

**SRA 2008**  
**Brief Guidance Note for Participants**

Although participants are free to structure their papers as they think fit, we offer the following brief guidance to explain what the Interleges Executive Committee has in mind.

**THE EUROPEAN UNION “COMMON FRAME OF REFERENCE” AND INTERNATIONAL COMMERCIAL LAW<sup>2</sup>**

In an attempt to deal with issues arising from the divergence of national contract laws, the European Union contemplates the preparation of a Common Frame of Reference (CFR). The CFR is proposed to be a handbook of principles, definitions and model rules of contract law, based on best solutions in existing European Union and national laws. The Commission envisages the CFR primarily as a tool for improving the coherence and consistency of existing and future European Union law. The Commission suggests the possibility that the CFR might develop into an optional instrument that might be adopted by parties as a governing law for international contracts.

The commission has made it clear that it has not as yet made any decision on the preparation of such an optional instrument.

Applicants should address the following issues, but are free also to address other issues they consider of relevance to the overall topic:

1. The CFR: an inspired idea or a distraction?
2. What would be the relationship between the CFR and international commercial law?
3. What are the likely implications for international commercial law of the CFR?
4. Does the CFR represent a new idea or a renewal of old thinking? If it is the latter, have such attempts succeeded or failed?
5. What are the points of convergence and divergence in the CFR, UNIDROIT and other international commercial law principles?
6. Do mandatory rules have any place in the CFR or in international commercial law generally?
7. How can the interface between the optional instrument and mandatory national laws be handled?