



# **Ius Commune Prize 2019**

## **Jury Report**



## The Ius Commune Prize 2019

For the 19th time our Ius Commune research school awards its Ius Commune prize. As always the prize needs to be awarded to a contribution in the wide research-area of our school. The contribution needs to be original and outstanding concerning its scholarly content, method, sources and style. As always the prize is aimed at encouraging a young author to further explore the path of scholarship - *festina lente*.

The number of papers received impressed the jury. We were even more impressed by the quality of all submissions. The analytical creativity with which various topics of imminent practical, and thus academical importance were undertaken, by often very young scholars is remarkable.

Important issues like the boundaries and conditions in establishing jurisdiction; the status of animals; the representation of children in proceedings; duties of company directors; the force of private arrangements in insolvency procedures; unjust enrichment in civil and common law; general conditions in financing; transformative constitutionalism; public interest litigation, e.g. on the Urgenda case, and on apologies in civil procedure are among many issues more. We came to a shortlist.

We received outstanding contributions by **Luke Dimitrios Spieker** (Max Planck Institute for Comparative Public Law) on Breathing life in the European Union's common values. Democracy, rule of law and fundamental rights need to be revived in their judicial applicability. And we received a paper by **Caterina Molinari** (Katholieke Universiteit Leuven) with a paper entitled The EU and its Perilous Journey through the Migration Crisis. It forcefully analyses the need of a fundamental rule of law-yardstick to administrative policies. Both contributions are to be honourably mentioned.

But there is one winning paper in 2019. The author expressed joy in the accompanying letter to have received the invitation to submit. The jury likes to express its joy that this author indeed has taken up this invitation and has submitted such a wonderful contribution. It is an truly remarkable broad and deep comparative analysis on a cornerstone of private law, the law of extra-contractual liability. Recent tendencies, all over the world, show the increasing use of this area of law as an instrument pursuing public goals, such as as prevention, enforcement and protection. The author argues convincingly to a necessity not to overstretch the fine and intricate fabric of this instrument, designed for a private relationship, in his winning paper:

# **Instrumentalization of Extra-Contractual Liability Law: Widespread yet Fundamentally Limited**

The winner is:

**Pieter Gillaerts (KU Leuven)**

Leuven, 28 November 2019

The jury:

Hildegard Schneider (Maastricht)

Ilse Samoy (Leuven)

Sander Jansen (Maastricht)

Leonard Besselink (Amsterdam)

Michael Milo (Utrecht)