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Regional Private Laws & Codification in Europe

CAMBRIDGE

Regional Private Laws And Codification In Europe

Guido Comparato



Regional Private Laws And Codification In Europe:

Regional Private Laws and Codification in Europe Hector L. MacQueen, Antoni Vaquer, Santiago Espiau
Espiau, 2003-10-16 Regions within European Union member states such as Scotland in the UK and Catalonia in Spain have their own legal systems how will the process of Europeanization affect them This volume examines the phenomenon of regional private law in the European Union considering jurisdictions and laws below those of the member states and drawing comparisons with other such jurisdictions elsewhere in the world such as Louisiana and Quebec The whole is considered in relation to the development of European private law and the use of codification in that process This volume will be of interest to academic lawyers worldwide advanced law students and European policy makers *Nationalism and Private Law in Europe* Guido Comparato, 2014-12-01 While the internationalisation of society has stimulated the emergence of common legal frameworks to coordinate transnational social relations private law itself is firmly rooted in national law European integration processes have altered this state of affairs to a limited degree with a few albeit groundbreaking interventions that have tended to engender resistance from various actors within European nation states Against that background this book takes as its point of departure the need to understand the process of legal denationalisation within broader political frameworks In particular it seeks to make sense of opposition to Europeanisation at this point in the evolution of European law when despite growing nationalist attitudes great efforts have been made to produce comprehensive legal instruments to synthesise general contract law an area that has traditionally been solely within the ambit of nation states Combining insights from the disciplines of law history and political science the book investigates the conceptual and cultural associations between law and the nation state examines the impact of nationalist ideas in modern legal thought and reveals the nationalist underpinnings of some of the arguments employed against and somewhat paradoxically even in support of legal Europeanisation The author's research for this book has been supported by the Hague Institute for the Internationalisation of Law

The Law of Obligations in Central and Southeast Europe Zvonimir Slakoper, Ivan Tot, 2021-08-16 The Law of Obligations in Central and Southeast Europe examines the new codifications reforms and other recent developments in Central and Southeast Europe which have significantly modernized the law of obligations in the last two decades focusing particularly on the legal systems of Poland Czech Republic Slovak Republic Hungary Slovenia Croatia Serbia and Turkey With chapters authored by prominent academics and promising young legal scholars this book discusses the results of the modernizations and describes the legislative reforms of the law of obligations that are underway or are discussed and advocated for in the countries of Central and Southeast Europe Divergences of the new civil codes and other legislative acts from earlier legal solutions are identified and the rationale behind these departures is analysed as well as the introduction of the new legal institutes in the law of obligations in these parts of the world The Introduction provides a concise country by country overview of the recodification modernization and reform of the law of obligations in Central and Southeast Europe In

Part I chapters discuss the process of recodification in the Slovak Republic Czech Republic Poland and Hungary with focus on the main novelties in their contract and tort law The chapters in Part II then discuss several more specific legal institutes of the law of obligations and other recent developments and contemporary challenges to the law of obligations in the Czech Republic Slovenia Croatia Serbia and Turkey This book is of interest to legal scholars in the field of private law as well as to students practitioners members of law reform bodies and civil servants in Central and Southeast Europe and beyond

The Need for a European Contract Law J. M. Smits, 2005 The aim of this book is to discuss the need for a uniform contract law in Europe At present it is debated to what extent uniformity of law is required from the economic perspective The view of the European Commission seems to be that diversity of law stands in the way of a proper functioning of the internal market but this view does not seem to be shared by business in the reactions to the Communication on European Contract Law 2001 it was striking to see that most companies do not consider the present diversity to be a true barrier to trade This book offers five different perspectives on the need for a uniform contract law These perspectives include economics behavioral law and economics psychology and law

The Foundations of European Transnational Private Law Anna Beckers, Hans-W. Micklitz, Rodrigo Vallejo, Pia Letto-Vanamo, 2024-05-30 Since Anu Bradford's groundbreaking book on the Brussels Effect there is a vastly evolving literature on the EU as a global regulatory actor as well as the global reach of EU law This edited collection connects to this debate Yet it shifts the focus from the currently predominant public law focus to investigating European and EU private law and to connecting to literature and research on transnational law To that end it proceeds first conceptually by introducing and giving shape to the notion of a European Transnational Private Law through four conceptual contributions by the editors Secondly it focuses on several sectors finance taxation investment consumer law labour law and topics climate litigation global value chains non discrimination to trace sector specifically the role of EU private law in relation to transnational legal ordering

Regulating Unfair Banking Practices in Europe Stephen Weatherill, Aurelia Colombi Ciacchi, 2010 Private persons often stand surety for a business debt incurred by family members friends or employers These suretyships are commonly banking guarantees contracted by means of standard terms Sometimes the guarantor signs the contract while he she is not aware of the financial risk related to the guarantee He or she may not even know what a suretyship is But in other circumstances the guarantor may be well aware of the risk but may nonetheless assume it because of strong emotional ties which exist between him her and the main debtor How then if at all does the law address the potential for unfairness in such situations Some systems choose to rely on objective criteria such as identification of a manifest disproportion between the guaranteed amount and the surety's income and assets while others are more open to subjective inquiry The key point is variation Different jurisdictions in Europe operate different models with different priorities This book provides a comparative overview of the remedies against unfair obligations of non professional guarantors available in 22 EU Member States based on a questionnaire which has been completed by an expert in each

particular jurisdiction and covering both legal rules and the economic context of different credit markets and banking practices *European Perspectives on Producers' Liability* Martin Ebers, André Janssen, Olaf Meyer, 2009-10-16 A growing number of countries recognise a direct producers liability for non conforming goods The European Commission has considered the introduction of an EU wide direct producers liability for a long time Will there be new responsibilities for producers in the future This book compiles national reports from 24 European countries on the sale of goods law as well as the consumer s remedies for non conforming goods and the final seller s right of redress A comparative report informs about the different models of producers liability and their impact on the internal market Beneficial for practitioners working in the field of consumer contract law and sale of goods law **Private Law in the 21st Century** Kit Barker, Karen Fairweather, Ross Grantham, 2017-01-26 This book brings together a wide range of contributors from across the common law world to identify and debate the principal moral and systemic challenges facing private law in the remaining part of the twenty first century The various contributions identify serious problems relating to complexity and overload threats to research and education the law s unintelligibility the unsatisfactory nature of the law reform process and a general lack of public engagement They consider the respective future roles of statutes codes and judge made law in the form of both common law and equitable rules They consider how best to organise the private law system internally and how to co ordinate it externally with other public and economic systems human rights regulation insurance markets and social security frameworks They address the challenges for private law presented by new forms of technology and by modern demands for the protection of new and intangible forms of moral interest such as interests in privacy vindication and personal choice They also engage with the critical contemporary debates about access to and the privatisation of civil justice The work is designed as a source of inspiration and reference for private lawyers as well as legislators policy makers and students *Contract Law in Spain* Antoni Vaquer, 2018-03-23 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of contracts in Spain 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 Spain will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative contract law.

Globalisation and the Western Legal Tradition David B. Goldman, 2008-02-07

What can globalisation teach us about law in the Western tradition? This important new work seeks to explore that question by analysing key ideas and events in the Western legal tradition including the Papal Revolution, the Protestant Reformation, and the Enlightenment. Addressing the role of law, morality, and politics, it looks at the creation of orders which offer the possibility for global harmony, in particular the United Nations and the European Union. It also considers the unification of international commercial laws in the attempt to understand Western law in a time of accelerating cultural interconnections. The title will appeal to scholars of legal history and globalisation as well as students of jurisprudence and all those trying to understand globalisation and the Western dynamic of law and authority.

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