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law for postgraduates (PEPP)**

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THE PROGRAMME IN EUROPEAN PRIVATE LAW FOR POSTGRADUATES (PEPP)

From 12 to 16 January 2015, at the Faculty of Law and Administration of the University of Silesia¹, the second “PEPP week” to the fifth PEPP edition was held. The PEPP (Programme in European Private Law for Postgraduates) is a scholarship programme for doctorate students. In 2014/2015 it is celebrating its fifth edition. The Programme itself consists of four intense weeks of lectures and workshops, spread over one year, held in different universities and institutes. Since the fourth edition, the participating entities are the University of Münster, the Bucerius Law School in Hamburg, the Max Planck Institute for Comparative and International Private Law (MPI) in Hamburg, the University of Silesia in Katowice, University of Wrocław, University of Cambridge, University of Leuven, the University of Valencia and the University of Genoa. The overall co-ordination and initiative is located at the Law Faculty of the University of Münster.

PEPP is not a traditional graduate school but is rather intended as a nucleus for a modern and progressive way to educate doctorate students. The participating fellows gain exclusive insights into legal research and practice at the various locations, with a focus on how the growing influence of European law on the respective national private law systems is being dealt with. They experience those legal problems that the lecturers see as specifically important and challenging, and aim to find solutions to them, both from a methodological and practical perspective. There are a total of 20 to 25 PEPP fellows each year, about six from each of the countries involved. This group remains unchanged throughout the year, so the participants grow together during the four times they are together, with each of the gatherings lasting for one week. The classes are spread over one year and involve interactive elements, such as the CJEU-moot-court project, which demands on-going interaction between the students outside of the conference weeks. Thereby, PEPP seeks to achieve a degree of continuity in the co-operation among participants that is considered essential for successful results in terms of the scientific results as well as professional networking. PEPP is part of an overall initiative started by the law faculty of the University of Hamburg and now continued by the University of Münster, which is aimed at improving the education and supervision of the doctorate students.

At the Katowice PEPP session 2015, the seminars and workshops mostly took place at the Faculty of Law and Administration of the University of Silesia, and partially at the Scientific Information Centre and Academic Library (CINIBA)². Many distinguished academics, both from Europe and the United States of America, were invited to hold their lectures, seminars and workshops for the PEPP participants. A great diversity of topics was presented, as each of the contributing lecturers gave an insight into their per-

¹ <http://www.wpia.us.edu.pl/>

² <http://www.ciniba.edu.pl/>

sonal area of research. From the Loyola University New Orleans, United States, prof. dr Patrick R. Hugg held an interactive lecture concerning European law and the German Constitutional Court, and prof. dr Agnieszka McPeak, from the University of Toledo (US) gave a lecture on the topic of Tort Law, Privacy Rights and the Challenge of New Technology. The topics of both these academic meetings seemed to be a perfect introduction to the American perspective – both of the lectures invoked a truly inspiring atmosphere. Another remarkable event was a lecture of dr Sergey Belov from St. Petersburg State University in Russia. He guided the PEPPers through the topic of rational reasoning and value judgements in constitutional adjudication in Russia, which again give rise to further interesting discussions.

The University of Silesia was delighted to host a judge of the Court of Justice of the European Union, prof. dr hab. Marek Safjan (also a Professor at the University of Warsaw). The students had a chance to hear first-hand information relating to the implementation of new technologies and the protection of privacy in light of the new judicial decision of the Court of Justice of the European Union. Another remarkable event was prof. dr hab. Maciej Szpunar, Advocate General of the Court of Justice of the European Union, who with his seminar over the CJEU procedure preparing the PEPPers for the PEPP moot court, assisted and guided the participants in developing their legal arguments over the given case. The open exchange of ideas and thought allowed the class to look behind the curtain of pure legal argument and understand the tactical underpinnings influencing the positions of the involved parties taken in procedures before the CJEU. This made it easier for the participants to put themselves in the frame of mind of the parties they represented. This edition's moot court case mainly considered the interpretation of Article 45(1)(a) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters³. Under the facts of the case, the problem that arose considered whether Article 45(1)(a) of Regulation 1215/2012 is to be interpreted as meaning that grounds for refusal of a judgment are also applicable in a case where the decision of the court of the member state of origin is manifestly contrary to the European Union law, and that fact has been recognised by that Court. Furthermore, whether successful reliance on that ground for refusal is precluded by the fact that the party that has recourse to that ground for refusal failed to make use of the legal remedies available in the member state of origin of the decision, and whether the obviously foreseeable failure of such remedies can change the answer.

Another prominent PEPP guest was the former Judge of the Constitutional Court in Poland, prof. dr hab. Mirosław Wyrzykowski (also Professor at the University of Warsaw). Thanks to an interactive meeting and lively discussion during his seminar on the topic: "CJEU vs. constitutional courts", the students were made aware of matters concerning the CJEU and the national court, not merely from the academic perspective giving theoretical issues but essentially from the practical perspective of a judge. Further guests were prof. dr hab. Fryderyk Zoll (Jagiellonian University, Osnabrück University), holding a lecture concerning contracts for accessing digital content; and prof. dr

³ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) [2012] OJ L 351/1; available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:351:0001:0032:En:PDF>

hab. Piotr Machnikowski (the University of Wrocław), with his presentation of the topic: "Past and future of the European product liability law". Last but not least, the Katowice PEPP session hosted prof. dr Maria Elena De Maestri from Italy (the University of Genoa) and prof. dr Bettina Heiderhoff, the coordinator of the PEPP Programme (the University of Münster). In addition to the precious academic contribution given by the international scholars, the programme gives great appreciation to the involvement of law practitioners, thus the Faculty was delighted to host Advocate Grzegorz Długi from the ADP law firm. Other speakers at the Katowice PEPP session were: dr hab. Anna Maria de Abgaro Zachariasiewicz, dr hab. Grzegorz Żmij, prof. UŚ dr hab. Ewa Rott-Pietrzyk, dr hab. Magdalena Habdas, dr hab. Monika Jagielska, dr Maciej Zachariasiewicz, dr Radosław Strugała, mgr Małgorzata Pohl, mgr Anita Strzebińczyk and mgr Bartłomiej Panfil.

One obvious, primary goal of PEPP is to support every participant in enhancing success with his or her own scientific research project. While the general administration and supervision of the doctoral candidates remains with their respective law faculties, PEPP has the potential to contribute massively in this area. This is because the programme not only teaches the students in matters of European private law, but also seeks to resolve the typical problems that young scholars face in this area of law. This includes, among other things, the ability to conduct a comparative analysis and to see issues from different perspectives. Just as important is the location of one's own research project according to the needs of legal practitioners. For this reason, PEPP has established ties with leading practitioners who are actively engaged in the dialogue between legal scholarship and legal practice. Further, the programme includes seminars in which each participant presents their ideas, so they are urged to present their thoughts to an international audience. At the same time, this is intended to strengthen the participants' awareness of being part of an international community of scholars. A second aim of PEPP is to train the participants' abilities in international professional networking, while at the same time providing them with such a network to start from.

The Katowice PEPP session 2015 was already the third PEPP session organised at the University of Silesia, organised by the Department of Civil and Private International Law, within its five-year cooperation with the PEPP Programme. The coordinator from the Polish side is prof. UŚ dr hab. Ewa Rott-Pietrzyk, assisted by dr hab. Grzegorz Żmij, mgr Małgorzata Pohl, mgr Małgorzata Lubelska-Sazanów, mgr Anita Strzebińczyk and mgr Bartłomiej Panfil.

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