



Amsterdam Centre for Transformative Private Law (ACT)

Exploring the Role of Private Law in the Making of Society and the Processes of
Private Law-Making in a Diverse World | Newsletter | Issue 12 | June 2024

Dear readers,

In recent years, the European legislator has led various new developments in private law, covering sustainable finance, corporate social due diligence, the right to repair, collective actions, privacy rights, and platform dominance. After the recent elections, there is speculation about the vigor with which new ambitions will be pursued. Concurrently, several private law developments are emerging at the EU Member State level, particularly in company law, where

'steward ownership' is gaining traction. At ACT, we will closely monitor these developments and continue the academic exchange through the Transformative Private Law Blog, among other things.

The Amsterdam Centre for Transformative Private Law has had an excellent spring. Alongside our external lecture series, titled this year 'Futuring Private Law,' we are particularly proud to celebrate three remarkable PhD defenses by Jennifer de Lange, Frances Chukwu, and Debadatta Bose.

ACT members wish you a wonderful summer!

Kind regards,
Marija Bartl

News

Congratulations to our Colleagues for Completing their PhD's!

Dr. Jennifer de Lange

On February 14th, Jennifer de Lange defended her doctoral thesis, titled 'Great Expectations of Sustainable Finance: A Critical Analysis of EU Sustainable Finance Strategy and Sustainable Finance Regulation'. The thesis develops an assessment framework for the critical analysis of sustainable finance strategy and



regulation, presents a series of critical analyses, and makes several suggestions for the future development of sustainable finance.

Dr. Francis Chukwu

On June 3rd, Francis Chukwu defended his PhD titled, 'Sovereign Debt and Holdout Disruption: A Good Faith and Relational Contract Approach'. The thesis is an analysis of holdout disruption as a legal and socio-economic problem.



Dr. Debadatta Bose

On June 12th, Debadatta Bose defended his PhD titled 'Just Business Redux: Transnational Corporate Responsibility Decoded Through Relational Justice'. The thesis explores what responsibilities corporate entities have for human rights violations in their supply chains, through a private law theory lens.



Highlights

Save the Date: Marija Bartl's Inaugural Lecture

On October 25th, 2024, Marija Bartl's inaugural lecture will take place at the Aula of the University of Amsterdam at 16.30.

The lecture will be preceded by the roundtable, 'From Critical to Transformative Law and Legal Discourse', from 13.00-15.00 (ALS) at the Roeterseiland campus.



Milestone Achievement: Book 7 Draft Submitted to Belgian Parliament

In May 2024, the experts in the ad hoc Law Commission appointed by the Belgian Minister of Justice, including ACT member Sebastien De Rey, prepared and submitted the [draft of Book 7](#), 'Specific Contracts,' of the Belgian Civil Code to the Belgian Parliament. This draft marks a significant milestone in



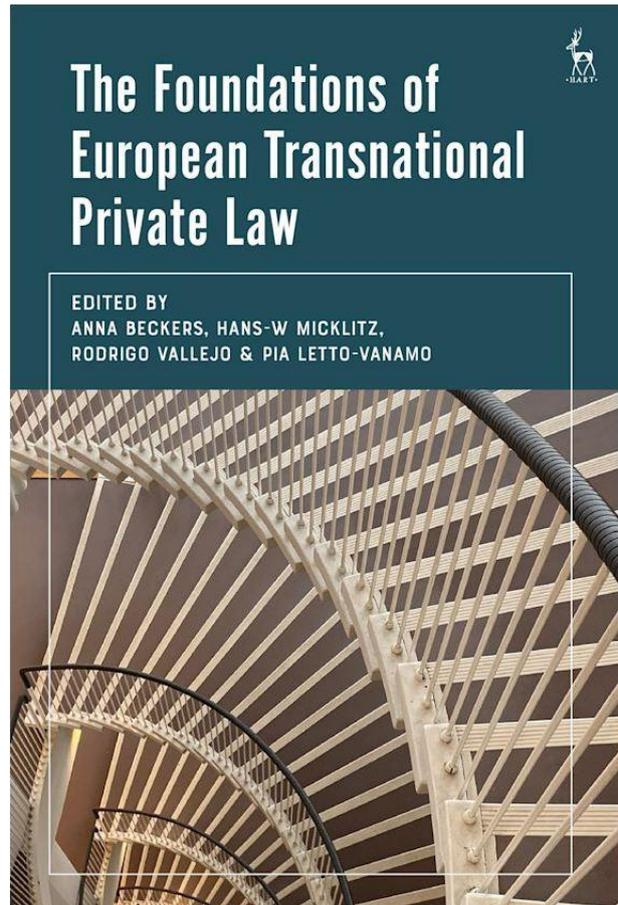
Belgium's ongoing recodification process. Sebastien is proud to have contributed to this effort and represented Amsterdam/ACT.

Published: The Foundations of European Transnational Private Law

On May 30th, 2024, 'The Foundations of European Transnational Private Law', was published by Hart Publishing.

ACT's own Rodrigo Vallejo Garretón co-edited the volume together with Anna Beckers, Hans-W Micklitz and Pia Letto-Vanamo.

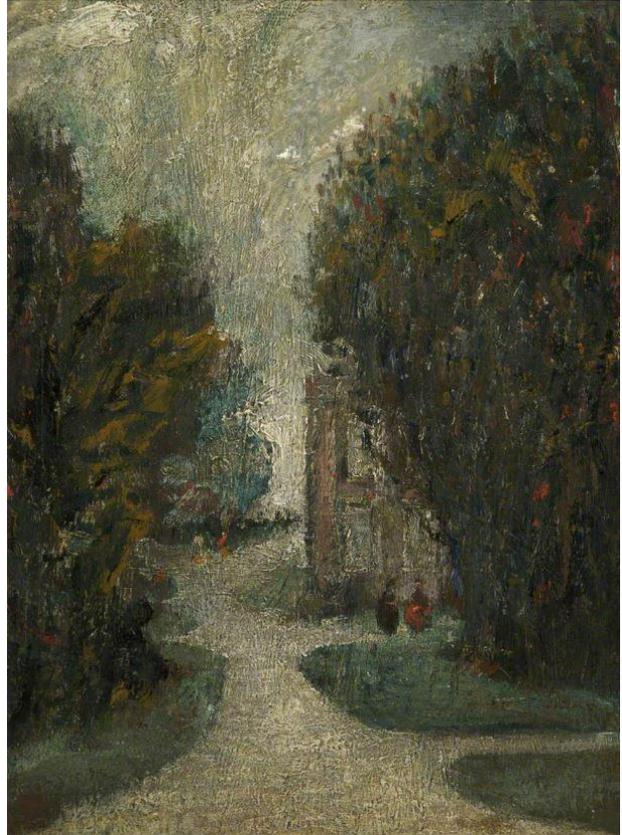
You can find more information about the publication [here](#).



Coming Out This September: Reimagining Prosperity: Toward a New Imaginary of Law and Political Economy in the EU

Marija Bartl's new book, 'Reimagining Prosperity: Toward a New Imaginary of Law and Political Economy in the EU', is set to be published this September with CUP.

Find out more [here](#).



Featured Researcher

Francis Chukwu

Some countries must borrow money to build roads, schools, and hospitals. But when the debt burden becomes too heavy, things can go downhill quickly. In his thesis, researcher Francis Chukwu argues for better use of the law to avoid an even greater power imbalance.

Read the interview with Francis [here](#).



Media and Talks

Climate Verdict Breakdown on Sophie en Jeroen: KlimaSeniorinnen v. Switzerland

On April 9th 2024, Laura Burgers appeared on the talk show 'Sophie en Jeroen' to discuss the European Court of Human Rights judgment in the climate case of KlimaSeniorinnen v. Switzerland. Laura provided expert analysis on the implications of the ruling and its significance for future climate litigation. The full episode can be viewed [here](#).

Interview on the Steward Ownership Proposal

On the 26th of March, 2024, Nena van der Horst was recently interviewed by the Financieele Dagblad (FD) regarding the proposal for a new legal form in the Netherlands, the 'rentmeestervenootschap'. In the interview, Nena shared her insights on the potential impacts and benefits of this new legal structure, which is based on stewardship principles. The full interview can be read [here](#).

Preventing Environmental Bail Outs

A fundamental principle of environmental law is that the polluter pays. What if the polluter cannot pay? Aart Jonkers and Rolef de Weijs wrote a [report](#) on environmental claims in Dutch insolvency and reorganization procedures. They presented it at the NVRII/NACIIL 2024 Annual Meeting on 10 June 2024.

Podcasts

Sebastien de Rey on VRTnws Podcast

On April 5th, 2024, Sebastien de Rey was quoted on the VRTnws podcast 'Onder ons: crimi: Gedwongen excuses? Sporen op schedels? Strafbare fantasieën', discussing topics ranging from forced apologies to forensic evidence and criminal fantasies. Sebastien provided valuable insights into these complex legal issues, the episode of which can be listened to [here](#).

New Episode of the Non-Extractive Future Podcast - Rethinking Property: Commons.

In the latest thought-provoking episode, Professor Marija Bartl invites Sophie Bloemen from the Commons Network and Mario Pagano, postdoctoral researcher at the University of Amsterdam, to explore the concept of 'commons' and its potential to reshape traditional notions of property. Listen [here](#).

Devrim Kroese and Gina Hindriks on Jong Juridisch's Podcast

Gina Hindriks and Devrim Kroese, members of ACT, were invited as special guests on the [podcast episode](#) of Jong Juridisch, released on April 18th, 2024. During the episode, they delved into the intricacies of liability law, focusing on various scenarios such as traffic accidents, sports, games, and other exceptional cases, while also offering insights on how to assess and approximate damages.

Upcoming Events

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Symposium Collectivisering in het privaatrecht

Koninklijk Instituut voor de Tropen, 13.00-19.00

In dit symposium wordt collectivisering benaderd vanuit verschillende juridische deelgebieden: goederenrecht, aansprakelijkheidsrecht en ondernemingsrecht. Voor ieder deelgebied treden zowel sprekers met

een wetenschappelijke achtergrond als sprekers met een praktijkachtergrond op en wordt ook ruimte ingebouwd voor discussie.

July

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Futuring Private Law Lecture Series with Felipe Jiménez (USC Gould)

REC A3.01 & online, 15.30-17.00

The Institution of Contract

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Nieuw Belgisch verbintenissenrecht vanuit Nederlands perspectief

Koninklijk Instituut voor de Tropen, 13.30-18.30

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Social Justice, Private Law and Europe (?) 2004-2044 - Keeping the Hope Alive

Roeterseiland REC A3.01, TBD

The workshop will centre around sessions aiming to capture some of the key problems of inequality and social injustice affecting today's world. Poverty, racism, eurocentrism, gender and queerness, labour and markets, digital technologies, climate change, colonial extraction, and radical democracy, are some of the social (in)justice themes we shall reflect on. For more information, click [here](#).

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Marija Bartl's Inaugural Lecture

Oude Lutherse Kerk (Singel 411, 1012 Xm Amsterdam Noord-holland), 16.30-17.30

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Roundtable: From Critical to Transformative Law and Legal Discourse

Roeterseiland campus, Moot Court A3.15, 13.00-15.00

Recent Research Output

Articles

- > [Bartl, M. \(2023\).](#) (Toward transformative private law: Research strategies. The Italian Law Journal, 9(2).)
- > [Błaszczuk, C., Bernet-Kempers, E., & Burgers, L. \(2024\).](#) (Fenced Europe: A more-than-human perspective to border control: The case of Białowieża. European Law Open. Advance online publication.)
- > [Bogoeski, V., Venkatesh, V., Esnard, T., & Ferrando, T. \(2023\).](#) (Migrant farmworkers: Resisting and organising before, during and after COVID-19. Journal of Agrarian Change, 23(3), 568–578.)
- > [de Lange-Collins, J. S. \(2024\).](#) (EU sustainable finance regulation: A missed opportunity for transformative change? Tijdschrift voor Financieel Recht, 2024(6), 85-96.)
- > [De Rey, S. \(Ed.\) \(2023\).](#) (European Review of Private Law 2023, vol. 31, issue 5, pp. 1013-1110 (Apologies as a Private Law Remedy) [ACRES], with 10 country reports on apologies as a legal remedy.)
- > [Mak, C. \(2023\).](#) (Giving Voice: A Public Sphere Theory of European Private Law Adjudication. European Law Open, 2(4), 697-723.)

Book Chapters

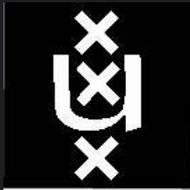
- > Dankers-Hagenaars, D. L. M. T. (2024). (Artikelsgewijs commentaar op titel 1, 2, 4 en 5. - Titel 5, afdeling 2: Het tot stand komen van overeenkomsten. Art. 6:230. In Groene Serie Verbintenissenrecht Kluwer.)
- > [De Rey, S., & Tilleman, B. \(2024\).](#) (Les clauses exonératoires et limitatives de responsabilité ou de garantie dans la vente. Rapport belge. In B. Dubuisson & P. Jourdain (Eds.), Les responsabilités et les garanties du vendeur en droit belge et en droit français. Approche de droit comparé (Chap. 13, pp. 737-809). Brussels: Larcier-Intersentia.)
- > [De Rey, S. \(2024\).](#) (La bonne foi subjective dans le livre 1er du Code civil. In E. Dirix & P. Wéry (Eds.), Le Livre 1er du Code civil : dispositions générales (pp. 295-334). Brussels: Larcier-Intersentia.)
- > [Leone, C. \(2024\).](#) (Who's afraid of sustainability? A primer for mainstreaming sustainability in private law education. In M. Santos Silva, A. Nicolussi, C. Wenderhorst, P. S. Coderch, M. Clément, & F. Zoll (Eds.), Routledge Handbook of Private Law and Sustainability Routledge, Taylor & Francis Group.)

- > [Loos, M. B. M. \(2024\).](#) (Dialogic, van der Vorst, T., Hanswijk, M., Verhagen, P. & Bardoel, R. (2022). Onderzoek domotica-apparatuur. In opdracht van de Autoriteit Consument & Markt en het Agentschap Telecom, Den Haag. Met medewerking van Carolien Spoelder, Wazir Sahebali, Nino van Sambeek en Floris Donath (Dialogic). Met medewerking van prof. dr. Marco Loos (Universiteit van Amsterdam) – juridisch kader en juridische duiding bij de resultaten. In T. van der Vorst, M. Hanswijk, P. Verhagen, & R. Bardoel (Eds.), Onderzoek domotica-apparatuur (pp. 11-23))
- > Loos, M. B. M. (2024). Algemene voorwaarden. (4th. ed.) (Boom Masterreeks). Boom juridisch.
- > [Mak, C. \(2024\).](#) (Human Rights in European Private Law. In L. Antonioli, & P. Iamiceli (Eds.), The Making of European Private Law: Changes and Challenges (pp. 37-61). Universita degli Studi di Trento.)
- > Vallejo, R., Beckers, A., Micklitz, H., & Leto-Vanamo, P. (2024). European transnational private law – considerations for a research agenda. In A. Beckers, H. Micklitz, R. Vallejo, & P. Leto-Vanamo (Eds.), The foundations of European transnational law. Hart Publishing
- > Vallejo, R. (2024). The jurisprudence of process and European transnational private law. In A. Beckers, H. Micklitz, R. Vallejo, & P. Leto-Vanamo (Eds.), The foundations of European transnational law. Hart Publishing.

Other Scientific and Professional Output

- > Bakker, M. H. C. (2024). Aansprakelijkheid van bestuurder en aandeelhouder ex art. 2:216 lid 3 BW. Case note on: Rb. Noord-Holland, 7/07/21, ECLI:NL:RBNHO:2021:5451 Rechtspraak Ondernemingsrecht, 2024(4).
- > Bakker, M. H. C. (2024). RO 2024/6. Case note on: Rb Noord-Nederland, 4/10/23 (ECLI:NL:RBNHO:2023:9670). Rechtspraak Ondernemingsrecht, 2024(1).
- > Dankers-Hagenaars, D. L. M. T. (2024). RAV 2024/4. 38. Case note on: Gerechtshof Den Bosch, 12/03/24, ECLI:NL:GHSHE:2024:754 (NedTrain). Rechtspraak Aansprakelijkheids- en Verzekeringsrecht, 2024(4).
- > Dankers-Hagenaars, D. L. M. T. (2024). RAV 2024/5. ? Case note on: Rechtbank Den Haag, 22/02/24, ECLI:NL:RBDHA:2024:3122 Rechtspraak Aansprakelijkheids- en Verzekeringsrecht, 2024(5).

- > Dankers-Hagenaars, D. L. M. T. (2024). RAV 2024/3. 27. Case note on: RB Den Haag, 26/10/23, ECLI:NL:RBDHA:2023:17559 (Eigen schuld). Rechtspraak Aansprakelijkheids- en Verzekeringsrecht, 2024(3).
- > De Rey, S. E. (2024). Le livre 5 du Code civil réformant le droit des obligations : présentation générale et questions choisies. Abstract from Belgisch-Deutsche Juristenvereinigung BDJV, Brussels, Belgium.
- > De Rey, S. E. (2024). Vertegenwoordiging, lastgeving en volmacht in het BW: overzicht voor nu en straks voor het notariaat. Abstract from Studiedag VlaNot Volmachten in het notariaat, Brussels, Belgium.
- > Jonkers, A. L., & de Weijs, R. J. (2024). Preventing environmental bailouts: Environmental liabilities and (non)-inclusion and (non)-dischargeability under WHOA. In NVRII preadviezen 2024 (Preadviezen NVRII). NVRII.
- > [Kurzbauer, H. R. \(2024\)](#). (Creative Pulse: A survey on the status and working conditions of artists and CCS sector professionals in Europe.)
- > Molkenboer, G. J. P. (2024). Annotatie Vzgnr. Rb. Amsterdam 28 augustus 2023, JOR 2024/20. Case note on: Rechtbank Amsterdam, 28/08/23, ECLI:NL:RBAMS:2023:6218 Jurisprudentie Onderneming & Recht, 2024(1), 190-192
- > van Duin, J. M. L., & Jonkers, A. L. (2024). Collective redress mapping and report: The Netherlands. In Digital Freedom Fund country reports on collective redress Digital Freedom Fund.
- > van Uchelen, M. J. (2024). Stichting en extern toezicht. In De stichting, een onbegrensde rechtsvorm? KNB Preadviezen 2024 (pp. 171-204). (KNB Preadviezen). SDU.
- > van Uchelen, M. J. (2024). Stichting Sea Shepherd Global. 2024/86. Case note on: Rechtbank Amsterdam, 20/12/23, ECLI:NL:RBAMS:2023:8451 Jurisprudentie Onderneming & Recht, 2024(4), 903-905.
- > van Uchelen, M. J. (2024). ontbinding stichting. 2024/22. Case note on: Rechtbank Amsterdam, 14/12/23, ECLI:NL:RBAMS:2023:8108 Rechtspraak Ondernemingsrecht, 2024(3).
- > van Uchelen, M. J. (2024). Column: De BvM uit de ijskast? Goed Bestuur & Toezicht, 20(1), 73.



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