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Edited by Gert Bruggemeier, Aurelia Colombi Ciacchi and Giovanni Comande
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FUNDAMENTAL RIGHTS AND PRIVATE LAW IN THE EUROPEAN UNION

This two-volume comparative study, carried out by the Research Training Network on Fundamental Rights and Private Law in the European Union, offers an overview of the doctrines and case law on the direct or indirect application of a fundamental right, for example a national constitutional right or an international human right, in order to solve a dispute between private parties in England, France, Germany, Italy, Poland, Portugal, Spain, Sweden and the Netherlands. Volume I contains national reports for each of these countries, preceded by a brief introduction explaining the project terminology and methodology and followed by a comparative chapter. A contribution on the horizontal effect of fundamental rights and freedoms in EU law is also included. Volume II includes ten comparative analyses of selected case patterns in contract, tort, property and family law, which have been adjudicated with reference to fundamental rights in many or at least some of these countries.

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Edited by
GERT BRÜGGEMEIER
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PREFACE

This book is the second of two volumes arising from the work of the Research Training Network 'Fundamental Rights and Private Law in the European Union', which we had the great honour and pleasure of coordinating. The comparative analyses in this volume were written between 2003 and 2007. Thereafter the final editing and proofreading of the reports took place. A brief history of this project and a presentation of its participants is contained in the preface of the first volume. We would like to express our warmest thanks once again to all the young researchers, team leaders and staff members involved in this project, and the external experts who commented on previous versions of our reports. The support of the European Community is gratefully acknowledged.

The subjects of the comparative analyses included in this second volume have been selected from a comprehensive collection of common patterns of horizontal effect cases which we have assessed as recurring in several European countries. This collection of case patterns constitutes the empirical basis of our network's joint research. Due to limited space, the entire collection could not be included in these volumes. It is available online at www.lider-lab.org. We are indebted to Cristina Amato, Brigitte Clark, Ronney Hagelberg, Hans W. Micklitz, Jill Morgan, Pedro del Olmo, Erica Palmerini, Marie-Luce Paris Dobozy, Giulio Ponzanelli, Johanna Schiratzki, Duncan Sheehan, Vanessa Sims, Jan Smits, Joaquim Sousa Ribeiro and Gareth Thomas for their helpful comments on previous versions of the case pattern reports.

We are immensely grateful to the young researchers who performed the comparative analyses included in this volume. They have organised and carried out the work with a high degree of autonomy. These essays are the final product of a long and sophisticated process of mutual cooperation between young researchers. The authors of each contribution received legal materials from the legal systems of the other young network researchers and all necessary explanations thereof. In turn, each individual author helped the authors of the other contributions to collect

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and understand the materials from their own legal system. In the end, almost all of the young researchers contributed to all essays.

Each essay was then supervised by one or more senior researchers. We are very grateful to the team leaders Stathis Banakas, Miquel Martín Casals, Bill Dufwa, Bénédicte Fauvarque-Cosson, Jorge Sinde Monteiro, Hans Nieuwenhuis and Salvatore Patti for their scientific supervision. One of the supervisors, Stathis Banakas, also worked as a co-author. Some essays have been co-authored by young staff members of the network teams not funded by this project: Carol Forrest (Bremen), Maria Gagliardi, Francesco Panetti and Anna Sukhova (Pisa). We would like to express our warmest thanks to all of them.

We are indebted to Keiva Carr, Carol Forrest, Patrick O'Callaghan and Tobias Pinkel for their very careful and patient editing of the texts.

Our thanks once again to our project managers Monika Hobbie and Beatrice Granvillano. Last, but not least, we would like to thank Sinéad Moloney and Finola O'Sullivan at Cambridge University Press who so kindly and efficiently helped to bring this project to a good end.

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