

The Future of the Commercial Contract in Scholarship and Law Reform – European and Comparative Perspectives

Thursday 22 September 2016, 1400-17.00

Institute of Advanced Legal Studies (IALS)
School of Advanced Study, University of London,
Charles Clore House, 17 Russell Square, London WC1B 5DR

IALS Center for Corporate and Commercial Law and University of Exeter

Website: <http://bit.ly/2agK6yo>

Convenors: Dr Maren Heidemann, IALS, and Dr Joseph Lee, University of Exeter

– CALL FOR PAPERS –

Recent years have seen new European EU and academic proposals and legislation in regard of contract law. Examples are CESL, PECL and the DCFR but also the UK Consumer Rights Act 2015. These are either based on a universal notion of contract or deal predominantly with consumer contracts. Is there therefore a need to focus on commercial contracts in research and legislation? Is the current identity based system of merchant and consumer law sustainable? How can commercial contracts be defined? Are they a separate contract type? What should be the role of cross border dealings in this process? Should this outlook be universal or sector specific? This workshop wants to explore comparative positions in scholarship and legal practice, suggest new research agendas and provide a forum for debate of typical issues that might benefit from further attention by scholarship and legal drafting.

Papers are invited from scholars with a view to publication in an edited volume within the coming year to present initial ideas either from their own current research or along the following lines of enquiry:

1) General / theoretical:

- Is the commercial contract identical with so called B2B transactions?
- Is it a separate contract type? How would it be defined?
- Is there or should there be separate law for it?
- Should it be a separate discipline of scholarship within contract law?
- Should the EU legislate for it (ie complementary to consumer contract)?
- What are the main requirements?
- What would the expectations be towards legislation in this area?
- What role does international / cross-border trading play in this?
- Would traders prefer sector specific law?

- 2) Specific contracts and remedies and differences to general contract law in traditional merchant laws, US law and some international conventions such as:
 - a) Aspects from particular contract types such as IT, construction, insurance contracts
 - b) Typical general features such as:
 - Silent acceptance; inspection duties; force majeure clauses; contract adaptation; the perfect tender rule; the parol evidence rule; dispute settlement mechanism
- 3) Policy issues such as:
 - in what cases should traders be benefiting from rules designed for consumer contracts?
 - would this include good faith and a duty to co-operate?

For the event on 22 Sept 2016 papers can be in a preliminary stage of drafting as this is intended to be an event with a workshop character.

Please submit abstracts of up to 500 words any time from now until **15 AUGUST 2016** by email to Dr. Maren Heidemann, mheidera@aol.com or Dr Joseph Lee, J.Lee@exeter.ac.uk

Acceptance will be notified within two weeks after receipt of any proposal.

Papers may also be eligible to be included as chapters in an intended edited volume to be published in 2018, subject to a separate peer review process.

Please note that registration fees will apply to the workshop. There will be a concessionary rate for students and speakers.

If you are interested in attending, but do not wish to give a paper, please contact Belinda Crothers to go on the mailing list for further information and booking.

Enquiries: Belinda Crothers Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR: Email: Belinda.Crothers@sas.ac.uk

Confirmed speakers:

First session: general theory of commercial contract

Dr. Maren Heidemann, IALS

“Merchant law in Europe - the future of commercial contract law”

Catherine Jeanne Pedamon, University of Westminster

“The 2016 Reform of French Code Civil and its impact on commercial law”

Second session: Aspects of commercial contract in practice –

Dr Dania Thomas, University of Glasgow

“Comparative aspects: contract law developments in sovereign debt litigation”

Dr. Joseph Lee

“Commercial contracts as dispute resolution tools in corporate law”