

The Ius Commune Prize 2008

Young talented researchers need to be stimulated in their work. The Ius Commune prize seeks to do this in the area of the Ius Commune research school, which is centred around questions concerning the harmonization of laws. It is every year a pleasure to receive outstanding submissions, from members of the School itself or from outside.

The jury consisted of Hildegard Schneider (University of Maastricht), Vincent Sagaert (Catholic University of Leuven), Sander Jansen (University of Maastricht), Jeroen Kortmann (University of Amsterdam) and Michael Milo (University of Utrecht).

We had to decide on the basis of criteria such as outstanding quality (content, methodology), originality, and the contribution to the discussion on the ius commune (feasibility, methodology and content).

We have received papers of a very high quality this year. Many of the submissions have already been published or are about to be published. The variety of highly socially relevant issues was remarkable: ethnic minority protection in the European Union; personal data protection and the right of access; new concepts of parenthood and procreational responsibility; can mediation be mandatory yet still be effective?; may corporations be held liable in the EU for damage in developing countries? There were submissions from the field of legal history which attracted welcome attention; in this respect the connection with the continuing debate concerning the issues discussed in those papers could be made more explicit and thereby strengthened: legal history deserves its place in present-day debates. Such a paper on legal history: a study on human rights influences in post-WW II collaboration cases in Belgium certainly proved to be an irresistible read in 2008. We would like to thank all the authors who submitted articles.

Two papers came out ahead, and the jury is proud to have received such wonderful contributions from young researchers who both show themselves to be already able to conduct mature research. We reached the following decision.

Alexander Hellgardt of the Max Planck Institute für ausländische und internationales Privatrecht impressed the jury with an excellent analysis in his paper entitled: *Europäisches Kapitalmarktrecht und Corporate Governance. Unternehmensüberwachung als Ziel der Europäischen Kapitalmarktregulierung*. The laws regarding the financial markets should play an important role in shaping company law, both European as well as national.

This paper is wholeheartedly honourably mentioned. It is second only to the winner.

The 2008 Ius Commune Prize is awarded to the Leuven submission which critically analyses gender discrimination in insurance contracts under European Union, Belgian and Dutch law. It is written in an elegant style, applies an exemplary comparative methodology and leads to strong conclusions as to the respective Dutch and Belgian implementation of European legislation and subsequent application by national courts.

The winning paper is entitled: *Het Europees verbod van geslachtsdiscriminatie in verzekeringen: receptie en (anti)conceptie in het lidstatelijke recht*

The winner of the Ius Commune Prize 2008 is therefore: **Yves Thiery** of the Katholieke Universiteit Leuven, Instituut voor Handels- en Verzekeringsrecht.