

Deel 1 - Belangrijke begrippen, Juridisch Kader, Overzicht Rechtspraak en Rechtsleer

▼ Inhoudstafel

Belangrijke inzichten

- Juridische begrippen
- Notie waardepapier
- Notie contractsvrijheid - wilsvereenstemming
- Begrip "dede consignementshouder"
- Identiteit (schip - nationaliteit - personaliteit - fiscaliteit)

Betrokken partijen

- Flag state - Nationaliteit - Vlaggenstaat
- Classification society/class - safety
- Port State control - compliance
- P&I Clubs - aansprakelijkheid
- Betrokken partijen adhv afbeeldingen
- Particularisme (eigenheid) van maritiem recht
- Belangrijke organisaties
- Redenen voor welgevoerd initiatief

Belangrijke inzichten

Juridische begrippen

- **Verantwoordelijkheid**
 - moreel begrip, je voelt je ergens verantwoordelijk voor (je voelt je verantwoordelijk voor de gezondheid van je ouders, maar je bent hier niet aansprakelijk voor)
- **Aansprakelijkheid**
 - **Juridische / wettelijk vastgelegde verantwoordelijkheid** (ouders tegenover hun kinderen)
 - **Contractuele aansprakelijkheid**
 - Vloekt voort vanuit een contract (verkoopcontract, huurcontract, aannemingscontract, vervoerscontract)
 - Er is een consignment
 - **Buitencontractuele aansprakelijkheid** (Art. 13:82 → potje breken, potje betalen ⇒ Wie door zijn toedoen schade toebrengt aan een ander, die persoon houden dat te vergoeden)
 - Komt tot stand buiten de uitvoering of het bestek van een contract (verkeersaccident ⇒ partijen hebben geen contact met elkaar)
 - ⇒ Er moet schade zijn, er moet een fout zijn, en er moet een oorzakelijk verband zijn tussen deze twee.

Verantwoordelijkheid van de zeevervoerder is juridisch vastgelegd ⇒ aansprakelijkheid

- **Aanvullend recht** (recht waar beide partijen in een contract van kunnen afwijken) (Contractenrecht, koop verkoop, levering)
- **Dwingend recht** (kan niet van worden afgeweken, tenzij expliciete toestemming van beide partijen) (Sociaal recht, tienjarige aansprakelijkheid van een aannemer, Arbeidsongevallen wetgeving, huur van een gezinswoning)
- **Recht van openbare orde** (Staat voor het algemeen functioneren van onze maatschappij, kan nooit van afgeweken worden) (Familierecht, Strafrecht)
- **Bezit**
 - Een feitelijke toestand
- **Eigendom**
 - een juridische toestand

Zeevervoerder ⇒ eigenaar heeft niet het bezit van de goederen, de bezitter is er niet de eigenaar van.

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Xiaolong Qi



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Handleiding volkenrecht Koen De Feyter, 2011 Mr. C. Asser's Handleiding tot de beoefening van het Nederlands burgerlijk recht Carel Asser, 1912 Grondlijnen van internationaal recht Marc J. Bossuyt, Jan Wouters, 2005 *Wetboek van Economisch Recht en aanvullende regelgeving* Gert Straetmans, 2023-01-18 Deze wetgevingsbundel bevat alle boeken van het Wetboek van Economisch Recht en vult aan met voor het economisch recht belangrijke Belgische en Europese regelgeving Op het vlak van Europese regelgeving komen aan bod marktpraktijken intellectuele eigendom kartelrecht en vrij verkeer Bijgewerkt tot 1 januari 2023 Wetboek van Economisch Recht en aanvullende regelgeving. (2de, herziene uitgave) Gert Straetmans, 2017-02-15 Deze wetgevingsbundel bevat alle boeken van het nieuwe Wetboek van Economisch Recht en vult deze aan met de voor de handelspraktijk belangrijkste Belgische en Europese regelgeving Van het oude wetboek van Koophandel zijn resterende vigerende bepalingen opgenomen m u v de vennootschappen en verzekeringen De nadruk ligt verder op de regelgeving inzake faillissement en WCO en het in pand geven van de handelszaak Op het vlak van Europese regelgeving komen aan bod marktpraktijken intellectuele eigendom kartelrecht en vrij verkeer Bijgewerkt tot 1 januari 2017 **Verzameling Nederlandse Wetgeving**, 2007 **Wetboek Publiek Recht**, 1996 Nederlandsch administratief recht Jacques Oppenheim, 1919 *Verdrag gaat voor wet, ook in nationale rechtsbetrekkingen* Jan Willem van der Zanden, 1952 , Handleiding bij het onderwijs in de oorlogs- en neutraliteitsregelen ten dienste van de opleiding tot officier der landmacht Hermannus Lubertus van Oordt, 1919 *Handleiding tot de kennis van het staatsen administratief recht van Nederlandsch-Indië* Jan de Louter, 1904 **Mr. C. Asser's handleiding tot de beoefening van het Nederlands burgerlijk recht**, 2003 **Rechtsbescherming inzake overheidsopdrachten na de wet van 23 december 2009** Constant de Koninck, Peter Flamey, Joost Bosquet, 2010 *Europese basisteksten. 4de geheel herziene uitgave (Bijgewerkt tot 31 maart 2005) (Reeks Wetteksten)*, 2005 **Documenten betreffende de buitenlandse handelspolitiek van Nederland in de negentiende eeuw: deel. Onderhandelingen met Engeland over het handels- en scheepvaartverdrag van 1837, over het additioneel verdrag van 1851 en over de wijzigingen in de nederlandse scheepvaartpolitiek in 1850. De handelspolitiek tot het jaar 1870. (1827-1870)** Nicolaas Wilhelmus Posthumus, 1927 **Europees recht : in hoofdlijnen** Koenraad Lenaerts, Piet Van Nuffel, 2003 **Weekblad van het recht**, 1864 *Fundamentele Belgische Wetgeving 2018*, 2018 Annually updated and annotated collection of international European federal Flemish and metropolitan legislation in force in Belgium Vol 1 public law civil law vol 2 procedural law criminal law commercial and economic law vol 3 tax law social law Current as at 15 January 2018 **Models of Implementation of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD)** Maciej Domański, Bogusław Lackoroński, 2023-11-30 This book examines the implications of Article 12 of the UN Convention on the Rights of Persons with Disabilities CRPD its resulting standard of protection for persons with disabilities and the way it is understood and

implemented in its diverse signatory states Its overarching theme is to assess the impact of CRPD Article 12 on the private law concept of legal capacity and its limitations the significance of which carries over into the realm of penal law regulations Its impact is analysed primarily from the legal point of view but with due regard for its psychological and psychiatric ramifications Recognising the importance of these disciplines is important when implementing CRPD Article 12 into domestic law as they contribute to the determinants in creating a qualificatory legal framework for all persons with disabilities in particular to exercise their rights to legal capacity without let or hindrance As active legal capacity is a notion rooted in and coming from private law this forms the main research perspective The first section discusses the foundational concepts constituting the CRPD Article 12 standard from domestic private law and international law perspectives The work shows that the concepts adopted in private law interact with the protection of persons with disabilities as victims provided for in criminal law In addition where relevant authors also look at public law institutions that are connected with the private law solutions The volume will be an essential reference for academics researchers and policy makers working in the areas of private law criminal law mental health law human rights discrimination law as well as psychology and psychiatry

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Table of Contents Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7

1. Understanding the eBook Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - The Rise of Digital Reading Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Advantages of eBooks Over Traditional Books
2. Identifying Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - User-Friendly Interface
4. Exploring eBook Recommendations from Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7

- Personalized Recommendations
- Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 User Reviews and Ratings
- Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 and Bestseller Lists
- 5. Accessing Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 Free and Paid eBooks
 - Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 Public Domain eBooks
 - Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 eBook Subscription Services
 - Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 Budget-Friendly Options
- 6. Navigating Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 eBook Formats
 - ePub, PDF, MOBI, and More
 - Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 Compatibility with Devices
 - Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Highlighting and Note-Taking Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Interactive Elements Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
- 8. Staying Engaged with Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
- 9. Balancing eBooks and Physical Books Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Setting Reading Goals Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7

- Fact-Checking eBook Content of Egexecutieverdrag Wetgeving Rechtspraak En Documentatie 7
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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