



Last update : 18 October 2004

## THE CIVIL CODE AND EUROPE : INFLUENCES AND MODERNITY

Strasbourg, Palais de l'Europe,  
21 and 22 October 2004

Colloquy organised by the Council of Europe in  
partnership with the Court of Cassation  
and the French Ministry of justice

with the support of the French National School of Magistrates

### DRAFT PROGRAMME

#### THURSDAY 21 OCTOBER 2004 - MORNING

8H30      Registration

9H30      Opening - Hemicycle

Ms Maud DE BOER-BUQUICCHIO, Deputy Secretary General of the  
Council of Europe

Ms Fabienne KELLER, Mayor of Strasbourg

M. Dominique PERBEN, *Garde des Sceaux*, Minister of Justice of  
France

Ms Brigitte ZYPRIES, Minister of Justice of Germany

10h00      SESSION I - Influence of the French Civil Code on other legislations -  
Hemicycle

Ms Horatia MUIR WATT, Deputy Director, Comparative Law,  
University Paris I (France)

General Introduction  
The civil code in Europe: a comparative view

10h30 Break

11h00 Workshops

**Workshop No 1 : Law of torts - Room 1**

Moderator : Mr Duncan FAIRGRIEVE, Fellow in comparative law,  
British Institute of international and comparative law

Speaker : Ms Geneviève VINEY, Professor of Law (France)

Speaker : Mr Tomasz PAJOR, Professor at the University of Lodz  
(Poland)

Rapporteur : Mr Helmut KOZIOL, Professor of Law, Director of the  
European Civil Law Unit, Austrian Academy of Sciences (Austria)

**Workshop No 2 : Law of contracts - Room 2**

Moderator : Mr Emanuele FERRARI, Notary, (Italy)

Speaker : Mr Jean-Pierre SPITZER, Lawyer at the Paris' Bar (France)

Speaker : Mr Skuli MAGNUSSON, Professor, Associate of the  
University of Iceland and Judge to the High Court of Justice of  
Reykjavik (Iceland)

Speaker : Mr João CALVÃO DA SILVA, Professor of Law at the  
University of Coimbra (Portugal)

Rapporteur : Mr Michel STORCK, Professor of Law at the University  
Robert Schuman, Strasbourg (France)

Also at 11h

Informal meeting of the Presidents of supreme courts of the  
Member States of the Council of Europe - Room 3

12h30 End of work

**THURSDAY 21 OCTOBER 2004 - AFTERNOON**

15h00 SESSION II - The Civil Code, the European Convention on Human  
Rights and the other international instruments - Hemicycle

Chair : Mr Guy DE VEL, Director General of Legal Affairs (Council of Europe)

Speech by Mr Cristian DIACONESCU, Minister of Justice of Romania

Mr Jean-Paul COSTA, Vice-President of the European Court of Human Rights

General Introduction (Mutual effects of the French Civil Code and the case-law of the ECHR)

15h15

## Workshops

**Workshop No 1 : Development of the family structure - Room 1**  
*right to marry, right to found a family, organisation of partnerships and recognition of cohabitation of two unmarried partners, parentage, adoption, right to know one's origins*

Moderator : Ms Katerina FOUEDAKI, Professor Assistant of civil law, University of Thessaloniki (Greece)

Speaker : Ms Wilhelmina THOMASSEN, Judge at the European Court of Human Rights elected with respect to the Netherlands

Speaker : Ms Carolyn HAMILTON, Professor of Law, University of Essex (United-Kingdom)

Rapporteur : Mr Jean-Pierre MARGUENAUD, Professor at the law Faculty of Limoges(France)

## Workshop No 2: Property law - Room 2

*Restitution of goods, expropriation*

Moderator : Mr Yves GAUTIER, Professor at the Law Faculty, Strasbourg (France)

Speaker : Mr Corneliu BÎRSAN, Judge at the European Court of Human Rights elected with respect to Romania

Speaker : Mr Vit SCHORM, Agent of the Czech Government before the European Court of Human Rights (Czech Republic)

Rapporteur : Mrs Milena ŠMIT, State Undersecretary, Head of the Human Rights and Council of Europe Section, Ministry of Foreign Affairs (Slovenia)

## Workshop No 3: Protection of the human person - Room 3

*Dignity of the human being : bioethics, private life and data protection*

Moderator : Mr Jean-François COLLANGES, University Professor (France)

Speaker : Ms Françoise TULKENS, Judge at the European Court of Human Rights elected with respect to Belgium

Speaker : Ms Ruth REUSSER, Deputy Director, Swiss Federal Office of Justice, (Switzerland)

Rapporteur : Mr Patrick WACHSMANN, Professor at the University Robert Schuman of Strasbourg (France)

16h45 Break / Meeting with the Rapporteurs

17h00 Round Table - Hemicycle

Chair : Mr André POTOCKI, President of a Division of the Court of Appeal of Paris, Vice-President of the European Commission for Efficiency of Justice (CEPEJ) (France)

Summary of workshops of sessions I and II by their rapporteurs

Discussion

18h30 End of 1<sup>st</sup> day

#### FRIDAY 22 OCTOBER 2004 - MORNING

9h30 **SESSION III - Techniques of codification - Hemicycle**  
(Advantages and disadvantages of codification; legal and material difficulties of the codification)

Chair : Mr Nicolas MOLFESSIS, Professor of Law at the University of Paris II (France)

General Introduction

10h00 Break

10h10 Workshops

**Workshop No 1 : Contribution of Information Technology to the Writing of the Law - Room 1**

Moderator : Ms Elisabeth CATTÀ, Attorney General's Deputy General prosecutor, Appeal Court, Paris (France)

Speaker : Ms Véronique TAUZIAC, Legal Specialist in Information Technology (France)

Speaker : Mr Friedrich LACHMAYER, Professor, Vienna University (Austria)

**Workshop No 2: Assistance for codification - Room 2**

Moderator : Mr Nicolas MOLFESSIS, Professor of Law at the University of Paris II (France)

Speaker : Mr Gabor NAGY, Auxiliary judge, Director of the Human Rights Office, Supreme Court of Hungary

Speaker : Mr Alexander MAKOVSKY, Professor, Director of the Centre on Civil Law to the President of the Russian Federation

Rapporteur : Mr Claus SPRICK, Judge at the Court of cassation (Germany)

**Workshop No 3: Legal rules on codification - Room 3**

Moderator : Mr Luzius MADER, Vice-Director, Swiss Federal Office of Justice, (Switzerland)

Speaker : Ms Juliana LATIFI, Legal Adviser to the President of the Parliament (Albania)

Speaker : Ms Marie PICARD, Legal Adviser at the *Conseil d'Etat* (France)

Rapporteur : Ms Frédérique AGOSTINI, Auxiliary judge of the Court of Cassation (France)

11h30 Meeting with the Rapporteurs

11h40 Round Table - Hemicycle

Chair : Mr Luzius MADER, Vice-Director, Swiss Federal Office of Justice, (Switzerland)

Summary of workshops of session III by their rapporteurs

Discussion

12h30 End of work

**FRIDAY 22 OCTOBER 2004 - AFTERNOON**

14h00 Round Table - The civil Code: What future in Europe ? - Hemicycle

Chair : Ms Simone VEIL, Former State Minister (France)

Participants :

Mr Guy CANIVET, First President of the Court of Cassation (France)

- *Mr Yuriy CHAIKA, Minister of Justice of the Russian Federation*
- *Mr Daniel LIPŠIC, Vice Prime Minister and Minister of Justice of Slovakia*
- *The European Commissioner in charge of the European Commission's Justice and Home Affairs Department*
- *M. Michel HUNAULT, member of the Committee of legal Affairs and Human Rights of the Parliamentary Assembly*
- *The Right Honourable the Lord WOOLF, Lord Chief Justice of England and Wales.*
- *Mr Hubert HAENEL, Senator, President of the Parliamentary delegation to the European Union (France)*

Discussion

17h00

Closing session