

The *Code Napoléon* Rewritten: French Contract Law after the 2016 Reforms

A research workshop hosted by the Institute of European and Comparative Law

and St John's College, Oxford

21 to 23 September 2016

All working sessions and lunches are held in St Giles House, St John's College, St Giles, Oxford

DRAFT PROGRAMME/31.8.16

Wednesday 21 September

From 12.00: registration at St Giles House

12.30 Lunch

2.00 Welcome and general introduction

Professor John Cartwright, Director of the Institute of European and Comparative Law

CHAIR FOR THE AFTERNOON SESSION: PROFESSOR JOHN CARTWRIGHT, CHRIST CHURCH, OXFORD

Topic 1: The notion and place of contract

2.15 Contracts, contract law and contractual principle (arts 1100 – 1111-1)

Professor Simon Whittaker, St John's College, Oxford

Topic 2: The creation of a valid contract

3.00 Formation of contract: negotiation and the process of agreement (arts 1112, 1113 -1127-6)

Dr Ruth Sefton-Green, Université Paris 1 Panthéon-Sorbonne

3.45 Tea

4.00 Validity of contract: *dol*, *erreur* and *obligations d'information* (arts 1112-1 – 1112-2, 1130 – 1139)

Professor Carole Aubert de Vincelles, Université de Cergy-Pointoise

4.45 Validity of contract: *violence* (arts 1140 – 1143)

Dr Ciara Kennefick, The Queen's College, Oxford

6.45 Reception in the Fellows' Garden, Trinity College (or in the Upper SCR if wet)

7.30 Dinner in the Old Bursary Dining Room, Trinity College

Thursday 22 September

CHAIR FOR THE MORNING SESSION: DR SOLÈNE ROWAN, LONDON SCHOOL OF ECONOMICS

Topic 3: The content and effects of contracts

- 9.30 *Prestation, objet*, but no longer *la cause*? (arts 1162 – 1169)
Professor Laurent Aynès, Université Paris 1 Panthéon-Sorbonne
- 10.15 The content of the contract: control on unfair terms (arts 1170 – 1171), interpretation (arts 1188 – 1192) and duration (arts 1210 – 1215)
Professor Philippe Stoffel-Munck, Université Paris 1 Panthéon-Sorbonne
- 11.00 Coffee
- 11.15 The effects of contracts: change of circumstances (arts 1195 – to include a comparison with *caducité* in 1186 – 1187?) and also *force majeure* in art 1218) and effects/restitution (arts 1351 ff)
Professor Bénédicte Fauvarque-Cosson, Université Paris 2 Panthéon-Assas
- 12.00 The effects of contracts: transfer of property (arts 1196 – 1198)
Dr Geneviève Helleringer, Institute of European and Comparative Law, University of Oxford
- 12.45 Lunch

CHAIR FOR THE AFTERNOON SESSION: PROFESSOR BIRKE HÄCKER, BRASENOSE COLLEGE, OXFORD

- 1.30 The effects of contracts and third parties (arts 1199 – 1209)
Professor Jean-Sébastien Borghetti, Université Paris 2 Panthéon-Assas

Topic 4: Non-performance and its remedies

- 2.15 *Exécution forcée en nature* (arts 1221 – 1222)
Professor Yves-Marie Laithier, Université Paris 1 Panthéon-Sorbonne
- 3.00 Tea
- 3.15 *Exception d'inexécution* (arts 1219 – 1220)
Professor Thomas Genicon, Université de Rennes 1
- 4.00 Termination (arts 1224-1230)
Dr Solène Rowan, London School of Economics

Topic 5: Broad themes arising from the new provisions

- 4.45 Mandatory and non-mandatory elements
Professor Cécile Pérès, Université Paris 2 Panthéon-Assas

6.45 *Reception in the President's Lodgings, St John's College*

7.30 *Dinner in the Senior Common Room, St John's College*

Friday 23 September

CHAIR FOR THE MORNING SESSION: PROFESSOR HUGH BEALE, UNIVERSITY OF WARWICK

Topic 5: Broad themes arising from the new provisions (continued)

- 9.30 The process of law reform
Mr François Ancel, *Ministère de la Justice*
Mme Juliette Gest, *Magistrat*
Professor Bénédicte Fauvarque-Cosson, Université Paris 2 Panthéon-Assas
- 10.30 Coffee

Reflections from other civil laws
- 10.45 Italy : Professor Pietro Sirena, Università Bocconi
- 11.30 Spain : Professor Esther Arroyo Amayuelas, Universitat de Barcelona
- 12.15 Germany : Professor Birke Häcker, Brasenose College, Oxford
- 1.00 Lunch
- 2.00 End of workshop.