

HELSINKI CONGRESS / EUROJURIS INTERNATIONAL LITIGATION GROUP

REPORT ON THE MEETING ON 30 MAY 2015

TOPIC: AGENCY CONTRACTS IN EUROPE

▪ Country reports regarding:

- Belgium (D. WALRAVENS),
- France (Th. CLERC),
- Germany (S. DAUBNER),
- Italy (P. BEMBO),
- Poland (B. FIUTOWSKI),
- and the UK (F. WALLACE)

Main issues addressed:

- arbitration or jurisdiction clause
- applicable law, whether provided for in the contract or not
- application of a public order policy in the relevant countries

▪ Presentation by Pr Mikka HEMMO, Helsinki University:

Topic addressed: *Dispute resolution and agency agreements: practical experiences from the Finnish courts and arbitration practice*

Pr HEMMO reminded us of 3 general contract principles under Finnish law, namely:

- good faith
- loyalty
- justified expectations

Then Pr HEMMO presented some general information on distribution contracts, using some examples including arbitration, as well as on agency contracts, cooperation contracts or franchising agreements.

Pr HEMMO mentioned a Finnish Supreme Court decision referring to the Draft Common Frame of Reference (DCFR), which sets out the basis of EU contract law.

The next meeting will be held in Munich on Friday **30 October 2015** and will address the two following topics:

- *Asset Freezing* (EU Regulation Nr 655/2014 of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, applicable as from 18 January 2017)
- *Distribution Contracts in Europe*, which will be dealt with through a number of perspectives:

- General principles in each country
- Termination
- Notice period
- Indemnification

A new Chairman and a new Vice-Chairman were appointed for the INTERNATIONAL LITIGATION GROUP:

Chairman: Thierry CLERC (IFL AVOCATS – Paris, Rouen France).

Vice-Chairman: Johannes BRAND (EINEM & PARTNERS, Frankfurt, Germany).

Furthermore, a new name was suggested for the Group: CONTRACTS & LITIGATION GROUP.

List of Group participants:

D WALRAVENS (Belgium)
V KAYA (Turkey)
J BRAND (Germany)
Th CLERC (France)
S DAUBNER (Germany)
P PAULON (Italy)
P BEMBO (Italy)
F WALLACE (UK)
M HEMMO (Finland)

Paris

5 June 2015

Thierry CLERC
New Chairman

Johannes BRAND
Vice-Chairman

Dominique WALRAVENS
Former President