



Max Planck Institute
LUXEMBOURG
for Procedural Law



Theresia Adriana Gerarda (Tess) Bens

Tess.bens@mpi.lu

Tel.: +352 26 94 88 215

Professional Experience

- | | |
|-------------------|--|
| 08/2022 – present | Research Fellow , Max Planck Institute Luxembourg for Procedural Law, Department of European and Comparative Procedural Law |
| 01/2022 – 07/2012 | Lecturer , Tilburg University, Department of Private, Business & Labour Law |
| 01/2018 – 12/2021 | Lecturer , Radboud University, Department of Private Law |
| 09/2016 – 10/2017 | Legal Assistant , De Brauw Blackstone Westbroek N.V., Department of Arbitration |
| 05/2016 – 07/2016 | Student Trainee , NautaDutilh N.V., Department of Capital Markets and Department of Corporate, Arbitration, Litigation & Insolvency |
| 09/2015 – 10/2016 | Student-Assistant , Radboud University, Research Centre for Business & Law, |
| 09/2015 – 02/2016 | Student-assistant , Radboud University, Department of Sociology of Law |

Education

- LLM (research) Business & Law (cum laude), Radboud University (2017)
- LLB European Law School, Radboud University (2015).
- LLB Dutch Law, Radboud University (2014).

Publications

Journal Articles

- (with Mirella Peereboom-Van Drunick) 'Recognition of a Status Acquired Abroad: Netherlands' (2022) 14(1) Cuadernos de Derecho Transnacional, 1062-1088.
- 'Brussel na de Brexit: Nieuwe regels in burgerlijke en handelszaken?' (2021) 39(3) Nederlands Internationaal Privaatrecht, 471-492.
- 'De kracht van de comparatieve benadering: De rechtvaardiging van partijautonomie in het conflictenrecht' (2018) 179(1) Rechtsgeleerd Magazijn Themis, 26-35.
- 'Grensoverschrijdend bewijsbeslag' (2017) 35(3) Nederlands Internationaal Privaatrecht, 477-494.

Book Chapters

- 'Preach what you practice : The allocation of claims in cross-border multi-party disputes' in Caroline S. Rupp (ed), *IPR Zwischen Tradition und Innovation* (Mohr Siebeck 2019), 67-84.

Comments on Case Law

- '*VEB v BP*: Centralisation of special jurisdiction in case of purely financial damages resulting from misinformation spread on the secondary securities market', (2022) 2(2) Mass Claims, 40-44 (Case note on CJEU, 12.5.2021, C-709/19, ECLI:EU:C:2021:377)

- Noot bij HvJ EU 30 juni 2022, JBPr 2022/70 (Allianz Elementar Versicherung) = Case note on CJEU, 30.6.2022, C-652/20, ECLI:EU:C:2022:514, Jurisprudentie Burgerlijk Procesrecht 2022(5), 950-952.
- Noot bij HvJ EU 7 april 2022, JBPr 2022/68 (H Limited) = Case note on CJEU, 7.4.2022, C-568/20, ECLI:EU:C:2022:264, Jurisprudentie Burgerlijk Procesrecht 2022(5), 923-927.
- 'Inclusion of standard terms under the CISG requires reasonable opportunity to take notice of the terms' (2022) 22(4) Internationales Handelsrecht 141-142 (Case note Rechtbank Gelderland, 20.4.2022, C/05/397178, ECLI:NL:RBGEL:2022:1986)
- 'Application of the CISG to mixed contract / non-conformity of services accessory to sale of goods' (2022) 22(2) Internationales Handelsrecht 63-64 (Case note on Rechtbank Noord-Holland 6.10.2021, C/15/205003, ECLI:NL:RBNHO:2021:8451)
- Noot bij HvJ EU 30 september 2021, JOR 2021/297 (Commerzbank) = Case note on CJEU 30.09.2021, C-296/20, ECLI:EU:C:2021:784, Jurisprudentie Onderneming & Recht 2021(12), 3464-3466.
- Noot bij HvJ EU 20 mei 2021, JBPr 2021/47 (CNP/Gefion) = Case note on CJEU 20.05.21, C-913/19, ECLI:EU:C:2021:399, Jurisprudentie Burgerlijk procesrecht, 2021(5), 674-676.
- Noot bij HvJ EU 12 mei 2021, JBPr 2021/46 (VEB/BP) = Case note on CJEU, 12.5.2021, C-709/19, ECLI:EU:C:2021:377 jurisprudentie Burgerlijk procesrecht, 2021(5), 662-665.
- Noot bij HvJ EU 18 november 2020, JOR 2021/78 (DelayFix) = Case note on CJEU 18.11.2020, C-519/19, ECLI:EU:C:2020:933, Jurisprudentie Onderneming & Recht, 2021(3), 916-918.
- 'Einbeziehung von AGB unter CISG (Inclusion of standard terms under the CISG)' (2020) 20(1) Internationales Handelsrecht, 16-17 (Case note on Rb. Overijssel, 30.7.2019, CV EXPL 18-3828, ECLI:NL:RBOVE:2019:2804)
- Noot bij HvJ EU 3 oktober 2019, JOR 2020/34 (VKI/TVP) = Case note on CJEU, 3.10.2019, C-272/18, ECLI:EU:C:2019:827, Jurisprudentie Onderneming & Recht, 2020(2), 409-412.
- Noot bij HvJ EU 3 oktober 2019, JOR 2020/24 (Petruchová) = Case note on CJEU, 3.10.2019, C-208/18, ECLI:EU:C:2019:825, Jurisprudentie Onderneming & Recht, 2020(1), 277-278.
- Noot bij HvJ EU, 29 juli 2019, JOR 2019/272 (Tibor Trans) = Case note on CJEU, 29.7.2019, C-451/18, ECLI:EU:C:2019:635, Jurisprudentie Onderneming & Recht, 2019(11), 3475-3477.
- Noot bij HvJ EU, 10 juli 2019, JOR 2019/266 (Reitbauer). Case note on CJEU, 10.07.2019, C-722/17, ECLI:EU:C:2019:577, Jurisprudentie Onderneming & Recht, 2019(11), 3398-3400.
- Noot bij HR 14 juni 2019, JOR 2019/190 (VEB/BP) = Case note on Hoge Raad, 14.6.2019, 18/0052, ECLI:NL:HR:2019:925, Jurisprudentie Onderneming & Recht, 2019(9), 2464-2467.
- Noot bij HvJ EU 2 mei 2019, JOR 2019/212 (Pillar Securitisation) = Case note on CJEU, 2.5.2019, C-694/17, ECLI:EU:C:2019:345, Jurisprudentie Onderneming & Recht, 2019(9), 2675-2677.
- Noot bij Rb. Amsterdam 11 april 2019, JBPr 2019/66 (Greenberg Nielsen/ServiceNow Nederland) = Case note on Rechtbank Amsterdam, 11/04/19, 7342297 CV EXPL 18-25262, ECLI:NL:RBAMS:2019:2588, Jurisprudentie Burgerlijk procesrecht, 2019(5), 790-791.
- Noot bij HR 23 maart 2019, JBPr 2019/32 (Moldova) = Case note on Hoge Raad, 23.3.2019, 17/05852, ECLI:NL:HR:2019:443, Jurisprudentie Burgerlijk procesrecht, 2019(3), 447-451.
- Noot bij HvJ EU 14 februari 2019, JOR 2019/167 (Milivojevic) = Case note on: CJEU, 14.2.2019, C-630/17, ECLI:EU:C:2019:123, Jurisprudentie Onderneming & Recht, 2019(7/8), 2104-2107.
- Noot bij Rb. Midden-Nederland 30 januari 2019, JOR 2019/94 (Van Anandel q.q./BMA) = Case note on Rechtbank Midden-Nederland, 30.1.2019, HA ZA 17-682, ECLI:NL:RBMNE:2019:242, Jurisprudentie Onderneming & Recht, 2019(4), 1165-1168.
- Noot bij HR 6 juli 2018, JBPr 2018/50 (Fratelli Roda) = Case note on: Hoge Raad, 6.7.2018, 17/04943, ECLI:NL:HR:2018:1099, Jurisprudentie Burgerlijk procesrecht, 2018(4), 664-666.
- Noot bij HvJ EU 8 maart 2018, JBPr 2018/44 (Saey Home & Garden) = Case note on CJEU, 8.3.2018, C-64/17, ECLI:EU:C:2018:173, Jurisprudentie Burgerlijk procesrecht, 2018(4), 563-565.
- Noot bij HvJ EU 5 maart 2018, JOR 2018/141 (Slowakische Republiek/Achmea) = Case note on CJEU, 5.3.2018, C-284/16, ECLI:EU:C:2018:158, Jurisprudentie Onderneming & Recht, 2018(5), 1641-1643.

- Noot bij Rb. Amsterdam 17 januari 2018, JOR 2018/189 (Rabobank/LCS) = Case note on Rechtbank Amsterdam, 17.1.2018, HA ZA 17-389, ECLI:NL:RBAMS:2018:1207, Jurisprudentie Onderneming & Recht, 2018(7/8), 2244-2245.
- Noot bij Rb. Rotterdam 13 december 2017, JBPr 2018/41 (Cefetra/Oetker) = Case note on Rechtbank Rotterdam, 13.12.2017, HA ZA 16-512, ECLI:NL:RBROT:2017:9917, Jurisprudentie Burgerlijk procesrecht, 2018(3), 526-528.

Reports

- (with Burkhard Hess, David Althoff, Niels Elsner, and Inga Järvekülg), 'The Reform of the Brussels Ibis Regulation' (MPILux Working Paper 2022(6)) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4278741>.

Conference Presentations

- 'Mind the Gaps – Adaptation Mechanisms in the Cross-Border Enforcement of Judgments' (Fourth German Conference for Young Scholars in Private International Law, Vienna, 24.2.2023).
- 'Panel 1 (chair): The Influence of EU Law on National Rules of International Jurisdiction – Netherlands' (EAPIL Young Research Network Conference, Dubrovnik, 14.5.2022).
- 'Brussel na de Brexit – Nieuwe regels voor burgerlijke en handelszaken' (Voorjaarsvergadering Koninklijke Vereniging voor Internationaal Recht, online, 3.6.2021).
- 'Preach what you practice – The allocation of claims in cross-border multi-party disputes' (Second German Conference for Young Scholars in Private International Law, Würzburg, 4.4.2019).

Teaching Activities

- Private International Law (Master) and Conflict of Laws (Bachelor), Tilburg University 2022.
- Private International Law (Master) and European Private International Law (Bachelor), Radboud University, 2018, 2019, 2020 & 2021.
- Willem C. Vis International Commercial Arbitration Moot (Coach), Radboud University, 2019 & 2020.

Professional Affiliations

- European Association of Private International Law (since 2021)
- Deutsch-Niederländische Juristenkonferenz (since 2019)
- Nederlandse Juristenvereniging (since 2019)