



C.G. Stănescu

Self-Help, Private Debt Collection and the Concomitant Risks

A Comparative Law Analysis

- ▶ **First comprehensive and comparative work on the topic of self-help and private debt collection in the US and traditional European jurisdictions**
- ▶ **First work dedicated to private enforcement and non-judicial debt collection in Europe**
- ▶ **Provides an unique analysis of efficient, fair debt collection practice laws**
- ▶ **Presents a critical examination of the current European legislation and the Draft Common Frame of Reference on the issue of private enforcement**
- ▶ **Includes a large number of cases, making it suitable for both academics and practitioners**

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The book shows that self-help in commercial law is a fast, inexpensive and efficient alternative to court enforcement. Self-help remedies and private debt collection are largely but not exclusively features of common law jurisdictions, since remnants of private enforcement can still be found in contract law in civilian systems. The book argues that – despite their usefulness – self-help and private debt collection entail significant risks, especially for consumer debtors. This means that private enforcement needs to be accompanied by the introduction of tailor-made consumer-debtor protection regulation. Specific attention is given to factoring, which functions in many instances as a form of pseudo-private debt collection and which has been exploited to bypass sector-specific consumer protection regulations.



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