

Symposium Principles & Law

Utrecht 25 May 2011

Principles have come to play a major role in the development of law, both domestic law and European law. The case law of the European Court of Justice and the European Court of Human Rights is having an important impact on domestic law. Principles originating in administrative law are permeating private law. Is this development to be welcomed or does it endanger legal certainty? What are the main principles and how do they interact? This discussion makes it necessary to come up with a definition of what principles are (Dworkin). The main aim of the symposium is to address these questions from the point of view of researchers who in their daily research have to cope with these issues.

Venue: Raadszaal, Achter Sint Pieter 200, Utrecht
Costs: students and academics: free of charge;
others: 500 EURO *
Registration: J.H.M.Wijnans@uu.nl
Proceedings: The speakers have been invited to submit their
papers for publication in the European Review of
Private Law

* 4 NOVA Points

Programme

Chair: Ewoud Hondius (*Utrecht University*)

10.00 – 10.30	Registration and coffee
10.30 – 10.40	Opening speech
10.40 – 11.00	Principles in Private Law Carla Sieburgh (<i>Radboud University Nijmegen</i>)
11.00 – 11.20	What are principles Patrick Morvan (<i>Université de Paris 2</i>)
11.20 – 11.40	Discussion
11.40 – 12.00	Principles of Administrative law Rob Widdershoven (<i>Utrecht University</i>)
12.00 – 12.20	Principles in European Law Takis Tridimas (<i>University of London</i>)
12.20 – 12.45	Discussion
13.00 – 14.00	Lunch
14.00 – 14.20	Principles of the European Court of Justice in Private Law Axel Metzger (<i>University of Hannover</i>)
14.20 – 14.40	Principles in European Criminal Law Michiel Luchtman (<i>Utrecht University</i>)
14.40 – 15.00	Discussion
15.00 – 15.30	Tea
15.30 – 15.50	A young researcher's experience: Annekatrien Lenaerts (<i>Katholieke Universiteit Leuven</i>): A critical evaluation of the general principle of the prohibition of abuse of rights in a codified European contract law
15.50 – 16.10	A young researcher's experience Chantal Mak (<i>University of Amsterdam</i>): Principles of European private law and fundamental rights
16.10 – 16.30	Drinks

Speakers



Annekatrien Lenaerts

Annekatrien Lenaerts studied law at the Facultés Universitaires Notre-Dame-de-la-Paix de Namur, the University of Leuven and the Ruprecht-Karls-Universität of Heidelberg (Erasmus year) and graduated summa cum laude in 2005. She obtained a Master of Laws from the Harvard Law School (2006).

She practiced as a lawyer with Linklaters Brussels (Competition & Antitrust law) for three years (2006-2009). Since October 2009 she pursues doctoral research on the theory of fraud at the K.U.Leuven, Institute for the Law of Obligations, with a Fellowship of the Research Foundation – Flanders (FWO). She has published articles in Belgian and European contract law and has been awarded the Ius Commune Prize 2010 for her contribution "The General Principle of the Prohibition of Abuse of Rights: A Critical Position on Its Role in a Codified European Contract Law".

Michiel Luchtman

Michiel Luchtman (1975) is Associate Professor at the Willem Pompe Institute for Criminal Law and Criminology at Utrecht University. He studied private and criminal law at the same university and obtained a doctor iuris there in 2007 (cum laude). His main fields of research are European criminal law, Comparative criminal law and Financial criminal law. In 2008, he received a three year scholarship under the Innovational Research Incentives Scheme of the Netherlands Organisation for Scientific Research or the project entitled 'Prosecuting cross-border crime in the European Union – what role for the legality principle?'.


Chantal Mak

Chantal Mak is an associate professor of private law at the Centre for the Study of European Contract Law (CSECL) of the University of Amsterdam. Her research focuses on constitutional aspects of European contract law. In this field, she made a comparative analysis of the impact of fundamental rights on contractual relationships in the Netherlands, Germany, Italy and England (2001-2007). In the context of this (PhD) project, she participated in the EC-funded Research Training Network 'Fundamental Rights and Private Law in the European Union', for which she was a member of the research team at the Scuola Superiore Sant'Anna in Pisa (2004-2006). More recently, she co-authored a study on the constitutional aspects of European private law for the study group on Common Principles of European Contract Law (CoPECL) and was a national correspondent in a project concerning the implementation of the Fundamental Rights Action Plan (conducted by European Legal Studies Institute, University of Osnabrück). Her current research projects concern the legal framework for digital content contracts for consumers (a study conducted by CSECL and the Amsdam Institute for Information Law for the European Commission), and the judicial development of principles of private law on the basis of fundamental rights in the European Union's multi-level system of private law. Her teaching comprises several Master courses in the field of European Private Law.


Axel Metzger

Axel Metzger is a professor of law at the Gottfried Wilhelm Leibniz University in Hanover, Germany (since 2008). Prior to this post, he was a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg (2002-08). Axel graduated from the University of Hamburg and received the First and the Second State Examination at the Hamburg Court of Appeals (1998/2002). He holds a Dr. iur. from the Universities of Munich and Paris II (Panthéon-Assas, 2002), an LL.M. from Harvard (2006) and a Dr. iur. habil (post-doctoral thesis) from the University of Hamburg (2008). He has published in 2009 a monograph on the legal theory, practical recognition and functions of general principles of law in EC Member States and European community law (Extra legem, intra ius - Allgemeine Rechtsgrundsätze im europäischen Privatrecht, Mohr Siebeck, Tübingen, 2009, 622 pages). Further information: <http://www.iri.uni-hannover.de/lehrstuhl-prof-metzger.html>.


Speakers



Patrick Morvan

Patrick Morvan, 41, is Law Professor at the University Panthéon-Assas (Paris, France) where he teaches Security social Law, Labour Law, Criminology and Philosophy of Law. He is the author of three books in the scope of these specialities, dealing with EC and French Law (Droit de la protection sociale [Security social law], LexisNexis, 4th ed., 2009 ; Introduction générale au droit [Introduction to Law], Lextenso DeFrénois, 3rd ed., 2009 ; Restructurations en droit social [Social Law of Restructurings], LexisNexis, 2nd ed., 2010).



Carla Sieburgh

Professor Carla Sieburgh (1969) has a degree in both medicine and law. As a lecturer at Groningen University (1995-1999) she wrote her thesis on the attributability of an unlawful act, based on comparative research of the basic principles of the law of torts and the concepts of unlawfulness, culpa and risk factors that are attributable to the wrongdoer. After having obtained her doctorate in law (cum laude) she was from 2000-2002 assistant of the Procureur-Général at the Supreme Court of The Netherlands. From 2001 until present she is Alternate Judge in the Amsterdam Court of Appeal (part time). February 2003 she was appointed Professor of Private Law at Nijmegen University. From 2010 she is appointed research Professor of Private law, in particular the influences of European Law on national private law, at the same University. Her research combines principles of European and civil law with mathematics, philosophy and criminal and administrative law. Her legal work also relates to social developments, such as wrongful life and wrongful birth, legality and legitimacy and the growing influence of Europe. She was visiting Professor at Leuven University (2000) and at the University of California (Berkeley) (2003). From 2006-2011 she was a member of De Jonge Akademie (the Young Academy, an independent part of the Royal Netherlands Academy of Arts and Sciences), from 2010 she is a member of the Royal Netherlands Academy of Arts and Sciences. She is member of the Common Core of European Private Law (tort-group), of the Association for the comparative study of the law of Belgium and the Netherlands and joint author of four treatises in the Asser-series on the Dutch Law of Obligations.


Takis Tridimas

Takis Tridimas is the Sir John Lubbock Professor of Banking Law and the Deputy Director of the Centre for Commercial Law Studies, Queen Mary University of London. He is also the Nancy A. Patterson Distinguished Faculty Scholar and Professor at Pennsylvania State University and a visiting professor at the College of Europe, Bruges. He is a barrister. His interests cover European Union law, securities regulation, international financial law, and the law of international courts and tribunals. He was senior legal adviser to the EU Presidency (2003) and Chairman of the Committee set up by the EU Council of Ministers to draft the Treaty of Accession of 2003 by which ten new States, mostly from Central and Eastern Europe, joined the EU. He has acted as advisor to many public and private organizations, including the European Central Bank, the European Parliament, the European Commission and the EU Court of Auditors. He is the author of numerous publications including Annull, Eeckhout and Tridimas (Eds), Continuity and Change in EU Law: Essays in Honour of Sir Francis Jacobs, Oxford, 2008, and The General Principles of EU Law (Second Ed., OUP, 2006). He is the co-editor of the Yearbook of European Law (Clarendon Press) and the general editor of the International Financial Law series (Edward Edgar publishers).


Rob Widdershoven

Rob J.G.M. Widdershoven (1959) is professor of European Administrative Law and Director of Research at the Faculty of Law, Economics and Governance, Utrecht University. He has published books and articles on the application of Union law in the Member States in general and on the influence of Union law on legal protection, enforcement and general principles of law. He is member of the Board of Editors of the Review of European Administrative Law (REALaw) and of several Dutch journals. He is honorary judge in the Dutch Trade and Industry Appeals Tribunal (College van Beroep voor het Bedrijfsleven).

Organisation Committee



Ewoud Hondius

Ewoud Hondius (1942) read law in Leiden and New York (Columbia University).

He was a Professor of Civil Law first in Leiden and then in Utrecht, where he currently holds the position of Professor of European Private Law. He has published books and articles on Contract and Tort as well as on General topics such as Precedent and the Law and Legislative interpretation.



Nik de Boer

Nik de Boer is a student of the Master Legal Research as well as a student in Philosophy. His main research interests are European Union Law, in particular protection of fundamental rights and the internal market, the international regulation on the use of force, legal methodology, and philosophy of law/jurisprudence.



Jessy Emaus

Jessy Emaus LL.M. is PhD Candidate at the Molengraaff Institute of Private Law (Utrecht University) under supervision of prof. mr. A.L.M. Keirse. Her main fields of research are tort law, European human rights law and constitutionalisation of private law.



Sarah van Kampen

Sarah van Kampen is a first year student of the Legal Research Master at Utrecht University. Her main research interests lie in the field of (European) contract law and property law. She is currently preparing a research on consumer law from a law & economics perspective.



Michael Milo

Michael Milo read law at the University of Groningen. He obtained his doctorate on foreign influences in Dutch private law in 1997 at the University of Maastricht. Since 1995 he is associate professor at the University of Utrecht. His areas of interest include comparative property law, legal history and legal theory.



Jeanne Wijnans

Jeanne Wijnans has been working at the Molengraaff Institute of Private Law for over 4 years where one of her main tasks is organizing events. She is in charge of the registrations for the symposium. You can contact her regarding any questions about the symposium.