

Fornasier on European Contract Law and Choice of Law

Matteo Fornasier, a senior research fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg, has written an interesting article on the optional instrument of European contract law and choice of law. The article is forthcoming in *Rabels Zeitschrift für ausländisches und internationales Privatrecht* and can be downloaded [here](#). The English abstract reads as follows:

Ten years after placing the idea of a European contract law on the political agenda, the European Commission has announced its intention to take legislative action soon. A proposal for a regulation on an optional instrument of European contract law is expected in the fall of 2011. The regulation would create a set of European contract rules which would exist alongside the various national regimes and could be chosen as the applicable law by the parties to the contract. Such an instrument raises a number of questions with regard to private international law in general and the Rome I Regulation in particular. Should the choice of the European contract law be subject to the general rules on party choice under Rome I or does the new instrument call for special rules? Also, should the European contract law be eligible only where the relevant choice of law rules refer the contract to the law of a Member State or should the parties also be allowed to opt for the European rules where private international law designates the law of a third state as the law applicable to the contract? And finally, how does the optional instrument relate to the CISG and other uniform law conventions? The following paper discusses possible models of how to fit the optional instrument into the system of private international law. In particular, it examines which solution is the best suited to achieve the primary goal of the optional instrument, i.e. to improve the functioning of the internal market.