

1. Record Nr.	UNINA9910455353403321
Titolo	Reforming the French law of obligations : comparative reflections on the Avant-projet de reforme du droit des obligations et de la prescription the Avant-projet Catala / edited by John Cartwright, Stefan Vogenauer, and Simon Whittaker
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2009
ISBN	1-4725-6043-4 1-282-30491-7 9786612304910 1-84731-502-X
Edizione	[1st ed.]
Descrizione fisica	1 online resource (950 p.)
Collana	Studies of the Oxford Institute of European and Comparative Law ; v. 9
Disciplina	346.4402
Soggetti	Obligations (Law) - France Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index
Nota di contenuto	Part I -- Introducing the Avant-projet de reforme -- Part II -- Assessing the Avant-projet de reforme -- A. Negotiation and Renegotiation -- B. A Future for la cause? -- C. Enforcement of Contractual Obligations -- D. Termination for Non-performance and its Consequences -- E. The Effects of Contracts on Third Parties -- F. The Definition of la faute -- G. Damages, Loss and the Quantification of Damages -- H. Reforming the French Law of Prescription -- I. The Perspective of the Judiciary -- J. Summaries of the Discussions and Emerging Themes -- Part III -- Translating the Avant-projet de reforme
Sommario/riassunto	The 2005 Avant-projet de reforme du droit des obligations et de la prescription, also dubbed the Avant-projet Catala, suggests the most far-reaching reform of the French Civil code since it came into force in 1804. It reviews central aspects of contract law, the law of delict and the law of unjustified enrichment. There is currently a very lively debate in France as to the merits or the demerits of both the particular draft provisions and the general idea of recodification as such. This volume is the first publication to introduce the reform proposals to an English

speaking audience. It contains the official English translation of the text, and distinguished private lawyers from both England and France analyse and assess particularly interesting aspects of the substantive draft provisions in a comparative perspective. Topics covered include negotiation and renegotiation of contracts, la cause, the enforcement of contractual obligations, termination of contract and its consequences, the effects of contracts on third parties, the definition of la faute, the quantification of damages, and the law of prescription. The volume also contains an overall assessment of the draft provisions by one of the most senior French judges who chaired the Working Party on the Avant-projet, established by the French Supreme Court, the Cour de cassation. The book is indispensable for comparative private lawyers and lawyers with a particular interest in French law. It is also of use to all private lawyers (both academics and practitioners) looking for information on recent international and European trends in contract and tort
