

The Questionable Basis of the Common European Sales Law: The Role of an Optional Instrument in Jurisdictional Competition

Eric A. Posner, Kirkland & Ellis Professor of Law at the University of Chicago Law School, has posted “The Questionable Basis of the Common European Sales Law: The role of an Optional Instrument in Jurisdictional Competition” on SSRN. The paper can be downloaded [here](#). The abstract reads as follows:

The Common European Sales Law is designed as an optional instrument that European parties engaged in cross-border transactions could choose for their transactions in preference to national law. The goal is to increase cross-border transactions and perhaps to enhance European identity. But the CESL is unlikely to achieve these goals. It raises transaction costs while producing few if any benefits; it is unlikely to spur beneficial jurisdictional competition; its consumer protection provisions will make it unattractive for businesses; and its impact on European identity is likely to be small.