

The Principles of European Contract Law (Part III) and Dutch Law

A Commentary II

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Principles Of European Contract Law And Dutch Law

Ole Lando



Principles Of European Contract Law And Dutch 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.

The Principles of European Contract Law and Dutch Law, 2002

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 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 statutes. 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 validity interpretation contents and effects performance non performance and remedies in general particular 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 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

Indirect Representation in European Contract Law Danny Busch, 2005-01-01 Over the last few years increasing attention continues to be paid to the Principles of European Contract Law otherwise known as the Principles the Lando Principles or PECL The drafters of the Principles presented their work in the form of articles accompanied by explanatory notes averring that the main purpose of the instrument is to serve as a basis for a future European contract law Can the Lando Principles as their drafters claim indeed offer an acceptable basis for a future European contract law Dr Busch both scholar and practitioner offers a detailed analysis in response to this question of the contractual aspects of indirect representation Arts 3 301 304 PECL He evaluates these provisions in the light of Dutch German and English law as well as with reference to the Geneva Convention on Agency in the International Sale of Goods To introduce this important comparative study and make the background as complete as possible this book devotes separate chapters to thorough discussions of indirect representation in Dutch law middellijke vertegenwoordiging Arts 7 419 421 Dutch Civil Code in German law mittelbare Stellvertretung and in the English doctrine of the undisclosed principal Lawyers in Europe and elsewhere who must deal with contract law in any connection will find this thoroughly researched and well thought out text to be indispensable Its value as a scholarly analysis can only grow with the coming years D Busch b 1974 graduated cum laude in Dutch law from the University of Utrecht in 1997 He attained the title of Magister Juris in European and Comparative Law at the University of Oxford St John s College in 1998 and defended his dissertation in 2002 at the University of Utrecht Until the end of 2001 he was attached as lecturer and researcher to the Molengraaff Institute of Private Law in Utrecht Since 2002 he has worked as an attorney at law for the law office of De Brauw Blackstone Westbroek in Amsterdam He has also been an honorary senior lecturer at the Molengraaff Institute since 2004 Principles of European Contract Law 3

The Principles of European Contract Law Before the Supreme Court of the Netherlands Danny Busch, 2018 Most Dutch law faculties now devote some degree of attention to the Principles of European Contract Law in their teaching and research The Principles are therefore receiving sufficient coverage in university circles No doubt this is welcome news for their drafters But what influence do the PECL actually have in Dutch legal practice This is the question I shall try to answer in this article

European Contract Law Hector MacQueen, 2019-08-05 This volume tests the claim that as combinations of Civil and Common Law influences the mixed systems of contract law in Scotland and South Africa have anticipated the content of the Principles of European Contract Law

PECL concluded and published in 2003 by the unofficial Commission on European Contract Law. Going further, it rigorously explores what the implications of a Europe-wide contract law would be. The current official moves towards a European contract law within the European Union make the critiques of PECL in this volume especially urgent and significant. With a European contract law nearer to reality than ever before, mere policy critiques are no longer enough. This book provides the essential technical and substantive assessments of PECL from the perspective of Scots and South African contract lawyers and is offered to the European debate without prejudice as to the deeper policy questions. At the same time, this volume will inform Scots and South African lawyers about the substance of international developments in the field and suggest ways to develop their still vigorous and vital national laws to remain in step with the needs of the present day.

Fundamental Rights in European Contract Law Chantal Mak, 2008-01-01

Our modern insistence on democratic social values has engendered an intense debate over the intersection of fundamental rights and contract law. In particular, case law in several European national jurisdictions has exerted significant pressure on traditional contract law instruments to conform more transparently with the fundamental rights enshrined in the EC Charter. This pressure is clearly evident in a number of societal areas subject to contract law, among them employment, housing, and privacy. It can even be argued, as this author does, that fundamental rights intermediate between politics and law. Taking its cue from many initiatives toward the development of a more coherent even harmonised European contract law, this book is the first major study to examine the following essential questions with detailed reference to actual judicial developments: To what extent do fundamental rights affect contract law? In which types of cases can fundamental rights be applied? What does the explicit consideration of fundamental rights add to contract law adjudication? The author approaches the analysis along two different avenues: first, a comparative overview of developments in case law, and second, a more general theoretical view on the interaction between fundamental rights and rules of contract law, which is tested against examples from various legal systems. The focus throughout is on developments in case law because the impact of fundamental rights in contract law has been felt on the level of dispute resolution rather than on the level of legislation. Germany and the Netherlands are chosen because their judiciaries have been notable for their early and continuing attention to the theme, and England and Italy for perspectives on developments under common law and civil law systems respectively.

The book delves into Principles Of European Contract Law And Dutch Law. Principles Of European Contract Law And Dutch Law is an essential topic that must be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Principles Of European Contract Law And Dutch Law, encompassing both the fundamentals and more intricate discussions.

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 6. In chapter 5, this book will draw a conclusion about Principles Of European Contract Law And Dutch Law. The final chapter will summarize the key points that have been discussed throughout the book.
- This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Principles Of European Contract Law And Dutch Law.

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