Harmonisation Of The Common Law And The Indigenous Law The Application Of Customary Law Conflict Of Personal

The Law and Policy of Harmonisation in Europe's Internal MarketPerspectives for the Unification and Harmonisation of Family Law in EuropeThe Harmonisation of European Contract LawEuropean and National Property LawDivergences of Property LawThe Harmonisation of the Common Law and Indigenous LawTheory and Practice of HarmonisationCivil Procedure and Harmonisation of LawMultilingualism and the Harmonisation of European LawThe Harmonisation of the Common Law and the Indigenous LawHarmonisation of EU Marketing LawWithout PrecedentEuropean Union LawThe Cambridge Companion to European Union Private LawThe Common Law of Intellectual PropertyMeasuring Damages in the Law of ObligationsTowards Convergence in International Human Rights LawThe Problems of International Auditing HarmonisationResearching Language and the LawSecured Credit and the Harmonisation of LawIntellectual Property Harmonisation Within ASEAN and APECCommon Law TheoryThe Internationalisation of Legal EducationLaw's Future(s)The Harmonisation of the International Sale of Goods through Principles of Law and Uniform RulesTrademark Law and TheoryTheory and Practice of HarmonisationHarmonising Copyright Law and Dealing with DissonanceCommercial Contract LawSouth African national

bibliographyProposals for Law Reform on the Recognition of Customary MarriagesAustralian Law and Legal Thinking Between the DecadesHarmonisation and Harmonising Measures in Criminal LawCommon Core and Better Law in European Family LawThe Report of the Working Party on the Harmonisation of Company Law in the Caribbean CommunityThe Law of Corporate Finance: General Principles and EU LawThe Need for a European Contract LawCross-Border EU Competition Law ActionsLanguage and Culture in EU LawHarmonisation of Laws in Africa

The Law and Policy of Harmonisation in Europe's Internal Market

Clear yet rigorous coverage of all the core topics of EU law, with numerous case extracts and 100 visual aids.

Perspectives for the Unification and Harmonisation of Family Law in Europe

This book challenges certain differences between contract, tort and equity in relation to the measure (in a broad sense) of damages. Damages are defined as

the monetary award made by a court in consequence of a breach of contract, a tort or an equitable wrong. In all these causes of action, damages usually aim to put the claimant into the position the claimant would be in without the wrong. Even though the main objective of damages is thus the same for each cause of action, their measure is not. While some aspects of the measure of damages are more or less harmonised between contract, tort and equity (e.g. causation in fact and mitigation), significant differences exist in relation to (1) remoteness of damage, which is the question of whether, when and to which degree damage needs to be foreseeable to be recoverable; (2) the compensability of non-pecuniary loss such as pain and suffering, distress and loss of reputation; (3) the effect of contributory negligence, which is the victim's contribution to the occurrence of the wrong or the ensuing loss through unreasonable conduct prior to the wrong; (4) the circumstances under which victims of wrongs can claim the gain the wrongdoer has made from the wrong; and (5) the availability and scope of exemplary (or punitive) damages. For each of the five topics, this book examines the present position in contract, tort and equity and establishes the differences between the three areas. It goes on to scrutinise the arguments in defence of existing differences. The conclusion on each topic is that the present differences between contract, tort and equity cannot be justified on merits and should be removed through a harmonisation of the relevant principles.

The Harmonisation of European Contract Law

In this edited collection, leading jurists and scholars examine how far regional and international human rights bodies borrow from and influence each other in their decisions and practices – and whether international human rights law is heading towards fragmentation or greater coherence.

European and National Property Law

As European lawyers dealing with cross-border issues quickly learn, the terms contract, contrat, and contratto signify three very different legal concepts. This illustration highlights the importance of studying the relationships between language and law, particularly in the context of strong pressure from the European Community to harmonise the laws of the Member States a process which appears difficult, if not impossible, unless there is an understanding of the profound differences which exist between the various legal systems, and the development of a common European legal language from the 21 official languages now a feature of the European Union. This admirable collection of essays brings together the work of practitioners and scholars in three fields pertinent to this endeavour: representatives of Community institutions who are involved in drafting, translating, and interpreting multilingual texts; jurists and comparative lawyers from both civil law and common law systems; and researchers in linguistics and language issues. Among the many relevant matters they discuss are the following: terminologies of

rights and remedies; the role of the European Court of Justice as interpreter; multilingualism in parliamentary practice; the role of the European Commissions legal revisers; and translation at the European Court of Justice. The essays were originally presented as papers at a conference held in Como in April 2005, organised by the Faculty of Law of the University of Insubria together with the Centro Interuniversitario di Ricerca in Diritto Comparato (Interuniversity Centre for Research in Comparative Law) set up by the Universities of Milan, Bologna and Insubria. This event took place in the context of a research project co-financed by the University of Insubria and the Italian Ministry of Education, University and Research. The particular objective of the conference was to make a comparison between the day-to-day working requirements within the Community institutions, each with its own particular needs, and the longer-term analysis which the academic world could bring to bear on the problems of the translatability of legal terms. As the first in-depth appraisal of this crucial matter, this book cannot fail to find interested readers among all the branches of European law, practitioners and scholars, local and international. It is sure to be a highly valuable resource for many years to come.

Divergences of Property Law

One viable method of bringing about international co-operation is through the harmonisation of laws. This study is an attempt to put in focus the idea of

harmonisation and its current state in Africa. Chapters deal with the nature and history of Private International Law; the institutions or bodies involved in the harmonisation process in Africa; the African Treaty; and relations between the African Economic Community and the African regional communities.

The Harmonisation of the Common Law and Indigenous Law

This collection of essays was written in honour of David Vaver, who recently retired as Professor of Intellectual Property and Information Technology Law and Director of the Oxford Intellectual Property Research Centre at the University of Oxford. The essays, written by some of the world's leading academics, practitioners and judges in the field of intellectual property law, take as their starting point the common assumption that the patent, copyright and trade mark laws within members of the 'common law family' (Australia, Canada, Israel, Singapore, South Africa, the United Kingdom, the United States, and so on) share some sort of common tradition. The contributors examine, in relation to particular topics, the extent to which such a shared view of the field exists in the face of other forces that are producing divergence. The essays discuss, inter alia, issues concerning court practices, the medical treatment exception, non-obviousness and sufficiency in patent law, originality and exceptions in copyright law, unfair competition law, and cross-border goodwill and dilution in trade mark law.

Theory and Practice of Harmonisation

Civil Procedure and Harmonisation of Law

This volume of The Walter van Gerven Lectures series examines the relationship between European and national property law. One of the pillars of the economic constitution of the EU is what might be called "freedom of property." It is, however, not really clear what is meant by "property" and "property rights" in a private law sense. How can property rights, or rights against the world, be defined at a European level? Under the surface of the differing rules, European property law systems seem to share several leading policies and principles, yet existing differences should not be ignored. A search for common policies, principles, concepts, and rules is badly needed. The lecture documented in this book provides research, examining problem areas and presenting suggestions.

Multilingualism and the Harmonisation of European Law

The Harmonisation of the Common Law and the Indigenous Law

To mark the 2000 Annual Conference of the Society of Public Teachers of Law,the Society has organised a distinguished team of contributors to write a set of reflective and critical essays on the future of law in the United Kingdom, considering how it will or should develop over a wide range of areas. The essays are concerned not only with all the main branches of the law but also with socio-legal studies, legal education and legal practice. In most of these areas the essays are written by two contributors so that the dialogue between them adds perception to their forecasts, taking account of past experience of developing the law via judicial activism or statutory reform processes and also of the European dimension. This reflection upon the possible future milestones of UK law will provide stimulating and illuminating reading for all lawyers, whether academics or practitioners. Contributors Andrew Ashworth, Stephen Bailey, Rebecca Bailey-Harris, Nicholas Bamforth, Kit Barker, John Birds, Anthony Bradney, Margaret Brazier, Richard Card, Elizabeth Cooke, Fiona Cownie, Keith Ewing, Conor Gearty,. Nicola Glover, Desmond Greer, Brigid Hadfield, Johnathan Harris, David Hayton, Jo Hunt, John Jackson, Tim Jewell, John Lowry, Laura Macgregor, Judith Masson, David McClean, Gillian Morris, David Oughton, John Parkinson, Alan Paterson, Colin Reid, Sir Richard Scott, Jo Shaw, Lionel Smith, Brenda Sufrin, Phil Thomas, Joseph Thomson, Adam Tomkins, Martin Wasik, Sally Wheeler, Richard Whish, Sarah Worthington.

Harmonisation of EU Marketing Law

This book, written within the framework of a research project funded by the European Commission Civil Justice Programme, identifies the ways in which cross-border EU competition law actions can best be handled in Europe. Employing traditional library-based legal research methods as well as qualitative interviews with legal practitioners in Germany and England (countries sharing different legal traditions) and policy-makers in Brussels, the book considers how private EU competition law actions are functioning at the moment and how they could and should be developed. The study proposes solutions for some of the most pressing practical problems, and includes chapters by the following academics, legal practitioners and judges: Judge I Pelikánová (General Court of the EU); J Lawrence and A Morfey (Freshfields); P Lasok QC (Monckton Chambers); H Mercer QC (Essex Court Chambers); J Webber (Shearman & Sterling); T Reher (CMS Hasche Sigle, Germany); P Bos and J Möhlmann (BarentsKrans, the Netherlands); P Beaumont (Aberdeen); S Bariatti (Milan); G Howells (Manchester); D Fairgrieve (BIICL); J Fitchen (Aberdeen); A Andreangeli (Edinburgh); D Tzakas (Athens Bar, Greece); S Dnes (Sidley Austin, Brussels); F Becker and J Kammin (Kiel University, Germany); and M Danov (Brunel University).

Without Precedent

After an extended period in which the European Community has merely nibbled at the edges of national contract law, the bite of a 'European contract law' has lately become more pronounced. Many areas of law, from competition and consumer law to gender equality law, are now the subject of determined efforts at harmonisation, though they are perhaps often seen as peripheral to mainstream commercial contract law. Despite continuing doubts about the constitutional competence of the Commission to embark on further harmonisation in this area, European contract law is now taking shape with the Commission prompting a debate about what it might attempt. A central aspect of this book is the report of a remarkable survey carried out by the Oxford Institute of European and Comparative Law in collaboration with Clifford Chance, which sought the views of European businesses about the advantages and disadvantages of further harmonisation. The final report of this survey brings much needed empirical data to a debate that has thus far lacked clear evidence of this sort. The survey is embedded in a range of original and up-to-date essays by leading European contract scholars reviewing recent developments, questioning progress so far and suggesting areas where further analysis and research will be required

European Union Law

This volume contains twenty-three contributions delivered at the CEFLâ??s second international conference which took place in Utrecht in December 2004. The

interventions written by both experienced family experts as well as young researchers cover those fields of family law that are closely related to the activities of the CEFL: (1) divorce and maintenance between former spouses, (2) parental responsibilities, (3) informal long-term relationships and (4) the revised Brussels II Regulation. Furthermore, the opening two contributions deal not only with essential aspects of the harmonisation process of family law in Europe but also with the CEFLâ??s working method.

The Cambridge Companion to European Union Private Law

Boasting an impressive list of contributors, this first edition of Trademark Law and Theory brings together a compilation of well-written and powerfully argued works by leading international academics. The book is certainly one of the most extensive and thought provoking overviews of contemporary trademark law and theory yet to be published. . . Whilst all the contributions share in common their examination of the rapidity of change within trademark systems, the editors should be commended on their generous seasoning of other cross cutting themes throughout the Handbook. . . This fascinating compendium enriches our understanding of the shape, substance, and form of trademark law and theory. . . this Handbook is perhaps a rare exception to the adage that no book can be all things to all men . Its broad sweep approach and cross cutting themes enable a range of interested parties, such as policymakers; academics in the fields of

marketing, business, consumer psychology; in addition to the usual suspects; to dip in and out of the Handbook as they wish. . . a unique and erudite collection of essays concerning trademark law and theory. . . Odette Hutchinson, Communications Law Trademarks is an area of vital, practical everyday concern, and the idea of producing a volume that brings together the perspectives of 19 thoughtful and experienced legal scholars is a bold and exciting initiative. The present volume does not disappoint and the two editors are to be congratulated on orchestrating an ensemble that simultaneously informs and stimulates. The title is apt: it is truly contemporary and is highly theoretical and doctrinal in character, while the interesting choice of the word handbook suggests clearly that this is a work in progress, a snapshot at a particular time of the challenging lines of individual research that each contributor to the volume is undertaking. It is a fine addition to a larger series of research handbooks in intellectual property published by Edward Elgar under the series editorship of Jeremy Phillips. . . The editors have done a fine job in presenting this material in such a clear and coherent fashion. . . this is an excellent and rewarding volume of readings that will be of interest to anyone working in the area of trademarks, whether as an academic or as a practitioner. Indeed, for the practitioner it will be of particular value, in that it contains, and opens up, many areas of inquiry that may not always be apparent when working at the coalface of a particular problem. . . For both kinds of readers, the real value of the volume is to have so many different kinds of perspectives brought together within the space of a single volume. . . this is a handsome

production: the publishers and editors are to be commended on the clarity and cleanness of the typeface and headings, the thoroughness of the index, and the accuracy of their proof reading. It has also been given a striking and evocative cover. Sam Ricketson, University of Melbourne Law School Australia, European Intellectual Property Review Trademark Law and Theory is a first-rate exploration of the issues that will dominate trademark law in the 21st century. Authors from five continents provide a truly global perspective on the present and future of trademark law. An exceptional collection of contributors and contributions. Robert Denicola, University of Nebraska, US This compendium is an excellent source of writing on all aspects of trademark law and practice by experts from Europe, the United States, South Africa, Singapore, New Zealand and Australia. It will be a stimulating read for lawyers, academics, students and policymakers alike on the present and developing trends in law and policy relating to trademarks as marketing tools and cultural artefacts. The editors deserve congratulation on their concept for the book and their judicious selection of material. David Vaver, University of Oxford, UK All students, young and older, in the burgeoni

The Common Law of Intellectual Property

Measuring Damages in the Law of Obligations

Towards Convergence in International Human Rights Law

Written by distinguished legal and linguistic scholars and practitioners from the EU institutions, the contributions in this volume provide multidisciplinary perspectives on the vital role of language and culture as key forces shaping the dynamics of EU law. The broad spectrum of topics sheds light on major Europeanization processes at work: the gradual creation of a neutralized EU legal language with uniform concepts, for example, in the DCFR and CESL, and the emergence of a European legal culture. The main focus is on EU multilingual lawmaking, with special emphasis on problems of legal translation and term formation in the multilingual and multicultural European context, including comparative law aspects and an analysis of the advantages and disadvantages of translating from a lingua franca. Of equal importance are issues relating to the multilingual interpretation of EU legislation and case law by the national courts and interpretative techniques of the CJEU, as well as the viability of the autonomy of EU legal concepts and the need for the professionalization of court interpreters Union-wide in response to Directive 2010/64/EU. Offering a good mix of theory and practice, this book is intended for scholars, practitioners and students with a special interest in the legal-linguistic aspects of EU law and their impact on old and new Member States and candidate countries as well.

The Problems of International Auditing Harmonisation

The emergence of EU Private Law as an independent legal discipline is one of the most significant developments in European legal scholarship in recent times. In this 2010 Companion, leading scholars provide a critical introduction to the subject's key areas, while offering original and thought-provoking comment on the field. In addition to several chapters on consumer law topics, the collection has individual chapters on commercial contracts, competition law, non-discrimination law, financial services and travel law. It also discusses the wider issues concerning EU Private Law, such as its historical evolution, the role of comparative law, language and terminology, as well as the implications of the Common Frame of Reference project. A useful 'scene-setting' introduction and further reading arranged thematically make this important publication the student's and scholar's first port of call when exploring the field.

Researching Language and the Law

Secured Credit and the Harmonisation of Law

"Proceedings of the colloquium, Amsterdam, 13-14 December 2001"--Preliminary

page.

Intellectual Property Harmonisation Within ASEAN and APEC

The first woman judge in the state of North Carolina and the first woman in the United States to be elected chief justice of a state supreme court, Susie Marshall Sharp (1907-1996) broke new ground for women in the legal profession. When she retired in 1979, she left a legacy burnished by her tireless pursuit of lucidity in the law, honesty in judges, and humane conditions in prisons. Anna Hayes presents Sharp's career as an attorney, distinguished judge, and politician within the context of the social mores, the legal profession, and the political battles of her day, illuminated by a careful and revealing examination of Sharp's family background, private life, and personality. Judge Sharp was viewed by contemporaries as the quintessential spinster, who had sacrificed marriage and family life for a successful career. The letters and journals she wrote throughout her life, however, reveal that Sharp led a rich private life in which her love affairs occupied a major place, unsuspected by the public or even her closest friends and family. With unrestricted access to Sharp's abundant journals, papers, and notes, Anna Hayes uncovers the story of a brilliant woman who transcended the limits of her times, who opened the way for women who followed her, and who improved the quality of justice for the citizens of her state. Without Precedent also tells the story of a complicated woman, at once deeply conservative and startlingly modern,

whose intriguing self-contradictions reflect the complexity of human nature.

Common Law Theory

In several major areas of international trade'particularly software and technology transfer'a harmonised regime of intellectual property law is a crucial prerequisite to success. Yet this legal concept appears to be extraordinarily difficult to establish on any agreed-upon basis among countries. And nowhere has the sought-for harmonisation proven more intractable than in the countries of the Asia Pacific region. Intellectual Property Harmonisation in ASEAN and APEC investigates the complex issues that lie at the root of this major block to the unhampered global flow of commerce based on intangible assets. By highlighting the background of Asian legal systems, both in terms of culture and intellectual property systems, the authors suggest how the current obstacles towards greater harmonisation and integration may be overcome. Defining the accepted principles enshrined in TRIPS, the Paris Convention, and other international agreements, the presentation describes the relatively successful European experience and then goes on to develop strategic variations geared to relate more precisely to harmonisation, integration and co-operation in the East Asian region. Among the important elements of the problem (and its potential solutions) discussed in this book are the following: the strong influence of legal culture in the different Asian countries;the limits of IP harmonisation in Europe;the importance of understanding the political

and cultural perceptions that prevail in the various Asian countries;the non-uniform approach of different Asian countries due in part to bilateral free trade agreements; andthe experience of patent office cooperation and its potential as a model for smaller countries. The contributing authors have all worked in the IP field for more than a decade and have followed closely the developments of intellectual property law since the advent of the TRIPS Agreement. Their collective expertise includes both academic and practical considerations on IP harmonisation. Intellectual Property Harmonisation in ASEAN and APEC will be of great value and interest to policymakers seeking effective enforcement of intellectual property rights, to international lawyers counseling clients on Asia, and to academics working in the fields of intellectual property or Asian law. MAX PLANCK SERIES ON ASIAN INTELLECTUAL PROPERTY LAW 10

The Internationalisation of Legal Education

For graduate lawyers to succeed in a global environment, legal education in every system must undergo revolutionary change. Professors van Caenegem and Hiscock explore in detail the new initiatives that are emerging as a response to this development an

Law's Future(s)

The aim of this book is to discuss the need for a uniform contract law in Europe. At present it is debated to what extent uniformity of law is required from the economic perspective. The view of the European Commission seems to be that diversity of law stands in the way of a proper functioning of the internal market, but this view does not seem to be shared by business: in the reactions to the 'Communication on European Contract Law (2001), it was striking to see that most companies do not consider the present diversity to be a true barrier to trade. This book offers five different perspectives on the need for a uniform contract law. These perspectives include economics, behavioral law and economics, psychology and law.

The Harmonisation of the International Sale of Goods through Principles of Law and Uniform Rules

Trademark Law and Theory

1. 1 Investments, Generic Contracts, Payments According to Volume I, contracts are one of the five generic legal tools used to manage cash flow, risk, agency relationships, and information. Many investments are therefore based on one or more contracts. Obviously, the firm should draft good contracts. Good drafting can

ensure the same intended cash flow with reduced risk. Bad drafting can increase risk. This volume attempts to deconstruct contracts used by non-financial firms and analyse them from a cash flow, risk, agency, and information perspective. The starting point is a generic contract, i. e. a contract which does not belong to any particular contract type (Chapters 2–7). This volume will also focus on payment obligations. Payment obligations are characteristic of all financial instruments, and they can range from simple payment obligations in minor sales contracts and traditional lending contracts (Chapters 8– 11). 1. 2 Particular Contract Types A number of particular contract types have been discussed in the other volumes of this book. (1) A certain party's investment contract can be another party's fu- ing contract. Particular investment contracts will therefore be discussed in Volume III in the context of funding. (2) Many contracts are necessary in the context of business acquisitions discussed in Volume III. (3) Multi-party contracts are c- mon in corporate finance. The firm's contracts with two or more parties range from syndicated loans to central counterparties' contracts. Such contracts will be discussed both in Chapter 12 and Volume III.

Theory and Practice of Harmonisation

This book focuses on the law of commercial contracts as constructed by the U.S. and UK legal systems. Leading scholars from both sides of the Atlantic provide works of original scholarship focusing on current debates and trends from the two

dominant common law systems. The chapters approach the subject areas from a variety of perspectives - doctrinal analysis, law and economic analysis, and social-legal studies, as well as other theoretical perspectives. The book covers the major themes that underlie the key debates relating to commercial contract law: role of consent; normative theories of contract law; contract design and good faith; implied terms and interpretation; policing contract behavior; misrepresentation, breach, and remedies; and the regional and international harmonization of contract law. Contributors provide insights on the many commonalities, but more interestingly, on the key divergences of the United States and United Kingdom's approaches to numerous areas of contract law. Such a comparative analysis provides a basis for future developments and improvements of commercial contract law in both countries, as well as other countries that are members of the common law systems. At the same time, insights gathered here should also be of interest to scholars and practitioners of the civil law tradition.

Harmonising Copyright Law and Dealing with Dissonance

This book describes how the international sales of goods have generally been ruled by either English Law or Civil Law, which has often posed problems due to different approaches regarding certain principles and institutions. It clarifies how the Vienna Convention on Contracts for the International Sale of Goods of 11th April, 1980, tried to harmonise these differences with a codification technique, typical of civil

law, giving privilege to rules of civil law most of the time, but also introducing institutions from common law, that are not incompatible with civil law. It explains why the general principles of civil law and of UNIDROIT help with this goal of harmonisation, integrating the loopholes of the UN Convention on Contracts for the International Sale of Goods (CISG) during its interpretation. The work demonstrates why codification prevails over common law in the CISG most of the time, giving certitude and sophistication to this matter, which is vital for global commerce.

Commercial Contract Law

Includes Publications received in terms of Copyright act no. 9 of 1916.

South African national bibliography

Harmonised and uniform international laws are now being spread across different jurisdictions and fields of law, bringing with them an increasing body of scholarship on practical problems and theoretical dimensions. This comprehensive and insightful book focuses on the contributions to the development and understanding of the critical theory of harmonisation. The contributing authors address a variety of different subjects concerned with harmonisation and the application of legal rules resulting from harmonisation efforts. This study is written by leading scholars

engaged in different aspects of harmonisation, and covers both regional harmonisation within the EU and regional human rights treaties, as well as harmonisation with international treaty obligations. With comparative analysis that contributes to the development of a more general theory on the harmonisation process, this timely book will appeal to EU and international law scholars and practitioners, as well as those looking to future legal harmonisation in other regions in Asia, Latin America and Africa.

Proposals for Law Reform on the Recognition of Customary Marriages

'At times when so much attention is devoted to the constitutional architecture of the European Union via Treaty amendments or supplements in the aftermath of the Euro-crisis, the core business of European market building through harmonization is all too often neglected. It deserves strong recognition that Isidora Maleti forcefully brings Art. 114 TFEU back to the agenda. Her competent study provides new insights into the major competence rule which still forms the back bone of European Integration. The constant strive of the EU for embarking on non-trade policies against the half-hearted resistance of the Member States deserves indeed a major study, spelling out the details of the rather complex article. Her comprehensive analysis detects the amazing potential of Art. 114 TFEU as a tool to

co-ordinate differences in the understanding of what might be a "high level of protection" and it allows for new ways of co-operation between the EU and the Member States. This finding, which is backed through the analysis of the ECJ case law and the notification procedure of Art. 114 TFEU fits into the overall debate on constitutional pluralism which stays away from a hierarchical understanding of the relationship between the EU legal order and the Member States.' – Hans Micklitz, European University Institute, Italy 'This book is essential reading for anyone seeking an up-to-date and critical understanding of the success of the European Union's approach to market harmonisation.' – Veerle Heyvaert, London School of Economics, UK 'Despite all the buzz around the single currency, the heart of the EU edifice remains the internal market. Isidora Maleti 's book is an outstanding contribution of original scholarship that makes this edifice look more solid than ever. By exploring the theory and practice of the archetype legal basis for EU regulatory action, this book dispels the ubiquitous claim that national derogations from European standards are reflective of a weak integration process and convincingly argues that national regulatory differentiation may instead provide opportunities for reflexive learning and risk prevention. The law and policy of harmonisation is European internal market's scholarship at its best and ought to be essential reading to all scholars interested in the dynamics of EU integration.' – Alberto Alemanno, HEC Paris, France and Editor, European Journal of Risk Regulation This innovative book explores the constitutional compromise between the European Union's legislative competence and member states' regulatory

autonomy, and analyses the reconciliation of economic integration and welfare protection within the European internal market. It does so through the original lens of article 114 TFEU, the law-making clause underlying the European harmonisation process. Focusing on a critical provision and the controversial derogation mechanism contained therein, the book discusses contemporary, universally fundamental topics, such as risk assessment and related responsibility allocation within the constraints of complex legal frameworks, the preservation of regional regulatory autonomy against the background of centralised legislative norms, and the interaction of economic integration with policy interests like consumer, environmental and health protection. Highlighting the collaborative rather than adversarial value of national deviations from common European measures, the study not only complements the literature available on 'negative integration' of the internal market, but also challenges traditionally accepted axioms, revealing opportunities for risk prevention and legitimacy enhancement stemming from diverse European and national regulatory standards. This detailed book will be of wide international appeal to academics, practitioners, students, judges, policy-makers and officials working within the European Union and government representatives of individual member states, as well as anyone more generally interested in the dynamics of EU integration.

Australian Law and Legal Thinking Between the Decades

This volume reflects the latest work of scholars specialising in the linguistic and legal aspects of normative texts across languages (English, Danish, French, Italian, Spanish) and law systems. Like other domains of specialised language use, legal discourse is subject to the converging pressures of internationalisation and of emerging practices that destabilise well-established norms and routines. In an integrated, interdependent context, supranational laws, rules and procedures are gradually developed and harmonised to regulate issues that can no longer be dealt with by national laws alone, as in the case of the European Union. The contributors discuss the impact of such developments on the construction, evolution and hybridisation of legal texts, analysed both linguistically and from the practitioner's standpoint.

Harmonisation and Harmonising Measures in Criminal Law

This book will be of great interest to practitioners, policymakers and academics, as well as students, particularly postgraduate students, of law and business throughout the world.

Common Core and Better Law in European Family Law

øThe highly-regarded authors of this important work explore the constitutional,

institutional, and cultural barriers to harmonisation of the copyright laws of the United States and the European Union. They consider these matters in the real world trans

The Report of the Working Party on the Harmonisation of Company Law in the Caribbean Community

Harmonised and uniform international laws are now being spread across different jurisdictions and fields of law, bringing with them an increasing body of scholarship on practical problems and theoretical dimensions. This comprehensive and insightful book focuses on the contributions to the development and understanding of the critical theory of harmonisation. The contributing authors address a variety of different subjects concerned with harmonisation and the application of legal rules resulting from harmonisation efforts. This study is written by leading scholars engaged in different aspects of harmonisation, and covers both regional harmonisation within the EU and regional human rights treaties, as well as harmonisation with international treaty obligations. With comparative analysis that contributes to the development of a more general theory on the harmonisation process, this timely book will appeal to EU and international law scholars and practitioners, as well as those looking to future legal harmonisation in other regions in Asia, Latin America and Africa.

The Law of Corporate Finance: General Principles and EU Law

Is the unification and harmonisation of (international) family law in Europe necessary? Is it feasible, desirable and possible? Reading the different contributions to this book may certainly inspire those who would like to find the right answers to these questions.

The Need for a European Contract Law

Seminar paper from the year 2007 in the subject Business economics - Revision, Auditing, grade: 1,0, University of Glamorgan, course: International Accounting & Auditing, 47 entries in the bibliography, language: English, comment: This essay provides an analysis concerning the obstacles of the quest for true cross-border auditing harmonisation despite the existence of International Standards on Auditing (ISA). Thereby, cultural, social, legal, political and finally, economic hurdles are examined., abstract: This essay provides an analysis of the many hurdles in the process of truly harmonised international auditing standards. The method of analysis for this essay included a review of the current literature available in libraries and on the internet. The cultural barriers are regarded as the most difficult to overcome since they comprise of people's behaviours as well as languages. Further, it is stated that the translation process is one of the major

hurdles since words in different languages are not equivalent to the English ones. Moreover, cultural diversity may also cause a general resistance as the standards are dictated by big audit firms. Additionally, the IFAC is mainly influenced by the USA and the EU which might continue to cast a damning light on the ISA. Alternatively, the level of education and the lack of professional auditing bodies in some developing countries embody the social problems. The political hurdles contain the pride of sovereignty and the political system of countries. Additionally, governments are reluctant to abandon their right to prescribe the standards for professions. Furthermore, it will also be difficult to find a majority in the national parliaments because current national standard-setters or representatives from businesses might exert pressure on the members of parliament to reject ISA. On the other hand, differences in national legislation as well as in the legal system are the main part of legal obstacles.

Cross-Border EU Competition Law Actions

This work is inspired by the comparative study published in The Interaction of Contract Law and Tort and Property Law in Europe (ISBN 3 935808 20 8-Cloth-$79.00-2004). Out of a transnational (comparative and EU-oriented) perspective, the essays included discuss whether divergences of property law on contractual security rights in movables constitute an obstacle to the internal market and, if so, what solutions could be offered. Unification or harmonization of

private international law cannot offer an adequate solution, while unification of domestic security laws could. However, the latter will take a very long time, partly due to the specific nature of property law. The contributing authors advocate the development of a European Security Right in Movables (ESRM) in addition to the respective contemporary national security rights. A real ESRM would clearly support free competition within the European Union. However, the development of an ESRM will take much time, in particular when dealing with the relation between that ESRM and domestic security rights in the member states. The reader will also find considerations on the contents of an ESRM and on the outlines of the required additional provisions.

Language and Culture in EU Law

This book explores how EU and international civil procedure rules (hard law, soft law, and judicial decision) shape national civil procedure law of the EU member states.

Harmonisation of Laws in Africa

In this book, legal scholars, philosophers, historians, and political scientists from Australia, Canada, New Zealand, the United Kingdom, and the United States

analyze the common law through three of its classic themes: rules, reasoning, and constitutionalism. Their essays, specially commissioned for this volume, provide an opportunity for thinkers from different jurisdictions and disciplines to talk to each other and to their wider audience within and beyond the common law world. This book allows scholars and students to consider how these themes and concepts relate to one another. It will initiate and sustain a more inclusive and well-informed theoretical discussion of the common law's method, process, and structure. It will be valuable to lawyers, philosophers, political scientists, and historians interested in constitutional law, comparative law, judicial process, legal theory, law and society, legal history, separation of powers, democratic theory, political philosophy, the courts, and the relationship of the common law tradition to other legal systems of the world.