

# Towards a European Civil Code

Second Revised and Expanded Edition

Ars Aequi Libri

# Towards A European Civil Code

**Gerrit Betlem**



## **Towards A European Civil Code:**

**Towards a European Civil Code** Gerrit Betlem, 1994-06-09 In 1989 the European Parliament called for the elaboration of a European Civil Code and although the European Commission has not yet shown much enthusiasm for this idea many legal scholars consider it to be a great challenge the desirability and possible content of a European Civil Code The book is divided into two parts The first part examines the general issues which concern the unification of private law in Europe private law that were considered to be appropriate for a unification on a European level Because of the numerous reference made throughout the book to the UNIDROIT Principles for International Commercial Contracts and to the Principles of European Contract Law these texts have been reproduced in an annex to this book [Towards a European Civil Code](#) A. Hartkamp, 1998-06-29 **Towards a European Civil Code**, 1994 **Towards a European Civil Code** E. H. Hondius, 2004 Since its original publication ten years ago *Towards a European Civil Code* has become an international classic It is both a preeminent reference in the debate on the future of European private law and a standard text in legal education in many European universities This third fully revised and expanded edition includes new contributions on such important matters as the following constitutionalisation social concerns economic analysis arguments against a European civil code e commerce and sales service and insurance contracts All forty four chapters have been brought fully up to date with European and national developments making *Towards a European Civil Code* the cornerstone in any endeavour involving issues in European private law *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 *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 Law<sup>2</sup> 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

**Towards a European Civil Code** Gavin Barrett, 2002 *Principles of European Contract Law* Ole Lando, Handelshøjskolen i København. HHK. Juridisk Institut. JUR, Copenhagen Business School. CBS. Institute of Law, 1997 *Legitimacy Conditions for a European Civil Code* Christoph Schmid (Dr. iur.), 2001 **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 *The European Civil Code* Hugh Collins, 2008-11-20 Hugh Collins argues that the European Union should develop a civil code to provide uniform rules for contracts property rights and protection against civil wrongs thus drawing together the differing national traditions with respect to the detailed regulation of civil society The benefits of such a code would lie not so much in facilitating cross border trade but in establishing foundations for a denser network of transnational relations of civil society which in turn would help to overcome the present popular resistance to effective and functional political institutions at a European level These principled foundations for a more inclusive and less balkanised civil society in Europe also provide elements of a required European social model that offers necessary safeguards for consumers workers and disadvantaged groups against the pressures of market forces in an increasingly global economic system

**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

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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. Performance-Oriented Remedies in European Sale of Goods Law Vanessa Mak, 2009-01-15. This book provides a model for further convergence of European sales laws engaging with issues of contract theory and comparative 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.

**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

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