



## Call for Abstracts

Ius Commune Workshop on Accountability and Insurance Law 2023

### **Self-regulation and soft law as grounds for liability?**

The 27<sup>th</sup> Ius Commune Conference will take place in Maastricht (11-12 May 2023). A workshop on Friday 12 May 2023 will be devoted to ‘**Self-regulation and soft law as grounds for liability?**’.

Responsibilities laid down in soft law can gradually evolve from non-legal to (semi-)legal norms by the hands of judges. For example, the due diligence duties of corporations to address negative environmental and human rights impacts used to be (mostly) a matter of (international) soft law. Today, judicial practice increasingly translates these soft law standards into legally binding norms. Although the desirability of its binding legal force, in particular on private actors, remains an open question, it is clear that soft law plays a role in judicial decision making. For example, judges use soft law to establish the meaning of open norms. They may incorporate soft law standards in the duty of care in order to establish ‘consent’ on the existence of a certain ‘code of conduct’ that corporations should abide by. In other cases, judges rely on private regulations, such as internal guidelines or codes of conduct that express what is considered as reasonably careful conduct within an (group of) organizations, when deciding on the ‘carefulness’ of and liability for certain conduct. It could even be the case that – intentionally or otherwise – standardized approaches are used in dealing with certain types of (insurance-)cases. In all these examples, judges apply rules that have not been enacted by the legislative or executive branches of government.

This workshop aims to explore the questions that arise from this practice. On a practical level, it could be discussed whether (and how) this development is beneficial to the law-making process or whether the need exists to formulate guidelines on when (not) to use soft law in judicial decision making in order to provide legal certainty. On a more theoretical level, it could be discussed why this development occurs. Is the legislature intentionally leaving the rule-making up to industries and judges or is it unable to fulfil its duties? Is it desirable to continue down this road, or should judges be more reluctant in incorporating soft law into tort law standards.

We hereby cordially invite paper proposals on this topic. These proposals can cover a wide range of perspectives, such as comparative law, empirical legal studies and doctrinal tort law. We invite both papers that explore issues of a substantive nature and papers with a procedural approach. Abstracts (max. 400 words) and a short biography should be sent to Christopher Borucki and Anneloes Kuiper ([christopher.borucki@kuleuven.be](mailto:christopher.borucki@kuleuven.be), [b.a.kuiper@uu.nl](mailto:b.a.kuiper@uu.nl)) no later than **20 February 2023**. Shortly after, applicants will be informed whether their papers are selected for a presentation during the workshop. All proposals should be in English. Co-authored papers will also be considered. The organizing committee will give preference to early-career researchers when facing submissions of similar high quality.

Researchers from within and outside the Ius Commune Research School are eligible to submit abstracts. Please also forward this call to colleagues who might be interested.

Should you have any questions, please do not hesitate to contact a member of the organizing committee,

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