

Colloquium in Oslo on Tuesday 19 September on the occasion of Mads Andenas' 60th birthday

The Banking Union: Impact on Private Law of Institutions and Supervision

Kjerka, Midtbygningen/Domus Media, Universitetet i sentrum, Karl Johans gate 47

<https://www.uio.no/om/finn-fram/omrader/sentrum/se01/>

08.30 Registration

08.45 Opening

Chair: Professor Olha Cherednychenko

09.00 Professor Kern Alexander, Zürich and Cambridge, 'Bankers' Duty of Care, Misselling and Freedom of Contract'

Hans Kaiser and Dr Marte Kjørven, Legislation Department, Norwegian Ministry of Justice, 'Draft Financial Contracts Act'

10.30-11.00 Coffee

Chair: Professor Kern Alexander

11.00 Professor Christos Hadjiemmanuil, Athens and London School of Economics, 'Banking Union and Private Law, and the Application of Proportionality'

Comment by Professor Jan Dalhuisen, King's College, University of London

Short presentation of PhD project by Trude Myklebust, Research Fellow, 'Regulation of High Frequency Trading'

12.30-14.00 Lunch

Chair: Professor Christos Hadjiemmanuil

14.00 Professor Olha Cherednychenko, 'Financial Regulation and Civil Liability in European Law: Towards a More Coordinated Approach?'

Professor Dr. Gudula Deipenbrock, 'Civil Liability of Credit Rating Agencies - A Chimera? - Some Critical Observations from the German Perspective'

Short presentation of PhD project by Caroline Bang Stordrange, Research Fellow

Chair: Professor Gudula Deipenbrock

15.30 Dr. Raffaele Dambrosio, Banca d'Italia, 'Liability of Banking Supervisors and Central Banks'

Professor Mads Andenæs

Short presentations of PhD projects by

Astrid Iversen, Research Fellow

Giuseppe Bianco, Research Fellow

Sjur Swensen Ellingsæter, Research Fellow

Format: Each of the colloquium's four sessions will be introduced by a speaker, and some of them with a speaker on a related topic or a commentator. The main speakers and commentators, Professor Kern Alexander, Professor Christos Hadjiemmanuil, Professor Olha

Cherednychenko, Professor Jan Dalhuisen and Dr. Raffaele Dambrosio, discuss the topic as a panel. There will be short presentations of PhD projects.

The participants have taken part in the project over many years and have published in more or one of the books that are published as an extension of the project.

The colloquium takes place in the framework of the research project on International Financial Market Regulation, Institutions and Efficiency at the Institute of Private Law, Faculty of Law, University of Oslo with the support of the Financial Market Fund and the Norwegian Research Council

<https://www.jus.uio.no/ifp/english/research/projects/financial-market-regulation/>

The colloquium marks the end of the project period funded by the Financial Market Fund and the Norwegian Research Council.

One main purpose of the colloquium is to explore themes and topics at the crossroads of regulation and private law.

See also *Norway in Europe* on Monday 18 September 2017 from 11 a.m. Gamle festsal, Faculty of Law, on the occasion of Mads Andenas 60th birthday,

<http://www.jus.uio.no/nifs/english/research/events/2017/program-norway-in-europe%282%29.pdf>

BIOS OF MAIN SPEAKERS:

Professor Kern Alexander was appointed to the Chair for Law and Finance at the University of Zurich in 2010. He is also a Senior Research Fellow in Banking and Financial Regulation at the University of Cambridge Centre for Risk Studies and is Academic Programme Director for the Cambridge Judge Business School's Executive Education Programme 'Understanding the Regulatory Environment'. He is a lawyer and economist with a research focus on the regulation of systemic risk in financial markets. He is the author of academic articles and books, including the co-author of one of the first books critically analysing Basel II and the structured finance markets before the global credit crisis began in 2007. He has authored several commissioned reports for the European Parliament, was a Member of the Expert Panel on Financial Services for the European Parliament (2009–14) and was Specialist Advisor to the British Parliament's Joint Select Committee on the Financial Services Act 2012 and has served in other senior advisory roles in the UK Parliament. He holds a PhD and MPhil from the University of Cambridge, an MSc from the University of Oxford and a BA from Cornell University.

He is leading a Cambridge Institute for Sustainability Leadership research project sponsored by the [Banking Environment Initiative](#) analysing the interaction between the Basel Capital Accord (also known as 'Basel III') and environmental sustainability. The project produced a Report in 2014 entitled '[Stability and Sustainability in Banking Reform: Are Environmental Risks Missing in Basel III?](#)'.

Professor Mads Andenas holds a Chair in the Faculty of Law, the University of Oslo (from 2008).

He has held senior academic appointments in the United Kingdom, including as Director of the British Institute of International and Comparative Law, London and Director of the Centre of European Law at King's College, University of London. He remains a Visiting Research Fellow of the Institute of European and Comparative Law, University of Oxford and a Senior Research Fellow at the Institute of Advanced Legal Studies, School of Advanced Studies, University of London.

He was a Visiting Professor at University of Paris I (Sorbonne) in 2006 and at l'École normale supérieure, Paris in 2008. He has held the Chaire W J Ganshof van der Meersch under the Fondation Philippe Wiener—Maurice Anspach at the Université Libre de Bruxelles, the Chaire Vincent Wright at Sciences-Po, Paris, and he has been a Herbert Smith Visitor at the University of Cambridge. In 2005 he was a Fellow of Netherlands Institute for Advanced Study in the Humanities and Social Sciences (NIAS). He has been a visiting professor at University of Rome La Sapienza 2002-13. In 2005 he held the Paul Hastings Visiting Professorship at the Faculty of Law at the University of Hong Kong, and he is currently a member of the Advisory Board of the HKU Asian Institute of International Financial Law. In 2006 he delivered the Annual Guido Carli Lecture at the University of LUISS Guido Carli, Rome. He has been a part time professor at the European University Institute, Florence where he participated in a research project on European regulatory private law. In 2016 he was a Visiting Fellow at All Souls College, University of Oxford.

He has been the General Editor of the International and Comparative Law Quarterly (Oxford University Press, then Cambridge University Press). He is currently the General Editor of European Business Law Review and an Editor of European Public Law (both Kluwer Law International) and on the editorial boards of some ten other law journals and book series, including as member of the Advisory Committee of Peking University Law Journal. He has taken part in the evaluation of law schools and institutes, including of the Dipartimento di diritto comparato at the University of Padua, and in the classification of publications for research funding and appointments, for instance in the Valutazione della Qualità della Ricerca in legal research for the Italian Agenzia Nazionale di Valutazione del Sistema Universitario e della Ricerca (ANVUR) and in chairing the Norwegian National Committee for the classification of legal research publications.

He was the UN Special Rapporteur on Arbitrary Detention, and the Chair of the [UN Working Group on Arbitrary Detention](#) which reports to the [UN Human Rights Council](#) and the UN General Assembly. He is a member of the Executive Council of the International Law Association.

He was the Secretary General of the Fédération internationale de droit européen 2000-2002, the Hon Secretary of the UK Association of European Law 1997-2008 and the Hon Secretary of the UK Committee of Comparative Law 1999-2005. He was the Chair, Association of Human Rights Institutes (AHRI) in 2008, and has been a member of the International Law Association's Securities Law Committee since 1996. He has been the chair of the Norwegian Association of European Law and a member of the board of the Norwegian Association of International Law from 2009.

In 2008, he was appointed by the Institut de France as a member of the committee for the Institut's [Prix international Aristotle Onassis pour le Droit](#). In 2011 he received for his human rights work the Don Pino Puglisi Prize in memory of the priest killed by the mafia in Palermo in 1993 and recently declared a martyr and beatified. He is a chevalier de Légion d'Honneur and Commendatore Ordine al Merito della Repubblica Italiana.

He was the Director of the Legal Office of the Royal Norwegian Ministry of Trade and Shipping 1985-86, and in the Royal Norwegian Ministry of Finance 1986-93, first the Director of the Banking Office, and then an Assistant and finally a Deputy Director General in the Economic Policy Department. He was Legal Adviser in the European Bank for Reconstruction and Development in its first phase of operation, responsible for EBRD's law reform assistance and advice on international law. He has worked as a consultant to the World Bank and to the International Monetary Fund.

Professor Olha Cherednychenko holds the Chair in European Private Law and Comparative Law at the University of Groningen and is Founding Director of the Groningen Centre for European Financial Services Law (GCEFSL). She has held visiting fellowships at various academic institutions, including the European University Institute (EUI) in Florence and the Institute of European and Comparative Law (IECL), University of Oxford. She has published widely on a variety of issues related to EU law, European and national private and regulatory law, and comparative law. In particular, she is the author of the book on fundamental rights, contract law and the protection of the weaker party where she critically analyses the interplay between fundamental rights and contract law, with the emphasis on risky financial transactions (Sellier. European Law Publishers, 2007). More recently, her research has focused on the interplay between (financial) regulation and private law. Her recent publications include eg 'Public Supervision over Private Relationships: Towards European Supervision Private Law?', *European Review of Private Law*, 2014; 'Contract Governance in the EU: Conceptualising the Relationship between Investor Protection Regulation and Private Law', *European Law Journal*, 2015; 'Cooperative or Competitive? Private Regulators and Public Supervisors in the Post-Crisis European Financial Services Landscape', *Policy and Society*, 2016. She has also edited a special issue on Public and Private Enforcement of European Private Law: Challenges and Perspectives (*European Review of Private Law*, 2014) which includes, among others, her analysis of the interplay between the two modes of enforcement in the financial sector.

Professor Jan Dalhuisen is Emeritus Professor (recalled) in The Dickson Poon School of Law. He graduated from the University of Amsterdam, where he also received his PhD, and from the University of California at Berkeley. He is a Corresponding Member of the Royal Netherlands Academy of Arts and Sciences.

Professor Dalhuisen is a Member of the New York Bar, a well-known international commercial arbitrator, Member of the ICSID Panel of arbitrators and Fellow of the Chartered Institute of Arbitrators. Before joining the King's Law Faculty he was a senior investment banker, Secretary General of the International Primary Market Association (now ISMA), and senior in house counsel.

He is a regular Visiting Professor at UC Berkeley, and earlier at the Tsinghua University in Beijing and the UNSW in Sydney. He holds the Miranda Chair in Transnational Financial Law at the Catholic University in Lisbon.

Professor Christos Hadjiemmanuil is a Visiting Professor at the Department of Law, as well as a Professor of International and European Monetary and Financial Institutions at the University of Piraeus. He is a member of the Athens Bar Association.

Born in 1964, he studied law at Athens University (LLB.) and University College London (LL.M. and Ph.D.). His first academic appointment was at the Centre for Commercial Law Studies (CCLS) of Queen Mary, University of London (QMW, as it was then known). In October 1997 he joined the LSE Department of Law, where he served until December 2007 as Lecturer, Senior Lecturer and then Reader in Law.

A specialist in European and international financial law and regulation, he has acted as a consultant to the International Monetary Fund (IMF), where he advised in the Global Bank Insolvency Initiative. He is a member of the Advisory Board of the UNDP's Regional for Public Administration Reform (RCPAR) for Eastern Europe and the CIS. He has held a number of visiting academic and consultancy positions and is a member of the Monetary Law Committee of the International Law Association (MOCOMILA).

His publications include a monograph on Banking Regulation and the Bank of England (LLP, 1996) and a collected volume on European Economic and Monetary Union: The Institutional Framework (co-editor, Kluwer, 1997). He was also a co-author of European Union Law (Cambridge Univ. Press, 2006). He has written many articles and book chapters in the fields of UK, European and international banking and securities regulation, European Economic and Monetary Union and financial law reform.

From May 2004 until September 2007, he served as President and CEO of Hellenic Olympic Properties, the special-purpose company responsible for post-Olympic management of the Athens 2004 Olympic facilities. From September 2007 until December 2009, he was Chairman and CEO of the OPAP S.A., one of Greece's largest public corporations.

He has been President, and is now Chairman of the Academic Advisory Board of the Athens-based Center for Political Research, Greece's oldest non-governmental think-tank

Trude Myklebust is a lawyer from the University of Oslo and holds a MSc (res) from the School of Geography and Environment at the University of Oxford. She is currently a PhD candidate at the University of Oslo's Department of Private Law. Myklebust worked for many years in the Norwegian Ministry of Finance with financial market regulation and the management of the Norwegian Government Pension Fund. Myklebust has authored a textbook on financial market regulation. She has previously served as a deputy judge, and as a senior advisor for the Director of the Supreme Court of Norway. She is a member of the Council on Ethics for the Norwegian Government Pension Fund. Her PhD project focuses on the regulation of high-frequency trading in MiFID II.