

JONAS KNETSCH

Professor of Civil and Comparative Law

University of Reunion Island
Faculty of Law and Economics
15, avenue René Cassin – CS 92003
97744 Saint-Denis Cédex 9
FRANCE
jonas.knetsch@univ-reunion.fr



PRINCIPAL FIELDS OF RESEARCH

- Tort and Insurance Law
- Comparative Law
- European Private Law
- Medical Law

ACADEMIC POSITIONS AND RECORDS

since 2013	Full Professor of Civil and Comparative Law (<i>Professeur agrégé</i>) Centre of Legal Research, University of Reunion Island
2012-2013	Associate Professor of Civil Law, with tenure (<i>Maître de conférences</i>) Institute of Comparative Law, University Panthéon-Assas Paris II
2010-2012	Assistant Professor (<i>Attaché temporaire d'enseignement et de recherche</i>) Institute of Comparative Law, University Panthéon-Assas Paris II
2007-2010	Research Assistant and Fellow of the French Ministry of Higher Education (<i>Allocataire de recherche-moniteur</i>) University Panthéon-Assas Paris II

EDUCATION

2013	National competitive examination for the recruitment of law professors (<i>Agrégation de droit privé et sciences criminelles</i>)
2011	Ph.D. in Private Law , University Panthéon-Assas Paris II and University of Cologne (Germany) ▪ Subject: Compensation Funds and Tort Law – An Analysis under French and German Law ▪ Under the supervision of Pr. Yves LEQUETTE (University Paris II) and Pr. Christian KATZENMEIER (University of Cologne) ▪ With highest honours (<i>summa cum laude, très favorable avec félicitations</i>)
2007	Advanced Masters in Generate Private Law , University Panthéon-Assas Paris II (high honours)
2006	Master in French and German Law , University Paris 1 Panthéon-Sorbonne LL.M. Magister Legum , University of Cologne (high honours)

AWARDS AND DISTINCTIONS

- Special Award « André Isoré » of the *Chancellerie des Universités de Paris*
- Lévy-Ullmann Award of the *Chancellerie des Universités de Paris*
- Corbay Medal of the *Académie des sciences morales et politiques*
- Ph.D. Award of the University Panthéon-Assas Paris II
- Ph.D. Award of the University of Cologne

TEACHING

I – Lectures and seminars

- Comparative Law
- Contract Law
- Insurance Law
- Inheritance Law
- Banking Law
- Tort Law
- European internet Law
- Law & Economics (Torts)

II – Teaching missions

- Inheritance Law in the Indian Ocean (Regional Board of Notaries, Reunion Island)
- State Liability under Mauritian Law (Office of the Attorney General, Mauritius)
- Mauritian Tort Law (Institute for Judicial and Legal Studies, Mauritius)
- Patrimonial Family Law in Madagascar (National Board of Notaries, Madagascar)

RESEARCH, PROFESSIONAL AND COMMUNITY SERVICE

Since 2016	Deputy Director of the Centre of Legal Research , University of Reunion Island (in charge of research projects on comparative and overseas law)
Since 2014	Scientific Director of the comparative law conference series “Ateliers de droit de l’océan Indien” (under the patronage of the <i>Société de Législation Comparée</i> and <i>LexOI – Droit dans l’océan Indien</i>)
2013-2015	Vice-Dean of the Faculty of Law and Economics of graduate, post-graduate and doctorate studies (University of Reunion Island)
2013-2014	Member of the International Research Project “ Legal Certainty Index ” (<i>Index de la sécurité juridique</i>) (University Panthéon-Assas Paris 2 – Center of Law and Economics ; dir. B. DEFFAINS and C. KESSEDJIAN)

MEMBERSHIPS IN LEARNED SOCIETIES

Associate Membre of the International Academy of Comparative Law
Member of the *Société de Législation Comparée* (President of the Indian Ocean section)
Member of the *Association Henri Capitant des Amis de la Culture juridique française*
Member of the *Comité français de droit international privé*
Vice-President of the *Association LexOI – Le droit dans l’océan Indien*

LANGUAGES

German: native fluency
French: native fluency

English: fluency
Italian and Spanish: advanced reading skills

PUBLICATIONS

I – Books

1. (with É. Ralser) *La nationalité française dans l'océan Indien* [**French Nationality Law in the Indian Ocean**], Société de Législation Comparée, coll. Colloques, 2016 (forthcoming)
2. *Le droit de la responsabilité et les fonds d'indemnisation – Analyse en droits français et allemand* [**Compensation Funds and Tort Law – An Analysis under French and German Law**], L.G.D.J., coll. Bibliothèque de droit privé, 2013, 648 pp.

Reviewed by: C. WITZ, *Rev. int. dr. comp.* 2014, pp. 172-173.

3. *Entschädigungsfonds und Haftungsrecht* [**Compensation Funds and Tort Law**], Mohr Siebeck, coll. Studien zum ausländischen und internationalen Privatrecht, 2012, 276 pp.

Reviewed by: U. BABUSIAUX, *Rabels Zeitschrift für ausländisches und internationales Privatrecht (RabelsZ)* 2013, pp. 857-864; M. FUCHS, *Juristenzeitung (JZ)* 2015, p. 407; D. HART, *Medizinrecht (MedR)* 2013, p. 593; A. KOHL, *Rev. dr. int. et comp.* 2014, pp. 416-419; A. UBER/S. HODZIC, *Zeitschrift für die ges. Versicherungswissenschaft (ZVersWiss)* 2013, p. 213 and C. WITZ, *Rev. int. dr. comp.* 2014, pp. 172-173.

II – Articles, case notes and book reviews

In French:

4. 'Faut-il décontractualiser la réparation du dommage corporel ?' [**Do we Have to De-Contractualize the Compensation of Personal Injuries?**], *Revue des contrats* 2016, no 4 (forthcoming)
5. 'L'indemnité d'occupation et le principe de réparation intégrale' [**Occupancy Fee and the Principle of Full Reparation**], Case note, *Revue des contrats* 2016, no 4 (forthcoming)
6. Book review of C. RABL/B. ZÖCHLING-JUD (eds), *Das neue Erbrecht – Erbrechts-Änderungsgesetz 2015* [**The New Austrian Law of Succession**], Manz, 2015, *Revue trimestrielle de droit civil (RTD civ.)* 2016, no 4 (forthcoming)
7. 'La réparation du préjudice financier d'une banque à la suite de l'annulation d'un contrat de prêt : gain manqué ou perte de chance ?' [**The Financial Loss of a Bank in Case of Cancellation of the Loan: Lost Profit or Loss of Chance?**], Case note, *Revue des contrats* 2016, no 3 (forthcoming)
8. 'La responsabilité du locataire en cas de propagation d'incendie exige-t-elle la preuve d'une faute ?' [**Is the Proof of Fault required to Establish the Tenant's Liability in Case of Spreading Fire?**], Case note, *Revue des contrats* 2016, no 3 (forthcoming)
9. 'Le traitement préférentiel du dommage corporel' [**The Preferential Treatment of Personal Injuries**], *La Semaine Juridique – Edition générale (JCP G)* 2016, July supplement, pp. 9-14
10. 'La responsabilité du fait des produits défectueux ne vise pas les dommages causés au produit lui-même' [**Product Liability does not Apply to Damages to the Defective Product Itself**], Case note, *Revue des contrats* 2016, no 2, pp. 228-230
11. 'Existe-t-il des obligations d'information délictuelles ?' [**Are there Extra-Contractual Duties to Inform**], Case note, *Revue des contrats* 2016, no 2, pp. 225-227

12. 'Droit de propriété' [**Property Rights**] et 'Liberté contractuelle' [**Freedom of Contract**], in: R. BERNARD-MENORET (ed.), *Le grand oral – Les droits et libertés fondamentaux*, Ellipses, coll. Objectif: Devenir Avocat, 2016, pp. 353-381
13. 'Hépatite C post-transfusionnelle et action récursoire de l'ONIAM – La loi interprétative déclarée conforme à la CEDH' [**Hepatitis C via Blood Transfusion and Right of Recourse of the French Medical Accident Compensation Fund against Insurers**], Case note, *La Semaine Juridique – Edition générale (JCP G)* 2016, no 396, pp. 676-679
14. 'Recours subrogatoire du FGTI et opposabilité des exceptions' [**Right of Recourse of the French Crime Victims Fund and Raising Defences**], Case note, *La Semaine Juridique – Edition générale (JCP G)* 2016, no 109, p. 204
15. 'Les limites de la réparation du préjudice d'anxiété' [**The Limits of the Compensation of Anxiety**], *Recueil Dalloz (D.)* 2015, p. 968
16. 'Précisions sur l'étendue des actions récursoires de l'ONIAM' [**The Scope of Recourse Actions of the French National Medical Mispractice Compensation Office**], Case note, *La Semaine Juridique – Edition générale (JCP G)* 2015, no. 217, pp. 359-362
17. 'La désintégration du préjudice moral' [**The Disintegration of Non-Pecuniary Harm**], *Recueil Dalloz (D.)* 2015, pp. 443-449
18. 'Pour une réforme du droit de la responsabilité nucléaire' [**Options for a Reform of Nuclear Liability Law**], in: H. Arbousset/C. Lacroix/B. Steinmetz (ed.), *Risques, accidents et catastrophes – Liber amicorum en l'honneur de Madame le Professeur Marie-France Steinlé-Feuerbach*, L'Harmattan, 2015, pp. 145-171
19. 'Assurance contre les actes de terrorisme' [**Terrorism Risk Insurance**], *Juris-Classeur Responsabilité civile et assurances*, Fasc. 588 (January 2015), 26 pp.
20. Case note, CJUE, 5 décembre 2013, C-508/12, *Revue critique de droit international privé (Rev. crit. DIP)* 2014, pp. 648-660
21. 'La solidarité nationale – Genèse et signification d'une notion juridique' [**Origins and Meaning of the Legal Concept of 'solidarité nationale'**], *Revue française des affaires sociales* 2014, pp. 32-43
22. Case note, Civ. 1, 3 mai 2012, n° 11-10.508, *Revue critique de droit international privé (Rev. crit. DIP)* 2013, pp. 192-201
23. Country Report on Swiss Law, in: L. VOGEL (ed.), *Les actions civiles de concurrence – Union européenne - France - Allemagne - Royaume-Uni - Italie - Suisse - États-Unis* [**Private Enforcement of Competition Law – European Union, France, Germany, United Kingdom, Italy, Switzerland, United States**], Ed. Panthéon-Assas, coll. Droit Global / Global Law, 2013, 202 p.
24. 'L'État face à l'inassurabilité des risques – Étude sur les limites de l'assurance à partir de l'exemple de la responsabilité civile médicale' [**The Role of the State in the Assessment of Uninsured Risks – A Study on the Limits of Insurance in the Field of Medical Malpractice**], *Revue générale de droit des assurances (RGDA)* 2012, pp. 939-957
25. 'La loi du 9 avril 1898 sur les accidents du travail et le spectre de l'État assureur' [**The 1898 Act on Workers' Accident Compensation and the Spectre of the State as an Insurer**], *Revue historique de droit français et étranger (RHD)* 2012, pp. 619-631
26. 'La restauration d'un objet d'art et l'erreur sur la substance' [**Restoration of Art Objects and 'error of substance'**], Case note, Civ. 1, 20 octobre 2011', *Petites Affiches* 28 mars 2012, pp. 16-22

27. 'Le nouveau dispositif d'indemnisation des victimes du Mediator issu de la loi du 29 juillet 2011' [**The New Compensation Regime for Victims of Mediator in France**], *Responsabilité civile et assurances* 2011, étude 14
28. Brief Report of the 9th Annual Conference of European Tort Law, in: *Revue internationale de droit comparé (RID comp.)* 2010, pp. 783-785

In German:

29. (with C. KATZENMEIER) 'Die Versicherung der Haftpflicht im Heilwesen – Wege aus der Krise (Rechtsentwicklung in Frankreich – Perspektiven für das deutsche Recht)' [**The Crisis of Medical Malpractice Insurance – Crossed Views on French and German Law**], in: *Gedächtnisschrift für Ulrich Hübner*, C. F. Müller, 2012, pp. 109-121
30. (with C. KATZENMEIER) 'Ersatzleistungen bei angeborenen Schäden statt Haftung für neues Leben – Rechtsentwicklung in Frankreich, Anregungen für das deutsche Recht' [**Compensation Benefits for Congenital Disorders Instead of Tort Actions for Wrongful Life – New Developments under French and German Law**], in: H.-J. Ahrens et al. (ed.) *Festschrift für Erwin Deutsch*, Springer, 2009, pp. 247-282
31. Book review of C. WAGNER, *Einflüsse der Dienstleistungsfreiheit auf das nationale und internationale Arzthaftungsrecht* [**Medical Malpractice and the Freedom to Provide Services**], Duncker & Humblot, 2008, in: *Zeitschrift für Gemeinschaftsprivatrecht (GPR)* 2008, p. 255
32. 'Entwicklungen der „Kind-als-Schaden“-Problematik in Frankreich' [**New Developments in the 'Wrongful Life' Issue under French Law**], *Zeitschrift für Versicherungsrecht (VersR)* 2006, pp. 1050-1052

In English:

33. 'An East/West Divide? – European Tort Law in Western Europe', in: P. Giliker (ed.), *Research Handbook on EU Tort Law*, Edward Elgar, 2016 (forthcoming)
34. (with M. SÉJEAN) **Country Report on French Tort Law**, in: *European Tort Law Yearbook 2015*, de Gruyter, 2016 (forthcoming)
35. (with R. OLLARD) 'The Impact of the Precautionary Principle on Civil and Criminal Liability – A French Perspective on South African Law', *South African Journal of Environmental Law & Policy* 2016 (forthcoming)
36. 'Mass Accidents: A Challenge for Tort Law – Comparative Analysis of Alternative Compensation Schemes in Japanese and French Law', *Journal of Japanese Law* 2016, vol. 41, pp. 205-220
37. (with M. SÉJEAN) **Country Report on French Tort Law**, in: *European Tort Law Yearbook 2014*, de Gruyter, 2015, pp. 195-215
38. **Book review** of A. JACQUEMET-GAUCHE, *La responsabilité de la puissance publique en France et en Allemagne – Étude de droit comparé*, L.G.D.J., 2013, in: *Journal of European Tort Law (JETL)* 2015, pp. 98-101

III – Conferences and Expert Reports

- 'Actualité du droit de la responsabilité nucléaire en Europe' [**An Update on Nuclear Liability Law in Europe**], Tokyo University, Tokyo (Japan), 4 August 2016

- 'La réforme du droit français de la responsabilité civile. Regards comparatifs sur l'avant-projet de loi du 29 avril 2016' [**The Reform of French Tort Law. A Comparative Look on the Draft Bill of 29 April 2016**], Tōhoku University, Sendai (Japan), 17 July 2016
- 'La responsabilité civile nucléaire en Europe – Union ou confusion ?' [**Nuclear Liability Law in Europe: Union or Disunity?**], Kansai University, Osaka (Japan), 15 July 2016
- 'Measuring Legal Certainty? A Critical Feedback about the Development of an Index of Legal Certainty', 2nd Workshop on the Shifting Meaning of Legal Certainty, Kyūshū University, Fukuoka (Japan), 11 July 2016
- 'La modernisation du droit français des contrats par l'ordonnance du 10 février 2016' [**The Reform of French Contract Law (Ordinance of 10 February 2016)**], Kansai University, Osaka (Japan), 7 July 2016
- 'Der Vertragsschluss im neuen französischen Schuldrecht' [**The Formation of Contracts under the New French Law of Obligations**], 22th Würzburger Europarechtstage, University of Würzburg, Würzburg (Germany), 10-11 June 2016
- 'Compensation Funds in France and Germany', International Congress on Compensation Fonds, University of Antwerp, Antwerp (Belgium), 7 June 2016
- 'La perte de chance' [**The Concept of *perte de chance***], Les Rencontres Mascareignes de l'Expertise, University of Reunion Island, Saint-Denis, 6 April 2016
- 'La diversité des droits nationaux dans l'océan Indien, barrière commerciale ou garant d'un droit flexible ?' [**The Diversity of National Laws in the Indian Ocean, Trade Barrier or Guarantee of a Flexible Legal System?**], Summer School 'The Abolition of Commercial and Tariff Barriers: Myth or Reality?', University of Mauritius, Réduit (Maurice), 19-24 October 2015
- 'Le risque antennes-relais en droit allemand' [**The Risk Related to Relay Antennas under German Law**], Symposium 'Comparative Analysis of the Risk related to Relay Antennas', University Aix-Marseille, Aix-en-Provence (France), 24 September 2015
- **Country Report on German Tort Law**, GRERCA Seminar 'Immovable Property and Tort Law', Université of Tours, Tours (France), 18-19 September 2015
- 'Vie et œuvre de Raymond SALEILLES' [**The life and work of Raymond SALEILLES**], Doctoral seminar, University of Reunion Island, Saint-Denis, 27 August 2015
- 'La réception du droit français de la responsabilité à l'Île Maurice' [**The Reception of French Tort Law in Mauritius**], Conference on the Legal Aspects of Island Studies, University of South Brittany, Vannes (France), 18 Mai 2015
- 'The Influence of the Precautionary Principle on Civil and Criminal Liability', French-Chinese Symposium on Environmental Law, Wuhan University, Wuhan (Chine), 29 October 2014
- **Country Report on German Tort Law**, GRERCA Seminar 'Civil Liability of Legal Practitioners', University Lyon 3, Lyon (France), 19-20 September 2014
- 'La protection du littoral contre la pollution marine – L'indemnisation des victimes de dommages causés par les activités maritimes' [**The Protection of Mozambique's Coastline and the Compensation of Maritime Pollution Victims**], Conference on Legal aspects of land-use planning on Mozambique's sea coast, Universidade Eduardo Mondlane, Inhambane (Mozambique), 11-13 September 2014

- 'Les droits étrangers face à la dégradation de la norme – Les exemples de l'Allemagne et de la Suisse' [**Foreign Legal Systems and Normative Disorders – The Examples of German and Swiss Law**], Conference on normative disorders and legal quality, University of Reunion Island, Saint-Denis de La Réunion, 21 March 2014
- **Country Report on German and French Tort Law**, GRERCA Seminar 'Compensation Funds and Insurance', University of Poitiers (France), 13-14 December 2013
- **Country Report on German Tort Law**, GRERCA Seminar 'Medical Malpractice', Catholic University of Louvain, Louvain-la-Neuve (Belgium), 12-14 September 2013
- 'Le spectre de l'“État assureur” dans la loi du 9 avril 1898' [**The Spectre of the State as an Insurer in the 1898 Act on Workers' Accident Compensation**], Workshop on the French 1898 Act on Workers' Compensation, École des hautes études en sciences sociales (EHESS), Paris, 15 Mai 2012
- 'Le rôle de l'État dans la prise en charge des dommages de masse – Les mécanismes d'indemnisation alternatifs au service de la gestion des crises' [**The Role of the State in the Assessment of Mass Torts – Alternative Compensation Regimes and Crisis Resolution**], 27th International Colloquium of the GRET, University Mohammed V, Rabat (Morocco), 26-27 avril 2012

IV – Selected Work in Progress

- (with M. FROMONT) *Droit privé allemand* [**Private Law in Germany**], 2nd ed, Lextenso, coll. Domat Droit privé
- 'Regards comparatistes sur la distinction entre condition de garantie et exclusion de risques' [**A Comparative View on the Distinction between Insurance Coverage Conditions and Risk Exclusion Provisions**]