

Remedies in Private Law



Our research approaches the law of obligations from the perspective of the remedies it offers. Not only the specific content of the remedies is studied, but also the conditions for their applicability, how they effectively work in action, and how different remedies can be combined.

Our research methods include normative and positive doctrinal legal research, comparative legal research, but also **empirical work** (including experimental research).

AVAILABILITY OF REMEDIES

Avoidance of Contracts

What are the grounds for avoidance of a contract?
Ignace Claeys

What are the effects of avoidance of a contract?
Joke Baeck

Is partial avoidance of a contract possible?
Thijs Tanghe

Termination of Contracts

What are the effects of termination for breach of contract?
Joke Baeck, Ignace Claeys

Is partial termination of a contract possible?
Thijs Tanghe

Can a contract be terminated because of changed circumstances?
Michaël de Potter de ten Broeck

Specific Performance

In which situations can a court issue an injunction to avoid the causation of losses?
Marc Kruithof

Judicial Modification of Contracts

Can a contract be judicially modified because of changed circumstances?
Michaël de Potter de ten Broeck, Sven Höppner

Damages

How are losses caused by objects compensated?
Jochen Tanghe

How can a person unilaterally manage and control his liability risk?
Thomas Verheyen

How are damages for breach of contract measured? How are damages in case of avoidance or termination of a contract measured?
Joke Baeck

The concept and delineation of the recoverable loss versus the valuation of the loss and measurement of the damages.
Marc Kruithof

Which concept of causation is used in Belgian positive law?
Marc Kruithof

How are damages apportioned between multiple wrongdoers?
Sophie Guiliams

When can losses be attributed to third-party quality certifiers?
Jan De Bruyne

Do contract and tort damages concur?
Ignace Claeys

Who has to compensate for losses caused by traffic accidents?
Stephane Vereecken

Disgorgement of Profits

In which situations does Belgian positive law provide for the disgorgement of profits?
Marc Kruithof

Lapse of Right

What are the grounds for lapse of right in private law?
Mary Ann Masschelein

Limitation of Rights

When can contractual rights be limited because of abuse or law evasion?
Joke Baeck, Ignace Claeys, Matthias Meirlaen

Imposition of an Evaded Legal Provision

What are the conditions and consequences of law evasion?
Ignace Claeys, Matthias Meirlaen

Restitution

Which rules govern the restitutions after avoidance or termination of a contract?
Joke Baeck

What are the grounds for restitution for unjustified enrichment?
Joke Baeck

REMEDIES IN ACTION

To which extent can interim remedies be invoked?
Ignace Claeys

How do the rules on prescription (statute of limitations) develop?
Ignace Claeys

What do dockets reveal about remedial requests by plaintiffs? What empirical verdict content analysis reveal about remedies in action? What are the behavioral effects of remedies? What remedies work best?
Ben Depoorter

COMBINATION OF REMEDIES

To which extent can remedies be combined in case of avoidance or termination of a contract?
Joke Baeck

SPECIFIC CONTRACT TYPES

Which remedies apply under (consumer) sales contracts? Which remedies apply under digital contracts? Which remedies apply to unfair contract terms?
Ignace Claeys, Reinhard Steennot

CONTRACT DESIGN & AGREED REMEDIES

How should remedies be structured to facilitate cooperation of contract parties and avoid dispute? How should remedies be designed in incomplete contracts? In which contexts should parties spend more effort to clearly formalize remedies? And to which end should they do so? How do remedies influence contract parties' perceived entitlements and what are the implications for contractual cooperation?
Sven Höppner

When are termination clauses valid and enforceable?
Joke Baeck, Thijs Tanghe

When are disclaimers and exoneration or exclusion clauses effective in limiting contractual and extra-contractual liability?
Thomas Verheyen

When are liquidated damages clauses valid and enforceable?
Joke Baeck, Ignace Claeys

When are restitution clauses valid and enforceable?
Joke Baeck, Ignace Claeys

