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Code des procédures civiles d'exécution

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Redefining Codification Dirk Heirbaut, 2024-12-10 More than half of the world's population lives under law codes. Yet defining the concept of codification remains elusive. Rather than delving into abstract theories, this book provides a rich and contextual comparative legal history of codes in France, Germany, the Netherlands, and Belgium from the late eighteenth century to the present. The author starts by examining the evolution of French, German, Dutch, and Belgian codes in their political and comparative context, thus challenging deeply rooted national narratives. He covers the well-studied civil codes and the often overlooked commercial and procedural codes and drafts that failed to become law. Against this backdrop, the book embarks on a comprehensive analysis of the factors contributing to the success or failure of codification efforts. Employing an innovative method of comparative legal history, *Redefining Codification* explores the key players and objectives behind codification, revealing that traditional notions of codification are far removed from reality. Following the deconstruction of some universal truths about codifications, this volume offers fresh insights into the behind-the-scenes of the lawmaking machinery and an empirically based definition of codification. **Introduction to Investor-State Arbitration**

Yves Derains, Josefa Sicard-Mirabal, 2018-10-17 Today thousands of investors act globally in markets providing services, technology, or capital in countries all around the world. This activity can be peacefully accomplished when both the investor and the host State know that the disputes will be resolved under the aegis of the investor-State arbitration regime, wherein an investor is provided with a direct right of action against a State, most commonly stemming from a bilateral or multilateral investment treaty. This book approaches the substantive and sometimes difficult concepts of investor-State arbitration in a clear and concise explanatory fashion. In the course of acquainting the reader with the basic legal concepts and policies of the regime, the authors address such issues as the following: consent to jurisdiction, State responsibility, possible conflict of interests, mechanisms for reviewing an award, damages and costs, and enforcement. The book examines a number of arbitration procedures arising from various perspectives, with differing underlying assumptions, while highlighting important cases. Given that investor-State arbitration is now under the public watch and facing many challenges, this remarkably clear and concise overview of the regime will prove to be of great value to in-house counsel and other practitioners, as well as to government policymakers and students. x **The New French Law of Contract**

Solène Rowan, 2022-08-01 After being almost untouched for over 200 years, the contract law section of the French Civil Code was overhauled in 2016 and 2018. The New French Law of Contract describes, explains, and analyses the new general principles of contract law in the reformed Code in a concise and stimulating way. The areas covered include contract formation, validity, the interpretation and supplementation of terms, the regulation of unfair terms, privity of contract, change of circumstances, breach of contract, and remedies. The book examines the ways in which the new articles affirm or depart from the provisions of the 1804 Code and pre-reform case law, giving special attention to changes that have proved to be controversial and the debates that surround

them It also considers the various influences that have shaped the reforms in particular those from international contract law instruments such as the Principle of European Contract Law and the UNIDROIT Principles Written from the standpoint of a common lawyer the book is designed to help readers from a common law background to navigate the innovations in the reforms and the new French law of contract that emerges It is essential reading for students researchers practitioners law makers and judges with an interest in comparative law

Remedies Concerning Enforcement of Foreign Judgements Vesna Rijavec, Wendy Kennett, Tomaž Keresteš, Tjaša Ivanc, 2018-09-14 Brussels I Recast Regulation No 1215/2012 on the recognition and enforcement of judgments in civil and commercial matters is intended to simplify and expedite cross border enforcement of debts However some existing issues remain unresolved and new ones have already been identified since the Regulation entered into force in 2015 This collection of expert essays the first book to focus systematically and comprehensively on the area of remedies in the light of Brussels I Recast offers detailed analyses of inherent problems and includes practical hypothetical cases illustrating major issues and how they may be resolved The aspects covered by the contributors all well known academics lawyers and judges from different EU Member States include the following grounds for refusal of recognition and enforcement certification of enforceability and timely service of the certificate adaptation of enforcement measures that are determined in the judgment but are not known in the Member State of enforcement effect of requesting a translation of the judgment financial implications of remedies and provisional measures and their role in a timely protection of rights Because the success of Brussels I Recast depends on a very unpredictable implementation into national systems the extent to which national barriers represent obstacles to fair and efficient judicial protection is thoroughly examined A very useful concluding chapter presents practical cases highlighting the most important as well as problematic issues concerning enforcement of foreign judgments The in depth analyses conducted by the contributors clearly define serious obstacles and propose solutions that will lead to better implementation of Brussels I Recast better protection of party's rights and further harmonisation in this field of civil justice This book is sure to be of exceptional value to counsel for multinational enterprises EU and Member State legislators enforcement agencies and academics worldwide

Sovereign Immunity Under Pressure Régis Bismuth, Vera Rusinova, Vladislav Starzhenetskiy, Geir Ulfstein, 2022-01-19 This book offers a critical analysis of current challenges and developments of the State immunity regime through three dimensions it looks at State immunity from a comparative perspective it discusses the major trends relating to the interplay between State immunity and the protection of human rights as well as counter terrorism and it examines the relationship between State immunity and the financial obligations of States Part I Sovereign Immunity from a Comparative Perspective Weak v Strong Immunity Regimes deals with the diversity of existing regimes of State immunity at the national level This part aims to explore different approaches of particular states to sovereign immunity and their general attitude to international law and attempts to understand why some States favour a weaker State immunity regime by multiplying exceptions or interpreting

them broadly while others continuously support a stronger one and sometimes rely on the doctrine of absolute immunity Part II International Customary Law of Sovereign Immunity Human Rights and Counter Terrorism highlights how human rights and counter terrorism have shaped the law and practice of sovereign immunity This part specifically discusses the role of national legislators and judges in the development of international law emerging conflicts between national constitutional norms and the rules of international law concerning State immunity and human rights and possible ways of their reconciliation Part III Sovereign Immunity of States and their Financial Obligations contributes to on going debates related to the mixed and complex nature of States financial obligations In this part authors elaborate on perceptions of the underlying public private law divide cross influences in public and private international law and their consequences for State immunity as well as recent trends relating to immunity from execution

The Private International Law of Authentic

Instruments Jonathan Fitchen,2020-11-26 This helpful book will equip the lawyer whether notary barrister or solicitor with the legal information necessary to understand what an authentic instrument is and what it is not what it can and what it cannot be used to do in the course of contentious or noncontentious legal proceedings The book takes a two part approach Part one focuses on an explanation of the nature of the foreign legal concept of an authentic instrument setting out the modes of creation typical domestic evidentiary effects and the typical domestic options to challenge such authentic instruments Part two then examines and analyses authentic instruments under specific European Union private international law regulations focusing on the different cross border legal effects allowed and procedures that apply to each such Rigorous authoritative and comprehensive this will be an invaluable tool to all practitioners in the field

Comparative Contract

Law, Second Edition Thomas Kadner Graziano,2019 Promoting a learning by doing approach to comparative contract law and comparative methodology this updated second edition of Comparative Contract Law updates the first true student reader on the subject Bringing together extracts from legislation and court practice this textbook lets students experience comparative law in action and presents a unique guide to European and International contract law

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