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Where and When:

Salón de Grados (Edificio Rectorado) de la Universidad Carlos III de Madrid (campus de Getafe), C/ Madrid 126, 28903, Getafe, Madrid, www.uc3m.es, September 23, 2016.

Languages: Both Spanish and English will be used in the Conference; simultaneous translation service will be available.

Registration: Free registration by e-mail to jornada_enriquecimiento@uc3m.es
Certificates of assistance can be asked for before September 20 in the aforementioned e-mail address. Please, provide us with your full name and ID number in order to prepare your certificate.

Sponsors:

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Rectorado and Decanato de la Facultad de Ciencias Sociales y Jurídicas de la Universidad Carlos III de Madrid



European Law Institute
Centro Español

INTERNATIONAL CONFERENCE

UNJUSTIFIED ENRICHMENT AT THE CROSSROADS: HISTORY, COMPARATIVE VIEW AND PROPOSALS OF MODERNISATION



UNIVERSIDAD CARLOS III DE MADRID
Salón de Grados (Edificio Rectorado)
FRIDAY, SEPTEMBER 23, 2016



OVERVIEW

Currently, there are two understandings of unjustified enrichment that coexist in European law without apparent conflict. On the one hand, there is the view based on a general action for unjustified enrichment, which stems from an equitable view of the law; this is the understanding that can be found, for example, in traditional Spanish case law. Secondly, there is another more technical perspective that emphasizes the typology that can be traced to the so-called Roman conditiones, which were specific actions to claim for unjustified enrichment in different and well defined scenarios. In Spain, the latter is gaining more and more support amongst scholars and conditiones have even been used in recent Supreme Court decisions. The different proposals of regulation that are currently being debated both in Europe and in Spain adopt one or the other understanding of the phenomenon of unjustified enrichment. The present conference, which is the first monographic conference devoted to unjustified enrichment to be held in Spain to the date, will explore the best ways of both explaining the current materials that can be found in Spanish Law and also drafting a sensible proposal of regulation of the subject.

PROGRAMME

Comparative Perspective

9.00 h

Welcome Address

Dr. Pedro del Olmo, *Associate Professor of Civil Law, Universidad Carlos III de Madrid*

9.05 h

The 'New' French Law of Unjustified Enrichment

Prof. Dr. Eric Descheemaeker, *Reader in European Private Law, University of Edinburgh, Director of the Edinburgh Centre for Private Law*

9.30 h

Recovery of Overpaid Tax under English Law

Prof. Dr. Charles Mitchell, *Professor of Laws, Faculty of Laws, University College London, Head of Law Department*

9.55 h

Restitution of Undue Transfers: Unjust-Factors vs. Sine Causa

Prof. Dr. Sonja Meier, *Professor of Civil, Comparative and Private Law, Freiburg University, Director of the Institute of Comparative and International Private Law*

10.20 h

Debate

10.30 h

Coffee Break

Proposals of Modernization

11.00 hA Typology versus a Unitarian View of Unjustified Enrichment: the Proposal of Prof. König vs. the DCFR

Dr. Xabier Basozabal Arrue, *Associate Professor of Civil Law, Universidad de Navarra*

11.25 h

Other Proposals and Regulation Models

Prof. Dr. María Paz García-Rubio, *Professor of Civil Law, Universidad de Santiago de Compostela*

11.50 h

Unjustified Enrichment in the Recent Case Law of the Spanish Supreme Court. A Reference to Indirect Enrichment

Dr. Carles Vendrell, *Associate of Uría & Menéndez, Part-time Lecturer, Universidad Autónoma de Madrid*

12.15 h

Debate

12.30 h Break

History

12.45 h

“Nam hoc natura aequum est neminem cum alterius detrimento fieri locupletiorum: It is equitable by nature that no-one should be enriched at another's expense”. Principles and Practice of Roman Enrichment Law

Prof. Dr. Tammo Wallinga, *Professor of History of Private Law, University of Antwerp, Associate Professor, Erasmus School of Law of the Erasmus University Rotterdam*

13.05 h

The Formation of “Unjust Enrichment” as a Legal Concept in the School of Salamanca
Prof. Dr. Jan Hallebeek, *Professor of European Legal History, Vrije Universiteit Amsterdam*

13.30 h

Models and Technical Decisions of the Codification of Unjustified Enrichment

Dr. Javier Barrientos, *Professor of History of Law, Universidad Autónoma de Madrid, “Ramón y Cajal” researcher*

13.55 h

Debate

14.15 h

Close