Item No. 10 on the agenda: Correspondents

(Prepared by the UNIDROIT Secretariat)

Summary: Outcome of the procedure of renewal of active correspondents and proposal to appoint new UNIDROIT correspondents

Action to be taken: The Governing Council is invited to take note of the outcome of the procedure for renewal of correspondents and to decide on the proposals


1. Following the decision of the Governing Council in 2006 to revitalize the UNIDROIT network of correspondents, a thorough examination of the issue was made by the Council at first and then by a specially appointed Sub-committee, chaired by Professor Gabriel. Several new measures have been taken by the Council since 2007, including new rules for the appointment and renewal of correspondents (see Annex I), and the creation of new categories, active, emeritus and institutional.

2. The Secretariat is sad to announce the death in 2015 of Professor Louis Del Duca, UNIDROIT correspondent since 1991. Professor Del Duca was the former Director of the Commercial Law Institute of the Dickinson School of Law in Pennsylvania State University. His contribution was invaluable, it has greatly promoted the work of UNIDROIT in the United States of America and came every year with his Summer Classes students at UNIDROIT.

I. Renewal of Active Correspondents

3. The three-year term of active correspondents will expire on 31 May 2016 and, in accordance with the new rules, the UNIDROIT Secretariat has contacted them to see if they wished to be reappointed for a term of three years, from June 2016 to May 2019 (see Annex II).

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1 Composition of the Sub-Committee: Prof. Henry Gabriel, Mr Jan Govey and Mr Stanislaw Soltysinski.
4. On 1 May 2016, UNIDROIT has 48 active correspondents, whose mandate expires for 46 this year, and 4 institutional (including 3 to renew). The outcome of the procedure for the renewal is the following:

- 26 have explicitly asked to remain in the category of active correspondents and indicated areas of UNIDROIT activities in which they propose to collaborate (some have also commented on the future draft Work Programme for the triennium 2017-2019 ²),
- 17, although that did not respond, actively collaborated with the Secretariat on various ongoing projects for the promotion of UNIDROIT instruments during the last three years,
- 3 wished not be renewed as active correspondents, while ensuring the continuation of their support for the Organisation's activities,
- 1 institutional correspondent responded favorably to the request, while two others have not responded to the request.

5. As a result, 44 correspondents should be maintained as active correspondents (including one institutional) and 3 would become emeritus correspondents.

II. PROPOSALS FOR THE APPOINTMENT OF NEW CORRESPONDENTS

6. The Governing Council will be invited, at its 95th session, in conformity with the newly established directives, to consider a certain number of proposed candidates, submitted upon initiative of the Secretary-General:

   Prof. Fabrizio CAFAGGI (Italy)
   Prof. Neil COHEN (United States of America)
   Prof. Lauro GAMA Jr. (Brazil)
   Prof. Pilar PERALES VISCASILLAS (Spain)

7. The CVs and/or letters of motivation of these candidates are available respectively under Annexes III, IV and V of this document.

III. CORRESPONDENTS AND AGENDA OF THE GOVERNING COUNCIL

8. Given the new rules including the length of the mandate of correspondents, the Secretariat proposes to submit the question of correspondents on the agenda of the Governing Council every three years. It also suggests to coincide the appointment of new correspondents with the renewal of the active correspondents.

IV. ACTION TO BE TAKEN

8. The Governing Council is invited to take note of the Secretariat’s report and to rule on the following points:

   (1) take note of the results of the procedure for renewal of active correspondents whose mandate expires on 31 May 2016;

² See the comments of correspondents in document C.D.(95) 13 Add. 6.
(2) consider the four candidates for new correspondents in light of their nomination for a mandate of three (3) years as of June 2016; and

(3) decision to be taken for the renewal of the active correspondents to coincide with proposals for new nominations every 3 years.
ANNEX I

Functions of the UNIDROIT correspondents

1. To participate, upon the invitation of the President, in UNIDROIT study groups;
2. to supply, at the request of the Secretariat, information on national law, on developments at the international (and regional) level in the areas of interest to Unidroit and on any legal instruments under preparation, and to suggest new topics for future study;
3. to promote UNIDROIT instruments in business, professional and academic circles by means of the publication of articles in the press and by organizing or participating in meetings intended to disseminate the work of the Institute, both past and present;
4. to contribute to the Uniform Law Review (articles, case law, news on congresses, book reviews, etc.);
5. as regards correspondents from non-member States, to act as go-betweens with their Governments.

Recommendations regarding appointment and reappointment of UNIDROIT correspondents

1. Appointments are for three-year renewable terms.
2. To be appointed or reappointed, the correspondent must state how he or she intends to contribute to the work of UNIDROIT.
3. Reappointment is not automatic. Correspondents will be contacted before their terms expire asking whether they wish to be reappointed. They must respond within two months of the request. This should be clarified in the letter from the Institute so that the correspondents understand the obligation to respond.
4. Correspondents who are inactive for a substantial time will not be asked if they would wish to be reappointed, and will not be reappointed.
5. Appointment letters should indicate that the correspondent is expected to remain active, and long-term inactivity may result in removal.
6. Correspondents will be asked to keep their contact information updated.
### ANNEX II

**ACTIVE CORRESPONDENTS OF THE INSTITUTE / CORRESPONDANTS ACTIFS DE L’INSTITUT**

1 June / 1 juin 2013 – 31 May / 31 mai 2016

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<tr>
<td>3. CRESPI REGHIZZI Gabriele</td>
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<td>4. DARANKOUM Sibidi Emmanuel</td>
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<td>7. DROBNIG Ulrich</td>
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<td>8. FAUVARQUE-COSSON Bénédicte</td>
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<td>9. FERRAND Frédérique</td>
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<td>10. FINN Paul Desmond</td>
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<td>12. FRESNEDO DE AGUIRRE Cecilia</td>
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<td>16. HERBER Rolf</td>
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<td>17. IZADI Bijan</td>
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<td>30. PETER Fritz</td>
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**Institutional correspondents / Correspondants institutionnels**

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**EMERITUS CORRESPONDENTS / CORRESPONDANTS EMERITES**

*au 1.V. 2016*

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DISTRIBUTION OF ACTIVE CORRESPONDENTS OF THE INSTITUTE BY REGION
AND BY COUNTRY
– as of 1 April 2016 –

REPARTITION DES CORRESPONDANTS ACTIFS DE L’INSTITUT PAR REGION ET PAR PAYS
– au 1er avril 2016 –

*Non-members States of UNIDROIT are shown in italic script
Les Etats non membres d’UNIDROIT figurent en italiques*

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ANNEX III

Fabrizio Cafaggi
European University Institute
University of Trento (on leave)

Curriculum vitae
(updated February 2016)

Education & professional experience
Lectures, conferences, courses
Editorial boards
Research activities
Participation in legislative reform work
Main publications

Education & professional experience

1986 June, University of Rome "La Sapienza", Degree in Law 110/110 cum laude.
1986-87 S.M.U. Law School, Masters in Comparative and International Law
1989-90 Yale Law School Visiting Scholar
1991 Yale Law School Olin Fellow
1991 Boalt Hall School of Law - U. C. Berkeley, Olin Fellow
1992 University of Pisa, Degree of Doctor in Private Law
1993 University of Rome "La Sapienza", Researcher in Private Law
1996 Stanford Law School, Visiting Lecturer; Boalt Hall, School of Law U.C. Berkeley, Visiting Lecturer
1996 Harvard Law School, Visiting Scholar
1997 University of Rome "La Sapienza", Permanent position as Researcher in Private Law
1997 Harvard Law School, Visiting Scholar
1998 University of Rome "La Sapienza" – School of Statistics, Visiting Professor, Private Law; Professor in Private Law
1999 University of Trento – Department of Economics, Associate Professor in Private Law
1999-2001 University of Trento – Department of Economics, Courses in Private Law and Law & Economics of Organizations
2001 January-March, European University Institute, Visiting professor (comparative law)
2001 University of Trento – Department of Economics, Professore straordinario di diritto privato
2002-07 European University Institute, Chair in Comparative Law
2004- University of Trento – Department of Economics, Professore ordinario di diritto privato on leave
2006 Fall Columbia Law School, BNL visiting professor
2008-11 European University Institute, Chair in comparative law
2008 August, Universidad de San Andres (Buenos Aires), Visiting professor
2009 Fall New York University School of Law, Hauser Global Visiting Professor
2010 EUI professor of comparative law
2011-2013 EUI Chair of comparative law
2011 Fall Exchange professor Columbia law school
2012 Fall Bok Visiting professor University of Pennsylvania Law School
2013 June 1st / may 31st 2015 Professor Scuola Nazionale dell’Amministrazione on leave from University of Trento
Lectures, Conferences, Courses

2005  
February 28th, Roma – Università di Torvergata, Reti di impresa e finanziamento bancario
March 3rd-4th, Cambridge (UK) – Capacitas workshop. “Capabilities functioning in negligence law: beyond law and economics”
March 7th, Milan - Unicredit Conference "Modelli organizzativi e coordinamento interimprenditoriale. Prospettive di una ricerca"
September 12th-14th, Cambridge – ELD Project Workshop, paper presented "Italian Products Liability. A re-assessment"
September 28th, Florence – European University Institute, Conference "Le Politiche regionali di sviluppo delle pmi ed il ruolo delle reti di imprese”.
October 7th-8th, Florence – Euroepaan University Institute, Conference 'Rethinking Self-Regulatory modes and strategies in Europe': A comparative research, within the 6th framework program on Governance and regulation of European private law
October 11th-12th, Florence – European University Institute, Conference "The pluridisciplinary dimension of corporate social responsibility – Theretical question of regulation” with F. Francioni, M. A. Moreau,
October 21st-22nd, Paris – Conference "Regulatory strategies" with Horatia Muir Watt within the 6th framework program on Governance and regulation of European private law.
October 25th, Roma – Conference in honour of Prof. Guido Calabresi at the Consiglio Nazionale degli Avvocati
November 25th, Siena – First Annual Conference of the Italian Society of Law and Economics, paper presented “Self-regulatory competition”
December 2nd-3rd, Florence –Workshop on “The governance of enterprises and the role of networks”, paper presented "Networks interfirm-contracting and corporate governance”
December 12th, Paris – 13th Forum de la regulation, paper presented "L’autorégulation en Europe, nouvelle convergence et politique”
January 14th, Naples – Colloquium “Progetto Sud: Linee generali, strumenti e percorsi di attuazione”, paper presented "Fondazioni bancarie tra solidarietà e sviluppo locale”
January 24th, Milan – Colloquium at the Unicredit, paper presented “Riforma dei distretti e aggregazione delle PMI: Alla ricerca di una strategia”
February 3rd-4th, Foggia – Conference “Reti di imprese – Gli scenari economici e giuridici”, introductory presentation
February 10th, Milano – Conference “Il terzo contratto” discussant
October 12th, Michigan law school, Legal theory workshop, Invited talk on "New modes of Regulation in Europe”
October 18th, New York - NYU Law School, discusssant of J. B. Auby and L. Dickinson Hauser colloquium on Global administrative law organized by R. Stewart and B. Kingsbury
October 25th, New York - legal theory workshop McGill University Montreal presented a paper on "New modes of governance in European private law"
2006 November 14th, New York - Invited Lecture Columbia Law School on “The impact of European contract law on national legal systems”

2006 November 17th, New York - NYU workshop on Accountability and global administrative law organized by Richard Stewart and Benedict Kingsbury


2006 November 29th, New York - Columbia Law School, Invited talk by The European legal studies center on The making of European private law, Regulation and governance design

2006 November 30th, Philadelphia - Invited talk at Pennsylvania Law School, Accountability of private regulators in Europe

2007 February 2nd-3rd, Siena - Conference "Social responsibility of non profit organizations", organised with professor Francioni and Montini

2007 March 7th, Buenos Aires - Universidad de San Andres, Invited talk on New developments of European private law

2007 March 9th-10th, Buenos Aires - conference on Global administrative law issues in Latin America, paper presented “Private organisations and transnational law: the case of corporate social responsibility”


2007 March 30th-31st, Florence – European University Institute, Conference on “Finanziamento delle PMI: Nuovi profili, nuovi strumenti”

2007 April 17th, Trento - Workshop on “Network of SMES in Europe”, organized with University of Trento, Cambridge and Versailles

2007 May 24th-25th, Florence - European University Institute, Conference on “New frontiers of consumer protection” with H. Micklitz

2007 May 26th, Pisa - University of Pisa, Conference on “Il diritto europeo dei contratti fra parte generale e norme di settore”, paper presented “European contract law in regulated markets”

2007 June 26th, Introductory speech at a conference on Italian reform on pension funds

2007 September 6th-8th, Pisa - ECPR conference, paper presented “Private law making in European private law”

2007 September 27th-28th, Montreal - McGill University, Round table on Global legal education, talk on “Private orderings: the challenges to comparative law and legal education”

2007 October, Catania - invited talk on Public and private enforcement in consumer law

2007 October, Catania - invited talk at AICCON conference on civil economy on Regulation and self-regulation for non profit organizations

2007 October, Siena - Seminar on Social responsibility of Foundations in Europe with Fondazione Agnelli

2007 October, London – London School of economics, invited talk at Carr Seminar on Private regulation in the new European architecture

2007 October, London - invited talk at European Policy forum on New regulatory strategies in European legal integration

2007 November 16th, Florence - European University Institute, invited talk on Reasonableness and contract law

2007 November 30th-December 1st, Florence - European University Institute, Conference on the Accountability of private organizations

2007 December 12th-13th, Cambridge (UK) - Conference of REFGOV project, papers presented “The legal regime of European transnational SMEs” and “Inter-firm Networks in the Public Interest? Evidence from Northern Italy” with P. Iamiceli

2008 February 18th-19th, Florence - CLEF Meeting, presented a paper on Safety regulatory networks: rethinking product safety

2008 February 24th, Florence - Round table on Il Manuale di diritto privato europeo, edited by C. Castronovo e S. Mazzamuto

2008 February 21st, Florence - European University Institute, Public and private regulation seminar series. Workshop on Public and public regulation in energy (co-organised with P. Ranci and the Florence School of regulation).

2008 March 31st, Bruxelles - Conference on “The current state of European Self- and Co-regulation”, invited presentation
2008 March 6th, Florence - European University Institute, Public and private regulation seminar series: Banking, in collaboration with the Florence School of regulation
2008 April 24th, Florence – Public and private regulation seminar series: Telecom industry, organized in collaboration with the Florence School of Regulation at the European University Institute
2008 May 18th, Washington - American Law Institute Annual Meeting
2008 May 23rd-24th, Florence – Conference "National Supreme Courts and European Private Law", organized in collaboration with the Robert Schuman Center at the European University Institute
2008 May 27th, Hague - 2nd meeting of the Hague Institute for the Internationalisation of Law on Private actors and self-regulation, invited talk
2008 June 13th-14th, Conference on Class actions with NYU law School and ALI
2008 September 10th, Bruxelles - Workshop "The (new) concept of multilevel governance" organized by the Regions committee
2008 September 19th, Trento, paper on "Duty cooperate in contract law".
2008 September 25th, Chicago – Conference on "Fault in Contract Law"
2008 October 17/18 Private and Public regulation, Conference organized with RSCAS, Introductory speech
2008 October 31st-November 1st, Florence – Conference "Contractual networks, Inter-firm cooperation and the Small Business act" organized at the European University Institute
2008 November 16th-18th, Berlin – Conference "The Current State of Self- and Co-Regulation"
2008 November 21st-22nd, Florence – Conference on “The Europeanisation of Private Law in Central and Eastern Europe”, co-organised with M. Cremona and H. Micklitz at the European University Institute
2008 November 28th-29th, Valencia – 'I Jornadas de derecho de redes, Hacha un derecho para las redes empresariales’, paper presented "De la redes contractuales al contrato de red"
2009 February 9th, Trento – Invited lecture on “Long-Term Contracts and Cooperation” at Winter School of Law and Economics
2009 February 12th, Pisa – Invited lecture on “Making European Private Law” at Scuola Superiore Sant’Anna.
2009 February 20th, Bruxelles – organised a workshop on “Regulation and Governance of Contractual Networks in European Wine Industry” at EESC within the RefGov 6th framework program
2009 March 6th, Florence – Workshop on "Public and Private Enforcement" co-organised with J. Suk at the European University Institute
2009 March 9th, Amsterdum – Invited lecture on “Private Regulation and European Legal Integration” at the University of Amsterdam Law School
2009 April 17th-18th co-organised RSCAS Seminar on Transatlantic Judicial dialogue on mass litigation in collaboration with NYU Law School
2009 April 27th-28th – Helsinki co-organised a workshop on collective redress and DCFR
2009 April 29th – Invited Lecture University of Turku on Private regulation and European law
2009 June Florence co-organised Annual Secola Meeting on contractual governance
2009 Fall, Global Visiting Professor of Law at the NYU School of Law. Teach a course on "Transnational regulation" and another one (with A. Schwartz) on 'Private law in Europe and US: convergence or divergence'.
2010 September 27th Invited public lecture at Duke law school on Private regulation and European private law
2010 October 23 New York, International law week. Invited paper on The accountability of transnational private regulators
2010 November 24th Luncheon talk Columbia Law School on "Transnational private regulation: a research project"
2010 Spring term – EUI seminar - The Law and Economics of Long-Term Contracts ( with J.M: Glachant)
2010 Spring term – EUI seminar - EU Law and Private Regulation (with M. Poiares Maduro)
2010 Spring term – EUI seminar - Regulating the Information Society: Norms, Rights and Values for the Cyberspace (with G. Sartor)
2010 March 1st-2nd, Helsinki invited paper on multilevel governance of transnational private regulation conference organized by professor J. Tala
2010 March 10th, Brussels – organised a conference on “A Research on Trans-European Networks in the Wine Industry”, final conference of RefGov - Inter-firm network in the wine sector, 6th FP.
2010 March 12th-13th, Florence – organised a workshop within HIIL/RSCAS project on “Food safety and transnational private regulation”, presented an introductory paper on “Private regulation and the supply chain”
2010 March 19th-20th, Florence organised a workshop within HIIL/RSCAS project on ”Advertising”, in collaboration with EASA, presented an introductory paper on Advertising and transnational private regulation
2010 April 8th-10th, Co-organised a conference on A European Law Institute? Towards innovation in legal integration (with F. Francioni, H. Micklitz, Miguel Pojares Maduro)
2010 April 26th, Tel Aviv University invited speech at L&E Workshop on “Supply chain and private regulation”
2010 May 14th-15th, Florence, organised a conference within Hiil/RSCAS project on ”Enforcement of Transnational private regulation”, paper presented “The transformation of transnational private regulation: enforcement and governance”.
2010 May 26th, invited speech at the Fundaçao Getulio Vargas “Transnational Private Regulation: a research project”
2010 May 27th-28th, Brasilian Superior Tribunal de Justica, co-organised conference
2010 June 2nd, Workshop co-organised by EUI and Fundaçao Getulio Vargas on “Transnational Regulation in South America”
2010 June 17th-19th, University College Dublin, Third Biennial Conference of ECPR Standing Group on Regulatory Governance “Regulation in the Age of Crisis”
2010 June 24th-25th, Geneva, invited speech on “Transnational Private Regulation” at the inaugural conference “Informal International Public Policy Making”.
2010 September 24th – 25th, European association of law and economics – Paris II, 27th Eale International Conference, paper (with Paola Iamiceli) on: “Governing the supply chain through networks”
2010 Fall term – EUI seminar - Transnational Regulation
2010 October 14th, Organized the second meeting for the creation of ELI in collaboration with the RSCAS
2010 October 15th-16th, organized a conference with NYU and Vanderbilt University on Global litigation and judicial cooperation
2010 October 15th-16th, Euro-latin study network on integration and trade (Elsnit), Idb – Cepii VIII annual conference of the trade and the international organization of production, paper (with Paola Iamiceli) on: “Private regulation and industrial organization: the network approach”
2010 October 29th Paris Science Po. Coordinator of Science Po seminar organized by prof J. Auby on “Les acteurs non étatiques dans la globalisation juridique”
2010 November 4th, EUI, within the framework of MEDIADEM project organized a workshop on “European policy for free and independent media systems - Current issues for regulation”.
2010 November 25th-26th, University of Valencia, I congreso internacional de derecho de redes empresariales, presented papers: “Rethinking the boundaries of firms: networks and inter-firm collaboration?”; (with Paola Iamiceli) on: "Inter-firm networks across europe: a comparative analysis”
2010 December 6th, EUI, organised a workshop on "Quality and Effectiveness of Transnational Private Regimes: in search of a framework”
2010 December 9th-10th, University of Bozen, Italian Society of Law and Economics 2010 Conference, paper (with P. Iamiceli) on “Governing the supply chain through networks”
2010 December 13th-14th, EUI, organised a conference on “Judicial Cooperation Among State Courts in Europe and USA: A Comparative Approach”
2010 Spring term – EUI seminar - Law and Economics (with A. Nicita)

2011 February 11th, EUI, organised a workshop on “Transnational Private Regulation – Methodology workshop”

2011 February 11th-12th, EUI, organized a workshop on “Transnational Private regulation in Advertising”

2011 March to May: (with Paola Iamiceli) co-organized a legal workshop series on competitiveness, Innovation and Interfirm Networks (University of Trento)

2011 March 25th, EUI, organized a workshop on “Il sistema dei media italiano”, in the framework of the Mediadem project

2011 April 16th-17th, EUI, Co-organized with Gerard Hertig and Geoffrey Miller a conference “Rethinking financial institutions and their regulation. Public and private approaches to risk and instability in a post crisis world”.

2011 April, EUI, participation to a conference on “Transnational integration regimes”, organized by L. Bruszt and G. McDermott, presenting a paper on “Private regulation and industrial organizations. Governance by contract”

2011 May 16th, Munster University, Invited lecture on “Transnational private law. A research agenda”

2011 May 23rd-24th, EUI, co-organized a conference on “Transnational Business Governance Interactions: Theoretical Approaches, Empirical Contexts and Practitioners’ Perspectives” presenting a paper on “The architecture of transnational private regulation”


2011 June 2nd-5th, San Francisco, Participated to Law and Society conference in San Francisco and chaired a panel on Transnational private regulation.

2011 June 16th 17th - key note speech at EUI conference on “Courts and New Governance”, paper on “Global governance by contract”

2011 June 22nd, The Hague, 2nd HIIL annual meeting, Introduction on the project Transational private regulation


2011 June 26th – July 2nd, (with Paola Iamiceli and Lorenzo Sacconi) co-organized Summer School on “Interfirm Networks: a Law and Economics Approach” (University of Trento)

2011 August 11th-13th, Sao Paulo – Brazil, co-organized the first HILL/FGV workshop on “Tansnational private regulation in South America”, introductory paper and concluding remarks

2011 August 19th-20th, Rio de Janeiro, co-organized the 2nd Brazilian conference on “Global litigation and judicial cooperation” with Antonio Herman Benjamin and Hans Micklitz on “Access to justice and social rights”

2011 September 8th, Fordham Law School, invited talk on “Contractual governance and transnational private regulation in food safety”.

2011 September 30th, New York, Columbia Law School, workshop co-organized with Professor K. Pistor on “Distributional effects of transnational regulation”

2011 October, McGill University, invited talk on “The architecture of transnational private regulation”

2011 October, 28th-29th, EUI, workshop on “Fundamental rights and judicial cooperation” with Center for judicial cooperation

2011 November 10th-11th, EUI, organized a conference on “Competition and Pluralism” within the framework of Mediadem project in collaboration with Florence School of Regulation

2011 November 17th, Vienna, European Law Institute workshop on “EU sales”, paper on “Duties to inform”

2011 December 8th-10th, Edinburgh, Fourth Mediadem Meeting, paper on “Comparative regulation in European media”

2011 December 16th-18th, Torino, Società Italiana Diritto ed economia, paper on “Transnational governance by contract”

2012 January 20th-21st, organized a workshop on “Comparing case studies”, in the framework of the HIIL TPRER project

2012 February 23rd-24th, IDB workshop in Washington DC, paper on “Transnational private regulation and legal integration”

2012 March Invited speech at EASEA conference in Brussels
2012 April 27th-28th, Chicago University, Workshop on the law and economics of Common European sales law, organized by prof. O. Ben-Shahar, paper on “From status to a transaction based approach”


2012 May 20th-21st, Scuola superiore della pubblica amministrazione, Conference on “The Distributional Effects of Transnational Regulation”, co-organized with prof. K. Pistor

2012 May 25th-26th, Florence, Center for judicial cooperation (EUI), organised Conference on “Global Litigation and Judicial Cooperation”

2012 June

2012 August Buenos Aires, Argentina 2° Hill Latin American Conference on transnational private regulation co-organized with Martin Bohmer and Florencia Saulino at Universidad de Buenos Aires

2012 September 6th-7th, University of Victoria (British Columbia), organised a workshop on “The legitimacy of private transnational governance by contract” in collaboration with prof. -C. Cutler

2012 September 20th, Columbia Law school, Faculty workshop, paper on “Regulatory capabilities”, with prof. K. Pistor

2012 September-October, Pennsylvania Law school BOK Visiting professor

2012 October 15th, Penn Law School, Ad hoc seminar in Penn Programme on Regulation, paper on “Using Transnational Commercial Contracts to Regulate Business”

2012 November 15th-17th – organized a workshop on “Cross-sectoral comparison among case studies”, in the framework of the TPRER project

2012 December 6th Sao Paulo, Transnational regulation, economic growth and legal evolution, second HIIL workshop in cooperation with USP

2012 December 14th-15th, Florence, Centre for judicial cooperation (EUI), organized a conference on “Liability of Judges in European and National Laws”

2013 January 1st Scientific coordinator of DG JUST funded project “European Judicial cooperation in the Fundamental rights practice of European courts”, January 2013/June 2014

2013 January 1st Scientific coordinator of the expert team for a “Study on the legal framework covering business-to-businesses unfair trading practices in the retail supply chain”, Project funded by DG MARKT (January – November 2013)

2013 February 7th Brussels, Final conference of MEDIADEM project. Presented Report on Media Regulation in EU


2013 June 7th - 8th, Santiago de Compostela, Secola Conference, Paper on “The boundaries between contract and property”

2013 August, Universidad Externado, Bogotà, Third Latin American conference on “Transnational private regulation”

2013 September 8th Oslo, Discussed the paper by Parchomosky and Stavang

2013 September 16th, University of Amsterdam, Invited Public lecture on “The relationship between legitimacy and effectiveness in transnational private regulation”

2013 September 19th, University of Utrecht, Invited public lecture (with Andrea Renda) on “The role of indicators in Transnational private regulation”

2013 October 4th – 5th, Florence, Centre for judicial cooperation (EUI), Techniques of Judicial Cooperation in the Multi-System Protection of Fundamental Rights: Fair Trial Guarantees, in the framework of the DG JUST project “European Judicial cooperation in the Fundamental rights practice of European courts”.

2013 October 11th – 12th, Dublin Final conference on HIIL Project on Transnational Private regulatory regimes, presented “Final report on the project”

2013 November 8th, Scuola Nazionale dell’Amministrazione, Rome, Workshop co-organized with Tim Buthe and Katharina Pistor on “The Distributional consequences of transnational private regulation”

2013 November 28th – 29th, Florence (EUI), Workshop on Private Regulation, Customs and Usages in Transnational Private Law, co-organized with Gideon Parchomovysky within the framework of the HIIL project on Transnational Private Regulation

2014 March 27th Buenos Aires, Unidroit WFA meeting on contract farming. Gave a presentation on remedies in contract farming and codes of conduct.


2014 May 9th – 10th, Florence, Centre for judicial cooperation (EUI), Techniques of Judicial Cooperation in the Multi-System Protection of Fundamental Rights: Judicial Interaction Techniques for the Protection of European Fundamental Rights: Past and Future Perspectives, in the framework of the DG JUST project “European Judicial cooperation in the Fundamental rights practice of European courts”.

2014 May 19th, Bucharest, Romania, National Institute of Magistracy, Judicial Dialogue in Non-Discrimination on Grounds of Age, Sex, Sexual Orientation, Disability and Race in the framework of the DG JUST project “European Judicial cooperation in the Fundamental rights practice of European courts”. Gave a presentation on European judicial cooperation and fundamental rights in the Romanian context.

2014 June 3rd, Brussels, DG CNECT, Community of Practice (CoP) for Better Self- and Co-regulation. Gave a presentation on Transnational regulation and European law

2014 June 12 and 13 Master in management (MAMA) LUISS and SNA course on Transnational regulation

2014 June 23rd – 24th, Warsaw, Poland, Supreme Administrative Court, Dissemination conference of the project “Unexplored Judicial Cooperation in Fundamental Rights Practice of national courts – unexplored potential of judicial dialogue methodology (JUDCOOP)”. Gave a presentation on European judicial cooperation and fundamental rights in the Polish context.

2014 June 25th – 27th, Scandicci, Firenze, Scuola Superiore della Magistratura, Sales of Goods in International and European Law invited speech on Remedies in international and European sales law

2014 September research project on global supply chain field work in Indonesia

2014 October 10 Rome. Round table coordinator at the consultation workshop on Good corporate practices in contract farming

2014 October 13-14 Paris OECD. Invited speaker at the conference on Improving risk regulation: from crisis response to learning and innovation co-organized by IRGC, Duke University and OECD. Title of the paper: Private standards and transnational risk regulation

2014 October 21st Invited lecture at Pontificia Universidad Catolica Peru’ (PUPC) maestria derecho economico international Lima Perù on Transnational private regulation and global supply chain

2014 October 22-23d Pontificia Universidad Catolica Perù. Introduction and Conclusion Lima Perù 4th Latin American annual meeting on Transnational private regulation


2014 November 20th Invited talk Fordham Law school. Paper on the regulatory contracts in transnational private regulation


2014 December 2/4 Vienna seminar on Eu principles on remedies and administrative judicial enforcement

2015 January 27 Brussels Invited speech public hearing organized by the Economic and Social committee on an Opinion concerning self and co-regulation

2015 February 18 round table on L. Torchia and S. Cassese, Il diritto amministrativo, Mulino, 2014

2015 March 3d SNA Roma Coordinator with Giacinto della Cananea workshop on “ le regole modello del procedimento amministrativo europeo”.

2015 March 13 Milano National School of magistracy Dialogo tra le corti e diritto europeo dopo il parere della corte di Giustizia

2015 March 27 SNA Conference Coordinator Scienze comportamentali per un nuovo modello di amministrazione: Sfide ed obiettivi.

2015 April 17 Lucca. Seminario organizzato da Fondazione Campus e RetImpresa. Relazione su reti di imprese, politiche industriali e territoriali
2015 April 22 Wagenigen (the Netherlands). Invited talk on Remedies in contract farming and the
Unidroit FAO legal guide
2015 April 22/23 Utrecht workshop in collaboration with the European Association of administrative
judges on administrative enforcement and remedies in EU law. Preliminary results
2015 May Yogyakarta Invited visiting lecturer on transnational private regulation
2015 May 22d Milano Venerdì antitrust Università cattolica Milano lecture on Contractual networks and
competition policy
2015 May 26th invited presentation on European judicial dialogue university of Trento organized by the
training section of the Italian judicial school
2015 June 4th Coordinator seminar on behavioral approaches to regulation LUISS/SNA Master SCAP
2015 June 23/24 Trento invited lecturer doctoral program university of Trento. Lectures on
Transnational regulation and global supply chains
2015 October 7 Invited speaker in workshop organized by Banco Central de Perù and International
Monetary Fund on
2015 October Invited lecturer at PUCP (Lima Perù) in the framework of Maestria de Derecho international economico. Topics Transnational private regulation and International regulatory cooperation
2015 October Universidad Externado Bogotà Colombia invited speaker at conference on legal guide on
farming contracts
2015 November 5th organized a round table on regulatory systems and models of rationality hosting
professor Richard Revesz
2015 November 13 Co organizer of a conference on the History of regulation together with the
University of Florence
2015 December 7 presented a paper in Shanghai China at the Shanghai Institute of administration on
contractual networks and small and medium enterprises
2015 December 11 Coorganized a workshop on Behavioral science and public administration at LUISS
2016 January invited lecture at National university of Singapore on Global supply chains and
contractual governance

Editorial Boards

1994-99 Editor of "Rivista Critica del Diritto Privato"
1999- Member of the editing board of "Mercato, Concorrenza e Regole"
2002-2009 Member of the scientific board of "Giornale di diritto del lavoro e delle relazioni industriali"
2004-2007 Member of the board of Forum de la regulation
2005-... Member of the Consultative Board Secola
2006-.. Member of scientific committee of AICCON
2010- General editor of Private regulation series with Edward Elgar
2010- Member of the board of European Journal of risk and regulation
2011- Co-editor of the series on Judicial cooperation with Edward Elgar

Organizations. Affiliation and offices

2007- American Law Institute member
2011 Founding member of European Law Institute
2011-13 Elected member of the Executive Committee of the European Law Institute
2013-2017 Elected member of the Council of the European Law Institute
2011-2013 Elected member advisory board SIDE
2013-2015 Appointed expert member UNIDROIT on the contract farming working group
2014-2015 Appointed expert member by the European and Economic and Social Committee on the
Opinion on self and co regulation
2015-2016 Appointed expert of World Bank on the project Enabling Business in Agriculture
Research activities (recent major activities)

1998-99 Director and Co-ordinator of a European Research project on "Social Enterprise" in Belgium, France, Italy, Spain (Digestus Project).
2000-02 Academic co-ordinator on project on welfare reform and new functions of non-profit organizations
2001-03 Director of research project on networks of firms under MIUR project on contract incompleteness (Miur 2000)
2002 Research group on harmonization of contract law
2002 Member research group on networks, European University Institute
2002 Co-organizer (with J. Ziller) workshop "A multidisciplinary approach to networks" (EUI) November 18
2003 Director of the European Private Law Forum, Department of Law, IUE
2003 Co-director with C. Joerges and J. Ziller of research project on Tenancy Law
2003-04 Director of research project on networks of firms and intellectual property rights (Miur 2002)
2004 Co-director with J. Ziller of research project on "Codification and Constitutionalisation"
2004 Participant in research project "Governance", funded by EU, coordinated by prof. M. Rhodes
2004 Participant in research project on "Territori, diritto pubblico e diritto privato", coordinated by prof. M. Cammelli
2004-05 Participant in research project on "Public interest services and citizenship" (coordinated by J. Lenoble)
2004-05 Participant in research project on "Capacitas" (coordinated by S. Deakin and A. Supiot)
2003-05 Director of research project on "Self-regulation in the European Perspective: a comparative assessment"
2004-06 Director of a research project on networks of firms and local development
2005-06 Co-director with H. Muir Watt of a research project on Governance and regulation of European private law within research project on New Governance
2007-08 Director of a research project on the social responsibility of non profit organizations
2008 Coordinator of a research project on the relationship between Public and private regulation in Europe sponsored by the Robert Schuman Center in collaboration with the Florence School of regulation
2008-10 Coordinator of a research project on the role of national judiciaries in European private law
2008-10 Coordinator of a research project on comparative organizations concerning wine industry in Europe within REFGOV VI Framework Program
2008-10 Coordinator of a research project at EUI on The impact of European private law on Eastern European countries
2010-14 General Coordinator of the HIIL research project 'Private transnational regulation: Constitutional foundations and governance design' at RSCAS with UC Dublin and University of Tilburg
2010-13 Coordinator of the EUI unit in a research project on private regulation in media within MEDIADEM VII Framework Program
2011-13 Coordinator of LABORE (progetto Laboratorio Reti) fondazione REI Bruno Visintini and director of Laboratorio sulle reti
2011-2013 Coordinator with Katharina Pistor (Columbia Law School) of a research project on Transnational regulation. Governance by contract. Scuola Superiore della Pubblica amministrazione. Rome Italy
2011 IDB Grant on .Access to global value chain (General coordinator)
2011-2016 Co-director of Center for judicial cooperation at EUI. Coordinator of a research project on Judicial cooperation within the Centre for Judicial Cooperation, EUI Florence
2011-2012 Coordinator of a research project on interfirm networks for the Foundation Bruno Visentini
2013 Coordinator of scientific committee of research project on Unfair commercial practices in BtoB relationship (DG internal market)
2013-2014 Coordinator of a research project on European Judicial Cooperation in fundamental rights practice of national courts JUDCOOP (DG Justice) in collaboration with Italian, Spanish, Romanian and Croatian training judicial schools
2014-2016 Director of the master program in Behavioral law and economics SNA/LUISS
2014 Coordinator of a research project on the effectiveness of transnational private regulation
2015-2016 Research project on network contracts with LUISS DREAM
2015-2017 Scientific coordinator of a project on EU principles and remedies in administrative and civil enforcement in collaboration with the European association of administrative judges
2015-2017 Scientific coordinator of the project ACTIONES funded by EU Commission DG Justice

**Participation in legislative reform work**

2000-01 Member of the Commission for the reform of the First Book of Civil Code (Ministry of Social Solidarity; Ministry of Justice)
2000-01 Member of the Commission "Third Sector and occupation" (Ministry of Labour) Florence November 2002
2013-2015 Expert member of Unidroit Working group on Guidelines for contract farming
2014 -2015 Appointed expert of European Economic and social Committee on the Opinion on self and co-regulation
2015 Appointed Expert by Unidroit on global supply chains and dispute resolutions
2015-2016 Appointed expert by the World Bank on enabling business in agriculture project

**Relevant Recent Publications**

- Il contratto di rete, Enciclopedia del diritto, Giuffrè 2016, forthcoming
- (Ed.) *Regolazione transnazionale e trasformazione dello stato*, Il Mulino forthcoming 2015
- (Ed.) *European private law and judicial dialogue* (with Stephanie Law) Elgar, forthcoming 2015
- (with Paola Iamiceli) *Contractual relationships in global supply chains: the role of cooperative remedies*, Uniform law review 2/3, 2015
- (With Paola Iamiceli) *Private regulation and industrial organization contractual governance and the network approach*, in Contract governance (OUP 2015 p. 343-377
- *Transnational risk regulation and contractual governance*, forthcoming in EU law and risk regulation, (Micklitz and Tridimas eds) OUP, 2015
- The many features of transnational private rule making: the unexplored relationship between jura mercatorum and global regulatory law, University of Pennsylvania Journal of international law, 2015
- Los nuevos fundamentos de la regulacion transnacional privada, Revista de derecho privado (2014), p. 00
- (with Katharina Pistor) *Regulatory capabilities: a Normative framework for assessing the distributional effects of regulation*, Regulation and governance, 2014, p. 00
- (Ed. with S. Grundmann and G. Vettori), *The Organizational contracts*, Ashgate, 2013.
- (with P. Iamiceli) *Supply chains contractual governance and certification regimes*, European Journal of law and economics, (2013)
- “Invitel” (with S. Law) in AAVV., Liber Amicorum Jules Stuyck, Intersentia, 2013
- (with Paola Iamiceli and Giandomenico Mosco) "Il contratto di rete e le prime pratiche: linee di tendenza, modelli e prospettive di sviluppo", in I Contratti, 2013, 8/9, pp. 799 - 816
- "From a status to a transaction based approach” Common market law review 2013
- (with F. Casarosa), "Private regulation, Freedom of expression and Journalism: Towards a European approach?", EUI w.p. 2012/22
- (with P. Iamiceli) "Private regulation and industrial organization the network approach" EUI wp. 2012/21
- (with A. Renda) "Public and private regulation. Mapping the labyrinth", in Doveschmit review, 2012
- "Global public goods and private bads", in European Journal of international law 2012
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- (with P. Iamicelli, F. Casarosa, M. Degasperi, M. Gobatto, C. Ferrari), "Inter-firm networks in the Italian wine industry: three case studies in North East and South Italy (Trentino, Verona, Catania and Ragusa)" in Inter-firm networks in the European wine industry, 2010, pp. 47-64
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- (with P. Iamicelli), "La sfida delle reti di imprese tra sviluppo locale e reti trans-nazionali" in A. Mariani, E. Pomarici (a cura di), Strategie per il vino che verra. Una ricerca dell'Informatore Agrario, Costruzione di un documento di riflessione strategica per il settore vitivinicolo italiano, Napoli: E.S.I., 2010, p. 153-167
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"Product Safety, Private Standard Setting and Information Networks", EUI w.p. 2008/17


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"La regolazione privata nel diritto europeo dei contratti", Contratto e impresa/Europa 1/2008

"Il diritto dei contratti nei mercati regolati – Ripensare il rapporto tra parte generale e parte speciale", in RTDPC 2008, 95

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"Le reti di imprese per la fornitura di servizi alle Pmi tra innovazione e crescita imprenditoriale" (with Paola Iamiceli), in P. Mastroberardino, A. Lopes, F. Macario (eds.), Reti di imprese. Scenari economici e giuridici, Giappichelli, 2008

"Il finanziamento delle reti di imprese. Sputti di riflessione tra economia e diritto", in A. Zazzaro (ed.) I vincoli finanziari alla crescita delle imprese, Roma, Carocci, 2008


"The making of European private law: Governance design", EUI w.p. 2007/26

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(Ed. with A. Nicita and U. Pagano) Legal orderings and economic institutions, Routledge, 2007


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"Immunità per i produttori di sigarette: barriere culturali e pregiudizi di una giurisprudenza debole" (nota a Trib. Roma, 4 aprile 1997), in Danno e responsabilità, 1997, pp. 750-760

"La responsabilità dell'impresa per prodotti difettosi", in N. Lipari (a cura di), Diritto privato europeo, 1997, vol. II, 996-1034


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"Le regole della comunicazione: spunti di riflessione in merito alla comunicazione delle associazioni", in *Politica del diritto*, 1994, pp.443-485

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"L’handicap", in P. Cendon (a cura di), *I bambini e i loro diritti*, Bologna, Il Mulino, 1991, pp.323-331


"Danno da prodotto e funzioni della responsabilità del produttore", in *Rivista critica del diritto privato*, 1988, pp.561-603

ANNEX IV

Neil B. Cohen
Brooklyn Law School
New York 11201

PROFESSIONAL EMPLOYMENT

Brooklyn Law School
Brooklyn, New York

Professor of Law, 1985 - 2003
Jeffrey D. Forchelli Professor of Law, 2003 - present
Courses Taught: Contracts; Commercial Law; Secured Transactions; Sale of Goods; Payment Systems; Negotiable Instruments; Advanced Commercial Law; International Commercial Transactions; Conflict of Laws; International Credit Transactions; Constitutional Law;
Corporations; Probability, Statistics, and Proof

Columbia University School of Law
New York, New York

Visiting Professor of Law, Fall 1994
Joseph F. Cunningham Visiting Professor of Commercial and Insurance Law, Fall 2009

Seton Hall University School of Law
Newark, New Jersey

Assistant Professor of Law, 1979 - 1982
Associate Professor of Law, 1982 - 1985
Awarded early tenure, 1984
Professor of Law, 1985

Fine & Ambroigne
Boston, Massachusetts

Associate, 1977 – 1979

PROFESSIONAL HONORS

American Law Institute
John Minor Wisdom Award, May 2014

American College of Commercial Finance Lawyers
Homer Kripke Lifetime Achievement Award, April 2014

PROFESSIONAL AND SCHOLARLY APPOINTMENTS

Director of Research, Permanent Editorial Board for the Uniform Commercial Code, 1998 - present


Reporter, Restatement of the Law, Third, Suretyship and Guaranty (American Law Institute), 1990 -96

Member, Uniform Commercial Code Article 9 Joint Review Committee, 2008 - 2010
Member, Uniform Commercial Code Article 9 Drafting Committee, 1993 - 1998; Chair, Task Force on International Secured Transactions; Member, Committee on Consumer Transactions

Member, Uniform Commercial Code Articles 2 and 2A Drafting Committee (National Conference of Commissioners on Uniform State Laws and American Law Institute), 1999 - 2003

Member, United States Department of State’s Advisory Committee on Private International Law, 2009 - present


Member, UNIDROIT Working Group for Preparation of Model Clauses invoking the UNIDROIT Principles of International Commercial Contracts, 2012 – 2013; Working Group on Long-Term Contracts, 2015 - present


Adviser, Uniform Manufactured Housing Act Drafting Committee (Uniform Law Commission), 2010 - 12

Co-Reporter, PEB Commentary No. 11 on Suretyship Issues in Article 3 (Permanent Editorial Board for the Uniform Commercial Code)

Consultant, Organization of American States, Secured Transactions Reform in Jamaica, July 2014 – present

**PUBLICATIONS – BOOKS, CHAPTERS, ETC.**


Hawkland Uniform Commercial Code Series (Revised Article 9) (with W. Hawkland and F. Miller) (2001)

Restatement of the Law, 3d, Suretyship and Guaranty (Reporter) (American Law Institute 1996)

Baseball and the American Legal Mind (with S.W. Waller and P. Finkelman) (1995)


**PUBLICATIONS – ARTICLES**

**Commercial Law**


The Revised UCC Article 9 Secured Transaction Simplification Experience, 105 Dickenson Law Review 213 (2001)


Credit Enhancement in Domestic Transactions: Conceptualizing the Devices and Reinventing the Law, 22 Brooklyn Journal of International Law 21 (1996)


Hidden Suretyship Issues in Revised Article 3, 1993 Commercial Law Annual 207


Preliminary Report on a Restatement of Suretyship: A Report to the Director of the American Law Institute (ALI 1990)


**Medicine and the Law**


Probability, Statistics and Proof in the Law of Evidence


Jurisprudence


Antitrust Law


Product Liability Law


Memberships

American Law Institute

American College of Commercial Finance Lawyers (Regent 2001 - 2004, 2009 - 2013)

International Academy of Commercial and Consumer Law

American Bar Association

Education

New York University School of Law, J.D., cum laude, 1977

Root-Tilden Scholar
Order of the Coif
Annual Survey of American Law (Articles Editor)

Massachusetts Institute of Technology, S.B., 1974
Lauro Gama Jr.

**Highlights**

- 30 years of experience in Brazilian and International law
- Expertise in Contracts, International Law and Commercial Arbitration
- Fluent in English, French, Spanish and Portuguese; knowledgeable in Italian

**Professional experience**

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<th>Partner</th>
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<tr>
<td>Jan 2004– to date Binenbojm, Gama &amp; Carvalho Britto Attorneys at Law (Rio de Janeiro, Brazil)</td>
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<tr>
<td>Corporate and international law, civil law, administrative law and regulatory agencies, arbitration, litigation</td>
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**General counsel**

- Jan 2003– Jan 2006 Rioprevidência (Fundo Único de Previdência do Estado do Rio de Janeiro)
- Pension funds law, administrative law, real estate law, corporate law, securitization projects

**Legal consultant**

- Corporate law, litigation, telecommunications law and regulation

**General counsel**

- Corporate law, litigation, telecommunications law and regulation

**Legal consultant**

- Brazilian telecommunications law and regulation

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<tr>
<td>1988-1999 Capanema &amp; Gama Advogados Rio de Janeiro, Brazil</td>
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<td>Civil, corporate, international and tax law practice</td>
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<tr>
<td>1994 - to date Procuradoria do Estado do Rio de Janeiro Rio de Janeiro, Brazil</td>
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<td>Constitutional, tax and administrative law practice on behalf of the State of Rio de Janeiro</td>
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<tr>
<td>1990 - to date Pontifical Catholic University (PUC-Rio) Rio de Janeiro, Brazil</td>
</tr>
<tr>
<td>Private International law, Contracts, Arbitration and International Business Transactions</td>
</tr>
</tbody>
</table>
**Formal education**

**Doctor of laws, International Law**  
1998 - 2004  University of São Paulo  São Paulo, Brazil  
Approved "with distinction" in November 2004

**LL.M Comparative Law**  
1998 – 1999  McGill University  Montreal, Canada  
Thesis subject: Telecommunications and regional integration: the case of Mercosur

**Master of Laws in International Relations**  
1988 – 1992  Catholic University  Rio de Janeiro, Brazil  
Thesis subject: Arbitration law and practice in Brazil and Portugal

**Bachelor of Law**  
1981 – 1987  State Univ. of Rio de Janeiro  Rio de Janeiro, Brazil

**Professional membership and activities**

Brazilian Bar - since 1988 (Rio de Janeiro and São Paulo)

Brazilian Committee of Arbitration (CBar) – since 2002  (Director 2009-2013 and President 2013-2015)

Member of the International Court of Arbitration of ICC (International Chamber of Commerce) – since 2015

International Chamber of Commerce (ICC Brazil) – Arbitration Committee – since 2005

Member, Grupo Latinoamericano de Arbitraje de la CCI – since 2012


Member of the Groupe de Travail sur les Contrats Internationaux (GTCI) – chaired by Prof. Filip de Ly

American Association of Private International Law (ASADIP) – Vice-president, International Relations

Member, International Section of the New York State Bar Association – International Contracts and Comm. Law Committee

Invitation: Visiting professor – Univesity of Florida Levin College of Law – January 2010

Coach – PUC-Rio team - Willem C. Vis International Commercial Arbitration Moot – Vienna (since 2007)

Brazilian Society of International Law – since 1991

American Society of International Law – since 1992

International Law Association (Brazilian branch) - since 1993 (currently vice-president of ILA-Brazil)
Rotary Club of Rio de Janeiro - since 1997
Sociedade Internacional de Mediação e Arbitragem (Brazil) - since 1998
Member of the Brazilian Bar (Rio de Janeiro) Arbitration Committee
Listed on the Arbitrators List of the CMA/CCBC - Center of Mediation and Arbitration – Chamber of Commerce Brazil-Canada
Listed on the Arbitrators List of the CBMA - Brazilian Center of Mediation and Arbitration (FIRJAN, FENASEG)
Listed on the Arbitrators List of the CAMARB (Câmara de Arbitragem Empresarial)
Listed on the Arbitrators List of the Arbitration Chamber of the São Paulo Institute of Engineering
Listed on the Arbitrators List of the ARBITAC – Arbitration Chamber of the Paraná State Trade Association
Listed on the Arbitrators List of the CAM-CIESP – Arbitration Chamber of the Federation of Industries of São Paulo
Listed on the Arbitrators List of the Center of Mediation and Arbitration – Portuguese Chamber of Trade of São Paulo
Listed on the Arbitrators List of the International Arbitration Institute (Chairman: Prof. Emmanuel Gaillard) – www.laiparis.com
Listed on the Arbitrators List of the Brazilian Center of Mediation and Arbitration (CBMA)

Mr. Gama has acted as counsel, co-arbitrator and Chairman in more than 60 (sixty) domestic and international arbitrations, both ad hoc and institutional before various arbitration institutions (LCIA, CCI, CAM-CCBC, CMA CIESP/FIESP, Câmara FGV de Conciliação e Arbitragem, CBMA, CAMARB, ABDM, ARBITAC). The disputed subject-matters included corporate law, M&A transactions, shareholders agreements, major construction contracts, built-to-suit contracts, insurance disputes, international sale of goods, services, consulting, joint-ventures, transfer of technology and licensing of trademarks.

Bonell – in Essays in honour of Professor M. J. Bonell – UNIDROIT (to be published)


2015. Limitation and Exclusion of Liability in CIGS Contracts. Opinion no. 17 CIGS Advisory Council. Approved in 2015 at the meeting held in Bogotá, Colombia


(The UNIDROIT Principles and the Brazilian Law)


(Law and Practice of the Recognition of Foreign Arbitral Awards in Brazil)
2005-2006, *Sinal verde para a arbitragem nas parcerias público-privadas (A construção de um novo paradigma para os contratos entre o Estado e o investidor privado)* In: Revista Brasileira de Arbitragem – Comitê Brasileiro de Arbitragem, n. 8, out/nov/dez


*(Arbitration in Public-Private Partnerships in Brazil)*


*(Party Autonomy in International Contracts in Brazil)*


**Post-doctoral Project**

Non-state law as the law applicable to international contracts: the case of the UNIDROIT Principles of International Commercial Contracts and the future Hague Principles

- present and future dialog between the CISG and the UNIDROIT Principles
- how soft law principles of international law can help to update and perfection a hard law instrument
ANNEX VI

Madrid, 1 March 2016

Prof. Pilar Perales Viscasillas

Letter of motivation

To the Governing Council

It is a pleasure to apply for a position as correspondent of UNIDROIT for a period of three years (May 2016 to April 2019).

I have been involved in the area of international commercial contracts, particularly CISG and UNIDROIT Principles, and arbitration for many years; matters in which UNIDROIT has a leading international expertise and long tradition behind. It would be an honor to keep on working on these areas and thus be able to assist the future activities of UNIDROIT as requested. I find particularly interesting the Draft Triennial Work Programme 2017-2019 in the areas of international insurance and reinsurance contracts, the guidance document on existing texts in the area of international sales law and the Project on land investment contracts.

I will be happy to assist the activities of UNIDROIT by providing information about Spanish law, preparing national reports or background materials for the ongoing projects of UNIDROIT, or by helping in the translation into Spanish of the new texts. In addition, I will be ready to contribute to the promotion of UNIDROIT instruments by organizing conferences and seminars that will include UNIDROIT texts, by adding UNIDROIT texts in the Madrid Moot as we usually do, by continuing reporting Spanish cases to UNILEX, and indeed to publish articles on subjects related to UNIDROIT texts.

Sincerely yours,

Pilar Perales Viscasillas

Dpto. Derecho Privado
Universidad Carlos III de Madrid
C/ Madrid 126; 28903 Getafe (Madrid)
Prof. Pilar Perales Viscasillas

Pilar Perales Viscasillas is the Director of the Graduate School of Law at University Carlos III of Madrid where she is also the Chair of Commercial Law, and was formerly at La Rioja University. Graduated from the Law School of the University Autónoma of Madrid. Doctor in Law at the University Carlos III of Madrid, with honours. Member of the Spanish Bar. Arbitrator in international and domestic commercial matters.

Prof. Perales Viscasillas has published several books in Spanish: Formation of the Contracts in CISG (1996); Appraisal’s rights of shareholders (2000); Appraisal’s rights in Corporations: a comparative study between the Spanish and the USA Legal systems (2001); International Commercial Law. The Uniform Law (2003) in cooperation with Prof. Rafael Illescas; Arbitrability and arbitration agreements in Corporations (2005); Late Payment in the EU and Spain (2006); and Insurance and Liability of arbitrators and arbitral institutions (2013). She has also published several articles in Spanish and English on international/domestic commercial contracts, arbitration, insurance contracts, and corporate Law.


Prof. Perales Viscasillas is member of the CISG-AC (The International Sales Convention - Advisory Council); CLOUT National correspondent, also formed part of the team that drafted the third edition of the CISG Digest; observer at the Working Group on the preparation of the 3rd and 4th edition of the UNIDROIT Principles on International Commercial Contracts; Member of the International Academy of Commercial and Consumer Law (IACCL); Associate Member to the General Commission for the Codification of Commercial Law in Spain. She has also been Spanish Representative at UNCITRAL in the Working Group on International Commercial Arbitration from 2000-2014.

Visiting Scholar at UNCITRAL and at the Universities of Columbia, Arizona and Pace, where she was also Adjunct Professor of Law. Visiting Professor at Queensland University and Louisiana State University.

Director of the Madrid Moot (www.mootmadrid.es), and the Database CISG Spain and Latinamerica (www.cisgspanish.com).
CURRICULUM VITAE

2. PERSONAL ACADEMIC RECORD


3. PROFESSIONAL EXPERIENCE

University positions:

- October 1991-28th January 2000: Assistant at the University Carlos III of Madrid

- 1996-1997 (Spring Semester): Adjunct Professor of Law at Pace University School of Law.

- From 28 January 2000 to 16th July 2007: Commercial Law Professor at the University Carlos III of Madrid (Profesora Titular).

- From the 27th September 2004 to the 16th July 2007, Secretary of the Legal Study of the University Carlos III of Madrid.

- 16th July 2007-31st August 2011: Chair of Commercial Law at University of La Rioja

- Since 1st September 2011: Chair of Commercial Law at University Carlos III of Madrid.

Professional experience:

- Since 1993: Consultant of commercial legal matters in both domestic and international affairs, particularly: international commercial contracts, corporations, and arbitration

- Since 1995: Expert declarations in international and commercial litigation, including international commercial arbitration

- Since 2000: Member of the Madrid Bar Association (2000).

- Since 2009: Arbitrator in international and domestic cases

- 2010-2015: Of Counsel at Baker & McKenzie (Madrid)

Participation in International Organizations and Groups:


- Since January 2007. Spanish correspondant of CLOUT.


4. VISITING RESEARCH/SCHOLAR

- UNICITRAL. Vienna International Centre, (Vienna-Austria) (October-November 1994).
- Visiting Scholar at Pace University School of Law (White Plains-New York) (October 1996-September 1997), and Columbia University (March-June 1997).

Adjunct Professor of Law teaching the course: International Sales Contract Law at the Law School (together with Al Kritzer) (2 credits).
- July 2002: University of Queensland. TC Beirne School of Law. Sixth Annual Program in International, Comparative and Foreign Law. Professor: Comparative and International Contract Law (2,6 credits).
- 2005-2006 (Winter semester): Visiting Professor at Lousiana State University (LSU), Baton Rouge, Louisiana, EEUU. International Contract Law Seminar: The Unidroit Principles and Beyond (1,2 credits).

5. AWARDS


- I Award "Premio extraordinario de Doctorado", University Carlos III of Madrid, for the doctoral dissertation.

- I Award "Premio de Artículos Jurídicos" (Professionals) (7th edition) of the Cadiz Bar Association (Spain), 2000: Causas estatutarias de separación de socios en las SA y SRL (Close Corporations Appraisal right’s in by-laws).

- I Award "Premio Nacional 2000 de Artículos Doctrinales de Derecho Mercantil y Civil" (1st edition): La opresión de las minorías en las sociedades cerradas (Oppression of minority shareholders in close corporations).


-I Award Tribunal Arbitral de Barcelona (TAB), 3ª edition (2004): Arbitrability of the Derechos de la propiedad industrial y de la competencia [Arbitrability of intellectual rights and competition law].

-I Award Premio de Excelencia 2012 del Consejo Social de la Universidad Carlos III de Madrid. Modalidad de Joven Personal Investigador.
6.- PUBLICATIONS

A) Books


-Derecho Mercantil Internacional. El Derecho Uniforme [International Commercial Law. The Uniform Law], with Prof. Rafael Illescas Ortiz. Madrid: Centro de Estudios Ramón Areces, 2003, 493 pages. The book includes chapters in several international contracts (sales, electronic contracts, documentary credits, standby letters of credit, funds transfer, and leasing) as well as a chapter on international commercial arbitration.


-La morosidad en las operaciones comerciales entre empresas. [Late Payment in commercial transactions]. Madrid: Civitas, 2006, 362 pages.


B) Chapters in Books


-Consideraciones introductorias de los directores respecto de la obra y sobre el Reglamento de Arbitraje CNUDMI (2010), pp.xxi-xxxviii; artículos 27 (pp.267-284), 29 (pp.295-300), 33 (pp.325-334) y 41 (pp.423-438) [Introduction to UNCITRAL Arbitration Rules and comments to Articles 27,29,33


C) Periodicals


-La información sobre la Convención de Viena de 1980 -compraventa internacional de mercaderías-


-Chips, Fedwire, Target & Co.: Los sistemas interbancarios de transferencias electrónicas de fondos y el control de sus riesgos sistemáticos" [Chips, Fedwire, Target and Co.: The International Interbank Funds Transfer System and the control of its systemic risks]. RDBB, abril-junio 1998, n°70, pp.365-430.


-La carta de crédito contingente. The Standby Letter of Credit (Usos Internacionales relativos a los créditos contingentes, ISP 98. Reglas 590 de la Cámara de Comercio Internacional) [The Stand-by Letter of Credit. ISP 98]. RDBB, enero-marzo 2002, nº85, pp.7-122.


-La oferta y la aceptación en el DCFR (Draft Common Frame of Reference) [Offer and Acceptance in DCFR]. Noticias de la Unión Europea, nº320, septiembre 2011, pp.85-98.


- La mediación y el arbitraje como fórmulas alternativas de solución de conflictos en las reclamaciones contra personal médico y centros sanitarios. Revista Española de Seguros, nº152, octubre-diciembre 2012, pp.315-342.


- Los convenios arbitrales con los consumidores (La modificación del art. 57.4 TRLGDCU por la Ley 3/2014 de 27 de marzo), La Ley Mercantil, nº7, 2014, pp.1-22.


- Tarjetas prepago de telefonía móvil, pérdida del saldo y cláusulas abusivas (junto con Antonio Roncero Sánchez). La Ley mercantil, ISSN-e 2341-4537, Nº. 12 (marzo), 2015, pp.38-53.

- La función arbitral de la Comisión Nacional de los Mercados y de la Competencia. LA LEY mercantil, Nº 14, Sección Arbitraje mercantil, Mayo 2015, pp.1-55.


- La contratación electrónica en el Anteproyecto de Código mercantil. Revista de derecho mercantil, ISSN 0210-0797, Nº 295, 2015, pp.31-68.


**D) Editor**


-María José Morillas Jarillo, Pilar Perales Viscasillas y Leopoldo Porfrío Carpio (directores). Estudios sobre el futuro Código Mercantil: libro homenaje al profesor Rafael Illescas Ortiz.


-Raúl Etcheverry, Alejandro M. Garro y Pilar Perales Viscasillas, Hacia una interpretación uniforme de la Convención de Viena sobre compraventa internacional de Mercaderías: Opiniones (1 a 15) y declaraciones (1 y 2) del Consejo Consultivo (CISG-AC), Revista de Derecho Comercial y de Obligaciones, 2015, n.º273.

**7. LECTURERS**


-9 November 1996. Communication on ”Los Principios de Unidroit como objeto y como instrumento de interpretación” presentada al Congreso Interamericano «Hacia un nuevo régimen para la contratación mercantil internacional: Los Principios de Unidroit sobre los contratos comerciales internacionales». Universidad de Carabobo (Valencia-Venezuela); organized by: el Instituto Internacional para la Unificación del Derecho Privado (UNIDROIT), el Centro de Estudios Internacionales de la Facultad de Derecho, Universidad de Carabobo, Ministerio de Relaciones Exteriores de la República de Venezuela, Banco Interamericano de Desarrollo, Fondo Multilateral de Inversiones (6-9 Noviembre 1996).


-7 February 2003. *Conference commentator: articles 14-24, 66-77 CISG. Beyond the Uncitral Digest. Center for International Legal Education. Univ. of Pittsburgh School of Law*


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8. OTHERS

-Coach to the Willem Vis International Commercial Arbitration Moot:
  -1996-1997: Pace University School of Law team.


-Since 2011: Coach of the University Carlos III of Madrid team for the FIA Moot (Frankfurt Investment Arbitration Moot Court), FDI Moot, and Externado/Washington University Investment Arbitration Moot.