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Code Proc Dures Civiles Dexecution 2016

John Cartwright, Simon Whittaker



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The International Law of Sovereign Debt Dispute Settlement Kei Nakajima, 2022-09-22 The first two decades of the twenty first century witnessed a series of large scale sovereign defaults and debt restructurings in which sovereigns struggled to negotiate with recalcitrant bondholders particularly hedge funds Also the outbreak of the COVID 19 pandemic in 2020 heralded a bleak financial outlook for many developing and emerging market countries requiring sovereign debt restructuring in times of great macroeconomic uncertainty Given the absence of a multilateral mechanism for sovereign debt restructuring equivalent to domestic corporate bankruptcy system however defaulted sovereigns often suffer from holdout litigation wrought by bondholders This book proposes ways in which such legal actions could be regulated without the undue expense of bondholders remedies by exploring the mechanism of balancing bondholder protection and respect for sovereign debt restructuring at various stages of litigation and arbitration proceedings *International Bank and Other Guarantees Handbook* Yann Aubin, Louis de Longeaux, Jean-Claude Vecchiatto, 2016-04-24 Familiarity with guarantees and how they function under various national jurisdictions are essential for principals guarantors and beneficiaries of international contracts This enormously useful handbook provides a practical overview of the guarantee regimes in twenty eight European countries with country by country contributions from regional expert practitioners and academics For easy comparison each country report follows the same structure from preliminary discussion on the provisions of a guarantee to its negotiation drafting and enforcement Focusing on specific issues to consider at every stage each chapter provides detailed information and guidance on such aspects as the following who can issue guarantees limitations as to the type of obligations which may be subject to a guarantee issues relating to the protection of the contracting parties formal requirements which need to be complied with stamp duties or other tax payable presence of implied terms legal framework applicable to joint and several obligations modification of the situation conditions for release and actions to be taken to ensure a valid release opening of bankruptcy proceedings against the principal court enforcement and incorporation of uniform rules Each chapter includes references and model guarantee forms that readers can use to draft their own documents Invaluable to corporate counsel and law firms with an international practice this peerless handbook will prove the first order of business in trade negotiations across Europe among European nations themselves as well as with their global partners *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

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

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 European Account Preservation Order Regulation Gilles Cuniberti,Sara Migliorini,2018-05-03 The European Account Preservation Order EAPO Regulation provides a protective measure for creditors wishing to freeze the bank account of their debtor preventing the transferral or withdrawal of funds Courts can issue freezing measures over bank accounts

located in other member states thereby establishing a new remedy for cross border debt recovery in Europe This book provides a detailed article by article commentary of the EAPO Regulation It describes its legislative history and structure and carries out a critical analysis of its provisions and recitals focusing on the practical implementation of the instrument The commentary also provides additional focus on the interplay between the EAPO Regulation and the existing EU instruments and framework and examines specific issues that the implementation of the Regulation might raise in member states This is an important resource tool for practitioners legal scholars and students interested in the theoretical and practical implications of the EAPO Regulation

The Code Napoléon Rewritten John Cartwright, Simon Whittaker, 2017-10-05 The provisions of the French Civil Code governing the law of obligations have remained largely unchanged since 1804 and have served as the model for civil codes across the world In 2016 the French Government effected major reforms of the provisions on the law of contract the general regime of obligations and proof of obligations This work explores in detail the most interesting new provisions on French contract law in a series of essays by French lawyers and comparative lawyers working on French law and other civil law systems It will make these fundamental reforms accessible to an English speaking audience

Comparative Contract Law Thomas Kadner Graziano, 2023-01-17 This significantly revised and expanded third edition of Comparative Contract Law brings together extracts from legislation and court practice in a way that enables students to experience comparative law in action

The European Account Preservation Order D'Alessandro, Elena, 2022-06-10 This comprehensive Commentary provides article by article exploration of EU Regulation 655/2014 analysing and outlining in a straightforward manner the steps that lawyers businesses and banks can take when involved in debt recovery It offers a detailed discussion of national practice and legislation in order to provide context and a deeper understanding of the complex difficulties surrounding the procedural system created by the European Account Preservation Order EAPO Regulation

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

California Family Code 2016 John Snape, 2016-03 The Family Code for California covers marriage divorce adoption and child and spousal support laws This is the complete text of the law valid as of January 1 2016 It does not contain legal analysis

Intercreditor Equity in Sovereign Debt Restructuring Astrid Iversen, 2023 The question of intercreditor equity is one of the most contentious issues in debt restructuring both historically and today *Intercreditor Equity in Sovereign Debt Restructuring* maps and establishes the content of these intercreditor equity rules and analyses how they influence the restructuring process Through this analysis Astrid Iversen outlines how creditors can predict their legal rights in the unfortunate event of a debt restructuring and strives to improve our understanding of the boundaries within which a debt restructuring offer must be designed Iversen also seeks to shed light on the functioning of the legal framework governing sovereign debt more broadly In this book she examines whether intercreditor equity rules and the legal framework of sovereign debt are compatible with a debtor state's responsibility to ensure monetary and financial stability and to establish sustainable debt burdens Iversen also explores how certain intercreditor equity rules constitute an obstacle to sustainable debt restructurings and highlights how the number of different intercreditor equity rules that a sovereign debtor state typically is bound by as well as the scope of these rules risk tightening the policy space of debtor states to the extent that it is difficult to design and implement a sustainable debt restructuring Suitable as an introductory text for readers new to the topic of sovereign debt restructurings and as an instructive guide for debt management offices creditors and their lawyers this publication provides a comprehensive legal study of intercreditor equity rules in sovereign debt restructuring

Effective Enforcement of Creditors' Rights Masahisa Deguchi, 2021-11-27 The problem of enforcing a money judgment exists in every legal system in the world but the methods and orientation vary significantly Effective enforcement proceedings are crucial to ensure full access to justice for creditors Complete and full knowledge of the debtors assets is crucial to choose the appropriate enforcement measure But each legal system must balance the creditors rights to an efficient enforcement with the debtors rights The wide differences between enforcement proceedings mirror the way each society tries to find a balance between confronting rights and interests This book explores and compares how different legal systems approach these issues with a focus on the discovery of debtors assets which is a common problem for enforcement and execution proceedings in almost every jurisdiction This is the

first book to compare enforcement proceedings around the world and presents a variety of information and country reports from leading experts from four continents It represents the joint work of academic and legal authorities from Germany Japan Korea France the UK Switzerland Austria Spain Poland Russia Greece North America Taiwan Brazil Argentina Chile and the EU

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

Ship Operations Baris Soyer, Andrew Tettenborn, 2020-12-01 This book covers in one handy volume all the major topics associated with ship operations Carefully co ordinated to ensure breadth relevance and lack of overlap the topics covered are addressed by authors are the very top of their profession whether in legal practice or academia and are presented in a manner which is topical and clear Part I offers a detailed and critical analysis of issues of contemporary importance concerning new liability regimes and developments Part 2 discusses how parties in particular ship operators attempt in contemporary practice to allocate their risks concerning ship operations Part 3 evaluates the legal position of those involved in more back office operations The book provides an invaluable guide to recent legal and practical developments and offers a comprehensive well informed and thoroughly practical guide on what is a very complex and developing area of law It will therefore be of great use to legal practitioners and administrators of ship operations worldwide as well as students in this area and academics associated with maritime law generally

A Cross Border Study of Freezing Orders and Provisional Measures Tibor

Tajti, Peter Iglkowski, 2018-06-16 This book compares the law on provisional measures of common law and civil law countries the goal being to identify and compare their main advantages and disadvantages The guiding concept is a well known statement by the Justices of the US Supreme Court expressed in the famous Grupo Mexicano case according to which the age of slow moving capital and comparatively immobile wealth has now passed and the 21st century requires a fresh look at the law of provisional measures In the quest to find a model for interim relief the Mareva Injunction subsequently renamed the Freezing Order in the English Civil Procedural Rules is used as the benchmark to which each of the targeted systems discussed here is compared This is because international scholarship as well as e g the US Supreme Court generally consider the Mareva Injunction to be the most effective and farthest reaching provisional remedy The analysis suggests that the Mareva Injunction Freezing Order represents the type of relief that will most likely continue to dominate as the most efficient and farthest reaching interim measure in the years to come

The Private International Law of Authentic Instruments

Jonathan Fitch, 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

Sovereign Wealth Funds and State Immunity Marco Argentini, 2024-10-28 How does the hybrid nature of SWFs affect the application of state immunity to these funds May an SWF be sued in foreign courts for wrongful acts committed in the course of its investment activities Can SWF investments be attached by a private creditor seeking to enforce an investment arbitration award against the fund s state of nationality This monograph addresses these questions from the perspective of the 2004 New York Convention and six selected jurisdictions US UK France Germany Italy China with the broader aim of highlighting potential new standards for implementation of the state immunity rule to SWFs

Annotated Code of Civil Procedure of the State of New York as in Force July 1, 1886 New York (State), 1886

Annotated Code of Civil Procedure of the State of New York New York (State), 1884

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