

# Contents

---

<i>List of contributors</i>	ix
<i>Preface: Theory and practice of harmonisation</i>	xi
1 Harmonising and regulating financial markets <i>Mads Andenas</i>	1
2 Applied uniformity of a uniform commercial law: ensuring functional harmonisation of uniform texts through a global jurisconsultorium of the CISG <i>Camilla Baasch Andersen</i>	30
3 Regulatory competition or harmonisation: the dilemma, the alternatives and the prospect of reflexive harmonisation <i>Stelios Andreadakis</i>	52
4 Harmonisation of substantive legal principles and structures: lessons from environmental laws in a federal legal system (Australia) <i>Ross Ashcroft</i>	65
5 Disharmony in the process of harmonisation? – The analytical account of the Strasbourg Court’s variable geometry of decision-making policy based on the margin of appreciation doctrine <i>Yutaka Arai-Takahashi</i>	95
6 The draft academic common frame of reference and the ‘toolbox’ <i>Hugh Beale</i>	115
7 <i>Francovich</i> liability for breach of European <i>Union</i> law <i>Gerrit Betlem</i>	129
8 International law on the carriage of goods by sea: UNCITRAL’s most recent harmonisation efforts <i>Miriam Goldby</i>	149
9 Demandeur-centricity in transnational commercial law <i>Sandeep Gopalan</i>	163
10 International commercial harmonisation and national resistance – the development and reform of transnational commercial law and its application within national legal culture <i>Maren Heidemann</i>	180

11	Methodological challenges of codifying or consolidating national and international sales law based on CISG Article 35 <i>Rene Franz Henschel</i>	198
12	How far are national broadcasting orders converging as a consequence of European media law and policy? <i>Irini Katsirea</i>	220
13	The fallacy of the common core: polycontextualism in surety protection – a ‘hard case’ in harmonisation discourse <i>Mel Kenny and James Devenney</i>	231
14	Harmonisation of business law: the experience of Africa <i>Jimmy Kodo</i>	252
15	Achieving optimal use of harmonisation techniques in an increasingly interrelated twenty-first century world–consumer sales: moving the EU harmonisation process to a global plane <i>Louis F. Del Duca, Albert H. Kritzer and Daniel Nagel</i>	268
16	The meaning of harmonisation in the context of European Union law – a process in need of definition <i>Eva J. Lohse</i>	282
17	Theory and practice of harmonisation in the European internal market <i>Isidora Maletić</i>	314
18	International competition law harmonisation and the WTO: past, present and future <i>Jurgita Malinauskaite</i>	323
19	Convergence, path-dependency and credit securities: the case against Europe-wide harmonisation <i>Gerard McCormack</i>	352
20	Lex Mercatoria as transnational commercial law: is the <i>Lex Mercatoria</i> preferentially for the ‘mercatoracy’? <i>Adaora Okwor</i>	393
21	The legal basis for harmonisation of environmental criminal law in the EU: past and future challenges <i>Ricardo Pereira</i>	403
22	Comparative law and European harmonisation – a match made in heaven or uneasy bedfellows? <i>Dagmar Schiek</i>	425
23	Should the EU be attempting to harmonise national systems of labour law? <i>Phil Syrpis</i>	450
24	The <i>acquis</i> principles: an insider’s critical reflections on the drafting process <i>Christian Twigg-Flesner</i>	474

25	Harmonisation of competition law in multilateral trade framework: China's WTO membership and its Anti-monopoly Law <i>Qianlan Wu</i>	496
26	Harmonised legal framework for carbon trading <i>Bruno Zeller</i>	520
27	Technical considerations in harmonisation and approximation: legislative drafting techniques for full transposition <i>Helen Xanthaki</i>	536
28	International harmonisation of credit and security laws: the way forward <i>Orkun Akseli</i>	551
29	Towards a theory of harmonisation <i>Mads Andenas, Camilla Baasch Andersen and Ross Ashcroft</i>	572
	<i>Index</i>	595

