

Eva Lein / Josef Skala /
Lukas Heckendorn Urscheler (eds.)

Business Law in Transition

A Comparative Perspective on Eastern Europe

Reports of the ISDC Colloquium
(3 July 2008)

Table of Contents

Table of Contents	5
Foreword	9
<i>Eva Lein, Josef Skala and Lukas Heckendorn Urscheler</i>	

Part I

A New Legal Framework and Business Environment

Ideals and Realities: Reflections on Law Reception in Eastern European Private Law	13
<i>Eva Lein</i>	
Assessing Commercial Laws to Promote Change: The EBRD Approach to Legal Reform	27
<i>Michel Nussbaumer</i>	

Part II

Contract Law in Transition

Legal Framework for Business Contracts in the Russian Federation.....	55
<i>Alexander Komarov</i>	
Private Law in Transition – The Lithuanian Experience	75
<i>Valentinas Mikelenas</i>	
The Law of Business Contracts in Transition – An Estonian Model.....	89
<i>Irene Kull</i>	

TABLE OF CONTENTS

Part III

Company Law in Transition

Activities of Directors in Russian Companies:
Representation, Decisions, and Conflicts of Interests.
A Comparative Description of a Sophisticated Legal
Framework and Certain Business Practices..... 107
Nicolas Rouiller

Acquisition of Businesses in the Ukraine –
Critical Legal and Tax Points to Consider When
Structuring the Transaction and Drafting the Contract 129
Mansur Pour Rafsendjani

Part IV

PIL in Transition

Professio juris as a Tool of Legal Competition between
National Legal Systems
A View of a Romanian Legal Scholar 155
Dan Andrei Popescu

Part V

Property Law in Transition

Separation of Real Property into Land Plots and
Buildings According to Russian Law 181
Sergey Gerasin

Reform of the Law of Secured Transactions in Romania:
the Functional Approach Revisited 195
Aladar Sebeni

The Baltic Securities Market: Product of Economic Innovation 209
John JA Burke

Part VI

The Law of Procedure in Transition

“Communication” of Justice? – Comments about Electronification
of Civil Litigation and Civil Justice in Germany and Lithuania 229
Nikolaj Fischer

Information Technology in the Civil Process Law of the Baltic Countries 241
Vytautas Nekrošius

The Principle of Party Disposition (*Dispositionsmaxime*) in the
Codes of Civil and Economic Procedures of Russia and Ukraine 247
Alexander Trunk