

1. Record Nr.	UNINA9910814513103321
Autore	Sikorska Karolina
Titolo	The presumption of non-conformity in European consumer sales law / / Karolina Maria Sikorska
Pubbl/distr/stampa	The Hague : , : Eleven International Publishing, , [2015] ©2015
ISBN	94-6274-270-7
Descrizione fisica	1 online resource (400 p.)
Disciplina	349.497
Soggetti	Sales - European Union countries Law - European Union countries - International unification Consumer protection - Law and legislation - European Union countries Europe Europäische Union
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	Cover; Table of Contents; Abbreviations; 1 Introduction; 1.1 Research questions; 1.2 Approach; 2 Burden of proof; 2.1 Introduction; 2.1.1 Burden of proof - European perspective; 2.1.2 Functions of the burden of proof in the civil proceedings; 2.2 Burden of proof in Polish law; 2.2.1 Introduction; 2.2.2 Definitions; 2.2.2.1 Material aspect; 2.2.2.2 Procedural aspect; 2.2.3 Allocation of the burden of proof; 2.2.3.1 General rule of Article 6 of the Civil Code; 2.2.3.2 Presumptions; 2.2.4 Standard of proof; 2.2.5 Conclusions; 2.3 Burden of proof in German law; 2.3.1 Introduction 2.3.2 Definitions2.3.2.1 Objektive Beweislast; 2.3.2.2 Subjektive Beweislast; I Abstract (subjective) burden of proof; II Relative (subjective) burden of proof; 2.3.3 Allocation of the burden of proof; 2.3.3.1 Normentheorie; 2.3.3.2 Presumptions; 2.3.4 Standard of proof; 2.3.5 Conclusions; 2.4 Burden of proof in English and Welsh law; 2.4.1 Introduction; 2.4.2 Definitions; 2.4.2.1 Persuasive burden; 2.4.2.2 Evidential burden; 2.4.3 Allocation of the burden of proof; 2.4.3.1 Allocation of the burden of persuasion; 2.4.3.2 Allocation of the evidential burden; 2.4.3.3 Presumptions

2.4.4 Standard of proof; 2.4.5 Conclusions; 2.5 Burden of proof in Dutch law; 2.5.1 Introduction; 2.5.2 Definitions; 2.5.3 Allocation of the burden of proof; 2.5.3.1 General rule of Article 150 Rv; 2.5.3.2 Presumptions; 2.5.4 Standard of proof; 2.5.5 Conclusions; 2.6 Conclusions; 3 Consumer Sales Directive and its national implementations; 3.1 Introduction; 3.2 Information about the Consumer Sales Directive; 3.2.1 Legislative process; 3.2.2 Objectives; 3.2.3 Implementation methods; 3.3 Consumer sale in Polish law; 3.3.1 General information; 3.3.1.1 Method of implementation; 3.3.1.2 Characterisation of the implementing act; 3.3.1.3 Systematics of sales law; 3.3.2 Legislative changes as a result of the implementation of the Consumer Sales Directive; 3.3.3 Current issues regarding the law of consumer sale; 3.3.3.1 Implementation of the Directive on Consumer Rights; 3.3.3.2 Existence of the case law; 3.3.3.3 ADR; 3.3.3.4 Consequences for consumer protection; 3.3.4 Conclusions; 3.4 Consumer sale in German law; 3.4.1 General information; 3.4.1.1 Method of implementation; 3.4.1.2 Characterisation of the implementing act; 3.4.1.3 Systematics of sales law; 3.4.2 Legislative changes as a result of the implementation of the Consumer Sales Directive; 3.4.3 Current issues regarding the law of consumer sale; 3.4.3.1 Implementation of the Directive on Consumer Rights; 3.4.3.2 Interpretation of German provisions on consumer sales in conformity with the Directive; 3.4.3.3 ADR; 3.4.4 Conclusions; 3.5 Consumer sale in English and Welsh law; 3.5.1 General information; 3.5.1.1 Method of implementation; 3.5.1.2 Characterisation of the implementing act; 3.5.1.3 Systematics of sales law; 3.5.2 Legislative changes as a result of the implementation of the Consumer Sales Directive

Sommario/riassunto

This book analyzes the allocation of the burden of proof in European consumer sale cases, in particular the application of the presumption of non-conformity designed to simplify the consumer's duty to supply evidence. It provides detailed information on the notion of non-conformity as found in the Consumer Sales Directive and implemented in Poland, Germany, England/Wales, and the Netherlands, and it presents a comprehensive analysis of the presumption of non-conformity. The book clarifies whether the presumption of non-conformity constitutes an appropriate tool for simplifying the burden of proof.
