



# Annual Report 2011



Annual Report 2011

Research programme

"Behavioural Approaches to Contract and Tort:  
Relevance for Policymaking"

[www.behaviouralapproaches.eu](http://www.behaviouralapproaches.eu)

Erasmus School of Law

Erasmus University Rotterdam, the Netherlands

Behavioural Approaches to Contract and Tort:  
Relevance for Policymaking



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## Summary

- The research programme 'Behavioural Approaches to Contract and Tort: Relevance for Policymaking' (BACT) started in 2008.
- Professors Michael Faure and Willem van Boom jointly head the research programme.
- The programme was rated 'excellent' in the Dutch Research Assessment Exercise 2009 (average score 4.75 out of 5.0).

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## Key facts

- Three international and multidisciplinary conferences were organised by members of the research team.
- In addition to the appointments of Professor Ogus in 2008, Professors Buskens, Klick, and Wagner in 2009, and Professors Heine and Rachlinski in 2010, five new professors were added to the research team: Professors Hodges, Scheltema, Giard, Stadler, and Rickman.
- Nine PhD theses were defended.
- In 2011, our programme involved 30 researchers and 15 PhD students (4 of whom are Mundus PhDs) (6.63 fte research capacity excluding PhD students).
- Between 2008 and 2011, we focused on increasing the number of academic publications in international journals. The number rose from 25 academic publications in international journals in 2008 to 37 in 2011. This is an increase of nearly 50 percent.



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## Professorial appointments

In 2011, the following professorial appointments were made. All appointments provide an invaluable resource to help us accomplish the comparative, empirical, and multidisciplinary goals of Erasmus School of Law research.

### ***Chair of Fundamentals of Private Law***

#### **Christopher Hodges**



Christopher Hodges, Head of the CMS Research Programme on Civil Justice Systems at the Centre for Socio-Legal Studies, University of Oxford, has been appointed part-time Chair of Fundamentals of Private Law at Erasmus School of Law. Hodges is well known for his expertise in European collective redress, ADR, product regulatory law, and product liability. He brings many years of experience as a practising lawyer with far-reaching connections.

Professor Hodges joins the Erasmus School of Law interdisciplinary research team 'Behavioural Approaches to Contract and Tort: Relevance for Policymaking' to pursue new strands of empirical and theoretical research into new models for European civil justice systems and dispute resolution. Hodges has a wide knowledge of comparative legal systems, and is in the vanguard of the research on and the development of new techniques for dispute resolution. Recently, he acted as adviser on ADR to the European Commission. Professor Hodges will thus provide invaluable input with regard to accomplishing the empirical aspirations of Erasmus School of Law research.

### ***Chair of Enforcement Issues in Private Law***

#### **Martijn Scheltema**



Martijn Scheltema has been appointed Chair of Enforcement Issues in Private Law. Scheltema is currently attorney at law/partner at *Pels Rijcken & Droogleever Fortuijn*, a law firm based in The Hague. He received his education and PhD degree at Leiden University in the Netherlands. As the Chair is part time and involves only one day a week, Scheltema continues his practice at the aforementioned law firm.

Scheltema has developed extensive experience in all facets of private law in relation to the public sector, including the role and function of legal entities charged with statutory tasks, contracts concluded with the government, and unlawful and lawful government acts along with enforcement in this area. Furthermore, as a Supreme Court litigator, he deals with a wide range of procedural matters. He has a particular interest in arbitration and other means of alternative dispute resolution, and his field of expertise includes international dispute settlement in relation to corporate social responsibility.

### ***Chair of Methodology and Tort Law***

#### **Raimond Giard**



Raimond Giard has been appointed part-time Chair of Methodology and Tort Law. Giard studied medicine at Leiden University, followed by a specialisation in internal medicine and oncology. He was subsequently trained as a clinical pathologist, and after his registration he began work as a clinical pathologist at the *Maasstad Ziekenhuis* in Rotterdam. At the same time, he also undertook training in clinical decision analysis and clinical epidemiology, and worked as a part-time assistant professor of clinical decision analysis, first at Rotterdam University and later at Leiden University, where he wrote a thesis on the biopsy diagnosis of inflammatory bowel disease. Because of the normative character of decision analysis, he became interested in the study of medical errors, especially in his own professional field. Hence, he was often consulted as a medical expert in negligence cases. As a result, he became interested in the legal science, and began his law studies in 1999. In 2005, he defended his second PhD thesis, this time on medical malpractice. He then became a researcher in the private law group of the Erasmus School of Law, and in 2009 he was appointed assistant professor. In his legal work, Giard focuses on the methodology of fact-finding and legal judgement, and on decision-making in tort law: namely, how to obtain and to use reliable information. Because this know-how is relevant for criminal justice as well, Giard also contributes regularly to courses. In his work, he promotes the use of insights from psychology and epistemology in legal practice for guiding and judging human conduct, which is well in line with the ongoing research carried out in our research programme.

### ***Chair in Comparative Mass Litigation***

#### **Astrid Stadler**



Astrid Stadler has been appointed part-time Chair in Comparative Mass Litigation. The Chair is funded by *Stichting Onderzoek Collectieve Actie* (Foundation Research Collective Action).

Collective redress and mass litigation is a topical issue in law. Securities, consumer and antitrust damage, are at the forefront of developments in this area. There are many different forms of such redress – ranging from the typical USA-type class action to recent European initiatives such as the Dutch Wet Collectieve Afwikkeling Massaschade (WCAM; Collective Mass Claims Settlement Act) – although the global development of collective redress is still in its infancy. Many legal and practical issues require careful consideration; hence, teaching and research in this area is much needed. With the appointment of Professor Stadler, Erasmus School of Law has secured the fulfilment of both needs.

Stadler, who is currently professor at the School of Law, University of Konstanz, Germany, received her education as a legal scholar at Konstanz University, Boalt Hall (University of California at Berkeley) and at Ludwig-Albrechts-University (Habilitation), Germany. Stadler has since gained extensive experience in the areas of comparative law, as well as in civil procedure law with its international and European aspects. Since the late 1990s, her research has focused in particular on mass litigation, and she has been working as a legal consultant for policymakers in Germany and Austria.

Professor Stadler joins us to study further the comparative legal aspects of mass tort litigation and alternative redress mechanisms.

## ***Chair of Costs and Benefits of Regulation***

### **Neil Rickman**

Neil Rickman, professor of Economics and Research Director at the Department of Economics at the University of Surrey, was appointed part-time *Chair of Costs and Benefits of Regulation*.



Professor Rickman graduated from the University of Durham (BA (Hons) Econ) in 1988, before moving to McGill University (Montreal) to read for a PhD in Economics, which was completed in 1995. From 1991 to 1995, he was a Research Officer in Economics at the Centre for Socio-Legal Studies, Oxford, and a lecturer in Economics at Pembroke College, Oxford. He moved to Surrey in 1995, and became Professor of Economics in 2004. He is a CEPR (Public Policy) Research Affiliate, and became Chair of the Royal

Economic Society's Conference of Heads of University Departments of Economics (CHUDE) in January 2007. Rickman is also a member of the Government Economic Service Professional Development Board.

In joining our research team, Professor Rickman has strengthened the research on costs and benefits of regulation within the master programme EMLE, the doctorate programme EDLE, and the Rotterdam Institute of Law and Economics in general.

The Chair of Costs and Benefits is financed by the *Foundation Compliance, Enforcement, and Regulation (Stichting Compliance, Toezicht en Regelgeving)*. The Chair will help elevate research to a higher level both in the comparative and the interdisciplinary study of law as a regulatory instrument. It will also contribute to the integration of the public debate concerning costs and benefits of regulation from an economical perspective, and to the quality of regulation as developed from a legal perspective. Moreover, the Chair will contribute to the academic debate on 'better regulation'.

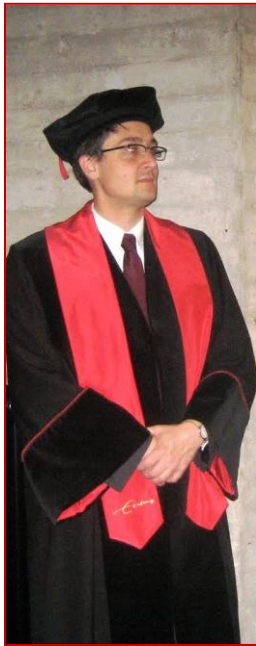


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## Inaugural lectures

### *Klaus Heine: 'Organizational Science Meets Law and Economics'*

On January 6, 2011, Klaus Heine held his inaugural lecture entitled 'Organizational Science meets Law and Economics'. In 2010, Klaus Heine (1970) was appointed Chair of Law and Economics at Erasmus School of Law in Rotterdam. Heine, who was previously associate



professor in the Department of Human and Economic Sciences, University for Health Sciences, Medical Informatics and Technology (UMIT, Vienna, Austria), received his education as an economist at Philipps-University, Marburg, Germany. Professor Heine has since gained extensive experience in the areas of European integration, economic policy, and institutional economics. Moreover, he specialises in the Law and Economics of corporate governance and in the theory of the firm. In January 2010, Heine joined the Rotterdam Institute of Law and Economics ([www.rile.nl](http://www.rile.nl)) and is currently participating in this research programme.

In recent years, 'behavioural law and economics' has become one of the most vibrant branches of the law and economics movement. The approach of 'behavioural law and economics' has led to new insights concerning how law affects individual behaviour as well as how the design of law can be improved to make law enforcement more effective. What has been neglected so far is the group or organisational level. Organisational behaviour can be very different from individual behaviour. In law and economics, organisational issues have been investigated particularly in the 'theory of the firm'. This branch of law and economics assumes rational actors and reduces organisational issues to narrow corporate governance issues. However, there is a well-established organisational science that goes beyond conceiving firms as rationally assigned 'legal fictions' of contracts and property rights. The insights of organisational science seem highly relevant for a more general theory of the firm, which combines insights from law and economics as well as from behavioural science. In his inaugural lecture, Professor Heine discussed in which way organisational science and law and economics could be aligned. This would be a step forward towards a better understanding of how law constitutes firms as well as how law can influence firm decisions.

## Educating students and nurturing research talent


Within the research programme, we nurture talent by creating a stimulating environment for intellectual development. The Erasmus School of Law sets favourable conditions by offering PhD positions and tenure track positions. In 2008, we attracted both upcoming individuals and those with well-established talent. Scouting talent among students has been made possible by the successful European Master in Law and Economics programme ([EMLE](#)).



Moreover, the set-up of the master in private law (and the new Master in Liability and Insurance Law) also gives ample opportunity to identify and nurture new talent. For example, with the master thesis projects initiated by Professors Lindenbergh and Van Boom, outstanding private law master students are offered the opportunity to co-author a book having academic stature. In 2011, this resulted in the edited volume 'Fundamentele rechten en vermogensrecht' (eds. Lindenbergh & Tillema).

In terms of specific research education needs, we aim to find the right course for the right person. Some of our PhD students participate in the *research school lus Commune*, while a considerable number of PhD students are part of the educational programme of the European Doctorate in Law and Economics (EDLE).

In addition to the regular seminar programme, our researchers were able to attend the following guest lectures:

- On 13 January, Professor Guangdong Xu, visiting scholar from CUPL Research Centre for Law and Economics, gave a guest lecture on 'China's economic growth: bright past but cloudy future'.
- From 7 to 10 February, Jonathan Klick held a number of lectures at Erasmus School of Law on empirical legal method. Legal scholarship has grown increasingly empirical, with researchers attempting to test legal theories that had previously been based on anecdotes or intuition. Taking a cue from modern micro econometrics, economists working in empirical legal studies have focused primarily on the issue of causality. Because we generally cannot run controlled experiments in legal and policy contexts, a number of issues arise with respect to causal inference. These lectures highlighted strategies used in empirical Law and Economics to isolate how legal and regulatory changes affect individual behaviour. 
- On 24 March, Jeff Rachlinski presented his paper 'They Saw a Protest: Cognitive Illiberalism and the Speech-Conduct Distinction'.
- On 2 May, Dr. Florian Baumann gave a guest lecture based upon the paper 'Status and Liability: A First Pass' (co-authors: Inga Hillesheim and Tim Friehe).
- On 19 May, Willem van Boom presented the paper 'Investment Arbitration and Third Party Funding' at an informal lunch meeting.

- On 10 November, as part of the EDLE Seminars 2011/2012, Professor Brian Silverman gave a guest lecture entitled 'Managing Agency Problems in Early Shareholder Capitalism: An Exploration of Liverpool Shipping, 1744-1785'.

## Conferences

### *Law, regulation, and comparative legal cultures*



On 20 May, a well-attended seminar on the occasion of the valedictory address of Anthony Ogus took place. Under the theme 'Law, Regulation, and Comparative Legal Cultures - How subtle differences between legal cultures affect law-making, adjudication, and enforcement', the speakers (Chris Hodges, Gerhard Wagner, Franziska Weber, Willem van Boom, Jeffrey Rachlinski, Mark Tuil, and Siewert Lindenberg) addressed Anthony Ogus and

the public with both informative and entertaining presentations. Michael Faure chaired the seminar for the opening, discussion, and conclusion.



Though the European Union sometimes tends to ignore this, there are in fact substantial differences in legal cultures within Europe. In law-making at a European level, these differences are seemingly taken for granted, but they may result in significant obstacles to the implementation and enforcement of laws. Likewise, in comparative law – and in economics – subtle differences between legal systems may render comparison off target at best and nonsensical at worst. Hence, how do we track these subtle differences within European legal cultures, how do we evaluate them, and how do we avoid the major related pitfalls? Moreover, although the differences between legal culture in the United States of America and Europe are even more striking, a cross-Atlantic comparison of rules, paradigms, solutions, and approaches to shared societal problems is considered vital in gaining a better understanding of what works in our respective legal systems and under what conditions. But is there any



sense in comparing rules if legal cultures differ? And what exactly does a comparison of legal cultures tell us? During the seminar in honour of Professor Ogus, various ideas on comparative legal cultures were pitched, thus reflecting the multitude of issues dealt with by Professor Ogus during his 'Erasmus years'.

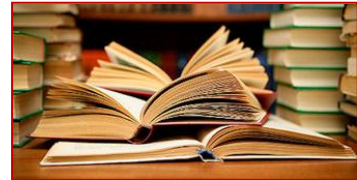


Anthony Ogus concluded the seminar with an inspiring "Afscheidslezing" [farewell lecture] on 'Legal Interventions: How, When and Whether'. Professor Ogus highlighted areas in the study of regulation that merit further research, and he called upon the researchers present to embark on studying those areas.

### *Understanding Legal Evolution*

On 23 June 2011, Professor Klaus Heine organised an international workshop on 'Understanding Legal Evolution' in conjunction with a special issue of the Erasmus Law Review. Questions concerning the evolution of law have always attracted scholars. For example, in 1897 Judge Oliver Wendell Holmes wrote his seminal article "The Path of the Law" in the Harvard Law Review. Surely, in the past there have been other scholars who have pointed to the fact that law is not a static monolith but a dynamic part of society.

However, only in recent years have legal scholars as well as economists, sociologists, and scholars from other disciplines begun to explore the evolution of law in a more systematic way. There have emerged various approaches for the study of legal evolution. Nevertheless, until now there has been no consensus as to which of these approaches is the most appropriate one to uncover the mechanisms of legal evolution. This need not be a problem if one respects different scientific views, and if one believes that diverse theoretical approaches are needed to understand a phenomenon in total. However, a recurring problem is that proponents of the different approaches seldom exchange their views and ideas. In this workshop, the latter problem was addressed by assembling the contributions of scholars who apply different approaches to the research of legal evolution.



Among the speakers were:

- Professor Christian Kirchner (LL.M), Law School, Humboldt University Berlin
- Wesley Kaufmann / Professor Arjen van Witteloostuijn, University of Antwerp, Faculty of Economics, Department of Management
- Nathan Betancourt / Professor Barbara Krug, Erasmus University Rotterdam, School of Management
- Dr. Elaine Mak, Erasmus School of Law, Erasmus University Rotterdam
- Professor Laurens Winkel, Erasmus School of Law, Erasmus University Rotterdam
- Professor (em.) Hans-Juergen Wagener, Europa-Universitaet Viadrina Frankfurt (Oder).

#### *Civilology seminar*

On 24 June, the 'First Dutch Civilology Conference' was held in Rotterdam (convenors: Giesen, Van Boom, and Smit). The conference included presentations on the use of empirical data in legal research, law-making, and judicial work. The contributors focused on the multidisciplinary of empirical methods in private law. The collected papers were published in early 2012.

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## Research seminars

18 Feb	Roel Westrik (RIPL)	Property law and autonomy in private international law
18 Mar	Prof. Ale Smidts (ERIM)	Peer group influence: A neurobiological perspective
15 Apr	Prof. dr. Chr. Engel (Max Planck, Bonn)	Customary Law in the Lab
13 May	Sharon Oded (RILE)	Corporate monitors: facilitating an efficient targeted monitoring policy and Deferred Prosecution Agreements: Prosecutorial Balance in Times of Economic Meltdown
10 June	Christian Kirchner (HU Berlin)	'Managers' Liability, Business Judgment Rule, and Bounded Rationality'
16 Sept	Elaine Mak (ESL)	Highest Court judges
14 Oct	Vincent Buskens (RIPL)	The Consequences of Monetary Rewards and Punishment on Cooperation and Cohesion in Repeated Public Good Games
18 Nov	Christian A. Witting (Durham University, UK)	Corporate Conspiracy
9 Dec	Ann-Sophie Vandenberghe (RILE)	The relationship between law, social norms, and religion from an economic perspective

## EDLE seminars

27 Jan	Claudio Tagliapietra	Draft Chapter of Research Project 'Legal Institutions and the Economic Governance of the Commons: A case study in Italy 1200-1800'
3 Feb	Deniz Akun	Draft Chapter of Research Project 'Changing Structure of Banking Industry and Regulatory Issues'
10 Feb	Patrick Leyens	Guest Lecture 'The L&E Origins of Corporate Law: Perspectives for Future Research'
17 Feb	Çiçek Gürkan	Draft Chapter of Research Project 'The Role of Banks for Corporate Governance'
13 Oct	Philip Hanke	Law and Economics of State Aid
	Vijit Chahar	Addressing Agency Problems in Constitutional Law Using Insights from Corporate Governance
20 Oct	Kateryna Grabovets	Organisational Design and Tort Law
	Claire Leger	Securities Regulation: Comparative European Policies
27 Oct	Hossein Nabilou	Market Failure and Systemic Risk Regulation in Financial Markets: A Game Theory Perspective (preliminary)
	Shivans Rajput	Maximum Retail Price: Analysing its anti-competitive effects
3 Nov	Sergio Mittlaender	Social Preferences and the Contract Law
	Hadar Jabotinsky	The Structure of Financial Supervision: Consolidation or Competition for Financial Regulators?
10 Nov	Guest lecture Professor Brian Silverman	'Managing Agency Problems in Early Shareholder Capitalism: An Exploration of Liverpool Shipping, 1744-1785'
17 Nov	Federico Wesselhoeft	Multiparty Contracts & Non-Recourse Finance (Project Finance) Law and Economics
	Jingyuan Ma	A Comparative Perspective on Merger Policies of Antitrust Law
24 Nov	Philip Hanke	Law and Economics of State Aid
	Vijit Chahar	Addressing Agency Problems in Constitutional Law Using Insights from Corporate Governance
1 Dec	Talita Ramos Erickson	Legal/Political Institutions & Urban Poverty
	Dusko Krsmanovic	Law and Economics of Corporate Lobbying (general)
8 Dec	Peng Peng	Essays on Loyalty Rebates and Exclusive Dealing
	Paola Bertoli	Competitive Analysis of the Allocative Mechanisms of the Medical Malpractice Risk in the Italian Public Health System

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## PhD defences

In 2011, there were nine PhD defence ceremonies in our research group.

27 January

PhD thesis defence by Hui Wang: 'Civil Liability for Marine Oil Pollution Damage - A comparative and economic study of the international, US and the Chinese compensation regime'. Supervisor: Professor W.H. van Boom.

7 April

PhD thesis defence by Andrea Renda: 'Law and Economics in the RIA World'. Supervisor: Professor M.G. Faure.

14 April

PhD thesis defence by Firat Bilgel: 'The Law and Economics of Organ Procurement'. Supervisors: Professors M.G. Faure and L. Franzoni.

15 April

PhD thesis defence by Katka Svatikova: 'Economic Criteria for Criminalization: Optimizing Enforcement for Environmental Violations'. Supervisors: Professors M.G. Faure and L. Franzoni.

9 June

PhD thesis defence by Frank Fagan: 'Temporary vs permanent legislation'. Supervisors: Professors M.G. Faure and F. Parisi.

17 November

PhD thesis defence by Sanne Pape: 'Warnings and product liability. Lessons learned from cognitive psychology and ergonomics'. Supervisor: Professor W.H. van Boom.

29 November

PhD thesis defence by Sofia Isabel de Carvalho Amaral Garcia: 'Quantifying the Economics of Medical Malpractice: A View from a Civil Law Perspective'. Supervisors: Professors M.G. Faure and N. Garoupa; co-supervisor: Louis Visscher.

29 November 2011

PhD thesis defence by Laarni Escresa Guillermo: 'Reexamining the Role of Incarceration and Stigma in Criminal Law'. Supervisors: Professors M.G. Faure and F. Parisi; co-supervisor: E. Carbonara.

15 December 2011

PhD thesis defence by Walter Dijkshoorn: 'Planschaderecht en privaatrechtelijk schadevergoedingsrecht. Een intern rechtsvergelijkende studie' [Comparing Compensation in Town and Country Planning Law and Private Law]. Supervisors: Professors S.D. Lindenbergh and L.J.J. Rogier.

*Hui Wang: 'Civil Liability for Marine Oil Pollution Damage - A comparative and economic study of the international, US and Chinese compensation regime'*



This book offers an in-depth examination of the civil liability regime for marine oil pollution damage from a law and economics perspective. It examines the efficiency and effectiveness of the regime, with particular attention to whether it is in fact designed in the public interest or merely a distribution of risks and costs among interested parties. The question is asked as to whether the liability system gives the potential polluter incentives to take precautionary measures to avoid pollution or to reduce the possibility of pollution. The international regime on civil liability for marine oil pollution rests on the International Convention on Civil Liability for Oil Pollution Damage (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention). However, the world's biggest oil consumer and importer – the United States – has ratified neither, preferring its own Oil Pollution Act of 1990 (OPA), and China – currently the world's second oil-consuming country – has not ratified the Fund Convention. Thus, it is reasonable to compare the three regimes – international, US, and Chinese – as such a comparative study may reveal certain advantages or disadvantages among the three systems.

The author offers a well-considered legal and economic analysis, along with its clearly stated policy recommendations and constructive perspectives for future development of the liability system.

*Andrea Renda: 'Law and Economics in the RIA World'*

The use of economics in public policy, in the form of ex ante Regulatory Impact Analysis (RIA), is strongly advocated by international organisations such as the OECD and the World Bank. In the US and the EU, hundreds of RIAs are produced every year to justify public intervention in the form of regulation. But reality shows that in many other countries the adoption and implementation of this tool has been patchy at best. At the same time, the economics used in RIA is heavily challenged by scholarly developments such as behavioural economics, neuro-economics and the study of social norms, and RIA was also unable to predict and remedy the financial crisis that hit the global economy in 2007. The book claims that RIA should incorporate recent developments in the law and economics literature, and provides an analysis of the potential contribution of positive, normative, and functional schools of law and economics to the practice of RIA. The book contains thematic applications to policy fields such as environmental protection, energy efficiency, financial markets, antitrust, cyberspace, and telecommunications. The book provides far-reaching recommendations on the future of law and economics, as well as on the organisation of RIA systems around the world, particularly in the US and the EU.

*Firat Bilgel: 'The Law and Economics of Organ Procurement'*

Organ procurement systems are similar to in-kind economies characterised by severe restrictions and transaction costs in the absence of money, because currently they are based on altruism and the giving of gifts. A sale prohibition imposed by the government, amplified by an increasing demand for transplants, leads to an ever-growing shortage of human organs throughout the world. 'The Law and Economics of Organ Procurement' explores the legal and economic dimensions of various deceased and living organ procurement policies, and investigates the effectiveness of current legislations related to deceased and living organ donations in the United States, Europe, and other developed countries.



The book further examines the legal instruments and the international standards to combat trafficking of humans for the purposes of organ removal. It also discusses their applications with a comparative analysis that later serves to develop a model of law enforcement that addresses the embodiment of specific legislation and the implementation of an optimal deterrence policy. The book fuels the on-going debate among medical doctors, economists, legal scholars, legislators, and bioethicists with regard to the regulatory, legislative, and institutional



aspects of liberalisation in the exchange of transplantable human organs. It also appeals to readers of diverse backgrounds interested in the future of organ donation and procurement.

*Katarina Svatikova: 'Economic Criteria for Criminalization. Optimizing Enforcement in Case of Environmental Violations'*

Why should criminal law be used to enforce environmental violations? Is it not more efficient to use administrative sanctions, particularly fines? This book examines the question as to why – from an economic perspective – society should enforce certain violations through criminal law, and others through private or administrative law. The findings of this analysis show that enforcement through criminal law should be used only in limited circumstances: namely, when (1) harm is considerable and/or immaterial and/or diffuse and/or remote; (2) stigma is desired; (3) the probability of detection is low; and (4) the criminal enforcement costs are sufficiently low. Under these circumstances, criminal enforcement seems to be the efficient instrument to use. This framework was applied to the enforcement of environmental violations in the United Kingdom, the Netherlands, Germany, and the Flemish region of Belgium. The empirical assessment of these four jurisdictions showed that there is definitely a role for administrative sanctions, which could be a cost-effective instrument to deal with environmental violations.

The relevant factors in assessing whether administrative fines enhance welfare are the distribution of abatement costs among firms, the marginal enforcement costs, and the probability of detection and sanctioning. The analysis shows that in order to benefit from having two separate systems of law – namely the criminal and the administrative – procedural differences should be maintained, since they have an economic justification.

*Frank Fagan: 'Temporary vs Permanent Legislation'*

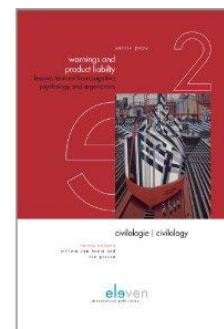
This book offers a theoretical law and economics analysis of the difference between permanent legislation and temporary legislation. The difference between permanent legislation and temporary legislation is the default rule of termination: permanent legislation governs perpetually, while temporary legislation governs for a limited time. Behavioural effects of both forms are considered.

*Sanne Pape: 'Warnings and Product Liability'*

European Union citizens are injured each year whilst using products. Product liability law can contribute to preventing such damage by the way in which the liability requirements in the context of warnings are framed and applied. A case in point is the European Directive 85/374/EEC that holds producers liable for damage caused by a defect in their products. Under this Directive, several product-warning issues can arise with which civil courts need to deal when confronted with a claim from a consumer who suffered injuries during the use of a product. For example, courts may have to address the adequacy of a given product warning to determine whether a product is defective, or they may have to form an opinion about whether a product warning should have been disclosed in instances when it was absent.

Underlying these legal warning issues is a number of presumptions about how humans behave and interact with products and with their warnings. Primarily, it presumes that warnings can be effective in modifying user behaviour. But is this a valid presumption? Relative to this is the manner in which courts or litigants evaluate product warnings in European product liability law. Of course, it is common sense that the size of a warning statement or symbol can be considered as relevant for the assessment of a warning's adequacy, but is this a well-considered basis for legally judging a warning?

The objective of this dissertation is to use insights from cognitive psychology and ergonomics as a stepping stone for proposing recommendations that should guide European civil courts and litigants on how to deal best with important warning issues within the liability framework of the Directive. Cognitive psychology and ergonomics are



essential for a thorough legal analysis of warnings, as they can provide insights into people's abilities and limitations with regard to processing warning information, as well as insights into how the design of products can contribute to preventing accidents. In this research project, I will analyse per warning issue the value of the insights for European product liability law focusing on the liability test of the Directive. The warning issues concern the following questions: What is a product warning? Why warn? What risks need a warning? When should consumers be warned in relation to other design solutions? How should consumers be warned?

*Sofia Amaral Garcia: 'Quantifying the Economics of Medical Malpractice: A View from a Civil Law Perspective'*

Medical malpractice might result in high costs for society. Medical mishaps can have devastating consequences for patients and their families. Physicians might also suffer from the consequences of their own mistakes: for instance, psychologically or as a result of effects on their reputation. Medical errors can never be fully eliminated: even the most brilliant doctors can make mistakes. Victims of medical malpractice might also react: patients and their families can make a claim, hoping to be compensated for their losses. Therefore, *'to err is human'* but *'sue is human'* as well. The most recent empirical literature on medical malpractice is reviewed in Chapter 1.

The goal of this thesis is to investigate, in the first instance, some of the consequences of having two separate sub-systems coexisting within the same legal system, which is common in civil law tradition countries with a public national health system. When this holds, and taking the Spanish situation as an example, civil courts decide claims involving private hospitals, and administrative courts decide claims involving public hospitals. This means that different rules might apply, depending on the type of hospital where the iatrogenic incident occurred. Moreover, one question that might arise is why (or why not) both civil and administrative courts should decide medical malpractice cases. In medical malpractice decisions, the level of compensation attributed to patients is a crucial variable. Similar patients suffering similar medical accidents should receive analogous compensation amounts. In order to study these issues, the Spanish Supreme Court Medical Malpractice Dataset (SSCMMD) was created. It consists of medical malpractice decisions taken by the Spanish Supreme Court from 2006 until 2009. With this dataset, a comparison between administrative and civil decisions is made in Chapter 2. Chapter 3 uses the SSCMMD to assess predictors of compensation in medical malpractice cases and to examine the extent of the compensation that patients are receiving for damages.

In the last few years, there has been a general concern with regard to patient safety, which is currently on the agenda of numerous national governments. Some initiatives have been taken at the international level, with the aim of preventing harm to patients during treatment and care. In several European countries, health care is provided mainly by a public national health system, which means that if a patient, harmed in a public hospital, succeeds in a claim against the hospital, national expenditures increase because the State takes part in the litigation process. This poses a problem in a context of increasing national health expenditures and public debt, which is the case in several European countries. In Italy, some regions implemented a monitoring system for medical claims. If properly implemented, monitoring medical claims might increase patients' safety and allow a reduction in medical liability insurance premiums. The impact of this policy is assessed in Chapter 4. Finally, Chapter 5 discusses the main findings, describes possible future research, and draws a conclusion.

*Laarni Escresa Guillermo: 'Re-examining the Role of Incarceration and Stigma in Criminal Law'*

One of the ways in which the legal system has responded to different sets of problems, specifically to acts of negligence that have resulted in large and disastrous consequences to society – due to the changing physical, economic, and institutional relationships – is the blurring of the traditional scope and boundaries of criminal law, especially with respect to tort. The blurring of these boundaries refers to the trend observed in criminal law, which now shares properties that were traditionally exclusive to it, both procedural and substantive. This includes the criminalisation of acts that were formerly

merely tortious or governed by regulation or administrative law; the use of civil procedures to pursue the objectives of criminal law; the relaxation of mens rea in criminal law as seen in the case of corporate crime; and, in common law countries, the use of punitive sanctions outside criminal law.

A debate exists in the legal as well as in the law and economics community regarding the desirability of this trend. While some think that the trend is advantageous to society because it allows more flexibility in the legal system, thus enabling it to cope with fast-paced changes or with new problems in society, others believe that there is some value in preserving the traditional boundaries of crime. That is, acts that ought to be criminalised should only be limited to those that exhibit unequivocally the elements of wrongfulness, harmfulness, and intent or culpability.

One of the consequences of increasing criminalisation is the growing reliance on the criminal justice system, a costly form of regulating behaviour that includes the maintenance of the penal system and involves imposing harsh punishment on the individual. Although the enforcement costs are high, this should also be weighed against the corresponding societal benefits – that may include the prevention of environmental or financial disasters. If, however, the same acts may be deterred and prevented from occurring through the use of an institutional technology that is less costly to administer than criminal law, such as tort or administrative law, then society should prefer the latter set of tools.

This study aims to contribute to the literature by determining the circumstances in which the criminalisation of an act leads to an improvement in society's welfare. The issue is narrowed down by considering two distinct sanctions that under certain circumstances may be imposed under criminal law: incarceration and social stigma. The study uses the tools provided by law and economics, where the normative criteria rest on social welfare maximisation. In order to gain a better understanding of how social stigma arises in criminal law, and of how social stigma and incarceration affect individual behaviour, a theoretical model is provided. The process of social abstraction associated with model building allows us to identify the channel by which the sanction actually affects individual behaviour. The identification of these channels can serve later as a guide for policy.

#### *Walter Dijkshoorn: 'Comparing Compensation in Spatial Planning Law and Private Law'*

This thesis represents a comparative study of the Dutch law regulating damages due to spatial planning and the Dutch private law compensation rules.

Administrative law and civil law are two separate fields. In recent years, however, there has been an increasingly popular view that these fields of law should not diverge any more than is absolutely necessary, so as to achieve legal unity and equality. This comparative study seeks to clarify the point at which there is a need for further harmonisation of the law regulating damages due to spatial planning and the private law compensation rules. The purpose of this research is to offer suggestions for how to improve the law regulating damages due to spatial planning: for example, when there are internally inconsistent rules, deficiencies, or undesirable practical effects of the law. These suggestions are drawn from the private law compensation rules, and aim to contribute to the further development of the law regulating damages related to spatial planning.



## Awards, distinctions, and other evidence of reputation

### *Catherine Garcia joins Financial Services Users Group (FSUG)*

In December 2010, Catherine Garcia, a PhD candidate in our research programme, was invited to join the Financial Services Users Group (FSUG). The establishment of this new group builds on the European Commission's previous experience with the FIN-USE Forum and the Financial Services Consumer Group. The group's main task is to advise the European Commission on financial services issues affecting users, such as consumers, retail investors, and micro-enterprises. It is also expected to provide insight, opinion, and advice regarding the practical implementation of financial services policies. The first meeting of the FSUG took place in Brussels on 27 January 2011.

### *Jean Monnet fellowship awarded to Alessandra Arcuri*

Alessandra Arcuri has been awarded the *Jean Monnet fellowship*, which is financed by the European Commission. A Jean Monnet fellowship is a prestigious internationally renowned award. Arcuri will conduct research on 'The Public Dimensions of Private Regulatory Regimes in the Area of Social Regulation' for a period of one year. The project aims at investigating the phenomenon of private regulation in the context of global governance regimes for the protection of human health, environment, and social rights (e.g. private food safety regimes, environmental and ethical certification systems, and other matters).

### *Chris Hodges appointed rapporteur*

The European Commission appointed Chris Hodges rapporteur for the workshop on ADR at the European Consumer Summit in Brussels on 11/12 April 2011.

### *Michael G. Faure elected as a member of the Royal Dutch Academy (KNAW)*

In 2011, Michael Faure was elected a member of the Royal Netherlands Academy of Arts and Sciences (KNAW). Since its inception, the Academy has been a learned society of scientists and scholars. Membership is awarded on the basis of scientific and scholarly achievement, and members are appointed for life. The Royal Netherlands Academy of Arts and Sciences was founded in 1808 as an advisory body to the Dutch Government – a role that it continues to play today. The Academy derives its authority from the quality of its members, who represent the full spectrum of scientific and scholarly endeavour, and who are selected on the basis of their achievements. The Academy is also responsible for eighteen internationally renowned institutes whose research and collections put them in the vanguard of Dutch science and scholarship.



### *TPR Wisselleerstoel 2011-2012*

Willem van Boom has been appointed visiting professor (TPR wisselleerstoel 2011-2012) at the University of Leuven. The TPR wisselleerstoel is a visiting professorship endowed by the Belgian Tijdschrift voor Privaatrecht (Journal for Private Law). As TPR Chair, Van Boom will join his colleagues at the University of Leuven to further explore the empirical dimensions of private law.



### *Willem van Boom appointed to SER*

Willem van Boom was recently appointed 'Onafhankelijk lid van de Commissie Consumentenaangelegenheden (CCA) van de Sociaal-Economische Raad (SER)': independent member of the Consumer Affairs Committee of the Social and Economic Council of the Netherlands. He was also appointed 'Voorzitter SER Coördinatiegroep Zelfreguleringsoverleg (SER CZ)': Chairman of the Self-Regulation Coordinating Committee of the Social and Economic Council of the Netherlands.



### *Commissie Lindenberg*

Professor Siewert Lindenberg, a widely acknowledged expert in personal injury liability law, was commissioned to head a committee to design a compensation scheme for victims of sexual abuse involving Catholic Church subordinates. The Commissie Lindenberg presented its report on compensation after sexual abuse to the institutions of the Dutch Catholic Church in June 2011. The report was fully embraced and adopted by the Church.

### *Enforceable titles in domestic debt collection cases*

An ESL research team involving some of our BACT members was awarded a research contract by the Research and Documentation Centre (WODC) of the Ministry of Justice. The contract involves research on enforceable titles in domestic debt collection cases other than by way of an ordinary court judgment by default. Xandra Kramer is the project manager, and research staff includes Mark Tuil, Judith van Erp, Ilja Tillema, Alina Ontanu, and Monique Hazelhorst. The Ministry of Justice is particularly interested in the normative, comparative, and empirical research on the topic of promising judicial and extra-judicial debt collection methods and procedures. The research goal is to decide whether it is desirable to expand the existing procedure, and, if so, in what way.

## Lectures and presentations

	Speaker	Title	Event
Jan			
Feb	Klaus Heine and Michael Faure	Insurance for Financial Crisis? Learning from Natural Catastrophes	14th Joint Seminar of the European Association of Law and Economics and the Geneva Association at the University of Innsbruck (Austria)
March	Chris Hodges	The European Approach to Justice and Redress (keynote speech)	Conference 'Accessing Justice: Appraising Class Actions Ten Years After Dutton, Hollick & Rumley' at the University of Windsor, Canada
	Louis Visscher	Law and Economics, for the master programme Legislative lawyers	Anton de Kom University at Paramaribo, Suriname
	Louis Visscher	Economic Analysis of Law	Katholieke Universiteit Leuven, Belgium; Ghent University, Belgium
April			
May	Willem van Boom	Torts, Courts and Politics - The interplay between courts and legislature in continental Europe	Conference 'Tort Law and the Legislature' at York Law School, University of York, UK
	Klaus Heine	Organizational design and tort liability	6 <sup>th</sup> Organization Studies Workshop 'Bringing Public Organization and Organizing Back In' (25-28 May) at Abbaye des Vaux de Cernay, Paris, France (hosted by Alba Graduate Business School and sponsored by Sage)
	Michael Faure	Implementation of the Environmental Crime Directives in National Legislation: prospects and challenges	Conference 'Investigation, Prosecution, and Judgement of Environmental Offences' in Durbuy, Belgium
	Louis Visscher	Law and Economics, for the master programme Legislative lawyers	Academie voor Wetgeving, The Hague
June	Chris Hodges	'Developments in Collective Redress in the United Kingdom: the Buncefield Case	2011 Law and Society Association annual meeting in San Francisco. This was part of a series of case studies that are being assembled on class actions around the world by the Global Class Actions Network, which Hodges co-chairs with Professor Deborah Hensler of Stanford and Professor Ianika Tzankova of Tilburg.
	Klaus Heine	From Incentive Regulation to Incentive Channeling - The Case of Energy Markets	at the 11 <sup>th</sup> European Academy of Management conference in Tallinn
	Klaus Heine and Michael Faure	Insurance for Financial Crisis?	at the 15 <sup>th</sup> International Society for New Institutional Economics at Stanford University, Palo Alto
	Alessandra Arcuri	'Biobags: bringing theory down to earth'	Conference Transnational Private Regulation: Beyond the Constitutional Challenge at T.M.C. Asser Institute, The Hague
	Alessandra Arcuri	Convenor and Chair of the Panel on Standardization Bodies, and spoke at the concluding Roundtable	Expert seminar: 'Irrelevant, Advisors or Decision-Makers? The Role of 'Experts' in International Decision-Making' at Erasmus School of Law
	Willem van Boom	on the regulation of legal services in Dutch personal injury practice	Dutch Parliament Select Committee on Justice and Safety

July	Kateryna Grabovets	Organisational insights for improving the public organisation of tort law	at the 27 <sup>th</sup> European Group of Organizational Studies Colloquium in Gothenburg
August			
Sept	Chris Hodges	hearing on collective redress for competition damages	Economic and Monetary Affairs Committee of the European Parliament in Brussels
Oct	Chris Hodges Chris Hodges	EU collective redress and ADR consumer ADR	ERA annual conference on EU consumer law, Trier EU Internal Market Summit, organised by the Polish Presidency, the EU Commission, and Parliament at Krakow
	Chris Hodges	EU collective redress and ADR	annual conference of European Justice Forum, New York
	Klaus Heine	'Insurance for Financial Crisis?'	Symposium 'Crisis Management and the use of Government Guarantees' at OECD, Paris
	Willem van Boom	'Consumer ADR in the Dutch polder'	Conference 'The hidden world of consumer ADR: redress and behaviour' at CSLS University of Oxford; CMS Research Programme on Civil Justice Systems
Nov	Willem van Boom	'Third party funding in civil litigation - what can comparative law teach?'	Staff seminar, Durham Law School, Durham, England

## Miscellaneous



### *98th Dies Natalis*

On 8 November 2011 – on the occasion of the 98<sup>th</sup> birthday of Erasmus University – Willem van Boom and Jeff Rachlinski gave talks highlighting our group's research. Professor Van Boom put forward his ideas on how Erasmus School of Law should extend its horizons by further developing its strength in empirical legal studies. Professor Rachlinski presented some of his findings on how intuition misleads lawyers, judges, and others.



### *Pieter Desmet appointed to RILE*

February 2011 - Pieter Desmet has joined RILE and will be working as a Postdoctoral Researcher in our research programme. Pieter has a background in Economics (BA, University of Antwerp) and in Experimental Psychology (MA, Catholic University of Leuven), and defended his PhD thesis on the psychology of financial compensations (Rotterdam School of Management) in May 2011. In his research, Pieter examines how people respond to harmful behaviour in economic relations, and, more importantly, how victims perceive, process, and respond to different restorative practices, such as compensation, apologies, and so forth. In this study, he investigates how characteristics of the violation, the victim, the transgressor, and the reparative act itself affect the restoration process.





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## Visitors

- Professor Guandong Xu (Research Center for Law and Economics at the China University of Political Science and Law (CUPL), Beijing, China) was a visiting scholar at [RILE](#) from 10 January through to 25 March. Professor Guandong's research focus includes property rights, the transition of China's legal system, and the relationship between market economy and the rule of law.
- Until 15 February, Jef De Mot (Centre for Advanced Studies in Law and Economics at Ghent University) was a visiting scholar at RILE. De Mot's fields of expertise involve mathematical methods, law and economics, liability law, and procedural law.
- In March, Dr. Mitja Kovač (Assistant Professor of law and economics at the Faculty of Economics University of Ljubljana) was a visiting scholar at RILE. He publishes extensively in the fields of comparative contract law and economics, consumer protection, contract theory, and competition law and economics.
- In April, Professor Assaf Hamdani (Associate Professor at the Faculty of Law, Hebrew University of Jerusalem) was a visiting scholar at RILE. His fields of interest concern Corporate Governance, Securities Regulation, and White Collar Crime.
- From 14 March to 6 May, Dr. Florian Baumann joined RILE as a visiting researcher. Florian Baumann is currently Research Assistant at the Faculty of Law of the University of Tübingen. He studied Economics at the University of Tübingen and was a PhD student at the Johannes Gutenberg University in Mainz. In 2007, he finished his dissertation on 'Aspects of Employment Protection' at the University of Tübingen. He is a member of the Research Network of the German Research Foundation (DFG): Flexibility in Heterogeneous Labour Markets. His main research areas are labour economics (especially employment protection legislation) and law and economics (tort law, litigation).
- In October 2011, Andri Wibisana joined RILE as a visiting researcher. Andri Wibisana is a post-doctoral researcher on 'Paralysed Environmental Law: A Law and Economic Analysis of Environmental Liability and Compensation Mechanisms for Hazardous Activities in Indonesia'. He is also a lecturer on environmental law in the University of Indonesia's Faculty of Law.
- Also visiting RILE, from June through to December 2011, was Dr. Maria Pastore, a postdoctoral researcher from the University of Bari. Maria holds a PhD in Private Law and New Technologies from the University of Bari (2010), and wrote her doctoral thesis on 'I "nuovi" beni nella prospettiva rimediale'. With a post-doctoral research fellowship from the University of Bari, she continued her studies on the 'mobile' boundaries of intellectual property rights, competition, and law of remedies during her stay in Rotterdam.
- Visiting RILE as well was Xiaoqi Zhao from China University of Political Science and Law (Beijing).
- Magdalena Thöni, assistant professor in the Department of Public Health and Health Technology Assessment at UMIT (University for Health Sciences, Medical informatics, and Technology), visited RILE from November 2011 until January 2012. Her research interest involves Law and Economics in Public Health, Public Health Law, Environmental Law, and Economics of Natural Hazards.

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## Current researchers

2011

	Available research time
Full Professor	
Prof. M.G. Faure	0.20
Prof. W.H. van Boom	0.38
Prof. R.J. Van den Bergh	0.40
Prof. S.D. Lindenberg	0.37
Prof. N.J.H. Huls	0.32
Prof. J. Klick	0.08
Prof. C.J. Loonstra	0.16
Prof. V.W. Buskens	0.08
Prof. G. Wagner	0.08
Prof. K.H. Heine	0.40
Prof. J. Rachlinski	0.08
Prof. R. Giard	0.08
Prof. C. Hodges	0.08
Prof. A. Stadler	0.03
Prof. N. Rickman	0.03
Prof. M. Scheltema	0.03
Associate Professor	
Dr. A. Arcuri	0.20
Dr. L.T. Visscher	0.32
Dr. R. Westrik	0.08
Dr. A. M. Paccas	0.37
Dr. R.W.M. Giard	0.08
Dr. A.R. Houweling	0.34
Assistant Professor	
Dr. P.D.N. Camesasca	0.08
Dr. J.H. Even	0.13
Dr. M.L. Tuil	0.40
Dr. A.M.I.B. Vandenberghe	0.40
Dr. G.W. van der Voet	0.08
Postdocs	
Desmet	0.82
Pape	0.90
Oded	0.11
Programme coordinator / jr researcher	
Tillema	0.45

PhD students	Topic/Title
A. Biard (EDLE) (starting 1/10/11)	A law and economics analysis of the optimal level of fines in economic law cases
E. Demidova (EDLE) (Erasmus Mundus) (starting 1/10/11)	Takeover regulation in the developing economies: the case of Russia
W. Dijkshoorn	The concept of damage in public and private law
E. Fagotto (EDLE)	Risk and Food: Rethinking food regulatory regimes in Europe
C.I. Garcia Porras	What European consumer law should learn from consumer psychology
P.P. Gospodinov (EDLE) (Erasmus Mundus) (starting 1/10/11)	The Application of EU Competition Law in Alternative Dispute Resolution Proceedings
K. Grabovets (EDLE)	Tort Law and Organisational Design
P. Hanke (EDLE) (Erasmus Mundus)	Law and Economics of State Aid
W. Hu (EDLE)	Regulatory compliance (permit) defence
V. Karapanou (EDLE)	A Law and Economic analysis of damages for non-pecuniary losses in cases of personal injuries and fatal accidents
M. van Kogelenberg	The right to performance in comparative and economic perspective
P. Kruit	Specialisation in adjudication in labour disputes
C. Leger (EDLE) (Erasmus Mundus)	Securities Regulation – Comparative European Policies
S. Mittlaender Leme de Souza (EDLE)	Why Do People Follow the Law, Especially Private Law? Towards a brain-based model of law abiding decisions and behaviour
H. Nabilou (EDLE) (Erasmus Mundus)	Market Failure and Systemic Risk Regulation in Financial Markets: A Game Theory Perspective
S. Oded (EDLE)	Internal enforcement as a welfare-enhancing enforcement measure
E. Reznichenko (EDLE)	Empirical analysis of optimal enforcement: monetary vs. non-monetary punishment
S.B. Pape	Effective product safety warnings: The interaction between law and psychology
E. van der Schee	Preventive effects of (employers') liability; an empirical approach
V. Singh Chahar (EDLE) (Erasmus Mundus)	Addressing Agency Problems in Constitutional Law Using Insights from Corporate Governance

F. Weber (EDLE)	Towards an optimal mix of public and private enforcement in consumer law
H. Wei (EDLE)	The Impact of China-related WTO Cases on Chinese Trade Law and Practice
Xiao (China Law Centre)	

Other EDLE PhD students	Topic/Title
D. Akun	Changing Structure of Banking Industry and Regulatory Issues
S. Amaral Garcia	Damages in Medical Malpractice Cases
B. Assi	Regulation of Conflicts of Interests in the Provision of Investment Services
M. Bayramli	Strategic Patenting: Accumulation of Patents and Impacts
F. Bilgel	The Law and Economics of Organ Procurement
P. Bertoli	Competitive Analysis of the Allocative Mechanisms of the Medical Malpractice Risk in the Italian Public Health System
M. Chudej	The economic consequences of investment treaty shopping, or Law and economics of investment treaty shopping
L. Escresa Guillermo	Extrinsic and Intrinsic Motivation: The Shifting Map of Legal Remedies
M. Fabri	Social Norms in Law and Economics
F. Fagan	Temporary versus Permanent Legislation
C. Gurkan	The Role of Banks for Corporate Governance
K.H.M. Hunt	Mortgage Market Comparison
H. Jabotinsky	The Structure of Financial Supervision: Consolidation or Competition for Financial Regulators?
A. Jakovljevic	Building market institutions in Serbia
X. Jia	Economic Analysis of Antimonopoly Law (AML) of China: Legislation and Implementation---What we shall learn from history and what we can learn from critics?
J. Kantorowicz	Essays on Fiscal Constitution
A. Kaushik	Trade Secrecy -- the ignored facet of Intellectual Properties
D. Krsmanovic	Law and Economics of Corporate Lobbying

J. Ma	A Comparative Perspective on Merger Policies of Antitrust Law
A. Martinez Gandara	The Impact of Firms' Corporate Social Responsibility Measures on its Environmental Performance
M. Marzetti	The Elusive Rationale of Trademark Dilution
V. Ostrovskis	Multilateral Trading Facilities and Their Impact on European Financial Markets
P. Peng	Essays on Loyalty Rebates and Exclusive Dealing
D. Proniewski	Reaching optimal taxation of green taxes in Europe: A comparative analysis of green taxes in Italy, the Netherlands, and Germany
S. Rajput	Maximum Retail Price – Analyzing its Anti-Competitive Effects
T. Ramos Erickson	Legal/Political Institutions & Urban Poverty
A. Renda	Law and Economics in the RIA World
M. Sadowska	Regulatory Antitrust - The Use and Abuse of Competition Rules in the Energy Sector
R. Sapkal	Essays on Labour Market Segmentations: A Law and Economics Approach
O. Skripova	Economic Effects of Imposing Liability on Underwriters
T.H. Sun	Inequalities, Truth and Social Trust: Experimental evidences on institutional design
C. Tagliapietra	Legal Institutions and the Economic Governance of the Commons: A case study in Italy 1200-1800
A. Vasa	Legal and Economic Efficiency of Contracts in the Carbon Markets
S. Wang	International Trade Policies
F. Wesselhoeft	Multiparty Contracts & Non-Recourse Finance (Project Finance) Law and Economics

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## Publications and research activities

### A. Arcuri

Scientific publications in 2011 that relate to the research programme:

Arcuri, A., 'Food Safety at the WTO after 'Continued Suspension': a Paradigm Shift?', Antoniadis, A., Schütze, R., and Spaventa, E. (Eds.), *The European Union and Global Emergencies: A Law and Policy Analysis*, Oxford: Hart Publishing 2011, p. 205-24.

Presentations/academic lectures:

On 7 December 2011, Alessandra Arcuri presented a talk on 'Bottom-up private regulation: the case of organic regulation' RSCAS Seminar Series, at the Robert Schuman Centre for Advanced Studies, EUI.

On 1 December 2011, Arcuri co-organised and participated in the Workshop: 'The Private and Public Dimensions of Smart Regulation', Department of Law, EUI.

On 22 June 2011, Alessandra Arcuri presented a talk on 'Biobags: bringing theory down to earth' at the Conference Transnational Private Regulation: Beyond the Constitutional Challenge at T.M.C. Asser Institute in The Hague, the Netherlands.

On 24 and 25 June 2011, Alessandra Arcuri was Convenor and Chair of the Panel on Standardization Bodies, and spoke at the concluding Roundtable at the Expert seminar: "Irrelevant, Advisors or Decision-Makers? The Role of 'Experts' in International Decision-Making" at Erasmus School of Law.

In the Fall of the academic year 2011-12, Alessandra co-taught a course in the Department of Law of the European University Institute (EUI) on "*Law and Economics of Lawmaking*" together with Professor F. Cafaggi and Dr. A Renda.

Editorship:

Arcuri, A., (Ed.) 'Special Issue on Contemporary Food Regulatory Regimes and the Challenges Ahead', Erasmus Law Review 2011.

Arcuri, A., 'Introduction to the Special Issue on Contemporary Food Regulatory Regimes and the Challenges Ahead', Erasmus Law Review 2011, p. 197-201.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

Jean Monnet fellowship awarded to Alessandra Arcuri

March 2011 - Alessandra Arcuri has been awarded the Jean Monnet fellowship, which is financed by the European Commission. A Jean Monnet fellowship is a prestigious internationally renowned award. For one year, Arcuri will conduct research on 'The Public Dimensions of Private Regulatory Regimes in the Area of Social Regulation'. The project aims at investigating the phenomenon of private regulation in the context of global governance regimes for the protection of human health, environment and social rights (e.g. private food safety regimes, environmental and ethical certification systems, and so forth).

### R.J. Van den Bergh

Scientific publications in 2011 that relate to the research programme:

Bergh, R.J. Van den & Faure, M.G., 'Critical issues in the enforcement of the Anti-Monopoly Law in China: a law and economics perspective', in: Faure, M.G. & Zhang, X. (Eds.), *Competition Policy and Regulation. Recent Developments in China, the US and Europe*, Cheltenham: Edward Elgar 2011, p. 54-75.

### W.H. van Boom

Scientific publications in 2011 that relate to the research programme:

Boom, W.H. van, 'Do Insurers Have to Pay for Bad Behaviour in Settling Claims? Legal Aspects of Insurers' Wrongful Claims Handling', *Journal of European Tort Law* 2011, 2(1), p. 77-102.

Boom, W.H. van, 'The Law of Damages and Competition Law: 'Bien Étonnés De Se Trouver Ensemble?', in: Schulze, R. (Ed.), *Compensation of Private Losses - The Evolution of Torts in European Business Law*, Munich: Sellier 2011, p. 165-178.

Weber, F. & Boom, W.H. van, 'Dutch Treat: the Dutch Collective Settlement of Mass Damage Act (WCAM 2005)', *Contratto e impresa / Europa* 2011-1, p. 69-79.

Boom, W.H. van, 'Wetsvoorstel doorverkoop toegangskarten: nuttig en nodig?', *Tijdschrift voor Consumentenrecht en handelspraktijken* 2011/5, p. 177-183.

Boom, W.H. van, 'Price Intransparency, Consumer Decision Making and European Consumer Law', *Journal of Consumer Policy* 2011, nr 3, p. 359-376.

Boom, W.H. van & Steele, J., 'Mass Justice and its challenges', in: Boom, W.H. van & Steele, J. (Eds.), *Mass Justice: Challenges of Representation and Distribution*, Cheltenham: Edward Elgar 2011, p. 1-26.

Editorship:

Steele, J. & Boom, W.H. van (Eds.), *Mass Justice: Challenges of Representation and Distribution*, Cheltenham: Edward Elgar 2011, 320 pp.

Ogus, A. & Boom, W.H. van (Eds.), *Juxtaposing Autonomy and Paternalism in Private Law*, Oxford: Hart Publishing 2011, vi +243 p.

Editor of Book series 'Civillologie | Civilology' (Eleven publishers).

Presentations/academic lectures:

Presentation of paper "Torts, Courts and Politics - The interplay between courts and legislature in continental Europe" at the conference "Tort Law and the Legislature" at York Law School, University of York, UK (May 6-7, 2011).

Presentation of paper "Comparing Legal Culture and 19th Century Railways", (May 20, 2011) at the Ogus Farewell seminar 'Law, Regulation, and Comparative Legal Cultures - How subtle differences between legal cultures affect lawmaking, adjudication, and enforcement',

(9 June 2011) speech delivered before the Dutch Parliament Select Committee on Justice and Safety on the regulation of legal services in Dutch personal injury practice.

(Rotterdam, 24 June 2011) co-organised and chaired the First Dutch Conference on 'Civilology'

(28 October 2011) presentation on "Consumer ADR in the Dutch polder" at the conference "The hidden world of consumer ADR: redress and behaviour" at CSLS University of Oxford; CMS Research Programme on Civil Justice Systems.

(4 November 2011) presentation on "Third party funding in civil litigation - what can comparative law teach?" at a staff seminar, Durham Law School, Durham, England.

(8 November 2011) – Dies Natalis EUR; presentation "Behaviour and Law – Towards Empirical Legal Studies". (24-25 November 2011), co-organised and chaired workshop on "Stretching the Concept of Damage and Damages" at the Annual *Ius Commune* conference.

Boom, W.H. van (Nov/Dec 2011). *Privaatrecht en de wetgever*. Den Haag - Academie voor Wetgeving, cursuscycclus Privaatrecht en de wetgever.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

Willem van Boom appointed visiting professor on the TPR wisselleerstoel 2011-2012 at the University of Leuven. The TPR wisselleerstoel is a visiting professorship endowed by the Belgian *Tijdschrift voor Privaatrecht* (Journal for Private Law).

2011: appointed 'Onafhankelijk lid van de Commissie Consumentenaangelegenheden (CCA) van de Sociaal-Economische Raad (SER)': independent member of the Consumer Affairs Committee of the Social and Economic Council of the Netherlands.

2011: appointed 'Voorzitter SER Coördinatiegroep Zelfreguleringsoverleg (SER CZ)': Chairman of the Self-Regulation Coordinating Committee of the Social and Economic Council of the Netherlands.

## V. Buskens

Scientific publications in 2011 that relate to the research programme:

Raub, W., Buskens, V. & Assen, M.A.L.M. van, 'Micro-Macro Links and Microfoundations in Sociology', in: Assen, M.A.L.M. van, Buskens, V. & Raub, W. (Special Issue Editors), 'Special Issue: Micro-Macro Links and Microfoundations', *Journal of Mathematical Sociology*, 2011-35, p. 1-25.

Buskens, V., *Between Hobbes' Leviathan and Smith's Invisible Hand. Empirical and Interdisciplinary Legal Research on Formal and Informal Institutions in Trust Relations (Civiology | Civilogie Series)*, The Hague: Eleven International Publishing 2011, 46 pp.

Barrera, D., Buskens, V. & Raub, W., 'Embedded Trust: The Analytical Approach in Vignettes, Laboratory Experiments and Surveys', in: Lyon, F., Möllering, G. & Saunders M.N.K. (Eds.), *Handbook of Research Methods on Trust*, Cheltenham: Edward Elgar 2011, p. 199-211.

Bojanowski, M. & Buskens, V., 'Coordination in Dynamic Social Networks under Heterogeneity', *Journal of Mathematical Sociology* 2011-35, p. 249-286.

Corten, R. & Buskens, V., 'Game Theory and Networks', in: Barnett, G.A. (Ed.), *Encyclopedia of Social Networks*, London: Sage 2011 <<http://www.sage-ereference.com/abstract/socialnetworks/n121.xml>>

Ko, P. & Buskens, V., 'Dynamics of Adolescent Friendships: The Interplay between Structure and Gender', *Proceedings of the 2011 International Conference on Advances in Social Networks Analysis and Mining*, 2011, p. 313-320.

Vogt, S., Raub, W., Weesie, J. & Buskens, V., 'Zur Dynamik prosozialen Verhaltens in einem asymmetrischen sozialen Dilemma: ein Beitrag zur experimentellen Spieltheorie', *Zeitschrift für Soziologie* 2011-40, p. 338-355.

Raub, W. & Buskens, V., 'Aujourd'hui, une sociologie rigoureuse' *Commentaire* 2011-136: 1063-1066.

#### Editorship:

Assen, M.A.L.M. van, Buskens, V. & Raub, W. (Special Issue Editors), 'Special Issue: Micro-Macro Links and Microfoundations', *Journal of Mathematical Sociology*, 2011-35, 234 pp.

Buskens, V., Raub, W. & Assen, M.A.L.M. van, (Editors), *Micro-Macro Links and Microfoundations.* New York: Routledge, 2011, 234pp. [book version of the Special issue of *Journal of Mathematical Sociology*]

#### Presentations/academic lectures:

14 Oct 2011 BACT seminar The Consequences of Monetary Rewards and Punishment on Cooperation and Cohesion in Repeated Public Good Games

Egalitarian Networks from Asymmetric Relations: Coordination on Reciprocity in a Social Game of Hawk-Dove. Third Annual Meeting and Conference of the COST Action MP0801 "Physics of Competition and Conflicts." Eindhoven, 18 May 2011.

Hormones and Social Interaction. ICS lustrum symposium 2011 "Social Networks, Solidarity and Inequality: The Next Frontier." Groningen, 14 May 2011.

Trust and Testosterone. Nuffield Workshop on Experimental Research on Social Dilemmas Nuffield College/CESS, Oxford, UK, 14 November 2011.

Trust in Embedded Social and Economic Transactions. Sociology Seminar, UvA, Amsterdam, 5 December 2011.

#### **P.D.N. Camesasca**

##### Presentation:

"Information Exchange," *IBC's Advanced EU Competition Law* (11/23/2011)

"EU competition law -- latest developments in the Commission's enforcement practice," *Korea Judicial Research and Training Institute* (7/6/2011)

"A View from Private Practice on EU Anti-Cartel Enforcement," *Korea Fair Competition Federation* (6/9/2011)

"A View from Private Practice on EU Competition Law," Korean Fair Trade Commission's Anti-Cartel Education Program for Korean Business (5/4/2011)

"Settlements: What Have We Learned from the Commission's First Cases?" and "Leniency and Settlement: Is Cooperation Becoming Less Attractive?," *IBC Legal's 4th annual forum, Cartel Risks & Compliance 2011* (3/29/2011)

#### **P.T.M. Desmet**



Scientific publications in 2011 that relate to the research programme:

Desmet, P.T.M., *In Money we Trust? Trust Repair and the Psychology of Financial Compensations* (PhD Serie 232), Rotterdam: Erasmus Research Institute of Management, pp. 162. Prom/coprom.: Prof.Dr. D. De Cremer & E. van Dijk.

Desmet, P.T.M., De Cremer, D., & Van Dijk, E., 'In money we trust? The use of financial compensations to repair trust in the aftermath of distributive harm', *Organizational Behavior and Human Decision Processes* 2011-114, p. 75-86.

Desmet, P.T.M., De Cremer, D., & Van Dijk, E., 'Trust recovery following voluntary or forced financial compensations in the trust game: The role of trait forgiveness', *Personality and Individual Differences* 2011-51, p. 267-273.

## **W. Dijkshoorn**

Scientific publications in 2011 that relate to the research programme

Dijkshoorn, W., *Planschaderecht en privaatrechtelijk schadevergoedingsrecht. Een intern rechtsvergelijkende studie* [Comparing Compensation in Spatial Planning Law and Private Law] (diss. Rotterdam), Den Haag: BJu 2011, xii + 199 pp.

Supervisors: Prof. S.D. Lindenberg and Prof. L.J.J. Rogier.

Dijkshoorn, W., 'Over de problemen die 'in ieder geval' en 'twee procent' in artikel 6.2 Wro met zich brengen en hoe deze problemen kunnen worden opgelost', *Gemeentestem* 2011, p. 498-502;

Dijkshoorn, W., 'De leer van de redelijke toerekening: back to the eighties', *Aansprakelijkheid, Verzekering en Schade* 2011, p. 257-268.

## **M.G. Faure**

Scientific publications in 2011 that relate to the research programme:

Faure, M.G. & Escresa, L., 'Social stigma', in: Parisi, F. (Ed.), *Production of Legal Rules*, Cheltenham: Edward Elgar 2011, p. 205-227.

Faure, M.G., "Law and economics: belang voor het privaatrecht", *WPNR*, 2011, No. 6912, 1056-1064.

Faure, M.G. "Does Environmental Law Matter?", in Faure, M.G. & Smits, J. (Eds.), *Does Law Matter? On Law and Economic Growth*, Antwerp: Intersentia 2011, p. 385-416.

Faure, M.G. & Zhang, H., 'Environmental Criminal Law in China: A Critical Analysis', *The Environmental Law Reporter* 2011, vol. 41(1), p. 10024-10042.

Faure, M.G., 'Economic Analysis of Tort Law and the European Civil Code', in: Hartkamp, A. e.a. (Eds.), *Towards a European Civil Code. Fourth Revised and Expanded Edition*, Alphen aan den Rijn: Kluwer Law International 2011, p. 977-1000.

Bergh, R.J. Van den & Faure, M.G., 'Critical issues in the enforcement of the Anti-Monopoly Law in China: a law and economics perspective', in: Faure, M.G. & Zhang, X. (Eds.), *Competition Policy and Regulation. Recent Developments in China, the US and Europe*, Cheltenham: Edward Elgar 2011, p. 54-75.

Faure, M.G., "Bestuurlijke en strafrechtelijke afdoening van milieustrafzaken in het Vlaamse Gewest", in Deruyck, F. & Rozie, M. (Eds.), *Het strafrecht bedreven. Liber Amicorum Alain De Nauw*, Brugge: die Keure 2011, p. 257-276.

Faure, M.G. & Zhang, X., 'Concluding remarks', in: Faure, M.G. & Zhang, X. (Eds.), *Competition Policy and Regulation. Recent Developments in China, the US and Europe*, Cheltenham: Edward Elgar 2011, p. 331-341.

Faure, M.G. & Peeters, M.G.W.M., 'Concluding remarks', in: Faure, M.G. & Peeters, M.G.W.M. (Eds.), *Climate Change Liability (New Horizons in Environmental and Energy Law)*, Cheltenham: Edward Elgar Publishers 2011, pp. 255-274.

Dijkstra, R.J. & Faure, M.G., 'Compensating victims of bankrupted financial institutions: a law and economic analysis', *Journal of Financial Regulation and Compliance* 2011-19(2), p. 156-173.

Faure, M.G. & Heine, K., 'Can European State Aid Control learn from the Management of Disastrous Crises?', in: Theurl, Th. (Ed.), *Institutionelle Hintergruende von Krisen, Schriften des Vereins fuer Socialpolitik*, Berlin: Duncker & Humblot 2011, p. 97-125.

Faure, M.G. & Visscher, L., 'The Role of Experts in Assessing Damages – A Law and Economics Account', *European Journal of Risk Regulation* 2011-3, p. 376-396.

Faure, M.G., Loonstra, J.A., Philipsen, N.J. & Boom, W.H. van, 'Naar een kostenoptimalisatie van de letselschaderegeling: een verkenning', *Aansprakelijkheid Verzekering & Schade* 2011-4, p. 183-195.

Faure, M.G., Tiebley, Y.D. & Wang, H., 'Responsabilité civile et réparation des pollutions marines. Leçons à tirer des déversements provenant des plateformes pétrolières', *Aménagement-Environnement* 2011-2, p. 88-106.

Faure, M.G., 'The Environmental Crime Directive 2008/99/EC. Revue Européenne de Droit de la Consommation', *European Journal of Consumer Law* 2011-1, p. 193-208.

Faure, M.G., 'Un système d'échange de quotas d'émission de gaz à effet de serre: perspectives et questions en guise de conclusion', in: Philippe, D. & Cheneviere, C. (Eds.), *L'entreprise face au droit des quotas de CO2* (CRIDES-Jean Renault), Bruxelles: Larcier 2011, p. 227-241.

Smedt, K. De, Faure, M.G., Peeters, M.G.W.M. & Philipsen, N.J., 'Naar beter zicht op de milieuaansprakelijkheidswetgeving in Nederland?', *Tijdschrift Gezondheidsschade, Milieuschade en Aansprakelijkheidsrecht* 2011-25(1), p. 3-11.

Faure, M.G., Bruggeman, V. & Haritz, M., 'Remodelling reparation: changes in the compensation of victims of natural catastrophes in Belgium and the Netherlands', *Disasters* 2011, 35(4), p. 766-788

Faure, M.G. & Luth, H.A., 'Behavioural Economics in Unfair Contract Terms. Cautions and Considerations', *Journal of Consumer Policy* 2011, 337-358

Faure, M.G., 'Liability for Omissions in Tort Law: Economic Analysis', *Journal of European Tort Law* 2011, 2(2), p. 184-208.

Faure, M.G., 'Handhaving van het milieurecht in het Vlaams Gewest: enkele cijfers', in: D'Hooghe, D., Deketelaere, K. & Draye, A.M. (Eds.), *Liber Amicorum Marc Boes*, Brugge: die Keure 2011, p. 69-86.

Faure, M.G., 'Un système d'échange de quotas d'émission de gaz à effet de serre: perspectives et questions en guise de conclusion', in : Philippe, D. & Cheneviere, C. (Eds.), *L'entreprise face au droit des quotas de CO2* (CRIDES-Jean Renault), Bruxelles: Larcier 2011, p. 227-241.

Faure, M.G. & Hartlief, T., 'Letselschade, claimcultuur en beloningssystemen', in: Schoubroeck, C. van e.a. (Eds.), *Over grenzen. Liber amicorum Herman Cousy*, Antwerpen: Intersentia 2011, p. 631-571.

Faure, M.G., "The Implementation of the Environmental Crime Directives in Europe", in Gerardu, J., Grabiell, D., Koparova M.R., Markowitz, K. & Zaelke, D. (eds.), *9<sup>th</sup> International Conference on Environmental Compliance and Enforcement*, Washington, INECE, 2011, 360-371.

Boom, W.H. van, Faure, M.G., Huls, N.J.H., Lindenbergh, S.D. & Stoter, W.S.R. (2011). Energie-efficiency, afwikkeling van letselschade, algemene voorwaarden bij taxi en kinderopvang. Vervolgstudie Maatschappelijke Reguleringinstrumenten. Den Haag: WODC.

#### Editorship:

Faure, M.G. & Smits, J. (eds.), *Does Law Matter? On Law and Economic Growth*, Antwerp: Intersentia, 2011, xvi + 416 p.

Faure, M.G. & Zhang, X. (Eds.), *Competition Policy and Regulation. Recent Developments in China, the US and Europe*, Cheltenham: Edward Elgar 2011, xii + 354 pp.

Faure, M.G. & Peeters, M.G.W.M. (Eds.), *Climate Change Liability (New Horizons in Environmental and Energy Law)*, Cheltenham: Edward Elgar Publishing, xiii + 287 pp.

Faure, M.G. "Does Environmental Law Matter?", in Faure, M.G. & Smits, J. (eds.), *Does Law Matter? On Law and Economic Growth*, Antwerp: Intersentia, 2011, 385-416.

Faure, M.G., "Bestuurlijke en strafrechtelijke afdoening van milieustrafzaken in het Vlaamse Gewest", in Deruyck, F. & Rozie, M. (eds.), *Het strafrecht bedreven. Liber Amicorum Alain De Nauw*, Brugge, die Keure, 2011, 257-276.

#### Presentations/academic lectures:

Thursday, 8 December 2011, China University of Political Science and Law, lecture on "Insurance as a Remedy for Financial Crisis"

Friday, 2 December 2011, Lecture "Towards an extraterritorial application of the Chinese anti-monopoly law?", Center for Regulation and Competition, Jiangxi University of Finance and Economics, Nanchang, China.

Saturday, 3 December 2011, Chairman at the International Conference on Regulation and Competition Policy. New Developments and Empirical Evidence.

Thursday, 8 December 2011, Beijing Foreign Studies University (Beiwai), lecture on "Instruments to Control Externalities"

Friday, 9 December 2011, Beijing Foreign Studies University (Beiwai), lecture on "Economics of Federalism" Faure, M.G. (14 January 2011). *Private Law I: tort*. Hamburg, Germany, Conference the Economics of European Union Law.

Faure, M.G. (16 February 2011). Behavioural economics in consumer policy: cautions and considerations. Maastricht, MEPLI-talk.

Klaus Heine and Michael Faure presented a paper '*Insurance for Financial Crisis? Learning from Natural Catastrophes*' at the 14th Joint Seminar of the European Association of Law and Economics and the Geneva Association at the University of Innsbruck (Austria), 24-25 February

From 5 March through to 2 April, Michael Faure spent three weeks in China and one week in Indonesia to lecture and make contact with many current and potential PhD students and thesis supervisors. A selection of his activities is below.

China

Beijing University (Beda)

On Monday, 28 March, a guest lecture was given at the request of Professor Song Ying on environmental criminal law in Europe for the European Study Centre of Peking University.

East-China University of Political Science and Law, Business School

On Monday, 14 March, Michael Faure gave a lecture based on a joint paper with Professor Klaus Heine on insurance for the financial crisis, and on Tuesday, 15 March, he gave a lecture on the economics of harmonisation of law.

Shandong University at Weihei, Faculty of Economics

On Wednesday, 16 March, a lecture was given to master and graduate students about using institutions to correct market failures.

Jiangxi University of Finance and Economics (JUFE)

On 18 March 2011, Faure gave an invited lecture at the Jiangxi University of Finance and Economics (JUFE) in Nanchang, the capital of the Jiangxi Province at the invitation of Professor Zhang Xinzhu (director of the Centre for Regulation and Competition at JUFE and also connected to the Chinese Academy of Social Sciences [CASS] in Beijing). An invited lecture was given on insurance for financial crisis on the basis of a joint paper with Professor Klaus Heine.

China University of Political Science and Law (CUPL)

On Monday afternoon, 28 March, a guest lecture on institutions and instruments to control the market failure caused by externalities was given at the Centre for Law and Economics of CUPL at the invitation of Professor Xi Tao, director, and Professor Xu Guangdong.

On Thursday, 31 March, Faure gave a lecture at the Centre of Law and Economics of CUPL on enforcement of environmental law through environmental liability and environmental criminal law.

Beijing Foreign Studies University

On Wednesday, 30 March, Faure held a lecture entitled "Instruments for environmental governance: what works?" at the Beijing Foreign Studies University in Beijing (Beijing Wai Guo Yu Da Xue), Economics Department at the request of Ma Yingyuan, a first-year student within the EDLE programme.

On Thursday, 24 March, Faure held a lecture at the Law School of the University of Indonesia on Financial Compensation for victims of catastrophes.

On the evening of 25 March, a lecture was held at the Indonesian Centre for Environmental Law (ICEL) on climate change liability inter alia in the presence of Wiwiek Awiati and Mas Achmed Santosa.

On 25 May, Michael Faure gave a lecture on 'Implementation of the Environmental Crime Directives in National Legislation: prospects and challenges' in Durbuy, Belgium, at the Conference 'Investigation, Prosecution, and Judgement of Environmental Offences'.

Faure, M.G. (15 June 2011). *The Flemish High Council for Environmental Enforcement*. Brussels, Belgium, Conference Implementation of EU environmental legislation: how can we do better?

Klaus Heine and Michael Faure presented the paper 'Insurance for Financial Crisis?' at the 15<sup>th</sup> International Society for New Institutional Economics at Stanford University, Palo Alto, 16-18 June.

Faure, M.G. (20 June 2011). *The value of enforcement cooperation*. Vancouver, Canada, 9th International Conference on Environmental Compliance and Enforcement (INECE).

Faure, M.G. (28 June 2011). *Towards effective compensation for victims of natural catastrophes in developing countries*. Bali, Conference Environmental, Health and Safety Risks in a Globalizing World.

Faure, M.G. (30 June 2011). *Climate change liability: possibilities and challenges*. Jakarta, Indonesia, Expert group discussion toward climate justice; improving governance, legal framework and liability aspects of

climate change in Indonesia.

Faure, M.G. (20 September 2011). *Milieuhandhaving in Vlaanderen nieuwe stijl*. Kortrijk, België, Milieucoördinator-Milieuhandhaving.

Faure, M.G. & Mot, J. de (22 September 2011). *Appellate case load and the switch to comparative negligence*. Hamburg, Germany, 28th Annual Conference of the European Association of Law and Economics.

Faure, M.G. & Liu, J. (23 September 2011). *New models for the compensation of natural resources damage*. Hamburg, Germany, 28th Annual Conference of the European Association of Law and Economics

On 23 September, Klaus Heine and Michael Faure presented the paper 'Insurance for Financial Crisis?' at the 28th Annual Conference of the European Association of Law and Economics in Hamburg, Germany.

Faure, M.G. (21 October 2011). *Does environmental law matter?* Amsterdam, Lecture at the Conference Does Law Matter? On Law and Economic Growth.

Faure, M.G. (2 December 2011). *Towards an extraterritorial application of the Chinese anti-monopoly law?* Nanchang, China, Lecture at Center for Regulation and Competition, Jiangxi University of Finance and Economics

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

Michael G. Faure was elected member of the Royal Dutch Academy (KNAW)

### **R.W.M. Giard**

Scientific publications in 2011 that relate to the research programme:

Giard, R.W.M., 'Rechtspraak is een riskante onderneming. De noodzaak van een geïntegreerd normatief kader', *Expertise en Recht* 2011, nr. 2, p. 34-40.

Giard, R.W.M., 'Een gemiste diagnose: retrospectie, reconstructie en deconstructie in het aansprakelijkheidsrecht', *Letsel & Schade* 2011(2), p. 17-21.

Giard, R.W.M., 'Dit had niet hoeven gebeuren. De causale verklaring van ongewenste gebeurtenissen en de betekenis van de contrafeitelijke denkfout voor het CSQN-verband', *NTBR* 2011-9, p. 471-478.

Giard, R.W.M. 'Law and medicine: dokteren aan het recht', *WPNR* nummer 6912, jaargang 142, 24-31 december 2011, p. 1086 - 1094

Editorship:

Redacteur 'Expertise en Recht'

Presentations/academic lectures:

R.W.M. Giard 'Tuchtrechtspraak: vooruitdenken om achteraf juist te oordelen' Cursus Tuchtcolleges voor de Gezondheidszorg, KNMG en Centraal Medisch Tuchtcollege, Utrecht 16 mei en 14 november 2011

R.W.M. Giard, 'Over wanprestatie, waarheidsvinding en wijsheid achteraf' Zeist, Nederlandse Internisten Vereniging 28 januari 2011

R.W.M. Giard, 'Het belang van betrouwbare kennis voor een behoorlijke beslissing', Cursus 'Het zoeken en vinden van de waarheid in strafzaken', Rijswijk 25 mei 2011, Kerkckebosch/NFI.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

### **K. Grabovets**

Kateryna Grabovets presented the joint paper 'Organisational insights for improving the public organisation of tort law' at the 27<sup>th</sup> European Group of Organizational Studies Colloquium in Gothenburg, 7-9 July

### **K. Heine**

Scientific publications in 2011 that relate to the research programme:

Heine, K., 'Inside the black box: incentive regulation and incentive channeling on energy markets', *Journal of Management and Governance* DOI 10.1007/s10997-011-9172-7).

Faure, M.G. & Heine, K., Can European State Aid Control learn from the Management of Disastrous Crises?, in: Theurl, Th. (Ed.), *Institutionelle Hintergruende von Krisen, Schriften des Vereins fuer Socialpolitik*, Berlin: Duncker & Humblot 2011, p. 97-125.

Heine, K., 'Internationalisierung von Standards zwischen Wettbewerb und Monopolisierung' [Internationalization of Standards between Competition and Monopolization], in: Moellers, Th.M.J. (Ed.), *Internationalisierung von Standards* [Internationalization of Standards], Baden-Baden: Nomos 2011, p. 19-51.

Heine, K., *Organizational Science meets Law and Economics* (inaugural lecture), The Hague: Erasmus Law Lectures 21, 2011, 76 pp.

Editorship:

Heine, K., 'Understanding Legal Evolution', *Erasmus Law Review*, Special Issue 4 (3) and 4(4), 2011

Presentations/academic lectures:

On 6 January 2011 Klaus Heine held his inaugural lecture "Organizational Science meets Law and Economics".

Klaus Heine and Michael Faure presented the paper 'Insurance for Financial Crisis? Learning from Natural Catastrophes' at the 14th Joint Seminar of the European Association of Law and Economics and the Geneva Association at the University of Innsbruck (Austria), 24-25 February

Klaus Heine commented on Alexander Vasa's 'The institutional emergence of the CDM and its rules' at the workshop 'The Future of Law and Economics' (seminar for PhD students of Paris X, Maastricht University, Erasmus School of Law and the European Doctorate in Law & Economics [EDLE]), Maastricht University, 3-4 March.

On 26 May, Klaus Heine presented the paper "Organizational design and tort liability" at the 6<sup>th</sup> Organization Studies Workshop "Bringing Public Organization and Organizing Back In" (25-28 May) at Abbaye des Vaux de Cernay, Paris, France (hosted by Alba Graduate Business School and sponsored by Sage).

Klaus Heine presented the paper 'From Incentive Regulation to Incentive Channeling - The Case of Energy Markets' at the 11<sup>th</sup> European Academy of Management conference in Tallinn, 1-4 June.

Klaus Heine and Michael Faure presented the paper 'Insurance for Financial Crisis?' at the 15<sup>th</sup> International Society for New Institutional Economics at Stanford University, Palo Alto, 16-18 June.

On 23 June, Klaus Heine organised the workshop 'Understanding Legal Evolution' at the Erasmus School of Law. The workshop included presenters and discussants from abroad and from the Erasmus School of Law.

On 23 September, Klaus Heine and Michael Faure presented the paper 'Insurance for Financial Crisis?' at the 28th Annual Conference of the European Association of Law and Economics in Hamburg, Germany.

On 28 October, Klaus Heine and Florian Baumann presented the paper 'Innovation, Tort Law, and Competition' at the 2011 Meeting of the German Law and Economics Association at Bonn University.

On 3 October, Klaus Heine and Michael Faure presented the paper 'Insurance for Financial Crisis?' at the 2011 Banking Law Symposium 'Crisis Management and the use of Government Guarantees' at OECD, Paris.

On 28 October, Klaus Heine and Florian Baumann presented the paper 'Innovation, Tort Law, and Competition' at the 2011 Meeting of the German Law and Economics Association at Bonn University.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

For the upcoming EURAM conference at the Erasmus University (6-8 June 2012), a track proposal by Klaus Heine, Fabian Homberg (Lecturer in Human Resources and Organizational Behaviour at Bournemouth University, UK) et al. has been accepted (title: 'Work motivation in the public sector: Exchanges with the Organisational Behaviour field').

### **C.J.S. Hodges**

Scientific publications in 2011 that relate to the research programme:

Hodges, C.J.S., 'A Market-Based Competition Enforcement Policy', *European Business Law Review* 2011, p. 261.

Hodges, C.J.S., 'Public and Private Enforcement: The Practical Implications for Policy Architecture', in: Brownsword, R., Micklitz, H.W., Niglia, L. & Weatherill, S. (Eds.), *The Foundations of European Private Law*, Oxford: Hart Publishing, 2011, p. 437-452.

Hodges, C.J.S., 'Objectives, mechanisms and policy choices in collective enforcement and redress', in: Steele, J. & Boom, W.H. van (Eds.), *Mass Justice. Challenges of Representation and Distribution*, Cheltenham: Edward Elgar 2011, p. 101-117.

Hodges, C.J.S., 'European Competition Enforcement Policy: Integrating Restitution and Behaviour Control. An Integrated Enforcement Policy, Involving Public and Private Enforcement with ADR', *World Competition* 383, 2011, 34(3).

Hodges, C.J.S., 'The European Approach to Justice and Redress' (2011) 53 *Canadian Supreme Court Law Review* (2d), 301.

#### Presentations:

Chris Hodges spoke at the Summit on Alternative Dispute Resolution in the European Parliament on 16 March 2011.

Chris Hodges delivered a keynote speech 'The European Approach to Justice and Redress' at the Conference 'Accessing Justice: Appraising Class Actions Ten Years After Dutton, Hollick & Rumley' at the University of Windsor, Canada on 28/29 March 2011. The paper will be published in the Supreme Court Law Review.

Chris Hodges presented a paper on 'Developments in Collective Redress in the United Kingdom: the Buncefield Case' at the 2011 Law and Society Association annual meeting, 2 June 2011, in San Francisco. This was part of a series of case studies that are being assembled on class actions around the world by the Global Class Actions Network, which Hodges co-chairs with Professor Deborah Hensler of Stanford and Professor Ianika Tzankova of Tilburg.

On 13 September, Chris Hodges presented a seminar on EU Redress at the Chamber of Commerce, Ljubljana, Slovenia.

On 22 September, Chris Hodges spoke at the hearing on collective redress for competition damages at the Economic and Monetary Affairs Committee of the European Parliament in Brussels.

Hodges also spoke on consumer ADR at the EU Internal Market Summit, organised by the Polish Presidency, the EU Commission, and Parliament at Krakow on 3 October.

On 7 October, Chris Hodges spoke on EU collective redress and ADR at the annual conference of the European Justice Forum, New York.

On 13-14 October, Chris Hodges spoke on 'EU collective redress and ADR' at the ERA annual conference on EU consumer law, Trier.

On 7 December, Chris Hodges spoke at the seminar on 'EU Consumer ADR' organised by the European Justice Forum in Brussels.

On 8 December, Chris Hodges chaired the panel on 'Who's paying? Developments in Funding' at the 5<sup>th</sup> Annual Conference on Class Actions, The Hague.

On 13 and 14 December, Chris Hodges was the principal speaker at two conferences in Vilnius, Lithuania, on 'EU Collective Redress and Consumer ADR' and 'Competition Damages and redress,' organised by the Ministry of Justice of Lithuania and Raidla Lejins & Norcus.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

The European Commission appointed Chris Hodges rapporteur for the workshop on ADR at the European Consumer Summit in Brussels on 11/12 April 2011.

#### **R. Houweling**

Houweling, A.R., 'ZZP: wat wil, moet en doet het arbeidsrecht ermee?', *ArbeidsRecht*, 2011, 18(8/9), p. 14-18.

Houweling, A.R. & Loonstra, C.J., *Het concurrentiebeding in de arbeidsovereenkomst* (Bakelsreeks), Den Haag: BJu 2011.

## **N. Huls**

Scientific publications in 2011 that relate to the research programme:

Huls, N., 'Jurisimprudentie of recht als mensenwerk? Een essay over recente rechterlijke openbaringen', *Nederlands Juristenblad* 2011, 16, p. 1045-1051.

Huls, N. & Stoter, S. 'Welke rol spelen ambtenaren achter de schermen van het wetgevingsproces?' in: Hertogh, M. & Weyers, H., *Recht van onderop. Antwoorden van de rechtssociologie*, Ars Aequi Libri 2011, p. 19-40.

Huls, N., 'Consumer Bankruptcy: A third way between autonomy and paternalism in private law', in: Ogun, A. & Boom, W.H. van (Eds.), *Juxtaposing Autonomy and Paternalism in Private Law*, Oxford: Hart Publishing 2011, p. 73 -94.

## **J. Klick**

Abortion Access and Risky Sex, in: Research Handbook on the Economics of Family Law (Lloyd R. Cohen & Joshua D. Wright (Eds.), Elgar 2011).

## **S.D. Lindenberg**

Scientific publications in 2011 that relate to the research programme:

Lindenberg, S.D. & Witte, D.H. de, 'Schadevergoeding bij tekortschieten: grondslag en begroting', in: Castermans A.G. e.a. (Eds.), *40 jaar practicum. Rndom onroerend goed* (BWKJ 26), Deventer: Kluwer 2011, p. 159-167.

Maanen, G.E. van & Lindenberg, S.D., *EVRM en privaatrecht: is alles van waarde weerloos?* (Preadviezen 2011 Vereniging voor Burgerlijk Recht), Deventer: Kluwer 2011, 124 pp.

Lindenberg, S.D., 'Legally relevant damage, Art. VI-2:201-VI.2:211', *NTBR* 2011, 49, p. 346-350.

Editorship:

Lindenberg, S.D. & Tillema, I. (Eds.), *Fundamentele rechten en vermogensrecht*, Den Haag: BJu 2011, x + 193 pp.

Presentations/academic lectures:

Advisor expert meeting on the relevance of Psychiatric injury in criminal law, Utrecht, 16 March.

Presentation 20 May at seminar on the occasion of the valedictory address of Anthony Ogun.

At the Annual lus Commune conference on 24-25 November 2011, presentation paper 'On damage and damages'.

Presentation 25 March, Employer's liability, ECTIL, Munich.

Chairing research meeting on Liability for psychiatric damage, Amsterdam, 4 November.

Chairing expert meeting Compensation for non-pecuniary loss, The Hague, 16 November.

Advisor at expert meeting third party loss, Ministry of Safety and Justice, The Hague, 30 November.

Academic debate on Preadvies, The Hague, 7 December.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

The *Commissie Lindenberg* presented its report on compensation after sexual abuse to the institutions of the Dutch Catholic Church in June 2011.

Siewert Lindenberg chaired a research committee of WODC on civil recourse in the case of loss after criminal behaviour.

## **S. Oded**

Scientific publications in 2011 that relate to the research programme:

Oded, S., 'Corporate Monitors: Prosecutorial Balance in Times of Economic Meltdown', *Law Journal of*

*Social Justice*, 2011, Vol. 2, p. 65-99.

Oded, S., 'Inducing Corporate Compliance: A Compound Corporate Liability Regime', *International Review of Law and Economics*, 2011, p. 272-283.

Presentations/academic lectures:

3 December 2011 '*Leniency and Compliance: A Macro View on the Anti Monopoly Law of the People's Republic of China*,' the conference on regulation and competition policy: new developments and empirical evidence, Nanchang, Jiangxi, China.

23 September 2011, '*Targeted Monitoring Systems*,' University of Hamburg, Hamburg, Germany, European Association of Law and Economics (EALE), 2011 Annual Conference.

13 May 2011 BACT seminar 'Corporate Monitors' and 'Deferred Prosecution Agreements'.

### **A.I. Ogus**

Scientific publications in 2011 that relate to the research programme:

Ogus, A.I., 'Legal Systems as Networks', in: Faure, M.G. & Smits, J. (Eds.), *Does Law Matter?*, Cambridge: Intersentia 2011, p. 165-177.

Ogus, A.I., 'Regulation of Prescriptive Periods in an Industrial Context: Justified or Unjustified Complexities?', *DBW Betriebswirtschaft* 71, 2011, 3, p. 235-242.

Garoupa, N., Ogus, A.I. and Sanders A., 'The Investigation and Prosecution of Regulatory Offences: Is There An Economic Case for Integration' (with N. Garoupa and A. Sanders) (2011) *Cambridge Law Journal* 70, 2011, p. 229-259.

Editorship:

Ogus, A.I. & Boom, W.H. van (Eds.), *Juxtaposing Autonomy and Paternalism in Private Law*, Oxford: Hart Publishing 2011, vi +243 p.

Presentations/academic lectures:

May 20, "Afscheidslezing" [farewell lecture] on 'Legal Interventions: How, When and Whether'.

"Law and Economics: Lessons for the Regulation of Taxis and Private Hire Vehicles", paper presented at the Symposium on Regulation and Law Reform, University of Warwick, 14 September 2011.

### **A. Paccès**

Scientific publications in 2011 that relate to the research programme:

Paccès, A.M., 'Controlling the Corporate Controller's Misbehaviour', *Journal of Corporate Law Studies*, 2011, vol. 11, 1, p. 177-214.

Paccès, A.M., 'How does Corporate Law Matter? Law and Finance and Beyond', in: Faure, M.G. & Smits, J. (Eds.), *Does Law Matter? On Law and Economic Growth*, Antwerp: Intersentia 2011, pp. 297-329.

Paccès, A.M. & Visscher, L.T., 'Law and Economics – Methodology', in: Klink, B. van & Taekema, S. (Eds.), *Interdisciplinary Research into Law*, Berlin: Mohr Siebeck, p. 85-107.

Presentations/academic lectures:

A.M. Paccès (2011), Liquidity Crisis in the Perspective of Uncertainty: Law and Economics. Presented at the Seventh Annual Conference of the Italian Society of Law and Economics (Turin, 16 December 2011).

L. Enriques, R.J. Gilson, A.M. Paccès (2011), "The Case for a Neutral Takeover Law." Presented at the conference on Fiduciary Duties in Corporate Law in honour of Delaware Chancellor Leo E. Strine (Tilburg, 4 November 2011).

A.M. Paccès (2011), "Liquidity, Uncertainty, and Financial Crisis: Law and Economics Implications." Presented at the XXVIII Annual Conference of the European Association of Law and Economics (Hamburg, 23 September 2011).

A.M. Paccès (2011), "Liquidity, Uncertainty, and Financial Crisis: Policy Implications." Presented at the 8th EIASM Workshop on Corporate Governance (Brussels, 31 May 2011).

Invited discussant of H-B Shaefer, The Sovereign Debt Crisis in Europe, Save Banks not States, Keynote speaker at the the Seventh Annual Conference of the Italian Society of Law and Economics (Turin, 16 December 2011).



Invited Lecture on “EU regulatory framework for credit rating agencies: a preliminary assessment”, European Central Bank, Frankfurt – 21 October 2011.

Invited Lecture on “Liquidity and Financial Crisis: Policy Implications”, Research Institute of Industrial Economics (IFN), Stockholm – 18 May 2011.

Invited Presentation on “The Economic Rationale of Controlling Shareholders: Implications for Corporate Law,” Confederation of Swedish Enterprises, Stockholm – 19 May 2011.

Meeting of ECGI Research Members with the European Commission and the European Parliament on the follow up on the EU green papers on corporate governance, Brussels –8 September 2011

Sixth Symposium of the contributors to the European Company and Financial Law Review: "Central Banks & Financial Markets" - Zurich, 30 September 2011

European Corporate Governance Institute, 2011 General Assembly and Annual Lecture, Amsterdam, the Netherlands, 8 April 2011

### **S.B. Pape**

Scientific publications in 2011 that relate to the research programme:

Pape, S.B., Warnings and product liability. Lessons learned from cognitive psychology and ergonomics, Den Haag: Eleven International Publishing 2011, xv + 499 pp.

### **J.J. Rachlinski**

Scientific publications in 2011 that relate to the research programme:

Rachlinski, J.J., Wistrich, A.J. & Guthrie, C., ‘Probability, Probable Cause, and the Hindsight Bias’, 8 J. Empirical Legal Studies 2011, p. 72-98

Rachlinski, J.J., ‘The Psychological Foundations of Behavioral Law and Economics’, 2011 University of Illinois Law Review 2011, p. 1676 ff

Rachlinski, J.J., ‘Evidence-Based Law’, 96 Cornell Law Review, 2011, p. 901 ff

Rachlinski, J.J., ‘Processing Pleadings and the Psychology of Prejudgment’, 60 DePaul Law Review, 2011, p. 413 ff

2011 presentations:

Dag Van Het Oordeel (“Judgment Day”), presented at the Dutch Judicial Council, 8 December, 2011, Den Haag, The Netherlands.

How Judges Think, New Jersey Judicial College, Teaneck, New Jersey, 21 November 2011.

Predictable Misjudgment: How Intuition Misleads Lawyers, Judges, and Others, the 98<sup>th</sup> Dies Natalis for Erasmus University, Rotterdam, The Netherlands, 8 November 2011.

Why Heightened Pleading—Why Now?, presented at the Matthew Fogg Symposium on the Vitality of Stare Decisis in America, University of Baltimore School of Law, Baltimore MD, 21 October 2011.

The Working of the Judicial Mind, presented at the New York City Administrative Judicial Institute, New York City, 12 October 2011.

Intuition, Deliberation, and Good Judgment, Osgood Hall Law School Faculty Workshop, 29 September, 2011; also presented at the Ontario Securities Commission, 30 September 2011.

Psychological Factors Affecting Judicial and Administrative Decision-Making, presented at the Osgoode Center for Professional Development, 30 September 2011.

Inside the Judicial Mind: How Judges Decide Cases, presented before the Texas Association of Civil Appellate and Trial Specialists, Houston, TX, 23 September 2011; also presented at the law firm of Pels Rijken, Den Haag, Netherlands, 7 November 2011 and as a distinguished lecture at the University of Vienna Faculty of Law, 16 November 2011.

Decision Making for Administrative Law Judges, presented at the National Association of Administrative Law Judges Annual Meeting, Santa Fe, NM, 22 September 2011.

New Developments in the Science of Judicial Behavior”, presented at the American Judges’ Association Annual Meeting, San Diego, CA, 14 September 2011.

The Working of the Judicial Mind, Canadian National Judicial Institute Conference on The Art and Craft of Judging, 15 August 2011, St. John’s, Newfoundland, Canada.

Implicit Bias and the Myth of Equal Justice, Presidential Showcase Program, American Bar Annual Meeting, 5 August 2011, Toronto, Canada

Judicial Decision Making, Symposium on Popular Justice: Beyond Judges and Juries at Ecole Superieure, 25 March 2011, Paris, France.

They Saw a Protest, Cognitive Illiberalism and the Speech-Conduct Distinction, Faculty Workshop, Erasmus University School of Law, 24 March 2011.

Blinking on the Bench: How Judges Make Decisions, Texas Litigation Update/Texas Bar Association Annual Meeting, 19 January 2011, San Antonio, TX.

Implicit Bias, American Bar Association Section on Litigation, Annual Leadership Meeting, 15 January 2011, Vail, CO.

#### **A. Stadler**

Scientific publications in 2011 that relate to the research programme:

Stadler, A., 'Cross-border mass litigation - a particular challenge for European Law', in: Steele J. & Boom, W.H. van (Eds.), *Mass Justice - Challenges of Representation and Distribution*, Cheltenham: Edward Elgar Publishing 2011, p. 73-100.

Stadler, A., 'Moderne Konzeptionen und Aufgaben der Verbandsklage', in: Rengier & Yamanaka, *Die gegenwärtigen Aufgaben des Rechts in sich ändernden Sozialsystemen*, Symposium Osaka 2010, p. 93-105 , online publication: <http://kops.ub.uni-konstanz.de/>

Stadler, A., 'Das Kapitalmarktmusterverfahren im deutschen Recht', in: Yuanshi Bu (Ed.), *Recht und Rechtswirklichkeit: Dialog zwischen Deutschland und China über die prozessuale Durchsetzung privater Ansprüche* (Tagung Juni 2010, Freiburg), Mohr Siebeck 2011, p. 147-161.

Stadler, A., 'Struktur, Stil und Regelungstechnik des DCFR', in: Festschrift für Ingeborg Schwenzer, Bern: Stämpfli Verlag 2011, p. 1605 - 1621.

#### **M.W. Scheltema**

Scientific publications in 2011 that relate to the research programme:

Scheltema, M.W., 'Het wetsvoorstel schadevergoeding bij onrechtmatige besluiten en rechtsmachtverdeling bij onrechtmatige daad', *Themanummer overheidsaansprakelijkheid. Verkeersrecht. Juridisch Maandblad Wegverkeer*, 2011, vol. 7/8, p. 205-208.

Scheltema, M.W., 'Relativiteit in het DCFR', *Themanummer DCFR Nederlands Tijdschrift voor Burgerlijk Recht (NTBR)*, 2011, nr? p. 344-345.

Scheltema, M.W., 'Bestuur en Privaatrecht', *Nederlands Tijdschrift voor Bestuursrecht (NTB)*, 2011, vol. 9, p. 290-293.

Scheltema, M.W., 'Het wetsvoorstel nadeelcompensatie en schadevergoeding bij onrechtmatige besluiten en de geldschuldenregeling in de Awb', in: Polak, J.E.M. e.a. (Ed.), *Vol. 3. Overheid en aansprakelijkheid*, Deventer: Kluwer 2011, p. 120-127.

Scheltema, M.W. (2011). Het wetsvoorstel schadevergoeding bij rechtmatige overheidsdaad (Themanummer overheidsaansprakelijkheid). *Verkeersrecht. Juridisch Maandblad Wegverkeer*, 7/8, 200-205.

#### **M.L. Tuil**

Scientific publications in 2011 that relate to the research programme:

Tuil, M.L. (2011). Beter burgerlijk recht: Naar een beter systeem van voorrechten. Een rechtseconomische analyse van voorrechten. *Nederlands Tijdschrift voor Burgerlijk Recht (NTBR)*, 2011(6), 276-279.

Presentations/academic lectures:

Tuil, M.L. (April 2011). Beter zekerhedenrecht. Den Haag, Vergadering Vereniging voor Burgerlijk Recht.

Tuil, M.L. (June 2011). Experimenten op het gebied van de proceskosten(veroordeling). Rotterdam, Eerste Nederlandse Civillologiecongres.

Tuil, M.L. (May 2011). Long-term effects of litigation cost rules. Rotterdam, Research seminar on the occasion of the valedictory lecture of Professor Anthony Ogus.

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

Member of the board of editors of the legal journal *Maandblad voor Vermogensrecht*

### **A.M.I.B. Vandenberghe**

Scientific publications in 2011 that relate to the research programme:

Vandenberghe, A.M.I.B., 'Behavioural Approaches to Contract Law', in: Geest, G. de (Ed.), *Contract Law and Economics*, Cheltenham: Edward Elgar 2011, p. 401-429.

Vandenberghe, A.M.I.B., 'Non-Discrimination on the grounds of age and disability in private contracting for goods and services: Economic analysis of the European 2008 Proposal for a new Directive', *Zeitschrift für Europäisches Privatrecht*, 2011(2), p. 235-262.

Vandenberghe, A.M.I.B., 'The Economics of Non-Discrimination', in: Schulze, R. (Ed.), *Non-Discrimination in European Private Law*, Tübingen: Mohr Siebeck, p. 9-26.

Vandenberghe, A.M.I.B., 'The Role of Information Deficiencies in Contract Enforcement', in: Boom, W.H. van & Ogus, A.I. (Eds.), *Juxtaposing Autonomy and Paternalism in Private Law*, Oxford: Hart Publishing 2011, p. 43-71.

Presentations/academic lectures:

1 and 8 April 2011: Guest lectures '*Economic analysis of contract law*' in the Course Economic Analysis of Law, Katholieke Universiteit Leuven, Belgium.

15-16 March 2011: Guest lectures in the course Economic Analysis of Law, Gent University, Belgium.

4 October 2011: Guest lecture '*Employment contract law and economics*', University of Ljubljana

18 February 2011 : VUB, Vrije Universiteit Brussel , Conference « Wilsautonomie, contractvrijheid en ondernemingscontracten. Welke toekomst beschoren? », paper presentation 'The limits of freedom of contract: Insights from Law and Economics' with Louis Visscher.

23 September 2011: Rotterdam, Symposium Law and Religion in the 21<sup>st</sup> Century, paper presentation 'The relationship between law, social norms and religion from an economic perspective'.

9 December 2011: Erasmus School of Law, BACT seminars, paper presentation 'The relationship between law, social norms and religion from an economic perspective'.

### **L.T. Visscher**

Scientific publications in 2011 that relate to the research programme:

Faure, M.G. & Visscher, L.T., 'The Role of Experts in Assessing Damages – A Law and Economics Account', *European Journal of Risk Regulation*, 2011-3, p. 376-396.

Visscher, L.T., 'Wrongfulness as a Necessary Cause of the Losses - Removing an Alleged Difference between Strict Liability and Negligence', *Economic Analysis of Law Review* 2(2) 2011, p. 188-203.

Beldowski, J., Metelska-Szaniawska, K. & Visscher, L.T., 'Law and Economics in Poland – the Past and Present at a Glance', in: Beldowski, J., Metelska-Szaniawska, K. & Visscher, L.T. (Eds.), *Polish Yearbook of Law and Economics. Vol 1 (2010)*, Warsaw: Wydawnictwo C.H. Beck sp. z o.o, p. 3-21.

Paccès, A.M. & Visscher, L.T., 'Law and Economics – Methodology', in: Klink, B. van & Taekema, S. (Eds.), *Interdisciplinary Research into Law*, Berlin: Mohr Siebeck 2011, p. 85-107.

Editorship:

Beldowski, J., Metelska-Szaniawska, K. & Visscher, L.T. (Eds.), *Polish Yearbook of Law and Economics. Vol 1 (2010)*, Warsaw: Wydawnictwo C.H. Beck sp. z o.o.

Beldowski, J., Metelska-Szaniawska, K. & Visscher, L.T. (Eds.), *Polish Yearbook of Law and Economics. Vol 2 (2011)*, Warsaw: Wydawnictwo C.H. Beck sp. z o.o., to be published in 2012.

Aansprakelijkheid, Verzekering & Schade (AV&S), since October 2011  
European Review of Law and Economics (ERLE), since October 2011  
Ars Aequi Kwartaal Signaal Rechtseconomie

**Presentations/academic lectures:**

On 7 and 10 March 2011, Louis Visscher gave lectures at Anton de Kom University at Paramaribo, Suriname: "Law and Economics, an introduction" and "Economic Analysis of Government Contracts", for the master programme Legislative lawyers (in cooperation with the Academy for Legislation).

On 18 and 25 March 2011, Louis Visscher gave a guest lecture "Economic Analysis of Law" at the Katholieke Universiteit Leuven.

On 23 and 30 March 2011, Louis Visscher gave guest lectures "Law and Economics" at Ghent University Gent.

On 10 May 2011, Louis gave a lecture at the Academie voor Wetgeving in The Hague: Economic Analysis of Law.

18 February 2011, conference *Wilsautonomie, contractvrijheid en ondernemingscontracten - Welke toekomst beschoren?*, presentation paper 'The limits of freedom of contract: insights from Law and Economics', co-presentation with Ann-Sophie Vandenberghe.

Annual Ius Commune conference November 24-25, 2011, "Stretching the Concept of Damage and Damages". Louis Visscher.

**Miscellaneous (research projects, awards, distinctions, other evidence of reputation):**

Visscher, L.T., 'Reactie op: Je geld of je leven', *ESB* 2011, p. 61;

Kerkmeester, H.O. & Visscher, L.T. (2011). Rechtseconomie. *Ars Aequi KwartaalSignaal*, 2011(119 -June), 6706-6707;

Kerkmeester, H.O. & Visscher, L.T. (2011). Rechtseconomie. *Ars Aequi KwartaalSignaal*, 2011(121 - December), 6839-6840.

**G.W. van der Voet**

**Scientific publications in 2011 that relate to the research programme:**

Voet, G.W. van der & Bruyninckx, E.L.L., 'Reimbursement of costs of expert support to Participation Bodies in The Netherlands', *European Employment Law Cases*, 2011, p. 30-34.

**G. Wagner**

**Scientific publications in 2011 that relate to the research programme:**

Wagner, G., 'Collective Redress. Categories of Loss and Legislative Options', *Law Quarterly Review* 2011, 127, p. 55-82.

Wagner, G., 'Vicarious Liability', in: Hartkamp, A.S. e.a. (Eds.), *Towards a European Civil Code, Fourth Revised and Expanded Edition*, Alphen aan den Rijn: Kluwer Law International 2011, p. 903-920.

Eidenmüller, H. e.a., 'Towards a revision of the consumer acquis', 48 *Common Market Law Review* 2011, p. 1077-1123.

Wagner, G., 'Mandatory Contract Law: Functions and Principles in Light of the Proposal for a Directive on Consumer Rights', in: Ogus, A. & Boom, W.H. van (Eds.), *Juxtaposing Autonomy and Paternalism in Private Law*, Oxford: Hart Publishing 2011, p. 9-42.

Wagner, G., 'Zwingendes Vertragsrecht', in: Eidenmüller, H. e.a. (Eds.), *Revision des Verbraucher-acquis*, Tübingen: Mohr Siebeck 2011, p. 1-52.

Wagner, G., 'Der Produktrückruf zwischen öffentlichem Sicherheits- und privatem Vertrags- und Deliktsrecht', in: Hecker, B. e.a. (Eds.), *Aktuelle Probleme des Umwelt- und Technikrechts*, 2011, p. 51-78.

**Editorship:**

Zeitschrift für Europäisches Privatrecht

Archiv für die civilistische Praxis

**Presentations/academic lectures:**

Workshop presentations at the University of Chicago Law School:

- Rethinking Class Actions
- The Choice between Tort, No-Fault Schemes, and Social Security

Presentation at conference in honour of Anthony Ogus (in Rotterdam) on *Comparative Research Styles*.

## **F. Weber**

Scientific publications in 2011 that relate to the research programme:

Weber, F. & Boom, W.H. van, 'Dutch Treat: the Dutch Collective Settlement of Mass Damage Act (WCAM 2005)', *Contratto e impresa / Europa* 2011-1, p. 69-79.

Weber, F., 'European integration assessed in the light of the "rules vs. standards debate"', *European Journal of Law and Economics*, 2011

Weber, F., 'Assessing existing enforcement mechanisms in consumer law – the unavailability of an allrounder', *Swedish Journal of European Law* (ERT, Europarättslig tidskrift), 2011-3, p. 536-554.

Presentations/academic lectures:

'Law, regulation, and comparative legal cultures' – Anthony Ogus Seminar

3 February, presentation "Package Travel vs. Misleading advertisement – optimal enforcement scenarios", Barcelona, seminar at Pompeu Fabra, Prof. Gomez-Pomar

EDLE Closing seminar, 3/4 March, Maastricht, presentation: 'European Integration assessed in the light of the rules vs. standards debate'

16 March: PhD lunch presentation 'The optimal mix of public and private enforcement – a case scenario in package travel', Erasmus University Rotterdam, Law Faculty

24 – 26 June, 'Protecting Consumers in Recessions', 13<sup>th</sup> IACL Conference (International Association of Consumer Law), Brunel University, presentation: Which role for insolvency funds in recessions?

22 – 24 September, EALE conference, Hamburg, presentation: 'European Integration assessed in the light of the rules vs. standards debate'

28/29 October, GLEA, Bonn, presentation: 'European Integration assessed in the light of the rules vs. standards debate – the case of consumer law enforcement'

Miscellaneous (research projects, awards, distinctions, other evidence of reputation):

Spanish legal qualification, aptitude test 14 – 24 June/ 3 September, Madrid.

Admission to the Ilustre Colegio de Abogados de Madrid (December 2011).

## **R. Westrik**

Scientific publications in 2011 that relate to the research programme:

Westrik, R. en Van Dooren, S.M.M., De 'samengestelde rechtshandeling' en de Actio Pauliana, *Weekblad voor Privaatrecht, Notariaat en Registratie (WPNR)*, 2011, 6879, p. 246-254.

Westrik, R. and Weide, J.M. van der, Party Autonomy in (International) Property Law: What is going on?, in, *Party Autonomy in International Property Law*, Sellier European Law Publishers, Munich, 2011, Sellier European Law Publishers, Munich, 2011, p. 1-7.

Editorship:

Westrik, R. and Weide, J.M. van der, *Party Autonomy in International Property Law*, Sellier European Law Publishers, Munich, 2011.

Presentations/academic lectures:

BACT seminar 18 February 2011, Property Law and Party Autonomy in Private International Law.