

REGIONAL PRIVATE LAWS  
AND CODIFICATION  
IN EUROPE

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# Regional Private Laws And Codification In Europe

**J. M. Smits**



## **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 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 **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 History of Law in Europe** Bart Wauters,Marco de Benito,2017-04-28 Comprehensive and accessible this book offers a concise synthesis of the evolution of the law in Western Europe from ancient Rome to the beginning of the twentieth century It situates law in the wider framework of Europe s political economic social and cultural developments

*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

Diversity and Integration in Private International Law Veronica Ruiz

Abou-Nigm,2019-08-21 No detailed description available for Diversity and Integration in Private International Law

**Architecture of European Codes and Contract Law** Stefan Grundmann,Martin Schauer,2006-01-01 The nineteen

outstanding contributors to this deeply insightful book concur in envisioning a fundamentally new systematic concept of contract law that while preserving the essential architecture of the existing European codes would nonetheless find cogent ways to integrate such modern developments as mass transactions chains and networks of contracts regulation of markets and contracts to protect consumers and service and long term contracts into an optional European code The book is organised along three major avenues and the systematic arrangement of a contract law code how it deals with core questions of formation and performance or breach of contract such as mistake and misrepresentation standard contract terms and remedies in the case of breach of contract and the apparent necessity to merge consumer contract law i e such issues as product safety and liability warranties and consumer debt and insolvency with traditional core contract law concepts and the importance to substantive contract law of the pre contractual phase in which information duties are becoming steadily more paramount The authors perspectives cover a wide range of jurisdictions including new EU Member States The book and its commitment to an integration of comparative law EC law and the debate on European codification offers practitioners and academics fertile ground for the development of a new model of contract law that is more than a common denominator of what has been in force so far This model may serve as a basis for Europe wide and perhaps even worldwide discussion

*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

*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

**The Politics of European Sales Law** Bastiaan van Zelst, 2008-01-01 A legal political inquiry into the drafting of the uniform commercial code the Vienna Sales Convention the Dutch civil code and the European consumer sales directive in the context of the Europeanization of contract law T p *Elgar Encyclopedia of Comparative Law, Second Edition* J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library \_ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners A Conceptual Analysis of European Private International Law Felix M. Wilke, 2019 This book systematically and exhaustively analyses existing PIL rules and issues in EU and national legislation covering all EU Member States in the process It then demonstrates that the characteristics of PIL themselves imply a framework for general issues independently from language codification or underlying legal tradition **The Harmonisation of National Legal Systems** Antonios E. Platsas, 2017-10-27 This book offers a novel perspective on the leading concept of harmonisation advocating the mutual benefits and practical utility of harmonised law Theoretical models and factors for harmonisation are explored in detail Antonios E Platsas acknowledges a range of additional factors and presents harmonisation as a widely applicable and useful theory *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 **The Scope and Structure of Civil Codes** Julio César

Rivera,2014-02-04 This detailed analysis of the content and configuration of civil codes in diverse jurisdictions also examines their relationship with some branches of private law as family law commercial law consumer law and private international law It analyzes the codification decodification and recodification processes illuminating the dialogue between current codes and private law legislation in general with Constitutions and International Conventions The commentary elucidates the changing requirements of civil law as it shifted from an early protection of patrimony to a support for commercial and contractual law It also explains the varying trajectories of civil law which in some jurisdictions was merged with religious legal tenets in its codification of familial relations while in others it was fused with commercial law or indeed codified from scratch as a discrete legal corpus Elsewhere the volume provides material on differing approaches to consumer law where relevant legislation may be scattered across numerous statutes and also on private international law a topic of increasing relevance in a world where business corporations have interests in multiple jurisdictions and often play one off against another The volume features invited contributions from leading scholars in the field of private law brought together for an in depth analysis of the current regulatory attitude in this field of the law in jurisdictions with diverse legal systems and traditions In current times we are witnessing the adoption of diverging regulatory solutions Through the analysis of the past and present of private law regulation the volume unveils the underlying trends and relevance of the codification method across the world

*The Making of the Civil Codes* Michele Graziadei,Lihong Zhang,2022-11-21 The book provides in depth analysis of the new perspectives on codifications and of the related reforms that give recognition to new ideas new needs and new techniques The contributions from several jurisdictions collected in this book provide a much needed evaluation of the current impact of codification on the law and are a first essential reference for assessing the importance of civil law codifications in the contemporary world

**The Institutional Framework of European Private Law** Fabrizio Cafaggi,2006 This edited collection of essays examines aspects of European private law It looks at the conflicts between private laws in various fields and different approaches to regulating and harmonizing European private law 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

*European Consumer Access to Justice Revisited* Stefan Wrška,2015 This book asks what is European consumer access to justice and how we can improve it by means of procedural and substantive laws

## Unveiling the Magic of Words: A Report on "**Regional Private Laws And Codification In Europe**"

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