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The Citizen in European Private Law: Norm-Setting, Enforcement and Choice



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LIST OF ABBREVIATIONS

AbgÄG	Abgabenänderungsgesetz
ADR	Alternative Dispute Resolution
AG	Advocate-General
ApS	Anpartselskab
ARN	Allmänna reklamationsnämnden
ASIC	Australia Securities and Investments Commission
BGH	Bundesgerichtshof
BGmbH	Basis-GmbH
BV	Besloten Vennootschap
CA	Court of Appeal
CA 2006	Companies Act 2006
CDR	Consumer Dispute Resolution
CESL	Common European Sales Law
CJEU	Court of Justice of the European Union
COMI	Centre of Main Interests
CSR	Corporate Social Responsibility
DGS	De Geschillencommissie
EC	European Commission
ECFR	European Company and Financial Law Review
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EEC	European Economic Community
EU	European Union
EUR	Euro
FAME	Financial Analysis Made Easy
GesRÄG	Gesellschaftsrechts-Änderungsgesetz
GmbH	Gesellschaft mit beschränkter Haftung
GmbHG	GmbH-Gesetz
ICGI	Maastricht Institute for Corporate Law, Governance and Innovation Policies
ILO	International Labour Organization
KiFiD	Klachteninstituut Financiële Dienstverlening
KmbH	Kammanditgesellschaft mit beschränkter Haftung

List of Abbreviations

LLP	Limited Liability Partnership
Ltd.	Limited Liability Company
MEPLI	Maastricht European Private Institute
MindestkapG	Gesetz zur Neuregelung des Mindestkapitals der GmbH
MoMiG	Modernisierung des GmbH-Rechts und zur Bekämpfung von Missbräuchen
NCP	National Contact Point
ODR	Online Dispute Resolution
OECD	Organisation for Economic Co-operation and Development
OJ	Official Journal
OLG	Oberlandesgericht
PIL	Private International Law
PmbH	Personengesellschaft mit beschränkter Haftung (partnership with limited liability)
SA	Société Anonyme
SARL	Société à Responsabilité Limitée
SAS	Société par Actions Simplifiée
SLNE	Sociedad Limitada Nueva Empresa
SL/SRL	Sociedad de Responsabilidad Limitada
TFEU	Treaty on the Functioning of the European Union
UG	Unternehmersgesellschaft
UK	United Kingdom
UN	United Nations
US	United States

PREFACE

It is not a particularly surprising revelation that the citizens of the European Union are often not aware of the rights that they have, nor of the possibilities to enforce these rights. This was a reason for the European Commission to declare 2013 the 'European Year of Citizens.' The explicit aim of both the Commission and the European Parliament was – twenty years after the establishment of European Union citizenship under the Maastricht Treaty – to boost the idea of EU citizenship and to develop strategies to better inform European citizens about their rights. It was in this context that the Faculty of Law of Maastricht University decided to initiate a number of events around this 'Year of Citizens.' One of these events was devoted to the role of private actors (meaning: citizens, consumers and companies) in norm-setting, enforcement and choice of law. It took the form of a conference entitled 'The Citizen in European Private Law', organised on 18 October 2013 in cooperation between the Maastricht European Private Law Institute (MEPLI) and the Maastricht Institute for Corporate Law, Governance and Innovation Policies (ICGI). Caroline Cauffman, Mieke Olaerts and Jan Smits were able to take care of the practical organisation thanks to the highly proficient help of Marina Jodogne and Marjo Mullers. Damla Cavusoglu and Lotte Meurkens wrote an elaborate report on the conference that was published in the *European Review of Private Law* 22 (2014), p. 469-480.

This volume contains most of the contributions that were presented at the conference, together with some new articles. Its structure reflects the wish of the editors to look at citizen empowerment from a thematic perspective and not from the viewpoint of separate fields of law. Thus, part I looks at choice and regulatory competition in both company law and family law, while part II considers norm setting and enforcement in consumer law, commercial law and family law. The introduction to this volume explains the set-up in more detail.

We would like to thank Marina Jodogne, Eve Meurgey, Alina Anapyanova and Christopher Mondschein for essential help in preparing this volume. We also acknowledge the financial support received from the University Fund Limburg/SWOL and from the Faculty of Law of Maastricht University to organise the conference.

The editors, 31 August 2015