

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**