

# The impact of Europeanization in Cyprus Contract Law and the spill-over to matters of civil procedure

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Propositions Accompanying the Doctoral Dissertation

# **The Impact of Europeanization in Cyprus Contract Law and Civil Procedure**

by **Nicholas Mouttotos**

to be defended in public on April 19th, 2021.

1. The exit of the United Kingdom from the European Union will be detrimental for Cyprus, since Cypriot courts will not be able to draw inspiration from the interpretation of European norms in line with the English common law. (Chapter 2)
2. Jurisdictional and institutional competition is a driving force for change within legal systems. (Chapter 3)
3. Jurisdictional competition has been re-energized as a result of Brexit. (Chapter 3)
4. Continental law is more sensitive to the general criticism about the freedom of contract. Freedom of contract is regarded as being of little value when one party has no alternative than accepting a set of terms proposed by the other party. (Chapter 4)
5. European contract law is more closely oriented to the Continental legal tradition. (Chapter 4)
6. The impact of EU law on Cypriot law has been significant, especially through the fairness requirement and statutory duties of care and diligence. However, the application of the general fairness clause before courts diverges from CJEU caselaw. (Chapter 5)
7. Contract law has been used as a vehicle for partial relief of debts that resulted from the financial crisis. This extension of contract doctrines to provide for relief has also dealt with the effects of the crisis resulting from the Covid-19 pandemic.
8. A major modernization of the law of civil procedure in Cyprus is necessary in order to cope with the technological innovations of the time as well as a highly technologically savvy clientele.
9. Since the first commercial application of IBM's Watson software system, lawyers are expecting artificial intelligence to overtake the legal profession. Despite the latter's resistance, recent advancements and the use of smart contracts provide opportunities for automation in the legal sphere.
10. The aspects of a future resolution of the so-called Cyprus problem, when it comes to matters of private law, should be part of the discussion as well. However, since the prospects of a resolution are bleak, it is unlikely that the topic will be raised in the near future.