Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

ISDC's Letter

N°54

Édition spéciale 2019-2020

Éditorial

Édition : Jun Zheng, Marie Papeil, Alfredo Santos

Chères lectrices, chers lecteurs,

Cette édition de l'*ISDC's Letter* fait la transition entre 2019 et 2020. Une newsletter courte offrant une brève rétrospective des différentes activités de l'année qui vient de s'achever et une prospective pour 2020.

Vous retrouverez les nouvelles juridiques lors de notre prochaine édition, nous vous proposons ici une présentation des différentes activités de l'ISDC réalisées tout au long de 2019. Cette rétrospective est suivie d'une présentation des sujets de recherche de nos boursiers van Calker.

Puis vous trouverez une liste des avis comparatifs que nous avons publiés comme « E-Avis » sur notre site internet l'année passée.

Nous vous proposons en outre un extrait d'une étude de droit comparé sur l'obligation des professionnels de santé d'effectuer un signalement en cas de blessures par balle, et ce en France, au Mexique, en Afrique du Sud, au Royaume-Uni en Chine et au Pakistan.

L'équipe de la bibliothèque offre une rétrospective sur l'origine des chercheurs ayant effectué un séjour à la bibliothèque en 2019. Les services administratifs de l'Institut vous offrent également un aperçu de leur activité en 2019 – qui sera plus complet dans le rapport annuel 2019.

Enfin, en dernière page, nous accueillons la nouvelle année avec un aperçu des manifestations et publications prévues en 2020.

Très bonne lecture !
Les éditeurs

Rétrospective 2019

Krista Nadakavukaren, Vice-Director, Swiss Institute of Comparative Law, Switzerland

Having already started into 2020 with a flurry of activity and looking ahead to a busy year, it is not always easy to remember just how much we did last year. Taking a moment to reflect, however, is always a good thing – not only because it is a chance to say "thank you" to all those who helped bring the Institute along this far.

One of the most important aspects of 2019 was the passage of the Institute's new law (RO 2019 3199) and the appointment of its new Council. The law took effect on 1 January 2020 and provides a slightly shifted perspective on the Institute, emphasizing our public service activities. The Institute Council was appointed by the Federal Council in December. It is smaller than the previous Council, currently composed of 7 members from academia, private practice, the courts, the canton of Vaud, and the federal government.

On the scientific level, the lawyers at the Institute were quite busy researching on our legal opinions. A number of the opinions have been discussed in other editions of the ISDC Letter, but in case any of you missed one, we had questions with our usual wide range of subject matters: from broad questions of the rights of persons with disabilities (in employment and in the voting contexts), of systems of rental law, and governmental information systems on parental authority; to specific questions on Indian law of battery and spousal abuse, the equivalence of notaries in Italy and the Tessin, and a number of questions of family and succession law; and dozens of requests for opinions and/or certifications for the transfer of corporate seat.

When we were not researching for our clients, the lawyers were often writing, speaking, and organizing conferences and workshops. We had no less than 8 events, small and large, held on topics across the areas we had been focusing on for the 2016-2019 period (including digitalization, comparative law, and private international law). Several of our events were co-organized with other institutions or other individuals, helping us to not only build on our network around the world, but more importantly to share perspectives on the legal topics of interest to us. The list is found below:

6 February 2019	Harcèlement de rue
23 May 2019	Les mesures provisoires dans le contentieux commercial international
27 June 2019	Comparative Law Institutions
26 September 2019	Droit & Lies
7 November 2019	Journée de formation doctorale
8 November 2019	Digital Lives: Families in the Age of the Internet
22 November 2019	Housing Law: New Developments in the Regulation of AirBnB
4 December 2019	Comparative Migration Law: Methodological Challenges and Future Horizon

Not least, the legal and library teams together welcomed numerous groups of students and professionals, showing them how to research in foreign legal systems and letting them get to know the institute up-close.

On the level of personnel, we had to say good-bye to a number of colleagues. Several of those were retirements of long-time members of the Institute: Alberto Aronovitz, Hubert Schmutz, and Hanna Wojcik had all been here for decades. Stéphanie de Dycker left, too, having found another position at the Court of Arbitration for Sport.

While we were sorry to see them go, others joined us: Jun Zheng (whom you know as our Letter editor since last summer) and Rodrigo Polanco Lazo (who started in December) are now in the legal team, while Alex Fallet joined to work with Christophe Genoud in logistics and Marko Veselinovic and Joel Jauslin started with the library.

We would like to take this opportunity to extend our great thanks to all those who have helped and supported us manage the challenges and excitement of the past twelve months, and to stay enthusiastic for the upcoming year.

Boursiers

L'Institut favorise les échanges entre les chercheuses et les chercheurs par l'organisation des rencontres informelles. Lors de ces rencontres, elles et ils ont l'occasion de présenter leurs travaux durant une vingtaine de minutes, suivis d'un débat. En 2019, 12 rencontres informelles ont eu lieu et 4 d'entre elles ont été animées par les boursiers van Calker de l'ISDC. Nous vous proposons un aperçu de chaque thématique traitée par ces personnes :

28 mars : Durable Medium" as One of the Unique Types of Formal Requirements in European Private Law and Perspectives of its Development in Georgia

Giorgi Amiranashvili, *PhD, Academic Assistant, Tbilisi State University, Georgia*

My research project was focused on analysis of the formal requirement of "durable medium", prescribed for the pre-contractual information duties in the acquis communautaire on consumer law and in the Common European Sales Law (CESL), as well as in the Principles of the Existing EC Contract Law (ACQP) and the Draft Common Frame of Reference (DCFR). Notwithstanding, however, that this formal requirement is still almost unknown in Georgia, the topic is very important due to ongoing private law reform and aspirations for closer ties with the European Union (according to the Association Agreement). It is noteworthy that the Draft Law of Georgia on Consumer Rights Protection does not contain provisions on this aspect. It also should be noted that the chapter on the Contract for Tourist Services of the Civil Code of Georgia does not contain any provisions in this regard. The main aim of the project has been to examine recent publications dealing with this topic. Furthermore, the European Court of Justice (ECJ) and the Court of Justice of the European Free Trade Association States (EFTA Court) case law for the period 2010-2016 have also been examined. All in all, this comparative study makes it possible to formulate some recommendations for the establishment and further development of this modern form of communication in Georgian consumer law.

30 avril : Comparison of Common and Civil Law on the Implementation of Floating Charges and Commercial Pledges

Yaman Gürsel, LL.M. PhD candidate, University of Fribourg

"There are various fields of law, today, that substantially impact the business world. As we observed once again during the last global financial crisis that erupted in the USA in 2007-08, inadequate regulations or unregulated zones might amount to adverse results on the market players. Law on secured transactions, in particular, a non-possessory pledge over movable property, is deemed one of the most challenging fields of law. Not only given its homogenous nature composed of two fundamental pillars in private law such as the law of property and commercial law (inter-disciplinary), but also its taboo-breaking characteristic of enabling the debtor to dispose of the encumbered assets in the ordinary course of business free from creditor's consent makes it attractive to scrutinize things from a comparative perspective. Nevertheless, as one might imagine, a sole trader or a small-medium sized entrepreneur usually has a limited amount of assets to run its business and most of them are consisting of movables. Either for production-and-purchase or directly to purchase, at the beginning of their business life, they have a limited capacity to avail themselves of the value of their assets in using them for security purposes. Having regard this mise en scène, a modern implementation of these exclusive legal devices has a substantial influence on the market efficiency of a country, in particular on the markets of developing countries. As a consequence, not only developing countries but also a considerable number of developed countries are making an effort to reform their laws on non-possessory secured transactions, whose level of modernization affects market players' access to credit and boosts the overall economy of that country.

These issues, compared among five different legal systems, constitute the anatomy of this study. The following are thoroughly analyzed: Article 9 of the Uniform Commercial Code (US law), Sections 859A et seq. of the Companies Act 2006 in co-relation with the relevant provisions laid out under the Insolvency Act 1986 (UK law), security tools such as le gage de meubles corporels sans dépossession, le gage commercial sans dépossession, le gage sur stocks, le nantissement du materiel et de l'outillage, le nantissement de fonds de commerce and le nantissement de meubes incorporels set out under French law, and

the Turkish Code of Pledge over Movables in Commercial Transactions. On the other hand, the utmost importance of such comparative analysis, indeed, prevails for Swiss law due to the fact that the application of non-possessory pledges over movables is strictly barred and au lieu they invoke the assignment of receivables, mortgage certificates or fiduciary transfers of ownership."

17 mai : La politique internationale de l'Etat de droit : Observations critiques
Moise Jean, doctorant, Université Paris 10 et Université d'état d'Haïti

De nos jours, la notion d'état de droit fait l'objet d'un consensus général. Le concept est employé partout, dans les milieux savants comme dans les milieux politiques. De l'Union européenne à l'Organisation des Nations unies, en passant par les organes principaux et les institutions spécialisées, l'état de droit jouit d'un prestige des plus remarquable. Mais derrière ce portrait conquérant et salvateur du concept, il se trouve que se cachent certaines ambiguïtés et confusions : ses finalités matérielles ne sont pas délimitées et ses objectifs restent imprécis. Non seulement il est employé pour désigner des situations des plus diverses voire contradictoires, mais au surplus, l'état de droit apparait instrumentalisé. Il est interprété tantôt comme des souhaits, tantôt comme un principe juridique ou comme une valeur morale. Aussi cette présentation se veut-elle une tentative de mise en lumière des objectifs et aspirations des acteurs internationaux dans l'usage qu'ils font du concept. Que cherchent-ils en promouvant l'état de droit ? Que veulent-ils atteindre par l'état de droit ? Etant donné la diversité des objectifs et aspirations des acteurs en présence, la réponse à ces questions peut être controversée. Elle se fera sans doute l'écho des tensions qui animent l'espace politique international, et montrera les aspects politiques et idéologiques que sous-tend l'état de droit, et en conséquence les défis que soulève son application comme principe éthique dans la sphère internationale.

27 août : Une "GPA éthique" est-elle possible ? Réflexions à propos de l'intégrité du consentement de la mère porteuse en droit français
Julie Esquenazi, doctorante, Université de Cergy Pontoise, France

En France, nombreux sont ceux qui défendent l'idée de l'instauration d'une "gestation pour autrui éthique". Deux raisons sont avancées : la gestation pour autrui existe et devrait produire ses effets en France. Sa légalité ailleurs poussent certains couples en quête d'enfants à traverser les frontières pour satisfaire ce désir. D'autre part, sanctionner la gestation pour autrui reviendrait à faire payer aux enfants la fraude de leurs parents. Ainsi, si l'on devait introduire cette pratique dans l'environnement juridique français, quelles seraient donc les conditions d'une
"gestation pour autrui éthique" ? Et en particulier, que faudrait-il exiger afin de s'assurer que le consentement de la future mère porteuse soit libre et éclairé ?

Série de publication électronique d'avis de droit

L'Institut poste régulièrement des avis de droit sous la **Série de publication électronique d'avis de droit de l'ISDC** (**E-Avis ISDC**) qui sont numérotés et publiés avec toutes les informations nécessaires y compris pour la citation et reprend les éléments de la ligne graphique de l'Institut : https://www.isdc.ch/fr/services/informations-juridiques-en-ligne

Avis mis en ligne en 2019

2019-05 Rights and Obligations of Marriage and other Forms of Union
Austria, Belgium, Denmark, France, Germany, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, UK (England & Wales)

2019-06 Investment Controls
Australia, Austria, Canada, France, Germany, European Union, The Netherlands, Norway, Poland, Singapore, Sweden, United Kingdom, United States

2019-07 Scheidung; Unterhaltsrecht
Kosovo

2019-08 General Provisions, Principles and Procedures in Environmental Law
France, Germany, The Netherlands, Sweden, European Union

2019-09 Strafrechtliche oder strafrechtsähnliche Sanktionierung von Unternehmen bei der Verletzung verwaltungsrechtlicher Pflichten
Deutschland, Frankreich, Niederlande, Österreich

2019-10 Taetigkeitsverbote nach insolvenz
Europäische Union, Belgien, Deutschland, Frankreich und Vereinigtes Königreich (England)

2019-11 Ausgewählte Fragen zum Internationalen Privatrecht und zum Schwedisches Versicherungsrecht
Schweden

2019-12 Ausgewählte Fragen des dänischen Adoptions- und Erbrechts
Dänemark

2019-15 Obligation of Healthcare Professionals to Report Gunshot Wounds
Australia, China, Colombia, Egypt, El Salvador, France, Lebanon, Mexico, Nepal, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Russia, South Africa, South Sudan, Spain, Tunisia, Ukraine, United Kingdom

2019-17 Legal Rights and Protection of People with Disabilities in the Workplace
Australia, Austria, Canada, France, Germany, Italy, The Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom, United States

2019-18 Persons with Disabilities' Right to Autonomy and their Right to Vote
Australia, Austria, Canada, France, Germany, Italy, The Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom, United States

Étude de droit comparé

L'ISDC rédige plusieurs grandes études de droit comparé par année. Dans cette édition spéciale, nous proposons un extrait d'une étude comparative portant sur ***The Obligation of Healthcare Professional to Report Gunshot Wounds*** *dans différents ordres juridiques. Cette étude a été réalisée, pour le compte de Département fédéral des affaires étrangères (DFAE) le 30 june 2019.*

The Obligation of Healthcare Professional to Report Gunshot Wounds

Recherches effectuées par les conseillères et conseillers juridiques de l'Institut et Le Comité international de la Croix-Rouge – **État 30 juin 2019**

The Federal Department of Foreign Affairs (FDFA) has, in collaboration with the International Committee of the Red Cross (ICRC), mandated the Swiss Institute of Comparative Law (Institut Suisse de droit comparé or ISDC) to prepare a comparative report and analysis concerning the obligations of healthcare professionals to report gunshot wounds to a relevant authority. This report covers the following 22 jurisdictions, reflecting a selection of continents and legal traditions: Nigeria, South Africa, and Tunisia, Columbia, Mexico and El Salvador, Australia, Nepal and Pakistan, China, France, Russia, Spain, the Ukraine and the United Kingdom, Egypt and Lebanon, Papua New Guinea and the Philippines, Niger and South Sudan, and Iran.

This extract selects the issue of conditions of healthcare professionals to report gunshot wounds in six jurisdictions (France, Mexico, South Africa, United Kingdom, Pakistan, and People's Republic China) which represent different legal traditions and practices.

France

Quoi qu'il en soit, il n'est nulle part indiqué que les professionnels de santé doivent effectuer ces signalements avant d'avoir secouru un patient. De plus, **une telle hiérarchisation des priorités, si elle venait à mettre en danger la santé du patient, pourrait être contraire à l'article susmentionné 223-6 du Code pénal réprimant la non-assistance à personne en danger**. On retrouve encore cette dernière obligation de secours dans le Code de déontologie médicale codifié dans le Code de la santé publique :

> « Tout médecin qui se trouve en présence d'un malade ou d'un blessé en péril ou, informé qu'un malade ou un blessé est en péril, doit lui porter assistance ou s'assurer qu'il reçoit les soins nécessaires »

Mexico

The obligation to disclose to the authorities cases of gunshot wounds is **not** a precondition under Mexican legislation for healthcare professionals to treat such patients. **Art. 27 of the Code of Criminal Procedure expressly establishes that healthcare professionals must first and foremost give medical attention to the victims**. This provision also describes the type of information that must be notified to the authorities. This is in line with Art. 469 of the GHL. According to this last article, doctors, technicians or assistants who - without just cause - refuse to provide assistance in cases of notorious emergencies and put the life of the victim in danger, are punishable by imprisonment for a term of from six months to five years, a fine, and/or a suspension from practice of the profession for up to two years. If damage occurs as a result of the lack of inte
rvention, the judicial authority may also impose a definitive suspension of practice of the profession.

South Africa

There is **no known rule** under South African law, according to which the **disclosure of any medical condition or other information about a patient constitutes a precondition** to his or her treatment by a healthcare professional. To the contrary, the refusal of emergency medical treatment is prohibited under the South African Constitution. The *National Health Act* reiterates this constitutional principle:

> "A healthcare provider, health worker or health establishment may not refuse a person emergency medical treatment."

Where the fact of a gunshot wound is disclosed to authorities in the context of assisting the police in the prevention and detection of a serious crime, it may not be necessary to provide access to medical records themselves. Where medical records are disclosed however, a **form known as the J88** - published by the South African Department of Justice and Constitutional Development – is normally used by healthcare professionals **to document the medico-legal examination of the injuries of a patient** for the purposes of presenting those medical records in court. The conditions which apply to the completion of a J88 form are discussed below.

United Kingdom

There is, under UK law, **no specific legal duty** placed on healthcare professionals to disclose information concerning gunshot wounds. As mentioned above, however, healthc**are professionals may be justified in disclosing information where it is in the public interest**, particularly where a failure to do so may expose others to a threat of serious harm or where it may assist with police investigations. In the absence of specific legal or ethical requirements to report gunshot wounds, healthcare professionals are expected to act in accordance with relevant professional guidelines on the disclosure of confidential information where it is in the public interest.

China

Chinese law fails to set forth specific rules regulating whether the disclosure of gunshot wounds of patients to authorities constitutes a precondition for healthcare professionals to treat patients. In practice, medical institutions, such as hospitals, do indeed report to public security authorities immediately where a gunshot wound patient has been sent to a hospital; the failure to do so would lead to administrative liabilities or criminal sanctions. Moreover, in the event that the gunshot wounds are related to terrorism, Article 51 of the *Counterterrorism Law of the PRC* ("CTL") provides that where a public security authority carries out an investigation of any suspected terrorist activity, any relevant entities and individuals must provide truthfully any relevant information and materials. Nonetheless, **emergency treatment** must be given to the patient regardless of whether the gunshot wound has been reported to the relevant authorities. The *LLD* explicitly provides that **doctors** are obliged to adopt emergency treatment measures for the patient and shall not refuse to give emergency treatment for emergency and critical patients.

Pakistan

Where the victim of a gunshot injury **was brought directly to a Healthcare Professional** for medical treatment**,** the Healthcare Professional was required to report the fact to the Police before providing medical treatment unless the patient's health condition was seriously critical or the patient appeared to be dying; in which case, the Healthcare Professionals could provide immediate medical treatment and would be required to inform the Police within 24 hours. Where a gunshot wound patient **was brought directly to the Police,** the police authorities would first get permission from the Judicial Magistrate of the area concerned before taking the patient for medical treatment unless the health condition of the victim was in critical condition or the patient was likely to die, in which case, the police were required to provide medical treatment without obtaining prior permission from the concerned Judicial Magistrate. Otherwise, the injured person was required to help the Police by recording his or her initial statement of the facts and helping the Police to prepare a charge sheet. It was only then that the Police official would be permitted to bring the victim before the Magistrate/Court for an appropriate order of referral for medical treatment.

Recherches et opinions

Dans l'ISDC's Letter, l'Institut donne la possibilité à ses collaboratrices et collaborateurs ainsi qu'aux chercheurs externes de présenter leurs sujets de recherche. Les différents domaines du droit et la diversité des juridictions peuvent y être aperçus. Eventuellement, cette section peut même inspirer des lectrices et lecteurs qui s'intéressent à des domaines du droit liés aux problématiques présentées. Cette édition contient deux contributions sur ***Express Form Mergers Between Affiliates under French Law*** *et* ***Evolution de la sécurité sociale de la République de Macédoine du Nord: nouveautés concernant la retraite****.*

Droit commercial: Express Form Mergers between Affiliates under French Law
Par ***Philippe Gianviti*** *&* ***Jean-Christophe Bouchard***

A new French Act, which has entered into force this summer, aims to simplify, clarify and adjust existing company law. It has extended the scope of express form mergers to affiliates in a group of companies, which should reduce time and cost in internal restructuring of group companies. A few legal questions and potential issues remain but their impact will be limited to marginal cases.

On 19 July 2019, the French Parliament passed a new bill numbered 2019-744 and entitled "Act of simplification, clarification and adjustment of company law" which reforms and makes several amendments to existing statutes relating to French company law.

Among others, the new law extends the scope of so-called express form mergers (*fusions simplifiées*).Express form mergers are mergers of limited liability companies (*sociétés par actions* and *sociétés à responsabilité limitée*),[1] which are not required to comply with all legal formalities and requirements usually applying to ordinary mergers, such as obtaining the authorisation from the shareholder's absorbed company and issuing reports from the boards of the companies involved in the merger.

Before the new law was adopted in July 2019, express form mergers were restricted to companies with direct shareholding and control links. Specifically, one company had to hold at least 90% of the voting rights (or 100% of the share capital) of another company to take over and merge with it under the conditions of express form mergers. This was according to former French law, which itself implemented the European Directive on the mergers of public limited liability companies.[2]

Under the new law, which entered into force on 21 July 2019, a holding company may merge and amalgamate two of its direct subsidiaries in accordance with the legal conditions of the express form merger provided that the holding company holds at least 90% of the voting rights (or 100% of the share capital) of the two other companies.

Further, the new law specifies that the merger between affiliates does not require an exchange of shares where the holding company owns 100% of the share capital of the companies involved in the merger.

The entry into force of the new law may raise some practical questions, as only some areas of company law are covered by the Act.

First, how express form mergers between affiliates will be treated from a tax perspective?

1 Articles L. 236-11, L. 236-2, L. 227-1 and L. 226-1 of the French Commerce Code.

2 A*rticles 24 et seq. of the Council Directive 78/855/CEE of 9 October 1978 as amended by the European Parliament and Council Directive 2009/109/EC*

Indeed, mergers are encouraged by French lawmakers, who have granted them a favourable tax environment. Deferred taxation on gain capital and exemptions on stamp duties for transferred assets apply when a merger occurs between a holding company and its direct subsidiary.

The existing tax exemptions should be applicable to express form mergers between affiliates, provided that they comply with the conditions applying to mergers under the French Tax Code.

Second, will express form mergers apply to cross-border mergers of affiliates within the European Union? European law [3] provides simplified formalities in the scenario where a "*cross-border merger by acquisition is carried out by a company which holds*" at least 90% of the voting rights. The French regulatory body in charge of coordinating legal formalities, the "*Comité de coordination du registre du commerce et des sociétés"* ("CCRCS"), ruled, prior to the enactment of the new law, that French company law had to be read in light of such a Directive, and that legal conditions of express form mergers should therefore apply to European cross-border mergers of a holding company with its subsidiary[4]. There is no reason that the legal conditions of express form mergers do not apply to cross-between mergers between affiliates of two different EU member States, but the CCRCS will probably need to clarify its doctrine.

Third, specific regulations regarding competition and anti-trust law, foreign investments and acquisitions in specific sectors (such as press, medias, energy, banks, insurances and investment services), which may require authorisation or approval from authorities for mergers under certain circumstances, remain unchanged and will therefore continue to apply to express form mergers between affiliates.

For instance, where banks, insurance companies and investment firms are concerned, the French financial authority, the *"Autorité de contrôle prudentiel et de resolution",* must be informed of any change in share capital. Its authorisation (or in respect of banks, the authorisation from the European Central Bank) must be obtained where the merger results in a direct/indirect acquisition or increase in shareholding.

However, it is competition law where the trickiest rules applying to mergers may be found.

A merger may fall within the turnover thresholds that trigger a required notification to the EU Commission pursuant to the EU Merger Control Regulation 139/2004 (the "Merger Regulation") and even though it would not be subject to a notification to the EU Commission, it may need to be notified to the French Competition Authority (*Autorité de la concurrence*) if the following thresholds are met:

- the combined worldwide turnover of all the companies involved in the merger exceeds EUR 150 million; and

- the turnover for the activities achieved in France by each of at least two of the companies involved in the merger exceeds EUR 50 million.

These thresholds are lower when the merger comprises two or more companies carrying out retail activities.

However, these competition and anti-trust rules apply to mergers involving "previously independent undertakings"[5].

As the European Commission noted: "a merger within the meaning of Article 3(1)(a) of the Merger Regulation occurs when two or more independent undertakings amalgamate into a new undertaking and cease to exist as separate legal entities".[6] Accordingly, these rules should not apply to a mere intragroup restructuring between affiliates which are not independent by definition, unless the merger results in a change in their ultimate controlling shareholders or in a joint-venture agreement with a third independent party.

3 Article 15 of the European Parliament and Council Directive 2005/56/EC.

4 Advice No 2015-022

5 *Article 3.1 (a) of the Merger Regulation and Article L. 430-1 I of the French Commercial Code.*

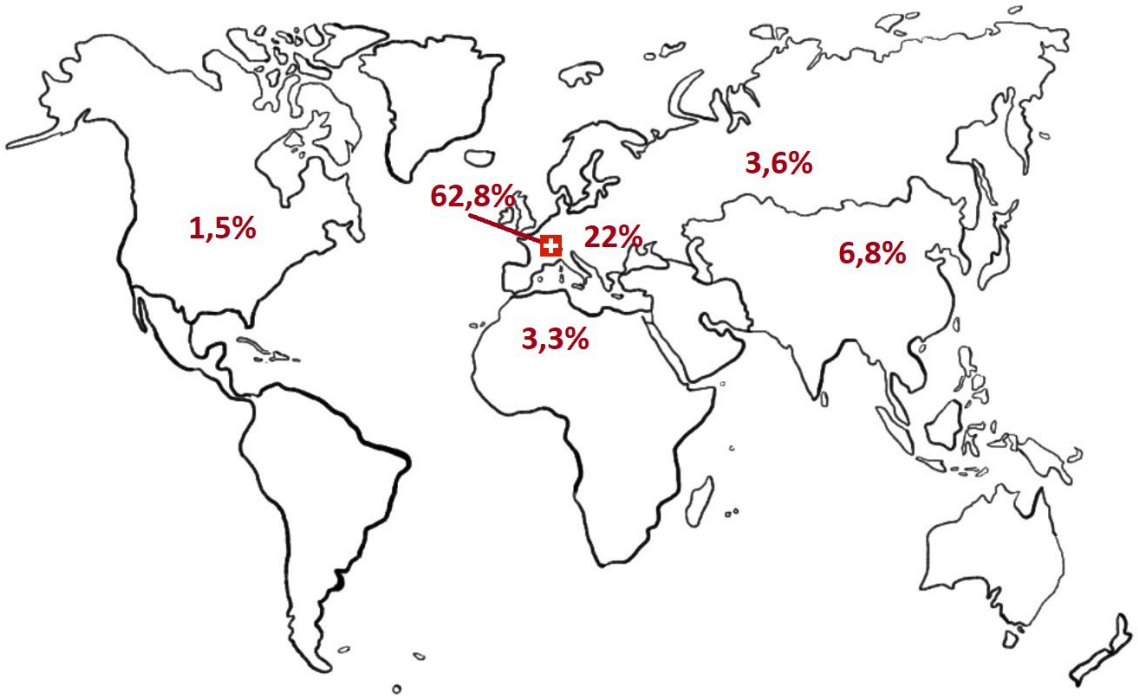
6 *Jurisdictional Notice 2008/C 95/01 of the European Commission.*

Bibliothèque

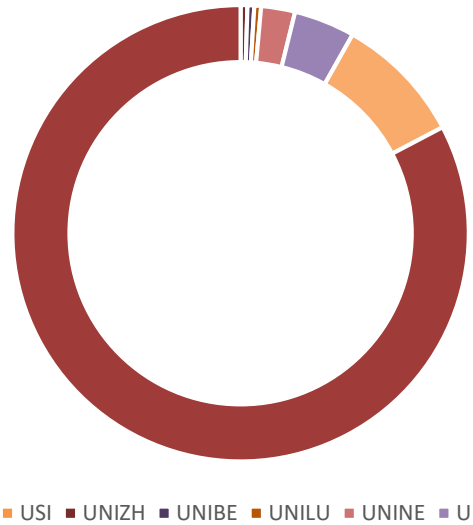
Petite rétrospective des chercheuses et chercheurs 2019

Nous constatons une baisse des chercheurs provenant d'institutions à l'étranger notamment d'Israël, d'Italie et des facultés juridiques suisses (sauf Fribourg, Genève et Lausanne). Cette année, il n'y a eu aucun chercheur d'Amérique centrale et du Sud ni d'Océanie.

Carte du monde pour les chercheurs 2019 par institution :



Nos chercheurs de Suisse venaient principalement de l'Université de Lausanne, suivis de Fribourg, Genève et Neuchâtel. Une grande représentation romande donc et une absence notée des universités de St Gall, Bâle et du Tessin.



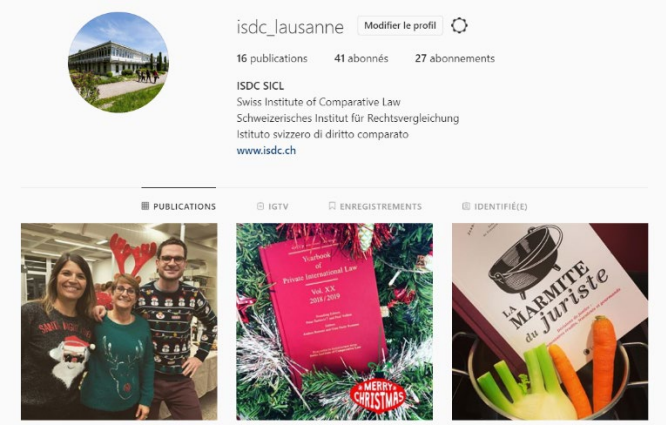
Vous rédigez une thèse de doctorat ou une publication en droit, vous êtes chercheuse ou chercheur suisse ou étranger ? Vous pouvez réserver une table pour une durée de six mois. Toutes les informations en cliquant ici.

Organisation

Relations Publiques

L'Institut a ouvert en septembre, un compte **Instagram** pour vous faire vivre le quotidien de notre institution. Vous pouvez le suivre :

https://www.instagram.com/isdc_lausanne/?hl=fr



Au cours de l'année 2019, 88 personnes ont été accueillies personnellement par Mme Marie-Laure Lauria au **Welcome Center**. Notre Welcome Center offre à chaque nouveau chercheur qui réserve une table à l'Institut l'opportunité d'avoir une présentation de nos services et de notre environnement. Nous mettons beaucoup de soin, notamment pour les chercheurs étrangers, à ce chaque personne qui arrive pour la première fois à l'Institut se sente attendu et accueilli.

Nouveau collaborateur juridique !

Rodrigo Polanco Lazo

Rodrigo Polanco holds a Bachelor and a Master of Laws from Universidad de Chile, an LL.M. in International Legal Studies from New York University and a PhD in Law from the University of Bern. Besides his work as Legal Adviser for Spanish-speaking jurisdictions at the Swiss Institute of Comparative Law, Rodrigo is also a senior researcher, lecturer and academic coordinator of Advanced Master Programmes at the World Trade Institute (WTI), University of Bern. He is also a visiting professor at the University of Chile (Faculty of Law and Institute of International Studies), and a co-founder and member of the board of Fiscalía del Medio Ambiente (FIMA), a Chilean non-profit environmental organization.

Ressources humaines

Comme indiqué en introduction, beaucoup de **mouvement du personnel** en cette année 2019.
Départ en retraite : Alberto Aronovitz, Jacques Brüllisauer, Hubert Schmutz et Hanna Wojcik ;
Départs : Stéphanie de Dycker et Verena Kühln (qui faisait un remplacement maternité) ;
Arrivées : Jun Zheng et Rodrigo Polanco Lazo (dont la courte bio est disponible en encart) ont rejoint l'équipe juridique;
Marko Veselinovic et Joel Jauslin pour l'équipe de la bibliothèque ;
Alex Fallet complète l'équipe de la logistique.

Informatique

Afin de garantir une qualité rédactionnelle, l'Institut a investi dans un **logiciel de correction orthographique** des langues françaises et anglaises. Celui-ci détecte les typos, les erreurs gramaticales, de syntaxe et aide à un enrichissement du vocabulaire. Toujours soucieux d'améliorer la qualité de nos avis comme de nos publications, nous espérons cet outil utile dans cet objectif.

Logistique

En 2019, **682 livres** ont été dans l'atelier de reliure de l'Institut.

Vers un Institut plus eco-friendly

Nous nous efforçons de prendre de plus en plus de mesures pour participer aux efforts écologiques encouragés au niveau national. En plus des obligations de recyclage, nous essayons de favoriser une reprise de meubles et d'utiliser du matériel de seconde main. En 2020, nous nous sensibilisons à l'impact de notre consommation de CO2 – notamment dans les invitations de nos conférenciers.

Prospective 2020

Evénements à venir

2 avril	Mariage pour tous ou partenariat enregistré : Où en sont la Suisse et l'Europe dans la régulation de la vie commune ? En partenariat avec le Canton de Vaud et la ville de Lausanne
4 mai	New Developments of Private International Law in East Asia 32e journée de droit international privé
5 mai	ISDC-FL-EUR Conference on Adult Protection En partenariat avec l'Université de Genève et Family Law in Europe: European Community (FL-EUR)
Septembre	Droit & …
6 novembre	Conférence sur la Co-Régulation En partenariat avec l'Association Henri Capitant
Novembre	Digital Deaths: Succession in the Age of the Internet En partenariat avec l'Université de Fribourg

Et tout au long de l'année : des visites d'étudiants encadrés par leurs professeurs, des Rencontres informelles et des délégations suisses et étrangères qui viendront visiter l'Institut suisse de droit comparé.

Publication à venir

Avril	Coherence of the Scope of Application of EU Private International Legal Instruments Volume 87 Quim Forner Delaygua/Alfredo Santos (eds)

Et tout au long de l'année : des éditions de l'ISDC's Letter et de l'EU News : Click & Read

N'oubliez pas de vous rendre régulièrement sur notre site Internet www.isdc.ch, ou de consultez nos réseaux sociaux (Facebook, Instagram et LinkedIn). Vous pouvez également vous inscrire pour recevoir toutes les notifications sur les prochains évènements en envoyant un email à news.isdc@unil.ch.