

Why Europe Needs a Civil Code: The Inaugural Lecture of the Franqui Chair, 2012-2013, delivered in Leuven on December 2012 (Acta Falconis)



Does the European Union need a Civil Code? Like a dark cloud, this question hovers over debates about the future of private law in Europe. Few advocate explicitly the adoption of a civil code in the immediate future, yet many have taken instrumental steps along a road that seems to lead only in that direction. Those steps, - whether they be in the task of discovering common core of principles of private law among national legal systems,¹ or producing a systematic body of principles such as the Principles of European Contract Law² and the Draft Common Frame of Reference of rules and principles for the law of obligations,³ or augmenting the scope of Directives to include more and more types of transactions, - all have the same direction of travel towards a comprehensive European set of rules governing contracts and related legal obligations. Although these efforts are fascinating intellectual ventures and may prove useful for some purposes, it is important to ask whether the European Union really needs to go on this journey towards a Civil Code.

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