LCF
The London Centre for Commercial and Financial Law

The Future of the Commercial Contract in Scholarship and Law Reform

Fifth Annual Conference

Friday, 16th October 2020 - 10.00-17.00 hrs

Online Event

– Draft Programme –

Subject to changes and final confirmation as indicated
Timings including breaks to be confirmed

Website: www.lcf-academic.org/events

Organised by the London Centre for Commercial and Financial Law (LCF) –
Professor Mads Andenas, QC, Director
Academic Convenor: Dr Maren Heidemann, (Co- Director LCF)
Institute of Advanced Legal Studies, School of Advanced Studies, University of London
in co-operation with the Centre for Corporate and Financial Law at the University of Exeter Law School – Dr. Joseph Lee, Director – and the Commercial Law Research Group at the Westminster Law School, University of Westminster – Catherine Pédamon

This conference builds on research undertaken at the University of London (Institute of Advanced Legal Studies, School of Advanced Studies) from 2016-2019. The 2020 conference explores topics in commercial contract law with a focus on sustainability policies, broadly conceived Aspects include legislative challenges as well as international dispute settlement.

10 am: **Welcome Address by Professor Mads Andenas QC**
LCF, University of Oslo and Institute of Advanced Legal Studies

Keynote speaker:

10.15 - 10.45am: Professor Franco Ferrari, New York University,
Director, Center for Transnational Litigation, Arbitration, and Commercial Law:

"Limits to party autonomy in arbitration"

Panel 1: Dispute resolution including international commercial arbitration. This panel will look at emerging trends in international arbitration including investment treaty dispute settlement. A focus is on challenges to arbitration such as arguments on impartiality or the effectiveness of arbitration clauses.
Chair: Hendrik Puschmann, Farrer&Co. , London

- Dr Leonardo Valladares Pacheco de Oliveira, Royal Holloway, University of London: *Is arbitration sustainable when there is evident inequality of bargaining power between the parties? - a review of Heller v Uber*
- Sara Hourani, Middlesex University, London: *Going Paperless: A Critical Evaluation of the Recognition and Enforcement of International E-Arbitration Agreements*

Round Table discussion: Good faith in comparison. Chair: Dr Maren Heidemann

- Papers by Prof. Bashar H Malkawi, University of Sharjah, UAE: *The Use of "Good Faith" under UAE Law - diversions from the CISG standard?* and Dr. Johan Vannerom, Erasmus School of Law, Rotterdam: *The notion of 'free choice'. From contractual freedom towards fairness and compassion.* Discussants Prof. Franco Ferrari, Catherine Pédamon.
-

_____coffee break_____

Panel 2: This panel continues to look at the general theory of commercial contracts such as their definition and distinction from consumer contracts as well as general legislative challenges. The latter may include aspects of climate policies impacting on supply chains, standard contracts, contracts by adhesion. Another legislative influence may come from the role of model laws and non-state law, uniform law conventions and and other international treaties.

Chair: Dr. Maren Heidemann, IALS, University of London and LCF, London

- Michala Meiselles, University of Derby and Robert W. Emerson, Warrington College of Business University of Florida, Gainesville, US : *Modelling Franchise Regulation in the European Union: The US Model Should Serve as a Paradigm for the Regulatory Framework in the European Union*
- Mr. Chee Wai Terry Wong - Open University of Hong Kong and Dr. Tat Chee Tsui - Beijing Normal University & Hong Kong Baptist University - United International College: *Contract of Insurance Policy under COVID-19*
- Catherine Pédamon, University of Westminster and Dr. Radosveta Vassileva, University College, University of London: *Contractual Performance in times of Covid 19*

Lunchbreak

From 2pm:

Panel 3: This panel focuses on 1) how commercial contract law can be used to promote sustainable trade, particularly with respect to global supply chain, and how commercial contract law can mitigate the risks that cross border trade is exposed to, 2) global regulation of transnational commercial contracts; and 3) post-Brexit international trade law.

Chair: Catherine Pédamon, Westminster University, London

- Dr. Katarzyna Kryla-Cudna, Tilburg University, *Sales Contracts and the Circular Economy*
- Dr. Katarzyna Południak-Gierz, Jagiellonian University, Kraków: *Eco-reasonableness. Possibility of incorporating green principles into general private law clauses*

coffee break

Panel 4: The panel focuses on 1) how private law such as commercial contract law can be used to promote green & sustainable financing and the relevant legal risks ie legal uncertainty; 2) how financial regulation, including platform regulation, can act as an enabler in parties' arrangements in promoting green & sustainable financing i.e. closing the legal gap or promoting contractual opportunity; and 3) how soft law initiatives and other legal innovations can reduce transaction costs in green financing & sustainable financing.

Chair: Dr. Joseph Lee, University of Exeter, Exeter

- Federica Agostini, University of Glasgow: *From "green bond principles" to "green bond covenants": the role of transnational contract law in the sustainable finance agenda*
- Dr Joseph Lee and Mr Yunus Yildiz, University of Exeter: *The Tokenisation of Assets and Potential Implications for Financial Markets: A Case Study from Turkey*
- Dr Joseph Lee and Ms Vere Marie Khan, University of Exeter: *Data Governance of Peer-to-Peer Energy Trading Platforms and Access to Energy Justice*

5pm end of conference

Contact Convenors:
Dr. Maren Heidemann, LCF and University of London – info[at]lcf-academic.org
Professor Mads Andenas, LCF and Institute of Advanced Legal Studies, University of London – info[at]lcf-academic.org

---

For conference information and booking information visit www.lcf-academic.org

Conference registration fees:

Zoom (video conferencing) only option: £15

Registration and is required for all speakers and delegates via Eventbrite