

## **The Ius Commune Prize 2012**

The jury this year was confronted with unexpected topics, unparalleled perspectives and unconventional methods by many young scholars, who took up the challenge and submitted a paper the Ius Commune Prize. All were original, high quality and furthermore contributed to the discussion on Ius Commune, be it its content, feasibility or methodology. The jury consisted of Hildegard Schneider (Maastricht), Vincent Sagaert (Leuven), Sander Jansen (Maastricht), Jeroen Kortmann (Amsterdam) and Michael Milo (Utrecht).

We were privileged to be confronted with topics as anticommons-problems – the individual's frustrating the common interest of creditors – in European insolvency law; with an analysis enlightening obscurities in the European waterdirective; with the protection of human rights in the European union; with providing cross-border railroad services in Europe; with legal transplants from Europe to South America; with multilingualism in law; with history in patent law, with contradictions in free movement law, and many topics more. It was not an easy task to decide between all these excellent contributions, and particularly not between the papers which stood out.

On the basis of long debate the jury reached the following conclusion.

One of the submissions will be honorably mentioned. Approaches towards a European Ius Commune include eclectic uses of legal history. Tracing the sources which have been of importance in shaping the law by a codification is one of these. One author applied this method in an exemplary and very promising way in a paper which shows in detail the genetic ties of Latin American jurisdictions to Europe. The author is so to speak unraveling the genome of contemporary law. It is also of large importance to realize that the common laws of Europe nor the study of it are restricted to its geographic boundaries. This analysis needs to be honorably mentioned with its author:

**Agustin Parise** with a truly novel exploration:

*Libraries of Civil Codes as Mirrors of Normative Transfers*

The Ius Commune Prize this year will be awarded to an author who dealt with a core aspect of European law. Free movement law aims at economic integration. Yet is steered by two implicit and contradictory paradigms, towards two different aims. On the one hand to prevent the competition between private enterprises be distorted by national regulations, and on the other hand towards a proper competition between member states on the basis of their different laws. This is an area in dire need of further analysis. Our prize winning paper explores the implicit references to these underlying paradigms in a clear and convincing way.

The prize goes to a novel analysis:

*One Law, Two Competitions. An Enquiry into the Contradictions of Free Movement Law*

by **Alexandre Saydé**