



Making European Private Law: Governance Design

Fabrizio Cafaggi, Horatia Muir Watt

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The debate concerning the desirability and modes of harmonization of European Private Law (EPL) has, until now, been mainly concerned with substantive rules. The link between rules and institutions suggests that governance of both the process of harmonization and its outcome is necessary. This book covers various perspectives on the challenge of designing governance for EPL: the implications of a multi-level system in terms of competences, the interplay between market integration and regulation, the legitimacy of private law making, the importance of self-regulation, the usefulness of conflict of law rules, the role of intergovernmental institutions, and the aftermath of enlargement. In addressing these, the book's achievements are to successfully link two areas of scholarship that have so far remained separate, EPL and new modes of governance, and to address institutional reforms. The contributions offer different proposals to improve governance: the creation of a European Law institute, the improvement of judicial cooperation among national courts, the use of committees for implementation of EPL.

Suggesting practical institutional reforms that can improve the process of Europeanization of private law, this book will be of great interest to scholars of law, politics, political science, sociology and economics. It will also appeal to policymakers, and members of both European institutions and national institutions dealing with European matters.

Contents: Part I: Different Facets of Market Integration; Part II: Private Law-Making; Part III: Governance in European Private Law; Part IV: Conclusions; Index

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