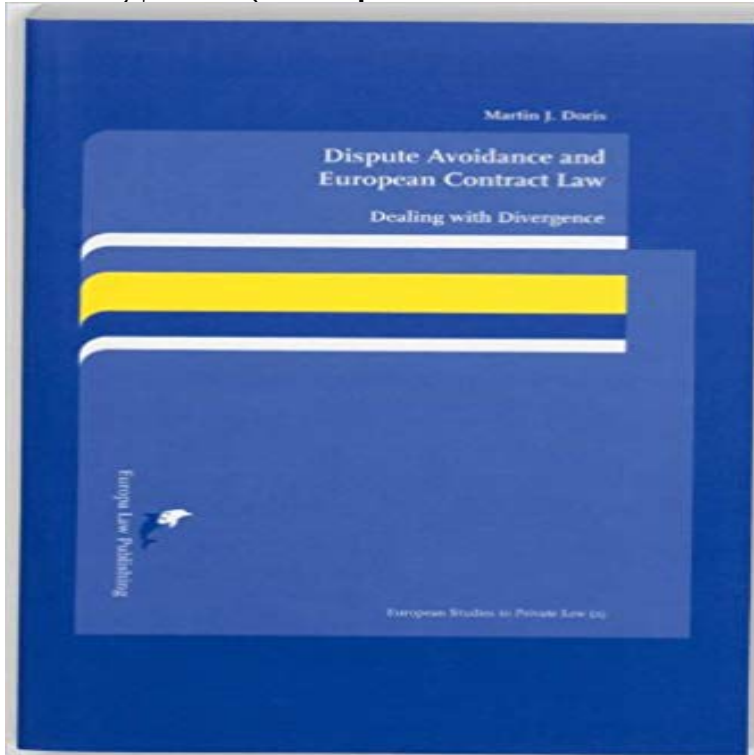


Dispute Avoidance and European Contract Law: Dealing with Divergence (European Studies in Private Law)



Since early 2000, European institutions have politically prioritized the need for greater coherence and uniformity in European private law. Contract law, in particular, has remained center stage. Concerns - that the functioning of the Community's internal market has been hampered by divergence in Member States national contract rules, and that both business and consumers are dissuaded from contracting cross-border - have prompted a series of landmark Communications and an Action Plan. Most recently, there has been full institutional support for the delivery of a decidedly cryptic Common Frame of Reference, comprised of general principles, model rules, and uniform legal terminology. Despite a lack of convincing empirical data in support of the convergence thesis, a diminished business interest has in part allowed the proponents of a comprehensive codification of private law to set the political and academic agenda. Yet this clamor for codification has in many respects overlooked the mechanics of commercial contracting in particular, the importance of contract drafting, and the complex negotiations that lead to deals both domestically and cross border. This book therefore engages with two holy grails of modern contract scholarship - the appropriate design of EC contract rules and judicial treatment of preliminary incomplete bargains. In so doing, the study reveals the weakness of existing soft law initiatives and framework codes in capturing the degree of specificity and complexity in the field. Instead, the case is made for a viable methodology of dispute avoidance aimed at re-conceptualizing and re-orientating the harmonization effort.

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Groningen: Europa Law **Potential economic gains from reforming insolvency law in Europe** The Implementation of EU Environmental Law in Scotland Andrea Ross p.351 +cite Martin J Doris, DISPUTE AVOIDANCE AND EUROPEAN CONTRACT LAW: DEALING WITH DIVERGENCE Groningen: Europa Law Publishing (), European Studies in Private Law vol 2, 2008. xxi + 259 pp. **Dispute Avoidance And European Contract Law Dealing With** Corporate regulation, contract law doctrine, corporate codes of conduct. Equally, the variety of topics that these codes of conduct deal with is impressive: Conduct 18 Indiana Journal of Global Legal Studies, 17-38 M. Herberg, Global Legal and F. Cafaggi, Self-Regulation in European Private Law in A. S. 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