

**OBSERVATION FILE TEAM NETHERLANDS 1**

**Debate I**

<b>Portugal</b>	<b>France</b>
<b>State</b>	
The team made clear proposals for the adaption of the Regulation, to prevent insolvency tourism	The French team convincingly argued that the current criteria are sufficiently adaptable to counter tourism.
<b>Explain</b>	
Interesting comparative research was conducted by the team to support their argument, which enabled them to point at diverging years of bankruptcy in different jurisdictions.	They listed many arguments and examples to sustain their position, and indicated clearly the needs to be met by the Regulation: foreseeability and adaptability.
<b>Illustrate</b>	
German and UK caselaw were cited, as well as their national provisions on the duration of bankruptcy (7 years vs. 1 year, e.g.). The relevance of the issues was shown by pointing at Denmark and Switzerland.	They indicated for instance that a new criterion instead of the COMI-principle will also lead to avoidance and forum shopping, and a clear lack of foreseeability.
<b>Presentation</b>	
Very complete overview of all the relevant (national) caselaw.	Lively presentation, supported by very concise sheets, on which all the arguments were put together.

*What we learned:*

That the concept of COMI is not as undisputed as we thought on beforehand. Now that the different jurisdictions have collected experiences, and forum shopping appears to be possible and happening – the need for a good (informed) European debate is apparent.

**Debate II**

<b>Italy 1</b>	<b>France 3</b>
<b>State</b>	
The team started the presentation with a strong contra-statement on European family law and stuck to their point of view.	The team formulated solid positive statements concerning harmonisation and the importance for the EU. The team concluded the presentation with a strong appeal to their public.
<b>Explain</b>	
From explaining the basis for harmonization the team analysed the lack of need for harmonization in family law through all layers of legislation.	To explain their point of view the team set out a comprehensible framework of applicable law.
<b>Illustrate</b>	
The team illustrated their presentation with clear examples, such as the historical metaphore of the catholic church to illustrate the EU.	The team illustrated the importance of their view with interesting facts and figures.
<b>Presentation</b>	
The team made good use of a powerpoint.	The team gave an animated presentation; all team members had an equal role. The presentation was very well prepared.

*What we learned:*

Family law is an extremely sensitive and complicated subject. There are a lot of arguments pro and contra harmonization.

Maybe some sort of an European marriage form, with the possibility to choose applicable laws for the various topics can help.