

NEWSLETTER

RECENT ACTIVITIES

Institute Annual Meeting

The Institute's Annual Meeting was held on Friday 10 June. The Annual Meeting brought together the Members of the Institute for a day-long series of events designed to reflect the work, research and activities of the Institute. The focal point of the day's event was a series of key-note lectures, introduced by the Rt Hon Lady Justice Arden DBE. This was followed by a series of panel sessions covering topical legal themes, with distinguished panellists from practice and academia. Keynote speeches were delivered by Lord Steyn, on "*2000-2005: Laying The Foundations of Human Rights Law in the United Kingdom*", Judge Luzius Wildhaber, President of the European Court of Human Rights, on "*The developing role of the European Court of Human Rights*" and Sir David Edward, on "*Judicial Institutions in a European Setting*."

Panel topics included: *European Union Constitutional Treaty Ratification; Consumer Law and EU Influences: Unfair Commercial Practices; Evidence in International Courts and Tribunals; Competition Law Leniency Programmes in Europe and Neelie's "Kroesade"; The Market for Markets: The Battle for the London Stock Exchange ; Parallel Proceedings in National Courts, and in National, European and International Courts.; Investment Treaty Arbitration; Remedies and Procurement: French and English Perspectives; International Law and Domestic Courts; Where now for State Liability?*

Panellists attending included: Lord Bingham of Cornhill; Professor Sue Arrowsmith, Nottingham University ; Ignacio Suarez Anzorena, Clifford Chance LLP; Sir Franklin Berman QC; Chester Brown, Clifford Chance LLP; Peter Carter QC; Tom de la Mare, Blackstone Chambers ; Sionaidh Douglas-Scott, King's College London; Philipp Girardet, Office of Fair Trading; Niamh Grogan, SJ Berwin; Christopher Hobley, DTI; Ian Hunter QC, Essex Court Chambers; Sir Sidney Kentridge; Devashish Krishan, Vinson & Elkins LLP; Professor François Lichère, University of Montpellier; Professor Vaughan Lowe, Oxford University; Dr Renato Nazzini, OFT; Donal Nolan, Oxford University; Dr Roger O'Keefe, Lauterpacht Centre for International Law, University of Cambridge; Oke Odudu, King's College London; Deborah Parry, University of Hull; Professor Philippe Sands QC, UCL and Matrix Chambers; Dr Magdalena Sengayen, Oxford University; Anthony Sinclair, Allen & Overy; Dan Squires, Matrix Chambers; Keir Starmer QC, Doughty Street Chambers; Robert Stevenson, Berryman Lacey Mawer; Peter Trepte, Littleton Chambers; Dr Christian Twigg-Flesner, University of Hull; Professor Colin Warbrick, University of Durham; Robert Weekes, Blackstone Chambers; Sir Michael Wood, Foreign and Commonwealth Office; Professor Jane Wright, University of Essex.

Investment Treaty Forum

The Investment Treaty Forum is pleased to announce the publication of the proceedings from its May 2004 conference, *Appeals and Challenges to Investment Treaty Awards: Is it Time for an International Appellate System?* The edited transcripts have been kindly published as a special issue of the online journal *Transnational Dispute Management*, as will be those from the September 2004 conference on the relationship between national courts and investment treaty arbitration. These can be found at <http://www.transnational-dispute-management.com/>. The journal is published on a bi-monthly basis aiming at approximately 6 issues per year. The TDM Journal includes, inter alia, an extensive series of concise abstracts. Most abstracts contain hyperlinks to more extensive and full articles, notes, comments and primary law, written by expert lawyers and regulation specialists.

The Promotion of Democratisation and Human Rights in Iran

This is a three year project funded by the European Commission that aims at continuing and further promoting human rights as a central part of the open dialogue between Europe and Iran. The project is expected to contribute to the adoption and implementation of major UN human rights instruments by raising legal awareness among the wider population and specific focus groups. In June 2005, the local partner organization to the Project, the Organisation for Defending Victims of Violence, visited London in order to consult with the London Project team on the implementation of future project activities. ODVV representatives had also the chance to meet with the Project's Steering Committee and member of the Executive Board.

Tradition and Europeanization in Italian Law

On 2 June, the Institute hosted a book launch for *Tradition and Europeanization in Italian Law* by Professor Guido Alpa, President of the Italian Bar. The event was chaired by The Rt Hon Lord Goff of Chieveley, Chieveley House. Speakers at the event were: Professor Guido Alpa, University Of Rome; Professor Mads Andenas, BIICL; The Rt Hon The Lord Goldsmith, Attorney General; Professor Sir Roy Goode, St John's College, University of Oxford; Professor Sir Basil Markesinis,

University College Faculty of Law, University of London. The event was also attended by the Italian Ambassador, Giancarlo Aragona.

Institute Publications

The Institute is delighted to announce the recent publication of several new titles:

Independent Administrative Authorities

Roberto Caranta, Mads Andenas, and Duncan Fairgrieve (eds).

In some ways, independent administrative authorities are at odds with the traditional notion of separation of powers which still lies at the heart of constitutional thinking. This book aims to shed light on how different legal jurisdictions have articulated their answers to the conflict between independence and accountability, at the same time discussing how separation of power has been twisted or reworked to make room for this novel form of public authority.

Enforcement Agency Practice in Europe

Mads Andenas, Burkhard Hess and Paul Oberhammer (eds); Hugo Warner (assistant ed).

This book examines the structure, status and procedures of enforcement agencies in Europe and the implications for individuals and companies in seeking to enforce a judgment in the European Judicial Area.

Enforcing Contracts in Transition Economies

Mads Andenas and Gerard Sanders (eds).

This important and incisive new volume examines contract enforcement mechanisms in central and south-eastern Europe and the Commonwealth of independent States. The volume comprises the proceedings of, and submissions related to, a conference entitled on the subject, hosted by the European Bank for Reconstruction and Development in association with the British Institute for International and Comparative Law, in December 2003.

Current Competition Law: Volume III

Mads Andenas, Michael Hutchings and Philip Marsden (eds)

This book is a collection of papers and speeches given at our main competition law events during 2003-2004, in particular the Institute's annual conference on merger control in December 2003, and our two-day Trans-Atlantic Antitrust Dialogue in May 2004. Areas covered include in-depth analyses of such topical issues as cartels, pricing practices and mergers, and provide comparative perspectives from European and North American experts, as well as important statements of policy by competition officials.

PAST EVENTS

COMPANY LAW

On 11 May, the Institute hosted *The EU Cross-Border Merger Directive: A New Dimension in Company Restructuring and Employee Involvement*, a lecture by Dr Matthias Pannier, BIICL and Professor Jonathan Rickford, BIICL.

COMPETITION

The Institute hosted the *Fifth Annual Trans-Atlantic Antitrust Dialogue* on 9 May. The event was sponsored by Lovells, FIPRA, Clifford Chance, Freshfields Bruckhaus Deringer, Virgin Atlantic and OXERA. Keynote speakers were: R Hewitt Pate, US Department of Justice; Judge Diane Wood, US Court of Appeals, 7th Circuit; and Philip Lowe, European Commission. Other speakers were: John Temple Lang, Clearly Gottlieb Steen & Hamilton; Alden Abbott, US Federal Trade Commission; David Hull, Covinton & Burling; Sir John Vickers, Office of Fair Trading; Pat Treacy, Bristows; Jean-Yves Art, Microsoft; Steven Preece, Office of Fair Trading; Julian Maitland-Walker, Maitland-Walker; Nicholas French, Freshfields Bruckhaus Deringer; Serge Durande, European Commission; Donald Baker, Baker & Miller PLC; Sir David Edward, University of Edinburgh; Judge Frederic Jenny, Cour de Cassation, Paris; The Hon Mr Justice Gavin Lightman, Royal Courts of Justice; Judge Bo Vesterdorf, Court of First Instance of the EC; Dr Helen Jenkins, Oxera Consulting Ltd; Gregory Werden, US Department of Justice; Adriaan Ten Kate, Federal Competition Commission, Mexico; Dr Mark Williams, NERA Economic Consulting; Thomas Vinje, Clifford Chance LLP; Dr Cristina Caffarra, Lexecon Ltd; Dr Philip Marsden, BIICL; Philip Collins, Lovells; Michael Hutchings OBE, BIICL; David Lawsky, Reuters SA; Zoltan Nagy, Hungarian Competition Authority; Tihamer Toth, Hungarian Competition Authority; Joseph Gilchrist, FIPRA International. A dinner followed the event.

On 15 June, the Institute held the tenth CLF meeting entitled *Competition Policy, Intellectual Property and Innovation*. The speaker at the event was Professor Richard Whish, King's College School of Law. A dinner followed the event.

CONSTITUTIONAL LAW

On 26 May, the Institute, as part of its 2005 Constitutional Group Series, a seminar entitled *The Home Office, civil liberties and the constitution: recent and forthcoming legislation*. It was chaired by Peter Thornton QC, Doughty Street Chambers. Speakers were: Professor Anthony Bradley, Constitutional Law Group; Professor Keith Ewing, Kings College, University of London; Professor Raymond Plant, Lord Plant of Highfield; Roger Smith, Justice; Professor John Spencer, University of Cambridge; Baroness Vivien Stern, International Centre for Prison Studies, King's College London.

DATA PROTECTION

The Fifth DPRPG meeting, *Corporate governance and Data Protection*, was held on 5 April. Speakers at the lecture were: Francis Aldhouse, Information Commissioner's Office; David Smith, Information Commissioner's Office; Dr Waltraut Kotschy, Austrian Data Protection Commission; Eduardo Ustaran, Field Fisher Waterhouse; Bojana Bellamy, Accenture; Professor Hansjürgen Garstka, German Data Protection Authority; Emma Worthington, Reuters Group (London); Ariane Mole, Bird & Bird; Dr Stefan Drewes, Siebert & Kollegan; Daniel Westman, University of Stockholm; Jeroen Terstegge, Philips (Netherlands); Dr Mark Lomas, Arabella; Tim Worden, Eli Lilly & Co Ltd; Richard Taylor, British Standards Institute; Ted Humphries, XiSEC; Ruth Cooke, Institute of Chartered Accountants (England & Wales), Mark Keddie, BP; David Bowden, BIICL; Stephen Walzer, BIICL; Dr Christoph Herrmann, Schering AG; An Phan, Johnson & Johnson; Mita Mitra, BT.

On 8 June, the sixth DPRPG meeting was held. Called *Data Protection in the Marketing Context*, speakers at the event were: Francis Aldhouse, Information Commissioner's Office; James Milligan, The DMA UK Ltd; Phil Jones, Information Commissioner's Office; Zina Manda, Reed Business Information Ltd; David Bowden, BIICL; Quentin Archer, Lovells

EUROPEAN LAW

On 28 April, the Institute held a lecture entitled *Owusu v Jackson: The Demise of Forum Conveniens?* The lecture was chaired by Andrew Dickinson Visiting Fellow, British Institute of International and Comparative Law. Speakers at the event were: Professor Adrian Briggs, St Edmund Hall, Oxford and Alexander Layton, QC 20 Essex Street.

EUROPEAN FINANCIAL LAW

On 23–24 May, the Institute held a conference entitled *Market Abuse: National Responses to a Global Problem – The EU, USA, China and Hong Kong Compared*. Speakers at the event were: Dilwyn Griffiths, Financial Services Authority; Christina Sinclair, Financial Services Authority; Martyn Hopper, Herbert Smith; Phyllis Cela, US Commodities Futures Trading Commission; John Barrass, CFA Institute; Nigel Phipps, Moddys; Alan Linning, Hong Kong Securities and Futures Commission; Professor Chengang Xu, London School of Economics; Dr Eilis Ferran, University of Cambridge; Nick Bayley, London Stock Exchange; Nick Weinreb, Euronext Liffe; Diarmuid O'Hegarty, London Metal Exchange; Mark Bergman, Paul Weiss Rifkind Wharton & Garrison; Ashar Qureshi, Cleary Gottlieb Steen & Hamilton; Jeremy Stockwell, Ernst & Young; Andrew Winckler, Ernst & Young; Carmine di Noia, Assonime; Professor Guido Ferrarini, University of Genoa; Christian Pawlik, BaFin; Wayne Smith, AMF; Richard O'Toole, Goldman Sachs International; Christina Sinclair, Financial Services Authority.

INVESTMENT TREATY FORUM

On 6 May, the Institute held the fourth public conference of the Investment Treaty Forum entitled *Nationality and Investment Treaty Claims*. Speakers at the event were: Dr Federico Ortino, BIICL; Professor Francisco Orrega Vicuna, University of Chile; Professor Christopher Greenwood, Essex Court Chambers; Dr Matthias Pannier, BIICL; Abby Cohen Smutny, White & Case LLP; Maurice Mendelson, Blackstone Chambers; Emmanuel Gaillard, Shearman & Sterling; Devashish Krishan, Vinson & Elkins; Sir Franklin Berman, Essex Court Chambers; Professor Vaughan Lowe, All Souls College, University of Oxford; Audley Sheppard, Clifford Chance LLP; Daniel Price, Sidley Austin Brown and Wood; Professor Piero Bernardini, University of Rome; Robert Wisner, Appleton & Associates; Robert Volterra, Latham & Watkins; Dr Loukas Mistelis, Queen Mary College, University of London; Karyl Nairn, Skadden Arps Slate Meagher & Flom LLP.

PUBLIC INTERNATIONAL LAW

On 1–2 April, as part of the *Legal Tools in Commonwealth Africa* project, the Institute and the Bar Human Rights Committee organized a Judicial Colloquium in Lake Naivasha, Kenya. Organized by Theodora Christou and Juan Pablo Raymond, it was attended, by invitation only, by judges from 12 countries in the project including the Chief Justices of Kenya and Lesotho. The trainers were Peter Carter QC and Dr Susan Breau, assisted by Mr Justice Owen.

The Institute held, in association with The Society of Legal Scholars Public International Law Group a conference on 9 May entitled *International Human Rights Law - the State of the Art*. Convenors of the event were: Professor Dominic McGoldrick (Liverpool University) and Dr Susan Breau (BIICL). Speakers at the event were: Professor Bill Bowring, London Metropolitan University; Professor Kevin Boyle, University of Essex; Dr Nazila Ghanea, Institute of Commonwealth Studies; Jane Gordon, Kingston University; Alex Hall, Foreign and Commonwealth Office; Fracoise Hampson, University of Essex; Professor Paul Hunt, University of Essex; The Rt Hon Jonathan Mance, Royal Courts of Justice; Professor Sir Nigel Rodley, University of Essex; Professor Patrick Thornberry, Keele University; Dr Elxandra Xanthaki, Brunel University.

TORT LAW

The Institute, in association with the Imperial College and the Institute of Advanced Legal Studies, held a conference on 9 May entitled *Loss of the Chance after Gregg v Scott: Reflections and Comparisons*. The event was chaired by The Rt Hon Lord Justice Mance, Royal Courts of Justice. Speakers at the event were: Professor Jane Stapleton, Australian National University; Dr Duncan Fairgrieve, BIICL; Laura Hoyano, Wadham College, University of Oxford; Elizabeth-Anne Gumbel, 1 Crown Office Row; Andrew Edis, Atlantic Chambers.

On 27 June, the Institute held a lecture sponsored by Dechert LLP and entitled *Multiparty Litigation in Comparative Perspective*. Speakers at the event were: Joseph Hetrick, Dechert; Jeffrey Bucholtz, US Department of Justice; Dr Rachael Mulheron, University of Warwick (School of Law); Stefan Lenze, Lovells; Elizabeth-Anne Gumbel, 1 Crown Office Row; Professor Mark Mildred, Nottingham Law School ; Dr Duncan Fairgrieve, BIICL; Dr Marco Bona, Marco Bona.

WTO AND INTERNATIONAL ECONOMIC LAW

As part of the 2005 WTO Series, the Institute held a seminar called *GATS and Financial Services* on 16 May. Speakers at the event were: Professor Mads Andenas, BIICL; Alastair Sutton, White & Case; Emily Altman, Morgan Stanley; Richard O'Toole, Goldman Sachs International; John Serocold, London Investment Banker's Association; Katsuo Matsushita, General Insurance Association of Japan; Nic De Maesschalck, World Federation of Insurance Intermediaries; David Snyder, American Insurance Association; Dr Kern Alexander, University of Cambridge; Ekrem Sarper, Coalition of Service Industries; Mark Harcher, Cubitt Consultin; Alastair Evans, Lloyd's Worldwide Markets; Dr Apostolos Ghoutzinis, SOAS, University of London; Nicolas Lockhart, Sidley Austin Brown & Wood; Dr Federico Ortino, BIICL; Dr Dan Sarooshi, Queen's College, University of Oxford; Lode van den Hende, Herbert Smith; Stefan Zleptnig, University of Vienna; Jonathan Taylor, UBS AG; Juan Marchetti, Trade Services Division, WTO; Elisabeth Tuerk, UNCTAD; Prof Christine Breining-Kaufmann, University of Zurich.

On 17–18 May, the Institute organized, in association with the Institute of International Economic Law at Georgetown University Law Center and the Journal of International Economic Law, the *Fifth Annual WTO Conference*. The event was sponsored by Sidley Austin Brown & Wood LLP and Affiliated Partnerships. The chairs were: Advocate General Francis Jacobs, European Court of Justice and Professor John H Jackson, Georgetown University Law Center. Program directors were: Professor Mads Andenas, BIICL; Jane Bradley, Institute of International Economic Law, Georgetown University Law Center; Professor Piet Eeckhout, King's College, School of Law, University of London; Dr Federico Ortino, BIICL. The advisory committee for the event were: Professor William J Davey, University of Illinois College of Law and Professor Thomas Cottier, University of Bern. Speakers at the event were: Professor Joanne Scoot, University of Cambridge; Professor Peter Van den Bossche, University of Maastricht; Deborah Cass, London School of Economics; Professor Joost H B Pauwelyn, Duke Law School; Professor Donald Regan, University Of Michigan Law School; Professor Markus Krajewski, University of Potsdam; Dr Lorand Bartels, University of Edinburgh; Niall Meagher, Advisory Centre for WTO Law; Timothy Brightbill, Wiley Rein & Fielding; Professor Carlos Vazquez, Georgetown University Law Centre; Professor Jeffrey Dunoff, Temple University School of Law; Professor Sarah Cleveland, University of Texas School of Law; Professor Sungjoon Cho, Chicago-Kent College of Law; Gary Horlick, Wilmer Cutler Pickering LLP; Dr Arwel Davies, University of Wales; Peter Jan Kuijper, European Commission Legal Service; Professor Philippe Sands, University College, University of London; Barbara Oliveira, University of London; Professor Locknie Hsu, National University of Singapore; Isabelle Van Damme, Gonville & Caius College, University of Cambridge; Nicolas Lockhart, Sidley Austin Brown & Wood; Todd Friedbacher, Sidley Austin Brown and Wood (US); Paul Shanahan, WTO Agriculture Law and Practice; Dr Luca Rubini, King's College (KCL), University of London; Dr Melaku Geboye Desta, University of Dundee; Dr Fiona Smith, University of Leicester; Christian Lau, Sidley Austin Brown & Wood. A dinner followed the event on 17 May.

FORTHCOMING EVENTS 2005

Unless otherwise indicated, the venue for events is Council Chamber, Charles Clore House, 17 Russell Square, London WC1B

The majority of BIICL events are CPD accredited. Please call +44 (0) 20 7862 5151 for further information.

Prices indicated are inclusive of VAT.

Please note that the cancellation date for refunds is *five* working days prior to each event, and that payment is required prior to attendance or at the entrance to the event. Spaces for some events are limited and are on a first come, first served basis.

Please register via our website: www.biicl.org

by fax: +44 (0) 20 7862 5152 by email: eventsregistration@biicl.org

July 2005

Friday 1. 9:15–17:00	44th Leiden – London Meeting
Wednesday 6. 16:00–19:00	Harmonisation of Shareholder Rights on EU Level: Implications for the UK

September 2005

Thursday 1	Franco British Lawyers Society Colloquium
Friday 9.	Investment Treaty Forum
Wednesday 14	2005 Competition Law Forum Series
By invitation only.	Eleventh CLF Meeting
Wednesday 14 19:00	2005 Competition Law Forum Series
	Competition Law Forum Dinner
Wednesday 21 14:00-17:30	2005 Data Protection Research and Policy Group Series
By invitation only.	Basic Terms and Definitions (Seventh DPRPG Meeting)

October 2005

Wednesday 5.	DPRPG Forum Meeting
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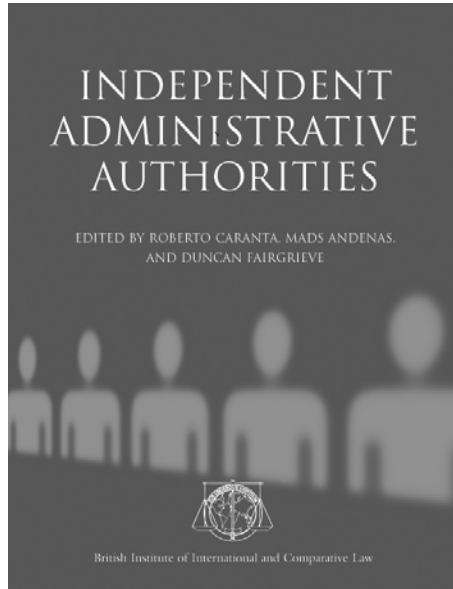
November 2005

Thursday 10. Free to attend	Annual Grotius Lecture Dean Slaughter, Princeton University
Thursday 10.	Annual Grotius Dinner Sponsored by Linklaters, London

December 2005

Thursday 1	2005 Competition Law Forum Series
By invitation only.	Twelfth CLF Meeting
Thursday 1 19:00	2005 Competition Law Forum Series
By invitation only.	Competition Law Forum Dinner
Wednesday 7 14:00 – 17:30	2005 Data Protection Research and Policy Group Series
By invitation only.	Eighth DPRPG Meeting

BIICL NEW PUBLICATION



Independent Administrative Authorities

Edited by: Roberta Caranta, Mads Andenas and Duncan Fairgrieve

ISBN 0-903067-49-8; Paperback; Price: GB £50 / US \$100; Member Price: £30

Independent administrative authorities have become a permanent feature of the institutional landscape over past decades. The need for institutions with both impartiality and technical expertise has inexorably led to an increase in number and scope of independent administrative authorities.

Independent administrative authorities regulate stock markets and financial institutions; they protect fundamental rights such as access to administrative documents.

There is however a conflict between independence and accountability. In some ways, independent administrative authorities are at odds with the traditional notion of separation of powers which still lies at the heart of constitutional thinking.

This book aims to shed light on how different legal jurisdictions have articulated their answers to this tension, at the same time discussing how separation of power has been twisted or reworked to make room for this novel form of public authority.

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