

Dr. Nicholas Mouttotos

PUBLICATIONS

Books:

The Impact of Europeanization in Cyprus Contract Law and the Spill-Over to Matters of Civil Procedure: More pieces on the mosaic? Published in 2021, Maastricht Law Series, Eleven Publishing.

Articles in Peer-Reviewed Journals:

“Good Faith in Cypriot Contract Law” *Liverpool Law Review* forthcoming in 2021.

Comment on Supreme Court of Cyprus judgment co-authored with Nicolas Kyriakides, in *Lex & Forum* Issue 4 (2021).

“Does Transparency Lead to Unfairness? The Court of Justice of the European Union on the Duty to Inform about Mandatory Rules”, Vol. 16 Issue 2 *European Review of Contract Law* (2020) available at: <https://doi.org/10.1515/ercl-2020-0018>.

“The Impact of European Law upon the Mixed Legal System of Cyprus”, in Vol 12, Issue 1 *Journal of Civil Law Studies* (2019) available at: <https://digitalcommons.law.lsu.edu/jcls/vol12/iss1/5>. The article examines the influence of EU law upon contract law in Cyprus, especially the Unfair Terms in Consumer Contracts Directive and the application of the good faith requirement in the aftermath of the financial crisis.

“Reform of Civil Procedure in Cyprus - Delivering Justice in a More Efficient and Timely Way”, *Common Law World Review* Vol. 49 Issue 2 (2020) available at: <https://doi.org/10.1177/1473779520924441>. The article examines the reform in civil procedure in Cyprus.

“United in Diversity: ‘Qu’est-ce qu’une Nation?’”, 1 *Maastricht Student Law Review* (2014). The article analyses the issue of citizenship in the event of a solution to the long-lasting Cyprus problem.

Book Reviews

G.P Calliess, N. Mouttotos “The Role of the EU in Transnational Legal Ordering” in Issue 4 Volume 16 *European Review of Contract Law* (2020).

CONFERENCES/SEMINARS

Transnational Law & Social Justice Conference, hosted by the London School of Economics, June 26-27 2015 Presented paper titled: “The Quest for Protecting the Consumer: Extension of the Welfare State or Emergence of Private Standards?” In the quest for the best model for consumer protection in a transnational context this paper analyses the three existing trends in regulating transnational economic activity namely the development of substantive standards, the development of bilateral and multilateral agreements among regulators and the emphasis on self-regulation. While I find that the first two have not been really influential I elaborate on the analytical construct used by Fabrizio Cafaggi namely

Transnational Private Regulation. One of the most advanced mechanisms of such transnational private regulation is found in the area of food safety. Therefore, this paper explained the experience of private standards in food safety regulation as a potential model that can be developed in the area of consumer sales.

British Association of Comparative Law Postgraduate Research Workshop on Comparative Law, Institute of European and Comparative Law, University of Oxford, April 12-13 2016

Presented my work on 'mixed jurisdictions' and 'systems competition' which takes the view of a national lawmaker importing or imitating rules from other jurisdictions creating a free movement of legal rules. According to the theory of jurisdictional competition, interactions with other jurisdictions creates external competition for the supply of law. This idea has its theoretical foundation on Charles Tiebout's "A Pure Theory of Local Expenditures".

ACCESS Europe and CSECL Summer School, 'Contract Law in a Liberal Society', Centre for the Study of European Contract Law, University of Amsterdam, 29 June – 1 July 2016

Presented my paper titled: "Consumer Credit: Irrationality, Vulnerability and Protection", a first instalment of a work in progress on evaluating the impact of Europeanization of private law upon the legal system of Cyprus. The legal system of Cyprus, which has a 'unique' mixed legal system with its own mentality can provide an alternative approach towards theories of convergence in private law. Therefore, inherent in this project is an analysis of the 'battle' between the common law and the civil/continental law in a system which has been described as a 'colorful plurilegal mosaic'. The unfolding of the financial crisis and the policy decisions taken at the aftermath can provide a valuable example of this constant battle between the two forces that drive the system. The paper focuses mainly on the normative paradigms of the consumer, namely the neo-classical economics view of the rational consumer, the idea of the 'vulnerable' consumer, and the recent trends towards expansion of the range of government regulation to address a wide range of business practices that exploit the bias of consumers based on the outcomes of behavioural studies. Consumer heterogeneity is widely accepted in the economic literature as evident, however, a theory that will help the regulator predict when market consumers are likely to make irrational probability assessments is not yet constructed.

Professor Nikitas Hatzimihail, Associate Professor and Vice-Chair of the Department of Law, [Private law with emphasis to contract law, European private law, private international law, Comparative law with emphasis on the Western Legal Tradition, mixed legal systems and US law, legal theory with emphasis on legal sociology],

Maastricht Private Law PhD Workshop, Professor Reinhard Zimmermann, Maastricht University, 27th January 2017

Presented my work on mixed jurisdictions the impact of EU law upon contract law in Cyprus, focusing on the Unfair Contract Terms Directive and the competing ethics involved in applying the good faith requirement. Common law systems apply a more trader self-interest and consumer self-reliance ethic, while continental law systems employ a more protective ethic that prioritizes consumer protection from the financial and social impact of 'harsh' terms and practices.

MEPLI Talk, Institutional Competition Between Common law and Civil Law: the case of Cyprus,

Maastricht University, Faculty of Law, Maastricht European Private Law Institute, 14th March 2018

Presented my work on institutional competition and how international institutions such as the World Bank, with its adoption of the legal origins thesis, as well as the European Union, through its own instruments and reports, such as the EU Justice Scoreboard, promote

competition between legal systems. These instruments include 'best practices' having efficiency as the preferred value for the legal system.

Maastricht Private Law PhD Workshop, Professor Symeon Symeonides,

Maastricht University, 12th October 2018

Presented my work on the effects of European law upon the mixed legal system of Cyprus, and whether the silver lining presented by Cyprus' accession to the European Union, since harmonization could have been combined with a process of modernization of the legal system, as seen by Professor Symeonides in his article written during the First Worldwide Congress on Mixed Jurisdictions, was indeed realized. This process of modernization was only realized after the financial crisis which has been a catalyst for reforms within the legal system. The traditionalist mentality in the sense of perpetual temporariness due to the decades-long state of political emergency and the Turkish occupation of a substantial part of the territory of the island resulted in a general tendency to postpone legal, institutional and political reform indefinitely.

Contract Law in Common Law Countries, Jindal Global Law School, the London Centre for Commercial and Financial Law

Jindal Global University, 7-8 September 2021

Presented my work on how contract law in common law countries is influenced by the European notion of fairness established under the Unfair Terms in Consumer Contracts Directive (Directive 93/13).

Dr Agustin Parise, Assistant Professor, Director of Scientific Studies at the International Association of Legal Science, Research Fellow at Maastricht European Private Law Institute (M-EPLI), [Comparative Law, Comparative Legal History, Mixed Jurisdictions, Private Law, Civil Law and Legal Fundamentals] Foundations and Methods of Law, Faculty of Law, Maastricht University, Email: agustin.parise@maastrichtuniversity.nl

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