

1st UIA Private International Law Forum

Seminar presented by the UIA in collaboration with the Ilustre Colegio de Abogados de las Illes Balears – ICAIB and the European Bars Federation – FBE

THURSDAY,
JULY 4
& FRIDAY,
JULY 5, 2024

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Introduction

he UIA Private International Forum is an annual UIA event where international lawyers meet to learn from each other and network in the thrilling Palma de Mallorca (Spain). In this first edition, the UIA Private International Law and Family Law Commissions team in collaboration with FBE Family Law Commission up to invite you to an extraordinary experience, which will make your delight.

In our societies, different family models coexist, reflecting cultural conceptions of the family from all over the world: de facto couples, single-parent families, homosexual and heterosexual marriages, contractual marriages, polygamous marriages, etc. The causes are essentially twofold: (i) the migration to a country of people from cultural, social and legal backgrounds very different from the host country; and (ii) the international dispersal of families as a result of the free movement of persons and the globalisation of businesses.

The challenges for any legal system to provide constitutional and legal protection for all the "family models" that coexist in a given country are growing, and the solutions offered by private international law in family

and inheritance matters are limited. Moreover, there is a great diversity in the regulation of these presumptions in comparative law, and if the laws of the forum do not provide for these situations, the foreign laws that do usually contain "criteria of application in space", so that they are applicable when examined.

Throughout the seminar, we will analyse the different legislative and jurisprudential options regarding these situations, as well as the consequences of their application for the family members.

The working sessions will be held over a day and a half at the premises of the Palma de Mallorca Bar Association. In addition to the academic programme, we will have the opportunity to meet colleagues and friends during the various social events: A welcome cocktail before the seminar and a series of optional social activities starting after lunch on Saturday, including the best Mediterranean cuisine, wine tasting and water activities. Internationally renowned Palma de Mallorca has a magnetic force that will make you come back.

Please be sure to not miss this seminar!



CMS Monaco

CMS Monaco is a leading law firm, providing local and international clients with a one-stop shop service for all their legal challenges, both in counselling and litigation.

The firm is composed of over **80 professionals**, including six partners and 50 associates, experts in Monegasque law. It is structured around **seven practice groups:** Private Clients, Business Law, Real Estate & Construction, Employment, Banking & Finance, Tax and Criminal law.

The Private Clients team, led by 3 partners, covers various areas of International Private Law, such as estate and inheritance, family law and matrimonial property settlements, protection of vulnerable adults and their assets, parental authority and child protection, immigration and residency, family disputes, assets tracing and recovery, criminal law, tax and trusts.

The team usually operates in a cross-border context and offers its clients solid language skills in nine different languages.

The Private Clients team regularly works with other departments of the firm on complex cross-practice cases with high stakes for a large variety of Monegasque and international clients, such as UHNWI, HNWI and their representatives, companies of various sectors, investors, banks, finance institutions, and many more

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THURSDAY, JULY 4

13:30 – 14:00 REGISTRATION OF PARTICIPANTS

Ilustre Colegio de Abogados de las Illes Balears – ICAIB Ramblas 10, 07003 Palma

14:00 – 14:30 WELCOME AND OPENING OF THE SEMINAR

- Jacqueline SCOTT, UIA President, Fortney & Scott, LLC, Washington, DC, USA
- Martín ALEÑAR FELIU, President of the Ilustre Colegio de Abogados de las Illes Balears — ICAIB, Palma de Mallorca
- Francisco RAMOS ROMEU, President of the UIA Private International Law Commission, RYA Abogados SCP, Barcelona, Spain
- Daniela HORVITZ LENNON, President of the UIA Family Law Commission, Horvitz Abogados, Santiago, Chile
- Carlos ANGLADA BARTHOLMAI, President of the UIA International Estate Planning Commission, Monereo Meyer Abogados, Palma de Mallorca, Spain

14:30 – 15:45 THE FAMILY AS A REALITY TO BE PROTECTED BY THE LAW AND THE DIFFERENT CONCEPTIONS OF "FAMILY" MODELS

In our societies, different family models coexist, reflecting cultural conceptions of the family from all over the world: unmarried couples, single-parent families, homo and heterosexual marriages, Islamic contractual marriages, polygamous marriages, etc. The causes are basically twofold: (i) the migration to a country of people coming from cultural, social and legal circles far removed from the receiving country; and (ii) the international dispersion of families resulting from the free movement of people and the globalization of companies. This introductory session examines the challenges for any legal system to protect constitutionally and legally all these "family models" that coexist in a given country. This is why a modern conception of the area should be called "Family Law".

MODERATOR: • Daniela HORVITZ LENNON, President of the UIA Family Law Commission, Horvitz Abogados, Santiago, Chile SPEAKERS:

- Konstantinos ROKAS, Attorney-at-law at Athens Bar Association, Assistant Professor of Private International Law at Aristotle University of Thessaloniki, Greece
- Lola LOPEZ MUELAS, President of the AEAFA, López Muelas
- Abogados de Familia, Murcia, Spain
- Jessica REID, Dawson Cornwell, London, UK
- Adriana ARANHA HAPNER, Hapner Kroetz, Advogados, Curitiba, Brazil
- Sophie DUCAMP-MONOD, SELARL Ducamp-Monod & Associés, Paris, France

15:45 – 16:15 COFFEE BREAK

16:15 – 17:45 INTERNATIONAL SAME-SEX MARRIAGE (INTERNATIONAL RECOGNITION OF SAME-SEX MARRIAGE; WHEN TERRITORIAL BORDERS CAN MEAN DISENFRANCHISEMENT)

Same-sex marriage is spreading throughout the world and this trend is taking concrete forms in more and more legal systems. For those jurisdictions that do not recognize the institution, the explanations are varied and range from the invocation of international public order with the argument that such a family model is incompatible with the basic principles of the matrimonial law of the forum, to the thesis of situations created and exhausted abroad, or the

Programme

so-called attenuated public order, to the full respect for foreign national laws through their application in the forum. This session will analyze the various practical options for dealing with these situations, as well as the legislative ones and the consequences of their application for the members of the family (parents and children).

MODERATOR: • Yordanka BEKIRSKA, President of the FBE Family Law Commission, Specialised Law Office in International and Family Law "Bekirska&Partners", Sofia, Bulgaria

SPEAKERS:

- Dirk NUYTS, AIJA Past President, Zurich, Switzerland
- Mayte GARCÍA, MAYTEGARCIA International Family Law, SLP, Málaga, Spain
- Bérénice DUFAU-RICHET, Boiche & Associés, Paris, France
- Elias YIANNATSIS, Yiannatsis International & LGBTIQ+ Family Law, Athens, Greece
- Markus ZWICKY, Partner at Zwicky&Partner, Zug, Switzerland

20:00 OPTIONAL DINNER

Venue to be confirmed.

FRIDAY, JULY 5

09:15 - 09:30 REGISTRATION OF PARTICIPANTS

Ilustre Colegio de Abogados de las Illes Balears – ICAIB Ramblas 10, 07003 Palma

09:30 – 10:30 INTERNATIONAL "DE FACTO" PARTNERSHIP

The solutions of private international law in the absence of specific rules regulating international situations are limited. Moreover, there is a strong diversity of regulation of these situations in comparative law, and when the laws of the forum do not contemplate these situations, the foreign laws that contemplate them usually contain «criteria of application in space», so that they are applicable when there is a more or less close link between the members of the couple and the State in which they reside. This session will examine the possible solutions, ranging from the analogical application of matrimonial private international law to the thesis of "family rights and duties".

MODERATOR: • **Monika KÖNIG,** *MENOLD BEZLER Rechtsanwälte* Steuerberater Wirtschaftsprüfer Partnerschaft mbB, Stuttgart, Germany

SPEAKERS:

- Alice MEIER-BOURDEAU, Meier-Bourdeau Lécuyer et Associés, Paris, France
- Vinciane GILLET, UIA Deputy Director of Communications, Gillet-Lex, Brussels, Belgium
- Marilyn McKEEVER, BDB Pitmans, London, UK
- Camille ANGER, BWG Associés, Paris, France
- Anita VIMLÁTI, Dr. Anita Vimláti Family Law Practice, Budapest, Hungary

10:30 - 11:00 COFFEE BREAK

11:00 – 13:00 ESTATE PLANNING AND ASSET PROTECTION SOLUTIONS FOR NON-CONVENTIONAL FAMILIES

While estate planning and asset protection are key elements of family wealth planning, the notion of family can be very different in each jurisdiction. Family and succession laws are generally deeply affected by the social and cultural background of a society, therefore the solutions for protecting family assets and for planning the succession of family members can be different from country to country. In this session experts will discuss these solutions available for non-conventional families, with special highlight to those living communities which are not recognised as families in their respective jurisdictions.

MODERATOR: • Carlos ANGLADA BARTHOLMAI, President of the UIA International Estate Planning Commission, Monereo Meyer Abogados, Palma de Mallorca, Spain

SPEAKERS:

- **Peter KUN,** UIA Deputy Director of National & Regional Activities, Kun & Partner, Budapest, Hungary
- Alexis HILLE, Farrer & Co., London, UK
- Carmen VARELA ÁLVAREZ, Carmen Varela, Abogados de Familia, Barcelona, Spain
- Andrea SCHMUTZ, Kellerhals Carrard, Basel, Switzerland
- Alberto MORIZIO, Studio Legale Morizio, Turin, Italy
- **Dr. Bastian SCHMIDT-VOLLMER,** BKL Fischer Kühne + Partner Rechtsanwälte mbB, Hamburg, Germany
- Ferenc BALLEGEER, FB-tax, Brussels, Belgium

13:00 - 14:30 LUNCH

14:30 – 16:00 THE PREVENTION AND RESOLUTION OF FAMILY, PROPERTY AND FAMILY BUSINESS DISPUTES

Ending the family relationship without going through the court: when it is possible. Advantages and disadvantages. Family termination agreements, their limits, preventive mechanisms for non-compliance and the management of non-compliance. The assets in proindiviso and the termination of the family relationship. Family protocols and the prevention of conflict over the family business. Avoiding courts in family business disputes: general meeting, family council, mediation or arbitration? New developments on international jurisdiction in matters of termination of the family relationship. Transnational family dispute and foreign law: its invocation and proof in a foreign forum. State of the art on the recognition and enforcement of foreign judgments in family and family property matters.

MODERATOR: • Fernando DE LA MATA, UIA Co-Director of Seminars, Pérez-Llorca Abogados, Madrid, Spain

SPEAKERS:

- Francisco RAMOS ROMEU, President of the UIA Private International Law Commission, RYA Abogados SCP, Barcelona, Spain
- Gaëlle BONNET, Lawyer at the Paris Bar, Paris, France
- John McELROY, Hausfeld & Co LLP, London, UK
- Katharina KLINGEL, Brödermann & Jahn Rechtsanwaltsgesellschaft mbH, Hamburg, Germany
- Catherine PEULVÉ, UIA Deputy Secretary General, Catherine Peulvé Avocat CPLAW, Paris, France
- Sandra LANDAIS, CMS Monaco, Monaco
- Anthony DECROOCQ, CMS Monaco, Monaco

16:00 - 16:15 COFFEE BREAK

16:15 – 17:45 SURROGACY. NEW INTERPRETATIVE TRENDS IN INTERNATIONAL CHILD ABDUCTION

The surrogacy case of Ana Obregón has brought to the forefront the need to re-examine the ethical and legal parameters from which to address the problems resulting from the disparity of solutions contained in the various legal systems. In this session we will address the possible responses to this phenomenon, which is becoming more and more frequent in the globalized world in which we live, from the perspective of the family and also from that of the protection of minors.

On the other hand, taking into account the evolution of the social reality towards new family models, especially since the regulation of homosexual marriage, in this last session we will take as a starting point a fictitious assumption of illicit transfer (intra-European and extra-EU) of two minors born in Spain in the bosom of a homoparental family. In this way, the approach to the subject will be twofold: on the one hand, we will proceed to analyze the possibility of recognition of double maternity based on assisted reproduction techniques in Spain and in a third country, and on the other hand, in relation to the abduction itself, we will proceed to explore the means of action made available by the Community instruments as well as by the 1980 Hague Convention to guarantee the return of the minors to their habitual place of residence. In this way, we will check how these interact with the domestic law of the countries involved, in order to achieve a better understanding of this phenomenon that affects more and more families in Europe and in the world, with special attention to cases of gender violence, the child's right to be heard and the interference of the Committee on the Child in this matter.

MODERATOR: • María VALENTÍN, Co-chair of ABA International Family Law Commission, Libra Avocats, Paris, France

SPEAKERS

- **Véronique MOISSINAC MASSENAT,** Lawyer at the Paris Bar, Paris, France
- María DEL PILAR TINTORÉ, Tintoré, Barcelona, Spain
- Aysel AKHUNDOVA, Senior Associate, Dawson Cornwell Solicitors, London, UK
- Yordanka BEKIRSKA, President of the FBE Family Law Commission, Specialised Law Office in International and Family Law "Bekirska&Partners", Sofia, Bulgaria
- Vanessa NDOUMBE NKOTTO, Oratiofortis Avocates, Geneva, Switzerland
- Mario CABALLERO, CEO Extraordinary Conceptions, San Diego, CA, USA
- Stephanie CABALLERO, Founder & Attorney at The Surrogacy Law Center, PLC, Carlsbad, CA, USA

17:45 – 18:45 MID-YEAR MEETING OF THE UIA PRIVATE INTERNATIONAL LAW COMMISSION

17:45 – 18:45 MID-YEAR MEETING OF THE UIA FAMILY LAW COMMISSION

20:00 OPTIONAL DINNER

Venue to be confirmed.



SEMINAR VENUE

Ilustre Colegio de Abogados de las Illes Balears – ICAIB Ramblas 10, 07003 Palma T+34 971 179400

General

Information

→ CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be to obtain "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

→ LANGUAGE

The working language will be English.

→ REGISTRATION FEES

*Amounts exclusive of VAT	On or before June 4	From June 5		
UIA / FBE MEMBER	 	 		
UIA / FBE MEMBER - YOUNG LAWYER (<35)**	 € 245*	□ € 295*		
NON MEMBER	 	□ € 445*		
NON MEMBER - YOUNG LAWYER (<35)**	 	 		
ICAIB MEMBER (ilustre colegio de abogados de las illes balears) ☐ € 250*				

Fees include:

- → Attendance at all working sessions
- → Coffee breaks on July 4 & 5
- → Seminar documentation
- → Lunch on July 5

The dinners on July 4 & 5 are optional and at additional charge.

Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

In order for your name to appear in the **list of participants**, which will be distributed during the seminar, your registration form must be received by **June 28 at the latest**. An updated electronic list will be sent by email to all the participants after the seminar.

→ HOTEL RESERVATION

Each participant should make his/her own arrangements for hotel accommodation in Palma. The Seminar will take place at the **Ilustre Colegio de Abogados de las Illes Balears – ICAIB, Ramblas 10, 07003 Palma**. A few hotel suggestions nearby are (sorted by distance):

SANT JAUME DESIGN HOTEL (5*) – 260 meters from the Seminar Venue – https://www.santjaumedesignhotel.com/ St Jaume, 22, 07012 Palma / **T** +34 871 575 525 / info@santjaumedesignhotel.com/

MHOUSE HOTEL (4*) – 300 meters from the Seminar Venue – https://www.mhousehotel.com/ Carrer de Can Maçanet, 1A, 07003 Palma / T +34 971 214 848

HOTEL BORN (4*) – 450 meters from the Seminar Venue – https://www.hotelborn.com/ Carrer de Sant Jaume, 3, 07012 Palma / T +34 971 71 29 42 / infoborn@hotelborn.com

HOTEL ALMUDAINA (4*) – 650 meters from the Seminar Venue – https://www.hotelalmudaina.com/ Av. de Jaume III, 9, 07012 Palma / **T** +34 971 727 340

HOTEL SARATOGA (4*) – 900 meters from the Seminar Venue – https://www.hotelsaratoga.com/ Pg. de Mallorca, 6, 07012 Palma / **T** +34 971 72 72 40

PROTUR NAISA PALMA HOTEL (4*) – 900 meters from the Seminar Venue – https://protur-hotels.com/hoteles-en-mallorca/protur-naisa-palma C/ de Simó Ballester, 6, 07011 Palma / T +34 971 211 746

NAKAR HOTEL (4*) – 800 meters from the Seminar Venue – https://nakarhotel.com/ Av. de Jaume III, 21, 07012 Palma / T +34 971 72 02 23 / info@nakarhotel.com

ES PRINCEP (5*) – 1,2 km from the Seminar Venue – https://www.esprincep.com/en Calle Bala Roja 1, 07001 Palma / T +34 971 72 00 00 / info@esprincep.com

MELIA PALMA BAY (4*) – 2,2 km from the Seminar Venue – https://www.melia.com/en/hotels/spain/majorca Carrer de Felicià Fuster, 4, Llevant, 07006 Palma / **T** +34 971 62 69 00

MELIÀ VICTORIA (5*) – 2,8 km from the Seminar Venue – https://www.melia.com/en/hotels/spain/majorca/victoria-gran-melia Avinguda de Joan Miró, 21, Ponent, 07014 Palma / T +34 971 73 25 42

^{*}The VAT (21%) can be applied to the amount stated above according to the European Directive 2006/112/ CE of November 28, 2006. If you provide an <u>EU VAT ID number, the VAT will not be charged</u>. For more information, please contact the UIA.

^{**}Please attach proof of age to the registration form to benefit from young lawyers fee.

Cancellation and General Conditions

→ CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats **no later** than June 4. 2024.

No refund will be made for cancellations received after this date.

VISAS

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees **no later than June 5, 2024** to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and total registration fees no later than June 4, 2024 and the cancellation will have to be sent in writing no later than June 28, 2024.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA **before the seminar.** Cancellations must be accompanied by **a proof of visa refusal.** If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

→ GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications, except in case of death or personal injury due to gross negligence by the UIA.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey.

Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

FORCE MAJEURE

"Force majeure" means any events external to the parties, of both an unforeseeable and insurmountable nature, that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, "force majeure" includes but is not limited to a strike affecting the means of transport, hotel staff, air traffic controllers; an insurrection; a riot; an epidemic or pandemic; or any prohibition whatsoever decreed by governmental or public authorities.

It is expressly agreed that for the parties, a case of "force majeure" would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the "force majeure".

HEALTH

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay, including but not limited to: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet resolved on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).

PERSONAL DATA PROTECTION

Personal data collected is processed by the Union Internationale des Avocats, in its capacity as data controller. The data is used to manage registrations for events organised by the Union Internationale des Avocats.

In accordance with the applicable regulations, you have the right to access, rectify, and delete your personal data, as well as the right to data portability. You may also withdraw your consent to the processing of your personal data at any time or request that such processing be restricted.

Finally, you have the right to specify instructions concerning the fate of your data in the event of your demise.

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Registration Form

1st UIA Private International Law Forum

PALMA DE MALLORCA, SPAIN

THURSDAY, JULY 4 & FRIDAY, JULY 5, 2024

Register online at www.uianet.org

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UIA (International Association of Lawyers)

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Arrival/departure times & flight numbers:	
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A. FORUM REGISTRATION FEES

*Amounts exclusive of VAT	On or before June 4	From June 5
UIA / FBE MEMBER	 	
UIA / FBE MEMBER - YOUNG LAWYER (<35)**	□ €245*	
NON MEMBER	 	
NON MEMBER - YOUNG LAWYER (<35)**	 	
ICAIB MEMBER (ilustre colegio de abogados de las ill	es balears) □ € 2	250*

- * The VAT (27%) can be applied to these amounts according to the European Directive 2006/112/CE of November 28, 2006.
- If you provide an <u>EU VAT ID number</u>, the <u>VAT will not be charged</u>. For more information, please contact the UIA.
- ** Please attach proof of age to the registration form to benefit from young lawyers fee.

B. FORUM SOCIA	AL ACTIVITY				
Please indicate below v	whether you plan to attend th	ne following event include	ed in the cost of y	our registration.	
Lunch – Friday, July	3				
C. OPTIONAL DII	NNER				
(Not included in the re	gistration fees)				
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E. CANCELLATIO	N CONDITIONS AND GE	NERAL CONDITIONS			
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F. METHOD OF P	AYMENT				
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