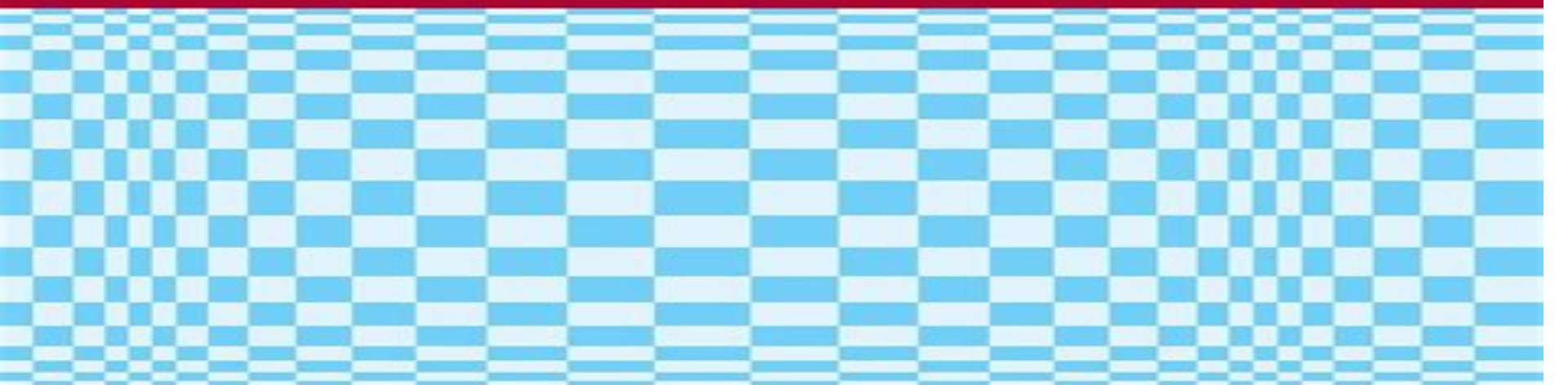


Towards a European Civil Code

Editors

**Arthur Hartkamp, Martijn Hesselink, Ewoud Hondius,
Chantal Mak, Edgar du Perron**



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Towards A European Civil Code Towards A European Civil Code

Karsten Keilhack



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Towards a European Civil Code Christian von Bar, 2011 Since its original publication in 1994 *Towards a European Civil Code* has become an international classic This fourth edition of the book reflects the current state of the debate on the future of European private law and provides materials for academic teaching in this field The Chapters of the book written by a large number of experts on European private law address the main topics of debate taking into account the laws of the European Member States the *acquis communautaire* in the area of private law and sets of model rules such as the Principles of European Contract Law and the Principles of European Tort Law Moreover in this fourth edition of the volume authors pay particular attention to recent developments regarding the drafting of a Common Frame of Reference for European private law With few exceptions the existing Chapters have been updated and new contributions have been included on and private regulation and the influence of primary EU law on private law and competition and contract law and proceduralisation of private law and the legislative competence of the EU in the field of private law and constitutional aspects of a European Civil Code and the notion of damage and the law and economics of harmonizing European private law and defects of consent in contract law and hardship and modification of the contract and financial services and suretyships by private persons and vicarious liability and liability for land and structures and and good faith acquisition of movables Thus this new revised and expanded edition of *Towards a European Civil Code* forms a primary point of reference for policy makers practitioners academics and students engaged in matters of European private law

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The Politics of a European Civil Code Martijn W. Hesselink, 2011 In 2003 the European Commission published its Action Plan on European contract law That plan formed an important step towards a European Civil Code In its Plan the Commission tried to depoliticise the codification process by asking a group of academic experts to prepare what it called a common frame of reference This paper published in the *European Law Journal* in 2004 argued that drafting a European Civil Code involves making many choices which are essentially political It further argued that the technocratic approach which the Commission had adopted in the Action Plan effectively excluded most stakeholders from having their say during the stage when the real choices were made Therefore before the drafting of the CFR ECC starts the Commission should have submitted

a list of policy questions regarding the main issues of European private law to the European Parliament and the other stakeholders Such an alternative procedure would have repoliticised the process It would have increased the democratic basis for a European Civil Code and thus its legitimacy

Legitimacy Conditions for a European Civil Code Christoph Schmid (Dr. iur.), 2001

Elgar Encyclopedia of Comparative Law J. M. Smits, 2006 This is a very important and immense book Single handedly Smits has reviewed and checked this immense work to bring it to its final high standard in quality and accuracy and selection of laws

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Stuart Hannabuss Reference Reviews The Elgar Encyclopedia of Comparative Law looks set to become an indispensable source for the ever increasing body of lawyers needing accurate information on the structure and working of foreign systems as well as on points of substantive law Edited by Professor Jan Smits of Maastricht University the Encyclopedia is the work of an extremely strong international team of noted specialists

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with mistake personality rights product liability and transfer of moveable property only a sample of what the work will offer Casting over this list one is again struck by the wealth of established expertise brought together in the Encyclopedia I have little doubt that I can speak for the worldwide community of comparative lawyers in saying that the Elgar Encyclopedia of Comparative Law is eagerly awaited David L Carey Miller University of Aberdeen UK Comparative law is moving swiftly from a long infancy to teenage maturity and Jan Smits provides the essential tonic In this outstanding work he has gathered together leading scholars each his her o

Performance-Oriented Remedies in European Sale of Goods Law Vanessa Mak, 2009-01-15 Contractual remedies aimed at performance create a well known rift between common law and civil law traditions in the one existing in the shadow of damages whilst in the other regarded as a generally enforceable right following from the contract Developments in approximation of laws in Europe in particular in consumer sales law suggest however that a convergence of these approaches may be within reach Putting the focus on the contract of sale which as the most common type of contract may fulfil a leading role in the harmonisation process this book aims to provide a model for further convergence of European sales laws engaging with issues of contract theory and comparative law lying at the heart of the process Independently from this the comparison between different systems is used in order to highlight particular problems in the remedial schemes of individual systems and to see whether a better solution may be borrowed from elsewhere Scaling the interests of sellers and buyers as reflected in national laws as well as in uniform sets of rules such as CISG and PECL a plea is made for a primary position for performance oriented remedies in the harmonisation of European sales law In this context special significance is attributed to the possibility of cure by the seller which has both practical and conceptual links to the buyer s remedies aimed at performance

Comparative Contract Law, Fourth Edition Thomas Kadner Graziano, 2025-05-14 Comparative Contract Law is the fourth edition of a widely acclaimed and well established textbook which uses extensive case studies and integrates extracts from legislation and court practice enabling students to experience comparative law in action It continues to promote a learning by doing approach offering a unique and seminal guide to European and international contract law

Comparative Contract Law, Second Edition Thomas Kadner Graziano, 2019 Promoting a learning by doing approach to comparative contract law and comparative methodology this updated second edition of Comparative Contract Law updates the first true student reader on the subject Bringing together extracts from legislation and court practice this textbook lets students experience comparative law in action and presents a unique guide to European and International contract law

The Law and Economics of Federalism Jonathan Klick, 2017-01-27 This unique volume takes a primarily empirical perspective on the law and economics of federalism Using cross jurisdiction variation the specially commissioned chapters examine the effects of various state experiments in areas such as crime welfare consumer protection and a host of other areas Although legal scholars have talked about states as laboratories for decades rarely has the law and economics literature treated the topic of federalism empirically in such a

systematic and useful way **Towards a European Civil Code** Gavin Barrett,2002 Why Europe Needs a Civil Code Hugh Collins,2013 Does the European Union need a Civil Code Like a dark cloud this question hovers over debates about the future of private law in Europe Few advocate explicitly the adoption of a civil code in the immediate future yet many have taken instrumental steps along a road that seems to lead only in that direction Those steps whether they be in the task of discovering common core of principles of private law among national legal systems 1 or producing a systematic body of principles such as the Principles of European Contract Law² and the Draft Common Frame of Reference of rules and principles for the law of obligations 3 or augmenting the scope of Directives to include more and more types of transactions all have the same direction of travel towards a comprehensive European set of rules governing contracts and related legal obligations Although these efforts are fascinating intellectual ventures and may prove useful for some purposes it is important to ask whether the European Union really needs to go on this journey towards a Civil Code **Comparative Contract Law** Thomas Kadner Graziano,2023-01-17 This significantly revised and expanded third edition of Comparative Contract Law brings together extracts from legislation and court practice in a way that enables students to experience comparative law in action **The Draft Common Frame of Reference as a "Toolbox" for Domestic Courts** Marta Santos Silva,2017-07-03 This book investigates whether national courts could and should import innovative solutions from abroad in the adjudication of complex legal disputes Special attention is paid to the concept of legally relevant damage and its importance in overcoming the deadlock created by the category of pure economic loss in the Portuguese and German tort law systems These systems are essentially based on the concept of unlawfulness *Rechtswidrigkeit* which limits the compensation for pure economic loss to where a protective rule is infringed These losses have nevertheless been compensated for through the extensive interpretation of rules and the appeal to near contractual devices which has been detrimental to legal certainty the equality before the law and subjects freedom of action This book explains why courts can and should take a proactive role and apply DCFR based solutions in order to compensate for every loss that is worthy of legal protection **Contract Law in China** Lei Chen,Liang Zhao,2025-07-22 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in China covers every aspect of the subject definition and classification of contracts contractual liability relation to the law of property good faith burden of proof defects penalty clauses arbitration clauses remedies in case of non performance damages power of attorney and much more Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology application and procedure from one legal system to another as well as the international aspects of contract law Throughout the book the treatment emphasizes drafting considerations An introduction in which contracts are defined and contrasted to torts quasi contracts and property is followed by a discussion of the concepts of consideration or cause and other underlying principles of the formation of contract Subsequent chapters cover the doctrines of relative effect termination of contract and remedies

for non performance The second part of the book recognizing the need to categorize an agreement as a specific contract in order to determine the rules which apply to it describes the nature of agency sale lease building contracts and other types of contract Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in China will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law

European Legal Book Index ,1994 An International Restatement of Contract Law Michael Joachim Bonell,1994 No one but Professor Bonell was better qualified to write this sort of Discours preliminaire to the UNIDROIT Principles There is no doubt that his International Restatement of Contract Law will induce all interested circles practitioners judges legislators the Principles of European Contract Law the first practical experiences with the UNIDROIT Principles a survey of the first major decisions rendered by arbitral tribunals State courts thus far

Third Party Rights: A Comparison of English and German Law with Respect to the UNIDROIT Principles on International Commercial Contracts Karsten Keilhack,2004-03-15 Seminar paper from the year 2003 in the subject Law Comparative Legal Systems Comparative Law grade 75% With Distinction Cardiff University Gro britannien Law School course Comparative Contract Law language English abstract The question as to whether a third party can be granted rights or protection based on a contract between two other parties to which the third party is a mere stranger is as old as the legal scholarship of contract law itself Over centuries quite different approaches to the issue have been evolved and embedded in different legal systems each with its own characteristics and features This essay intents primarily to analyse and compare the approaches of English¹ and German Law to third party rights arising from bilateral contracts particularly with regard to contracts for the benefit of a third party and the new Contracts Rights of Third Parties Act 1999 However despite this main focus some other features related to third party involvement in mutual contracts will be considered too In the first and the second part of this essay I will describe the modus operandi of English and German law with regard to third party rights and highlight differences and similarities The third part of this paper concerns the approach of that what is sometimes called an international restatement of contract law namely the UNIDROIT Principles of International Commercial Contracts 2 to the rights of third parties A comparison of the English and German system with the restatement will illustrate to what extent elements of these two national legal systems have been implemented and considered in an international project of unification of law

Towards a European Civil Code? Anna Konert,Julie Antalffy,Dom Wydawniczy i Handlowy Elipsa,Wyższa Szkoła Handlu i Prawa im. Ryszarda Łazarskiego (Warszawa). Oficyna Wydawnicza,2012

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