

# CONTENTS

SERIES PREFACE.....	v
EDITOR'S PREFACE.....	ix
LIST OF ABBREVIATIONS.....	xv
LIST OF AUTHORS.....	xxvii
§1. European Legal Methodology: Introduction and Overview Karl RIESENHUBER .....	1
<i>PART 1. FOUNDATIONS</i>	
§2. Legal Methods in Ancient Rome Jan Dirk HARKE.....	11
§3. Judging Statutes and the 19th Century: Judicial Compliance with Statutes, Interpretation and Analogy Christian BALDUS and Lena KUNZ .....	31
§4. Comparative Law Andreas SCHWARTZE .....	61
§5. Law-Making and Adjudication for the Internal Market: The Role of Economic Reasoning Jens-Uwe FRANCK.....	87
<i>PART 2. GENERAL SECTION</i>	
<i>CHAPTER 1.</i>	
SOURCES OF LAW .....	115
§6. The Sources of European Private Law Johannes KÖNDGEN .....	115

**CHAPTER 2.**

**EU PRIMARY LAW . . . . . 151**

- §7. Interpretation and Development of EU Primary Law  
Rudolf STREINZ . . . . . 151
- §8. Interpretation in Conformity with Primary Law  
Stefan LEIBL and Ronny DOMRÖSE . . . . . 171

**CHAPTER 3.**

**EU SECONDARY LAW . . . . . 201**

- §9. System (*Systemdenken*) and System Building  
Stefan GRUNDMANN . . . . . 201
- §10. Interpretation of EU Secondary Law  
Karl RIESENHUBER . . . . . 231
- §11. Concretisation of General Clauses  
Anne RÖTHEL and Florian MÖSLEIN . . . . . 261
- §12. Judicial Development of Law  
Jörg NEUNER . . . . . 291

**CHAPTER 4.**

**EFFECTS ON THE NATIONAL LAW OF THE MEMBER STATES. . . . . 317**

- §13. Interpretation in Conformity with Directives  
Wulf-Henning ROTH and Christian JOPEN . . . . . 317
- §14. Gold-Plating: the Implementation of Directives Through National  
Provisions with a Wider Scope of Application  
Mathias HABERSACK and Christian MAYER . . . . . 343
- §15. The Advance Effect of Directives  
Christian HOFMANN . . . . . 373

**PART 3. SPECIAL SECTION**

**CHAPTER 1.**

**METHODOLOGICAL ISSUES IN SELECTED BRANCHES. . . . . 405**

- §16. European Contract Law  
Martin SCHMIDT-KESSEL and Shane McNAMEE . . . . . 405
- §17. European Labour Law  
Robert REBHAHN . . . . . 435
- §18. European Company Law  
Kaspar KROLOP . . . . . 463

§19. European Capital Market Law Susanne KALSS.....	489
§20. European Competition Law Thomas ACKERMANN.....	513
<b>CHAPTER 2.</b> <b>METHODOLOGICAL ISSUES IN CASE LAW.....</b>	<b>537</b>
§21. The Case Law of the CJEU Rüdiger STOTZ.....	537
§22. Temporal Effects of CJEU Judgments Frank ROSENKRANZ.....	561
<b>CHAPTER 3.</b> <b>NATIONAL PERSPECTIVES.....</b>	<b>591</b>
§23. Germany Johanna SCHMIDT-RÄNTSCH.....	591
§24. France Ulrike BABUSIAUX.....	619
§25. United Kingdom Michael SCHILLIG.....	645
§26. Italy Remo CAPONI and Andreas PIEKENBROCK.....	673
§27. Spain Klaus Jochen Albiez DOHRMANN and Sixto SÁNCHEZ LORENZO.....	695
§28. Poland Ulrich ERNST.....	717
<b>INDEX.....</b>	<b>741</b>