

UNCOVERING EUROPEAN PRIVATE LAW

A STUDENT HANDBOOK



EDITED BY MARIJA BARTL,
LAURA BURGERS, CHANTAL MAK

European Private Law A Handbook

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European Private Law A Handbook:

The Structural Transformation of European Private Law Leone Niglia, 2023-06-15 This book proposes a new analysis of the transformation of Europe through integration exactly 30 years after the beginning of transformation scholarship It consists of a reconstruction of the development and present condition of European integration in relation to private ordering Looking at the interface between on the one hand the EU constitutional order and on the other hand private ordering the book recounts three major structural transformations over the last six decades Delving into the private law areas most exposed to the current modernisation wave consumer law internal market lex mercatoria digitisation artificial intelligence data protection standardised contracts finance and political economy and labour the book critically explores a reconfiguration of Europe s constitutional structures relative to and that results from what to some appears to be an almost irresistible rise of private ordering through a transformed hermeneutics balancing This is a magisterial survey of European law European private law and comparative law seen through a pathbreaking comparative methodology labelled juridical comparative hermeneutics within civil law systems and across the civil common law divide which offers innovative analytical tools that afford a deep understanding of the evolution of the disciplines *EU Private Law and the CISG* Zvonimir Slakoper, Ivan Tot, 2021-09-30 EU Private Law and the CISG examines selected EU directives in the field of private law and their effects on the national private law systems of several EU Member States and discusses certain specific concepts of the United Nations Convention on Contracts for the International Sale of Goods CISG in light of the CISG s recent fortieth anniversary The most prominent influence of EU law on national private law systems is in the area of the law of obligations thus the book focuses on several EU private law directives that cover the issues belonging to contract and tort law as interpreted in the case law of the Court of Justice of the EU EU private law concepts need to be interpreted autonomously and uniformly rather than through the lens of national private law systems The same is true for the CISG which has not only been one of the most successful instruments of the international trade law unification but had also influenced both the EU private law and domestic laws In Part I focused on the EU private law and its effects for national laws chapters examine the recent Digital Content and Services Directive and its likely impact on the contract law of the UK and Ireland the role aggressive commercial practices play in EU banking and credit legislation the applicability of the EU private international law rules to collective redress the unfair contract terms regime of the Late Payment Directive and its transposition into Croatian law the implementation of the Commercial Agency Directive in Denmark Estonia and Germany and disgorgement of profits as remedy provided in the Trade Secrets Directive In Part II dealing with selected CISG issues chapters discuss the autonomous interpretation of CISG s concept of sale by auction and its notion of intellectual property as well as the CISG s principle of freedom of form and the possibility for reservations with the effect of its exclusion The book will be of interest to legal scholars in the field of EU private law and international trade law as well as to the students practitioners members of

law reform bodies and civil servants in Europe and beyond *Pluralism and European Private Law* Leone Niglia, 2013-01-29 European private law has hitherto tended to be conceptualised firmly around ideas of unity and harmony Yet the discourse within other areas of European law notably constitutional law scholarship visibly adopts pluralist perspectives This book seeks to bridge the gap between public and private law by looking at European private law from various pluralist positions and by investigating old and new ways in which to understand legal pluralism in general It fills a gap in the wide literature on legal pluralism as the first book entirely dedicated to offering an insight into legal pluralism from the vantage point of the private law domain The book addresses critically issues such as what pluralism really means in private law and what conceptions of pluralism it embodies including discussion about the outer boundaries of any of the pluralist understandings Contributions address comparative critical historical theoretical and normative aspects The book provides an opportunity to engage innovatively with problematic conceptual issues which inform the work of European private law scholars including the debate on the Common Frame of Reference Project of the European Commission **The Foundations of European Private Law** Roger Brownsword, Hans-W. Micklitz, Leone Niglia, Stephen Weatherill, 2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance *Judicial Cooperation in European Private Law* Fabrizio Cafaggi,, Stephanie Law, 2017-05-26 Notwithstanding recent increases in the scope for judicial cooperation and dialogue between European courts little research has been undertaken into the impact of the jurisprudence of the European Court of Justice and the dialogue that arises therefrom in national legal systems between courts and regulators This coherent collection of original chapters provides unique insights into these developments with a particular focus on consumer law from a broad range of stakeholders including academics and judges from the EU and the US The European Convention on Human Rights and Private Law Mateja Durovic, Cristina Poncibò, 2024-11-14 In this book a team of expert contributors address challenging issues concerning the relationship between private law and the rule of law and human rights with specific focus on case studies from South Eastern Europe The book examines the broadening application of human rights to the private law fields and the resulting effects Contributors offer a truly interdisciplinary perspective drawn from comparative law civil law procedural law and public law By so doing for the first time they offer insights into the

fascinating questions the region poses for private law and human rights **European Private Law: Foreword** Mauro Bussani, Franz Werro, 2009 **The Institutional Framework of European Private Law** Fabrizio Cafaggi, 2006 This volume explores the relationship between constitutional and regulatory questions on the one hand and private law on the other hand examining how European private law has developed under the influence of regional legal traditions and the EU *acquis communautaire*. It focuses on the multiple actors and institutions that today contribute to legal and cultural integration within a multi level framework involving Member States and subnational actors together with EU Institutions. It underlines the different roles of legislators, regulators and judges in building an integrated market which is consistent with fundamental rights and social policies. It also highlights the principles and institutions that may preserve national legal identities in the context of European legal and political integration, striking a difficult balance between harmonization and differentiation. Within this framework the volume questions the current boundaries of European private laws and proposes a coordinated perspective which examines competition regulation and private law alike. The book focuses in particular on competition and consumer law and on tort and regulation. Attention is also drawn to the strategic role to be played by private international law. It is argued that the distinction between private and public law should be redefined by acknowledging a new balance between public institutions and private parties. The collection contains several proposals for furthering the process of Europeanization of private law without losing the richness of existing western legal traditions as they have developed in previous centuries. It calls on European and national institutions to involve practitioners in devising new patterns of legal integration and in transforming European legal education. This book is an original contribution to the scholarly and policy debates about the desirability and modes of Europeanization of private law in a context in which the pressures of globalization and of national identities seem to question the chosen path of integration EC Private Antitrust Enforcement Assimakis Komninos, 2008-02-22 This book, written by an academic cum practitioner with substantial experience in the field of antitrust enforcement, presents the rise of private enforcement of competition law in Europe, especially in the context of the recent modernisation and decentralisation of EC competition law enforcement. In particular, the study examines the role of courts in the application of the EC competition rules and views that role in the broader system of antitrust enforcement. The author starts from the premise of private enforcement's independence of public enforcement and, after examining the new institutional position of national courts and their relationship with the Court of Justice, the Commission and public enforcement in general, proceeds to deal with the detailed substantive and procedural law framework of private antitrust actions in Europe. The author describes the current post decentralisation state of affairs but also refers to the latest proposals to enhance private antitrust enforcement in Europe, both at the Community level where reference is made to the December 2005 Commission Green Paper on Damages Actions and its aftermath and at the national level where reference is made to recent and forthcoming relevant initiatives **The Case Law of Central and Eastern Europe**, 2009 **The Georgia**

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