

**RIGA
GRADUATE
SCHOOL OF
LAW**



**UCD Sutherland
School of Law**

Dublin-Riga Duo-Colloquium:

Consumer Protection and Competition Policy in a Changing World

19th December 2016, UCD Sutherland School of Law

WELCOME AND INTRODUCTION (Coffee available from 10.00)			
10:30-11:00	His Excellency Gints Apals , Latvian Ambassador to Ireland		
	James Kingston , Department of Foreign Affairs, Legal Adviser, Legal Division		
	Prof. Joe McMahon , Dean, UCD Sutherland School of Law		
	Prof. James Devenney , McCann FitzGerald Chair in International Law and Business, UCD Sutherland School of Law		
SESSION ONE: CONSUMER LAW AND POLICY			
CHAIR: Professor Colin Scott, Principal, UCD College of Social Sciences and Law			
11.00-12.30	Prof. Geraint Howells	Dean, City University of Hong Kong, Hong Kong	Impact of Europe on UK consumer contract law work
	Prof. Vanessa Mak	Professor of Private Law at Tilburg University, Netherlands and Director of the Tilburg Institute for Private Law	Online Platforms
	Dr. Cliona Kelly	Assistant Professor, UCD Sutherland School of Law	There and Back Again: A Consumer Rights Bill Tale
	Prof. Paula Giliker	University of Bristol and Chair, British Association of Comparative Law	Modernising EU consumer law - Contracts for the supply of digital content and the tension between EU and UK law
LUNCH 12:30-13:15			

SESSION TWO: FINANCIAL SERVICES AND NEW FORMS OF CREDIT**CHAIR: Professor Satoshi Nakaide, Waseda University, Japan**

13.15-15:30	Theis Klauberg, LL.M MBA	BNT attorneys at law, Riga & Riga Graduate School of Law	SMS loans and consumer protection in Latvia.
	Dr. Inese Druviete	Docent, Riga Graduate School of Law	Latvian saga of legislating the payday loan industry
	Prof. Rob Merkin QC	Lloyd's Professor of Commercial Law at the University of Exeter	Consumer Insurance and Natural Catastrophes: A Case Study from New Zealand
	Prof. Andrew Campbell	Emeritus Professor of Int'l Banking & Finance Law, University of Leeds; Solicitor (Non-practising) & Chartered Banker	Ring-fencing Banks to Protect Depositors?
	Dr. Noel McGrath	Lecturer, UCD Sutherland School of Law	Neither Borrower Nor Lender Be - Consumer Protection in an age of Bitcoin
	Dr. Joe McGrath	Lecturer, UCD Sutherland School of Law	The politicisation of financial crimes as a generative force for 'expressive' enforcement.

COFFEE 15:30-16:00**SESSION THREE: COMPETITION LAW & POLICY, ECONOMIC ANALYSIS OF LAW****CHAIR: Professor Imelda Maher, UCD Sutherland School of Law**

16.00-17.30	Prof. Mel Kenny	Rector, Riga Graduate School of Law	Post-Brexit Competition law: demarcating absolute sovereignty?
	Laura Ratniece	PhD Candidate, Copenhagen University/Riga Graduate School of Law	Analysing the Drivers behind reform of the UNIDROIT Principles of International Commercial Contracts
	Dr. Marek Martyniszyn	Lecturer, Queen's University Belfast	Brexit's possible implications in the area of competition law and policy
	Dr. Mary Catherine Lucey	Associate Dean (UG) & Head of Global Engagement, UCD Sutherland School of Law	Changing Enforcement of Competition Law in Ireland

CONCLUSIONS AND NEXT STEPS: Dr. Mary Catherine Lucey and Prof. Mel Kenny

The Cooperation of the Latvian Ambassador in Dublin and the Irish Ambassador in Riga with the Duo-Colloquium in Dublin in December 2016 and Riga in March 2017 is greatly appreciated. The financial support provided by UCD BLREG is acknowledged.

Speakers and Session Chairs:



Prof. Joe McMahon joined the UCD Sutherland School of Law in 2004 from the Queen's University of Belfast. He was previously Professor of International Trade Law at the Queen's University of Belfast and has also been a member of staff at the University of Leicester and Victoria University Wellington, New Zealand. He studied Law at the Queen's University of Belfast before undertaking his doctoral studies at the University of Edinburgh. He was awarded his PhD in 1988 for his thesis on European Trade Policy in Agricultural Products, which was subsequently published by Martinus Nijhoff. His primary research interest is agriculture at the European level (the Common Agricultural Policy) and the World Trade Organization (the Agreement on Agriculture) and has published a number of works in this area. He is currently working on the relationship between agriculture and the EU's Development Cooperation Policy with particular reference to policy coherence for development.



Prof. James Devenney is the McCann FitzGerald Chair of International Law and Business at UCD. He was a Visiting Professor at City University, Hong Kong; a member of a working group on the Secured Transactions Law Reform Project (under the chairmanship of Lord Saville and the directorship of Professor Sir Roy Goode QC); a member of a three year research project on the European Common Frame of Reference with the IECL at Oxford University and Humboldt Universität, Germany (funded by the AHRC and the *Deutsche Forschungsgemeinschaft*); and a member of a Common Core of European Law (Trento) Project on Contractual Remedies. His work has been cited by the High Court of Singapore (*Chwee Kin Keong v. Digilandmall.com* [2004] SGHC 71), the High Court of England and Wales (*Parabola Investments Ltd v. Brownallia Cal Ltd* [2009] EWHC 901 (Comm) at [130]) and the English Law Commission (Law Commission of England and Wales: Ninth Programme of Reform (Law Com No 293), para 4.18). He has provided assistance to the Law Commission on Consumer Law, misrepresentation and unfair commercial practices; and more recently was invited to discuss the proposal for the codification of Australian Contract Law with the Australian Attorney-General's Department, and to discuss harmonisation with the Singapore Ministry of Law.



Prof. Colin Scott is Principal of the College of Social Sciences and Law and Professor of EU Regulation & Governance. He was Dean of UCD Sutherland School of Law between 2011 and 2014. He is the Convenor of the European Consortium for Political Research Standing Group on Regulatory Governance and a co-author of the Irish State Administration Database (2010-). He has held editorial responsibilities with *Legal Studies*, *Law & Policy* and the *Modern Law Review*. He has undertaken research projects on telecommunications regulation, regulation of government and meta-regulation, funded by, amongst others, the UK Economic and Social Research Council, the Australian Research Council, The Leverhulme Trust, & the European Commission (FP 6).



Prof. Geraint Howells is Chair of Commercial Law and Dean of the Law School at City University of Hong Kong; barrister at Gough Square Chambers, London and former President of the International Association of Consumer Law. He previously held chairs at Sheffield, Lancaster and Manchester and has been head of law schools at Lancaster and Manchester. His books include *Comparative Product Liability*, *Consumer Product Safety*, *Consumer Protection Law*, *EC Consumer Law*, *Product Liability*, *European Fair Trading Law*, *Handbook of Research on International Consumer Law* and *The Tobacco Challenge*. He has undertaken extensive consultancy work for the EU and UK government as well as for NGOs.



Prof. Vanessa Mak is Director of the Tilburg Institute for Private Law. Her research focuses on the role of private law in the economic regulation of the European (consumer) market, with particular focus on consumer contract law, and credit and investment law. Vanessa has held positions at Oriel College, Oxford and at the Max Planck Institute for Comparative and International Private Law in Hamburg. She has degrees from Erasmus University (LL.M 2001) and Oxford University (M.Jur 2002; M.Phil 2003), where she obtained her D.Phil on *Performance-Oriented Remedies in European Sale of Goods Law* (Hart, 2009). She is chief-editor of the Dutch *Tijdschrift voor Consumentenrecht* and co-editor of the international *Journal of European Consumer and Market Law* (EuCML).



Dr. Cliona Kelly graduated with a first class honours degree and completed her PhD in UCD. Cliona was a lecturer at the NUIG and Senior Lecturer in Cardiff. She has also lectured in TCD (2006-07) and worked in the Irish Law Reform Commission where she wrote the *Report on Privity of Contract and Third Party Rights*. Cliona has worked as a member of an Advisory Group which advised the Irish government on the Consumer Rights Bill 2015. She has worked as an ad hoc consultant to the Law Society of Ireland, advising on issues relating to European contract and consumer law, and in 2011 she was appointed as Internal Examiner in Contract Law for the Law Society of Ireland.



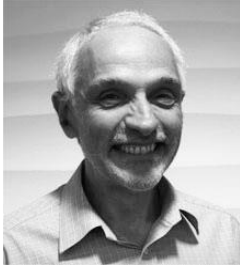
Prof. Paula Giliker is Chair of Comparative Law at the University of Bristol. She previously taught at the University of London and the University of Oxford where she was the Senior Law Fellow at St Hilda's College. She publishes extensively in the field of contract, tort and European private law and recent publications include *The Europeanisation of English Tort Law* (Hart, 2014) and 'The Consumer Rights Act 2015 - A bastion of European consumer rights?' (*Legal Studies*, 2016). She is currently editing a Research Handbook on EU Tort Law and the 6th edition of her tort textbook is due in May 2017.



Theis Klauberg, LL.M MBA is a practising lawyer and a member of the bar associations of Hamburg, Latvia and Lithuania. After completing his law studies at Hamburg, Humboldt (Berlin) and Heidelberg Universities, he received a Masters Degree from the University of the Western Cape (South Africa) and an MBA from the Baltic Management Institute. He worked at several international NGOs before joining a Tallinn law firm in 2000. A founding partner of the law firm BNT Attorneys-at-law, his fields of professional specialisation include commercial, intellectual property and financial services law in the Baltic States region. He lectures intellectual property law at RGSL since 2001.



Dr. Inese Druvieta Inese Druvieta is a Docent in the Riga Graduate School of Law with more than ten years experience in teaching European and private law. She was the Legal Adviser for the Minister of Economics heading the legal drafting and subsequent law amendments regulating loan sharks in Latvia.



Prof. Rob Merkin QC is Lloyd's Professor of Commercial Law at the University of Exeter, honorary professor at the Universities of Queensland and Chinese University of Hong Kong and Special Counsel to DLA Piper. He has written widely on insurance and reinsurance matters. Rob was consultant to the Law Commission for its review of insurance law 2006 to 2016, Parliamentary adviser on the Insurance Bill 2014-15. In 2015 he was awarded an higher doctorate and was appointed an honorary Queen's Counsel



Prof. Andrew Campbell is Emeritus Professor of International Banking & Finance Law at the School of Law at the University of Leeds in the United Kingdom. For many years he has been researching publishing in the area of banking regulation, bank insolvency and the protection of bank depositors. He is currently working, with Paula Moffat of Nottingham Trent University, on the proposals for introducing 'ring-fencing' for banks which would have the effect of separating the riskier, investment related activities of banks from the deposit taking activities. This, at least in theory, should provide additional protection for bank depositors. In the recent past, particularly in Cyprus and Greece, concerns have been expressed about whether the depositing public actually believes that the authorities could actually meet the amount of cover provided by the deposit guarantee schemes in those countries."



Dr. Noel McGrath is a lecturer in law at the UCD Sutherland School of Law. His research background is in the law of secured credit with a particular emphasis on the perfection and priority of secured transactions. His more recent work has examined the interaction between English and Irish property law and emerging technologies including Bitcoin and Blockchains.



Dr. Joe MacGrath graduated with a BCL in 2007 and completed his PhD at UCC in 2011. He has lectured at the NUIG and has held visiting fellowships at Harvard, the University of California and New York University. Joe has been awarded scholarships by the IRCHSS, the Law and Society Association, the Faculty of Law at UCC, and the Millennium Fund at NUIG. Joe currently lectures on banking law, corporate governance, white-collar crime, insolvency and company law across a variety of programmes at the Sutherland School of Law, University College Dublin.



Prof. Imelda Maher is Sutherland Full Professor of European Law at UCD. Her research addresses the relationship between law and governance in the EU with a particular focus on competition and fiscal governance. She has published extensively in these fields and is currently co-authoring a book with her long time collaborator, Dermot Hodson, on two-level legitimacy and the challenge of treaty reform in Europe. She is a member of the Royal Irish Academy and is currently its Polite Literature and Humanities Secretary (responsible for Humanities and Social Sciences). She is President of the Society of Legal Scholars of the UK and Ireland for the 2016-2017 session.



Prof. Mel Kenny is Pro-Rector of the RGSL. Mel has co-edited a series of books for CUP with Prof. Devenney and has authored articles *inter alia* 'Standing Surety in Europe: Common Core or Tower of Babel?' [2007] 70 *MLR* 175, 'The 2004 Communication on European Contract Law: those magnificent men in their unifying machines', [2005] 30 *ELRev*, 'Brexit: miljons dažādu jautājumu?' (2016) 45 *Jurista Vārds* 948; 10 and, most recently, 'The UK and the EU: The Whinge in (and out of) the Willows?' (2016) 27 *NZULR*.



Laura Ratniece: is currently PhD candidate at Riga Graduate School of Law on the joint Copenhagen University/RGSL PhD Programme. Her specialist areas are private law, in particular contract and commercial law, and a critical reflection on the economic analysis of law.



Dr. Marek Martyniszyn is a Lecturer in Law at Queen's University Belfast. He holds a PhD from UCD (Ad Astra Scholarship) and an LLM awarded by Saarland University's European Institute. His research focuses on various aspects of competition law and policy in international and transnational contexts. His most recent publications investigate foreign states' amicus curiae submissions in U.S. Antitrust Cases (published in the Antitrust Bulletin) and foreign states' entanglement in anticompetitive conduct (World Competition). Marek is a Non-Governmental Advisor to the International Competition Network and a Member of the UNCTAD Research Partnership Platform. He teaches and coordinates Contract Law and Competition Law at Queen's.



Dr. Mary Catherine Lucey BCL, LLM, BL is Chair of The Business, Law and Regulation Research Group (BLREG) and Head of Global Engagement in the UCD Sutherland School of Law where she teaches EU Competition Law. She was a Visiting Professor at Fordham University, New York. Currently, she is a Non-Governmental Advisor to the Irish Competition and Consumer Protection Commission. Her PhD thesis, awarded by the London School of Economics and Political Science, examined the interface between EU Competition Law and the Common Law Restraint of Trade Doctrine. Her research has been published in journals including *Legal Studies*, *Irish Jurist* and *Journal of Antitrust Enforcement*.