

CODES ANNOTÉS 2024

Droit civil

À jour au 1^{er} novembre 2024

22^e édition

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À JOUR EN PERMANENCE



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Code Civil 2015 Denis Philippe

**Pieter Brulez,Hélène
Casman,Charlotte De Muynck,Philippe
Lambrecht,Pascale Lecocq,Emmanuel
Leroux,Sonia Oyserman,Erik
Peetermans,Denis Philippe,Emmanuel
Plasschaert,Vincent Sagaert,Sophie
Stijns,Sophie Van Bree,Margaux Van
Steenbergh,Patrick Wéry**

Code Civil 2015 Denis Philippe:

Reforming Corporate Retail Investor Protection Diane Bugeja, 2019-12-12 The spate of mis selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors Notwithstanding numerous regulatory interventions curtailing the incidence of poor investment advice remains a challenge for regulators particularly because these measures are taken in a fire fighting fashion without adequate consideration being given to the root causes of mis selling Against this backdrop this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis selling of interest rate hedging products IRHP in the UK and beyond It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors as opposed to corporate retail investors by taking stock of past regulatory reforms and forthcoming regulatory initiatives as well as more importantly the conclusions reached by the judiciary in IRHP mis selling claims The conclusions are particularly interesting corporate retail investors are in a vulnerable position when compared to individual retail investors The former are exposed to a heightened risk of mis selling meaning that regulatory intervention should be targeted accordingly The recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories This book is aimed at researchers lawyers and students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis selling and restore a level playing field amongst all retail investors

Het burgerlijk recht in beweging / Le droit civil en mouvement Pieter Brulez, Hélène Casman, Charlotte De Muynck, Philippe Lambrecht, Pascale Lecocq, Emmanuel Leroux, Sonia Oyserman, Erik Peetersmans, Denis Philippe, Emmanuel Plasschaert, Vincent Sagaert, Sophie Stijns, Sophie Van Bree, Margaux Van Steenbergh, Patrick Wéry, 2018-11-08 Dit werk bevat bijdragen van de 29e Dag van de bedrijfsjurist met als thema Het burgerlijk recht in beweging L ouvrage contient les contributions la 29i me Journ e du juriste d entreprise sous le th me Le droit civil en mouvement Dit werk bevat bijdragen van de 29e Dag van de bedrijfsjurist met als thema Het burgerlijk recht in beweging L ouvrage contient les contributions la 29i me Journ e du juriste d entreprise sous le th me Le droit civil en mouvement Hervorming Contractenrecht La r forme du droit des contrats Patrick W ry Prof UCLouvain FR en Sophie Stijns Prof KU Leuven NL Modernisering goederenrecht La modernisation du droit des biens Vincent Sagaert Prof KU Leuven NL en Pascale Lecocq Prof ULg FR Het nieuwe bewijsrecht Le nouveau droit de la preuve Sophie Van Bree Rechtbank van Eerste Aanleg Brussel FR De oprichting van een Engelstalige rechtsbank voor internationale handelsgeschillen La cr ation d un tribunal de commerce anglophone Philippe Lambrecht Bestuurder secretaris generaal VBO FR en Emmanuel Plasschaert Partner Crowell Moring NL Bemiddeling La m diation Sonia Oyserman bedrijfsjurist Colruyt Group Services NL en Charlotte De Muynck Senior Associate NautaDutilh NL Blockchain en het nieuwe Belgische verbintenisrecht Le Blockchain et le nouveau droit belge des obligations Pieter

Brulez Senior Associate Laga NL en Emmanuel Leroux Partner Laga NL Vorderingen in de non profit sector en in het bijzonder toepassing op de ziekenhuissector Les cr ances dans le milieu non marchand et application particulière au secteur hospitalier Pierre Slegers Partner Equal FR NL Het vermogensrecht Le droit patrimonial Compliance tools burgerlijk recht Compliance tools droit civil Wim Vande Velde Partner Loyens Loeff NL

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

***Code civil 2015* Denis Philippe,2015-10-13 Jurisconsultus es, iuris nihil a te alienum putamus**

Philippe Meier,Denis Tappy,2023-12-05 Jurisconsultus es iuris nihil a te alienum putamus Jurisconsultus es iuris nihil a te alienum putamus Jurisconsultus es iuris nihil a te alienum putamus

Les servitudes collectives

Viviane David,2021-07-30 Prise par l'article 743 du Code civil suisse la question des servitudes foncières en cas de division d'un fonds soulève notamment les questions suivantes Quel est le sort des servitudes après la division du fonds dominant ou servant Y a-t-il une multiplication des servitudes Quels sont les rapports d'usage entre les différents propriétaires Ces derniers forment-ils une communauté Après avoir développé les origines historiques et comparé les droits allemand, français, italien et autrichien sur la problématique du parcellement l'auteure passe en revue les dispositions du Code civil suisse applicables à la division de fonds Elle analyse de manière détaillée le sort du fonds dominant et du fonds servant au terme de la division parcellaire Enfin la dernière partie de cette étude met en lumière la définition de la servitude collective et propose quelques pistes pratiques en lien avec les rapports de droit entre les différents propriétaires Cet ouvrage trouvera sa place dans la bibliothèque des professionnels du droit de l'immobilier et des différentes administrations confrontées à ces sujets

Droit de la communication

Stéphane Werly,2024-07-18 Depuis la parution de la 2e édition de cet ouvrage en 2011 le droit de la communication a connu de nombreux changements Parmi eux l'entrée en vigueur le 1er septembre 2023 de la nouvelle loi fiduciale sur la protection des données la révision partielle de la loi fiduciale sur la radio et la télévision ainsi que l'introduction de nouvelles dispositions comme l'article 2 al. 3 bis de la loi fiduciale sur le droit d'auteur et les droits voisins productions

photographiques l art 6a de la loi sur les t l communications blocage de l acc s aux services de t l communication ou encore l ajout de la discrimination et l incitation la haine en raison de l orientation sexuelle dans le libell de l art 261bis du Code p nal Sans compter les modifications op r es dans les textes cantonaux concernant le droit de la communication Enti rement revue et compl t e cette 3e dition pr sente l ensemble de ces innovations Elle brosse un tableau complet du droit applicable en Suisse aux m dias et la communication individuelle Elle est subdivis e en neuf titres droit constitutionnel droit international public droit administratif droit p nal droit civil droit de la concurrence droit d auteur droit du travail r gles de d ontologie Enrichie de nombreux exemples et de r f rences la jurisprudence elle entend donner des r ponses pr cises aux questions qui surgissent dans la pratique La victime d un article diffamatoire le t l spectateur indispos par une mission l avocat r digeant un droit de r pose le journaliste la recherche de l information l diteur en lutte avec la concurrence l annonceur soucieux d viter les pi ges de la concurrence d loyale l internaute confront des contenus douteux sur Internet tous devraient trouver dans ces pages l aide qu ils recherchent

French Civil Liability in Comparative Perspective Jean-Sébastien

Borghetti,Simon Whittaker,2019-12-26 The French law of torts or of extra contractual liability is widely seen as exceptional For long it was based on a mere five articles of the Civil Code of 1804 but on this foundation the courts and legal scholars have constructed liabilities for fault and strict liability of an extraordinary breadth and significance While the rest of the general law of obligations including contract in the Civil Code was reformed in 2016 by executive ordonnance this area was left aside being the subject in 2017 of a proposal by the French Government for the legislative reform of the law of civil liability a new legislative category to include both contractual and extra contractual liability This work considers important aspects of this developing area of French law in a series of essays by French lawyers and comparative lawyers working in French law and other civil law systems In doing so it provides insight into the doctrinal thinking and judgments of French lawyers as well as the possible directions in which this area of the law may be developed in the future

Collection of CEPANI arbitral awards / Recueil de sentences arbitrales du Cepani / Verzameling van arbitrale uitspraken van Cepani

S. Bauwens,J. Bigwood,Olivier Caprasse,K. Cox,Georges-Albert Dal,Stéphanie Davidson,Dirk De Meulemeester,Mr. Luc Demeyere,M. Draye,Michel Gonda,M. Hoche,Joanna Kolber,P. Lefebvre,H.-P. Lemaitre,Denis Philippe,Maud Piers,Piet Taelman,Jean-François Tossens,Dirk Van Gerven,P. Van Leynseele,Patrick Wautelet,2015-04-27 This work the third volume in its series is devoted entirely to the procedural issues that may arise during the course of an arbitration procedure With this trilingual publication CEPANI wishes to highlight the importance of the proper conduct of arbitral proceedings Furthermore the Centre also seeks to enhance the attractiveness of arbitration in Belgium as well as internationally by contributing to a better knowledge of arbitral proceedings and their rules The selected arbitral awards come with comments from expert practitioners and academics in English Dutch or French including a summary in the two other languages The work also includes an index of key words for easy reference Cet ouvrage int gralement consacr aux questions de proc dure

susceptibles d'être rencontrés tout au long de la procédure arbitrale constitue le troisième volume de la série. Cette publication bilingue s'inscrit dans la volonté du CEPANI de mettre en évidence l'importance de la bonne conduite d'une procédure arbitrale. Le Centre a également l'ambition de renforcer l'attractivité de l'arbitrage tant en Belgique qu'à l'étranger à l'international en diffusant une meilleure connaissance de la procédure arbitrale et de son règlement. Une équipe de praticiens expérimentés et d'universitaires spécialisés commentent les décisions de la section en anglais et en néerlandais. Un résumé est joint dans les deux autres langues. La consultation de cet ouvrage est facilitée par un index de mots clés. Dit werk het derde deel van een reeks is integraal gewijd aan procedurekwesties die kunnen opduiken tijdens een arbitrageprocedure. CEPANI wil met deze drietalige publicatie de aandacht vestigen op het belang van een goed gevoerde arbitrageprocedure. Daarnaast koestert het Centrum ook l'ambition de l'attrait de l'arbitrage à l'étranger, tant en Belgique qu'à l'international, en mettant l'accent sur une plus grande reconnaissance de la procédure arbitrale et de son règlement. Les commentaires sont fournis par des praticiens expérimentés et des académiciens spécialisés dans l'anglais, le français et le néerlandais.

De geselecteerde arbitrale uitspraken zijn voorzien van commentaren door ervaren vakmensen en gespecialiseerde academici in het Engels, Frans of Nederlands inclusief een samenvatting in de twee andere talen. Een index van sleutelwoorden vergemakkelijkt de raadpleging van het werk 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.

Der Gläubiger- und Schuldnerwechsel im reformierten französischen Recht Christoph Wurm, 2020-05-27. Mit der Schuldrechtsreform vom 1. Oktober 2016 hat der französische Gesetzgeber die Forderungsabtretung erheblich erleichtert und erstmals Regelungen zur Identitätswahrenden Schuldabtretung getroffen. Mit der rechtsgeschäftlichen Surrogation der Delegation sowie der Novation bleiben aber auch in Zukunft vielfältige Alternativkonstruktionen zum Austausch der Gläubiger bzw. Schuldnerposition in einem Schuldverhältnis möglich. Nach einer umfassenden Darstellung der jeweiligen Voraussetzungen und Rechtsfolgen ermittelt Christoph Wurm zunächst inwieweit die einzelnen Institute aus französischer Sicht noch von eigenständiger Bedeutung sind. Anschließend wird mithilfe eines Vergleichs mit den entsprechenden Regelungen des deutschen Rechts sowie der europäischen Modellentwürfe der Frage nachgegangen, ob von der Reform Impulse für eine Rechtsvereinheitlichung ausgehen können.

Gestion de patrimoine 2025 / 2026 Frédéric Gonand, Amélie de Bryas, 2025-06-03. Comment conseiller au mieux son client pour sa retraite ou sa succession. Comment optimiser son patrimoine? Comment tirer profit des nouveaux produits? Comment donner du sens à ses investissements? Accessible et jour des dernières évolutions réglementaires, ce livre dresse un panorama complet de la gestion de patrimoine, horizon de placement souvent long, actifs relativement peu liquides, fiscalité complexe, questions juridiques très variées, clientèle exigeante. Cet ouvrage permet de tablier une stratégie patrimoniale personnalisée et approfondie du

client situation familiale statut professionnel d termination des objectifs selon l horizon temporel achats immobiliers actifs financiers retraite cession d entreprise h ritage pr conisations d investissement et d optimisation personnalise es ing nierie patrimoniale assurance vie cr dit protection de la famille fiscalit nationale et internationale volutions r centes private equity produits d riv s patrimoine artistique philanthropie investissement responsable Le livre associe l exp rience de praticiens aguerris l expertise des meilleurs enseignants de la discipline Riche en concepts en exemples et en illustrations il constitue un support de qualit pour les professionnels et les tudiants Public Conseillers en gestion de patrimoine banquiers notaires agents d assurance et d assurance vie avocats family officers experts comptables tudiants en gestion de patrimoine gestion de fortune droit transmission fiscalit des particuliers asset management

[From Revolution to Chaos in Haiti \(1804-2019\)](#)

Rhodner J Orisma,2020-01-13 Haiti is a failing state The country is still unable to provide basic needs such as employment food housing healthcare and education to a majority of its inhabitants in over two centuries after its revolution and Independence of 1804 Relatively incompetent both the nation s government and its opposition ignore moral politics and instead focus on corruption and fighting each other Though free from French rule the country remains tied to its slave past and violent history It seems like a socioeconomic and urban consensus cannot be achieved in order to carry out sustainable solutions for the people This book From Revolution to Chaos in Haiti 1804 2019 Urban Problems and Redevelopment Strategies is an attempt to analyze this situation from a historical perspective First the Haitian Revolution of 1804 is displayed to show the violent and bloody struggles of outstanding leaders and warriors against colonial powers for the making of a great political and independent nation Second Haiti s decline is analyzed starting from the assassination of its first leader Jean Jacques Dessalines in 1806 to the country s bottom rank in the global stratification during the 2010 s along with the impact of the catastrophic 2010 earthquake The main factors noted within this decline are linguistic agricultural urban and HIV AIDS TB healthcare issues and undercapitalization along with ideological confusions capitalism neoliberalism socialism social democracy and political instability

[EU Mediation Law Handbook](#) Nadja Alexander,Sabine Walsh,Martin

Svatos,2017-03-15 Mediation is rapidly becoming a norm in cross border dispute resolution among European Union EU Member States Accordingly an important question for legal advisers to ask themselves is Which jurisdiction offers the best legal framework to support a potential future mediation of my client s dispute This book responds to this question by examining the law on mediation in each Member State on a chapter by chapter basis Each country analysis applies the book s overarching principle of a specially designed Regulatory Robustness Rating System which is thoroughly explained in an introductory chapter This framework offers a highly effective way to analyse the quality and robustness of each of the EU s twenty nine national jurisdictions legal frameworks relevant to mediation including legislation case law practice directions codes of conduct standards and other regulatory instruments and factor such an analysis into choices about governing law in mediation clauses and other agreements Among the issues and topics covered are the following congruence of domestic and

international legal frameworks transparency and clarity of content of mediation laws standards and qualifications for mediators rights and obligations of participants in mediation access to mediation services access to internationally recognised and skilled mediators enforceability of clauses and mediated settlement agreements confidentiality and flexibility admissibility of evidence from mediation in subsequent proceedings impact of commencement of mediation on litigation limitation periods relationship and attitude of courts to mediation and regulatory incentives for legal advisers to engage in mediation This detailed analysis clearly allows users and other regulatory stakeholders to look closely and critically at regulatory regimes for mediation in order to make informed choices and develop appropriate strategies in relation to the law that governs their mediation This is the first book to consider authoritatively what makes good mediation law and what makes a jurisdiction attractive for cross border mediation purposes in terms of its regulatory framework As a resource that identifies potential strengths and weaknesses of each EU Member State s regulatory regime it has no peers and will be welcomed and put to use by the alternative dispute resolution community in Europe and beyond

Gestion de patrimoine 2023 / 2024 Frédéric Gonand, Amélie de Bryas, 2023-03-28 Comment conseiller au mieux son client pour sa retraite ou sa succession Comment optimiser son patrimoine Comment tirer profit des nouveaux produits Comment donner du sens ses investissements Accessible et jour des dernières volutions réglementaires ce livre dresse un panorama complet de la gestion de patrimoine horizon de placement souvent long actifs relativement peu liquides fiscalité complexe questions juridiques très variées clientèle exigeante Il permet d'établir une stratégie patrimoniale personnalisée et connaissance approfondie du client situation familiale statut professionnel d'termination des objectifs selon l'horizon temporel achats immobiliers actifs financiers retraite cession d'entreprise héritage préconisations d'investissement et d'optimisation personnalisées ingénierie patrimoniale assurance vie et protection de la famille fiscalité nationale et internationale volutions régionales private equity produits d'investissement patrimoine artistique philanthropie investissement responsable Le livre associe l'expérience de praticiens aguerris l'expertise des meilleurs enseignants de la discipline Riche en concepts en exemples et en illustrations il constitue un support de qualité pour les professionnels et les étudiants Il s'adresse aux conseillers en gestion de patrimoine banquiers notaires agents d'assurance et d'assurance vie avocats family officers experts comptables Il intéressera également les étudiants en gestion de patrimoine gestion de fortune droit transmission fiscalité des particuliers asset management

Cinema Van, propagande et résistance en Afrique coloniale Vincent Bouchard, 2023-11-22 Un véhicule muni de matériel de projection cinématographique le Cinema Van est construit par les gouvernements britannique belge et français pour diffuser dans l'Afrique coloniale des années 40 et 50 leurs films éducatifs Il transporte également un personnel qualifié dont le commentateur de film qui facilite la médiation avec les spectateurs Décrivant ces pratiques tout en construisant son analyse Vincent Bouchard porte un regard différent sur le fonctionnement de ces dispositifs de propagande Il étudie l'influence des Cinemas Vans sur la compréhension du cinéma cinématographique par les populations africaines colonisées Quelles valeurs sont propagées par ces

projections Quel est l'impact de l'enregistrement audiovisuel sur la perception la réception et la transmission d'une expérience ou d'un savoir? En s'appuyant sur des archives mergentes il explore les modes de réception et les pratiques d'accueil développées par l'auditoire la suite de la rencontre avec les appareils de propagande ainsi que leur évolution jusqu'aux modernités. Il examine les formes prises par la résistance en face de ces projections qui d'une certaine manière perdurent encore aujourd'hui. Grâce à une approche comparatiste Cinema Van propagande et résistance en Afrique coloniale cerne les principaux traits culturels alors répandus dans les administrations européennes comme les stéréotypes raciaux et les différentes compréhensions du média cinématographique. En compilant les informations contenues dans les comptes rendus d'activités il esquisse le décalage entre la conception des instruments de propagande et leur usage. Enfin il remet en question les modes de représentation qu'ils portent.

[The Statesman's Yearbook 2015](#) B. Turner, 2016-12-27 Now in its 151st edition The Statesman's Yearbook continues to be the reference work of choice for accurate and reliable information on every country in the world. Covering political, economic, social and cultural aspects the Yearbook is also available online for subscribing institutions <http://www.statesmansyearbook.com>

Fachrichterbeteiligung im Lichte der Justiz- und Verfahrensgarantien Anna Rüefli, 2018-02-14 An vielen schweizerischen Gerichten wirken Richterinnen und Richter mit besonderen außerrechtlichen Fachkenntnissen an der Rechtsprechung mit. Die vorliegende Publikation untersucht die Fachrichterbeteiligung an ausgewählten Gerichten von Bund und Kantonen und beurteilt diese im Lichte der Justiz und Verfahrensgarantien der Bundesverfassung und der Europäischen Menschenrechtskonvention. Die Untersuchung zeigt auf dass die Mitwirkung sachverständiger Gerichtsmitglieder sowohl eine Massnahme zur besseren Verwirklichung als auch eine Quelle möglicher Beeinträchtigungen der Justiz und Verfahrensgarantien sein kann. Sie kommt zum Schluss dass für eine grundrechtskonforme Ausgestaltung der Fachrichterbeteiligung an schweizerischen Gerichten noch Potential besteht. Möglichkeiten zur Optimierung werden anhand von Empfehlungen aufgezeigt.

Prozessmodelle im Zivilverfahrensrecht Nicole Jasmin Bettinger, 2016-02-11 Zur Gewährung umfassenden Rechtsschutzes bedarf es bei der Gestaltung von Verfahrensrecht eines Ausgleichs zwischen Formstrenge und Freiheit. Daneben darf allerdings auch die kulturelle Komponente des Rechts nicht vernachlässigt werden. Dieser Gedanke findet im Zivilprozessrecht zur Ausbildung dreier Prozessmodelle die den möglichen Verfahrensablauf im Erkenntnisverfahren abbilden. Das Hauptverhandlungsmodell verdrängt derzeit bei Reformen in unterschiedlichen Rechtskulturen das trial Modell und das italienisch kanonische Modell immer mehr. Aufgrund der kulturellen Vielfalt der Schweiz sah sich der Schweizer Gesetzgeber einer Vielzahl kantonaler Regelungen und der Umsetzung verschiedener Prozessmodelle gegenüber. Als er 2011 den Schritt hin zur ersten eidgenössischen Zivilprozessordnung wagte. Die Autorin untersucht neben dem Erfolg des Hauptverhandlungsmodells wie der Schweizer Gesetzgeber ein konsensfähiges Regelwerk geschaffen hat und wie dieses im Kontext der aktuellen Rechtsentwicklung im Zivilprozessrecht zu sehen ist.

Langzeitverträge Walter Doralt, 2018-06-21 English summary This

book deals with problems of long term contracts a central field of research for economists but surprisingly less so for lawyers Building on the insights developed by economists it focuses on five problems of paramount importance for long term contracts good faith and fiduciary duties change of circumstances and force majeure including contract design risk distribution and renegotiation termination for cause and finally penalty clauses German description Deutschsprachige Juristen denken bei Langzeitverträgen meist an das Dauerschuldverhältnis für dessen Definition die Literatur allerdings auch nach gut 100 Jahren keinen Konsens hervorgebracht hat Während meist die Systematisierung im Vordergrund stand wurde nur selten untersucht welche Probleme einer gemeinsamen Systematisierung überhaupt bedurfen Dazu soll dieses Buch einen Beitrag leisten Auf den reichhaltigen Erkenntnissen der ökonomischen Literatur aufbauend werden fünf Problemfelder des geltenden Rechts vertieft untersucht Diese haben für Langzeitverträge exemplarische Bedeutung Treuepflichten Zulässigkeit und Grenzen ewiger Vertragsverhältnisse Geschäftsgrundlage Vertragsgestaltung Risikoverteilung Nachverhandlung Kundigung aus wichtigem Grund und Vertragsstrafen Rechtsvergleichende Ausblicke zum neuen französischen Schuldrecht und zum englischen Recht ergänzen die Untersuchung

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