



Performance-Oriented Remedies in European Sale of Goods Law (Studies of the Oxford Institute of European and Comparative Law)

Vanessa Mak

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Contractual remedies aimed at performance create a well-known rift between common law and civil law traditions, in the one existing in the shadow of damages, while in the other regarded as a generally enforceable right following from the contract. Developments in approximation of laws in Europe, in particular in consumer sales law, suggest however that a convergence of these approaches may be within reach. Putting the focus on the contract of sale, which, as the most common type of contract, may fulfill a leading role in the harmonization process, this book provides a model for further convergence of European sales laws, engaging with issues of contract theory and comparative law lying at the heart of the process. Independently from this, the comparison between different systems is used in order to highlight particular problems in the remedial schemes of individual systems and to see whether a better solution may be borrowed from elsewhere. Scaling the interests of sellers and buyers as reflected in national laws as well as in uniform sets of rules - such as the UN Convention on Contracts for the International Sale of Goods and the Principles of European Contract Law - a plea is made for a primary position for performance-oriented remedies in the harmonization of European sales law. In this context, special significance is attributed to the possibility of cure by the seller, which has both practical and conceptual links to the buyer's remedies aimed at performance.

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