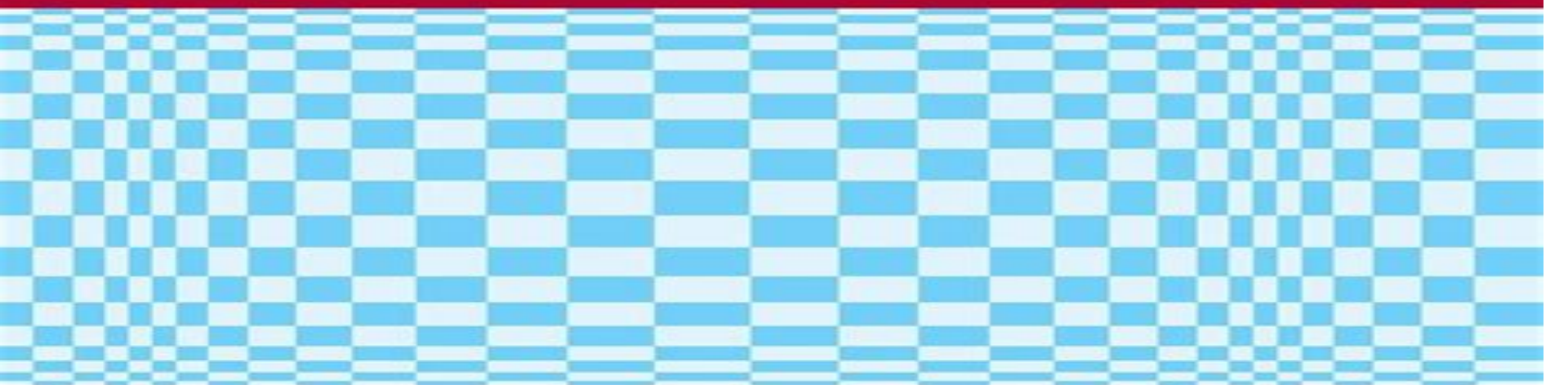


Towards a European Civil Code

Editors

**Arthur Hartkamp, Martijn Hesselink, Ewoud Hondius,
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Towards A European Civil Code Towards A European Civil Code

A. S. Hartkamp



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CISG Methodology Andre Janssen,Olaf Meyer,2009 The Convention on Contracts for the International Sale of Goods CISG is now being applied extensively both by international arbitral tribunals and by domestic courts of its more than 70 Member States But do they also apply it in the same manner Although Article 7 of the CISG underscores the need to promote uniformity in its application it gives little guidance as to how to achieve this goal Each judge and arbitrator is influenced by the legal methodology of his home jurisdiction Therefore it is somewhat of a paradox that while the number of Member States is constantly increasing so too is the threat of variation in application In this book the most important issues of the CISG s methodology are analyzed by leading experts from five continents Some contributors provide a thorough analysis of the central topics of interpretation while others enter almost uncharted territories

Constitutional Values and European Contract Law Stefan Grundmann,2008-06-27 Two major developments in European Private and European Business Law come together when we speak about Constitutional Values and European Contract Law European Contract Law has become extremely dynamic over the last 10 years both in substance and perspective all core areas are considered now in legal science and in EC legislation and there are even the prospects of some kind of codification On the other hand constitutional values and their impact on private law have been an issue of high concern in major Member States over decades namely Italy and Germany but as well the Netherlands hence the strong presence of scholars and practising lawyers from these countries in this book Constitutional values have however found their way to the EC level and the national discussions have inspired a European one with three core values discussed Fundamental Freedoms fundamental rights and constitutional system building principles such as the social welfare state or the rule of law Their impact on private law can be sensed nowadays quite considerably also on the European level These fundamental values are often seen as the ingredient which renders

European Private Law namely European Contract Law more responsive to social values or more humane For all these reasons the book combines comparative law EC Law and interdisciplinary approaches to the question Constitutional Values and European Contract Law Outstanding scholars from six Member States and beyond quite a few also practising lawyers discuss the issue and do so for the first time on such a broad and all encompassing basis 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

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