



International Reservation of Title Clauses:A Study of Dutch, French and German Private International Law in the Light of European Law

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The reservation of title clause plays an important role in contemporary trade. Financially, the reservation of title clause is a cheap and simple form of credit granted by the seller without the involvement of a third party. Legally, the reservation of title clause is more complicated, as it constitutes a transfer of title under a condition precedent; the seller remains the owner of the asset sold until the full price is paid. The rules of substantive law relating to the reservation of title clause differ from country to country. Uniform or harmonized rules of substantive law - or even of private international law - are wanting. In this book, submitted as a doctoral thesis to the European University Institute, Department of Law, Florence, Italy, Ms Jacobien W. Rutgers addresses the question as to the problems which may arise if a reservation of title clause is employed within international transactions, especially transactions between Germany, France, and the Netherlands, and in which mode a solution can be found. The author seeks the solution in private international law, since other means of addressing the problem, such as harmonization and unification of substantive law rules, have failed so far. The book is strong in the analysis of the various conflict of laws solutions and pioneering in how it deals with the question of the extent to which the rules of private international law in this field must be in compliance with European law.

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