

EUROPEAN CONTRACT LAW AND THE CREATION OF NORMS

EUCOLATH
EUROPEAN CONTRACT LAW AND THEORY SERIES

Editorial Board

Prof. Dr iur. Dr phil. Stefan Grundmann, LL.M (Berkeley)
Professor of Private, Commercial and International Law at Humboldt-University,
Berlin, and Professor of Transnational Law at the European University Institute,
Florence

Prof. Hugh Collins
Vinerian Professor of English Law, All Souls College, Oxford, and Fellow of the
British Academy

Prof. Dr Fernando Gómez Pomar
Professor of Civil Law and Law and Economics at Universitat Pompeu Fabra,
Barcelona

Dr Jacobien Rutgers
Reader in Private Law and Private International Law at the Free University (VU)
Amsterdam

Prof. Dr Pietro Sirena
Professor of Private Law at Bocconi University, Milan

EUROPEAN CONTRACT LAW
AND THE CREATION OF NORMS

Edited by
Stefan GRUNDMANN
Mateusz GROCHOWSKI

 INTERSENTIA

Cambridge – Antwerp – Chicago

Intersentia Ltd
8 Wellington Mews
Wellington Street | Cambridge
CB1 1HW | United Kingdom
Tel: +44 1223 736 170
Email: mail@intersentia.co.uk
www.intersentia.com | www.intersentia.co.uk

*Distribution for the UK and
Rest of the World (incl. Eastern Europe)*

NBN International
1 Deltic Avenue, Rooksley
Milton Keynes MK13 8LD
United Kingdom
Tel: +44 1752 202 301 | Fax: +44 1752 202 331
Email: orders@nbninternational.com

Distribution for Europe

Lefebvre Sarrut Belgium NV
Hoogstraat 139/6
1000 Brussels
Belgium
Tel: +32 (0)800 39 067
Email: mail@intersentia.be

Distribution for the USA and Canada

Independent Publishers Group
Order Department
814 North Franklin Street
Chicago, IL 60610
USA
Tel: +1 800 888 4741 (toll free) | Fax: +1 312 337 5985
Email: orders@ipgbook.com

European Contract Law and the Creation of Norms

© The editors and contributors severally 2021

The editors and contributors have asserted the right under the Copyright, Designs and Patents Act 1988, to be identified as authors of this work.

No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, without prior written permission from Intersentia, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Intersentia at the address above.

Artwork on cover: Keith Corrigan / Alamy Stock Photo

ISBN 978-1-78068-965-4

D/2021/7849/20

NUR 822

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

CONTENTS

<i>List of Cases</i>	ix
<i>List of Authors</i>	xv

PART I. ARCHITECTURE

The Creation of Norms: An Evolutionary View on European Contract Law

Stefan GRUNDMANN and Mateusz GROCHOWSKI	3
1. Law, State and Contract: Between the Old and the New Picture	4
2. European Union: Creator of Contract Law and Empowering Contractual Shaping	12
3. Constitution and Constitutional Values as a Source of Contract Law	16
4. The Selection of Norms: From Default Rule to Optional Codes and Regulation	21
5. The Ever-Stronger Private Creator of Norms	29
6. CJEU Case Law as a Specific Source of EU Law: A Bird's Eye Perspective	36
7. Conclusions and Caveats	41

PART II. BASIS OF NORMS: VALUES AND JURISDICTIONS

Good Faith as Contract's Core Value

Daniel MARKOVITS	47
1. Good Faith in Contract Doctrine	48
2. The Metes and Bounds of Good Faith	52
3. Good Faith, Freedom of Contract, and Contractual Solidarity	57
4. Good Faith as a Pedestrian Ideal	62
5. Good Faith as Contract's Core	70

The Rule of Law and the Charter of Fundamental Rights as a Source of European Private Law

Hugh COLLINS	73
1. Gap-Filling in EU Private Law	74
2. The Rule of Law	81

3. The Uses of Charter Rights in EU Private Law	84
4. A Rights-Based Conception of the Rule of Law	90
5. Conclusion	94

The Polish Civil Law Codification Commission Working on the Draft of the New Civil Code

Jerzy PISULIŃSKI	97
----------------------------	----

1. Polish Codification of Civil Law	97
2. Why the Work on the New Codification was Initiated	99
3. Outcome of the Work on the New Civil Code	102
4. Further Work on the New Codification: Academic Draft of the Civil Code	104

PART III. PARTY AUTONOMY AND SELECTION OF NORMS

Types of Contracts and Law’s Autonomy-Enhancing Role

Hanoch DAGAN	109
------------------------	-----

1. Introduction	109
2. Framework for Utopias	112
3. From Consent to Choice	115
4. The Institutional Challenge	121
5. Concluding Remarks	125

Legislative Options for Regulating Optional Rules

Lorenz KAEHLER	127
--------------------------	-----

1. Options Created by Default Rules	127
2. Opt-Out Conditions	131
3. Option Offers	136
4. Response Rules	139
5. Opt-In Rules	143
6. Concluding Remarks	147

A Private International Law Perspective on the Creation of Norms and Transnational Governance

Horatia MUIR WATT	149
-----------------------------	-----

1. Introduction	149
2. Setting the Scene: An Interdisciplinary Perspective	154
3. Legal-Theoretical Representations of Party Autonomy	158
4. Private Legislation and Issues of ‘Merely Technical’ Design	163

5. “Changes of State”: The Reversal of the Relationship between Law and Market.	166
6. Conclusion: For a Distributional Analysis	169

PART IV. PARTY AUTONOMY AS A BASIS FOR NORMS

Ambiguities of Self-Regulation: Some Illustrative Examples of ‘Good’ Companies’ Certification

Florian MÖSLEIN	175
1. Introduction	175
2. Self-Regulation and Private Autonomy	178
3. Classifying Self-Regulation	181
4. Examples of ‘Good’ Companies’ Certification	185
5. Conclusion	197

Contract Law under Regulatory Siege – Revival of Contract Law? Standardisation, Regulation and Consent

Hans-W. MICKLITZ	199
1. Context, Claim, Argument	199
2. Analytical Design	202
3. Contract Regulation versus Consent	211
4. Preliminary Conclusive Thoughts	223

Default Rules Beyond a State: Special-Purpose Lawmakers in the Platform Economy

Mateusz GROCHOWSKI	227
1. Introduction	227
2. ‘Spontaneous’ Default Rules	229
3. Fractioned Majority in Use: The Case of the Platform Economy.	234
4. Market Actors as Regulatory Intermediaries	244
5. The Challenge for European Contract Law	247
6. Conclusions	250

PART V. CASE LAW AND CREATION OF NORMS

European Contract Law in the EU Court of Justice’s Case Law

Camelia TOADER	255
1. Introduction	255
2. The Identification of the Personal Scope of Application of EU Instruments of European Contract Law	256

3. The ‘Contract’ as a Source of Rights and Obligations in the Case Law of the Court of Justice.	261
4. Procedural Framework: The Role of the Court of Justice vis-à-vis the Ex Officio Application of EU Law	265
5. Concluding Remarks	267
Potential and Hurdles for the CJEU’s Jurisprudence in Domestic Legal Orders: A Polish Case Study	
Aneta WIEWIÓROWSKA-DOMAGALSKA	269
1. Introduction	270
2. The Characteristics of EU Law that Impact its Functioning at a National Level.	272
3. The CJEU’s Jurisprudence Operation in Practice: The Access Problem	274
4. The System of Preliminary Referrals to the CJEU	276
5. Case Study	280
6. Conclusions	303
<i>Index</i>	305

LIST OF CASES

SUPRANATIONAL

COURT OF JUSTICE OF THE EUROPEAN UNION

Case 11/70, <i>Internationale Handelsgesellschaft</i> , ECLI:EU:C:1970:114.....	278
Case 166/73, <i>Rheinmühlen-Düsseldorf</i> , ECLI:EU:C:1974:3.....	277
Case 29/76, <i>LTU Lufttransportunternehmen GmbH & Co. KG</i> , ECLI:EU:C:1976:137.....	262
Case C-83/78, <i>Redmond</i> , ECLI:EU:C:1978:214.....	277
Case 283/81, <i>Cilfit and Others</i> , ECLI:EU:C:1982:335.....	277
Joined Cases 89, 104, 114, 116, 117 and 125–129/85, <i>Woodpulp</i> , ECLI:EU:C:1994:12.....	9
Case C-338/85, <i>Pardini</i> , ECLI:EU:C:1988:194.....	277
Case C-339/89, <i>Alsthom Atlantique</i> , ECLI:EU:C:1991:28.....	14
Case C-348/89, <i>Mecanarte</i> , ECLI:EU:C:1991:278.....	277
Case C-126/97, <i>Eco Swiss</i> , ECLI:EU:C:1999:269.....	171
Case C-212/97, <i>Centros</i> , ECLI:EU:C:1999:126.....	37
Case C-208/98, <i>Berliner Kindl Brauerei</i> , ECLI:EU:C:2000:152.....	257
Case C-240/98, <i>Océano Grupo Editorial</i> , ECLI:EU:C:2000:346.....	265
Case C-376/98, <i>Tobacco I</i> , ECLI:EU:C:2000:544.....	13
Case C-379/98, <i>Preussen Elektra</i> , C-379/98, ECLI:EU:C:2000:544.....	277
Case C-168/00, <i>Leitner</i> , ECLI:C:2002:163.....	273
Case C-18/01, <i>Korhonen and Others</i> , ECLI:EU:C:2003:300.....	277
Case C-464/01, <i>Johann Gruber</i> , ECLI:EU:C:2005:32.....	259
Case C-95/04, <i>Verein für Konsumenteninformation v. Amazon EU Sàrl</i> , ECLI:EU:C:2016:612.....	249
Case C-144/04, <i>Mangold</i> , ECLI:EU:C:2005:709.....	38
Case C-212/04, <i>Adeneler</i> , ECLI:EU:C:2006:443.....	277
Case C-499/04, <i>Werhof</i> , ECLI:EU:C:2006:168.....	87
Case C-168/05, <i>Mostaza Claro v. Centre Movil Millenium</i> , ECLI:EU:C:2006:675.....	171
Case C-295/05, <i>Asemfo</i> , ECLI:EU:C:2007:227.....	277
Case C-210/06, <i>Cartesio</i> , ECLI:EU:C:2008:723.....	277
Case C-404/06, <i>Quelle AG</i> , ECLI:EU:C:2008:231.....	76
Case C-409/06, <i>Winner Wetten</i> , ECLI:EU:C:2010:503.....	278
Case C-463/06, <i>FBTO Schadeverzekeringen</i> , ECLI:EU:C:2007:792.....	260
Joined Cases C-261/07 and C-299/07, <i>VTB-VAB NV/ Galatea BVBA</i> , ECLI:EU:C:2009:244.....	277
Case C-555/07, <i>Küçükdevici</i> , ECLI:EU:C:2010:21.....	38
Case C-40/08, <i>Asturcom Telecomunicaciones</i> , ECLI:EU:C:2009:615.....	296
Case C-101/08, <i>Audiolux</i> , ECLI:EU:C:2009:626.....	134
Case C-137/08, <i>VB Pénzügyi Lízing</i> , ECLI:EU:C:2010:659.....	265

Case C-243/08, <i>Pannon GSM</i> , ECLI:EU:C:2009:350	265, 296
Case C-378/08, <i>ERG and Others</i> , ECLI:EU:C:2010:126	278
Joined Cases C-65/09 and C-87/09, <i>Weber/Putz</i> , ECLI:EU:C:2011:396	39, 77, 274
Case C-173/09, <i>Elchinov</i> , ECLI:EU:C:2010:581	277–278
Case C-396/09, <i>Interedil</i> , ECLI:EU:C:2011:671	278
Case C-76/10, <i>Pohotovosť</i> , ECLI:EU:C:2010:685	296
Joined Cases C-188/10 and C-189/10, <i>Melki and Abdeli</i> , ECLI:EU:C:2010:363	277–278
Case C-416/10, <i>Križan</i> , ECLI:EU:C:2018:8	278
Case C-453/10, <i>Pereničová</i> , ECLI:EU:C:2012:144	296
Case C-472/10, <i>Invitel</i> , ECLI:EU:C:2012:242	146
Case C-617/10, <i>Åkerberg Fransson</i> , ECLI:EU:C:2013:105	38, 75
Case C-618/10, <i>Banco Español de Crédito</i> , ECLI:EU:C:2012:349	267, 292
Case C-171/11, <i>Fra.bo</i> , ECLI:EU:C:2012:453	75, 211, 221
Case C-180/11, <i>Bericap Záródástechnikai</i> , ECLI:EU:C:2012:717	278
Case C-415/11, <i>Aziz</i> , ECLI:EU:C:2013:164	38, 94
Case C-426/11, <i>Alemo-Herron</i> , ECLI:EU:C:2013:521	84, 94
Case C-488/11, <i>Asbeek Brusse</i> , ECLI:EU:C:2013:341	146, 299
Case C-26/13, <i>Kásler</i> , ECLI:EU:C:2014:282	267, 296
Case C-34/13, <i>Kušionová</i> , ECLI:EU:C:2014:2189	80, 88, 92–94
Case C-42/13, <i>Cartiera dell'Adda</i> , ECLI:EU:C:2014:2345	278
Case C-198/13, <i>Julian Hernández</i> , ECLI:EU:C:2014:2055	75
Case C-375/13, <i>Harald Kolassa</i> , ECLI:EU:C:2015:37	259
Case C-449/13, <i>CA Consumer Finance</i> , ECLI:EU:C:2014:2464	264
Cases C-482/13, C-484/13, C-485/13 and C-487/13, <i>Unicaja Banco SA</i> , ECLI:EU:C:2015:21	266
Case C-497/13, <i>Faber</i> , ECLI:EU:C:2015:357	265
Case C-537/13, <i>Šiba</i> , ECLI:EU:C:2015:14	258
Case C-689/13, <i>PFE</i> , ECLI:EU:C:2016:199	277–278
Case C-5/14, <i>Kernkraftwerke</i> , ECLI:EU:C:2015:354	276–278
Joined Cases C-72/14 and C-197/14, <i>X and van Dijk</i> , ECLI:EU:C:2015:564	279
Case C-110/14, <i>Horațiu Ovidiu Costea</i> , ECLI:EU:C:2015:538	257
Case C-297/14, <i>Rüdiger Hobohm</i> , ECLI:EU:C:2015:844	259
Case C-377/14, <i>Radlinger</i> , ECLI:EU:C:2016:283	266
Case C-613/14, <i>Elliott</i> , ECLI:EU:C:2016:821	211
Case C-613/15, <i>Ibercaja Banco SAU</i> , ECLI:EU:C:2016:195	266
Case C-42/15, <i>Home Credit Slovakia</i> , ECLI:EU:C:2016:842	265
Case C-74/15, <i>Dumitru and Ileana Tarcău</i> , ECLI:EU:C:2015:772	257
Case C-119/15, <i>Partner</i> , ECLI:EU:C:2016:987	300
Case C-149/15, <i>Wathelet</i> , ECLI:EU:C:2016:840	258
Case C-196/15, <i>Granarolo</i> , ECLI:EU:C:2016:559	262
Case C-219/15, <i>Schmitt</i> , ECLI:EU:C:2017:128	211
Case C-534/15, <i>Dumitraș</i> , ECLI:EU:C:2016:700	257
Case C-3/16, <i>Aquino</i> , ECLI:EU:C:2017:209	279
Case C-147/16, <i>Karel de Grote</i> , ECLI:EU:C:2018:320	265
Case C-186/16, <i>Andriciu</i> , ECLI:EU:C:2017:703	263–264
Case C-214/16, <i>King</i> , ECLI:EU:C:2017:914	88, 93–94
Case C-322/16, <i>Global Starnet</i> , ECLI:EU:C:2017:985	276–278
Case C-340/16, <i>KABEG</i> , ECLI:EU:C:2017:576	261
Case C-414/16, <i>Egenberger</i> , ECLI:EU:C:2018:257	38

Case C-483/16, <i>Zsolt Sziber</i> , ECLI:EU:C:2018:367	268
Case C-494/16, <i>Santoro</i> , ECLI:EU:C:2018:166.....	277
Case C-498/16, <i>Schrems</i> , ECLI:EU:C:2018:37	260
Case C-535/16, <i>Bachman</i> , ECLI:EU:C:2017:321.....	257
Joined Cases C-70/17 and C-179/17, <i>Abanca and Bankia</i> , ECLI:EU:C:2019:250.....	267, 292, 297–298
Case C-106/17, <i>Hofsoe</i> , ECLI:EU:C:2018:50.....	261–262
Case C-119/17, <i>Lupean and Lupean</i> , ECLI:EU:C:2018:103	263
Case C-126/17, <i>ERSTE Bank Hungary</i> , ECLI:EU:C:2018:107.....	263
Case C-176/17, <i>Profi Credit Polska</i> , ECLI:EU:C:2018:711	265, 280
Case C-632/17, <i>Powszechna Kasa Oszczędności</i> , ECLI:EU:C:2018:963.....	280
Case C-260/18, <i>Dziubak</i> , ECLI:EU:C:2019:282	280, 296
Case C-383/18, <i>Lexitor</i> , ECLI:EU:C:2019:702.....	280
Joined Cases C-419/18 and C-483/18, <i>Profi Credit</i> , ECLI:EU:C:2019:930	280
Case C-779/18, <i>Mikrokasa</i> , ECLI:EU:C:2020:236.....	280
Joined Cases C-84/19, C-222/19 and C-252/19, ECLI:EU:C:2020: 631.....	280
Case C-511/19, <i>Lintner</i> , ECLI:EU:C:2020:188.....	266
Case C-19/20, <i>Bank BPH</i> (preliminary reference).....	280, 295–296
Case C-198/20, <i>X Bank</i> (preliminary reference).....	280, 296
Case C-212/20, <i>A. S.A.</i> (preliminary reference).....	280, 296

NATIONAL

BRAZIL

Recourse no. 0002693-88.2019.8.19.0000	36
--	----

FRANCE

JORF no. 185 du 12 août 2015, p. 14004	189
--	-----

GERMANY

BVerfGE 7, 198 – <i>Lüth</i>	18
BVerfGE 81, 242 – <i>Handelsvertreter</i>	18
BVerfGE 89, 214 – <i>Bürgerschaft</i>	18, 180
BVerfGE 148, 267	18

UNITED KINGDOM

<i>Boone v. Eyre</i> (1777) 126 Eng. Rep. 160 (KB); 1 H. Bl. 273.....	47
<i>Makay v. Dick</i> (1881) 6 App. Cas. 251 (HL) (Blackburn J).....	49
<i>Wilson v. St Helens Borough Council</i> [1998] ICR 1141 (HL)	85, 92

POLAND

III CZP 79/10 (OSNC 2011, No. 4, item 41).....	274
P 45/12 (OTK, A Series, 2015, No. 4, item 46).....	293
II CSK 768/14 (OSNC 2015/11/132).....	293, 297–299
III CZP 17/15 (OSNC 2016, No. 4, item 40).....	300
III SK 13/15.....	300
II CSK 803/16 (OSNC 2018, No. 7-8, item 79).....	298
IV CSK 285/16.....	299
III CZP 29/17 (OSNC 2019, No. 1, item 2).....	301
III CSK 159/17.....	301
II CSK 632/17.....	301
II CSK 19/18.....	295, 298–299
I CSK 242/18.....	301
I NSK 29/18.....	300
V CSK 152/19.....	290
III CZP 11/20 (preliminary question asked to the Supreme Court).....	295

USA

<i>Patterson v. Meyerhofer</i> , 97 N.E. 472 (N.Y. 1912).....	50
<i>Wood v. Lucy, Lady Duff-Gordon</i> , 118 N.E. 214 (N.Y. 1917).....	49
<i>Imperial Ref. Co. v. Kanotex Ref. Co.</i> , 29 F.2d 193 (8th Cir. 1928).....	72
<i>Kirke La Shelle Co. v. Paul Armstrong Co.</i> , 188 N.E. 163, 167 (N.Y. 1933).....	47
<i>L.C. Page & Co. v. Fox Film Corp.</i> , 83 F.2d 196, 199 (2d Cir. 1936).....	52
<i>Parev Prods. Co. v. I. Rokeach & Sons, Inc.</i> , 124 F.2d 147 (2d Cir. 1941).....	53
<i>International Shoe v. Washington</i> , 326 U.S. 310 (1945).....	41
<i>Fry v. George Elkins Co.</i> , 327 P.2d 905 (Cal. App. 2d 1958).....	50
<i>Comunale v. Traders & General Ins. Co.</i> , 328 P.2d 198 (Cal. 1958) (en banc).....	51
<i>Perkins v. Standard Oil Co.</i> , 383 P.2d 107, 111–12 (Or. 1963) (en banc).....	57
<i>Ryder Truck Rental, Inc. v. Cent. Packing Co.</i> , 341 F.2d 321, 323–24 (10th Cir. 1965).....	57
<i>Bartsch v. Metro-Goldwyn-Mayer, Inc.</i> , 391 F.2d 150 (2d Cir. 1968), cert. denied, 393 U.S. 826 (1968).....	52
<i>Fortune v. National Cash Register</i> , 364 N.E.2d 1251 (Mass. 1971).....	50
<i>Sessions, Inc. v. Morton</i> , 491 F.2d 854, 857 (9th Cir. 1974).....	57
<i>E. Airlines, Inc. v. Gulf Oil Co.</i> , 415 F. Supp. 429 (S.D. Fla. 1975).....	55
<i>Rio Algom Corp. v. Jimco Ltd.</i> , 618 P.2d 497, 505 (Utah 1980).....	54
<i>World-Wide Volkswagen Corp. v. Woodson</i> , 444 U.S. 286 (1980).....	41
<i>Tymshare Inv. v. Covell</i> , 727 F.2d 1145, 1152 (D.C. Cir. 1984).....	52
<i>Goldberg v. Charlie's Chevrolet, Inc.</i> , 672 S.W.2d 177 (Mont. Ct. App. 1984).....	50
<i>Mitsubishi v. Soler Chrysler-Plymouth</i> , 473 U.S. 614 (1985).....	168
<i>Asahi Metal Industry Co. Ltd. v. Superior Court</i> , 480 U.S. 102 = 107 S.Ct. 1026 (1987).....	41
<i>Mkt. St. Assocs. Ltd. P'ship v. Frey</i> , 941 F.2d 588, 594–95 (7th Cir. 1991).....	53–54, 63, 67, 69, 72
<i>Bonny v. Society of Lloyd's</i> , 3 F.3d 156 (7th Cir. 1993).....	168–169
<i>Roby v. Corporation of Lloyd's</i> , 996 F.2d 1353 (2 ^d Cir. 1993).....	168–169
<i>Ray-Tek Services, Inc. v. Parker</i> , 831 N.E.2d 948, 953 (Mass. App. Ct. 2005).....	60

<i>Deutsche Bank Securities, Inc. v. Montana Board of Investments</i> , 7 N.Y.3d 65, 850 N.E.2d 1140 (2006).....	39
<i>Licci v. Lebanese Canadian Bank</i> , SAL, No. 183 (N.Y. 2012)	39
<i>ASB Allegiance Real Estate Fund v. Scion Breckenridge Managing Member, LLC</i> , 50 A.3d 434, 440–41 (Del. Ch. 2012) aff'd in part, rev'd in part on other grounds, 68 A.3d 665 (Del. 2013).....	54

LIST OF AUTHORS

Hugh Collins

Cassel Professor of Commercial Law, London School of Economics, United Kingdom

Hanoch Dagan

Stewart and Judy Colton Professor of Legal Theory and Innovation and Director of The Edmond J. Safra Center for Ethics, Tel-Aviv University, Israel

Mateusz Grochowski

Senior Researcher at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany; Assistant Professor at the Institute of Law Studies of the Polish Academy of Sciences in Warsaw, Poland; Fellow of the Information Society Project at Yale Law School, United States

Stefan Grundmann

Professor of Transnational Law & Theory at the European University Institute in Florence, Italy; Professor of Private and Business Law at Humboldt-University in Berlin, Germany

Lorenz Kaehler

Professor for Private Law, Civil Procedure and Legal Philosophy at the University Bremen, Germany

Daniel Markovits

Guido Calabresi Professor of Law and Founding Director of the Center for the Study of Private Law at Yale Law School, United States

Hans-W. Micklitz

Finland Distinguished Professor at the University of Helsinki; Professor for Economic Law at the Robert Schuman Centre for Advanced Studies, European University Institute, Florence, Italy

Florian Möslein

Director of the Institute for Law and Regulation of Digitalisation (www.irdi.institute) and Professor of Law at the Philipps-University Marburg, Germany

Horatia Muir Watt

Professor, Sciences Po, Paris; Fellow, Institut Universitaire de France

Jerzy Pisuliński

Professor of Civil Law at the Faculty of Law and Administration of the Jagiellonian University, Poland; Member of the Civil Law Codification Commission (CLCC), a body attached to the Ministry of Justice of the Republic of Poland, since October 2006, and Vice-Chairman of the CLCC in 2011–2015

Camelia Toader

Professor, Private Law Department, Faculty of Law of the University of Bucharest, Romania; Judge at the Court of Justice of the European Union since January 2007

Aneta Wiewiórowska-Domagalska

Senior Researcher at the European Legal Studies Institute, Osnabrück University, Germany, and Co-Chair of Consumer Forum established by the Polish Human Rights Commissioner