

Editorial

A Bouquet of Fruits of Legal Research and a Funeral Wreath

In December 2023, an agreement was reached at EU level on the new Ecodesign Regulation, i.e., the Regulation establishing the framework for ecodesign requirements that products have to comply with to be placed on the market or put in service, and an agreement on a new product Liability Directive. We are thus very glad to publish in this issue a critical study by Guillem Izquierdo Grau on important (consumer) aspects of the questions dealt with in these instruments, namely the liability effects of substantial modification of products through repair, refurbishment and remanufacturing. We have more consumer law in an article by Gert Straetmans and Jasper Vereecken on the balance between private and public enforcement in EU consumer law, especially studying the impact on both mechanisms of recent evolutions in EU legislation and the interplay between both mechanisms – private enforcement being turned to some extent into quasi-public enforcement by private parties. Their recommendations for the interplay aim as well at strengthening enforcement as reversely at respecting the proportionality of sanctions. Part of the analysis deals with the new legislative approach consisting of instrumentalizing major market players (so-called gatekeepers) and the question whether their instrumentalization in the Digital Markets Act, could have an impact not only on the enforcement of competition law but also on that of consumer law.

Another spill-over is at the centre of a study by Marco de Benito on the granting of a goodwill indemnity to distributors when their commercial distribution contract is terminated, a matter regulated at EU-level for commercial agency contracts in the 1986 Directive, but left to national law for distributorship contracts; the author analyses how an application by analogy is compatible with general contract law, and further proposes an appropriate financial methodology to quantify such an indemnity in the concrete case.

In the field of property law, Teemu Juutilainen and Janne Kaisto are tackling the effects of commingling of objects, and more precisely to what extent co-ownership is the appropriate answer. In this contribution starting from Finnish law, especially case law, special attention is also given to – the effects of commingling of – money and account-based assets. Denard Veshi, Ervin Pupe, Carlo Venditti, Raffaele Picaro and Froela Cekaj study the alignment of Albanian succession law, especially the rules on international successions to EU law and the law of major EU Member States.

We also offer you an extensive conference report on the 2023 meeting of the Common Core of European private law project, where the plenary session dealt with sustainability and private law, and an extensive book review by Esther Farnós

Amorós of a book edited by Nina Dethloff and Katharina Kaesling on the pluralization of family forms.

But first of all, we honour the late professor Konstantinos Kerameus, a giant of private law and especially procedural law, who also supported our review as member of the advisory Board since the beginning. He was also a living encyclopedia of comparative law in the wider field of private law and a masterful discussion leader or general reporter, offering synthesis where other mainly saw chaos. Dimitris Maniotis wrote an In memoriam focusing on his role in the unification of civil procedure in Europe.

Finally, as from this issue on we will also publish summaries of the articles in Spanish, and we hope to make our journal thus more easily accessible for readers in the Hispanosphere.

Enjoy reading.

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