

CURRICULUM VITAE

Name Martijn Willem Hesselink

Birth Delft, 25 May 1968

Academic degrees

1999 Doctorate in law (cum laude), Utrecht University

1992 Maîtrise en droit privé, Université Panthéon-Assas (Paris II)

1992 Doctoraal Rechtsgeleerdheid, University of Amsterdam (UvA)

Academic positions

2019-present Professor of transnational law and theory, European University Institute (EUI)

2006-present Professor of European private law, University of Amsterdam (on leave)

1999-2006 Professor of private law, University of Amsterdam

1997-1999 Junior lecturer, Molengraaff Instituut voor Privaatrecht, Utrecht

Visiting professor- and fellowships

2016-present Institute for European and Comparative Law, University of Oxford

2019 Visiting professor, University of Catania

2011, 2015-2018 Sciences Po, Paris

2010-2018 Católica Global School of Law, Lisbon

2010 Université Panthéon-Sorbonne (Paris I)

2003, 2010 Università degli studi Roma Tre

2000 Université René Descartes (Paris V)

Academic leadership

2020-present Co-coordinator, interdisciplinary research cluster 'Democracy in the 21st Century', EUI

2017-2018 Joint programme leader, university research priority area 'Law and justice across borders', UvA

2017-2018 Founding director, Master European Private Law (and earlier, 2008-2014), UvA

2014-2018 Joint theme leader, 'European constitutionalism', the Amsterdam Centre for Contemporary European Studies (Access Europe), UvA

2010-2017 Joint research leader, university research priority area 'The architecture of postnational rulemaking', UvA

2006-2018 Founding director, Centre for the Study of European Contract Law, UvA

2005-2009 Team leader, Joint Network on European Private Law ('Network of Excellence', Sixth EU Framework Program)

1999-2009 Member, Co-ordinating Committee, European Civil Code project

Editorships

2008-present	LSN European Private Law eJournal (editor)
2004-present	European Review of Contract Law (editor)
2004-present	Schriften zur Europäischen Rechtswissenschaft / European Legal Studies / Etudes juridiques européennes (Sellier) (editor)
2000-2015	European Review of Private Law (advisory board)
2000-present	Global Jurist (associate editor)
1989-1991	Juridisch Studentenblad Ars Aequi (editor)

Expert advice and societal relevance

2007-2017	Framework contract with European Parliament, Committee on Legal Affairs (three consecutive contracts; several reports and appearances at public hearings)
2010-2013	European Commission Expert Group on a Common Frame of Reference in the area of European contract law
2001-present	Honorary justice, Court of Appeal of Amsterdam

Doctoral thesis supervision

- Odavia Bueno-Diaz, *Franchising in European law: a comparison between the main obligations of the contracting parties in the principles of European law on commercial agency, franchise and distribution contracts (PECL CAFDC, French and Spanish law)* (defended University of Amsterdam, 2007; published by Sellier, 2008)
- Bas van Zelst, *The politics of European sales law* (defended University of Amsterdam 2008; published by Kluwer law International, 2008)
- Guido Comparato, *Nationalism and private law in Europe* (defended University of Amsterdam 2012; published by Hart Publishing, 2014)
- Lyn Tjon Soei Len, *The effects of contracts beyond frontiers: a capabilities perspective on externalities and contract law in Europe* (defended University of Amsterdam, 2013; published by Hart Publishing, 2017)
- Josse Klijnsma, *Contract law as fairness: a Rawlsian perspective on the position of SMEs in European contract law* (defended University of Amsterdam 2014; *cum laude* and awarded Praemium Erasmianum Research Prize 2015)
- Rafał Mańko, *Legal survivals: a study of the continuity of Polish private law after 1989* (defended University of Amsterdam 2014)
- Jaap Baaij, *Legal integration & language diversity: the case for source-oriented EU translation* (defended University of Amsterdam 2015, *cum laude* and awarded Praemium Erasmianum Research Prize 2016; published by Oxford University Press, 2018)

PUBLICATIONS MARTIJN HESSELINK

Books

- *Het Groenboek Europees Contractenrecht: naar een optioneel instrument?* (Boom Juridische uitgevers 2011) (ed, with AAH van Hoek, MBM Loos & AF Salomons)
- *Het voorstel voor een Europese richtlijn consumentenrechten: een Nederlands perspectief* (Boom Juridische Uitgevers 2009) (ed, with MBM. Loos)
- *Precontractual Liability in European Private Law; The Common Core of European Private Law* (Cambridge University Press 2008), (ed, with J Cartwright)
- *CFR & Social Justice* (Sellier 2008)
- *Principles of European Law: Commercial Agency, Franchise and Distribution Contracts* (Oxford University Press 2006) (with JW Rutgers, O Bueno Díaz, M Scotton, M Veldman)
- *ECJ Cases on European Contract Law* (Ars Aequi, 2006) (ed, with JW Rutgers)
- *The Politics of a European Civil Code* (Kluwer Law International 2006) (ed)
- *Contractenrecht in perspectief* (Boom Juridische Uitgevers 2004)
- *Privaatrecht tussen autonomie en solidariteit* (Boom Juridische Uitgevers 2003) (ed, with CE du Perron and AF Salomons)
- *The New European Private Law; Essays on the Future of Private Law in Europe* (Kluwer Law International, 2002)
- *The New European Legal Culture* (Kluwer Law International, 2002)
 - o = *La nuova cultura giuridica Europea* (Edizioni Scientifiche Italiane 2005)
 - o = 'Noua cultură legală europeană' in: MW Hesselink, *Studii de Drept Privat Comparat* (Themis Cart 2008), 5-70
 - o = *Xinde ouzhou falü wenhua* (《新的欧洲法律文化》) (China Legal Publishing House, 2010)
- *De redelijkheid en billijkheid in het Europese privaatrecht* (Kluwer, 1999)
- *Towards a European Civil Code* 1st ed, (Martinus Nijhoff, 1994) (ed, with AS Hartkamp, EH Hondius, CE du Perron, JBM Vranken)
 - o 2nd ed (Kluwer Law International 1998) (ed, with AS Hartkamp, EH Hondius, CA Joustra)
 - o 3rd ed (Kluwer Law International 2004) (ed, with AS Hartkamp, EH Hondius, CA Joustra, CE du Perron, M Veldman)
 - o 4th ed (Kluwer Law International 2011) (ed, with AS Hartkamp, EH Hondius, C Mak & CE du Perron)

Book chapters

- 'Contract Theory and EU Contract Law', in: *Research Handbook on EU Consumer and Contract law* (CW Twigg-Flesner, ed), (Edward Elgar, 2016), 508-534
- 'Civil Law', in: M.T. Gibbons (ed.), *The Encyclopedia of Political Thought* (John Wiley & Sons 2014), 522-524

- 'Unfair Prices in the Common European Sales Law', in: S Vogenauer & L Gullifer (eds), *English and European Perspectives on Contract and Commercial Law: Essays in Honour of Hugh Beale* (Hart Publishing, 2015), 225-236
- 'Post-Private Law?', in: K Purnhagen & P Rott (eds), *Varieties of European Economic Law and Regulation: Liber Amicorum for Hans Micklitz* (Springer, 2014), 31-41
- 'The New European Legal Culture: Ten Years On', in: G Helleringer & K Purnhagen, *Towards a European Legal Culture* (Nomos, CH Beck, Hart Publishing 2014), 17-24
- 'How many Systems of Private law are there in Europe? On Plural Legal Sources, Multiple Identities and the Unity of Law', in: L Niglia (ed), *Pluralism and European private law* (Hart Publishing, 2013), 199-247
- 'The General Principles of Civil Law: Their Nature, Roles and Legitimacy', in: D Leczykiewicz & S Weatherill (eds), *The Involvement of EU law in Private Law Relationships* (Hart Publishing, 2013), 131-180
- 'Private Law Principles, Pluralism and Perfectionism', in: U Bernitz, X Groussot & F Schulyok (eds), *General Principles of EU Law and European Private Law* (Wolters Kluwer, 2013), 21-43
- 'Verbindende kracht van overeenkomsten, contractsvrijheid en autonomie', in: G van Dijck, R van Gestel, I Giesen & F Hammerstein (eds), *Cirkels. Een terugblik op een vooruitziende blik* (Kluwer, 2013), 69-74
- 'Unfair Terms in Contracts between businesses', in: R Schulze and J Stuyck (eds), *Towards a European Contract Law* (Sellier, 2011)
- 'If you don't like our Principles we have Others. On core Values and Underlying Principles in European Private Law: A Critical Discussion of the New 'Principles' Section in the Draft CFR', in: R Brownsword, H Micklitz, L Niglia & S Weatherill (eds), *The Foundations of European Private Law* (Hart Publishing 2011), 59-72
- 'The Concept of Good Faith', in: AS Hartkamp, MW Hesselink, EH Hondius, C Mak & CE du Perron (eds), *Towards a European Civil Code, 4th ed*, (Kluwer Law International, 2011), 619-649
- 'A Spontaneous Order for Europe? Why Hayek's Libertarianism is Not the Right Way Forward for European Private Law', in: HW Micklitz & F Cafaggi (eds), *European Private Law After the Common Frame of Reference* (Edward Elgar Publishing, 2010), 123-146
- 'Naar een scherper onderscheid tussen B2B en B2C? Over consumenten-, handels- en algemeen overeenkomstenrecht na invoering van de voorgestelde EG-richtlijn consumentenrechten', in: MW Hesselink & MBM Loos (red.), *Het voorstel voor een Europese richtlijn consumentenrechten. Een Nederlands perspectief* (Boom Juridische uitgevers 2009), 55-102
- 'SMEs in European Contract Law', in: K Boele-Woelki, W Grosheide (eds), *The Future of European Contract Law* (Kluwer Law International 2007), 349-37
 - o = Background note for the European Parliament on the position of small and medium-sized enterprises (SMEs) in a future Common Frame of Reference (CFR) and in the review of the consumer law acquis, June 2007, PE 378.300
- 'A Technical "CFR" or a Political Code? – An Introduction', in: MW Hesselink (ed), *The Politics of a European Civil Code* (Kluwer Law International, 2006)

- Dutch Report (case studies), in: R Sefton-Green (ed), *Mistake, Fraud and Duties to Inform in European Contract Law; The Common Core of European Private Law* (Cambridge University Press, 2005)
- 'Fair Prices in the Common Market; On Commutative and Distributive Justice in European Contract Law', in: G Alpa & R Danovi (eds), *Diritto privato europeo; Fonti ed effetti; Materiali del Seminario dell'8-9 novembre 2002*, (Giuffrè 2004), 245-254
- 'The Structure of the New European Private Law', in: E Hondius and C Joustra (eds), *Netherlands Reports to the Sixteenth International Congress of Comparative Law* (Intersentia 2002), 7-23
 - o = O Moréteau & J Van der Linden (eds), *La structure des systèmes juridiques / XVI Congrès de l'Académie internationale de droit comparé Brisbane 2002* (Bruylant 2003), 351-373
 - o = 6 *Electronic Journal of Comparative Law* (2002), <www.ejcl.org/64/art64-2.html>
- 'The Politics of European Contract Law: Who Has An Interest In What Kind Of Contract Law For Europe?', in: S Grundmann & J Stuyck, *An Academic Green Paper on European Contract Law* (Kluwer Law International 2002), 181-191
 - o = in: *Global Jurist Frontiers*, Vol. 2, No. 1, Article 3 (2002)
- Dutch Report (case studies), in: J Gordley (ed), *The Enforceability of Promises in European Contract Law; The Common Core of European Private Law* (Cambridge University Press, 2001)
- 'The Principles Of European Contract Law: Some Choices Made By The Lando Commission', in: MW Hesselink & G de Vries, *Principles of European Contract Law*, Preadviezen uitgebracht voor de vereniging voor Burgerlijk Recht (Kluwer 2001), 5-95
 - o = *Global Jurist Frontiers*, Vol. 1, No. 1, Article 4
- Pre-contractual Good Faith', in: H Beale et al (eds), *Cases, Materials and Text on Contract Law* (Hart Publishing 2002), Chapter 2, Section 2 (237-293)
- 'Il codice civile olandese del 1992 - un esempio per un codice civile Europeo?', in: G Alpa and EN Buccico (eds), *La riforma dei codici in Europa e il progetto di codice civile europeo. Materiali dei seminari 2001* (Giuffrè 2002), 71-88
- De goede trouw bij de uitvoering van de overeenkomst in het Franse recht, de UNIDROIT Principles en de Principles of European Contract Law', in: *Molengrafica Europees Privaatrecht 1995* (Vermande 1995), 47-95

Journal articles

- 'The right to justification of contract', 33 *Ratio Juris* (2020), 196-222
- 'Private Law, Regulation, and Justice', 22 *European Law Journal* (2016), 681-695
 - o = 'Droit privé, réglementation et justice', 32 *Revue internationale de droit économique* (2018), 159-180
- 'The Justice Dimensions of the Relationship between Fundamental Rights and Private Law', 24 *European Review of Private Law* (2016), 425-456

- = in: H Collins (ed), *European Contract Law and the Charter of Fundamental Rights* (Intersentia, 2017), 167-196
- 'Unjust Conduct in the Internal Market. On the Role of European Private Law in the Division of Moral Responsibility between the EU, its Member States and their Citizens', 35 *Yearbook of European Law* (2016), 410-452
- 'Democratic Contract Law', 11 *European Review of Contract Law* (2015), 81-126
- 'Could a fair price rule (or its absence) be unjust? On the relationship between contract law, justice and democracy', 11 *European Review of Contract Law* (2015) 1-12
- 'How to Opt into the Common European Sales Law? Brief Comments on the Commission's Proposal for a Regulation', 20 *European Review of Private Law* (2012), 195-212
 - = in: I Claeys & R Feltkamp (eds), *The Draft Common European Sales Law: towards an Alternative Sales Law? A Belgian Perspective* (Cambridge, Antwerp, Portland: Intersentia 2013), 1-16
- 'The Case for a Common European Sales Law in an Age of Rising Nationalism', 8 *European Review of Contract Law* (2012), 342-366
- 'A Toolbox for European Judges', 17 *European Law Journal* (2011), 441-469
- 'Five Political Ideas of European Contract law', 7 *European Review of Contract Law* (2011), 295-313
- 'Towards a Sharp Distinction between B2B and B2C? On Consumer, Commercial and General Contract Law after the Consumer Rights Directive', 18 *European Review of Private Law* (2010), 57-102
- 'The Consumer Rights Directive and the CFR: Two Worlds Apart?', 5 *European Review of Contract Law* (2009), 290-303
 - = *Juridiska Föreningens Tidskrift (JFT)* 3-4/2009, 298-309
 - = *Briefing Note for the European Parliament* (February 2009, PE 410.674)
- 'The Common Frame of Reference as a Source of European Private Law', 83 *Tulane Law Review* (2009), 919-971
- 'A European Legal Method? On European Private Law and Scientific Method', 15 *European Law Journal* (2009), 20-45
- 'Common Frame of Reference & Social Justice', 4 *European Review of Contract Law* (2008), 248-269
- 'European Contract Law: A Matter of Consumer Protection, Citizenship, or Justice?', 15 *European Review of Private Law* (2007), 323-348
 - = in: M Andenas et al (eds), *Liber Amicorum Guido Alpa; Private Law Beyond the National Systems* (British Institute of International and Comparative Law 2007), 500-525
 - = in: S Grundmann, *Constitutional values and European contract law* (Kluwer Law International, 2008), ch 12
 - = 'Dreptul european al contractelor: o chestiune de protecție a consumatorului, cetățenie sau justiție?', in: Martijn W. Hesselink, *Studii de Drept Privat Comparat* (Themis Cart 2008), 149-178

- = 'Europejskie prawo umów: kwestia ochrony konsumenta, obywatelstwa czy sprawiedliwości?', *Nowa Europa. Przegląd natoliński (New Europe. Natolin Review)* 2(7), 220-258.
- = 'Naar een (Europees) Wetboek van Consumentenrecht?', *NJB* 2007, 850-857
- 'The Ideal of Codification and the Dynamics of Europeanisation: The Dutch Experience' 12 *European Law Journal* (2006), 279–305
 - = S Vogenauer & S Weatherill (eds), *The Harmonisation of European Contract Law Implications for European Private Laws, Business and Legal Practice* (Hart Publishing, 2006), 39-70
 - = 'Idealul codificării și dinamica europenizării: experiența olandeză', in: MW Hesselink, *Studii de Drept Privat Comparat* (Themis Cart 2008), 109-148
- 'Capacity and Capability in European Contract Law', 13 *European Review of Private Law* (2005), 491-507
- 'Non-Mandatory Rules in European Contract Law', 1 *European Review of Contract Law* (2005), 43-84
 - = AF Salomons & GJP de Vries (eds), *Pro forma? Essays on the Role of Formal Rules and Formal Requirements in Private Law* (Boom Juridische Uitgevers, 2006), 139-174
 - = J Smits & S Stijns (eds), *Inhoud en Werking van de Overeenkomst naar Belgisch en Nederlands recht* (Intersentia 2005), 101-134
- 'Who has a Stake in European Contract Law?', 1 *ERCL* (2005), 295-29
- 'Social Justice in European Contract Law: a Manifesto', 10 *ELJ* 6 (2004), 653-674 (with the other members of the Study Group on Social Justice in European Private Law)
- 'The European Commission's Action Plan: Towards a More Coherent European Contract Law', 12 *European Review of Private Law* (2004), 397-419
- 'The Politics of a European Civil Code', 10 *European Law Journal* 6(2004), 675-697
 - = 'La dimensione politica di un codice civile europeo', 24 *Rivista Critica de Diritto Privato* 3 (2006), 379-414
 - = 'Polityczne aspekty europejskiego kodeksu cywilnego', *Kwartalnik Prawa Prywatnego* 2006, z. 2, 301-340
 - = 'Politicile Codului Civil European' Martijn W. Hesselink, *Studii de Drept Privat Comparat* (Themis Cart 2008), 71-108
- 'The Horizontal Effect of Social Rights in European Contract Law', *Europa e diritto privato* (2003), 1-18
 - = in: MW Hesselink, CE Du Perron & AS Salomons (eds), *Privaatrecht tussen Autonomie en Solidariteit* (Boom Juridische Uitgevers, 2003), 119-132
- 'Naar een coherenter Europees contractenrecht? Het actieplan van de Europese Commissie', *Nederlands Juristenblad* 2003, 2086-2094
- 'L'indemnisation d'accidents de la circulation aux Pays-Bas', *Éditions du Juris-Classeur, Resp. civ. et assur.*, Hors-série, Avril 1996, 56-57 (with T Hartlief)
- 'De schadevergoedingsplicht bij afgebroken onderhandelingen in het licht van het Europese privaatrecht', *WPNR* 6248 (879-883) & 6249 (906-910)
- 'Vragen bij de toepassing van artikel 6:230 BW', *WPNR* (1995) 6191 (541-545) & 6192 (563-567)

- 'De opmars van de goede trouw in het Franse contractenrecht', *WPNR* (1994) 6154, 694-698
- 'Stelsel scherpe normen geeft schijnrechtszekerheid. Over falsificatie van rechtsregels door de burgerlijke rechter', *WPNR* (1993) 6109, 725-732
- 'Verandering van omstandigheden en de uitleg van overeenkomsten, naar aanleiding van "Rebus sic stantibus" door prof. mr. P. Abas', 39 *Ars Aequi* (1990), 563-570 (with B Oosting, E du Perron)

Reports

- *Unfair Contract Terms in B2C Contracts*, *ad hoc* Briefing Paper for the European Parliament's Committee on Legal Affairs, May 2012, PE 425.452 (with MBM Loos)
- A European contract law for consumers and businesses: Publication of the results of the feasibility study carried out by the Expert Group on European contract law for stakeholders' and legal practitioners' feedback (with the other members of the expert group)
- *An Optional Instrument on EU Contract Law: Could it Increase Legal Certainty and Foster Cross-Border Trade?*, *ad hoc* Briefing Paper for the European Parliament's Committee on Legal Affairs, October 2010, PE 425.642
- *Constitutional Aspects of European Private Law: Freedoms, Rights and Social Justice in the Draft Common Frame of Reference*, Report for the CoPECL project (available at <http://ssrn.com/abstract=1413089> (with C Mak & JW Rutgers)
- *How the CFR Can Improve the Consumer Rights Directive: A Comparison between the Provisions of the Draft Common Frame of Reference and the European Commission's Proposal for a Consumer Rights Directive*, *Short Study for the European Parliament* (November 2009, PE 419.608) (with C Mak & TQ de Booy)
- *EC Legislation on Contract Law, Background Note for the European Parliament*, 28 April 2009, JURI_3_1, 45 p (with TQ de Booy)
- *The Consumer Rights Directive and the CFR: Two Worlds Apart?*, *Briefing Note for the European Parliament* (February 2009, PE 410.674)
- *The Values Underlying the Draft Common Frame of Reference: What Role for Fairness and 'Social Justice'?*, *Short Study for the European Parliament* (September 2008, PE 408.312)
- *The Legal Basis for Optional Instruments on European Contract Law*, *Short Study for the European Parliament on the Different Options for a Future Instrument on a Common Frame of Reference (CFR) in EU Contract Law, in Particular the Legal Form and the Legal Basis for Any Future Optional Instrument* (February 2008, PE 393.280, 48) (with JW Rutgers & TQ de Booy)

Other

- 'The Myth of a Neoliberal European Private Law', *Verfassungsblog*, 1 September 2020 (<https://verfassungsblog.de/the-myth-of-a-neoliberal-european-private-law/>)

- 'The Idea of Transformative Private Law: Some Critical Observations', *Private Law Theory* 14 February 2020 (https://private-law-theory.org/?page_id=22730)