

The Ius Commune Prize 2010

The Ius commune prize has been established to particularly stimulate young researchers in the area of the Ius Commune research school. Its research is centered around questions concerning the harmonization of laws. The prize is explicitly not restricted to the school's members. 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 have received papers of a very high quality this year. Many of the submissions either have already been published or are about to be published, and their quality was reflected in the pleasure the jury had reading these. We received papers from many jurisdictions on important topics: psychological analyses of contract law; multiple causation; Roman law influences in common law institutions; free movement of workers in the European Union. An impressive paper on European company legislation attracted the jury's attention, as it happened to be written by very young, but talented researcher. We are very grateful to have received all these contributions, and would like to thank all those authors who took the effort to submit their articles.

The selection is grounded in criteria as outstanding quality (content, methodology), originality, and its contribution to the discussion on the ius commune (feasibility, methodology and content).

Two of wonderful contributions, both written by members of our research school came out ahead. After careful scrutiny the jury came to the decision that one of the papers deserved to win the prize, while the other will be honorably mentioned.

Honorably mentioned will be the paper which analyses democratic legitimacy in the European Union on the basis of German constitutional court decisions. The paper is entitled *Caveats from Karlsruhe and Berlin: Whither Democracy after Lisbon?* Its author is: Davor Jancic from Utrecht University.

The 2010 Ius Commune Prize is awarded to the submission which in a beautiful style argues alongside recent lines of European law as well as traditional private laws, using thorough comparative methodology. The paper addresses the fundamental topic of abuse of rights in two areas of law which become more and more intertwined and can no longer be studied in isolation. While in private law this corrective mechanism seemed to have had an evolutionary disadvantage compared to good faith of reasonableness and fairness, in European law abuse of right is appearing with strength on the stage. The author argues convincingly in favor of the incorporation of abuse of rights in a codified European contract law.

The winning paper is entitled: *The General Principle of the Prohibition of Abuse of Rights: A Critical Position on its Role in a Codified European Contract Law*

We are very happy to have the winner here today, in Leuven, at our yearly congress. The winner of the Ius Commune Prize 2010 is from the KU Leuven, the Institute for the Law of Obligations: Annekatrien Lenaerts.