International roundtable conference

Financial Regulation and Civil Liability in European Law: Towards a More Coordinated Approach?

16-17 November 2017
The West-Indisch Huis
Herenmarkt 99, Amsterdam

Day 1 – 16 November

08:45 – Registration and coffee

09:00-11:00 – Session I: General Aspects

Chair: Prof. Mads Andenas (Oslo/IALS London)

Welcome and Introduction: Prof. Olha Cherednychenko (Groningen)

Prof. Takis Tridimas (King’s College London)
‘Financial Regulation and Civil Liability: An EU Law Perspective’

Prof. Yane Svetiev (Bocconi Milan/EUI Florence)
‘Regulation and Civil Liability: Experimentalism Does Not Sound So Good When You Are Before a Judge’

Prof. Michael Faure (Maastricht/Rotterdam) / Prof. Franziska Weber (Hamburg)
‘The Optimal Enforcement Mix in the Financial Sector’

Comments: Prof. Olha Cherednychenko (University of Groningen)

11.00-11:30 – Coffee break
11:30-12:45 Session II: Alternative (Mass) Dispute Resolution Venues in the Financial Sector

Chair: Prof. Yane Svetiev (Bocconi Milan/EUI Florence)

Prof. Pietro Sirena (Bocconi Milan)
‘ADR Systems in the Banking Sector: Clients’ Redress and Market Regulation’

Dr. Barbara Warwas (The Hague University)
‘Privatizing Consumer Disputes in the EU Financial Sector and the Future of Institutional Arbitral Liability’

Comments: Prof. Takis Tridimas (King’s College London)  
Prof. Paul Davies (Oxford)

12:45-14:00 Lunch

14:00-15:45 Session III: Civil Liability for Misstatements to the Market and Misleading Credit Ratings

Chair: Prof. Takis Tridimas (King’s College London)

Prof. Paul Davies (Oxford)
‘Civil Liability for Misstatements to the Market’

Elena Sedano Varo (EUI Florence)
‘Technical Standards and CoCo Bonds. Assessment of a New Avenue for Civil Liability’

Prof. Gudula Deipenbrock (HTW Berlin)
‘Civil Liability of Information Intermediaries – The Case of Credit Rating Agencies from the Perspective of European and German Law’

Dr. Francesco De Pascalis (Brunel University London/IALS London)
‘Civil Liability Regime for Credit Rating Agencies and ESMA’s Enforcement Powers: Which Complements Which?’

Comments: Prof. Yane Svetiev (Bocconi/EUI Florence)

15.45-16:00 – Coffee break
16:00-17:45 Session IV: Civil Liability of Investment Service Providers towards Non-Professional Investors

Chair: Prof. Paul Davies (Oxford)

Prof. Guido Alpa (Sapienza Rome) / Anna Maria Pancallo (Sapienza Rome)
‘Private Law Remedies for Non-Professional Investors’

Marnix Walinga (Groningen)
‘Why MiFID II Does (Not) Matter to Private Law: Strengthening Retail Investor Protection through Civil Liability’

Dr. Federico Della Negra (ECB/EUI Florence)
‘A Step Further towards the ‘Europeanisation’ of National Private Law: The Case of MiFID II’

Dr. Alexandra Horvathova (Copenhagen)
‘Empowering Investors through Collective Rights of Action against Investment Firms’

Comments: Prof. Mads Andenas (Oslo/IALS London)

19:00 Conference dinner (On invitation only)

Day 2 – 17 November

08:45 – Registration and coffee

09:00-10:00 Session V: Civil Liability in the Area of Payment and Credit

Chair: Prof. Gudula Deipenbrock (HTW Berlin)

Dr. Agnieszka Janszuk-Gorywoda (Utrecht)
‘Civil Liability of Payment Service Providers’

Prof. Reinhard Steennot (Gent)
‘Consumer and Mortgage Credit: Private and Public Enforcement’

Comments: Prof. Pietro Sirena (Bocconi Milan)
10.00-11:00 Session VI: Civil Liability for Breach of Prudential Regulation
Chair: Prof. Pietro Sirena (Bocconi Milan)
Prof. Kern Alexander (Zurich/Cambridge)
‘Civil Liability for Breach of Prudential Requirements in the Context of the Banking Union’
Comments: Prof. Michel Tison (Gent)
Prof. Franziska Weber (Hamburg)

11:00-11:15 Coffee Break

11:15-12:45 Session VII: Financial Regulators and Civil Liability
Chair: Prof. Olha Cherednychenko (Groningen)
Prof. Femke de Vries (Groningen/Board Member Dutch Authority for the Financial Markets)
‘The Role of Financial Regulators in Mass Damage Cases’
Prof. Michel Tison (Gent)
‘Product Intervention and Financial Regulators’ Civil Liability’
Prof. Mads Andenas (Oslo/IALS London)
‘Civil Liability of European Financial Regulators’
Comments: Prof. Kern Alexander (Zurich/Cambridge)

12:45-13:00 Concluding Remarks: Prof. Mads Andenas (Oslo/IALS London)

13:00-14:00 Lunch

14:00 End of the conference