

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

ANNUAL REPORT

2023



A FEW WORDS OF INTRODUCTION

The year 2023 will have left its mark on the Swiss Institute of Comparative Law in many respects. It saw the completion of major research projects, as well as several legal opinions and conferences. The library also underwent significant developments.

As well as events held in the fields of international private law, international economic law and comparative law, various events were also held in collaboration with Swiss and foreign partner institutions. Overall, these events reached a much wider audience than before the pandemic. Both online seminars and those held in Lausanne and abroad have contributed to this. Of particular note were events on current developments in international family law, on the concept of national security in the context of international economic law, and on methodological issues in comparative law.

In line with the Federal Council's strategic objectives, the lawyers have stepped up their research activities without abandoning the drafting of legal opinions, which are a priority for the authorities. The synergy between these two activities has found expression in requests for opinions from SECO, but also from the FOBL and the FOPH for international economic law, an area of research that the Institute's Board has included in its action plan for 2021. The publication of a number of books edited by ISDC staff will undoubtedly stimulate demand, including from the courts.

With a view to further improving the quality of its services, the library has undertaken several measures, including the creation of a committee to strengthen links between the library and legal and scientific divisions and to update the collections. The Institute's Board has also approved a policy for the clean up and organisation of the Swiss law collection (a "weeding plan"). This work should make it possible to rationalise the management of the library. Other studies are underway to improve the efficient use of available space.

The commitment of the Institute's staff at all levels has been a key factor. In addition to the lawyers from the various legal areas and the librarians, special mention should be made here of the commitment of the people working in logistics, administration and public relations. Each one of them, in their respective roles, has once again enabled the Institute to function as a whole. We are also delighted with the success of the apprentice working at the Institute. We would like to take this opportunity to thank all our staff for their commitment and hard work.

The year 2023 was not an easy one, marked as it was by major changes at the head of the Institute's management. The Director retired in autumn 2023, and some of the Institute's Board members were replaced before the end of their term of office. These changes have led to some legitimate concerns. We are all the more grateful for the commitment of everyone involved.

The year 2024 will bring new changes with the replacement of the Director and new decisions relating to the strategic objectives for 2024 - 2027. The Institute's Board and management are aware of the challenges facing the Institute next year too. However, we are convinced that the Institute will be able to create new momentum, and it is in this spirit that we are signing this introduction together.

Franz Werro

Chair of the Board

Lukas Heckendorn Urscheler

Deputy Director

KEY POINTS OF 2023

The 2023 financial year was marked by several highlights.

HIGHLIGHTS OF THE ACADEMIC EVENTS IN THE ISDC'S THREE AREAS OF RESEARCH

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1

Comparative Law Seminar

12-13 MAY



2

34th Day of International Private Law

1 JUNE

3

Seminar on the evolution of the concept of national security within the international economic law system

26 OCTOBER





Open Day and entertainment for the general public
to discover the ISDC library

25 MARCH

TWO IMPORTANT BOARD DECISIONS

1

Approval of the new
communications strategy

18 APRIL

2

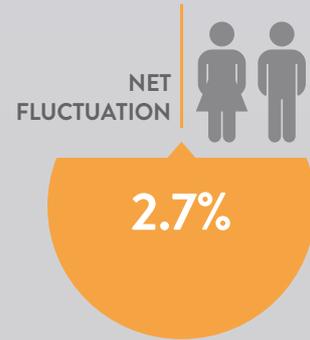
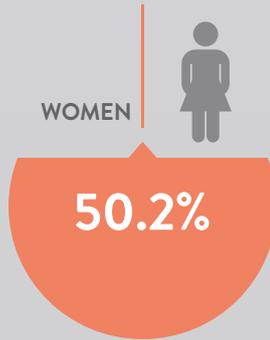
Adoption of the « weeding plan »
of the library's Swiss collection

22 SEPTEMBER



FACTS AND FIGURES

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A LINKEDIN PAGE IN DEVELOPMENT

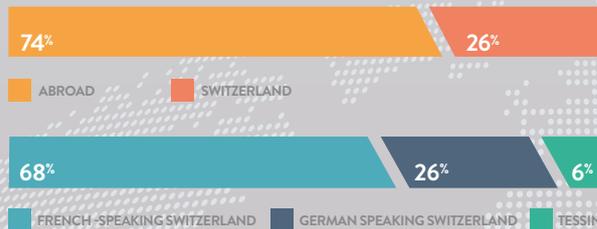
corporate page of the Institute on 31 December 2023



each posting



SUBSCRIBERS



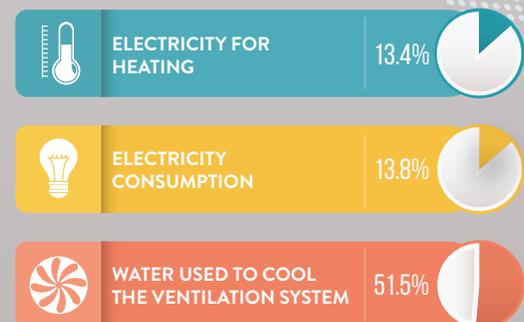
ACTIVITY SECTORS



ENERGY SAVINGS ACHIEVED

An energy-saving plan was drawn up at the beginning of the year, in compliance with instructions from the Federal Council and UNIL. Work was carried out to reduce electricity consumption relative to lighting and to cut heating costs.

Savings achieved in 2023 compared to 2022 :



OPINIONS

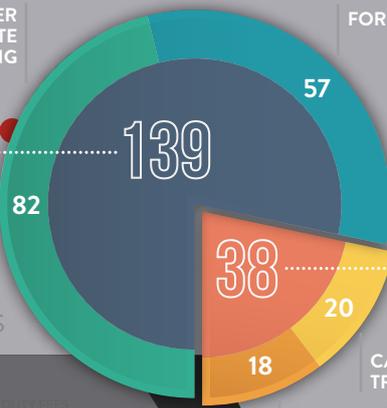
177 OPINION REQUESTS

60 OPINIONS issued of which several were opinions issued for requests prior to 2023

CROSS-BORDER CORPORATE RESTRUCTURING

FOREIGN LAW

PRIVATE COMPANIES (COMMERCIAL SERVICES)



PUBLIC AUTHORITIES (LEGAL SERVICES)

CANTONAL TRIBUNALS

CONFEDERATION (CONFEDERATION ADMINISTRATION & CONFEDERATION TRIBUNALS)

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TOTAL TIME DEDICATED TO DRAWING UP LEGAL OPINIONS

25%

BILLED HOURS

COMMERCIAL LAW OPINIONS

62.2%

COMMERCIAL REGISTER, TRANSFER OF HEADQUARTERS, MERGERS

NOTICE OF DEPARTURES

21.6%

OTHERS

TIME SPENT

75%

Percentage of time spent drawing up opinions and studies for the Confederation

RESEARCH

9 CONTRIBUTIONS/PUBLICATIONS WHICH WERE PUBLISHED FOLLOWING RESEARCH CARRIED OUT BY THE INSTITUTE

3 JOINT PUBLICATIONS WHICH WILL BE PUBLISHED IN 2024

LIBRARY STATISTICS IN 2023

5 962 VISITORS welcomed

335 data REQUESTS SUPPLIED

139 WORK stations reserved

2 037 INFORMATION REQUESTS FULFILLED

16 462 LOANS MADE

7 547 loan extensions completed

(of which 960 on library services)

SUBSCRIPTIONS

MONOGRAPHIC COLLECTIONS AND SEQUELS

152

89

DATABASES

123

819

UPDATES

PRINT & PRINT+ PERIODICALS

PREVENTATIVE CONSERVATION AND REPAIRS

467 TOTAL REBINDING (GLUED AND CARDBOARD)

116 SIMPLE REBINDING (RINGS, HOT GLUED)

75 REPAIRS

64 GLUED JACKET COVERS

MANAGEMENT AND MISSIONS OF THE INSTITUTE

The Swiss Institute of Comparative Law is a documentation and research centre for comparative, foreign and international law. Its missions, tasks and organisation are governed by a federal law. In addition, the Federal Council sets strategic objectives every four years as part of the Institute's remit, while respecting its scientific independence.

To carry out its tasks, the Institute has two bodies :

the Board, composed of a maximum of nine members, appointed by the Federal Council for a maximum of four years, renewable twice ;

the Executive Board, consisting of a director and a maximum of two vice-directors, which is the executive body of the Institute.

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The Institute's Missions

The Institute's main mission is to provide independent, high-quality access to foreign, international and comparative law, with priority given to the public administration and the academic world. This mission involves, on the one hand, active investment in scientific legal research and, on the other, the management of a specialised library open to the public with more than half a million documents and electronic resources on the legal systems of the world.

Art. 3 of the ISDC defines the tasks of the Institute, namely:

to prepare for the federal authorities the documents and studies required for the drafting of legislation and the conclusion of international agreements ;

to participate in international efforts to approximate or unify the law ;

to provide information and legal opinions to the courts and cantonal authorities ;

to conduct its own scientific research, support and coordinate research projects at Swiss universities and to provide researchers in Switzerland with an appropriate research centre.

The Swiss Institute of Comparative Law remains independent in its scientific activities and receives no instructions from the Federal Council or the competent department. (art. 5 SICLA).

Strategic objectives 2020-2023

The year 2023 marks the end of the four-year period for the strategic objectives defined by the Federal Council on 19 June 2020.

In specific legal areas, the objectives of the ISDC were to :

to ensure the high quality of its information, opinions and research ;

to develop its research activities and encourage its staff to submit project proposals to research funding bodies, in particular the Swiss National Research Science Foundation ;

to evaluate and intensify its collaboration with universities, other research institutions and other partners in Switzerland and abroad ;

to support students and researchers in Switzerland and abroad in their work ; to ensure the visibility of its publications and other services, in particular those of the library.

The Institute Board

The tasks of the Institute's Board are to ensure that the strategic objectives set by the Federal Council are implemented, and to plan and organise the Institute's activities in broad terms. The year 2023 saw a number of changes within the Board, as follows:

- Resignation of Ms. Florence Aubry Girardin, Federal court judge, 27 March 2023
- Resignation of Prof. Andrea Bonomi, of Lausanne University, 27 March 2023
- Resignation of Ms. Dominique Brown-Berset, lawyer, 27 March 2023
- End of mandate of Mr Martin Good, 31 December 2023
- End of mandate of Mr Konrad Sahlfeld, of the FDJP General Secretariat, 31 December 2023
- nomination of Prof. emeritus Pascal Mahon, 28 June 2023
- nomination of Mr Eric Cottier, 28 June 2023

In November 2023, the Federal Council appointed the new members of the Institute's Board for a period of four years from 01.01.2024. At 31.12.2023, the composition of the Board was as follows:

- Prof. Franz Werro, Fribourg University, President
- Mr Konrad Sahlfeld, of the FDJP General Secretariat, Vice-President
- Mr Martin Good
- Prof. Emeritus Pascal Mahon
- Mr Eric Cottier

To protect the interests of the Institute (art. 8 SICLA) and ensure its smooth operation, candidates for the Board must inform the Federal Council of their links of interest. Furthermore, each member of the Board is obliged to inform the other members immediately of any changes affecting his or her interests. The Institute's Board informs the Federal Council via its annual report.

This election takes particular note of the recommendations of a report by the Swiss Federal Audit Office published in 2023, also with regard to possible conflicts of interest.



Prof. Franz Werro,
University of Fribourg,
President



Mr Konrad Sahlfeld,
FDJP General Secretariat,
Vice-president



Mr Martin Good



Prof. Emeritus Pascal Mahon



Mr Eric Cottier

The organisational regulations issued by the Institute's Board, which came into force on 1 January 2022, specify the rules for managing conflicts of interest.

In its annual report, the Institute's Board informs the Board of any changes in the links of interest. It has not taken any other measures to raise awareness.

In 2023, none of the members of the Institute's Board declared a change in their relationship of interest.

The Institute's management and team

The Executive Board is responsible for the operational management of the Institute. It manages business, represents the Institute externally and prepares the basis for decisions by the Institute Council. Its members are appointed by the Institute Council.

Professor Christina Schmid will retire as Director in autumn 2023. The Acting Director will take over as interim Director of the Institute until the members of the Board have recruited a new person to fill this position.



Lukas Heckendorn Urscheler

Deputy Director, Vice-Director, Co-Head of the Scientific-Legal Division



Krista Nadakavukaren Schefer

Vice-Director, Co-Head of the Scientific-Legal Division

The Institute's staff is an international team of lawyers and librarians, supported by specialists in hospitality, finance, public relations and human resources. This team works on a daily basis to ensure the smooth running of the ISDC.

The head of the library is responsible for managing the library, which is open to the public and contains a collection of more than half a million documents and electronic resources in dozens of languages on more than 260 legal systems.



Ms. Nathalie Matthey

Head of Library

THE INSTITUTE'S ACTIVITIES

Article 3 of the SICLA gives the Institute two main tasks : to provide access to foreign law and to conduct, support and coordinate scientific research projects in international and comparative law.

In application of the law, the Institute draws up studies and provides information to public bodies : federal and cantonal administrations, federal and cantonal courts and criminal prosecution authorities. Within the limits set by law, it also provides commercial services to private entities, i.e. law firms, notaries' offices and private companies.

The information provided relates to foreign legal systems and/or international law. ISDC does not issue opinions on Swiss substantive law. Services provided to the public sector are classified as legal services and invoiced in accordance with the Fees Ordinance of the Swiss Institute of Comparative Law. Services provided to the private sector are deemed to be «commercial services» and are invoiced in accordance with art. 22 SICLA.

Legal opinions, expert reports and studies

In drafting its opinions, expert reports and studies, the ISDC adheres to the principles of efficiency, quality, accuracy and neutrality. Some of its work is also subject to a duty of confidentiality, which means that not all of it can be mentioned in this report. In its studies, the ISDC does not express an opinion or give advice.

FIGURES

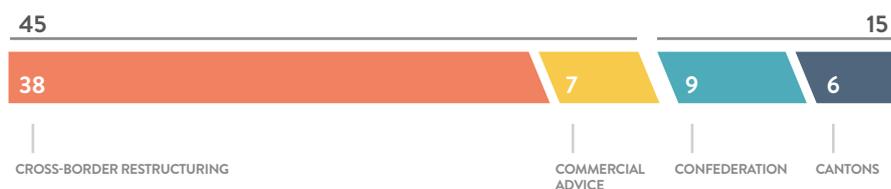
In 2023, the ISDC received 177 requests (2022 : 170 ; 2021 : 203) for legal opinions, expert reports and comparative studies, of which 38 came from public authorities (legal services) and 139 from private entities (commercial services). During the year, it issued 60 opinions, several of which were the result of requests made prior to 2023 (2022 : 55 ; 2021 : 69).

For information, when the ISDC is unable to respond favourably to a request, it systematically provides either preliminary information, which is often sufficient, or information about another institution that is able to respond to the request.

Although private requests account for the majority of requests, the hours devoted to them represent only 21 % of the working time provided by staff (excluding research and other public services), compared with 79 % for statutory services (75 % of which are for the Confederation). This proportion is identical to that in 2022. Thus, out of a total of 5 428 hours devoted to drawing up legal opinions and comparative studies, 1 155 hours were devoted to drawing up legal opinions for private clients, and 4 274 hours to legal opinions for the public administration.



Breakdown of hours by type of service in 2023 (excluding research and other public services)



Breakdown of the number of opinions in 2023

GEOGRAPHIC DIVERSITY

In 2023, the ISDC received requests for opinions concerning 60 legal systems. The requests from the Federal Administration primarily concerned the legal systems of Western, Central and Eastern Europe, as these are the subject of particular attention in the context of legislative work. ISDC has also been asked to study the law of other legal systems (Arab countries, Africa, South-East Asia, China, India, Commonwealth, United States). In total, the opinions provided by ISDC covered 27 countries.

Requests for transfers of registered offices (see «Provision of 'evidence' in the context of cross-border corporate restructuring») concerned 27 countries. Due to the non-confirmation of some of these requests, ISDC looked into the legal system of 15 countries by issuing certificates and legal opinions.

LEGAL SERVICES: ADMINISTRATIONS AND PUBLIC AUTHORITIES

Confederation

Requests from the Confederation consist on the one hand of comparative studies, which enable the administration to benefit from the experiences of other countries in the course of legislative work. On the other hand, the ISDC carries out expert reports on the application of foreign law, which are provided to the courts or criminal prosecution authorities.

In 2023, the ISDC devoted 4 049 hours, be it 75 % of its time (excluding research and other public services) to preparing opinions and studies for the Confederation.

A few examples

On behalf of the Federal Department of Foreign Affairs (**FDFA**), the ISDC drew up a comparative study analysing national regulations in 22 countries on the protection and use of the ICRC's distinctive signs: the Red Crescent, the Cross, the Crystal, the Lion and the Sun. The Institute also identified the legal protection associated with other symbols and health signs commonly used in these countries, such as the Star of Life.

ISDC has provided several studies to the State Secretariat for Economic Affairs (**SECO**). The first looked at the differences between Swiss and European law in terms of worker protection. To do this, the ISDC compared 13 instruments of the EU social acquis and their implementation at national level. It then studied the transposition of EU directives in four countries (Germany, Denmark, France and the Netherlands).

In addition, ISDC provided four studies analysing international investment agreements from the perspective of investment agreement practice, case law and literature on the protection of policy space through provisions on sustainable development, climate change, general exceptions and the right to regulate.

Also for **SECO**, the ISDC analysed the structure of the competition authorities.

In addition, the Institute has carried out comparative studies and provided information to various federal offices on the following topics:

Federal Office of Justice (**FOJ**): rules governing access to civil justice by litigants and lawyers outside normal working hours; financing of religious communities, in particular Islamic communities, in various European countries; transposition of foreign criminal decisions into the Swiss criminal records;

Federal Office for Buildings and Logistics (**FOBL**): preventing the infiltration of organised crime into public procurement public contracts;

Federal Roads Office (**FEDRO**): regulations and specific requirements for driving high-powered vehicles for road safety purposes.

Cantons and cantonal courts

The processing of requests from cantonal authorities and courts required 224 hours, or around 4 % of the time devoted by the ISDC to public and private requests.

In terms of subject matter, most of the expert reports produced in 2023 for the cantonal courts dealt with family and inheritance law issues, as well as criminal law. For example, in divorce proceedings underway in Switzerland, the ISDC issued an opinion on the interpretation and application of a 1934 convention and Iranian law on the law applicable to matrimonial property. Another opinion dealt with family law in Curaçao. The ISDC also issued a preliminary legal opinion, at the request of a court in a French-speaking canton, on the criminal sanctions applied to the trafficking, transport and import of a large quantity of soft drugs in the Netherlands and Belgium.

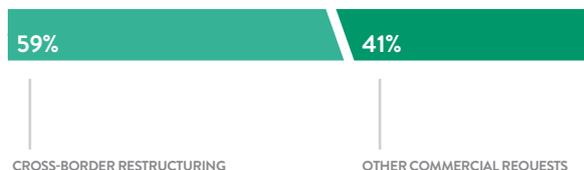
COMMERCIAL SERVICES: COMPANIES, LAW FIRMS, NOTARIES' OFFICES

As mentioned above, ISDC provides commercial services to private clients, i.e. companies, associations, foundations and law firms. These services fall into two categories:

- commercial opinions, i.e. legal opinions on specific legal issues;
- opinions and certificates issued in connection with cross-border corporate restructuring.

Commercial opinions

In 2023, the ISDC received 139 requests from the private sector. 82 concerned cross-border corporate restructurings and 57 other commercial requests. Of these 139, it issued 45 opinions (including seven commercial opinions and 38 attestations, see explanations below). The rate of acceptance of requests was therefore around 32 %. ISDC only deals with requests that fall within its scope. Staff spent 222 hours on commercial opinions, out of a total of 1 155 hours on commercial services.



Total number of private requests: 139

Requests for certificates for cross-border corporate restructuring: 82

Other commercial requests: 57



Total: 1 155 hours

Commercial opinions: 222 hours, for seven opinions issued

Certifications for cross-border restructuring: 933 hours, for 38 certifications issued

A few examples

SDC provided seven commercial opinions, including six on inheritance law and one on family law.

In particular, it issued an opinion on the comparison of estate beneficiaries under Bahamian and Swiss law. The aim was to determine which categories of beneficiaries were provided for in a will governed by Bahamian law, and to compare their main characteristics with their equivalents under Swiss law.

The ISDC also issued a legal opinion on the possibility, under Belgian law, of disinheriting a surviving spouse. More specifically, the aim was to set out certain situations in which it must be presumed, based on the will, that the deceased intended to disinherit his or her spouse.

Cross-border company restructurings: provision of «evidence»

In 2023, the ISDC issued certificates in 38 cases out of the 45 opinions issued for private clients. This task required 933 hours of work, out of the 1 155 hours allocated to commercial services.

Swiss private international law provides for various types of cross-border restructuring of companies (or associations or foundations). The most common type is that of the «cross-border transfer of registered office», i.e. where a company set up in country A wishes to move its registered office to country B.

To become legally effective, a cross-border restructuring requires its effects to be recorded in the public registers of the two countries concerned. In Switzerland, the Commercial Register Ordinance (CRO) requires certain «proof» to be submitted to the cantonal register office, including proof that the restructuring operation planned by the company in question will be permitted under the law of the other country. The cantonal offices normally accept the evidence provided by the ISDC, in the form of foreign legal opinions or certificates of compliance.

In this respect, the ISDC plays a fundamental role in controlling the legality of cross-border restructuring projects insofar as it refuses to issue evidence for projects deemed inadmissible under the legal systems of the foreign countries concerned and describes the preconditions for admissibility prescribed by the foreign legal systems.

A few examples

The following are interesting examples of applications relating to cross-border transfers of registered offices: the proposed merger of a limited liability company under Austrian law by immigration into Switzerland and absorption into a *société anonyme* under Swiss law, the proposed merger of a *société anonyme* under Swiss law by immigration into France and absorption into a *société par actions simplifiée* under French law, the proposed transfer of the registered office of an international company limited by shares from the Independent State of Samoa to Switzerland as a *société anonyme* - it should be noted that this was the first time that the ISDC had considered the law of Samoa - and the proposed transfer of the registered office of a *sociedad mercantil de responsabilidad limitada* under Spanish law to Switzerland as a *société à responsabilité limitée*.

Publications and research

In 2023, ISDC staff wrote and published scientific articles in the Institute's research areas: private international law, international economic law and comparative law methods. These publications contribute to the development and dissemination of knowledge in these areas, while strengthening the Institute's position as a key player on the international stage.

RESEARCH WORK

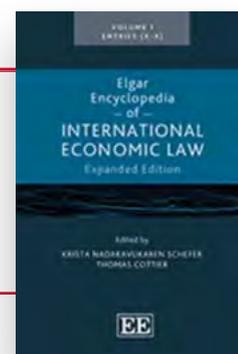
Contributions to encyclopaedias, legal journals and reference works

In 2023, ISDC staff published around ten articles in legal encyclopaedias, in particular in the Elgar Encyclopaedia of International Economic Law (see box). The areas of the law concerned were as follows: international economic law (international trade, international investment, digital trade), environmental law, civil law (family, inheritance and gift law) and labour law.

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L'Elgar Encyclopaedia of International Economic Law is a work of international economic law that covers a wide range of subjects such as international trade, investment, finance and economic regulation. It serves as a reference for researchers, practitioners and students.



Collective publications

In 2023, all ISDC staff worked on three collective works which will be published in 2024.

Firstly, Olivier Gaillard and Krista Nadakavukaren Schefer edited a collective work on private international law in East Asia (China, South Korea, Hong Kong, Japan and Taiwan). The book comprises 15 articles written by specialists from these regions as well as from Europe and the United States. It shows how the legal systems of these regions have moved from a role of imitating Western legal systems to innovating by creating legal mechanisms or institutions better suited to their regional needs, and then becoming exporters of these legal concepts themselves.

Secondly, a book on family law is currently in preparation. This book will describe the matrimonial regimes of a variety of countries in order to make it easier for Swiss practice to handle international divorces. John Curran, Karim El Chazli, Johanna Fournier, Lukas Heckendorn Urscheler and Henrik Westermark are taking part in this project.

John Curran, Lukas Heckendorn Urscheler, Rodrigo Polanco Lazo, Sean Stacy, Carole Viennet and Mathias Wouters have also been working on a book on comparative law method which identifies and analyses methodological developments in recent comparative law works in order to deduce more general conclusions.

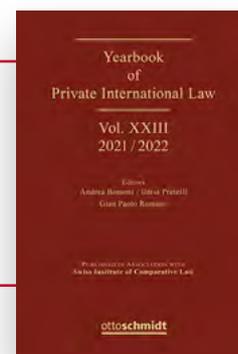
We should also mention the publication in 2023 of a special edition of a journal co-edited by Carole Viennet and Lukas Heckendorn Urscheler, among others, on the method in comparative migration law. This publication is largely based on an academic colloquium to be held at the Institute in 2019.

Finally, Johanna Fournier and Rodrigo Polanco Lazo have updated reports on Spanish and German family law and inheritance law, published in the *Jurisclasseur de droit comparé* (French reference work on foreign private law, covering more than 40 countries).

In addition to the above-mentioned work, our colleagues have contributed to collective works on a variety of subjects. Some of this work has been carried out on the Institute's own time. A list of publications can be found on the Institute's website: www.isdc.ch.

Yearbook of Private International Law Vol. XXIV – 2022/2023

Ilaria Pretelli is co-editor of this yearbook, which provides an overview of developments in private international law around the world. It is published in English by Otto Schmidt in cooperation with the ISDC.



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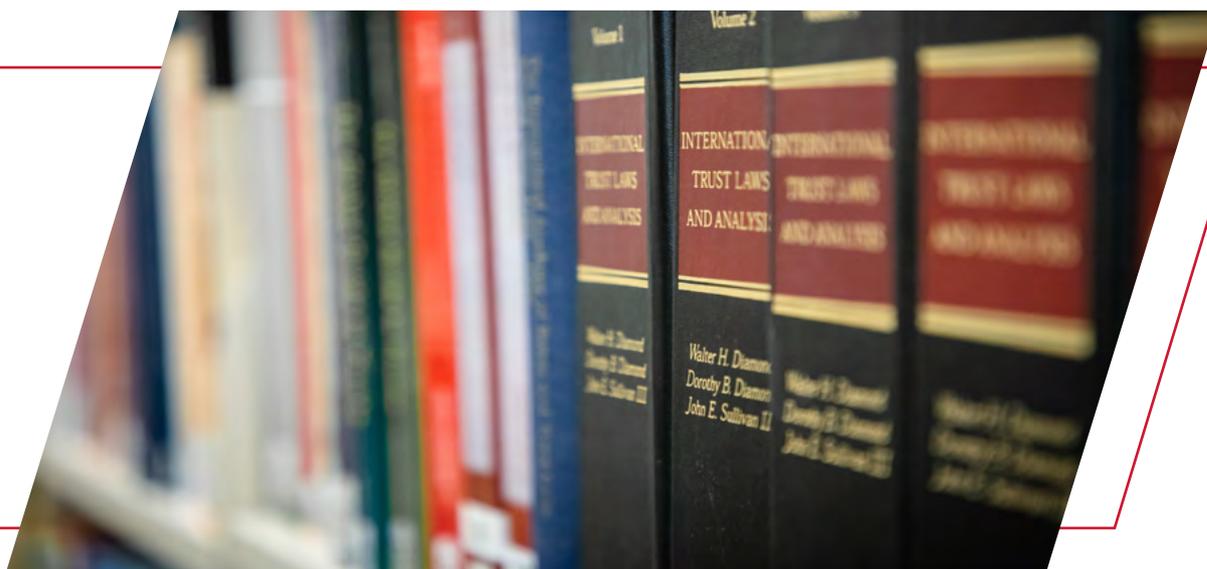
NEWSLETTERS

ISDC's Letter

The ISDC newsletter is published two or three times a year. It contains short news items about the Institute (events, projects, new employees, grant holders). The newsletter is available on the ISDC website.

EU News Click & Read

Henrik Westermark is responsible for editing this monthly newsletter, which contains a selection of official European Union documents. It is aimed in particular at universities, federal and cantonal administrations, legal practitioners and the business community. In 2023, 10 issues were published.



TEACHING

In 2023, ISDC staff taught on some twenty occasions at the Swiss universities of Basel, Fribourg, Geneva, Lausanne, Lucerne and Zurich, and abroad at the universities of Savoie-Mont-Blanc (Annecy, France), Renmin (Suzhou, China), Universidad de Chile (Santiago, Chile), Université libre (Brussels, Belgium), UCLouvain (Ottignies-Louvain-la-Neuve, Belgium), and at the International Training Centre of the International Labour Organisation (ILO).

The subjects taught were broadly as follows: private international law (family and inheritance), international economic and commercial law, labour law, legal drafting techniques.

EVENTS

In 2023, the ISDC organised various scientific events on its premises, online or at partner universities. It also participated in a number of events.

The topics discussed at the various events were related to the Institute's three main areas of research: international economic law, international private law and comparative law methods.

International economic law

Five events were held in the field of international economic law: an online conference on collective redundancies, a conference in Lausanne on free ports, a symposium on the limits of economic regulation in Latin America in Santiago (Chile), a seminar at ISDC/Zoom on the concept of national security and an online seminar in Washington on international arbitration.

International private law

On 3, 10, 17 and 24 May 2023, a series of four webinars analysed the proposal for a European regulation on the private international law of parenthood within the EU.

On 1 June, a conference at ISDC looked at the theoretical and practical implications of using private international law and fundamental rights as drivers for legislative reform in the field of family law.

Comparative law methodology

The ISDC organised three events in May in the field of comparative law. On 9 May, participants looked at the history of comparative law in the 19th century. On 11 and 12 May, a symposium looked at the conceptualisation of reality by the various human disciplines and the capacity of comparative law to provide a global conception. This was followed by a series of workshops for doctoral students in law on various themes of comparative law.

Public events

In March, the ISDC library took part in BiblioWeekend for the first time. This is a nationwide event organised on the initiative of the Bibliosuisse association. Its aim is to open the doors of Switzerland's libraries to the general public. The ISDC proposed an escape game to show visitors around its premises and how the library works. The event was well attended.

On 31 May, the film «The Danish Girl» was shown at the ISDC, followed by a multidisciplinary round table discussion on issues of sexual identity and gender reassignment.

Doctoral training

ISDC is particularly active in doctoral training. It organises conferences, workshops and training courses for doctoral students.

On 12 and 13 May, it hosted a series of workshops for doctoral students entitled «Strategies in Comparative Legal Research». This event was part of the doctoral programme in law of the University Conference of Western Switzerland (CUSO), of which ISDC is an associate member. The four workshops addressed the themes of interdisciplinarity in relation to comparative law, the methods applicable in comparative international law, approaches, strategies and methods of comparative law and transnationalism in law.

The ISDC organised a half-day introduction to research in foreign legal systems for the Institut du droit de la santé at the University of Neuchâtel, an institute that brings together doctoral and post-doctoral researchers. Several members of staff presented research methodologies in their respective legal systems, and the library presented its collection.

Finally, the Institute regularly gives library users, generally doctoral students, the opportunity to present their research work to the staff and other researchers on site. Eight informal meetings took place between April and September. These meetings enabled participants to obtain an external view of their project.



Participation in conferences and seminars

In addition to the conferences and workshops organised by the ISDC, the Institute's staff took part throughout the year in some fifteen conferences and meetings in Lausanne, in Europe (Brussels, Warsaw) and around the world (Bogota, Miami, Santiago, Washington).

These seminars focused mainly on the Institute's areas of research and advice, such as research methodologies in comparative law, international economic law, inheritance law and family law and family law, as well as cross-border corporate restructuring law.

For example, Sean Stacy and Rodrigo Polanco Lazo took part in the colloquium of the Society for International Economic Law, which brings together experts in the field from around the world every two years. The 2023 edition was entitled: «International Economic Law in Times of Geo-Political Confrontation and Geo-Economic Fragmentation». ISDC staff spoke on the 'Greening International Trade' and 'International Economic Law in Times of Crisis' panels.

In the field of comparative law, Lukas Heckendorn Urscheler presented the experiences and reflections of the ISDC on its own working method at a workshop bringing together various organisations specialising in comparative law studies for legislative purposes, such as the Law Library of Congress and the research services of the European Parliament. The workshop was held as part of the annual conference of the American Society of Comparative Law.

Finally, in the field of private international law and inheritance law, Karim El Chazli presented, at an event on Islamic inheritance law in Hamburg, the way in which certain Arab laws approach gifts (as a legitimate means of estate planning or as a means of circumventing inheritance rules).

AiSDC Webinar Series

With the Association of Alumni & Friends of the Swiss Institute of Comparative Law (AiSDC), the Institute co-organised two webinars, one in February and the other in June. The first focused on the new French law of levy of execution in international successions, and the second on extinctive prescription in Latin America.

THE LIBRARY

The mission of the Institute's library is to preserve part of the law of yesterday, to provide the law of today and to enable the development of the law of tomorrow. It works on a daily basis to update and develop its collections, as well as to offer quality services to Swiss and foreign researchers and students in the fields of comparative law, foreign law and international law, in accordance with the strategic objectives of the Federal Council (cf. international law, in accordance with the Federal Council's strategic objectives [see the section on the Institute's management and missions]). It works to preserve the collections by carrying out preventive binding work.

The year 2023 provided an opportunity to draw up a weeding policy for the Swiss law collection. Validated by the Institute's Management and Council, this practice consists of removing physical works from the collections when they are no longer relevant. It helps to guarantee the quality of the collections, a particularly important aim in the field of law and one that forms part of the code of ethics of Swiss librarians.

Both the daily tidying of books on the shelves and the inventory carried out in September 2023 of some of the more than half a million documents available have made us aware of the desperate lack of space in the collections. This is not a new problem, but one that needs to be resolved as a matter of urgency. In response, the library team will be rolling out the weeding policy for the Swiss collection and extending it to the other collections for the next period, 2024-2027.

In order to prepare the next generation of librarians, the Institute has an apprenticeship place available for a young person wishing to train as a CFC documentary information officer. As the previous apprentice has completed her apprenticeship, the position is currently vacant. In addition, the library took part in the Semaine Découverte (Discovery Week), the aim of which is to introduce the profession of Documentary Information Officer to people wishing to take up the profession.



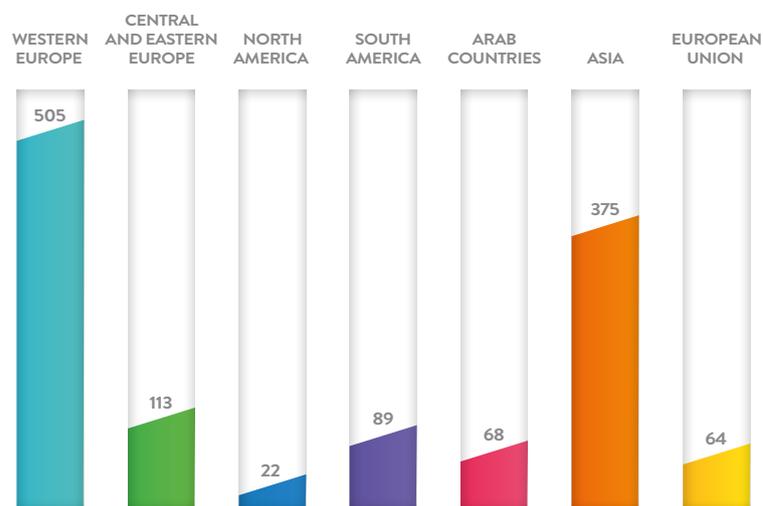
The collections

Since the library was set up, three specific collections have each been the subject of a dedicated post: Central and Eastern Europe, China and Arab and Muslim Rights. Each of these collections is managed by a scientific librarian with appropriate language skills.

The other collections are developed by all the librarians, with the support of the Legal and Scientific Division, on the basis of the needs identified by users and by lawyers in the course of their legal opinion-writing and research activities. Particular attention is also paid to new fields and emerging themes.

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Geographical breakdown of acquisitions in the national collections in 2023

THE COLLECTION OF CENTRAL AND EASTERN EUROPEAN COUNTRIES

The development of the Central and Eastern European collections in 2023 is a continuation of the efforts to acquire legal literature from at least two countries in this region each year with the resources allocated for this purpose. In 2023, the countries selected were Ukraine and Slovakia.

The Ukrainian-language collection has been enriched by around thirty monographs, mainly in comparative law, thanks to a donor. As for the Slovakian collection, it needed to be updated with new editions of law commentaries, mainly in line with the development of collections predefined by the Institute's Council. The library benefited from donations from the Institute of Comparative Law in Budapest and the Institute of Comparative Law in Belgrade.

Over the course of the year, the Central and Eastern European countries collection added some one hundred works in the vernacular (of the country) and around twenty additional titles, mainly in English.

CHINESE COLLECTION

At the end of 2023, the Chinese collection included more than 12 900 titles, the vast majority of which were published in China, with a few titles published in Taiwan.

In 2023, 267 titles were added to the collection. The Institute's library also has subscriptions to four Chinese law databases, 24 subscriptions to periodicals and 19 standing orders for directories or other continuing resources.

COLLECTION DE ARAB AND MUSLIM LAWS

During the first few months of the year, the person in charge of this collection acquired over a hundred monographs and around ten volumes of periodicals from Morocco, as well as 55 monographs from Egypt. When she left, a new member of staff was recruited to ensure continuity.

In addition, 72 documents acquired in previous years were added to the Arab and Muslim Law collection. A duplication check was also carried out in 2023.

Data resources

In line with the action plan relating to the strategic objectives, aimed at encouraging the acquisition of digital works rather than printed works, the librarian in charge of developing digital resources and the legal liaison officer conducted interviews with each legal officer to find out about their use of physical and digital resources.

Carried out at the beginning of 2023, this internal survey identified two areas for improvement :

the creation of a working committee of lawyers and librarians, scheduled for early 2024. Its purpose will be to draw up acquisition and weeding strategies for the library's collections, and to assist in decision-making in complex cases ;

the possibility of making urgent purchases outside the scope of traditional annual subscriptions.

In addition, the library has added all the electronic books and newspapers (bundles) it has acquired to its catalogue. Subscriptions to databases remained stable in 2023, with the exception of one database that ceased operations.



User services

As a public law institution of the Swiss Confederation, the Swiss Institute of Comparative Law offers its services to the general public, in particular the Swiss authorities and the academic world.

In order to facilitate the use and location of the workstations available on the various floors of the library, the numbering of the tables has been completely revised. As a reminder, the use of a workstation within the library is subject to reservation. This service is open to all Swiss and foreign law students and researchers. Of the total number of people benefiting from a work space, 182 arrived in 2023, 117 of whom were coming to the library for the first time for a research visit.

The plans to join the SLSP Courier and SLSP Bursar services, which began in 2020, are still underway. The aim is to offer home loans of part of the library's collections (SLSP Courier) and to outsource some of the work involved in invoicing swisscovery users (SLSP Bursar).

Library staff also provided the following services :

partial digitisation of documents (335 in 2023), transmitted as required (only in Switzerland) ;

regular organisation of group visits ;

individual presentations for new users (90 in 2023) ;

responding to a wide variety of requests.

The management of the FOJ library

The Federal Office of Justice (FOJ) in Bern has its own library. Its collection belongs to the FOJ. It has been managed for around ten years by the current librarian with the support of the ISDC. In 2023, a working group was set up to evaluate the place to be given to electronic resources in the FOJ library and the way in which the library should integrate them and make them available.

SUPPORT FOR RESEARCH AND ACADEMIC COOPERATION

The strategic objectives state that the Institute must support Swiss and foreign students and researchers in their work. To this end, ISDC provides welcome and assistance services through its Welcome Center, maintains a network of alumni and friends of the Institute (via the AiSDC association) and awards study grants. Institutional academic cooperation is also inspired by this objective, while aiming to develop research and the quality of the Institute's services.

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The Welcome Center

The Welcome Center is the point of entry for students and researchers (Swiss or foreign) who are planning a stay at the Institute. It supports them in all aspects of their stay and research:

- Providing information as required;
- information about the Institute and the university campus;
- reserving a place to work (table) for the duration of their stay;
- help in understanding the administrative aspects of their stay;
- helping scholarship holders to find accommodation for the duration of their stay.

In 2023, the Welcome Center welcomed 58 researchers, an increase on the previous year (49 in 2022).

AiSDC

The Welcome Center also manages the Association of Alumni & Friends of the Swiss Institute of Comparative Law (AiSDC). The objectives of the association are to encourage young researchers to come and stay at the Institute, to support projects that enhance the influence of the ISDC, to organise scientific or social events and/or to contribute to their organisation and funding.

In March 2023, the Association's Committee appointed Florian Heindler as the new Ambassador for Austria. As it does every year, the association awarded the Petar Sarvevic scholarship to encourage a candidate in his or her research work. In collaboration with the ISDC, it organised two online conferences on French law and Latin American law.

Study Grants

Each year, the Institute awards scholarships (van Calker scholarships) to enable Swiss or foreign researchers to carry out scientific work at the Institute in the fields of comparative law, foreign law and international law. These scholarships are preferably awarded to young candidates who are planning an academic career and/or have not yet had the opportunity to carry out research outside their country of origin. The scholarships are financed by third-party funds (the Schindler Fund), made available when the Institute was set up and shortly afterwards.

In 2023, l'ISDC welcomed eight scholarship holders.

Mr Amine MESBAHI

Mohammed V University, Morocco

International successions: between conflicts of law and conflicts of culture

Mr Fabian BRAND University of Luzern, Switzerland

Verbotsirrtum, Vermeidbarkeit und Prävention - Die Funktionalisierung der Schuld dargestellt anhand der Verbotsirrtumsdogmatik im schweizerischen, türkischen und deutschen Strafrecht. Zugleich ein Beitrag zur Methodik der Rechtsvergleichung

Mr Arman MELIKYAN
The Catholic University of Louvain & The University of Luxembourg, Belgium/Luxembourg
Resolving Trade and Sustainability Disputes: Comparative Perspectives

Mr Yi SUN
Ludwig-Maximilians-Universität München, China/Germany
Methodology of comparative foreign relations law: constitutional review of treaties as an example

Ms. Caterina BENINI
Università Cattolica del Sacro Cuore, Milan, Italy
The impact of national law on the functioning of EU rules on jurisdiction in civil matters.

Mr Marko DIMITRIJEVIC
University of Niš, Serbia
Digitalization of European Monetary Law in Service of Cohesive Everyday Life and Business

Ms. Merve Ece UYANIK
Kadir Has University, Istanbul, Turkey
Private International Law Aspects of Corporate Responsibility Arising from Cross-Border Human Rights Abuses and Environmental Harm

Mr Aziz KHAKBERDIEV
Tashkent University, Uzbekistan
Facilitate Formal Employment through Options in Labor Contracting in Developing Countries: to expand Contracts to Part-Time and Temporary Workers

Academic Cooperation

The Institute's 2020-2023 strategic objectives include promoting, maintaining and intensifying collaboration with universities, research institutions and other partners (in Switzerland and abroad). The SICLA provides for the Institute to collaborate with the law faculties and legal departments of Swiss universities, as well as with other Swiss and foreign institutions, organisations and libraries. In this respect, the Institute forged and cultivated links throughout 2023: mainly by concluding cooperation agreements and co-organising events with partners, but also by welcoming foreign delegations and students from a variety of Swiss and foreign universities to introduce them to the Institute and its library, or even to organise presentations, comparative law exercises or support them in their research.

EVALUATION OF ACADEMIC COOPERATION

Following a process of evaluation and reflection within the Legal Division, the management has drawn up guidelines for the Institute's academic cooperation. These were presented to the Board in April 2023. The aim of these guidelines is to define the interests and criteria for the various forms of cooperation.

COOPERATION AGREEMENTS DE COOPERATION

Implementing the above guidelines, and in an effort to evaluate and build its network in Latin America, the Institute signed two cooperation agreements with leading universities: the Universidad de Chile, in July, and the Universidad de los Andes in Colombia, in December. These framework agreements not only raise the Institute's profile in Latin America, but also facilitate research and information missions, as information on the countries in question is more readily available.

CO-ORGANISATION ACADEMIC EVENTS

In 2023, the Institute co-organised events with the following universities, institutions and associations:

- American University Washington College of Law;
- Conférence universitaire de Suisse occidentale;
- European Association of Private International Law;
- European Law Institute;
- Koretski Institute of State and Law;
- Société suisse de droit international;
- The Journal of Comparative Law (Etats-Unis);
- Université de Lausanne;
- Università di Pisa;
- Universidad de Chile.

It should be remembered that each joint organisation involves a process of reflection and discussion with the partner university.

FOREIGN DELEGATION WELCOME

In May 2023, a delegation of Turkish judges was welcomed as part of a Council of Europe and European Union project aimed at improving the efficiency of family courts and better protecting the rights of family members. Several members of staff introduced them to the Institute, its library and different perspectives on the development of divorce law.

In October, the Institute welcomed a delegation from the Legal Aid Institute of the Chinese University of Political Science and Law (CUPL). Presentations were given on the Institute, its library and legal aid mechanisms.

TEACHING SUPPORT OF COMPARATIVE LAW

Collaboration with Swiss and foreign universities often took the form of hosting groups of students. For example, the Institute organised practical case-solving exercises, taking into account the different legislation applicable. These exercises included presentations of the Institute and its library. They were led by legal staff and librarians for groups from the University of Lausanne, the University of Neuchâtel and the International Law Seminar at the United Nations Office at Geneva (UNOG).

In addition, several presentations on the Institute and its library were organised for various groups from the University of Lausanne during the year.

Finally, on several occasions during the year, the ISDC supported groups of students in their preparations for moot court competitions (for teams from the University of Lausanne and the University of Aix-Marseille, France). It also hosted a workshop on international sports law, organised by the University of Aix-Marseille.

THE LIBRARY'S INTERNATIONAL CO-OPERATION

The head of the library and her deputy attended the 41st annual course of the International Association of Law Libraries (IALL), held in Geneva from 8 to 11 October 2023. Several members of the library took part in the Congress of the Association of Swiss Law Libraries (ABJS), held in Sion on 1 and 2 June 2023. Finally, a librarian obtained a grant from Bibliosuisse's Newcomer programme to take part in the Congress of the *Association internationale francophone des bibliothécaires et documentalistes* (AIFBD), which was held in Brussels from 16 to 19 August 2023.

FINANCE AND RISK MANAGEMENT

The ISDC is a public-law institution of the Confederation, with legal personality but without its own accounts (art. 1, para. 1, SICLA). It is part of the decentralised federal administration (art. 7a, para. 1, let. c, GA00). It is therefore subject to the provisions of the Financial Budget Act (FBA) and the Federal Budget Ordinance (FBO), as well as the directives and instructions of the Federal Finance Administration (FFA) relating to the budgetary and accounting management of the Confederation (MGB+TC Manual). Exceptions are governed by specific laws or ordinances (e.g. exclusion from the scope of the Ordinance on the Organisation of Federal Public Procurement (OPPO) GA00).

Operating Expenses

Operating expenses amounted to CHF 7 410 139 in 2023. The main item is personnel, at CHF 5 285 009.

The reduction in expenditure compared with the forecast budget (CHF 7 857 400) is due in particular to staff costs (one post vacant at the end of 2023), lower expenditure on the purchase of specialist literature and IT, and delays in three projects (Alma interface and SAP project for the library, communication project and Alma and SAP interface project for the library, communication project and construction measures on the ISDC site).

In addition, a slight decline in the ISDC's current expenditure is also linked to savings targets. This mainly concerns costs for external services and events.

Almost 71 % of our expenditure relates to personnel. Approximately half of expenditure on goods and services and operating expenditure (CHF 1 100 000) is used for library acquisitions and subscriptions. In addition, there is expenditure on day-to-day operations, such as IT and logistics. The meetings organised by the ISDC (colloquia, seminars) are primarily intended for a public of lawyers. The co-organising institutions often contribute to their funding.

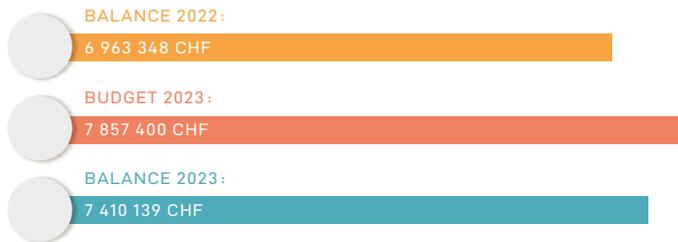
Finally, the drafting of legal opinions subject to a fee sometimes requires specialist knowledge from third parties, which leads to consultancy costs.



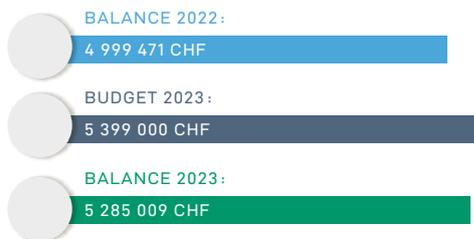
Revenues

In accordance with the SICLA and the ISDC's Fees and Charges Ordinance, operating revenue is broken down into commercial revenue (CHF 338 329), revenue subject to fees (CHF 5 018) and other revenue. Commercial services must at least cover costs. This objective was not fully achieved in 2023, at 99.3 %. Uncovered costs amounted to CHF 2 500. The slight fall in income from commercial services compared to the previous year (a drop of CHF 18 000) means that indirect costs could not be fully covered in 2023.

OPERATING COSTS (INC. STAFF COSTS)



STAFF COSTS



FULL TIME EMPLOYEES (ANNUAL AVERAGE)



Notes on the Federal Account and on the budget with integrated task and finance plan can be found at the following addresses:

<https://www.efv.admin.ch/efv/fr/home/finanzberichterstattung/finanzberichte/staatsrechnung.html>
(Tome 2A)

www.efv.admin.ch/efv/fr/home/finanzberichterstattung/finanzberichte/budget.html (Tome 2A)

Risk Management and internal control systems ICS

Pursuant to Article 39 FCA, the ISDC is required to manage risks and implement an internal control system (ICS). In this respect, it is subject to the normal reporting processes of the Federal Administration and to the directives of the Federal Council.

The identification, analysis, assessment, control and monitoring of risks follow uniform rules, which are defined in a binding manner in the FFA's directives on risk management in the Confederation. A common IT application (R2C_GRC) is used for risk management and risk reporting.

The following risks are monitored at the ISDC: unauthorised access to the network or loss of sensitive information, damage that the Institute, and therefore the Confederation, could suffer as a result of incorrect legal information, fire and flooding of the library.

ISDC has already taken numerous measures to guarantee IT security and data protection, and to maintain and improve the quality of its services. The Institute has also taken steps to prevent personal injury and material damage. It organised an evacuation exercise on 10 October 2023, with the support of UNIL's security services. In addition, the head of security has set up a SAFETY training course for some of the Institute's staff and students in September 2023.

The internal control system (ICS) ensures the quality management of business processes that have a financial impact. Consequently, it encompasses at least all levels of financial data processing in the AU administrative units (including any upstream systems and interfaces).

ANNEXE

Abbreviation Table

ABJS	Association of Swiss Law Libraries
AIFBD	International Association of French-speaking Librarians and Documentalists
AiSDC	Association of Alumni & Friends of the Swiss Institute of Comparative Law
CDCEI	Centre of Comparative, European and International Law, University of Lausanne
CRO	Commercial Register Ordinance of 17 October 2007 (SR 221.411)
CUPL	China University of Political Science and Law
CUSO	University Conference of Western Switzerland
FBA	Federal Act of 7 October 2005 on the Federal Financial Budget (Financial Budget Act; SR 611.0)
FBO	Financial Budget Ordinance of 5 April 2006 (SR 611.01)
FDFA	Federal Department of Foreign Affairs
FDJP	Federal Department of Justice and Police
FEDRO	Federal Roads Office
FFA	Federal Finance Administration
FOBL	Federal Office for Buildings and Logistics
FOJ	Federal Office of Justice
FPA	Federal Act of 24 March 2000 on the Personnel of the Swiss Confederation (SR 172.220.1)
FPers0	Federal Ordinance of 3 July 2001 on the Personnel of the Swiss Confederation (SR 72.220.111.3)
GA00	Ordinance of 25 November 1998 on the Organisation of the Government and the Federal Administration (Government and Administration Organisation Ordinance, SR 172.010.1)
GFee0	General Fees Ordinance of 8 September 2004 (SR 172.041.1)
IALL	International Association of Law Libraries
ICRC	International Red Cross Committee
ICS	Internal control system
ILO	International Labour Organization
OPPO	Ordinance of 1 May 2024 on the Organisation of Federal Public Procurement (SR 172.056.15)
SECO	State Secretariat for Economic Affairs
SICLA	Federal Act of 28 September 2018 on the Swiss Institute of Comparative Law (SR 425.1)
SLSP	Swiss Library Service Platform
UNIL	University of Lausanne
UniNE	University of Neuchâtel
UNISEP	UNIL Security Service
UNOG	United Nations Office at Geneva



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

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