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Standard Contract Terms in Europe

**A Basis for and a Challenge to
European Contract Law**

Edited by
Hugh Collins



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Standard Contract Terms In Europe

**Study Group on a European Civil
Code, Research Group on the Existing
EC Private Law**

Standard Contract Terms In Europe Standard Contract Terms In Europe:

Standard Contract Terms in Europe Hugh Collins, 2008-01-01 Ever since the Directive on Unfair Terms in Consumer Contracts of 1993 the European project has been working intensively towards harmonization of contract law across all EU Member States To date virtually none of the many problems that have arisen have been resolved The SECOLA Annual Conference convened in Prague in 2005 to consider the specific topic of unfair terms and to imagine ways in which the obstacles raised by this provocative issue might be overcome In this book which presents revised versions of the papers presented at that conference fourteen outstanding European scholars examine basic questions about the differing conceptions of contract law in the national legal systems of the Member States divergent legal techniques such as interpretation of contract and divergent approaches to legal reasoning and contrasting views about the nature of the problems presented by unfair terms in contracts Among the contentious matters discussed are the following the tension between party autonomy and social justice control over freedom of contract in the name of substantive fairness and efficiency interpretation of contract terms the intrusion of competition law into contract law the disputed meanings of good faith and legitimate expectations the requirement of plain intelligible language and characterization problems Above all the essays ask Can harmonization of European contract law be achieved And if so how The answers offered not only clarify the stage we have arrived at in this ongoing initiative but also identify the essential conflicts that must be understood if we are to secure meaningful regulation of contract terms at a transnational level For these reasons the book is enormously valuable to all parties interested in this crucial component of European integration *Standard Terms in Contracts* ,1979 **The Architecture of European Codes and Contract Law** Stefan Grundmann, Martin Schauer, 2006 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 and architecture and 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 s 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

Standard Contract Terms in Cross-border Business Transactions Gintautas Šulija, 2011 This book presents an overview of regulation of standard form contracts in the selected jurisdictions of the European Union Generally the term regulation of standard form contracts refers to the techniques and procedures that are established by the government and case law to control the fairness and reasonableness of contracting or contractual arrangements The necessity of regulating standard form contracts is explained by arguing that absolute freedom of contract does not contribute enough to the welfare of society even if we assume that such freedom exists in reality Four jurisdictions of the European Union Germany France England and Lithuania have been selected for closer examination in order to build up a comprehensive view in the three major jurisdictions of the Union as well as in the new Europe Moreover the study elucidates the links between national contract laws and the European Union law In view of the obstacles a trader may face in abiding by unknown foreign regulations the national regulations of standard form contract are assessed in the light of so called indistinctly applicable measures that are prohibited under the European Union law Thus different options aimed at eliminating trade restrictions created by foreign regulations on standard form contracts are contemplated in this book **Principles, Definitions and Model Rules of**

European Private Law Study Group on a European Civil Code, Research Group on the Existing EC Private Law, 2010

General Clauses and Standards in European Contract Law Stefan Grundmann, Denis Mazeaud, 2006-01-01 General clauses or standards Generalklauseln clauses generales are legal rules which are not precisely formulated terms and concepts which in fact do not even have a clear core They are often applied in varying degrees in various legal systems to a rather wide range of contract cases when certain issues arise issues such as abuse of rights unfairness good faith fairness of duty or loyalty or honesty duty of care and other such contract terms not lending themselves readily to clear or permanent definition Here for the first time is a systematic discussion of this kind of rule in the evolving and dynamic context of European contract law A collection of twelve insightful essays by leading European law authorities the book is based on a conference organized jointly by the Society of European Contract Law SECOLA and l association Henri Capitant held in the grande salle of the French Supreme Court in Paris in 2005 The subject is approached along three distinct but interconnected avenues comparative contract law in which the different models to be found among Member States particularly the Germanic French and English common law systems are explored with an eye to differences and common ground EC contract law in which the general clause approach has tended to focus on labour law and consumer law and in which the European Court of Justice more and more assumes the final say and the European codification dimension in which a potential instrument on the European level would compete with national laws and develop closely with them The authors demonstrate that a focus on general clauses in contract law embracing as it does a wide range of types of contracts helps enormously with the necessary integration of legal scholarship and economic approaches and of legal science and legal practice in the field Numerous

analytic references to relevant cases and EC Directives give a practical impetus to the far reaching but immediately applicable theory presented in this important book As European contract law continues to develop rapidly this seminal contribution is sure to increase in value and usefulness Unfair Contract Terms in the Digital Age Gardiner, Caterina, 2022-06-14 Since the introduction of the European Unfair Contract Terms Directive UCTD there have been far reaching developments in the digital landscape which have significantly altered the nature of consumer contracts This timely book examines the changes that have taken place since the advent of the UCTD and analyses the challenges that they pose for consumers entering online standard form contracts today **European Legal Traditions and Israel** Alfredo Mordechai Rabello, 1994 **European Computer Law** Information Technology Law Group/Europe, 1996 A country by country survey of computer law in Europe by members of the first specialist computer law network in Europe Bulletin of the European Communities , 1984 *Bulletin of Legal Developments* , 2003 **American Export Corn (maize) in Europe** John D. Shanahan, Clyde Evert Leighty, Emil George Boerner, 1910 **Service and Regulatory Announcements** United States. Agricultural Marketing Service, 1926 *National Petroleum News* , 1911 *Software Procurement* Erik Mosesson, 1992 **The Irish Reports** , 1991 The Yale Journal of International Law , 2003 Supplement to the Official Journal of the European Communities , 1996-08 **Journal of Contract Law** , 1994 *Encyclopedia of Law & Society: F-O* David Scott Clark, 2007 Provides more than seven hundred alphabetical entries covering the interaction of law and society around the globe including the sociology of law law and economics law and political science psychology and law and criminology

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