

# Behavioural Approaches to Contract and Tort: Relevancy for Policymaking

Annual report 2016



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# 1. Key Facts of 2016

- Xandra Kramer has been awarded the prestigious ERC consolidator grant for the project Building EU Civil Justice: Challenges of Procedural Innovations Bridging Access to Justice.
- BACT has organized in Rotterdam conferences on European Civil Procedure, Smart Mixes in Transboundary Harm, and Legal Cultures in Personal Injury Claims.
- 5 BACT researchers have defended their PhD.
- Niels Philipsen has been appointed on the chair Shifts in Private and Public Regulation; Klaus Heine has been appointed as director of the Erasmus Graduate School of Law (EGSL); and Siewert Lindenberg has been appointed as co-director of the BACT research programme.



## 2. Behavioural Approaches to Contract and Tort

### The Research Programme

The aim of the program is to explicate what expectations on human behaviour are embedded in legal instruments, in what ways these expectations are or are not met, and how behavioural insights can be incorporated in ameliorating legal instruments. The overarching research question of the program is how individual and/or group behaviour is affected by legal rules. The legal rules can pertain to contract and tort, as well as mixes of public and private legal instruments.

The central research question is addressed by different legal and behavioural approaches, primarily focusing on empirical and policy relevant research. Some of the behavioural approaches aim to test the tenability of presumptions of human behaviour underlying legal instruments. Other behavioural approaches use assumptions on human behaviour in order to predict how parties behave in legal settings.

The methodological approach of the research program is interdisciplinary, and the research team includes legal scholars specializing in contract, tort, property and corporate law, and civil procedure, as well as scholars specializing in law and economics, and sociology or psychology of law. For the full description of the research programme, please visit

<https://www.esl.eur.nl/research/programmes/bact/programme/>.

The **Behavioural Approaches to Contract and Tort: Relevance for Policymaking (BACT)** research programme started in 2008.

### Organization of BACT

#### Directors

Since 2013, professors Peter Mascini and Michael Faure lead the programme. In 2015 associate professor Pieter Desmet complemented the team of directors as did professor Siewert Lindenbergh in 2016.

#### Secretarial support team

PhD candidates Evelien Engelhard and Marnix Hebly, together with student assistant Marit Rijndorp, form the BACT secretarial support team. The secretarial support team takes care of compiling the newsletters and the annual reports, and they announce and facilitate the BACT meetings and seminars.

The BACT secretary can be reached via [info.bact@law.eur.nl](mailto:info.bact@law.eur.nl) or (+31) (0)10 408 2360. The student assistant can be reached via [bact.assistant@law.eur.nl](mailto:bact.assistant@law.eur.nl).

### **BACT seminars and Lunch meetings**

Apart from the various BACT-related conferences, symposiums and congresses, there are two types of regular activities: the monthly BACT seminars and Lunch meetings.

In BACT seminars, researchers from both from BACT as well as from other institutions and universities present their work and ideas to the interdisciplinary group of BACT researchers. These seminars are accessible to anyone interested.

The Lunch meetings provide an opportunity to discuss draft papers and other (written) work-in-progress to the core group of BACT researchers.

### **BACT's connection to other institutes**

BACT started in 2008 as a collaboration between the Rotterdam Institute of Private Law and the Rotterdam Institute of Law and Economics. Therefore, legal scholars and economists dominated the start of the program. Since then, the program has been broadened by recruiting empirical scholars with a psychological and sociological background as well.

Established in the year 2000, the Rotterdam Institute of Law and Economics (RILE) is set to carry out the task of promoting and furthering the development of Law and Economics, across the Netherlands, but also worldwide. A comprehensive training programme is offered for scholars ranging from undergraduate level to specialised teaching and the option for PhD studies. Furthermore, RILE aims at proliferating the academic discourse on Law and Economics through organizing conferences and workshops, as well as publications in books and leading journals. Currently, areas of study cover both Old Law and Economics (competition law and economic regulation) and New Law and Economics (constitutional law, contract law, tort law, insurance law and corporate law). Besides the analysis of rules of substantive law, attention is also paid to methodological problems of Law and Economics.

The European Doctorate in Law & Economics (EDLE) is one of the largest doctorate programmes in the field of law and economics. It is a joint doctoral programme by four of the leading European universities: the Universities of Bologna, Hamburg, Rotterdam and Haifa. The stipend-based programme aims at addressing a new class of outstanding PhD researchers from all over the world. In addition, the RILE is involved in the European Master in Law and Economics (EMLE) programme, a conglomerate of 9 partner universities across Europe and the world, including the University of Aix-Marseille III, the university of Bologna, the University of Ghent, Hamburg University, Haifa University, the Indira Gandhi Institute of Development Research Mumbai, the University of Vienna and the University of Warsaw, in cooperation with the Law and Economics Center of the University of California at Berkeley. The programme prepares economists and lawyers for an academic career in an important research field, or for responsible positions in government, research organisations, and international consulting firms. The European Commission sponsors the EDLE as an excellence programme under the Erasmus Mundus scheme. Prof. Faure is the managing director of the programme.

The Rotterdam Institute of Private Law (RIPL) is committed to in-depth research in the broad field of private law performed by researchers from the Erasmus School

of Law. The Institute fosters the research programme BACT as well as ESL's 'Lex Mercatoria'. The institute's board consists of Professors S.D. Lindenberg (chair of Civil Law), K.F. Haak (chair of Commercial Law), and F.J.M. De Ly (chair of International Private and Comparative Private Law). The research input of the Institute is represented by staff members of the entire ESL Department of Private Law.

The Erasmus China Law Centre (ECLC) is part of the Erasmus School of Law. The Erasmus School of Law has been engaged for many years in a number of research and educational activities with Chinese law schools and other institutions. In order to further structure and reinforce these relations, the Erasmus China Law Centre expands the capacity of teaching and research on Chinese law, increase our competitiveness in instigating Chinese law-related projects, and strengthens the advisory work to the government and business community.

# 3. People

## BACT researchers in 2016

### **Professors**

Prof. R.J. van den Bergh	<i>Chair of Law and Economics</i>
Prof. C.W. Engel	<i>Erasmus Chair for Experimental Legal Studies</i>
Prof. M.G. Faure	<i>Chair of Comparative Private Law and Economics</i>
Prof. K. Heine	<i>Chair of Law and Economics</i>
Prof. J.M. Klick	<i>Erasmus Chair of Empirical legal studies</i>
Prof. X.E. Kramer	<i>Chair of European Civil Procedure</i>
Prof. P.C. Leyens	<i>Chair of Empirical Legal Studies</i>
Prof. S.D. Lindenbergh	<i>Chair of Private Law</i>
Prof. P. Mascini	<i>Chair of Empirical Legal Studies</i>
Prof. A.M. Paccès	<i>Chair of Law and Finance</i>
Prof. N.J. Philipsen	<i>Chair of Shifts in Private and Public Regulation</i>
Prof. J.J. Rachlinski	<i>Erasmus Chair of Empirical legal studies</i>
Prof. N.J. Rickman	<i>Chair of Costs and Benefits of Regulation</i>
Prof. H.N. Schelhaas	<i>Chair of Private Law</i>
Prof. M.W. Scheltema	<i>Chair of Enforcement Issues in Private Law</i>
Prof. L.T. Visscher	<i>Chair of Legal Economic Analysis of Tort and Damages</i>

### **Associate Professors**

Dr. P.T.M. Desmet  
Dr. A.M.I.B. Vandenberghe  
Dr. R. Westrik

### **Assistant Professors**

Dr. P.D.N. Camesasca  
Dr. S. Oded  
Dr. K.K.E.C.T. Swinnen

### **Postdocs**

Dr. M. Fabbri  
Dr. E. Kantorowicz – Reznichenko  
Dr. J. Liu  
Dr. C. Reinders-Folmer  
Dr. M. Soentken

## BACT PhD candidates in 2016

Shilpi Bhattacharya (EDLE/EM)	<i>Should Competition Law Consider the Irrationality of Firms?</i>
Cheng Bian (ECLC)	<i>Comparative Study on National Security Review Systems Regarding Foreign Capital Mergers and Acquisitions in China, USA and EU</i>
Miriam Buiten (EDLE)	<i>Consumer Collective Redress in Europe: Harmonization versus Regulatory Competition</i>
Yong-Fu Chang (EDLE)	<i>Economic Analysis of Constitutional Environmental Protection and Its Implementation</i>
Elena Demidova (EDLE/EM)	<i>Takeover Regulation in Developing Economies: The case of Russia</i>
Goran Dominioni (EDLE)	<i>Neuro-, Behavioral and Experimental Economics and the Law of Torts</i>
Evelien Engelhard	<i>Improvement initiatives to the personal injury claims process in different jurisdictions. A search for success factors</i>
Ayman Fouda (EDLE)	<i>Innovative Healthcare &amp; Regulations Offered</i>
Monique Hazelhorst	<i>Cross-Border Enforcement and Fundamental Principles of Civil Procedure</i>
Marnix Hebly	<i>The Assessment of Damages and the Effect of Time</i>
Ifrah Jameel (EDLE)	<i>The Impact of Capital Regulation on Innovative Banking in Emerging Countries – An Empirical Analysis</i>
Chih-Ching Lan (EDLE)	<i>A Law and Economics Perspective on Climate Change Mitigation Measures by Developing Countries Using a Sectoral Approach</i>
Li Shu (ECLC)	<i>Building a Fair-balancing System of Copyright Enforcement in Cyberspace – Lessons for China from the EU Experience</i>
Maria Madi (EDLE)	<i>Shadow Mergers and Acquisitions a comparative Study of Collaborative Agreements and the Challenges for Merger Control Policies in Brazil</i>
Edoardo Martino (EDLE)	<i>Law and Economic Analysis of Banks Governance in the Shadow of Bail-in Regulation: a Virtuous Circle?</i>
Thomasz Mielniczuk (EDLE/EM)	<i>Agency problems and solutions in anti-cartel enforcement</i>

Shaheen Naseer (EDLE/EM)	<i>Bureaucratic inertia: implications for public policy</i>
Bernold Nieuwesteeg (EDLE)	<i>The Economics of Cyber Security Law</i>
Alina Ontanu	<i>Uniform European Procedures, a way to Efficient Cross-border Litigation and Enforcement? A comparative Research</i>
Ekaterina Pannebakker	<i>Are Intentions Binding? Developing a Harmonised Legal Approach to Letter of Intent in International Contracting</i>
Shivans Rajput (EDLE)	<i>Maximum Retail Price – A Law and Economics Analysis</i>
Kuang-Jung Peng	<i>Legal Issues with Financial Technologies</i>
Renny Reyes (EDLE)	<i>Regulatory Governance Cycle: The Latin-American Developing Countries</i>
Joé Rieff (EDLE/EM)	<i>Increased Fiscal Coordination between European Member States: A necessity to further market integration?</i>
Aster Schreuder	<i>The normative aspects of the assessment of damages</i>
Erlis Themeli	<i>Civil Justice Competition and Choice of Court in the EU</i>
Ilja Tillema	<i>Third-party Funding of Mass Litigation</i>
Yixin Xu (ECLC)	<i>A Regulatory Design for Sustainable Forest Carbon Project: Combining Climate Change, Biodiversity and Land Degradation</i>
Xiao Xun (ECLC)	<i>Director's Duties and Liabilities in Corporate Law in China</i>
Yayun Shen	<i>Building Green under Holistic Legal Regime in China: A Comparative Study on Green Building Law</i>
Bo Yuan (ECLC)	<i>Reconsidering Litigation and Arbitration in Law and Practice: Foreign-related commercial dispute settlement in China</i>

## Other EDLE PhD candidates

- Ritchelle Alburo (EDLE/EM, Bologna), *Should Water be Privatized? A Theoretical and Empirical Analysis of Ownership-Performance Nexus*
- Ahmed Arif (EDLE/EM, Bologna), *Securitization and Risk Management in Banking: The Role of Regulation*
- Giulia Barbanente (EDLE/EM, Hamburg), *Economic Analysis of Indigenous Property Rights in Sub-Saharan Africa*
- Marco Baudino (EDLE, Bologna), *Urbanization and growth*
- Cíntia Bezerra de Melo Pereiro Nunes (EDLE/EM, Hamburg), *Regulation of petroleum industry in Brazil*

- Stephen Billion (EDLE, Haifa), *Stock Market Investing as a Current Consumption Activity and its Implications for Stock Market Regulation*
- Danny Blaustein (EDLE/EM, Bologna), *Venture Capital in Europe*
- Mulugeta Asefa Bogale (EDLE, Hamburg), *Labor Regulation, Informality and Economic Growth in SSA: An Empirical Analysis*
- Kan-Hsueh Chiang (EDLE, Haifa), *Does Information Cost lead to Medical Moral Hazard?– Evidence from Taiwan National Health Insurance*
- Salvini Datta (EDLE, Bologna), *Freeing pharmaceutical trade: A Law and Economics Analysis of the Transatlantic Trade and Investment Partnership (TTIP) agreement*
- Mostafa Talal Atef El Far (EDLE, Hamburg), *International Economic Law and Domestic Legislations in MENA region: Egypt, Jordan and Morocco*
- Thiago Fauvrelle (EDLE, Hamburg), *A Law and Economics Analysis of the Sovereign Bonds' Market*
- Elena Ghibbellini (EDLE, Bologna), *Bank Crises and State Aid*
- Damiano Giacometti (EDLE, Bologna), *Experimental Economics on Credence Goods / Market for Taxi Rides*
- Etleva Gjonça (EDLE/EM, Bologna), *European Banking: Competition Policy and Regulation*
- Yugank Goyal (EDLE/EM, Hamburg), *Essays on Informal Market Institutions: Select Experience from India*
- Jian Jiang (EDLE, Haifa), *How Financial Regulation may be affected by crises*
- Dirk Heine (EDLE/EM, Hamburg), *Optimal Institutional Setup for Environmental Fiscal Policy Considering Interaction Effects with Environmental Law Pursued by other Institutions and Labor Market Consequences*
- Gemelee Hirang (EDLE, Bologna), *Non-Tariff Barriers and Regional Integration: A Study on the Strengths and Weaknesses of the ASEAN Economic Blueprint*
- Bryan Kareem Khan (EDLE, Hamburg), *Optimal Scope for Rights of Broadcasting Organizations and Markets for Signal-Re-transmission*
- Maximilian Kerk (EDLE, Bologna), *Governance of Inter-firm Cooperation*
- Shu Li (EDLE, Rotterdam), *Rethinking Intellectual Property Law in the Age of Disruptive Technology: 3D Printing and its Implications*
- Ekaterina Lomtadze (EDLE, Hamburg), *An Economic Analysis of Justifiability of Social Rights*
- Maria De Campos (EDLE, Hamburg), *Nudging – Long-term effectiveness and viability*
- Daniel Pi (EDLE/EM, Bologna), *Foundations of Law and Economics*
- Eman Rashwan (EDLE, Hamburg), *The Impact of Political Transformations on Constitutional Reforms after Arab Spring: Case Study of Egypt and Tunisia*
- Filippo Roda (EDLE, Bologna), *Economic analysis of law – Fee-shifting rules in litigation*
- Manuel Rojas (EDLE, Hamburg), *The impacts of anti-drug legislation on judicial efficiency*
- Rahul Sapkal (EDLE/EM, Hamburg), *Essays on Labour Law and Economics: Theory and Empirical Evidence from India*
- Denard Veshi (EDLE, Haifa), *The European management of refugees' movement*
- Akiva Weiss (EDLE/EM, Hamburg), *Economic Effects of Transitional Justice Mechanism in Arab Spring Countries*
- Orlin Yalnazov (EDLE, Hamburg), *The Choice of Remedy for Breach of Contract*

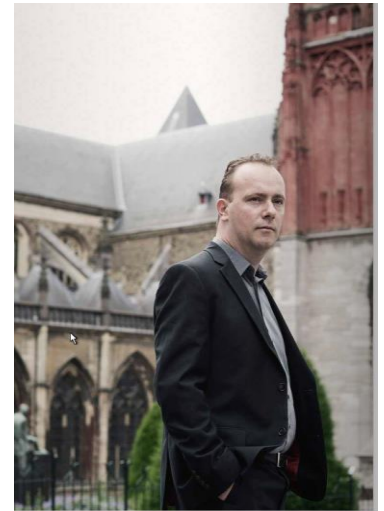


## Appointments

### **Professor of Shifts in Private and Public Regulation: Niels Philipsen**

Niels Philipsen studied Economics (with a specialisation in competition policy) at Maastricht University. He obtained his PhD with the thesis "Regulation of and by pharmacists in the Netherlands and Belgium: An economic approach" at UM Faculty of Law. Philipsen is Senior Researcher and Associate Professor in Law and Economics at the Maastricht European Institute for Transnational Legal Research (METRO), where he is also Vice-Director.

Philipsen conducted research for inter alia the European Commission, OECD, several Dutch Ministries and the International Bar Association. He also worked as a temporary agent for the European Commission (DG Competition) and was a visiting researcher at Peking University and the University of Illinois. From January 2013 to April 2016, he was a member of the FP7 Collaborative Project EFFACE (EU action to fight environmental crime). Since September 2014, he has been project manager of the ITN project TRANSMIC (Transnational Migration, Citizenship and the Circulation of Rights and Responsibilities). Philipsen has written several books and articles.



In July 2016 he was appointed to an endowed chair as Professor of Shifts in Private and Public Regulation at the Erasmus School of Law (0.2 FTE), where he is a member of RILE and BACT. His research in Rotterdam is part of the REI programme 'Shifting from Welfare to Social Investment States: Privatization of Work-Related Risk and Control'.

### **Continuation of Koen Swinnen's affiliation with BACT**

Koen Swinnen will prolong his affiliation with BACT for the next years. In September 2015, he joined the Erasmus School of Law as Assistant Professor Property and Insolvency law. Swinnen previously worked at the Real Estate Department of Altius in Brussels and gained academic experience at both the Catholic University of Leuven (PhD researcher) and the Harvard Law School (visiting researcher), where he was a member of Henry E. Smith's Foundations of Private Law Project.

His current research focusses on how 'new assets' like big data, bitcoins, music downloads, e-books, etc. fit in and/or could be reconciled with today's Property Law and Contract Law. Can someone own these assets? In order to have ownership over something, that something needs to be a thing or a patrimonial right. Since the new assets mentioned before seem not to fall under the definition of both things and patrimonial rights, it looks like they are not liable to ownership. A consequence of that would be that they cannot be sold as sale consists of ownership being transferred from one person to the other. In day-to-day economic and legal practice, however, big data are frequently transferred from one company to the other with large amounts of money being paid. What is the legal status of these transfers? If they cannot be considered sale contracts, what rules apply to them? And does the fact that the assets cannot be owned imply that they cannot be pledged and seized? These and other questions, the answers to which are essential to the development of a lot of companies' optimal market strategy and business plan, are at the core of Swinnen's current research. The *Vereniging voor de vergelijkende studie van het*



*recht van België en Nederland* has also approached Swinnen to write a preliminary report on this topic, which will be presented and discussed at its annual conference.

## Visitors

### **Fatih Deyneli**

*Associate professor at the Pamukkale University Faculty of Business and Administration Department of Public Finance  
June-July 2016*

After his first visit in 2015, Dr. Fatih Deyneli has visited BACT for the second time during the Summer of 2016. During his stay, Deyneli has been working on an international comparison of the impact of key performance indicators on the quality of judicial decision making. He has done literature research and has collected data. Furthermore, he has discussed his work with several members of BACT and has been in contact with officials of the Dutch Council of the Judiciary.

### **Tessa Haesevoets**

*Researcher department of developmental, personality and social Psychology,  
Ghent University  
4 March – 18 March 2016*

From 4 March to 18 March 2016 Tessa Haesevoets stayed as a visiting researcher at the Behavioral Approaches to Contract and Tort (BACT) research program. Tessa works as a researcher at the department of developmental, personality, and social psychology at Ghent University (Belgium). She has been affiliated with the BACT research program since November 2014. Tessa's research interests include the investigation of financial (e.g., monetary compensation) and relational (e.g., apologies) restitutions as means of restoring trust following violations in interpersonal, public, and consumer settings. Additionally, she investigates motivations (e.g., fairness, competitiveness, and greed) relevant to understanding cooperative and defective behaviors in social dilemma situations. Her research relies on both behavioral and neuroimaging approaches.



## 4. Output and Activities

### Educational activities

#### EGSL Review Day 2016



On 26 May, all first-year PhD candidates, including four PhD candidates involved in the BACT research programme, presented their work on the EGSL Review Day, an event that marks the completion of the educational programme in the Graduate School's probationary year. In their ten-minute pitches, Marta Kolacz, Aster Schreuder, Yayung Shen and Alberto Quintavalla presented the progress of their research to fellow PhD candidates, members of doctorate committees and to other colleagues of the Erasmus School of Law. Kolacz's research focuses on legal solutions to problems concerning uncertainties, such as the restriction of competition, legal qualification and liability, in horizontal cargo bundling. Schreuder is studying objectification in the law of obligations concerning the weight of the qualities of parties – which can pertain to the capacity in which they act, their knowledge, expertise, financial means, physical and intellectual capacities etc. – in judgments based on open norms. Shen is performing a comparative study on green building law in both China and the United States. Quintavalla's research focuses on water management in the EU and considers how better water management, in terms of economics, can be achieved in the EU if non-economic values are also associated with the value of water. The pitches were preceded by a speech by the Director of EGSL, Professor Elaine Mak, a key note speech by Professor Martijn Scheltema on the importance of empirical legal research, and were followed by a brief plenary discussion.

This year's Review Day also marked the farewell of the Graduate School's Director, Professor Elaine Mak. She has been appointed Professor of Legal Philosophy and Jurisprudence at Utrecht University. After the farewell speech by the Dean of the Erasmus School of Law, Suzan Stoter, Elaine Mak announced that Klaus Heine, Professor of Law and Economics at the Erasmus School of Law, has been appointed Director of the EGSL. Furthermore, Wouter Verheyen will also join the EGSL.



#### Visit of Professor Ayres from Yale at the Erasmus University

On 23 June 2016, the renowned Law and Economics scholar Ian Ayres (Yale) visited Erasmus University Rotterdam as a guest of the BACT and DOPAS programmes.



Professor Ayres gave a guest lecture as part of the International Lecture Series of Public Administration and Sociology. With the charisma that made him famous worldwide, in his speech "Carrots and Sticks: More Than Just Setting the Right Price" Professor Ayres illustrated to the audience the power – but also the risks – of providing incentives in an attempt to steer people's behaviour toward desired outcomes.

During the same day, a selected group of four PhD students from Erasmus School of Law and from the Department of Sociology had the chance to discuss their research projects with Professor Ayres.

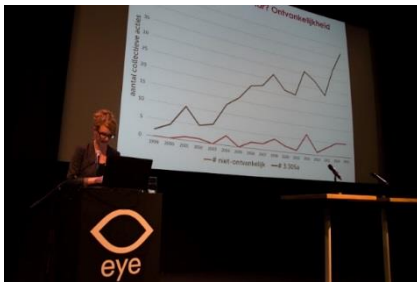
### **Pieter Desmet introduced course in Behavioural Approaches to Private Law**

Pieter Desmet designed a course for the Erasmus University College that was taught for the first time in March and April 2016. The course, entitled 'Behavioural Approaches to Private Law', was designed with the specific goal of encompassing the multidisciplinary research conducted at BACT, and was received very well by the students (the course received an average of 9.6/10 in the general evaluation). In the course, students were introduced to different behavioural perspectives on private law by zooming in on one particular private law topic (damages) and learning how different disciplines can look at that topic. Throughout the course, several of BACT's researchers, with backgrounds in different disciplines (private law (Hebly), economics (Visscher), psychology (Desmet and Reinders-Folmer) and sociology (Mascini) introduced their discipline's perspective and translated their perspective to real-life cases. Because it was received so well this year, the course will be taught again in 2017.

## **Conferences**

### **Symposium 'Towards a collective action for damages?'**

*28 January 2016, the Eye Filmmuseum Amsterdam*



On Thursday 28 January, the symposium 'Towards a collective action for damages?' took place in the Eye Filmmuseum in Amsterdam, co-organised by Radboud University Nijmegen and Erasmus School of Law. Professor Maarten Kroeze chaired the symposium. The aim was to contribute to the debate on the future of collective handling of mass damage in the Netherlands, following the drafting of a preliminary legislative proposal introducing this possibility. Speaking on behalf of Minister Van der Steur, Gerry ter

Huurne, head of the private law department of the Ministry of Security and Justice opened the symposium. She then officially received recommendations for the legislative proposal by legal practitioners, the 'Juristengroep' ('Lawyers Group').

The topic was divided into three main themes. The first theme concerned 'From good to better?' Tomas Arons, assistant professor at Radboud University Nijmegen, discussed the current system – art. 3:305a BW and the WCAM – which only allows foundations to represent claimants and settlements to be declared binding for all participants and concluded that the introduction of a collective action for damages is desirable. Louis Visscher, professor in law and economics at the Erasmus School of Law and involved in the BACT research programme, discussed – also on behalf of Michael Faure – the current system and the legislative proposal from the perspective of law and economics and concluded that the proposal can solve some issues in the current system, yet questioned some details of the proposal.

The second theme concerned 'American situations?' Some expressed their concerns that with the introduction of the legislative proposal, the 'claim culture' will increase. Ilja Tillema, one of BACT's PhD candidates, presented part of her research in which she analysed court cases that ended in a verdict based on art.

3:305a BW from 1999 until 2015. Despite certain restrictions, her study indicates there is no evidence-based cause to fear 'American-style situations' in the Netherlands. Jurjen Lemstra, lawyer and partner at Lemstra Van der Korst, stated that he does not believe a 'claim culture' exists in the Netherlands and stressed the fact that this argument is often used despite the lack of empirical evidence. There are, however, several alarming developments which demand regulation.



The third theme was: 'a reasonable outcome?' Daan Lunsingh Scheurleer, lawyer and partner at the Dutch law firm NautaDutilh, shared his experiences with the current system in practice. He argued for the involvement of a commercial mediator in settlement negotiations between parties and stated that competition between representative organisations can cause problems in practice. Fred Hammerstein, member of the Dutch Supreme Court, concluded there is an urgent need for collective action for damages in practice, yet the legislative proposal needs to balance all the different interests and suggested that the partial dispute procedure (*deelgeschilprocedure*) might provide inspiration.

The symposium concluded with a panel discussion with Paul Coenen (VEB), Olav Haazen (Grant & Eisenhofer and University of Leiden), Jurriaan Jongsma (Shell, on behalf of VNO-NCW-MKB), Koos Peters (Consumers Association) and Ianka Tzankova (University of Tilburg). Several topics, including the scope of the legislative proposal, the role of the judge in a collective action for damages and whether to opt for one exclusive representative or allow competition, were discussed.



### Conference: From Common Rules to Best Practices in European Civil Procedure 25-26 February 2016, Erasmus University Rotterdam

On 25 and 26 February, the conference From Common Rules to Best Practices in European Civil Procedure was held at Erasmus School of Law. The conference was jointly organised by ESL (Professor Xandra Kramer and PhD researchers Alina Ontanu and Monique Hazelhorst) and the Max Planck Institute for International, European and Regulatory Procedural Law in Luxembourg (Professor Burkhard Hess, Director). It brought together leading academics, representatives from the European Commission and the Parliament, consumer and business representatives and practitioners from Europe and beyond. Over 100 people from many different countries participated in the event.



Civil procedure has been one of the focal points of the EU legislator with the aim of furthering judicial cooperation in civil matters and shaping a genuine European justice area. Considerable harmonisation of civil procedure has been achieved in the past fifteen years. Recently, the focus has shifted from establishing new harmonised rules to the actual implementation, application and operationalisation of the instruments. The conference focused on how to move beyond common rules and toward best practices that give body to mutual trust and judicial

cooperation, which can in turn feed the further development of the European civil procedure framework from a bottom-up approach.



After the opening speeches by Fabian Amtenbrink, vice-dean of the ESL, and Xandra Kramer, Burkhard Hess gave an introductory speech underlining the practical and political challenges that lie ahead in consolidating European civil procedure. The legislative officer of the DG Justice, European Commission, Norel Rosner, and the Head of Unit of the Committee of Legal Affairs of the European Parliament, Robert Bray, presented their views on building mutual trust, creating best practices, the implementation process and evaluating the European procedures. The four panels of the conference focused on the need for common standards for harmonious cooperation, procedural innovation and e-justice, alternative dispute resolution and best practices in European civil procedure to promote mutual trust. A short interim session was dedicated to the costs of civil procedure, the existing national approaches and their implications for the parties and the public finances.



The panels highlighted the fact that the effectiveness of civil justice starts with high quality legislation rooted in a common understanding of the underlying principles, but that the implementation of legislation and usability for the litigants as well as practitioners are equally important. The conference revealed deeply rooted problems of civil procedure and the implementation of European rules and gave windows to new pathways of innovating civil justice, perspectives on modern access to justice and the future of European civil procedure.

The papers presented during the conference will be published in the Max Planck Institutes' book series (Nomos and Ashgate). Further activities and conferences on civil justice involving Erasmus School of Law are planned and will be elaborated in the coming years.

This conference was made possible with the financial support of the Dutch Organization for Scientific Research (NWO) that funds the research project Securing Quality in Cross-Border Enforcement (2011-2016) awarded to Xandra Kramer under its innovational research scheme Vidi.

### **Seminar: 'The Personal Injury Claims Process: Comparing Legal Cultures'**

*3 March 2016, British Institute for International and Comparative Law London*



**British Institute of  
International and  
Comparative Law**

On Thursday 3 March, the results of a detailed comparative investigation of the personal injury claims process in three legal systems, based on extensive interviews with practitioners in each system, were presented during a seminar which took place at the British Institute for International and Comparative Law (BIICL) in London. The three legal systems included in this study were Norway, the Netherlands, and England and Wales. The research was conducted on behalf of the Institute for European Tort Law, Vienna.

Morten Nadim and Jørn Øyrehagen Sunde of the University of Bergen presented the Norwegian interview results. The social welfare system plays an important role in the resolution of personal injury claims in Norway, and nearly all claims are dealt with by compensation boards rather than courts. Furthermore, the small 'personal injury milieu' makes cooperation and settlement easy to achieve. Several interviewees mentioned the existence of a so-called 'personal injury club': as a lawyer, you are either in or out.

BACT members Siewert Lindenberg and Evelien Engelhard of the Erasmus School of Law presented the Dutch interview results. These show that the formal legal rules are not of major influence on the outcome of personal injury claims, since most claims are settled out of court. The quality of plaintiff lawyers and insurance companies' claims handlers was considered to be an important success factor on the outcome of a claim; in this respect, many interviewees expressed their concern on the effects of budget cuts of insurance companies due to the financial crisis, as this might threaten the timely handling of claims.

Annette Morris of the Cardiff School of Law and Politics presented the results of the interviews that were held in England and Wales. The results indicate there is a highly commercialized personal injury practice. Many interviewees expressed their concern about the 'sausage factory' business model that has emerged: because of certain cost pressures due to fixed fees for plaintiff lawyers, an increasing amount of claims are handled by paralegals instead of lawyers.

Ken Oliphant of the University of Bristol concluded the event with a brief comparison of the different legal cultures. He concluded that the aims, attitudes and strategies of professional actors in the personal injury claims process are diverse and flexibly adapted to circumstances, yet a more cooperative approach seems more topical for Norway than England and Wales or the Netherlands. Furthermore, a major influence on how personal injury claims are conducted is how the 'personal injury claims economy' is constituted along a spectrum stretching from professionalism (Norway) to deregulated market-based approaches (England and Wales and the Netherlands).

### **Conference: Smart Mixes in relation to Transboundary Environmental Harm**

*15 April 2016, Erasmus University Rotterdam, Rotterdam*



This conference is the final conference for the research project "Smart Mixes in relation to Transboundary Environmental Harm", sponsored by the Royal Netherlands Academy of Arts and Sciences. The workshop was co-organized by BACT and the Amsterdam Center for International Law (University of Amsterdam) and was held at the Erasmus University Rotterdam.

The conference explored how alternative modes of regulation (hybrid and private) and different forms of regulatory instruments (command-and-control, market-based, suasive) can complement the operation of international agreements in effectively regulating transboundary environmental problems. During this conference, both scholars and practitioners engaged in discussing the findings of the 'Smart Mixes' project, the results of other research that has been conducted on mixes that have supplemented or could be considered for supplementing international environmental agreements, as well as identifying specific policy recommendations that can be based on these outcomes of research. During this conference, Michael Faure and Jing Liu presented their research and Peter Mascini and Michael Faure chaired the conference.

### **Symposium: The Personal Injury Claims Process: Comparing Legal Cultures**

*6 December 2016, Erasmus University Rotterdam*

On Tuesday 6 December, the symposium 'The Personal Injury Claims Process: Comparing Legal Cultures' took place at Erasmus University Rotterdam, which was chaired by Professor Mop van Tiggele. During the symposium, BACT researchers Siewert Lindenberg and Evelien Engelhard presented the findings of international research into how personal injury claims are handled in practice in three countries: England and Wales, Norway and the Netherlands, entitled 'A Socio-Legal Analysis of Personal Injury Claims in Three European Countries'. The results of the research are based on extensive interviews with personal injury practitioners in each country. The symposium was well attended by students and staff from Erasmus University and, mostly, practitioners.



Evelien Engelhard presented the results of the interviews conducted in the Netherlands, while Siewert Lindenberg presented the results of the English and Norwegian interviews. The results show that the countries included in the study differ greatly in their management of personal injury claims and that these differences are not only accounted for by their different legal systems. England has a(n) (over)commercialised process of dealing with personal injury claims where the high legal costs have instigated radical procedural reforms in order to keep claims with certain values out of court. These reforms have also led to a 'split' profession, where lawyers do not handle the volume of claims and communication between professionals is characterised by the tournament model. The results of the Norwegian interviews show a very different picture: the Norwegian legal system can be characterised as a 'mixed system' where social security plays an important role. The group of professionals dealing with personal injury claims is so small that the interviewees characterised it as an 'old fashioned gentleman's club where the members meet to make agreements based on pure reason'. Therefore, personal injury cases rarely reach the court in Norway. The Netherlands seems to be – not only geographically – in between England and Norway: although it also has a commercialised process of handling personal injury claims, it is not as commercial as in England. Professionals in the Netherlands also value good communication and relationships, which is consistent with the Dutch culture of compromising in order to reach an agreement ('poldercultuur').

The presentations were reflected on by Professor Arno Akkermans (VU University of Amsterdam), who focused on recovery-oriented services and discussed whether a new compensation system should be introduced, and Professor Cees van Dam (Erasmus University Rotterdam, King's College London, Utrecht University), who amongst other things discussed the results in light of corporate social responsibility. The presentations and reflections were followed by a lively discussion.



## Research seminars and guest lectures

### BACT research seminars

In 2016, the following speakers held a seminar within our group:

Date	Speaker	Topic
29 Jan	Chris Reinders Folmer	<i>Mission / Strategy BACT</i>
26 Feb	Tessa Haesevoets	<i>The more the better? The effectiveness of financial 'overcompensation'</i>
18 Mar	Claire Hill	<i>Structural Bias: R.I.P.?</i>
29 Apr	Ilja Tillema	<i>Third party funding of mass litigation: two sides of a coin</i>
10 May	Shen Wei	<i>Reputational sanctions in China's Capital Markets – A statistical approach</i>
30 Sep	Wian Erlank	<i>Virtual Property and Digital Goods – Real Property and not just Intellectual Property</i>
15 Dec	George Zhou	<i>What can law and economics scholars learn from contract lawyers?</i>

## EDLE seminars

In 2016 the following EDLE-seminars took place:

14 Jan	Bernold Nieuwesteeg	<i>Chapter Presentation of Research Project 'The Economics of Cyber Security Law'</i>
14 Jan	Chih-Ching Lan	<i>Chapter Presentation of Research Project 'A Law and Economics Perspective on Climate Change Mitigation Measures by Developing Countries using a Sectoral Approach'</i>
28 Jan	Damiano Giacometti	<i>Chapter Presentation of Research Project 'Experimental Economics on Credence Goods/Market for Taxi Rides'</i>
4 Feb	Ekaterine Lomtadze	<i>Chapter Presentation of Research Project 'An Economic Analysis of Justifiability of Social Rights'</i>
4 Feb	Ahmed Arif	<i>Chapter Presentation of Research Project 'Securitisation and Covered Bonds: An Economic and Regulatory Analysis'</i>
18 Feb	Akiva Weiss	<i>Chapter Presentation of Research Project 'Configuring a hybrid post-conflict ecosystem in "Arab Spring" States'</i>
25 Feb	Orlin Yalnazov	<i>Chapter Presentation of Research Project 'The Choice of Remedy for Breach of Contract'</i>
25 Feb	Giulia Barbanente	<i>Chapter Presentation of Research Project 'Economic Analysis of Indigenous Property Rights in Sub-Saharan Africa'</i> <i>Guest lecture</i>
3 Mar	Jonathan Klick	<i>Chapter presentation of Research Project</i>
10 Mar	Nan Yu	<i>'Mandatory Dividend Systems in the Stock Market: A Comparative Law and Economics Analysis'</i>
10 Mar	Danny Blaustein	<i>Chapter presentation of Research Project</i>

		<i>'The Venture Capital Cycle &amp; Venture Capital Contracting in Europe'</i>
17 Mar	Marwa El-Abhar	Chapter presentation of Research Project <i>'The Political Economy of Competition Policy under Dictatorships &amp; Democracies'</i>
17 Mar	Salvini Datta	Chapter presentation of Research Project <i>'Ex ante Regulation and Ex post Liability in the Pharmaceutical Industry'</i>
3 Nov	Steve Billion	Chapter presentation of Research Project <i>'Stock Market Investing as a Current Consumption Activity and its Implications for Stock Market Regulation'</i>
3 Nov	Orlin Yalnazov	Chapter presentation <i>'Information, Precedence and Statute'</i>
10 Nov	Maria De Campos	Chapter Presentation of Research project <i>'Nudging – Long-term effectiveness and viability'</i>
10 Nov	Gemelee Hirang	Chapter presentation of Research Project <i>'Non-Tariff Barriers and Regional Integration: A study on the Strengths and Weaknesses of the ASEAN Economic Blueprint'</i>
17 Nov	Manuel Rojas	Chapter presentation of Research Project <i>'The Impact of Anti-drug Legislation on judicial efficiency'</i>
17 Nov	Maria Fernanda Caporale Madi	Chapter Presentation of Research Project <i>'Shadow Mergers and Acquisitions: A comparative study of the implication of outsourcing arrangements for merger control policies'</i>
24 Nov	Guilherme Oliveira	Guest lecture: <i>'Turnover or Cash? Sharecropping in the US South'</i>
1 Dec	Thiago Fauvrelle	Chapter Presenation of Research Project <i>'Judicial Efficiency'</i>

1 Dec	Renny Reyes	<i>Chapter Presentation of Research Project 'Regulatory Governance Cycle: The Latin-American Developing Countries'</i>
8 Dec	Mostafa El Far	<i>Chapter presentation of Research Project 'International Economic Law and Domestic Legislations in MENA region: Egypt, Jordan and Morocco'</i>
8 Dec	Denard Veshi	<i>Chapter presentation of Research Project 'The European Management of Refugees' Movement'</i>

## PhD Defences

### **S. Bhattacharya (EDLE), 22 June – Competition Law and the Bounded Rationality of Firms**

Firms often take decisions that depart from rationality. The case studies presented in this book strengthen this conclusion in the context of competition law by highlighting how firms take decisions that do not follow the paradigm of rational, profitmaximization. Moreover, literature from different disciplines shows that bounded rationality in firms is systematic rather than random and firms often knowingly take boundedly rational decisions. One reason for bounded rationality is the behavioural biases of managers. The discussion in this book has described some of the behavioural biases of managers and how these biases are perpetuated in the decision-making of firms. One bias that is particularly prevalent in managerial decisions is overconfidence bias. This can more particularly effect decisions to merge or enter new markets.

Promotors: prof.Dr. R.J. van den Bergh, copromotor: prof.Dr. S. Oded.

### **Y. Goyal (EDLE), 22 June – Institutions in Informal Markets**

The central inquiry of this work aims at understanding how informal markets function outside the formal contract and property rights framework, and in doing so, what kinds of institutions do these markets develop. I attempt to answer these questions through case studies of three markets in India, namely, footwear cluster in Agra, coal-mines mafia in Dhanbad, and sex work (prostitution) in New Delhi. Locating the study of informal markets and institutions in broad literature of law and development, the thesis advances policy suggestions that would be useful in a general context of unregulated markets in developing countries. At a general level, the thesis explores the importance of understanding local institutions and not universal policies. If law is an effective tool for development, then it has to adequately appreciate the heterogeneous institutions located within the market frameworks.

Promoters: prof.Dr. K. Heine, copromotor: prof.Dr. H.B. Schaefer.

### **E.S. Ivanova – Pannebakker, 22 December – Letter of Intent in International Contracting**

This research will address the following question: To what extent can the law, particularly international regulation, accommodate the practice of contractually organizing or 'privatizing' negotiations made through a letter of intent?

The main research question may be divided into three sub-questions:

- First, what is the nature of a letter of intent?
- Second, what are the similarities in and the differences between the national approaches of the selected jurisdictions to the legal effect and remedial consequences of the contractual organization of negotiations? How can the converging and diverging tendencies be explained?
- Third, how can the existing international approach to contract negotiations formulated in international instruments (e.g., the UPICC, PECL, and DCFR) be interpreted and developed in light of the answers to the previous questions?

Promoters: prof.mr.Dr. X.E. Kramer, copromotor: prof.mr. S.D. Lindenbergh.

### **M.I. Hazelhorst, 13 October – Free movement of civil judgments in the European Union and the Right to a Fair Trial**

In certain cases, it is necessary to refuse a verdict rendered in one Member State of the European Union 'crossing the border' to another Member State in order to safeguard the universal right to a fair trial. If a verdict is the result of an unfair procedure in the due process of law in one country, then it must remain possible for another country not to accept it. That is the judgement passed by lawyer Monique Hazelhorst in her PhD thesis entitled 'Free Movement of Civil Judgments in the European Union and the Right to a Fair Trial'.

Promoters: prof.mr.Dr. X.E. Kramer, copromotor: prof.Dr. K.A.M. Henrard.

### **R. Sapkal (EDLE), 13 October – How Law and Law Enforcement affect Labour Markets in Developing Countries**

This study contributes to the discipline of labour law and economics through conducting an empirical analysis. Unlike previous attempts which consider the legal institutions as a simple coded index drawn from the black letter laws of legal statutes, it is proposed to allow a more nuanced understanding of labour market institutions that takes into account the dynamics of local contexts, examines how it helps shape the economic behaviours and provide the systematic empirical evaluation of changes in labour laws on the macro indicators of labour markets. While so doing, the aim is to advance understanding about how the labour market and non-labour market institutions function and influence the functioning of labour markets in the single country framework of India.

Promoters: prof.Dr. M.G. Faure, copromotor: prof.Dr. H.B. Schaefer.

## Awards, Distinctions and Other Evidence of Reputation

### General

Erasmus School of Law was awarded a Marie Curie European Training Network on TTIP as part of European Consortium. The Marie Curie ETN grant was awarded by the European Commission under the H2020 Programme. The Marie Curie ETN is a European PhD programme for highly motivated young scientists, where state-of-the-art research is combined with a comprehensive training programme. The total value of the award is about 4 M€ of which 540k€ will come to ESL.

Klaus Heine, Professor of Law and Economics will co-supervise a PhD project and will also be in charge of one of the network-wide training modules on Law and Economics of TTIP.

### Personal

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

- Pieter Desmet's research on managers' ethical decision making in competitive markets has received a great deal of interest in both national and international media. Pieter Desmet's research appeared on international media outlets like [Bloomberg](#), [Growth Business UK](#), [Recruiter Magazine](#), [HRZone](#) & [Treasury Today](#), among others. Nationally, his research appeared in De Volkskrant, De Telegraaf, Business News Radio and several other business news sites.
- On May 10<sup>th</sup>, Pieter Desmet gave an interview for Studio Erasmus on managers' ethical decision making in competitive markets.

#### ***Dominioni, G.***

- Goran Dominioni received the Best Group Project Award at the International Max Planck Research School Summer Academy on 18 august 2016 for the paper: 'Shooting fish in a barrel – The effect of third party punisher's group identity on harmful investment decisions'. Dominioni worked together with Nives Della Valle, Ali Seyhun Saral, Chiara Scarampi and Eugenio Verrina.

#### ***Hazelhorst, M.I.***

- Erasmus University Rotterdam and Max Planck Institute for European, International and Regulatory Procedural Law Luxembourg organized a Conference on the theme *From Common Rules to Best Practices in European Civil Procedure* in Rotterdam, on 25-26 February.

#### ***Kramer, X.E.***

- Visiting scholar at Stanford Law School from March until June 2016.
- Co-reporter working group on the structure of civil proceedings of the project of the European Law Institute (ELI) and Unidroit Project on European Rules of Civil Procedure.
- Reporter for study led by Max Planck Institute on behalf of the Erasmus School of Law. It entails a desk and empirical study in all 28 Member States to see whether the national laws and practices promote or the diversity rather hampers the effective enforcement of European consumer law. BACT-member Alina Ontanu, is the reporter for Romania.
- ERC Consolidator Grant for her research project 'Building EU civil justice: challenges of procedural innovations bridging access to justice'.
- Editor of the Dutch Journal on International Private Law
- Vidi Selection Committee of the Dutch Scientific Organisation (NWO)

- ERC Consolidator Grant: Kramer, X.E. (2016). Building EU civil justice: challenges of procedural innovations bridging access to justice.
- Erasmus University Rotterdam and Max Planck Institute for European, International and Regulatory Procedural Law Luxembourg organized a Conference on the theme *From Common Rules to Best Practices in European Civil Procedure* in Rotterdam, on 25-26 February.

**Heine, K.**

- Klaus Heine was a policy adviser to the German government on automatisisation with respect to the challenges of industry 4.0 (so called **high-tech-forum**), Berlin, Germany. On January 15 and February 4-5.
- Klaus Heine has been appointed as the new Director of the Erasmus Graduate School of Law.

**Kolacz, M.K.**

- EGSL Graduate School of Law Call for Ideas 2016 - winner together with Alberto Quintavalla.

**Mascini, P.**

- Is now member of the editorial board of Erasmus Law Review.
- Member of the committee organizing the 2017 international Tax & Trust conference of the Dutch Tax Authority.
- Member of the committee organizing the 2017 VSR conference on Empirical Legal Studies: Fad, Feud or Fellowship.

**Ontanu, E.A.**

- Researcher at Research Institute on Judicial Systems – National Research Council of Italy (IRSIG-CNR), collaborating on a European Grant Project, 'Handle with Care: Assessing and Designing Methods for Evaluation and Development of the Quality of Justice', 17 October 2016
- Acting as a national reporter for Romania for a study led by the Max Planck Institute Luxembourg for the European Commission on the Impact of the National Civil Procedure on enforcement and EU consumer law, Study JUST/2014/RCON/PR/CIVI/0082. Erasmus School of Law is partner in this consortium led by the Max Planck Institute.
- Erasmus University Rotterdam and Max Planck Institute for European, International and Regulatory Procedural Law Luxembourg organized a Conference on the theme *From Common Rules to Best Practices in European Civil Procedure* in Rotterdam, on 25-26 February.

**Philipsen, N.J.**

- Is now Endowed Professor of Shifts in Private and Public Regulation, Erasmus School of Law (0.2 FTE) since 1 July 2016.
- Adjunct Professor of the School of Law and Economics, China University of Political Science and Law (CUPL), Beijing (honorary position), since 16 November 2016.
- Project member in Erasmus+ (Jean Monnet) network 'European Network on Soft Law Research (SoLaR)', member of the research team on State aid and competition law, September 2016 – August 2019.

- Participant (project manager) in research project "Gezondheidsonderzoek gebruik gevaarlijke stoffen bij Defensie: Chroom-6 en CARC" (Research on the effects of the use of dangerous substances at the Dutch Ministry of Defense), carried out for the Dutch National Institute for Public Health and the Environment, RIVM. January 2016 – December 2016 (extended).

**Quintavalla, A.**

- EGSL Graduate School of Law Call for Ideas 2016 – winner.

**Schelhaas, H.N.**

- Is now member of the editorial board of Erasmus Law Review.

**Swinnen, K.K.E.C.T.**

- Reappointment as Lecturer Contract Law at Belgian Royal Military Academy.

**Tillema, I.**

- Research mentioned in the Explanatory Memorandum that accompanies the legislative proposal to introduce a collective action for damages (see *Kamerstukken II* 2016/17, 34 608, 3, p. 6, 17 and 18)
- Research mentioned by NOS.

**Scheltema, M.W.**

- Was invited to the EU Roadmap conference on Business and Human Rights organized by the Dutch government during its presidency of the EU in Amsterdam on 11 May 2016. It aimed to provide guidance for the EU in the development of a business and human rights policy.

**Visscher, L.T.**

- Member of the Supervisory Board Stichting Nationaal Platform Verzuim en Letselschade (NPVL).

## Grant Applications and Funding – Awarded

### Personal

**Desmet, P.T.M.**

- Pieter Desmet received a KNU research grant (5.000 Euro), together with Franziska Weber (University of Hamburg), for their project on "Inducing sustainable behaviour - the effect of the sanction's shape".

**Kantorowicz-Reznichenko, E.**

- Grant for an experiment (4.450 Euro), Innovation Program, Erasmus School of Law, Erasmus University Rotterdam, the Netherlands.

**Nieuwesteeg, B.**

- Bernold Nieuwesteeg received a grant (5.000 Euro) from the SURF organization to perform exploratory research in the field of cyber risk pooling arrangements.



**Quintavalla, A.**

- Has been awarded the Guidetti Prize (amounting to 3.000 US Dollars) from the Vigevani Fund to be a visiting researcher at the Hebrew University of Jerusalem. His research stay took place from July 25 to August 9 2016.

## RILE-BACT working paper series

BACT has joined forces with the Rotterdam Institute of Law and Economics in establishing a joint Working Paper Series. The RILE/BACT Working paper series embraces all research carried out in RILE and BACT and allows BACT and RILE scholars to share their research early on with academics, policy makers and practitioners. To this purpose, research papers are in English and the authors are encouraged to post them also on SSRN.

The purpose of this collection is stimulating international discussion on the broad range of subjects in which RILE and BACT are engaged. To this purpose, research papers are only collected in English and the authors are encouraged to post them also on SSRN. Authors of papers in Law and Economics are welcome to submit a proposal for the EDLE seminars, whose acceptance will make the background paper eligible for inclusion in the RILE Working Paper Series.

In 2016, the following papers were submitted to the Working Paper Series:

**Tax Lotteries: the Crowding-out of Tax Morale and Long-run Welfare Effects**

Marco Fabbri and Daniela C. Wilks

RILE Working Paper 2016/01

**Perceptual Deterrence: The Effects of Unarmed Private Patrols on Crime**

Marco Fabbri and Paul Liu

RILE Working Paper 2016/02

**Ride Your Luck! A Field Experiment on Lottery-based Incentives for Compliance**  
**Authors**

Marco Fabbri, Paolo Nicola Barbieri and Maria Bigoni

RILE Working Paper 2016/03

**The Law and Economics of Shadow Banking**

Alessio M. Paccès and Hossein Nabilou

RILE Working Paper 2016/4

**Resolving Mass Claims in France: Toolbox & Experience**

Alexandre Biard and Rafael Amaro

RILE Working Paper 2016/5

## Scientific publications

In this section, we list the main publications in 2016 of our researchers. Minor publications, editorials, and case notes are omitted.

### **Bian, C.**

- Li, Y. & Bian, C. (2016). A New Dimension of Foreign Investment Law in China - Evolution and Impacts of the National Security Review System. *Asia Pacific Law Review*, Vol. 24 (2), 149-175.

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

- Boom, W. H. van, Desmet, P., & Dam, M. van (2016). "If It's Easy to Read, It's Easy to Claim" – The Effect of the Readability of Insurance Contracts on Consumer Expectations and Conflict Behaviour. *Journal of Consumer Policy*, 39(2), 187–197.

### **Engel, C.**

- Engel, C. (2016). Does Class Action Have a Deterrent Effect? *Journal of Institutional and Theoretical Economics* 172(1), 104-107.
- Engel, C. & Zhurukhovska, L. (2016). When is the Risk of Cooperation Worth Taking? The Prisoner's Dilemma as a Game of Multiple Motives. *Applied Economics Letters*, 23, 1157-1161.
- Engel, C. & Hertwig, R. (2016). Homo Ignorans. Deliberately Choosing Not to Know. *Perspectives on Psychological Science*, 11, 359-372).
- Engel, C. (2016). Das legitime Ziel in der Praxis des Bundesverfassungsgerichts. Eine quantitative Analyse der Entscheidungen des Jahres 2011. *Verhältnismäßigkeit*, 97-128.
- Engel, C. & Schweizer, U. (2016). Beyond Privacy. *Journal of Institutional and Theoretical Economics*, 172, 1-231.
- Engel, C. (2016). A Random Shock is not Random Assignment. *Economics Letters*, 145, 45-47.
- Engel, C., Bürnstuf, G., Fischer, S. & Güth, W. (2016). Non-Compete Clauses, Employee Effort and Spin-off Entrepreneurship: A Laboratory Experiment. *Research Policy*, 45, 2113-2124.
- Engel, C. & Hamann, H. (2016). The Hog Cycle of Law Professors. An Econometric Time Series Analysis of the Entry-level Job Market in Legal Academia. *PLOS One* 11(7), 1-22.
- Engel, C. & Bar-Grill, O. (2016). Bargaining in the Absence of Property Rights. An Experiment. *Journal of Law and Economics*, 59, 477-495.
- Engel, C., Goerg, S. & Yu, G. (2016). Symmetric vs. Asymmetric Punishment Regimes for Collusive Bribery. *American Law and Economics Review*, 18, 506-556.
- Engel, C. & Eisenberg, T. (2016). Unpacking Negligence Liability. Experimentally Testing the Governance Effect. *Journal of Empirical Legal Studies*, 13, 116-152.
- Engel, C., Chmura, T. & Englerth, M. (2016). At the Mercy of a Prisoner. Three Dictator Experiments. *Applied Economics Letters*, 23, 774-778.

### **Engelhard, E.S.**

- Engelhard, E.S. & Lindenbergh, S.D. (2016). Culture van letselschadeafwikkeling. Indrukken uit een vergelijkend onderzoek naar de wijze van afwikkeling van letselschades in Engeland, Noorwegen en Nederland. *Tijdschrift voor Vergoeding Personenschade*, 4, 88-99.

**Fabbri, M.**

- Fabbri, M. & Wilks, D. (2016). Tax Lotteries: The Crowding-Out Of Tax Morale And Long-Run Welfare Effects. *Journal of Legal, Ethical and Regulatory Issues*, 19(2), 26-38.

**Faure, M.G.**

- Lu, M. & Faure, M.G. (2016). The Regulation of Corporate Environmental Responsibility. In Philipsen, N., S.E. Weishaar, & G. Xu (Eds.), *Market Integration: The EU Experience and Implications for Regulatory Reform in China* (pp. 239-265). Berlin/Heidelberg: Springer.
- Piri Damagh, M. & Faure, M.G. (2016). Self-Regulation versus Public Regulation: An Analysis of Environmental and Safety Standard Setting in the Oil and Gas Pipeline Sector. In N. Philipsen, S.E. Weishaar, & G. Xu (Eds.), *Market Integration: The EU Experience and Implications for Regulatory Reform in China* (pp. 267-307). Berlin/Heidelberg: Springer.
- De Smedt, K. & Faure, M.G. (2016). Schone fossiele energie? Aansprakelijkheid en verzekeraarbaarheid van milieuschade veroorzaakt door schaliegaswinning en CCS. *Milieu & Recht*, 43(1), 11-19.
- Hartlief, T. & Faure, M.G. (Eds.). (2016). *De Spierbundel. De agenda van het aansprakelijkheidsrecht*. Deventer: Wolters Kluwer.
- Faure, M.G. & Hartlief, T. (2016). Inleiding. In Hartlief, T. & Faure, M.G. (Eds.), *De Spierbundel. De agenda van het aansprakelijkheidsrecht* (pp. 1-12). Deventer: Wolters Kluwer.
- Faure, M.G. (2016). Aansprakelijkheid voor CCS. In Hartlief, T. & Faure, M.G. (Eds.), *De Spierbundel. De agenda van het aansprakelijkheidsrecht* (pp. 285-297). Deventer: Wolters Kluwer.
- Faure, M.G. & Leger, C. (2016). An Analysis of the Criminalisation of Insider Trading at EU Level. In M. Kovac, & A.-S. Vandenberghe (Eds.), *Economic Evidence in EU Competition Law* (pp. 149-175). Antwerp: Intersentia.
- Liu, J. & Faure, M.G. (2016). Compensation for Nuclear Damage: A Comparison among the International Regime, Japan and China. *International Environmental Agreements*, 16(2), 165-187.
- Faure, M.G., Visscher, L.T., Zeegers, M.P & Freeman, M.D. (2016). The Role of the Expert Witness. In M.D. Freeman & M.P. Zeegers (Eds.), *Forensic Epidemiology - Principles and Practice* (pp. 131-148). London: Academic Press.
- Faure, M.G. (2016). Liability and Compensation for Damage Resulting from CO2 Storage Sites. *William & Mary Environmental Law & Policy Review*, Vol. 40(2), 387-476.
- Faure, M.G. (2016). Attribution of Liability: An Economic Analysis of Various Cases. *Chicago-Kent Law Review*, 91(2), 603-635.
- Adekambi, S.A., Dabade, D.S., Kindji, K., Den Besten, H.M.W., Faure, M., Nout, M.J.R., Sobosso, B. & Ingenbleek, P.T.M. (2016). Towards Stable Access to EU Markets for the Beninese Shrimp Chain: Quality, Legal and Marketing Issues. In J. Bijman & V. Bitzer (Eds.), *Quality and Innovation in Food Chains. Lessons and Insights from Africa* (pp. 213-236). Wageningen: Wageningen Academic Publishers.
- Faure, M.G. & Nollkaemper, A. (2016). Smart mixes van juridische en beleidsinstrumenten: verslag van een project en conferentie. *Tijdschrift voor Toezicht*, 7(2), 49-55.
- Faure, M.G., Visscher, L.T. & Weber, F. (2016). Liability for Unknown Risks? A Law and Economics Perspective. *Journal of European Tort Law*, 7(2), 198-228.

- Faure, M.G., Visscher, L.T., Zeegers, M.P. & Freeman, M.D. (2016). The Role of the Expert Witness. In M.D. Freeman & M.P. Zeegers (Eds.), *Forensic Epidemiology - Principles and Practice* (pp. 131-148). London: Academic Press.
- Lu, M. & Faure, M.G. (2016). The Regulation of Corporate Environmental Responsibility. In N. Philipsen, S.E. Weishaar & G. Xu (Eds.), *Market integration: the EU experience and implications for regulatory reform in China* (pp. 239-265), Berlin/Heidelberg: Springer.
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- 'Ontucht na eerder seksueel misbruik: niet-ontvankelijkheid smartengeldvordering?' Case note website *PS-Updates*, Rechtbank Rotterdam 27 januari 2016, ECLI:NL:RBROT:2016:650 (2016-0042).
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- December 8: Blog 'Dood door schuld', Schadefonds Geweldsmisdrijven.

**Mascini, P.**

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**Swinnen, K.K.E.C.T.**

- Swinnen, K. & Muylle, M. (2016). 'Het juridische regime van accessoire opstalrechten', case note under Hof van Cassatie 12 juni 2014, *Tijdschrift voor Bouwrecht en Onroerend Goed* 2016, (pp. 303-307).

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- Visscher, L.T. (2016). Een economische benadering van smartengeld bij letselschade. (newsletter). Het Rechtenstudentje.

**Lectures, presentations and contributions to the academic forum****Desmet, P.T.M.**

- May 5-6: presented his research on the relative importance of relational vs. financial needs following material vs physical harm (a collaboration with Chris Reinders Folmer), at the Workshop on "The Place of Apology in the Law", organized at the International Institute for the Sociology of Law, Onati, Spain.
- June: secretary of the inner Committee for the defense of Yugank Goyal's thesis 'Institutions in Informal Markets'.
- June: gave an invited seminar for the faculty of economics at the University of Leuven. Pieter gave a talk on his recent work around market competition and ethical decision making.
- October 13: committee member for the defense of Rahul Sapkal's thesis 'How Law and Law Enforcement Affect Labour Markets in Developing Countries, An Empirical Study on India'.
- November 16-18: presented his paper "Trust and Amorality in Times of Competition: How Market Competition affects Leaders' Trust and Treatment of unethical Employees" at the Conference of the First International Network on Trust (FINT), Dublin, Ireland.
- Throughout 2016, in collaboration with the Dutch Ministry of Finance, Pieter Desmet developed an online tool that incorporates behavioural insights to stimulate the participation of the Dutch population in pension programmes.

***Dominioni, G.***

- March 10: paper presentation Implicit Racial Discrimination in the Cathedral: the Role of Evidence and Optimal Prevention at the PhD lunch lectures, Erasmus University Rotterdam.
- March 23: paper presentation Implicit Racial Discrimination in the Cathedral: the Role of Evidence and Optimal Prevention at the Future of Law and Economics Conference, Erasmus University Rotterdam.
- June 21: invited paper presentation "Drying Up Tax Havens - A Mechanism to Unilaterally Tax Maritime Emissions While Satisfying Extraterritoriality, Tax Competition and Political Constraints" at Transatlantic Maritime Emissions Research Network Conference (University of Copenhagen).
- June 23: presentation doctoral research project at Ayres' Workshop (Erasmus University Rotterdam).
- July 5: paper presentation "Implicit Racial Discrimination in the Cathedral" at European Association of Psychology and Law Annual Conference (Toulouse University – Jean Jaurès).
- July 7: paper presentation "Implicit Racial Discrimination in the Cathedral" at Behavioural Insights in Research and Policy Making Conference organized by the Society for the Advancement of Behavioural Economics/International Association for the Research on Economic Psychology, Wageningen University, the Netherlands.
- August 26: poster presentation "The Fundamental Attribution Error in Trial Settings: How Adjudicators' Training affects Bias Stemming from Situation and Personality" at the International Max Planck Research School Summer Academy (Friedrich-Schiller-Universität Jena).
- August 28: paper presentation 'Shooting fish in a barrel - The effect of third-party punisher's group identity on harmful investment decisions' at the International Max Planck Research School Summer Academy (Friedrich-Schiller-Universität Jena).
- Graduation at the International Max Planck Research School on Adapting Behaviour in a Fundamentally Uncertain World.
- Acted as third reviewer for an EMLE thesis in the European Master in Law and Economics.
- September 12: guest lecture for the course: 'Academic Research and Writing Skills' – L.L.M. in Commercial Law at the Erasmus University Rotterdam.
- Associated Member – Transatlantic Maritime Emissions Research Network, Center for Enterprise Liability, Faculty of Law of the University of Copenhagen/ Frank J. Guarini Center on Environmental, Energy and Land Use Law, School of Law at New York University.
- October 14: presentation BACT Lunch Meeting paper 'The Fundamental Attribution Error in Trial Settings: How Adjudicators' Experience Affects Bias Stemming from Contextual Factor and Individual Tendencies' (with Pieter Desmet).
- December 9: guest Lecture European Master in Law and Economics.
- December 15: presentation Italian Society of Law and Economics Annual Conference 'The Fundamental Attribution Error in Trial Settings: How Adjudicators' Experience Affects Bias Stemming from Contextual Factor and Individual Tendencies, Turin University, Italy.

**Engelhard, E.S.**

- March 3: the Personal Injury Claims Process, Comparing Legal Cultures, PI Claims in The Netherlands, lecture British Institute of International and Comparative Law, London, United Kingdom.
- December 6: presentation results of the research 'A Socio-Legal Analysis of Personal Injury Claims' at the A&V Symposium, Erasmus University Rotterdam, the Netherlands.

**Fabbri, M.**

- February: presentation Field evidence of morally tutelary influence with Sven Hoppner at the EMLE Mid-term meeting, Hamburg University, Germany.
- February 26: presented paper *Estimating the Effects of Unarmed Private Patrols on Crime Using a Bayesian Diffusion-Regression State-Space Model* together with Paul Liu at the Erasmus Statistic day, Erasmus University Rotterdam, the Netherlands.
- May: presented paper *Being bourgeois: the emergence of private property in the lab* (with Matteo Rizzolli) at the American Association of Law and Economics Annual Meeting, Harvard University, Cambridge MA, United States of America.
- June: XIII workshop for Young Social Economists, University of Bologna - Forlì campus.
- June: conference on European Empirical Legal Studies, University of Amsterdam, the Netherlands.
- September: European Association of Law and Economics (annual meeting), Bologna, Italy.

**Faure, M.G.**

- January 20: opposition at the doctoral defence of Orsolya Tokaji-Nagy, A Legal and Empirical Investigation into the Direct Selling Industry's Advocacy in the EU, Maastricht University.
- January 28: een rechtseconomische analyse van de collectieve schadevergoedingsactie", symposium Collectieve Schadevergoedingsactie by ESL/Radboud Universiteit, Amsterdam, the Netherlands.
- January 28: Visscher, L.T. & Faure, M.G. 'Een rechtseconomisch perspectief op de collectieve schadevergoedingsactie'. Symposium: Naar een collectieve schadevergoedingsactie?, Eye Filmmuseum, Amsterdam, the Netherlands.
- February 1-3: teaching Environmental Law and Economics at Lund University, International Institute for Industrial Environmental Economics.
- February 18: lecture "Core Conclusions and Recommendations of EFFACE" at the conference "Combating environmental crime. Priorities and opportunities for further EU action", Brussels, Belgium.
- March 5: keynote speech "The Law and Economics of Nuclear Liability", congress Fukushima Five Years on – Legal Fallout in Japan, Lessons for the EU, University of Cambridge, Faculty of Law, Centre for the Study of Existential Risk, United Kingdom.
- March 10: opposition within the defense of Daria Ratsiboirnskaya, Erasmus University Rotterdam, the Netherlands.
- March 28 - April 10: lecturing at China University of Political Science and Law.
- April 22: opposition PhD defense Matt Heckman, The Strategic Use of Patents in Standardization in Relation to US, European and Chinese Competition Law, Maastricht University, the Netherlands.

- April 28: opposition PhD defense Jennifer Poussin, Flood Damage Mitigation Investments, An Assessment of (Cost-)effectiveness and Household Decision Making, 28 April 2016, VU Amsterdam, the Netherlands.
- May 13: lecture *Will enforcement and justice save the environment?* at the EU environmental enforcement networks conference, Utrecht, the Netherlands.
- May 18: lecture "Limitations and challenges of the criminal justice system in addressing environmental crime", World Conference "The protection of the environment through criminal law", in Bucharest, Romania.
- May 30: lecture "Financing Mechanisms: Incentives for Disaster Risk Reduction", at the Conference Malta Legal Forum on Adaptation to Climate Change "The International Legal Framework and Instruments for Adaptation to Climate Change after the Paris Agreement: Implications for EU and National Climate Law", Brugge, Belgium.
- May 31: lecture "Catastrophe Insurance and Insurers as Private Regulators", at the Conference Malta Legal Forum on Adaptation to Climate Change "The International Legal Framework and Instruments for Adaptation to Climate Change after the Paris Agreement: Implications for EU and National Climate Law", Brugge, Belgium.
- October 15: lecture "Na de ramp: aansprakelijkheid en vergoeding als instrumenten om rampen te voorkomen", at the Instituut voor Filosofische en Sociaal-Maatschappelijke Educatie (IFESE) in Ghent, Belgium.
- October 17: presentation of the paper 'In the aftermath of the disaster: liability and compensation mechanisms as tools to reduce disaster risk', at the Centre for Institutions, Economics and Law, Cairo, Egypt.
- October 17: lecture 'Introduction to law and economics', at the Centre for Institutions, Economics and Law, Cairo, Egypt.
- December 1: presentation paper "Ontwikkelingen en uitdagingen in het Europese milieustrafrecht", at the conference "Milieustrafrecht. Trends en toekomstige ontwikkelingen", in Utrecht, the Netherlands.
- December 2: presentation paper "Interdependencies between private law and regulation in remedying new risks", at the conference "Private law and interaction or inconsistency", Leiden, the Netherlands.

#### **Hebly, M.R.**

- February 8: lecture Behavioral Approaches to Private Law: 'What does the law say and do in regards to damages?' at Erasmus University College, Rotterdam (guest lecture).
- Marnix Hebly has been appointed as a permanent annotator for Jurisprudentie Aansprakelijkheid (JA) at SDU Uitgevers, The Hague.
- September 19: participated in the expert meeting *Schadeverhaal door slachtoffers van strafbare feiten* at the Ministry of Security and Justice.
- November 25 -26 2016: defense preliminary report Vereniging voor de Vergelijkende Studie van het Recht van België en Nederland, Leiden, the Netherlands

#### **Heine, K.**

- March 3: lecture within the course "Comparative Tort Law": Product Liability in the Age of Industry 4.0 - An Inventory, University Groningen, the Netherlands.
- March 9: the Political Economy of Grid Regulation - The Fundamentals of Grid Regulation, Lecture for the course in International Political Economy, Leiden University, Campus The Hague, the Netherlands.

- March 30 – April 2: Shaheen Naseer and Klaus Heine presented the paper 'Inertia and Public Bureaucracy: The Imprint of the Bureaucrat' at the annual meeting of the European Public Choice Society at the University of Freiburg, Germany.
- May 6: lecture *Fundamentals of Grid Regulation*, Freie Universitat Berlin.
- May 24: guest lecture in the Confrontatievak *Recht en belastingen*, ESL.
- June 2-3: paper presentation *The upside of Monopolies in Information Data Privacy Law* (jointly with Ignacio Cofone), the annual Privacy Law Scholars Conference (PLSC) at the George Washington University, Washington D.C., United States of America.
- Organisational liability', in: Backhaus, J. (ed.), *Encyclopedia of Law and Economics*, Heidelberg: Springer, 2016 (online), with K. Grabovets.
- 'Fiscal federalism', in: Backhaus, J. (ed.), *Encyclopedia of Law and Economics*, Heidelberg: Springer, 2016 (online), with P. Hanke.

**Kantorowicz-Reznichenko, E.**

- July 9: conference presentation "Can Nudges be Transparent and Yet Effective?", Behavioural Insights in Research and Policy Making" SABE/IAREP Conference 2016, Wageningen, the Netherlands.
- September 14: invited Lecture "Can Nudges be Transparent and Yet Effective?", Institute of Security and Global Affairs, Leiden University, the Netherlands.
- October 13: a speaker in a panel discussion at the 'Renewable Energy: Technical and Political Determinants of Biofuel in Sustainable Transportation' workshop, Institute of Security and Global Affairs, Leiden University, the Netherlands.
- Acted as a second reviewer of two EMLE theses (European Master in Law and Economics).
- November 18: presentation of the paper 'Can Nudges be Transparent and Yet Effective?', in the 11<sup>th</sup> Annual Conference on Empirical Legal Studies (CELS), Duke University, North Carolina, United States of America.
- December 2: guest Lecture "Public and Private Theories of Regulations: A Law and Economics Approach," Advanced Master in International Relations and Diplomacy, Leiden University, the Netherlands.
- Lecturer of the EMLE course 'Public Law and Economics'.
- Designed and launched the "EDLE Empirical Track" (training track to promote empirical research in law and economics within the European Doctorate in Law and Economics).

**Kolacz, M.K.**

- December 12-14: legal infrastructure for the cooperative logistics, Conference Proceedings, The International Conference on Business Case Research (ICBCR 2016) Hong Kong, People's Republic of China (together with W. Verheyen).

**Kramer, X.E.**

- February 25: introductory speech. Rotterdam, Conference From Common Rules to Best Practices in European Civil Procedure, Rotterdam, the Netherlands.
- February 25-26: organisation and hosting Conference 'From Common Rules to Best Practices in European Civil Procedure. Conference jointly organised with the Max Planck Institute for Procedural Law, Luxembourg: Rotterdam.
- April 19-20: *Towards ELI-Unidroit Model Rules of Civil Procedure: Basic Premises and Challenges*, at Bay Area Civil Procedure Forum, UC Hastings, San Francisco, United States of America.



- September 8: from Transnational Principles to European Rules of Civil Procedure  
- A horizontal working group on 'Structure': methodological approach and questions. Ferrara, The ELI 2016 Annual Conference, Italy.
- October 13: promotor of the PhD Hazelhorst, M.I. *Free Movement of civil judgements in the European Union and the right to a fair trial*.
- October 31: EU Overriding Mandatory Law and the Applicable Law on the Substance in International Commercial Arbitration. Conference: The Impact of EU Law on International Commercial Arbitration, New York, United States of America.
- November 11: hosting and chairing meeting ELI/Unidroit Working Group Provisional Measures. European Rules of Civil Procedure: Rotterdam, the Netherlands.
- November 18: presentation draft general report, Special procedures. EU Commission Study on the Impact of National Civil Procedure – Meeting of the Consortium and Advisory Board, Luxembourg, Luxembourg.
- November 21: internationaal privaatrechtelijke aspecten verzekering en aansprakelijkheid. Academie voor de Rechtspraak, Leergang Verzekeringsrecht, Waardenburg, the Netherlands.
- November 22: presentation draft rules Provisional Measures. ELI-Unidroit joint meeting project European Rules of Civil Procedure, Vienna, Austria.
- November 23: collective settlement proceedings in the Netherlands: rules and practice. Expert Meeting at the Ministry of Justice of Austria, Vienna, Austria.
- November 25: the ELI-Unidroit project; a model law of European civil procedure? Ius Commune, annual conference, Maastricht, the Netherlands.
- December 9: toepasselijk recht op verbintenissen. IPR voor de commerciële en financiële praktijk, Zeist, the Netherlands.
- December 22: promotor of the PhD Pannebakker, E. *Letter of intent in international contracting*, Cambridge (UK): Intersentia.

#### **Leyens, P.C.**

- January 11: risikoschutzpakete für den Aufsichtsrat durch Hauptversammlungsbeschluss General Counsel Meeting, Freshfields Bruckhaus Deringer LLP, Hamburg, Germany.
- April 12: abschlussprüfer, Ratingagenturen und Finanzanalysten als Informationsintermediäre des Kapitalmarkts Finanzplatz Hamburg, Handelskammer Hamburg, Germany.
- November 4-5: self-commitments and the Binding Force of Self-regulation with Respect to Third Parties in Germany Japanese-German Symposium on 'Self-regulation in Private Law in Japan and Germany', Max Planck Institute for Comparative and International Private Law, Hamburg, Germany.
- December 14-15: corporate Social Responsibility: Developments, Challenges and Perspectives Conference on 'Globalization of Corporate Social Responsibility and its Impacts on Corporate Governance', Faculty of Law, Renmin University, Beijing, People's Republic of China.

#### **Lindenbergh, S.D.**

- February 18: chair expertmeeting Zorgschade, De Letselschade Raad.
- March 3: the Personal Injury Claims Process, Comparing Legal Cultures, PI Claims in The Netherlands, lecture British Institute of International and Comparative Law, London.
- May 10: chair expertmeeting Zorgschade, De Letselschade Raad.

- May 17: course *actualiteiten aansprakelijkheidsrecht*, Grotius specialisatieopleiding Personenschade.
- May 24: culturen van letselschadeafwikkeling, lecture afscheidssymposium F.Th. Kremer.
- June 1: actualiteiten schadevergoedingsrecht, lecture Vereniging van Letselschade Advocaten, Nijkerk, the Netherlands.
- June 20: verzilveren van letselschade, een reflectie, lecture bezinningsdag Rechtbank Noord-Nederland, Wormer, the Netherlands.
- June 22: opposition promotion P.W. den Hollander, Leiden, the Netherlands.
- June 30: opposition promotion J. van de Bunt, Leiden, the Netherlands.
- August 29: participation meeting (at invitation) Slachtofferbeleid Ministerie van Veiligheid & Justitie, The Hague, the Netherlands.
- September 8: arbeidsongevallen en beroepsziekten, lecture PostAcademische Leergang Arbeidsrecht, Amsterdam, the Netherlands.
- September 9: schade en schade van derden, recitation Specialisatie opleiding Personenschade, Grotius, Den Dolder, the Netherlands.
- September 19: participated in the expert meeting *Schadeverhaal door slachtoffers van strafbare feiten* at the Ministry of Security and Justice.
- September 21: voordracht 'Tranen met duiten', Gastcollege UvA, Amsterdam, the Netherlands
- September 26: recitation Verdieping aansprakelijkheidsrecht, Mastercourse Aansprakelijkheidsrecht, Erasmus University Rotterdam, the Netherlands.
- October 5: chairman expertmeeting zorgschade. De Letselschade Raad, The Hague, the Netherlands.
- October 10: vergoeding van personenschade: beter dan een loterij? Lecture VNAB Kennisbijeenkomst, Rotterdam, the Netherlands.
- November 9: toekomstvisies op vergoeding van personenschade, lecture symposium Achmea Personenschade, Zeist, the Netherlands.
- November 25 -26: defense preliminary report Vereniging voor de Vergelijkende Studie van het Recht van België en Nederland, Leiden, the Netherlands.
- December 6: presentation results of the research 'A Socio-Legal Analysis of Personal Injury Claims' at the A&V Symposium, Erasmus University Rotterdam, the Netherlands.

### **Mascini, P.**

- February 29: guest lecture Behavioral Approaches to Private Law: A Paradigmatic Approach at Erasmus University College, the Netherlands.
- April 15: chair Smart Mixes Conference, session Cross-cutting Issues Panel (ESL), Rotterdam, the Netherlands.
- June 2: *Behavioral Sociology of Law and Behavioral Law and Economics: Why We Need Less Rather Than More Purity*, paper presented at the LSA in the session Perspectives on Law & Social Theory, New Orleans, United States of America.
- June 4: *Enforcement of health and safety violations in an era of deregulation: Dilemmas for health and safety regulators in the Netherlands*, paper presented at the LSA in the session Regulating at the front lines: Empirical insights from health and safety, animal welfare, the chemical industry, agriculture, and the environment, New Orleans, United States of America (with K. van Wingerden).
- June 7: discussant chapter 7 of Nina Holvast's dissertation during a lunch seminar at the Paul Scholten Centrum, UvA, the Netherlands.
- June 9: member of the reading committee: Willem Bantema (2016) '*Cafés in opstand*': een rechtssociologische studie naar de naleving van het rookverbod door caféhouders (*Revolting Bars: A Socio-Legal Study into the Enforcement of*

- *the Smoking Ban by Bar Owners*, Rijksuniversiteit Groningen, the Netherlands.
- June 22: guest lecture 'Streng zijn of overleg voeren? Rechtssociologie (ESL), Rotterdam.
- December 14: discussant of paper presented by Ewald de Bruijn on Satisfactory Priority Setting, PhD-seminar 2016 Department of Public Administration and Sociology.
- October 13: Rahul Sapkal (2016). 'How Law and Law Enforcement Affect Labour Markets in Developing Countries, An Empirical Study on India'. (inner committee).
- Member of the inner committee of Li Na: 'Compliance as Process: Work Safety in the Chinese Construction Industry', University of Amsterdam, the Netherlands.

#### ***Nieuwesteeg, B.***

- February 16: interview at BNR Nieuwsradio about the cyber insurance market.
- April 29: guest lecture at Open Minded Leiden, the Netherlands.
- May 12: presentation at the EconSec Colloquium TU-Delft, the Netherlands.
- October 14: pitch a Seaside Matchmaking Event Cyber Security the Hague, the Netherlands.

#### ***Oded, S.***

- January 12: presented at the Individual Liability for Corporate Corruption, at the conference: The Reform of the Regulatory State: Resilience in Times of Crisis, Maastricht University, the Netherlands.
- January 21: participated at the Tainted Assets Working Group meeting, organised by Norton Rose Fulbright, Forensic Risk Alliance and with the support of the OECD, London.
- April 19-20: participated in the OECD Integrity Forum 2016, Paris, France: 'Fighting the Hidden Tariff: Global Trade without Corruption'.
- May 25: participated in the Compliance Chamber meeting of the Institute for Financial Crime (IFFC), The Hague, the Netherlands.
- June 2: provided a presentation at the 2016 Risk and Compliance Platform Europe Annual meeting in Baarn, the Netherlands on 'Breaking the silence from the inside: effective mitigation of whistleblowing'.
- June 3: provided a presentation at the Institute of Business-Regulation Management at the Rotterdam School of Business on Individual Accountability for Corporate Corruption.
- June 23: promotor of the PhD Bhattacharya, S. on Competition law and the Bounded Rationality of Firms.
- September 5: participated in the Compliance Chamber meeting of the Institute for Financial Crime (IFFC), Amsterdam, the Netherlands.
- October 4-6: measuring Compliance Programmes' Effectiveness Using Big Data, at the Cambridge Forums: Global Compliance Officers' Forum, Frankfurt, Germany (with Glenn Ware).
- December 9: OECD Working Group on Bribery, Roundtable on Liability of Legal Persons for Foreign Corruption, OECD Conference Centre Paris, France.

#### ***Ontanu, E.A.***

- April 28: guest Lecture, 'Instruments Complementary to Brussels I-bis Regulation', European Private International Law in a Global Context Course, Leiden University, the Netherlands.

- February 25-26: conference presentation, 'Incorporating EOP and ESCP in the national procedural system and practice', Panel 4: How can the best practices of legal professionals with judicial cooperation be operationalised to improve mutual trust?, *From Common Rules to Best Practices in European Civil Procedure* Conference, Rotterdam, the Netherlands.

**Paccès, A.M.**

- January 8: speaker at the conference 'Eurobonds beyond Crisis Management', Bucerius Law School, Hamburg, Germany.
- December: 'The Law and Economics of Shadow Banking' (with H. Nabilou), XII annual conference of the Italian Society of Law and Economics, Turin, Italy.

**Philipsen, N.J.**

- September 21-22: chair (session on smart instrument mixes) at 17th Global Conference on Environmental Taxation, Martini Plaza / Groningen University, Groningen, the Netherlands.
- November 14-18: lecturer (coordination course 'Competition Law') at the China-EU School of Law, Changping / Beijing, People's Republic of China.
- November 16: guest lecture "The 'more economic approach' in EU competition law", CUPL, Beijing, People's Republic of China.
- December 16: PhD committee Lukas Wetzel, "On the Regulation of Termination Fees – A Comparative and European Approach", Maastricht University (also member of the reading committee), the Netherlands.

**Reinders Folmer, C.P.**

- September 27: 'Sorry, not sorry: het sorry-dieet. 8 redenen om geen excuses meer aan te bieden'. Interview for Flair Belgium.
- November 7: committee member for the defense of Juhui Wu's thesis: 'Understanding Human Cooperation: The Psychology of Gossip, Reputation and Life History', Vrije Universiteit Amsterdam, the Netherlands.

**Ruitenbeek-Bart, F.**

- Contributing editor of the Dutch journal 'Tijdschrift Vergoeding Personenschade'.

**Schelhaas, H.N.**

- Editor of the international journal *European Review of Private Law*.
- Editor of the Dutch journal *Contracteren*.
- Editor with A.J. Verheij & B. Wessels of *Bijzondere overeenkomsten* (Studiereeks Burgerlijk Recht), Deventer: Kluwer 2016 (pp. 566).
- Editor with R.J.Q. Klomp of *Verbintenissenrecht geschetst*, Nijmegen: *Ars Aequi* 2016 (pp. 241).
- Editor with R.J.Q. Klomp and E.H. Hondius of *Looseleaf Verbintenissenrecht*, Kluwer
- November 18: opposition PhD, J.J.M. de Laat, 'Naar zwarte, grijze en blauwe lijsten in het arbeidsrecht - een pleidooi voor algemene voorwaarden in het arbeidsrecht', Utrecht University, the Netherlands.
- December 9: defense preliminary report Vereniging voor Burgerlijk Recht, Amsterdam, the Netherlands.
- December 20: member of inner committee of M. Huizingh, 'Contractsoverneming', Radboud University Nijmegen, the Netherlands.

- December 22: member of inner committee of E.S. Pannebakker, 'Letter of Intent in International Contracting', Erasmus University Rotterdam, the Netherlands.

***Scheltema, M.W.***

- February 16: lecture at the joined meeting of the Dutch association of Banks and the Dutch Association of Foreign Banks on implementing business and human rights due diligence in project finance agreements and other financial instruments, Amstel Hotel, Amsterdam, the Netherlands.
- May 11: attended the EU-Roadmap conference on Business and Human Rights organized by the Dutch government during its presidency of the EU in Amsterdam.
- May 20: presented colloquium paper on Transnational Private Regulation in administrative law at the Association of Administrative Law annual conference.
- May 24: lectured on dialogue based mechanisms as viable avenue for solving business and local community disputes in connection with human rights issues at the annual conference of the Association of Corporate Mediation in the Amstel Hotel, Amsterdam, the Netherlands.
- May 26: keynote speech on the relevance of academic research for legal practice at the annual EGSL day, Erasmus University Rotterdam, the Netherlands.
- June 8 and 9: has attended the OECD Responsible Business Forum, Paris, France.
- June 24: attended the Community of Practice on Co- and Self-Regulation established by the European Commission in Brussels.
- July 5: has attended a conference on the proposed legislation in France on an obligatory due diligence requirement in connection with business and human rights for larger French companies in Paris.
- July 13-15: chaired a research track at the annual conference of the International Research Society on Sustainable Development (ISDRS) in Lisbon, Portugal.
- September 16: Has presented his paper on arbitration and human rights at a two day international conference hosted by the University of Washington, Seattle, United States of America.
- September 17: speaker in a panel on the functioning of OECD National Contact Points (NCPs) and in a panel on the future developments of the OECD Guidelines for Multinational Enterprises in a joint conference organized by the OECD and the International Bar Association and hosted by the George Washington University in Washington D.C., United States of America.
- September 22: organized and moderated a panel on human rights due diligence in global supply chains at the annual conference of the International Bar Association in Washington D.C., United States of America.
- November 15: participated in a panel on the role of lawyers at the UN Forum on Business and Human Rights in Geneva, Switzerland.
- December 2: participated in the meeting of the American Bar Association Business and Human Rights project in Washington DC; (co-)chaired the discussion on a proposal for a global human rights trust fund (a desk book regarding human rights compliance through contractual management in supply chains and arbitration and human rights).

- December 7: member of the inner committee of the Ph.D. defense (at TiU) of Marie-Claire Menting, Industry codes of conduct in a multi-layered Dutch private law.
- December 15: member of the inner committee of the Ph.D. defense (at EUR) of Yang Feng, Legislative Decentralization in China in the Reform Era.

#### **Soentken, M.**

- February 4-5: presentation Balancing the Dutch welfare state. Successful activation or polarization? at the Improve conference Improving poverty reduction in Europe: Lessons from the past, scenarios for the future in Brussels, Belgium.

#### **Swinnen, K.K.E.C.T.**

- May 19: lecture 'Accessoriteit in het vermogensrecht' on the *Doc-Serie 6 – Verbintenissenrecht* conference, Ghent, Belgium.
- September 26: organizer of guest lecture by Prof. Dr. Wian Erlank (North-West University), 'Virtual Property and Digital Goods – Real Property and not Just Intellectual Property', Rotterdam, the Netherlands.
- October 24: organizer of guest lecture by Prof. Dr. Eric Tjong Tjin Tai (Tilburg University), 'Privaatrecht voor de homo digitalis: eigendom, gebruik en handhaving', Rotterdam, the Netherlands.

#### **Tillema, I.**

- January 28: presentation at the symposium 'Towards a collective action for damages?', Amsterdam, the Netherlands.
- February: research visit Oxford University, United Kingdom.
- April: presentation at BACT seminar, Rotterdam, the Netherlands.
- June: presentation at Liesker Procesfinanciering, Breda, the Netherlands.
- October: presentation at the seminar Kollektiver Rechtsschutz, Konstanz, Germany.
- Co-organization of the symposium '**Naar een collectieve schadevergoedingsactie?**', Erasmus University Rotterdam, the Netherlands.

#### **Vandenbergh, A.M.I.B.**

- June 16: member of the defense committee of Sophie Bienenstock, *Trois essais sur l'analyse économique du droit de la consommation*, Université Panthéon-Assas, Paris, France.
- September 9: lecture 'Ongelijkheidscompensatie (werknemersbescherming) vanuit rechtseconomisch perspectief', master arbeidsrecht, Erasmus University Rotterdam, the Netherlands.
- October 3: lecture 'Law & Economics: illustrated with an application in the field of consumer protection law', master European Governance, Faculty of Law, Economics and Governance, Utrecht University, the Netherlands.
- October 26: presentation 'Finding order in the morass: The least-cost-information-gatherer principle as explanation of the Dutch contractual doctrine of mistake', M-EPLI talk, Maastricht University, the Netherlands.

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

- January 18: product Liability session in EMLE-course Law and Economics in the Courts.
- February 15: EUC-lecture Economic Analysis of Torts and Damages in the course Behavioural Approaches to Private Law.

- Editor of the Dutch legal journal *Aansprakelijkheid Verzekering en Schade* (AV&S).
- January 15: "QALY's en smartengeld", extra algemene ledenvergadering ASP (Advocaten voor Slachtoffers van Personenschade), Utrecht.
- January 28: een rechtseconomische analyse van de collectieve schadevergoedingsactie", symposium Collectieve Schadevergoedingsactie by ESL/Radboud Universiteit, Amsterdam.
- February 15: behavioural Approaches to Private Law, Torts and Damages, Bachelor-3-course at Erasmus University College.
- February 16: QALY's en smartengeld", Studiedag letselschade experts.
- March 29: lecture 'Inleiding in het rechtseconomisch denken', Erasmus Honours Law College, Erasmus University Rotterdam, the Netherlands.
- March 30: lecture 'QALYs en smartengeld', Privaatrechtelijk Dispuut Probus.
- April 5: lecture 'Aansprakelijkheid en schadevergoeding', Erasmus Honours Law College, Erasmus University Rotterdam, the Netherlands.
- May 20: participated in the first Expert Meeting of the Nationaal Platvorm Verzuim en Letselschade (NPVL).
- June 16: member of the PhD Committee of Yugank Goyal.
- June 23: member of the PhD Committee of Shilpi Bhattacharya.
- September 16: guest Lecture Master Arbeidsrecht, Erasmus University Rotterdam, the Netherlands.
- September 19 & 22: guest lectures in minor Death & Injuries.
- October 10: guest lecture Game Theory in EMLE-course Microeconomics.
- November 14 & 18: lectures Law and Economics for Erasmus Honours Law College, Erasmus University Rotterdam, the Netherlands.
- November 16 - December 14: full course 'Economic Analysis of Torts and Insurance' in EMLE.
- November 25: Visscher, L.T. *Procesfinanciering door derden? een rechtseconomische bespreking*, presentation of a paper, written together with Faure, M. en De Mot, J. autumn meeting Nederlandse Vereniging voor Procesrecht (NVvP), Amsterdam, the Netherlands.
- December 1: Visscher, L.T. *Quality Adjusted Life Years (QALYs) en smartengeld*. Presentation Bunnik, practical day 'Actualiteiten Letselschade'.