

Francesco Galgano Diritto Privato

Diritto privato Principles of European Contract Law and Italian Law Principles of European Contract Law La responsabilità «aggiuntiva» ex art. 2497, 2° comma c.c. Austria, Estonia, Italy, Slovenia Adempimento dell'obbligo di sicurezza e tutela della persona Non-contractual Liability Arising Out of Damage Caused to Another The Italian Legal System The Sphere of Application of the Vienna Sales Convention Developments in Foundation Law in Europe Sul contenuto c.d. «negativo» del testamento tra formula descrittiva e categoria precettiva. Repertorio generale annuale di giurisprudenza Index generalis La nuova lex mercatoria Good Faith in European Contract Law Istituzioni di diritto privato Liability of Corporate Groups: Autonomy and Control in Parent-Subsidiary Relationships in U. S., German and EEC Law: An International and Comparative Perspective Rivista di diritto processuale civile L'università italiana rivista dell'istruzione superiore The Journal of Law and Commerce Francesco Galgano Luisa Antonioli Commission on European Contract Law Lorenzo Benedetti Wolfgang Faber Pasqualino Albi Christian von Bar G. Leroy Certoma Franco Ferrari Chiara Prele Francesco Meglio Robert Montessus de Ballore Fabrizio Marrella Reinhard Zimmermann Francesco Galgano José Engrácia Antunes

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to provide valuable legal service to persons in today's Europe practitioners must be conversant in both national and transnational law at the European level the principles of European contract law (PECL) are an increasingly important element of contract law together with national contract law as contained in civil codes and various national statutes accordingly Kluwer Law International has initiated a series of volumes under the direction of Prof. Hondius of the University of Utrecht comparing PECL with the most important European legal systems this volume on Italian law is the second in the series using a straightforward comparative method the editors' analysis not only reveals a significant area of convergence between the PECL and Italian contract law but also highlights the main differences between the two bodies of rules the reasons for these differences both legal and non-legal such as historical social economic are clearly set forth the book provides complete texts with annotations of the PECL and the corresponding Italian rules the presentation proceeds as follows general provisions scope of application general duties terminology formation of contracts general provisions offer and acceptance liability for negotiations authority of agents general provisions direct and indirect representation validity interpretation contents and effects performance non-performance and remedies in general particular remedies for non-performance right to performance withholding performance termination of the contract price reduction damages and interest the editors' commentary includes extensive reference to case law and legal doctrine at all essential points in this way they provide a comprehensive description of the law in action as well as its evolving trends in addition incisive essays by two leading experts in the field of comparative law Prof. Rodolfo Sacco and Prof. Michael Joachim Bonell analyse the relationship of the PECL and Italian law and its wider framework in the harmonisation of private law at the European and international levels the book is a valuable handbook and guide for both foreign and Italian lawyers for non-Italian lawyers be they practitioners or academics it provides a concise but complete and up-to-date outline of current Italian contract law organized on the basis of a system PECL with which many European lawyers are familiar for Italian lawyers it offers a clearer insight into a wider European legal contract system whose importance in the evolution of a common European private law is growing rapidly principles of European contract law series 2

this volume offers proposed articles followed by comments and information topics include plurality of debtors and creditors assignment substitution of new debtor and transfer of contract set off prescription illegality and conditions and capitalisation of interest

this is the first of a series of national reports on basic issues concerning the acquisition and loss of ownership of movable assets the series is planned to cover 27 European legal systems distributed over six volumes as a product of the research activities of the

working group transfer of movables within the study group on a european civil code starting with general property law issues like the concepts of ownership and possession employed in the respective legal systems and the related means of protection the reports primarily deal with the derivative transfer of ownership but extend to good faith acquisition from a non owner acquisitive prescription processing and commingling and further related issues the reports provide the reader with detailed information about the respective rules case law and legal literature prepared by national property law experts these reports are a starting point for further comparative research in property law and also a tool for practitioners searching for information on foreign legal systems where available and as far as reasonable the reports include translations of the most important statutory provisions either in the text or in an annex all reports include a table of literature and a table of abbreviations which shall facilitate carrying out further research

in european law non contractual liability arising out of damage caused to another is one of the three main non contractual obligations dealt with in the draft of a common frame of reference the law of non contractual liability arising out of damage caused to another in the common law known as tort law or the law of torts but in most other jurisdictions referred to as the law of delict is the area of law which determines whether one who has suffered a damage can on that account demand reparation in money or in kind from another with whom there may be no other legal connection than the causation of damage itself besides determining the scope and extent of responsibility for dangers of one's own or another's creation this field of law serves to protect fundamental rights in the private law domain that is to say horizontally between citizens inter se based on pan european comparative research which annotates the work this book presents model rules on liability explanatory comments and illustrations amplify the policy decisions involved during the drafting process comparative material from over 25 different eu jurisdictions has been taken into account the work therefore is not only a presentation of a future model for european rules to come but also provides a fairly detailed indication of the present legal situation in the member states

as the un convention on contracts for the international sale of goods cisg becomes the law governing contracts among major trading nations the question of applicability is of vital importance in this treatise professor ferrari presents a concise explanation of the background and criteria for the rules dealing with the sphere of application of the vienna sales convention all scholars and practitioners involved in international contracts will appreciate the knowledge presented in this work

this book deals with foundation law in various european countries it sums up contributions from the most outstanding experts in foundation law in fourteen countries these are either civil law or common law and their socio economical situation is

considerably different despite the outstanding differences in each country foundations have been growing in number and importance all over europe in the last decades political economical and social changes occurred in various european countries increased foundations role the need to focus on foundations laws and regulations arose in many states for different reasons the contributions in this book focus in particular on the recent development of foundation law on the evolution foundations have undergone in recent years and on trends in law

negli ultimi tempi la dottrina civilistica ha conosciuto un rinnovato interesse e una notevole sensibilità per il diritto successorio dopo una lunga stagione di stasi favorito dall'impegno a esso dedicato da valenti studiosi anche della nuova generazione tale circostanza ha avuto il pregio di recuperare all'istituto testamentario lo spazio che merita riaffermandone l'idoneità a regolare i rapporti patrimoniali e non dell'ereditando ed evidenziandone la capacità di appagare molteplici istanze molte delle quali prima facie non parrebbe corretto associarle all'atto di ultima volontà tra queste si segnalano le disposizioni di segno negativo ossia quelle con le quali il testatore pone un divieto il presente lavoro si prefigge di indagare la solidità dogmatica dell'espressione contenuta nel divieto del testamento allo scopo di definirne lo statuto disciplinare l'analisi muove dai temi della questione testamentaria per poi incentrarsi sul fondamento sui caratteri delle disposizioni rientranti in tale categoria e sul ruolo dell'interprete che si imbatte in disposizioni di tal fatta

for some western european legal systems the principle of good faith has proved central to the development of their law of contracts while in others it has been marginalized or even rejected this book starts by surveying the use or neglect of good faith in these legal systems and explaining its historical origins the central part of the book takes thirty situations which would in some legal systems attract the application of good faith analyses them according to fifteen national legal systems and assesses the practical significance of both the principle of good faith and its relationship to other contractual and non contractual doctrines and forms of regulation in each situation the book concludes by explaining how european lawyers whether from a civil or common law background may need to come to terms with the principle of good faith this was the first completed project of the common core of european private law launched at the university of trento

full title liability of corporate groups autonomy and control in parent subsidiary relationships in us german and eu law an international and comparative perspective corporation law dates from the 19th century when the growth of business enterprise required a division between the private and the company sphere making the company a legal person with its own rights responsibilities and liabilities the company was no longer

the legal equivalent of its owner but became a separate legal entity providing a form of legal protection for the owners employees and the customers the introduction of company law meant a great step forward for those engaged in big business in europe the u s and elsewhere

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