



## The contribution of HCCH, UNCITRAL and UNIDROIT to the harmonisation of the law of international sales

*Rome/remote, Tuesday 22 September 2020*

- 13:00-13:15 *Opening Addresses:*  
*Maria Chiara Malaguti*, President, UNIDROIT  
*Ignacio Tirado*, Secretary-General, UNIDROIT  
*Christophe Bernasconi*, Secretary-General, HCCH  
*Anna Joubin-Bret*, Secretary, UNCITRAL
- 13:15-14:30 *Chair: Ning Zhao*  
*Stefan Vogenauer*: "Choice of contract law and choice forum: new developments with regard to regulatory competition"  
*Neil Cohen*: "The HCCH Principles on choice of law in contracts and their relationship to CISG and the UNIDROIT Principles"  
*Michael Joachim Bonell*: "The application of the UNIDROIT Principles in practice: past experience and future prospects"  
*Discussion*
- 14:30-14:45 *Break*
- 14:45-16:00 *Chair: Henry D. Gabriel*  
*José Angelo Estrella Faria*: "From the Hague Conventions to CISG: UNIDROIT's early legacy to the uniform law on international sales"  
*Lauro Gama*: "The interaction between CISG and UPICC"  
*Hiroo Sono*: "Limitation Periods in International Sales"  
*Discussion*
- 16:00-16:15 *Break*
- 16:15-17:30 *Chair: Ignacio Tirado*  
*Pilar Perales Viscasillas*: "Force Majeure and Hardship in the context of the regulation of long-term contracts"  
*Bénédicte Fauvarque-Cosson*: "The CISG and the UNIDROIT Principles as a model for legislators: the case of France"  
*SHI Jingxia*: "The influence of CISG and the UNIDROIT Principles on the new Chinese Civil Code"  
*Discussion*





**Ning Zhao** is Senior Legal Officer at the Permanent Bureau of the HCCH and has as her primary responsibility the HCCH *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (HCCH 2019 Judgments Convention), the HCCH *Principles on Choice of Law in International Commercial Contracts* and the HCCH *Convention of 30 June 2005 on Choice of Court Agreements*. Prior to joining the Permanent Bureau, She worked in private practice and taught private international law at Dutch universities. Ning holds LL.M. degrees in International Economic and Business Law (*cum laude*) from the University of Groningen (the Netherlands) and in European Law from Radboud University Nijmegen (the Netherlands), as well as a doctoral degree in private international law from the University of Groningen. She has been a visiting scholar at different academic institutes and published articles in the field of private international law.



**Stefan Vogenauer** is Director at the Max Planck Institute for European Legal History in Frankfurt/Main and Chair of Max Planck Law, the network of 11 institutes in the Max Planck Society pursuing legal research and covering all areas of law from legal anthropology to tax. From 2003 to 2015 he held the Chair of Comparative Law at the University of Oxford where he also served as Director of the Oxford Institute of European and Comparative Law. He has held visiting positions at the universities of Auckland, Melbourne, Paris 2— Panthéon Assas and Stellenbosch, and also at Bucerius Law School, National Law University Delhi, Louisiana State University (LSU), National Taiwan University (NTU), New York University (NYU) and the University of Texas at Austin. He works mostly in the areas of European legal history, comparative law and transnational private law. He is the editor of *Commentary on the UNIDROIT Principles of International Commercial Contracts* (2<sup>nd</sup> edn, OUP 2015). Further publications, co-authored or co-edited, in the area of comparative, European and transnational contract law include *Studies in the Contract Laws of Asia, vol III: Contents of Contracts and Unfair Terms* (OUP 2020); *Ius Commune Casebooks on the Common Law of Europe: Cases, Materials and Text on Contract Law* (3<sup>rd</sup> edn, Hart 2019); *Studies in the Contract Laws of Asia, vol II: Formation and Third Party Beneficiaries* (OUP 2018); *The Future of Contract Law in Latin America: The Principles of Latin American Contract Law* (Hart 2017); *English and European Perspectives on Contract and Commercial Law: Essays in Honour of Hugh Beale* (Hart 2014); *The Common European Sales Law in Context: Interactions with English and German Law* (OUP 2013).



**Neil B. Cohen** is the Jeffrey D. Forchelli Professor of Law at Brooklyn Law School. He has served as a member of the drafting committee or Reporter for the current versions of several Articles of the Uniform Commercial Code and was the Reporter for the ALI's Restatement of the Law of Suretyship and Guaranty. Professor Cohen currently serves as U.S. Reporter for Principles of Law for the Data Economy, a joint project of the ALI and the ELI and as the Director of Research of the Permanent Editorial Board for the Uniform Commercial Code. He has served as a member of United States delegation to UNCITRAL for its work on harmonizing and modernizing the law of secured credit, as a member of the Hague Principles on Choice of Law in International Commercial Contracts Working Group, and as a member of the Working Group for the latest editions of the Unidroit Principles of International Commercial Contracts. Since 2009, he has served on the United States Department of State's Advisory Committee on Private International Law. A co-author of law school casebooks on contracts

and conflict of laws as well as dozens of other books and articles. In recognition of his accomplishments, he has received both the ALI's John Minor Wisdom Award and the Homer Kripke Lifetime Achievement Award of the American College of Commercial Finance Lawyers. Professor Cohen received an S.B. from the Massachusetts Institute of Technology and a J.D. from New York University School of Law, where he was a Root-Tilden Scholar.



**Michael Joachim Bonell** is Professor Emeritus of the University of Rome I and Consultant at UNIDROIT. He is *Membre titulaire* of the International Academy of Comparative Law. He acted as the Chairman of the Working Group for the preparation of all four editions of the UNIDROIT Principles of International Commercial Contracts. He was Delegate at the 1980 Diplomatic Conference for the adoption of the U.N. Convention on Contracts for the International Sale of Goods (CISG) and was Visiting Professor at various foreign Universities, such as the Columbia University School of Law, the University of California School of Law and the University of Oxford. He served as Commissioner of the U.N. Compensation Commission, and acted as Sole Arbitrator or Member of the Arbitral Tribunal in numerous domestic and international arbitration proceedings. He is Editor in chief of the database UNILEX on the UNIDROIT

Principles and the CISG at <http://www.unilex.info>.



**Henry Gabriel** is a Professor of Law at Elon University and formerly the DeVan Daggett Professor of Law at Loyola University, New Orleans. He is in his fourth five-year term as a member of the UNIDROIT Governing Council and he is a member of the UNIDROIT Permanent Committee. He was member of the Working Group and Chair of the Editorial Board of the UNIDROIT Principles of International Commercial Contracts, and Chaired the UNIDROIT Working Group on the Legal Guide to Contract Farming and is currently chairing the UNIDROIT Model Law on Factoring. He has served as United States delegate to United Nations Commission on International Trade Law for seventeen years working with both the Working Group on Electronic Commerce as well as the Working

Group on Transport Law. He is an elected and life member of the American Law Institute, a Fellow of the European Law Institute, a Fellow of the Chartered Institute of Arbitrators, and a life member of the American Uniform Law Commission. He was the reporter for the revision of the Sales and Leases Articles of the American Uniform Commercial Code and the Chair of the Revisions of the Uniform Commercial Code Article on Documents of Title. He is the author of ten books and over 60 articles.



**José Angelo Estrella Faria** is Principal Legal Officer and Head, Legislative Branch, at the secretariat of the United Nations Commission on International Trade Law (UNCITRAL) in Vienna (Austria). He joined the United Nations in 1992.

From 1 October 2008 to 31 July 2017, he was the Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT).

He has published articles and books, and taught various courses on legal harmonisation, commercial law and international law.



**Lauro Gama Jr.** is Adjunct Professor at the Pontifical Catholic Univ. of Rio (PUC-Rio), where he teaches Private International Law, Contracts and International Commercial Arbitration. He participated in the working group of the UNIDROIT Principles (2008-2010) and also in the working group of the 2015 Hague Principles. He is also a member of the CISG Advisory Council. He is currently a Member of the ICC Court of International Arbitration.



**Hiroo Sono** is a Professor of Law at Hokkaido University, Japan. His main fields of research interest lay in contract law (including consumer law) and international commercial law. He approaches these fields from the perspective of interaction between private ordering and the regulatory function of private law; and also from the perspective of globally and regionally coordinated developments in commercial law.

Recently, he has been most active in the field of international commercial law. He is one of the founding members of the CISG Advisory Council (CISG-AC) since 2001 and the Global Private Law Forum (GPLF) of Japan since 2014. From 2006 to 2008, he served as Counsellor, Civil Affairs Bureau, Ministry of Justice where he was responsible for Japan's accession to the CISG. From 2008 to 2018 he served as the Japanese delegate to UNCITRAL Working Group VI (Security Interests) and is also a Correspondent to UNIDROIT since 2015.



**Ignacio Tirado** was appointed Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT) by the Governing Council at its 97<sup>th</sup> session, and officially took office on 27 August 2018. A national of Spain, Professor Tirado (Commercial, Corporate and Insolvency Law, Universidad Autónoma of Madrid, Spain) holds a PhD from the Universities of Bologna and Autónoma de Madrid and an LLM from the University of London. Professor Tirado has been a Senior Legal Consultant at the World Bank's Legal Vice-Presidency and Financial Sector Practice for

more than nine years, having also consulted for the IMF on insolvency related matters as well as for the Asian Development Bank on commercial legal reform.

Amongst other accolades to his professional experience, Professor Tirado is a founding member of the European Banking Institute, an International Fellow of the American College of Bankruptcy and has been Director and Academic Co-Chair of the International Insolvency Institute.



**Pilar Perales Viscasillas** is Chair of Commercial Law at Carlos III University of Madrid since 2011. Director of the School of Law at UC3M. National and international arbitrator. Member of the Board of Directors as Independent Director at MAPFRE SA. Author of seven monographs in matters related to international sale, uniform law of international trade, commercial contracting law, company law, insurance and arbitration, as well as more than seventy publications in collective and periodical works, several of them in English. Professor Perales Viscasillas is Member of the CISG-AC (Advisory Council on the Convention on Contracts for the International Sale of Goods). She was an observer in the Working Group for the preparation of the third and fourth editions of the UNIDROIT Principles on International Commercial Contracts (2010 and 2016) and Spanish Delegate to the United Nations Commission on International Trade Law (UNCITRAL-UNCITRAL) (2001-2014) in Working Group II on International Commercial Arbitration. Member of the Plenary of the Centro Internacional de Arbitraje de Madrid (CIAM) and Council member of Spanish Club of Arbitration.



**Bénédicte Fauvarque-Cosson** is Conseillère d'Etat and was, until 2018, *Professor of Law* at the University Panthéon-Assas, Paris II. She also was President of the Société de législation comparée and Vice-President of the European Law Institute and of the International Academy of Comparative Law and president of a European network, Trans Europe Experts. She has been a member of several international working groups in contract law (notably at Unidroit and at the Hague Conference). She was special Counselor for Vice-President of the European Commission Viviane Reding, in European contract law (2011-2014).

She publishes in the field of European and comparative contract law, in French and in English. She has also been involved in the French contract law reform and published a bilingual (French/English) guide of this reform.



**Jingxia Shi** Jingxia Shi has been an International Business and Economic Law Professor at Renmin University of China (RUC) since 2020, and was previously Dean (04/2014-09/2019) of the UIBE Law School where she joined the law faculty in 1998. Professor Shi earned her B.A & LL.B in 1992, Ph.D in International Law (1998) from Wuhan University, China. She also holds an LL.M degree (2007) and J.S.D degree (2011) from Yale Law School. A member of New York Bar since June 2011, Chinese Bar Association since 1999, as well as a member of Governing Council of International Institute for the Unification of Private Law (UNIDROIT) in Rome, Italy since 2014, an appointed Conciliator at International Center for Settlement of Investment Dispute (ICSID, Washington D. C.) since August 2017, a board member of International Insolvency Institute (III, USA), and a member of Academic Group at INSOL International (London), Member of Expert Committee of China Court of International Commerce (CCIC), the Supreme Court of China (SPC); a former member of drafting committee of the 2006 Enterprises Bankruptcy Law of the PRC, and an appointed arbitrator at CIETAC, Beijing Arbitration Commission (BAC), Shenzhen Court of International Arbitration (SCIA), etc. She is frequently counseled by Chinese government agencies and enterprises with foreign-related legal issues. Professor Shi's extensive research reaches into areas of international investment law, international trade law, as well as cross-border insolvency, with abundant publications both in English and Chinese.