

Erasmus
School of
Law

Annual Report 2015

Research programme

**“Behavioural Approaches to Contract
and Tort: Relevance for Policymaking”**

Research programme

**Behavioural Approaches
to Contract and Tort**

Annual report 2015

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Key Facts 2015

- Our research team involved 29 researchers and 32 PhD candidates
- Our members won seven prizes, including the EALE Life time achievement award, the Elly Rood prize, the Deloitte Prize, the Heinz Sauermann young researcher's prize, the research prize of the Capital Market Law Foundation for the Financial Centre of Germany, an academic prize of the financial centre Hamburg, the Göran Skogh award and awards at the MIT Climate CoLab competition.
- Our researchers were awarded grants from the Erasmus Trust Fund, the Einaudi Institute of Economics and Finance, the European Commission, the Project Group Enforcement and Behavior CCV and the UK Foundation for International Uniform Law
- We were awarded a Research Excellence Initiative Grant by the Board of the Erasmus University Rotterdam
- Twelve PhD theses were defended
- In addition to the continuation of Prof. Engel's affiliation with BACT for the duration of two years, Profs. Schelhaas and Leyens, assistant professor Koen Swinnen and postdoc Menno Soentken were appointed in 2015
- Pieter Desmet joined Peter Mascini and Michael Faure as Programme Director of BACT
- BACT welcomed four visiting scholars in Rotterdam

I. Behavioural Approaches to Contract and Tort

The research programme

The aim of the program is to come up with insights that can help improving the construction of legal instruments. The program helps 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 behavioural approaches, all 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.

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

Organization of BACT

Directors

As of mid-2014, Professors Peter Mascini and Michael Faure lead the programme, and since 2015, Pieter Desmet (associate Professor) is a new co-director of BACT.

Secretarial support team

PhD candidates Evelien Engelhard and Marnix Hebly, together with student assistant Rosalie Dieleman, form the BACT secretarial support team. This 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 or (+31) (0)10 408 2360.

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. Lindenbergh (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.

II. People

BACT Researchers 2015

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. R.W.M. Giard	<i>Chair of Methodology and Tort Law</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. Paces	<i>Chair of Law and Finance</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. A. Stadler	<i>Chair of Comparative Mass Litigation</i>
Prof. L.T. Visscher	<i>Chair of Legal Economic Analysis of Tort and Damages</i>
Prof. G. Wagner	<i>Erasmus Chair of Fundamentals of private law</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
K. Grabovets
Dr. J. Liu
Dr. C. Reinders-Folmer
Dr. M. Soentken

BACT PhD Candidates 2015

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>
Ignacio Nicolás Cofone (EDLE/EM)	<i>Privacy Trade-offs in Information Technology Law</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>
Elena Fagotto (EDLE)	<i>Cost-Effective Criminal Enforcement: A Law and Economics Approach</i>
Monique Hazelhorst	<i>Cross-Border Enforcement and Fundamental Principles of Civil Procedure</i>
Marnix Heblj	<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>
Thomasz Mielniczuk (EDLE/EM)	<i>Agency problems and solutions in anti-cartel enforcement</i>
Sergio Rubens Mittlaender Leme de Souza	<i>Equity, Efficiency, and Ethics in Remedies for Breach of Contract: Theory and Experimental Evidence</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>
Renny Reyes (EDLE)	<i>Regulatory Governance Cycle: The Latin-American Developing Countries</i>
Elena Reznichenko (EDLE)	<i>Law and Economics of Cost-Effective Criminal Enforcement</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>
Hong Wei (EDLE)	<i>State Behaviour in the WTO litigation: The Case of China</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>
Jinyue Zhang (ECLC)	<i>The Application of Law in Cross-Border Issuing and Trading of Securities between Europe and China</i>

Other EDLE PhD Candidates

- Ritchelle Albuero (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*
- Bashir Assi (EDLE, Bologna), *Regulation and Optimal Incentives in the European Investment Funds Industry*
- Giulia Barbanente (EDLE/EM, Hamburg), *Economic Analysis of Indigenous Property Rights in Sub-Saharan Africa*
- Marco Baudino (EDLE, Bologna), *Urbanization and growth*

- Cintia Bezerra de Melo Pereiro Nunes (EDLE/EM, Hamburg), *Regulation of petroleum industry in Brazil*
- Steven 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*
- Diogo Gerhard Castro de Britto (EDLE/EM, Bologna), *Essays on Unemployment Insurance*
- Victor Livio Emmanuel Cedeno Brea (EDLE, Hamburg), *Commercial Bank Organizational Structures in the Aftermath of the Financial Crisis*
- Salvini Datta (EDLE, Bologna), *Freeing pharmaceutical trade: A Law and Economics Analysis of the Transatlantic Trade and Investment Partnership (TTIP) agreement*
- Marwa El-Abnar (EDLE, Hamburg), *The Political Economy of Competition Policy in Authoritarian Regimes*
- 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*
- Damiano Giacometti (EDLE, Bologna), *Experimental Economics on Credence Goods / Market for Taxi Rides*
- Etleva Gjonca (EDLE/EM, Bologna), *European Banking: Competition Policy and Regulation*
- Yugank Goyal (EDLE/EM, Hamburg), *Essays on Informal Market Institutions: Select Experience from India*
- Alice Guerra (EDLE/EM, Bologna), *Tort Law, Competition and Judicial Turnover: Revisiting the Key Assumptions of the Economic Analysis of the Law*
- Çiçek Gürkan (EDLE, Hamburg), *The Role of Banks for Corporate Governance*
- 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*
- Tobias Martin Hlobil (EDLE, Hamburg), *The Law and Economics of Judging*
- Ana Jakovlievic (EDLE/EM, Hamburg), *Fighting Corruption in Transitional Countries: A Law and Economics Approach*
- Jia Xufeng (EDLE, Hamburg), *Economic Analysis of Chinese Overseas FDI Through M&A*
- Bryan Kareem Khan (EDLE, Hamburg), *Optimal Scope for Rights of Broadcasting Organizations and Markets for Signal-Re-transmission*
- Jaroslaw Kantorowicz (EDLE/EM, Hamburg), *Constitutions: An Empirical Approach*
- Arun Kaushik (EDLE/EM, Bologna), *A Law and Economics Analysis of Trade Secrets: Optimal Scope of Law, Misappropriation and Alternative Damages Regimes*
- Maximilian Kerk (EDLE, Bologna), *Governance of Inter-firm Cooperation*
- Min Lin (EDLE/EM, Hamburg), *Law and Economics on Intellectual Property Collateralizations*
- Eka Lomtadze (EDLE, Hamburg), *An Economic Analysis of Justifiability of Social Rights*
- Maximiliano Marzetti (EDLE, Bologna), *The Elusive Rationale of Trade Mark Dilution*
- Stephan Michel (EDLE/EM, Hamburg), *Endogenous Institutions*

- Valerijus Ostrovskis (EDLE, Bologna), *Multilateral Trading Facilities and Their Impact on European Financial Markets*
- Peng (EDLE, Bologna), *Platform competition in Search Engine Market*
- Maria De Campos (EDLE, Hamburg), *Nudging – Long-term effectiveness and viability*
- Daniel Pi (EDLE/EM, Bologna), *Foundations of Law and Economics*
- Faiz Ur Rehman (EDLE/EM, Bologna), *Essays on Terrorism and Counter-terrorism in Pakistan: An Economic Analysis*
- 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*
- Maria Pia Sacco (EDLE, Bologna), *Optimal Deterrence of International Bribery*
- Rahul Sapkal (EDLE/EM, Hamburg), *Essays on Labour Law and Economics: Theory and Empirical Evidence from India*
- Huojun Sun (EDLE/EM, Bologna), *Trust, Law and Social Norms: Experimental evidences on institutional design*
- Denard Veshi (EDLE, Haifa), *The European management of refugees' movement*
- Shuo Wang (EDLE, Bologna), *Patent Litigation in China*
- Akiva Weiss (EDLE/EM, Hamburg), *Economic Effects of Transitional Justice Mechanism in Arab Spring Countries*
- Gustavo Federico Wesselhoefft (EDLE, Hamburg), *Multiparty Contracts & Non-Recourse Finance (Project Finance) Law and Economics*
- Orlin Yalnazov (EDLE, Hamburg), *The Choice of Remedy for Breach of Contract*

Appointments

Professor of Private Law: Harriët Schelhaas

As of 1 September 2015, Harriët Schelhaas joined the Erasmus School of Law as Professor of Private Law. Schelhaas was associated with the Molengraaff Institute for Private Law at Utrecht University, where she obtained a PhD for a comparative law study into penalty clauses. From 2005, Harriët Schelhaas was a lawyer (latterly as counsel) at Stibbe in the Commercial Litigation department. In that role, she advised and conducted proceedings on a wide range of subjects relating to the law of obligations.

Her research at Erasmus School of Law will be conducted within BACT and will primarily focus on (international) commercial contract law.



Professor of Empirical Legal Studies: Prof. Patrick Leyens LL.M.

At Erasmus School of Law Prof. Leyens will be responsible for courses in the area of corporate law and economics. Among other activities, he will supervise master theses and will be the promoter of PhD candidates in the EDLE programme within the field of comparative corporate and commercial law as well as securities regulation. As a member of the Chair of Empirical Legal Studies he will contribute to fostering the understanding of the operation of the law within different jurisdictions and under different economic conditions. His current research concerns the role of gatekeepers of financial markets, including statutory auditors, rating agencies and financial analysts (funded by the German Research Foundation, 2013-2015).



Prof. Leyens studied law at the University of Cologne (state exam 1999), earned a master degree in international business law at Queen Mary University of London (LL.M. 2000) and completed the German Referendariat (bar exam 2006). For his doctoral thesis on corporate law and economics he received several awards, including the prestigious Otto-Hahn-Medal from the Max Planck Society (dr. iur. 2006). He was the Jun. Prof. of Private Law and Economic Analysis of the Law at the Institute of Law and Economics, University of Hamburg (2007-2013). He has served as an adviser to the German Ministry of Finance and the German Federal Parliament (2007-2009). Strong ties with ESL, especially RILE, were built up as the University of Hamburg Director of the joint doctoral programme EDLE (2009-2012) and as a lecturer of the joint master programme EMLE (2007 to date).

The Professorship Erasmus Chair of Empirical Legal Studies is intended to be held alternately by distinguished scientists with an international reputation and extensive experience in the empiricism of law. The relatively new field of 'empirical legal studies' focuses on the quantitative study of private law (among other fields of law). It is an important chair within the research programme Behavioural Approaches to Contract and Tort.

Assistant professor: Koen Swinnen

In 2015, Koen Swinnen joined the Erasmus School of Law as Assistant professor of property and insolvency law. Swinnen previously worked at the lawyers firm Altius in Brussels, and has also gained academic experience at the University of Leuven, where he worked from 2008 to 2013, and as a visiting researcher at Harvard Law School. At the University of Leuven, Swinnen defended his doctoral thesis "Accessoriness of property law". Through the years, Swinnen published about various subjects within property and insolvency law, with a preference for easements and often conducting comparative legal research. His research at Erasmus School of Law will be conducted within BACT and will primarily focus on (comparative) property and insolvency law.



Continuation of Christoph Engel's affiliation with BACT

Professor Engel will prolong his affiliation with BACT for the next two years. In 2012, he accepted the Erasmus School of Law 'Sanders Wisselleerstoel' and in 2014 the chair for 'Experimental Law and Economics'. This chair was funded by the REI 2014-2017 grant awarded by the board of the Erasmus University Rotterdam. The dean of the ESL and the board of the university have now approved a second extension of Engel's appointment for two years as of April 2015. For BACT the continuation of Engel's input to our programme is extremely valuable. There is no need to mention that Christoph Engel is a leading scholar in several fields. He is a public law Professor, who covers a broad array of disciplinary legal research. Over the years, he has increasingly branched out into, mostly experimental economics and psychology. He specialises in experimentally testing legal issues. As Director of the Max Planck Institute for Research on Collective Goods in Bonn, Professor of Law at the Universities of Bonn and Osnabrück, and chairman of the International Max Planck Research School on Adapting Behavior in a Fundamentally Uncertain World, he offers BACT valuable contacts with top quality research institutes in Germany. Furthermore, Engel has presented his work on numerous events organized by BACT or the ESL, has done collaborative research with BACT-members and colleagues of ESL, has been member of several thesis committees of EDLE PhDs, and has organized workshops on empirical legal research with criminologists and ESE. Engel has expressed his ambition to continue and expand on similar activities in the two years to come. He is a highly respected member of BACT and, no doubt, will continue to be a source of inspiration to us all.



Postdoc: Menno Soentken

Since 1 October, Menno Soentken has been working as a Postdoctoral researcher on the REI project *Shifting from welfare to social investment states: the privatisation of work-related risk control*, coordinated by BACT (Faculty of Law) and Sociology and Public Administration. The starting point of this project is that private actors (i.e. employers and employees) are given new responsibilities to control work-related risks (i.e. the risk of dropping out of work because of unemployment, disability or sickness) and no longer fall back on the state as prime caretaker. This transition assumes that state officials, employers and employees adopt new roles, identities and working practices. This project studies whether and how these adaptations have taken place, how they are legitimised and how they affect policy implementation.

Soentken previously worked as a PhD candidate at the VU University Amsterdam. In his dissertation, he developed and tested a *distributive logic* of active labour market governance (ALMG). ALMG, such as benefit administrations and public employment services, affects the power resources of political actors and provides



certain actors with decision making authority and long term control over welfare programmes. In his dissertation, Soentken shows that parties, governments and organized interests use ALMG as weapons of coercion to pursue long term policy goals with profound consequences for the clients of the welfare state. Soentken has also worked as a process management consultant at Berenschot and academic manager of the Talma Institute of Work, Care and Welfare at the VU University Amsterdam.

Visitors

Raja Angara †

Professor at the School of Economics at the University of Hyderabad

3 March – 3 May 2015

My visit to the Erasmus University Rotterdam, at the invitation of BACT proved to be very satisfying academically. My thanks to Prof. Peter Mascini for extending this invitation.

In the space of two months (March and April) I gave two seminars; first to the students and faculty of EDLE program on "Problems and Issues of developing Countries from a Law and Economics Approach".

In this presentation I focused on an Institutional History of Private property rights in India. The comments received were very useful to me as I was incorporating this material in a Book on Law and economic development that I was writing at that time. My second presentation was on 17th April, at the BACT on "Economic Analysis of Pre-Trial Negotiations: Towards a Behavioural Approach". I also had the opportunity to participate in a workshop on Non-pecuniary losses in contract and tort held at Erasmus University Rotterdam Woudestein Campus, Room T3-16 12 and 13 March 2015. Furthermore, I participated as a discussant of a paper presented by Mr. Yugank Goyal at the Joint Seminar 'The Future of Law and Economics', that took place at Paris (X) Ouest Nanterre La Défense on Thursday 26 & Friday 27 March.

My interaction with the faculty as well as the EDLE students at RILE was extremely productive and helpful. Academic inputs aside, I was made very comfortable and the warmth of both students and faculty is very much appreciated. My special thanks to Prof. Michael G. Faure, Prof. Alessio M. Paccès, Prof. Roger J. Van den Bergh, Prof. Louis T. Visscher, Drs. Wicher Schreuders, Dr. Ann-Sophie Vandenberghe for their comments and/or discussions with me on various issues. Manager Marianne Breijer and Secretary Simone Rettig provided excellent support and care during my stay and made every possible effort to see that I was comfortable. I was also given my own time to allow me to concentrate on the sabbatical work of writing a book on Law and economic development



I very much look forward to strengthening my ties with BACT and RILE and visiting sometime in the future as and when my book nears completion. I also look forward to becoming an associated partner in the EMLE and EDLE programs.

Sadly, BACT was informed that Raja Angara passed away unexpectedly on 28 January, 2016.

Yun-Chien Chang

Associate Research Professor at Academia Sinica

31 May – 6 June 2015



As a BACT visitor in June 2015, I gave a moot-court session for EMLE students with a topic around the good-faith purchase doctrine. It is my first interaction with EMLE students. I am impressed with the law-and-economics proficiency of the students who are from multiple countries in or outside of Europe. After three teams defended their clients, they cross-examined each other. Then I challenged each of them and asked those who do not participate as attorneys to join the discussion. Finally, I lectured a bit on how I think the good-faith purchase doctrine can be reformed to enhance efficiency.

In addition, I had the pleasure of presenting in the BACT seminar. This is the first time that a social psychologist, Chris Reinders-Folmer, serves as my commentator. The engaging audience and I had several rounds of challenging and countering. A real intellectual feast! The topic of the paper is the effect of

attorney and judge experience in pain and suffering damages litigation. My co-authors and I drew on economic and psychological theories and litigation data from Taiwan to tease out the value of civil experience.

Fatih Deyneli

Assistant Professor Department of Public Finance in the Faculty of Economics, Pamukkale University in Denizli, Turkey

July 2015

Efficiency of Judiciary: Comparative Analysis Between Turkey and the Netherlands

During my visit to BACT, I have researched the efficiency of the Dutch legal system. First, I have done a literature search about Dutch judiciary. Subsequently, I have gathered data about efficiency, quality and budget of the judiciary. Furthermore, I discussed my work with several members and contact officials at the Dutch Council of the Judiciary.

Besides research, I met very kind and friendly colleagues who made me feel very comfortable during my visit. For this, I want to thank Marianne Breijer, Wicher Schreuders, Ann-Sophie Vandenberghe, Simone Rettig, Peter Mascini and all other faculty members. My visit at BACT was fruitful for me. As you say in your website "People think, decide, and act, and so do institutions and corporations". And there is a wonderful atmosphere to think, to decide and to act in BACT. I really want to visit BACT in the future again for thinking, deciding and acting.



Israel Gilead

Bora Laskin Professor of Law, Faculty of Law, The Hebrew University of Jerusalem

Late September to mid October 2015

III. Output and Activities

Educational activities

Lecture Series on Empirical Legal Studies by Prof. Jonathan Klick

23, 24, 25 March 2015

Though it is part of the second year of the EDLE programme, this lecture series by **Jonathan Klick** is also open to other participants. The lectures highlight strategies used in empirical law and economics to isolate how legal and regulatory changes affect individual behaviour. The course is an introduction to statistical methods used in law and economics, and in empirical legal studies. The course ensures that participants can be critical consumers of empirical research used in modern social-science scholarship, and offers a starting point for attendees to perform their own empirical law and economics research. Prof. Klick (1975) is Professor of law at the University of Pennsylvania Law School, and has been appointed as part-time Erasmus Chair of Empirical Legal Studies at Erasmus School of Law. Klick is a lawyer and an economist, specialising in empirical law and economics. He has ample experience in the methodology of empirical law and economics, which constitutes an invaluable resource for the empirical aspirations of Erasmus School of Law research.



EGSL Review Day 2015

On 28 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 five-minute pitches, Yi Hu, Cheng Bian, Evelien Engelhard and Marnix Hebly presented the progress of their research to fellow PhD candidates, members of doctorate committees and to other colleagues of Erasmus School of Law. Yi Hu and Cheng Bian are both PhD students from the China Law Centre. Hu's research focuses on EU climate change policies and WTO rules and its implications for China. Bian's research is about national security review systems regarding foreign capital mergers and acquisitions (comparing China, USA and EU law). Engelhard is studying legal and procedural improvement initiatives in the context of personal injury law (a comparative legal study). Hebly's presentation focused on tensions between efforts for financial redress and the need for reconciliation in handling personal injury cases.

The pitches were preceded by a speech by the director of EGSL, Professor Elaine Mak and followed by a brief plenary discussion.

Conferences

Workshop Smart Mixes in relation to Forest and Climate Change Governance

Co-organized by University of Amsterdam (Amsterdam Center of International Law) and Erasmus University Rotterdam (BACT, RILE), 4-5 February 2015, Amsterdam. Sponsored by

KNAW, and organized under the auspices of the project "Smart Mixes in relation to Transboundary Environmental Harm".

This multidisciplinary workshop discussed how different governance instruments interact with each other, at different levels to address transboundary environmental harm, especially forest and climate problems. It provided a forum for international policy-makers, practitioners, MNCs, NGOs and academics to exchange views.

Among others, Michael Faure, Peter Mascini, Judith van Erp and Jing Liu chaired or presented during the workshop. On the first day, academics were invited to present on regime/instrument interaction concerning forest and climate change governance. On the second day, the methodological issues concerning smart mixes research were discussed. Scholars, practitioners and representatives of NGOs were actively engaged in the discussion regarding experiences learnt and the future agenda.

In the workshop, a few issues for future research were identified:

1. Is mixing always a good thing? Can we justify the needs for smart mixes?
2. Is it possible to purposefully design smart mixes in a policy design or is it merely a dynamic intended/unintended process? Are mixes orchestrated top down or do they develop bottom up? How do mixes develop and adapt?
3. What do mixes consist of? Instruments, regimes, institutions, or actors?
4. What are the drivers of the problems requiring smart mixes?
5. What are the intended and unintended consequences of smart mixes?

Workshop Non-pecuniary damages in contract and tort

12 and 13 March, Erasmus University Rotterdam

On March 12 and 13 2015, a two-day workshop on *Non-pecuniary damages in contract and tort* was held at the Erasmus School of Law. Eleven papers covering seven jurisdictions as well as several 'behavioural approaches' were presented. The workshop was organized by Qi Zhou from the University of Leeds and Louis Visscher and it was supported financially by BACT.

The first paper was presented by Louis Visscher and Vaia Karapanou who discussed the Law and Economics approach to non-pecuniary losses in tort law. They argue that so-called 'ex ante determined damages', which are based on the amount potential victims are willing to spend on avoiding the non-pecuniary loss, form the proper basis for non-pecuniary damages in tort law. They explain that the concept of Quality Adjusted Life Years (QALYs) can be regarded as the societal willingness to pay to avoid personal injuries and hence can be used as basis for assessing pain and suffering damages.

Han-Wei Ho from Institutum Iurisprudentiae, Academia Sinica in Taiwan presented a paper she co-authored with Yun-Chen Chang and Jimmy Chia-Shin Hsu from the same university. They empirically analyze Taiwanese court cases dealing with non-pecuniary damages, especially regarding defamation. Using novel data sets the authors find that restoration measures (like apologies posted in newspapers) in defamation cases do not substitute for pain and suffering damages. In addition, annual incomes of both parties and relative social status are the most important factors. Finally, plaintiffs who do not have to pay court fees do not over-claim when compared to those who have to pay.

Qi Zhou gave the third presentation, focusing on the economic analysis of non-pecuniary damages in contract law. Zhou examines the three possible approaches to measuring damages for loss of enjoyment caused by breach of contract: (1) the objective approach that gives the judge discretion to quantify damages, (2) the subjective approach that measures damages as the actual loss of consumer surplus and (3) the contract price approach that fixes damages to the contract price. He argues that the contract price approach may be superior to both the objective approach and the subjective approach because it balances the goal of compensation and the requirement of predictability in practice.

Jeff Rachlinski provided an overview of relevant findings from his psychological research related to non-pecuniary damages. Apologies made by the defendant turn out to have no or only little impact on the outcome of a case and if judges assess the apology as insincere it might even have a detrimental effect on the person issuing the apology. Furthermore, the anchoring effect has a noticeable effect on the award of damages (e.g. whether or not reference is made to a damages cap, which is not relevant because the loss in the case is much lower). And judges, as other people, are influenced by their emotions and feelings towards the litigants (e.g. whether the defendant is from the same State or from another State), which might have an influence on the outcome of the case.

Bob Rabin from Stanford Law School presented a paper on non-pecuniary damages in American tort and contract law. He discusses issues of conceptualizing loss of enjoyment of life, loss of consortium, and wrongful death recovery, as well as critiques of allowing pain and suffering damages and of placing ceilings on recovery of non-pecuniary harm. After physical injuries he turns to stand-alone emotional harm recovery (assault, false imprisonment, intentional and negligent infliction of emotional distress) and protection of personality interests (defamation and the right of privacy). Turning to contract law, Rabin explains the general rule of non-recovery, as well as the exceptions to this rule in cases where breach causes bodily injuries or where emotional disturbance is a particularly likely result of breach because of the highly personal nature of the contractual agreement.

Roger Halson from the University of Leeds continued with a presentation on non-pecuniary damages in tort and contract in the UK. He pays ample attention to the fact that the Court of Appeal in the case of *Simmons* used this case to introduce a 10% uplift in the level of damages for non-pecuniary losses, as was proposed in Sir Rupert Jackson's Final Report on Civil Litigation Costs. Halson discusses the various forms of non-pecuniary damages in contract and tort in the UK in general.

Giovanni Commandè from Scuola Superiore Sant'Anna in Pisa closed the first day of the workshop. His paper centers round the concept of full compensation as applied/applicable to non-pecuniary damages. He studies which role the notion of full and fair compensation can serve and how it relates to the criteria actually used to award non-pecuniary losses in several countries, with a special focus on Italy. He hence analyses how the main awarding criteria these countries use can serve the principle of making the victim whole. After this comparative part, Commandè pays attention to the question of whether it is possible to investigate if the notion of completeness is satisfied under certain condition and in this respect he suggests a new path of research based on neurocognitive science insights.

Jean-Sébastien Borghetti from Université Panthéon-Assas in Paris opened the second day of the workshop with his paper on non-pecuniary damages in France. He explains that the starting point of French liability law is that all types of damage are normally compensable and that French courts have stuck to this original approach, and have always declined to

define *dommage*, presumably to retain as much discretion as possible, but also probably to avoid certain types of harm not being compensated. Borghetti discusses the various categories of non-pecuniary damages, as well as the French pending questions, i.e. how to compensate non-pecuniary losses (in kind or via damages), how to calculate damages and whether to exclude certain forms of non-pecuniary damages from compensation (e.g. wrongful birth and wrongful life).

Wenqing Liao from Maastricht University presented the paper she co-authored with Michael Faure on the compensation of non-pecuniary losses in China. In 1986 China introduced non-pecuniary damages in case of an infringement of a victim's personal rights. In subsequent case law, statutes, interpretations and standards this approach to non-pecuniary damages is refined. Besides paying damages, injurers often also have to take measures in order to eliminate the effect of the wrongdoing. The authors see a trend in China to enlarge the scope of non-pecuniary damages to increase the protection of personal rights and interests. Large differences in damages calculations exist between regions, because each region follows its own approach. The authors argue that whether or not this is a problem, depends on the goals that are pursued with non-pecuniary damages.

Ulrich Magnus from the Universität Hamburg explained that in German law compensation of non-pecuniary loss in money is only possible if statutory law so provides. The legislative starting point for recoverability was very narrow, but because a comprehensive definition lacks, courts generally determine on a case-by-case basis whether certain losses are recoverable in money and they have gradually widened the scope. Only relatively recently the legislator became more active in this respect. Magnus discusses the various functions of non-pecuniary damages (compensation, satisfaction, protection of the victim), the types of losses for which compensation is possible, the assessment of damages and the expanding scope of non-pecuniary damages in contract law. But he concludes that German law is still quite restrictive and that a greater openness towards monetary compensation of immaterial losses appears desirable.

Siewert Lindenbergh and Tammo Wallinga gave the final paper presentation. They started with a historical overview of the right to compensation of non-pecuniary losses. Starting with Roman law, where such compensation did not exist as such, via the reception of Roman law, Canon Law, Moral Theology, Grotius and other Dutch writers of the 17th century, the authors reach the various Dutch codifications and discuss Supreme Court case law in which the question of whether non-pecuniary losses were compensable is answered affirmatively. In the second part of their paper, the authors discuss the functions of non-pecuniary damages (compensation and satisfaction) and present research about the perception of non-pecuniary damages by victims. They describe the types of cases where non-pecuniary damages are possible in the Netherlands (personal injuries, injury to honour and reputation and 'Otherwise injured' (i.e. mental illness and breach of fundamental rights), but not (yet) for bereavement) and pay attention to issues of calculation of such damages.

In the weeks after the workshop, the presenters have updated their papers, incorporating the feedback that they received during the workshop. The papers were included in a special edition of the *Chinese Journal of Comparative Law*.

Joint Seminar 'The Future of Law and Economics' in Paris

26 and 27 March, Paris (X) Ouest Nanterre La Défense

On 26 and 27 March, the EDLE Joint Seminar took place at Paris (X) Ouest Nanterre La Défense. A delegation from Rotterdam presented their own research, commented on the work of others, or chaired sessions. By now, the joint seminar is a well-established recurring international event.

Valedictory lecture prof. Hodges

12 June, Erasmus University Rotterdam

On 12 June, Oxford Professor Christopher Hodges ended his tenure at BACT with his valedictory lecture. He addressed the importance of integrating theories of regulation, enforcement, compliance and ethics for shaping ethical regulation. The lecture hereby sought to provide an overarching perspective on how this question is addressed by a range of disciplines – and thus identify novel avenues for enhancing compliance and redressing failures.

In his analysis of this question, Professor Hodges highlighted the contrast between, on the one hand, the extensive use of deterrence as a leading principle of ethical regulation and on the other hand, the limited evidence for its effectiveness. For an alternative approach, his analysis integrated principles from regulatory and enforcement theory, psychology and restorative justice to illuminate how intrapersonal (e.g. moral values) and interpersonal processes (e.g. organizational culture) can be mobilized to promote ethical behaviour. Professor Hodges then advances an approach in which business and regulators collaborate to shape protocols on ethical behaviour, thereby enabling fair and effective systems for applying laws and addressing noncompliance. This approach aims to ensure ethical regulation that is widely supported and closely integrated within organizational culture – so that internal norms and values can be mobilized to enhance compliance.

Farewell symposium Raimond Giard

15 June, Erasmus University Rotterdam

On 15 June, a symposium was held at Erasmus University to commemorate the farewell of Raimond Giard. During the symposium, a range of distinguished speakers reflected on Raimond's pioneering contributions to the field of liability law.

Speakers discussed Giard's work on the basis of three theses. Ruth de Bock and Diederik Aben discussed the thesis that miscarriages of justice tend to originate more from the inadequate establishment of the facts than from wrongful judicial interpretation. Their contributions criticized the crucial role of the narrative in the administration of justice, underlining how a compelling (but not truthful) narrative may colour judgment and interpretation of cases and affect the verdict. Whereas Ruth de Bock underlines the importance of incorporating multiple perspectives as possible avenues towards improvement, Diederik Aben argued for narratives to be treated as hypotheses – to be judged not based on intuitive plausibility, but to be tested through fact finding against alternative hypotheses.

Willem van Boom and Dineke de Groot discussed the thesis that *just verdicts are only possible if judges truly understand the question upon which they decide*. Willem van Boom

highlighted the many situations in which the “objective” truth is impossible to determine and only the probabilities of outcomes are known. He questioned the extent to which that should preclude judges from making decisions. Dineke de Groot advocated greater participation of plaintiff and defendant in making sense of cases. Participation enables parties to gain insight into each other’s perspectives on the incident and to work on its restoration – thereby enabling a resolution that bypasses the difficulties of establishing the objective truth.

Arno Akkermans highlighted that a focus on fact-finding and initiatives to counter biases (e.g. reliance on expert representatives) may unintentionally create an adversarial context which can produce harmful and antitherapeutical consequences for victims in the domain of personal injury litigation. Instead of a system which relies on experts and representatives, Akkermans advocates legislation that refers judgment to a decision-maker who possesses both judicial and medical expertise – thereby reducing bias, costs and antitherapeutical effects.

Raimond Giard himself summarized his work on bias and causality. He outlined how bias may shape parties’ perceptions of the causation of incidents and how subjective experiences of causality may therefore differ from actual evidence thereof. He went on to identify the risks of basing judgments on reasoning and intuition, underlining instead the importance of accurate, empirical testing of causal relationships through methods designed to counter bias.

Siewert Lindenbergh rounded off the day with a speech emphasizing the huge impact of Raimond Giard’s contributions to the methodology in problems of liability, which is all the more remarkable in view of his late entry in the legal domain as a former medical practitioner.

Workshop Experiments at the Crossroads of Law and Economics

On 9 July, the workshop ‘Experiments at the Crossroads of Law and Economics’ took place. This was co-organized by BACT, the Rotterdam Institute of Law and Economics (RILE), the Erasmus School of Economics and the Tinbergen Institute. The workshop brought together researchers from a broad range of disciplines, whose research focuses on the intersection of law and economics. BACT researcher Marco Fabbri presented an observational study (with co-authors Paolo Nicola Barbieri and Maria Bigoni) on how the presence of children affects people’s norm compliance, thereby providing evidence that people may be less likely to commit certain traffic violations when observing that children are present. BACT researcher Chris Reinders Folmer presented research (with co-authors Tessa Haesevoets and Alain Van Hiel) that examined the effectiveness of financial compensation as a tool for restoring competence and integrity violations. The study revealed financial compensation to be effective only in case of competence violations, while in the case of integrity violations, overcompensating the cost of the violation was unsuccessful. BACT visiting Professor Christoph Engel presented a test of the Coase theorem. The research (with Oren Bar-Gill) showed that the theorem may even hold in the absence of property rights. Robert Dur (Erasmus School of Economics and Tinbergen Institute) presented a field experiment (with Ben Vollaard) on the impact of lamination on public urination. The results of this study (performed at the Royal Palace in Amsterdam) indicated motion sensor light in particular to be an effective tool for reducing public urination at this location.

EALE conference for the EDLE

EALE conference, 16-19 September, Vienna.

The yearly conference of the European Association of Law and Economics (EALE) held in Vienna from 16 to 19 September has been very successful for the European Doctorate in Law and Economics (EDLE). From the total number of presentations, of which 23 were by our current and alumni EDLE PhDs.

Sergio Mittlaender Leme de Souza won the Göran Skogh Award for the best paper presented by a young scholar with his paper on "Retaliation, Remedies and Contracts". Dirk Heine and Joé Rieff won the prize for best paper on tax competition with their paper on *The Effect of EU Member States' Asymmetric Sizes on Personal Income Tax Competition*. Furthermore, Roger Van den Bergh received the "EALE Life time achievement award".

Workshop: Smart Mixes in relation to Fishery and Oil Pollution Governance

7 - 8 October 2015, Royal Netherlands Academy of Arts and Sciences, Amsterdam

Smart Mixes in relation to Fishery and Oil Pollution Governance was the second workshop organized under the umbrella of the research project "Smart Mixes in relation to Transboundary Environmental Harm", sponsored by Royal Netherlands Academy of Arts and Sciences. The workshop was co-organized by BACT and the Amsterdam Center for International Law (University of Amsterdam).

The workshop focused on how different governance instruments interact at different levels in addressing the transboundary environmental problems of oil pollution and overfishing. In this interdisciplinary workshop, lawyers specialized in international and environmental law, as well as sociologists, political scientists and practitioners, engaged in a discussion on the interaction between key instruments used in practice in addressing the two aforementioned environmental problems. Debated topics included the concept of "smart mixes", the balancing of universal versus context-bound solutions, key methodological challenges, as well as the potential avenues for future research. Jing Liu presented her research and Michael Faure and Peter Mascini chaired during this workshop.

The "De Doelderdag" 2015

29 October – Erasmus University Rotterdam

The theme of the third lustrum edition of the De Doelderdag was *damages for injury: past, present and future* ("Smartengeld bij letselschade: verleden, heden en toekomst"). The De Doelderdag is a yearly symposium organized by Erasmus School of Law, with its roots in the farewell symposium in 2001 of former dean of ESL, Hans de Doelder. This year's edition was again successful with over 150 visitors.

Suzan Stoter, dean of ESL, opened the symposium with a short speech in which she referred to the history and the lustrum of the De Doelderdag. Professor Michael Faure chaired the session and introduced the first speaker of the day: Professor Tammo Wallinga. Wallinga kicked off the session with a historical overview of the theme of damages and discussed Roman law, canon law and other developments of the past centuries in the Netherlands. Professor Siewert Lindenbergh then spoke about the status quo of damages within the Netherlands and compared this with the situation within other countries. Lindenbergh explained the concept of damages and discussed the legal aspects of the Dutch regime on

damages, concluding that the Netherlands is certainly not at the top of the list of damages paid when compared to other European countries.

After reviewing the past and the current situation, Professor Louis Visscher went on to explain his vision on the 'future' of assessing damages for non-pecuniary losses. He explained the QALY method that is currently being used to measure disease burden, including both the quality and the quantity of life, used in the medical field. QALY stands for Quality adjusted life years and uses scores from 0 to 1 to assess one's life quality after injury. Visscher investigates whether this method could be used as an economic approach for assessing the amount of damages to be paid for a specific injury.

The last two speakers of the symposium talked about dealing with this topic in practice, both on the claimants' side as well as on the liability insurers side. Peter Langstraat and Theo Kremer discussed the practice of being a lawyer concerned with personal injury cases and the problems of insurance practice respectively. After sharing their insights in this field, all five speakers took part in a panel discussion in which questions from crowd were answered.

Symposium 'Volledige vergoeding of adequate erkenning?'

Friday December 4, Erasmus University Rotterdam

On Friday the 4th of December, the ESL organized the symposium 'Volledige vergoeding of adequate erkenning' ('Receiving full compensation or adequate recognition?') on the campus in Rotterdam. During this symposium, which was chaired by professor Siewert Lindenbergh, various (unusual) compensation schedules and regimes were highlighted.



John Beer, lawyer at Beer advocaten, kicked off by elaborating on several issues regarding the handling of personal injury claims after catastrophes like the Enschede fireworks disaster and the fire in a café in Volendam on New Year's Eve. Subsequently, Machiel van der Woude, director of the Dutch Institute for Asbestos Victims, spoke about handling the claims of victims suffering from mesothelioma, lung cancer and asbestosis. Bart Holthuis, chair of the

Compensation Committee for the Catholic Church abuses, discussed his own experiences with the compensation mechanisms that are being used to deal especially with sexual abuse on a large scale which took place a long time ago.

Jan van Dijk, member of the Committee of the Dutch Criminal Injuries Compensation Fund and professor in victimology, closed the day with his thoughts on compensation after sexual abuse in youth care institutions.

Experiments at the crossroads of law and economics

15 December, Erasmus University Rotterdam

December 15th 2015 saw a new instalment of the workshop *Experiments at the Crossroads of Law and Economics*, co-organized by BACT, the Rotterdam Institute of Law and Economics (RILE), the Erasmus School of Economics (ESE), and the Tinbergen Institute. As

in earlier meetings in this series, the workshop brought together researchers from a broad range of disciplines whose research focuses on the intersection of law and economics. During the meeting, Aurelien Baillon (ESE) presented a paper on methods to incentivize truth-telling about 'shameful' (i.e., illegal, unethical, and/or socially unacceptable) behaviors. Maximilian Kerk (RILE) presented research on sorting and coordination in mixed-motive situations, showing how in context of interactions with multiple interaction partners, people choose to concentrate their efforts on relationships with cooperative partners. Lastly, Ben Vollaard (Tilburg University) presented a field experiment on household waste sorting, which examined the question if short periods of enforcement can suffice to break habits surrounding waste disposal, while preserving intrinsic motivation to sort waste.

Research Seminars and guest lectures

BACT research seminars

In 2015, the following speakers held a seminar within our group:

Date	Speaker	Topic
30 Jan	Pieter Desmet, Alessio Paccès and Martijn Scheltema	<i>Mission / Strategy BACT</i>
17 Apr	Raja Angara	<i>Economic Analysis of Pre-trial Negotiations: Towards Behavioural Approach</i>
28 Apr	LeRoy Paddock	<i>Private Environmental Regulation and Enforcement: Using Supply Chain Requirements to Achieve Better Environmental Outcomes</i>
5 June	Yun-Chien Chang	<i>Do lawyers' experiences matter? Empirical Evidence from Tort Cases</i>
25 Sep	Israel Gilead	<i>A pluralistic and integrative approach to the goals of tort law: efficiency and how it is related to freedom, equality, fairness and the common good – the balancing process</i>
30 Oct	Kees van den Bos	<i>Trust and concealed distrust in law</i>
11 Dec	Lars Tummars	<i>Behavioural Public Administration</i>

EDLE Seminars

In 2015 the following EDLE-seminars took place:

15 Jan	Shaheen Naseer	<i>Chapter presentation of Research Project 'Composition of Public Expenditures and Bureaucratic Set up: Implications for Economic Growth'</i>
15 Jan	Marco Baudino	<i>Chapter presentation of Research Project 'Urban and growth'</i>
22 Jan	Cintia Bezerra de Pereira Nunes	<i>'Regulation of Petroleum Industry in Brazil'</i>
29 Jan	Tomasz Mielniczuk	<i>Chapter presentation of Research Project 'Agency Problems and Solutions in Anti- Cartel Enforcement'</i>
29 Jan	Bryan Khan	<i>Chapter presentation of Research Project 'Optimal Scope for Rights of Broadcasting Organizations and Markets for Signal-Re- transmission'</i>
19 Feb	Etleva Gjonca	<i>Introduction of Research Project 'European Banking: Competition Policy Regulation'</i>
19 Feb	Goran Dominioni	<i>Chapter presentation of Research Project 'Attribution, Court's Perception of Causation and European Tort Law'</i>
26 Feb	Mulugeta Asefa Bogale	<i>'Labor Regulation, Informality and Economic Growth In SSA – An Empirical Analysis'</i>
5 Mar	Prof. Raja Angara	<i>Guest lecture</i>
10 Mar	Ifrah Jameel	<i>Chapter presentation of Research Project 'The Impact of Capital Regulation on Innovative Banking in Emerging Countries – An Empirical Analysis'</i>
10 Mar	Dirk Heine	<i>Chapter presentation of Research Project 'Optimal Institutional Setup for Environmental Fiscal Policy Considering Interaction Effects with Environmental Law Pursued by other Institutions and Labor Market Consequences'</i>
20 Mar	Filippo Roda	<i>Chapter presentation of Research Project</i>

		<i>'Economic Analysis of Law - Fee-Shifting Rules in Litigation'</i>
20 Mar	Ritchelle Alburo	<i>Chapter presentation of Research Project 'Does Ownership Matter? An analysis of ownership-performance nexus in water utilities'</i>
9 Oct	Israel Gilead	<i>Guest lecture on 'Normative (welfare) economics v.s. "scientific" economics and the legal implications'</i>
15 Oct	Bernold Nieuwesteeg	<i>Chapter presentation of Research Project 'The Economics of Cyber Security Law'</i>
15 Oct	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>
22 Oct	Damiano Giacometti	<i>Chapter presentation of Research Project 'Experimental Economics on Credence Goods / Market for Taxi Rides'</i>
22 Oct	Joé Rieff	<i>Chapter presentation of Research Project 'Increased Fiscal Coordination between European Member States: A necessity to further market integration?'</i>
29 Oct	Ahmed Arif	<i>Chapter presentation of Research Project 'Securitization and Risk Management in Banking: The Role of Regulation'</i>
29 Oct	Ekaterine Lomtadze	<i>An Economic Analysis of Justifiability of Social Rights</i>
5 Nov	Alessandro Romano	<i>Guest presentation</i>
19 Nov	Giulia Barbanente	<i>Chapter presentation of Research Project 'Economic Analysis of Indigenous Property Rights in Sub-Saharan Africa'</i>
19 Nov	Akiva Weiss	<i>Chapter presentation of Research Project 'Configuring a hybrid post-conflict ecosystem in "Arab Spring" States'</i>
26 Nov	Orlin Yalnazov	<i>Chapter presentation of Research Project 'The Choice of Remedy for Breach of Contract'</i>
26 Nov	Salvini Datta	<i>Chapter presentation of Research Project</i>

		<i>'Freeing Pharmaceutical Trade: A Law and Economics Study of the TTIP agreement'</i>
3 Dec	Nan Yu	<i>Chapter presentation of Research Project 'Mandatory Dividend Systems in the Stock Market: A Comparative Law and Economics Analysis'</i>
3 Dec	Danny Blaustein	<i>Chapter presentation of Research Project 'The Venture Capital Cycle & Venture Capital Contracting in Europe'</i>
17 Dec	Marwa El-Abhar	<i>Chapter presentation of Research Project 'The Venture Capital Cycle & Venture Capital Contracting in Europe'</i>

PhD Defences

Arun Kaushik (EDLE) 19 March - *A Law and Economics Analysis of Trade Secrets: Optimal Scope of Law, Misappropriation and Alternative Damages Regimes*
Promoters: Louis Visscher & Luigi Franzoni, copromotor: Elena Argentesi

Elena Fagotto (EDLE) 19 March - *Industry Food Safety Standards: Public and Private Interest in Food Safety*
Promoters: Michael Faure, copromotor: Alessandra Arcuri

Ana Jakovljevic (EDLE) 19 March - *Fighting Corruption with Pyramids: A Law and Economics Approach to Combating Corruption in Post-Socialist Countries?*
Promoters: Klaus Heine & Thomas Eger

Jaroslaw Kantorowicz (EDLE), 4 June - *Fiscal Constitutions: An Empirical Approach*
Promoters: Alessio Paces, H. Schäfer, & S. Voigt

Elena Kantorowicz Reznichenko (EDLE), 4 June - *Cost-Effective Criminal Enforcement: A Law and Economics approach*
Promoters: M.G. Faure, P.A.M. Mevis, and Prof. E. Carbonara (Bologna)

Hong Wei (EDLE), 7 December - *The Determinants of China's Compliance with WTO Rules*
Promotor: Prof. Michael Faure

Alice Guerra (EDLE), 8 December - *Essays on the Economic Analysis of Tort Law*
Promoters: Prof. Louis Visscher and Prof. Francesco Parisi (Bologna)

Ignacio Cofone (EDLE), 8 December - *Privacy Tradeoffs in Information Technology Law*
Promoters: Prof. Klaus Heine, Dr. Ann-Sophie Vandenberghe (co-supervisor)

Diogo Gerhard Castro de Britto (EDLE), 8 December - *Essays on Unemployment Insurance*
Promoters: Prof. Giulio Zanella (Bologna) and Prof. Alessio Paces.

Houjun Sun (EDLE), 14 December - *Law, Informal Institutions and Trust - An experimental*

Perspective

Promoters: Prof. Michael Faure and Prof. Maria Bigoni, Dr Ann-Sophie Vandenberghe (co-promotor)

Sergio Rubens Mittlaender Leme de Souza (EDLE), 14 December - *Equity, Efficiency, and Ethics in Remedies For Breach of Contract: Theory and Experimental Evidence*

Promoters: Prof. Vincent Buskens, Prof. Jeffrey Rachlinski (Cornell) and Ann-Sophie Vandenberghe (co-promotor)

Faiz Ur Rehman (EDLE), 14 December - *Essays on the Law and Economics of Terrorism in Pakistan*

Promoters: Prof. Michael Faure and Prof. Paolo Vanin (Bologna)

Arun Kaushik - A Law and Economics Analysis of Trade Secrets: Optimal Scope of Law, Misappropriation and Alternative Damages Regimes

In this thesis, we analysed law and economic issues revolving around trade secrets. The goal was to analyze the trade secret law and provide policy recommendations. Trade secrets law is a topic of great importance in both developed and developing countries where the intellectual property regime and enforcement may encourage the use of trade secrets over other kinds of protection mechanisms. The field of trade secrets is becoming more and more important in the academic literature because of an increasing number of cases in the media where trade secret regulation has come under the microscope.

The second chapter of this thesis analyzed the optimal scope of trade secrets law. It was shown that with stronger protection of trade secrets, the secret owner reduces her efforts in keeping the secret and the imitator reduces her efforts in extracting the secret. Stronger trade secrets law also increases the incentives to innovate by increasing the payoff to the innovative firms. However, it also makes diffusion of innovative knowledge in the society harder. Thus, there exists a conflict between protecting the innovator with stringer protection and promoting dissemination of innovative knowledge. The policy makers must balance these two contrasting objectives in the best possible manner. We show that maximal protection is warranted when product market competition is weak, cost of self-protection is low and cost of secret extraction is high.

The third chapter of this thesis investigated civil remedies available to the owner of the secret in case of misappropriation. In particular, we analyze alternative damage regimes and their implications on market competition and welfare. A model of simple oligopoly competition with asymmetric information is developed. The asymmetry arises in the following sense: the owner of the secret does not know whether the duplicator has introduced a similar product by misappropriating the secret formula, or developed the product by independent research. The possibility of receiving damages affects the payoff to the owner of the secret, and, hence the market outcome. Similarly, the possibility of paying damages affects the payoff of the duplicator who misappropriated the secret. Furthermore, alternative damage regimes affect the market outcomes in a different manner. We concentrated on the lost profit and the unjust enrichment doctrines of damages and analyze their impacts on the behaviour of the owner of the secret and market outcome. The purpose was to compare these alternative regimes and find out the desirability of one over the other in terms of their impacts on the owner of the secret and incentives to misappropriate.

The fourth chapter provides an empirical analysis that is centered on misappropriation and its relationship with trade secret sharing behaviour of firms with third parties. In the existing literature, trade secrets have mostly been studied with reference to patents. In this chapter, however, we used novel survey data, which covers most important issues underlying misappropriation of trade secrets. This helps us to look at the relationship of trade secrets sharing and their misappropriation by various parties. We find that firms that share trade secrets information with third parties are more likely to face acts/attempts of misappropriation of their trade secrets. We also find that firms are more likely to find secrecy important for their inventive knowledge, technical information and business information if they make high usage of patents, which points towards possible synergy between patents and secrecy. This is in line with recent research on the complementary nature of patents and trade secrecy

Elena Fagotto - Industry Food Safety Standards: Public and Private Interest in Food Safety

The pursuit of food safety is a significant global challenge and a key priority for government and the industry. In the last two decades, the private sector has been playing a more prominent role in this arena by developing a myriad of private food safety standards. Such standards mirror the content of international food safety regulation and focus on management to assess risks and implement food safety plans. Private auditors verify compliance with private standards and issue certificates that buyers rely upon for their purchase decisions.

The rapid expansion and reach of private standards has significant public implications. Are private actors reliable providers of food safety? In light of increased private involvement, should the government role in food safety be reduced? This dissertation uses law and economics theory to understand whether private actors can act in the public interest and to clarify the relationship between public and private food safety regulation. By developing case studies on three private initiatives (the BRC, FSSC22000 and the GFSI) and gathering findings from 27 expert interviews, this research also adds empirical evidence to understand private enforcement.

The findings of this analysis suggest that private regulation can complement government action by instituting rapid and flexible controls and by imposing food safety in areas where government regulation is lacking. This indicates that private and public interest in food safety may be aligned. Despite the important industry contribution to food safety, however, the enforcement of private standards by third party certification bodies is problematic.

This dissertation identifies several inefficiencies in private enforcement that could be detrimental to achieving food safety. First, third-party certifiers are selected and paid by the facilities they verify. This could induce auditors to be more lenient in their verification to protect their clients. Second, since audits are announced, facilities can prepare to pass the audit, which questions audits' reliability to detect normal conditions. Third, problems with auditors' competence and limited availability of qualified auditors to meet the industry demand may affect audit quality. Finally, the industry does not disclose enforcement results to the public, which limits reputational incentives, competition and data analysis.

The industry should improve the institutional design of third-party certification. This would increase the reliability of this instrument, strengthen food safety, and enable collaboration between private and public food safety efforts. Recommendations include adopting coherent strategies to combat conflict of interest, shifting to unannounced audits, and

strengthening surveillance by scheme owners and accreditors. More transparency on audit reports and certification bodies would sharpen reputational incentives for the industry. Additionally, regulators would be able to use audit data to target controls and spend public resources more efficiently.

These findings are relevant not only for the industry, but also for policy-makers who are considering hybrid food safety measures that harness private controls. Making third-party enforcement more efficient and transparent is a necessary condition to promote public-private collaboration and enable systemic approaches to food safety governance.

Ana Jakovljevic - Fighting Corruption with Pyramids: A Law and Economics Approach to Combating Corruption in Post-Socialist Countries?

Corruption is, in the last two decades, considered as one of the biggest problems within the international community, which harms not only a particular state or society but the whole world. The discussion on corruption in law and economics approach is mainly run under the veil of Public choice theory and principal-agent model. This theory sees agents, politicians and bureaucrats, as rational self-maximisers who disregard public goals and as such should be monitored and sanctioned accordingly by the principal. In this context, the policy makers should create incentive mechanism, which imposes obstacles to corrupt behaviour. Based on this approach the strong international initiatives taken by the UN, the OECD and the Council of Europe, provided various measures and tools in order to support and guide countries in their combat against corruption. These anti-corruption policies created a repression –prevention - transparency model for corruption combat. The dominant aspect of this model presents deterrence since variety of international convention insists on criminalization of various acts of power abuse. Based on this model, countries around the world adopted anti-corruption strategies as part of their legal rules. Nevertheless, the recent researches on the effects of this move show non impressive results. The argument that “one size does not fit all” is one of the main raised by the critics. The explanation for this claim, according to criticizers, comes from the fact that not all countries are the same because their institutional setting varies. The dominant approach asks for overreliance on the criminal justice system, judiciary and police, taking for granted their impartiality and effectiveness. However, this situation is more exception than the rule in many countries around the world. The main problem of this approach according to some researcher lays in the fact that in these countries institution do not function because, even though people condemn corruption, they engage in it because they lack trust in other citizens and think that all the others are doing the same. This is identified as collective action problem as opposed to the principal-agent model.

Among the countries which experience problems of corruption, even though they follow the dominant anti-corruption trends, are transitional, post-socialist countries. To this group belong the countries which are emerging from centrally planned to an open market economy. To achieve this change the establishment of new institutions is the main goal. After the state’s collapse international financial institutions took the leading advisory role and promoted the immediate implantation of the ideas grounded in the neoclassical economy. However, the results of this approach revealed important shortcomings, of which increased corruption was one. This outcome amplified the voices of institutional economists who from the beginning argued for gradualist approach towards the institutional change. Their claims pointed out that the change of formal institutions is not difficult to achieve. It is enough to change the written laws according to the requirements. However, the informal institutions are those which stay for a long time in people as “mental models” and they could not be changed overnight.

These claims demand a deeper analysis of the social systems and their mechanisms before engaging in a design of any reform policy. Following these claims, the conclusion might be that any sound anti-corruption policy implemented in post-socialist countries should take into account their idiosyncrasies which are the results of the previous regime. The closer look to socialism provides an interesting description in terms of its institutional setting, mentality of the individuals and their interrelation. Although in theory designed as a system which should increase wealth and cooperation among the people, socialism failed to fulfil its promise. In order to cover the failure, the system instead of making people free, imprisoned them figuratively and in large number of cases literally. As a result of the repression and distorted incentives, homo sovieticus was born. Imagined as a super hero, he ended up as a sceptical, amoral creature who sees nothing wrong in stealing from the state. In addition he has no trust in people outside its small circle and he has no trust in public authorities. If compared to homo economicus, it could be said that they both aim to maximise their wealth but homo economicus does that by respecting the institutional framework of the game which channels its behaviour and coordinates it with other players (invisible hand of the market). This description is here taken as a starting point from which transitional countries departed on their journey. In the last two decades their achievements regarding the change vary. Some of them perform better than others in many aspects including the fight against corruption as well, which TICPI shows. However, another index, the Global Corruption Barometer, shows that perception of corruption in civil service in these countries is still high. There is an indication that homo sovieticus changed to a certain extent but when all arguments are put together it is highly likely that he still lives in civil service.

If this idiosyncrasy is taken into account the suggestion in this thesis is that in the cases of corruption combat in public administration in post-socialist countries, instead of dominant anti-corruption scheme repression-prevention-transparency, corruption combat should be improved through the implementation of a new one, structure-conduct-performance. This scheme in its first element, the structure, includes the type of public administration which should be implemented because it curbs corruption the best way. Analysis provided a view which puts the Neo Weberian State as the first best and Weberian administration as the second best solution. The second element, the conduct, should be treated according to the Responsive Regulation theory. This theory says that the regulators are more able to speak softly when they carry big sticks. More precisely, the more sanctions can be kept in the background, the more regulation can be transacted through moral suasion, and the more effective the regulation will be. Based on it an anti-corruption pyramid if implemented might provide the optimal results. This pyramid aims to coordinate human's preferences, propensity to corruption based in cultural specificities and transparency and accountability, and to put constraints on unwanted behavior by imposing administrative and criminal sanctions. Regarding relevant cultural aspects pyramid addresses: universalism and particularism, individualism and collectivism, and power distance. The imposition of sanctions is further regulated by disciplinary anti-corruption pyramid and criminal anti-corruption pyramid whose implementation is based on the type of the corrupt act in question: if it is "legal" then the former pyramid should be applied and if it is "illegal" the latter one. Finally, if the first two elements are implemented the anti-corruption performance should be improved. This new "pyramid approach", suggested to post-socialist countries, asks public administration itself to engage in corruption combat, leaving criminal justice system as the ultimate weapon, used only for the very harmful misdeeds. With this selfcontrol mechanism, administration should be able to build internal coherence and strength. There is no doubt that corruption harms societies in many ways and that policy makers should

promote zero tolerance to corruption. However, in the case of transitional countries instead of the first best, for a while the second best solution should be applied which is suggested by the anti-corruption pyramid(s). Going one step back does not necessarily mean failure but rather taking a run at faster improvement.

Jaroslav Kantorowicz- Fiscal Constitutions: An Empirical Approach

The overarching question of this dissertation is: "why does the public debt grow, and why are fiscal (debt) crises repetitive and so widespread?" A special focus in answering this question is given to a fiscal constitution, which contains a country-specific set of laws, rules and regulations, and guides decision making in the area of fiscal policy. By shaping incentives and limiting arbitrariness, the fiscal constitution determines the course of fiscal policy and fiscal outcomes in the long term. This dissertation does not give, however, an exhaustive response to the overarching question. Instead it asks much narrower questions, which are selected after reviewing and identifying the main weaknesses and gaps in the modern literature on fiscal constitutions.

Besides an introductory chapter that is instrumental in setting the stage for the discussion on fiscal constitution, this dissertation consists of four chapters including original contributions to the literature based on targeting self-contained questions.

Chapter 2 examines electoral systems and their impact on selected fiscal variables, such as vertical fiscal imbalance measured as a share of local expenditure covered through intergovernmental transfers and borrowings. It uses a quasi-experimental empirical setting and provides evidence that electoral systems influence fiscal imbalance. The empirical design employed in chapter 2 rests on a discontinuity in the application of electoral rules in Polish municipalities in the period 2002-2012. The results presented show that proportional systems lead to a larger vertical fiscal imbalance as compared to the majoritarian regimes. This result is important forasmuch as larger vertical fiscal imbalance leads to greater general government deficits and, consequently, to larger public debt.

Chapter 3 subscribes to the literature stream that attempts to answer the question regarding whether history matters. This chapter exploits a natural experiment, which was provided by Poland's partition in the 19th century. By means of spatial regression discontinuity, it is shown that municipalities from the former Prussian empire impose contemporarily higher property tax rates as compared to municipalities that were exposed to the Russian ruling. Higher property tax rates lead to larger own revenue and higher fiscal autonomy. As a consequence of it, there is a smaller vertical fiscal imbalance in the municipalities belonging to the former Prussian partition. Given the positive link between vertical fiscal imbalance and general government deficits and debt, these results can shed some light on the overarching question: "why does the public debt grow?"

Chapter 4 analyzes judicial behavior overall and contrasts it to the judicial behavior in adjudicating fiscal cases. The analysis of the decision-making in the Polish Constitutional Tribunal seems to support the existence of some party alignment. It is to say that judicial behavior is influenced by the ideology, either because judges' preferences coincide with the interests of a specific party or because the judges are incentivized to show their loyalty to the nominating party. The fact that ideological bias is present also in fiscal cases might have important implications for public finance. Occasionally the majority of judges in the adjudicating benches are politically aligned with the petitioners, which in the Polish context are typically opposition parties. For that reason it might be harder for the governing party to

pursue major reforms of public finance, such as fiscal consolidation and public debt reduction.

Chapter 5 provides an empirical assessment of federal fiscal constitutions and the interaction between constitutional arrangements. It demonstrates that federal fiscal constitutions differ in the degree of constitutionally guaranteed decentralization. More specifically, two types of fiscal constitutions can be distinguished: decentralized and integrated. An important contribution of this chapter is to show that fiscal constitutions vary in terms of coherence (or alignment) of institutional arrangements. Coherent (aligned) fiscal constitutions combine arrangements in a balanced manner or in a way that they "fit well" together. The thesis provides some preliminary evidence that the degree of decentralization of fiscal constitutions is hardly associated with economic and fiscal outcomes, but alignment (or coherence) of fiscal constitutions is correlated with selected outcomes. For instance, over the period 1980- 2010, less coherent fiscal constitutions were correlated with higher debt and spending growth, and more economic and sovereign debt crises. Again, this finding contributes to answering the overarching question "why does the public debt grow, and why are fiscal (debt) crises repetitive and so widespread?"

Chapter 6 includes conclusions. However, it does not only summarize the main findings of the dissertation, but also sets a general agenda for future research on fiscal constitutions.

Elena Reznichenko - Cost-Effective Criminal Enforcement: A Law and Economics approach

There is empirical evidence that the criminal justice system deters. However, the more dominant element of deterrence is the probability of punishment and not its severity. Therefore, a cost-effective criminal enforcement system ought to reduce the resources spent on unnecessary severe punishments and invests them in improving the probability of detecting and punishing criminals.

One method to reduce the costs of sanctions is to increase the usage of alternatives sentences to prison. There are different intermediate sanctions that may be used for this purpose. The current thesis focuses on three such punishments, which have the best potential to divert offenders from short-term imprisonment: day-fines, community service and confinement under electronic monitoring. The first punishment is advocated to be superior to the more widespread sanction of fixed-fines. Day-fines enable to adjust the amount of the fine not only to the severity of the offence, but also to the financial state of the offender. Therefore, it has the potential to deter not only poor offenders, but also the rich. Furthermore, it provides the opportunity for poor offenders always to be able to repay the fine, thus not ending up behind bars for fine default. The idea behind day fines is to impose the same relative burden of punishment on all offenders committing similar crimes, regardless their level of wealth. This thesis also addresses the problem of collecting the financial information and proposes a way to solve this problem.

The second method of sanctioning, community service and confinement under electronic monitoring, enables replacing short-term imprisonment sentences for more serious offenders. Those sanctions have some level of incapacitation, yet they are less costly than prisons. This thesis addresses the problem of net-widening, i.e. using the alternative sanctions for the non-prison bound offenders. Following the analysis of the problem, the thesis offers a substantive and a procedural solution. The former refers to the structure of the sentence, its target group, and its "punitive bite". The procedural solution uses insights

from behavioural economics to discuss procedural rules that may encourage judges to impose community service and electronic monitoring only on prison-bound offenders.

Nevertheless, not all prison sanctions may be replaced with alternative punishments. Some offenders are judgment proof, and some offences require harsher treatment than the alternative. Therefore, this thesis also discusses the ways to reduce the costs of prisons. The first method is to use private providers that will build and operate prisons. Such method is applied in the US and the UK. Yet, it is absent in the continental Europe. Therefore, this thesis explains the advantages of private prisons, attempts to address the risks, and provides possible explanation why it is not practiced in continental Europe. The second method to reduce prison costs is by improving the structure and goals of prison labour. The thesis reviews the current use of prison labour in Europe and offers ways to improve its efficiency and in turn, its revenues. Also in this section some possible explanations for the inefficient application of prison labour in Europe are provided. The last part of the thesis is more theoretical. It attempts to investigate the ways insights from behavioural economics may assist in improving the effectiveness of the probability of apprehension. To be precise, this part analyses the ways to enhance the deterrence through random methods of detection. Furthermore, new evidence is presented, based on a survey on a sample of the Italian population, to demonstrate that violators are not aware of policy changes. Therefore, ways to increase this awareness are also discussed.

Hong Wei - The Determinants of China's Compliance with WTO Rules

Compliance is an important concept for studying the impact of international law on state behavior. There has been a growing interest in exploring the role of the WTO remedy mechanism in the compliance of the WTO rules, which can be attributed to international law, international relations and law and economic scholars. Generally, states comply with international law for three reasons: reciprocity, reputation and retaliation. The WTO is a comprehensive regime addressing the trade issues of different sectors among member states, which are at various levels of economic development. Compared with the other international regimes, the WTO, which resorts under two important monitoring mechanisms, the Dispute Settlement Mechanism (DSM) and the Trade Policy Review Mechanism, is considered to exert greater efforts to enhance compliance with WTO requirements. As Jackson stated, the innovation of the WTO DSM is highly successful and effective. China joined in 2001 the WTO as a new member. Since then, China has undertaken efforts to comply with WTO requirements by gradually ending trade restrictions and liberalizing its foreign trade regime. However, various trade measures and policies are still challenged by WTO members and complaints about China's violation of the WTO rules have increased since 2006. China's behavior raised questions: do the remedies of the WTO effectively induce China's compliance? What are the determinants of China's compliance/non-compliance with WTO rules?

Alice Guerra - Essays on the Economic Analysis of Tort Law

The analysis of tort law is one of the most influential and extensively developed applications of the economic approach in the study of law. Notwithstanding the exhaustive number of contributions on tort law and economics, several open questions remain that warrant further investigation. The general aim of this research project is to refine the traditional model of tort law in order to make it more realistic, updated with the recent technological progress and in line with the experimental results concerning prosocial behavior. This book is divided into six chapters: Chapters 1 and 6 provide an introduction and conclusions, respectively, while the remaining chapters are written in the form of separate yet related articles.

The first research topic deals with the optimal allocation of the residual liability to foster superior (second-best) activity-level incentives. The term "residual liability" denotes liability in cases where both injurer and victim have adopted the due standards of care (i.e., when both parties are non-negligent). The allocation of residual liability is a policy instrument for influencing activity-level incentives. Traditional tort regimes have adopted "all-or-nothing" approaches, whereby the residual liability is entirely allocated either to the tortfeasor or to the victim, with no possibility of loss sharing between non-negligent parties. The choice between conventional all-or-nothing rules and loss-sharing rules as alternative allocation of the residual liability accrues a crucial role in incentivizing optimal activity levels, but has never been questioned. Chapter 2 addresses this issue and proves that the allocation of the residual loss should optimally depend upon the relevant characteristics of parties' activities --- e.g., riskiness, value, and interaction in the production of accident loss --- and upon parties' relative risk attitudes. The results show that loss-sharing rules among faultless parties are more desirable than traditional all-or-nothing based rules in a large variety of situations, for example when parties' activities have the same value and degree of riskiness and when moderate activity levels are less harmful than a high activity level of only one of the two parties.

The allocation of residual liability is relevant not only for activity-level incentives, but also for investments in new precautionary technologies. Chapter 3 deals with a specific type of safer technologies, namely automated technologies, for example driverless cars and automated drones. The conventional economic conception of tort law has indeed assumed the existence of two human actors - a tortfeasor and a victim - although this assumption becomes tenuous with the recent advancements in the automation sector. The question arising in the presence of automated activities is whether and how the current negligence-based liability system should evolve to encourage such technologies. Chapter 3 shows that the traditional concept of the reasonable person standard, used to evaluate whether an actor was negligent, should slightly change to consider the level of activity automation and that the standard of due care should also include activity levels when the automated technology is already widely adopted or mandated by regulation.

Automated technologies have the potential to affect not only liability law and regulation, but also the law of evidence. Indeed, the more such machines become interactive and autonomous, the more third parties will find it difficult to prove that the manufacturer or the product user did not conform to a certain standard of conduct. In these cases, questioning the traditional allocation of the burden of proof upon the plaintiffs appears to hold crucial importance. Chapter 4 proceeds along this path by questioning the traditional allocation of the burden of proof in a tort setting. There are two main results: first, there is nothing fundamentally necessary about placing the burden of proof on plaintiffs, unlike the traditional evidence law would rather predict; and second, the allocation of legal presumptions channels individual behaviors by generating three incentive streams: incentives to invest in evidence-production technology, to undertake care measures in the presence of adjudication errors and to mitigate excessive activity levels. The results show that the burden of proof should be allocated to strengthen the robustness of incentives in the presence of evidentiary problems, and this requires a shift of the burden of proof to the parties (a) who can most effectively invest in evidence technology; (b) whose precautions are more critical for accident costs; and (c) who are not already burdened by the residual liability.

Chapter 5 deals with care incentives and aims at identifying the actual precautionary behavior of the parties, rather than the theoretical behavior, which was the focus of the other chapters.

Chapter 5 aims at evaluating prosocial behaviors and other-regarding preferences in the context of accident prevention. The results show that individuals spend more resources to avoid suffering a loss themselves than to avoid causing a loss to another subject. This is a novel result which adds behavioral insights to the traditional economic analysis of accident law and to the extant contributions on prosocial behavior. Indeed, this observation stands in contrast with one of the acknowledged results on other-regarding preferences, being that individuals dislike being responsible of bad outcomes, especially when they affect others' well-being. The added cost of moral responsibility does not lead people to value others' losses more than their own in an accident situation. This study provides a novel context for further testing moral preferences and antisocial behaviors, with several implications for many legal and political decisions about social interactions in risky situations.

All chapters of this book provide interesting ideas for future research and can be profitably exploited to investigate other issues in the economics of tort law and related fields, especially in two directions: refining tort models to better predict human behavior and testing whether these theoretical predictions are more accurate in experimental and empirical studies.

Ignacio Cofone - Privacy Tradeoffs in Information Technology Law

Technological changes, particularly in the context of big data, have made surveillance by public and private parties easier than ever before: they have reduced the costs of gathering, storing and disseminating information. This has been coupled with a decentralization in internet content creation. Together, these changes modify the interactions involving privacy and personal information exchanges and, to that extent, they force us to reconsider the scope of protection that we grant them. This reconsideration has been done from the perspective of human rights, while the economic incentives involved remain underexplored. In the process of doing this, the thesis evaluates whether data protection law can be justified from an economic perspective. Given that people face privacy costs by disclosing personal information, entitlements created by data protection affect the incentives for generating information in the context of decentralized content creation; hence, these entitlements can lead to greater information production in the long run. Due to this, privacy and access to information are often complementary rights. Determining the efficient protection level for these entitlements, however, becomes complex, as both property rules and liability rules introduce additional problems. An intermediate protection level is hence suggested.

Following this, the thesis gives an explanation of why people sometimes disclose their personal information for low compensations despite the high value that they attach to their privacy, based on the uncertain probability of privacy breaches. This explanation can account for user behavior within a rational-choice framework in a way that fits intuitively with both consumers' demands for transparency and contemporary policy debates on privacy. It also reverses the prevalent behavioral model's policy conclusions and accounts for current trends in data protection law—particularly the right to be forgotten.

The right to be forgotten is then analyzed focusing on its formulation in the General Data Regulation Proposal. The right creates large social costs, mainly by reducing freedom of expression and access to information. Due to its implementation difficulties, it could also introduce a risk-compensation mechanism in which people engage in more risky behavior than before. From this perspective, *Google v. Spain* does not rule on the right to be forgotten but on the liability of search engines; and in doing so, it fails to offer a consistent balance between privacy and freedom of expression.

The second major policy debate analyzed is the limitations placed on online tracking by the Electronic Communications Framework Directive, which changes the default system for

tracking to an opt-in. A comparative study of the directive's implementation across member states is presented, with special attention to The Netherlands and the United Kingdom. Drawing from the behavioral economics literature on default rules, policy changes that would avoid the incentive problems present in these regulations are suggested.

The thesis makes the dynamics of the tradeoffs involving privacy more visible; both theoretically and in two of the main policy debates in European data protection law. It offers an explanation for data protection law from an economic perspective and, in doing so, provides a new basis for the evaluation of further data protection measures.

Diogo Gerhard Castro de Britto - Essays on Unemployment Insurance

This thesis is a collection of three essays which study how unemployment insurance (UI) can be provided in the most beneficial way for society. In particular, a great deal of this work aims to advance the scientific understanding regarding the following question: how generous unemployment benefits should be in order to maximize social welfare? In other words, how much unemployment insurance do we need?

Chapter 1 and 2 are introductory to the thesis and to the specific topic. The first of them introduces the specific questions addressed in this thesis and presents the main results. Chapter 2 provides a more throughout review of the related literature and highlights how each of this thesis' essays contribute to advancing the scientific understanding on the topic.

Chapter 3 presents the first of the three essays. It studies the existence of a causal link between the availability of potential unemployment benefits for employed workers and the duration of their employment spells. After discussing few straightforward reasons why and how UI may affect employment duration, I apply a regression kink design to address this question using linked employer-employee data from the Brazilian labor market. Exploiting kinks in the Brazilian UI schedule, I find a statistically and economically significant effect of benefit level on the duration of employment spells at the lower end of the skill distribution. Surprisingly, the results for these workers indicate that the elasticity of employment duration to benefit level is positive and as large as 0.5. To assess the economic relevance of this result, I generalize the reduced welfare formula from Chetty (2008) to deal with this effect on employment duration and show that this elasticity is as relevant for welfare as the elasticity of unemployment duration to benefit level.

Chapter 4 contains the second thesis' essay. It first exploits a "bonus" policy providing low-income workers with cash grants in Brazil to study the effect of liquidity provision on unemployment outcomes. Based on a RD Design, I find that granting unemployed workers with a bonus equal to half of their previous monthly earnings decreases the probability of exiting unemployment within 8 weeks by around 0.65%. Second, by exploiting the UI potential duration schedule, I find that granting workers with an extra month of unemployment benefits decreases the same outcome by 1.9%. Then, theoretical results from Landais (2014) are used to combine these estimates and disentangle liquidity and moral hazard effects of UI. Based on these, I estimate the liquidity-to-moral hazard ratio in Brazil to be as large as 98%, similarly to values previously found in the US. It suggests that, contrary to common belief, providing UI in developing countries with large informal labor markets may be welfare increasing.

Chapter 5 is composed by the third and last essay. This work investigates how unemployment insurance (UI) affects unemployment inflow. By using administrative data from the Brazilian Labor Market and applying a Regression Discontinuity Design, I show that

UI significantly increases the lay-off hazard rate at the minimum eligibility requirement for benefits. Then, I provide a learning model with work effort which is able to explain this finding and the hazard rate profile over time by relating unemployment benefits to work effort and lay-off hazard rates. The model supports the hypothesis that UI may increase employment outflow because it undermines work effort. Then, personnel data on absenteeism supporting this prediction is provided

The main conclusion from these three essays are summarized and related to each other in Chapter 6.

Houjun Sun - Law, Informal Institutions and Trust - An experimental Perspective

This dissertation has studied how legal and non-legal mechanisms affect the levels of trust and trustworthiness in an economy, and whether and when subtle psychological factors are crucial for establishing trust and even for recovering trust following a breach of contract. I have tackled the most pressing subquestions of this research agenda in three separate Chapters.

The first Chapter has addressed the question of whether formal legal enforcement crowds out or crowds in the amount of trust in a society. Based on a review of relevant empirical studies in the literature on macroeconomics, inter-firm cooperation and laboratory experiments, it can be concluded that formal legal mechanisms, especially formal contracts backed by a powerful authority, normally work as substitutes for trust, rather than complements, except when they are perceived as legitimate, or when there are no strong social norms of fairness (i.e. the population in a society is considerably heterogeneous), or when the environment in which repeated commercial relationships take place becomes highly uncertain.

The second Chapter has examined whether the endogenous adoption of a collective punishment institution can help a society coordinate on an efficient outcome, characterized by high levels of trust and trustworthiness. The experimental results show that the introduction of collective punishment institution induces a significant increase in the levels of trustworthiness, and to a lesser extent also of trust. The endogenous introduction of collective punishment by means of a majority-voting rule does not significantly improve coordination on the efficient equilibrium. Not all subjects seem to be able to anticipate the change in behaviour induced by the introduction of the mechanism, and a majority of those who are not able to anticipate, vote against it. Subjects seem to be unable to endogenously adopt a mechanism which, when exogenously imposed, proves to be efficiency enhancing.

The third Chapter has explored whether high-trustors adapt their behavior in response to others' trustworthiness or untrustworthiness more quickly, which in turn supports them to maintain higher default expectations of others' trustworthiness relative to low-trustors. Our experimental results reveal that both high- and low-trustors are able to learn whom to trust over time, and that high-trustors are better than low-trustors at predicting others' trustworthiness not because they are better at processing the trustworthiness-related information, or that they deliberately collect differentiating social data through trusting more, but only because they are less susceptible to the anticipated aversive emotions aroused by the potential betrayal and thereby have a higher willingness to acquire the valuable information about their partner's actions.

Sergio Rubens Mittlaender Leme de Souza - Equity, Efficiency, and Ethics in Remedies For Breach of Contract: Theory and Experimental Evidence

While legal scholars and positive law consider compensation a fundamental principle in the law of remedies for breach of contract, the economic bases of the principle of compensation have not been fully articulated. They are considered, in economic theories, as secondary, accessory, or even dispensable, for the bare fact that money changes hands in a lawsuit is of no consequence for overall social welfare. This thesis advances one reason and justification for why compensation is, and should be, indeed fundamental in the law of remedies for breach on social welfare grounds.

In order to achieve its objective, this thesis studies, firstly, the nature of the contractual obligation and the justifications for the legal enforcement of contracts according to the main promissory, reliance, and economic theories. It then inquires into the reasons for the emergence of contractual disputes, and how they can, in the absence of legal relief, escalate to a real conflict and to acts of retaliation that are socially costly and not in the interest of society itself. It includes the individual tendency to retaliate to perceived wrong in breach of contract in the canonical model of contractual behavior developed by Law & Economics and identifies different reasons for why victims might feel aggrieved and wronged from that act, and the circumstances in which retaliation is most likely to emerge.

It subsequently reports results from an economic experiment that investigated how promises and the primary duty to perform can induce promisors to perform, and how breach of promise can induce retaliation by disappointed promisees under certain specific circumstances. It further investigates how remedies for breach and the secondary duty to pay expectation damages can induce promisors to perform if and only if performance is socially efficient, and how legal relief dispensed to promisees to redress breach can crowd out the victim's tendency to retaliate in socially costly manners. The welfare gains from both functions of remedies for breach, under the parameters of the implemented trade game, are then compared.

Lastly, this thesis develops a positive analysis of different remedies for breach in their capacity to effectively crowd out retaliation by promisees and to efficiently induce performance by promisors. It then assesses, from a normative perspective, different recent trends in the legal enforcement of contract in the U.S., France, Germany, and England. Lastly, and in reliance on the discussed theory and obtained experimental results, it advances how partial disgorgement damages, or hypothetical bargain damages, can provide a superior contribution to the welfare of society than expectation damages.

Faiz Ur Rehman - Essays on the Law and Economics of Terrorism in Pakistan

This thesis explores the origin of sectarian violence and terrorism, the impact of terrorism risk on the individual's democratic preferences and the deterrence effect of the law enforcement interventions against terrorism and violence over time and space in Pakistan. It comprises of six chapters which fall under the category of 'Illegal Behaviour and the Enforcement of Law.' The causes and effects of the illegal behaviour (terrorism and violence) have been discussed in the chapters 2 & 3, while, chapters 4 & 5 focus on the enforcement of law against these crimes.

Chapter 2 serves two core dimensions: Firstly, to cater for the historical account of the origin of sectarian violence and terrorism and their temporal variation in Pakistan. Secondly, the construction of these crimes has been presented from the religious market perspective.

Adam Smith argues in *The Wealth of Nations* that "... the hazards of government regulation are as real for religion as for any other sector of the economy." Therefore, chapter 2 advocates historical evidence on the hazards of government interventions in the religious market of Pakistan. It explains that rent-seeking behaviour on the part of the three players in the religious market, namely, religious sects, government and cold war allies of Pakistan, leads to regular interventions in the religious market. The interventions produce externalities in the form of intolerance in the religious space, which slowly and gradually transforms into sectarian violence and terrorism.

The 3rd chapter discusses exposure to the risk of terrorism and its impact on the individual's preferences for liberal democratic values. It explores the following question: Does exposure to terrorism and violence affect democratic opinions and perceptions? Exploiting the individual level socio-economic, religious and political information collected from the 6,000 respondents, the chapter empirically evaluates and presents evidence that acts of terrorism negatively affect preferences towards democratic institutions. The persistent shocks of terrorism decrease the support for the elected legislators while increasing it for the law enforcement institutions like the armed forces. The deterrence effect of the exogenous intervention by law enforcement institutions on different types of tribal violence is explained in the fourth chapter of the thesis. Approximately, 3% territory in the North-West of Pakistan is ungoverned but constitutionally presented in the lower and upper houses. It has never been exposed to modern law enforcement institutions like the judiciary, police and military. Thus, it experienced pervasive tribal violence, revenge killings and drug trafficking over the years. The incident of the September 11, 2001 and the consequent US invasion of Afghanistan provided an exogenous shock to the military institution to enter the ungoverned space for the first time. The empirical results show that the intervention significantly decreases different types of violent conflicts in the ungoverned terrain.

Finally, chapter 5 explores criminologists' hypotheses on the displacement and diffusion of crime control benefits to test the displacement and diffusion effects of anti-terrorism interventions. The empirical analysis highlights that anti-terror interventions displace terrorist activities from the treated to the non-treated districts, thus, impose a significant public cost on the neighbourhood. Displacement of the terrorist activities from one district to another in response to the negative sanctions imposed by the law enforcement agencies might be one of the reasons for the pervasiveness of terrorism in Pakistan.

With regard to the policy, this dissertation suggests the following recommendations: First, a more comprehensive understanding of the interactions between violent conflicts and the democratization process is needed. The democratic transition can revert to autocracy, if voters are exposed to persistence terrorism risks. Second, no territory should be deprived of the law enforcement institutions; even if it does not produce negative externalities in the form of violence and terrorism in the current period. And third, effective law enforcement interventions not only deter violence and terrorism in the given space but also their spillovers into the neighbourhood.

Awards, Distinctions, and Other Evidence of Reputation

General

Award at the MIT Climate CoLab Competition

Proposal by Dirk Heine and Goran Dominioni voted winner of the MIT Climate CoLab competition 2015, category Transportation.

Heine and Dominioni, both PhD candidates in the European Doctorate in Law and Economics (EDLE) programme at Erasmus School of Law, worked with three other researchers to develop an economically and legally viable mechanism for internalizing marine emissions that makes polluters pay for climate damage caused by maritime emissions. They submitted their proposal to a MIT Climate CoLab contest - a crowdsourcing platform hosted by MIT organizing various contests to tackle different aspects of climate change - where it won both the Judges' Award and the Popular Choice Award in the category Transportation.



Grand Prize and Honourable Mention Award winners with Climate CoLab leadership at the Crowds & Climate Conference. Left to right: Goran Dominioni, Amit Kulkarni, Dirk Heine, Professor Thomas Malone, Beatriz Martinez Romera, Laur Fisher, Erin Full. Photo credit: Justin Saglio

This year, a team including Dirk Heine and Goran Dominioni from the Rotterdam Institute of Law and Economics at Erasmus School of Law, participated in one of these contests. In the Transportation category, they proposed an economically and legally viable mechanism for internalizing marine emissions. The proposal is based on their working paper: D. Heine, S. Gäde, G. Dominioni, B. Martinez Romera and P. Pieters: 'Drying Up Tax Havens - A Mechanism to Unilaterally Tax Maritime Emissions While Satisfying Extraterritoriality, Tax Competition and Political Constraints'. The idea is to make polluters pay for climate damage caused by maritime emissions by overcoming avoidance, legal, data and global coordination issues.

Heine, Dominioni and their fellow team members explain that maritime transport accounts for over 80% of world transport. Unlike all other transport sectors, emissions from maritime shipping are entirely excluded from international climate treaties. Within the maritime transport sector, there is enormous potential to reduce maritime emissions that has yet to be exploited. However, technical measures have not been pursued because implicit tax subsidies for maritime fuels considerably weaken incentives to reduce emissions, such that ships today are even less efficient than 25 years ago.

Amongst academics and policymakers, it is generally agreed that climate action in this sector would require the pricing of maritime fuel emissions, but that such a reform requires

unanimous international agreement. However, in the past the latter has proven impossible to reach. To tackle this complex issue, the researchers developed a scheme in which emissions from international shipments are subject to an emissions levy which is calculated on a default value based on data available to the authorities. When shipping companies voluntarily reveal data to indicate that their emissions were lower than assumed, they receive a subsidy reflecting the difference between the assumed and the actual emissions. By contrast, emissions from domestic river and short-sea shipping are charged through a fuel levy, because there are fewer avoidance opportunities than with international shipping. By adopting this scheme proposed by Heine, Gäde, Dominioni, Martinez Romera and Pieters, a small coalition of countries were able to price emissions from maritime fuel – even in the absence of an international agreement.

One of the main innovations of the award-winning proposal relates to the limits of the acting state's jurisdiction: it is generally believed that the internalisation of maritime emissions is severely limited by existing legal frameworks. Countries do not have jurisdiction to charge ships outside their territorial boundaries. To make jurisdictional coverage possible, the charging state receives its jurisdiction through a different channel. Legal liability does not fall on the ship, but on the domestic cargo consignee (for the emissions released in the incoming transport of their cargo) and the domestic cargo consignor (for the emissions released in the outgoing transport of their cargo). Consignees and consignors are domestic entities and therefore chargeable without extraterritoriality restrictions.

(source: <http://www.edle-phd.eu/index.php/7-newsedle/169-award-at-the-mit>)

Personal

Bergh, R.J. van den

- Roger Van den Bergh received the *EALE Life time achievement award* at the yearly EALE conference, held in Vienna from 16-19 September.

Desmet, P.T.M.

- Pieter Desmet is on the editorial board of *Organizational Behaviour and Human Decision Processes*.
- Pieter Desmet is on the editorial board of the *Journal of Trust research*.

Engel, C.

- Has been accepted to be Associate Editor of the *Review of Law and Economics* and will be responsible for empirical publications.
- In addition, the *Society of Empirical Legal Studies* has elected Christoph to be on its board, as the first non-American board member.

Fabbri, M.

- Marco Fabbri won the Elly Rood prize for best PhD thesis 2014, Erasmus University Rotterdam (€3,000). Marco wrote his dissertation entitled "Social Welfare and Behavioural Public Policies" as a member of the EDLE PhD programme. The prize was awarded at the ESL New Year's reception in January 2016.

Heine, D. & Rieff, J.

- Dirk Heine and Joe Rieff won the Deloitte Prize 2015 for the best law and economics paper in the field of tax law, tax competition and tax compliance presented at the 2015 EALE conference with their paper *The effect of EU member states' asymmetric sizes on Personal Income Tax competition*.

Heine, K.

- In September 2015, Klaus joined the expert panel on *Societal challenges and legal boundary conditions of autonomous systems* to develop recommendations for the German government to become leading in "industry 4.0" ("High-tech Strategy).

Kerk, M.

- PhD candidate Maximilian Kerk received the Heinz Sauermann young researcher's prize 2015 for his experimental paper 'Sorting and Coordination in Cooperative Games with Group-Choice'. In his paper, Maximilian investigates how sorting opportunities and coordination problems influence cooperation within groups when individuals are able to choose these groups by themselves. The Heinz Sauermann young researchers prize is awarded by the Gesellschaft für experimentelle Wirtschaftsforschung (German Society for Experimental Economics) to support and honour the work of promising researchers in the field of experimental economics. Furthermore, because of the quality of Maximilian's paper, the prize committee decided not to award the regular sum of € 1,000 Euros but the maximal possible sum of € 1,500.

Kramer, X.E.

- Editorial Board Member international peer-reviewed journal Erasmus Law Review.
- Editor-in-chief Dutch/English journal of Private International Law (Nederlands Internationaal Privaatrecht).
- Xandra Kramer is member of the NWO Vidi selection committee 2015.
- Xandra Kramer is national reporter for a study on 'The Evidentiary Effects of Authentic Acts in the Member States of the European Union, in the Context of Successions' for the European Parliament (collaboration with PI Paul Beaumont, University of Aberdeen).

Leyens, P.C.

- On 22 September 2015, Professor Patrick C. Leyens, LL.M. (London), affiliate at the Max Planck Institute for Comparative and International Private Law, was awarded the research prize of the "Stiftung Kapitalmarktrecht für den Finanzstandort Deutschland" [Capital Market Law Foundation for the Financial Centre of Germany]. The 10,000 Euro prize recognises outstanding efforts in the fields of capital markets law and financial regulation, which serve to strengthen Germany's position as a financial centre. Leyens received the prize for, among others, his monograph on the role of information intermediaries in capital markets ("Informationsintermediäre des Kapitalmarkts: Private Marktzugangskontrolle durch Abschlussprüfung, Bonitätsrating und Finanzanalyse"). The book was written under the supervision of Professor Dr. Dr. Dr. h.c. mult. Klaus J. Hopt, and formed the basis for the post-doctoral lecture qualification (Habilitation) conferred on Leyens by the University of Hamburg in the spring of 2015. Employing a comparative, economic and interdisciplinary framework, his study lays the groundwork for a comprehensive theory charting the role of information intermediaries in capital markets. The book will be published as a volume of the series Jus Privatum by Mohr Siebeck,

Tubingen. Professor Patrick C. Leyens is Honorary Professor of Law and Economics at Erasmus School of Law in Rotterdam.

- On 4 November, Patrick Leyens received the first place academic award of the financial centre Hamburg (€ 10,000, Finanzkompass 2015, Finanzplatz Hamburg). This prize was awarded for his post-doctoral thesis on the role of information intermediaries as gatekeepers in capital markets (in German: *Informationsintermediäre des Kapitalmarkts: Private Marktzugangskontrolle durch Abschlussprüfung, Bonitätsrating und Finanzanalyse*, forthcoming at Mohr Siebeck, Tubingen).

Lindenbergh, S.D.

- October 14, took part in an expert meeting at Stichting Achmea Slachtoffer en Samenleving, Zeist.

Mascini, P.

- Peter Mascini has been appointed as member of the editorial board of the journal *Recht der Werkelijkheid*.

Mittlander, M.

- In September, Sergio Mittlander won the Göran Skogh award for the best paper presented by a young scholar at the EALE Annual Conference in Vienna. The title of his paper is *Retaliation, Remedies and Contracts*.

Nieuwesteeg, B.

- One of our PhD candidates, Bernold Nieuwesteeg, has initiated joint research with Leiden and Delft on the law and economics of the cyber insurance market. A joint initiative between Leiden, Delft and Erasmus University started an innovative research project on the cyber insurance market. The cyber insurance market proves to be an unexplored scientific territory. Businesses and individuals using Internet to do business have a relatively high risk of becoming victims of cyber-attacks. One of the ways of mitigating and transferring financial risks is by taking on an insurance policy. Currently some insurance companies offer cybersecurity policies, and some businesses are apparently buying these policies. However, from a theoretical point it is still uncertain whether a viable market, i.e. a win-win situation for insurer as well as insured, is sustainable. The collaboration consists of Michel van Eeten, Wolter Pieters (both TU-Delft), André Hoogstrate (Leiden University) and Bernold Nieuwesteeg (Erasmus University). The LDE collaboration is financially supported by the LDE centre of safety and security. Apart from the research on cyber security, the grant also enables waived fees for LDE participants at Workshop on the Economics of Information Security (WEIS). Furthermore, the initiative also intends to contribute to education about cyber security and cyber insurance, based on the research that has been performed. From Q2 2015, the group will be hiring two students to co-work on the project. For inquiries about the research, please contact Bernold Nieuwesteeg (nieuwesteeg@law.eur.nl)

Paccès, A.M.

- Between 6 November and 28 November, Alessio was a visiting Professor of Law at Columbia Law School, NYC.

Pannebakker, E.

- The project by Ekaterina Pannebakker and Erlis Themeli was the winner of the EGSL Call for ideas 2015. A grant of € 5,000 will enable the design and organisation of a workshop series on Academic Poster Presentation for PhD Candidates.

Scheltema, M.W.

- Martijn Scheltema (as a member of the EU Community of Practice on better co-regulation and self-regulation) has been invited to the Public consultation on the draft Self-regulation and co-regulation in the Community legislative framework, organized by the European Economic and Social Committee of the European Commission in Brussels on January 27 2015. He has reflected on this draft in connection with his expertise on self-regulation and co-regulation in the corporate social responsibility, sustainability and business and human rights arena. He has emphasized the need for essential (multidisciplinary) requirements self-regulation and co-regulation have to meet in this arena and the need to establish a broadly shared framework for these evaluations. He has also pointed out that different types of self-regulation and co-regulation might require a different approach and that the requirements for evaluating self-regulation and co-regulation might differ from those needed to assess whether EU-regulation could refer to self-regulation and co-regulation. Furthermore, he has addressed the exclusion of fundamental rights in the framework and the need to also evaluate conflict resolution mechanisms in self-regulatory and co-regulatory frameworks.
- Martijn Scheltema is a member of the editorial board of *Jurisprudentie Aansprakelijkheid*.

Themeli, E.

- Erlis Themeli has won the poster presentation of the 2015 Erasmus School of Law's Poster Presentation.
- The project by Ekaterina Pannebakker and Erlis Themeli was the winner of the EGSL Call for ideas 2015. A grant of € 5,000 will enable the design and organisation of a workshop series on Academic Poster Presentation for PhD Candidates.

Visscher, L.T.

- Louis Visscher was co-editor of the Polish Law & Economics Yearbook 2014: Beldowski, J., Metelska-Szaniawska, K. & Visscher, L.T. (Eds.). (2015). Polish Law & Economics Yearbook, Volume 5. Warsaw: Wydawnictwo C.H. Beck.

Grant Applications and Funding – Awarded

Personal

Desmet, P.T.M.

- Pieter Desmet has started a joint project with the Dutch Ministry of Finance to improve the participation of the Dutch population in pension programs. Based on behavioural insights a new online tool will be developed and tested.
- In November 2015, Pieter Desmet received a grant of 2225 euro by the Erasmus Trust Fund for a collaborative research project with Rotterdam School of Management.

Fabbri, M.

- Marco Fabbri received a Euro 9500 grant from Einaudi Institute of Economics and Finance for developing the project 'Being Bourgeois: the Emergence of Private Property in the Lab' (joint with Matteo Rizzolli).
- He also received a Trust Fund grant financing the participation to the American Association of Law and Economics annual conference at Columbia University, NY.
- In addition, he received a 500 euro grant from Erasmus Trust Fund for the American Law and Economics Annual Conference to present his paper *Social Influence on Third-Party punishment: an experiment* with Emanuela Carbonara.

Faure, M. and Mascini, P. (with Van der Veen, R. Sociology, FSW)

- Michael Faure, Peter Mascini and Romke van der Veen (Sociology, FSW) were awarded a Research Excellence Initiative grant by the Board of the Erasmus University Rotterdam for the project 'Shifting from Welfare to Social Investment States: Privatisation of Work-Related Risk Control (2015-2019). The backdrop for this project is that European states have retrenched and activated their social security systems during the last few decades. The latter implies that private actors (i.e. employers and employees) take major responsibility for the control of work-related risks (i.e. the risk of dropping out of work because of unemployment, disability, or sickness) and no longer fall back on the state as prime or ultimate caretaker. The first research question is whether state officials, employers and employees adopt new roles, identities and working practices in the implementation and enforcement of work-related risk control, and if so, how? The second research question is to what extent a decline in public compensation of work-related damage has been accompanied by behavioural adjustments by all parties involved in litigation, and why. The overall goal of this program is to analyze from a multidisciplinary, international comparative perspective the alleged shift in the allocation of responsibilities from public to private actors as far as the control of work-related risks is concerned and to derive policy implications from these insights that can better facilitate employees to strengthen their labour market position.

The project entails a collaboration between BACT and the Sociology department of the Faculty of Social Sciences. BACT members – Siewert Lindenbergh, Sharon Oded, Ann-Sophie VandenBerghe, as well as Niels Philipsen and a to-be-recruited postdoc will also participate in the programme.

Kramer, X.E.

- Xandra Kramer was awarded an action grant of € 97,000 by the European Commission (DG Justice and Consumers) for a research on the implementation of the Brussels I-bis

Regulation. The tender was submitted in collaboration with the T.M.C. Asser Institute and the Leibniz Institute of the University of Amsterdam. The action grant aims to support judicial cooperation in civil matters in the European Union, contributing to the development of the European judicial area. The project concerns targeted elements regarding the functioning of the recently amended key instrument on international civil litigation, the Brussels I Regulation, and consists of empirical research, legal analysis, and the setting up of a discussion platform. The project will run from early 2016 until late 2017.

- Xandra Kramer is national reporter for a study on 'The Evidentiary Effects of Authentic Acts in the Member States of the European Union, in the Context of Successions' for the European Parliament (collaboration with PI Paul Beaumont, University of Aberdeen).
- Member consortium led by Max Planck Institute Luxembourg of a highly competitive tender granted by the European Commission, Evaluation study of national procedural laws and practices under EU consumer law, Study JUST/2014/RCON/PR/CIVI/0082, 370,000 in total, 1 January 2016-31 December 2016.

Mascini, P. and Wingerde, C.G. van

- Regisseurs in een nachtwakerstaat: Een empirisch onderzoek naar de spanningen die ISZW-inspecteurs ervaren tussen sanctioneren en zelfreguleren bij de handhaving van arbeidsomstandighedenwetgeving (Directors in the Watchman State: An empirical study on the perceived tensions by inspectors between punishing and self-regulating when overseeing the health and safety act). Project group Enforcement and Behavior, CCV (€ 58,000).

Pannebakker, E.

- Ekaterina Pannebakker received a scholarship from the UK Foundation for International Uniform Law for a two-month research project conducted as a visiting scholar in May and June 2015 at the UNIDROIT International Institute for the Unification of Private Law in Rome, Italy.

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 2015, the following papers were submitted to the Working Paper Series:

The Secret of a Cheaper Sentencing System: Lessons from Europe
Elena Kantorowicz

RILE Working Paper 2015/01

Fixing Popular Participation in Constitution-Making

Stephan Michel and Ignacio N. Cofone

RILE Working Paper 2015/02

Normative Law and Economics: Asking the Right Questions

Alessio M. Paccas

RILE Working Paper 2015/03

Judicial Turnover and the Duration of Trials

Alice Guerra and Claudio Tagliapietra

RILE Working Paper 2015/04

The Favouring Plaintiff Fee-Shifting Rule in Europe: An alternative to Legal Aid in Financing Civil Litigation

Filippo Roda

RILE Working Paper 2015/05

Merger Control in Times of Financial Crisis: An Expedient Instrument to Heal the Fledgling Economy or an Object of Abuse?

Kalpana Tyagi

RILE Working Paper 2015/06

Supplementing Forest Sustainability Certificates with Fiscal Instruments

Dirk Heine, Michael Faure and Chih-Ching Lan

RILE Working Paper 2015/07

Scientific publications

In this section, we list the main publications in 2015 of our researchers. Minor publications, editorials, and case notes are omitted.

Bergh, R.J. van den

- Kirst, P. & Van den Bergh, R. (2015). The European Directive on Damages Actions: A Missed Opportunity to Reconcile Compensation of Victims and Leniency Incentives. *Journal of Competition Law and Economics*, 0(0), 1-30 (advance access).

Desmet, P.T.M.

- Desmet, P.T.M., Hoogervorst, N. & Dijke, M.H. van (2015). Prophets vs. profits: How market competition influences leaders disciplining behavior of ethical transgressions. *The Leadership Quarterly*, 26(6), 1034-1050.
- Boom, W.H. van, Desmet, P.T.M. & Dam, M.R. van (2015). Eenvoudige tekst, eenvoudige claim? Over de invloed van tekstniveau in algemene verzekeringsvoorwaarden op verwachtingen en gedrag van consumenten. *Tijdschrift voor consumentenrecht & handelspraktijken*, 4, 200-207.
- Boom, W.H. van, Desmet, P.T.M. & Reinders Folmer, C.P. (2015). *Privaatrecht in het laboratorium: verslag van acht rechtspsychologische experimenten (Jonge Meesters)*. Den Haag: Boom Juridische uitgevers.

Engel, C.

- Engel, C. & Reuben, A. (2015). The People's Hired Guns? Experimentally Testing the Motivating Force of a Legal Frame. *International Review of Law and Economics*, 43, 67-82.
- Engel, C. (2015) Tacit Collusion. The Neglected Experimental Evidence. *Journal of Empirical Legal Studies*, 12(3), 537-577.
- Engel, C., & Nagin, D. (2015). Who is Afraid of the Stick? Experimentally Testing the Deterrent Effect of Sanction Certainty. *Review of Behavioral Economics*, 2(4), 405-434.
- Engel C. (2015). Scientific disintegrity as a public bad. *Perspectives on Psychological Science*, 10(3), 361-379.
- Engel, C. (2015). Randomized Information about the Law as an Instrument. *Journal of Institutional and Theoretical Economics*, 171(1), 171-175.
- Engel, C., Hennig-Schmidt, H., Irlenbusch, B. & Kube, S. (2015). On Probation: An Experimental Analysis. *Journal of Empirical Legal Studies*, 12(2), 252-288.
- Engel, C.W. & Kleine, M. (2015). Who is Afraid of Pirates? An Experiment on the Deterrence of Innovation by Imitation. *Research Policy*, 44(1), 20-33.

Engelhard, E.S.

- Hebly, M.R., Zalm, I. van der & Engelhard, E.S. (2015). Wetsvoorstel schadevergoeding zorg- en affectieschade: verbetering van de positie van slachtoffers en naasten. *Ars Aequi*, 2, 93-105.
- Engelhard, E.S., Hebly, M.R. & Lindenbergh, S.D. (2015). Gelijkheidsperikelen in het schadevergoedingsrecht. Over de betekenis van het gelijkheidsbeginsel bij de vaststelling van verlies aan verdienvermogen. *Nederlands Tijdschrift voor Burgerlijk Recht*, 9, 257-265.
- Engelhard, E.S., Hebly, M.R. & Zalm, I. van der (2015). De shockschadevordering in het strafproces. *Tijdschrift voor Vergoeding Personenschade*, 4, 87-96.

Fabbri, M.

- Fabbri, M. (2015). Shaping Tax Norms through Lotteries. *International Review of Law and Economics*, 44, 8–15.

Faure, M.G.

- Bergkamp, L. & Faure, M.G. (2015). Alternative Systems for Redressing Terrorism-Related Risks. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (pp. 252-282). Cambridge: Cambridge University Press.
- Bergkamp, L., Faure, M.G., Hinteregger, M. & Philipsen, N (2015). Conclusions. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (pp. 330-337). Cambridge: Cambridge University Press
- Bergkamp, L. & Faure, M.G. (2015). Contracting for Liability Limitation. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (Cambridge Studies in International and Comparative Law) (pp. 239-251). Cambridge: Cambridge University Press.
- Bergkamp, L., Faure, M.G., Hinteregger, M. & Philipsen, N (2015). Introduction. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (Cambridge Studies in International and Comparative Law) (pp. 1-8). Cambridge: Cambridge University Press
- Faure, M.G. & Philipsen, N (2015). Economic Analysis of Current Liability for Terrorism-Related Risk and Alternatives. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (pp. 300-315). Cambridge: Cambridge University Press.
- Faure, M.G. & Philipsen, N (2015). Insurance of Terrorism-Related Risks. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (Cambridge Studies in International and Comparative Law) (pp. 209-238). Cambridge: Cambridge University Press.
- Faure, M.G., Liu, J. & Philipsen, N. (2015). Liability for Terrorism-Related Risks under International Law. In L. Bergkamp, M.G. Faure, M. Hinteregger & N. Philipsen (Eds.), *Civil Liability in Europe for Terrorism-Related Risk* (Cambridge Studies in International and Comparative Law) (pp. 11-55). Cambridge: Cambridge University Press.
- Biard, A.P. & Faure, M.G. (2015). Ce que l'économie comportementale peut apporter aux juristes - illustrations européennes. *Revue Trimestrielle De Droit Européen*, 4, 715-735.
- Faure, M.G. & Made Budi Arsika, I. (2015). Settling Disputes in the Open Tourism Industry: The Global Code of Ethics for Tourism and the World Committee on Tourism Ethics. *Santa Clara Journal of International Law*, 13(2), 375-415.
- Faure, M.G. & Leger, C. (2015). The Directive on Criminal Sanctions for Market Abuse: A Move Towards Harmonizing Insider Trading Criminal Law at the EU Level? *Brooklyn Journal of Corporate, Financial & Commercial Law*, 9(2), 387-427.
- Weber, F. & Faure, M.G. (2015). The Interplay between Public and Private Enforcement in European Private Law: Law and Economics Perspective. *European Review of Private Law*, 23(4), 525-550.
- Bentata, P. & Faure, M.G. (2015). The Role of Engos in Environmental Litigation: A French Case Study. *Environmental Policy and Governance*, 25(6), 459-473.
- Faure, M.G. (2015). Allocution. In Faure, M.G., Lawogni, A. & Dehoumon, M., *Les mouvements transfrontières de déchets dangereux* (pp. 27-30). Bruxelles: Bruylant.
- Faure, M.G. & Ma, J. (2015). Cartel Enforcement in China. Monetary or Criminal Sanctions? In N. Philipsen & G. Xu (Eds.), *The Role of Law and Regulation in Sustaining Financial Markets* (pp. 195-221). Routledge: Oxon.

- Faure, M.G., Philipsen, N. & Xu, G. (2015). Comparative and concluding remarks. In N. Philipsen & G. Xu (Eds.), *The Role of Law and Regulation in Sustaining Financial Markets* (pp. 357-368). Routledge: Oxon
- Faure, M.G. & Visscher, L.T. (2015). Een rechtseconomische visie op collectieve actie. In *Collectieve acties. Preadviezen Nederlandse Vereniging voor Burgerlijk Recht 2015* (pp. 7-64). Zutphen: Paris.
- Faure, M.G. (2015). Kan het eigendomsrecht de natuur redden? In J. Ackaert, A. De Becker, P. Foubert, N. Torfs, B. Vanheusden & S. Verbist (Eds.), *Liber Amicorum Anne Mie Draye* (pp. 107-124). Antwerpen: Intersentia.
- Faure, M.G. (2015). Multiple Tortfeasors: A Legal and Economic Approach. In J. Potgieter, J. Knobel & R.-M. Jansen (Eds.), *Essays in honour of Johann Neethling* (pp. 151-160). Durban: LexisNexis.
- Mot, J. de, Faure, M.G. & Klick, J.M. (2015). Appellate Caseload and the Switch to Comparative Negligence. *International Review of Law and Economics*, 42, 147-156.
- Faure, M.G. (2015). Private Liability and Critical Infrastructure. *The European Journal of Risk Regulation*, 6(2), 229-243.
- Faure, M.G. & Wang, H. (2015). Compensating Victims of a European Deepwater Horizon Accident: OPOL Revisited. *Marine Policy*, 62, 25-36.
- Faure, M.G. & Weber, F. (2015). Dispersed Losses in Tort Law – An Economic Analysis. *Journal of European Tort Law*, 6(2), 163-196.
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Heine, K.

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Kramer, X.E.

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Liu, J.

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Mascini, P.

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Visscher, L.T.

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- Visscher, L.T. & Karapanou, V. (2015). Non-pecuniary Losses in the Economic Analysis of Torts: a Plea for Ex Ante Determined Damages. *The Chinese Journal of Comparative Law*, 3(2), 204-225.
- Visscher, L.T. (2015). *Debated Damages (Erasmus Law Lectures, 39)*. The Hague: Eleven international publishing.

Wagner, G.

- Wagner, G. (2015) Officer's and Director's Liability under German Law – A Potemkin Village. *Theoretical Inquiries in Law*, 16(1), 96-106.

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Professional publications

Faure, M.G.

- Faure, M.G. (2015). Special Issue: The Rule of Law and Climate Adaptation in the Asian Region, *Carbon & Climate Law Review*, 9(1), 1-4.

Hebly, M.R.

- Hebly, M.R. (2015). Opnieuw de gezichtspuntencatalogus uit Van Hese/De Schelde. Een reactie op de analyse van Wolters. *Aansprakelijkheid, Verzekering & Schade*, 4, 141-142.
- M.R. Hebly, Rechtbank Noord-Nederland 11 februari 2015, *Jurisprudentie Aansprakelijkheid* 2015/43 (Vergoeding shockschade Vader Vaatstra), case note.
- M.R. Hebly, Hoge Raad 27 maart 2015, *Jurisprudentie Aansprakelijkheid* 2015/76 (Civiele rechter niet gebonden aan oordeel strafrechter omtrent noodweer), case note.

Heine, K.

- Heine, K. & Cedeno-Brea, E. (2015). The Legal Structure of Ring-Fenced Bodies in the United Kingdom. A Response to Consultation Paper CP19/14 on the Implementation of Ring-fencing: on Legal Structure, Governance and the continuity of Services and Facilities. 6 January 2015.

Kramer, X.E.

- Kramer, X.E. (2015). Editorial: Empirical Legal Studies in Private International Law. *Nederlands Internationaal Privaatrecht* 2, 2, 195-196.
- Kramer, X.E. (2015, Juli 15). European small claims procedure – what next? *LexisNexis PSL*.

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- Lindenbergh, S.D. (2015). Hoge Raad 19 september 2014, *Nederlandse Jurisprudentie* 2015/3 (Rijnja/Meerdink-Serbanescu), case note.
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- Lindenbergh, S.D. (2015). Hoge Raad 12 december 2014, *Nederlandse Jurisprudentie* 2015/366 (Achmea/Staat), case note.
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Paccès, A.M.

- Paccès, A.M. & Repasi, R. (2015). Quantitative Easing in Europe: What it is, why it is legal and how it works. (newsletter). EURO-CEFG Commentary

Scheltema, M.W.

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Schreuder, A.I.

- Schreuder, A.I. & Kogelenberg, M. van (2015). Hoge Raad 10 juli 2015, Maandblad voor Vermogensrecht 2015/9 (Aan de billijkheidscorrectie van art. 6:101 BW geen polonaise: ruim baan voor de gesubrogeerde (ziektekosten)verzekeraar), case note.

Tillema, I.

- Tillema, I. (2015). Gerechtshof Amsterdam 4 november 2014, *Jurisprudentie Aansprakelijkheid* 2015/1, case note.

Visscher, L.T.

- Visscher, L.T. (2015). Over stagnatie, achteruitgang, bevrozing en stilstaand water: hoe hoog zou smartengeld bij letselschade eigenlijk moeten zijn? In *Smartengeld: uitspraken van de Nederlandse rechter over de vergoeding van immateriële schade* (pp. 6-11). Den Haag: ANWB.
- Kerkmeester, H.O. & Visscher, L.T. (2015). Rechtseconomie. *Ars Aequi KwartaalSignaal*, 2015 (135), 7840-7841.
- Kerkmeester, H.O. & Visscher, L.T. (2015). Rechtseconomie. *Ars Aequi KwartaalSignaal*, 2015 (137), 7975-7976.
- Visscher, L.T. (2015). Introduction on the Workshop on Non-Pecuniary Damages in Contract and Torts. *The Chinese Journal of Comparative Law*, 2015. doi: 10.1093/cjcl/cxv018

Westrik, R.

- Westrik, R., Campen, M.M. van & Tuil, M.L. (Eds.) (2015). *Ars Aequi Jurisprudentie Goederen- en Insolventierecht*. Nijmegen: Ars Aequi Libri.

Lectures, presentations and contributions to the academic forum

Bergh, R.J. van den

- February 13: presentation *Transgenderism in Law and Economics* at the Anniversary Lecture 25 years EMLE, Erasmus University Rotterdam.
- March 26-27: discussant of a paper on *economic theory of federalism and Chinese corporate law* at Conference The Future of Law and Economics, Paris.

Desmet, P.T.M.

- May 11: gave an invited seminar at Economix (University of Paris Ovest) on the topic 'Thou shall compete: How market competition affects ethical decision making within organizations'.
- November: gave a lecture for the civil law department of the Court of The Hague.

Engel, C.

- January 14: presentation The Behaviorally Informed Design of Institutions in the Face of Uncertainty on the Vodafone Conference "Choice Architectures in Democracies", Berlin, Germany.
- February 20: presentation Unpacking Negligence Liability (joint with Theodore Eisenberg) at the Legal Studies Network (LSN) Symposium, Berlin, Germany
- March 06-08: gave a lecture Bargaining in the Absence of Property Rights (joint with Oren Bar-Gill) at the Experimental Methods in Legal Scholarship (EMLS) Workshop, UCLA, USA.
- May 10-15: presentation The Jurisdiction of the Man Within (joint with Michael Kurschilgen) at the conference "Social Norms and Institutions", Ascona, Switzerland
- May 27: gave a lecture The Impact of Empirical Legal Research before government officials, Brasilia, Brazil, Sao Paolo.
- May 28: presentation The Intricacies of Experimental Data at the Instituto de Matemática e Estatística (IME) Seminar, University of São Paulo, Brazil
- May 29: presentation The Impact of Empirical Legal Research at the Associação Brasileira de Jurimetria (ABJ), Brasilia, Brazil, Sao Paolo.
- June 10-13: presentation Does Class Action Have a Deterrent Effect? at the 33rd International Seminar on the New Institutional Economics – Beyond Privity, Edinburgh, United Kingdom.
- July 9: presented a test of the Coase Theorem at the Workshop at the Crossroads of Law and Economics, Erasmus University Rotterdam.
- July 17-18: LAMB Research Network Workshop in Behavioral and Experimental Law and Economics at Notre Dame, Dublin, Ireland.
- October 30-31: presentation Bargaining in the Absence of Property Rights (joint with Oren Bar-Gill) at the 10th Annual Conference on Empirical Legal Studies, St. Louis, USA.
- November 25: presentation Lower Self-Control as a Source of Crime at the Seminar Alòs-Ferrer, University of Cologne, Germany.
- November 11-13: presentation Imperfect Sanctions at the Conference "Institutions for Moral Behavior", University of Utrecht, The Netherlands.

Fabbri, M.

- March 28: gave a lecture on *Social welfare and behavioural public policies* at the Rothbard institute of Law and Economics, Belgium.
- May 15 and 16: presented the paper *Social Influence on Third-party Punishment: an Experiment* at the American Association of Law and Economics annual conference at Columbia University, NY.
- June 11: presented his paper *Lotteries against free-riding: a field experiment* at the International Meeting in Law & Economics at the University Paris 2 Pantheon.
- July 9: presented an observational study on how the presence of children affects people's norm compliance at the Workshop Experiments at the Crossroads of Law and Economics, Erasmus University Rotterdam.
- 18 September: presented the paper *Lotteries against free riding: a field experiment* together with Paolo Nicola Barbieri and Maria Bigoni at the EALE conference in Vienna.
- 14 October: presented his paper *Lotteries against free-riding: a field experiment* at the Erasmus school of Economics lunch seminar.
- October: presented the paper *Adding a Carrot to the Stick? A Field Experiment on the Use of Lotteries Against Free-Riding* together with Paolo Nicola Barbieri and Maria Bigoni at the seminar series of the Department of Economics, Erasmus University Rotterdam.
- November: presented the paper *Adding a Carrot to the Stick? A Field Experiment on the Use of Lotteries Against Free-Riding* together with Paolo Nicola Barbieri and Maria Bigoni at the seminar series of the Department of Economics, LUMSA University.

Faure, M.G.

- February 4-5: chaired during the workshop Smart Mixes in relation to Forest and Climate Change Governance, KNAW, Amsterdam.
- March 11: gave a lecture on *Calabresi and Behavioural Tort Law & Economics* at a workshop in honour of Guido Calabresi - The Law and Economics of Liability Rules at the University of Bologna, Italy.
- March 13: presented together with Liao Wenqing *Non-Pecuniary Damages in Chinese Contract & Tort Law* at the workshop *Non-pecuniary Damages in Contract and Tort*, Erasmus University, Rotterdam.
- Promotor of EDLE PhD Elena Fagotto – Industry Food Safety Standards: Public and Private Interest in Food Safety (Co-promotor: Alessandra Arcuri). March 19.
- April 20: presented *Economic efficiency and liability rules for geologic storage* at the conference *Managing Long-Term Liability for Geologic Storage of CO₂*, International Energy Agency (IEA), Paris.
- April 21: gave a keynote speech *Smart enforcement of EU environmental law* at the INECE Conference Improving environmental performance: new generation compliance tools, theory and practice in Rotterdam.
- May 13: gave a lecture on *What is the economic function of law? A theory of regulation* at the School of Law & Politics, Beijing International Studies University, China.
- May 21: gave a lecture on *In the Aftermath of the Disaster: Liability and Compensation Mechanisms as Tools to reduce Disaster Risks* at the Open Conference 'How can International Environmental Law reduce Disaster Risk?', Stanford Law School, US.
- June 11: gave a lecture on *The Lex Certa Principle in Criminal Law: an Analytical Framework* at the 2nd International Meeting in Law and Economics, Université Paris II Panthéon Assas.
- June 15: acted as chairman during the farewell symposium of Prof. Giard. The topic of the symposium was *De noodzakelijke herwaardering van de werkprocessen van*

waarheidsvinding: methodologie als middel tot het doel van een optimaal aansprakelijkheidsrecht, at the Erasmus University Rotterdam.

- June 16: gave a presentation together with Florentin Blanc on *Smart, Risk-based environmental enforcement: a research and policy agenda* at the conference of the Society for Risk Analysis – Europe, Maastricht.
- June 29: gave a presentation entitled *Quel droit de l'environnement faut-il pour les pays en voie de développement?* during the conference at the CREDIJ at the Faculté de Droit, Université d'Abomey-Calavi, Bénin.
- August 28: gave a lecture on *Economic Analysis, Comparative Law and Sustainable Tourism*, at an international seminar Economic Approach to Law in Tourism Industry, at Udayana University, Denpasar, Bali.
- September 5: gave a lecture on *Compensating victims of disasters at the Center for Environmental Law* of Sidney University, Australia.
- September 9: presented a paper with Dirk Heine and Chih-Ching Lan on *Supplementing Forrest Sustainability Certificates with Fiscal Instrument*.
- September 11: gave a lecture on Environmental Law Research at the BINUS FX Sudirman, Binus University, Jakarta, Indonesia.
- September 13: presented a paper with Dirk Heine and Chih-Ching Lan on *Redirect Redd to Incorporating Property Right-based Management*.
- September 17: gave a presentation on *Göran Skogh on environmental policy* at the Annual Conference of the European Association of Law and Economics, Vienna, Austria.
- September 18: together with Dirk Heine and Chih-Ching Lan presented their paper *Supplementing forest sustainability certificates with fiscal instruments* at the EALE conference in Vienna.
- October 15: presented *Further Harmonization of Product Liability in Europe? A Critical Economic Perspective* at the International Conference 30 years of European Product Liability Law Wroclow, Poland.
- October 17: presented *Economic Automisation of Tort Law* at the conference *The Aims of Tort Law*, Vienna, Austria.
- October 29: chaired during the *De Doelderdag* themed *Damages for Injury: Past, Present and Future*, Erasmus University Rotterdam.
- November 24: welcome and introduction at the Handhavingsnetwerkdag Milieu en Ruimtelijke Ordening, Vlaamse Hoge Handhavingsraad voor Ruimte en Milieu in Gent.
- November 27: presented *Enforcement of EU environmental law: progress or retreat* at the Workshop environmental law at the 20th annual conference of the lus Commune Research School, KU Leuven, Belgium,
- December 1: presented *Climate Action before the Court: The Future of Liability Claims* at the ICIS Institute, The Courts and Environmental Conflicts: The Case of Climate Change, Maastricht University.
- December 11: presented together with Louis Visscher *Preadvies: een rechtseconomische visie op collectieve acties* at the Annual Meeting of the Nederlandse Vereniging voor Burgerlijk Recht, Amsterdam.
- Promotor of EDLE PhD Faiz Ur Rehman – Essays on Economics of Terrorism in Pakistan, December 14.
- Promotor of EDLE PhD Huojon Sun – Law, Informal Institutions and Trust – An experimental perspective, December 14.
- Promotor of EDLE Hong Wei – The Determinants of China's Compliance with WTO rules (December).

Giard, R.

- 15 June: valedictory lecture on his work on bias and causality at the farewell symposium of Raimond Giard, Erasmus University Rotterdam.

Heine, K.

- Lecturer in the Master of Business, Competition and Regulatory Law at Free University Berlin (course 'Economic fundamentals of grid regulation').
- February: Visiting scholar at the University of Jena at the Jean Monnet Centre of Excellence.
- 19 March: Promotor for EDLE PhD defence of Ana Jakovljevic - Fighting Corruption with Pyramids: A Law and Economics approach to corruption combat in post-socialist countries.
- April 16-17: presented together with E. Oltmanns the paper *W(h)ither R&D in the SNA?* at the 2015 IARIW-OECD Conference, OECD, Paris.
- presented the paper *Relevant Characteristics of Third Party Decision Making in Joint Venture Disputes* together with Maximilian Kerk.
- June 24-27: gave a presentation on *The Twist between Corporate Law and Corporate Taxation – the Case of Delaware* with A. Rathgeber and S. Stoeckl at the 24th European Financial Management Association (EFMA) conference held at Nyenrode Business University, Netherlands.
- June 25-26: host at the *European Governance and Financial Regulation – Towards an Integrated Legal and Economics Approach*, International PhD-workshop at Forschungskolleg Humanwissenschaften of the Goethe University Frankfurt, Bad Homburg, in cooperation with EURO-CEFG and Tobias Tröger, House of Finance, University of Frankfurt.
- July 2-4: presented together with Shaheen Naseer *Bureaucratic Power and Corruption: Imprinting of the Past?* at the European Group for Organizational Studies (EGOS) Conference on *Organizations and the Examined Life: Reason, Reflexivity and Responsibility*, Athens, Greece.
- July 26-31: gave a presentation *Towards a Political Economy of Statistics* together with E. Oltmanns at the 60th World Statistic Congress (International Statistical Institute), Rio de Janeiro.
- September 19: presented the paper *Relevant characteristics of third party decision marking joint venture disputes* together with Maximilian Kerk at the EALE conference in Vienna.
- November 19: gave a presentation on *3D printing - an inventory of socio-legal challenges* at the 7th Netherlands Institute of Law and Governance, Law and Governance in the Digital Era, VU University Amsterdam.
- 8 December: Supervisor for EDLE PhD defence of Ignacio Cofone - Privacy Tradeoffs in Information Technology Law.

Kramer, X.E.

- January 23: gave a speech on *Revising the European Small Claims Procedure: Academic and Practical Reflections* at a policy hub of the European Parliament (Parliamentary Research Service), Brussels.
- March 19: gave a lecture on *Choice of Court in the EU and Global Context: Ensuring Efficiency and Coordination* at the occasion of the celebration of the 50th anniversary of the T.M.C. Asser Institute, The Hague.
- May 26: presented her general report, co-authored by Shusuke Kakiuchi (University of Tokyo), on *Relief in Small and Simple Matters in an Age of Austerity* at the XVth World

Congress of Procedural Law organised by the International Association of Procedural Law in Istanbul.

- June 18: gave a lecture on *EU Private International Law and the Global Fight against Corruption* at a conference organised by AEPDIRI on EU Law between Universalism and Fragmentation: Exploring the Challenge of Promoting EU Values beyond its Border.
- Xandra Kramer gave an interview published in LexisNexis PSL (15/07/2015): European Small Claims Procedure – What’s Next?
- October 8: gave a lecture on *The interplay of Brussels law with optional instruments*, chaired a session on new instruments on international commercial litigation and was a panellist on the codification of European private international law at a conference on International Commercial Litigation, organised by the European Law Academy in Trier.

Lindenbergh, S.D.

- 26 January: lecture *Van smart naar geld: compensatie, erkenning en genoegdoening?* anniversary conference Instituut Asbest Slachtoffers, Den Haag.
- 5 March, course *Tranen met duiten*, Rechtbank Noord-Holland.
- 9 March, course *Actualiteiten aansprakelijkheids- en schadevergoedingsrecht*, LaGro advocaten, Alphen aan den Rijn.
- 10 March, lecture *Het schadebegrip bij beroepsaansprakelijkheid*, WIJadvocaten, Amsterdam.
- March 13: presentation together with Tammo Wallinga at the *Workshop Non-pecuniary damages in contract and tort* at Erasmus University Rotterdam.
- March 27: keynote lecture *Het Wetsontwerp inzake Zorgschade* at the annual conference of Personenschade Instituut van Verzekeraars, Apeldoorn.
- April 20: lecture *Smartengeld*, Wetenschapscafé EUR, Rotterdam.
- April 29: course *Schade: begrip en gerechtigden*, Specialisatieopleiding advocaten van slachtoffers van ernstige gewelds- en zedenmisdrijven, Utrecht.
- April 30: lecture *Actualiteiten aansprakelijkheids- en schadevergoedingsrecht*, Grotius Opleiding Personenschade, Utrecht.
- May 20, lecture *Actualiteiten schadevergoedingsrecht*, Ellecom.
- May 21, lecture *Actualiteiten schadevergoedingsrecht*, Maastricht.
- June 15: speaker at the farewell Symposium of Professor Giard themed *De noodzakelijke herwaardering van de werkprocessen van waarheidsvinding: methodologie als middel tot het doel van een optimaal aansprakelijkheidsrecht* at the Erasmus University Rotterdam.
- October 9: opposition PhD promotion Annelies Wilken, Medisch beoordelingstraject bij letselschade, Amsterdam (VU).
- October 9, lecture *Normering van schadevergoeding in het strafproces*, Symposium Landelijk Advocaten Netwerk Gewelds- en Zedenmisdrijven, Utrecht.
- October 19, lecture at the De Doelder Dag: *Smartengeld, verleden, heden en toekomst*, Erasmus Universiteit Rotterdam.
- October 29: speaker at the “De Doelderdag”, which evolved around the theme Damages for injury: past, present and future, Erasmus University Rotterdam.
- October 30, lecture *De waarde van tijdschriften voor de rechtswetenschap*, Universiteit Leiden.
- November 5, lecture *50 jaar Tranen met Duiten* at Nederlands Instituut van Schaderegelers, Rotterdam
- November 10, lecture *Schade*, Grotius Opleiding Personenschade, Utrecht.
- November 11, lecture *Personal Injury Compensation in The Netherlands: law in the books*, law in action, Norsk Patientskade Erstatning, Amsterdam.

- November 12, course *Werkgeversaansprakelijkheid*, Noord Nederlandse rechters, Groningen.
- December 4: speaker at Symposium Volledige vergoeding of adequate erkenning?, Erasmus University Rotterdam.

Liu, J.

- February 4-5: *The Smart Mixes Project: Definition and Methodological Issues* presented during the workshop Smart Mixes in relation to Forest and Climate Change Governance, KNAW, Amsterdam.
- October 7-8: presentation *Smart Mixes in Fisheries Governance*, presented during the workshop Smart Mixes in relation to Fishery and Oil Pollution Governance, KNAW Amsterdam.

Mascini, P.

- February 4: chair of the steering committee meeting during the workshop *Smart mixes in relation to forest and climate change governance*, co-organized by University of Amsterdam and Erasmus University Rotterdam, KNAW Amsterdam, February 4.
- March 31- April 1: presented the paper *Educational Reforms' Impact on Students' Test Scores in Eleven Countries and their Ensuing Distributive Effects at the International Research Society for Public Management Conference (IRSPM)* together with S. Braster, panel D103 – Rethinking the Relationship between Citizens and Public Services, University of Birmingham: Birmingham, UK.
- April 8-10: organised together with H. van der Voort the panel The Formalization of Risk Management and its Unintended Consequences at the MidTerm Conference of the ESA Risk and Uncertainty group, University of Stuttgart.
- April 8-10: presented the paper *Voluntary risk Seeking in the Risk Society: Explaining Involvement in Edgework* together P. Achterberg & D. Houtman at the Mid-Term Conference of the ESA Risk and Uncertainty group, panel The Formalization of Risk Management and its Unintended Consequences University of Stuttgart.
- April 16: presented *Responsive Regulation herbezien* during the lunch session Variation in Inspection of the SZW Inspectorate.
- May 13: presented a BACT seminar on *Educational Reforms' Impact on Students' Test Scores in Eleven Countries and their Ensuing Distributive Effects*, Erasmus University Amsterdam.
- Nilyufer Hamid (28 May 2015) Representing Turkey: An Analysis of the Power and Politics of Turkey's Representation in British Lifestyle News (member of plenary committee).
- Aline Reichow (10 June 2015) Effective regulation under conditions of scientific uncertainty. How collaborative networks contribute to occupational health and safety regulation for nanomaterials (member of inner committee).
- June 24: guest lecture *Streng zijn of overleg voeren?*, Erasmus University Rotterdam.
- September 24, commenter at the seminar *New Perspectives on the Study of Decision-Making in Migration Offices*, session 3 *Decision Making at the Border*. Radboud University Nijmegen, Grotius Building, CPO Room.
- October 7-8: chair of the meeting with the steering committee during the workshop *Smart Mixes in relation to Fishery and Oil Pollution Governance*, co-organized by Erasmus University Rotterdam and University of Amsterdam, Royal Netherlands Academy of Arts and Sciences.
- Secretary and member of the inner defense committee Faiz Ur Rehman (24 December 2015) Essays on the Law and Economics of Terrorism in Pakistan.

Oded, S.

- April 22: chaired a session on *'Self-Regulation and Self-Policing* at the International Network for Environmental Compliance and Enforcement (INECE): Improving Environmental Performance: Next Generation Compliance Tools, Theory and Practice.
- November 11-13: chaired the session on M&A compliance at the 2015 Annual Meeting of the Global Compliance Officers' Forum in Frankfurt, Germany.

Ontanu, E.A.

- 26-28 August: presented *Simplifying Access to Justice in Cross-Border Litigation, the National Practices and the Limits of the EU Procedures. The Service of Documents Example* together with M. Velicogn & G. Lupo, at the Annual Conference 2015 of the European Group for Public Administration (EGPA), Permanent Study Group XVIII: Justice and Court Administration, Toulouse, France.

Pacces, A.M.

- January 9: gave a BACT seminar on *The Case for an Unbiased Takeover Law (with an Application to the European Union)*, co-authored by L. Enriques and R.J. Gilson
- February 17: Panel Speaker on "A Corporate Governance Model for Europe: Is Diversity Sustainable?". Brussels, ECMI Conference at CEPS.
- April 8 -10 April: Alessio taught (with Luca Enriques – Oxford – and Ron Gilson – Stanford & Columbia) in a course on comparative corporate governance at the LUISS Graduate School of Law in Rome.
- April 8: Lecture on *Introduction to The Law and Economics of Corporate Governance*, Rome, LUISS Guido Carli, Graduate school, Faculty of Law.
- April 9: Lecture on "*The Role of Shareholders in Corporate Governance*". Rome, LUISS Guido Carli, Graduate school, Faculty of Law.
- April 21: organisor and moderator of the EURO-CEFG seminar *The European Banking Union and the promise of financial stability* at Leiden University.
- May 22: Discussant of Andrea Polo "*Does Mandatory Shareholder Voting Prevent Bad Acquisitions?*". London, 2nd annual LSE-Oxford Conference in Law and Finance.
- May 22: took part in the discussion during the presentation of A. Polo *Does Mandatory Shareholder Voting Prevent Bad Acquisitions?*, LSE-Oxford Law & Finance Conference, London
- May 22: speaker at the LSE - Oxford joint conference on Law and Finance at the London School of Economics and Political Science.
- September 18: panel speaker on "*The Economic Consequences of the European Banking Union*". Vienna, XXXII Annual Conference European Association Law Economics.
- September 25: presentation of "*Exit, Voice, and Loyalty from the Perspective of Shareholder Activism in Corporate Governance*". Hamburg, European Forum on Securities Regulation, Bucerius Law School.
- September 30: keynote speaker at the Final Conference SNS Corporate Governance Roundtable, *The role of corporate law for entrepreneurship*, Stockholm.
- September 30: moderator of the panel discussion at the Final Conference SNS Corporate Governance Roundtable, *Shareholder activism in concentrated ownership structures: what role does law play?*, Stockholm.
- November 16: Presentation of *Exit, Voice, and Loyalty from the Perspective of Shareholder Activism in Corporate Governance*, Blue Sky Workshop at Columbia Law School, New York City.

- November 16: Lecture on *Entrepreneurship in Corporate Governance: The Role of the Law* Comparative Corporate Governance Distinguished Lecture Series, Fordham Law School, New York City.
- November 19: Speaker on *The Law and Economics of Related Party Transactions*, 2014 OECD-Russia Corporate Governance Roundtable, Moscow, Russia.
- November 23: Lecture on *Shareholder Activism as Conflict of Entrepreneurship: Loyalty vs Commitment*, Philadelphia, University of Pennsylvania Law School.
- December 10: Lecture on *The Law and Economics of Banking Regulation*, Luxembourg, University of Luxembourg.
- December 12: Discussant of Rainer Haselmann *The Limits of Model Based Regulation*, Frankfurt, Conference "Finance between Liquidity and Insolvency", Goethe University, S.A.F.E. House of Finance.
- December 18: Presentation of "*Exit, Voice, and Loyalty from the Perspective of Shareholder Activism in Corporate Governance*", Naples, XI Annual Conference of the Italian Society of Law & Economics.

Rachlinski, J.J.

- March 12-13: presented on *psychological insights into non-pecuniary damages* at the Workshop on Non-pecuniary Damages in Contract and Tort, Erasmus University Rotterdam.
- March 19: full day presentation *Intuition, Implicit Judgments & Judicial Decision Making at Justice with Dignity and Speed: An Orientation Program for Recently Appointed Judges*, Falmouth, United States
- April 9: presentation *Heart Versus Head? Do Judges Follow the Law or Follow Their Feelings?* at Faculty Workshop, University of Southern California School of Law, April 9, 2015.
- April 17: presentation *Does Empirical Evidence on the Civil Justice System Produce or Resolve Conflict?* At Clifford Symposium on Tort Law & Social Policy, DePaul University Law School.
- April 24: presentation *Judicial Decision Making* at Federal Judicial Center Magistrate Judges National Workshop, Seattle, United States.
- April 30: full day presentation *Intuition, Implicit Judgments & Judicial Decision Making* at 7th Judicial District of New York Administrative Judges Task Force Training Series, Rochester, United States.
- May 4: presentation *Intuition, Deliberation & Judicial Decision Making*, presented at workshop for Kings County Superior Court Judges, New York, United States.
- May 6-8: presentation *The Art & Science of Deciding* at Superior Court of Justice (Ontario) Spring Education Seminar, Ottawa, Canada.
- May 8: presentation *Intuition, Implicit Judgment & Decision Making In Family Court* at Annual Association of Family and Conciliatory Courts Connecticut Chapter Meeting.
- May 19: presentation *Intuitive Versus Rational Thinking* at the 10th Circuit Judicial Conference, Santa Fe, United States.
- June 3: presentation *Implicit Bias and Judicial Decision Making*, New Mexico Judicial Conclave, Albuquerque, United States.
- June 11: presentation *Great Judging* at the 2nd Circuit Judicial Conference, New Paltz, United States.
- June 18: keynote address on *Subconscious Influences in Arbitral Decision Making* at the 27th Annual Institute for Transnational Arbitration Workshop, Dallas, United States.
- July 28: keynote address *Implicit Bias & the Myth of Equal Justice*, National Council of Juvenile & Family Court Judges, 78th Annual Conference, Austin, United States.

- August 18: presentation *Inside the Judicial Mind*, Canadian National Judicial Institute Conference on The Art and Craft of Judging, Halifax, Canada.
- October 6: presented *Intuitions, Implicit Judgments, and Decision-Making in the Courtroom* at the American Judges Association Annual Conference, Seattle, United States.
- October 22: presented at *Judicial Decision Making, Third Circuit Judicial Conference*, Bedford, United States.
- November 19: presented *Gains, Losses, and Judicial Decision making*, faculty workshop at Wake Forest University Law School, Winston Salem, United States.

Reinders Folmer, C.P.

- 9 July: presented his research (with co-authors Tessa Haesevoets and Alain Van Hiel) that examined the effectiveness of financial compensation as a tool for restoring competence and integrity violations at the *Workshop Experiment at the Crossroads of Law and Economics*, Erasmus University Rotterdam.

Rachlinski, J.J.

- Supervisor for EDLE PhD Sergio Mittlaender - Equity, Efficiency, and Ethics in Remedies for Breach of Contract: Theory and Experimental Evidence (supervisors: Vincent Buskens, Utrecht/EUR, Jeffrey Rachlinski, Cornell/EUR, co-supervisor: Ann-Sophie Vandenberghe), 14 December.

Rickman, N.

- September 17: presented together with Paul Fenn their paper *Legal fees and delay in settlement* at the EALE conference in Vienna.

Scheltema, M.W.

- March 13: participated in the meeting of the community of practice on Co- and Self-regulation of the European Commission in Brussels on March 13 2015.
- April 28: organised together with HiiL Innovating Justice a strategy session for the Dutch Ministry of Justice.
- July 10-12: presented a paper on *balancing public and private regulation* at the annual conference of the International Research Society on Sustainability (SDRS) titled *Tipping Point: Vulnerability and Adaptive Capacity*, Melbourne, Australia.
- October 4-9: co-organiser of a session on the role of lawyers in business and human rights at the annual conference of the International Bar Association in Vienna Martijn also chaired a session on arbitration and human rights and was a speaker in panels on business human rights in the leisure industry and supply chains at this conference.
- November 16-18: spoke about *contractual issues in connection with human rights in supply chains* at the UN Forum on Business and Human Rights in Geneva.
- December 3: attended and participated in the meeting of the de Advisory Board on Human Rights van de American Bar Association in Washington on December 3 2015. Two projects in which Martijn participates have been discussed during this meeting.
- Member of the inner committee of the following PhD defences in 2015: Elena Fagotto (EUR): *Law and economics in the food industry*, Yun Ma (EUR): *Resolving conflicts between conservation and recreation in protected areas*, A.L. Vytopil (UU): *Contractual control in the supply chain: on corporate social responsibility, codes of conduct, contracts and (avoiding) liability*.

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

- December 1: presentation *Mogelijkheden en beperkingen van erfdiensbaarheden* at the Conference 'Erfdiensbaarheden doorgelicht', Antwerp, Belgium.
- November 10: presentation *Mogelijkheden en beperkingen van erfdiensbaarheden* at the Conference 'Erfdiensbaarheden doorgelicht', Ghent, Belgium.
- Lecturer Law of Obligations – Royal Military Academy Belgium

Tillema, I.

- December 3: presentation *Entrepreneurial motives in Dutch collective redress. Adding fuel to a compensation culture?* At the research Conference 'Litigation, cost rules, funding and behaviour - recent experiences and implications for the law', Leiden.
- December 11: Intervention of *Preadvies 'Collectieve acties'* of prof. mr. I. Tzankova, VBR Najaarsvergadering 2015.

Vandenberghe, A.M.I.B.

- Co-supervisor for EDLE PhD Ignacio Cofone - Privacy Tradeoffs in Information Technology Law (supervisor: Prof.Dr. Klaus Heine, co-supervisor: Dr. Ann-Sophie Vandenberghe), 8 December.
- Co-supervisor for EDLE PhD Sergio Mittlaender - Equity, Efficiency, and Ethics in Remedies for Breach of Contract: Theory and Experimental Evidence (supervisors: Vincent Buskens, Utrecht/EUR, Jeffrey Rachlinski, Cornell/EUR, co-supervisor: Ann-Sophie Vandenberghe), 14 December.
- Co-supervisor for EDLE PhD Huojun Sun - Law, Informal Institutions and Trust - An experimental perspective (supervisors: Prof.dr. Michael G. Faure LL.M. and Prof.dr. Maria Bigoni, co-promotor: Dr. Ann-Sophie Vandenberghe), 14 December.

Visscher, L.T.

- On 6 February Louis gave two lectures on Rechtseconomie at the Academie voor Wetgeving in the Master Programme for Wetgevingsjuristen (a total of 21 students were present).
- March 12-13: presented together with Vaia Karapanou on *the law and economics approach to non-pecuniary losses in tort law* at the Workshop Non-Pecuniary damages in contract and tort, Erasmus University Rotterdam.
- Promotor of EDLE PhD Arun Kaushik – Trade Secrets: Optimal Scope of law, Damages, and Sharing of Trade Secrets and Misappropriation, March 19.
- May 12: gave a presentation on *A different assessment of pain and suffering damages* at a workshop of the Stichting LetselschadeNEWS in Houten.
- In response to Louis' presentation on 12 May on *A different assessment of pain and suffering damages* at Stichting LetselschadeNEWS, Louis was interviewed for the Dutch magazine LetselschadeNEWS and by the Dutch newspaper Financieel Dagblad.
- May 13: gave a guest lecture on "employer's liability" in the bachelor-2 course Arbeidsrecht (labour law), Erasmus University Rotterdam.
- September 10: presentation entitled *De QALY als maatstaf voor smartengeld* at the 35th annual meeting of the NIS (Nederlands Instituut van Schaderegelaars; Dutch Instituut Claim Handlers).
- September 14: gave a lecture on the *economic analysis of liability and damages for non-pecuniary losses* in the lecture series of Netlaw (a combination of 15 leading Dutch law firms).

- September 16: gave a guest lecture on employer's liability in the master Labor Law, Erasmus University Rotterdam.
- September 17: gave two guest lectures in the minor 'Death and Injuries'.
- 13 October, Louis was promoter of Robert Dijkstra, who defended his PhD on liability for financial supervisors at the University of Tilburg.
- 28 October, Louis was member of the inner PhD committee of Tobias Heldt who defended his PhD on nuclear liability at Maastricht University.
- October 29: Gave a presentation on his vision of the future of assessing damages for non-pecuniary losses, at the "De Doelderdag", Erasmus University Rotterdam.
- December 3: presentation of paper (co-authored with Michael Faure and Jef De Mot) *Third Party Funding and its Alternatives: An Economic Appraisal* at the Research Conference: Litigation, cost rules, funding and behaviour? recent experiences and implications for the law, Leiden.
- December 7: Promotor of EDLE PhD Alessandro Romano - Quantum Tort Law: The Law of Torts in a Probabilistic World, Erasmus University Rotterdam.
- Supervisor of EDLE PhD Alessandro Romano – Quantum Tort Law: The Law of Torts in a Probabilistic World, December 7.
- Supervisor of EDLE PhD Alice Guerra, *Essays on the Economic Analysis of Tort Law*, 8 December.
- December 8: promotor of EDLE PhD Alice Guerra - *Essays on the Economic Analysis of Tort Law*.
- December 11: presentation and defense of *Preadvies: een rechtseconomische visie op collectieve acties* together with Michael Faure, Annual Meeting of the Nederlandse Vereniging voor Burgerlijk Recht 2015, Amsterdam.

Westrik, R.

- Several post-academic lectures and courses on European Law, Insolvency Law, Labour Law, Consumer Law, Property Law, Contract Law.

Wagner, G.

- January 30: valedictory lecture on *Pushing the Development of Off-Shore Windparks in Germany by Liability Rules Embedded in a Tight Regulatory Straightjacket* at the Erasmus University Rotterdam.



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