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Franchising in European Contract Law Odavia Bueno Diaz,2008-01-01 The Principles of European Law on Commercial Agency, Franchise and Distribution Contracts (PEL CAFDC, 2006) are an academic proposal of the Study Group on a European Civil Code for the European-wide regulation of the contents of these three types of agreements. The academic analysis Franchising in European Contract Law focuses on the harmonised Principles on Franchising. At present all member states of the EU have their own regulation on franchising. This situation might change in the light of the political process of Europeanization of contract law that was initiated by the European Commission in 2001. As a result of that process the Principles on Franchising could be declared a set of rules which might be opted for by the parties to franchising contracts Europe-wide to govern their relationship. In this analysis the main obligations in franchising in PEL CAFDC are compared with those under French and Spanish law. The main conclusion of this thesis research has been that the main obligations of parties in franchising under the PEL CAFDC resemble those under French and Spanish law. Eventually, differences will arise depending on how national courts weigh the interests of the parties in each case. A second conclusion has been that a choice for the PEL CAFDC instead of for French and Spanish law could be considered a rational alternative concerning the applicable system of remedies and legal certainty.

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