

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 Services 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

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Conference location:  
Cour de cassation,  
5, Quai de l'Horloge, Paris

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