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EUROPEAN CONTRACT LAW AND THEORY - 1

Jacobien Rutgers and Pietro Sirena (eds.)

# Rules and Principles in European Contract Law



intersentia

# Principles Of European Contract Law

**Ole Lando, Hugh Beale, André  
Prüm, Eric Clive, Reinhard Zimmerman**



## **Principles Of European Contract Law:**

**The Principles of European Contract Law and Dutch Law:A Commentary** Ewoud H. Hondius,H. J. Van Kooten,2002-08-27 The topic of harmonisation of European private law and European contract law in particular is rapidly gaining in importance The topic is not only widely studied by academics and students all over Europe and even beyond it is also on the political agenda of the European Parliament the European Commission and the European Council The most important achievement in this field is no doubt the Principles of European Contract Law PECL drafted by the Commission on European Contract Law The European Commission considers the PECL to be a serious option for further harmonisation of European contract law within the European Union This publication is the first to provide a systematic overview of the PECL in comparison with Dutch contract law as a whole The book is concise and because of its structure it is easily accessible Amongst the contributors there are many highly distinguished contract law specialists It may be used at universities in courses on Comparative Law European Private Law and European Contract Law It may also be used by international practitioners foreign students and academics interested in Dutch contract law who do not have access to Dutch contract law because they have no knowledge of the Dutch language Last but not least the book will be of interest to all jurists interested in the harmonisation of the European Private Law

**Principles of European Contract Law** Commission on European Contract Law,2000-01-01 This text provides a comprehensive guide to the principles of European contract law They have been drawn up by an independent body of experts from each Member State of the EU under a project supported by the European Commission and many other organizations The principles are stated in the form of articles with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder Each article also has extensive comparative notes surveying the national laws and other international provisions on the topic

*The Principles of European Contract Law* Ole Lando,2023-09-29 An arbitrator has to decide a case under a contract to be governed by internationally accepted principles of law A business person is negotiating a contract with a company in another EU state but neither party wishes to apply the law of the other party's country A lawyer is advising parties to contracts involving parties in other States An EU official is drafting a new Directive affecting contracts A professor of law wants her students to gain a solid understanding of the way in which contracts are treated by the laws of the different Member States and to understand the common principles All these need to know the fundamental principles of contract law shared by the legal systems of the Member States and to have a concise comprehensive and workable statement of them The Principles of European Contract Law provides this The Principles have been drawn up by an independent body of experts from each Member State of the EU under a project supported by the European Commission and many other organisations The Principles are stated in the form of articles with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder A particularly valuable feature is that each article also has extensive comparative notes surveying the national laws and other

international provisions on the topic The Principles of European Contract Law Parts I II covers the core rules of contract formation authority of agents validity interpretation contents performance non performance and remedies The articles previously published in Part I 1995 are included in a revised and re ordered form European Contract Law Bénédicte Fauvarque-Cosson, Denis Mazeaud, 2009-04-27 The Association Henri Capitant des Amis de la Culture Juridique Française and the Société de législation comparée joined the academic network on European Contract Law in 2005 to work on the elaboration of a common terminology and on guiding principles as well as to propose a revised version of the Principles of European Contract Law PECL The results of this work were sent to the European Commission and have already been published in French The English translation is now being published by Sellier & Louvois This work could contribute to the wider European project The part on the guiding principles could be a component of the CFR in the form of black letter model rules or recitals The part on terminology is in itself useful for the elaboration of the final various linguistic versions of the CFR It finds its place within the materials which will accompany the model rules Last but by no means least the revised version of the PECL should be considered by the European institutions as an alternative set of model rules on contract law The Principles of European Contract Law, Parts I - III Student Edition Ole Lando, Hugh Beale, André Prüm, Eric Clive, Reinhard Zimmerman, 2019-03-28 The Principles of European Contract Law provides the fundamental principles of contract law shared by the legal systems of the Member States and to have a concise comprehensive and workable statement of them The Principles of European Contract Law Parts I II covers the core rules of contract formation authority of agents validity interpretation contents performance non performance and remedies The subjects dealt with in Part III are plurality of debtors and creditors assignment substitution of new debtor and transfer of contract set off prescription illegality conditions and capitalization of interest The Principles have been drawn up by an independent body of experts from each Member State of the EU under a project supported by the European Commission and many other organisations The Principles are stated in the form of articles with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder A particularly valuable feature is that each article also has extensive comparative notes surveying the national laws and other international provisions on the topic No self respecting contract lawyer in Europe can afford to ignore the Lando Principles They are not only a useful and convenient source of information about current laws in the countries of the European Union but also a possible blueprint for the contract part of a future European civil code They are a touchstone against which any discussion of contract law can be tested **Principles of European Contract Law : Prepared by the Commission on European Contract Law Chairman Ole Lando** Ole Lando, 1995-04-26 **Principles of European Contract Law and Italian Law** Luisa Antonioli, Anna Veneziano, 2005-01-01 To provide valuable legal service to persons in today's Europe practitioners must be conversant in both national and transnational law At the European level the Principles of European Contract Law PECL are an increasingly important element of contract law together with national contract law as

contained in Civil Codes and various national statute Accordingly Kluwer Law International has initiated a series of volumes under the direction of prof Hondius of the University of Utrecht comparing PECL with the most important European legal systems This volume on Italian law is the second in the series Using a straightforward comparative method the editors analysis not only reveals a significant area of convergence between the PECL and Italian contract law but also highlights the main differences between the two bodies of rules The reasons for these differences both legal and non legal such as historical social economic are clearly set forth The book provides complete texts with annotations of the PECL and the corresponding Italian rules The presentation proceeds as follows general provisions scope of application general duties terminology formation of contracts general provisions offer and acceptance liability for negotiations authority of agents general provisions direct and indirect representation validityinterpretationcontents and effectsperformancenon performance and remedies in generalparticular remedies for non performance right to performance withholding performance termination of the contract price reduction damages and interest The editors commentary includes extensive reference to case law and legal doctrine at all essential points In this way they provide a comprehensive description of the law in action as well as its evolving trends In addition incisive essays by two leading experts in the field of comparative law prof Rodolfo Sacco and prof Michael Joachim Bonell analyse the relationship of the PECL and Italian law and its wider framework in the harmonisation of private law at the European and international levels The book is a valuable handbook and guide for both foreign and Italian lawyers For non Italian lawyers be they practitioners or academics it provides a concise but complete and up to date outline of current Italian contract law organized on the basis of a system PECL with which many European lawyers are familiar For Italian lawyers it offers a clearer insight into a wider European legal contract system whose importance in the evolution of a common European private law is growing rapidly Principles of European Contract Law Series 2      **Principles of European**

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**Principles of European Contract Law : Prepared by the Commission on European Contract Law Chairman Ole Lando** Ole Lando,1995-04-26 Prepared by the Commission on European Contract Law chairman Ole Lando      *The Principles of European Contract Law* Ole Lando,1999-11-17 This text provides a comprehensive guide to the principles of European contract law They have been drawn up by an independent body of experts from each Member State of the EU under a project supported by the European Commission and many other organizations The principles are stated in the form of articles with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder Each article also has extensive comparative notes surveying the national laws and other international provisions on the topic

*Rules and Principles in European Contract Law* SECOLA Conference,2014 In its case law the Court of Justice of the European Union has acknowledged general principles of EU law which have a constitutional status In addition the Court of Justice has also recognised general principles of civil law relying upon values which are traditionally rooted in the domain of

private law The pervasive use of principles both in the case law of the Court of Justice and in other EU projects of soft and hard law challenges legal scholarship Although the concepts of principles and rules have been widely discussed within the context of national legal orders they need to be rethought at the European level because the traditional view of a principle does not fit the European Union's constitutional architecture This also applies to the general principles of civil law for instance good faith They also have to be redefined to be consistent with the European Union's legal order The contributions in this book examine EU general principles and their distinction from rules both within the context of the European Union as well as of the Member States Moreover they focus on the relevance of EU general principles for contract law and of principles of civil law for a European contract law

**The Principles of European Contract Law** Lando, 2002 This is the third and last part of the Principles of European Contract Law prepared by the Commission of European Contract Law under the chairmanship of Professor Ole Lando Parts I and II were published in 2000 and have attracted great interest and acclaim and a growing volume of secondary literature This present volume follows the same pattern a set of proposed Articles drawn up by the Commission followed by comments and national notes containing a wealth of comparative law The subjects dealt with in Part III are plurality of debtors and creditors assignment substitution of new debtor and transfer of contract set off prescription illegality conditions and capitalization of interest No self-respecting contract lawyer in Europe can afford to ignore the Lando Principles They are not only a useful and convenient source of information about current laws in the countries of the European Union but also a possible blueprint for the contract part of a future European civil code They are a touchstone against which any discussion of contract law can be tested The book will be particularly useful to those engaged in arbitrations with and international element to those concerned with comparative law and to those interested in the development of legal policy on contract law at national European or international level

How the Principles of European Contract Law (PECL) Were Prepared Ole Lando, 2007

**The Principles of European Contract Law (Part III) and Dutch Law** Harriët N. Schelhaas, 2006-01-01 The Principles of European Contract Law prepared by the so-called Lando Commission today constitute the most advanced project on the harmonisation of European private law As well as providing a set of rules which could facilitate cross-border trade within Europe the Principles can be seen as a modern *lex mercatoria* which for example could be referred to by arbitrators deciding a case according to internationally accepted principles of law Furthermore the Principles provide a framework for EU legislation on contract law and more importantly they can be viewed as a first step towards a European Civil Code They may also prove to be a catalyst for the development of national legislation judicial decisions and legal doctrine This new title which follows the first volume covering Parts I and II of the Principles includes chapters on plurality of parties assignment of claims transfer of contract set off prescription illegality and conditions It provides a systematic overview of the Principles in comparison with Dutch law which will be of interest not only in the Netherlands but also to lawyers in other countries who need to gain a clearer understanding of the Dutch contract law

system     **Principles of European Insurance Contract Law** ,2009-11-16 In this volume the Project Group Restatement of European Insurance Contract Law presents its Principles of European Insurance Contract Law PEICL These principles were submitted to the European Commission as a Draft Common Frame of Reference of European Insurance Contract Law DCFR Insurance The volume comprises the PEICL DCFR Insurance as well as translations into Czech Dutch French German Greek Hungarian Italian Polish Portuguese Slovak Spanish and Swedish A short introduction sets out the approach used by the Project Group how the PEICL DCFR Insurance relate to the overall Draft Common Frame of Reference the participation of the Project Group in the CoPECL Common Principles of European Contract Law Network as well as the general structure and characteristics of the PEICL DCFR Insurance The Project Group has also drafted the PEICL DCFR Insurance as a model for an Optional Instrument of European Insurance Contract Law     European Contract Law and German Law Stefan Leible,Matthias Lehmann,2014 General provisions S Leible Formation P Mankowski M Muller Authority of agents M Lehmann Validity T Ackermann J U Franck Interpretation M Lehmann S Gohling Contents and effects H Unberath Performance M Schmidt Kessel S Singleton Non performance and remedies in general B Gsell Particular remedies for non performance T W Dornis Plurality of parties M Gebauer Assignment of claims R Feitag Substitution of new debtor transfer of contract transfer of contractual position S Leible Set off D Looschelders M Makowsky Prescription A Piekenbrock Illegality M Lehmann Conditions M Lehmann S Gohling Capitalisation of interest M Lehmann     ,     **Principles of European Contract Law. Part 1** ,1992     **The Principles of European Contract Law and Dutch Law** ,2002     Principles of European Contract Law. Part 1 ,1992

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## **Table of Contents Principles Of European Contract Law**

1. Understanding the eBook Principles Of European Contract Law
  - The Rise of Digital Reading Principles Of European Contract Law
  - Advantages of eBooks Over Traditional Books
2. Identifying Principles Of European Contract Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Principles Of European Contract Law
  - User-Friendly Interface
4. Exploring eBook Recommendations from Principles Of European Contract Law
  - Personalized Recommendations



- Principles Of European Contract Law User Reviews and Ratings
- Principles Of European Contract Law and Bestseller Lists
- 5. Accessing Principles Of European Contract Law Free and Paid eBooks
  - Principles Of European Contract Law Public Domain eBooks
  - Principles Of European Contract Law eBook Subscription Services
  - Principles Of European Contract Law Budget-Friendly Options
- 6. Navigating Principles Of European Contract Law eBook Formats
  - ePub, PDF, MOBI, and More
  - Principles Of European Contract Law Compatibility with Devices
  - Principles Of European Contract Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Principles Of European Contract Law
  - Highlighting and Note-Taking Principles Of European Contract Law
  - Interactive Elements Principles Of European Contract Law
- 8. Staying Engaged with Principles Of European Contract Law
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Principles Of European Contract Law
- 9. Balancing eBooks and Physical Books Principles Of European Contract Law
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Principles Of European Contract Law
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Principles Of European Contract Law
  - Setting Reading Goals Principles Of European Contract Law
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Principles Of European Contract Law
  - Fact-Checking eBook Content of Principles Of European Contract Law

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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