The influence of the DCFR in Spanish Case Law

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referiert zum Thema

The impact and relevance of the DCFR differs among European jurisdictions. Regarding the Spanish case, the Supreme Court started to introduce references to the Draft in its judgements in 2009, and although they are not profuse, they continue nowadays. This trend has been increasingly followed by courts of appeal, and it contributes to spread the incidence of the DCFR in Spanish law, although it is a slow process.

As far as the DCFR is just a proposal of regulation, its articles are not directly applied in Spain, but some of its definitions and solutions are becoming relevant in the interpretation of Spanish law or to resolve legal discussions. Additionally, legal scholars are paying more attention to this text in the proposal of new national rules to modernize our XIX century Civil Code. This lecture explains and discusses the reference to the DCFR in Spanish case law and how it contributes to the evolution of Spanish Private Law.

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