

Society
of European Contract Law
SECOLA
and
Association Henri Capitant des
Amis de la culture juridique
française

The General Clause in European
Contract Law
National Laws, Existing
and Forthcoming European Law



Invitation to a Conference

Paris, 27 and 28 June 2003

Friday, 27th of June 2003

- 9:00 Welcome, Introduction and Chair
Prof. M. Grimaldi, Univ. Paris II, President of the Association Henri Capitant des Amis de la Culture Juridique Française
Prof. S. Grundmann, Univ. Erlangen-Nuremberg, President of the Society of European Contract Law (SECOLA)

I. The General Clause in the National Laws

- 9:15 1. Theory and Practice in French and other Roman Legal Systems
Prof. C. Jauffret-Spinosi, University Paris II
2. Theory and Practice in Germanic, Dutch and the Scandinavian Legal Systems
Prof. P. Schlechtriem, University Freiburg/Breisgau
3. Theory and Practice in Common Law Systems
Prof. S. Whittaker, Oxford University
- 10:45 Coffee
- 11:00 4. Discussion
- 12:00 Lunch
- 13:00 General Assembly of SECOLA and Presentation of SECOLA Database on European Contract Law

II. The General Clause in Existing European Contract Law and its Application by the European Court of Justice

Chair: Prof. C.M. Bianca, Rome University (la Sapienza)

- 14:15 1. Basic Standard: Abuse of Rights, as in Unfair Contract Terms
Prof. J. Mestre, Dean, University Aix - Marseille III
2. Intermediate Standard: Good Faith and Collaboration, as in the Sales Agent Directive
Prof. V. Roppo, University Genova
- 15:15 3. Discussion
- 16:00 Coffee
- 16:15 4. High Standard of Care and Loyalty, as in the Investment Services Directive
Prof. J. Wouters, Catholic University Leuven
- 16:45 5. General Clauses: Shifting Power from Legislation to Judges and from the Central Level to the National Level?
Judge D. Edward, European Court of Justice

- 17:15 6. General Clauses in European Labour Law - Comparative Law and its Reflection in Community Law
Prof. R. Rebhahn, University Vienna
Commentary: Prof. H. Collins, London School of Economics
- 18:00 7. Discussion
- 20:30 Dinner

Saturday, 28th of June 2003

III. The General Clause as an Instrument of European Contract Law Codification?

Chair: G. Carnivet, Premier President of the Cour de cassation

- 9:00 1. An Economic Analysis of the Functioning of General Clauses
Em. Prof. J. Ghestin, University Paris I
2. The Duty to Deal Fairly in Consumer Contracts
Em. Prof. J. Calais-Auloy, University Montpellier
Commentary: Prof. F.W. Grosheide, University Utrecht: The Duty to Deal Fairly in Commercial Contracts
- 10:30 Coffee
- 10:45 3. Discussion
- 11:30 4. General Clauses and Specific Rules in the European Principles of Contract Law
Prof. H. Beale, University Warwick, Law Commission
- 12:00 5. Discussion, Closing Remarks, and Round Table: General Clauses as an Instrument of Codifying Mass Transactions or High Value Contracts?
Participants: Prof. H. Collins (London), Prof. J. Ghestin (Paris), Prof. S. Grundmann (Erlangen), Em. Prof. D. Tallon (Paris), Prof. A. de Vita (Florence)
- 13:30 End of Conference

Conference location:
Cour de cassation,
5, Quai de l'Horloge, Paris

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