

Subject Index

A

Abridged registration procedure, 36

Air passenger rights regulation

extraordinary circumstances excep-
tion, 1096

ECJ indicative case law on extraor-
dinary circumstances, 1098–
1102

judicial interpretation, 1105–1107

national enforcement bodies,
1102–1105

overview, 1094–1096

provisions and guidance material,
1096–1098

regulation, deficiencies of, 1109–
1110

weather conditions and delays, 1107–
1109

American Law Institute (ALI), 79, 112

Anti-suit injunctions

common law, 588–589

EU-27 courts

human rights, 621–623

re-emergence of remedy, 623–624

EU law, 597

Brussels regime, 598–600

CJEU's deliberations, 607–609

effet utile argument, 602–604

Recast Regulation, 609–613

Turner, 598–600, 604–606

West Tankers, 606–607, 613–
615

overview, 586–588

post-brexite, 615–618

remedy's long history

case law, 593–597

modern, 592–593

non-obligation-based cases, 594–
596

obligation-based cases, 596–597

way for centuries, 590–591

United Kingdom and EU, 615–618,
621–623

European Court of Human Rights'
(ECtHR), 621–623

mutual trust to comity, 619–620

Apology laws, 1282

Assessing admissibility of national pre-
scription norm

commencement of limitation period

knowledge-sensitivity, 1126–1130

non-mature claim, 1131–1132

overview, 1125–1126

contextual background to case, 1139–
1140

effectiveness, principle of, 1115,
1117–1122

equivalence, principle of, 1115

interrupt limitation period, 1132–
1135

length of limitation period, 1124–
1125

liberative prescription, 1114–1117

national procedural autonomy, prin-
ciple of, 1115

overview, elements of, 1122–1124

requirement of adequate judicial pro-
tection, 1116

retroactive application of prescription
rules, 1137–1139

unambiguous formulation of rules,
1135–1137

Association of co-owners, 426

Austrian succession law

comparative perspective, 161–162

on formalities, 159–160

goals of reform, 151–152

interpretation of wills, 160–161

on intestate succession

for care services, 158

surviving cohabitants, 156–157

surviving spouse, position of, 154–
155

linguistic and terminological adapta-
tions, 152–153

reform, 149–151

- reserved shares, 162-168
 - deferment of payment, 166-167
 - entitlement to, 163-164
 - fulfilment, 165-166
 - terminological changes, 162-163
 - transfers, 167-168
- rules on disinheritance, 168-171
- unworthiness to inherit, 168-171
 - ratio and basic structure, 168
 - rules of, 168-171
- vulnerable adults, 160
- wills, 159-162
- Average consumer
 - empirical analysis, 308
 - function in UCPD adjudication, 308-309
 - institutional mandate, 309
 - self-referential, 308
 - operationalizing UCPD in case law, 299-300
 - overview, 301-303
 - selection of cases, 300-301
 - in secondary legislation and CJEU's jurisprudence
 - Food Information to Consumers (FIR), 297-298
 - Nutritional and Health Claims (NHCR), 297
 - test in UCPD, court's use
 - characterization, 304-306
 - conceptualization, 303
 - institutional dimension, 306-307
 - process, 303
 - on Unfair Commercial Practices Directive (UCPD), 296
 - benchmark, 295, 296
 - interpretation of, 294-295
 - overview, 294-297
 - in secondary legislation and CJEU's jurisprudence, 297-299
- B
- Belgian Apartment Law
 - latest reform, 427
 - objective, 427-428
 - principles of, 426-427
- Big data, 224
- Biodiversity stewardship contracts, 204
- British Institute of International and Comparative Law (BIICL), 631
- Business-to-business (B2B) contracts, 77
- Button solution, 1088
- C
- Central and Eastern Europe (CEE), 174-175
- Chain leader, 341
- Choice of contract law
 - Brexit, effects of
 - arbitral proceedings, 659
 - common law system, 659
 - enforceability of judgments, 659-660
 - English language, 658
 - longer term/indirect effects, 660-661
 - network and lock-in effect, 661
 - neutrality, 658
 - quality of judges, 659
 - speed and cost of proceedings, 659
 - substantive law, 657-658
 - Brussels I Regulation recast (BIR), 628
 - and choice of forum, 645-646
 - English Forum, 632
 - analysed surveys and empirical data, 633-635
 - prevailing choice of, 636-637
 - English Substantive Law, 632
 - analysed surveys and empirical data, 633-635
 - prevailing choice of, 635-636
 - factors influencing businesses', 637
 - arbitration friendliness, 639
 - common law/civil law, 639-640
 - diversity, 637-644
 - English language, 640-641
 - familiarity, 638-639
 - financial, insurance and re-insurance sector, 643-644
 - forum, 643

- home jurisdiction, favour of, 644–645
- large financial, 643–644
- legal system, stability of, 642
- legal tradition, 639–640
- mechanisms for, 644–648
- multilingualism, 640–641
- network and lock-in effects, 647–648
- neutrality of law, 641–642
- predictability of outcome, 642
- substantive law, 638
- jurisdiction and enforcement, 629–630
- overview, 628–632
- state court proceeding, 633
- Choice of forum
 - Brexit, effects of
 - arbitral proceedings, 659
 - common law system, 659
 - enforceability of judgments, 659–660
 - English language, 658
 - longer term/indirect effects, 660–661
 - network and lock-in effect, 661
 - neutrality, 658
 - quality of judges, 659
 - speed and cost of proceedings, 659
 - substantive law, 657–658
 - and choice of law, 656
 - factors influencing businesses’
 - common law/civil law, 656
 - costs, 652–653
 - diversity, 648
 - efficiency and speed of dispute resolution, 653
 - enforceability of judgments/awards, 648–650
 - English language, 653–654
 - familiarity of, 653
 - home court, 655–656
 - mechanisms for, 655
 - multilingualism, 653–654
 - neutrality, 654
 - predictability of outcome, 654–655
 - quality and experience of judges, 650–652
 - scope of disclosure and protection of confidential information, 655
 - substantive law, 655
 - network and lock-in effects, 657
 - ‘Choice-of-law principles’, 119
- Climate change and judicial action
 - actors of Utopian law
 - executive power, 890–891
 - judiciary, 891–893
 - legal doctrine, 893–894
 - legislator, 888–890
 - climate litigation, 904–906
 - judging for Utopia and critics, 901–904
 - judicial review, 904–906
 - law and Utopia, 886–888
 - and Utopian judges, 894–900
 - Utopian judging, 904–906
- Climate litigation and Utopian judges, 894–900
- Collateral source rule, 672
- Commercial agent
 - extra-eu commercial agent, 535
 - third state overriding mandatory rules, 535–538
 - extra-EU principal, 532–533
 - Single Market case, 531–532
 - UNAMAR, 533–535
- Commission for the Protection of Consumers (CPC), 183
- Commission proposal
 - Article 4, 41–42
 - bank accounts, 44–45
 - credit claims, 46–47
 - law of assigned claim, 43–44
 - law of assignor’s residence, 42–43
 - securitization, 45–46
 - worked example, 47
- Commission proposals (COM-Prop), 222
- Common European Sales Law (CESL), 77, 468, 491
- Comparative analysis of modifications, apartment co-ownership

- Belgian Apartment Law, 426-428
 - latest reform, 427
 - objective, 427-428
 - principles of, 426-427
- Law of 18 June 2018
 - accessible information, 434-435
 - collecting charges, 437
 - co-proprietors' rights, 438-441
 - critique, 431
 - derogation from law, 443
 - developers' rights, 432
 - dismantling and rebuilding, 430-431
 - downsizing the by-laws, 434-435
 - efficiency within co-owners' associations, 433-434
 - financial management, 435-438
 - flexibility, 428
 - informal subsidiary co-owners' associations, 445
 - legal charge, 437-438
 - legislation clarification, 441-445
 - mediation, 445
 - provisional administrator, 432-433
 - reserve fund, 435-436
 - scope of law, 442-443
 - subsidiary co-owners' associations, 443-445
 - uniform *vs.* diversified legal regime, 429
 - voting majorities, 429-430
- Compensatio Lucri Cum Damno (CLCD)
 - concluding remarks, 695-697
 - doctrine of, 687-690
- in English law, 703
 - benefits from private sources, 704-708
 - benefits from social security schemes, 708-711
 - private sources and social security schemes, 703-704
- equalisation of benefits, 666
- four judgments of Sezioni Unite of Italian Court of cassation, 690-692
 - outcomes of, 693-694
 - future perspectives, 711-712
- Italian background, four decisions, 701-703
- Italian solutions in European Context, 697-699
- in Portugal, 749-755
- rule by Spanish case law, 741-743
 - expanded version of CLCD Rule, 745-748
 - extreme version of CLCD Rule, 748
 - legal nature and scope of, 741-743
 - meaning and consequences of, 743
 - strict version of CLCD rule, 743-745
- for Sezioni Unite, 692-693
- in Tort Law
 - overview, 701
- Conflict rules for assignment, 29-30
- Consumer Rights Directive
 - application of, 64-67
 - delivery of goods, 66-67
 - distance sales/services contracts, 61-63
 - exceptions in Article 16, 69-71
 - requirements for distance contracts, 65-66
 - sales contract, 61
 - scope of, 59-60
- Consumer Rights Directive (CRD), 58-59, 221
- Consumer Sales Directive (CSD), 220-221, 491
- Contract law
 - European, 802-804
 - national, 801-802
- Contracts for the International Sale of Goods (CISG), 490
- Corpus Iuris Civilis (CIC), 91
- Crowdfunding, 51, 52-53
 - debt/lending-based, 54
 - donation-based, 53-54
 - equity-based, 55
 - reward-based, 56-57
 - types of, 53-55

Crowdfunding. *See* Equity-based crowdfunding
Crowdlending. *See* Lending-based crowdfunding
Crown jewels defense, 1003

D

Danish Law, section 36 Contracts Act
 additional considerations, 562
 aggressive business practices, 567–568
 calculated risk, 563–565
 default rules, contract content, 572
 harassment and abuse of rights, 568–570
 lack of gain, 563–565
 legal policy considerations, 574–575
 modification of, 565
 proportionality, 571–572
 subsequent circumstances, 572–574
 unconscionable business practices, 566–567
 undue pressure, 570–571
 unreasonable terms, 570–571
 application of, 558
 element in, 558
 overview, 556–562
 principle, 556–562
Data protection law
 European, 804–809
 national, 804
Debt crowdfunding, 54
Digital Content Directive (DCD), 253
 evaluation of, 271–273
Digital contracts Directives
 conformity
 general approach, 236
 incorrect integration and installation, 240
 objective, 238–240
 subjective, 237
 third party rights, 241–242
 updates, 240–241
 consumer remedies, 246–247

Consumer Sales Directive (CSD), 220–221
 contents of, 223
 contractual parties, 231–233
 delimitations of scope, 233–234
 in relationship to national law, 234–235
 exercise of remedies
 burden of proof, 248–249
 legal guarantee periods, 247–248
 modalities of, 249
 harmonization of sales law, 220–222
 remedies for lack of conformity, 242–246
Sale of Goods Directive (SGD), 220
 scope
 contractual parties, 231
 digital content and goods, 228–229
 digital content on tangible medium, 231
 goods with digital elements, 229–231
 substantive, 223–231
 transition to digital economy, 222–223
Digital economy, transition to, 222–223
 digital content
 and services, 228–229
 on tangible medium, 231–235
 goods with digital elements, 229–230
Digitalization
 developments, 799
 European contract law, 802–804
 European data protection law, 804–809
 European Tort law, 810–913
 importance of, 796–798
 national contract law, 801–802
 national data protection law, 804
 national Tort law, 809–810
 new legal obligations, 814–815
 overview, 796–798
Digital Single Market (DSM), 252, 1144
Directives on sale of goods and supply of digital content
 conformity rules

- consumer remedies, 265-271
 - liability of seller, 262-265
 - requirements for, 259-262
 - evaluation of, 271-273
 - overview, 252-253
 - in scope of application, 254-259
 - Distance Selling Directive, 491
 - Doctrine of loss of chance, 378-380
 - applications of, 384-385
 - basic principles
 - chances of value, 398-399
 - chances, risks and uncertainties, 396-398
 - limitation, 402-404
 - in theory, 399-402
 - Belgium, 381-382
 - England and Wales, 383-384
 - France, 380-381
 - The Netherlands, 382-383
 - problem with, 395
 - scope of, 384-390
 - delay in diagnosis, 388-389
 - denied access to gainful events, 386-387
 - deprived/diminished career chances, 393-394
 - failures to file claims/appeals, 384-385
 - medical negligence, 387-390
 - medical risks, lack of information, 389-390
 - multiple potential factors, 390-391
 - negligent financial advice, 391-393
 - provision of information, negligence, 391-393
 - Doorstep Selling Directive (1985), 491
 - Draft Common Frame of Reference (DCFR), 77, 491, 675
 - Due diligence and environmental damages under Rome II
 - choice of law, 1236-1237
 - Environmental Liability Directive, 1232-1233
 - general rule, 1237-1238
 - industrial plants, 1232
 - Lliuya v. RWE AG, 1239-1240
 - ordre public, 1245
 - Royal Dutch Shell, 1240-1241
 - rules of safety and conduct, 1242
 - applicability, 1242-1243
 - mandatory rules, 1244-1245
 - 'place of the event giving rise to the damage,' 1243-1244
 - scope of Rome II, 1235-1236
 - violations of, 1240-1241
- E
- Equalisation of benefits. *See* Compensatio Lucri Cum Damno (CLCD)
 - Equity-based crowdfunding, 55
 - Ethics guidelines, 1202
 - Euro Interbank Offered Rate (EURIBOR), 184
 - European Banking Authority (EBA), 86
 - European business law
 - codification, 91-92
 - legal obstacles, 93-96
 - political infeasibility, 96-98
 - principle of conferral, 95-96
 - principle of subsidiarity, 96
 - regulatory, 94-95
 - content and structure, 101-103
 - existing rules, 85-92
 - harmonization agenda
 - efforts, 77-78
 - evidence, 78-80
 - incomplete market law, 80-83
 - monetary union, 76-77
 - uniform law, 83-85
 - institutional reform, 105-106
 - law-making initiative, 86-87
 - legal form, 99-101
 - REFIT, 89-90
 - regulation, 87-88
 - style, 103-105
 - territorial scope, 99-101
 - European Central Bank (ECB), 46-47, 76
 - European Court of Justice (ECJ), 61
 - European fundamental rights, 936-939

- Europeanization of European private law, 277-279
 - European Law Institute (ELI), 285
 - European Parliament (EP), 222
 - European Private Law (EPL)
 - Court of Justice of the European Union, 279
 - Europeanization process, 277-278
 - cooperation, 287
 - harmonization/approximation/coordination, 287-288
 - tools and characteristics, 285-287
 - unification, 289
 - uniformization/standardization, 288
 - governance of, 276-277
 - traditional v. the innovative modes of, 279-285
 - mixed legal system, 289-291
 - Open Method of Cooperation (OMC), 279-280
 - vs.* traditional soft-law, 283
 - overview, 276
 - transformation of, 289-291
 - European Securities Markets Authority (ESMA), 86
 - Exception-based private law, 341
 - Extra-EU principal, 532-533
- F
- Foreign currency mortgages
 - Bulgaria
 - class action in diverse outcomes, 183-185
 - individual claims, 185-186
 - conversion, 198-199
 - Court of Justice of the European Union, 180-181
 - Croatia, 186
 - Franak litigation, 189-192
 - retroactive loan conversion, 187-189
 - information duties, 197-198
 - legal questions
 - consumer law perspective, 180-181
 - contract law perspective, 176-180
 - financial regulation perspective, 181-182
 - Serbia, 193
 - circumstances and duties, 193-195
 - court intervention, 195-196
 - Franak litigation, 189
 - 'Freemium' business models, 226
 - Fundamental rights, 936-939
 - European models of application
 - non-continental European democracies, 949-950
 - old continental European democracies, 945-948
 - preliminary remarks, 941-942
 - young continental European democracies, 942-944
 - legal families in comparative law, 939-941
- G
- General Data Protection Regulation (GDPR), 226-227
 - German substantive labour law, mandatory rules of third states, 519-520
 - Golden shares, 998
 - Governance of European private law, 276-279
 - traditional v. the innovative modes of, 279-285
- H
- Hostile takeovers in Poland
 - effective defenses and shark repellents, 991-997
 - overview, 990-991
 - personal rights' of individual stockholders, 998-999
 - post-offer defenses, 999-1000
 - board-controlled defenses, 1006-1007
 - crown jewels defense, 1003
 - dividend payments, increase in, 1002-1003
 - equity restructuring, 1000-1002
 - pac-man defense, 1003-1004

- polish corporations, defensive capability of, 1005-1007
- staggered board, 1005-1006
- white (grey) knight, 1004-1005
- preference shares, 997-998
- voting rights, limitations of, 999
- Human dignity on private contract law
 - access to forms, 1196-1197
 - assisted dying, 1203
 - balancing the interests involved, 1204-1205
 - Belgian solution, 1205-1206
 - body and dignity, 1197
 - consensual violations of dignity, 1202-1203
 - human rights sources, 1200-1201
 - legal subjectivity, 1198-1199
 - natural person to constitutional law, 1199
 - Ole Lando memorial lecture, 1195-1196
 - ownership *vs.* exercise of rights, 1201
 - participation in private legal relations, 1198
 - persons, 1196
 - practical concordance, 1205
 - reference points of private rights, 1204
 - sex, 1197-1198
 - slavery, 1201-1202
 - statement of facts, 1203-1204
 - terminology, 1199
- I
 - Incomplete Market Law, 80-83
 - Indemnity principle, 695
 - Informed consent requirements, 111
 - Institutional reform, 105-106
 - International Monetary Fund (IMF), 76
 - Internet exceptionalism, 810-811
 - Italian class action reform, consumer law
 - collective actions, 842-843
 - EU mechanism, 843-844
 - harmonization *vs.* regulatory competition, 843-844
 - Italian context, collective actions in, 844-847
 - 'homogeneity' requirement, 847-849
 - protected interests, 849-851
 - standing to start, 851
 - procedural aspects, 852
 - adhesion procedure, 858-859
 - admissibility of claim, 853-856
 - merits and definition of, 856-858
 - transaction of collective claim, 860-861
 - Italian Court of Cassation on CLDC, 683-685
 - Italian law, equalisation of benefits
 - before 2018, 670-673
 - after 2018
 - arguments in support of decisions of Highest Courts, 674-676
 - benefits, purpose of, 678-679
 - criteria, 674
 - legal provision of subrogation, 674-675
 - solutions of Highest Courts, 676-678
 - overview, 666-670
- J
 - Judges in Utopia, 954-956
 - Judicial activism in unfair terms law
 - CJEU's principles, 922-924
 - and consequences, 910-918
 - market function of Directive 93/13/EEC, 918-920
 - member state courts and CJEU, 918
 - private law, Directive 93/13/EEC, 920-921
 - proposals for new research agenda, 924-930
 - Judicial entrepreneurs, 873
 - Judicial governance, 933-936
 - Judicial law-making
 - civil courts, 958-960
 - as European courts, 965-967
 - codification, 956-958
 - constitutionalization, 956-958, 972

hybridization, 960-965, 972
judging towards Utopia, 972
reimagining Europe, 970-972
Jumpstart Our Business Startups (JOBS)
Act, 55

K

Knockout argument, 32

L

Lando Method

acceptability attention, 507
balancing values, 500
age of diversity, 500-501
cultural differences, 500
and principles in rules, 500
comparative law, 502-
504
follow-up, 508
imperfect code, 497-498
instrument and style
format, 501
generality level, 502
language, 501-502
structure, 501
people, 498-499
practical usages, 502
style of rules, 506-507
traditional divergences, 504-
506

La question prioritaire de
constitutionnalité (QPC), 945

Law of assigned claim, 43-44

Law of assignor's residence, 42-43

Lead company, 341

Lending-based crowdfunding, 54

'Limited choice of law', 142

London Court of International
Arbitration (LCIA), 634

Lucri Cum Damno in annotated cases
carer's allowance, 736-738
damage insurance indemnity, 736-
738
permanent disability income, 736-
738
survivor's pension, 734-735

M

Matrimonial Property Regimes

Regulation, 127-141

absence of choice of law agreement,
130-132

formal validity of choice of law
agreement, 132-134

law chosen by parties, 127-130

lois de police and the lex fori public
policy exception, 134-136

Medical liability conflicts

ADR mechanisms in healthcare

conflicts

availability of, 1287-1288

benefits of, 1288-1292

resistance to adopting, 1292-1293

litigation, 1274-1275

model of dispute resolution, 1275-
1276

civil proceedings, length of, 1281

communication and concealment
of errors, 1283-1284

cost of litigation, 1281

deterrence and failure to promote
safe practices, 1284-1285

disruption of doctor-patient rela-
tionship, 1282-1283

legal assessments, uniformity,
1280

randomness of outcomes, 1277-
1280

technicalities of medicine, court
preparedness, 1276-1277

Tort law, 1286-1287

Modernization of European Consumer Law

dynamic pricing, 413-414

individual enforcement, 409-412

information duties for online market-
places, 414-416

online choice architecture, 413-414

online market places, 416-418

overview, 408-409

public enforcement, 412

trader's position, simplification of,
419

withdrawal, right of, 420-421
'Most significant relationship analysis',
117

N

Natural/organic results, 325, 329

Navigation Maritime Bulgare (NMB),
533

'New Deal' for Consumers, protection
rules

business-to-consumer commercial
practices, 323-327

Directive on consumer rights, 327-
331

dual-quality products, 326

innovations, 325

Modernization Directive, 321, 324,
330

overview, 312-313

sanctions, attention to, 313-323

Consumer Protection Cooperation
(CPC) Regulation, 321

economic entity of, 321

effectiveness of, 315-319

Modernization Directive, 313-314

principle of dissuasiveness, 321-
322

problems concerning, 320-321

proportionality, 314, 315

Nordic Commercial Contract Law,
modification, 577-583

liability limitation, 583

Nytt Juridiskt Arkiv (NJA) case, 577

Supreme Court cases, 577-578

Unreasonable Contract Terms Act,
578

Nordic Contract Law, 541-542

Norwegian Application of Contracts Act
Section 36

background and preparatory works
consumer protection in standard
contracts, 544

preparatory works, 544-545

Norwegian Supreme Court case law
adequate information, lack of,
549-550

categories, 545-546

change of circumstances, 546-548

fraudulent contract parties, 550-
551

invalidity, traditional reasons for,
548-549

misleading information, 549-550

unreasonable contract terms, 551-
552

overview, 543-544

Notification in law of property, 33-34

O

'Off-premises' contracts, 474

Ole Lando and Choice of Law for
Contracts

doctoral dissertation, 524-525

in absence of agreed choice, 526-
527

strict rules to party autonomy,
525-526

visionary scholar, 523-524

Ole Lando and European Private
International Law, 510

ECJ Case Republic of Greece V.
Nikiforidis, 520-521

mandatory rules

choice-of-law clause, 510-
511

foreign law as *lex causae*, 511-
512

of forum state, 512

of *lex causae*, 510-512

of third states, 512-513

third states, mandatory rules of, 512-
513

Article 9 Rome I - Regulation, 517

German substantive labour law,
519-520

Greece case, 516-517

Iran case, 515-516

Nigeria case, 513-515

Online information obligations, 1066-
1071

Open Method of Cooperation (OMC),
279-285

- Organization for the Harmonization of Business Law in Africa (OHADA), 79
- Organization for the Harmonization of Business Law in the Carribean (OHADAC), 79
- P
- Pac-man defense, 1003-1004
- Parentelic system, 144
- Party autonomy, 30-31, 107
 - advantages of, 30-32
 - knockout argument, 32, 41
 - manipulative choices, 49-50
 - and property law
 - notification, 33-34
 - prohibition of security assignments, 35
 - protection of bona fide assignees, 34-35
 - substantive issues, 32-33
 - in single market, 48-49
 - third-party effects
 - meaning of, 37
 - priority, 39-40
 - proprietary effects and, 37-39
 - public filing, 40-41
- Passive euthanasia, 1203
- Personalized agreements
 - algorithmic execution, 838
 - influences of, 830-833
 - objectified premises
 - and automatic sanctions, 828
 - and flexible sanctions, 825-828
 - personalization of sanctions, 835-837
 - pre-contractual information duties, 834-835
 - protection-by-information model, 820-822
 - assessment, 829-830
 - regulatory landscape, 819-820
 - sanction for non-compliance
 - with information duties, 823-825
 - sanctions for non-compliance
 - with information obligations, 825
 - standardized protection to individual protection in, 833-834
 - technological role in, 838-839
- Personalized unfair terms control
 - enforcement, 1268-1271
 - European context
 - theoretical framework, 1253-1254
 - European methodology
 - consequences of unfairness, 1259-1262
 - judicial control, 1255-1257
 - personalized approach, 1262
 - unfairness test, 1257-1259
 - role of personalized law, 1262-1263
 - default rules, 1263-1264
 - mandatory rules, 1264-1265
 - pricing, 1266-1268
- Portugal, *Compensatio Lucri Cum Damno* in, 749-755
- Premarital agreements
 - conclusion of
 - hardship clause and ex post limitations, 144-147
 - law and ex ante limitations, 141-143
 - effectiveness of, 111
- European Union, conflict of laws in
 - Depeçage v. Unity*, 124-126
 - function and content based applicable law, 126-127
 - matrimonial property regime, 127-141
- French divorce law, 110
- legal treatment of, 109
- on maintenance obligation, 136-137
 - to law applicable, 137-139
 - public policy exception, 139-141
- national v. federal approach, 112-115
- party autonomy, 107
 - limitations in, 141-147
- U.S.A., conflict of laws in, 116-118
 - Restatement (Second), 119-122
 - Restatement (First) approach, 118-119
- UPAA, 122-124
- UPMAA, 122-124

- Prenuptial agreements, 107
- Principes Contractuels Communs (PCC), 491
- Principle of effectiveness, 1115
- Principle of European Tort Law (PETL), 675
- Principle of transparency in practice
 - compliance costs, 1084–1085
 - information costs, 1086–1087
 - legal definitions of, 1068–1069
 - online information obligations, 1066–1071
 - businesses information, 1072
 - compliance costs, 1073
 - consumer-facing online information, 1073–1074
 - consumer protection on internet, 1071
 - disclosures', consumer protection, 1072–1073
 - goals of, 1071
 - negative view of, 1067–1068
 - policy revision and directions, 1089–1092
 - research design, 1074–1077
 - research objectives, 1066–1071
 - results, 1077
 - critiquing and improving information obligations, 1081–1083
 - goals of information obligations, 1077–1079
 - standard information notices, 1079–1081
 - transparency of online disclosures, 1087–1089
- Principles of European Contract Law (PECL), 278, 466, 488
 - Consumer Sales Directive (1999), 491
 - Distance Selling Directive, 491
 - Doorstep Selling Directive (1985), 491
 - Draft Common Frame of Reference (DCFR), 491
 - improvisation, 494
 - influence of, 478–480
 - and PICC, 489, 490
- Principes Contractuels Communs (PCC), 491
 - provisions of, 467
 - publication of, 488
 - re-Europeanization, 495
 - rules, 495
 - successful of, 491–492
- Principles of International Commercial Contracts (PICC), 489
- Private governance
 - conceptual framework, 340–341
 - definition, 334
 - domestic level, 335–336
 - globalization and digitalization, 334–335
 - global supply chains
 - conclusion, 355–356
 - cross-column observations, 355–356
 - CSR obligations, 342–348
 - dispute resolution, 352–355
 - market-driven, 356
 - mediation, 352–355
 - overview, 341–342
 - private certification, 349–352
 - legal research questions, 337–340
 - 'public tasks', 336
 - regional level, 335–336
 - transnational level, 335–336
 - universal services
 - arbitration agreements, 365–369
 - conclusions, 369–371
 - cross-observations, 369–370
 - dispute resolution, 365–369
 - EU-based statutory law, 357–358
 - overview, 357
 - private provision of, 359–365
 - state-driven, 370–371
- Private interest private governance, 335
- Private International Law, 469–471
- Private private governance, 335
- Prohibition of security assignments, 35
- Proportional liability, 404
- 'Prosumers', 256
- Protection-by-information model, personalized agreements

- algorithmic execution, 838
- influences of, 830-833
- objectified premises
 - and automatic sanctions, 828
 - and flexible sanctions, 825-828
- personalization of sanctions, 835-837
- pre-contractual information duties, 834-835
- protection-by-information model, 820-822
 - assessment, 829-830
- regulatory landscape, 819-820
- sanction for non-compliance
 - with information duties, 823-825
- sanctions for non-compliance
 - with information obligations, 825
- standardized protection to individual protection in, 833-834
- technological role in, 838-839
- traditional approaches to, 820-822
- Public interest private governance, 335
- Public policy exception, 144

- R
- REFIT (Regulatory Performance and Fitness) Programme, 89-90
- Regulatory fitness and performance (REFIT) programme, 73
- Regulatory landscape, 819-820
- Reputational sanctions, 321
- Requirement of adequate judicial protection, 1116
- Restatements of law, 501
- Reward-based crowdfunding, 56-57
 - Consumer Rights Directive, 58-59
 - application of, 64-67
 - delivery of goods, 66-67
 - distance sales/services contracts, 61-63
 - exceptions in Article 3, 63-64
 - exceptions in Article 16, 69-71
 - requirements for distance contracts, 65-66
 - scope of, 59-60
 - qualification of, 58-64
 - right of withdrawal, 67-69
- Rossetti decisions, 673

- S
- Sale of Goods Directive (SGD), 220, 253
 - evaluation of, 271-273
- Sales contracts and circular economy
 - concept of, 1208-1209
 - remedy for non-conformity
 - commercial guarantees, 1220-1221
 - commercial sales contracts, 1215-1220
 - consumer sales contracts, 1210-1215
 - refurbishment goods, 1221-1225
 - sustainability goals beyond repair and refurbishment
 - burden of proof, 1227
 - establishing conformity, 1225-1227
 - sales of second-hand goods, 1227-1229
- Search engines
 - developments, 799
 - European contract law, 802-804
 - European data protection law, 804-809
 - European Tort law, 810-913
 - importance of, 796-798
 - national contract law, 801-802
 - national data protection law, 804
 - national Tort law, 809-810
 - new legal obligations, 814-815
 - overview, 796-798
- Service contract/sales contract, 61
- Shark repellent, 994, 999
- Short term right to reject, 235
- Single Market case, 531-532
- Small and medium- sized enterprises (SMEs), 52
- Smart contracts, 1249
- Sofia Interbank Offered Rate (SOFIBOR), 184
- Spanish case law, interpretation of CLCD, 741-743

- expanded version of CLCD Rule, 745-748
 - extreme version of CLCD Rule, 748
 - legal nature and scope of, 741-743
 - meaning and consequences of, 743
 - strict version of CLCD rule, 743-745
 - Substantive laws of assignment, 32-33
 - Swiss National Bank (SNB), 174
- T
- Third-party effects, 37-40
 - Third states, mandatory rules of
 - Article 9 Rome I - Regulation, 517
 - European Court of Justice, 518-519
 - 'overriding mandatory provisions', 518
 - term defined, 517
 - German substantive labour law, 519-520
 - Greece case, 516-517
 - Iran case, 515-516
 - Nigeria case, 513-515
 - Tort law
 - European, 810-913
 - national, 809-810
 - Tort law, indemnities against compensation for damage
 - CLCD in theory
 - causality-legal basis, 729-731
 - collateral benefit, 731-732
 - recourse, 732-733
 - statutory right of subrogation, 732-733
 - economic benefits, 722-727
 - liability law *vs.* private/social insurance, 727-728
 - Lucri Cum Damno in annotated cases
 - carer's allowance, 736-738
 - insurance indemnity, 736-738
 - permanent disability income, 736-738
 - survivor's pension, 734-735
 - overview, 721-722
 - Transformations of European private law
 - climate change litigation
 - controversy, 867-869
 - transformative, 869-871
 - EU and Utopia, climate change and consumer cases
 - societal change, private law, 879-881
 - transforming European Private Law, 881-883
 - Judges in Utopia, research project, 866-867
 - proactive courts, protection in consumer cases
 - in European consumer law, 871-872
 - Spanish, 872-876
 - role of judiciary, 876-877
 - Colombi Ciacchi's cultures of judicial governance, 878-879
 - Graver's judging for Utopia, 877
 - Józson's understanding of EU consumer law and national private law, 877-878
 - Mak's reflexive polity-building, 879
 - Transnational contract law, Lando's
 - contribution
 - changes in, 471
 - Common European Sales Law (CESL), 468
 - European/global, 483
 - form of instrument, 482-483
 - harmonization of national laws, 472-473
 - Laws and Solutions in PECL, 465-469
 - non-national rules, 471-472
 - optional instrument, 474-476
 - Principles of European Contract Law (PECL), 466
 - influence of, 478-480
 - provisions of, 467
 - Private International Law, 469-471
 - revision and extension of CISC, 483-484
 - rules for different types of case, 480-482

- small and medium-sized enterprises, 471
 - soft law principles, 477-478
 - adoption of, 484-485
 - problems with, 485-486
- U
- Unfair commercial practices (UCPD), 296
 - Unfair Contract Terms Directive (UCTD), 221
 - comparative approach to, 1149-1151
 - analysis, 1162-1164
 - cap of damages, 1152-1153
 - choice and setup of liability terms, 1151-1153
 - liability limitations, 1152
 - relevant national law, 1154-1157
 - residual limitations of liability, 1153
 - unfairness assessment, 1157-1162
 - unfairness assessment, outcome of, 1153-1154
 - warranty, 1152
 - decentralized unfair terms control, 1146-1149
 - digital single market strategy
 - conclusion of, 1170-1173
 - enforcement of, 1167-1168
 - evolved notion of level playing field, 1168-1169
 - geo-blocking regulation, 1165-1166
 - scope of, 1164-1165
 - legal text of, 1144
 - overview, 1144-1146
 - platform service providers, 1149-1151
 - Unfair Terms Directive (1993), 491
 - Unidroit Principles for International Commercial Contracts (UPICC), 497
 - Uniform Commercial Code (UCC), 79
 - Uniform law, 83-85
 - Uniform Law Commission (ULC), 79
 - Uniform Premarital Agreements Act (UPAA), 113
 - Uniform Premarital and Marital Agreements Act (UPMAA), 112-113
- V
- ‘Vices cachés’., 235
- W
- White squire, 1001, 1004