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Louisiana

The Interaction of Contract Law and Tort and Property Law in Europe Christian von Bar, Ulrich

Drobnig,2009-04-27 Against the background of the creation of an EU-wide frame of reference for private law relevant to the Common Market, this study, which was requested by the EU Commission, analyses the dovetailing between contract and tort law on the one hand, and between contract and property law on the other. The study examines the legal orders of almost all the Member States of the EU, illustrates the differences between contractual and non-contractual liability and evaluates the different systems of the transfer of property, of movable and immovable securities as well as trust law. The study comes to the conclusion that the intensive considerations on the creation of a model-law in the area of European private law do not allow these thoughts to be limited to contract law. Such a limitation to the scope of the regarding of this area would probably cause more problems than it would solve, or at any rate not do justice to the needs of the Common Market.

Principles of European Contract Law and Italian Law Luisa Antoniolli, Anna Veneziano, 2005-01-01 To provide valuable legal service to persons in today's Europe, practitioners must be conversant in both national and transnational law. At the European level, the Principles of European Contract Law (PECL) are an increasingly important element of contract law, together with national contract law, as contained in Civil Codes and various national statute. Accordingly, Kluwer Law International has initiated a series of volumes, under the direction of prof. Hondius of the University of Utrecht, comparing PECL with the most important European legal systems. This volume on Italian law is the second in the series. Using a straightforward comparative method, the editors analysis not only reveals a significant area of convergence between the PECL and Italian contract law, but also highlights the main differences between the two bodies of rules. The reasons for these differences, both legal and non-legal (such as historical, social, economic), are clearly set forth. The book provides complete texts, with annotations, of the PECL and the corresponding Italian rules. The presentation proceeds as follows: general provisions (scope of application, general duties, terminology)formation of contracts (general provisions, offer and acceptance, liability for negotiations)authority of agents (general provisions, direct and indirect representation)validity interpretation contents and effects performance non-performance and remedies in general particular remedies for non-performance (right to performance, withholding performance, termination of the contract, price reduction, damages and interest) The editors commentary includes extensive reference to case law and legal doctrine at all essential

points. In this way they provide a comprehensive description of the law in action as well as its evolving trends. In addition, incisive essays by two leading experts in the field of comparative law, prof. Rodolfo Sacco and prof. Michael Joachim Bonell, analyse the relationship of the PECL and Italian law and its wider framework in the harmonisation of private law at the European and international levels. The book is a valuable handbook and guide for both foreign and Italian lawyers. For non-Italian lawyers, be they practitioners or academics, it provides a concise but complete and up-to-date outline of current Italian contract law, organized on the basis of a system (PECL) with which many European lawyers are familiar. For Italian lawyers, it offers a clearer insight into a wider European legal contract system whose importance in the evolution of a common European private law is growing rapidly. Principles of European Contract Law Series 2

Annotations to the Revised Civil Code of the State of Louisiana ,1910

Tort Law and Liability Insurance Gerhard Wagner, 2005-10-27 With contributions by numerous experts Control of Price Related Terms in Standard Form Contracts Yeşim M. Atamer, Pascal Pichonnaz, 2019-11-19 This book explores various approaches around the world regarding price term control, and particularly discusses the effectiveness of two major paths: ex ante regulatory and ex post judicial intervention. Price control and its limits are issues that affect all liberal market economies, as well as more regulated markets. For the past several years, courts in many different countries have been confronted with the issue of whether, and to what extent, they should intervene regarding price-related terms in standard form contracts - especially in the area of consumer contracts. Open price clauses, flat remunerations, price adjustment clauses, clauses giving the seller/supplier the right to ask for additional payments, bundling or partitioning practices, etc.: a variety of price related terms are used to manipulate customers' choices, often also by exploiting their behavioral biases. The result is an unfavorable contract that is later challenged in court. However, invalidating a given price term in standard forms e.g. of a banking or utilities contract only has an inter partes effect, which means that in thousands if not millions of similar contracts, the same clauses continue to be used. Effective procedural rules are often lacking. Therefore, pricing patterns that serve to hide rather than to reveal the real cost of goods and services require special attention on the part of regulators. The aim of this book is to determine the various approaches in the world regarding price term control, and particularly to discuss the efficiency of both paths, ex ante regulatory and ex post judicial intervention. Thanks to its broad comparative analysis, this book offers a thorough overview of the methods employed in several countries. It gathers twenty-eight contributions from national rapporteurs and one supra-national rapporteur (EU) to the 2018 IACL Congress held in Fukuoka. These are supplemented by a general report presented at the same IACL Congress, which includes a comparative analysis of the national and supranational reports. The national contributors hail from around the globe, including Africa (1), Asia (5), Europe (17), the European Union (1) and the Americas (5).

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