

Abstract

Choice of law is one of the three pillars underpinning private international law. Since there is no uniform set of choice of law rules for international contracts at a global level, the solution for disputes arising out of international contracts has to resort to choice of law rules in the countries having jurisdiction. Consequently, the relevant national legislations in various jurisdictions are the main legal sources of choice of law in the contractual matters.

In recent years, the legislation on the issue of choice of law regarding contractual liabilities has advanced in some jurisdictions. It is noticeable that the European Union and the People's Republic of China (mainland), the two remarkable roles in the international trade market, both have made great progress in legislation concerning this subject. The scope of the study is the development of choice of law rules regarding contractual liabilities in the two jurisdictions, both in legislation and in practice.

The thesis attempts to make an analysis on the two cores sets of rules supporting the system of choice of law – freedom of choice and applicable law in the absence of choice, from the perspective of legal certainty and flexibility. The alterations in both the European Union and mainland China will be discussed. A comparative study between the two jurisdictions will also be carried out.