

Karl Riesenhuber

System und Prinzipien des Europäischen Vertragsrechts



De Gruyter Recht

System Und Prinzipien Des Europäischen Vertragsrechts

Franco Ferrari



System Und Prinzipien Des Europäischen Vertragsrechts:

System und Prinzipien des Europäischen Vertragsrechts Karl Riesenhuber, 2012-12-17 The European Community harmonised the contractual laws of the member states in some ways In this respect the Community did not orient itself on the factual questions of contractual law but on the actual problem relations The author examines the questions how the totality of the Legal File of the European Community is combined to one system as regards contractual law

Europäisches Vertragsrecht Karl Riesenhuber, 2011-12-22 Das vorliegende Lehrbuch in dem das Europäische Vertragsrecht in geschlossener nach Sachfragen systematisch geordneter Form dargestellt wird soll Studenten ebenso wie Praktikern Auskunft zu Einzelfragen geben darüber hinaus aber auch einen Überblick über das Rechtsgebiet als Ganzes eröffnen Die Entwicklung des Europäischen Vertragsrechts in Gesetzgebung Gleichbehandlungsrichtlinie Richtlinie über unlautere Geschäftspraktiken Reform der Verbraucherkreditrichtlinie und Rechtsprechung und die zunehmende dogmatische Vertiefung durch die Wissenschaft machen die Neuauflage erforderlich Das Lehrbuch wendet sich an Studenten ab dem 3. Semester ebenso wie an Referendare und Praktiker Verbrauchervertragsrecht und allgemeines Vertragsrecht Alexander von Vogel, 2011-12-22 Die Schaffung eines gemeinschaftsweit einheitlichen Regelwerks auf dem Gebiet des Vertragsrechts nimmt spätestens seit der Mitteilung der Europäischen Kommission über einen Aktionsplan für ein kohärenteres europäisches Vertragsrecht immer konkretere Formen an Vor dem Hintergrund der aktuellen Kodifizierungsbestrebungen ist dem Verbrauchervertragsrecht als Kernmaterie des gemeinschaftsrechtlichen Vertragsrechts herausragende Bedeutung beizumessen Das Werk bietet eine umfangreiche Darstellung des Europäischen Verbrauchervertragsrechts einschließlich des primärrechtlichen Hintergrundes insb Gesetzgebungskompetenz Mindeststandardprinzip Eine Untersuchung des Regelbestandes ist dabei unverzichtbare Grundlage für die eigentliche Fragestellung nach dem Verhältnis von verbraucherrechtlichen und allgemein vertragsrechtlichen Regeln im Europäischen Privatrecht Der Autor beleuchtet dieses Verhältnis anhand verschiedener Kriterien Ähnlichkeitsvergleich von Verbrauchsgüterkaufrichtlinie und UN Kaufrecht rechtsvergleichende Betrachtung der systematischen Verortung in den Mitgliedstaaten Gegenüberstellung von Schutzinstrumenten des Europäischen Verbrauchervertragsrechts und Grundprinzipien des Vertragsrechts Er gelangt zu dem Schluss daß sich die Fülle verbrauchervertraglicher Richtlinien nicht zuletzt mit Kompetenzdefiziten des Gemeinschaftsgesetzgebers auf dem Gebiet des Vertragsrechts erklären läßt Dies hat zur Folge daß sich die in den nationalen Vertragsrechtsordnungen vorherrschende Regel Ausnahme Relation nur sehr eingeschränkt auf das geltende Vertragsrecht der Gemeinschaft übertragen läßt *Verschränkung von europäischem Ordnungsrecht und nationalen Normen* Clara Schulze Velmede, 2023-04-04 Europäisches Ordnungsrecht kann oft nur unter Rückgriff auf nationale Vorschriften durchgeführt werden In der Anwendung kommt es so zwangsläufig zu einer Verschränkung zwischen europäischer und nationaler Rechtsordnung Bei Verordnungsnormen stellen sich aufgrund der direkten Anwendbarkeit grundlegend andere

Probleme als beim europäischen Richtlinienrecht Clara Schulze Velmede zeigt die unterschiedliche Problemlage in theoretischer wie in praktischer Hinsicht und untersucht welche dogmatischen Regeln und rechtstheoretischen Annahmen diesem Ineinandergreifen der Rechtsordnungen zugrunde liegen Das so entwickelte methodische Grundkonzept für die rechtsordnungsübergreifende Rechtsanwendung wird in einem praktischen Teil anhand ausgewählter Fallbeispiele aus der Datenschutz Grundverordnung DSGVO überprüft was auch genuin datenschutzrechtliche Erkenntnisse zutage fördert

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 **Anknüpfungsprinzipien im Europäischen**

Kollisionsrecht Anja Sophia Schwemmer, 2018-12-14 Long description Das vereinheitlichte Europäische Kollisionsrecht setzt neue Akzente bei der Wahl der Anknüpfungspunkte Anja Sophia Schwemmer untersucht inwieweit das klassische Prinzip der engsten Verbindung im Zuge der Schaffung eines Europäischen IPR durch integrationspolitische Zielsetzungen verlagert oder gar verdrängt wird **The CISG and its Impact on National Legal Systems** Franco Ferrari, 2009-04-27 In force in

70 countries around the world and covering more than two thirds of world trade the 1980 United Nations Convention on Contracts for the International Sale of Goods CISG is considered to be the most successful convention promoting international trade According to many commentators this success is due among others to the fact that the Convention does not directly impact on the domestic law of the various legal systems as it applies only to international as opposed to purely domestic contracts The Convention in other words does not impose changes in the domestic law which makes it easier for States to adopt the Convention This does not mean however that the Convention does not have any impact on the domestic law at all This book analyzes through 24 country reports as well as a general report submitted to the 1st Intermediate Congress of the International Academy of Comparative Law held in November 2008 in Mexico City to what extent the

Convention de facto influences domestic legal systems In particular the book examines the Convention's impact on the practice of law the style of court decisions as well as the domestic legislation in the area of contract law

Varieties of European Economic Law and Regulation Kai Purnhagen, Peter Rott, 2014-07-16 This is the first book to comprehensively analyze the work of Hans Micklitz one of the leading scholars in the field of EU economic law It brings together analysts academic friends and critics of Hans Micklitz and results in a unique collection of essays that evaluate his work on European Economic Law and Regulation The contributions discuss a wide range of Micklitz work from his theoretical work on private law beyond party autonomy with a special focus on its regulatory function to the illustration of how his work has built the basis for current solutions such as used in solving the financial crisis The book is divided into sections covering foundations of private law regulatory law competition and intellectual property law product safety law consumer contract law and the enforcement of law This book clearly shows the enormous impact of Hans Micklitz work on the EU legal system in both scholarship and practice

Der Verbraucherbegriff Fleur Denkinger, 2011-12-07 Die vorliegende Arbeit liefert einen eindrucksvollen Beitrag zu der h chst aktuellen Diskussion der Angleichung des europ ischen Verbrauchervertragsrechts Nach einem einf hrenden berblick ber die dogmatischen Grundlagen der Verbraucherschutzproblematik wird durch eine umfangreiche Analyse einiger ausgew hlte Modelle eine Bestandsaufnahme bez glich der Gestaltung pers nlicher Anwendungsbereiche von vertraglichen Verbraucherschutzvorschriften vorgenommen Daf r wurden repr sentative Vertragsrechtsordnungen diejenigen Deutschlands Frankreichs Schwedens und sterreichs und das Modell der EG Verbraucherrechtsrichtlinien ausgew hlt Die Verfasserin zeigt zun chst auf dass jede Verbraucherdefinition Ausdruck einer bestimmten Verbraucherschutz und gar Vertragsrechtskonzeption ist Sodann widmet sie sich der Frage ob und inwiefern Harmonisierungsbestrebungen der EG es bislang vermocht haben eine Angleichung dieser unterschiedlichen nationalen Begriffsstrukturen herbeizuf hren

Europäisches Vertragsrecht Michael Stürner, 2021-04-06 Der vorliegende Band enth lt eine Gesamtdarstellung des europ ischen Vertragsrechts Er nimmt vor allem die Perspektive des Unionsrechts ein und analysiert die vertragsrechtsrelevanten Aspekte des Prim r und Sekund rrechts Gleichzeitig geht die Darstellung auf die Umsetzung in den mitgliedstaatlichen Rechtsordnungen ein Das IPR wird ebenso umfassend behandelt wie die speziellen Methodenfragen des europ ischen Privatrechts

Europäische Methodenlehre Karl Riesenhuber, 2011-12-22 In dem Tagungsband werden Methodenfragen des Europarechts besonders des Europ ischen Privatrechts umfassend systematisch dargestellt Neben Grundlagen Rechtsvergleichung und konomische Theorie er rtern die Autoren Methodenfragen des Prim r und Sekund rrechts sowie des mitgliedstaatlichen Umsetzungs Rechts Dabei beschr nkt sich die Darstellung nicht auf eine abstrakte Untersuchung der Grundfragen In einem Besonderen Teil widmen sich Wissenschaftler und Praktiker des Europ ischen Rechts zum einen Methodenfragen in einzelnen Rechtsgebieten Vertrags Arbeits Gesellschafts und Kapitalmarktrecht zum anderen Methodenfragen in der Rechtsprechung des Europ ischen Gerichtshofs und des deutschen Bundesgerichtshofs

Das Gesamtwerk verbindet so eine vertiefte Untersuchung von Methodenfragen mit der exemplarischen Vertiefung für einzelne Rechtsgebiete und Institutionen. Es ermöglicht dem Wissenschaftler und dem Praktiker sowohl einen Gesamtüberblick als auch den Zugang zu Einzelfragen. **Vollharmonisierung und Europäisches Privatrecht** Anne-Christin

Mittwoch, 2013-07-31 In einer Phase, in der sich die wissenschaftliche und politische Aufmerksamkeit auf einen Wettbewerb der verschiedenen Privatrechtskodifikationen der Mitgliedstaaten richten und darüber hinaus ein vertikaler Wettbewerb nationaler Kodizes im Verhältnis zu europäischen und supranationalen Regelwerken anklingt, erscheinen vollharmonisierende Richtlinien eher als Rückschritt für die Fortentwicklung des Europäischen Privatrechts. Die vorliegende Arbeit will versuchen auszuloten, was das Konzept der Vollharmonisierung im Privatrecht tatsächlich zu leisten im Stande ist. Trotz des aktuellen Eindrucks schwer lastender Kritik verdient die Vollharmonisierung als durchaus traditionsreiche Methode der Rechtsangleichung eine unvoreingenommene Untersuchung ihrer Wirkweise, ihrer Implikationen und ihrer Praxistauglichkeit.

Die Verzögerung der Leistung im europäischen Vertragsrecht Eva Lein, 2015-06-23 Long description Einer der umstrittenen Punkte des europäischen Vertragsrechts ist, ob es im Leistungsstrafrecht einen eigenen Verzugstatbestand bedarf. Eva Lein analysiert die Frage vor dem Hintergrund internationaler Vorgaben und historischer Grundlagen und zieht Vergleiche zu Regelungen des Unionsprivatrechts und verschiedener nationaler Rechtsordnungen. **New Features in**

Contract Law Reiner Schulze, 2009-04-27 Economic change, globalisation and harmonisation of European Law have brought new challenges to contract law. The contributions in this Volume by prominent legal scholars deal with current trends and perspectives in European and International Contract Law and their impact on the various domestic legal systems. The Compendium provides an analysis of new developments in formation of contract, performance and remedies, consumer contract law and the particularly controversial area of anti-discrimination law. Experts in their field examine the underlying legal principles and problems arising in legal practice in Common Law and Civil Law. The essays, written in English, German and French, are the product of a series of lectures held in 2006 at the Centre for European Private Law (CEP) at the University of Münster, Germany. The contributing authors are John Adams, Hugh Beale, Giuditta Cordero, Moss, Barbara Dauner-Lieb, Michele Graziadei, Thomas Gutmann, Geraint Howells, Simon, James Paul Lagarde, Matthias Lehmann, Peter Møgelvang Hansen, Salvatore Patti, Thomas Pfeiffer, John C. Reitz, Judith Rochfeld, Martin Schmidt, Kessel, Jürgen Schmidt, Rentsch, Alessandro Somma, Stefano Troiano, Christian Twigg-Flesner, Antoni Vaquer, Aloy and Fryderyk Zoll. **Datenprivatrecht** Philipp

Hacker, 2020-11-25 Das neue unionale Datenschutzrecht ist entgegen mancher Befürchtung kein law of everything. Vielmehr müssen unterschiedliche Rechtsmaterien ineinandergreifen, um eine sachgerechte Regelungsstruktur im Schnittbereich von Datenschutzrecht und Privatrecht aufzubauen. Philipp Hacker bestimmt das Verhältnis dieser Rechtsmaterien insbesondere von DS-GVO und BGB. Denn die Verschränkung unterschiedlicher Technologieformen fordert mehr denn je ein rechtsbereichsübergreifendes Verständnis von juristischer Dogmatik und ein interdisziplinär fundiertes Konzept von

Regulierung Auf Basis des geltenden Rechts entwirft er ein integriertes Marktordnungsrecht für digitale Austauschverhältnisse Die Untersuchung schließt mit Reformperspektiven die aufzeigen wie die informierte Einwilligung durch eine technologische ersetzt werden kann um eine privatautonome Gestaltung von Rechtsverhältnissen unter den Bedingungen der digitalen Wirtschaft zu ermöglichen

Use of the UNIDROIT Principles to Interpret and Supplement Domestic Contract Law Alejandro Garro, José Antonio Moreno Rodríguez, 2020-11-03 This book discusses how UNIDROIT principles are viewed and interpreted in different countries presenting various perspectives and practical lessons learned It also offers a detailed analysis of the use of the UNIDROIT principles to interpret and supplement domestic contract law Written by experts in the field it provides insights into how the principles are being used and applied in their respective countries The findings are also summarized in a General Report that was presented at the 20th IACL General Congress in Fukuoka Japan

Commentaries on European Contract Laws Nils Jansen, Reinhard Zimmermann, 2018-07-12 The book provides rule by rule commentaries on European contract law general contract law consumer contract law the law of sale and related services dealing with its modern manifestations as well as its historical and comparative foundations After the collapse of the European Commission's plans to codify European contract law it is timely to reflect on what has been achieved over the past three to four decades and for an assessment of the current situation In particular the production of a bewildering number of reference texts has contributed to a complex picture of European contract laws rather than a European contract law The present book adopts a broad perspective and an integrative approach All relevant reference texts from the CISG to the Draft Common European Sales Law are critically examined and compared with each other As far as the *acquis commun* ie the traditional private law as laid down in the national codifications is concerned the Principles of European Contract Law have been chosen as a point of departure The rules contained in that document have however been complemented with some chapters sections and individual provisions drawn from other sources primarily in order to account for the quickly growing *acquis communautaire* in the field of consumer contract law In addition the book ties the discussion concerning the reference texts back to the pertinent historical and comparative background and it thus investigates whether and to what extent these texts can be taken to be genuinely European in nature ie to constitute a manifestation of a common core of European contract law Where this is not the case the question is asked whether and for what reasons they should be seen as points of departure for the further development of European contract law

Urheberrecht und Lauterkeitsrecht Timmy Pielmeier, 2023-05-03 Kollisionen von Regeln innerhalb der Rechtsunordnung sind nicht selten Es bedarf einer einzelfallgerechten systematisch teleologischen Interpretation um Wertungseinheitlichkeit zu gewährleisten und so das Postulat der einheitlichen und folgerichtigen Rechtsordnung zu verwirklichen Timmy Pielmeier nähert sich dem Schnittbereich von Urheber und Lauterkeitsrecht zunächst aus methodologischer Perspektive und skizziert ein universelles Handwerkszeug zur Auflösung von Norm und Normkomplekkollisionen Unter Beschreibung der Zwecke beider

Regelungskomplexe im Binnenmarkt wird deren Verhältnis mit Blick auf die einzelnen Unlauterkeitstatbestände in einem zweiten Schritt abstrakt bestimmt um schliesslich acht konkrete Fallgruppen im Licht der entwickelten Methode zu untersuchen Die Arbeit wurde mit dem GRUR Dissertationspreis 2022 in der Kategorie Marken Wettbewerbs und Designrecht ausgezeichnet

The Internal Market and the Future of European Integration Fabian Amttenbrink, Gareth Davies, Dimitry Kochenov, Justin Lindeboom, 2019-04-18 A definitive reassessment of the constitutional economic institutional and judicial dimensions of the EU internal market including Brexit

European Private Law After the Common Frame of Reference Hans W. Micklitz, Fabrizio Cafaggi, 2010-01-01 The book is a must read for anybody interested in the future development of European private law

European Private Law News This volume contains a valuable collection of essays by a group of reputable academics each dealing with a particular aspect of the development of a substantive law of contract at European level The contributors have a variety of interests and perspectives The topic is clearly of great current interest throughout the European Union and beyond

Peter Stone University of Essex UK *European Private Law after the Common Frame of Reference* brings together several interesting contributions from a distinguished group of scholars and sheds light on the important issue of legal harmonization from an interdisciplinary and comparative perspective

Francesco Parisi University of Minnesota US and University of Bologna Italy The Common Frame of Reference has several potential functions some reconcilable others mutually exclusive Its size its shape its true legal nature and its content all remain contested

Modest or ambitious toolbox or code in waiting Its chameleon character is its strength and simultaneously its weakness and equally the reason why it has attracted such attention

In this book the editors have assembled a veritable who's who in the field and it is a terrific read

Stephen Weatherill University of Oxford UK This book paves the way for and initiates the second generation of research in European private law subsequent to the Draft Common Frame of Reference (DCFR) needed for the 21st century

The book gives a voice to the growing dissatisfaction in academic discourse that the DCFR as it stands in 2009 does not actually represent the condensed available knowledge on the possible future of European private law

The contributions in this book focus on the legitimacy of law making through academics both now and in the future and on the possible conceptual choices which will affect the future of European private law

Drawing on experience gained from the DCFR the authors advocate the competition of ideas and concepts

This fascinating book will be a must read for European lawyers private lawyers in the Member States and academics dealing with conceptual issues of the future of the national and the European private law

Advanced students in both law and international business will also find this book invaluable as will US scholars interested in the US EU comparison of different legal orders

Decoding **System Und Prinzipien Des Europaischen Vertragsrechts**: Revealing the Captivating Potential of Verbal Expression

In a time characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its power to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**System Und Prinzipien Des Europaischen Vertragsrechts**," a mesmerizing literary creation penned by a celebrated wordsmith, readers attempt an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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