

# Professor Mads Andenas

JUS5240 – Comparative Private Law

JUR1240 – Comparative Private Law (BA)

## Outline

The focus on the course is on comparative law, its method and application, and we apply this on contract law, with three broad topics: formation, interpretation and remedies for breach.

A core methodological topic is the role courts play in. We will discuss the article by Professor Mads Andenas and Duncan Fairgrieve that you find here:

[https://www.uio.no/studier/emner/jus/jus/JUS5240/h15/undervisningsmateriale/andenascourteomparativelaw-\(3\).pdf](https://www.uio.no/studier/emner/jus/jus/JUS5240/h15/undervisningsmateriale/andenascourteomparativelaw-(3).pdf)

We will make use of primary materials you can access on the web. We will discuss the EU initiatives such as the (abandoned) proposal for a Common European Sales Law (CESL) and the European Commission proposals that replace it, the proposal for a directive regulating the private-law aspects of contracts for the supply of digital content and digital services in the internal market,

[http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614707/EPRS\\_BRI\(2018\)614707\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614707/EPRS_BRI(2018)614707_EN.pdf) and the current proposal for a new directive on the consumer sale of goods,

[http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614744/EPRS\\_BRI\(2018\)614744\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614744/EPRS_BRI(2018)614744_EN.pdf)

SCHEDULE with topics

Lectures take place in DA Auditorium 6,

for dates and times see

<https://www.uio.no/studier/emner/jus/jus/JUS5240/h18/timeplan/index.html>

1. Introduction to the course and overview. What we are going to compare? Methods of comparative law.
2. Legal Harmonisation and Comparative Law.
3. Harmonising contract law in Europe and internationally. Implementing EU law and international contract conventions in domestic law.
4. Principles Courts and Comparative Law.
5. Formation of contracts.
6. Reasonableness and good faith. Interpretation.
7. The EU initiatives. The (abandoned) proposal for a Common European Sales Law (CESL), the European Commission proposals that replaced it, the proposal for a directive regulating the private-law aspects of contracts for the supply of digital content and

digital services in the internal market, and the current proposal for a new directive on the consumer sale of goods, Common European Sales Law.

8. Comparative Private Law in Practice. Summing up.