

Eurojuris Practice Groups meeting
MADRID
Friday 14 October 2022
International Litigation, ADR and Contracts Group

Meeting REPORT

Attendance list attached.

18 participants from 11 different countries.

Participants were reminded that all reports from previous meetings since 2015, as well as published articles, list of members and list of topics covered are available on the website.

Angharad Parry (UK) then spoke on his topic “How to commence proceedings in England, and to serve writs of summons, given that the UK is not admitted to the Lugano Convention”.

The summary of his talk will be sent to the participants.

Alejandro Espada then talked about his theme on “Interpellation in jure” in terms of inheritance, the question being how, in each country, can an inheritor be forced to position themselves on the acceptance or renunciation of the inheritance.

The theme of his questionnaire will be sent to participants.

Then, **a talk by Charlotte Clode and Thierry Clerc** to present the topic of time limitation in commercial law, in France and in the UK.

We have written a questionnaire on the subject and received responses from the following countries: USA, Denmark, United Kingdom, Poland, Italy, France, Holland, Monaco, Spain, Finland, Belgium.

The questionnaires were given to all the meeting participants.

Thus, in France, the general time limitation is of five years and it can only be interrupted by proceedings brought before a Court.

There are longer time limitations of ten years in construction or environmental matters or even thirty years for the ownership of a building.

It can be reduced to two years for hidden defects, employment contracts, insurance contracts or even to one year for example for transport or commercial agents.

It can be increased or reduced by one to ten years per contract.

There is also the Vienna Convention on the sale of goods which provides for a two year period to act in cases of non-compliance.

Eurojuris Practice Groups meeting
MADRID
Friday 14 October 2022
International Litigation, ADR and Contracts Group

In the UK, general time limitation is usually six years. It can be increased to ten years for real estate sale contracts or reduced to three years for product liability.

In Denmark, general time limitation is three years and it can go up to thirty years for environmental responsibility.

In Spain, there are special measures for interrupting the time limitation.

In Monaco, the time limitation can be suspended thanks to mediation or conciliation, in particular.

In Holland, commercial time limitation is five years but there is a general time limitation of twenty years.

In Italy, the general duration is ten years.

In Poland, it is six years.

It can be interrupted by an acknowledgement of debt.

In the US, the general time limitation is six years but it can be increased to ten years for real estate matters and extended if the person in question is absent from the US state.

Joanna Affre then spoke about distribution contracts.

Joanna shared her experience in distribution contracts and presented a Power Point which will be shared with the participants.

Joanna talked to us about *force majeure* caused by the war in Ukraine, energy problems, as well as questions raised by the fact that Ukraine is one of the main countries providers of food items.

She told us about non-competition clauses, about banking guarantees needed for the provision of products, the possibility for a certificate of *force majeure* to be delivered by Companies House and of registered collateral to protect the creditors.

On the subject of guarantees, the Guide URGD758 published by the ICC will be sent to the participants.

Then two members had the opportunity to present their firms: Moritz Schumann from New York and Paul Kite from IBB Law in Uxbridge.

Eurojuris Practice Groups meeting
MADRID
Friday 14 October 2022
International Litigation, ADR and Contracts Group

Because of timing, we were only able to have **Moritz Schumann's** presentation, Paul Kite's presentation is postponed to a later meeting.

Moritz Schumann's firm is located in Times Square, New York. They offer a full service in counsel and litigation in all 50 US states. They have developed a relationship with Germany and his firm has many German speaking lawyers who are familiar with cultural differences between the two countries.

He also deals with immigration matters. He's a member of the German/US Chamber of Commerce and has access to a network of specialists in other services such as tax, insurance and human resources.

He gave us the example of a liquidation of a joint-venture and problems this can cause between shareholders with litigation and non-competition clauses.

He also presented the questions asked by an online media group.

The group then discussed topic proposals for the **next congress in Antwerp**.

Various topics were suggested which will be elaborated on later.

27.10.2022

Thierry Clerc

Christian Schlemmer