CAMBRIDGE

Cambridge University Press 0521814618 - Comparative Foundations of a European Law of Set-Off and Prescription Reinhard Zimmermann Table of Contents <u>More information</u>

CONTENTS

	Preface page vi	
	List of abbreviations	xi
	INTRODUCTION: TOWARDS A RESTATEMENT	
	OF THE EUROPEAN LAW OF OBLIGATIONS	I
I	The Europeanization of private law and legal	
	scholarship	I
II	The Commission on European Contract Law	4
III	Objectives of the Principles of European Contract Law	•
IV	The idea of codification today	9
v	Other projects	12
I	CONTOURS OF A EUROPEAN LAW OF SET-OFF	18
I	Six preliminary points	18
II	Procedural or substantive nature of set-off?	22
III	Set-off <i>ipso iure</i> or by declaration?	32
IV	The requirements for set-off	44
v	Situations where set-off is excluded	56
VI	Miscellaneous problems	60
VII	Summary	60
2	LIBERATIVE PRESCRIPTION I: THE CORE REGIME	62
Ι	Policy considerations	62
Π	Legal literature and law reform	65
III	Prescription of claims and limitation of actions	69

Cambridge University Press 0521814618 - Comparative Foundations of a European Law of Set-Off and Prescription Reinhard Zimmermann Table of Contents <u>More information</u>

Contents

IV	Striking the balance	76
v	The argument for uniformity	79
VI	The development of the law of liberative prescription:	
	international trends	85
VII	The core regime	96
VIII	The long-stop period	99
IX	Implementing the core regime	104
3	LIBERATIVE PRESCRIPTION II: ADDITIONAL ISSUES	112
Ι	Prescription of a claim established by legal proceedings	112
II	The effect of judicial proceedings on the period	
	of prescription	117
III	Renewal of prescription	124
IV	Suspension in cases of an impediment beyond	
	the creditor's control	129
v	Extension in cases of incapacity	134
VI	Close personal ties as grounds for extension?	139
VII	Prescription of claims by or against an estate	141
VIII	Extension as a result of negotiations	142
IX	Fraus omnia corrumpit?	145
х	Some details concerning extension and commencement	147
XI	Effects of prescription	154
XII	Agreements concerning prescription	162
XIII	Summary	167
	Index	170