

Quel avenir pour la théorie générale des conflits de lois ?

Droit européen, droit
conventionnel, droit commun

Sous la direction de
Tristan AZZI et Olivera BOSKOVIC



bruylant

Thorie Gnrale Conflits European Conventionnel

Johan Meeusen



Thorie Gnrale Conflits European Conventionnel:

Enforcement of International Contracts in the European Union Johan Meeusen, 2004 The enforcement of international contracts in the European Union is increasingly dependent on Community rather than national private international law This book examines the present status and future prospects of Community private international law in the contractual area It focuses in particular upon the joint analysis of the Rome Convention of 19 June 1980 on the law applicable to contractual obligations which is likely to be converted in the near future into the Rome I regulation and the Brussels I regulation Rather than attempting a comprehensive study of Brussels I and Rome I this book examines a number of key issues considered particularly pertinent from the point of view of the coherence between both instruments This approach should contribute to the consistency of Community policy making and legislation in the field of international contracts to the benefit of market participants This book is the culmination of a research project funded by the European Commission DG Justice and Home Affairs Framework programme for judicial co operation in civil matters and co ordinated by the University of Antwerp Belgium Eminent European experts have contributed to the book which should prove of interest to law makers academics and practitioners concerned with the enforcement of contracts in a cross border context Private Law in the External Relations of the EU Marise Cremona, Hans-W Micklitz, 2016-03-17 Private Law in the External Relations of the EU is an innovative study of the interactions between EU external relations law and private law two unrelated fields of law inverted if private law is understood as regulatory private law the space where regulatory law intersects with private economic activity Here the link between the Internal Market and the global market and thereby international law is much more prominent In this book key questions about the relationship between EU external relations law and private law are answered including in what ways might European private law act as a tool to achieve EU external policy objectives particularly in regulatory fields How might the quickly developing EU external competence over the procedural dimensions of private law including private international law impact on substantive law both externally and internally And how is the legal position of private parties affected by EU external relations In asking these questions this edited collection opens up a field of enquiry into the so far underexplored relationship between these two fields of law In doing so it addresses three different aspects of the relationship i the evolution of the EU competence ii the ways in which EU private law extends its reach beyond the boundaries of the internal market and iii the ways in which the EU contributes to the formation of private regulation at the international level **Pianificazione successoria e diritto internazionale privato** JACOPO RE, 2020-11-26 Da molto tempo il fenomeno delle successioni internazionali non riguarda pi solo i patrimoni di ingente consistenza Negli ultimi decenni infatti si assistito a una costante crescita del numero di successioni cross border fondamentalmente in ragione della circolazione internazionale delle persone e del numero di famiglie internazionali Tali vicende si svolgono tuttavia in un quadro caratterizzato da un elevata eterogeneit delle soluzioni normative di diritto sostanziale che non rende agevole

prevedere le sorti di una data vicenda successoria Partendo da questa constatazione e sulla base delle disposizioni del regolamento europeo sul diritto internazionale privato delle successioni il presente studio indaga quali strumenti sono messi a disposizione di un ereditando che voglia pianificare in anticipo con un buon grado di certezza del diritto e di prevedibilità di risultati la propria successione In primo luogo vengono analizzate le principali soluzioni di diritto internazionale privato offerte dalla prassi e le caratteristiche del regolamento dell'Unione europea Successivamente l'indagine si sposta sull'analisi dei principi informatori della disciplina di diritto internazionale privato degli obiettivi da essa perseguiti e degli atout posti in essere per favorire la pianificazione successoria unita e prevedibilità del diritto applicabile In questa prospettiva da un lato vengono ricostruiti l'ambito di applicazione del regolamento successioni e l'ampiezza dello statuto successorio e dall'altro lato viene esaminato come il criterio di collegamento oggettivo prescelto garantisca la prevedibilità e di conseguenza la conoscibilità della legge applicabile alla successione Infine si dà conto di come gli ereditandi possono pianificare la propria successione tanto tramite la scelta del diritto applicabile e di pianificazione di primo grado quanto mediante l'adozione di disposizioni a causa di morte e di pianificazione di secondo grado

Droit International Privé À la Fin Du XXe Siècle Symeon Symeonides, 2000 This book provides a comparative assessment of the current state of private international law by exploring the fundamental philosophical ideological and methodological challenges encountered during the 20th century and the responses to those challenges in the western world Among the questions discussed are the dilemma between conflicts justice and material justice the conflict between the goal of international uniformity and the need or desire to protect state or national interests the tension between the goals of certainty and flexibility the symbiosis of the multilateral unilateral and substantive methodologies and the antagonism or co existence between choice of law rules and flexible approaches and between jurisdiction selecting and content oriented rules or approaches Written by some of the world's most distinguished scholars this thought provoking book provides insightful and diverse perspectives from nineteen countries It is essential reading for any teacher or student of private international law or comparative law

L'intégration du droit international et communautaire dans l'ordre juridique national Pierre Michel Eisemann, 2023-09-14 Just how International and European Community Law is being integrated into domestic legal systems is as yet not too well known To gain a clear overview of this grey area requires more than knowing about the various constitutional rules What is also needed is a study of little known administrative practices and the attitudes of the national courts where case law is often as complex as it is diverse When all these elements are taken into account the general picture that emerges is a much more subtle one transcending the classical positions based on the theories of monism and dualism To grasp this reality and go beyond preconceived ideas it seemed indispensable to make a thorough analysis of national practices To this end the International Law Centre of the University of Paris XIII Cedin Paris XIII took the initiative in 1990 of setting up a network of European international lawyers to work on the theme International norms and legal barriers This book presents the outcome of the

network s programme The research was organized on the basis of a single questionnaire which provided the outline of a common workplan to which each of the contributors has adhered Detailed comparisons of national practices can now be made relating in particular to international treaties acts of international organisations and of the European Communities and to unwritten international law This is the first time that such a comprehensive and detailed survey has been made of all thirteen countries Reading the national reports one after the other provides complete information on domestic practices reading them crosswise gives a direct comparison between the different countries on specific issues *Journal du droit international* Edouard Clunet, André Henri Alfred Prudhomme, 1905 Vols 6 29 and 32 53 include section Bibliographie systématique de droit international varies slightly for 1878 1902 and 1905 26 **Le recouvrement de créances en Europe** Valentine Guillemin, 2022-07-04 Le domaine transfrontalier est encore trop souvent synonyme d'irrécouvrabilité pour les créanciers Cet ouvrage étudie les règles sur l'espace judiciaire européen permettant d'aboutir un recouvrement de créances

Mr Keynes et les extravagants - Tome 2 Jean-Marc Siroën, 2021-04-27T00:00:00Z Dans ce tome les événements les plus cocasses se mêlent aux plus dramatiques On suit les détours de la vie de Mr Keynes l'évolution de sa maladie et de ses remèdes d'isolement la radicalisation des enfants gâtés de Cambridge le parcours artistique interrompu de Mrs Keynes les fins tragiques de Julian Bell et de sa tante Virginia Woolf Le lecteur voyageera travers le monde tourmenté et sans répit des années de crise et de guerre Il suivra le parcours extravagant des fameuses taupes de Cambridge et croisera entre autres Roosevelt Churchill Eden Halifax Beria Rothschild Chostakovitch Ramsey Spender Malraux Hemingway Wittgenstein Turing Hoover et même Margaret Thatcher Il pénètrera au cœur des services secrets anglais américains et soviétiques Jean-Marc Siroën nous fait passer de l'univers des intellectuels de Cambridge celui d'Orwell et de John le Carré Avec un ton détaché et ironique il fourmille de révélations surprenantes sur des faits moins connus qui sont loin d'avoir tous été éclaircis Comment M Keynes a-t-il protégé sa belle famille des purges staliniennes Quelles relations le liaient aux espions anglais Philby Blunt Burgess et les autres Quel rôle ont-ils joué dans la mort de son protégé Julian Bell Sur un ton détaché et ironique le livre propose aussi une réflexion sur les pièges de l'engagement Les fonds islamiques en Europe Bahya Bouharati, 2016-05-18 Les fonds islamiques interviennent dans leur stratégie de gestion des critères d'investissement extra-financiers fondés sur des principes directeurs issus du droit musulman applicable en matière bancaire et financière Ils répondent une demande croissante en produits d'investissement religieusement orientés Si l'industrie de la gestion collective islamique se développe sur le marché européen les fonds islamiques de même que leurs gestionnaires ne font pas l'objet d'une réglementation spécifique La régulation des fonds islamiques se fait par le biais de prescriptions et de recommandations issues de normes autonomes d'origines publiques et privées religieuses et extra-religieuses Ces fonds interpellent galement sur l'opportunité et partant sur la possibilité de l'élaboration d'une réglementation contraignante susceptible de poser les bases d'un régime juridique d'un tel type de fonds Ce dernier point ne serait-il pas un prérequis nécessaire la possible émergence d'un modèle européen des fonds islamiques

permettant de garantir la protection des investisseurs et du marché tout en permettant l'éclosion de ce segment innovant de la gestion collective de l'épargne *Durkheim and the Birth of Economic Sociology* Philippe Steiner, 2011 Steiner argues that there are two stages in Durkheim's approach to the economy: a sociological critique of political economy and a sociology of economic knowledge. In his early works, Durkheim critiques economists and their categories and tries to analyze the division of labor from a social rather than an economic perspective. From the mid-1890s onward, Durkheim's preoccupations shifted to questions of religion and the sociology of knowledge.

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