

Press Release

NautaDutilh

Thesis Teun Struycken:

"Legislature should take lead in development of property law"

Amsterdam, 22 January 2007 – The legislature should take the lead in the adaptation of Dutch property law to modern developments, e.g. the introduction of domain names and the increased complexity of construction projects, such as the South Axis project in Amsterdam. Courts and legal commentators also share responsibility for the enactment of sound legislation. These are among the conclusions of Teun Struycken in his thesis "The numerus clausus in the law of property". Struycken is a lawyer at NautaDutilh in Amsterdam and hopes to obtain his doctorate on this subject on Wednesday 24 January at Radboud University Nijmegen.

Under Dutch property law, the number of real rights – such as ownership, leaseholds, usufruct, mortgage and pledge – is limited, and the system is closed in character. This means that there is limited scope for expanding these rights or adapting them to modern needs.

In his thesis, Struycken argues that for reasons of legal certainty, it is important that the rules regarding real rights have a solid statutory foundation; the system should therefore remain closed. If a new type of right is necessary, such as domain name rights or a special security interest in financial instruments, new legislation should be enacted. In doing so, the legislature should leave the system of the law intact. The new statutory rules for underground cable networks can be faulted on this ground. Struycken warns that if the English trust is introduced in Dutch law, the fundamental principles of the Dutch legal system should be taken into account. Furthermore, the European Union should respect the system of property law in each Member State and continue to give the latter leeway in fitting Community legal concepts into their national systems.

At NautaDutilh, Struycken specialises in banking law, more specifically in international financing deals and the settlement of securities transactions, and advises and litigates on the termination of credit agreements and on security interests. He is also the editor of various legal journals.

NautaDutilh's legal professionals include a significant number of professors and Ph.D. holders. Tycho de Graaf and Bjarni Schim both obtained a Ph.D. during the last six months.

Struycken's thesis will be published by Kluwer as a commercial edition in the series *Onderneming & Recht*, ISBN number 90 1304105 1.

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About NautaDutilh

NautaDutilh is one of the largest independent law firms in the Benelux, with 400 lawyers, notaries and tax advisers. The firm has offices in Amsterdam, Brussels, London, Luxembourg, New York and Rotterdam, and cooperates on a non-exclusive basis with leading firms worldwide.

NautaDutilh offers legal services at the highest level and advises a large variety of clients in highly complex transactions and legal matters.

NautaDutilh is recommended by the most important international legal directories: European Legal 500 and Chambers' Global Directory.

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