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## The University of Bucharest contributes to the promotion of arbitration in Romania

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The University of Bucharest and the Vindobona Association for the Promotion of Arbitration in Romania organized in Bucharest, on 7-8 March 2020, the 7<sup>th</sup> edition of the Bucharest International Conference and Pre-Moot in the field of arbitration and international commercial contracts, which gathered over 150 participants<sup>1</sup>.

The international conference that took place on 7 March 2020 opened with remarks from prof. **Radu Rizoiu**, vice dean of the Faculty of Law of the University of Bucharest.

The arbitration topics addressed during the conference were “Unilateral Arbitration Agreements” and “Use of Experts in Commercial Arbitration and Potential Conflicts of Interest”, with presentations from **Cristina Florescu**, Associate Professor, Spiru Haret University, **Raluca Papadima**, Attorney, Associate Professor, University of Bucharest, **Lucian Ilie**, Senior Associate, Reed Smith LLP, **Michael Lee**, Associate, Womble Bond Dickinson London and **Cătălina Bîzic**, Intern, WilmerHale.

The contract topics addressed during the conference were “Suspected Non-Conformity” and “Remedies for Breach of Contract: Damages, Replace, Repair”, with presentations from **Cristian Paziuc**, Assistant Professor, University of Bucharest, Partner, Paziuc & Jida Law Office, **Mihaela Gherghe**, Senior Associate, Rizoiu & Poenaru, **Larry di Matteo**, Professor, University of Florida, **Octavian Cazac**, Associate Professor, Moldova State University, Partner, Țurcan Cazac Law Firm and **Vladimir Diaconiță**, Assistant Professor, University of Bucharest, Senior Associate, Răzvan Dincă and Associates.

The pre-moot took place on 7-8 March 2020. The Bucharest International Conference and Pre-Moot have been organized yearly since 2014, in the context of the participation of the University of Bucharest and other universities to the Willem C. Vis International Commercial Arbitration Moot, the largest and most prestigious private law competition in the world.

The scale of the Bucharest International Conference and Pre-Moot has increased each year. This is due largely to the spectacular results obtained by the University of Bucharest Team, which has managed the performance, in the 7 years it has participated in the Vis Moot, to qualify 4 times into the semifinals (3<sup>rd</sup> place worldwide) and obtain many other awards for individual performances of the students as oralists and the written memoranda.

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<sup>1</sup> A fuller version of this note was published in the Revista Română de Arbitraj, no. 1/2020, p. 94-101.

The following **15 universities from 10 countries** competed in the Bucharest Pre-Moot: Univeristé Catholique de Louvain (Belgium), University of Bremen (Germany), Bucerius University (Germany), “Heinrich Heine” University of Düsseldorf (Germany), Heidelberg University (Germany), University of Münster (Germany), Central European University (Hungary), Moldova State University (Republic of Moldova), Jagiellonian University (Poland), Kutafin Moscow State Law University (Russia), Russian School of Private Law (Russia), Comenius University (Slovakia), Bilkent University (Turkey), University College London (United Kingdom) and University of Bucharest (Romania).

In the best team category, the first place went to **Heidelberg University** (Germany), the second place went, *ex aequo*, to **Bucerius University** (Germany) and the **University of Düsseldorf** (Germany), while the third place went, *ex aequo*, to the **University of Bucharest** (Romania) and the **University of Münster** (Germany).

In the best oralist category, from approximately 80 students, the first place went to **Florian Bode** from Bucerius University (Germany), the second place went to **Peter Würz** from the **University of Düsseldorf** (Germany), the third place went to **Miruna Tocileanu** from the **University of Bucharest** (Romania), the fourth place went to **Florian Kaade** from **Bucerius University** (Germany) and the fifth place went to **Pascal Beleiu** from **Heidelberg University** (Germany).

The award for best counsel on behalf of Claimant was won by **Can Sarp Özcan** from **Bilkent University** (Turkey), while the award for best counsel on behalf of Respondent was won by **Andreea Luca** from the **University of Bucharest** (Romania).

Additionally, in the best co-counsel team category, the first place was won, *ex aequo*, by **Cătălin Apătean** and **Miruna Tocileanu**, on the one hand, and **Mălina Trifu** and **Andreea Luca**, on the other hand, all from the **University of Bucharest** (Romania). The second place went to **Florian Bode** and **Florian Kaade** from **Bucerius University** (Germany) and the third place went to **Aleksandr Sopko** and **Yana Medvedeva** from **Kutafin Moscow State Law University** (Russia).

The following students received a special award for the exceptional effort of arguing in six consecutive rounds: Friedrich von Bosse from University of Bremen (Germany), Keanu Gerdes from University of Bremen (Germany), Alba Schulzt from Heidelberg University (Germany), Silas Mohr from Heidelberg University (Germany), Ann-Sophie Altorjay from the University of Münster (Germany), Maria Wloskowicz from Jagiellonian University (Poland), Szymon Tkaczyk from Jagiellonian University (Poland), Orsolya Sara Kovats from Comenius University (Slovakia), Simona Vaclavikova from Comenius University (Slovakia), Muhammed Hanifi Değirmençay from Bilkent University (Turkey), Can Sarp Özcan from Bilkent University (Turkey), Nil Zeren Özdemir from Bilkent University (Turkey), Ece Nur Yıldız from Bilkent University (Turkey), and Marat Khasanshin from Russian School of Private Law (Russia).

The organizing committee was formed of **Raluca Papadima**, Associate Professor at the University of Bucharest, **Mihaela Gherghe**, Ph.D. candidate at the University of Bucharest and attorney at Rizoiu & Poenaru, **Cristina Badea**, attorney at Nestor Diculescu Kingston Petersen, and **Horia Rădulescu**, attorney at Nestor Diculescu Kingston Petersen. The event was organized with support of the **Law Students’ Association**.

At its **4<sup>th</sup> edition**, organized in March 2017, the Bucharest Pre-Moot brought together only 3 participating universities: the University of Bucharest, the State University of Moldova and Nicolae Titulescu University. The same year, at the Willem C. Vis competition in Hong Kong, the University of Bucharest team reached the semifinals (3<sup>rd</sup> place worldwide).

At the **5<sup>th</sup> edition** of Bucharest Pre-Moot, organized in March 2018, in partnership with BIAC (Bucharest International Arbitration Court), there was a significant increase in the number of international students and arbitrators. The following 9 teams from 7 countries participated: University of Helsinki (Finland), University of Pavia (Italy), University of Rome Tre (Italy), State University of Moldova (Moldova), University of The Hague of Applied Sciences (Netherlands), University of Wyszynski (Poland), Moscow State University of International Relations (Russia), Nicolae Titulescu University (Romania) and the University of Bucharest (Romania).

In the best team category, the first place went to University of Rome Tre (Italy), the second place went to University of Helsinki (Finland) and the third place went to University of Moscow State Institute of International Relations (Russia). In the best oralist category, Victoria Pankratova from the Moscow State Institute of International Relations (Russia) won first place, the second place went to Andrei Greceanu from the University of Bucharest (Romania), and the third place went to Paulina Bobis from the University of Helsinki (Finland). Maria Avram from the University of Bucharest (Romania) ranked fourth and Alexandru Buligai-Vrânceanu from the University of Bucharest (Romania) ranked eighth among the oralists participating in the competition.

In 2018, at the 15th Hong Kong edition of the Willem C. Vis Moot, the University of Bucharest qualified in the elimination rounds (32 out of 128 participating teams) and won a Honorable Mention in the best team category, and at the 25th Vienna edition, the University of Bucharest team qualified in the elimination rounds (64 out of 362 teams) and then reached the semifinals (3<sup>rd</sup> place worldwide), therefore obtaining the second runner up place in the “Eric Bergsten” category, the most prestigious category in the competition.

As a result of these historical results, the scale of the Bucharest Pre-Moot increased again. At the **6<sup>th</sup> edition**, organized in March 2019, the following 15 universities from 9 countries participated: Sofia University (Bulgaria), Jena University (Germany), Düsseldorf University (Germany), Mannheim University (Germany), Luigi Bocconi Commercial University (Italy), Pavia University (Italy), Trieste University (Italy), Kutafin State University Moscow (Russia), State University from Moldova (Moldova), Maastricht University (Netherlands), Jagiellonian University (Poland), Stockholm University (Sweden), Nicolae Titulescu University (Romania), Craiova University (Romania) and the University of Bucharest (Romania). The pleading rounds of the Bucharest Pre-Moot were preceded by an international conference in the field of arbitration and international commercial contracts.

In the best team category, the first place went to University of Düsseldorf (Germany), the second place went to Mannheim University (Germany), the third place went to University of Bucharest (Romania), the fourth place went to the Commercial University Luigi Bocconi (Italy) and the fifth place went to Kutafin State University Moscow (Russia).

In the best oralist category, out of about 70 students, Charles Eric Swanson from Mannheim University (Germany) won the first place, the second place went to Julia Cerfontaine from the University of Düsseldorf (Germany), the third place was obtained by

Ana-Maria Karina Negrea from the University of Bucharest (Romania), and the following students received an honorable mention: Charlotte Klinger from the University of Düsseldorf (Germany), Cezara Diaconescu from the University of Bucharest (Romania), Wojciech Marcinkowski from the Jagiellonian University (Poland) and Nicolò Minella from Luigi Bocconi Commercial University (Italy).

In 2019, at the 16th Hong Kong edition of the Willem C. Vis Moot, the University of Bucharest team again qualified to the elimination rounds and then reached the semifinals (3<sup>rd</sup> place worldwide). In addition, students Cezara Diaconescu and Ana-Maria Karina Negrea obtained honorable mentions for best individual oralist, and the University of Bucharest also won an honorable mention (4<sup>th</sup> place *ex aequo*) for best Claimant Memorandum.

Additionally, around half of the teams participating in the 6th edition of Bucharest Pre-Moot subsequently obtained distinctions in the oral phase of the Willem C. Vis Moot, either in Hong Kong or in Vienna, therefore proving the high level of the Bucharest Pre-Moot.

The University of Bucharest team who participated in the 17th Hong Kong edition (23-29 March 2020) and the 27<sup>th</sup> Vienna edition (3-9 April 2020) of the Willem C. Vis Moot was composed of 7 students, who prepared together all stages of both editions: **Cătălin-Șerban Apătean** (3<sup>rd</sup> year and Collège Juridique Franco-Roumain), **Vicențiu-Eduard Dine** (3<sup>rd</sup> year and Collège Juridique Franco-Roumain), **Andreea Luca** (3<sup>rd</sup> year), **Sorin Niculescu** (3<sup>rd</sup> year), **Artiom Radu** (3<sup>rd</sup> year), **Miruna Tocileanu** (3<sup>rd</sup> year and Collège Juridique Franco-Roumain) and **Mălina-Alexandra Trifu** (3<sup>rd</sup> year).

The team was coached by **Raluca Papadima and Mihaela Gherghe**. The team also enjoyed pedagogical support in its training from practitioners and ex-mooties, such as **Maria Avram**, LLM student at Queen Mary University of London (former member of the University of Bucharest Team), **Andrei Greceanu**, attorney at Filip and Company (former member of the University of Bucharest Team), **Alin Florescu**, attorney at Markó & Udrea (former member of the University of Bucharest Team), and **David Oprea**, partner at Markó & Udrea.

Approximately 130 teams registered initially for the 17th Hong Kong edition and 400 teams registered initially for the 27th Vienna edition. However, due to the COVID-19 pandemic, the organizers of the Hong Kong and Vienna Vis Moot made the difficult decision of cancelling the in-person events, having regard to the health and safety of the participants. Instead, the final oral stage of the both editions of the competition was held online.

In 2020, the University of Bucharest did not reach the elimination round in Hong Kong or in Vienna, a rare event. However, at the 17th Hong Kong edition of the Willem C. Vis Moot, the University of Bucharest obtained a historical achievement in the written phase of the competition, receiving **honorable mentions (4<sup>th</sup> place *ex aequo*) for both its Claimant Memorandum and its Respondent Memorandum**, a result that had only been obtained back in 2013.

The Willem C. Vis moot is the largest private law competition in the world. There are around 130 teams participating in the Hong Kong edition of the Willem C. Vis Moot and around 400 teams participating in the Vienna edition. The Willem C. Vis Moot gathers more than 3000 students and 1000 lawyers, arbitrators and academics, the latter acting as members of the arbitral panels.

The competition, conducted in English, is an amazing cultural and professional opportunity and it represents a decisive tool for the development of practical abilities. It tests the skills to prepare written legal documents and the ability to advocate.

The Willem C. Vis Moot centers around a dispute arising from a sales contract concluded between two commercial parties from different countries, both signatory members to the United Nations Convention on Contracts for the International Sale of Goods (CISG). The contract contains an arbitration clause through which the parties establish the arbitral tribunal competent to resolve their disputes. The applicable arbitration rules vary each year (LCIA Rules used for the 2019-2020 edition and Swiss Rules will be used for the 2020-2021 edition).

The Willem C. Vis Moot is divided in two stages. At the written stage, participating teams are required to submit a Memorandum for Claimant, followed by a Memorandum for Respondent. During the oral stage, held in Hong Kong and Vienna, the students present the arguments developed in their memoranda through pleadings against other teams.

The Bucharest International Conference and Pre-Moot, as well as the participation of the University of Bucharest in the 2019-2020 Willem C. Vis Moot, were sponsored by the University of Bucharest and the Vindobona Association for the Promotion of Arbitration in Romania, with the support of the following **main sponsors: *Filip and Company, Telekom Romania Foundation, Nestor Nestor Diculescu Kingston Petersen, Suciu, Popa and Associates*** and ***Țuca Zbârcea & Associates***. The event also benefited from financial support from: *Guia Naghi and Associates, Leroy and Associates, Markó & Udrea, MRP Partners, Paziuc & Jida Law Office, Răzvan Dincă & Associates, Rizoiu & Poenaru, Stoica & Associates, TAMC (Doru Trăilă, Adriana Almășan, Alexandru Moise, Eugen Chivu), Tudor Andrei & Associates – law firm associated with BDO, Sorina Olaru and Raluca Papadima.*