

Out now: ZEuP, Issue 3/2018

Issue 3 of the Journal of European Private Law (Zeitschrift für Europäisches Privatrecht) has just been released. It contains the following articles:

Robert Magnus: *Der grenzüberschreitende Bezug als Anwendungsvoraussetzung im europäischen Zuständigkeits- und Kollisionsrecht*

Under Article 81 (1) TFEU, the EU competence for judicial cooperation in civil matters requires ‘cross-border implications’. The questions when and how such implications can be assumed and whether or not reliable principles can be established in this context, are the subject of this article.

Pedro del Olmo: *Obligations, Contracts and ‘Performance by Third Persons’: A case of False Friends in the PECL and the DCFR*

What the civil law tradition calls “payment by a third party” is based on the simple idea that almost anyone can fulfil the obligation of another and by doing so free the debtor from her duty. The new approaches adopted in the DCFR regarding performance by a third party are unclear and contradictory. This paper demonstrates that many difficulties in this area can be avoided if the distinction between actual performance by a third party and “accord and satisfactions” (datio in solutum) by a third party is maintained.

Susanne Zwirlein: *„Mortuus redhibetur“ permansit*

“Mortuus redhibetur” is not only a legal rule handed down in the Digest, but also a legal shorthand for the question of how the destruction of a defective object of sale through no fault of the buyer affects the right to termination and the consequences of its exercise. This article examines this question in a comparative historical way reviewing the solutions in Roman, English and German law and the respective channels of reception.

Ádám Fuglinszky: *The Conceivable Ways and Means of the Further Harmonization of European Product Liability Law – Mandatory Direct Claim against the Producer for Repair or Replacement?*

This article examines the advantages and disadvantages of mandatory direct remedies for repair or replacement against manufacturers. It then compares models regulating such claims employed by Member States and outlines a basis for future European harmonization.

Lorenzo Bertino: *Marriage and family: Civil Unions in Italy*

The Italian legislature recently introduced a legal framework for the regulation of homosexual partnerships, the content and constitutional significance of which is outlined in this article. It is argued that this “Civil Union” is significantly different from marriage.