Society of European Contract Law
SECOLA
and
Association Henri Capitant des Amis de la culture juridique française

The General Clause in European Contract Law
National Laws, Existing and Forthcoming European Law

Invitation to a Conference
Paris, 27 and 28 June 2003
Friday, 27th of June 2003

9:00 Welcome, Introduction and Chair
Prof. M. Grimaldi, Univ. Paris II, President of the Association
Henri Capitant des Amis de la Culture Juridique Française
Prof. S. Grundmann, Univ. Erlangen-Nuremberg, President of
the Society of European Contract Law (SECOLA)

I. The General Clause in the National Laws

9:15 1. Theory and Practice in French and other Roman Legal
Systems
Prof. C. Jauffret-Spinosi, University Paris II
2. Theory and Practice in Germanic, Dutch and the Scandinavian
Legal Systems
Prof. P. Schlechtriem, University Freiburg/Breisgau
3. Theory and Practice in Common Law Systems
Prof. S. Whittaker, Oxford University

10:45 Coffee
11:00 4. Discussion
12:00 Lunch
13:00 General Assembly of SECOLA and Presentation of SECOLA
Database on European Contract Law

II. The General Clause in Existing European Contract Law and its
Application by the European Court of Justice

Chair: Prof. C.M. Bianca, Rome University (la Sapienza)

14:15 1. Basic Standard: Abuse of Rights, as in Unfair Contract
Terms
Prof. J. Mestre, Dean, University Aix - Marseille III
2. Intermediate Standard: Good Faith and Collaboration, as in
the Sales Agent Directive
Prof. V. Roppo, University Genova

15:15 3. Discussion
16:00 Coffee
16:15 4. High Standard of Care and Loyalty, as in the Investment Ser-
vices Directive
Prof. J. Wouters, Catholic University Leuven
16:45 5. General Clauses: Shifting Power from Legislation to Judges
and from the Central Level to the National Level?
Judge D. Edward, European Court of Justice

17:15 6. General Clauses in European Labour Law - Comparative
Law and its Reflection in Community Law
Prof. R. Rebhahn, University Vienna
Commentary: Prof. H. Collins, London School of Economics
18:00 7. Discussion
20:30 Dinner

Saturday, 28th of June 2003

III. The General Clause as an Instrument of European Contract Law
Codification?

Chair: G. Carnivet, Premier President of the Cour de cassation

9:00 1. An Economic Analysis of the Functioning of General Clauses
Em. Prof. J. Ghestin, University Paris I
2. The Duty to Deal Fairly in Consumer Contracts
Em. Prof. J. Calais-Auloy, University Montpellier
Commentary: Prof. F.W. Grosheide, University Utrecht: The
Duty to Deal Fairly in Commercial Contracts

10:30 Coffee
10:45 3. Discussion
11:30 4. General Clauses and Specific Rules in the European
Principles of Contract Law
Prof. H. Beale, University Warwick, Law Commission

12:00 5. Discussion, Closing Remarks, and Round Table: General
Clauses as an Instrument of Codifying Mass Transactions or
High Value Contracts?
Participants: Prof. H. Collins (London), Prof. J. Ghestin (Paris),
Prof. S. Grundmann (Erlangen), Em. Prof. D. Tallon (Paris),
Prof. A. de Vita (Florence)

13:30 End of Conference

Conference location:
Cour de cassation,
5, Quai de l’Horloge, Paris
Conference bureau (Henri Capitant, Paris):
capitant@club-internet.fr,
fax: +33/1/40 51 86 52, tel: +33/1/43 54 43 17
Conference bureau (SECOLA):
conferences@secola.de,
fax: +49/9131/852 64 79, tel: +49/9131/852 37 88