) *Zeitschrift für Europäisches Privatrecht*, 519-529

(with K. Talus) 'A Legal Person and the Standing to Challenge a Directive under EU Law – Case C 348/20 P, *Nord Stream 2 AG v European Parliament and Council of the European Union* (Court of Justice (Grand Chamber), Judgment of 12 July 2022)' (2022) *European Law Review* (in press)

Other activities

Editorial Board Member, *International & Comparative Law Quarterly* (September 2021 onwards),
Book Reviews Editor (August 2022 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 2021-2022. It was the second year of the BCL/ MJur course which she developed with colleagues at Oxford: one seminar was devoted to 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 in person 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 for some of 2021-2022 since she could not, once again, go to libraries and archives on the continent for the first few months. In November 2021, she presented a paper at the (sadly remote) annual conference of the History of Science Society: the topic was the just price and mathematics in French contract law in the eighteenth and nineteenth centuries. However, in April and May, she presented papers on the reception of mathematics in continental law in the early modern period to mathematicians at the meeting of the British Society for the History of Mathematics and to continental legal scholars at the Max Planck Institute in Hamburg. In April, she was also very grateful to be given access to some of Condorcet's manuscripts on law and mathematics in the library of the Institute de France.

In June, she was delighted formally to represent the IECL at the conference on Global Trends in Arbitration which was jointly organised by the IECL and the Stockholm Centre for Commercial Law (see below p. 66).



Signe Rehling Larsen is a Fellow by Examination at Magdalen College, a Research Fellow at the Institute as well as an Early Career Fellow at the Bonavero Institute of Human Rights.

Signe is currently pursuing a research project on ‘empire’ and European public law. By incorporating insights from history and social science on colonialism and imperialism, she aims to investigate the legacies of imperialism and colonialism in European public law, including both domestic public law and EU law. This academic year, Signe published the opening article of the inaugural issue of the new EU law journal, the *European Law Open*, published by Cambridge University Press. Her article ‘European Public Law after Empires’ seeks to address a fundamental flaw in the debate about EU law and European integration: the almost complete absence of a reckoning with the legacy of empire and imperialism. The project of European integration was founded by three rapidly declining maritime empires – France, the Netherlands, and Belgium – and two failed fascist empires – Germany and Italy. Nevertheless, the academic discussion in EU law for the most part proceeds as if empire(s) never existed. The article demonstrates that European integration and EU law must be understood against the backdrop of the decline of the European empires and the transformation of the European public law order that underpinned them.

Selected publications

‘European Public Law after Empires’ (2022) 1 *European Law Open*, 6-25

‘The Promise and Peril of Europe’/‘Promesses et Périls de l’Europe’ (2021) 3 *Revue européenne du droit* 3, 42-47

Selected presentations

‘European Public Law after Empires’, presentation at ‘Colonialism and the European Legal Order’, University of Copenhagen (September 2022)

‘Imagining Europe’, presentation at ‘Law and Political Imagination’ Workshop on the Jurisprudence of Paul W. Kahn’, co-organised by Glasgow Legal Theory and the Edinburgh Centre for Legal Theory (April 2022)

‘European Public Law after Empires’, Oxford Jurisprudence Discussion Group (recording via this [link](#)) (March 2022)

Other activities

In the academic year 2021-2022, Signe was a Non-Stipendiary Lecturer in Constitutional Law and EU law at St Peter’s College and Keble College. Signe also taught on the BCL/MJur courses ‘Constitutional Theory’ and ‘Constitutional Principles of the EU’.



Dorota Leczykiewicz is Associate Professor of Law and an Official Fellow of St Peter's College. She is a Research Fellow at the Institute.

In the Oxford Law Faculty, she is the Associate Dean for Graduate Studies (Taught), responsible for all taught graduate programmes, including the BCL and the MJur.

Dr Leczykiewicz's research interests focus on English and comparative Tort law, legal reasoning and theories of adjudication, European private law and EU constitutional law, in particular, EU fundamental rights.

In the Faculty, Dr Leczykiewicz teaches on the BCL/MJur course of Private Law and Fundamental Rights. At St Peter's College, she teaches tutorials in EU law and Tort law. She is supervising doctoral students conducting research on courts and judicial practices, and projects relating to EU law, 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 on 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.

In the field of consumer law, Rodrigo has developed a line of research related with new mechanisms of collective redress, which led to the publication of a book on voluntary collective procedures (see under selected publications below).

Selected publications

'Economic Limits to Contractual Performance: From Hardship to the Excessive Costs of Specific Performance' (2022) *Uniform Law Review*, Volume 27, Issue 1, 21-36

Procedimientos Voluntarios Colectivos en el derecho de consumo chileno' (Tirant lo Blanch, 2022), 161 pp

Selected presentations

'Consecuencias del incumplimiento del contrato por excesiva onerosidad y fuerza mayor', Universidad Panamericana, Mexico (November 2011)

Un estudio empírico sobre el uso de argumentos de derecho comparado en las cortes supremas latinoamericanas', Universidad de la República, Uruguay (December 2021)

'Voluntary Collective Procedures in Chilean Consumer Law', Talk Series of the Maastricht European Private Law Institute (M-EPLI) (September 2022)



Juan Pablo Murga Fernández is Associate Professor 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 is a Visiting Research Fellow at the Institute.

He has held different Visiting Professorships abroad over the past years: at Florida International University; at the University of Innsbruck (Austria); at the University of Manchester; and at the University of Padova (Italy).

He has been affiliated to the IECL since 2015 and annually offers special lectures on property law and tort law in the 'Introduction to Spanish Law' course, in collaboration with Professor 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 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

(edited with M. Espejo Lerdo de Tejada) *Las Deudas de la Herencia* (Aranzadi, 2022), 256 pp

(edited with M. Espejo Lerdo de Tejada and S. del Rey Barba), *Tratado de Derecho Inmobiliario Registral* (Tirant lo Blanch, 2021), 2648 pp

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

'The Doctrine of Frustration in Spanish Law: its Configuration in Light of the Pandemic' (2021) 2 *Nottingham Law Journal*, 17-29

'A Non Domino Acquisitions and Protection of Third-Party Purchasers of Immovable Property in the Spanish Legal System', in J. Cartwright and A.M. López y López (eds) *Property and Contract Comparative. Reflections on English Law and Spanish Law* (Hart Publishing, 2021), 61-87

Selected presentations

'La cesión de la herencia y sus implicaciones en la cualidad de heredero', International Congress *Condiciones y negocios jurídicos mortis causa*, University of Málaga (October 2021)

'Alojamento turístico em edifícios em propriedade horizontal', International Congress *Jornadas sobre a Propiedade Horizontal*, University of Coimbra (December 2021)

'Creditor Protection in Succession Law: a Comparative Analysis', IECL Lunchtime Seminar Series (February 2022)

'Creditors in Succession Law from a Comparative Perspective', 8th Max Planck PostDoc Conference on European Private Law, Max Planck Institute for Comparative and International Private Law (May 2022)

'La coordinación Catastro-Registro: en particular, los procedimientos de inmatriculación', International Congress *Registro y Catastro*, University of Los Andes de Chile (May 2022)



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. He is a Visiting Research Fellow at the Institute and an Associate at the Centre for Competition Law and Policy.

During the academic year 2021-2022, Julian mainly worked on the sustainability and its interaction with the EU rules governing competition in the internal market. This academic work has also led to numerous engagements with regulators, business, and civil society organisations. For example, he helped with the organisation of and hosted the Swedish competitions agency's annual 'Pros and Cons' conference covering this topic and provided training for civil society organisation on sustainability and EU competition law in a project together with Amsterdam University. What has started out as a project on the EU has often involved comparative elements. Much of this comparative work provides the basis for a forthcoming book on the subject and papers in the coming years. Julian has also been actively involved in the Faculty's Competition Law Discussion Group.

Publications

'Competition Law's Sustainability Gap? Tools for an Examination and a Brief Overview' (2022) *Nordic Journal of European Law*, 149-165

(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, 2022), 423-440

(as first author with L. Mundaca and M. Åhman) '[Phasing out Fossil Fuel Subsidies in the EU? Exploring the Role of State Aid Rules](#)' (2021) *Climate Policy*, 1037-1052

Blogs posts

['Antitrust and Sustainability: An Introduction to an Ongoing Debate'](#) (February 2022)

['EU har makten att avskaffa fossilsubventioner'](#) (March 2022)



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 to her posts in 2004 and has been a Research Fellow of the IECL since 2011. She is also Professor of Law at the University of Bergen (part-time).

Justine's main areas of research and teaching are Intellectual Property (IP) Law and Regulation, where she focuses particularly on the regulatory impacts of technology. Her teaching includes a graduate course on Comparative Copyright Law and tutorials in EU Law and Jurisprudence.

Much of Justine's research 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. Her main focus this year has been a third edition of the late Catherine Seville's well-regarded *European Intellectual Property Law and Policy*, which is now in press. Her next project is a book in the field of Law and Technology, scheduled for publication by OUP in 2023.

Selected publication

Seville's EU Law and Policy, 3rd edn (Edward Elgar, 2022), 770 pp



Conor Quigley KC is a barrister at Serle Court and a Visiting Research Fellow at the Institute. In 2022, he was additionally appointed Visiting Professor in Practice at the London School of Economics.

He specialises in European Union, State Aid and UK Subsidy Control law and has appeared in many EU Law cases, both in the UK (High Court, Court of Appeal, House of Lords and Supreme Court), and in the European Union (General Court and Court of Justice).

In recent years, his practice has increasingly focused on two areas: (i) acting as an expert witness on EU State aid law in international arbitrations, particularly ICSID arbitrations; and (ii) giving expert advice on the interface of corporate taxation and State aid international investment arbitrations.

Selected publications

European State Aid Law and Policy (4th edition) (Bloomsbury/Hart, 2022), 1013 pp (This edition is fully updated, referencing all CJEU and GC decisions on State aid up to July 2022. New chapters are added dealing with European foreign subsidy regulation and UK subsidy control.)

Selected presentations

'State Aid Trends', Keynote speech at the Hellenic Association for European Law, with CIEEL, Thessalonica (June 2022)

'European Foreign Subsidy Regulation and UK Subsidy Control', London School of Economics (September 2022)

Other activities

Appointed Visiting Professor in Practice at the London School of Economics, September 2022



Georg Ringe is Professor of Law and Finance 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 of European and Comparative Law.

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 2021-2022, a special focus of his research was on issues of sustainability and ESG investing and on technology and digitalisation. 2022 saw the publication of his co-edited book *Business Law and the Transition to a Net Zero Economy*, which is the fruit of the 5th Annual conference of the Oxford Business Law Blog. He also launched the Hamburg Network for AI and Law (NAIL) during 2021-2022.

Selected publications

(edited with A. Engert, L. Enriques, U. Varotttil and T. Wetzer) *Business Law and the Transition to a Net Zero Economy* (Beck/Nomos/Hart, 2022), 128 pp

(with A.A. Gözlügöl) 'A Critique of EU Policymaking on Sustainable Corporate Governance and Finance' (2022) 4(3) *Revue Européenne de Droit*, 127-134

'Stewardship and Shareholder Engagement in Germany', in D. Katelouzuo and D.W. Puchniak (eds) *Global Shareholder Stewardship* (CUP, 2022), 192-221

'ESG Investor Engagement and Coalition-Building', in R.J. Gilson, M. Isaksson, E. Lidman, J. Munck and E. Sjöman (eds) *Festschrift in Honour of Rolf Skog – Festschrift till Rolf Skog* (Norstedts Juridik, 2021), 1035-1054

(with A. Azzutti and S. Stiehl) 'Machine Learning, Market Manipulation and Collusion on Capital Markets: Why the "Black Box" Matters' (2021) 43 *University of Pennsylvania Journal of International Law*, 79-136

(with P. Magalhães Batista) 'Dynamism in Financial Market Regulation: Harnessing Regulatory and Supervisory Technologies' (2021) 4 *Stanford Journal of Blockchain Law and Policy*, 203-220

(with C. Ruof) 'Robo Advice: Legal and Regulatory Challenges', in I.H.-Y. Chiu and G. Deipenbrock (eds) *Routledge Handbook of Financial Technology and Law* (Routledge, 2021), 193-212

'Brexit and How it Affects Capital Markets (Regulation)', in J.A. Kämmerer and H-B. Schäfer (eds) *Brexit: Legal and Economic Aspects of a Political Divorce* (Edward Elgar, 2021), 145-180

Selected presentations

'Financial Regulation: Between Policy and Politics', 2022 Journal of Financial Regulation conference, Columbia Law School, New York (August 2022)

'Investor-led Sustainability in Corporate Governance', Ghent/Vanderbilt Law and Business conference, University of Ghent (May 2022)

'Net-Zero Plans under the CSDD Directive', ECGI Policy Workshop on the Corporate Sustainability Due Diligence Directive (March 2022)

'Investor-led Sustainability in Corporate Governance', London LawFin Research Seminar



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.

He is interested 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 two short articles: 'Dicey's People' (*MLR*) reviews work by Keith Ewing, Joan Mahoney and Andrew Moretta on the history of the Security Services in the UK; 'Regal Indignity' (*LQR*) traces recent developments in justiciability and Act of State.

In September, together with Ngoc Bui Son, Yasser Kureshi and Nick Barber, he convened a conference on 'Political Parties and Constitutions in Asia'. The conference brought together a broad cohort of comparative scholars working on party systems in Asian jurisdictions, with a focus on recent constitutional developments in China and South Asia. It is hoped that a book project can be developed from the materials.

Selected publications

'Regal Indignity' (2022) 138 *Law Quarterly Review*, 381-387

'Dicey's People' (2022) *Modern Law Review* (in press)

Selected Presentations

'Empire and Subsidiarity in the United Kingdom', Panel - ICON, International Association for Public Law, Wroclaw (July 2022)

'Are Foreign Affairs Special', Paper - ICON, International Association for Public Law, Wroclaw (July 2022)

'The Informal Rules of the Chinese Communist Party', Whitehall China Group (May 2022)

'Political Parties in Asia' Conference, Oxford (September 2022)



Sandy Steel is Lee Shau Kee's Sir Man Kam Lo Fellow in Law at Wadham College, 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, and the University of Münster.

His research is in comparative tort law and philosophy of private law. He is currently completing a book about liability for harm-causing omissions in the common law, with some civilian comparisons. It should be published by OUP in the first half of 2023.

Selected publications

(with N. Jansen) *The Structure of Tort Law* (OUP, 2021), 576 pp, translation from the German original: *Die Struktur des Haftungsrechts* (Mohr Siebeck, 2003)

Selected presentations

'Liability for Permissible Harm', Harvard Private Law Workshop (November 2021)

'Justifying Civil Recourse for Wrongs', Hebrew University of Jerusalem (June 2022)

Other activities

Visiting Fellow, New York University, Michaelmas 2021



Johannes Ungerer is the Erich Brost Lecturer in German Law and EU Law at the Institute and St Hilda's College.

During the academic year 2021-2022, his teaching comprised lectures on the introduction to German law (for first- and second-year students on the Law with Law Studies in Europe degree, who will be going abroad to Bonn or Munich during their third year under the Faculty's exchange scheme) as well as tutorials in both EU law and contract law. He also offered additional teaching for the BCL/MJur conflict of laws course, supervised a MJur dissertation, and offered tutorials in comparative private law to Visiting Students. He served as a BCL/MJur Academic Advisor as well as a member of both the Institute's Management Committee and the Faculty's Communications and Web Advisory Committee.

His research activities focused on private international and comparative law, which is reflected in his publications and conference presentations listed below. His doctoral thesis (University of Bonn, 2021) was published as a monograph entitled *Gesetzlich pauschalierter Schadensersatz* by the renowned law publishers Duncker & Humblot with generous support from the Faculty's Research Support Fund.

Selected publications

'Explicit Legislative Characterisation of Overriding Mandatory Provisions in EU Directives' (2021) *Journal of Private International Law*, 399 (open access)

'Nudging in Private International Law: The Design of Connecting Factors in Light of Behavioural Economics' (2022) *Rabel Journal of Comparative and International Private Law (RabelsZ)*, 1-31

'Sovereign Debt and Immunity: The Controversy of Subsequent Liability Limitation for State Bonds', in R. Bismuth, V. Rusinova, V. Starzhenetskiy and G. Ulfstein (eds) *Sovereign Immunity under Pressure: Norms, Values and Interests* (Springer, 2022), 395-416

Gesetzlich pauschalierter Schadensersatz (Duncker & Humblot, 2022), 341 pp

Selected presentations

'Consideration in Contract Law: a Common Law Brainchild with(out) a Civil Law Sibling?', IECL lunchtime seminar, University of Oxford (October 2021)

'The Law and Practice of the Ireland-Northern Ireland Protocol – the EU Perspective', University of Oxford (February 2022)

'Gesetzlich pauschalierter Schadensersatz', MPI Hamburg, Aktuelle Stunde (April 2022)

'Perspectives from Non-EU Member States – Should the Brussels Ia Regulation be Extended?', European Association of Private International Law Young Research Network, InterUniversity Centre, Dubrovnik (May 2022)

'Legislatively Liquidated Damages', IECL lunchtime seminar, University of Oxford (June 2022)



Stephen Weatherill is Emeritus Jacques Delors Professor of European Law and a Research Fellow at the Institute.

Although he retired at the end of academic year 2020-2021, Professor Weatherill continues to work on aspects of European Union law, while also seeing to completion his outstanding graduate research students. He has maintained his interests in EU internal market law, EU consumer law and EU sports law, while also being unavoidably forced to peer into the fetid depths of the failed Brexit experiment. His ['Hunting the Benefits of Brexit'](#), a Blogpost published on EU Law Analysis in February 2022 explains in detail the level of misrepresentation pursued by the UK government in its attempts to distract attention from the reality of Brexit and in particular how it differs immensely from what was glibly promised in 2016. He has also written on aspects of the Ireland/Northern Ireland Protocol attached to the EU-UK Withdrawal agreement (see 'Interpreting the Protocol', in C. McCrudden (ed) *The Law and Practice of the Ireland-Northern Ireland Protocol* (CUP, 2022), 69-79) where, sadly, the same theme is visible: from the office of Prime Minister downwards the UK government has routinely refused to own up to the reality of what it agreed.

Publications

'Nationality-based Restrictions in Football after Brexit: The Law, Politics and Economics', in J. Kornbeck (ed) *Sport and Brexit: Regulatory Challenges and Legacies* (Routledge, 2022), 119-130

'The EU as a Sports Regulator', in J. Nafziger and R. Gauthier (eds) *Handbook on International Sports Law* (Edward Elgar, 2nd edition, 2022), 112-140

'Comparative Internal Market Law: the UK and the EU' (2021) 40 *Yearbook of European Law*, 431-474

'Is Maximum Harmonisation a Myth? The Story of Directive 2019/771 on Contracts for the Sale of Goods' [2021] *European Journal of Consumer Law/Revue européenne de droit de la consommation*, 217-241



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 continued to work on developments in the English law of contract itself, in particular considering the significance of good faith in English contract law. At Oxford, he gave lectures and contributed to seminars for the FHS 'Comparative Private Law' course as well as FHS lectures on (English) consumer contract law.

Selected publications

"Contractual Purpose" in English Contract Law', in G. Albers, F. Paolo Patti and D. Perrouin-Verbe (eds) *Causa Contractus* (Mohr Siebeck, 2022), 871-891

Chapter 1 'Contract Law and "Contracts"'; Chapter 2 'Fundamental Principles of Contract Law'; Chapter 3 'Contract Law and Other Legal Categories'; Chapter 7 'Form'; Chapter 11 'Capacity'; Chapter 17 'Exemption Clauses'; Chapter 40 'Consumer Contracts'; and Chapter 47 'Suretyship', in H. Beale (gen. ed.) *Chitty on Contracts* (26th edn. of 1989 – 34th edn. of 2021) (Sweet and Maxwell/ThomsonReuter)

Selected presentation

'EU Consumer Law in the UK after Brexit', Seminario Internacional sobre consumidor y servicios digitales, Logroño (May 2022) (paper given remotely)



Jan Zglinski is Assistant Professor of Law at the London School of Economics and Political Science and a Visiting Research Fellow at the Institute.

His research interests lie in EU constitutional and internal market law, with a special focus on empirical legal approaches. Over the past year, he has worked on various aspects of economic integration. This includes research into the evolution of the EU internal market, in particular the changing relationship between judicial and political forms of governance, and the constitutional features of the new UK internal market, which has emerged as a result of Britain's departure from the European Union. He has also written on the Europeanisation of football, examining what the EU could (and should) do to protect the cultural values that underpin the sport.

Selected publications

(with F. de Witte) 'The Idea of Europe in Football' (2022) 1 *European Law Open*, 286-315

(with E. Bjorge) 'The Principle of Proportionality in EU Law and its Domestic Application: *Ni tout à fait le même, ni tout à fait un autre*', in K. Ziegler, P. Neuvonen and V. Moreno-Lax (eds) *Research Handbook on General Principles of EU Law* (Edward Elgar, 2022), 191-208

Selected presentations

'The End of Negative Market Integration: 60 Years of Free Movement of Goods Litigation (1961-2020)', Universidade Católica Porto (December 2021)

'The Internal Market: From Judicial Politics to Ordinary Politics?', European University Institute (June 2022)

'The New UK Internal Market: Rights, Politics, and Devolution', Swansea University (July 2022)

'Protecting European Football: What the EU Can Do', International Society of Public Law, University of Wrocław (July 2022)

'The Push for Fan Representation in Football: From Activism to Regulation', UACES Annual Conference, European School of Political and Social Sciences Lille (September 2022)

'The New Judicial Federalism: The Evolving Relationship Between EU and Member State Courts', University of Gothenburg (September 2022)



Katja Ziegler is the Sir Robert Jennings Professor of International Law and Co-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 usually teaches and researches in the areas of public international, human rights, EU law and comparative constitutional law. Currently she is seconded for two years to the Foreign Commonwealth and Development Office (FCDO), funded by an AHRC-ESRC-FCO Knowledge Exchange Fellowship. 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 post-Brexit). 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.

Selected Publications

‘Beziehungen zwischen EU und UK nach dem Brexit’, in A. von Arnould und M. Bungenberg (eds) *Europäische Außenbeziehungen, Enzyklopädie des Europarechts*, Vol. 12 (Nomos, 2022), 499-555

‘The Second Attempt at EU Accession to the ECHR: Opinion 2/13’, in G. Butler and R.A. Wessel (eds) *EU External Relations Law: The Cases in Context* (Hart Publishing, 2022), 755-773

(edited with P. Neuvonen and V. Moreno-Lax) *Research Handbook on General Principles in EU Law: Constructing Legal Orders in Europe* (Edward Elgar, 2022), 656 pp

(with P. Neuvonen) ‘General Principles in the EU Legal Order: Past, Present and Future Directions’, in K.S. Ziegler, P.J. Neuvonen and V. Moreno-Lax (eds) *supra*, 7-24

(with V. Moreno-Lax) ‘Autonomy of the EU Legal Order - A General Principle? On the Risks of Normative Functionalism and Selective Constitutionalisation’ *ibid*, 227-252

(with A. Volou) ‘Human Rights and General Principles: Beyond the EU Charter of Fundamental Rights’ *ibid*, 327-348

Selected presentations

“EU Exceptionalism” and the Paradox of Inclusiveness of International Law’, European Society of International Law Annual Conference, Utrecht (September 2022)

‘Autonomy, Sovereignty and Constitutionalism’, Jean Monnet Round Table: European Integration, EU Autonomy, and Legal Theory, University of Groningen (June 2022)

‘EU Autonomy and International Law’, ESIL – CJEU Symposium: EU Autonomy from International Law?, Court of Justice of the European Union, Luxembourg (April 2022)

‘Human Dignity in EU Law: Its Role and Functions in the Interaction of Legal Orders’, Dignity, Justice, and Law Meet Catholic Social Tradition, University of Notre Dame Kylemore Abbey Global Centre, Ireland (November 2021)

Other activities

Member of the editorial board of the *International and Comparative Law Quarterly*

Professor Anthony W. Bradley QC (1934–2021)



The Institute of European and Comparative Law and its members mourn the passing of Professor Anthony (Tony) Bradley QC in December 2021. Tony was a long-standing Visiting Research Fellow at the IECL who over a period of almost twenty years actively contributed to many of the Institute's activities and events.

A leading expert and foremost thinker on UK constitutional law, administrative law and human rights, Tony had an extremely distinguished career in both academia and legal practice. Until his retirement, he was Professor of Constitutional Law at the University of Edinburgh. He also practised at the Bar and was made an Honorary QC in 2011.

His many scholarly contributions included a highly acclaimed landmark textbook on *Constitutional and Administrative Law*, co-authored with Keith Ewing and commonly referred to as Bradley & Ewing (Pearson, 17th edn 2018, 18th edn in preparation for 2022).

Tony informed and inspired many with his expertise in and passion for public law, both domestically and comparative. He also brought to the Institute his wide-ranging experience and contacts in academia, Parliament and legal practice alike. He acted, for example, as the UK member of the Council of Europe (Venice) Commission for Democracy Through Law, as Legal Advisor to the House of Lords Constitution Committee, and as a Barrister in prominent human rights cases, including as representative of the Chagos islanders against the UK Government in their challenge of their forcible removal from these islands. Numerous events and activities at the Institute benefited from Tony's input, such as a conference he convened, together with Katja Ziegler and Denis Baranger, on *Constitutionalism and the Role of Parliaments*. The latter resulted in an edited collection by the same name which was published in the Institute's 'Studies of the IECL' series (Hart, 2007).

Esteemed and loved by colleagues, many of whom in due course became friends, Tony supported the Institute and its members in countless ways. He was renowned for his unfailing kindness and generosity with his time. In particular, he always offered help and encouragement to younger scholars and engaged with the research of the Institute's visitors. Tony will be sadly missed by all who knew him.

Birke Häcker

Professor Ulf Bernitz (1936–2022)



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The Institute of European and Comparative Law and its members mourn the passing of Professor Ulf Bernitz in July 2022, a longstanding member of the Institute and founding father as well as dedicated co-ordinator of the Oxford-Stockholm collaboration.

Ulf was a specialist in both European Union law and private law, with a particular interest in consumer law, competition law and intellectual property law. He was a leading legal figure not merely in Sweden, his home jurisdiction, but over many decades engaged with other systems and colleagues from all over the world. Having read law at Stockholm University, Ulf showed an early fascination with the common law, obtaining a Master of Comparative Jurisprudence at New York University in 1963. There followed a glittering academic career. Based in Stockholm, Ulf soon established himself as

the Swedish doyen of European Community (later: Union) law. Always keen to enhance and promote the reputation of Sweden as a powerhouse in EU law scholarship, Ulf's contributions to both academia and legal practice are far too numerous to be listed here in full. Suffice it to say that besides publishing widely in his fields of expertise, he served as a highly respected legal expert in various commissions, headed a range of specialist bodies, held visiting positions in Oxford, Paris, London, Riga and Örebro, and was awarded an honorary doctorate by Copenhagen University.

The Institute's connection with Ulf goes back over twenty years. In 2001, he was instrumental in setting up the successful collaboration between the Universities of Oxford and Stockholm, spearheaded on the Oxford side by the Institute of European and Comparative Law and on the Stockholm side by the Stockholm Centre for Commercial Law. As Director for the Wallenberg Foundation Oxford/Stockholm Association in European Law, Ulf initiated or supported countless seminars, conferences and publications which have since sprung – and continue to spring – from this collaboration. Long into his retirement and until May 2022, Ulf regularly visited the Institute and contributed enthusiastically to its activities. No less than three books in the Institute's own series ('Studies of the Oxford Institute of European and Comparative Law') were co-edited by him over the years.

Ulf was a much-loved member of the IECL community. When news of his death broke, tributes came flooding in. Steve Weatherill, emeritus Jacques Delors Professor of EU Law, writes: 'It is over twenty years since I first got to know Ulf, first as a colleague and then quickly as a friend. He has, for more than twenty years, been a staunch supporter of European law in Oxford and of links between Oxford and Sweden. We owe him an incalculable debt, though he would never have wanted it calculated. Ulf was not a man who worried about details or transactions or obligations, he was concerned only to help. And help he did – a lot. Conferences, lectures, seminars, examination of postgraduate students – you could rely on Ulf. He was always supportive, energetic, enthusiastic, full of ideas and ambition, and unfailingly cheerful. The only time I saw him shaken from his normal good humour was in 2016, on learning of the outcome of the referendum. Brexit shocked him. He could not understand how or why so many British people had fallen for the tall tales spun by a carnival of mountebanks. He was not alone in that of course, but his concern was real and deep, and it was, I am sure, provoked by his affection for this country.' Steve concludes: 'Ulf was the kindest of men. He will be remembered with great fondness in Oxford in general and in the Institute in particular.'

Ariel Ezrachi, Slaughter and May Professor of Competition Law, remembers that ‘Ulf’s positive attitude and excitement were always a driving force. He would provide a calming steady contribution in the organisation of events, a creative mind in the explorations of new frontiers, and would go to every length in support of new initiatives. He retained a deep curiosity, and a wonderful enthusiasm to explore new areas of law.’ And John Noble, Director of the British Brands Group and co-organiser – together with Ulf Bernitz and Ariel Ezrachi – of the Annual Symposium on ‘Trends in Retail Competition’, recalls that Ulf at their last meeting in May ‘gave no inkling [of his illness] and contributed to the programme and dinner afterwards as he usually did, with huge charm, knowledge and style. It has been entirely thanks to him that the Symposium series ever happened and each year I have hugely enjoyed my interaction with him. He was true gentleman with a lovely sense of humour and a fine touch.’

The Institute is tremendously grateful to have benefited so much from Ulf’s kindness, wisdom and engagement. He will be sorely missed by all who knew him.

Birke Häcker

A Personal Memoir of Ulf Bernitz

I first met Ulf Bernitz in Brussels in 2008. At the time, I was a graduate student in Bruges, and had been invited, along with other fellow Swedes at the College of Europe, to the launch of a new edition of *Europaperspektiv* – a yearbook series exploring central challenges to the EU from interdisciplinary and Swedish perspectives. We were thrilled to be included on the guest list but I never figured out who exactly had thought of putting our names down. I wouldn’t be surprised if the invitation was extended by Ulf, who chaired the event. As would become clear in the following decades when I met him at similar events, Ulf took particular interest in supporting young colleagues from Sweden in the field of EU law.

In the next couple of years, we would meet at Oxford, where he was a Visiting Fellow at the Institute of European and Comparative Law, and I a DPhil student. He was a permanent fixture of the EU Law Discussion Group, which met Wednesdays at lunchtime, and one of the key enablers of the Oxford-Stockholm Collaboration, which invites Swedish law scholars to academic exchanges at Oxford.

When I moved to Lund University to take up my first full-time academic post, I frequently crossed paths with Ulf. In Sweden, Ulf has long been synonymous with EU law. His many textbooks on EU law, including *Europarättens grunder* (with Anders Kjellgren), was a staple for any Swedish law student. Beyond the classroom, he was a keen promoter of EU Law in Sweden, and further afield in the Nordic countries by helping set up, and actively participating in the Swedish EU-Law Journal, *Europarättslig tidskrift*, the Nordic Network for European Law Studies, and the Swedish Network for European Legal Studies. We overlapped as board members of the latter, which organised and helped fund public and academic events on topics related to EU Law.

In short, Ulf was a champion of EU law in Sweden. But he understood the relationship between EU- and national law as a two-way street, and thus saw a clear role for Sweden and Swedish academics to play in Europe. The long list of CJEU case law involving Sweden, such as *Viking*, *Laval*, *Unibet*, *Mickelsson and Roos*, *Åkerberg Fransson*, show that he was right.

Ulf was as a warm, supporting, and engaged colleague – and I believe that anyone who knew him would agree that he was always smiling. In fact, the only time I saw Ulf disappointed was when I failed to hold the tune in belting out ‘*snapsvisor*’ (drinking songs) during one of the annual ‘*kräftskivor*’ (‘crayfish parties’) organised by *Europarättslig tidskrift*. As one of the Swedish voices on EU law, I agreed, I had to do better.

Sanja Bogojević

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. 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 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 2021 and September 2022:

Visiting Fellows	
<p>Max Planck Gildesgame Fellow, Michaelmas Term 2021: Christine Toman (Max Planck Institute, Hamburg)</p>	<p><i>Climate change liability in private international law</i></p>
<p>Max Planck Gildesgame Fellow, Hilary Term 2022: Franz Bauer (Max Planck Institute, Hamburg)</p>	<p><i>Altruism and the standard of care: the legal principle of utility in historical and comparative perspective</i></p>
<p>Paris Visiting Fellow, 2022: Emmanuel Jeuland (University of Paris 1 Panthéon-Sorbonne)</p>	<p><i>L'émergence de l'Etat social-écologique</i></p>

Academic Visitors	
Julia Motte-Baumvol (University Paris Cité)	<i>Social protection for ageing migrants in a globalised world: international law for old-age pension rights</i>
Kathrin Eidenmüller (Munich Court of Appeals)	<i>Optimising judicial proceedings in commercial matters in a post-pandemic/post-Brexit world</i>
Penelope Giosa (University of Portsmouth)	<i>Environmentally friendly products: how to make them competitive without relying on interfirm cooperation</i>
Felix Berner (University of Tübingen)	<i>The 'principle of utility' and English private law</i>
Willem Boshoff (Stellenbosch University)	<i>Evaluating excessive pricing after Pfizer/Flynn and the pandemic: lessons from cartel and cartel damage cases</i>
Gabriel Magadan (Pontificia University Católica do Rio Grande do Sol)	<i>The hypothetical cause problem: a comparative study of causation issue in tort law and civil liability</i>
Josep Capdeferro (Pompeu Fabra University)	<i>Comparing historical experiences on rule of law and parliamentarism</i>
Richard Hyland (Rutgers Law School)	<i>Roman law and the common lawyer</i>
Anatole Boute (Chinese University of Hong Kong)	<i>Shaping the Eurasian Energy Market: Regulatory Convergence and Strategic Influence along the Belt and Road</i>
Chee Ho Tham (Singapore Management University)	<i>Assignment of intangible assets under non-English legal systems</i>
Alexander Hellgardt (University of Regensburg)	<i>The changing divide between public and private (law)</i>
Juan Luis Fuentes Osorio (Jaen University)	<i>Hate speech: a comparative study of the English legal context</i>
Alisdair MacPherson (University of Aberdeen)	<i>Floating charges in comparative perspective</i>

Francesco Bilancia (Chieta Pescara University)	<i>Sovereignty of the people: democracy and populism</i>
Martina Conticelli (University of Rome 'Tor Vergata')	<i>Expropriation, regulation and other administrative limits to property rights: the role of procedural requirements in the definition of the proprietary status</i>
Elisa Morales (University Austral de Chile)	<i>Economic globalisation and legal transplants in consumer law</i>
Sirri Düğer (Yalova University)	<i>Resolution of administrative disputes by administrative and other alternative dispute resolution mechanisms</i>
Volodymyr Venher (National University of Kyiv Mohyla Academy)	<i>Limiting legislative discretion: scope, constraints and principles for Ukrainian Parliament</i>
Bernadette Zelger (University of Innsbruck)	<i>The role of 'effects' in EU competition law</i>

Maison Française d'Oxford Visiting Graduate Students

Marie-Elisabeth Boggio (University of Orléans)	<i>Practices as a source of law in Parliament: a comparative study of France and the United Kingdom</i>
Théo Vuarnet (University of Paris 1 Panthéon-Sorbonne)	<i>Board of Directors and corporate strategy</i>
Pierre-Hugues Barré (University of Paris 2 Panthéon-Assas)	<i>Freedom of conscience, religion and worship</i>

Visiting Graduate Students

Ignacio Varela Castro (University of Santiago de Compostela)	<i>Passing risks in contract of sale</i>
Luigi Buonanno (Bocconi University)	<i>The obligation of the guarantor in banking contracts</i>

Euigeun Park (University of Fribourg)	<i>Co-ownership (tenancy in common, joint tenancy)</i>
Anne Kessing (University of Heidelberg)	<i>Contractual and tortious 'scope of duty rules' in English and German law</i>
Katharina Göpfarth (Tübingen University)	<i>'Undoing' legal transactions to eliminate unintended tax consequences</i>
Hevi Dawody Nylen (University of Stockholm)	<i>The exclusion clause of the 1951 Refugee Convention and its implementation in national jurisdictions</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.



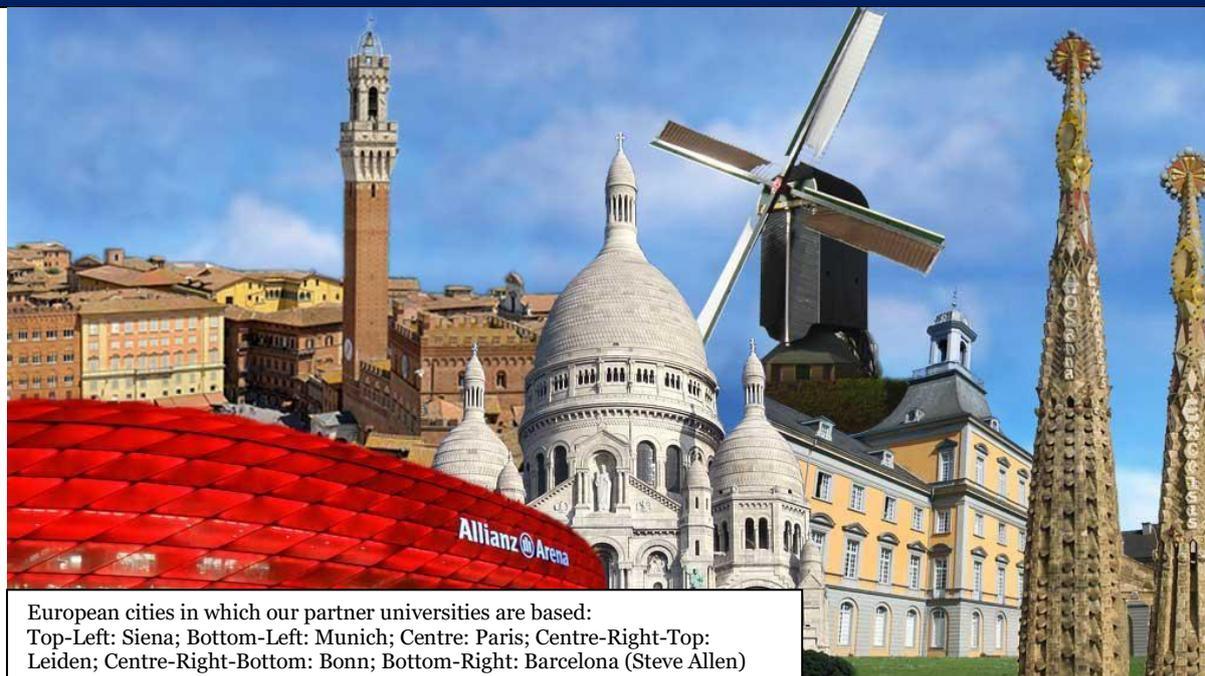
Centre for
Competition
Law and
Policy

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, 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. Papers published by the research team include ['The Effects of Competition Law on Inequality - Incidental By-product or a Path for Societal Change?'](#), ['Competition Law Enforcement and Household Inequality in the United Kingdom'](#), and ['Competition Policy and the Decline of the Labour Share'](#). Current empirical research focuses on the use of dark patterns online, and their effects on consumer autonomy and welfare.

The Centre also operates a pro-bono programme – 'The Value of Competition' – dedicated to educating secondary school students about the benefits of competition and the role of competition enforcement. The programme aims to support the creation of a 'competition culture' around the world.

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 (Steve Allen)

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'. As an exchange programme, it was originally established and until 2020-2021 run under the EU's Erasmus+ scheme. Starting with the academic year 2021-2022, it now comes under the remit of the UK government's Turing programme. The exchange arrangements remain the same, however, so we continue to welcome to 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, which is currently going into its second year. However, none of the exchange agreements with our European partners formally depended on Erasmus+ membership, and we are and remain committed to keeping Course 2 on foot as best we can under whatever conditions may prevail in future. This is underscored by the fact that the University of Oxford has recently agreed to underwrite the exchanges for all students already on course as well as those accepted onto the relevant programmes.

Student Reports

Below are reports from two students about their experiences in Oxford and Leiden respectively during their exchange year in 2021-2022.

A Year in Oxford

Juna Icaza Wilfert, LMU Munich (Diploma in Legal Studies)



During my first visit in the city, the University of Oxford reminded me of 'a tree of infinite possibilities with an incalculable number of branches all rooted in the same trunk'. When writing these lines in my application, I could not possibly have guessed how true they would become. In the academic year 2021-22, I had the privilege of spending one year at this historic institution, get to know the treasures and absurdities of the English common law system and being intellectually challenged by both tutors and fellow students. Even after a few months, the magic of strolling through the buildings and sitting in the dining halls dressed in gown did not get any less enchanting. Admittedly, it was at first a challenge to navigate through all the case law and know what is actually expected of students in an Oxford essay. But in the end, the effort pays off and it is really motivating to see your argumentation skills improve from week to week and to understand more quickly what exactly a judge means by a cryptic paragraph you have already read five times.

Apart from the academic side, Oxford offers countless of possibilities to get involved in societies and clubs and socialise through college or other events. The biggest challenge for me personally was to balance my reading and essay writing assignments with all the events offered. I felt more than welcome in the community of my own college, which resembles a small family, and met many fascinating people the conversations with whom I will remember forever. Moreover, Oxford attracts many well-known personalities, which gives students the opportunity to interact with them through talks and panel discussions. In my nine months at the University of Oxford, I was able to meet six UK Supreme Court judges, Ban Ki-Moon, and Peter Singer, among others. Therefore, I truly recommend not only taking advantage of the purely academic programme, but also all the other events, which always opened up new perspectives and enriched me personally.

Looking back, I am beyond grateful for this year full of learning, intercultural exchange and personal as well as academic growth

A Year in Leiden

Sanjana Gunasekaran, Brasenose College (Law with Law Studies in Europe)



After a year-break, our cohort were very happy to be the first 'post-Covid' batch of Oxford–Leiden exchange students! I use the term 'post-Covid' lightly, since we did have to contend with a whole bunch of restrictions when we first arrived in September 2021; being confined to our rooms for our first week was not exactly the dreamiest of freshers' weeks. However, it took next to no time to settle in and find our way about our new home. Leiden is a truly beautiful place, with a picturesque old town centre and (as one would expect) lots of charming canals. In many ways, it isn't too dissimilar to Oxford – wherever you go, the bikes, the students and the history are inescapable.

The first few months were great fun, studying a wide array of options from a European perspective, and meeting friends from all sorts of far-flung places. Leiden is a very international university, and on all the exchange study options we were exposed to a lot of new fascinating insights from other legal systems. Also, the city is perfectly situated in the Netherlands for quick trips across the country and the continent as a whole; across the cohort, we visited a whole host of places including Amsterdam, Rotterdam, Utrecht, Köln and Paris and Bruges. As we entered the winter, a mix of terrible weather and increasingly strict Covid-19 rules made it difficult to go out and about – at one point, it was actually illegal for any establishment to be open after 5pm – but we prevailed with the help of lots of homecooked dinners, bitterballen and glühwine.

Spring and summer were by far and away my favourite terms in the Netherlands. Our cohort all made sure to visit the iconic Keukenhoff, which did not disappoint, with more varieties of tulips than I even knew existed. Another highlight was the unforgettable Koningsday, which saw Amsterdam transformed into one huge orange street party. Leiden in bloom was a sight to behold; every week, the city got warmer and more and more new flowers popped up on every corner. Being much more settled in (dare I say locals) we were able to enjoy the city and the surrounding area a lot more, finding quaint old pubs and cycle routes to the nearby beach at Katwijk. A life of (admittedly very light) studying and afternoon glasses of the wine by the water is something I will miss a lot.

I'd like to thank the Law Faculty and Exchange teams in Oxford and Leiden for organising our exchange and supporting us through our year abroad. And thanks to my cohort of exchange students, both from Oxford and the rest of the world, for being such lovely company and making our year so special!

Conferences and Seminars

Le juge français et le droit européen **Estelle Cros, Magistrat de Liaison Royaume-Uni** **Maison Française d'Oxford**



On 2 February 2022, Pascal Marty, the Director of the Maison Française d'Oxford (MFO) welcomed at the Maison about 20 French Law students from the University of Paris 2 who were in Oxford as exchange students and about 40 Oxford Law students planning to travel to France in their third year of Law with Law Studies in Europe (French Law) degree. At this event, co-organised by the MFO and IECL, at a period when France had its turn as President of the EU, Estelle Cros, the French liaison judge, gave a talk about the – at times uneasy – relationship between French courts and the European law. The speaker challenged the audience with questions to think about and the audience keenly brainstormed in small groups, mixing Paris 2 and Oxford students as well as academics in attendance. The lunch gave further opportunities for strengthening connections between French and francophile law students and academics.

Geneviève Helleringer

Liberal Constitutionalism and Post-Colonialism in the Global South

Bonavero Institute of Human Rights



On 9 March 2022, the IECL teamed up with the Bonavero Institute of Human Rights for the first ever event hosted jointly by the two research centres. The late afternoon seminar, held in a hybrid format at the Bonavero Institute's splendid Sir Joseph Hotung Auditorium at Mansfield College, was dedicated to the topic of 'Liberal Constitutionalism and Post-Colonialism in the Global South'. Both Institutes were delighted to welcome Professor Philipp Dann (Chair in Public and Comparative Law, Humboldt University Berlin) for the occasion. He gave the keynote speech, followed by comments from three different angles and a lively discussion.

After a brief introduction by Professor Birke Häcker (Director of the IECL) as the chair, Professor Dann began asking the key question which his presentation focused on, namely whether liberal constitutionalism and post-colonialism are essentially incompatible, or whether post-colonial and Global South perspectives can actually help identify problems of modern liberal constitutionalism, but at the same time also highlight its potential. Professor Dann tackled this question by reference to three observations.

First, despite the breadth and depth of the topic, he argued that it is not wise to seek

precise definitions of the relevant concepts and perspectives. Instead, it is better to be mindful of contexts and distinctions, which involves an appreciation of the specific place, time, and actors. Giving a number of specific examples, he demonstrated that there are in fact various different forms of liberalism and liberal constitutionalism, and that there is no Western monopoly on defining them. In this regard, he spoke of liberalism as an 'open source'. In consequence, he rejected the idea of there being a genuine incompatibility between liberal ideas and the interests of the South, or between liberalism and post-colonial thinking.

Secondly, analysing central critiques of liberalism by post-colonial and decolonial legal scholars with regard to liberalism in the context of the Global South, Professor Dann addressed epistemological ignorance as well as liberalism's ambivalent political and economic promises. He canvassed the problem of 'othering' (namely juxtaposing non-Western concepts to Western concepts and regarding the latter as universal and superior), addressed the much-criticised assumption that individual rights organised in a free market economy were best for individual welfare and economic growth, and looked at the role ascribed to the democratic right to vote. In his view, the

various critiques of liberal constitutionalism do not point towards an inherent incompatibility, but could and should be 'integrated' into the concept and thus addressed from within liberal constitutionalism, making use of its flexibility and being mindful of its past and limitations.

Thirdly, and perhaps most importantly for the future, he proposed a 'Southern turn' in comparative constitutional law scholarship. The idea here is to promote thinking in varieties of constitutionalism globally, comprising a much more foundational engagement and theorising of Southern experiences of constitutionalism, and taking the epistemological critique seriously for greater methodological pluralism. Such an approach can also reveal the problematic promises of liberal constitutionalism and address the political and economic foundations of constitutional law. Constitutional scholarship should be more aware of its Global North biases, and ought to be much more ambitious in overcoming them through comparative work. This would involve a process of 'slow comparison', attaining greater global diversity and a deeper and more meaningful understanding of different traditions. All in all, such a 'Southern turn' would not merely be very productive in shedding light on the contestations of liberalism from the Global South perspective, but would ultimately also benefit 'Northern' (European and American) constitutionalism in a 'double turn'.

The first discussant, Professor Renáta Uitz (Central European University, Vienna) supported the shift towards talking about constitutional 'experiences' in contrast to constitutional 'norms'. She also expressed her enthusiasm and support for the proposal of a 'Southern turn' more broadly. It would help overcome too great a reliance on Northern teaching, compensate for the limited academic freedom in some places, and would bolster our understanding of liberalism as a global exercise. Professor Uitz emphasised in particular the importance of the privileged perspectives from which criticism is often made and on

the basis of which intellectual schools are established.

Professor Kate O'Regan (Director of the Bonavero Institute), as the second discussant, reflected on the significance of context in constitutionalism when using liberalism in (post-) colonial settings, on the critiques of liberal constitutionalism, and on the suggestion of a 'Southern turn'. She was very supportive of the latter and made reference to the idea of African constitutionalism. She questioned, however, whether it was feasible not to have a real definition of liberal constitutionalism. Such a definition needed to be multivalent and complex, containing both normative and institutional elements; the definition should not decide a priori on the relationship with economic and material forces; it had to relate to constitutional practice; and, it needed to be an inclusive definition, including concepts from the Global South, but at the same time critically reflecting them. In addition, Professor O'Regan addressed the issue of developing a research agenda for constitutional law, whilst acknowledging that taking account of context inevitably increases the complexity for comparative research.

Professor Tarun Khaitan (Head of Research at the Bonavero Institute) concurred with the previous discussants on many points, expressing his particular admiration for the 'open source' metaphor. He added some further reflections on the relationship between liberal constitutionalism, capitalism, and individualism. He also addressed various issues of post-colonialism and its development, contemporary constitutional studies, and liberalism as a normative idea. Professor Khaitan identified the North/South divide as a problem whose full complexity was often not sufficiently appreciated, and he highlighted that interdisciplinary requires proper training.

In response to these comments, Professor Dann endorsed the need to be mindful of plurality, and he acknowledged the attraction of a clear definition. At the same

time, he drew attention to the fact that some of the definitional suggestions which had been made in the debate also revealed the potential difficulties in settling on one. When the floor was opened to contributions from members of the audience, further perspectives and angles were added to the panorama. They included references to the constitutional debates in Sri Lanka; the role of the EU and EU law in the debate about liberal constitutionalism, (post-)colonialism, and the Global South; the

relationship between liberal constitutionalism and freedom and liberty; and the barriers to research faced by scholars trying to cross the North-South divide, including the relative lack of resources in the Global South. The event concluded with a drinks' reception and a speakers' dinner in the beautiful hall of Mansfield College, allowing participants to continue their exchange of ideas on an informal basis.

Johannes Ungerer

IECL Annual Lecture 2022

Brasenose College



The Institute of European and Comparative Law has launched a new lecture series, adding another landmark to the Faculty's annual events diary. The inaugural 'IECL Annual Lecture' was held on 5 May 2022 at Brasenose College and was delivered by Professor Pascal Pichonnaz (University of Fribourg, Switzerland). Last year, Professor Pichonnaz was appointed President of the European Law Institute, an independent organisation composed of judges, academics and leading practitioners which aims to guide the evolution and improve the quality of European law understood in the broadest possible sense.

In his lecture, Professor Pichonnaz addressed a highly topical legal question which is currently on the agenda of the European Law Institute, namely the 'Real Challenges for a New Regime of Product Liability in the Age of Artificial Intelligence'. He explained why the European Product Liability Directive of 1985 (Council Directive 85/374/EEC) and the relevant implementing legislation at national level is not well-suited to cope with the challenges posed by the rise of modern digital technology, and he outlined the options for reforming it in light of recent proposals for EU legislation laying down harmonised rules on artificial intelligence and for regulating digital markets as well as digital services.

The lecture covered a wide range of pertinent questions and issues on which

choices will in due course have to be made. Its four main parts focused in particular on:

- (1) the problems generated by 'products including digital elements' (eg, what counts as a 'refurbished product' in such an environment?);
- (2) the definition of a 'defective product' where the relevant defect is caused by problems with the software (eg, a faulty update or a lack of updates);
- (3) the causal relationship between the relevant defect and the loss or damage that results from it (eg, whether and where the burden of proof should be reversed); and
- (4) the prospect of defendant who have been held liable seeking recourse against third parties (eg, the supplier of a software).

The lecture was followed by a Q&A session and a lively debate, during which the speaker and members of the audience canvassed the various pros and cons of reforming the existing product liability regime incrementally, as opposed to devising a wholly new scheme for coping with the challenges posed by artificial intelligence and the digital era in general.

The Institute is tremendously grateful to Professor Pichonnaz for delivering a most informative and hugely stimulating first ever IECL Annual Lecture.

Birke Häcker

Trends in Retail Competition: Private Labels, Brands and Competition Policy St Catherine's College



St Catherine's College (image provided by the College ©John Cairns)

The 17th symposium in the series was held 13 May 2022 on the theme of 'Evolving Competition Dynamics: the Interface between Policy, Brands and Retailers'. The symposium is a collaboration between the Institute, the Centre for Competition Law and Policy and the British Brands Group. The programme was of particular relevance to those interested in policy as it affects shoppers and competition in fast moving consumer goods markets, notably grocery, in both online and offline environments:

Online growth. As online shopping grows in significance, policy is focusing on the regulation of digital markets. In the UK, the Digital Markets Unit faces the task of designating firms with 'strategic market status' and developing codes for each. Meanwhile, the EU's Digital Markets Act and Digital Services Act are at an advanced stage. The first session assessed how codes of practice may be an effective regulatory tool and how the UK, EU and USA approaches compare. Speakers included Helen Gordon-Lee (former Legal Adviser to the Groceries Code Adjudicator), Catherine Batchelor (Digital Markets Unit), Rona Bar-Isaac (Addleshaw Goddard), Thomas Kramler (DG Competition, EC), Ariel Ezrachi

(Oxford), Daniel Diot (ILEC), Jan Werner (EuroCommerce), Toby Pickard (Institute of Grocery Distribution) and William Kovacic (George Washington University Law School).

The consumer journey. Consumer policy and enforcement provided the focus for the first afternoon session, considering how shoppers make decisions involving regular purchases at comparatively low prices. How may the shopper journey and their decision-making be disrupted and distorted and how effect is consumer policy and enforcement in supporting shoppers, such that they be confident in making informed, accurate choices at speed? Speakers in this session were: Christine Riefa (Reading University), Agustin Reyna (BEUC), Jason Freeman (CMA), Henda van der Walt (Tilda), Mateja Durovic (King's College London) and Michael Coley (Gough Square Chambers).

Omnichannel and information exchange. With both the UK and EU reviewing and updating their approaches to vertical and horizontal agreements, the final sessions revisited familiar topics – information exchange where a retailer is also a direct

product competitor and the operation of buying alliances. Meanwhile, traditional distribution models are morphing and branded companies are adopting an omnichannel approach to enrich the shopper experience, raising questions over information exchange and dual pricing.

Speakers in the final session were: Sean-Paul Brankin (Bristows), Avantika Chowdhury (Oxera Consulting), Christian Stempel (Bundeskartellamt), Danica Malloy (Coca-Cola Europacific Partners) and Tim Capel (CMA).

*John Noble
British Brands Group*

Oxford French Moot



The Oxford French Law Moot took place on 18 May 2022. Following two years of interruption on account of the pandemic, a new format was inaugurated: all second year students studying French Law as part of their four-year degree in 'Law with Legal Studies in Europe' stood up in pairs to argue in front of a jury composed of academics (Julia Motte-Baumvol, University Paris Cité and Emmanuel Jeuland, University Paris 1 Panthéon-Sorbonne), a French judge (Estelle Cros, liaison judge in London), practitioners (Saadia Bhatti and Rupert Reece, Gide Loyrette Nouel), as well as the former legal counsel of Euro-Tunnel, Michael Butcher.

Each pair of mooters explained and commented on a decision of the French Court of cassation in the field of contract law (limitation clauses, disclosure requirements, good faith, supervening events, etc): they referred to the clarity of the solution or elements of uncertainty if created, the evolution of the legislation after the reform, the economic and/or social impact.

After the Moot, a celebratory dinner was held at St Anne's College at which the students were presented with certificates and book vouchers.

The Institute of European and Comparative Law is extremely grateful to Gide Loyrette Nouel for their continued support of the Oxford French Law Mooting Competition.

Geneviève Helleringer

Global Trends in Arbitration

Stockholm Centre for Commercial Law



Image provided by the Stockholm Centre for Commercial Law

The third joint biennial conference organised by the Stockholm Centre for Commercial Law (SCCL) and Oxford Institute of European and Comparative Law (IECL) took place on 2-3 June 2022 in Stockholm.

This edition of the Conference set to highlight the latest developments and trends in international commercial arbitration in light of the experiences gained during the pandemic, as well as to look at the future of investment treaty arbitration in Europe.

The Conference kicked off with the welcome addresses by André Andersson, Senior Adviser at Mannheimer Swartling and Chair of the SCCL; Ciara Kennefick, Associate Professor of Law at the University of Oxford and Research Fellow at the IECL, and by Axel Calissendorff, independent arbitrator, Chair of the Organising Committee, Head of the Arbitration Research Panel at the SCCL.

1. Investment Treat Arbitration in Europe: a Changing Landscape

The first session of the Conference began with the keynote addresses of Christopher Vajda, QC, Monckton Chambers, Visiting Professor at King's College, London, and previously UK Judge at the Court of Justice

of the European Union (CJEU) 2012-2020, and of Robin Oldenstam, Partner at Mannheimer Swartling, Head of the firm's International Arbitration Practice, Swedish member of the ICC Court of Arbitration 2015-2021, Chair of the Arbitration Institute of the Stockholm Chamber of Commerce. The panel of the first session lined up Veronika Korom, Assistant Professor at Essec Business School, France; Crina Baltag, Associate Professor in International Arbitration, Stockholm University, board member of the Arbitration Institute of the Stockholm Chamber of Commerce; Paschalis Paschalidis, Counsel at Arendt & Medernach, previously R f rendaire at the CJEU, Associate Professor of EU law at the University of Lyon III Jean Moulin; and Lucy Reed, independent arbitrator based in New York and Hong Kong, and was moderated by Axel Calissendorff.

The first session was dedicated to investor-state arbitration, assessing the impact of the developments after CJEU's *Achmea* ruling and the subsequent ones upholding *Achmea*, and considering the further effects these may have in the future. Christopher Vajda provided an overview of the CJEU case law, from *Achmea* to *Komstroy*. Robin Oldenstam's keynote focused on the tension

between treaty and commercial arbitration, and between public international law and EU law, noting that arbitral tribunals, generally, have not been persuaded to decline jurisdiction based on *Achmea* and have found no incompatibility between bilateral investment treaties (BITs) or the Energy Charter Treaty (ECT) and the EU law, as a matter of treaty interpretation. Veronika Korom began the panel discussion by addressing the future for arbitration investor state disputes within the EU, looking in particular at the termination of intra-EU BITs in the light of the Agreement for the termination of Bilateral Investment Treaties between the Member States of the European Union and at the set aside proceedings against intra-EU BIT arbitral awards. Crina Baltag continued the discussion by addressing the future of investment protection and arbitration in the post-Brexit UK, focusing on the relevance of the EU-UK Trade And Cooperation Agreement, as well as of the EU-UK Withdrawal Agreement. Continuing, Paschalis Paschalidis addressed the impact of the *Komstroy* ruling on the ECT and the international legal order, and highlighted that *Komstroy* left the other options for intra-EU disputes, i.e. the courts or administrative tribunals of the Contracting Party party to the dispute, or any previously agreed dispute settlement procedure, still available in an intra-EU dispute. Concluding the first session and the panel discussion, Lucy Reed addressed the views on investment treaty arbitration in Asia and the Americas, in the light of the intra-EU latest developments, and reminded all that there is a world beyond Europe.

2. Adequate Dispute Resolution and their Interaction in International Commercial Disputes

The second session was devoted to 'adequate dispute resolution', which may include expert adjudication, early independent evaluation, and the use of technology in risk analysis. The session was moderated by Geneviève Helleringer, Lecturer in Law at the University of Oxford, Research Fellow of Lady Margaret Hall, Oxford, and Law Professor at Essec

Business School, France. Sir Geoffrey Vos, Master of the Rolls for England and Wales, and author of a report for the EU Commission on mediation in ADR and in charge of designing the future of justice in the UK, gave the keynote address on the visions for a digital justice reform. The second keynote address was delivered by Catherine Kessedjian, Professor at the University of Paris II (Panthéon-Assas), Deputy Secretary General of the Hague Conference on Private International Law 1996-2000, on the new developments on mediation and settlements.

The panel discussion continued with Christopher Newmark, partner at Spenser Underhill Newmark, former Chair of ICC Commission on Arbitration and ADR, addressing mediation as a dispute resolution mechanism for the settlement of international commercial disputes, by emphasising the fact that every dispute has certain moments in which a settlement can be pursued successfully. Representing the views of in-house counsel, Jonas Bengtsson, Head of Corporate Affairs at Polarium Energy Solutions, board member of the Arbitration Institute of the Stockholm Chamber of Commerce, continued the panel discussion by looking into various options available to users in commercial disputes, noting that some users may have a standard approach to disputes, while others would decide on a case-by-case basis.

The first day of the conference concluded with a dinner cruise aboard M/S Waxholm III, opportunity for Róbert Spanó, President of the European Court of Human Rights, to address the audience on *Arbitration and Human Rights – Different Worlds?*, which emphasised that arbitration and human rights frequently, if not always, interact.

3. The Oral Hearing: Visions for the Future in Light of Pandemic Experiences

The third session featured topical discussions on commercial arbitration, in particular on oral hearings following the pandemic experience, and visions for the future. Moderated by Christer Danielsson, Partner at Danielsson & Nyberg, former

president of the Swedish Bar Association, the session began with the keynote addresses by Hilary Heilbron QC, Barrister at Brick Court Chambers, and by Professor Loukas Mistelis, Partner at Clyde & Co, and Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration. Hilary Heilbron focused on the opportunities for a re-think of arbitral procedure following Covid-19, and highlighted the preparation for the remote hearings, also in light of the digitalisation of the dispute resolution process. Professor Loukas Mistelis addressed the oral hearing post-pandemic and the internal *lex arbitri*, by stressing that any question pertaining to issues of procedure, including of virtual hearings, must begin from the applicable *lex arbitri*.

In addressing the oral hearings with the vision on the future, given the lessons learned from Covid-19, the panel discussion lined up Rupert Choat QC, Barrister at Atkin Chambers, giving the international arbitrator's perspective; Kristoffer Löf, Partner and Co-Chair of the Dispute Resolution Group at Mannheimer Swartling, giving the counsel's perspective; Kristin

Campbell-Wilson, Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce, on the institutional perspective; and Nicolas Martinez, Stockholm International Hearing Centre, on the 'backstage' of remote arbitration hearings. The panellists were in agreement that virtual hearings were implemented quickly and effectively, with now hybrid hearings benefiting from advanced technology.

The Conference concluded with lunch and guided tour of the National Museum of Art in Stockholm.

The Organising Committee, comprised of Axel Calissendorff (chair); André Andersson; Crina Baltag; Christer Danielsson; Geneviève Helleringer; James Hope, Partner and Head of international arbitration at Vinge; Daria Kozłowska Rautiainen, Senior Lecturer at Stockholm University; Anders Reldén, Partner at White & Case, Stockholm; and supported by administrative assistant, Anna Klasson, would like to express gratitude to all speakers and attendants of the Conference for their valuable contributions.



*Dr Crina Baltag
University of Stockholm*

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 2021-2022:

IECL Seminar Series	
<i>Self-dealing: racing away from the top</i>	Geneviève Helleringer (Oxford)
<i>Consideration in contract law: a common law brainchild with(out) a civil law sibling?</i>	Johannes Ungerer (Oxford)
<i>China and the global initiatives towards sustainable finance: shifting from norm importer to norm exporter</i> <i>(organised jointly with the Chinese Law Discussion Group)</i>	Kelly Chen (Stockholm University)
<i>Parliamentary practices in France and the UK, or a modest attempt to define an as yet unidentified legal object</i>	Marie-Elisabeth Boggio (University of Orléans)
<i>Assignments, assignees and the burden of an arbitration clause</i>	Chee Ho Tham (Singapore Management University)
<i>Breach of contract: performance and efficiency considerations after Cavendish Square Holding BV v Talal El Madkessi</i>	Walter Doralt (University of Graz)
<i>Hedley Byrne v Heller – opening Pandora’s Box</i>	Luca Kaller (Max Planck Institute Hamburg)
<i>The passing of risk in the contract of sale: a look at the past to better understand the present</i>	Ignacio Varela Castro (University of Santiago de Compostela)
<i>Joint and several liability: a comparative and historical overview from a civilian perspective</i>	Luigi Buonanno (Bocconi University)
<i>Modified standards of care in the gratuitous undertakings: time for a comeback?</i>	Franz Bauer (Max Planck Institute Hamburg)
<i>Creditor protection in succession law: a comparative analysis</i>	Juan Pablo Murga Fernandez (University of Seville)
<i>Shareholders’ vote on climate and board of directors’ reserved powers in France and England</i>	Théo Vuarnet (University of Paris 1)
<i>Consumers and environmentally friendly products: has the gap been bridged?</i>	Penelope Giosa (University of Portsmouth)
<i>Differentiating ‘cooperation’ and ‘solidarity’ under international law: much ado about nothing?</i>	Julia Motte-Baumvol (University Paris Cité)
<i>The hypothetical cause problem: a comparative study of causation issue in tort law and civil liability</i>	Gabriel Magadan (Pontificia University Catolica do Rio Grande do Sul)

<i>Phasing out coal through electricity market regulation in the context of the energy crisis</i>	Anatole Boute (The Chinese University of Hong Kong)
<i>When the rules don't decide the cases</i>	Richard Hyland (Rutgers Law School)
<i>The Barcelona Holy Cross Hospital (16th-17th centuries) at a particularly intricate jurisdiction crossroads</i>	Josep Capdeferro (Pompeu Fabra University)
<i>What is a 'legal relationship'? A comparative analysis</i>	Emmanuel Jeuland (University of Paris 1)
<i>Laïcité and religious freedom: sword or shield?</i>	Pierre-Hugues Barré (Toulouse 1 University Capitole)
<i>Extending the shadow of the law: civil procedure reforms in commercial matters in a post-pandemic and post-Brexit world</i>	Kathrin Eidenmüller (Munich Court of Appeals)
<i>Private law as regulation</i>	Alexander Hellgardt (University of Regensburg)
<i>Legislatively liquidated damages</i>	Johannes Ungerer (Oxford)
<i>Floating charges in comparative perspective</i>	Alisdair MacPherson (Aberdeen University)

EU Law Discussion Group

<i>Book launch: 'Accountability in the Economic and Monetary Union, Foundations, Policy and Governance'</i>	Menelaos Markakis (Erasmus University Rotterdam)
<i>The Representative Actions Directive for the protection of the collective interests of consumers – one step forward, two steps back?</i>	Susanne Augenhofer (University of Innsbruck)
<i>Retained EU law</i>	Eleonor Duhs and Indira Rao
<i>To be or not to be (legally binding)? Judicial review of EU soft law after BT and Fédération bancaire française</i>	Giulia Gentile (London School of Economics)
<i>State aid and tax law: recent developments</i>	Dimitrios Kyriazis (New College of the Humanities)
<i>EU vertical law and development (organised jointly with the Comparative Law Discussion Group)</i>	Ngoc Son Bui (Oxford)
<i>Rule of law in the EU – a political analysis</i>	Steven Van Hecke (KU Leuven)
<i>Rule of law in the EU: a legal analysis</i>	Dimitry Kochenov (Central European University)
<i>The scope and intensity of judicial review by the EU courts in complex scientific or technical matters</i>	Mariolina Eliantonio (University of Maastricht)

<i>The normative foundations for European criminal law</i>	Valsamis Mitsilegas (Queen Mary London) and Jacob Öberg (Örebro University)
<i>European private law – the direct horizontal effect of EU fundamental freedoms and rights</i>	Thomas Wiedmann (EU Commission)
<i>Shared sovereignty and integration – some thoughts on the EU's trajectory as a legal system</i>	Herwig Hofmann (University of Luxembourg)

Comparative Law Discussion Group

<i>EU vertical law and development (organised jointly with the EU Law Discussion Group)</i>	Ngoc Son Bui (Oxford)
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Competition Law Discussion Group and Guest Lectures

<i>Expansive jurisdiction in merger control</i>	Alec Burnside (Dechert LLP)
<i>Multi-product firms: consumer paradise or competition purgatory?</i>	Jordan Ellison (Slaughter and May)
<i>Competition law and inequality: empirical work in legal studies</i>	Amit Zac (Oxford)
<i>Cartels and leniency programmes – a cross border perspective</i>	Terry Calvani (Brunswick Group)
<i>US antitrust law – key decisions and current debate</i>	Rachel Brandenburger (IECL and CCLP)
<i>International cooperation and friction</i>	Rachel Brandenburger (IECL and CCLP)
<i>Competition and digital markets</i>	Philip Marsen (CRA and Bank of England)
<i>Excessive pricing in competition law after the pandemic and Pfizer/Flynn: lessons from cartel damage cases</i>	Willem H. Boshoff (Stellenbosch University)
<i>Merger remedies in the EU and the UK – recent trends</i>	Fryderyk Hoffmann
<i>The law and politics of global competition: influence and legitimacy in the international competition network</i>	Christopher Townley (King's College London), Mattia Guidi (University of Siena) and Mariana Tavares (Cruz Vilaca Advogados and Universidade Católica Portuguesa)

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>China and the global initiatives towards sustainable finance: shifting from norm-importer to norm-exporter?</i> <i>(organised jointly with the IECL Lunchtime Seminar Series)</i>	Kelly Chen (University of Stockholm)
<i>The rule of climate policy in Chinese courtrooms</i>	Mingzhe Zhu (China University of Political Science and Law)
<i>Explaining promising return trusts in China</i>	Zhicheng Wu (Renmin University)
<i>China’s data strategies: institutionalisation, activation and layering</i>	Zhenbin Zuo (University of Cambridge)
<i>China and international law: how did the story go?</i>	Binxin Zhang (Sciences Po Paris)
<i>State-owned enterprises and the regulatory reform of bond markets in China</i>	Chi Zhang (University of Glasgow)
<i>Domestic punishment paradox</i>	Yali Peng (University of Chicago)
<i>From Wuhan to Shijiazhuang: China’s Central-Local COVID-19 Management</i>	Philipp Renninger (University of Lucerne)

South Asian Law Discussion Group	
<i>Book Launch: R. Abeyratne and N.S. Bui (eds) The Law and Politics of Unconstitutional Constitutional Amendments in Asia</i>	Rehan Abeyratne (Chinese University of Hong Kong) and Ngoc Son Bui (Oxford) with Rosalind Dixon (University of New South Wales), Tarun Khaitan (Oxford) and Ewan Smith (Oxford) as discussants

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 (such as the exchange with the Max Planck Institute for Comparative and International Private Law, Hamburg), 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.

Paris Visiting Fellow

Professor Emmanuel Jeuland, Université Paris 1 Panthéon-Sorbonne



I spent one month in May 2022 at the IECL as the Paris Visiting Fellow thanks to an agreement between the Universities Paris Panthéon Sorbonne and Paris Panthéon Assas, the University of Oxford and the MFO (Maison Française d'Oxford). I had two research projects: one in legal theory on the theories of the legal relationship and one in civil justice on the role of the parties and the judge. The Director of the Institute, Birke Häcker, welcomed me, introduced me to the other researchers and discussed my research topics with me.

I found it very useful that the Institute could host my personal research and that I could discuss with many researchers from different jurisdictions (Germany, Spain, Singapore, etc.). I took advantage of the joint weekly lunchtime meetings to discuss my research topics and those of my fellow researchers. I had an office in the Institute and could spend my time between it and the Bodleian Law Library. I attended the weekly seminar of the Institute on different topics such as legal reasoning, hospital

courts in Barcelona in ancient times, the principle of secularism in law, and even on a specific virtual court in Wikipedia. They really opened my mind to unknown areas of research.

I myself presented my own research at the end of my stay. I found the questions and responses of the group of fellow researchers very helpful. It was a real test for my future book on theories of legal relations (to be released in February 2023 by Edward Elgar publishing). One afternoon, I participated in a mooted competition for Oxford students on French law. And I was invited to several dinners. All in all, it was a wonderful time that allowed me to greatly improve the results of my research. This stay enabled me to develop a universal notion of 'legal relationship' by finding manifestations in common law countries, Germany and even China.

Maison Française d'Oxford Visiting Graduate Students

Théo Vuarnet, Université Paris 1 Panthéon-Sorbonne

Marie-Elisabeth Boggio, Université Orléans

Pierre-Hugues Barré, Université Paris 2 Panthéon-Assas



I am a PhD candidate in corporate law at the University of Paris 1 Panthéon-Sorbonne. My research focuses on the explanatory role of the notion of corporate strategy in the definition of the board's functions in public companies.

Thanks to the Maison Française d'Oxford and the Institute of European and Comparative Law's visiting programme, I had the opportunity to attend remotely to comparative corporate governance seminars during Michaelmas term (October-December 2021), and to undertake researches at the Bodleian Law Library during three months (January-March 2022). During my stay in Oxford, I was warmly welcomed in the IECL's offices by Birke Häcker, Jenny Dix and all the academic staff and visitors. The

Institute offers excellent working conditions and it was a great privilege to attend to the different lunchtime seminars, given by the IECL members and visitors, and even to present my research during one of them.

These opportunities have proven to be essential for the understanding of certain topics of my thesis. The comparative input is already measurable: I went to Oxford to find answers to specific questions in English and American law, which I did indeed find, and I returned to France with new questions concerning French law.

Théo Vuarnet



I am a PhD student at the University of Orléans and my research tackles the comparison between French and British parliamentary practices. I spent three months (October-December 2022) in the Institute of European and Comparative Law last year as part of the partnership with the Maison Française d'Oxford.

This stay allowed me to undertake essential research in the Bodleian Law Library and especially in the Parliamentary archives. An important interview with Professor Richard Ekins and many discussions with the members of the Institute gave me a new vision of my topic and a solution for a theoretical problem I faced.

During my stay I presented an overview of my research during an IECL lunchtime seminar. This opportunity led to many exchanges with the members of the Institute and a publication in a written version of this overview in the Oxford University Comparative Law Forum, thanks to the valuable advice of Professor Birke Häcker.

Besides all these opportunities for my research, I had a marvellous stay in Oxford thanks to the kind welcome and support of Mrs Jenny Dix and Professor Birke Häcker.

Marie-Elisabeth Boggio



I am writing my doctoral thesis on secularism and studying the English functioning of secularism seemed necessary to me. I was lucky enough to be hosted at Oxford in the IECL, an institute within the Law Faculty. At the same time, I was living at the Maison Française d'Oxford and I was affiliated to Exeter College.

The IECL provided me with an office and a card, which gave me access to the libraries and to all the colleges in Oxford. Every Monday I received an e-mail from Jenny Dix, the Institute's administrator, with a list of seminars related to my research topics and held at the University, and every Friday we had coffee with the various members of the Institute. All these meetings were very enriching and the libraries are remarkably well-stocked. In addition,

Birke Häcker, the Director of the IECL, allowed me to present my research during a talk at the Institute. This was of course a great privilege. I have excellent memories of my stay in Oxford and found the Institute to be both a cutting-edge research institute and a very friendly place.

Pierre-Hugues Barré

Alpa Visiting Scholar

Almas Shaikh, Lady Margaret Hall, Oxford



I am a DPhil Law Candidate at the University of Oxford. My research focuses on application of intersectional theory in affirmative action, and I undertake a comparative perspective as part of my research. I spent a month at the La Sapienza University, Rome as part of the Alpa Exchange Scholarship.

My month at La Sapienza was both fruitful and packed. I was working closely with Professor Guido Alpa and discussing his research on identities within law, which is a significant part of my research as well. I also undertook classes at the University, the most interesting of which is Law and Religion by Professor Fabio Franceschi. I further attended the departmental seminars held by the Comparative Law Department under Professor Alessandro Somma's guidance. The lecture on comparative constitutionalism methodology by Professor Alessandra di Martino was particularly

useful for my research. Apart from this, my interaction with colleagues from Rome, both formally and informally in conversation was always a wonderful and fertile site of analysis.

Living in Rome, personally, has been an enriching experience. It offers a vast array of historic, artistic and cultural activities. It is an incredible city to immerse oneself in the origins of a powerful part of Western European culture. I was surrounded by markers of artistic elegance at every turn, from the Colosseum to the Vatican.

Studying European laws, while living its culture is a powerful experience to understand why the laws are the way they are today. I could only undertake this research due to the Alpa Exchange Scholarship. My thanks are due to Professor Birke Häcker, Ms Jenny Dix and the IECL Management Committee for giving me the opportunity to avail this scholarship from Oxford. I would also like to thank especially, from Rome, Professor Guido Alpa, Professor Alessandro Somma and Ms Paola Valerio who were so welcoming and helpful during my trip to Rome.

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

Paul Oudin, Christ Church, Oxford



I have had the great pleasure of visiting the Max Planck Institute as part of the partnership between Oxford and the Institute. I decided to participate in this exchange after having received excellent feedback from participants of the previous years.

The MPI is a fantastic place to work and network with PhD candidates, post-doctoral students and professors from all over the world. The MPI's student life is active, and the MPI library is designed in a way that encourages students to see and interact with each other on a daily basis.

The MPI also disposes of an excellent documentary fund with expert literature on virtually every possible legal topic and from almost all jurisdictions of the world. This was very useful for my research as I'm looking at national laws of various European jurisdictions.

Hamburg is a lively and fascinating city, architecturally and culturally. Its surroundings also are a wonderful area worth exploring, by train, car, and especially cycling. This city's quality of life, combined with the Institute's wonderful people and facilities, made my stay at MPI truly unique.

I'm extremely thankful to Professors Zimmermann and Häcker for having made this fantastic experience possible, as well as to Barbara Schröder and Jenny Dix for being so available and helpful with the organisation of my stay.



The Elbe, Hamburg

Franz Bauer, Max Planck Institute



Ever since spending one of my undergraduate years as an exchange student at the University of Oxford, I had wished to return to this beautiful city and extraordinary university at a later point in my career. About nine years later, in Hilary Term 2022, I finally had the opportunity to come back to Oxford as Max Planck Gildesgame Fellow at the IECL and St Catherine's College – and it was a wonderful experience.

At the start of the year, however, things looked rather grim: A new Covid wave had just hit the United Kingdom, travel restrictions and quarantine requirements were firmly in place, and university life had been reduced to a bare minimum. But things changed quickly during the first weeks of my stay. More and more in-person events started to take place and I was able to attend talks, concerts and college dinners just like in pre-pandemic times. By February, the IECL filled up again with guest researchers and I had a great time getting to know them and exploring Oxford together.

Most importantly, my research project benefitted immensely from my stay. My PhD thesis explores and compares the historical development of modified standards of care in the context of gratuitous undertakings, both in German and English law. The fantastic resources of the Bodleian Law Library, both in print and online, as well as the office in the IECL provided the best possible environment for working on the English law chapter of my dissertation. I am particularly grateful for the opportunity to present and discuss my ideas at one of the IECL lunchtime seminar and for the many valuable conversations I had with experts in English tort, contract, and trust law. I wish to thank everyone who contributed to making this such a wonderful experience, most of all Birke Häcker, Jenny Dix, and St Catherine's College.

Studies of the Oxford Institute of European and Comparative Law is the main forum for publication of the research pursued at the Institute. The series is published by Hart Publishing. The Series Editor is Professor Birke Häcker and the Advisory Editors are Professor Stefan Enchelmaier, Professor Mark Freedland and Professor Stephen Weatherill. During 2021-2022 the following volume was published:



Property and Contract: Comparative Reflection on English Law and Spanish Law, edited by John Cartwright and Ángel M. López y López, is the 30th volume in the series.

The book explores a range of comparative issues in, and in the relationship between, property law and contract law in English and Spanish law. It also draws on other jurisdictions. The purpose is to give readers access to discussions of these areas of private law that are not easily accessible elsewhere. It goes further, however, than simply setting out similarities and differences: it provides an insightful analysis of key points of interest in the comparison of the legal systems discussed.

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