

The Ius Commune Prize 2011

Many young scholars have submitted their papers to qualify for the Ius Commune Prize 2011. All papers were original, of high quality and contributed to the discussion on the Ius Commune, its content, feasibility and methodology. The jury consisted of Hildegard Schneider (University of Maastricht), Ilse Samoy (Catholic University of Leuven), Sander Jansen (University of Maastricht), Jeroen Kortmann (University of Amsterdam) and Michael Milo (University of Utrecht).

The jury was privileged, as it had the pleasant task to read and discuss important topics as the protection of minorities in the EU, fundamental rights and codes of conduct, the principle of publicity in property law, the position of Islamic laws and practices in European jurisdictions, open norms in employment relationships, transaction avoidance in insolvency law, competition law, positive procedural obligations in European Union law, and many other. It was hard to decide between all these excellent contributions.

The jury decided to honorably mention one of the submissions. One of the approaches to a European Ius Commune is to improve national laws with the tools of comparative law and legal history. One young author applied these methods in an exemplary and very promising way to adjust Belgian law with its refined and detailed approach to interests in monetary compensation. She deserves to be honorably mentioned:

Lina Kestemont with

Ockam's scheermes in het leerstuk van Belgische nalatigheidsinteressen.

The Ius Commune Prize this year will be awarded to an author who dealt with one of the core aspects of the Common Law in Europe. The paper analyses the potential future of horizontal effect of fundamental principles in private relationships. The European Court of Justice has extended the principle of non-discrimination in the Mangold and Küçükdeveci cases. The author explores the potential extensions in private law disputes – a potentially “enormous impact,” critiques the set standards – it “lacks both sufficient reasoning and a convincing source of inspiration,” and proceeds on a careful and convincing argument why and how this approach towards unlimited horizontal direct effect needs to be bridled. The prize goes to an indeed truly novel analysis:

The Novel Approach of the CJEU on the Horizontal Direct Effect of the EU Principle of Non-Discrimination

by **Mirjam de Mol**