

Stellingen behorende bij het proefschrift van Sonja Elisabeth Keske

- 1) When deterrence of competition law infringements is desired, focusing on follow-on actions rather than stand-alone actions is inefficient.
- 2) The proposal of the European Commission to introduce collective actions can be a step in the right direction. However, choosing opt-in solutions is not.
- 3) When introducing representative actions, restricting standing of associations to sue on behalf of only their members is not desirable.
- 4) The European Commission overlooks the fact that the best solution to encourage private litigation in some cases, for example concerning refusals to deal, is not also the best solution in other cases, for example cases of price-fixing cartels.
- 5) More traditional forms of representative or collective actions are inadequate to deal with infringements that cause widely dispersed and small damages. Such offences are best deterred by a market for enforcement based approach, amended by auction mechanisms.
- 6) The fact that society accepts a certain number of fatal car traffic accidents even though it would be technically possible to avoid them all, shows that the value society attaches to one life is not infinite.
- 7) One of the main rationales for contract law is to enable parties to contract by limiting strategic behaviour. However, that assumes perfect enforcement and does not hold in small value transactions.
- 8) Regulation on financial products for consumers should take behavioural insights into account.
- 9) The education in law should entail an introduction to statistical methods.
- 10) Both economists and lawyers agree to the fact that lawyers should be acting in the interest of their clients. However, while lawyers often proclaim that therefore contingency fees should be banned, economists provide arguments that this could be the very reason to introduce contingency fees.
- 11) Ordering *bonbon als toetje* in Flanders (instead of *praline als dessert*) is just as bad a mistake as asking for a *Schreibwarengeschäft* (stationer's) in German-speaking-Switzerland (instead of a *Papeterie*).