



Ius Commune Prize 2021

Jury Report



The Ius Commune Prize 2021

It is with great pleasure that the jury of the Ius Commune Prize 2021 announces the winner of this year's prize. The pleasure was also in the road towards this moment – as we have received again so many submissions on a variety of topics of interest and relevance – from young researchers all around the globe, from all continents. It illustrates the universality of the academic quest for a Ius Commune.

The topics dealt with illustrate the universality of law likewise, as sustainability, climate change, collective memories, multi-nationality, liability, effectivity of judicial protection, constraining powers public and private, and many themes more were addressed by fundamental analyses of positive law. We came to a shortlist, and finally to two winning papers – *ex aequo* deserving the Prize.

Young and talented researchers authored both papers; topics were well chosen, questions spot on asked, analyses made soundly, resonating with academic bravery, as it should be, since law should be made to serve as much as it should be used as guidance, and as it needs to be understood above all.

Understanding the law of tort or delict is a quest far from easy. Tort, qualified as 'a bag of nuts and bolts,' delict, a box of unlawfulness, fault, causation and damage – both haunted by ghosts of X-masses past. The differences which the national arrangements show in their approaches of punishing civil wrongs are not merely a difference in instrumentality of private law, but as much connected to interpersonal justice, and grounded in the conceptual foundations of the laws of tort and delict, as is masterfully explored in

Comparative Reflections on Punishment in Tort Law written

by **Marco Cappelletti** (University of Oxford)

Nothing is as sustainable as law. If legislators make outdated laws, scholars may be of help, from times of old, make proposals for future amendments, but may even argue convincingly as to how recent, yet already outdated texts need to be understood or implemented – taking into account fundamentals as well as soft law approaches. In the article

The New Consumer Sales Directive 2019/771 and Sustainable Consumption: a Critical Analysis

this indeed is brilliantly done by **Anaïs Michel and Elias Van Gool** (KU Leuven).

All authors are wholeheartedly congratulated!

Utrecht/Maastricht, 25 November 2021

The jury:

Annette Schrauwen
Hildegard Schneider
Ilse Samoy
Michael Milo
Sander Jansen