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Editorial

Twenty-Five Years, Nearly as Many Perspectives on Private Law

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Our journal has meanwhile completed its 25 years, which is a good occasion to reflect on its role. When the Journal was founded in 1993, the editors stressed the importance for cross border research first of all in view of the 'coming of age of the Single Market'. A lot has happened since then, certainly also in relation to European private law. To some extent, I commented on these developments six years ago, in the Editorial of the first issue of volume 20: 'There is nothing like European private law 20 years later'. I concluded that after 20 more years of harmonization, things had become more complex and not simpler. Quite clearly, this is still the case today. In this issue, this is well illustrated in the field of patent law in the article of Léon Dijkman and Cato van Paddenburgh on 'The Unified Patent Court as part of a new European patent landscape'. It is also illustrated in the article by Thomas Verheyen on the Sanofi-decision concerning the Product Liability Directive – one of the rare pieces of EU private law that existed already in 1992. Although the European (and even national) case law on that Directive is rare, the article analyses how even full harmonization turns out to be a very complex notion. It is our intention to continue tackling these questions of harmonization of private law, but mostly on a concrete level, in relation to specific problems of private law. As can be seen from our recent issues, these are studied from many different perspectives. More classical private law and EU law approaches have been supplemented in the course of the past 25 years by law and economics and increasingly also behavioural approaches to law. Our journal continues to offer a forum for authors of all ages contributing inspiring articles in these fields and perspectives.

This issue has more examples of things that did not really get attention 25 years ago. Debating personality rights in China, e.g. as in the comparative article by Chen Lei. It is always fascinating to see to what extent European models are transplanted in other countries – or rejected – and how they function after transplantation and/or adaptation. Apart from legislative transplants, we witness every day the transplantation of contract clauses, and we are glad to publish comparative studies on how such clauses are received in different legal orders. In this issue, Sylvie Cavaleri thus discusses so-called knock-for-knock clauses, by which parties to offshore oil and gas or maritime contracts agree that each of them will cover its own losses regardless of who caused them. In 1992, the debate on the *lex mercatoria* was alive, but 25 years later, there is much more attention for the degree of

autonomy of concrete systems of private lawmaking such as transnational supply chains, offshore industries, etc. Some industries try to resist localization and prefer to stay in the air as a kind of legal vacuum, but are nevertheless sometimes put back on earth in a home base to protect their employees, as the decision in the case against Crewlink and Ryanair, annotated by Michiel Poesen, can show.

These articles are further supplemented by book reviews, among them a review of the impressive collective work on 'Contract Governance. Dimensions in Law & Interdisciplinary Research' opening up even more perspectives for further research in contract law. We are confident that some of it will find its way into our Journal in the next years!

Matthias E. Storme
Co-editor in chief