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La rédaction des contrats internationaux

Conseils aux praticiens & approche de droit comparé

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La Reacutedaction Des Contrats Internationaux

Philippe Leboulanger



La Reacutedaction Des Contrats Internationaux:

Lamy contrats internationaux Henry Lesguillons, 1986 La validité des contrats en droit international privé Claude Ferry, 1989 Il y a une trentaine d'années est apparu en droit international privé ce que la doctrine appelle une crise du conflit de lois ce concept exprime d'une part l'apparition de règles de rattachement à caractère matériel et de règles de droit international privé matériel d'autre part le développement d'une méthode de conflit nouvelle qualifiée par les auteurs américains de fonctionnaliste qui se traduit en France par la multiplication des lois de police et par la prise en compte des lois de police étrangères en dehors du jeu des règles de rattachement La présente thèse a pour objet d'étudier sous un angle comparatif et historique le phénomène de la crise du conflit de lois à propos des problèmes de droit applicable survenant dans les litiges portant sur la validité de dispositions contractuelles La comparaison du droit français avec le droit international privé américain révèle que quoique de prime abord très différents les deux droits fournissent des solutions pratiques semblables

Droit des contrats internationaux Marcel Fontaine, Filip De Ly, 2003-01-01 Depuis près de trente ans des spécialistes de divers pays professeurs juristes d'entreprise avocats se rencontrent plusieurs fois par an pour examiner de manière systématique les principales clauses caractérisant les contrats internationaux Les discussions prennent pour point de départ de très larges chantillons de documents issus de la pratique Ces travaux ont inspiré une série d'études dirigées par les deux animateurs successifs du groupe le Professeur M Fontaine puis le Professeur F De Ly Le présent ouvrage est la deuxième édition d'une première publication datant de 1989 Les chapitres anciens ont été mis jour et parfois refondus tandis que quatre nouveaux chapitres sont venus s'ajouter Des lettres d'intention aux obligations post contractuelles en passant notamment par les problèmes des clauses d'interprétation de hardship ou de confidentialité les différents chapitres offrent une vue d'ensemble de la pratique actuelle des contrats internationaux assortie de multiples illustrations et de nombreux conseils à l'intention des négociateurs La réflexion repose sur un constant appel au droit comparé rencontrant les problèmes de validité que peuvent connaître certaines clauses L'ouvrage débouche sur des perspectives qui remettent en cause bien des principes traditionnels du droit des contrats tout en dégagant les principales tendances de son évolution contemporaine

Les contrats entre États et entreprises étrangères Philippe Leboulanger, 1985-01-01 T00:00:00+01:00 Philippe Leboulanger est Avocat au Barreau de Paris Il a enseigné le droit commercial et le droit des affaires internationales aux Universités de Paris Reims Le Caire Egypte ainsi qu'à l'Ecole Supérieure de Commerce de Paris Les États les collectivités et les entreprises publiques sont aujourd'hui des partenaires fréquents et privilégiés des entreprises étrangères exportatrices de biens ou services Les contrats qui sont conclus avec ces partenaires sont une source importante des relations économiques internationales contemporaines Ces contrats se distinguent des contrats commerciaux classiques la fois par leur durée souvent longue et par leur objet il peut s'agir de travaux publics de réalisation d'infrastructures tels que ports aéroports autoroutes etc ou encore de construction d'ensembles industriels nécessitant des investissements considérables Mais leurs particularismes résident

essentiellement dans la nécessaire combinaison du statut contractuel auquel adhèrent l'Etat et les personnes morales de droit public et les prerogatives de puissance publique qu'ils exercent par ailleurs. L'Etat qui contracte avec une entreprise étrangère doit-il être traité comme un simple particulier ? L'intérêt général dont il a la charge n'impose-t-il pas un régime juridique particulier qui devrait tenir compte de la mission de service public auquel participent les entreprises étrangères ? Confrontés à la pratique internationale, les notions classiques du droit commercial et du droit international privé comparés sont largement remises en question. Ces contrats relèvent-ils d'un ordre juridique international encore en devenir et de l'ordre juridique interne constitué par la législation et les réglementations internes relatives notamment aux investissements étrangers ? Cette double attraction est au centre de vives controverses où s'affrontent les conceptions divergentes des pays industrialisés et des pays en voie de développement. Procédant à une analyse approfondie des contrats internationaux d'investissement ainsi que des sentences arbitrales rendues en la matière, l'ouvrage s'efforce de démontrer qu'en dépit de ces controverses, la tendance dominante est l'heure actuelle de ne pas reconnaître à l'Etat et aux entreprises publiques un statut exorbitant du droit commun, ce qui contribue à les placer sur le plan juridique dans une situation de stricte égalité avec les entreprises étrangères. Cette tendance est encore confirmée par l'évolution du droit comparé des immunités de juridiction et d'exécution.

Droit des contrats internationaux. 2e éd. Marie-Élodie Ancel, Pascale Deumier, Malik Laazouzi, 2020-01-01

Contrats internationaux : juridictions compétentes, loi applicable et régimes des contrats. Le présent ouvrage permet d'appréhender le monde foisonnant des contrats internationaux, d'en cerner les différentes problématiques et de maîtriser les nombreuses sources de la discipline. Une fois fixés les principes généraux de la matière permettant de déterminer les juridictions compétentes et la loi applicable, le lecteur pourra prendre connaissance des régimes des contrats les plus fréquents dans l'ordre international.

La renégociation des contrats internationaux Pascale Accaoui Lorfin, 2011

La renégociation du contrat est un mécanisme de sauvegarde de la relation contractuelle que les parties mettent en œuvre lorsque ses conditions strictement définies sont réunies. Conformément au principe de l'intangibilité du contrat, elle résulte soit de sa prévision contractuelle au sein de clauses insérées en ce sens, soit des règles de droit applicables au rapport contractuel qui prévoient l'hypothèse et prévoient les modalités d'exécution. Prétendre dans le silence contractuel l'existence d'une obligation de renégociation qui s'impose aux parties dès lors que l'équilibre du contrat est fondamentalement altéré suppose en détermination le fondement juridique. Les spécificités du rapport contractuel international ainsi que les différentes approches clarifiant le concept contractuel conduisent à atténuer le principe de la sanctity of contract au profit d'une vision plus souple favorisant la sauvegarde de la relation contractuelle lorsque cette option est raisonnablement envisageable. C'est par la fonction dynamique de la bonne foi qui préside à l'exécution du contrat et plus particulièrement les obligations de coopération et de collaboration que sera menée une analyse détaillée de la jurisprudence nationale et arbitrale prenant en compte la fois la doctrine et les instruments juridiques internationaux et que sera revêlée l'obligation de renégociation. L'étude marque la spécificité des contrats d'Etat en raison de la

qualité de l'un des contractants susceptible d'intervenir dans le contrat en cours d'exécution. La mise en œuvre de l'obligation de renonciation est soit l'œuvre des parties soit envisageable par l'intervention d'un juge arbitre et le sort du contrat précise pendant et après la renonciation. L'extinction du contrat suppose enfin de déterminer le manquement à l'obligation de renonciation et sa sanction ad quate.

Les Contrats de coopération industrielle Frédéric

Martinet, 1986-01-01T23:00:00+01:00 L'Institut du Droit et des Pratiques des Affaires Internationales a été créé en 1979 par la Chambre de Commerce Internationale pour susciter une coopération étroite et constructive entre milieux d'affaires et universitaires. Parmi ses activités, l'Institut organise des programmes de recherche et de formation non seulement dans des domaines traditionnels comme ceux de l'arbitrage et des contrats internationaux mais aussi dans le champ plus récent du droit transnational, du développement de nouvelles technologies et des activités commerciales actuelles. L'Institut qui siége à Paris est présidé par le Professeur Lalive de l'Université de Genève. Son Conseil scientifique est composé de 40 membres juristes et conseils juridiques venant de toutes les parties du monde. Grâce à ses membres souscripteurs et correspondants établis dans 35 pays, l'Institut représente un forum sans précédent pour tous ceux juristes ou non qui s'intéressent au développement du droit des affaires commerciales internationales.

Les grandes clauses des contrats internationaux Université de Liège.

Commission Droit et vie des affaires. Séminaire, 2005. Le contrat international Stéphane Chatillon, 2006. Au début du troisième millénaire, la conquête de marchés étrangers est devenue une nécessité vitale pour les entreprises. Il est donc indispensable de connaître les mécanismes et le vocabulaire du contrat international. Cet ouvrage aborde les questions essentielles intéressant quiconque est appelé à participer à la négociation et l'exécution d'un contrat international : notions, sources, principes communs, Principes d'Unidroit et Principes européens, droit nationaux, règles particulières : certains contrats, vente internationale de marchandises, transport international de marchandises, contrat de travail international, contentieux, loi applicable, juge compétent, reconnaissance et exécution des jugements étrangers et des sentences arbitrales. Son caractère synthétique, sa rédaction claire, ses nombreux exemples le rendent facile d'accès et lui permettent d'apporter aux lecteurs des connaissances directement exploitables. L'exposé juridique est complété par un glossaire de plus de 150 termes juridiques comprenant les définitions et les traductions en anglais, allemand, espagnol, italien et russe.

Droit des contrats

internationaux DEUMIER, 2020

Whispering the Strategies of Language: An Emotional Quest through **La Reacutedaction Des Contrats Internationaux**

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