

Le Contrat en Europe: Aujourd'hui et Demain – Luxembourg 22 June 2007

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Inhabitants of the Grand Duchy of Luxembourg who wish to pursue a career in the law until recently had to go abroad to get their degree. With the foundation of the Faculty of Law, Economics and Finance of the University of Luxembourg, this has changed. The Luxembourgish now have their own law faculty. The Faculty is small, but the presence of the European Courts adds lustre to it. Several justices of the European Court of Justice were among the 90 participants in the one-day symposium on the Reform of Contract Law, which the Faculty's Dean André Prüm had organised – with the Association Henri Capitant – on 22 June 2007, the eve of Luxembourg's Independence Day. The opening speech was given by Camille Jauffret-Spinosi (Paris 2), who analysed the development of various key subjects – such as the liability for failed negotiations, the obligation to inform, *imprévision* and the absence of a fixed price – in Europe's three key legal systems, those of England and Wales, France and Germany. Then the reform of three domestic legal systems was dealt with. First the reform of Dutch Contract Law in 1992 was considered by your Co-Editor-in-Chief, then the more recent 2002 German *Schuldrechtsreform* was analysed by Peter Huber (Mainz) and finally the possibility of a future reform of French Contract Law was dealt with by Rémy Cabrillac (Montpellier), member of the Catala-team which is preparing the reform.

In the afternoon session, Bruno Deffains (Nancy) first considered the need for harmonisation from a Law & Economics perspective. Law & Economics experts often frown upon harmonisation, because the development of law in their eyes is better served by allowing citizens a choice between various possibilities. Deffains does not belong to this group: his analysis ended with the conclusion that harmonisation has economic advantages and disadvantages and that neither of these prevail. The symposium profited from the active participation of two giants of harmonisation of European private law, Giuseppe Gandolfi (Pavia) and Ole Lando (Copenhagen). Gandolfi gave an overview of the proposals of his European Academy of *Privatistes*. Ole Lando had been invited to deliver the closing speech. He acknowledged that the Gandolfi Code has its own value and then criticised the various national traditions which have been presented earlier. A positive analysis of his Principles of European Contract Law was presented by Denis Mazeaud (Paris 2 and Secretary-General of the Association Henri Capitant).

Before the closing speech, Hans Schulte-Nölke (Bielefeld), who is one of the key figures in the *Acquis group* and also the Secretary-General of the European consortium of researchers who are preparing a study for the Common Frame of Reference, presented some of the core questions posed by this project. Verica Trstenjak, the Slovenian Advocate General at the European Court of Justice, gave a presentation

of the application of Contract Law in the practice of her Court. Cases such as *Simone Leitner*, *easy car* and *Freiburger Kommunalbauten* demonstrate that Contract Law has a small but increasing place in the Court's case load.

Publication of the Symposium's proceedings is envisaged. The publication may include the paper on the role of fundamental rights in the construction of a European Contract Law, which due to air traffic problems Anne Pélissier unfortunately was prevented to give.