

Registration and Information

If you would like to participate, please register by sending an email to mepli@maastrichtuniversity.nl or with José Crijnen at +31.43.3883020. Registration is open until 15 June 2011. For more information, please contact the organisers Bram Akkermans and Jan Smits at mepli@maastrichtuniversity.nl. Participation is free. However please be advised that space is limited.

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

The M-EPLI Round-Table will be held at the Faculty of Law, Maastricht University. More information on how to reach the Faculty of Law can be found at www.maastrichtuniversity.nl/law

About M-EPLI

M-EPLI is the Maastricht European Private Law Institute. M-EPLI conducts fundamental research in the field of European private law, covering not only the law of contract, property and tort, but also European procedural law, European legal theory and European legal history. Its establishment in 2010 marks the importance Maastricht University attaches to the international study of law and its commitment to facilitate both internationally leading academics and young scholars in pursuing high quality academic work. M-EPLI's main mission is to conduct creative and fundamental research with a special focus on exploring the consequences of Europeanisation and globalisation in the field of private law. In doing so, M-EPLI questions the relevance of territorial and dogmatic borders delineating both national jurisdictions and the classical areas of law. Where useful, it also involves other disciplines (such as political science, economics and psychology).

M-EPLI

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The Use of the Functional Method in European and Comparative Property Law

M-EPLI Round Table

Friday 17 June 2011

13.00 - 17.00 hrs

Faculty of Law, Maastricht University

With presentations by

Professor Jaakko Husa (Lapland)

Dr. Wolfgang Faber (Salzburg)

Professor Christine Godt (Oldenburg)

With comments by

Professor Jan Smits (Maastricht)

Professor Arthur Salomons (Amsterdam)

Professor Sjef van Erp (Maastricht)

Aim of the M-EPLI Round Table

M-EPLI's round table meetings are small-scale conferences devoted to a single theme. It offers the opportunity for experts from across the world to debate issues of European Private Law with the M-EPLI fellows and others who are interested. M-EPLI Round table meetings take the form of presentations, followed by comments as a start-off for the debate.

M-EPLI Round Table on the Functional Method in Property Law

Increasingly property lawyers receive criticism on their use of the functional comparative method. Different from other areas of private law, there are traditionally large divergences between the property laws of the EU Member States. Comparative and European property lawyers often seek to explain these differences on the basis of a legal-historical analysis before moving to a comparison on basis of functional equivalents. However, there is an increasing awareness of the sensitivities involved in using such a method, which often leads to a simplification of legal systems in order to align them for comparison.

This M-EPLI Round-Table is devoted to exactly this problem of how to compare jurisdictions that show wide divergences. In this sense, property law is seen as one example of where this is the case: the seminar will also be interesting for comparatists working in other fields. At the meeting, emphasis is put not so much on theories of comparative law, but rather on how to go about comparing in the daily practice of comparative work.

Programme

Friday 17 June 2011

13.00 - 13.15	<i>Welcome</i>
13.15 - 14.15	<i>Functional Method in Comparative Law – Much Ado About Nothing?</i> , Jaakko Husa <i>Comments on Jaakko Husa</i> , Jan Smits
14.15 - 15.15	<i>Argumentation Analysis in the Field of Transfer of Movables</i> , Wolfgang Faber <i>Comments on Wolfgang Faber</i> , Arthur Salomons
15.15 - 15.45	<i>Coffee Break</i>
15.45 - 16.45	<i>The functional method in Comparative Property Law</i> , Christine Godt <i>Comments on Christine Godt</i> , Sjef van Erp
17:00	<i>Drinks</i>

About the speakers

Prof. dr. Sjef van Erp is professor of Civil Law and European Private law at Maastricht University, as well as deputy justice in the Court of Appeal in 's-Hertogenbosch. Since 2011 he is a representative of the Royal Association of Notaries (KNB) for European Union affairs.

Dr. Wolfgang Faber is assistant professor at the Department of Private Law, University of Salzburg. He has been co-leader of the working group "Transfer of movables" within the Study Group on a European Civil Code, which prepared Book VIII of the Draft Common Frame of Reference on "Acquisition and loss of ownership of goods".

Prof. dr. Christine Godt holds the Jean Monnet Chair of European and International Economic Law, Private Law at the Carl von Ossietzky University of Oldenburg. She is also director of the Hanse Law School Oldenburg.

Prof. dr. Jaakko Husa holds the Chair of Legal Culture and Legal Linguistics at Lapland University (Finland) and is an adjunct professor of Comparative Legal Science at the University of Helsinki.

Prof. dr. Arthur Salomons is professor of Private Law at the Centre for the Study of European Contract Law of the Law Faculty of the University of Amsterdam, the Netherlands. Moreover, he is a deputy justice in the Court of Appeal of Amsterdam in the Netherlands. His research interest focuses on (European) Property Law.

Prof. dr. Jan Smits holds the Chair of European Private Law at Maastricht University and is a visiting professor of Comparative Legal studies in the University of Helsinki. He is academic director of M-EPLI.